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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Tuesday, November 12, 2013

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, we wait in reverence before Your throne. Cleanse us from our sins, creating in us clean hearts while renewing a right spirit within us.

Lord, help our lawmakers today to discern Your voice and do Your will. Give them the ability to differentiate Your guidance from all others, permitting You to lead them to Your desired destination. Speak to them through Your word, guide them with Your spirit, and sustain them with Your might. Let all they do be well done, fit for Your eyes to see and receiving Your divine approbation.

And, Lord, we ask You to comfort Senator and Mrs. Inhofe as they grieve the death of their son.

We pray in Your merciful Name.  
Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 236, H.R. 3204, the drug compounding legislation.

The legislative clerk read as follows:

Motion to proceed to the bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business until 4:30 p.m. At 4:30 p.m. the Senate will proceed to executive session to consider the nomination of Cornelia Pillard to be U.S. circuit judge for the District of Columbia Circuit. At 5:30 p.m. there will be a cloture vote on the Pillard nomination. If cloture is not invoked, there will be a second cloture vote on the motion to proceed to the drug compounding bill.

MEASURE PLACED ON THE CALENDAR—S. 1661

Mr. REID. Mr. President, I am told S. 1661 is due for a second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1661) to require the Secretary of State to offer rewards of up to \$5,000,000 for information regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this legislation.

The PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

### CONDOLENCES TO THE INHOFE FAMILY

Mr. REID. Mr. President, I extend my condolences to JIM INHOFE, the senior Senator from Oklahoma, and his wife Kay on the loss of their son Perry. The entire Senate family was saddened to hear of Dr. Inhofe's death. He was a young man, 52 years of age, killed in a plane crash early Sunday.

Flying airplanes is in the blood of JIM INHOFE and his family. I truly care a lot about JIM INHOFE. He and I are unquestionably friends. We may not agree on all political issues, but we agree we are friends.

I have had the good fortune of working to get to know this good man. I have helped him when I could, and he has helped me when he could. We are able to put all the disagreements to one side and look at each other for what we are outside of our politics.

I have confidence that he is going to do well. He is a man of great faith, and

I feel comfortable that he will be able to work his way through this loss.

(Ms. BALDWIN assumed the Chair.)

### FILIPINO TYPHOON

Madam President, my heart also goes out to the residents of the Philippines who were drastically affected by this terrible storm that hit one or two or three of their islands over the weekend. The Philippines has 7,000 islands.

The heavily populated area of Manila was not hit—at least not very badly. We know there are thousands of Filipinos dead and missing. Relief and construction efforts will be long and difficult. My thoughts are with the approximately 3½ million Filipino Americans who are living with us—including in Nevada about 100,000 Filipino Americans. They are involved in so many important endeavors, such as the health care field, business field, and hotel business.

They may not have lost family members, but they are a community that is concerned with what is going on in the Philippines. I was happy to hear the administration has already moved in with support and aid for this beleaguered nation.

### D.C. CIRCUIT COURT

Madam President, later today we are going to again attempt to break a filibuster on the highly qualified person who has been asked by the President to serve on the D.C. Circuit. It is often said the D.C. Circuit is the second highest court in the land after the Supreme Court, and that is true. It is unfortunate the Republicans have chosen to filibuster a nomination of yet another talented female jurist and dedicated public servant to fill a vacant seat on this court.

The nominee, Georgetown law professor Nina Pillard, has argued nine cases before the Supreme Court and briefed more than a score of cases. In one case she argued before the Supreme Court, it involved a male employee of the State of Nevada who was fired after taking unpaid leave to care for his wife who was sick. It was an important case, a landmark case. The Court ruled 6 to 3 in favor of her client, upholding an important protection under the Family and Medical Leave Act.

Support for Professor Pillard's nomination is bipartisan—at least outside the Senate. Yet Senate Republicans seem poised to block confirmation of this eminently qualified woman for a blatantly political reason: deny President Obama his constitutional right to appoint judges.

The D.C. Circuit is currently operating with a very bad ratio. We have three vacancies on this very important court. For the Republicans to now claim we don't need 11 judges is a little strange because that is not what they said when President Bush was President. When he needed these vacancies filled, they were filled. They happily filled the 9th, 10th, and 11th seats on the D.C. Circuit—the same three seats President Obama seeks to fill—even though the court had a significantly smaller caseload at the time. The Supreme Court Chief Justice John Roberts was one of the judges confirmed to the D.C. Circuit during George Bush's Presidency.

Since a Democrat was elected to the White House, Republicans have blocked two exceedingly qualified female nominees to the D.C. Circuit, Caitlin Halligan and Patricia Millett. In the last 19 years, five men have been confirmed to the D.C. Circuit and one woman.

Today the Senate has an opportunity to help shape a court that better reflects our country, so I hope they will not block another qualified female nominee for nakedly partisan reasons. The least Senate Republicans owe Professor Pillard is the same fair confirmation process Chief Justice Roberts enjoyed when he was nominated to the D.C. Circuit.

#### DRUG COMPOUNDING

Madam President, should Republicans block her confirmation, as I fear they will, the Senate will then vote on cloture on the motion to proceed to a bill to enhance safeguards at compounding pharmacies which create custom-tailored medication for patients with unique health needs.

This bipartisan legislation will ensure drugs manufactured in factories and mixed in pharmacies across the country are safe for consumers. The measure will also implement tracking of medicines from the factory to the drug store itself.

Last year unsanitary conditions at a compounding pharmacy led to a fungal meningitis outbreak that killed 64 people and very badly sickened more than 750 others. Contaminated medicine mixed at that pharmacy was sent to 75 medical facilities in 23 States and given to 14,000 patients. The facility in question was actually skirting existing law and acting as a large-scale drug manufacturer rather than creating custom medications for individuals using products manufactured by other companies.

By avoiding stricter regulations on drug manufacturers, companies such as

this one boost their profits by putting patients at risk. This legislation will end this dangerous practice and ensure that drugs manufactured and mixed in America are completely safe from the assembly line to the drug store.

This bill could pass the Senate right now, but it has been stalled by Republicans for more than 1 month. This legislation truly is a matter of life and death.

#### DEFENSE AUTHORIZATION

Madam President, we must finish this legislation quickly so we can wrap up consideration of the crucial Defense authorization bill before Thanksgiving.

I put Senators on notice last week and the week before that we are going to do whatever it takes to accomplish exactly that in order to finish this bill—even if it means working this coming weekend and hopefully not the next weekend but possibly that too.

Further, we must ensure that debate on the Defense authorization bill is about our Nation's defense and not extraneous issues. No Senators should be allowed to jump the line and get a vote on his or her own amendment by threatening delay action on the underlying bill, nor should the Senate waste time debating amendments that are not relevant to defense.

This measure ensures the safety of this Nation and is dedicated to servicemembers, and it is more important than any one Senator's or Senators' parochial or political pet issues.

I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

#### HEARTFELT SYMPATHY TO THE INHOSES

Mr. MCCONNELL. Madam President, I will start with a word of sympathy about the heartbreaking loss of Perry Inhofe, the son of our colleague, JIM INHOFE, killed in a plane crash on Sunday. Of course, we are all thinking of JIM and Kay, and the heartfelt prayers of the entire Senate family are with them and the entire Inhofe family at this very, very difficult time.

#### D.C. CIRCUIT

Madam President, despite the repeated promises of President Obama, millions of people are losing their health insurance—health insurance they very much liked and were assured they could keep. It has been reported that so far 3.5 million Americans have lost their health insurance under ObamaCare. That includes over a quarter of a million in my State of Kentucky, a third of a million in Florida,

and almost a million people in California.

This is a serious problem the President and congressional Democrats need to do something about. The obvious answer is repeal, but in the meantime the legislation offered by Senator RON JOHNSON would help Americans keep the plans they have and like. If the President and Senate Democrats are serious about helping the millions of Americans who have unexpectedly lost their insurance over the past several weeks, then they should support it.

Unfortunately, they appear ready to ignore the problem. Rather than focusing on keeping their commitment to the American people, they are focusing on issues that appeal to their base. Rather than change the law that is causing so many problems for so many, they want to change the subject.

According to a recent press report, our Democratic friends want to divert as much attention as possible away from the problem-plagued ObamaCare rollout at this formative stage of the 2014 campaign, which brings us to the vote we are going to have later today.

We will not be voting on legislation to allow Americans to keep their health insurance if they like it, as they were promised again and again; rather, we will be voting on a nominee to a court that doesn't have enough work to do. A court that is so underworked, it regularly cancels oral argument days. It is a court whose judges tell us that if any more judges were put on the court, there wouldn't be enough work to go around. It is a court that is less busy now than it was when Senate Democrats pocket-filibustered President Bush's nominee to the court, Peter Keisler, for 2 whole years—2 long years. And it is less busy based upon the very standards Democrats themselves set forth when they blocked Mr. Keisler's nomination for 2 years. By the way, it is also less busy now than it was then, according to an analysis provided by the chief judge of that court.

The Senate ought to be spending its time dealing with a real crisis, not a manufactured one. We ought to be dealing with an ill-conceived law that is causing millions of Americans to lose their health insurance. Instead, we will spend our time today on a political exercise designed to distract the American people from the mess that is ObamaCare rather than trying to fix it.

If our Democratic colleagues are going to ignore the fact that millions of people are losing their health insurance plans, they should at least be working with us to fill judicial emergencies that actually exist rather than complaining about fake ones. There are nominees on the Executive Calendar who would fill actual judicial emergencies, unlike the Pillard nomination. Some of them, in fact, have been pending on the calendar longer than the

Pillard nomination. But rather than work with us to schedule votes on those nominations in an orderly manner, as we have been doing all year long, the majority prefers to concoct a crisis on the D.C. Circuit so it can try to distract the American people from the failings of ObamaCare.

Unfortunately, our friends appear to be more concerned with playing politics than actually solving real problems. So I will be voting no on this afternoon's political exercise. I hope the Senate in the future will focus on what the American people care about rather than spend its time trying to distract them.

CONGRATULATING ARCHBISHOP JOSEPH KURTZ

Finally, I congratulate Archbishop Joseph Kurtz, the Catholic archbishop of Louisville, on his election as president of the U.S. Conference of Catholic Bishops. Archbishop Kurtz is not a native Kentuckian—he is originally from Pennsylvania—but we have adopted him as one of our own since he was appointed head of the Louisville Archdiocese in June 2007. I wish him all the best as he seeks to promote the church's mission in the United States.

Congratulations.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa.

#### PILLARD NOMINATION

Mr. GRASSLEY. Madam President, I come to the floor to speak in opposition to the motion to invoke cloture on the nomination for the D.C. Circuit nominee Cornelia Pillard. Although her record makes clear that her views are well outside the mainstream on a host of issues, I am not going to focus any attention on those concerns today. I am going to focus instead on the standard the Democrats established in 2006. Based on that standard, the court's caseload makes it clear that the workload simply doesn't justify additional judges, particularly when those additional judges cost approximately \$1 million per year per judge.

I have walked through these statistics several times now, and I am not going to go in depth again. The bottom line is the data overwhelmingly supports the conclusion that the D.C. Circuit is underworked. Everyone knows this is true. That circuit does not need any more judges. Take, for instance,

the appeals filed and appeals terminated. In both categories the D.C. Circuit ranks last, and in both categories the D.C. Circuit is less than half the national average. To provide some perspective on this point, compare the D.C. Circuit to the Eleventh. After another judge took senior status about a week ago, both the D.C. Circuit and the Eleventh Circuit have eight active judges. If we don't confirm any more judges to either court, the numbers remain the same as last year. The Eleventh Circuit will have 875 appeals per active judge compared to the 149 appeals filed per active judge in DC, which also has 8 active judges. Again, that is 875 cases for the Eleventh compared to 149 for DC.

Some might argue that we shouldn't look only at active judges because those averages will change if and when we confirm more judges to the Eleventh Circuit. Suppose we fill each judgeship on the Eleventh Circuit and each judgeship on the D.C. Circuit, as the Democrats want to do. If we fill them all, there would be 583 appeals filed per judge for the Eleventh Circuit and only 108 for the D.C. Circuit. The Eleventh Circuit, then, would have over five times the caseload. This is why everyone who has looked at this objectively understands that the caseload for the D.C. Circuit is stunningly low. That is why current judges on the court have written to me and said things such as this—and I will quote from one of the letters: "If any more judges were added now, there wouldn't be enough work to go around."

Some of my friends on the other side recognize that the D.C. Circuit's caseload is low, and they claim then that the caseload numbers don't take into account the "complexity" of the court's docket. They argue that the D.C. Circuit hears more administrative appeals than other circuits do, and they claim these administrative appeals are more complex. This argument is nonsense, and I will tell my colleagues why it is nonsense.

I have heard my colleagues argue repeatedly that the D.C. Circuit's docket is complex because 43 percent of the docket is made up of administrative appeals. But, of course, that is a high percentage of a very small number. When we look at the actual number of those so-called complex cases per judge, the Second Circuit has almost twice as many as the D.C. Circuit. In 2012 there were 512 administrative appeals filed in DC. In the Second Circuit, there were 1,493 compared to that 512.

We can look at this differently as well. In DC there were only 64 administrative appeals per active judge. The Second Circuit has nearly twice as many per judge with 115. Again, that is 64 administrative appeals per active judge in the D.C. Circuit as opposed to the Second Circuit, which has almost twice as many with 115.

So this entire argument about complexity is what I already called it—nonsense—and the other side knows it, and if they don't know it, they ought to know it.

Let me raise another question regarding caseload. If these cases were really that hard, if these cases were really so complex, then why in the world would the D.C. Circuit take the entire summer off? I am not talking about just a couple of weeks in August; they don't hear any cases for the entire summer. The D.C. Circuit has so few cases on their docket that they don't hear any cases from the middle of May until the second week of September. This past term, the last case they heard before taking the summer off was May 16. The court didn't hear another case until September 9—4 months later.

The bottom line is everyone knows this court doesn't have enough cases as it is, let alone if we were to add more judges. That is why, when we ask the current judges for their candid assessment, they write: "If any more judges were confirmed now, there wouldn't be enough work to go around."

While I am discussing the caseload issue, I will remind my colleagues of a little bit of history that is very pertinent to this debate. In 2006 the Democrats on the Judiciary Committee blocked Peter Keisler's nomination to the D.C. Circuit. They blocked Mr. Keisler's nomination based upon—my colleagues can guess it—the court's caseload. Since that time, by the standard set by the other side, the court's caseload has declined sharply.

We did not set this standard. The Democrats set that standard. I recognize that the other side wants to rewrite history. They try to compare John Roberts' second nomination to the circuit, which passed fairly easily, with the current nomination. What they conveniently forget in a misleading way is that they blocked Keisler's nomination after Roberts' nomination.

I recognize the other side hopes we on this side will forget they established these rules and these precedents. I recognize the other side finds those rules very inconvenient today. But these are not reasons to ignore rules and precedents they established. There is simply no legitimate reason the other side should not embrace those very same rules, those very same standards they established in the year 2006.

So under that standard established by the Democrats in 2006, then, very simply, these nominations are not needed. According to the current judges themselves, these judges are not needed. According to the chief judge of the D.C. Circuit, who happens to be a Clinton appointee, the senior judges are contributing the equivalent of an additional 3.25 judges. So, as a result, the court already has the equivalent of

11.25 judges, and that is beyond even the authorized number.

It seems pretty clear the other side has run out of legitimate arguments in support of these nominations. Perhaps that is why, then, they are resorting to such cheap tactics.

Over the last couple days, I have heard my colleagues on the other side come to the floor and actually argue that Republicans are opposing the nominee because of her gender. That argument is offensive. But, you know, it tends to be very predictable. We have seen this before. When the other side runs out of legitimate arguments, their last line of defense is to accuse Republicans of opposing nominees based upon gender or race. It is an old and it is a well-worn card, and they play it every time.

The fact is—and this is why it is offensive to me—I voted for 75 women nominated to the bench by President Obama, as well as a host of other nominees of diverse backgrounds. Those are the facts. But the other side is not concerned with facts. They are more interested in coarse rhetoric as well as demagoguery, and it is very unfortunate. Those types of personal attacks on Members of the Senate are beneath this institution.

Given there is no legitimate reason to fill these seats, why is the other side pushing these nominations so aggressively? And this is really the bottom line. But you can also ask, why waste \$3 million a year of taxpayers' money for reasons that are not legitimate, particularly in violation of the constitutional checks and balances?

As to these other reasons, we do not have to guess. We know the reason. We have all heard the President pledge repeatedly: If Congress will not act, I will. What he means, of course, is that he will rule by executive fiat. He will not go to Congress. He will not negotiate. He will go around this constitutionally elected body whose constitutional powers are to make law. That is not his power. He does not need legislators, then, to enact legislation. He will just issue executive orders or issue new agency rules. Why bother with us pesky Senators and Members of the House when you can make laws with a stroke of the pen? In effect, the President is saying: If the Senate will not confirm who I want when I want them, then I will recess-appoint them when the Senate is even in session. If Congress will not pass cap-and-trade fee increases, then I will go around them. And I will do the same thing through administrative action at the Environmental Protection Agency. If Congress will not pass gun control legislation, then I will issue executive orders.

That is what the President means when he says: If Congress will not act, I will. But remember, we have a system of checks and balances. Under our system, when the President issues orders

by executive fiat, it is the courts that provide a check on his power. It is the courts that decide whether the President is acting unconstitutionally.

So the only way the President's plan works is if he stacks the deck in his favor. The only way the President can successfully bypass Congress is if he stacks the court with ideological allies who will rubberstamp those executive orders.

There is no big secret here. The other side has not been shy about this strategy. Here is how the Washington Post described this strategy:

Giving liberals a greater say on the D.C. Circuit is important for Obama as he looks for ways to circumvent the Republican-led House and a polarized Senate on a number of policy fronts through executive order and other administrative procedures.

Here is how another high-profile administration ally put it:

There are few things more vital on the president's second-term agenda. With legislative priorities gridlocked in Congress, the president's best hope for advancing his agenda is through executive action, and that runs through the D.C. Circuit.

So the President is willing to waste \$3 million of taxpayers' money a year—and every year—in order to bypass Congress and make sure his executive orders do not lose in court. Every Member of this body should find that very troubling.

Finally, I want to mention a couple points on the so-called Gang of 14 agreement, which argument comes up quite frequently here on the floor, even though it is going back to the 109th Congress.

First, by the very terms of that agreement, it applied only to those 14 Senators for that specific Congress, the 109th.

Second, even though that agreement, by its own terms, expired at the end of the 109th Congress, just last week one of the Members who was actually in the Senate back in 2005 determined that these nominations, in his judgment, constituted "extraordinary circumstances," which those two words implied that a filibuster would be justified.

And third, in 2006, after the so-called Gang of 14 agreement, Senate Democrats created a standard that we call the Keisler standard. They blocked Peter Keisler based on caseload, after the so-called Gang of 14 agreement. Peter Keisler waited in committee for over 900 days for a vote, a vote that never came.

These are the rules established by the other side. And now, when they are on the receiving end of those same rules, they want those rules changed. We do not intend to play by two sets of rules around here.

And that brings me to the constant threat from the majority about changing the rules on the filibuster. I have been in the minority for a number of years. I have also had the privilege of

serving in the majority for a number of years. Many of those on the other side who are clamoring for rules changes—and almost falling over themselves to do it—have never served a single day in the minority. All I can say is this: Be careful what you wish for.

I have come to the conclusion that if the rules are changed, at least we Republicans will get to use those new rules when we are back in the majority. Republicans had the chance 7 or 8 years ago to change the rules, and we decided, out of respect for the integrity of this institution, not to change them. I am glad we did not. And I would imagine we would not be the first to change them in the future.

Remember, it was the Democrats who first used the filibuster to defeat circuit judges. It was the Democrats who first used the caseload argument to defeat circuit judges such as Peter Keisler. So if the Democrats are bent on changing the rules, then I say go ahead. There are a lot more Scalias and Thomases out there whom we would love to put on the bench. The nominees we would nominate and confirm with 51 votes will interpret the Constitution as it was written. They are not the type who would invent constitutional law right out of thin air.

I urge my colleagues to oppose cloture on the Pillard nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I have high hopes that the Senate will soon vote to enact the Drug Quality and Security Act, the so-called compounding and trace and track bill. This legislation helps ensure the safety of compounded drug products. It also secures the pharmaceutical supply chain.

I am pleased to report that it is the product of excellent bipartisan collaboration on the HELP Committee, where I worked very closely with our ranking member, my good friend Senator LAMAR ALEXANDER. It also reflects productive conversations with our colleagues in the House, including Chairman UPTON and ranking member WAXMAN of the House Energy and Commerce Committee.

The House passed this bill on September 28. Now it is our turn to do our part. Title I of the bill addresses drug compounding. This is basically what happened here just over a year ago, when we were shocked to learn one of the worst public health crises that we have experienced in recent years was a meningitis outbreak that claimed the

lives of 64 Americans and sickened 651 people in 20 States.

You can see the hardest hit were the home State of Senator ALEXANDER, 153; Indiana, 93; Michigan, 264; Virginia 54, New Jersey, 51; Florida 25. Twenty States. A lot of people got really sick. I will be talking in a moment about those that still linger today.

What this outbreak did is it brought attention to the legal and regulatory gaps that allowed owners and managers at the New England Compounding Center to disregard basic procedures to ensure that the products they were manufacturing were sterile and safe.

This gross negligence had heart-breaking consequences for families nationwide, patients that were sick—patients such as Karina Baxter, whose three adult children—Anita, Andrew, and Brian—lost their mother, and whose community lost a dedicated math teacher and tutor when she died of this meningitis outbreak at age 56.

Dawn Elliot, from Indiana, who used to scuba dive in her free time is now in unrelenting pain and has had to give up her job and deplete her savings.

Evelyn Bates, from Michigan, who was diagnosed last November, continues to struggle with tremendous pain every day, and her daughter had to quit her job to take care of her.

Dennis Blatt lives on the West Virginia-Ohio border with his wife and three young children. They have had to watch their father go from being an involved parent with a steady income to a man whose daily life feels, in his own words, like a “slow, tortuous death.”

These meningitis outbreaks linger on. It also has a personal sensitivity to me. My older brother some years ago went deaf at a very young age because of meningitis. So it has lingering effects for a lifetime. That is what happened a little over a year ago. Although we know that it was not just an isolated incident, we know it was the biggest.

This chart is somewhat hard to read. It shows—going clear back to 2001—that we have had 4, 11, 64, 18. In other words, every year we have had some results we have noted from compounding that made people sick or cause deaths. So this has been ongoing for a long time.

It is just that what happened a little over a year ago in Tennessee and in these other States was that the dam broke. It is beyond all comprehension how many people got sick and died. So again, in response to these facts, beginning last year Senator ALEXANDER and I convened the members of the HELP Committee, with assistance from Senator FRANKEN and Senator ROBERTS, in an effort to identify the gaps in current policy, to solicit stakeholder views, to craft bipartisan legislation to better ensure the quality of compounded drug products.

We formally solicited three rounds of public comment. We held two public

hearings before marking up the bill last May. Then over the summer we worked with our colleagues in the House to craft a package with strong bipartisan and bicameral support.

Now, the compounding provisions in this bill are an unqualified step forward from current law and practice. Basically, what this bill does in the compounding in title I—I will get to title II in a second—it distinguishes compounders engaged in traditional pharmacy practice from those making large volumes of compounded drugs without individual prescriptions.

So those who wish to remain in traditional compounding, that we might know where they are making small amounts for a certain type of illness or for a certain hospital—that sort of thing—they stay under the State boards of pharmacy as they are in current law.

An entity that neither stays within those limits of traditional pharmacy compounding nor registers as an outsourcing facility, if they do not do one of those two, then they are illegally selling unapproved drugs.

So that is what it does. It distinguishes. It defines the Food and Drug Administration's role in the oversight of these outsourcing facilities. They will be subject to FDA oversight in much the same way as traditional drug manufacturers are today.

FDA will know who these outsourcers are and what they are making, receive adverse event reports about compounded drugs, and have authority and resources to conduct risk-based inspections. In other words, the lines of responsibility are more clearly defined.

I give much credit to my friend from Tennessee for continuing to work on who is raising the flag, who has the flag, and who is responsible, because we found out there was a confusing mess for everybody about who was responsible and who was not. Thanks to Senator ALEXANDER, we have cleared that up in this bill.

The bill offers providers and patients better information about compounded drugs, and it directs FDA to make a list of FDA-regulated outsourcer facilities that will be available on their Web site. It requires detailed labeling of compounded drugs and prohibits false and misleading advertising. Finally, it clarifies current Federal law regarding pharmacy compounding. It strikes the unconstitutional provisions that were in current law which led to a lot of this mess. We had different courts in different parts of the country interpreting it differently. So anyway, we resolve that patchwork and apply a uniform standard nationwide.

Now, that is title I. Title II of the bill is the track and trace provisions. Basically, this committee, again working in a bipartisan fashion a little over a year ago—as you may remember—

brought an FDA user bill to the floor, passed and signed by the President. That cleared up the upstream part of where drugs come from; in other words, from the initial—from the plant derivation to the distilling of a product to everything—all the way up to the manufacturing. So now we have a much better regulation, a clearer picture of drugs that come from China and Indonesia and the U.S.—no matter where they come from, up to the manufacturing standpoint.

What we did not have at that time was a real understanding of or an agreement on how to control it from the manufacturer down to the consumer. So our committee got involved. Again, Senator ALEXANDER was helping to lead the way with Senator BENNET and Senator BURR—almost 2 years working on this issue. So now we have this system. I think this chart shows it. As I said, everything up to the manufacturer we took care of in the FDA user bill.

Now this bill takes care of everything from the manufacturer down to the dispenser; that is, down to the consumer. So no matter where the drug goes, whether it goes directly from a manufacturer to a wholesaler to a dispenser, or whether it goes from here to a secondary wholesaler, another secondary wholesaler, and another secondary wholesaler, we found that in this country there is a patchwork, all kinds of different ways for a drug to get from a manufacturer down to a consumer.

So Senator BURR, Senator BENNET, Senator ALEXANDER, and our staffs worked together to get this picture put together and to have a track and trace so that we can track the drug. No matter how it goes, we can track it and we can trace it. That will come into being over 10 years with electronic interoperable product tracing.

You might say that 10 years is a long time. I would point out that the House had 27 years. They agreed with us and made it 10 years. But that is for electronic interoperability. Beginning in January 2015, they will have to start paper tracing. So there will be paperwork, but it will take 10 years to get it all at a unit-level and all electronic and interoperable. You can understand, it takes a long time; different manufacturers and different suppliers have different systems. So these will be worked in over that period of time.

But we will have tracing after January, 2015. It establishes nationwide drug serial numbers and requires a pathway to unit-level tracing, as I said. It strengthens licensure requirements for wholesale distributors and third-party logistic providers. Again, there was a lot of hodgepodge of different kinds of licensures for wholesalers. We strengthened that. Then, as I said, we have a nationwide serial number established for that. That will come 4 years

after the date of enactment. That will serialize drugs in a consistent way across the country.

Again, this is a bill that many might say is long overdue. Better late than never. I am sorry it took a terrible calamity such as the outbreak of meningitis to get us to really focus on this and move it. But it did. I think this is a good example of where the Congress can work in a bipartisan, bicameral fashion. I met Chairman UPTON on the House side earlier this year to talk about a pathway of getting this done. In fact, what we are working on here is the House bill. The House passed it by unanimous consent. If you have been reading much about the House, you know they do not do a lot by unanimous consent. That just shows you how much work went into the bill and how it was done in a true bipartisan, bicameral fashion. So the House passed it by unanimous consent. Now we have it. I daresay, but for a Senator, one person, we probably would have passed it by unanimous consent here.

I have not found anyone who is opposed to this bill and who does not recognize that this is well supported. We have a plethora of people and industry and consumer support: American Pharmacists Association, American Public Health Association, Biotechnology Industry Organization, plus a lot of the big pharmaceutical manufacturers and some of the small pharmaceutical manufacturers. Everyone recognizes that we need a better system to clearly outline who the traditional compounders are and who the outsourcers are, to give the FDA clear-cut authority over one segment, give the States the clear-cut authority over the other segment. As I said, if you do not fall into one of those two, you are outside the law. So it really does clear it up. This will ensure the quality and safety of the drugs on which patients rely.

We have a cloture vote later today. I am hopeful we will have a good strong vote on cloture on this bill. As I said, I honestly can say standing here I have not heard one Senator from either side of the aisle tell me or inform my staff that they were opposed to the bill as such.

I hope we have a strong vote. I am going to yield the floor and again pay my compliments and my highest respect to Senator ALEXANDER for his leadership. His State was hit very hard. I know he is very sensitive to that. I know from my talks with him that it pained him a great deal to see so much suffering and death in his own State. Senator ALEXANDER got on top of this and pulled us all together and basically said: We have to get it done.

So I thank Senator ALEXANDER very much.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Tennessee.

Mr. ALEXANDER. On behalf of the people of Tennessee, whom I represent,

and the American people, as well, I wish to thank the Senator from Iowa for his leadership on these two bills, but particularly on the compounding pharmacy bill.

Our differences of opinion in the Senate are well advertised on ObamaCare, on debt, on Syria, and on a whole variety of matters. In fact, one would say the reason we exist is to debate the big issues that haven't been resolved somewhere else.

There is another aspect of the Senate that is rarely well advertised, and that is when we get a result. Sometimes the results take a long time, involve a lot of people, and are very difficult to reach, and that is the case with this bill. Had not Senator HARKIN been patient, as well as aggressive at the same time, in working with Republicans and Democrats and with Members of the House, we would not have reached this point today.

It is important to call the attention of the American people to this result, these two pieces of legislation. One makes it clear who is in charge, as Senator HARKIN said, who is on the flagpole when it comes to making sure the sterile drugs that are injected into your back—because a person has back pain—are safe so that they don't end up with a horrible death from fungal meningitis. Who is responsible for preventing that?

The second bill is how are we going to make sure the 4 billion prescriptions we have every year in this country are safe, that they are not stolen, and that they do what they are supposed to do. How are we to make sure we can track them all the way from the manufacturer to the pharmacy who dispenses them?

We have been working on these bills for 2 years. Lest anyone think that because it was a voice vote in the House and because we are close to unanimous consent in the Senate that it was easy to do, it is not that easy to do. In fact, it is worth going through how this happened before I say just a word to add to what the Senator said about the importance of bills.

The FDA became involved in the fungal meningitis issue in September of 2012, 1 year ago, after reports from Tennessee that fungal meningitis was tied to a sterile compounded drug. This hits home to many Americans because a great many Americans have been injected in their necks, their backs, or their feet with a drug that is supposed to be sterile. If it is not, it could have terrible consequences.

Immediately, Senator HARKIN called a hearing. November 15, 1 year ago, we had our first hearing. Within 6 months we released draft legislation to address the compounding pharmacy issue. We then had a hearing on that legislation. Then we passed the legislation after a lot of comment, all in the open. Everyone had a chance to weigh in. We passed it unanimously.

This committee on which we serve, Health, Education, Labor and Pensions, probably reflects the widest span of ideological differences we have in the Senate. The Republicans can be very conservative and the Democrats can be very progressive or very liberal, so one would think it would be hard to get a unanimous agreement, but we did.

The House went to work and came up with their own version of the bill, taking our work into account. We then worked with them through the summer to reach an agreement on how to reconcile the two. The House passed it by a voice vote and sent it to us. Today we have a piece of legislation that has been hot-lined. That means that both sides have sent it around to every single office. All but one Senator have agreed we can pass it by unanimous consent. The Senator has that right, as I have that right, the Senator from West Virginia, and the Senator from Iowa has that right, and sometimes we exercise that right. Later this afternoon we will be having a cloture vote, a vote to move to this bill. That cloture vote is going to succeed. There will be a sufficient number of Republican votes and a sufficient number of Democratic votes to say we are ready to deal with this.

Why are we ready to deal with this? Because Commissioner Hamburg of the Food and Drug Administration told us at our hearing what would happen if we don't. She said:

We have a collective opportunity and responsibility to help prevent further tragedies. If we fail to act, this type of incident will happen again. It is a matter of when, not if, I'm afraid. If we fail to act now, it will only be a matter of time until we're all back in this room asking why more people have died and what could have been done to prevent it.

No one is saying this legislation is going to guarantee that there will never ever be a tragedy again, but it will help prevent future tragedies. It will take up the responsibility she challenged us to do. We have spent 1 year on it, so many people have been involved, and it is time we move to do it. My hope is that after the cloture vote tonight, very soon thereafter, after everyone has had a chance to speak and say what they have to say, that we can pass this by unanimous consent, send it to the President, and say to the American people that our differences are well advertised, but our results can be equally important. We can pass a piece of legislation which, when taken with the track-and-trace legislation which accompanies it, affects the health and safety of every single American, period. I know the people of Tennessee would welcome a prompt solution to this, and this is what I hope we have.

Senator HARKIN, as he often does, spoke in very personal terms about this legislation. I want to tell one

story from Tennessee so we know what we are talking about.

Diana Reed, 56, of Tennessee, had tried massage and acupuncture, but neither eased her neck pain. One of the potential causes for her pain was an injury sustained while helping her husband, who has Lou Gehrig's disease, in and out of the wheelchair. Diana Reed was healthy, either ran or swam every day, in addition to becoming Wayne's arms, legs, and voice, according to her brother, Bob.

She decided to try a series of epidural steroid injections for her neck problems before her health insurance ran out after losing her job at a nonprofit group. This decision ended her life on October 3 of last year. She began receiving injections August 21, with a total of three scheduled, one every 2 weeks. She felt pain and nausea for a full day after the first two injections. After the third she began having headaches.

September 23, she finally agreed to go to a doctor and was quickly diagnosed with meningitis. While she remained stable for a few days and was mostly concerned about her husband's well-being—remember, he has Lou Gehrig's disease—and getting home to him as soon as possible, she took a turn for the worse. Her speech began to slur, she had trouble seeing, and eventually she had a stroke. One day later she was in a coma.

One thousand people packed Otter Creek Church for her funeral, among them the alumni of a childcare learning center for inner-city preschoolers that she and her husband had founded. The autopsy found fungal meningitis at the injection site and in Mrs. Reed's brain.

Mr. Reed has a rare form of ALS that worsens more slowly, and his mind has not been affected. Diana Reed would help him get in and out of bed, the shower, and his wheelchair. She became more instrumental in his accounting business as his speech worsened. After her death, members of their church brought meals, did laundry, and the church accepted donations to hire help to assist Mr. Reed with his personal care.

This is only one story of the tragedy that the Commissioner of the FDA says will happen again if we don't act. We believe this bill will help to prevent such a tragedy. Steroid injections last year were meant to ease the pain of hundreds of Americans, and for many Tennesseans, instead, it became their worst nightmare. These vials of compounded medicine were contaminated. Sixty-four Americans, including sixteen from my State, died from the outbreak. It is a horrible way to die.

When the HELP Committee held its first hearings on this tragic outbreak in November of last year, we looked at how could this possibly happen. It became clear that these contaminated

vials were produced in a facility that was nothing like a traditional pharmacy, a corner drugstore, if you will. It operated more like a manufacturer, but it was unclear which regulator was in charge. Was the State in charge or was the FDA in charge? I made it clear at the beginning of the hearing that my priority was to find a way to clarify who is accountable for large-scale drug compounding facilities, who is on the flagpole for overseeing the safety of drugs made in these facilities.

I used the example of Hyman Rickover and the nuclear Navy in the 1950s. Admiral Rickover was doing something new. He was doing something dangerous, potentially dangerous. He was putting reactors on submarines and ships, and no one knew quite how that was going to work.

What did he do about it? Admiral Rickover hired the captain. He interviewed the captain and said: First, you are responsible for your ship; and, second, you are responsible for the reactor. If there is ever a problem with the reactor, your career is over.

The U.S. Navy has never had a death on a nuclear ship as a result of a reactor problem because everyone knew, after Admiral Rickover made those decisions, who was on the flagpole.

There should be no confusion, after this bill is passed and signed by the President, who is on the flagpole for a particular facility that makes sterile drugs. We should be able to walk into any one of our 60,000 drugstores, pharmacies, our doctors' offices, or pain clinics, and not have to worry about whether the medicines we get there are safe. The bill we are voting on represents that year of work we talked about to find a solution.

Today we have drug manufacturers on the one hand and traditional pharmacies, the corner drugstore, on the other. This legislation creates a new, voluntary third category which we call an outsourcing facility. If a drugstore chooses to be in this category, they follow one nationwide quality standard, and the FDA is responsible for all the drugs made in that facility. FDA is on the flagpole.

What is the advantage of this? First, it eliminates the confusion, it eliminates the finger pointing. If, Heaven forbid, this should happen again, it will be clear whose fault it was, who didn't do their job of regulating.

Second, it provides an option available to doctors and hospitals who, if they wish, can choose to buy all their sterile drugs from a facility regulated by the FDA.

Outsourcing facilities are subject to regular FDA inspections. The New England compounding center that caused these problems was not inspected by the State or the FDA from 2006 to 2011. Outsourcing facilities must report the products made at the facility to the FDA. The New England center that

caused the problems was making copies of commercially available drugs, which is illegal. Outsourcing facilities must report to FDA when things go wrong with a product. Currently, large-scale compounders don't have any required reporting to FDA if they know about a problem with a product.

Finally, outsourcing facilities, this new category, must clearly label their products so patients know it is compounded rather than FDA approved. Traditional pharmacy compounders will continue to be primarily regulated by the States, but for outsourcing facilities, the FDA is in charge.

During our discussions we heard a lot about drug shortages. The Senator from Iowa and I worked especially to deal with that. We tried to address it where appropriate in this legislation. We know that compounded products aren't the answer to drug shortages. We don't want compounded products to be the backup solution to drug shortages; we want a better answer than that. We recognized the problem and tried to address it.

Because of heroic reactions of State officials with the Tennessee Department of Health, more people didn't become sick from the outbreak last fall. I don't intend to sit through another hearing where FDA can point the finger at someone else instead of taking responsibility or claim it doesn't have enough authority, and if we pass this legislation, FDA won't be able to.

This legislation also establishes clear rules for outsourcing facilities and puts FDA on the flagpole for drugs made in those facilities.

I hope my colleagues will vote this afternoon to move to the bill, and then shortly after that we will be able to move to approve it, as the House did.

Just one other comment, Mr. President. The chairman, the Senator from Iowa, and Senator BURR, Senator BENNETT, and others have been working for at least 2 years on this form of legislation we call track and trace. It has been through vetting. I think everybody has had a chance to read it and to make a suggestion about it. There have been many changes and adjustments to make sure it works.

Here is the problem. In the United States today, we have about 4 billion prescriptions written every year. We don't have a uniform system to track and trace these drugs once they leave the manufacturer, which makes it easier for counterfeits and substandard products to enter the market and puts patients at risk. The laws governing the tracking of drugs haven't been updated since 1988. In the last 2 years alone there have been three cases of counterfeit Avastin—a cancer drug being distributed in the United States to physicians and patients—where the counterfeit did not contain any of the active ingredient.

We have seen an increase in drug theft. We have no way of knowing if



and when these drugs are resold in the U.S. supply chain. In 2009 insulin stolen from a truck much earlier was sold by pharmacies, and the insulin was ineffective due to improper storage. Stealing drugs has turned into a big business, and without assurance that drugs are stored under certain conditions and handled correctly throughout the supply chain, the drugs may not work.

This legislation would set up a system over time—10 years—where products that are stolen could be flagged as such, preventing distribution to patients. It represents a consensus on establishing a national system for all prescription drugs to have a specific serial number on the bottles. That means wholesalers, repackagers, and pharmacies will be able to check the serial number on the bottle with the manufacturer to see whether that number was assigned by the manufacturer. The serial number will not only help prove it is not counterfeit, but the information can also be used to determine whether anything else has been reported about that bottle, including whether the product was stolen.

This won't happen overnight. Creating a system that traces 4 billion prescriptions, made by over 80 manufacturers on over 3,600 manufacturing lines, that are dispensed to patients through a variety of ways will take some time. But the path laid out for us over a number of years will ensure that the U.S. drug supply chain is secure and that consumers receive drugs that work.

I want to thank the Senator from Iowa, as I have already, for his leadership on these two extraordinary pieces of legislation; Senator BURR and Senator BENNET on the track-and-trace legislation; and Senator ROBERTS and Senator FRANKEN worked hard on compounding legislation.

Let me end where I began. The FDA Commissioner challenged us. She said that if we don't act, this tragedy will happen again. We have an opportunity to act tonight. I hope we do. The families who were devastated by this tragedy because of contaminated sterile injections that caused fungal meningitis in many of our States, especially in Tennessee, expect us to act. If we do, it will not be as well advertised as the differences of opinion we can have in the Senate, but it will demonstrate how, when we work together over a period of a couple of years, we can take a very big piece of complex legislation—in fact, two—that affects the health and safety of every American and come to a consensus that takes a large step forward.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS

Mr. CORNYN. Mr. President, back in 2005, before some of the current membership of the Senate was even here, we had a very important development when it came to judicial nominations and the advice-and-consent function of the Senate. Never, before the Presidency of George W. Bush, had nominees to the Federal court been filibustered; that is, a 60-vote threshold been imposed as opposed to a 51-vote threshold, which is, of course, what the Constitution says—requiring a majority of the Senate. But there was an impasse. A number of judges at the circuit court level and district court level were locked down in this impasse. But, as so often happens around the Senate, a gang broke out. A gang was created. Seven Republicans and seven Democrats got together and helped us work through this impasse, and they did so by adopting a new Senate precedent which says, in essence, there will be no filibusters of Federal judges absent “extraordinary circumstances.” Yes, you may say that is a broad standard, and it is somewhat subjective, admittedly so, but the point was that the default position would be that Federal judges would get up-or-down votes and there would not be the resort to the 60-vote threshold absent extraordinary circumstances. But the point is that has now become the precedent, basically the rule by which the Senate operates when it comes to Federal judicial nominations, and it is a precedent that has been upheld and respected by both sides of the aisle ever since President Obama took office.

This afternoon we will be voting on a second nominee to the D.C. Circuit Court of Appeals, a court some have called the second most important court in the Nation because, situated as it is in the District of Columbia, here in Washington, most of the judicial review of administrative decisions goes through this court at the appellate level, and because the Supreme Court only considers roughly 80 cases a year, for all practical purposes the D.C. Circuit Court becomes the last word on judicial review on many important decisions, particularly those involving agencies such as the Environmental Protection Agency or matters of national security or reviewing the regulations associated with the financial services industry, such as Dodd-Frank and the like—a pretty important court.

Well, unfortunately, the majority leader and the President have determined that they are going to try to

jam through three new judges on the D.C. Circuit Court of Appeals even though these judges are clearly not needed and there is demand elsewhere around the country where the workload is far heavier. But because of the special significance of the D.C. Circuit Court of Appeals, there is a conscious effort being made to pack that court with three additional judges it does not need in order to change the current division—four to four—in a court where Republican Presidents appointed four, Democratic Presidents appointed four. So it is an evenly balanced court.

As I said, the D.C. Circuit Court of Appeals does not need any more judges. So why in the world, in a time when we are looking to make sure every penny goes as far as it can and we are not spending money we do not have, would you want to appoint three new judges to a court that does not need any new judges?

Well, here is the number: Since 2005 the total number of written decisions per active judge actually has gone down. As of September 2012 both the total number of appeals filed in the D.C. Circuit and the total number of appeals ended in the D.C. Circuit per active judge were 61 percent below the national average.

So you might ask yourself, if it carries a 61-percent reduced caseload compared to the rest of the country, why don't we put the judges where President Obama can nominate them and the Senate can confirm them in places where they are actually needed rather than this court?

Well, because of the reduced caseload and the lack of work for the judges to do on the D.C. Circuit, one D.C. Circuit judge recently told Senator GRASSLEY, the ranking member on the Senate Judiciary Committee, “If any more judges were added now, there wouldn't be enough work to go around.” Again, why in the world would President Obama insist and Majority Leader REID insist on us confirming judges who are not needed when there is not enough work to go around if they were?

Well, my friends across the aisle continue to say that all they care about is filling judicial vacancies, but the majority leader has made it clear that his real objective is to switch the majority when the court sits en banc. For example, ordinarily, circuit courts sit on a three-judge panel, but in important decisions you may have the entire court sit en banc or all together. And the objective is clear that the majority leader wants to stack it in favor of President Obama's nominees, to transform it into a rubberstamp for the President's big-government, overregulatory agenda.

Indeed, despite all the victories the administration has won before this court, it is apparently not good enough. This administration has won several high-profile victories—in environmental cases, for example—but they



are still upset with the court because it actually ruled against President Obama on cases related to corporate governance, emissions controls, recess appointments, and nuclear waste. So our colleagues are not content to have a court that is balanced and decides cases on a case-by-case basis they want to stack the court in a way that is a rubberstamp for the President's agenda.

But here are some examples of the cases the court has decided recently. In 2011 the D.C. Circuit told the Securities and Exchange Commission to follow the law—believe that or not—to follow the law and conduct a proper cost-benefit analysis before adopting its regulations. That is what the law required. The Securities and Exchange Commission ignored the law, and the D.C. Circuit said “follow the law” and reversed the Securities and Exchange Commission.

In 2012 the court rejected an Environmental Protection Agency rule that went far beyond the limits of the Clean Air Act. These regulatory agencies have a lot of power and a lot of authority, but it all springs from a legislative enactment by Congress. That is the source of their power and their authority, and in this case it was the Clean Air Act. The court said the Environmental Protection Agency exceeded the limits of its authority based on the law that Congress wrote and the President signed into law.

Then, in 2013, President Obama violated the Constitution, the court said, by making recess appointments when the Senate was not actually in recess. This is a very important power that goes back to President Washington that makes sure that when Congress is in recess there is still a way for the President to fill vacancies. But that was in the old days when Congress would basically leave town for months at a time. In this case, President Obama essentially decided he did not want to wait around for the advice-and-consent function or the confirmation function that is given in the Constitution to the Senate, and he jammed these nominees through using what he called his “recess appointment” power.

Well, the D.C. Circuit Court of Appeals said: That is unconstitutional. Mr. President, you cannot do that. The law does not allow it.

But that is another reason why, I suggest, the President is eager to stack this court with people he believes will be more ideologically aligned with his big-government agenda.

Then there was one more decision this past August that I will mention. The court reminded the Nuclear Regulatory Commission of its legal requirement to make a final decision on whether to use Yucca Mountain as a nuclear waste repository. That sounds kind of arcane, but it is very important—certainly to the people of Nevada

and to the U.S. national security interests when you talk about a safe and secure location to put nuclear waste.

I would submit that all of these were commonsense rulings for which there is a very sound and broad legal basis, and the court was doing what all courts are supposed to do; that is, uphold the law. Apparently, the administration does not think this court should be in a position to do that, and they do not think they should have to be in a position to follow the law. They do not seem to care that the D.C. Circuit Court has ruled in favor of the administration on things such as stem cell research, health care, greenhouse gas regulation, and other hot-button issues. They do not seem to care that the court's eight active judges are evenly split between Republican and Democratic appointees. In their view, by upholding the law the D.C. Circuit has been insufficiently supportive of the Obama agenda, so now they are attempting to pack the court with three unneeded judges in order to stack it in the administration's favor.

I said last week that my colleague from Iowa, Senator GRASSLEY, has offered a commonsense alternative. It is a good compromise, and we have done it before. It would actually reallocate two of these seats on the D.C. Circuit that are unneeded to other courts in the country where they are needed. What makes more sense than that? We have done that once before. We took one of these positions from the D.C. Circuit and reallocated it to the Ninth Circuit, where they needed judges before. We ought to be putting the resources where they are actually needed, not stacking them in a court where the resources are not needed in order to pursue an ideological end.

Unfortunately, our friends across the aisle—the majority leader and others—have rejected the Grassley compromise and pushed ahead with their court-packing maneuver. Given their stated desire to make the D.C. Circuit a liberal rubberstamp, Democrats have created an extraordinary circumstance that justifies the filibuster under the 2005 precedent brought about by the Gang of 14 that I started off with. I wish we had resolved this sooner. I wish my friends across the aisle would give serious consideration to the Grassley proposal. But for now, I am afraid we have reached an impasse, and so we will be voting on this nomination this afternoon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONDOLENCES TO INHOFE FAMILY

Mr. DURBIN. Mr. President, the Senate family was stunned yesterday with the news that our colleague JIM INHOFE lost his son Perry in a plane crash in Oklahoma. I extend my condolences to JIM, the senior Senator from Oklahoma, and his wife Kay and their family on the loss of their son.

Each year, I always look forward to their Christmas card. It is an amazing gathering which grows by the year. Clearly, it is a strong, large family which takes great comfort in one another's strength. At this moment they will need it having lost one of their own.

I extend my condolences along with those of the Senate family to all of their extended family. I pray that they will have the strength—and I am confident they will—to face this personal and family tragedy.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF CORNELIA T.L. PILLARD TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Cornelia T.L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

Mr. DURBIN. A few moments ago the Republican whip, Senator CORNYN of Texas, came to the floor to oppose the nomination of Nina Pillard to the D.C. Circuit Court. Sadly, this did not come as a surprise. It is now clearly a political strategy on the other side to block President Obama's nominees for this important court. There are three vacancies on the D.C. Circuit. Most people view it as the second most important court in the land, next to the U.S. Supreme Court.

The court has eight active judges. It is authorized to have 11. When there are vacancies in our Federal judiciary, the President has a duty to fill them. President George W. Bush made six nominations for the D.C. Circuit during his Presidency. Of those six nominees, four were confirmed. President Obama, by contrast, has made five nominations

for the D.C. Circuit and so far only one has been confirmed, a well-qualified gentleman, Sri Srinivasan. Two of President Obama's nominees have been filibustered by the Senate Republicans: Caitlin Halligan and Patricia Millett, two exceptionally well-qualified women.

My colleagues on the other side of the aisle have made it clear they intend to filibuster two more equally well-qualified nominees: Georgetown law professor Nina Pillard and D.C. District Court Judge Robert Wilkins.

This disparity is very obvious for anyone who cares to compare. President Bush: Six D.C. Circuit Court nominees; four of them confirmed. President Obama: Five D.C. Circuit Court nominees; four of them likely filibustered by the Republicans.

This is a troubling contrast. There is no question President Obama's nominees have the qualifications and integrity to serve on this important court. There are absolutely no—underline no—extraordinary circumstances that justify filibustering these nominees. Just a few days ago when the Senate Republicans filibustered Patricia Millett, one of the most distinguished nominees to ever come before the Senate, they ignored the obvious: She has argued 32 cases before the U.S. Supreme Court. Is someone literally going to come and say, oh, but she is not qualified to serve in a Federal court.

Not only that, she had the overwhelming endorsement of Solicitors General of both political parties. Clearly, she is well qualified and has bipartisan support for the job. But it was not good enough for the other side of the aisle. They filibustered her, stopping her nomination.

For those who are new to the Senate, the filibuster is an old trick, an old procedural gambit. What happens is that well-qualified people, and many times substantive legislation, are held up indefinitely or stopped with the use of a filibuster. To do it to an amendment or a bill is bad enough, to do it to a human being is something we should think long and hard about. Her nomination, the nomination of Patricia Millett, was supported by Democratic and Republican Solicitors General. They characterized her as “brilliant” and “unfailingly fair-minded.”

Ms. Millett deserved an up-or-down vote on the merits. I doubt there would have been many, if any, on the other side of the aisle who would have voted against her. There is no question she would have served with distinction as a Federal judge. It is a shame she is being filibustered.

Technically, her nomination is still hanging by a procedural thread, I guess, for the possibility of being reconsidered. But when we hear the statement just recently made by the senior Senator from Texas, it gives us

scant hope of her successful nomination being approved by the Senate.

Now we are considering another well-qualified nominee to the D.C. Circuit, Nina Pillard. Ms. Pillard is a distinguished law professor at Georgetown. She is also one of the most talented appellate attorneys in America. She has served with distinction in the Solicitor General's office and in the Justice Department's Office of Legal Counsel. She has argued nine cases before the Supreme Court of the United States. She has written briefs on many more, including *U.S. v. Virginia*, the landmark equal protection case that opened the doors of the Virginia Military Institute to female students.

There is no question that Ms. Pillard has the intellect, experience, and integrity to be an excellent Federal court judge. She has received strong letters of recommendation from Republicans and Democrats, from law enforcement and law professors.

It is no secret that she has written a number of academic articles in which she argued for gender equality, that men and women be treated fairly and the same under the law in America. Some find this radical thinking. Most Americans believe it should be the law of the land. But law professors are supposed to take part in debates and advance academic discourse. That is their role. Also, issues of gender equality are important in America. Do we not want our daughters to have the same opportunities as our sons?

We should want to have our finest legal minds contribute to this conversation about gender equality. We should not penalize them for doing so. Some have dismissed her nomination because she has spoken out about equality when it comes to men and women in America. That is shameful.

Ms. Pillard also made clear at her nomination hearing she understands the difference between being a professor and a judge. When Ms. Pillard has stood in judgment of others, as she has done when she served on the ABA reviewing committee for then-Judge Sam Alito in 2005, she has been fair and impartial. She probably does not share the views of Alito, but her committee gave him a rating of unanimously “well qualified.” That rating helped send him off to the Supreme Court.

I think Viet Dinh, former Assistant Attorney General for the Office of Legal Policy under George W. Bush, helped clarify who Nina Pillard is with a letter he sent in support of her nomination. Here is what he said:

I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity.

I would go on to say, I know Professor Dinh is a very conservative person. Yet listen to how he concluded his endorsement of Nina Pillard:

She is a fair-minded thinker with enormous respect for the law and for the limited,

and essential role of the federal appellate judge—qualities that make her well prepared to take on the work of a D.C. Circuit judge. I am confident that she would approach the judicial task of applying law to facts in a fair and meticulous manner.

I urge my colleagues to give this well-qualified nominee the chance for a vote on the merits before the Senate.

Some may argue there are three strikes against Professor Pillard for this D.C. Circuit, and apparently there are.

First, she is an overwhelmingly well-qualified woman. Those nominations are not faring well with the other side of the aisle recently.

Secondly, she has argued that men and women deserve equal and fair treatment in America. That does not sit well with some on the other side of the aisle.

Third, this is a critically important court. There are some who are determined to maintain these vacancies even at the expense of exceptionally well-qualified nominees.

I know my Republican colleagues like to argue: We should not confirm nominees to the court because they just do not work hard enough over there. But does anyone truly believe this caseload argument would stop the Republicans if they were in the White House trying to fill the same vacancies?

We do not have to guess at the answer to that question, we know it. The fact is, the D.C. Circuit's caseload is actually greater now than it was when John Roberts was confirmed to be the ninth judge on that circuit in 2003. Judge Roberts was confirmed by a voice vote. The argument about not enough work in the court did not seem to come up when it was a Republican nominee for a similar vacancy.

My Republican colleagues have been eager to confirm nominees for the 9th, 10th, and 11th seats on the D.C. Circuit when a Republican President has been making the nomination. But when it comes to President Obama's D.C. Circuit nominees, it looks as though we will see four times as many filibusters as we do confirmations.

The bottom line is this: Under the law, there are supposed to be 11 active judges on this circuit. Three vacancies exist. The President has the responsibility to fill them. President Obama's nominees are well qualified. No one questions that. But they are being filibustered by Senate Republicans.

I hope my Republican colleagues change their minds about these filibusters and agree to give these nominees an up-or-down vote. These nominees have done nothing to deserve the filibuster. They deserve to be judged on the merits.

Let me close by saying that we have gone through this debate for a long time on both sides, arguing that well-qualified nominees deserve an up-or-down vote. There have been times when

some people have questioned the whole process that would allow this basic unfairness for nominees to the bench that we are seeing happen with the D.C. Circuit. We have gone from the brink of talking about changing the rules of the Senate, and usually at the very last moment we will step up and try to work out our differences in a fair fashion between the two parties, agreeing that certain nominees will move forward and certain nominees will not.

But I will tell you, as I have said to my friends on the other side of the aisle, there comes a tipping point. There reaches a point where we cannot allow this type of fundamental unfairness and injustice to occur. It is not fair to those nominees who submit their names in good faith, willing to serve on these important judicial assignments and to give their best talents and to show their integrity in the process and then to be given the back of the hand by a Republican filibuster on the floor of the Senate. It reaches a point where we cannot continue to do this.

I say to my friends on the other side of the aisle who have said we should not change the rules of the Senate, it is time for them to show common sense and to show a basic sense of fairness when it comes to those nominees. I hope that when this matter comes before the Senate, my Republican friends across the aisle will relent, will not stop this good nominee from her opportunity to serve.

I hope we can find her nomination and the others who are pending moving forward in a way that is befitting of this great institution.

Mr. HATCH. Mr. President, we are once again taking an unnecessary cloture vote on an unnecessary nomination to a court that needs no more judges. The only reason for either this nomination or this cloture vote is deliberately to provoke a confrontation that the majority hopes will be to their partisan political benefit. Perhaps they want to use a fake charge of obstruction to again push for rigging the confirmation process through the so-called nuclear option. Perhaps they want to give their allied grassroots groups something with which those groups can raise money. Or perhaps the majority wants to use this to distract from disasters like the implementation of Obamacare.

One thing is for sure, this confrontation is not happening because Republicans are genuinely obstructing needed nominations. President Obama has appointed more than twice as many judges so far this year than at the beginning of either President Bush's or President Clinton's second term. President Obama has already appointed nearly one-quarter of the entire Federal judiciary.

Whatever the reason, this stunt will only end up further politicizing the

confirmation process and undermining the independence of the judiciary. As I outlined in the National Law Journal over the weekend, it would be hard to make a clearer case that the U.S. Court of Appeals for the D.C. Circuit needs no more judges. Since 2006, when Democrats said that this court needed no more judges, new appeals are down 27 percent, cases scheduled for argument are down 11 percent, and written decisions per active judge are down 18 percent. The D.C. Circuit, as it has for years, ranks last among all circuits in virtually every measure of caseload.

Consider just a brief comparison with the next busiest circuit. In the Tenth Circuit, new appeals are 87 percent higher, terminated appeals are 131 percent higher, and written decisions per active judge are 150 percent higher.

In 2006, Democrats also opposed more D.C. Circuit appointments because more pressing "judicial emergency" vacancies had not been filled. Judicial emergencies are up 90 percent since then, and the percentage of those vacancies with nominees is down from 60 percent to just 47 percent.

No matter how you slice it, dice it, or spin it, the D.C. Circuit has enough judges while other courts need more. Democrats have not yet said that the standard they used in 2006 to oppose Republican appointees was wrong, nor have they explained why a different standard should be used today to push Democratic appointees.

The better course would be to stop these fake, partisan confrontations and focus on nominees to courts that really need them.

Mr. GRASSLEY. Mr. President, I will conclude this debate with the following points:

First, under the Democrats' standard from 2006, the D.C. Circuit needs no additional judges. This is why current judges have written things like: "If any more judges were confirmed now, there wouldn't be enough work to go around."

Second, the President has made clear on a host of issues, such as cap-and-trade fee increases, that he will simply go around Congress through administrative action rather than do the hard work of passing legislation. That is why he wants to stack the deck on this court with committed ideologues, as Professor Pillard appears to be. It seems the President is confident Professor Pillard would be a reliable rubber stamp, considering she is outside the mainstream on a host of issues, including religious freedom, abortion, and abstinence-only education.

So I agree with those Democrats who said during the Bush administration: "The Senate should not be a rubber stamp to this President's effort to pack the court with those who would give him unfettered leeway."

There is simply no justification for spending \$1 million per year for these

lifetime appointments given the lack of workload under the Democrats' standard from 2006.

Accordingly, I urge a "no" vote on the cloture motion.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. LEAHY. Madam President, here we go again. For the third time this year, we are debating whether to end a Republican filibuster and allow a confirmation vote for a highly qualified woman to the D.C. Circuit. In March, it was Caitlin Halligan. Last month, it was Patricia Millett. Today, it is Nina Pillard. The qualifications of each of these nominees surpass those of many other attorneys who have been confirmed to the Federal bench. These are three women who have earned their way to the top of the legal profession. They are recognized by legal scholars, practitioners, and men and women alike as being at the top of the profession. It appears Senate Republicans are going to continue to launch filibuster after filibuster at these stellar nominees.

Like Caitlin Halligan and Patricia Millett, I am confident Nina Pillard would be confirmed if Republicans would stop filibustering and allow an up-or-down vote on her nomination. She would get well over the number needed. If Republicans vote in lockstep to continue their filibuster against Nina Pillard, then Senate Republicans will have blocked three outstanding women in a row from being confirmed to what is considered the second highest court in our country.

Senate Republicans have an opportunity to make this right by voting to end the filibuster of Nina Pillard's nomination today, and by voting on the nomination of Patricia Millett once the majority leader brings it again before the Senate as he said he intends to do. Confirming these two highly qualified nominees is the right thing to do and it will make history, once these two extraordinary women are confirmed, the D.C. Circuit will be the first Federal appellate court in our country to have an equal number of women serving as judges as men.

Wouldn't that be nice? The D.C. Circuit would actually reflect the proportion of women in this country. It would be a nice move. Despite having filled nearly half of law school classrooms for the last 20 years, women are grossly underrepresented on our Federal courts. What kind of message are Senate Republicans sending by refusing to

even allow a vote on three of the most qualified female attorneys in this country?

When Senate Republicans talked about seating John Roberts on one of these seats on the D.C. Circuit, every Republican and every Democrat supported him. That was no problem for them. Of course, John Roberts was nominated by a Republican President.

We now have women nominees who are equally well qualified, and they are filibustered. Of course, they were nominated by a Democratic President. I guess if you are a Republican and nominate a qualified man, this nominee can be confirmed easily. If you are a Democrat nominating an equally qualified woman, this nominee will be filibustered. What does this say to people in law school? What does it say to our country? What does it say about the impartiality of our Federal bench? We need women in our Federal courts. A vote to end this filibuster is a vote in the historic direction of having our Federal appellate courts more accurately reflect the gender balance of our country.

Nina Pillard is a stellar nominee. She is an accomplished litigator whose work includes 9 Supreme Court oral arguments and briefs in more than 25 Supreme Court cases. She drafted the Federal Government's brief in *United States v. Virginia*, which after a 7-to-1 decision by the Supreme Court made history by opening the Virginia Military Institute's doors to women students and expanded educational opportunity for women across this country.

As a father who loves his daughter and his three granddaughters, I want to see us start paying attention to the fact that we have both men and women in this country. After Nina Pillard's work in *U.S. v. Virginia*, hundreds of women have had the opportunity to attend VMI and go on to serve our country. Josiah Bunting III, the superintendent of VMI when female cadets were first integrated into the corps, has since called VMI's transition to co-education "one of its finest hours." And it was. But it needed somebody like Nina Pillard to bring a case to the Supreme Court so they could have their finest hour.

Nina Pillard has not only stood up for equal opportunities for women but for men as well. In *Nevada v. Hibbs* she successfully represented a male employee of the State of Nevada who was fired when he tried to take unpaid leave under the Family and Medical Leave Act to care for his sick wife. In a 6-to-3 opinion authored by then-Chief Justice William Rehnquist, the Supreme Court ruled for her client, recognizing that the law protects both men and women in their caregiving roles within the family.

Nina Pillard has also worked at the Department of Justice's Office of Legal Counsel, an office that advises on the

most complex constitutional issues facing the executive branch. Prior to that service, she litigated civil rights cases at the NAACP Legal Defense & Education Fund. At Georgetown Law School—a law school this chairman of the Senate Judiciary Committee loves, having graduated from there—Nina Pillard teaches advanced courses on constitutional law and civil procedure, and co-directs the law school's very prestigious Supreme Court Institute.

She has earned the American Bar Association's highest possible ranking—Unanimously Well Qualified—to serve as a federal appellate judge on the D.C. Circuit. She also has significant bipartisan support. Viet Dinh, the former Assistant Attorney General for the Office of Legal Policy under President George W. Bush, has written that:

Based on our long and varied professional experience together, I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity. Nina . . . has always been fair, reasonable, and sensible in her judgments . . . She is a fair-minded thinker with enormous respect for the law and for the limited, and essential, role of the federal appellate judge—qualities that make her well prepared to take on the work of a D.C. Federal Judge.

Former FBI Director and Chief Judge of the Western District of Texas, William Sessions, has written that her "rare combination of experience, both defending and advising government officials, and representing individuals seeking to vindicate their rights, would be especially valuable in informing her responsibilities as a judge."

Nina Pillard has also received letters of support from 30 former members of the U.S. armed forces, including 8 retired generals; 25 former Federal prosecutors and other law enforcement officials; 40 Supreme Court practitioners, including Laurence Tribe, Carter Phillips, and Neal Katyal, among others.

I ask unanimous consent to have a list of those letters of support for Ms. Pillard printed in the RECORD at the conclusion of my remarks.

Nina Pillard's nomination does not rise to the level of an extraordinary circumstance, which was what the Gang of 14 decided should be the standard for filibustering nominees back in 2005. According to a Senate Republican who still serves today:

Ideological attacks are not an 'extraordinary circumstance.' To me, it would have to be a character problem, an ethics problem, some allegation about the qualifications of the person, not an ideological bent.

There is no reasonable interpretation of that definition in which one could find an extraordinary circumstance with Nina Pillard. She has no character problem, no ethics problem, and most importantly, she has extraordinary qualifications.

Rather than debate the merits of President Obama's well-qualified nominees to the D.C. Circuit—because it

would be impossible to debate them, as they are so well qualified—Senate Republicans have made clear that partisanship is more important to them than the Federal judiciary, the administration of justice, and the needs of the American people. With the exception of Senators LISA MURKOWSKI and SUSAN COLLINS, every single Republican Senator voted to filibuster Patricia Millett's nomination, arguing that we should not fill existing vacancies because suddenly they are concerned about the need for these existing judgeships. We know this is just a pretext for two reasons. First, they had no such concerns about the unique caseload of the D.C. Circuit when a Republican was in the White House and nominated judges to the 9th, 10th, and 11th seat. In fact, they filled the seat for this court that John Roberts was unanimously confirmed to when there was a lower caseload. Now, when we have a superbly qualified woman, suddenly she has to be filibustered.

And second, if Republicans actually cared about the cost of hampering our Government's functions they would not have shut down our Federal Government, which cost billions of dollars and set back our recovering economy. Avoiding the needless shutdown of our Government would have paid for all these Federal courts for years. So do not stand up and say we do not want these women on this court. Be honest about it. Do not give me a lot of folderol about numbers and expenses and everything else, because that is all it is: it is folderol.

In 2003, the Senate unanimously confirmed John Roberts by voice vote to be the ninth judge on the D.C. Circuit—at a time when its caseload was lower than it is today—and, in fact, his confirmation marked the lowest caseload level per judge on the D.C. Circuit in 20 years. Not a single Senate Republican raised any concerns about whether the caseload warranted his confirmation, and during the Bush administration, they voted to fill four vacancies on the D.C. Circuit—giving the court a total of 11 judges in active service. Today there are only eight judges on the court. What has changed? It is not the caseload—that has remained fairly constant over the past 10 years. In fact, the cases pending per active judge are actually higher today than they were when President Bush's nominees were confirmed to the D.C. Circuit. The only thing that has changed is the party of the President nominating judges to the court.

We also should not be comparing the D.C. Circuit's caseload with the caseload of other circuits, as Republicans have recently done. The D.C. Circuit is often understood to be the second most important court in the land because of the complex administrative law cases that it handles. The court reviews complicated decisions and rulemakings of

many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. So comparing the D.C. Circuit's caseload to other circuits is a false comparison, and those who are attempting to make this comparison are not being fully forthcoming with the American public.

The D.C. Circuit should be operating at full strength, as it was when President Bush left office. Republicans supported this for President Bush but do not for President Obama. That is shameful. That is wrong. There are currently three vacancies and President Obama has fulfilled his constitutional role by nominating three eminently qualified nominees to fill these seats. Patricia Millett, Nina Pillard, and Robert Wilkins would fill the ninth, tenth, and eleventh seats on the D.C. Circuit. These are the same seats that were filled during President Bush's tenure when the caseload was lower. Do not give me balderdash; let us deal with reality. Let us judge each nominee based on his or her qualifications and not hide behind some pretextual argument that most Americans can see through.

If the Republican caucus continues to abuse the filibuster rule and obstruct the President's fine nominees to the D.C. Circuit, then I believe this body will need to consider anew whether a rules change should be in order. That is not a change that I want to see happen, but if Republican Senators are going to hold nominations hostage without consideration of nominees' individual merit, drastic measures may be warranted. I hope it does not come to that. I hope that the same Senators who stepped forward to broker compromise when Republicans shut down the government will decide to put politics aside and vote on the merits of these exceptional nominees. I also hope the same Senators who have said judicial nominations ought not be filibustered barring extraordinary circumstances will stay true to their word. Let us not have a double standard where one President is treated one way and another is treated differently. For the sake of justice in this country, for the sake of the independence of our Federal judiciary, let us stop the filibuster and consider Nina Pillard's nomination based on her qualifications. Let us treat her with the decency that she deserves. This Nation would be better off having her serve as a judge on the Court of Appeals for the D.C. Circuit.

I have argued cases before courts of appeal. I know how important it is to the administration of justice. I know how important it is for litigants who enter the courtroom not caring whether they are Republican or Democrat, whether they are plaintiff or defendant, whether the State or respondent. I know how important it is to have

qualified judges. I call on the few Senators in this body who have argued cases before courts of appeals or before the U.S. Supreme Court to stop this game-playing with our Federal judiciary. Our independent judiciary is a model for the rest of the world. We must stop politicizing it, and stop using feeble, wrong, and misleading excuses. Let us start doing what is right for the country for a change. Stop the bumper sticker slogans. Stop the rhetoric that interferes with reality. Let us start doing what is right.

Would this not be a refreshing change in this country? I saw a poll this afternoon that showed the Congress at a 9 percent approval rating, and I would like to find out who those 9 percent are. Would it not be nice if the American people actually saw us doing what is best for America, and stopped this pettifoggery? Let us do what is right for America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS RECEIVED IN SUPPORT OF CORNELIA PILLARD

June 4, 2013—William T. Coleman Jr., Attorney

July 8, 2013—John M. Townsend, Attorney

July 9, 2013—William S. Sessions, Former Director of the Federal Bureau of Investigation

July 17, 2013—21 Former Office of Legal Counsel Attorneys at the Department of Justice

July 17, 2013—25 Law School Deans

July 17, 2013—25 Former Federal Prosecutors and Law Enforcement Officials

July 17, 2013—40 Members of the Supreme Court Bar

July 18, 2013—Viet Dinh, Former Assistant Attorney General for the Office of Legal Policy at the Department of Justice and Professor of Law at Georgetown

July 22, 2013—30 Retired Members of the Armed Forces

July 22, 2013—Jessica Adler, President, Women's Bar Association of the District of Columbia

July 23, 2013—Virginia Military Institute Alumni

July 24, 2013—Pamela Berman, President, National Conference of Women's Bar Associations

August 7, 2013—Peter M. Reyes, Jr., National President, Hispanic National Bar Association

September 9, 2013—Douglas T. Kendall, Vice President of the Constitutional Accountability Center

September 18, 2013—Shanna Smith, President and CEO, National Fair Housing Alliance

July 23, 2013, September 11, 2013, and November 12, 2013—Wade Henderson, President and CEO, Leadership Conference on Civil and Human Rights

July 23, 2013 and November 12, 2013—Nancy Duff Campbell and Marcia Greenberger, Co-Presidents of the National Women's Law Center

November 12, 2013—Neda Mansoorian, President, California Women Lawyers

The PRESIDING OFFICER. Thirty seconds remains.

Mr. LEAHY. I yield back the remaining 30 seconds.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie Hirono, Angus S. King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Cornelia T.L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATCH (when his name was called). "Present."

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 233 Ex.]

YEAS—56

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—41

Alexander	Corker	Hoeven
Ayotte	Cornyn	Isakson
Barrasso	Crapo	Johnson (WI)
Blunt	Cruz	Kirk
Boozman	Enzi	Lee
Burr	Fischer	McCain
Chambliss	Flake	McConnell
Coats	Graham	Moran
Coburn	Grassley	Paul
Cochran	Heller	Portman

Reid  
Risch  
Roberts  
Rubio

Scott  
Sessions  
Shelby  
Thune

Toomey  
Vitter  
Wicker

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—2

Inhofe

Johanns

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41, 1 Senator responded "Present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the Pillard nomination.

The PRESIDING OFFICER. The motion is entered.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

### DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 236, H.R. 3204, an Act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

Harry Reid, Tom Harkin, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Jeff Merkley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3204, an act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNIS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 1, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—97

Alexander  
Ayotte  
Baldwin  
Barrasso  
Baucus  
Begich  
Bennet  
Blumenthal  
Blunt  
Booker  
Boozman  
Boxer  
Brown  
Burr  
Cantwell  
Cardin  
Carper  
Casey  
Chambliss  
Coats  
Coburn  
Cochran  
Collins  
Coons  
Corker  
Cornyn  
Crapo  
Cruz  
Donnelly  
Durbin  
Enzi  
Feinstein  
Fischer

Flake  
Franken  
Gillibrand  
Graham  
Grassley  
Hagan  
Harkin  
Hatch  
Heinrich  
Heitkamp  
Heller  
Hirono  
Hoeven  
Isakson  
Johnson (SD)  
Johnson (WI)  
Kaine  
King  
Kirk  
Klobuchar  
Landrieu  
Leahy  
Lee  
Levin  
Manchin  
Markey  
McCain  
McCaskill  
McConnell  
Menendez  
Merkley  
Mikulski  
Moran

Murkowski  
Murphy  
Murray  
Nelson  
Paul  
Portman  
Pryor  
Reed  
Reid  
Risch  
Roberts  
Rockefeller  
Rubio  
Sanders  
Schatz  
Schumer  
Scott  
Sessions  
Shaheen  
Shelby  
Stabenow  
Tester  
Thune  
Toomey  
Udall (CO)  
Udall (NM)  
Warner  
Warren  
Whitehouse  
Wicker  
Wyden

NAYS—1

Vitter

NOT VOTING—2

Inhofe

Johanns

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. THUNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DONNELLY). Without objection, it is so ordered.

### MORNING BUSINESS

Ms. WARREN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### VETERANS DAY

Mr. DURBIN. Mr. President, I rise today to speak about the importance of honoring our Nation's veterans for their service and sacrifice. I hope every American found a moment this week-end to reflect on what veterans have

done for us and for our Nation as a whole.

We are now 238 years removed from our Nation's first war, the Revolutionary War. Brave Americans have fought to defend this Nation in wars large and small, from the World Wars to Vietnam to Iraq, and everything in between. Our Nation still has some 54,000 troops in Afghanistan, and we all pray for their safe return as we draw down our forces over the next year.

In each incarnation, brave men and women, often barely old enough to vote, went to war, and returned as veterans. A common thread that binds each generation served by our veterans is that solemn pledge so perfectly articulated by President Lincoln: "Let us strive . . . to care for him who shall have borne the battle and for his widow and his orphan."

Living up to Lincoln's words has been the duty of every generation. Our veterans of the wars in Iraq and Afghanistan are the most recent to experience the deep-seated physical, emotional, and mental wounds of war.

In recognition, we cannot simply commemorate our veterans' service, but must express our gratitude through action. Supporting and strengthening our veterans' access to health care, education, job training, housing, and other services is every bit about keeping this promise.

Here in Congress, we hold in our hands the legislative powers to improve the treatment, benefit, and assistance programs that already exist and the power to create new programs to meet the changing needs of our veterans and their families. We in Congress have a heightened obligation to service the needs of our veterans.

I am committed to that promise. We know that veterans face unnecessary delays in claims processing and reimbursement. I have worked hard to cut down on the backlog and encourage the VA to address this impending problem.

In Chicago, the VA is rolling out a new electronic records system, and the backlog is dropping. As chairman of the Senate Defense Appropriations Subcommittee, I have also included increased funding to the Department of Defense to ensure the speedy transfer of servicemember medical records, and I will continue to work with the chairman of the Veterans Affairs Committee to alleviate the claims processing backlog.

New medical challenges are also facing our veterans. In an age where doctors are better able to save the soldier's life on the battlefield, more soldiers are returning home with loss of limbs. To assist these veterans, I introduced legislation to make sure that the VA and our colleges and universities work together to ensure the next generation of orthotic and prosthetics professionals will be there for these wounded warriors. I'm happy to say



that Senate Veterans Affairs Chairman SANDERS is working with me on this, and we hope to get this program signed into law later this year.

I was also proud to lead the fight for what is now the VA's caregivers program. It provides the families of severely disabled Iraq and Afghanistan war veterans with the support they deserve to care for their loved ones.

Treating and attending to a wounded veteran is an incredibly demanding job—often best served by a family member—and the caregiver's program ensures that these families have the training and financial support necessary to care for our wounded heroes.

I am proud to say there are now hundreds of veteran caregivers in Illinois and thousands nationwide taking part in this program—and loving it.

We have come a long way in supporting our veterans over the years and responding to their changing needs, yet our work is far from done.

On Veterans Day in 1961, President Kennedy stood at Arlington National Cemetery, in view of the Capitol building in Washington, D.C. On that day he said: "In a world tormented by tension and the possibilities of conflict, we meet in a quiet commemoration of an historic day of peace. In an age that threatens the survival of freedom, we join together to honor those who made our freedom possible."

Today, some 52 years later, we too stand together to honor, to commemorate, and to remember the proud ranks of veterans who have defended America and her ideals in every corner of the globe. I am proud to stand for our Nation's veterans and their families every day, but I am especially proud to celebrate them each year on Veterans Day.

#### REMEMBERING GERARDO HERNANDEZ

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of Gerardo Ismael Hernandez, a loving husband and father and respected homeland security agent who was dedicated to protecting the safety of the American people. Tragically, Agent Hernandez was struck down by a gunman at Los Angeles International Airport on November 1, 2013, becoming the first Transportation Security Administration officer killed in the line of duty since the agency's creation. He was 39 years old.

A graduate of Los Angeles High School, Gerardo Hernandez was born in El Salvador and came to Los Angeles with his family at age 15. The youngest of four brothers, Gerardo worked hard to succeed and always wanted to give something back to his country. He went to work for TSA in June 2010 and became a behavior detection specialist at LAX. He was devoted to his job, his country, and his beloved family.

Gerardo met his future wife, Ana Machuca, when he was 19 years old.

Married in 1998, the young couple settled in Porter Ranch, CA and were proud parents to a daughter and a son. His friends and colleagues remember him as a devoted husband and father and a wonderful friend with a great sense of humor who frequently went out of his way to help others.

Agent Gerardo Hernandez, like all those who serve in law enforcement and homeland security, put his life on the line to protect and serve his community. His commitment to public safety and to the citizens he protected will never be forgotten.

On behalf of the people of California, whom he served so well, I send my gratitude and deep sympathy to his friends and family. We are forever indebted to Agent Hernandez for his courage, service, and sacrifice.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12170 ON NOVEMBER 14, 1979—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within the 90-day period prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2013.

Because our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way, I have determined that it is necessary to continue the national emergency declared in Executive Order 12170 with respect to Iran.

BARACK OBAMA.  
THE WHITE HOUSE, November 12, 2013.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1661. A bill to require the Secretary of State to offer rewards of up to \$5,000,000 for information regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence:

Report to accompany S. 1631, a bill to consolidate the congressional oversight provisions of the Foreign Intelligence Surveillance Act of 1978 and for other purposes (Rept. No. 113-119).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1356. A bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 1681. An original bill to authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

\*Terrell McSweeney, of the District of Columbia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2010.

\*Robert Michael Simon, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

\*Jo Emily Handelsman, of Connecticut, to be an Associate Director of the Office of Science and Technology Policy.

\*Kathryn D. Sullivan, of Ohio, to be Under Secretary of Commerce for Oceans and Atmosphere.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce,



Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Kenneth J. Anderson and ending with Forest A. Willis, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 7, 2013.

Coast Guard nominations beginning with Wayne R. Arguin and ending with Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record on November 7, 2013.

Coast Guard nominations beginning with Steven C. Acosta and ending with Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record on November 7, 2013.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of New Mexico (for himself and Mr. DURBIN):

S. 1677. A bill to establish centers of excellence for innovative stormwater control infrastructure, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. COBURN, and Mr. CHAMBLISS):

S. 1678. A bill to amend subchapter II of chapter 84 of title 5, United States Code, to prohibit coverage for annuity purposes for new Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TOOMEY:

S. 1679. A bill to require a study on the Russian RD-180 rocket engine; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 1680. A bill to amend the Communications Act of 1934 to increase consumer choice and competition in the online video programming distribution marketplace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1681. An original bill to authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. CASEY:

S. 1682. A bill to amend title 38, United States Code, to make certain clarifications

and improvements in the academic and vocational counseling programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself and Mr. CORKER):

S. 1683. A bill to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes; to the Committee on Foreign Relations.

By Mr. TOOMEY:

S. 1684. A bill to require a pilot program on the provision of certain information to State veterans agencies to facilitate the transition of members of the Armed Forces from military service to civilian life; to the Committee on Veterans' Affairs.

By Mr. PORTMAN:

S. 1685. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1686. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. BROWN, Mr. HARKIN, and Mr. FRANKEN):

S. 1687. A bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Mr. WICKER, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHATZ, Mr. MARKEY, Mrs. HAGAN, and Mr. SCHUMER):

S. Res. 290. A resolution commemorating the 75th anniversary of Kristallnacht, or the Night of the Broken Glass; considered and agreed to.

By Mr. TOOMEY:

S. Res. 291. A resolution expressing the sense of the Senate on a nationwide moment of remembrance on Memorial Day each year, in order to appropriately honor United States patriots lost in the pursuit of peace and liberty around the world; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 135

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 135, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 137

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of

S. 137, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 252

At the request of Mr. ALEXANDER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 252, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 313

At the request of Mr. CASEY, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 330

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 330, a bill to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

S. 367

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to reveal the Medicare outpatient rehabilitation therapy caps.

S. 381

At the request of Mr. BROWN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER), the Senator from Kansas (Mr. ROBERTS), the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. RISCH), the Senator from Missouri (Mr. BLUNT), the Senator from Nevada (Mr. HELLER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Iowa (Mr. GRASSLEY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. KIRK) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 528

At the request of Mrs. HAGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 528, a bill to amend the Higher Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or recruiting purposes.

S. 822

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 822, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 961

At the request of Mr. BLUNT, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 961, a bill to improve access to emergency medical services, and for other purposes.

S. 981

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 981, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services, and for other purposes.

S. 1001

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1001, a bill to impose sanctions with respect to the Government of Iran.

S. 1143

At the request of Mr. MORAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1158

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1171

At the request of Mr. MORAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1171, a bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location.

S. 1181

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1224

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1224, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1235

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1235, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1312

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1312, a bill to amend title 5, United States Code, to limit the circumstances in which official time may be used by a Federal employee.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from North Da-

kota (Ms. HEITKAMP) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1361

At the request of Mr. MURPHY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1361, a bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service as a coastwise merchant seaman during World War II, and for other purposes.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1505

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1505, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from definition under that Act.

S. 1523

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1523, a bill to amend the Internal Revenue Code to make permanent qualified school construction bonds and qualified zone academy bonds, to treat qualified zone academy bonds as specified tax credit bonds, and to modify the private business contribution requirement for qualified zone academy bonds.

S. 1557

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. MARKEY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1557, a bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

S. 1590

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1590, a bill to amend the Patient Protection and Affordable Care

Act to require transparency in the operation of American Health Benefit Exchanges.

S. 1592

At the request of Mr. RUBIO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1592, a bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1635

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1635, a bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period during which supplemental nutrition assistance program benefits are temporarily increased.

S. 1642

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1642, a bill to permit the continuation of certain health plans.

S. 1670

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1667, a bill to amend the Consumer Financial Protection Act of 2010 to provide consumers with a free annual disclosure of information the Bureau of Consumer Financial Protection maintains on them, and for other purposes.

S. 1670

At the request of Mr. GRAHAM, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1670, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. RES. 26

At the request of Mr. MORAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients in rural areas of the United States is essential to the survival and success of communities in the United States.

S. RES. 270

At the request of Mr. KIRK, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 270, a resolution supporting the goals and ideals of World Polio Day and commending the international community and others for their efforts to prevent and eradicate polio.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1680. A bill to amend the Communications Act of 1934 to increase consumer choice and competition in the online video programming distribution marketplace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, two decades ago, Congress passed the Cable Television and Consumer Protection Act of 1992 in part to stop cable companies from leveraging their market power to block competition from satellite television providers. Congress did so with the realization that market forces alone did not act to create true competition in video services, mainly because the entrenched interests held dominant control over the content necessary for new services to compete effectively. As a result, regulation in the name of competition was necessary to empower consumers and facilitate the development of new innovative video services. Twenty years later, DirecTV and Dish Network have become the second and third largest pay TV providers in the Nation, respectively.

The legislation that I am introducing today, the Consumer Choice in Online Video Act, builds upon the legacy, and the promise, of the 1992 Cable Act. More needs to be done.

Simply put, the video marketplace today, even with a variety of cable and satellite television providers, still is one of ever-escalating rates and of limited choice in terms of programming packages. Consumers find themselves paying more and more each year for their pay TV service, and those yearly rate increases often far exceed inflation. Even though consumers have at their fingertips hundreds of channels of programming, most homes watch very few of those channels and would prefer to have more choice in what they pay for each month.

We have all heard the familiar complaint that we have five hundred channels, but there is nothing to watch. My legislation aims to enable the ultimate a la carte—to give consumers the ability to watch the programming they want to watch, when they want to watch it, how they want to watch it, and pay only for what they actually watch.

Key to that goal is online video. The Internet has revolutionized many aspects of American life, from the econ-

omy, to health care, to education. It has proven to be a disruptive and transformative technology. It has forever changed the way Americans live their lives. Consumers now use the Internet, for example, to purchase airline tickets, to reserve rental cars and hotel rooms, to do their holiday shopping. The Internet gives them the ability to identify prices and choices and offers an endless supply of competitive offerings that strive to meet individual consumer's needs.

But that type of choice, with full transparency and real competition, has not been fully realized in today's video marketplace. The core policy question is how to nurture new technologies and services, and make sure incumbents cannot simply perpetuate the status quo of ever-increasing bills and limited choice through exercise of their market power.

Broadband-based online video today stands at a crossroads. It promises to become the video delivery platform that can truly bring consumer-centric video services to the marketplace. Consumers clearly have an appetite for online video and the choice and flexibility it affords, and innovative companies have risen to tap into that demand. But their ability to fully compete and maximize the benefits of broadband-based online video have been compromised.

Consumers do not really care whether they access their favorite video programming through a traditional cable line, fiber, satellite, or broadband wireless technology. What they are most frustrated by today, though, is that some cable or broadcast programming is sometimes not accessible in an "over the top" online format, or that their experience with online video is somehow degraded. And disturbing reports suggest that one of the reasons that the consumers have these experiences is due to anticompetitive activity on the part of incumbent media companies and broadband providers.

As both the Federal Communications Commission, FCC, and the Department of Justice have noted, the nature of broadband-delivered video makes it uniquely susceptible to anticompetitive activity. Online video distributors do not own their distribution platform, and their viability depends on the ability to acquire sought-after programming from content companies on competitive terms. Yet, given their relationships with both content companies and Internet service providers, traditional cable and satellite providers have the incentive and ability to try to limit the growth of innovative, competitive online video distribution companies.

Press reports make clear that video marketplace incumbents are using their market positions to limit online video companies from entering the market and competing on a level playing field. Incumbent media companies,

who control both the delivery platform and the content necessary for a robust online video service, are putting up barriers to protect their current services from new competition. Other reports indicate that some pay-TV operators are offering incentives to media companies that agree to withhold content from Web-based entertainment services.

My legislation would bar these and other anticompetitive practices in the online video marketplace, while offering regulatory parity to online video services that offer services similar to those presently provided by cable and satellite companies. It also would remedy lingering issues surrounding the regulatory treatment of online video services by the FCC. Finally, the bill would empower consumers with more information about their broadband Internet service, and give the FCC the authority to oversee the use of metered broadband Internet billing practices that could be used to stifle use of data-intensive online video services.

I offer this legislation to begin an overdue conversation about the best way that Congress can protect and promote a consumer-centric online video marketplace. I recognize that this bill is not perfect. That is why I invite discussion and comments from my colleagues and others on ways to improve it as we move forward. While I am sure that we can find ways to improve this legislation, we should not stand aside in the name of the free market while the innovation and choice that can come from online video for West Virginia and around the country is stifled.

It is time for Congress to act to maximize the promise of today's online world, and improve the consumer experience in the video marketplace. Consumers must be able to benefit from online video's promise of decreased costs for video services, more choice over the types of programming that their families consume, and higher-quality video content that educates and entertains. I strongly believe that the breathing room provided to online video distributors by my legislation is one of the keys to fostering a consumer-centric revolution in the video marketplace.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1680

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Consumer Choice in Online Video Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings; statement of policy.  
Sec. 3. Definitions.

#### TITLE I—BILLING FOR INTERNET SERVICE

Sec. 101. Consumer protections.

#### TITLE II—ONLINE VIDEO DISTRIBUTION ALTERNATIVES

Sec. 201. Protections for online video distributors.

Sec. 202. Federal Communications Commission report on peering.

#### TITLE III—NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS

Sec. 301. Non-facilities based multichannel video programming distributors.

#### TITLE IV—MISCELLANEOUS

Sec. 401. Technical and conforming amendments.

Sec. 402. Provisions as complementary.

Sec. 403. Applicability of antitrust laws.

Sec. 404. Severability.

#### SEC. 2. FINDINGS; STATEMENT OF POLICY.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Online video distribution has the potential to increase consumer choice in video programming, lower prices for video services, bring innovative services to the video distribution marketplace, and disrupt the traditional multichannel video distribution marketplace.

(2) Evolving consumer demand, improving technology, and increased choice of viewing devices can make online video distributors stronger competitors to multichannel video programming distributors for an increasing number of viewers.

(3) Unlike traditional multichannel video programming distributors, online video distributors do not own distribution facilities and are dependent upon Internet service providers (many of which are affiliated with multichannel video programming distributors) for the delivery of their content to viewers.

(4) Internet service providers' management and pricing of broadband services affects online video distributors. Because online video distribution consumes significant amounts of Internet bandwidth, Internet service providers' use of usage-based billing practices can negatively impact the competitive position of online video distributors and the appeal of their services to consumers.

(5) Internet service providers that are affiliated with a multichannel video programming distributor or an online video distributor have an increased incentive to degrade the delivery of, or block entirely, traffic from the websites of other online video distributors, or speed up or favor access to the content and aggregation websites of their affiliates, because online video distributors pose a threat to those affiliates' video programming distribution businesses.

(6) Similarly, multichannel video programming distributors who are affiliated with Internet service providers, online video distributors who are affiliated with Internet service providers, or video programming vendors with significant market power have the incentive and ability to use their competitive position to engage in unfair methods of competition meant to hinder competition from online video distributors.

(7) Growth of online video distribution alternatives also will depend, in part, on the distributor's ability to acquire programming from content producers. Without access to content on competitive terms, an online video distributor suffers a distinct competitive harm.

(8) Some traditional multichannel video programming distributors have admitted to taking steps to limit the ability of online video distributors to access content or otherwise effectively compete in the video distribution marketplace.

(9) Traditional multichannel video programming distributors and even other online video distributors have the incentive and ability to convince their video programming vendor partners not to sell content to online video distributors or to sell content to them at competitively-disadvantageous prices, terms, and conditions. They also have the incentive and ability to retaliate against a video programming vendor that sells content to an online video distributor.

(10) Traditional multichannel video programming distributors have the incentive and ability to use their relationships with manufacturers of television sets, set-top boxes, and other customer premises equipment to favor their own services over offerings from online video distributors.

(11) There is a substantial governmental and First Amendment interest in—

(A) requiring Internet service providers to provide consumers with accurate information about their Internet service, and to ensure that data usage monitoring systems are accurate, effective, and not used for an anti-competitive purpose;

(B) promoting a diversity of views provided through multiple technology media;

(C) promoting the development of online video distribution platforms and fair competition amongst all distributors and vendors of video programming;

(D) preventing Internet service providers that are affiliated with a multichannel video programming distributor or an online video distributor from discriminating against unaffiliated content and distributors in its exercise of control over consumers' broadband connections;

(E) encouraging and protecting consumer choice and innovation in online video distribution, including with respect to distribution of broadcast television content; and

(F) providing consumers with the ability to choose to receive local broadcast television content from various markets.

(b) **STATEMENT OF POLICY.**—It is the policy of the Congress that—

(1) consumers should be fully informed about the terms and conditions related to the purchase of Internet service from an Internet service provider;

(2) usage-based billing systems used by an Internet service provider should not be used in a way that harms development and use of high-bandwidth consuming Internet applications and services that might compete with that Internet service provider's own services;

(3) the availability of a diversity of views and information should be promoted to the public through various video programming distribution platforms, including those providing service by utilizing the Internet or other IP-based transmission paths;

(4) existing multichannel video programming distributors and video programming vendors should not have or exercise undue market power with respect to online video distributors; and

(5) Internet service providers should not hinder through anticompetitive behavior the ability of online video distributors to provide services to their subscribers.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **BROADCAST TELEVISION LICENSEE.**—The term “broadcast television licensee” means the licensee of a full-power television station or a low-power television station.

(2) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(3) **INTERNET SERVICE PROVIDER.**—The term “Internet service provider” means any provider of Internet service to an end user, regardless of the technology used to provide that service.

(4) **NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.**—The term “non-facilities based multichannel video programming distributor” means an online video distributor that has made the election permitted under section 672.

(5) **ONLINE VIDEO DISTRIBUTOR.**—The term “online video distributor” means any entity, including a non-facilities based multichannel video programming distributor, that—

(A) has its principal place of business in the United States; and

(B) distributes video programming in the United States by means of the Internet or another IP-based transmission path provided by a person other than that entity.

(6) **TELEVISION NETWORK.**—The term “television network” means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

(7) **USAGE-BASED BILLING.**—

(A) **IN GENERAL.**—The term “usage-based billing” means a system of charging a consumer for Internet service or the use of an IP-based transmission path provided by an Internet service provider or other entity that is based upon the amount of data the consumer uses over a period of time.

(B) **INCLUSIONS.**—The term “usage-based billing” includes—

(i) imposing a cap on the amount of data the consumer can use based on the price the consumer is willing to pay for service;

(ii) charging a consumer varying amounts each billing cycle based on a per-megabyte, per-gigabyte, or similar rate; and

(iii) establishing different tiers of prices based on the amount of data the consumer elects to consume in a billing cycle, whether or not the amount acts as a cap on the consumer's service.

(8) **VIDEO PROGRAMMING.**—The term “video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, whether or not such programming is delivered using a portion of the electromagnetic frequency spectrum.

(9) **VIDEO PROGRAMMING VENDOR.**—The term “video programming vendor” means a person engaged in the production, creation, or wholesale distribution of video programming for sale.

## TITLE I—BILLING FOR INTERNET SERVICE

### SEC. 101. CONSUMER PROTECTIONS.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended—

(1) by inserting before section 701 the following:

#### “PART I—GENERAL PROVISIONS”; and

(2) by adding at the end the following:

#### “PART II—INTERNET SERVICES BILLING

##### “SEC. 721. CONSUMER PROTECTIONS.

“(a) **GENERAL DISCLOSURES.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations requiring Internet service providers to disclose certain information that will assist a consumer in

making an informed decision about the purchase of Internet service.

“(2) **REQUIREMENTS.**—The regulations under paragraph (1) shall require, at a minimum, that—

“(A) any advertising related to Internet service include plain language disclosure of any information the Commission considers necessary for a consumer to make an informed decision about the purchase of that Internet service;

“(B) an Internet service provider provide a plain language disclosure to a consumer prior to the purchase of Internet service that includes—

“(i) the length of the contract;

“(ii) the terms of renewal;

“(iii) a projected monthly bill, including all fees and costs associated with the Internet service;

“(iv) if the consumer is receiving promotional pricing for service, a projected monthly bill for service once that promotional pricing period has ended;

“(v) the procedures to cancel the Internet service, including any policies related to early termination fees;

“(vi) the average actual data transmission speeds, including both upload and download speeds;

“(vii) any policies or practices regarding network management, including limiting service speeds or prioritizing content; and

“(viii) any other information that the Commission considers necessary for the consumer to make an informed decision about the purchase of the Internet service.

“(b) **SPECIAL DISCLOSURES FOR USAGE-BASED BILLING.**—

“(1) **IN GENERAL.**—As part of the rulemaking under subsection (a), the Commission shall promulgate regulations to protect consumers in the use of usage-based billing by Internet service providers.

“(2) **PLAIN LANGUAGE DISCLOSURE OF TERMS AND CONDITIONS.**—

“(A) **IN GENERAL.**—The regulations under paragraph (1) shall require an Internet service provider to provide a plain language disclosure of all terms and conditions associated with its use of usage-based billing to a consumer prior to the purchase of Internet service.

“(B) **CONTENTS.**—The plain language disclosure under this paragraph shall include—

“(i) an explanation of how usage-based billing will be applied to the consumer;

“(ii) a complete list of the tiers of service;

“(iii) comparisons of how much data of varying types, including video programming in standard and high-definition, the consumer would be able to consume each month under each tier;

“(iv) the procedure for providing the consumer the notifications under paragraph (4);

“(v) an explanation of the consequences, if any, to a consumer for exceeding the consumer's data usage amount, including any fees that may be charged and any options a consumer may have to avoid those fees;

“(vi) if the Internet service provider provides a tool for a consumer to monitor the consumer's data usage, a description of the tool and how to use it;

“(vii) the appeals procedure under paragraph (5); and

“(viii) any other information that the Commission considers necessary to protect consumers in the use of usage-based billing by Internet service providers.

“(3) **MONTHLY DISCLOSURE OF DATA USAGE.**—

“(A) **DATA USAGE.**—An Internet service provider that uses usage-based billing shall provide a plain language disclosure to a con-

sumer of the consumer's data usage during each billing cycle as part of the consumer's bill.

“(B) **DATA USAGE TRENDS.**—An Internet service provider that uses usage-based billing shall include in the consumer's bill information documenting the consumer's data usage over the prior 6 monthly bills or over a period beginning on the date that the consumer contracted for the Internet service, whichever is shorter.

“(4) **NOTIFICATIONS.**—

“(A) **IN GENERAL.**—An Internet service provider that uses usage-based billing shall provide to a consumer notification of the amount of data the consumer has remaining at the midpoint of a billing cycle, and at any other increments the Commission finds are in the public interest.

“(B) **FORM.**—The Commission may determine the form of the notifications required under this paragraph.

“(5) **CONSUMER APPEALS.**—Each Internet service provider that uses usage-based billing shall establish an appeals procedure for a consumer to obtain more detailed information about the consumer's Internet data usage and to challenge the Internet service provider's determination of that consumer's data usage.

“(c) **TRUTH-IN-BILLING FOR INTERNET SERVICES.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall update its truth-in-billing rules to extend the rules to Internet service providers.

“(2) **BUNDLED SERVICES.**—As part of the rulemaking under paragraph (1), the Commission shall consider whether it is in the public interest to establish truth-in-billing rules for bundled communications service packages.

“(d) **EXEMPTION.**—The Commission may exempt an Internet service provider serving 20,000 or fewer subscribers from the requirements of this section.

“(e) **SPECIAL CONSIDERATION.**—The Commission may take into account the special considerations in an Internet service provider's delivery technology, including wireless, when implementing this section.

#### “SEC. 722. CERTIFICATION OF DATA USAGE MONITORING SYSTEMS.

“(a) **INDEPENDENT CERTIFICATION REQUIRED.**—

“(1) **IN GENERAL.**—An Internet service provider may not use a data usage monitoring system as part of usage-based billing unless the data usage monitoring system is certified under this section.

“(2) **DEVELOPMENT OF STANDARDS.**—The Commission, after consultation with the National Institute of Standards and Technology, shall develop standards to ensure that a data usage monitoring system accurately measures a consumer's usage of data.

“(3) **CERTIFICATION PROCESS.**—The Commission may certify a data usage monitoring system for use in usage-based billing if it determines that the data usage monitoring system accurately measures consumer data usage and is in material compliance with the standards under paragraph (2).

“(4) **PERMISSIBLE DELEGATION.**—The Commission may designate 1 or more impartial third parties to conduct the certification of a data usage monitoring system under this section.

“(b) **PERIODIC REVIEW.**—The Commission shall determine how to ensure that an Internet service provider's data usage monitoring system remains in compliance with this section.

“(c) DEFINITION OF DATA USAGE MONITORING SYSTEM.—In this section, the term ‘data usage monitoring system’ means a system of monitoring and calculating the amount of data a user has consumed—

“(1) while accessing the Internet;

“(2) while using hardware, software, or applications that consume data transmitted over the Internet; or

“(3) while accessing another IP-based transmission path provided by an Internet service provider or another entity.

“(d) PENALTIES.—The Commission is authorized to assess penalties against any Internet service provider that fails to comply with this section.

“(e) RULEMAKING.—

“(1) IN GENERAL.—The Commission shall promulgate regulations to implement this section not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act.

“(2) EXEMPTION.—The regulations under paragraph (1) may provide an exemption from the regulations for an Internet service provider serving 20,000 or fewer subscribers.

“(3) SPECIAL CONSIDERATIONS.—The Commission may take into account the special considerations in an Internet service provider’s delivery technology, including wireless, when implementing this section.”.

## TITLE II—ONLINE VIDEO DISTRIBUTION ALTERNATIVES

### SEC. 201. PROTECTIONS FOR ONLINE VIDEO DISTRIBUTORS.

Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following:

#### “PART VI—ONLINE VIDEO DISTRIBUTORS

##### “SEC. 661. DEFINITIONS.

“In this part:

“(1) AFFILIATED WITH.—For purposes of sections 663, 664, and 667, the term ‘affiliated with’ means that the Internet service provider, multichannel video programming distributor, online video distributor, or video programming vendor, as appropriate, directly or indirectly, is owned or controlled by, owns or controls, or is under common ownership or control with another Internet service provider, multichannel video programming distributor, online video distributor, or video programming vendor, as appropriate. For purposes of this paragraph, the term ‘own’ means to own an equity interest, or the equivalent thereof, of more than 10 percent.

“(2) VIDEO PROGRAMMING.—The term ‘video programming’ means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, whether or not such programming is delivered using a portion of the electromagnetic frequency spectrum.

##### “SEC. 662. ENHANCEMENT OF CONSUMER CHOICE IN ONLINE VIDEO.

“The purposes of this part are

“(1) to promote the public interest, convenience, and necessity by increasing competition, innovation, and diversity in the video programming marketplace;

“(2) to enhance consumer access to online video distribution platforms and consumer choice in online video programming; and

“(3) to increase the availability of video programming on all platforms, including Internet-based platforms.

##### “SEC. 663. DEVELOPMENT OF COMPETITION AND DIVERSITY IN ONLINE VIDEO DISTRIBUTION.

“(a) PROHIBITION.—It shall be unlawful for a designated distributor to engage in unfair methods of competition or unfair or decep-

tive acts or practices, the purpose or effect of which are to hinder significantly or prevent an online video distributor from providing video programming to consumers, including over any platform or device capable of delivering that online video distributor’s content to consumers.

“(b) REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to implement this section.

“(2) MINIMUM CONTENTS.—At a minimum, the regulations under this section shall—

“(A) specify the conduct that constitutes a prima facie violation of subsection (a); and

“(B) establish effective safeguards to prevent a designated distributor from—

“(i) unduly or improperly influencing the decision of any other entity to make a television set or other customer premises equipment incompatible with the services provided by any online video distributor;

“(ii) unduly or improperly using its own customer premises equipment to discriminate against, or otherwise favor its own services over, the service provided by any online video distributor;

“(iii) unduly or improperly influencing the decision of any other entity to sell, or the prices, terms, and conditions of the sale of, video programming to any online video distributor; and

“(iv) providing an incentive to any entity in an attempt to deny video programming to an online video distributor.

“(c) EXCEPTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), a designated distributor shall not be prohibited from—

“(A) imposing reasonable requirements for creditworthiness, offering of service, and financial stability and standards regarding character and technical quality;

“(B) establishing different prices, terms, and conditions to take into account economies of scale, cost savings, or other direct and legitimate economic benefits reasonably attributable to the number of subscribers served by the online video distributor; and

“(C) imposing reasonable requirements to ensure the security of the video programming being provided to the online video distributor, including means to authenticate the right of the distributor’s subscribers to access the programming.

“(2) LIMITATIONS.—An exception under paragraph (1)—

“(A) shall be related to the substantial, real, and legitimate business concerns of the designated distributor; and

“(B) may not be used in an anticompetitive manner.

“(d) DEFINITION OF DESIGNATED DISTRIBUTOR.—

“(1) IN GENERAL.—In this section, the term ‘designated distributor’ means—

“(A) a multichannel video programming distributor affiliated with an Internet service provider;

“(B) an online video distributor affiliated with an Internet service provider; or

“(C) a video programming vendor with significant market power.

“(2) SIGNIFICANT MARKET POWER.—The Commission shall establish rules for determining whether a video programming vendor has significant market power under paragraph (1)(C).

##### “SEC. 664. ACCESS TO VIDEO PROGRAMMING.

“(a) PROHIBITIONS.—It shall be unlawful for a multichannel video programming distributor or an online video distributor—

“(1) to include in a contract with any video programming vendor a provision that serves as a substantial disincentive for the video programming vendor to sell its content to an online video distributor;

“(2) to use any practice, understanding, arrangement, or other agreement with a video programming vendor that has the effect of causing the video programming vendor to face a substantial disincentive to sell its content to an online video distributor; or

“(3) to enter into a contract with a video programming vendor that has the effect of preventing an online video distributor from making the video programming vendor’s content available on any platform or device capable of delivering that distributor’s content to its subscribers.

“(b) CONTRACT LIMITATIONS.—A multichannel video programming distributor or an online video distributor may not include in any contract with a video programming vendor any provision that requires the multichannel video programming distributor or online video distributor, as applicable, to be treated in material parity with other similarly situated multichannel video programming distributors or online video distributors with regard to pricing or other terms and conditions of carriage of video programming.

“(c) RETALIATION PROHIBITED.—A multichannel video programming distributor or an online video distributor may not retaliate against—

“(1) any video programming vendor for making its video programming available to an online video distributor;

“(2) any online video distributor for obtaining video programming from a video programming vendor; or

“(3) any entity for exercising a right under this Act.

“(d) EXCEPTION.—Notwithstanding subsection (a) or any other provision of this part, a multichannel video programming distributor or an online video distributor may enter into an exclusive contract with a video programming vendor for video programming provided by that video programming vendor if the contract does not exceed the limits or violate the prohibitions under subsection (e).

“(e) PUBLIC INTEREST LIMITATIONS ON EXCLUSIVE CONTRACTS.—

“(1) IN GENERAL.—The Commission shall adopt limits on—

“(A) the ability of a multichannel video programming distributor or an online video distributor to enter into any contract for video programming that includes an exclusivity provision that substantially deters the development of an online video distribution alternative; and

“(B) the ability of an online video distributor to enter into any contract for video programming that includes an exclusivity provision that substantially deters the development of an online video distribution alternative.

“(2) PROHIBITED CONTRACTS.—The Commission shall prohibit—

“(A) a multichannel video programming distributor from entering into an exclusive contract with a video programming vendor that is affiliated with the multichannel video programming distributor; and

“(B) an online video distributor from entering into an exclusive contract with a video programming vendor that is affiliated with the online video distributor.

“(3) LIMITATIONS ON OTHER EXCLUSIVE CONTRACTS FOR VIDEO PROGRAMMING.—

“(A) IN GENERAL.—The Commission shall establish criteria for determining whether an

exclusive contract for programming substantially deters the development of an online video distribution alternative.

“(B) CONSIDERATIONS.—In establishing the criteria under subparagraph (A), the Commission shall consider the totality of the circumstances surrounding the contract, including—

“(i) the duration of the exclusivity period;

“(ii) the effect of the exclusive contract on capital investment in the production and distribution of video programming;

“(iii) the time period after initial first-day distribution of video programming to consumers when the multichannel video programming distributor or the online video distributor is granted exclusive access to distribute the programming; and

“(iv) the likelihood that the exclusive contract will enhance diversity in programming on video distribution platforms.

“(f) ONLINE DISTRIBUTION OF CONTENT BY A VIDEO PROGRAMMING VENDOR.—

“(1) IN GENERAL.—A multichannel video programming distributor or an online video distributor may not enter into an agreement that limits or prohibits a video programming vendor from making its video content available to consumers free over the Internet.

“(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply if the duration of the agreement is 30 days or less.

“(g) PRICES, TERMS, AND CONDITIONS FOR PROGRAMMING.—A video programming vendor may establish different prices, terms, and conditions for its video programming if, taking into account economies of scale, cost savings, or other direct and legitimate economic benefits that are reasonably attributable to the number of subscribers served by an online video distributor, the prices, terms, and conditions—

“(1) are related to substantial, real, and legitimate business concerns of the video programming vendor; and

“(2) are not used in an anticompetitive manner.

“(h) REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to specify particular conduct that is prohibited by this section.

“(2) MINIMUM CONTENTS.—The regulations under this section shall establish, at a minimum—

“(A) effective safeguards to prevent any activity prohibited by this section; and

“(B) complaint and contract review procedures to facilitate the Commission's ability to determine if a multichannel video programming distributor, a video programming vendor, or an online video distributor has violated this section.

“(i) EXISTING CONTRACTS.—

“(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall affect any contract, understanding, or arrangement that was entered into on or before December 1, 2013.

“(2) EXCEPTIONS.—No contract, understanding, or arrangement entered into on or before December 1, 2013, that violates this section shall be enforceable by any person after the date that is 3 years after the date of enactment of the Consumer Choice in Online Video Act.

“(3) LIMITATION ON RENEWALS.—A contract, understanding, or arrangement that was entered into on or before December 1, 2013, but that is renewed or extended after the date of enactment of the Consumer Choice in Online Video Act shall not be exempt under paragraph (1).

#### “SEC. 665. FOSTERING ACCESS TO VIDEO PROGRAMMING.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall commence a proceeding to determine the additional steps it should take, in the public interest, to foster the ability of online video distributors to gain access to video programming, offer innovative services, and compete with multichannel video programming distributors.

“(b) LIMITATION.—The Commission shall not compel a video programming vendor to sell its video programming to an online video distributor as part of any rules adopted under this section.

#### “SEC. 666. BROADCAST TELEVISION LICENSEES AND TELEVISION NETWORKS.

“(a) DUTY TO NEGOTIATE.—It shall be unlawful for a broadcast television licensee or television network—

“(1) to refuse to negotiate with an online video distributor for carriage of the broadcast television licensee's or the television network's content, as applicable; or

“(2) to place any restriction on an online video distributor's ability to make the broadcast television licensee's or the television network's content, as applicable, available on any platform or device that is capable of delivering the online video distributor's content to its subscribers.

“(b) REFUSAL TO NEGOTIATE; COMMISSION DETERMINATION.—The Commission shall determine what constitutes a refusal to negotiate under subsection (a). The Commission may require a broadcast television licensee or television network to engage in good faith negotiations with an online video distributor. The Commission shall define good faith for purposes of this subsection.

“(c) ONLINE RETRANSMISSION OF IN-MARKET BROADCAST SIGNALS.—

“(1) SIGNAL PARITY.—

“(A) IN GENERAL.—It shall be unlawful for a broadcast television licensee to provide an over-the-air signal that differs from a retransmission of that signal provided to a multichannel video programming distributor or an online video distributor.

“(B) EXCEPTION.—Subparagraph (A) shall not apply if—

“(i) the variation in the 2 signals consists of a change to 1 or more commercial advertisements of not more than 60 seconds in duration embedded in a broadcast television licensee's signal; and

“(ii) the broadcast television licensee is not using the variation under clause (i) to increase the overall amount of advertising time in its over-the-air signal.

“(2) ANTENNA RENTAL SERVICES.—

“(A) IN GENERAL.—Notwithstanding any other provision of this Act, except subparagraph (C), an entity may rent to a consumer access to an individual antenna to view over-the-air broadcast television signals transmitted from that antenna—

“(i) directly to the consumer over the Internet or another IP-based transmission path; or

“(ii) to an individual data storage system, including an online remote data storage system, for recording and then made accessible to that consumer through the Internet or another IP-based transmission path.

“(B) RETRANSMISSION CONSENT FEES.—An antenna rental service described under subparagraph (A) shall be exempt from paying retransmission consent fees under section 325 of this Act to any broadcast television station whose signal is received by the individual antenna and retransmitted to the subscriber.

“(C) CONDITIONS OF RENTAL SERVICES.—An antenna rental service described under subparagraph (A) shall—

“(i) only provide a subscriber with access to over-the-air broadcast television signals received by an individual antenna located in the same designated market area (as defined in section 671 of this Act) in which that subscriber resides; and

“(ii) make available to a subscriber all over-the-air broadcast signals that are received by the individual antenna rented by that subscriber, unless a signal is of such poor quality that it cannot be transmitted to the consumer in a reasonably viewable form.

“(d) LIMITS IN EXISTING PROGRAMMING AND AFFILIATION CONTRACTS.—

“(1) IN GENERAL.—It shall be unlawful for any entity selling or otherwise providing video programming to be transmitted by a broadcast television licensee or television network to include in any contract, agreement, understanding, or arrangement with that licensee or network a limitation on the ability of that licensee or network to comply with the requirements of this section.

“(2) EXISTING CONTRACTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), nothing in this section shall affect any contract, understanding, or arrangement that was entered into on or before December 1, 2013.

“(B) EXCEPTIONS.—No contract, understanding, or arrangement entered into on or before December 1, 2013, that violates this section shall be enforceable by any person after the date that is 3 years after the date of enactment of the Consumer Choice in Online Video Act.

“(C) LIMITATION ON RENEWALS.—A contract, understanding, or arrangement that was entered into on or before December 1, 2013, but that is renewed or extended after the date of enactment of the Consumer Choice in Online Video Act shall not be exempt under subparagraph (A).

“(e) REGULATIONS.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to implement this section. The Commission shall not compel a broadcast television licensee or television network to sell its video programming to an online video distributor as part of any rules adopted under this section.

#### “SEC. 667. CONSUMER ACCESS TO CONTENT.

“(a) IN GENERAL.—It shall be unlawful for a designated Internet service provider to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which are to hinder significantly or to prevent an online video distributor from providing video programming to a consumer.

“(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to specify particular conduct that is prohibited by subsection (a). The Commission's regulations under this section shall ensure, at a minimum, that a designated Internet service provider does not—

“(1) block, degrade, or otherwise impair any content provided by an online video distributor;

“(2) unreasonably discriminate in transmitting the content of an unaffiliated online video distributor over the designated Internet service provider's network;

“(3) provide benefits in the transmission of the video content of any company affiliated with the Internet service provider through specialized services or other means, or otherwise leverage its ownership of the physical



delivery architecture to benefit that affiliated company in a way that has the effect of harming competition from an unaffiliated online video distributor; or

“(4) use billing systems, such as usage-based billing, in a way that deters competition from unaffiliated online video distributors that may be in competition with the Internet service provider's or its affiliate's services.

“(c) DEFINITION OF DESIGNATED INTERNET SERVICE PROVIDER.—In this section, the term ‘designated Internet service provider’ means an Internet service provider that is affiliated with a multichannel video programming distributor, an online video distributor, or a video programming vendor.

**“SEC. 668. BLOCKING CONSUMER ACCESS TO ONLINE VIDEO PROGRAMMING.**

“(a) IN GENERAL.—No video programming vendor that has made available its video programming to consumers online may restrict access to that online video programming for a subscriber of a multichannel video programming distributor or its affiliate, or an online video distributor or its affiliate, during the time that vendor is involved in a dispute with such distributor.

“(b) EXCEPTION.—

“(1) IN GENERAL.—If a video programming vendor requires a consumer to purchase access to its online video programming through a contract with a multichannel video programming distributor or an online video distributor then that vendor may restrict access to that online video programming during the time that the vendor is involved in a dispute with that distributor.

“(2) LIMITATION.—The exception under this subsection shall apply only to a subscriber to video services provided by a multichannel video programming distributor or an online video distributor involved in the dispute and not to a subscriber to any other service provided by that distributor or its affiliate.

“(c) REMEDIES.—

“(1) IN GENERAL.—Any entity that is aggrieved by a violation of this section may bring a civil action in a United States district court or in any other court of competent jurisdiction.

“(2) AUTHORITY.—The court may—

“(A) grant a temporary or final injunction on such terms as it may deem reasonable to prevent or restrain violations of this section;

“(B) award any damages it deems appropriate; and

“(C) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

“(d) DEFINITIONS.—In this section:

“(1) AVAILABLE ONLINE.—The term ‘available online’ means both available over the Internet and through applications, software, or other similar services on a mobile device.

“(2) DISPUTE.—The term ‘dispute’ includes—

“(A) a dispute over carriage of the programming provided by a video programming vendor to a multichannel video programming distributor or online video distributor; and

“(B) a dispute over carriage of the programming provided by a television licensee or television network under section 325(b) of this Act.

“(3) ENTITY THAT IS AGGRIEVED.—The term ‘entity that is aggrieved’ includes—

“(A) a consumer whose access to online video programming has been restricted in violation of this section; and

“(B) a multichannel video programming distributor or its affiliate, or an online video distributor or its affiliate, that has had a

subscriber's access to online video programming restricted in violation of this section.

**“SEC. 669. REMEDIES AND ADJUDICATIONS.**

“(a) ADJUDICATORY PROCEEDINGS.—Any online video distributor aggrieved by conduct that it alleges constitutes a violation of this part, or the regulations of the Commission under this part, may commence an adjudicatory proceeding at the Commission.

“(b) REMEDIES.—

“(1) REMEDIES AUTHORIZED.—

“(A) INTERIM REMEDIES.—The Commission may authorize interim remedies during the pendency of a complaint.

“(B) APPROPRIATE REMEDIES.—Upon completion of an adjudicatory proceeding under this section, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish prices, terms, and conditions of sale of programming to the aggrieved online video distributor.

“(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

“(c) PROCEDURES.—In promulgating regulations to implement this part, the Commission shall—

“(1) provide for an expedited review of any complaint made under this part, including a procedural timeline to conclude the review of each complaint not later than 180 days after the date the complaint is filed;

“(2) establish procedures for the Commission to collect any data, including the right to obtain copies of all contracts and documents reflecting any practice, understanding, arrangement, or agreement alleged to violate this part, as the Commission requires to carry out this part; and

“(3) provide for penalties to be assessed against any person filing a frivolous complaint under this part.”.

**SEC. 202. FEDERAL COMMUNICATIONS COMMISSION REPORT ON PEERING.**

(a) IN GENERAL.—The Commission shall study—

(1) the status of peering, transit, and interconnection agreements related to the transport and delivery of content over the Internet and other IP-based transmission paths; and

(2) what impact the agreements under paragraph (1) or disputes about the agreements under paragraph (1) have on consumers and competition with respect to online video.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall report the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

**TITLE III—NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS**

**SEC. 301. NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.**

Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.), as amended by title II of this Act, is further amended by adding at the end the following:

**“PART VII—NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS**

**“SEC. 671. DEFINITIONS.**

“In this part:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ means a designated

market area as determined by Nielsen Media Research or by any successor system of dividing broadcast television licensees into local markets that the Commission determines is equivalent to the designated market area system created by Nielsen Media Research.

“(2) LOCAL COMMERCIAL TELEVISION STATION.—The term ‘local commercial television station’ means, with respect to a subscriber to a non-facilities based multichannel video programming distributor, any full power commercial television station licensed and operating on a channel regularly assigned to a community in the same designated market area as the subscriber.

“(3) LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘local non-commercial educational television station’ means, with respect to a subscriber to a non-facilities based multichannel video programming distributor, a television broadcast station that is a noncommercial educational broadcast station (as defined in section 397 of this Act), licensed and operating on a channel regularly assigned to a community in the same designated market area as the subscriber.

“(4) NON-LOCAL COMMERCIAL TELEVISION STATION.—The term ‘non-local commercial television station’ means, with respect to a subscriber to a non-facilities based multichannel video programming distributor, any full power commercial television station licensed and operating on a channel regularly assigned to a community not located in the same designated market area as the subscriber.

“(5) VIDEO PROGRAMMING.—The term ‘video programming’ means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, whether or not such programming is delivered using a portion of the electromagnetic frequency spectrum.

**“SEC. 672. RIGHT TO ELECT STATUS.**

“(a) IN GENERAL.—Any online video distributor that provides programming in a manner reasonably equivalent to a multichannel video programming distributor may elect to be treated as a non-facilities based multichannel video programming distributor under this part.

“(b) PROCEDURE FOR ELECTION.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall establish the form and procedures for an online video distributor to make the election permitted under subsection (a).

“(c) DEFINITION OF REASONABLY EQUIVALENT.—For purposes of this section, the term ‘reasonably equivalent’—

“(1) means providing multiple channels of video programming that allow a subscriber to watch that programming in a fashion comparable to the services provided by multichannel video programming distributors, regardless of the means used to transmit the multiple channels of video programming;

“(2) shall be based upon the subscriber experience in using the service provided by the online video distributor, and not the underlying technology used by the online video distributor; and

“(3) may include services that include the ability for a subscriber to record video programming and watch recorded programming at another time if the underlying video programming service being recorded conforms to this subsection.

**“SEC. 673. EFFECT OF ELECTION.**

“Any online video distributor that elects to be treated as a non-facilities based multichannel video programming distributor

under section 672 shall have all of the rights and responsibilities under this part.

**“SEC. 674. FEDERAL COMMUNICATIONS COMMISSION PROCEEDING.**

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall—

“(1) determine whether any of its rules and regulations applicable to a multichannel video programming distributor shall also be applied, in the public interest, to a non-facilities based multichannel video programming distributor;

“(2) require a non-facilities based multichannel video programming distributor to comply with the access to broadcast time requirement under section 312(a)(7) of this Act and the use of facilities requirements under section 315 of this Act;

“(3) consider whether it is in the public interest for the Commission to adopt minimum technical quality standards for a non-facilities based multichannel video programming distributor; and

“(4) adopt any other rules the Commission considers necessary to implement this part.

“(b) LIMITATION.—The Commission shall not require, as part of its rulemaking under subsection (a), a non-facilities based multichannel video programming distributor to comply with the basic tier and tier buy-through requirement under section 623(b)(7).

**“SEC. 675. PROGRAM ACCESS FOR NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.**

“(a) IN GENERAL.—The Commission shall prohibit practices, understandings, arrangements, and activities, including any exclusive contract for video programming between a multichannel video programming distributor and a video programming vendor or an online video distributor and a video programming vendor that prevents a non-facilities based multichannel video programming distributor from obtaining programming from any video programming vendor.

“(b) SPECIFIC ACTIONS PROHIBITED.—

“(1) MATERIAL PARITY RESTRICTIONS.—A multichannel video programming distributor or an online video distributor may not include in any contract with a video programming vendor any provision that requires the multichannel video programming distributor or online video distributor, as applicable, to be treated in material parity with other similarly situated multichannel video programming distributors or online video distributors with regard to pricing or other terms and conditions of carriage of video programming.

“(2) RETALIATION PROHIBITED.—A multichannel video programming distributor or an online video distributor may not retaliate against—

“(A) any video programming vendor for making its video programming available to a non-facilities based multichannel video programming distributor;

“(B) any non-facilities based multichannel video programming distributor for obtaining video programming from a video programming vendor; or

“(C) any entity for exercising a right under this Act.

**“SEC. 676. CONSUMER CHOICE IN VIDEO PROGRAMMING.**

“(a) IN GENERAL.—As part of the rulemaking required by section 674, the Commission shall determine what, if any, additional steps it should take, in the public interest, to allow a non-facilities based multichannel video programming vendor to offer a subscriber greater choice over the video pro-

gramming that is part of the subscriber's service.

“(b) CONSIDERATIONS.—As part of the proceeding under subsection (a), the Commission shall consider whether to limit a video programming vendor's use of certain contractual terms and conditions that disincentivize or impede the ability of a subscriber to have greater choice over the video programming packages or options the subscriber can purchase from a non-facilities based multichannel video programming vendor.

“(c) LIMITATION.—The Commission shall not compel a video programming vendor to sell its video programming to a non-facilities based multichannel video programming vendor as part of any rules adopted under this section.

**“SEC. 677. CARRIAGE OF COMMERCIAL BROADCAST TELEVISION SIGNALS.**

“(a) IN-MARKET BROADCAST TELEVISION SIGNALS.—

“(1) IN GENERAL.—At the request of a non-facilities based multichannel video programming distributor serving a designated market area, a local commercial television broadcast station located in that designated market area shall enter into negotiations for carriage of its content over that distributor's system.

“(2) GOOD FAITH REQUIREMENTS.—A local commercial television station subject to the duty to negotiate under paragraph (1) shall engage in good faith negotiations for carriage of its signal in the designated marketed area where the station is located. The Commission shall define good faith for purposes of this paragraph.

“(3) GOOD SIGNAL REQUIREMENTS.—A local commercial television broadcast station being carried by a non-facilities based multichannel video programming distributor under this subsection shall be responsible for delivering a good quality signal suitable for distribution by that distributor.

“(b) OUT-OF-MARKET BROADCAST TELEVISION SIGNALS.—

“(1) IN GENERAL.—In addition to any signal carried under subsection (a), a non-facilities based multichannel video programming distributor also may deliver to a subscriber the signal of a non-local commercial broadcast television station under this subsection and subsection (c).

“(2) DEEMED SIGNIFICANTLY VIEWED.—

“(A) IN GENERAL.—A signal of a non-local commercial broadcast television station delivered by a non-facilities based multichannel video programming distributor under this section shall be deemed to be significantly viewed within the meaning of section 76.54 of title 47, Code of Federal Regulations.

“(B) EXEMPTIONS.—The following regulations shall not apply to a signal that is eligible to be carried under this subsection:

“(i) Section 76.92 of title 47, Code of Federal Regulations (relating to cable network non-duplication).

“(ii) Section 76.122 of title 47, Code of Federal Regulations (relating to satellite network non-duplication).

“(iii) Section 76.101 of title 47, Code of Federal Regulations (relating to cable syndicated program exclusivity).

“(iv) Section 76.123 of title 47, Code of Federal Regulations (relating to satellite syndicated program exclusivity).

“(v) Section 76.111 of title 47, Code of Federal Regulations (relating to cable sports blackout).

“(vi) Section 76.127 of title 47, Code of Federal Regulations (relating to satellite sports blackout).

“(3) SUBSCRIBER PREFERENCE.—In delivering a non-local commercial broadcast television station signal to a subscriber under this subsection, and consistent with subsection (c)—

“(A) the non-facilities based multichannel video programming distributor shall provide the subscriber with information regarding all signals that the distributor is capable of making available to the subscriber under this subsection;

“(B) the non-facilities based multichannel video programming distributor shall offer a subscriber the option to choose each non-local commercial television station signal the subscriber wants to receive as part of the subscriber's service; and

“(C) if a subscriber does not make a choice under subparagraph (B), the non-facilities based multichannel video programming distributor shall take reasonable steps to deliver to the subscriber the signal of each non-local commercial television station that is closest in proximity.

“(4) DEFINITION OF CLOSEST IN PROXIMITY.—

“(A) IN GENERAL.—For purposes of paragraph (3), the term ‘closest in proximity’ means the non-local commercial television station whose community of license is the closest in distance to the subscriber's place of residence.

“(B) INCLUSIONS.—For purposes of paragraph (3), the term ‘closest in proximity’ includes a non-local commercial television station located in a State other than the State of the subscriber's place of residence.

“(c) SUBSCRIBER RIGHTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a subscriber to a non-facilities based multichannel video programming distributor shall be entitled to receive programming from not more than 2 commercial television stations that are affiliates of the same television network and not more than 1 of the affiliates may be located in a designated market area where the subscriber does not reside.

“(2) LOCAL SIGNAL NOT REQUIRED.—A non-facilities based multichannel video programming distributor shall not be required to carry the signal of a local commercial television station under subsection (a) as a condition to carrying and delivering to a consumer a non-local commercial broadcast television signal under subsection (b).

“(3) MOBILE PLATFORMS.—A subscriber shall have the right to view any commercial television station signal provided to that subscriber under this section at any time and on any device, including a mobile device and any other device not permanently located in the subscriber's place of residence, that a non-facilities based multichannel video programming distributor has made capable of delivering the distributor's service to that subscriber.

“(d) LIMITS IN EXISTING PROGRAMMING AND AFFILIATION CONTRACTS.—

“(1) IN GENERAL.—It shall be unlawful for any entity selling or otherwise providing video programming to be transmitted by a local or non-local commercial television station to include in any contract, agreement, understanding, or arrangement with that station a limitation on the ability of the station to comply with the requirements of this section.

“(2) EXISTING CONTRACTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), nothing in this section shall affect any contract, understanding, or arrangement that was entered into on or before December 1, 2013.

“(B) EXCEPTIONS.—No contract, understanding, or arrangement entered into on or

before December 1, 2013, that violates this section shall be enforceable by any person after the date that is 3 years after the date of enactment of the Consumer Choice in Online Video Act.

“(C) LIMITATION ON RENEWALS.—A contract, understanding, or arrangement that was entered into on or before December 1, 2013, but that is renewed or extended after the date of enactment of the Consumer Choice in Online Video Act shall not be exempt under subparagraph (A).

**“SEC. 678. CARRIAGE OF NONCOMMERCIAL, EDUCATIONAL, AND INFORMATIONAL PROGRAMMING.**

“(a) LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(1) IN GENERAL.—If a non-facilities based multichannel video programming distributor elects to carry a local commercial broadcast television signal under section 677(a), that non-facilities based multichannel video programming distributor shall carry, upon request, the signal of a local noncommercial educational television station located in the same designated market area of the local commercial television broadcast station being carried under that section.

“(2) CARRIAGE ONLY IN LOCAL MARKET.—

“(A) IN GENERAL.—A local noncommercial educational television station shall be entitled to carriage only in the designated market area to which that station is assigned.

“(B) SYSTEMS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of 3 or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the carriage right under this subsection shall apply to any designated market area in the State where that system is located.

“(3) GOOD SIGNAL REQUIREMENTS.—A local noncommercial educational television station that requests to be carried by a non-facilities based multichannel video programming distributor under paragraph (1) shall be responsible for delivering a good quality signal suitable for distribution by that distributor.

“(b) CHANNEL RESERVATION REQUIREMENTS.—

“(1) IN GENERAL.—The Commission shall require a non-facilities based multichannel video programming distributor to reserve a portion of its channel capacity, equal to not less than 3.5 percent or not more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(2) USE OF UNUSED CHANNEL CAPACITY.—A non-facilities based multichannel video programming distributor may use for any purpose any unused channel capacity required to be reserved under this subsection pending the actual use of that channel capacity for noncommercial programming of an educational or informational nature.

“(3) PRICES, TERMS, AND CONDITIONS.—A non-facilities based multichannel video programming distributor shall meet the requirements of this subsection by making channel capacity available to each national educational programming supplier, upon reasonable prices, terms, and conditions, as determined by the Commission under paragraph (5).

“(4) EDITORIAL CONTROL.—A non-facilities based multichannel video programming distributor may not exercise any editorial control over any video programming provided under this subsection.

“(5) LIMITATIONS.—In determining reasonable prices under paragraph (3)—

“(A) the Commission, among other considerations, shall consider the nonprofit character of the programming provider and any Federal funds used to support that programming;

“(B) the Commission shall not permit the prices to exceed, for any channel capacity made available under this subsection, 50 percent of the total direct costs of making the channel capacity available; and

“(C) in the calculation of total direct costs, the Commission shall exclude—

“(i) the marketing costs, general administrative costs, and similar overhead costs of the non-facilities based multichannel video programming distributor; and

“(ii) the revenue that the non-facilities based multichannel video programming distributor might have obtained by making that channel capacity available to a video programming vendor.

“(6) DEFINITION OF CHANNEL CAPACITY.—In this section, the term ‘channel capacity’ means the total number of channels of video programming provided to a subscriber by the non-facilities based multichannel video programming distributor, without regard to whether that non-facilities based multichannel video programming distributor uses a portion of the electromagnetic frequency spectrum to deliver that channel of video programming.

**“SEC. 679. LICENSING.**

“(a) IN GENERAL.—A non-facilities based multichannel video programming distributor that is carrying any broadcast television station signal under section 677 or section 678 shall—

“(1) be considered to be a cable system under section 111 of title 17, United States Code; and

“(2) be subject to—

“(A) the statutory licensing requirements set forth in sections 111(c) and 111(e) of that title;

“(B) payment of the fees required by section 111(d) of that title; and

“(C) the penalties under section 111 of that title for failure to pay the fees required by that section.

“(b) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—For purposes of the application of section 111 of title 17, United States Code, to a non-facilities based multichannel video programming distributor under this section—

“(1) a local commercial television station's local service area of a primary transmitter shall consist of the entirety of that station's designated market area; and

“(2) a local noncommercial educational television station's local service area of a primary transmitter shall consist of the entirety of that station's designated market area.

**“SEC. 680. EXCLUSION FROM FRANCHISE REQUIREMENTS.**

“A non-facilities based multichannel video programming distributor shall not be subject to local franchising requirements under section 621 of this Act or otherwise be regulated by any franchising authority.

**“SEC. 681. PRIVACY PROTECTIONS.**

“(a) IN GENERAL.—A non-facilities based multichannel video programming distributor shall comply with the privacy protections applicable to satellite services as set forth in section 338(i) of this Act and the Commission's regulations under that section.

“(b) PENALTIES.—Any non-facilities based multichannel video programming distributor that fails to comply with the provisions under section 338(i) of this Act, and the Commission's regulations under that section,

shall be subject to the penalties set forth in section 338(i)(7) of this Act.

**“SEC. 682. CONSUMER EQUIPMENT.**

“Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall commence a proceeding to consider whether to adopt rules—

“(1) to establish standards to ensure that services and platforms provided by a non-facilities based multichannel video programming distributor can interconnect and interface with—

“(A) any Internet-capable television and television receiver; and

“(B) any other Internet-capable consumer electronics equipment that facilitates the viewing of video programming on a television receiver; and

“(2) to promote the commercial availability of other devices that will permit a consumer to access non-facilities based multichannel video programming distribution services and platforms over equipment of the consumer's choice.

**“SEC. 683. EFFECTIVE COMPETITION STANDARD.**

“The number of households subscribing to a non-facilities based multichannel video programming distributor in a franchise area under this part shall not be considered for purposes of a determination by the Commission of whether a cable system is subject to effective competition in that franchise area under section 623 of this Act.

**“SEC. 684. REMEDIES AND ADJUDICATIONS.**

“(a) ADJUDICATORY PROCEEDINGS.—Any entity aggrieved by conduct that it alleges constitutes a violation of this part, or the regulations of the Commission under this part, may commence an adjudicatory proceeding at the Commission.

“(b) REMEDIES.—

“(1) REMEDIES AUTHORIZED.—

“(A) INTERIM REMEDIES.—The Commission may authorize interim remedies during the pendency of a complaint.

“(B) APPROPRIATE REMEDIES.—Upon completion of an adjudicatory proceeding under this section, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish prices, terms, and conditions of sale of programming to, or prices, terms, and conditions of the transport of the content of, the aggrieved entity.

“(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

“(c) PROCEDURES.—In promulgating regulations to implement this part, the Commission shall—

“(1) provide for an expedited review of any complaint made under this part, including a procedural timeline to conclude the review of each complaint not later than 180 days after the date the complaint is filed;

“(2) establish procedures for the Commission to collect any data, including the right to obtain copies of all contracts and documents reflecting any practice, understanding, arrangement, or agreement alleged to violate this part, as the Commission requires to carry out this part; and

“(3) provide for penalties to be assessed against any person filing a frivolous complaint under this part.”

**TITLE IV—MISCELLANEOUS**

**SEC. 401. TECHNICAL AND CONFORMING AMENDMENTS.**

Section 602(20) of title VI of the Communications Act of 1934 (47 U.S.C. 522(20)) is

amended by inserting “unless expressly provided otherwise,” before “the term ‘video programming’ means”.

#### SEC. 402. PROVISIONS AS COMPLEMENTARY.

The provisions of this Act are in addition to, and shall not affect the operation of, other Federal, State, or local laws or regulations regulating billing for Internet service, online video distribution, or non-facilities based multichannel video programming distributors, except if the provisions of any other law are inconsistent with the provisions of this Act, the provisions of this Act shall be controlling.

#### SEC. 403. APPLICABILITY OF ANTITRUST LAWS.

Nothing in this Act or the amendments made by this Act shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

#### SEC. 404. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1686. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to re-introduce, along with Senator GRASSLEY, the Saving Kids From Dangerous Drugs Act of 2013.

For years, law enforcement has seen drug dealers flavor and market their illegal drugs to entice minors, using techniques like combining drugs with chocolate and fruit flavors, and even packaging them to look like actual candy and soda. This bill would address this serious and dangerous problem by providing stronger penalties when drug dealers alter controlled substances by combining them with beverages or candy products, marketing or packaging them to resemble legitimate products, or flavoring or coloring them, all with the intent to sell the drugs to minors.

Recent media reports demonstrate the need for this legislation. In January of this year, the Drug Enforcement Administration seized THC-laden soft drinks, cookies, brownies, and candy from two phony medical marijuana dispensaries in my home state of California that grossed an estimated \$3.5 million annually. The names of the products seized show how the purveyors of these drugs marketed them under names that resembled popular soda and candy products: bottles were labeled “7 High,” “Dr. Feelgood,” and “Laughing Lemonade”; cookies and brownies had such names as “White Chip Hash Brownie” and “Reese’s Crumbled Hash Brownie”; and candy was named “Jolly Stones THC Medicated Hard Candies” and “Stone Candy.”

Less than two weeks ago, police seized more than 40 pounds of THC-

laced candy from a campus apartment at West Chester University, outside of Philadelphia. This candy was vividly colored, in a virtual rainbow assortment—pink, yellow, orange, blue, and red. When college students are peddling these drugs, it is not hard to see how minors can become targets of the operation.

Many recent incidents involve methamphetamine, a drug whose users face a “very high” risk of “developing psychotic symptoms—hallucinations and delusions,” according to a recent Harvard Medical School publication. A 2007 article in USA Today entitled “DEA: Flavored meth use on the rise” stated that “[r]eports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.” In March of last year, police in Chicago warned parents about a drug that “looks and smells like candy,” called “strawberry quick” or “strawberry meth.” Because of the drug’s similarity to candy, police urged parents to tell their children not to take candy from anyone, not even a classmate.

Regrettably, this is a problem that has persisted for many years, with drug dealers trying various methods to lure kids to try many dangerous drugs. The dealers’ logic is simple: the best way to create a life-long customer is to hook that person when he or she is young. According to an Indiana sheriff quoted in a 2007 article entitled “Fruity meth aimed at kids,” flavoring a drug like methamphetamine makes it “more attractive to teens, because it takes away meth’s normally bitter taste, and some dealers will tell potential users this meth is safer, and has less side effects.”

That is why the practice of flavoring or coloring drugs to entice youth is so dangerous—it deceives the young customer into believing that he or she is not actually ingesting drugs, or at least not ingesting drugs that are as potent as non-flavored drugs. One in three teens already believes there is “only a slight or no risk in trying [methamphetamine],” according to the 2007 National Meth Use & Attitudes Survey. When you flavor methamphetamine or market it as candy or soda, the number of teens who believe that the drug is not harmful is surely higher.

The size and sophistication of some of these operations is particularly alarming. In March of 2006, DEA discovered large-scale marijuana cultivation and production facilities in Emeryville and Oakland, California. Thousands of marijuana plants, and hundreds of marijuana-related soda, candy, and other products were seized from the drug dealers’ facilities. The products were designed and packaged to look like legitimate products, in-

cluding an item called “Munchy Way” candy bars.

Similarly, in March of 2008, Drug Enforcement Administration, DEA, agents seized cocaine near Modesto, California, that was valued at \$272,400; a significant quantity had been flavored like cinnamon, coconut, lemon, or strawberry. After that raid, one DEA agent stated that “[a]ttempting to lure new, younger customers to a dangerous drug by adding candy ‘flavors’ is an unconscionable marketing technique.”

I completely agree. That is why we need to act now to stop those who alter drugs to make them more appealing to youth.

Under current federal law, there is no enhanced penalty for a person who alters a controlled substance to make the drug more appealing to youth. Someone who alters a controlled substance in ways prohibited by the legislation we are introducing today would be subject to an additional penalty of up to ten years, in addition to the penalty for the underlying offense. If someone is convicted of a second offense that is prohibited by the act, that person would face an additional penalty of up to 20 years.

This bill sends a strong and clear message to drug dealers—if you flavor or candy up your drugs to try to entice our children, there will be a very heavy price to pay. It will help stop drug dealers from engaging in these activities, and punish them appropriately if they don’t.

The Senate passed a similar version of this legislation in the 111th Congress, but it was not considered in the House. This year, I am pleased to have the support of many of the leading national law enforcement organizations as we try to get this bill over the finish line: the Major Cities Chiefs Association, the Fraternal Order of Police, the Community Anti-Drug Coalitions of America, the Major County Sheriffs’ Association, the Federal Law Enforcement Officers Association, the National HIDTA Directors Association, and the National District Attorneys Association have endorsed the legislation. They are on the front lines working to keep these drugs out of our communities, and I am proud to have their support.

I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1686

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Saving Kids From Dangerous Drugs Act of 2013”.

**SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.**

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(i) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

“(1) UNLAWFUL ACT.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to—

“(A) knowingly or intentionally manufacture or create a controlled substance listed in schedule I or II that is—

“(i) combined with a beverage or candy product;

“(ii) marketed or packaged to appear similar to a beverage or candy product; or

“(iii) modified by flavoring or coloring; and

“(B) know, or have reasonable cause to believe, that the combined, marketed, packaged, or modified controlled substance will be distributed, dispensed, or sold to a person under 18 years of age.

“(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

“(A) an additional term of imprisonment of not more than 10 years for a first offense involving the same controlled substance and schedule; and

“(B) an additional term of imprisonment of not more than 20 years for a second or subsequent offense involving the same controlled substance and schedule.

“(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

“(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

“(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.”.

**SEC. 3. SENTENCING GUIDELINES.**

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements to ensure that the guidelines provide an appropriate additional penalty increase to the sentence otherwise applicable in Part D of the Guidelines Manual if the defendant was convicted of a violation of section 401(i) of the Controlled Substances Act, as added by section 2 of this Act.

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 290—COMMEMORATING THE 75TH ANNIVERSARY OF KRISTALLNACHT, OR THE NIGHT OF THE BROKEN GLASS**

Mr. CARDIN (for himself, Mr. WICKER, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHATZ, Mr. MARKEY, Mrs. HAGAN, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas November 9, 2013, through November 10, 2013, marks the 75<sup>th</sup> anniversary of Kristallnacht, or the Night of Broken Glass;

Whereas Kristallnacht began as a pogrom authorized by Nazi party officials and carried out by members of the Sturmabteilungen (SA), Schutzstaffel (SS), and Hitler Youth, marking the Nazi party's first large-scale anti-Semitic operation and a crucial turning point in Nazi anti-Semitic policy;

Whereas, during Kristallnacht, synagogues, homes, and businesses in Jewish communities were attacked, resulting in murders and arrests of Jewish people in Germany and in Austrian and Czechoslovakian territories controlled by the Nazis;

Whereas the events of Kristallnacht resulted in the burning and destruction of 267 synagogues, the looting of thousands of businesses and homes, the desecration of Jewish cemeteries, the murder of 91 Jews, and the arrest and deportation of 30,000 Jewish men to concentration camps;

Whereas the shards of broken glass from the windows of synagogues, Jewish homes, and Jewish-owned businesses ransacked during the violence that littered the streets gave the pogrom its name: Kristallnacht, commonly translated as the “Night of Broken Glass”;

Whereas Kristallnacht proved to be a crucial turning point in the Holocaust, marking a shift from a policy of removing Jews from Germany and German-occupied lands to murdering millions of people, and was a tragic precursor to the Second World War;

Whereas, despite numerous global efforts to eradicate hate, manifestations of anti-Semitism and other forms of intolerance continue to harm our societies on a global scale; and

Whereas Kristallnacht teaches us how hate can proliferate and erode our societies and serves as a reminder that we must advance global efforts to ensure such barbarism and mass murder never occur again: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 75<sup>th</sup> anniversary of Kristallnacht;

(2) pays tribute to the over 6,000,000 Jewish people killed during the Holocaust and the families affected by the tragedy;

(3) continues to support United States efforts to address the horrible legacy of the Holocaust and combat manifestations of anti-Semitism domestically and globally;

(4) will continue to raise awareness and act to eradicate the continuing scourge of anti-Semitism at home and abroad, including through work with international partners such as the Organization for Security and Cooperation in Europe's Personal Representative on Combating Anti-Semitism and Tolerance and Non-Discrimination Unit; and

(5) requests that the Secretary of the Senate prepare an enrolled version of this resolution for presentation to the United States Holocaust Memorial Museum in Washington, D.C.

**SENATE RESOLUTION 291—EXPRESSING THE SENSE OF THE SENATE ON A NATIONWIDE MOMENT OF REMEMBRANCE ON MEMORIAL DAY EACH YEAR, IN ORDER TO APPROPRIATELY HONOR UNITED STATES PATRIOTS LOST IN THE PURSUIT OF PEACE AND LIBERTY AROUND THE WORLD**

Mr. TOOMEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 291

Whereas the preservation of basic freedoms and world peace has always been a valued objective of the United States;

Whereas thousands of United States men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas the American people should continue to demonstrate the appreciation and gratitude these patriots deserve and to commemorate the ultimate sacrifice they made;

Whereas Memorial Day is the day of the year for the United States to appropriately remember United States heroes by inviting the people of the United States to respectfully honor them at a designated time; and

Whereas the playing of “Taps” symbolizes the solemn and patriotic recognition of those Americans who died in service to the United States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the people of the United States should, as part of a moment of remembrance on Memorial Day each year, observe that moment with the playing of “Taps” in honor of the people of the United States who gave their lives in the pursuit of freedom and peace; and

(2) that playing of “Taps” should take place at widely-attended public events on Memorial Day, including sporting events and civic ceremonies.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 12, 2013, at 2:30 p.m., to conduct a hearing entitled “The Consumer Financial Protection Bureau's Semi-Annual Report to Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 12, 2013, in room S-216, the President's room at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, on November 12, 2013, at 2:30 p.m., in room 430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Payroll Fraud: Targeting Bad Actors Hurting Workers and Businesses.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. HARKIN. Mr. President, I ask unanimous consent that Nathan

Brown, a detailee on my staff, be granted floor privileges for the duration of the consideration of H.R. 3204, the Drug Quality and Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Tatiana Lowell-Campbell and Benjamin Friedman of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2013

Ms. WARREN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 227, S. 1557.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1557) to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

There being no objection, the Senate proceeded to consider the bill.

Ms. WARREN. I ask the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1557) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1557

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospital GME Support Reauthorization Act of 2013".

#### SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking "through 2005 and each of fiscal years 2007 through 2011" and inserting "through 2005, each of fiscal years 2007 through 2011, and each of fiscal years 2014 through 2018"; and

(2) in subsection (f)—

(A) in paragraph (1)(A)—

(i) in clause (iii), by striking "and";

(ii) in clause (iv), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(v) for each of fiscal years 2014 through 2018, \$100,000,000."; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking "and";

(ii) in subparagraph (D), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(E) for each of fiscal years 2014 through 2018, \$200,000,000.".

(b) REPORT TO CONGRESS.—Section 340E(b)(3)(D) of the Public Health Service

Act (42 U.S.C. 256e(b)(3)(D)) is amended by striking "Not later than the end of fiscal year 2011" and inserting "Not later than the end of fiscal year 2018".

#### SEC. 3. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN CERTAIN HOSPITALS.

Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

"(h) ADDITIONAL PROVISIONS.—

"(1) IN GENERAL.—The Secretary is authorized to make available up to 25 percent of the total amounts in excess of \$245,000,000 appropriated under paragraphs (1) and (2) of subsection (f), but not to exceed \$7,000,000, for payments to hospitals qualified as described in paragraph (2), for the direct and indirect expenses associated with operating approved graduate medical residency training programs, as described in subsection (a).

"(2) QUALIFIED HOSPITALS.—

"(A) IN GENERAL.—To qualify to receive payments under paragraph (1), a hospital shall be a free-standing hospital—

"(i) with a Medicare payment agreement and that is excluded from the Medicare inpatient hospital prospective payment system pursuant to section 1886(d)(1)(B) of the Social Security Act and its accompanying regulations;

"(ii) whose inpatients are predominantly individuals under 18 years of age;

"(iii) that has an approved medical residency training program as defined in section 1886(h)(5)(A) of the Social Security Act; and

"(iv) that is not otherwise qualified to receive payments under this section or section 1886(h) of the Social Security Act.

"(B) ESTABLISHMENT OF RESIDENCY CAP.—In the case of a freestanding children's hospital that, on the date of enactment of this subsection, meets the requirements of subparagraph (A) but for which the Secretary has not determined an average number of full-time equivalent residents under section 1886(h)(4) of the Social Security Act, the Secretary may establish such number of full-time equivalent residents for the purposes of calculating payments under this subsection.

"(3) PAYMENTS.—Payments to hospitals made under this subsection shall be made in the same manner as payments are made to children's hospitals, as described in subsections (b) through (e).

"(4) PAYMENT AMOUNTS.—The direct and indirect payment amounts under this subsection shall be determined using per resident amounts that are no greater than the per resident amounts used for determining direct and indirect payment amounts under subsection (a).

"(5) REPORTING.—A hospital receiving payments under this subsection shall be subject to the reporting requirements under subsection (b)(3).

"(6) REMAINING FUNDS.—

"(A) IN GENERAL.—If the payments to qualified hospitals under paragraph (1) for a fiscal year are less than the total amount made available under such paragraph for that fiscal year, any remaining amounts for such fiscal year may be made available to all hospitals participating in the program under this subsection or subsection (a).

"(B) QUALITY BONUS SYSTEM.—For purposes of distributing the remaining amounts described in subparagraph (A), the Secretary may establish a quality bonus system, whereby the Secretary distributes bonus payments to hospitals participating in the program under this subsection or subsection (a) that meet standards specified by the Secretary, which may include a focus on quality

measurement and improvement, interpersonal and communications skills, delivering patient-centered care, and practicing in integrated health systems, including training in community-based settings. In developing such standards, the Secretary shall collaborate with relevant stakeholders, including program accrediting bodies, certifying boards, training programs, health care organizations, health care purchasers, and patient and consumer groups."

#### THE CALENDAR

Ms. WARREN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar Nos. 239 and 240, which are post office naming bills en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. SCHUMER. Mr. President, I speak today in strong support of S. 1512, a bill to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, NY, as the "Specialist Theodore Matthew Glende Post Office."

Specialist Glende's story reminds us that no gesture of thanks can adequately reflect the sacrifices made by our troops each and every day. I would like to tell you about one amazing New Yorker. Specialist Glende grew up on Park Avenue in Rochester, NY, graduated from McQuaid Jesuit High School in Brighton, and enrolled in ROTC as soon as he entered Niagara University. Three years into his college career and ROTC training, he learned that upon graduation his rank would be a Lieutenant in the Reserves. But his desire to serve on active duty in the Infantry was such that he left school a year early and enlisted in the Army, determined to work his way up. He served in a unit stationed in Italy, and was deployed to Afghanistan in 2012.

In late July of last year, Specialist Glende and his unit came under attack by enemy forces. Some soldiers were wounded, and while the attack continued to rage around him, Specialist Glende went above and beyond the call of duty to help rescue these wounded soldiers and get them to safety. Tragically, he sacrificed his life in the process. Specialist Glende's family was told that he saved five soldiers from death before he was killed.

The Federal Government should go to any length to salute heroes like Specialist Glende for their courage under fire. Specialist Glende gave his life for our great Nation, and we are now working to ensure that his memory serves as an example of impeccable character and exceptional patriotism.

He was steadfastly loyal and dedicated to his family, his young wife, and his country. I am humbled to be honoring his memory and paying tribute to his brave and heroic sacrifice with this legislation to dedicate the Rochester Main Post Office at 1335 Jefferson Road as the Specialist Theodore Matthew Glende Post Office.



Growing up on Park Avenue in Rochester and attending McQuaid Jesuit High School in Brighton, he was known as "Matt" to his family and friends. Later, when he met his future wife Alexandra while working alongside her at the Pittsford Wegmans grocery store, she would call him "Theo." But with the dedication of this Post Office, he will be remembered by his thankful hometown community once and for ever as "Specialist Glende."

Ms. WARREN. I ask unanimous consent the bills be read a third time and passed en bloc and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SERGEANT CORY MRACEK MEMORIAL POST OFFICE

The bill (S. 1499) to designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the "Sergeant Cory Mracek Memorial Post Office", was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SERGEANT CORY MRACEK MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, shall be known and designated as the "Sergeant Cory Mracek Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Cory Mracek Memorial Post Office".

#### SPECIALIST THEODORE MATTHEW GLENDE POST OFFICE

The bill (S. 1512) to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, as the "Specialist Theodore Matthew Glende Post Office", was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1512

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SPECIALIST THEODORE MATTHEW GLENDE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1335

Jefferson Road in Rochester, New York, shall be known and designated as the "Specialist Theodore Matthew Glende Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Theodore Matthew Glende Post Office".

#### COMMEMORATING THE 75TH ANNIVERSARY OF KRISTALLNACHT

Ms. WARREN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 290, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 290) commemorating the 75th anniversary of Kristallnacht, or the Night of Broken Glass.

There being no objection, the Senate proceeded to consider the resolution.

Ms. WARREN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR WEDNESDAY, NOVEMBER 13, 2013

Ms. WARREN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, November 13, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to

proceed to H.R. 3204, the pharmaceutical drug compounding bill, postcloture; further, that all time during adjournment, recess, and morning business count postcloture on the motion to proceed to H.R. 3204; and, finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. WARREN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Wednesday, November 13, 2013, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF THE INTERIOR

TOMMY PORT BEAUDREAU, OF ALASKA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE RHEA S. SUH.

NEIL GREGORY KORNZE, OF NEVADA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE ROBERT V. ABBEY, RESIGNED.

##### ENVIRONMENTAL PROTECTION AGENCY

THOMAS A. BURKE, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE PAUL T. ANASTAS, RESIGNED.

##### DEPARTMENT OF COMMERCE

STEFAN M. SELIG, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE FRANCISCO J. SANCHEZ, RESIGNED.

##### DEPARTMENT OF EDUCATION

ERICKA M. MILLER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE EDUARDO M. OCHOA.

##### CENTRAL INTELLIGENCE AGENCY

CAROLINE DIANE KRASS, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE STEPHEN WOOLMAN PRESTON, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. JOSEF F. SCHMID III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COLONEL TALENTINO C. ANGELOSANTE

COLONEL JAMES R. BARKLEY

COLONEL THOMAS G. CLARK

COLONEL MICHAEL J. COLE

COLONEL SAMUEL C. MAHANAY

COLONEL BRETT J. MCMULLEN

COLONEL JOSE R. MONTEAGUDO

COLONEL RANDALL A. OGDEN

COLONEL JOHN P. STOKES

COLONEL STEPHEN D. VAUTRAIN



## HOUSE OF REPRESENTATIVES—Tuesday, November 12, 2013

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 12, 2013.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

As the Members of the people's House re-gather, we ask that they be endowed by You with wisdom and purpose to address the issues facing our Nation still. Many still wish to find work, but opportunities do not match the need.

We ask Your blessing upon the people of the Philippines and those who are responding to that great tragedy. Protect those, especially Americans, who work furiously to meet such great needs.

And finally, we ask Your blessing on America's veterans. May our Nation be faithful to them, providing whatever their needs may be after they gave years of their lives in service rather than personal gain. They are an inspiration to us, and we should not forget nor neglect our responsibility to them.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause one, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 31, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 31, 2013 at 9:39 a.m.:

That the Senate passed S. 1561.

That the Senate agreed to without amendment H. Con. Res. 62.

That the Senate passed without amendment H.R. 3190.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

### AMERICAN PEOPLE DESERVE SOLUTIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in 2009, as the President traveled across the country campaigning for his signature health care takeover, he promised every American family that:

If you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

He repeatedly made this clear promise over 20 times.

As the failed rollout of ObamaCare continues, millions of Americans have received policy cancelations. It is sad that the President broke his promise to the American people. Last week, he was forced to say he was sorry for families who have lost their coverage.

This week, House Republicans will pass a bill that protects hardworking Americans from receiving coverage

cancelations, losing access to doctors, or paying higher premiums because of ObamaCare's disastrous impacts. The American people don't need sorrow and pity. They deserve solutions promoting jobs.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

### PREEMIE ACT REAUTHORIZATION

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, I rise today in support of the PREEMIE Act reauthorization, which will be considered in the House under suspensions later today.

I am grateful for the support of my Tennessee Senator LAMAR ALEXANDER, who has brought this legislation in the Senate, and I cosponsored a House version of it.

I am also the sponsor of the NEWBORN Act, a bill aimed at reducing infant mortality rates around our country that will be introduced soon.

My interest in this is because this is important for our future. America, unfortunately, is way back in the countries on infant mortality. Memphis, unfortunately, is a leader in that situation where we have a tremendously high infant mortality rate that rivals Third World countries.

The PREEMIE Act's many provisions aimed at reducing the rate of infant mortality are vital to having a better Nation.

Like the PREEMIE Act, the Affordable Care Act has made great strides in advancing this agenda by requiring maternity coverage in all health plans. The United States has a long way to go, but legislation like the PREEMIE Act, the NEWBORN Act, and the Affordable Care Act can put the United States on the right track where it needs to be in the rates of premature births and infant mortality.

### IRAN IS FEELING THE PAIN OF SANCTIONS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, last year, Iran's net exports of petroleum dropped to their lowest level since 1990. Its GDP has dropped for the first time in 20 years.

The Iranians are feeling the pain of sanctions. Now the Iranians say that they will negotiate if the sanctions are reduced. Reducing sanctions without verifying that Tehran is abandoning, not just freezing, its nuclear weapons program is misguided and reckless.

The U.S. is moving toward an appeasement deal with Iran, and Iran is giving up nothing.

Last Thursday, I met with Prime Minister Netanyahu of Israel, who called this deal to reduce sanctions with Iran a "bad deal, a very bad deal."

The French Foreign Minister called the so-called deal a "fool's game."

Iran will not negotiate in good faith, and the U.S. is being played.

Meanwhile, Iran stalls, delays, and lies about its quest for nukes. We must be clear to Iran that they must totally abandon their nukes or their sanctions are here to stay. No deal, Mr. Rouhani. And that's just the way it is.

#### FOR DON: PASS THE KEEP YOUR HEALTH PLAN ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Don, one of my constituents from Lexington, wrote me a short email this week that everyone should hear. Don writes:

My individual health plan cancels January 1. What is being offered by healthcare.gov is triple the cost. I am unemployed and desperately trying to keep health care until I reach 65 late next year. The President said, "If you like your health care plan, keep it." Please do whatever you can to make that a reality and not another empty statement.

We hear Don loud and clear, Mr. Speaker. ObamaCare isn't living up to the President's promise.

But this week we can change that. The House will vote Friday to give the President a real opportunity to keep his word to the American people through the Keep Your Health Plan Act of 2013.

For Don and for millions like him, who have been shocked to find the health plans they like will soon be illegal, supporting its passage is the least the President can do.

#### TRIBUTE TO LARRY WILSON

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to pay tribute to Larry Wilson of Fairmount, Indiana—a veteran who served other veterans. He passed away on June 13, 2013, at the age of 66.

Larry was an outstanding civil servant who served both Grant County in my district and his country with integrity. He began his great service to our Nation in the United States Air Force, where he served as a senior master ser-

geant for 26 years. After retiring from the Air Force, he began a second career as a detective for the Grant County Sheriff's Department, a post he held for 20 years before retiring in 1999.

However, his retirement did not end his service to our community, and he continued on to serve as a Grant County commissioner, a Grant County council member, and a Grant County Veterans Affairs service officer. He worked tirelessly for the veterans of Grant County, helping them to receive the benefits and recognition they deserved.

He was a community leader and a patriot, and I am honored to recognize his life's work today. My condolences and well wishes go out to his wife of 38 years, Linda, and to his children, Laura, Jeremy, Michael, and Christopher, as well as his grandchildren. We will all miss Larry Wilson dearly, but the lessons he taught us will not be forgotten. He was a veteran who truly served his country so well. He will be missed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore THORNBERRY on Thursday, October 31, 2013:

H.R. 3190, to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 1, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 1, 2013 at 11:20 a.m.:

That the Senate passed without amendment H.R. 2094.

That the Senate passed without amendment H.R. 3302.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 5, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 5, 2013 at 12:22 p.m.

That the Senate passed with an amendment H.R. 3080 Senate requests a conference with the House and appoints conferees. That the Senate passed S. 42.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 6, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 6, 2013 at 9:38 a.m.:

That the Senate passed H.R. 2747.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 7, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 7, 2013 at 11:13 a.m.:

That the Senate passed S. 287.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 7, 2013.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 7, 2013 at 3:09 p.m.:

That the Senate passed S. 815.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

**CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113-72)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within the 90-day period prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2013.

Because our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way, I have determined that it is necessary to continue the national emergency declared in Executive Order 12170 with respect to Iran.

BARACK OBAMA.  
THE WHITE HOUSE, November 12, 2013.

**RECESS**

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1701

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 5 o'clock and 1 minute p.m.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY REAUTHORIZATION ACT**

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 252) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 252

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

**TITLE I—PREEMIE ACT REAUTHORIZATION**

Sec. 101. Short title.

Sec. 102. Research and activities at the Centers for Disease Control and Prevention.

Sec. 103. Activities at the Health Resources and Services Administration.

Sec. 104. Other activities.

**TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK**

Sec. 201. Short title.

Sec. 202. National Pediatric Research Network.

**TITLE III—CHIMP ACT AMENDMENTS**

Sec. 301. Short title.

Sec. 302. Care for NIH chimpanzees.

**TITLE I—PREEMIE ACT REAUTHORIZATION**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act” or the “PREEMIE Reauthorization Act”.

**SEC. 102. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.**

(a) **EPIDEMIOLOGICAL STUDIES.**—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b-4f) is amended by striking subsection (b) and inserting the following:

“(b) **STUDIES AND ACTIVITIES ON PRETERM BIRTH.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may, subject to the availability of appropriations—

“(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

“(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

“(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

“(2) **REPORT.**—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).”.

(b) **REAUTHORIZATION.**—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b-4f(e)) is amended by striking “\$5,000,000” and all that follows through “2011.” and inserting “\$1,880,000 for each of fiscal years 2014 through 2018.”.

**SEC. 103. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.**

(a) **TELEMEDICINE AND HIGH-RISK PREGNANCIES.**—Section 330I(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c-14(i)(1)(B)) is amended by striking “or case management services” and inserting “case management services, or prenatal care for high-risk pregnancies”;

(b) **PUBLIC AND HEALTH CARE PROVIDER EDUCATION.**—Section 399Q of the Public Health Service Act (42 U.S.C. 280g-5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

“(A) the core risk factors for preterm labor and delivery;

“(B) medically indicated deliveries before full term;

“(C) the importance of preconception and prenatal care, including—

“(i) smoking cessation;

“(ii) weight maintenance and good nutrition, including folic acid;

“(iii) the screening for and the treatment of infections; and

“(iv) stress management;

“(D) treatments and outcomes for premature infants, including late preterm infants;

“(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

“(F) utilization of evidence-based strategies to prevent birth injuries;”;

(B) by striking paragraph (2) and inserting the following:

“(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes associated with prematurity, birth defects, or health risks to a post-term infant;”;

(2) in subsection (c), by striking “\$5,000,000” and all that follows through “2011.” and inserting “\$1,900,000 for each of fiscal years 2014 through 2018.”.

**SEC. 104. OTHER ACTIVITIES.**

(a) **INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.**—The

Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b-4g).

(b) ADVISORY COMMITTEE ON INFANT MORTALITY.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may establish an advisory committee known as the “Advisory Committee on Infant Mortality” (referred to in this section as the “Advisory Committee”).

(2) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c-8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) PLAN FOR HHS PRETERM BIRTH ACTIVITIES.—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an advisory committee in existence as of the date of enactment of this Act and designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) MEMBERSHIP.—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(C) PATIENT SAFETY STUDIES AND REPORT.—

(1) IN GENERAL.—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) REPORT TO SECRETARY AND CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the agency designated under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and followup procedures

designed to reduce rates of preventable hospital readmissions for preterm infants.

## TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK

### SEC. 201. SHORT TITLE.

This title may be cited as the “National Pediatric Research Network Act of 2013”.

### SEC. 202. NATIONAL PEDIATRIC RESEARCH NETWORK.

Section 409D of the Public Health Service Act (42 U.S.C. 284h; relating to the Pediatric Research Initiative) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

“(d) NATIONAL PEDIATRIC RESEARCH NETWORK.—

“(1) NETWORK.—In carrying out the Initiative, the Director of NIH, in consultation with the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with other appropriate national research institutes and national centers that carry out activities involving pediatric research, may provide for the establishment of a National Pediatric Research Network in order to more effectively support pediatric research and optimize the use of Federal resources. Such National Pediatric Research Network may be comprised of, as appropriate—

“(A) the pediatric research consortia receiving awards under paragraph (2); or

“(B) other consortia, centers, or networks focused on pediatric research that are recognized by the Director of NIH and established pursuant to the authorities vested in the National Institutes of Health by other sections of this Act.

“(2) PEDIATRIC RESEARCH CONSORTIA.—

“(A) IN GENERAL.—The Director of NIH may award funding, including through grants, contracts, or other mechanisms, to public or private nonprofit entities for providing support for pediatric research consortia, including with respect to—

“(i) basic, clinical, behavioral, or translational research to meet unmet needs for pediatric research; and

“(ii) training researchers in pediatric research techniques in order to address unmet pediatric research needs.

“(B) RESEARCH.—The Director of NIH shall, as appropriate, ensure that—

“(i) each consortium receiving an award under subparagraph (A) conducts or supports at least one category of research described in subparagraph (A)(i) and collectively such consortia conduct or support such categories of research; and

“(ii) one or more such consortia provide training described in subparagraph (A)(ii).

“(C) ORGANIZATION OF CONSORTIUM.—Each consortium receiving an award under subparagraph (A) shall—

“(i) be formed from a collaboration of co-operating institutions;

“(ii) be coordinated by a lead institution or institutions;

“(iii) agree to disseminate scientific findings, including from clinical trials, rapidly and efficiently, as appropriate, to—

“(I) other consortia;

“(II) the National Institutes of Health;

“(III) the Food and Drug Administration;

“(IV) and other relevant agencies; and

“(iv) meet such requirements as may be prescribed by the Director of NIH.

“(D) SUPPLEMENT, NOT SUPPLANT.—Any support received by a consortium under subparagraph (A) shall be used to supplement, and not supplant, other public or private

support for activities authorized to be supported under this paragraph.

“(E) DURATION OF SUPPORT.—Support of a consortium under subparagraph (A) may be for a period of not to exceed 5 years. Such period may be extended at the discretion of the Director of NIH.

“(3) COORDINATION OF CONSORTIA ACTIVITIES.—The Director of NIH shall, as appropriate—

“(A) provide for the coordination of activities (including the exchange of information and regular communication) among the consortia established pursuant to paragraph (2); and

“(B) require the periodic preparation and submission to the Director of reports on the activities of each such consortium.

“(4) ASSISTANCE WITH REGISTRIES.—Each consortium receiving an award under paragraph (2)(A) may provide assistance, as appropriate, to the Centers for Disease Control and Prevention for activities related to patient registries and other surveillance systems upon request by the Director of the Centers for Disease Control and Prevention.

“(e) RESEARCH ON PEDIATRIC RARE DISEASES OR CONDITIONS.—In making awards under subsection (d)(2) for pediatric research consortia, the Director of NIH shall ensure that an appropriate number of such awards are awarded to such consortia that agree to—

“(1) consider pediatric rare diseases or conditions, or those related to birth defects; and

“(2) conduct or coordinate one or more multisite clinical trials of therapies for, or approaches to, the prevention, diagnosis, or treatment of one or more pediatric rare diseases or conditions.”.

## TITLE III—CHIMP ACT AMENDMENTS

### SEC. 301. SHORT TITLE.

This title may be cited as the “CHIMP Act Amendments of 2013”.

### SEC. 302. CARE FOR NIH CHIMPANZEES.

(a) IN GENERAL.—Section 404K(g) of the Public Health Service Act (42 U.S.C. 283m(g)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Of the amount appropriated for the National Institutes of Health, there are authorized to be appropriated to carry out this section and for the care, maintenance, and transportation of all chimpanzees otherwise under the ownership or control of the National Institutes of Health, and to enable the National Institutes of Health to operate more efficiently and economically by decreasing the overall Federal cost of providing for the care, maintenance, and transportation of chimpanzees—

“(A) for fiscal year 2014, \$12,400,000;

“(B) for fiscal year 2015, \$11,650,000;

“(C) for fiscal year 2016, \$10,900,000;

“(D) for fiscal year 2017, \$10,150,000; and

“(E) for fiscal year 2018, \$9,400,000.”; and

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated—

(A) by striking “With respect to amounts reserved under paragraph (1)” and inserting “With respect to amounts authorized to be appropriated by paragraph (1)”;

(B) by striking “board of directors” and inserting “Secretary in consultation with the board of directors”.

(b) GAO STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, regarding chimpanzees

under the ownership or control the National Institutes of Health. Such report shall review and assess—

(1) the research status of such chimpanzees;

(2) the cost for the care, maintenance, and transportation of such chimpanzees, including the cost broken down by—

(A) research or retirement status;

(B) services included in the care, maintenance, and transportation; and

(C) location;

(3) the extent to which matching requirements have been met pursuant to section 404K(e)(4) of the Public Health Service Act (42 U.S.C. 283m(e)(4)); and

(4) any options for cost savings for the support and maintenance of such chimpanzees.

(c) BIENNIAL REPORT.—Section 404K(g) of the Public Health Service Act (42 U.S.C. 283m(g)) is amended by adding at the end the following:

“(3) BIENNIAL REPORT.—Not later than 180 days after the date enactment of this Act, the Director of the National Institutes of Health shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations in the House of Representatives a report, to be updated biennially, regarding—

“(A) the care, maintenance, and transportation of the chimpanzees under the ownership or control of the National Institutes of Health;

“(B) costs related to such care, maintenance, and transportation, and any other related costs; and

“(C) the research status of such chimpanzees.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 252, known as the PREEMIE Reauthorization Act, is designed to strengthen health care for children—especially vulnerable children. Not only does the bill reauthorize the PREEMIE Act, but it also includes the authorization of the National Pediatric Research Network and the reauthorization of the Chimp Act.

The original PREEMIE Act that I sponsored and was signed into law back in December 2006 brought much-needed attention to the problems related to preterm birth. Since its enactment, we have made progress, but we can and we still must do better. According to the CDC, an estimated half million babies are born prematurely every year in the

United States; that is about one in eight. This legislation will continue and strengthen the ongoing effort to track, prevent, and treat prematurity, ensuring that every child has a healthy start and a better chance at a healthy and productive future.

In addition to addressing premature births, this legislation also seeks to help children and their families with unmet health needs. The National Pediatric Research Network brings us a step closer to providing more help to children with rare pediatric and genetic diseases. This effort is going to help families like the Kennedys in my district in Mattawan, Michigan.

Eric and Sarah Kennedy have two wonderful little daughters, Brooke and Brielle—Brielle is here in this picture—who have a rare spinal disease called spinal muscular atrophy. These two little angels, who are also affectionately known, at least in my family, as Sleeping Beauty and Cinderella, are two little warriors in the effort to boost research for rare diseases and serve as an inspiration for every one of us.

The sad reality is that it is often difficult to conduct research into rare diseases due to the small number of kids with that disease; but today, with this bill, we are working to change that and provide families with greater hope for a cure or advances in treatment.

This bill will help establish pediatric research networks and consortia that are effective in overcoming gaps in networks. Networks and consortia will be comprised of leading institutions that act as partners to consolidate and coordinate research efforts. As this multiyear effort is finally nearing the finish line, we say to the Kennedys and so many other families across the country in similar circumstances, You are not alone in this fight.

Lastly, this package includes reauthorization of the Chimp Act of 2000 that helped establish the sanctuary system for chimps retired from research. This bill reauthorizes the program at the current spending level for NIH's care of chimpanzees and reduces it through the next 5 years. It also is going to require the GAO to study how NIH cares for the chimps and asks GAO to identify how we can further save taxpayer money.

I want to particularly commend Ms. ESHOO, Mr. LANCE, Mrs. CAPPS who is here tonight, Mrs. McMORRIS RODGERS, and, in the Senate, certainly Chairman HARKIN and Ranking Member ALEXANDER for their wonderful efforts on this legislative package. Working together, we are making a difference in the lives of so many.

So I would urge my colleagues to join me in support of this legislation, and I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 252, as amended.

As amended, this bipartisan legislation would address critical health care issues through the authorization or reauthorization of three different programs.

Title I of the legislation reauthorizes the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, better known as the PREEMIE Act. The PREEMIE Act was initially enacted in 2006 in response to an alarming and rising number of premature deaths. Premature deaths, those that occur prior to 37 weeks of pregnancy, are the leading cause of newborn deaths and long-term neurological disabilities in children.

Since 2006, efforts across the Department of Health and Human Services have contributed to 6 straight years of decline in the preterm birth rate. There is no question we have made progress in addressing preterm birth in this country, yet one in eight babies is still born prematurely. Prevention remains a challenge due to the numerous, complex, and poorly-understood causes.

As a nurse, I know too well the physical cost of prematurity on both mother and child, the emotional costs it takes on parents, and the fiscal cost that prematurity plays in our health care system. Reauthorization of the PREEMIE Act is necessary to continue the progress we have made to date and to do better by improving the health of mothers and babies.

Title II of S. 252, as amended, calls for the establishment of a National Pediatric Research Network at the National Institutes of Health. This title builds upon the strong body of pediatric research the agency currently supports and strengthens it to improve research and clinical trials on pediatric diseases, train pediatric researchers, and to disseminate research findings quickly so that all children may benefit.

By developing a nationwide network of pediatric researchers, renewed efforts can be focused to develop treatments and cures for pediatric diseases and conditions, especially those that are rare.

Children have unique health care experiences, treatment needs, and research challenges; and while public and private research has come a long way on pediatric diseases over the years, we know that we are still far behind on important diagnostics, cures, and treatments for far too many ailing children. That is why this title is so important.

Many of my colleagues know that this legislation is particularly important for one family in my congressional district, the Strongs. Victoria and Bill Strong are focused every day on getting the best care and treatment for their young daughter, Gwendolyn, who has spinal muscular atrophy, the same condition that my colleague Mr.

UPTON just referred to in his district. Her diagnosis has fundamentally changed the daily lives of their family, her school, and our Santa Barbara community.

The low prevalence of these diseases makes them particularly hard to research, but for those affected, like Gwendolyn and others, a new cure or treatment could mean a world of difference. This title is common sense for Gwendolyn and all the other kids out there facing a rare medical diagnosis, and their families. As title II of this legislation, the National Pediatric Research Network Act is an important step forward to helping these families and those who may develop these diseases long into the future.

I noticed over the weekend there was a marathon that Gwendolyn and her father participated in in my community to raise money for the same purpose as this research would do. So it is both from the public and the private side that there is a concerted effort toward this end.

This network, based upon H.R. 225, bipartisan legislation I authored with my colleague Representative CATHY MCMORRIS RODGERS, passed the House as a stand-alone bill on suspension earlier this year with strong bipartisan support. I am so pleased to see it included in this package today.

Title III of the legislation ensures the National Institutes of Health can continue to care for chimpanzees that have been retired from research. In 2000, Congress passed the Chimpanzee Health Improvement Maintenance and Protection, or CHIMP, Act. The CHIMP Act established a sanctuary system for the lifetime care of chimpanzees no longer used in research, limited NIH spending on care for these chimpanzees, and required matching funds from nonprofit entities contracted by NIH to operate the sanctuary system.

Today, NIH owns or supports hundreds of chimpanzees. Following a report from the Institute of Medicine, NIH has concluded the vast majority of its chimpanzees should be permanently retired from research. This title makes it possible for NIH to continue caring for the more than 100 chimpanzees currently in sanctuary and transition other chimpanzees to sanctuary over time by authorizing appropriate amounts of spending for fiscal years 2014 through 2018 out of the totals made available to the agency. It is a commonsense and humane measure to fulfill the mission of the Institutes and responsibly tend to the chimps in our care.

I want to commend Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, and Ranking Member PALLONE for their leadership in bringing this bipartisan package of public health legislation to the floor, the staff on both sides of the aisle who have worked so hard on this legislation, and

the Senate Health Committee leadership of Senators HARKIN and ALEXANDER for their efforts on these measures. Moreover, Energy and Commerce members Congresswoman ESHOO, Congressman LANCE, Congresswoman DEGETTE, and Congresswoman MCMORRIS RODGERS are also to be commended for their work on the PREEMIE Act and the National Pediatric Research Network titles.

These are critical bills, all of which deserve strong bipartisan support. I urge my colleagues to join me in supporting S. 252, as amended, and I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), chairman of the Health Subcommittee.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. Speaker, I rise in support of another bipartisan bill. S. 252, the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act, or the PREEMIE Reauthorization Act, would take important steps to protect and improve children's health, particularly the health of the nearly 500,000 children born prematurely in the United States every year. Since its passage in 2006, the PREEMIE Act has sponsored important research that has led to improved prevention and care of children born too early.

This bill reauthorizes research and activities at the CDC related to the causes of preterm birth, improving data collection, and preventing preterm births. It also creates an Advisory Committee on Infant Mortality to coordinate Federal, State, local, and private programs that address preterm birth and infant mortality. With one in every eight infants born in the United States prematurely, this is a pressing issue.

S. 252 also authorizes the creation of the National Pediatric Research Network, a proven way to support pediatric research by coordinating multi-centered research activities, including those in rural areas.

I would like to commend Congressman LANCE, Congresswoman CAPPS, Congresswoman MCMORRIS RODGERS, Chairman UPTON, and Ranking Members WAXMAN and PALLONE for their leadership in this bipartisan effort, and I urge all of my colleagues to support this bipartisan bill.

□ 1715

Mrs. CAPPS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, at this point, I yield 2 minutes to the gentleman from Washington, Mrs. CATHY MCMORRIS RODGERS, a leading advocate of this legislation and the chairman of the Republican Conference.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in strong support of the PREEMIE Reauthorization Act.

Every 3 minutes, somewhere in the world, a child is diagnosed with cancer. In the United States, approximately 150,000 children have diabetes. I believe that medical research is the best investment we can make to change these statistics and find new cures for these diseases.

In working with my colleague from California, Representative LOIS CAPPS, we introduced the Pediatric Research Network Act, which is included in the PREEMIE Reauthorization Act.

In supporting this legislation, the Coalition for Pediatric Medical Research, which includes Children's Hospital in Seattle—in my home State—said that this legislation is critical to strengthening our Nation's pediatric research enterprise. In addition, the Pediatric Research Network Act will authorize the establishment of a well-proven and evidence-based approach for addressing pediatric research. It will enable the National Institutes of Health to support multi-institution research in order to coordinate and streamline this important research. Most importantly, it will help to speed cures to the youngest patients. I urge its support.

Thank you, everyone, for your leadership.

Mrs. CAPPS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), another author of this legislation and someone who helped carry it across its bipartisan path.

Mr. LANCE. Mr. Speaker, I rise in strong support of S. 252, the PREEMIE Reauthorization Act, which will provide vital and continued medical education and research in the national effort to reduce preterm births. This legislation will advance the great progress made since the 2006 act and support Federal research and community involvement in premature birth research.

Our Nation's premature birth rate is among the highest in the world, and it is the leading cause of newborn deaths in the United States. Infants born just a few weeks too soon can face serious health challenges and are at risk for lifelong health and learning disabilities. In addition to its human toll among infants and its toll on their families, premature births cost our Nation's economy much financially, and while the medical community has made great strides in identifying the risk factors associated with premature births, far too many premature births today have no known causes.

It is fitting that the House will consider this legislation this evening. November marks Prematurity Awareness Month, a product of the fine work of the March of Dimes. The March of Dimes estimates that, since 2006, 176,000 fewer babies have been born too soon because of improvements in the preterm birth rate. This is why the

Members of the House and the Senate have worked in a bipartisan and bicameral fashion to reauthorize the 2006 act.

I thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE for their leadership on this issue, as well as Senator ALEXANDER and Senator HARKIN and Senator BENNET. I especially want to thank Congresswoman ANNA ESHOO from California for working on this important issue, which benefits the health and well-being of the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman an additional 1 minute.

Mr. LANCE. This is how Congress should work—together—on issues that make a lasting difference for the American people. It is in that bipartisan spirit that I ask all of my colleagues to join with us in support of the PREEMIE Reauthorization Act so that we as a Nation will be able to continue our focus on premature birth research and prevention.

My thanks also to Congresswoman CAPPs for her leadership on this issue.

Mrs. CAPPs. Mr. Speaker, in closing, I submit for the RECORD letters of support from the following organizations: the Children's Hospital Association, the Coalition for Pediatric Medical Research, FightSMA, the Humane Society of the United States, the March of Dimes, and a joint letter from several health professional and public health organizations.

I urge my colleagues to support this important package of public health legislation.

Mr. Speaker, I yield back the balance of my time.

CHILDREN'S HOSPITAL  
ASSOCIATION,  
November 11, 2013.

Hon. FRED UPTON, Chairman,  
*House Committee on Energy and Commerce,*  
Washington, DC.

Hon. HENRY WAXMAN, Ranking Member,  
*House Committee on Energy and Commerce,*  
Washington, DC.

DEAR CHAIRMAN UPTON AND RANKING MEMBER WAXMAN: On behalf of over 220 of the nation's children's hospitals, I am writing to urge House passage of S. 252, as amended by the House. This bill would advance two important priorities for children's health: enactment of the National Pediatric Research Network Act and the Prematurity Research Expansion and Education for Mothers who deliver Infants Early (PREEMIE) Reauthorization Act.

The National Pediatric Research Network Act would enhance the national commitment to pediatric research by authorizing the National Institutes of Health (NIH) to competitively select pediatric research consortia, each of which would be comprised of multiple institutions and focused on a specific research agenda from basic to translational research. As you know, children are not just "small adults." They require highly-specialized care and equally specialized research. Despite children accounting for nearly 20

percent of our nation's population, the NIH has historically invested a far smaller percentage of research dollars—between five and 10 percent—in pediatric biomedical research. As a result it is far more difficult to attract new researchers into the field of pediatrics, launch and sustain basic and translational research endeavors and, ultimately, improve the health of our nation's children by developing safe and effective therapies and treatments. The National Pediatric Research Network Act would help provide the infrastructure—including training and support for younger investigators—that is needed to advance the field for decades to come.

The original PREEMIE Act (P.L. 109-450) brought the first-ever national focus to prematurity prevention. Preterm delivery can happen to any pregnant woman, and in more than half the cases the underlying causes are unknown. Preterm birth is the leading cause of neonatal death, and those babies who survive are more likely to suffer from intellectual and physical disabilities. Since enactment of the PREEMIE Act in 2006, the preterm birth rate has declined, and now stands below 12 percent for the first time in nearly a decade. The PREEMIE Reauthorization Act will continue to fuel our progress by supporting federal research and promoting known interventions and community initiatives. Reauthorizing the PREEMIE Act is critical to protect and maintain the current federal preterm birth-related activities and lay the foundation for future investments.

The Children's Hospital Association is pleased to offer its support of S. 252, and hopes Congress will enact this important legislation. On behalf of our member hospitals, thank you for your continued commitment to improving children's health.

Sincerely,

JIM KAUFMAN,  
*Vice President, Public Policy,*  
*Children's Hospital Association.*

THE COALITION FOR PEDIATRIC  
MEDICAL RESEARCH,  
November 12, 2013.

Hon. FRED UPTON,  
*Chairman, Committee on Energy & Commerce,*  
*United States Congress, Washington, DC.*

Hon. JOE PITTS,  
*Chairman, Committee on Energy & Commerce,*  
*Subcommittee on Health, Washington, DC.*

Hon. HENRY WAXMAN,  
*Ranking Member, Committee on Energy & Commerce,*  
*United States Congress, Washington, DC.*

Hon. FRANK PALLONE,  
*Ranking Member, Committee on Energy & Commerce,*  
*Subcommittee on Health, Washington, DC.*

DEAR CHAIRMAN UPTON AND PITTS AND RANKING MEMBERS WAXMAN AND PALLONE: On behalf of the Coalition for Pediatric Medical Research, representing leading children's hospitals responsible for treating our nation's sickest children today and conducting research to develop the therapies, treatments, and cures of tomorrow, I am writing to offer our endorsement of S. 252, the PREEMIE Reauthorization Act that as amended includes the National Pediatric Research Network Act as Title II.

The National Pediatric Research Act is a bipartisan and bicameral legislative proposal to strengthen our nation's commitment to pediatric medical research in a cost-effective manner by allowing the National Institutes of Health to support multi-institution research consortia focused on pediatrics. Modeled upon the successful National Cancer

Centers and other research networks, the consortia seek to accelerate the pace of scientific discovery in pediatrics and to drive greater levels of collaboration, coordination, and resource sharing. Funds awarded under the program would help support the acquisition of shared advanced research technologies necessary to discharge a 21st Century research agenda and would also support much-needed training slots for early-career investigators focusing in pediatrics.

The need for a focused commitment to pediatric research is clear. A growing body of evidence overwhelmingly demonstrates that therapies and interventions delivered early in life—during infancy, childhood and adolescence—prevents diseases and their life-long adverse impacts on health and economic contributions to society. Similarly, research on pediatric populations is useful for understanding the origin of adult-onset diseases and is useful in preventing and treating such conditions. When pediatric research as a whole struggles, so too do our nation's children because of the reduced focus and funding to pediatric-based disorders and because of limited access to innovations in care and treatments that help improve life and reduce healthcare costs.

Every single day, the members of the Coalition for Pediatric Medical Research care for tens of thousands of children, a number of whom are suffering from the most deadly and complex diseases. Thanks to research breakthroughs achieved over the years, the children's hospitals in the coalition have made progress in treating a number of conditions that not too long ago were considered near-certain death sentences. But making continued progress to heal children today and tomorrow necessitates a robust commitment to our nation's children, something that will happen under this proposal.

Thank you for your strong support of the National Pediatric Research Network Act and for incorporating the legislation as Title II of the PREEMIE Reauthorization Act. The Coalition looks forward to working with you to enact this legislation into law this year. If you have any questions or would like to discuss this issue further, please feel free to contact me at 202.312.7499 or nicholas.manetto@faegrebd.com.

Sincerely,

NICK MANETTO,  
(For the Coalition for Pediatric Medical Research).

FIGHTSMA,  
Alexandria, VA, November 11, 2013.

Hon. FRED UPTON, Chairman,  
*Committee on Energy & Commerce,*  
*U.S. Congress, Washington, DC.*  
Hon. HENRY WAXMAN, Ranking Member,  
*Committee on Energy & Commerce,*  
*U.S. Congress, Washington, DC.*

DEAR CHAIRMAN UPTON AND RANKING MEMBER WAXMAN: FightSMA is pleased to offer its enthusiastic endorsement of S. 252, the PREEMIE Reauthorization Act that as amended includes the National Pediatric Research Network Act (NPRNA) as Title II. FightSMA is a non-profit organization of families across the nation working to find a treatment or cure for spinal muscular atrophy (SMA), the leading genetic killer of children under the age of two.

The NPRNA would authorize the establishment of a national network of research consortia that will conduct basic, clinical, behavioral, and translational research, including multisite clinical trials in an effort to develop treatments for a variety of rare pediatric disorders. The legislation provides a



new opportunity to strengthen the nation's commitment to pediatric medical research in a cost-effective manner, allowing us to promote the well-being of our children through a collaborative approach to scientific investigation that makes the most of every federal dollar.

FightSMA has been grateful for Congress's longstanding support for research on SMA and other pediatric diseases, including House passage of the NPRNA earlier this year on an overwhelming bipartisan vote and annual appropriations report language encouraging the National Institutes of Health (NIH) to expand its support for translational and clinical research. Privately funded research has produced a number of promising drug therapies for SMA that are now at the door of the clinic, and the development of an effective and accessible clinical trials infrastructure is our next challenge and our greatest opportunity.

Chairman Upton and Ranking Member Waxman, we are deeply indebted to you and to the NPRNA's lead sponsors, Congresswomen Lois Capps and Cathy McMorris Rodgers, for your leadership in the effort to develop treatments for the devastating disorders that affect too many of our children.

We urge all Members of Congress to support S. 252, and we look forward to working with you to secure enactment of the National Pediatric Research Network Act as soon as possible.

Sincerely,

DANIEL HAYDEN,  
Executive Director, FightSMA.  
MICHAEL CALISE,  
Chairman, FightSMA.

THE HUMANE SOCIETY  
OF THE UNITED STATES,  
Washington, DC, November 12, 2013.

Chairman FRED UPTON,  
Ranking member HENRY WAXMAN,  
House Committee on Energy and Commerce,  
Washington, DC.

DEAR CHAIRMAN UPTON AND RANKING MEMBER WAXMAN: On behalf of The Humane Society of the United States and the Humane Society Legislative Fund, we are writing to express our strong support for Title III of S. 252, which will allow the National Institutes of Health (NIH) the continued flexibility to send chimpanzees retired from research to suitable sanctuary and to care for chimpanzees already living at the national chimpanzee sanctuary.

Regardless of where they are housed, NIH has responsibility for the lifetime care of approximately 600 federally-owned chimpanzees. It is NIH policy to send chimpanzees to the national chimpanzee sanctuary system when they are retired from research, as intended by Congress; sanctuaries provide higher welfare standards for chimpanzees at a lower cost to taxpayers than housing in barren labs. Sanctuaries operate more efficiently than the government-run laboratories, they bring in substantial private dollars to augment government support, and they make substantial use of volunteer personnel.

In response to a comprehensive report by the Institute of Medicine (IOM), and following the recommendations of an NIH Working Group of independent experts convened to advise on implementation of that report, NIH recently announced that it intends to retire the vast majority of federally-owned chimpanzees from research. However, the original CHIMP Act, which established the national chimpanzee sanctuary system, included a limit on the amount of

money NIH can spend on sanctuary care and housing of retired chimpanzees. There is no similar restriction on funding for care and housing of retired chimpanzees in laboratories. Therefore, once NIH reaches the sanctuary spending limit, it will lose the ability to contract with appropriate sanctuaries for care and housing of retired chimpanzees, and may be forced to contract with lower-welfare, higher-cost labs instead—to the detriment of chimpanzees and taxpayers alike.

By passing S. 252 Title III, Congress will leave NIH free to contract with sanctuaries, the most appropriate providers for chimpanzee care, thus allowing the agency to use its resources more efficiently and effectively. We strongly support Title III of S. 252 and thank you for your leadership on this legislation.

Sincerely,

WAYNE PACELLE,  
President and CEO,  
The Humane Society of the United States.  
MICHAEL MARKARIAN,  
President,  
Humane Society Legislative Fund.

March of Dimes Foundation,  
Washington, DC, November 11, 2013.

Hon. FRED UPTON,  
Chairman, Committee on Energy & Commerce,  
House of Representatives, Washington, DC.  
Hon. HENRY WAXMAN,  
Ranking Member, Committee on Energy & Commerce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN UPTON AND RANKING MEMBER WAXMAN: On behalf of the March of Dimes, a unique collaboration of scientists, clinicians, parents, members of the business community, and other volunteers affiliated with 51 chapters representing every state, the District of Columbia and Puerto Rico, I would like to express our support for S. 252, a legislative package which includes the PREEMIE Reauthorization Act. We strongly urge swift passage of this legislation in both the House and Senate.

November marks Prematurity Awareness Month, and just days ago the March of Dimes announced that the United States' preterm birth rate had dropped for the sixth consecutive year. In 2012, 11.5 percent of U.S. births were preterm, compared to 12.8 percent in 2006. The March of Dimes estimates that since 2006, about 176,000 fewer babies have been born too soon because of improvement in the preterm birth rate, resulting in healthier infants and potentially saving about \$9 billion in health and societal costs. We believe one of the key factors for the decline is the 2006 PREEMIE Act (P.L. 109-450), which brought the first-ever national focus to prematurity prevention. The law spurred innovative research at the National Institutes of Health and Centers for Disease Control and Prevention and supported evidence-based interventions to prevent preterm birth.

The PREEMIE Reauthorization Act will continue to fuel our progress by supporting federal research and promoting known interventions and community initiatives to prevent preterm birth. Preterm birth exacts a human, emotional, and financial impact on families and a tremendous economic burden on our nation. It is the leading cause of newborn mortality and the second leading cause of infant mortality. Those babies who survive are more likely to suffer from intellectual and physical disabilities. A 2006 report by the Institute of Medicine found the cost associated with preterm birth in the United States was \$26.2 billion annually, or \$51,600

per infant born preterm. Employers, private insurers and individuals bear approximately half of the costs of health care for these infants, and another 40 percent is paid by Medicaid.

Every baby deserves a healthy start in life, and to make this goal a reality we must continue to invest in the prevention of preterm birth. Passage of S. 252 is an important step toward improving the health and wellbeing of our nation's children. We look forward to working with you to secure enactment of this vital legislation.

Sincerely,

DR. JENNIFER L. HOWSE,  
President.

MARCH OF DIMES FOUNDATION,  
White Plains, NY, November 12, 2013

MEMBER OF CONGRESS: The undersigned organizations urge you to vote for S. 252, the PREEMIE Reauthorization Act, when it is considered under Suspension of the Rules later today.

November marks Prematurity Awareness Month, and just days ago the March of Dimes announced that the United States' preterm birth rate had dropped for the sixth consecutive year. In 2012, 11.5 percent of U.S. births were preterm, compared to 12.8 percent in 2006. For information on your state's preterm birth rate please visit <http://www.marchofdimes.com/mission/prematurity-reportcard.aspx>. The March of Dimes estimates that since 2006, about 176,000 fewer babies have been born too soon because of improvement in the preterm birth rate, resulting in healthier infants and potentially saving about \$9 billion in health and societal costs. We believe one of the key factors for the decline is the 2006 PREEMIE Act (P.L. 109-450), which brought the first-ever national focus to prematurity prevention. The law spurred innovative research at the National Institutes of Health and Centers for Disease Control and Prevention and supported evidence-based interventions to prevent preterm birth.

The PREEMIE Reauthorization Act will continue to fuel our progress by supporting federal research and promoting known interventions and community initiatives to prevent preterm birth. Preterm birth exacts a human, emotional, and financial impact on families and a tremendous economic burden on our nation. It is the leading cause of newborn mortality and the second leading cause of infant mortality. Those babies who survive are more likely to suffer from intellectual and physical disabilities. A 2006 report by the Institute of Medicine found the cost associated with preterm birth in the United States was \$26.2 billion annually, or \$51,600 per infant born preterm. Employers, private insurers and individuals bear approximately half of the costs of health care for these infants, and another 40 percent is paid by Medicaid.

S. 252 is an important step toward improving the health and wellbeing of our nation's children. Please vote "yes" on S. 252.

Sincerely,

March of Dimes, American Academy of Pediatrics, American Association on Health and Disability, American College of Nurse-Midwives, American Congress of Obstetricians and Gynecologists, American Public Health Association, American Thoracic Society, Association of Maternal & Child Health Programs.

Association of State and Territorial Health Officials, Association of Women's Health, Obstetric and Neonatal Nurses, Council of Women's and Infants' Specialty Hospitals,

First Candle, Global Alliance to Prevent Prematurity and Stillbirth, National Association of County and City Health Officials, National Association of Neonatal Nurses, Preeclampsia Foundation, Society for Maternal-Fetal Medicine.

Mr. UPTON. I yield myself the balance of my time.

Mr. Speaker, every one of us has beautiful children like this in our districts. This bill is going to save lives, and it has been bipartisan from the get-go.

Again, I want to commend Republicans and Democrats on our committee—but certainly those on the House floor as well—when we passed this bill a number of months ago.

I was a speaker and a participant in an event just last week for *FasterCures*, a networking group from around the country. Dr. Francis Collins was there, who is the head of the NIH. I spoke to Dr. Collins just in the last hour or so, and he is delighted that this legislation is reaching the House floor tonight. Hopefully, it will pass. I know that we are going to continue to make a real difference in the lives of families, and that is what this is all about, so I would urge all of my colleagues to vote “yes.”

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in support of S. 252, as amended, and urge my colleagues to support the bill as well. As amended, S. 252 is comprised of the authorization or reauthorization of three different programs. Together, these provisions constitute a bipartisan and bi-cameral effort to address three pressing issues.

Title One of the bill would reauthorize and improve the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early—or PREEMIE—Act. The PREEMIE Act was first enacted in 2006 in response to an alarming rise in preterm births.

Provisions in Title One reauthorize Centers for Disease Control and Prevention research, surveillance, and prevention activities. The title also extends provider education and training and public education activities; and it adds use of telehealth technology for management of high-risk pregnancies among preferences for telehealth network grants.

This title codifies a Department of Health and Human Services Advisory Committee on Infant Mortality and directs this Committee to examine preterm birth activities across the Department. And it calls for HHS coordination of hospital readmissions studies focused on premature infants. Title One represents a renewed commitment to our nation's efforts to reduce premature births, the leading killer of newborns.

Title Two of S. 252 (as amended) would allow the National Institutes of Health to establish a national pediatric research network dedicated to finding treatments and cures for pediatric diseases and conditions—especially those that are rare. In addition to the research itself, Title Two places special emphasis on professional training for future pediatric researchers. These and other related components of Title Two are intended to build on the strong body of pediatric research that NIH already conducts and supports.

The goal of this title is to ensure that universities, hospitals, and other nonprofit entities focused on pediatric research have the infrastructure necessary to make clinical research opportunities more accessible to kids and their families. In turn, we hope and expect their work will advance progress towards treatments and cures for many devastating diseases and conditions. I would encourage NIH to take full advantage of this opportunity.

The third and last title of the bill builds upon the 2000 Chimpanzee Health Improvement Maintenance and Protection or CHIMP Act and allows NIH to fulfill its commitment to retiring hundreds of chimpanzees from research. Among other provisions, the CHIMP Act established a sanctuary system for the lifetime care of chimpanzees retired from research and limited NIH spending on care for these chimpanzees.

We are fast-approaching the spending cap set forth in the CHIMP Act. This title authorizes spending for the care and maintenance of chimpanzees owned or controlled by NIH—out of the amounts made available to the agency—for each of fiscal years 2014 through 2018. This title ensures the agency can continue caring for the more than 100 chimpanzees currently in sanctuary. This title also makes it possible for NIH to continue implementing Institute of Medicine recommendations on the use of chimpanzees in research and transition other chimpanzees to sanctuary over time.

As I have noted, this package is a bipartisan and bi-cameral initiative that reflects the work of several members of the Energy and Commerce Committee. I especially want to note Congresswoman ESHOO, the Democratic sponsor of the original PREEMIE Reauthorization Act and Congresswoman CAPPS, the Democratic sponsor of the original National Pediatric Research Network Act. I also want to commend Chairman UPTON, Chairman PITTS, and Ranking Member PALLONE for their leadership in bringing this bipartisan package of public health legislation to the floor. Finally, I want to acknowledge Senate HELP Committee leadership—Senators HARKIN and ALEXANDER—for their effort on these measures.

I urge my colleagues to vote for S. 252, as amended.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of S. 252, the PREEMIE Act. The number of families in this country affected by premature births is enormous. In 2008, 12.3 percent of all live births, over 500,000 babies, were born preterm. This number dramatically influences the rate of infant deaths as about two-thirds of all fatalities in the first year of life are among preterm infants.

Prematurity or preterm birth is by definition a birth earlier than 37 weeks. Those children are usually not the problem. They're not the ones that end up with permanent disabilities. But there is a subset of prematurity, maybe sometimes referred to as “immaturity”, children that are born as early as 20 weeks. Those children are the ones that very often, if they survive, are left with permanent long-term disabilities. The reauthorization of the PREEMIE Act is important to study, track, and prevent premature births in this country. This important legislation before us today will con-

tinue the important work begun in the original bill passed in 2006.

I'll end my remarks with a personal story. My wife, Billie, and I, have 13 grandchildren and the oldest are 15 years old. They were born at 26 weeks and each weighed 1 pound and 12 ounces. Thank God they are virtually unimpaired today and in the ninth grade and doing well. My family's experience, plus the fact that I delivered numerous preterm infants as an OBGYN in Marietta, GA, simply reinforces the need for this bill.

For these important reasons, I support S. 252.

Ms. ESHOO. Mr. Speaker, I rise in support of the PREEMIE Reauthorization Act, bipartisan legislation I introduced with Congressman Leonard Lance to expand research, education, and prevention of preterm birth. This legislation will reauthorize important programs created by the first PREEMIE Act, which I championed in 2006.

November is Prematurity Awareness Month, and it has come with good news. Just days ago, the March of Dimes announced that the preterm birth rate in America dropped for the sixth consecutive year to 11.5 percent largely due to the original PREEMIE Act.

But each year, half a million babies are still born prematurely. Preterm birth is the leading cause of newborn mortality and the second leading cause of infant mortality. Babies born even a few weeks too early can require weeks to months of hospitalization after birth, and premature birth can sometimes lead to developmental delays and disability later in life.

In addition to the emotional and physical toll of prematurity, there are significant health care costs to families, medical systems and our economy. A report by the Institute of Medicine found the cost associated with preterm birth in the United States was \$26.2 billion annually, or \$51,600 per infant born preterm. While employers, private insurers and individuals bear approximately about half of the costs of health care for these infants, 40 percent is paid by Medicaid.

We are making great strides in reducing infant mortality—the U.S. infant mortality rate fell by 12 percent between 2005 and 2011, in part due to the decline in premature births. Unfortunately, we still fall far behind the majority of other developed countries, and this is something we have the power to change with continued research and prevention.

The PREEMIE Reauthorization Act will help us learn the causes of premature birth by requiring the HHS Advisory Committee on Infant Mortality to develop a report that identifies research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates. Appropriate representatives of the National Institutes of Health, Centers for Disease Control and Prevention, and the Health and Services Administration should be involved in developing this report along with the experts from the Advisory Committee.

In my Congressional District, Stanford University teamed up with the March of Dimes to establish the transdisciplinary March of Dimes Prematurity Research Center in 2011. These NIH-funded researchers are bringing cutting-edge medical discoveries from the lab to the bedside. In the last two years, they've made new discoveries that reduce preterm birth and

made great strides in ensuring that the tiniest preemies are given the best chance at life.

The PREEMIE Reauthorization Act passed the Senate unanimously on September 25th and I ask my colleagues in the House to follow their lead and send this bill to the President's desk for his signature.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, S. 330, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and for other purposes.".

A motion to reconsider was laid on the table.

#### HIV ORGAN POLICY EQUITY ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 330) to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 330

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "HIV Organ Policy Equity Act".

#### SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) STANDARDS OF QUALITY FOR THE ACQUISITION AND TRANSPORTATION OF DONATED ORGANS.—

(1) ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.—Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(A) in paragraph (2)(E), by striking "including standards for preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome"; and

(B) by adding at the end the following:

"(3) CLARIFICATION.—In adopting and using standards of quality under paragraph (2)(E), the Organ Procurement and Transplantation Network may adopt and use such standards with respect to organs infected with human immunodeficiency virus (in this paragraph referred to as 'HIV'), provided that any such standards ensure that organs infected with HIV may be transplanted only into individuals who—

"(A) are infected with HIV before receiving such organ; and

"(B)(i) are participating in clinical research approved by an institutional review board under the criteria, standards, and regulations described in subsections (a) and (b) of section 377E; or

"(ii) if the Secretary has determined under section 377E(c) that participation in such

clinical research, as a requirement for such transplants, is no longer warranted, are receiving a transplant under the standards and regulations under section 377E(c)."

(2) CONFORMING AMENDMENT.—Section 371(b)(3)(C) of the Public Health Service Act (42 U.S.C. 273(b)(3)(C); relating to organ procurement organizations) is amended by striking "including arranging for testing with respect to preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome" and inserting "including arranging for testing with respect to identifying organs that are infected with human immunodeficiency virus (HIV)".

(3) TECHNICAL AMENDMENTS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended by—

(A) striking subparagraph (E);

(B) redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(C) striking "(H) has a director" and inserting "(G) has a director"; and

(D) in subparagraph (H)—

(i) in clause (i) (V), by striking "paragraph (2)(G)" and inserting "paragraph (3)(G)"; and

(ii) in clause (ii), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) PUBLICATION OF RESEARCH GUIDELINES.—Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 377D the following:

#### "SEC. 377E. CRITERIA, STANDARDS, AND REGULATIONS WITH RESPECT TO ORGANS INFECTED WITH HIV.

"(a) IN GENERAL.—Not later than 2 years after the date of the enactment of the HIV Organ Policy Equity Act, the Secretary shall develop and publish criteria for the conduct of research relating to transplantation of organs from donors infected with human immunodeficiency virus (in this section referred to as 'HIV') into individuals who are infected with HIV before receiving such organ.

"(b) CORRESPONDING CHANGES TO STANDARDS AND REGULATIONS APPLICABLE TO RESEARCH.—Not later than 2 years after the date of the enactment of the HIV Organ Policy Equity Act, to the extent determined by the Secretary to be necessary to allow the conduct of research in accordance with the criteria developed under subsection (a)—

"(1) the Organ Procurement and Transplantation Network shall revise the standards of quality adopted under section 372(b)(2)(E); and

"(2) the Secretary shall revise section 121.6 of title 42, Code of Federal Regulations (or any successor regulations).

"(c) REVISION OF STANDARDS AND REGULATIONS GENERALLY.—Not later than 4 years after the date of the enactment of the HIV Organ Policy Equity Act, and annually thereafter, the Secretary, shall—

"(1) review the results of scientific research in conjunction with the Organ Procurement and Transplantation Network to determine whether the results warrant revision of the standards of quality adopted under section 372(b)(2)(E) with respect to donated organs infected with HIV and with respect to the safety of transplanting an organ with a particular strain of HIV into a recipient with a different strain of HIV;

"(2) if the Secretary determines under paragraph (1) that such results warrant revision of the standards of quality adopted under section 372(b)(2)(E) with respect to donated organs infected with HIV and with respect to transplanting an organ with a par-

ticular strain of HIV into a recipient with a different strain of HIV, direct the Organ Procurement and Transplantation Network to revise such standards, consistent with section 372 and in a way that ensures the changes will not reduce the safety of organ transplantation; and

"(3) in conjunction with any revision of such standards under paragraph (2), revise section 121.6 of title 42, Code of Federal Regulations (or any successor regulations)."

#### SEC. 3. CONFORMING AMENDMENT TO TITLE 18 OF THE UNITED STATES CODE.

Section 1122(a) of title 18, United States Code, is amended by inserting "or in accordance with all applicable guidelines and regulations made by the Secretary of Health and Human Services under section 377E of the Public Health Service Act" after "research or testing".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I stand in strong support of S. 330, known as the HOPE Act.

The HOPE Act would eliminate the restriction on acquiring HIV-positive organs in order to permit research on transplants between HIV-positive individuals. The legislation will increase the number of available organs and will help all of those who are awaiting a transplant.

In 1984, Congress enacted the National Organ Transplant Act, NOTA. The purpose of NOTA was to guide organ donation and transplantation. In 1988, Congress amended NOTA to ban the transplantation of HIV-infected organs. Today, HIV treatments have extended and have improved the lives of countless HIV patients. This, in turn, has increased the need for organ donations.

This bill would allow research to fully evaluate the safety and effectiveness of organ transplantation between individuals with HIV. Specifically, the bill would permit research on transplants involving HIV-positive individuals by eliminating the restriction on acquiring HIV-positive organs. The legislation also would direct the Secretary of HHS to develop and implement standards for research on the transplantation of HIV-infected organs. Finally, the bill would require the Secretary of HHS to revise transplant standards based on that research.

H.R. 698 is the House companion to the HOPE Act. Mrs. CAPPS, on our committee, authored H.R. 698, and the Energy and Commerce Committee passed it by voice vote last July. Earlier this year, the Senate passed the legislation before us today, which was led by Senators BOXER, COBURN, BALDWIN, and PAUL—a bipartisan group. By passing the HOPE Act now, we will send it directly to the President so that he can sign it into law and avoid a conference.

This commonsense proposal has the potential to save lives. With 100,000 patients waiting for life-saving organs, permitting HIV-positive donors to be used for transplants could save as many as 1,000 HIV-infected patients every year. So, tonight, we provide some hope for those in need of new organs. I support this bill, and I urge my colleagues to do the same.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the HIV Organ Policy Equity Act, commonly known as the “HOPE Act.” The HOPE Act is a critical step towards improving the health and well-being of persons living with HIV and AIDS and of strengthening our Nation’s organ transplant system.

Many of us remember the fear and worry that surrounded AIDS in the 1980s. At first, no one even knew what caused AIDS, and the diagnosis was considered a swift death sentence. In that time of fear and the unknown, a blanket ban was placed on transplanting any HIV-positive organs, even for the purposes of research. However, in the last 25 years, medical research and technology has transformed HIV/AIDS care and treatment. Now, thanks to these breakthroughs, HIV is a more chronic condition. This has led to improved life expectancies—something we can and should celebrate—but it also means that HIV-positive people are more likely to encounter medical complications as they age. They face unique complications as the powerful drugs that keep their HIV at bay often take a hard toll on their bodies, putting them at increased risk for ailments like kidney and liver disease, and for some of these problems, the only treatment is to wait on the same long waiting lists, as all Americans do, for an organ transplant.

There might be a better way.

According to transplant experts, each year, we toss out hundreds of HIV-positive organs that could otherwise be viable for transplantation into other HIV-positive people. These organs have the potential to save lives and lessen the transplant waiting lists for all Americans, but, instead, they are wasted because of the archaic, blanket ban that prohibits even the research to see if they could be used by those who already are HIV positive. That is why we need to pass the HOPE Act today.

The HOPE Act would create a pathway, grounded in medical science, to research the feasibility and safety of positive-to-positive organ transplantation. Think about it. This is a chance to possibly shorten the waiting lists for everyone waiting for an organ, to deliver better health outcomes for those in need, and to lower health care costs by moving individuals off of the dialysis rolls, all while maintaining the safety and integrity of our current organ transplantation system. That is what the HOPE Act can and will help to do. It is common sense and fiscally responsible. It is the right thing to do for all Americans who are awaiting transplants.

I would like to thank and acknowledge Senator BOXER and Senator COBURN for championing this issue in the Senate. With their leadership, the HOPE Act passed by unanimous consent in June. Also, I would especially like to thank for their leadership my colleagues Mr. HARRIS, who is the Republicans’ lead on this bill, and also Dr. BURGESS, who is a cosponsor and a strong supporter of this bill. Finally, I would like to thank all of the advocates who have worked so hard in support of this legislation.

I am pleased to stand with an incredibly broad coalition of health professionals and HIV/AIDS advocates in backing S. 330. The HOPE Act is a commonsense bill that creates a path forward for research on this issue. It has strong support on both sides of the Capitol and on both sides of the aisle. It is a critically important issue. It is an opportunity to save lives. That is why I am urging a “yes” vote today on S. 330, the HOPE Act.

I reserve the balance of my time.

□ 1730

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the balance of my time be managed by the gentleman from Pennsylvania (Mr. PITTS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

I stand in support of another bipartisan bill this evening. The HIV Organ Policy Equity Act, or the HOPE Act, would lift a ban dating back to the 1990s on acquiring HIV-positive organs so that the Department of Health and Human Services can conduct research on the safety and effectiveness of transplants between HIV-positive individuals.

As HIV treatments have advanced over the last 30 years, many HIV-positive individuals are living longer lives, but they are also more likely to experience conditions, such as kidney and liver failure, which necessitate a transplant.

This bill provides a potential path to a separate organ donation pool for

HIV-positive organs, hopefully increasing the overall number of organs available for transplantation.

The HOPE Act passed the Senate by unanimous consent in June and is supported by the American Society of Transplantation and the American Society of Transplant Surgeons, among others.

I would encourage my colleagues to support this bipartisan, commonsense bill and would like to commend Dr. HARRIS, Dr. BURGESS, Mrs. CAPPS, Chairman UPTON, and Ranking Members WAXMAN and PALLONE for their leadership on this bipartisan bill.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield whatever time she may consume to my colleague from Washington, D.C., ELEANOR HOLMES NORTON.

Ms. NORTON. I thank my good friend from California, and I thank all of the bipartisan leaders of this bill, especially Mrs. CAPPS, who has made health care a signature issue for herself ever since coming to the Congress.

Mr. Speaker, we haven’t found our way out of one of the great disparities in medical science: the difference between the 100,000 patients seeking organ transplants and the mere 30,000 who get such transplants annually. The HOPE Act provides a possible breakthrough, one that I don’t think we can refuse. It is a breakthrough for many whose condition would make them hopeless in waiting for an organ transplant.

The regular reviews to evaluate medical research that are mandated by this bill could allow transplants from HIV-positive donors to HIV-positive recipients if the procedure—and this is important; the safeguards are tightly woven into this bill—if the procedure is shown to be both safe and effective. No wonder the Boxer-Coburn HOPE Act was passed by unanimous consent in the Senate.

The wholesale ban in 1988 did not even allow research on HIV-infected organs. I am not sure I understand that since in this country we usually do not take research out of the picture.

Today, medical science has come a long way, allowing many to live with HIV. We save many lives but then lose them to chronic conditions such as kidney and liver damage, often caused by the very HIV medications that have saved their lives. If they go on dialysis, there is virtually no hope for a transplant today.

The way out of this conundrum is the way we have understood since the Enlightenment: “Look for the evidence.” Who can know where the science will take us or whether it will take us anywhere? With estimates of as many as another 600 organ donors who could be helpful annually, who would not want to try to find if this could be accomplished?

Again, I thank the sponsors of this bill, which I think is rightfully named the HOPE Act.

Mr. PITTS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Texas, Dr. BURGESS, the vice chairman of the Health Subcommittee.

Mr. BURGESS. I thank the chairman for yielding.

Mr. Speaker, this bill before us tonight is a commonsense policy that will remove some barriers in the law and ensure that patients who are suffering from life-threatening illnesses can access vital treatments. We have heard the numbers discussed tonight—over 100,000 patients currently awaiting life-saving organs. That number grows by thousands every year, coupled with the fact that our current organ donation policies are outdated and do not reflect the most current research in clinical developments.

The bill before us tonight corrects this, allowing organs from HIV-positive donors to be transplanted into HIV-positive recipients. This has the potential to save over 1,000 HIV-infected patients every year with liver and kidney failure.

Allowing these HIV positive donations increases the organs available to HIV-positive recipients. More importantly, it actually grows the overall pool of organs that will be available.

Furthermore, transplant surgeons already have experience with the transplantation of infected organs. Today, surgeons perform organ transplants on patients who are infected with hepatitis C, a disease with similar transmission methods as HIV.

I would reassure my colleagues, I have taken the time to speak with transplant surgeons for the American Society of Transplant Surgeons, and I have spoken with doctors at the National Institutes of Health. This does not pose an increased health risk for the already HIV-infected patient from an organ donated by an HIV-positive donor, but it will provide the potential for increasing the number of organs available for transplant. Anybody who works in transplant surgery knows this is the number one issue that they face on a day-to-day basis.

This legislation is sound, science-based policy. It is also good fiscal policy. It increases the options for safe transplantation, eliminating the need for patients to receive costly recurring treatments, and instead allows patients to receive viable organs to live fuller, more productive lives.

I urge my colleagues to vote in support of this life-saving bill.

Mrs. CAPPS. I would ask the gentleman from Pennsylvania if he has more speakers?

Mr. PITTS. I do, yes.

Mrs. CAPPS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PITTS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Maryland, Dr. HARRIS, one of the leaders on this issue.

Mr. HARRIS. I want to thank the chairman of the subcommittee for yielding time.

Mr. Speaker, the HOPE Act is exactly the kind of bipartisan legislation that will improve lives and have a positive impact on our health care system.

As a physician for nearly 30 years who has participated in and conducted medical research, I know firsthand how medical innovation often outpaces government laws and regulations. This is one such example:

As an anesthesiologist, I have had the privilege of taking care of many patients for transplant surgery, and I have seen numerous times the life-saving joy that an organ transplant brings to patients and their families.

The HOPE Act changes an outdated law by making government work in a more efficient and effective manner for all patients needing transplants, both those with HIV and those without, which is exactly what the American people expect from us here in Washington and from their elected officials.

Mr. Speaker, it is time to move the HIV Organ Policy Equity Act, S. 330. I want to commend the gentlelady from California for working with me to get this bill through. People are waiting for these organs.

I urge my colleagues to vote “yes” on S. 330 later tonight.

Mrs. CAPPS. Is the gentleman prepared to close?

Mr. PITTS. Yes, I am.

Mrs. CAPPS. Mr. Speaker, I would like to submit for the RECORD letters of support from the United Network for Organ Sharing and a coalition of health professional and HIV/AIDS advocacy organizations.

Mr. Speaker, I urge my colleagues to support this important commonsense legislation, and I yield back the balance of my time.

*Richmond, VA, January 18, 2013.*

Re UNOS Endorsement of Your Legislation to Address HIV+ Organ Donation and Research

Hon. BARBARA BOXER,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

Hon. TOM COBURN,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

Hon. LOIS CAPPS,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR SENATOR BOXER, SENATOR COBURN, AND REPRESENTATIVE CAPPS: UNOS is pleased to learn of your efforts to take an important step to make more organs available for transplantation. As you know, more than 110,000 Americans are currently on the waiting list for organ transplants—far more than are likely to find a matching donor in time. Allowing the careful, targeted use of these organs makes it possible to save more lives.

If your legislation is successful, UNOS, as the contractor for the Organ Procurement and Transplantation Network, stands ready to work with our HRSA partners to establish appropriate allocation policies, including safeguards to protect uninfected recipients from inadvertently receiving HIV-infected organs or vessels.

We look forward to working with you to advance this important legislation.

United Network for Organ Sharing (UNOS) is the private, non-profit organization that manages the nation's organ transplant system under contract with the federal government. Our mission is to advance organ availability and transplantation by uniting and supporting our communities for the benefit of patients through education, technology and policy development.

Sincerely,

JOHN P. ROBERTS, MD,  
President, United Network for Organ Sharing.

JANUARY 18, 2013.

Re endorsement of legislation to address donation of organs from HIV-infected donors to benefit HIV-infected recipients

Hon. BARBARA BOXER,  
U.S. Senate.

Hon. TOM COBURN,  
U.S. Senate.

Hon. LOIS CAPPS,  
House of Representatives.

DEAR SENATORS BOXER, COBURN AND REPRESENTATIVE CAPPS: Please accept this letter on behalf of the undersigned organizations in strong support of legislation to amend the Public Health Service (PHS) Act to establish safeguards and standards of quality for research and transplantation of organs from HIV-infected donors. We applaud your efforts in sponsoring this legislation, which makes common-sense reforms to a medically outdated federal ban on the use of organs from HIV-infected donors to benefit HIV-infected recipients.

This legislation is the product of a two-year process that included gaining support of more than 40 national organizations including professional HIV/AIDS and organ transplantation societies, patient advocacy groups, and general medical groups. By updating the PHS Act to reflect the current medical understanding of HIV/AIDS, this legislation will increase access to organ transplantation for HIV-infected patients, reduce deaths on the organ transplant waiting list, save taxpayers money, and maintain provisions to protect the national supply of organs.

As you are well aware, due to remarkable advances in HIV treatment and care over the past two decades, many HIV-infected people with access to healthcare have normal life expectancies. However, even when well-controlled with medication, the virus puts people at higher risk for organ failure, and after the onset of organ failure, HIV-infected people require organ transplants sooner than uninfected people with organ failure. In many parts of the country, organ transplant waiting times exceed seven years. Long waiting times disproportionately impact HIV-infected people who simply cannot afford to wait seven years for an organ offer. As a consequence, many people die while waiting. This legislation will increase the availability of an estimated 500 high quality organs each year for HIV-infected patients, which would have otherwise been discarded, providing a unique treatment option to save lives and reduce suffering.

Commonly accepted standards in medicine require that procedures undergo robust study before being accepted as the standard of care. Though preliminary evidence from South Africa demonstrates that transplantation between HIV-infected people is safe and effective, it is incumbent upon the medical community in the United States to carefully study the safety and outcomes of these transplants in the same way that transplantation of HIV-infected recipients with

uninfected donor organs has been carefully studied. This legislation will enable such studies, and we must continue to encourage the NIH to continue to fund clinical and comparative-effectiveness research in this area.

Thank you again for your leadership and we look forward to helping you build broad bipartisan support for this legislation in the House of Representatives and Senate, and working with you to see that it is enacted.

If you have any questions or require anything additional from our groups, please do not hesitate to contact our organizations through  
 Brian Boyarsky  
 (brian.boyarsky@jhmi.edu or 410-871-8252).

AIDS Community Research Initiative of America, AIDS Foundation of Chicago, AIDS Law Project of Pennsylvania (PA), AIDS Project Los Angeles, AIDS Treatment News, AIDS United, American Academy of HIV Medicine, American Sexual Health Association, American Society for Nephrology, American Transplant Foundation, amfAR, The Foundation for AIDS Research, Association of Nurses in AIDS Care, Association of Organ Procurement Organizations, Birmingham AIDS Outreach (AL), Cascade AIDS Project (OR), Center for HIV Law and Policy, Community Access National Network, Dialysis Patient Citizens, Eye Bank Association of America, Fenway Health/Fenway Institute (MA).

Gay & Lesbian Medical Association: Health Professionals Advancing LGBT Equality, Gay Men's Health Crisis, HealthHIV, HIV Dental Alliance, HIV Medicine Association, Human Rights Campaign, Infectious Diseases Society of America, Lambda Legal, Latino Commission on AIDS, Mendocino County AIDS/Viral Hepatitis Network (CA), Moveable Feast, NATCO, The Organization for Transplant Professionals, National Minority AIDS Council.

Okaloosa AIDS Support & Informational Services, Inc. (FL), RAIN Oklahoma (OK), Renal Physicians Association, San Francisco AIDS Foundation, The AIDS Institute, Transplant Recipients International Organization, Treatment Action Group, US Positive Women's Network, VillageCare (NY), Warren Clinic for Pediatric Infectious Diseases (OK).

Mr. PITTS. Mr. Speaker, I submit for the RECORD an exchange of letters between the Committee on Energy and Commerce and the Committee on the Judiciary on H.R. 698, the House companion bill to S. 330.

Mr. Speaker, I urge support for this bipartisan commonsense legislation, and I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON THE JUDICIARY,  
 Washington, DC, July 22, 2013.

Hon. FRED UPTON,  
 Chairman, Committee on Energy and Commerce,  
 Washington, DC.

DEAR CHAIRMAN UPTON: I am writing with respect to H.R. 698, the "HIV Organ Policy Equity Act," which the Committee on Energy and Commerce reported favorably on July 17, 2013. As a result of your having consulted with us on provisions in H.R. 698 that fall within the rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by fore-

going consideration of H.R. 698 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 698, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 698.

Sincerely,

BOB GOODLATTE,  
 Chairman.

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON ENERGY AND COMMERCE,  
 Washington, DC, July 23, 2013.

Hon. BOB GOODLATTE,  
 Chairman, Committee on the Judiciary,  
 Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding H.R. 698, the "HIV Organ Policy Equity Act." As you noted, there are provisions of the bill that fall within the rule X jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forgo action on H.R. 698, and I agree that your decision is not a waiver of any of the Committee on the Judiciary's jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward to address any remaining issues in the Committee's jurisdiction. In addition, I understand the Committee reserves the right to seek the appointment of conferees to any House-Senate conference involving this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 698 on the House floor.

Sincerely,

FRED UPTON,  
 Chairman.

Mr. WAXMAN. Mr. Speaker, I rise in support of S. 330, the HIV Organ Policy Equity Act or HOPE Act. And I urge my colleagues to join me in voting for passage of S. 330 today, which will send this bill on to the President for his signature.

In the early years of the HIV/AIDS epidemic, the National Organ Transplant Act was amended to ban the transplantation of organs infected with the HIV virus. Today—more than two decades after this ban was put in place—an HIV-positive diagnosis is no longer a death sentence. More and more HIV-positive Americans are living longer with antiretroviral treatment and finding themselves on waitlists for organs along with tens of thousands of others. Organ transplantation also now occurs using Hepatitis C-positive organs for transplant in patients who have the Hepatitis C virus. This development is notable given similarities in the transmission modes of the HIV and Hepatitis C viruses.

The HOPE Act updates the National Organ Transplant Act to reflect the current medical and scientific understanding of HIV/AIDS. The bill creates a pathway for future HIV-positive

to HIV-positive organ donation—beginning first with research. The Secretary of Health and Human Services is directed to develop research criteria for HIV-positive to HIV-positive organ donation. The Secretary is also required to conduct an annual review of research results and—if she deems the research findings warrant this action—direct the Organ Procurement and Transplant Network to revise standards for organ transplantation with HIV-infected organs. S. 330 also amends the Federal criminal code to specify that organ donation consistent with the HOPE Act would not violate the current prohibition in Federal law.

I believe this measure represents an important step forward in updating our organ transplant procedures to reflect the current state of the science. Importantly, S. 330 could also increase organs available for donation—saving hundreds of lives each year.

I want to commend Congresswoman CAPPS and Congressman HARRIS for their leadership on this critical issue in the House. I also want to acknowledge the contributions of Senators BOXER and COBURN, the sponsors of the legislation we are considering today.

I urge my colleagues to join me in supporting the HOPE Act and sending this commonsense, bi-partisan measure to the President.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, S. 330.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2013

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 893) to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 893

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2013".

#### SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2013, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2013, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).



(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2013, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material on S. 893.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

As chairman of the House Committee on Veterans' Affairs, I rise today in support of S. 893, the Veterans' Compensation Cost-of-Living Adjustment Act of 2013.

Mr. Speaker, it is entirely appropriate that we consider this legislation today after we honored America's veterans yesterday.

This is critically important legislation that authorizes a cost-of-living increase for disabled veterans in receipt of disability compensation payments

from VA, veterans' clothing allowance payments, and other compensation for survivors of veterans who die as a result of their service to this country. The amount of the increase is determined by the consumer price index, which also controls the cost-of-living adjustment for Social Security beneficiaries. That increase is scheduled to be 1½ percent.

I want to thank Congressman RUNYAN of New Jersey, the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, for introducing H.R. 569, which was the companion bill to this piece of legislation.

I urge all my colleagues to support S. 893, and I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Yesterday was Veterans Day. Its origin began 95 years ago on the 11th hour of the 11th day of the 11th month. The armistice was signed marking the end of World War I. The next year we saw the first commemoration of Armistice Day, which became Veterans Day in 1954. Every Veterans Day since then has been a day of remembrance and commemoration for all of our veterans.

Today, we have the opportunity to put the thoughts and feelings of Veterans Day into practical action. Today, with the agreement of the House, we will ensure that veterans continue to receive the support they need.

On October 28, the Senate passed S. 893, the Veterans' Compensation Cost-of-Living Adjustment Act of 2013, which provides that veterans receive a projected 1.5 percent cost-of-living adjustment beginning in January.

This bill directs the VA to increase the rate of basic compensation for disabled veterans and the rate of dependency and indemnity compensation for their survivors and dependents.

Since 1976, Congress has acted annually to increase these benefits by an amount estimated to keep pace with inflation. This year's increase is the same as that provided to Social Security recipients.

Without this annual COLA increase, veterans, their families, and survivors would see the value of their hard-earned benefits slowly erode.

□ 1745

Many of the millions of veterans and survivors who receive monthly benefits depend upon these payments in order to make ends meet. For some, it is their only source of income.

Providing for a cost-of-living increase is an important thing that we all can do to help veterans and ensure that the value of their benefits does not decrease over time due to inflation. It is a way that we can, the day after Veterans Day, thank our veterans again for their service and their sacrifice. I urge my colleagues to support S. 893.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RUNYAN), the chairman of the Subcommittee on Disability Assistance and Memorial Affairs.

Mr. RUNYAN. Mr. Speaker, I thank Chairman MILLER for yielding me this time.

I rise today in strong support of S. 893, the Veterans' Compensation Cost-of-Living Adjustment Act of 2013. This bill is a companion bill to H.R. 569, which I introduced earlier this year in the House of Representatives. H.R. 569 was included in H.R. 357, which passed the House Veterans' Affairs Committee earlier this year.

S. 893 provides a cost-of-living adjustment to veterans' disability compensation, survivors' dependency and indemnity compensation, and other benefits.

Mr. Speaker, many disabled veterans depend on these benefits to make ends meet, and this bill will assist these veterans as the cost-of-living continues to increase.

While I am very supportive of this bill, I would like to once again state that it is unfortunate that we have to be here to pass this bill each and every year. That is why I introduced H.R. 570, the American Heroes COLA Act, which would authorize a COLA every year without congressional action. This would ensure that the COLA for the most deserving Americans is not tied to action or inaction in Washington.

The House passed H.R. 570 earlier this year, and I remain hopeful that our colleagues in the Senate will follow suit so we can provide this needed benefit to veterans and their families without having to wait on Congress to act.

Once again, I thank Chairman MILLER and the House leadership for bringing this important legislation to the floor. I urge all of my colleagues to fully support S. 893.

Mr. MICHAUD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, I thank Chairman MILLER and thank Ranking Member MICHAUD for yielding me this time.

As the ranking member of the Disability Assistance and Memorial Affairs Subcommittee, I rise today in strong support of S. 893 to provide a COLA increase for disabled veterans.

In the wake of Veterans Day, let us take a lesson from President Kennedy's admonition that we should show our respect for our heroes not just through words, but through actions. This legislation is an opportunity for us to take such action. With its passage, Congress can show tangible support for our Nation's heroes.

Unlike with Social Security recipients, Congress is required to adjust veterans' COLAs every year. S. 893



would make that important adjustment for next year. That's a good thing that I support, but I would also urge the Senate in the meantime to pass H.R. 570, the American Heroes COLA Act, that would allow for an automatic COLA increase so that veterans' benefits are not subject to any congressional delay. Making the adjustment automatic would remove this important benefit from the capriciousness of partisan politics or personal grandstanding.

This bill was introduced in a bipartisan fashion by our subcommittee chairman, JON RUNYAN, and me. It was unanimously approved by the House in May and is awaiting action down the hall. So, while we await the passage of that automatic increase, passing S. 893 is an important step forward. I support it. It will ensure that our Nation's heroes receive all the benefits they have earned, and I encourage my colleagues to support it as well because this will be a true recognition of the veterans whose service and sacrifice we honored yesterday.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BENISHEK), the chairman of the Subcommittee on Health.

Mr. BENISHEK. Mr. Speaker, I rise today in support of S. 893, legislation to provide a 2014 cost-of-living adjustment to disabled veterans and their survivors. With prices going up for groceries, gas, and utilities, an increase is needed for our veterans and their families in northern Michigan.

However, without this legislation, there would be no COLA. As a doctor who served at the VA hospital in Iron Mountain for 20 years and the father of a Navy veteran, I am disappointed that our veterans are once again put at risk of being held hostage to Washington politics. Those who serve our Nation should never have to wonder whether or not Congress will provide them with the benefits they have earned.

In May, the House passed the American Heroes COLA Act, introduced by the gentleman from New Jersey (Mr. RUNYAN). This legislation will permanently tie the COLA to the consumer price index, the same as Social Security disability.

I urge the Senate to immediately act on the American Heroes COLA Act and join the House of Representatives in a clear statement that our veterans must not be used as pawns in Washington political games. I urge support of S. 893.

Mr. MICHAUD. Mr. Speaker, I have no further speakers, so I urge my colleagues to support S. 893 and send this important bill to the President today.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I too ask all of my colleagues to support S. 893.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, S. 893.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REALIGNMENT OF SOUTHERN JUDICIAL DISTRICT OF MISSISSIPPI

Mr. HOLDING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2871) to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2871

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REALIGNMENT OF SOUTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Section 104(b) of title 28, United States Code, is amended to read as follows:

“Southern District

“(b) The southern district comprises four divisions.

“(1) The Northern Division comprises the counties of Copiah, Hinds, Holmes, Issaquena, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Sharkey, Smith, Warren, and Yazoo.

Court for the Northern Division shall be held at Jackson.

“(2) The Southern Division comprises the counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone.

Court for the Southern Division shall be held at Gulfport.

“(3) The Eastern Division comprises the counties of Clarke, Covington, Forrest, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Marion, Perry, Wayne, and Walthall.

Court for the Eastern Division shall be held at Hattiesburg.

“(4) The Western Division comprises the counties of Adams, Amite, Claiborne, Franklin, Jefferson, Lincoln, Pike, and Wilkinson. Court for the Western Division shall be held at Natchez.”

#### SEC. 2. EFFECTIVE DATE.

This Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HOLDING) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HOLDING).

GENERAL LEAVE

Mr. HOLDING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2871.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HOLDING. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2871 is a simple and straightforward bill that responds to a single question: How should the Federal judicial districts in Mississippi be organized to best serve the needs of litigants, jurors, the bar, and the public once the Meridian, Mississippi, courthouse is permanently closed?

The answer was developed by an ad hoc committee of judges that was formed late last year; and to their credit, they fashioned a solution that has been reviewed and endorsed by everyone from the affected local bar associations and the Inns of Court to the Judicial Conference of the United States.

Specifically, the committee recommended, one, abolishing the Southern District's current Eastern Division; two, modifying the statutory designations of places to hold court; three, realigning the remaining four divisions and places of holding court; and, four, renaming the realigned divisions.

The judiciary and offices within the Department of Justice have reported that they will achieve significant cost savings when this proposal is fully implemented. Quite simply, Mr. Speaker, the sooner we enact this bill, the sooner these savings can be realized.

But beyond the goal of containing unnecessary costs, this legislation is a priority since the affected courts are engaged in the time-consuming and expensive process of replenishing their jury wheel. That process requires the courts to identify the names of possible jurors for criminal trials and grand jury service for the next 4 years and to provide proportional representation under the new divisions. And that process is on hold until Congress passes and the President signs this bill.

Acting through the Administrative Office of the Courts, the judiciary approached the gentleman from North Carolina, the chairman of the Courts, Intellectual Property and the Internet Subcommittee, Representative HOWARD COBLE. Chairman COBLE immediately recognized the importance of moving this legislation expeditiously and personally committed his efforts to ensure its passage.

On behalf of the full committee chairman, the gentleman from Virginia (Mr. GOODLATTE), I also want to recognize the efforts of the ranking member, Mr. WATT, and the other cosponsors of this bill, which include Representatives HARPER, THOMPSON, and PALAZZO from Mississippi, for their bipartisan support and advocacy.

The Committee on the Judiciary reported this bill unanimously in September. It is supported not only by those that I have mentioned, but also by Senators COCHRAN and WICKER from Mississippi, who are committed to doing everything possible to advance

the bill through the other body without delay.

In summary, this is a good bill and it is urgently needed to ensure the Federal courts in Mississippi are authorized and organized to function in the most economically efficient and least disruptive manner as possible. I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2871, which I am pleased to be a cosponsor of. This straightforward, bipartisan measure will realign the Southern District of Mississippi. The bill has widespread support that includes Representative BENNIE THOMPSON, who represents a part of Mississippi, as well as the affected judges and local bar.

Rarely is a bill introduced that is forthright, uncomplicated, has universal bipartisan support, and is expected to save money. H.R. 2871 has all of these characteristics.

The bill simply reorganizes the existing district into four divisions which will be designated as northern, southern, eastern, and western divisions. This simple reorganization is estimated to save approximately \$135,000 due to reduced expenditures for juries and the services of the U.S. Marshals. I urge my colleagues to support this commonsense measure.

I reserve the balance of my time.

Mr. HOLDING. Mr. Speaker, it is with pleasure that I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the leader of the North Carolina delegation and the chairman of the Subcommittee on Courts.

Mr. COBLE. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

Both gentlemen from North Carolina have pretty well covered this issue, and I will try to not be repetitive.

I rise in support of H.R. 2871.

The legislation will realign the Southern Judicial District in Mississippi. It has been reviewed and is fully supported by members of the majority and the minority from Mississippi.

H.R. 2871 was introduced in response to a plan originally developed by a committee of Federal judges from Mississippi, which was charged with formulating a plan to close the Meridian courthouse. This courthouse is the only court facility located in the Eastern Division of Mississippi's Southern Judicial District. The primary goal of the judges' committee was to recommend a realignment that best serves the needs of litigants, jurors, the bar, and the public.

Given the review and endorsement of the Judicial Conference, the Fifth Circuit Judicial Council, the judges, U.S. attorney, and Federal public defender, local bar association, and Inns of

Court, it appears that the judges performed their duty in an exemplary fashion.

□ 1800

In brief, H.R. 2871, Mr. Speaker, aligns and redesignates the judicial districts and places of holding court in Mississippi to improve the judicial efficiency.

The CBO estimates that H.R. 2871 will create no budgetary impact. Its enactment will enable the affected judges, bar, and the public to be better served by a more rational structure, organization, and composition of Federal judicial districts in Mississippi and permit the Federal judiciary and the Department of Justice to achieve substantial cost savings.

H.R. 2871 is a good bill, as has been pointed out, and I encourage my colleagues to support that proposal.

Mr. WATT. Mr. Speaker, as I have no further speakers, I urge my colleagues to support this bipartisan, commonsense bill, and I yield back the balance of my time.

Mr. HOLDING. Mr. Speaker, I want to thank very much Chairman COBLE for his words. I also want to thank him for his friendship and his mentorship and the leadership that he has shown in this body on the Judiciary Committee, and particularly on the subcommittee for intellectual property and the courts.

I urge my colleagues to join with us in support of this bipartisan, commonsense legislation to efficiently reorganize the courts in Mississippi, and I urge a "yes" vote on this.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 2871 but also ask that this body continue to work assiduously on the remaining budget matters so that the judicial branch has the funding to do its work that every American has a fair trial—and that they do not have to drive so far that they need to camp out overnight.

In 2012, the Judicial Conference of the United States recommended that certain federal court facilities be closed. This includes leased court space in Meridian, Mississippi. An ad hoc committee of judges, which included the Chief U.S. District Judge for the Southern District of Mississippi, was convened to review the issues created by the closure and to recommend the best course of action. I am aware like most Members, that cost-savings are extremely important—but we should be mindful of any perceived inconveniences to plaintiffs and defendants—in a state that is regularly ranked one of the poorest.

Moreover, with numerous nominees of President Obama being held up in the Senate via a nominations process that has in fact become an allegations process, I am also inclined to agree with the judgment of the Judicial Conference of the United States and the Chief Justice of the United States that additional judgeships should be created in many parts of the country in order to ensure that the Constitution's promise of justice is fulfilled.

But the need for Congress to create new judgeships aside, I believe the first step in resolving the crisis in our courts is to fill all the existing district and circuit court seats. As of today, there are 91 total vacancies—74 in district courts and 17 in circuit courts. Astonishingly, there are more empty judgeships now than when President Obama took office, almost five years ago. So while it may be appropriate to eradicate duplicity—let this House institute other reforms in a bipartisan manner so that access to justice is not an abstract notion. Indeed though—we all know that the Senate holds nearly all the cards in this part of the discussion.

We must ultimately consider the effect the proposed changes have on the court's efficiency and stability of the rule of law in the circuit. My experience is that a decrease in space might lead one to believe that justice might be negatively affected but considering that my colleagues from both sides of the aisle are in full support—we must wait and see and hope that justice is not too deliberate in the affected areas of Mississippi.

The chief argument for this legislation is cost-cutting and simplification—but the Judicial Committee did this with an eye on the budget matters that we have dealt with in this body and Mr. Speaker, I must say that if the cost-savings do not injure the provision of justice then this legislation is supportable in its present form.

I urge my colleagues to Support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and pass the bill, H.R. 2871.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLDING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### EXTENSION OF AUTHORITY OF SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF SUPREME COURT GROUNDS

Mr. HOLDING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2922) to extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2922

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF AUTHORITY OF SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF SUPREME COURT GROUNDS.

Section 6121(b)(2) of title 40, United States Code, is amended by striking "2013" and inserting "2019".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HOLDING) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HOLDING).

GENERAL LEAVE

Mr. HOLDING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2922, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HOLDING. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2922 is a simple and straightforward measure that accomplishes one purpose. It extends for a period of 6 years the longstanding authority of the Supreme Court Police to provide appropriate security and protective services to Justices, Court employees, and official guests of the Court.

Mr. Speaker, article III of the Constitution provides, in part, "the judicial power of the United States, shall be vested in one Supreme Court." It is essential to the functioning of the Supreme Court that Justices, Court employees, and their official visitors be able to perform their critical duties with the knowledge that they are provided adequate and appropriate protective services.

For more than three decades, Mr. Speaker, Congress has specifically authorized the Supreme Court Police to provide limited security beyond the Court building for these specific classes of persons. This authority, which is due to expire at the end of this year, has been extended by Congress seven times since 1986. H.R. 2922 is a straightforward extension of this authority for an additional 6 years.

Mr. Speaker, I served in the Federal law enforcement community as a United States attorney in the Eastern District of North Carolina, and I understand that we can never take security for granted. That is why I decided to personally introduce this bill earlier this year.

I want to thank the chairman of the committee, the Honorable BOB GOODLATTE, for recognizing the significance of this bill and moving it forward. I also want to thank the outstanding support of the ranking member of the full committee, Mr. CONYERS, and chairman and vice chairman and ranking member of the Courts, Intellectual Property, and the Internet Subcommittee, Representatives COBLE, MARINO, and WATT, respectively, for their bipartisan leadership and cooperation in helping to advance this measure.

In closing, Mr. Speaker, this is a good and noncontroversial bill that de-

serves the House's support. It is also one that we have good reason to expect will be taken up in the other body in the very near future.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2922. I thank the chairman of the committee, Mr. GOODLATTE, and the gentleman from North Carolina (Mr. HOLDING) for introducing this commonsense legislation on which I am also an original cosponsor.

This bill extends the authority of the U.S. Marshal Service and the Supreme Court Police to provide for the security of the Justices on and off the grounds of the Supreme Court for an additional 6 years. It also authorizes those enforcement agencies to protect Supreme Court employees performing their official duties and official guests of the Court when they are not on Court premises.

In 1982, Congress first responded to the call of Chief Justice Warren Burger to provide for the safety of the Justices while traveling or away from the Court grounds. Since then, Congress has regularly reauthorized the statute for various lengths of time.

H.R. 2922 provides for an extension for a period of 6 years. Because the current authorization expires in a matter of months on December 31, 2013, it is imperative that we act to provide the Justices the security we have sanctioned over the years.

The work of the Supreme Court is vital to our Nation, and the role of any one Justice can tip the scales one way or the other on matters of grave consequence. The security we have consistently authorized since 1982 seems to work well, and we should act expeditiously to prevent a lapse in security for the Justices, employees, and dignitaries visiting the Court.

Mr. Speaker, I have no further requests for speakers, and I urge my colleagues to support this important bill.

I yield back the balance of my time.

Mr. HOLDING. Mr. Speaker, I yield myself such time as I may consume.

This is a bipartisan measure that extends long-existing previous policy, and it is certainly critically needed and should be done as soon as possible so as not to run up against the deadline at the end of the year.

Mr. WATT. Will the gentleman yield?

Mr. HOLDING. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Speaker, for the record, I neglected to indicate in my comments that our colleague, the chair of the subcommittee, announced last week during the period that we were out on the Veterans Day district work period that he was not planning to run for Congress again, and I hadn't recognized that he was still on the floor.

So I wanted to express how important a contribution he has made to this

institution for many years. I am not going to tell you how many. More than I have been here, and I have been here 21 years. He was here when I got here. I always tell people that, of all of the people in the North Carolina delegation when I was elected to Congress, he was the first member of the North Carolina delegation to come to my office and welcome me to Congress, and we have been very good friends ever since then. I am sure all of his virtues in the next year will be appropriately extolled, but it is going to be a big loss for us.

I appreciate the gentleman yielding to me to make those comments because I thought Mr. COBLE had left the floor, and I had intended to make them earlier when he was here. I am glad to see he is here.

Mr. COBLE. Will the gentleman yield?

Mr. HOLDING. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the leader of the North Carolina delegation.

Mr. COBLE. I thank the gentleman.

MEL, I appreciate those generous words. Thank you for your generous words as well. I won't be verbose or lengthy, but just thanks to all of you.

I have another year, MEL. I won't be gone for another year. Thank you.

Mr. HOLDING. Mr. Speaker, it is certainly a pleasure to be here on the floor with Chairman COBLE. It is just a point of personal privilege to say that, long ago when I was a staff member up here on Capitol Hill, I had a conversation with the chairman and asked him what I should do next. He suggested that I go and be an assistant United States attorney just like he was before he came to Congress.

Mr. Speaker, I urge a "yes" vote on this, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of this legislation which like others before us, demonstrates the Congressional power over the Supreme and federal courts in even the most mundane matters—in this case—security.

It is critical to the day-to-day functioning of the Supreme Court that Justices, Court employees, and visitors to the Court be provided with adequate and appropriate protection. The Supreme Court Police are charged with enforcing the law at the Supreme Court building and its grounds as well as protecting Justices and other court employees on and off the grounds. Congress has provided statutory authority for the Supreme Court Police to provide security beyond the Court building for Justices, Court employees and official visitors since 1982. Since 1986, Congress has extended this off-grounds authority seven times and recent events tend to demonstrate that this authority is as important as ever.

The authority is due to sunset on December 31, 2013 and the current authority and jurisdiction of the Supreme Court Police is essential to the force's performance of its everyday duties. Supreme Court Police regularly provide

security to Justices by transporting and accompanying them to official functions in the Washington, D.C., metropolitan area, and on occasion, outside the area when they or official guests travel on Court business. Threats to personal safety may require Justices to be accompanied by police between their home and the Court—and although incidents have been few—we must continue to be vigilant to any and all security matters.

I close by harking back to our Founders, the men who forged the underpinnings of this great nation. They had the vision and forethought to craft what is the world's most admired democracy, replete with the vaunted three branches of government. It is not perfect though, and in my role as a representative for the people of the 18th District of Texas, I humbly seek to make it better and the passage of this bipartisan legislation today moves us closer to working in harmony on other matters affecting the Judiciary—matters which the American people are asking us to do. I am certain that on that score we share the same values.

I urge my colleagues to Support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and pass the bill, H.R. 2922.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLDING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### SUPPORTING THE RIGHT TO COUNSEL

Mr. HOLDING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 196) supporting the Sixth Amendment to the United States Constitution, the right to counsel, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 196

Whereas on March 18, 1963, the Supreme Court recognized in *Gideon v. Wainwright* that counsel must be provided to indigent defendants in all felony cases;

Whereas the Supreme Court held that providing counsel to indigent defendants in all felony cases meets the essential requirements of the Sixth Amendment to the United States Constitution; and

Whereas the Supreme Court held in *Argersinger v. Hamlin* that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless they were represented by counsel at their trial: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the Sixth Amendment to the United States Constitution, the right to counsel;

(2) supports strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel; and

(3) urges States to work to ensure that indigent defendants in all felony cases are adequately represented by counsel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HOLDING) and the gentleman from Florida (Mr. DEUTCH) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

##### GENERAL LEAVE

Mr. HOLDING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H. Res. 196, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HOLDING. Mr. Speaker, I yield myself such time as I may consume.

The Sixth Amendment of the United States Constitution states that “in all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defence.” H. Res. 196 supports the Sixth Amendment, the right to counsel, and strategies to ensure that indigent defendants in all felony cases are adequately represented by counsel.

Fifty years ago, Mr. Speaker, the Supreme Court, in *Gideon v. Wainwright*, held that providing counsel to indigent defendants is one of the essential requirements of the Sixth Amendment. Writing for the majority, Justice Black stated:

From the very beginning, our State and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law.

Since the *Gideon* decision, the Supreme Court has held that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless that person was represented by counsel at his or her trial.

This resolution reaffirms Congress' continued commitment to pursuing fairness in our criminal justice system and calls on States to help ensure that defendants are adequately represented by counsel.

I urge Members to support it, and I reserve the balance of my time.

Mr. DEUTCH. Mr. Speaker, I yield myself such time as I may consume.

At the beginning of this Congress, Members read aloud the Constitution of the United States from the floor of this very Chamber. That reading, of course, included the Bill of Rights, those first 10 amendments so vital to protecting the individual freedoms of all Americans.

Today, I urge my colleagues to support the passage of H. Res. 196, a bipartisan resolution affirming our support for the Sixth Amendment to our Constitution.

The Sixth Amendment guarantees the right of all Americans to a fair trial. It also reads, “In all criminal prosecutions, the accused shall . . . have the assistance of counsel for his defence.”

We all agree that the right to counsel for anyone accused of a crime is the foundation of individual liberty. It is essential to the rule of law and the basic principle that, in America, the government cannot take away any citizen's freedom without a fair trial. H. Res. 196 is a bipartisan resolution reaffirming the support of this Congress for the Sixth Amendment right to counsel at a time when this right is too often trampled in our modern-day justice system.

Fifty years ago, the U.S. Supreme Court recognized, in the landmark case, *Gideon v. Wainwright* that access to quality legal representation is essential to a fair trial, and that even Americans too poor to afford an attorney have a right to counsel.

□ 1815

This landmark opinion held that States and localities have a Sixth Amendment constitutional obligation to provide counsel to indigent defendants. Yet, a half century later, the reality is that we continue to struggle to honor the right to counsel upheld in *Gideon*.

Reports by the Department of Justice, the American Bar Association, the Constitution Project, as well as innumerable law review articles by top experts in criminal law, have revealed how legal representation for indigent defendants often has been undermined by crushing caseloads, inadequate funding, and other obstacles. It has been estimated that 80 to 90 percent of all persons charged with a criminal offense qualify as being indigent and cannot afford an attorney.

The American Bar Association, in its comprehensive report, “*Gideon's Broken Promise*,” concluded that “thousands of persons are processed through America's courts every year either with no lawyer at all or with a lawyer that does not have the time, the resources or, in some instances, the inclination to provide effective representation.”

All too often, defendants plead guilty, even if they are innocent, without really understanding their legal rights or what is occurring.

In this time of limited resources, the right to counsel has also been undermined by cuts to funding for indigent defense. These cuts have eliminated training programs to keep lawyers informed of criminal justice best practices and have limited the ability of

lawyers for indigent defendants to access investigators or experts essential to adequately representing their clients.

We pay a hefty price when we fail to uphold the Sixth Amendment of our Constitution. It is not uncommon for indigent people without an attorney to sit in jail for weeks or months, causing the loss of a job, a home and, in some instances, the loss of a family.

Failing to provide adequate counsel to indigent defendants can also lead to costly extended pretrial detentions, costs associated with appellate litigation, costs for appellate defense counsel, prosecutors and appellate courts, incarceration costs of indigent people during the appeals process, and other unnecessary costs.

From our unsustainably high rates of incarceration to the lives of families torn apart by unnecessary jail time and wrongful convictions, Congress can't afford to ignore the economic and moral costs of this crisis in our criminal justice system.

Our Nation's failure to uphold the Sixth Amendment has resulted in bloated prison and jail populations at the State and county levels, which hold more than 2.2 million people at a cost of \$75 billion per year. An additional 5 million people are on probation, parole, or supervised release.

Yet, Mr. Speaker, despite all the comprehensive reports, all the law review articles, and all the stories reported by the media, the fundamental right of an indigent defendant to adequate counsel remains at risk.

The situation is dire. Look no further than a recent determination made by the Florida Supreme Court allowing the Miami-Dade Public Defender's Office to withdraw from 21 criminal cases because of excessive workload and underfunding. In fact, it was found that approximately 400 felony cases were being assigned to the average public defender, and public defenders in third-degree felonies had as many as 50 cases set for trial in a week.

These facts provide us with just a glimpse into a growing crisis within our criminal justice system. There is no question that States and localities are struggling to provide adequate and well-resourced lawyers to indigent defendants.

Ensuring that all Americans, regardless of their financial resources, have access to a lawyer is essential to our system of justice. Our failure to uphold the Sixth Amendment undermines the premise that, in America, every person has the right to a fair trial and is presumed innocent until proven guilty.

H. Res. 196 is a product of bipartisanship. I would like to thank the House Judiciary Committee Chairman BOB GOODLATTE for his support of this legislation and the Sixth Amendment right to counsel.

I would also like to thank Congressman STEVE CHABOT for all of his hard

work on this resolution and for working to ensure that indigent people in the criminal justice system are adequately represented by counsel.

I also want to recognize Ranking Member JOHN CONYERS and Crime Subcommittee Ranking Member BOBBY SCOTT for their support of this resolution.

For my colleagues who are as concerned as I am about the state of indigent defense in America, I invite you not just to support today's resolution but to join me as a cosponsor of H.R. 3407, the National Center for the Right to Counsel Act. This legislation aims to improve financial and training resources for State and local public defense systems and encourage the adoption of best practices for the delivery of legal services to indigent defendants.

The bill would equip States and localities with more tools to implement their own indigent defense systems and meet their constitutional obligations as defined by the Supreme Court in *Gideon v. Wainwright*. I look forward to working with colleagues on both sides of the aisle on this legislation.

Mr. Speaker, the first step toward solving any problem is confronting it, and that is why I am so pleased to have H. Res. 196 on the floor today. The Supreme Court recognized in *Gideon* that "the right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

It is long past time that the House of Representatives engage, debate, and develop strategies to assist the States with improving the delivery of indigent defense services.

I urge my colleagues to support the right to counsel enshrined in the Sixth Amendment of the Constitution and to join me in supporting H. Res. 196.

Mr. Speaker, I yield back the balance of my time.

Mr. HOLDING. Mr. Speaker, I urge my colleagues to support this measure and vote "yes."

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise to offer a full-throated support of H. Res. 196, which upholds the Sixth amendment Right to Counsel, as laid out in the Supreme Court case of *Gideon v. Wainwright*.

The Supreme Court's landmark decision in *Gideon v. Wainwright* affirmed that everyone, whether rich or poor, has the right to an attorney in a criminal proceeding. Fifty years later though, sequestration's devastating cuts to federal defender services are jeopardizing the constitutional rights of Americans around the nation and ultimately resulting in higher costs—which is why this resolution—H. Res. 196—is utterly important. The case law and enunciation of this right began in *Powell v. Alabama*, in which the Court set aside the convictions of eight black youths sentenced to death in a hastily carried-out trial without benefit of counsel.

Justice Sutherland stated that due process always requires the observance of certain fun-

damental personal rights associated with a hearing, and "the right to the aid of counsel is of this fundamental character." This observation was about the right to retain counsel of one's choice and at one's expense, and included an eloquent statement of the necessity of counsel. "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crimes, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence."

Clarence Earl Gideon, could not afford a lawyer to defend him in court, and he was convicted. Gideon challenged his conviction—all the way to the Supreme Court. The result was the landmark case *Gideon v. Wainwright*, which guarantees poor defendants in Houston, the state of Texas, and all around this great nation, the right to counsel in criminal cases. Indeed Mr. Speaker, just this weekend a horrific shooting took place in Houston that was reported all over—and just as with many crimes—our fine law enforcement officials set out to find the perpetrators and it appears as if they have. It is in cases like these where the public's opinion is enflamed that Gideon is most importance—particularly in ensuring that the right persons have been apprehended.

Public defenders serve as the backbone of our legal system because they ensure that the Sixth Amendment right to effective counsel is maintained. It is critical that this body act to ensure that next year's sequestration cuts do not force federal defender organizations around the country to further reduce their operations, hindering their ability to provide competent and timely legal representation. This body must pass legislation to avert further cuts to defender services otherwise—it will result in an abdication of our constitutional duties, increased costs to the American taxpayer, and a severe degradation of our criminal justice system in Texas and beyond.

In this body we often disagree on the scope and breadth of recent budget cuts, but we must all work to ensure that a highly functioning criminal justice system is maintained and adequately funded. We have a responsibility to the Constitution to continue to fund this critically important program at workable levels. As we continue to debate a budget for fiscal year 2014, and the overall fiscal path for our nation, I urge my colleagues to address this critically important issue.

I urge my colleagues to Support this important resolution.

Ms. BONAMICI. Mr. Speaker, I rise in support of H. Res. 196. Since the founding of the Republic, the right to an attorney in a federal criminal prosecution has been enshrined in the

Bill of Rights, and fifty years ago the Supreme Court reiterated that commitment and applied it to the states in *Gideon v. Wainwright*. But though the Constitution, the Court, and the Criminal Justice Act establish this right, Congress still must provide adequate resources before it can be a reality.

Public defenders serve as the backbone of this constitutional promise. Federal public defenders ensure access to counsel and other necessary criminal defense services for those who are indigent. Public defenders not only help to maintain confidence in the nation's commitment to equal justice under the law, but also ensure the successful operation of the constitutionally based adversary system of justice through which Federal criminal laws and federally guaranteed rights are enforced. In addition, adequately funded federal public defenders save money for the federal treasury by reducing pre- and post-trial incarceration costs.

At the federal level, 81 public defender organizations nationwide represent 60 percent of all criminal defendants in the federal court system. In the judicial branch, where costs are heavily concentrated in personnel, the sequester cuts have led to furloughs, staff reduction through attrition, and as a last resort, layoffs. As a result, trials have been delayed and attorneys have been forced to take on even larger caseloads. This has an effect on the entire federal criminal justice system, delaying justice for everyone, whether innocent or guilty.

Although many federal agencies can choose to do less when fewer resources are available, the federal judiciary does not have the option to reduce its own workload when budget cuts threaten. In criminal matters, when the U.S. Attorney decides to prosecute an indigent defendant, the Constitution requires the government to provide assistance of counsel. As pointed out by Justice Anthony Kennedy before the Subcommittee on Financial Services and General Government on March 14, 2013, because the Constitution requires the court to appoint counsel for an indigent criminal defendant, if there are fewer public defenders available the court must employ private attorneys, often at a higher cost.

This resolution will pass the House overwhelmingly, as well it should. But today I challenge my colleagues to put real force behind their words and expressions of support for the Sixth Amendment right to counsel. I implore them to support full funding for the Federal Defender Services. I urge support for this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and agree to the resolution, H. Res. 196, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLDING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 6 o'clock and 21 minutes p.m.), the House stood in recess.

□ 1829

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 6 o'clock and 29 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2871, by the yeas and nays;

H.R. 2922, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## REALIGNMENT OF SOUTHERN JUDICIAL DISTRICT OF MISSISSIPPI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2871) to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 29, as follows:

[Roll No. 571]

YEAS—401

Aderholt  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Benishak  
Bentivoglio

Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)

Broun (GA)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney

Carson (IN)  
Carter  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellmers  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Fox  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene

Griffin (AR)  
Griffith (VA)  
Grijalva  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Holt  
Honda  
Horsford  
Murphy (FL)  
Murphy (PA)  
Nadler  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Maffei  
Ruiz  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry

McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascarelli  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Rohy  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider



Schock	Stivers	Wagner	Cantor	Graves (GA)	McClintock	Schakowsky	Speier	Wagner
Schrader	Stockman	Walberg	Capito	Graves (MO)	McCollum	Schiff	Stewart	Walberg
Schweikert	Stutzman	Walden	Capps	Grayson	McDermott	Schneider	Stivers	Walden
Scott (VA)	Swalwell (CA)	Walorski	Capuano	Green, Al	McGovern	Schock	Stockman	Walorski
Scott, Austin	Takano	Walz	Cardenas	Green, Gene	McHenry	Schrader	Stutzman	Walz
Scott, David	Terry	Wasserman	Carney	Griffin (AR)	McIntyre	Schweikert	Swalwell (CA)	Wasserman
Sensenbrenner	Thompson (CA)	Schultz	Carter	Griffith (VA)	McKeon	Scott (VA)	Takano	Schultz
Serrano	Thompson (MS)	Waters	Cartwright	Grijalva	McKinley	Scott, Austin	Terry	Waters
Sessions	Thompson (PA)	Watt	Cassidy	Guthrie	McMorris	Scott, David	Thompson (CA)	Watt
Sewell (AL)	Thornberry	Waxman	Hahn	Hahn	Rodgers	Sensenbrenner	Thompson (MS)	Waxman
Shea-Porter	Tiberi	Weber (TX)	Castro (TX)	Hall	McNerney	Serrano	Thompson (PA)	Weber (TX)
Sherman	Tierney	Webster (FL)	Chabot	Hanabusa	Meadows	Sessions	Thornberry	Webster (FL)
Shimkus	Tipton	Williams	Chaffetz	Hanna	Meehan	Sewell (AL)	Tiberi	Welch
Shuster	Titus	Wilson (FL)	Chu	Harris	Meeks	Shea-Porter	Tierney	Whitfield
Simpson	Tonko	Wilson (SC)	Cicilline	Hartzler	Meng	Sherman	Tipton	Williams
Sinema	Tsongas	Wittman	Clarke	Hastings (FL)	Messer	Shimkus	Titus	Wilson (FL)
Sires	Turner	Wolf	Clay	Hastings (WA)	Mica	Shuster	Tonko	Wilson (SC)
Smith (MO)	Upton	Womack	Cleaver	Heck (NV)	Michaud	Simpson	Tsongas	Wittman
Smith (NE)	Valadao	Woodall	Clyburn	Heck (WA)	Miller (FL)	Sinema	Turner	Wolf
Smith (NJ)	Van Hollen	Yarmuth	Coble	Hensarling	Miller (MI)	Sires	Upton	Womack
Smith (TX)	Vargas	Yoder	Coffman	Higgins	Miller, Gary	Smith (MO)	Valadao	Woodall
Smith (WA)	Veasey	Yoho	Cohen	Himes	Moore	Smith (NE)	Van Hollen	Woodall
Southerland	Vela	Young (IN)	Cole	Hinojosa	Mullin	Smith (NJ)	Vargas	Yarmuth
Speier	Velázquez		Collins (GA)	Holding	Mulvaney	Smith (TX)	Vela	Yoder
Stewart	Visclosky		Collins (NY)	Holt	Murphy (FL)	Smith (WA)	Velázquez	Yoho
			Conaway	Honda	Murphy (PA)	Southerland	Visclosky	Young (IN)
			Connolly	Horsford	Nadler			
			Conyers	Hoyer	Napolitano			
			Cook	Hudson	Negrete McLeod			
			Cooper	Huelskamp	Neugebauer	Gohmert	Miller, George	Moran
			Costa	Huffman	Noem			
			Cotton	Huizenga (MI)	Nolan			
			Courtney	Hultgren	Nunes			
			Cramer	Hunter	Nunnelee			
			Crawford	Hurt	O'Rourke			
			Crenshaw	Israel	Olson			
			Crowley	Issa	Owens			
			Cuellar	Jackson Lee	Palazzo			
			Culberson	Jeffries	Pallone			
			Cummings	Jenkins	Pascarella			
			Daines	Johnson (GA)	Pastor (AZ)			
			Davis (CA)	Johnson (OH)	Paulsen			
			Davis, Danny	Johnson, E. B.	Payne			
			Davis, Rodney	Johnson, Sam	Pearce			
			DeFazio	Jordan	Pelosi			
			DeGette	Joyce	Perlmutter			
			Delaney	Kaptur	Perry			
			DeLauro	Keating	Peters (CA)			
			DelBene	Kelly (IL)	Peters (MI)			
			Denham	Kelly (PA)	Peterson			
			Dent	Kennedy	Petri			
			DeSantis	Kildee	Pingree (ME)			
			Deutch	Kilmer	Pitts			
			Diaz-Balart	Kind	Pocan			
			Dingell	King (IA)	Poe (TX)			
			Doggett	King (NY)	Polis			
			Doyle	Kingston	Pompeo			
			Duckworth	Kinzinger (IL)	Posey			
			Duffy	Kirkpatrick	Price (GA)			
			Duncan (SC)	Kline	Price (NC)			
			Duncan (TN)	Kuster	Quigley			
			Edwards	Labrador	Radel			
			Elmiers	LaMalfa	Rahall			
			Engel	Lamborn	Rangel			
			Enyart	Lance	Reed			
			Eshoo	Langevin	Reichert			
			Esty	Lankford	Renacci			
			Farenthold	Larsen (WA)	Ribble			
			Farr	Larson (CT)	Rice (SC)			
			Fattah	Latham	Richmond			
			Fincher	Latta	Rigell			
			Fitzpatrick	Lee (CA)	Roby			
			Fleming	Levin	Roe (TN)			
			Flores	Lewis	Rogers (AL)			
			Forbes	Lipinski	Rogers (KY)			
			Fortenberry	LoBiondo	Rogers (MI)			
			Foster	Loebsock	Rokita			
			Fox	Lofgren	Rooney			
			Frankel (FL)	Long	Ros-Lehtinen			
			Franks (AZ)	Lowenthal	Roskam			
			Frelinghuysen	Lowe	Ross			
			Fudge	Lucas	Rothfus			
			Gabbard	Luetkemeyer	Roybal-Allard			
			Gallego	Lujan Grisham	Royce			
			Garamendi	(NM)	Ruiz			
			Garcia	Lummis	Runyan			
			Gardner	Lynch	Ruppersberger			
			Garrett	Maffei	Ryan (OH)			
			Gerlach	Maloney,	Ryan (WI)			
			Gibbs	Carolyn	Salmon			
			Gibson	Maloney, Sean	Sánchez, Linda			
			Gingrey (GA)	Marchant	T.			
			Goodlatte	Marino	Sanchez, Loretta			
			Gosar	Massie	Sanford			
			Gowdy	Matheson	Sarbanes			
			Granger	McCarthy (CA)	Scalise			

## NOT VOTING—29

Barton	Harper	Pittenger
Blackburn	Herrera Beutler	Rohrabacher
Butterfield	Jones	Rush
Campbell	Lummis	Schwartz
Chaffetz	Lynch	Slaughter
DesJarlais	Matsui	Welch
Ellison	McCarthy (NY)	Wenstrup
Fleischmann	McCaul	Westmoreland
Grimm	Neal	Young (AK)
Gutiérrez	Nugent	

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### EXTENSION OF AUTHORITY OF SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF SUPREME COURT GROUNDS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2922) to extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 28, as follows:

[Roll No. 572]

YEAS—399

Aderholt	Benishek	Braley (IA)
Amash	Bentivolio	Bridenstine
Amodei	Bera (CA)	Brooks (AL)
Andrews	Bilirakis	Brooks (IN)
Bachmann	Bishop (GA)	Brown (GA)
Bachus	Bishop (NY)	Brown (FL)
Barber	Bishop (UT)	Brownley (CA)
Barletta	Black	Buchanan
Barr	Blumenauer	Bucshon
Barrow (GA)	Bonamici	Burgess
Bass	Boustany	Bustos
Beatty	Brady (PA)	Calvert
Becerra	Brady (TX)	Camp

## NAYS—3

Gohmert	Miller, George	Moran
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## NOT VOTING—28

Barton	Harper	Pittenger
Blackburn	Herrera Beutler	Rohrabacher
Butterfield	Jones	Rush
Campbell	Luján, Ben Ray	Schwartz
Carson (IN)	(NM)	Slaughter
DesJarlais	Matsui	Veasey
Ellison	McCarthy (NY)	Wenstrup
Fleischmann	McCaul	Westmoreland
Grimm	Neal	Young (AK)
Gutiérrez	Nugent	

□ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2655, LAWSUIT ABUSE REDUCTION ACT OF 2013, AND PROVIDING FOR CONSIDERATION OF H.R. 982, FURTHERING ASBESTOS CLAIM TRANSPARENCY (FACT) ACT OF 2013

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 113-264) on the resolution (H. Res. 403) providing for consideration of the bill (H.R. 2655) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and providing for consideration of the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes, which was referred to the House Calendar and ordered to be printed.



**NOTICE OF INTENTION TO OFFER  
MOTION TO INSTRUCT CON-  
FEREES ON H.R. 2642, FEDERAL  
AGRICULTURE REFORM AND  
RISK MANAGEMENT ACT OF 2013**

Mr. LOEBSACK. Mr. Speaker, I announce my intention to offer a motion to instruct conferees on H.R. 2642.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 2642) be instructed to agree to the following:

(1) Section 4014 of the Senate amendment (relating to a 5-year authorization of appropriations to carry out the Food and Nutrition Act of 2008).

(2) Section 9002(a)(7) of the Senate amendment (relating to funding for the biobased markets program).

(3) Section 9003(b) of the Senate amendment (relating to funding for biorefinery, renewable chemical, and biobased product manufacturing assistance).

(4) Section 9005 of the Senate amendment (relating to funding for the biodiesel fuel education program).

(5) Section 9006(b) of the Senate amendment (relating to funding for the Rural Energy for America Program).

(6) Section 9007 of the Senate amendment (relating to funding for biomass research and development).

(7) Subsection (f) of section 9011 of the Farm Security and Rural Investment Act of 2002, as proposed to be amended by section 9009 of the Senate amendment (relating to funding for the Biomass Crop Assistance Program).

**REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 3292**

Mr. BENTIVOLIO. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 3292.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

**COMMEMORATING BREAST  
CANCER AWARENESS MONTH**

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, October was the 29th anniversary of Breast Cancer Awareness Month, a time to encourage early detection, to support those who are battling this disease, to honor survivors, and to reflect on those who have lost their battles against this dreadful disease. Over 232,000 women will be diagnosed with breast cancer within this year, so events that increase awareness and education must be a top priority.

One of the many great events to take place in my home area of Miami-Dade County is the annual American Cancer Society's Making Strides Against Breast Cancer walk. Irela Bague, a south Florida native, was one of the

proud participants this year. Irela and her team, Chica Power, put together a wonderful support system to help survivors and to foster empowerment for all of those impacted by breast cancer. Another team participating in the event was Lopez Gov Law, put together by philanthropist Marile and Jorge Luis Lopez. They also helped to raise awareness about the benefits of early detection, and they promoted free information and services offered by the American Cancer Society.

Mr. Speaker, education, prevention, diagnosis, and treatment are the important steps to preserving women's health. Every effort must be made to ensure that this disease is eradicated, and until a cure is found, it is crucial that we do all that we can to prevent this horrible disease from taking yet another woman's life.

**ALIVE DAY**

(Ms. DUCKWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUCKWORTH. Mr. Speaker, today is my alive day.

On November 12, 2004, I nearly lost my life in a dusty field in Iraq. I would have died that day if it were not for my helicopter crew.

If it weren't for Chief Warrant Officer Dan Milberg, we would never have been able to land that aircraft. If it weren't for Specialist Kurt Hannemann, who, despite his own injuries, stood the perimeter to protect us from approaching enemy, I wouldn't be here today. If it weren't for Sergeant Chris Fierce, who was also grievously wounded and pointing to the medics to take care of me before him, those medics would not have realized as quickly as they did that I was still alive. There was no way to egress if Chief Warrant Officer Pat Meunks didn't land his aircraft right behind ours to pull us out. Dan could not have carried me out if Sergeant Matt Backues were not there to help all of us to his aircraft.

It is because of my buddies that I am here today. I owe it to them to make their sacrifices and their heroic efforts that day worth it. I owe it to them to live every day to the fullest and to stand up for our veterans and for all Americans.

It doesn't matter where you come from. It doesn't matter what god you pray to or whether you are a male or a female. What matters is the mission and that you will never, ever leave one of your own behind.

We have a lot of work to do here in Congress, but we must remember that our mission is to serve the American people. That means we must work together just like my crew. That's why I will always reach across the aisle to work with all of my colleagues in order to find solutions for our Nation. We

don't often get chances like I did. I will never waste a second chance, this time that I have.

Dan, Chris, Kurt, Matt, and Pat, thank you for my life.

**THE PRESIDENT SHOULD FULFILL  
HIS PROMISE**

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the White House has been under pressure for weeks as millions of Americans have started receiving health insurance cancellation letters despite repeated assurances from the President that this would not be the case.

Earlier today, former President Bill Clinton weighed in on the debate. He stated the following:

I, personally, believe, even if it takes changing the law, the President should honor the commitment the Federal Government made to those people and let them keep what they got.

Last week, the President apologized, despite American families continuing to lose their coverage as a result of the Affordable Care Act.

Mr. Speaker, rather than apologize to the millions of Americans who are losing their coverage, the President should fulfill the promise that was made.

This week, the House will consider H.R. 3350, the Keep Your Health Plan Act, which will allow insurance companies to continue offering the plans that millions of consumers were happy with and would like to keep.

If the President is sincere in keeping his promise, the very least he could do is support this bipartisan legislation.

**□ 1915**

**RETIREMENT OF JUDGE HUGH  
WALKER**

(Mr. SWALWELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWALWELL of California. Mr. Speaker, I rise today to recognize my friend, Alameda County Superior Court Judge Hugh Walker of Pleasanton, who recently announced he is retiring after 19 years of service.

Judge Walker has served much of the eastern portion of Alameda County, which I represent, since 1994. He was first appointed as a municipal court judge for the Livermore-Pleasanton-Dublin district by Governor Pete Wilson and was elevated to Superior Court judge for Alameda County in 1998.

For 19 years he has served in the Tri-Valley, and when I was a prosecutor he even kept me in line. Judge Walker is well known for being a tough but down-

to-earth and compassionate judge and never shies away from a lighthearted moment in his courtroom. He is well respected by both his peers and by those who have argued cases before him.

He is very much a part of the community for which he helps ensure justice is served. He is a very familiar face in downtown Pleasanton and at local Rotary Club meetings.

He has dedicated a great amount of energy into helping bring a larger courthouse to the eastern portion of Alameda County. I want to thank Judge Walker for his decades of public service to the people of Alameda County and wish him the best of luck as he begins this new chapter of his life.

#### KEEP YOUR HEALTH PLAN ACT

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, President Obama promised the American people that if they like their current health care plan, they would be able to keep it. That promise is meaningless to the 4.8 million and counting Americans who have already been notified that they will lose their current health care plan because of ObamaCare.

Stacy Johnson Lindsey of Scott Depot, West Virginia, is one of those 4.8 million forced to choose a more expensive and new health insurance plan. Stacy writes:

I have no desire to have government-funded health care and refuse to be pushed into utilizing the marketplace. Will you please help us? I am worried what the future holds.

Barbara Zeiger of Lehigh, West Virginia, will be forced out of her current insurance plan that has only a \$250 deductible. When Barbara asked her insurer, she was told that her plan no longer would be offered because it does not include maternity and pediatric coverage. Barbara is 61 years old and widowed.

The Keep Your Health Plan Act will save Americans like Stacy and Barbara from the broken promises of ObamaCare and allow their current health care plans to be offered for another year.

I urge my colleagues to join me in voting for this bill to keep the promise the President made to the American people.

#### TYPHOON HAIYAN

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise tonight because a sizable portion of my community is in mourning. In the aftermath of the typhoon that hit the Philippines on November 8, my

community is in mourning and is looking for answers.

As you know, we have had more than 1,700 persons pronounced dead; 10,000 are projected to die; 9.7 million people have been affected; more than 23,000 homes and infrastructure have been damaged; 2.5 million will need immediate food assistance.

Mr. Speaker, while we are in mourning, I am grateful that the administration has sent the USS *George Washington* into the area. It will produce water. USAID has authorized \$10 million. There are other agencies and organizations, as well as countries, that are being beneficial and helpful.

I want to tonight announce that there is a lot more that will have to be done, and I want to do my part. I thank the administration for what is being done.

#### CONDOLENCES TO THE PEOPLE OF TYPHOON HAIYAN

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, I rise to express my deepest condolences to the people of the Philippines in the aftermath of what was possibly the strongest typhoon in recorded history to ever hit land. As many as 10,000 people are feared dead and 600,000 displaced.

As chairman of the Foreign Affairs Committee, I am committed to helping the people of the Philippines recover and rebuild. The U.S. is providing \$20 million in immediate humanitarian assistance. As we speak, the U.S. Navy and Marines are working hand in hand with their Filipino counterparts in the rescue and recovery process.

Mr. Speaker, the situation in the Philippines is dire. American assistance in post-disaster relief is often the difference between life and death. Even as we speak, the American people are opening their hearts and making contributions to the relief effort.

We stand with the people of the Philippines as they begin the long road to recovery. The United States and the American people are by your side. Today, we are all Filipinos, and we share the unimaginable grief that many of you in the Philippines are feeling right now.

#### CONGRATULATIONS TO THE EDINA HIGH SCHOOL GIRLS TENNIS TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise to congratulate the Edina High School Girls Tennis Team. Once again, this talented group of young ladies demonstrated extreme passion, intensity, and dedication in winning their 17th

consecutive AA State Tennis Tournament this year.

The motivation and athletic commitment that the girls on Edina's Tennis Team showed throughout this season was outstanding. Together, the ladies of this team have truly exemplified what it means to be student athletes. I would like to commend coaches Steve Paulsen and Perry Forster for leading this team, and Edina's previous tennis teams as well, to this very honorable position.

A special congratulation also goes out to junior Caitlyn Merzbacher for placing first in singles for the State Tennis Tournament.

Mr. Speaker, the Edina Girls Tennis Team displayed a positive standard for all of their classmates and for our entire community. It is an honor to be able to represent and recognize such wonderful and outstanding student athletes, and I offer them congratulations.

#### AFFORDABLE CARE ACT

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, again, on the front of the Affordable Care Act we have yet another business—this one in northern California, in Paradise, California—called California Vocations.

This is a nonprofit group that helps people with developmental disabilities to find employment. This organization has had to drop for 90 employees its health care coverage because it cannot afford it under the Affordable Care Act.

This week, we will be taking up legislation to give people the opportunity, if they like their health insurance, to be able to keep it, as was promised by the President. We need to move on this measure in order to help the President to keep the promise that he said or implied, but more importantly, the promise to the American people that they have choice, that they have freedom in this country to make their own decisions, not have the heavyhanded government deciding for them something that doesn't work or they cannot afford.

#### AFFORDABLE HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, 435 Members of the House of Representatives spent the last 10 days back in their districts. I suspect, like me, they had a chance to meet with their constituents to talk about the issues of the day and to see America's real

progress, the progress that is taking place in our communities.

I would like to share some of those experiences that I had over the last 10 days with the Members of this House because they are instructive about what we ought to be doing here in the House of Representatives.

Every person I talk to, probably more than 30 meetings, many of them public in nature, townhall meetings, meetings at manufacturing plants with the workers, meetings at the universities, all of those people had the same agenda. Frankly, it ought to be our agenda because it is America's agenda.

They want this economy to grow. They want this economy to provide the job opportunities that Americans must have. Those good hardworking American families, they want to go to work, they want to have a decent wage, and they want to be certain that when they are sick they have an affordable health care policy.

We hear a lot of rhetoric here about the Affordable Care Act and ObamaCare, but back home people are trying to figure out their insurance programs, just like they do every time at this time of year. Every year it is time to renew your insurance policy and people look at new policies. They put aside the old policy. They get a notice that their old policy, the cost has gone up or the coverage has changed.

Now they are in the same situation, but we have a name for it now. We call it ObamaCare. Americans always in the fall have a high level of confusion as they try to figure out what to do with their health care for the coming year.

At one meeting I attended this last week with a group of doctors and administrators, they said: This will work it out, this is no different than we have seen every year. We know that at the end of this process the health care insurance will go on and people will have coverage. Then they added: But this year, there will be far more people with health care coverage, and in our hospital there will not be as much uncompensated care, that is, people that don't have insurance. So they said: Just keep working at it, let this thing settle down, let it go forward because we know that in California millions of our citizens and our neighbors will finally have health care insurance.

But hey, this is a place of rhetoric, this is a place where we create problems like the new crisis that is going to come up in just 2½ months. Oh yeah, we have manufactured yet another crisis. On January 15, we are going to have to go through our quarterly funding of the strongest government in the entire world. Hello, you said. You mean you are actually funding the United States Government once every 3 months? You don't have a full year funding? That's right, we don't. So we have yet one more manufactured crisis.

Be aware, January 15 is coming. Is there another government shutdown?

The American people, my constituents in my district, said: Don't let it happen again, don't let it happen again. It hurt us, it hurt us. In our businesses, we had to lay off people. But Mr. Congressman, what we want is a steady, steady policy out of Washington. We want to know what the long-term looks like. We want to know what the long-term tax policy is. We want to know what the funding programs are going to be for the military, for the social welfare programs. We don't want to have to—as one constituent told me as I visited their Head Start program—we don't want to have to lay people off, we don't want to have to tell the children, the 600 in my district that are no longer in the Head Start program: Oh, I am sorry, you can't come to school next week because funding from Washington was cut.

□ 1930

It is time for us in the House of Representatives to settle down. It is time for us to put aside all of our rhetoric. We know we have to work together. It is time for us to come up with some long-term solutions for America's problems. Tonight I would like to talk about how we can build jobs here in the United States, how we can rebuild the manufacturing sector of the United States economy, a sector of the economy that just 15 years ago employed just under 20 million Americans with solid jobs, where the wife or the husband could go to work each day knowing that they would bring home a paycheck sufficient to pay the mortgage on the house, to buy a car, and they had a health insurance policy provided by their employer. Now, we are somewhere near 11 million Americans in manufacturing, and many of those health insurance programs have disappeared.

What we need to do is go back to the basics. We need to go back to those critical investments, both public and private, that have created this incredible economy. Even though manufacturing is smaller, nonetheless the economy of the United States remains the biggest in the world. But if we continue with this 3-month funding of the Federal Government, if we continue to withdraw the critical public investments and the critical inducements to the private sector to make their investments, we will see our economy slip away. We will see the strength of this Nation ebb, and we will wonder down the line what happened.

Well, there are several things that allow America to build these kinds of things. That's a modern locomotive, an electric locomotive destined to be on the Amtrak lines here on the east coast. It was the first modern locomotive made in America, 100 percent American made in probably the last 60–70 years. How did it come to pass that this locomotive and about 77 other lo-

comotives just like it will be on the tracks here on the east coast, 100 percent American made? How did that happen?

Well, it happened with government policy. And so the men and women and children who ride the trains here on the eastern corridor are going to have a new system available to them. Critical investments were made over the years, critical investments in each one of these issues, and these are the ways in each of these areas, in international trade, in tax policy, in energy policy, labor relations issues, education, research, and infrastructure. Oh, by the way, none of this is new. These are not new things. These have been in place in America since George Washington's time. Indeed, George Washington reached out to Alexander Hamilton shortly after he was inaugurated as the first President of the United States, and said, Hey, Alex, I need some help here. I want to build the American economy, Alex, so what can we do?

Well, Alexander Hamilton said, Let me work on it.

He came back about 2 months later with a report. Our reports are usually 2,000 or 3,000 pages. His was maybe less than 50. He said there are things that we can do at the Federal level to grow the American economy, to build the manufacturing sector of America. He called it manufacturers, and he said trade policy. We need a trade policy that protects American manufacturers against cheap imports coming into the United States, against those who would subsidize their businesses to the detriment of American businesses. He said trade policy. We need a trade policy that protects American manufacturing.

That was Alexander Hamilton in his report to George Washington in the first months of the first administration of the United States Government.

Tax policy was also there. He said that in tax policy we shouldn't be taxing ours, our manufacturing products. We should be taxing those products that are coming from overseas. Those are called duties, and so tax policy was part of it.

Actually, energy policy wasn't on the list at the time so we can kind of put that aside, although that is an extremely important discussion for today; but for the purposes of today, we will let that go.

Labor at the time was not such a good thing. There were no laws protecting the men and women who worked, and certainly there was slavery and all the horrible things that went with that; but labor policy was also not part of what he talked about.

But he did talk about education. This was probably a conversation that I'm not sure Hamilton and Jefferson had, but education was very much a part of the early effort in the American Government to stimulate economic growth, manufacturing and the like.

Interestingly, research wasn't specifically called out; but while they didn't use the term "research," they used the word "patent," "patents," and "patent policy" which was also part of this report. While they didn't say "research" formally, what they did say was out of the innovative and inventive mind of Americans would come new ideas and there needed to be a patent policy to allow those new ideas to mature and inure to the benefit of the inventor and the entrepreneur.

So way back at the very beginning of this Nation's economic future, certain policies were laid in place that actually led to the extraordinary growth in infrastructure. Hamilton specifically said, and George Washington agreed, that there needed to be a transportation policy for the United States. We are calling that infrastructure today. Then they called it canals, ports, roads. Today we call it canals, ports, roads, airports, we call it Internet, we call it telecommunication systems. It is the infrastructure upon which the economy then grows.

Way back in the 1780s, these ideas were presented to the Congress of the United States, some of them enacted by the Congress, some of them enacted by the various State governments. And over the years, as generations have gone by, as new men and women have come to sit here in the Halls of this great Congress and in the Senate, and new Presidents, there has been a constant drumbeat of critical investment by the United States Government in the foundation of economic growth.

And today, in the debates that are occurring here on the floor of this House and across this Nation, there is a debate about the role of the Federal Government in the future economy of the United States. You just heard part of that debate from some of my colleagues who preceded me here on the floor saying that the United States Government really ought not be involved in health care too much. Okay, they didn't like the Affordable Care Act. They want it to disappear, repealed, defunded or otherwise gone. Well, okay. But there is this thing called Medicare. I don't hear anybody on the floor saying—well, they actually did call for the repeal of Medicare, but that hasn't gone very far.

But the Federal Government is involved in many, many aspects of American life; and in those things that create economic growth, you will find us now involved soon in a debate about trade policy. Should we have unlimited free trade in which the American businesses are open to unfair competition from around the world, from workers that are paid virtually nothing in some of the less developed countries of the world where there are no laws about working conditions, where factories collapse? Should American businesses have to compete with that kind of com-

petition? I think not. So I would use the words "fair trade," not free trade, but fair trade—trade policies that are fair to the American worker, that give the American worker a chance to compete in the world markets rather than having our business simply run away chasing the cheapest wage rate in the world.

So trade policy is going to be discussed here with the Trans-Pacific partnership program and perhaps a similar one for Europe. We must be very careful, very, very careful as we analyze this that the American worker is not put in a disadvantageous position and situation where they will lose their job to competition, unfair competition from around the world. So it has to be fair trade.

Let me move down here to the infrastructure issue. My district is 200 miles of the Sacramento River Valley. I probably have 1,000 miles of levees that protect farms and ranches and cities from floods. We have had disastrous floods in California over the years and over the centuries. Those levees are critical, a critical infrastructure to protect not only human life and property, but to allow businesses to grow. Right now without proper levees, farmers who want to put in a feed mill, farmers in my district who grow rice who want to put in a rice drying facility and a silo in which to store that rice, or even a cow barn for their dairy, find it difficult and in many cases impossible because the levee that holds back the floodwaters from their farm does not meet the 100-year flood standard set by the Corps of Engineers and FEMA. Therefore, they can't build unless they get insurance, and the insurance program is unaffordable.

So we see right here that the growth in the agricultural sector in my district is retarded from lack of investment in the levees, upgrading and maintaining those levees so they meet the minimum standards. This is something the Federal Government has played a role in forever, it seems. Certainly for the last century and a half, the Federal Government has been involved through the Army Corps of Engineers in building levees to protect cities, whether it is on the Ohio River, the Mississippi, the Missouri, or in California, the Sacramento and the San Joaquin Rivers in that central valley and beyond.

So what are we doing today? Well, we passed a Water Resources Development Act a couple of weeks ago. Good for us. The Senate has passed their bill. We need a conference committee. I understand the Senate has named conferees. The House of Representatives has yet to do so. All of that is good. We will set out a good policy, I hope, one that sets proper controls, provides for prioritization, a policy that would make sure that there is no waste, fraud and abuse, and that efficient and effec-

tive policies are the ones that would be funded by the American taxpayer. All good. But there is a problem. The problem is, where is the money to pay for this? It is not there. Why? Sequestration and severe budget cuts.

We are actually seeing a very rapid decline in the amount of money that is available for infrastructure investment and for other programs that the Federal Government has carried out over many, many decades.

So we can put the best policies in place; but unless we have the money to build these structures, then those farmers that want to improve their operation are not going to be able to do so. So we ought to think seriously about infrastructure investment, in this case protection for floods. The same thing goes for the cities in my district and across this Nation. We know there is a big brouhaha going on around here about the increasing cost of flood insurance. Yes, it is a real problem: like quadruple, in some cases there is a ten-fold, increase in the cost of flood insurance in certain communities around the Nation. Everybody goes, We didn't mean to do that. Indeed, we didn't mean to do that; but it did happen. Now we have to back that off. As we back that off, we need to consider the fact that it is not just flood insurance; it is the protection from floods.

And so when Superstorm Sandy comes again, will the east coast be prepared with the necessary flood walls and facilities to repel the flood? Only if we adequately finance the infrastructure investment in this case for flood protection.

Highways and bridges, well, I don't know, there is probably several thousand bridges in the United States that you want to cross very quickly, or you don't want to be on that bridge with a very heavy truck. We have deficient bridges in every part of the United States. We have seen those bridges collapse with catastrophic results, people losing their lives, cars into the rivers, trucks into the rivers. These bridges have to be repaired. And drive on any highway in the United States, you will see some new asphalt, some new concrete, but you are going to see a whole lot more new potholes. You are going to see the deterioration of the highway system in the United States. There is insufficient money even to maintain the repair and good state of those highways. It goes on and on.

□ 1945

Where will we find the revenue? We are continuing to see a decline in the willingness of the Federal Government, us, Members of Congress, to fund these programs.

Infrastructure, critically important in many ways, and I have only dealt with two of those issues here tonight.

I want to pick up the one that is really the genesis of economic growth, and

it is research. I mentioned earlier that George Washington, while he didn't use the word "research," used the word "patent," which comes from research being done by some individual or group that created a new product. They got their patent on it so that they could then use that in the commercial marketplace and hopefully make a profit.

Research has been around a long time. Most of the research in the early days was probably mostly in the area of the military, done in part by the military, dating way back, in trying to upgrade their weapons. But beginning in the 1860s, Abraham Lincoln signed a law called the land-grant college program and established, across the United States, a series of colleges and universities who had a specific function of researching for agriculture.

Over the years, that has grown into an extraordinary research capability within the United States. And now, not only do we have the agricultural research—and I must say, with some pride, that I represent the University of California, Davis, which is the largest, most successful, most advanced in total—I am not putting down anybody else—agricultural research program in the world. There are a lot of other great programs out there, but in terms of size and reach, the University of California, Davis is way out front.

What other kinds of research are there funded by the United States Government? The National Institutes of Health. How do we keep people healthy? What about disease? What about heart conditions, cancer? The National Institutes of Health; the National Science Foundation; NOAA, dealing with oceans and atmosphere; NASA, dealing with space. All of these research projects are fundamental to economic growth, and all of them have Federal funding. Some of them have partnerships with State, some with private funding, but these partnerships have created the foundation for economic growth.

I had the pleasure of being at the University of California, Davis earlier this last week, meeting with the heads of four departments, each of them engaged in a different kind of research—earth science research in some cases, water research in others. Everybody knows that California has its water issues, and right now we are in the early stages of what I hope and pray is not a drought.

We have these researchers out there and other research on health issues. All of them are saying that the sequestration and the budget cuts of the Federal Government are severely impacting critical research that was about to mature into a solution for a health problem, into a new way of conserving water or a new energy system using hydrogen or solar. But those projects that they were working on have been stalled and, in some cases, set aside, so the op-

portunity for economic growth coming from that research is slowed or stopped. We can't allow that to happen. Not only is it immediate jobs, but that is the research that will create future jobs.

I want to give one example of the way in which research actually works out together with regulations, regulations to protect our air, regulations to protect our water—the Clean Air Act, the Clean Water Act, and other regulations. Some of them are now dealing with the issue of climate change.

I am a member of the Safe Climate Caucus, and there are many of us that belong to this caucus. We are trying to say we have got global warming. Whether the tragic typhoon in the Philippines was directly caused by global warming—I think it is no accident that we are seeing stronger storms just as predicted. Anyway, our Safe Climate Caucus is concerned that many here in Congress are trying to shut down commonsense Environmental Protection Agency guidelines that are designed to keep our air and our water clean and healthy and to reduce the disastrous consequences of climate change.

These regulations can actually drive technological development and they can strengthen our economy. When those policies are paired with the entrepreneurship, the inventiveness of the individuals and businesses out there, some really interesting things happen and jobs are created.

Last week I visited one such program in California. It is a program put together by Recology, which is a company that operates in my district and in San Francisco. They are a recycling, a composting, and a landfill company, and they have a landfill. They are involved in some very interesting and innovative ways to separate the waste, to recycle, all to the good.

But they have another project. They have teamed up with a company called G2 Energy. It has put in place a facility to take the methane gas that comes off of the landfill that at one point went up in the atmosphere—do keep in mind that methane gas is around a 20 times more potent greenhouse gas than carbon dioxide. They put in a project to capture that methane gas, take it out of the landfill, put it in a pipe with a vacuum, run it over to a Caterpillar engine manufactured in America—actually, it is a big marine engine that probably was driving some very large ship, but it now is sitting there next to the landfill, attached to a generator, and producing an extraordinary amount of electricity.

That is innovation, and that is the kind of things that can be done. That methane coming off the landfill into the Caterpillar engine and into the generator will replace more than a million gallons of diesel fuel that was once used to run that very same kind of an

engine. That is the kind of innovation that can occur when coupled with research and wise public policy.

There are so many other pieces to all of this, and we will talk about it in the days ahead.

One of the things that I want to just kind wind up with is why it is important. So, do keep in mind trade policy, tax policy, energy, labor policy, education, research, and infrastructure. These are the foundational investments that any economy must make if they want to see sustained economic growth. Unfortunately, we are falling off the power curve on many of these policies.

Here is why it is important. Here is why this discussion is important. Here is why manufacturing and growth in the American economy is important. These are words that Franklin Delano Roosevelt put forward. He said:

The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

We know that after the great meltdown in 2008 and 2009 that millions of Americans lost their jobs. We also know that, in the last 5 years, the economy has come back, that additional wealth has been created. We do know that the gross national product of the United States, which is its wealth, has grown. What most people don't know is where that wealth went. That wealth went to the top 10 percent. About 95 percent of the wealth generated over the last 5 years has wound up in the hands of the top 10 percent, the most wealthy people in America.

So the words of Franklin Delano Roosevelt come directly back to a manufacturing and jobs policy for the United States. If we make the critical investments to grow the economy, to provide the infrastructure, to do the research, to deal with the international trade, to think back to what George Washington had in mind as a Founding Father, then we can begin to establish policies that grow the American economy, that reestablish America as the mightiest manufacturing country in the world, and, in so doing, create those jobs for hardworking Americans that go to work every day, want to pay their bills, want to pay their house mortgage, buy the car, see that their kids get an education, see that they have an adequate health insurance program. If we do those things, then these words of Franklin Delano Roosevelt will begin to ring true, and we will begin to add enough for those who, today, have too little. That should be our challenge.

It is not our place to make sure that the superwealthy and the billionaires and others get even more. It is our place that those who struggle every day, many in poverty—and the poverty rate in California is 25 percent or more—that those who struggle every

day to provide for their family, that they have a chance of a good education, an opportunity to get that job, that middle class job. If they have that, then this country will prosper and the kinds of divisions that sometimes rake us over the coals and cause us great consternation and trouble will be abated. They will never disappear—I have no illusions—but they will be abated, and they will be less. That should be our goal.

As we approach the next fiscal crisis, just 2 months away, we should think about those men and women out there that I saw—and I suspect many of my colleagues saw as they returned home and went to their districts and went to all their meetings—who said: Can you just give us certainty? Can you stop the interminable fighting and the chaos that is causing us such concern, that is causing me not to invest in my business? Just give us certainty. Give us a program that builds a foundation so that my business can grow and prosper. Give us the tax policy that has the proper incentives, not just for those who have great wealth, but for those who are trying to grow their business. Give us a trade policy that is fairer to the American worker, fairer to the American business, that doesn't just give away this great country's wealth to some other company around the world, that doesn't encourage our businesses, our American corporations to go offshore. Put those policies in place so that we can grow the American economy, so that Americans can have a decent job and fulfill their own personal vision of the American Dream. They can get on that ladder, leading wherever they want it to lead, climb as high as they can, that the impairments and the impediments are not there. That should be our goal.

We have about 2 months to avoid yet one other crisis. As we avoid it, I hope we keep in mind those things that create real wealth and real opportunity for all Americans.

Mr. Speaker, I yield back the balance of my time.

#### AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Tennessee (Mr. ROE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROE of Tennessee. Mr. Speaker, we are here for the next hour to discuss the Affordable Care Act with my colleagues and my cochair of the Doctors Caucus, Dr. GINGREY, a fellow OB/GYN from Georgia. I thank the gentleman for being here today.

We are going to break this hour up into several segments and talk about, number one, how the Affordable Care Act was initiated, how it actually came to be. Two, the promises that were

made by the President and the Democratic Party about what the Affordable Care Act would do. The failures, which I think are probably fixable of the Web site—if, in 1969, we put a man on the Moon with a slide rule and a handheld adding machine, surely we can get a Web site to work in the year 2013. If we cannot overcome that, we are in trouble. Number four, I want to discuss something very near and dear to my heart, because I participated in this for years, which is medical education. I will go into this in more detail.

We have a huge doctor shortage in America today, and it is getting worse. A major university in my State, Vanderbilt University, this past year, that university has lowered their workforce by approximately 1,300 people—it will, by the end of this year. It is very disconcerting for those people who lost good-paying jobs.

We have had hospitals close in our region. We have had layoffs in our area, in the health care industry, for the first time in my medical lifetime, which has been over 40 years as a physician now.

Also very distressing to me as a doctor and as a faculty member of the College of Medicine at East Tennessee State University, the Quillen College of Medicine and Vanderbilt University are reducing their class size by 10 percent.

□ 2000

They are also reducing the number of the M.D./Ph.D.s that they have. These are our future researchers to find the great cures for diseases in the future.

There is a pipeline out there, and we certainly know that a vast number of our senior doctors are considering, or have retired, as my own personal physician has done, due to the effects of the Affordable Care Act. So we will discuss that in more detail.

I think, also, we need to discuss and focus on the new taxes, and also, on the effects on business.

Then lastly, perhaps—hasn't been discussed much recently, the effects on Medicare, quite frankly, with \$700 billion being cut from Medicare.

There is one particular part, Mr. Speaker, of this bill that Dr. GINGREY and I have worked on closely together in the Medicare portion of the Affordable Care Act that is called the Independent Payment Advisory Board. It hasn't gotten a lot of press because it hasn't affected any seniors yet.

It's a board, an independent board, independent of Congress, that will determine how Medicare dollars are spent, and we will go into that if we have time in more detail toward the end of the hour.

I think that is one of the most egregious parts of this bill when it comes to our seniors, and we are adding 10,000 new seniors per day, each and every day, over 3 million per year, with a de-

creasing number of physicians and less money in that very-needed program that needs reform.

Let's go back, Dr. GINGREY, approximately, 4 years when we were here on the House floor debating this bill—and the premise of the Affordable Care Act I completely agree with, which is to lower costs and increase access to care. That is a noble, noble goal to have, and I still share that goal to this day.

There were three committees of jurisdiction in the House of Representatives that looked at the Affordable Care Act: the Ways and Means Committee; Energy and Commerce; and the committee I serve on, Education and the Workforce.

Those committees had a bill brought forth by the House of Representatives. It was voted on, debated in the various committees, brought to the House floor, and was voted on in a straight party-line vote. That particular bill did not include the IPAB and some other things that are in the permanent bill, the so-called ObamaCare, or the Affordable Care Act.

The Senate then voted on Christmas Eve, I believe it was 2009, brought a bill back over here the following month. We debated it again on the House floor for a very short time and, famously, our then-Speaker said we had to read the bill to find out what was in it.

Well, guess what I did?

It is a 2,600, 2,700-page bill, but I felt that a bill that affected every American citizen in a very personal way deserved my attention, so I read that bill, and the surprises that you are seeing now I have been talking about now for 3½ years, as have my colleagues on the Doctors Caucus and others on our side of the aisle, and many, quite frankly, recently, in a bipartisan way.

The only thing bipartisan about the Affordable Care Act was its opposition. I think some 32 Democrats voted against that bill.

So it comes as no surprise to me when the President says—and we will go over the broken promises in a minute—it comes as no surprise to me when the President says, if you like your health insurance, you can keep it. That wasn't going to happen.

Why did I know that?

Let's go over the promises that were made. Number one was universal coverage. I quote. This is the President saying this. He wasn't the President then, but this was in June 2007.

I will sign a universal health care bill into law by the end of my first term as President that will cover every American.

Well, that is a promise that hasn't been fulfilled. It does increase access by a massive expansion of Medicaid, and we will go through the Medicaid expansion in just a minute, about why some States chose to do it and why our State of Tennessee has chosen not to. And there are very good reasons why these Governors have chosen not to.

There are a host of unintended consequences of this bill that we are dealing with today. The decreased payments to our hospitals have forced some of our rural hospitals and, certainly, where I live in rural America, has put great strain on these hospitals.

Even in the more major medical center areas, as I pointed out, at Vanderbilt University, and many others, I have talked to colleagues today in Indiana who have experienced the same scenario.

So the promises that were promised, there would be no new taxes on the middle class—here is the President's quote:

I can make a firm pledge under my plan: no family making less than \$250,000 a year will see any form of tax increase; not your income tax, not your payroll tax, not your capital gains tax, not any of your taxes.

That was September 12, 2008.

The third promise, and this is one that anybody who has studied health insurance and has dealt with it in private business, as I have, knew was not going to be possible, was the outrageous claim that, by the end of his first term, that premiums would decrease by \$2,500 a family. I mean, anybody would know better than that that has ever run a business.

This is the quote:

We will lower premiums up to \$2,500 for a typical family per year. We will do it by the end of my first term as President of the United States.

That was June 5, 2008.

The next promise was there would be no increase in the deficit. No increase in the deficit. Here is the President's promise:

I will not sign a plan that adds one dime to our deficits.

That was Promise Number Four.

And the last one, Promise Number Five, is, you can keep your plan if you like it, and here is the quote:

"If you like your doctor"—which, by the way, I like my doctor a lot; I went to medical school with him—"you will be able to keep your doctor, period. If you like your health care plan, you will be able to keep your health plan, period."

Well, let me point out at the end of that period, that people who work for me now in this congressional office have lost their plan, so that is not true:

No one will take it away, no matter what.

Well, I certainly don't see that as being true. The failure of the Web site rollout, we will get into that a little later. I think that, as I said, certainly, if we can't correct a Web site, if we can't build a Web site, I have no faith that this plan will ever be workable.

I would now like to yield some time to my good friend and colleague from Georgia. We have been joined by Dr. PAUL BROWN, also from Georgia, a family practitioner, but I would like to turn it over now to Dr. PHIL GINGREY from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Tennessee, Dr. ROE, for yielding time to me.

It is incredibly concerning that the Obama administration has continued full speed ahead on a rollout of a system, even after numerous warnings from vendors and from Congress.

The Web site has led to confusion in the insurance marketplace, as well as put consumers' personal information at risk to lax security protocols.

Even after the Web site is technically fixed, Mr. Speaker, as Dr. ROE mentioned, and it probably will be, consumers will still face higher premiums and the likelihood that they will be unable to see the doctors to which they have grown accustomed.

Mr. Speaker, I have heard from a number of my constituents in the past few weeks about the disastrous effects of the President's health care law. I will take a little time this evening to share with my colleagues a few of the observations from good, solid Georgians.

Tom, a Georgia Blue Cross customer, told me his "Blue Cross policy went up originally by about \$50 due to the Affordable Care Act. About 2 weeks ago I got a note that said my old policy no longer exists, and my new policy will now cost \$100 more." That is a quote from Tom.

Dottie, from metro Atlanta, told me that her husband's employer was forced to drop their family plan and would, instead, offer them only two more costly options. Either plan would increase their premium by at least \$160 a week, Mr. Speaker.

A mother in my district told me that her young daughter's Humana plan was canceled only 2 weeks after being promised that the price of the new plan would be locked down for a full year.

Mr. Speaker, the President kept telling the American people, and this is the quote, if they "liked their insurance they could keep it, period"—and the period is part of the quote. It should have gone on, as Dr. ROE suggested, until they can't.

This promise has surely been broken. Millions of citizens have received cancellation notices from their insurers. They are now left with uncertainty over whether this new coverage will also be affordable.

Speaking of affordability, Mr. Speaker, let me share with you a few other stories from constituents, and then I will yield back to the gentleman from Tennessee because I know there are other Members on the floor that also want to speak on this issue.

Mike told me that ObamaCare "has been a financial disaster" for his family. It used to cost him just under \$300 a month to cover his wife and daughter on his insurance, but, under ObamaCare, even that bronze plan—you know, there are four options, and

bronze is supposedly the least expensive—will cost him \$700 a month.

And get this, Mr. Speaker: a \$5,000 deductible. He was formerly paying \$300 a month. If you like your insurance, you can keep it.

As Dr. ROE said, Mr. Speaker, everybody's premiums are going to be going down on an average of \$2,500 per year. Not so. Not so.

Teresa from Cartersville, also in my 11th Congressional District of Georgia, she and her husband told me that their premium is increasing from \$550 to more than \$900 a month. That is almost, Mr. Speaker, a 40 percent increase.

Robert, from metropolitan Atlanta, again, a little part of my district, told me that even though they were underwritten in June, his wife's policy had increased from \$387 to \$557 a month. That is a 30 percent increase.

Finally, before I yield back to the gentleman from Tennessee, Robyn from Atlanta received notice that her family's premiums will increase by 15 percent without any additional benefits.

I yield back to Dr. ROE, and I look forward to continuing this discussion with my colleagues as we go through the evening.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Let me back up a little bit so that this is a little bit more understandable for people. Typically, in this country—and we had problems. There is no question we needed health care reform. I think everybody in this Chamber—

It is one of the reasons that the doctors that you see here tonight ran for Congress, because we wanted to be part of the health care reform debated here. Unfortunately, we were not.

There were nine of us in our Physicians Caucus on the Republican side during the health care debate. Not one of us, not one, was included in the debate on health care. Not any amendment. We offered 80 amendments, to my recollection, to this health care bill, and not one was allowed to be heard on the House floor and voted on.

This would be a better bill if the other side of the aisle had simply slowed down, taken a breath, and let us help amend this bill.

People say now, well, PHIL, can't you just tweak it a little bit and help?

No, you cannot. It is so complicated and so expensive, it is very difficult to do.

Now, this bill does do some things I like. I do like the under 26-year-old being able to stay on their parents' plan. The private market would have offered that.

You also had a problem with pre-existing conditions. I want to spend just a minute with that because it is not totally understood, or not understood well by the public.



We worry about us getting a pre-existing condition, losing our insurance and not being able to get coverage. In America, about 160 million of us get our insurance through our employer, through ERISA-based plans. Preexisting conditions do not affect those plans. You cannot be denied coverage. My practice had an ERISA-approved plan. You had to take everybody in the plan.

Number two, if you get Medicaid, you cannot be denied coverage, and Number three, if you have Medicare. So it really left the small group market and the individual market and the uninsured.

Now, people are wondering, why did I lose my insurance coverage?

In other words, I had a policy I liked.

I want to tell you today, Mr. Speaker, one of the most arrogant things I think I have ever heard in my life I heard on TV this last week by several pundits, and those comments are this: that your insurance is no good. I heard the President say that.

Well, look, not everybody can eat at Ruth's Chris. Some people have to eat at McDonald's or have to eat at Shoney's. They can't all eat at the most expensive one, but they buy what they can afford and what meets their needs.

The reason that the costs are going up so much are the following: in this bill, there is something called essential health benefits. You don't get to decide what you buy for your family. The government decides what you buy for your family.

□ 2015

And let me read this to you, because I want you to hear this very closely to see if you need all of these services. One is ambulatory patient services; that sounds pretty good. Emergency services. Sure, you want a plan that covers you when you go to the emergency room. Hospitalization, absolutely. I think you will see most plans do that.

Maternity and newborn care. Well, I don't know about that. What does a single 30-year-old male need maternity care for? What do I need maternity care for at my age? I certainly have cold sweats thinking about that right now.

Mental health and substance abuse disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services; chronic disease management; pediatric services, including oral and vision care. Well, if you are a family at an age where you don't need all of those things, probably your plan doesn't hit some of those. If you miss any of them, your plan is not an approved plan.

The second thing that made you lose your plan was—and this is where I challenge the President here tonight—

one of two things occurred. I read the plan and I understood by reading that plan that if you changed anything in the bill, if you changed the prescription drugs, if you changed your copay, if you changed anything significantly in that plan, you lost your grandfathered status, or if you didn't meet the essential health benefits. No one said that.

So if the President had read his own bill, he would have known that and would not have come out and said, if you like your plan, you can keep your plan, because that clearly isn't true. Or number two, as Congressman KURT SCHRADER said today, that we were misled. I think that is the term he used. So either of those two things occurred. If the President said, You can keep your plan, or he just did it for political purposes, which I hope he didn't do because a lot of people are hurt.

Mr. Speaker, 16,000 low-income small business people in my State had a plan called Cover Tennessee. It wasn't the greatest plan in the world. It covered, I think, 12 doctor visits a year, all preventive services, an operation. It covered up to about \$25,000. It didn't have lifetime limits. And 16,000 people had that. They could afford that. And many of them bought a catastrophic policy so that if they had something that cost more than \$25,000, it would be covered. So it was basic health insurance coverage. It did for them and their families what they needed. It gave them some certainty and peace of mind. That is all gone. They have lost that.

As Dr. GINGREY was pointing out just a moment ago, he was mentioning some people in Georgia—and you can find this story from the Atlantic to the Pacific Ocean. One story I heard this weekend, an employer of mine who is a building contractor, he has looked at his business. He has 110 employees. He said, Phil, I think I am just going to have to pay the \$200,000 fine. I can't afford what they are going to force me to buy. I can't do it and stay in business.

I have an employee that I know personally because she works in my office whose insurance is going to go from \$400 a month for her family of three with the ObamaCare plan—"if you like your plan, you can keep it"—to \$800 a month. This is an employee who makes in the mid-\$50,000 range. This is not somebody who is rich who can afford this. That is a car payment or a college education payment or whatever she wants to spend her money on. You can hear this story over and over again.

There are 66,000 Tennesseans who got a letter from Blue Cross explaining that their plans didn't meet the essential benefits package in the individual market. That is one insurance company, and this is going on all over.

So this business about the costs going down—I think we will be on the Key Bridge jumping in the Potomac River when we finally get the bill for

this. That is how expensive it is going to be.

And, by the way, most people don't understand this. A lot of our Governors have read the fine print; and Governor Bill Haslam of Tennessee, a good friend of mine, wanted to expand coverage. He wants to expand coverage. But he wants it done through market-oriented principles. And one of the things that we have had in Tennessee with our health care coverage expansion is that we went through health care reform 20 years ago.

In 1993-94, we began a program called TennCare. In the TennCare plan, we had a problem with access and not enough people had coverage in our State. So we did this. And within 10 short years, our spending had tripled. And almost half the people—47 percent, I think—of the people who got insurance on TennCare dropped their private health insurance and got it through the TennCare program. What our Democratic Governor Phil Bredesen did in the mid-2000s was—because we have a balanced budget amendment in our State, with the approval of the legislature—he had to cut 200,000 people from the rolls.

And people say to me, Dr. ROE, don't you think this bill will just fall under its own weight? And I say, No, I don't. And the reason is because the Federal Government can deficit-spend. We can print money. If we had to have a balanced budget in this body right here that we are standing in, I can assure you, we would be having a different discussion about this bill.

One other thing I want to read about the Governors that have signed up for this great deal with Medicaid, which is a program for our low-income people—

And by the way, I want to publicly state that the group I am in and the group I was with from the time Medicaid became available until I left practice, we took those Medicaid patients; and for many of them, we didn't get paid a lot of money. But that is what physicians do, we care for people who are uninsured and people who have policies like Medicaid.

But this new policy, the insurance policies must cover these benefits in order to be certified and offered in the health insurance marketplace. States expanding their Medicaid programs must provide these benefits, these essential health benefits to people who are newly eligible for Medicaid. So that means at the end of the 3 short years, the percent that the State has, which is no guarantee, is going to be a large sum of money and much larger than I had thought of after I started seeing these premium increases.

The other thing that has been said out there—and I have heard it for the last 4 years—is that Republicans have no ideas about health care reform. Well, there is a plethora of our ideas from this side of the aisle for health

care reform. And one that I happen to have right here in my pocket is a Republican Study Committee called the American Health Care Reform Act, and I chaired the Health Subcommittee which wrote this bill. Dr. TOM PRICE, Dr. BROUN of Georgia have a bill. LOUIE GOHMERT, others. There are many of them. The Republican substitute bill of 4 years ago is an excellent health care bill that is market-centered. And it does something that I think is essential for the American health care system to survive as we know it, and that is, to maintain the physician-patient relationship.

This will tear that down because what does it do? So many people are going to lose access to their doctor. And as there are fewer and fewer doctors out there to see you, the waits are going to get longer and longer and longer. I think that is the very fabric that has made us the system that we are and the envy of the world, where people come from all over the world. And I think that can cease. And when you see great universities, like Vanderbilt University, cutting down on the number of doctors they are educating because of these cost constraints and cutting down on the number of young doctors that are going into the M.D.-Ph.D. programs that go into medical research and into faculties in medical school, boy, 10, 15, 20 years ago, we are going to suffer a great price for the mistake we have made right now.

I would like to take now the opportunity to introduce one of my colleagues from Georgia, a family practice physician, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. ROE.

The Federal Government is out of control. It has become too big. It is spending too much. It is taxing too much. It is regulating too much. It is borrowing too much. And it is sticking its ugly nose into our business too much. It has to stop, and ObamaCare does every one of those things.

As a medical doctor, I understand firsthand the disastrous effects of ObamaCare and have been fighting from the very beginning to stop this terrible law.

Every day, I hear from my constituents in the 10th District of Georgia on how this law is hurting them. Premiums are increasing. Cancellation letters are flying all across the State of Georgia. Business owners are being forced to lay off employees, and patients are finding that they no longer can afford their health insurance altogether.

I will share with you a few examples. One Georgia businessman, who is the owner of several fast food restaurants, currently employs over 200 full-time workers. He recently told me that he is seriously considering letting them all go and hiring only part-time employees; this due to the burden of ObamaCare.

A resident of Henry County wrote to me that as an uninsured woman with preexisting conditions, she was looking forward to enrolling in ObamaCare. Then when she went to sign up, she found that a quarter of her income would have to be paid in premiums alone. Due to the high cost, she had no other choice but to remain uninsured.

One man from Monroe, Georgia, contacted me just last week to inform me that his insurance costs have increased by 800 percent, 800 percent due to ObamaCare.

A woman from Barrow County told me that her husband's insurance that he bought through AARP has already been canceled, and to get another policy with the same coverage would cost him \$150 more a month than what he is paying now. This couple currently pays more in health insurance than what they pay for their mortgage. Increasing their payments by an extra \$150 a month would be a tremendous, tremendous financial burden on them.

Sadly, this is just the beginning. It is expected that more than 400,000 Georgians will lose their current health insurance due to ObamaCare. Until we are able to stop this disastrous law, we will continue to hear more and more of these stories.

As a medical doctor, I know what is best for my patients. That is why I have introduced legislation, H.R. 2900, the Patient OPTION act. It would repeal ObamaCare in full and put patients in charge of their health care decisions, where they can buy health insurance at a cheaper price than what they are currently paying. My Patient OPTION Act was endorsed by FreedomWorks in the last Congress.

My bill will make health insurance cheaper for everyone—literally cheaper for everyone. Not like the President promised us. But he lied. It will provide access to good quality health care for all Americans, and it will save Medicare from going broke.

If Americans want full control of their coverage, health insurance at a lower cost, and the freedom to make their own decisions in health care, then the Patient OPTION Act is the only true solution.

It is clear that Georgians and Americans are hurting under ObamaCare. That is why I will not stop fighting to rip ObamaCare out by the roots and to replace it with reform that will actually lower costs, deliver care, and focus on the true needs of all American families.

Through the voice of "we the people" demanding the repeal of ObamaCare, we can work to repeal ObamaCare and replace it with legislation that serves the best interest of patients, not government. That solution is my Patient OPTION Act, H.R. 2900.

Mr. ROE of Tennessee. I thank the gentleman.

I would like to spend a few minutes now beginning to talk a little bit about

the effects on businesses and how this will affect individuals.

I serve as the chairman of the Health, Employment, Labor, and Pensions Subcommittee on the Committee on Education and the Workforce; and we have held several hearings around the country over the last 2, 3 years outside of Washington, D.C. We have held them in Concord, North Carolina; Evansville, Indiana; Butler, Pennsylvania; Lexington, Kentucky; and others. And we have actually asked small businesses to come in and testify on how this plan will affect their business.

Let me give you just a couple of examples. We were looking at a small textile owner in North Carolina, and I won't mention his name tonight. But, anyway, it is part of the public record. He has a business where he had supplied—his business, he was self-insured as many small municipalities, large municipalities are. Many businesses are self-insured. And it didn't look like their plans were going to be affected too much by the Affordable Care Act, the ObamaCare bill. However, they have to pay a \$63 fee per person insured. Most people don't know this because it doesn't personally affect them. It just affects the business owner. Or in the case of my hometown of Johnson City, Tennessee, that little bill is going to come to \$177,000 next year. One major corporation, which will remain unnamed, came to my office and shared with me that their bill for that this year would be \$25 million.

Let me explain to you about this small businessman in North Carolina. He provided 80 percent of the health insurance. The employee paid 20. He paid all preventive services. If you needed a colonoscopy, if your wife needed a mammogram, he paid 100 percent. He had a nurse onsite and a wellness program that he paid for. It is the Cadillac of all Cadillacs.

So what does he get for that? He gets a \$63 fee for every single person he has insured this year. The following year, it decreases a little bit and the following year. Guess what that money is used for. That money is used to indemnify insurance companies so that they will provide insurance on these exchanges, and it will limit as a stop-loss for them. That is how complicated this bill is.

Now, I have had numerous businesses that are in the 50 range that I have talked to. And where we are, small business is the kingpin. The majority of our people are employed by small business. What incentive is there for a business to go above 50 when this arbitrary number was picked? And I have no idea to this day why 50 was picked.

So what is magical about 50? Well, if you go above 50 employees, as my practice is, and you decide not to provide health insurance, and you are now, that costs you \$2,000 per employee as a fine, tax, penalty, whatever Judge Roberts wants to call it.

□ 2030

But that is what this is—a tax, I assume, a penalty or a fee on those. Many people are willing to pay that. Businesses are. Or, if they are at 47 or 48, guess what they are doing? They are not going to 50. Or, if they need more employees, what are they doing? They are hiring part-time people.

I can assure you that I have heard this over and over and over again about how businesses are cutting back their employees' hours to under 30 hours a week, because now we define full-time employment as 30 hours per week. I assume the only place 30 hours a week is full-time employment must be France, because there isn't any place I know of on the planet that 30 hours a week is full-time employment. Certainly, in Tennessee, it is not.

I would now yield to Dr. GINGREY, again, my friend from Georgia, if he would like to have a few words to say.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman. I know there is another member of the House GOP Doctors Caucus that has just joined us, so I will just take a moment and then yield back to Dr. ROE so he can yield to Dr. HARRIS.

I wanted to take just a moment to emphasize what Dr. ROE was talking about, Mr. Speaker, in regard to these mandates.

Mr. Speaker, the Affordable Care Act, which we found out now is the "Unaffordable Care Act," all of these mandates that are larded up into this essential coverage that the Federal Government is requiring is, indeed, the reason that the cost is going up. You can't include all those things that Dr. ROE was talking about without somebody paying for it.

We talk about other options and what we on the Republican side, particularly the physicians, have offered in regard to alternatives. Many States have a lot of mandates in the health insurance program, and, under current law, you can't buy health insurance in another State. And so we have been pushing for years—the 11 years that I have been here—to pass what is called an association health plan, where a group or even an individual can go on the Internet—and probably not have the trouble they are having with healthcare.gov—and find out that in Tennessee, maybe, there is a policy that fits them to perfection. If they are a 55-year-old single man who doesn't need infertility coverage—and maybe their State requires it—doesn't want to have to pay for that, so he can get a more cost-effective policy that fits his needs to perfection.

But by buying that health insurance across State lines, that is something that the other side of the aisle has completely rejected. And yet they have the mendacity, the audacity to say that we have no ideas, we have no plans, we have no alternatives. Indeed, we do.

Mr. ROE of Tennessee. I thank the gentleman.

I will introduce our next speaker tonight, my colleague from Maryland's First District, Dr. ANDY HARRIS, who is on the faculty of Johns Hopkins University and is an anesthesiologist and has been a great member of the Doctors Caucus. I hope that Dr. HARRIS will address some of my concerns in his remarks about educating future young physicians. That is a great part of my life. Certainly, I want to see that continue.

I think one of the things that also struck me was how it affects our colleges. We didn't think it would affect universities much, but in our community colleges. I have talked to a lot of them. One of them was over in North Carolina. Many of them now are limiting their adjunct faculties. And what an adjunct faculty member is is someone who is not there full time, but they may need a specialty let's say in accounting or physics or math or whatever it may be, and then they teach several classes. They now have limited those hours, those classes, to simply three per semester. The reason is because they will have to provide all these benefits if they go above that. Because our good friend, the IRS, has determined for every hour you spend in class, there are 2 or 3 hours that is counted for preparation for that class. That is counted as work. So now community colleges are cutting back the number of hours students can be taught by this particular faculty member. The reason that is important is because a student may need a certain subject that is out there that this faculty member teaches and can't get it, and it delays their graduation.

I have had community college presidents tell me this can be the case in their community. The State of Virginia has cut back to many part-time workers. I think Secretary Sebelius was in front of our committee and stated that this is just basically people just talking about it, a supposition. And I said that is not true because people are making those decisions in lieu of what is going to happen. That is what businesses do.

I now, Mr. Speaker, would yield to my good friend, Dr. ANDY HARRIS from Maryland.

Mr. HARRIS. I want to thank the gentleman from Tennessee for yielding.

The gentleman from Tennessee is absolutely right. In fact, in Maryland, in a front-page article 2 weeks ago, in our leading newspaper on the front page above the fold, there was a story about how Maryland's community colleges are cutting back their adjunct faculty to make sure none of them teach more than 30 hours a week. And it is just like the doctor from Tennessee says—some of these faculty are important. You have got to have them to fill in niches in your curriculum, and now

they are constrained by a 30-hour-a-week definition of full-time work.

Mr. Speaker, the fact is that, remember, it is not just that when you hit 30 hours you have to offer insurance. You have to offer the insurance the government says you have to offer.

As I am going to mention, from literally dozens of communications I get now on a weekly basis from people in my district, the insurance under the Affordable Care Act is anything but affordable.

William in Cecil County writes to me—and I am going to read these verbatim:

My wife and me are currently insured with the Maryland Health Insurance Plan.

Mr. Speaker, the Maryland Health Insurance Plan was our version of covering everyone with a preexisting condition in Maryland. So, Mr. Speaker, in Maryland, every citizen had coverage, whether they had a preexisting condition or not, because they could get it through the Maryland Health Insurance Plan. And, in fact, William writes that he and his wife were currently insured with the Maryland Health Insurance Plan.

We just received a letter stating we can keep our insurance; however, when I questioned them for how long, they said, Until the end of your current policy. So June 30, 2014, we'll be sent to ObamaCare. My wife has multiple serious health issues that our current insurance has kept her alive and able to function pretty normally.

Now, Mr. Speaker, William is worried, and he is justifiably worried because every day we pick up the newspaper and we read about another State where you can't get to your doctor. Your doctor is not going to be on that insurance plan because the only way they can make those premiums less expensive than they already are is to limit who you can go and see when you are sick. Yes, Mr. Speaker, the government telling you who you can go and see when you are sick. And that is what William and his wife were worried about in Cecil County.

But Carl in Queen Anne's County writes to me:

I have to put in my two cents. When ObamaCare first started a couple of years back, my health care started to go up. When we called Blue Cross, they told us, You can thank Mr. Obama. It went up to \$1,600 per month. Now my wife does have stage IV cancer. I am a truck driver. I have to pay for our health care. So much for the care cost dropping.

Mr. Speaker, I don't know if you remember, but our President said 19 times that the price of a policy for a family was going to go down \$2,500 a year. Mr. Speaker, Carl is going to pay \$1,600 a month now. It didn't go down \$2,500. It went up thousands of dollars a year.

Tim from Queen Anne's, I guess, writing in tongue-in-cheek:

Thanking you for the new health cares rules that have resulted in our family losing

coverage from Giant Food. I'm a general contractor. After 22 years of coverage with my wife, and now faced with a \$1,000 a month bill to cover my family.

That is \$1,000 a month. Not \$2,500 less, like was promised us 19 times, period.

He goes on to say:

I bet you still have your insurance.

Well, Tim, we not only have our insurance, but the President gave Congress, actually, a special deal that you don't get; because you see, Tim, if you got the same deal, your employer could be able to subsidize you on an exchange. That is the deal the President gave Members of Congress and their staff. Sorry, Tim, you didn't get that.

Fran from Worcester County writes:

My CareFirst BlueCross policy has been canceled. I chose my policy. My policy was great. President Obama promised more than two dozen times that, if you like your health care plan, you can keep your health care plan.

Now this is Fran's opinion and not necessarily mine.

I believe that he knowingly lied. What are you going to do about this?

Fran, I have got to tell you, I think it might be too late to do anything about it. This horse has left the barn. Millions of Americans have gotten their cancellation notices. Millions of more Americans have gone on the exchanges to find out that their plan is not going down \$2,500 a year. It is going up an average of, Mr. Speaker, \$5,000 a year for the average family—a 41 percent increase on an average premium this year of \$12,000.

Andrea from Harford County writes:

I just thought you might like to add my family to the statistics of the government's intervention in my perfectly fine 20-year-old CareFirst BlueCross BlueShield insurance plan. I'm self-insured and, hence, the first to be—

Mr. Speaker, I am not going to say the word here because of decorum on the House floor.

When I am forced to accept the new, not-as-good, higher deductible, limited doctor choices, I will be paying an increase of 197.5 percent.

This is what Andrea writes me.

Mr. Speaker, Andrea is not getting a \$2,500 a year cut in her family insurance plan. She is getting a 197.5 percent increase.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. HARRIS. Yes, I will.

Mr. ROE of Tennessee. Then how do you answer to her that the pundits that we heard all last week and some of our colleagues here on the House floor, including the President, who said these were substandard plans that these individuals' plans were? And I have just heard you say, Dr. HARRIS, three or four times that people were perfectly satisfied; they met their needs.

Mr. HARRIS. Thank you very much. Reclaiming the time, I will tell you about more.

I am more than happy to share these with the President. If he wants to call up Andrea and explain how a 197.5 percent increase fulfills his promise, more than happy to have him do it.

Andrea goes on to say:

I'm not feeling the love. I believe the Congress and the President should have to live under the same laws, rules, and regulations that they insist I do.

Andrea, I couldn't agree more. I don't know why the President carved out a special exception for Members of Congress and their staff that they actually can get their employer to subsidize their plan on the exchange when no other employer in the United States that employs 15,000 people—because, Mr. Speaker, that is what the Congress employs—get that kind of deal.

Andrea, you are absolutely right. I think they should live under the same rules.

That is why, Mr. Speaker, on September 29 we sent a bill over to the Senate that said no special deals for Congress. The Senate rejected it. The President said he would veto the bill. He wants to keep that special deal—not for Andrea, but for Members of Congress and their staff. He wants to keep that special deal.

Matthew in Queen Anne's County, tongue-in-cheek, writes:

I would appreciate if you could pass on my appreciation to the President for the ObamaCare legislation. Thanks to the new law, my employee-sponsored health plan has increased my premiums by 100 percent for my family plan. So much for looking out for the middle class.

Mr. Speaker, Matthew hit the nail on the head. The President promised if you like your plan, you can keep it, period. You can keep your doctor if you like him, and your family's plan is going to be \$2,500 a year less.

□ 2045

Mr. Speaker, Matthew's plan is going up 100 percent. How in the world can someone in the middle class afford that? How in the world can we ask our hardworking middle class men and women, with families, to pay 100 percent more for their health care? We can't. We shouldn't.

It gets worse.

Linda from Cecil County writes:

I have a genetic disorder called Lynch syndrome that predisposes me to a number of cancers.

Yes, Linda was born with a syndrome so that she is actually susceptible to getting cancers:

I have had cancer twice in the past 7 years, and was fortunate enough to be covered by MHIF.

Remember, Mr. Speaker, that that is the plan we already had in Maryland, like over 30 other States, which covered their people who had preexisting conditions. She was fortunate enough to have been covered since she was first diagnosed:

This program was truly a godsend, and I can tell you how grateful I was for it as I did not then, nor do I now, have employer coverage. I was not eligible for Medicaid at the time because my unemployment benefits disqualified me.

She received the cancelation of her policy effective December 31, and was advised that she should purchase insurance through the new exchange, but, Mr. Speaker, she says:

I began trying to obtain insurance as soon as the exchange opened. Although I was able to establish an account and an application, I was informed that I am not eligible for a tax subsidy because I am eligible for Medicaid. While many people might be happy to receive free Medicaid, it creates a nightmare for me.

That is what Linda in Cecil County writes. The President's Affordable Care Act is creating a nightmare for her.

She goes on to say:

There are very few specialists in Cecil County—by the way, that is a rural county in Maryland—so nearly all of my doctors are in Delaware. Since they don't take Maryland Medicaid, I can no longer receive treatment from them.

That is a real benefit that Linda got:

I will have to travel twice the distance to obtain all new doctors if I am forced on to Medicaid.

Mr. Speaker, that is what the Affordable Care Act is doing to Linda. Thank God that there, but for the grace of God, go I that I don't have Lynch syndrome. She does. She worries every day about going to a doctor and being told she has cancer. What the President's Affordable Care Act told her is: You can't go to the doctors you are used to going to who have guided you through those cancers and who have saved your life. We are going to throw you into a whole new plan—Medicaid—and, oh, by the way, you can't go see your doctors anymore.

Mr. Speaker, that is heartless. That is just heartless.

She goes on to say:

MHIF saved my life, and I have had excellent coverage and care for 7 years.

Mr. Speaker, Linda liked her plan, and she doesn't get to keep it. She doesn't get to keep her doctors. She gets to wake up every morning now, worrying about her cancer and whether she is going to find a doctor who can take care of her. She had those doctors. She doesn't have them now. She had doctors close by. Yes, she had to cross State lines, but her health insurance covered it. Her new health insurance doesn't cover it.

That is what this plan is doing. This plan affects each and every American in ways we are only beginning to understand.

As was famously said, you have got to pass this bill before you know what is in it. Mr. Speaker, we are finding out what is in it. America is finding out what is in it. Five million people found out this month what was in it. It is a cancelation notice for the plans they

liked. These people had plans they liked. They weren't throw-away plans. They saved Linda from cancer twice. Every single American is going to be affected by this in ways we are just discovering, and America doesn't like it.

Mr. Speaker, very simply, America deserves better.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to a perceived viewing audience.

Members are reminded not to engage in personalities towards the President.

Mr. ROE of Tennessee. Mr. Speaker, I would like now to mention a couple of things and to talk about this a little bit. We don't have a lot of time left, but it is extremely important. I know that both of my colleagues on the House floor tonight have taught in medical schools and that we have a huge problem in this country with graduating enough doctors and educating them. Let me give you an example.

When you graduate from medical school, you are not then prepared to go out and practice. You need to go and either do your specialty training or surgery—or whatever it may be—or a family practice residency or a primary care residency. In my small town of Johnson City, Tennessee, we have lost about 50 primary care residency slots. Those are 50 primary care doctors per year who are going to have to look elsewhere for residencies. Last year, for the first time in my lifetime, we had over 1,000 young students graduate from medical school—with huge debt—who could not find residency programs. Those are 1,000 students who are doing something this year before they can get into the residencies they need in order to be able to train to take care of us as patients.

The American Medical Association and others have said, in the next 10 years, we will have 90,000 too few doctors to see us. We all know what that means. That means that we wait longer and longer to see the doctor. I think it is a tragedy that is out there that we have young doctors—and I can't imagine graduating from medical school when I did, Mr. Speaker, and not being able to find a slot.

The reason that has happened is that Medicare pays a certain amount—a cap that they put on—for residencies to train young doctors. Then hospitals and universities, through their endowments and other income, put more money in to help train these doctors. What has happened is, because of the Affordable Care Act, the hospitals are getting less money, and they are having to look to cut. That is why they are cutting their staffs, and that is why they are cutting residency programs and are delaying training.

Folks, let me tell you that, downstream, Mr. Speaker, this is a very, very bad thing for us and for the health care of this Nation.

I now would like to yield to Dr. GINGREY from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I did want to speak about the young people, and I am talking about those who have had their 27th birthdays. They are aged 27, so they are not eligible any longer to be on their parents' health insurance plans. I have concerns over the effects of this law on these young people.

I have warned for some time, and I have even introduced legislation to insulate the young from rate hikes, which are the direct result of these age-band provisions in the Affordable Care Act. Health insurance companies know, and their actuarians know, as they are educated, as they have studied, as they have gone to college and have gotten master's—advanced degrees—in figuring out what the premiums need to be at different age bands. The Federal Government has come along in this law and has said, well, it doesn't matter; that you can't charge any more than three times the premium for, let's say, a 62-year-old versus a 28-year-old.

What that is doing, of course, is making the insurance companies just simply raise the premiums for everybody so they can possibly make a profit.

I just want to conclude with one thing, Mr. Speaker, and then I will yield back to Dr. ROE for some closing comments.

When this bill was marked up in 2009 in my committee—the Energy and Commerce Committee—as it was in Dr. ROE's as well, I submitted an amendment that said very simply: if you—the Democratic majority party and President Obama—are going to cram this down the throats of the American people, who don't want it and who have said they don't want it—60 percent of them said they don't want it—and if you are going to make them accept this, then, Mr. President, you, the First Lady, your two beautiful daughters, all of your Cabinet members, and all Members of Congress should also have to abide by what we, the people, have to abide by.

That amendment—my amendment—was rejected strictly, straightforwardly by a party-line vote. All of the Republicans on the committee voted for it as a fairness issue, and all of the Democrats voted against it.

So what happens?

A Republican Senator put it in its version, which gets in the bill, but there is, all of a sudden, no subsidy. So, therefore, the President, by executive order, is saying that, oh, okay, these Members are now in ObamaCare, but because of their income, they are not eligible for any subsidy, so we are going to let them keep what the Office of Personnel Management gives them—our tax dollars—and 70 percent to 75 percent of the premium is paid by we, the people, to Members of Congress.

That is grossly unfair. I just want to make sure that all of my colleagues, Mr. Speaker, understand that, and I think they do.

Mr. ROE of Tennessee. I thank the gentleman.

In conclusion, let's go back and look at why we needed health care reform in this country. We needed it because costs were rising and because we had a problem with access for many of our people. That clearly was true. There was no question about it. There were also problems with preexisting conditions. We know that.

The Republican Study Committee has a plan out there called the American Health Care Reform Act. It addresses all of these issues. It truly does lower costs, and it does one important thing that I mentioned earlier in my remarks. I think the patient-doctor relationship—medical decisions—should be made between a patient, a doctor and the family. That is who should be making them, not the insurance company and not the Federal Government. You should be deciding what you purchase.

We have talked about a lot of complicated issues here tonight because this is a very complicated bill, but it is important for everyone to understand it as best one can because it affects every American citizen. That is why we in the Doctors Caucus on the Republican side of the aisle read that bill and tried to understand it, because it was going to affect every citizen in a very personal way.

We want to continue this discussion on the House floor, and I have certainly enjoyed this 1 hour with you this evening.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. CANTOR) for today and the balance of the week on account of medical reasons.

Mr. RUSH (at the request of Ms. PELOSI) for today and the balance of the week on account of attending to family acute medical care and hospitalization.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 287. An act to amend title 38, United States Code, to improve assistance to homeless veterans, and for other purposes, the Committee on Veterans' Affairs.

S. 815. An act to prohibit employment discrimination on the basis of sexual orientation or gender identity, to the Committee on Education and the Workforce.

In addition to the Committee on House Administration; the Committee

on Oversight and Government Reform; and the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1561. An act to amend the Public Health Service Act to improve provisions relating to the sanctuary system for surplus chimpanzees, the Committee on Energy and Commerce.

## ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by Speaker pro tempore, Mr. Thornberry.

H.R. 3190. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

## ADJOURNMENT

Mr. ROE of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 13, 2013, at 10 a.m. for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2013 pursuant to Public Law 95-384 are as follows:

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Daniel Benishek .....	9/1	9/2	China .....		519.39		( <sup>3</sup> )			519.39	
	9/2	9/3	Japan .....		221.93		( <sup>3</sup> )			221.93	
	9/3	9/5	Korea .....		560.55		( <sup>3</sup> )			560.55	
	9/5	9/6	China .....		341.55		( <sup>3</sup> )			341.55	
Committee total .....				1,643.42						1,643.42	

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. FRANK D. LUCAS, Chairman, Oct. 21, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Kay Granger .....	8/4	8/6	Singapore .....		1,173.00						1,173.00
	8/7	8/10	Australia .....		1,542.00						1,542.00
Commercial airfare .....							27,365.00				27,365.00
Misc. delegation costs .....								0.00			0.00
Hon. John Carter .....	8/4	8/6	Singapore .....		1,173.00						1,173.00
	8/7	8/10	Australia .....		1,542.00						1,542.00
Commercial airfare .....							26,193.80				26,193.80
Misc. delegation costs .....								0.00			0.00
Hon. Rodney Frelinghuysen .....	8/3	8/8	Israel .....		1,952.00						1,952.00
Return of unused per diem .....					-100.00						-100.00
Commercial airfare .....							11,122.77				11,122.77
Misc. delegation costs .....								4,102.21			4,102.21
Anne Marie Chatvacs .....	8/14	8/18	Jordan .....		1,421.65						1,421.65
Commercial airfare .....							10,872.70				10,872.70
Misc. delegation costs .....								396.86			396.86
Steve Marchese .....	8/14	8/18	Jordan .....		1,421.65						1,421.65
Commercial airfare .....							10,872.70				10,872.70
Misc. delegation costs .....								396.86			396.86
Erin Kolodjeski .....	8/14	8/18	Jordan .....		1,421.65						1,421.65
Commercial airfare .....							10,872.70				10,872.70
Misc. delegation costs .....								396.86			396.86
Craig Higgins .....	8/14	8/18	Jordan .....		1,421.65						1,421.65
	8/18	8/21	Turkey .....		912.61						912.61
Commercial airfare .....							10,221.20				10,221.20
Misc. delegation costs .....								1,300.67			1,300.67
Susan Adams .....	8/14	8/18	Jordan .....		1,421.65						1,421.65
	8/18	8/21	Turkey .....		727.61						727.61
Commercial airfare .....							10,263.60				10,263.60
Misc. delegation costs .....								1,269.67			1,269.67
Tim Prince .....	9/1	9/3	Singapore .....		759.00						759.00
	9/3	9/5	Thailand .....		482.00						482.00
	9/5	9/8	Japan .....		972.23						972.23
Commercial airfare .....							18,291.81				18,291.81
Misc. delegation costs .....								86.21			86.21
Brooke Boyer .....	9/1	9/3	Singapore .....		759.00						759.00
	9/3	9/5	Thailand .....		482.00						482.00
	9/5	9/8	Japan .....		972.23						972.23
Commercial airfare .....							18,291.81				18,291.81
Misc. delegation costs .....								86.21			86.21
Committee total .....					20,456.93		154,368.09		8,035.55		182,860.57

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HAROLD ROGERS, Chairman, Oct. 31, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,  
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Visit to Austria, Italy, Spain with CODEL Bilarakis—June 30–July 7, 2013											
Hon. Loretta Sanchez .....	7/1	7/2	Austria .....								0.00
	7/2	7/5	Italy .....		875.68						875.68
	7/5	7/7	Spain .....		408.99						408.99
Commercial airfare .....							5,078.60				5,078.60
Hon. Carol Shea-Porter .....	7/1	7/2	Austria .....								0.00
	7/2	7/5	Italy .....		875.68						875.68
	7/5	7/7	Spain .....		408.99						408.99
Commercial airfare .....							5,078.60				5,078.60
Jesse Tolleson .....	7/1	7/2	Austria .....								0.00
	7/2	7/5	Italy .....		953.68						953.68
	7/5	7/7	Spain .....		408.99						408.99
Commercial airfare .....							3,423.33				3,423.33
Douglas Bush .....	7/1	7/2	Austria .....								0.00
	7/2	7/5	Italy .....		953.68						953.68
	7/5	7/7	Spain .....		408.99						408.99
Commercial airfare .....							4,784.90				4,784.90
Visit to South Korea—June 28–July 3, 2013											
Timothy McClees .....	6/29	7/3	South Korea .....		920.00						920.00
Commercial airfare .....							9,528.70				9,528.70
Visit to Germany, Spain, Italy—July 15–22, 2013											
Craig Greene .....	7/15	7/17	Germany .....		632.41						632.41
	7/17	7/19	Spain .....		754.75						754.75
	7/19	7/22	Italy .....		1,171.32						1,171.32
Debra Wada .....	7/15	7/17	Germany .....		250.00						250.00
	7/17	7/19	Spain .....		216.00						216.00
	7/19	7/22	Italy .....		400.00						400.00
Jeanette James .....	7/15	7/17	Germany .....		250.00						250.00
	7/17	7/19	Spain .....		216.00						216.00
	7/19	7/22	Italy .....		400.00						400.00
Visit to Uganda, Djibouti, South Africa, Niger—July 16–26, 2013											
Ryan Crumpler .....	7/17	7/20	Niger .....		1,380.46						1,380.46
	7/21	7/22	Djibouti .....		551.93						551.93
	7/23	7/24	Uganda .....		924.00						924.00
	7/25	7/27	South Africa .....		166.00						166.00
Commercial airfare .....							26,634.60				26,634.60
Mark Lewis .....	7/17	7/22	Djibouti .....		551.93						551.93
	7/23	7/24	Uganda .....		924.00						924.00
	7/25	7/27	South Africa .....		166.00						166.00
Commercial airfare .....							14,806.12				14,806.12
Brian Garrett .....	7/17	7/20	Niger .....		1,300.46						1,300.46
	7/21	7/22	Djibouti .....		551.93						551.93
	7/23	7/24	Uganda .....		869.00						869.00
	7/25	7/27	South Africa .....		374.24						374.24
Commercial airfare .....							18,719.12				18,719.12
Visit to Australia, Singapore—August 2–10, 2013											
Hon. Rob Wittman .....	8/4	8/6	Singapore .....		1,109.45						1,109.45
	8/6	8/10	Australia .....		1,513.79						1,513.79
Commercial airfare .....							10,289.40				10,289.40
Hon. Madeleine Bordallo .....	8/4	8/6	Singapore .....		1,109.45						1,109.45
	8/6	8/10	Australia .....		1,513.79						1,513.79
Commercial airfare .....							27,899.80				27,899.80
Michele Pearce .....	8/4	8/6	Singapore .....		1,109.45						1,109.45
	8/6	8/10	Australia .....		1,513.79						1,513.79
Commercial airfare .....							26,118.40				26,118.40
Brian Garrett .....	8/4	8/6	Singapore .....		1,109.45						1,109.45
	8/6	8/10	Australia .....		1,306.79						1,306.79
Commercial airfare .....							18,242.50				18,242.50
Visit to Japan, South Korea—August 6–14, 2013											
Ryan Crumpler .....	8/7	8/11	Japan .....		630.00						630.00
	8/11	8/13	South Korea .....		498.80						498.80
Commercial airfare .....							14,385.50				14,385.50
Jamie Lynch .....	8/7	8/11	Japan .....		525.00						525.00
	8/11	8/13	South Korea .....		443.80						443.80
Commercial airfare .....							14,385.50				14,385.50
Kimberly Shaw .....	8/11	8/13	South Korea .....		448.80						448.80
Commercial airfare .....							14,385.50				14,385.50
William Spencer Johnson .....	8/7	8/11	Japan .....		238.36						238.36
	8/11	8/13	South Korea .....		354.46						354.46
Commercial airfare .....							14,385.50				14,385.50
Brian Garrett .....	8/7	8/11	Japan .....		552.00						552.00
	8/11	8/13	South Korea .....		392.80						392.80
Commercial airfare .....							14,385.50				14,385.50
Visit to Afghanistan, Jordan, United Arab Emirates—August 22–30, 2013											
Hon. Duncan Hunter .....	8/24	8/26	Jordan .....		282.00						282.00
	8/26	8/27	United Arab Emirates .....		501.82						501.82
	8/26	8/27	Afghanistan .....		28.00						28.00
Commercial airfare .....							11,775.20				11,775.20
Hon. Adam Smith .....	8/24	8/26	Jordan .....		282.00						282.00
	8/26	8/27	United Arab Emirates .....		501.82						501.82
	8/26	8/27	Afghanistan .....		28.00						28.00
Commercial airfare .....							11,775.20				11,775.20
Hon. Derek Kilmer .....	8/24	8/26	Jordan .....		282.00						282.00
	8/26	8/27	United Arab Emirates .....		501.82						501.82
	8/26	8/27	Afghanistan .....		28.00						28.00
Commercial airfare .....							11,775.20				11,775.20
Alexander Gallo .....	8/24	8/26	Jordan .....		282.00						282.00
	8/26	8/27	United Arab Emirates .....		407.04						407.04
	8/26	8/27	Afghanistan .....		28.00						28.00
Commercial airfare .....							11,775.20				11,775.20
Paul Arcangeli .....	8/24	8/26	Jordan .....		282.00						282.00
	8/26	8/27	United Arab Emirates .....		407.04						407.04
	8/26	8/27	Afghanistan .....		28.00						28.00
Commercial airfare .....							11,775.20				11,775.20
Michael Casey .....	8/24	8/26	Jordan .....		282.00						282.00
	8/26	8/27	United Arab Emirates .....		407.04						407.04
	8/26	8/27	Afghanistan .....		28.00						28.00
Commercial airfare .....							11,100.00				11,100.00



REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,  
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Delegation expenses .....	8/24	8/26	Jordan .....				374.88		297.86		672.24
Delegation expenses .....	8/27	8/31	United Arab Emirates .....						1,584.73		1,584.73
Visit to Colombia—September 22–27, 2013 .....											
Catherine Sendak .....	9/23	9/26	Colombia .....		406.00						406.00
Commercial airfare .....							965.80				965.80
Peter Villano .....	9/23	9/26	Colombia .....		406.00						406.00
Commercial airfare .....							965.80				965.80
Mark Lewis .....	9/23	9/26	Colombia .....		406.00						406.00
Commercial airfare .....							880.80				880.80
Michael Amato .....	9/23	9/26	Colombia .....		406.00						406.00
Commercial airfare .....							965.80				965.80
Committee total .....					38,849.67		310,965.85		1,882.59		206,430.49

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. "BUCK" McKEON, Chairman, Oct. 31, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Bill Flores .....	8/4	8/6	Singapore .....		1,109.45						1,109.45
	8/6	8/10	Australia .....		1,270.62						1,270.62
							25,733.60				25,733.60
Committee total .....					2,318.07		25,733.60				28,113.67

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PAUL RYAN, Chairman, Oct. 22, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN KLINE, Chairman, Oct. 24, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,  
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Krysten Sinema .....	8/27	8/29	Afghanistan .....		28.00		11,069.10				11,097.10
Hon. Robert Pittenger .....	8/31	9/3	Japan .....		993.41						993.41
	9/4	9/5	UAE .....		454.00						454.00
	9/5	9/6	Egypt .....		270.00						270.00
	9/6	9/7	Qatar .....		340.00						340.00
	9/7	9/9	Belgium .....		844.00		20,282.00				21,672.00
Committee total .....					2,929.41			31,897.10			34,826.51

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JEB HENSARLING, Chairman, Oct. 31, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Tom Alexander .....	8/20	8/21	Pakistan .....		140.00		7,999.00	*	46.93		8,185.93
	8/21	8/22	Kuwait .....		375.28			*	1,792.16		2,167.44
	8/22	8/23	Turkey .....		351.26						351.26
	8/23	8/25	UK .....		982.00						982.00
Ari Fridman .....	8/20	8/21	Pakistan .....		140.00		7,999.00				8,139.00
	8/21	8/22	Kuwait .....		375.28						375.28
	8/22	8/23	Turkey .....		351.26						351.26
	8/23	8/25	UK .....		882.00						882.00
Daniel Silverberg .....	8/20	8/21	Pakistan .....		40.00		7,348.70				7,388.70
	8/21	8/22	Kuwait .....		375.28						375.28

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Grace Meng	8/22	8/23	Turkey		351.26						351.26
	8/23	8/25	UK		982.00						982.00
	9/1	9/2	Hong Kong		519.39		( <sup>3</sup> )				519.39
	9/2	9/3	Japan		438.68		( <sup>3</sup> )				438.68
	9/3	9/5	Korea		674.13		( <sup>3</sup> )				674.13
Hon. Dana Rohrabacher	9/5	9/6	China		363.99		( <sup>3</sup> )				363.99
	8/31	9/3	Japan		1,357.67		17,799.50	*	6,761.43		25,918.60
	9/4	9/5	UAE		454.44				3,608.65		4,063.09
	9/5	9/6	Egypt		269.78				804.00		1,073.78
	9/6	9/7	Qatar		340.65				2,499.62		2,840.27
Hon. Lois Frankel	9/7	9/9	Belgium		856.58				4,760.34		5,616.92
	8/31	9/3	Japan		1,357.67		18,280.60				19,638.27
	9/4	9/5	UAE		454.44						454.44
	9/5	9/6	Egypt		269.78						269.78
	9/6	9/8	Belgium		1,015.58						1,015.58
Hon. Steve Stockman	8/31	9/3	Japan		1,357.67		19,008.00				20,365.67
	9/4	9/5	UAE		454.44						454.44
	9/5	9/6	Egypt		269.78						269.78
	9/6	9/7	Qatar		340.65						340.65
	9/7	9/9	Belgium		856.58						856.58
Paul Berkowitz	8/31	9/3	Japan		1,357.67		18,659.70				20,017.37
	9/4	9/5	UAE		454.44						454.44
	9/5	9/6	Egypt		269.78						269.78
	9/6	9/8	Belgium		1,284.85						1,284.85
	9/22	9/25	Azerbaijan		807.00		12,074.80				12,881.80
Doug Seay	9/25	9/28	Georgia		720.00						720.00
	9/21	9/22	Germany		283.73		1,411.85				1,695.58
	9/22	9/24	Nigeria		571.67		1,411.85				1,983.52
	9/21	9/22	Germany		270.00		1,411.85				1,681.85
	9/22	9/24	Nigeria		577.67		1,411.85				1,989.52
Hon. Christopher Smith	9/3	9/6	Haiti		798.00		761.10				1,559.10
	9/3	9/6	Haiti		755.78		1,175.10				1,930.88
	9/3	9/6	Haiti		798.00		761.10				1,559.10
	9/3	9/6	Haiti		718.00		1,160.10				1,878.10
	8/4	8/8	Israel		1,622.00		14,998.40	*	16,408.83		33,029.23
Greg Simpkins	8/4	8/8	Israel		1,627.00		11,252.77				12,879.77
	8/4	8/8	Israel		1,632.00		11,369.77				13,001.77
	8/4	8/5	China		141.75		5,429.90				5,571.65
	8/5	8/7	Cambodia		581.00			*	54.08		635.08
	8/7	8/11	Vietnam		1,386.53			*	115.69		1,502.22
Joan Condon	8/4	8/5	China		141.75		5,429.90				5,571.65
	8/5	8/7	Cambodia		581.00						581.00
	8/7	8/11	Vietnam		1,386.53						1,386.53
	8/4	8/5	China		141.80		5,429.90				5,571.70
	8/5	8/7	Cambodia		581.00						581.00
Janice Kaguyutan	8/7	8/11	Vietnam		1,385.00						1,385.00
	8/9	8/15	Ethiopia		2,325.83		5,523.62	*	118.00		7,967.45
	8/9	8/15	Ethiopia		2,375.83		5,488.62				7,864.45
	8/24	8/26	New Zealand		599.00		16,270.00				16,869.00
	8/26	8/29	Australia		978.00			*	3,943.00		4,921.00
Kevin Fitzpatrick	8/24	8/26	New Zealand		594.00		16,270.00				16,864.00
	8/26	8/29	Australia		988.00						988.00
	8/14	8/17	Singapore		1,146.00		11,158.90				12,304.90
	8/17	8/20	Indonesia		1,001.00			*	2,509.24		3,510.24
	8/20	8/22	Thailand		371.00			*	897.43		1,268.43
Hon. David Cicilline	8/15	8/17	Singapore		1,063.06		15,801.50				16,864.56
	8/17	8/19	Indonesia		1,001.00						1,001.00
	8/20	8/21	Thailand		358.32						358.32
	8/14	8/17	Singapore		1,146.00		13,183.90				14,329.90
	8/17	8/20	Indonesia		951.00						951.00
Nien Su	8/20	8/22	Thailand		371.00						371.00
	8/14	8/16	Singapore		1,346.00		13,183.90				14,529.90
	8/17	8/19	Indonesia		1,001.00						1,001.00
	8/20	8/22	Thailand		471.00						471.00
	8/3	8/8	Nigeria		1,958.00		9,538.00				11,496.00
Luke Murry	8/3	8/8	Nigeria		1,858.00		9,538.00				11,396.00
	8/22	8/23	Panama		268.77		3,114.32	*	604.65		3,987.74
	8/23	8/25	Costa Rica		294.00		469.70	*	2,370.90		3,134.60
	8/22	8/23	Panama		221.67		2,085.32				2,306.99
	8/23	8/25	Costa Rica		382.61						382.61
Committee total					60,941.56		294,210.52	*	47,294.95		402,447.03

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

\* Indicates delegation costs.

HON. EDWARD R. ROYCE, Chairman, Oct. 31, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☐											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CANDICE S. MILLER, Chairman, Oct. 17, 2013.

November 12, 2013

## CONGRESSIONAL RECORD—HOUSE, Vol. 159, Pt. 12

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Steve King .....	8/31	9/3	Japan .....		1,357.67		* 16,813.10				18,170.77
	9/3	9/5	UAE .....		454.44				986.00		1,440.44
	9/5	9/6	Egypt .....		275.75						275.75
	9/6	9/8	Belgium .....		578.49				788.63		1,367.12
Total .....											21,254.08
Hon. Louie Gohmert .....	9/4	9/5	UAE .....		423.39		* 9,835.10		986.00		11,244.49
	9/5	9/6	Egypt .....		82.00						82.00
	9/6	9/8	Belgium .....		1,174.64				788.63		1,963.27
Total .....											13,289.76
Committee total .....					4,346.38		26,648.20		3,549.26		34,543.84

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

\* Transportation all inclusive.

HON. BOB GOODLATTE, Chairman, Oct. 30, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Donna Edwards .....	8/31	9/3	Japan .....	57826	589.00		0.00		0.00	57,826	589.00
	9/4	9/5	UAE .....	1669	454.00		0.00		0.00	1669	454.00
	9/5	9/6	Egypt .....	92	14.00		0.00		0.00	92	14.00
	9/6	9/8	Belgium .....	398	547.00		0.00		0.00	398	547.00
	8/30	9/8	Japan, UAE, Egypt, Belgium .....		0.00		12,778.77		0.00		12,778.77
Committee total .....					1,604.00		12,778.77		0.00		14,382.77

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, Oct. 29, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Janice Hahn .....	8/22	8/23	Panama .....		253.99		468.94				722.93
	8/23	8/25	Costa Rica .....		468.94		751.41				1,220.35
Committee total .....					722.93		1,200.86				1,923.79

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BILL SHUSTER, Chairman, Oct. 25, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JEFF MILLER, Chairman, Oct. 28, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Sander Levin .....	8/19	8/21	Bangladesh .....		0.00		347.58		687.58		1,035.16
Behnaz Kibria .....	8/17	8/21	Bangladesh .....		815.57		14,735.10		0.00		15,550.67
Geoff Antell .....	8/10	8/13	Ethiopia .....		230.00		9,106.73		158.66		10,429.30
Committee total .....					1,045.57		24,189.41		849.24		27,015.13

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, Oct. 31, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. K. Michael Conaway .....	6/29	6/30	Middle East .....		331.02						
Commercial airfare .....	6/30	7/3	Middle East .....		0.00						
Hon. Michele Bachmann .....	6/29	6/30	Middle East .....		331.02		11,159.00				11,490.02
Commercial airfare .....	6/30	7/3	Middle East .....		0.00						
Hon. Mike Pompeo .....	6/29	6/30	Middle East .....		331.02		14,922.20				15,253.22
Commercial airfare .....	6/30	7/3	Middle East .....		0.00						
Darren Dick .....	6/29	6/30	Middle East .....		331.02		9,880.80				10,211.82
Commercial airfare .....	6/30	7/3	Middle East .....		0.00						
Chelsey Campbell .....	6/29	6/30	Middle East .....		331.02		9,880.80				10,211.82
Commercial airfare .....	6/30	7/3	Middle East .....		0.00						
Carly Scott .....	6/29	6/30	Middle East .....		331.02		9,880.80				10,211.82
Commercial airfare .....	6/30	7/3	Middle East .....		0.00						
Jim Hildebrand .....	6/29	7/3	Asia .....		1,280.00		( <sup>3</sup> )				1,280.00
Amanda Rogers Thorpe .....	6/29	7/3	Asia .....		1,280.00		( <sup>3</sup> )				1,280.00
Hon. Jeff Miller .....	7/26	7/27	Middle East .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Hon. C.A. Dutch Ruppersberger .....	7/26	7/27	Eurasia .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Hon. Terri A. Sewell .....	7/26	7/27	Eurasia .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Hon. James A. Himes .....	7/26	7/27	Eurasia .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Hon. Andy Keiser .....	7/26	7/27	Eurasia .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Chelsey Campbell .....	7/26	7/27	Eurasia .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Heather Molino .....	7/26	7/27	Eurasia .....		319.00						
Commercial airfare .....	7/27	7/29	Middle East .....		710.81		11,698.00				12,727.81
Hon. Devin Nunes .....	8/10	8/12	East Asia .....		515.50						
Commercial airfare .....	8/12	8/13	East Asia .....		517.00						
Commercial airfare .....	8/13	8/16	East Asia .....		448.53						
Commercial airfare .....	8/16	8/22	East Asia .....		1,718.44		<sup>3</sup> 11,125.50				14,324.97
Military and commercial airfare .....	8/10	8/12	East Asia .....		368.50						
Frank Garcia .....	8/12	8/13	East Asia .....		517.00						
Commercial airfare .....	8/13	8/16	East Asia .....		448.53						
Commercial airfare .....	8/16	8/22	East Asia .....		1,718.44		<sup>3</sup> 9,370.50				12,422.97
Military and commercial airfare .....	8/10	8/12	East Asia .....		368.50						
Robert Minehart .....	8/12	8/13	East Asia .....		517.00						
Commercial airfare .....	8/13	8/16	East Asia .....		448.53						
Commercial airfare .....	8/16	8/22	East Asia .....		1,718.44		<sup>3</sup> 15,946.00				18,998.47
Military and commercial airfare .....	8/18	8/19	Asia .....		759.18						
Geof Kahn .....	8/19	8/22	Asia .....		822.75						
Commercial airfare .....	8/22	8/25	Asia .....		1,694.86		18,235.32				21,512.11
Tom Corcoran .....	8/18	8/19	Asia .....		759.18						
Commercial airfare .....	8/19	8/24	Asia .....		1,371.25		14,619.70				16,750.13
Andy Keiser .....	8/18	8/19	Asia .....		759.18						
Commercial airfare .....	8/19	8/22	Asia .....		697.75						
Commercial airfare .....	8/22	8/25	Asia .....		1,694.86		18,235.32				21,387.11
Carly Scott .....	8/18	8/19	Asia .....		759.18						
Commercial airfare .....	8/19	8/22	Asia .....		822.75						
Commercial airfare .....	8/22	8/25	Asia .....		1,694.86		18,235.32				21,512.11
Hon. Michele Bachmann .....	8/28	8/31	Europe .....		1,524.00						
Commercial airfare .....	8/31	9/3	Asia .....		1,357.67						
Commercial airfare .....	9/3	9/4	Europe .....		361.00						
Commercial airfare .....	9/4	9/5	Middle East .....		454.44						
Commercial airfare .....	9/5	9/6	Middle East .....		524.00						
Commercial airfare .....	9/6	9/7	Europe .....		1,284.85		14,512.10				20,018.06
Hon. Terri A. Sewell .....	9/1	9/3	Asia .....		574.39						
Commercial airfare .....	9/3	9/4	Asia .....		445.55						
Commercial airfare .....	9/4	9/6	Asia .....		247.54		( <sup>3</sup> )				1,267.48
Hon. Mike Pompeo .....	9/3	9/4	Middle East .....		491.00						
Commercial airfare .....	9/4	9/8	Middle East .....		1,466.23		10,566.77				12,524.00
Katie Wheelbarger .....	9/3	9/4	Middle East .....		491.00						
Commercial airfare .....	9/4	9/8	Middle East .....		1,466.23		9,754.27				11,711.50
Hon. Frank A. LoBiondo .....	9/21	9/23	Middle East .....		455.00						
Commercial airfare .....			Middle East .....				9,016.20				9,471.20
Chelsey Campbell .....			Middle East .....		455.00		9,016.20				9,471.20
Commercial airfare .....											
Committee total .....											307,438.60

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, Oct. 11, 2013.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3626. A communication from the President of the United States, transmitting the District of Columbia's Fiscal Year 2014 Budget Request Act, pursuant to Public Law 93-198, section 446 (87 Stat. 806); (H. Doc. No. 113-71); to the Committee on Appropriations and ordered to be printed.

3627. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Susan J. Helms, United States Air Force, and her advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3628. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Major General David H. Huntoon, United States Army, and his advancement to the grade of lieutenant general; to the Committee on Armed Services.

3629. A letter from the Assistant General Counsel for Legislation, Regulation, and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Television Sets [Docket No.: EERE-2010-BT-TP-0026] (RIN: 1904-AC29) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3630. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3631. A letter from the Chairman, Federal Labor Relations Authority, transmitting the semiannual report of the Inspector General of the Federal Labor Relations Board for the period April 1, 2013 through September 30, 2013; to the Committee on Oversight and Government Reform.

3632. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Arts, Entertainment, and Recreation (RIN: 3245-AG36) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3633. A letter from the Deputy Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Subcontracting (RIN: 3245-AG22) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3634. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size and Status Integrity (RIN: 3245-AG23) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3635. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Finance and Insurance Management Companies and Enterprises (RIN: 3245-AG45) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on the Judiciary. Supplemental report on H.R. 982. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 527(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes (Rept. 113-254, Pt. 2).

Mr. UPTON: Committee on Energy and Commerce. H.R. 2810. A bill to amend title XVIII of the Social Security Act to reform the sustainable growth rate and Medicare payment for physicians' services, and for other purposes; with an amendment (Rept. 113-257, Pt. 1). Ordered to be printed.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 2871. A bill to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes (Rept. 113-258). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 2922. A bill to extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds (Rept. 113-259). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. House Resolution 196. A resolution supporting the Sixth Amendment to the United States Constitution, the right to counsel (Rept. 113-260). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2728. A bill to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation; with an amendment (Rept. 113-261).

Referred to the Committee of the Whole House on state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1965. A bill to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes; with an amendment (Rept. 113-262, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1548. A bill to facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands, and for other purposes, with an amendment (Rept. 113-263). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 403. A resolution providing for consideration of the bill (H.R. 2655) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and providing for consideration of the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes (Rept. 113-264). Referred to the House Calendar.

## DISCHARGE OF COMMITTEE

(The following actions occurred on November 1, 2013)

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2226 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2279 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2318 referred to the Committee of the Whole House on the state of the Union.

(The following actions occurred on November 12, 2013)

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 1965 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration H.R. 2810.

### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 2810. Referral to the Committee on Ways and Means extended for a period ending not later than December 2, 2013.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CUMMINGS (for himself, Mr. ELLISON, Mr. TIERNEY, Ms. WILSON of Florida, Mr. POLIS, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Mr. CÁRDENAS, and Mr. RANGEL):

H.R. 3446. A bill to amend the Higher Education Act of 1965 to amend the process by which students with certain special circumstances apply for Federal financial aid; to the Committee on Education and the Workforce.

By Mr. BRADY of Texas:

H.R. 3447. A bill to amend title 5, United States Code, to make clear that Federal employees who receive back pay for a period during which they are furloughed due to a lapse in appropriations may not also receive unemployment compensation for the same period; to the Committee on Ways and Means.

By Mr. DUFFY (for himself and Mr. CARNEY):

H.R. 3448. A bill to amend the Securities Exchange Act of 1934 to provide for an optional pilot program allowing certain emerging growth companies to increase the tick sizes of their stocks; to the Committee on Financial Services.

By Ms. EDWARDS (for herself, Mr. LEVIN, Ms. NORTON, Ms. MOORE, Mr. MORAN, Mr. CÁRDENAS, Ms. DEGETTE, Mr. BLUMENAUER, Mr. DINGELL, Mr. PRICE of North Carolina, Mr. SARBANES, Mr. RUSH, Mrs. NAPOLITANO, Mr. DELANEY, Ms. CHU, Mr. HONDA, Ms. ESTY, Ms. SHEA-PORTER, and Mr. CARTWRIGHT):

H.R. 3449. A bill to establish centers of excellence for innovative stormwater control infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ELLMERS:

H.R. 3450. A bill to amend the Patient Protection and Affordable Care Act to allow individuals to opt out of the minimum required health benefits by permitting health insurance issuers to offer qualified health plans that offer alternative benefits to the minimum essential health benefits otherwise required, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARCIA:

H.R. 3451. A bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes; to the Committee on Veterans' Affairs, and in

addition to the Committees on Transportation and Infrastructure, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS:

H.R. 3452. A bill to decrease the frequency of sports blackouts, to require the application of the antitrust laws to Major League Baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. HORSFORD:

H.R. 3453. A bill to reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and re-employment rights of members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Oversight and Government Reform, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON:

H.R. 3454. A bill to amend title III of the Social Security Act to require a substance abuse risk assessment and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN:

H.R. 3455. A bill to designate the facility of the United States Postal Service located at 201 East Pikes Peak Avenue in Colorado Springs, Colorado, as the "Chaplain (Capt.) Dale Goetz Memorial Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. SCHWARTZ (for herself and Mr. ROE of Tennessee):

H.R. 3456. A bill to amend title 38, United States Code, to improve the enrollment of veterans in certain courses of education, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 3457. A bill to authorize an additional district judgeship for the district of Idaho; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H.R. 3458. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mr. MEEHAN, Ms. MCCOLLUM, Ms. BROWNLEY of California, and Ms. TSONGAS):

H.R. 3459. A bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. TIPTON:

H.R. 3460. A bill to amend the Mineral Leasing Act to require that a portion of revenues from new Federal mineral and geothermal leases be paid to States for use to supplement the education of students in kin-

dergarten through grade 12 and public support of institutions of higher education, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. ROYCE,

Mr. KEATING, and Mr. POE of Texas):  
H. Res. 402. A resolution supporting the European aspirations of the peoples of the European Union's Eastern Partnership countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROYCE (for himself and Mr. ENGEL):

H. Res. 404. A resolution expressing condolences and support for assistance to the victims of Typhoon Haiyan which made landfall in the Republic of the Philippines on November 8, 2013; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Mr. DAINES, and Mr. WESTMORELAND):

H. Res. 405. A resolution commending the Patriot Guard Riders for their mission to show sincere respect for fallen members of the Armed Forces by attending the funeral services of a fallen member as invited guests of the family of the member; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBSACK (for himself, Ms. ESTY, Mr. GRIJALVA, Ms. BORDALLO, Ms. LEE of California, Mr. RYAN of Ohio, Mr. PAYNE, Mr. HINOJOSA, Mr. POLIS, Mr. TONKO, Mr. HOLT, Ms. CHU, Mr. COHEN, Ms. MCCOLLUM, Ms. SHEA-PORTER, Mr. POCAN, Mr. SCHIFF, Mr. PETRI, and Mr. LOWENTHAL):

H. Res. 406. A resolution expressing support for designation of the week beginning on November 11, 2013, as National School Psychology Week; to the Committee on Education and the Workforce.

By Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. CICILLINE, Ms. ROS-LEHTINEN, Mr. HANNA, Mr. POLIS, Mr. POCAN, Mr. TAKANO, and Ms. SINEMA):

H. Res. 407. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Education and the Workforce.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CUMMINGS:

H.R. 3446.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. BRADY of Texas:

H.R. 3447.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. DUFFY:

H.R. 3448.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. EDWARDS:

H.R. 3449.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mrs. ELLMERS:

H.R. 3450.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. GARCIA:

H.R. 3451.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 12 & Clause 18 of the Constitution, Congress, has the power "To make all laws which shall be necessary and proper" for carrying out power including the power "To raise and support Armies".

By Mr. HIGGINS:

H.R. 3452.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. HORSFORD:

H.R. 3453.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the United States Constitution allows Congress to regulate interstate commerce.

Article I, Section 8, clause 1 of the United States Constitution permits the Congress to tax and spend for the general welfare.

Article I, Section 8, clause 18 is the necessary and proper clause, allowing Congress to enact all laws necessary and proper for executing any of their enumerated powers.

By Mr. KINGSTON:

H.R. 3454.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. LAMBORN:

H.R. 3455.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 3456.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. SIMPSON:

H.R. 3457.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution.

By Ms. SLAUGHTER:

H.R. 3458.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. SPEIER:

H.R. 3459.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. TIPTON:

H.R. 3460.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. CAPUANO.

H.R. 38: Mr. PETERS of California.

H.R. 75: Mr. WESTMORELAND.

H.R. 129: Mr. HONDA.

H.R. 183: Mr. RANGEL.

H.R. 184: Mr. SCHNEIDER and Mr. PAYNE.

H.R. 292: Mr. RYAN of Ohio and Ms. MOORE.

H.R. 303: Mr. SEAN PATRICK MALONEY of New York.

H.R. 310: Ms. KUSTER and Ms. ESTY.

H.R. 318: Mr. COFFMAN.

H.R. 351: Mr. SHUSTER and Mr. WILLIAMS.

H.R. 455: Mrs. CAPPS and Ms. CLARKE.

H.R. 485: Mr. ANDREWS and Mr. JEFFRIES.

H.R. 503: Mr. SWALWELL of California and Mr. BRADY of Texas.

H.R. 523: Ms. KUSTER and Mr. GARCIA.

H.R. 525: Ms. MCCOLLUM.

H.R. 526: Ms. BASS, Mrs. CAROLYN B. MALONEY of New York, and Mr. VAN HOLLEN.

H.R. 541: Ms. DEGETTE, Ms. TITUS, and Mr. HANNA.

H.R. 543: Mr. GARCIA.

H.R. 562: Mr. SEAN PATRICK MALONEY of New York and Mr. OWENS.

H.R. 611: Mr. CAPUANO.

H.R. 644: Mr. SMITH of New Jersey.

H.R. 647: Mr. ENGEL, Ms. BASS, Mr. GARCIA, Mr. ENYART, Mr. SHERMAN, Mr. SERRANO, and Mr. OLSON.

H.R. 685: Mr. ROSS, Ms. EDWARDS, and Mr. GARRETT.

H.R. 715: Mr. HIGGINS, Mr. SCHIFF, Ms. MATSUI, Mr. FALEOMAVAEGA, Mr. DINGELL, Ms. LOFGREN, Mr. KEATING, Mr. POSEY, Mr. BISHOP of New York, Mr. LOWENTHAL, Mr. GRIJALVA, Mr. PETERSON, and Mr. WHITFIELD.

H.R. 718: Mrs. HARTZLER.

H.R. 721: Mr. CARTWRIGHT and Mr. DANNY K. DAVIS of Illinois.

H.R. 724: Mr. FITZPATRICK.

H.R. 755: Mr. HECK of Washington.

H.R. 781: Mr. COFFMAN.

H.R. 792: Mr. GRIMM.

H.R. 808: Mr. FARR.

H.R. 855: Mr. BEN RAY LUJÁN of New Mexico and Mrs. MCCARTHY of New York.

H.R. 915: Mrs. BUSTOS.

H.R. 961: Mr. HIMES and Ms. KELLY of Illinois.

H.R. 980: Ms. DUCKWORTH.

H.R. 1000: Mr. PAYNE.

H.R. 1015: Mr. ENYART and Mr. McDERMOTT.

H.R. 1020: Mr. COHEN, Mr. VEASEY, and Mr. LATHAM.

H.R. 1024: Mr. JOHNSON of Georgia and Mr. DENT.

H.R. 1076: Mr. GRIFFIN of Arkansas.

H.R. 1091: Mr. MARINO and Mr. FORTENBERRY.

H.R. 1127: Mrs. BUSTOS.

H.R. 1149: Mr. CLAY.

H.R. 1173: Mr. SERRANO and Mr. LARSEN of Washington.

H.R. 1186: Mr. LATHAM.

H.R. 1199: Ms. DEGETTE.

H.R. 1209: Mr. TIBERI, Mr. LEVIN, Mr. MICHAUD, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. HULTGREN, Mr. CÁRDENAS, Mr. HASTINGS of Florida, Mr. NOLAN, Ms. SEWELL of Alabama, Mr. GINGREY of Georgia, Mr. WITTMAN, and Mr. HUNTER.

H.R. 1240: Mr. VISLOSKEY, Mr. CARNEY, and Mr. HUFFMAN.

H.R. 1248: Mr. JOYCE and Mr. KLINE.

H.R. 1250: Mr. DUNCAN of Tennessee.

H.R. 1263: Mr. KENNEDY.

H.R. 1276: Mr. CARSON of Indiana, Mr. CARTWRIGHT, Mr. CLEAVER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. MCCARTHY of New York, Mr. PERLMUTTER, and Mr. SWALWELL of California.

H.R. 1281: Mr. LATHAM.

H.R. 1428: Ms. JACKSON LEE, Mr. PALAZZO, and Mr. HARPER.

H.R. 1429: Mr. SEAN PATRICK MALONEY of New York, Mr. NADLER, Mr. GRIMM, Mr. OWENS, Mr. TONKO, Mr. ENGEL, and Mr. CROWLEY.

H.R. 1507: Mr. GIBSON, Mr. CAPUANO, Mr. JEFFRIES, Mr. MURPHY of Florida, and Ms. FUDGE.

H.R. 1518: Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Ohio, Mr. ROTHFUS, Mr. RICE of South Carolina, Mr. POMPEO, Ms. DEGETTE, and Mr. THOMPSON of California.

H.R. 1563: Mr. SESSIONS and Mr. HASTINGS of Florida.

H.R. 1579: Mr. SARBANES.

H.R. 1648: Mr. RICHMOND and Mr. WAXMAN.

H.R. 1666: Mr. THOMPSON of California and Mr. AL GREEN of Texas.

H.R. 1696: Mr. NOLAN.

H.R. 1698: Mr. MCGOVERN, Ms. BONAMICI, and Mr. COFFMAN.

H.R. 1717: Ms. DEGETTE.

H.R. 1726: Mr. KEATING, Mr. GRIMM, Mr. RUPPERSBERGER, Mr. CONNOLLY, Ms. EDWARDS, Mr. ROSS, and Mr. COFFMAN.

H.R. 1750: Mr. CRAMER and Mr. RENACCI.

H.R. 1755: Ms. SEWELL of Alabama and Mr. JEFFRIES.

H.R. 1761: Mr. CRAWFORD and Ms. SLAUGHTER.

H.R. 1779: Mr. TONKO, Mr. DUNCAN of South Carolina, and Mr. RICHMOND.

H.R. 1796: Mr. HORSFORD.

H.R. 1803: Mr. YOUNG of Alaska.

H.R. 1809: Mrs. CAROLYN B. MALONEY of New York.

H.R. 1812: Mr. GRIMM, Mr. COFFMAN, and Mr. JEFFRIES.

H.R. 1814: Mr. FLORES, Mr. GARAMENDI, and Mr. CONYERS.

H.R. 1821: Mr. MORAN and Mr. HORSFORD.

H.R. 1830: Mrs. DAVIS of California.

H.R. 1832: Mr. KIND, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. CONNOLLY, Mr. RYAN of Ohio, and Mr. CROWLEY.

H.R. 1844: Mrs. NEGRETE MCLEOD, Mr. CARSON of Indiana, Ms. SPEIER, and Mr. PAYNE.



H.R. 1893: Mr. HOLT.  
 H.R. 1962: Mr. HECK of Washington.  
 H.R. 1975: Mr. DOYLE, Ms. KELLY of Illinois, Mr. McDERMOTT, and Ms. JACKSON LEE.  
 H.R. 1982: Mr. GRIFFIN of Arkansas.  
 H.R. 1984: Mrs. McMORRIS RODGERS.  
 H.R. 1985: Ms. KUSTER.  
 H.R. 1992: Mr. PERRY.  
 H.R. 1998: Mr. CÁRDENAS.  
 H.R. 1999: Ms. WASSERMAN SCHULTZ.  
 H.R. 2027: Mr. CHABOT.  
 H.R. 2084: Mrs. NAPOLITANO.  
 H.R. 2099: Mr. DUNCAN of Tennessee.  
 H.R. 2202: Mr. HASTINGS of Florida.  
 H.R. 2213: Mr. OWENS.  
 H.R. 2224: Mr. DEFazio, Ms. NORTON, and Mr. CARTWRIGHT.  
 H.R. 2239: Mr. FRANKS of Arizona and Mr. MARINO.  
 H.R. 2250: Mr. MEADOWS.  
 H.R. 2274: Mr. LUCAS.  
 H.R. 2288: Ms. MENG and Ms. WILSON of Florida.  
 H.R. 2302: Mr. SOUTHERLAND and Mrs. MCCARTHY of New York.  
 H.R. 2305: Mr. HOLT.  
 H.R. 2328: Mr. AUSTIN SCOTT of Georgia and Mr. McCAUL.  
 H.R. 2332: Mr. BEN RAY LUJÁN of New Mexico.  
 H.R. 2430: Mr. HONDA.  
 H.R. 2500: Mr. FARENTHOLD.  
 H.R. 2502: Ms. CHU, Ms. LINDA T. SÁNCHEZ of California, Ms. SLAUGHTER, and Mr. SCHIFF.  
 H.R. 2510: Mrs. BEATTY.  
 H.R. 2523: Mr. BERA of California.  
 H.R. 2536: Mr. HULTGREN.  
 H.R. 2548: Mr. PAULSEN and Mr. REICHERT.  
 H.R. 2632: Mr. HIMES.  
 H.R. 2654: Mr. LOBIONDO.  
 H.R. 2689: Mr. GARCIA.  
 H.R. 2691: Mr. HIMES.  
 H.R. 2692: Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
 H.R. 2697: Mr. RICHMOND and Mr. JONES.  
 H.R. 2702: Ms. KUSTER, Mrs. DAVIS of California, and Mr. CICILLINE.  
 H.R. 2725: Mr. HUELSKAMP, Mr. HUNTER, and Mr. CASSIDY.  
 H.R. 2728: Mr. PEARCE, Mr. KELLY of Pennsylvania, Mr. BARLETTA, Mr. WOODALL, Mr. CARTER, Mr. FARENTHOLD, and Mr. HUDSON.  
 H.R. 2772: Mr. JEFFRIES.  
 H.R. 2791: Mr. BENISHEK, Ms. WILSON of Florida, Mr. NUGENT, and Mr. FARENTHOLD.  
 H.R. 2809: Mr. TIBERI.  
 H.R. 2825: Ms. EDWARDS and Ms. MENG.  
 H.R. 2835: Mrs. McMORRIS RODGERS.  
 H.R. 2839: Ms. BASS.  
 H.R. 2841: Mr. JONES, Mr. LOWENTHAL, and Mr. SEAN PATRICK MALONEY of New York.  
 H.R. 2866: Mr. BILIRAKIS, Mr. MCKINLEY, Mr. FARENTHOLD, Mr. GARRETT, Mr. SHIMKUS, Mr. WENSTRUP, Mrs. ELLMERS, Mr. BUCSHON, Mr. MORAN, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. WEBER of Texas, Mr. PETERSON, Mr. CRAWFORD, Mr. THOMPSON of California, Mr. KINZINGER of Illinois, Mr. SHUSTER, Mr. RUNYAN, Mr. WHITFIELD, Mr. RADEL, Mr. CRENSHAW, Mr. MEEHAN, Mr. DIAZ-BALART, Mr. BUTTERFIELD, Mr. MARINO, Mr. BARLETTA, Mr. YOUNG of Alaska, Mr. COLE, Mr. GERLACH, Mr. NUNES, Mr. FRELINGHUYSEN, Mr. GARY G. MILLER of California, Mr. CASSIDY, Mr. COLLINS of New York, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. FORBES, Mr. PEARCE, Mr. ROSKAM, Mr. LAMALFA, Mr. SMITH of Missouri, Mr. WELCH, Mr. FLEMING, Mr. ROSS, Mr. CLAY, Mr. MCCARTHY of California, Mr. MURPHY of Florida, Mr. LANCE, Mr. WEBSTER of Florida, Ms. BASS, Mr. KLINE, Ms. ESHOO, Mr. YODER, and Mr. CONYERS.

H.R. 2894: Mr. HECK of Nevada, Mr. RIGELL, and Mr. BENISHEK.  
 H.R. 2902: Mrs. CAROLYN B. MALONEY of New York.  
 H.R. 2909: Ms. DeLAURO, Mrs. LOWEY, Mr. TAKANO, Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, Ms. SCHWARTZ, Mr. RANGEL, and Ms. CLARKE.  
 H.R. 2920: Mr. SCOTT of Virginia.  
 H.R. 2928: Mr. POCAN.  
 H.R. 2939: Mr. BROOKS of Alabama, Mrs. KIRKPATRICK, Mrs. BUSTOS, Ms. LINDA T. SÁNCHEZ of California, Ms. CLARKE, Mr. GRIMM, Mr. ISRAEL, Mr. FARENTHOLD, Mr. LEWIS, Mr. JOYCE, Mr. RYAN of Ohio, Mr. GARRETT, Mr. NADLER, Mr. MEADOWS, and Mrs. DAVIS of California.  
 H.R. 2959: Mr. TURNER, Mr. PEARCE, Mr. FRANKS of Arizona, Mr. MARINO, Mr. CHABOT, Mr. GOSAR, Mr. KELLY of Pennsylvania, Mr. CRAWFORD, Mr. STEWART, Mr. COFFMAN, Mr. MILLER of Florida, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. STIVERS, Mr. PERRY, Mr. CONAWAY, Mr. WESTMORELAND, and Mr. FARENTHOLD.  
 H.R. 2998: Ms. LEE of California, Mr. POCAN, Mr. BUTTERFIELD, Mr. TIERNEY, Ms. DELBENE, and Mr. BLUMENAUER.  
 H.R. 3002: Mr. WENSTRUP.  
 H.R. 3023: Mr. TIPTON.  
 H.R. 3040: Mr. CAPUANO and Mr. ANDREWS.  
 H.R. 3074: Mrs. BLACKBURN.  
 H.R. 3077: Mrs. McMORRIS RODGERS and Mrs. WAGNER.  
 H.R. 3086: Mr. McCAUL, Mr. FOSTER, Mr. KLINE, Mr. GIBBS, Mrs. CAPPS, and Mr. BUTTERFIELD.  
 H.R. 3097: Mr. ENYART.  
 H.R. 3108: Mr. WAXMAN.  
 H.R. 3111: Mr. RADEL.  
 H.R. 3112: Mr. GRIFFIN of Arkansas, Mr. LATHAM, and Mr. GUTHRIE.  
 H.R. 3121: Mr. COOK, Mr. SESSIONS, Ms. JENKINS, and Mr. FRANKS of Arizona.  
 H.R. 3135: Mr. HIGGINS, Ms. DeLAURO, Mr. HIMES, Mr. SCHIFF, and Ms. WILSON of Florida.  
 H.R. 3140: Mr. RODNEY DAVIS of Illinois.  
 H.R. 3146: Ms. WASSERMAN SCHULTZ.  
 H.R. 3163: Ms. NORTON and Mr. HASTINGS of Florida.  
 H.R. 3172: Mr. MORAN, Mr. HIMES, Mr. VEASEY, Mr. BLUMENAUER, and Ms. Norton.  
 H.R. 3179: Mr. POE of Texas, Mr. FLEISCHMANN, Mr. CARTER, and Mr. KEATING.  
 H.R. 3189: Mr. CHAFFETZ, Mr. GOSAR, and Mr. CRAMER.  
 H.R. 3196: Mr. WHITFIELD and Mr. BARROW of Georgia.  
 H.R. 3211: Mr. ROONEY, Mr. PAULSEN, Mr. RADEL, Mr. WALBERG, and Mr. KLINE.  
 H.R. 3218: Mr. WEBER of Texas.  
 H.R. 3279: Mr. CASSIDY, Mr. FORBES, Mr. SOUTHERLAND, Mr. POSEY, Mr. GIBBS, and Mr. WHITFIELD.  
 H.R. 3308: Mr. KLINE, Mr. CRAWFORD, and Mr. LATTA.  
 H.R. 3319: Mr. THOMPSON of Pennsylvania.  
 H.R. 3323: Ms. SCHWARTZ and Ms. WILSON of Florida.  
 H.R. 3329: Mr. GARY G. MILLER of California.  
 H.R. 3335: Mr. ROE of Tennessee, Mr. WESTMORELAND, and Mr. HUELSKAMP.  
 H.R. 3346: Mr. VISCLOSKEY.  
 H.R. 3349: Mr. MARINO, Mr. POLIS, Mr. CHABOT, Mr. JEFFRIES, Mr. RICHMOND, and Ms. JACKSON LEE.  
 H.R. 3350: Mrs. ROBY, Mr. GRIFFIN of Arkansas, Mrs. BROOKS of Indiana, Mr. BROOKS of Alabama, Mr. KLINE, Mr. DUFFY, Mr. RIBBLE, Mr. ROGERS of Kentucky, Mr. McCAUL, Mrs. HARTZLER, Mr. RADEL, Mr. LAMALFA, Mr. TIBERI, Mr. SALMON, Mr. AUS-

TIN SCOTT of Georgia, Mr. GIBBS, Mr. GRIMM, Mr. MULVANEY, Mr. MEADOWS, Mr. NUGENT, Mr. FARENTHOLD, Mr. BARLETTA, Mr. ROSKAM, Mr. KING of New York, Mr. LAMBORN, Mr. MILLER of Florida, Mr. RENACCI, Mr. HUELSKAMP, Mr. RODNEY DAVIS of Illinois, Mr. CAMPBELL, Mr. GOHMERT, Mr. DENT, Mr. COLE, Mr. PITTINGER, Mr. LOBIONDO, Mr. GOSAR, Mr. PAULSEN, Mr. REICHERT, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. TURNER, Mr. WILLIAMS, Mr. CALVERT, Mr. GRAVES of Missouri, Mr. WESTMORELAND, Mr. COLLINS of New York, Mr. POE of Texas, Mr. HOLDING, Ms. JENKINS, Mr. FLEISCHMANN, Mr. GERLACH, Mrs. WAGNER, Mr. FRELINGHUYSEN, Mr. PALAZZO, Mr. MESSER, Mr. STEWART, Mr. HUNTER, Mr. HUDSON, Mr. HECK of Nevada, Mr. VALADAO, Mr. BARROW of Georgia, Mr. ADERHOLT, Mr. MCINTYRE, Mr. COFFMAN, Mr. SOUTHERLAND, Mr. HASTINGS of Washington, Mr. GOODLATTE, and Mr. STOCKMAN.  
 H.R. 3351: Ms. WILSON of Florida.  
 H.R. 3353: Ms. TITUS, Ms. ROYBAL-ALLARD, Ms. NORTON, Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SEAN PATRICK MALONEY of New York, Mr. QUIGLEY, Mr. VARGAS, Mr. WAXMAN, Ms. JACKSON LEE, Mr. ENGEL, Mr. CÁRDENAS, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
 H.R. 3358: Mr. ROKITA.  
 H.R. 3359: Mr. MEADOWS, Mr. STEWART, Mr. HARRIS, Mr. JOYCE, and Mr. COFFMAN.  
 H.R. 3360: Ms. TSONGAS, Ms. KUSTER, and Mr. RYAN of Ohio.  
 H.R. 3363: Mr. PETRI.  
 H.R. 3364: Ms. FUDGE, Mrs. BEATTY, Ms. SPEIER, and Ms. JACKSON LEE.  
 H.R. 3367: Mr. FRANKS of Arizona, Mr. JONES, Mr. GIBBS, and Mr. SALMON.  
 H.R. 3370: Mr. TIERNEY, Mr. CÁRDENAS, Mr. CICILLINE, Ms. CLARKE, Mr. CRAWFORD, Mr. KELLY of Pennsylvania, Mr. KLINE, Ms. KUSTER, Ms. BORDALLO, Mr. LATTA, Mr. LOEBSACK, Mr. SEAN PATRICK MALONEY of New York, Mr. MARINO, Ms. MCCOLLUM, Mr. MICHAUD, Mr. MORAN, Mr. NEAL, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. SERRANO, Mr. FOSTER, Ms. NORTON, Ms. BASS, and Mr. VARGAS.  
 H.R. 3384: Mr. ROE of Tennessee, Mrs. BACHMANN, and Mr. RYAN of Ohio.  
 H.R. 3385: Ms. HANABUSA.  
 H.R. 3396: Mr. JONES.  
 H.R. 3406: Mr. MULVANEY, Mr. WESTMORELAND, Mr. GRIFFIN of Arkansas, Mr. HUELSKAMP, Mr. JONES, Mr. DUFFY, Mr. PITTINGER, Mr. DUNCAN of Tennessee, and Mr. SCHWEIKERT.  
 H.R. 3413: Mr. THOMPSON of Pennsylvania, Mr. RADEL, Mr. THORNBERRY, Mr. BARLETTA, Mr. PETERSON, Mr. GRAVES of Missouri, Mr. CRAMER, Ms. JENKINS, Mr. CRAWFORD, Mrs. CAPITO, and Mr. RIBBLE.  
 H.R. 3416: Mr. NUGENT, Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. JONES, and Mr. KINGSTON.  
 H.R. 3429: Mr. HARPER and Mr. GERLACH.  
 H.J. Res. 55: Mr. MARCHANT.  
 H. Res. 72: Mr. MICHAUD and Mr. MEEHAN.  
 H. Res. 109: Ms. MENG.  
 H. Res. 147: Ms. ROS-LEHTINEN, Mr. KINZINGER of Illinois, Mr. MESSER, Mr. RADEL, Mr. COTTON, Mr. SHERMAN, Mr. VARGAS, and Mr. DESANTIS.  
 H. Res. 187: Ms. LORETTA SANCHEZ of California.  
 H. Res. 188: Ms. LORETTA SANCHEZ of California.  
 H. Res. 247: Ms. SCHAKOWSKY.  
 H. Res. 302: Mrs. NAPOLITANO.  
 H. Res. 341: Mr. DANNY K. DAVIS of Illinois.  
 H. Res. 356: Mr. DUFFY, Mr. LATHAM, and Mr. CRAWFORD.

H. Res. 401: Mr. MATHESON, Mr. HASTINGS of Florida, Ms. BROWNLEY of California, Mr. DELANEY, Mr. TONKO, Mrs. BUSTOS, Mr. HINOJOSA, Mr. JOYCE, and Ms. JACKSON LEE.

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CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative STEVE COHEN, or a designee to H.R. 982, the Furthering Asbestos Claim Transparency (FACT) Act of 2013, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3350, "Keep Your Health Plan Act of 2013," do

not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

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DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3292: Mr. BENTIVOLIO.

## EXTENSIONS OF REMARKS

### IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE CENTER FOR BELGIAN CULTURE OF THE QUAD CITIES

#### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate the Center for Belgian Culture of the Quad Cities on the occasion of their 50th Anniversary.

The Center for Belgian Culture was created in 1963 out of the Federation of Belgian social clubs in our region of Illinois. During the mid-19th and early 20th centuries, many Belgian immigrants settled in the Quad Cities, which once boasted the largest Belgian community in the United States and still has the second highest Belgian heritage population in the country.

The Belgian community brought many great aspects of their culture to the Quad Cities, which the Center continues to promote through its art programs, lace-making classes and, of course, Belgian waffle breakfasts. Additionally, the Center assists with historical and genealogical research and provides scholarships for students of Belgian descent.

Mr. Speaker, I again want to congratulate the Center for Belgian Culture on this notable milestone, and I thank them for their many contributions to our community.

### IN HONOR OF THE MONTEREY COUNTY HOSPITALITY ASSOCIATION

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. FARR. Mr. Speaker, I rise today to recognize the Monterey County Hospitality Association on the occasion of its 25th annual hospitality employee recognition celebration. This is a truly remarkable event that recognizes just a few of the unsung heroes of America's number one industry.

As the co-chair of the congressional travel and tourism caucus, I frequently see the travel and tourism industry in terms of its big economics—generating \$2 trillion in revenues and supporting 14.6 million jobs. And indeed, it is crucial that national policy works to help travel and tourism thrive and benefit all of our communities.

But beneath these statistics are the people who work in the hotels, restaurants, rental car companies, and all the other myriad of visitor serving businesses. These men and women shape a visitor's experience and help them decide whether to return to the United States,

to California, or to Monterey County. The place sells the first visit, but it's the hospitality employees that keep people coming back.

And that is why the Monterey County Hospitality Association event is so remarkable. I know of no other event of its size and scope where the regional travel and tourism industry comes together in such a comprehensive way to celebrate the extraordinary lengths that its employees go to make the visitor experience to the Monterey region the memory of a lifetime.

Each year colleagues nominate their co-workers for customer service that went above and beyond the ordinary call of duty—the maid who searched through the dumpster for a new bride's lost wedding ring, or a chef who recreated the menu from a couple's first date for their 50th wedding anniversary. From all of these nominees, a selection panel picks ten to receive an "Excellence in Hospitality" award.

The panel also singles out one of the awardees for special recognition for service that sets the gold standard. In 1988, this special award was given to Romuldo "Papa Vince" Vicente, the renowned bar tender at Monterey's legendary Sardine Factory restaurant. And while the Sardine Factory's founders Ted Balestreri and Bert Cutino receive much of the public recognition for the Sardine Factory's success and the Monterey Bay hospitality renaissance that it helped spark, they will be the first to recognize that it was Papa Vince and employees like him that built the foundation of that success. So it is fitting that this top trophy has since been known as the Papa Vince award. It's people like Mr. Vicente who make the U.S. travel and tourism industry such a vital part of our national life and economy.

Mr. Speaker, I know I speak for the whole House in commending the Monterey County Hospitality Association on the occasion of this significant anniversary as well as extending our congratulations to the past, current, and future "Excellence in Hospitality" award winners.

### HONORING REPRESENTATIVE ISAAC "IKE" SKELTON IV

#### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, Isaac "Ike" Skelton was a consummate gentleman and a true class act. Ike was a humble man; he commonly referred to himself as a "country lawyer." He was a tireless champion of our service men and women, both on the battlefield and off. He loved his family and everyone who encountered him knew it. He served the people of Missouri for 34 years with dignity and grace, and he will be missed.

In Congress, one often hears the phrase "my good friend" or "my friend across the aisle." Sometimes it can lose its meaning. But Ike and I had a close, personal friendship that extended far deeper than Washington's definition of one.

Ike and I served on the Armed Services Committee together for six years. During that time, in the context of our committee service, we talked often about military education, the roles and missions within our Armed Forces, and Ike's famous book list. I accompanied him to Warm Springs, Georgia, where he received polio treatment as a teenager. The Warm Springs Foundation held a special place in his heart, and he spoke of the lessons he learned there often.

In his farewell speech to the House of Representatives, he said: "... never let illness define you, never be limited by the expectations of others, never give up, and never stop working."

Ike exemplified that sentiment in everything he did.

Polio prevented him from serving our country in uniform, so he chose to serve members of our military instead. Ike used to say he looked at all of our troops as someone's son or daughter. To that end, he worked with Democrats and Republicans alike to improve life for our military men and women. In his position as both Chairman and Ranking Member of the Armed Services Committee, he fought to ensure our troops had the necessary training, equipment and support on the frontlines. He worked to improve military housing and other services for them here at home.

Several years ago, I had the privilege of attending the 8th and I Parade at the Marine Barracks in Washington, D.C., where Ike was the guest of honor. It rained heavily that night, but like always, it was tough to dampen Ike's spirits. I learned so much from Ike and I will truly miss him. Ike was a one-of-a-kind congressman, and this body would be far better off with more members of his caliber.

Our country has lost a statesman, his family has lost a husband and father, our military has lost a champion, and many of us he worked or served with have lost a friend.

### HONORING THE FFA'S 2013 NATIONAL MODEL OF EXCELLENCE AWARD WINNER

#### HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to recognize the Pontiac Chapter of the Future Farmers of America (FFA) for being named the 2013 Model of Excellence chapter during the Eighty-Sixth National FFA Convention in Louisville, Kentucky.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FFA Chapters across the country that receive national three-star ratings are eligible candidates for the National Model of Excellence Award. The National FFA Organization consists of 579,678 students in all fifty states that are a part of 7,570 local chapters, making the competition for this prestigious award extremely demanding. While the Pontiac Chapter excelled in community and school development, it was especially successful in the area of chapter development as shown through their recruitment and retention of new members. The chapter made presentations to area middle schools that feed into their high school and were able to sign up 88 new members for the introduction to agriculture class. Additionally, the chapter worked with over 1,000 elementary students to increase their agricultural literacy and reading skills.

Farmers across the United States are responsible for providing food to families around the world and Illinois is at the forefront of this driver to our economy. There are over 76,000 farms in Illinois and the state is ranked second in the United States for agricultural commodity exports with nearly \$4 billion worth exported to other countries annually. The FFA helps keep this critical industry going by inspiring our youth to consider careers in agriculture and developing their leadership abilities for all facets of life.

Mr. Speaker, on behalf of the 16th District of Illinois, I am pleased to honor the Pontiac FFA Chapter for their impressive accomplishments and for receiving this distinguished award. I wish these students the best of luck in their future endeavors.

#### A TRIBUTE TO TCL CHINESE THEATRE AND FENG XIAOGANG

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate The Creative Life (TCL) Chinese Theatre on hosting the Beijing Film Panorama in America Festival and recognizing acclaimed Chinese Film Director, Feng Xiaogang during a Handprint Ceremony.

TCL Chinese Theatre, formerly known as Grauman's Chinese Theatre, has long stood as a tribute to the great men and women of film and television. The iconic signatures, handprints, and footprints in cement that have graced the theater's entrance since the 1920's, are visited by millions of people every year. It is fitting as we witness the growth of Chinese film internationally, that Hollywood celebrates this achievement in the cinematic arts throughout the world.

To mark this auspicious occasion, Feng Xiaogang will be immortalized in cement with a Handprint Ceremony. Mr. Xiaogang is an accomplished Chinese film director whose comedic films have been box office hits in China over the last two decades, and who has recently begun making dramatic period films. As the first Chinese director to receive this honor, Feng Xiaogang will join Cecil B. DeMille, Ron Howard, Steven Spielberg, Gene Kelly and Clint Eastwood, among other great

film directors whose handprint impressions remind us of the talent that has brought so many stories to life through film.

I ask all Members to join me in congratulating TCL Chinese Theatre and Mr. Xiaogang upon this historic occasion.

#### IN RECOGNITION OF THE 2012-2013 UPPER DARBY HIGH SCHOOL LUNAR RESEARCH TEAM

### HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the 2012-13 Upper Darby High School Lunar Research Team on its second-place finish in the 2013 National Lunar Science Institute's national competition. The Upper Darby High School Lunar Research Team competed with colleges and universities from around the country. The student team members included Ranier Gran, Cuong Trihn, Joseph Dwyer, Mohammad Hossain, Kingson Lin, Omar Mukhtar, Evan Perotti, Evan Hunt, and Spiro Metaxas.

The team received tremendous support from its mentors Rosanne Burns and John Taffel, both Upper Darby High School teachers. It was an incredible accomplishment to finish second in the competition as a high school team.

The team researched the possibility of locating lava tubes (large underground tunnels) using temperature differences measured on the surface of the moon. It successfully confirmed the location of tubes at a number of suspected locations. These caves could someday be used as locations for lunar outposts.

Mr. Speaker, I congratulate the members of the Lunar Research Team, along with their parents and faculty mentors, for their hard work in the field of science and technology, and this well-deserved accomplishment.

#### GEORGE WELSH TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Mr. George Welsh, current superintendent of Center School District in Colorado. His leadership and ability to think outside of the box has greatly benefitted the Center School District and provided students with opportunities to learn and achieve beyond ordinary expectations. Leading by example, through dedication to teaching and learning, Mr. Welsh has inspired teachers and students in the San Luis Valley to reach their full potential for over a decade.

Mr. Welsh was recently named "Superintendent of the Year" by the Colorado Association of School Districts, a well-deserved honor. Center School District has faced many challenges and headwinds, often operating with extremely limited resources. With Mr. Welsh's leadership, innovative use of tech-

nology and ability to maximize the resources available to the District, graduation rates in the Center School District have risen up to 93 percent, from 33 percent when he began in 1997. This is an extraordinary achievement.

In addition to being named "Superintendent of the Year" by the Colorado Association of School Districts, Mr. Welsh was also the recipient of the Demont Award from the Colorado Association of School Boards, naming him Outstanding Rural Superintendent of the Year.

Mr. Speaker, it is an honor to recognize Mr. George Welsh for his dedication to education and leadership that has undoubtedly transformed many lives. Superintendent George Welsh is an incredible resource for his community, and I have no doubt that he will continue to have a significant impact during his education career, helping students and teachers reach their highest goals.

#### RECOGNIZING THE ASIAN AMERICAN MEDICAL ASSOCIATION AND ITS HONOREES

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. VISCLOSKY. Mr. Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which hosted its 37th Annual Gala on Saturday, November 9, 2013, at Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award at this annual banquet.

The Asian American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical services to the residents of Northwest Indiana and have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's Annual Gala, the Asian American Medical Association presented the Crystal Globe Award to one of Northwest Indiana's finest citizens, Theresa Ann Mayerik. For her outstanding contributions to her community, she is to be commended.

In 1976, Theresa Mayerik graduated from the University of Saint Francis in Fort Wayne with a bachelor's degree in Spanish and Physical Education. She began her teaching career with the Centerville School Corporation in central Indiana. While working in Centerville, Theresa started the school's first women's basketball program. After two years, Theresa returned to her hometown of La Porte, where she spent seven years teaching in the La Porte Community School System. During this time, Theresa pursued a master's degree in Education from Indiana University in South Bend and also completed coursework for an administrative license in Education. In 1986, Mrs. Mayerik became the assistant principal of Morton High School in Hammond, and after

three years in this position, she was named the school's principal, a title she would hold for the next eighteen years. During her time at Morton, Theresa was able to implement the Advanced Placement and the Project Lead the Way curricula, increase parental involvement, and develop the Freshman Academy. In 2007, she was named Director of Secondary Education for the School City of Hammond, and three years later, she became Chief Administrator for Academic Services and Secondary Education. Among her many accomplishments during her tenure, Theresa implemented the Project Lead the Way Pre-Engineering Curriculum in all of Hammond's middle and high schools and assisted with the development of the Hammond Academy for the Performing Arts at Morton High School, as well as the Multimedia Broadcast Academy at the Hammond Area Career Center, and the Early College Program. In 2010, Theresa authored the Chinese Guest Teachers Grant, which assists with the salaries and recruitment of teachers for Mandarin Chinese programs in schools in the United States. This program has been a success and provides four teachers each year the opportunity to teach middle and high school students the Chinese language and culture.

Additionally, Theresa has selflessly given her time to various organizations and civic activities, including the Hammond Woodmar Kiwanis, the Hammond Education Foundation, and the Hammond YMCA.

Theresa's excellence in her field and commitment to charitable endeavors throughout the community is exceeded only by her devotion to her amazing family. Theresa and her husband, Daniel, have two adoring children and two beloved grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the members of the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Theresa Ann Mayerik, for their outstanding contributions to the community and beyond. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the United States is truly inspirational, and I am proud to serve as their representative in Washington, D.C.

#### RECOGNIZING AUBURN HONOR GUARD

#### HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. MCCLINTOCK. Mr. Speaker, I rise today to honor the members of the Auburn Area Honor Guard, who bring military honors to the memorial services of deceased service men and women in northern California. These patriotic volunteers present themselves, rain or shine, at funeral services and provide the traditional military farewell ceremony. This includes presentation of the American flag to next of kin, firing of three volleys, and playing "Taps" to honor those who have served our country.

The Auburn Area Honor Guard has presented the colors at more than five-hundred

veterans' funerals. As word spreads about the Honor Guard, its services are in demand in an ever-larger geographic area. Demonstrating their never-ending commitment, the Guard has increased its scope to meet the demand. Thankfully, grateful citizens have stepped up and contributed funds to help the Honor Guard meet travel and other expenses.

Due to the ceaseless efforts of the dedicated and patriotic men and women of the Auburn Area Honor Guard, the friends and families of hundreds of veterans have seen their loved ones off with a proper military funeral. With the support of a grateful nation, the Auburn Area Honor Guard leads the way in providing a ceremony that honors and memorializes the service that military men and women have rendered to their nation.

#### 25 YEARS A PRIEST: FR. PAVONE'S LEADERSHIP TRANSFORM- ATIONAL IN DEFENDING VUL- NERABLE PEOPLE

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, some of the many friends of Fr. Frank Pavone are tonight in Staten Island, New York, celebrating a significant milestone in the life of this extraordinarily brave and compassionate priest—his 25th year since ordination and 20 years at the helm of Priests for Life.

Fr. Pavone was ordained in 1988 by Cardinal O'Connor. By 1993 he became National Director of Priests for Life. His faith, determination and leadership ever since has been transformational in the cause of defending vulnerable people from violence, hatred and indifference.

Fr. Pavone's passionate defense of the child in the womb is rivaled only by his compassion and outreach to post-abortive women—the other victims. His homilies are not only incisive and well composed but extremely sensitive to the pain and agony unleashed by abortion. He is the author of two books: *Ending Abortion, Not Just Fighting It* and *Pro-Life Reflections for Every Day*.

Fr. Pavone has persistently called on us all to recognize, ask and receive the unfathomable love, reconciliation and divine mercy readily available from God. Priests for Life ministries—Rachel's Vineyard and the Silent No More Awareness Campaign—provide a roadmap for recovery and healing for many. Even Norma McCorvey, the "Jane Roe" of the Supreme Court's infamous 1973 *Roe vs. Wade* abortion decision, called Fr. Frank "the catalyst that brought me into the Catholic Church."

Underscoring the importance and relevance of Fr. Pavone's Priests for Life, last October twelve bishops and three cardinals, including Cardinals Schonborn, Martino and Keeler wrote: "His Holiness Pope Benedict XVI has stated that the Church is called 'to advance the common good and to show respect for the persons who are most defenseless, starting with the unborn.'" The letter continued: "Throughout the world, one of the ways the

Church is responding to that mission is through the work of Priests for Life, which encompasses an entire family of ministries involving both clergy and laity. This ministry, which includes education, parish activation, training in pro-life spirituality, promotion of faithful citizenship and healing of women and men after abortion deserves the support of the entire Church . . . Established in 1991, Priests for Life has enjoyed strong support at every level of the Church . . ."

Fr. Pavone radiates the love of Christ to the weak and disenfranchised yet shows no malice whatsoever to those who oppress and snuff out the lives of the littlest humans. Those in the abortion industry must be encouraged to rethink and reject the horror they do. They too are in need of God's amazing love, forgiveness and reconciliation.

Join me today, Mr. Speaker, in giving thanks for the extraordinary commitment, faith and works of this tenacious priest.

#### HONORING THE FFA'S 2013 AMER- ICAN STAR FARMER AWARD WINNER

#### HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to recognize Tyler Loschen from Cullom, Illinois for being named the 2013 American Star Farmer at the Eighty-Sixth National Future Farmers of America (FFA) Convention in Louisville, Kentucky.

Tyler embodies the spirit of the American Farmer. After joining FFA as a freshman at Tri-Point High School, he bought 40 acres of farmland, a combine, tractor, planter, and other harvesting equipment. His story highlights the importance of the FFA program. This enterprising individual applied what he learned in the classroom to the field, started a business, and made financial decisions with his first-hand knowledge. I applaud his determination and I hope his experience will be an inspiration for others.

The American Star Farmer award is one of the highest honors that a FFA member can receive from the national organization. Mr. Speaker, I am pleased to honor Tyler Loschen for all of his hard work and I wish him continued success.

#### HONORING KEVIN COHN ON HIS RETIREMENT FROM THE U.S. NAVY

#### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate Kevin Cohn on his retirement from the United States Navy. Kevin is one of the quiet, unsung heroes who makes life better for everyone he meets. I first met Kevin in the Office of the Attending Physician in the U.S. Capitol. Kevin helped me recover

from a significant injury, but he became more than a health care provider, he became my friend.

Kevin has dedicated himself to improving the health and quality of life of countless patients, and brings passion and excellence to his work. Kevin and his colleagues often work long hours in stressful conditions and have to be prepared to deal with all types of medical emergencies on a moment's notice. Whether it's responding to the needs of a heat-stricken tourist, standing by on full-alert during the State of the Union address, or dealing with accidents and injuries that are commonplace when thousands of people crowd the Capitol grounds, Kevin always exudes confidence and grace under pressure.

Kevin also knows the value of public service. During his career in the Navy, he has cared for men and women in uniform of every rank and has taken care of members of Congress. He has seen the world and walked the halls of Congress. He has missed important events in the life of his family to serve his country. But Kevin doesn't just serve by treating. He serves by caring for the people he works with and making an effort to understand what's going on in their lives, to make sure they heal.

Kevin is a stabilizing presence in an often-chaotic Capitol. Kevin, I don't just thank you for what you did for me, but I thank you on behalf of all Americans for your service to the Navy and our country. Good luck, and "Anchors Aweigh" as you embark on your next adventures.

IN HONOR OF TONY TOLLNER

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. FARR. Mr. Speaker, I rise today to congratulate Mr. Tony Tollner on the thirtieth anniversary celebration of his restaurant Rio Grill, located in Carmel, California.

Rio Grill is one of Monterey Peninsula's most popular restaurants. It's known not only for its great eats but also for its sense of giving back to the community. When Rio Grill first opened in 1983, the restaurant was part of the Real Restaurants organization, an affiliation of world class restaurants like Fog City Diner in San Francisco, as well as Mustard's Grill and Tra Vigne, both in Napa Valley. Rio Grill staked its claim as one of the region's most popular restaurants catering to loyal local clientele, while also satisfying tourists visiting the Monterey Peninsula. As Rio Grill's reputation grew, the partners of the Real Estate Group decided to part ways and the restaurant continued to thrive under the ownership of Mr. Tony Tollner and Mr. Bill Cox.

Rio Grill continues to evolve and thrive under the guidance of managing partner Mr. Tony Tollner. Expansion to the main dining room occurred on two occasions and is used for special events and meeting space. The Santa Fe room features an open beam ceiling and a built-in "cantina style" bar. This year Rio Grill expanded again and unveiled its newest private dining room, the Barrel Room,

which features wood and a specially designed wine case.

General Manager Joe Valencia and Executive Chef Cy Yontz continue the tradition of excellence at Rio Grill. The restaurant has won numerous awards for their outstanding attention to detail and creative South-Western menu. Rio Grill was also recognized in 2012 by Union Bank in the hospitality category in their "Salute to Small Business", and by the Monterey Peninsula Chamber of Commerce with a Business Excellence Award again in the hospitality category.

Above and beyond its outstanding menu, Rio Grill has been recognized many times for its philanthropy. Rio Grill has always been generous with their gift giving to local nonprofits, including Monterey County Food Bank, Dorothy's Place, Animal Friends Rescue Project and many others. The signature fundraiser for the restaurant is Rio Grill's Resolution Run, held annually on New Year's Day, which has raised over \$500,000 over its twenty-four-year history. Proceeds from the Rio Grill's Resolution Run have gone to organizations such as Suicide Prevention Services of the Central Coast, Big Brother Big Sisters of Monterey County, and Partnership for Youth and Nativity Medical Foundation.

Mr. Speaker, I congratulate Mr. Tony Tollner and the rest of the Rio Grill staff for building a high standard of excellence in food and community service. I know that I speak for the whole House in saluting all of them on this joyous occasion.

PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of October 21, 2013. If I were present, I would have voted on the following.

Tuesday, October 22, 2013:

Rollcall No. 551: On Motion to Suspend the Rules and Pass H.R. 185, "yea."

Rollcall No. 552: On Motion to Suspend the Rules and Pass H.R. 3205, "yea."

Rollcall No. 553: On passage of the Journal, "aye."

Wednesday, October 23, 2013:

Rollcall No. 554: Motion on Ordering the Previous Question providing for consideration of H.R. 3080, "nay."

Rollcall No. 555: On Agreeing to the Resolution providing for consideration of H.R. 3080, "nay."

Rollcall No. 556: DeFazio of Oregon Amendment No. 2, "aye."

Rollcall No. 557: Flores of Texas Amendment No. 3, "no."

Rollcall No. 558: Hastings of Florida Amendment No. 6, "aye."

Rollcall No. 559: Richmond of Louisiana Amendment No. 16, "aye."

Rollcall No. 560: On Passage of H.R. 3080, "yea."

SHERIFF MIKE BROWN, SAFE  
SURFIN' FOUNDATION, AND  
MOOSE INTERNATIONAL

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013—*

Mr. GOODLATTE. Mr. Speaker, I am delighted to share news of the efforts that the Safe Surfin' Foundation in Bedford County, Virginia recently made in support of the wounded warriors participating in the H.E.R.O. (Human Exploitation Rescue Operatives) Child Rescue Corps. I want to express my thanks to the Safe Surfin' Foundation and Bedford County Sheriff Mike Brown for stepping forward to go above and beyond to serve in a special time of need.

Sheriff Brown enlisted the Safe Surfin' Foundation to work with Moose International to supply computers and monitors for the military veterans selected to participate in the H.E.R.O. Child Rescue Corps training at Oak Ridge National Laboratory in Oak Ridge, Tennessee. Thanks to such generosity, these special men and women who served with distinction in our military will be able to continue serving our country by protecting our most innocent citizens—our children—from criminals on the Internet. Their introduction to the highly specialized training required to do their work would not have been possible if not for Sheriff Brown's timely action and the collaborative help of the Safe Surfin' Foundation and Moose International on the IT front.

The Safe Surfin' Foundation has dutifully earned an international reputation as a leader in prosecuting child predators. It is fitting that the organization stepped forward to offer assistance to the H.E.R.O. Child Rescue Corps as it joins the worldwide drive to fight child exploitation, child abuse, and human trafficking. The brave wounded warriors who will be trained will be the latest heroes in the prosecution and imprisonment of individuals who would dare commit heinous crimes against children.

I highly commend the selfless work of Sheriff Brown, who is my constituent and friend, and the Safe Surfin' Foundation for their support of the newest line of law enforcement officers fighting crime on the Internet.

TYPHOON HAIYAN

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. MCCOLLUM. Mr. Speaker, I rise today to express my profound sympathy for the loss of life and destruction in the Philippines caused by Typhoon Haiyan.

Ten thousand people are feared to be dead. More than nine million people are estimated to have been affected, including 650,000 who have been displaced. In some of the hardest hit areas, the typhoon destroyed 70–80 percent of the structures in its path, severely hampering rescue and relief efforts for the millions in need.

Life-saving assistance is desperately needed. The U.S. government has already deployed U.S. Marines to assist in search and rescue and relief efforts. The U.S. Agency for International Development is providing 55 metric tons of emergency food and emergency shelters and hygiene materials for 10,000 families. This weekend, many of my Filipino constituents were networking with each other and relatives in the Philippines, to ensure families were able to get in touch with loved ones. Two containers of medicine have already been sent and the Philippine Center of Minnesota is organizing to send needed food, blankets, and emergency supplies. The Twin Cities community will continue to organize to respond to this crisis.

To people of the Philippines, we mourn your losses with you and will not abandon you in this time of need. And, when the immediate crisis has passed and the Philippines begins the long process of rebuilding, the U.S. government will continue to stand with our neighbors in the Pacific.

RECOGNIZING DR. MAURICE JACKSON'S EDITORIAL: REMEMBERING THE TURKISH BROTHERS WHO HELPED CHANGE RACE RELATIONS IN AMERICA

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize Dr. Maurice Jackson, an associate professor of history and African-American Studies and affiliated professor of performing arts (jazz) at Georgetown University.

He published the following editorial entitled, "Remembering the Turkish brothers who helped change race relations in America," for The Hill newspaper on Friday, November 1, 2013.

As Turkey recently celebrated the 90th anniversary of the founding of the modern Turkish Republic by Mustafa Kemal Atatürk, it is important to not forget Ahmet and Nesuhi Ertegun, who arrived 80 years ago to our Nation's capital, during a time when Washington was deeply segregated. However, through their efforts of rock and jazz, they were able to help positively change race relations in America.

Mr. Speaker, as a member of the Congressional Turkey Caucus, I have always been a staunch supporter and advocate for Turkey. The Republic of Turkey, in my opinion, remains a key strategic ally to the United States. Therefore, I am very pleased to submit for the CONGRESSIONAL RECORD the editorial by Dr. Maurice Jackson.

[From The Hill, Nov. 1, 2013]

MAURICE JACKSON: REMEMBERING THE TURKISH BROTHERS WHO HELPED CHANGE RACE RELATIONS IN AMERICA

(By DC Commission on African American Affairs Chairman Maurice Jackson)

Nearly 80 years ago, two young Turkish brothers arrived in a deeply segregated Washington, D.C., and set on a course to help

change race relations in America. Their path was not politics, but rock and roll and jazz. The lesson of Ahmet and Nesuhi Ertegun says as much about America as it does about those two remarkable men and their origins. This week, on the 90th anniversary of the founding of the modern Turkish state and through the prism of a "post-racial" America, it is worth recalling this remarkable journey.

Sons of Turkey's first ambassador to the United States, Ahmet and Nesuhi believed in the power of music to bring people together, which they did time and time again. Their love of music repeatedly led them to the city's black neighborhoods, where they took in the sounds of the country's greatest African-American musicians at the Howard Theatre and along "Black Broadway," which ran up and down 7th Street and U Street NW. Despite having attended private schools his entire life, Ahmet often joked that he got his real education at the Howard.

Ahmet in particular spent his youth bridging two very different worlds. At 16, Ahmet and his sister listened to the radio broadcast of Marian Anderson's performance at the Lincoln Memorial, which took place after the Daughters of the American Revolution refused to rent Constitution Hall to a black artist. After attending shows at the Howard, he and his brother would often invite artists back to the ambassador's residence, where a racially and culturally mixed group of musicians and music lovers gathered for jam sessions and meals.

Beginning in 1940, musicians such as Duke Ellington, Johnny Hodges, "Lead Belly," Teddy Wilson, Lester Young and members of the Benny Goodman, Ellington and Count Basie orchestras performed at the Turkish Embassy. Much to the ire of some Southern politicians at the time, the ambassador's residence became one of the few places that blacks and whites could gather freely and celebrate their shared love of music. Their father insisted that in the embassy, "his nation's house," all, regardless of color, would enter through the front door and be treated with dignity and respect.

Recalling Washington in the 1940s, Ahmet once said, "We had a lot of friends in Washington, and we could never go to a restaurant together, never go to a movie, or to the theater with them. It was impossible to go out. I couldn't even take Duke Ellington, who is one of the geniuses of our country, to a restaurant. Or Count Basie. That's how it was and we could not accept it." In early 1942 Ahmet and Nesuhi organized the first integrated concert at the only venue that would host it: the Jewish Community Center. In a deeply divided Washington, these two young Muslim Turks brought together black and white Christians at a Jewish venue for an unprecedented concert.

Then, after "threatening to make a big scene" unless the National Press Club rented its space at 14th and F Streets NW, they held a second integrated concert after the National Press Club relented. In a Washington Post article published on May 16, 1943, titled "Two Turks, Hot for U.S. Swing," Bill Gottlieb wrote that "from the beginning, the young Erteguns treated the music of Morton, Armstrong, Oliver, Ellington and the rest with sincere enthusiasm and scholarly discrimination, an attitude that, strangely enough is more typical of Europeans than of Americans."

Ahmet went on to help form Atlantic Records. He traveled to New Orleans and Harlem to sign the greatest black musicians of the time, including Stick McGhee, The

Harlemaires and The Drifters. At the time, black artists were significantly underpaid and exploited for their talents. Most never achieved mainstream success and instead watched as white artists topped the charts with covers of their music.

Today, as Turks and Turkish Americans celebrate the extraordinary rise of their nation over the 90 years since the founding of the modern Turkish state, Americans unknowingly celebrate two Turks who helmed the extraordinary rise of black music. We should take a moment to remember the legacy of Ahmet and Nesuhi Ertegun, two Turkish Americans who worked with blacks, whites, Muslims and Jews to break down racial, cultural and religious barriers and revolutionized the recording industry.

A short time before he died, Ahmet Ertegun said, "All popular music stems from black music, be it jazz or rock and roll." He added, "I'd be happy if people said that I did a little bit to raise the dignity and recognition of the greatness of African-American music." He understood the extraordinary beauty and dignity of African-American music and its contributions to the world.

IN RECOGNITION OF THE OUTSTANDING COMMUNITY SERVICE OF CARL N. FRANK

### HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. CARTWRIGHT. Mr. Speaker, I rise today to recognize the community achievements of attorney Carl N. Frank. Carl joined the working world when he was only 11 years old as a newspaper carrier for The Times-Leader Evening News. He later worked as a stock clerk at Lewis & Duncan Sporting Goods and for the Luzerne County Summer Youth Program as a maintenance worker at his high school. After graduating from high school, Carl worked as a Nurses' Aide at the Wyoming Valley Hospital on Dana Street in Wilkes-Barre. While in law school, Carl worked as a substitute teacher in the Philadelphia School District.

In the summers of 1975 and 1976, Carl clerked in the Wilkes-Barre law offices of Congressman Daniel J. Flood and attorneys James Lenahan Brown, his uncle Joseph B. Farrell, and Francis P. Burns. Carl was admitted to practice before the Luzerne County Court of Common Pleas, the Pennsylvania Supreme Court, and the United States District Court for the Middle District of Pennsylvania in 1977. He later practiced with his uncle and attorney Harry P. Mattern for many years.

Carl joined the American Bar Association, the Pennsylvania Bar Association, and the Wilkes-Barre Law & Library Association, where he served as Chairman of the Arbitration Committee. He also served as a member of the Association's Red Mass Committee and 150th Anniversary Committee.

On December 5, 1977, Carl was appointed City Attorney for the City of Wilkes-Barre. He was reappointed by Mayor Thomas V. McLaughlin in January 1980, and again in January 1984. During that time, Carl was the Chairman of the Pennsylvania League of Cities, City Attorneys Division, Chairman of the



City Employees United Way Campaign, and served on the city's Vacant Property Review Committee.

Carl currently serves as the Solicitor of Wilkes-Barre City Aggregated Pension Trust Fund, on the Non-uniformed Employees Pension Fund, and on the Fire Civil Service Commission. He is the pro bono lawyer member of the Wilkes-Barre Building Board of Appeals. Carl maintains a general practice of law and has engaged in various practice areas including estate planning, estate administration, inheritance tax, real estate, personal injury, social security disability, workers' compensation, domestic relations, juvenile proceedings, criminal cases and a host of other legal matters.

During the administration of Governor Ed Rendell, and briefly during the administration of Governor Tom Corbett, Carl served the Commonwealth of Pennsylvania Department of Revenue, Office of Chief Counsel in the Inheritance Tax Division. He has served for many years as legal counsel for the Diocese of Scranton representing numerous Catholic Churches throughout Luzerne County, and currently serves as pro bono legal counsel for Catholic Social Services of the Wyoming Valley, the Saint Vincent de Paul Kitchen, Saint Nicholas Church, and the Mary R. Koons Charitable Trust.

Carl served two terms as Chairman of the Board of Director of Catholic Social Services, where he has been a Board Member for more than 28 years, and two terms as President of the Saint Vincent de Paul Kitchen Board of Directors, where he has been a Board Member for more than 26 years. He also served as a member of the Diocese of Scranton Review Board from 1993 through 2008; President of Saint Nicholas Federal Credit Union Board of Directors, where he served as a Director for more than 30 years; and Chairman of the East Side Landfill Authority Board of Directors for more than 20 years.

Mr. Frank also served King's College in many capacities, including as a member of the President's Council, Chairman of the 1994 Annual Fund Campaign, Chairman of the Act 101 Program for Economically Disadvantaged Students, a member of the Advisory Board of the Center for Ethics and Public Life, and as a member of the Century Club Committee.

Carl has been very active at Saint Nicholas Church, where he served as Chairman of the 150th Anniversary Committee in 2005, a member of the Pastoral Council, a member of the Buildings and Grounds Committee, and Chairman of the Parish Core Team during the reorganization of the Scranton Diocese. He also served as a member of the Saint Nicholas-Saint Mary's Elementary School Board of Education and President of the school's Sports Club. He served as the Coordinator of the Planning Committee for the inclusion of the Catholic Latino Community of the Wilkes-Barre into Saint Nicholas Church.

Carl is a member of Saint Nicholas Church, Saint Conrad's Society, the Westmoreland Club, and the Pennsylvania Society.

Carl is married to the former Jane Mary Rowan. They have two children, Carl Jr., a graduate of King's College and Saint Joseph's University in Philadelphia, and Mary, a junior at the University of Pittsburgh. Today, I am proud to recognize Carl Frank's lifetime of

achievement and service to his beloved community. He has been and continues to be an outstanding public citizen.

#### IN RECOGNITION OF EL DIARIO LA PRENSA'S 100TH ANNIVERSARY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. RANGEL. Mr. Speaker, on this day I rise to recognize the 100th Anniversary of the Nation's oldest Spanish-language newspaper, *El Diario La Prensa*. This important periodical is the result of a historic merger between competing press companies, *El Diario de Nueva York* and *La Prensa* in 1963. *La Prensa* was founded in Brooklyn on October 12, 1913, and has since grown to serve approximately 300,000 daily readers across the country, many of them in my beloved District that includes the Washington Heights, El Barrio and The Bronx. The Spanish press is important, especially today when our U.S. Latino population has grown to nearly 53 million individuals. I congratulate *El Diario* for its dedication to providing indispensable information to the Latino community, as well as coverage on important issues that affect my dear constituents, such as immigration and health reform.

During its 100 years, *El Diario La Prensa* has served the several waves of Spanish-speaking immigrants who boldly ventured to the United States in search of a better life. New York City has traditionally served as the "Gateway to Freedom" for many Dominicans, Puerto Ricans, Mexicans and South Americans and this extraordinary company has provided an outlet for these distinct communities. Although this new era of digital communication and the recent economic crisis have brought unprecedented challenges for our local newspapers, *El Diario La Prensa* will continue to play a dominant role in news media. Its popularity and reputation for providing quality news coverage has allowed the publication to withstand these blows and strengthen its circulation during the past few years.

*El Diario La Prensa* also serves to help assimilate Latinos into the greater realm of American culture. Important American milestones and tragedies were covered and printed in Spanish by *El Diario*, such as the tragic assassination of President John F. Kennedy, the moon landing, and the fall of the Berlin Wall. Moreover, it has documented Hispanic American breakthroughs, including the election of Herman Badillo as the first Puerto Rican to serve in the U.S. House of Representatives and the appointment of Sonia Sotomayor as the first Latina Supreme Court justice. *El Diario* has also displayed great initiative in preserving Hispanic heritage by installing photo exhibitions at Hostos College and the King Juan Carlos Center at New York University, as well as creating guides for New York City educators who wish to teach their students about Hispanic American culture.

Today, *El Diario* continues its vigilant watch by focusing on stories related to immigration politics and other issues that greatly influence the lives of Latino and non-Latino citizens. De-

spite having a limited number of staff and resources, *El Diario La Prensa* manages to distribute more than 42,000 copies daily in New York City; this allows many undocumented immigrants who rely on *El Diario* to stay abreast of developments that affect their struggle towards citizenship.

As we celebrate *El Diario's* 100th year Anniversary, we are emboldened by its mission to serve as a voice for America's underrepresented Latino community. We can further advance this goal by passing legislation on comprehensive immigration reform in the House of Representatives. The Spanish press serves a particularly important role in dispelling the rumors and misunderstandings often attached to progressive immigration reform legislation. That it is why I invite all members of our wonderful Congress to form strong partnerships with Spanish-language media in their respective communities.

Mr. Speaker, today I rise, and hope that my colleagues will join me in celebrating *El Diario La Prensa's* century of outstanding service to our nation's Latino Community. In the meantime, I will continue to fight for all my constituents who strive to build a better life and fulfill of the American Dream. America's immigrants, for generations, have bolstered our economy, enriched our culture, and patriotically defended the United States. We are, by large, a nation of immigrants, and now is the time to pass comprehensive immigration reform legislation that helps grow our economy, prevents families from being separated, and creates a pathway to citizenship.

#### TRIBUTE TO WORLD WAR II VETS

### HON. PATRICK MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. MURPHY of Florida. Mr. Speaker, I rise today to honor 15 World War II veterans currently residing in Mariner Sands, a community in the city of Stuart, FL. These men, representing the Army, Navy, Air Force, and Marines, are a part of the Greatest Generation, and I am grateful to have the privilege of recognizing their service as our nation approaches Veterans Day.

These 15 veterans, honored for their service including one awarded with the Silver Star, were engaged in active duty missions in Africa and the European and Pacific theaters where they were present for some of history's most poignant and influential battles. One Marine recounts a vivid tale set in a foxhole at the battle of Iwo Jima. He notices his fellow Marines on higher ground unpredictably congregating in the distance. He directs the attention of Marines nearby to the mountaintop scene, and as he watches Marines raise an American flag on top of Mt. Suribachi, he does not yet realize that he is witnessing first-hand one of the most quintessential images of the Second World War.

I am privileged to recognize these 15 World War II veterans and give special recognition to Brigadier General Joe McCormick who turned 100 years-old this year. To all who have donned the uniform of a member of the United

States Armed Forces, thank you for your service.

#### TRIBUTE TO MAUDINE COOPER

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. NORTON. Mr. Speaker. I rise today to ask my colleagues to join me in recognizing Maudine Cooper for a lifetime as a dedicated public servant both in government and on the outside, and particularly for 23 years of outstanding service as President and CEO of the Greater Washington Urban League.

After earning her undergraduate and law degrees at Howard University, Ms. Cooper has spent most of her professional life as a consummate administrator and creator of social programs. Her work as Assistant Director for Federal Programs for the National Urban League soon led her to be named Vice President for Washington Operations and Legislative Affairs. Her sterling professional reputation led then-D.C. Mayor Marion Barry to tap Ms. Cooper to become the Director of the Office of Human Rights in the District of Columbia and ultimately the Mayor's chief of staff.

In 1990, Maudine Cooper became President and CEO of the Greater Washington Urban League and began to transform the organization. She leaves the Greater Washington Urban League having more than doubled its programs, including creating an organization for young professionals, the Thursday Network. She leaves the League here as a major provider of education, employment, job training, health, nutrition, and utility assistance services for more than 50,000 residents in the national capital region.

Mr. Speaker, I ask my colleagues to join me in honoring Maudine Cooper for a life of committed service to the residents of this region and in congratulating her on her retirement from the Greater Washington Urban League.

#### HONORING THE 90TH BIRTHDAY OF FRAULEIN LAMAR

### HON. ROBERT A. BRADY

OF PENNSYLVANIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the upcoming 90th birthday of Fraulein Lamar. Born on December 30th, 1923, Ms. Lamar has lived a life of service and dedication to Pennsylvania's First Congressional District.

Unlike many women of her generation, Ms. Lamar carved out a career for herself at two of our city's landmark institutions. Working for U.S. Customs and Border Protection for twelve years, Ms. Lamar safeguarded our borders and made citizenship to the United States a reality for countless individuals around the globe. She went on to work for the Philadelphia Quartermaster Depot for thirteen years. What's more, Ms. Lamar balanced her busy career with a robust family life and is devoted mother and grandmother.

I ask you and my other distinguished colleagues to join me in congratulating Ms. Lamar on this most important of birthdays. May we all learn from her legacy of hard work, commitment, and passion.

#### PROMOTING AWARENESS OF PANCREATIC CANCER

### HON. YVETTE D. CLARKE

OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. CLARKE. Mr. Speaker, today, I rise to promote awareness of the growing concern for one of the deadliest cancers in America—Pancreatic cancer.

Some of you may not know, but the threat of Pancreatic cancer is growing in the United States. Pancreatic cancer is not only one of the deadliest cancers, but it's the 4th leading cause of cancer death for both men and women in the United States.

It is estimated that in 2013, 45,220 Americans will be diagnosed with Pancreatic cancer and 38,460 will die from this disease; while overall cancer incidence and death rates are declining, the incidence of Pancreatic cancer and death rate due to this cancer have been increasing. According to a recent report issued by the Pancreatic Cancer Action Network, Pancreatic cancer is expected to become the second leading cause of cancer death in the United States by 2020.

In my home state of New York, the projection of Pancreatic cancer deaths in 2013 is 2,500. Specifically, in Kings County, which is where my congressional district is located, there have been on average 256 deaths per year between 2006 and 2010. This information is particularly troubling to me and underscores the fact that we need to put forth more effort to support cancer research.

The Recalcitrant Cancer Research Act was signed into law on January 2, 2013. This law calls on the National Cancer Institute, also known as NCI, to develop scientific frameworks for Pancreatic and Lung cancer, which will help provide the strategic direction needed to make true progress in these deadly cancers.

Although we enacted this piece of legislation, our work is far from over. Pancreatic cancer statistics call for aggressive measures NOW to develop early detection and treatment tools before incidences of the disease dramatically increase—but NCI funding is falling dangerously behind. In fact, over the last decade the National Institutes of Health has lost approximately 20% of its purchasing power because funding has not kept pace with the rate of biomedical inflation. Added to that, the NCI budget was cut by 5.8%, largely as a result of sequestration.

As members of Congress, we can give current and future Pancreatic cancer patients a fighting chance by ensuring that the provisions of the Recalcitrant Cancer Research Act are fully implemented and provide sustained, adequate funding for the National Institutes of Health and the National Cancer Institute.

We cannot have success in fighting diseases like Pancreatic cancer if research fund-

ing levels do not improve. So, I stand here today to urge my colleagues to support cancer research and ensure that the provisions of the Recalcitrant Cancer Research Act are fully implemented.

#### HONORING THE 2013 MAINEBIZ NEXT LIST HONOREES

### HON. MICHAEL H. MICHAUD

OF MAINE  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the ten honorees of the 2013 MaineBiz Next List.

MaineBiz has long been a leading source of business news and analysis for Maine's businesses community. Through its comprehensive website, print publications, events, videos and emails, MaineBiz helps Maine's business leaders innovate, grow and succeed.

Each year, MaineBiz recognizes outstanding business leaders who will have the greatest influence on Maine's business community in the coming years. MaineBiz recognizes these honorees as "Nexters", exceptional entrepreneurs and innovators who are advancing Maine's economy for the better. Many captains of industry throughout the state are nominated to be on MaineBiz's Next List, but only the best of the best are selected after an extensive vetting process.

This year's Next List field truly exemplifies the diverse and dynamic business community in Maine: Gayle Brazeau, College of Pharmacy Dean and Professor at the University of New England; Douglas Fletcher, CEO of Maine Wood Concepts; Sylvia Getman, President and CEO of the Aroostook Medical Center; Tom Hall, President of Hall Internet Marketing; Terry Ingram, CEO of Allagash International; Masey Kaplan, Owner of Close Buy Catalog; Chris Kilgour, CEO of C&L Aerospace; Joshua Shea, Publisher of the Lewiston Auburn Magazine and Founder of the Lewiston Auburn Film Festival; Kevin Strange, Director of the Mount Desert Island Biological Laboratory; and Voot Yin, Assistant Professor of Regenerative Biology at the Mount Desert Island Biological Laboratory.

Today, November 12, 2013, MaineBiz will celebrate the achievements of the ten Next List honorees at an awards reception at the Harraseeket Inn in Freeport, Maine. Additionally, these honorees were featured in the October 14th issue of MaineBiz.

Mr. Speaker, please join me in honoring and congratulating the 2013 MaineBiz Next List honorees. These men and women represent the best that Maine and this country have to offer.

#### CELEBRATING THE 10TH ANNIVERSARY OF THE COLLEYVILLE PUBLIC LIBRARY

### HON. KENNY MARCHANT

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. MARCHANT. Mr. Speaker, I am proud to recognize the 10 year anniversary of the

Colleyville Public Library in Colleyville, Texas. Over 30 years ago, a core group of dedicated Colleyville residents acted on their vision of bringing a library to their city. A task force was formed, fundraisers were held, surveys were conducted, and approvals were given. As Colleyville grew and changed from a small rural community to a thriving suburb, with small town appeal, the dream became a reality and the Colleyville Public Library opened on November 24, 2003.

The two-story Colleyville Public Library was built with plans to only utilize the 10,000 square feet on the first floor with the second floor for future expansion. Because of the library's growth and popularity with its children's programming, the need for more space became evident and a spatial reorganization plan developed in 2007. Construction on the 2nd floor began in January 2011. Over 1,000 people in June 2011 attended the Grand Re-Opening of the 2nd floor, the new Youth Services Department.

The library distinguishes itself with its emphasis on quality children's programming and full-scale family friendly events. Over 123,000 children have benefited from the library's educational programs. Additionally, the library works to address the information and self-development needs of its residents by staying ahead of technology trends. Common library activities, such as checking in and out books and searching the catalog, are streamlined through fully digital processes. Also, patrons, of all ages, take advantage of the growing collection of e-book and audio book downloadables.

Area residents have embraced the library by utilizing its services and encouraging growth in new areas. Over 21,000 patrons have checked out over 2 million items and counting. With the support of volunteers, community organizations, and City Council, the Colleyville Public Library continues to thrive and meet the needs of its citizens.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in celebrating the 10th anniversary of Colleyville Public Library, and to recognize its many contributions to Colleyville community.

#### HONORING JACK ANNAN

#### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. GARDNER. Mr. Speaker, I rise today to honor Jack Annan, Executive Director of Northeastern Junior College Alumni Association, in Sterling, Colorado. Jack was recently named "Alumni of the Plains", an award given by a non-partisan advocacy group in Northeast Colorado called Progressive 15 to individuals who have excelled in their profession and given back to Northeastern Colorado.

A lifelong Coloradoan, Jack graduated from College High School in Greeley and received his Bachelor of Science and Master of Education from Colorado State University. Jack has invested his life in education and youth development. He began his educational career

teaching agriculture in New Raymer and Grover.

In 1966, Jack joined the agriculture department at NJC as a teacher. He later became a vocational counselor and then an admissions recruiter. As an admissions recruiter, he traveled thousands of miles to recruit thousands of students on behalf of NJC. In addition to currently overseeing the Alumni Association, Jack also oversees the college's Alumni Heritage Center collecting and preserving NJC's history. A popular figure, Jack is known as "Mr. NJC" on campus. In 2004, a life-size bronze statue was erected in his honor. Earlier this year, he enjoyed more than two thousand people singing him Happy Birthday at the college's 70th annual commencement ceremony.

In addition to his work at NJC, Jack is the Executive Secretary of the Colorado Young Farmers and directs their state-wide activities. They have recognized him for his many years of dedication and involvement. He is also an active member of the Sterling Lions Club.

Throughout his lifetime, Jack has received numerous awards, including being named to the Colorado Agriculture Hall of Fame, the Colorado Association for Career and Technical Education Hall of Fame, and the NJC Agriculture Hall of Fame. Despite regular accolades, Jack remains a modest figure. He lives with his wife, Florence, in Sterling.

Please join me in congratulating Jack on his award, his successful career, and his many contributions to the State of Colorado, particularly in relation to agriculture.

#### RECOGNIZING THE SUMMIT PROJECT'S LIVING MEMORIAL TO FALLEN VETERANS

#### HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. PINGREE of Maine. Mr. Speaker, I would like to recognize an organization in my state for its outstanding work to honor Maine veterans who died in the line of duty since September 11, 2001.

The Summit Project engages teams of hikers in carrying stones—some weighing up to 10 pounds—to the summits of Maine mountains. Each engraved with a fallen veteran's initials, the stones are picked by family members from a special spot in the veteran's life. The stones come from a range of places, including childhood homes, family camps, and favorite fishing spots. And each has a story to tell about the heroes we lost.

Marine Major David J. Cote of Maine was inspired to start the Summit Project when he climbed Mt. Whitney with a group of Navy Seals. Each carried stones on the 11-mile hike up the 14,500-foot mountain to honor their fallen brothers. Maj. Cote decided to bring the practice to Maine, which has some of the highest numbers of veterans per capita in the nation.

I applaud the Summit Project for engaging people in such a fitting tribute to veterans who gave their lives in service to the country. By toiling up steep mountain trails and carrying the heavy weight of these stones, we can be

reminded of the sacrifices these men and women made and the struggles they went through. At the same time, we can symbolically reconnect the fallen to the state they loved and pay respect to their families.

Mr. Speaker, physical monuments in our town squares serve an important role in ensuring that our country's fallen heroes are not forgotten. What makes this project so special, though, is that the monuments are built inside of those who participate. More than carrying stones, these hikers carry the memories of our veterans in their hearts. It's hard to think of a better way to keep the spirit of these veterans alive.

#### HONORING DR. WALTER LOMAX

#### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the memory of Dr. Walter Lomax. The phrase, "he lived a full life," is often over used these days. But, it is certainly appropriate to say just that about Dr. Lomax.

He was a medical doctor, an astute businessman and a philanthropist. In short, he saved lives in many ways. Dr. Lomax' sterling medical career alone would have been enough of a legacy for most people. But he also blazed new trails in medicine, extending his healing to the most disadvantaged—the poor and the imprisoned. In business he was a titan, creating a diversified network of enterprises that are forward looking and soundly managed. He was a creator of jobs and a boon to the local economy. And, he is remembered as one of our most generous philanthropists. He helped individuals, with power and without power, and causes too numerous to list, although that list certainly includes the Kimmel Center, Philadelphia's premier fine arts performance hall.

His generosity also broadened our understanding of our national history, as was the case in his support for the study of the slaughter of African Americans in the Tulsa Race Riot.

All told, his support of community, cultural and educational causes made this nation and the world a better place.

#### HONORING THE SUMMIT PROJECT

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to honor the efforts of The Summit Project and its leader and founder, United States Marine Corps Major David J. Cote, to memorialize Maine's fallen service members since September 11, 2001.

Major Cote launched The Summit Project on Memorial Day of 2013. This outstanding initiative will recognize and pay proper tribute to the sacrifices made by our fallen service members and their families.

Beginning on Memorial Day 2014, volunteers will carry memorial stones to the summit of Mt. Katandin to honor each fallen Maine hero who was given the ultimate sacrifice in service to our country during recent conflicts. Each engraved stone will bear the initials, birth year, death year, rank, and service branch of the Maine heroes who valiantly gave their lives while defending our country. The act of carrying memorial stones during tribute hikes across mountains in Maine will become a symbol of solidarity that recognizes the sacrifice of our brave Maine service members and their families.

I grew up and still live in the heart of Maine's Katandin Region, a part of our state built on a strong work ethic and devotion to service above self. Since I was a child, I have been acutely aware of the significant number of Mainers from across the region and the state who choose a life of military service to protect and defend the United States at home and abroad. I can't think of a better place than Mt. Katandin to pay tribute to our fallen heroes and the Maine values that defined their character.

As a living memorial, the Summit Project was created to honor the fallen while challenging the living. The Summit Project ensures that the spirit and sacrifice of our fallen Maine heroes will not be forgotten, and it creates an environment in which their surviving family and friends may continue the healing process. The project exemplifies the values of the people of Maine: service, loyalty, patriotism, and selflessness.

It is an honor and a privilege to represent Maine, the creators of the Summit Project, and the Katandin Region in Congress. Soon, Maine's highest peak will host a fitting dedication to the memory of Maine's bravest.

Mr. Speaker, please join me in honoring the members of The Summit Project and Major David J. Cote as they honor the service members from Maine who lost their lives protecting our freedom.

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IN RECOGNITION OF BREAST  
CANCER AWARENESS MONTH

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. CLARKE. Mr. Speaker, today, I rise in recognition of Breast Cancer Awareness Month. Breast Cancer is the most common cancer among women in the U.S. and also the most common cancer found among every ethnic and racial group in America. Thanks to continuous research efforts to improve breast cancer treatment, the mortality rate for this cancer is gradually declining.

According to the Susan G. Komen Breast Cancer Organization, in 2013, it is estimated that among U.S. women there will be 232,340 new cases of invasive breast cancer and 39,620 breast cancer deaths. It is also estimated that 27,060 new cases of breast cancer and 6,080 deaths are expected to occur among African American women.

Breast cancer is the most common cancer among African American women and the sec-

ond leading cause of cancer death among African American women exceeded only by lung cancer. Studies have found that African American women often have aggressive tumors with a poorer prognosis which leads to a higher mortality rate.

Breast cancer incidence in African American women is lower than in White women overall. However, for women younger than 45, incidence is higher among African American women than White women. Breast cancer mortality is 41 percent higher in African American women than in White women. Although breast cancer survival in African American women has increased in recent decades, survival rates remain lower than among White women.

Over the past 20 years, progress in both early detection and treatment has led to improved survival for people of all ages and races, and with all stages of breast cancer. Between 1990 and 2009, breast cancer mortality declined by 33 percent among women in the United States.

According to the National Cancer Institute, between 2003 and 2009, 89.2 percent of women diagnosed with breast cancer survived 5 years or more after being diagnosed with breast cancer. Death rates have been falling on average 1.9 percent each year over the last 10 years and this is due to the advances in treatment.

Though we have been successful in improving our treatment of Breast Cancer, we still must provide adequate research funding to find a cure for the disease. I therefore stand in honor of all breast cancer patients and survivors to urge my colleagues to support cancer research and ensure that the current and future breast cancer patients have an increased fighting chance for survival.

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TRIBUTE TO KOJO NNAMDI

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Kojo Nnamdi for his outstanding contributions to journalism in the District of Columbia and the national capital region, and in congratulating him on the occasion of his 15th anniversary at WAMU 88.5, the leading public radio station serving D.C., Maryland and Virginia.

For more than four decades, Kojo Nnamdi has been a source for issues of importance and of interest that has made him a fixture on the airwaves in the Washington region, on radio and television. Born in Guyana, South America, Kojo has been one of us in the District since 1969, when he came here to develop an independent Black curriculum for the Center for Black Education. Kojo soon began putting on radio plays, and then doing radio news at WHUR radio, where he was news editor, news reporter, and became news director. In 1985, Kojo moved to public television at Howard University Television, where he became a master of hosting a great variety of guests on many subjects on Evening Ex-

change for more than 20 years. In 1998, Kojo joined WAMU 88.5 as a host of a show called Public Interest. The show soon took on his distinctive name, along with his distinctive voice.

Since joining WAMU 88.5, Kojo has brought the Kojo Nnamdi Show into communities across our region, documenting transformations and educating residents about the issues that span the interests and concerns of the region. His show casts a broad net, covering politics, culture, the arts, and education. His interviews and live debates among candidates, and always probing and informed questions, have helped hold elected leaders accountable. While covering national and international concerns alike, Kojo never forgets where he lives and the struggle of the residents of the District of Columbia for full voting rights, budget autonomy, and statehood.

Mr. Speaker, I ask my colleagues to join me in honoring Kojo Nnamdi and the entire team at the Kojo Nnamdi Show for their 15 years of outstanding service to the field of journalism and to the residents of the District of Columbia and the national capital region.

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IN RECOGNITION OF THE SOUTH  
WARD FIRE COMPANY ON THE  
OCCASION OF ITS 100TH  
ANNIVERSARY OF OPERATIONS

**HON. MATT CARTWRIGHT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor the South Ward Fire Company of Tamaqua, Pennsylvania. This year marks their 100th anniversary as a firefighting unit.

Organized on October 22, 1913, the South Ward Fire Company has dedicated itself to preserving the safety, property and well-being of Tamaqua residents and surrounding communities for a century. Since the early 20th Century, the operation has grown from using a hand-drawn horse cart out of rented space at the Vulcan Ironworks on Spruce Street to erecting three new stations. The South Ward Fire Company today regularly maintains and updates its equipment and methods of operation, serving as a model fire and emergency response organization. The Company is composed of a competent and disciplined team of volunteer firefighters who are committed, well-trained and dedicated responders to fires and other emergencies.

I offer my congratulations to the South Ward Fire Company on achieving this remarkable milestone, and I applaud them for providing effective fire and emergency services to their fellow citizens for the past 100 years.

RECOGNIZING DR. MICHAEL F. MURPHY

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. WOLF. Mr. Speaker, I rise today to recognize Dr. Michael F. Murphy, who will be retiring as superintendent of Clarke County Public Schools on June 30th, 2014. Dr. Murphy has served in this role since 2008.

I submit the following article from the Winchester Star, which is the text of Dr. Murphy's retirement announcement, delivered at a Clarke County School Board meeting on Monday, October 28th. [As reported by the Winchester Star on October 29, 2013]

OPEN FORUM: 'INCREDIBLE JOURNEY'

I will always remember the evening of June 12, 2008 . . .

Marie and I, along with School Board Chairman Robina Rich Bouffault and Interim Superintendent John Taylor, had just finished dinner and dessert at V2 in Winchester. Robina reached into her purse, presented me with an envelope, and asked that I consider becoming the next superintendent of the Clarke County Public Schools. She was more than ecstatic, and I was honored, humbled, and, to be honest, just a little bit surprised.

Looking back, it has been an incredible journey. For last five-plus years, I have been blessed to have worked with some of the most outstanding individuals in the field of public education. They are passionate, caring, and want the best for each and every student. They are administrators, teachers, technologists, instructional assistants, bus drivers, custodians, secretaries and office managers.

There are countless others who, while unnamed this evening, provide the leadership and support to help Clarke County Public Schools be one of the best-kept secrets in the Commonwealth. Together, with the help of great parents and guardians, they have nurtured and supported the children of this community, built technology networks and schools, and ensured that each and every student has had the best possible education they could provide. Their list of accomplishments is beyond reproach; I commend each and every one of them for their service.

Their voices may be quiet, but their hearts are big and full of hope, energy, and enthusiasm. They are my champions. They are the 99 percent. And they are the true leaders of Clarke County.

I would also like to take a moment to thank Janet Creager Alger and Barbara P. Lee for their steadfast support and encouragement. Janet is the only sitting School Board member from the board that hired me, and Barbara joined soon after. Thank you both for your unwavering leadership, service, and support.

As we go forward into November and start the Fiscal Year 2015 budget process, I would like to again share with our community that we are one of only 36 school divisions in the Commonwealth fully accredited; that we are proud of our 97.3 percent on time graduation rate, and that 75 percent of our high-school graduates received an advanced diploma. We offer International Baccalaureate and academic, athletic, music and arts programs that are second to none. We support a host of expanded opportunities for students of all

ages, and our applied behavior analysis program serves as a model for the Commonwealth. Yes, we certainly have a lot to be proud of, and this is just the short list . . .

I would also like to share with our community that despite Clarke County's substantial ability to pay for public education, we are woefully underfunded and have been for years. The fiscal and philosophical challenges we face today are the same ones that Eleanor Smalley, Dennis Kellison, and Wade Johnson also faced. I have talked to each of them, and each has shared that, in one way or another, not much has changed in the last 45 years. It is time to view the education of our children as an investment, not as a burden.

I believe that a community conversation about what is really important to the citizens of Clarke is long overdue. How we pay for and provide services to the young, the disabled, the elderly and everyone in between is essential for the future. And whether we like it or not, it should be a conversation about family wage jobs, affordable housing, economic development, and the creation of a sustainable future, both on and off the farm. It is time to educate, engage, and evolve like never before. This conversation is long overdue, and won't happen unless we talk about it.

I would also like to remind the residents of Berryville that the Nov. 5 School Board election is not about Mike Murphy. It is about electing a leader who will model the values of honesty, integrity, and respect and who will put the needs of children, all children, before the needs of the plutocracy.

As you can imagine, after serving for five-plus years in "the hot seat," the stories are many, and most of them are not only unbelievable, but true. Serving in a community where some consider the education of our children a burden has indeed been a challenge.

But despite the challenges, the anonymous bloggers, and those who hide behind their keyboards twisting the truth with every stroke, we have been more than successful. In fact, I would say we have been victorious. Our legacy is all around us, and they are 2,000 strong. They are the children of this community, and they deserve the best we have to offer.

In closing, let me remind our staff, and share with our children and community, the three most important tools in your tool box: your head, your heart, and your voice. Use your heads to make decisions that embrace the future of an exuberant Clarke County full of love, laughter, and life; use your hearts to remember what our legacy is really all about, and that is the children we love and nurture and send on to a better tomorrow; and use your voices, loud and vibrant, to stand up for what you believe. Above all else, believe in compassion, social justice, and the hope for a better tomorrow for our children. Not somewhere else, but here, in beautiful Clarke County.

Having rambled long enough, I would like to announce that after 36 years of doing what I love, I'm ready for a change. It is time to spend more time with my son, get to know my three stepdaughters a little bit better, plant that long-awaited garden, start a few more bee hives, build the boat I have always dreamed of, and finish reading the stack of books on my night stand. The future belongs to those who create it, and I have plans you can't even begin to imagine.

Retirement beckons, and Marie and I are ready to begin the next chapter in this wonderful life we share. We will do it together,

as husband and wife, best friends, and partners.

As such, June 30, 2014, will be my last day as Superintendent of Clarke County Public Schools.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,151,627,467,959.50. We've added \$6,524,750,419,046.42 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF C.F. MARTIN & COMPANY'S 180 YEARS AS A GUITAR CRAFTSMANSHIP WORLD LEADER

**HON. MATT CARTWRIGHT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. CARTWRIGHT. Mr. Speaker, I rise to congratulate C.F. Martin & Co. of Nazareth, Pennsylvania on achieving 180 years as a guitar-maker on November 6. C.F. Martin & Co. has been an icon of craftsmanship in America's rich musical heritage, a stalwart provider of specialty jobs and specialty exports, an inspiration as a legacy family business, a trendsetter in sustainable practices, and a supporter of its local community over its many years of operations.

Since 1833, C.F. Martin & Co. has been producing some of the most highly respected and innovative guitars in American history. Blending hand craftsmanship with state-of-the-art technology, Martin guitars were very difficult to match in tone, playability, quality, and enduring value. Embraced by artists in all corners of the globe, Martin guitars helped to define many musical genres including country, folk, blues, and rock and roll. As the oldest surviving acoustic instrument producer in the world, C.F. Martin & Co. led the charge ever since the guitar began to take hold in the early 1800s and eventually surpassed the piano as the most popular instrument.

Impressively, six generations of the Martin family have continuously owned and operated C.F. Martin & Co. The company persevered through the Civil War, the Spanish-American War, World War I, the Great Depression, World War II, and even the disco decade. C.F. Martin's adherence to high standards of musical excellence and the company's adaptability have helped account for its remarkable longevity. Business conditions and musical trends have changed over the years, but Martin's attitude toward guitar-building clearly has not.

C.F. Martin & Co. is also a commendable corporate citizen, with a long-standing dedication to responsible timber sourcing and a willingness to support its local community of

Nazareth and the Lehigh Valley. Nationally and internationally, royalties from more than fifty signature edition Martin guitar projects have been donated to support of an array of charitable causes of various recording artists' choosing.

C.F. Martin & Co.'s achievements are a reflection of its guitars' high quality and the inspiration those instruments imbue in artists' hands. The company's accomplishments are a source of pride for its generations of employees and for Martin guitar players around the globe. I extend my wishes for continued high contributions to the world of music for many years to come.

CONGRATULATING SHARON  
STANLEY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. STIVERS. Mr. Speaker, I rise today to congratulate Ms. Sharon Stanley, my constituent from Circleville, OH, on being inducted into the Ohio Veterans Hall of Fame for 2013. Each year, Governor John Kasich honors a handful of distinguished veterans with this recognition. Throughout her life and career, Ms. Stanley has been unwavering in her dedication and service to our great nation, and I commend her for this distinction.

Sharon Stanley was an Army nurse on both active duty and the reserves, and she continued to serve her community after retirement. From 2009 to August 2013, she served at the national level as Chief Nurse of the American Red Cross, where she led and trained Red Cross nurses in all areas of service, including disaster response and the National Student Nurse Program.

During her time with the Red Cross, Ms. Stanley was responsible for the volunteer management of over 15,000 Red Cross nurses and volunteer nurses. She also increased the presence of Red Cross volunteer nurses in both military hospitals and the health care system at the U.S. Department of Veterans Affairs.

But her service does not stop there. Ms. Stanley has been a part of the Community Health Resilience Initiative for the Office of Health Affairs and the U.S. Department of Homeland Security. She serves on the editorial board of the American Journal of Nursing, and she is directly involved with Wright State University in developing a national standardized program that will provide nurses with a certificate in Disaster Nursing.

In addition to her recent induction into the Ohio Veterans Hall of Fame, Ms. Stanley was honored in 2013 as one of only five nurses from the United States to be awarded the prestigious Florence Nightingale Medal by the International Committee of the Red Cross in Geneva.

Ms. Sharon Stanley has improved the lives of countless service members and civilians. She is a hero by nature and a true public servant, and for that I respect and appreciate her. Ms. Stanley has rightfully earned her place in the Ohio Veterans Hall of Fame, and I offer my deepest congratulations to her.

TRIBUTE TO TIMOTHY MICHAEL  
REESE, JR.

HON. MARK SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. SANFORD. Mr. Speaker, I rise today to pay tribute to the life of Timothy Michael Reese, Jr. He was a sophomore at Clemson University, I am told a great brother, an even greater son, and a best friend to our son Landon. He lived a short, but remarkable life and in attempting to portray it let me just tell you one story.

I flew home Tuesday afternoon to attend his funeral and in the late afternoon after doing so, but before my flight, I joined maybe a hundred or more close friends to the family in warm remembrances of Michael's life over a meal. It was a perfect South Carolina late afternoon, the sun was light and the sky was blue. There was a light breeze in from the ocean there on Sullivan's Island, and despite the tragedy of a life cut short, there was a mood of peace and warmth and even happiness as we in our different ways reflected on Michael's impact in each of our own lives.

In that setting Tim, his dad, stood up and gave a really special talk about Michael, about God, faith, friendship and love. He talked about after days of tears and grieving, he had come to the point of peace because of his faith and as the crowd in the backyard listened to each word, three thoughts hit me.

One, there are few things in life more extraordinary than the love between a father or mother to a son or daughter. It's ultimately a reflection of God's model of love toward each one of us as a heavenly Father, and that's probably something I've not taken enough time to be appreciative of whether in heavenly or earthly form.

Two, it hit me how significant the gift of life really is . . . and how there can be an even greater gift and inspiration that comes in truly living it. In that regard, Michael, during his nineteen years set the bar. He was infectious in his enthusiasm for life. In the wake of the funeral I had spoken with Landon about Michael and he made the point that Michael was always positive. That he always added humor or laughter. That as a friend he didn't fight or argue, but instead looked for ways to build up Landon or others around him as they were beginning this journey called life.

He was not only positive, but also had this spectacular sense of adventure that I think would serve as an example for those double, three times or four times his age. Many frankly never find a sense of adventure like his regardless of their chapter in life. This manifested itself in back flips off the dock at our farm, Coosaw. It showed itself in ski jumps out West that frightened me on occasion. It even served as the origin for new words as the boys created "terragoning" as they pulled skateboards behind golf carts at the grandparents' home in Florida. I could give another hundred examples, but I would summarize the thoughts with what I remember reading many years ago on the front cover of Forbes magazine upon the death of Malcolm Forbes. It said simply, "While alive—he lived." Indeed Mi-

chael Reese did and in so doing, I believe serves as a vital reminder to every one of us who have been blessed by our Creator with this thing called life, to make the very most of it—and each day in it.

Finally, I was struck by the genuine sense of community. We all yearn for connection. I believe both to those around us and to God above. Sometimes I don't know that we would describe it in those terms, but I believe that the yearning is there in each one of us. This sense of community is as well something with spiritual overtones that I think tie back to being one's brother's keeper. I saw it there in South Carolina that night. Part of it I suspect comes from a local community that's maybe not as transient as some parts of the world, and as a result there are many multi-generational ties that have been there for all the many ups and downs that come with life. There is something special about that kind of community and I am proud to call it home. Maybe it was a reflection of the Reese family. Their roots not only run deep in the community, on a daily basis they've showered it with blessings based on their own warmth and grace. Maybe still another explanation was the spiritual component to what Tim talked about as his prayer and conversation really set the tone for the whole group assembled. So I suspect I could ascribe many different reasons for the sense of community I felt on Tuesday night, October 29th, but I just know that sense of community is vital. It is a reminder to me that if we could get it right in that backyard, we could get it right in my State and in this country and here, even in the halls of Congress.

So Michael Reese has left me with many things to ponder, but more than anything a life that was well and joyously celebrated in each day over his nineteen years of life, and that gives me something to strive for over the next nineteen of mine. My prayer, Mr. Speaker, is that it will do the same for you and for those who hear my voice. Godspeed, Michael. I know Tim and Frannie, Annie, McLean and Baker will miss you. Landon and I along with the rest of the Sanford gang will too, but we will see you soon.

IN RECOGNITION OF THE 50TH AN-  
NIVERSARY OF THE VIETNAM  
WAR

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. KEATING. Mr. Speaker, I rise today to recognize the 50th anniversary of the Vietnam War, and to honor the men and women who proudly served in the United States Armed Forces during this turbulent period in history.

Our nation will never be able to fully express the heartfelt gratitude we have for our veterans. The debt that we owe them is immeasurable. Time and again, our servicemen and women have stepped forward to defend the freedoms we enjoy today.

American veterans are a cornerstone of society. Past generations helped build up this great country and did not hesitate to answer the call of duty. As we remember their selfless

actions, it is my hope that citizens everywhere take time to speak with the veterans in their family and community. Thank them for their service, and ask them about their role in defending our country. Helping veterans pass on their priceless wisdom and memories to future generations is one of the best ways we can honor them today.

Mr. Speaker, please join me in commemorating this 50th anniversary of the Vietnam War. I ask that my colleagues rise and join me in thanking our veterans, past and present, for the sacrifices they have made in service to the United States of America.

RECOGNIZING THE 80TH BIRTHDAY  
OF MRS. BERNICE COLEMAN  
THOMPSON

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize Mrs. Bernice Coleman Thompson on the occasion of her 80th birthday. Mrs. Thompson has been a trailblazer and leader in her church and local community her entire adult life. Mrs. Thompson was born in Salford, Alabama on September 24, 1933, to Daniel and Annie Coleman. At the age of 10, she moved to New York City where she would remain throughout her formative years. Mrs. Thompson earned an AAS degree in secretarial studies with an emphasis on the medical field from Brooklyn College. She also earned a B.A. in Psychology and M.S. in education with a concentration in Guidance and Counseling from Lehman College of the City University of New York.

Mrs. Thompson has been involved in her church for almost seventy years. As a child, she was guided in her faith by her former Pastor, the late Reverend W. L. Harding of St. Luke Baptist Church, in New York City. In 1955 she wed her husband, the Reverend Randolph Thompson, now Pastor Emeritus of the Victory Baptist Church. Through the years, Mrs. Thompson has served in many different capacities within the ministries of a number of churches. She is most proud, however, of her service as a Sunday School Teacher.

Mrs. Thompson has always been a trailblazer. She and her husband were actively involved in the Civil Rights movement and became leaders within the African American community in my hometown of Wilson, North Carolina. In the 1960's she was hired as one of the first African Americans to integrate and work for the Federal Bureau of Investigations (FBI) in Miami, Florida. She was also one of the first African Americans to work at the Wilson Memorial Hospital in Wilson, North Carolina. Mrs. Thompson is the proud mother of five children and three grandchildren. As parents, she and her husband fought for integration of public schools and their two daughters were the first African American girls to integrate the Wilson, North Carolina public school system.

When Mrs. Thompson and her husband returned to New York City, she worked as a medical secretary at Columbia University's

Medical School. She later worked as a high school guidance counselor at Walton and Morris High Schools in the Bronx, New York.

Through the years she has received a number of awards including Guidance Counselor of the Year at Morris High School, the National Association of Negro Business and Professional Women's Club Church Woman of the Year, and the Meritorious Service Award for assisting and supporting her husband while he was a seminary school student at Colgate Rochester Divinity School. She has also been a member of the NAACP, United Federation of Teachers and their Guidance and Counselors Chapter.

Mrs. Thompson's extraordinary life has been one of devotion and love for her family, church, and social justice. Mr. Speaker, I salute Mrs. Bernice Coleman Thompson on her 80th birthday and send her best wishes for the years to come.

THE ATTACK AT LAX AIRPORT

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. McCOLLUM. Mr. Speaker, I rise today to express my shock and dismay at the deadly shooting at Los Angeles International Airport on November 1. The gunman deliberately targeted Transportation Security Administration agents, killing Agent Gerardo I. Hernandez and wounding two other TSA agents and a high school teacher.

Mr. Hernandez was a brave and dedicated public servant. He was known for his commitment to his family and cheerful demeanor with travelers passing through his checkpoint. My thoughts and prayers are with his friends and family, especially his wife Ana and their two children.

Also in my thoughts are the over 50,000 TSA agents who work to keep our skies safe every day. They screen nearly 2 million passengers daily at 450 airports nationwide. Many agents will be facing long hours in the next few months as holiday travelers fill our airports and skies. It is their dedication that keeps us safe as we travel home for the holidays and all TSA agents should know that their efforts and sacrifices are deeply appreciated.

TRIBUTE TO DONALD FLOYD

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. VAN HOLLEN. Mr. Speaker, I am honored to recognize Donald Floyd, who has helped to improve the lives of millions of youth across our country through his outstanding efforts as Chief Executive Officer of National 4-H Council.

Although Don has served as CEO of National 4-H Council for thirteen years, he still describes himself as "a youth worker at heart." From his earliest days as Executive Director for Junior Achievement in Reading,

Pennsylvania, to his current position at National 4-H Council, he has been driven by the knowledge that young people who are involved in positive youth development opportunities will create a healthier and more prosperous future for us all. Under Don's leadership, National 4-H Council adopted a new mission in the year 2000: "To advance the 4-H youth development movement to build a world in which youth and adults learn, grow and work together as catalysts for positive change." Don's commitment to see National 4-H Council fulfill that mission is evidenced through his efforts to create the "National Conversation on Youth Development in the 21st Century" and the creation of the first national action agenda for youth policy. Through these activities, 4-H has grown into one of the world's largest youth development organizations, serving more than seven million youth in 50 countries.

During Don's tenure, the 4-H movement has built upon the organization's history of bringing scientific development into rural areas to provide new and exciting programs in science, technology, engineering and mathematics (STEM) education to youth. Through these programs, young people across the country have the opportunity to study alternative energy, robotics and geographic technologies in an effort to get them engaged in STEM education and careers. Don has led 4-H in reaching out to important communities of youth, including those in urban areas, youth at risk of delinquency, children of military families, Native American youth and children of incarcerated parents. He has made a particular impact globally where 4-H is increasing its focus on international communities and identifying the role young people play in addressing the issue of food security. Don is focused on empowering independent country-led 4-H programs to increase their impact on young people; encouraging their youth to be the next generation of farmers, leaders and innovators; and expanding the reach of positive youth development worldwide.

Throughout this growth, Don has maintained a commitment to the principle at the heart of 4-H: young people and adults working together to improve their communities. Through his ability to maintain the successful traditions of the past while identifying and pursuing opportunities for the future, Don has helped 4-H produce a generation of young people who are contributing citizens to their communities, their country and their world.

As Don retires as CEO of National 4-H Council, I ask my colleagues to join me in thanking him on behalf of the millions of youth, parents and volunteers whose lives have been touched by his steadfast commitment to positive youth development and his outstanding efforts as the ultimate "youth worker."

RECOGNIZING THE IMPORTANCE  
OF THE NATIONAL ENVIRONMENTAL  
POLICY ACT

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. QUIGLEY. Mr. Speaker, we need to do more to protect our environment, not less.



Last month, for the first time in six years, the House passed a water infrastructure bill. For the first time in six years, Congress authorized crucial investments in our ports and inland waterways. And for the first time in six years, we addressed flood risk management, hurricane and storm damage risk reduction, and environmental restoration.

The Water Resource Reform and Development Act will strengthen our national water transportation network to improve our competitiveness, create more jobs, and grow our economy. But unfortunately, Mr. Speaker, it came at a cost.

This vital legislation coupled investments in our nation's aging infrastructure with the further weakening of one of this nation's most important environmental protections: The National Environmental Policy Act.

For more than four decades, the National Environmental Policy Act, or NEPA, has provided the foundation for countless improvements in our environmental laws. It gives us cleaner water, cleaner air, and a safer and healthier environment. It provides critical checks and balances on federal planning and decision making, requiring the federal government to consider environmental impacts. And it gives the public the opportunity to voice their concerns about the impact of federal actions on their health, safety, environment, and community.

This collaborative review process engages millions of Americans along with federal and state agencies, and forces the federal government to think outside the box and consider better alternatives.

Over the years, NEPA has saved money, time, and resources. It has also protected endangered species, public lands and historical sites, all while producing better projects with more public support. For example, when the Army Corps of Engineers planned to repair existing breakwaters and replace the lock gates of Chicago's harbor, NEPA revealed a better method of repairing and extending the life of the breakwaters at a fraction of the cost. NEPA has proven that it's possible to protect the environment and save the taxpayer money at the same time.

Unfortunately, misperceptions about this foundational environmental law are driving congressional attempts to chip it away. NEPA is frequently blamed as the leading cause of project delays when, in reality, lack of funding is actually to blame. We fault NEPA, when we should be blaming ourselves.

We continue to slash funding for Army Corps construction despite the American Society of Civil Engineers' D-minus rating of our nation's inland waterways. We can eliminate project delays and protect the environment at the same time, but a more serious investment in our infrastructure is needed to do so.

Instead the WRRDA bill passed last week alters the NEPA process, weakening environmental protections at a time when they are needed the most. This WRRDA has made it more difficult for the public to comment on environmental impacts by limiting the comment period to as little as 60 or 30 days, depending on the type of project. Environmental review statements are often hundreds of pages long and full of critical scientific research.

Many critics argue this is barely enough time to read and understand a review, let

alone consult experts and submit informed public comments. These new arbitrary and unreasonably short deadlines hurt community voices in speaking out against harmful projects and penalize agencies for fulfilling their responsibility to fully deliberate on important environmental issues.

Good science takes time, and the proposed changes to the environmental review process give experts little time to adequately evaluate the impacts of a project. Environmental reviews are a crucial tool for improving transportation projects and safeguarding the environment.

An informed public engagement process produces ideas, information and even solutions the government might otherwise have overlooked. Streamlining current NEPA provisions carelessly hurts our ability to make better decisions that protect our health, our homes and our environment.

Meeting our transportation needs and protecting our environment are not mutually exclusive objectives.

NEPA, Mr. Speaker, is the solution, not the problem.

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#### THE RETIREMENT OF JEANNE STONER

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**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. DOYLE. Mr. Speaker, one of my constituents, Jeanne Stoner, is retiring this month from her position as Assistant Vice Chancellor at the University of Pittsburgh, after a long and productive career at this highly respected institution. I want to take this opportunity to recognize all the outstanding work that Jeanne has done to help the University of Pittsburgh and our community throughout her career.

Jeanne was born and raised in Chicago, Illinois. She earned a number of academic degrees, including a bachelor of arts degree, summa cum laude from Clarke College in Dubuque, Iowa, a master of arts degree in English Language and Literature from the University of Maryland, College Park, and a Juris Doctorate degree from the University of Pittsburgh School of Law. After law school, Jeanne went to work as an associate attorney for the Pittsburgh law firm of Thomson, Rhodes and Cowie, and she's lived there ever since.

For the last 25 years, Jeanne has worked for the University of Pittsburgh and the University of Pittsburgh Medical Center. Her first position was as the Director of Federal Government Relations for the UPMC Health System from 1989–1998. In 1999, she was appointed to be the Corporate Secretary for UPMC. In January 2000, Jeanne moved from UPMC to Pitt to become the University's Director of Federal Government Relations, and she was subsequently named Assistant Vice Chancellor and Associate General Counsel. In each of these positions, Jeanne worked diligently on the University's behalf, addressing whatever issues came across her desk with dedication and professionalism.

Jeanne also served on many committees for various higher education professional organi-

zations including the Association of Public and Land Grant Universities and the Association of American Universities. In 2009, in recognition of her many contributions to higher education, Jeanne was awarded the Carolyn Cross Distinguished Service Award from the Association of Public and Land Grant Universities' Council on Government Affairs.

Jeanne and her husband Bill have 4 children and 7 grandchildren, and she is an active member of the St. Thomas More Parish in Bethel Park, Pennsylvania.

I have known and worked with Jeanne for most of her time at Pitt and UPMC on a number of public policy and community-related issues. Consequently, I can say from personal experience what a warm, gracious, intelligent, and skilled professional she is. She always had Pittsburgh's best interests at heart. It's been a great pleasure to work with her over the years, and her retirement will put a big dent in the University's institutional memory.

I have been privileged to know Jeanne and work with her over the many years that I've served in Congress. She has applied great intelligence, energy, and dedication on behalf of both Pitt and Pittsburgh. I want to thank her for her many contributions to our community, congratulate her on the occasion of her retirement, and wish her the best as she begins the next phase of her life.

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#### HONORING THE MARTIN GUITAR COMPANY

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**HON. CHARLES W. DENT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. DENT. Mr. Speaker, I rise today with my colleague, Congressman MATT CARTWRIGHT (PA–17), to honor the Martin Guitar Company in Nazareth, Pennsylvania, on the occasion of their 180th anniversary. For nearly two centuries, Martin Guitar has contributed to the musical culture of America by producing some of the finest acoustic instruments on the market.

The story of Martin Guitar's beginning is uniquely American. The company's founder, Christian Frederick Martin, Sr., was born in Markneukirchen, Saxony (now Germany) on 31 January 1796. He became an apprentice guitar maker at the age of 15, and after showing much promise in his early years, opened his own shop. After struggling to run a successful business among Europe's warring trade guilds, Martin determined to seek his fortune in the United States. In 1883, he set up a modest shop in New York City. After five years of hard work, Martin was able to sell his humble store and purchase eight acres of land in Nazareth, Pennsylvania, where the company continues to grow and thrive today.

The Martin brand and production line grew steadily through the latter half of the 19th century, during which Martin was responsible for numerous advancements in guitar design, such as a bracing system for guitar stops that is still widely used today. The marriage of innovation and craftsmanship was responsible for creating instruments that would become synonymous with quality among professional and amateur musicians alike.

When C.F. Martin, Sr., passed away in 1873 he left the business to his son, Christian Frederick Martin, Jr. This was the beginning of a proud tradition of family leadership that has continued to this day, with C.F. Martin IV, being the sixth member of his family to run the business. As a 21st century company, Martin Guitar has made a concerted effort to source wood in an environmentally sustainable manner, leading the industry in the acceptance of alternative wood species. Although times have changed, Martin Guitar's commitment to producing outstanding musical instruments has not. Today, Martin Guitar is a pillar of the Lehigh Valley in Pennsylvania, a major employer in the region, and a shining example of American workmanship.

Mr. Speaker, in closing, we would like to extend our sincerest congratulations to the Martin Guitar Company and the Martin Family on 180 years of excellence and wish them all the best in the years ahead.

#### HONORING THE LIFE OF COLONEL TOM NETTLING

##### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. REED. Mr. Speaker, I rise today to recognize a true American hero, Colonel Tom Nettling. Colonel Nettling had a distinguished military career with the U.S. Army that spanned twenty-five years before passing away after a courageous battle with cancer on August 29, 2013.

Colonel Nettling was a 1960 graduate of Central Dauphin High School before completing his Bachelor's degree at Shippensburg University in 1964. Less than ten years later, he completed his Master's from the University of Southern California. Colonel Nettling has the rare distinction of joining the U.S. Army as a private and retiring as a full Colonel. He was well respected among his peers as a combat war veteran of the Vietnam War and was ultimately given the honor of leading at both the company and battalion levels.

In addition to his advancement through the Army, Colonel Nettling was the recipient of numerous awards and decorations including the Bronze Star on three separate occasions, a Purple Heart, the Vietnamese Cross of Gallantry with Palm, and the Combat Infantryman's Badge to name a few.

Additionally, Colonel Nettling was a lifelong member of the Army War College Foundation and a proud member of the American Legion, the Elks Club, and the NRA. He enjoyed hunting, fishing, golfing, and spending time with his family. Colonel Nettling leaves behind his wife of forty-five years, Linda, two children, four grandchildren, and many more close family members.

I can state with great pride that Colonel Nettling was interred at Arlington National Cemetery will full military honors on November 6, 2013. It is but a small token of our appreciation for a man who admirably served our nation over such a long and distinguished career.

#### IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE CENTRE LIONS CLUB

##### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to honor a proud and accomplished organization in my district, the Centre Lions Club. This year, the organization has celebrated their 75th Anniversary of serving Cherokee County.

The Centre Lions Club was chartered on February 20, 1938. It is the fourth oldest club in Lions District 34-A, which is composed of 50 clubs throughout North Alabama. For 75 years, members of the Centre Lions Club have dedicated their time and effort to serving the community, county and state. The club holds a luncheon meeting twice a month. During these meetings, there are educational programs and project planning. Their goals and projects closely align with International Lionism.

One of the club's main objectives is to provide eye examinations and eyeglasses for almost 100 needy students and adults each year. To do this, the Centre Lions Club co-operates with local and area optometrists. Club members also contribute funds for services by and equipment for the Alabama Lions Sight Conservation Association. Other projects include a Radio Day, Christmas Child adoptions, the John L. Ellis Sr. Youth Leadership Forum, college scholarship funds, Pancake Days, Leo Club sponsorships at local high schools, Food Pantry donations, assistance to domestic violence prevention programs, disaster relief projects, dementia patients' programs and numerous more charitable activities.

Mr. Speaker, please join me and the rest of East Alabama in thanking the Centre Lions Club for 75 years of outstanding service in the community. We wish them many, many more.

#### SUPPORT FOR NATIONAL BLADDER HEALTH WEEK, NOVEMBER 11-15, 2013

##### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my support for National Bladder Health Week, November 11-15, 2013. Since 1995, the second week in November has been designated as a time to encourage individuals to talk to their friends, loved ones, and health care professionals about bladder health and pelvic floor disorders (PFDs).

An article in the Journal of the American Medical Association (JAMA) demonstrated that nearly one-quarter of all women and more than one-third of older women reported symptoms of at least one PFD. As the population of older women increases, the national burden related to PFDs in terms of health care costs,

lost productivity, and decreased quality of life will be substantial.

It is critical to educate women about PFDs now. PFDs will impact one in three women at some point during their lives, yet most Americans underestimate or are unsure about their prevalence. The lack of awareness continues to affect the millions of women who remain undiagnosed, untreated and whose quality of life remains negatively impacted by these common disorders.

Women need to understand the facts about PFDs and to feel empowered with information on how to pursue individualized solutions for improved quality of life. Unfortunately, we may not realize that someone we know—a sister, mother, daughter, aunt, or another loved one—is suffering in silence not realizing their condition is treatable. This week is the time to raise awareness and begin talking about pelvic floor disorders. Please join me in supporting National Bladder Health Week.

#### HONORING HOLT INTERNATIONAL CHILDREN'S SERVICES DURING NATIONAL ADOPTION MONTH

##### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. DeFAZIO. Mr. Speaker, on July 27, 2013 we celebrated the 60th anniversary of the end of the Korean War. By signing the armistice agreement, the border between the Koreas near the 38th Parallel was established. It was in the wake of this armistice that Holt International Children's Services first began its compassionate work, and today continues to be a leader in the field of adoption and child welfare issues.

Harry and Bertha Holt of Eugene, Oregon were from humble means—Harry a lumberjack and a farmer and Bertha a nurse. In 1954, the Holts went to a small high school auditorium to view a film about Amerasian children living in South Korean orphanages. Moved by the film, their faith and a firm belief that all children deserve permanent, loving homes, the Holts began their lifelong mission in 1955 to revolutionize intercountry adoption.

At the time, there were no laws allowing children to immigrate from one country to another for the purpose of adoption. Overcoming legal and cultural barriers, Mr. and Mrs. Holt sought families for children orphaned by the Korean War. The Holts persuaded Oregon United States Senator Richard Neuberger to introduce legislation titled "The Relief of Certain Korean War Orphans." The legislation became law on August 11, 1955, enabling the Holts to adopt eight Korean War orphans: Joseph Han, Mary Chae, Helen Chan, Paul Kim, Betty Rhee, Robert Chae, Christine Lee and Nathaniel Chae. With this act of love and the founding of their agency, Holt International Children's Services, two farmers from rural Oregon pioneered international adoption.

Today, Holt International strives to uphold Harry and Bertha's vision to find loving homes for children regardless of race, religion, ethnicity or gender. Holt is committed to finding families for children, not children for families,

an important distinction that sets the tone and priorities for Holt. Since the 1955 act, Holt has placed 49,630 children from 31 countries with families in all fifty states. As the oldest intercountry adoption agency, Holt is the only organization that has more than three generations of adult adoptees.

Holt continues to play an active and vital role in establishing policy and practice for intercountry adoption. In 1993, Holt adoptees Susan Cox and David Kim were members of the U.S. delegation to the Hague Convention on Intercountry Adoption, an agreement which sets international standards for intercountry adoption that protects the child, the birth family and the adoptive family. Later, in 2008, Holt was a leading advocate in ensuring the U.S. ratify the Hague treaty. Holt believes that adoption is a life long experience and has been at the forefront of developing post adoption services to ensure that adoptees grow and develop to their fullest potential.

In addition to these monumental accomplishments, Holt International has become much more than an adoption agency. When considering a child's future, Holt always keeps the child's best interest at the forefront of every decision. For some children adoption is the only option, but Holt realizes that it is not the first option for children without families. Holt believes that it is best if children can stay with their birth family. Over the years, Holt has worked to develop and maintain programs overseas to give orphaned, abandoned and vulnerable children safe and nurturing environments in which to grow and thrive. These overseas programs include initiatives directed at Family Preservation, Nutrition Support, Child and Maternal Health, Income Generation, Assisting Children with Special Needs, and Shaping and Establishing Intercountry Child Welfare Systems. Through these initiatives, Holt impacts approximately thirty thousand children each year and helps to ensure that children at all stages of need are provided for in an effort to avoid the separation of families.

In November, as we celebrate National Adoption Month, it is appropriate to recognize Holt International Children's Services for its diligent efforts and accomplishments in the field of child-welfare and intercountry adoption that have impacted thousands of children in the United States and around the world.

THANK YOU, JACK

**HON. KERRY L. BENTIVOLIO**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. BENTIVOLIO. Mr. Speaker, I rise today to acknowledge a fellow, now deceased Veteran from the 11th District of Michigan, John Edward Emmett.

John Emmett served four years as a United States Marine, Special Weapons Company, 29th Marine Regiment 6th Marine Division from 1942–1945. He enlisted a few months after the attack on Pearl Harbor.

Legend has it he only joined the Marine Corps to impress his girlfriend, and later, wife of over 60 years, who was far more impressed

by the Marine uniform than the army's—as she insisted he wear his dress blues on their wedding day.

“Jack” as he was known by his friends and family, was a gunnery sergeant and marksman. He saw action in Okinawa and was responsible for 30 men who specialized in the operation of four 37mm anti-tank guns.

He was called “the old man” because he was the oldest in his platoon—24 and said he never thought he would make it home. A part of him, even late into his 80's always felt a sense of guilt for surviving when so many of his fellow soldiers did not.

After the War, Jack and his wife built their own home in upstate New York. After the birth of their four children they moved to the 11th district where they lived for over 50 years. Although Jack never talked much about the war, it was obvious how much that time in his life affected him. Jack passed away in 2003 at the age of 86. He left behind a wife, four children, 11 grandchildren and four great grandchildren.

His love of country transcended generations. His son Craig served in Vietnam and currently, his grandson Justin, is in the United States Air Force. His wife Betty, now 95, and daughter, a teacher in Farmington, Michigan, still reside in the 11th district.

Jack was the type of man everyone loved and respected. Always the practical jokester, Jack left a smile on the faces of all he encountered and never missed an opportunity to express his love to friends and family.

A man of courage, honor, loyalty, and kindness, Jack exemplified what it means to be a United States Marine.

On this Veterans Day, the people of the 11th District of Michigan salute John “Jack” Edward Emmett for his sacrifice, dedication, and love of country.

Thank you, Jack.

IN RECOGNITION OF THE 90TH  
BIRTHDAY OF FORREST STANLEY JENKINS

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to ask for the House's attention today to recognize Forrest Stanley Jenkins who celebrated his 90th birthday on Sunday, August 25th, 2013.

Mr. Jenkins was born on August 25th, 1923 to John Veitch Jenkins and Velma Elizabeth Miller. He graduated from Sidney Lanier High School in Montgomery before beginning active duty in the United States Air Force in 1943. That year he married Ethel “Jinx” Barry Jenkins. Mr. Jenkins served on B-17s, B-24s and C-47s. He completed a number of overseas assignments before retiring from the Air Force in 1967.

On August 24th and 25th, Stan joined friends and family in Rosemary Beach, Florida, to celebrate 90 years of dedication to his family and his country. His children, Stan, Jill and Jennifer, their spouses, grandchildren and great grandchildren celebrated a life of what is rightly called our greatest generation.

Mr. Speaker, we join his family and friends in celebrating Stan's birthday and wishing him many more.

CELEBRATING JACK MURRAY'S  
90TH BIRTHDAY

**HON. TOM REED**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. REED. Mr. Speaker, I rise today to recognize and honor an extraordinary citizen of my district, my State, and of this great nation. On Christmas Day, Mr. Jack Murray of Elmira, New York, will celebrate a milestone in his life; his 90th birthday.

Mr. Murray's life and career exemplify selfless and tireless commitment to his neighborhood, his community and his noble profession of public education. Jack is the son of the late major league baseball great ‘Red’ Murray, one of the notable stars on the roster of the New York Giants in the early years of the 20th Century. Mr. Murray followed in his father's athletic footsteps through a decades-long career of promoting good health and fitness as a physical education teacher within the Elmira City School District. He was a laudable fixture in the public school system of his community for over thirty years, and his work touched the lives of thousands of young people in a supportive and positive fashion.

Likewise, Jack Murray has been recognized over the years by his neighbors in Elmira as a highly regarded figure in his community. Jack is described as a gregarious and well-regarded friend to many and a man of gentle, companionable warmth whose inherent sense of dignity and personal grace have left him a uniquely beloved man.

It is important that we honor such individuals for their devoted and generous work, for their community leadership and for their service on behalf of their neighbors. People like Jack Murray make our communities better places through their efforts and by their example. It is a true pleasure for me to participate in some small way in the celebration of this happy and significant day in Mr. Murray's life. I join with his friends, neighbors and former students in offering best wishes and good health for many, many years to come.

HONORING A TRUE HOOSIER HERO,  
OFFICER ROD BRADWAY

**HON. SUSAN W. BROOKS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today with a heavy heart to honor the life of an outstanding public servant, Officer Rod Bradway, who served his city and country with principle and integrity. Tragically, Officer Bradway was killed in the line of duty on September 20, 2013.

Rod Bradway served the citizens of Indianapolis honorably for five years as an officer in the Indianapolis Metropolitan Police Department. A lifelong Hoosier, he grew up in the

small northern Indiana town of Nappanee and was a decorated member of the police force, having been previously awarded the Indianapolis Metropolitan Police Department's Medal of Bravery. Although I did not have the good fortune of knowing Officer Bradway, I am incredibly proud of his heroic and brave actions to protect the City of Indianapolis.

He made the ultimate sacrifice while saving the lives of a woman and child held at gunpoint inside an Indianapolis apartment complex. Responding to a domestic violence call is one of the most dangerous duties an officer can perform. It is also one that Officer Bradway performed without hesitation and with tremendous courage. Each and every day, officers like Rod Bradway put their lives in harm's way to protect us. His last moments demonstrate the bravery, commitment and sacrifice that he and his brothers and sisters in uniform display every day while trying to make Indianapolis a safer and better city.

As the Chairman of the Committee on Homeland Security's Subcommittee on Emergency Preparedness, Response, and Communications, I am forever grateful to Officer Bradway and to police forces across this great nation who work tirelessly to protect their fellow Americans.

Officer Bradway was a hero. My condolences and well wishes go out to his wife, Jamie; their two children, Jonathan and Sierra; his parents, Thomas and Cheryl; and his brother, Carl. Please know you are in my thoughts and prayers are at this difficult time.

#### A TRIBUTE TO LAURI WYNN

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Ms. MOORE. Mr. Speaker, I rise on this occasion to give congratulations to Lauri Wynn, recipient of the 2013 James Howard Baker Award. I am truly honored to pay homage to someone who has contributed so much to Milwaukee and the State of Wisconsin.

I have known Lauri Wynn for over 30 years, well before I began my legislative career in the Wisconsin State Assembly. Ms. Wynn was an educator for many years in the Milwaukee Public School System. She continued this service at the state level becoming the first African American President of the Wisconsin Education Association Council (WEAC), Wisconsin's statewide teachers union. Lauri Wynn worked with Lloyd Barbee on school desegregation. As both an educator and president of

WEAC, she influenced the lives of thousands of students many of whom went on to become leaders themselves in the areas of politics and economic empowerment.

Ms. Wynn was an active participant in the "Freedom Walkers for Milwaukee" in the 1960s and marched with Father Groppi in the struggle for open housing and school desegregation. Additionally, she was very active in the NAACP. Lauri Wynn was also a Special Advisor to Governor Tony Earl.

Ms. Wynn's activities included assisting African Americans in obtaining political office, obtaining employment and becoming leaders in every area of civic life. She did all of this without seeking personal gain or public acknowledgement. She has supported the Community Brainstorming Conference from its inception with her attendance and input. Ms. Wynn has been a fearless leader and has been dedicated to advancing the interests of the African American community.

I know that Lauri Wynn is a strong example of leadership and excellence for her children and grandchildren. She is a Milwaukee and Wisconsin treasure, and I value her service. Lauri Wynn, thank you for your service to the 4th Congressional District.

#### RECOGNIZING PENNY CATE

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the many accomplishments of Penny Cate as she retires on December 16th.

An honors graduate of the University of Maryland and Georgetown University, Penny began her career in public service with the United States Department of Agriculture in 1974. In 1979, she started working as a policy analyst in the Congressional Research Service's (CRS) Food and Agriculture Section. When Penny left CRS in 1987, she had risen to the Head of the Food and Agriculture Section.

Following her service in the federal government, Penny joined The Quaker Oats Company where she moved up from Manager of Government Affairs to Vice President of Public Affairs over her twelve and a half year career. After Quaker, Penny worked as Vice President of Public Affairs at Sears Roebuck and Co. from 2000 to 2002.

In 2003, Penny utilized her extensive experience in state and federal government affairs, community relations and communications to

open her own firm, Penny Cate & Associates, LLC and has served as Principal of the Illinois Government Affairs Group.

During my time in the House of Representatives, it has been my pleasure to call Penny a friend. After decades of government service and work in government affairs, I wish her all the best in her retirement.

#### IN RECOGNITION OF THE LIFE OF J. HOLLAND POWELL, SR.

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 12, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to honor Mr. J. Holland Powell, Sr. Mr. Powell was born March 10, 1932, in Birmingham, Alabama. He's the youngest child of Bolling and Marie Powell. Mr. Powell grew up in Birmingham, and after his graduation from Ramsey High School, he enlisted in the United States Navy. He served four years in active duty during the Korean War, and upon distinction and honorable discharge, Mr. Powell attended the University of Alabama. There he received a degree in Accounting in 1956. While at the University of Alabama, Mr. Powell was a member of the Psi Chapter of Delta Kappa Epsilon Fraternity.

Mr. Powell married Claire Malone Powell on September 7, 1956, who preceded him in death on April 22, 2013. Together they had two children James Holland Powell, Jr. (Carolyn) of Selma, Alabama and Alice Claire (Carl Thigpen) of Mountain Brook, Alabama. He has six grandchildren and two great-grandchildren.

Mr. Powell was a longtime senior executive of Liberty National Life Insurance Company. He earned many regional awards and participated in leadership roles for national and international insurance organizations. Mr. Powell undertook a successful second career post-retirement in partnership with his wife Claire through Powell Realty. Mr. Powell's accomplishments include being a founder of the Mountain Brook Swim and Tennis Club, a graduate of Leadership Alabama, an active member of the Pell City Rotary Club, an active member of the Pell City Library Guild and an active member of the Mays Bend Homeowners Association.

Mr. Speaker, please join me and Mr. Powell's family in remembering and celebrating his life and achievements.

**SENATE—Wednesday, November 13, 2013**

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, descend on our hearts, for apart from You life is a tale full of sound and fury signifying nothing.

May our Senators walk in Your ways, keeping Your precepts with such integrity that they will never be ashamed. Lord, incline their hearts to Your wisdom, providing them with the understanding they need to accomplish Your purposes in our world. Let Your mercy protect them from the dangers of this life, as they learn to find delight in Your commandments. Keep them ever mindful of the fewness of their days and the greatness of their work.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**THANKING THE PRESIDENT PRO TEMPORE**

Mr. REID. Mr. President, before the esteemed senior Senator from Vermont leaves the floor, I want to say a few words.

I appreciate the guidance and leadership my friend has given over these many years in leading the Judiciary Committee. It is a committee where most all of the legislation is funneled, and what we have focused on in recent months is the problem we have with judges.

Yesterday my friend did a remarkably good job in leading a precedent indicating the issues we have with the D.C. Circuit, and I so appreciate his leadership on this issue and all the other issues on which the Judiciary Committee works. It is too bad we cannot have the Judiciary Committee as it was in our earlier years in the Senate where the productivity of that committee is not thwarted by not being able to bring items to the floor.

The Judiciary Committee has a wide range of jurisdiction over matters that

are so important to our country, such as our national security agencies and cyber security. There is a multitude of issues the Judiciary Committee deals with, and I wish we could be doing more legislation on the floor which comes from that committee.

I wanted to extend my appreciation to the Senator for the good work he has done, and I also want to send accolades to the people of Vermont for having this good man leading the Senate in many different ways, not the least of which is being the Senate President pro tempore.

**DRUG SAFETY**

Mr. REID. Mr. President, the symptoms of fungal meningitis can be very subtle at first: headaches, fever, even light can start bothering people, as well as neckaches and backaches. The disease can also cause strokes, seizures, and even coma.

Fungal meningitis led to the death of at least 64 unfortunate Americans when they were injected with a contaminated medicine. The medicine—a steroid injection used to heal back pain—was tainted by unsanitary conditions from a facility that was masquerading as a compounding pharmacy in Massachusetts. The true compounding pharmacies provide custom-made medications for patients with unique health needs that cannot be treated by off-the-shelf prescription medicines. This practice is essential and can be critical for children, cancer patients, and people with severe allergies.

The contaminated medicine mixed at the New England Compounding Center was sent to scores of medical facilities in 23 different States and given to 14,000 patients. As I have indicated, 64 of them died and hundreds of those patients were seriously ill.

Recently a heart medication mixed at the same pharmacy was linked to the death of two young Nevada boys, ages 4 and 6, according to a lawsuit filed by their parents.

The New England Compounding Center was skirting Federal regulations and manufacturing large batches of drugs for mass distribution in very unsanitary conditions. By avoiding the safety inspections required of large-scale drug manufacturers, companies such as this one can boost profits, but in the process they risk lives.

The legislation on the floor will end that dangerous practice and ensure that patients have access to high-quality custom medications. This is not a contentious issue. On the contrary,

this legislation has wide bipartisan support—led by HARKIN and ALEXANDER—and would pass by a wide margin in mere moments if not for the stall tactics by a few Republican Senators. This bill has already been delayed for more than a month because of these tactics, and Republicans continue to insist on running out the clock on this matter.

As everyone knows, if all time is required on the procedural issues, we will not be able to finish the bill until this Sunday—that includes working Saturday—and the final 30 hours won't run out until sometime on Sunday. It is time to dispense with this non-controversial measure—a measure that will safeguard the lives of vulnerable Americans, people with back pain and other maladies—and move on to other important legislative priorities.

**RECOGNITION OF THE MINORITY LEADER**

The PRESIDING OFFICER (Mr. MARKEY). The Republican leader is recognized.

**HEALTH CARE**

Mr. MCCONNELL. Mr. President, one of the favorite pastimes of politicians in Washington is to talk about how frustrated the American people are with politicians in Washington. After the past few weeks, it is easy to see why. I am talking about the President's promise, repeated dozens of times, that if you like your health care plan, you can keep it, and the sobering realization by literally millions of Americans is that it was not true.

Some of the top fact checkers in the country have used terms such as “pants on fire” and “false” and “four Pinocchios” to describe the claim that under ObamaCare folks would be able to keep their plans.

In a matter of weeks, it has gone from being one of the law's top selling points to a national punchline. If millions of people were not so frustrated and upset by it, it might actually be funny, but it is not the least bit funny.

At this stage about 50,000 folks are believed to have signed up for insurance on the Federal exchange—way below administration estimates. That is 50,000 folks who have signed up for insurance on the exchange, while 3.5 million Americans have lost their health care coverage. In other words, about twice as many folks have lost their insurance in the State of Idaho alone since October 1 as have obtained

health insurance across the entire Federal exchange all across America. So this is a real crisis.

In my home State of Kentucky, over a quarter of a million people have lost their private health care plan so far and only about 7,000 Kentuckians have been able to obtain new private insurance under ObamaCare. If you consider that Kentucky received \$250 million in taxpayer funds to get ObamaCare up and running, that works out to about \$35,000 per private insurance enrollee, and that is before the taxpayer subsidies kick in.

We have literally thrown untold millions at this disastrous rollout, and what do we have to show for it? Millions of people losing their coverage despite assurances from the President they would be able to keep it. He said they would be able to keep it, period. That is what the President said.

Let's be very clear about something. These insurance cancellations are not any kind of an accident. This is no accident. It is the way the law was designed. Remember, in order for ObamaCare to work, millions of Americans had to lose the coverage they purchased on their own so the government could dump them into the ObamaCare exchanges. That way the government could then get them to pay more to subsidize coverage for everybody else. That is the way this was designed to work.

The 31-year-old dentist from Louisville whom I mentioned last week—the one who is not married, has no kids—now has to carry pediatric dental care on his plan. He is one of the unfortunate ones subsidizing care for everybody else.

Despite the fact that the President and other supporters of the bill vowed up and down that folks would be able to keep the health care plan they had and liked, the fact is that was never true. It was never true and they knew it. They knew folks would lose their coverage. They knew it all along. Just as the President once famously predicted that utility rates would necessarily skyrocket as a result of his cap-and-trade policy, so too would health care rates skyrocket under ObamaCare. The only difference is that on health care, Democrats apparently knew they could not tell people how it would all shake out in the end, but they knew. That is why in 2010 every Democrat who was in the Senate voted against a Republican proposal designed to hold the President to his word.

The fact is the President's health care law was designed to capture millions of middle-class Americans, jack up their premiums, and use the extra cash to keep ObamaCare afloat. This is not some unforeseen consequence of the law, it is the law. It is working just as they designed it—just like what they voted for.

It is hard to take seriously this faux outrage we have seen of late from some

of our Democratic friends. As for the President, this should be no great revelation to him either. Just the other day the media pointed out that the administration knew for years that Americans would lose coverage.

But there is something else.

At a bipartisan health care summit in 2010, the President was asked directly about this kind of thing by House Majority Leader CANTOR. In reply, the President admitted that 8 million to 9 million would have to change coverage and justified it on grounds they would be getting better coverage from the government once they lost it. So the President actually admitted during that event that millions would lose their health care and still went out on the campaign trail claiming Americans could keep the health care plans they had.

This is why Americans feel so hurt by this particular broken promise. And what many of them want to know is why would Washington Democrats persist with it even after it became clear it was false?

I think the reasons are simple enough. One, they needed to pass the ObamaCare bill; and, two, they needed to sell it to a skeptical public. And neither would have been possible without it.

If the President had gone out and told people that if he likes your plan, you can keep it—if the President had said if he likes your plan, you can keep it—it would have never passed. That is why the President's so-called apology the other night rang so hollow for so many.

ObamaCare's problems run so deep and the broken promises are so pervasive that it is impossible to identify an "easy fix." It truly ought to be repealed or delayed. But if the President is sorry for breaking his promise to the American people, there is a natural place to start. He could support legislation that would help restore the plans for the folks who want them back, and he can act on it as early as this Friday. That is because the House is expected to send over a bill that would allow Americans to keep the plans they have and want to keep. There is no reason the President and Senate Democrats should not join Republicans and the American people in supporting it.

This does not have to be a partisan battle. These cancellations have not discriminated based on party. The people out there who are frustrated and upset at losing their health care plans are Democrats and Republicans. The President can help all of them by backing the bill the House is expected to pass on Friday.

I think that is basically what President Clinton was suggesting yesterday when he said the President should honor the commitment the government made to these folks, even—even, said Bill Clinton—if it means changing the law.

I have had a lot of disagreements with President Clinton over the years. But at key moments he was willing to cross party lines, and I think here is a moment where the American people are expecting President Obama to do the same. Allowing Americans to keep their health plans is a promise Democrats made over and over.

Whether or not they meant it, Democrats promised this to the American people, and it is their duty to make good on what they said. Once the House acts, my conference will be watching closely to see whether the Senate Democratic majority allows a vote and will help us send a bill to the President's desk. The American people will be watching closely as well.

So my message to the President is simple: Mr. President, our constituents are frustrated and they are upset. You could help. Do the right thing.

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#### CONGRATULATING FORD MOTOR COMPANY

Mr. MCCONNELL. Mr. President, Ford Motor Company has a proud 100-year history of manufacturing in Kentucky. Today the company announces a new model to be constructed in its Louisville assembly plant, further employing yet another generation of Kentuckians.

I congratulate Ford on this development and applaud its continued excellence in manufacturing in the Commonwealth of Kentucky.

I yield the floor.

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#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Indiana.

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#### CONGRATULATING SENATOR MCCONNELL

Mr. DONNELLY. Mr. President, I would like to congratulate my friend from Kentucky on Ford's expansion there. We have a proud auto building history in Indiana as well. We are extraordinarily proud of all the different folks who help make our country run, who help make our cars go, and in Indiana it is part of who we are. It is great to see expansion in Kentucky as well.

### MANUFACTURING JOBS FOR AMERICA

Mr. DONNELLY. Mr. President, I am here today to discuss the most important issue facing Hoosiers—and all Americans—and that is getting a good job.

Good jobs allow us to provide for our loved ones, educate our children, and ultimately retire with dignity. Good jobs are also critical for strong communities and a vibrant economy. That is why I am proud to be part of the group of Senators working on Manufacturing Jobs for America. It is an effort to refocus the Senate on helping businesses create jobs and helping communities pursue economic development in the area of manufacturing.

This effort is aimed at building bipartisan support for modernizing the manufacturing sector, increasing access to capital, strengthening our workforce, and creating the conditions necessary for American manufacturers to grow and create jobs.

I have two bills as a part of this effort, the Skills Gap Strategy Act and the AMERICA Works Act. Both of them are focused on closing the skills gap. There are an estimated 600,000 manufacturing jobs that are unfilled across our country in part because employers cannot find workers with the skills they need to fill these open jobs.

We need to match up unemployed or underemployed Americans with the training and education programs employers need so we can get more Americans into these good-paying, skilled jobs.

Last month my friend, Senator DEAN HELLER, and I introduced the Skills Gap Strategy Act. This directs the Department of Labor to develop a goal-oriented strategy to address our skills gap challenges. In order for every Hoosier who wants a job to have a job, and for Indiana's economy to continue to grow, we must train Hoosiers for the jobs that are available right now.

Our bill examines how we can better use existing resources to prioritize training and education programs and prepare our workforce to hit the ground running on day one.

The Skills Gap Strategy Act requires the Department of Labor to provide recommendations on: increasing on-the-job training and apprenticeship opportunities, helping employers participate more in education and workforce training, and identifying and prioritizing in-demand credentials in existing and emerging industries.

When completing this report, we call on the Department to consider: specific labor barriers contributing to the skills gap; policies that have proven successful in key industries, regions, and countries where employers play a larger role in education and workforce training; and ways to better utilize Registered Apprenticeship and other workforce development programs.

We are also asking the Department of Labor to develop plans with the Departments of Commerce and Education to align education with industry and enhance employer participation in K through 12 and career and technical education programs, to increase preapprenticeship and college credit courses in secondary schools, and to improve school-to-work transitions and connections.

I am a strong believer in being fiscally responsible with Hoosier taxpayer dollars. That is why our bill asks the Department of Labor to focus on these solutions that use existing resources, existing programs, and existing personnel—not new programs or new spending.

Closing the skills gap requires participation from individual workers, the education community, and employers. But we have the ability to help, and a specific plan should be in place to do just that.

Also a part of the Manufacturing Jobs for America effort is another bill I am proud to support that focuses on closing the skills gap. Introduced by Senators HAGAN, HELLER, and myself, the AMERICA Works Act modifies existing Federal training programs so that they place a priority on programs and certifications that are recognized and demanded by industry.

I have heard time after time from Hoosier business owners and educators and workers about the pressing need to close the skills gap and to get more people to work.

To address this issue while not increasing Federal spending, the AMERICA Works Act modifies the Workforce Investment Act, Perkins Career and Technical Education, and Trade Adjustment Assistance to prioritize the credentials that employers need now.

The improvements made in this bill benefit both workers and employers, as workers would know that the time they spend training is more likely to lead to employment in a good-paying job, and employers would know that it is more likely that the people they hire would have the training they need to get the job done on day one.

The Department of Labor estimates there are nearly 4 million job openings in the United States, despite an unemployment rate that is still over 7 percent and despite millions of Americans looking for work. Now is the time to get to work on these jobs and match these people up with the job opportunities that are available out there. That is the most important thing we can be doing.

When Americans are working, we are a stronger nation. The Manufacturing Jobs for America effort to pass bipartisan legislation that everyone can buy into that helps manufacturers and workers is one important way we can move the ball ahead.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

Mr. MARKEY. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

### DRUG QUALITY AND SECURITY ACT

Mr. MARKEY. Madam President, I wish to begin by thanking Chairman HARKIN, Ranking Member ALEXANDER, Senators FRANKEN and ROBERTS, and all of their staffs for their tremendous leadership on this bill. This bill was also developed in concert with our counterparts in the House of Representatives. I extend my thanks to ranking member HENRY WAXMAN and chairman FRED UPTON and their staffs of the Energy and Commerce Committee. What we have now is a bipartisan, bicameral bill that addresses two very serious issues: the safety of compounded drugs and the security of our entire drug supply.

Last fall an outbreak of fungal meningitis stunned the Nation and thus far has claimed the lives of 64 people and has sickened 751 in 20 States. This issue hits home for me because it started in Massachusetts. At the center of this tragedy was the New England Compounding Center, also known as NECC. It is located in Framingham, MA. I met some of the victims of this terrible outbreak and heard about their struggles, people like Jerry Cohen, a resident of Pikesville, MD, who went to the doctor for routine steroid injections to treat recurring back pain and received two doses that came from the contaminated lots. Jerry suffered a stroke and had to adjust to a new life, dealing with dizziness, nausea, weakness, and exhaustion. Melanie Norwood's mother Marjorie went into a Tennessee hospital to treat an acute back injury she suffered while mowing the lawn. Instead of walking out of the hospital, Marjorie became severely sick, spent months in the hospital and a nursing home, and now has permanent nerve damage and medical bills that are close to putting her into bankruptcy.

For the last decade complaints about sterility, safety, lack of valid prescriptions, and mass production of drugs have been lodged against NECC. Yet the company was allowed to continue operating largely unchecked, falling between the regulatory checks that exist between Federal oversight of drug



manufacturers and State oversight of pharmacies.

Sadly, NECC was not an isolated instance. Almost a year ago I issued a report detailing more than a decade of violations and problems at compounding pharmacies all across our Nation. Contaminated IV solutions, tainted steroid injections, and fouled eyedrops permanently impacted thousands of patients' lives across this country and killed or injured dozens across 34 States. The New England Compounding Center, like many large compounding facilities, fell into a regulatory black hole. That is because there are two kinds of compounding pharmacies: the neighborhood pharmacist you have known and trusted for years and the large drug manufacturers operating in the shadows that have slipped through the regulatory cracks.

Traditional compounding pharmacies make custom medication that fits the needs of an individual patient, such as creating a liquid medication instead of a pill for an elderly patient or a child because it is easier to swallow. We are familiar with that corner-store pharmacist who does that for a patient. These pharmacies are an important tool in our medical arsenal and have historically fallen under the jurisdiction of the States. They are the corner pharmacies that people grew up with. They are the corner pharmacies that people trust.

But there has been a recent disturbing trend of larger compounding pharmacies entering the market, making high-risk drugs sold to hospitals and clinics throughout the country. These compounding facilities are operating more as modern-day drug manufacturers rather than the mortar-and-pestle compounders of yesteryear on the corner near your home. They are not on Main Street, and they do most of their business out of site and under the FDA's radar.

In 1997 Congress passed a law to define FDA's role in the oversight of compounding pharmacies, but just 2 days before the new law was to take effect seven compounding pharmacies sued to block its enactment. Since then, the law and the FDA's authority to regulate compounding pharmacies have been mired in litigation and uncertainty. The result is that oversight of even large-scale drug manufacturers, such as NECC, has been largely relegated to the States.

How are the States doing their job? Well, last April I issued an investigative report that took a deep look at how States actually oversee and govern the activities of compounding pharmacies. What I found was a regulatory state of disarray. My investigation found that nationwide most State regulators did not look at the safety of compounding pharmacies. They do not make all their activities and investigations public. Some of them did not

even know how many compounding pharmacies exist in their State, and States typically are not equipped to regulate the safety of large companies shipping massive quantities of drugs outside their own borders into States all across our country.

Since the NECC outbreak, some States have made efforts to improve their regulations and guidelines over compounding pharmacies, but the results are not consistent. Within the last month my home State of Massachusetts passed through its house and senate a bill that I am proud to say will put in place the strongest State regulations in the country overseeing the compounding pharmacy industry. However, while Massachusetts has become a national leader in the oversight of compounding pharmacies in the aftermath of what happened at NECC, this does little to protect the residents of other States. It cannot protect residents of Massachusetts from drugs that are shipped in from other States that do not have strong safety standards in place.

The Drug Safety and Security Act in front of us today helps to solve that problem by creating for the first time a national and uniform set of rules for compounding pharmacies that wish to register with the FDA and be subject to FDA oversight and enforcement. The bill also provides transparency by requiring the FDA to publish a list of the name and location of registered facilities that are compounding drugs in large quantities without a prescription. The Drug Safety and Security Act also mirrors several concepts from the VALID Compounding Act of 2013, legislation which I introduced in the House of Representatives. The bill distinguishes between compounders engaging in traditional pharmacy work and those making large volumes of compounded drugs without individual prescriptions. It places limits on the types and quality of ingredients that can be used to compound drugs. It ensures that drugs removed for the market for safety and effectiveness reasons are not compounded. The bill requires reporting of adverse events, such as patient sickness or hospitalizations that could be caused by compounding pharmacies that are registered with the FDA. It provides more information on the label of compounded drugs, including identification of the drug as being compounded—the first time ever that this information will be required.

Because of this bill, for the first time ever, the FDA will know who these large sterile compounding entities are and what they are making. The FDA will be given the resources it needs to conduct inspections of those facilities. For the first time ever, hospitals and health care facilities will have the option of purchasing compounded drugs that are subject to rigorous FDA quality standards and oversight. Because

this bill removes the legal ambiguities of existing law, compounding pharmacies will no longer fly under the radar. This bill will go a long way in ensuring that public health is protected and compounded drugs are safe.

I specifically thank Chairman HARKIN and his staff for including in this bill a provision that I authored requiring the GAO to examine whether States and Federal authorities are doing their jobs to properly ensure the safety of compounded drugs.

Congress needs to continue to keep a close eye on the FDA and this industry, holding them accountable for their new responsibilities. This study will assist us in carrying out effective oversight of this new law. We need to ensure that a tragedy like the NECC meningitis outbreak is never repeated.

With the passage of the Drug Safety and Security Act, today we have a clear example of what Congress can accomplish when both sides come together in a bipartisan fashion. We can protect the public, we can hold industry to high but achievable standards, and we can support small businesses that have been doing the right thing for years.

This is a very important, historic piece of legislation. It goes right to the heart of what Congress can do to make sure that when drugs are in interstate commerce, we are protecting people so that the health of their families is, in fact, being protected. That is the essence of what Congress should be doing.

It is a very good day when Congress is working to protect the people of our country. Today is one of those days. Throughout the course of this week we are going to have a discussion about the role the Federal Government has to play in ensuring that the drugs which families in our country use are, in fact, safe for their consumption, that the representations that are made to those families are accurate. We cannot accept a rollback of the protections, which did happen in this area. That exposed families to the kinds of risks that generations ago were common within our country. It is a big day. It is a historic piece of legislation. I urge its unanimous passage through this body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFFORDABLE CARE ACT

Mr. BLUNT. It has been less than 6 weeks since the President's health care initiative, the Affordable Care Act, was

launched. The Web site is still not working, but the Web site will work. Actually, the Web site will be the easiest thing, in my view, that the administration will deal with as they try to solve the problems created by the act itself and, frankly, then the problems that were created by the Web site not working when we started.

What we see happening already in these 6 weeks is that families are losing their current health care coverage, and certainly the cost, in example after example from my State of Missouri and across the country, appears to be going up at substantial levels for many families. A few families are lucky enough that they don't have much additional cost but not very many. A lot of families are simply losing the coverage they have had even though the President said, as we all have been reminded over and over in recent days: If you like your health care plan, you can keep your health care plan.

Apparently, there are a whole lot of caveats on that that weren't said at the time, because people aren't able to keep their health care plan. The Associated Press reported that at least 3.5 million people have received cancellation notices. I heard somebody at the White House the other day say: These individual policies, that is only about 5 percent of all the people in the country. Five percent of all of the people in the country are millions and millions of people. Even if there weren't millions of people, if someone is one of the 3.5 million families who were recently told their health care policy was cancelled—100 percent of their health care policies were cancelled because they don't have one right now—or at least they were told they won't have one sometime between now and the end of the year.

As millions of people are losing their plans, we find out that only a few thousand people are signed up. Reports apparently show that fewer than 50,000 people have been able to successfully get through this system in 6 weeks, a period where the estimate was 500,000 people. So far we have 50,000 people signing up, not 500,000 people. We have millions of people losing their plans, even though everybody was told that if they like their plan, they will be able to keep their plan.

It is estimated now that 7 million people were expected to get coverage by the end of March. Nobody, any longer, thinks that is a number that will come anywhere close to being achieved.

The American people, obviously, would like the President to figure out how to live up to the promise that people can keep the health care they have if they like it. A lot of people are weighing in.

President Clinton, in the last day or so, says we ought to figure out a way to keep the promise. This is not a real

reach. This was not a promise made only one time and accidentally stated, this was a promise stated over and over again: If you like your health care plan, you can keep it. If you like your doctor, you can keep your doctor.

We are finding that is not true. Whether it is President Clinton who said we should figure out how to keep that promise, or there are all kinds of bills being filed in both the House and the Senate that would keep the promise, what I think we are going to find out is there are many promises in the Affordable Care Act that aren't going to be kept.

We already know this has a workplace impact that is not good. People are going from full time to part time. People are trying to keep their employee numbers under 50 so they don't have to comply with the law. I have heard from many Missourians who have seen their hours reduced, seen their health care premiums rise, seen their options of insurance limited and their policies being cancelled. They deserve to have the people who made this pledge now keep this pledge.

Congressional Democrats voted for the law. And there are very few laws one could say congressional Democrats voted for the law. This is a law that not a single Republican in the House or the Senate supported.

There were many alternatives available. High-risk pools would work better, medical liability reform, expanding the marketplace where one could buy across State lines, more reporting by healthcare providers of what they charge and what their results are.

The idea that there were no other options, which is widely repeated—that the people who don't want to follow the Affordable Care Act don't want to do anything—is simply not true. When I was a Member of the House of Representatives, I filed a handful of bills, none of which were more than 75 pages long, that would deal with these rifleshoot things that would have made the best health care system in the world better. It wasn't perfect, but it was the best health care system in the world, and I think we are in danger of losing that.

The President promised: If you like your doctor, you can keep your doctor. Over and over again, that is not the case. The largest insurer on the Missouri exchange, on the exchange that Missouri voters have access to, doesn't include the largest hospital system. That means thousands of patients won't be able to see the doctors or to go to the 13 hospitals of the largest health care system from the company that was their likely provider. This was the largest insurer—and as of this moment, the largest insurer in our State, the largest health care system—not part of their plan. Your insurance company, hospital, long-time doctor, all should be your choice, not the

choice of some government-dictated health care plan. With only one other insurer selling policies in the region where this big hospital system is, people aren't going to be able to go there.

Many States have this same problem. Many States have options that don't include many of their hospitals or many of their health care providers.

People are beginning to look at this and not only be concerned about a violated pledge, but being concerned about somebody besides them interfering with a long-term relationship with the hospital people go to and the doctor they see. Patients across the country are seeing and are likely to continue to see narrower and narrower networks available to them as insurers will try to keep costs down.

With all of the new mandates in the law, one of the things they can control is they can negotiate with the people who would be available to see patients under their plan. That is obviously what has happened.

Smaller networks can require patients to travel farther. People are driving by the doctor's office that they went to for years to get to the doctor they now have to go to. People are passing by the hospital that their family may have gone to for generations to get to the hospital that now is the only hospital available in their area, available under the exchange. This is going to become the routine for Americans who aren't going to be able to keep the insurance they like. They are not going to be able to keep the doctor they like, and in many cases they won't be able to go to the hospital they like.

Last week I told stories of several Missourians who had preexisting conditions and are going to lose those policies when the Missouri high-risk pool goes out of existence.

Another thing we suggested in 2009 was to look for ways to expand the high-risk pools and make them work even better. They were working pretty well. The problem was there was always a waiting list to get into the high-risk pool. This was a way to deal with preexisting conditions. In a State such as ours where 4,300 people are in the high-risk pool, they pay about 135 percent of the normal premium. That is a little more than the normal premium, but they are getting insurance after they got sick. This is a high-risk pool where that has to work, 135 percent. For somebody who didn't have insurance until they got sick or lost their insurance after they got sick, that was probably a whole lot better than they are going to do right now. They are finding out it is a whole lot better than they are going to do right now.

One of the stories we received this week was from Pam in Oronogo, MO, just outside of Joplin. Pam says her oldest son Aaron was born with a medical condition where there was a buildup of fluid inside his skull. He had his

first shunt surgery at age 18 months. Her family has a family business and held onto their insurance through the business as long as they could, because they knew that no one would insure Aaron if they lost their insurance. That is obviously not a reason we would want to see perpetuated.

Aaron, however, was ready to go to the high-risk pool. After 10 years, their premiums had increased to \$2,000 a month with a \$10,000 deductible. They were able to get Aaron in the high-risk pool and they were reasonably comfortable with that.

With the elimination of the high-risk pool—all of which close December 31 in every State in the country—Pam and her family have to go to the exchange for Aaron. The exchange has to take Aaron, because he can get into the exchange.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BLUNT. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. He can get into the exchange even if he had a preexisting condition. What they found in the exchange is Aaron can no longer use his neurosurgeon from Kansas City, the surgeon he has used for years now. They can't buy a catastrophic policy that would allow them to have some choice and pay some upfront costs on their own so they could have the doctor they are comfortable with. This is where they are. The insurance they had has gone away. The insurance they have doesn't allow them to see the doctor this young man has seen for years with a condition he has had his whole life.

The President also promised that premiums would decrease, and that is clearly not the case.

I look forward to Missourians continuing to let us know the challenges they are having. I look forward to being able to share those on the floor of the Senate in the next few weeks.

One of my constituents from Independence discovered when his wife came home, their policy which has been costing \$500 a month now is going to cost \$1,100 a month. She is the office manager of an office with about 20 employees. Their insurance more than doubled.

Unfortunately, these aren't the only cases I could talk about today. They are not nearly as limited as we would hope they would be. People are finding out that the Affordable Care Act that wasn't good for the workplace is now turning out to be not very good for health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

## DRUG QUALITY AND SECURITY ACT

Mr. BURR. We have heard about horror stories. I want to talk about another one, the bill that is in front of the Senate today, the Drug Quality and Security Act.

The Senate has an important opportunity to advance balanced bipartisan legislation on behalf of our Nation's patients. The Drug Quality and Security Act will respond to the tragic events surrounding last year's meningitis outbreak and will strengthen and improve our national pharmaceutical supply chain. Last year's unfortunate compounding meningitis outbreak has reminded us that had the early warning signs been heeded, we might have been able to prevent or mitigate the crisis in the first place.

In light of what Congress has learned since the outbreak first occurred last fall, this bipartisan legislation includes provisions that respond to and take a big step toward addressing the issues which led to the unfortunate pharmaceutical compounding tragedy over 1 year ago.

America's patients expect and deserve the peace of mind that medicines they take are safe and effective. FDA's repeated warnings of counterfeited drugs making their way into our prescription drug supply chain and the increased number of pharmaceutical thefts are the early warning signs of a potential and growing threat that could significantly compromise or endanger the health and well-being of patients across our Nation.

In recent years, States have responded by putting new requirements in place. At a time when we should be working to lower the cost of health care, this increasing patchwork of State and regulatory requirements is, instead, driving up the cost of health care in America.

For more than 1 year I have worked with Senator MICHAEL BENNET and my colleagues on the Senate Health, Education, Labor and Pensions Committee on bipartisan legislation to address these problems and to strengthen the safety, security, and accountability of our Nation's pharmaceutical drug supply chain.

The Drug Quality and Security Act, which we have before us today, includes provisions that will establish strong, uniform prescription drug-tracing standards that reflect today's realities and ensure a safer and more secure pharmaceutical drug supply chain.

The Drug Quality and Security Act establishes a uniform electronic unit-level system over the next decade that will increase the security and ensure a safer pharmaceutical drug supply chain from manufacturers all the way to dispensers. This legislation will require trading partners to be authorized to pass and receive information as part of their transactions. It raises the whole-

sale distribution licensing standard. It establishes licensure standards for third-party logistics providers and requires suspect and illegitimate products to be appropriately handled.

I would like to thank Chairman HARKIN and Ranking Member ALEXANDER for their leadership on this very important bipartisan bill. I especially would like to recognize Senator BENNET, who has been a strong partner throughout the crafting of this legislation. For more than 1 year we have worked together on this bipartisan legislation with our colleagues and have finally achieved an important balance with this bill.

I might add we were told this couldn't be done. We were told this was too difficult. But for 1½ years we have tackled this objective. Congress has the opportunity to proactively put in place uniform, workable standards that will allow stakeholders greater regulatory certainty and give patients the confidence they deserve in the safety and security of our Nation's pharmaceutical drug supply chain.

Congress's opportunities are twofold because this legislation is also our chance to respond to a crisis that impacted the lives of hundreds of patients nationwide, and I hope my colleagues will join me in supporting the Drug Quality and Security Act.

## HEALTH CARE

To follow up the conversations on today's bill, I listened to my good friend Senator BLUNT talk about Aaron, one of those Americans caught in the crosshairs of the Affordable Care Act and its unintended consequences. I was home this weekend and I was stopped by five individuals—five individuals—with practically the identical story. They came up and said: RICHARD, I was covered. I had insurance. I have no pre-existing conditions, nor does anybody in my family. I had a \$10,000 deductible insurance policy that cost me about \$450 a month, and I had the security of knowing it was there. I just got my new notice and my insurance went to a \$15,000 deductible and my monthly premium is \$1,440. These are five individuals—five different families—but with a similar story.

I think of the yearlong debate we had on the Affordable Care Act and the claims that were made: reduced premiums, bring down health care costs, provide coverage for those who don't have it. Today what do we see? Today's snapshot, and this may change: dysfunctional Web site, 5 million people who have been notified they have lost their insurance, a very tepid enrollment of individuals, and what has gotten lost in reality is that there are hundreds of thousands of Americans just like the five who came up to me this weekend. They are still getting insurance, but their deductible went up to \$15,000 and their premium went up to \$1,440 a month.

Tell me, where in that scenario is this affordable? Tell me, where in this process did they get a better plan than they had before? Their deductible went up \$5,000. That means the first \$15,000 of their health care is coming right out of their pocket and they are paying \$1,440 a month to have the security of knowing there is insurance after that.

Clearly, these are five Americans who would tell me this falls woefully short of the promises made to them. I would be willing to bet in every State, in every House district around the country, we are going to continue to hear stories about this.

We will, I am sure, debate heavily where we move to from here. But don't forget that under this bill, now that we have extended the enrollment period to March 31, under the law every insurer who bids to be in the exchange, starting April 1 of next year through April 27, has to submit their bids for 2015. Let me repeat that. For every insurer that wants to be in the exchange, starting April 1 of next year through April 27, they will have to submit their premium bids for 2015. They are going to do that having no experience with the pool of insured lives because we have extended until March 31 the enrollment. That assumes the Web site gets fixed and that people are going to enroll. With little actuarial history, these insurance companies are going to have to bid for 2015. Imagine what the premium cost is going to be in 2015 when it is not 5 percent of the American people now in the exchange but it is 100 percent—it is all the employers that are impacted by 2015 prices.

I have always been taught there are signs you should pay attention to. When five people come to you and say: Listen, my deductible went from \$10,000 to \$15,000 and my premium went from \$450 to \$1,440, that is a warning sign. We ought to listen to it.

We still have a chance to fix this. Most important, as Senator BLUNT talked about, it means when you have a high-risk pool in Missouri and North Carolina, you let them keep the high-risk pool. We can manage it much better on a State level than we can in nationalizing and doing top-down health care in this country.

This will not be the end of the conversation on the Affordable Care Act. The American people deserve better and this Congress must produce it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, there is an old expression used by many Hoosiers and others across America that is time tested: Your word is your bond. In Indiana, as in so many other places across our country, we value honesty and good old-fashioned truth-telling, even if it hurts a little bit to hear the truth.

Having spent the previous 4 days in Indiana listening to Hoosiers, it is

clear to me many people in my State—and as I am reading, nationwide—are pretty fed up with Washington right now, and they have good reason to be. They are frustrated because the promises that were made to them are being broken and outright guarantees have been disregarded.

President Obama, both before and after his signature legislation—now called ObamaCare—passed, promised all Americans they could keep their health insurance plans if they liked those plans. It was a promise repeated over and over again. For many Americans it was the sole reason they supported the Affordable Care Act. But the President's guarantee, announced publicly by him several times, simply was not true.

In recent months, millions of Americans have received notifications their plans are being canceled because of the ObamaCare law, and reports indicate now the White House has known this for over 3 years—that these cancellations were coming. So when the American people found out the White House knew the bad news was coming all along, they were, to put it mildly, not happy.

It is clear that some of those who voted for ObamaCare and continued to support it are now agreeing with the majority of Americans that the President's health care law simply is not working. One such Member has floated the idea of having the Government Accountability Office and the inspector general for the Department of Health and Human Services conduct “a complete, thorough investigation to determine the causes of the design and implementation failures of HealthCare.gov.”

We need to talk about the fundamental policies and provisions that undermine this law going forward.

Fixing the Web site, if that happens—it can happen and eventually it would have to happen—is not the real problem. The real problem is a flawed design. Two Democrats have introduced a bill entitled “Keeping the Affordable Care Act Promise Act.”

A House Democrat recently stated, “I think the President was grossly misleading to the American public” when he promised Americans they could keep their health care coverage if they liked it. Even former President Bill Clinton has said he thinks the President's pledge to allow Americans to keep their coverage should be honored.

In an interview this week, former President Clinton said:

So I personally believe, even if it takes a change in the law, the President should honor the commitment that the Federal Government made to those people and let them keep what they got.

There is a growing admission from the supporters of ObamaCare that we are dealing with more than just a Web site glitch; that we are dealing with

fundamental policy design flaws. So I agree with President Clinton. Regardless of whether you support ObamaCare, there should be 100 percent bipartisan support for letting Americans keep what they have been promised—that they can keep their existing health care insurance plans if they like them.

It is time to acknowledge, however, as Senate minority leader MITCH MCCONNELL said yesterday, that it goes beyond this; that the Affordable Care Act is beyond repair. This disastrous law needs to be repealed and replaced with real reforms that drive down the cost of health care, increase the quality of care, and put patients, not Washington bureaucrats, in charge of their health care decisions.

Unfortunately, this President and Senate Democrats have made it clear they will never allow a full repeal to pass, despite all the broken promises to the American people and despite the fact the law simply isn't working.

Given this reality, the appropriate step, I believe, and one with growing bipartisan support is for a 1-year delay of the implementation of ObamaCare.

I have offered a bill to delay the individual mandate—to join with the decision already made by the President to have a 1-year delay of the employer mandate—so all Americans can have the same relief, not just business. By delaying the mandates—all the mandates in this health care law—we can give the American people a fundamental choice when they go to the polls in 2014: continue ObamaCare or replace it with sensible, affordable reforms that drive down the cost of care, increase the quality, and, most important, put patients, not Washington bureaucrats, in control of their health care decisions and their health future.

In closing, I would say this to the President: Your word needs to be your bond. As Albert Einstein once said: Whoever is careless with the truth in small matters cannot be trusted with important matters.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. WARREN. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS

Ms. WARREN. Madam President, it hasn't been even a month since the end of the Republican shutdown of the government, and they are already back at

trying to paralyze the government again.

Yesterday, the Republicans blocked an up-or-down vote on the nomination of Nina Pillard to the D.C. Circuit Court of Appeals. This filibuster comes just 1 week after Republicans filibustered the nomination of Patricia Millett to the D.C. Circuit, and less than 1 year after Republicans filibustered Caitlin Halligan, who eventually just gave up and withdrew her nomination.

Republicans now hold the dubious distinction of having filibustered all three women that President Obama nominated to the D.C. Circuit. Collectively, these women have diverse experiences in private practice, in government, and in public interest law. Between them, they have argued an amazing 45 cases before the Supreme Court and have participated in many more. All three have the support of a majority of Senators. So why have they been filibustered? The reason is simple. They are caught in a fight over the future of our courts—a fight over whether the courts will be a neutral forum that decides every dispute fairly or whether the courts will be stacked in favor of the wealthy and the powerful.

Every day in Congress we deal with the influence of powerful groups and their armies of lobbyists. But in our democracy, when we write laws, sometimes we can push back on that power. In our democracy we have tools that can be used in the legislative process—tools such as open debate, public opinion, and political accountability, tools that can help the people win these fights. I saw it happen up close in the 2008 financial crisis when we were able to get a strong consumer financial protection bureau despite the efforts of the large financial institutions to kill it.

But the story doesn't end when Congress passes a law. Powerful interests don't just give up. They shift their fight to the courts because they know that if they can weaken or overturn a law in court, they turn defeat into victory. If they can break the courts by putting enough sympathetic judges in lifetime positions, a friendly judicial system will give them the chance to undermine any laws they don't like. That is already happening in the Supreme Court. Three well-respected legal scholars, including Judge Richard Posner of the Seventh Circuit, a distinguished judge and conservative Reagan appointee, recently examined almost 20,000 Supreme Court cases from the last 65 years. The researchers concluded that the five conservative justices currently sitting on the Supreme Court are in the top 10 most procorporate justices in more than half a century. Justices Alito and Roberts are number one and number two.

Take a look at the win rate of the national Chamber of Commerce in cases

before the Supreme Court. According to the Constitutional Accountability Center, the national Chamber moved from a 43-percent win rate during the last 5 terms of the Burger court, to a 56-percent win rate under the Rehnquist court, to a 70-percent rate under the Roberts court. Follow this procorporate trend to its logical conclusion, and pretty soon you will have a Supreme Court that is a wholly owned subsidiary of big business.

The powerful interests that work to rig the Supreme Court also want to rig the lower courts. The D.C. Circuit is a particular target because that court has the power to overturn agency regulations. If a business doesn't like it when the agencies implement the will of Congress, they try to undermine those agencies through the D.C. Circuit.

In the next 5 years, the D.C. Circuit will decide some of the most important cases of our time—including cases which will decide whether Wall Street reform will have real bite or whether it will just be toothless. Swaps dealers, the securities industry, the Business Roundtable, and the Chamber of Commerce are all lining up to challenge the new rules that agencies have written to try to put some teeth into Wall Street reform and other laws. These big-industry players want business-friendly judges to help bail them out.

So let's be clear. Nine of the 14 judges on the D.C. Circuit who currently hear cases were appointed by Republican Presidents. The President with the most appointees on that court right now is Ronald Reagan.

This lopsided court has been busy striking down environmental regulations that stop companies from spewing mercury into the air we breathe, striking down investor protections that hold corporate boards accountable, striking down a requirement for employers to provide access to birth control under ObamaCare. Each of these regulations exists because Congress has passed laws telling the agencies to write them.

It is true that sometimes an agency may get it wrong, but these days the D.C. Circuit seems to be finding more and more ways to help bail out the businesses that never wanted to be regulated in the first place.

Republicans have noticed what is going on with this lopsided court. They would like to keep things the way they are, and they have not been subtle about it. Many Republicans have talked openly of their opposition to any new judges to fill the three vacancies on this court precisely because the new nominees will give the court more balance and fairness. Republicans may prefer a rigged court that gives their corporate friends and their armies of lobbyists and lawyers a second chance to undercut the will of Congress, but that is not the job of judges. Judges

aren't supposed to make law. Judges aren't supposed to tilt politically one way or the other.

Republicans may not like Wall Street reform. They may not like ObamaCare. But Congress passed those laws. President Obama signed those laws. President Obama ran for reelection on those laws, while his opponent pledged to repeal them—and his opponent lost by nearly 5 million votes. It is not up to judges to overturn those laws or their associated regulations just because they don't fit the judges' policy preferences.

There are three vacancies on the D.C. Circuit, and the President has nominated three impressive people to fill those vacancies—including Patricia Millett and Nina Pillard. These nominees are not ideological. They have extraordinary legal resumes and have received bipartisan support from top litigators around the country. They are among the top legal minds of this generation.

This is how the President plans to push back against efforts to tilt our judicial system: by nominating judges who will be judges—judges who will be fair, judges who will be evenhanded, judges who will have the diversity of professional experience to understand and consider all sides of an issue.

I understand that Republicans may prefer to keep the D.C. Circuit exactly as it is. But article II, section 2 of the Constitution says the President of the United States nominates judges, with the advice and consent of the Senate. There is no clause that says, except when that President is a Democrat. Democrats allowed President George W. Bush to put four very conservative judges on the D.C. Circuit. All four are still serving, and one is Chief Justice of the U.S. Supreme Court.

There are three vacancies in the D.C. Circuit Court of Appeals. The President of the United States has nominated judges to fill those vacancies. That is his job, and it is the job of the Senate to confirm highly qualified, independent judges. That is how our system works. That is what the Constitution demands.

Republicans these days do not seem to like that. They keep looking for ways to keep this President from doing his job. So far they have shut down the government, they have filibustered people he has nominated to fill his administration, and they are now filibustering judges to block him from filling any of the vacancies with highly qualified people. We need to call out these filibusters for what they are—naked attempts to nullify the results of the last Presidential election, to force us to govern as though President Obama had not won the 2012 election.

President Obama did win the 2012 election—by 5 million votes. He has done what the Constitution requires him to do—nominated highly qualified

people to fill open vacancies on the Federal bench. If Republicans continue to filibuster these highly qualified nominees for no reason other than to nullify the President's constitutional authority, then Senators not only have the right to change the filibuster rules, Senators have a duty to change the filibuster rules. We cannot turn our back on the Constitution. We cannot abdicate our oath of office. We have a responsibility to protect and defend our democracy, and that includes protecting the neutrality of our courts and preserving the constitutional power of the President to nominate highly qualified people to court vacancies.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of the motion to proceed to H.R. 3204, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

Ms. WARREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OBAMACARE

Mr. THUNE. Madam President, the question of the week is, more important than apologizing, will President Obama live up to his promise that Americans can keep the care they have and like? Democrats are clearly running away from embracing this law and are suggesting the President live up to his promise as well. Yesterday former President Clinton said:

I personally believe, even if it takes a change to the law, the President should honor the commitment the Federal Government made to those people and let them keep what they got.

That is from former President Clinton yesterday in an interview he did.

More and more we see people on the Democratic side of the aisle coming forward, acknowledging what many of us have been acknowledging for a long time; that is, this is not living up to expectations. We need a timeout. It is

clearly not working, it is not ready for prime time, and it is obvious that we need to acknowledge that and come up with plan B.

Senator DURBIN, here in the Senate, said in an interview Tuesday that the cancellations of their coverage that people might face under ObamaCare and the statement that people could keep their plans "should have been clarified."

Democratic Representative KURT SCHRADER from Oregon thinks the President was grossly misleading to the American public and said:

I think the President was grossly misleading the American public.

Senator FEINSTEIN, who is not up for reelection, is supporting legislation to allow individuals to maintain enrollment in the plans they like.

These mistruths are clearly affecting the President's credibility. President Obama's approval ratings have dipped to a record low. A poll from Quinnipiac University that was released shows respondents disapprove of the President's job performance by a 54-to-39 margin. His approval rating of 39 percent is worse than his previous alltime low of 41 percent in the Quinnipiac survey done previously. Further, more people—52 percent—say the President is not honest and trustworthy.

We are on the verge of another misstatement from this administration where they make promises to the American people that they do not meet. Last month the administration promised they would have healthcare.gov fixed by the end of November. It appears unlikely, according to today's Washington Post, where a headline reads: "Troubled HealthCare.gov unlikely to work fully by end of November."

For proof that this Web site design has been a failure of leadership, compare it to Cyber Monday volume at amazon.com in 2012. According to amazon.com's press release, it sold 27 million items on Cyber Monday, or 306 items per second. That is how the private sector has been able to process huge volumes of data and requests. If we compare and contrast that with the rollout of ObamaCare and healthcare.com, it is a stunning failure—even epic in terms of the inability of that whole program to function with any level of competence.

It is clear that technology exists to fix the Web site to handle high volumes, but, as the President has said, the health care law is more than just a Web site, and that is where most of us come down on this issue. This is a flawed policy that is causing millions of Americans to lose the health care they like. Most of us know someone who has had his or her health care canceled by ObamaCare, and it is going to get worse. The Associated Press reports that at least 3.5 million have received cancellation notices, and that

number is expected to increase to tens of millions of people. As Americans—millions more—are losing their plans, only thousands are signing up through ObamaCare.

Constituents are encouraged to visit our Web site at [republican.senate.gov/yourstory](http://republican.senate.gov/yourstory) to submit their stories about how this is impacting them personally. The American people deserve to have their stories heard, and Americans deserve to have the President and congressional Democrats keep their promise.

We believe what former President Clinton said yesterday is correct; that is, President Obama should honor the commitment the Federal Government made to those people and let them keep what they have. That is essentially where we are today. I would simply ask rhetorically, what is the President going to do to address and honor the promise he made to the American people that they can keep what they have?

Increasingly, more and more Democrats—and, of course, there are many of us on this side of the aisle who predicted this would happen a long time ago—realize this was an ill-conceived policy. I have maintained for a long time that it was built upon a faulty foundation; therefore, you cannot just fix a Web site or have an IT specialist come in and expect this to get better. This is a flawed policy, and it is already having profound and harmful impacts on the American people. We believe many more people will be harmed in the future as the insurance is fully implemented.

The best we can do for the American people in order to minimize the impact and harm is to put off, suspend, delay—whatever you want to call it—the implementation of ObamaCare. Frankly, the best we could do in the long run is pivot away from this failed policy and move in a direction that actually does address some of the fundamental problems we have with health care in this country today.

There is a whole list of solutions Republicans have advanced and put forward in the past—for example, allow people to buy insurance across State lines and create interstate competition so we have insurance companies competing with each other. Obviously, if we have competition and the forces of the market at work, it helps to bring down costs and prices.

Another example is to allow small businesses to join larger groups to get the benefit of group purchasing power—to pool, if you will. That is something we have been proposing for some time, and it has been consistently defeated by Democrats in Congress. Other examples are reducing the cost of defensive medicine by ending the junk lawsuits that clog up our legal system and drive up the cost of health care, allowing an expanded use of health savings accounts and those

types of vehicles that are out there for people today to put money aside for their health care needs; allowing people to have a refundable tax credit so they can buy their own insurance, which would give them more choices, create more competition, and, again, put downward pressure on the cost and price of health care in this country.

Those are commonsense step-by-step solutions that we think would work so much better than having one-sixth of our entire economy, which is what health care represents, taken over by the Federal Government. Political command and control in Washington, DC, is driving the decisionmaking for Americans across the country. As we have already seen, the Federal Government does not do complicated tasks very well, and the Federal Government doesn't do comprehensive tasks very well.

Everybody talked about a comprehensive solution to this problem. Clearly, we have problems in America today that need to be addressed. We have a lot of people who don't have health care, and that needs to be fixed. We have people with preexisting conditions, and that needs to be addressed. There are solutions to those problems that don't include and don't entail having the Federal Government take over one-sixth of the American economy, which is what happened with ObamaCare. We are seeing the impacts and the results of that today.

I suggest we take a timeout and make a conscious decision to move in a different direction—a direction that will lead to lower costs, higher quality of care, allow people to keep the plan they like if they like it, allow people to keep the doctor they like, and keep the cost of health care at an affordable level.

One thing we have seen since ObamaCare passed and is now in the process of being implemented is that the promise that people would see their health care costs go down, not up—that promise is another broken promise because what we are seeing in America today is canceled policies. As people try to get new policies, there are increased costs. We are seeing that in the individual marketplace. When the President was campaigning for his health care law, he said he would drive the costs down for families by \$2,500 per family. Yet we have seen the cost per family increase since he took office by \$2,500.

We have a cloud hanging over our economy right now because of this massive new regulation with a massive amount of government mandates. Due to government-approved insurance, the workweek has been redefined from a 40-hour workweek to a 30-hour workweek. We have a lot of employers who are creating part-time jobs instead of full-time jobs. In order to avoid the mandates and requirements and costs asso-

ciated with ObamaCare, employers are hiring people to get under that 30-hour workweek. There are a lot of people who are hired to work 29 hours a week. Well, Americans can't take care of their families and meet the needs they have in their personal and family budgets on 29 hours a week, so more and more people are having to get more than one job. In fact, some estimates show that the majority of jobs that have been created over the last year have been part-time jobs, not full-time jobs. That is the impact this is having on the overall economy.

If we are serious about getting the economy growing and expanding again and creating good-paying jobs for middle-class Americans, there are a number of things we can do to create that kind of economic growth. What we have seen of late is a growth rate that hovers between 1 and 2 percent. The economy is lethargic and sluggish compared to any historic average. We continue to have chronic high unemployment. If we factor in that the labor participation force is literally at the lowest level in the last 35 years, we would have to go back to the administration of President Carter. At that time there were fewer people working as a percentage of the entire workforce. If we factor that in, we have an economy that is in a very bad way.

As I said, there are a whole series of things that need to be done to get the economy growing and expanding at a faster rate, create more jobs, and increase the take-home pay for middle-class Americans. We really need to start over with ObamaCare.

Madam President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THUNE. I suggest it starts with shutting this down and starting over. We need to create more options, more choices, and more competition in the health care economy so people can get away from the sticker shock we have seen with ObamaCare and get costs down. We need to get away from these cancellation notices that are going out and allow people to keep the care and doctor they have and like. Because of the broken promises under ObamaCare, that is not happening.

Until we decide this was the wrong direction and pivot and go in a different direction, we are going to continue to see the results we have today—higher costs, more cancellations, people not being able to keep the care they like or the doctor they like. We can do better and should do better.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Minnesota.

Mr. FRANKEN. Madam President, I would like to talk for a few minutes about a subject that will affect all of us

at some point in our lives; that is, the safety of our medicine.

If my child or wife urgently needed medicine, I would have a number of questions: Will my loved one get well? What is going to happen? But I should never have to ask a question about whether the medicine my family takes is safe and whether it is what the doctor says it should be.

More than 1,000 patients and their families across Minnesota found it necessary to ask that question last year during the meningitis outbreak. They had to ask that question because the contaminated medicine they received could have caused them enormous harm. More than 700 patients across the country got sick and more than 60 died after receiving these contaminated injections produced by a large-scale compounding pharmacy in Massachusetts that was essentially an unregulated drug manufacturer.

In Minnesota we specialize in medical innovation. We have some of the best doctors and health care systems and biomedical pioneers anywhere in the world. Our Nation has an incredible capacity for innovation and development in this field. There is no possible explanation that can justify the fact that more than 17,000 vials of contaminated medicine were shipped to providers throughout the country. That should simply not be happening. That is why the legislation we are set to pass, which I helped to write, is so important. It will go a long way toward making compounded medication safer and preventing another outbreak like the one we had a little over a year ago.

Many people don't know what pharmacy compounding is—including many patients who have received compounded medicine. Compounding is a traditional practice of a pharmacy where a pharmacist makes a new drug or takes an existing one and changes it based on a particular patient's needs. If a patient needs a drug and is allergic to one ingredient in it, the pharmacy can remake the drug, or compound it, without that ingredient based on a doctor's prescription. Pharmacists and pharmacies are regulated by the States.

This practice of tailoring medications for individual people is incredibly important, and it has always been a part of practicing pharmacy. It will continue under the bill we have written. But that is not what happened in Massachusetts last year; instead, a facility exploited a legal loophole to make thousands of doses of a product that was not FDA approved and sold it to hospitals and clinics across the country without receiving a prescription. As I said, more than 700 patients got sick after receiving that medicine and 64 people died. That is why my colleagues and I have worked so hard over the past year to develop the bill before us today, the Drug Quality and Security Act, which takes important steps



for preventing this kind of outbreak in the future.

I would like to take a moment to thank my friends on both sides of the aisle and in both the Senate and the House who have worked so hard on this legislation.

I thank chairman TOM HARKIN for his leadership and for the bipartisan HELP Committee staff process that was crucial to producing this legislation.

I thank ranking member LAMAR ALEXANDER and Senator PAT ROBERTS for their commitment to getting this bill right.

I thank the staff who worked so hard on this bill. Specifically, I thank members of Senator HARKIN's staff: Jenelle Krishnamoorthy, Elizabeth Jungman, and Nathan Brown. I also thank Senator ALEXANDER's staff: Mary Sumpter-Lapinski and Grace Stuntz, as well as Jennifer Boyer, who works for Senator ROBERTS. Their hard work and dedication helped to develop this important legislation.

I also thank Hannah Katch, a member of my staff, who has worked tirelessly on this bill.

I thank Chairman UPTON and Ranking Member WAXMAN and their colleagues in the House for their work, as well as the many stakeholders who have worked productively with us to develop and improve this proposal. In particular, I counted on input from the Minnesota Board of Pharmacy, the Minnesota Pharmacist Association, Thrifty White Pharmacy, and many other experts and pharmacists in Minnesota who helped us get this bill right.

Is our legislation perfect? No. There were a number of provisions in the bill that we passed out of the HELP Committee that would have provided additional safety and quality assurances for patients, but in order to come to a compromise with the House of Representatives, our legislation changed. Although the final bill does not include everything I would have liked, the bill before us today will take an enormous step forward for patient safety.

The bill will reinstate the law that allows the Food and Drug Administration to regulate large-scale compounders that have exploited a loophole in the law in order to act effectively as unregulated drug manufacturers. It will also give hospitals and health systems the option of buying compounded products from facilities that are inspected by the FDA and are complying with the FDA's quality standards. And it will do all of that without changing the rules for traditional pharmacies, which will continue to be regulated by their State boards of pharmacy.

Specifically, our bill creates a new option for facilities that want to provide compounded drugs to hospitals and health centers. These entities, called "outsourcing facilities," will be

inspected by the FDA and will have high quality standards. The hospitals that buy from these facilities will be able to trust that the compounded medicine they buy from outsourcing facilities is safe.

If a compounder chooses not to be either a traditional pharmacy or an outsourcing facility, the FDA will be responsible for making sure that compounder complies with the normal requirements for pharmaceutical manufacturers. Those are the options. Unlike what we saw in Massachusetts, these facilities will no longer be able to occupy an unregulated no man's land. So under the new law, there will be traditional pharmacies, which will continue to be regulated at the State level; outsourcing facilities, which the FDA will oversee; and pharmaceutical manufacturers, which will be regulated by the FDA, as they have been.

I am also pleased that the bill we wrote on compounding is paired today with another bill on the drug supply chain, which is aimed at making sure that the FDA-approved medicine that patients receive is safe and has not been tampered with. By creating a national system to track drugs from the time they leave the manufacturer until they are dispensed to patients, this legislation will provide certainty that our medicines are what they say they are.

My colleagues, Senators BENNET and BURR, have been working on this proposal for more than 2 years, and I thank them for their work and congratulate them on this important achievement.

My home State of Minnesota is a model for pharmacy practice nationwide. Not only does our State have important protections for compounding pharmacies that have kept the medicine made in Minnesota safe, but Minnesota pharmacists have also led the Nation in developing innovative new ways of helping their patients get the right medicine at the right time.

For example, pharmacists at Hennepin County Medical Center in Minneapolis found that when a pharmacist reviewed the prescriptions for patients with complex conditions before they were discharged from the hospital, those patients had fewer problems related to their medicine and were 50 percent less likely to be readmitted to the hospital. So it saved a lot of money. It cost HCMC about \$112,000 for pharmacists to provide this service, and it saved the hospital nearly \$600,000. This is exactly—exactly—the kind of innovation that we are known for in Minnesota, and our pharmacists are on the front lines of this kind of reform and discovery.

The pharmacists at HCMC, and those around Minnesota, do incredibly important work. They provide access to needed medicine for thousands of patients every day. Those pharmacists and their patients must be able to

trust that the medicine is safe and it will work. The Drug Quality and Security Act will take an important step toward preventing another outbreak like the one we saw last year, and I urge my colleagues to join me in passing the Drug Quality and Security Act into law.

Thank you, and I yield the floor.

The PRESIDING OFFICER. The Republican whip.

OBAMACARE

Mr. CORNYN. Madam President, in a front page story yesterday, the Wall Street Journal reported that fewer than 50,000 people had successfully used the Federal ObamaCare Web site to enroll in a private health plan—less than 50,000. Meanwhile, we know that millions of Americans are already getting a cancellation notice from their insurance company telling them that their current policy—even if they like it—will no longer be available. In other words, if you like what you have, it turns out you cannot keep it—as millions of people are finding.

No less a luminary in the Democratic Party than President Clinton has said that ObamaCare should be reformed to let people maintain their current health insurance. And we will see some votes in the House of Representatives as soon as Friday on that proposition, helping the President keep his promise to the American people that if you like what you have, you can keep it, which currently has proven not to be the case.

Just a month ago, Democrats of all stripes were declaring that Obama was the settled law of the land and condemning attempts on our side of the aisle to actually reform it. Now we are seeing more and more of our friends across the aisle contemplating serious changes aimed at fixing some of the law's myriad problems. Some, but not all, of the problems with ObamaCare have become painfully obvious—some, because I think most people probably think ObamaCare has already been implemented, when, in fact, it has only begun to be implemented.

But we know ObamaCare is forcing people to lose their health insurance and/or their doctor. It may be that even in the exchanges, the hospital which they prefer to be treated at or the doctor from whom they would prefer to have their care, they will not be available on the exchanges.

We also know that ObamaCare is raising health care premiums. Again, the President promised that if we passed ObamaCare, we would see a reduction in the premiums for a family of four of about \$2,500. Instead of seeing premiums go down, we are seeing premiums go up.

We know that Medicare and Medicaid remain on an unsustainable path, and we are actually seeing, in many States, the States opting to expand the Medicaid program, when they cannot even

care for or pay for the people who are currently in the Medicaid program.

We have found that organized labor has gone to the White House. They said that because of the incentives in ObamaCare, many full-time employees were now being put on part-time work in order to avoid some of the penalties associated with ObamaCare.

We know that in the medical device sector—one of the most innovative parts of health care today—those jobs are moving offshore. They are moving outside of the United States, and it is stifling innovation, this medical device tax which is part of the pay-for-of ObamaCare.

But here is another issue that has not gotten much attention lately. I was a little surprised when I came across this article in the Atlantic magazine, but the truth is the ObamaCare structure penalizes people for getting married. Certain couples who do qualify for the ObamaCare subsidies right now would lose those subsidies if they got married. In some cases, the ObamaCare marriage penalty could amount to thousands of dollars. So just when you think things could not quite get any worse, you find out they do.

As if all these problems were not bad enough, ObamaCare has also created a magnet for fraud and corruption in the so-called navigators program. You will remember, the navigators were created in order to help people sign up on the exchanges. But we know the navigators will be collecting sensitive tax and personal information—medical, both physical and mental health information—from folks all across the country as they try to navigate ObamaCare. But we also know, because the Secretary of Health and Human Services admitted this last week, that they are not subject to any kind of background check, including a criminal background check. As a matter of fact, I think Secretary Sebelius surprised an awful lot of people when she admitted that people participating in the navigator program could possibly be convicted felons because there is simply no screening mechanism to bar them from participating in the process and no background check whatsoever.

Then we have learned, as a result of some creative journalists, that navigators, including those in my home State of Texas, were actively encouraging people to break the law as a process of signing up for the ObamaCare exchanges.

It is simply astounding that the administration is urging the American people to give their Social Security numbers and sensitive personal information to people who have not been properly vetted. Yesterday I called on the President to suspend the navigators program, and I want to reiterate that call today. He needs to end it, at least until basic precautions are taken to prevent identity theft and corruption and fraud.

Given the lack of Federal background checks and other safeguards, this program is an invitation to fraud and identity theft.

As with so many other aspects of ObamaCare, the problems with the navigators program are the result of politically motivated decisions. Do not just take my word for it. Consider the scathing indictment that was recently issued by Michael Astrue, who served as HHS general counsel from 1989 to 1992. More recently, he served as a commissioner for Social Security, from 2007 to 2013.

Writing in the *Weekly Standard*, Mr. Astrue points out:

Instead of hiring well-screened, well-trained, and well-supervised workers, HHS decided to build political support for the Affordable Care Act by pouring money into supportive organizations so they could launch poorly trained workers into their communities without obtaining criminal background checks or creating systems for monitoring their activities.

Over the long term, we need to dismantle ObamaCare entirely and replace it with patient-centered alternatives that will actually bring costs down; improve the quality of care, by making more care accessible; and leaving the choices with consumers and their families, patients and their doctors making the decisions, not Washington, DC. In the short term, we need to also dismantle the navigators program before it unleashes a wave of fraud and corruption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, before I make my remarks, I ask unanimous consent that Senator REED from Rhode Island be recognized immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Madam President, I rise today, also, to speak about a subject on the minds of all Americans and that is the rollout of the Patient Protection and Affordable Care Act or ObamaCare.

Many of us have predicted the implementation of ObamaCare would result in difficulties for American families, businesses, and our still fragile economy.

We spoke about the tax hikes that would come, the rising premiums, the canceled policies, the benefit cuts to Medicare programs for seniors, and other problems in the flawed law. Still, the President insisted that he was right and that he knew best what Americans wanted.

Since then, countless opportunities have been provided for our colleagues to join us in defunding or at least delaying the implementation of this damaging law.

To further sow confusion, the administration has selectively changed the law to suit its political advantage.

And now that October 1 has come and gone, millions of Americans are becoming

painfully aware of the reality of how ObamaCare will affect them.

The American people are seeing the effects of ObamaCare, not based on the rhetoric of politicians or the debate here in Congress, but by their own personal experiences in dealing with it.

The initial feedback is clear, and it is not pretty. The trillion dollars in new taxes that I led the fight against on the floor during the initial ObamaCare debate are now largely in effect.

And as I said, and many others warned, and the Joint Tax Committee has actually confirmed, a significant portion of those tax increases are hitting squarely on the middle-income families the President solemnly pledged to protect. He said that people in America who make less than \$250,000 per couple or \$200,000 per individual would not see one dime of tax increases as a result of the act.

Yet now we are seeing that the burden of this huge tax increase is falling squarely on those in what the President has defined as the middle class. The American people are also now experiencing for themselves the reality we have long warned against—that the President has also broken his promise that his health care plan would lower premiums by \$2,500 on average for Americans.

In fact, the Washington Post fact checker gave that President's pledge a three Pinocchios score for not being true. Yet another promise proven to be false is the President's pledge to the American people that if you like your doctor and you like your current health care plan, you can keep it.

Again, the Washington Post reviewed this pledge. But this time it gave the President four Pinocchios saying, "The President's promise apparently came with a very large caveat: If you like your health care plan, you'll be able to keep your health care plan—if we deem it to be adequate."

I recently received a letter from Nancy from Eagle, ID, about the loss of her husband's employer-provided coverage. The cancellation notification reads that "due to the Affordable Health Care Act and unprecedented increases in healthcare costs, effective January 1, 2014 traditional comprehensive medical insurance will no longer be available." Instead, his employer will offer two preventive health care plans and refer them to the exchange to purchase his insurance.

After browsing the exchange Web site, Nancy and her husband have realized they will either be forced to pay \$500 more a month on health insurance premiums or pay a lower premium rate which would result in limited access to providers and hospitals.

Simply put, this is wrong. But I fear that there will be many more like Nancy with similar experiences. This week I was contacted by Matt from Meridian, ID, about his wife who receives

coverage through her employer. They will see their premiums rise and a considerably higher deductible due to the increased cost to her employer because of ObamaCare.

Just 1 month after the ObamaCare exchange rollout, at least 3.5 million Americans have received insurance cancellation notices. This number is expected to dramatically increase in coming months. Over 100,000 of those people live in Idaho, according to the Associated Press. According to media reports, the administration knew Americans would not be able to keep their current coverage, even though the President continued to push the message that people could.

After breaking this promise, the President is now telling millions of Americans who have had their insurance cancelled that they should shop around for policies that frankly could be more costly and require them to change their doctors.

Many of my colleagues in the Senate, as a response to this, are cosponsoring a measure known as the If You Like Your Health Plan, You Can Keep It Act. This act is one the Senate should immediately take up and pass.

Idahoans are now learning that the flawed health care law will force them to change their plans and in many cases pay higher premiums. While this law was sold on the promise of providing health care coverage for the uninsured, it is creating new uninsured Americans who will be forced to enter the troubled Federal health care exchanges.

At the same time, the administration refuses calls for transparency and hides information about enrollment numbers. It is hard for me to believe that in the year 2013, when we have iPhones, tablets, Twitter and Google, the administration has no idea or ability to release enrollment numbers.

According to documents released recently from the House oversight committee, six people signed up for ObamaCare on day one. We understand that more are signing up now, but it could be that the administration has such low numbers of enrollments for their signature achievement that they do not want to present the accurate facts.

Many of us in this body are concerned also about the security risks posed by ObamaCare. Several weeks ago, Republican members of the Senate Finance Committee wrote to Department of Health and Human Services Secretary Kathleen Sebelius, asking whether all Federal privacy and security standards were met prior to the launch of healthcare.gov, the Web site to sign up for ObamaCare.

We have asked Secretary Sebelius to provide answers and information to a series of questions detailing what levels of security and privacy measures were undertaken prior to the launch of

the Web site to safeguard the privacy of those Americans signing up for coverage through healthcare.gov. This is a serious concern that must be addressed.

Additionally, because of the law, some businesses are cutting back on employees and on hours, making it harder for Americans to find full-time jobs. Those who do hold on to their full-time jobs could lose their employer-sponsored private insurance and are instead being dumped into the exchange or into the failing Medicaid system.

These are just some of the unfortunate realities we are facing with the implementation of ObamaCare. As these stories continue to pour in, I urge all of my colleagues on both sides of the aisle, along with the President, to carefully listen to the American people, to American businesses and this feedback and work together to defund and repeal every element that proves not to work.

We must replace those failed policies with true reforms that are in the best interests of the American people and in the best interests of the American economy. From day one, the administration has continued to make excuses for why healthcare.gov is not functioning properly, even though they have had years to prepare and perform testing.

The American people see now that this law is more than just a Web site problem; it is a train wreck. This system was not ready and the law looks impossible to fix. Simply put, the promises of this law are nothing like its realities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### THE BUDGET

Mr. REED. Madam President, it is clear we have honest disagreements about how we should address our budget. I believe the path forward should be fair and balanced. That is not what we have seen to date. We have enacted \$2.4 trillion in deficit reduction, with \$1.8 trillion coming from spending cuts. These cuts put tremendous pressure on important domestic investments in areas such as education, health care, and national security.

I do not believe cutting domestic programs that invest in our future and help low- and middle-income American families is the right thing to do, especially when we can close egregious tax loopholes that benefit multinational corporations and some of the wealthiest Americans.

Again, we have made significant progress in deficit reduction. The bulk of that has been cutting programs that invest in the country and help families. To go forward, we need a balanced approach, selective cuts, but we also need to close some of these egregious loopholes that are benefiting—not the

small business man or woman living in Rhode Island—but multinational corporations—not working wage earners in Rhode Island—but some of the wealthiest Americans.

I know some of my colleagues disagree with me. But in order to address our long-term fiscal challenges, the brinkmanship has to stop. Drawing lines in the sand and daring people to cross them has to stop. What we need is not to surrender our principles but to reach principled compromise.

That is why we should provide immediate certainty that the shutdowns and the threats to wreck the economy are totally off the table. We can do this by agreeing to adequate top-line numbers for the appropriations process for fiscal years 2014 and 2015 and eliminating the job-killing sequester.

Then we can move forward to a long-term debate about our fiscal challenges. We can then build consensus and reach this principled compromise. In reaching that compromise, I would urge my colleagues to include policies that focus on jobs and economic growth, that restore fairness to our Tax Code and preserve hard-earned Social Security and Medicare benefits.

Looking over the last few years, the uncertainty and the brinkmanship according to most economists has robbed us of growth. That growth, in and of itself, not only would have put more Americans to work, but it would have contributed to deficit reduction, even more than we have already been able to do to date.

If we are serious about deficit reduction, if we are serious about narrowing the gap in terms of equality in our society, then we have to emphasize not only wise fiscal policies that reduce the deficit directly but wise fiscal policies that encourage growth and also reduce the deficit.

Let's agree to those top-line numbers. Let's also eliminate the sequester and let's move forward. That is why we were sent here. Americans want us to keep the economy moving forward and to get the economy working for them. They do not want to see us engage in procedural maneuvers that simply leave us without adequate progress on these issues that are extraordinarily important to them.

We are recovering from the most recent self-inflicted wound—the government shutdown and near default. That manufactured crisis was absolutely unnecessary and it was particularly unnecessary to threaten the credit of the United States. A vast majority of Americans are clear that at a minimum we should keep the government open and we should pay our bills. We have always done that. Only in the last few years and harking back to when Mr. Gingrich was Speaker did the other side engage in this sort of brinkmanship.

This does not work for Americans. They do understand we have differences in policy. They do understand we have to debate these various differences. But at a threshold level, government has to be working for them, not sporadically but constantly. And we cannot threaten the credit of the United States.

Jumping from these manufactured crises to crises is no way to do the job. As I said before, there are immediate tasks before us. We have to have a reasonable expenditure level for our budgets for fiscal years 2014 and 2015. Sequester must stop. Then we have to start to look at longer term problems that are being driven by demographics.

We know the sequestration is harming our job growth. CBO has estimated that the 2013 and 2014 sequester will cost the economy 900,000 jobs. Simply suspending or limiting the sequester, if we can generate 900,000 jobs, most Americans would say that is the right policy. If you can just do that and create jobs, then do it.

It is obvious the sequester is not workable. The House of Representatives, our colleagues, have had very difficult times passing bills that adhere to sequestration, bills that traditionally passed overwhelmingly, like transportation and infrastructure bills. If we cannot even do that under the pressure of the sequester, then, again, we are back to a dysfunctional government. It might be formally open, but it is not helping people and it's not doing the things we have to do: getting economies to grow, letting States build bridges, sewers, and highways.

Senator MIKULSKI has done an extraordinary job as the chairwoman of the Appropriations Committee. She has been working hard to make sure we bring bills to this floor that not only have the support of our Members, our colleagues, but also meet the needs of the American people.

I have the privilege of chairing the interior subcommittee. We have been able, working with my colleague Senator MURKOWSKI from Alaska, to propose—we have not brought it to the subcommittee or full committee—but to propose a mark that would respond to the real needs of this country in terms of clean water and drinking water infrastructure—which is vital to the economy of every American community.

On the other side, the House is proposing a cut of \$1.756 billion, more than 75 percent. That cut would devastate these programs and result in 97,000 fewer jobs. These are the good kinds of construction jobs, high-paying jobs, that allow families to stay above the water and allow communities to prosper. The workers who are putting in those infrastructure projects are also going to local supermarkets, local restaurants, paying the fees and dues to the Little League teams, and doing the

things we expect every family should be able to do and we hope every family can do.

In the Transportation bill, for example, we were able to maintain our promise to fund transit, airport, and highway systems. We have been able to set aside more than \$1 billion for the popular TIGER grant program and a new initiative to replace bridges in critical transportation corridors. This is an effort that can benefit every State in this country in terms of infrastructure projects.

Looking across the Capitol at the House Republican Transportation bill, they are cutting by \$7.7 billion—even more than last year's sequestration level. It not only eliminates the TIGER grants for 2014, it reaches back to 2013 TIGER grants and cuts them by \$237 million. These kinds of cuts are untenable.

They also signal a very different attitude here. It was at one time clear that transportation was one of those issues that united us, Republicans and Democrats, the North, the South, the East, and the West, because it was something that every community needed and every community understood. Now we see this dichotomy, and that is unhealthy for our government and for our economy.

House Appropriations Chairman HAL ROGERS said last July when these draconian cuts forced House leaders to pull the bill from consideration:

With this action, the House has declined to proceed on the implementation of the very budget it adopted just three months ago. Thus, I believe that the House has made its choice: sequestration—and its unrealistic and ill-conceived discretionary cuts—must be brought to an end.

Even the chairperson of the House Appropriations Committee is signaling that sequestration is untenable and unworkable.

On this side of the Capitol, Chairman MIKULSKI has been a strong voice echoing—not only echoing, but asserting—that position constantly.

We can't get rid of sequestration with spending cuts alone. We can't cut our way to prosperity. Revenue has to be part of the solution.

In fact, as we have done over the last several years, we have cut discretionary spending dramatically. We are down to not fat but bone, and so we need additional revenues.

There is some good news. There are loopholes, egregious loopholes, that in and of themselves should be closed, regardless if we were dealing with the issues of deficit and sequestration. They are not appropriate, not efficient, and they do not add to the overall economic benefit of the country. They do benefit very narrow interests. It comes down to whether my colleagues on the other side of the aisle are willing to see these special preferences prevail or whether the national economy and the

families across this country will benefit.

We have to move forward. We have to emphasize things that will help us, for example, create more manufacturing jobs in this time and for the future. I think at one point we thought manufacturing was passé. We discovered it is not only not passé but it is absolutely vital, because we can't take new innovation, new discoveries, at which we are so good, commercialize them, and then create new products in that commercialization process, unless we have manufacturing.

We learn a lot on the manufacturing floor. We have seen products we have developed intellectually become not only manufactured but improved by other countries who have the ability to manufacture, we have to get back to doing that.

We have to be able to align our workforce and our education system so that we have the skills for the next century. Job training has to be competent, efficient, and adequate. All of this requires investments in resources, not simply cutting away and cutting away.

Ultimately, as we understand, and as our predecessors, particularly my predecessor, Senator Claiborne Pell, understood, education is the engine that pulls this country forward. We used to assume we were the most educated. We were the country with the best record of college graduates. We were the country that advanced public education for everyone. We look around the world and we have slipped in terms of college graduates. We have slipped in terms of skills. Our public education system needs to be reinvigorated. Not only with suggestions from the sidelines, not only with new approaches, but also with real resources. These investments have to be made.

It is a multifaceted approach, but I think we have to begin with only the simple understanding, as we go forward, we need to provide the economy, our constituents, and ourselves the certainty of an adequate funding level for the government for the next 2 years. We need to suspend, dispense with, postpone—whatever the appropriate term—sequestration, because it is not going to help us grow the economy. In fact, it will take away about 900,000 jobs.

Then we have to certainly make it clear we will not threaten the creditworthiness of the United States by defaulting on our debt.

If we can do these things, and I believe we can, we can provide the certainty that our private entrepreneurs need to make real investments in the economy and to grow. In all of this, we have to bring a balanced approach. It is not only cutting, it is expenditure cuts wisely chosen, together with revenue wisely chosen, through closing loopholes that will give us a growing economy, hopefully increase opportunity,

and put us back on the path to profound sustained economic recovery.

(The further remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. I yield the floor.

# RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

There upon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. HEINRICH).

## DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business and that the Senator from South Carolina, Mr. GRAHAM, be allowed to join me in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

### IRAN

Mr. MCCAIN. Mr. President, the administration's negotiations with Iran failed to achieve an interim agreement this past weekend, and if published reports are accurate, we owe our French allies a great deal of credit for preventing the major powers in the negotiations—the so-called P5-plus-1—from making a bad, bad, bad interim deal with Iran—a deal that could have allowed Iran to continue making progress on key aspects of its nuclear program and in return receiving an easing of billions of dollars in sanctions.

The Senator from South Carolina and I are not opposed to seeking an interim agreement with Iran as a way to create better conditions for negotiations on a final agreement. We joined with some of our colleagues in a letter to the President in support of such an approach before the Geneva agreement. But our support was conditioned on the need for any interim agreement to be based on the principle of suspension for suspension; that is to say, the Iranians would have to fully suspend their enrichment of uranium and the development of their nuclear weaponization programs and infrastructure, including construction of the heavy water reactor at Arak. The idea would be to freeze Iran's nuclear program in place so that negotiations could proceed on how to roll it back without the threat the Iranians could use negotiations as a delaying tactic.

I remind my colleagues they have done that time after time. In fact, the new President of Iran, Mr. Rouhani, bragged when he was negotiator that they were able to fool the negotiators

and increase the centrifuges from 150 to 1,000. We have seen the movie before.

If Iran agreed, though, to this freeze, Senator GRAHAM and I have said we would support suspension of our efforts to pass and implement new sanctions. Unfortunately, public reports suggest the administration was willing to agree in Geneva to less than a full suspension of Iran's program and to pay for that inadequate step with billions of dollars in sanctions relief. This is not "suspension for suspension," regardless of administration claims to the contrary. And that is a problem. It puts too much trust in President Rouhani—the one whom I talked about before who bragged—he bragged—about deceiving the international community when he was Iran's nuclear negotiator. In fact, the current diplomatic efforts are consistent with a pattern of past dealings undertaken by the Iranian government to buy breathing space and shift international expectations in order to continue development of its nuclear program.

We have to avoid an interim agreement that diminishes Iran's incentive to make the hard decisions we ultimately need them to make as part of a final agreement, and that final agreement must require Iran to do the following: Comply with all outstanding U.N. Security Council resolutions; sign, ratify, and implement the additional protocol of the nuclear proliferation treaty; address outstanding concerns of the IAEA, especially through expanding inspection measures; halt construction on and ultimately dismantle the Arak heavy water reactor; stop development of advanced centrifuges; and turn its supply of enriched material over to the IAEA.

A final agreement should also not recognize that Iran has any inherent right to enrich. A country that has continuously been on the path for nuclear weapons, that has violated protocol after protocol, should not have the "right to enrich." Without these measures, Iran's nuclear program will continue to grow. And as the program grows, it will be harder to track and harder to set back.

Only when Iran seriously undertakes measures to dismantle its nuclear program should sanctions be unwound. The administration should not weaken the strong negotiating position that Congress has helped create. Instead, it should use its position to its advantage.

Before I ask my friend from South Carolina to comment, I would add that we should not forget the context of Iran and negotiations with Iran. This is an arms control issue—the nuclear weapons. Meanwhile, we seem to ignore the fact that Iran is spreading terror throughout the Middle East and would like to throughout the world.

It is the Iranians who have armed and trained and equipped 5,000

Hezbollah, who are slaughtering people in Syria. It is Iran that sends the Iranian Revolutionary Guard into Syria and slaughters people. It is Iran that is supporting the Islamic extremist groups that are now moving seriously on the side of Bashar Assad into Syria. It is Iran that is spreading terror throughout the Middle East and would attempt to throughout the world. They still view the United States of America as the great Satan. They are still committed to "wiping Israel off the map."

Iran is a threat to peace in the world. And it is not only the issue of nuclear weaponry, it is their entire behavior of spreading terrorism throughout the region, propping Bashar Assad while he continues to slaughter, maim, rape, torture, and kill. And for this administration and this Secretary of State to ignore those facts about Iran, in my view, is disgraceful conduct.

Finally, before I turn to my friend from South Carolina, I would add that the influence and power of the United States throughout the world, especially in the Middle East, is no longer there. Every Middle East leader I talk to, everyone I know in the region, says they believe the United States is leaving, the United States is not in any way involved, and they are making accommodation for the absence of the United States leadership.

This President does not believe in American exceptionalism. America must lead or Iran, Russia, and other countries will lead, and sooner or later the United States will pay a very heavy price. We must not ignore the lessons of history. Several times in our history we have tried to withdraw the fortress America, and every time we have paid a very heavy price.

So I say to my friend from South Carolina, it is important, this Iranian issue, it is of transcendent importance, but I do not believe it can be viewed in a vacuum, considering Iran's continued effort to try to undermine and destroy everything—the freedom and democracy—for which American stands.

Mr. GRAHAM. If I could respond, I guess the essence of what we are trying to say is we believe Iran is the problem, not the solution, to the Mid East and the world at large. There has been bipartisan support for curtailing and controlling and eventually eliminating the Iranian nuclear program. There has been bipartisan support for our friends in Israel, and we want to keep it that way. We want to make sure Congress speaks with one voice, that we are helpful when we can be, and that we offer criticism at an appropriate time.

I guess the concerns we have about this agreement are that it is getting to be more like North Korea in a fashion that makes us all uncomfortable. If you interject billions of dollars into the Iranian economy now, without dismantling the centrifuges, I think you have made a huge mistake.

What are we trying to accomplish? We are trying to make sure the Iranians do not have the capability to develop a nuclear weapon. The first question you have to ask: Are they trying to build a nuclear powerplant—a nuclear infrastructure for commercial purposes—or are they trying to create capability to produce a weapon? Trust me on this: Nobody goes about building a commercial nuclear program this way. They are trying to build a nuclear weapon. Why? Because that would give them influence in the region they have never had. It would give Iran a strong standing in the historical Sunni-Shia conflict between the Persians and the Arabs. And as a consequence, it would lead to a nuclear arms race in the Mid East, because the Sunni Arabs are not going to allow the Shia Persians to have a nuclear capability.

They also believe, fairly rationally so, if they get a nuclear weapon, the regime is probably home free; that the West is going to back off, much as we did in North Korea. So the decision of how to handle this program is probably the most important decision President Obama will make in his second term and will be one of the most important decisions the world makes for the future of our planet here going into the 21st century.

Mr. MCCAIN. If my friend would yield for a question, the Senator from South Carolina and I have known the Prime Minister of Israel rather well over the years. Obviously, the first target of Iran, in the case of a nuclear weapon, would be Israel. Iran has never stepped back from saying that Israel should be wiped from the face of the Earth. Has the Senator from South Carolina ever known a time since the creation of the State of Israel that the United States and Israel have been further apart; that there has been more open disagreement and, indeed, tension at a level the likes of which we have never seen? And does it not appear by not including Israel in any of the negotiations, to start with, but also there seems to be a complete disregard of the knowledge, information, and frontline status of Israel in this whole issue?

Mr. GRAHAM. Well, I think it is pretty obvious the tensions are growing, and not just with Israel. I believe the Obama administration's eagerness to reach a deal is unnerving to the people in the region, and not just Israel. The Israelis and the Sunni Arabs are being pushed together in an unprecedented fashion. We are hearing out of the Arab community the same concerns as out of the Israeli community. So that is an odd alignment.

Mr. MCCAIN. And haven't the Saudis already basically let it be known if Iran acquires a nuclear weapon they will be right behind them?

Mr. GRAHAM. Oh, absolutely, it will create an arms race.

There is a positive note here: The Congress itself. The Congress has not

been confused. We are more together on this issue than we have ever been. The Congress passed 90 to 1 a resolution rejecting the idea of allowing the Iranians to have a nuclear weapon and trying to contain them. The idea of containing a nuclear-armed Iran is not a good idea. We fear they would share the technology with a terrorist group that would wind its way here to the United States. And Israel believes they could never have a moment of peace with a nuclear-armed Iran. Containment won't work.

Secondly, the Congress, 99 to 0, said: If Israel has to defend itself against a nuclear-capable Iran, has to intervene to stop this existential threat to the Jewish state, that we would provide political, economic, and military support. So the Congress has been very much together.

The next thing we hope to do is have a resolution, bipartisan in nature, that defines the end game. What are we trying to accomplish? We don't want a war. Nobody wants a war. The idea of the Iranians having a commercial nuclear powerplant is OK with me. Mexico and Canada have commercial nuclear power facilities. They just don't enrich uranium. They buy the product from the world community. They don't have enrichment and reprocessing. I don't mind the Iranians having a nuclear powerplant for commercial purposes as long as the international community controls the fuel cycle.

Here is the problem: They are insisting on the right to enrich. And the problem is you can take uranium and enrich it to a certain level for commercial purposes, and with today's technology you can break out and have a nuclear weapon very quickly.

Mr. MCCAIN. May I ask, aren't the parameters of this proposed agreement to allow them to continue to enrich materials?

Mr. GRAHAM. The concern the Israelis have, and that my colleague and I have, is the number of centrifuges available to the Iranians is into the tens of thousands now, pushing from 18 to 24,000. Who really knows. But the advanced centrifuges we are talking about can take 3.5-percent enriched uranium and go to 90 percent to get a weapon in just a matter of weeks, if not months.

So here is the rub: I think Congress will speak with one voice. We don't mind a commercial capability for the Iranians as long as you control the fuel cycle. As to the previously enriched uranium, particularly the 20 percent stockpile, turn it over to the international community. That is the U.N. position. Stop enriching. There is no right to enrich. At the end of the day, this plutonium heavy water reactor that you are building is a threat to Israel beyond belief. Dismantle that reactor. You don't need a heavy water plutonium-producing reactor to engage

in commercial power production. These are what we would like to let the administration know would be a successful outcome regarding the Congress. They actually mirror the U.N. resolutions.

I am hopeful we can find a way to end the nuclear program in Iran which would be a win-win situation for the Iranians and the world at large. But what we can't afford to do is get it wrong with Iran. These negotiations, the interim agreement, as Senator MCCAIN stated so well, sent chills up the spine of almost everybody in the region. So if the Iranians insist upon enriching, to have the ability to take the uranium and enrich it in the future, I think is a nonstarter. That would be incredibly dangerous, and we will wake up one day with a North Korea in the Middle East. If the Iranians get a nuclear weapon, it will be far more destabilizing than North Korea having a nuclear weapon on the Korean Peninsula. It will open Pandora's box.

I am hopeful the administration will go into the next round of negotiations eyes wide open, understanding where the American people and the international community are and the people in the region and if we get a deal, it is a good deal. But what is a good deal? To make sure the Iranians can have a peaceful nuclear power program but can't get a bomb. The only way they can get a bomb is to have enrichment capability as part of an agreement. Mexico, Canada, and 15 other nations have nuclear powerplants for commercial purposes, but they don't insist on enriching uranium to provide the fuel. If they insist on enriching, that tells us all we need to know about what their true intent is.

I thank Senator MCCAIN for bringing his voice.

Mr. MCCAIN. It is also true that the right to enrich is undercut by their many years' record of deception and efforts at acquiring a nuclear weapon.

Finally, again, I want to emphasize our Israeli friends are on the frontline. It is not the United States of America that the ayatollahs have committed to "wipe off the face of the earth," that have been dedicated ever since the Iranian revolution to the extinction of the State of Israel.

So shouldn't we pay close attention? We aren't dictated by Israeli behavior, but shouldn't we profit from their experiences? Twice the Israelis have had to act militarily against nuclear facilities. Twice they have had to do that in order to prevent in one case Syria and another case Iraq from acquiring nuclear weapons which would threaten them with extinction. Now this agreement, clearly, in the words of the Israeli Prime Minister, is something that is very dangerous to the very existence of the State of Israel.

Again, Israel does not dictate American policy, but to ignore the warnings

of literally every expert in the Middle East—especially that of Israel, including Arab countries—I think is ignoring evidence and opinions that are very well informed. To get an agreement for the sake of an agreement, in my view, would be a disaster.

Mr. GRAHAM. Would the Senator yield? To conclude, why are the Iranians at the table? Because the sanctions are working. The Congress has passed tough sanctions. To the Obama administration's credit, they put together an international coalition—unprecedented in nature—which has gotten the Iranians' attention and we are at the table. The last thing we want to do is relieve the pressure because that is what got them there. There are two things they must understand: Until you abandon your nuclear quest for a bomb and replace it with a reasonable solution for commercial nuclear power aspirations, we will continue sanctions. The threat of military force is also one of the factors that got them to the table.

Jay Carney said yesterday: If you push for new sanctions, you are inviting war. I would like to respond. I think the reason we are having a peaceful opportunity moment here is because of the sanctions. If we back off now and infuse billions of dollars into the Iranian economy and leave the centrifuges in place, we are inviting an attack by Israel. If you don't shut down the plutonium heavy water reactor, Israel is not going to sit on the sidelines forever. So to not have a continuation of sanctions until we get the right answer is going to invite more destabilizing in the region.

We have to realize that Israel is in a different position than almost anybody else. They are close. The Iranians have talked about wiping them off the map. When it comes to the Jewish people, they don't take that stuff lightly anymore. When they say "never again," they literally mean it. Can you tell the Prime Minister of Israel—given the behavior of the Iranians in the last 30 years—that they are just joking? Can you tell the people of the United States, if the Iranians got a nuclear weapon, they wouldn't share it with a terrorist group to come our way? Name one thing they have produced they haven't shared.

So this is a moment of history. This is the biggest decision President Obama will make, and I would like to help him make the right decision. I would like to help the world resolve this problem without a war. But here is the situation we find ourselves in: If we attack Iran to stop their nuclear program if we couldn't get a peaceful ending, we would open Pandora's box. It would be difficult. But if they got a nuclear weapon, it would empty Pandora's box. That is the world in which we live. We have a little time to get this right. I hope we can.

Mr. MCCAIN. I appreciate the patience of my friend from Iowa, and I thank the Senator from South Carolina.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to cover the bill we are on, the Drug Quality and Security Act. Before I do, I ask unanimous consent that at the end of my remarks the Senator from New Hampshire, Ms. AYOTTE, be recognized to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. One year ago, we were at the beginning of our effort to understand one of the worst public health crises this country has experienced in recent years. We were just learning about the New England Compounding Center's astonishing disregard for basic procedures to ensure that the products they were manufacturing were sterile. We were shocked and saddened by the news that hundreds were sick and dozens had died from infections caused by NECC's blatant disregard for patient safety, and we were fearful for the fate of the thousands of additional patients who had received injections of NECC products.

Despite the urgency of that crisis, the bill we are considering was not slapped together overnight—far from it. It is the product of a full year of careful bipartisan policy collaboration, and it rests upon the factual foundation developed through the bipartisan oversight investigation that Senator ALEXANDER and I launched over 1 year ago. When we learned of the NECC tragedy, we did not rush to pick up a pen and dash off a quick legislative answer. Instead, we sought to understand what that story was, what its causes were, so we could develop legislation which would make a difference in the future and not just make headlines.

In early October of 2012, shortly after the outbreak became known, this is what the outbreak looked like. We had these States with 64 deaths and 750 people got sick. I don't mean they just got sick overnight and then got better. Some of the people who lived will have lingering illnesses for the remainder of their lives. In many cases they will never be able to work again because of meningitis. My partner's home State of Tennessee was very hard hit with 153 cases. Michigan was the highest with 264 cases.

But this is what it looked like when this outbreak occurred. As we can see, there were a couple out West, and it was starting to spread in that direction. Thankfully, the Centers for Disease Control and Prevention was able to intervene and find the source of it and stop it; again, another example of how CDC protects the American people.

When this happened, we began to talk directly with various stakeholders

to understand it. We continued to talk to the FDA and the CDC on their investigations. We held briefing calls with the Massachusetts Board of Pharmacy, where the NECC was located. We talked to an array of compounding pharmacies and purchasers of the compounded products.

On October 25 of last year, to explore the need for and potential contours of legislation, the committee launched a bipartisan process to examine the respective State and Federal roles in regulating compounding pharmacies. My oversight team worked with Senator ALEXANDER's to gather documents from FDA and from the State of Massachusetts that shed light upon how NECC had been allowed to grow so large with so little oversight. Last November, we released an initial report and held a hearing exploring the statutory and regulatory gaps that contributed to this tragedy. Our bipartisan investigation continued and culminated in a final report released on May 22 of this year.

Over the course of this investigation, we explored how drug compounding has evolved as an industry over the past couple of decades. Drug compounding is a traditional and longstanding activity of pharmacies. It serves an important role in our health care system. Compounding is when just a few people—maybe only one person—needs a certain compound of a drug. So a pharmacist, maybe not with the classic mortar and pestle but with other devices, mixes, compounds the specific drug that is needed. Maybe it is needed for a few people in a hospital, a specific chronic illness that someone might have. This is sort of the traditional compounding, where you can't just get a prescription for it and go down to the pharmacy and have it filled, simply because there is not that big of a demand for it. But over the last couple of decades a number of large-scale drug compounding companies have started to produce large batches of high-risk drugs for national sale.

For example, at the time of the meningitis outbreak, NECC's sister company called Ameridose was providing prepared IV mixtures to 25,000 hospitals and facilities across the country. Despite a scope of operations that makes these companies much more similar to drug manufacturers than to pharmacies, they primarily faced oversight similar to State-licensed community pharmacies rather than the more rigorous quality standards governing traditional drug manufacturers.

Our investigation found that both NECC and Ameridose had lengthy track records of producing drugs of questionable sterility and potency, and both had been the subject of repeated adverse event reports and consumer complaints. The committee review of FDA documents indicates that between 2002 and 2012, NECC was the subject of



at least 52 adverse event reports, exposing the dangers created by its hazardous compounding practices with documented issues including the failure to ensure the sterility of equipment and products, the distribution of drugs containing particulate matter, the manufacture of superpotent and subpotent drugs, mislabeling of drugs, inaccurate “beyond use” dating, and the illegal distribution of drugs in the absence of patient-specific prescriptions.

Similarly, between 2007 and 2012, internal documents indicate that Ameridose was the subject of at least 18 adverse event reports. Ameridose was cited in 2008 for producing a compounded version of the pain reliever fentanyl that was more than 100 percent stronger than the standard level.

What was happening at NECC during this time period was unfortunately an example of a larger problem across the industry. In an effort to understand better the risks posed by increasingly large drug compounding companies, the FDA undertook surveys of compounded drugs in 2001 and 2006. In each of those surveys, about one-third of the drugs sampled failed one or more standard quality tests. In the 2006 survey of sterile injectable drugs, 33 percent of the samples contained either not enough or too much of the active drug ingredient.

Between 2001 and 2011, FDA documents indicate at least 25 deaths and 36 serious injuries, including hospitalizations, were linked to large-scale drug compounding companies, including 13 deaths in 2011 alone. Between 1998 and 2005, FDA documented at least 38 deaths and 210 injuries from drugs that were contaminated, mislabeled, or caused overdoses because they contained more of the active pharmaceutical ingredient than indicated. These include the deaths of 6 infants and children, and at least 18 other children paralyzed, burned, hospitalized, or suffering from other severe reactions, and these numbers likely understate the actual number of adverse events because current law, unlike what we have in this bill, does not require reporting of adverse events.

Our bipartisan investigation concluded that large-scale drug compounders continue to pose a serious risk to public health. At the time of our final report in May, we had identified at least 48 compounding companies that had been found to be producing and selling drugs that were contaminated or created in unsafe conditions in just the preceding 8 months since this outbreak.

I guess what I am saying is, if you follow this, this had been going on for some time but it kept getting worse and worse as more and more of these large-scale drug compounders found they could get away with it.

In that same time 10 drug compounders had issued national re-

calls because of concerns about contamination, and 11 drug compounders had been ordered by State licensing agencies to stop producing some or all drugs.

Our investigation concluded that in order to reduce the serious and ongoing risk to the public health from compounded drug products, it is essential that a clear statutory framework be enacted that requires entities compounding drugs outside of traditional pharmacy practice to engage in good manufacturing practices and to better ensure the sterility and quality of their drugs. So we developed this bill, the DQSA, as we called it, to address the regulatory gaps that we identified in this investigation.

Under the legislation before us, large compounders such as NECC or any other compounder that chooses to operate outside of traditional pharmacy practice have only one legal option: They must register with the FDA. They must follow good manufacturing practices. They must tell FDA when their products hurt people; otherwise, they must follow the manufacturer-like requirements that apply to outsourcing facilities under this bill. If they are not traditional compounders and they do not meet the requirements for outsourcing facilities, our bill says FDA can shut them down immediately.

The Drug Quality and Security Act is a carefully crafted bill that not only responds to the NECC outbreak but to the root causes that I have gone over that go back almost 2 decades, that really led up to this tragedy. It is good bipartisan policy.

I pointed out the other day in my remarks, and I point out again today, it has wide industry and consumer support: the Academy of Nutrition and Dietetics, the American Pharmacists Association, the Chamber of Commerce of the United States, large drug manufacturers, and also consumer groups—the Center for Science and Democracy, the Center for Medical Consumers, and others. So it has both consumer and industry support.

I wanted to take this time to lay out the background as to why this bill is so vitally important. I will also point out the House of Representatives passed this bill on a voice vote. Now we have it here at the desk. It is the same basic bill we passed out of our committee on a bipartisan unanimous vote.

Last night we had a 97-to-1 vote on cloture to proceed to this bill. That ought to be an indication that this is an important bill, but one that has broad bipartisan support. Now, under the rules of the Senate we have 30 hours, of which I am now taking my part of 1 hour. I don't intend to take the whole hour. Then we go 30 hours, and then we get on the bill. If one person then—this one person—continues to object, I guess we will have to file cloture on the bill. That will take 2

days to ripen, 2 days for cloture to ripen. Then we will have yet another vote on cloture on the bill. I assume we will get 97 to 1. Then we have 30 hours after that, and then we vote. I think that takes us to Sunday, if I am not mistaken, if we stay here.

This is not really part of what I want to talk about, but I think this is an important reason why I have supported a change in the rules of the Senate since 1995. We cannot continue to be a 21st century country, to be a major world power, and operate under 19th century rules and regulations. It is just not right that one person, one Senator, any Senator—I am not pointing fingers at anyone. I am saying anybody, any one Senator in the face of a bill that is not only vital for the health and safety of the American people but which has broad bipartisan support—that one person could tie up the Senate for literally a week or more through procedural roadblocks. That is why I say we need to do something about the rules around this place.

If this were a contentious issue, I could see the need to slow things down. This has to do with the health and safety of the American people. A lot of time and effort went into this bill, by Republicans and Democrats, FDA, CDC, pharmaceutical companies, consumer groups. That is why I think it has such broad support. I hope we do not have to go through all this. But if we do, we do. There is no doubt in anybody's mind that this bill will pass and it will probably pass on a 97-1 vote. But why tie up the Senate for all this time? Why put off the signing of a bill that would get action to protect the health and safety of the American people?

I hope we can bring this to a resolution and have a vote up or down on it. Frankly, I think we could probably voice-vote the bill. I think we could ask for unanimous consent—but for one person—and then we could voice vote it. Then, if there is an objection, maybe we do have to have a rollcall. If someone wants a rollcall, that is their right, but at least let's vote on the bill and get it out of here. That is the least we can do to protect the health and safety of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

OBAMACARE

Ms. AYOTTE. Mr. President, last week I came to the floor to discuss the negative impact that ObamaCare is having on the people of New Hampshire. I shared dozens of compelling stories from my constituents, who are telling me that they are seeing their coverage canceled and they are seeing their premiums rise. These sad stories continue to arrive in my in-box every day, and these are real people. They are having great difficulty with not only the Web site but structural problems that exist with the law itself.

They deserve to have their voices heard on the floor of the Senate. I will say, as one of my constituents said to me: Lives in New Hampshire are depending on it.

Last week President Obama said he was sorry to those who are now receiving cancellation notices. But a simple apology falls short because the structural problems we are now seeing with this law, including the cancellation notices that too many of my constituents are receiving, were problems that many in this Chamber, even before I got elected to the Senate, warned about before the law was passed.

Here are some of the stories I want to share from people in New Hampshire and how they are being impacted by this law.

Jeanne in Meredith wrote me she was diagnosed with breast cancer 2½ years ago. She was laid off from her job of 20 years and then went on COBRA. Jeanne traveled to Mass General in Boston to receive care and when her coverage ran out she worked with her insurance agent to receive coverage that she could afford and that would allow her to continue with her subsequent treatments without any interruptions. She has now told me that what she has worked out in the plan she had has been canceled. She wrote me:

I liked my plan. And I not only liked my doctors, I consider them my lifeline. If I purchase a plan under the Exchange, I lose access to all my doctors in Boston, and I am finding that I will also lose my oncologist in Nashua as well. This can't be happening.

Lori in Littleton wrote me. She told me she and her husband recently were notified that their coverage will be canceled. When she learned about the new plan that was being offered to comply with ObamaCare, she said:

We were shocked that the cost would be \$400 a month more than we are currently paying. This is way beyond our budget. So we began to explore the so-called Exchange to shop for all of our choices. Once again, we were very frustrated to learn that New Hampshire has a monopoly with only one carrier [on the exchange].

What I have also heard from my constituents is concerns that they are receiving notices that their premiums are rising as a result of ObamaCare. Sara in New Castle wrote me that her premiums for a high-deductible plan that complies with ObamaCare will be double her current premium. Moreover, Sara said that she "will no longer be able to go to Portsmouth Hospital. My primary physician, gynecologist, eye doctor, and children's pediatrician are all excluded from the ACA plan that I will be forced to purchase by the end of 2014."

She finished the letter she wrote to me by saying: "No, my family is not better off with the ACA."

John in Pembroke wrote:

The new law is called the Affordable Care Act. What a hurtful joke that is to hard-working Americans. My existing policy is

being canceled. After I called Anthem to inform them they must have misheard the President and the other supporters of the ACA, they told me that my existing policy did not meet the standards for the new law. I was shocked. The new higher plans from Anthem in the best case scenario are more than double my existing plan.

David in Nashua wrote me that recently he saw his coverage canceled like too many others. He wrote:

When working with Anthem to get a plan that will have the closest coverages and plan services with similar deductibles and copays, I was disheartened to learn it will cost me an additional \$110 per month—about 40 percent more than I was paying.

He continued:

To get comparable services to what I had it will cost an additional \$45 per month. All said, I am looking at an increase of \$155 per month.

David said he is looking at a 57-percent increase in costs and an additional \$1,800 per year.

He said to me:

This is grossly unacceptable, has been misleading from the words conveyed by the President and downright frustrating to have to deal with such a problem.

A couple from Amherst, NH, wrote me and said:

... because of the Affordable Care Act our health insurance plan is being canceled and the least expensive plan, either within the exchange or outside of it, will more than double our cost. The least expensive plan we can obtain will increase our monthly premium from \$582 to \$1,183 per month. Our annual premium under the new health care law will increase from \$6,984 to \$14,196—an increase of [over \$7,000] per year.

They further wrote to me:

President Obama promised us that if we liked our plan, we could keep it. But ours has been canceled. President Obama promised us that if we liked our doctor we could keep our doctor.

President Obama promised us that under the new health care law we would save \$2,500. But our premiums will be increasing by over \$7,000 a year.

A couple from Center Sandwich also contacted me. They said their rates will double and cost them an additional \$7,000 per year.

They wrote:

We are both in our second careers and in our 50s, working hard and doing two jobs. Blue collar couple who are very healthy. Under this so-called Affordable Care law, our rates are going to double!

Scott from Concord wrote:

I currently have a great family plan through my work. This plan costs me \$240 per month. On January 1st this plan will cost me \$600 per month. I can't afford to pay such a high premium. Now I am forced to get a plan that has a 50% greater deductible, and much higher co-pays.

I also heard from a mother from Manchester. She has a little girl who is scheduled to have surgery at the beginning of January. As any mother would be, she is worried, and now she has been told her plan has been canceled. She wrote:

I looked, and my current plan is not available through the Exchange. I will have to

purchase a plan with a high deductible. The new plan will cost over \$1,200 per month, increasing my premium which is currently just over \$1,000 per month. The new plans, through the Exchange, have a smaller network of doctors, so I could be losing my doctors too.

Finally, I am hearing frustration and concerns from my constituents about the Web site.

David in Bedford wrote:

My wife and I are semi-retired and have been trying since October 1 to obtain health insurance through HealthCare.gov. We have also used the telephone option but we were unable so far to obtain coverage.

He finished this message to me by saying:

We are very concerned with being without coverage on January 1, 2014.

I heard a similar concern from a resident in Greenfield who also expressed deep concern about private information put on the Web site. I heard the same from a registered nurse from Milford. She expressed frustrations about how the exchange is working.

There are many more pieces of correspondence I have received from my constituents. I will not share them all on the floor today, but their voices deserve to be heard. Because of this law, people in New Hampshire are losing the coverage they thought they could keep. They are getting premium increase notices, which they cannot afford to pay, that are attributed to ObamaCare. Finally, as I have previously said on the floor, some people are having their hours cut because it defines the workweek as a 30-hour workweek. Unfortunately, the people who do want to continue to work more hours are being harmed.

As I have done before, I come to the floor today to call for a timeout on ObamaCare. We need a timeout because we are seeing that the problems with this law are much deeper than a Web site. We hope those problems will be fixed. Of course, they have not yet been fixed. The Washington Post reported today that they may not even be fixed with what the administration has represented—at the end of this month.

That said, what about the canceled policies, the premium increases, and the lost hours? It is time to have a timeout where we do what should have been done in the beginning. Instead of passing a law of this magnitude on a partisan basis, people need to come together to address health care, rising costs, access, and the issues the American people want us to take on. This law is not the answer, and the American people—and the people of New Hampshire—deserve better.

The PRESIDING OFFICER (Mr. COONS). The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EARLY CHILDHOOD EDUCATION

Mrs. MURRAY. Mr. President, I come to the floor today to talk about the issue that got me into politics many years ago in the first place—early childhood education.

I thank my friend and colleague Chairman HARKIN, whose leadership on this critical issue is unparalleled. I am delighted he is on the floor today as well. I also thank Senators CASEY and HIRONO for their strong support of early childhood education. They are great partners in this work as well.

Of the 535 Members of Congress, I have to say each one of us comes to Washington, DC, with our own unique background. We are a collection of military veterans, farmers, business owners, and a lot more.

As for me, I come to Congress as a mother and preschool teacher. When my kids were much younger, I found that their wonderful preschool program was being closed down by my State because of budget cuts. When my children were very young, I put them in my car and traveled to Olympia, our State capital, which is 100 miles away, to explain to these legislators, whom I did not know, why they could not cut this important program. When I got there, legislators told me there was nothing someone like me could do to save that preschool program. One legislator in particular told me I was just a mom in tennis shoes and had no chance of changing anything. He said I could not make a difference.

Well, that made me slightly mad. I drove home, picked up my phone, started calling other moms and dads, and they called moms and dads from around our State. Over time—about 3 months—we organized thousands of families in our State. We wrote letters, held rallies, and when all was said and done the legislature listened to us and reinstated that preschool program. I went on to teach in that program as a preschool teacher and then to serve on my local school board.

When I eventually did come to Washington, DC, as a U.S. Senator, I knew firsthand that if we want to strengthen our economy and give our kids a brighter future, we could not wait until they were teenagers or adults to invest in them. I had seen in my own classrooms that when young children get the attention they need, they are miles ahead of their peers on the path to success. I saw that my own students who knew how to raise their hands or ask questions or stand in line to go to recess were the ones who were then able to go on and tackle a full curriculum in school.

That is why this week I joined a bipartisan group of colleagues to introduce legislation that will give every American child access to high-quality early education. The bill, the Strong Start for America's Children Act, aims to significantly increase access to and

quality of early learning programs that start when a child is born and last until their first day of kindergarten. This legislation authorizes a Federal program that supports our individual States' efforts to educate their youngest citizens. It ensures that early learning programs everywhere have quality teachers and meet high standards, but it also provides States, school districts, and preschool programs the flexibility they need to meet their local children's needs.

Although I approach this issue today as a grandmother and mother and a former preschool teacher, many of my colleagues have their own reasons to support early education. Former law enforcement officers and lawyers and sheriffs whom I work with know that when we invest in our children at a young age, they are more likely to stay out of trouble and out of jail. Business leaders and economists know that when we spend \$1 on a child's education in the first few years of their life, we save as much as \$17 throughout their life. Our military leaders tell me that 75 percent of our Nation's 17- to 24-year-olds are ineligible to serve their country often because they are not able to pass the necessary math and reading.

It is not only teachers who are fighting for pre-K, it is generals, sheriffs, and CEOs. Fifty years of research backs this up. We know that 80 percent of a person's brain development occurs before the age of 5. While China is aiming to provide 70 percent of their children with 3 years of preschool by 2020 and India is doing the same, we do not have a national strategy to get the youngest Americans ready to learn. Nobel Prize-winning economist James Heckman, an advocate for early learning, says "skill begets skill."

This summer I traveled throughout my home State of Washington visiting early learning programs. I heard from a kindergarten teacher who told me that while some of her students in kindergarten are practicing writing their names on their work, others are learning how to hold a pencil. Those children, even at an early age, are already playing catchup. So when a child who has benefited from early education knows how to open a book and turn a page, someone can teach them to read. But in classrooms across our country, some children are falling behind. The gap between children who start school ready to succeed and those who don't has serious implications for our country's future.

Although historically we have invested in education to build a path to the middle class, we are now falling behind. We now rank 28th globally in the proportion of 4-year-olds enrolled in pre-K and 25th globally in public funding for early learning. That cannot continue.

In the coming weeks and months, I will be working with my chairman Sen-

ator HARKIN, who is here today, and with many others to work toward making some smart investments in our educational system so we can move this legislation forward. Our country in very large part is the product of decisions that were made decades ago. The decision to make public education a priority now will have an extraordinary impact on the next generation. Every day we are choosing between being a country that is struggling to catch up or being a country that has the knowledge and power to continue to lead.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—H.R. 3204 AND S. 1197

Mr. VITTER. Mr. President, I rise today to again advocate for no Washington exemption from ObamaCare. This is an issue I have talked about with several of our colleagues in this body, and I have been joined by many supporters in the House of Representatives. I believe it is very important.

As we hear story after story from Americans in each of our States about what they are facing—being dropped from policies they liked and wanted to keep, having premium increases of 1,000 percent in some cases, getting their work hours cut back to under 30 hours a week—the fact remains that Washington has essentially an exemption from all of that pain. Washington has a big taxpayer-funded subsidy that nobody else in America at the same income level can get, and that really needs to end.

One critical component of this issue is the fact that even though the ObamaCare statute clearly said that every Member of Congress and all of their official staff had to go to the exchanges for their health care—and of course mentioned nothing about any huge taxpayer-funded subsidy—in fact, that language was considered and not included. Even though that is crystal clear under the statute, the Obama administration issued a special rule to get around that clear language. Part of that rule, which I think is outrageous on its face, says: Well, we don't know who official staff are. We cannot determine that, so we are going to leave it up to each individual Member of Congress to determine who their official staff are. As long as they deem certain staff nonofficial, then they don't have to go to the exchanges at all. They don't have to follow that clear mandate in the statute itself.

Well, again, when we are talking about folks who work on our staff, committee staff, and leadership staff, that is ridiculous. They are clearly official staff. They are not campaign staff. They are not off Capitol Hill and outside of government. They are not working for other entities. They are

clearly official staff. This is just one of the major ways this illegal rule does an end run around the clear language of the statute.

In reaction to that part of the illegal rule, I introduced a bill that simply says these decisions by each individual Member of the Senate and the House need to be made public. There needs to be full disclosure when anybody is using this end-run around and saying: Yes, this person works for me but somehow they are not "official," so they do not have to follow the mandate of ObamaCare to go to the exchanges. That information should absolutely be public, and I put that in the form of a bill which I have filed both as a free-standing bill and as an amendment to the measure before the Senate today.

Whatever we think about the underlying issues—and I know there is disagreement—to me it should be a no-brainer that there is full disclosure about how each individual office handles the situation. That is not fully disclosed now. Some Members may choose to say it to the press, to answer press questions, but it is not public information. It seems clear to me that how each office elects to handle that situation, how each elected Member elects to handle that situation, should be, by definition, public information, fully disclosed.

The measure I am talking about right now, that is all it does. It does not prohibit anything else from going on. I object to that. I have other measures I will push to prohibit it. But all the measure I am talking about right now does is make sure that information, that election by each individual Member, is public, that there is full disclosure about something I think clearly the public has a right to know about. So I am simply on the floor lobbying for that measure to pass and lobbying for a vote opportunity up or down on that important provision.

My first choice would be a simple vote on the measure in front of the Senate right now, the drug compounding bill. I have no interest in delaying progress of that bill. I simply want an amendment vote on the measure I am describing. We can vote it up or down. Either way, I think it is crystal clear this bill will proceed to become law. If my amendment is adopted, it would be voted on in the House. I think it would clearly be passed, become law. That is my first choice request here.

If that is not possible, I do have a second choice request, which is to simply make this vote in order in the context of the next major bill coming to the floor, the National Defense Authorization Act—again, a simple amendment, a simple vote. I have no interest in delaying the time running on the consideration of this bill, on delaying votes on this bill, or of delaying debate and voting on other amendments on

the Defense authorization bill. It seems to me that is a very basic, straightforward request: a vote on a pure disclosure provision.

By the way, this provision has been hotlined on the Republican side, and there is no Republican objection to the substance of this provision. It is pure disclosure. We all think it should be public information. There is no objection.

So I would simply ask unanimous consent to proceed in this way and expedite, in the process, consideration of all of this, including the compounding bill on the floor right now. The distinguished floor manager for the bill said a few minutes ago he does not want delay on this bill. I do not want it either. There does not have to be any delay, and, in fact, this unanimous consent will expedite all of that consideration.

In that spirit, I ask unanimous consent that all remaining time on the motion to proceed to H.R. 3204, the compounding bill, be yielded back; that the motion to proceed be agreed to; that my amendment No. 2024 be the only amendment in order; that no second-degree amendments be in order; and that the amendment be subject to a 60-vote affirmative threshold for adoption; I further ask that there be 2 hours of debate equally divided, and that upon the use or yielding back of that time, the Senate proceed to a vote on my amendment; following the disposition of my amendment, that the bill, as amended, if amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, Mr. President, reclaiming my time, that is unfortunate. That could dispose of this bill and pass this bill today—a very straightforward, expeditious way of passing this bill with no delay.

I said I had a second choice, a path forward which I think is very reasonable as well, related to the National Defense Authorization Act.

So let me propose this unanimous consent request: I ask unanimous consent that all remaining time on the motion to proceed to H.R. 3204, the compounding bill, be yielded back; that the Senate proceed to H.R. 3204; that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table; I further ask that the Senate then proceed to the consideration of S. 1197, the national defense authorization bill; that my amendment, which is at the desk, be called up, and that notwithstanding rule XXII, my amend-

ment remain in order; that no second-degree amendments to my amendment be in order; and that the amendment be subject to a 60-vote affirmative threshold for passage.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, on behalf of leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, Mr. President, reclaiming my time again, I think that is unfortunate. That would be an even quicker route forward on the compounding bill because had that unanimous consent request been agreed to, the compounding bill would have just passed the Senate. It would have happened right now, and we would move on to something that clearly needs time for debate and discussion and amendments, the National Defense Authorization Act.

In closing, let me underscore all I am seeking, urging, and, yes, demanding is a clear up-or-down vote on a pure disclosure provision: let the public know, as I think they clearly have a right to, how each individual Member is handling the situation. If a Member actually has the gall, in my opinion, to say: No, all these people who work for me are not "official staff" and therefore they can right out ignore the clear language and mandate of ObamaCare that says Congress and all staff must go to the exchanges for their health care—people have a right to know that.

By the way, a lot of Members, including myself, say: No, we are all going to the exchanges. That is what the law says. It is perfectly clear, and that is what we are going to live by. A lot of Members are doing that.

Either way, the public should know what is going on. There should be full disclosure, and that is all the provision I am discussing today does.

It has been completely cleared by hotline on the Republican side. There is no objection. I would urge us to move forward with a simple, straightforward vote on it, so we can expedite consideration of this bill on the floor, so we can move more quickly to the national defense authorization bill, which does merit a lot of significant floor time, so we can have amendment votes on that bill immediately and not have any controversy about that.

I urge that reasonable and expedited and clear path forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to say a couple things about my objections. I know a lot of Senators, when they object, always use that phrase: reserving the right to object. But I think if you look at the Senate rules, there is no such provision for reserving a right to object. I have always made it my habit that if you object, you object,

and then, when you get time on the floor, you explain why you objected. Thus, I am taking my time now to explain why I objected.

The Senator from Louisiana compounded two unanimous consent requests. The first was basically that we go ahead and get to the bill, the compounding bill that we are on right now; that his amendment, which has nothing to do with the bill, by the way—and I think he would agree with that. It has nothing to do with it. It is not even relevant, not even germane to this bill. It has something to do with ObamaCare and whether we tell people whether our staffs are going on the exchange. So it has nothing to do with this bill.

It seems odd that the Senator from Louisiana says he wants an inalienable right to be able to offer an amendment to this bill, but no one can offer an amendment to his amendment. It is kind of a double standard, to my way of thinking. He says that we vote on his amendment and that no second-degree amendments be in order. Why not? If amendments were allowed to be in order on the bill that were nongermane and nonrelevant, why shouldn't there be a second-degree amendment allowed on his amendment? Kind of a double standard. He wants it all his way, without thinking about the rest of the Senate. Well, again, that is why I keep saying we need the rules changed so that not one person can demand such outrageous accommodations.

Again, this bill is so important to get passed and to get to the President so we can begin this process of protecting the health and safety of the American people. We know how to treat compounders, and they have to register and stop doing what they have been doing in the past. This is vitally important.

The Senator says: Well, we can expedite it if only you will do it my way. Why should we have to do it his way? When 97 people already voted on this bill, when it passed the House by unanimous consent, why should it be: Well, this one Senator has the right to stop this bill, slow it down, unless we meet the demands of that Senator? Yes, it is outrageous in terms of how we conduct our business in the Senate.

Again, I have argued for a long time that rules need to be changed. I have also argued for a long time that the minority ought to have the right, the inalienable right, to offer amendments, but amendments that are relevant and germane to the bill before you; otherwise, you get amendments on everything from Timbuktu to wherever on any bill, and that you can keep offering them and offering them and offering them.

It was my understanding that the majority leader offered to the Senator from Louisiana an up-or-down vote on his amendment—not on this bill, but at

some point an up-or-down vote, as long as that was the definitive vote on the amendment and it would not keep coming up. It is further my understanding that the Senator disagreed with that, that he wanted the right to bring it up again and again and again and again. I think this is, again, an outrageous imposition of one Senator's views and considerations on the entire Senate.

I would say to the Senator that there ought to be some way for the Senator to get an up-or-down vote on his amendment—not on this bill. It is not relevant. It is not germane. I do not think it is relevant or germane on the Defense bill. I will say more about that in a second. But we have a lot of things coming down the pike before we leave here this year—or even in the next session of this Congress—to accommodate the Senator from Louisiana on his amendment. But why should we have to keep voting on it time after time after time if we have one dispositive vote on it up or down, which is, as I understand, what the majority leader offered?

Secondly, in regard to the second unanimous consent request proffered by the Senator from Louisiana, to which I objected on behalf of the majority leader—I am not the chairman of the Defense Authorization Committee, nor do I have the right to bring legislation to the floor—again, the Senator wants everything accommodated to his wishes because if you read the unanimous consent request, the Senator asks the Senate then proceed—well, there is a word missing there—it means: to the consideration of S. 1197, the Defense authorization bill.

That is the right of the majority leader. It is the majority leader's right to bring legislation on the floor—not my right, not the right of the Senator from Louisiana, not the right of a Senator from anyplace else. I do not know if the majority leader wants to go to the Defense authorization bill next. I do not know, but that is not my decision to make. But the Senator from Louisiana says he wants to make that decision, and to make sure the Senate does just that. I would say to the Senator from Louisiana, well, when he becomes the majority leader, he would have that right.

So he wants, again, to be able to bring up his amendment—again, which has nothing basically to do with the Defense authorization bill—and, again, that no second-degree amendment be in order on his amendment—again, a little bit of a double standard.

He wants the right to offer a non-germane, nonrelevant amendment to a bill, but nobody can offer any amendments to his amendment in the second degree. Well, I think we see this for what it is. The Senator obviously wants to vote on his amendment, maybe today, maybe tomorrow, maybe next week, maybe next month; I do not

know how many times he wants to vote on his amendment. He was offered the right for an up-or-down dispositive vote on that amendment.

My understanding is—it is only my understanding; I do not know whether this is correct—that was turned down by the Senator from Louisiana. So I say that is why I objected to both of these requests, because on the compounding bill, of the necessity to get it through. I do not know whether the Senator's amendment would fail or lose. I do not. But I do know that the House has said they will not take the compounding bill back. You might say the House is unreasonable. I do not run the House. I do not run the House. All I know is the House passed it by unanimous consent, sent it over here, and said if it is amended, they will not then revisit it. That is what the House said.

So if the Senator's amendment, as worthy as it might be to some, is put on the compounding bill, that is the end of the compounding bill. That is the end of protecting the people of America, their health and their safety, that we have worked so hard to come together. That is why it has no place on this bill.

It may have a place, and I say that the Senator should have a right for a vote on his amendment at some point on either a relevant bill or a freestanding bill, that the Senator gets the right for an up-or-down vote on his amendment, either as a freestanding bill itself or as a relevant or germane amendment to some other bill on the floor. He should have that right but not to stymie, to stop a bill that is so vital to the health and safety of the American people. That is why I objected.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate the comments of the distinguished floor manager. I want to respond very briefly. My goal is a clear up-or-down vote on this pure disclosure proposal. I am open for suggestions for that to happen in any reasonable timeframe, meaning this calendar year.

I have focused on these two bills simply because it seems to me, from what I know of the Senate schedule and floor activity, these are going to be the only opportunities in terms of amendments proposed. If there are other opportunities we can identify for this year, if we can identify an opportunity for a vote on a freestanding bill, I am all ears. I am completely open to that. I want more amendment votes in the Senate, not fewer. If there is a side-by-side idea, that is fine by me. I am completely open to that. I simply made these concrete suggestions because, based on what I know of the majority leader's plans for the rest of the calendar year, these are going to be the amendment opportunities.

By the way, the only reason I put in my second consent to turn to the Defense bill is because that is exactly

what the majority leader articulated as his desire, his plan, to turn to that as soon as possible, to take up amendments.

So I am open for any reasonable opportunity this year for this vote. Again, this is a pure disclosure provision. I do not see why it should be partisan or controversial. It has been cleared through the hotline on my side. So if there are any other suggestions of how this can happen, I am completely open to that.

Unfortunately, I had a phone call with the distinguished majority leader last week and proposed various options. His response was simply: No. No. No. No other ideas, no other options. No. But I am completely open to those other ideas. It is obviously part of the tradition of the Senate that nongermane amendments are considered all the time. In fact, with regard to the Defense bill, that is the norm, not exception. There are usually significant nongermane amendments, often by the majority side, sometimes by the majority leadership, which are critical votes on the Defense authorization bill. That is not unusual at all.

I am for more amendment votes, if there are alternative ideas on this topic, more amendment votes there, not fewer. So I look forward to moving forward in a productive, effective way toward getting this simple vote on disclosure and toward moving in an expedited way through this bill and to the Defense bill and whatever else is on the Senate calendar as determined by the majority leader. But, again, so far the response is no, across the board, not any sort of alternative suggestion.

Finally, with regard to the idea of having one vote and one vote only, there is a clear practical problem with agreeing to that. That is the following: For instance, what if there were one vote on my disclosure provision on the Defense authorization bill? That bill is going to a conference committee, so it would obviously be possible for my amendment to be adopted 100 to 0 and then be dumped in the conference committee and stripped from the bill. Then I would have forgone the opportunity to ever bring up the subject again this entire Congress. I mean that is a fool's agreement. I am not going to agree to a fool's agreement. I need to be able to protect my right to revisit the issue, particularly when it would pass through a vote under that scenario and then be stripped in conference.

So I hope we find a productive way forward. Again, this is a pure disclosure provision. I am going for a simple up-or-down vote in whatever context presents itself this calendar year, on this bill or any bill. I am open to other suggestions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONDOLENCES TO SENATOR INHOFE

Mr. HELLER. Mr. President, before I begin, I would like to offer my condolences to my friend and colleague from Oklahoma Senator INHOFE and his family on the tragic loss of their son Perry. Both my wife and I will continue to keep their entire family in our thoughts and prayers during this very difficult time.

#### HEALTH CARE REFORM

I rise today to talk about the President's broken promises on ObamaCare and its effects on the people of Nevada. For more than a month now, the American people have witnessed how poorly this burdensome law has been implemented. People all over the country are frustrated with the problems plaguing healthcare.gov, as they should be.

The government spent hundreds of millions of taxpayers' dollars to overpromise and underdeliver on the signature legislation of this administration. But there are serious problems in addition to the Web site, and one glaring issue in particular I would like to focus on today. We have all heard from the law's supporters that ObamaCare would give uninsured Americans access to health insurance. Time and time again they promised that people who already had their health plan could keep it. In fact, President Obama made the exact promise on numerous occasions.

In a speech to the American Medical Association in June of 2009, President Obama said:

... no matter how we reform health care, we will keep this promise to the American people: If you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you'll be able to keep your health care plan, period.

But one of my constituents sent me a letter last week telling me that that was not the case. Sunny from the Las Vegas area wrote, "I wanted to tell you that we have lost our wonderful health insurance plan." Sunny's family received a letter from their insurance company telling them that their existing plan did not qualify under the Affordable Care Act. They were automatically reassigned to a new plan that cost about \$400 more per month.

Let's remember what the President said, this time in August of 2009, during his weekly Presidential address about what he called "phony claims" regarding health reform:

If you like your private health insurance plan, you can keep your plan. Period.

But yet another one of my constituents, Kirk from northern Nevada, was just notified that his current health insurance has been cancelled. He went to the exchange to find a new policy and shared his story with me. He wrote:

... despite higher deductibles and higher co-pays, my new insurance under this devastating law will be more than 250% of what I am paying now.

Again, March 15, 2010, just a few days before the law was passed—albeit unread—by a party-line vote and signed into law, President Obama said:

If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor.

I wonder how President Obama and the law's supporters would explain that statement to Marc in Reno. Marc received a letter telling him that his current plan was no longer offered. The plan, the letter detailed, was cancelled in order to "meet the requirements of the new laws." Marc was given the option to keep his plan for 1 additional year if he accepted a rate increase, even though he just saw a rate increase in September.

Marc goes on to tell me:

As an individual health care plan holder and a self-employed individual, the ACA appears to punish me for doing the right thing by having a health care plan for the past 10 years and rewards those who did not.

But yet as recently as this past July, President Obama promised:

If you already have health care, the only thing this bill does is make sure that it's even more secure and insurance companies can't jerk you around.

President Obama made this statement more than 2 years after his administration admitted in comments in the Federal Register that 40 to 67 percent of existing individual policies would lose their grandfathered status. The President knew millions of Americans stood to lose their existing policies but he repeatedly told the American public in no uncertain terms that they could keep their plan.

I think Steven from Washoe County would likely take issue with that promise. He told me that he now has health care that costs \$293 per month. However, he just received a letter from his health care provider informing him that the cost of his health care would increase to \$546 per month on January 1. That means his health insurance costs will nearly double next year.

There is nothing affordable about that. There is nothing secure about that.

On September 26, just days before the exchanges opened to a disastrous rollout, the President repeated yet again what the administration knew was not true:

... the first thing you need to know is this: If you already have health care, you don't have to do anything.

Well, I have another letter here from a father from Reno. He writes:

I am writing to tell you that I'm now eating crow. A few weeks back I wrote to you and expressed my support for health reform and my dissatisfaction with the government shutdown. Since then, I've received notification from my insurance company informing me that my current policy is being discontinued. I then began shopping for new policies for myself and my family and have



found that rates are two to three times what I am currently paying and that my max out of pocket will double, all for basically the same plan as what I have now. In essence, I've been put into a situation where I can either save for my kid's college education or buy healthcare.

But this particular letter closes with something that really highlights the tough financial decisions facing the American people in these difficult economic times. This father says:

I'm unfortunately one of those people who makes too much money to qualify for Federal subsidy, but not enough to sell my house which is still underwater from the housing crisis of 2008.

This is the reality of the health care law. Now, in addition to trying to save for his children's education and attempting to recover from the housing crisis, a father has been forced off the plan he likes.

The options available are two or three times more expensive. These stories don't fit with the narrative we have heard for nearly 5 years. President Obama is now trying to backtrack on the dozens of times he made his promise to the American people. Only last week he said:

Now, if you have or had one of these plans before the Affordable Care Act came into law and you really liked that plan, what we said was you can keep it if it hasn't changed since the law passed.

That is just not true. That is not what he promised. Now my constituents are receiving cancellation notices for their existing plans.

The administration argues that even though many people are losing their existing plans, those plans were subpar policies and their new policies will be better, but that ignores the promise. My constituents liked their plans. They decided what was best for them, what plans fit their individual and family needs.

The President and the administration knew before the legislation passed that millions of Americans would lose their current plans. They admitted it in the Federal Register after the bill was signed into law, but the whole time they continued to promote this promise and dismiss any concerns as fearmongering or phony claims. That is unacceptable.

These personal stories are why I am proud to cosponsor the If You Like Your Health Plan You Can Keep It Act, introduced by my colleague Senator JOHNSON of Wisconsin. This is a simple but necessary bill to give Americans the ability to keep their health plans if they like them. The people of Nevada deserve better, and they deserve to have a government that keeps its promises.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GUN VIOLENCE

Mr. MURPHY. Mr. President, reports are emerging of another school shooting today. Early reports out of Pittsburgh are that three people have been shot at a high school. The police right now are searching for the shooter in the woods surrounding the high school. We hope and we pray that the three reported victims will survive.

This is becoming part of our regular work week in Washington; that we can expect at some point during the week that we are going to turn on the TV to one of the cable news networks and find a live report from a school or a mall or a church somewhere in this country where a shooting is in progress. It is happening at a rate I don't think any of us could have expected. This number is growing at a rate I don't think any of us could have expected.

I brought this chart to the floor of the Senate for about 6 months since the failure of our commonsense anti-gun violence bill this spring. This number represents the number of Americans who have died of gun violence since December 14.

December 14 means something to everybody in this Chamber but certainly to those of us from Connecticut. That is the day in which 26 6- and 7-year-olds and the teachers who protected them died in Sandy Hook—10,465 additional people have died.

I have tried to come down to the Senate floor since the failure of that bill to try to tell the stories of these victims. If statistics don't do the job, if the sheer numbers alone don't convince people that something should change, then maybe hearing about who these people are might change things. We hope we will not add to this number with some new young victims from the reported shooting in Pittsburgh today.

These shootings happen in unlikely places. Schools, now, unfortunately, are a likely place for a shooting to happen because they seem to happen with some regularity in schools, in part because we do very little, if anything, to stop them with legislation from this Chamber.

They are happening in other unlikely places as well. Clubs—for instance, in New Haven, CT—have been the site four times just this year of major shootings. Only a few weeks ago, on October 26, police in New Haven responded to an early Saturday morning shooting at a place called the Key Club Cabaret. They arrived and found that 26-year-old Erika Robinson had been killed in a shooting spree that also injured 19-year-old Amanda John, 29-year-old Jahad Brumsey, 24-year-old Nijia Ward, 34-year-old Albert

Dickerson, as well as 25-year-old Ivette Sterling.

Officers rushed to the scene as hundreds of patrons were running out. They walked in and found six victims of gun violence—a dispute in a club resulting in the death of Erika Robinson and several more being injured.

Only a few days ago, in Cypress, TX, there was another shooting at a house party in which two high school students were killed and 19 others were injured shortly before 11 p.m. on November 9, 2013. There was a house party celebrating a young woman's 18th birthday. And because of a local dispute between two rival groups, Qu'eric Danarius Bernard Richardson, 17 years old, was killed, and Arielle Shepherd as well. According to authorities, Richardson was shot in the head while he was running away from the house party. When students returned to school on Monday, there was a lot of crying as they mourned the death of two of their classmates.

School parties celebrating 18th birthdays, clubs in places like New Haven and Bridgeport, CT—not places you think of going where you might end up being shot at when you walk into them—are now the scenes of pretty vicious shootings, as are our schools.

And shootings are increasingly happening in another way as well—by accident. Unfortunately, in preparation for a lot of these speeches, I riffle through a lot of pretty grizzly reports and increasingly I am seeing more and more accidental shootings ending up in tragedy. In Waterbury, CT, again, just a few weeks ago, Dow Kling and Shawn French, both 22 years old, were playing around with their .22 caliber Ruger inside an apartment in Waterbury when the gun went off and Dow was shot to death. His best friend Shawn French, who shot him, said:

I'm sorry. I wish it was me and not him. I wish I could trade places with him, I really do.

A week earlier, in Henderson, NV, another example where Cherish Pincombe was playing around with a gun with her friend Colin Lowrey. The Remington .45 was loaded. They didn't know it was loaded, and Colin shot Cherish dead, 23 years old. She was described as follows:

An amazing coworker. She was so caring. She was kind. She was always helpful. She always wanted to do something to help you out. She was very generous.

And just because they didn't understand the gun was loaded, and they were being reckless and playing around with a firearm, Cherish is dead.

So that is why people out there don't understand why we can't have an honest conversation about change. Even when those conversations are attempting to take place, they get shut down and cut off. A pretty innocent op-ed piece in the Guns & Ammo magazine suggested that maybe people should get a few hours of training before they



get a concealed carry permit. As a consequence of running that editorial, the editor of *Guns & Ammo* had to resign and step down, simply because he ran an op-ed by an author that suggested maybe people should get some training before they have a concealed weapon.

So even when we try to engage in these discussions, we can't have them because the folks who get their money from the gun industry, whether it be the NRA or these magazines, aren't even allowed to have these conversations, despite the fact that 84 percent of gun owners support universal background checks, despite the fact that 50 percent of gun owners support a restriction on high-capacity ammunition clips, despite the fact that 46 percent of gun owners think it is a good idea to ban high-powered assault weapons.

Organizations such as *Guns & Ammo* and the NRA are out of step with gun owners who don't want to see this number continue increasing, who don't want to turn on the TV and see another school shooting.

The reason I come here to talk about who these victims are is because the conscience of this Nation should be enough to move this place to action, and it is about time gun owners and nongun owners alike get together to do something about this. There is much more agreement than there is disagreement among both people who own guns and people who choose not to own guns. Whether it is background checks or a ban on illegal gun trafficking or just a simple requirement that you get a little bit of training on how to use a gun so you don't fire it accidentally and end up shooting your best friend, there are simple commonsense bipartisan things we can do to make sure this number doesn't continue to accelerate at the pace that it has since December 14.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here today for now the 50th time to urge my colleagues to wake up to what carbon pollution is doing to our atmosphere and our oceans. Once a week—50 weeks—every week. Why? Why do I do this?

First, because it is real. It is very real. It is happening. Here is the

change in average global surface temperature since 1970. It is pretty hard to deny. Of course, if you are a denier, you will look at it and you will see from the same data that it stopped. The denier who tells you it stopped won't tell you that it stopped five times earlier on the way up. In fact, you could say that climate change has stopped six times since the 1970s, and even went down, but it didn't stay stopped long.

Look at the linear trend for the whole data set from 1970 to 2013. No one can deny over this period the Earth is warming. This decade was warmer than the last, which was warmer than the one before that, which was warmer than the one before that.

Let's look at NASA's entire historic surface temperature record going back to the 19th century. Listen to what University of California Berkeley physics professor Richard Muller has to say about the temperature record.

The frequent rises and falls, virtually a staircase pattern, are part of the historic record, and there is no expectation that they will stop, whatever their cause. . . . [T]he land temperature record . . . is full of fits and starts that make the upward trend vanish for short periods. Regardless of whether we understand them, there is no reason to expect them to stop.

Here you can see again these short steps in the upward march.

One reason we can't expect these upward steps to stop is that we know what is driving them. What is driving climate change is something even contrarian scientists accept; that is, more carbon dioxide leads to more warming. Simple as that; a 150-year-old established basic principle of physics.

This is the October 1861 edition of the *London, Edinburgh, and Dublin Philosophical Magazine and Journal of Science*. It includes a manuscript by physicist John Tyndall entitled "Radiation of Heat by Gases and Vapours." He says:

[T]o account for different amounts of heat being preserved to the Earth at different times, a slight change in [the atmosphere's] variable constituents would suffice for this. Such changes in fact may have produced all the mutations of climate which the researches of geologists reveal.

The "variable constituents" to which Tyndall refers include carbon dioxide, methane, and water vapor. That is from 1861. President Lincoln took office that year. Yet here we are today having to explain on the floor of the Senate the physics of what carbon dioxide does in the atmosphere.

It is not just the principle that is established. There are lots of measurements. The carbon dioxide in our atmosphere now exceeds 400 parts per million. For the last 800,000 years—at least 800,000 years, and perhaps actually millions of years—we have been in a range of 170 to 300 parts per million. That has been the whole of human existence. *Homo sapiens* have been

around for about 200,000 of those 800,000 years, and it is only now—it is only since the industrial revolution—that we have broken out of that safe window that has protected us through that entire history of our species and now we have broken to 400. And that is a measurement.

Look at the oceans. Oceans have absorbed more than 90 percent of the excess heat caused by greenhouse gases over the last 50 years. Absorbing all that heat makes the oceans rise. Oceans have absorbed about 30 percent of our carbon emissions, which would otherwise be in the atmosphere causing more warming. Absorbing that carbon makes the oceans more acidic, and that is all stuff we measure.

At the Newport tide gauge, sea level is up almost 10 inches since the 1930s when we had our catastrophic 1938 hurricane in Rhode Island. You measure that. It basically takes a ruler.

We are about 3 to 4 degrees warmer in the winter in Narragansett Bay than we were 50 years ago when my wife's URI mentor was doing his doctoral thesis—3 to 4 degrees. You measure that. It takes a thermometer.

And the ocean is acidifying at the fastest rate recorded in 50 million years. You measure that with a litmus test, which anybody with an aquarium does.

It is one thing to be against science, it is another to be the party against measurement. So the polluters and front groups don't talk much about the oceans, but that doesn't change the fact this is real and it is past denying.

That takes me to the second reason I do this, and that is that it is plain old-fashioned wrong when people lie and trick other people, particularly when people are going to be hurt by the lies. And it is worse when there is money behind the trickery—when it is purposeful. Lies cannot go unanswered, and that is another reason that I speak.

There isn't just lying going on. There is a whole carefully built apparatus: phony-baloney organizations designed to look and sound like they are real, messages honed by public relations experts to sound like they are true, payroll scientists whom polluters can trot out when they need them, and the whole thing big and complicated enough to be fooled into thinking it is not all the same beast. But it is. It is akin to the mythical Hydra—many heads, same beast.

One day folks are going to look back at this and those behind it are going to be disgraced for what they did and it is going to be a scandal. That is the third reason I speak. We are all going to be judged very harshly, with all the dread power that history has to inflict on wrong. The polluters and their collaborators will be judged harshly. The Republican Party will be judged harshly for letting itself be led astray by them.

But—and here is where it truly hurts—the failure of American democracy this is causing will also be judged harshly and will stain the reputation of our great American experiment. We in this generation have been passed this precious experiment by generations before us that fought, bled, and died to put it safely in our hands—and we do this. We foul it, by lying and denying for a bunch of polluters. Some generation we are going to be.

If we believe this world needs America, this matters. Because a world fouled and changed by carbon pollution, in ways we could foresee but denied, will not believe it as much of a need for what a lying and denying America has to offer. This episode will darken the lamp America holds up to the world. We are a great country but not when we are lying and denying it is real. The atmosphere is warming; ice is melting; seas are warming, rising, and acidifying. It is time for the misleading fantasies to end.

Here is how we go forward. First, price carbon right. Make the big carbon polluters pay a fee to the American people, as I have proposed with Representatives WAXMAN and BLUMENAUER and Senator SCHATZ; a pollution fee to cover the cost of dumping their waste into our atmosphere and oceans, a cost which they now happily push off onto the rest of us. I know at present political conditions do not allow us to price carbon, so we must change those political conditions, and we can.

Recently, President Obama changed the calculus for polluters: carbon pollution standards for new and existing powerplants, no more unchecked carbon dumping. Fifty powerplants emit one out of every eight tons of America's carbon dioxide emissions. These 50 dirtiest U.S. powerplants emit more than Canada or Korea. When the big polluters see the costs of complying with those new standards coming down at them, they may take a second look at an economywide carbon fee. Here is a news flash. When the polluters' calculus begins to change, the political calculus in Congress will change too.

Nothing says we have to wait for the polluters to figure this out on their schedule. There are armies on our side. It is not just the environmental groups such as the Natural Resources Defense Council, League of Conservation Voters, Environmental Defense Fund, Sierra Club or National Wildlife Federation. It is not just virtually every major scientific organization, such as the American Association for the Advancement of Science, the American Geophysical Union or the American Meteorological Society.

We have faith-based groups such as the U.S. Conference of Catholic Bishops, the National Council of the Churches of Christ, Interfaith Power & Light, the Coalition on the Environment and Jewish Life, and the Jewish

Council for Public Affairs. We have fishing, wildlife, and outdoor groups such as Trout Unlimited, Pheasants Forever, and Ducks Unlimited. They are joined by major sports leagues such as the National Football League, Major League Baseball, National Basketball Association, and National Hockey League, as well as the American Lung Association—which prefer to see kids playing outside in clean, healthy air.

We have the Joint Chiefs of Staff on our side, joined by NASA, the National Academies, the National Oceanic and Atmospheric Administration, even the Government Accountability Office, the congressional watchdog. By the way, about NASA—let's not forget that NASA scientists sent an SUV-sized rover to Mars, they landed it safely on Mars, and they are driving it around on Mars right now. I will put NASA scientists up against the polluters' payroll scientists all day long.

We have insurers and reinsurers whose business depends on understanding the mounting risk of natural disasters, folks such as Munich Re, Swiss Re, Allianz, and the Reassurance Association of America. We have State and local governments that are already active. Nine Northeastern States, for instance, including my own Rhode Island, engage in cap and trade through the Regional Greenhouse Gas Initiative. Four Florida counties share resources and strategies for adapting to climate change through the bipartisan Southeast Florida Regional Climate Change Compact, and those are just two examples of many from around the country.

A coalition of investors worth nearly \$3 trillion just wrote to 45 fossil fuel companies seeking explanation about risks facing their fossil fuel investments. Divestment campaigns are popping up at college campuses across the Nation. Major utilities accept the science and are investing in renewables and improving efficiency. Energy companies PG&E, the Public Service Company of New Mexico, and Exelon all quit the U.S. Chamber of Commerce after a Chamber official called for putting climate science on trial such as the Scopes "monkey trial" of 1925.

America's flagship companies such as General Motors, Ford, Coca-Cola, Pepsi, Nike, Apple, Walmart, and Alcoa all recognize the serious implications of climate change. This support is latent, though, and it is unorganized. It is time to wake up and to gather our armies. We have to create allied command, assemble our divisions, agree on a strategy, and go into action. That will affect the calculus in Congress.

Most important, we have the American people. Sixty-five percent of voters support the President taking significant steps to address climate change now. Another poll found that 82 percent of Americans believe we should start preparing now for rising sea lev-

els and severe storms from climate change. Those in Congress who would deny science to protect the polluting interests increasingly look ridiculous, even to their own side. Misleading statements in the media, such as the stuff purveyed by the opinion page of the Wall Street Journal, are losing their battle and losing their audience. It is not just time to wake up. People are waking up. Inevitably, the truth will be fully known.

The polls show clearly that climate denial is a losing tactic. Four out of five voters under 35 support the President taking action to address climate change. Fifty-two percent of young Republican voters would be less likely to vote for someone who opposed the President's climate action plan. Even a majority of Texans say more should be done about global warming by all levels of government, with 62 percent of Texans saying more should be done in Congress. For those last holdout deniers comes this: Fifty-three percent of young Republican voters under age 35 said they would describe a climate denier as ignorant, out of touch, or crazy.

Republicans outside of Congress are trying to lead their party back to reality and away from what even young Republicans are calling ignorant, out of touch, and crazy extremist views. They support a revenue-neutral carbon fee: Republicans such as our former colleagues in Congress, Sherwood Boehlert, Wayne Gilchrest, and Robert Inglis; Republicans such as former Environmental Protection Agency Administrators William Ruckelshaus, Lee Thomas, William Reilly, and Christine Todd Whitman, who served under Presidents Nixon, Reagan, George H.W. Bush, and George W. Bush respectively; advisers such as President Reagan's Secretary of State George Schultz, Reagan's economic policy adviser, Art Laffer—known as Reagan's economist—and David Fromm, speech writer for George W. Bush.

Here is what the Republican Presidential nominee had to say 5 years ago:

[I]n the end, we're all left with the same set of facts. The facts of global warming demand our urgent attention, especially in Washington. Good stewardship, prudence, and simple common sense demand that we [act to] meet the challenge, and act quickly. . . . We have many advantages in the fight against global warming, but time is not one of them.

[T]he fundamental incentives on the market are still on the side of carbon-based energy. This has to change before we can make the decisive shift away from fossil fuels. . . . [T]here were costs we weren't counting . . . [a]nd these terrible costs have added up now, in the atmosphere, in the oceans, and all across the natural world. . . . We Americans like to say that there is no problem we can't solve, however complicated, and no obstacle we cannot overcome if we meet it together. I believe this about our country. I know this about our country. And now it is time for us to show those qualities once again.

It is indeed time for us to show those qualities once again. It is time to wake up. It is time to turn back from the misleading propaganda of the polluters, the misguided extremism of the tea party, and the mistaken belief that we can ignore without consequence the harm our carbon pollution is causing. It is time to face facts, be adults, and meet our responsibilities.

I give these speeches because climate change is real, because the campaign of denial is as poisonous to our democracy as carbon pollution is to our atmosphere and oceans, and because I am confident, I am confident we can do this. We can strengthen our economy, we can redirect our future, we can protect our democracy, and we can do our duty to the generations that will follow us and will look back in shame unless we change our program. But we have to pay attention. We have to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### THE ECONOMY

Mr. COONS. Mr. President, I come to the floor once again to talk about jobs and economic growth.

We are continuing to see signs of a steadily improving economy, with more than 200,000 jobs created last month in the jobs report just released last Friday. Of those, 19,000 were new manufacturing jobs. We have had 43 straight months of private sector job growth, but the unemployment rate remains stubbornly high and sadly particularly for those who are long-term unemployed.

Earlier today the Budget Conference Committee met, and we heard from Congressional Budget Office Director Dr. Elmendorf. He let us know that in his view, the uncertainty—the lack of clarity about the path forward for all of us here, for the solutions we need for the budget and for the deficit—is one of the greatest drags on job creation and on competitiveness for our country and our economy.

In our Budget Conference Committee, we need to come together and reach a balanced budget deal that repeals sequester and allows the Appropriations Committee—ably led by Chairman MIKULSKI—to move forward with an Omnibus appropriations bill for this fiscal year. We cannot afford, in my view, another long-term continuing resolution at the current sequester levels.

As we heard today from Dr. Elmendorf, and as we have heard from other sources, the sequester will have killed 750,000 jobs by the end of the year, and next year these ongoing, steady, grinding cuts could kill another 800,000. These are jobs. These are investments by the Federal Government that could be helping the private sector create jobs in repairing our crumbling infrastructure. In Delaware alone, we have 175 deficient bridges being neglected.

These are jobs that help families to put food on the table. In Kent County, DE, where Dover Air Force base is, sequester has hurt those who serve our Nation who operate the base and serve our country valiantly. These are jobs that could be going to help research a cure for cancer. NIH supported more than 500 jobs in Delaware in 2011. Now cuts are costing those jobs and setting us back in the fight to find a cure for cancer and many other diseases.

Sequester has been devastating to Delaware and the whole Nation. We need to replace it with a smarter, more balanced set of spending reforms that maintains investments that will allow our country to be competitive. In particular, if I might, we need to refocus on jobs by investing in infrastructure and focusing on manufacturing.

In my view, the 19,000 jobs in the manufacturing sector that we just learned were created in the last month were a promising development but far from as many as we should be filling. Why? Because manufacturing jobs are high-quality jobs. They pay more in wages and benefits. They help create secondary local service jobs. They contribute more to the local economy. And manufacturers invest more in private R&D than any other sector in our economy.

Mr. President, as you know, before I came here to the Senate and before my service in county government, I spent 8 years with a manufacturing company in Delaware. At one point I was part of a large site location team that went around the country to try to decide where to build a new state-of-the-art semiconductor chip packaging manufacturing plant. To make a long story short, in the end we decided on a location where there was a skilled and reliable workforce, a responsive government that invested in the local infrastructure, and certainly we considered other factors—tax rates and incentives offered by the State and local government—but really the skill of the workforce and the quality of the infrastructure were absolutely essential to the decision we made—a surprising decision in terms of where we ultimately located. We invested and were able to get up and running a state-of-the-art plant in record time and were able to contribute significantly to local employment and the tax base. This taught me a lot about the significance of infrastructure and workforce skills.

If I could mention this, the World Economic Forum ranked the United States 25th overall in infrastructure, a key drag on our competitiveness. The American Society of Civil Engineers says we are falling behind by \$250 billion a year in deferred maintenance, in investments not made by Federal, State, and local government. In my view, the case for infrastructure investment is a no-brainer. This is exactly the sort of thing we should be

doing and that the sequester is preventing us from doing, making wise, timely, and needed investments in improving our infrastructure.

Another critical foundation for growth, as we saw, is a skilled and adaptable workforce. We can be the world's manufacturing leader again but not without investing in workforce skills and in workforce training. There are many programs that can help make this possible. One I like to point to is the Federal, State, and local partnership called the Manufacturing Extension Partnership that helps make it possible for university-based researchers to partner with local manufacturers to deliver skills training that keeps them at the cutting edge, that makes them more productive.

In today's modern manufacturing workplace, there are fewer people, but they are more productive because of their skills. Back in August I visited a new facility, the ILC Grayling plastics manufacturing plant in Seaford, DE, which is a great example of what it will take for America's manufacturing resurgence to continue and grow. This plant has already brought more than 100 jobs to Sussex, DE. These are not the manufacturing jobs of the past. The men and women working on this line need to be able to collaborate and communicate, to do advanced math and adequate quality control work and oversee high-tech machinery and have an intimate understanding of the products they are working with. In the end, this company looks forward to growing, to probably doubling the number of jobs in this facility in Sussex County. To me, in an even more exciting development, these are jobs that had left the United States to go south to a lower wage country and that have been brought back, brought back from Juarez, Mexico, to Seaford, DE, where there are now Delawareans employed in this newly expanded manufacturing facility.

Let me conclude by simply saying that here in Congress we have the opportunity, if we work together across the aisle, to find a pathway toward making these investments in the skills of our workforce, in the infrastructure of our country, that will help grow our economy and help create good manufacturing jobs today and tomorrow.

One of the core challenges we face in the budget conference committee is to find a path forward that will respond to the call that I hear up and down the State of Delaware, and I presume my colleagues hear from their home States, that we should make principled compromises that allow us to invest again, to replace the sequester with a more responsible and balanced package of revenue and cuts that allow us to return to investing in the skills and infrastructure necessary to grow our economy.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Wyoming is recognized.

OBAMACARE

Mr. BARRASSO. Mr. President, it has now been more than 6 weeks since the Obama administration launched its health insurance marketplace. This afternoon, the Obama administration finally confirmed how few people have been able to select insurance through the exchange. According to the White House, only 106,185 people have selected coverage since October 1. This doesn't mean people actually bought their coverage, it just means they selected a plan.

For most of these, it was through the State-based exchanges. People may be wondering how the Washington-run exchange did. Only 26,794 people selected a plan through [healthcare.gov](http://healthcare.gov). It is safe to say, if this were a commercial Web site, the plug would have been pulled by now. They came, they saw, they did not buy it.

Low expectations met with even lower reality. The numbers paint a bleak picture of the confidence the American people have in the health care law and the faulty Web site created to sell it. The administration's goal was for a half million people, 500,000 Americans, to sign up in the month of October, the month of October alone. Instead, we now know that only a little over 100,000 people have actually signed up.

The reason the numbers are so low and so disappointing is that the Web site is totally broken and the American people are discovering that the coverage offered on the exchange often costs them more than they can afford, and more than they were previously paying. So far, the ObamaCare exchanges have only succeeded at crashing people's computers or lightening their wallets.

To make matters worse, for every one person who has selected an ObamaCare plan—either from the State or Federal exchanges—40 people have received cancellation notices. This is not what the President repeatedly promised and it is not what the American people deserve.

Enough is enough. It is time to give Americans what they wanted all along: access to quality, affordable health care. It is time to stop this train wreck and ease the damage being done by this terrible law.

To help make that happen, Senator GRAHAM and I will soon introduce a bill that lets States opt out of some of the health care law's most burdensome provisions. Under the State Health Care Choice Act, States could opt out of the individual mandate that requires people to buy government-approved health insurance or face a tax penalty. They could opt out of the employer mandate that will force businesses to provide government-approved health insurance or pay penalties.

Under our bill States could also opt out from the health care law's benefits mandates. These are the requirements that health insurance plans provide numerous expensive services that many people may not want, may not need, will never use, cannot afford, and do not want to pay for. The Obama administration has already issued hundreds of waivers to businesses and it has delayed the employer mandate by a year. States should have the same opportunity to give relief to their citizens.

We know the numbers coming out of Wyoming. In Wyoming we see over 3,000 people have received cancellation notices. Yet only 85 people have been able to select a plan. I was at the Target store in Casper this Saturday. A former patient came up to me, somebody I had operated on. He told me he had received a cancellation notice. He is a small businessman, works hard for himself and for his family, and the insurance he had worked for him. It was something he could afford. What he told me is he will now have to pay a higher premium and also more out-of-pocket costs in terms of a higher copay and higher deductibles. Frankly, he is not sure what he is going to do.

The people I talk to tell me about all of the mandates, the higher costs, the bad side effects of the President's health care law, and they tell me this is not what they wanted in health care reform.

I got a letter from one woman from Newcastle, WY. She told me she is losing her health insurance plan also. The reason she is losing it is it does not meet the President's requirements that she have maternity coverage. As she points out, she doesn't need maternity care, she said, because she has had a hysterectomy and she doesn't like Washington telling her that she has to pay twice as much to get a plan that covers it—something she doesn't want, will never use, doesn't need, cannot afford.

When it comes to health care and health care coverage, one size does not fit all. States should be free to help the citizens of those States get the care they need from the doctor they choose at lower costs. A lot of people in this country do not want all these new mandates, all the burdens and the higher costs. All they actually wanted was President Obama to keep the promises, to allow them to have what the President promised them: that they could keep the insurance and the doctor they already had. After all, that is what the President said.

We have millions of people getting letters from their insurance company canceling their insurance plans. As of today I know that number is over 4.2 million—42 people canceled for every 1 that actually got insurance through the exchange. One of the reasons for all of the insurance plans being canceled, in spite of what the President told the

American people repeatedly, is something called the grandfather regulation that the Obama administration actually wrote. The President's own people wrote the regulation so that people cannot keep the insurance they want, in spite of the President's repeated promises. This was a rule the Obama administration wrote to force more people off the insurance plans they had before the law was passed, and force them into new Washington-approved plans.

Three years ago Republicans saw that this regulation was going to lead directly to the millions of cancellation letters that have now gone out across the country. My colleague from Wyoming, Senator ENZI, took the lead and he took to the Senate floor to try to stop this destructive rule from the Obama administration. He introduced a bill that would immediately overturn the administration's restrictive regulations about people keeping their plans. Senator ENZI pointed out back then, 3 years ago, that the administration's rule would have caused millions of people to lose the insurance they had and that they liked. He was right, and the Washington Democrats, here on the floor of the Senate, did not seem to care. Every Democratic Member of this body, every Democrat in the Senate, voted to make sure that the restrictive regulations stayed on the books. Because of that vote, now we have over 4 million Americans looking for new insurance plans that satisfy Obama administration mandates, but they have lost their insurance in spite of the President's repeated promises that if they like what they have, they could keep it.

Many of them—such as my friend and former patient whom I ran into this past weekend in Casper—are learning that their copays and their deductibles will be much higher than the plans they have lost. Once they get those plans, many of them are going to find out that their costs have increased—but not just that; their choice of doctors has shrunk as well. They may not be able to go to their family doctor because he or she will not be covered by their new plan anymore.

Last week President Obama finally admitted he and his administration were not, as he said, “as clear as we needed to be.”

Not as clear as he needed to be? That is what the President regrets, that he was not as clear as he needed to be? For the millions of people who are losing their doctors, they don't want an apology; they don't want a new government handout. What they want is what they had before this law came into effect. They want President Obama to live up to his promise and to allow them to keep the coverage they had and they liked and that worked for them. Even former President Bill Clinton has called for a change. Remember,

the Obama administration has called President Clinton the so-called "Secretary of Explaining Stuff." They had him traveling the country, trying to convince people that their health care law was going to work out well for everybody. Now it looks as though he is trying to explain to President Obama how badly the President's own health care law has hurt Americans who are losing access to their insurance plans and to their doctors.

Bill Clinton said it just the other day. He said:

... even if it takes a change to the law, the president should honor the commitment the federal government made to those people and let them keep what they got.

Well, that is exactly right. Not only should President Obama take steps to keep his promise to the American people, he should support Republicans who want to help all Americans who are being harmed by the President and the Democrats' terrible health care law. Today's enrollment numbers show what a disaster that law has been, and the President should support the Health Care Choice Act so that States can serve their citizens and opt-out of this terrible law.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NETWORK FOR MANUFACTURING INNOVATION

Mr. BROWN. Mr. President, earlier this afternoon, I appeared with Senator BLUNT, my Republican friend from Missouri, in front of Senator ROCKEFELLER's Commerce Committee to talk about our bipartisan legislation with manufacturing hubs. It would promote new technologies to make our country a leader in advanced manufacturing.

Let me illustrate by saying this: Along the Ohio Turnpike—from Toledo, to Lorain, to Cleveland, to Akron, to Youngstown—much of the auto industry grew, from glass that would go for windshields in Toledo, to steel in Lorain and Cleveland for the fenders and the hoods and much of the car, to rubber in Akron for tires—the world's leading tire manufacturer—to assembly in Youngstown, where today the Chevy Cruze is made. If you are on the Ohio Turnpike, you will see this huge plant with the big letters "CHEVY CRUZE." If you have not been at an auto plant or you are not from Ohio and you may not have seen one, the ex-

pansiveness of this plant is pretty remarkable. Autos were assembled all along this turnpike.

But the reason this matters—in addition to why it matters in the Presiding Officer's State of Connecticut and other places—is not just that the auto industry, the supply chain, creates jobs, but what happens when an industry sort of locates with a critical mass in a community.

Because Toledo, OH, with the auto industry, had huge glass manufacturing, the University of Toledo had scientists who worked in material science and in glass manufacturing. Today, as a result, while we do not make quite as much glass in Toledo as we did for autos, Toledo is one of the top two or three largest centers for solar energy manufacturing.

Go to Akron, which used to be the center of the world for tire manufacturing. There is not so much of that now, although Goodyear's corporate headquarters is still there and there is a lot of research. But now, again, in partnership with the University of Akron, the scientists who were processing and researching and innovating in rubber and tires—now, for polymer development and manufacturing, Akron is one of the leaders in the country and in the world.

The lesson we learned is what Senator BLUNT and I were talking about. We know in Ohio and Missouri manufacturing is a ticket to the middle class. We also know that for too long Washington made choices which biased finance over manufacturing, that left manufacturing behind—bad trade deals, failure to enforce trade laws, taxes that did not work for manufacturing, and a kind of backing off of a focus on innovation and technology.

So we have seen communities such as Lordstown and Cleveland and Dayton live with the consequences. Between 2000 and 2010, 60,000 plants closed in this country and 5 million manufacturing jobs were lost.

Since the auto rescue and the more aggressive trade enforcement from President Obama—while I do not agree with some of his trade policies, he has been more aggressive on trade enforcement, through the Commerce Department and through the International Trade Commission, than any of his predecessors in either party.

So since 2010, we have seen a beginning of growth coming back in manufacturing—not nearly making up anything close to the 5 million jobs lost or the 60,000 plants closed. But the importance of manufacturing—not just because it is in my State, where my State is No. 3 in the country in production, in manufacturing; and only Texas, with twice our population, and California, with three times our population, make more than we do—but the importance of manufacturing is the multiplier effect. More than any other

industry in our country, in manufacturing, for every \$1 spent in manufacturing, another \$1.48 is added to the economy. We know what that means in the auto supply chain or in the wind turbine supply chain or in the chemical supply chain or anything we manufacture in this country. But what is holding us back is this—we never consciously follow this—but this sort of "innovate here, make it there" syndrome. Yes, we still have the best scientists, the best engineers, the best researchers, the best universities. Whether it is Storrs at the University of Connecticut or in Cleveland at Case Western or in Dayton or in Cincinnati, we have the best universities, the best researchers, but too often we do the innovation, we do the discovery, we do the experimentation that leads to products, and then we offshore and make the products there.

Let me give you an example about why that does not work and what does work. There is a small community in Ohio: Minster, OH. It is not far from Wapakoneta, Neil Armstrong's hometown—the first man who walked on the moon—and just north of Dayton. It is in Auglaize County, where I visited some time ago. It has the largest yogurt manufacturer in North America. When I went in that plant, they had just made it more efficient. In the past, their supplier had delivered little plastic cups to this yogurt manufacturer. In the plant they had these big silver vats of fermented milk with yogurt, and they would squirt this yogurt into these plastic cups and seal it and package it.

A young industrial engineer and a couple of people who had worked on the line for a decade or so said: We can do this better. Instead of bringing the plastic cups in from a supplier, they did something simple for an engineer—not so simple for me. They took plastic rolls, and they fed a plastic sheet into a machine—the whole assembly line was maybe 80 feet long—and the plastic would be heated and then extruded and then cooled slowly, and the yogurt would be squirted into the plastic cup and sealed and sent.

Now, the innovation took place on the shop floor. That is what happens. When you develop a product, wherever you manufacture it, the innovation, the product innovation and the process innovation—the process innovation meaning how you make it, the process of making it, as they did Dannon yogurt in the packaging and the actual improvement of the product—it takes place on the shop floor. That is why this is so important.

This legislation, the Revitalize American Manufacturing and Innovation Act of 2013, creates a Network for Manufacturing Innovation and would position the U.S. as the world's leader in advanced manufacturing.

We have already done something like this in Youngstown, OH, mentioned by

the President in his State of the Union message, the first ever National Additive Manufacturing Innovation Institute. It is called America Makes. It is in conjunction with the University of Missouri and in conjunction with businesses and universities—Eastern Gateway and Youngstown State in the Mahoning Valley and the University of Pittsburgh. It is sort of this tech belt along there. They do something called 3-D printing, which is kind of hard to conceptualize, until you see it. But it really is something to look for in the future.

We know how to produce in this country. We have seen, with some Federal funding matched by \$40 million in private funds, it is making Youngstown a world leader in 3-D printing manufacturing technology already.

We need to build on this momentum. That is why our legislation is so important. It is supported by manufacturing associations, semiconductor groups. We have seen other countries begin to sort of mimic it and parrot it and imitate it. We know we have something here that will help America lead the world.

In concluding, before yielding to the Senator from Oregon, think of this in terms of a teaching hospital, where you have a great teaching hospital at the University of Cincinnati or Ohio State or Case Western in Cleveland or the University of Toledo. At these teaching hospitals—where research and development and innovation are happening with great scientists and great doctors and great researchers—often what they produce, what they come up with is commercialized locally, and you build a critical mass in that field. In some kind of scientific medical field you build that expertise in that region. That is what we want to do with these manufacturing hubs, like NMI in Youngstown, where in Youngstown we will see all kinds of job creation that will make Youngstown the vital city that it has been in much of its history and we want to see it become in the future.

It is good for our country. It is good for manufacturing. It is good for families who earn their living from manufacturing. And it will be particularly good for our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS

Mr. MERKLEY. Mr. President, I rise to address an issue that should be of concern to all Americans; that is, the advice and consent function of the Senate regarding nominations. This is the critical check envisioned by our Founders in which the President has the power to nominate for the execu-

tive branch positions and for judicial nominees, and the Senate is held responsible to provide a check to make sure there are not outrageous nominees that are placed in positions.

That is the advice and consent function which throughout our history has basically been a simple majority function with very rare exceptions. This issue comes up at this moment because 2 weeks ago the minority of this body in the Senate would not allow there to be a vote on whether to confirm Mel Watt. They did that by preventing there being enough votes to close debate.

So that blockade was basically put in place without respecting, if you will, the fact that Mel Watt is highly qualified for his position at the Federal Housing Finance Agency, a position he would hold, and giving the entire Senate the ability to weigh in about whether they agreed with that judgment, the judgment of the President that Mel Watt was well qualified.

In the same week, this body also blocked an up-or-down vote on Patricia Millett, who was a nominee for the D.C. Circuit Court. On this occasion, it was not because folks said she was not qualified. They said, instead: We do not want to put any more of President Obama's nominees onto the D.C. Circuit Court because we want it to be dominated by the judges who were confirmed when President Bush was President.

Then, just yesterday, this pattern of blockading up-and-down votes on nominees continued with the minority filibustering, blocking the closing of debate on Cornelia Pillard—again, a highly qualified individual. An argument was not made that there was some exceptional circumstance in her background that left her unprepared for this position. The argument was simply made: We do not want to let the President put any judges on this D.C. Circuit Court.

That is of extreme concern. I must say that it has caused folks who have been scholars in this area to look at it. Norm Ornstein of the American Enterprise Institute basically said: It is ridiculous for the minority to block up-and-down votes, not on the basis that there is something wrong with her qualifications, but just they want to take away the President's ability and constitutional responsibility to nominate individuals to fill vacancies.

So this obstruction, exercised over the last almost 5 years now, has done significant damage to the court. It has done significant damage to the executive branch. It prevents qualified nominees to get a vote on this floor so that they can—if they receive a simple majority vote of support—work on behalf of the American people either in their executive branch capacity or addressing the huge backlog in our judicial system.

The Senate has the advice and consent role which is a treasured responsibility. It is a weighty responsibility. I think everyone in this body—I think all 100 Senators—could agree that under advice and consent the Senate must exercise a significant check on the quality of Presidential nominees, whether for the courts or for the executive branch.

The Senate should vet nominees. The committees that are related to a particular position should explore their background, they should hold a hearing, they should ask tough questions, they should debate the nominees, and then once recommended on the floor of the Senate, we should continue that vetting and debating process. Then, having shared our insights on their background, we need to vote to confirm or reject.

It should be on very rare exceptions, when there are extraordinary circumstances that make someone unworthy that they should be blocked from having a final vote. Advice and consent must not become “block and destroy.” But advice and consent has become block and destroy. The Senate nomination process is broken.

A minority of one branch of government, the Senate, should not be able to systematically undermine the other two branches of government. Yet that is what we see today. President Obama's district court nominees have waited, on average, more than twice as long as President George Bush's nominees to be confirmed by the Senate after being reported out of committee.

So we have the challenge of getting up-or-down votes. We also have basically a process of dragging feet in order to make it more difficult to actually get to the votes on these individuals in the first place. For the circuit courts, that comparison is even worse. President Obama's nominees have waited 3½ times longer than the nominees of his predecessor—3½ times longer.

The Congressional Research Service notes that of the last five Presidents, President Obama is the only one to have his district and circuit court nominees wait, on average, more than 6 months for confirmation. So those delays, in combination with ultimately denying the possibility to hold an up-or-down vote—to hold a final vote on whether to confirm or not confirm—they constitute a systematic undermining of the function of the other two branches of government.

Now, this was not envisioned in any possible way by the creators of our Constitution. They argued there should be three coequal branches. But this outcome, in which the Senate minority seeks to undermine an executive branch nominee, is inconsistent with the constitutional design of coequal branches. They are not coequal if one branch can systematically undermine another.



In regard to the courts, in an outcome in which the Senate minority is seeking to ideologically pack the courts by having insisted on up-or-down votes for President Bush's nominees and then blocking up-and-down votes on President Obama's nominees, it politicizes our judicial system. It undermines the integrity of our court system.

The Senate has confronted this abuse of advice and consent three times in recent history. In 2005, the Democratic minority was blocking up-and-down votes on a series of President Bush's nominees. They were doing the same thing that we see today. A gang of 14 gathered to debate this, because essentially the Republican majority said: If you do not quit blocking up-or-down votes on the President's nominees, we are going to change the rules and make it a simple majority. Out of the gang of 14 came a deal. The deal was that Democrats would, except under exceptional circumstances, not block the nominee. The counterpoint being that the Republicans would not change the rules. So they got what they wanted, which was up-and-down votes without a rule change.

That pledge the Democrats made was honored when subsequent nominees got their up-or-down votes. Now, in January of this year the Democrats, in the reversal of positions, insisted that the Republican minority quit blocking up-or-down votes of President Obama's nominees—kind of a *déjà vu* moment, only the two parties were reversed.

Out of that conversation, out of that dialogue in January, came a promise from the Republican minority leader of this body. He promised a return to the norms and traditions of the Senate regarding nominations. What are those norms and traditions? Those norms and traditions are simple up-or-down votes with rare exception.

But that promise was barely made and within weeks it was broken, when we saw the first ever filibuster of a Defense Secretary nominee. It just so happened, ironically, that the Republican filibuster—the first time in history of a Defense nominee—was against one of their former colleagues, our Republican colleague Chuck Hagel. So the January promise was broken. This led to increasing tensions until July of this year when Democratic and Republican Members met in the Old Senate Chamber to privately share their concerns. A new deal was hammered out, which is, essentially that executive nominees would get up-or-down votes. That happened for a significant list of nominees.

There was an up-or-down vote on Richard Cordray to be the head of the Consumer Financial Protection Bureau; Gina McCarthy to lead the EPA; nominees to fill the National Labor Relations Board; nominees to head Alcohol, Tobacco and Firearms; a nominee

to lead the Ex-Im Bank; and, following shortly thereafter, a nominee to be the U.S. Ambassador to the United Nations, Samantha Powers.

So that July deal held through a list of nominees until 2 weeks ago. Two weeks ago this body blocked an up-or-down vote on MEL WATT. So we are right back where we were before, right back where we were, the promise made in January shattered, the promise made in July shattered, and the ability of this body to do its advice and consent responsibility shattered.

This should be deeply troubling to all. We must restore the ability of the Senate to perform its responsibilities under the Constitution to advise and consent. The Senate with simple up-or-down votes will be a check on bad nominations from the President. I have voted against at least one of the President's nominees. I was prepared to vote against another here just a few weeks ago. The President withdrew that nominee so that vote was not necessary. But that was related to a judgment of the qualifications of the individuals and whether they were a good fit for a particular position. It was not about trying to systematically undermine the executive branch and keep them from operating.

That is essentially why we have up-or-down votes; it is a check on unqualified individuals or a poor fit for a particular position. So in this area, both in the Senate's failure to do its job *vis-a-vis* judicial nominees and to do its job *vis-a-vis* executive nominees, we have created unequal branches of government. It is time to fix the broken Senate in regard to nominations. It is time to restore the traditional role of the Senate in evaluating nominations so that with nominees who are confirmed, they can go to work in the courts, can go to work in the executive branch to do the work that the citizens of the United States of America expect them to do on behalf of our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHATZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TYPHOON YOLANDA

Mr. SCHATZ. Five days ago Typhoon Yolanda devastated the central Philippines. As a category 5 supertyphoon, this was reportedly the strongest storm ever to make landfall anywhere in recorded history, sweeping away almost everything in its path.

Nearly 10 million people were impacted by this supertyphoon and tens of thousands of homes were destroyed. Eighty to ninety percent of the homes in city of Ormoc, the second largest city in the Leyte Province, are gone. The stories of loss are shocking and heartbreaking.

We do not yet know the full extent of the devastation this typhoon has brought to the Philippines. Local authorities estimate as many as 10,000 people may be dead in the Leyte Province alone, one of the hardest hit regions.

The State Department has said roughly 3,000 Americans were impacted when the storm hit. Our Embassy in Manila is coordinating with U.S. agencies to locate these Americans and bring them home.

The United States and the Philippines share a special bond, rooted in strong cultural and historical ties between our two countries. In Hawaii, where more than 197,000 Filipinos have made their home, we know this bond well.

Our Filipino community has been a part of the islands for more than 100 years, and many at home maintain close relationships with family and friends in the Philippines. My deepest condolences go to those who have lost family and friends in this tragedy.

Although the storm is over, our work has just begun. Millions of survivors are without clean drinking water, food, shelter or power. Rescue workers are attempting to reach isolated coastal communities, but debris and downed power lines are blocking road access.

The U.S. Government is helping the Philippines to recover. We have provided \$20 million in humanitarian aid and deployed a Disaster Assistance Response Team to support the Philippine Government. These experts will help to assess the extent of the damage and determine what resources remain to be added.

The USAID Office of U.S. Foreign Disaster Assistance has shipped relief supplies, including shelter materials and hygienic supplies, to help around 10,000 families. We are partnering with the U.N. World Food Program to provide \$10 million for emergency food assistance because close to 2.5 million people will need food assistance over the next 6 months.

This aid will help airlift 55 metric tons in emergency food to feed more than 20,000 children and 15,000 adults, providing immediate relief for the next 4 to 5 days. It will bring more than 1,000 metric tons of rice to feed 60,000 people for 1 month.

U.S. marines are on the ground. Our military is helping to airlift relief supplies, conduct aerial damage assessments, and coordinate search and rescue operations.

U.S. Pacific Command has forces in Manila to help deliver food and water



to the impacted areas. The *George Washington* Carrier Strike Group and its 5,000 sailors are expected in the area soon to provide humanitarian assistance and disaster relief.

For those still searching for displaced or missing loved ones, I urge you to contact the Philippine Red Cross or the National Disaster Risk Reduction and Management Council operations center.

Google has also launched the Person Finder: Typhoon Yolanda. Americans can also visit CNN's iReport Web site to upload photos and information about people you may be looking for.

The challenge for the Filipino people is great, but the Philippines is a resilient nation and a true American ally. They need our help. Please donate.

I am proud of our local organizations in Hawaii collecting donations to help survivors and the families of victims. The Philippine consulate in Honolulu, Filipino Chamber of Commerce, Filipino Community Center, Congress of Visayan Organizations, and Kokua Philippines have all stepped up in this time of tremendous need. A full list of organizations is available on my Web site [schatz.senate.gov](http://schatz.senate.gov). One may also text AID to 80108 to give a \$10 donation to the mGive Philippines Typhoon Disaster Relief Fund. Text AID to 80108 if you would like to give \$10 to the relief efforts.

I wish to especially recognize and thank all of the women and men of the U.S. Embassy in Manila, USAID mission in Manila, the State Department, USAID in the District of Columbia, and the U.S. Pacific Command for their great efforts in coordinating our ongoing response.

Today I introduced a resolution expressing the support of the Senate for the victims of the typhoon, along with several of my colleagues. I thank Senators MENENDEZ, DURBIN, CARDIN, RUBIO, HIRONO, TOM UDALL, BOXER, and BEGICH for cosponsoring this resolution.

As the Philippines begins the recovery from this tragedy, I ask that we all pledge together to work with them. When they rebuild their communities, rest assured they will emerge stronger than ever.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Before I make my comments regarding manufacturing and

job creation in America and in Alaska, I would like to say I know my friend from Hawaii was here earlier, Senator SCHATZ, talking about the important resolution that has been submitted that I was honored to be able to cosponsor regarding the typhoon in the Philippines.

Alaska has over 20,000 Filipinos living in our State—an incredible group of individuals, people I have known in the business world, as individuals, and family members. The devastation is unbelievable as you look at the photos and see the devastation of the typhoon and the impact it has had on families there. Even though it is thousands of miles away, I can tell you, in Alaska, we feel it, we see it. Our Filipino friends there have many relatives on the islands, and the impact is just unbelievable.

I was in Alaska this weekend and met with members of the leadership of the Filipino community, as well as members from the Red Cross and others to see what we can do from an Alaskan perspective, because Alaska knows what disasters are like. From earthquakes to floods, we seem to have them quite often. We know what type of impact these events have on families, so I was very happy to support the resolution my friend from Hawaii submitted, but also want to recognize the 20,000 Filipino community members in Alaska who are suffering and thinking about their families and friends overseas.

We want to do everything we can. I know our country is there and ready and moving a lot of resources to assist. So I wanted to put that on the record and give my condolences to families who have lost loved ones, but also to Alaskans who are grieving for family and friends who may have been lost in the typhoon. I know personally I have done my own contributions, whatever I can to assist in moving operations forward and bringing resources to the islands.

#### JOB CREATION

I also came today to talk on the floor about the need for additional job creation. Already in the first 10 months of this year we have created 1.9 million new jobs—higher than last year at this same time—which is a good start, but more needs to be done. Senators COONS and DURBIN and others have been discussing our Manufacturing Jobs in America initiative. In particular, we are talking about the skills necessary to succeed in today's economy—the skills Americans need to land and to keep good manufacturing jobs.

There used to be a time when a bright kid in this country could work hard in school, graduate with a high school diploma, and go work in a factory. He or she could make a decent living, a living wage, enough to raise a family and own a home and think about the future of their kids. Those days are long gone. Unfortunately, to-

day's factories and plants don't look like they used to. The level of technical expertise needed to operate some new machinery is pretty high. That is why I have made career and technical education a priority. We need to have options for the bright kids after high school or that mid-career worker looking to shift gears.

My own State of Alaska is already a leader in career technical education—CTE. As these programs continue to innovate and change across the country, Alaska is in the forefront. I see it when I travel around the State. From career pathways in high schools to creative programs through the University of Alaska system, my State is a leader in career technical education.

To address these issues, I have introduced a bill entitled Investing in Innovation, otherwise called i3, which takes a look at what is happening in our local schools and puts resources into what is working. It supports and expands programs that are helping to improve student achievement. This bill requires 25 percent of the money to go to local rural communities. There are so many programs that sometimes forget our small and rural communities, not only in Alaska but throughout this country.

I have also introduced the Career Readiness package of legislation focused on career and technical education. One of the bills in this package is the Counseling for Career Choice Act. This bill will help fund stakeholders in developing comprehensive career counseling models that emphasize guiding students to productive careers.

Our counselors are in unique position to help expose and guide our students to postsecondary opportunities—to help prepare them for high-demand careers. This bill makes sure our school counselors have the resources they need to emphasize all types of postsecondary education, not just the traditional 4-year degree. It focuses on opportunities such as apprenticeships, certificate programs, associate degrees, and, of course, 4-year degrees. It makes sure that business, economic development, and industry leaders are at the table providing information on available postsecondary training opportunities and career trends—basically making sure that we match what we are teaching to not only what is available in the market today but in the future. Our students need the best teachers and the best facilities.

I also have legislation that focuses on career technical education, CTE, professional development for teachers and principals.

Another career readiness bill provides funding to make sure we are modernizing our CTE facilities. We know students who are involved in career and technical education programs are engaged in their future careers. We

have to keep making sure what our students learn is relevant to the real world. We must align our educational system with the in-demand careers to fill those jobs in that pipeline, and we must keep our students engaged.

If we are going to compete in the 21st century as we did in the 20th century, we need to make sure our students have the very best skills—skills that are tailored to the 21st century economy. Career and technical education is the best approach, in my opinion, to give students those skills.

I am a big fan of the Manufacturing Jobs for America initiative led by Senator COONS and several of my colleagues. America's manufacturing sector has enormous potential to create new jobs and to speed up our economy and economic recovery. These are good jobs and they spin off into even more jobs.

According to the National Association of Manufacturers, every manufacturing job we create adds 1½ jobs to the local economy. So let's move forward, let's pass these bills to help with job training, career facilities and readiness, and let's do everything we can to get our manufacturing sector running full speed ahead.

Before I conclude my remarks, let me say that I know there is a lot of debate on the floor where we talk about health care, we are talking about a national defense authorization bill, and we are going to talk about a compounding bill, but at the end of the day, what Americans, what Alaskans, come to me to talk about on a regular basis—and certainly it was true in the 4½ days I just spent in Alaska—is what are we doing to create jobs for the future, not only for people today in the work environment but the kids of the future who will be in the work environment.

This legislation, and many other pieces that have been introduced in this package, help lead this economy and continue to move this economy. We have to remind ourselves where we are: This year, this month, we created over 200,000 jobs. The first month I came here, when I was sworn in, the economy was in a tailspin. We had lost over 700,000 jobs. So we have been in the positive trendline for several months here, but we have more to do. And an area that I think is an incredible opportunity not only for Alaska but for all across this country is improving our manufacturing sector and ensuring our young people are ready for the 21st century.

Again, I thank my friend Senator COONS for all the work he is doing to bring manufacturing to the forefront, as well as all my colleagues who have been coming to the floor to talk about an important piece of legislation to create jobs and improve our economy for the long term.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONDOLENCES TO SENATOR INHOFE

Mr. REED. Mr. President, I rise to express my deepest sympathy to the senior Senator from Oklahoma Senator JAMES INHOFE and his wife Kay on the sudden and untimely loss of their son, Dr. Perry Inhofe, this weekend in a plane crash. I extend my thoughts and prayers to the entire Inhofe family.

Perry Inhofe was an orthopedic surgeon as well as a licensed pilot and flight instructor, with a family of his own. Flying is integral to the Inhofe family—I know that from my service with Senator INHOFE on the Armed Services Committee and as cochair with him of the Army Caucus, a caucus he created along with Senator Dan Akaka to support the men and women serving in the Army. I know of his intense involvement in flying.

I hope, certainly, that the memories and the time he had with his son will help sustain and comfort him in the days ahead. Senator INHOFE is a man of great integrity, with great dedication to his faith, to the Nation. Again, at this time of loss, I only hope the memory and the example of his son, his son's service and his courage and faith and love will sustain the Inhofe family.

#### NOMINATION OF PATRICIA M. WALD

Mr. LEAHY. Mr. President, I commend President Obama for renominating Judge Patricia M. Wald to serve as a member of the Privacy and Civil Liberties Oversight Board, "PCLOB". The Senate unanimously confirmed Judge Wald to this post on August 2, 2012. The President renominated Judge Wald to this position in March, and the Judiciary Committee favorably reported the nomination without objection months ago. During her tenure on this important oversight board, Judge Wald has served with great professionalism and dedication. And next week, she will receive the Presidential Medal of Freedom, the highest civilian honor that the President can bestow.

For the past several months, we have been engaged in a national debate about the ever-growing need for limits on the government's surveillance powers. In the coming weeks, the House and the Senate will consider bipartisan legislation to rein in those expansive powers in an effort to protect Americans' privacy and to increase transparency and oversight. While I look forward to that debate and consideration of this important legislation, it is urgent that the Privacy and Civil Liberties Oversight Board continue to operate at full strength to safeguard our constitutional rights. The PCLOB has held two all day hearings on these surveillance matters in recent months, and plans to issue an important report to the President and Congress. Judge Wald has been a key participant in these proceedings. Should the Senate fail to confirm her nomination before we adjourn, however, Judge Wald would be forced to step down from the PCLOB at a critical time when the board is conducting its work to evaluate the privacy and civil liberties implications of the Nation's surveillance programs.

Democrats, Independents, and Republicans alike have supported the important work of this nonpartisan board. Unfortunately, a secret objection on the Republican side is needlessly delaying Judge Wald's confirmation. I urge the Senate to promptly confirm this well qualified nominee, so that the PCLOB can carry out its important responsibilities. If a single Republican Senator has a concern about Judge Patricia Wald's impeccable credentials, they should come forward with the reason they are holding up her confirmation.

#### NATIVE AMERICAN HERITAGE MONTH

Mr. LEAHY. Mr. President, this month, we commemorate Native American Heritage Month. It is an important opportunity to recognize the exceptional achievements and contributions of those in the Native American community. They are an integral part of this country's history, which has been both proud and painful. It is important to stop and reflect on how we as a nation can learn from the past and plan for our shared future as fellow Americans.

It is fitting that in this month we also celebrate Veterans Day. For over 200 years, Native Americans, including American Indians, Alaska Natives, and Native Hawaiians, have served honorably and with distinction in the U.S. Armed Forces. Native Americans have served in every conflict since the Revolutionary War and contribute in disproportionately high numbers to our Nation's defense. No group of Americans has a higher per capita service rate in the military than Native Americans.

One of the most unique and extraordinary contributions was by the “Code Talkers” during both world wars. Using codes based on their distinct languages, these Native American soldiers transmitted orders and communications to troops and allies, which were indecipherable to our enemies. Later this month, 33 tribes will be recognized with Congressional Gold Medals to celebrate this significant contribution during the Second World War. This recognition is both historic and overdue.

Throughout the military history of the United States, Native Americans have served bravely and honorably. We are grateful to these soldiers, sailors, marines, and airmen for their tradition of unwavering patriotism.

As we celebrate Native American contributions to our country, we must also examine the unique struggles faced by these communities and work together to find solutions. I am proud of the significant steps we took earlier this year to confront the long-ignored epidemic of violence against Native women through reauthorization of the Violence Against Women Act, a bill I authored with Senator CRAPO. Nearly three out of five Indian women have been assaulted by their spouses or intimate partners. On some reservations, Native American women are murdered at a rate more than 10 times the national average. Those statistics are chilling. Native women are being brutalized and killed at rates that simply shock the conscience.

The Violence Against Women Reauthorization of 2013 addresses this problem directly and provides landmark protections for Native American women. These include expanding the jurisdiction of tribal courts in several ways. First, the law clarifies that tribal courts have the authority to issue and enforce tribal protection orders, a tool that is necessary to stop the escalation of violence. Second, and perhaps most importantly, it recognizes the jurisdiction of tribal courts to prosecute non-Indians who abuse Native women on tribal lands.

More than 50 percent of Native American women are married to non-Native American men. Before the Violence Against Women Act was reauthorized this year, tribal courts were unable to prosecute these men if they committed acts of domestic abuse. The Federal authorities who had jurisdiction were often hours away from tribal lands and ill-equipped to prosecute these crimes. As a result, countless victims were left without protection and offenders were allowed to prey upon women with impunity. As a former prosecutor, I was appalled, and I am proud that we fixed this glaring problem with the enactment of these historic changes.

Beyond resolving jurisdictional issues, VAWA improved the grant making process to Indian tribal coalitions to ensure tribes are better able to re-

spond to domestic violence, sexual assault, dating violence, and stalking. It creates new Federal crimes with tougher penalties for offenses often committed against Native American women and encourages greater cooperation between the Federal Government and tribal governments.

The success of VAWA, and the inclusion of these historic provisions, was the result of years of careful investigation and creative problem solving. We worked closely with tribal leaders and the National Congress of American Indians and in close consultation with the Indian Affairs Committee. I would like to thank the former chairman of that committee, Senator Daniel Akaka, and current chairwoman MARIA CANTWELL for their cooperation and persistence on these important measures.

Another area of law critical to the protection of civil rights for Native Americans is the Voting Rights Act. I am working hard with members from both sides of the aisle to restore the vital protections of this landmark law, undermined by the Supreme Court's recent decision in *Shelby County v. Holder*.

The Voting Rights Act is the most successful piece of civil rights legislation in this Nation's history. It has worked to protect the Constitution's guarantees against racial discrimination in voting for nearly five decades. It has helped minorities of all races—including Native Americans—overcome major barriers to participation in the political process. For example, in 2008, in Charles Mix County, SD, the Department of Justice found evidence of discriminatory intent by the officials of the county, who had attempted to dilute the voting strength of Native Americans. The Voting Rights Act prevented these discriminatory actions from taking place. It is imperative that we reinvestigate and restore these protections.

In addition to our legislative efforts, we are also making strides in confirming Native American judges to our Federal courts. President Obama nominated Diane J. Humetewa, a Native American woman, to serve on the U.S. district court for Arizona on September 19, 2013. Humetewa, a member of the Hopi Tribe, was the U.S. attorney in Arizona between 2007 and 2009, a position to which she was nominated by former President George W. Bush at the urging of Senator JOHN MCCAIN. If the Senate confirms her nomination, she would become the only active member of a Native American tribe to serve in the Federal judiciary and the first Native American woman ever to serve on the Federal bench.

This month, let us celebrate the Native American contributions that make this Nation better and stronger. And let us renew our commitment to work together with leaders of these sov-

ereign nations to address ongoing challenges to ensure that all who live in this great country are afforded the respect, dignity and opportunities they deserve.

#### EMPLOYEE BENEFIT RESEARCH INSTITUTE

Mr. BAUCUS. Mr. President, I rise today to congratulate the Employee Benefit Research Institute on their 35th anniversary. EBRI was founded in 1978 with the purpose of conducting research on employee benefit plans and distributing that information to the public. Their mission “is to contribute to, to encourage, and to enhance the development of sound employee benefit programs and sound public policy through objective research and education.”

EBRI has fulfilled its mission and purpose for 35 years in a nonpartisan and unbiased manner. That is why EBRI's research staff is frequently asked to testify before Congress, including several times before the Finance Committee. EBRI produces trustworthy analysis on both health and retirement issues. EBRI does not take policy positions and they do not lobby—they provide us with just the facts without spin. When it comes to retirement and health policy, EBRI is an indispensable source of expert data. And that is why both Members and our staff on Capitol Hill depend on their expertise and reliability.

I salute EBRI and its staff for 35 years of exceptional work and look forward to their continued help in the future.

#### TRIBUTE TO GARY OSTROSKE

Ms. LANDRIEU. Mr. President, today I wish to ask my colleagues to join me in recognizing Mr. Gary Ostroske, who retired on July 1, 2013, as President and CEO of the United Way of Southeast Louisiana. Mr. Ostroske has been an integral part of the United Way Worldwide system for 40 years and has served as President and CEO of the Southeastern region for the past 25 years.

Throughout his tenure at the United Way, Mr. Ostroske implemented important changes to a wide breadth of programs to improve the lives of residents of Southeast Louisiana. Mr. Ostroske has worked tirelessly to provide citizens with quality healthcare, education, and human services and has undoubtedly provided many opportunities for residents of Southeast Louisiana to succeed and improve their lives.

As the President and CEO of United Way of Southeast Louisiana, Mr. Ostroske worked collaboratively with community organizations and Greater New Orleans leaders to create innovative ways to deliver critical services to Southeast Louisiana residents. Through these community partnerships, Mr. Ostroske strengthened

United Way's impact and allowed it to play an integral role in crafting a strong economic agenda for our region.

Mr. Ostroske's unwavering leadership in the wake of Hurricanes Katrina and Isaac and the Deepwater Horizon oil spill was truly remarkable. Mr. Ostroske's diligent efforts to rebuild our region after these disasters ensured our region's renewed sense of vitality and economic strength.

Upon his retirement, Mr. Ostroske is looking forward to volunteering in our community and spending time with his wife of 35 years, Mary Ann and his family—their son, Peter Ostroske, president of O Look!, an internet company based in São Paulo, Brazil and their daughter, Jenny Ostroske Luke, who is a veterinarian, married to Fletcher Luke. Gary and Mary Ann are the proud grandparents to Jenny and Fletcher's children—Ellis and Myles.

Mr. Ostroske's service to the people of Louisiana has been truly extraordinary and serves as an inspiration to us all. It is with my greatest sincerity that I ask my colleagues to join me along with Mr. Ostroske's family in recognizing his dedicated service to the people of Louisiana, as well as wishing him well in his retirement.

#### HOLT INTERNATIONAL CHILDREN'S SERVICES

Mr. MERKLEY. Mr. President, Senator WYDEN and I wish to recognize Holt International Children's Services during this year's celebration of National Adoption Month.

On July 27, 2013 we celebrated the 60th anniversary of the end of the Korean war. By signing the armistice agreement, the border between the Koreas near the 38th Parallel was established. It was in the wake of this armistice that Holt International Children's Services first began its compassionate work, and today continues to be a leader in the field of adoption and child welfare issues.

Harry and Bertha Holt of Eugene, OR were of humble means—Harry a lumberjack and a farmer and Bertha a nurse. In 1954, the Holts went to a small high school auditorium to view a film about Amerasian children living in South Korean orphanages. Moved by the film, their faith and a firm belief that all children deserve permanent, loving homes, the Holts began their lifelong mission in 1955 to revolutionize intercountry adoption.

At the time, there were no laws allowing children to immigrate to one country from another for the purpose of adoption. Overcoming legal and cultural barriers, Mr. and Mrs. Holt sought families for children orphaned by the Korean war. The Holts persuaded Oregon U.S. Senator Richard Neuberger to introduce legislation titled "The Relief of Certain Korean War Orphans." The legislation became law

on August 11, 1955, enabling the Holts to adopt eight Korean war orphans: Joseph Han, Mary Chae, Helen Chan, Paul Kim, Betty Rhee, Robert Chae, Christine Lee and Nathaniel Chae. With this act of love and the founding of their agency—Holt International Children's Services—two farmers from rural Oregon became pioneers in international adoption.

Today, Holt International strives to uphold Harry and Bertha's vision of finding loving homes for children regardless of race, religion, ethnicity or gender. Holt is committed to finding families for children, not children for families, an important distinction that sets the tone and priorities for Holt. Since the 1955 act, Holt has placed 49,630 children from 31 countries with families in all 50 States. As the oldest intercountry adoption agency, Holt is the only organization that has more than three generations of adult adoptees.

Holt continues to play an active and vital role in establishing policy and practice for intercountry adoption. In 1993, Holt adoptees Susan Cox and David Kim were members of the U.S. delegation to the Hague Convention on Intercountry Adoption, an agreement which sets international standards for intercountry adoption that protects the child, the birth family and the adoptive family. Later, in 2008, Holt was a leading advocate in ensuring U.S. ratification of the Hague Convention treaty. Holt believes that adoption is a life long experience and has been at the forefront of developing post adoption services to ensure that adoptees grow and develop to their fullest potential.

In addition to these monumental accomplishments, Holt International has become much more than an adoption agency. When considering a child's future, Holt always keeps the child's best interest at the forefront of every decision. For some children adoption is the only option, but Holt realizes that it is not the first option for children without families. Holt believes that it is best if children can stay with their birth family. Over the years, Holt has worked to develop and maintain programs overseas to give orphaned, abandoned and vulnerable children safe and nurturing environments in which to grow and thrive. These overseas programs include initiatives directed at family preservation, nutrition support, child and maternal health, income generation, assisting children with special needs, and shaping and establishing intercountry child welfare systems. Through these initiatives, Holt impacts approximately 30,000 children each year and helps to ensure that children at all stages of need are provided for in an effort to avoid the separation of families.

In November, as National Adoption Month is celebrated, it is appropriate to recognize Holt International Chil-

dren's Services for its diligent efforts and accomplishments in the field of child-welfare and intercountry adoption that have impacted thousands of children in the U.S. and around the world.

#### ADDITIONAL STATEMENTS

##### CHARACTERPLUS

• Mr. BLUNT. Mr. President, today I wish to honor CHARACTERplus, an organization based in my State of Missouri, which helps build strong school communities where students feel valued and can succeed. As a former classroom teacher, I appreciate the work CHARACTERplus does to help educators instill positive character traits in students—such as responsibility and respect—by teaching, encouraging and living these values at school.

Created by Sanford N. McDonnell in 1985, CHARACTERplus is the largest community-wide character education organization in the country. More importantly, because of the efforts of CHARACTERplus, Missouri leads the Nation in character education.

Currently more than 75 school districts across several States are members of CHARACTERplus, which serves more than 330,000 students and 29,000 teachers at 645 schools to transform school climate.

Member districts and schools have unlimited access to professional development, national experts, the most current research on social, emotional and character development, skill training modules, survey tools to access school climate and opportunities to network with others in the field.

Each year, the Character Education Partnership, CEP, recognizes schools that have demonstrated a commitment to character education by naming them a National School of Character. In 2013, CEP chose 29 schools, 9 of which were members of CHARACTERplus, making Missouri the national leader in character education.

Those schools include Independence Elementary in the Francis Howell School District; Jefferson City Academic Center in the Jefferson City School District; Beasley Elementary, Bierbaum Elementary, Hagemann Elementary, and Mehlville High School in the Mehlville School District; Chesterfield Elementary and LaSalle Springs Middle School in the Rockwood School District; and Discovery Ridge Elementary in the Wentzville School District.

CHARACTERplus also works closely with the Missouri Department of Secondary and Elementary Education on several projects and runs the State School of Character Awards.

I would like to congratulate CHARACTERplus for all of their hard work and commend them for helping the State of Missouri be a leader in character education. •

# TRIBUTE TO LARRY WILCOX

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to offer my heartfelt congratulations to Larry Wilcox who is retiring as superintendent of the Michael J. Fitzmaurice State Veterans Home in Hot Springs, SD. The retirement is effective November 14, 2013.

Born in Burke, Larry grew up in Winner, SD. After graduating from Winner High School in the mid-1960s, Larry joined the South Dakota Army National Guard. He remained in the National Guard for nearly four decades, including 26 years in the Medical Services Corps. A Gulf War veteran, Larry rose to the rank of Lieutenant Colonel before retiring in 2003.

Larry's service to our State continued when he was named superintendent of South Dakota's only State Veterans Home in May 2004 by Maj. Gen. Michael Gorman. He has provided excellent stewardship of the State Veterans Home, including overseeing plans to construct a new facility. On November 11, 1889, the cornerstone for the first State Home was laid in Hot Springs. The much-anticipated groundbreaking for a new South Dakota Veterans Home was held in late September 2013. Thousands of veterans and their families have enjoyed the services of the State Veterans Home over these many years. Aging veterans have found solace on the beautiful, aesthetic grounds of the State Veterans Home and have benefited from the dedicated medical care and support services provided.

Larry has played a major role in providing consistent and superior levels of care and comfort to veterans at the State Home during his time as superintendent. He has been passionate about providing the highest degree of compassionate care, understanding and service to the residents. Larry is a strong advocate for the Veterans Home, promoting the importance of the Veterans Home to the general public and making sure the congressional delegation is aware of any challenges veterans may face. Over the years I have appreciated Larry's insight on issues and the open line of communication between our offices.

I thank Larry for all he has done for veterans in South Dakota and wish him all the best in his retirement. •

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2747. An act to amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 330. An act to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

S. 893. An act to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

At 4:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2871. An act to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes.

H.R. 2922. An act to extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 252. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence:

Report to accompany S. 1681, An original bill to authorize appropriations for fiscal year 2014 for intelligence and intelligence-re-

lated activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 113-120).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KIRK (for himself and Mr. ROCKEFELLER):

S. 1688. A bill to award the Congressional Gold Medal to the members of the Office of Strategic Services (OSS), collectively, in recognition of their superior service and major contributions during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1689. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. PORTMAN, Mr. DURBIN, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. MURPHY, Mr. BROWN, Ms. LANDRIEU, and Mr. MENENDEZ):

S. 1690. A bill to reauthorize the Second Chance Act of 2007; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. MCCAIN):

S. 1691. A bill to amend title 5, United States Code, to improve the security of the United States border and to provide for reforms and rates of pay for border patrol agents; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. MARKEY):

S. 1692. A bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. SHAHEEN (for herself, Mr. UDALL of Colorado, Ms. LANDRIEU, Mr. MERKLEY, and Mrs. FEINSTEIN):

S. 1693. A bill to amend the Patient Protection and Affordable Care Act to extend the initial open enrollment period; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. HELLER):

S. 1694. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. KIRK):

S. 1695. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mrs. BOXER, Mr. SCHATZ, Ms. HIRONO, Mr. HARKIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. SCHUMER, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. CANTWELL, Mr. MURPHY, Mr. BROWN, Ms. WARREN, Mr. TESTER, Mr. MENENDEZ, Mr. HEINRICH, Mr. COONS, Mr. MARKEY, Mr. MERKLEY, Mrs. SHAHEEN, Ms. MIKULSKI, Mr. BOOKER,

Mrs. FEINSTEIN, Ms. STABENOW, Mr. WYDEN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. CARDIN, and Mrs. MCCASKILL):

S. 1696. A bill to protect a women's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mrs. MURRAY, Mr. CASEY, Ms. HIRONO, Mr. MURPHY, Mr. SANDERS, Ms. BALDWIN, Ms. WARREN, Mr. COONS, Mr. KAINE, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. FRANKEN):

S. 1697. A bill to support early learning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY:

S. 1698. A bill to provide for the establishment of clean technology consortia to enhance the economic, environmental, and energy security of the United States by promoting domestic development, manufacture, and deployment of clean technologies; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mrs. SHAHEEN):

S. 1699. A bill to permit individuals to renew certain health insurance coverage offered in the individual or small group markets and to provide that such individuals would not be subject to the individual mandate penalty; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHATZ (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. CARDIN, Mr. RUBIO, Ms. HIRONO, Mr. UDALL of New Mexico, Mrs. BOXER, and Mr. BEGICH):

S. Res. 292. A resolution expressing support for the victims of the typhoon in the Philippines and the surrounding region; to the Committee on Foreign Relations.

By Ms. HEITKAMP (for herself, Mr. HOEVEN, Mr. BEGICH, Mr. UDALL of New Mexico, Mrs. MURRAY, Mr. SCHATZ, Ms. HIRONO, Mr. TESTER, Mr. FRANKEN, Mr. LEVIN, Mr. MORAN, Mr. JOHNSON of South Dakota, Mr. THUNE, Ms. STABENOW, Mr. BARRASSO, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. BAUCUS, and Mr. HEINRICH):

S. Res. 293. A resolution designating the week beginning on November 18, 2013, as "National Tribal Colleges and Universities Week"; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. INHOFE, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. UDALL of New Mexico, Mr. BLUNT, Mr. KING, Mr. CORNYN, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. PORTMAN, Mr. WICKER, Mrs. FISCHER, Mr. MORAN, Mr. BOOZMAN, and Mr. COCHRAN):

S. Res. 294. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; considered and agreed to.

By Mr. JOHNSON of South Dakota (for himself and Mr. INHOFE):

S. Con. Res. 25. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 252

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 252, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 381

At the request of Mr. BROWN, the names of the Senator from Arizona (Mr. FLAKE), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 544

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 544, a bill to require the President to develop a comprehensive national manufacturing strategy, and for other purposes.

S. 610

At the request of Mr. JOHANNES, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 610, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 734

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 862

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 862, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 908

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 908, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 942

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 949

At the request of Mr. JOHANNES, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 949, a bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

S. 1011

At the request of Mr. JOHANNES, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1143

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1158

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1208

At the request of Mr. TESTER, the name of the Senator from Montana



(Mr. BAUCUS) was added as a cosponsor of S. 1208, a bill to require meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1262

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1262, a bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes.

S. 1291

At the request of Mr. REED, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1291, a bill to strengthen families' engagement in the education of their children.

S. 1364

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1364, a bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services.

S. 1419

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1419, a bill to promote research, development, and demonstration of marine and hydrokinetic renewable energy technologies, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the names of the Senator from Nevada (Mr. REID) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1462

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1644

At the request of Mrs. BOXER, the names of the Senator from Virginia (Mr. WARNER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 1644, a bill to

amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1661

At the request of Mr. CRUZ, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1661, a bill to require the Secretary of State to offer rewards of up to \$5,000,000 for information regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012.

S. 1675

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1675, a bill to reduce recidivism and increase public safety, and for other purposes.

S. 1683

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1683, a bill to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes.

S.J. RES. 15

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S.J. Res. 15, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 203

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 203, a resolution expressing the sense of the Senate regarding efforts by the United States to resolve the Israeli-Palestinian conflict through a negotiated two-state solution.

S. RES. 284

At the request of Mr. RISCH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 284, a resolution calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. PORTMAN, Mr. DURBIN, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. MURPHY, Mr. BROWN, Ms. LANDRIEU, and Mr. MENENDEZ):

S. 1690. A bill to reauthorize the Second Chance Act of 2007; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I join with Senator PORTMAN to introduce the bipartisan Second Chance Reauthorization Act, a bill that builds on recent successes and takes important new steps to ensure that people coming out of prison have the opportunity to turn their lives around, rather than re-

turning to a life of crime. Investing in community-based reentry programs prevents crime, reduces prison costs, improves public safety, and saves taxpayer dollars. It is also the right thing to do.

This important legislation improves Federal reentry policy and funds collaborations between State and local corrections agencies, nonprofits, educational institutions, service providers, and families to ensure that former offenders have the resources and support they need to become contributing members of the community. Our bill also seeks to expand upon the successes of the original Second Chance Act by continuing, improving, and consolidating its programs, while reauthorizing these important grant programs at reduced levels in recognition of current fiscal constraints.

In 2008, I joined with Senators BIDEN, SPECTER, and BROWNBACK as an original cosponsor of the Second Chance Act, and helped to shepherd that legislation through the Senate. I was proud when the Senate recognized the value of the Second Chance Act and, after a great deal of work and compromise, passed the bill unanimously.

The bipartisan spirit of this legislation also continues in the House, where today Representatives SENSENBRENNER and DAVIS will introduce an identical version of the Senate bill authored by myself and Senator PORTMAN. Together, we have been working hard for the past several months to reach an agreement that is fair, fiscally responsible, and meets the needs of key stakeholders. As a result, we have the support of faith groups, law enforcement, and community groups who provide services to the mentally ill and those struggling with addiction. This broad coalition has one thing in common—we all want to see our justice system work better.

In the past few decades, Congress and the states have passed new criminal laws creating longer sentences for more and more crimes. As a result, our country currently incarcerates more than two million people, and more than 13 million people spend some time in jail or prison each year. This has resulted in severely stretched budgets and we have fewer resources for programs that actually prevent crime in the first place. We cannot afford to stay on our current path, and I am working on separate legislation to address the exploding costs of our Federal prisons. The Second Chance Reauthorization Act helps support innovative reentry programs at the state and local level which have brought down costs and reduced recidivism, and the federal system should replicate these efforts.

More than 650,000 ex-offenders are released from prison each year. The experience inmates have in prison, how we prepare them to rejoin society, and how we integrate them into the broader community when they are released



are issues that profoundly affect the communities in which we live.

The Second Chance Act funds grants for key reentry programs and requires that these programs demonstrate measurable positive results, including a reduction in recidivism.

The Second Chance Act of 2008 authorized research into educational methods used in prisons and jails. Today's reauthorization bill directs the Attorney General to review that research, identify best practices, and implement them in our prisons and jails.

The bill also makes nonprofit organizations eligible for grants promoting family-based substance abuse treatment and training in technology careers. It gives priority consideration to applicants that conduct individualized post-release employment planning, demonstrate connections to employers within the local community, or track and monitor employment outcomes.

This legislation also makes improvements to federal reentry policy that have the added benefit of reducing Bureau of Prison costs. It continues the successful Elderly and Family Reunification for Certain Non-Violent Offenders Pilot Program and expands the pool of inmates eligible to apply for the program.

Finally, the Second Chance Reauthorization Act promotes accountability by requiring periodic audits of grantees to ensure that federal dollars are spent responsibly. Grantees who have unresolved audit problems will not be eligible for funding in future years.

As a former prosecutor, I believe strongly in securing tough and appropriate prison sentences for people who break our laws. But it is also important that we do everything we can to ensure that when people get out of prison, they enter our communities as productive members of society, so we can start to reverse the dangerous cycle of recidivism and violence. The Second Chance Reauthorization Act helps break this cycle.

I thank Senator PORTMAN, Representative SENSENBRENNER, and Representative DAVIS for their hard work and cooperation in leading these efforts. We have come together in a truly exceptional way in this bipartisan, bicameral effort. I am proud of the work we have done so far and I look forward to joining with Democrats and Republicans to get this bill passed and signed into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Chance Reauthorization Act of 2013".

#### SEC. 2. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—Section 2976 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to States, local governments, territories, or Indian tribes, or any combination thereof (in this section referred to as an ‘eligible entity’), in partnership with interested persons (including Federal corrections and supervision agencies), services providers, and nonprofit organizations for the purpose of strategic planning and implementation of adult and juvenile offender reentry projects.”;

(2) in subsection (b)—

(A) in paragraph (3), by inserting “or reentry courts,” after “community.”;

(B) in paragraph (6), by striking “and” at the end;

(C) in paragraph (7), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(8) promoting employment opportunities consistent with the Transitional Jobs strategy (as defined in section 4 of the Second Chance Act of 2007 (42 U.S.C. 17502)).”;

(3) by striking subsections (d), (e), and (f) and inserting the following:

“(d) COMBINED GRANT APPLICATION; PRIORITY CONSIDERATION.—

“(1) IN GENERAL.—The Attorney General shall develop a procedure to allow applicants to submit a single application for a planning grant under subsection (e) and an implementation grant under subsection (f).

“(2) PRIORITY CONSIDERATION.—The Attorney General shall give priority consideration to grant applications under subsections (e) and (f) that include a commitment by the applicant to partner with a local evaluator to identify and analyze data that will—

“(A) enable the grantee to target the intended offender population; and

“(B) serve as a baseline for purposes of the evaluation.

“(e) PLANNING GRANTS.—

“(1) IN GENERAL.—Except as provided in paragraph (3), the Attorney General may make a grant to an eligible entity of not more than \$75,000 to develop a strategic, collaborative plan for an adult or juvenile offender reentry demonstration project as described in subsection (h) that includes—

“(A) a budget and a budget justification;

“(B) a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health;

“(C) the activities proposed;

“(D) a schedule for completion of the activities described in subparagraph (C); and

“(E) a description of the personnel necessary to complete the activities described in subparagraph (C).

“(2) MAXIMUM TOTAL GRANTS AND GEOGRAPHIC DIVERSITY.—

“(A) MAXIMUM AMOUNT.—The Attorney General may not make planning grants and implementation grants to 1 eligible entity in a total amount that is more than a \$1,000,000.

“(B) GEOGRAPHIC DIVERSITY.—The Attorney General shall make every effort to ensure equitable geographic distribution of grants under this section and take into consideration the needs of underserved populations, including rural and tribal communities.

“(3) PERIOD OF GRANT.—A planning grant made under this subsection shall be for a pe-

riod of not longer than 1 year, beginning on the first day of the month in which the planning grant is made.

“(f) IMPLEMENTATION GRANTS.—

“(1) APPLICATIONS.—An eligible entity desiring an implementation grant under this subsection shall submit to the Attorney General an application that—

“(A) contains a reentry strategic plan as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to fund the program after Federal funding is discontinued;

“(B) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

“(C) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explains how such measurements will provide valid measures of the impact of that program; and

“(D) describes how the project could be broadly replicated if demonstrated to be effective.

“(2) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this subsection only if the application—

“(A) reflects explicit support of the chief executive officer, or their designee, of the State, unit of local government, territory, or Indian tribe applying for a grant under this subsection;

“(B) provides extensive discussion of the role of Federal corrections, State corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems in ensuring successful reentry of offenders into their communities;

“(C) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

“(D) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community;

“(E) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant;

“(F) provides a plan for continued collaboration with a local evaluator as necessary to meeting the requirements under subsection (h); and

“(G) demonstrates that the applicant participated in the planning grant process or engaged in comparable planning for the reentry project.

“(3) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this subsection that best—

“(A) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

“(B) include—

“(i) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

“(ii) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities;

“(iii) coordination with families of offenders;

“(iv) input, where appropriate, from the juvenile justice coordinating council of the region;

“(v) input, where appropriate, from the reentry coordinating council of the region; and

“(vi) other interested persons, as appropriate;

“(C) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

“(i) planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates, and, as appropriate, for prison inmates, depending on the length of the sentence;

“(ii) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal, tribal, or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing; and

“(iii) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry;

“(D) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

“(E) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs;

“(F) target moderate and high-risk offenders for reentry programs through validated assessment tools; and

“(G) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

“(4) AMOUNT.—The amount of a grant made under this subsection may not be more than \$925,000.

“(5) PERIOD OF GRANT.—A grant made under this subsection shall be effective for a 2-year period—

“(A) beginning on the date on which the planning grant awarded under subsection (e) concludes; or

“(B) in the case of an implementation grant awarded to an eligible entity that did not receive a planning grant, beginning on the date on which the implementation grant is awarded.”;

(4) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—As a condition of receiving financial assistance under subsection (f), each application shall develop a comprehensive reentry strategic plan that—

“(A) contains a plan to assess inmate reentry needs and measurable annual and 3-year performance outcomes;

“(B) uses, to the maximum extent possible, randomly assigned and controlled studies, or rigorous quasi-experimental studies with matched comparison groups, to determine the effectiveness of the program funded with a grant under subsection (f); and

“(C) includes as a goal of the plan to reduce the rate of recidivism for offenders released from prison, jail or a juvenile facility with funds made available under subsection (f).

“(2) LOCAL EVALUATOR.—A partnership with a local evaluator described in subsection (d)(2) shall require the local evaluator to use the baseline data and target population characteristics developed under a subsection (e) planning grant to derive a feasible and meaningful target goal for recidivism reduction during the 3-year period beginning on the date of implementation of the program.”;

(5) in subsection (i)(1)—

(A) in the matter preceding subparagraph (A), by striking “under this section” and inserting “under subsection (f)”; and

(B) in subparagraph (B), by striking “subsection (e)(4)” and inserting “subsection (f)(2)(D)”;

(6) in subsection (j)—

(A) in paragraph (1), by inserting “for an implementation grant under subsection (f)” after “applicant”; and

(B) in paragraph (2)—  
(i) in subparagraph (E), by inserting “, where appropriate” after “support”; and  
(ii) by striking subparagraphs (F), (G), and (H), and inserting the following:

“(F) increased number of staff trained to administer reentry services;

“(G) increased proportion of individuals served by the program among those eligible to receive services;

“(H) increased number of individuals receiving risk screening needs assessment, and case planning services;

“(I) increased enrollment in, and completion of treatment services, including substance abuse and mental health services among those assessed as needing such services;

“(J) increased enrollment in and degrees earned from educational programs, including high school, GED, vocational training, and college education;

“(K) increased number of individuals obtaining and retaining employment;

“(L) increased number of individuals obtaining and maintaining housing;

“(M) increased self-reports of successful community living, including stability of living situation and positive family relationships;

“(N) reduction in drug and alcohol use; and

“(O) reduction in recidivism rates for individuals receiving reentry services after release, as compared to either baseline recidivism rates in the jurisdiction of the grantee or recidivism rates of the control or comparison group.”;

(C) in paragraph (3), by striking “facilities.” and inserting “facilities, including a cost-benefit analysis to determine the cost effectiveness of the reentry program.”;

(D) in paragraph (4), by striking “this section” and inserting “subsection (f)”; and

(E) in paragraph (5), by striking “this section” and inserting “subsection (f)”; and

(7) in subsection (k)(1), by striking “this section” each place the term appears and inserting “subsection (f)”; and

(8) in subsection (l)—

(A) in paragraph (2), by inserting “beginning on the date on which the most recent implementation grant is made to the grantee

under subsection (f)” after “2-year period”; and

(B) in paragraph (4), by striking “over a 2-year period” and inserting “during the 2-year period described in paragraph (2)”;

(9) in subsection (o)(1), by striking “appropriated” and all that follows and inserting the following: “appropriated \$35,000,000 for each of fiscal years 2014 through 2018.”; and

(10) by adding at the end the following:

“(p) DEFINITION.—In this section, the term ‘reentry court’ means a program that—

“(1) monitors juvenile and adult eligible offenders reentering the community;

“(2) provides continual judicial supervision;

“(3) provides juvenile and adult eligible offenders reentering the community with coordinated and comprehensive reentry services and programs, such as—

“(A) drug and alcohol testing and assessment for treatment;

“(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

“(C) substance abuse treatment from a provider that is approved by the State or Indian tribe, and licensed, if necessary, to provide medical and other health services;

“(D) health (including mental health) services and assessment;

“(E) aftercare and case management services that—

“(i) facilitate access to clinical care and related health services; and

“(ii) coordinate with such clinical care and related health services; and

“(F) any other services needed for reentry;

“(4) convenes community impact panels, victim impact panels, or victim impact educational classes;

“(5) provides and coordinates the delivery of community services to juvenile and adult eligible offenders, including—

“(A) housing assistance;

“(B) education;

“(C) job training;

“(D) conflict resolution skills training;

“(E) batterer intervention programs; and

“(F) other appropriate social services; and

“(6) establishes and implements graduated sanctions and incentives.”.

(b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797s et seq.) is amended—

(1) in section 2921 (42 U.S.C. 3797s), in the matter preceding paragraph (1), by inserting “nonprofit organizations,” before “and Indian”;

(2) in section 2923 (42 U.S.C. 3797s-2), by adding at the end the following:

“(c) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority consideration to grant applications for grants under section 2921 that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

“(1) within the judiciary and prosecutorial agencies; or

“(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations.”; and

(3) by striking section 2926(a) (42 U.S.C. 3797s-5(a)), and inserting the following:

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this part

\$10,000,000 for each of fiscal years 2014 through 2018.”

(c) **GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part KK (42 U.S.C. 3797ee et seq.) as part LL;

(2) by redesignating the second part designated as part JJ, as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods, as part KK;

(3) by redesignating the second section designated as section 3001 and section 3002 (42 U.S.C. 3797dd and 3797dd–1), as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods, as sections 3005 and 3006, respectively;

(4) in section 3005, as so redesignated—

(A) in subsection (a)—

(i) in paragraph (2), by striking “and” at the end;

(ii) in paragraph (3), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(4) implement methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities consistent with the best practices identified in subsection (c).”;

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b), the following:

“(c) **BEST PRACTICES.**—Not later than 180 days after the date of enactment of the Second Chance Reauthorization Act of 2013, the Attorney General shall identify and publish best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities. The best practices shall consider the evaluations performed and recommendations made under grants made under subsection (a) before the date of enactment of the Second Chance Reauthorization Act of 2013.”; and

(5) in section 3006, as so redesignated, by striking “to carry” and all that follows through “2010” and inserting “for each of fiscal years 2014, 2015, 2016, 2017, and 2018 for grants for purposes described in section 3005(a)(4).”

(d) **CAREERS TRAINING DEMONSTRATION GRANTS.**—Section 115 of the Second Chance Act of 2007 (42 U.S.C. 17511) is amended—

(1) in subsection (a)—

(A) by striking “and Indian” and inserting “nonprofit organizations, and Indian”; and

(B) by striking “technology career training to prisoners” and inserting “career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults”;

(2) in subsection (b)—

(A) by striking “technology careers training”;

(B) by striking “technology-based”; and

(C) by inserting “, as well as upon transition and reentry into the community” after “facility”;

(3) by striking subsections (c) and (e);

(4) by inserting after subsection (b) the following:

“(c) **PRIORITY CONSIDERATION.**—Priority consideration shall be given to any application under this section that—

“(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

“(2) conducts individualized reentry career planning upon the start of incarceration or

post-release employment planning for each offender served under the grant;

“(3) demonstrates connections to employers within the local community; or

“(4) tracks and monitors employment outcomes.”; and

(5) by adding at the end the following:

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018.”

(e) **OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.**—Section 201(f)(1) of the Second Chance Act of 2007 (42 U.S.C. 17521(f)(1)) is amended to read as follows:

“(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2014 through 2018.”

(f) **COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS.**—

(1) **IN GENERAL.**—Section 211 of the Second Chance Act of 2007 (42 U.S.C. 17531) is amended—

(A) in the header, by striking “**MENTORING GRANTS TO NONPROFIT ORGANIZATIONS**” and inserting “**COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS**”;

(B) in subsection (a), by striking “mentoring and other”;

(C) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) transitional services to assist in the reintegration of offenders into the community, including—

“(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

“(B) substance abuse treatment and services;

“(C) coordinated supervision and comprehensive services for offenders, including housing and mental and physical health care;

“(D) family services; and

“(E) validated assessment tools to assess the risk factors of returning inmates; and”;

(D) in subsection (f), by striking “this section” and all that follows and inserting the following: “this section \$15,000,000 for fiscal years 2014 through 2018.”

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in section 2 of the Second Chance Act of 2007 (42 U.S.C. 17501 note) is amended by striking the item relating to section 211 and inserting the following:

“Sec. 211. Community-based mentoring and transitional service grants.”.

(g) **DEFINITIONS.**—

(1) **IN GENERAL.**—Section 4 of the Second Chance Act of 2007 (42 U.S.C. 17502) is amended to read as follows:

“**SEC. 4. DEFINITIONS.**

“In this Act—

“(1) the term ‘exoneree’ means an individual who—

“(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

“(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

“(C) has been determined to be factually innocent of the offense described in subparagraph (A);

“(2) the term ‘Indian tribe’ has the meaning given in section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791);

“(3) the term ‘offender’ includes an exoneree; and

“(4) the term ‘Transitional Jobs strategy’ means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

“(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

“(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

“(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

“(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

“(E) places participants into unsubsidized employment; and

“(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.”.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in section 2 of the Second Chance Act of 2007 (42 U.S.C. 17501 note) is amended by striking the item relating to section 4 and inserting the following:

“Sec. 4. Definitions.”.

(h) **EXTENSION OF THE LENGTH OF SECTION 2976 GRANTS.**—Section 6(1) of the Second Chance Act of 2007 (42 U.S.C. 17504(1)) is amended by inserting “or under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w)” after “and 212”.

**SEC. 3. AUDIT AND ACCOUNTABILITY OF GRANTEES.**

(a) **DEFINITION.**—In this section, the term “unresolved audit finding” means an audit report finding or recommendation that a grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 1-year period beginning on the date of an initial notification of the finding or recommendation.

(b) **AUDIT REQUIREMENT.**—Beginning in fiscal year 2013, and every 3 years thereafter, the Inspector General of the Department of Justice shall conduct an audit of not less than 5 percent of all grantees that are awarded funding under—

(1) section 2976(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b));

(2) part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797q et seq.), as amended by this Act;

(3) part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797s et seq.);

(4) part JJ of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797dd et seq.); or

(5) section 115, 201, or 211 of the Second Chance Act of 2007 (42 U.S.C. 17511, 17521, and 17531).

(c) **MANDATORY EXCLUSION.**—A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under the grant programs described in paragraphs (1) through (5) of subsection (b) in the fiscal year following the fiscal year to which the finding relates.

(d) **PRIORITY OF GRANT AWARDS.**—The Attorney General, in awarding grants under the programs described in paragraphs (1) through (5) of subsection (b) shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

#### SEC. 4. FEDERAL REENTRY IMPROVEMENTS.

(a) **RESPONSIBLE REINTEGRATION OF OFFENDERS.**—Section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) is repealed.

(b) **FEDERAL PRISONER REENTRY INITIATIVE.**—Section 231 of the Second Chance Act of 2007 (42 U.S.C. 17541) is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking “carried out during fiscal years 2009 and 2010” and inserting “carried out during fiscal years 2014 through 2018”; and

(B) in paragraph (5)(A)—

(i) in clause (i), by striking “65 years” and inserting “60 years”; and

(ii) in clause (ii), by striking “or 75 percent” and inserting “or ¾”; and

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking “2009 and 2010” and inserting “2014 through 2018”.

(c) **ENHANCING REPORTING REQUIREMENTS PERTAINING TO COMMUNITY CORRECTIONS.**—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (5), in the second sentence, by inserting “, and number of prisoners not being placed in community corrections facilities for each reason set forth” before “, and any other information”; and

(2) in paragraph (6), by striking “the Second Chance Act of 2007” and inserting “the Second Chance Reauthorization Act of 2013”.

(d) **TERMINATION OF STUDY ON EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.**—Section 244 of the Second Chance Act of 2007 (42 U.S.C. 17554) is repealed.

(e) **AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.**—Section 245 of the Second Chance Act of 2007 (42 U.S.C. 17555) is amended—

(1) by striking “243, and 244” and inserting “and 243”; and

(2) by striking “\$10,000,000 for each of the fiscal years 2009 and 2010” and inserting “\$5,000,000 for each of the fiscal years 2014, 2015, 2016, 2017, and 2018”.

(f) **FEDERAL PRISONER RECIDIVISM REDUCTION PROGRAMMING ENHANCEMENT.**—

(1) **IN GENERAL.**—Section 3621 of title 18, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

“(g) **PARTNERSHIPS TO EXPAND ACCESS TO REENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.**—

“(1) **DEFINITION.**—The term ‘demonstrated to reduce recidivism’ means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

“(2) **ELIGIBILITY FOR RECIDIVISM REDUCTION PARTNERSHIP.**—A faith-based or community-

based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

“(3) **RECIDIVISM REDUCTION PARTNERSHIPS.**—The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

“(4) **REPORTING REQUIREMENT.**—The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that—

“(A) details, for each prison and community-based facility for the fiscal year just ended—

“(i) the number of recidivism reduction partnerships under this section that were in effect;

“(ii) the number of volunteers that provided recidivism reduction programming; and

“(iii) the number of recidivism reduction programming hours provided; and

“(B) explains any disparities between facilities in the numbers reported under subparagraph (A).”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(g) **REPEALS.**—

(1) Section 2978 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w-2) is repealed.

(2) Part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797q et seq.) is repealed.

#### SEC. 5. TASK FORCE ON FEDERAL PROGRAMS AND ACTIVITIES RELATING TO REENTRY OF OFFENDERS.

(a) **TASK FORCE REQUIRED.**—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, States, tribal, and local governments, shall establish an interagency task force on Federal programs and activities relating to the reentry of offenders into the community (referred to in this section as the “Task Force”).

(b) **DUTIES.**—The Task Force shall—

(1) identify such programs and activities that may be resulting in overlap or duplication of services, the scope of such overlap or duplication, and the relationship of such overlap and duplication to public safety, public health, and effectiveness and efficiency;

(2) identify methods to improve collaboration and coordination of such programs and activities;

(3) identify areas of responsibility in which improved collaboration and coordination of such programs and activities would result in increased effectiveness or efficiency;

(4) develop innovative interagency or intergovernmental programs, activities, or procedures that would improve outcomes of reentering offenders and children of offenders;

(5) develop methods for increasing regular communication among agencies that would increase interagency program effectiveness;

(6) identify areas of research that can be coordinated across agencies with an emphasis on applying evidence-based practices to support, treatment, and intervention programs for reentering offenders;

(7) identify funding areas that should be coordinated across agencies and any gaps in funding; and

(8) in collaboration with the National Adult and Juvenile Offender Reentry Resources Center, identify successful programs currently operating and collect best practices in offender reentry from demonstration grantees and other agencies and organizations, determine the extent to which such programs and practices can be replicated, and make information on such programs and practices available to States, localities, nonprofit organizations, and others.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Task Force shall submit a report, including recommendations, to Congress on barriers to reentry.

(2) **CONTENTS.**—The report required under paragraph (1) shall identify Federal and other barriers to successful reentry of offenders into the community and analyze the effects of such barriers on offenders and on children and other family members of offenders, including—

(A) admissions and evictions from Federal housing programs;

(B) child support obligations and procedures;

(C) Social Security benefits, veterans benefits, food stamps, and other forms of Federal public assistance;

(D) Medicaid Program and Medicare Program procedures, requirements, regulations, and guidelines;

(E) education programs, financial assistance, and full civic participation;

(F) Temporary Assistance for Needy Families program funding criteria and other welfare benefits;

(G) employment and training;

(H) reentry procedures, case planning, and transitions of persons from the custody of the Federal Bureau of Prisons to a Federal parole or probation program or community corrections;

(I) laws, regulations, rules, and practices that may require a parolee to return to the same county that they were living in before their arrest and therefore prevent offenders from changing their setting upon release; and

(J) trying to establish pre-release planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security and veterans benefits) upon release is established prior to release, subject to any limitations in law, and to ensure that prisoners are provided with referrals to appropriate social and health services or are referred to appropriate nonprofit organizations.

(d) **UPDATED REPORTS.**—On an annual basis, the Task Force shall submit to Congress an updated report on the activities of the Task Force, including specific recommendations on issues described in subsections (b) and (c).

By Mr. HARKIN (for himself and Mr. HELLER):

S. 1694. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of

hearing aids; to the Committee on Finance.

Mr. HARKIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Aid Assistance Tax Credit Act".

#### SEC. 2. CREDIT FOR HEARING AIDS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

##### "SEC. 25E. CREDIT FOR HEARING AIDS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the amount paid during the taxable year, not compensated by insurance or otherwise, by the taxpayer for the purchase of any qualified hearing aid.

"(b) MAXIMUM AMOUNT.—The amount allowed as a credit under subsection (a) shall not exceed \$500 per qualified hearing aid.

"(c) QUALIFIED HEARING AID.—For purposes of this section, the term 'qualified hearing aid' means a hearing aid—

"(1) which is described in sections 874.3300 and 874.3305 of title 21, Code of Federal Regulations, and is authorized under the Federal Food, Drug, and Cosmetic Act for commercial distribution, and

"(2) which is intended for use—

"(A) by the taxpayer, or

"(B) by an individual with respect to whom the taxpayer, for the taxable year, is allowed a deduction under section 151(c) (relating to deduction for personal exemptions for dependents).

"(d) ELECTION ONCE EVERY 5 YEARS.—This section shall apply with respect to any individual for any taxable year only if there is an election in effect with respect to such individual (at such time and in such manner as the Secretary may by regulations prescribe) to have this section apply for such taxable year. An election to have this section apply with respect to any individual may not be made for any taxable year if such an election is in effect with respect to such individual for any of the 4 taxable years preceding such taxable year.

"(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for hearing aids."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

By Mr. MARKEY:

S. 1698. A bill to provide for the establishment of clean technology consortia to enhance the economic, envi-

ronmental, and energy security of the United States by promoting domestic development, manufacture, and deployment of clean technologies; to the Committee on Energy and Natural Resources.

Mr. MARKEY. Mr. President, today I am introducing the Consortia-Led Energy and Advanced Manufacturing Networks Act.

For more than a century, America's innovation community has been the foundation of our high-tech economy and generated broad-based growth to support a strong middle class. While our innovators remain the best in the world, we have seen a disturbing trend in recent years. When it comes to moving innovations out of the lab and into the factory, we are getting beat. Breakthroughs achieved in U.S. research universities and laboratories are all too often being commercialized and manufactured overseas. As recent research by the Massachusetts Institute of Technology and others has demonstrated, innovation and production are closely related. When manufacturing facilities move overseas, we lose more than just those manufacturing jobs. We can lose our ability to continue to innovate in that industry and lose our hold on those jobs forever.

At the same time, we have some industries in the United States dominated by deeply entrenched companies that are resistant to innovation or adaptation of century-old business models. In those sectors, we need to look at ways of partnering with our innovators on proof-of-concept and demonstration projects so that more breakthroughs can bridge the so-called "Valley of Death" between the lab bench and commercialization of a new technology. That will ensure that innovative and potentially disruptive technologies can actually reach the market, and provide badly needed competition in industries where incumbents may be failing to innovate. This is what my legislation is intended to address.

In order to reach their full market potential, scientific breakthroughs must be translated into commercial applications, demonstrated, connected to appropriate markets, and scaled up. The bill I am introducing today would fertilize America's innovation ecosystems by making available \$100 million to 6 or more consortia to support these types of activities and help shepherd innovations through the commercialization process. Consortia could include a mix of research universities, large and small companies, national laboratories, venture capital, and state and nonprofit entities with expertise in technology commercialization. The bill includes rigorous cost-share requirements to ensure that taxpayers are only partnering on the best ideas in which the private sector also has significant capital committed.

We have seen the benefits of regional innovation ecosystems in places like Silicon Valley; Boston, Cambridge and the Route 128 Corridor; the Research Triangle in North Carolina; Austin, TX; and elsewhere. The geographic proximity of institutions in these areas improves the flow of information between scientists, engineers, and entrepreneurs, and it facilitates the sharing of skilled human resources and facilities. Most critically when it comes to commercializing innovations, these regions have demonstrated a unique ability to pull investor capital off the sidelines and channel it into new production. We need to bolster these existing ecosystems and help nurture new ones.

America's universities and research institutions are truly national treasures. Our venture capitalists and entrepreneurs are the sharpest in the world. When we sprinkle the right mix of scientific brain power and capitalist drive, we get something uniquely American and extremely potent.

This legislation will help link inventors with investors, professors with producers, and get technologies out of laboratories and into factories. It provides the type of responsible and forward-looking partnership that we need with the private sector right now. This legislation builds on provisions I included in both the Waxman-Markey bill and the America COMPETES reauthorization, bills that passed the U.S. House of Representatives in 2009 and 2010, respectively.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 292—EXPRESSING SUPPORT FOR THE VICTIMS OF THE TYPHOON IN THE PHILIPPINES AND THE SURROUNDING REGION

Mr. SCHATZ (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. CARDIN, Mr. RUBIO, Ms. HIRONO, Mr. UDALL of New Mexico, Mrs. BOXER, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 292

Whereas on November 8, 2013, Typhoon Yolanda, also known as Typhoon Haiyan, struck the Republic of the Philippines and the surrounding region;

Whereas Typhoon Yolanda is the strongest typhoon in recorded history to make landfall;

Whereas President Benigno Aquino III declared a state of national calamity after Typhoon Yolanda hit the central Philippines;

Whereas the typhoon caused widespread flooding and landslides, particularly in the provinces of Eastern Samar and Leyte, which experienced storm surges of up to 13 feet and sustained winds of more than 175 miles per hour;

Whereas authorities in the Philippines have confirmed at least 1,798 deaths, a toll that is expected to rise as thousands of individuals remain missing as of the date of this resolution;

Whereas unofficial estimates project the number of deaths to be over 10,000;

Whereas, according to the United Nations Office for the Coordination of Humanitarian Affairs, more than 670,000 people have been displaced and 11,300,000 people have been affected by Typhoon Yolanda;

Whereas, according to the Philippine National Disaster Risk Reduction and Management Council, the typhoon destroyed or damaged approximately 149,015 houses, as well as public infrastructure and agricultural land across 41 provinces;

Whereas, in Ormoc City, the second largest city in the province of Leyte, the typhoon damaged or destroyed approximately 80 to 90 percent of housing;

Whereas the United Nations World Food Program estimates that 2,500,000 people will need food assistance in the aftermath of the typhoon;

Whereas the Government of the Philippines has been leading and coordinating the disaster response in the Philippines, including the evacuation of more than 792,000 people to temporary shelters and pre-positioning food commodities and emergency relief supplies in advance of the typhoon, and deploying military assets and road-clearing equipment to assist with relief operations;

Whereas the response by the United States Government to this tragedy has included \$20,000,000 in aid;

Whereas a United States Agency for International Development Disaster Assistance Response Team, elements of the 3rd Marine Expeditionary Brigade, and other United States military and civilian personnel have deployed to the Philippines to provide aid and coordinate United States relief efforts;

Whereas the Philippines and the United States fought side-by-side during World War II to defend the Bataan Peninsula and subsequently liberate the Philippines from Japanese control;

Whereas the Philippines and the United States share a long, close relationship as allies, as evidenced by the 1951 U.S.-Philippines Mutual Defense Treaty, which was reaffirmed by the Manila Declaration signed in 2011, and the United States designation of the Philippines as a Major Non-NATO Ally;

Whereas the Philippines and the United States share strong economic, security, and people-to-people ties, including approximately 4,000,000 Americans of Philippine ancestry living in the United States, and more than 300,000 United States citizens residing in the Philippines; and

Whereas the Philippines and the United States share a long tradition of mutual support and cooperation: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of life resulting from the typhoon;

(2) expresses its deepest condolences to the families of the victims of this tragedy;

(3) expresses solidarity with the survivors, and all those who have lost loved ones or otherwise been affected by the tragedy;

(4) supports the efforts of the Government of the Philippines to lead and coordinate assistance to address immediate humanitarian needs and to begin reconstruction efforts;

(5) supports the ongoing efforts of the United States Government, the international community, relief agencies, and private citizens to assist the governments and peoples of the Philippines and the surrounding region in their time of need; and

(6) encourages the United States and the international community to provide additional humanitarian assistance to aid the survivors and support reconstruction efforts, as appropriate.

# SENATE RESOLUTION 293—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 18, 2013, AS “NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK”

Ms. HEITKAMP (for herself, Mr. HOEVEN, Mr. BEGICH, Mr. UDALL of New Mexico, Mrs. MURRAY, Mr. SCHATZ, Ms. HIRONO, Mr. TESTER, Mr. FRANKEN, Mr. LEVIN, Mr. MORAN, Mr. JOHNSON of South Dakota, Mr. THUNE, Ms. STABENOW, Mr. BARRASSO, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. BAUCUS, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:

## S. RES. 293

Whereas there are 37 tribal colleges and universities operating on more than 75 campuses in 15 States;

Whereas tribal colleges and universities are tribally or Federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas tribal colleges and universities serve students from more than 250 Federally recognized Indian tribes;

Whereas tribal colleges and universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhance Indian communities and enrich the United States as a whole;

Whereas tribal colleges and universities provide access to quality higher education opportunities for American Indians, Alaska Natives, and other individuals living in some of the most isolated and economically depressed areas in the United States;

Whereas tribal colleges and universities are accredited institutions of higher education that effectively prepare students to succeed in a global and highly competitive workforce;

Whereas open enrollment policies have resulted in non-Indians constituting nearly one-fifth of the students at tribal colleges and universities;

Whereas tribal colleges and universities are effectively providing access to quality higher education opportunities to residents of reservation communities and the North Slope of Alaska; and

Whereas the mission and achievements of tribal colleges and universities deserve national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on November 18, 2013, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for tribal colleges and universities.

# SENATE RESOLUTION 294—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. INHOFE, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. UDALL of New Mexico, Mr. BLUNT, Mr. KING, Mr. CORNYN, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. PORTMAN, Mr. WICKER, Mrs. FISCHER, Mr. MORAN, Mr. BOOZMAN, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

## S. RES. 294

Whereas there are millions of unparented children in the world, including 399,546 children in the foster care system in the United States, approximately 102,000 of whom are waiting for families to adopt them;

Whereas 60 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2012, nearly 26,000 youth “aged out” of foster care by reaching adulthood without being placed in a permanent home;

Whereas every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that although “Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years”;

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 50 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 39 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas family reunification, kinship care, and domestic and inter-county adoption promote permanency and stability to a far greater degree than long-term institutionalization and long-term, often disrupted foster care;



Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, nearly 45,000 children have joined forever families during National Adoption Day;

Whereas in 2012, a total of 390 events were held in 47 States and the District of Columbia, finalizing the adoptions of 4,615 children from foster care and celebrating an additional 500 adoptions finalized during November or earlier in the year; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 23, 2013: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

#### SENATE CONCURRENT RESOLUTION 25—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR ACTIVITIES ASSOCIATED WITH THE CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO NATIVE AMERICAN CODE TALKERS

Mr. JOHNSON of South Dakota (for himself and Mr. INHOFE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 25

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. USE OF EMANCIPATION HALL FOR GOLD MEDAL CEREMONY FOR NATIVE AMERICAN CODE TALKERS.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on November 20, 2013, for a ceremony to award the Congressional Gold Medal to Native American code talkers. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2024. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; which was ordered to lie on the table.

SA 2025. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2026. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2027. Mr. INHOFE (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2028. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2029. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2030. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2031. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2024. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . TRANSPARENCY OF COVERAGE DETERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Chief Administrative Officer of the House of Representatives and the Financial Clerk of the Senate shall make publically available the determinations of each member of the House of Representatives and each Senator, as the case may be, regarding the designation of their respective congressional staff (including leadership and committee staff) as “official” for purposes of requiring such staff to enroll in health insurance coverage provided through an Exchange as required under section 1312(d)(1)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(1)(D)), and the regulations relating to such section.

(b) FAILURE TO SUBMIT.—The failure by any member of the House of Representatives or Senator to designate any of their respective staff, whether committee or leadership staff, as “official” (as described in subsection (a)), shall be noted in the determination made publically available under subsection (a) along with a statement that such failure permits the staff involved to remain in the Federal Employee Health Benefits Program.

(c) PRIVACY.—Nothing in this Act shall be construed to permit the release of any individually identifiable information concerning any individual, including any health plan selected by an individual.

SA 2025. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, beginning on line 3, strike “**SKILLS AND TRAINING REQUIRED FOR CIVILIAN CERTIFICATIONS AND LICENSES**” and insert “**ELIGIBILITY, SKILLS, AND TRAINING REQUIRED FOR CIVILIAN CERTIFICATIONS, CREDENTIALS, AND LICENSES**”.

On page 130, line 19, strike “skills and training” and insert “eligibility, skills, and training”.

On page 131, line 11, insert “eligibility and” after “including”.

On page 132, line 15, insert “in connection with military occupational specialties” before the period.

SA 2026. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

#### SEC. 1003. SENSE OF THE SENATE REGARDING REPORTING ON THE LONG-TERM BUDGETARY EFFECTS OF SEQUESTRATION.

(a) FINDINGS.—Congress finds that—

(1) the reductions in discretionary appropriations and direct spending accounts under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) (in this section referred to as “sequestration”) were never intended to take effect;

(2) the readiness of the Nation’s military is weakened by sequestration;

(3) sequestration has budgetary and cost impacts beyond the programmatic level; and

(4) there is limited information about these indirect costs to the Federal Government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Office of Management and Budget should establish a task force to report on the long-term budgetary costs and effects of sequestration, including on procurement activities and contracts with the Federal Government.

SA 2027. Mr. INHOFE (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032.

SA 2028. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-



year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1033 and insert the following:

**SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 2029.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031 and insert the following:

**SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2014 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1), or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "individual detained at Guantanamo" means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody of or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

**SA 2030.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—  
(A) the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

**SA 2031.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. SPECIAL ASSISTANCE FOR GOLD STAR SPOUSES AND DEPENDENTS.**

(a) GOLD STAR FAMILY ADVOCATES.—

(1) ADVOCATES REQUIRED.—Each Secretary of a military department shall designate for each Armed Force under the jurisdiction of such Secretary a member of such Armed Force or civilian employee of such military department to act as an advocate for spouses and dependents of members of such Armed Force (including members of the National Guard or Reserve of such Armed Force, as applicable) who die on active duty in the Armed Forces. The individual so designated shall be known as the “Gold Star Advocate” for the Armed Force concerned.

(2) DUTY AS OMBUDSMAN.—An individual designated as a Gold Star Advocate for an Armed Force pursuant to paragraph (1) shall serve as the ombudsman for spouses and dependents of members of such Armed Force who die on active duty in the Armed Forces with respect to complaints regarding casualty assistance or receipt of benefits au-

thorized by law for spouses and dependents of members of the Armed Forces who die on active duty in the Armed Forces. In performing such duty, an individual may do the following:

(A) Address complaints by spouses and dependents, and provide support, regarding such casualty assistance or receipt of such benefits.

(B) Make reports to appropriate officers or officials in the Department of Defense or the military department concerned regarding resolution of such complaints, including recommendations regarding the settlement of claims with respect to such benefits, as appropriate.

(C) Perform such other actions as the Secretary of the military department concerned considers appropriate.

(b) TRAINING FOR CASUALTY ASSISTANCE PERSONNEL.—

(1) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall implement a standardized comprehensive training program on casualty assistance for the following personnel of the Department of Defense:

(A) Casualty assistance officers.

(B) Casualty assistance calls officers.

(C) Casualty assistance representatives.

(2) GENERAL ELEMENTS.—The training program required by paragraph (1) shall include training designed to ensure that the personnel specified in that paragraph provide spouses of members of the Armed Forces who die on active duty in the Armed Forces with accurate information on the benefits to which they are entitled and other appropriate casualty assistance following the death of such members on active duty.

(3) SERVICE-SPECIFIC ELEMENTS.—The Secretary of the military department concerned may, in coordination with the Secretary of Defense, provide for the inclusion in the training program required by paragraph (1) that is provided to casualty assistance personnel of such military department such elements of training that are specific or unique to the requirements or particulars of the Armed Forces under the jurisdiction of such military department as the Secretary of the military department concerned considers appropriate.

(4) FREQUENCY OF TRAINING.—Training shall be provided under the program required by paragraph (1) not less often than annually.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Ms. WARREN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 13, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “The Role of Manufacturing Hubs in a 21st Century Innovation Economy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Ms. WARREN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 13, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Ms. WARREN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 13, 2013, at 2 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON SMALL BUSINESS AND**

**ENTREPRENEURSHIP**

Ms. WARREN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 13, 2013, at 9:30 a.m. in room 428A of the Russell Senate Office building to conduct a roundtable entitled “Serving Our Service Members: A Review of Programs for Veteran Entrepreneurs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON PRIVACY, TECHNOLOGY AND THE LAW**

Ms. WARREN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology and the Law, be authorized to meet during the session of the Senate on November 13, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Surveillance Transparency Act of 2013.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. HARKIN. Mr. President, I ask unanimous consent that Teresa Danso-Danquah, Emily Flores, and Charles Hayes of my staff be granted floor privileges for the duration of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent for my intern, Bruce Lehman, to have the privileges of the floor for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. Mr. President, I ask unanimous consent to offer floor privileges to my staffer, Michael Inacay, for the remainder of the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

**NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK**

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 293, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 293) designating the week beginning November 18, 2013 as "National Tribal Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BEGICH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 293) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 294, submitted earlier today by Senators LANDRIEU, INHOFE, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 294) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to the resolution.

Mr. BEGICH. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 294) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 25, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 25) authorizing the use of Emancipation Hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers.

There being no objection, the Senate proceeded to the concurrent resolution.

Mr. BEGICH. I ask unanimous consent the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 25) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR THURSDAY, NOVEMBER 14, 2013

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, November 14, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate proceed to vote on adoption of the motion to proceed to H.R. 3204, the Pharmaceutical Drug Compounding bill; finally, that the Senate recess from 1 p.m. to 2:15 p.m. to allow for caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BEGICH. The vote on adoption of the motion to proceed to the compounding bill is expected to be a voice vote.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BEGICH. If there is no further business to come before the Senate, I

ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Thursday, November 14, 2013, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### COMMODITY FUTURES TRADING COMMISSION

TIMOTHY G. MASSAD, OF CONNECTICUT, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2017, VICE GARY GENSLER, TERM EXPIRED.

TIMOTHY G. MASSAD, OF CONNECTICUT, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE GARY GENSLER.

##### DEPARTMENT OF STATE

MARK GILBERT, OF THE DISTRICT OF COLUMBIA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE INDEPENDENT STATE OF SAMOA.

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be brigadier general

COL. STEPHEN E. RADER

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

COREY N. DOOLITTLE

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

##### To be lieutenant commander

CHRISTOPHER W. ACOR  
GIEORAG M. ANDREWS  
BENJAMIN M. BEARMAN  
CLAYTON C. BEAS  
JEFFREY R. BERNHARDT  
MATTHEW D. COLLINSWORTH  
GREGORY M. COY  
KIRK T. DELPH  
THOMAS D. DOTSTRY  
PAUL S. DUBOSE  
PETER C. FLYNN  
MICHELLE A. GIRE  
JOSEPH GUNTA  
DAVID C. HAERTEL  
DANIEL W. HARKINS, JR.  
MICHAEL S. HARTZELL  
THOMAS H. HAWKINS  
JAMES F. HOPP  
JAMES J. IRRGANG, JR.  
DANIEL T. JONES  
JOHN D. KINMAN  
MICHAEL J. KOS  
FRANK J. MORALES  
JASON R. PATTON  
NATHAN J. PECK  
BRIAN A. ROSS  
MATTHEW N. RYAN  
JEREMIAH S. SHUMWAY  
CHRISTOPHER R. SMITH  
JOSEPH P. SNELGROVE  
THEODOSIUS SOILES II  
EDWIN M. SPENCER  
JASON W. SPRAY  
JAMES A. STEELE  
RYAN A. STEWART  
ERIC F. STILES  
ROBERT W. VILLANUEVA  
AMANDA H. ZAWORA

## HOUSE OF REPRESENTATIVES—Wednesday, November 13, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. HARTZLER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 13, 2013.

I hereby appoint the Honorable VICKY HARTZLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### DEVASTATING EFFECTS OF SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TURNER) for 5 minutes.

Mr. TURNER. Madam Speaker, yesterday in Dayton, I hosted a community forum regarding the impacts of sequestration on Wright-Patterson Air Force Base in the Dayton community. We had a distinguished group of local leaders who participated in the event. The expert panel included Colonel Cassie B. Barlow, 88th Air Base Wing and installation commander; Jeffrey C. Hoagland, president and CEO of the Dayton Development Coalition; Chris Kershner of the Dayton Chamber of Commerce; and Carl Francis of Dayton Defense, a nonprofit group that is an advocacy group for the defense community in Dayton, Ohio. Each of these local leaders explained how sequestration has affected our community in 2013, and what the effect would be if the sequester continues. For a community like Dayton with such a strong relationship to Wright-Patterson Air Force Base, Ohio's largest single-site employer, the message was devastating.

The Budget Control Act of 2011, which I voted against, was signed into law on August 2, 2011. The Budget Control Act established a series of spending caps and forced reductions designed to indiscriminately reduce government spending by nearly \$2 trillion over 10 years. These forced reductions, also known as sequestration, greatly impact our national security by requiring the Department of Defense to reduce its budget by roughly \$500 billion. Already in its second year, this poorly conceived and flawed process continues to compromise our defense capabilities and greatly impacts military communities like Dayton, Ohio.

Reducing Federal spending is important, but the sequester, as proposed by President Obama, applies 50 percent of the cuts to less than 18 percent of the spending. The Department of Defense represents less than 18 percent of overall Federal spending. Due to the President's sequester, this year roughly 14,000 Air Force civilian men and women have been furloughed in the State of Ohio as a direct result of the sequester. These forced furloughs have not only cost our State tens of millions of dollars in lost revenue but have negatively impacted nearly 30,000 men and women who work at Wright-Patterson and reside in our community. If allowed to continue, I fear the effects of sequestration will devastate the region and potentially result in a loss of 13,000 jobs. The loss of jobs, matched with reductions in spending, could cost our community in Dayton roughly \$8.6 billion.

While it is important to note the impacts to Dayton, we must also take into consideration the impacts to our national security and the future of our country. The President promised sequester would not happen, and yet, the Department of Defense suffers under the effects of these drastic cuts. As many of the experts pointed out, sequestration will greatly compromise military readiness and modernization for years to come. Without a ready and able force, our military will no longer possess the capabilities necessary to rapidly and effectively respond to conflicts around the globe.

During recent testimony before the House Armed Services Committee, the various service chiefs have made numerous statements outlining the devastating effects. Of note, the Army has been forced to cancel all combat training center rotations for those brigade combat teams not slated to deploy to Afghanistan or to be part of the global

response force. That means that we only have two out of 42 combat Army brigades fully trained and ready to deploy in a crisis.

The Navy has canceled multiple ship deployments as a result of the devastating budget cuts, including the USS *Harry S. Truman* Carrier Strike Group that was scheduled to deploy to the Middle East earlier this year. Due to the cuts in training and maintenance, we have had to reduce deterrent presence in order to retain the ability to surge our ships if needed in a crisis.

Important modernization efforts are also taking a hit as a result of sequestration. Air Force leaders have told Congress that "modernization forecasts are bleak." These modernization efforts are critical as many of the assets in our current inventory are decades old.

It is imperative that we find spending cuts to offset sequestration on the Department of Defense. Our military leaders have come to Congress on numerous occasions to explain the limitations the budget cuts are putting on our national security. It is legislative malpractice for this Congress to continue to put our Nation at greater risk. The President needs to come to this Congress with a proposal to offset sequestration in a responsible manner so the Department of Defense can be restored, our national security protected, and the community of Dayton, Ohio, no longer suffers the effects of sequestration.

### SAFE CLIMATE CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. HOLT) for 5 minutes.

Mr. HOLT. Madam Speaker, I rise today as a member of the Safe Climate Caucus to say that climate change is making extreme weather worse and costing us in lives and dollars.

Last week, Typhoon Haiyan, the strongest storm to make landfall in recorded history, struck the Philippines with sustained winds of almost 200 miles per hour. Thousands are reported dead and missing.

Haiyan, Sandy, Irene, Katrina, wildfires, floods, droughts.

If you flip a coin 20 times, it is possible that an honest coin will land on heads every time, but you should start to suspect that there is something wrong with that coin.

Sure, the recent extreme weather event might be coincidence, but as superstorms continue again and again,

you should suspect that something is wrong with our climate. We should begin fixing our broken world, not be pretending that all is well.

This week marks the beginning of the 19th U.N. climate change conference in Warsaw, where representatives from more than 190 nations will be discussing climate change and how the world should be responding.

For international climate negotiations to succeed, the U.S. should take the lead, and leading internationally will require us to start here at home.

#### TIME IS RUNNING OUT FOR THE SIERRAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, this summer the biggest fire in the history of the Sierra Nevada Mountains burned 400 square miles of forest land. The fire left behind an unprecedented swath of environmental devastation that threatens the loss of not only the affected forest land for generations but sets events in motion that could threaten the surrounding forests for many years to come.

The fire also left behind as much as a billion board feet of dead timber on Federal land that could be sold to raise hundreds of millions of dollars, money that could then be used to replant and restore the devastated forests. In addition, processing that timber would help to revive the economy of the stricken region. But time is already running out. Within a year, the value of the timber rapidly declines as the wood is devoured by insects and rot. That's the problem: cumbersome environmental reviews and the litigation that inevitably follows will run out the clock on this valuable asset until it becomes worthless.

Indeed, it becomes worse than worthless—it becomes hazardous. Bark and wood-boring beetles are already moving in to feast on the dead and dying timber, and a population explosion of pestilence can be expected if those dead trees remain. The beetles won't confine themselves to the fire areas, posing a mortal threat to the surrounding forests in the years ahead.

By the time the normal bureaucratic reviews and lawsuits have run their course, what was once forest land will have already begun converting to brush land, and by the following year, reforestation will become infinitely more difficult and expensive.

Within 2 years, several feet of brush will have built up, and the smaller trees will begin toppling on this tinder. It is not possible to build a more perfect fire stack than that. Intense, second-generation fires will take advantage of this fuel, sterilizing the soil, eroding the landscape, fouling the wa-

tersheds, and threatening the surrounding forest for many years to come.

Without timely salvage and reforestation, we know the fate of the Sierras because we have seen the result of benign neglect after previous fires. The trees don't come back for many generations. Instead, thick brush takes over the land that was once shaded by towering forests. The brush quickly overwhelms any seedlings struggling to make a start. It replaces the diverse ecosystems supported by the forests with scrub brush.

For this reason, I have introduced H.R. 3188, which waives the time-consuming environmental review process and prevents the endless litigation that always follows. It authorizes Federal forest managers, following well-established environmental protocols for salvage, to sell the dead timber and to supervise its careful removal while there is still time.

The hundreds of millions of dollars raised can then be directed toward replanting the region before layers of brush choke off any chance of forest regrowth for generations to come. It is modeled on legislation authored by Democratic Senator Tom Daschle for salvaging dead and dying trees in the Black Hills National Forest, a measure credited with speeding the preservation and recovery of that forest.

This legislation has spawned lurid tales from the activist left of uncontrolled logging in the Sierras. Nothing could be further from the truth. This legislation vests full control of the salvage plans with Federal forest managers, not the logging companies. It leaves Federal foresters in charge of enforcing salvage plans that fully protect the environment.

The left wants a policy of benign neglect: let a quarter-million acres of destroyed timber rot in place, surrender the ravaged land to beetles, and watch contentedly as the forest ecosystem is replaced by scrub land. Yes, without human intervention the forests will eventually return, but not in the lifetimes of ourselves, our children, or our children's children.

If we want to stop the loss of this forest land and if we want to control the beetle infestation before it explodes out of control, the dead timber has to come out soon. If we take it out now, we can generate the funds necessary to suppress brush buildup, plant new seedlings, and restore these forests for the use and enjoyment of our children. If we wait for the normal bureaucratic reviews and delays, we will have lost these forests to the next several generations. That is a choice. Congress must make that choice now, or nature will make that choice for us.

#### HONORING PUERTO RICO'S MILITARY VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Madam Speaker, Monday was Veterans Day, when our Nation pays tribute to those who have served honorably in the Armed Forces. Today, I rise to express my gratitude to the soldiers, sailors, airmen, and marines from Puerto Rico, both those who are living and those who have left us.

Since World War I almost a century ago to Afghanistan today, American citizens from Puerto Rico have built a rich record of military service. If you visit any U.S. base, you will see warriors from Puerto Rico fighting to keep this Nation safe, strong, and free. They serve as officers and enlisted personnel; as special operators; in infantry, artillery, and armored units; as pilots and aviation technicians; in intelligence; on ships and submarines; in combat support positions; and in every military specialty.

In his book, "Puerto Rico's Future: A Time to Decide," former U.S. Attorney General Dick Thornburgh observed:

Historically, Puerto Rico has ranked alongside the top five States in terms of per capita military service.

□ 1015

In the forward to that book, former President George H.W. Bush noted:

This patriotic service and sacrifice of Americans from Puerto Rico touched me all the more deeply for the very fact they have served with such devotion, even while denied a vote for the President and Members of Congress who determine when, where, and how they are asked to defend our freedoms.

As I address this Chamber, men and women from Puerto Rico are serving in harm's way in Afghanistan and other locations. Since the attacks of 9/11, island residents have deployed about 35,000 times in overseas contingency operations. Many have deployed on multiple occasions. Each time they go, they leave behind spouses, children, and parents. As veterans will tell you, military life requires enormous sacrifice from their loved ones, those quiet heroes who support our uniformed personnel who must live and work in their absence and who pray for their safe return. On Veterans Day, we honor not only those who fought, but their families, as well.

There is a frame on my office wall containing photographs of servicemembers from Puerto Rico that have fallen in the last 12 years. I often look at those photos, row after row of young faces, usually posing in their dress uniforms against the backdrop of the American flag. Those images make me sad, but they also give me strength. They inspire me to keep working for my people. They remind me what courage is and what sacrifice means. And

they help me remember why representing Puerto Rico in Congress is the greatest honor I have ever known.

I have met many veterans from Puerto Rico. I have found that they value deeds over words. They expect their elected leaders to produce results, or at least to work tirelessly towards that end.

I am proud of the record we have compiled on behalf of veterans from Puerto Rico. We have obtained funding to renovate the VA hospital in San Juan, to improve existing clinics and build new clinics throughout the island, and to provide vehicles so that residents of our State veterans home can visit their families and travel to medical appointments. We also achieved Puerto Rico's inclusion in a Federal initiative to encourage the hiring of unemployed veterans.

And I am working to honor a military unit that perhaps best exemplifies the service that residents of Puerto Rico have rendered to this Nation. Congressman BILL POSEY of Florida and I have introduced legislation to award the Congressional Gold Medal to the 65th Infantry Regiment known as the Borinqueneers, a unit composed mostly of soldiers from Puerto Rico that overcame discrimination and won admiration for their performance in the Korean war. Our bill has nearly 160 bipartisan cosponsors, and there is a companion bill in the Senate that has also garnered strong support. I hope all my colleagues will join me in honoring this special group of veterans.

This Veterans Day, I renewed my commitment to fight for the men and women who have fought so valiantly for us, and I thank them from the bottom of my heart for their service. I do so again today.

#### COLLEGE STATION'S 75TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. FLORES) for 5 minutes.

Mr. FLORES. Madam Speaker, I rise today to honor the 75th anniversary of the city of College Station, Texas.

College Station has been and is the home to tens of thousands of Texas families, students, businesses, and residents throughout the years, and I am proud to offer my congratulations on this milestone.

College Station was an unincorporated community for over 60 years before officially being incorporated as a city on October 19, 1938.

In 1869, the Houston and Texas Central Railway was built through the area; and in 1871, College Station was chosen as the location for what would eventually become one of the largest public universities in the Nation, Texas A&M University.

The city got its name because the A&M campus was the focal point of

community development at the time. In 1877, the area was designated College Station, Texas, by the postal service, deriving its name from the train station located to the west of the campus. Since incorporation in 1938, College Station's population has grown to over 97,000 today. Over the past 75 years, College Station has served as a vibrant, supportive, and safe community for thousands of families.

Texas A&M University is still the city's main focal point and the largest employer in the city. The university is rich in tradition and history; and due to its supportive fan base, sporting events bring in hundreds of thousands of tourists each year.

College Station is also the home to the George Bush Presidential Library and Museum, one of the region's most popular tourist attractions.

College Station is a fast-growing city with a thriving economy. It has recently been recognized as one of the Nation's best places for businesses, jobs, families, and retirees. College Station prides itself on having the fifth lowest property tax rate among similar-sized communities in the State of Texas, and the city was recently ranked No. 5 nationally on Forbes' list of the best small places for businesses and careers.

College Station is among the safest, the most family-friendly places in Texas, maintaining one of the best safety ratings in the State. College Station has also been a community that comes together and shows support when needed, whether it was the collapse of the Aggie bonfire in 1999 or the loss of one of our constables in August of last year. Our community comes together in the midst of terrible adversities to support one another.

The residents and leadership of College Station work hard to make their city one of the best places in Texas to work, live, and maintain an enjoyable and fulfilling life. It is my honor to represent the residents of this great city.

Madam Speaker, please join me in commemorating the city of College Station and its proud residents on their 75th anniversary.

Before I close, I ask that all Americans continue to pray for our country during these difficult times and for the military men and women and first responders who protect her. God bless the American people, and God bless College Station, Texas.

#### IN HONOR OF MARTYL LANGSDORF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. FOSTER) for 5 minutes.

Mr. FOSTER. Madam Speaker, I rise today to honor Martyl Langsdorf, who created the image of the now iconic Doomsday Clock for the June 1947

cover of the bulletin of the Atomic Scientists.

The Bulletin was founded by a group of University of Chicago scientists who had worked on the Manhattan Project, including Martyl's husband, physicist Alexander Langsdorf.

Martyl's clock remains a singular reminder of the risks that we face from nuclear weapons and the effects of climate change.

A renowned landscape painter and longtime resident of Schaumburg, Illinois, Martyl died at the age of 96 on March 26, 2013, and will be remembered tomorrow at the Bulletin of the Atomic Scientists' Fifth Annual Doomsday Clock Symposium here in our Nation's Capital.

Fittingly titled "Communicating Catastrophe," the symposium will reflect Martyl's sensitivity to the urgency of existential threats and her brilliance in using art and design "to move past the numbness and create new ways of feeling, just as we tap science for new ways of knowing," in the words of Bulletin Executive Director Kennette Benedict.

Martyl's legacy continues as members of the Bulletin's science and security board annually assess the state of world affairs and use the hands of the clock to signal humanity's capacity to meet challenges of nuclear weapons and climate change.

World attention to the Doomsday Clock confirms the impact of what designer Michael Beirut, in a 2010 tribute to Martyl entitled "Designing the Unthinkable," called "the most powerful piece of information design of the 20th century."

Madam Speaker, I ask my colleagues to join me in honoring the late Martyl Langsdorf for raising the world's awareness about grave threats and also the Bulletin of Atomic Scientists for providing information and rational analysis that points to a safer world.

To close on a personal note, it was at one of Martyl Langsdorf's annual peony parties at her garden in Schaumburg, during a long conversation with wise old lawyer and Bulletin stalwart Lowell Sachnoff, that was one of the first times I began seriously considering my own stepping away from my career in science to begin one in public service.

#### OBAMACARE CANCELATIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. HOLDING) for 5 minutes.

Mr. HOLDING. Madam Speaker, President Obama promised the American people that if you liked your health care plan, you could keep your health care plan. Period. No exceptions.

Now, as the ObamaCare exchanges have opened and enrollment has begun, there are hundreds of thousands of people in North Carolina who are finding

that the President's promise doesn't hold true. According to the North Carolina Department of Insurance, over 183,000 policies have already been terminated, impacting over 473,000 people and their families across the State.

When ObamaCare supporters talk about the new health care law, they focus on the number of people who previously did not have health care and will now be covered. What you don't hear them talk about is the people who already had health care and are losing it now. They don't talk about the canceled policies and the alternative plans offered that are vastly more expensive and far from comparable. This is extremely misleading, Madam Speaker, and this administration has demonstrated a lack of transparency when it comes to the real impacts of ObamaCare.

Madam Speaker, I have heard from hundreds of constituents whose health care plans are going up in cost or being canceled altogether. A man in his sixties from Zebulon, North Carolina, wrote to my office that his wife's current plan, which costs \$292 a month, will be discontinued because it does not comply with ObamaCare standards. She will be moved to a comparable plan that doubles her monthly payment. On top of the increased cost, the new plan is not tailored to their needs. The couple is in their sixties, retired, and their children are adults; yet their new plan includes newborn care, plus dental and vision for dependent children.

A constituent from Cary, North Carolina, wrote in with similar concerns. He and his wife currently pay about \$715 a month for their health care plan and were informed that it was being canceled. Their new plan will cost them double annually and will no longer include vision care, but they are now both covered for maternity care. He wrote that his present policy is better and more suited for two people in their sixties, and "it just doesn't seem quite fair that two people who have always been responsible and done without things in order to afford health care insurance and save enough to retire should now be faced with this." Madam Speaker, I agree.

Men and women of all ages across my home State and the country are feeling the negative impacts of ObamaCare. I received a letter from a mother in Wake Forest, North Carolina, who got a notice that her monthly premium for a family of four is going from \$624 a month to \$1,207 a month. This is as much as their mortgage payment. Now her family is forced to pay the steep increase or choose a plan that includes a smaller premium, but with fewer benefits and much higher deductibles. So much for keeping the health care plan she liked.

Another constituent from Cary wrote that a difference in cost between his

current BlueCross BlueShield plan and the lowest option under ObamaCare is about \$700 a month, tripling his current rate. How is this comparable to the plan he already has and now cannot keep?

Madam Speaker, these are real people who have real problems with ObamaCare. President Obama needs to listen to North Carolinians and American families across the country. Stories like this indicate that what President Obama said simply wasn't true. People are being forced into plans that include coverage they don't need or want, and they are not being able to keep the doctors and plans they had for years. ObamaCare gives little choice and puts many in an impossible financial situation.

Madam Speaker, this is simply not right. The American people want to be able to keep their doctors and health care plans that they were promised, and they were promised this by the President. That promise should be upheld.

#### OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. SCALISE) for 5 minutes.

Mr. SCALISE. Madam Speaker, we all have heard the promise over and over again:

If you like what you have, you can keep it.

It is probably the most often repeated promise since Barack Obama has been President. For 5 years now, that promise has been made, and unfortunately, now millions of Americans are realizing that that promise has been broken over and over again. Over 100,000 Louisiana families are seeing that broken promise.

In fact, we had a social media site called Share with Steve where we asked people in Louisiana's First Congressional District to share their stories with me, and the stories that I have heard have been compelling and heartbreaking. In fact, I started sharing some of those stories with the Secretary of Health and Human Services. When Secretary Sebelius was before us in the House Energy and Commerce Committee just a little over a week ago, I shared some of those stories with her.

One of those stories was Shaun from Covington, and I read Shaun's story of the health care that he has now lost for his family because of the President's health care law. Of course, you have got Secretary Sebelius who is running the President's health care law and all of these broken promises that we are hearing about. I said, What would you tell Shaun, Madam Secretary, who has now lost the good health care he has for his family when you promised him that he would be able to keep that health care?

□ 1030

Unfortunately, all we got was a smug response from a bureaucrat in Washington, and her response to Shaun was, Well, you can just go shop around in the health care exchange.

Well, first of all, that is not the promise that she and the President made to Shaun. The President promised Shaun he could keep his health care if he liked it. And Shaun likes his health care and doesn't want to lose it and, even more, doesn't want to have to go to some Web site that doesn't even work to go buy a plan that his family doesn't need. What Shaun conveyed to me after that interaction with the Secretary was that what he is being presented now are options that are even more expensive and don't include the kind of coverage that his family wants.

So I think what is most insulting to Americans is not only now that they are losing that health care, that President Obama broke that promise, that sacred promise between a doctor and a patient, but now you are hearing this elitist Washington politician response where you have got these bureaucrats and politicians in Washington telling people like Shaun, We didn't think your plan was good enough.

So not only have they broken the promise, but now they are deciding what they think is good enough for a patient and their doctor. And so a family in a place like Covington, Louisiana, that I represent, or all around the country, that had good health insurance, that liked the plan that they had, is being told not only that they can't keep it, but that some Washington bureaucrat didn't think their plan was good enough, even though they thought their plan was good enough.

So this is what is wrong with government-run health care. This is why we fought this bill back in 2009 when it was going through the Energy and Commerce Committee and here on the House floor when you had then-Speaker NANCY PELOSI saying you have got to pass the bill to find out what is in it. Of course American families are now seeing what is in it, and they don't like what they are seeing in this bill.

Later this week, we are bringing up a bill on the House floor that I am proud to cosponsor that allows you to keep the plan that you have if you like it. Of course, the President's promise really should have been if Barack Obama likes your plan you can keep it, because that is the only way you can keep your plan is if the Federal Government approves of it even if you like it and you lose it.

What we are also seeing, of course, over on the Senate side, and even here on the House floor, many people who voted for the President's health care law are acting as if they had no idea this was going to happen. Of course



they knew this was going to happen. If you read the bill, you could tell that people would lose the good health care they liked. There were reports coming out in 2010 that said millions of Americans will lose the health care they like, and yet now you have Senators over there and even some House Members who voted for the President's health care law acting like they had no idea this was going to come to pass. Of course they knew that millions of Americans would lose the good health care that they like. They just didn't think maybe that people would realize that it was the President's health care law that caused it and hold them accountable. And so now people are starting to be held accountable, as they should.

But, Madam Speaker, there is a better way. In fact, I am proud to have led an effort to bring forward the American Health Care Reform Act, a true alternative to the President's health care law that actually starts addressing the problems to lower costs, to allow people to keep the good health care plans that they like, and to give people real options.

In fact, our bill has over 100 cosponsors now, including medical doctors who serve in Congress who helped draft this bill, who understand that the doctor-patient relationship should continue to be maintained and be that sacred relationship that it used to always be before the government started coming in between people's health care, before IRS agents started coming in between people's health care.

So this bill allows people to buy insurance across State lines, giving people real flexibility, real choice, real competition in health care, where people will be competing for your business to dramatically lower costs, to allow people to have the option to buy their own health care instead of going through their company, and they will be able to have the same tax benefits that a company gets. So if they buy a health care plan on their own that is better than what their employer provides, they will be able to deduct that cost, which they can't do today. It allows small businesses and even individuals to pool together and get the buying power of a large corporation. This is the way we should be doing this, Madam Speaker, not this government-run approach.

#### THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Madam Speaker, millions of Americans are now experiencing firsthand the failures of a massive undertaking to roll out the Affordable Care Act. While well-intentioned, our colleagues who

had a Democrat supermajority in the White House, the Senate, and this House pushed through a partisan bill ignoring warnings of those like myself who have worked in the health care field for decades.

Prior to being elected to Congress, I spent nearly three decades in a non-profit health care setting, serving my neighbors who were facing life-changing disease and disability. When it was time to weigh in on public policy, Members like me were muzzled. We were told to pass a bill to see what was in it. Well, that is exactly what happened, despite our continued dissent.

Phones are ringing off the hooks in Members' offices. Constituents who have lost their health insurance policies and experienced unaffordable premium hikes are angry. They were made a promise by the President that they could keep their health plans. Now, reportedly, more than 5 million individuals have lost their policies. Undoubtedly, this is just the beginning of Americans not being able to keep the insurance that they like.

One of my constituents, Sam, from Erie County, Pennsylvania, has been affected. He has been on the same policy that has provided him with adequate coverage, exactly what he was looking for, for years. He no longer has access to that coverage.

Or Lisa and her husband, both self-employed and hailing from Punxsutawney in Jefferson County, Pennsylvania. They have five children—two in college, one in high school, and two working. After receiving notice that their effective and affordable health insurance policy was canceled, they have now been saddled with cost increases of over \$20,000 a year.

How about John from Clearfield County, who emailed my congressional office this week after being informed by his insurer that, due to changes under the Affordable Care Act, his policy is now canceled. He owns a small business that no longer qualifies for the group plan under the law's requirements.

Then there is Sonya from northeast Pennsylvania, right on the shores of Lake Erie. She has had the same policy for the last 4 years, and it is being canceled. She stated that it is unfair she should have to buy more expensive insurance; not to mention, she says, it will cost much more over the long run when you factor in her new deductible.

Madam Speaker, this is an outrage. These are just several of countless examples—I want to say “endless examples”—of real harm being experienced by hardworking Americans, my constituents, as a result of this flawed law.

Madam Speaker, the time I have been granted on this floor is not sufficient for me to share the growing number of voices from the Fifth District of Pennsylvania who are having their policies canceled and being forced to

buy insurance that they can't afford, that they don't want and they don't need.

Those at the White House that masterminded this catastrophic attack on insurance affordability and choice released their preliminary numbers for winners and losers yesterday. Nationwide, roughly 100,000 have obtained insurance policies through the national and State exchanges combined. Many of these individuals, unfortunately, are now experiencing the sticker shock of significant costs when premiums and deductible expenses are combined and considered. The sad part is that these are the winners. That is just how bad this health care law is. Americans deserve access to health insurance that they choose and can afford.

Madam Speaker, a large block of Members in this body are standing up and putting forward solutions to these failures, including some of my colleagues on the other side of the aisle.

Senator MARY LANDRIEU, a Democrat from Louisiana, recently announced she would propose legislation to ensure all Americans could keep their existing insurance coverage under ObamaCare. But “it's not just red-State Democrats,” as Politico reports today. Senator DIANNE FEINSTEIN, a Democrat from California, yesterday announced she would support the bipartisan effort to allow Americans to keep the plans they know and like.

Unfortunately, Madam Speaker, these proposals that are being put forward by my Democratic colleagues mean that we would have to change the law. Unfortunately, Senate Leader REID doesn't like the optics of having this debate on its merits, even if it would help Americans keep the insurance they know and like, as the President repeatedly promised.

I want to thank the growing number of my colleagues for doing what is right and placing good policy before politics. This law is flawed. It is sinking by its own weight. Now we must act to fix its fatal flaws. If we don't, those who want to protect the political reputation of the White House will allow it to continue, no matter how much harm is caused upon the American people.

Madam Speaker, the American people deserve better.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

Rabbi Joshua Gruenberg, Congregation Beth El Yardley, Yardley, Pennsylvania, offered the following prayer:

Our God and God of our ancestors, Everlasting Spirit of the Universe, may it be Your will that the Members of this House faithfully represent all citizens of this great Nation. As they strive to govern this land, guide them, O Lord, with the pillars of humility and respect.

Help them to live up to the legacy of those who have come before and to always honor those men and women who have made the ultimate sacrifice to keep this Nation strong and free.

Remind all citizens of our great Nation to put people over politics, to elevate democracy over dogma, to value discussion over discord, and to cultivate compromise instead of conviction.

Bless the Members of this hallowed body with the knowledge that what binds us together is stronger than what may pull us apart, that serving You is best accomplished by serving others.

Dear God, please allow Your blessing of health and of peace to envelop our great Nation.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mrs. WAGNER) come forward and lead the House in the Pledge of Allegiance.

Mrs. WAGNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING RABBI JOSHUA GRUENBERG

The SPEAKER. Without objection, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 1 minute.

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor and introduce a good friend and community leader in my home district, Rabbi Joshua Gruenberg, and to thank him for offering today's invocation.

Rabbi Gruenberg made the trip here to the Nation's Capital with his wife, Elissa, and his two children, Kayla and Samuel. I am proud and pleased to welcome the rabbi and his family to the House of Representatives.

Rabbi Gruenberg is the chief spiritual leader at Temple Beth El in Yardley, Pennsylvania. Since he joined the temple in 2011, I have gotten to know the rabbi quite well. He has participated in several of my local roundtable discussions on issues, including Israel and the Middle East, and has come down to Washington to visit with me and to offer counsel.

Rabbi Gruenberg is a warm and welcoming Bucks County leader. He has helped build on a strong foundation at Temple Beth El that will last for decades to come.

I am proud of the work he has done in our community and am privileged to call him my friend.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULTGREN). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

## OBAMACARE HURTS FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, millions of Americans have received cancellation notices for their insurance policies as a result of ObamaCare's failed legislation. The Wall Street Journal anticipates this number to reach 10 million by January 1.

Citizens living in the Second District of South Carolina are experiencing the brunt of the administration's deception. Becky from West Columbia is shocked that her world-class cancer care is at risk. Frank from Lexington will be forced to buy new health insur-

ance with higher premiums of 33 percent. Joe from Aiken has been notified that his wife will be removed from their current health care plan January 1. He writes:

The only problem is that now we have two premiums to pay, two deductibles to meet, and an additional thing to worry about while we are trying to raise kids and be responsible adults.

These real-life problems are affecting all American families. We must stop the damage by passing the Keep Your Health Plan Act to assist families and promote jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Our prayers are for the people in the Philippines for typhoon recovery.

## TYPHOON HAIYAN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, the typhoon in the Philippines has left a wake of unimaginable devastation.

Those living in the areas hardest hit by the storm are embarking on the excruciating process of trying to pick up the pieces. Members of the San Diego region's large Filipino community are determined to send aid to their native country. They are collecting clothing, food, and encouraging cash donations.

The feeling of helplessness from my constituents that have family living in the area where the typhoon hit is profound. It is important that people understand where their efforts are most needed and where their donations will be best used.

It is in these difficult moments like this where we witness unbridled compassion and empathy, and I am pleased that the humanitarian efforts, which our military and aid communities do so well, are under way, and at least 13 other countries have joined the effort as well.

The help is not arriving as fast as those suffering from hunger, cold, illness, and homelessness need.

The Filipino Americans in our districts are looking to us to continue our role as leaders in humanitarian aid. Let's continue to help those most in need.

## OBAMACARE HURTS THE HARDWORKING MIDDLE CLASS

(Mrs. WAGNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WAGNER. Mr. Speaker, in recent weeks, I have received far too many heartbreaking stories from the people of Missouri's Second District about how government-run health care is impacting their lives.

Today, I rise to put a face on the horrors of ObamaCare and tell Jim and Kim Curtis' story, who hail from Arnold, Missouri.

This is their story in their own words:

We, the working middle class, are the ones who are being hurt by this law. We struggle every day to make ends meet. But now, because of ObamaCare, we received a notice from the insurance company that the plan we currently pay for does not meet the guidelines, and we will no longer be covered on January 1, 2014.

Now we have to find an extra \$500 to \$600 minimum per month to cover the insurance that is comparable to what we had before. I have no idea how we will afford that kind of money and pay our bills and mortgage each month.

Mr. Speaker, this is just one of millions of examples of real people being hurt by ObamaCare.

#### TYPHOON HAIYAN

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, I rise in solidarity with the people of the Philippines in the wake of the devastation caused by Super Typhoon Haiyan.

I just returned yesterday from my district, Guam, where we have a large Filipino population trying to reach relatives, all to no avail. Remember, we are the closest neighbors to the Philippines.

The images that we see on TV are horrific and unimaginable. We are strong allies with the Philippines and have deep historic and cultural ties.

As we have done in the past, we will stand by our allies in need, and I commend the Obama administration for rushing to the aid of the Filipino people. Also, I commend the efforts of the Filipino community of Guam, the Government of Guam, and the local nonprofits and businesses for mobilizing to provide resources to their counterparts. Like Operation Tomodachi, we are rushing to the aid of the Philippines. This is how we demonstrate our commitment to the Pacific partners.

I appreciate and commend the efforts of our Federal Government to send significant resources to the impacted areas of the Philippines, and I urge this Congress to reaffirm this commitment to the Philippines and to support providing resources necessary to help them recover.

#### HERE A GLITCH, THERE A GLITCH

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, ObamaCare has been nothing short of a painful government illness.

On the first day Americans were due to enroll in their health care plan, they

just couldn't do it. Errors flashed across their computer screens. It was a glitch here, a glitch there, everywhere a glitch, glitch, glitch.

Out of the 500,000 Americans that should have been enrolled by now, only a handful were able to sign up thanks to technical incompetence, negligence, and those glitches.

Americans will be penalized if they can't sign up, but how are you supposed to when the Web site doesn't work?

Computer glitches should take minutes to fix, not weeks. These glitches are just a sign of things to come when the government takes over America's health. If the government can't even get the Web site right, how will government get health care right for the American people?

ObamaCare has the compassion of the IRS, the competence of FEMA, and the efficiency of the post office.

And that's just the way it is.

#### TYPHOON YOLANDA

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, the people of the Northern Mariana Islands know the terror when a typhoon strikes. We know how difficult are the days and months of recovery after, but none of us has known a storm with the power and intensity of Typhoon Yolanda.

So our hearts and our prayers go out to the people of the Philippines who are suffering through this terrible tragedy that swept down upon them.

We have families and friends there. Some, thank God, we know are safe. The fate of others we wait to learn and whether their homes are standing, whether they have food, water. All we know for certain is the people of the Philippines need our help. America is rising quickly to assist. Our government immediately committed \$20 million. Disaster teams are on the way.

Much more will be needed from our government and from individuals alike, but I am sure we will all do whatever we can to assist the survivors who have lost so much and now face the long task of rebuilding their homes and lives.

#### OZARK NATIONAL SCENIC RIVERWAYS GENERAL MANAGEMENT PLAN

(Mr. SMITH of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Missouri. Mr. Speaker, on Friday, the National Park Service released a draft general management plan for the Ozark National Scenic Riverways in Missouri's Eighth Congressional District. The general man-

agement plan seeks to limit my constituents' access to the rivers that they have enjoyed for generations.

This plan from the National Park Service would shut down public access points to the rivers, eliminate motorized boat traffic from certain areas, further restrict boat motor horsepower in other areas, close several gravel bars, and propose additional areas to be designated as Federal wilderness.

The outcry I have heard from my constituents is unanimous. They believe the Ozark National Scenic Riverways are already overmanaged and my constituents do not want the National Park Service to further intrude on their access to their public rivers.

Mr. Speaker, I urge the park service to reject changing management practices on the Ozark National Scenic Riverways so that my constituents can continue enjoying their rivers.

#### OBAMACARE

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. Mr. Speaker, many of my Republican colleagues are still obsessed with ending health care for the American citizen.

I come here today to tell you the administration, experts, and my colleagues in Congress are working on making sure that all Americans have insurance.

I say to you while they talk about "glitch, glitch, glitches," yes, we are all disappointed with that. When they talk about the face of the stories, let me tell you that last week during our week at home, I held a tele-townhall conference, and many of my constituents called in and asked questions about the Affordable Care Act. Do you know why? Because they had a college student who can stay on their insurance. Do you know why? Because there were women who had preexisting conditions now that can be covered. Do you know why? They were seniors. They were mothers. They were parents. That is what the Affordable Care Act is about.

So I say to you to listen closely, America, because the Affordable Care Act will make a difference, and that is what we should have in this wonderful America that we live in.

□ 1215

#### OBAMACARE'S CANCELCATION NOTICES

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, since the Affordable Care Act was first introduced, President Obama claimed time and time again, if you like your insurance, you can keep it. Yet, over the

last six weeks, I have heard from numerous constituents across western North Carolina that that, in fact, was not what they were experiencing; that, unfortunately, they had canceled policies because of ObamaCare.

Steve, a pastor in Hickory, received notice his plan with a premium of \$695 was being canceled. His new plan's premium? \$1,500.

Marsha in Claremont had her current plan canceled. The replacement plan was 133 percent more in cost.

Milton, a retiree from Denver, had his policy canceled. The replacement not only has higher deductibles and copays, but it also precludes him from seeing his current doctor.

I heard from Terri, a self-employed woman in Newton, whose premiums were \$359 a month until ObamaCare canceled these plans, and her new premium is \$759 a month.

I ask my colleagues on the other side of the aisle to join with us in passing the Keep Your Health Care Plan to hold the President to his word that, if you like your plan, you can keep it.

#### NOVEMBER IS NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise today to recognize November as National Alzheimer's Disease Awareness Month.

Over 5 million Americans nationwide are living with Alzheimer's, a disease that afflicts the victim but also the family, a disease whose origins are unknown but whose end is absolutely certain. It is a disease that takes your mind, your dignity, and, eventually, your life. In 2013, Alzheimer's will cost the Nation \$203 billion. This number is expected to rise to \$1.2 trillion by 2015.

Mr. Speaker, I commend the work of the Western New York Alzheimer's Association and local advocate Nancy Swiston, who worked so hard this month and year-round to highlight the effects of Alzheimer's disease.

Alzheimer's disease is a public health crisis that can't be ignored. I urge my colleagues to raise awareness about Alzheimer's in their own communities and to support the bipartisan HOPE for Alzheimer's Act to improve diagnosis and treatment of Alzheimer's disease.

#### CONGRATULATING MONTANA CHAMPION OF CHANGE VANCE HOME GUN

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Mr. Speaker, today I rise to congratulate Vance Home Gun, a member of the Confederated Salish

and Kootenai Tribes from Arlee, Montana.

Vance was recently recognized as the 2013 Center for Native American Youth "Champion of Change" for his work to preserve the Salish language in his school and his community. I had the opportunity to meet with Vance just last night and learned more about the work he is doing on the Flathead Reservation.

Vance was introduced to a Salish language camp by his aunt when he was just 11 years old and has been determined ever since to become a fluent speaker in his tribe's language. He has been working with tribal departments, organizations, and youth groups for the past 6 years to help preserve the Salish language. Vance teaches language classes at high schools and leads an organization that utilizes peer-to-peer methods to teach language and culture.

I commend Vance for his commitment to preserving and increasing awareness of this important part of his tribe's culture and history, and I congratulate him on his well-deserved award.

Vance Home Gun, well done.

#### ACA IMPLEMENTATION

(Ms. KUSTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KUSTER. Mr. Speaker, despite my significant frustration with the rollout of the Affordable Care Act, I remain committed to increasing access to affordable health care for every Granite Stater. To that end, I support efforts to ensure that folks who like their current health plan can keep them for another year.

In New Hampshire, Granite Staters already have the option of renewing their current plans; and I believe that families across the country should be able to do the same, and I will support good-faith efforts to do that.

But the Affordable Care Act is not a perfect law, and I am committed to improving it. Make no mistake; we cannot go back to the days when insurance companies were free to deny insurance coverage for people with preexisting conditions, or simply because they were female and their rates would be higher, or to drop people from their plans because they got sick, or to drop people from their plans because they grew older and were not living in their own home with the family.

I will continue to work with anybody who is serious about making this law work and to ensure that Granite Staters have access to the quality, affordable health care that they deserve.

#### FREEDOM TO SPEAK YOUR MIND WITHOUT FEAR OF RETRIBUTION

(Mr. MULVANEY asked and was given permission to address the House for 1 minute.)

Mr. MULVANEY. Mr. Speaker, I got a letter from someone in my district. It says:

You have probably heard about health care reform and wondered what it means to you. This letter is to let you know that your MyChoice health insurance plan from BlueChoice HealthPlan is non-grandfathered. This means you purchased it or made significant changes to it after March 23, 2010—the day the Affordable Care Act became law. As a result, the law requires that your insurance plan expire.

This is not the saddest part of this letter, the fact that this woman was made a promise that no one is keeping to her. The saddest part of this letter is she asked me not to use her name here today.

Someone does need to be held accountable for making promises to citizens that are not kept. But beyond that, someone needs to be held accountable for allowing an environment to grow up where citizens of this country are afraid to have their name spoken on the floor of this House for fear of retribution from their government.

We will deal with health care. We will do the very best that we can. But beyond that, we need to figure out a way to create an environment where people are free to speak their minds on issues such as this.

#### WE STAND IN SUPPORT OF THE PEOPLE OF THE PHILIPPINES

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, following one of the worst natural disasters to hit landfall, we stand as a world community in support of the people of the Philippines.

Last week, Typhoon Yolanda tore through the Philippines, tragically taking thousands of lives and leaving millions without food, water, or shelter. The road ahead will be difficult, but the resilient spirit of the Filipino community far and near will overcome this challenge.

As the representative of one of the largest Filipino communities in the United States, my heart goes out to the families in my communities whose loved ones suffered through this dreadful storm. My office is working to connect families with the State Department to help them locate and get news about their loved ones.

I am pleased by the significant humanitarian efforts from both my home district and around the world. We are a Nation founded and guided by the principles of humanity.

We must not forget our brothers and sisters in the Philippines, for far too many are still without food, water, and shelter. If the infrastructure is down, come on. Let's start thinking outside of the box and do everything in our power to provide food and water and critical support today.

### RHODE ISLAND NURSES INSTITUTE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the achievements of the Rhode Island Nurses Institute Middle College Charter High School, the first middle college established in Rhode Island, and the first American charter school that is dedicated to the nursing profession.

My grandmother Lucy Cicilline was a proud nurse at St. Joseph's Hospital for many years.

As a 4-year program, this institution helps to bridge the gap between high school and college, providing students who have graduated ninth grade with an innovative learning experience that allows them to graduate with a high school diploma and nursing credentials so they can enter the workforce successfully.

The Rhode Island Nurses Institute Middle College Charter High School first opened its doors 2 years ago and today provides a quality education for 272 young people from my home State of Rhode Island.

If we are serious about getting our economy back on the right track, we need to find new, innovative ways to make sure that young people have the opportunity to go to college or begin their careers equipped with the skills they need to compete in a global economy. The Nursing Institute Middle College is showing us one way to achieve this goal.

I want to applaud the work of Chief Executive Officer Pamela McCue, their entire faculty, staff, and all of the students.

### THE AFFORDABLE CARE ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, opponents of the Affordable Care Act in Congress have spent the past few weeks reveling in the problems of the Federal exchange Web site, healthcare.gov.

In my State of Kentucky, where we have created our own exchange, we have had tremendous success. As of last week, nearly 415,000 people had explored the Web site and assessed their options. More than 42,000 are now enrolled in health plans, many of them for the first time; and 843 small businesses have begun applying for coverage for their employees, with 309 of them already able to offer coverage to their workers.

We are 6 weeks into a 6-month open enrollment period, and while the failures of the Federal health care Web site are frustrating, they are far from fatal. The true danger to the more than 42,000 Kentuckians who have gained coverage under the law—and the hun-

dreds of thousands more who will—is what opponents of the law are proposing in its place: a return to the broken system that failed tens of millions of Americans each year.

Mr. Speaker, I encourage my colleagues and the American people to keep a healthy perspective. We did not enact the Affordable Care Act to launch a Web site. We did it to ensure that every American has access to affordable, quality care, and we should all work together to accomplish that goal.

### SUPPORT FOR THE TYPHOON VICTIMS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, I join my colleagues from California, Guam, and CNMI in expressing our support for those devastated by superstorm Typhoon Yolanda/Haiyan.

We do know that the United States has already committed \$20 million and that PACOM has mobilized. The U.N. has estimated that it may probably cost \$300-plus million to send aid to the Philippines. We know that our military has shown that its humanitarian and disaster relief capabilities are bar none, and they showed that on March 11, 2011, when the Tohoku earthquake hit Japan.

Mr. Speaker, Members of Congress must stand ready to support the efforts to aid the people in the Philippines. Hawaii's Filipino community is the largest minority that we have, and many have relatives from the area. Typhoon Haiyan ripped through the Visayan area, which is where our first immigrants came from.

We need to show the world, Mr. Speaker, that the United States is again the great Nation that it is because it does not turn its back on people in need.

### SHIA KILLINGS IN PAKISTAN

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, the relationship between the United States and Pakistan has been a long and mutually beneficial relationship, in general. But I rise today, based on the representations of many of my constituents, to raise concerns about the status of religious minorities.

I support a strong U.S.-Pakistan relationship, and I have experienced kindness and generosity from the Pakistani people myself and their beautiful diversity.

In addition to Pakistan's Sunni Muslim majority, there are Shia Muslims, Ahmadi Muslims, Christians, Hindus, and others. Pakistan is a country with rich religious diversity.

However, the situation for many religious minorities is of grave concern, and this is particularly true for Shia Muslims, although all have expressed concern. Shias face daily discrimination at work, school, and in the political process.

According to the Human Rights Commission of Pakistan, more than 500 people were killed last year in sectarian attacks against Muslim sects, mainly Shias. This year, nearly three Shias have been killed every single day; three people have been killed simply because of how they practice their faith.

Mr. Speaker, this is a crisis, and something must be done. I urge the people of Pakistan and their leadership to do something about it now.

### THE IMPORTANCE OF THE SPECIAL DIABETES PROGRAM

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Mr. Speaker, I rise today to recognize the importance of the Special Diabetes Program, which represents 35 percent of the Federal investment in type 1 diabetes research, and to encourage my colleagues to support a multiyear renewal of the program at current funding levels.

Type 1 diabetes among Americans under the age of 20 rose by 23 percent between 2001 and 2009. People with type 1 diabetes, including one of my constituents, 8-year-old Charlie, need daily finger sticks and insulin injections to stay alive.

As part of the Juvenile Diabetes Research Foundation's "Promise to Remember Me" campaign, I recently met with Charlie and his father and another constituent, Nancy, whose 17-year-old daughter also has type 1 diabetes, to discuss their daily struggle with the disease and their hopes for better treatment options and, someday, a cure.

The Special Diabetes Program has delivered groundbreaking research for type 1 diabetes, including artificial pancreas systems, a revolutionary technology in the research pipeline that will automatically control blood sugar levels, keep patients healthier, and help avoid many dangerous and costly long-term complications due to diabetes.

Mr. Speaker, I urge support of the program.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 2655, LAWSUIT ABUSE REDUCTION ACT OF 2013, AND PROVIDING FOR CONSIDERATION OF H.R. 982, FURTHERING ASBESTOS CLAIM TRANSPARENCY (FACT) ACT OF 2013

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 403

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2655) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to my friend from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I also ask unanimous consent that all Mem-

bers may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, I think back to a time when I was a teenager and I came into the gallery, and I am convinced that I came in during a rule because the reading clerk was standing there, reading line after line after line of material I didn't understand at all, and I thought, Why in the world is line by line by line the legislation being read? Haven't the Members already looked at that legislation? Haven't they already had time to study it?

What I know now, Mr. Speaker, 3 years with the voting card of the people of the Seventh District of Georgia, is that the rule is the only piece of legislation in this entire body that has to be read word for word here on the floor of the House.

My colleague from Florida and I spend a lot of hours up there in the Rules Committee sorting those things out, but the rules matter. The process matters.

I will be able to confess to you, Mr. Speaker—and I think sometimes we get that process done a little better, sometimes we get that process not done quite so well, but today we have a rule that brings two very important pieces of legislation to the floor. This structured rule provides for H.R. 982, which is the Furthering Asbestos Claim Transparency Act, the FACT Act; and it brings a closed rule for H.R. 2655, the Lawsuit Abuse Reduction Act of 2013.

I want to say, Mr. Speaker, I was just talking with a group about what the Rules Committee does, and I have talked about the importance of an open process and how closed rules don't give folks as much opportunity to express their views on the floor.

It is going to be a closed rule on the Lawsuit Abuse Reduction Act, H.R. 2655, because for 11 days, Mr. Speaker, the Rules Committee solicited amendments from the entire body. It asked anyone who had any ideas about how to improve this legislation to submit those amendments so that we could consider them in the Rules Committee, and over that period of 11 days, Mr. Speaker, not one Member of this body offered any ideas about how to improve this bill. We would have liked to have made amendments in order for this bill, but none were submitted. So while we say this is a closed rule on H.R. 2655, it is only because no amendments were submitted to improve upon it.

Now on H.R. 982, the FACT Act, Mr. Speaker, we had five amendments submitted, all Democrat amendments. One was withdrawn. So there were only four that were in order for our meeting last night. One was confessed to actually just try to eliminate the effectiveness of the bill altogether. So we excluded

that one because if folks don't like the bill, they can just vote "no." They don't have to destroy the bill from within; they can just vote "no" on final passage. But all of the other amendments that were submitted we made in order. Now these are not amendments that I intend to support on the floor, Mr. Speaker, but I do think it is important that people's voices be heard.

So, again, three amendments are made in order. That is 75 percent of all the amendments that were submitted, and they are all amendments offered by my friends on the Democratic side of the aisle. The Rules Committee thought it was important to make those amendments in order.

Now we will talk a lot, Mr. Speaker, in the debate that comes after the rule about the content of these bills. One deals with frivolous litigation and whether or not judges will be required to allow folks who had to defend against frivolous lawsuits to recover the costs of those suits.

Today, Mr. Speaker, if someone files a frivolous lawsuit against you, you can have that lawsuit tossed out, but you have to go back to the court a second time to recover all of the costs that it took you to have the frivolous lawsuit tossed out. It is a tremendous burden on small businesses in our Nation. This bill seeks to solve that.

The FACT Act, our asbestos litigation act, aims to provide some transparency to the asbestos trust funds. I don't know if you are familiar, Mr. Speaker, but when it was discovered all of the health damage done by asbestos, the lawsuits began immediately and would have driven every one of those companies that either used asbestos or produced asbestos into bankruptcy, leaving no money at all for victims who had health problems that they then sought compensation for.

So federally we created, within Federal bankruptcy courts, these asbestos trust funds that allowed these companies, these manufacturers of asbestos, these folks who utilized processes that included asbestos, to deposit money into a trust fund and not go out of business but to provide certainty that victims would be able to recover from those funds in the future.

There is some concern, Mr. Speaker, that the process, as it exists today, does not allow for folks to see who is getting those dollars and whether or not the victims who have the most urgent needs are receiving those dollars first. Our great concern, Mr. Speaker, is that when those trust funds are depleted, they are gone forever. As you know, asbestos-related illnesses often don't present themselves for years down the road, so we have a stewardship obligation to these trust funds to keep them protected for future claimants.

This bill requires a degree of transparency, a quarterly report from the

trustees of these trust funds to see who is making claims on these funds, who is receiving claims out of these funds, again, just so we can be good stewards of those trust funds and ensure they are available for future years.

I don't sit on the Judiciary Committee, Mr. Speaker, but I heard from the ranking member of the Constitution Subcommittee last night. I heard from the chairman of the full committee last night in the Rules Committee as we held a hearing on both of these bills. I am glad that we are able to bring them to the floor today, Mr. Speaker. Two bills, a structured rule. One rule is closed because no amendments were provided. The other bill is receiving 75 percent of all of the amendments that were submitted. Just one amendment was excluded by that rule.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. I thank my good friend from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I listened to the gentleman, and he was very clear about, one, the process and, two, the basic substance of both measures that are on the floor today. To a relative degree, I agree with much of what he has said. I know that my friend from Georgia is an advocate of an open process, and with all due respect to him and the committee, structured rules—whether Members have offered suggestions for change or not—are not open rules. However, in this particular case, he is correct that of the five amendments that were offered by Members of my party, three of them were made in order, and none were offered on the first of the two measures.

Mr. Speaker, with only 15 days left in this session of the 113th Congress, we are here yet again doing more of the same, which is nothing. It has been reported that some among my friends across the aisle have even joked that the House shouldn't be in session in December at all.

Instead of addressing our Nation's serious immigration needs—and I might add a footnote there. There is a substantial loss to our economic undertakings by virtue of us failing to do the things that we can and should do either comprehensively or step by step to deal with the immigration circumstances of this great Nation. We could be passing ENDA, as the Senate did last week, where we could end discrimination in the workplace.

Or we could do something that all of us know needs to be done: we could work on ending sequestration. I was at two meetings this morning, one dealing with homelessness and the other dealing with the need for food, and in each instance, the parties that were the experts cited how sequestration has im-

pacted their nonprofit organizations in trying to assist the homeless and the needy as it pertains to food. So we could be working on trying to stop this meat-ax approach that is set in motion. Yet we find ourselves passing bills that won't do anything and aren't going to go anywhere.

In fact, H.R. 2655, as my colleague has pointed out, no Member offered any amendment to it. It is so bad that nobody even wanted to fix it. The bill is nothing more than a partisan solution to a problem that doesn't exist.

The American Bar Association, the preeminent bar association among lawyers in every category in the United States of America, wrote the following:

No serious problem has been brought to the Rules Committee's attention. There is no need to reinstate the 1983 version of rule 11 that proved contentious and diverted so much time and energy of the bar and bench.

The ABA continued that the bill "is not based on an empirical foundation, and the proposed amendments ignore lessons learned."

□ 1245

The proposed changes would "impede the administration of justice by encouraging additional litigation and increasing court costs and delays."

This bill not only prevents judges from calling balls and strikes; it forces members of the bench to call balks on every pitch before the ball can even reach the plate.

The Judicial Conference, the preeminent conference of the United States courts in this country that is the body responsible for proposing the necessary changes in the Federal Rules of Civil Procedure, asked Federal judges about these proposed changes. Eighty-seven percent of the judges asked prefer the existing rule 11 to the 1983 version; 85 percent of them support the safe harbor provisions; 91 percent oppose mandatory sanctions for every rule 11 violation; 84 percent think that attorneys' fees should not be awarded for every rule 11 violation. And here is the big one: 85 percent believe the amount of groundless litigation has not grown since promulgation of the 1993 rule.

These are men and women who face these issues on a daily basis. They know better than most—and almost anyone in this House of Representatives—and believe that rule 11 has plenty of teeth as is.

This bill would substitute the judgment of Congress for that of our judges. When the Judicial Conference of the United States opposes the changes in this bill, you would have to wonder who the bill is really benefiting.

It is not just the judges who oppose this bill. There is a long list of groups that include attorneys, consumer protection groups, civil rights organizations, and public interest advocates, all in opposition to this bill.

As late as this morning, I received an additional letter from the National Employment Lawyers Association. In sum and substance, they feel that they represent farms, fields, schools, factories, executive offices, military services, hospitals, and many others; and they feel that they are a unique voice in this category. They stand in opposition because they think it will proliferate the amount of litigation that is unnecessary in our overburdened courts as it is.

The court already has discretion to award sanctions, attorneys' fees, and expenses. Mr. Speaker, H.R. 2655 will create more hurdles with which deep-pocketed businesses can drag out litigation that is already too expensive and time consuming.

My friends across the aisle have produced a number of anecdotes in support of this bill; but most of the cases cited are demand letters or State law cases, neither of which are subject to the Federal Rules of Civil Procedure.

Furthermore, lawsuits are too complicated to explain with a quip of carefully selected and characterized facts. Just because a particular fact pattern is entertaining or seemingly silly does not mean the case is without merit. Just because a case makes for a good headline doesn't mean that real people weren't really injured.

The most famous example that I can think of is the woman who sued McDonald's for her coffee being too hot. When you say it like that, it sounds like you want coffee to be hot when you get it. But what is skipped over when we say it that way is that the coffee caused third-degree burns, and the lady had to be hospitalized for 8 days, received skin grafts, and then 2 years of medical treatment. Well, that hot coffee doesn't sound so silly when you look at it from that standpoint.

Speaking of bills opposed by the people they supposedly help, the second portion of this rule, H.R. 982, the FACT Act, is ironically titled because it was drafted without regard to any of the facts. There is no evidence of systemic fraud or that systemic failures encourage fraud. The GAO in its study was unable to identify endemic and overt instances of fraud that would justify these kinds of changes.

Most of the information supporters seek is available through the standard discovery process.

This bill seriously compromises the privacy of victims in order to provide offenders with litigation shortcuts. Claims of wanting to increase transparency are really laughable, since the offenders involved in these suits are allowed to maintain their privacy. This bill further victimizes people who have already been through so much.

Human error is not fraud. Isolated incidents are troubling, but fraud prevention procedures are already in place and functioning adequately.



Asbestos victims oppose this bill. My friends across the aisle would have known, if they had provided victims an opportunity; but they did not provide that opportunity. I asked the chair of this committee last evening whether or not the victims had been afforded an opportunity to make a presentation. When I pointed out to him that staff had allowed that they could have a private meeting, but they did not have an opportunity to testify during the proceedings, he agreed with me.

That seems to be a favorite tactic of my Republican friends. They have done this to asbestos victims, and they have done it to judges.

When it came to shutting down the government, they ignored the overwhelming desire of hardworking and working-poor Americans. They continued to ignore economists and the downgrading of our credit rating over the debt ceiling. They disregard the science of climate change, despite erratic, catastrophic weather patterns and rising sea levels.

I am sure that all of us recognize the most recent typhoon that has devastated the Philippines. I am hopeful that we, along with others in the world, will hasten to the rescue. America is always to be commended for our efforts when tragedies strike other nations, and I would call on other nations who have not done so to become adherent to the kind of philosophy that we have. And I hope that we can help those in the Philippines to recover rapidly.

If my friends continue to ignore the world as it is in favor of the red-tinted paradise they believe it to be, they will have no one to blame but themselves when the country decides it is time to ignore them.

I wish to say one additional thing regarding the privacy concern.

Yesterday, I called Comcast Television. The Miami Heat, champions of basketball for the last 2 years, were playing last night. So I thought that I would order the NBA game last evening.

Well, lo and behold, last evening and this morning, before I left to attend meetings, the Comcast system is down and it is not working. I was told that I would get a phone call yesterday; and I didn't get any phone call. So I called this morning and I was told I would get a phone call today, but I missed the game last night. Incidentally, the Heat won. I did see that in the paper this morning.

But I am concerned about the privacy measures because when I called Comcast, after giving them my account number and after telling them who I was and what my address was—and this is through three different automatic systems—then the young man came over the telephone. And when he came over the telephone after doing all of this—the account, my name, where I

live again—he then asked me for the last four digits of my Social Security number.

The wife of a former colleague of ours who died of mesothelioma, Bruce Vento, has written actively, along with others, for us to see how this identity problem might persist if we pursue this course.

This bill would make the private information of asbestos poisoning victims readily available on the Internet, and therein lies the difference. Different now is that any information anybody needs is already in the courthouse. And they can go to the courthouse and achieve that information. But this is part of what we mean when we say this bill “re-victimizes” asbestos victims all over again.

If an employer or identity thief wants to get the information in a regular lawsuit, they have to physically now go to every courthouse in the country and look through paper records. But with this bill, if ALCEE HASTINGS applies for a job at X Corporation, the manager at X can search for my name on the Internet, learn that I got money from an asbestos trust, and then decide, if he or she wanted, not to hire me out of some misplaced fear that I am someone who just goes around suing their employer. Or they could refuse to hire me because they fear I will be sick a lot or drive up their group health insurance.

An identity thief could learn the last four digits of my Social Security number. That is the same piece of information that I gave to Comcast yesterday and that my bank and credit card companies use to verify my identity during customer service calls.

What part of that do you not understand that, if you put it on the Internet, then anybody can utilize it?

Risking employment discrimination and identity theft for asbestos poisoning victims just because my colleagues on the other side want to stick it to the trial lawyers seems awfully crass to me.

Mr. Speaker, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I say to my friend that I absolutely share his passion for privacy protection. In fact, I had to leave a hearing we were having in the Oversight and Government Reform Committee today, Mr. Speaker, where we were looking at the ObamaCare Web site and talking to the chief information officers and the chief technology officers about how this Web site had gone live without having been fully vetted for security protections; talking about how, even as we sit here today, we have not fully run through those security processes.

I share the gentleman's concern. The gentleman is an attorney as well. I remember when I was in law school and they gave you access to the LexisNexis

database when you showed up to law school. You could dial up anybody in the country. It is giving you a credit report and showing you Social Security numbers.

We really do have to have a national conversation, Mr. Speaker, about where we are headed. Those last four digits that were once my private knowledge are out there all over the Internet today. My birthday is broadcast everywhere on the Internet. My mother's maiden name is out there. All of those things that folks used to ask me to protect me have now become part of the public domain. And what the gentleman says about a need to focus on that and protect folks is absolutely right, and we absolutely need to do that.

There was only one amendment last night that was offered to deal with privacy. It was going to give a unique identifier to folks, instead of listing names, so that we could have the transparency to see if folks were trying to game the system and take opportunities away from future victims. That amendment was withdrawn. We didn't have an opportunity to talk about that.

But my great hope is that this bill will pass the House today and that we will be able to have a similar bill come out of the Senate. If regular order has a chance to prevail on Capitol Hill, conference committees will give us another chance to take a bite at that apple.

I think the gentleman brings up very real concerns; and, again, we will have an opportunity to talk about those today.

The gentleman says, Mr. Speaker, there are some bills that are just so bad, nobody wants to fix them. I want to say to the gentleman that I am sympathetic to that sentiment. There are a few that I could rattle off right now that are so bad, I wonder if it is even possible to fix them.

But the bill the gentleman was talking about was the bill to eliminate frivolous lawsuits, Mr. Speaker. When we had these penalties in place back for 10 years between 1983 and 1993, more than 70 percent of judges said that they utilized this procedure and that they awarded damages in frivolous lawsuits. Seventy percent of judges, Mr. Speaker, utilize this provision that we are trying to bring back into being to punish filers of frivolous lawsuits.

This is not a bill for Big Business, Mr. Speaker. This is a bill that has been key voted by the National Federation of Independent Businesses. If you know NFIB—and I know most of my colleagues do—this is the trade association that represents the mom-and-pop shops, Mr. Speaker. These aren't the big, working-out-of-a-glass-building-downtown folks that you think are out to get the consumer. These are our friends and neighbors. These are folks

who are employing our sons and daughters. These are folks who create most of the jobs in this country.

And they don't key vote a lot of bills, Mr. Speaker. You can go to their Web site—NFIB—and see the number of bills that they key vote. But they have picked this one out.

□ 1300

My colleague from Florida says that some people believe it is so bad that it can't be fixed. They have heard from lawyer association, after lawyer association, after lawyer association which says it doesn't like it, but we are hearing from the mom-and-pop shops which can't defend against it.

Understand, Mr. Speaker, that today, if a frivolous lawsuit is filed against you—and I don't mean "frivolous" because I think it is silly. There are lots of those out there. That is going to be a much higher number. I mean "frivolous" because the judge in the case says it has absolutely no merit on either the facts or the law. When the judge says it has no merit whatsoever, but you have had to pay to defend yourself against it, this bill says the fellow who filed it ought to make you whole.

Punitive damages are something we often hear about from the trial lawyer bar. This bill doesn't have punitive damages. This bill doesn't say, if you try to bankrupt the mom-and-pop company that is down the street from me, we are going to punish you. I think probably it should, but they didn't want to go that far. They said, if you are trying to destroy, with a frivolous lawsuit, the mom-and-pop company down the street, you have to make it whole. If a judge decides that your case has no merit—not a possibly of merit, but no merit—on either the facts or the law, the poor small business owner who is being harassed by that lawsuit should at least have the chance to be made whole at the end of that process. The National Federation of Independent Business—small mom-and-pop shops—is who cares about this legislation.

Again, folks are going to vote "yes," and folks are going to vote "no," but I think it is important that we say, Mr. Speaker, that this is the purview, those things that are important. The gentleman from Florida says, hey, there are more important things we could be working on. I happen to agree with him. There really are important things that we need to have on the floor of this House, but if you are the small business owner who is about to lose your entire lifetime of work because someone has filed a frivolous lawsuit against you, I promise you there is no more important bill in your life than the one that is before us today.

I also have to say, Mr. Speaker, to my friend who talks about sequester that I think that is an important

thing. I happen to be the Rules Committee designee to the Budget Committee, and I happen to be the chairman of the Republican Study Committee Budget and Spending Task Force. In fact, we are having a meeting with Maya MacGuineas on the Fix the Debt campaign next Monday afternoon to talk about what those options are for dealing with long-term problems. The Budget Committee right now is in conference with the Senate, trying to find a way to restore funding to discretionary spending programs that we all believe have been ham-handedly reduced. Instead, they are trying to find savings on which we can agree on those long-term mandatory spending programs that rarely, Mr. Speaker, have an opportunity to see aggressive oversight, to see the things that can improve them, to see the things that can preserve their long-term fiscal viability.

I would say, finally, Mr. Speaker, to my friend from Florida that, as the designee to the Budget Committee and as the chairman of the Budget and Spending Task Force, I don't believe it is the failure to raise the debt ceiling that threatens America's credit rating. I think it is out-of-control spending that threatens America's credit rating. It only takes a stroke of a pen here for us to raise the credit limit to infinity, but I promise you that that is not in the best interests of the American economy.

We all know we have spending challenges in this country. We all know that we have made promises to veterans, to seniors, to the infirm, to the poor that we don't have the money to keep. I think that is immoral. If you don't want to help somebody, then say you don't want to help somebody, but do not promise someone that you will be there for him in his time of need and pull the rug out from under him when he needs the promise to be fulfilled the most. We can do better. This body has done better.

In 1983, Republicans and Democrats came together and extended the fiscal lifetime of Social Security by not doing things that hurt seniors in that day but by doing things that raised the retirement age for me—I was 13 at the time—from 65 to 67. That is a pretty modest step that made a big impact in the life of the Social Security trust fund.

There are big issues that we need to discuss here on the floor. I hope we will bring those issues to the floor. Our committees in the House moved things in a responsible way, step by step, throughout the summer. We could use a little partnership from the other side of the Hill, but I hope we will focus on what we have before us here today, Mr. Speaker—an opportunity to make a difference for future victims who are applying to the trust fund and an opportunity to make a difference today

for small businesses which are being victimized by frivolous litigation.

With that, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. HASTINGS of Florida. Mr. Speaker, at this time, I yield 3½ minutes to the distinguished gentleman from Virginia (Mr. SCOTT), my classmate, colleague, and good friend.

Mr. SCOTT of Virginia. I thank the gentleman from Florida for yielding time.

Mr. Speaker, I rise in opposition to this bill.

I am acutely aware of the devastating impact that asbestos exposure has had on working men and women in this country because I represent an area with several shipyards. In the last few decades, in my district alone, several thousand local shipyard workers have developed asbestosis, lung cancer, and mesothelioma from asbestos exposure that occurred between the 1940s and the 1970s. Hundreds of these workers have already died, and asbestos deaths and disabilities are continuing due to the long latency period associated with the illness.

Now, I believe that we cannot consider legislation affecting victims of asbestos exposure without remembering exactly who caused the problem. Court findings show that companies made willful and malicious decisions to expose their employees to asbestos. There are several examples:

In one case in 1986, after hearing both sides, the New Jersey Supreme Court declared:

It is, indeed, appalling to us that the company had so much information on the hazards of asbestos workers as early as the mid-1930s and that it not only failed to use that information to protect the workers, but more egregiously, it also attempted to withhold this information from the public;

A few years earlier, the Superior Court, Appellate Division of New Jersey held in the same case:

The jury here was justified in concluding that both defendants, fully appreciating the nature, extent, and gravity of the risk, nevertheless made a conscious and cold-blooded business decision, in utter and flagrant disregard to the rights of others, to take no protective or remedial action;

In 1999, the Florida Supreme Court found:

The clear and convincing evidence in this case revealed that, for more than 30 years, the company concealed what it knew about the dangers of asbestos. In fact, the company's conduct was even worse than concealment; it also included intentional and knowing misrepresentations concerning the dangers of its asbestos-containing product.

That is who we are talking about, and those are the types of companies that will benefit from this legislation.

Now, any suggestion that people are getting paid more than once is absolutely absurd. The fact of the matter is, because of the bankruptcies, most of them are not getting anywhere close to what they actually would have been awarded, and the bill before us does not help those victims. It actually hurts them.

The bill is nothing but a scheme to delay the proceedings and to allow the victims to get even less than they get now. Because of the delay, many of the victims will die before they get to court. This helps the guilty corporations that have inflicted this harm on innocent victims because, if the plaintiffs die before they get to court, their pain and suffering damages are extinguished. If you can delay cases enough so that the plaintiffs will die before they get to trial, the corporations will not only get to delay their payments, but when they finally have to pay, they will have to pay much less.

These people are the ones who made those conscious and cold-blooded business decisions. They are the ones who will benefit from the bill at the expense of the innocent, hardworking victims. Regrettably, many of those victims are our veterans because they were working on Navy ships.

For these reasons, Mr. Speaker, I encourage my colleagues to oppose the rule and the underlying bill.

Mr. WOODALL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to bring up H.R. 3383, which is my good friend Representative ESTY's measure, the Caregivers Expansion and Improvement Act of 2013.

To discuss her bill, I now yield 2½ minutes to the distinguished gentleman from Connecticut (Ms. ESTY).

Ms. ESTY. Thank you to the gentleman from Florida.

Mr. Speaker, last week, when I was back in my district, I didn't hear about asbestos. I didn't hear about rule 11 sanctions. I heard about how harmful the government shutdown was, about the need to pass comprehensive immigration reform and of the hope that this Congress would focus on job-creating measures, but I also heard from folks in my district about the costs they face in caring for their beloved family members—veterans, who have proudly served our country.

Many of these veterans receive care at home, as they prefer, but some families are simply not able to provide home care for financial or other reasons. Now, these veterans could seek long-term institutional care through the VA, but that is much more expensive. The VA's FY14 budget request estimates that long-term institutional care costs the VA over \$116,000 per veteran per year. Caregivers of the post-

9/11 victims are eligible for a stipend, which costs much less than the cost of long-term care. More than 10,000 veteran caregivers and their families have been helped so far, and that is a very good thing, but there are more who should qualify. There are more veterans in need, and we shouldn't leave them behind.

I introduced the Caregivers Expansion and Improvement Act, which would expand the eligibility for veterans' caregiver benefits to family caregivers of all veterans. According to the CBO, approximately 70,000 caregivers of pre-9/11 veterans could be eligible for this program, and let's stop kidding ourselves into believing we are not already spending more taxpayer dollars to provide care through other VA programs.

Let's work together on a solution for all of our veterans, some of whom, in fact, were exposed to asbestos and suffer from mesothelioma. I urge my colleagues to defeat the previous question so that we can consider the Caregivers Expansion and Improvement Act in order to honor our obligation to care for our veterans, an obligation which did not end on Veterans Day.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say to my colleague that I very much appreciate her concern about the family members of veterans.

So often, we craft a one-size-fits-all solution in this body, and if you want to care for your loved one at home, there is very little help for you. Now, if you want to institutionalize your loved one—if you want to dump your loved one off on the State—then we have a program for you, but if you want to nurture your loved one but you just need a little help, if you want to keep your loved one by your side but you just can't do it alone, there are very few opportunities that you have within our Federal system today. One exception to that is the PACE program, which was championed by Bob Dole back in the day, that allows you to bridge some of the different Federal programs that are available to you and to utilize those within your home, within your family, rather than having to institutionalize your loved one.

I don't think there is a man or a woman in this body, Mr. Speaker, who does not both have a tremendous amount of respect and admiration for our veterans but who also feels a debt of service to our veterans. I will point out that we always talk about the hyperpartisan U.S. House of Representatives. We moved our Veterans Affairs' spending bill in this House back on June 4. On June 4, we passed it in this House with only four Members voting "no." Talk about things that bring you together, Mr. Speaker, as opposed to divide you. That is the kind of commitment that this institution has to our veterans.

I can't tell you why we haven't been able to get that signed into law. I know the Senate has not yet acted on that bill. I think it would be something that would bring them together, too, and I would recommend that to them, but of the 435 Members of this body, only four Members voted "no" on our bill to try to fulfill that commitment in order to make sure our veterans—our returning men and women—have the kinds of resources that not just they deserve but that we have committed to them.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise my colleague at this time that I have no further speakers and that I am prepared to close if he is prepared to close.

Mr. WOODALL. I am prepared to close.

□ 1315

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I understand why we are here. I understand that my friends across the aisle evidently don't mind wasting this body's time, their resources, and money passing bills that are going to go nowhere.

In fact, later this week, I know we go to the Rules Committee on Thursday on a provision that is going to take its 46th vote to defund, delay, or repeal the Affordable Care Act and the patient protections and budget savings contained within it.

We have all got our roles to play. It is a shame, in my judgment, that my friends across the aisle would rather reenact some of the same tired political drama rather than actually accomplish something. We can do a great deal more here in the House to address the significant needs that our country has.

Let me tell you how this particular measure is going to play out. The rule is going to pass. It will be debated here on the House floor today, both measures having to do with asbestos and with so-called lawsuit measures. After they pass the House of Representatives, then it is bound over to the United States Senate where nothing is going to take place.

Now, I am not prescient—I don't have any way of predicting the future—but this particular methodology for legislation back and forth is just as much a problem when the House passes something that the Senate doesn't do anything about as when the Senate passes something that the House doesn't do anything about. I can calculate the numbers on both sides. I just personally think it is wrong for us not to let this process work its will on behalf of the American people.

Therefore, passing legislation just to have portions of either of our bases satisfied is not my idea of something to do. What we are doing here today is nothing other than wasting time.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment to the resolution, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I urge my colleagues to vote “no” and defeat the previous question. I urge a “no” vote on the rule and the underlying bills, and I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say to this body there are actually more that my friend from Florida and I agree on than what we disagree on. I might not say that at a townhall meeting back home, but I will say that to you here, because at its core we all share a vision of what this Nation can be, what this Nation should be; but we do get mired in the rhetoric.

It is interesting that we have a bill today that those folks who represent mom-and-pop businesses say is so important to them they are going to make sure that every single Member of this House knows that they are keeping score on this and they want a “yes” vote on that legislation. Yet we have other bills here that the trial lawyers are saying are so important to them that they are going to write letter after letter after letter saying this is not in the best interest of the country, we should move in a different direction.

I will tell you, those are exactly the kinds of bills that we ought to be working on. Now, are there bigger-picture bills out there? Absolutely there are. I would like to see a bill that solves Social Security forever, where we end this business about Social Security is going to go bankrupt, and once and for all we solve that issue so no senior is ever concerned about that again.

We don't have that bill on the floor today. We have an opportunity to stop frivolous lawsuits.

I would like to see a bill on the floor that balances the Federal budget. I am old fashioned that way, Mr. Speaker. I think if you want to spend it, you ought to raise it. If you don't want to raise it, then don't spend it.

But we don't have that bill on the floor today. We have a bill to make sure that trust funds intended to protect victims of a horrible, horrible perpetration by industry have an opportunity to collect what little money there is left from those businesses that perpetrated those harms. I think we should support that bill today.

Mr. Speaker, one step at a time we really can make a difference. I have been reading with great dismay that some of the colleagues that I was elected with 3 years ago have decided they are not going to run for reelection.

They have been here 3 years, and they have found that while they came here to make America a better place, while they came here to serve the men and women back home, while they came here to make sure their children grew up with the same freedoms and opportunities that they grew up with, they have decided that it might not be happening.

We can and we must do better. In fact, we had a committee hearing last night. My colleague from Florida (Mr. WEBSTER) said, I think “comprehensive” ought to be a dirty word. Comprehensive ought to be a dirty word, because when I hear “comprehensive,” Mr. Speaker, what I hear is we are throwing everything in, and the kitchen sink, and I want you to pass all or nothing on the House floor.

It doesn't have to be that way. I promise you if you put together a 2,000-page bill, Mr. Speaker, there are going to be parts of it that my constituency does not believe are in the best interest of America. But if we pass bills 10 pages at a time, 20 pages at a time, maybe even 30 pages at a time, Mr. Speaker, if we move one idea at a time, we get a “yes” or “no” vote from both sides of the aisle, we send it to the Senate, we pass it in the Senate, and the President puts a signature on it, we can make a difference.

I believe that that momentum matters. I hope we get a “yes” vote on the rule. I hope we get a “yes” vote on these underlying bills. I hope we get bills coming out of the farm bill conference. I hope we get bills coming out of the budget conference. I hope we get bills coming out of the Water Resources and Reform Development Act conference. I hope we move these things before we begin to build that momentum.

We are at a stumbling place, Mr. Speaker. There is an impediment in our way. I read some White House sources this week that said they recognize that we have not come through on the promise of “if you like your insurance, you can keep it.” They were looking for solutions, but they weren't going to come to Congress to look for solutions. They were going to look for administrative solutions, and they were going to try to fix it on their own.

As we have heard on this floor many times, the Affordable Care Act is the law of the land; ObamaCare is the law of the land. An administrative branch shouldn't just be able to unilaterally change the law of the land. The Constitution gives that responsibility to us. We have got to step up and take responsibility for those things that the Constitution invests in us, and article III courts are one of those things. We are taking that responsibility up today.

Mr. Speaker, we have an opportunity not to be Republicans and Democrats, but to be representatives of Americans

in the greatest body in this entire land, the closest to the American people—the U.S. House of Representatives. We have a chance to announce our position, the House position, and move that to the Senate and then, lo and bold, we have an opportunity to work with the Senate not to adopt a Republican position or a Democrat position, but a congressional opinion, an article I constitutional opinion that we then march down Pennsylvania Avenue and say to the Executive, be he or she a Republican or a Democrat, this is what the people have to say; we need your signature on that. They can say “yes” or “no.”

We have set up these roadblocks, Mr. Speaker, where it is not House and Senate; it is Republican and Democrat. It does not serve this institution well. It does not serve America well.

I hope we are going to have bipartisan votes on these two bills today, Mr. Speaker. We are exercising a constitutional responsibility to direct the courts. We can vote “yes,” we can vote “no,” but it is not something that is peripheral to what we are about. It is something that is essential to the responsibilities that the Constitution has placed with us.

I promise my colleagues this institution will be a better institution if we pull out that rule book called the United States Constitution more often and start with those priorities that it has invested in us, not the priorities that some interest group has invested in us, not the priorities that the news media has invested in us, not the priorities that a Republican Party or a Democratic Party have invested in us, but the priorities the United States Constitution invests in us, we will restore the faith of the American people in this institution.

These two bills do that, Mr. Speaker. I encourage a strong “yes” vote on the rule that has made in order all of the amendments that were offered, save one. Let this body work its will. Support this rule. Support the underlying bill. Vote your conscience on the amendments to make the bills better if you want to, but let's get our constitutional responsibilities done.

Ms. JACKSON LEE. Mr. Speaker, I rise in opposition to H.R. 982, The F.A.C.T. Act.

This intrusive legislation which misuses the word “transparency,” would invade the privacy of asbestos victims by requiring the posting of personal exposure and medical information online and create new barriers to victims receiving compensation for their asbestos diseases.

We have witnessed decades of uncontrolled use of asbestos, even after its hazards were known, have resulted in a legacy of disease and death. Hundreds of thousands of workers and family members have been exposed to, suffered or died of asbestos-related cancers and lung disease, and the toll continues. It is estimated that each year 10,000 people in the United States are expected to die from asbestos related diseases. This is an outrage—and

to add to their misery—they have to deal with the onerous provisions of H.R. 982.

Asbestos victims have faced huge barriers and obstacles to receiving compensation for their diseases. Major asbestos producers refused to accept responsibility and most declared bankruptcy in an attempt to limit their future liability. In 1994 Congress passed special legislation that allowed the asbestos companies to set up bankruptcy trusts to compensate asbestos victims and reorganize under the bankruptcy law.

But these trusts don't have adequate funding to provide just compensation, and according to a 2010 RAND study, the median payment across the trusts is only 25 percent of the claim's value. With compensation from these trusts so limited, asbestos victims have sought redress from the manufacturers of other asbestos products to which they were exposed.

Although the proponents of this legislation assert that it is intended to protect asbestos victims, not a single asbestos victim has expressed support for H.R. 982. As the widow of our former colleague Representative Bruce Vento (D-MN), who passed away from mesothelioma, stated H.R. 982 "does not do a single thing" to help asbestos victims and their families?

H.R. 982 disturbs a reasonably well-functioning asbestos victim compensation process. Entities facing overwhelming mass tort liability for causing asbestos injuries may, under certain circumstances, shed these liabilities and financially regain their stability in exchange for funding trusts established under Chapter II of the Bankruptcy Code to pay the claims of their victims, under certain circumstances. 3 H.R. 982, however, interferes with this longstanding process in two ways. The FACT Act would require these trusts to: (1) file a publicly available quarterly report with the bankruptcy court that would include personally identifying information about such claimants, including their names, exposure history, and basis for any payment made to them; and (2) provide any information related to payment from and demands for payment from such trust to any party to any action in law or equity concerning liability for asbestos exposure.

I urge my colleagues to vote against this utterly intrusive legislation.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 403 OFFERED BY  
MR. HASTINGS OF FLORIDA

Strike all and insert the following:

*Resolved*, That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3383) to amend title 38, United States Code, to extend to all veterans with a serious service-connected injury eligibility to participate in the family caregiver services program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment

under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

Sec. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3383.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT  
REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal

to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. With that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 11, as follows:

[Roll No. 573]

YEAS—224

Aderholt	Daines	Harris
Amash	Davis, Rodney	Hartzler
Amodei	Denham	Hastings (WA)
Bachmann	Dent	Heck (NV)
Bachus	DeSantis	Hensarling
Barletta	DesJarlais	Holding
Barr	Diaz-Balart	Hudson
Barton	Duffy	Huelskamp
Benishek	Duncan (SC)	Huizenga (MI)
Bentivolio	Duncan (TN)	Hultgren
Bilirakis	Ellmers	Hunter
Bishop (UT)	Farenthold	Hurt
Black	Fincher	Issa
Blackburn	Fitzpatrick	Jenkins
Boustany	Fleischmann	Johnson (OH)
Brady (TX)	Fleming	Johnson, Sam
Bridenstine	Flores	Jordan
Brooks (AL)	Forbes	Joyce
Brooks (IN)	Fortenberry	Kelly (PA)
Broun (GA)	Fox	King (IA)
Buchanan	Franks (AZ)	King (NY)
Bucshon	Frelinghuysen	Kingston
Burgess	Gardner	Kinzinger (IL)
Calvert	Garrett	Kline
Camp	Gerlach	Labrador
Cantor	Gibbs	LaMalfa
Capito	Gibson	Lamborn
Carter	Gingrey (GA)	Lance
Cassidy	Gohmert	Lankford
Chabot	Goodlatte	Latham
Chaffetz	Gosar	Latta
Coble	Gowdy	LoBiondo
Coffman	Granger	Long
Cole	Graves (GA)	Lucas
Collins (GA)	Graves (MO)	Luetkemeyer
Collins (NY)	Griffin (AR)	Lummis
Conaway	Griffith (VA)	Marchant
Cook	Grimm	Marino
Cotton	Guthrie	Massie
Cramer	Hall	McCarthy (CA)
Crawford	Hanna	McCaul
Crenshaw	Harper	McClintock

McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel

## NAYS—195

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah

Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Wittman  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)

Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (IN)

Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas

Campbell  
Culberson  
Herrera Beutler  
Jones

Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz

## NOT VOTING—11

Matsui  
McCarthy (NY)  
Neal  
Rush

Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Schwartz  
Wenstrup  
Young (AK)

Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland

Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (IN)

## NOES—194

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah

Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Kunz  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
McCollum

Moran  
Murphy (FL)  
Nadler  
Napolitano  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swailwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz

□ 1406

Mr. HIMES, Ms. LORETTA SANCHEZ of California., Messrs. LARSON of Connecticut and SCOTT of Virginia changed their vote from “yea” to “nay.”

Mr. HALL changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 194, not voting 13, as follows:

[Roll No. 574]

## AYES—223

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishak  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Daines  
Davis, Rodney  
Denham  
Dent

DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
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Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Fudge  
Hudson  
Huelskamp

Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah

Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Kunz  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
McCollum

Moran  
Murphy (FL)  
Nadler  
Napolitano  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swailwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz

Wasserman	Watt	Wilson (FL)
Schultz	Waxman	Yarmuth
Waters	Welch	

## NOT VOTING—13

Campbell	Matsui	Tiberi
Culberson	McCarthy (NY)	Wenstrup
Doggett	Neal	Young (AK)
Herrera Beutler	Rush	
Jones	Schwartz	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1416

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 13, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 13, 2013 at 11:24 a.m.:

That the Senate passed S. 1499.

That the Senate passed S. 1512.

That the Senate passed S. 1557.

With best wishes, I am

Sincerely,

*Karen L. Haas.*

## FURTHERING ASBESTOS CLAIM TRANSPARENCY (FACT) ACT OF 2013.

## GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 982, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 982.

The Chair appoints the gentleman from Utah (Mr. BISHOP) to preside over the Committee of the Whole.

□ 1420

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes, with Mr. BISHOP of Utah in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read for the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of a bill that will help those asbestos victims that must look to the bankruptcy process to seek redress for their or their loved ones' injuries. Unfortunately, on too frequent an occasion, by the time asbestos victims assert their claims for compensation, the bankruptcy trusts formed for their benefit have been diluted by fraudulent claims, leaving these victims without their entitled recovery.

The reason that fraud is allowed to exist within the asbestos trust system is the excessive lack of transparency created by plaintiffs' firms. Due to a provision in the Bankruptcy Code, plaintiffs' firms are essentially granted a statutory veto right over a debtor's chapter 11 plan that seeks to restructure asbestos liabilities. Plaintiffs' firms have exploited this leverage to prevent information contained within the asbestos trusts from seeing the light of day.

The predictable result from this reduced transparency has been a growing wave of claims and reports of fraud. The increase in claims has caused many asbestos trusts to reduce the recoveries paid to asbestos victims who emerge following the formation of the trusts. For example, the T.H. Agriculture and Nutrition asbestos trust cut its recovery rate from 100 percent to 70 percent, and the Owens Corning trust sliced its recovery rate from 40 percent to 10 percent.

In addition, instances of fraud within the asbestos trust system have been documented in news reports, State court cases, and testimony before the Judiciary Committee. The Wall Street Journal conducted an investigation into asbestos trusts where it found, among other things, that hundreds of plaintiffs filed claims against asbestos trusts asserting one injury while simultaneously asserting a completely different injury before the State courts.

Reports directly from many State courts are uncovering similar conduct. For example, in Ohio, one judge described a plaintiff's case as "lies upon lies upon lies" after discovering that the plaintiff received hundreds of thousands of dollars from various asbestos bankruptcy trusts while alleging in court that a single product caused his illness. In Virginia, a judge stated that a similar case over which he presided was the "worst deception" he had seen in his 22-year career.

The FACT Act, introduced by Congressman FARENTHOLD, will combat this fraud by introducing long-needed transparency into the asbestos bankruptcy trust system. The FACT Act increases transparency through two simple measures. First, it requires the asbestos trusts to file quarterly reports on their public bankruptcy dockets. These reports will contain very basic information about demands to the trusts and payments made by the trusts to claimants. Second, the FACT Act requires asbestos trusts to respond to information requests about claims asserted against and payments made by the asbestos trusts.

These measures were carefully designed to increase transparency while providing claimants with sufficient privacy protection. To accomplish this goal, the bill leverages the privacy protections contained in the Bankruptcy Code and includes additional safeguards to preserve claimants' privacy.

A State court judge with 29 years of bench experience described the privacy protections within the FACT Act as far stronger than those afforded in State court, where asbestos plaintiffs often pursue parallel claims. The FACT Act also was deliberately structured to minimize the administrative impact on asbestos trusts. Indeed, according to testimony before the Judiciary Committee from an expert on asbestos litigation and the asbestos trusts, preparing the quarterly disclosure requirements would be "very simple" and would "take minutes."

The FACT Act strikes the appropriate balance between achieving the transparency necessary to reduce fraud in an efficient manner and providing claimants with sufficient privacy protections. We cannot allow fraud to continue reducing recoveries for future asbestos victims. The FACT Act is a simple, narrow measure that will shed much-needed sunshine on a shadowy system.

I thank Mr. FARENTHOLD for introducing this legislation and urge all of my colleagues to vote for the FACT Act.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Members of the House, we are confronted with a very simple proposition today. What we have here is a piece of



legislation that seeks to address a non-existent problem and is strongly opposed by asbestos victims, the trusts charged with administering compensation to victims, privacy advocates, consumer groups, labor organizations, and legal representatives of future claimants.

I will point out that I have one of the longest lists of organizational opposition that I have seen in a long time, more than 11 organizations, starting with the Asbestos Cancer Victims' Rights Campaign and then going to the Asbestos Disease Awareness Organization, the AFL-CIO, the United Steelworkers, AFSCME, Public Citizen, the U.S. Public Interest Research Group, the Environmental Working Group, the Alliance for Justice, the American Association for Justice, and many others.

What we are doing here is beginning this debate by asking who actually supports this bill and why are their interests being put ahead of asbestos victims.

To begin with, the bill's reporting and disclosure requirements are an assault against asbestos victims' privacy interests. The bill mandates that the trusts publicly report information on the claimants that could include their name, address, work history, income, medical information, exposure history, as well as the basis of any payment that the trust made to the claimant.

□ 1430

Given the fact that all this information would potentially be available on the Internet, just imagine what insurance companies, potential employers, prospective lenders, and data collectors could do with this private information.

Essentially, what this bill does is allow asbestos victims to be re-victimized by exposing their health information to the public, including those who seek information for illegal purposes.

And so I ask all of the thoughtful Members of this body to join me in strongly and vigorously opposing the measure before us today.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Regulatory Reform Subcommittee.

Mr. BACHUS. I appreciate the chairman yielding.

Mr. Chairman, I have great respect for Mr. CONYERS. He has been my chairman and is now my ranking member.

I, too, see this as a very simple proposition. However, I have a different point of view. I believe that sunshine is the best disinfectant, and I think that light can expose things that need to be exposed; and that is, really, the essence of this bill. This bill is about transparency. It is about revealing how much people are being paid in a claim.

America is a country that helps deserving people in their time of need,

and for that reason, when we had tens of thousands of asbestos exposures which caused serious injury and death, a trust fund was specifically set up to compensate those individuals whose health had been harmed. However, as with almost anything we establish, there are those that would take advantage, there are those who would commit fraud, there are those who would abuse it. And that is the case here.

There have been inconsistent claims. Trust fund money has been diverted from these victims and from future victims to where it should properly go—to those people that truly could demonstrate health needs. Instead it went, in many cases, to the undeserved.

Don't take my word for it. An article published by The Wall Street Journal just this past March revealed that nearly half of all trusts have reduced payments to new victims at least once since 2010, partly in an effort to preserve assets for future victims. The same article cited a number of disturbing examples of money being drained from the system by waste and fraud—it is not something we made up—leaving less to those who truly suffered. We have had judges appear and tell us about those problems. We have had others.

For example, the article disclosed that, after virtually no examination and no transparency, over \$26,000 was awarded to a person who never existed. It also found that 2,700 claimants to the Manville Trust alone—just one of many trusts—couldn't have been older than 12 years of age at the time they said they were exposed to asbestos in an industrial job.

The FACT Act would combat fraud through sunshine by increasing transparency and accountability in the system. In doing so, it strengthens the asbestos trust fund and system for present and future claimants. It would improve information-sharing in the trust fund process while fully respecting privacy—and let me stress that—fully respecting privacy and protecting confidential medical information, which is very important when personal health is involved.

As we have said many times, sunshine is a disinfectant. I said it at the start of the speech, and I will say it now.

This is a commonsense, bipartisan bill that would help asbestos victims get the compensation they need and deserve by protecting the asbestos trust fund from fraud, waste, and abuse.

Let me close by commending Mr. FARENTHOLD from Texas and Mr. MATHESON from Utah for bringing this bipartisan legislation. I urge you to support them and others and bring this bill to the floor and pass it to increase accountability.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to thank my good friend, SPENCER BACHUS, a distin-

guished member of the Judiciary Committee, for participating here on the floor with me. I want him to know that the privacy part of his remarks are not too relevant at this point because this bill allows the name, the disease, and all related facts to be published. It can be picked up by the Internet; and so assurances of privacy are of little usefulness here.

I am so glad to know that Mrs. Sue Vento, the widow of our former colleague, Bruce Vento, is here with us in the gallery. She has been working along with us in strongly opposing H.R. 982.

Mr. Chairman, I am proud now to yield 2 minutes to the gentleman from Florida (Mr. DEUTCH), a distinguished member of the committee.

Mr. DEUTCH. I thank my friend, Mr. CONYERS.

Mr. Chairman, it is deeply troubling to see that today the House of Representatives might vote to pass the so-called FACT Act, or Furthering Asbestos Claim Transparency Act. I urge my colleagues to vote against this bill because it is not about transparency. It is not about accountability. It is absolutely not about justice. The FACT Act is nothing more than a thinly veiled attack on the rights of cancer victims and their families. That is the only way I can describe a piece of legislation that undermines the constitutional rights of asbestos victims and even threatens the privacy of victims and their families.

The FACT Act does nothing to protect the rights of victims like Genevieve Bosilevac, who was diagnosed with mesothelioma just a few days before her 48th birthday in 2009, and widows like Judy Van Ness, who lost her husband to asbestos-caused disease.

Victims of mesothelioma do not have the luxury of time. This brutal form of cancer is hard to detect until it has progressed significantly and all too often already compromised vital internal organs.

Despite the dire implications of this diagnosis, the FACT Act would place additional burdens on victims and even delay court proceedings to the point that a victim would die before receiving any financial assistance through the asbestos trust fund.

If anything, this body should be looking at ways to make it easier to identify legitimate asbestos victims and fast-track their cases. Instead, we are doing the opposite.

This legislation might as well have been written by the asbestos industry because it only provides these companies with new tools to evade justice and their responsibility to victims. Even more incomprehensibly, the FACT Act would require the asbestos trust fund to turn over personally identifying information about victims and even their children.

For the families whose lives have already been torn apart by disease from

asbestos exposure, this legislation would create an online Web site that lists victims' sensitive information, including financial histories and even partial Social Security numbers.

I implore my colleagues to recognize that these families have been through enough. There is nothing we in this Chamber can do to fill the void that has been left in the hearts of so many Americans who have lost loved ones due to exposure.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. DEUTCH. What we can do is ensure that we have a justice system that protects the rights of victims and puts the constitutional rights of our citizens ahead of special interests.

I urge my colleagues to vote "no" on the FACT Act.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 4 minutes to the gentleman from Texas (Mr. FARENTHOLD), the author of the legislation.

Mr. FARENTHOLD. Thank you, Chairman GOODLATTE.

Quite frankly, I am personally offended by the claim that this bill is against victims. It is for the victims. It is preserving the asbestos trusts for those yet undiscovered victims from people who would defraud the system.

This is a simple, short two-page bill. We are asking for no more information than you have to supply when you file a lawsuit in any court. We are asking for your name and the basis of your claim. We are asking that the expenditures be listed of the trust in a method that people can check to make sure somebody isn't claiming twice for the same injury so we don't have double dippers.

This is for the victims. We are going to try to stop unscrupulous attorneys and folks they rope in from filing false claims. We don't want to stop anybody who has a legitimate claim.

The asbestos trust has been riddled with fraud. It even comes down to Corpus Christi, Texas, the district I represent, where there were early cases where a Federal judge, Janis Jack, a Clinton-appointee and a friend of mine, ruled there was fraud with doctors. The courts are dealing with that.

We are trying to deal with multiple claims and bring simple transparency. We are not asking for detailed medical information to be released. We are just asking for the basis of the claim, and that is pretty simple information.

We are not asking for Social Security numbers. We are not asking for any financial information, other than the amount that is being claimed. This is public record in any other lawsuit in the country, and it is not an invasion of privacy. It is a protection of the system that was set up to compensate victims of mesothelioma and other asbes-

tos-related exposure diseases that don't manifest for years after the exposure. We have got to protect this for future generations.

The FACT Act is a simple, two-page bill that leverages all the privacy protections already in the Bankruptcy Code and simply asks that we know who is getting what out of these trusts so they can't get them from multiple trusts for the same injury or they can't file a claim in State court. It is to try to stop double dipping and fraud.

Unfortunately, when they were set up, there weren't enough safeguards in place to run by plaintiffs' attorneys, who get percentages of compensation off of that. So we are trying to get this taken care of. The plaintiffs' attorneys have a big impact in creating and managing these trusts, and we are just trying to get some simple oversight.

Mr. BACHUS put it quite well when he said that sunshine is the best disinfectant. We are asking to shine the light of day on these claims so we can protect future victims. We don't want to deny anybody who is a legitimate claimant what they are entitled to. We want to get them compensated and make sure there is enough money there for everyone.

This is a bill for the victims. It is a bill to stop fraud, waste, and abuse.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 3 minutes to the gentlelady from Houston, Texas, (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE. Let me thank the ranking member for yielding.

Mr. Chairman, with all of the protests, I think there is nothing more that we can say other than that it is a very cruel decision to move forward this particular legislation. It really implodes and violates the process of litigation between plaintiffs and defendants, petitioners and those who are in opposition, because we have an infrastructure of a court system that allows those who participate in that court system to guide the evidence that is being presented under the representation of their counsel.

The Sixth Amendment provides for individuals to have a right to counsel, and what this legislation is trying to do is implode that relationship and ask for information that could be given in the regular order of a court process.

This is intrusive legislation under the false guise of transparency and, in actuality, would invade the privacy of asbestos victims by requiring the posting of personal exposure and medical information online and erect new barriers to victims receiving compensation for their asbestos diseases.

This cancer-driven disease, this asbestos-driven disease, is a silent killer. For a long time, the victims don't even know that they are being impacted by asbestos that is causing cancer.

We have witnessed decades of uncontrolled use of asbestos; and even after

its hazards became widely known, disease and death still persist because people work in it and they do not know. And so they have been forced to hire counsel merely to provide for their families or themselves in the waning hours and days of their life.

Hundreds of thousands of workers and family members have been exposed, suffered, or died of asbestos-related cancers and lung disease; and the toll continues. And yet we have legislation like this that wants to clearly undermine the legal system, the justice system, which means I go into a court, I have a lawyer, there is someone opposed to my position, they have a lawyer, and we submit information under the basis of that litigation or that settlement or that negotiation.

□ 1445

Why do Americans have to be subjected to another abuse while they are suffering and dying?

This is an abuse. H.R. 982 is asking for information that can already be gotten. As I indicated, these individuals have been exposed, suffered, or died from asbestos-related cancer. It is estimated that, each year, 10,000 people in the United States are expected to die from asbestos-related diseases. How much more of an outrage do we have to place on their families—and burdens—to ask them to give information about their sicknesses and other issues that are squarely within the realm of their counsel? Call up their lawyers and ask for it. This is an outrage that they have to deal with this onerous provision.

Time and again, asbestos victims have faced huge obstacles, inconvenient barriers, and veiled but persistent resistance to receiving compensation for their diseases. That is why they organized in the manner that they did. It is because they were dying, dying, dying, and there was no response.

The CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady an additional 15 seconds.

Ms. JACKSON LEE. It is particularly galling that many of the major asbestos producers refuse to accept responsibility and that most declared bankruptcy in an attempt to limit their future liability.

I ask my colleagues to vote "no" on this legislation. How much more can we put on these poor victims? If you want information, go to their counsel. Go into the courthouse. They will provide it. Let's give them relief. I oppose this legislation.

Mr. Chairman, I rise in opposition to H.R. 982, the F.A.C.T. Act. This intrusive legislation which misuses the word "transparency," would invade the privacy of asbestos victims by requiring the posting of personal exposure and medical information online and erect new barriers to victims receiving compensation for their asbestos diseases.

We have witnessed decades of uncontrolled use of asbestos, and, even after its hazards became widely known, disease and death still persist.

Hundreds of thousands of workers and family members have been exposed to, suffered or died of asbestos-related cancers and lung disease, and the toll continues. It is estimated that each year 10,000 people in the United States are expected to die from asbestos related diseases. This is an outrage—and to add to their misery—they have to deal with the onerous provisions of H.R. 982.

Time and time again, asbestos victims have faced huge obstacles, inconvenient barriers, and veiled but persistent resistance to receiving compensation for their diseases and it is important to note that asbestos litigation is the longest-running mass tort litigation in the United States.

It is particularly galling that many of the major asbestos producers refused to accept responsibility and most declared bankruptcy in an attempt to limit their future liability. In 1994 Congress passed reasonably balanced special legislation that allowed the asbestos companies to set up bankruptcy trusts to compensate asbestos victims and reorganize under the bankruptcy law.

But these trusts don't have adequate funding to provide just compensation, and according to a 2010 RAND study, the median payment across the trusts is only 25 percent of the claim's value. With compensation from these trusts so limited, asbestos victims have sought redress from the manufacturers of other asbestos products to which they were exposed—the original tortfeasors.

The Occupational Safety and Health Administration, better known as OSHA noted two decades ago that

"It was aware of no instance in which exposure to a toxic substance has more clearly demonstrated detrimental health effects on human than has asbestos exposure."

We see the harm that asbestos causes when people become sick—ordinary Americans who did extraordinary things to get this disease—like go to work every day to support their families.

And although the proponents of this legislation assert that it is intended to protect asbestos victims, I have not heard of a single asbestos victim who has expressed support for the H.R. 982, the FACT Act.

As the widow of our former colleague Representative Bruce Vento (D-MN), who passed away from mesothelioma, stated H.R. 982 "does not do a single thing" to help asbestos victims and their families.

H.R. 982 does not help and actually disturbs a reasonably well-functioning asbestos victim compensation process. Entities facing overwhelming mass tort liability for causing asbestos injuries may, under certain circumstances, shed these liabilities and financially regain their stability in exchange for funding trusts established under Chapter 11 of the Bankruptcy Code to pay the claims of their victims, under certain circumstances.

H.R. 982, however, interferes with this longstanding process in two ways. The FACT Act would require these trusts to: (1) file a publicly available quarterly report with the bankruptcy court that would include personally identifying

information about such claimants, including their names, exposure history, and basis for any payment made to them; and (2) provide any information related to payment from and demands for payment from such trust to any party to any action in law or equity concerning liability for asbestos exposure.

I urge my colleagues to vote against this utterly intrusive legislation.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining on both sides.

The CHAIR. The gentleman from Virginia has 18½ minutes remaining, and the gentleman from Michigan has 20½ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to respond to the mischaracterization of this legislation as it is somehow imposing burdens on the victims of asbestos. In fact, it is quite the opposite.

First of all, the information disclosed under the FACT Act is very basic and is less information than would be disclosed during the normal course of a State court lawsuit, in which many asbestos bankruptcy claimants pursue simultaneous claims, but they don't tell the bankruptcy courts about that, so these trusts need to tell them that.

Secondly, the FACT Act includes strong privacy protections, including prohibiting the disclosure of confidential medical records and full Social Security numbers. To be clear, the FACT Act does not require asbestos trusts to require or to disclose asbestos victims' Social Security numbers.

The FACT Act also leverages existing privacy protections in the Bankruptcy Code to give the presiding bankruptcy judge broad discretion to prevent the disclosure of information that would result in identity theft or in any other unlawful activity. Indeed, a judge with 29 years of bench experience testified before the Judiciary Committee that the FACT Act provides more protection in terms of the confidentiality of asbestos claimants' records than the legal system is able to do.

By requiring the disclosure of basic information regarding claims submitted to the asbestos trusts, the FACT Act will facilitate a reduction in fraud that will allow future asbestos victims to maximize their recovery, but they will not be able to do that if we continue to have money taken from these trusts for duplicative claims, fraudulent claims, and claims without merit.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Atlanta, Georgia, HANK JOHNSON, and I would indicate his very deep concern for asbestos cancer victims.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to H.R. 982, the so-called FACT Act.

The FACT Act would require asbestos trusts to publicly disclose extensive

amounts of private information about asbestos victims on a public Web site. These quarterly reports would have to describe each demand and the trust received, including the name and exposure history of a claimant and the basis for any payment from the trust made to such claimant. Also required to be publicly disclosed by the trusts are a claimant's home address, work history, income, medical information, and even the last four digits of a claimant's Social Security number.

Any person, including every crook in the world with Internet access, could use this information for any and all illicit purposes. That criminal or mischievous person could be your neighbor. He could be your daughter's ex-boyfriend—you know, the one you never liked and barred from coming to the house. He could be an employee on the job, somebody who is vying for your job. He could be anybody who wants to do harm to you or your family.

It is a serious threat to asbestos victims' security and privacy, and it is an unfair and unnecessary advantage bestowed upon the asbestos manufacturers. The truth of the matter is that such information is available to the tortfeasors during the course of the litigation. Federal and/or State Rules of Civil Procedure allow a defendant to gain all relevant information during the discovery process about a claimant's exposure. Moreover, a defendant's discovery request should never justify the publication of a plaintiff's entire medical history.

Yesterday, I offered an amendment that would have protected the privacy of asbestos victims and their families, but, unfortunately, the Republicans on the Rules Committee did not allow the House to consider my amendment today. It is disappointing that my Republican colleagues who pretend that they support Americans' rights to privacy are now willing to throw privacy rights under the bus while they stand with Big Asbestos and as they again victimize the victims by trampling on the privacy rights of those same victims and those families. Without adding important privacy safeguards, nothing would stop rampant identity theft or the misuse of a claimant victim's personal information, including that victim's entire medical history.

Why is it necessary for a claimant to have to give up his right to privacy just because he seeks to recover damages arising from exposure to asbestos?

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. Thank you.

Asbestos victims who seek compensation for their injuries should retain the same privacy protections as other patients, as well as other people who make claims for personal injury.

Mr. GOODLATTE. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

Mr. Chairman, I would like to take a moment to address some claims that my friends and colleagues on the other side of the aisle have made.

The FACT Act is simple. There are two pages of text to the FACT Act. There is no requirement of any action whatsoever by the victims of asbestos. The trusts are the only ones that are required to do something. Let me just read to you exactly what the requirement is. It doesn't include a broad release of personal information. It is very simple:

A trust described in paragraph 2 shall, subject to section 107, file with the bankruptcy court not later than 60 days at the end of every quarter a report that shall be made available on the court's public docket with respect to such quarter. It describes each demand the trust has received from a claimant, including the name, exposure history of a claimant and the basis for any payment from the trust made to such claimant, and it does not include any confidential medical record or the claimant's full Social Security number.

All we are asking for in this bill is that the trusts let us know who they are paying the money to and what they are paying it for so we make sure people don't double dip so that there is plenty of money there for future claimants.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. FARENTHOLD. I yield to the gentleman.

Mr. JOHNSON of Georgia. How do you determine claimants individually with that level of information that you just described?

Mr. FARENTHOLD. It gives you their names and potentially a part of their Social Security numbers.

Mr. JOHNSON of Georgia. Okay. Thank you.

Mr. FARENTHOLD. It is not their full Social Security numbers. It is not their confidential medical records. It is the basis of their claims.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. FARENTHOLD. I yield to the gentleman.

Mr. JOHNSON of Georgia. Part of your medical record goes into that public file; is that not correct?

Mr. FARENTHOLD. It is a limited basis of the claim.

Mr. JOHNSON of Georgia. So the gentleman is incorrect.

Mr. FARENTHOLD. It is not part of the medical record. It is just the basis of the claim. It would be simply: claiming mesothelioma from exposure at "this" location. It is that basic information that would allow other courts to determine that the person who is making the claim is not double dipping, that he has not already made that claim.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee, STEVE COHEN, a distinguished member of the Judiciary Committee.

Mr. COHEN. Mr. Chairman, there is one fact that is indisputable, and that is the procedure by which this particular bill came to the floor. It is a procedure whereby the majority had three witnesses and the minority had one, and none of the witnesses were victims.

There are two major asbestos victims' groups. They would be the people most interested in preserving the funds for victims—the Asbestos Cancer Victims' Rights Campaign and the Asbestos Disease Awareness Organization. One is headed up by the widow of a former Member of this House, Mrs. Vento. Her husband, Congressman Bruce Vento, died of mesothelioma. They oppose this bill, but the fact is, indisputably, that they were not allowed to testify.

If this bill, indeed, were for the victims, the victims should have had an opportunity to testify. The chairman of the subcommittee, Mr. BACHUS, of which I am the ranking member, valiantly tried to rectify that error by allowing them to testify, but he was overruled.

The fact is that the procedure that brought this bill to the floor was flawed. Accordingly, I submit that the bill should be flawed because the victims should have had the opportunity to speak. If it is for the victims, if it is for preserving funds, the people who are proponents shouldn't have been afraid of the victims' organizations going on record and giving testimony and testifying.

This whole proceeding today is conceived in an attack on the victims—not allowing the victims to speak and not allowing transparency in the hearing process. This is allegedly about transparency. It is not. It is about covering up and not allowing freedom of speech from the people who are most affected—those who had loved ones die from mesothelioma.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to respond to the mischaracterization of the process followed in the Judiciary Committee.

The FACT Act and the problems it addresses have been the subject of three separate hearings: one before the Judiciary Subcommittee on the Constitution on September 9, 2011, on the issue generally, and two legislative hearings before the Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law—one during the 112th Congress and another this year on March 13.

The minority used these opportunities to call witnesses who were representatives from the asbestos plaintiffs' trial bar to voice their concerns with the bill. In fact, the minority

called the same witness for two out of the three hearings. Now they claim that asbestos victims were never provided an opportunity to testify. The Judiciary Committee provided ample opportunities to include asbestos victims' views on the legislation on the record, and there are many letters and statements from asbestos victims in the record as a result. Additionally, the committee offered a special procedure to asbestos victims in order to provide an occasion for the victims to personally inform Members and staff of their views, which they refused.

It has become necessary to act with expediency and move this important legislation forward. Each day that passes is a day on which fraudulent claims can be prosecuted against the asbestos trusts, thereby reducing the recovery to legitimate asbestos victims. This legislation will benefit victims by reducing fraudulent claims and by ensuring that asbestos trusts provide the maximum recovery to future asbestos claimants.

Mr. COHEN. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Tennessee.

Mr. COHEN. Would you explain to me then why the victims were never allowed to testify on the record in this Congress and were never given an opportunity even though the subcommittee chairman valiantly and heroically tried to rectify that?

Mr. GOODLATTE. In reclaiming my time, that is not accurate. The claimants were offered a process by which they could come and speak to the members of the committee.

Mr. COHEN. In private.

Mr. GOODLATTE. Mr. Chairman, I have the time.

The CHAIR. The gentleman from Virginia controls the time.

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Mr. GOODLATTE. The minority had the opportunity to have an asbestos victim testify if they wished to do so and chose instead to have a plaintiff's attorney who had already testified in a previous hearing do so.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Chairman, we had one witness; the majority had three witnesses. Ours had to try to explain the legal effects.

The fact is the proponents of the bill who claim it is for the victims should have had the right to have the victims be there. The special procedure they had was an in camera hearing not on the record. That is not right. If you want to propose something for the victims, you give them an opportunity to testify on the record—and they all opposed the bill to a one.

Mr. GOODLATTE. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Chairman, I thank the distinguished ranking member for his leadership.

This bill represents an unjustified corporate giveaway being built on the backs of hardworking individuals from all across this country who in many cases were unwittingly victimized by asbestos exposure. It is an unwarranted, unnecessary, and unconscionable effort to benefit Big Business and the asbestos industrial complex, which in many instances has unleashed mesothelioma, lung cancer, and other diseases of mass destruction on Americans all across this country who are hardworking and, in most instances, simply trying to make a living for themselves and for their families.

It is being done allegedly to create greater transparency and in the name of litigation reform. Yet the record reflects that there is no evidence of systematic fraud, no evidence of systematic waste, no evidence of systematic abuse, no evidence of systematic overpayment to victims of asbestos exposure.

This is wrong, it is shameful, it is a bill that is dead on arrival in the Senate; and that is why I respectfully urge all of my colleagues to vote "no."

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to myself to respond to the allegation that fraud has not been documented.

Fraud has been documented in news reports, State court cases, and testimony before the Judiciary Committee. The Wall Street Journal conducted an investigation that found thousands of disparately filed claims. Court documents in many States, including Delaware, Louisiana, Maryland, New York, Ohio, Oklahoma, and Virginia, attest to widespread fraud.

Additionally, the Judiciary Committee heard testimony over the course of three hearings during which witnesses repeatedly testified that fraud existed within the asbestos trust bankruptcy system. Keep in mind that the fraud reported to date has been in spite of the lack of disclosure that currently pervades this system. The increased transparency the FACT Act introduces will go a long way in uncovering previously undetected fraud and preserving assets for future asbestos victims.

Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I rise today in support of the FACT Act. This bill aims to address a fraud problem and ensure that true asbestos victims obtain maximum recoveries for their injuries.

My district is home to many asbestos lawsuits. Currently, a lack of transparency has led to fraud in the asbestos

bankruptcy trust system and diverted millions of dollars away from those who should have the ability to receive these recoveries. This lack of transparency discourages a free flow of information resulting in fraudulent claims that deplete funds that are intended for legitimate victims.

This bill requires these trusts to file quarterly reports, which include the claimant's name, basis for the claim, payments made, and the basis behind those payments. It protects privacy by prohibiting disclosure of sensitive medical records and Social Security numbers.

In order to help ensure future victims will have access to the money they deserve, these problems cannot be allowed to continue. This is why I stand today in support of the FACT Act.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the leader of the Democratic Caucus, Ms. PELOSI.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding and for his leadership on so many issues.

Mr. Chairman, as you know, the debates that we have on the floor of the House affect millions of Americans: families, senior citizens, veterans, students, and children. We all bring stories of men and women and families from our districts—the challenges facing our neighbors, the urgent need to solve them.

Today, we address an issue that takes the lives of thousands of Americans each year: asbestos exposure. Yet we do not have to look back only to our districts on this scourge; we only need to look into the lives of some who have served in this body.

I am very honored today, as I know some of my colleagues are as well, that Susan Vento, wife of our former colleague Bruce Vento who served with such distinction in the Congress with some of us some years ago, is with us. Bruce Vento was affected by asbestos exposure. It took his life.

I wish to place in the RECORD Susan Vento's letter, Mr. Chairman, and just to say that in the letter Susan says:

During the consideration of this legislation in the Judiciary Committee, two other women who have been affected by the ravages of asbestos and I requested to have a chance to testify about how the legislation would affect people like us. Our request was denied. To date, not one victim of asbestos exposure or an affected family member has been allowed to be heard on this legislation. The only people who would be directly affected by this bill have been completely shut out of the process.

It goes on to say the so-called FACT Act—and this letter doesn't say "the so-called." That is my characterization. The letter says:

The FACT Act drastically erodes the decades of work Bruce and so many of you have invested in helping those who could not help themselves. If this bill passes, it will be a serious setback for Americans who expect their elected representatives to work on

their behalf. Instead of helping those who suffer from the diseases caused by asbestos, it will reward those who have perpetuated the diseases.

I would also like to talk about another of our colleagues who is affected by this: Congresswoman CAROLYN MCCARTHY. CAROLYN MCCARTHY serves in this Congress with us. She is a distinguished Congresswoman from the State of New York. Congresswoman MCCARTHY's father and brother were career boilermakers. Each night, they brought home asbestos fibers in their clothes. Over time, exposure to this asbestos affected Congresswoman MCCARTHY herself. Today, she is battling asbestos-related lung cancer.

Her story is like the stories of countless Americans across the country. It is up to us to strengthen the health of those suffering from exposure. It is up to us to act in their names, whether they suffer from cancer today or face the prospect of severe illness in the future.

Yet the Republican measure we consider today does not meet this challenge. Like far too many Republican bills in this Congress, this legislation only serves to make matters worse for the American people. The so-called—there it is again—the so-called FACT Act actually harms the American people—that is a fact—and hinders the ability of asbestos victims to obtain compensation.

How does it do this? This bill would deny cancer victims the assistance and simple justice they deserve. It would even delay compensation beyond the life of a person suffering from asbestos-related cancer and illnesses. It would invade the privacy of thousands of Americans, and it would pose a particularly detrimental impact on veterans of the United States Armed Forces who have been disproportionately affected by asbestos.

Contrary to the claims of the bill's proponents, there is no need for this bill. State laws provide for adequate disclosure. There is no evidence of systematic fraud in the asbestos trust system.

In short, this bill is unnecessary, it is mean-spirited and will never become the law of the land.

The Republican majority has little time left on the legislative calendar this year: just 13 days between now and December 31, according to the schedule they have given us. In that short window, the House should focus on the most pressing challenges—priorities like job creation, economic growth, comprehensive immigration reform, or deficit reduction. Instead, our Republican colleagues have chosen to waste time on another message bill to nowhere.

In the name of Bruce Vento and Congresswoman MCCARTHY, in the name of our friends, family members, and constituents facing the daily challenges of

asbestos exposure, let's work together on steps to strengthen the health of the American people. Let's preserve the privacy and well-being of asbestos victims and all American families.

We can do this by voting "no" on this legislation.

PLEASE OPPOSE H.R. 982, THE FURTHERING ASBESTOS CLAIM TRANSPARENCY ACT (FACT ACT)

NOVEMBER 11, 2013.

DEAR REPRESENTATIVE: My name is Susan Vento, and I'm writing to express my strong opposition to H.R. 982, called the Furthering Asbestos Claim Transparency Act (FACT Act). My husband was the late Congressman Bruce F. Vento who served for almost 24 years in the House of Representatives representing Minnesota's Fourth Congressional District. He died from mesothelioma in 2000 within eight months of being diagnosed.

Mesothelioma is an aggressive cancer caused by asbestos exposure. Bruce was exposed through his work as a laborer years before we met or became involved in public life. He told his constituency about his diagnosis in early February 2000 when he announced why he would not run for re-election. On February 14, he had his lung surgically removed and then began an aggressive treatment regimen at the Mayo Clinic.

It was not enough. My husband died three days after his 60th birthday in October 2010, just eight and one-half months after the diagnosis. With his death, our country lost a hard-working and humble public servant years before his time. Bruce's parents, children, grandchildren and I lost so much more.

Bruce dedicated himself as a tireless and effective advocate for the environment, for working people and for the disadvantaged. During his time in Congress, he was well respected by members of both parties. He served as ranking member and chairman of the Natural Resources Subcommittee on National Parks, Forests and Public Lands and also served on the House Banking Committee.

During the consideration of this legislation in the Judiciary Committee, two other women who have been affected by the ravages of asbestos and I requested to have a chance to testify about how the legislation would affect people like us. Our request was denied. To date, not one victim of asbestos exposure or an affected family member has been allowed to be heard on the legislation. The only people who would be directly affected by this bill have been completely shut out of the process.

This legislation is premised on a myth that fraud is a problem in asbestos-related litigation and that transparency must be required of those suffering from asbestos-caused diseases and their families. Such transparency would require mesothelioma patients and their families and others suffering from asbestos-related diseases to divulge personal information on public websites, including portions of their Social Security numbers, information about their personal finances and information about their children. Extensive and reputable research has disproved the fraud claims.

I find it highly ironic that the asbestos industry is seeking transparency, of all things. If the companies that are pushing this bill really cared about transparency, they wouldn't have concealed what they knew regarding the lethal nature of exposure to asbestos and hundreds of thousands of Americans would not have died from such cruel diseases, including my husband.

If Congress is striving to be transparent about asbestos, please pass legislation to reduce exposure to asbestos in work-settings, schools, hospitals, and other settings, increase awareness of the risks of asbestos exposure including secondary exposure, and significantly increase federal funding for medical research to fund diagnoses and treatments for mesothelioma, asbestosis and other asbestos-related diseases.

The FACT Act drastically erodes the decades of work Bruce and so many of you have invested in helping those who could not help themselves. If this bill passes, it will be a serious step back for Americans who expect their elected representatives to work on their behalf. Instead of helping those who suffer from the diseases caused by asbestos, it will reward those who have perpetuated the diseases.

I thank you for your consideration. I hope you will stand with me in support of Bruce's memory and in opposition to this bill.

Sincerely,

SUSAN VENTO.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 2 minutes to the distinguished gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Chairman, and thank you to the ranking member.

Mr. Chairman, I rise to speak against H.R. 982.

This legislation requires that asbestos trusts, which were set up to manage a company's asbestos liability exposure, disclose names and personal information of any individual who is seeking compensation from such trusts.

The negative health effects associated with asbestos have been under investigation since the early 1990s. Premature death, lung cancer, and mesothelioma are known effects of asbestos exposure. While asbestos industry officials were aware of these negative health impacts since the 1930s, it wasn't until the 1970s that evidence emerged that the industry concealed these dangers from the public.

Lawsuits resulted; and in 1973 the U.S. Court of Appeals for the Fifth Circuit upheld the first successful asbestos liability suit. Today, hundreds of thousands of claims have been filed, amounting to billions of dollars in damages.

The key principle behind this legislation is to prevent duplicative and fraudulent claims from being filed against companies. However, there is zero evidence to support any allegation of endemic fraud in the filing of asbestos claims. In fact, in 2011, during an examination of asbestos trusts, the Government Accountability Office, the GAO, did not find any evidence of such fraud.

Make no mistake, this bill does nothing to enhance transparency and simply increases the burden on the victims who are seeking compensation for asbestos exposure and the related side ef-

fects. Instead, the FACT Act simply makes it more difficult for asbestos victims to receive compensation for their injuries. The individuals who file asbestos disease claims do so in order to receive compensation to pay for medical bills or to make up for lost income when they are too sick to work.

Many others were not as fortunate and ultimately died from the consequences of asbestos exposure, leaving family members and friends behind.

The FACT Act not only fails to enhance transparency, but it may also expose these victims to added fraud and abuse. This bill would require asbestos trusts to publish the claimants' name, address, work history, income, and even personal medical information onto the Internet, where it can be accessed by people all around the world. This gross invasion of privacy could unwittingly expose these victims to identity theft or other forms of fraud, while completely failing to enhance the operation of these trusts to compensate legitimate victims.

Mr. Speaker, the FACT Act is a terrible piece of legislation that undermines the safety and privacy of many Americans, while giving unjustified deference to companies that have wittingly exposed individuals to asbestos. Instead of focusing on legislation that creates jobs or enhances U.S. competitiveness abroad, House Republicans continue to waste our time with poorly crafted bills that have obvious ties to industry. I strongly urge my colleagues to vote no on this legislation so that we may continue to compensate legitimate victims of asbestos exposure.

Mr. GOODLATTE. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California, Mr. ERIC SWALWELL.

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Mr. SWALWELL of California. I thank the ranking member for his leadership on this issue, and I rise in strong opposition to H.R. 982, the FACT Act.

It is a fact that asbestos can be found in thousands of products and locations. It is a fact that asbestos is a deadly carcinogen which kills about 10,000 Americans a year. It is a fact that trusts were set up so victims could still be compensated even when asbestos companies went bankrupt. It is also a fact that there is no evidence of systemic fraud or abuse in these asbestos trusts. It is also a fact that H.R. 982 would put tremendous new administrative burdens on these trusts. It is a fact that the result of this bill would make it more difficult for victims of asbestos exposure and their families to achieve justice.

With all of these facts, the evidence is clear: the FACT Act is a fact in name only, and instead, what it claims to do is really a fiction. It is just another part of the majority's historic and ongoing hostility to victims and their attorneys who are trying to achieve justice through our courts.



Instead of working to make it easier for victims to be compensated, instead of working on a whole host of other problems facing the American people, we are targeting innocent asbestos victims who are merely trying to be compensated for a wrong done to them.

I urge all of my colleagues to reject this misguided legislation.

Mr. GOODLATTE. Mr. Chairman, we are prepared to close. If the gentleman from Michigan is prepared to close as well, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am prepared to close. I think the case has been made that the asbestos victims do not benefit from this bill, that there is no widespread fraud or abuse, that all of the victims and their organizations are, in fact, strongly opposed to H.R. 982, and so are we. It is for that reason that I urge Members of the House to soundly reject this measure.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a lot of assertions have been made by the other side of the aisle with regard to the FACT Act. Let's make clear what we are talking about here.

This is a bill that in its totality doesn't cover two full pages of double-spaced type in legislative language. It simply requires that trusts that have been established to preserve the assets of companies that have gone bankrupt and have paid funds into these trusts, that future claims, future real, legitimate claims, will have resources available to them when it is a known fact and established by testimony before the Judiciary Committee and by investigations in a number of publications, including *The Wall Street Journal*, and by reports from various State courts in more than a half-dozen States, of fraud, duplicative claims.

These are what we are concerned about, and this is simply good legislative reform for protection of these assets for future availability. Otherwise, these trusts, which are already reducing the amount that they can pay to legitimate asbestos victims, will run out of money altogether before all of the legitimate claims have been addressed.

That's what the purpose of this legislation is. The opponents of the FACT Act have offered creative and far-ranging allegations against a measure that only seeks to introduce a modest amount of transparency into an opaque system. We know these allegations to be unfounded. The allegation that it hurts asbestos victims is unfounded. We know this because by increasing transparency and deterring fraud, the FACT Act helps asbestos victims by protecting trust funds for future claimants.

The allegation there is no widespread fraud is unfounded. We know this be-

cause there has been fraud documented in news reports, State court cases, and before the Judiciary Committee.

I urge my colleagues to reject the unfounded allegations offered today by critics of the FACT Act, and vote in support of this simple transparency measure.

I might add, this does not in any way delay the claim of anyone with a legitimate claim, either in State courts or in the bankruptcy courts. What it will do is it will root out those who are making duplicative claims, who are trying to double dip at the same time there are people with legitimate claims that will not have any money available to them because, as we know, and as was mentioned by many of the speakers here today, asbestos is a problem that has affected many, many Americans, and it is something that can be latent for a long period of time. We want to make sure that those victims who come along at the end of this process, who discover late in their lives that they also suffer from mesothelioma and related cancers, and other diseases caused by asbestos, have the opportunity to recover, not just those who want to abuse this system by hiding their claims and not allowing proper discovery of duplicative claims and fraudulent claims.

I urge my colleagues to support this well founded, good legal reform.

I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chair, I rise in strong opposition to H.R. 982.

The average adult takes about 20,000 breaths a day. Most of us don't think much about those breaths. But for those living with asbestosis or mesothelioma, they think about every one of them. They struggle to breathe, they struggle to get medical treatments that are often painful, and they struggle financially. And they have struggled for decades for justice and some have died before receiving it.

Asbestos victims and their families have a right to believe that the House of Representatives—the people's House—would not put further barriers in their way. And that is why H.R. 982 is so disturbing.

This bill would threaten asbestos victims' privacy by putting their personal information on a public website. Exposed to asbestos, they would now be exposed to identity theft and fraud.

The Rand Institute estimates that the median payment to asbestos victims is just 25 cents on the dollars—with some as low as 1.1 percent. Yet, H.R. 982 would divert dollars away from compensation to burdensome paperwork requirements that go far beyond current law and bypass long-established rules of discovery. Asbestos companies face no similar "transparency" requirements.

The proponents of this bill say it is necessary to put victims' privacy at risk; delay and lower the payments they need to live because of fraud in company trusts—but there is no evidence of fraud.

This is an unjustifiable bill—and it is a dangerous bill. I urge my colleagues to reject it.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 982, the misleadingly-named

"FACT Act." When the Congress should be considering important legislation to replace the sequester, address our budget deficits in a balanced way, and reform our broken immigration system, we are instead using our scarce legislative time to consider this cynical, counterproductive bill that specifically targets victims suffering from diseases caused by asbestos exposure.

Under the cloak of "transparency and accountability," this legislation would needlessly force asbestos trusts to release personal claim information about victims. It would also allow asbestos defendants to demand unlimited and irrelevant information from asbestos trusts—at any point in a proceeding. The cynical intent of this provision is to burden the asbestos trusts with so many requests for information (from deep-pocketed, corporate defendants) that they will have to spend time and resources fulfilling those information requests, thus delaying trust recoveries by victims. This is especially concerning considering mesothelioma usually kills its victims within 4 to 18 months of diagnosis.

Finally, the allegations of fraud within the trust process are simply untrue. The error rate in the asbestos trust process has been shown to be less than one-half of one percent. Any examples of fraud found are rare and isolated incidents, and are aptly addressed by state courts. Simply put, this legislation is nothing but a legislative handout to the corporations that have (and continue to) subject workers to unsafe working conditions. The one-sided nature of this bill was further exposed when its supporters defeated an amendment that would have required the corporate defendants to disclose information about the location of their disease-causing asbestos products.

I urge my colleagues to vote against H.R. 982.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and shall be considered as read.

The text of the bill is as follows:

H.R. 982

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Furthering Asbestos Claim Transparency (FACT) Act of 2013".

#### SEC. 2. AMENDMENTS.

Section 524(g) of title 11, United States Code, is amended by adding at the end the following:

"(8) A trust described in paragraph (2) shall, subject to section 107—

"(A) file with the bankruptcy court, not later than 60 days after the end of every quarter, a report that shall be made available on the court's public docket and with respect to such quarter—

"(i) describes each demand the trust received from, including the name and exposure history of, a claimant and the basis for any payment from the trust made to such claimant; and

"(ii) does not include any confidential medical record or the claimant's full social security number; and

"(B) upon written request, and subject to payment (demanded at the option of the



trust) for any reasonable cost incurred by the trust to comply with such request, provide in a timely manner any information related to payment from, and demands for payment from, such trust, subject to appropriate protective orders, to any party to any action in law or equity if the subject of such action concerns liability for asbestos exposure.”.

### SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this Act.

The CHAIR. No amendment to the bill is in order except those printed in House Report 113-264. Each such amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

#### AMENDMENT NO. 1 OFFERED BY MR. COHEN

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-264.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 9, insert “that does not have a claims audit program intended to ensure that claims are valid and supported and that is” after “trust”.

The CHAIR. Pursuant to House Resolution 403, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I yield myself such time as I may consume.

My amendment ensures that H.R. 982 will not apply to trusts that have an internal claims audit program to ensure that claims are valid and supported.

Proponents of H.R. 982 argue that its reporting and other information-sharing requirements are necessary in order to ensure that asbestos victims are not committing fraud by recovering money both from trusts and through the tort system, thereby “double dipping.”

While proponents of the bill have yet to point to any empirical evidence of endemic fraud within the asbestos trust claims process, H.R. 982, if enacted, will impose unnecessary burdens and costs on trusts and will expose claimants’ private information to the unnecessary risk of inappropriate exposure, exposure that their loved ones have already suffered from.

H.R. 982’s additional requirements on trusts will raise their administrative costs significantly. Money used to pay these costs ultimately means less money to compensate asbestos victims.

This is particularly problematic in light of the fact that defendants can already obtain the information they want using existing discovery tools without undermining compensation for legitimate claims.

The reporting requirements in H.R. 982 also raise privacy concerns. This provision requires that a claimant’s name and exposure history be made part of a bankruptcy court’s public docket, meaning that anyone can access such information for any purpose, including purposes that have nothing to do with compensation for asbestos exposure.

I recognize that the bill specifically prohibits trusts from making public any medical records or full Social Security numbers, although it does require the last four digits of the Social Security number to be used.

I also recognize that limited additional privacy protection is available under rule 107 of the Bankruptcy Code.

Nonetheless, these measures are insufficient to fully protect the claimant’s privacy. As noted by my colleagues, once out in public, such information can be used for any purpose. Potential employers, insurance companies, lenders, and even those who may seek to harm an asbestos victim in some way can have access to this information without the victim’s permission or knowledge.

In light of these concerns, and notwithstanding the lack of any evidence of systemic fraud, my amendment ensures that to the extent that a trust already has measures in place to ferret out potential fraudulent claims, it should not have to bear the costs, burdens, and privacy risks presented by H.R. 982’s requirements.

If, in fact, proponents of H.R. 982 are primarily concerned about potential fraud in the asbestos trust claims process, then they should have little trouble supporting this amendment that recognizes processes already in place to address fraud while also addressing some of the concerns of those who oppose the bill. Accordingly, I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, this amendment would exclude asbestos trusts that have in place internal audit systems from the requirements of the FACT Act.

There has not been any evidence presented to establish that trusts with internal reporting systems are free from fraud. On the contrary, a GAO report

found that trust audit processes are designed to ensure compliance with internal trust procedures, not to remedy the fraud that the bill seeks to address. Simply put, internal audits will not be able to detect whether disparate claims are filed among several asbestos trusts or in the State courts.

Excluding certain asbestos trusts from the FACT Act would eliminate critical sources of information that can facilitate the reduction of fraud. Furthermore, the amendment would not address the problem presented by plaintiffs who assert inconsistent allegations between the State court tort system and the asbestos trusts. I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. COHEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the Cohen amendment to limit the bill to asbestos trusts that do not have an internal fraud detection system is very appropriate. That is because, according to the Government Accountability Office, which has studied this and filed a report, they have found that in every trust that had an existing internal quality control to detect fraud, there was no evidence of systematic fraud found, and so I want to compliment the gentleman from Tennessee for bringing this to our attention. We think that it makes a better attempt at regulating and protecting victims of asbestos, and so I am very pleased to support it, and I hope that it becomes part of the bill.

Mr. GOODLATTE. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. FARENTHOLD), the chief sponsor of the legislation.

Mr. FARENTHOLD. Mr. Chairman, I rise in opposition to the amendment. The amendment has nothing to do with the problem we are trying to address. Listen, all well-managed trusts, non-profits, and businesses should have an internal audit procedure to detect fraud within that organization.

What we are trying to combat with the FACT Act is fraud between organizations, where an unscrupulous attorney or claimant will file multiple claims with multiple trusts, or in State court and in Federal court, in bankruptcy court, and with the trust. So an auditor for one trust is going to have no idea what is going on in State court or in other trusts. This is a red herring to get us away from the purpose of this bill: to protect victims by preserving the funds that have been set aside to compensate victims from waste, fraud, and abuse.

This is a victims’ rights bill that the proponent of this amendment, I believe, is trying to undermine with an amendment that would exempt most trusts because, as I said, any well-run

organization ought to have internal and external audit procedures in place.

□ 1530

I urge my colleagues to oppose this amendment that undermines the purpose of the bill and support the FACT Act.

Mr. COHEN. Mr. Chairman, I would like to respond.

The gentleman from Houston mentions this is a "victims' rights bill," but all the victims' rights organizations are against it. There is something wrong. Something smells, and it is not Denmark.

Mr. FARENTHOLD. Will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Texas.

Mr. FARENTHOLD. The point I am trying to make is that the existing victims have been compensated, and I am glad they are compensated; but there isn't an organization in place for people who don't know they have the disease.

Mr. COHEN. Sure there isn't, because a group that is unknown, they don't know who they are.

The victims' organizations are concerned about victims in the future. They have suffered. They project into the future. They want to help other people put into their position. They are reaching out in a benevolent manner.

Mr. Vento's widow and her organization and the other organizations are against it. They had no voice. The only voice they have is through Representatives, and they ask the Representatives to vote "no."

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I simply would reiterate that the fact of the matter is that when you don't know who future victims are going to be and you make a claim that somehow this is going to enrich businesses when, in fact, the businesses are bankrupt and they paid their money into a fund, that this is in the interest of determining what people who have not yet made claims have and in the interest of justice in making sure that people who have false claims or duplicative claims and are making claims to more than one trust for different claims about the same illness or claims in State court, as well as in the bankruptcy court, need to be uncovered. That is what this seeks to do. If some victims are doing that, that is not a defense to this legislation, to say we shouldn't have transparency in the providing of benefits to people who have truly been harmed.

I urge my colleagues to oppose this amendment and support the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-264.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, beginning on line 5, strike "if" and all that follows through "exposure.", and insert the following:

(i) the subject of such action concerns liability for asbestos exposure; and

(ii) such party agrees to make available (upon written request) information relevant to such action that pertains to the protection of public health or safety to any other person or to any Federal or State entity that has authority to enforce a law regulating an activity relating to such information.

The CHAIR. Pursuant to House Resolution 403, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

This amendment would ensure that the transparency the bill's supporters demand from the victims of the asbestos industry will also be applied to the corporations that have inflicted so much damage and so much suffering over the years.

The amendment would require that a defendant seeking the information required by the bill must himself provide information about threats to the public safety or health. This information must be provided to any other person or to any Federal or State entity that has the authority to enforce the law regulating activity relating to such information.

This would go a long way to addressing the longstanding efforts by these corporations to conceal the facts surrounding their actions from the public, from their victims, and from government agencies charged with enforcing health and safety laws.

Too often, cases are settled specifically in order to prevent evidence of wrongdoing from becoming public. More importantly, because of the secrecy of these settlements, other people who have been injured have no way of gaining important information about their exposure, their illnesses, or the settled liability of the companies that made them sick.

Information about the concealment of wrongdoing never becomes public, and the people who have suffered have no way of knowing about the wrongdoing that caused their suffering or its

extent. Governmental agencies that are charged with protecting the public health, whether in the workplace or the home, are deprived of the information they need to enforce the laws we have enacted.

If the sponsors of this legislation really mean what they say about the need for transparency and accountability, they will support this amendment. There has been too long a record over too many decades of concealment, disassembly, and lawlessness, and too many lives destroyed because of that illegal conduct for us to tolerate the continued coverup. This amendment will go a long way toward remedying that situation and toward correcting the unjust imbalance in the current system.

Without this amendment and the openness and clarity it would provide, this bill would favor only those who inflicted the harm and would give them yet another advantage over the victims. We should stand with the people whose lives have been destroyed, not with the corporations whose illegal and immoral conduct destroyed those lives.

This amendment would prevent a situation where as part of a settlement compensating a victim it is agreed to keep key information relevant to the public health and safety secret so that more people will not be victimized.

When such terms of the settlement are kept secret, other people will not learn that a given product contains asbestos or that a given product leaked asbestos and, therefore, will not know that they potentially were harmed, and government agencies may not learn facts necessary to exercise their responsibility to protect the public.

At the very least, we should be evenhanded and demand of the wrongdoers the same transparency that this bill demands of their victims, a transparency which will enable other victims to understand their remedies and will enable government agencies to better enforce the law. Unless you want to assist tortfeasors and wrongdoers in concealing the effects of their wrongdoing, you should support this amendment.

I urge my colleagues to vote for the amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, one of the principal issues discussed over the course of three separate hearings before the Judiciary Committee was the existing impediments to information contained in the asbestos trusts. In particular, these impediments include obstacles that asbestos trusts institute against the prosecution of valid State court subpoenas for trust information.

The FACT Act addresses these issues by requiring affirmative, minimal disclosures from asbestos trusts and allowing for access to additional information at the cost of the requesting party. The amendment does not address these underlying problems and instead places broad additional burdens on defendants seeking to prosecute discovery requests in State courts. Specifically, it requires defendants potentially to comply with a host of unrelated requests from unknown parties. These defendants include small businesses that played a very minor role, if any, in asbestos manufacturing, but are the last wave of companies in the plaintiffs' firms never-ending search for a solvent defendant.

The burden this amendment imposes on a defendant is highly atypical, unnecessary, and would unduly impair a party's ability to assert a defense. The FACT Act, by contrast, provides transparency where previously it did not and provides defendants with the same access to information as plaintiffs. The legislation merely levels the playing field so all parties, including other asbestos trusts and State court judges, have access to the same information.

I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from New York has 2 minutes remaining.

Mr. NADLER. Mr. Chairman, I yield myself 30 seconds.

In reply to the gentleman from Virginia, the amendment refers to "such party agrees to make available information." Such party is asbestos trusts, not a small business. So I don't know what he is talking about with small business requirements being imposed by this amendment, and the amendment deals with information that the trust must make available. It does not deal with the underlying burdens that the bill places on victims, which is what the gentleman was referring to. This has nothing to do with small business.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the committee.

Mr. CONYERS. Thank you, Mr. NADLER, for your very important amendment.

As has been reported by the Fifth Circuit in the First Appellate opinion upholding the product liability against a manufacturer of asbestos-containing products, the Government Accountability Office reported:

In the course of the first successful personal injury lawsuits against asbestos manufacturers, the plaintiffs' attorney introduced evidence that these manufacturers had known but concealed information about the dangers of asbestos exposure, or that such dangers were reasonably foreseeable. And in the nearly four decades since, litigation over

personal injuries resulting from exposure to asbestos has resulted in hundreds of thousands of claims filed and billions of dollars of compensation paid.

I urge support of the Nadler amendment.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

The underlying bill imposes burdens on victims of asbestos poisoning because of an unsubstantiated allegation that the trusts, set up by the tortfeasors, by the giant corporations that caused the problem, may be suffering some fraud, although there is no specific about that.

The amendment simply says that if we are going to request information of the victims, we should request minimally that the representatives of the tortfeasors, the trusts, tell us the information that will prevent further people from being harmed.

I urge support of the amendment, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

The FACT Act does not impose burdens on the victims of asbestos. It imposes a minimal disclosure requirement upon the trust, a disclosure requirement that will benefit both plaintiffs and defendants in various courts litigating asbestos claims.

Therefore, these new burdens that would be imposed by the defendant, which are substantial and onerous burdens, not the minimal informational disclosure that would help to identify duplicative claims in various courts, is a massive additional burden added to this legislation.

For that reason, I oppose the legislation, oppose the amendment, and urge my colleagues to join me opposing the amendment and supporting the underlying legislation.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-264.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 3, strike line 9 and all that follows through line 6 on page 4, and insert the following:

"(8)(A) A trust described in paragraph (2) shall, subject to subsection (B) and section 107, provide upon written request and subject to payment (demanded at the option of the trust) for any reasonable cost incurred by the trust to comply with such request, to any party that is a defendant in a pending court action relating to asbestos exposure, information that is directly relates to the plaintiff's claim in such action.

"(B) A defendant requesting information under subparagraph (A) shall first disclose to such plaintiff and such trust, subject to an appropriate protective order—

"(i) the name of each asbestos-containing product mined, manufactured, sold, or purchased by the defendant at any point in time and the name and location of each worksite under such defendant's control at any point in time at which such asbestos was mined or such product was manufactured; and

"(ii) each location at which such product was sold or purchased by such defendant; except that such information shall not include any information that is a trade secret."

The CHAIR. Pursuant to House Resolution 403, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, we are here today for several reasons, and my friends on the other side of the aisle have their high calling and reasons of great merit that they argue, but I think we have a more devastating and prevailing reason that we are opposed to this legislation.

Frankly, as I indicated earlier in my remarks, there are thousands and thousands of asbestos victims who are suffering from lung disease or cancer. Many of them were diagnosed late. Many of them, unfortunately, have passed. Their families are still victims. They have lost everything that they have had in trying to treat them, and now we add what we are used to saying in the community: insult to injury.

We come with an enormously burdensome and unfair initiative. So today I rise to introduce an amendment that I ask my colleagues on both sides of the aisle to consider because it is fair.

The amendment would apply the transparency rules that they are seeking from those victims who are barely receiving dollars out of a trust that is the final result of numbers of bankrupt companies. We are asking to equally apply these transparency rules to asbestos industry defendants by requiring asbestos companies to report information about the location of their asbestos-containing products; and the amendment, out of respect for trade secrets, will exempt that.

□ 1545

So today we are asking for transparency on both sides. H.R. 982 is one-sided in that it maintains the rights of asbestos defendants to demand confidentiality of settlements and protects an asbestos defendant's right to continue to hide the dangers of their asbestos products from asbestos victims

and the American public. A typical asbestos defendant who settles a case in the tort system demands the utmost confidentiality along with the right to file for bankruptcy as a condition of the settlement in order to ensure that other victims cannot learn how much they paid or for which asbestos products the defendant is paying compensation.

By no means do we want to help those who are hurting. We certainly don't want to give them a leg up by understanding what the process of compensation is.

These same defendants now, under this particular bill, want the victims to disclose specific settlement amounts with the trusts along with product exposure information and work history. How unfair is that? On my dying bed, I have to offer and find a basis of giving you a settlement, or my family has to give it to you in the midst of our crisis.

The asbestos health crisis is the result of a massive cover-up; therefore, we are asking today for simple fairness. If there is confidentiality on the defendant's part and they ask for information on those who are suffering, then I believe, minimally, defendants can give information about the location of the asbestos-containing products to ensure that our victims are not exposed any longer.

Furthermore, the trust information is already public, and I would ask why this bill is even necessary. And then the further point of controversy is that this bill seeks to override State law regarding discovery disclosure of information.

So I am asking my colleagues to be fair, to recognize the hurt and the pain, and to support the Jackson Lee amendment, which simply asks for those defendants, those companies, to give us the location of the asbestos-containing products.

Mr. Chairman, I rise in support of the Jackson Lee Amendment which would require the Asbestos Industry to Report Information about Dangerous Asbestos Products.

#### WHAT DOES THE AMENDMENT DO?

The Amendment would apply the transparency rules in the bill equally to asbestos industry defendants by requiring asbestos companies to report information about the location of their asbestos-containing products. And the amendment includes a "trade secrets" exception.

#### WHY SUPPORT THE AMENDMENT?

H.R. 982 is one-sided in that it maintains the rights of asbestos defendants to demand confidentiality of settlements and protects an asbestos defendant's right to continue to hide the dangers of their asbestos products from asbestos victims and the American public. A typical asbestos defendant who settles a case in the tort system demands confidentiality as a condition of settlement in order to ensure that other victims cannot learn how much they paid or for which asbestos products the defendant is paying compensation. These same defendants now want the victims to disclose specific

settlement amounts with the trusts, along with product exposure information and work history, that they do not themselves provide nor would have provided before the trusts were created. If transparency were the true goal of this bill, then why doesn't the bill require settling defendants to reveal information important to public safety and health?

The asbestos health crisis is the result of a massive corporate cover-up. For decades, asbestos companies knew about the dangers of asbestos and failed to warn or adequately protect workers and their families. "The 1966 comments of the Director of Purchasing for Bendix Corporation, now a part of Honeywell, capture the complete disregard of an industry for its workforce that is expressed over and over again in company documents spanning the past 60 years. '... if you have enjoyed a good life while working with asbestos products, why not die from it?'"

Now, the same industry responsible for causing this crisis is asking Congress to protect them from liability. If such a bill is going to pass the U.S. House, the bill should at least force asbestos defendants to reveal information about their asbestos products, where they are in use, and how many Americans continue to be exposed to those products.

Trust information is already public. Trusts already disclose far more information than solvent defendants do about their settlement practices and amounts—the settlement criteria used by a trust and the offer the trust will make if the criteria are met are publicly available in the Trust Distribution Procedures ("TDP") for that trust. Trusts also file annual reports with the Bankruptcy courts and publish lists of the products for which they have assumed responsibility. If asbestos victims are going to be forced to reveal private medical and work history information in a public forum, to the very industry that caused their harm, asbestos defendants should at least be required to reveal which of their products contain asbestos and how many people are being exposed.

The bill seeks to override state law regarding discovery/disclosure of information. State discovery rules currently govern disclosure of a trust claimant's work and exposure history. If such information is relevant to a state law claim, a defendant can seek and get that information according to the rules of a state court.

What a defendant cannot do, and what this bill would allow, is for a defendant to engage in fishing expeditions for irrelevant information which has no use other than to delay a claim for as long as possible. Thus, the bill must be amended to only apply to defendants willing to reveal important information about their asbestos-containing products.

Lastly, let me add that the asbestos defendants would not be required to disclose trade secrets under the amendment. The asbestos defendants would only be required to disclose information about which of their products contain asbestos, where they are in use, and how many people are being exposed. The amendment would not force asbestos defendants to reveal industry trade secrets or place them at a competitive disadvantage in the marketplace. Instead, this amendment ensures transparency from both the asbestos victims and asbestos defendants since transparency is the stated goal of the bill.

I urge my colleagues to Support the Jackson Lee Amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, the FACT Act addresses a number of issues, including State court litigants' inability to obtain information from federally-supervised asbestos trusts and the general lack of disclosure that is allowing fraud to be committed against these trusts. The FACT Act addresses these problems by introducing transparency into the asbestos bankruptcy trust system.

The amendment dramatically undercuts the transparency provided under the bill by completely eliminating the quarterly reporting requirements. This removes an important and efficient disclosure component provided by the FACT Act and would eliminate sister asbestos trusts' access to information that is critical for the defense against fraudulent claims. Additionally, the amendment would place disclosure requirements on the State court party requesting information from the asbestos trusts. These disclosure requirements are unnecessary, unusual, and would severely constrain a party's availability to defend itself in State court litigation.

Plaintiffs and plaintiffs' firms already have the ability to gain access to the defendant's information through the traditional discovery process; however, it is the defendant's inability to gain access to information submitted to the asbestos trusts that has created an environment that is conducive to fraud. The FACT Act merely levels the playing field so all parties, including other asbestos trusts, State court litigants, and State court judges have access to this information and the same information.

I would point out that, when one brings a lawsuit seeking damages from another entity that they make a party to that lawsuit, they are not entitled to anonymity in doing so. The purpose of the complaint, the initial pleading filed in the lawsuit, is to disclose who it is that is seeking the damages and what damages they are seeking.

All we are asking for in this legislation is that trusts that have been entrusted with funds that are to be made available for the exclusive purpose of helping the victims of asbestos problems have the opportunity to have information that they would have if it were a normal plaintiff's filing in a lawsuit. That is what we seek to have disclosed.

I urge my colleagues to oppose this amendment and to support the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time is remaining?

The CHAIR. The gentlewoman from Texas has 1½ minutes remaining.

Ms. JACKSON LEE. And the gentleman from Virginia?

The CHAIR. The gentleman from Virginia has 2½ minutes remaining.

Ms. JACKSON LEE. Mr. Chairman, I yield 45 seconds to the gentleman from the great State of Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I wanted to commend the creative inquiry of the gentlelady from Texas in examining this measure to make it clear to us, through her amendment, that this places disclosure burdens on trusts and asbestos victims but not on the corporations, and that is what she seeks to deal with. So this bill helps this be accomplished. And what is so critical about it is that we now have a more balanced approach than is currently in the bill. So please support the Jackson Lee amendment.

I thank the gentlelady for yielding.

Ms. JACKSON LEE. I thank the distinguished gentleman for his important remarks.

Mr. Chairman, let me quickly say, Mr. CONYERS, Mr. Ranking Member, you were superbly right. The plaintiffs in litigation have had their right of exchange of information. What our friends are trying to do on the other side of the aisle is to make the trusts, now, a courtroom where information is dragged out of the victim, but it is not asked for from the defendants, the ones who have filed for bankruptcy, the ones who have left the victims to suffer and to fend for themselves.

I ask my colleagues to make this fair and require the asbestos company to give us where the asbestos-remaining products are so that we can save lives. If there is transparency, if the FACT bill would be fair, they would then have information coming from both parties, not only the victims, the plaintiffs, but they would have it coming from the asbestos companies that have driven up the numbers of those suffering from lung disease and cancer.

I ask my colleagues to support the Jackson Lee amendment.

Mr. Chairman, I yield back the balance of my time.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL  
ORGANIZATIONS,

Washington, DC, November 12, 2013.

DEAR REPRESENTATIVE: I am writing to express the strong opposition of the AFL-CIO to H.R. 982, the "Furthering Asbestos Claim Transparency Act" (FACT Act). This legislation would invade the privacy of asbestos victims by posting personal exposure and medical information online and create new barriers to victims receiving compensation for their asbestos diseases. The AFL-CIO urges you to oppose this harmful bill.

Decades of uncontrolled use of asbestos, even after its hazards were known, have resulted in a legacy of disease and death. Hundreds of thousands of workers and family

members have suffered or died of asbestos-related cancers and lung disease, and the toll continues. Each year an estimated 10,000 people in the United States are expected to die from asbestos related diseases.

Asbestos victims have faced huge barriers and obstacles to receiving compensation for their diseases. Major asbestos producers refused to accept responsibility and most declared bankruptcy in an attempt to limit their future liability. In 1994 Congress passed special legislation that allowed the asbestos companies to set up bankruptcy trusts to compensate asbestos victims and reorganize under the bankruptcy law. But these trusts don't have adequate funding to provide just compensation, and according to a 2010 RAND study, the median payment across the trusts is only 25 percent of the claim's value. With compensation from these trusts so limited, asbestos victims have sought redress from the manufacturers of other asbestos products to which they were exposed.

The AFL-CIO is well aware that the system for compensating asbestos disease victims has had its share of problems, with victims facing delays and inadequate compensation and too much money being spent on defendant and plaintiff lawyers. We have spent years of effort trying to seek solutions to make the asbestos compensation system fairer and more effective. But H.R. 982 does nothing to improve compensation for asbestos victims and would in fact make the situation even worse. In our view, the bill is simply an effort by asbestos manufacturers who still are subject to asbestos lawsuits to avoid liability for diseases caused by exposure to their products.

H.R. 982 would require personally identifiable exposure histories and disease information for each asbestos victim filing a claim with an asbestos trust, and related payment information, to be posted on a public docket. This public posting is an extreme invasion of privacy. It would give unfettered access to employers, insurance companies, workers compensation carriers and others who could use this information for any purpose including blacklisting workers from employment and fighting compensation claims.

The bill would also require asbestos trusts to provide on demand to asbestos defendants and litigants any information related to payments made by and claims filed with the trusts. This would place unnecessary and added burdens on the trusts, delaying much-needed compensation for asbestos victims. Such a provision allows asbestos defendants to bypass the established rules of discovery in the civil justice system, and provides broad, unrestricted access to personal information with no limitations on its use.

Congress should be helping the hundreds of thousands of individuals who are suffering from disabling and deadly asbestos diseases, not further victimizing them by invading their privacy and subjecting them to potential blacklisting and discrimination. The AFL-CIO strongly urges you to oppose H.R. 982.

Sincerely,

WILLIAM SAMUEL,  
Director,  
Government Affairs Department.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of the time in opposition to the amendment.

I just have to say that this amendment goes well beyond the scope of this legislation in terms of what it would do in terms of discovery in State courts and gathering various types of infor-

mation that is already readily and easily discoverable in those proceedings, including, if necessary, in the bankruptcy court.

What it doesn't get at, and the FACT Act does, is information that is not otherwise available to all of the parties to all of those proceedings to determine whether there are duplicative claims, whether there are fraudulent claims, whether there are claims where one party is claiming to have the same disease caused by two different places of employment or having claimed the same disease caused by two different instrumentalities in two different places. That is what we need to know. That is why the FACT Act is necessary.

I oppose the amendment, urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

Mr. GOODLATTE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FARENTHOLD) having assumed the chair, Mr. BISHOP of Utah, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes, had come to no resolution thereon.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 55 minutes p.m.), the House stood in recess.

□ 1617

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. WALORSKI) at 4 o'clock and 17 minutes p.m.

# FURTHERING ASBESTOS CLAIM TRANSPARENCY (FACT) ACT OF 2013

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 982.

Will the gentleman from Utah (Mr. BISHOP) kindly resume the chair.

□ 1618

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes, with Mr. BISHOP of Utah in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in House Report 113-264 by the gentlewoman from Texas (Ms. JACKSON LEE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-264 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. COHEN of Tennessee.

Amendment No. 2 by Mr. NADLER of New York.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

## AMENDMENT NO. 1 OFFERED BY MR. COHEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 223, not voting 9, as follows:

[Roll No. 575]

## AYES—198

Andrews	Becerra	Bonamici
Barber	Bera (CA)	Brady (PA)
Barrow (GA)	Bishop (GA)	Braley (IA)
Bass	Bishop (NY)	Brown (FL)
Beatty	Blumenauer	Brownley (CA)

Bustos	Himes	Payne
Butterfield	Hinojosa	Pelosi
Capps	Holt	Perlmutter
Capuano	Honda	Peters (CA)
Cárdenas	Horsford	Peters (MI)
Carney	Hoyer	Peterson
Carson (IN)	Huffman	Pingree (ME)
Cartwright	Israel	Pocan
Castor (FL)	Jackson Lee	Polis
Castro (TX)	Jeffries	Price (NC)
Chu	Johnson (GA)	Quigley
Cicilline	Johnson, E. B.	Rahall
Clarke	Kaptur	Rangel
Clay	Keating	Richmond
Cleaver	Kelly (IL)	Roybal-Allard
Clyburn	Kennedy	Ruiz
Cohen	Kildee	Ruppersberger
Connolly	Kilmer	Ryan (OH)
Conyers	Kind	Sanchez, Linda T.
Cooper	Kirkpatrick	Sanchez, Loretta
Costa	Kuster	Sarbanes
Courtney	Langevin	Schakowsky
Crowley	Larsen (WA)	Schiff
Cuellar	Larson (CT)	Schneider
Cummings	Lee (CA)	Schrader
Davis (CA)	Levin	Schwartz
Davis, Danny	Lewis	Scott (VA)
DeFazio	Lipinski	Scott, David
DeGette	Loeback	Serrano
Delaney	Lofgren	Sewell (AL)
DeLauro	Lowenthal	Shea-Porter
DelBene	Lujan Grisham (NM)	Sherman
Deutsch	Lujan, Ben Ray (NM)	Sinema
Dingell	Lynch	Sires
Doggett	Maffei	Slaughter
Doyle	Maloney, Carolyn	Smith (WA)
Duckworth	Maloney, Sean	Speier
Edwards	McCollum	Swalwell (CA)
Ellison	McDermott	Takano
Engel	McGovern	Terry
Enyart	McIntyre	Thompson (CA)
Eshoo	McNerney	Thompson (MS)
Esty	Meeks	Tierney
Farr	Meng	Titus
Fattah	Michaud	Tonko
Foster	Miller, George	Tsongas
Frankel (FL)	Moore	Van Hollen
Fudge	Moran	Vargas
Gabbard	Murphy (FL)	Veasey
Galleo	Nadler	Vela
Garamendi	Napolitano	Velázquez
Garcia	Neal	Visclosky
Gibson	Negrete McLeod	Walz
Grayson	Nolan	Wasserman
Green, Al	O'Rourke	Schultz
Green, Gene	Owens	Waters
Grijalva	Pallone	Watt
Grijaalva	Pascrell	Waxman
Gutiérrez	Pastor (AZ)	Welch
Hahn		Wilson (FL)
Hanabusa		Yarmuth
Hastings (FL)		
Heck (WA)		
Higgins		

## NOES—223

Aderholt	Chaffetz	Fortenberry
Amash	Coble	Fox
Amodei	Coffman	Franks (AZ)
Bachmann	Cole	Frelinghuysen
Bachus	Collins (GA)	Gardner
Barletta	Collins (NY)	Garrett
Barr	Conaway	Gerlach
Barton	Cook	Gibbs
Benish	Cotton	Gingrey (GA)
Bentivolio	Cramer	Gohmert
Bilirakis	Crawford	Goodlatte
Bishop (UT)	Crenshaw	Gosar
Black	Daines	Gowdy
Blackburn	Davis, Rodney	Granger
Boustany	Denham	Graves (GA)
Brady (TX)	Dent	Graves (MO)
Bridenstine	DeSantis	Griffin (AR)
Brooks (AL)	DesJarlais	Griffith (VA)
Brooks (IN)	Diaz-Balart	Grimm
Broun (GA)	Duffy	Guthrie
Buchanan	Duncan (SC)	Hall
Bucshon	Duncan (TN)	Hanna
Burgess	Ellmers	Harper
Calvert	Farenthold	Harris
Camp	Fincher	Hartzler
Cantor	Fitzpatrick	Hastings (WA)
Capito	Fleischmann	Heck (NV)
Carter	Fleming	Hensarling
Cassidy	Flores	Holding
Chabot	Forbes	Hudson

Huelskamp	Miller (FL)	Salmon
Huizenga (MI)	Miller (MI)	Sanford
Hultgren	Miller, Gary	Scalise
Hunter	Mullin	Schock
Hurt	Mulvaney	Schweikert
Issa	Murphy (PA)	Scott, Austin
Jenkins	Neugebauer	Sensenbrenner
Johnson (OH)	Noem	Sessions
Johnson, Sam	Nugent	Shimkus
Jordan	Nunes	Shuster
Joyce	Nunnelee	Simpson
Kelly (PA)	Olson	Smith (MO)
King (IA)	Palazzo	Smith (NE)
King (NY)	Paulsen	Smith (NJ)
Kingston	Pearce	Smith (TX)
Kinzing (IL)	Perry	Southerland
Kline	Petri	Stewart
Labrador	Pittenger	Stivers
LaMalfa	Pitts	Stockman
Lamborn	Poe (TX)	Stutzman
Lance	Pompeo	Thompson (PA)
Lankford	Posey	Thornberry
Latham	Price (GA)	Tiberi
Latta	Radel	Tipton
LoBiondo	Reed	Turner
Long	Reichert	Upton
Lucas	Renacci	Valadao
Luetkemeyer	Ribble	Wagner
Lummi	Rice (SC)	Walberg
Marchant	Rigell	Walden
Marino	Roby	Walorski
Massie	Roe (TN)	Weber (TX)
Matheson	Rogers (AL)	Webster (FL)
McCarthy (CA)	Rogers (KY)	Westmoreland
McCaul	Rogers (MI)	Whitfield
McClintock	Rohrabacher	Williams
McHenry	Rokita	Wilson (SC)
McKeon	Rooney	Wittman
McKinley	Ros-Lehtinen	Wolf
McMorris	Roskam	Womack
Rodgers	Ross	Woodall
Meadows	Rothfus	Yoder
Meehan	Royce	Yoho
Messer	Runyan	Young (IN)
Mica	Ryan (WI)	

## NOT VOTING—9

Campbell	Jones	Rush
Culberson	Matsui	Wenstrup
Herrera Beutler	McCarthy (NY)	Young (AK)

□ 1646

Messrs. BENISHEK, BENTIVOLIO, REED, LUCAS, DeSANTIS, PETRI, HASTINGS of Washington, and SMITH of Nebraska changed their vote from “aye” to “no.”

Messrs. PETERSON, PETERS of California, Ms. DUCKWORTH, Messrs. GARAMENDI, GRIJALVA, and McDERMOTT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 2 OFFERED BY MR. NADLER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 226, not voting 10, as follows:

[Roll No. 576]

## AYES—194

Andrews	Green, Al	Owens
Barber	Green, Gene	Pallone
Barrow (GA)	Grijalva	Pascrell
Bass	Hahn	Pastor (AZ)
Beatty	Hanabusa	Payne
Becerra	Hastings (FL)	Pelosi
Bera (CA)	Heck (WA)	Perlmutter
Bishop (GA)	Higgins	Peters (CA)
Bishop (NY)	Himes	Peters (MI)
Blumenauer	Hinojosa	Peterson
Bonamici	Holt	Pingree (ME)
Brady (PA)	Honda	Pocan
Braley (IA)	Horsford	Polis
Brown (FL)	Hoyer	Price (NC)
Brownley (CA)	Huffman	Quigley
Bustos	Israel	Rahall
Butterfield	Jackson Lee	Rangel
Capps	Jeffries	Richmond
Capuano	Johnson (GA)	Roybal-Allard
Cárdenas	Johnson, E. B.	Ruiz
Carney	Kaptur	Ruppersberger
Carson (IN)	Keating	Ryan (OH)
Cartwright	Kelly (IL)	Sánchez, Linda
Castor (FL)	Kennedy	T.
Castro (TX)	Kildee	Sanchez, Loretta
Chu	Kilmer	Sarbanes
Cicilline	Kind	Schakowsky
Clarke	Kirkpatrick	Schiff
Clay	Kuster	Schneider
Cleaver	Langevin	Schrader
Clyburn	Larsen (WA)	Schwartz
Cohen	Larson (CT)	Scott (VA)
Connolly	Lee (CA)	Scott, David
Conyers	Levin	Serrano
Cooper	Lewis	Sewell (AL)
Courtney	Lipinski	Shea-Porter
Crowley	Loeb sack	Sherman
Cuellar	Lofgren	Sinema
Cummings	Lowenthal	Sires
Davis (CA)	Lowe y	Slaughter
Davis, Danny	Lujan Grisham	Smith (WA)
DeFazio	(NM)	Speier
DeGette	Luján, Ben Ray	Swalwell (CA)
Delaney	(NM)	Takano
DeLauro	Lynch	Thompson (CA)
DelBene	Maffei	Thompson (MS)
Deutch	Maloney,	Tierney
Dingell	Carolyn	Titus
Doggett	Maloney, Sean	Tonko
Doyle	McCollum	Tsongas
Duckworth	McDermott	Van Hollen
Edwards	McGovern	Vargas
Ellison	McIntyre	Veasey
Engel	McNerney	Vela
Enyart	Meeks	Velázquez
Eshoo	Meng	Visclosky
Esty	Michaud	Walz
Farr	Miller, George	Wasserman
Fattah	Moore	Schultz
Foster	Moran	Watt
Frankel (FL)	Murphy (FL)	Waxman
Fudge	Nadler	Welch
Gabbard	Napolitano	Wilson (FL)
Gallo	Neal	Yarmuth
Garamendi	Negrete McLeod	
Garcia	Nolan	
Grayson	O'Rourke	

## NOES—226

Aderholt	Calvert	Dent
Amash	Camp	DeSantis
Amodei	Cantor	DesJarlais
Bachmann	Capito	Diaz-Balart
Bachus	Carter	Duffy
Barletta	Cassidy	Duncan (SC)
Barr	Chabot	Duncan (TN)
Barton	Chaffetz	Ellmers
Benishek	Coble	Farenthold
Bentivolio	Coffman	Fincher
Bilirakis	Cole	Fitzpatrick
Bishop (UT)	Collins (GA)	Fleischmann
Black	Collins (NY)	Fleming
Blackburn	Conaway	Flores
Boustany	Cook	Forbes
Brady (TX)	Costa	Fortenberry
Bridenstine	Cotton	Fox
Brooks (AL)	Cramer	Franks (AZ)
Brooks (IN)	Crawford	Frelinghuysen
Broun (GA)	Crenshaw	Gardner
Buchanan	Daines	Garrett
Bucshon	Davis, Rodney	Gerlach
Burgess	Denham	Gibbs

Gibson	Marino	Ros-Lehtinen
Gingrey (GA)	Massie	Roskam
Gohmert	Matheson	Ross
Goodlatte	McCarthy (CA)	Rothfus
Gosar	McCaul	Royce
Gowdy	McClintock	Runyan
Granger	McHenry	Ryan (WI)
Graves (GA)	McKeon	Salmon
Graves (MO)	McKinley	Sanford
Griffin (AR)	McMorris	Scalise
Griffith (VA)	Rodgers	Schock
Grimm	Meadows	Schweikert
Guthrie	Meehan	Smith, Austin
Hall	Messer	Sensenbrenner
Hanna	Mica	Sessions
Harper	Miller (FL)	Shimkus
Harris	Miller (MI)	Shuster
Hartzer	Miller, Gary	Simpson
Hastings (WA)	Mullin	Smith (MO)
Heck (NV)	Mulvaney	Smith (NE)
Hensarling	Murphy (PA)	Smith (NJ)
Holding	Neugebauer	Smith (TX)
Hudson	Noem	Southerland
Huelskamp	Nugent	Stewart
Huizenga (MI)	Nunes	Stivers
Hultgren	Nunnelee	Stockman
Hunter	Olson	Stutzman
Hurt	Palazzo	Terry
Issa	Paulsen	Thompson (PA)
Jenkins	Pearce	Thornberry
Johnson (OH)	Perry	Tiberi
Johnson, Sam	Petri	Tipton
Jordan	Pittenger	Turner
Joyce	Pitts	Upton
Kelly (PA)	Poe (TX)	Valadao
King (IA)	Pompeo	Wagner
King (NY)	Posey	Walberg
Kingston	Price (GA)	Walden
Kinzinger (IL)	Radel	Walorski
Kline	Reed	Weber (TX)
Labrador	Reichert	Webster (FL)
LaMalfa	Renacci	Westmoreland
Lamborn	Ribble	Whitfield
Lance	Rice (SC)	Williams
Lankford	Rigell	Wilson (SC)
Latham	Roby	Wittman
Latta	Roe (TN)	Wolf
LoBiondo	Rogers (AL)	Womack
Long	Rogers (KY)	Woodall
Lucas	Rogers (MI)	Yoder
Luetkemeyer	Rohrabacher	Yoho
Lummis	Rokita	Young (IN)
Marchant	Rooney	

## NOT VOTING—10

Campbell Jones Wenstrup  
Culberson Matsui Young (AK)  
Gutiérrez McCarthy (NY)  
Herrera Beutler Rush

ANNOUNCEMENT BY THE CHAIR  
The CHAIR (during the vote). There is 1 minute remaining.

□ 1653

So the amendment was rejected.  
The result of the vote was announced as above recorded.

## AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 195, noes 226, not voting 9, as follows:

[Roll No. 577]

## AYES—195

Andrews	Green, Al	O'Rourke
Barber	Green, Gene	Owens
Barrow (GA)	Grijalva	Pallone
Bass	Gutiérrez	Pascrell
Beatty	Hahn	Pastor (AZ)
Becerra	Hanabusa	Payne
Bera (CA)	Hastings (FL)	Pelosi
Bishop (GA)	Heck (WA)	Perlmutter
Bishop (NY)	Higgins	Peters (CA)
Blumenauer	Himes	Peters (MI)
Bonamici	Hinojosa	Peterson
Brady (PA)	Holt	Pingree (ME)
Braley (IA)	Honda	Pocan
Brown (FL)	Horsford	Polis
Brownley (CA)	Hoyer	Price (NC)
Bustos	Huffman	Quigley
Butterfield	Israel	Rahall
Capps	Jackson Lee	Rangel
Capuano	Jeffries	Richmond
Cárdenas	Johnson (GA)	Roybal-Allard
Carney	Johnson, E. B.	Ruiz
Carson (IN)	Kaptur	Ruppersberger
Cartwright	Keating	Ryan (OH)
Castor (FL)	Kelly (IL)	Sánchez, Linda
Castro (TX)	Kennedy	T.
Chu	Kildee	Sanchez, Loretta
Cicilline	Kilmer	Sarbanes
Clarke	Kind	Schakowsky
Clay	Kirkpatrick	Schiff
Cleaver	Kuster	Schneider
Clyburn	Langevin	Schrader
Cohen	Larsen (WA)	Schwartz
Connolly	Larson (CT)	Scott (VA)
Conyers	Lee (CA)	Scott, David
Cooper	Levin	Serrano
Courtney	Lewis	Sewell (AL)
Crowley	Lipinski	Shea-Porter
Cuellar	Loeb sack	Sherman
Cummings	Lofgren	Sinema
Davis (CA)	Lowenthal	Sires
Davis, Danny	Lowe y	Slaughter
DeFazio	Lujan Grisham	Smith (WA)
DeGette	(NM)	Speier
Delaney	Luján, Ben Ray	Swalwell (CA)
DeLauro	(NM)	Takano
DelBene	Lynch	Thompson (CA)
Deutch	Maffei	Thompson (MS)
Dingell	Maloney,	Tierney
Doggett	Carolyn	Titus
Doyle	Maloney, Sean	Tonko
Duckworth	McCollum	Tsongas
Edwards	McDermott	Van Hollen
Ellison	McGovern	Vargas
Engel	McIntyre	Veasey
Enyart	McNerney	Vela
Eshoo	Meeks	Velázquez
Esty	Meng	Visclosky
Farr	Michaud	Walz
Fattah	Miller, George	Wasserman
Foster	Moore	Schultz
Frankel (FL)	Moran	Watt
Fudge	Murphy (FL)	Waxman
Gabbard	Nadler	Welch
Gallo	Napolitano	Wilson (FL)
Garamendi	Neal	Yarmuth
Garcia	Negrete McLeod	
Grayson	Nolan	

## NOES—226

Aderholt	Calvert	Dent
Amash	Camp	DeSantis
Amodei	Cantor	DesJarlais
Bachmann	Capito	Diaz-Balart
Bachus	Carter	Duffy
Barletta	Cassidy	Duncan (SC)
Barr	Chabot	Duncan (TN)
Barton	Chaffetz	Ellmers
Benishek	Coble	Farenthold
Bentivolio	Coffman	Fincher
Bilirakis	Cole	Fitzpatrick
Bishop (UT)	Collins (GA)	Fleischmann
Black	Collins (NY)	Fleming
Blackburn	Conaway	Flores
Boustany	Cook	Forbes
Brady (TX)	Costa	Fortenberry
Bridenstine	Cotton	Fox
Brooks (AL)	Cramer	Franks (AZ)
Brooks (IN)	Crawford	Frelinghuysen
Broun (GA)	Crenshaw	Gardner
Buchanan	Daines	Garrett
Bucshon	Davis, Rodney	Gerlach
Burgess	Denham	Gibbs



Gibson	Marino	Ros-Lehtinen
Gingrey (GA)	Massie	Roskam
Gohmert	Matheson	Ross
Goodlatte	McCarthy (CA)	Rothfus
Gosar	McCauley	Royce
Gowdy	McClintock	Runyan
Granger	McHenry	Ryan (WI)
Graves (GA)	McKeon	Salmon
Graves (MO)	McKinley	Sanford
Griffin (AR)	McMorris	Scalise
Griffith (VA)	Rodgers	Schock
Grimm	Meadows	Schweikert
Guthrie	Meehan	Scott, Austin
Hall	Messer	Sensenbrenner
Hanna	Mica	Sessions
Harper	Miller (FL)	Shimkus
Harris	Miller (MI)	Shuster
Hartzer	Miller, Gary	Simpson
Hastings (WA)	Mullin	Smith (MO)
Heck (NV)	Mulvaney	Smith (NE)
Hensarling	Murphy (PA)	Smith (NJ)
Holding	Neugebauer	Smith (TX)
Hudson	Noem	Southerland
Huelskamp	Nugent	Stewart
Huizenga (MI)	Nunes	Stivers
Hultgren	Nunnelee	Stockman
Hunter	Olson	Stutzman
Hurt	Palazzo	Terry
Issa	Paulsen	Thompson (PA)
Jenkins	Pearce	Thornberry
Johnson (OH)	Perry	Tiberi
Johnson, Sam	Petri	Tipton
Jordan	Pittenger	Turner
Joyce	Pitts	Upton
Kelly (PA)	Poe (TX)	Valadao
King (IA)	Pompeo	Wagner
King (NY)	Posey	Walberg
Kingston	Price (GA)	Walden
Kinzinger (IL)	Radel	Walorski
Kline	Reed	Weber (TX)
Labrador	Reichert	Webster (FL)
LaMalfa	Renacci	Westmoreland
Lamborn	Ribble	Whitfield
Lance	Rice (SC)	Williams
Lankford	Rigell	Wilson (SC)
Latham	Roby	Wittman
Latta	Roe (TN)	Wolf
LoBiondo	Rogers (AL)	Womack
Long	Rogers (KY)	Woodall
Lucas	Rogers (MI)	Yoder
Luetkemeyer	Rohrabacher	Yoho
Lummis	Rokita	Young (IN)
Marchant	Rooney	

## NOT VOTING—9

Campbell	Jones	Rush
Culberson	Matsui	Wenstrup
Herrera Beutler	McCarthy (NY)	Young (AK)

□ 1658

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MEADOWS) having assumed the chair, Mr. BISHOP of Utah, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes, pursuant to House Resolution 403, reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. OWENS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OWENS. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Owens moves to recommit the bill (H.R. 982) to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendments:

Redesignate section 3 as section 4.

Insert after section 2 the following:

**SEC. 3. PROTECTING THE PRIVACY OF U.S. SERVICE MEMBERS AND VETERANS AND ENSURING CLAIMS ARE PAID BEFORE DEATH.**

Paragraph (8) of section 524(g) of title 11 of the United States Code, as added by section 2, shall not apply with respect to a claimant who is or has been a member of the Armed Forces of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. OWENS. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

This motion to recommit very simply exempts veterans and Active Duty servicemembers from the reporting requirements of the underlying bill.

We celebrated Veterans Day 2 days ago with much thanks and praise. Now we propose to punish those very same folks whom we praised. Under the guise of transparency, H.R. 982 requires quarterly reports of claims and payouts made against asbestos trust funds, which provide remedies to victims of asbestos exposure while allowing companies to continue to operate. A strict set of fraud prevention steps already exists when seeking an asbestos claim. In fact, a 2011 GAO report did not find any evidence of overt fraud during its examination of asbestos trusts.

Mr. Speaker, 30 percent of asbestos victims are veterans. Let me repeat that: 30 percent of asbestos victims are veterans. The reporting requirement created by this bill will delay claims payments to these men and women who have served their country and are now suffering from deadly diseases, including lung cancer and mesothelioma, because of asbestos exposure. Victims of mesothelioma typically only live 4 to 18 months after diagnosis. This final amendment will ensure we do not unnecessarily delay a claim to a veteran with just months to live.

In addition to the delayed payment of claims, the personal information re-

quired to be submitted in these quarterly reports poses a serious threat to privacy by forcing asbestos trust funds to reveal, on a public database, personally identifiable information about asbestos victims and their families. Why would we subject a gravely ill veteran battling a disease like cancer to the additional risk of identity theft?

This motion to recommit very simply exempts veterans and Active Duty servicemembers from the onerous and invasive reporting requirements of the underlying bill. These heroes have sacrificed for our Nation. Join me in protecting their privacy and ensuring their asbestos claims are paid before death.

We will punish those whom we praise, and that is simply unacceptable. I urge support for this final amendment.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, the FACT Act is a simple measure to address an obvious problem. The lack of transparency that exists in the asbestos bankruptcy trust system cannot be allowed to continue. Fraudulent claims are diluting the ability of too many trusts to provide for the recoveries of future asbestos victims, including our Nation's veterans, who must often rely solely on the bankruptcy process to obtain a recovery for their asbestos injury.

The FACT Act will help preserve the finite amount of trust resources available for all future victims by increasing transparency in the asbestos bankruptcy trust system, thereby facilitating a reduction in fraud. The FACT Act achieves transparency through a measured approach, carefully crafted to provide strong privacy protections and respect states' rights, and strong privacy protections for veterans and all other victims.

This will not delay compensation to asbestos victims but will ensure that the true victims, including victims who will be identified in the future as suffering from asbestos injuries, are not kept from having compensation. These trusts are being used up as a result of fraudulent claims. The asbestos bankruptcy trusts need additional transparency so they can root out fraud and protect recoveries for future asbestos victims. The FACT Act provides this vital sunshine in a simple, efficient manner. It is a 2-page bill.

I commend my colleagues, Mr. FARENTHOLD of Texas and Mr. MATHE-SON of Utah, for bringing forward this bipartisan legal reform. I urge my colleagues to vote against this motion to recommit and to support the FACT Act.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. OWENS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 9, as follows:

[Roll No. 578]

YEAS—197

Andrews	Gallego	Moore
Barber	Garamendi	Moran
Barrow (GA)	Garcia	Murphy (FL)
Bass	Grayson	Nadler
Beatty	Green, Al	Napolitano
Becerra	Green, Gene	Neal
Bera (CA)	Grijalva	Negrete McLeod
Bishop (GA)	Gutiérrez	Nolan
Bishop (NY)	Hahn	O'Rourke
Blumenauer	Hanabusa	Owens
Bonamici	Hastings (FL)	Pallone
Brady (PA)	Heck (WA)	Pascarella
Braley (IA)	Higgins	Pastor (AZ)
Brown (FL)	Himes	Payne
Brownley (CA)	Hinojosa	Pelosi
Bustos	Holt	Perlmutter
Butterfield	Honda	Peters (CA)
Capps	Horsford	Peters (MI)
Capuano	Hoyer	Peterson
Cárdenas	Huffman	Pingree (ME)
Carney	Israel	Pocan
Carson (IN)	Jackson Lee	Polis
Cartwright	Jeffries	Price (NC)
Castor (FL)	Johnson (GA)	Quigley
Castro (TX)	Johnson, E. B.	Rahall
Chu	Kaptur	Rangel
Cicilline	Keating	Richmond
Clarke	Kelly (IL)	Royal-Allard
Clay	Kennedy	Ruiz
Cleaver	Kildee	Ruppersberger
Clyburn	Kilmer	Ryan (OH)
Cohen	Kind	Sánchez, Linda
Connolly	Kirkpatrick	T.
Conyers	Kuster	Sanchez, Loretta
Cooper	Langevin	Sarbanes
Costa	Larsen (WA)	Schakowsky
Courtney	Larson (CT)	Schiff
Crowley	Lee (CA)	Schneider
Cuellar	Levin	Schrader
Cummings	Lewis	Schwartz
Davis (CA)	Lipinski	Scott (VA)
Davis, Danny	Loeb sack	Scott, David
DeFazio	Lofgren	Serrano
DeGette	Lowenthal	Sewell (AL)
Delaney	Lowe y	Shea-Porter
DeLauro	Lujan Grisham	Sherman
DelBene	(NM)	Sinema
Deutch	Luján, Ben Ray	Sires
Dingell	(NM)	Slaughter
Doggett	Lynch	Smith (WA)
Doyle	Maffei	Speier
Duckworth	Maloney,	Swalwell (CA)
Edwards	Carolyn	Takano
Ellison	Maloney, Sean	Thompson (CA)
Engel	Matsui	Thompson (MS)
Enyart	McCollum	Tierney
Eshoo	McDermott	Titus
Esty	McGovern	Tonko
Farr	McIntyre	Tsongas
Fattah	McNerney	Van Hollen
Foster	Meeks	Vargas
Frankel (FL)	Meng	Veasey
Fudge	Michaud	Vela
Gabbard	Miller, George	Velázquez

Visclosky  
Walz  
Wasserman  
Schultz

Waters  
Watt  
Waxman  
Welch

Wilson (FL)  
Yarmuth

NAYS—224

Aderholt	Graves (MO)
Amash	Griffin (AR)
Amodei	Griffith (VA)
Bachmann	Grimm
Bachus	Guthrie
Barletta	Hall
Barr	Hanna
Barton	Harper
Benishek	Harris
Bentivolio	Hartzler
Bilirakis	Hastings (WA)
Bishop (UT)	Heck (NV)
Black	Hensarling
Blackburn	Holding
Boustany	Hudson
Brady (TX)	Huelskamp
Bridenstine	Huizenga (MI)
Brooks (AL)	Hultgren
Brooks (IN)	Hunter
Broun (GA)	Hurt
Buchanan	Issa
Bucshon	Jenkins
Burgess	Johnson (OH)
Calvert	Johnson, Sam
Camp	Jordan
Cantor	Joyce
Capito	Kelly (PA)
Carter	King (IA)
Cassidy	King (NY)
Chabot	Kingston
Chaffetz	Kinzinger (IL)
Coble	Kline
Coffman	Labrador
Cole	LaMalfa
Collins (GA)	Lamborn
Collins (NY)	Lance
Conaway	Lankford
Cook	Latham
Cotton	Latta
Cramer	LoBiondo
Crawford	Long
Crenshaw	Lucas
Daines	Luetkemeyer
Davis, Rodney	Lummis
Denham	Marchant
Dent	Marino
DeSantis	Massie
DesJarlais	Matheson
Diaz-Balart	McCarthy (CA)
Duffy	McCauley
Duncan (SC)	McClintock
Duncan (TN)	McHenry
Ellmers	McKeon
Farenthold	McKinley
Fincher	McMorris
Fitzpatrick	Rodgers
Fleischmann	Meadows
Fleming	Meehan
Flores	Messer
Forbes	Mica
Fortenberry	Miller (FL)
Fox	Miller (MI)
Frelinghuysen	Miller, Gary
Gardner	Mullin
Garrett	Mulvaney
Gerlach	Murphy (PA)
Gibbs	Neugebauer
Gingrey (GA)	Noem
Gohmert	Nugent
Goodlatte	Nunes
Gosar	Nunnelee
Gowdy	Olson
Granger	Palazzo
Graves (GA)	Paulsen
	Pearce

NOT VOTING—9

Campbell	Herrera Beutler	Rush
Culberson	Jones	Wenstrup
Franks (AZ)	McCarthy (NY)	Young (AK)

□ 1716

Mr. BACHUS changed his vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, yeas 199, not voting 10, as follows:

[Roll No. 579]

AYES—221

Aderholt	Graves (MO)	Perry
Amash	Griffin (AR)	Petri
Amodei	Griffith (VA)	Pittenger
Bachmann	Guthrie	Pitts
Bachus	Hall	Pompeo
Barletta	Hanna	Posey
Barr	Harper	Price (GA)
Barton	Harris	Radel
Benishek	Hartzler	Reed
Bentivolio	Hastings (WA)	Reichert
Bilirakis	Heck (NV)	Renacci
Bishop (UT)	Hensarling	Ribble
Black	Holding	Rice (SC)
Blackburn	Hudson	Rigell
Boustany	Huelskamp	Roby
Brady (TX)	Huizenga (MI)	Roe (TN)
Bridenstine	Hultgren	Rogers (AL)
Brooks (AL)	Hunter	Rogers (KY)
Brooks (IN)	Hurt	Rogers (MI)
Broun (GA)	Issa	Rohrabacher
Buchanan	Jenkins	Rokita
Bucshon	Johnson (OH)	Rooney
Burgess	Johnson, Sam	Ros-Lehtinen
Calvert	Jordan	Roskam
Camp	Joyce	Ross
Cantor	Kelly (PA)	Rothfus
Capito	King (IA)	Royce
Carter	King (NY)	Runyan
Cassidy	Kingston	Ryan (WI)
Chabot	Kinzinger (IL)	Salmon
Chaffetz	Kline	Sanford
Coble	Labrador	Scalise
Coffman	LaMalfa	Schock
Cole	Lamborn	Schrader
Collins (GA)	Lance	Schweikert
Collins (NY)	Lankford	Scott, Austin
Conaway	Latham	Sensenbrenner
Costa	Latta	Sessions
Cotton	LoBiondo	Shimkus
Cramer	Long	Shuster
Crawford	Lucas	Simpson
Crenshaw	Luetkemeyer	Smith (MO)
Cuellar	Lummis	Smith (NE)
Davis, Rodney	Marchant	Smith (NJ)
Denham	Marino	Smith (TX)
Dent	Massie	Southerland
DeSantis	Matheson	Stewart
DesJarlais	McCarthy (CA)	Stivers
Diaz-Balart	McCauley	Stockman
Duffy	McClintock	Stutzman
Duncan (SC)	McHenry	Thompson (PA)
Duncan (TN)	McIntyre	Thornberry
Ellmers	McKeon	Tiberi
Farenthold	McMorris	Tipton
Fincher	Rodgers	Turner
Fitzpatrick	Meadows	Upton
Fleischmann	Meehan	Valadao
Fleming	Messer	Wagner
Flores	Mica	Walberg
Forbes	Miller (FL)	Walden
Fortenberry	Miller (MI)	Walorski
Fox	Miller, Gary	Weber (TX)
Frelinghuysen	Mullin	Webster (FL)
Gardner	Mulvaney	Westmoreland
Garrett	Murphy (PA)	Whitfield
Gerlach	Neugebauer	Williams
Gibbs	Noem	Wilson (SC)
Gingrey (GA)	Nugent	Wittman
Gohmert	Nunes	Wolf
Goodlatte	Nunnelee	Womack
Gosar	Olson	Woodall
Gowdy	Palazzo	Yoder
Granger	Paulsen	Yoho
Graves (GA)	Pearce	Young (IN)

## NOES—199

Andrews	Grayson	Negrete McLeod
Barber	Green, Al	Nolan
Barrow (GA)	Green, Gene	O'Rourke
Bass	Grijalva	Owens
Beatty	Grimm	Pallone
Becerra	Gutiérrez	Pascarell
Bera (CA)	Hahn	Pastor (AZ)
Bishop (GA)	Hanabusa	Payne
Bishop (NY)	Hastings (FL)	Pelosi
Blumenauer	Heck (WA)	Perlmutter
Bonamici	Higgins	Peters (CA)
Brady (PA)	Himes	Peters (MI)
Braley (IA)	Hinojosa	Pingree (ME)
Brown (FL)	Holt	Pocan
Brownley (CA)	Honda	Poe (TX)
Bustos	Horsford	Polis
Butterfield	Hoyer	Price (NC)
Capps	Huffman	Quigley
Capuano	Israel	Rahall
Cárdenas	Jackson Lee	Rangel
Carney	Jeffries	Richmond
Carson (IN)	Johnson (GA)	Roybal-Allard
Cartwright	Johnson, E. B.	Ruiz
Castor (FL)	Kaptur	Ruppersberger
Castro (TX)	Keating	Ryan (OH)
Chu	Kelly (IL)	Sánchez, Linda
Cicilline	Kennedy	T.
Clarke	Kildee	Sanchez, Loretta
Clay	Kilmer	Sarbanes
Cleaver	Kind	Schakowsky
Clyburn	Kirkpatrick	Schiff
Cohen	Kuster	Schneider
Connolly	Langevin	Schwartz
Conyers	Larsen (WA)	Scott (VA)
Cook	Larson (CT)	Scott, David
Cooper	Lee (CA)	Serrano
Courtney	Levin	Sewell (AL)
Crowley	Lewis	Shea-Porter
Cummings	Lipinski	Sherman
Daines	Loebach	Sinema
Davis (CA)	Lofgren	Sires
Davis, Danny	Lowenthal	Slaughter
DeFazio	Lowey	Smith (WA)
DeGette	Lujan Grisham	Speier
Delaney	(NM)	Swalwell (CA)
DeLauro	Luján, Ben Ray	Takano
DelBene	(NM)	Terry
Deutch	Lynch	Thompson (CA)
Dingell	Maffei	Thompson (MS)
Doggett	Maloney,	Tierney
Doyle	Carolyn	Titus
Duckworth	Maloney, Sean	Tonko
Edwards	Matsui	Tsongas
Ellison	McCollum	Van Hollen
Engel	McDermott	Vargas
Enyart	McGovern	Veasey
Eshoo	McKinley	Vela
Esty	McNerney	Velázquez
Farr	Meeks	Visclosky
Fattah	Meng	Walz
Foster	Michaud	Wasserman
Frankel (FL)	Miller, George	Schultz
Fudge	Moore	Waters
Gabbard	Moran	Watt
Galleo	Murphy (FL)	Waxman
Garamendi	Nadler	Welch
Garcia	Napolitano	Wilson (FL)
Gibson	Neal	Yarmuth

## NOT VOTING—10

Campbell	Jones	Wenstrup
Culberson	McCarthy (NY)	Young (AK)
Franks (AZ)	Peterson	
Herrera Beutler	Rush	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1726

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on

agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## SUPPORTING THE RIGHT TO COUNSEL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 196) supporting the Sixth Amendment to the United States Constitution, the right to counsel, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1730

## PASS THE KEEP YOUR HEALTH PLAN ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Midge, one of the women I represent from Alexander County, wrote me to say:

I am one of the many . . . policy holders whose policy was canceled due to ObamaCare mandates.

My policy was great, affordable, and I liked it. The most similar policy Blue Cross can put me on has higher deductibles, higher co-insurance, and coverage that I don't need.

For this new coverage, Midge and her husband are going to have to pay 81 percent more. Midge closed off her letter to me with this simple request:

Please do all you can to help us be able to keep the plan we like as we were promised by our President.

Letters like Midge's are pouring in from across the country to Democrats and Republicans alike. That is because promises aren't partisan issues, and promises matter to the American people.

Let's require the President to keep this central ObamaCare promise by passing the Keep Your Health Plan Act.

## RECOGNIZING THE SPIRIT OF THE AMERICAN FARMER

(Mr. RODNEY DAVIS of Illinois asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to recognize the spirit of the American farmer.

A 31-year-old farmer from Hammond, Illinois, tragically succumbed to cancer in September of this year. Kyle Hendrix was an avid golfer, farmer, and family man who left behind a wife and two young children.

His untimely passing brought out the best in his rural Piatt County community. In the middle of the harvest season, his friends and family organized a tribute of over 60 tractors and other pieces of farming equipment that lined up along Bement Road to honor Kyle's life. And all of the equipment, worth millions of dollars, had the keys left in the ignition overnight without a single worry.

Thanks to the photographer, Matt Rubel, who captured the moment, the story has now gone viral. Matt said:

It seems to me that farming communities all over the country may still hold the key to what makes this country a shining beacon in a world of trouble.

Matt, I agree. This rural community story is a tribute to rural American values.

My thoughts and prayers go out to Kyle's family and friends, and may God grant him favor.

## PROTECTION OF THE RIGHTS OF CONSCIENCE AND RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. BRIDENSTINE). Under the Speaker's announced policy of January 3, 2013, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FORTENBERRY. Mr. Speaker, in the midst of all of our difficult debates that are occurring in this body and throughout Washington, whether it is about the right type of health care reform or how to stop the ever-expanding Federal debt which threatens both our economic as well as national security, and as important as these debates are, it should not be lost on us, though, that there is a grave struggle for the protection of a fundamental proposition of human dignity and a basis for civilization itself. This is the protection of the rights of conscience and religious freedom.

Even in the midst of all of our other debates, many Americans are concerned about the heart-wrenching stories of individuals who have been detained, condemned, incarcerated, often tortured, sometimes for years, throughout the world, even under the sentence of death for some, simply for the peaceful exercise of their religious rights.

Mr. Speaker, given the scale of human suffering endured and extensively documented in this past century

alone, it is often difficult to grasp that humanity, in the 21st century, with all of its technological advances at our disposal, has not yet learned some very basic lessons.

These lessons of the 20th century, after two horrific world wars and other unspeakable human tragedies, including the Holocaust and the slaughter of tens of millions of persons under the repressive and cruel Communist regimes, should not be lost. They are indispensable in pressing forward toward a more hopeful future, one based upon the unchanging principles that underlie a free and noble society.

One of these basic lessons is that religious freedom is a foundation for social stability, security, civility, as well as economic prosperity, because it is built upon a foundation of respect for human dignity. Mr. Speaker, this is why we should, this body and the administration, we should all redouble our efforts to ensure that that first principle of religious liberty is integrated as a critical element of American foreign policy generally, and is prioritized in the day-to-day work of the diplomacy of this country.

With our position of Ambassador-at-Large for International Religious Freedom now being vacant, we should act quickly to quell any potential sense of ambiguity about where the United States stands on this important issue.

Let me first make an important distinction, Mr. Speaker: Religious freedom is not the same as freedom to worship, which is a much more restrictive concept and should not be confused. We are not merely concerned about allowing people to worship, think freely in their own minds or in their own home or in their own church, but about championing the free exercise of religion, grounded in human dignity, in its fullness, robustly, in the public square, as is guaranteed by our own Constitution in the First Amendment.

Religious freedom, the cornerstone of our civil society, is something that we can actually still take for granted, though, in the United States; although, this freedom has been eroding here in recent years. It is a painful irony that our own Department of Health and Human Services is mired in litigation over challenges to fundamental laws and basic standards of religious freedom in health care policy. Even here, this right is fragile.

So think of the many people throughout the world, in countries where the precepts of religious liberty are routinely and often egregiously violated by the state, persons who must witness or endure cruel abuses for exercising this right of conscience.

Mr. Speaker, the prominent case of Pastor Saeed Abedini in Iran is a good example. He is an American citizen who is currently under house arrest in Iran for his Christian faith, and it is one of the more urgent cases world-

wide. He and his family need our thoughts and prayers now. And we have been given the recent news that he has been moved to a notorious prison, reportedly confined in a small cell with hardened and ruthless criminals, with no access to sanitation or desperately needed medication.

In the United States, thankfully, we are starting to see a groundswell of concern over such barbaric treatment of Pastor Saeed. And, ironically, this again is so close to the anniversary of the storming of the United States Embassy in Tehran in 1979.

We are not alone in our appeal to something higher. Together with many good people of faith throughout the world, or people who have no faith throughout the world, many are calling for his immediate release and safe return to his family. But, unfortunately, this is not an isolated case.

Beyond our intuitive understanding of right and wrong, we must also say that religious freedom is not simply a matter of exercise of a principle of justice. We know that it is inextricably linked to security and stability.

According to the United States Commission on International Religious Freedom, those nations that work to respect human dignity tend to perform more strongly on a broad scale of metrics than command and control societies, where freedoms are restricted and economic prosperity can seem unattainable, especially for those individuals who are marginalized and subjected to wrongful religious discrimination. The metrics in countries where religious freedom abounds are so much stronger in multiple areas of well-being versus in controlled societies where religious freedom is oppressed. Religious liberty is a principle tied to both security and stability in civil society itself.

Areas of the Middle East, for example, where religious minorities have traditionally served as a leavening influence for all peoples, they are now under severe distress. Can civil society really have a chance under such conditions as minority faith groups flee from persecution in their ancient homelands?

Now, Mr. Speaker, the United States has been one of the world's greatest champions of religious freedom, and we cannot afford to backslide or be seen as ambivalent in this regard, especially at this fragile time of our history, when social upheavals and economic dislocations demand principled leadership from this Congress and the President.

Pursuant to the International Religious Freedom Act passed by Congress in 1998 and signed into law by President Clinton, the State Department is required to provide a detailed annual report on the status of religious freedom throughout the world. The current report, which covers last year, provides a robust overview of recent trends and concerns. It also leaves us with the

enormous challenge of confronting serious and escalating levels of abuse, particularly in environments where impunity reigns and powerful forces align to intimidate and brutalize vulnerable faith communities. Not only have affronts to religious freedom over the past year been widespread, but sadly, Mr. Speaker, they are escalating.

Before I review some of the key concerns highlighted during this past year, let me take a moment to recall a courageous official in the country of Pakistan who made a profound impression upon me a number of years ago when I went to Islamabad, along with the House Democracy Partnership, which is an effort of this United States Congress to partner with emerging democracies to help in any way, share technical expertise as to how to properly run a legislature or a parliament.

While in Pakistan, I had some time with the Interior Minister, whose name was Mr. Shahbaz Bhatti. Mr. Bhatti was a man of great humility, great decency, great courage. I worried for a time, Mr. Speaker, because where we met was out in the open in a public setting, and him being seen as proximate to a United States official, I just wondered if this might be problematic for him, given the stress between our two countries.

Our conversation turned to some basic requests. He wanted to create student exchange opportunities for individuals representing Pakistan's minority faith communities. He proposed establishing a three-judge panel for blasphemy trials, which, as is commonly reported, are sometimes used for persecuting minorities or the settling of personal grievances. These were neither grandiose nor unreasonable propositions.

Mr. Speaker, as we continued our conversation, again, although brief, this man of deep faith—he was a Catholic—impressed me significantly. He not only showed great humility, he showed a great desire, in his public commitment and witness, to protecting the rights of all religious minorities, even beyond his own faith tradition.

About a year later, I was getting ready to give a speech to a group of Nebraskans who had gathered for the Nebraska Breakfast, which we hold many times throughout the year here. Any Nebraskan who is in town is welcome to meet with the entire delegation. It is an important 70-year tradition that we have enjoyed in our State.

So, as I was gathering my thoughts, a message came to me that Mr. Shahbaz Bhatti had been murdered, had been executed, had been martyred in Pakistan simply for exercising the legitimate authority of standing up for the minority faith communities in that country.

□ 1745

I can tell you, Mr. Speaker, my face must have been ashen as I was preparing to speak to the community where I come from. I told them about Shahbaz Bhatti. I changed what I was going to say and added a few lines as best I could about, again, his courage, his decency, and how in our few moments together, he had deeply impacted me.

Mr. Speaker, over the past year, the U.S. Commission on International Religious Freedom has identified several countries that “have engaged in or tolerated particularly severe violations of religious freedom.” This is their report, Mr. Speaker. If you look closely, you can see a photo, a picture, a placard held by people who were probably in attendance at Shahbaz Bhatti’s funeral. It has his picture on it.

These violations, documented by the Commission, include “systematic, ongoing, and egregious” examples of torture, prolonged arbitrary detention, or “other flagrant denials of the right to life, liberty, or the security of persons.” These tier one countries, as they are called, which the Commission has urged the Secretary of State to designate as countries of particular concern, include Burma, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Uzbekistan, and China. Try going a week without buying something that wasn’t made in China. Moreover, the Commission also identified other countries who are “on the threshold” of such status. These included Iraq, Nigeria, Pakistan, Tajikistan, Turkmenistan, and Vietnam.

Mr. Speaker, there is a large minority community where I live in Lincoln, Nebraska, made up of persons who come from the country of Iraq, who fled that country due to persecution. They have made their home where I have made my home, and they contribute greatly to the well-being of our society.

There is one minority faith group there in Lincoln, an ancient religious tradition called the Yazidis. One of the elders of that community came to see me one day because the Yazidis have traditionally lived very quietly in Iraq. They have not created the conditions on which they should in any way be targeted by anyone else, but the community had come under great distress and was also under persecution and attack. One of the elders of the Yazidi community said this to me: “Congressman, we protected the Christians. Now we ask the Christians to protect us.”

To emphasize the deep and abiding concerns over religious violence, the Commission has also launched the Religious Violence Project, which has recently focused its efforts on both Nigeria as well as Pakistan, where targeted religious violence has torn at social foundations and created an atmosphere of widespread fear and intimidation.

Over the past year in Nigeria, for example, where the Islamic militant movement called Boko Haram is considered the “primary perpetrator of religiously related violence and gross religious freedom violations,” there have been 50 churches attacked, killing some 366 people. Thirty-one attacks have been documented on Christians, killing 166 people. Among the other violence, 23 attacks on Islamic clerics or senior figures critical of that group have killed some 60 people.

Over 18 months going back from July of 2013, the Religious Violence Project tracked some 203 incidents of sectarian violence that resulted in more than 700 deaths and attacks by militants and terrorist organizations in Pakistan, primarily against their Shia community. Attacks on other minority populations in Pakistan included the Christians, Ahmadis, Hindus, Sikhs, and other groups that were subjected to targeted bombings, shootings, and rapes.

Mr. Speaker, the trend toward the type of violence that has been documented by the Commission in recent years is profoundly disturbing and should be addressed in a thoroughgoing manner by member countries at the United Nations and at all appropriate venues of international engagement, in a credible and reliable manner. Interestingly, Mr. Speaker, the Los Angeles Times just reported that yesterday, several of the 14 new States elected by secret ballot to the United Nations Human Rights Council are widely considered by human rights advocates as violators of personal freedoms. The new countries elected to the Human Rights Council are Russia, China, Cuba, Saudi Arabia, Algeria, and Vietnam. Again, they are considered by human rights advocates to be violators of personal freedoms.

In view of this development, it concerns me that our own administration has downgraded the status of the State Department’s Ambassador at Large for International Religious Freedom. This is an important position, Mr. Speaker. It is a reflection of who we are as a Nation. Also, the position of the special envoy to monitor and combat anti-Semitism remains unfulfilled in our government as well. I would like to see us elevate the principle of religious freedom as a core measure of civil society and diplomatic intent, institutionalizing this as a priority with the Department of State and building upon the very commendable work of our last Ambassador, who is now gone, Ambassador Suzan Johnson Cook.

The time to do this is now. Otherwise, we risk sending a very dangerous signal that, again, really doesn’t fit who we are as a Nation. We must care about this fundamental principle of the rights of conscience and religious liberty. We cannot afford to convey a message that religious freedom really

doesn’t matter all that much to us while so many lives throughout the world hang in the balance, while so many people still look to us for the ideals which bring about civil society in its fullness, where we respect one another’s differences, work them out through comity, work them out through legislative debate and not at the point of a sword or at the end of a gun.

Mr. Speaker, the world is screaming for meaning. Religious liberty is a cornerstone of human dignity and a foundation for civil society itself. We don’t think about it very often, but it is true here. We don’t think about the fact that we could enter our church or synagogue or mosque each Sunday, Friday, Wednesday freely, for the most part, without threat of fear of intimidation, without the government listening to us, without persons seeking to do us harm.

People can preach and teach as they see fit within the civil society to try to reflect their deeply held faith traditions out of respect to not only those who follow them but those whom they wish to convince or tell their story to. This is a great tradition in America. We have our differences, but we respect those. We actually honor that right, the right of conscience to speak freely and the right of religious liberty in the public square.

For instance, Mr. Speaker, I think it would be interesting to point out that it is the image of Moses who looks down upon me right now as I am speaking, who looks upon this body as we deliberate, one of the great lawgivers of all time who actually also happened to be a great religious leader of all time.

Our country is replete with the strong condition for the exercise of religious liberty both at home, within our churches, and in the public square. This is one of the reasons that people are so attracted to America, because it is a principle consistent with human dignity. It appeals to the hearts of all persons to be able to exercise freely who they are and what they would like to believe with respect to others.

This is a great tradition that we have institutionalized in law and have tried to project through our diplomacy. That is why it is so important that we actually fill this open Ambassador’s position and we do so now, and we elevate the ideals of religious liberty and the rights of conscience as a core part of our diplomatic outreach in order to give people hope, a hope that they are yearning for, a hope that they need, and a hope to give balance and equality in the 21st century to a world that is very unsure as to where it is going next.

With that, Mr. Speaker, I yield back the balance of my time.

## SANCTIONING IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for the remainder of the hour as the designee of the majority leader.

Mrs. BACHMANN. Mr. Speaker, I thank you for this opportunity and the privilege to be able to be here in the well of the greatest deliberative body on Earth, the United States House of Representatives, to talk about what I believe is one of the most crucial issues facing the national security not only of the United States but for freedom-seeking people all across the world.

You know, I had a tremendous privilege. This last week, seven Members of Congress—Democrat, Republican, and myself—were privileged to be on a trip that was life-changing in many ways. We had the privilege of going to Israel. We met with leaders of Israel. We met with the people of Israel, and we talked about issues of national security.

Israel is a Nation that has been literally under attack since the time of its founding of the modern Jewish State in May of 1948. Very wisely, the United States President at the time—a Democrat, Harry Truman—gave Israel what she needed more than anything else: to be able to show the world that she could be an independent, sovereign power. It was this: President Harry Truman recognized Israel as a sovereign, independent nation. That told the world that the United States of America would have Israel's back because we recognized her right to exist, unlike Israel's current neighbors—many of whom, particularly in Hamas and the Palestinian Authority—to this day continue to deny Israel's right to exist and Israel's right to defend herself. As is often said, Israel lives in a very tough neighborhood. We had the privilege to find out more about the concerns and the issues that face our greatest ally in the world that we have, and that is the Jewish State of Israel.

While we were there, Mr. Speaker, our delegation was able to quite literally witness world history as it happened. Secretary of State John Kerry decided to add Jerusalem to his itinerary in addition to Cairo. He went to Jerusalem because he was in the process of speaking about the Palestinian-Israeli talks for a so-called two-State solution, but something even more important that week was at stake, and it was this: a meeting in Geneva, Switzerland. It was a meeting of the nations that talked about whether or not the economic sanctions that have worked so well to prohibit Iran from obtaining nuclear weapons—the question was, Will those sanctions now be lifted?

As we went through the course of our time in Israel last Thursday, we were about to have our scheduled meeting with Prime Minister Binyamin

Netanyahu. The meeting had been rearranged, and rightly so; because Secretary of State Kerry was in town, the prime minister adjusted his schedule. We, Members of Congress, adjusted our schedule so that the Prime Minister could meet with Secretary Kerry according to his timetable. That was the right thing to do.

When we filed into the office that we usually meet the Prime Minister in late Thursday afternoon, it was very evident when we sat down that something was clearly amiss. The first remark from the Prime Minister was, had we heard the news? We looked at each other, we looked at the Prime Minister, and we said, What news would that be? We had been in meetings all day long. We had no idea what he was talking about. Just prior to our meeting with Prime Minister Netanyahu, he had been briefed on the events in Geneva, Switzerland. Israel was not there. They were not present at the P5+1 meetings.

The news wasn't good. It wasn't good at all. As a matter of fact, the Prime Minister said to us, Iran is getting the deal of the century. I assure you, Mr. Speaker, the Prime Minister had the attention of the seven Members of Congress—Democrat and Republican—sitting around that table.

He went on to say some very firm words. This is a poster that was created by Senator MARK KIRK of Illinois. He said this to us: This is a very, very—and he said it a third time—very bad deal. It is not only a bad deal for Israel because, as he told us, you know, we are only the little Satan, according to Iran. You, the United States, are the big Satan in Iran's eyes. In other words, if you think this is bad for us in Israel, imagine what this will be for the United States.

□ 1800

And so, Mr. Speaker, I would like to focus just a little bit on the chart that Senator KIRK put together because I think it talks and speaks very eloquently of why the P5+1 deal was very, very bad and why the Prime Minister of Israel, Benjamin Netanyahu, was rightly concerned about not only the national security of the Jewish State of Israel, but the national security interests of the people of the United States and of freedom-loving people around the world.

Let's look at this very important document that was put together by Senator KIRK. Iran's deal of the century: what is it that Iran would get?

What is remarkable, Mr. Speaker, is what Iran would get in this deal. They would get, in cash, \$3 billion. As a matter of fact, some of the literature that I have read since Thursday when we were with the Prime Minister has said that upwards of \$50 billion would be freed and available to Iran; but, at minimum, they would have access to \$3 billion in cash.

Remember, this is an actor, the state of Iran, which was found illegally creating nuclear material for their stated purpose of creating a nuclear weapon to use to wipe out not only Israel, but the United States of America off the face of the map.

If there is anything that history has taught us, Mr. Speaker, it is this: it is that when a madman speaks, freedom-loving nations should listen.

The leader in Iran is called the supreme leader. He is not called that for no reason. It isn't the president of the country who is truly the throne in Iran. It is the religious leader named Khomeini. The presidents come and go, but Khomeini, the supreme leader, remains the same.

His announced intentions are completely clear. Iran seeks to be the hegemon. In other words, Iran seeks to be the dominant power in not only the Middle East region, but they also have evidence of dabbling in the far East in China, in the Philippines, and in South America. They intend to have their fingers in places all over the world because they intend to dominate. They intend to dominate with the shia religion. They intend to dominate through the use of nuclear weaponry through the most vile form of violence that there is in the world in order to achieve their objectives.

So, again, let's look at what Iran would have gotten had the nation of France not intervened and put a stop to this disastrous effort and agreement that would have had the potential of changing the course of human history.

Again, here is what Iran would get. They would get \$3 billion in cash, at minimum. Some report upwards of \$50 billion in cash. They would get \$9.6 billion in gold reserves for the Iran regime; over \$5 billion in petrochemicals for the nation; \$1.3 billion in automobiles. Iran is heavily engaged in the production of automobiles and this would have given them that revenue. Also, enriched uranium for one bomb.

Why in world would P5+1, the nations that met in Geneva, Switzerland, allow Iran to have enriched uranium for one bomb, when they have already stated their intention if they have that bomb?

We also know that Iran has plans to be involved in having intercontinental ballistic missiles. In other words, they not only want a bomb, Mr. Speaker, but they want a delivery system. And they need a delivery system that goes just so far to be able to get to Israel, but they seek a delivery system, Mr. Speaker, that could take their bombs to United States targets as well. United States targets here in the homeland, but United States targets as well overseas.

And it just doesn't end with Iran, Mr. Speaker. If Iran gains a nuclear weapon, what the world must know is that the weapon will not simply remain within the boundaries and in the hands

of a nuclear Iran. Oh, that it would be, that would be bad enough.

What we do know is that Saudi Arabia has already had to make plans to defend herself. She already has a preorder into a nuclear Pakistan, foreign order for a nuclear weapon, because Saudi Arabia knows they will be a target from a nuclear Iran if Iran obtains that weapon. So, therefore, we will see another nation—Saudi Arabia—that will have to have a nuclear weapon.

But it won't stop with Saudi Arabia, Mr. Speaker. We know that each will be seeking a nuclear weapon.

Let's not forget that prior to July 4, 2013, the violent terrorist organization known as the Muslim Brotherhood was the legitimate government of the state of Egypt. Imagine the violent terrorist organization known as the Muslim Brotherhood with a nuclear weapon. Also, imagine Turkey with a nuclear weapon.

Imagine then that we are no longer talking nation-states. What we could be talking about very well with Iran having a nuclear weapon would be some of its umbrella protectorates, i.e., Hezbollah. The terrorist organization primarily located in Lebanon, just north of Israel's border, also would, in all likelihood, have access to a nuclear weapon or have one located on Israel's northern border.

Syria could also have a nuclear weapon; and from there we could be talking about, Mr. Speaker, al Qaeda having a nuclear weapon, with miniaturization. Perhaps the al-Nusra Front, perhaps Boko Haram or any of the other myriad terrorist organizations that there are around the world.

You see, Mr. Speaker, the entire paradigm of the world's structure could change quite literally. And for what? What is it that we would have gotten out of this very bad deal that the United States was about to enter into? It makes no sense.

We would have gotten zero centrifuges dismantled.

What is a centrifuge? That is what is used by Iran to enrich uranium; the fissile material that is required to create a nuclear bomb. We would have gotten zero dismantled. Iran would have continued to maintain control and ownership of their centrifuges. Let's face it and let's not kid ourselves: if those centrifuges would have continued to run and spun enriched uranium, we would have gotten zero ounces of uranium shipped out of Iran.

That is the whole ball game, Mr. Speaker.

The estimate today, as we stand here, is that Iran already has enriched uranium to the tune of 9 to 10 tons—well over the amount needed to have a nuclear bomb.

You see, that must be the first condition, not the last and not one that is off the table. That is the first condition

to lift any sanction. We must first make sure that all of the enriched uranium leaves the nation of Iran because, again, we know their stated intention. That must go.

We also get out of this deal zero facilities closed. We know there are multiple facilities against and in violation of U.N. resolution after U.N. resolution after U.N. resolution. Iran has continued to be one of the biggest violators of U.N. resolutions that there is in the world today. One nuclear facility after another, including a plutonium facility, a heavy-water reactor in Iraq—that doesn't have to close.

Why would we do this? Why would we allow them to continue the means of production for nuclear weapons when we get nothing in return? They get \$3 billion. Some say \$50 billion. We get nothing in return. Are we mad?

Thank God for the French. Thank God for the French foreign minister, who said this was a sucker's deal. Prime Minister Benjamin Netanyahu said this is a very, very bad deal and said it is the deal of the century. Why would we continue to reward bad behavior and a bad actor? Why would we allow no delay on the plutonium reactor? Why would there be no stop in missile testing?

Let's face it, what do they want the missiles for? Who is attacking Iran right now? And yet we would allow them to continue to test missiles and the delivery system for a nuclear weapon?

No stop in terrorism. Who is the exporter of terrorism? It is Iran. Who exports terrorism to Lebanon? It is Iran, through Hezbollah. Who exports terrorism in Syria, where Bashar al-Assad has killed over 100,000 of his people? It is Iran. Imagine Iran with a nuclear weapon and the terror that would be exported once they have that nuclear weapon and no stop in the human rights abuses.

All of this they get. They get a plutonium reactor, 3,000 new centrifuges, the enriched uranium for a bomb.

While we were over in Israel this last week, we had heard from the Prime Minister that there are well over 18,000 centrifuges running today. The first level of purity that is reached in uranium is 3.5 percent. The second level that is reached is 20 percent. From there it is a hop and a skip literally only weeks to get to 90 percent purity, which is what is required for a nuclear bomb. We are virtually sitting on the edge of a nuclear Iran, with no wiggle room left.

Finally, we are beginning to see the beginning of the economic sanctions coming to work, just when they are coming to bear, just when Iran is about to buckle at the knee, come to the table, and actually agree to something over here on this side of the scorecard. You see, Mr. Speaker, it is a big goose egg on this side of the scorecard—what

the freedom-loving people of the world seek, what the American people seek, what the Jewish people of the State of Israel seek. We get zero on this scorecard while the Iranian nuclear program is allowed to continue at pace, moving forward toward the ultimate goal of the nuclear weapon and the means of delivery. And all the while working on miniaturization so that the nuclear warhead can deliver its deadly, lethal target to the most vulnerable people in the world.

And wouldn't it be horrible and wouldn't it be sick if a city here in the United States would be a recipient of one of those nuclear warheads? Why? Because in the midst of foolishness, the P5+1 thought it would be a good idea to let the Iranians continue their nuclear program.

May it never be.

There was an article that was just published. It was published by someone that I have great admiration for in *The Wall Street Journal*—a very smart guy by the name of Bret Stephens. Bret had a column that came out. He talked about, again, this last weekend and the fact that the world dodged a bullet, just barely—not because of the Obama administration's efforts, I am sorry to say, and not because of the efforts of the United Kingdom, I am sorry to say, but because of the French. And we have them to thank.

The talks unexpectedly fell apart at the last minute when the French Foreign Minister Laurent Fabius publicly objected to what he called a sucker's deal, meaning the United States was prepared to begin lifting sanctions on Iran in exchange for tentative Iranian promises that they would slow their multiple nuclear programs.

Now, this is very important that I read this, Mr. Speaker, because Bret Stephens goes on to say in his article:

Not stop their nuclear program, not suspend their nuclear program, mind you, much less dismantle them, but merely reduce their pace from run to jog when they're on mile 23 of their nuclear marathon.

He said:

It says a lot about the administration that they so wanted a deal that they would have been prepared to take this one.

And what this deal would have meant, quite simply, Mr. Speaker, is that we would have seen an Iran with a nuclear bomb very soon, and the means to deliver it and put the world on edge.

May it never be. Thank God for the French.

That is what happens when the line between politics is a game of perception and policy as the pursuit of national objectives dissolves.

I think this was a very important weekend. And it is important to know that this isn't over. You see, what happened is that there was a delay. A delay, I suppose, for what? To buy the vote of the French, to take their arm and twist it behind their back?



□ 1815

Because now the pressure is on France and the P5+1. The pressure is on France. Seven days from today, Mr. Speaker, there will be another meeting. Our Secretary of State, John Kerry, who insists that this deal and that he and the United States aren't blind and aren't stupid with this deal—he insisted this on “Meet the Press” last Sunday. He is stating that he believes that there will be a deal with Iran and that there will be one quickly.

My question would be, Mr. Speaker, to the Secretary of State or to anyone in the Obama administration who is in the process of working on this deal with a nuclear Iran: Is this what the deal is that you are intending to strike? We get zero, and Iran gets the ability to develop a nuclear bomb. What is the deal? What is in that?

I think we need to ask the lead negotiator, whose name is Wendy Sherman. She is President Obama's lead negotiator, chief nuclear negotiator, in this very crucial negotiation which has the potential to change the course of history.

In 1988, Wendy Sherman was a social worker. She worked on the Dukakis campaign. She worked at the Democratic National Committee. This is the person who is striking this deal right now on a nuclear Iran. She also was the CEO of the Fannie Mae Foundation. It was a charity that was shut down 10 years later for what The Washington Post called “using a tax-exempt contribution to advance corporate interests.”

From there, Wendy Sherman went to the State Department. There she served as the point person in nuclear negotiations with North Korea. She met with Kim Jong Il, himself. She found him witty and humorous, a conceptual thinker, a quick problem-solver, smart, engaged, knowledgeable, self-confident. She called him a “regular guy.” She was found working for her former boss at the Albright Stonebridge Group before she went to the No. 3 spot at the State Department. From there, the arc of her career has gone to her now being in charge of this effort of giving away the ability to Iran to be able to continue on a pace to develop a nuclear bomb.

Again, may it never be.

When we were in Israel on Friday evening, we found out, Mr. Speaker, that the Obama administration had gone much further in this effort than even we had thought, because the story came out in the *Daily Beast* in an article by Eli Lake. He said that in this very bad deal with a nuclear Iran that once the current President was elected in June, Rouhani, that the Obama administration began then to already ease the sanctions on Iran. It is something that I think none of us could even begin to imagine. Even without consulting Congress, the Treasury De-

partment issued notices in June that they would no longer be checking on those who are violating the sanctions' deals.

In other words, there wouldn't be the type of sanctions going out and the type of punishments, if you will, for bad actors who were doing trades with Iran. In other words, beginning past June, according to the article that came out on Friday, the Obama administration was already evening out the scorecard. In other words, they were already giving bonuses to Iran.

Why?

Because Rouhani was seen as a “moderate,” someone the Obama administration could work with. Even in September, President Obama, himself, wanted to be able to meet and talk and discuss without any precondition at all with the leader of Iran.

You see, there is a read that happened among the leadership in Iran. They looked at the United States. They tested our pulse. They tested the pulse of the Obama administration, and they saw that they could get what Benjamin Netanyahu called a very, very, very bad deal for freedom-loving people across the world. As a matter of fact, the leadership in Iran saw something else. They saw that they could get a sucker's deal—in the words of the French diplomat and negotiator—but that is not what the American people want, Mr. Speaker.

They want to know that when they tuck their children in bed at night that the world will be secure for them and that they won't have to worry about a nuclear weapon coming within the borders of the United States of America or of any nation. No one wants to see a nuclear nightmare, but the Obama administration needs to recognize that, in order to alleviate the burden of a nuclear nightmare, we must never, ever, ever allow Iran to have a nuclear bomb and the means to deliver that bomb.

You see, when we were in Israel, Mr. Speaker, we were told by some of the leadership in Israel that there are 25 nations that have the civilian capability of having nuclear power but that only five nations enrich uranium in order to have the fissile material. When you have a responsibility, you have to act responsibly, and those nations have acted responsibly with the fissile material. The argument from Iran is quite different. Iran says they have an indigenous right to enrich uranium, that all nations do.

All nations don't have the right when they have spoken irresponsibly, when they have acted in violation of U.N. resolution after U.N. resolution, when they have said “no” to International Atomic Energy Commission inspectors coming to Iran to check on what Iran is doing in regards to uranium enrichment, in regards to nuclear reactors or to the plutonium heavy-water reactor. The door is slammed in the faces of the

inspectors. When they ask to come in, they are told “maybe some other time.” Think of that with your teenager. You want to go in and check on your teenager's room, and your teenager says, “Maybe not this time, Mom. How about you try me tomorrow?” Does that raise a few suspicions in your mind? Usually, it does. In the case of the security of the people of the world, that should definitely raise our concerns.

So why would we give the benefit of the doubt to a nation that has thumbed its nose at the United Nations Security Council? that has thumbed its nose at the International Atomic Energy Commission inspectors? Why would we give them the benefit of the doubt? Why would the Obama administration give them the benefit of the doubt?

When Wendy Sherman has negotiated what is arguably one of the biggest failures in North Korea, with North Korea's obtaining nuclear weaponry and missile capability, that is absolute failure—failure for the world and failure for this negotiator. Now the same negotiator is trying to strike this deal where it looks, to me, like Iran is getting it all—it is a clean sweep—and the freedom-loving people of the world are getting a goose egg. This is a very bad deal.

Mr. Speaker, I think it is time to pull Wendy Sherman back and off of this project. This isn't working. I think the United States should pull back and not be a part of the P5+1. I think we need to take a big step backwards and take a deep breath and do a thorough review of the history of Iran and of Iran's violations.

This is bipartisan, Mr. Speaker. This is not Republicans beating up on the Obama administration. There are numerous Democrats, including Senator MENENDEZ on the Senate side, including many of my colleagues on the Democrat side of the aisle. They are pro-Israel. They are pro-American national security. They don't want to see a nuclear Iran any more than Republicans do. This is not a partisan issue, Mr. Speaker. This is completely bipartisan. In fact, I believe, if we were to put a resolution on the floor of this House that were to call on the Obama administration to say “no” to this very, very, very bad deal—to a sucker's deal in the words of the French diplomat—I believe that we would see a very strong bipartisan agreement.

Why?

Because, as a body—Democrat, Republican—we are truly, not just in word but in deed, pro-Israel. We are first pro-United States, first pro our national security interests. That is totally bipartisan.

I am privileged to sit on the House Intelligence Committee. We deal with the classified secrets of the Nation. I compliment my colleague DUTCH RUPERSBERGER as much as I compliment

my colleague MIKE ROGERS, the chair of the committee, because they have made a decision that, when it comes to America's national security, the partisanship gets checked outside the door. We are completely bipartisan when we go on that committee, as it should be.

So, when it comes to making sure that a rogue—perhaps even an evil—regime does not have access to a nuclear weapon, that is probably the most bipartisan move that could ever come out of this body, and I believe that it will because I trust my Democrat colleagues to also believe and understand that a nuclear Iran is a very, very bad idea. I believe the Senate will see it the same way. I think we will see, again, agreement on both sides of the aisle because this is about America. This is about our national security. It is about the security interests and the future of the world. It is about the national security interests of our friend, the Jewish State of Israel. It is about her survival. It is about making sure that violent terrorist organizations never, ever, ever, ever have access to nuclear fissile material and the means and capability of creating a nuclear bomb and delivering it on innocent people anywhere across the world.

We want a peaceful world, and we will not have a peaceful world if madmen have a nuclear weapon. It is a bipartisan issue—it is a peace issue—and it is an issue, I believe, Mr. Speaker, that should capture our attention.

Might I ask how many minutes I have remaining?

The SPEAKER pro tempore. The gentleman has 7 minutes remaining.

Mrs. BACHMANN. Mr. Speaker, I would like to again refer to one of my colleagues who has also eloquently written on this subject, and I would like to give her credit as well. She is a former Member of this body but a wonderful Member with whom I had the privilege of traveling to the Middle East. She was defeated in her last election, but she served this body very well. She is a Democrat colleague. I have great respect for her. She and I traveled to Israel. We traveled to Pakistan. We traveled to Kuwait. Her name is Shelley Berkley, and she is from Nevada. I would like to read a few of the words from former Representative Shelley Berkley.

She said that the deal that is in the works with Iran is far worse than anyone could have possibly imagined. She said that the details are still emerging on this deal that was nearly put together over the weekend in Geneva, and she said:

By all accounts and despite all denials, the United States is actively pursuing a catastrophic agreement with Iran. It is one that would facilitate the nuclearization of one of the most extreme, violent, and anti-American tyrannies on Earth, with consequences that will be regretted for generations.

You see, Shelley Berkley of Nevada gets it. She understands that this isn't

a short-term action. She understood that if Iran obtains a nuclear weapon that this will change the course of history for generations, and it is one that would be near impossible to roll back because, again, of the idea of proliferation. It wouldn't be just Iran who has it, as if that isn't bad enough; it would be rogue terrorist organizations across the globe.

Former Representative Shelley Berkley writes:

The centerpiece of the deal from the West's perspective is Iran's agreement to convert its stockpiles of 20 percent enriched uranium to fuel for civilian use and to halt further enrichment to 20 percent for 6 months.

Now, it is interesting. We just met this last week with the leader of intelligence in Israel. He told us that part of this very, very, very bad deal would include Iran's not firing up their heavy-water plutonium reactor in Iraq—"Araq," some people say. He said the joke on all of that is that this reactor won't even go on line for use until next August, so Iran gives up absolutely nothing in this deal. You see, it is a scam. They don't even have an ability over the next 6 months to fire up this reactor. So Iran's agreeing not to develop any plutonium from that reactor is a zero. It is a goose egg. It is a nonstarter.

These are the negotiators? I know one thing. I wouldn't want them negotiating my salary at my next job. They don't get it. They don't understand what is at stake—or do they? That is how important this is.

□ 1830

"The entire question of 20 percent enriched uranium," says former Representative Shelley Berkley, "is a smoke screen."

For many years, making a bomb went like this: first you spent a lot of time enriching uranium to 3.5 percent purity. That is difficult, but that is exactly what Iran would be allowed to continue to do. Then you enriched what you had created to 20 percent purity. When you had enough of that—and the centrifuges Iran has now are better and faster and quicker than what they had before, five times faster, as a matter of fact—you would be in a position to easily and quickly convert that material to 90 percent purity that is good enough for a nuclear warhead.

In recent months, Iran has advanced dramatically in both the number of centrifuges—again, nearly 19,000 centrifuges today at its disposal and their efficiency. Today, experts say that in just a few weeks' time Iran could go from 3.5 percent all the way to 90 percent, which is "bingo," bomb-making material for Iran. The whole issue of 20 percent enrichment has become absolutely irrelevant. Instead, the most important questions are how much 3.5 percent enriched uranium they have and whether they are allowed to keep

their centrifuges spinning. If the answer to both is yes, they are moving forward on a bomb.

That is why, Mr. Speaker, if we have a deal with Iran, the number one parameter that must be included—and I spoke with both the current intelligence director and the former intelligence director of Israel, and they both said: A nonnegotiable is that Iran has to give up the 9 to 10 tons of enriched uranium that they have on hand. Why wouldn't you? Why wouldn't they be forced to give up the fissile material to make a bomb? It only makes sense.

Number two, they need to give up the ability to make further enriched uranium. Those are the centrifuges. That has to go as well.

The world is saying if you want to have the material, the nuclear material, that you need for a peaceful civilian use of power, if you want, for instance, nuclear reactors, that is fine. The world has no problem with nuclear power for true electricity, or if they want radio isotopes for cancer research, no problem. But that means that the material comes into Iran, and it is used for a civilian purpose, and we have inspectors. That is reasonable.

We have countries like Spain that have civilian-use nuclear reactors. They bring their uranium in, and they don't enrich it themselves, and there are inspectors. The same with Sweden. The same with other countries.

This is fine to have nuclear reactors for electricity. We would back that, but what we will not back, what we must not ever back is the ability for Iran to create a nuclear bomb. That does not change in the current Obama administration effort of the deal that came out and was thankfully put on hold by the French at Geneva at this P5+1.

The new agreement would allow Iran to continue to freely enrich to 3.5 percent at its Natanz and Fordow facilities. That is beyond all comprehension. How can you have a deal if Iran is continuing to enrich their uranium at two facilities and to continue building centrifuges that can easily and quickly be installed?

"At the end of the 6-month period," Representative Shelley Berkley writes, "Iran would be even closer to breakout capacity." Meaning the ability to build a nuclear warhead so quickly that no one could mobilize forces in time to stop it.

In other words, what we would have given Iran last weekend is the luxury of time, time to develop a deadly nuclear weapon. It takes time for a nation, the United States, Israel, the United Kingdom, Canada, any nation, it takes time for a nation to mobilize, to come against a bad actor nation, like Iran, in its development of a nuclear weapon.

Again, that is why this is so important—this chart that was created by

Senator MARK KIRK. He accurately reported what the score will be for the world. We will get nothing, and Iran will get everything; and that must not be.

With that, Mr. Speaker, I yield back the balance of my time.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 25. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers.

#### IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Colorado (Mr. POLIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. POLIS. I thank you, Mr. Speaker.

Before I get to my remarks, I briefly want to address the nuclear proliferation issue in Iran. The gentlelady from Minnesota, as well as myself, and the vast majority of Members of this body, have been supportive of crippling sanctions against Iran. Many of us believe that that has helped drive Iran to the negotiating table.

We hope for, of course, a peaceful outcome that takes nuclear weapons off the table and prevents Iran from acquiring nuclear weapons; and, of course, we continue to keep the use of force on the table if our diplomatic solution fails to be enacted that reaches President Obama's objective of preventing Iran from developing nuclear weapons.

The issue has had strong bipartisan support, nearly unanimous, here in this Chamber, with regard to continuing the pressure on Iran to rejoin the responsible nations and renounce the acquisition of nuclear weapons.

But I am here today to talk about something closer to home, Mr. Speaker, in fact, at home, Mr. Speaker, namely, the need to act on immigration reform. It has been 138 days since the Senate passed a commonsense bipartisan immigration reform bill. I was proud to be part of a bipartisan group of Members here in the House that introduced H.R. 15, a companion bill to the Senate's immigration reform bill that makes additional improvements on outcome-based border enforcement and would address our broken immigration system and replace it with one that reflects our values as Americans, helps create jobs here at home, reduces

our deficit by over \$100 billion, and restores the rule of law here in our country, which is currently being undermined by the presence of 10 million, 15 million, 8 million—nobody knows how many people are here illegally.

The issue will not resolve itself, Mr. Speaker. I call upon this body to act immediately and bring to the floor H.R. 15 and pass comprehensive immigration reform.

Later on in my remarks, given that this is the week of Veterans Day, I will be talking about the contributions that many members of our military have made who are from immigrant backgrounds, including the talent that our military is missing out on today, including DACA, or deferred action recipients, who are able to work legally in our country, but are not allowed to serve in our military.

H.R. 15 would solve that issue, and we will be talking about the many contributions that immigrants have made and continue to make with regards to our military.

My colleague, Mr. TONKO from New York, is here; and I would be happy to yield to him for a moment.

Mr. TONKO. Thank you, Mr. Speaker, and thank you, Representative POLIS, for bringing us together for what I believe is very thoughtful discussion about immigration reform, for we are by definition a Nation of immigrants.

I believe that the passion that is the luring card to America is that American Dream. People for decades and centuries throughout the history of this Nation have pursued that American Dream with the opportunity to climb those economic ladders, those opportunities that present themselves in this country, where we are emboldened by immigrants; and certainly the military is no exception.

Tonight, we will be talking about the empowerment that comes with H.R. 15, which is a very thoughtful piece of legislation. I am a cosponsor on that legislation. I believe it is important for us to follow suit that the bipartisan spirit in the Senate has already initiated.

The opportunities for us to allow for, some suggest, 11 million, if not more, immigrants to pursue that path to citizenship is an empowerment tool. It is great for our economic recovery. As was mentioned by Representative POLIS, it provides for a great dent in our deficit. It allows for us over the 20 years to come to experience tens of billions of reduction in the deficit, which is no short feat to be ignored. It is important for us to understand the economic vitality that sound immigration reform produces for this Nation.

We are in need of many of the skill sets that our immigrants bring. You talk to the agriculture industry and those skill sets are there. You talk to the medical industry, you talk to the engineers that are required in this Na-

tion, and many immigrants are assuming those roles. So it is important.

We look at the tremendous history in this Nation of the military, the empowerment that came to this Nation, that comes to this Nation as we speak. There are our daughters and sons on the battlefield protecting our liberties, promoting our freedoms in this Nation to freedom-loving nations around the world.

There has been an awesome sector within that military force that either is immigrants or those who are residing in this country and are not yet United States citizens. They have made a statement in the military history of this Nation. They have made a very strong statement of support of this Nation and all for which she stands. They have defended the banner that unites us as the United States flag. They have certainly made their mark.

As of 2009, I am informed that there are some 114,000-plus foreign-born individuals serving in the military. Twelve percent of them were not even United States citizens. So it makes a very powerful statement.

I am a grandson of immigrants. My grandfather, William Tonko, served in World War I. I am proud of that history that he helped to write. He did that as an immigrant coming to this Nation, understanding that as he left Poland that there would be this American Dream that he could pursue.

My colleague made mention of the DREAMers—a tremendous bit of nomenclature that we put on to people who were born here, perhaps, or came as youngsters and are denied opportunities.

We have within the context of H.R. 15 the opportunity to empower DREAMers. They are allowed with certain programming now that we have with the Deferred Action for Childhood Arrivals, with that program they are enabled to, perhaps, get a reprieve from deportation or be able to secure a work permit; but they cannot serve in this Nation's military.

H.R. 15 would empower the DREAMers, people who know no other country, who have been raised here and want to serve but cannot.

There are great improvements made in H.R. 15. I am proud to stand here with my colleagues who will speak in support of H.R. 15. It, I believe, provides a shot in the arm for our economic recovery. It provides military strength, as has been proven throughout our history. Twenty percent of all Medal of Honor recipients have been immigrant servicemembers.

The track record is there. The data are speaking to the empowerment that comes to the military with those who have that passion. That passion of immigrants, that passion of naturalized citizens, that whole effort of those who are looking to be naturalized, believing in this Nation and all for which she

stands is a tremendous statement of who we are as a Nation and our definition as a clustering of immigrants with this quilt work of Americana that allows for the economic climb for the opportunities, the ladders of opportunity, called the American Dream.”

That is the passion that fills our hearts and souls. They have given to this military, they have given to the fight for freedom, they have given to the fight to protect our liberties. H.R. 15 goes a long way to recognize that and further strengthen this Nation.

I am happy to join my colleagues tonight in support of H.R. 15.

Mr. POLIS. I thank the gentleman from New York for his leadership on the immigration reform issue and his impassioned words.

We also have with us this evening one of the original cosponsors of H.R. 15, a leader on immigration reform, the gentlelady from Washington, Ms. DELBENE.

□ 1845

Ms. DELBENE. This is an important moment for immigration reform. My district in Washington State is very representative of why we need reform. We have a northern border and a diverse economy with a rich agricultural industry, including dairy and berry farmers. In the southern part of my district, there are some of the world's most innovative companies, including technology, advanced manufacturing, biotech, and countless startups. These businesses have been making the case that fixing our immigration system must be a top priority for our economy.

Whether it is an ultrasound manufacturer who needs an acoustic engineer or a video game developer looking for a 3-D modeler, companies in my district are in need of specialized high-skilled workers. We have to ensure that foreign graduate students can stay here to start new companies or support ongoing research that will lead to future breakthroughs in many areas.

Also, farmers need immigration reform in order to find a stable, skilled, and reliable workforce to help us grow our food and our economy.

That's why I helped lead the introduction of H.R. 15. This is a bipartisan bill with 190 cosponsors. In light of Veterans Day earlier this week, I can think of no better way to honor our Active Duty military servicemembers who are immigrants—currently, there are more than 65,000 immigrants, or 5 percent of the force—than by taking action on immigration reform.

Unless Congress takes action, there are many DREAMers who were brought here as children and are undocumented who want to serve their country but cannot do so as the military can currently only enlist people who have legal status.

The Deferred Action for Childhood Arrivals program that we talked about

earlier that the administration announced last year allows many DREAMers to apply for a reprieve from deportation and a work permit, but it does not confer legal status, which means that recipients of this deferred action remain ineligible to serve.

The American people want our broken immigration system fixed, and they are tired of congressional inaction. The time to act is now, and I join my colleagues in asking us to act as quickly as possible.

Mr. POLIS. I thank the gentlelady from Washington for her leadership on this issue. This body's continual refusal to act on immigration reform sadly comes at a tremendous cost to our country and to our security as a Nation.

The financial costs, according to the CBO—it is estimated that the Senate bill would reduce our deficit by over \$135 billion, grow millions of new jobs, and boost our economy.

In fact, in the 4 months since the Senate bill was passed, we have already missed over \$5 billion in revenue and tens of thousands of jobs, jobs that Americans could use that have not been created, that don't exist today, because of this body's failure to act.

In the spirit of Veterans Day, it is important to highlight the tradition of military service that the gentleman from New York and the gentlelady from Washington talked about. At a time when the military is facing recruitment issues, making sure we have the very best men and women to wear our uniform and defend our Nation, many individuals who fall under the deferred action program are not allowed to serve in our military. We are talking about DREAMers, young people who grew up here, might have been here since 2 or 5, and know no other country, are as American as you or I, many of whom want to give back, want to risk their life to protect their country, the only country they know, the country that they love, and yet, the military is not allowed to recruit them, and they are not allowed to serve.

It has been estimated that more than 30,000 young immigrants would join the military and qualify for legal status if we passed comprehensive immigration reform. Key provisions of H.R. 15, our immigration reform bill, would have important and lasting benefits for our Armed Forces, and it has broad support from the military.

For example, the bill would allow deferred action childhood arrivals to enlist in all branches of the U.S. military, including the National Guard, and be provided with an expedited path to citizenship in recognition of their service to our great Nation.

Many immigrant servicemembers have become exemplary soldiers. Until 2009, only citizens and permanent residents were allowed to serve. In 2009,

the Department of Defense introduced the Military Accessions Vital to the National Interest program, which allowed visa holders with high-level skills to enlist in the military and earn U.S. citizenship through their service.

We are fortunate as a Nation to have talented and hardworking immigrants who want to serve in the military, but this opportunity today is largely restricted to special visas for medical professionals and language experts. While that improves the security of our country, it would be improved even more by passing H.R. 15 to benefit from the great potential and the tens of thousands of would-be servicemembers who are asking to give back to our country, who are asking to put their lives on the line to defend the country they love, the country they know, the country that they want to serve. Millions of aspiring Americans who want nothing more than to pay their fair share, who want nothing more than to give back to our country, to make our country stronger.

It is time for us to find a way for DREAMers, for hundreds of thousands of other talented people, to pursue their dreams in the only country they know. Whether their dreams take them to the front lines of combat defending our Nation or to the front lines of competitive jobs in the private sector, or to other forms of public service, failure to take action only perpetuates an underground economy in which our Nation fails to benefit from the great depth of human capital and talent that resides in immigrants that are already here, are already in many cases working, and already in many cases are contributing members of the communities that they live in. It is simply a matter of formalizing that process and restoring the rule of law so that we have a legal way of facilitating the flow of immigrants to our country.

I can reconcile that we are both a Nation of immigrants and a Nation of laws. Those two values that we have as Americans, a Nation of immigrants and a Nation of laws, far from being mutually exclusive, are complementary. H.R. 15 and the comprehensive Senate bill honor that tradition. That is why more than 70 percent of the American people support comprehensive immigration reform. It is why I am confident, Mr. Speaker, that placed before the floor of this House, H.R. 15 would pass today, would pass tomorrow, would pass next week.

I had the opportunity to ask Mr. GOODLATTE, as well as the chair of the Rules Committee, Mr. SESSIONS, yesterday in the Rules Committee what the plan was for immigration reform, why we were bringing forth bills with regard to asbestos, a legitimate problem to be sure, a bill that has passed this Chamber before, and a bill that will not likely be taken up by the Senate, but a bill that comes under the jurisdiction of the Judiciary Committee,

why are we spending days and days debating this bill rather than actually solving a problem of immigration reform.

Mr. Speaker, I know there are victims of asbestos poisoning, I know there are companies that want to resolve this issue, but I can tell you honestly, I haven't heard from any constituents who called my office begging Congress to take up asbestos reform. It is an issue; we should deal with it. I hope there is a bipartisan approach. But not one, not one of my constituents, last week, last month, last year, not one, called my office and said: We demand action. We demand action on asbestos reform.

Not one. Thousands—thousands—not only have called my office, have attended rallies in my office. I have never had thousands of people with the archbishop, with my good friend from Chicago, LUIS GUTIÉRREZ, who joined us in my district, thousands packed a church for immigration reform. Thousands packed a church for immigration reform. Not one call, not one phone call, not one email, asking Congress to pass asbestos reform. A thousand people in an afternoon. We had to close off promotion because it filled up so much, not to mention the thousands if not tens of thousands of emails and phone calls and letters saying, solve this issue. Solve this issue, Congressman. Solve this issue, Congress; we don't like the fact that there are 10 million people here illegally. We don't like that we dishonor the rule of law. I don't like the fact that my cousin is in detention and might be deported even though he has American kids to support. I don't like that.

You know what, Mr. Speaker? When we consider how unpopular this Congress is, it is no wonder that instead of acting on issues that Americans care about, we are discussing issues that, yes, we can discuss, of course, spend a day, spend 2 days. Are they going anywhere? I don't know, but issues that I haven't heard about. I certainly haven't had a church with thousands of people in my district calling for that issue. That's why we need to act.

Mr. TONKO. Will the gentleman yield?

Mr. POLIS. I am happy to yield.

Mr. TONKO. The gentleman from Colorado speaks of the tremendous support of the American public to do immigration reform. I think it is very easy to understand. It is explained by the deep-rooted sense of heritage in this Nation for everyone. Many of us can identify with immigrant roots. I believe that is what drives the desire to have this reform put into play. We talk about the overwhelming polls for support for this effort, and we are halfway through this battle because the Senate has made a major statement with the measure that they have brought forth, and so we can meet that opportunity here in the House of Representatives.

Earlier, the gentleman from Colorado talked about the military strength that comes with immigrants, and cited many of the facts that really speak favorably to the shot in the arm that they give the military. We think of some of those unique skills that they bring to the military as the immigrant servicemembers. We talk about the opportunity to draw upon their second language proficiency. That is very important in service to the military. Certainly their greater cultural understanding, which is again a benefit that is borne by the military because of immigrants or those looking in some way at some time to be naturalized. They could join the military and provide that strength. We have a long history of decorated service, with 20 percent of all Medal of Honor recipients having been immigrant servicemembers. The list goes on and on. There is a lower attrition rate. There is proven data that are available.

So this is a powerful statement, and when we think about the heritage of this Nation, when we think about that American quilt, there are so many patches brought together under one common banner of different cultures, of races, of nationalities, that really make a statement of who we are. So this is just a natural move forward to have an immigration reform policy developed here this year in Congress.

Mr. POLIS. I would ask the gentleman from New York, just to make sure my district isn't atypical, have you gotten more letters or calls about the need to take up asbestos reform or immigration reform?

Mr. TONKO. We have had many, many requests to move with immigration reform. It is one of the greatest bits of requests that we get.

Mr. POLIS. Not to put you on the spot, but would you say it is more or less than people who have demanded that Congress act on asbestos reform?

Mr. TONKO. It is much more.

Mr. POLIS. So your district is similar to mine in that respect.

Mr. TONKO. You are absolutely right. These are very legitimate, justified issues to talk about, but when it comes to immigration reform, people are saying: Look, let's get this done. We have many people who are developing great intellectual skills, they are getting great higher ed opportunities, and we are not taking advantage of that. We are not incorporating them into the American peoplescope. We have people who are assisting the agricultural industry, the engineering industry, the technical industry, the innovation economy, the medical health care industry, people need to fill these efforts with this immigrant power that is available.

It is great to join you on the floor. I know there are many who want to speak their voice here, and rightfully so, because this is a very pertinent

issue right now. Reform is very much required, and let's get it done.

Mr. POLIS. I thank the gentleman.

Mr. Speaker, I have a letter to submit to the RECORD from the Evangelical Immigration Table, and to quote in part, the Evangelical Immigration Table and the faith-based community, with strong support from the Catholic Church as well as from evangelical churches across the spectrum, have been strong supporters of immigration reform, from the pews and here in the Halls of Congress. The Evangelical Immigration Table endorsed value-driven immigration reform that respects the God-given dignity of every person, protects the unity of the immediate family, respects the rule of law, guarantees secure national borders, ensures fairness to taxpayers, and establishes a path toward legal status and/or citizenship for those who qualify and those who wish to become permanent residents. I am proud to say that H.R. 15 honors the values of evangelical leaders, of Catholic leaders, of Jewish leaders, of Muslim leaders, of Americans across the faith spectrum, ensuring that our values as Americans and as people of faith are reflected in our immigration system.

DEAR REPRESENTATIVE, The time has come to fix our broken immigration system. We are pleased that the Judiciary and Homeland Security Committees have worked on several bills each addressing a part of the immigration reform puzzle. As leaders of evangelical churches and organizations we write to offer our support and encourage further bipartisan cooperation towards enacting common sense immigration reform.

Evangelical leaders from across the country came together in June 2012 to form the Evangelical Immigration Table. The Table has issued broad principles for reform, which have been endorsed by prominent evangelical pastors, denominational heads, leaders of national parachurch ministries, and university and seminary presidents. We are working across the country to educate and mobilize our fellow evangelical Christians in support of a just and fair bipartisan policy solution to immigration that:

Respects the God-given dignity of every person.

Protects the unity of the immediate family,

Respects the rule of law.

Guarantees secure national borders,

Ensures fairness to taxpayers, and

Establishes a path toward legal status and/or citizenship for those who qualify and who wish to become permanent residents.

We applaud the significant progress toward legislation that would secure our borders, marshal additional resources for border enforcement and internal enforcement, and require the Department of Homeland Security to submit, implement and report on a detailed border security plan. The bills take steps to elevate respect for the rule of law—strengthening E-Verify, establishing a legal guest worker program for agricultural workers, a more workable program for science, technology, engineering and math (STEM) visas, and increasing passport and visa security. We are encouraged by reports of other bills being drafted that would address the need for more low skill visas and the legal

status of children, adults, and asylees; addressing these needs is vital to fixing all the components of the current system.

The work the House has done on immigration reform thus far is commendable. However, we remain concerned about several provisions of H.R. 2278, The Strengthen and Fortify Enforcement Act (SAFE Act), that could have unintended consequences adversely affecting religious communities, law enforcement agencies, and the people they are called to serve. The SAFE Act, in its current form, criminalizes unlawful presence and includes broad prohibitions on “harboring” undocumented immigrants that could make criminals of the family members of undocumented immigrants and others, including fellow church members, who assist them with everyday activities. This is a significant problem for our pastors, faith leaders and others in our community, who as an extension of their faith, care in tangible ways for the immigrants (regardless of status) within their community. Pastors, faith leaders and others in our communities should not have to decide between following the law and giving water to a thirsty traveler in the desert, providing food to those who are hungry or giving rides to church for those without transportation. While collaboration and communication between federal, state, and local law enforcement is an essential part of effective policing, it must be structured in a way that fosters buy-in from those agencies and does not compromise their rapport and cooperation with immigrant communities.

As you continue to work towards a complete legislative solution for immigration reform, you and your staff are in our prayers. We appreciate the complexity of designing a system that meets our country's needs and that can meet with broad public acceptance. Through Bible reading, prayer, and public education campaigns we have mobilized a broad base of evangelical support for immigration reform. But while Congress debates reform proposals, immigrant families and workers continue to suffer under our broken system. Now it is time to finish the job. Please prioritize work to finalize immigration reform legislation this year.

May God bless you and your staff in the days ahead.

Sincerely,

THE EVANGELICAL IMMIGRATION TABLE.

□ 1900

I now yield to the original sponsor of H.R. 15, a leader in this House on the fight for immigration reform, the gentleman from Florida (Mr. GARCIA).

Mr. GARCIA. I would like to thank the gentleman from Colorado.

Madam Speaker, every day thousands of Americans risk their lives for our Nation, despite the fact that our broken immigration system rips them apart, rips their families apart by deporting their mothers, fathers, siblings, and spouses.

In my home State of Florida, Rita Cote, the wife of a gulf war veteran, was detained by local law enforcement when she was translating between police and her sister, her sister who had been a victim of domestic violence. Instead of arresting her sister's assailant, Rita was held without a warrant, without being charged, and without seeing a judge for 7 days before being transferred to ICE custody.

This is the spouse of a veteran, of someone who is serving in our Armed Forces. No one deserve this treatment, but certainly not someone who has faced the challenges of being a military spouse. Our Nation's veterans were willing to make the ultimate sacrifice to protect us. The least we could do is protect their families.

At the same time, there are thousands of young people who would give anything to defend our country, the only country they have ever known. While these individuals with green cards cannot serve in the military because DACA doesn't allow for it, they are willing to do it; yet we do not allow it. These kids are an asset to our Nation, and it is simply bad policy to turn them away.

Since 2002, almost 90,000 military servicemembers have become citizens. We should be welcoming them with open arms. All of those willing to fight and risk their lives for our great Nation deserve that respect.

This is an issue that underscores the urgency with which we must pass immigration reform. Fixing our immigration system isn't about justice and fairness. It is about enhancing our national security and military readiness.

There are enough Members in the House that understand the benefits of immigration reform. There are enough people who know that it benefits our Nation's prosperity and understand that we will do this inevitably. But with every day that passes, this problem gets bigger. The consequences of inaction become more costly. This body needs to stop hiding behind empty promises and start doing the job we were sent here to do.

We recognize the sacrifices of America's veterans. Let's remember their loved ones who are left in the shadows.

I want to remind my colleagues across the aisle that there is enough blame to go around, but here is what is clear: a Democratic Senate took up comprehensive immigration reform and passed a bipartisan bill. This would not be the bill that I would love. This would not be the bill that the gentleman from Colorado or the gentleman from California would love. Many of us could probably write a better bill; yet we took up this bill, and it got passed. The President has said he would sign that bill. And before this House, we have a bipartisan bill that has 190 signatures. If the Speaker would allow it to come to the floor, it would pass.

Mr. Speaker, we need you to yield here. You did it on Hurricane Sandy relief, you did it on the budget and fiscal crisis, you did it on VAWA; and it is time to do it now. Let the will of this body happen. Let us vote, and we will vote it through. The consequences are grave not only for our country, not only for the millions who suffer, not only for the veterans, not only for

their spouses and family; but they are going to have a great consequence for your party. The time has come to let this be voted on.

We have been given an unprecedented opportunity to fix our broken immigration system and make our Nation stronger. Now is the time to pass immigration reform.

Mr. POLIS. I thank the gentleman from Miami for his impassioned words.

It is rare, in my experience here, that more than two-thirds of the Senate can agree to solve an issue. They always talk about reaching the 60-vote threshold. There are only 54 or 55 of one party. How do we get to 60? This was 68 votes, more than two-thirds of the United States Senate. This House could act tomorrow.

As you know, Madam Speaker, what many Americans wonder is if it could pass, why aren't we debating it? Why aren't we discussing it? What we spend our time on and the bills that we debate in this Chamber are determined by the majority leader and the Speaker. That is why we need their ability to bring these bills to the floor. If people want to stand in opposition, let them be public with that and say they don't want to solve immigration. But I am confident that the votes exist today with support of more than a third of the Republicans in the Senate. I think the numbers would be similar here. I think it could be a quarter, it could be a third, it could be 20 percent of the Republicans in this body that would agree it is time to fix our broken immigration system.

I yield to the gentleman from Miami.

Mr. GARCIA. I just wanted to agree with the gentleman from Colorado.

What is clear is that there are enough votes here to pass this. What is clear is if this comes to the floor, this will pass. What is clear is that Mr. CANTOR wants a bill to pass. What is clear is that there has probably been no bill with broader support—probably since I have been in Congress, probably since the gentleman from Colorado got here. We not only have the Chamber of Commerce on our side, but we have the AFL-CIO, who is on the other side of the spectrum. We have the farm workers, and then we have the growers. We have almost every sector, including the religious sector. All of them are looking for a solution here, and there is only one man standing in the way. That is the Speaker.

We ask, Mr. Speaker, for you to yield to the will of this body, yield to the majority, and yield to what is right for our Nation. We demand a vote. The Nation deserves a vote. Our country deserves a vote.

Mr. POLIS. I thank the gentleman from Florida.

It is not the desire, I don't think of any of us, of the Democrats, of our leader, of our Members, for this to be a political issue that one side is demonized on, that is used to generate political support. Rather, we would like to



solve it. We would like this issue to go away. We would like to fix our broken immigration system; but if that doesn't happen, of course candidates are going to run on fixing it and the American people, with overwhelming support, will elect candidates who want to fix it.

If Members of this body won't lead, frankly, Madam Speaker, they will need to get out of the way, whether by their choice or whether by the people's choice. The Americans are demanding action.

I yield to the gentleman from California, a leader on immigration reform.

Mr. TAKANO. I thank the gentleman from Colorado for yielding time.

The issue of immigration reform is a top priority for our Nation and rightly so. It will not only help our economy grow, but it will also help families stay together.

I was taken aback earlier today when Speaker BOEHNER said that the Republican-controlled House has "no intention of ever going to conference on the Senate immigration bill."

That is clearly at odds with what the American people want and what the American people need.

I just want to recount a bit of my own history.

Mr. POLIS. One way to honor the Speaker's word and not go to conference would simply be to take up the Senate immigration bill and advance it directly to the President. Perhaps we can also call upon the Speaker to honor his word in not having to go to conference by actually bringing the Senate bill before this body.

The conference would not be necessary; is that correct? It would go right to the President.

Mr. TAKANO. I believe so. Just bring it directly to the floor. We can bring that Senate bill directly to the floor and let the House work its will.

The topic of our Special Order had to do with immigration reform in the military and veterans.

I recount a very poignant part of my own family's history. All of my grandparents, both my parents were interned during World War II without trial in Japanese American internment camps.

Despite this great injustice, many children of these immigrants, young men, volunteered for military service. They fought in the 100th Infantry, in the 442nd, suffered some of the greatest casualties, and were most recently awarded the Congressional Medal of Honor for their service. These were young men who wanted to demonstrate their loyalty to this country and were given an opportunity to fight for our country. I think it is tragic that young DREAMers under deferred action are not allowed to serve the country that they love, where the language of English is mainly the language they speak, and the culture they know is that of our country, America.

Just like the men of the World War II generation, Japanese Americans who fought for this country and all Japanese American fighting units, I believe that the children of immigrants today want that opportunity.

Over the past few months, I have received hundreds of letters from residents in my district, letters from business owners, husbands, wives, and perhaps even most distressing, children. One letter I received is from a local teenager who wrote to me about her mother who will likely be deported back to Mexico in 2015. She said:

It is going to be very hard to bring her back to California. Her four kids need her back. She is a single mother. She is the only person we have close to us.

Another letter I received said:

My stepfather's mother died of heart problems, so he had to go back to Mexico to her funeral. He was there for a couple of days, and when he tried to come home, it was hard for him to come back over to California. It has been a while since we have seen him. My mom misses him terribly. She cries every time she talks to him on the phone. It has been 2 months since he left to Mexico, which probably means he lost his job. He is the main provider for our family. This is very stressful and hard on my mom because she is not able to pay the bills. It is hard for her to support us and be strong at the same time. I hate to see her suffer and be sad all the time. Families should not be ripped apart like this. Other families should not have to go through what my family is going through.

Madam Speaker, these are letters from children whose families are being ripped apart.

I also received a letter from a wife and a mother saying:

I myself am one of those many families that unfortunately have to go through this injustice. My husband was deported on his way to work about 3 years ago, and during these few years, it has been really hard for my new 5-year-old daughter and me. The stress I go through every day is unhealthy, and, unfortunately, my daughter has to go through it, as well. My daughter really wants to be with her father, and it really hurts to see her go through this situation.

These are American families that we can help by passing immigration reform.

The last letter I would like to read is from one of the largest employers in my district, the Blue Banner Company, a grower and shipper of California citrus. They wrote to me and detailed the difficulties of a recent crop of theirs when they faced a 30 percent to 35 percent labor shortage. Because of the labor shortage, less fruit was harvested from the trees in a timely manner. Because the fruit was harvested not at peak time, it was sent to be juiced instead of sold fresh for eating by consumers. This resulted in a total loss for their growers of \$3.4 million to \$3.8 million.

The letter goes on to say:

We, California agriculture, desperately need a legal workforce from which to hire.

Reforming our immigration system will help businesses such as Blue Ban-

ner by providing a workforce that is ready and willing to work. Let's pass immigration reform and help families stay together and help businesses obtain the workers they need.

Mr. POLIS. Madam Speaker, we have here another leader from the great State of California (Mr. CÁRDENAS), my friend.

□ 1915

Mr. CÁRDENAS. Thank you very much for bringing together this important discussion on this floor of our Nation's Capitol.

I think it is really important, Madam Speaker, for us to remind ourselves that the only thing that is stopping comprehensive immigration reform is the fact that, Madam Speaker, the leadership of this House is unwilling to allow the vote to take place.

Today I am proud to join my colleagues to talk about the need for immigration reform but, more importantly, the cost America bears as Congress does nothing.

We were sent to Washington to solve our Nation's problems, but Republican leadership has announced we are done and will not take up immigration reform this year. Madam Speaker, it is November 13. We are not done. We have 6 more weeks to work, just like all Americans. Why don't we just continue doing our job?

Members of our Armed Forces don't get the liberty to say when they are done. There are no vacations or time-outs for them. They proudly wear the U.S. flag on their shoulder and continue to protect our freedoms, even when the leadership in our Congress decides that they no longer want to work.

As of June 2009, for example, there were over 114,000 foreign-born individuals in our United States armed services serving our country. Over 95,000 of those individuals were naturalized U.S. citizens. They were not born in this country, but they went through the process of becoming citizens and serve our country proudly. More than 10,000 of those servicemembers are not U.S.-born citizens. They stand on the front lines because they believe in what America stands for. Let's get to work, pass comprehensive immigration reform, and earn the honor of their service and their sacrifice.

Every day we await action on a comprehensive immigration reform bill, millions of dollars in potential revenue is lost to Americans in our country. Our farms do not have a stable workforce. Far too many high-tech companies are short the workers they need to continue to innovate and grow American jobs.

Our schools attract the best and the brightest from around the world, but when they get their degrees and want to stay in this great country, they are sent away, not allowed to start businesses and hire American citizens.



In all, the full economic potential of undocumented immigrants as workers, taxpayers, consumers, and entrepreneurs is being lost because they are unable to earn legal status. And when we grow the American economy, we create more jobs for Americans.

As many in Congress continue to deny the pressing need for comprehensive immigration reform, the broken U.S. immigration system continues to tear families apart, while simultaneously draining the Federal budget and robbing our American economy. Talking about comprehensive immigration reform is not enough. It is time for Democrats and Republicans to vote together on this floor and pass a solution that will serve all of America. The time for reform is now.

The system is broken, and fixing it in an intelligent, bipartisan way is something that a majority of Americans want. Americans understand that deportation, or even self-deportation, is not an option. They support a pathway to citizenship. Even more support a pathway to legal residency. The American people want this solution.

With the introduction of H.R. 15 in our House, a bipartisan bill for comprehensive immigration reform, we have reached a significant milestone for commonsense immigration reform. The bill is practical and fair and holds everyone accountable. The bill strengthens the border, strengthens the economy, and provides a pathway to citizenship for people who have lived, worked, and raised their families right here in the United States of America.

We cannot wait any longer. It is time for Speaker BOEHNER to bring a comprehensive immigration reform bill to the floor of this House and let the will of the American people have its way. America deserves a solution. We are ready for a vote. It is time that our House do the will of the people, that we have a comprehensive immigration reform bill come to this floor and allow Republicans and Democrats to vote their conscience and pass that bill.

Mr. POLIS. I thank the gentleman from California.

And just to highlight how we can improve our security as a Nation and honor the tradition of contributions that veterans have made to the security of our Nation, by simply allowing young people loyal to our country, who have lived here and it is the only country they know, who are able to work legally under DACA, simply allowing them, if they choose to, to put their lives on the line for the country that they love, that will make us all safer, Madam Speaker, and is part of H.R. 15 and comprehensive immigration reform.

I yield to another leader in the effort to fix our broken immigration system, a gentleman from a large district in Texas that covers a lot of the border, my good friend, Mr. GALLEGO.

Mr. GALLEGO. I thank the gentleman from Colorado for yielding.

Madam Speaker, thank you so much for the opportunity to speak.

This past Veterans Day, I had the opportunity to recognize and to thank those who served in the military with a duty to defend our country. I and all of us, I think, who serve in this Chamber have a duty to these veterans to defend their needs here in the U.S. Congress, and that would include the need for comprehensive immigration reform.

I am very privileged to represent a portion of San Antonio, Texas, known as Military City, USA. This past weekend, at a Veterans Day ceremony at Fort Sam Houston National Cemetery, there was a different aspect of that celebration for veterans, because this past weekend, as we honored veterans on Veterans Day at Fort Sam Houston National Cemetery, there was also, at that same site, that same location, that same time, a naturalization ceremony, where 18 people, servicemembers, were naturalized:

Eddie Rivers, Theophilus Botchway, Lily Alexandra Caceres, Tashique Williams, Kwaku Bosoah, Kenneth Francis, Jr., Nabieula Samura, Maria Cervantes Ramos, Carena Garabet Akridge, Larry Ndungu, Elkanah Yator, Mario Alexis Mares, Omar Ruiz Perez, Guillermo Chavez Cardenas, Marlon Chris Gabriel, Petra Maria Thompson, Gabriel Adjetey, all of those were involved in the Veterans Day naturalization ceremony.

They came from Dominica, Ecuador, Germany, Ghana, Honduras, the Ivory Coast, Jamaica, Kenya, Mexico, Sierra Leone, Trinidad and Tobago and Syria.

You see, each year about 8,000 non-citizens join the U.S. military. Their sacrifices throughout history have been many. Immigrants who served in the U.S. military are enlistees like Lance Corporal Jose Gutierrez, who was the first U.S. serviceman killed in combat in Iraq some 10 years ago. Mr. Gutierrez, who was a native of Guatemala, arrived in the U.S. without documents at the age of 14. He received his U.S. citizenship posthumously, after his supreme sacrifice.

Others, like Alfred Rascon, emerged from the war as high achievers. Mr. Rascon, who was an undocumented immigrant from Mexico, was assigned to Fort Sam Houston for basic and for specialist medical training. He was awarded the Medal of Honor during the Vietnam war. He became a U.S. citizen, and he later served as Director of the United States Selective Service System.

The list of stories of noncitizens who have served in the U.S. military is a very long list. Enlistments by immigrants are highest during times of war. At the end of the last decade, Madam Speaker, there were over 100,000 foreign-born individuals serving in various aspects in various capacities in

our Armed Forces. That is why it is so important to recognize the contributions of immigration to our national security.

On social media, through Twitter and Facebook, I made it known that I was at this ceremony on Veterans Day in San Antonio, where not only were we honoring veterans, but there was a citizenship and naturalization ceremony at the same time. And there were many comments about, How is this possible?

Well, it is and it has been. In the years since 9/11 and the wars in Iraq and Afghanistan, we have, in fact, relied on immigrants in our military. Since 2002, over 89,000 military servicemembers have become U.S. citizens. Immigrants in the military and other agencies critical to our national security have served as translators, for example; and through their understanding of local communities and through their understanding of local customs, they have helped collect intelligence which better protects Americans, not only at home, but also abroad.

Unfortunately, today the House leadership said that they would not consider immigration reform this year, and, frankly, that is a real tragedy. They said they wouldn't even consider looking at the Senate bill as a starting point to negotiate.

H.R. 15, of which I am a cosponsor, has 190 other cosponsors and 25 or so Republicans who have vowed to support it, and thus, the votes are there to pass immigration reform.

In this time of excessive partisanship and excessive bickering, we have to find a way forward to do the right thing for our country, for our kids, and for our future. We have to figure out a way to succeed, even if we succeed sometimes in spite of ourselves.

Especially in today's political climate, so many of us here in the House, we repeatedly talk about our commitment to principles, our commitment to fighting for what we, as individual Members, believe in. But the reality is that, in a House with 435 people and with 100 Members of the Senate and an all-or-nothing attitude, many times it produces nothing, and that all-or-nothing attitude kills immigration reform. That all-or-nothing attitude produces nothing for children who have known no other home than the United States and are here through no fault of their own. It produces nothing of the estimated \$775 billion in revenue and \$125 billion in payroll from immigrant-owned businesses, and it produces nothing of the \$175 billion in deficit reduction in the first 10 years after immigration reform is enacted or another \$700 billion in deficit reduction in the 10 years after that.

Immigrants are so important to our country in so many ways. We say it all the time. We say it all the time. Ours is a Nation of immigrants. Immigration reform is critical to our economy,

to our families, and, yes, even to our national security.

□ 1930

Mr. POLIS. Madam Speaker, I am happy to yield to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you, Representative POLIS.

Earlier tonight when we started this hour, I made mention of how proud I am of my grandfather, who was an immigrant from Poland. He added, along with his military colleagues, to the muscle of the military might of this Nation, and together, they were able to help serve this Nation so as to proclaim victory in the war that was to end all wars. But we know that that wasn't the case.

Nonetheless, with that contribution to this country behind him, he returned home. He returned to build a life. He returned to build a family. He returned to build a community. He returned, like all of our veterans, to build a Nation. Why would we want to stop this pathway to progress? Why would we want to stop this pathway to economic vitality? Why would we want to stop this pathway to citizenship?

You know, it is no wonder that so many from various perspectives have come forth, imploring us in this House, imploring the Republican leadership, to set an agenda that includes immigration reform. For everyone from the Chamber of Commerce to the Farm Bureau, from labor to the farm community to the working families of this Nation to so many of the businesses that have asked for sound immigration reform, let's not stand in the way of progress. We only ask the Republican majority in this House to set the tone, open to the discussion, because if it is brought to the floor, I am convinced that we will recognize, as Representatives, as leaders of this Nation, the true definition of this Nation, a land of immigrants.

With that, I yield back to Representative POLIS and thank him for leading us in this very important discussion here this evening.

Mr. POLIS. I thank the gentleman from New York (Mr. TONKO) for his impassioned words.

Here in the spirit of Veterans Day week—of course we all honor our veterans every day of the year. This past Monday was Veterans Day. This week, in particular, we are honoring those who serve our Nation. I would like to share the stories of several immigrants who serve in our Armed Forces.

This is Augustus Maiyo, who serves in Colorado with the U.S. Army World Class Athlete Program at Fort Carson. I am proud to say that he won the Marine Corps Marathon last year and led the team to victory. He is a runner and has done remarkable times and ended up winning it. He was fortunate to get the run done right before Hurricane

Sandy impacted our Nation. We are proud, of course. I want to thank Augustus Maiyo for his service and for being a role model for so many others.

One of the hats I wear in Congress is I cochair the U.S.-Nepal Caucus, and I am particularly proud to be able to share the story of Saral Shrestha, a Fort Bragg soldier from Katmandu, Nepal, who was selected as the 2012 Soldier of the Year. He came to the United States in 2007 from Nepal. He went to college in Nebraska, joined the Army in 2009, and was deployed in Afghanistan.

We should be proud of the contributions that our 2012 Soldier of the Year has made, himself an immigrant, an inspiration to all the men and women who serve, including those who were born in other nations.

As many of you know, the contest for Soldier of the Year is a very rigorous competition. Shrestha has been promoted to sergeant since he began the competition. We are particularly proud that the announcement was made during the Association of the United States Army annual meeting in Washington, D.C.

There were many others, Madam Speaker, that we would like to be able to share the stories of, who want to lay down their lives to defend our country and to serve with distinction but, under current law, are prevented from serving in the Armed Forces, even though under the deferred action program they are able to work, they are able to attend school in our country, and all that many of them ask is to be able to risk their lives to defend the country they love, the country they know, the United States of America. H.R. 15 and the Senate bill address this situation and would allow these brave young men and women to serve.

It is time, Madam Speaker. It is time to bring this bill forward. It is time to have a simple "yes" or "no" vote. It is what the American people are demanding. The American people are not demanding that we spend our precious hours and days debating asbestos reform. The American people are not demanding that we only work a dozen days before the end of the year here in Congress. The American people are demanding that we solve problems.

More than 70 percent of the American people support comprehensive immigration reform. It would improve the security of the Nation. It would honor the service of our veterans. It would secure our borders. It would reflect our values. It would improve our economy. It would reduce the deficit—and it would create jobs for Americans. What is not to like? Let's pass comprehensive immigration reform now.

I yield back the balance of my time.

#### DEFENDING ISRAEL

The SPEAKER pro tempore (Mrs. BROOKS of Indiana). Under the Speak-

er's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Madam Speaker, one thing becomes very clear from our study of history, and that is that things that nations do have consequences. Things we do individually have consequences, and things we do as a Nation have consequences. That is why some people remember that on May 30, 2010, there were six flotilla ships—and this is from the U.N. release, a report into last year's raid, how events unfolded, dated 2 September 2011.

It points out that on May 30, 2010, six flotilla ships leave Cyprus for Gaza in an attempt to break Israel's naval blockade. The Turkish cruise liner *Mavi Marmara* is chartered by Islamic charity IHH and carries 581 of the 700 flotilla activists. We know that didn't turn out so well. Israel did have a legitimate right to blockade the Gaza Strip to prevent more rockets, more munitions from being brought into the Gaza Strip that were being used to fire on, kill, and terrorize Israelis. Again, actions have consequences, and many remember the flotilla coming down and challenging the blockade, and there were people who were killed.

If you go back, here is an article. It is dated also May 30, 2010, which was a Sunday. But it points out—and this is an article from *The Washington Times* entitled, "Israel assails resolution on nuke weapons as 'flawed,'" and it is talking about an agreement that President Obama was trying to get done, a nonproliferation agreement, and the article points out that on Friday, which was May 28, 2010:

A U.S. delegation in New York voted to endorse a consensus document ending the 2010 review conference for the Non-Proliferation Treaty that calls for a conference in 2012 to discuss a weapons of mass destruction-free zone in the Middle East.

The final document of the monthlong review conference calls on Israel to join the treaty, a move that would require Israel to disclose and then give up its undeclared nuclear arsenal.

This was viewed and discussed as being the first time in people's memory when the United States, by and through its administration—the Obama administration—had taken action that was very adverse to Israel and the international community, and particularly in the U.N. Normally we did not side with Israel's enemies.

One of the lessons that I was taught by history professors at Texas A&M is that when a nation's enemies see that nation's strongest ally pulling away, it is provocative. It often provokes action by that nation's enemies against it because they think their strongest ally is pulling away. Some saw that before the war in Korea. They thought that the United States might have North Korea beyond its "sphere of influence." Those

kinds of things, those words, these actions, these votes can be provocative.

So 2 days after the United States sides with Israel's enemies in demanding that Israel disclose its nuclear weapons, the flotilla launches to challenge the blockade. Isn't that amazing? It just happens to be right after this administration sides with Israel's enemies. Here comes a challenge to Israel's blockade that was just trying to save Israeli lives.

Well, the reason that it is important to point these things out now is, what is happening between the United States and Iran, as we leave Israel out of the equation—even though it is Israel that is considered to be the little Satan and we are considered the great Satan, and Israel is probably to be the first attacked, if there is an attack—they are certainly the most vulnerable. Yet we leave our former friend Israel out of the equation.

It brings to mind a number of things that have been happening during this administration that have caused the vast majority of people in Israel, of Israeli citizens, to believe that this Obama administration is not concerned about Israel's best interests.

There are many who have been aware of Scripture, and it has often been a guide in our relations with Israel. It is really such an historically appropriate thing in this House of Representatives, especially if we were down the hall in the former House Chamber, now called Statuary Hall, where they used to hold church most Sundays during the 1800s. Up until the late 1800s, the largest church congregation was in the House of Representatives, and it was not considered to be violative of the Constitution because it didn't endorse a particular religion. It was considered non-denominational.

Scripture was read regularly, every week, down the hall. Thomas Jefferson had coined the phrase "separation of church and State" as being appropriate. He didn't find it offensive, that notion, and, in fact, at times would bring the Marine band to play hymns.

So it seems appropriate, when we talk about Israel, to talk about Israel's roots because in Genesis 12—and this is the King James version:

Now the Lord had said unto Abram, Get thee out of thy country, and from thy kindred, and from thy father's house, unto a land that I will shew thee;

And I will make of thee a great nation, and I will bless thee, and make thy name great, and thou shalt be a blessing;

And I will bless them that bless thee, and curse him that curseth thee, and in thee shall all families of the Earth be blessed.

So Abram went to the land of Canaan, which later became Israel, just as God had promised in these verses. So it was no accident that just minutes after Israel became a Nation, the United States, through its President, Harry Truman, became the first nation in the world to recognize what was

prophesied throughout the Old Testament about Israel returning after its absence.

□ 1945

Israel returned and Harry Truman made sure we were the first Nation that recognized them as an independent nation. The U.N. had voted unanimously. Because of the Holocaust and over 6 million Jews being killed, they wanted to ensure that another Holocaust would never happen again. And that brought about Israel being re-established in part of the land they had possessed 3,000 years before.

This is an article from The Washington Post, David Ignatius:

Is Israel preparing to attack Iran? Because it is considered a betrayal of an ally to warn an ally's enemies that that ally may take self-defensive action to prevent being attacked. And the United States and Iran, including President Obama, has said repeatedly and has promised an American-Israeli gathering here at the Convention Center that he would never allow Iran to have nuclear weapons, that it is an existential threat to Israel. It certainly is.

So we have been hearing behind the scenes for a number of years that this administration was telling Israeli leaders, Don't you dare attack Iran without our permission. We will take care of this. We won't let them have nuclear weapons; and yet it is not the United States that is first threatened. The great Satan, the United States, in the eyes of leaders in Iran—not the Iranian people, but Iranian leaders—would get around to attacking us. But first Israel is threatened.

So there was concern, obviously, here in Washington in the Obama administration that the reported threats to Israel not to defend themselves without our permission—even though no nation should ever need permission from another to defend itself—and even President Obama said this out here at the Convention Center to an American-Israeli group. Prime Minister Netanyahu reminded me of our President's words, and I went back and looked them up. Sure enough, he said:

Israel must defend itself by itself.

Our President said that. And yet if we are not going to help Israel defend itself, which is actually defending us as well, then shouldn't we avoid jeopardizing Israel's own self-defense?

Yet here is this article dated February 2, 2012. It says:

Defense Secretary Leon Panetta has a lot on his mind these days, from cutting the defense budget to managing the drawdown of U.S. forces in Afghanistan. But his biggest worry is the growing possibility that Israel will attack Iran over the next few months.

Panetta believes there is a strong likelihood that Israel will strike Iran in April, May, or June—before Iran enters what Israeli's described as a "zone of immunity" to commence building a nuclear bomb. Very soon, the Israelis fear, the Iranians will have stored enough enriched uranium in deep underground facilities to make a weapon—and

only the United States could then stop them militarily.

That is a betrayal of our ally, Israel. That is a gross betrayal of our ally, Israel. We are supposed to be on the same side; and if Israel defends itself, it is defending us as well, whether we recognize it or not.

That was a betrayal of Israel to leak what this administration believed were their plans to defend itself. If we are not going to defend ourselves, for heaven's sake, at least allow Israel to do it without putting them more in jeopardy.

By leaking that, obviously, it was this administration saying to Israel, Well, you better not go when you were thinking you were going to go because they are going to be ready because we warned your enemy for you.

So we get to May and, obviously, the window that Israel may have been considering attacking had to pass because of the leak by our own administration to Israel's enemies, through The Washington Post. An intentional leak.

This is from March 29, 2012, "Israelis Suspect Obama Media Leaks to Prevent Strike on Iran," by Alexander Marquardt from ABC News:

Two reports today about Iran's nuclear program and the possibility of an Israeli military strike have analysts in Israel accusing the Obama administration of leaking information to pressure Israel not to bomb Iran and for Iran to reach a compromise in upcoming nuclear talks.

That is simply outrageous.

This article says, continuing that same article:

The first report in Foreign Policy quotes anonymous American officials saying that Israel has been given access to air bases by Iran's northern neighbor Azerbaijan from which Israel could launch air strikes or at least drones and search and rescue aircraft.

The article goes on:

It seems like a big campaign to prevent Israel from attacking, analyst Yoel Guzansky at the Institute for National Security Studies told ABC News. I think the Obama administration is really worried Jerusalem will attack—and attack soon. They're trying hard to prevent it in so many ways.

The Foreign Policy report by Mark Perry quotes an intelligence officer saying, We're watching what Iran does closely. But we're now watching what Israel is doing in Azerbaijan. And we're not happy about it.

Further down:

In recent weeks the Obama administration shifted from persuasion efforts vis-a-vis decisionmakers and Israel's public opinion to a practical, targeted assassination of potential Israeli operations in Iran, Ben-Yishai writes. The campaign's aims are fully operational: to make it more difficult for Israeli decisionmakers to order the Israeli defense forces to carry out a strike, and what's even graver, to erode the IDF's capacity to launch a strike with minimal casualties.

We are putting Israel's own forces at far greater risk for casualties. Is that something an ally does to a friend?

Some of us believe that the Bible is accurate. Certainly, so many prophecies have been fulfilled. And if that is

true, this administration, unless they can find a verse that accurately says that those who betray Israel will be blessed, then this country is being dug in a deeper hole by this administration and its betrayals of Israel's trust and Israel's friendship.

This is from November 3, 2013, from TheBlaze, "Fury, Scandalous: Israel Conveys Bitter Protests to Obama Admin Over Reported White House Security Leak."

This says:

The Israeli government conveyed "bitter protests" to the White House this weekend over the Obama administration's reported leak of who was behind last week's air raid on a Syrian base near the port city of Latakia. Words being used by the media and officials speaking anonymously in Israel to describe what they perceive as a breach in trust on the part of the United States include fury, scandalous, baffled, unthinkable.

This administration continues to betray our friend, our ally, Israel.

Other things that have happened in the past were the comments made by President Obama to President Sarkozy in 2012 at a G-20 summit which were belittling Israeli Prime Minister Benjamin Netanyahu, comments in 2011 that Israel should return to its 1967 borders that would have subjected it to relentless attacks and vulnerability. They were not helpful to our friend and ally.

The Obama administration's failure to condemn Palestinians building of illegal settlements, yet constantly criticizing Israeli housing plans for East Jerusalem; the Obama administration's decision to eradicate the missile defense programs that would have helped Israel as well as the United States; leaving Prime Minister Netanyahu in 2010 on for over an hour in the White House meeting room while President Obama dined with his family and refused to take a picture with him was not a friendly gesture.

Also, Secretary of State Hillary Clinton announced the Obama administration planned to send \$147 million to the West Bank and Hamas-run Gaza; President Obama stated that all his friends in Chicago were Jewish and says he was sometimes being accused of being a Jewish "puppet"; the Obama administration leak to The Washington Post of the time window in which Israel would take out Iran's nuclear program; the Obama administration leaked to the media that Israel was going to use the Azerbaijan airspace to take out Iran's nuclear program.

We placed immense pressure on Israel not to defend itself without the United States' permission. The Obama administration has never rejected or condemned the racist, hateful teachings about Jewish people going on in Palestinian schools in the Middle East and in some Muslim schools in the United States.

President Obama traveled to Turkey, Iraq, Saudi Arabia, and Egypt and

apologized to them on behalf of the United States. The Obama administration's support for the Muslim Brotherhood's rise to power in Egypt as well as throughout the Middle East, though the Muslim Brotherhood had never backed away from their demand for the nonexistence of Israel, the Obama administration continues to support the Muslim Brotherhood's return to power in Egypt, when Egypt is where the Muslim Brotherhood turned violent on Morsi's arrest because of his violation of the constitution that did not provide for impeachment, after the Egyptian people turned out in the millions to demand his removal.

It was not a coup, as the Christian Pope in Egypt told me. It was not a coup. This was a people rising up and demanding removal, and yet this administration now has cut off support because Egypt does not want the group, the Muslim Brotherhood, that was killing Christians, burning churches, terrorizing the nation, we want them back in charge—this administration does.

It is an outrage.

Though the Syrian leader Assad has been ruthless in killing and abusing his people, has not been helpful to Israel to the extent the Egyptian leader Mubarak was, this administration has not done anything but put Israel in more jeopardy by its actions in Syria.

So we have not been terribly helpful to our friend Israel. And it doesn't sound like we are actually blessing Israel. It sounds like we are cursing Israel, belittling its leaders, marginalizing its efforts to defend itself, which also enures to our benefit.

My oath of office is to this country. When I was in the Army for 4 years, my oath was to this country. My allegiance continues to this country, and I believe that being Israel's friend is helpful to this country; and that is why I so strongly support being a friend to Israel.

And even if you took the Bible completely out, you took out most anything except just looking at the Middle East and who believes in the value of life like we do here in the United States, who believes more in democratic actions like we do in the United States, then Israel should certainly be our friend.

But what this administration is doing with Iran is foolhardy. It is foolhardy. And thank God for France. They didn't wave a white flag of surrender. They said, This is a terrible deal. And thank goodness they slowed it down, because this administration thinks they just knew and everything they try will work perfectly. Hello, ObamaCare.

□ 2000

It doesn't work any better when they try to mess with our friendships and reward our enemies and hurt our friends.

So, in the few minutes that are remaining, Madam Speaker, I would like to reference back to the New York Times article by Barry James, October 21, 1994, during the Clinton administration.

The director of the International Atomic Energy Agency expressed skepticism Thursday about the U.S.-North Korean nuclear agreement, saying it could delay inspections by the agency.

Officials at the agency, some U.S. Republican Senators and politicians in South Korea criticized the accord, saying they feared Pyongyang had bought itself a further 5 years of secrecy, thus concealing whether it has reprocessed enough plutonium to build one or more nuclear weapons.

The energy agency says it needs to inspect two nuclear waste dumps to be able to answer the question. North Korea has never conceded the existence of the dumps. "It would be in the interests of all concerned that a prolonged delay be avoided," said the agency director, Hans Blix; but, he added, "We are better off" with the agreement than with none at all. "We have to worry about how much they have squirreled away," an agency official said. "Blix thinks 5 years is a long time to have to wait for our inspectors to gain access to the facilities we need to see, including the two facilities the North Koreans have never declared."

Yet, under the agreement that the Clinton administration reached, North Korea agreed to place in storage the fuel removed last spring from a 5-megawatt graphite reactor containing enough plutonium for four or five nuclear bombs. U.S. Republican Senators protested in a letter to President Bill Clinton that this reversed longstanding U.S. policy because it allowed the North Koreans to hang onto their spent fuel rods and would delay for several years the inspection of suspect sites.

The accord "shows it is always possible to get an agreement when you give enough away," said Senator Bob Dole of Kansas . . . The deal also has been heavily criticized in South Korea. Many people there see it as a diplomatic triumph for Pyongyang, which failed to dispel doubts about its nuclear intentions.

As part of the pact, which will be signed in Geneva on Friday, the United States will head an international consortium to provide North Korea with an interim supply of fuel to overcome its chronic energy shortage and, eventually, two 1,000-megawatt light-water reactors. In exchange, North Korea will abandon its existing nuclear facilities and renounce any plans to build nuclear weapons.

Gee, doesn't that sound familiar? This administration is repeating the same mistakes of Madeleine Albright and Bill Clinton as President. They are running to Iran, which can not be trusted, which has lied repeatedly just like North Korea did.

And how did the Clinton deal work out? Yes, they took the nuclear facilities we provided them, but they didn't stand good behind their promise not to develop nuclear weapons. They developed them and we helped them.

Now this administration wants to do the same thing with Iran? We are still paying for the mistakes of the Clinton administration with North Korea's helping them get more nuclear power—

and now this administration wants to do that with Iran? That is a huge mistake.

We need to help our friend Israel, to stop betraying them, to help our friends, to stop rewarding our enemies, because the consequences to this Nation will be dire if we don't turn this around.

Madam Speaker, it is my prayer—it is my hope—that this administration will turn from its stupid ways. The arrogance that existed before ObamaCare kicked in surely should have come down a notch so that they can realize maybe we are making a mistake in dealing with bloodthirsty people in Iran as well.

This country's future is at stake. That ought to be enough to make this administration slow down and realize they are about to make another huge mistake that we will pay for for generations if they don't stop. Iran will certainly not stop just as North Korea did not. They had gotten help from North Korea. They learned the lesson from North Korea. It is time this administration learned a lesson from our mistake and from the mistake of the Clinton administration and Madeleine Albright.

Madam Speaker, I yield back the balance of my time.

#### THE PRICE IS WRONG

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentlewoman from California (Ms. SPEIER) for 30 minutes.

Ms. SPEIER. Madam Speaker, everyone has heard about "The Price Is Right," but on C-SPAN tonight, we are going to play "The Price Is Wrong." Before doing so, I want to put this in perspective.

A number of years ago, we were all aghast as taxpayers—even here as Members of Congress—when we found out that in the Department of Defense we were spending \$436 on a hammer, that we spent \$7,600 on a coffee urn, and that—oh, yes—we spent \$640 on a toilet seat. Talk about flushing money down a toilet—we were doing it—but that fleecing that we thought had ended has actually continued.

Since 2010, the inspector general of the Department of Defense has found that we are spending more than \$430 million over what we should be paying for spare parts—thousands of spare parts. So we are paying much more than the fair or reasonable price for these parts. What the military should do when it needs parts is go to what is called the Defense Logistics Agency, DLA—it is sort of like the defense hardware store—but sometimes they think it is cheaper and, maybe, faster if they go to a defense contractor and ask for those parts.

These audits also showed that the certain parts we have in such volume

will last us 100 years. That is like having spare parts like, let's say, horse-shoes dating back to World War I, and they are sitting around the defense hardware store today—more than 100 years' worth of certain spare parts. You might think maybe this is a little complicated, but it is really not complicated. The auditors go to the Department of Defense databases, and they can tell immediately, with just a click, whether or not these spare parts are in stock and how much they will be charged for those spare parts.

So let's play our very first game of "The Price Is Wrong."

This is a ramp gate roller assembly. It is about the size of a quarter. This particular assembly sells for \$7.71 in the defense hardware store. The auditors suggested—maybe because this is, in fact, for a Chinook helicopter—that it could be even a little bit more. What did the personnel within the Department of Defense pay for this little assembly? It wasn't \$7.71. Was it perhaps \$77.10? No, it wasn't \$77.10. Was it \$771? No, it wasn't \$771. We paid for this \$7.71 part \$1,678.61.

The price is wrong, and the Department of Defense has got to clean up its act.

Let's move on to yet another game that we can play. It is called "That's Too Much."

I am going to show you another part. This is a bearing sleeve, and you are going to tell me whether or not you think the price is too much. At the local hardware store, this would sell for \$6. Again, this is for a Chinook helicopter. The inspector general says maybe, for this sophisticated helicopter, it would cost \$10 for this part. So, what did we pay for this part? Did we pay \$86? No, we didn't pay \$86. Did we pay \$286? No, we didn't pay \$286. We paid \$2,286 for this little part. Now, we didn't just buy one part. We bought 573 of these parts, of this little bearing sleeve, and it cost us \$1.3 million.

All right. If you haven't enjoyed playing this game so far, we have one more game to play tonight. This game is the finale. It is called the "Showcase Showdown." This is when we compare two packages and see which one costs more.

Our first items here are two simple ramp gate roller assemblies. Now, which is more expensive—these two ramp gate roller assemblies or a trip to Paris, France, for two, including airfare and hotel for four nights? Which is more expensive? If you guessed the trip to Paris, France, you would be wrong because a trip to Paris, France, if you go on one of the local Web sites, would cost \$2,681, and we paid—or, I should say, the Army paid—\$3,357 for these two ramp gate roller assemblies.

The Pentagon is playing games with taxpayer dollars, and let me tell you that this is just the tip of the iceberg. The worst part of this game is that it

is rigged. The contractors always win, and the taxpayers always lose.

The inspector general found that the Army overpaid one defense contractor \$13 million but that the Pentagon only recovered \$2.6 million. Now get this: it is discovered that one defense contractor overcharged us \$13 million for a number of parts, and then after it was exposed, they didn't even refund us what they should have. They only paid us back \$2.6 million. It included paying twice the fair and reasonable price for kits and overpaying by \$16,000 for a structural support that should have cost only \$1,300.

Now, this bearing sleeve that I just showed you that was over \$2,200, let's put it in kind of simple terms.

If we went into a local cafe and ordered the blue light special and the menu said it was \$2,200, we would walk right out, and they would be laughed out of our community—but no, that doesn't happen in the military. As for that defense contractor who overcharged us and then didn't even pay us back what they had overcharged us—get this—the Air Force has just signed on the dotted line a contract with this defense contractor to do the following: to manage the supply chain. It is almost laughable that the defense contractor who ripped us off now has another contract to manage the supply chain.

Those are all of the games we have for tonight. Thank you for playing. We will see you next time on "The Price Is Wrong."

Madam Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1499. An act to designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the "Sergeant Cory Mracek Memorial Post Office"; to the Committee on Oversight and Government Reform.

S. 1512. An act to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, as the "Specialist Theodore Matthew Glende Post Office"; to the Committee on Oversight and Government Reform.

S. 1557. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; to the Committee on Energy and Commerce.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill

of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2747. An act to amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on October 31, 2013, she presented to the President of the United States, for his approval, the following bill:

H.R. 3190. To provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

#### ADJOURNMENT

Ms. SPEIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 14, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3636. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2013 Annual Report on the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Affairs.

3637. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

3638. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2012 annual report on the activities and operations of the Public Integrity Section, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3639. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Baker Brothers site in Toledo, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3640. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at

the Feed Materials Production Center (FMPC) in Fernand, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3641. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting (RIN: 3245-AG43) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3642. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Support Activities for Mining (RIN: 3245-AG44) received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3643. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ballard Canyon Viticultural Area [Docket No.: TTB-2013-0001; T.D. TTB-116; Ref: Notice No. 132] (RIN: 1513-AB98) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3644. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Big Valley District-Lake County and Kelsey Bench-Lake County Viticultural Areas and Modification of the Red Hills Lake County Viticultural Area [Docket No.: TTB-2013-0003; T.D. TTB-118; Ref: Notice No. 134] (RIN: 1515-AB99) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3645. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Moon Mountain District Sonoma County Viticultural Area [Docket No.: TTB-2013-0002; T.D. TTB-117; Ref: Notice No. 133] (RIN: 1513-AC00) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. HANNA):

H.R. 3461. A bill to support early learning; to the Committee on Education and the Workforce.

By Mr. CASSIDY (for himself and Mr. ROE of Tennessee):

H.R. 3462. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself, Mrs. MILLER of Michigan, Mr. FARENTHOLD, Mr. O'ROURKE, Mr. BARBER, and Ms. JACKSON LEE):

H.R. 3463. A bill to amend title 5, United States Code, to ensure proper manpower on the United States border and to provide for reforms to rates of pay for Border Patrol agents; to the Committee on Oversight and Government Reform.

By Mr. LOBIONDO (for himself and Mr. LARSEN of Washington):

H.R. 3464. A bill to amend the Federal Water Pollution Control Act with respect to discharges incidental to the normal operation of certain vessels; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. COBLE, Mr. CHABOT, Mr. DANNY K. DAVIS of Illinois, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. BACHUS, Ms. FUDGE, Mr. JOHNSON of Georgia, Mr. STOCKMAN, Mr. JOYCE, Mr. CUMMINGS, and Ms. JACKSON LEE):

H.R. 3465. A bill to reauthorize the Second Chance Act of 2007; to the Committee on the Judiciary.

By Mr. JONES (for himself, Mr. PRICE of North Carolina, and Mr. SCOTT of Virginia):

H.R. 3466. A bill to amend the Federal Election Campaign Act of 1971 to apply the prohibition against the conversion of contributions to personal use to contributions accepted by political committees; to the Committee on House Administration.

By Mr. SLAUGHTER (for herself, Mr. JONES, Ms. DELAURO, Mr. DEFazio, Mr. TONKO, Mr. MICHAUD, Mr. CONYERS, Ms. KAPTUR, Mr. MCGOVERN, Mr. TIERNEY, Mr. JOHNSON of Georgia, Mr. HIGGINS, and Ms. MCCOLLUM):

H.R. 3467. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Ways and Means.

By Mr. ROYCE (for himself, Mr. PERLMUTTER, Mr. GARY G. MILLER of California, and Mr. SHERMAN):

H.R. 3468. A bill to amend the Federal Credit Union Act to extend insurance coverage to amounts held in a member account on behalf of another person, and for other purposes; to the Committee on Financial Services.

By Mr. ISSA (for himself, Ms. DUCKWORTH, Mr. BRADY of Pennsylvania, Ms. BROWNLEY of California, Mr. CÁRDENAS, Mr. CICILLINE, Ms. CLARKE, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Mr. ENYART, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. NOLAN, Mrs. NAPOLITANO, Mr. MURPHY of Florida, Ms. MENG, Mr. MATHESON, Mr. LOWENTHAL, Mr. LEWIS, Mr. LANGEVIN, Mr. KILDEE, Ms. KELLY of Illinois, Ms. JACKSON LEE, Mr. HORSFORD, Mr. HONDA, Ms. NORTON, Mr. PETERSON, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SHEA-PORTER, Ms. SINEMA, Ms. SLAUGHTER, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Ms. TSONGAS, Mr. SHUSTER, Mr. SMITH of Washington, Mr. RIGELL, Mr. LAMALFA, Mr. GRIMM, Mr. CRAWFORD, Mr. COOK, Mr. COLE, Mr. BISHOP of Utah, Mr. BENTIVOLIO, Mrs. NOEM, Mr. CALVERT, Mr. RODNEY



DAVIS of Illinois, Mr. RICHMOND, Ms. WATERS, Ms. BORDALLO, Mr. COURTNEY, Mrs. WALORSKI, and Mr. CUMMINGS):

H.R. 3469. A bill to amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mr. ENGEL):

H.R. 3470. A bill to provide for the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Ms. CHU (for herself, Ms. FUDGE, Ms. FRANKEL of Florida, Ms. BROWNLEY of California, Ms. TITUS, Mrs. NEGRETE MCLEOD, Ms. BASS, Mrs. BEATTY, Mr. BERA of California, Mr. BLUMENAUER, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. CICILLINE, Mr. CLAY, Mr. DANNY K. DAVIS of Illinois, Ms. DELAURO, Ms. DELBENE, Mr. ELLISON, Mr. FARR, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HAHN, Mr. HOLT, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. KIRKPATRICK, Ms. LEE of California, Mr. LEWIS, Mr. LOWENTHAL, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Ms. MOORE, Mr. MORAN, Ms. NORTON, Mr. RANGEL, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SPEIER, Mr. TAKANO, Mr. WELCH, Ms. CASTOR of Florida, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. TSONGAS, Mr. BRALEY of Iowa, Mr. SMITH of Washington, Ms. KUSTER, Mr. KILDEE, Mr. LOEBESACK, Ms. ESTY, Mr. SHERMAN, Mr. PAYNE, Ms. MENG, Mr. POCAN, Mr. HUFFMAN, Ms. WATERS, Ms. KELLY of Illinois, Ms. EDWARDS, and Mr. KEATING):

H.R. 3471. A bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services; to the Committee on Energy and Commerce.

By Mr. COLLINS of New York (for himself, Mr. REED, Mr. OWENS, and Mr. HANNA):

H.R. 3472. A bill to designate the facility of the United States Postal Service located at 13127 Broadway Street in Alden, New York, as the "Sergeant Brett E. Gorniewicz Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mrs. DAVIS of California (for herself, Ms. SCHWARTZ, Mr. VARGAS, Mr. CARSON of Indiana, and Mr. CONNOLLY):

H.R. 3473. A bill to amend the Internal Revenue Code of 1986 to permanently extend the qualifying therapeutic discovery project credit, and for other purposes; to the Committee on Ways and Means.

By Mr. RODNEY DAVIS of Illinois:

H.R. 3474. A bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself and Ms. MATSUI):

H.R. 3475. A bill to amend title 46, United States Code, to provide protections for cruise vessel passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 3476. A bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3477. A bill to authorize the Secretary of Veterans Affairs to provide support to university law school programs that are designed to provide legal assistance to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALMON (for himself, Mr. FRANKS of Arizona, Mr. GOSAR, Mr. MASSIE, Mr. DESJARLAIS, Mr. SCHWEIKERT, Mr. BENTIVOLIO, and Mr. STOCKMAN):

H.R. 3478. A bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions; to the Committee on the Judiciary.

By Mr. THORNBERRY (for himself, Mr. SESSIONS, Mr. NUGENT, Mr. HUELSKAMP, Mr. FARENTHOLD, and Mr. BENTIVOLIO):

H.R. 3479. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Ways and Means.

By Ms. TSONGAS:

H.R. 3480. A bill to prohibit entities from using Federal funds to contribute to political campaigns or participate in lobbying activities; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BECERRA, and Mr. COLE):

H.J. Res. 102. A joint resolution providing for the appointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BECERRA, and Mr. COLE):

H.J. Res. 103. A joint resolution providing for the appointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Ms. SPEIER (for herself, Mr. HONDA, Ms. MCCOLLUM, Ms. BORDALLO, Ms. MOORE, Ms. HAHN, Ms. JACKSON LEE, Mr. GRIJALVA, Mr. SCHIFF, Mr. SHERMAN, Mr. LOWENTHAL, Mr. GRAYSON, Mr. LARSON of Connecticut, Mr. MCINTYRE, Mr. THOMPSON of California, Ms. MENG, Ms. CHU, and Mr. PASCRELL):

H. Res. 408. A resolution expressing sincere condolences and support for assistance to the people of the Philippines and all those affected by the tragic Super Typhoon Haiyan (Yolanda) of November 8, 2013; to the Committee on Foreign Affairs.

By Mrs. BACHMANN (for herself, Ms. BASS, Mr. FRANKS of Arizona, Mr. JONES, Mr. DANNY K. DAVIS of Illinois, Mr. COOPER, Mr. LATHAM, Mr. HASTINGS of Florida, Mr. BROUN of Georgia, Mr. VARGAS, Mr. WILSON of South Carolina, Mr. KLINE, Mr.

SOUTHERLAND, Mr. SESSIONS, Mr. LANGEVIN, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. CONAWAY, Mr. WOLF, Mr. MARINO, Mr. NUNNELEE, Mr. RIBBLE, Mr. TIBERI, Mr. REICHERT, Mr. TERRY, Mr. PAYNE, Mrs. HARTZLER, Mr. STIVERS, and Mr. WITTMAN):

H. Res. 409. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Education and the Workforce.

By Mr. GRAVES of Missouri (for himself, Mr. CICILLINE, and Ms. HERRERA BEUTLER):

H. Res. 410. A resolution expressing support for the designation of a "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses; to the Committee on Small Business.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GEORGE MILLER of California:

H.R. 3461.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. CASSIDY:

H.R. 3462.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, paragraph 3 of the United States Constitution.

By Mr. CHAFFETZ:

H.R. 3463.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LOBIONDO:

H.R. 3464.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. SENSENBRENNER:

H.R. 3465.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. JONES:

H.R. 3466.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution, which states that "Congress may at any time by Law make or alter such Regulations" regarding the "Times, Places and Manner of holding elections."

By Ms. SLAUGHTER:

H.R. 3467.



Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. ROYCE:

H.R. 3468.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the U.S. Constitution to regulate commerce.

By Mr. ISSA:

H.R. 3469.

Congress has the power to enact this legislation pursuant to the following:

Because this bill affects spending by the United States, in that it alters the definition of a constitutionally-permissible class (military Veterans) that receives funds from the federal government, Congress has the power to enact this legislation pursuant to Article 1, Section 8, Clause 1 of the United States Constitution which empowers Congress "To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence [sic] and general Welfare of the United States" and Article 1, Section 8, Clause 18, which empowers Congress to "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ROYCE:

H.R. 3470.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution.

By Ms. CHU:

H.R. 3471.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article 1, Section 8, Clause 3 of the Constitution of the United States of America and Section 5 of the Fourteenth Amendment to the Constitution of the United States of America, the authority to enact this legislation rests with the Congress.

By Mr. COLLINS of New York:

H.R. 3472.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish post offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 3473.

Congress has the power to enact this legislation pursuant to the following:

16th Amendment

By Mr. RODNEY DAVIS of Illinois:

H.R. 3474.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GARAMENDI:

H.R. 3475.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution.

By Mr. ISRAEL:

H.R. 3476.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Ms. NORTON:

H.R. 3477.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Mr. SALMON:

H.R. 3478.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 18 "The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

As it is the purpose of the government of the United States to protect and defend the natural and inalienable rights of the American citizen, it is necessary and proper for the Congress to legislate, when necessary, to ensure the ability of the citizenry to keep and bear arms and to travel with such arms while taking reasonable precautions to ensure the safety of his/her fellows and to respect state and local laws.

By Mr. THORNBERRY:

H.R. 3479.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imports and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, impost and Excises shall be uniform throughout the United States;"

By Ms. TSONGAS:

H.R. 3480.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. SAM JOHNSON of Texas

H.J. Res. 102.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

By Mr. SAM JOHNSON of Texas:

H.J. Res. 103.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 129: Ms. BASS.

H.R. 274: Mr. GRIJALVA.

H.R. 292: Mr. FATTAH.

H.R. 351: Mr. DIAZ-BALART.

H.R. 411: Mr. OWENS.

H.R. 455: Mr. HASTINGS of Florida and Mr. TONKO.

H.R. 494: Ms. DELBENE, Ms. SLAUGHTER, and Mr. CAPUANO.

H.R. 564: Mr. CÁRDENAS.

H.R. 631: Mr. SEAN PATRICK MALONEY of New York.

H.R. 647: Mr. JORDAN.

H.R. 664: Mr. PAYNE, Mr. CLEAVER, Mr. CLYBURN, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. LEWIS, Mr. DAVID SCOTT of Georgia, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. DANNY K. DAVIS of Illinois, Mr. ELLISON, and Mr. FATTAH.

H.R. 685: Mr. ENGEL, Mr. CHABOT, and Mr. FINCHER.

H.R. 713: Ms. BROWN of Florida, Ms. HAHN, Mrs. CAPITO, Mr. GIBSON, Mr. LOWENTHAL, and Mr. JOHNSON of Georgia.

H.R. 719: Mr. HECK of Washington.

H.R. 732: Mr. MCHENRY.

H.R. 831: Mr. JEFFRIES and Mr. MORAN.

H.R. 858: Ms. GABBARD.

H.R. 861: Ms. MENG.

H.R. 920: Mr. PERLMUTTER.

H.R. 940: Mr. STUTZMAN and Mr. HUNTER.

H.R. 961: Mr. CARNEY and Mrs. BEATTY.

H.R. 1000: Mr. JEFFRIES.

H.R. 1015: Ms. BROWN of Florida.

H.R. 1020: Mr. GRIMM.

H.R. 1024: Mr. WOMACK.

H.R. 1027: Mr. VAN HOLLEN.

H.R. 1091: Mr. WOMACK.

H.R. 1098: Ms. BROWN of Florida.

H.R. 1105: Mr. HULTGREN.

H.R. 1125: Mr. HUFFMAN.

H.R. 1176: Mr. COTTON.

H.R. 1179: Mr. PERLMUTTER.

H.R. 1199: Ms. PELOSI.

H.R. 1209: Mr. JOYCE, Mr. YOUNG of Indiana, Mr. CALVERT, and Mr. WEBSTER of Florida.

H.R. 1226: Mr. DESJARLAIS, Mr. ROKITA, and Mr. SESSIONS.

H.R. 1240: Mr. PALLONE.

H.R. 1250: Mr. POCAN.

H.R. 1295: Ms. KUSTER.

H.R. 1318: Mr. TERRY.

H.R. 1331: Mr. SCHWEIKERT.

H.R. 1337: Mr. YOHO, Mrs. BACHMANN, and Mr. LAMALFA.

H.R. 1339: Ms. ESHOO and Mr. JEFFRIES.

H.R. 1354: Mr. RIGELL.

H.R. 1453: Mr. SEAN PATRICK MALONEY of New York.

H.R. 1528: Mr. HUDSON, Mrs. ELLMERS, Mr. KIND, and Mr. GOODLATTE.

H.R. 1557: Ms. KAPTUR.

H.R. 1563: Mr. BUCHANAN, Mr. WILLIAMS, Mr. TIBERI, Mr. SCHOCK, Mr. VAN HOLLEN, and Mr. CARNEY.

H.R. 1661: Ms. EDWARDS.

H.R. 1692: Ms. BROWN of Florida, and Mr. CALVERT.

H.R. 1726: Mr. PERLMUTTER.

H.R. 1767: Mr. ENYART, Mr. CONYERS, Ms. BROWN of Florida, Mr. AL GREEN of Texas, Ms. JACKSON LEE, Mrs. CAROLYN B. MALONEY of New York, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Ms. SLAUGHTER, Ms. SHEAPORTER, Ms. EDWARDS, and Mr. RYAN of Ohio.

H.R. 1775: Mr. VEASEY.

H.R. 1812: Mr. BERA of California.

H.R. 1814: Mr. FARR and Mr. BENTIVOLIO.

H.R. 1823: Mr. GARAMENDI.

H.R. 1837: Mr. LYNCH.

- H.R. 1845: Mr. GENE GREEN of Texas.  
H.R. 1851: Mr. PAYNE and Mr. BLUMENAUER.  
H.R. 1861: Mr. SHIMKUS.  
H.R. 1869: Mrs. CAPITO, Mr. STIVERS, and Mr. HECK of Nevada.  
H.R. 1914: Ms. ROYBAL-ALLARD, Ms. CLARKE, Ms. BASS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Mrs. DAVIS of California, and Mrs. CAROLYN B. MALONEY of New York.  
H.R. 1950: Mr. DESJARLAIS.  
H.R. 1984: Mrs. MCCARTHY of New York.  
H.R. 2019: Mr. WOLF.  
H.R. 2027: Mr. GRIFFIN of Arkansas.  
H.R. 2028: Mr. LARSON of Connecticut, Ms. MATSUI, and Ms. DELBENE.  
H.R. 2041: Mr. WALBERG.  
H.R. 2073: Mr. RYAN of Ohio.  
H.R. 2086: Mrs. CAROLYN B. MALONEY of New York.  
H.R. 2093: Mr. OWENS.  
H.R. 2118: Ms. BROWN of Florida.  
H.R. 2120: Mr. WAXMAN.  
H.R. 2123: Mr. MARINO, Mr. POSEY, Mr. BARLETTA, Mr. FITZPATRICK, Mr. BENISHEK, and Mr. AMODEI.  
H.R. 2203: Mr. DESANTIS, Mr. CONNOLLY, Mr. MCGOVERN, Ms. CASTOR of Florida, and Mr. MCINTYRE.  
H.R. 2233: Mr. MILLER of Florida.  
H.R. 2247: Mr. BOUSTANY.  
H.R. 2263: Mr. BURGESS.  
H.R. 2315: Mr. POMPEO, Mr. MCCAUL, Mr. WOLF, Mr. RENACCI, and Mr. KIND.  
H.R. 2328: Mr. GOODLATTE.  
H.R. 2429: Mr. MARINO and Mr. SHUSTER.  
H.R. 2509: Ms. EDWARDS and Mrs. NEGRETE McLEOD.  
H.R. 2536: Mr. BEN RAY LUJÁN of New Mexico.  
H.R. 2575: Mr. FORTENBERRY.  
H.R. 2697: Mr. PRICE of North Carolina.  
H.R. 2723: Ms. KELLY of Illinois.  
H.R. 2725: Mrs. BACHMANN.  
H.R. 2780: Mr. KEATING, Ms. TSONGAS, Mr. HIGGINS, and Mr. JOHNSON of Georgia.  
H.R. 2783: Mr. NOLAN and Ms. SLAUGHTER.  
H.R. 2785: Mrs. BEATTY.  
H.R. 2791: Mr. SHUSTER.  
H.R. 2805: Mrs. BLACK.  
H.R. 2807: Mr. DOGGETT, Mr. HASTINGS of Florida, Mr. MCCAUL, and Mr. YOUNG of Indiana.  
H.R. 2822: Mr. ELLISON.  
H.R. 2866: Mr. RYAN of Wisconsin, Mr. HUDSON, Mr. JORDAN, Mr. MCCLINTOCK, Mr. NUGENT, Mr. BARROW of Georgia, Mr. CARTWRIGHT, Mr. GALLEGO, Mr. MCNERNEY, Mr. TONKO, Mrs. LOWEY, Mr. GRAYSON, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. RYAN of Ohio, Mr. DOYLE, Mr. CROWLEY, Mr. SERRANO, Mr. PASCRELL, Mr. HONDA, Mr. BRADY of Pennsylvania, Mr. RAHALL, Ms. EDWARDS, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WASSERMAN SCHULTZ, Mr. ROYCE, Ms. DUCKWORTH, Mr. ISSA, and Mr. HIGGINS.  
H.R. 2902: Mr. PETERS of California.  
H.R. 2911: Ms. CASTOR of Florida.  
H.R. 2932: Mr. TERRY.  
H.R. 2941: Mr. CALVERT.  
H.R. 2955: Mr. GRIJALVA and Mr. LYNCH.  
H.R. 2957: Mr. JOYCE, Mr. LATHAM, Mr. HONDA, Mr. DELANEY, and Mr. POLIS.  
H.R. 2967: Mr. COTTON.  
H.R. 2983: Mr. CONNOLLY and Mr. HOLT.  
H.R. 3017: Mr. GIBSON.  
H.R. 3022: Mr. SARBANES, Mr. DELANEY, Mr. LEWIS, Mr. MORAN, Mr. CONNOLLY, and Ms. EDWARDS.  
H.R. 3038: Mr. CRENSHAW and Mrs. BACHMANN.  
H.R. 3111: Mr. SALMON, Mr. WHITFIELD, Mr. TERRY, Mr. LONG, Mr. SCALISE, Mr. SMITH of Nebraska, Mr. KINZINGER of Illinois, and Mr. RYAN of Ohio.  
H.R. 3113: Ms. BROWN of Florida.  
H.R. 3116: Mr. YOUNG of Indiana.  
H.R. 3121: Mr. WOMACK, Mr. RIBBLE, and Mr. AUSTIN SCOTT of Georgia.  
H.R. 3122: Mr. KIND.  
H.R. 3137: Ms. ESHOO.  
H.R. 3154: Mr. YODER, Mr. GARDNER, and Mr. WALBERG.  
H.R. 3179: Mr. CLEAVER, Mr. PERLMUTTER, and Mr. POLIS.  
H.R. 3206: Mr. LOWENTHAL.  
H.R. 3240: Mr. WESTMORELAND, Mr. COTTON, Mr. KING of New York, and Mr. MICHAUD.  
H.R. 3292: Mrs. HARTZLER and Mr. WESTMORELAND.  
H.R. 3299: Mrs. BLACKBURN, Mr. GOSAR, Mr. DUFFY, Mr. FINCHER, Mr. GERLACH, and Mr. WESTMORELAND.  
H.R. 3311: Mr. JONES, Mr. PERRY, Mr. LAMALFA, Mrs. BACHMANN, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. YOHIO, Mr. ROSS, Mr. HUIZENGA of Michigan, Mr. RIBBLE, and Mr. ROKITA.  
H.R. 3333: Mr. KING of New York.  
H.R. 3335: Mr. FLEMING, Mr. AUSTIN SCOTT of Georgia, Mr. STUTZMAN, Mrs. BLACKBURN, and Mr. SCHWEIKERT.  
H.R. 3344: Mr. HULTGREN.  
H.R. 3350: Mr. RYAN of Wisconsin, Mr. WEBER of Texas, Mr. FORBES, Mr. NEUGEBAUER, and Mr. MURPHY of Florida.  
H.R. 3360: Mr. POCAN.  
H.R. 3361: Mr. TIERNEY, Ms. PINGREE of Maine, Ms. KUSTER, Mr. MCGOVERN, Mr. PERRY, Mr. LARSEN of Washington, and Mr. RIBBLE.  
H.R. 3367: Mr. BARBER.  
H.R. 3369: Mr. WOLF, Mr. AMODEI, and Mr. TAKANO.  
H.R. 3374: Mr. RENACCI and Mr. WEBSTER of Florida.  
H.R. 3382: Mr. DEUTCH.  
H.R. 3388: Mr. HASTINGS of Florida.  
H.R. 3391: Mr. POCAN, Ms. SINEMA, and Mr. MORAN.  
H.R. 3397: Mr. VAN HOLLEN, Mr. MAFFEI, and Ms. BROWNLEY of California.  
H.R. 3406: Mr. LIPINSKI.  
H.R. 3408: Mr. JONES, Mr. LAMALFA, Mr. WILSON of South Carolina, and Mr. BUCHANAN.  
H.R. 3416: Mrs. HARTZLER, Mr. WOLF, Mr. AUSTIN SCOTT of Georgia, Mr. FLEMING, Mr. CONAWAY, Mr. MCHENRY, Mr. CHABOT, Mr. KING of Iowa, Mr. GOHMERT, Mr. FLORES, Mr. LAMALFA, Mrs. BACHMANN, Mr. PITTS, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. YOHIO, Mr. ROSS, Mr. RIBBLE, Mr. HUIZENGA of Michigan, and Mr. MARCHANT.  
H.R. 3429: Mr. RIBBLE, Mr. GRIFFITH of Virginia, and Mr. MARCHANT.  
H.R. 3435: Mr. MCNERNEY.  
H.R. 3446: Mr. MEEKS and Ms. BONAMICI.  
H.R. 3448: Mr. FINCHER.  
H.J. Res. 68: Mr. DOYLE.  
H. Con. Res. 16: Mr. WILLIAMS.  
H. Con. Res. 55: Mr. MCCAUL.  
H. Con. Res. 63: Mr. KILMER.  
H. Res. 11: Mr. NOLAN.  
H. Res. 109: Mr. LEWIS.  
H. Res. 135: Mr. LEVIN.  
H. Res. 153: Mr. CHABOT.  
H. Res. 250: Mrs. BACHMANN and Mr. LAMALFA.  
H. Res. 296: Ms. FOX.  
H. Res. 301: Mr. HOLT.  
H. Res. 302: Mr. HARRIS.  
H. Res. 356: Mrs. BACHMANN and Mrs. CAPITO.  
H. Res. 360: Mr. BURGESS.  
H. Res. 365: Ms. ESHOO, Mr. BARBER, Ms. MATSUI, Mr. NEAL, Ms. KELLY of Illinois, Ms. PINGREE of Maine, Ms. KUSTER, Mr. LOEBSACK, Mr. TAKANO, Mr. JONES, Mr. KENNEDY, Mr. KIND, Mr. DEFazio, Mr. KILMER, and Mr. RUIZ.  
H. Res. 398: Mr. VAN HOLLEN and Mr. COHEN.  
H. Res. 404: Ms. ROS-LEHTINEN, Mr. HECK of Nevada, Mr. SIREN, Mr. HASTINGS of Florida, Ms. GABBARD, Mr. MEEKS, Mr. DESANTIS, Mr. BERA of California, Mr. AL GREEN of Texas, Mr. SHERMAN, Mr. CHABOT, Mr. THOMPSON of California, and Mr. VARGAS.  
H. Res. 405: Mr. LONG, Mr. AUSTIN SCOTT of Georgia, Mr. PRICE of Georgia, and Mr. GRAVES of Georgia.  
H. Res. 406: Ms. EDDIE BERNICE JOHNSON of Texas.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

##### OFFERED BY MR. UPTON

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 3350 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

TRIBUTE TO THE LIFE OF MRS.  
RICHIE JEAN SHERROD JACKSON

**HON. TERRI A. SEWELL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to honor the life and legacy of Richie Jean Sherrod Jackson, a phenomenal woman and beloved teacher, author, and civil rights activist who departed this life on Sunday November 10, 2013. For her dedicated service to the City of Selma and the State of Alabama, I pay tribute today to the life work of Mrs. Richie Jean Sherrod Jackson.

Mrs. Jackson was born August 30, 1932 the only child of the late John W. and Juanita Richardson Sherrod. Her early years were spent in York and Selma, Alabama.

Mrs. Jackson graduated from Cardoza High School in Washington, DC and completed her Bachelor's degree in Education from Alabama State University and Master's degree in Education from the University of Montevallo.

Mrs. Jackson was married to Dr. Sullivan Jackson and together made Selma, Alabama their home. To this union was born one child; Jawana Virginia Jackson to whom they were devoted.

In addition to her strong commitment to family, Mrs. Jackson in 1961 began a 30 year teaching career with Selma Public Schools serving as both a teacher to countless numbers of children and as an administrator with the school system.

Because of her family's dedication and allegiance to civic and social justice, the Jackson home on Lapsley Street became a focal point for Dr. Martin Luther King, Jr. and other leaders as they planned the Selma to Montgomery Civil Rights March.

In 2011, Mrs. Jackson's book, *The House by the Side of the Road: The Civil Rights Movement* was published by The University of Alabama Press. The book detailed her personal memoirs reflecting on how her home in Selma served as the informal headquarters for Dr. King during the Civil Rights Movement. She and her husband Dr. Jackson were influential and prominent supporters of the movement. Dr. King and other national leaders, including Ralph David Abernathy and John Lewis, held strategy sessions at the Jackson house and also met with Assistant Attorney General John Doar to negotiate plans for the Selma to Montgomery march.

This firsthand account showed the heart of Dr. and Mrs. Richie Jean Jackson, and the pivotal role they played to carefully create a safe haven for civil rights leaders. They also courageously dealt with the challenges of living through events that would forever change America through the passage of the Voting Rights Act of 1965.

Mrs. Jackson demonstrated an exemplary commitment to community and enjoyed mem-

bership in the Historic Brown Chapel AME Church; the Alabama State Dental Wives Auxiliary; Delta Sigma Theta Sorority and numerous civic and community endeavors in Selma, Alabama.

On a personal note, I will always remember Mrs. Jackson as my sixth grade teacher at Cedar Park Elementary School in Selma, Alabama. Mrs. Jackson was a gifted teacher and strict disciplinarian. She expected the best from her students and settled for nothing less. I am grateful to have her as a guiding influence in my life and I will cherish the memories of being in her class. Mrs. Jackson was also a longtime member of my home church, Btown Chapel where she would faithfully sit in same pew each Sunday. I was always aware of the special role she and her home played in the civil rights movement but I believe one of her greatest gift is embodied in the hearts and minds of the many students she taught and mentored in her 30 year teaching career.

On behalf of the 7th Congressional District, the State of Alabama and this nation, I ask my colleagues to join me in remembering the life and legacy of Mrs. Richie Jean Sherrod Jackson. May we strive to emulate her servant heart and pay tribute to her distinguished humanitarian efforts and contributions to the betterment of society.

### IN RECOGNITION OF FLAHERTY DRIVE

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. KEATING. Mr. Speaker, I rise today to recognize the completion of the Flaherty Drive Project in New Bedford.

Greater New Bedford is a working city, constantly progressing and growing. The New Bedford Business Park allows local businesses to set up shop and participate in our community's—and nation's—economy. Of course, with emerging businesses, space is limited. When two million dollars were allocated to extend the park by 45 acres, an opportunity was given to new businesses, and existing businesses were given the opportunity to expand. The Flaherty Drive Extension has been completed by the Bourne Financial Development Corporation, and currently offers water, sewer, gas, electric, and telecommunication services to the New Bedford businesses looking to operate in the new section of the Business Park.

This project would not be possible without Bill Flaherty, the longtime Chairman and Vice Chairman of the Greater New Bedford Industrial Foundation's Executive Committee. He served on the Committee from 1987 until 2002. Mr. Flaherty passed away in 2003 at the age of 57 after a courageous battle with can-

cer. He is survived by his wife, Joan, and his daughters, Megan and Mary. At the Celebration of the Flaherty Drive Project, a memento of dedication to Mr. Flaherty will be presented to his family. It's essential to highlight the progression of local businesses, especially in the current economy. It is the hard work and dedication, as exhibited by Bill Flaherty, that allows for our country to advance and thrive economically.

Mr. Speaker, it brings me great pride to recognize the completion of the Flaherty Drive Project in New Bedford. I urge my colleagues to join me in recognizing the importance of this newly expanded business park, the insurmountable role it will play in the lives of local business owners, and the devotion of Bill Flaherty in his work to better the City of New Bedford.

### TRIBUTE TO LINDA BISIGNANO

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. LATHAM. Mr. Speaker, I rise today to honor the life and memory of Linda Bisignano of Des Moines, Iowa who passed away on November 11th at age 64 following a long struggle with breast cancer.

Linda and her family have been a foundation of the Des Moines' culinary scene for more than half a century. In 1956, the Bisignano family opened the now renowned Chuck's Restaurant in Highland Park. Specializing in traditional, homemade Italian recipes, Chuck's has been an area favorite for its great service, atmosphere, food and live music.

Linda will fondly be remembered for her invaluable contributions not only to her cherished family business, but also to the community as a whole. Each year, "Dinner at Chuck's" provides a free Thanksgiving dinner to the area's homeless, seniors, families and shut-ins. Last year, nearly 3,500 meals were provided with 2,600 meals delivered to homes across the area.

Mr. Speaker, anyone who had the pleasure of witnessing Linda's hospitality firsthand can tell you she was a one-of-a-kind spirit who truly embodied the sense of community and strong work ethic that Iowans are known for. In her passing, we are reminded of her compassion and her dedication to excellence in doing what she loved. I invite my colleagues in the House to join me in offering the Bisignano family my prayers and deepest sympathies during this difficult time.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KRISTEN MOLINARO, HAZLETON  
LIONS CLUB

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BARLETTA. Mr. Speaker, I rise to honor Past President Kristen Irene Molinaro of the Hazleton, Pennsylvania Lions Club.

Ms. Molinaro served as president of the Hazleton Lions Club from 2011 to 2013. Since its founding, the Hazleton Lions Club has been extremely active within the community, completing numerous projects and making donations in support of many other organizations. In her time as president, the club donated \$1,000 for a security camera in Hazleton and \$5,000 to Lions International for Campaign Sight First. Other donations were made to a local Boy Scout troop, the Lions Beacon Lodge, Rails to Trails tree planting and the All American Girl Softball League. For her hard work Ms. Molinaro was awarded the District 14W Lion of the Year 2012/2013.

Mr. Speaker, for her devotion to the Hazleton Lions Club and the improvement of our community, I commend Past President Kristen Irene Molinaro.

RECOGNIZING THE 175TH ANNIVERSARY OF EAST PIKELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday November 13, 2013*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate East Pikeland Township, Chester County, Pennsylvania on the occasion of its 175th anniversary.

In 1705, William Penn granted 10,000 acres of Pennsylvania land to his friend and fellow Quaker, Joseph Pike of Kilcreagh farm, County Cork, Ireland. "Pike's Land" was the first name given to this acreage. By the end of the 18th century, the character of various portions of Pike's Land had become divergent from each other and so a division into the Townships of East Pikeland and West Pikeland was agreed upon to reflect these differences.

East Pikeland Township's rich history includes playing a key role in the Revolutionary War. During the "Philadelphia Campaign", East Pikeland's farms, mills and cottage industries were important sources of food and supplies for the Continental Army. The Continental Powder Mill at Rapps Dam on French Creek proved a key element in munitions supply as well.

Today, East Pikeland Township and its citizens continue to make invaluable contributions to the quality of the economic and social life of Chester County while, at the same time, preserving the rich and storied heritage of their past.

Mr. Speaker, in honor of its 175th anniversary, I ask that my colleagues join me today in recognizing East Pikeland Township, Chester County, Pennsylvania, and its long and storied history.

IN HONOR OF THE 150TH ANNIVERSARY OF ZION MISSIONARY BAPTIST CHURCH

**HON. PAUL C. BROUN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BROUN of Georgia. Mr. Speaker, I rise today to pay tribute to the rich heritage of Zion Missionary Baptist Church whose members are celebrating its 150th anniversary. In 1863, shortly after President Abraham Lincoln gave the Emancipation Proclamation, thirty-six freedmen founded a church at the Pepperton Community in Jackson, Georgia. Since then, Zion Missionary Baptist Church has become a thriving fellowship, dedicated to ministry and service in the African-American community.

It is worth noting that before there were African-American mayors, governors, or even a president, Black churches, like Zion, thrived with leadership from African-American Sunday school teachers, deacons, and pastors. As with many churches, over the years the members of Zion were seen as community leaders, who helped mentor, educate, and counsel many in the Black community. Today, Zion serves not only as a place of worship, but as a people with a mission to serve as a source of encouragement, inspiration, and pride for members of the community for more than a century.

The 150 year history of Zion Missionary Baptist Church includes many pastors, challenges, and changes, but its unwavering commitment to being a place where the community gathers to help and support one another is to be commended. No matter the cause, event, or activity, God has used Zion to influence its community. Therefore, I close by asking you to support and pray for what God is doing at Zion Missionary Baptist Church. May it continue as a pillar of strength for the residents of Butts County for generations to come.

HONORING THE LEGACY OF  
THOMAS S. WILMETH

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. HALL. Mr. Speaker, I rise today in recognition of Thomas S. Wilmeth whose work ethic, entrepreneurship, philanthropy, and commitment to education are a tribute to what makes this country great. Mr. Wilmeth, who celebrated his 100th birthday this year, lives in Daingerfield, Texas and describes himself as "someone who always wanted to do something." He most certainly has.

Thomas Wilmeth was born October 2nd, 1913 in Indianapolis. While his father served in World War I in the U.S. Army, his grandmother and mother—both math teachers—began teaching him at an early age. Mr. Wilmeth attributes this early education to much of his success—it was through their tutelage that he was able to skip ahead three grades and graduate from Broad Ripple High School at age 15. At age 16, Mr. Wilmeth en-

rolled at Purdue University. While there, he was a member of Alpha Chi Rho, Tau Beta Pi, and Eta Kappa Nu. In 1935, at age 21, Mr. Wilmeth graduated magna cum laude with a degree in electrical engineering. In May of 2013, Purdue University awarded Mr. Wilmeth with an honorary doctorate for engineering information literacy.

In addition to a keen mathematical and analytical mind, from an early age Mr. Wilmeth also demonstrated particular business savvy. At age 10, he sold hot-roasted peanuts; at age 12, he sold strawberries; and at 15, he opened his own radio repair business. During his senior year at Purdue University, Mr. Wilmeth worked as business manager of the Purdue Yearbook, Debris, earning \$1,100 in profit.

In 1949, Mr. Wilmeth combined his education and entrepreneurial ambitions and started Scot Industries, Inc. with his brother, Harvey. After exploring a number of different businesses and products, Scot Industries established itself as a metal honing business focused on increased efficiency, productivity, and affordability. Nearly 45 years later, their business has 10 locations nationwide, and Mr. Wilmeth continues to assist with the management and operation of Scot Industries.

Mr. Wilmeth has stated that his philosophy is "to develop the ability to train and teach oneself to learn." His philosophy is lived out daily through his work ethic, and it is extended through charitable giving. He continues to donate to his alma mater, Purdue University, as well as the Boy Scouts of America. Mr. Wilmeth was himself a Boy Scout who earned the rank of Eagle at the age of 15.

The hard work, dedication, and generosity Mr. Wilmeth lives by are an inspiration and should encourage all Americans. Mr. Speaker, I ask my colleagues to join me in wishing Mr. Wilmeth a Happy 100th Birthday. I thank him for his entrepreneurial spirit that helps make our country great, and wish him continued health and happiness.

IN HONOR OF JOHN AND MARTHA  
MANILLA

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor John and Martha Manilla. John and Martha have been married for 57 years. John served in World War II in the 8th Army Air Force in the European Theater. He flew 33 missions over France and Germany before returning home and beginning work with a construction company. He married Martha, a school teacher, in 1956 and started a family. John soon began his own construction company, with constant aid and support from Martha. Together they raised a family of four in Skaneateles, New York, a town John has called home for his lifetime. Martha taught in the Skaneateles Central Schools for 23 years, influencing the lives of hundreds of students. They are loving grandparents to 11 grandchildren, friends of many and a warm presence in the town they love. At 90 years old,

John still participates in the Memorial Day parade and is an active veteran. They represent the best in America; pride in their nation, purposeful civic duty and a love for family and friends.

**CONGRESSWOMAN CELEBRATES  
DR. EDMUND GRAY, RECIPIENT  
OF THE 2013 SISTER PETER  
CLAVER AWARD**

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor Dr. Edmund Gray, recipient of the 2013 Providence Sacred Heart Medical Center's Sister Peter Claver Award.

In receiving this reward, Dr. Gray joins the ranks of many like himself who have gone out of their way to help and serve others, doing it humbly and without seeking recognition.

The Sister Peter Claver Award is given in honor of its namesake each year. Sister Peter Claver gave over twenty years of her life to the Sacred Heart Medical Center in Spokane, Washington. She led this institution by her example of charity, service, and integrity. Today, Dr. Ed Gray exemplifies the mission and message of Sister Peter Claver.

Dr. Gray became a rural family practice physician in 1953. Working at Providence Mount Carmel Hospital in Colville, he cared for outpatients, delivered babies, and performed surgery. During his five decades of practice, Dr. Gray served in regional and statewide leadership roles to improve sanitation, vaccination, and other public health policies that affect eastern Washington State.

Access to quality medical care was always a priority for Dr. Gray. He helped to develop the first Basic Health plan in Washington State. This plan expanded access to those who could not afford coverage.

He worked with the University of Washington to develop a rural medicine training track that would teach student physicians about the special health care needs of people living in rural communities. Dr. Gray was a role model for many physicians.

So today, I rise to acknowledge and thank Dr. Gray for his compassionate service to the citizens of eastern Washington. I invite my colleagues to join me in congratulating Dr. Ed Gray on receiving the "Sister Peter Claver Award" and in thanking him.

**HONORING MS. SARA LOMAX-  
REESE**

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the accomplishments of Ms. Sara Lomax-Reese. A graduate of the University of Pennsylvania and Columbia University Graduate School of Journalism, Ms. Lomax-Reese is the President and General

Manager of WURD Radio LLC, Pennsylvania's only African-American owned talk radio station.

Ms. Lomax-Reese is an accomplished journalist who has been widely published in The Miami Herald, The Philadelphia Inquirer, The Atlanta Journal-Constitution, Essence Magazine, American Visions Magazine, and Modern Maturity. Additionally, she co-founded HealthQuest: Total Wellness for Body, Mind, and Spirit, the first nationally circulated African-American consumer health magazine in the country. Due to her outstanding leadership abilities, the magazine quickly grew from a small 25,000 quarterly to a bi-monthly publication with a distribution of 500,000. She has received many awards for her dedication to her community, including the Woman of Substance Award, the Tree of Life award, the Beacon of Light award, the Woman of Distinction award, and most recently the PECO Power to the Community Award. Ms. Lomax-Reese stands committed to continuing her work of empowering the community and building a powerful voice for the African-American community at WURD radio.

It is a privilege to recognize a person whose leadership and commitment to our city has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in commending Ms. Lomax-Reese for her lifetime of service and dedication to Pennsylvania's First Congressional District.

**TO RECOGNIZE ARIA HEALTH**

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, Aria Health has been providing quality medical care to residents of the Philadelphia region since July 4th, 1903 when it began as Frankford Hospital in Northeast Philadelphia.

In the 110 years that have followed, Aria Health has grown to six facilities—three inpatient and three outpatient—and is the largest healthcare provider in the Northeast Philadelphia and Lower Bucks County area. Through that time it has continued to serve the medical needs of millions in the Philadelphia and Bucks County regions with the same commitment to care as the day they were founded.

I rise today in recognition of their continued service to our communities, and congratulate them on their reception of the Crystal Vision Award—given each year by the Greater Northeast Philadelphia Chamber of Commerce.

This award is a testament to the lasting impression Aria—its physicians, nurses and staff—have left on the lives of those they have, and continue to help. I am pleased to join with members of the Chamber in recognizing Aria for their accomplishments and wish them constant success in the future as they continue to care for our community.

**IN RECOGNITION OF THE 50TH AN-  
NIVERSARY OF THE 908TH AIR-  
LIFT WING**

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, today Mrs. ROBY and I ask for the House's attention to honor the 908th Airlift Wing, an Air Force Reserve Command wing located at Maxwell Air Force Base in Montgomery, Alabama.

What is now known as the 908th Airlift Wing began as the 908th Troop Carrier Group at Bates Field, Mobile, Alabama on February 11, 1963. Six years later, the 908th moved to Maxwell Air Force Base, where it remains today.

The mission of the 908th Airlift Wing is to recruit, organize and train Air Force reservists to provide unrivaled theater airlift and flexible combat support across the spectrum of military operations.

During its 50 years, the 908th has followed its mission with a dedication to excellence. Its members have served in operations and humanitarian relief efforts at home and abroad. The 908th has an impeccable safety record with over 150,000 hours logged over 47 years without a Class A or B mishap. Since 2003 the men and women of the 908th have logged over 10,500 combat flight hours in overseas missions.

During their 50 years, the 908th has been awarded some of the US Air Force's highest honors. The men and women of the 908th are seven time winners of the Air Force Outstanding Unit Award. They finished FY 2013 with a 90.4 percent aircraft mission capable rate, among the highest ever recorded for a C-130 unit. They were also named the 2012 Small Command Post of the Year for two commands, AFRC and AETC. Their 2012 virtual inspection was the best the Inspector General had seen to date. In 2012, they had 78 Programs rated excellent and 8 Superior performers, which was more than any other wing.

The 908th will celebrate its 50th anniversary on December 7th with a celebration in Montgomery. The 908th has been widely recognized as an elite unit, one in which its members consider it a privilege to serve. It is an honor to join the state of Alabama in congratulating the 908th Airlift Wing on 50 years of excellence.

**THE INTRODUCTION OF THE VET-  
ERANS LEGAL SUPPORT ACT OF  
2013**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Ms. NORTON. Mr. Speaker, at a time when 900,000 veterans and 5,000 active duty service members face Supplemental Nutritional Assistance Program cuts, I introduce a bill to allow the U.S. Department of Veterans Affairs

(VA) to provide financial support to law school clinical programs that provide pro bono legal and support services to veterans, including, among other things, assistance with disability claims and appeals and foreclosures. The enormous backlog of disability claims at the VA and homelessness among veterans remain critical problems for our veterans. Approximately 107,000 veterans are homeless on any given night in this country and over 600,000 veterans are waiting for their disability claims to be processed by the VA. Providing clinical programs with the resources to assist veterans can result in faster processing of claims and quicker housing assistance to our veterans, who have repeatedly put their lives on the line for this country.

This bill, introduced by my colleagues Senators JEANNE SHAHEEN, AMY KLOBUCHAR and CHRIS MURPHY in the Senate, would allow the VA to work with and support clinical programs for veterans. This bill merely builds on what some law schools have begun to do for the last several years while providing vital legal services to our veterans and reducing the backlog that has plagued the VA for many years. However, more needs to be done to sustain these programs and to recruit and retain qualified attorneys to supervise law students.

Mr. Speaker, just as we honored our veterans on Veterans Day, I urge my colleagues to support this bill, which would further honor and assist our veterans in their daily lives.

#### OBAMACARE—HURTING THE HARDWORKING MIDDLE CLASS

#### HON. ANN WAGNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2013

Mrs. WAGNER. Mr. Speaker, in recent weeks, I have received far too many heart-breaking stories from the people of the 2nd District about how government-run healthcare is impacting their lives.

Today, I rise to put a face on the horrors of ObamaCare and tell Jim and Kim Curtis's story who hail from Arnold, in Missouri.

This is their story in their own words.

We, the working middle class, are the ones who are being hurt by this law.

We struggle every day to make ends meet.

But now, because of Obamacare, we received a notice from the insurance company that the plan we currently pay for does not meet the guidelines and we will no longer be covered on January 1st, 2014.

Now we have to find an extra \$500 to \$600 minimum per month to cover the insurance that is comparable to what we had before. I have no idea how we will afford that kind of money and pay our bills and mortgage each month.

This is just one of the millions of examples of real people being hurt by ObamaCare.

This story is from Kim Curtis, a Senior Underwriter at an insurance company in Saint Louis, MO:

We, the working middle class, are the ones who are being hurt by this law.

We struggle every day to make ends meet. The one bright spot is that the middle sized family owned company that my husband

works for paid 100% of both of our health care and dental premiums on a very good PPO plan. That was a huge benefit and a saving grace.

But now, because of Obamacare, we have received notice from the insurance company that the plan that they currently pay for does not meet the marketplace guidelines and we will no longer be covered effective on January 1st, 2014. They are not paying anything towards our insurance at all.

So now we will be trying to scramble to come up with an extra \$500-\$600 min per month to cover the insurance that is comparable to the plan that we had. I have medical issues so I have quite a few doctor visits and bills each year so I am not cheap to cover so it may even be more than that.

Thanks for your time and again thanks for standing up for us. Someone needs to help us before we all go bankrupt and lose everything we have worked so hard to build up during our lifetimes.

From: Kim Curtis (Kim.Curtis@cmgmi.com)

Received: 10/27/13

DEAR ANN, It comes as quite a shock to me on how much of an impact Obamacare is having on myself and the country as a whole. Let alone the fact that I feel it was NEVER really explained very well to the American people let alone very well thought out by law makers when this plan was put together. This will further hurt our economy and drive it back possibly to the brink of another recession.

My husband had already taken over \$10,000/year cut in pay a couple years ago and I at the same time took over a \$20,000 cut in pay, but we looked at it that at least we still had jobs. We struggle every day to make ends meet. The one bright spot is that the middle size family owned company that my husband works for paid 100% of both of our health care and dental premiums on a very good PPO plan. That was a huge benefit and a saving grace.

But now due to Obamacare we have received notice from the insurance company that the plan that they currently pay for does not meet the "market place" guidelines and we will no longer be covered effective on January 1st, 2014. My husband approached his employer and the comment that he received is that we will probably have to go out to the market place and get insurance from there because they don't feel that they will be able to afford the insurance that is now being required by the new "LAW". So along with that they are NOT paying anything towards our insurance AT ALL. So this will now along with cuts in pay, we will be trying to scramble to come up with probably around \$500-\$600 min per month to cover the insurance that is comparable to the plan that we had. I have medical issues so I do have quite a few Doctor visits and bills each year so I am not cheap to cover so it may even be more than that.

I have no idea how we will be able to afford that kind of money each month and pay the mortgage and other bills that we have let alone be punished with a penalty if we do not have insurance. That is ridiculous. You should have been able to put together a plan that would BENEFIT the people not PENALIZE the majority of them.

If the "PLAN" is that good why did they have to make it a law for everyone to participate. If it was done correctly people would WANT to participate. THAT is the "PLAN" that they should have put into place.

Thanks for your time and again thanks for standing up for us. Someone needs to help us

before we all go bankrupt and lose everything we have worked so hard to build up during our lifetimes.

KIM CURTIS,  
SENIOR UNDERWRITER,  
CMG Mortgage Insurance Company.

#### CONGRATULATING BILL DE BLASIO ON HIS ELECTION AS MAYOR OF NEW YORK CITY

#### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2013

Ms. CLARKE. Mr. Speaker, I rise today to congratulate former Public Advocate and a dear friend of mine Bill de Blasio on his election as Mayor of New York City. He will be New York's 109th Mayor and the first Democrat to hold the office in 20 years.

Mr. de Blasio is a compassionate and intelligent man who believes that every person in New York should have access to a quality education, attend college or vocational training, find a job, and start a family.

He is ready to address the enormous challenge that income inequality poses for New York City and our nation, which threatens to undermine our shared commitment to the American Dream. This is a great victory for the people of New York City, and I know that he will unify all New Yorkers and lead the City forward into a new era.

New York City has a new incredible leader and I look forward to working with him on initiatives that will keep New York City and our nation on the path to prosperity. I ask my colleagues to join me in recognizing the election of Bill de Blasio, and urge us all to continue the fight for an America that is a true champion of equity and opportunity.

#### HONORING RICHARD AND LEE LASTER

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2013

Mrs. LOWEY. Mr. Speaker, I rise today to honor my constituents and good friends Richard and Lee Laster on the occasion of his 90th birthday and their 65th wedding anniversary. The Lasters have called Chappaqua, New York, home for 50 years.

Born in Vienna, Austria, Richard came to the United States in 1940. After graduating in 1944 from the Polytechnic Institute of New York, Richard began his long career with General Foods Corporation. He became President of the Maxwell House Coffee Division, Executive Vice President and a Director at General Foods. Following his retirement from General Foods, Richard helped build DNA Plant Technology Corporation and WellGen. Richard has also served on the Board of Directors of RiceTec, Inc., The Prince of Liechtenstein Foundation, Bowater Incorporated, The Firestone Tire & Rubber Company, and Peptor Ltd.

Richard has been a strong and committed community leader, generously sharing his wisdom and skills with a myriad of civic and educational organizations. These include serving as a Director of The American Committee for the Weizmann Institute of Science, Trustee of Temple Beth El, Chairman of the Purchase College Foundation, Trustee of Polytechnic University, Chairman of the Westchester Education Coalition, a member and Deputy Supervisor of the New Castle Town Board, President of the Chappaqua School Board and Vice President of the United Way of Westchester.

Richard and his beloved wife, Lee, are both Holocaust survivors. Their experiences in 1938 led to a deep and abiding commitment to fighting the evils of hatred and bigotry by teaching tolerance to young students. In 2011, the Holocaust and Human Rights Education Center presented Richard and Lee with its Spirit of Humanity Award as recognition for Richard's 14 years as Chairman and Lee's longtime service as a board member. Lee has also volunteered on the board of The Chappaqua Orchestra.

I am proud to recognize Lee and Richard Laster of Chappaqua, New York for their extraordinary contributions to our community and beyond. I wish them happiness on the double celebrations of their 65th wedding anniversary and his 90th birthday.

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HOYT LIBRARY, KINGSTON, PA

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**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BARLETTA. Mr. Speaker, I rise to honor Hoyt Library in the Borough of Kingston, Pennsylvania which is celebrating its 85th anniversary this year.

In January 1928, the Borough of Kingston opened the first free lending library on the West Side of the Susquehanna River. The building was donated to the town by Frank Weston Hoyt who recognized the need for a community library. Throughout its existence, the facility has been updated to meet the needs of the citizens of Kingston. In 1987, an addition was built to house much of the collection. Tragedy struck in February 2007, when the roof of that addition collapsed in a heavy snowstorm, and a large portion of the Library's collection was destroyed. In October 2009, a new two story addition was opened. Today, Hoyt Library continues to be an important part of the Kingston landscape.

Mr. Speaker, for 85 years Hoyt Library has served as an important site to the citizens of the Borough of Kingston, Pennsylvania. Therefore, I commend those individuals who have dedicated their time to working and learning at this community asset.

TO RECOGNIZE THE UPPER BUCKS CHAMBER OF COMMERCE'S 60 YEAR ANNIVERSARY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, the Upper Bucks Chamber of Commerce is preparing for their 60th year by celebrating several decades of partnership with businesses in the Upper Bucks region.

The mission of the Upper Bucks Chamber of Commerce is to build strong liaisons within the region's business community in order to progress the principles of free enterprise and enhance the quality of life in Upper Bucks County. The UBCC is a membership based non-profit organization comprised of local non-profit and for profit businesses and community associations. Representing over 1,000 businesses with the purpose of strengthening the local economy, the UBCC works to encourage business and consumer commerce. Through connection building, regional promotion, and services which endorse and protect interests, the UBCC is able to accomplish their mission.

The UBCC has provided these invaluable services to businesses in the community for the past 60 years and I commend their dedication to building a strong local economy and wish them the best in the future.

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HONORING MARTYL LANGSDORF, CREATOR OF THE BULLETIN OF THE ATOMIC SCIENTISTS' DOOMSDAY CLOCK

**HON. BILL FOSTER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FOSTER. Mr. Speaker, I rise today to honor Martyl Langsdorf, who created the image of the now-iconic Doomsday Clock for the June 1947 cover of the Bulletin of the Atomic Scientists, a publication founded by University of Chicago scientists who had worked on the Manhattan Project, including her husband, physicist Alexander Langsdorf. Martyl's Clock remains a singular reminder of the risks we face from nuclear weapons and the effects of climate change.

A renowned landscape painter and longtime resident of Schaumburg, Illinois, Martyl died at the age of 96 on March 26, 2013, and will be remembered tomorrow at the Bulletin's Fifth Annual Doomsday Clock Symposium here in the nation's capital. Fittingly titled "Communicating Catastrophe," the Symposium will reflect Martyl's sensitivity to the urgency of existential threats—and her brilliance in using art and design "to move past the numbness and create new ways of feeling, just as we tap science for new ways of knowing," said Bulletin Executive Director Kennette Benedict.

Martyl's legacy continues as members of the Bulletin's Science and Security Board annually assess the state of world affairs and use the hands of the Clock to signal humanity's capacity to meet the challenges of nu-

clear weapons and climate change. World attention to the Doomsday Clock confirms the impact of what designer Michael Bierut, in a 2010 tribute to Martyl titled "Designing the Un-thinkable," called "the most powerful piece of information design of the 20th century."

Mr. Speaker, I ask my colleagues to join me in honoring the late Martyl Langsdorf for raising the world's awareness about grave threats, and also the Bulletin of the Atomic Scientists for providing information and analysis that points to a safer world.

And to close on a personal note, it was at one of Martyl Langsdorf's annual "Peony Parties" at her garden in Schaumburg, during a long conversation with wise old lawyer and Bulletin stalwart Lowell Sachnoff, that was one of the first times I began seriously considering stepping away from my career in science to begin one in public service.

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IN RECOGNITION OF DELANO-EARLIMART IRRIGATION DISTRICT

**HON. DAVID G. VALADAO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. VALADAO. Mr. Speaker, I rise today to recognize the Delano-Earlimart Irrigation District on its 75th anniversary.

The Delano-Earlimart Irrigation District was organized in 1938 to protect the underground water resources in the area and to secure a long-term surface water contract with the U.S. Bureau of Reclamation. Since 1950, the District has delivered more than 7.7 million acre-feet of water to water users in the Delano-Earlimart area of California.

Water is the lifeblood of the Central Valley's economy because of the strong agricultural industry in the region. Ensuring adequate supply of water is important for both farmers and families in the Central Valley. The investments and improvements to water infrastructure made by the Delano-Earlimart Irrigation District over the past 75 years have played a vital role in ensuring water resources are available to the farmers who feed the nation, and the families who call the Central Valley home.

The efforts made by the Delano-Earlimart Irrigation District have helped create a district comprised of 56,500 acres that annually produce more than \$360 million in crop value.

Mr. Speaker, it is with great pride that I recognize the Delano-Earlimart Irrigation District in celebrating 75 years of staying true to its mission to protect, enhance, and manage the District's water and energy resources and related assets to benefit its growers, the community, and the region it serves through outstanding customer service, commitment to quality, and leadership on the water resources industry.



## PERSONAL EXPLANATION

**HON. ROBERT PITTENGER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. PITTENGER. Mr. Speaker, on rollcall vote Nos. 571–572, I am not recorded because I was absent from the U.S. House of Representatives. Had I been present, I would have voted in the following manner.

On rollcall No. 571, had I been present, I would have voted “yea”. On rollcall No. 572, had I been present, I would have voted “yea”.

## RECOGNIZING PROJECT HOPE

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. WOLF. Mr. Speaker, I rise today to recognize Project HOPE, an international non-profit organization in Millwood, Virginia dedicated to providing quality and sustainable healthcare to people around the world. I want to highlight their recent medical outreach to Syrian children, who make up half of Syria's refugee population from the current crisis.

I travelled to the region in February and spent time with Syrian refugees in Lebanon, hearing firsthand their accounts of the horrific civil war that was ripping apart their nation. Over two million refugees have fled and are living in refugee camps or trying to survive on their own in neighboring countries.

Last month, I had the opportunity to visit Project HOPE in Millwood. I was pleased to learn that they recently delivered 186,000 doses of a vaccine to infants and young children at the Al Za'atari refugee camp in Jordan to combat the potentially deadly rotavirus. The virus is highly contagious and spreads rapidly in crowded encampments with inadequate sanitation.

Project HOPE is also trying to help other vulnerable refugees, including individuals with disabilities and the elderly. Often, in global disasters, children, the disabled and the elderly are most at risk. These are the people for whom Project HOPE can make a difference.

In addition to Project HOPE's vital work among the Syrian refugee population, they are also serving the victims of Typhoon Haiyan in the Philippines. Project HOPE has a proven track record in the region and is urgently working to provide much needed emergency medicine and medical supplies to the survivors of this devastating natural disaster.

I applaud Project HOPE's 55-year legacy of tireless service to the poor and vulnerable, both here and abroad.

I submit the following article from the Winchester Star, which details Project HOPE's outstanding work to bring medical relief to Syrian refugees.

[From the Winchester Star, Sept. 21, 2013]

HOPE ARRIVES FOR REFUGEES FROM CIVIL WAR-TORN SYRIA

(By Val Van Meter)

MILLWOOD.—The disadvantaged children affect Frederick Gerber the most.

He is at the Al Za'atari refugee camp in Jordan this week, delivering 186,000 doses of vaccine from Project HOPE in Millwood to children there.

Gerber is a director of operations in Iraq for Project HOPE (Health Opportunities for People Everywhere) and helped to build a hospital for children in Basrah, the first new hospital in Iraq—a country with a population of about 33 million—since the 1980s.

His organization is trying to help Jordan and other countries in the area to cope with the influx of refugees from the two-year-old civil war in Syria.

The conflict has generated a flood of refugees into countries neighboring Syria, Gerber said.

Al Za'atari opened two years ago, with 60,000 men, women and children.

Now, Gerber said, Jordan is sheltering more than 600,000, with more than 200,000 in United Nations refugee camps. Al Za'atari is the second-largest refugee camp in the world, and would qualify as Jordan's fourth-largest city.

“It's the size of 600 football fields,” Gerber said.

Those in the camps could be said to be the lucky ones. He noted that they receive deliveries of clean water, food and blankets.

Other refugees try to find shelter with family members or friends, or simply squat in empty or abandoned buildings.

“They live in dire circumstances,” Gerber said.

Project HOPE, with its focus on health projects, has been working in the Middle East for a dozen years, he said.

This situation, with the refugee totals of those who have left Syria expected to top 3.5 million by year's end—and another 4.5 million believed to be displaced in the war-torn country—is swamping the resources of its neighbors.

“Jordan needs a lot of help to help them,” Gerber said.

Project HOPE's donation of vaccines to fight rotavirus is a preventative operation, he said.

Rotaviruses are known to cause diarrhea and dehydration, especially in children, and break out where people are crowded together and clean water and good sanitation are lacking.

Project HOPE is also readying some \$30 million in medical supplies in its Winchester warehouse for shipment to Jordan.

Much of that shipment will be used in the camps—but, Gerber said, he hopes some can be moved over the border into Syria, where about 2,500 medical professionals are working under battlefield conditions to help casualties from the fighting.

“These are the real heroes,” he said.

Estimates indicate that 70 percent of Syria's doctors have fled the country, Gerber said. Most of the nation's hospitals have been damaged or destroyed.

The physicians remaining are working in field hospitals and aid stations, dealing with battlefield casualties with sparse modern supplies or equipment.

Without proper retractors, Gerber said, he has heard of doctors holding a chest open for surgery “with a pair of pancake flippers.”

In addition to immediate medical emergencies, he sees a future threat in post-traumatic stress disorder for all refugees and a dim future for the children who may live in refugee camps for years without any hope of getting an education.

Gerber would like to find ways to have Jordanian professionals trained to handle the “stress, depression and anxiety that are so palpable” in and outside the camps.

“Very few have any training in psycho-social illnesses,” he added.

But his first focus now is keeping the children healthy.

“I love what I'm doing,” said Gerber, a Washington, D.C., resident who spent 32 years in the Army health services.

“And it's wonderful to do it with an organization like Project HOPE.”

But seeing children starved or injured “never fails to bring a tear to my eye.”

## TO RECOGNIZE THE PENNCO TECH'S 40-YEAR ANNIVERSARY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, I would like to congratulate Pennco Tech for celebrating 40 years of success in our community. The school and its branch campuses have been training individuals in electronic, automotive, and technological fields for decades. They also specialize in HVAC, building trades, and healthcare—helping prepare young students to excel in good paying jobs in my community.

In 1961, Pennco Tech was established in Philadelphia, Pennsylvania. In 1966, they founded the School of Automotive Technology through the Ford Motor Company. Together, these companies were acquired by Pennco Institutes Incorporated in 1973. The schools then united in Bristol, Pennsylvania in 1975. Since then, the school has opened branch campuses in Pennsauken, New Jersey and Blackwood, New Jersey. The Pennsauken campus has also been granted accreditation from ACCSC. Today, both schools offer a wide range of majors that allow students to gain hands on experience within their field of study.

Pennco Tech is a vital educational institution in our community, as they teach necessary skills that further the knowledge of those who are entering the workforce and contributing to the local economy. Once again, congratulations on 40 years of success.

## COMMENDING THE CLEMENTS HIGH SCHOOL MARCHING BAND

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. OLSON. Mr. Speaker, I rise today to commend the Clements High School Marching Band from my hometown of Sugar Land, Texas. They won top honors at the 2nd annual Texas Marching Classic in Round Rock, Texas. Not only did Clements take home the championship trophy, but they also received awards for best music, best visual and best general effects. Their award winning performance of “Resistance is Futile” featured music from J.J. Abrams' Star Trek.

After winning the Texas Marching Classic, the band and color guard followed their win with a grand champion victory at the Sam Houston Marching Contest the very next

weekend. In both cases, the band headed into the finals in second place but came out on top in the end.

The Texas Marching Classic hosts 22 of the top marching bands in the State of Texas. I can only imagine the preparation that these young students had to put in these last few months. Their hard work and dedication has certainly paid off. The Marching Band has made Clements High School and our community proud. I'm proud to extend a Texas-sized congratulation to the Clements High School Marching Band for their musical achievements.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF BRAHMIN SAMAJ OF USA

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Brahmin Samaj of USA (BSOU) on its 25th Anniversary. For 25 years, BSOU has represented the Brahmin community in New Jersey, the surrounding region and all Brahmins across the United States.

Established in New Jersey in 1988, BSOU has grown from 11 members to more than 500 members today. In addition to its growth in membership, BSOU has also expanded to each U.S. state, Canada and other international countries. Likewise, it has seen the establishment of sister organizations in New York, Chicago, Atlanta, Florida and Ontario. It was registered as the official Brahmin organization in New Jersey in 1989.

Since its founding, BSOU has been led by ten presidents, including Founding President the late Shri Manibhai Joshi, Arunbhai Kantharia, Pramodaben Joshi, Begavatbhai Pandya, Rasikbhai Bhatt, Vishnubhai Bhatt, Dr. Hitendra Upadhyay, Naishad Pandya, Bhogilal Jani and current President Abhay Shukla. The organization is also represented by a Board of Trustees and Executive Committee which work toward advancing BSOU.

BSOU hosts various social, religious and cultural activities to promote and maintain the traditions and heritage of the Brahmins. It has hosted youth activities, large conventions and participated in the India Day Parade in New York City, New York for five years. BSOU continues its mission to honor and celebrate the Brahmin history and culture.

Mr. Speaker, once again, please join me in congratulating Brahmin Samaj of USA as it celebrates its 25th Anniversary. Its commitment to promoting the Brahmin culture and serving the Indian community is truly deserving of this body's recognition.

HAZLETON LIONS CLUB

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BARLETTA. Mr. Speaker, I rise to honor the Hazleton Lions Club which is celebrating its 90th anniversary this year.

Since 1917, Lions Clubs have offered people the opportunity to give something back to their communities. On October 23, 1923, the Hazleton Lions Club was formed by its Charter President Roy D. Snyder, making it the 20th oldest Lions Club in Pennsylvania. Since its founding, the Hazleton Lions Club has been extremely active within the community, completing numerous projects and making donations in support of many other organizations. These volunteer service projects include the Keep Pennsylvania Beautiful Project, Red Cross Disaster Response Team, Nescopeck State Park Project, Can-Do Board of Directors, Greater Hazleton Area Fun Fest and the American Cancer Society. Recipients of the club's donations range from national organizations such as the United Rehabilitation Services and Catholic Social Services, to local groups such as Hazleton Little League and the Hazleton Integration Project. The members of this club continue to find ways to give back and improve their community.

Mr. Speaker, for 90 years the Hazleton Lions Club has been a vital asset to the city of Hazleton, Pennsylvania. Therefore, I commend all those who have served to improve their community as part of this important organization.

RECOGNIZING MR. EUGENIO "GENE" GARZA JR.

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Mr. Eugenio "Gene" Garza Jr. for his retirement from his position as the Director of Field Operations with the U.S. Customs and Border Protection (CBP) in Laredo, Texas. Mr. Garza has dedicated his service in protecting our nation's borders and its communities.

As Director for Field Operations for the Laredo Field Office since January 2011, Mr. Garza has lead the agency, providing oversight and guidance to the operation of eight ports of entry extending from Brownsville to Del Rio, including 23 crossings, 6 airports, and one seaport and overseeing more than 2,600 employees and imports exceeding \$134 billion annually processed through South Texas.

Previously, Mr. Garza was the Port Director of the Laredo Port of Entry, first with the U.S. Customs Service and then with U.S. Customs and Border Protection. As Port Director, Mr. Garza oversaw the largest inland port in the U.S., managing more than 800 employees, four international bridges, one airport and a railroad bridge, with an annual budget of \$12 million dollars and with employees in Laredo, Del Rio, Eagle Pass, Roma, Hidalgo/Pharr and Brownsville/Los Indios.

Mr. Garza started his federal career in 1971 with the U.S. Air Force as a Military Policeman, at which time he was introduced to the U.S. Customs Service, Customs Narcotics Detector Dog Training Center at Lackland Air Base in San Antonio, Texas. In 1976, Mr. Garza began his civilian career as a Canine Enforcement Officer with the then U.S. Customs Service at the Port of Laredo. Today, the

CBP Canine Program is the largest and most diverse law enforcement canine program in the country.

Mr. Garza has held numerous supervisory positions at the district and headquarters level since his initial appointment, serving an assignment in the Port of Eagle Pass, Canine Enforcement Branch Chief and Chief in Laredo and Acting National Canine Program Director, prior to being selected as the Port Director in Laredo. Under his leadership, the Port of Laredo has earned a number of Commissioner Unit Citations for outstanding performance by the Laredo passenger, trade and outbound, and enforcement teams.

During the course of his career, Mr. Garza has been widely recognized as an expert in international border security management issues and border trade and recognized by CBP, the trade industry and the Vice President of the United States for his expertise. Under Mr. Garza's leadership, the Port of Laredo has undergone significant facilities enhancements, including lane expansions at the Lincoln-Juarez Bridge and the World Trade Bridge. These projects significantly facilitated processing of passenger and commercial traffic and a boost to economic benefits.

In 2007, Mr. Garza was recognized by Texas A&M International University and the Smithsonian Institute as a Distinguished Alumnus of Latino Achievement. In 2011, Mr. Garza was recognized as a 2010 Tejano Achiever by LULAC Council 12. In that same year, Mr. Garza was selected to the Senior Executive Service in Laredo. Mr. Garza is an active participant in numerous civic organizations and community activist.

Mr. Speaker, I am honored and privileged to have the opportunity to pay tribute to Mr. Garza for his outstanding service in protecting our communities and his extraordinary commitment to our country. He has truly contributed to this nation in his efforts to protect our borders.

THE NEED TO REVITALIZE AMERICAN MANUFACTURING

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in support of the efforts to revitalize American Manufacturing.

Manufacturing has long been a central part of the American economy. Right now, there are more than 11 million Americans employed in high-paying manufacturing jobs. And in 2010, manufacturing accounted for 60 percent of all U.S. exports and contributed \$1.7 trillion to our GDP.

These figures are impressive and lend support for the importance of maintaining a vibrant manufacturing sector. Unfortunately, the dominance of the United States in manufacturing has been steadily challenged. The U.S. share of global manufacturing value added declined from one-third in the early 1980s to just one-fifth today. At the same time, manufacturing activity has rapidly increased in emerging economies such as China and Korea.

Even more troubling, is the fact that countries such as Korea, Japan, and Germany have a more R&D-intensive manufacturing sector than the United States. Additionally, each of these countries has a positive trade balance in advanced manufacturing products unlike the \$81 billion dollar trade deficit observed in the United States in 2010.

The truth is that the perception of manufacturing as low-skilled, assembly line work is outdated and no longer applies. The future of manufacturing is advanced manufacturing, a high-tech endeavor that uses sensors, robotics, and cutting-edge modeling and simulation. If we do nothing and settle for the status quo, our position will almost certainly decline further and our economy will continue to struggle.

Thankfully, the Administration has renewed its commitment to American manufacturing and is focused on ensuring that the United States is the global leader in advanced manufacturing. The President has put forward a number of initiatives, including the creation of the National Network for Manufacturing Innovation. The purpose of the National Network for Manufacturing Innovation is to establish up to 15 public-private manufacturing institutes across the country. These institutes will serve as centers of manufacturing excellence and will accelerate manufacturing and help transition cutting-edge technologies from the lab to the factory floor.

The Administration has also called for a number of tax reforms that will provide incentives to companies that bring jobs back to the U.S. These include making the R and D tax credit permanent, reducing tax rates for manufacturers, and doubling the tax deduction for high-tech manufacturers.

The President's commitment to advanced manufacturing appears to be paying off. We are adding manufacturing jobs for the first time since the 1990s. These jobs will have a downstream impact on our economy since it's been shown that for every manufacturing job we create, we add five additional jobs along the supply chain. And for every dollar in manufacturing value added, we create \$1.40 in new value in other sectors of the economy.

We need to continue to move forward with policies and programs that will expand and support the development of advanced manufacturing. I have worked on two such efforts.

First, my bill, H.R. 1421, the AIM Act makes strategic investments in advanced manufacturing research, development, and education. It brings the public and private sectors together to tackle the research needs of industry. It provides small and medium-sized manufacturers with innovation vouchers that will allow them to make their companies and products more competitive. And finally, H.R. 1421 ensures that our community colleges are preparing students for the manufacturing jobs of the future.

Secondly, I have circulated a discussion draft of the America Competes Reauthorization Act which includes several initiatives that would help revitalize American manufacturing such as innovative technology federal loan guarantees to small- and medium-sized manufacturers to help them become more efficient and stay competitive and the creation of a network of industry-led manufacturing centers that will accelerate the development and com-

mercialization of manufacturing technologies and processes.

I strongly believe that if the United States is to remain competitive in the long term, we need to ensure that American companies maintain the capacity to manufacture new and innovative products here at home.

The decline of U.S. manufacturing is a threat to middle class jobs and our economy. We need our manufacturing sector to be the most sophisticated in the world, using transformative technologies and innovative manufacturing processes. H.R. 1421, the manufacturing provisions in the Competes Act, and the "Make it in America" agenda will help to ensure that U.S. companies have the tools and the workforce they need to meet the challenge ahead.

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HONORING MS. VIRGINIA  
DAVENPORT

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HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the accomplishments of Ms. Virginia Davenport. At a young age Ms. Davenport, along with her five siblings, was put up for adoption due to unfortunate circumstances following the family's move to Philadelphia. In and out of foster homes during these early years, Ms. Davenport faced the myriad of challenges children can experience within the foster care system. Despite these difficult times, Ms. Davenport pressed on with faith in a God above and the determination to improve her situation.

Ms. Davenport went on to attend the Power Sewing School, Simon Gratz High School, Government Nurses Aid Training School, and various other educational institutions. She recently graduated from the first level of the Deliverance Bible Institute (DEBI) with outstanding marks and will continue with the next level of DEBI this upcoming semester. Throughout all of this, she has made every effort to reach out and support young people at every opportunity she is afforded. She is active in Intercessory Prayer, the Home Care Department, and Helping Hand Ministries. Ms. Davenport intends to continue to dedicate her time to bettering herself and her community and hopes to be an inspiration to those around her.

It is a privilege to recognize a person whose leadership and commitment to community has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in commending Ms. Davenport for her lifetime of service and dedication to Pennsylvania's First Congressional District.

RECOGNIZING WORCESTER POLYTECHNIC INSTITUTE AND CELEBRATING 40 YEARS OF ITS WASHINGTON PROJECT CENTER AND 25 YEARS OF ITS VENICE, ITALY PROJECT CENTER

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HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. MCGOVERN. Mr. Speaker, the Worcester Polytechnic Institute (WPI) Washington Project Center opened 40 years ago to bridge the divide between scientific research and social policy recommendations. Since 1973, more than 1,100 WPI students have completed more than 400 projects for government agencies, community-based companies and institutions, multinational corporations, and nonprofit partners.

The Center's success became the model for the WPI Global Studies Program, which has seen more than 22,000 budding scientists and engineers successfully complete and implement 3,600 projects across a wide range of areas, including environment, consumer protection, patents and copyrights and art and history.

At WPI's 39 centers across the world—covering four continents and cities ranging from Alberta to Zurich to Bangkok to Cape Town to Panama City—students work with some of the world's largest companies, most influential non-profit and non-governmental organizations and most important scientific governmental agencies.

Among the centers is the Venice Project Center, founded in 1988 by WPI Professor and native Venetian Fabio Carrera. In his 25 years of leading students to Venice, Carrera has spearheaded invaluable research about, among other areas, erosion within the city's famed canals, which was captured in a book by the United Nations Education, Scientific and Cultural Organization (UNESCO).

These great young minds bring ingenious approaches to an outstanding array of challenges—and the projects fundamentally change the students, building leaders who possess passion, proficiency, and a certainty that their life's work can change the world.

Mr. Speaker, I'm so proud to represent WPI, a world renowned institution for higher learning committed to educating our next generation of leaders. While WPI students are working to better communities across the globe, their longstanding history of service to my hometown of Worcester, Massachusetts, should also be recognized.

I commend WPI students, faculty, leadership, and staff for their commitment to science education and global leadership. I ask my colleagues to join me today in recognizing their incredible achievements.

## TO RECOGNIZE THE WOODS SERVICES' 100 YEAR ANNIVERSARY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today in recognition of 100 years of committed dedication by Woods Services to children, adults and families affected by developmental disabilities.

Founded in 1913 by Philadelphia school teacher Mollie Woods, the organization has worked for the last century to advance the quality of life and the standard of care for individuals with disabilities—a cause worth acknowledgment each day, but especially on this monumental anniversary. Today, Woods offers exceptional and experienced care for those with autism, brain injuries, learning disabilities and emotional and behavioral challenges.

The loyal staff at Woods provides a vital service in our community, and a remarkably important role in the life and development of those they care for. I am honored to represent those who do such important work at Wood, and wish them continued success in the next 100 years.

## BRIDGE DEDICATION

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. CLAY. Mr. Speaker, I consider it a great tribute to have the Poplar Street Bridge renamed in my honor. I wish to thank those who participated in making this happen. Let me personally thank . . .

Let me especially thank my friend, Representative Penny Hubbard, for her untiring effort in managing the bill through the legislature.

Let me say to Rep. Penny and those that participated in naming this bridge in my honor that prior to this dedication, two bridges have had a special meaning in the life of the Clay family and me. The first was the McKinley Bridge, where the electric train carried my father, five days a week, back and forth, to work in Venice, Illinois, for more than 30 years.

He earned a good living that enabled him to take care of his wife of 60 years and us 7 children. How can the Clay's not remember and appreciate what that fabulous bridge meant in our lives?

The second bridge that had a tremendous influence in my life was the Edmund Pettis Bridge in Selma, Alabama. It was there on a Sunday that John Lewis and 600 other marchers attempted to cross on their way to Montgomery. They were peacefully demanding the right to register and vote like all other Americans.

But Governor George Wallace ordered local and state police to stop the march on the flimsy ground of "public safety."

What followed is now infamously known as "Bloody Sunday." Police, armed with billy clubs, dogs, and tear gas, were seen around

the world on television beating men, women, and children unmercifully.

That scene on the Edmund Pettis Bridge was the stimulus for passing the 1965 Voting Rights Act and subsequently my election to Congress. At the time, there were only five blacks in Congress. Today, because of what happened on that bridge, there are 42 blacks.

My mission while in Congress for 32 years was to build bridges that carried resources to the economically underprivileged, and to those discriminated against because of race, gender and age.

My message to those of you still battling the forces of hatred and ignorance is to ignore that group of idiots that want to destroy bridges provided by government assistance. Do not join those chanting the idiotic slogan of "government is the problem and should get out of the way."

Government has a sacred responsibility to play a major role in building bridges that elevate the standard of living for its citizens. It must build roads leading to bridges that take our children to schools, our adults to jobs, our sick to hospitals.

Bridges must enable the working poor to move into the middle class and our seniors to live the remainder of their lives in dignity.

You in the legislative body must always remember that bridges take people to untold opportunities. I am proud of the bridges I helped build while in Congress that now provide for family and medical leave, that gave political freedom to federal employees, that assured that after five years you are vested in your pension plan, that rewrote the higher education law, the elementary and secondary education bill, and, yes, Rep. Hubbard, the one that makes our workplace safe.

Yes, Rep. Penny Hubbard, I know you will continue building bridges that take people from poverty to prosperity, from hopelessness to dreams fulfilled.

Government must not let the excessive greed of some exploit the helpless in the name of providing jobs that pay less than a living wage.

Government must provide the bridges that guarantee a good education for its citizens, a decent job with adequate pay and health benefits, a nice home in a safe neighborhood. If building bridges that establish a strong, vibrant middle class is seen as government being in the way, I say to those . . . well, I say that, and much more.

OK, I have had my say. So, Rep. Penny Hubbard, let me thank you again for remembering that bridges have played an indispensable role in my life. Thanks for remembering that building bridges has made my life worth living.

## IN RECOGNITION OF THE RETIREMENT OF GENERAL C. ROBERT KEHLER

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, today, Mr. COOPER and I ask for the House's

attention to honor General C. Robert "Bob" Kehler, Commander of U.S. Strategic Command, on his imminent retirement from the United States Air Force.

General Kehler has been an exemplary officer and an outstanding leader. Over the course of his 38 year career in the Air Force, he has made countless sacrifices for our country. We wish to commend his service; the sacrifices of his family, including his wife Marjorie and their two sons; and to express our great appreciation for his leadership and devotion to our nation's security.

It would not be possible for us to do justice to the many and various accomplishments of General Kehler's distinguished 38 year career in the Air Force, but please allow us to highlight a few.

General Kehler's selection as Commander of U.S. Strategic Command was apt—he started his career as a young nuclear missile officer in 1975. Rising quickly through the Air Force, he went on to command space and missile units at Whiteman, Malmstrom, Vandenberg and Peterson Air Force Bases. His positive leadership has directly influenced countless men and women in our Armed Forces, and the positive effects of his service to our country will be felt for generations to come.

General Kehler has been a vigilant champion of our nation's nuclear deterrent. As Commander of U.S. Strategic Command, he's spent nearly three years ensuring our nation's nuclear forces remain strong and ready—not counting his earlier tour as Deputy Commander of Strategic Command. His efforts were instrumental in our nation's Nuclear Posture Review, and he has worked closely with Congress to ensure that our military has been able to accomplish the essential missions of Strategic Command, including nuclear deterrence. Through his leadership at Strategic Command, General Kehler has been an essential defender of our nation's critical space assets. He has worked closely with the Armed Services Committee, and it has been our great pleasure to work with him. As chairman and ranking member of the Subcommittee on Strategic Forces, we are grateful for General Kehler's wise counsel and firm resolve to always do what is best for the nation and for the men and women he leads.

Mr. Speaker, with nearly four decades of exemplary service to our nation, General C. Robert "Bob" Kehler deserves our most heartfelt gratitude and praise. He has been a credit to the military and we hope he will continue to find ways to serve the United States. Thank you, General—and best wishes to you and your family.

## CONGRATULATING MICHAEL LINN AS NEW CEO EMERITUS OF NIADA

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. BARTON. Mr. Speaker, I rise today to honor Michael R. Linn as the new CEO Emeritus of the National Independent Automobile Dealers Association (NIADA) that is

headquartered in Arlington, Texas, in my district.

Prior to his new position, Mr. Linn served as the CEO of NIADA from 1999 to 2013. Under his leadership, membership rose beyond 20,000 members. In addition, NIADA added significant value to the automotive industry with its legislative and regulatory presence in the Nation's capitol. Expanded education programs, which include the Certified Master Dealer (CMD) Program and Certified F&I Professional Program, have greatly enhanced the professionalism of the industry. In 2004, the NIADA Educational Television Network (NIADA-TV) was created to better educate the nation's automotive dealers. In 2006, another educational TV network, Automotive Consumer Television, was developed to also educate consumers about the motor vehicle industry. All of these occurred during Mr. Linn's tenure. He also currently serves as a Board Member on the National Automotive Advisory Board at Northwood University in Midland, Michigan.

Prior to joining NIADA, Mr. Linn served as the Executive Director of the Carolinas Independent Automobile Dealers Association that serves the industry in both North and South Carolina. With over 26 years of extensive experience in the motor vehicle industry, he is extremely knowledgeable of industry issues and the issues facing today's professional automobile dealer.

Prior to working in the motor vehicle industry, Mr. Linn enjoyed a career in the motion picture and television industry as an Executive Producer. He is a graduate of LaSalle University with a Masters Degree in Business Administration (MBA) and is a Certified Program Planner. He has written several training manuals on the car rental industry, Federal labor laws and Occupational Safety and Health Administration (OSHA) regulations. Michael Linn is a native of North Carolina.

The National Independent Automobile Dealers Association, founded in 1946, has represented the used motor vehicle industry for over 67 years. NIADA's mission is to assist its members in becoming more successful within the automotive industry by bringing valuable information, services and benefits designed to prepare them for an ever-changing and ever-challenging marketplace.

Again, congratulations to Michael Linn as the new CEO Emeritus of NIADA.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,154,624,205,951.04. We've added \$6,527,747,157,037.96 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### HONORING RIO HONDO TRUSTEE ANGELA ACOSTA-SALAZAR

#### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Angela Acosta-Salazar, a member of the Rio Hondo College Board of Trustees, for her tireless work in increasing access to higher education.

Professionally, Angela has committed herself to the issues of higher education and community empowerment. Through her service as Trustee she fostered relationships and strengthened communications between the college and its student body. As an educator, Angela has educated hundreds of students in the Social Sciences and has created a space that encouraged personal development and academic excellence. As a public servant, Angela has generously dedicated her time to the Rio Hondo College Foundation.

Having served as a Los Angeles Community College District adjunct instructor for over ten years, her commitment to education should be an inspiration to all at Rio Hondo College. Although she now completes nine years of service to Rio Hondo College's Board of Trustees, she leaves behind a legacy and a mission that will not end when she steps down.

Mr. Speaker and distinguished colleagues, please join me in honoring Ms. Angela Acosta-Salazar. Let us congratulate her on her many accomplishments to the Rio Hondo Community College District and our community. We wish her good health and success in all future endeavors.

#### TO RECOGNIZE THE LIFE OF MR. FREDDIE SLACK

#### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the life of Frederick Slack, Sr. who passed away at the age of 90 on his beloved farm in Forest Grove, Bucks County.

Fred, a lifelong resident of the Village of Forest Grove, was a school bus driver, a farmer, a pilot, a World War II veteran, a baseball fan and a loving family man. However, many knew him for his farm which was his pride and joy. In 1996, The Fred Slack Farm became the first farm in Buckingham Township to be added onto The Pennsylvania Farm Preservation. Fred and Evelyn were so proud.

Fred was a member of the Pennsylvania Farm Bureau and was an avid proponent of Farm Preservation efforts, both in Bucks County and across the state.

For decades, Fred and his late wife Evelyn were proud to grow some of the best tasting corn and tomatoes in the area. Visitors to their farm were always greeted with warm and welcoming smiles and the couple treasured the memories made at their humble property.

My thoughts and deepest sympathies go out to Fred's friends and family—his four children,

eight grandchildren and his great grandchild. May they all take comfort in knowing that Fred's legacy lives on in the fields he worked and the lives he touched—neither soon to be forgotten.

#### HISPANIC HERITAGE MONTH

#### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. GRAYSON. Mr. Speaker, I submit the following.

RECOGNIZING THE CAREER AND ACCOMPLISHMENTS OF LETICIA DIAZ

Mr. Speaker, I rise today in honor of Hispanic Heritage Month to recognize a great leader in the Central Florida community.

Leticia M. Diaz, a native of Cuba, is one of the founding faculty of Barry University Dwayne O. Andreas School of Law and was appointed dean in 2007. During her tenure as dean, the law school has emerged as a leader in legal education in Florida, featuring nationally recognized Moot Court and Trial Team programs, a growing faculty, and a \$7 million expansion of its campus with the opening of a 32,400-square-foot Legal Advocacy Center in 2011. Diaz is the first Cuban-American female to hold the position of dean at an ABA-accredited law school in the United States.

Under Dean Diaz's leadership, Barry Law School's student enrollment has increased nearly 40 percent—from 571 in 2006 to 793 in 2013. Diaz was instrumental in launching the Summer in Spain study abroad program in 2009. Under her leadership, the school has opened three centers: the Juvenile Justice Center, the Juvenile Life Without Parole Defense Resource Center, and the Center for Earth Jurisprudence. The school's Volunteer Income Tax Assistance (VITA) program has been honored eight years in a row by the American Bar Association for its service to the community.

Diaz's publications range from analysis of the FDA's role in consumer protection to environmental law with a focus on consumer health. In 2009 she spoke at the Harvard University Kennedy School of Government on international piracy issues, with an emphasis on environmental law.

Her professional involvement includes serving on the ABA Commission on Hispanic Legal Rights and Responsibilities. She has taken a leadership role on Hispanic issues, including penning an article on the DREAM Act that was entered into the CONGRESSIONAL RECORD in December 2010 and hosting a White House Hispanic Action Summit at the law school in September 2011. She and alumni met with U.S. Supreme Court Justice Sonia Sotomayor in December 2011 when the inaugural group of Barry Law graduates was sworn in to practice before the Supreme Court. Diaz is also a past member of the Board of Directors of the Hispanic Chamber of Commerce of Metro Orlando.

Diaz was listed as one of 25 influential Hispanics in Central Florida in a 2012 issue of *Visión* magazine, a publication of the Hispanic Chamber of Commerce of Metro Orlando. She

received the Outstanding Hispanic Female in the Legal Field award at the inaugural Hispanic Women Who Make the Difference Awards in 2008 and earned the "Leading Lawyers" recognition from the South Florida Business Journal in 2009. In 2013, Diaz was named Outstanding Female in Education during La Prensa's Mujeres Destacadas awards.

Before joining Barry's faculty, Diaz practiced law in the areas of personal injury, toxic torts, and workplace chemical exposure, while teaching part-time at the law school. She currently teaches in the area of environmental law, environmental justice, toxic torts, and product liability.

Diaz earned her Juris Doctor degree at Rutgers Law School in New Jersey in 1994. Prior to entering law school, she earned her PhD in organic chemistry from Rutgers University. She spent two years as a postdoctoral research chemist at Hoffman-LaRoche in New Jersey, where she primarily worked on the synthesis of anti-HIV compounds.

Dean Diaz has brought together leaders from throughout the country to the Central Florida area to discuss the important issues of the day and has convened meetings and events that bring together varying perspectives on issues that affect our community. Central Florida is a better place for the work and leadership that Dean Diaz has provided to our community.

I am happy to honor Leticia M. Diaz, during Hispanic Heritage Month, for her service and her work to educate, train, and inspire the leaders of tomorrow.

#### RECOGNIZING THE CONTRIBUTIONS OF ZULMA VELEZ-ESTRADA

Mr. Speaker, I rise today in honor of Hispanic Heritage Month to recognize Zulma Velez-Estrada, an outstanding Central Floridian who has dedicated her life to lifting up the voices and pioneering the causes of Hispanics.

Zulma Velez-Estrada was born and raised in San Juan, Puerto Rico. She received a Bachelor's Degree in Management from the University of Puerto Rico, Rio Piedras Campus and her Master's Degree in Finance Management from American University, Puerto Rico. Zulma began her professional career at Health Care Manufacturing Industries in Puerto Rico. She was also a Management Consultant for the Energy and Environmental Research Studies Department for the University of Puerto Rico for three years until she decided to migrate to Florida in 1991.

Moving to Florida was a significant change for her and her five children. Since moving to Florida, Zulma has dedicated her life to working with her community. She became a Governmental Operations Consultant and began doing Community Outreach for the Department of Children and Families (DCF) in Osceola County. Zulma developed and coordinated a Community Awareness Program with the goal of empowering frontline staff and engaging communities in Osceola and Orange counties. She also organized the first Hispanic Leaders Meeting with the Department of Children and Families and developed their Hispanic Media Database. Zulma coordinated the participation of Osceola County employees at their first 150k Meals Packing Event for underprivileged Osceola County children. Zulma

also coordinated the first Pastor's Seminar on Domestic Violence in Osceola and Orange counties in cooperation with the DCF and domestic violence prevention organizations.

Zulma was the Hispanic Outreach Coordinator for the Democratic Party, Puerto Rico Federal Affairs Administration (PRFAA) Interim Manager, and Director for the Non-Partisan Education and Registration Program "Que Nada Nos Detenga" for the PRFAA. Under her leadership, 63,000 new voters were registered from 2003 to 2004. While at PRFAA, Zulma also developed the First International Voting & Education Festival at Lake Eola Park in Orlando.

Ms. Velez-Estrada worked for four years as International Business and Trade Specialist for the Metro Orlando International Affairs Economic Development Commission, where she worked with the Latin and Hispanic European markets, led business missions and hosted international governmental and private industry representatives, and found new businesses opportunities for Central Florida. She developed and implemented the International Export Roadshow and counseled over 125 companies on how to export products abroad. She also developed Trade Missions to Venezuela, Chile, Argentina, and Puerto Rico.

Zulma has helped increase Hispanic participation in elections. She managed political campaigns for state Senators and Commissioners. Zulma also served as the feminine voice on the first non-partisan radio program in Osceola County directed toward educating the Spanish speaking Community on political issues. She has also worked as a volunteer on the presidential, gubernatorial, congressional, and state representative election campaigns as well. She was elected Secretary of the Osceola County Democratic Party, and is an active member of the Orange County Democratic Party.

Zulma has been honored with awards from Estrellas Cristianas Ministries for Chaplain of the Year, Tu Revista Mujer as one of the "Eleven Most Distinguished Women," the Florida Department of Children and Families for Community Partnership, Impacto Newspaper as a "Pioneer of the Past Shining Today," Hispanic Women Assembly, LULAC, United Third Bridge, and the Santa Maria Municipality of Peru for Outstanding Service with Twin Cities Development.

I am happy to honor Zulma Velez-Estrada, during Hispanic Heritage Month, for her service to the Central Florida Hispanic community.

#### RECOGNIZING THE CONTRIBUTIONS OF JOSE LA LUZ

Mr. Speaker, I rise today in honor of Hispanic Heritage Month to recognize Jose La Luz, an educator and an advocate for workers' rights.

A native of Santurce, Puerto Rico, La Luz comes from a working-class family and spent his primary years living on the Island. La Luz credits his grandfather, a self-made merchant in the mountain town of Ciales, and his mother, a rural school teacher who nurtured and educated poor children in nearby barrios, with being his role models and instilling a sense of compassion and justice in him. They inspired La Luz to advocate for workers' rights such as better wages and working conditions as an adult.

While growing up in Puerto Rico in the 1950s and 1960s, La Luz's grandfather used

to take him to the tobacco, coffee and sugar-cane fields in Puerto Rico where he witnessed firsthand the plight of poor Puerto Ricans who were toiling these fields to earn their meager livelihoods. Having seen the poor conditions under which workers lived and worked, La Luz began to understand the importance of advocating for the human rights of those who had no voice. The fight for basic rights and justice for all people, no matter who they are or where they are from became his life's passion.

La Luz attended the University of Puerto Rico where he studied social sciences before receiving a sports scholarship from the YMCA and transferring to Springfield College in Massachusetts. He is a graduate of SUNY's Empire State College with a Bachelor's degree in Labor Studies. He also has a Master's Degree in labor studies from Rutgers University.

Widely recognized as a labor strategist and intellectual, La Luz has served as a Visiting Labor Leader in residence at Cornell University. He has also written white papers on organizing strategies in labor unions, and served as an instructor in the Labor Studies Programs at Michigan State and Rutgers University. He became a Wurf Fellow in the Kennedy School State and Local Government Program at Harvard University in 2007. In 2011, La Luz received a lifetime award for his distinguished career as one of America's outstanding labor educators from the United Association for Labor Education.

During his college years, La Luz was involved in the Students for a Democratic Society, and spoke out on issues such as the Vietnam war. He also became involved with local Puerto Rican Farm Workers organizations in the Tobacco Valley in Connecticut and Massachusetts. As a community organizer, La Luz helped secure new rights for migrant workers in the area by putting public pressure on the Labor Department of Puerto Rico and denouncing the deplorable conditions that the migrant workers were working under. He also helped merge the local farm workers with Cesar Chavez's United Farm Workers of America.

Among La Luz's most recent achievements is the restoration on May 17, 2011 of public worker rights in Puerto Rico. Puerto Rico Law 45 had been nullified by the passage of a new fiscal austerity law, Law 7. Law 7 effectively suspended collective agreement clauses in an effort to repress public employees and strip them of collective bargaining rights. Law 7 also caused the layoffs of over 19,000 public sector employees in Puerto Rico and aggravated an already dismal unemployment rate. La Luz was fundamental in speaking out against the injustices by insisting on the need to restore bargaining rights for public workers. La Luz made the case for the restoration of rights as he led a grassroots lobbying campaign along with other union leaders and the President of Puerto Rico's Senate. His efforts resulted in the passage of Law 73 which restored the employee contracts and rights that had been suspended by Law 7.

It is with great honor and pride that I honor Jose La Luz's exemplary contributions to workers' rights and the Hispanic community.

CONGRATULATIONS ON A JOB  
WELL DONE TO RICK CRAIG AND  
LAURA DYBERG

**HON. PAUL COOK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. COOK. Mr. Speaker, I rise today to pay tribute to the incredible job Rick Craig and Laura Dyberg have done as board members of the Rim of the World Recreation and Park District. Both of these individuals have enriched and fulfilled the lives of the citizens they have worked for.

Rick Craig served four years on the Board of Directors and three of those four years, as chairman. During his tenure with the board, he served on the Planning and Facilities Committee and was instrumental in helping their "Measure N" program to succeed.

Laura Dyberg served on the board since 2005 and was the Board Secretary for many years. She served on the Planning and Facilities, Personal and Public Relations and Program Committees. She was instrumental in finding a qualified general manager, in the dedication of Harich Field, and with the renaming of the Twin Peaks Recreation complex.

Luckily for the community, both of these exceptional individuals will continue their service in various capacities for the betterment of the recreational community. I wish both of them well and look forward to hearing about their new accomplishments.

TRIBUTE TO DR. RICHARD G.  
RAJARATNAM

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside County, California are exceptional. Riverside County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Richard G. Rajaratnam, MD, FRCS, FACS, is one of these individuals. This year, Dr. Rajaratnam will end his tenure as Medical Director for the Kaiser Permanente Riverside Medical Center.

Dr. Rajaratnam has managed and led the Kaiser Permanente Riverside Service Area as Area Medical Director for the Southern California Permanente Medical Group. He has been instrumental in achieving breakthroughs in research and medical advancements. These breakthroughs include the A.L.L. program, Diabetes Care advancement, Choosing Wisely, Patient-Centered Medical Home, and the development of the UCR Medical School to create physician leaders for tomorrow. Dr. Rajaratnam has embraced advancements in technology and science to improve the health of the over 370,000 Kaiser Permanente members in Riverside County.

Through his leadership, Dr. Rajaratnam has led the Kaiser Permanente Riverside Medical Center to be the recipient of multiple prestigious awards, including Leapfrog, California Award for Performance Excellence (CAPE-Baldrige Criteria), Independent Health Care Association for Excellence in Medical Groups, Medicare 5-Star status, and the Office of Patient Advocate in the State of California maximum four-star rating for quality excellence. He is a vital member of the local medical community, having served as a Board Member of Riverside County Health Foundation, California Delegate to the American Medical Association, CMRI Physician Reviewer for the state of California, Board member of Inland Empire Health Information Exchange, Past President of the Riverside County Medical Association, UCR School of Medicine Graduate Medical Education Committee as well as Community Advisory Board.

While retiring from his current position as Medical Director, Dr. Rajaratnam will continue to be a participant in the medical field and contribute his experience, knowledge and expertise to his peers and future physicians.

In light of all Dr. Rajaratnam has done for Riverside County, it is only fitting that he be honored for his many years of dedicated service. Dr. Rajaratnam's tireless passion for the industry in which he serves has contributed immensely to the betterment of Riverside County and I am proud to call him a fellow community member, American and friend. I commend Dr. Rajaratnam for his tireless work with the Kaiser Permanente Riverside Medical Center and express sincere thanks and appreciation for his years of dedication to health care advancements, research, and the overall health of his fellow citizens. I know that many are grateful for his service and salute him as he prepares to end his tenure later this year.

TRIBUTE TO JUSTIN ELDRIDGE

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. COURTNEY. Mr. Speaker, I rise today to honor Justin Eldridge, a former Marine from Waterford, Connecticut whom we lost on October 28, 2013.

Born and raised in eastern Connecticut, Justin served in the Marine Corps from 2001 to 2008. During his time in the Marines, he served a tour in Afghanistan from 2004 to 2005. After being honorably discharged and medically retired in 2008, Justin went on to take an active part in his community—particularly in serving the needs of fellow veterans and their families. Justin was instrumental in the formation of the Thames River Marine Corps Detachment that formed in 2009. During the nearly four years that Justin served as the organization's Commandant he grew the membership to more than 40 people. The Detachment annually participated in Toys for Tots drive and in 2012 distributed more than 2,000 toys to local children.

Like so many of our veterans returning from Iraq and Afghanistan, Justin struggled with traumatic brain injury that occurred during his

Afghanistan deployment and post-traumatic stress disorder upon returning home. Justin's passing is a reminder that our nation must continue to do all it can to care for the men and women who have served our country and return home with wounds—both visible and invisible.

I ask my colleagues to join with me in honoring Justin and his dedicated service to our nation, his community and his fellow veterans, and extending our thoughts and prayers to his family in this difficult time.

TO CONGRATULATE HENRY  
ROSENBERGER ON RECEIVING  
PENN FOUNDATION'S ADVENTURES  
IN EXCELLENCE AWARD

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today to congratulate Henry Rosenberger on receiving Penn Foundation's prestigious Adventures in Excellence Award, which is presented to a respected local leader who promotes the Foundation's charitable mission.

Mr. Rosenberger has a commitment to excellence and is a community volunteer, who serves on the Board of Directors of Living Branches, Living Hope Farm. In presenting the award, the Penn Foundation highlighted his entrepreneurship, community leadership, service and philanthropy.

Henry and his wife, Charlotte, operate Tussock Sedge Farm in Upper Bucks County, where they have preserved more than half the farm's 450 acres as open space through the Bucks County Farmland Preservation Program. In 2007, they preserved an additional 140 acres in perpetuity.

With our best wishes for continued good works, we acknowledge Henry Rosenberger as a committed leader and respected member of the Bucks County community who has set an outstanding example for others to follow.

HONORING YOUNG KIM

**HON. EDWARD R. ROYCE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 13, 2013*

Mr. ROYCE. Mr. Speaker, I rise today to honor a former member of my staff, Young Kim, who recently left my office to pursue her passion for public service. Young has had an exceptional career, representing Orange County through my office for over 20 years.

After graduating from the University of Southern California and a stint in the private sector, Young began working for me in 1990, while I was a California State Senator. She continued working with me when I was elected as a U.S. Representative in 1992.

As my congressional staff member, Young served as District Representative and Director of Asian Community Affairs. In her capacity, she was a liaison to the cities within my district, advised me on issues pertaining to the



Asian community, and helped keep the community involved and informed about my legislative priorities.

Young also helped to establish the Asian Pacific Congressional Advisory Council (APCAC) to foster a better relationship between the Asian-American community and the U.S. Congress and served as the APCAC Coordinator.

She also assisted me with my work on the House Foreign Affairs Committee. She traveled to Washington, DC, and Asia to coordinate the activities of the U.S.-Republic of Korea Interparliamentary Exchange (USROKIE) and the International Parliamentarians Coalition on North Korean Refugees and Human Rights (IPCNKR). Through USROKIE and IPCNKR, Young played a key role in addressing the issues affecting U.S.-Korea relations, including human rights, comfort women and trade.

Outside of work, Young has always been very active in the local community. Young is most proud of her involvement with the Orange County Chapter of the Korean American Coalition (KAC-OC), having served as President, Treasurer, and a member of the Board of Directors. Young played an instrumental role in establishing KAC's presence in Orange County.

Young also is a well-known Television Talk Show Host, and radio commentator. She hosted Season 2 episodes of REAL TALK on Arirang-TV, produced and hosted LA Seoul on KSCI-TV Channel 18, and KTE Journal on Korean Television Enterprise. Since July 2007, Young has provided weekly commentaries on political and public affairs through the 24-hour Radio Seoul, 1650 AM.

Young's dedication to community service has earned her many honors, including the distinction of "Rising Asian Woman" by the World Affairs Council, and "Community Bridge Builder" by the Korean American Federation. She has been presented with the prestigious American Marshall Memorial Fellowship (AMMF) by the German Marshall Fund, the "Advocate for Asians Dedicated to the Community through Political Empowerment" Award from the Asian Business Association of Orange County, and the "International Leadership" Award by the International Leadership Foundation.

One of Young's greatest joys is her family. She is married to Charles Kim. They reside in Fullerton and have raised four wonderful children. On behalf of California's 39th Congressional District, thank you Young for your service, and best wishes in your future endeavors.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 14, 2013 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### NOVEMBER 18

2:30 p.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine Silk Road, focusing on potential risks, threats and promises of virtual currencies.

SD-342

##### NOVEMBER 19

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine housing finance reform, focusing on the fundamentals of transferring credit risk in a future housing finance system.

SD-538

10:30 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine improving financial accountability at the Department of Defense.

SD-342

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine people of African descent and Black Europeans, focusing on issues of inequality, discrimination, and inclusion for Black Europeans, and discussing similarities and work with African-American civil rights organizations.

TBA

2:30 p.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce

To hold hearings to examine the roles and effectiveness of oversight positions within the Federal workforce, focusing on strengthening government oversight.

SD-342

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3:30 p.m.

Committee on Banking, Housing, and Urban Affairs

Subcommittee on Economic Policy

To hold joint hearings to examine the present and future impact of virtual currency. SD-538

##### NOVEMBER 20

10 a.m.

Committee on Finance

To hold hearings to examine the nominations of Sarah Bloom Raskin, of Maryland, to be Deputy Secretary of the Treasury, and Rhonda K. Schmidlein, of Missouri, to be a Member of the

United States International Trade Commission.

SD-215

Committee on Health, Education, Labor, and Pensions

Subcommittee on Primary Health and Aging

To hold hearings to examine health relating to social and economic status.

SD-430

Committee on Homeland Security and Governmental Affairs

Business meeting to consider S. 1486, to improve, sustain, and transform the United States Postal Service, and the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

SD-342

Committee on the Judiciary

To hold hearings to examine continued oversight of United States government surveillance authorities.

SD-226

Committee on Small Business and Entrepreneurship

To hold hearings to examine Affordable Care Act implementation, focusing on how to achieve a successful rollout of the small business exchanges.

SR-428

2 p.m.

Committee on Banking, Housing, and Urban Affairs

Subcommittee on Financial Institutions and Consumer Protection

To hold hearings to examine regulating financial holding companies and physical commodities.

SD-G50

Committee on Homeland Security and Governmental Affairs

Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce

To hold hearings to examine the national security workforce.

SD-342

2:30 p.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine soldiers as consumers, focusing on business practices relating to the military community.

SR-253

Committee on Foreign Relations

Subcommittee on East Asian and Pacific Affairs

To hold hearings to examine rebalance to Asia IV, focusing on economic engagement in the Asia-Pacific region.

SD-419

Committee on Indian Affairs

To hold an oversight hearing to examine Carcieri, focusing on bringing certainty to trust land acquisitions.

SD-628

Committee on the Judiciary

To hold hearings to examine certain nominations.

SD-226

3:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold hearings to examine S. 182, to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City, S. 483, to designate the Berryessa

Snow Mountain National Conservation Area in the State of California, S. 771, to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, S. 776, to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, S. 841, to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, S. 1305, to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado, S. 1341, to modify the Forest Service Recreation Residence Program as the program applies to units of the Na-

tional Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 1414, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, S. 1415, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians, S. 1479, to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture

and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and S. 339, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land.

SD-366

## NOVEMBER 21

2:30 p.m.

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

## HOUSE OF REPRESENTATIVES—Thursday, November 14, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 14, 2013.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### SPECIAL IMMIGRATION VISAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, since 2006, when I offered the first legislation that ultimately became the Iraqi special immigrant visa, I have been haunted by the prospect of the brave Iraqi and Afghan nationals that risked their lives to help American efforts in these troubled countries, that they themselves would be victims because of their trust in us.

As my friend Kirk Johnson eloquently stated in the title of his recent book, "To Be a Friend is Fatal: The Fight to Save the Iraqis America Left Behind":

For 7 years, it has been a battle to have the United States honor its obligations to those who put their trust in us when they helped us.

As the United States has withdrawn from Iraq and is winding down in Afghanistan, people with very long memories are searching out, hunting down, and killing people they regard as traitors because they helped America as interpreters, as guides, as drivers.

We have seen some bright spots. One was where the program we fought so hard to establish was going to expire September 30, at the height of the government shutdown. In a reaffirmation of our ability to get something important done, we were able, on a bipartisan basis, to secure unanimous consent to keep the special immigrant visa program alive, at least through the end of the year, so we can work the problems out.

Another bright spot for me was being able to be at National Airport a couple of weeks ago, late at night, watching Janis Shinwari, the Afghan interpreter who saved the life of Captain Matt Keller, walk out of that causeway with his young wife and two children. It was a storybook effort of the will of Captain Keller, whose life Janis saved in a firefight, who wouldn't give up after 5 years. At times we didn't think it was possible, but after false starts and great danger to the family, they are now safe in America. This is an illustration of what can happen with effort and, candidly, a little media attention.

But now we are watching the State Department drag its feet on these visas for Afghans who risked their lives, creating impossible burdens for them to establish whether or not they are actually at risk.

Recent news accounts make it clear that there is a committee at the U.S. Embassy in Kabul that is placing inordinate roadblocks for people who we know are at risk, some of whom have already been hunted down and killed. We failed to establish a process that works for them.

We have only approved a trickle of the special immigrant visas out of the almost 9,000 that were authorized. It is unnecessary, it is shameful, and it is dangerous to long-term American interests. Who is going to trust us in the future if we need their help?

I was able to congratulate Secretary Kerry a few weeks ago for the State Department's rapid action to save the life of Janis, but every one of these thousands of cases should not require congressional intervention, extraordinary news coverage, and a major 5-year commitment from people like Captain Matt Keller.

There is no excuse to fail to make the SIV program work. Innocent lives are at stake, American honor is on the line, and our future actions could be compromised.

I would urge my colleagues to attend a session we are having next week to meet Kirk Johnson, who has dedicated

his life for years to help these desperate people and for America to restore its honor. Join us next week in room 2168 in Rayburn on Wednesday for a special screening and discussion of the documentary "The List."

It is our duty now to save those who risked so much to help us when we needed them. They must not be left behind to the tender mercies of the Taliban and Al Qaeda.

### PULSE OF TEXAS: OBCARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the health of the Nation is now in the hands of government. Let's see how it is working out for people who work for a living. Many Americans are feeling the pain of government health care, and here is what some of them have sent me from my congressional district in Texas.

Billie from Spring, Texas, writes:

I can't afford what ObamaCare will cost. How can they say it is better? My company pays part of my insurance, and the insurance is good. Why do I have to change to something I cannot afford? It doesn't make any sense. My doctor told me a lot of them will retire rather than deal with this horrible health care law. The quality of doctors will diminish. I thought the government was for the people.

Well, Billie, apparently the government is for the government and not for the people.

James from Humble, Texas, says:

Please defund ObamaCare. My employer has already informed us our health care will be changing, and this comes at a very bad time for my family. We will be forced into exchanges and employer informs us the company has the right to end subsidized retiree health care in the future. Higher costs, higher deductibles, and total confusion. This will have a negative impact on our economic future as we enter our retirement years.

Small business owner Terrence Wolfe from Humble says:

Defund ObamaCare before we collapse our entire economy. We cannot afford it as a Nation, and I cannot afford it as a small business owner. I cover 80 percent of the premium for all 10 of my employees. All of us are bracing for at least a 20 percent to 40 percent increase.

Shannon Rudd from Humble, Texas, says:

I cannot believe ObamaCare is still a reality. The government has no business managing health care insurance. Furthermore, they have no right to tell Americans if they can or cannot have a procedure performed once the insurance is forced on individuals.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Forcing people to pay a fine if they choose not to have health care is asinine and the furthest thing from democracy.

Unfortunately, Mr. Speaker, Shannon is wrong about it being a fine. It is not a criminal penalty; it is a tax. If it were a fine, you could have due process, you would be presumed innocent, your day in court, your jury trial, but under a tax, you have to pay the tax first and then fight the IRS to try to get it back. Good luck with that.

Sharon Coyle from Spring, Texas, says:

Now what? We may get the delay in ObamaCare mandate after all because of the cluster it has turned out to be, but what about those of us who have insurance through our employers?

My gold level of my insurance no longer allows me to participate in the flex spending account. I ultimately ended up having to go to a lower plan because it was cost-prohibited. My deductible is higher and now my copays are higher.

I will be paying at least \$2,000 to \$3,000 more per year on top of the \$7,200 I already pay. We were told it is because of ObamaCare.

This is a big dupe to America. Obama wanted everything to be more fair. Sure, we all have insurance now, but no one can afford to go to the doctor.

Well said, Sharon.

Robert Arnold from Humble, Texas, says this:

It is incomprehensible that we put men on the Moon in 1969, but we can't get into a \$400 million Web site to purchase insurance.

Yes, Mr. Speaker, those glitches seem to be a real problem.

Kenneth Earl Beene from Kingwood, Texas, says:

Now when I look at what is available with OBCare, the plan that is closest to ours is going to cost \$745 a month. This is absurd. It does not look like we will be able to keep our current policy, so we are being forced to pay \$400 per month for coverage and the deductible will be \$12,000.

I really like my current policy and the premium fits our budget. What can be done?

Mr. Speaker, this is bad news for the middle class.

Merin Porter from Houston, Texas, says:

I am the sole breadwinner for a family of five. I am eligible for affordable insurance through my employer; however, my family coverage is prohibitively expensive—\$18,000 per year, or more than 30 percent of my take-home pay. As you can imagine, it is only affordable to us if food, shelter, and clothing were a luxury and not a necessity.

Mr. Speaker, Merin should not have to choose between feeding the family and being forced into ObamaCare. Why has the government done this to the people? As Billie says and said it best, "I thought the government was for the people." Well, apparently not.

And that's just the way it is.

#### HONORING TOM GARDNER III

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to honor the outstanding career and acknowledge the retirement of Tom Gardner III.

A community leader, pastor, and family man, Tom served as chief executive officer of the Montgomery Community Action Committee for the past 39 years. For his dedicated service to the city of Montgomery and the State of Alabama, I pay tribute today to the life work of Tom Gardner III.

Tom was born to Reverend Tom Gardner, Jr., and Mrs. Effie Nell Gardner on January 22, 1946, in Hope Hull, Alabama.

Tom served his country in the United States Army in Vietnam from 1966 to 1968. As a result of his exemplary service and sacrifice, he received the Purple Heart in 1967 and the Bronze Star in 1968.

Tom received a bachelor's of science degree from Alabama State University and a master's of public administration from Troy University.

Tom is married to Mrs. Estella Gardner and is the loving father of two children, Debriena and Jonathan, and three grandchildren, Jaeda, Londyn, and Gavin.

In addition to his strong commitment to family, Tom has also demonstrated an enduring dedication to his faith in God. Carrying on the pastoral legacy of his father, Tom currently serves as pastor of Beulah Primitive Baptist Church in his hometown of Hope Hull, Alabama.

Tom has over 30 years of managerial experience and oversight of Federal, State, and local grants. He administered the Emergency Shelter Grant Homeless Assistance Program, the Community Housing Development Organization, the Housing Counseling Agency, and the Affordable Housing Development Program.

Tom has demonstrated an exemplary commitment to community service throughout his life by his participation in community organizations. Tom has dedicated the past 39 years of his career to the Montgomery Community Action Committee. He began his career at the Montgomery Community Action Committee in 1974 as director of personnel and served as the equal opportunity officer until 1975. He was promoted to chief executive officer of the Montgomery Community Action Committee in 1975, where he served until his retirement in October of 2013.

On a personal note, I know Tom Gardner as my beloved "Uncle Sonny" and my mother's youngest brother. I am blessed to have grown up with his wise counsel and guidance. Since the death of my grandfather, Uncle Sonny has served as the patriarch of the Gardner family. There is not a problem, nor a challenge, nor a concern that my cousins and I have not sought his wisdom and comfort. I am so proud of his 39-year career heading the Montgomery

Community Action Committee, and I am equally proud of my Uncle Sonny's continued dedication to the well-being and spiritual health of our family. Thank you, Uncle Sonny.

On behalf of the Seventh Congressional District, the State of Alabama, and this Nation, I ask my colleagues to join me in celebrating the career and retirement of Tom Gardner III. His life is a testament to his strong work ethic and passion for faith, family, and community.

□ 1015

#### OBAMACARE VIOLATES THE ORIGINATION CLAUSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, in a bold and agile display of legal sophistry, United States Supreme Court Justice John Roberts upheld the Affordable Care Act by declaring it a tax, while failing to address whether the tax complied with the Origination Clause of our Constitution.

The case of *Sissel v. The United States Department of Health and Human Services* is pending before the D.C. Court of Appeals and headed to the Supreme Court. *Sissel* challenges the constitutionality of roughly 20 tax increases that fund government-run health care.

Constitution article I, section 7 is the Origination Clause. It states, in part, that "all Bills for raising Revenue shall originate in the House."

I have joined 40 Members of Congress in a friend of the court brief filed this week that urges the court of appeals to obey the Constitution and declare the Affordable Care Act taxes unconstitutional because they violate the Origination Clause.

On October 8, 2009, the House of Representatives passed H.R. 3590, the Service Members Home Ownership Tax Act, a six-page bill. H.R. 3590 raised no taxes or revenue of any kind. To the contrary, H.R. 3590 cut taxes for veterans buying homes.

The Senate took H.R. 3590, deleted its substantive provisions and substituted a six-page bill with a 2,074-page bill, commonly referred to as ObamaCare, that raised roughly \$50 billion a year in new taxes, making it one of the largest tax increases in the history of America.

None of these ObamaCare tax increases were in the original House bill. Hence, all of these new tax increases originated in the Senate, not the House, thereby violating the Origination Clause requirement that tax increases originate in the House.

The Origination Clause was subject to significant debate during America's 1787 Constitutional Convention. Massachusetts convention delegate and America's fifth Vice President, Elbridge Gerry, stated that the Origination Clause was "the cornerstone of the

accommodation" of the Great Compromise of 1787 that persuaded a majority of the States to ratify the Constitution.

Stated differently, but for the Origination Clause, there would have been no Constitution and no United States as we know it. The Origination Clause was that important.

Virginia Delegate and coauthor of our Bill of Rights, George Mason, explained opposition to Senate tax originations when he declared:

The Senate did not represent the people, but the States in their political character. It was improper, therefore, that it should tax the people. Again, the Senate is not like the House of Representatives chosen frequently and obliged to return frequently among the people. They are chosen by the States for 6 years, will probably settle themselves at the seat of Government, will pursue schemes for their aggrandizement, will be able by wearing out the House of Representatives, and taking advantage of their impatience at the close of a long Session, to extort measures for that purpose.

Mr. Speaker, America's Founding Fathers did not trust the Senate to originate and raise taxes because Senators sat unchallenged for 6 years, the greater part of a decade, and were too insulated and unaccountable for the taxes they forced on American citizens.

Mr. Speaker, no American court in history has ever upheld the constitutionality of taxes under the circumstances presented by ObamaCare. Doing so now would undermine and nullify the letter and spirit of the Origination Clause in a Constitution that has served America so well for so long.

Mr. Speaker, every Federal judge and justice took an oath to defend, protect, and uphold our Constitution. If these judges will put their partisanship and egos aside, if these judges will apply the Constitution as it is written and intended, if these judges will simply honor their oath of office, then ObamaCare will be declared unconstitutional because it violates the Origination Clause, and America's dangerous and failing experiment with socialized medicine will have ended. ObamaCare will be dead, and quality health care for Americans will survive.

#### HUNGER IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, last Wednesday, I had the privilege of joining Monte Belmonte, who is a radio host at WRSI in Northampton, Massachusetts, on a 26-mile walk to raise awareness about the issue of hunger and to raise money for the Western Massachusetts Food Bank. It was an incredible experience. My legs are sore, but it was inspiring to be part of that march.

For the entire 26 miles we were joined by a diverse group of people, people like Bill Stapleton, who is the president of the Northampton Cooperative Bank; Andrew Morehouse, who is the director of the Western Massachusetts Food Bank. We were joined by Dan Finn of Pioneer Valley Local First and a fellow named Sean Berry, who runs Four Season Liquor Store in Hadley.

Along the way, various people joined us for part of the march. We met with school groups along the way. We even marched along with a group called Mutton and Mead, who put on a medieval festival every year in western Massachusetts.

And as we marched, people would stop their cars to offer their support and offer some money; but they would also tell us stories about people they knew who are hungry in our community. Young kids in schools, some of them who marched with us, told us stories about how they had seen firsthand hunger. Some of them raised money to support the march.

We also stopped at a place called the Amherst Survival Center. It is a food pantry, a place for low-income people to get clothes, sometimes medical advice, sometimes counseling. And when we stopped there, the director handed me a bunch of plates, paper plates, where people who go to the Amherst Survival Center, and some people who work there, wanted to send a message to me and to Congress.

I want to read some of these plates. This one says:

Try going hungry. Hunger hurts. The pantry provides.

This one is:

I read the news about SNAP and I am afraid my family will go to bed hungry. How is this possible?

Another person wrote:

I think everyone has a right to healthy food, which is why the pantry is so important.

Linda wrote:

Dear Congress, please help us who need the help. I didn't think I would ever be like this.

This person wrote:

No SNAP, no food.

This person wrote:

I work and I am seeking more work. My husband works. It is not enough.

"Dear Congress, access to affordable food is a basic human right," signed by Shelley.

"What's for dinner? Nothing without the pantry," wrote Emily.

Working in the pantry has opened my eyes to see all the wonderful people struggling in the community.

Dear Congress, we need your help. Blessings.

Food stamps help American agriculture.

Hunger and homelessness in America?

I could go on and on and read some of these plates, and the reason why I am doing this is because we are so inun-

dated with facts and figures and statistics that somehow I think we have lost our ability to feel them.

These are real people. These are real people who are struggling, real people who are working with struggling families. They deserve a voice. And one of the things that people are concerned about is Congress making their lives worse.

We are considering a farm bill; and in the House version of the farm bill, there is a \$40 billion cut in SNAP—3.8 million people would lose their benefits. Hundreds of thousands of kids would no longer have access to free breakfast and lunch at school; 170,000 veterans would lose their benefits.

Mr. Speaker, we can do so much better. One of the things we are here for is to help the people like those who go to the Amherst Survival Center. One of the things that we are here for is to respond to the concerns that we heard along the way as I marched with Monte Belmonte and his crew.

You know, it is nice that this march was a success and they raised a lot of money for the Western Massachusetts Food Bank, but it is not enough. These food banks and these food pantries are at capacity. We can't make things worse.

Surely in the richest country in the history of the world we can do better. We can end hunger.

So, Mr. Speaker, I would urge all my colleagues, as we start to consider the farm bill, please do not support a farm bill that makes more people hungry. Let's do the right thing. This is a problem that we can solve.

Again, I want to thank Monte Belmonte and all the people at WRSI and Northampton for their compassion, for their activism, for helping people in need; but we need to be inspired by people like those who marched with me from Northampton to Greenfield, and we need to do the right thing.

#### NEGATIVE EFFECTS OF THE IMPLEMENTATION OF OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Mrs. ROBY) for 5 minutes.

Mrs. ROBY. Mr. Speaker, I rise today to share some of the stories of Alabamians who are being negatively affected by the implementation of the Affordable Care Act.

Over the last several weeks, thousands of health insurance policy holders in Alabama have received notice that their plans have been canceled or altered, and their costs have risen, some quite dramatically. This, despite President Obama's often-repeated and unmistakable promise to the contrary.

He promised of the Affordable Care Act:

If you like your doctor, you will be able to keep your doctor. Period. If you like your health care plan, you will be able to keep

your health care plan. Period. No one will take it away, no matter what.

Mr. Speaker, we now know this wasn't true. To make matters worse, the disastrous rollout of the ObamaCare Web site has made it nearly impossible for those affected to search for alternatives. The President didn't tell the truth, and the Americans who took him at his word are paying the price.

I recently reached out to Alabamians, asking those who have experienced health care plan cancellations or rate increases because of ObamaCare to tell me their stories. The response has been overwhelming; and, Mr. Speaker, I would like to share just a few of those stories here in the House this morning.

Allyson Strickland, a wife and a homeschooling mother of four from Dothan writes:

We are a family of six with one income, and our premiums doubled from \$420 to \$940 a month. We are already under great financial strain, and this is not helping relieve any of the tension. At this point we are unsure about what we are going to do. With four growing children, we know insurance is vital, but at what cost to the daily needs of our family? We are very disappointed in the Obama administration.

Shaun Cunningham of Montgomery writes:

I am a married father of two beautiful little girls. My jaw dropped when I found out my family's premium was going from \$400 a month to \$722. I called BlueCross first thing Monday morning, but I was told I needed to contact healthcare.gov for assistance. After 6 hours on the phone with them trying to apply for a subsidy, I did manage to find out that there was a cheaper premium. I could choose the Blue Saver Bronze at a rate of \$545 per month, which was still an increase over the plan I liked. The other problem? My individual deductible would be \$6,350 and my family deductible would be \$12,700. I fail to see anything "affordable" about this.

Chris Vuccovich of Montgomery:

Was notified that my policy was not ACA compliant. Paying \$390 for family coverage, just found out comparable plan, "Silver," would be \$704, my out-of-pocket went up, so did deductibles and copays. We make too much money and will not qualify for, nor do I want, a subsidy.

Leigh Hayes Wiatt of Montgomery:

Our premium went up to \$1,374 a month.

Angela Zacchini of Greenville:

Our family of four is paying \$417 a month, and it is going to \$765 a month.

Jim Harrell of Prattville:

My doctor retired and told me that he was not going to deal with the changes in the Affordable Care Act. So I could not keep my doctor. Both of my adult daughters got letters indicating their policies were canceled due to not meeting all the requirements of the new law. New policies being issued will be about 33 percent more expensive. One has a specialist doctor who is now going to charge patients a costly fee up front each year, and then pay for services rendered. All of these effects are negative to my family.

Mr. Speaker, these individuals and families are not statistics. They are real people from Alabama's Second

Congressional District whose lives are being made more difficult because of ObamaCare.

I don't know why the President repeatedly misled the country about the true implications of this health care law. This is the kind of Washington doublespeak, political doublespeak, people are so fed up with; and this time it is hurting people in a very real way.

We have an opportunity here in the House this week to make it right by acting to protect Americans from these rate hikes and plan cancellations. So that is why I am a cosponsor of Keep Your Health Plan Act, which will allow health care plans currently being offered to continue next year, just like the President promised.

□ 1030

This bill also ensures that Americans choosing to maintain their health care plans will not face a tax penalty under ObamaCare.

I appreciate the leadership of Chairman FRED UPTON of Michigan in bringing forth this legislation. The Keep Your Health Plan Act won't fix every problem with ObamaCare, but it will offer real changes and peace of mind to Americans affected by these changes.

Mr. Speaker, this isn't a partisan issue. Republicans and Democrats alike recognize the basic unfairness that has occurred here. So I urge my colleagues on both sides of the aisle to support the Keep Your Health Plan Act.

#### AFFORDABLE HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, for millions of Americans, the dream of access to affordable health care is becoming a reality, thanks to the Affordable Care Act.

In New Jersey, 2.2 million people have already gained access to free preventative care. Premiums will be 20 percent lower in 2014. Seniors on Medicare already received a 50 percent savings on prescription drugs, and more than 70,000 young adults in New Jersey are able to see a doctor because they can stay on their parents' insurance.

Sadly, though, out of purely selfish political motivation, my Republican colleagues are obsessed with making this law fail and are working overtime to take away the benefits millions of people are already enjoying. I challenge my Republican colleagues to channel that same energy into making the law work so that millions can get the lifesaving care that they deserve.

Look around your districts. How many of your constituents could benefit from access to lifesaving health care, to free cancer screenings and reduced prescription drug costs? They don't need a 47th, 48th, or 49th vote to repeal the law. They need the afford-

able, quality care that the ACA provides. And they are counting on their leaders to make it work, not to work against them to make it fail.

#### RECOGNIZING DR. TOM KIM AND THE FREE MEDICAL CLINIC OF AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to honor a Tennessean who has helped thousands of people in need across my district. Dr. Tom Kim came to America after escaping North Korea at the age of 6. Through a strong Christian upbringing and faith in God, he was led to a lifelong devotion of helping others.

Many years ago, I had lunch with Dr. Kim, and he shared with me his wish to open a clinic that provides free health care to the working poor in my district. The clinic would operate with a mission based on the Bible verse Matthew 25:40, "Whatever you did for the least of these, you did for Me." From that vision came The Free Medical Clinic of America, which this year celebrated its 20th anniversary and 11,000th new patient. What started as a small clinic alongside Dr. Kim's own practice in Knoxville has grown to facilities in four other counties.

Most recently, the FBI office in Knoxville gave Dr. Kim the Director's Community Leadership Award. This yearly honor is given to citizens who go above and beyond in service to their communities.

Mr. Speaker, Dr. Tom Kim is one of the most selfless and kindest men I have ever known and is a man who possesses a contagious energy to help others. I wanted to bring his devotion to others to the attention of my colleagues. I hope The Free Medical Clinic of America continues to be an example of humanity and Christian service for many years to come.

While I came here primarily to honor a health care hero, I also want to make a few additional comments about health care.

The more we learn about the so-called Affordable Care Act, the worse it gets. It should be called the "Unaffordable Care Act" since cost estimates are already double or triple the estimated cost when it was passed, and Federal health plans have always been lowballed on the front end. According to the nonpartisan Congressional Research Service, Medicare was supposed to cost about \$12 billion after 25 years. Instead, CRS reports that it costs almost 10 times that much, and this year, it will cost six times that amount, or over \$600 billion.

Premiums are going way up for most people in preparation for the requirements of the new law.

The Associated Press reported on August 8:

One casualty of the new health care law may be paid coverage for families of people who work for small businesses.

Employers are either not hiring as many workers as they ordinarily would, with many trying to stay under 50 employees so as not to be hit by the new law, or are switching people to part-time work. The State of Virginia notified 10,000 part-time workers they would not be allowed to go over 30 hours a week, and some have said the new norm all over the country is two 20-hour-a-week jobs.

One leading supporter of the act was famously quoted as saying that we would have to pass the law before we could find out what was in it. Now we are finding out all of the promises about keeping your plan if you liked it, keeping your doctor if you liked him, and that premiums would go down by as much as \$2,500 a year were all false, exaggerated, or at least incorrect. Millions have lost or will lose their coverage. Millions more are facing huge increases in their premiums.

In our offices, we have helped many people with Medicare and Medicaid problems, and no one wants to see anyone denied medical care. However, before we start another program that we can't afford, we need to do more to eliminate the tremendous waste, fraud, and abuse that exists in Medicare and Medicaid today.

More significantly, some people and companies have become rich off of these two programs. The administrators of Medicare and Medicaid need to crack down on those who are turning Medicare and Medicaid into monetary bonanzas. One place to start is in the huge discrepancies in charges by hospitals.

A May 8 New York Times article reported that one hospital in Dallas billed Medicare \$160,832 for lower joint replacements while another just 5 miles away and on the same street billed the government an average fee of \$42,632. Two hospitals in New York City varied by 321 percent what they charged for complicated asthma treatment, one billing an average of a little over \$34,000 while the other charged an average of a little over \$8,000.

Columnist Charles Lane of The Washington Post wrote that Medicare reimburses power wheelchair suppliers \$4,000 to \$5,000 for a basic chair that costs the supplier \$700. Just yesterday, in the Oversight and Government Reform Committee, we had a hearing about the botched rollout of the Affordable Care Web site. Already, over \$600 million has been spent on this messed up, convoluted, confusing system. It is going to cost billions to straighten it out and keep updating the technology. None of this is going for actual health care. It is just going to some well-connected government contractors who are getting rich at great expense to American taxpayers.

What a great law this is, destroying jobs for average Americans but wonderful for lobbyists and government contractors. Pete Sepp of the National Taxpayers Union said:

How ironic that while the Affordable Care Act is being blamed for slowing job creation outside the beltway, the law is offering plenty of job opportunities to firms inside the beltway willing to promote it.

How sad this is.

#### ARTICLE 32

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, recently, a courageous 21-year-old female Naval Academy student was bold enough to report that three men on the Navy football team raped her while she was drunk. Little did she know that when she came forward, she would be put on trial, forced to testify, and be cross-examined for more than 30 hours. She was harangued by the defense team and asked humiliating and abusive questions for hours, with the clear objective to intimidate her and destroy the case.

What is so unbelievable is that her case hadn't even made it to trial. This was only the equivalent of a preliminary hearing, called an Article 32 hearing under the Uniform Code of Military Justice. It is supposed to be used to determine if a case should go forward to trial. The truth is that Article 32s have mutated and now serve to put the victim on trial, not the accused.

Her experience of not only being sexually assaulted but revictimized by the judicial system is all too common in the military. In Article 32 proceedings, it is standard operating procedure for the defense team to subject the victim to every irrelevant, indecent, and outright degrading question you can imagine.

In the Naval Academy case, the victim was asked by one of the defense attorneys, "How wide do you open your mouth for oral sex?" Another question was asked of her, "Did you feel like a 'ho' the next morning?"

These questions would simply never, ever be permitted in a civilian criminal trial, let alone in a preliminary hearing. None of this is in pursuit of the truth, of course. It is all an effort to make victims think twice about even coming forward or pursuing a case.

At one point in the Naval Academy proceedings, the victim asked for a recess because of fatigue. Lawyers for the alleged rapists scoffed, "What is so stressful about this?"

In the civilian world, a preliminary hearing is used to determine if there is probable cause and if a case should go to trial. Oftentimes, the victim is never even called, and the victim is certainly not berated for hours about their previous sexual history. These

proceedings are very brief, and the scope of the hearing is limited to the question of probable cause.

The 5-day, 30-hour proceeding is such a glaring example of the difference between what justice looks like in the civilian courts and what it looks like in the military justice system. Simply put, Article 32 hearings are rigged in favor of the accused. The scales are so tilted in favor of the accused, the system is upended.

The proceedings also have a significant chilling effect on sexual assault reporting. Although the numbers have climbed, only 10 percent of the estimated 26,000 annual assaults are actually reported. Now, think about this: 26,000 assaults every year in the military of both men and women—and mostly men, I might add—with only 3,000 reported. Are we at all surprised that the numbers of reports are so small? Less than 1 percent of the offenders are ever convicted. This is called military justice?

After Air Force Lieutenant General Richard Harding testified that 30 percent of the victims drop out during the investigative process, it is time for us to do something meaningful about Article 32 hearings. That is why I am introducing the Article 32 Reform Act along with my cosponsor, the gentleman from Pennsylvania, Congressman PAT MEEHAN, which will align these proceedings with what happens in a civilian preliminary hearing and will give victims the option of whether or not to testify at all.

Ironically, civilian victims are currently afforded this right in military courts but not servicemembers. That is right. We allow civilian victims not to testify in Article 32s but force the brave servicemembers who are victims to be subjected to this abusive process.

This bill has bipartisan support in both the House and the Senate and will finally put an end to these open-ended, abusive hearings that revictimize those who come forward and prevent others from reporting for fear of being savaged by defense attorneys who have only one goal: to shut up the victim and sully their reputations. The proposed reform will put prosecutors in charge. It will shift the focus to probable cause, and the threshold will be what it should be: whether there is sufficient evidence to go to trial.

It is time that we give the same rights to brave servicemembers who come forward to report a crime, the rights that the rest of us have in civilian society. If we are serious about addressing the epidemic of sexual assault, we must stop treating the victim as the criminal and stop protecting the sexual predators. It is time for us to clean up the military justice system.



## HELP FOR THE PHILIPPINES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I rise today on a mission of mercy, with a message of gratitude.

I am grateful today to members of the Foreign Affairs Committee; the chairperson, Mr. ROYCE; and the ranking member, Mr. ENGEL. I am grateful that they have filed a resolution to support the people of the Philippines.

My mission of mercy is to ask for help for the people of the Philippines. This resolution, H. Res. 404, speaks to some of what we may be able to do, and it also addresses our sympathy for the people of the Philippines.

□ 1045

It expresses our solidarity with the people of the Philippines. It expresses our continuing support for relief and reconstruction assistance for the people of the Philippines, and it goes on to commend the Filipino community in the United States of America for their efforts to organize and to help with the disaster relief.

The Philippines are our allies. The people of the Philippines have been there with us through many struggles. They are the victims of a force of nature, but they can survive this with our help.

I want people to understand that there is a special relationship between America and the people of the Philippines. They were there with us during World War II. They fought side-by-side with our troops. Many of them fought and died together. My hope is that this special bond, this special connectivity that started long before World War II but that continued through World War II, is something that will cause us to remember that these are our friends. They need our help.

They were also there during this war at the Battle of Bataan. More than 70,000 troops marched in the Battle of Bataan. They were marched to a camp where they were to be incarcerated. Many died along the way. Many of them were Americans. More than 10,000 Americans were a part of that Bataan Death March, as it is called.

We have more than 17,000 troops that are buried in the Philippines. These persons are the ones that took up the clarion call to answer the call to duty in a distant place. My hope is that we will remember that they sacrificed their lives and that the people of the Philippines mean a lot more to us than just a simple place on a map.

I would remind us that on August 30, 1951, 62 years ago, we signed a Mutual Defense Treaty with the people of the Philippines. This is not defense in the traditional sense of defense, but it is defense in the sense that people are defenseless because they have been im-

pacted by a force of nature unlike any other we may have seen on our planet.

This force of nature, according to USAID, has caused 9.7 million people to be affected. It has caused more than 23,000 people to have their homes damaged or destroyed. It has caused more than 600,000 people to be displaced. It has caused more than 700,000 people to find themselves being evacuated. The death toll is still climbing. It is at more than 2,000.

Today, I rise on a mission of mercy with a message of gratitude. The gratitude is to the United States of America and to this administration for sending in our troops. The Marines have landed, and more are on the way. We have an aircraft carrier, the USS *George Washington*, one of our finest. It will be there to provide support services and produce water.

\$20 million in aid is good, but the world has to come to the aid of the people of the Philippines, and we have to do more.

I know that these are times of great austerity. I understand that we have cuts. I also remember something that happened in my family when a person who lived in our community lost their job. We were poor. We were not born into plenty. We were born into poverty. While we were poor, we still understood that someone who had lost a job merited some support. I can remember my parents talking between themselves about how we could help this family, notwithstanding our sense of poverty. When I say we were poor, I was telling a Member just yesterday that the subsidized public housing would have been a step up in life for us. We called it the "projects," and we looked forward to moving to the projects. We never did, but we looked forward to it.

My point is this. Even when we were poor and when we had little, we still made room to help others who had less, and this is what a great country does, I believe.

A great country doesn't ask what will happen to us if we take up the cause of the people of the Philippines. A great country will ask what will happen to them if we do not take up the cause of the people of the Philippines.

So I beg today that we do all that we can to help and that we sign onto H. Res. 404, expressing our sympathy for the people of the Philippines.

God bless you, and God bless the United States of America. Let's pray for the people of the Philippines.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 49 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

Reverend Larry Phillips, Midway Baptist Church, Mount Airy, North Carolina, offered the following prayer:

Almighty God, giver of eternal life, we thank You for this great Republic, a Nation conceived in religious liberty and the free exercise thereof. Today, as generations before us, we seek Your divine hand of providence to guide the affairs of our Nation and those who serve.

Guide our Representatives, we pray, on a path consistent with the original intent of our Constitution. Grant them the strength of character to defend life, liberty, and freedom for future generations. Lead them in the path of righteousness which will exalt this Nation.

As public servants, keep them from the sin of arrogance and self-centered pride by reminding them they are accountable to the people and to You for their decisions.

And I pray each Representative of this House may know that they are greatly loved by You.

As a follower of Jesus Christ, I pray this in His name.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HULTGREN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HULTGREN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Ms. KELLY) come forward and lead the House in the Pledge of Allegiance.

Ms. KELLY of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND LARRY PHILLIPS

The SPEAKER. Without objection, the gentleman from North Carolina (Mr. COBLE) is recognized for 1 minute.

There was no objection.

Mr. COBLE. Mr. Speaker, I am pleased that you accepted our nomination of Surry County minister and commissioner, Larry Phillips from Mount Airy, to lead the House with the opening prayer. In the short time that I have represented Surry County, I have come to know Larry as an outstanding elected official and a principled and thoughtful person.

Reverend Phillips is currently serving in his 25th year as senior pastor of Midway Baptist Church in Mount Airy, which is affiliated with the Southern Baptist Convention. He is a graduate of Liberty Baptist Theological Seminary, holds a master of arts in biblical studies, and is completing his master's of religious education.

Mr. Speaker, it has been said in North Carolina there are more Baptists than there are North Carolinians, and Reverend Phillips and his family belong to that very distinguished group.

Larry Phillips was born in Cherokee County, North Carolina, and has been married to Melinda Gay Johnson Phillips for 36 years and is father to Andrea and Darren, father-in-law to Meagan, and grandfather to Madison and Branson.

Larry Phillips was elected to the Surry County Board of Commissioners in 2012 and serves on the County Commissioners Economic Development Task Force, including the North Carolina Association of County Commissioners and Board of Directors.

We are pleased, Mr. Speaker, to have Larry Phillips as our guest chaplain today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### EFFECTS OF OBAMACARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Madam Speaker, I have heard from many of my constituents over the last couple of weeks who are struggling mightily under the President's health care law.

Ed from Hamilton is one of them. He and his wife recently retired but aren't old enough yet for Medicare. Their

health care plan is being canceled. It is being replaced with one that will cost \$500 more per month. Now think about that: \$500 more per month every month for their new health care plan.

Then there is Brian from West Chester, my hometown. He runs a small business, just like I used to. Brian has been told that his health care premiums are going to double. If that happens, Brian said to me he might have to close his doors. That means his workers are going to lose their plan and lose their job.

Now, these are just two stories from my district in Ohio, and there are millions more of them all around the country. Premiums are going up. People are losing their coverage, and small businesses are being terrified.

The President's health care law is hurting a lot of our constituents. If he is serious about helping them, he can start by making good on his promise and supporting the Keep Your Health Care Act.

I would encourage every Member to help keep that promise and vote for this important bill.

#### THE PHILIPPINES ARE IN NEED

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Madam Speaker, today my thoughts are with the victims of Super Typhoon Haiyan in the Philippines. The typhoon ravaged the Philippines, bringing sustained winds that reached 175 miles per hour and storm surges reaching 13 feet.

In the aftermath, reports have confirmed more than 2,300 dead; but the number could be far larger. Haiyan wiped out roads, electricity, and communications in much of the country.

Mayors are faced with unthinkable decisions, like choosing between transporting in food and relief supplies or transporting out the bodies of victims.

When those in the other parts of the globe are in need due to disaster, the United States always lends a hand. Right now, the Philippines are in need.

I urge Members of Congress and all members of this United States of America to continue opening their hearts to provide critical support to the recovery efforts.

#### OBAMACARE

(Mrs. BLACK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACK. Madam Speaker, Greg, a constituent from Fairfield Glade in my district, is one of tens of thousands across our State who has received one of these, a letter canceling their insurance policy.

Greg wrote to me that he "operates a small painting business and was very

happy with the Cover Tennessee program for small businesses and their employees. This program is being canceled effective January 2014 because it does not meet the minimum requirements of ObamaCare. This directly contradicts the promise made by President Obama that we could keep our existing programs," he says.

Madam Speaker, just yesterday, it was reported that only 992 Tennesseans—yes, less than 1,000 Tennesseans—have selected new coverage through the ObamaCare exchanges. Yet at least 94,000—yes, 94,000—across our State have lost their coverage.

The President must honor his promise to the American people and work with Congress to protect Americans like Greg.

#### THE AMERICAN WORK OPPORTUNITY ACT

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Madam Speaker, last week I met with businesses from around my district as part of my economic development tour.

I visited Sip & Savor, a minority-owned coffee shop in Hyde Park, where people go for great coffee and conversation.

I met with Landauer in Glenwood, ranked 63rd on the Forbes list of Best Small Businesses in America. They are keeping our troops safe by investing in technologies that protect them from the harmful effects of radiation.

I spoke with workers at Nucor Steel in Kankakee, who are helping lead the manufacturing renaissance in the United States.

These businesses take pride in the work they do, but they need a Congress that is willing to work just as hard for them. We need folks on both sides who will reduce the barriers to business growth and who will support the small businesses that create 65 percent of the new jobs in our economy.

I recently introduced H.R. 3328, the American Work Opportunity Act, which extends the work opportunity tax credit for businesses that put Americans back to work. I urge my colleagues to support this bill and to work together to pass a comprehensive jobs bill.

#### HAPPY BIRTHDAY, KADEN

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Madam Speaker, this past weekend we remembered the brave men and women who have sacrificed so much for this Nation. In many cases, their families join in that sacrifice, forced to be apart for birthdays and other family celebrations while their loved ones serve overseas.

I am so grateful for these defenders of freedom who make the tough commitment to be away from their families so they can protect us abroad so we can enjoy peace at home. As these military families make sacrifices, we remember our own families who benefit from their service.

I want to wish my incredible son, Kaden, a happy birthday as he turns 12 today. Your mom and I are so blessed by having you in our family, and we are looking forward to the great future God has planned for you.

I am so glad that we will be able to see each other this weekend and celebrate, when many other fathers and mothers abroad have to wait months to celebrate with their own kids.

Birthdays and holidays give us another chance to pause and remember them this year. Thank you, veterans.

And happy birthday, Kaden.

#### BLACKOUT RULES ARE UNFAIR

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, earlier this month, the Federal Communications Commission chair put forth a proposal to end government support for sports blackouts. This is a welcome step in the fight to end blackouts once and for all.

In my home community of western New York, there is a threat of a blackout for the next two home games. This means that, despite overwhelming community support, money spent on merchandise, and tax dollars being spent for stadium improvements, Buffalo fans will not be able to see their NFL team on television.

On Tuesday I introduced the Furthering Access and Networks for Sports, or FANS, Act, which would eliminate these harmful blackouts once and for all. Senators BLUMENTHAL and MCCAIN introduced identical legislation in the Senate.

Madam Speaker, blackout rules are unfair, outdated, and alienate fans. I will continue to fight until sports teams do the right thing for their fans.

#### PRESIDENT OBAMA'S BROKEN PROMISE

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Madam Speaker, I rise today to shed light on the President's broken health care promise. The President promised over and over again that Americans who like their health care plans could keep them, but that is just not true.

Here is what Wendy from my district wrote me:

My BlueCross BlueShield policy will be canceled due to ObamaCare starting March 1, 2014. I checked out other policy options

under ObamaCare and the least expensive qualifying plan was an additional \$208.44 per month. This is with a higher deductible, larger out-of-pocket expense, and only three doctor visits per year per person. This is outrageous. Additionally, this rate only includes me and my three children, not even my husband. I guess we can't even keep a family together under ObamaCare.

As Wendy's story exemplifies, and as we predicted since 2010, ObamaCare is fundamentally flawed in concept and execution. Dictated government health care cannot beat free-market choices. And as a health care professional, I will continue to do all that I can to protect the American people from ObamaCare.

#### VETERANS TOUR

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Madam Speaker, I rise today to talk about the recent veterans tour I conducted across my region of Illinois.

Last week I traveled to all corners of my district to meet with local veterans and listen to their priorities and to their concerns. I held listening roundtables with veterans to talk about ways we can cut down on the shameful backlog of VA claims, to make sure that veterans have access to good-paying jobs, to education, and to job training programs, and to put an end to veterans' homelessness.

I also worked a shift at the Sterling, Illinois, VA Clinic, where I shadowed nurses and saw firsthand new technology that help veterans have access to treatment closer to home.

And, finally, I interviewed Leland Chandler for the Library of Congress Veterans History Project. Mr. Chandler is a World War II veteran from Galesburg, Illinois, who was a prisoner of war in the Pacific Theater. He received many awards and decorations for his brave service to our Nation. He is a true American hero, and I am honored to share his story with the public.

During my time in Congress, I have made veterans my top priority, and I will continue to fight to protect the benefits that they have worked so hard to achieve.

□ 1215

#### AMERICANS LOSING THEIR HEALTH INSURANCE

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Madam Speaker, today I want to talk about Debbie Brown, who is from Garfield County in Washington State. She has a daughter and two grandchildren and is 53 years old. She works at the local gas station to help support her family. A few weeks ago, she was one of many

who were told that, as of December 31, 2013, her health insurance plan would no longer be available. She has looked at other plans and hasn't found one that is affordable, so she is uninsured now.

Unfortunately, her story is too common; and it is repeated all across this country, heartbreaking stories of everyday, average, hardworking Americans losing their health insurance. We can do better. Too many Americans are receiving cancellation notices; too many Americans are losing their doctors; and too many Americans don't have affordable health insurance because of the Affordable Care Act.

Madam Speaker, 3.5 million Americans have seen their plans canceled, almost 300,000 in Washington State alone. President Obama promised the American people, if you liked your health care plan, you could keep it—not, if he liked your plan, you could keep it.

Let's support the legislation tomorrow.

#### SEXUAL ORIENTATION AND GENDER IDENTITY EMPLOYMENT PROTECTIONS

(Mr. KILMER asked and was given permission to address the House for 1 minute.)

Mr. KILMER. Madam Speaker, today I rise to call on the House to pass the Employment Nondiscrimination Act, which passed the Senate with bipartisan support. It is a bill with a simple premise: that people should be hired, fired, and assessed based on their capabilities and job performance, not on prejudice. It would take the common-sense step of extending Federal employment nondiscrimination protections to include sexual orientation and gender identity.

I spent a decade working in economic development, and the research by Richard Florida and others is pretty clear. One of the prime drivers of economic growth is tolerance, and yet, in 29 States, it is legal to fire an employee because of sexual orientation. The rights granted in my State shouldn't end at our borders.

Failure to act on this doesn't make economic sense; it doesn't make legislative sense; and it doesn't make moral sense.

But I am not here just as an economic developer. I am here as someone whose faith dictates that I love and respect all people and live by the Golden Rule, and I am here as a dad of two little girls. I want my daughters to grow up in a country where discrimination is a thing of the past, where folks can't be treated differently because of their gender or who they love. It is time to pass ENDA.

# NUCLEAR NEGOTIATIONS WITH IRAN

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Madam Speaker, President Rouhani of Iran is doing exactly what he was put in power to do: get the Obama administration to weaken international economic sanctions.

Our sanctions, Madam Speaker, are working. Unfortunately, Secretary Kerry and this administration have been chasing an agreement with Iran that relaxes sanctions and allows Iran to continue enriching material and developing their heavy-water reactor. This is an outcome that the regime in Tehran desires, and they won't have to make any concessions to get it.

Madam Speaker, the tentative deal does nothing to address Iran's sponsorship of terrorist organizations, like Hezbollah, nor does it deal with their overt persecution of religious minorities in Iran or their vast human rights abuses. As Prime Minister Netanyahu stated, "This is a very, very bad deal."

The administration needs to stop negotiating bad deals and cease their efforts to block a new round of sanctions.

# TRIBUTE TO LEONEL J. CASTILLO: EDUCATOR, CIVIL RIGHTS ACTIVIST, AND HOUSTON'S FIRST HISPANIC ELECTED

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Madam Speaker, over this last weekend, we celebrated the life of Leonel J. Castillo: educator, civil rights activist, and Houston's first Hispanic elected official, but—a truly—wonderful and deserving and outstanding American.

I rise today to pay tribute to Leonel J. Castillo, a legendary pioneer figure in the history of Houston and, as I said, the first Hispanic elected to public office in Houston. He died on November 4, 2013.

But this weekend, we had a chance to be with his family and to celebrate his life, to name a neighborhood center after him, to hear the testimonies regarding his passion and his love of bringing people together, and to hear about his love for his family.

He was inspired by President John F. Kennedy and joined the Peace Corps, where he met his wonderful, beautiful wife, Evelyn, and had two children: a daughter, Avalyn, and a son, Efrem. He met his wife in the Philippines. And we know today that we are praying for all of them in the Philippines.

Leonel, of course, in 1967, moved his family back to Houston. We are so delighted. He served as the director of SER-Jobs for Progress. In 1971, he was elected comptroller of the city of Houston. When nominated for INS Commissioner President Carter said:

"He is a man who has the highest possible reputation. He is a public administrator, and I think I can tell you that he is going to take on one of the most difficult jobs in government."

Mr. Castillo, a great American succeeded in that job and all that he did.

We thank you, Leonel Castillo, as you served the United States Government and all of America well. May you rest in peace.

# KEEP YOUR HEALTH PLAN

(Mr. JOYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOYCE. Madam Speaker, despite promises that, if you liked your current health plan, you could keep it, millions of Americans have already received cancellation notices regarding current coverage. No matter how you feel about the Affordable Care Act, Ohioans that like their health care coverage should be able to keep it.

I have received countless emails and letters from Ohioans losing their coverage or being forced to pay more. One Ohioan who reached out to me because he was concerned about how higher costs could affect his family was Karl from Newbury, Ohio. Karl and his wife have six kids, recently bought a house, and stay busy because, not only is Karl a full-time employee, he is a full-time student.

Karl and his wife recently received a notice that their family would have to pay 30 to 40 percent more for their health care coverage next year. Now Karl and his wife are worried because they won't be able to afford the mortgage on their new home because of the increased health care costs.

Madam Speaker, Ohioans shouldn't be forced to pay more for health care because of a law coming out of Washington. That is why, this week, the House will vote for the Keep Your Health Plan Act, which will allow plans available on the individual market today to continue to be offered next year. It is a commonsense bill that will protect Americans from losing or paying more for their coverage, and I urge my colleagues to support it.

# HEALTH INSURANCE OPTIONS

(Mr. BARROW of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW of Georgia. Madam Speaker, when the Affordable Care Act was first enacted, the American people were promised that, if they liked their coverage, they could keep it. Despite those assurances, millions of Americans who are happy with their insurance coverage are finding out they won't get to keep their coverage.

I am proud to cosponsor legislation, offered by my Republican colleague

from Michigan, committee Chairman FRED UPTON, that gives the folks in my district in Georgia the opportunity to keep their current health insurance plan. I hope we will pass that legislation this week.

Many Americans don't feel well served by the limited health insurance options available in the exchanges, and people resent being misled by their elected officials about their options. It is important for us to give the American people the option to choose which plans work best for them, and this bill will help.

# KEEP THE PLAN YOU LIKE

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Madam Speaker, I rise today on behalf of the thousands of Pennsylvanians from my district who are going to lose their health care coverage because of the rules and regulations of ObamaCare. I invited a number of them into my office, and their stories were both revealing and heart-breaking.

A small business woman from Newtown Square shared her story of shopping for a new plan after her policy was canceled. She must now pay more each month for a plan she doesn't like and coverage she does not want. Yet another is losing her doctor after more than 20 years because she was forced to switch insurance companies. Her long-term doctor isn't covered under the new, more expensive plan. And one constituent received this letter from her insurance company, informing her that she would have to pay as much as \$3,500 more. It has higher deductibles and higher copays.

Madam Speaker, Americans are already struggling in this economy. Tomorrow the House will vote to ensure that the families that like their plans can keep them. President Obama and Senate Democrats should keep their promise to the American people and do the same.

# THE BORDER PATROL PAY REFORM ACT

(Mr. O'ROURKE asked and was given permission to address the House for 1 minute.)

Mr. O'ROURKE. Madam Speaker, I have the honor of representing more than 2,500 Border Patrol agents in El Paso, Texas. They are a big reason why our border with Mexico is as secure as it has ever been, and they help keep El Paso the safest city in the United States; it was this year, the year before, and the year before that.

Now, despite their successful track record, their vigilance at our borders with Mexico and Canada, and the tough conditions under which they work,

they are working with an antiquated, unfair, and inflexible pay system. That is why I am happy to work across the aisle with the gentleman from Utah, Representative CHAFFETZ, to introduce H.R. 3463, the Border Patrol Pay Reform Act. This provides a fair, flexible, and fiscally responsible way to compensate our Border Patrol agents. It allows management to deploy resources where they are most needed; it gives our agents some predictability in their work schedule; and it saves the American taxpayer over \$1 billion over the next 10 years.

During a time of sequester and tight budgets, we need to use existing resources as judiciously as we can. I think this bill accomplishes that while supporting our Border Patrol agents. I urge my colleagues to join me in supporting this bill.

#### CANCELED HEALTH INSURANCE PLANS

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Madam Speaker, America is over 6 weeks into the ObamaCare rollout, and things are just a mess. Folks are still having problems signing up. But even more painful are the letters people are receiving, canceling their health insurance plans. Families and individuals are being forced into different and, oftentimes, more expensive plans.

Recently, I asked folks to let me know how their premiums were being affected. One person contacted me that their premiums went up \$200 a month. Another family contacted me that their policy was canceled, and their premium is going up \$740 per month.

The President promised, from the beginning, if you like your health care plan, you will be able to keep your health care plan, period. But that has turned out not to be the case, and he knew it all along.

ObamaCare has many flaws, but forcing people off their plans when they were promised they could keep them is really starting to hit home now. That is why I strongly support H.R. 3350, the Keep Your Health Plan Act. The legislation would allow health care plans on the individual market to remain available so people could have the option to keep their current health insurance if they want to.

I still believe the best path forward is to get rid of ObamaCare, but for now, we should support this bill to help hardworking Americans keep their health insurance.

#### SUPER TYPHOON HAIYAN

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker, I rise today to extend my condolences to the thousands of families both in the Philippines and here in the United States who have lost loved ones due to Super Typhoon Haiyan, the deadliest natural disaster in the history of this region.

I proudly represent the largest population of Filipino Americans in the continental United States, and many of them are in anguish right now wanting to know whether or not their loved ones are still alive. The question that some may ask is, Well, why should we help?

Well, there are the obvious humanitarian reasons, but more importantly, we must never forget that in World War II, President Roosevelt sought to have Filipinos take arms and fight for us—some 250,000 of them—during World War II. We must help.

We have sent the USS *George Washington*, which has arrived today. Seven other ships are on their way. There are C-130s and Ospreys that have also been put in operation.

The gentleman from California, Congressman HONDA, and I have introduced a resolution, and I hope the House will take it up swiftly, seeking support for the Filipino people and providing the aid they need.

□ 1230

#### THE PRESIDENT'S HEALTH CARE LAW

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Madam Speaker, I am holding a copy of a letter that one of my constituents received informing him that his current health care plan—a plan that he was satisfied with and that he was able to afford—is being canceled, thanks to regulations imposed by the President's health care law.

Thousands of letters like this one have gone out to hardworking citizens in northern Michigan.

I asked my constituents to reach out to me about their experiences so I could hear firsthand about the impact of this disastrous overhaul. I received over 200 responses in a matter of days.

Patrick from Cheboygan will see his annual health insurance bill rise by over \$6,000 on January 1, 2014. Russell from Amasa was finally able to log onto the President's Web site after 14 straight days of trying, only to discover that the closest equivalent option for his plan will be far too expensive for him to afford.

I ask all of my colleagues to join me in order to repeal this disastrous health care law and work together in order to promote affordable, patient-centered reforms.

#### SAFE CLIMATE CAUCUS

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute.)

Mr. HUFFMAN. Madam Speaker, I rise today to once again speak about the issue of climate change that is affecting every country, but as the World Bank has found, the impacts are not distributed equally. It is likely that the poorest nations on Earth will be the hardest hit.

The U.N. ranks the Philippines as the country that is third most vulnerable to the effects of climate change because of its geography, its poverty, and the state of its infrastructure.

As all of my colleagues know, one of the most powerful storms on record tore through Asia this past week—and the Philippines in particular. In the wake of Typhoon Haiyan, many thousands are dead and hundreds of thousands more are homeless and desperate for help.

As we learn more about the devastation, I ask my colleagues to pay careful attention to the words of Yeb Sano, head of the Philippines delegation to the U.N. climate talks:

What my country is going through as a result of this extreme climate event is madness . . . Typhoons such as Haiyan and its impacts represent a sobering reminder to the international community that we cannot afford to procrastinate on climate action.

He is right.

The Philippines tragedy is the latest wake-up call on climate change. So let's wake up.

#### OBAMACARE CANCELATIONS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Madam Speaker, how many times did we hear the President promise the American people that if they liked their health care plan, they could keep their health care plan?

It doesn't matter how many times, Madam Speaker, you say something if it simply isn't true.

The fact is that Americans all across this country are getting letters from their insurance companies telling them their plans have been canceled. These are moms, dads, students, seniors, people who work diligently and who should be able to count on their health insurance when they need it.

What does ObamaCare offer them? Maybe they lose their plan altogether. Maybe their rates are going up. Maybe they can't visit the doctors and hospitals they have been using for years.

Madam Speaker, this has happened.

I urge victims to speak out. Go to the House Republican Web site at [gop.gov](http://gop.gov) and share your story.

#### VALLEY'S FIRST HONOR FLIGHT

(Mr. COSTA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to speak on behalf of our valley's first Honor Flight.

Recently, my colleagues, Representatives VALADAO and NUNES, and I honored the service of San Joaquin Valley veterans—as Tom Brokaw noted, perhaps America's Greatest Generation. These 69 men took off from Fresno and landed here in our Nation's Capital to see the monuments to their service to our country, most of them for the first time. In their youth, these men bravely but humbly answered their Nation's call.

Decades later, our first San Joaquin Valley Honor Flight came to Washington, where they witnessed the changing of the guard and remembered those of their fellow soldiers who did not make it home.

I also want to thank Congressmen HALL and DINGELL, who shared stories with them.

This forever grateful Nation is better for the men's sacrifices and the lives they led when they returned home to their farms, their storefronts, and their practices throughout the Valley to build a better life for themselves and our Nation.

I want to thank you for allowing us to share their experience and to show our gratitude for a debt which we can never fully repay.

#### FOR RUTHANN: PASS THE KEEP YOUR HEALTH PLAN ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the promises upon which ObamaCare was built are crumbling.

Ruthann from Hickory, North Carolina, is a healthy 61-year-old. Last month, she received this letter from her insurance provider:

Dear Ruthann,

Due to Affordable Care Act regulations, your current . . . medical plan will no longer be offered for 2014 . . . The monthly premium for your new plan will be \$738.05.

Ruthann is right to be frustrated by this news.

Today, she pays \$396 each month for a plan with a lower deductible that covers the services she needs. Paying \$350 more each month is out of the question for Ruthann and her family.

Her next best option under ObamaCare is to pay \$510 a month for a higher deductible plan that will force her to pay out of pocket for some of the basic tests and procedures her current insurance provides.

Ruthann says:

In effect, I am now relegated to a policy that will only be helpful in case of a catastrophic illness resulting in hospitalization.

How is that anything resembling "affordable care?"

#### AID TO THE PHILIPPINES

(Ms. MENG asked and was given permission to address the House for 1 minute.)

Ms. MENG. Mr. Speaker, I rise today to reaffirm the solidarity between the United States and the Philippines at this tragic time.

As the people of the Philippines rebuild their infrastructure, aid their injured, and mourn their deceased, the U.S. must remain a beacon of international humanitarian leadership.

Since the landfall of Typhoon Haiyan on November 8, 2103, the United States Government has provided over \$20 million in immediate humanitarian assistance, shipping vital necessities like shelter, water, hygiene kits, plastic sheeting, and over 55 metric tons of emergency food provisions to Tacloban City and other devastated regions.

This aid is desperately needed. The typhoon has impacted 8 million Filipinos and taken the lives of nearly 3,400 people—a number expected to rise.

The tragedy has also touched the 17,000 people of Filipino heritage living in my district in Queens, New York. To them, I offer unwavering support and an unflinching resolve to do everything possible to help those affected overseas.

#### GET GOVERNMENT OUT OF THE WAY AND PUT AMERICANS BACK TO WORK

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, Americans want Congress to support policies that help put our Nation back to work. Creating jobs is the key to improving our economy.

However, too often, government stands in the way of job creation by imposing costly regulations on businesses and municipalities, creating uncertainty and hindering job growth.

I recently visited a wastewater treatment facility in my district. While there, I learned that new EPA mandates, specifically on wet weather wastewater treatment, will increase costs on Johnson County, Kansas, ratepayers by 25 percent.

New EPA regulations on an energy plant in Kansas City, Kansas, will force the board of public utilities to make modifications—\$250 million in costs—resulting in a 15 to 20 percent monthly increase in the average electric bill to consumers, families, and businesses in Wyandotte County, who are already feeling the crunch of hard economic times.

These regulations are essentially hidden taxes on Kansas families, many of whom are already pinching pennies to pay their bills.

Madam Speaker, regulations do not create jobs. Let's get government out

of the way and let's put Americans back to work.

#### HONORING COUNCILWOMAN MAXINE HERRING PARKER

(Ms. SEWELL of Alabama asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SEWELL of Alabama. Madam Speaker, I rise today to pay tribute and honor to the life and legacy of Birmingham City Council President Maxine Herring Parker, who passed away suddenly on Tuesday, November 12, 2013.

Councilwoman Parker was the epitome of grace, class, and firm yet gentle leadership. With her signature flower lapels to accentuate her immaculate appearance, this soft-spoken leader personified womanhood while serving as a great source of strength for her family and community.

Her love of family was second only to her love of her constituents in Birmingham City Council District 4. Through her 8-year tenure on the city council in Birmingham, Alabama, Councilwoman Parker was best known for her advocacy for environmental justice on behalf of her constituents in north Birmingham. In 2011, as a result of her tireless advocacy, the Environmental Protection Agency began its first major intervention in the area. Today, that environmental cleanup still exists.

On behalf of our Nation, the State of Alabama, and the city of Birmingham, I am honored to pay tribute to the life and legacy of this phenomenal woman. She was indeed one of the most passionate community servants of her time. Let us all commit to continuing Councilwoman Parker's legacy of passion and concern for others.

I ask my colleagues to join me in honoring the life and legacy of Birmingham City Council President Maxine Herring Parker.

#### AID TO THE PHILIPPINES

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, I am continuing the mission of mercy that started right after the typhoon hit the Philippines.

Madam Speaker, I am here to express my gratitude to the President of the United States of America. I just heard him speak of how the United States would do all that it can to help the people of the Philippines.

I am also grateful to the members of my community. We have approximately 40,000 persons of Filipino ancestry living in the Houston area. A good many of them are persons that I represent. I am honored to tell you that

they are working tirelessly to do all that they can to help their brothers and sisters in the Philippines.

These are difficult times, but I am honored to say it is my belief that, with our help, we will be able to help the people of the Philippines get through this tragic circumstance.

There are two resolutions. H. Res. 404 is sponsored by Members ENGEL and ROYCE, ranking member and chair of the Foreign Affairs Committee. H. Res. 408 is sponsored by Members SPEIER and HONDA. I want to compliment them for what they have done.

#### IN SUPPORT OF THE AFFORDABLE CARE ACT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Madam Speaker, I rise in continued support of the Affordable Care Act and the promise of high quality, affordable health care for all.

Republicans and right-wing media are obsessed with problems about healthcare.gov. This law is more than just a Web site. It is affordable, quality health insurance for everyone. The majority of Americans who purchase their insurance purchase it outside of the individual market plan. Those individuals who purchase through their employers' offerings will suffer a price increase if the Upton legislation, which will be coming before us shortly, passes. It is just a means to sabotage the Affordable Care Act, and I will not be in support of it.

There are over 100,000 people who have now been able to obtain insurance under the Affordable Care Act. It is working. We need to work to improve it. I stand ready to do so.

□ 1245

#### MOTION TO INSTRUCT CONFEREES ON H.R. 3080, WATER RESOURCES DEVELOPMENT ACT OF 2013

Mr. SHUSTER. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Sean Patrick Maloney of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3080 be instructed to recede from disagreement with the provisions contained in title IX of the Senate amendment (relating to reducing the risks to life and property from dam failure in the United States through reauthorization of an effective dam safety program).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. SEAN PATRICK MALONEY) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

Since joining the Congress, I have been working across the aisle on a piece of critical legislation, the Dam Safety Act, which gives communities all across America the support they need to ensure that dams have the highest safety standards possible.

Many of these provisions were included in the bipartisan Water Resources Reform and Development Act, known as WRRDA, which overwhelmingly passed the House just a few weeks ago by a 417-3 vote margin.

I certainly want to thank Chairman SHUSTER, Ranking Member RAHALL, and subcommittee Ranking Member BISHOP for their leadership on WRRDA and for working closely with me on this important issue.

With major storms like Irene, Hurricane Sandy and Tropical Storm Lee becoming more and more frequent, I believe Congress needs to place a higher priority on strengthening our infrastructure, particularly on our oldest and often most vulnerable infrastructure—our dams. Should our dam infrastructure fail in the midst of these storms, the effects could be far more catastrophic and immediate than most other components of our States' infrastructure, endangering people's lives, their property and their livelihoods.

Our country has over 87,000 dams, and approximately 10,000 of these dams are what are known as "high-hazard dams." There are dams in virtually every congressional district and community across the country. The failure of any of these high-hazard dams would cause widespread damage and loss of life and, of course, major economic disruption; and approximately 40 percent of these high-hazard dams do not have an emergency action plan. I would like to say that again: more than 40 percent of our most important dams—the high-hazard dams—the failure of which could cause the loss of life or major property damage, do not have an emergency action plan. We live in a world

now in which we have these extreme weather events, and you don't want to find out the dam is going to fail when you have a superstorm.

The Hudson Valley—the communities I represent—is home to over 800 dams, and nearly 100 of those dams are known as high-hazard dams, the failure of which could pose a serious risk to the economy and well-being of these communities and families. Unfortunately, during Hurricane Irene, many folks were impacted because of a dam failure. Many of my neighbors in Tuxedo's East Village were devastated when the Echo Lake Dam released an estimated 100 million gallons of water. Some people in Tuxedo reported seeing an 8-foot wall of water rushing towards the town, causing catastrophic damage to the infrastructure and costing millions of dollars in property damage.

For folks like John and Lisa Petriello, who live in the East Village, the failure of this dam flooded their home, cracked their foundation, and ripped the deck off their home. For Gary Phelps, it meant more than \$125,000 in property damage. Then for businesses such as SOS Fuels, it meant their headquarters were condemned. In mere minutes, the flood carried away cars and appliances. Folks lost their furniture, their valuables, and their homes.

From 2005 to 2009, 132 dams failed. So it is critical that every single community across the country be prepared and be protected, and they can be with this program.

This important motion will make the final version of the Dam Safety program even better by authorizing the Dam Safety program at \$9.2 million per year over the next 5 years. This is \$9.2 million which could, itself, be less than the cost of a single dam failure; yet we know that in just a 5-year period 132 dams failed. The National Dam Safety Program provides vital support to assist States like mine, New York, in developing emergency action plans, in implementing existing dam safety programs, in assisting with the purchase of equipment, and in conducting dam inspections.

For the first time, the Senate provision would provide public awareness and outreach funding, an essential step to ensuring that all citizens understand the need to prepare for, to mitigate for, to respond to, and to recover from dam incidents and failures. It is far past time to start paying attention to a program that can make a real difference in people's lives, especially a program that has been passed on a bipartisan basis since 1974.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

The committee supports the National Dam Safety Program. In fact, I commend the gentleman from New York in



his freshman term to be working on the Dam Act because, as a freshman several years ago—12 years ago—my first piece of legislation that I authored was the dam bill.

Again, this is a critical program. It saves lives, it protects communities, and that is why we included language in H.R. 3080—to improve the Dam Safety program. There are minor differences between the House and the Senate language. We look forward to working on reconciling those differences as the legislation moves forward; and while we expect we will continue to have some negotiations with the Senate on this issue, I am not opposed to the motion to instruct on this provision.

With that, I reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, at this time, I yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL), my friend, the distinguished ranking member of the committee.

Mr. RAHALL. I commend the gentleman from New York (Mr. MALONEY) for offering this motion to instruct and for his leadership on this most vital issue for the safety of the American people. I also want to commend the full committee chairman, Mr. SHUSTER, the ranking member of our subcommittee, Mr. BISHOP, and the subcommittee chairman, Mr. GIBBS, for their tremendous work on the underlying bill and for getting this to the point at which we are today.

Madam Speaker, I am in strong support of the motion to instruct. This motion directs the conferees to recede to the Senate provision that includes the Dam Safety Act of 2013, which reauthorizes the Dam Safety program at reasonable levels.

The Dam Safety program is about protecting lives. It is a critical program that provides much-needed education, training, and assistance to State dam safety officials. Dams protect our people, our homes, and our businesses from flooding. They provide essential drinking water, power to homes and businesses, critical irrigation for our Nation's food supply, and recreational opportunities for our citizens. West Virginians understand the importance of dams, the role they play in our daily lives, and the critical need to keep them safe.

In 1972, a dam failure occurred at Buffalo Creek, West Virginia, claiming 125 lives and injuring 1,000 more, destroying over 500 homes and causing more than \$400 million in property damage. While this incident occurred more than 40 years ago, West Virginians still remember the devastation caused by the dam failure and continue to mourn that loss of life. Out of this tragedy, Congress passed and created the National Inventory of Dams, which

led to the National Dam Safety Program that this motion urges us to reauthorize today.

Today, West Virginia has more than 600 dams included in the Army Corps of Engineers' National Inventory of Dams. Two-thirds of these dams are considered high-hazard dams, meaning that dam failure would result in loss of life and do serious damage to homes, businesses, public utilities, or highways. Moreover, 110 of these high-hazard dams do not have an emergency action plan, putting the lives of West Virginia citizens at greater risk. This motion to instruct will ensure that the program and investment are in place to help States and other dam owners inspect their dams and develop the emergency action plans that are necessary to ensure the continued safety of our citizens.

Across the country, almost one-third of the Nation's 87,000 dams pose a high or a significant hazard to life and property if failure occurs, and these dams consistently receive failing grades from the American Society of Civil Engineers. This year is no different. The 2013 Engineers report card gives our dams a "D." Let me repeat that—a "D." Madam Speaker, it is critical that Congress reauthorize the National Dam Safety Program and ensure the safety of our citizens.

I, again, commend the gentleman from New York, SEAN PATRICK MALONEY, and I urge my colleagues to join him in supporting the motion to instruct conferees on H.R. 3080.

Mr. SHUSTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. At this time, Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GALLEG0), my friend.

Mr. GALLEG0. Madam Speaker, I rise in support of Mr. MALONEY's motion and to underscore the importance of the safety of dams.

I would like to talk for a moment about a small town in which I grew up in west Texas. I heard often the story of a fateful night in Sanderson, Texas, in June of 1965 after heavy rains caused a 15-foot wall of water to come rolling through Sanderson Canyon. The water came down with such force that it turned bridges and buildings into torpedoes. The two cemeteries lost burial markers, and caskets were washed out. Families lost homes. Many lost everything. There were 28 people in Sanderson, Texas, who died, and two were never recovered. Since that flood in 1965, 11 dams have been built, which in unison have acted as a flood control system for Sanderson Canyon.

We don't want any more Sanderson flood-type experiences. El Paso, Presidio, and Del Rio all have experiences with water rushing through canyons and, in coming through, causing dam-

age. The only things that have saved life and property have been these dams that have been in existence now for some time.

As the ranking member mentioned earlier, those dams are incredibly important. They are incredibly important in saving property, and they are incredibly important in saving lives. Significantly, across the country, nearly half of these dams are more than 50 years old. It is incredibly important that they be maintained and maintained well.

In Del Rio, the Amistad Dam holds water from the Rio Grande, the Pecos River, and the Devils River. Imagine the importance of that dam. While that dam is maintained by a binational commission, there are many other dams in that region and in that area that serve not only to save water for agricultural purposes but for many other purposes as well. In fact, even in San Antonio, the world-famous River Walk is controlled by a series of small dams; and when it rains there, as it has recently, those dams have become incredibly, incredibly important.

In the Sanderson example that I gave earlier, households, up until recently, have been spending \$700 a year on flood insurance annually even if there hasn't been a flood in 4½ decades. We can save a lot of people a lot of money if we just make sure that these dams are built well, that they are maintained well, and that they serve their functions not only now but in the foreseeable future.

So, with that, Madam Speaker, I again thank Mr. MALONEY for bringing this issue to the attention of the membership of the Congress, and I rise in support of his motion to instruct.

Mr. SHUSTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, in my opening remarks, I also should have mentioned the chair of the subcommittee, Mr. GIBBS. I would like to thank him in addition to the chairman and my ranking member of the subcommittee, Mr. BISHOP, for the excellent work they have done on this.

With that, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN), my colleague.

Mr. NOLAN. Madam Speaker and Members of the House, I rise in support of the motion to recommit.

I would like to also commend Chairman SHUSTER, Ranking Member RAHALL and, in particular, my colleague SEAN PATRICK MALONEY for bringing this important issue to the attention of the House and, Mr. MALONEY, for your motion to instruct.

□ 1300

We clearly have 14,000 dams throughout the country that have been designated as high hazards. That is a well known fact. Another fact is that there

are 20,000 dams that are over a half a century old. These facts underscore the neglect, as well as the profound need, to put forth better inspection plans and to invest more in the rebuilding of our dams and our infrastructure.

Quite frankly what the whole WRRDA bill is really all about is not just investing in our dams, but investing in our roads, our bridges, our ports, our rivers, our lakes, our health, our safety, our tourism, and our economy. In some respects, that is what has laid the foundation for the great economic success and prosperity that we enjoy here in this country. We have neglected it, and this is an important and profound motion to address the dam issue, if you will pardon the expression in that manner.

This whole bill is important for us to embrace. I commend the members of the committee for putting this together. I hope that we will all join and continue through this House in the way that we did in committee, in a bipartisan manner, to recognize the profound need that we have here and start reinvesting in America. It will create jobs. It will increase our prosperity. It will help reduce the deficit in our budgets. It will have so many profound and positive rippling effects throughout our country and throughout our economy.

It is with great pleasure that I have the opportunity to stand here and embrace this and urge my support for the motion to recommit, and perhaps even more importantly, the importance of passing the WRRDA legislation.

Mr. SHUSTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I would like to forgive the gentleman from Minnesota for his vulgarity on the House floor. It is hard not to curse when mentioning the title of this motion. It is also hard not to curse when you realize that only 60 percent of the high hazard dams have an emergency action plan. That is one of the reasons why this bill is so important.

I yield as much time as he may consume to the gentleman from Tennessee (Mr. COHEN), my friend.

Mr. COHEN. Madam Speaker, I want to thank Mr. MALONEY for his work and Mr. SHUSTER for his work. We “dam” well better get prepared to increase our infrastructure spending, or we will have more problems in this country.

The motion to instruct conferees is well-taken and well-drafted. Our roads, rivers, railways, and runways got a D-plus on the American Society of Engineers’ 2013 report card for America’s infrastructure. That is inexcusable, a D-plus on our infrastructure. It used to be the pride of our country and one of the ways that we produced jobs and took goods to market. The fact that this score was awarded to a world superpower and a leader in technological innovation is completely unacceptable.

Passing WRRDA is an important step towards turning around our Nation’s infrastructure investment program. I was proud to work with and support our outstanding chairman, Chairman SHUSTER, and Ranking Member RAHALL when we passed the bill in both the Transportation Committee and on the House floor.

Our committee understands—I think not totally, I can’t speak for the whole committee, but in general—that earmarks aren’t a bad thing and earmarks are something that greases the wheels that make the engine of government run and work effectively and bipartisanship. We need to bring those back to make this House work together, Democrats and Republicans, so we all have something invested for our districts. That is important.

People ask about dysfunction here and people not working together. It is because everybody doesn’t have some part of the pie, something for their districts that they can be proud of. We need to get that back. People need to understand that article I says this Congress is supposed to appropriate the moneys. That is why our infrastructure has weakened. That is why we have so many projects along rivers where the Corps of Engineers don’t have adequate funding and direction to keep our rivers moving and moving commerce forward.

WRRDA doesn’t mean that just our Nation’s waterways, locks, and dams will be the subjects of targeted investments, which it needs to be. It means that thousands of people will be put to work on making the improvements necessary to improve the national infrastructure.

The effect of sequestration on our Nation’s infrastructure is real. It is time to get back on track toward smart investments that make our Nation more competitive in the global marketplace.

The Corps of Engineers has a backlog of authorized projects in excess of \$60 billion. The Corps construction account has been reduced by \$688 million since 2010. We should be doing more to build that infrastructure and create jobs, not less.

According to a study by the American Society of Civil Engineers, if we don’t make new investments in our new water infrastructure, we will lose \$416 billion in GDP by 2020 due to increased costs and loss of work productivity. This means real loss for real American families.

Madam Speaker, I think in Turkey they are probably improving their infrastructure. We should be doing the same thing here in America, Madam Speaker. It is important we do that.

Without investment, the average American family would have to adjust their household income to account for a \$900 squeeze as a result of rising water rates and falling personal in-

comes. The longer we put off investment in our Nation’s infrastructure, the more that investment will cost and the more people will be out of work and the more difficult it will be for our economy to get righted.

I support this motion to instruct conferees today. I thank Mr. MALONEY and Mr. SHUSTER, and hopefully we can put America’s infrastructure investments back on the right back. But to do that in the long run, we need bipartisanship, which will involve earmarks and making the transportation bills like they used to be when Mr. SHUSTER’s father was there and like Mr. SHUSTER would like to make them. If we can just take Mr. SHUSTER and clone him, we can work together and have a greater America and more jobs and a greater country.

Mr. SHUSTER. I would like to inquire, does the gentleman have other speakers?

Mr. SEAN PATRICK MALONEY of New York. No, Mr. Chairman. I am prepared to close.

Mr. SHUSTER. Madam Speaker, again, we expect to continue to work with the Senate on this language. It is a critical program. It saves lives and protects communities. So again, we accept the motion to instruct.

With that, I yield back the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I would like to thank, again, the chairman, Mr. SHUSTER.

I yield myself such time as I may consume.

In closing, as frustrating as Washington can be for many of us who are new to the Congress, we can actually get results and make a difference by conferencing the Water Resources Reform and Development Act. We have the opportunity for the Congress to set aside petty politics and partisanship to actually get something done for the American people.

WRRDA is a critical and strategic investment in our Nation’s aging infrastructure and creates jobs, strengthens our local economies, and keeps families all across the country safe. We can make it even better by ensuring that every State and community has the resources to conduct safety inspections and to create emergency action plans. Again, there are 14,000 high hazard dams in this country, 60 percent of which—only 60 percent of which—have an emergency action plan.

This program makes sense. Don’t take it from me. You can take it from the folks in Warwick, New York, where one of these high hazard dams exists. After experiencing nearly a foot of rain in 24 hours, many families were forced to evacuate for fear of a potential series of dam failures and catastrophic flooding. Warwick had a plan in place, though, and conducted a safe evacuation.

Dams like those in Warwick rely on the National Dam Safety Program to enhance the safety of their dams by hiring staff to conduct inspections, to purchase equipment, and to develop emergency action plans for dam safety. These plans save lives and prevent catastrophe. Investing in the National Dam Safety Program provides our communities with the resources they need to protect our families and our economy by conducting safety inspections and creating plans. Simply put, a stitch in time saves nine. Nowhere is that more true than here.

I hope we can join together in a bipartisan way to support communities all across America by passing this motion to make the final version of this bill even better.

I yield back the balance of my time.

Mr. KIND. Madam Speaker, I rise today in support of Congressman MALONEY's Motion to Instruct Conferees to recede to the Senate on the Dam Safety Provision of the Water Resources Reform and Development Act. Dams are an integral part of our nation's economy and provide water for agricultural and drinking purposes, flood control, navigation, and hydropower. Unfortunately, of the 87,000 dams listed on the 2013 National Inventory of Dams (NID), over 14,000 are deemed "high hazard." This means that failure of these dams would result in the loss of life and serious damage to homes, businesses, and infrastructure. In the state of Wisconsin, there are 252 high hazard dams. Furthermore, only 60 percent of the nation's high hazard dams have Emergency Action Plans, and over 20,000 dams nationwide were constructed prior to 1960. Aging dams add not only to construction costs but also increase the risk of failure. In fact, the American Society of Civil Engineers recently gave the nation's dam infrastructure an unacceptable "D" grade in their annual report.

Though states are responsible for regulating about 80 percent of the nation's dams, most states are understaffed and underfunded. The Model State Dam Safety Program has determined that 10 state regulators are necessary per 25 dams in order to carry out the regulatory mandates set in most state dam safety laws. However, in 2012, the Association of State Dam Safety Officials reported that due to lack of funding, most states only have 8 dam inspectors; this means that on average, each dam inspector is responsible for overseeing the safety of about 208 existing dams, or more than seven times the amount recommended. Wisconsin's dam safety program has 6.25 employees that oversee an average of 152 state regulated dams, or more than five times the amount recommended by the Model State Dam Safety Program.

For the first time, this Senate provision would provide for public awareness outreach funding, an essential step to ensure that all citizens understand the need to prepare for, mitigate for, respond to, and recover from dam incidents and failures. Investment in infrastructure is critical to the long-term economic health of our nation, and that is why I support Congressman MALONEY's efforts to authorize funding for the Dam Safety Provision of WRRDA.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### LAWSUIT ABUSE REDUCTION ACT OF 2013

Mr. GOODLATTE. Madam Speaker, pursuant to House Resolution 403, I call up the bill (H.R. 2655) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 403, the bill is considered read.

The text of the bill is as follows:

H.R. 2655

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawsuit Abuse Reduction Act of 2013".

#### SEC. 2. ATTORNEY ACCOUNTABILITY.

(a) SANCTIONS UNDER RULE 11.—Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) in paragraph (1), by striking "may" and inserting "shall";

(2) in paragraph (2), by striking "Rule 5" and all that follows through "motion." and inserting "Rule 5."; and

(3) in paragraph (4), by striking "situated" and all that follows through the end of the paragraph and inserting "situated, and to compensate the parties that were injured by such conduct. Subject to the limitations in paragraph (5), the sanction shall consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the violation, including reasonable attorneys' fees and costs. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, or other directives of a nonmonetary nature, or, if warranted for effective deterrence, an order directing payment of a penalty into the court.".

(b) RULE OF CONSTRUCTION.—Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2655, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

H.R. 2655, the Lawsuit Abuse Reduction Act, would restore mandatory sanctions for frivolous lawsuits filed in Federal Court.

Many Americans may not realize it, but today, under what is called rule 11 of the Federal Rules of Civil Procedure, there is no requirement that those who file frivolous lawsuits pay for the unjustified legal costs they impose on their victims. As a result, the current rule 11 goes largely unenforced. When there is no guarantee of compensation, the victims of frivolous lawsuits have little incentive to spend even more money to pursue additional litigation to have the case declared frivolous.

H.R. 2655 would finally provide light at the end of the tunnel for the victims of frivolous lawsuits by requiring sanctions against those who file them, sanctions that include paying their victims the full cost of their reasonable expenses incurred as a direct result of the rule 11 violation, including attorneys' fees.

The bill also strikes the current provision in rule 11 that allows lawyers to avoid sanctions by making frivolous claims and demands by simply withdrawing them within 21 days. This change eliminates the "free pass" lawyers now have to file frivolous lawsuits in Federal Court.

To be clear, under rule 11, a lawsuit is frivolous if it is presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation if it is not warranted by existing law or if the factual contentions have no evidentiary support. In other words, a lawsuit will only be found frivolous if it has no basis in law or fact.

Yet the current lack of mandatory sanctions leads to the regular filing of lawsuits that are clearly baseless. For example, in just the last year, a small business owner was sued for violations of Federal regulations in a parking lot that he doesn't own or lease. A woman had her car repossessed and then filed a \$5 million Federal lawsuit for the half tank of gas she had left in the car.

□ 1315

A high school teacher sued a school district claiming it discriminated

against her because she has a phobia—a fear of young children. Her case was dismissed by the Equal Employment Opportunity Commission, but that didn't prevent her from filing a Federal lawsuit.

These real yet absurd cases have real-life consequences for their victims who have to shell out thousands of dollars just to respond to frivolous pleadings, endure sleepless nights, and spend time away from their family, work, and customers. Let's not forget that the victims of frivolous lawsuits are real victims.

Do any of my colleagues on the other side of the aisle claim that judges should have the discretion to deny damage awards to victims of legal wrongs proved in court? If not, why should judges have the discretion to deny damage awards to victims of frivolous lawsuits who prove in court that the case against them was frivolous?

It is difficult to see how a vote against the bill before us today could be interpreted as anything other than a denial that victims of frivolous lawsuits are indeed real victims. But indeed they are real victims, and they deserve to be guaranteed compensation when they prove the claims against them are frivolous in court.

Let's also remember that the victims of lawsuit abuse are not just those who are actually sued. Rather, we all suffer under a system in which innocent Americans everywhere live under the constant fear of a potentially bankrupting frivolous lawsuit.

As the former chairman of The Home Depot Company has written:

An unpredictable legal system casts a shadow over every plan and investment. It is devastating for start-ups. The cost of even one ill-timed abusive lawsuit can bankrupt a growing company and cost hundreds of thousands of jobs.

The prevalence of frivolous lawsuits is reflected in the absurd warning labels companies must place on their products to limit their liability. A 5-inch brass fishing lure with three hooks is labeled, "Harmful if swallowed." A vanishing fabric marker with disappearing ink warns it should not be used as a writing instrument for signing checks or any legal documents. A label on a Scooter says, "Warning: This product moves when used." A household iron contains the warning, "Never iron clothes while they are being worn." And a cardboard sun shield that keeps sun off the dashboard warns, "Do not drive with sun shade up."

The potential for frivolous lawsuits are behind all these absurd warning labels which, while humorous in their own way, serve as a warning to us about what the world will increasingly look like if we don't make the rules more fair.

Today, absurd lawsuits can sometimes bring sanctions against those

who filed them; but even when they do, the current rules result in far too little compensation for the victims of the frivolous lawsuit.

In his 2011 State of the Union address, President Obama said:

I'm willing to look at other ideas to rein in frivolous lawsuits.

Well, I hope the President has time to read this one-page bill and lend his support to a proposal that would significantly reduce the burden of frivolous litigation on innocent Americans.

I thank the former chairman of the House Judiciary Committee, Congressman LAMAR SMITH, for introducing this simple, commonsense legislation that would do so much to prevent lawsuit abuse and restore Americans' confidence in the legal system.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 2655. I suggest that what we are doing here this afternoon will turn the clock back to a time when the Federal Rules of Civil Procedure discouraged civil rights cases, limited judicial discretion, and permitted satellite litigation to run wild. I repeat, we may turn the clock back to a time when the Federal Rules of Civil Procedure discouraged civil rights cases, limited judicial discretion, and permitted satellite litigation to run wild.

And here is how it accomplishes it, by undoing the 1993 amendments to rule 11 of the Federal Rules of Civil Procedure by: one, restricting judicial discretion; two, requiring mandatory sanctions for even unintentional violations; and three, eliminating the current rule's 21-day safe harbor provision, which has been so beneficial to our Federal court system.

And so to put it as simply as possible, H.R. 2655 will have a disastrous impact on the administration of justice.

Now, how would this bill chill legitimate civil rights litigation?

Civil rights cases often concern novel issues which made them particularly susceptible to rule 11 before the 1993 amendments. I hope all the Members of this body appreciate how significant this is and the important history that was made during that earlier period of time.

For example, a 1991 Federal Judicial Center study found that the incidence of rule 11 motions was "higher in civil rights cases than in some other types of cases."

Another study showed that, while civil rights cases comprised about 11 percent of Federal cases filed, more than 22 percent of the cases in which sanctions had been imposed were civil rights cases.

This legislation will also substantially increase the amount, cost, and intensity of civil litigation and create

more grounds for unnecessary delay and harassment in the courtroom. Experts in civil procedure are virtually unanimous on this point.

By allowing rule 11 to be used as a tool to impose court costs on the other side, the 1983 version spawned a virtual cottage industry of rule 11 litigation. Each party had a financial incentive to tie up the other in rule 11 proceedings.

Professor Theodore Eisenberg of Cornell University has demonstrated that roughly one-third of all Federal lawsuits were burdened by satellite litigation during the period when this prior version of the rule was in effect. Attorneys had a double duty, he argued: "one to try the case, and the other to try the opposing counsel."

In recognition of these problems, the Judicial Conference amended the rule in 1993 to its present form. And so we should realize that we have the support and appreciate the constructive assistance of many of these organizations: the American Bar Association, the Alliance for Justice, the Consumer Federation of America, the National Consumer Law Center, the National Consumers League, Public Citizen, and the United States Public Interest Research Group, among others.

In addition, the legislation is opposed by the Judicial Conference of the United States, the principal policymaking body for the judicial branch charged with proposing amendments to the Federal Rules of Civil Procedure under the careful, deliberate process outlined in the Rules Enabling Act.

Madam Speaker, I reserve the balance of my time.

COMMITTEE ON RULES OF PRACTICE  
AND PROCEDURE OF THE JUDICIAL  
CONFERENCE OF THE UNITED  
STATES,

Washington, DC, July 23, 2013.

Hon. JOHN CONYERS, JR.  
*Ranking Member, Committee on the Judiciary,*  
*Washington, DC.*

DEAR REPRESENTATIVE CONYERS: We write to present the views of the Judicial Conference Rules Committees on H.R. 2655, the Lawsuit Abuse Reduction Act of 2013.

As the current chairs of the Judicial Conference's Committee on the Rules of Practice and Procedure (the "Standing Rules Committee") and the Advisory Committee on the Federal Rules of Civil Procedure (the "Advisory Committee"), we oppose H.R. 2655, which seeks to reduce lawsuit abuse by amending Rule 11 of the Federal Rules of Civil Procedure. The bill would reinstate a mandatory sanctions provision of Rule 11 that was adopted in 1983 and eliminated in 1993. The bill would also eliminate a provision adopted in 1993 to allow a party to withdraw challenged pleadings on a voluntary basis, without the costs and delay to the challenging party of seeking and obtaining a court order. The concerns we express are the same concerns expressed by the Judicial Conference in 2004 and 2005, and by the Standing Rules Committee and Advisory Committee in 2011, when similar legislation was introduced.

We greatly appreciate, and share, the desire to improve the civil justice system in our federal courts, including by reducing

frivolous filings. But legislation that would restore the 1983 version of Rule 11 by undoing the 1993 amendments would create a “cure” far worse than the problem it is meant to solve. Such legislation also contravenes the longstanding Judicial Conference policy opposing direct amendment of the federal rules by legislation instead of through the careful, deliberate process Congress established in the Rules Enabling Act, 28 U.S.C. §§2071–2077.

The 1993 changes followed years of examination and were made on the Judicial Conference’s strong recommendation, with the Supreme Court’s approval, and after congressional review. The 1993 provision for mandatory sanctions was eliminated because it did not provide meaningful relief from the litigation behavior it was meant to address, and instead generated wasteful satellite litigation that had little to do with the merits of cases and that added to the time and costs of litigation.

The 1983 version of Rule 11 required sanctions for every violation of the rule. This mandatory sanctions provision quickly became a tool of abuse in civil litigation. Seeking to use mandatory sanctions to their advantage, aggressive lawyers filed motions for Rule 11 sanctions in response to virtually every filing in a civil case. Much time and money was spent in Rule 11 battles that had everything to do with strategic gamesmanship and little to do with underlying claims. Rule 11 motions came to be met with counter-motions that sought Rule 11 sanctions for making the original Rule 11 motion.

The 1983 version of Rule 11 spawned thousands of court decisions unrelated to the merits of the cases, sowed discord in the bar, and generated widespread criticism. As letters from the Judicial Conference commenting on proposed legislation similar to H.R. 2655 pointed out, some of the serious problems caused by the 1983 amendments to Rule 11 included:

1. creating a significant incentive to file unmeritorious Rule 11 motions by providing a greater possibility of receiving money;
2. engendering potential conflicts of interest between clients and their lawyers;
3. exacerbating tensions between lawyers; and
4. providing a disincentive to abandon or withdraw a pleading or claim that lacked merit—thereby admitting error and risking sanctions—even after determining that it no longer was supportable in law or fact.

The 1993 amendments to Rule 11 were designed to remedy the major problems with the rule, strike a fair balance between competing interests, and allow parties and courts to focus on the merits of the underlying cases rather than on Rule 11 motions. Since 1993, the rule has established a safe harbor, providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within the 21 days, a court may impose sanctions, including assessing reasonable attorney fees. The 1983 version of Rule 11 authorized a court to sanction discovery-related abuse under Rule 11, Rule 26(g), or Rule 37, which created confusion. Under the 1993 amendments to Rule 11, sanctioning of discovery-related abuse is limited to Rules 26 and 37, which provide for sanctions that include awards of reasonable attorney fees.

The 1993 amendments to Rule 11 culminated a long, critical examination of the rule begun four years earlier. The Advisory Committee reviewed a significant number of

empirical studies of the 1983 version of Rule 11, including three separate studies conducted by the Federal Judicial Center in 1985, 1988, and 1991, a Third Circuit Task Force report on Rule 11 in 1989, and a New York State Bar Committee report in 1987.

After reviewing the literature and empirical studies of problems caused by the 1983 amendments to Rule 11, the Advisory Committee issued in 1990 a preliminary call for general comment on the operation and effect of the rule. The response was substantial and clearly called for a change in the rule. The Advisory Committee concluded that the cost-shifting in Rule 11 created an incentive for too many unnecessary Rule 11 motions. Amendments to Rule 11 were drafted by the Advisory Committee, approved by the Standing Rules Committee, and approved by the Judicial Conference. The Supreme Court promulgated and transmitted the amendments to Congress in May 1993 after extensive scrutiny and debate by the bench, bar, and public in accordance with the Rules Enabling Act process.

Experience with the amended rule since 1993 has demonstrated a marked decline in Rule 11 satellite litigation without any noticeable increase in frivolous filings. In June 1995, the Federal Judicial Center conducted a survey of 1,130 lawyers and 148 judges on the effects of the 1993 Rule 11 amendments. About 580 attorneys and 120 judges responded. The Center found general satisfaction with the amended rule. It also found that a majority of the judges and lawyers did not favor a provision that would require mandatory sanctions when the rule is violated.

In 2005, the Federal Judicial Center surveyed federal trial judges to get a clearer picture of how the revised Rule 11 was operating. A copy of the study is enclosed. The study showed that judges on the front lines—those who must contend with frivolous litigation and apply Rule 11—strongly believe that the current rule works well. The study’s findings include the following highlights:

More than 80 percent of the 278 district judges surveyed indicated that “Rule 11 is needed and it is just right as it now stands”; 87 percent prefer the existing Rule 11 to the 1983 version or the version proposed by legislation (e.g., H.R. 4571 (the Lawsuit Abuse Reduction Act of 2004) or H.R. 420 (the Lawsuit Abuse Reduction Act of 2005));

85 percent strongly or moderately support Rule 11’s safe harbor provisions;

91 percent oppose the proposed requirement that sanctions be imposed for every Rule 11 violation;

84 percent disagree with the proposition that an award of attorney fees should be mandatory for every Rule 11 violation;

85 percent believe that the amount of groundless civil litigation has not grown since the promulgation of the 1993 rule (for judges commissioned before 1992) or since their first year as a federal district judge (for judges commissioned after January 1, 1992), with 12 percent noting that such litigation has not been a problem, 19 percent noting that such litigation decreased during their tenure on the federal bench, and 54 percent noting that such litigation has remained relatively constant; and

72 percent believe that addressing sanctions for discovery abuse in Rules 26(g) and 37 is better than in Rule 11.

The findings of the Federal Judicial Center underscore the judiciary’s united opposition to legislation amending Rule 11. Lawyers share this view. In 2005, the American Bar Association issued a resolution opposing a proposed bill similar to H.R. 2655.

Minimizing frivolous filings is, of course, vital. But there is no need to reinstate the 1983 version of Rule 11 to work toward this goal. Judges have many tools available to respond to, and deter, frivolous pleadings. Those tools include 28 U.S.C. §1915(e), which requires courts to dismiss cases brought in forma pauperis that the court determines are frivolous or malicious or fail to state a claim, and 28 U.S.C. §1915A, which requires courts to dismiss prisoner complaints against governmental entities, officers, or employees that are frivolous, malicious, or fail to state a claim. Rule 12(b)(6) authorizes courts to dismiss pleadings that fail to state a claim on which relief can be granted. Section 1927 of Title 28 of the United States Code authorizes sanctions against lawyers for “unreasonably and vexatiously” multiplying the proceedings in any case. And the present version of Rule 11 itself provides an effective, balanced tool, without the problems and satellite litigation the 1983 version created.

In May 2010, the Advisory Committee held a major conference on civil litigation, examining the problems of costs and delay—which encompass frivolous filings—and potential ways to improve the system. The Conference encouraged, and generated, a broad spectrum of criticisms by lawyers, litigants (including businesses and governmental entities), judges, and academics of the current approaches to federal civil cases, including the rules, and proposals for change. Conspicuous in their absence were any criticism of Rule 11 or any proposal to restore the 1983 version of the rule. Three years after the Conference, the Advisory Committee and Standing Rules Committee have approved publication of rules amendments designed to respond to suggestions made at the Conference on new means of reducing cost and delay in civil litigation and enhancing practical access to the federal courts. These three years of intense work did not find any reason to consider Rule 11 amendments.

Undoing the 1993 Rule 11 amendments would frustrate the purpose and intent of the Rules Enabling Act. Congress designed the Rules Enabling Act process in 1934 and reformed it in 1988 to produce the best rules possible by ensuring broad public participation and thorough review by the bench, the bar, and the academy. The Act charges the judiciary with the task of neutral, independent, and thorough analysis of the rules and their operation. The Rules Committees are dedicated to extensive study and analysis of the rules, including empirical research, so that they can propose rules that will best serve the American justice system and will not produce unintended consequences. Experience has shown that this process works well.

In summary, experience, research, and thoughtful deliberation have shown that there is no need to reinstate the 1983 version of Rule 11 that proved contentious and costly to litigants and diverted so much time and energy of the bar and bench. Doing so would add to, not improve, the problems of costs and delay that we are working to address. We urge you on behalf of the Rules Committees to not adopt the proposed legislation amending Rule 11.

Thank you for considering the Rules Committees’ views. We look forward to continuing to work together to ensure that our civil justice system is working well to fulfill its vital role. If you or your staff have any questions, please contact Benjamin Robinson, Deputy Rules Officer and Counsel, at 202–502–1820.

Sincerely,

JEFFREY S. SUTTON,

*U.S. Circuit Judge,  
Chair, Committee on  
Rules of Practice  
and Procedure.*  
DAVID G. CAMPBELL,  
*U.S. District Judge,  
Chair, Advisory  
Committee on Civil  
Rules.*

Mr. GOODLATTE. Madam Speaker, at this time, it is my pleasure to yield 5 minutes to the gentleman from Arizona (Mr. FRANKS), the chairman of the Subcommittee on the Constitution and Civil Justice.

Mr. FRANKS of Arizona. Madam Speaker, I thank the chairman for yielding me this time. I also want to express my appreciation to Chairman GOODLATTE and Chairman SMITH for both introducing and bringing forth this simple but important and much-needed legislation.

Madam Speaker, in order to stop lawsuit abuse, promote jobs in the economy, and restore basic fairness to our civil justice system, rule 11 of the Federal Rules of Civil Procedure must be amended.

Rule 11 provides for one of the most basic requirements for litigation in Federal court: that papers filed with a Federal district court must be based on both the facts and the law. In other words, rule 11 imposes on attorneys the very modest obligation to undertake a reasonable investigation of the facts and law underlying a claim before filing it.

This is a simple requirement, Madam Speaker, but one that both sides to a lawsuit must abide by if we are to have a properly functioning Federal court system. Unfortunately, the current version of rule 11 permits attorneys to file a lawsuit first and then try to back up their claims with law and fact later. This is because, under the current rules, failure to comply with rule 11 does not necessarily result in the imposition of sanctions.

The fact that litigants can violate rule 11 without penalty significantly reduces the deterrent effect of rule 11, which harms the integrity of the Federal courts and leads to both plaintiffs and defendants being forced to respond to frivolous claims and arguments. The Lawsuit Abuse Reduction Act corrects this flaw by requiring that Federal district court judges impose sanctions when rule 11 is violated.

Mandatory sanctions will more strongly discourage litigants from knowingly making frivolous claims in Federal court. It will also relieve litigants from the financial burden of having to respond to frivolous claims, as the legislation requires those who violate rule 11 to reimburse the opposing party for reasonable expenses incurred as a direct result of the violation.

Additionally, the legislation eliminates rule 11's 21-day safe harbor, which currently gives litigants a free pass to make frivolous claims so long

as they withdraw those claims if the opposing side objects.

According to the Federal Rules of Civil Procedure, the goal of the rules is to ensure that every action and proceeding in Federal court be determined in a "just, speedy, and inexpensive" manner. Madam Speaker, I believe that this goal is best served through mandatory sanctions for violating this simple requirement of rule 11 that every filing be based on both the law and the facts.

So I urge my colleagues to support the Lawsuit Abuse Reduction Act to restore mandatory sanctions to rule 11.

Mr. CONYERS. Madam Speaker, I am pleased now to yield such time as he may consume to the distinguished gentleman from New York (Mr. NADLER), a senior member of the House Judiciary Committee.

Mr. NADLER. Madam Speaker, I rise today in opposition to H.R. 2655, the so-called Lawsuit Abuse Reduction Act. Unfortunately, rather than reduce abusive litigation, this bill will have just the opposite effect.

We don't need to speculate about the disastrous effect of this legislation because we know from experience just what a fiasco it will be. The rule this legislation would restore was in effect from 1983 until 1993. It was a disaster.

After a decade with this rule, the Judicial Conference, the rulemaking body for the Federal judiciary, rightly rejected it in favor of the rule we have today. In fact, this legislation goes even beyond the text of the 1983 rule, broadening the flawed mandatory sanctions even further.

Worse still, the Judiciary Committee has not made even the pretense of considering this very radical change in civil procedure with any care. In fact, no hearings have been held on this legislation in this Congress.

The process, or lack of it, demonstrates the wisdom of the Rules Enabling Act, in which Congress gave the Judicial Conference the responsibility for reviewing court rules and proposing changes. They have done this job admirably, expending years of careful study to existing rules, how they are functioning, and the implications of any proposed changes.

While the sponsor has expressed the desire to limit unnecessary litigation, the experience with the old rule 11, which this bill would restore, was the exact opposite. Rule 11 litigation became a routine part of civil litigation, infecting one-third of all cases. Rather than serving as a disincentive, the old rule 11 actually made the system even more litigious and more costly.

□ 1330

In the decade following the 1983 amendments, which this bill would restore, there were almost 7,000 reported rule 11 cases, becoming part of approximately one-third of all Federal lawsuits. Many civil cases, one-third, be-

came two cases: one case on the merits and the other on dueling rule 11 complaints.

Madam Speaker, it is rare in life that you get a controlled scientific experiment, but we had one here from 1983 to 1993. We saw the results, and they were disastrous, and only incautious people try to repeat disastrous scientific experiments.

The drain on the courts' and the parties' resources caused the Judicial Conference to revisit the rule and to adopt the changes that this bill would undo. In a July 23, 2013, letter to Chairman GOODLATTE and Ranking Member CONYERS, Judge Jeffrey Sutton of the United States Court of Appeals for the Sixth Circuit and chair of the Committee on Rules of Practice and Procedure and Judge David Campbell of the U.S. District Court for the District of Arizona and chair of the Advisory Committee on Civil Rules said:

Experience, research, and thoughtful deliberation have shown that there is no need to reinstate the 1983 version of rule 11 that proved contentious and costly to litigants and diverted so much time and energy of the bar and bench. Doing so would add to, not improve, the problems of costs and delay that we are working to address. We urge you on behalf of the Rules Committee to not adopt the proposed legislation amending rule 11.

I might add that, in committee, the majority quoted a survey of judges from 1993 saying that we shouldn't change the rules then. Today, the judges very much are very glad we changed the rule because they have lived under both systems.

Madam Speaker, in addition to all these considerations of costs, the bill would hinder the evolution of the common law. One way the common law evolves is by people making claims in court, especially in civil rights cases. Civil rights cases often involve an argument for the extension, modification, or reversal of existing law or the establishment of a new law, and often they have relied upon novel legal theories that are particularly susceptible to someone claiming that they are abusive or frivolous. Had the provisions of this bill been in place at the time, they could have discouraged a number of landmark civil right cases, including *BROWN v. BOARD OF EDUCATION* of Topeka, and they could prevent new cases from ever being considered. Perhaps that is why all the civil rights groups, all the consumer rights groups oppose this bill.

Madam Speaker, the courts have ample authority to sanction conduct that undermines the integrity of our legal system, but this legislation is the wrong solution in search of a problem. By taking us back to a time when rule 11 actually promoted routine, costly, and unnecessary litigation, this bill is a cure worse than the disease. We know what this rule does, and the courts rightly rejected it 20 years ago. We



should benefit from that experience, not repeat the scientific experiment, and reject this legislation.

Mr. GOODLATTE. Madam Speaker, it is my pleasure to yield 5 minutes to the gentleman from Texas (Mr. SMITH), the former chairman of the House Judiciary Committee and the chief sponsor of this legislation.

Mr. SMITH of Texas. Madam Speaker, I want to thank Chairman GOODLATTE for yielding me time and for also bringing the bill to the House floor today, and for all of his hard work on this legislation.

The Lawsuit Abuse Reduction Act, known as LARA, is only 1-1/2 pages long, but it would prevent the filing of hundreds of thousands of pages of privileged lawsuits in Federal court.

For example, in recent years, frivolous lawsuits have been filed against The Weather Channel for failing to accurately predict storms, against television shows people claimed were too scary, and against fast-food companies because inactive children gained weight.

Frivolous lawsuits have become too common in our society. Lawyers who bring these cases have everything to gain and nothing to lose under current rules, which permit plaintiffs' lawyers to file frivolous suits, no matter how absurd the claims, with no penalty whatsoever. Meanwhile, defendants are faced with years of litigation and substantial attorneys' fees.

These cases, and many like them, have wrongly cost innocent individuals and business owners their reputations and their hard-earned dollars. According to the research firm Towers Perrin, the annual direct cost of American tort litigation now exceeds \$260 billion a year, or over \$850 billion per person in America.

Before 1993, it was mandatory for judges to impose sanctions, such as orders to pay for the other side's legal expenses, when lawyers filed frivolous lawsuits. Then the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed by Congress.

As Chairman GOODLATTE noted, even President Obama has expressed a willingness to limit frivolous lawsuits. If the President is serious about stopping these meritless claims, he will support mandatory sanctions for frivolous lawsuits to avoid making frivolous promises.

LARA requires lawyers who file frivolous lawsuits to pay the attorneys' fees and court costs for innocent defendants. Further, LARA expressly provides that no changes "shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws or under the Constitution of the United States." So civil rights law would not be affected in any way by LARA.

Opponents often argue that reinstating mandatory sanctions for frivolous lawsuits impedes judicial discretion, but this is not true. Under LARA, judges retain the discretion to determine whether or not a claim is frivolous. If a judge determines at their discretion that a claim is frivolous, they must award sanctions. This ensures that victims of frivolous lawsuits obtain compensation, but the decision to find a claim frivolous remains with the judge.

LARA applies to both plaintiffs and defendants. It applies to cases brought by individuals, as well as by businesses, including business claims filed to harass competitors and illicitly gain market share.

The American people are looking for solutions to obvious problems to lawsuit abuse. LARA restores accountability to our legal system by reinstating mandatory sanctions for attorneys who file frivolous lawsuits. Though it will not stop all lawsuit abuse, LARA encourages attorneys to think twice before filing a frivolous lawsuit.

I thank Chairman GOODLATTE again for bringing this much-needed legislation to the House floor, and I ask my colleagues who oppose frivolous lawsuits and who want to protect hard-working Americans from false claims to support the Lawsuit Abuse Reduction Act.

Madam Speaker, I want to make one other point, and this goes to the earlier discussion we just had about judicial surveys.

751 Federal judges responded to the 1990 survey in which they overwhelmingly supported a rule 11 with mandatory sanctions. In the 2005 survey, only 278 judges responded, and over half of the judges who responded to the 2005 survey had no experience whatsoever under the stronger rule 11 because they were appointed to the bench after 1992. So the 2005 survey tells us very little about how judges comparatively view the stronger versus the weaker rule 11.

Mr. CONYERS. Madam Speaker, I am now pleased to yield as much time as she may consume to the gentlewoman from Houston, Texas (Ms. JACKSON LEE), a senior active member of the House Judiciary Committee.

Ms. JACKSON LEE. Madam Speaker, let me thank the gentleman for his outstanding leadership of this committee, and let me thank the manager as well. This is an important initiative. Using the time to be able to speak to the Members is very important, and I am glad to have been given the courtesy of being yielded as much time, and I will use it efficiently for this particular legislation.

This is another gift to large, prosperous, and threatening entities against a single plaintiff, the plaintiff who secures a lawyer, who is attempting to create the scales of justice and

to balance, if you will, the needs of that individual plaintiff, those small plaintiffs, those collective plaintiffs who are seeking justice.

It is a fact that the threat of lawsuits is not a concern of small businesses, as has been represented. A 2008 study by the National Federation of Independent Business indicated that the biggest threat facing small businesses was other concerns and was not costs and frequency of lawsuits. That was No. 65. They have other issues that we should be concerned about.

It is a fact that judges support the current version of the rule, and rule 11 is just one of many tools that judges use. It is not the only tool to be able to be responsive to someone who may be abusing the system.

Remember, we are here to perpetuate justice, and justice has scales. In many instances, that scale is tipped towards the one with the most money, the deepest pockets, and the longest time to wear you out as a plaintiff.

Let me refresh my colleagues' minds and understanding of the Federal system, that tort cases are a very small percentage of that civil docket. So this is not an instance. Many of these cases are filed in State court, these personal injury cases, these cases dealing with large damages because people have been injured because of bad products and other matters.

Here we have a bill looking for a problem. In actuality, LARA will increase, not decrease, litigation, and you can see the spiking that occurred. The Lawsuit Abuse Reduction Act would return rule 11 to the 1983 version. Litigation spiked after the 1983 amendment to rule 11. From 1982 to the peak in 1991, satellite litigation increased by more than 10,000 percent. Here we go with a gift to those who are truly litigious.

Just as we have been on the floor of the House pounding the Affordable Care Act because cancellation letters have been sent—they haven't been sent by Republicans. They haven't been sent by Democrats. They haven't been sent by Health and Human Services. They haven't been sent by people who are committed to making sure every American has health insurance. They have been sent by fat-cat insurance companies who are sending cancellation letters.

Here we go again, the scale of justice imbalanced. Again, the same problem: the mother, the single parent, the family waiting to get on the Affordable Care Act. In the normal course of the process, they get a cancellation letter. What an unnecessary act. That letter could have been that they were modifying their insurance, but there go the big guys again. You haven't heard one single sound coming out of the mouths of insurance companies to answer the question of why did they send the letters, and here we are on the floor of the House making it even worse.



Under the LARA regime, with mandatory sanctions and no opportunity to correct mistakes, the parties to a lawsuit have every incentive to file rule 11 complaints and seek court costs and legal fees, and to defend against such actions to the bitter end. This is a dynamic that should not happen. We should allow a pullback. We should allow a correction. All we are doing is just throwing them over the cliff and under the bus.

The changes would create a disincentive to abandon or withdraw a pleading or claim that lacks merit and thereby admit error after determining that it no longer was supportable by law or fact. As I have indicated, we have seen this kind since 1983 spike.

I have another statistic. Rule 11 cases spiked to 7,000 during the decade following the 1983 rule. So when a lawyer wants to do right with his client, the little guys, then, of course, they are blocked from solving the problems.

They use horror stories like demand letters, where a lawyer writes a letter demanding compensation in order to get a potential defendant to settle without having to file suit. That is not covered by rule 11. As far as I know, that is not an illegal procedure to engage in discussion, to be able to resolve the matter before going to a costly lawsuit. Again, that is the little guy's tool. So you are going to beat up on the little guy—the construction worker that falls because of violations of OSHA rules, or the person that works in a chicken plant who has carpal tunnel syndrome because there were no appropriate rest times for them to get off of the line, and you are going to make the argument that this is right for justice.

Madam Speaker, this graph speaks for itself. This will add an extra burden of cost to those who are trying to find a way for Lady Justice's scales to be balanced. My belief, under the Sixth Amendment, the right to counsel, and many other aspects of the Bill of Rights, is that the Founding Fathers believed that justice should be rendered regardless of your race, color or creed, regardless of whether you were an indentured servant, regardless of whether or not you came in Pilgrims' Pride or came in some other matter.

□ 1345

Rule 11 completely disputes that concept of justice. I am appalled that we are here at this point today, and it equates to the fat-cat insurance companies who have decided to send out letters when they well knew that this was a process that would work ongoing in their modification that could be noted to those recipients that their insurance was not going away, it was only going to be made better. I would like to make the justice system better.

I thank the gentleman for his time, and I would like to make sure that the

little guy has an opportunity to walk into any court of the United States of America and stand tall and feel that the judge, no matter what size his pocketbook is, will give him as much credence and respect as the big guys coming in with millions, maybe billions, to make sure he does not or she does not win justice in the court.

Today I would ask our colleagues to vote for fairness for Lady Justice and to vote against this initiative and this legislation.

Madam Speaker, I rise in opposition to H.R. 2655, The Lawsuit Abuse Reduction Act—a flawed piece of legislation and a step backwards.

It amazes me that we did not learn the lesson from the ten years we had under the 1983 mandatory version of Rule 11. H.R. 2655 and its Senate companion S. 1288, the Lawsuit Abuse Reduction Act, known as LARA, would amend Rule 11 of the Federal Rule of Civil Procedure by replacing the current version of the Rule, which has been in effect since 1993, with the 1983 version of Rule 11. Based on what we have seen it is quite likely that the effect of this bill if enacted would be to increase litigation costs due to the filing of sanction motions—leading to more delay.

The bill should be called “The Lacking All Rational Analysis Act of 2013,” because any impartial look would inform that this bill is unnecessary and a waste of time.

Congress should reject this measure, which would force the federal judiciary to enforce a rule that legal scholars, judges, and lawyers agree was a complete failure. LARA would increase litigation, unnecessarily meddle with the authority of the federal judiciary, and disproportionately affect plaintiffs, especially plaintiffs in civil rights cases.

Encourages satellite litigation. For the 10 years that mandatory sanctions were in effect, litigation surrounding Rule 11 significantly increased. Any time a party filed a Rule 11 motion—because judges had no discretion and were forced to issue a sanction for even the smallest violation of the Rule—a counter-motion would be immediately filed and a whole side or “satellite” litigation business erupted. Congress does not need to be in the business of promoting more paper wars amongst attorneys.

Threatens an independent judiciary. Since 1993, Rule 11 has been discretionary rather than mandatory.

Under current Rule 11, judges are able to use their discretion to assess the complex nature of a case, and evaluate potential violations of the rule and issue sanctions accordingly. This appropriately leaves the determination of whether or not sanctions should be imposed for a violation of Rule 11 to the judges who hear the cases, and not Congress. Perhaps it is time that we allow judges to do their jobs and then we can move on to comprehensive immigration reform, tax reform, and other prudent legislative initiatives that the American people would like us to do.

Jeopardizes civil rights cases. Sanctions were more often imposed against plaintiffs than defendants and more often imposed against plaintiffs in certain kinds of cases, primarily in civil rights and certain kinds of dis-

crimination cases. A leading study on this issue showed that although civil rights cases made up 11.4% of federal cases filed, 22.7% of the cases in which sanctions had been imposed were civil rights cases. Unfortunately Madam Speaker, we are not at a time in our nation's great history where we can upend the law and make the filing of civil rights cases prohibitive. As we have seen recently with such appalling examples such as the Trayvon Martin case—we have a long way to go—and the civil rights bar should not cringe in fear at the thought of filing a case to do justice.

I urge my colleagues to reject this legislation.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I did not think that, when I came down here today to debate this 1-page bill for Lawsuit Abuse Reduction Act, it would somehow get linked with the more than 2,000-page monstrosity popularly known, or unpopularly known, as ObamaCare, and told that somehow the promise that was made over and over and over again, that if you like the health insurance you have, you can keep it, was not the fault of the legislation itself, and the people making that promise, but was, rather, the fault of the insurance companies who have to deal with this more than 2,000-page monstrosity, and the more than 20,000 pages of regulations that have been written, and have to rewrite virtually every insurance policy for health care in America because of the mandates and the regulations that are in that legislation; and somehow, the more than 4 million Americans, almost all of whom are the little guys, as I have just heard referenced, that somehow this is the fault of the insurance companies who are doing what they have been required to do under the law, and that is to make changes in the law that necessitates changing all of their policies, that necessitates making sure that things that are mandated by the law are included in their coverage, whether the people who had the policies that they liked could afford these new changes or not.

So many, many Americans are forced, by this legislation, to seek new health insurance, in some cases, far more expensive, and they can't afford it. But somehow that is made out to be the fault of the insurance companies, not the people who wrote the law, voted for the law, and then are implementing the law in spite of promises that were made that cannot be kept, not by insurance companies who are abiding by the law, but by others.

Now, to compare that to this legislation, which is a 1-page modest bill, to ensure that people who are the victims of frivolous lawsuits and fraudulent lawsuits cannot have justice in our Federal judicial system, I think, is just plain wrong.

And the chart that has just been displayed regarding rule 11 filings during

the 1983–1993 period, when there was an increase in the number of hearings related to rule 11, that is a spike for justice. That is a spike for the increased opportunity for people who have been subjected to some of the most outrageous lawsuits that were described by the gentleman from Texas, that were described in my opening remarks, and that is their opportunity to seek real justice.

That is what this bill is all about, reinstating a spike for justice for the little guy, for the small business person, the individual who finds himself subject to a lawsuit under some of the most ridiculous circumstances you can imagine and saying, you know what, my life has been turned upside down by this lawsuit. I am not getting sleep at night. I am having to spend thousands or tens of thousands or even hundreds of thousands of dollars on attorneys. I am having to do things to change the way I live my life, and it is all because of something that was frivolous and fraudulent, and now I am seeking to have some redress, some redress for that wrong that was done.

That is the very basic principle of the American jurisprudence system, that people, when they are harmed, have the right to go to court and seek redress of their grievances. And that is exactly what this provision in this law does under rule 11. It says that if the court finds that the lawsuit is frivolous, then there is a mandatory requirement that the individual who is the victim of that frivolous lawsuit should recover losses.

That is, indeed, what this legislation is all about, and I am proud to support it.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Texas.

Ms. JACKSON LEE. The gentleman is very kind to yield.

Very briefly, let me say it is about policy and process. The gentleman knows that most of America is very happy about the changes in the Affordable Care Act to get them out of the junk insurance policies that they have had.

Mr. GOODLATTE. Reclaiming my time, if that were the case, then I don't think the President would have unilaterally delayed for 1 year the employer mandate where the vast majority of Americans are.

Imagine if this bill had taken effect as originally planned, and all of the employers in America, looking at their insurance policies for their employees, were also having to tell their employees that they could no longer afford to provide insurance or they are going to provide a different plan, or the employee had to pay more money, or the employee was being put into the exchanges, all of those things would be significant, serious problems.

But we digress from the importance of this legislation right here, which is

something that we can join together, in a bipartisan way, to see that we have justice in our judicial system when people are unfairly sued, unfairly subject to frivolous or fraudulent lawsuits.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield an additional 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman very much.

Madam Speaker, let me be very clear. I want to say to the gentleman from Virginia that I would venture to say that those attacks on frivolous lawsuits are the big guys against the little guys, who had very legitimate and good intentions. It may be their resources were limited, and so they have to be subjected to a rule 11 on a perfectly legitimate litigation to be called frivolous.

The other point that I was making is that there is something between process and policy. I will stand again to say that the policy of making better health plans and better and healthier Americans is supported by all.

The process that I challenge is that the big insurance companies decided to use the process of cancellation letters, not letters that said modify. They decided to use their big authority to be able to undermine a policy of lifting the boats of all Americans for good health.

That is what I see rule 11 as. I see that as undermining the basic scales of justice. It says to get back money for frivolous lawsuits. Well, the frivolous lawsuits may be on one individual or a group of small individuals who feel that they have been harmed. They may have lost. They may be in the midst of pleadings, but they don't have the resources to file a rule 11. So what happens is those who want to be punitive will use a rule 11.

I think a judge can make determinations under the present system, and so the spiking that we are talking about is a spiking of rule 11 filings. That is more litigation. That is more litigation. That is what we are suggesting that we don't want.

And this response and respect that the President and others are giving, all of us want to give respect to the mishap that has been created by the insurance companies. And so, fine. The President is giving respect to the constituents because his bottom line is to make sure all uninsured Americans, like the 6 million in the State of Texas, get the opportunity to be insured.

Let me thank the gentleman for the time. I believe that we are going down the wrong path for rule 11.

I thank the gentleman for yielding.

Mr. GOODLATTE. Madam Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, it is my pleasure now to yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. I thank the gentleman from Michigan.

Madam Speaker, I come here as a freshman in this Congress. I come from northeastern Pennsylvania, my first time involved in the political theater. And I tell you, Madam Speaker, that I have plied my entire adult life in the civil courts. I have handled all manner of civil cases on behalf of defendants, on behalf of plaintiffs, on behalf of people, on behalf of companies. I have seen the whole spectrum of civil litigation; and I have been doing that, both before and after the repeal of the mandatory LARA provision in 1993, so I am as qualified as anybody in this Chamber to speak to the merits of this so-called lawsuit abuse reduction bill.

It is a bill that should fail; and I say this, not just because it tends to shut the door further on consumers seeking justice in the court system of the United States, but because it also reinstates a rule that has already been seen to be misapplied, to be misplaced, to be a bad rule.

In 1993, we abandoned this rule for a reason. It wasn't because we pulled it out of thin air, the idea to abandon this mandatory sanctions under rule 11 rule. It is because of the experience.

The gentlelady from Texas held up the chart. You saw the spiking in rule 11 filings. That wasn't because people were out diligently cleaning up the mess in civil courts. It is because they were encouraged to make those filings because of the mandatory nature of the rule. They felt like their clients expected them to file for rule 11 if they won a motion or if they won a case, and it led to enormous increases in unnecessary, what we call satellite litigation.

It was the Federal judges who complained to the Judicial Conference. They went to the Supreme Court, and Congress ultimately decided, in its wisdom, to abrogate that rule and abandoned it because of all of this wasteful litigation that was going on.

We had a Federal judge outside of Philadelphia, United States District Judge Robert Gawthrop, who saw so much of it he added a nickname to this rule 11 litigation that people felt compelled to file. He called it "zombie litigation." He called it zombie litigation, and he was enormously relieved when, in 1993, this Congress did away with it.

Current law allows judges to punish frivolous filings; and, on occasion, frivolous things happen in court, and the judges don't like them and they have the power to punish them. And it is within their discretion that they do that.

We like discretion to be vested in Federal judges. We are careful about selecting Federal judges. We vet Federal judges. We interview Federal

judges. We actually confirm them here on Capitol Hill to make sure that they have sound discretion and good sense; and it is best left to the sound discretion and good sense of Federal judges to handle the situation when someone goes overboard with a filing.

This is us here now trying to fix a problem that doesn't exist. The National Center for State Courts—make no mistake, tort cases constitute 5 percent of filings in civil court. It is debt collection, it is breach of contracts cases that take up 70 percent.

From 1999–2008, tort case filings in State courts in the United States dropped 25 percent. Dropped to 2008. And this is all after the abrogation of the mandatory rule 11 rule.

□ 1400

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 1 minute.

Mr. CARTWRIGHT. What this bill is really after is simply to make people afraid to go to court to assert their rights, to assert their voting rights, to assert their workplace safety rights, to assert the rights guaranteed them under the United States Constitution. This bill makes them afraid to go to court to assert their rights, and that is why I urge my fellow Members, Madam Speaker, to vote against this bill.

Mr. GOODLATTE. Will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I would ask the gentleman from Pennsylvania, what other sorts of legal claims should a victim be able to prove in court but be denied damages by the judge?

Mr. CARTWRIGHT. I am not sure what the gentleman is referring to.

Mr. GOODLATTE. Well, you are in court. You have got a frivolous lawsuit. The court finds it is a frivolous lawsuit. You prove that you are the victim of that legal claim and you prove it in court, yet you can be denied damages by the judge.

What other legal remedy, what other legal claim would the gentleman cite other than frivolous lawsuits where that would be the case? Are there any others?

The SPEAKER pro tempore (Mr. GARDNER). The time of the gentleman has again expired.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute, and I would be happy to yield to the gentleman to respond.

Mr. CARTWRIGHT. I thank the gentleman.

The answer is this: we don't have idiots as Federal judges in this country. If a Federal judge sees a situation where somebody is really acting egregiously, really abusing the system, really filing a frivolous case, then that Federal judge just about uniformly will

sanction the guilty party. We see that over and over and over. What we are doing here is imposing a cookie-cutter, one-size-fits-all remedy that the judges don't like. It adds to increased litigation, and it is unnecessary and expensive litigation.

Mr. GOODLATTE. Well, I thank the gentleman for his comment.

And I would just point out that I practiced law during the time that the mandatory sanctions were in place in Federal court and found that it was a very good environment to do so. I was then elected to Congress and got here and found that, lo and behold, a small panel of judges changed that rule without looking at the evidence of a survey of Federal judges where 751 Federal judges found that an overwhelming majority believed—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Federal judges found that an overwhelming majority of Federal judges believed, based on their experience under both a weaker and stronger rule 11, that a stronger rule 11 did not impede development of the law, 95 percent; the benefits of the rule outweighed any additional requirement of judicial time, 71.9 percent; the stronger version of rule 11 had a positive effect on litigation in the Federal courts, 81 percent; and the rule should be retained in its then current form. What we are attempting to reinstate into the law, 80.4 percent supported retaining the then-current mandatory sanctions under the law.

Mr. Speaker, this is about seeking real justice, and the fact of the matter is that, just like a judge could not deny well-founded damages in a lawsuit brought by an individual under a valid legal claim of any other kind, they should not be able to have the discretion to deny any damages when a frivolous lawsuit is proven and the expenses of having to undertake the defense of that frivolous lawsuit are made. And yet time after time after time today, people do not even bother to do it anymore because of the low, low, low record of granting damages in findings of frivolous lawsuits since it was made discretionary, and the mandatory provision should be reinstated in the law.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Florida, TED DEUTCH, a very effective member of the House Judiciary Committee.

Mr. DEUTCH. I thank my good friend from Michigan (Mr. CONYERS).

Mr. Speaker, make no mistake, the Lawsuit Abuse Reduction Act is little more than a GOP effort to turn back the clock on civil rights, on consumer protections, and on justice in America. I urge my colleagues to vote against it.

To most people, what this bill is sounds harmless. It reinstates the 1983 version of rule 11 in our Federal Rules of Civil Procedure. Indeed, this legislation is full of legal jargon and obscure technical language. But the American people still need to know why it is that the majority wants to go back to 1983 so badly. They want to reinstate the 1983 rule for the very reason it was taken away in the first place: it unfairly disadvantaged consumers, employees, and other ordinary Americans that tried to take on big corporations in our court system.

The Lawsuit Abuse Reduction Act doesn't stop frivolous lawsuits; it only makes it easier for corporations to file frivolous lawsuits for the sole purpose of delaying the legal process and driving up the cost of litigation. These tactics aim to make the price of justice too expensive for ordinary Americans, especially in cases involving consumer and civil rights.

You don't have to take my word for it. Studies have shown that civil rights and discrimination cases made up just 11.4 percent of the Federal court docket but 22 percent of the cases derailed by this rule. History has shown us that the 1983 version of rule 11 will further disadvantage everyday people with legitimate claims against corporations with deep pockets.

Mr. Speaker, the current rule was developed by a judicial panel and embraced by judges across the country. They are the ones who hear the cases. They are the ones who receive and consider the unique facts of each case. They are the ones who are in the position to make the decision whether the landmark civil rights and consumer rights cases of our time should go forward in our legal process, not the United States House of Representatives.

I ask my colleagues to stand up for everyday Americans' access to justice. Vote "no" on this bad bill.

Mr. GOODLATTE. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Ladies and gentlemen, as we see now, the Lawsuit Abuse Reduction Act will turn back the clock to a time when the Federal Rules of Civil Procedure discouraged civil rights cases and permitted satellite litigation to run wild.

I want to point out, in closing, that this is now the second day this week that the House is considering legislation aimed at solving a nonexistent problem that has little or no chance of seeing the light of day in the other body and is solely aimed at limiting access to justice for victims of egregious harms.

Just as I asked yesterday, who actually supports this legislation? Why are we putting their interests ahead of victims? And why are we engaged in this

charade when there are real problems facing our Nation that our constituents are still waiting for us to address?

With just 13 legislative days left this year, we still haven't considered immigration reform. We haven't passed a budget. We haven't considered a single piece of legislation that will create jobs and put America back to work. So really, whose interest is this House concerned with today? I urge my colleagues, oppose this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I am pleased that my friend and colleague from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee, raised the important issue of civil rights. It is absolutely important. And I share his concern that individuals who believe that their civil rights have been infringed in any way have the opportunity to bring actions in Federal court as long as those actions are not frivolous or based upon fraud. In fact, looking back during the time when we had mandatory sanctions from 1983 to 1993, the Federal Judicial Center, in its study, found that the imposition rate of sanctions in civil rights cases was not out of line with that in any other type of case.

Now, we have not rested there. When the committee marked up this legislation, the gentleman from Virginia (Mr. SCOTT) offered a bipartisan amendment which was added to the bill at the very end. I said it was a one-page bill. I am actually slightly mistaken. It is a one-and-a-third-page bill. And the one-third page that was added reads this way:

Rule of Construction—Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.

So this measure is carefully crafted to make sure that we are not harming people's rights to seek legitimate redress of grievances in our courts. What it is designed to do is to eliminate frivolous and fraudulent lawsuits. And from the evidence of the survey of Federal judges who worked for 10 years under the rule that we would instate again with the passage of this legislation, the overwhelming majority of them said they would not change the rule, and it is unfortunate that a small committee chose to move forward to make that change notwithstanding.

I would add, too, that those who claim that this is not about the little guy are overlooking the fact that small businesses are affected by frivolous lawsuits all the time. And the National Federation of Independent Business, which bills itself as "the voice of small business" and which represents hundreds of thousands of small businesses

all across America, endorses this legislation. In fact, they wrote to us and said that 84 percent of National Federation of Independent Business members agree that attorneys should face mandatory sanctions if they bring forth a frivolous lawsuit. The NFIB urges you to support final passage of H.R. 2655 and will consider it an NFIB key vote in the 113th Congress.

So in terms of the little guy—both the small business person and the individual—this legislation is designed to protect individuals against frivolous or fraudulent lawsuits. And, as I pointed out in my dialogue with another Member a little while ago, I don't believe anybody can come forward and give me any other example where a legal claim is validly brought in court and the victim is able to prove that wrong was perpetrated and prove that there are damages resulting from that wrong and yet be denied those damages by the judge. I challenge anybody to come forward and show me that.

So why, if you have a process that says under rule 11—which it did say at one time and would say again with the passage of this legislation—that you have a right to a process to show and establish that a lawsuit is frivolous, why after you have done that wouldn't it be mandatory that the process take one step further and assess the appropriate amount of damages that would be due and owing that victim of that abusive lawsuit that suffers in all the same ways that other people suffer when they are the victim of abusive actions of other kinds that result in actions being brought in court?

So I urge my colleagues to support this legislation, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong opposition to H.R. 2655, the Lawsuit Abuse Reduction Act (LARA). This deceptively-named bill would roll back Rule 11 of the Federal Rules of Civil Procedure by removing a judge's discretion to impose sanctions against any party that files a frivolous lawsuit.

The language in H.R. 2655 is based upon long-discredited procedural requirements, previously rejected by the American Bar Association and the Judicial Conference of the United States. An overwhelming majority of the legal community reject the underlying principles behind the 1983 version of Rule 11. In fact, according to a survey conducted by the Federal Judicial Center, 87 percent of federal district judges prefer the current version of Rule 11 over the old version. Further, 91 percent of these judges oppose the requirements specifically found in H.R. 2655.

Mr. Speaker, I have grave concerns about H.R. 2655 and the impact it would have on civil rights cases all across the country. History has shown us that mandatory sanctions can be used as a tool against legitimate plaintiffs in civil rights cases. Passage of H.R. 2655 would revive this abuse, and actually prolong litigation—not reduce it. I urge all of my colleagues to oppose this legislation so that we

can get back to working on issues that the American people truly care about.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 2655, the misleadingly-named "Lawsuit Abuse Reduction Act." This legislation would amend Rule 11 of the Federal Rules of Civil Procedure to reinstate a previous, failed version of the rule that was in place from 1983–1993.

Rule 11 allows for the imposition of sanctions on the plaintiff in a civil case if it is determined that a claim lacks sufficient evidence. Currently, Rule 11 allows judges to exercise discretion in determining when to impose these sanctions. This bill, H.R. 2655, mirrors the policy from 1983–1993, when Rule 11 was amended to mandate that sanctions be automatically applied regardless of the specific circumstance of a Rule 11 violation. This policy erodes judicial discretion by forcing judges to apply sanctions in every instance of a violation regardless of the merits. The effect of this change was—and would be under H.R. 2655—disastrous for our judicial system and victims alike. For this reason, the Judicial Conference, the American Bar Association, and the American Association for Justice all strongly oppose this legislation.

As the Judicial Conference Chairs wrote to Judiciary Committee Ranking Member JOHN CONYERS, Jr. in July, from 1983–1993, the "... mandatory sanctions provision quickly became a tool of abuse in civil litigation. Seeking to use mandatory sanctions to their advantage, aggressive lawyers filed motions for Rule 11 sanctions in response to virtually every filing in a civil case. Much time and money was spent in Rule 11 battles that had everything to do with strategic gamesmanship and little to do with underlying claims." The Judicial Conference also points out that the 1993 rule changes that corrected this misguided policy "... followed years of examination and were made on the Judicial Conference's strong recommendation, with the Supreme Court's approval, and after congressional review."

Unfortunately, we are wasting precious legislative days in this Congress re-litigating this already-solved issue. All empirical evidence from the 1983–1993 existence of the mandatory sanctions points to increased litigation costs and a distraction from the administering of justice.

I urge my colleagues to oppose H.R. 2655. Mr. HUFFMAN. Mr. Speaker, I rise in opposition to H.R. 2655, the so-called "Lawsuit Abuse Reduction Act."

This is a misleading title and a misleading bill. A plaintiff courageously seeking to stand up to civil rights violations, equal protections violations, or voting rights infringement IS NOT abusing anything: she's exercising her rights enshrined in the Constitution.

When I practiced law in California, I know that those I represented—from victims of workplace discrimination to women athlete scholars looking for equal opportunities—would have been hurt by this bill, and their cases may never have been heard.

Ordering sanctions should be at the discretion of the judge, not Congress. This bill would reverse the good judgment and counsel of the Judicial Conference of the United States and the Supreme Court, both of which recommended the change twenty years ago.

Our Courts are a great equalizer; the courtroom is often the only place that a plaintiff can find a fair and equal footing with employers, corporations, and even their government.

This bill would have a chilling effect on the ability of Americans to find justice for civil rights violations, employment discrimination claims, privacy suits, equal protection violations, voting rights claims, consumer protection claims, and so much more.

The changes proposed in this bill would negatively impact cases where the bulk of the evidence rests with one party, disproportionately impacting plaintiffs in civil rights and consumer protection litigation.

This bill would also negatively impact civil cases that involve new legal theories, meaning that landmark cases in our nation's history may never have made it to the Supreme Court; cases like *Brown v. Board of Education*, *Griswald v. Connecticut*, *Massachusetts v. EPA*.

If my colleagues are serious about reforming the legal system, I would be very interested in working with them. There are abusive litigation tactics by both plaintiffs and defendants, and we could work in a responsible, bipartisan manner to address those. But this bill is not a serious attempt to level the playing field or to curb real abuses. Instead, it puts Congress' thumb on one side of the scale of justice.

I urge my colleagues to vote against this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 403, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. LEWIS of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of Georgia. I am opposed to H.R. 2655.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis moves to recommit the bill H.R. 2655 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add, at the end of the bill, the following:

#### SEC. 3. PROTECTING CIVIL RIGHTS AND PREVENTING DISCRIMINATION.

This Act, and the amendments made by this Act, shall not apply in the case of any action brought under—

- (1) civil rights laws, including any case alleging discrimination based on sex, race, age, or other forms of discrimination; or
- (2) the Constitution.

□ 1415

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. LEWIS. Mr. Speaker, this is the final amendment to the bill. It will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion is similar to an amendment offered by my good friend, Ranking Member CONYERS, during the committee markup. It simply excludes civil rights cases from this act.

My amendment makes it crystal clear that discrimination based on sex, race, age, or other forms of discrimination will not be subjected to lengthy, expensive sanctions. People should have a right to seek redress to petition the courts to act. For an individual to be able to take legal action based on discrimination because of age, race, color, gender, or sexual orientation is not senseless. It is not frivolous or silly. They are exercising their sacred right to work to make our union stronger and better for generations to come.

Mr. Speaker, I am not sure that my friends and colleagues in this body fully understand the importance of my amendment.

Civil rights lawsuits are unique because they push the judiciary to review, question, consider, and update our Nation's commitment—our constitutional duty—to respect the dignity and the worth of every human being. These cases inspire our judicial system to explore and develop new legal theories and standards.

There is no doubt that legislation like H.R. 2655 would have slowed down many historic legal successes of the 20th century. Civil rights landmarks like *BROWN v. BOARD OF EDUCATION* would have taken another 10 years. Rights to marital privacy could have been debated for who knows how long. Blacks and Whites would not have been free to marry. Same-sex couples would not have been able to love each other. Decisions guaranteeing freedom of the press and First Amendment protections could be ongoing.

Civil rights legal progress would have been even slower if this act was the law of the land 60, 50, or even 20 years ago. Our judicial system of thoughtful, deliberative, constant review makes our history—our progress, our commitment to justice—a model for nations around the world.

This effort has been tried already. It does not work. My amendment corrects the greatest injustice of this bill.

I urge all of my colleagues to support my commonsense change to this seriously flawed legislation. This amendment is the right thing to do, the fair thing to do. It is the just thing to do.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to this motion because the base bill makes sanctions for filing frivolous lawsuits in Federal court mandatory.

Under rule 11, a lawsuit is frivolous if it is presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation, if it is not warranted by existing law, or if the factual contentions have no evidentiary support. In other words, a lawsuit will only be found frivolous if it has no basis in law or fact. As soon as the judge finds that any claim of any kind is founded in law or fact, then no claim for damages because of a frivolous lawsuit would lie.

Who here thinks that lawyers should be able to avoid any penalty when the lawsuit they file is found by a Federal judge to have been simply filed to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation? Or, when the Federal judge finds that the lawsuit is not warranted by existing law or to have no evidentiary support?

If you think lawyers should be able to get off scot-free when they file those sorts of frivolous lawsuits, vote for this motion to recommit. If you agree with me that the victims of frivolous lawsuits are real victims and that they have to shell out thousands of dollars, endure sleepless nights, and spend time away from their family, work, and customers just to respond to frivolous pleadings, then you must oppose this motion to recommit.

When *Business Week* wrote an extensive article on what the most effective legal reforms would be, it stated what is needed are "penalties that sting." As *Business Week* recommended:

Give judges stronger tools to punish renegade lawyers. Before 1993, it was mandatory for judges to impose sanctions such as public censures, fines, or orders to pay for the other side's legal expenses on lawyers who filed frivolous lawsuits. Then the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed . . . by Congress.

H.R. 2655, the Lawsuit Abuse Reduction Act, would do just that.

The specific language of the motion to recommit means that it literally immunizes from sanctions frivolous civil rights claims. That doesn't further civil rights; that sets them back, because the only claims that sanctions could be issued on would be claims for which there is no basis in law or fact. That does not advance the cause.

I would add that the language in the motion to recommit adds, "shall not apply in the case of any action brought under, one, civil rights laws, and two, the Constitution." That second provision, the Constitution, means that the motion to recommit covers every single lawsuit brought in any United States court in the land and any Federal court, and so it goes well beyond what is the stated intent of the motion to recommit.

A better way to look at this is to look at what the Federal Judicial Center found in its study when it looked at the imposition of the mandatory sanctions under rule 11 that existed from 1983 to 1993. It found that the imposition rate of sanctions in civil rights cases was not out of line with that in any other type of cases.

Furthermore, when this bill was drafted for this Congress—a very narrowly drafted bill, just 1½ pages long—we added a rule of construction for specific protection for valid, legitimate civil rights lawsuits that are based in law or fact.

It says in the rule of construction, as I said earlier:

Nothing in this act or an amendment made by this act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws or under the Constitution of the United States.

That is the proper way to protect civil rights litigation. Meritorious civil litigation founded in law or in fact. That indeed is what the legislation does, and that is why the House should reject the motion to recommit and pass the Lawsuit Abuse Reduction Act.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and adoption of the motion to instruct on H.R. 3080.

The vote was taken by electronic device, and there were—yeas 197, nays 225, not voting 8, as follows:

[Roll No. 580]

YEAS—197

Andrews	Cartwright	Delaney
Barber	Castor (FL)	DeLauro
Barrow (GA)	Castro (TX)	DeBene
Bass	Chu	Deutch
Beatty	Cicilline	Dingell
Becerra	Clarke	Doggett
Bera (CA)	Clay	Doyle
Bishop (GA)	Cleaver	Duckworth
Bishop (NY)	Clyburn	Duncan (TN)
Blumenauer	Cohen	Edwards
Bonamici	Connolly	Ellison
Brady (PA)	Conyers	Engel
Braley (IA)	Cooper	Enyart
Brown (FL)	Costa	Eshoo
Brownley (CA)	Courtney	Esty
Bustos	Crowley	Farr
Butterfield	Cuellar	Fattah
Capps	Cummings	Foster
Capuano	Davis (CA)	Frankel (FL)
Cardenas	Davis, Danny	Fudge
Carney	DeFazio	Gabbard
Carson (IN)	DeGette	Gallego

Garamendi	Lynch	Ryan (OH)
Garcia	Maffei	Sánchez, Linda
Grayson	Maloney,	T.
Green, Al	Carolyn	Sanchez, Loretta
Green, Gene	Maloney, Sean	Sarbanes
Gutiérrez	Matheson	Schakowsky
Hahn	Matsui	Schiff
Hanabusa	McCollum	Schneider
Hastings (FL)	McDermott	Schrader
Heck (WA)	McGovern	Schwartz
Higgins	McIntyre	Scott (VA)
Himes	McNerney	Scott, David
Hinojosa	Meeks	Serrano
Holt	Meng	Sewell (AL)
Honda	Michaud	Shea-Porter
Horsford	Miller, George	Sherman
Hoyer	Moore	Sinema
Huffman	Moran	Sires
Israel	Murphy (FL)	Slaughter
Jackson Lee	Nadler	Smith (WA)
Jeffries	Napolitano	Speier
Johnson (GA)	Neal	Swalwell (CA)
Johnson, E. B.	Negrete McLeod	Takano
Keating	Nolan	Thompson (CA)
Kelly (IL)	O'Rourke	Thompson (MS)
Kennedy	Owens	Tierney
Kildee	Pallone	Titus
Kilmer	Pascrell	Tonko
Kind	Pastor (AZ)	Tsongas
Kirkpatrick	Payne	Van Hollen
Kuster	Pelosi	Vargas
Langevin	Perlmutter	Veasey
Larsen (WA)	Peters (CA)	Vela
Larson (CT)	Peters (MI)	Velázquez
Lee (CA)	Peterson	Visclosky
Levin	Pingree (ME)	Walz
Lewis	Pocan	Wasserman
Lipinski	Polis	Schultz
Loeb	Price (NC)	Waters
Loeb	Quigley	Watt
Lofgren	Rahall	Waxman
Lomax	Rangel	Welch
Lowey	Richmond	Wilson (FL)
Lujan Grisham	Roybal-Allard	Yarmuth
(NM)	Ruiz	
Lujan, Ben Ray	Ruppersberger	
(NM)		

NAYS—225

Aderholt	DeSantis	Hunter
Amash	DesJarlais	Hurt
Amodei	Diaz-Balart	Issa
Bachmann	Duffy	Jenkins
Bachus	Duncan (SC)	Johnson (OH)
Barletta	Ellmers	Johnson, Sam
Barr	Farenthold	Jordan
Barton	Fincher	Joyce
Benishek	Fitzpatrick	Kelly (PA)
Bentivolio	Fleischmann	King (IA)
Bilirakis	Fleming	King (NY)
Bishop (UT)	Flores	Kingston
Black	Forbes	Kinzing (IL)
Blackburn	Fortenberry	Kline
Boustany	Fox	Labrador
Brady (TX)	Franks (AZ)	LaMalfa
Bridenstine	Frelinghuysen	Lamborn
Brooks (AL)	Gardner	Lance
Brooks (IN)	Garrett	Lankford
Brown (GA)	Gerlach	Latham
Buchanan	Gibbs	Latta
Bucshon	Gibson	LoBiondo
Burgess	Gingrey (GA)	Long
Calvert	Gohmert	Lucas
Camp	Goodlatte	Luetkemeyer
Cantor	Gosar	Lummis
Capito	Gowdy	Marchant
Carter	Granger	Marino
Cassidy	Graves (GA)	Massie
Chabot	Graves (MO)	McCarthy (CA)
Chaffetz	Griffin (AR)	McCaul
Coble	Griffith (VA)	McClintock
Coffman	Grimm	McHenry
Cole	Guthrie	McKeon
Collins (GA)	Hall	McKinley
Collins (NY)	Hanna	McMorris
Conaway	Harper	Rodgers
Cook	Harris	Meadows
Cotton	Hartzer	Meehan
Cramer	Hastings (WA)	Messer
Crawford	Heck (NV)	Mica
Crenshaw	Hensarling	Miller (FL)
Culberson	Holding	Miller (MI)
Daines	Hudson	Miller, Gary
Davis, Rodney	Huelskamp	Mullin
Denham	Huizenga (MI)	Mulvaney
Dent	Hultgren	Murphy (PA)

Neugebauer	Rokita	Terry
Noem	Rooney	Thompson (PA)
Nugent	Ros-Lehtinen	Thornberry
Nunes	Roskam	Tiberi
Nunnelee	Ross	Tipton
Olson	Rothfus	Turner
Palazzo	Royce	Upton
Paulsen	Runyan	Valadao
Pearce	Ryan (WI)	Wagner
Petri	Salmon	Walberg
Pittenger	Sanford	Walden
Pitts	Scalise	Walorski
Poe (TX)	Schock	Weber (TX)
Pompeo	Schweikert	Webster (FL)
Posney	Scott, Austin	Weststrum
Price (GA)	Sensenbrenner	Westmoreland
Radel	Sessions	Whitfield
Reed	Shimkus	Williams
Reichert	Shuster	Wilson (SC)
Renacci	Simpson	Wittman
Ribble	Smith (MO)	Wolf
Rice (SC)	Smith (NE)	Womack
Rigell	Smith (NJ)	Woodall
Roby	Smith (TX)	Yoder
Roe (TN)	Southerland	Yoho
Rogers (AL)	Stewart	Young (AK)
Rogers (KY)	Stivers	Young (IN)
Rogers (MI)	Stockman	
Rohrabacher	Stutzman	

NOT VOTING—8

Campbell	Jones	Perry
Grijalva	Kaptur	Rush
Herrera Beutler	McCarthy (NY)	

□ 1452

Messrs. THOMPSON of Pennsylvania and CALVERT changed their vote from “yea” to “nay.”

Ms. SPEIER and Mr. TIERNEY changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PERRY. Mr. Speaker, on rollcall No. 2655—Motion to Recommit; I was off-site and my staff was unable to contact me regarding the vote due to a inoperative telephone. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 195, not voting 7, as follows:

[Roll No. 581]

AYES—228

Aderholt	Brooks (IN)	Cook
Amash	Buchanan	Cotton
Amodei	Bucshon	Cramer
Bachmann	Burgess	Crawford
Bachus	Calvert	Crenshaw
Barletta	Camp	Cuellar
Barr	Cantor	Culberson
Barton	Capito	Daines
Benishek	Carter	Davis, Rodney
Bentivolio	Cassidy	Denham
Bilirakis	Chabot	Dent
Bishop (UT)	Chaffetz	DeSantis
Black	Coble	DesJarlais
Blackburn	Coffman	Diaz-Balart
Boustany	Cole	Duffy
Brady (TX)	Collins (GA)	Duncan (SC)
Bridenstine	Collins (NY)	Duncan (TN)
Brooks (AL)	Conaway	Elmers

Farenthold	Latham	Rohrabacher	Levin	O'Rourke	Serrano	Bishop (NY)	Gallego	McKeon
Fincher	Latta	Rokita	Lewis	Owens	Sewell (AL)	Bishop (UT)	Garamendi	McKinley
Fitzpatrick	LoBiondo	Rooney	Lipinski	Pallone	Shea-Porter	Black	Garcia	McMorris
Fleischmann	Long	Ros-Lehtinen	Loeb	Pascarella	Sherman	Blackburn	Gardner	Rodgers
Fleming	Lucas	Roskam	Lofgren	Pastor (AZ)	Sinema	Blumenauer	Gerlach	McNerney
Flores	Luetkemeyer	Ross	Lowenthal	Payne	Sires	Bonamici	Gibbs	Meadows
Forbes	Lummis	Rothfus	Lowey	Pelosi	Slaughter	Brady (PA)	Gibson	Meehan
Fortenberry	Marchant	Royce	Lujan Grisham (NM)	Perlmuter	Smith (WA)	Brady (TX)	Graves (MO)	Meeks
Fox	Marino	Runyan	Lujan, Ben Ray (NM)	Peters (CA)	Speier	Braley (IA)	Grayson	Meng
Franks (AZ)	Massie	Ryan (WI)	Lynch	Peters (MI)	Swalwell (CA)	Brooks (IN)	Green, Al	Mica
Frelinghuysen	Matheson	Salmon	Maffei	Pingree (ME)	Takano	Brown (FL)	Green, Gene	Michaud
Gardner	McCarthy (CA)	Sanford	Maloney, Carolyn	Pocan	Thompson (CA)	Brownley (CA)	Griffin (AR)	Miller (MI)
Garrett	McCaul	Scalise	Maloney, Sean	Polis	Thompson (MS)	Buchanan	Grijalva	Miller, Gary
Gerlach	McClintock	Schock	Matsui	Price (NC)	Tierney	Bucshon	Grimm	Miller, George
Gibbs	McHenry	Schweikert	McCollum	Quigley	Titus	Bustos	Guthrie	Moore
Gibson	McKeon	Scott, Austin	McDermott	Rahall	Tonko	Butterfield	Gutiérrez	Moran
Gingrey (GA)	McMorris	Sensenbrenner	McGovern	Rangel	Tsongas	Calvert	Hahn	Mullin
Gohmert	Rodgers	Sessions	McIntyre	Richmond	Van Hollen	Camp	Hall	Murphy (FL)
Goodlatte	Gosar	Shimkus	McNerney	Roybal-Allard	Vargas	Cantor	Hanabusa	Murphy (PA)
Gosar	Meehan	Shuster	Meeks	Ruiz	Veasey	Capito	Hanna	Nadler
Granger	Messer	Simpson	Meng	Ruppersberger	Vela	Capps	Hartzler	Napolitano
Graves (GA)	Mica	Smith (MO)	Michaud	Sanchez, Linda T.	Velázquez	Capuano	Hastings (FL)	Neal
Graves (MO)	Miller (FL)	Smith (NE)	Miller, George	Sanchez, Loretta	Viscosky	Cárdenas	Hastings (WA)	Negrete McLeod
Griffin (AR)	Miller (MI)	Smith (NJ)	Moore	Sarbanes	Walz	Carney	Heck (NV)	Noem
Grimm	Miller, Gary	Smith (TX)	Moran	Schakowsky	Wasserman	Carson (IN)	Heck (WA)	Nolan
Guthrie	Mullin	Southerland	Murphy (FL)	Schiff	Schultz	Cartwright	Higgins	Nunes
Hall	Mulvaney	Stewart	Nadler	Schneider	Waters	Cassidy	Himes	O'Rourke
Hanna	Murphy (PA)	Stockman	Napolitano	Schrader	Watt	Castor (FL)	Hinojosa	Owens
Harper	Neugebauer	Stutzman	Neal	Schwartz	Welch	Castro (TX)	Holt	Pallone
Harris	Noem	Terry	Negrete McLeod	Scott (VA)	Wilson (FL)	Chaffetz	Honda	Pascarella
Hartzler	Nugent	Thompson (PA)		Scott, David	Yarmuth	Chu	Horsford	Pastor (AZ)
Hastings (WA)	Nunes	Thornberry				Cicilline	Hoyer	Paulsen
Heck (NV)	Nunnelee	Tiberi				Clarke	Huffman	Payne
Hensarling	Olson	Tipton	Campbell	Kaptur	Rush	Clay	Hultgren	Pelosi
Holding	Palazzo	Turner	Herrera Beutler	McCarthy (NY)		Cleaver	Hunter	Perlmuter
Hudson	Paulsen	Upton	Jones	Nolan		Clyburn	Israel	Perry
Huelskamp	Pearce	Valadao				Coble	Issa	Peters (CA)
Huizenga (MI)	Perry	Wagner				Coffman	Jackson Lee	Peters (MI)
Hultgren	Peterson	Walberg				Cohen	Jeffries	Peterson
Hunter	Petri	Walden				Cole	Johnson (GA)	Petri
Hurt	Pittenger	Walorski				Collins (NY)	Johnson (OH)	Pingree (ME)
Issa	Pitts	Weber (TX)				Connolly	Johnson, E. B.	Pitts
Jenkins	Poe (TX)	Webster (FL)				Conyers	Joyce	Pocan
Johnson (OH)	Pompeo	Wenstrup				Cook	Keating	Polis
Johnson, Sam	Posey	Westmoreland				Cooper	Kelly (IL)	Posey
Jordan	Price (GA)	Whitfield				Costa	Kelly (PA)	Price (NC)
Joyce	Radel	Williams				Courtney	Kennedy	Quigley
Kelly (PA)	Reed	Wilson (SC)				Cramer	Kildee	Rahall
King (IA)	Reichert	Wittman				Crawford	Kilmer	Rangel
King (NY)	Renacci	Wolf				Crenshaw	Kind	Rangel
Kingston	Ribble	Womack				Crowley	King (IA)	Reichert
Kinzinger (IL)	Rice (SC)	Woodall				Cuellar	King (NY)	Renacci
Kline	Rigell	Yoder				Culberson	Kinzinger (IL)	Rice (SC)
Labrador	Roby	Yoho				Cummings	Kirkpatrick	Richmond
LaMalfa	Roe (TN)	Young (AK)				Daines	Kline	Rigell
Lamborn	Rogers (AL)	Young (IN)				Davis (CA)	Kuster	Roe (TN)
Lance	Rogers (KY)					Davis, Danny	LaMalfa	Rogers (KY)
Lankford	Rogers (MI)					Davis, Rodney	Lance	Rogers (MI)

## NOES—195

Andrews	Conyers	Green, Al	Barletta	Becerra	Forbes	Fortenberry	Foster	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Barber	Cooper	Green, Gene	Barr	Benishke	Fleming	Flores	Foster	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Barrow (GA)	Costa	Griffith (VA)	Barrow (GA)	Berra (CA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Bass	Courtney	Grijalva	Bass	Bilirakis	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Beatty	Crowley	Gutiérrez	Beatty	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Becerra	Cummings	Hahn	Becerra	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Bera (CA)	Davis (CA)	Hanabusa	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Bishop (GA)	Davis, Danny	Hastings (FL)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Bishop (NY)	DeFazio	Heck (WA)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Blumenauer	DeGette	Higgins	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Bonamici	Delaney	Himes	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Brady (PA)	DeLauro	Hinojosa	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Braley (IA)	DelBene	Holt	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Broun (GA)	Deutch	Honda	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Brown (FL)	Dingell	Horsford	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Brownley (CA)	Doggett	Hoyer	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Bustos	Doyle	Huffman	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Butterfield	Duckworth	Israel	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Capps	Edwards	Jackson Lee	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Capuano	Ellison	Jeffries	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Cárdenas	Engel	Johnson (GA)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Carney	Enyart	Johnson, E. B.	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Carson (IN)	Eshoo	Keating	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Cartwright	Esty	Kelly (IL)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Castor (FL)	Farr	Kennedy	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Castro (TX)	Fattah	Kildee	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Chu	Foster	Kilmer	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Cicilline	Frankel (FL)	Kind	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Clarke	Fudge	Kirkpatrick	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Clay	Gabbard	Kuster	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Cleaver	Gallego	Langevin	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Clyburn	Garamendi	Larsen (WA)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Cohen	Garcia	Larson (CT)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson
Connolly	Grayson	Lee (CA)	Berra (CA)	Bishop (GA)	Flores	Forbes	Fortenberry	Frankel (FL)	Fudge	Gabbard	Gallego	Garamendi	Garcia	Grayson

## NOT VOTING—7

□ 1502

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. NOLAN. Mr. Speaker, on rollcall No. 581, I was inadvertently detained and missed the vote. Had I been present, I would have voted “no.”

# MOTION TO INSTRUCT CONFEREES ON H.R. 3080, WATER RESOURCES DEVELOPMENT ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, offered by the gentleman from New York (Mr. SEAN PATRICK MALONEY) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 76, answered “present” 1, not voting 6, as follows:

[Roll No. 582]

YEAS—347

Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Benishke  
Berra (CA)  
Bilirakis  
Bishop (GA)



Slaughter	Tipton	Wasserman
Smith (NE)	Titus	Schultz
Smith (NJ)	Tonko	Waters
Smith (TX)	Tsongas	Watt
Smith (WA)	Turner	Waxman
Southerland	Upton	Welch
Speier	Valadao	Wenstrup
Stewart	Van Hollen	Whitfield
Stivers	Vargas	Williams
Swalwell (CA)	Veasey	Wilson (FL)
Takano	Vela	Wilson (SC)
Terry	Velázquez	Wolf
Thompson (CA)	Visclosky	Womack
Thompson (MS)	Walberg	Yarmuth
Thompson (PA)	Walden	Yoder
Tiberi	Walorski	Young (IN)
Tierney	Walz	

## NAYS—76

Aderholt	Griffith (VA)	Pearce
Amash	Harper	Pittenger
Barton	Harris	Poe (TX)
Bentivolio	Hensarling	Pompeo
Boustany	Holding	Price (GA)
Bridenstine	Hudson	Reed
Brooks (AL)	Huelskamp	Roby
Broun (GA)	Huizenga (MI)	Rogers (AL)
Burgess	Hurt	Rooney
Carter	Jenkins	Ross
Chabot	Johnson, Sam	Salmon
Collins (GA)	Jordan	Schweikert
Conaway	Kingston	Smith (MO)
Cotton	Labrador	Stockman
DeSantis	Lamborn	Stutzman
Duncan (SC)	Long	Thornberry
Fox	Lummis	Wagner
Franks (AZ)	Massie	Weber (TX)
Garrett	Messer	Webster (FL)
Gingrey (GA)	Miller (FL)	Westmoreland
Gohmert	Mulvaney	Wittman
Goodlatte	Neugebauer	Woodall
Gosar	Nugent	Yoho
Gowdy	Nunnelee	Young (AK)
Granger	Olson	
Graves (GA)	Palazzo	

## ANSWERED "PRESENT"—1

Ribble

## NOT VOTING—6

Campbell	Jones	McCarthy (NY)
Herrera Beutler	Kaptur	Rush

## □ 1510

Mrs. BLACK changed her vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## APPOINTMENT OF CONFEREES ON H.R. 3080, WATER RESOURCES DEVELOPMENT ACT OF 2013

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 3080:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, DUNCAN of Tennessee, LOBIONDO, GRAVES of Georgia, Mrs. CAPITO, Mrs. MILLER of Michigan, Messrs. HUNTER, BUCSHON, GIBBS, HANNA, WEBSTER of Florida, RICE of South Carolina, MULLIN, RODNEY DAVIS of Illinois, RAHALL, DEFazio, Ms. BROWN of Florida, EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, Ms. EDWARDS, Mr. GARAMENDI, Ms. HAHN, Mr. NOLAN, Ms. FRANKEL of Florida, and Mrs. BUSTOS.

From the Committee on Natural Resources, for consideration of secs. 103, 115, 144, 146, and 220 of the House bill, and secs. 2017, 2027, 2028, 2033, 2051, 3005, 5002, 5003, 5005, 5007, 5012, 5018, 5020, title XII, and sec. 13002 of the Senate amendment, and modifications committed to conference:

Messrs. HASTINGS of Washington, BISHOP of Utah, and Mrs. NAPOLITANO. There was no objection.

## □ 1515

## SMALL AIRPLANE REVITALIZATION ACT OF 2013

Mr. POMPEO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1848) to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Airplane Revitalization Act of 2013".

## SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A healthy small aircraft industry is integral to economic growth and to maintaining an effective transportation infrastructure for communities and countries around the world.

(2) Small airplanes comprise nearly 90 percent of general aviation aircraft certified by the Federal Aviation Administration.

(3) General aviation provides for the cultivation of a workforce of engineers, manufacturing and maintenance professionals, and pilots who secure the economic success and defense of the United States.

(4) General aviation contributes to well-paying jobs in the manufacturing and technology sectors in the United States and products produced by those sectors are exported in great numbers.

(5) Technology developed and proven in general aviation aids in the success and safety of all sectors of aviation and scientific competence.

(6) The average small airplane in the United States is now 40 years old and the regulatory barriers to bringing new designs to the market are resulting in a lack of innovation and investment in small airplane design.

(7) Since 2003, the United States lost 10,000 active private pilots per year on average, partially

due to a lack of cost-effective, new small airplanes.

(8) General aviation safety can be improved by modernizing and revamping the regulations relating to small airplanes to clear the path for technology adoption and cost-effective means to retrofit the existing fleet with new safety technologies.

## SEC. 3. SAFETY AND REGULATORY IMPROVEMENTS FOR GENERAL AVIATION.

(a) IN GENERAL.—Not later than December 15, 2015, the Administrator of the Federal Aviation Administration shall issue a final rule—

(1) to advance the safety and continued development of small airplanes by reorganizing the certification requirements for such airplanes under part 23 to streamline the approval of safety advancements; and

(2) that meets the objectives described in subsection (b).

(b) OBJECTIVES DESCRIBED.—The objectives described in this subsection are based on the recommendations of the Part 23 Reorganization Aviation Rulemaking Committee:

(1) The establishment of a regulatory regime for small airplanes that will improve safety and reduce the regulatory cost burden for the Federal Aviation Administration and the aviation industry.

(2) The establishment of broad, outcome-driven safety objectives that will spur innovation and technology adoption.

(3) The replacement of current, prescriptive requirements under part 23 with performance-based regulations.

(4) The use of consensus standards accepted by the Federal Aviation Administration to clarify how the safety objectives of part 23 may be met using specific designs and technologies.

(c) CONSENSUS-BASED STANDARDS.—In prescribing regulations under this section, the Administrator shall use consensus standards, as described in section 12(d) of the National Technology Transfer and Advancement Act of 1996 (15 U.S.C. 272 note), to the extent practicable while continuing traditional methods for meeting part 23.

(d) SAFETY COOPERATION.—The Administrator shall lead the effort to improve general aviation safety by working with leading aviation regulators to assist them in adopting a complementary regulatory approach for small airplanes.

(e) DEFINITIONS.—In this section:

(1) CONSENSUS STANDARDS.—

(A) IN GENERAL.—The term "consensus standards" means standards developed by an organization described in subparagraph (B) that may include provisions requiring that owners of relevant intellectual property have agreed to make that intellectual property available on a non-discriminatory, royalty-free, or reasonable royalty basis to all interested persons.

(B) ORGANIZATIONS DESCRIBED.—An organization described in this subparagraph is a domestic or international organization that—

(i) plans, develops, establishes, or coordinates, through a process based on consensus and using agreed-upon procedures, voluntary standards; and

(ii) operates in a transparent manner, considers a balanced set of interests with respect to such standards, and provides for due process and an appeals process with respect to such standards.

(2) PART 23.—The term "part 23" means part 23 of title 14, Code of Federal Regulations.

(3) PART 23 REORGANIZATION AVIATION RULEMAKING COMMITTEE.—The term "Part 23 Reorganization Aviation Rulemaking Committee" means the aviation rulemaking committee established by the Federal Aviation Administration in August 2011 to consider the reorganization of the regulations under part 23.

(4) SMALL AIRPLANE.—The term "small airplane" means an airplane which is certified to part 23 standards.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

A motion to reconsider was laid on the table.

#### OBAMACARE

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, millions of Americans are coming home and opening their mailboxes to find shocking news; their health care plans are being taken away from them.

The President broke a promise we knew he couldn't keep, and now millions of Americans feel betrayed, wondering why their health care plans are being canceled.

Mr. Speaker, this letter was sent to me by a constituent. His name is Bruno Gora, and he is a constituent of mine in Richmond, Virginia. He is a self-employed individual who purchases health insurance through Anthem BlueCross/BlueShield. A few weeks ago, he was stunned to receive this letter in the mail, and it clearly reads: "To meet the requirements of the new law, your current plan can no longer be offered."

Any new plan could cost Mr. Gora thousands of dollars more. Why should he or anyone else be forced to buy a different insurance policy if they are happy with the one they have?

With every new day that passes, we continue to learn more and more about people in the same situation. Mr. Gora and this cancellation letter represent millions of ObamaCare victims across the country who are having their health insurance ripped away from them.

As a result, we House Republicans will put the Keep Your Plan Act on the floor for a vote tomorrow. The only way to stop every cancellation letter is by full repeal of this law. However, this bill will hopefully begin to ease some of the pain that working families are feeling because of President Obama's health care law.

Tomorrow, we will see who will put their constituents before policies and vote for a bill that could allow Americans to keep their plans.

I sincerely hope that my colleagues will act as a united voice and take the first of many steps to provide relief to the American people from the many burdens brought about by ObamaCare.

#### INDEPENDENT LIVING ENHANCEMENT ACT

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, on Veterans

Day, I had the honor of speaking at a veterans ceremony in Albuquerque, where I was reminded of our solemn responsibility that we have as lawmakers to do everything we can do to stand up for those who stand up for us.

That is why last month I introduced the Veterans' Independent Living Enhancement Act, bipartisan legislation that will help disabled veterans live independently and participate in family and community life.

Currently, only 2,700 veterans in the entire country can enroll in the VA's highly successful Independent Living Program each year. When you compare that to the 2.6 million veterans of the Iraq and Afghanistan wars alone, it is clear that this number is far too low, preventing veterans from getting the services and support they need.

My bill, which has both Democratic and Republican cosponsors, along with the support of a dozen different veterans and health organizations, would remove this arbitrary cap so that every veteran who can participate in it would benefit from the Independent Living Program.

Mr. Speaker, I urge the House to fulfill its responsibility to our Nation's veterans and their families and take up this commonsense, bipartisan legislation.

#### OBAMACARE

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, the President's announcement today does little to change the need for Congress to act.

The President's promise of "if you like your plan, you can keep it," is an empty promise. Sadly, 1 million Californians are now finding out firsthand in the form of a letter that their current plan has been canceled.

One of those 1 million Californians happens to be a constituent of mine from Bakersfield, California. He wrote me recently to tell me how ObamaCare has failed him. He writes:

Our youngest son was born with a rare genetic condition that results in severe mental retardation, an inability to walk or talk, and a need to be tube-fed directly into a surgically implanted port in his stomach.

Our longtime insurance carrier, Kaiser Permanente, has been great about caring for our son, who requires 24-hour care and special medication and formulas, all of which are very expensive.

Well, we just learned today that our previous coverage, not cheap by any means, with a premium of nearly \$1,000 a month, is no longer available, and that a far inferior replacement plan with less coverage and more out-of-pocket exposure will cost \$626 a month more, bringing our total to over \$1,600 a month.

With the added out-of-pocket expenses, we anticipate for his care in the coming year we expect to pay about \$24,000 more for care next year than this year, all thanks to ACA.

That is why we must take up and pass Keep Your Health Plan Act, and we ask the Democrats to join with us, to keep a pledge, to keep a promise, and stop increasing the cost for the constituents.

#### OBAMACARE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise to tell the story of one of my constituents' experiences with the Affordable Care Act, Allan, from Santa Barbara County.

Prior to the Affordable Care Act, his wife was paying \$20,000 a year in insurance premiums. She has a preexisting condition. Even though it costs so much, she was thankful to have any coverage at all.

When Covered California, our online marketplace, opened, she made a call, looked at her options, and found a plan that works for her. This plan saved them \$8,000 a year, and it was a much better plan.

We know that the rollout nationally has been sloppy, that the law is not perfect, and that there are real issues we must fix. We must fix those problems without diminishing the true benefits the law is giving to families in my district and across the country. So now is the time to work together to ensure all Americans have access to quality, affordable health care.

#### OBAMACARE

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Mr. Speaker, for the last 3 years, the President personally promised that if they liked their current health care plan, that they could keep it "no matter what," period.

But cancellation notices are now arriving in millions of mailboxes across the country. In the great State of Michigan, some 225,000 folks will see their plans terminated because of this law. That is twice the number of people who have even tried to select a plan nationwide.

I have heard from countless families back home who took the President at his word. They are upset—yes, they are—and worried about how they are going to make ends meet.

A self-employed family of three in Bangor, Michigan, had purchased their own insurance for more than 30 years. Their BlueCross/BlueShield plan was working well, had no deductible, a \$750 monthly premium. To replace it, the premium is going to nearly double to \$1,393 and their deductible will jump to \$2,800. In their own words, they told us, they had been thrown under the bus. Sadly, they are not alone.

Tomorrow, we will vote on the Keep Your Health Plan Act, a straightforward, 1-page bill that says if you like your coverage, you ought to be able to keep it.

Let's keep that promise.

#### OBAMACARE

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Mr. Speaker, I rise to share with you the story of a couple from Catasauqua, Pennsylvania, the Zakoses.

In a one-on-one session last Monday, that is, a week ago Monday, Beverly and Bob Zakos of Catasauqua sat as the navigator, Mr. Hartman, worked online through their application with them. This time, although they had had a prior bad experience, the online connection worked "like a charm," Hartman said. Once it is finished, the Zakoses will get a plan that will be more than \$500 a month less expensive than the COBRA coverage they had been purchasing for \$1,200, even without subsidies.

At 62 years old, Mr. Zakos is hoping that with some adjustments to his income and his wife's Medicare, he can qualify for hundreds more a month in subsidies. I take that from the Allentown Morning Call.

#### OBAMACARE

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute.)

Mrs. WALORSKI. Mr. Speaker, I am pleased to cosponsor the Keep Your Health Plan Act to make sure individuals can keep the health care plans they like and need.

I have asked Hoosiers in the State of Indiana to share their stories with me about their experiences with ObamaCare. The stories are shocking.

Kathryn from South Bend got this letter from her insurance company stating that her plan will be canceled. Her monthly payments will increase from \$186 per month to \$329 per month—nearly double.

Kathy from Elkhart is a cancer patient undergoing chemotherapy. Under ObamaCare, she now has to pay over \$1,200 a month just for her own coverage.

Barton, a small business owner, said his group premiums will increase up to 80 percent this year.

These are serious problems causing incredible hardships for the very people we represent.

It is time to work on commonsense reforms that will lower health care costs and improve the quality of care for our constituents.

If we work together, we can get it done.

#### JUST KEEP TRYING

(Mr. DANNY K. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, Kathy Kanak can be persistent. Late last Wednesday, the 57-year-old of Libertyville became one of the first known enrollees of health insurance at the glitch-stricken online marketplace operated by the Federal Government for 36 States, including Illinois. "I just kept trying," she said. "Tell people to just keep trying, and they will get in eventually."

With Federal tax credits, the Kanaks will pay about \$260 a month in premiums less than what they paid before. They will be able to retain their family doctor and their dentist, and their annual deductible will drop to \$1,500 from \$5,000.

Just keep trying.

□ 1530

#### OBAMACARE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the House of Representatives has voted numerous times to repeal ObamaCare, but the President finally admitted today that ObamaCare is just not working. And so to save his flawed legislation, he has decided to selectively enforce the law, the individual mandate, the idea that you can keep your own insurance. He says he won't enforce the fine for noncompliance for 1 year.

His method is unconstitutional. The Constitution requires Congress to write, rewrite, and amend laws. No President can just use administrative discretion to not enforce laws or change the law. Administrative discretion is just not mentioned in the Constitution. Selective enforcement violates the 14th Amendment.

No President can just administratively change any law. What's next? Is he going to raise taxes by administrative order?

Congress must write the law. The President must enforce the law.

The House will address this very issue legally tomorrow by bringing up legislation that now the President seems to support. I assume the former constitutional law professor will sign on this excellent legislation that you can keep your insurance if you like it.

And that's just the way it is.

#### OBAMACARE

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, over 200,000 Pennsylvanians have been noti-

fied that they will lose their plans because of President Obama's health care law. What these numbers don't tell you are the stories of hardworking western Pennsylvanians like Don and Karen from Johnstown.

Don is a Marine Corps veteran and former coal miner. He and Karen run a ministry that helps people in developing countries. Don recently let me know that he will lose his plan. He said:

I specifically bought a health plan that met my needs. I liked my plan very much and it was something I could afford.

When Don and Karen were able to get onto the Web site, the plan he was offered had a deductible of more than \$6,000. In Don's words, this is "ridiculous and unaffordable."

Unfortunately, their story is not unique. We need health care reform that works for Don and Karen and the rest of the American people. The Empowering Patients First Act and the American Health Care Reform Act provide a good place to start and a better way on health care reform.

#### OBAMACARE

(Mr. MULLIN asked and was given permission to address the House for 1 minute.)

Mr. MULLIN. Mr. Speaker, I rise today to say enough is enough. Enough of the rhetoric. Enough of the dishonesty.

Promises have been broken. We face critical situations that need to be made right. Countless Americans, and many within the Second District of Oklahoma, are going to their mailboxes only to learn that the health insurance plan they liked is being canceled.

In the House, we have chosen to listen to the American people through the Keep Your Health Plan Act. Individuals can actually keep the plan they like, and we can clean up the damage done by this administration's failures.

Aside from the consequences on individuals, business owners like me also face mounting regulations and penalties as a result of ObamaCare. Small businesses provide stability to our economy and employ millions of Americans. That stability has been jeopardized by the result of ObamaCare.

I will not sit back and watch Americans be subject to empty promises with no solution in sight. I encourage my colleagues to join me in saying enough is enough and vote in support of the Keep Your Health Plan Act.

#### OBAMACARE

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, as my colleagues today have already pointed out, the President made this promise to the American people:

If you like your health care plan, you will be able to keep your health care plan. Period.

I have in my hand a letter sent to my office from Noel, from Akron, Colorado, in my district. This is, in part, what it says:

I am a 37-year-old automotive mechanic in the family business, volunteer firefighter, devout Catholic. My wife, Heather, is a 33-year-old third grade teacher. Our daughter is 2 years old, our son is 1 year old, and our third child is due in March. I recently received a letter from Rocky Mountain Health Plan stating that my existing policy is canceled as of January 1, 2014, due to mandated government policies.

250,000 Coloradans have lost their insurance. That is more people than have now signed up across this country, nationwide, for ObamaCare.

Noel, you are not alone. I join you because I too lost my health insurance when I chose to opt out of the congressional coverage, one of the 250,000 people that lost our coverage. And it is time for this President to uphold his promise to the American people.

#### OBAMACARE

(Mr. BUCSHON asked and was given permission to address the House for 1 minute.)

Mr. BUCSHON. Mr. Speaker, as a physician, my goal is to make certain that every American has access to quality, affordable health care.

The President and congressional Democrats promised that you can keep your health insurance if you like it. Well, we learned yesterday that in my home State of Indiana, only 701 Hoosiers have signed up successfully for the Affordable Care Act, while over 108,000 Hoosiers have had their current plans canceled. I think the people of Indiana know this promise has not been kept.

Mary, from Evansville, Indiana, wrote to me about this very thing. She said:

Our insurance is excellent. I had a heart attack a year ago. We met our deductible this year, but insurance has paid for everything recommended, 2 months of cardiac rehab, prescriptions, and even more surgery. My insurance and my doctors saved my life, and now I am at risk of losing both.

On Facebook, Andrea wrote that she was able to extend her plan for her and her son till next December, then it would be canceled. She went on to say, "What happened to if you want to keep your health care, you can?"

And, finally, Allen summed up his frustration in one sentence:

I will not have insurance beginning January 1. End of story.

Mr. Speaker, these are real stories that affect real people, hardworking families just trying to get by.

Mr. Speaker, we need to hold the President and congressional Democrats to their promise.

#### OBAMACARE

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, across Kansas, folks are struggling from the effects of ObamaCare. This cancellation letter is from Greg and Linda in Osage City, who wrote to tell me their son was losing his health care plan.

Linda spent hours each night for weeks trying to sign up for a new plan on the Web site. She tried the online chat. She tried calling the number, and no one could answer her questions.

They were forced to add their son to Greg's more expensive employer plan, and now their son's health insurance bill is going up 50 percent each month.

After years of knowing about these problems, today the President tried to make good on his promise: if you like your plan, you can keep it. But for Greg and Linda, it is likely too late. The deadline to switch to Greg's employer plan just passed. They had no good options.

We must continue to work for hard-working American families who are paying the price for this unworkable law.

#### OBAMACARE

(Mr. HECK of Nevada asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK of Nevada. Mr. Speaker, "If you like your health care plan, you can keep it. Period. If you like your doctor, you can keep him. Period."

We all remember when we heard those words. Here is an article from today's Las Vegas Review Journal. Nearly 25,000 Nevadans lose insurance plans under ObamaCare. That is roughly 27 percent of the individual market in that State.

One of those individuals is Janet. Janet is 55 years old and battling recurrent cancer. She has had the same insurance policy for 11 years. For 11 years that policy and those doctors have taken care of her and have kept her alive.

She is currently battling a recurrence, undergoing chemotherapy, and she received this letter from her insurer on September 25:

We would like to take this opportunity to thank you for allowing us to be your health insurance carrier. We are writing to advise you that, due to the passage of the Federal Patient Protection and Affordable Care Act, effective December 31, 2013, your standard or basic individual health plan will be discontinued and terminated. You will no longer be able to continue coverage under this benefit plan as of this date.

As Janet valiantly battles her disease, the last thing she needs is the added stress of wondering about her insurance coverage.

Mr. President, it is time that Americans are allowed to keep their health care plan. Period.

#### OBAMACARE

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, Peter Ertling is a 24-year-old from Midland, Texas, who has done everything he is supposed to do. When he was 18 he began working in the oil fields as a roustabout; and through hard work and perseverance, he eventually worked his way up to field operations manager.

Four years ago, he married a beautiful young lady and they started a family. He now has three small boys, and there is a fourth one on the way.

But, Mr. Speaker, he is now in a bad position because of bad calls made by those lawmakers who voted for the Affordable Care Act and the President who signed it into law. Thanks to ObamaCare, his company, in the force of a 40 percent increase in rates, has switched their health insurance plan.

The kicker is that Peter's wife is halfway through the pregnancy with their fourth child. His wife's doctor is not a part of the new insurance plan, and they are going to have to spend an extra \$18,000 out of pocket to stay with the doctor they like and the doctor they were promised they could keep. This is a broken promise that has turned what should be a joyful and momentous occasion into a nightmare.

As he said to one of my staff:

I am 24 years old. At my age and at this point in my career, this is not something that I should have to worry about.

Mr. Speaker, this is not an intellectual exercise we engage in. ObamaCare is causing major problems for hard-working people like Peter and his wife in the 11th District of Texas. His wife is in tears over this issue.

The American Dream that he was working so hard to provide for his family has turned into a nightmare because of a bad law. This is unacceptable, and it is inexcusable.

#### OBAMACARE

(Mr. STIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STIVERS. Mr. Speaker, 3.5 million Americans have seen their health care plans canceled under the Affordable Care Act. I've personally heard from many constituents in my district who are seeing their health care plans canceled.

For example, Anthony, who is a small business owner in my district, got these letters from his insurance plan saying that his plan would be canceled. As a result of that, there is a

new plan that is available to him, but his monthly cost goes up by a little over 80 percent, and that is low compared to some.

He is in the process of building a business, and he just hired his first employee. He told me he is scared to death to hire another employee because he just got his health insurance canceled and the cost doubled. It is just another story of how this law is hurting people and stifling job creation.

I would like to ask all my colleagues to join me in supporting Chairman UPTON's bill, the Keep Your Health Plan Act. I urge all of you to support it.

#### OBAMACARE

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, for the last 4 years, President Obama repeatedly promised the American people that if you like your health care plan, you can keep it. But for Melody in Lexington, Kentucky, that is simply not true.

Melody received a notice that her health care plan was no longer good enough under ObamaCare. And when Melody looked into options for new insurance, like so many other Americans, she found out that her family's insurance costs would go up by 250 percent, and their deductible would increase by \$2,000.

Melody, in this email, told me:

We do not qualify for any premium assistance, even though we are a family of three living on a single income. We are more likely to go without health care coverage because our premiums are going to cost more per year than we would wind up spending on medical expenses without insurance.

Mr. Speaker, this is not about politics. This is about real people in our districts that are being harmed by ObamaCare. The American people don't need apologies. They don't need temporary administrative waivers. They need permanent solutions that will protect hardworking Americans from the coverage cancellations, loss of access to doctors, and premium spikes.

It is time for the President to keep his promise and allow Americans who like their health care plans to keep them.

#### OBAMACARE

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Mr. Speaker, President Obama promised if you like your health care plan, you can keep your health care plan; but for tens of thousands of Montanans, his words are nothing more than a broken promise that has resulted in canceled insurance plans and rising health care costs.

I have already heard from hundreds of Montanans who are looking for relief from ObamaCare; and, unfortunately, the President's recent announcement isn't a long-term fix; nor does it address the core problems with this failed law.

Mr. Speaker, this is called the people's House, and I want to share the story of the people of Montana tonight in this body.

Dean and Summer, from Flathead County, who have an autistic son and a daughter with muscular dystrophy, were just notified, as I spoke with the mom last week on the phone, that their rates are going up \$4,500 a year because of ObamaCare.

Or take, for example, Jim, a business owner in Troy, Montana, who will need to cut employee hours to avoid paying the ObamaCare fine and keep his business afloat.

Or Anne Marie in Miles City, Montana, whose family is facing an additional \$3,000 per year in health care costs due to increased premiums and deductibles.

Or Paula, a health care provider in Kalispell, who is questioning the viability of her private practice and her ability to continue providing care to many of her patients.

Montanans deserve a permanent solution, not a short-term, politically driven patch. I will continue fighting to fully repeal ObamaCare and working toward real solutions that protect Montanans' access to their doctors and the health care plans they want.

□ 1545

#### LET THE AMERICAN PEOPLE KEEP THEIR HEALTH CARE PLAN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, President Obama misled the American people about ObamaCare, and now he has admitted it.

And here is a letter to me from a small business owner in my district:

My husband and I have a small medical education business, and ever since ObamaCare passed, our business has been cut in half. Doctors are not spending money on education, so for the last 4 years, our business has really suffered.

Then we were told we could keep our insurance. We had good insurance, not junk. We currently paid \$514 a month with a \$2,000 deductible. We were canceled as of 12/31/13. To get anything near what we had, we will have to pay \$1,900 a month, which we cannot afford. So much for affordable health care.

This is the first time in 30 years that we might not be able to have health insurance. We have always run our life not depending on the government for handouts, and now we are losing our insurance. I ask you, what are we to do? Americans are suffering. This is just wrong. Yes, I believe that something needed to be done, but not this.

Mr. Speaker, it is time to keep the promise to the American people.

The SPEAKER pro tempore (Mr. COLLINS of New York). Members are reminded to refrain from engaging in personalities toward the President, such as alleging that he misled the public.

#### OBAMACARE'S IMPACT IN ARKANSAS

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Mr. Speaker, I rise today to share the realities of ObamaCare in my district, the Third District of Arkansas. Health insurance enrollment through [www.healthcare.gov](http://www.healthcare.gov) can be described as dismal, at best. Only an embarrassing 250 Arkansans have managed to enroll.

Shawn Kispert, one of my constituents from Fort Smith, and her husband are self-employed and have spent over 64 hours on [www.healthcare.gov](http://www.healthcare.gov) attempting to sign up for the insurance ObamaCare requires them to purchase. She then tried to sign up via telephone. That was also fruitless.

The very few Arkansans that have successfully logged on have found, in over 60 percent of the State, only one or two provider options offering plans that increase their premiums by as much as 600 percent.

Rod Rogers of Sulphur Springs will see his family's insurance premiums go from \$248 to \$876 a month. Jeff Asher of Russellville is facing budget-busting monthly premiums of over \$900.

In October, my fellow Arkansas Republicans and I wrote to Secretary Sebelius to ask for more information on ObamaCare's effect on Arkansans. Much like the pleas from hardworking taxpayers asking for relief from the law's suffocating regulations and overbearing mandates, our request was ignored.

But we don't need a response from the administration to tell us what I am hearing from my constituents: ObamaCare is raising the cost of health care, creating uncertainty in Arkansas, and hurting Americans. We need to replace it with real reforms and focus on the patient, not the government.

#### OBAMACARE POLICY CANCELLATIONS

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, the Mershon family of Gassville, Arkansas, is yet another tragic example of the terrible toll the ObamaCare law is taking on the American people. Small business owners and young parents, this couple has never asked their government for anything more than just

to let them make a good life for their kids. Here are their words:

We regret to inform you that we have lost our health care coverage. It was not ObamaCare compliant. Granted, it wasn't Cadillac-style insurance, but it was all we needed. So we go to the Web site. "Sticker shock" does not begin to cover how we felt. This is an absolute outrage. We counted on what was assured to us, promised to us—that our insurance would stay intact, period. Our shoestring budget has now turned to floss. Seriously, it is beans and cornbread time.

Mr. Speaker, a politically motivated administrative fix does nothing to solve the underlying issues with this disastrous law. Sadly, it looks like it may be beans and cornbread time for millions of families across our country. Is this really the affordable care we were promised?

#### OBAMACARE

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, I rise in support of the 3.5 million people who have, to date, lost their health care coverage thanks to ObamaCare and in support of the reported 10 million Americans who could lose their coverage between now and the end of the year.

Mr. Speaker, President Obama promised again and again that Americans who liked their health care plans would be able to keep them. Well, we know now that is simply not the case.

In my hometown of Ooltewah, Tennessee, Lynn Davis, who moved to Tennessee to care for her elderly parents, had health care coverage she liked and could afford. Now her plan is going away, and she is likely to be paying as much as \$300 more per month. That is an additional \$3,600 per year for something she doesn't want and doesn't need.

Mr. Speaker, this isn't right. Our economy is struggling enough as it is. The last thing the American people need is an additional financial burden thrust on them by the Federal Government. ObamaCare needs to go. But at the very least, the President needs to accept the Keep Your Health Plan Act and uphold his promise to the American people.

#### OBAMACARE

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise today on behalf of Martha Staley, a constituent from Cornelius, North Carolina. Ms. Staley is a retired registered nurse and a retired insurance agent. She understands health insurance better than most.

Recently, she received this letter, explaining that her current insurance

was canceled due to ObamaCare and that her new plan would be twice as expensive. Quoting Ms. Staley:

There was nothing in the world wrong with my plan. What they are giving me is worse. I was told by the President that, if I liked my health care plan—which I do—I could keep it. I was told by the President that the ACA would help lower my costs.

President Obama made a simple direct promise to Ms. Staley. Tomorrow, I urge you to join me in voting for H.R. 3350, the Keep Your Health Plan Act. The American people don't need more apologies from the President. They need results.

#### OBAMACARE

(Mr. MEADOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEADOWS. Mr. Speaker, I rise today in support of H.R. 3350, the Keep Your Health Plan Act. President Obama's promise, if you like your health care plan, you will be able to keep your health care plan, is ringing hollow with some 473,000 North Carolinians whose policies have been canceled.

One of those families is Leon and Liz Russell, small business owners in Waynesville, North Carolina. The Russells were notified that their \$653-a-month insurance premium was going to go to \$1,322 in 2014. This is a yearly increase of over \$8,000. They said to me:

We cannot afford to pay that. Period. What are we expected to do?

For families like the Russells, the House will vote tomorrow on the Keep Your Health Plan Act which will allow millions of Americans to keep their policies without penalty.

Today President Obama announced his intentions to allow insurers to keep offering canceled plans, but a 1-year delay does not make good on his promise. The President needs to be working with Congress to fix his flawed law. Mr. Speaker, we still have a broken Web site, and we still have broken promises.

#### OBAMACARE IMPACT

(Mr. SOUTHERLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUTHERLAND. Mr. Speaker, the problems with this health care law won't be cured with political fixes because this isn't about politics. This is about real people. People like Paul and Victoria Morson of Panama City, Florida, my hometown.

The Morsons are health care providers themselves. By day, they provide care to infants and toddlers struggling with catastrophic injuries, blindness, autism, and other developmental delays. At night, they run a medical courier service, delivering cancer treatments and medications.

Paul and Victoria each received this letter from Florida Blue, informing them that their coverage was being canceled at the end of this year. Their plans failed to meet the law's requirements for maternity and newborn care and pediatric dental care, despite the fact that the Morsons are in their sixties and have no children.

They were informed their new plans would increase their combined premiums from \$520 to \$1,260 per month. Now Paul and Victoria are trying to figure out how to keep alive a medical practice that has already been reduced from a 10-county area to just one.

That is a real-world impact and a real-world example on this misguided law, and that is why, if you like your plan and you were promised that you could keep your plan, you should be able to keep your plan.

#### BROKEN PROMISES

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BROOKS of Indiana. Mr. Speaker, when President Obama sold the Affordable Care Act to the American people, he told them they could keep their health insurance if they liked it. Sadly, this promise has not been kept.

Jerry, an independent contractor from Westfield, Indiana, recently informed me that his policy will be terminated because of ObamaCare. Jerry has never written a Member of Congress before, but losing his coverage and seeing his premium double has caused him to speak up. For Jerry, ObamaCare is a broken promise.

Victoria, a part-time teacher from the Indianapolis area, reached out on Facebook, explaining that a policy she purchased less than 1 year ago was being canceled. She has tried to get on [www.healthcare.gov](http://www.healthcare.gov) to see what alternatives are available to her, but the site couldn't even confirm her identity. For Victoria, ObamaCare is a broken promise.

Dwight, a business owner from Indianapolis, received a cancellation notice from his insurer—the one that I am holding here in my hands. Dwight's insurer is one of several insurers that have left the State of Indiana. For Dwight, ObamaCare is a broken promise.

Mr. Speaker, Americans deserve better. They deserve to keep their current insurance. ObamaCare is nothing more than a broken promise.

#### KEEP YOUR OWN HEALTH CARE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, millions of Americans are losing their health

care plans, their doctors, and their confidence in the President's new health care law. The simple truth is the facts show the law is hurting more people than it is helping. Although the President committed many times that no one would lose their original health care coverage, millions have.

One of my constituents, Ron from Champlin, has had his health care plan for 21 years. He likes his health plan. It works for him. But Ron, like thousands of other Minnesotans, received a cancellation notice. Another constituent emailed me this morning, saying that his family health care plan was renewed, but the costs were going up \$5,400 this year. And unfortunately, I have heard stories like these from many others in my community.

Mr. Speaker, if you like your health insurance plan, you ought to be able to keep it, and no one should be forced to buy health insurance that isn't right for them or for their families' needs. I will continue to work with all of those that are willing to sit down at the table to have a responsible solution and a real solution to our health care challenges.

#### OBAMACARE

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I asked my constituents in Florida's 17th District how ObamaCare is affecting them. One said they were upset that their coverage was going to go up by more than \$300. Another said that their insurance plan went from \$204 per month to \$720 per month and that they couldn't afford that. Others reported increases of 100, 200, even 400 percent.

Most devastating were those that are on Medicare Advantage who are set to lose their doctors. One woman lost her primary care doctor of over 20 years. Another whose husband lost five doctors, including a cardiologist that has cared for him since his heart transplant, said that they are not able to keep their doctors or their insurance plans.

Worst of all is the impact on Florida families. One gentleman in my district said:

I have looked at quotes for my family of three. It looks like it will cost us about \$5,000 more a year. I may have to get a divorce so my wife and son can afford the insurance. If I do, they will qualify for discounts we don't get if we are married.

Mr. Speaker, there are stories like this all across Florida and the country. So much for, if you like your plan, you can keep it. Now all of our constituents are suffering.

#### OBAMACARE

(Mr. POSEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. POSEY. Mr. Speaker, the President promised Mr. GRIFFIN in my district and millions of other Americans that, if they wanted to, they could keep their own doctor. Unfortunately, he found out already that is not true.

Americans were told that they could keep their own insurance company if they liked it. Unfortunately, that is not true either. They were told it would cost less. Unfortunately, that is not true either. They were told it would not create a new tax. Unfortunately, that is not true either. They were told there would not be any rationing. Unfortunately, that is not true either.

It is not right; it is not fair; and it is not good for the United States of America.

□ 1600

#### OBAMACARE

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I rise to express my strong support for the Keep Your Health Plan Act. I have heard from many folks across my district that they are losing the health care they have and like because of ObamaCare.

Jeff from Columbus Grove wrote to alert me of the cancellation notice he received indicating his insurance policy is being dropped as of December 1 of this year. He has less than 1 month to find a new plan, which will cost more, have fewer benefits, and have higher deductibles. In addition, his choices for new health care insurance limit his options for the hospital and local doctor he can choose.

Dwight from Arlington wrote that he and his wife received a notice that due to the ACA, his wife's insurance policy would no longer be available. Coverage would double from \$189 per month to \$394, with increased deductibles.

Finally, I have heard from a local township trustee that the township has received notice that their health insurance plan has been canceled because of the ACA.

These are just several examples of the hundreds of stories we are hearing from across my district and the State of Ohio. I remain committed to enacting quality and affordable health care legislation and continuing to work toward ObamaCare's full repeal.

#### SUPPORTING THE KEEP YOUR HEALTH CARE PLAN ACT OF 2013

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, despite the President's promise that

Americans could keep their health care plans, thousands of my constituents have learned that their health care plans will soon be terminated.

I recently received a letter from David Hager, the CFO of a technology company headquartered in my district. He was informed that the health care plan offered by his company is being canceled. This is a well-liked plan that pays 100 percent of employees' monthly health care premiums, but that is not good enough for ObamaCare. This company will now be forced to pay 19 percent more for its health care next year, and its employees will have to shell out more money for a new plan that they don't like. This is in addition to the newly created "reinsurance fee" of \$510 a month for the company to pay that has no value at all to the workers. Mr. Hager wants to know why his employees are having their excellent health care plans canceled by ObamaCare.

We must allow Americans to keep the health care plans they like, not just for 1 year—as has been proposed by the President—but permanently.

#### OBAMACARE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it was a gamble for the President to promise the country "if you like your plan, you can keep it," given that his health care proposal amounted to a complete restructuring of our health care system and 16 percent of the American economy.

By now, every Member of this Chamber has received countless letters, phone calls, and emails from millions of Americans who have had their health insurance either canceled or turned unaffordable due to the Affordable Care Act.

This is the devastating reality for this family. Lisa and her husband, Bob, from Punxsutawney, Pennsylvania, are just one of many families in the Fifth District hurt by this law.

Lisa and Bob are self-employed. They are small business owners with five children and bills to pay. After receiving notice their affordable health plan is being canceled, they are now facing cost increases of more than \$20,000 a year for a plan that actually covers less.

Mr. Speaker, the only solution is a transition to health reforms that actually contain cost and expand access. The President's promise alone is certainly not enough.

The American people deserve better.

#### OBAMACARE

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)



Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today because the American public was sold a false bill of goods.

Rachel, my constituent from Decatur, Illinois, recently contacted my office to let me know that the health care plan she had for her and her daughter is being canceled due to ObamaCare. She was provided with a list of options to replace that plan, but the cheapest would double her monthly premium and increase her deductible to \$6,000 per person.

Mr. Speaker, Rachel and her daughter had a plan, and they liked it. Now, she cannot afford any of the alternatives given to her.

In her note to me, Rachel summed it up best:

We were told we could keep our plan if we liked our plan . . . we are at a loss for how we will continue our health care coverage.

Mr. Speaker, the last 45 days proved what many of us have been saying all along: this law is simply unacceptable, unworkable, and unaffordable. Period.

#### OBAMACARE

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Mr. Speaker, the President seems to flippantly just talk about 5 percent of Americans have received a cancellation notice, as if they are just individuals that didn't have a policy that really met his standard for what he was looking for or what the administration is looking for.

That 5 percent equals about 5 million people across the country. They are not just a random statistic. They are families and individuals like the Evans family, and it is not just this one family, but everyone that works in their business received this same letter. Why is that? Because as the President continues to speak about these are just individuals or individual policies, that is not actually true either.

Here is a letter from Aetna that came to the Evans family and every employee in their business. It says:

As you have heard, the Affordable Care Act is bringing many changes to health insurance. One of these changes is that the association groups, which are comprised of small employers, cannot provide coverage as a large group entity. Consequently, Aetna is discontinuing the current plans and has notified your employer.

The plans they have and they have been able to find are a 25 percent increase over last year. Their firm cannot hire additional people next year because of the additional cost.

This is the United States of America. What are we doing telling people what health insurance they can purchase?

#### KEEP YOUR HEALTH PLAN ACT

(Mr. CARTER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, I am a cosponsor of the Keep Your Health Plan Act.

We had promises to folks that they could keep their health plan and keep their doctors. Obviously, those promises are not being kept. A lot of Americans are finding out this hard news. One of them is Elizabeth Hoffman, this pretty young lady, and her son, from Hutto, Texas, a small town in my district.

Elizabeth is a single mother with a young son. She does not get insurance through her employer. She got her insurance through Humana at \$167 a month, with a \$2,000 deductible. It was the plan she liked.

She has now lost her plan. Humana has canceled that plan. The plan most similar to the one she has now costs \$404 a month, with a \$2,500 deductible. Needless to say, she is not happy. She is not happy with the Obama plan, and she is not happy with the exchange and is worried about the pharmacy she is going to go to. She is not likely to have insurance next year.

#### KEEP YOUR HEALTH PLAN ACT

(Mrs. ELLMERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ELLMERS. Mr. Speaker, I rise today to speak on behalf of North Carolinians.

I would like to share the story of Marian and Donald from Asheboro, North Carolina. They are among the 160,000 North Carolinians whose policies have been canceled and whose premiums are going up.

She says:

Donald and I both had a \$5,000 deductible individual HSA policy—and both were canceled. Our premiums are more than doubling under the replacement policies. I contacted BlueCross/BlueShield and learned they are required by law to roll us into the “suggested” policy if we do not sign up for something else. They also told me they need no additional authority to remove this premium from our bank account in January.

Because the premium increase will consume our gas and grocery money for the month, I cannot let this happen. My plan is to cancel our health insurance altogether so that there is no policy to “roll over” and face paying the penalty. As of the end of this month, we will be both be uninsured.

Mr. Speaker, there are Marians and Donalds across this country facing the same fate. That is why we will continue to fight for this issue.

#### OBAMACARE CONSTITUENT STORIES

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, last week, President Obama apologized for

not being “clear enough” when he promised to the public that if you like your current health care plan, you can keep it. Now, 3.5 million Americans have already received letters from their insurance companies informing them their current plan will no longer be offered. That number is expected to reach 10 million.

Let me share with you just two stories from the 25th District of Texas.

Robert from Austin, Texas, started a new business this year and has private insurance for his family that costs \$450 a month. His insurer called him this week to let him know his premiums will now be \$1,200 a month—more than his mortgage. What is affordable about that?

Dianne from Driftwood, Texas, is a cancer survivor with an adopted special needs child and believed the President when he said she could keep her and her child's doctors, but her doctors will no longer accept her insurance.

Mr. Speaker, I have a growing pile of similar letters and emails on my desk, and what I see is a tragedy in America.

Let's let those who like their health care keep their health care, let's make positive reforms for those currently uninsured, and let's restore the financial stability and relief that ObamaCare has robbed from many of us. Americans are hurting.

In God we trust.

#### KEEP YOUR HEALTH PLAN

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I would like to introduce the American people to Scott and Daniza Wiseman from Missouri City, Texas. These Texans are pictured at the Alamo. They are about to receive God's greatest gift—their first child, a daughter, with the beautiful name of Mia Isabella.

Daniza is due on December 31, 2013, but instead of being filled only with joy, Scott and Daniza are now full of worry because they have been told they will lose their family health care on January 1, 2014, thanks to ObamaCare.

Neither Scott and Daniza, nor any American, should have to face this ordeal. If my colleagues vote for the Upton bill tomorrow, families like the Wisemans can love the new gift, Mia Isabella, without worry.

I urge my colleagues to support H.R. 3350. Let's reassure all Americans that if they like their health plan, they can truly keep it.

#### MR. PRESIDENT, KEEP YOUR PROMISE

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, “If you like your health plan, you can keep it”

was President Obama's promise to the people since 2009, but just last week, he attempted to apologize to those losing health insurance because of the law. While I am glad the President is starting to see the truth, the people need more than just apologies for broken promises.

In my Michigan district, a 29-year-old woman named Rosann has been battling sarcoma cancer for over a year. Because of her disease and treatments, she can't work full time, but through part-time work she has managed to pay all her own bills—that is, until she received a notice that she will lose her current health care coverage because of ObamaCare and have to pay \$225 more a month for a government-approved plan.

Rosann doesn't need an apology. She just wants to keep her insurance, along with nearly 5 million other Americans who have lost their coverage in the last 6 weeks alone.

House Republicans remain committed to fighting for Americans and providing fairness for all. The President needs to join our efforts, Mr. Speaker, and keep his promise to the American people.

□ 1615

#### OBAMACARE

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, last month in Missouri, only 751 individuals signed up for the Federal exchanges as thousands of other individuals lost their health care. These numbers and the need to institute a fix that allows Americans to keep their current coverage further highlight that the President's health care law is a failure.

One of my many constituents who has been affected by the law is Stephanie Botkin of Barnhart, Missouri. Stephanie, her husband, and her two teenage youngsters are hardworking, healthy, and they do not use a great deal of health services. She told me that they have been extremely pleased with their current plan because it works for them in terms of cost and coverage. Now, thanks to the President's health care law, Stephanie has been told that her family cannot keep its current plan, and will be forced to buy a different plan with a premium that costs 66 percent more per month and that has a higher deductible and an exorbitant co-pay, in other words, a plan that costs more and covers less.

Today, the President announced yet another fix to the law, which he technically does not have the authority to do. The fix is for him to sign legislation the House will pass tomorrow that will protect Americans from this damaging law. For Stephanie and her fam-

ily's sake and for the good of the American public, it is time the President does the right thing and works with Congress.

#### OBAMACARE

(Mr. RENACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RENACCI. Mr. Speaker, I rise today in strong support of H.R. 3350, the Keep Your Health Plan Act.

While a full repeal of the President's health care law is in the best interest of the American people, tomorrow's vote is yet another effort to restore fairness at a time when the administration refuses to acknowledge its broken promises.

The President promised the American people that, if you like your health insurance plan, you can keep it. He promised that, if you like your doctor, you can keep your doctor. Unfortunately, that hasn't worked out.

Five million Americans, including many of my constituents, have already received cancellation notices. One constituent, Diane from Wooster, has a policy that she likes, but received notice that it would be canceled, and she is now unable to keep her doctor, whom she likes and trusts.

My vote tomorrow is for Diane and for the millions of others like her who want to keep their health care plans that the President had promised they could keep. I ask my colleagues to join me in supporting this legislation.

#### OBAMACARE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for more than 3½ years, President Obama repeatedly promised Tom, who is in this picture, that if he liked his health care plan, he could keep it. Period. In spite of the President's assurances, Tom, along with 3.5 million other Americans, has recently received a cancellation letter from his insurance provider.

You see, Tom, who is a constituent from Allen, Texas, has dwarfism, which makes access to the doctors he likes, trusts, and knows critical to his well-being. Not only has ObamaCare affected his health care, but Tom has said it has taken time, energy and focus away from growing his small business. That even makes the new Pope mad. As Tom's dad often said, If you're not going to be part of the solution, at least don't be part of the problem. Thus far, ObamaCare is the problem.

It is time for President Obama to join our efforts and provide a real solution to this flawed and unworkable law.

#### DONNA'S DILEMMA

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, I rise today to share a story from Missouri's Fourth District. It is from an individual who had her insurance canceled because of ObamaCare.

Donna from California, Missouri, wrote in, saying that she and her husband received a letter stating that their plan would be canceled next year because it doesn't comply with the law. After researching new plans on the exchanges, she found that their premiums for a comparable plan would increase by \$300 and that their deductible would increase by \$1,300. She says:

I'm not sure I'll be able to pay my medical expenses. That's a "choice" being forced upon me and is limiting my freedoms. I worry about the children whose parents don't take them to the doctor because they can't afford the out-of-pocket expense or they lose everything because they did seek medical help for a critically ill child.

Donna, we are here today to speak out for you and for the millions of Americans who were given a promise. That is why I am proud to stand with my colleagues on both sides of the aisle, to ensure that our President keeps the promise he made to so many Americans. You deserve it.

#### THE FACES OF OBAMACARE

(Mrs. WAGNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WAGNER. Mr. Speaker, in recent weeks I have received countless examples of heartbreaking stories from the people of Missouri's Second Congressional District about how government-run health care is impacting their lives.

Today, I rise to put a face on the failures of ObamaCare and to tell Pam and Dennis Hopmann's story, who hail from Chesterfield, Missouri. This is their story in their own words:

We are livid that President Obama broke his promise to us about keeping our doctors. The Federal Government has very few success stories at running programs, and this is a prime example. Not only am I going to lose my insurance, but I also received a letter that I would lose care from my OB/GYN doctor, whom I have seen for 30 years. I wanted to stay with my plan. There was nothing wrong with it. It was not a "junk" plan, which Obama so frequently likes to call them.

Mr. Speaker, this is just one of millions of examples of real people being hurt by ObamaCare.

#### OBAMACARE

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, the President promised that if you like your plan you can keep it; but he hasn't followed that promise, and he followed up with an administering of the plan that is even worse.

Only 172 people have been able to sign up in the one month's 24-hour access to the Web site that is supposed to allow us to sign up. More people are served popcorn and soft drinks during the halftime of an Artesia football game than have been able to get service through this Web site. The losses are extensive:

In Truth or Consequences, Ron says that he lost his coverage and that the replacement is 350 percent to 550 percent higher;

Jacob in Roswell: his whole road crew lost its plan. It is seeing its premiums triple;

Kathy from Silver City, who is on fixed income-retirement: their premiums are quadrupling;

Jen, on Facebook, who is going from \$300 a month to \$1,500 a month, wonders where she can get the money to pay that.

Maybe you have an answer, Mr. President.

#### ANOTHER BROKEN OBAMACARE PROMISE

(Mr. SMITH of Missouri asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Missouri. Mr. Speaker, today President Obama announced yet another delay to his health care mandate. The President is picking and choosing which parts of ObamaCare he wants to enforce. The President needs to stop picking winners and losers. ObamaCare is broken and cannot be fixed.

Republicans led the fight against ObamaCare because we knew the mandate would cause individuals to lose their health care. We knew monthly premiums would skyrocket, and we knew the quality of the health care of Americans would suffer.

For over 3 years, President Obama has made numerous statements to American families to sell his misguided health care law, and now he is asking Americans to trust him again.

My constituents in the Show Me State are not buying it, President Obama.

Mr. Speaker, ObamaCare cannot be fixed by delaying portions of the law. ObamaCare needs to be repealed.

#### OBAMACARE

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I would like to read to you a letter from a woman named Katherine from

Levelland. Katherine's daughter, Taylor, has an aggressive form of childhood cancer, which requires treatments in Lubbock and Houston.

Katherine writes:

Along with the expense of her medical treatments, we have the expense of keeping an apartment in Houston and traveling back and forth. My husband owns a small car dealership in Levelland, and we have a private insurance policy. We have had this policy for over 4 years, and we were devastated to find out that Taylor's policy is now being canceled.

President Obama said, If you're one of the 250 million Americans who already has health insurance, you will get to keep your own health insurance.

Unfortunately, we have not been given the choice to keep Taylor's health insurance. I wanted you to know our story so that when you are in Washington you can share it with others.

I wish that Katherine and Taylor's story were unique; but, unfortunately, I receive dozens of emails from constituents who tell me about lost coverage, lower benefits, and higher premiums. They are looking for us to make it right.

I will do everything in my power to fix this so as to ensure that mothers like Katherine don't have to worry about losing critical coverage for their families.

#### KEEP THE PROMISE, MR. PRESIDENT

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, since 2010, President Obama has touted his well-known phrase: If you like your health care plan, you will be able to keep your health care plan.

The past few weeks have made it very clear that President Obama has failed to keep that promise.

According to the Associated Press, 3.5 million people have already seen their health plans canceled. Constituents from all over eastern and southeastern Ohio have been contacting my office, notifying me of skyrocketing premiums and canceled health plans.

Take, for instance, Cathy, from my hometown of Marietta, Ohio. Here is the letter she received. She was notified that her plan is not in compliance under the requirements of the ACA and that it would, instead, be rolled over into a better plan. It turns out that the "better" plan increases her premiums from \$670 a month to \$1,600 a month—more than double.

Skyrocketing premiums, canceled plans and a complete takeover of health care do not make health care affordable. The President should keep his promise to the American people, let Congress work to fix this problem and

support the Keep Your Health Plan Act.

#### OBAMACARE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to highlight the impact of the current health care situation of the millions of Americans who are losing their health care coverage, including many in Nebraska's Third District.

Pam Weldin, a self-employed small business woman from Minatare, Nebraska, has a preexisting condition. She has had affordable health insurance coverage which meets her needs, but she just received this letter which explains her current plan will no longer be offered. Pam told me she had great coverage before, which obviously included coverage of her preexisting condition. She has since tried to see what is available through healthcare.gov and the 800 number as well, but has been unsuccessful. As of January 1, she will lose the coverage that she likes.

Like Pam, millions of Americans are learning they are losing their health care plans they were told they could keep. I have heard from many other Nebraskans who are losing their insurance or whose rates have increased so much they cannot afford to keep the plans they currently have.

This is not what the American people want, and both sides need to work together to make this right. I encourage all of my colleagues to support the Keep Your Health Plan Act.

#### OBAMACARE

(Mr. MARINO asked and was given permission to address the House for 1 minute.)

Mr. MARINO. Mr. Speaker, the President continues to unilaterally implement these politically motivated, piece-by-piece, so-called "fixes," but this law is broken, and it is hurting millions and millions of Americans.

Every day, I hear from more of my constituents who have had their coverage canceled and who have seen their premiums increase. I recently heard from a woman from my hometown of Williamsport, Pennsylvania, who is going to have a baby early next year. She will lose her health care coverage on January 1.

I received a copy of a document from a constituent of mine, Paul from Lackawanna County. It is a notice from the insurance company.

It reads:

It's important that you know that Federal health care reform will require many changes to health insurance plans beginning in 2014. As a result, as of December 31, 2013, the Special Care health insurance plan you have will no longer be offered.

We need to repeal the Affordable Care Act and replace it with health

care reform that actually lowers costs and increases access to quality health care.

The President has an obligation to keep his promise. Going back on one's word sets a very poor example for our children, and that is the truth.

□ 1630

#### OBAMACARE

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, the Affordable Care Act is more than a Web site. That is the comforting assurance President Obama is giving to the American people as the continuing train wreck of his law's implementation grinds on. The law is more than a Web site. Unfortunately, that means its flaws extend past the Web site as well. It is bad technology mixed with bad policy. Each day we hear more and more people losing plans they liked despite the President's promise they could keep them.

Recently, I spoke with Scott Randolph, a self-employed father of two in my district, who is feeling the harmful effects head-on. Scott received this notice in the mail that said his insurance plan, which he liked and which worked for him and his two sons, was going to be terminated and replaced with a similar plan at triple the cost. I think Scott said it best when he said:

The President guaranteed me, "If you like your plan, you can keep it." Well, the fact is, I can keep my plan; I just can't afford my plan now.

Mr. President, this is unacceptable. Period. Let's pass the Keep Your Health Plan Act and offer help to the millions of Americans hurt by this broken promise.

#### OBAMACARE

(Mr. GIBBS asked and was given permission to address the House for 1 minute.)

Mr. GIBBS. This week, Americans, the administration, along with the media, are starting to see the harmful effects of ObamaCare on our country.

Many Ohioans are experiencing sticker shock and are desperately worried if they will have coverage at all and if they will keep their doctor. A constituent recently told me that his hours were cut to part-time in order for his employer to keep the business running. A man from Canton, Ohio, called in and will see his premiums increase by 700 percent due to this harmful law. A single mother of two young boys from Ashland, Ohio, will not be able to afford the increase in price of her premium each month under ObamaCare. When she wrote in, she asked a great question:

If this is the Affordable Care Act, why can I no longer afford my health care insurance?

It seems as though my constituents have more common sense than those who wrote this devastating law.

I, along with my colleagues in the House, remain committed to protecting Americans from this law and ensuring that you are in charge of your health care decisions, not some bureaucrat here in Washington. Whether it is the doctor's office, the gas pump, the dinner table, or in the job market, Washington is standing in the way of hard-working Americans, and it is just not fair.

#### OBAMACARE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute.)

Mr. LAMALFA. Mr. Speaker, over the past few months, I have heard hundreds of stories from my constituents about the President's health care law and the devastating effects it is having on their families and small businesses. One issue I want to address today is the serious threat ObamaCare is to the rural health care situation in our country.

For my constituents in northern California, we already face a shortage of care and choices. Many families have to turn to bordering States to see a doctor or for emergency room visits. Now we know that the law is actually creating a much larger challenge for rural Americans.

Today I want to share with you a story from a constituent I met just a couple months ago at the Tulelake Fair in Siskiyou County. Patricia Plass lives with her husband, a self-employed business owner, in a rural border town just inside the California-Oregon State line. Their longtime family doctor is in Oregon, as well as the closest hospital. These letters I have here also point out that they have had their insurance coverage canceled recently, so this notification has thrown them into a tizzy because of the law and their plan has been canceled. They now have to enroll in a plan that they don't like, that is inferior and increasing their costs by hundreds of dollars each month.

Tricia wrote to me and said:

I have been told I will not have coverage for our regular doctor in Oregon that our family has been seeing for years and, of course, our closest hospital which is also in Oregon. We are now living with a constant fear that our new policy under ObamaCare will not even provide coverage when we need it.

Mr. Speaker, this is wrong. Mr. President, it is broken. We need to support a new plan.

#### OBAMACARE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, when the time comes, Members and staff will get their insurance at dhealthlink.com. They will have a good chance to pay less because they will have 267 choices.

In advance, one of my staff members, who has a name-brand policy from our Federal program, went on dhealthlink.com and found that she could get a comparable policy for at least \$100 less with no deductible.

If Republicans want to deal in anecdotes, hers is far more typical than those from the crowd who have gone from 41 repeals to their new strategy of actively sabotaging the Affordable Care Act.

#### OBAMACARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, ObamaCare is a disaster. The President knows it; Congress knows it; and most importantly, the American people now know it.

The President claims to be working with Congress to stop the train wreck the ACA is waging on American families. Actions speak louder than words. It is time for him to engage with House Republicans to find a solution.

We must help Mary in Lexington, South Carolina, whose health care policy premium has already increased 275 percent since the beginning of this year; and Rebecca from Aiken, who will be forced to pay \$600 more a month for the same coverage in January; and Alvin, an uninsured veteran also living in Aiken, who has tried to purchase insurance on the government health care Web site but can't afford it because the premium will be higher than his mortgage, utilities, and Internet combined.

This is absurd. For the sake of the middle class, we must replace ObamaCare with commonsense solutions that protect families, provide a safety net, and promote jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### OBAMACARE

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. Mr. Speaker, at least 225,000 residents of Michigan have—or will shortly—received letters informing them that their current health insurance policies will be canceled because of ObamaCare. To put that number in context, more people in Michigan have had their private health care plans canceled due to ObamaCare than have even selected the private plan nationwide on healthcare.gov.

Adding insult to injury, the dismal enrollment number announced by the

administration does not represent an adequate depiction of the ObamaCare experience. Whether it is Nancy from Grant, Barbara from Walker, Terry from Grandville, or David from Twin Lake, my constituents all seem to be sharing the same experience: frustration, followed by exasperation, rounded out with higher costs that they can't afford. We hear you, and I am here for you.

The reality of the ObamaCare "experience" is a Web site that is difficult to navigate—when it actually works—coupled with policy options that result in higher health care costs for Michigan consumers.

I applaud my friend and colleague, FRED UPTON, who is going to be leading a charge to provide a legislative solution for that problem tomorrow. I hope our friends across the aisle will be able to provide that same relief to their constituents, and I hope they will join me in doing so.

#### OBAMACARE

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, you can fool some of the people some of the time, but you can't fool all of the people all of the time. The House Republicans have passed a bill 44 times to rescind the health care bill. ObamaCare is because Obama cares. The shutdown cost the American people \$24 billion.

I come from the great State of Florida where the Medicaid extension has not, to this time, been accepted. That means that over a million people—a million people—will not receive health care.

Every time I speak to a group of students at the Florida A&M University, I ask them how many students can stay on their family plan because of ObamaCare? Every single hand goes up.

So let's be clear: the first rollout was the proposal that let over 3 million people stay on their family plan. And the doughnut hole, because Obama cares, we are closing that that was instituted under the Bush administration.

I really do believe to whom God has given much, much is expected. I really do expect more from the people's House than what we have gotten from the Republican leadership.

#### OBAMACARE

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAMER. Mr. Speaker, Wayne and Leann Buchholz operate a ranch near Rhame, North Dakota. They have never been active in politics, but a re-

cent letter from their insurance company has changed all of that, for their letter informed them that they would be losing their health care coverage due to the excessive regulations of ObamaCare.

Mr. Speaker, 36,000 North Dakotans are receiving similar cancellation notices, similar to that of Wayne and Leann. Each of these figures on this poster represents over 1,200 North Dakotans just like Wayne and Leann.

On the other hand, only 30 North Dakotans have been able to sign up for ObamaCare through the first month—not 30,000, not 3,000, not even 300, Mr. Speaker—30. Each figure on this part of the graphic represents one North Dakotan able to sign up.

Mr. Speaker, in North Dakota, like much of America, a man's word is his bond. We must help the President make good on his promise and pass the Keep Your Health Plan Act tomorrow.

IHC HEALTH SOLUTIONS,  
INDEPENDENCE HOLDING GROUP,  
Phoenix, AZ, September 30, 2013.

Re Companion Life Insurance Company, Discontinuation of your Coverage, Contract Amendment to extend coverage until April 1, 2014

IMPORTANT NOTICE: THIS AFFECTS YOUR INSURANCE CONTRACT RIGHTS. PLEASE READ CAREFULLY.

DEAR LEANN C. BUCHHOLZ: This notice is to inform you that Companion Life Insurance Company ("Companion Life") will be exiting the individual major medical insurance market in North Dakota effective March 31, 2014 at midnight. This decision was prompted by the increased regulation since the federal government's passage of its recent federal health care reform, commonly referred to as the Patient Protection Affordable Care Act ("PPACA"). The increased regulation will make it difficult for Companion Life to continue to operate and compete meaningfully in North Dakota's individual major medical market. As such, your referenced insurance coverage will terminate on your first premium due date on or after our March 31, 2014 market exit (date reflected above), or earlier if your premium is not received when due.

Your current coverage with Companion Life has an annual anniversary date on or after December 31, 2013 but before March 31, 2014. Typically, you would receive a renewal notice from us prior to this date with an offer to renew with new rates. However, since we are exiting the market, we cannot offer you a renewal on a PPACA compliant major medical product in calendar year 2014. Instead, we will extend your current coverage from your policy anniversary date until your premium due date on or after March 31, 2014. This coverage will be provided at your current rate. Please find enclosed an amendatory endorsement to include with your current insurance contract indicating your health insurance coverage's new termination date as of April 1, 2014.

We are pleased to inform you that there are many options for you to secure health insurance coverage after your coverage termination date with us or prior. You may purchase insurance in the general marketplace or through the Federal Exchange. As brief background for you, PPACA created a new mechanism for purchasing insurance coverage called Exchanges or Marketplaces, which are entities that have been or will be

set up in states to create an organized and competitive market for health insurance for qualified individuals and employers. Please go to <https://www.healthcare.gov/marketplace/individual> for information concerning health insurance coverage on the Federal Exchange.

Please remember that your health insurance with Companion Life is effective until April 1, 2014, as long your premiums are paid through that date. It has been our pleasure to serve as your health insurer. If you have any questions or concerns, please feel free to contact us at 1-800-518-4510 or by email at [questions@ihcgroup.com](mailto:questions@ihcgroup.com)

Sincerely,  
COMPANION LIFE INSURANCE COMPANY.

COMPANION LIFE INSURANCE COMPANY,  
Columbia, South Carolina.

#### AMENDMENT 1

It is understood and agreed that the Policy and Certificate to which this Amendatory Endorsement is attached is amended as follows with respect to Covered/Insured Persons residing in North Dakota as of the effective date of their certificate evidencing their insurance coverage under the Policy:

Any Renewability or Termination of Insurance provisions of Your Certificate/Policy that indicates that insurance coverage will terminate following 180 days after Our decision to discontinue offering health insurance in the individual market in the state your coverage was issued is amended by adding the following:

The health insurance coverage for You and any Dependents covered under the Policy will terminate on April 1, 2014. Pursuant to the terms of the Policy, We will continue Your health insurance coverage at the current rates and benefits for Insured/Covered Persons up to this termination date, unless coverage terminates earlier in accordance with the Policy's provisions regarding termination due to the non-payment of required premiums when due.

This Amendatory Endorsement is endorsed and made part of the Policy and Certificate to which it is attached as of October 1, 2013.

This Amendatory Endorsement is subject to all provisions of the Policy which are not in conflict with the provisions of this Amendatory Endorsement. Nothing in this Amendatory Endorsement will be held to vary, alter, waive, or extend any of the terms, conditions, provisions, agreements, or limitations of the Policy other than stated above.

In Witness Whereof, the Insurance Company has caused this Amendatory Endorsement to be signed by its President.

TRESCOTT N. HINTON, Jr.,  
President.

#### OBAMACARE

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, today I rise on behalf of the people I represent in Michigan's Fourth District who are feeling the real impact of ObamaCare. They are paying more for health care, losing the coverage they have and like, and having their work hours cut.

I have been receiving calls, emails, and letters from people worried about the negative impacts ObamaCare is having on their lives.

Jeff Frazier from Midland, Michigan, wrote:

My wife has been recently informed by her insurance carrier that her health care policy “does not comply with the Affordable Care Act.” Now we must purchase a new policy to get the same coverage at an 18 percent increase in our premium. So, what happened to the “if you like your insurance, you can keep it”?

Unfortunately, Jeff’s story isn’t unique. He and an estimated 225,000 people in the State of Michigan and millions of Americans across the country are losing the coverage they have and like because of ObamaCare.

I urge my colleagues to join me in standing up against higher health care costs, dropped coverage, and reduced work hours that are hurting the constituents I serve in Michigan and Americans all across the country.

#### OBAMACARE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, New Jersey’s largest newspaper, the Newark Star-Ledger, yesterday reported that fewer than 27,000 people have signed up for private health care insurance via the troubled ObamaCare Web site, healthcare.gov. The number includes just 741 in New Jersey.

These enrollment numbers are being dramatically outpaced by the millions of Americans, including at least 800,000 New Jerseyans, who are losing their plans because of the law, despite the President’s promise they would not.

The House will vote tomorrow on the Keep Your Health Plan Act that will provide much-needed certainty and relief to Americans who have lost or are about to lose their current health care coverage.

I encourage President Obama to keep his promise to the American people and join Members of Congress on both sides of the aisle in support of letting those who like their current health care plans keep them under the law.

□ 1645

#### OBAMACARE

(Mr. KELLY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. KELLY of Pennsylvania. Mr. Speaker, sometimes the truth hurts, and for a quarter of a million Pennsylvanians, the truth really hurts because they are losing their health care plans.

Mike McKean and his father own and operate Titan Tool Company. It is a small business in Fairview, Pennsylvania, that their family has run since 1920. In his letter to our office, Michael wrote:

My dad has always prided himself of offering 100 percent health care coverage for every single one of our associates. It has been this way for as long as I can remember.

However, under ObamaCare, their yearly premium will rise 113.9 percent, taking the cost from \$120,000 to \$227,000. One of his employees will see her monthly premium go from just over \$300 to \$940. That is a 249 percent increase.

In Michael’s words:

This type of increase is too much for the company to weather. Next year, for the first time in decades, my father and my family are forced to drop insurance coverage for our employees.

He also added:

Being the generous and concerned person my father is, he said he would give each employee this year’s cost of premiums to offset the rise in costs, but beyond that, he cannot afford to do any more. This means that, next December, we will all have to pay enormous increases out of our pocket for poorer coverage.

That happens to be the truth, and not one that they have to go back on later on.

#### OBAMACARE

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mr. Speaker, they said implementing ObamaCare is going to be a train wreck, and that train wreck went right through the Etta community in Union County, Mississippi, and ran right over Reverend Bobby Irvin. Reverend Irvin tells me:

I had health insurance. I was happy with my coverage. Specifically, it is a coverage that I picked out and I selected, and my policy was canceled because it did not meet ObamaCare guidelines.

Reverend Irvin was made a promise by the President of the United States: if you like your health insurance, you can keep it. That promise has been broken. It is vital that we pass the Keep Your Health Plan Act so this House can step up and honor the promise that was made to Reverend Irvin and those Americans like him: if you like your health insurance, you can keep it.

#### OBAMACARE

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, Dan from Greensburg, Pennsylvania, wrote to me. He said:

I am having very serious difficulties with the new health care. I called a place from the marketplace today inquiring about an affordable plan for my wife. I currently pay about \$300 per month through my employer just for her coverage, but she has lost her job. The marketplace premium for her beginning in January will be over \$800 per month. How do you think this is affordable coverage? This is a 200 percent increase, or more, for me. My wife and I both have bills to pay. I will lose my house if I pay this outrageous premium. I will find it to be necessary to drop her from coverage. I would have been willing to do my share in this, but

this increase is way beyond my reach. I will not be able to cover my wife now. I am 62 years old. I had a major heart attack 3 years ago. I was revived four times during my heart attack and then had complications which required emergency abdominal surgery to save my life again. I am back to work, but I have medical expenses, and now my premium just for my wife is doubling. I am sorry for being angry, but I feel cheated. I am not able to afford the outrageous premiums, and I will not be able to cover my wife.

Mr. Speaker, this breaks your heart.

#### OBAMACARE

(Mr. MEEKS asked and was given permission to address the House for 1 minute.)

Mr. MEEKS. Mr. Speaker, really I felt compelled to come because let’s really talk about what this is. This is the 44th time to try to deny people access to health care. That is what it is.

If you listened to some of my colleagues, you would think that all Americans are being denied health care coverage. Number one, we are talking about 5 percent, and 5 percent is too much. So what the President did today was to say that we are going to make sure that those individuals who have lost their coverage, if the insurance companies will stand up, they will do the right thing.

What this says is that what we know is that there are 36 States, most of them headed by Republicans, that have already decided they didn’t want to get involved; they didn’t want State exchanges. So they wanted to make sure to deny individuals who have pre-existing diseases.

You could come and talk about the people who are saying, Thank you, Mr. President, for the Affordable Care Act. Because of my preexisting condition, I had been turned down by insurance companies. With Affordable Care, that won’t happen.

Young people who don’t have insurance, up to age 26, they will still be covered because of the Affordable Care Act.

What this is is a process and an attempt to try to end the Affordable Care Act for the 44th time. Let’s not do that. Let’s give the people the right to health care.

#### OBAMACARE

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, in 2003, 5-year-old Isabelle Jane was diagnosed with leukemia, a disease that has driven the decisions her family has made since that time on where to live, what doctors to have, what insurance to gain. She had daily chemotherapy for 3 years and is now in remission.

But 18 months ago, she started to have side effects from this disease. It

affected her heart, her bones, and her cognitive processing. Since that time, and since ObamaCare was passed, her insurance rates have more than doubled, and she was told this year that their insurance would be canceled by the end of this year. As Isabelle Jane's mother wrote:

The Affordable Care Act has seriously threatened my family's way of life. For over 10 years, we have had the coverage we have needed to care for our family. I defy anyone who says the insurance we currently have is not enough. My daughter is living proof that it is.

Mr. Speaker, these people are being hurt by the present system, and that needs to change.

#### OBAMACARE

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Mr. Speaker, by the government's own numbers, for every American who has found health coverage under ObamaCare since it rolled out, some 50 Americans have lost their health insurance on the individual market, but that doesn't account for the many millions more who are losing wages as a direct result of the Democrats' ObamaCare fiasco.

One such family is the Howard Asbury family in Mariposa, California. Mr. Asbury writes:

I am a retired union carpenter, and I am covered under the union's retiree health plan. When I retired, my wife went to work in the billing department for an ambulance company. Yesterday, she was informed by the owner that he was dropping all health care coverage and cutting all employees below supervisor to part-time. We will be able to enroll her and our two children under my retirement health plan through my union, although this does not address the loss of income. So now we have to pay for her coverage and the children on \$440 less income.

Mr. Speaker, my office is being flooded by such complaints. I have to believe that our colleagues across the aisle are hearing the same things. Why aren't they listening?

#### OBAMACARE

(Mr. LoBIONDO asked and was given permission to address the House for 1 minute.)

Mr. LoBIONDO. Mr. Speaker, I rise today to indicate, as many of my colleagues have, that beyond the so-called glitches and hiccups of the Web site, that the President's health care bill simply is not working. In fact, it is hurting.

Since the President's health care bill was signed into law, I have seen the anxiety, the confusion, and the genuine fear of south Jersey families, employers, employees, and of health care professionals; and for 4 years the conversa-

tions around the kitchen table and the water coolers have been about this anxiety and uncertainty. That has turned to real fear—fear and anger.

Terry from Millville told me that both her mother and her mother-in-law had current plans, and they were very happy with them. They were canceled under the President's health care bill, only to be replaced by plans with higher copays and premiums.

Randy from Scullville wrote on my Facebook that his monthly premiums are now \$2,500, a full \$700 more than before.

Lou, who opened a small business less than 2 years ago, hired more than 50 people and is going to have to make them part-time. This simply is not working, and it is wrong.

#### OBAMACARE

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, we all heard President Obama say, If you like your health care plan, you can keep, period.

A constituent of mine from Yakima, Gary Bailey, writes:

My wife and I are self-employed. Our provider just sent us a letter telling us that, due to the Affordable Care Act, our policy will no longer be available and we will have to choose a new policy.

He went on to say:

The least expensive policy is double the cost of my original policy, and the deductible went up to \$10,000.

Mr. Speaker, Gary is not alone. Millions of hardworking Americans have lost the insurance they like and can afford. The Keep Your Health Plan Act that we will vote on tomorrow fulfills President Obama's promise, even if he won't.

YAKIMA, WASHINGTON.

REPRESENTATIVE HASTINGS, I have to write to tell you what has just happened to me regarding my health insurance with Regence Blue Shield. My wife and I are self-employed and do not get insurance from our employer. We cannot afford a luxury policy in fact our policy was major catastrophic with a \$3500 deductible. Our provider just sent us a letter telling us that, due to the "Affordable Care Act," our policy will no longer be available and that we will have to choose a new policy.

The least expensive policy is double the cost of my original policy and the deductible went up to \$10,000.

President Obama said that our health care would go down \$2,500. Our cost for one of us went up \$1,632. I am sorry Congressman Hastings, but the President and all the democrat party has not been truthful and you need to defund Obamacare. Most of America doesn't want it and I can't afford it!

Please listen to your constituents! Thank you for your time.

GARY BAILEY.

#### OBAMACARE

(Mr. DENHAM asked and was given permission to address the House for 1 minute.)

Mr. DENHAM. Mr. Speaker, all we are asking is the President keeps his word. I have got hundreds of letters now from constituents from all across my entire district.

Nate from Oakdale says:

Before the Affordable Care Act, our health coverage was \$279 a month for me and my wife. We recently got a letter in the mail stating that our plan is no longer available due to the Affordable Care Act and that our premium will be \$434.60 a month, an increase of \$155.60.

Tom from Ceres says:

Farm Bureau has informed me that my med insurance will be canceled in January 2014. My premium will increase 170 percent for now.

Valerie from Denair:

My policy was canceled. In shopping for a new plan, I see that my monthly cost will at least triple for inferior coverage.

These lists go on and on and on.

Dawn from Turlock says:

I just received a letter today from my health care provider, and they have notified us our health care insurance has just doubled.

We owe it to the American people that this does not go on any longer. The President needs to fulfill his promise.

#### OBAMACARE

(Mr. WENSTRUP asked and was given permission to address the House for 1 minute.)

Mr. WENSTRUP. Mr. Speaker, I rise to give voice to my constituents. While I would expect that ObamaCare's thousands of pages would help at least a handful of people, a sampling of mail coming into any office lets me know that help by the Affordable Care Act is rare.

Steve from Greenfield says he and his wife are in good health with current insurance costing \$485 a month. Under ObamaCare, that goes to roughly \$1,150 a month, a 237 percent increase.

June from Batavia received a letter from UnitedHealthcare. They are discontinuing coverage for most of her family's doctors. And while she says she can handle it, it will be a problem for her husband. He has stage 4 kidney disease and is on dialysis and will soon not have his doctors.

Don from Loveland says:

If the Affordable Care Act is allowed to stand, my family will have to come up with an extra \$6,600 next year. We can't afford that.

Mr. Speaker, from what I am seeing, stress and anxiety are becoming an increasingly common diagnosis, all due to ObamaCare. The Web site isn't the only problem, Mr. Speaker, the law is the problem.

#### OBAMACARE

(Mr. MESSER asked and was given permission to address the House for 1 minute.)



Mr. MESSER. Mr. Speaker, once again today the President said to the American people, if you like your health care plan, you can keep it—at least for 1 more year, if you're lucky. The problem is saying something many times does not magically make it come true.

Right now, only 701 people in the State of Indiana have been able to sign up for insurance through the Affordable Care Act exchanges. According to the Indiana Department of Insurance, more than 108,000 Hoosiers will receive or have received cancellation letters.

One of those people is Michael Sturgis of Greensburg. He called my office after receiving a cancellation letter from his insurance company. Michael was told his monthly premium was going to increase from \$397 a month to \$831 a month. His \$5,000 deductible will go up to \$7,300.

That is unacceptable, and it is certainly not affordable. That is why we need to pass H.R. 3350, the Keep Your Health Plan Act of 2013, and let the American people remain in charge of their health care.

□ 1700

#### OBAMACARE

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. Mr. Speaker, millions of Americans find themselves in the heartbreaking situation of losing their health care plans thanks to a broken promise that the White House is not scrambling to try and fix.

Hoosiers like Jared from Woodburn, Indiana, were told that they could keep their plans. Unfortunately, Jared found this cancellation letter in his mailbox on September 23. He is just one of the more than 3.5 million Americans who lost coverage under ObamaCare.

For Jared, the timing couldn't have been worse. In the middle of selling their home and making an offer on another, Jared, his wife, and 1-year-old son were hit with a cancellation letter and the real possibility that their health care costs will become unaffordable.

President Obama's health care law is hurting Hoosiers. If he is serious about helping Americans like Jared, he should start by keeping his promise and signing the Keep Your Health Plan Act as soon as it is passed.

Enough is enough.

ANTHEM BLUE CROSS BLUE SHIELD,  
San Antonio, TX, September 23, 2013.

DEAR JARED SCHORTGEN: Anthem Blue Cross and Blue Shield is discontinuing your individual health benefit plan because it doesn't meet all the requirements of the new health care reform laws (also called the Affordable Care Act). As a convenience to you, we're transitioning you to a health care reform compliant plan upon your renewal date.

Your current individual health benefit plan will remain in effect until 01-Jan, 2014.

Don't worry, we've got options for you! We've selected a new plan for you that meets the new requirements. This new plan, ANTHEM CORE DIRECTACCESS WITH HSA-CABP is available at \$669.82. You don't need to do anything; you will automatically transition into your new individual health benefit plan. For additional plan details and to view a copy of the Summary of Benefits and Coverage (SBC) go to [sbc.anthem.com/dps/CCD0S6M](http://sbc.anthem.com/dps/CCD0S6M).

Or, we can help you choose a different plan. Just talk to your Anthem agent, go to [anthem.com](http://anthem.com) and click "Changemycoverage", or call a Health Plan Advisor at 855-809-2879 to find a plan that's right for you. You may choose any of the health care reform compliant individual health benefit plans that we offer.

You can also check into whether you're eligible for a government subsidy to help you pay for your health coverage. If you are, you could buy an Anthem plan on the government-run Health Insurance Marketplace (also called the "exchange").

Your current individual health benefit plan is still in effect until 01-Jan, 2014. If you choose to automatically move into the plan we selected for you, payment of the new premium will be considered acceptance into your new plan, ANTHEM CORE DIRECTACCESS WITH HSA-CABP at \$669.82. If your premium is currently withdrawn electronically from your account this will continue upon your transition. If you have questions, please call your Anthem agent or Health Plan Advisor team at 855-809-2879. Representatives are here Monday through Friday, 7:30 a.m.-9:00 p.m. and Saturday 9:00 a.m.-5:00 p.m., Eastern time.

Sincerely,

ROBERT W. HILLMAN, CLU,  
President and General Manager,  
Anthem Blue Cross and Blue Shield.

#### OBAMACARE

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, my office has been flooded with constituents calling to share their Obama horror story.

Take Nicole Butler, for instance, a constituent of mine living in Colorado Springs and a mother of three children. Her family's Humana insurance plan was canceled because it was deemed insufficient under ObamaCare. She is currently paying \$431 per month for what is, in her words, a great plan. She and her husband are insuring their family of five within a tight budget. The cheapest ObamaCare plan she could find would cost her family \$1,003 per month in premiums, more than twice as much. This is the same story for 250,000 other Colorado families who have been canceled.

Mr. Speaker, the American people took our President at his word when he said "If you like your plan, you can keep it."

I look forward to legislation which will give relief to families in Colorado and all over this country.

#### OBAMACARE

(Mr. STEWART asked and was given permission to address the House for 1 minute.)

Mr. STEWART. Mr. Speaker, we have officially entered la-la land, where the President thinks that by the mere power of his own voice he can turn back time by simply announcing that he will no longer enforce provisions within his own law. Think about that. The answer to fixing this law is for him to announce that they won't enforce the law. That tells you how desperate they are. His announcement today will only make things worse, and it is the American people who will continue to pay.

I, like everyone who has spoken on the floor this afternoon, have many examples of people who are being hurt today because of provisions of ObamaCare. Amanda from Bountiful, Utah, within my district, has seen her family's deductibles and the rate they will pay double.

Sundee from southern Utah has had her family's health plan entirely canceled. As small business owners, they are scrambling now to try to find something, some way in which they can maintain insurance for their family.

President Obama repeatedly promised that if you have health insurance, you can keep it. That promise has not been fulfilled. We call upon him to do that today.

#### OBAMACARE

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Mr. Speaker, I rise today to share some powerful stories that Kentuckians have shared with me regarding their experiences with ObamaCare.

Jim Holloway of Glasgow was notified that his small business insurance plan will be canceled. Here is the letter:

Dear James Holloway, II, you will be moving to a health care reform, also called the Affordable Care Act compliant plan.

Mr. Holloway told me, "The plan I had was not a junk plan. I liked my plan." Unfortunately, he will not be able to keep that plan.

Tanya Veitschegger of Bowling Green also received a cancellation notice of her plan. After calling her insurance agent, she learned that a similar plan to what she and her husband had was available at a cost of \$490 more a month.

Vince Berta, also of Bowling Green, said that by being forced to go onto the exchange, his family's insurance rate will jump from \$375 a month to \$849 a month. He asks a fair question: "An over 100 percent increase—what part of this is affordable?"

The fact is that President Obama repeatedly promised Americans that if they liked their plan they could keep it. I heard over and over from Kentuckians that is not the case.

#### OBAMACARE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I would like to share two stories with you.

I have a 30-year-old self-employed farmer. He had a major medical plan with a \$2,500 deductible and paid 80 percent. He paid \$122.17 a month. This plan was canceled. To get a plan now with a \$6,000 deductible and pay 80 percent, it is \$259.02 a month, but it will cover pediatric, dental, and maternity. He is an individual bachelor, self-employed. He is single and a male. His point is, "I had a plan. I liked it. The President said I could keep it. That was a lie."

I also want to share the story of Tara, Eric, and Ky Manzano. They are both employed with a son. Their premium is doubling. They are not sure how they will be able to save for college for Ky and pay for this insurance.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

#### OBAMACARE

(Mr. GRIFFIN of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to tell the stories of real people in Arkansas' Second Congressional District who are being hurt by ObamaCare.

Many of them have seen their work hours reduced. Others are seeing their premiums double, triple, and quadruple. Many are losing the health insurance plans they would like to keep and wondering why President Obama told them repeatedly that that would never happen.

One single mom in Little Rock told me that her current health insurance plan will be canceled at the end of the year in just 6 weeks. She is worried this will affect her daughter who is about to start graduate school.

Terry and his wife in Rose Bud, Arkansas, will see their premium rise from \$380 to more than \$1,000 per month. That is not affordable.

Daniel Hanley, here with his horse, a vet in Little Rock, received notification that his health insurance plan was being canceled because of ObamaCare. The cancellation notice says:

ObamaCare will ultimately prevent us from offering competitive medical insurance . . . as a result, we anticipate that your medical insurance policy will be ending effective midnight December 31, 2013.

It is clear that ObamaCare is a broken law, and its broken Web site is only the beginning. ObamaCare must be repealed so we can pass real patient-centered health care reform.

#### OBAMACARE

(Mr. LONG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG. Mr. Speaker, a constituent emailed my office this morning, and then she followed up with a call. She is fed up with ObamaCare.

She is battling cancer, which requires travel to a neighboring State. She told me her health insurance had been canceled due to the President's health care law. She was able to find a new plan, but will no longer be able to see her cancer doctor in Little Rock. She said:

My doctor and I are very concerned about the future treatment if I have to change docs. How many other Americans can no longer go to the treatment centers they need for lifesaving care? This is absurd. I have decided to continue my lifesaving treatments in Little Rock but will likely go bankrupt in the process. Just a little more stress the Obama plan has placed on thousands of Americans undergoing lifesaving treatment. I am angry not only for myself, but for everyone else who is going through this.

Mr. Speaker, we need to honor the promise President Obama made to the millions of Americans who like their plans but are now receiving cancellation notices.

#### OBAMACARE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I want you to meet Andrew Parks, a hard-working young man from Bossier City, Louisiana, who has been hammered twice by ObamaCare. Earlier this year, his employer did what so many other businesses were forced to do by the ObamaCare employer mandate. They reduced Andrew's hours from a nearly 40-hour work week to 26 hours a week. He suffered a substantial loss in pay.

Then, the other shoe dropped. His employer recently sent him this notice from a national firm that his health insurance would not meet ObamaCare standards and would be discontinued at the end of the year. His ordeal couldn't be much worse.

Andrew has fought through a long-term illness and is a survivor of cancer, yet all he has asked for is the opportunity to work hard, to earn a living, and to keep his health insurance that he could afford. All ObamaCare has done is make those goals much more difficult to reach.

ObamaCare is damaging our economy and harming individuals. It needs to be repealed and repealed now.

#### OBAMACARE

(Mr. ROSKAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSKAM. Mr. Speaker, my constituents are asking a simple question, and the question they are asking the White House is: Can you hear us now, and do you understand this frustration that we feel?

I have got a constituent, Mr. Speaker, Diane, who got this letter from her insurance, Medicare, with these couple of sentences:

Effective January 1, all plans must be compliant with the new health care law; therefore, the insurance company plan you have now will no longer be available after December 31.

What happened to Diane? A plan that she liked, a plan that she was satisfied with as an 11-year cancer survivor, a plan that she could afford now was taken away based on ObamaCare, and she was "migrated" into ObamaCare, and her premium was nearly doubling.

What does Diane have to say about President Obama's offer to fix this? She said this:

I want to see legislation passed to fix this problem, legislation I can trust. I don't want an administrative trust. I don't trust that to anyone.

We need to fix this. We need to pass this legislation.

#### OBAMACARE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Affordable Care Act, also known as ObamaCare, needs to be repealed and replaced with better legislation. There is no administrative or legislative fix that will repair this flawed law.

Millions of Americans across the United States are receiving notices that their health insurance plans are being canceled.

Jeff is a constituent of mine in San Antonio, Texas. His insurance company sent him a notice informing him that his current coverage will be canceled at the end of the year. His new ObamaCare policy will cost 98 percent more than his current plan.

After the administration's announcement today, Jeff and his family may be able to keep their health care insurance coverage, but only for 1 year, and at what cost?

We need to replace ObamaCare with commonsense solutions that lower costs, expand access to care, and eliminate unfair mandates and penalties.

#### OBAMACARE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the Americans we are discussing today did nothing wrong. They purchased insurance before any Federal mandate ordered them to. Now they are losing their insurance.

Katie Rupert is a constituent of mine. At 33, she was diagnosed with breast cancer, a sickness that later spread to her brain. She started radiation and travels to Houston to see her oncology specialist. Today, she is a Stage IV cancer survivor and doing well, but she knows that this will not last forever.

Katie had good coverage through her husband's workplace but is losing it because of ObamaCare. What is worse, she has been told that her doctors are not covered by her options on the ObamaCare exchanges. She is a wife, a mother, an inspiration, and now she is another example of this law's collateral damage. That is the impact of ObamaCare.

We can do better. We have to do better. We owe Katie and others like her at least that much.

□ 1715

#### REMOVAL AS CONFEREES AND APPOINTMENT OF CONFEREES ON H.R. 3080, WATER RESOURCES DEVELOPMENT ACT OF 2013

The SPEAKER pro tempore. Without objection, and pursuant to clause 11 of rule I, the Chair removes the gentleman from Georgia (Mr. GRAVES) as a conferee on H.R. 3080 and appoints the gentleman from Missouri (Mr. GRAVES) to fill the vacancy.

The Clerk will notify the Senate of the change in conferees.

There was no objection.

#### SECOND CHANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Illinois (Mr. DANNY K. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I am going to change the tenor a little bit and do a little switching, although I must confess that there is not much more important in this country than trying to make sure that citizens have access to quality, comprehensive health care. And I think that we are much closer to that than we have ever been and look forward to it actually happening.

As I was listening, I was reminded of something that my father used to tell us, that if you keep telling yourself the same thing over and over and over and over again, you will eventually get to the point where you believe it.

Being here to do a Special Order, though, reminds me of my good friend, Representative Major Owens, who was

famous for doing Special Orders. I remember when I first came here that you could see Representative Major Owens on the floor late at night, by himself, talking about education and the need to make sure it happened. And I guess the fact that he was a trained librarian may have had something to do with that.

So I wanted to just take a moment and pay tribute to Representative Major Owens for the tremendous work that he did on education, and especially the work that he did that led to the creation of something called PBIs, predominantly black institutions, as a part of the Higher Education Act.

So, Major, many, many students will remember your contribution to the development of what we know as these 75 or so institutions across the country that are called predominantly black institutions, and who now receive special consideration for funds because of that designation.

I also, before I delve into my subject, want to express condolences to the family of Commissioner Devera Beverly, who passed away earlier this week and is known as probably the most profound advocate for public housing and public housing residents in the city of Chicago and, perhaps, throughout the Nation, because she has spent more than 30 years advocating for this population group and was a founding member of the Public Housing Museum, which is well on its way to being developed.

So we express condolences to the family, friends and associates of Commissioner Devera Beverly, who lived in the Abila Homes in Chicago. That is A-B-L-A, Abila Homes. But she was a public housing resident who advocated to the point of being selected by the mayor of the city of Chicago to be a commissioner of the Chicago Housing Authority. So we salute you, Ms. Devera Beverly.

Now I want to talk about something that is near and dear to my heart, but it is also near and dear to the hearts of many, and it is also part of a crisis that actually exists in our country.

Our country is known for many things, as it should be. It is one of the, and perhaps the, wealthiest country on the face of the Earth. It is one of the most technologically proficient countries in the world today. It is one of the most highly educated countries.

But it also is the country that has the distinction of having more people incarcerated, both per capita and in actual numbers, than any other country on the face of the Earth. More than 2.3 million people sit, tonight, in our prisons throughout America.

About 750,000 of those come home every year; and you know, of all the individuals who are incarcerated, most of them will come home, or they will go somewhere. There are numbers of individuals who do, in fact, die in prison.

They are lifers, and in many instances they are individuals who have committed horrible crimes, sadistic crimes, crimes that suggest they should never be let out on their own.

But most individuals will return home, or they will return to some community; and when they do, what happens to and with them will often determine whether or not they remain on the outside, or how soon they will return to the inside.

There are some things that we know about this population. We know that if they do not receive any help, many of them, about two-thirds, within a 3-year period of time will have done what we call recidivate, which means that they will have committed some offense for which they could be rearrested and reincarcerated.

And about 50 percent of them, within 3 years, if nothing happens to or with them, if they don't get any help, will be back in jail or prison, costing the public money, living and being cared for at taxpayer expense. In some instances, these costs have become so high, until some States are just looking for ways that they can release them, some of them, because in some instances they are spending as much money for corrections as they are spending for education, and that is an awful lot of money.

But there is an alternative, and that alternative is called the Second Chance Act, and that is what I am going to spend some time talking about. As a matter of fact, it was passed into law 5 years ago, signed by President Bush, so it is not a Democratic piece of action. It is not a Republican. It is a joint legislative initiative that had bipartisan, bicameral support, Democrats and Republicans, House and Senate passed.

The interesting thing about it is that all of the reports that we have seen, and there have been a number of them, Justice Center has put out a report called "Re-Entry Matters." Other groups have issued reports, the Leadership Conference on Civil and Human Rights.

And the reports that I have seen all suggest that, while it has not been a panacea, meaning that it certainly has not been able to solve all of the problems or diminish all of the issues surrounding this need, it has, in fact, been very helpful, and there are States who are reporting reductions in recidivism.

Recidivism is one of the factors which contributes to keeping the numbers of people incarcerated as high as it is because, for many of them, they are constantly in and out; and it becomes a cycle of going in and a cycle of getting out and going in again.

But what helps them is when there are programmatic approaches, evidence-based, that actually help them; and we have had about 600 such programs and grants that have been funded under the Second Chance Act. Of

course, it has not been as much money or as much funding as would be needed, but 600 groups across the Nation, 600 institutions, 600 research groups, all working towards finding a solution and finding help, has made a difference.

It is time now to re-introduce this legislation, and I am pleased and delighted that on yesterday, in both the House and the Senate, very senior level and prestigious Members of both bodies have introduced, and we have seen the re-introduction of the Second Chance Act.

In the Senate, Senator LEAHY, chairman of the Judiciary, Senator ROB PORTMAN, Democrat, Republican; in the House, Representative JIM SENSENBRENNER, former chairman of the Judiciary Committee, Republican, myself, Democrat. And so we have Democrats and Republicans on this issue.

There are a lot of things that we are not necessarily agreeing upon right now in Congress. There is a tremendous amount of disagreement, enough that actually shut down the government. But on this issue there appears to be the emergence of tremendous agreement, which makes all of us optimistic that something significant and even more significant can be done.

So I want to highlight some of the organizations and groups that have been actively engaged and seriously involved, groups like the Leadership Conference for Civil and Human Rights, groups like the Justice Center, from the Council of State Governments, groups who have worked fastidiously to demonstrate that people can be helped.

□ 1730

What is it that individuals actually need when they are released from jail or prison? Well, they certainly need more than \$20 and a bus ticket. Many of them have no place at all to go. But if they can find somebody waiting in some community who says, We are going to help you get reestablished. We are going to help you find a place to live, a place that you can call your own. Or if you have got a drug problem, we are going to find you a source of treatment. Or maybe, if you are in need of anger management help, we are going to find someone who can provide that.

Perhaps you don't have much in the way of formal education and skill, so maybe we will direct you to a GED program, or maybe we will direct you to a vocational or technical training program so that you can develop the skill that you need in order to find a job or secure employment. Or maybe if you have got some emotional, psychological, or just self-esteem problems, we could direct you to a program that will help you overcome these deficiencies.

And I can tell you that, if these individuals can find a job, a place to work, a place where they know that they can

fit and make a contribution, many of them will never, ever see the inside of a jail or prison again because they have evolved into a person who knows that they have self-worth, self-esteem, that they can take care of themselves. They can earn what they need, and they can make a contribution.

But I will tell you, there are many barriers that often prohibit and prevent individuals from finding their rightful place or being able to successfully reenter society as a contributing member. For example, you may not be able to live in public housing if you have a felony conviction. You could just very well be barred. Well, who needs public housing more than individuals who can't find a job?

There are many entities within our society that say to an individual with a record, We don't hire people with records, meaning, if you have been convicted of a felony, there is no point to making an application even if we have "help wanted" signs posted. Fortunately, there are some businesses and some companies who are beginning to ease up a little bit and see the futility of that kind of policy because, if these individuals are never able to find a job, they will be a cost to the public for the rest of their natural lives. Somebody's tax dollars will have to go to support them in one way or another.

So some State legislatures are beginning to look at some of the licensing requirements that their States have and say, Maybe you can't get a license to be a barber or a beautician or a cosmetologist, yet you are able to get trained while incarcerated; and now that you have been trained, you cannot work in that profession. Of course that does not appear to be very logical, and so some States are beginning to review their policies as it relates to certain kinds of licensure requirements and whether or not individuals can get what might be called a waiver or whether they can demonstrate that not only do they have the training and expertise to do the job, but they also have the character which will allow them to do it well. So a little bit of progress is being made in that direction. There are some instances where housing authorities are beginning to look to see whether or not there might be some way.

And I don't think anybody is suggesting when they are being asked to provide opportunities, certainly you wouldn't necessarily put a child molester in a day care center. Many of the programs and many of the individuals who try to help erase some of the barriers, they already know that, and that is not the kind of thing that they advocate; but they do believe that people should be given a chance, an opportunity, a chance to demonstrate that they want to be good citizens, that they want to work, that they want to contribute.

So I am asking my colleagues both in the House and the Senate to look at the invitation letters that they have received to become cosponsors of this legislation. It is not asking for as much money as it needs. \$100 million is money, but it does not break the bank. That is the appropriation asked.

I think one of the things that we look at is what it has spawned and what it has sparked, not just how much Federal money has gone into it, not just how many Federal dollars. But it has spawned response and reaction from State, local, and county governments who have established their own second chance programs, who have put together their own second chance initiatives.

I certainly want to commend Governor Patrick Quinn of the State of Illinois, my Governor, who, by the way, happens to live in my congressional district and is my constituent, for the State of Illinois' response to this problem.

And I also want to commend and congratulate the president of the Cook County government, the county board, which, of course, is larger than more than 25 States in the Nation. The county of Cook is a very large county, with more than 5 million people in it. I want to commend County President Toni Preckwinkle for how the county government is trying to respond to this need.

And I especially want to commend the sheriff of our county who has more than 13,000 people in his jail. He recognizes that many of them ought not be there because they have got mental health problems and mental health issues, and he is seeking and searching and looking for ways to change that.

I want to commend the mayor of the city of Chicago, our former colleague, Rahm Emanuel, because he has established a number of programs with city agencies and with city government where they are set aside specifically for individuals who have records, individuals who have been incarcerated, individuals who need a second chance with both the city of Chicago, itself, and the Chicago Transit Authority.

So there are bits and pieces of progress being made, and I commend all of those who are helping to make it. But my final ask is for my colleagues in both the House and the Senate to join in this effort, sign on to the Second Chance Act, help us to get it renewed, help us to get it reauthorized, to get it refunded, and get it seriously implemented throughout the United States of America so that these individuals will know that our country does, in fact, believe in a second chance.

Mr. Speaker, I yield back the balance of my time.

RELIGIOUS FREEDOM IN THE  
MILITARY

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under the Speaker's announced policy of January 3, 2013, the gentlewoman from Missouri (Mrs. HARTZLER) is recognized for 60 minutes as the designee of the majority leader.

## GENERAL LEAVE

Mrs. HARTZLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. HARTZLER. Mr. Speaker and my fellow colleagues, I wanted to share with you a picture that I have in my office, and it is my favorite picture. It is the famous picture of President and then-General George Washington on his knees praying at Valley Forge.

Of course, we all remember from our history lessons the story of what happened during that time. But the winter at Valley Forge was a terribly, terribly trying time for the Continental Army. They had suffered a lot of defeats that fall, and they went into a very cold, harsh winter with very, very limited supplies, and the stories that come from that are just heartbreaking.

There were 12,000 men that were encamped. Many of them did not even have a tent or a shelter. Several of them did not even have a blanket. And as you know, here in Washington, D.C., and back home in Missouri, the weather has started to turn cold. I think it was about 30 degrees this morning. And to think about what it would have been like to have to sleep out in the cold with no blanket during that time. And of course, snow came along.

We have heard stories about how many of the men did not even have shoes. They had marched so much that fall and had gone through such harsh battles that their shoes had fallen apart. And we have all seen pictures and heard stories of how their feet bled. Even in the snow, there were foot tracks like that. And what is worse, many of them didn't even have food.

This was the situation of 12,000 men. The conditions were so bad that they ruled at one time that a third of them, almost 4,000 men, were unfit for battle. And then 2,000, over the course of those winter months, died as a result of disease and dysentery and other things that occurred during those very harsh conditions.

And during that time, we have learned a story that George Washington, the commander of this ragtag yet valiant group of men, went to the woods and got down on his knees and prayed. And the reason we know this is because of the story of Isaac Potts who later shared the account that was later recorded.

He was a local Quaker farmer. He was riding his horse through the woods, and

he heard a sound that was strange, as if a man was crying out in plaintiff prayer. So he quietly got off his horse and wrapped the reins around a sapling tree, snuck through the woods to get closer, and as he came into an opening, he could see something that shocked him.

□ 1745

He said it like this:

I saw the great George Washington on his knees, alone, with a sword on one side and his cocked hat on the other. He was at prayer to the God of the Armies, beseeching to interpose with his Divine aid.

We know what happened later—and, I believe, as a result of those prayers. That ragtag group of army over the winter gained courage and strength. Supplies started to come in. General Baron Von Steuben was sent by Benjamin Franklin from the Prussian Army to start drilling the men and turn this ragtag but courageous group into a major, strong fighting force, and they came out that next spring a force ready to meet the British Army, and they did.

That was a turning point in the war. It wasn't to be decided for years to come, but at Valley Forge the whole outcome of not just the war, but of our country, was turned, and I believe it was because of the prayer of the general of the Army.

Faith has been important to the armed services and to the people of this country from the beginning, and it is just as important now to our men and women in uniform as it was back at the beginning of our country. Yet their ability to express their religious beliefs is being attacked from forces outside and forces within.

It has been discouraging the last few years to hear accounts of some of these infringements on the basic religious rights and freedoms of our men and women in uniform. So that is why my colleagues and I are here for the next hour. We are here to, first of all, stand up for the religious rights and freedoms that are guaranteed in our Constitution.

I think it is very fitting and appropriate to remember that George Washington was there and helped craft that Bill of Rights, and what is the first right? The freedom of expression of religion.

We want to not only celebrate that and stand up for that but to also raise awareness of the concerns that we have and to implore the Department of Defense to push back on some of the negative policies that have been coming out that infringe on their rights, and to change course and to continue to remain strong as a country, preserving those basic freedoms so that we can continue to be strong in the future as we have in the past.

So now I want to invite someone who knows from very personal experience

and can speak to this issue, my friend from Georgia, Representative DOUG COLLINS, who is still an active member of the Air Force Reserves, not only serving his country in many ways, but also serving his God by being a chaplain.

Representative COLLINS, I would like to hear what you have to say about this very important issue.

Mr. COLLINS of Georgia. I appreciate the gentle lady yielding and being a part of this tonight and really bringing something to the forefront that we need to discuss. It is a part of our foundation. It is a part, as you have so rightly shown by that wonderful reproduction of a painting there, that—our values and our founding were founded really on a sense of prayer, and not from a prayer that led to an exclusive Nation, but a prayer that led to an inclusive Nation. I think that is something that we often many times have forgotten in this process.

Tonight, as we talk about this, I want to discuss that on Veterans Day, the President laid a wreath at the Tomb of the Unknown Soldier in Arlington National Cemetery. As the final resting place for so many men and women of faith, Arlington is, understandably, full of religious symbolism. It is considered this country's most hallowed ground.

Veterans Day gives Americans an opportunity to honor those laid to rest at Arlington Cemetery, along with those continuing to serve our great Nation. Those interred in Arlington's soil gave their lives to uphold the rights we are blessed to enjoy today.

Sadly, I have become concerned about our servicemembers' ability to exercise their freedoms. Over the past year, a number of incidents have caused many to question if the Pentagon and the VA no longer embrace the religious freedoms its soldiers and patients have bled to defend.

A news report came to light just a few days ago of two military chaplains being harassed in a Veterans Affairs chaplain training program in 2012. The VA health programs employ chaplains to minister to patients receiving care, and these two seasoned officers were looking to attend to the needs of those in VA care.

I want you to understand these are not new chaplains. These are not new to the military environment. They were two who had admirably served in the military as chaplains and gone through this training, which should have been easy because it had been something they had been doing their entire career.

However, their suit claims a VA supervisor repeatedly harassed the chaplains about their Christian beliefs. The supervisor instructed the chaplains not to pray in the name of Jesus, which is an integral component of the Christian faith. Even in the context of a group

discussion on faith-based topics, the two chaplains were chastised for reciting Scripture.

As a chaplain myself, I am just amazed at this process at this point—chaplains not able to use Scripture of any faith group. That is the very basis of who we are, no matter what faith background that we come from, and in ministering to those with faith or without faith, it is a structural part of who we are.

The chaplains' spiritual beliefs were belittled on multiple occasions. The harassment by the chaplain's supervisor was so filled with vitriol that one of them withdrew from the program.

The VA is designed to serve members of the Armed Forces during periods of need and hardship. If the VA bars chaplains from expressing themselves, how can we expect servicemembers suffering from private illnesses to come forward?

Unfortunately, this is not an isolated event. There are numerous reports of the DOD and VA permitting open hostility to Christian organizations and those practicing the faith in uniform.

In April, media sources reported that Army soldiers were being briefed that Christian Evangelicals were to be considered extremist organizations in the vein of al Qaeda. Similar briefings have apparently continued, with a similar incident at Camp Shelby in Alabama—get this, not a few months ago, not when this was first done—last month. As one who is a Christian Evangelical, to be described with those in a terrorist organization in the vein of al Qaeda is despicable and should be stopped.

Earlier this year, the Southern Baptist Convention's Web site had issues at Army, Navy, Air Force, and Marine bases. The Pentagon has subsequently apologized for the issues, and they said there was never an intent to restrict servicemembers' access to the Web site, but when you look at it from an overall perspective, this still continues to be a concern.

Then we have a gentleman named Mikey Weinstein, who is an ardent critic of Christians practicing in the military. Mr. Weinstein heads the Military Religious Freedom Foundation. Don't let the title of his organization fool you. That is what they want you to think.

Mr. Weinstein believes the phrase "so help me God" should be removed from the Air Force Academy's honor oath. This same man requested and received time to speak with top military brass to discuss religious freedom in the military. At what point in time should someone who wants to take away freedom be given the opportunity to go before our highest military officials to plead a case to remove a very constitutional right without the benefit of others getting the same courtesy?

As I continue reflecting on the meeting of Veterans Day, it troubles my

spirit to think that leading military personnel may be targeting Christian organizations as a part of a personal agenda.

This country has fought such tyrants. Freedom of religion has been upheld with the blood, sweat, and tears of the U.S. military. Now there appears to be a strain inside the Pentagon and VA whose mission it is to take away the soul of our fighting force.

Are we now to tiptoe on the very soil that entombs the brave men and women who gave their lives for religious liberties and our other constitutional rights? As a military chaplain myself, I pray not.

Mrs. HARTZLER. Thank you very much, Representative COLLINS. Well said.

The oath that you talked about, I want to expound on it a little bit so people understood that what Mikey Weinstein did has had an effect. The Air Force Academy actually removed a poster portraying the words of the Academy oath, and the committee is considered removing the phrase "so help me God" from the honor oath recited by all incoming cadets.

This is the same oath. Let me read it. This is the oath that every cadet gives when they come into the Air Force Academy. It is also the same oath of office for officers and the same oath that Members of Congress say. This is what they want to remove the "so help me God" from:

Having been appointed as an Air Force Cadet in the United States Air Force, do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. So help me God.

It is a time-honored oath.

This is a serious decision to enter the service of the country, whether it is in the military or whether it is as a Member of Congress, and to have them question whether we should remove that or not is despicable.

Now I would like to turn to a champion on these issues, and that is my friend from Colorado, Representative DOUG LAMBORN. I appreciate the letters that he has authored to push back on many of these attacks on our religious freedoms.

Representative LAMBORN.

Mr. LAMBORN. I thank the gentle lady from Missouri. I know that she is a leader on military issues. We serve together on the Armed Services Committee, and she is becoming known as a leader on military issues. Her passion on religious freedom is also evident through her getting this time here today. So I appreciate that.

Mr. Speaker, I rise today again in support of religious freedom in our

military. I am honored to represent tens of thousands of men and women in uniform who serve at the five military installations in my district in Colorado. Our military is made up of brave and dedicated men and women of all faiths who deserve to practice their respective religion free from harassment and malicious attacks.

But there is a growing and troubling pattern of religious discrimination against our men and women in arms. Earlier this year, an Army reserve training brief listed Catholics, Evangelical Christians, Sunni Muslims, and some Jews as "religious extremists," along with groups like al Qaeda, Hamas, and the KKK. In response to this troubling report, I sent a letter, along with 34 of my colleagues, to the Secretary of the Army to express deep concern and to request information about what is being done to prevent this sort of offensive briefing from being given again.

In his response, Secretary of the Army John McHugh assured us that this briefing was an isolated incident. Secretary McHugh also made note of a corrective measure that would require all briefings of this nature to be vetted with the appropriate unit leaders and subject matter experts prior to presentation.

Sadly, this past month, reports of additional offensive Army briefings came to light, first, at Camp Shelby in Mississippi, where an Army Reserve training briefing listed the American Family Association, a respected Christian organization, as a domestic hate group alongside groups like the Ku Klux Klan, Neo-Nazis, the Black Panthers, and the Nation of Islam, and also at a Fort Hood briefing that listed Christian Evangelical groups as a "threat" to the United States. These disturbing reports have made clear that the offensive briefing given in April was not an isolated incident. This pattern must be addressed.

I was encouraged to learn that Secretary McHugh, after learning of the most recent incidents, issued an order to cease all briefings on the subject of extremist organizations and activities. Secretary McHugh rightly described the mislabeling of Christian Evangelical groups as "inaccurate, objectionable, and otherwise inconsistent with current Army policy."

I commend Secretary McHugh's recent action and believe it was a step in the right direction. However, these Army briefings are small examples of what I believe is a larger issue, which is a pattern of intolerance toward people of faith in the military.

In addition to briefings mislabeling Christians, we have also seen a Christian chaplain ordered to remove a religious column he had written which simply detailed the history of the phrase "there are no atheists in foxholes." Active efforts are underway to

remove the phrase “so help me God” from the Air Force Academy oath. The President, upon signing the National Defense Authorization Act, actually called religious freedom protections for military chaplains and other servicemembers “unnecessary and ill-advised.”

I have no idea how he could say this.

Mr. Speaker, this religious intolerance is unacceptable. Our Nation was founded on Judeo-Christian principles but has always believed in freedom of self-expression and intolerance. We owe it to our men and women in uniform to defend these basic rights.

Religious freedom is an integral component of America's greatness and has been a pillar of our Nation from the very beginning. You can see the picture that Representative HARTZLER showed of George Washington. It has also been a strong part of our military heritage.

We must remain firmly committed to defending that freedom.

Mrs. HARTZLER. Thank you, Representative LAMBORN. That was very good. I appreciate the summary of some of the concerns that we had of the pattern that has developed of the intolerance in the military of religious expression. So thank you for your leadership on that.

I would now like to turn to my friend from Texas, Representative ROGER WILLIAMS.

□ 1800

Mr. WILLIAMS. Thank you, Congresswoman. I appreciate your leadership.

Mr. Speaker, in our Nation's 237 years, over 25 million men and women have served in the Armed Forces. They wear the uniform, fight our enemies, defend their homeland, protect their fellow man in battle, honor their fallen comrades, and, perhaps most importantly, they honor their oath to support and defend the Constitution of the United States against all enemies foreign and domestic.

Mr. Speaker, the First Amendment of the Constitution states:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Freedom of religion is how we live our faith, not just where we attend worship services. Soldiers, airmen, sailors, and marines stationed domestically are able to attend their religious services; and for troops overseas who aren't able to walk off base in enemy territory to attend a service, there are military chaplains who facilitate services for them. But religious freedom doesn't just cover worship services; it covers the exercise of religion.

Regrettably, in the last few years, many instances of religious intolerance in the military have come to light, specifically targeting Christianity. Soldiers are being told by superiors that they cannot associate themselves with

Christian groups and that evangelical Christians are a threat to the United States. These soldiers are told not to associate with, contribute to, or be a part of these Christian groups.

This is not only an outrage. It is un-American and a direct violation of the Constitution that these men and women have sworn with their lives to uphold. Troops do not take an oath to their superiors, the President, the government or to Congress. They take an oath to defend the Constitution, which protects their religious liberty.

The Department of Defense's rules and regulations protecting these rights need to be enforced. As a whole, the military overwhelmingly respects the rights and religious beliefs of individuals, but these so-called “isolated incidents” of intimidation and coercion must end now—immediately.

Mr. Speaker, our Armed Forces are willing and ready to answer the call of duty, and so many have made the ultimate sacrifice to preserve the freedoms and liberties we as Americans value so dearly. My district, the 25th District of Texas, is home to Fort Hood, which is the largest military installation in America. The patriots at Fort Hood deserve to have someone fighting on their behalf when their rights as Americans are violated.

Congress must ensure that every time a man or a woman makes the admirable decision to join the military, he is not signing away his First Amendment rights. Let's make sure right here, right now that our policies leave no room for interpretation when it comes to the military's right to freely practice its religion. After all, we are one Nation under God. In God, we always trust.

Mrs. HARTZLER. Thank you so much, Representative WILLIAMS. Well said. I appreciate it very much.

Now I would like to yield to a real leader on this, one who has been at the forefront of ensuring that our men and women in uniform are not discriminated against based on their religious beliefs. He was the author of the amendment of the National Defense Authorization Act last year and this year, an amendment which protects those freedoms. I would now like to turn to JOHN FLEMING from Louisiana.

Mr. FLEMING. I thank the gentle lady from Missouri.

I thank you for your leadership and also, tonight, for having this great time for us to come together to talk about a subject that, I think, is increasingly important.

With great foresight and clarity, the Founding Fathers enshrined religious liberty as our First Amendment right, stating:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

This is an important constitutional right that is for every American, in-

cluding servicemembers who defend those very liberties with their own lives.

The ability to live one's life informed by one's faith is not just a protected constitutional right; it is also essential for the individual well-being of our soldiers. In the uniquely stressful military environment, Congress must ensure that our men and women in uniform can access religious support and practice their faith without risking career reprisals.

Servicemembers increasingly fear even mentioning their faith in the military because of restrictions, uncertain policies surrounding religious expression, and a general climate of hostility towards those with particular religious or moral viewpoints. This is not your father's military. This is not the military you served in. This is a different military when it comes to respecting religious rights and freedoms.

Last year, the House Armed Services Committee adopted an amendment to the National Defense Authorization Act, section 533, that provided protections of sincerely held religious beliefs for servicemembers and chaplains. However, we have yet to see the regulations that should have been issued in accordance with this amendment.

In a March 2013 JAG memorandum, the Air Force clearly showed that it is interpreting section 533 as only protecting the religious beliefs of servicemembers and not the actual expression of those beliefs through actions and free speech. For heaven's sakes, of course the military can't say anything about what you believe because nobody knows what you believe unless you express those beliefs in some way or another.

Just as the First Amendment does not mean just freedom of worship but, rather, the free exercise of religion, servicemembers are not only protected in holding a belief but are free to live their lives in accordance with those beliefs and to give voice to them.

This June, on a bipartisan basis, the House Armed Services Committee adopted my amendment to the National Defense Authorization Act to clarify the protections provided for actions and speech that flow from sincerely held religious and moral convictions.

My amendment provides the Department flexibility to ensure the morale and readiness needs of servicemembers are met upon the application of this provision. It clarifies that action and speech, along with the beliefs of a servicemember, are protected by the First Amendment, and it requires that the DOD consult with the faith groups, which already work with the military to endorse military chaplains, when implementing section 533.

While the military context requires good order and discipline to be maintained, “good order and discipline”



cannot be wielded as a club to stifle the reasonable religious expression of servicemembers.

So what am I really talking about here? Let me give you some examples:

A servicemember received a severe and possibly career-ending reprimand from his commanding officer for respectfully expressing his faith's religious position in a personal religious blog even though the blog included a disclaimer that his views were not official military policy;

An Air Force officer kept a Bible on his desk, along with other personal items, for 18 years. When he transferred to his latest assignment, he was told by his supervisor that he could not keep his Bible in public view, that it may offend someone if one actually saw his Bible;

Walter Reed Hospital briefly prohibited the distribution of religious materials, i.e., Bibles and scripture of any faith, from being given to wounded servicemembers;

Thousands of Army Reserve soldiers received equal opportunity training, labeling evangelical Christians, Catholics, ultra-Orthodox Jews, and others as "religious extremists" who are comparable to the KKK and al Qaeda. This training, which was memorialized in writing, further instructed the servicemembers that they may not support such extremist organizations by attending meetings, fund-raising, recruiting, helping lead or organize or distributing literature. In other words, thousands of soldiers were told that they could not go to church, lead Sunday school, tithe, share their faith or give out Bibles;

Another series of equal opportunity training sessions held for Army active components at Camp Shelby in Alabama and again at Fort Hood in Texas listed a prominent ministry, the American Family Association, as an extremist group alongside the KKK. I am pleased that Secretary McHugh, upon being made aware of these particular types of egregious training materials, canceled all future equal opportunity training until the DOD gets its act together;

There is the case of Sergeant Monk, a fine young man whom I met personally, who was relieved of his position after objecting to his commander's plans to punish an instructor who had expressed religious objections to gay marriage. When asked about his own support of traditional marriage, Sergeant Monk was told that he was in violation of Air Force policy. Yes, because he supported traditional marriage, he was in violation of Air Force policy, and after 19 years—almost 20 years, almost reaching retirement—he was fired;

In performing his official duties, an Air Force chaplain, Lieutenant Colonel Reyes, at Joint Base Elmendorf-Richardson in Alaska, wrote a column on

the "Chaplain's Corner" Web site, titled "No Atheists in Foxholes: Chaplains Gave All in World War II." The column traces the history of the famous phrase used by President Eisenhower, and connects it to the idea that the military is unique in that servicemembers must confront the grim reality of death.

He writes:

Everyone expresses some form of faith every day whether it is religious or secular. Some express faith by believing, when they get up in the morning, they will arrive at work in one piece . . . What is the root or object of your faith? Is it something you can count on in times of plenty or loss? peace or chaos? joy or sorrow? success or failure? What is "faith" to you?

Finally, the column did not speak negatively of people of no faith or of people of non-faith, though the commander removed the column from the "Chaplain's Corner" Web page. The commander later reposted the column after media attention and congressional inquiries.

I would just like to say in conclusion, Mr. Speaker, that we are seeing an assault on religious liberty, not just on religion—not just on Christianity—but on religious liberty in a way this Nation has never seen before. Bear in mind, why did our forefathers—why did our ancestors—come to this Nation? They came for different reasons—economic freedom, freedom of speech and other things—but primarily for religious freedom.

That is the one freedom that appears to be slipping away in the most important venue that we have, and that is in the military, because who pays a heavier price for that freedom than our uniformed members who stand in the gap, who protect us each and every day in our own freedoms?

Mrs. HARTZLER. Thank you so much Representative FLEMING. Your leadership has really made a difference and appreciate your comments.

I know another colleague from Texas who is a captain in the Army probably has a few things to share about this so I would like to hear from my friend LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Missouri for yielding and for setting up this time that we could share about what is going on.

Just in contrast to my friend from Louisiana's examples of the abuses of military members' First Amendment rights, the government is not supposed to prohibit the free exercise of religion. Of course, we know in the military—I knew—that there are some things you give up when you are in the military. You can't assemble when you want to, and you can't speak when you want to, but Commanders in Chief have always known that when it comes to religious liberty, you should not infringe upon people's religious beliefs, especially when they believe they are fighting for a country in which people could have

First Amendment rights to utilize and to worship God.

In fact, of course, in my 4 years in the Army, we didn't have a Commander in Chief who had issued an order—attributed to George Washington—that people should not take the name of the Lord in vain, because how can we ask God's blessing on our military at the same time and in the same mouth as one's taking God's name in vain? That was not the order of the day when I was in the Army; but by the same token, you saw crosses at chapels on military installations. You saw crosses inside of chapels and outside of chapels. Now they have been removed, we have been told, from the insides and outsides of chapels on military installations. It is outrageous.

We hear people call the generation in America that won World War II—making the world safer for democracy—the Greatest Generation. Yet, if you look at what occurred during World War II, you had a President of the United States who went on national radio on D-day and prayed about the evil forces that our troops were trying to defeat. He prayed God's blessing openly for several minutes on national radio.

I was given by my aunt a New Testament with a metal cover. There are all kinds of stories about these metal covers actually stopping bullets when they were placed in pockets, but on this metal cover, it says, "May the Lord be with you."

Under the new rules, I haven't seen anything that this Commander in Chief has signed or said of "you can't practice your Christian beliefs" or "we are not going to afford you conscience exemptions" like have always been provided throughout our country. I haven't seen that.

□ 1815

But as Harry Truman said, the buck stops with the Commander in Chief. Whether it is actually stopping with Valerie Jarrett, or wherever it is stopping, the Commander in Chief has the power to get the buck, bring it to his desk, and make these decisions.

Well, here is what Franklin D. Roosevelt did. Here in this New Testament, it says, "May the Lord be with you on the front." Inside, at the top, it says, "The White House, Washington."

As Commander in Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel, and inspiration. It is a fountain of strength, and now, as always, an aid in attaining the highest aspirations of the human soul.

Signed by Franklin D. Roosevelt.

I have been trying to find a Bible in recent days that has an inscription or signature from the current Commander in Chief who has said he takes such great inspiration from Franklin Roosevelt. Instead, not only do we not find

Bibles being encouraged and handed out, we see crosses being taken back, people being told they can't even have their own Bible where people might see it. It is an outrage.

I worry for our Nation, just as George Washington did. How can we expect God to bless a nation that is not being allowed to even praise God publicly in our military? It is a sad day. But what is more, if George Washington is right, we are stripping our Nation of the opportunity to have our military blessed because of what was done in prior militaries that brought about blessings.

Even if you don't believe in God whatsoever, why wouldn't you want to at least have an insurance policy that maybe the reason they were blessed was because of things like this done for our military in our military, signed by the President of the United States? Obviously, this is a stamp of the President's signature.

But again, I appreciate my friend from Missouri. #MilitaryFreedom—we encourage people, Mr. Speaker, to utilize that, to get us information, because we want to help our military protect us.

I thank so much Mrs. HARTZLER for this effort and for this hour and encourage all of our colleagues, Mr. Speaker, to stand up for what is right for our military—their freedom of religion.

Mrs. HARTZLER. Thank you. I really appreciate you bringing your Bible and sharing that story. I think that really brings home how things have changed and how we need to go back to having an administration and a Department of Defense that protects and preserves and promotes the exercise of religion among our troops for the protection and blessing of not only them, but our country.

Now I would like to turn to my friend from Illinois, just a little ways to the east here, RANDY HULTGREN, to share on this important topic.

Mr. HULTGREN. Thank you, Congresswoman HARTZLER, for putting this together. I appreciate your important work on this. This is such an important subject for us to be talking about.

Mr. Speaker, I rise tonight troubled by what appears to be growing attacks on the religious freedom of those serving in our military. Our great Nation, as you all know, was founded on the principle that all men and women have a natural right to freely practice their respective faiths. These rights extend equally to the brave men and women who serve in our Armed Forces. Our founding documents were written with the express purpose of protecting the inalienable rights of American citizens, including that of religious liberties. The First Amendment states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

In 1785, the father of the Constitution, James Madison, said:

The religion then of every man must be left to the conviction of conscience of every man, and it is the right of every man to exercise it as these may dictate.

He recognized that one's faith contains dictates that, barring harm to others, demand obedience from adherents. And obedience not only in thought and behavior, but also by speech and action as well. An individual's faith is inseparable from the way in which he or she lives and acts.

If the Federal Government would curtail the religious speech and action of military members, they would be clearly overstepping the bounds of the Constitution. Unfortunately, over the past several years, a string of aggressive government actions has chilled the religious practice of members of our Armed Forces. These soldiers defend our freedoms abroad but did not expect to lose those freedoms at home.

Earlier this year, an officer in the Air Force was asked to remove the Bible he kept on his desk. He was told his displaying his Bible made others uncomfortable and that he could, as a superior, be seen as forcing his religion on others.

Does this mean that President Obama has forced his religion on others when he put his hand on President Lincoln's Bible as he swore the oath of office on inauguration day? When did freedom for religion become conflated with freedom from religion?

While attempting to avoid elevating one faith above the rest—an admirable goal—the government has stifled all religion. The so-called “protection” from religious expression extends further into servicemembers' personal lives.

An Army chaplain's assistant was reprimanded for expressing her views informed by her faith regarding human sexuality on her own private Facebook profile. Her post was created in her free time and was only visible to her friends and family. Yet, once the post was discovered, a superior demanded she remove it or potentially face disciplinary action, including loss of rank and pay. She eventually was forced to acquiesce and remove the post.

These are not isolated incidents, but reflect an institutionwide problem.

Take, for example, a memo released September 14, 2011, to Walter Reed National Military Medical Center. Here is an excerpt from a section regarding visits by religious leaders:

No religious items (i.e. Bibles, reading material, and/or artifacts) are allowed to be given away or used during a visit.

So the memo prevented a priest visiting an ailing parishioner from bringing his Bible—or imam, his Koran—with him to the hospital. This sparked a national outcry and the memo was quickly rescinded under the claim that it was an “accident.” So the memo was “accidental.”

But what about military briefings? Are they “accidental” as well?

Last month, several dozen U.S. Army Active and Reserve troops were advised to treat the American Family Association as a hate group. Apparently, the Christian ministry's support for traditional marriage was enough for the instructor to slap on the “hate group” label. Fortunately, again under public pressure, the Pentagon later retracted the label.

Similarly, a West Point think tank released a report at the beginning of the year labeling “far right” conservative groups, specifically those holding pro-life values, as extremists and domestic terrorists. Because a few radical and disturbed activists have used violence to further their cause, the report lumped in everyone who believed in the sanctity of all life as terrorists. It is dangerous and disingenuous to paint with such broad strokes, blaming entire groups for the terrible actions of a few individuals.

These stories are just a few examples of rising sentiment that attacks the expression of religion in our military first and then asks questions later. Taken individually, these incidents are cause for concern. Taken together, we must wonder whether this widespread activity is more than just coincidence.

We must also wonder why a distinguished institution has taken a political position in opposition and opposing those who have long championed the very values the military purports to uphold. Soldiers are being told with more frequency that religion has no place in the military. If they hope to rise in the ranks or escape punishment, they must leave their faith at the door.

The military is unique in its power to make broad demands over individual servicemembers, demands that can't be made over civilians. No one should be forced to choose between service to country and his or her faith. We must ensure that men and women in uniform have the ability to practice that faith without fear of reprimand.

The First Amendment secures the freedom of religious expression for all Americans, including those who protect our freedoms. How could we allow this liberty to be stripped away from our soldiers, our sailors, our pilots? Our brothers, sisters, mothers, and fathers in the Armed Forces all deserve the same rights and liberties that we enjoy—the very ones that they fought to protect. Let's defend them at home as they defend us abroad.

Again, thank you Congresswoman HARTZLER for doing this.

Mrs. HARTZLER. Thank you, Congressman HULTGREN.

I think that is a very good point—that we should defend their rights as they are defending us.

I am looking forward and very much appreciate my colleague from Michigan, who is here tonight as well, because he has put his life on the line, starting after high school, going to

serve in Vietnam—I believe you were an infantry rifleman to start off with—and then ended up all the way serving with the military police over in Iraq.

First of all, thank you for your service. Thank you for what you are doing to defend freedoms even today as we talk about this important issue. So I yield time to you.

Mr. BENTIVOLIO. Mr. Speaker, I would like to thank the gentlewoman from Missouri for the opportunity to speak on this very important topic.

Mr. Speaker, a few months ago, I read a report that really bothered me. The story said that Army briefs labeled Evangelical Christians and Catholics as “extremists.” That really disturbs me, and it should disturb everyone in this room—in fact, everyone in this country.

We have to remember that the men and women in our Armed Forces represent a microcosm of America. Although they have a variety of beliefs, they work together to defend us. On the battlefield, the enemy doesn’t care what you look like or what God you worship. I serve God and country in that order, as did many of my fellow soldiers.

It was the greatest honor of my life to serve my country, first as an infantryman, as you said, and later in the Michigan Army National Guard for more than 20 years. I can say without a doubt that the soldiers I served with represented the best America had to offer. That is still true today as well. Millions of them are Christians. It is wrong and disrespectful to equate those who believe in traditional values with members of a hate group. Our military should grant mutual respect to everyone in the armed services, because that diversity is what makes America great.

Before I close, I would like to remind everyone about that famous prayer that was addressed or mentioned in the gentleman from Texas’ speech. A great general said before the soldiers embarked on that great, great battle on D-day:

Good luck. And let us all beseech the blessings of Almighty God upon this great and noble undertaking.

General Dwight D. Eisenhower.

Mrs. HARTZLER. Thank you.

We have another friend from California here, Representative DOUG LAMALFA. We are so glad that he is here, and I want to yield time to you to hear what your thoughts are on this very important topic of religious freedom in our military.

Mr. LAMALFA. Thank you, Mrs. HARTZLER. I really, really appreciate you leading the charge on this very important issue that is probably not noticed by a lot of Americans these days, but is certainly being noticed by those members of the military that wish to express their religious freedoms as they see fit.

Indeed, that was really one of the cornerstone issues of the Founders on several items: on taxation, of course, on private property and private property rights, and very importantly, the ability of Americans in the new country to express their religious views as they see fit, to have the freedom to do that.

So it is rather amazing, and certainly appalling, that in our own military we see this going on where those rights are being suppressed, especially what we are hearing tonight with some of my previous colleagues’ speeches about Christianity. Having a Bible on a desk somehow is a problem for somebody? How have we gotten to this point here? How can people be labeled somehow as part of a terrorist organization when actually these are peaceful enterprises where you are trying to bring people together under the grace of God?

□ 1830

I have, in my Washington, D.C., office and in one of my district offices, this portrait here of General Washington as a reminder, as a way for me to continue to seek humility myself. General Washington, Valley Forge, what a man of principle, of humility, of grace. This picture captures so much. He knew it was important that he bow to God, and it certainly served him well and served the founding of this country at a very perilous time when the fledgling Revolutionary War could have gone either way at the time. He is an example for all of us back then and right now. That is why I like that portrait so much, and I am glad you brought it here tonight.

The reasons, as put by the Founders for our religious freedom, have been mentioned here. It is a right guaranteed by the First Amendment. Those who were willing to lay down their lives for us fought for that for all Americans, and we should be guaranteed this right without any questions asked.

So I feel it is a duty for me, as one Member of Congress, and my colleagues here tonight in speaking about this to work to fight to uphold that right. Who has taken over in our military that thinks that this is acceptable, to suppress this freedom of expression of religion? I don’t understand it. So we are here to protect those servicemembers as well and that ability to have that freedom.

We know that the chaplaincy was formed in 1775 at the behest of General Washington, who knew and acknowledged at that time how important religious freedom was to our soldiers. The chaplains exist to facilitate the free exercise of religion under the First Amendment for servicemembers, and they faithfully administer to servicemembers of all faith, or of no faith. I think that is a key thing to mention here.

We have all heard the story mentioned earlier as well about “there are no atheists in foxholes.” You may have heard that phrase. It goes back to a story by Father Cummings, who was a civilian Catholic priest in the Philippines. The phrase was coined during the Japanese attack at Corregidor. During the siege, Cummings had noticed that non-Catholics were attending his services. Some he knew were not Catholic; some were not religious. Some he knew were atheists. Christ just brings out a desire for something greater than ourselves and a need to look within or above. With the pending surrender of Allied forces to the Japanese, Cummings began calming men down by reciting The Lord’s Prayer and offering up prayers on their behalf. He then uttered the famous phrase, “there’s no such thing as an atheist in a foxhole.”

Well, we all know there are all different types of religions in this Nation and people who practice no religion. They choose to have their own way of looking at things. And we embrace all that. Everybody has that right. Everybody has that ability.

So atheists are still allowed to be atheists, but to have a group of people dictate to everybody else—how many times have we seen these battles, such as a high school graduation, somebody wants to sue to stop a prayer or a nativity scene? If you don’t like it, don’t pay attention to it, because the rest of us sure see a lot of offensive things in TV and commercials and the T-shirts people wear, even people’s hygiene, and we don’t go around being able to stop them from expressing themselves that way.

So it certainly goes against the founding of this country to be oppressing people’s views; and, indeed, it is contributing to, I think, a breaking down of our military and its strength to have this kind of oppression going on.

So being able to join Mrs. HARTZLER tonight here and my other colleagues and pointing this out to the American public and then doing something about it here in these Halls of Congress is a necessary thing. I thank my colleague for bringing this topic up tonight and allowing me to speak.

Mrs. HARTZLER. I thank you for your kind words expressing how important it is we stand strong for our military. We want our military to be strong, and their ability to be able to pray and hold on to their faith, to express their faith is what makes them strong. It is part of it, so we don’t want to undermine that. Thank you for those words.

Now I turn to the gentleman from Mississippi (Mr. NUNNELEE), from Mississippi’s First District, to hear his thoughts on this and thank him for his letter that he authored to the Secretary of the Army that got a very

positive response. So thank for your leadership.

Mr. NUNNELEE. Thank you, Mrs. HARTZLER, and I appreciate your leadership in this area.

You know, when the Framers of our Constitution put together this government and submitted it to the people, the American people looked at it and said, You did a good job, but it is not perfect. There is something that is missing, and that something is a Bill of Rights guaranteeing individual freedoms for all Americans. And so those 10 planks were constructed and added as part of the ratification process. I am convinced that if those 10 planks had not been added, the Constitution would not have been ratified. I do not believe it is insignificant that the first sentence of the First Amendment guarantees freedom of religion:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

And our men and women in the military take an oath of office to support and defend that very Constitution, but they do not surrender that First Amendment right immediately when they put on a uniform.

The trend of military instructors and officers portraying Christians and socially conservative nonprofit organizations as “extremists” and potential threats to our Nation is unconscionable. Recently, they labeled the American Family Association, a group in my district that by their very name indicates that they are committed to the preservation of the American people. The fact that they are labeled as an extremist organization, unbelievable.

These developments are part of what appears to be a mounting culture for religious intolerance and hostility towards Christians within the military. I do not believe that adequate steps have been taken to address the root cause of these incidents, and that is why I put together the letter that Mrs. HARTZLER referred to to the Secretary of the Army, along with a number of my colleagues, to communicate our concerns regarding these developments and ask for the details on what the Army is doing to foster a culture of religious liberty among our men and women in our military.

While our Founding Fathers prohibited the establishment of a State-established religion, they purposely did not restrict references to God or personal beliefs in civic dialogue, military service, or everyday life.

Mr. Speaker, the dais on which you sit, over which you preside this great House, has behind it the American flag. Above that flag are the four words of our national motto: “In God We Trust.”

Congress has a responsibility to fight attempts within our military to restrict the religious liberty of those who serve our Nation and work to safeguard

these freedoms. It is intolerable for those brave men and women serving our country to be denied these very freedoms they are putting their lives on the line to defend.

Mrs. HARTZLER. Thank you very much for your leadership, and for bringing up those excellent points.

Now I would like to turn to the gentleman from Kansas (Mr. HUELSKAMP) to share his thoughts on this important topic, the military and religious freedom.

Mr. HUELSKAMP. Congresswoman HARTZLER, I appreciate your leadership on this topic. It is so essential, not just to our brave men and women serving in the military, but also to our foundation as a Nation.

I would like to identify two stories that occurred in the last month and a half in the military. They are very troubling.

During the government slowdown in October, the administration, it was reported in some parts of the media, required all chapels that were serviced by contract chaplains to be closed.

In particular, I visited with Father Ray Leonard, who served a naval base in South Carolina. He was not informed ahead of time. He showed up for Saturday evening mass to a locked door at the chapel. Door locked. It said, Come back. Shut down. Go away. People from his congregation were pouring into the parking lot and were forbidden, a locked door, not allowed to enter. He said, I want to volunteer. I want to do it for free. I want to say mass. The government said no.

Father Ray Leonard had a long history. He just had come back from serving as a missionary in China. His words were:

I expected that in China. I expected a locked church door in China, but not in America, not on a military base.

The Department of Defense decided they were going to punish men and women of faith by locking those doors.

Another case of a chaplain in Texas, the first day of the government slowdown, he was ordered to come to the office. By 10 a.m., his BlackBerry was taken from him. All of his contact information was taken from him, as was his computer. He was forbidden to answer any private calls. He was forbidden to answer emails. He was forbidden to communicate with any of the folks he was in the middle of counseling. Those are folks suffering from PTSD. During the entire shutdown, the government forbade him to serve as a chaplain.

It is those kinds of things that you are wondering what they are thinking at the Department of Defense in this administration because, as James Madison wrote, “conscience is the most sacred of all properties”—but if you refuse access to chaplains, the folks who are putting their lives on the line.

I was in the White House in April when the Congressional Medal of Honor

was granted to Father Emil Kapaun from Kansas, and the President talked about his great history and how he inspired Catholics and Protestants and Jews and Muslims at that death camp, and he received an award and a tremendous honor. He was a tremendous man and a tremendous leader, but he is the very type of person that I believe today would not be allowed to serve in our U.S. military. That is a shame. But most devastating, it is not just a shame; it is a loss to the men and women who are looking for that type of support, that type of encouragement, that type of inspiration. This was a Nation founded with his blessings, and then we turn around and lock the church door. We turn around and kick chaplains out who actually have views that differ with the administration. This is an attack on religious liberty in the military. Who will be there to defend the religious liberty of our members of the armed services? We are there.

Mrs. HARTZLER. Thank you very much. We started off with a poster of George Washington praying at Valley Forge. We have come a long ways in this country. You have heard the stories tonight of how that freedom to express religion is under attack. It is time for the pattern of intimidation and intolerance and coercion to stop. It is time to preserve and defend religious freedom to keep America strong and keep our armed services strong.

Mr. Speaker, I yield back the balance of my time.

#### PATENT LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 30 minutes.

Mr. ROHRABACHER. Mr. Speaker, I first would like to associate myself with the remarks of my colleagues that I have just heard. The struggle for freedom is a continuing struggle that started back with our Founding Fathers and will not end with us. Every generation has to pick up the torch or the light of liberty and justice will be extinguished and it will never be returned. Reagan always told us, it just takes one generation not to do their job, and we will have lost our freedom forever.

Tonight I would like to talk about a very significant part of our freedom and liberty, and it deals specifically with patents and intellectual property rights. I know sometimes over the years when they hear somebody is going to talk about patent law, there is a big yawn, but this has been a significant part of the success of the United States.

Our Founding Fathers believed that with technology and freedom and, yes, with profit motive, that this was the

formula that would uplift humankind and that would make America a great country in which all of our people benefited from this greatness and the prosperity we would have here. They believed it so strongly that they wrote into our Constitution a guarantee of the ownership rights of inventors and authors. It is the only place in the body of the Constitution where the word "right" is used. The rest of the rights that we have just been talking about were part of the Bill of Rights. But in the Constitution itself, article 1, section 8, clause 8, it states:

Congress shall have the power . . . to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

□ 1845

This provision has served America well, leading to a general prosperity that has been the envy of the world. It has led to national security and it has led to, yes, average people living decent lives.

It is an integral part of the individual freedom based on rights that were granted by God that are at the heart of American society. It is the reason we have emerged among all the nations of the world with our people living free and living well.

It is not just something that is tangential. It is at the heart of our system. The right to own one's technology that they invent has catapulted our people, who started out to be very poor people on the east coast, into one of the world's greatest powers.

This provision has served America well, leading to prosperity, national security, and, yes, this average life of our people that we can be proud of.

Some people think it is just hard work that has caused this great success of our country. Yes, Americans work hard, but so do other people. Technology has made the difference. Technology multiplies the results of our work and the hard work of our people into prosperity. That is the secret of America's success. It is technology and freedom, and, yes, it was our strong patent system that made this difference.

We have had a strong patent system since the founding of our country, as I just pointed out. Yet, today, multinational corporations, run by Americans, want to diminish the patent protection that our country has had traditionally. Over the years, we have fought—and I say we fought, meaning since I have been in Congress for 25 years, we have fought time and again and fought back—sometimes defeating, sometimes having to compromise—but these have been attempts to weaken our patent system, which is the basis of American prosperity.

What has been happening over the years? For example, we have had a

strong patent system in the United States, but a weak patent system in the rest of the world. That is why they are not prospering. Their patent systems were set up so that big guys could rob from the little guys. Our patent system was set up as a recognition that the ownership of one's discoveries and creations is a gift from God and can't be stolen by a power-grabbing big company.

Overseas in Japan and Europe, that just isn't true. They have tried over these last 25 years to harmonize our law with the European law and the Japanese law. They call it "harmonizing with the rest of the world." The trouble is they want our law to be weakened, rather than bringing up the other laws from around the world to our standards. For example, up until recently—there has been a little change in this; I managed to fight it back—they were trying to propose that we have a publishing law for a patent application that they have overseas. What do they have overseas? In Japan and in Europe, someone files for a patent, and if the patent hasn't been issued within 18 months, the patent is published.

Our system in the United States has been the opposite. You file for a patent, and it has been against the law for anyone to even indicate what is in that patent application until the patent is issued. If it takes 1 year, 2 years, 10 years because it is such a complicated issue, however long it takes, traditionally our inventors knew that no one was going to get a hold of their patent information until the patent was granted.

Again, in Europe, what they wanted to do and tried to do here in this body—but we fought them back—was have that same system. I called it the "Steal American Technologies Act" because after 18 months all of our secrets would have been published even before the patent was issued.

Also, we have had a tradition in the United States that you do get a certain time of protection. That is what our Constitution says. Traditionally, it has been 17 years, but that 17 years starts from when you are issued the patent.

In Europe, after 20 months, no matter if you got that patent or not, that clock starts ticking, and by the time you would end up with a patent, if it was a very complicated, high-tech patent, sometimes you have lost all but a year, maybe even all of your time in which to enjoy the rights and the rewards of having invented something. Under our system, once that clock starts—but it only starts after you have been issued your patent, and then you get 17 years of guaranteed time.

These people in these major corporations were trying to change that. They were trying to emasculate the rights of American inventors, saying we need to harmonize with the rest of the world.

Who would be doing such a thing, and why would they be doing it?

The reason they were doing it is they want to steal from the American inventor the same way these big boys have been stealing from people in Europe and in Japan and inventors throughout the world. Well, let me once again note that for 25 years I have been finding myself fighting for the small inventors, struggling to defend the patent rights for these young, and maybe not young, maybe just people who are middle-aged and old, as well, but people who are not people who have means, but people who have ideas, people who are creative, people who come up with the breakthroughs that have changed our way of life.

Philo Farnsworth has a statue here. He is a man in Utah who invented the picture tube. RCA didn't invent it. RCA tried to steal it from him. This is one man who fought this all the way to the Supreme Court, and the Supreme Court sided with this one lower-income individual who, I might add, had to enlist people to invest in his court case against RCA in order to fight that case to the Supreme Court. There is a statue in our Congress to Philo Farnsworth, the inventor. There is no statue to Mr. Sarnoff, who headed RCA and tried to steal that from him, knowing that he was stealing somebody else's invention so he wouldn't have to give credit to this hick from Utah.

Supposedly there has always been some excuse that has been used by these corporations, these multinational—not just national corporations—people who have businesses all over the world. Some of them are headed by Americans; some of them not. Even Americans no longer think they have to watch out for the United States. They are watching out for the global interests of their company. They have to have some reason or excuse of why to take away or diminish the patent rights of our own people and to harmonize it with somebody else.

In the past, they have used the excuse of the "submarine patent." This is just one of the derogatory terms they came up with in order to justify the fact that they were diminishing the property rights of our intellectual inventors and those people who are coming up with our new technology, and they come up with these derogatory terms, and it sounds good. These big companies have big PR firms in order to come up with a term that can then be used as sort of an excuse, a cliché to say "yes" to diminishing America's patent protection for the little guys. After all, who would support these big multinational corporations, they said. We just want to take anything these people invent and give them whatever we want to give them, or not give them anything. We want to have a right to steal from them, and that is why we are trying to change the rules. They

would never get anywhere. Instead, oh, business is being treated unfairly by submarine patentors. That is what they have used before, and now they have a new term.

In this wave, this onslaught—as I said, we have been facing this wave after wave for 20 years. They keep coming back, trying to diminish our patent structure. Now they insist that we need patent change because of the threat of the so-called “patent troll,” not to be mistaken with a submarine patentor. That was the last one. There will always be some, as I say, pejorative word that their PR firm, which they pay a lot of money to, can come up with that seems to be sinister enough to scare the American people into emasculating our patent system and letting the big guy steal the ideas from the little guys.

These so-called “patent trolls” are actually patent holders or companies who represent patent holders. They are either people who themselves invented patents or they represent the companies who actually have bought in to patents, who represent the patent holders themselves. They are engaged basically in defending the patent rights against the infringement of those rights of the patents they own. Their patents are no different than anybody else’s patents.

They call them “patent trolls,” but what we have got here are just people who are engaged in the business of enforcing patents that are not being enforced. They basically are seeking to protect some little guys who don’t have the money, or to see that they can join in partnership with people in order to maximize their benefit from the patents which these people hold. They are valid patents. There is all this innuendo and sinister thoughts and phrases coming out to make it sound like we are not talking about real, legitimate patents. I am talking about people who have invented legitimate patents that have been granted by the Patent Office. We are also talking about huge corporate infringers that would have us believe that those patents are unfair and evil because patent trolls are involved.

So what makes the difference between the good patents owned by large corporations themselves—these corporations we are talking about do own patents, and, quite frankly, quite often go and try to enforce other patents that they have accumulated and bought. What makes them so different from the patent trolls? The patent troll has been identified as someone who is out for profit from technology that he or she did not invent. Oh, my goodness. You have got somebody who didn’t invent something and they want to make some money out of it by investing and/or joining a partnership with somebody who did invent it. That is not something as sinister as patent troll sounds.

We know that lawyers can file illegitimate lawsuits and try to get people to settle just because they don’t want to go through the procedures. That doesn’t mean we should destroy the right of people to sue when they have a legitimate claim because some lawyers go out and misuse the system. That should be up to a judge or a jury, not a restriction on the right of people to file suit in order to protect the rights and to gain compensation if their rights have been violated.

If the small inventor doesn’t have the resources to enforce his or her patent, an individual or a company can buy those rights, and they can actually buy them just like you would buy a piece of property. That is what it is, intellectual property. They can buy these, or they can create a partnership with the inventor, and that means that they can then try to seek a suit or some sort of compensation from those who are infringing on those patents.

I have consulted with a number of outside individual inventors and groups, and they have reaffirmed to me that the legislation that is being now proposed by the Judiciary Committee further disadvantages the little guy against the deep-pocketed, multinational corporations that are behind the changes that are now being proposed in the United States Congress, which I will detail in a few moments.

Yes, they are using the guise of targeting these patent trolls. They hope to achieve a legislation that will prevent little guys from actually selling their product to these big guys, or have a dramatic impact on the ability—it would probably be more accurate to say will have a dramatic impact on the ability of people who own patents to actually file suit against those big infringers, and they do this in the name of controlling the patent trolls. Again, I say, what does that mean? That is someone who necessarily hasn’t invented something but is working with the inventor to see that those rights are respected.

How horrible it is to make a business helping small inventors or partnering with people in order to see that they have the resources to enforce their patent rights against large corporations, mainly, or even if they are medium-sized corporations who are infringing on a patent, meaning they are using this invention, and the inventor comes in and says, You are infringing on my patent. Pay me for the rights of using this while I still own it. The answer is “sue me” because the big corporations know full well that they have deep pockets, and they can handle anything, and the little guy, especially if they get this law passed, the little guy is not going to be able to seek help, and it is going to be much more complicated for him.

□ 1900

Tonight I draw the attention of the American people to H.R. 3309, the Innovation Act they call it this time, introduced by Chairman GOODLATTE with 14 bipartisan cosponsors.

This bill is scheduled to be marked up in the House Judiciary Committee next week, even though the committee has only held one hearing since this bill was introduced, and it was only introduced 8 legislative days ago. So something is being rammed through the process here big time. People need to see that.

And what are they trying to do?

Why are they ramming it through?

Because this is the multinational corporations who want to diminish the rights of the little guy; and only, we, the American people, can stop that with our sense of fairness and our commitment to making sure America remains the technological leader of the world, and that that isn’t in the hands of these multinational corporations who aren’t necessarily in allegiance with the United States.

The witnesses from these hearings on this legislation have included former Patent Office Director Kappos, and he made it clear that we should move slowly and with great care in making the many changes to the patent law that are part of this legislation, especially in light of the fact that no one yet understands the implications of the last patent bill that was passed through Congress during the last Congress.

They passed a patent bill called the America Invents Act, which is in the process of being implemented and interpreted by the Patent Office and by the courts. So we haven’t digested that last bite the Congress took out of the patent law apple, and now they want us to gobble down a few more.

In and of itself, this legislation is too broad, its implications are too unclear, and its impact and effects are unknowable. That is what witnesses and other experts have indicated; and the conclusion is move forward with caution, not ram something through in just a few days.

But that is not what is happening. Congress is being railroaded into passing this legislation on top of the last legislation which we haven’t even figured out how it works yet; and now, of course, they have got the patent trolls which they are telling us to be afraid of.

So we don’t have to worry about any of that. Don’t think. Just remember patent trolls are sinister, and we have got to stop them and pass this bill. That is what most of these people are hearing here in Congress. Congress needs to hear from their own constituents about bills like this.

So what is going on?

This congressional ramrodding exemplifies the battle to diminish America’s



patent system, and it has been going on for 25 years, wave after wave of attack on America's patent system. We fought them back most of the time, but this time we could lose. And you lose one, that system is changed forever.

According to the cosponsors of H.R. 3309, it is an attempt to combat this problem of patent trolls—and here it is—even though the study mandated by Congress in the last patent bill—they mandated this study by Congress, and that study that was mandated by the last law—shows that this whole much-heralded patent troll problem is not the major driver of lawsuits that we are being told, and has not created, N-O-T created a surge of new lawsuits.

Most of the provisions of the legislation they will pass through committee next week will make it much more complicated, much more costly, much more challenging to bring a lawsuit for patent infringement. That is what it is all about. They want to make it more difficult to challenge them.

Instead, if what we are really talking about are people abusing the patent system in order to abuse these businessmen, we should be, instead, making it cheaper and simpler and easier to defend against baseless accusations of infringement.

We are being asked to raise the bar for an inventor to bring a lawsuit to defend his or her rights, rather than lowering the bar to allow a small business to defend itself against frivolous lawsuits.

In addition, the claim of technical correction, under that claim, this legislation proposes to remove the patent system's only independent judicial review process, section 145 of title 35. If this passes, inventors who are not satisfied with the Patent Office administrative process will have no recourse, no recourse, although this safeguard of judicial recourse has been in American law since 1836.

This isn't some antiquated process. It is an independent judicial review; and last year the Supreme Court, in *Kappos v. Hyatt*, reaffirmed the importance of having judicial review when you have people in the Patent Office who are defining the property rights of American inventors, something so important to our country.

Now, the Patent Office has requested that judicial review be done away with because it is burdensome for them to defend their actions in court on the rare occasion that this happens. So, oh, it is burdensome.

Well, the Patent Office wants to strip away the rights of Americans because it is inconvenient to the bureaucracy. Boy, here is where we have got the bureaucracy and multinational corporations working hand-in-glove.

This legislation going before the Judiciary Committee here in the House next week is consistent with the decades-long war being waged on America's independent inventors.

Here are some of the sections of that bill I have been talking about, H.R. 3309, which will be going through the Judiciary Committee next week, and how it undermines America's patent system and patent rights of the little guy and opens up power grabs by the multinational corporations, which is something we have been experiencing for the last 25 years and have had to beat back every time.

Well, here we go. Here are some provisions of this bill: H.R. 3309 creates additional information requirements, which means when you are filing a legal case for infringement it is going to cost you a lot more. There is more paperwork and thus more potential for a dismissal of the case just on a technicality.

More paperwork means higher costs, more likely to have the case thrown out on a technicality, which then increases, not decreases, the chances of small patent holders being infringed.

This bill also switches to "loser pays." And of course, "loser pays" sounds like a good idea; but when you talk about this in terms of patent rights, what we have got is these huge corporations who have got deep pockets, and if you end up having "loser pays," the little guy knows for him to actually try to have the loser pay means that this big corporation can put massive expenses on to their defense, where you have only a smaller amount that is available, so you are then put in great disadvantage.

We are, again, making the little guy, putting them at the disadvantage of these big, multinational corporations.

H.R. 3309 adds a new dimension to this "loser pays." It allows the Court to bring others into the case involuntarily, as a plaintiff, if they have an interest in the patent they make them liable for the cost. So if you have somebody, like Milo Farnsworth, whose patent was stolen, whose idea was stolen, anybody who would invest in his lawsuit, which is what he had to do in order to take it all the way to the Supreme Court—and God bless the Supreme Court of the United States and the United States of the America, that we have a court that sided with this little guy.

But now they want to change that so the Milo Farnsworths can't get people to invest in their suit because at that point they, then, are liable for the court costs of the big corporation that is being taken on.

This is so broad that people can be made part of an infringement case, even if their interest in the patent is just legal or innocent, such as those who have licensed the patent.

This, combined with the "loser pay" provision, means that if the patent holder loses the infringement suit, anyone who has done business with him may lose or be held financially liable. What a disincentive for people to support the efforts of small inventors.

This is absurd. But yet this is what is going to be going through the Judiciary Committee next week, just like they have tried to push this on us for 25 years. And the players behind this are big, multinational corporations trying to steal the technology that has been invented by America's small inventors.

H.R. 3309 allows the courts to limit discovery until clarifying the patent and infringement claim.

What does that mean? The case will take longer and thus cost more.

The transparency of patent ownership, once filing a claim for infringement, a patent holder must, according to the provisions of this proposed legislation, provide information about all parties with an interest in the patent to the Patent Office and to the accused infringer.

As a result, we have an elimination of privacy in these business dealings. The little guy is totally exposed, as are his friends.

Here again we are trying to do everything we can, and this legislation is trying to do everything that it can to try to get people not to support the little inventor. Don't get on his side. Don't give him any strength to enforce his rights because he invented something that now some multinational corporation has stolen and wants to manufacture in China.

Once this requirement has been invoked, the patent holder must maintain—here it comes—the patent holder will also have to maintain a current record of information on file in the Patent Office. Thus we have, again, bureaucratic reporting requirements for these little inventors.

That, to a big corporation, means nothing. To a small inventor, it means all of his time, all of his resources. And if, indeed, they do not report—let's put it this way, if he doesn't report it right, he could lose the intellectual property rights he is trying to protect.

In addition, the patent holder would be forced to pay recordkeeping fees to maintain a current record at the Patent Office. There we have bureaucratic fees all aimed at the little guy, because the big guys can afford this. They have got people on the payroll. They have got lawyers on the payroll.

Then we have the customer suit exemption. This section appears to remove all of the current section 296 of title 35, which specifically allows—here it goes, this is really significant—this allows inventors to sue governments who infringe on their patents.

What we are talking about here is, if a government steals a person's intellectual property, it permits them to get away with it. This emasculates the right of the American inventor, American people, to hold their government accountable if the government steals their technology. This is totally contrary to American tradition.



Limits of discovery in a court case, unless the judgment determines necessary and appropriate, again, an infringer, and this is section 6 of H.R. 3309, an infringer, especially big ones like large multinational corporations, may make an infringement paper trail.

This requires a paper trail, what we are saying here, this section, that is so broad and so diverse that a plaintiff will have to ask repeatedly for discovery.

The SPEAKER pro tempore. The gentleman's time has expired.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3350, KEEP YOUR HEALTH PLAN ACT OF 2013

Mr. BURGESS (during the Special Order of Mr. ROHRBACHER), from the Committee on Rules, submitted a privileged report (Rept. No. 113-265) on the resolution (H. Res. 413) providing for consideration of the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1915

#### OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 30 minutes.

Ms. FOXX. Mr. Speaker, the decisions we make in this body matter to the people in this country. They matter to families. When Obama and the Democrats in Congress, with no Republican votes, chose to radically alter health care—something that impacts every American and compromises one-sixth of the United States economy—the effects extend well beyond committee hearing rooms, courtrooms, and government office suites. The effects are felt in doctors' offices. They are felt in homes across the Fifth District I represent. They are felt by moms and dads who are finding out the health care that they had counted on keeping, insurance they had budgeted for and know they can afford, won't be around next year.

Earlier this month, it was estimated that 160,000 North Carolinians received that unwelcome news. My constituent Dawn from Wilkes County is one of them. She wrote to me to tell me exactly how Washington's interference with her health care is affecting her. Let me let Dawn speak for herself.

Dear Representative FOXX: Never in my life have I been without health insurance. I am writing to share with you the impact of

the Affordable Care Act on my health care options.

I work part-time and purchase my own health insurance. In order to have an affordable monthly premium and to have the possibility of budgeting for dental and vision care as well as general medical care, I have had a high-deductible health savings account, HSA, for several years.

The Affordable Care Act has eliminated my current HSA with BlueCross BlueShield of North Carolina. I currently have an annual deductible of \$5,000 and a monthly premium of \$160.30.

The ACA-compliant replacement policy which I have been offered by BlueCross BlueShield will have a \$5,500 annual deductible and will cost \$478.60 per month. Even with a 10 percent higher deductible, this new plan will cost \$318.30 per month more than what I can now afford. That is a 198 percent increase—almost three times what I now pay—for a plan with a higher deductible. Please help me understand how this is affordable care.

My husband and I do not have cable or satellite television, high-speed Internet, smartphones, or other optional services which we can cancel in order to pay the astounding increase in my health insurance premium. We do qualify for a partial subsidy to help cover the premium, but that does not change the \$5,743.20 annual price for this meager health insurance policy. It merely shifts part of the expense to our children and some other taxpayers.

I have spoken with representatives in the health care exchange and [www.healthcare.gov](http://www.healthcare.gov) and with independent insurance brokers, but they offer little hope. Do I have any option in order to continue to live within my means and afford to pay for my own health care? I am truly bewildered.

Sincerely,

DAWN.

Mr. Speaker, reading Dawn's letter breaks my heart. This is a woman who plans ahead. She budgets carefully. She takes pride in her work and responsibility for herself and for her family. ObamaCare is changing things drastically for her and millions of other Americans like her.

With about a month to go before the Affordable Care Act renders her current health insurance illegal, Dawn is left with questions, the last of which I will repeat again:

Is it possible to live within my means and afford to pay for my own health care?

Americans took the President at his word when he said they would be able to keep the care and doctors they liked. They trusted that a law called the Affordable Care Act would actually make health care more affordable. They believed that the President wouldn't raise taxes on the middle class through this law.

Mr. Speaker, the President's broken promises are hurting families like Dawn's, but the higher premiums and the canceled plans are central to ObamaCare. The law will work only if many Americans are compelled to leave their current plans and pay more for government-approved insurance.

Now, as the country is becoming better acquainted with this very sad re-

ality, Democrats and Republicans in Washington must recognize that repeal is still the only way to solve all of ObamaCare's problems.

The answer to America's health care challenges is not going to be found in 100 percent partisan solutions like the Affordable Care Act. We should work together to enact honest, patient-centered reforms that empower families like Dawn's with choices and custom care options so that she can continue to pay for health care and still live within her means.

Mr. Speaker, I now yield to the gentleman from California.

Mr. ROHRBACHER. I appreciate the gentlewoman yielding to me to finish my remarks.

Section 6 of H.R. 3309 calls for a limit on discovery when we are talking about patents. Just so you will know again, one of the results of these innocuous things is hard to understand. What it means is that if you limit the discovery when someone says, "I invented this, and I am trying to have discovery with a huge corporation to find out how they infringed on my patent," if you limit that discovery and that little guy has to have more motions, it costs a lot more money and, thus, the little guys can't afford to bring a suit against the big guys.

So basically what we have got is a list of things in this bill that make it extremely more difficult for the little guy to afford to support and defend his own patents. And on top of that, then we have this attack on patent trolls who are there to try to assist anybody that can't afford to enforce his or her own patent. This is a boon to the huge corporations, the multinational corporations, and perhaps foreign corporations who also get involved in this.

Let us note that section 7, Small Business Education, Outreach, and Information Access, says that the Director of the Patent Office will create a database on "patent trolls," thus creating a strategy to teach businesses how to defend themselves against patent trolls. You know what we have got here? We have got the creation of an enemies list. That is what we have here. Justification for people to be put on an enemies list if they are out trying to help small inventors enforce their patents.

And finally, let me just note here, section 9, Improvement and Technical Corrections to the Leahy-Smith America Invents Act, states it eliminates section 145 of title 35. Again, this is one of the most important things they are trying to slip through this process. This would, again—and I am repeating this because it is so important—eliminates the independent judicial review of patent applications, which has been the law of the land since 1836. A huge emasculation, a cut in the rights of people who are seeking patents, inventors, the creative people in our country. This would eliminate their right—

if the Patent Office is not treating them fairly or has made a mistake—for a judicial review that has been a right of the Americans since 1836. This is horrendous.

This bill that is being considered next week by the House Judiciary Committee is not reform. It is an antipatent bill consistent with decades-long antipatent attacks by multinational corporations who want to emasculate America's patent system. And these multinational corporations may or may not be headed by Americans, but they are not watching out for the interests of our country; and especially, they aren't watching out for the innovators and inventors of our country.

I ask the American people, the patriots, to call their Members of Congress and oppose H.R. 3309, the Innovation Act.

And I would add one last element, as my colleague was just talking about the ObamaCare issue that we have been discussing here. One of the things that I have found most objectionable about the Affordable Care Act, they have a provision in that bill that gives a 2.5 percent tax on the gross receipts of anyone who invents a medical device.

Our inventors have helped increase the standard of living of our people, have improved the chances for survival, survival of people's families by inventing new technologies that have enabled us to fight diseases, that have taken millions of people throughout the history of the planet, taken them away in horrible agony. We have our innovators and our inventors now creating these new things.

I have a personal situation where a loved one is suffering from cancer, and that loved one has had implanted in her a little—it is a portal, they call it. It is under the skin, and it permits this person to have chemotherapy and blood transfusions without having to go through the vessels, the blood vessels. This invention has saved this person's life, because 20 years ago, that young girl would probably have had collapsed blood vessels or died of some type of situation from infection from putting the needles in one's arm. This is what happened 20 years ago and why the survival rate now of such cancer patients has gone up.

I feel like hugging the person who invented that device. That person deserves our love and gratitude. This administration has seen fit to punish this person for this creativity and this innovation.

This administration put a 2.5 percent tax not on the net, not after all the expenses that this inventor went through to invent this, all the expenses to go into producing it, all the expenses that go into distributing it, making sure people knew how to use this new device. No, no. This is a 2.5 percent tax on the gross income. It is a horrendous

penalty on the person who has saved the lives of all these people. That is what this Affordable Care Act is all about. That is what ObamaCare is all about.

In some misguided idea that we are going to redistribute the wealth and take care of everybody through government, we are now doing things that are of great harm to the people in this country, not just to the infrastructure, the financial infrastructure of our health care which is collapsing under the incompetence of this law that is foisted upon them with lies, no, but also we are now facing a situation where the very heart and soul of human progress, medical technology, is being punished through this law.

I join with my colleagues and say that this is something we should all join together, repeal, and start again and try to do a better job next time.

Ms. FOXX. I thank my colleague for his comments and yield back the balance of my time.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 330. An act to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

S. 893. An act to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 6, 2013, she presented to the President of the United States, for his approval, the following bills:

H.R. 2094. To amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

H.R. 3302. To name the Department of Veterans Affairs medical center in Bay Pines, Florida, as the "C.W. Bill Young Department of Veterans Affairs Medical Center".

#### ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Friday, November 15, 2013, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3646. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting The Department's final rule — Defense Federal Acquisition Regulation Supplement: Private Sector Notification Requirements of In-Sourcing Actions DFARS Case 2012-D036 (RIN: 0750-AI05) received October 31, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3647. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting The Department's final rule — Defense Federal Acquisition Regulation Supplement: New Free Trade Agreement-Panama (DFARS Case 2012-D044) (RIN: 0750-AH79) received October 31, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3648. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendment to Standards and Practices for All Appropriate Inquiries [EPA-HQ-SFUND-2013-0513; FRL-9902-22-OSWER] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3649. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Redesignation of the Columbus Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2011-0597; FRL-9902-00-Region 5] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3650. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Removal of Gasoline Vapor Recovery from Southeast Wisconsin [EPA-R05-OAR-2012-0891; FRL-9900-17-Region 5] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3651. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Atlanta, Georgia 1997 8-Hour Ozone Nonattainment Area; Reasonable Further Progress Plan [EPA-R04-OAR-2013-0147; FRL-9902-19-Region 4] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3652. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards [EPA-R04-OAR-2012-0692; FRL-9902-25-Region 4] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3653. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — D-Glucopyranose, oligomeric, decyl octyl glycosides; Exemption from the Requirement of a Tolerance

[EPA-HQ-OPP-2013-0165; FRL-9901-95] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3654. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fomesafen; Pesticide Tolerances [EPA-HQ-OPP-2012-0589; FRL-9401-8] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3655. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Imazapyr; Pesticide Tolerances [EPA-HQ-OPP-2012-0583; FRL-9401-9] received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3656. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of Significant New Uses of 1-Propene, 2,3,3,3-tetrafluoro- [EPA-HQ-OPPT-2008-0918; FRL-9901-97] (RIN: 2070-AB27) received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3657. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's assessment of Demand Response and Advance Metering, pursuant to Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

3658. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 1.110 Cost-Benefit Analysis for Light-Water-Cooled Nuclear Power Reactors, Revision 1 received October 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3659. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-55, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3660. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-54, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3661. A letter from the Assistant Secretary, Department of Defense, transmitting a Report on Proposed Obligations for the Cooperative Threat Reduction; to the Committee on Foreign Affairs.

3662. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed by the Pantex Plant in Amarillo, Texas, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3663. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Pantex Plant in Amarillo, Texas, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3664. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Feed Materials Production Center (FMPC) in Fernald, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk or printing and reference to the proper calendar, as follows:

Mr. BURGESS: Committee on Rules. House Resolution 413. Resolution providing for consideration of the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes (Rept. 113-265). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON (for himself, Mr. RUSH, Mr. CASSIDY, Mr. FARENTHOLD, Mr. COHEN, Ms. DELAURO, Mr. ELLISON, Ms. NORTON, Ms. SCHAKOWSKY, Mr. TIERNEY, and Ms. TSONGAS):

H.R. 3481. A bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARRETT (for himself, Mrs. CAROLYN B. MALONEY of New York, Mr. KING of New York, Mr. LUTKEMEYER, Mr. HIMES, Mrs. BACHMANN, Mr. WESTMORELAND, Mr. AL GREEN of Texas, Mr. HURT, Mr. FINCHER, Mrs. MCCARTHY of New York, Mr. MULVANEY, Mr. ROSS, Mrs. WAGNER, Mr. MURPHY of Florida, Mr. CASSIDY, Mr. SESSIONS, Ms. ROS-LEHTINEN, Mr. DEUTCH, Mr. MCCAUL, Mr. HARPER, Mr. CULBERSON, Mr. DUNCAN of Tennessee, Mr. BOUSTANY, and Mr. GRIFFIN of Arkansas):

H.R. 3482. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. POLIS:

H.R. 3483. A bill to amend title 18, United States Code, to provide exceptions from the firearm prohibitions otherwise applicable in relation to marijuana if its possession is lawful under State law; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. MORAN, Mr. ELLISON, Mr. CARSON of Indiana, Mr. LEWIS, Mr. DAVID SCOTT of Georgia, Mr. GRAY-

SON, Ms. JACKSON LEE, and Mr. CONYERS):

H.R. 3484. A bill to prohibit certain individuals from possessing a firearm in an airport, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mrs. BACHMANN, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BUCSHON, Mr. CASSIDY, Mr. CHABOT, Mr. COLE, Mr. CRAWFORD, Mr. CRENSHAW, Mr. DUNCAN of South Carolina, Mr. FLEMING, Mr. FLORES, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. HARPER, Mr. HUDSON, Mr. HUELSKAMP, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KING of Iowa, Mr. LAMALFA, Mr. MARCHANT, Mr. MULVANEY, Mr. OLSON, Mr. PITTINGER, Mr. PITTS, Mr. RADEL, Mr. RIBBLE, Mr. ROSS, Mr. SALMON, Mr. SESSIONS, Mr. WESTMORELAND, Mr. WILSON of South Carolina, and Mr. YOHO):

H.R. 3485. A bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization; to the Committee on Education and the Workforce.

By Mr. GRAVES of Georgia (for himself, Mr. DUNCAN of South Carolina, Mr. WOODALL, Mr. DESANTIS, Mr. HUIZENGA of Michigan, Mr. WEBER of Texas, Mr. AMASH, Mr. ROKITA, Mr. WESTMORELAND, Mr. STUTZMAN, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. JONES, Mr. HENSARLING, Mr. MULVANEY, Mr. SCHWEIKERT, Mr. LONG, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. BRADY of Texas, and Mr. HUELSKAMP):

H.R. 3486. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself, Mr. BRADY of Pennsylvania, Mr. GINGREY of Georgia, Mr. HARPER, Ms. LOFGREN, Mr. NUGENT, Mr. ROKITA, Mr. SCHOCK, and Mr. VARGAS):

H.R. 3487. A bill to amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, to expand such authority to certain other violations, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN (for himself, Mr. DEFazio, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BRADY of Pennsylvania, Mrs. BROOKS of Indiana, Mr. BROUN of Georgia, Mr. CARSON of Indiana, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COLE, Mr. CROWLEY, Mr. RODNEY DAVIS of Illinois, Mr. GERLACH, Mr. GIBSON, Mr. GENE GREEN of Texas, Mr. GRIMM, Mrs. HARTZLER, Mr. HIGGINS, Mr. JOHNSON of Ohio, Mr. JOHNSON of Georgia, Mr. JONES, Mr. JOYCE, Mr. KEATING, Mr. KING of New York,

Mr. LANCE, Mr. LOBIONDO, Ms. MCCOLLUM, Mr. MCKINLEY, Ms. MENG, Mrs. MILLER of Michigan, Mr. NADLER, Mrs. NAPOLITANO, Mr. PALLONE, Mr. PASCRELL, Mr. PETERS of Michigan, Mr. RANGEL, Mr. RENACCI, Mr. ROGERS of Alabama, Mr. SCALISE, Ms. TITUS, Mr. WESTMORELAND, Ms. WILSON of Florida, Mr. FITZPATRICK, Mr. SOUTHERLAND, Mr. RAHALL, Mr. BUCSHON, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mr. HUIZENGA of Michigan, Mr. COURTNEY, Mr. SESSIONS, Mr. LEWIS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUIZ, Mr. COLLINS of New York, Mr. STIVERS, Ms. BROWN of Florida, Ms. DELAURO, Mr. POE of Texas, Mr. RADEL, and Mr. GRAVES of Georgia):

H.R. 3488. A bill to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself, Mr. LIPINSKI, Mr. BOUSTANY, Mr. SCHOCK, Mr. BRADY of Texas, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. REICHERT, Mr. GRIFFIN of Arkansas, Mr. MCINTYRE, Mr. TURNER, Mrs. BLACK, and Mr. MURPHY of Florida):

H.R. 3489. A bill to amend section 1341 of the Patient Protection and Affordable Care Act to repeal the funding mechanism for the transitional reinsurance program in the individual market, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRAVES of Missouri (for himself and Mr. CLAY):

H.R. 3490. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 3491. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LUMMIS (for herself and Mr. BISHOP of Utah):

H.R. 3492. A bill to provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge, and for other purposes; to the Committee on Natural Resources.

By Mr. WALBERG:

H.R. 3493. A bill to require a pilot program on the provision of certain information to State veterans agencies to facilitate the transition of members of the Armed Forces from military service to civilian life; to the Committee on Armed Services.

By Mr. BLUMENAUER (for himself, Mr. COBLE, Mr. MCCAUL, and Mr. DEFAZIO):

H.R. 3494. A bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for

other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARDENAS:

H.R. 3495. A bill to amend the Food, Conservation, and Energy Act of 2008 to make improvements to the food safety education program carried out under such Act, and for other purposes; to the Committee on Agriculture.

By Mr. COHEN (for himself, Mr. CONYERS, and Mr. GRIJALVA):

H.R. 3496. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Education and the Workforce.

By Ms. DELAURO:

H.R. 3497. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself and Mr. PERRY):

H.R. 3498. A bill to allow individuals to choose to opt out of the Medicare part A benefit and to allow individuals opting out of such benefit to be eligible for health savings accounts; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK (for herself, Mr. DEFAZIO, Mr. HINOJOSA, Ms. BROWNLEY of California, Mr. BARBER, Mrs. NAPOLITANO, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. SINEMA, Mr. MICHAUD, Mr. RAHALL, Mr. LOWENTHAL, Ms. KUSTER, Mrs. DAVIS of California, Ms. SHEA-PORTER, Mr. HONDA, Mr. ENYART, and Mr. MCNERNEY):

H.R. 3499. A bill to provide for advance appropriations for certain information technology accounts of the Department of Veterans Affairs, to include mental health professionals in training programs of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself, Ms. MOORE, Ms. KAPTUR, Mr. CARSON of Indiana, Mr. RANGEL, Ms. BROWN of Florida, Mr. ELLISON, Ms. FUDGE, Mr. CONYERS, Mr. JOHNSON of Georgia, Ms. JACKSON LEE, and Ms. SCHAKOWSKY):

H.R. 3500. A bill to provide for the compensation of Federal contractor employees that were placed on unpaid leave as a result of the Federal Government shutdown, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H.R. 3501. A bill to authorize the Secretary of Housing and Urban Development to provide assistance to eligible nonprofit organizations to provide specialized housing and supportive services for elderly persons who are the primary caregivers of children that are related to such persons; to the Committee on Financial Services.

By Mr. SMITH of New Jersey:

H.R. 3502. A bill to encourage States to expand the protections offered to victims of sex offenses who are not in a familiar or dating relationship with the perpetrators of such offenses; to the Committee on the Judiciary.

By Mrs. BEATTY (for herself, Mr. RYAN of Ohio, Ms. NORTON, Mr. ELLISON, Mr. GRIJALVA, and Ms. BORDALLO):

H. Con. Res. 64. Concurrent resolution supporting the goals and ideals of suicide prevention awareness; to the Committee on Energy and Commerce.

By Mr. OLSON (for himself, Mr. WESTMORELAND, Mr. BUCSHON, Mr. WIL-

LIAMS, Mr. YOHO, Mr. WEBER of Texas, Mr. FARENTHOLD, Mr. FLORES, Mrs. BACHMANN, Mr. GOHMERT, Mr. HUNTER, Mr. AMODEI, Mr. DUNCAN of South Carolina, Mr. BRIDENSTINE, Mr. DESJARLAIS, Mr. SAM JOHNSON of Texas, Mr. STOCKMAN, Mr. CONAWAY, Mr. ROE of Tennessee, and Mr. MASSIE):

H. Res. 411. A resolution impeaching Eric H. Holder, Jr., Attorney General of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. CARTWRIGHT (for himself, Mr. JONES, Mr. CONYERS, Mrs. NAPOLITANO, Mr. CRAMER, Mr. CRAWFORD, Mr. WOLF, Mr. LAMALFA, Mr. POE of Texas, Mr. BENTIVOLIO, Mr. PETERS of California, Mr. FOSTER, Mr. PASCRELL, Ms. SINEMA, Ms. ROSS-LEHTINEN, Mrs. BUSTOS, Ms. NORTON, Mr. ENYART, Mr. BARBER, Mr. MARINO, Mr. ROTHFUS, Mr. BARLETTA, and Mr. COLLINS of New York):

H. Res. 412. A resolution amending the Rules of the House of Representatives to require a reading of the names of members of the Armed Forces who died in the previous month as a result of combat operations; to the Committee on Rules.

By Mr. GRIMM (for himself, Mrs. BEATTY, Mr. HANNA, Mr. SCHNEIDER, Mr. KING of New York, Mr. WALZ, Mr. RUNYAN, Mr. POLIS, Mr. GIBSON, Mr. LEWIS, Ms. NORTON, Mr. HINOJOSA, Ms. JACKSON LEE, Mr. TAKANO, Mr. MEEHAN, Mr. MURPHY of Florida, and Mr. WALDEN):

H. Res. 414. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 3 of rule XII,

152. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Resolution No. 27 requesting the President and the Congress to initiate the process of admission of Puerto Rico as the 51st State of the United States of America; to the Committee on Natural Resources.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RYAN of Ohio introduced a bill (H.R. 3503) to authorize the award of the Distinguished Service Cross to Robert L. Towles for acts of valor during the Vietnam War; which was referred to the Committee on Armed Services.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BARTON:

H.R. 3481.

Congress has the power to enact this legislation pursuant to the following:

[clause 3 of] section 8 of article 1 of the Constitution

By Mr. GARRETT:

H.R. 3482.

Congress has the power to enact this legislation pursuant to the following:

Article I, 1, Section 8, Clauses 1 (“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States”), 3 (“To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”), and 18 (“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof”).

By Mr. POLIS:

H.R. 3483.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

Article I Section 8, Clause 18 of the United States Constitution, and Amendment II of the United States Constitution.

By Mr. JOHNSON of Georgia:

H.R. 3484.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mr. PRICE of Georgia:

H.R. 3485.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. GRAVES of Georgia:

H.R. 3486.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article I, Section 8, Clause 7—

The Congress shall have Power . . . To establish Post Offices and Post Roads

By Mrs. MILLER of Michigan:

H.R. 3487.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1.

By Mr. MEEHAN:

H.R. 3488.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1; and Article I, section 8, clause 18 of the Constitution of the United States

By Mr. TIBERI:

H.R. 3489.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRAVES of Missouri:

H.R. 3490.

Congress has the power to enact this legislation pursuant to the following:

This Act is justified by the sixteenth amendment, which grants Congress the power to lay and collect taxes on income.

By Mr. McDERMOTT:

H.R. 3491.

Congress has the power to enact this legislation pursuant to the following:

The principle constitutional authority for this legislation is clause 1 of section 8 of article I of the Constitution of the United States, which states: “The Congress shall have power to lay and collect taxes . . .”

By Mrs. LUMMIS:

H.R. 3492.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2: “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.”

By Mr. WALBERG:

H.R. 3493.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. BLUMENAUER:

H.R. 3494.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution provides clear authority for Congress to pass legislation regarding our national transportation program and safety regulations within that program.

By Mr. CÁRDENAS:

H.R. 3495.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. COHEN:

H.R. 3496.

Congress has the power to enact this legislation pursuant to the following:

The changes made by this bill to the Higher Education Act are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

By Ms. DELAURO:

H.R. 3497.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment

By Mr. SAM JOHNSON of Texas:

H.R. 3498.

Congress has the power to enact this legislation pursuant to the following:

“The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

By Mrs. KIRKPATRICK:

H.R. 3499.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

“The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Ms. NORTON:

H.R. 3500.

Congress has the power to enact this legislation pursuant to the following:

clause 7 of section 9 of article I of the Constitution.

By Mr. SERRANO:

H.R. 3501.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States . . .”

By Mr. SMITH of New Jersey:

H.R. 3502.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

Mr. RYAN of Ohio:

H.R. 3503.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following Section 8 statements:

To make Rules for the Government and Regulation of the land and naval Forces.

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. POLIS, Mr. LUCAS, and Mr. VALADAO.

H.R. 32: Mr. MCKINLEY, Mr. BARROW of Georgia, Mr. ROE of Tennessee, and SEAN PATRICK MALONEY of New York.

H.R. 148: Mr. BRALEY of Iowa.

H.R. 182: Mr. MCNERNEY.

H.R. 276: Mr. SMITH of Missouri.

H.R. 351: Mr. TIPTON.

H.R. 366: Mr. BACHUS and Mr. MAFFEI.

H.R. 385: Mr. WALZ, Mr. GARRETT, Mr. CUMMINGS, and Mr. NEAL.

H.R. 495: Mr. SCHIFF.

H.R. 543: Mr. BISHOP of Georgia.

H.R. 578: Mr. PERRY.

H.R. 611: Mr. LATHAM.

H.R. 647: Mr. HECK of Nevada, Mrs. WALORSKI, Mr. BROUN of Georgia, and Mr. GINGREY of Georgia.

H.R. 680: Mr. CARTWRIGHT.

H.R. 685: Ms. MENG, Ms. GABBARD, and Mr. GERLACH.

H.R. 713: Mr. THOMPSON of California.

H.R. 721: Mr. CARSON of Indiana.

H.R. 863: Mr. PETERS of California.

H.R. 920: Mr. MCKINLEY.

H.R. 924: Mr. TAKANO.

H.R. 1020: Mr. SCHRADER.

H.R. 1074: Mr. PRICE of North Carolina, Mr. DOGGETT, and Mr. GINGREY of Georgia.

H.R. 1098: Mrs. MCCARTHY of New York.

H.R. 1209: Ms. NORTON.

H.R. 1250: Mr. WILSON of South Carolina and Mr. RYAN of Ohio.

H.R. 1337: Mr. DUNCAN of South Carolina and Mrs. HARTZLER.

H.R. 1354: Mr. PALLONE, Mr. McKEON, Mr. HASTINGS of Florida, Mr. WOMACK, and Mr. LOBIONDO.

- H.R. 1500: Mr. LYNCH.  
H.R. 1518: Ms. GABBARD, Mr. BERA of California, Mr. HUNTER, Mr. OWENS, Mr. BENTIVOLIO, Mr. GIBBS, Mr. JOHNSON of Georgia, Mr. MICHAUD, Mr. MULVANEY, and Mr. RIBBLE.  
H.R. 1524: Mr. CARTWRIGHT.  
H.R. 1557: Ms. NORTON.  
H.R. 1563: Mrs. MILLER of Michigan, Mr. MURPHY of Florida, and Mr. RAHALL.  
H.R. 1635: Ms. BASS.  
H.R. 1696: Mr. HUFFMAN.  
H.R. 1732: Mrs. BEATTY.  
H.R. 1749: Mr. TIERNEY.  
H.R. 1755: Mr. WATT and Mr. RICHMOND.  
H.R. 1869: Mr. BUCSHON, Mr. GRIFFIN of Arkansas, Mr. SWALWELL of California, and Mr. STEWART.  
H.R. 1910: Ms. KAPTUR.  
H.R. 1920: Mr. BARROW of Georgia and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1941: Ms. SCHWARTZ and Mr. BLUMENAUER.  
H.R. 1975: Mr. DEFazio and Ms. BASS.  
H.R. 1980: Mr. COURTNEY.  
H.R. 1982: Mr. GUTHRIE.  
H.R. 1995: Ms. MCCOLLUM.  
H.R. 2012: Ms. SLAUGHTER and Mr. BLUMENAUER.  
H.R. 2026: Mr. WALBERG.  
H.R. 2027: Mr. COLE and Mr. COTTON.  
H.R. 2030: Mr. DEFazio.  
H.R. 2058: Mrs. CAROLYN B. MALONEY of New York, Mr. POCAN, and Mr. ISRAEL.  
H.R. 2068: Mr. HORSFORD.  
H.R. 2073: Mr. MORAN.  
H.R. 2084: Ms. HAHN.  
H.R. 2103: Mr. SMITH of New Jersey.  
H.R. 2118: Mrs. MCCARTHY of New York.  
H.R. 2195: Mr. HOLT, Mrs. DAVIS of California, and Mr. MCNERNEY.  
H.R. 2315: Mr. LATHAM.  
H.R. 2328: Mr. HOLDING.  
H.R. 2429: Mr. BURGESS, Mr. COLLINS of Georgia, Mr. BENISHEK, and Mr. LANCE.  
H.R. 2478: Mr. NEUGEBAUER, Mr. PITTS, Mr. WALBERG, Mrs. BACHMANN, Mr. BROOKS of Alabama, Mr. RIBBLE, Mr. LAMALFA, Mr. BARTON, Mr. OLSON, and Mr. WEBER of Texas.  
H.R. 2482: Mr. JOHNSON of Georgia, Mr. BEN RAY LUJÁN of New Mexico, and Mr. McDERMOTT.  
H.R. 2483: Mr. CUMMINGS.  
H.R. 2499: Ms. SCHWARTZ, Mr. LANGEVIN, Mrs. CAROLYN B. MALONEY of New York, Mr. SMITH of Washington, Ms. LEE of California, Ms. CLARKE, Ms. MCCOLLUM, Mr. BECERRA, and Mr. FARR.  
H.R. 2509: Mr. QUIGLEY.  
H.R. 2510: Ms. BONAMICI.  
H.R. 2521: Mr. MATHESON.  
H.R. 2591: Mr. SESSIONS, Mr. McDERMOTT, Mr. MORAN, and Mr. RAHALL.  
H.R. 2651: Mr. ROGERS of Michigan.  
H.R. 2697: Mr. GRIMM and Mr. KENNEDY.  
H.R. 2734: Ms. DUCKWORTH.  
H.R. 2772: Mr. PRICE of North Carolina.  
H.R. 2791: Mr. AMODEI.  
H.R. 2866: Mr. SALMON, Mr. POSEY, Mr. BRALEY of Iowa, Mr. UPTON, Mr. WALDEN, Mr. DENT, Mr. SESSIONS, Mr. MURPHY of Pennsylvania, Mr. LANKFORD, Mr. WOODALL, Mr. LOEBBACH, Mr. HANNA, Mr. ENGEL, Mr. MATHESON, Ms. SINEMA, Ms. GABBARD, Mr. BURGESS, Mr. PITTS, Mr. GOHMERT, Mr. BARTON, Mr. ROONEY, Mr. SOUTHERLAND, Mr. HALL, Mr. MARCHANT, Mr. McKEON, Mr. DENHAM, Mr. SMITH of Texas, Ms. LOFGREN, Mr. KENNEDY, Mr. GRIMM, and Mrs. BLACKBURN.  
H.R. 2896: Ms. SCHWARTZ.  
H.R. 2902: Ms. FUDGE and Ms. NORTON.  
H.R. 2907: Mr. SMITH of New Jersey and Mr. YARMUTH.  
H.R. 2909: Mr. NOLAN, Mr. MAFFEI, Ms. KAPTUR, Mr. PERLMUTTER, and Mr. YARMUTH.  
H.R. 2939: Mrs. NEGRETE McLEOD.  
H.R. 2998: Mr. MCGOVERN.  
H.R. 3040: Ms. MCCOLLUM.  
H.R. 3043: Mr. McDERMOTT and Mr. BEN RAY LUJÁN of New Mexico.  
H.R. 3061: Mr. HUFFMAN.  
H.R. 3077: Mr. BROUN of Georgia.  
H.R. 3086: Mr. MULLIN, Mr. DIAZ-BALART, Mrs. WAGNER, Mr. AUSTIN SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. GRIJALVA, and Mr. JONES.  
H.R. 3113: Mrs. MCCARTHY of New York.  
H.R. 3121: Mrs. CAPITO.  
H.R. 3133: Mr. HURT, Mr. DUFFY, Mr. NEUGEBAUER, Mr. GOWDY, Mr. DUNCAN of Tennessee, and Mr. FARENTHOLD.  
H.R. 3154: Mr. RIGELL and Mr. COTTON.  
H.R. 3155: Mr. SMITH of Nebraska.  
H.R. 3172: Ms. LOFGREN, Mr. FARR, and Ms. ROYBAL-ALLARD.  
H.R. 3199: Mr. FARENTHOLD.  
H.R. 3229: Mr. COLE and Mr. KILMER.  
H.R. 3240: Mr. STIVERS.  
H.R. 3299: Mr. SMITH of Nebraska, Mr. SCHWEIKERT, Mr. GUTHRIE, Mr. BILIRAKIS, and Mr. HUIZENGA of Michigan.  
H.R. 3303: Mr. BURGESS.  
H.R. 3306: Mrs. McMORRIS RODGERS and Mr. PETERS of California.  
H.R. 3310: Ms. BROWNLEY of California.  
H.R. 3312: Ms. CASTOR of Florida.  
H.R. 3319: Mr. CHAFFETZ.  
H.R. 3322: Mr. MORAN.  
H.R. 3327: Mr. THOMPSON of Mississippi, Mr. BARROW of Georgia, and Mr. ENYART.  
H.R. 3335: Mrs. HARTZLER and Mr. FRANKS of Arizona.  
H.R. 3350: Mr. COBLE, Mr. CULBERSON, and Ms. SINEMA.  
H.R. 3359: Mr. JORDAN, Mr. BENISHEK, and Mr. BUCSHON.  
H.R. 3360: Mr. HECK of Nevada, Mr. COFFMAN, and Mr. CALVERT.  
H.R. 3367: Mr. SCHWEIKERT.  
H.R. 3370: Mr. SHERMAN, Mrs. NEGRETE McLEOD, Ms. LOFGREN, Mr. MCGOVERN, Mr. GERLACH, Mr. COURTNEY, Mr. POCAN, and Mr. SWALWELL of California.  
H.R. 3376: Mr. JOHNSON of Ohio, Mr. DUFFY, and Mr. JONES.  
H.R. 3377: Mr. AMODEI.  
H.R. 3384: Mr. MCNERNEY.  
H.R. 3385: Ms. BROWNLEY of California.  
H.R. 3389: Mr. ROTHFUS and Mrs. BACHMANN.  
H.R. 3395: Mr. COURTNEY.  
H.R. 3401: Mr. GRIJALVA and Mr. CLAY.  
H.R. 3406: Mr. LANKFORD.  
H.R. 3408: Mrs. WALORSKI, Mr. RIGELL, and Mr. GRIMM.  
H.R. 3413: Mr. GRIFFIN of Arkansas, Mr. GIBBS, Mr. BARR, Mrs. NOEM, and Mr. BUCSHON.  
H.R. 3416: Mr. HARRIS, Mr. BENTIVOLIO, and Mr. LONG.  
H.R. 3427: Mr. NADLER.  
H.R. 3429: Mr. JONES and Mr. MULLIN.  
H.R. 3443: Mr. JONES, Mr. CÁRDENAS, and Mr. LOWENTHAL.  
H.J. Res. 43: Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. HAHN, Mr. NOLAN, Mr. CICILLINE, and Ms. ROYBAL-ALLARD.  
H.J. Res. 56: Mr. POCAN and Mr. SEAN PATRICK MALONEY of New York.  
H. Con. Res. 16: Ms. CASTOR of Florida.  
H. Res. 97: Mr. COTTON.  
H. Res. 147: Mr. O'ROURKE and Mr. ROTHFUS.  
H. Res. 153: Mr. MULLIN.  
H. Res. 190: Ms. BROWNLEY of California.  
H. Res. 231: Mr. SIMPSON, Ms. TSONGAS, and Mr. GRIFFIN of Arkansas.  
H. Res. 247: Mr. PRICE of North Carolina and Mr. HECK of Washington.  
H. Res. 249: Mr. DEFazio.  
H. Res. 250: Mr. BENTIVOLIO.  
H. Res. 254: Mr. DEFazio and Mr. CÁRDENAS.  
H. Res. 281: Mr. KLINE, Mr. KINGSTON, and Mr. CARSON of Indiana.  
H. Res. 356: Mr. BENISHEK, Mr. COTTON, and Mr. PETERSON.  
H. Res. 357: Mr. SOUTHERLAND.  
H. Res. 405: Mr. MILLER of Florida.  
H. Res. 406: Mr. MCGOVERN.

**SENATE—Thursday, November 14, 2013**

The Senate met at 9:30 a.m. and was called to order by the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who transforms common days into transfiguring and redemptive moments, hallowed be Your Name.

Lord, make our lawmakers great enough for these momentous times as they seek to live worthy of Your great Name. May Your precepts keep them from life's pitfalls, guiding them through the darkness to a safe haven. Cleanse the fountains of their hearts from all that defiles them so that they may be fit vessels to be used for Your glory. Let Your peace be within them as Your spirit inspires them to glorify You in their thoughts, words, and actions.

We pray in Your wonderful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 14, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. KING thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**FINISHING SENATE BUSINESS**

Mr. REID. Mr. President, this great body, the Senate, has a unique ability to work very quickly when cooperation is present. That is one of the many special things about this institution. Unfortunately, cooperation in the recent months has been very lacking.

Case in point: One Senator has delayed action for more than a month on a bill to ensure the safety of custom medications mixed by pharmacies for patients with unique health needs.

The reason that 97 Senators voted to move this legislation is because 64 people died and 800 people were made very, very sick, with some of them very sick. They had strokes and other medical issues because of the irresponsibility and negligence of this company in Massachusetts.

A lawsuit was filed recently in Nevada where two young boys were allegedly impacted significantly as a result of this medication. It was really bad medication.

Unless the entire U.S. Senate bends to that one Senator's wish, the one who voted no—and the vote was 97 to 1—he will force this body to jump through hoops and work through the next several days wasting time to finish the crucial drug safety bill, but we are going to finish that bill. This bill is important for our country, and I cannot let one Senator dictate what goes on in the Senate.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 2 hours, with Republicans controlling the first half and the majority controlling the final half.

Following morning business, we will vote on adoption of the motion to proceed to H.R. 3204, the pharmaceutical drug compounding bill. This is expected to be a voice vote—at least I hope that is, in fact, the case. If that is the case, then we will decide what will happen subsequent to that.

The Senate will recess from 1 p.m. to 2:15 p.m. to allow for an important meeting we are having. I understand that both the majority and minority are holding important meetings today.

There is no agreement that I am aware of to complete action on the compounding bill today, but hopefully we can do that.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees, with the Republicans controlling the first half.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**OBAMACARE**

Mr. McCONNELL. Mr. President, by now I am sure every Member in this Chamber has received literally countless letters, emails, and phone calls from the millions of Americans who have been hurt by ObamaCare.

I recently saw a press release from the senior Senator from California saying that she has heard from more than 30,000 constituents who are facing skyrocketing costs or canceled plans.

Each story is unique. Each story is important. That is why this morning Senate Republicans will share some of those stories to put a human face to those who have suffered as a result of the Democrats' decision to force this law on our country.

I will start off with James Dodson, who is a constituent of mine from Owensboro. James has type 2 diabetes. He recently got a letter informing him that his high-risk pool coverage would expire next month. He says a replacement plan on the ObamaCare exchange will cause his premiums to spike from \$676 to more than \$1,000 a month.

Here is the question he asked me: "Where [are] the savings the Democrats . . . promised 3 years ago?"

James' story is another reminder of why it is time for Democrats to work with us to repeal this law and start over with bipartisan reform. My constituent James is counting on them, and so are millions of others across the country who are suffering under this law.

I understand my friend from Texas has something he would like to share.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, earlier this month I launched a Web site where my constituents in Texas could describe their experiences with ObamaCare. As of this morning that



site has received more than 500 submissions and the stories are simply maddening.

For example, Barry Linden of Brenham, TX, is currently waiting for an organ transplant, but because of ObamaCare his health insurance policy is being canceled, which could jeopardize his ability to access that transplant.

As Mr. Linden writes, losing his health care plan “is a potential life-ending tragedy for me and my family. The forced dropping of my plan creates a variety of complications involving my transplant team [and] my medications.”

The “most troubling” thing, he adds, “is that insurance will have to re-certify my transplant.” In other words, he will have to start all over.

Meanwhile, I also heard from another constituent in Lubbock, TX, whose 13-year-old daughter has type 1 diabetes. She has had it since age 4. Her family had a health insurance policy when she was first diagnosed and they have been happy with that policy. However, because of ObamaCare, they were recently notified that their daughter's health insurance is being canceled in December.

Stories such as this are simply infuriating and unnecessary, but they should strengthen our resolve to dismantle ObamaCare entirely and replace it with patient-centered alternatives.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, the news out of South Dakota is like it is everywhere else—it is all bad. It is cancellation notices and sticker shock that families, individuals, and small businesses are experiencing.

This is a letter from a couple I received from my State. It says:

We got the letter. We just received a cancellation letter from our health care provider . . . I am a self employed plumber . . . We have had the same kind of health insurance for years . . . It works for us, we are happy with it.

When our current plan expires in 2014 it will no longer be available. We will have to get a new plan. We will be forced to lower our deductible, carry insurance for pregnancy, pediatric eye and dental care, etc. My wife is 50 years old, I'm almost there. WE DON'T NEED COVERAGE FOR PREGNANCY OR PEDIATRIC CARE!

We were told that our new policy will most likely cost us over 100% more than what we pay now. WE WILL NOT BE ABLE TO AFFORD IT. We will be without insurance and I guess we'll have to pay the Obama tax and take our chances.

Obama said we could keep our plan . . . PERIOD!

This is another example from my State of cancellations and sticker shock, and that is the experience Americans are having today with ObamaCare.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, The Tennessean reported on Tuesday morning in its headline that the State's largest underwriter is notifying 66,000 clients that their policies don't meet ACA coverage requirements. In other words, they are losing those policies.

I have a letter from a woman, Emilie, who lives in Middle Tennessee who was 1 of 16,000 Tennesseans who are part of another plan called CoverTN. She is losing her policy.

She says:

I am a 39 year old single woman with a chronic illness, Lupus. I worked my way through college.

As a person with a chronic illness that was deemed “uninsurable,” the only way I was able to obtain health insurance was through an employer based program called CoverTN . . . Although some call it a minimal coverage plan, it has been stellar AND affordable . . . I was excited to hear about the Affordable Health Care Act. I was glad to hear that “uninsurables” could no longer be denied coverage . . . unfortunately [that] is NOT TRUE.

I cannot keep my current plan because it does not meet the standards of coverage. This alone is a travesty. CoverTN has been a lifeline.

With the discontinuation of CoverTN, I am being forced to purchase a plan . . . that will increase [my costs] by a staggering 410%. My out of pocket expense will increase by more than \$6,000.00 a year. Please help me understand how this is “affordable.”

I beg of you to continue the fight for those, like me, who would only ask to be allowed to continue to have what we already enjoy. A fair health insurance plan at a fair price.

That is from Emilie, who is a 39-year-old woman from Tennessee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if you like your health plan, you can keep it. It is a nice sound bite, isn't it? It is also not true. My constituents have learned that the very hard way.

A constituent from Perry, IA, wrote:

My husband and I are farmers. For nine years now we have bought our own policy. We recently received our letter that our plan was going away and effective Jan 1, 2014 it will be updated to comply with the mandates of ObamaCare.

We did not get to keep our current policy. We did not get to keep our lower rates. I now have to pay for coverage that I do not want or will never use.

We are the small business owner that is trying to live the American dream. I do not believe in large government that wants to run my life.

This failed promise is hitting home but, more importantly, when the President promises something and doesn't keep that promise, it goes way beyond a promise to hurt an individual. It goes to the lack of credibility of all government. What we need to be doing in this country is building up credibility of government to strengthen our institutions of government.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Mr. President, I join my colleagues on the floor today because, like many of them, my constituents are upset. Idahoans are finding out that America's promise to the American people that “if you liked your health care plan you could keep it” simply was not true.

Over 100,000 Idahoans will find out that they cannot keep their current plans. Idahoans such as Jennifer from Salmon, ID, are finding this out the hard way. Jennifer is a working self-employed mother of three whose current health care costs her family \$375 a month. Now Jennifer is being told that her current plan is no longer available under the President's health care law and that the next available plan to her family will cost \$900 per month with a \$10,000 deductible. That plan will require Jennifer to spend \$20,000 a year between premiums and deductibles before she has benefit coverage.

This is Kelly, another hard-working mother who was promised affordable and successful health care coverage under ObamaCare.

Optimistic to enroll, Kelly and her husband looked to sign up, only to find the plans available to their family were unaffordable and thus inaccessible.

The health care law was sold on the premise that it would help families such as Kelly's—those struggling to get by month-to-month in our stifled economy—to obtain affordable, quality health insurance. Instead, Kelly and her husband are now considering taking the penalty fine for being uninsured under the new law as it is a more feasible option for their family at this time.

There are many more just like Kelly and Jennifer in Idaho and across the country dealing with new hardships as a result of this law. The President needs to work with Congress to find reasonable solutions to amend the many broken promises made about this law.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, Beth from Tribune, KS, is a single mother of a 3-year-old son with significant physical disabilities. Her son's insurance is being canceled. To replace this policy with a similar plan, it is going to cost far more than the \$750 monthly premium Beth pays now.

She writes:

How can this be? My little boy needs health insurance. . . . Now our insurance company is telling us this policy no longer exists because it doesn't meet the government's requirements and if we'd like to get another plan it's going to cost even more for the same child. . . .

We didn't change children . . . it's the same child!! This doesn't make sense. We frequently visit multiple specialists. We need this insurance. It baffles me as to why this is

happening. It's not rocket science . . . it's healthcare. ObamaCare is affecting those that need it the most and NOT in a good way . . . It's very stressful raising a child with significant needs . . . I'd like to be concentrating on the health and well-being of my son and not on stressing out over health insurance.

For Beth and her son, we must repeal this law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. WICKER. Mr. President, according to the U.S. Department of Health and Human Services, my State of Mississippi will have the third highest premiums in the Nation as a result of the so-called Affordable Care Act. This is unacceptable for my State, and my colleagues can be sure I am hearing from my constituents about this.

For example, I heard from a married couple in Long Beach who own a small business. The private insurance plan they have offered to their employees for over 20 years will suffer a 33-percent premium increase on December 1. Their insurance specifically cited the ACA's mandated coverage, fees, and taxes for the increased premiums. The couple will continue to insure their employees because if they were to discontinue the coverage, their employees and families would suffer because they would not be able to afford individual plans.

I also heard from a 58-year-old graphic designer from Madison, MS, stating that his insurance premiums will double at the beginning of the year from \$355 to \$755. This gentleman is understandably angry about this premium increase. He understands that his insurance will now cover mandated benefits such as maternity care and birth control—something he will never use as a 58-year-old male.

I also heard from a 51-year-old disabled retired doctor and the father of two high school students. Earlier this week, he was informed by his insurance provider that his family's premiums will skyrocket in January. He says he discovered that the least expensive coverage for his family will result in a 112-percent increase in his premiums.

After hours on healthcare.gov trying to enroll his family, a firefighter, a father, and a husband discovered that the cheapest plan, a bronze plan, will be too exorbitant a cost for him to pay. He will opt to pay the penalty, and he and his family will remain uninsured.

These are real Americans who are learning that the Affordable Care Act is less affordable and less accessible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, we all know that over 5 million Americans have lost their health care and can't keep the health care they wanted. The untold tragedy is the millions and millions more who are being priced out of

the market because of the increases in costs caused by ObamaCare.

I will read an email from Rob and Jessica in Georgia that I think depicts exactly what that tragedy is.

My husband lost a job in the recession. He could not find work, so we started our own business and have grown it over the last 3 years so that we are supporting ourselves with a modest income. We lost all of our savings, in the process of the recession, but we are proud from where we've come.

We are in our 40's, healthy and self-insured. We just received a letter from our insurance company that our insurance will be going up 244 percent, from \$203 a month to \$495 a month. We can't believe that our government has made a decision that is costing us, and everyone we talk to, thousands of dollars. It is truly unbelievable. We have worked so hard to get where we are. We cannot afford this increase.

ObamaCare is pricing the average American out of health care.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to discuss the impact ObamaCare is already having on my constituents, likewise, as my colleague said, in my home State of Georgia.

One of my constituents, Jeanie from Twin City, GA, is a registered nurse in a small hospital. Her husband is a retired Navy officer who served this country honorably for 20 years. They are on TRICARE, so Jeanie didn't need her employer to pay for her health care. However, because of ObamaCare, Jeanie's employer is cutting her hours to less than 30 hours a week, which means a drastic pay cut for her and her family. I fear this health care law will continue to force employers to reduce employee hours in order to avoid the unaffordable health care costs.

Another constituent, Thomas from Columbus, told me about the problem he is facing with his son. His son graduated from college, but as is the case with so many his age, he has been unable to find a job in this tough economy. His son works hard to make ends meet and was lucky to find a bartending position that would allow him to work full-time.

Service industry professionals, normally, as in the case of Thomas's son, do not receive benefits, so Thomas bought his son a catastrophic insurance plan they could afford. Now it looks certain that this plan is not going to be acceptable under ObamaCare. His son will not qualify for Medicaid, but will not be able to afford the premiums he will now have to pay for this catastrophic policy.

Our economy is still recovering and Americans are still struggling. Thomas and Jeanie are exactly the type of hardworking Americans that health care reform should be making life easier for and not harder.

It is time for the President and Democrats to join us in scrapping this law and starting anew.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, a few weeks ago we opened our Web site to Nebraskans so they could tell us what they were dealing with regarding ObamaCare. I heard from a family in Grand Island, NE, and this is what they said:

ObamaCare has made the prospect of getting sick very scary at our house. Our monthly premium is set to go up from \$578 to \$714. If that's not bad enough, our maximum out-of-pocket will go from \$5,000 to \$12,700.

This family is facing a 24-percent increase in premiums and a whopping 154-percent increase in their out-of-pocket maximum.

The letter goes on to say:

That's not affordable; in fact, if a member of my family were to get sick and need hospitalization, we'd be in major financial trouble. Not only that, but we only qualify for a \$6 tax credit. It really feels as if those of us who work hard, do the right thing, and set good examples for our children are now being punished.

It is time to stand with the American people and actually fulfill our promises and repeal this law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, thousands of Mainers are receiving notices that their health insurance is being canceled due to ObamaCare.

This past weekend I talked with Mark Pendergast, the owner of a small landscaping company, who just found out that the premiums for his small business plan will jump by 54 percent next year due to ObamaCare. He can't pay that and stay competitive, and his workers can't afford it either. Their share of the premium will go up by \$740 next year. Mark is worried they will simply drop their coverage and pay the fine instead.

Mark and his workers are not the only Mainers hurt by ObamaCare. Mrs. Beatrice Logan of Cape Elizabeth, ME, emailed me to express her deep concern that her family is facing an increase in their deductible from \$4,500 to \$12,000. Moreover, she is being told that they may not be able to continue with the health care team at Boston's Children's Hospital that has provided a lifetime of excellent care to her 19-year-old son who has cystic fibrosis.

Dave Eshelman of Falmouth told me that he and his wife are facing a more than 90-percent increase in their premiums. Having to spend an additional \$5,000 a year for health insurance is no small matter to them at a time when they are struggling to start a small business.

One of the major reasons I strongly opposed the Affordable Care Act was that there was nothing "affordable" about it. I predicted it would lead to fewer choices and higher insurance costs for middle income families and small businesses.

Congress must work together to address the very real health care concerns of the American people and the budget realities we face. Repealing ObamaCare's poorly crafted and misguided mandates and replacing the law with a fiscally responsible reform bill that contains costs and provides more choices is the best path forward.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, Gina Sell is a 29-year-old registered nurse, a wife, a mother of two girls, and a lifelong Wisconsin native. She and her husband Joe, a heating and air-conditioning technician, currently purchase health insurance on the individual market.

Their best option under ObamaCare increases their monthly premium by \$700 and their deductible by \$12,000 per year. This is after an annual ObamaCare subsidy of \$48. Because they both work, Gina and Joe make too much money to obtain an adequate subsidy but not enough to afford health insurance.

So what can they do? Gina has looked for a full-time job that provides health benefits, but those jobs are pretty scarce. Her only option may be to quit working altogether so they qualify for a larger subsidy. Because of ObamaCare, Gina might lose a career she loves and America might lose a much needed nurse.

In Gina's words: "This scenario is life altering . . . My husband and I are at a loss for what we can do."

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, many people supported President Obama's health care law based on his promises. Those words don't mean much now for millions of people receiving cancellation notices from insurers for their current plans, paying prices higher than promised and losing work hours, wages, and in some cases jobs.

In Wyoming alone, there are over 2,600 people who are losing health care coverage they like. I have received numerous letters from my constituents illustrating the scope of this problem. Greta from Laramie is one of them. Greta is in graduate school and paying for tuition out-of-pocket. She had the university's student BlueCross BlueShield insurance plan. In September, her husband and two daughters received notice that their family insurance policy was gone. They were happy with their coverage. Greta said their plan had very good coverage of maternity and well-child visits, low deductibles, and an affordable monthly premium. Her family can't afford a new health insurance plan which, according to her, "costs more and gives me less." That is what we are facing as a Nation: Health care plans we can no longer

keep and broken promises from the White House.

The President misinformed the American people when he said, "If you like your health care plan, you can keep it." Just last week, he said the Democrats didn't do a good enough job crafting the law. To me, that sounds like a law that should have never been passed. We must continue to push for repeal of this law of broken promises and work on alternative solutions that really do what the people were promised.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Mr. President, Sonya and Jake, her husband, are from Troy, MO. She contacted us to tell me that when her husband quit his job a few years ago to start his own business they, of course, when that happened, lost their employer coverage, but they were able to check on health care coverage for the self-employed. They found what they thought was a really doable policy for them. They are young and they are healthy. They have six kids, but they are all pretty healthy. They were paying \$400 a month, with a \$5,000 deductible and 100-percent coverage after the \$5,000. Their preventive care was already covered. But, of course, their policy just got canceled because it did not meet the ObamaCare guidelines. Their insurance company tells them that to get the same kind of coverage with the new guidelines, they are going to pay 125 percent more than they have been paying. Their insurance more than doubled. Their plan may not have been good enough for the new guidelines, but it was good enough for them. When the government begins to tell people what they have to have, it almost always costs people more.

Also, we are seeing the high-risk pool in our State and every State go away. I am having all kinds of people saying their insurance is going to cost more, their deductible is higher, and many times the doctor who has been part of their health care challenge right up until now is no longer available to them. So much for "if you like your doctor, you can keep your doctor."

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I think it is great that we have the opportunity to come to the floor today to talk about what our constituents are telling us. We do not do that enough.

Last night I had a tele-townhall meeting. We had about 25,000 Ohioans. At every one of these tele-townhalls, we do a poll asking what the most important issue is. And of the tele-townhalls we have done, which is one a month, every single time it has been jobs and the economy—until last night. Last night it was health care. That is because most of the questions I got were about health care coverage and people concerned about losing it.

Let me read a letter from one of my constituents. It is indicative of what I am hearing all around the State. This is from Dean. He lives in Sandusky, OH. He writes:

Ever since I lost my job in 2009 I have been purchasing my own health care insurance. Last month I received a letter in the mail stating that my plan is being cancelled due to the ACA. I was told to look at plans on the exchange, which I did and I found a comparable plan that is over twice the cost of what I now have.

In addition, this is over half of my monthly pension. I simply can't afford this. I have always been a responsible, hard-working, self-dependent person. Now, due to the actions of our government, for the first time in my life I will not have any health insurance coverage. I am 59 years old and I need this coverage. I am outraged to say the least. How can our government do this to us? I will remember this come election time. Please get rid of this insane law. This is unacceptable.

Well, to Dean and to my other constituents, I agree with you. It is unacceptable. We should repeal the law—it does not make sense—and then replace it with one that actually reduces the cost of health care and keep the promise the President made, which is that people can keep the health care they have.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, the President has publicly promised all Americans: If you like your plan, you can keep it. If you like your doctor, you can keep that doctor. The only change, he said, you will see is falling costs.

Well, Donna, a senior citizen from New Albany—senior citizens are not supposed to be affected by this ObamaCare—received a letter telling her that she and her husband could no longer keep their Medicare Advantage plan. It was terminated. So they found another plan—much higher cost, much higher premium, much higher deductible.

Cynthia from Lafayette, IN: I am self-employed and purchase health care privately. I am a single parent with a mortgage payment and a child in high school. My plan was canceled, and I was given an estimate for a replacement plan that is almost double what I am paying today.

Mr. President, you have not kept your promise to seniors. You have not kept your promise to single working mothers. You have not kept your promise to families. You have not kept your promise to the people whom I represent. How can Americans trust that this government takeover will work if you cannot keep your promises to the American people?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, in North Dakota we have a lot of farmers and we have a lot of ranchers. They are small businesspeople. They run small businesses. They are being hit very

hard by ObamaCare like other small businesses across this country.

A rancher from Rhame contacted us. His name is Wayne. He ranches there. Rhame is an area where we have a lot of cowboys, a tremendous rodeo. They compete nationally. They have great livestock herds there. He writes and he says:

I'm not one to get too upset about things, but this deal really has me mad. We got a letter a few weeks ago that said they were dropping our policy. I paid my own insurance for years and years. When I got that letter, it just hit me—because somebody in Washington decided I was too stupid to figure out if my policy was right for me or not.

I don't pay a lot of attention to politics, but usually what gets decided in Washington doesn't slap you in the face like this law has with me. I have gone on HealthCare.gov and used the estimators they direct you to. I could be going from a \$2,500 deductible to something between \$10,000 and \$12,000, the way it looks to me. This is going to cost me a lot more for something I don't even want.

If I could, I would like to read another short story from a couple in Grand Folks who got ahold of us on the marriage penalty that ObamaCare creates. She wrote:

My husband and I met with the primary health insurance carrier in North Dakota and were told that our current coverage under the guidelines of the Affordable Care Act will cost us at least another \$400 more a month, and our deductible will increase from \$2,000 to \$12,000. Because we are married, we cannot choose individual plans, which would be a lower deductible. In essence, we are being punished for being married. We are looking at paying more than \$1,500 a month in health care because we are only 61 years old and not eligible for Medicare for another 4 years—\$18,000 a year for health care!

We were told that part of the problem is the provisions in the law which require us to choose a plan that has maternity benefits. How does this make sense for seniors to be forced to buy coverage that does not apply to them? We agree that benefits shouldn't be denied to people, but it is not fair to be forced to buy coverage that does not even apply.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to speak on behalf of nearly 3,000 Nebraskans who have contacted my office with their concerns about ObamaCare. Their stories are, unfortunately, not unique: skyrocketing premiums and cancellation of plans they were promised they could keep.

Curt from Lincoln, NE, wrote to tell me he has seen his Blue Cross Blue Shield premiums rise a shocking 300 percent. David, a father living in Omaha, is facing a potential total increase of \$16,000 a year for his family's coverage—\$16,000. Another constituent from Bertrand, NE, will see his family's deductible more than double next year. He asked: "How is this the Affordable Care Act?" An apology now will not help the hard-working Nebraskans who have lost or who will soon lose their current coverage. One constituent wrote, "Folks shouldn't need a

second mortgage to pay for ObamaCare." I agree.

I yield the floor.  
The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I go home every weekend to talk to people. I was home last weekend for Veterans Day and was in the Target store in Casper and ran into a small business owner of a small electric company he runs. He has about four people who work with him. He is somebody on whom I have operated. He is a former patient of mine. He told me he was one of those 4 million Americans who had gotten that letter that they had lost their insurance.

He said: The President promised this would be easier to use than amazon.com. I can't get on. He said it would be cheaper than your cell phone bill. Well, that has not been the case. He said that the President said: If you like what you have, you can keep it. Clearly, that is not the case. He said: What is wrong? What is wrong with this? How can we fix it?

I got another letter from a rancher that I need to read. She is from New Castle, WY. She says:

We are ranchers who buy our own health insurance. Currently, we pay \$650 a month for an 80/20 policy with a \$3,500 deductible. Our maximum family out-of-pocket is \$10,000 a year. We do not carry maternity insurance because we have completed our family. I am 45 years old. I have had a hysterectomy.

I recently called my insurance agent out of fear our policy could be canceled. Well, he said it would be canceled at the renewal time.

She said that he told her that their policy did not meet ObamaCare's requirement because of maternity coverage and they would have to choose a policy from the exchanges. Now, remember, she has had a hysterectomy. She does not need or want or will ever use maternity coverage.

She said the insurance agent quoted her rates for a comparable policy at \$1,300 to \$1,600 per month. Remember, they are now paying \$650. She said the insurance agent also told her they could take a bronze policy—much less coverage than they currently have—for \$900, which is still \$250 a month higher than they would have to pay, but the out-of-pocket cost then was much higher, much more difficult for the family.

She said:

We are being forced out of a good policy, which we pay for with hard-earned money and which we choose, into a dangerous financial and health care situation with less coverage and which puts my husband and I, who are proud of our sustainability, onto what we consider the welfare rolls by needing a government subsidy to afford a plan that we do not want or need.

She said:

To say that we are angry is an understatement. Why is this happening? Why can Obama force me into this? We feel helpless. What are we supposed to do, just follow like sheep until we are either bankrupt or welfare recipients?

This is not what President of the United States promised the American people. It is not what every Democrat in this body who voted for this health care law promised the American people. The American people deserve better. They deserve to be able to get the care they need from a doctor they choose at lower costs. None of that has come true under this health care law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the more my constituents learn about the administration's so-called Affordable Care Act, the more it becomes clear that major changes should be considered.

I recently heard from a constituent who had learned from accessing the Obama administration's enrollment Web site that the plan with the lowest cost available to him has a \$7,000 yearly deductible, with a \$12,000 out-of-pocket maximum and a premium of a little over \$2,400 a month—nearly twice as much as he and his wife currently pay.

This family is just one example of millions of Americans who are suffering from sticker shock because of the cost of insurance plans on the President's new health insurance exchanges. The shock is made worse for those who are being rejected by the plans they were told they could keep but now cannot.

It is clear we need to urge the administration to consider going back to the drawing board. We should get together, too, here in the Senate and find common ground that makes better sense for the American people.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. SCOTT. Mr. President, for the last 3 years we have heard President Obama and our friends on the left promise—no, guarantee—that ObamaCare will help make health insurance more affordable. But day after day we see costs going up for hard-working families all across our country—not merely the rich families, not only the 1 percent, but middle-class Americans.

Last week I heard from Natalie Geiger, a wife and a mother of three in Charleston, SC, whose health insurance costs are seeing double-digit increases.

These are the faces of real people impacted by ObamaCare. They are not stats; they are not numbers; they don't get waivers. They are taxpayers, middle-income taxpayers, and ObamaCare is forcing many to choose between saving for college for these three little kids and paying for health care. They shouldn't have to choose.

"ObamaCare" and "healthcare.gov" are words that we now know are synonymous with "failure."

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I would like to tell the story of a constituent who emailed and is so representative of what thousands are going through in Arkansas.

Mark from Little Rock wrote to me after receiving his cancellation notice. This is what he had to say:

I recently received a notice from Blue Cross-Blue Shield that my individual health insurance policy will not be renewed after 2014 due to ObamaCare. Although I am very happy with this policy, I'm being forced out of it after 2014.

The alternative options under the Affordable Care Act are not very affordable. The closest alternative plan will increase my deductible 25% and increase my monthly premiums 300%. . . . from \$285 a month to \$850 a month.

Mark notes that his current plan is Blue Cross, which he describes as not a "bad apple" provider, and that he will be required to pay for the entire cost of this new plan out-of-pocket. These are all very serious problems with the program, and certainly Mark is not alone.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Mr. President, I recently received a letter from Kathleen Stephan of Fletcher, NC, who wrote to describe her experience with the Affordable Care Act and the impact on her health care. I wish to read her letter versus paraphrasing it.

Dear Senator BURR: I recently received a notice from Blue Cross Blue Shield of North Carolina that my health insurance policy will be cancelled effective January 1, 2014 because it does not meet all of the mandates under ObamaCare.

My current premium is \$418 per month. The replacement policy being recommended to me will cost \$928 per month—a 122 percent increase, and I do not qualify for subsidies.

I have had continuous coverage with Blue Cross Blue Shield for many years, and I like the plan I currently have.

I'm a 62 year old woman, and will not benefit from the mandatory additions to my plan, such as maternity coverage, newborn and pediatric care.

In the past, having continuous coverage provided a sense of security that my rates could not be raised based on a change in my health status.

I experienced such a change in 2012 when I was diagnosed with breast cancer and underwent seven months of treatment.

Now my rates are more than doubling, and the security is gone, not because of the change in my health, but because of ObamaCare.

When President Obama was selling the Affordable Care Act to the American people, he repeatedly promised that if you like your health care plan, you can keep your health care plan. Period.

I'm writing to you today to tell you that I do like my plan and I want to keep it. I'm asking for fairness for myself and the estimated millions of other Americans who will have their plans taken away by ObamaCare.

Sincerely,

KATHLEEN STEPHAN.

How do I answer Kathleen's letter?  
I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Mr. President, every one of us can stand here and tell thousands of stories. Mine will come from a gentleman by the name of Clint W., who is a small business owner. He received notice that he wasn't grandfathered, was being cancelled as of the first of the year. His premiums went from \$320 to \$1,200. His deductible went from \$5,000 to \$12,700. He says he can't afford it, and he canceled the policy so that he could save money for future medical expenses, and he is going to stay canceled for as long as he possibly can.

What struck me about this—I didn't get a lot of letters from poor people. I didn't get a lot of letters or contacts from rich people. My contacts came from middle-class America, which is what this country is. We are a middle-class country, by and large, with a small sliver of rich people at one end and some people who are deserving of our help at the other end, but those who are primarily affected by this are the middle class of America.

My good friends on the other side tried to claim they are the party that represents the middle class of America. I don't know whether they are getting the same letters we are, but if they are, they realize they have done something horrible. They didn't do a plan to help the disadvantaged, whom the Republican Party has always helped. What they have done is a social experiment that is collectivism or socialism at its worst. It is obvious it is a failure. These things don't work.

The American people, over 200 years, built a very successful insurance system and health care system in America. In 3 years this has been destroyed. There are 44 days left to make this work. If this isn't done right, there is going to be a collapse on January 1 and the American people are going to know exactly who caused it.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. RUBIO. One of the things I have discussed is the impact ObamaCare is having on Medicare and Medicare beneficiaries. Obviously, being from Florida, we have a significant number of Medicare beneficiaries and, in particular, people who are under something called Medicare Advantage. This is the only program in Medicare where seniors get to choose the type of coverage they want and things of that nature. My mom is a Medicare Advantage patient.

I wish to read a letter I received from a constituent of mine named Michelle Hatley, who lives in Destin, FL, which is in northwest Florida. This is a letter she received regarding her existing doctors. She also received a letter from one of her providers that talks about the changes that are happening. She sent this document attached to it. She states:

Here is a copy of the letter that I received from White Wilson Medical Group. As I indicated in our conversation, Sacred Heart might also be affected. My Medicare Advantage plan was the Medicare Completer through AARP and United Health Care. I have multiple chronic conditions which require treatment and consultation through several doctors. Three of my doctors are with White Wilson and 3 are with Sacred Heart. My rheumatologist, who directs my care for treatment of 2 autoimmune conditions, including rheumatoid arthritis, is with Sacred Heart and the only Rheumatologist in Destin. I am also legally blind, so transport to another doctor out of town is both difficult to arrange and expensive.

Of the plans that are available that will allow me to keep my doctors, the annual out of pocket is significantly higher as well as the co-payments and deductibles for patient visits, prescription drugs, and inpatient care. My choice has been reduced to finding ALL new doctors or enrolling in a different Medicare Advantage plan, which will cost more.

I wanted the Senator to be aware that Medicare clients are experiencing negative consequences from the ACA as well.

Since that time, after this experience, she has been able to find a plan that will help her avoid losing all six of her doctors, including her five specialists and the primary care physician. This is the catch: The new plan's out-of-pocket costs are now going from the \$4,000-to-\$4,500 range up to an expected \$5,900. It was a tough decision for her to make, but she ultimately decided to pay more money in order to keep seeing all of her doctors who have been treating her for the past 4 to 6 years.

This is a real-life story of a Medicare Advantage recipient in this country whose out-of-pocket costs are going up because of ObamaCare. It is wrong. It is unfair. It should not stand.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I came to the floor yesterday to share many stories I am receiving from my constituents about them receiving cancellations of policies they wanted to keep and higher premiums under this law. Each story is very sad, and I feel badly for the people of my State and across this country who are suffering under this law. My constituents are pleading for relief. This is only one example.

A small business owner from Peterborough, NH, who voted for President Obama twice, told me that her family has a household income of \$50,000 and their total health insurance will now cost over \$19,000 for the year, which is more than their mortgage. Their local hospital isn't even on the exchange. In New Hampshire we only have one insurer on the exchange and 10 of our 26 hospitals have been excluded from that exchange.

This constituent from Peterborough wrote:

We are frustrated, afraid, and angry beyond words. . . . I urge a postponement of

implementation of the Affordable Care Act while those with the power look harder at the average American and come up with a better plan. Life shouldn't be this hard.

Citizens from across New Hampshire and this country are crying out for relief. I hope the President will listen to them and call a timeout on this law so that we can come together and, rather than what was done in this Chamber—passing a partisan law—come together for bipartisan health care solutions.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. Mr. President, it is hard to narrow down the best story to tell. In fact, they are all bad stories. They are all terrible stories. Kansans are also struggling under the consequences of the passage of the Affordable Care Act. It bothers me so many times it is suggested that this is only a problem with implementation. The problem that Americans and Kansans are facing today really is the crux, the underlying basis for the provisions of the Affordable Care Act. This is not only an implementation problem; it is not only a computer problem; it is the theory on which the Affordable Care Act was based.

An example I would like to describe to my colleagues in the Senate is from a constituent from Newton, KS, which is a city in the center of the State. He writes:

We were notified by our health insurance carrier that our premiums on our small business plan were to increase 24% on our renewal date because of the coverage mandated by the ACA starting in 2014.

As small business owners in our late 50s we have struggled to find affordable health insurance for years. About 2 years ago we were able to sign up for a plan offered to small businesses through a well known carrier. It was not a "Cadillac" plan since we each had a \$5,000 deductible and no coverage for maternity (didn't need), contraception (didn't need), but it covered the things we wanted and needed. Unfortunately, the premium increase is going to put this plan in the unaffordable range again.

I have not yet been able to get on healthcare.gov. The few times I've tried it has either been down or locked up during access. As a business owner with employees and a lot of responsibilities, the time I have to spend messing around with a slow or non-responsive web site is limited and personally expensive.

Our constituents need help, and the Affordable Care Act is why they need help.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. The President promised the American people that if you like your doctor, you can keep him or her. He promised that if you like your insurance, you can keep it. But he needs to tell Andy Mangione and his family why they can't keep their insurance. They had an individual policy they were happy with. They paid \$333 per month, and they are now going to be asked to pay \$965 per month for things

they don't want and didn't choose to have. This isn't only about health care; this is about freedom of choice. This is about whether one can choose what type of insurance they want. The next question is, What is next? What choices will be taken from us?

I am going to be signing up for ObamaCare. Yesterday I tried 15 times. I wasn't able to get beyond "create an account" because every time I pushed "create an account," nothing happened.

This is a real problem—5 million people without insurance. The President said: If you can keep your insurance, you should be allowed to. You can keep your doctor.

Something has to be done because the Mangione family is going to have to pay three times as much for an insurance policy they don't want. We are taking their freedom of choice away. I, for one, say enough is enough. Let's get rid of this. Let's give back freedom to the consumer. Give back freedom to Kentucky families. In Kentucky, 10 times more families have been canceled than have actually accessed the Web site. Something has to give.

Mr. President, if you said "you can keep your doctor," come forward and tell us why we can't keep our doctor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, millions across this country are losing their health care, are losing their doctors because of ObamaCare. In Texas this past week the Austin American-Statesman reported that Austin's largest provider of cancer treatment won't participate in the health insurance plans offered through the marketplace set up by the Affordable Care Act. Indeed, they went on: "ObamaCare looked like the sunshine on the horizon. And now it's a tornado," said one Austinite who has breast cancer and is being treated at Texas Oncology.

In its upcoming issue, Texas Medicine, a publication from the Texas Medical Association, references a survey by the Medical Group Management Association that says uncertainty has 40 percent of physician practices across the country pondering their participation in marketplace-based insurance plans.

But by reducing their risk, Texas Oncology is passing the burden on to some already stressed families, said Seth Winick, whose wife is being treated by Texas Oncology for breast cancer. Winick also said: "It's an unwelcome burden and could seriously affect thousands of families who deal with cancer in our communities."

If Winick's family is forced to pay out-of-network rates to treat his wife, the family will have to make some tough decisions. He says: "We will make the financial sacrifice necessary to purchase the best care we can afford and we hope that it is enough."

But Mr. Winick had nothing positive to say about the people and the care provided at Texas Oncology. He also said:

Expanding health insurance coverage to people who don't have it is a noble goal, but the impact that has on those of us who do have it remains to be seen. Folks in the individual market don't really know what is in store.

President Obama promised the American people: If you like your health care plan, you can keep it. We now know that promise wasn't true. ObamaCare isn't working and it is time to start over.

I thank the Chair.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Arizona.

Mr. FLAKE. As my colleagues have said, I think all of us have heard from hundreds of our constituents in the past week who have had their insurance policies canceled or their insurance policies have been made unaffordable by the Affordable Care Act.

I wish to talk a minute about Greg and Linda. They live a couple doors down from me. I heard from Greg earlier this week. Greg and Linda are in their late fifties, early sixties. They know at this stage in life what kind of policy they need. They know what they do not need. They had a premium of about \$400 under their old policy. They paid \$440, to be exact. The new plan they have been able to find that matches most closely with what they had, after their other policy was canceled, would cost them just over \$1,000—\$1,055 to be exact. How is that affordable?

The President promised: If you like your plan, you can keep it. If you like your doctor, you can keep him or her. Period. That has not been the case. The President needs to explain to Greg and Linda and to hundreds and thousands of other Arizonans who are losing their health coverage how it is he said they could keep their coverage and now they can't.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, the President of the United States promised: If you like your plan, you can keep it. We all know now that simply wasn't true. Though many of us have been saying this for years, many Americans, including many in my State, are realizing the pain of the President's false statement.

Dave from Utah says: My company just dropped the good insurance plan we have had for years due to ObamaCare. The Affordable Care Act is costing me more money. I am barely able to keep my family out of poverty, and now health care is going to cost me even more. Please do something to change this.

Marcy from Utah says: We own a small business in Utah and we will be



forced to cancel our insurance and ourselves go on ObamaCare.

We can start over with a new way to fix our health care system, but starting over doesn't necessarily have to mean starting from scratch. We should take those lessons we have learned and we should build around the concept of a market-driven, patient-centered health care system, one that empowers individual Americans to choose their own health insurance based on their own personal needs and based on their own preferences.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have two stories from South Carolina I will quickly share with the body.

Scott, from Goose Creek, SC:

I am a college professor from Columbia, SC, at a private university. We are up for our insurance open enrollment. I am 35 years old, a vegetarian, never smoked, ridiculously low blood pressure and cholesterol.

Obviously, I have nothing in common with Scott.

Continuing Scott's story:

I noticed the following about my policy: My share of premiums went up by 35 percent to 40 percent. In addition, my actual policy changed. My deductible tripled from \$250 to \$750. I cannot get regular monthly prescriptions at my pharmacy now. I am sure there are other changes that I have not examined closely enough to notice.

Thomas Dougall, from Elgin, SC: After submitting his personal information on healthcare.gov received a phone call from a Mr. Justin Hadley, a North Carolina resident, who informed him that when he signed onto healthcare.gov, he received all of Mr. and Mrs. Dougall's personal information.

This is beginning to be a very famous case.

There are 572 people who have been enrolled in ObamaCare in the State of South Carolina.

ObamaCare care is not working, and I fear it will never work. The best way to fix it is to repeal it and replace it with something that will work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have received letters from constituents all over Utah who are scared, angry, and confused about the changes they are facing under ObamaCare. I have heard countless stories from Utahns losing their coverage and who will be forced into more expensive plans, thanks to the so-called Affordable Care Act.

One such story came from Kathy in Salt Lake City. I spoke briefly about Kathy on the floor a few weeks ago. Kathy wrote to tell me how she was notified by mail that her existing health care plan was no longer going to be offered. Instead, she was presented with an ObamaCare-compliant policy that will increase her deductible from \$3,000

to \$5,000, increase her copays for doctor visits by 30 percent, and increase her copays for prescription drugs as much as 50 percent.

As a result of these changes, Kathy's health care expenses will exceed her income. To quote Kathy:

The claim that only substandard policies were canceled is a lie—the plan I was on was a good policy.

She does not trust the new healthcare.gov Web site and feels there is not adequate security to protect her personal information. In her words: "I wouldn't touch the exchange with a 10-foot pole."

She is not alone in feeling this way, which spells trouble for these new health care exchanges and for the President's health care law.

I yield the floor.

Ms. MURKOWSKI. Mr. President, I rise today to discuss higher premiums and deductibles facing Alaskans, despite President Obama's promise that he will lower premiums by up to \$2,500 for a typical family per year. I can assure you that families in Alaska that I have heard from are experiencing just the opposite; significant, double digit increases in their premiums and they are not pleased with the President's failed promise to lower their healthcare costs.

I received a letter from a couple in Fairbanks, AK who is in the 55-plus age group and make "decent" but not significant incomes. They also do not qualify for Federal subsidies. They say the new cost of their insurance is "like another mortgage payment—over \$1,500 per month with an increase from \$5,000 to \$6,350 for each deductible." By my assessment, that's over \$18,000 in premiums plus \$6,350 for their initial out-of-pocket expenses, which totals over \$24,000 before any non-routine checkups are covered. They say they would rather pay the penalty, and unfortunately, this couple is not alone in their thinking. In Alaska, a State with the second highest premiums in the Nation according to CMS' own data, many of my constituents will opt for the penalty rather than bankrupting themselves to pay for a health insurance policy. It's not surprising that the letter ends by saying, "Not happy with the Affordable Care Act." I agree. And recent polls indicate that many Americans aren't happy with the Affordable Care Act.

Contrary to what we've been hearing about how higher premiums are actually making health insurance better or more affordable, that's just not the case. Mr. President, this couple wants to contribute to society. They want to be responsible citizens. But they can't when their insurance premiums costs are like another mortgage payment. This is the harsh impact the Affordable Care Act is having on everyday Alaskans who are trying to do the right thing.

The PRESIDING OFFICER. The Republican time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, we have seen an array of my Republican colleagues come to the floor, which is their right—and I am glad the government is open so they can have their staff help them prepare their speeches—but I have to say this is typical of the Republicans when it comes to health care. All they do is criticize. Not one—not one because I monitored the speeches—gave one new idea of how to make sure our citizens are protected with the insurance they have or how to insure the 48 million uninsured Americans—not one.

But this is the way the Republican Party has been for years. Let's look at what happened when Medicare came to the Senate floor and to the House floor—Medicare, which is one of the most beloved programs. Sixty percent of Republicans in the Senate and 50 percent of House Republicans voted against Medicare in 1965.

Representative Durward Hall, a Republican from Missouri, said:

We cannot stand idly by now, as the Nation is urged to embark on an ill-conceived adventure in government medicine, the end of which no one can see, and from which the patient is certain to be the ultimate sufferer.

This is typical of Republicans through the generations. Every time we have tried to expand health care they have opposed it and opposed it and tried to derail it.

Senator Milward Simpson, a Republican from Wyoming, said:

I am disturbed about the effect this legislation would have upon our economy and upon our private insurance system.

That is what they said about Medicare, and they read horror stories. They read horror stories about it.

Here is what the Republicans aren't saying. They are saying there is a problem with the health care law that needs to be fixed, which is that people who want to keep their substandard plans are having trouble keeping their substandard plans. But President Obama has already said he is going to fix that. There is legislation to fix that. We will fix it. But that is not good enough for our Republican friends. They want to tear it down, just like they wanted to tear down Medicare.

They have even wanted to tear down Medicare more recently. This isn't ancient history, let's be clear. In 1995, Dick Armey, the Republican House majority leader, said that Medicare is "a program I would have no part of in a free world."

This is the Republican sentiment about health care being offered to our people. That same year, after leading an effort to raise premiums and costs for seniors, Newt Gingrich predicted that Medicare was "going to wither on the vine."

We have tea parties saying hands off my Medicare. OK. That is how out of



touch the Republicans are with where the people are.

In 1996, Senate majority leader Bob Dole bragged:

I was there, fighting the fight, voting against Medicare . . . because we knew it wouldn't work in 1965.

Now PAUL RYAN's budget ends Medicare as we know it.

So let's be clear. When you see almost the entire Republican caucus come down and try to repeal the Affordable Care Act, this is not just stemming from today or yesterday or a glitch in the Web site or a problem we have that we have to fix about people losing their substandard plans. If they want to keep them, we will figure out a way to help them fix that. But notice they never said anything about the good things the Affordable Care Act is doing for millions of people.

Because of the Affordable Care Act, 3 million young adults are now insured on their parents' plan. Yet they want to repeal the Affordable Care Act. What is going to happen to those 3 million young adults?

We have 71 million Americans getting free preventive care such as checkups, birth control, and immunizations. There are 17 million kids with preexisting conditions, such as asthma and diabetes, who can no longer be denied coverage.

They want to talk about people who are having a problem. We are going to fix that. We think it is about 5 percent of the people, but even if it is 1 percent, we should fix it.

Yesterday we learned in the first month of the open enrollment period, 106,000, or 1.4 percent of consumers expected to sign up in the first year, have enrolled. If you look at Massachusetts during its first month—and I am sure the Chair is aware of this, being from New Jersey, close to Massachusetts—only 0.3 percent, or 123 people, signed up for coverage out of the 36,000 who ultimately signed up in the first year.

So let's be clear: We all wanted to see bigger numbers, but the Affordable Care Act numbers are four times better than what Massachusetts did in its first month. If you talk to the people in Massachusetts, they love their health care plan, and our plan is based on their plan. By the way, the Massachusetts plan is a Republican plan.

Hundreds of thousands have started the enrollment process, and I am one of them. I have created an account and I am going to go shopping and buy my plan. I am taking my time because I have some time—until December—and I wish to discuss it with my husband. We are going to decide what is best for us and I am going to sign up. I think it was Secretary Sebelius who said this isn't like buying a toaster. This is a commitment for 1 year and you have to take your time.

So don't come here and tear down the Affordable Care Act without having to

put anything in its place and focus on one problem the President has said he is going to fix—and we are going to fix it. Things are going to pick up.

But I wish to tell you the great news about California. Just in the first 2 weeks of November, California's enrollment has doubled. Our story is a truly good one. There is a huge amount of interest in California. People are enrolling. We do have a good Web site, which is important. People are finding affordable health care options.

At the end of the day, when the kinks are worked out, I believe the California experience will be repeated across the country to the benefit of all our families.

So I will break down some of the numbers from California. We have the largest State in the Union. I hate to say this to my friends here, but we are always ahead of the curve.

During the month of October, 370,000 Californians began the process of signing up for private coverage or Medicaid through our health insurance marketplace, Covered California—coveredCA.com. Of those, over 30,000 Californians enrolled in health exchange plans and over 72,000 applied for Medicaid. So we are off to an excellent start in California. In October, there were more than 2.4 million unique visits to Covered California. In other words, this doesn't count people going back and back. These are unique visits. More than 249,000 calls were made to Covered California call centers, and they have got it down to just a couple of minutes of wait time. To date, more than 17,000 counselors, agents, county workers, and others have been certified to offer in-person assistance to Californians.

We have heard the horror stories from over there—one side of the story—of people having a problem. We are going to fix the problem. I will quote what Californians are saying.

I enrolled online on Monday! No website troubles! Took me about 15 minutes! I'll be saving \$628 a month after January 1st! So grateful!

Very short wait on the phone; helpful cheerful person to talk to. This online app is very easy. Thank you!

The insurance package I am getting is more comprehensive and way cheaper than the one I've had for the last 9 years. Thank you for creating the marketplace and making the information more accessible and understandable.

I find the new coverage provisions to be amazing compared to what was out there before. Many of the plans are cheaper than anything I've seen before and the one I chose has zero deductible.

Simple, straightforward, and intuitive. I haven't had health insurance since 1985, so this site has made it unexpectedly easy to enroll. Thank you.

What we heard from the Republicans is from a group of people we are going to help who have substandard plans—they don't meet the standards of the Affordable Care Act; sometimes they

are called junk plans—some a little better than junk, many of them are not there when you need them. I have to say, to come down here and echo that sentiment without saying the good things which have been done is outrageous.

I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So we now know the history of the Republican Party. Sad to say, but they opposed Medicare when it went in. They tried to tear it down; they still are trying to tear it down in the Ryan budget. They come down here, and they talk about a problem that exists that we are going to fix. They never said: The President is going to fix it. He may be on the way to fixing it in moments here. But they ignore the fact that the signups are ahead of where Massachusetts was at this time.

Sage McCollister from Castro Valley told me how the law is helping her family. She was able to get insurance for her 7-year-old daughter, Leah, who was born with an autoimmune disorder. Sage said that before the Affordable Care Act was passed she applied to eight different companies to try to get insurance, but none were affordable. After the law went into effect, she was able to get insurance for Leah for \$8 a month. Leah was able to get a procedure done to treat a spinal cord problem that could have resulted in paralysis. Sage said that without the Affordable Care Act, "my family would be bankrupt and Leah wouldn't have gotten the health care she needs."

"Obamacare saved my family from financial ruin," said another constituent, Janine Urbaniak Reid.

So let's be fair. To come down to the floor one after the other and shed light on one problem we are going to fix—that the President said he was going to fix—and then say you are going to repeal the whole thing sounds just like their predecessors who said that Medicare was terrible and that Social Security was an awful idea. That is what this is about.

We are going to make history here. We are going to do the right thing. We are going to fix the problems, and there will be more because that is what happens when we are tackling this big issue. But at the end of the day, we will be a better nation, a healthier nation. Our children will have a brighter future, and I stand with those who want progress. We are not going to tear something down like they want to do and go right back to where we were before—with parents like these having to choose between feeding their families and giving their kids health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I thank the Senator from California for telling

the stories of people in California, which are not unlike the stories in Connecticut—an exchange that is working, a flood of people signing up way above expectations from where we originally thought the numbers would be. I thank her as well for pointing out what is the reality—which is that over 40 times Republicans in the House of Representatives and in the Senate have voted to repeal the health care reform law. Even well over the last 5 years, using over and over this mantra of repeal and replace, they have offered absolutely no replacement.

There is a story in one of the trade publications this morning saying that the Republicans were just going to change their strategy. Instead of piling on repeal vote after repeal vote, they are now just going to come down to the floor and use their committee chairmanships to simply criticize the law, and shelve, for the time being, their incessant efforts to try to repeal the law entirely.

But make no mistake, that continues to be their intention. While they are going to come down to the floor of the Senate, as they did this morning, and tell a handful of anecdotes about people who are dissatisfied with the law, their true intention is to get rid of the entire law and go back to a world in which 30 million people in this country had no access to insurance; that if you got sick, you would lose your insurance; a world in which insurance companies essentially set the rules of the game, to the disadvantage of providers and patients. That is what the agenda is here, to repeal the law and go back to the status quo, which is unacceptable—the highest number of uninsured citizens in the industrialized world, the most expensive health care system by a factor of two, compared to all of our G-20 competitors.

I get it that there are people who are unhappy, and the President is going to make an announcement later today which is going to set a path forward to try to fix one of the issues with the law with respect to cancelled policies. But I will share a couple of other stories about what the reality of the old system was.

Kyle is today about 11 years old, but when we first came into my office he was an 8-year-old living with hemophilia. Kyle is an amazingly brave young man who inspires courage in his parents. But Kyle has to get three to four injections a week in order to treat his hemophilia, and each one of those injections costs \$3,000.

His plan prior to health care reform had a feature in it that most people didn't know was included in their health care plan. That was a lifetime cap on the amount of money his health insurance company would pay for his care. Because Kyle was mounting up bills in the tens of thousands of dollars every week, his family was going to hit

that cap very quickly and then be on the hook for those \$3,000 injections that Kyle needs to take three to four times a week. That was going to bankrupt Kyle's family. They thank their lucky stars that we passed this health care reform law, because now their insurance has to be real insurance. It protects them against their lifetime exposure of high health care costs.

Thank about the Burgers from Meriden, CT. Betty and her husband had insurance their entire life, except for a 1-week period of time when Betty's husband switched jobs. During that 1-week period of time, their son was diagnosed with cancer, and because that was then a preexisting condition, her husband's new insurance plan wouldn't cover their son's treatment. Their story, unfortunately, can be told millions of times over across this country—because the Burgers went bankrupt. They lost their savings, they lost their house, and they lost everything as they mounted up huge bills to pay for their son's cancer treatments, just because he got diagnosed during a 1-week period of time in which their family had no health care insurance. That practice ends with the implementation of this health care law. No sick person can be denied insurance simply because of a preexisting condition, simply because a diagnosis happened to happen during a small window of time in which their family didn't have insurance.

I get it that the road has been a little bumpy as we have implemented this new health care system. But it is nothing compared to the bumps which have been encountered by millions of families across this country who have been abused by a system which simply does not work.

If our biggest problem is that enough people who don't have insurance aren't signing up quick enough for insurance, that is a problem I will accept because it is a problem we can fix. If all we are talking about here is just the pace at which people are going from uninsured to insured, then we can fix that. We can fix that because we know the product is good.

Senator BOXER talked about the Massachusetts experience, where during the first month of their enrollment for the Massachusetts exchange only 0.3 percent of the total signed up during that month. Why? Because people take their time. This is not an easy decision, to sign up for health care. But in Connecticut, where we have an exchange which has been up and running and a Web site that is working, in the first month our number wasn't 0.3 percent. We enrolled nearly 10 percent of our expected total in the first 30 days.

Here is what people say about their experience with Connecticut's exchange. One person said: This is a great resource for Connecticut residents to apply for health coverage thanks to the health care law.

Another said: I chose Access Health because I have been denied in the past by other carriers before this law changed.

Another said: Thank you so much for this health care law. I haven't been insured in a decade. I am so, so thankful.

Another said: Thank you for this program. I lost my job a year ago and couldn't find anything that I can afford in health coverage before this law passed.

Finally, another said: Thank you. This law is helpful and appreciated. God bless America, and thank you President Obama.

The President is going to make an announcement which will paint a path forward for the relatively small number of Americans—4 percent—who get their insurance in the individual market, some of which have had their plans canceled. But the solution with respect to the timing of enrollment is not to abandon the law, as is the real agenda of people on this floor. The solution is to fix the problem so that, like in Connecticut, more people across this country can for the first time have access to affordable quality health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleagues from Connecticut and California for coming to the floor.

We saw for the last hour Republican Senators come to floor and tell a number of stories about individuals and the difficulties they have run into with health insurance. I don't dispute the facts they have brought to the floor, but I do dispute their characterization of what America faces at this moment in time.

I supported the Affordable Care Act. I believe it was the right thing to do. I still believe it. I will tell you right off the bat—and most Democrats and Republicans would agree on this point—it is off to a rocky start.

This Web site that was supposed to be ready October 1 we are told will be ready by November 30. I hope it is, and the sooner the better. I am told it is improving by the day. That is good. Americans need access to information about health insurance. And when they have that access, they can do something—for many of them for the first time in their lives—go shopping for health insurance. There are a lot of people who have never had that luxury. Some have never had health insurance one day in their lives. Others have been given a “take it or leave it” situation, with a policy that may or may not be worth anything.

I listened carefully to the Republicans for a long time on the issue of health insurance. I have heard a lot of criticism, a lot of complaints. They want to defund ObamaCare. They want to delay the Affordable Care Act. They want to destroy it.

They do not have an alternative. "We want to repair it and replace it." Then let's hear your proposal. We never heard one during the course of our debate on creating this law 3½ years ago. We kept waiting for a Republican plan. The honest answer is they had none and apparently they still do not.

The reason they do not is they fall back and say let the marketplace decide. Many of us know the marketplace in health care personally. We know a marketplace that has turned away 40 to 50 million people who are uninsured in America, people who still get sick, still go to the hospital, and whose bills are paid by everyone else.

The Republican Party is supposed to be the party of responsibility and rugged individualism. What about the responsibility we all have, if we can afford it, to have health insurance and as a country to provide the means for those who cannot afford it so they can have protection too. That to me is responsible. Trying to just stop this reform is irresponsible.

When you get into the specifics on the Affordable Care Act you never hear a Republican Senator come to the floor and make a case against the specifics. Do you know why? They cannot. Is there a Republican Senator who will come to the floor and defend the right of a health insurance company to turn down a person or a family because of a preexisting condition? That is the situation we faced when we passed the Affordable Care Act. Is there a family in America who does not have someone with a preexisting condition? Most families do. My family has in the past and does now too.

Preexisting conditions can range from the very serious to conditions which are chronic and manageable, from asthma and diabetes to cancer survivors. The list is long. The Affordable Care Act says you cannot turn down a person in America for health insurance because of a preexisting condition.

The Republicans say they want to repeal that. If they want to go back to the day where you can turn down a person because of a preexisting condition, then have the courage to come to the floor and say it. They will not.

The law also says you cannot limit the lifetime payout on a health insurance policy. There were a lot of people who thought \$100,000 was a lot of money for health care until they got into a serious situation. We are one diagnosis, one serious disease, one accident away from medical bills that would wipe out \$100,000 in a day or two. So we put in the Affordable Care Act that there can be no upper lifetime limit when it comes to the payout under the health care insurance policy.

The Republicans say they want to repeal it. I challenge any Republican Senator to come to the floor and explain that one.

Did you know as well that of the family policies sold in America, 60 percent of the family policies did not cover maternity benefits? We require the coverage of maternity benefits. Let me tell you, my wife and I are not in a situation where we are likely to ever use those personally, but we happen to believe it is a good policy across America and it is family friendly across America to make sure policies cover maternity. Those who talk about family values and love of family and love of babies and children, why in the world would you not want to include that protection in all family policies? Spread the risk across the population but make sure every family can afford to have prenatal care for a healthy baby and a healthy mom when that blessed event arrives. I am waiting for the first Republican to come to the floor and say that is a bad idea too.

Incidentally, health insurance policies used to discriminate against certain groups, particularly women. We said that is over. You cannot discriminate against women and treat them differently. You have to be fair in the allocation of this risk and you cannot use gender as a basis for increasing the cost of a policy. The Republicans want to repeal that. I am waiting for the first Republican Senator to come to the floor and say health insurance policies, because of the free market, should be allowed to discriminate against women. That is a reality.

The other provision we provide in the Affordable Care Act, finally, is families with children coming out of college, looking for a job, can keep their kids on their health insurance policies to the age of 26. We do not know exactly how many are helped by this. Some estimate 300,000-plus young people still on their families' policies. Why is it a good thing? Because a lot of young people coming out of college do not find a job right away, and some that do may not have a full-time job or benefits. If you have ever been a mom or dad—and I have been in that circumstance as a father, where I called my daughter and I said: Jennifer, do you have health insurance? Dad, I don't need it; I am healthy. Those are things that keep you up at night. The Affordable Care Act provides additional protection for these young Americans who are just starting out in life and trying to find a job. The Republicans want to repeal it. I am waiting for the first Republican Senator to come to the floor and make that case. Oh, we should make sure young people in their twenties do not have health insurance. That is the result if you repeal the Affordable Care Act.

What about senior citizens? Medicare Part D provides prescription coverage so senior citizens can stay healthy, independent, and strong for as long as possible. The problem we had, of course, was something called the

doughnut hole. It meant out-of-pocket expenses seniors had to pay for those prescriptions. We are closing and filling the doughnut hole so seniors are not giving up their life savings in order to have the prescription drugs they need for a healthy life. They want to repeal that. They want to repeal the Affordable Care Act. I am waiting for the first Republican Senator to come to the floor and say seniors ought to pay more for the prescriptions they need under Medicare, because that is the result of repealing the Affordable Care Act.

Let me also say this. Life experience tells us several things. First, premiums on health insurance go up with some frequency. We are trying to slow down the rate of growth, but they have been going up for a long time. In some markets, for example, when it comes to individual policies people are buying, those have gone up rather dramatically, sometimes 15 percent a year for a long period of time. Second, in that market of individuals buying health insurance, 67 percent of those policies are canceled every 2 years. Now they come to the floor and tell us stories about premiums going up and cancellations. Can I remind my friends on the Republican side that has been going on for a long time. Now they blame every cancellation on the Affordable Care Act. They blame every premium increase on the Affordable Care Act. That is just not factual. It is not true.

Let me tell you about some mail I have received on the subject. Here is an email from a constituent in Illinois I would like to read. Here is what this constituent writes:

As a lifelong Republican I am absolutely appalled by the extremists who have hijacked MY party! And I am thoroughly ashamed of all the attempts to defund President Obama's healthcare act.

Already, my medical costs have dropped due to early provisions of the act—and if it passes [becomes law] it appears I will be able to save \$6,000 per year on the cost of my premiums!

I realize that not everyone shares my enthusiasm for the healthcare bill, but I would make two comments:

1. When the act is broken down into its component parts, polls consistently show that the American people do agree with the program.

2. All I'm asking is that we give it a fair trial—[give it a fair chance]—say, two years. Of course it will need tweaking and revising.

But if it doesn't work, it can be repealed then. Quite frankly, obstructionists are a public embarrassment to those of us who grew up with a different Republican party that cared about people and was not madly trying to exclude as many as possible through hateful bigotry and racism.

This is TOO IMPORTANT to let it fail! I stand with the President and the Democratic Party on this issue and hope that you will do everything in your power to see that the Healthcare Act remains in force.

Take a look at what is going on around this country. There have been Senators from States who come to the

floor, and I will use for example the Senators from the Commonwealth of Kentucky, both of whom came to the floor and called for the repeal of the Affordable Care Act. Let's take a look at the numbers. I believe, with a flawed startup, which I will readily concede, in the Commonwealth of Kentucky, according to the Washington Post, 76,294 people have already submitted completed applications under the new health care law; 39,207 are eligible to enroll in the plan, and as of this date, 5,586 have selected a plan. Kentucky is leading, on a per capita basis, many other States; some larger, some smaller. Kentucky is leading while its two Senators come to the floor and rail against the very health care law the people of Kentucky apparently need and want and are exercising their right to choose.

I salute Governor Beshear in Kentucky. He stood and said: Get out of the way. If you don't want to help Kentuckians to get good health care, get out of the way. We are going to give them a chance, and he is doing it. Other States, fighting the President and fighting Congress tooth and nail, they are not going to cooperate at all. We wonder why the startup has been so slow. It has to be without that cooperation, it makes it more difficult. I am not making any excuses for the Web site. It has to be improved. It has to be better—and it will be.

Take a look at that experience in Massachusetts. The Senator from California talked about that earlier. During the first month of enrollment in Massachusetts, 123 people signed up—in the first 30 days. By the end of the year, though, 36,000 had signed up. The number of uninsured young people went from 25 percent to 10 percent within 3 years. Massachusetts today, because of the leadership of Gov. Mitt Romney and the cooperation of the Democratic legislature in that State, has nearly universal health insurance coverage. However, the rollout was not without some problems, just as ours. The current Governor, Deval Patrick, said there were a series of Web site problems. He also said the Web site was a work in progress for the first few years. There were outages during peak times and problems searching for providers.

I recently met with a doctor from Boston. He is one of the best. He said people in Massachusetts cannot remember what it was like before, what it was like before people had health insurance. This doctor is an oncologist. He deals with people who are diagnosed with cancer. He had a 19-year-old woman come into his office before they had this version of the affordable health care act in the State of Massachusetts, and he said to her: We can cure you, but we have to really do this aggressively. It is going to take chemo, going to take radiation, it is going to take surgery.

This 19-year-old woman said: Please, don't tell my parents. I cannot afford to pay for this. If they hear this, they are going to mortgage their home to pay for my medical care and I don't want them to do it.

The parents learned and the parents made the decision and they mortgaged their home and their daughter's life was saved. This oncological doctor, this cancer doctor, said to me: Senator, I have never run into another case like that since Massachusetts passed its affordable health care act, since people have basic insurance and basic protection.

The life-and-death choices people make every single day should be front and center here and not the political squabbles that have become the trademark of this town. We have to understand that there are hard-working people across America who have no health insurance. There are families with people with preexisting conditions who cannot get a decent policy. They are going to be given their chance. We will be a better America for it, and I say to the Republican critics: After this is in place, after thousands, maybe even millions of Americans have signed up, you are not going to take it away. They are going to fight to keep it, and I am going to stand by them in that fight to make sure they have supporters and champions on the floor of the Senate.

Mrs. BOXER. Will the Senator yield through the Chair for a couple of questions?

Mr. DURBIN. I will be happy to yield for a question.

Mrs. BOXER. I thank the Senator. I see the Senator from Colorado is here as well. It was so interesting to see Republican Senator after Republican Senator come down here to focus on one of the problems we are having and are going to fix. Not one of them touched any of the issues my colleague spoke about or I spoke about or that the Senator from Connecticut did, which is the broad look at what we were facing when we passed the Affordable Care Act, the benefits that have gone into place that are saving our families from bankruptcy and saving lives. I know my friend was very clear.

When the Senator said that to see this become all about politics is something that is so wrong—we all know there is a time for politics. The Senator and I are into that. We understand that. There is a time and place.

There is also a time and place to put that aside and help our families. I wished to ask my friend a couple of questions. Does he not remember, as I do, that years ago as we were facing a crisis in health care in this Nation, before the Affordable Care Act, we found out from constituents over and over that their insurance company would walk away from them just at the time they got sick?

They thought they had a policy, as some of our people think they have good policies that do not meet the standards, but when they got sick—I remember constituents saying they get a call: You know, back 5 years ago you didn't mention the fact that you once had high blood pressure. We are sorry. We are canceling your policy.

Does my friend remember that? Does my friend remember learning, as I did, with shock, that being a woman was a preexisting condition? For example, if you were a victim of abuse as a woman, they said you were too much of a risk and they turned you away.

Does my friend remember just those two problems before we tackled the Affordable Care Act?

Mr. DURBIN. I thank the Senator, and responding through the Chair, there was a time, as a Member of Congress and a Senator, this was a normal request. People would call your office and say: I am at my wit's end. My health insurance company will not cover the problems my family faces. Can you make a call to an insurance executive? And we have. Almost to a person, Members of the House and Senate have done it, trying to advocate to get them to open coverage under a health insurance policy. That was the reality and, frankly, for many of these health insurance companies, any excuse would do. They would disqualify people on preexisting conditions because as an adolescent the insured had acne. Acne was deemed as a preexisting condition and subject to disqualification.

I see the Senator from Colorado is on the floor, and I want to yield time to him.

I thank my colleague from California for coming forward. I hope at some point the Republicans—who are so adamant about repealing and ending ObamaCare, as they call it, or the Affordable Care Act—would have one good idea on their own about providing affordable health insurance to the people across America. We all share that responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

#### DRUG QUALITY AND SECURITY ACT

Mr. BENNET. I have to say what a joy it is to see the Presiding Officer in that Chair, and welcome to the Senate.

I am here to talk about the Drug Quality and Security Act for a few minutes because at this moment of dysfunction in the Congress, we are at the brink of accomplishing something we have not been able to do for the last 25 years—the last quarter of a century.

This bill, which we are about to send to the President, reforms our drug distribution supply chain, making it more secure and safer for families. It puts us

on a path to electronic interoperable tracing at the unit level for drugs.

It also raises the bar for wholesale distributors around the country and weeds out bad actors who find loopholes in the system to stockpile drugs and create shortages. This bill cannot come soon enough.

Our Colorado pharmacies fill over 60 million prescriptions every single year, and the Coloradans who take these prescriptions, just like people all over the country, expect their medicine to be safe. The sad fact is that given the current laws in place, we cannot guarantee this. Pharmacists cannot determine with any certainty where a drug has been and whether it has been secured and safely stored on its way to a pharmacy. Right now you can get more data from a barcode on a gallon of milk than you can from one bottle of aspirin two aisles over in the store.

The normal chain moves drugs from the manufacturer to a wholesaler to a pharmacy. Under the current patchwork of State laws, drugs travel back and forth across State lines among repackagers, wholesalers, and pharmacies with no real oversight by anybody.

The more times a drug goes back and forth and changes hands, the more opportunities criminals find to enter the system. In the last decade this lack of oversight has created an enormous gray market in the United States of America. Companies can stockpile drugs that are in high demand and sell them later at dramatically higher prices.

Hospitals in Colorado are bombarded by daily calls and messages from various businesses around the country offering them drugs that are on the FDA drug shortage list and unavailable through their contracted wholesaler.

According to a recent study by Premier Alliance, which includes 30 Colorado hospitals, sale prices of drugs that are in shortage are, on average, 650 percent higher than the contracted prices. These hospitals have absolutely no idea whether the businesses that are approaching them are reputable and how they can have supply of these drugs that are in shortage.

Investigations into the gray market have shown that the current law offers a huge incentive to make outrageous profits at the expense of patients, whether through selling and reselling or counterfeiting or tainting drugs.

A little over a decade ago, criminals in Florida made \$46 million by counterfeiting 110,000 dosages of Epogen, a drug used to treat anemia—a side effect of chemotherapy and dialysis. These criminals sold the counterfeit drugs to pharmacies around the country. The FDA recovered less than 10 percent of the counterfeit product.

In 2009, nearly 130,000 vials of insulin, a temperature-sensitive drug to treat diabetes, were stolen and later found

across the country in a national pharmacy chain. The FDA—which had been notified that patients who used some of this insulin were reporting poor control over their insulin levels—was able to recover less than 2 percent of these stolen drugs.

A few years ago \$75 million worth of drugs were stolen from an Eli Lilly warehouse and later found in south Florida—becoming the largest drug heist in the country's history.

Just this year the FDA notified the public about counterfeit Avastin, a drug used to treat cancer, which was being sold from a licensed wholesaler in Tennessee.

These stories should scare any person in any State who takes a prescription. Fortunately, the practical compromise before us today will give consumers and businesses around the country peace of mind.

Over the next decade, manufacturers, repackagers, wholesale distributors, and pharmacies will form an electronic interoperable system to track and trace drugs at the unit level. The barcode on our pill bottles will soon tell us who has actually handled the medicine we take and give to our children.

Starting in 2015, the FDA will also know where every drug wholesaler is located across the country and begin to ensure that all wholesalers meet a minimum national standard.

This legislation, after 25 years, is a model of what can be accomplished through hard work and pragmatism in the U.S. Congress. This bipartisan effort has the support of business groups, such as PhRMA, GPhA, and BIO, as well as consumer groups, such as the Pew Charitable Trusts, and many others.

I cannot say enough about the leadership of Chairman HARKIN and Ranking Member ALEXANDER in driving us to get consensus on this bill. Their commitment to track and trace, as well as compounding, sets an example that I wish could be replicated many times over.

I thank Senator FRANKEN and Senator ROBERTS for their leadership on the compounding part of this bill.

Finally, I want to acknowledge the relentless—and that is the only way to describe it—effort of Senator RICHARD BURR. He has been a true advocate and outstanding partner with me and my staff. His tireless efforts, and that of his staff, helped us move this legislation into law.

While we are on that topic, and to close, I thank all of the staff who have worked on this important legislation.

I ask unanimous consent that their names be printed in the RECORD at the conclusion of my remarks.

I hope we have a strong show of support for this bill—as I know we will—on the floor of the Senate so we can get it to the President's desk. This bill will

restore a sense of safety about our pharmaceutical distribution chain.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rohini Kosoglu, Senator Bennet; Anna Abram, Senator Burr; Jenelle Krishnamoorthy, Senator Harkin; Mary Sumpter Lapinski, Senator Alexander; Elizabeth Jungman, Senator Harkin; Grace Stuntz, Senator Alexander; Nathan Brown, Senator Harkin; Molly Fishman, Senator Bennet; Margaret Coulter, Senator Burr; Pam Smith, Senator Harkin; David Cleary, Senator Alexander; Hannah Katch, Senator Franken; Jennifer Boyer, Senator Roberts.

Mr. BENNET. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I realize the Presiding Officer is not allowed to respond, but I want to add my words to those of the distinguished Senator from Colorado that I am delighted to see the Senator in the Chair. Again, as I did the other day, I welcome him to the Senate.

#### GUANTANAMO BAY

Mr. LEAHY. More than 12 years after the terrorist attacks of September 11, as we see our military presence in Afghanistan wind down, it is time to take a hard look at our counterterrorism policy. We need to consider which of our policies are working and which, while perhaps well-intentioned when they were adopted in the highly charged weeks and months after 9/11, are not making us safer. There is ample evidence that the status quo is unsustainable.

As recent revelations have made clear, we need a careful review of our surveillance activities. For example, this summer many Americans learned for the first time that Section 215 of the USA PATRIOT Act has for years been secretly interpreted to authorize the collection of Americans' phone records on an unprecedented scale.

Despite the massive privacy intrusion of this program, the executive branch has not made the case that this program is uniquely valuable to protecting our national security, and that is why I introduced the bipartisan USA FREEDOM Act with Congressman SENBRENNER. We want to end this dragnet collection and place appropriate safeguards on a wide range of government surveillance authorities.

We also must close the detention facility at Guantanamo Bay. In the coming days the Senate will take up and debate the National Defense Authorization Act for Fiscal Year 2014. That act contains many provisions that are central to our national security, and many of those provisions will help our allies around the world.

Among the most important are provisions that would help make it possible to close the facility at Guantanamo. As long as Guantanamo remains open, it

doesn't protect our national security. It serves as a recruiting tool for terrorists, it needlessly siphons away critical national security dollars, and discredits America's historic role as a global leader that defends human rights and the rule of law. As a United States Senator, I feel that this is not the face of America I want the world to see.

Currently, 164 individuals remain detained at Guantanamo. Most of them have been there for more than a decade. More than half—84—have been cleared for transfer to another country, but efforts to do so have stalled largely due to irrationally onerous restrictions imposed by Congress. These unnecessary and counterproductive hurdles have made it all but impossible to close Guantanamo, and they have also severely damaged our credibility when we criticize other governments for their use of indefinite detention. We used to be able to do that. Now they look at us and say: How can you speak?

Provisions in the 2014 NDAA would ease these restrictions. While they are incremental, they would streamline procedures for transferring detainees to other countries, and, where appropriate, allow them to be transferred to the United States for trial or detention. These are common sense changes and they are necessary if we are serious about putting an end to what I believe is an ugly chapter in our history.

There are some who will come to the floor of this Chamber over the next several days to tell us how dangerous and irresponsible it would be to close Guantanamo. I would answer that the facts are simply not with them. The bottom line is that Guantanamo hurts us; it does not help us.

Guantanamo does not make us safer. We are all committed—all of us in this body—to protecting the national security of the United States and the American people, but Guantanamo undermines those efforts. Our national security and military leaders have concluded that keeping Guantanamo open is itself a risk to our national security. The facility continues to serve as a recruitment tool for terrorists. It weakens our alliances with key international partners.

Guantanamo does not hold terrorists accountable. The military commission system for trying these detainees does not work. Federal courts have recently overturned two Guantanamo convictions in opinions that will actually prevent the military commission prosecutors from bringing conspiracy and material charges against detainees—a fact acknowledged by the lead military prosecutor at Guantanamo.

These charges, however, can be pursued in Federal courts where our prosecutors have a strong track record of obtaining long prison sentences against those who seek to do us harm. Since 9/11, Federal courts have convicted

more than 500 terrorism-related suspects, and they remain securely behind bars.

Guantanamo is also diverting scarce resources from critical national security efforts at a time when the Department of Defense faces deep and ongoing cuts. Most Americans would be surprised to know how much it costs to maintain Guantanamo. It costs about \$450 million a year to house 164 individuals. That means we are spending about \$2.7 million per detainee every year—every year—year in, year out, and some have been there for more than a decade.

In Federal prisons, it costs less than \$80,000 a year to hold an individual, compared to \$2.7 million at Guantanamo. So \$80,000 at our most secure Federal prisons, which have housed hundreds of convicted terrorists for decades. There has never been an escape. And, despite the fact the Pentagon rejected a request earlier this year to spend hundreds of millions of dollars to overhaul the aging compound, House Republicans included this spending in their version of the National Defense Authorization Act.

We can't get money for school lunches for our children, we can't get money for the Women, Infants, and Children Program, but we can continue to spend hundreds of millions of dollars more for Guantanamo. Our priorities as Americans are upside down.

The money squandered on this long-failed experiment would be better served helping disabled veterans returning home from war and soldiers preparing to defend our Nation in the future. We don't have enough money to do that, but we have enough money to keep Guantanamo open. Come on. This waste must end.

Guantanamo has undermined our reputation as a champion of human rights. Countries that respect the rule of law and human rights do not lock away prisoners indefinitely without charge or trial. We condemn authoritarian states that carry out such practices and we should not tolerate them ourselves, even for our worst enemies. We are a better people than that.

The status quo at Guantanamo is untenable and I appreciate President Obama's renewed vow to shutter this unnecessary, expensive, and counterproductive prison. But in order for the President's plan to be successful, Congress has to do its part.

We have to pass common sense provisions in the National Defense Authorization Act. I thank Senator LEVIN for his leadership on this issue as chairman of the Senate Armed Services Committee. I stand solidly with Senators FEINSTEIN, DURBIN, and others who have long recognized that it is in our national security interest to close Guantanamo. It is the fiscally responsible thing to do, it is the morally responsible thing to do, and, above all, it will actually make our country safer.

For over a decade, the indefinite detention of prisoners at Guantanamo has contradicted our most basic principles of justice, degraded our international standing, and harmed our national security. It is shameful we are still debating this issue. The status quo is unacceptable. Close Guantanamo.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DRUG QUALITY AND SECURITY ACT

Mr. REID. Mr. President, what is the matter before the body?

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

AMENDMENT NO. 2033

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2033.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2034 TO AMENDMENT NO. 2033

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2034 to amendment No. 2033.

The amendment is as follows:

In the amendment, strike "1 day" and insert "2 days".

## MOTION TO COMMIT WITH AMENDMENT NO. 2035

Mr. REID. Mr. President, I have a motion to commit H.R. 3204 with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Health, Education, Labor and Pensions with instructions to report back with the following amendment numbered 2035.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 2036

Mr. REID. Mr. President, I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2036 to the instructions of the motion to commit H.R. 3204.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 2037 TO AMENDMENT NO. 2036

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2037 to amendment No. 2036.

The amendment is as follows:

In the amendment, strike "4 days" and insert "5 days".

## EXECUTIVE SESSION

## NOMINATION OF ROBERT LEON WILKINS TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 381.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

## CLOTURE MOTION

Mr. REID. Mr. President, I sent a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Tom Harkin.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

Mr. REID. If I understand, H.R. 3204 is now the pending matter.

The PRESIDING OFFICER. The Senator is correct.

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion with respect to the bill, which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3204, an Act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

Harry Reid, Tom Harkin, Patrick J. Leahy, Jack Reed, Angus S. King, Jr., Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tim Kaine, Christopher A. Coons, Tom Udall, Sheldon

Whitehouse, Joe Manchin III, Bill Nelson, Mark R. Warner, Debbie Stabenow, Amy Klobuchar.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 91, S. 1197.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to consider Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Jack Reed, Angus S. King, Jr., Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tim Kaine, Christopher A. Coons, Tom Udall, Sheldon Whitehouse, Bill Nelson, Joe Manchin III, Mark R. Warner, Debbie Stabenow, Amy Klobuchar, Richard J. Durbin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business until 5 p.m. today with Senators permitted during that time to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kansas.



# DRUG QUALITY AND SECURITY ACT

Mr. ROBERTS. Mr. President, I come to the floor today to speak in support of the Drug Quality and Security Act, H.R. 3204. Getting this bill to where it is today—and I thank the leader for just making that possible, along with our minority leader—has been a long and sometimes very difficult road, one on which I have been working for over a decade—yes, 10 years.

This is an issue that hit far too close to home in Kansas. Several years ago, a pharmacist in Kansas City, Robert Courtney, was found to be diluting cancer drugs for his patients. Unfortunately, over 4,000 patients were affected before authorities could stop him. Senator Kit Bond at that time and myself worked together to hold the first Health, Education, Labor and Pensions Committee hearing on pharmacy compounding.

Since that time I have continued my interest in the compounding-related issues. Unfortunately, last September, over a year ago, the tragic meningitis outbreak began. This outbreak was the result of contaminated compounded medications produced by the New England Compounding Center.

Of the 751 people who became ill, 64 people lost their lives. Many of those who became ill are still suffering and have experienced painful relapses in their condition. Unfortunately, that is not the only occurrence in the last 10 years. Without proper safeguards and clear authority, I fear that these tragedies would only continue.

We acknowledged then that we had to buckle down and really get something done. Since that time, I have been working with my colleagues to draft the pending legislation before this body, the Drug Quality and Security Act, with the desire to protect patients and improve regulation of the pharmacy compounding industry.

I think that we have finally achieved what we all intended from the beginning, which is a bipartisan, bicameral product that is supported by a majority of the stakeholder groups and a variety of those groups. This legislation has the support of the pharmacists led by the National Community Pharmacists Association and the American Pharmacists Association. It has the support of the patient advocacy groups such as the Cancer Leadership Council and of industry groups such as the Pharmaceutical Distribution Security Alliance. In fact, this is quite a long list. I will not take the Senate's time to go over that list. But I would ask unanimous consent that this list be printed in the RECORD at this point in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

# SUPPORTERS OF H.R. 3204—DRUG QUALITY AND SECURITY ACT

Abbvie (PDSA), Academy of Nutrition and Dietetics, Actavis (PDSA), Allergy and Asthma Network Mothers of Asthmatics, American Medical Student Association, American Pharmacists Association, American Public Health Association, American Society for Radiation Oncology (CLC), American Society for Reproductive Medicine, American Society of Clinical Oncology (CLC), American Society of Health System Pharmacists, American Women's Medical Association, AmerisourceBergen (PDSA), Annie Appleseed Foundation.

Association of State and Territorial Health Officials, AstraZeneca (PDSA), Bayer (PDSA), Biotechnology Industry Organization (PDSA), Bladder Cancer Advocacy Network (CLC), Blue Ribbon Advocacy Alliance, Boehringer Ingelheim (PDSA), Cancer Action Network (CLC), Cancer Leadership Council (CLC), Cancer Support Community (CLC), CancerCare (CLC), CAPS—Central Admixture Pharmacy Services, Cardinal Health, Caregiver Action Network.

Center for Medical Consumers, Center for Science and Democracy, Union of Concerned Scientists, Chamber of Commerce of the United States of America, The Children's Cause for Cancer Advocacy (CLC), Community Catalyst, Connecticut Center for Patient Safety, Covecra, CreakyJoints.org, DSC/HC (PDSA), EMD Serono, Federation of American Hospitals, Fight Colorectal Cancer (CLC), Friends of Cancer Research, Generic Pharmaceutical Manufacturers Association (PDSA).

Genentech (PDSA), Global Healthy Living Foundation, Grifols (PDSA), Healthcare Distribution Management Association (Big Drug Wholesalers) (PDSA), HIDA (PDSA), Institute for Nurse Practitioner Excellence, International Myeloma Foundation (CLC), International Warehouse Logistics Association (PDSA), Johnson and Johnson (PDSA), Kidney Cancer Association (CLC), Eli Lilly (PDSA), The Leukemia & Lymphoma Society (CLC), LIVESTRONG Foundation (CLC).

Lymphoma Research Foundation (CLC), McKesson Corporation, MD Support, Medline (PDSA), Men's Health Network, Merck (PDSA), Mylan (PDSA), National Association of Chain Drug Stores (PDSA), National Association of County and City Health Officials, National Coalition for Cancer Survivorship (CLC), National Community Pharmacists Association (PDSA), National Lung Cancer Partnership (CLC).

National Patient Advocate Foundation (CLC), North American Menopause Society, Novartis (PDSA), Ovarian Cancer National Alliance (CLC), Pancreatic Cancer Action Network (CLC), Perrigo (PDSA), Pfizer (PDSA), Pharmaceutical Distribution Security Alliance, Pharmedium, PhRMA (PDSA), Premier Healthcare Alliance, Prevent Cancer Foundation (CLC), Prostate Cancer Education and Support Network (CLC), Richie's Specialty Pharmacy, Sarcoma Foundation of America (CLC), Society for Women's Health Research, StopAfib.org, Susan G. Komen Advocacy Alliance (CLC), Takeda (PDSA), Tennessee Pharmacists Association, Terri Lewis, Meningitis Outbreak FB Community Manager, The Pew Charitable Trusts, Trust for America's Health, UPS (PDSA), Us TOO International (CLC), Walgreens (PDSA).

Mr. ROBERTS. Title I of the Drug Quality and Security Act addresses the oversight of compounding pharmacies, and Title II provides a mechanism for securing our pharmaceutical drug sup-

ply chain. Together, we are making patients safer and ensuring that they can better trust the drugs that they take.

This took a significant amount of time and effort. I especially thank Chairman HARKIN, Ranking Member ALEXANDER, Senators BURR, BENNETT, and FRANKEN for sticking with it. This is a true bipartisan effort. Personally, I thank my staffer Jennifer Boyer for her determined dedication and the many hours of work to get this job done.

In September, with the leadership of Mr. UPTON and Mr. WAXMAN in the other body, this legislation was passed by the House by a voice vote. I am hoping we can see a similar outcome in the Senate. I urge my colleagues to support this legislation and encourage its swift passage and the signature by the President of the United States.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am here today to talk about the Drug Quality and Security Act. This legislation does two things. First, it improves the regulation of compounding pharmacies, and second, it strengthens the security of our drug supply chain. This legislation has been in the works for quite a while and I am so pleased that the HELP Committee came together on a bipartisan basis and put together legislation that will truly save lives—across the country and in my home State of Maryland.

This bill has been through regular order. We had multiple hearings in the HELP committee, we had working groups, of which I was a member, and we held a bipartisan markup. Our counterparts in the House did the same. And here we are today. This bill has passed the House and it is my hope that it will pass the Senate and be signed into law by the President.

Let me first talk about the Compounding Quality Title of the bill and why it is so important. Last year, our Nation was devastated by a meningitis outbreak that sickened 751 people and killed 64 people. In Maryland, 26 people fell ill and 3 people died. As the HELP Committee looked into this outbreak, we quickly learned two things. First, these illnesses and deaths were caused by contaminated compounded drugs from the New England Compounding Center, NECC, located in Massachusetts. And second, these illnesses and deaths were entirely preventable.

Hospitals, doctors, and patients are increasingly relying upon compounded drugs, which are supposed to be made on an individual basis to respond to a patient's unique health needs. For instance, if a patient is allergic to a certain ingredient in a drug, a compounding pharmacy can make the drug without that ingredient. Or if a child needs a smaller dosage strength, a compounding pharmacy can do that.

Today, 1 to 3 percent of the U.S. prescription drug market is made up of compounded drugs.

But the problem we have is twofold. The first problem is that where there is need, there is greed. Compounded drugs are supposed to be made on an individual basis for an individual patient and provided only with a prescription from a doctor. What the HELP Committee learned was that certain compounding facilities were blatantly and flagrantly violating these rules. Not only was NECC mass producing drugs and dispensing them across State lines without prescriptions, NECC also knowingly disregarded sterility tests and prepared drugs in unsanitary conditions. And why? To make a profit.

The second problem is that our existing regulatory framework is insufficient. NECC made drugs in unsanitary conditions, mass produced drugs, and provided medicines without prescriptions. And our regulatory framework was ill-designed to catch problems and prevent the outbreak.

We cannot undo the tragedy caused by NECC's actions, but we can and must find a way to prevent this from happening again, and that is where this legislation comes into play. The bill before us makes two major changes, which will help prevent another NECC-like tragedy. First, it gives the FDA the authority to regulate large-scale compounding pharmacies. Compounders who wish to make large volumes of these drugs will be regulated by FDA, will be required to register with FDA, will be required to report adverse events to FDA, and will be subject to risk-based inspections by FDA. Smaller traditional compounding pharmacies will continue to be regulated by State boards of pharmacy.

Second, this legislation will ensure that patients and providers have better information about compounded drugs. The FDA will post online a list of compounding facilities they regulate, detailed labeling will be required on compounded drugs, and false and misleading advertising will be prohibited.

Let me now talk about the Drug Supply Chain Security Title of the bill. This deals with all drugs, not just compounded drugs. Today, we have a patchwork of 50 different State laws that govern drug distribution in our 50 different States. What this means is that if we become aware of a contaminated drug in our supply chain, there is no uniform way to track that drug back to its source and get it off the market quickly.

This bill will improve patient safety by replacing today's patchwork of product tracing laws with a strong, uniform standard that will ultimately lead to an electronic, interoperable product tracing system for the entire country. This is commonsense legislation that has been long in the making.

These issues are particularly important to me, not only because ensuring

the safety of our Nation's drug supply is of the utmost importance but also because I have the distinct honor of representing Maryland, which is home to the FDA.

The FDA is our Federal agency tasked with ensuring the safety of our Nation's drugs, through the more than 14,000 dedicated, talented, hardworking employees who work there. Fifty-five percent of FDA's employees were furloughed during the recent government shutdown. I would like to take this opportunity to remind my colleagues why the work that the FDA does is so important. If we want our drugs to be safe, if we want our food to be safe, if we want our medical devices to be safe, we cannot furlough our FDA staff and we cannot pursue cuts to FDA in coming years.

This bill was done the right way. We had hearings, markups, and working groups in both the House and Senate and we had input from both Republicans and Democrats. I want to thank Chairman HARKIN and Ranking Member ALEXANDER for all of their work to get us here. I urge my colleagues to support this bill, which will improve drug safety and save lives.

Mr. COBURN. Mr. President, it has now been about 1 year since the fungal meningitis outbreak last fall associated with the tainted sterile compounded drugs from the New England Compounding Center. This week on the floor of the Senate, we have a bill that is, in many senses, Congress's response to the lack of policy clarity that many have suggested failed to prevent that tragedy.

As I have watched the Senators and their staff who have been working on this bill over the past several months, I applaud the bipartisan manner they have used in creating legislation that could help prevent similar tragedies in the future.

I am planning on voting for this legislation because I do think Congress needs to legislate. The courts have not been clear. However, I want to note that, despite the strong bipartisan collaboration, this legislation leaves some regulatory oversight concerns outstanding that I want to comment on and make clear today.

There has been a lot of concern that by reaffirming section 503(a) of the Food, Drug and Cosmetic Act, office use of compounded drugs is not recognized as permissible compounding activity. Therefore, I want to make clear that this legislation does not change current State law or authority over the dispensing or distribution of medications by pharmacists, compounded or manufactured, for a prescriber's administration to or treatment of a patient within their practice.

Currently, the compounding and dispensing of prescription drugs for in-office administration by a prescriber to their patient is governed by State

boards of pharmacy, and States have determined what is best for their State regarding office use. In fact, more than 40 States have passed laws over the last 15 years related to current practices of using compounded drugs in the office context.

The issue of office use, indeed all of pharmacy practice regulation, is best left to the States. So the omission of office use from 503(a) should not signal to the FDA that it has the authority to encroach upon State authority to regulate office use.

In addition, there have been concerns whether the provisions within the legislation that grant authority to the FDA to set up systems of procedure for the direct communication between State boards of pharmacy and the FDA will give FDA more authority over compounded prescriptions shipped across State lines. I want to also take this opportunity to make clear that these provisions within the legislation require "appropriate investigation" on complaints and other issues that arise by the FDA and in no way provide some new expansive authority to the FDA to restrict interstate commerce or regulate intrastate commerce.

Finally, the legislation does not change the ability of ophthalmologists to administer drugs in their office to individual patients for the purposes of reducing macular degeneration. Under this legislation, physicians retain the ability to use compounding drugs in their office for their patients. This is a practice-of-medicine issue, so the art and science of medicine should not be impeded by the FDA.

I will continue to monitor the implementation of section 503(A) in consultation with physicians, medical professionals, and pharmacy professionals. I also strongly encourage the FDA to ensure that these provisions are not used to restrict office use and restrict interstate sales of compounded pharmaceuticals within all applicable laws and regulations.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Mr. REID. Madam President, it is my understanding there is an order in effect that we would recess starting at 1 p.m.

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, I ask unanimous consent that time be advanced and we begin recess now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

#### UNANIMOUS CONSENT REQUESTS

Mr. VITTER. Madam President, I come to the floor again to try to achieve what I think is a very simple and straightforward but important objective: to get a clear up-or-down vote on a pure disclosure proposal I have. This proposal would say that the elections all of us make as Members of the Senate and all of the House Members make with regard to how our offices go to the ObamaCare exchange as mandated by statute do not go through this end runaround of the OPM rule. That is simply public information. How each office handles the situation is public information.

Whatever we believe about the Washington exemption from ObamaCare, whatever we believe about that debate and that exemption and that subsidy, it should be a no-brainer, not partisan debate, how each of us and how each of our offices handle whether this election is public information. Right now it is not. A lot of Members, including me, have explained what they are doing, but certainly not all have, and that is not public information. This amendment which I am proposing would simply produce full disclosure and have that be public information.

I am open to any way to get a clear vote on that this calendar year, so I am completely flexible on how that happens—on this bill before us—and I would certainly like to expedite consideration and passage of this bill; or an amendment on the Defense bill next week—that would be another possibility; or a quick debate on my free-standing bill—that would be a third possibility. None of those would take significant time in the Senate. In fact, all of those would expedite Senate business, including leading to the passage of the bill now on the Senate floor right now, today. So it would actually expedite the process and expedite consideration.

With that, Madam President, I ask unanimous consent that my amendment No. 2024 be called up, that a Democratic side-by-side amendment be in order to be called up, and that those be the only amendments in order other than those currently pending; that both those amendments be subject to a 60-vote affirmative threshold for adoption; I further ask that there be a total of 2 hours of debate equally divided on both amendments and that upon the use or yielding back of that time, the Senate proceed to a vote on the Democratic amendment, followed by a vote on my amendment; that following the disposition of the amendments, the bill

be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I have made statements over the past many weeks about why I object to this. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, reclaiming the floor, again I am open to any reasonable way to get a simple vote on a pure disclosure provision anytime this calendar year. In that spirit, I have an alternative.

I ask unanimous consent that all remaining time on the motion to proceed to H.R. 3204, the compounding bill, be yielded back; that the Senate proceed to H.R. 3204; that the bill be read a third time and passed right now and the motion to reconsider be considered made and laid upon the table; I further ask that the Senate then proceed to the consideration of S. 1197, the Defense authorization bill; that my amendment which is at the desk be called up and that a Democratic side-by-side amendment be in order to be called up; that notwithstanding rule XXII, those amendments remain in order and that both amendments be subject to a 60-vote affirmative threshold for adoption.

The PRESIDING OFFICER. Is there objection?

The majority leader is recognized.

Mr. REID. Reserving the right to object, the Senator from Louisiana has been holding up things in the Senate for weeks. What he has now requested of the Senate is that every other Senator take second fiddle to him. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, again, I am open to any reasonable path forward that would produce this one, simple, straightforward vote on pure disclosure, information that I think should clearly be public information. So as a third alternative, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 1629 and the Senate proceed to its immediate consideration; I further ask consent that there be 60 minutes of debate divided in the usual form; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill; and that a 60-affirmative vote threshold be required for passage.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, reclaiming the floor and wrapping up, I

continue to find that very unfortunate and, frankly, really unreasonable. We, each of us as Members of the Senate, made an important election about how to handle this ObamaCare exemption issue. Some folks have classified a good part of their staff as not official staff—magic wand, somehow. They work here, they get a paycheck, they are on government property, they do official business, but they are not official staff. This is a charade, and at a minimum I think the public should know how each office and each Member is handling that situation. That is the only thing my disclosure proposals, which I have been asking for a vote on, would require. That is the only thing I am asking for a vote on this calendar year. I think offering these three unanimous consent routes to that is very reasonable and would also expedite consideration of many other matters, including the bill on the Senate floor right now. It is unfortunate that that reasonable route forward was not chosen and blocked in multiple ways, but I will certainly continue pursuing this important objective.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. I thank the Chair.

(The remarks of Senator BLUMENTHAL pertaining to the introduction of S. 1714 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUMENTHAL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. NELSON. Madam President, I think the President did the right thing today. The whole idea of health insurance reform was to get people into health insurance that do not have health insurance. The idea was not for those who had insurance, unless they wanted to improve that insurance or they did not have the insurance they needed.

The idea, certainly, was not that if they had insurance they were satisfied

with, that they were not going to be able to keep that. That is what the President had said. That is what the President reaffirmed today. I think the President did the right thing.

Insurance is a very complicated subject. In all that we are hearing about in the setting up of those different health insurance exchanges in each of the States, you are creating a new pool of people, both young and old, both sick and healthy, and you spread that health risk over a larger number of people. If it is a typical population of young and old, not just all old, and not just all sick, the more you can spread that health risk over an average population, the more you can bring down the cost of that health insurance. That is basically the principle of health insurance.

So, unless we can get the young and healthy people who need health insurance—by the way, they may think they are invincible, but they may also have an accident. Instead of them ending up in the emergency room at the time that they have the accident, or when they really get sick and they do not have health insurance, and they do not pay—guess who pays. All the rest of us pay in our health insurance premiums.

So the whole idea is to reform this by getting as many of the 45 million people that do not have health insurance into the health insurance system. That is what these 50 State insurance exchanges are designed to be. So the issue today did not directly affect that, but for the fact that if those who have health insurance, and they say that they are happy with it, but they are really not because it is a subpar health insurance policy—I call them dog policies. If they realize they have a dog policy, then they see what they can really get in the exchange in a comprehensive policy that will cover maternity and all of the other things, on top of the guarantees that an insurance company cannot cancel them, on top of the guarantees that if they had a pre-existing condition, their insurance is not only not going to be canceled but that they will, in fact, be able to get insurance.

What I have described—guess what it is. It is the Affordable Care Act. It is the ability to have health insurance when a big part of our population—45 million people in this country—has not been able to have it.

The narrow little issue addressed today by the President was that some people have health insurance that they like. They ought to be able to keep it. Some people who have health insurance don't realize how much better it could be with much more comprehensive coverage. Once they see the difference, those folks who the President said today can keep those subpar policies are going to want to go into the health insurance exchange. That is what this is all about.

Unfortunately, this has become all balled up in politics. It is a complicated subject. Most of us don't even want to think about it. We want to leave it to our insurance agent, someone who is skilled.

Now, as we are making our own individual choices, which we are able to do by going on a Web site and designing a policy for ourselves, we are empowering ourselves to have the health care coverage we want. In the meantime, we have a lot of turmoil, a lot of strife, and a lot of politics.

Give it some time. And this is a former insurance commissioner speaking, and I know most of the tricks the insurance companies will pull. But give it some time. Down the road, with the insurance companies I have seen, as I have talked with the CEOs, they want to cooperate because they realize this is good for their business as well because now they will be able to offer so many more policies to people who, in fact, do need that health coverage. Give it a little time. It is going to work. There will be a few twists and turns. We are not going to get rid of the politics because it is the nature of the beast these days, but give it a little time and it will all work out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

(The remarks of Mr. COONS pertaining to the introduction of S. 1709 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COONS. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MILITARY JUSTICE IMPROVEMENT ACT

Mrs. GILLIBRAND. Mr. President, I rise today to talk about an amendment I plan to introduce to the National Defense Authorization Act next week. This is an amendment known as the bipartisan Military Justice Improvement Act.

I thank my colleagues on both sides of the aisle for their leadership in this effort. As we have said from the beginning, this is not a Democrat nor a Republican idea. It is good, plain old common sense. It is the right idea necessary to protect the men and women

who fight for our country and our values in uniform every single day. So I thank the broad coalition of supporters for their leadership—former generals and commanders, veterans, advocates—who are making their voices heard so that they know these horrible crimes aren't going to happen to someone else; that the justice system we build is one of which they are deserving. They are urging Congress to use its responsibility of oversight and accountability, to use their role head-on, by finally creating an independent military justice system which gives survivors of these horrific acts of violence a fair shot at justice—a system free of inherent bias and conflicts of interest that currently exists within the chain of command, that will enable survivors to come forward and to hold their perpetrators accountable.

The strong and growing bipartisan coalition of Senators, survivors, veterans, retired generals, commanding officers, and advocates is showing this is not only free from partisan politics and ideology, but it is a promilitary piece of legislation which actually strengthens our military readiness, strengthens unit cohesion, and strengthens good order and discipline.

This week began with all Americans saluting our veterans, honoring our solemn commitment to the brave men and women who join the Armed Services for all the right reasons: To serve our country, defend all that we hold sacred, and make America's military the best the world has ever known.

These men and women put everything on the line to defend our country. Each time they are called to serve, they answer that call. But too often these brave men and women find themselves in the fight of their lives—not on some foreign battlefield in another place against an unknown enemy but within their own ranks, on this soil, among men and women with whom they serve. They are victims of horrific acts of sexual violence.

Sexual assault in the military is not new, but it has been allowed to fester. It has been festering in the shadows for far too long, and when our commanders for the past 25 years have said there is zero tolerance for sexual assault in the military, what they really meant was there is zero accountability—and that is the problem we are facing—going back to the Secretary of Defense under Dick Cheney in 1992. He uttered those words: "Zero accountability." Every Secretary of Defense has since that time said "zero accountability." But our system of justice in the military is broken, and our commanders are the ones who hold all the cards about whether these cases can go forward.

There are those who argue that moving these decisions to independent military prosecutors will somehow undermine good order and discipline. If you had 26,000 cases of unwanted sexual

contact, rape, and assault in the military last year alone, you do not have good order and discipline.

Our allies with whom we fight side by side in every conflict—Israel, the UK, Canada, Australia, the Netherlands, Germany—have all already made this decision to say serious crimes deserve the objective review of trained military prosecutors. They should not rest in the chain of command. They should not rest where bias is possible, where conflicts of interest are rampant. It should not be there because the scales of justice are blind. That is the whole point of the American justice system: Blind justice. Not tipped for the defendant, not tipped for the victim. Blind, objective.

We have a Defense Department panel that is actually taking up evidence on this issue. They had a hearing. They asked members from our allies to come and testify about when they made this change. When you took this decision-making out of the chain of command, what happened? Did you have a falling off of good order and discipline? They testified no. The director-general of the Australian Defense Force Legal Service, Paul Cronin, said that Australia had faced the same set of arguments from their military leaders in the past.

It's a bit like when we opened up to gays in the military in the late 1980s. There was a lot of concern at the time that there would be issues, but not surprisingly there haven't been any.

There are those who argue that somehow our commanders would no longer be accountable. Let me be clear about this. There is nothing in this bill that takes commanders off the hook. They are still responsible, solely responsible, for maintaining good order and discipline, for setting the command climate, for saying these rapes are not going to happen on my watch and, if they do, victims can come forward and know they will be protected. They are responsible for making sure there is no retaliation.

But you know what. Last year alone, of those 3,000 brave survivors who did come forward and report what happened to them, 62 percent were retaliated against—62 percent. That means those command climates failed to protect victims telling their commanders I have been raped; I have been sexually assaulted; I have been brutalized, and justice has to be done.

What does retaliation look like? Commanders saying things such as: It is your own fault; you are to blame; you are the problem. If you report this crime, I am going to write you up on drinking or adultery. Do you really want your military career to end?

For so many victims, that is what happened; they are forced out of the military. All they want to do is serve our country, some of our best and brightest. We are losing them because justice is impossible for them.

Some opponents say this reform will cost too much money. One estimate is that if you had enough lawyers to do all this legal work, it might cost you \$113 million, \$4,000 a victim. That is an absurd argument. Are you really telling me it costs too much to prosecute rapists in the military? Are you really telling me it costs too much to have enough lawyers to take these cases to trial? Are you really telling me it costs too much to have a criminal justice system that honors the men and women who serve in this military? You cannot possibly be saying that. You cannot possibly be saying that.

It is also an argument that makes no sense. Do you know how much it costs our military to have 26,000 sexual assaults, rapes, and unwanted sexual contacts every year in our military? Do you know what that costs? The RAND Corporation actually did an estimate. They said having this kind of rampant sexual assault, rape in our military, cost the military—because they lose so many of these good men and women there have to be new people retrained—\$3.6 billion last year alone. That is the cost. That is a cost we should not be willing to pay.

Last argument. Our opponents say that commanders will actually move more cases forward that prosecutors wouldn't. That is not true because, again, if you have 23,000 cases that are not being reported and you create an objective criminal justice system, you are going to have more reporting. With more reporting, you are going to have more cases going to trial, many more cases than any argument that there might be an aggressive commander here or there. Many more cases will go to trial and end in conviction if you create an objective system.

Every single year the DOD does estimates; they estimate what is actually the incident rate of sexual assault in the military. Last year they had confidential surveys men and women filled out. Based on that confidential survey, they estimated there were 26,000 cases last year alone, sexual assault, rape, unwanted sexual contact. Of that number, only 2,558—that is the 1 in 10—sought justice by filing unrestricted reports. Of those 2,500 cases, 300 went to trial. So you are really talking about 1 in 100 cases end in justice. That is an abysmal record. We owe so much more to the men and women who serve in our military, so much more to those who will even die for this country. A chain of command oriented system that produces only 302 convictions of 2,558 actionable reports is simply not holding enough alleged assailants accountable under any standard. One in one hundred cases ending in conviction is not good enough under any standard.

Further, an independent system will protect not just the rights of the victim but an accused who may well be innocent, because when a commander is

the only decisionmaker and they may know the victim and they may know the perpetrator or the accused and they have a reason to deal with this case in a way that is reflective of his or her bias, what you are creating is an unjust system. Justice must be blind.

I have not come to this conclusion for this fundamentally needed reform lightly. But if you listen to the survivors, if you listen to what happened to them, where the breach in the system is, where the failure of trust occurred, there is no possible reform that does not include taking it out of the chain of command.

What I would like to do, as my colleague Senator GRASSLEY has just joined me on the floor—Senator GRASSLEY is one of our greatest champions on this bill. He has looked at this problem from the perspective of common sense. He has looked at this problem and said you cannot possibly have a system rife with bias and conflicts of interest and expect justice will be done. I am going to yield to my colleague when he is ready. He wants to address another issue.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

#### HEALTH CARE

Mr. GRASSLEY. Mr. President, Webster's dictionary defines the word success as "the correct or desired result of an attempt." I want to discuss the definition of the word success as we consider the Affordable Care Act.

On the day the bill was signed into law, President Obama said the following:

Today we are affirming that essential truth, a truth every generation is called to discover for itself, that we are not a nation that scales back its aspirations.

Such grand words for where we are today on that piece of legislation. Today the success of the law that now bears his name, ObamaCare, is defined in much more meager terms. Today success is when the folks at Health and Human Services got up this morning, ObamaCare had not shut down, and when the folks at HHS go to sleep tonight, their day will have been a success if ObamaCare did not have to shut down.

Think of all that, think of all that we have been through to this point after 4 years, the fight over the bill and the extreme legislative means used to pass it through Congress. Then think about the 2010 and 2012 elections. Think about the Supreme Court decision that effectively repealed half of the law's coverage. Think of all the changes made to the law through regulation to make sure ObamaCare launched. Think of the postponing of the employer mandate. Think of the postponing of lifetime limits. Think of the impact this law has had on our economy. It has had quite an impact on the economy—people losing jobs, people losing health insurance they currently have, because if

you like what you have you may not be able to keep it. Let's talk about that issue for a minute.

"If you like what you have, you can keep it" was the promise the President made to the American people on at least 36 separate occasions. It is a great sound bite. It is easy to say. It rolls easily off the tongue.

It is also not true. It was never true. It was obviously not true when the law was written. It was obviously not true when the first proposed regulation came out. This is what I said on the Senate floor September 2010. Quoting myself:

Only in the District of Columbia could you get away with telling the people if you like what you have you can keep it, and then pass regulations 6 months later that do just the opposite and figure that people are going to ignore it.

It is not that I have some magic crystal ball. Simple—we all knew it. The administration certainly knew the day would come when millions of people would receive cancellation notices of their insurance policy. Now my constituents clearly know it. I have heard from many Iowans who found out the hard way that the President made a bunch of pie-in-the-sky promises that he knew he couldn't keep, constituents such as this one from Perry, IA, saying:

My husband and I are farmers. For 9 years now we have bought our own policy. To keep the costs affordable our plan is a major medical plan with a very high deductible. We recently received our letters that the plan was going away.

Effective January 1, 2014, it will be updated to comply with the mandates of ObamaCare. To manage the risk of much higher premiums, our insurance company is asking us to cancel our current policy and sign on to a higher rate effective December 1, 2013 or we could go to the government exchange.

We did not keep our current policy. We did not get to keep our lower rates. I now have to pay for coverage that I do not want or will never use. We are not low-income people that might qualify for assistance. We are the small business owner that is trying to live the American dream. I do not believe in large government that wants to run my life.

Or a constituent living in Mason City, IA:

My wife and I are both 60 years old and I have been covered by an excellent Wellmark Blue Cross/Blue Shield policy for several years. It is not through my employer. We selected the plan because it had the features we wanted and needed . . . our choice. And because we are healthy we have a preferred premium rate. Yesterday we got a call from our agent explaining that since our plan is not grandfathered, it will need to be replaced at the end of 2014. The current plan has a \$5,000 deductible and the premium is \$511 per month. The best option going forward for us from Wellmark would cost \$955 per month—a modest 87 percent increase—and have a \$10,000 deductible.

And because we have been diligent and responsible in saving for our upcoming retirement, we do not qualify for any taxpayer-funded subsidies.

These are just two of many letters, emails, and phone calls I have received

from Iowans. Thousands have contacted me asking what can be done now that we clearly see that what the President sold the American people was a bag of Washington's best gift-wrapped hot air.

I ask the President, I ask my colleagues here in the Senate, to look at all we have been through as a country, all the grandiose talk about the importance of this statute, and what we ultimately have is an optional Medicaid expansion with a glorified high-risk pool and a government portal that makes the DMV look efficient.

Americans deserve better. They voted for better. But this administration will somehow trudge ahead; keep the doors open; thousands of people enrolled instead of millions. They just released a number this week for the 36 States using the malfunctioning Federal exchange: fewer than 27,000 people. Including people who have not actually committed to purchase the plans—those who have put it in their shopping cart—less than 27,000 people. That is about 19 people per day per State. So the administration will limp along with this pitiful signup process hoping to get people properly assigned to health plans.

If the assignment of individuals to plans fails miserably on January 1, the administration will dig in and sort it out. If the risk pools are a disaster, the administration will use extraregulatory—by any means necessary—tools to keep this program afloat. Because for all the talk of this bill being—as we saw and heard the Vice President on TV—a big expletive deal, success is not defined in the desires of 2010 but in making sure ObamaCare exists in some form or fashion on January 20, 2017.

We saw more of this digging in and sorting out on this very day when the President spoke. Insurance companies sent 4 million cancellation notices to comply with the President's law. They did it to comply with the law. Let's be clear about it. In other words, these insurers read the law, and then do you know what they did. They did what every company ought to do: Follow the law. Unfortunately for them, the President did what he has been doing for 3 years: He has taken out his pencil and eraser and rewritten or delayed his law on the fly when it is not working.

So what does it now mean for insurers who were simply trying to follow the law as written, as you would expect them to follow the law? Let me tell you what one insurance company had to say:

This means that the insurance companies have 32 days to reprogram their computer system for policies, rates, and eligibility, send notices to policyholders via US Mail, send a very complex letter that describes just what the differences are between specific policies and ObamaCare compliant plans, ask the consumer for their decision—and give them a reasonable time to make

that decision—and then enter those decisions back into their system without creating massive billing, claim payments, and provider eligibility list mistakes.

That was a quote from the consultant who was commenting on what the President did today by delaying or by making sure you could keep your program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. So the only thing the President has accomplished with his announcement today is that he is delaying his broken promise for another year. I have to wonder: What will it take for him to admit his law is not working and at least call for a full delay?

Remember how all these big health insurance companies back in 2009 got behind the President's program for nationalizing our health insurance program. They put up a lot of money to sell it. Their lobbyists lobbied for it. What they ought to do is tell the American people what a big mistake they made because they are getting stuck with it right now—as I just quoted from this consultant from an insurance company.

It is time for us to admit that ObamaCare has not achieved the correct or desired results of an attempt—in other words, the definition of success as I stated earlier in my remarks. It has not been a success by any measure, unless, of course, you lower your standard to the point that the mere act of keeping the doors open is a success. How sad is it that after all we have been through—and we have been through a lot. Maybe, just maybe, it is time to admit that the massive restructuring has failed. It may be that partisanship has failed. Perhaps it is time to sit down and consider common-sense, bipartisan steps we could take to lower costs and improve quality. Perhaps we could enact alternative reforms aimed at solving America's biggest health care problems, such as revising the Tax Code to help individuals who buy their own health insurance; allowing people to purchase health coverage across State lines and form risk pools in the individual markets; expanding tax-free health savings accounts; making health care price and quality information more transparent; cracking down on frivolous medical malpractice lawsuits; using high-risk pools to insure people with preexisting conditions; giving States more freedom to improve Medicaid, such as Rhode Island got a few years ago and which seems to be a success; and using provider competition, consumer choice to bring down costs in Medicare, throughout the health care delivery system. The American people need to know this failed program is not the only answer.



I yield the floor.

I thank the Senator from New York for yielding to me. I forgot to say that earlier.

The PRESIDING OFFICER. The Senator from Connecticut.

#### MILITARY JUSTICE IMPROVEMENT ACT

Mr. BLUMENTHAL. Mr. President, my purpose in being here today is to support the Military Justice Improvement Act and the very urgent need to include its worthwhile and comprehensive provisions in the National Defense Authorization Act for Fiscal Year 2014, either by way of amendment or whatever measure may be appropriate, and to support the very eloquent remarks made by the Senator from New York. She has been a steadfast and strong advocate of necessary changes in the Military Code of Justice and has acted as chairman of the Subcommittee on Personnel of the Senate Armed Services Committee to approach this issue—a very difficult issue—in strengthening the system of justice for our men and women in uniform with care and caution as well as vigor and bravery.

I know how different the views may be in this body among our colleagues, and I have listened to people on both sides of this argument very carefully before reaching my own conclusion.

One statistic that strikes me as perhaps paramount in importance is the gap between the number of victims, which is estimated to be close to 30,000, or perhaps more. We don't have a precise number, but the estimates from the military indicate that there are tens of thousands, and very likely more than 30,000. The number of reported cases is around 3,000, or perhaps 2,500, who have sought justice for sexual assault in the military. By the way, only about 300 go to trial every year. At least that was the number for last year.

My view is that we must remove any concerns about undue command influence on the process so that more victims will seek justice. The only way to deter this heinous, horrific crime is to encourage more reporting so there can be more prosecution and enable more deterrents through strong and swift justice. The goal is justice. The goal is not necessarily punishment for its own sake but justice.

I have listened to my colleagues who feel that the act as written or as amended should keep prosecuting authority with the commander. I have listened carefully to them, and I believe their sincerity and respect for victims is unquestionable. This is not about who respects victims or cares for them the most, it is about what system will best seek justice and deter the epidemic—the spreading numbers of these horrific crimes.

I have also listened to military professionals who have come before Senator GILLIBRAND's subcommittee, as well as the committee as a whole. I have questioned them repeatedly in public and in private, and I am convinced beyond any doubt that they are as outraged and find this crime as abhorrent and antithetical to their profession as anyone in this body. Yet, for years and years, we have heard that the military has zero tolerance. Their renewed vigor is welcomed but in my view has to be matched by reforms in the process which will make sure that that commitment is real and realized in real life.

Most importantly, I have listened to the victims who have come, both publicly and privately, to the Armed Services Committee, where I serve, and have told their stories. They have told their stories also in writing and in documentaries, such as "The Invisible War"—a very powerful and compelling argument for reform.

I have listened to them as they have expressed to me that what matters to them is the fear of retaliation and adverse effect on their careers from the present structure of prosecuting authority. I believe that prosecuting authority should be made the responsibility of an independent, experienced, objective, and trained professional.

I recognize and I understand that there is immense power in the present system given to any commander who sends men and women under his power potentially to give their lives for their country. Their argument and feeling is that they should hold the same power over punishment for crimes that those men and women may commit under their command.

Good order and discipline, I recognize, is a profoundly important goal, and a paramount, irreplaceable, and undeniable goal. Good order and discipline is hardly well served by acts of sexual assault in the military, which is why those professionals say they have zero tolerance for this heinous crime. I have listened to them about why they feel the present system should be continued.

We need a military justice system that works as well in Camp Leatherneck as it does in Camp Pendleton or Camp Lejeune, and we need a justice system that works well not just in one season or another, politically, but in all seasons at all times for all men and women. I think the approach best suited to reach that goal is the one that embodies legislation that has been introduced by the Senator from New York, Mrs. GILLIBRAND. Of course, in listening to all of those sources of insight and perspective on this issue, I have also utilized my own experience as a prosecutor. I would say the most difficult decisions I made as a U.S. Attorney prosecuting under Federal law, and as State attorney general, largely

with civil authority, was whether to charge and what violations of law to charge, because, as a practical matter, the charge can ruin a life, and often does. It can ruin a career, ruin a family, and ruin an individual's standing in society. Even if that individual is eventually found not guilty at trial, the charge stands forever. I found that the decision of whether to charge was often the most difficult decision I had to make not only because of the consequences to the individual, but the difficulty of making a decision about whether a fact finder—whether a court or a jury—would conclude that every element of the crime as charged was proved beyond a reasonable doubt. That is the responsibility of the jury or the judge, depending on who is trying the case and who the fact finder is. There are instances where these decisions are air tight and easy, but in many cases, and most particularly in cases involving sexual assault, they are sometimes difficult to make. There is forensic evidence, there are metrics, there are precise scientific measures, but there is also a judgment to be made about whom to believe when there are conflicting versions of an incident.

That is why I believe these decisions should be made by professionals who have experience, who know how to prove cases, how to try them and how to bring them to court, and who are capable of making decisions that will not only be fair and objective but will be seen as fair and objective, because in the criminal justice process often perception is as important as reality when it comes to a victim coming forward to put his or her life on the line and complain, particularly in a system such as the military, but often in society in general. Sexual assault as a crime in society is often underreported and underprosecuted because of the fears, correctly and understandably, on the part of victims.

We have made progress in encouraging victims to come forward in civilian life and in the military, but there is much more to be done. I believe the reforms offered by the Military Justice Improvement Act are important and essential to that goal.

The National Defense Authorization Act in title V has 14 specific revisions to our military justice system that will help ensure a more just process and a more just outcome for cases involving sexual assault. These changes to our current system were drafted in a bipartisan manner that defines so often—in fact, almost uniformly—the work of the Armed Services Committee under the leadership of Chairman LEVIN and Ranking Member INHOFE, and I wish to express my appreciation for their leadership. Those reforms are important to ensure a crime victim's rights are acknowledged under the Uniform Code of Military Justice and that victims receive a special victims advocate, and



that those found guilty of sexual assault will receive a mandatory discharge. These reforms, which were initially proposed by myself and others, will help improve this system. They are a telling refutation of anyone who says, in testimony before our committee or otherwise, that the UCMJ is serving its intended purpose of justice when it previously dealt with cases of military assault.

These reforms are necessary and necessary now, and I support them. Yet, as I look at the totality of what is now contained in this bill, it seems insufficient. I am left with the conclusion—it is an uneasy conclusion but a very strong one—that we have not yet achieved what we need to accomplish, namely, a system of justice that has the full confidence and trust of victims and all parties, that has the confidence and trust of survivors. They are indeed survivors. It is vital to encourage reporting of this crime and building the evidence that is necessary for those trained and experienced prosecutors to decide whether to pursue charges, against whom, and what kind of charges.

I believe we can strike a balance and achieve justice and not only maintain good order and discipline but, in fact, enhance them. I think, if this reform is adopted, future military commanders will thank the Senate and the Congress for enabling them to pursue what they know best professionally—what is their calling and their mission—which is to make this Nation's national security and defense the best in the world, as it has always been. They are to be thanked, and we all thank them for their commitment and their professionalism in the service of that goal.

I am joined in supporting these reforms in the Military Justice Improvement Act by the Defense Advisory Committee on Women in the Service, which last month recommended that “decisions to prosecute, to determine the kind of court martial to convene, to detail the judges and members of the court martial, and to decide the extent of the punishment, should be placed in the hands of military personnel with legal expertise and experience and who are outside the chain of command of the victim and the accused.”

That is also the view of Jeh Johnson, the President's nominee to head the Department of Homeland Security and former Pentagon general counsel who was asked whether there are shortcomings in the military justice system, and he replied, “I have recently come to the conclusion that the answer to that question is yes.”

He went on to say:

Last year Secretary Panetta raised the initial disposition authority for how these cases should be handled to the O6 colonel captain level, and the problem, I believe, has become so pervasive, the bad behavior is so pervasive, we need to look at fundamental change in the military justice system itself.

We are joined in this view also by the Vietnam Veterans of America, an organization that stands in favor of the Military Justice Improvement Act because “far too many victims fail to report or choose restricted reporting primarily for two reasons: Retaliation and total lack of faith in fair just treatment within the chain of command.”

So despite my deference to our military leaders and my respect for them and my feeling that they are entitled to deference in issues that affect good order and discipline, I believe we have a responsibility in this Congress to fix this system, to repair it and reform it, and do it in ways that vindicate the rights of victims, survivors, as well as the accused, to make sure we do justice. Our responsibility under article I, section 4, clause 14 of the Constitution is “[t]o make Rules for the Government and Regulation of the land and naval Forces.” That is why the Uniform Code of Military Justice was adopted by Congress, and we will be held rightfully responsible and accountable if we fail to act and make effective reforms and if we fail to put an end to sexual assault in the military.

Our military system has some of the most dedicated, our best and our bravest, of this generation, just as has been true in past generations. I am proud to say two of my sons currently serve in the military. We need a system of justice that matches their excellence, that keeps faith with their dedication and sense of duty, that is as fair and just as they are strong and capable in protecting this country. We owe our freedom, we owe our own justice system in this country, and all of our rights and liberties to the defense they have provided decade after decade, war after war, to this Nation.

So I urge my colleagues to come together—and I know they are working on a bipartisan basis—to finish the work of reforming our system of military justice. I look forward to the day of realizing a very simple ideal—that every servicemember who is a survivor, a victim of sexual assault, is entitled to an independent arbiter and an objective prosecutor with the knowledge that the victim will be embraced and supported by the system, and welcomed back into the ranks, even as they face the grueling and painful task of being involved in a prosecution. I look forward to the day also when any perpetrator knows, without question, that they will be separated from service and punished if they are found guilty. These ideals are as much engrained in our military as the ideals of valor, honor, and tradition. These changes will help our bravest and finest members who contribute and put their lives on the line to reach those ideals. These changes are necessary and I look forward to accomplishing them, working with my colleagues.

Mr. President, I thank the Chair, and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEINRICH.) Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX EXPENDITURES

Mr. WHITEHOUSE. Mr. President, I am here because I serve on the conference committee that is charged with negotiating a bipartisan budget deal. The Democrats have come to the table with a Senate-passed budget. The Presiding Officer will remember the long all-night ordeal of that budget.

Our budget replaces the dumb and harmful sequester cuts with balanced deficit reduction. In fact, you do not get much more balanced than the Democratic program. It is half from spending cuts and half from closing loopholes in the Tax Code. Our proposal would add almost \$2 trillion more of deficit reduction to the \$2.5 trillion we have already done so far.

Let's look at what we have done so far. Of the \$2.5 trillion in deficit reduction to date, about \$1.5 trillion has come from cuts in what we call discretionary spending; the spending that Congress approves each year that funds most government operations including our military. This is the \$1.5 trillion in cuts out of all of the \$12.6 trillion in spending.

We got another \$600 billion in revenue, mostly from letting the Bush tax cuts expire for very high-income taxpayers. So this thin red line is the additional \$600 billion in revenue compared to the existing revenue of the country. As you will see, we have cut far more in spending than we have added in revenues going into this budget discussion.

The remainder of the \$2.5 trillion comes from the interest savings that are associated with those, just to make the numbers true up. This circle is here to demonstrate that to date we have yet to touch one dime in the other big budget item, which is loophole spending in the Tax Code.

This is a pretty good-sized chunk of annual spending, about 12 percent of the levels projected in 2010. The fiscal cliff bill that restored the Clinton-era rates to families making over \$450,000 added about 2 percent to other revenue projections, to the loophole category

which is worth at least \$14 trillion, conceivably a lot more, because some of the loopholes are so wide you do not even know what is going through them. The money just shows up in the Cayman Islands. We do not know what we have lost. That remains totally untouched.

What we want to do is take just 7 percent, a tiny slice of this loophole revenue, and bring it back and use it for deficit reduction. That touching the loophole nerve is what has brought the Republicans to a screeching halt. In contrast to our exactly balanced approach—50 percent spending, 50 percent loopholes—Chairman RYAN's budget would 100 percent go after the programs on which low-income and middle-class Americans rely, without touching a single Tax Code giveaway—no balance at all.

But, of course, unbalanced is the Republican way in budgets. For instance, the Republican budget changes Medicare into a voucher program. That is not very balanced. That is not what the American people want. The Republican budget cuts nondefense discretionary spending to levels lower than anything the American public has ever seen since OMB started keeping track. That is an extreme budget and not a balanced approach.

The Republican budget would set annual domestic spending levels below 1962. If you think back to what America was like in 1962, there were no Pell grants. So if any of the pages were thinking of someday getting a Pell grant, that is gone. It did not exist in 1962. In 1962, 30 percent of American seniors lived in poverty. That is the level of spending the Republican budget would take us back to.

The rhetoric has been just as unbalanced as the proposals. Speaker BOEHNER has said talk about raising revenue is over—over. We have not even started and he says it is over, zero percent out of loopholes. He says the conversation is over. I do not think so. The conversation has not even begun.

But true to the Speaker's rhetoric, the Republican budget puts the burden of deficit reduction back onto Americans who can least afford it, while preserving for corporations and for the people who get the benefit of Tax Code giveaways every single dollar. In his conference committee opening remarks, Chairman RYAN said: If this conference becomes an argument about taxes, we are not going to get anywhere.

Let's take a look at the so-called taxes in this loophole area that Democrats would like to discuss. By the way, we get \$975 billion out of that, which is a slice slightly larger than this one and considerably smaller than that one. So where do we get it from? We go to what I refer to as the Republican treasure trove. We go to their Ali Baba's cave of treasure carved aside

and saved for corporations and the rich.

We go to the tax earmarks and the special deals, the special interests which year after year have been squirreled away into the Tax Code through their lobbyists and through their numbers. How big can Ali Baba's cave be? Seriously? How much money goes out the backdoor of the Tax Code through these loopholes and deductions? I will show you.

This bar represents \$1.13 trillion, which is the amount of revenue collected by the government through the individual income sections of the Tax Code. That is what goes into Uncle Sam's pocket from the Tax Code. Here is what goes out the backdoor in loopholes and deductions: \$1.02 trillion. So for every \$1 that actually gets collected under the individual income tax, 90 cents goes out the backdoor through the loophole circle.

That is off-limits? Oh, I do not see why. It is a grand total every year of more than \$1 trillion. Do not tell me we cannot touch it at all. By the way, when you are talking budget numbers, you multiply by 10. So \$1 trillion over 10 years becomes \$10 trillion. That is talking some pretty serious money, to pretend, as Chairman RYAN said: If we are going to have an argument about taxes, we are not going to get anywhere. You are not even going to look at \$10 trillion and not get anywhere?

On the corporate side, for every \$1 in revenues the United States collects, here it is, \$242 billion that we actually collect, that goes into Uncle Sam's pocket from corporate income tax revenue, here is what goes out the backdoor of the corporate Tax Code: \$148 billion.

So like individual income, when it comes to corporate income, for every \$1 Uncle Sam actually gets in revenues through the Tax Code, 60 cents-plus goes out the backdoor through loopholes and deductions and other tax gimmicks. So, again, we budget for 10 years. So \$148 billion becomes pretty close to \$1.5 trillion. That is big bucks. If you add the two together and do it for 10 years, which is what we do in the budget world, and account for modest growth over those 10 years, we are talking about \$14 trillion.

We need to do \$975 billion in deficit reduction out of loopholes from a \$14 trillion number. Do not tell me we cannot find it there. Of course, the \$14 trillion does not even count the billions of dollars that corporations and wealthy tax avoiders hide offshore. They do not even go through the gateway of the Tax Code and then out the backdoor. They do not even get counted in the first instance. They go off to the Cayman Islands, to tax havens, they get hidden in Swiss bank accounts, who knows what, but they do not get subjected to American taxation.

By the way, that is pretty big business. Chairman Conrad, who was our

predecessor chairman on the Budget Committee, used to have a slide he would show that showed a picture of a rather bland-looking four- or five-story building, the building in the Cayman Islands that did not look like much, not very big. You could drive by it, you would not particularly notice it. But he would point out in that little building over 18,000 companies claim to be doing business.

He would point out that the kind of business they were doing was monkey business with the Tax Code because nobody could put 18,000 businesses in that little building. None of that stuff gets counted in the \$14 trillion, the stuff that goes through the front and then out the backdoor.

So the spending—the earmarks—that gets done through the Tax Code is a very big treasure trove. While much of this tax spending helps low-income and middle-class families, too much of it goes to high-income taxpayers who do not need it but who are clever and connected enough to get special deals, to get their tax earmarks into the Tax Code.

But, of course, the Republicans do not want us to look into their treasure trove. Ali Baba's cave of tax tricks is where the juicy earmarks are for the special interests. If you remember back to the last Presidential campaign, it became public that Mitt Romney had to fiddle his taxes in order to get his tax rate up to a 14-percent tax rate.

Some people gimmick their taxes to try to get their rates down. The rates for people such as Mitt Romney are so low to begin with that he had to play tax games to get his rates up to 14 percent so he would not look too bad as a Presidential candidate. Fourteen percent is a lower tax rate than a solitary hospital orderly pays. The guy who is walking down the linoleum hallways of Rhode Island Hospital at 2 o'clock in the morning delivering supplies pays a higher tax rate than that.

We cannot do anything about that? That is a tax question we cannot discuss? How do Romney and the hedge fund billionaires get away with that? Look in Ali Baba's cave of tax treasures for the carried interest exception. If you want to know where ExxonMobil, which is one of the richest and most profitable corporations in the history of the world, gets its hands into the American taxpayer's pockets and pulls out oil and gas subsidies, look for those Big Oil subsidies in Ali Baba's treasure cave.

Do you want to know why Amazon, Boeing, Carnival Cruise Lines, Duke Energy, PG&E, all companies making billions of dollars in profits per year, pay effective tax rates well under 10 percent? Look at the \$150 billion in corporate tax giveaways there in Ali Baba's treasure cave.

Do you want to know how it is that corporate jets get special favored tax

treatment compared to the commercial jets that ordinary mortals fly around in? Look at the accelerated corporate jet depreciation schedules in Ali Baba's tax treasure cave.

When the Speaker says that talk about raising revenue is over, look at what he is protecting? The Republican treasure trove of corporate and special interest earmarks heaped up like gold and jewels in the old illustrations in Ali Baba's cave of tax treasures.

We Democrats are knocking at that door. We are saying: Americans pay in deficit reduction \$1.5 trillion already. We are offering another \$975 billion on top of that.

We are saying that \$600 billion came out of tax increases. What about loopholes?

Now we want to go into the cave. The Republicans are getting very anxious. The alarms are ringing at the special interests, and our colleagues are rushing to the trenches to defend the special interests and to defend their cherished tax earmarks. That is why they want to keep revenue—loophole closing—out of the debt and deficit discussion. They know that once we start taking a real look into Ali Baba's cave, some of that stuff will be impossible to defend to the American people.

It wasn't fair when it first went in, it has never been fair through its sordid history in the Tax Code, and it is not fair sitting in the Tax Code now. These are things we should get rid of even if we didn't need it for the debt and deficit. This is special interest crony capitalism at its worst. We intend to have a look at it in these discussions.

If we listened in the Budget Committee, the Republicans said it plainly: Not a penny of tax loopholes can go for deficit reduction. They have said they are willing to move the treasure around a little bit in Ali Baba's cave as long as it all still gets used for corporations and the wealthy. That is not a guess; that is the way the Republican budget is structured. Those are their budget numbers, all of it to lower tax rates for corporations and the rich. They are willing to spread the wealth around as long as it stays in the same hands.

We are at the gates of Ali Baba's cave, this special treasure trove of Tax Code special deals and earmarks for the rich and well connected. We are at the place where the lobbyists wheel the sweet corporate tax deals. We are knocking on the door of the \$14 trillion in tax spending that has been left completely untouched in the deficit reduction so far. Our Republican colleagues are getting a little twitchy.

Come on, fellas. Out of nearly \$14 trillion in tax spending and earmarks, can't we put just 7 percent of it toward the debt and the deficit? Our proposal is to leave 93 percent of the treasure in the cave. That is not unreasonable. What is unreasonable, what is unbal-

anced is the Republican desire that not a nickel in loophole closing can go toward our debt and deficit.

I could go through innumerable comments by our Republican colleagues warning us about the dire danger of our debt and deficit, warning about the terrible injustice to future generations, warning about the threat to our national security and to our national welfare; dire, serious warnings about the epic nature of the danger of our debt and deficit and the importance of curing it. When we actually stack it up, it is less important to them than every loophole in the Tax Code.

My point is that people can't have it both ways. They can't be telling the American people that the debt and the deficit is the No. 1 threat to the well-being of our beloved country but is also less important than every deduction every lobbyist ever squirreled away for every special interest in the Tax Code. Both of those cannot be true.

We must persevere to get into Ali Baba's cave of tax treasures in the loophole side of this equation. I hope very much that we will. I think that is nothing more than reasonable, nothing more than balanced. Indeed, one could argue it is actually a lot less than balanced because we only want 7 percent and we would be letting them keep 93 percent. We would be doing far more on spending than we would on revenue and loopholes combined. It is not balanced in the even-even sense of the word, but at least it is generally fair. The Republican proposal that it should be all spending and zero loopholes is what is unbalanced and what I object to.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HIRONO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Ms. HIRONO. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MILITARY JUSTICE IMPROVEMENT ACT

Ms. HIRONO. Mr. President, since the infamous Tailhook scandal in 1991, every Secretary of Defense has proclaimed that our military has a "zero-tolerance" policy for sexual harassment and sexual assault. Zero tolerance is the policy our military should

have, but in reality it doesn't. We know it doesn't because we have heard too many stories from women and men in the military who have been attacked, assaulted, or raped by their peers in uniform or by their superiors. We have heard too many stories in which the assailants go unpunished. We have heard too many stories about commanding officers using their authority to set aside court-martial convictions or to decide simply not to have a trial at all. We have heard too many stories about survivors being drummed out of the service by misinformed diagnoses of mental illness or by a chain of command that ignores the assailant and instead turns around and charges the survivor with bad behavior. We have heard too many stories about survivors who are so disillusioned by this broken system that they don't even bother to report these crimes. Instead, these men and women, warriors all, are forced to live in silence and with an unjust feeling of shame.

We all agree that commanders are responsible for maintaining good order and discipline in their units. This includes creating an atmosphere of dignity and respect for everyone under their command. Commanders must create an environment where sexual crimes do not occur. Our proposed changes to the military justice system do not absolve the commander of these responsibilities. It is still their job to prevent these crimes. But when these crimes do occur, survivors should have the ability to seek justice, and the Gillibrand amendment will help the survivors do just that.

I am glad our civilian and military leaders have committed to helping the survivors of sexual assault, punishing the predators and ending these terrible injustices. When the service secretaries and chiefs tell me fixing the problem of sexual assault is a top priority for them, I believe them. I believe they care deeply about this problem. Unfortunately, incremental change has not been and is not good enough. Commanders bear the responsibility for creating a culture where these crimes do not happen in the first place.

Congress must also do its part to ensure there is a system in place that both holds people accountable and doles out punishment that actually serves as a deterrent against future sexual assaults. Over the years, Congress has passed a variety of measures intended to fix these problems, and we have many good provisions in both the House and Senate versions of the NDAA which we are considering. But I do not believe these steps are enough. We must make a major change. We owe it to the men and women who serve our country in uniform. We owe it to the families and loved ones of those who serve because the trauma of sexual assault often extends beyond the trauma

experienced by the survivor. We must do all we can to provide an environment where those who put their lives on the line for our country each and every day are not sexually assaulted. And if they are, we must provide a fair system of justice where the survivor is heard and not ignored, is helped and not shunned. That requires, I believe, vesting the decision about whether or not to go to trial with an impartial experienced military lawyer and not with the commander in the chain of command who has an inherent vested interest in the case.

It is undeniable the current system does not work. According to the Department of Defense, there were an estimated 26,000 cases of unwanted sexual contact in 2012. We have heard about trainers at Lackland Air Force Base repeatedly raping new enlistees. We have heard about incidents at the Service Academies, Aviano Air Force Base, Fort Greely, Fort Hood, and too many other bases. It is undeniable that we have a problem. The incremental steps we have taken are not enough.

The story of Marine 2nd Lt. Elle Helmer is just one example of this broken system. She told her story in the documentary "The Invisible War," and it has also been reported elsewhere, including a CNN interview and in the Houston Chronicle.

I ask unanimous consent to have printed in the RECORD the Houston Chronicle article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, May 20, 2013]

AFTER SEX ASSAULTS INSIDE MILITARY,  
WOMEN ARE VICTIMS AGAIN OF LEGAL SYSTEM  
(By Karisa King)

Marine 2nd Lt. Elle Helmer woke up on a cold floor, lost and surrounded by darkness. Her body screamed with pain, her underwear had been removed and she tasted blood in her mouth. She could hear someone else in the room with her, breathing slowly.

Memories from the past few hours flashed through her mind as she crawled toward a doorway for light. On orders from her command on March 16, 2006, Helmer had joined her fellow officers for a St. Patrick's Day pub run, a night of bar-hopping that ended across the street from the prestigious Marine Barracks Washington, where she was in charge of public affairs.

A major followed Helmer out of the last bar and summoned the 25-year-old to his office. As soon as they entered the office, he shut the door and kissed her. She pushed him away and made it halfway out the door when he caught her arm and yanked her back into the room so hard she tripped and went flying forward.

The last thing she remembered was her head slamming into his desk.

PART 1: SEXUAL-ASSAULT VICTIMS IN MILITARY  
UNJUSTLY STIGMATIZED, BOOTED OUT

Emerging from the darkened office hours later, she noticed she was wearing the major's green running shorts. She padded barefoot down a hallway to her office, where she found herself locked out. Two Marine guards found her outside the door, crying and shaking. She was certain she'd been raped.

"Call an ambulance," she kept telling them, a plea she repeated to a captain and a colonel who arrived later.

Instead, the colonel warned that if she went to a hospital, she would be prohibited from making a sworn accusation of rape because she'd been drinking. She would be charged with public intoxication and conduct unbecoming an officer, he told her.

"Dust yourself off. You're tough. You're from Colorado," he said. "Whatever happened, it's because boys and girls and alcohol don't mix."

It was her introduction to a military criminal justice system that frequently grants impunity to offenders and punishes victims—the outcome of a fiercely guarded power of commanders who wield broad discretion over the handling of sex crimes in their ranks, according to a San Antonio Express-News investigation.

#### MANY DRUGGED FIRST

From the accounts of sexual assault survivors in every branch of the military, a stark panorama emerges: Many victims were drugged or forced to drink and were raped, attacked as they slept, beaten unconscious and coerced into sex by their superiors. They were strongly discouraged from disclosing the crimes, or forced to report assaults to commanders who are closely connected to the accused.

Few suspects face criminal punishment. Of 3,374 reports of sexual assault last year involving 2,900 accused offenders, only 302 went to courts-martial and 238 were convicted, the Defense Department says.

Meanwhile, 286 offenders received non-judicial or administrative punishment or discharges, allowing them to dodge a criminal mark on their record. In 70 cases, suspects slated for possible courts-martial were allowed to quit their jobs to avoid charges.

Prison sentences are rare. Only 177 perpetrators were sentenced to confinement. But the most jarring statistic: about half of all convicted sex offenders were not automatically expelled from the armed services.

The military had only recommended discharge for convicted offenders, but lawmakers cracked down this year and made expulsions mandatory.

#### MISHANDLING OF CASE

For Helmer, the immediate response from her chain of command foretold the mishandling of her case.

On the night she reported that she'd been raped, the colonel at Marine Barracks Washington refused to grant her medical help until she argued that her head injury demanded immediate attention. He agreed to let her go, but only after arranging for her to see a doctor he knew at National Naval Medical Center in Bethesda, Md.

"Don't say anything else and come straight back," he told her.

She was put into a car with a captain who was supposed to drive her there. But she insisted he take her to a different hospital at Andrews Air Force Base, where no one connected to the colonel would be awaiting her arrival.

The attack in the major's office was a betrayal by a superior she had trusted. But she eventually would regard the response from her chain of command and the military justice system as the biggest betrayal of all.

For all the public outrage sparked by sexual abuses at the Navy Tailhook convention in 1991, the Army's Aberdeen Proving Ground in 1996 and the Air Force Academy in 2003, the military criminal justice system has failed to stem an epidemic of sexual assaults, reaching an estimated 26,000 last year.

#### BASIC TRAINING ASSAULTS

Against that backdrop last year came explosive details of young recruits who were sexually assaulted by their basic training instructors at Joint Base San Antonio-Lackland. So far, the Air Force has identified 33 instructors suspected of illicit conduct with 63 trainees.

An Air Force general's decision to throw out a jury conviction of aggravated sexual assault ignited an uproar on Capitol Hill. Lt. Col. James Wilkerson, an F-16 pilot at Aviano Air Base in Italy, was sentenced in November by a jury of officers to dismissal and a year in jail for sexually assaulting a party guest as she slept in a spare bedroom of his house.

But in February, Lt. Gen. Craig Franklin, Wilkerson's former commander, concluded the evidence was insufficient. Against the recommendation of his staff attorney, Franklin overturned the conviction, vacated the jury's sentence and reinstated Wilkerson to full duty.

The case underscores the unchecked legal power of commanders. Although they typically have no background or training in the law and may not be impartial arbiters, senior officers like Franklin who are endowed with "convening authority" determine which cases go to trial, and they have the ability to overturn verdicts and vacate sentences before cases enter the appeals process.

#### NO REASON AT ALL

According to military law, commanders can dismiss verdicts for any reason, or no reason at all.

For Kimberly Hanks, who testified she woke up as Wilkerson was assaulting her, it was a lesson in the conflicts of interest posed by the military justice system. Hanks, a 49-year-old physician assistant from California, was a civilian contractor at Aviano when she told military authorities she'd been assaulted.

After the verdict, she discovered that Franklin and Wilkerson had once flown together in Iraq and shared friends.

Even so, Franklin's decision to throw out the conviction shocked her. "I think the message is loud and clear. I think it tells victims: Don't bother (to report)," Hanks said.

Air Force officials said only five verdicts have been overturned in sexual assault cases in the past five years.

In response to the case, Defense Secretary Chuck Hagel in April proposed that commanders be stripped of their ability to toss out trial convictions. But Hagel and military brass oppose efforts to remove authority over sex crimes from commanders. At the Senate hearing in March, top military attorneys argued that sexual assault cases must remain within the chain of command, and nothing less than the military's ability to wage battle is at stake.

Kelly Smith had seen enough in her first three years in the Army to know that soldiers who can't tough out physical pain and personal difficulties—no matter how agonizing—are viewed not only as troublemakers but as a danger to the safety and cohesion of the unit.

That's why she had no intention of telling anyone in February 2003 after she woke up in her bed at Fort Lewis, Wash., as a man attempted to rape her. But Smith, whose screams drove off her attacker, said she was forced to report it to military authorities because Army guards identified the man as he ran from her room.

Although her assailant admitted the attack, the case was dropped without explanation, she said. She was sent to a psychiatric unit for therapy. Days later, she was

dismayed to discover Army counselors sent her assailant to join the same therapy group. She protested, but was told she was being unreasonable.

"I sat next to him in group therapy for a week," Smith said. "At that point, I shut down."

While the soldier who assaulted her was allowed to retire, Smith, who was a Korean code breaker, soon was diagnosed with bipolar disorder, a pre-existing mental illness that prompted the Army to kick her out.

"I knew it would be the end of my career, and it was," Smith said.

#### OTHER PRIORITIES

For Elle Helmer, even those assigned to help her seemed to have had other priorities.

She met the victim advocate assigned to her case at Malcolm Grow Hospital at Andrews Air Force Base. The advocate arrived with instructions to drive Helmer back to the Marine Barracks because the colonel and executive officer wanted a word with her.

Helmer was adamant that she wanted to make a statement at Naval Criminal Investigative Services, which had jurisdiction over crimes at the barracks. The advocate warned against it.

"These cases never go anywhere," she told Helmer.

"And she's the sexual response coordinator!" Helmer now says. "It felt like walking backward in time."

Eventually the advocate reluctantly took Helmer to NCIS to make a statement.

#### UP ALL NIGHT

It was roughly 8 a.m. and Helmer had been up all night. She entered the NCIS offices, about two blocks from the barracks, and learned the colonel and executive officer were there waiting to speak with her. Again, Helmer refused. She tried not to make eye contact with them as she walked past the office where they waited.

She spent the morning in a conference room with five investigators who questioned her credibility. In what seemed like an endless cycle, she wrote out her statement, they questioned her, and then asked her to re-write the statement. They decided to open an investigation but said they couldn't accept her statement because she had been drinking the previous night.

It wasn't until that afternoon that investigators arrived at the barracks to collect evidence from the major's office. By that time, the major had been left alone at the scene for hours. Eyewitness statements show he was spotted making trips back and forth from the office carrying cleaning supplies and towels.

Helmer was taken back to the barracks to be interviewed by the colonel. When she returned to work the following Monday, he informed her that the Marine command had opened an investigation against her for public intoxication and conduct unbecoming an officer.

The NCIS investigation lasted three days. Investigators closed Helmer's case on the grounds she could not recall any sexual assault.

"Her statements did not constitute an allegation of criminal activity," the NCIS report stated.

Investigators held out the possibility of reopening the case, depending on the results of the rape kit.

Military records show the major told a commander at the barracks that he had no sexual contact with Helmer. He said she came into the office, laid down on the floor and vomited. He left the room to retrieve

cleaning supplies, and when he came back, she was gone.

Eyewitness statements contradict his account. Two Marines who saw the major wearing green shorts and cleaning up vomit had peeked through the partly open office door and reported seeing a woman's bare leg sprawled on the floor.

"This looks bad but I'll take care of the lieutenant," he told them.

It wasn't until about two hours later that guards encountered Helmer locked out of her office and wearing the major's green shorts. The captain who took Helmer to the hospital told investigators he went into the major's office to retrieve Helmer's ID card and found the major asleep on the couch, "wearing a Saint Patrick's Day t-shirt and nothing else."

#### NO RAPE KIT RESULTS

Helmer waited four months with no results from the rape kit.

Frustrated by inaction, she told her command that she was speaking to a reporter in Washington about her case. Although nothing was published, she was fired from her job and charged with conduct unbecoming an officer and fraternization.

She was dismissed from the Marines for unacceptable conduct in January 2007 with a "general under honorable conditions" discharge.

While she waited for her final dismissal papers, military authorities told her the rape kit had been lost.

Ultimately, the major faced no criminal or administrative punishment. He was allowed to remain in the Marines and later received a promotion.

"All they did was give him expertise in how the legal system works," she said. "Now he knows he can get away with it."

Ms. HIRONO. Mr. President, the Houston Chronicle article tells the following account:

Lieutenant Helmer was stationed at Marine Barracks Washington in 2006, just a few blocks from the Senate Chamber. One night, after she was ordered to go bar hopping with her colleagues, a superior officer called her into his office and attacked her. She remembers him slamming her head into his desk, and then she blacked out. When she woke up she was wearing her superior officer's shorts, and she knew she had been raped. Two guards found her outside crying and shaking. She asked a colonel to call an ambulance and, instead, the colonel warned her she would be charged with public intoxication and conduct unbecoming an officer if she reported the attack. When Lieutenant Helmer finally made it to a military hospital, the sexual assault victim advocate warned her, "These cases never go anywhere."

Lieutenant Helmer pressed her case anyway. But after many months, here is the only thing that happened. Lieutenant Helmer was charged with fraternization and conduct unbecoming an officer, and the superior officer who attacked her received no punishment. In fact, he was later promoted.

This story should outrage us all. This story shows that when sexual assault occurs, the current system does not work. It is time to make fundamental

changes to how sexual assault cases are handled in the military.

The amendment of Senator GILLIBRAND would be a big step in the right direction. Her amendment would take the decision to go forward with a trial out of the chain of command and place it in the hands of an experienced military lawyer. This change would improve the judicial process by increasing transparency. It would also eliminate potential bias and conflict of interest because, unlike a commanding officer, the military lawyer would be unconnected to either the survivor or the accused. Just the perception of such bias or conflict of interest could discourage a survivor from reporting a sexual assault and thereby allow the attacker to prey on others again and again.

Many survivors of sexual assault tell us the main reason they do not report these crimes is because they think nothing will happen. The current process often does not work. It is unacceptable to allow this situation to continue.

The problem of sexual assault is a scourge on our military for which there is no silver bullet. But at the very least what we need is a military justice system where a survivor feels confident that his or her case will be fairly examined and, if deemed to have sufficient evidence, be sent forward to trial.

Sexual assault in the military is something that most people don't want to talk about. We don't want to think the men and women whose service we honor on Veterans Day are being preyed upon by their colleagues or, even worse, that they themselves may be sexual predators. There is no doubt in my mind that the overwhelming majority of our military men and women serve our country valiantly and with honor, and we should take care not to tarnish them with suspicion. In fact, we owe it to them to act.

It is for these reasons that I am a proud cosponsor of Senator GILLIBRAND's Military Justice Improvement Act. I urge my colleagues to support it, and to my colleagues who are opposed or undecided, I want to say again that keeping disposition authority within the chain of command has not worked. One of the arguments I have heard against making this change is that doing so would interfere with the commander's ability to maintain good order and discipline. Good order and discipline should not rest upon a commander's ability to decide whether or not to prosecute a sexual crime.

The time has come to make a significant change, and I believe this is a change that needs to be made. I want to commend our colleague Senator KIRSTEN GILLIBRAND for her tireless efforts and courageous leadership in this effort to help survivors of sexual assault in the military.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I had the privilege of listening to my colleagues, Senator HIRONO and Senator BLUMENTHAL, who have been addressing this issue of sexual assault in the military. As both of them said so persuasively and articulately, our military justice system is broken. The sense of trust that a man or woman serving in the military today, who has been subjected to rape or sexual assault, has been broken—and not just between them and the assailants in their unit but between them and their commanders. In fact, the trust that their commander will have their back, that they will have these crimes investigated and the perpetrators brought to justice has been broken.

Even General Amos, Commandant of the Marines, said so. He said: I can see why a female marine might not report a case of sexual assault. They don't trust us. She doesn't trust the chain of command.

This is our challenge. We have to reform the system because these are some of the best men and women in the world that make our military as strong as it is. But we are subjecting them to not only these great acts of violence but then the second heartbreak, the second revictimization of having a military justice system that does not have their back or they are convinced not to report these crimes because justice will not be done or nothing will be done or they will be retaliated against for reporting.

The No. 1 reason 23,000 cases last year went unreported was because victims believed nothing would be done. They did not trust their chain of command to have these cases prosecuted. The second reason they didn't report these cases was because they feared or witnessed retaliation. That is not surprising, because of the 3,000 brave survivors who did report their sexual assault or rape, 62 percent were retaliated against. That is a huge number.

There is a failure within our military—our military that has promised for 25 years zero tolerance for sexual assault and rape in the military. As far as I am concerned, all we have had is zero accountability, because of those brave 3,000 survivors who did come forward and 62 percent were retaliated against means those commanders failed to maintain a command climate where retaliation is not taking place.

In our underlying bill we are going to fix that. We are going to make retaliation a crime, giving commanders more tools to go after perpetrators of retaliation.

Retaliation has always been against good order and discipline. It has never been acceptable, but still it exists and too many victims do not come forward because they fear it.

So I wish to speak on behalf of these survivors, these advocates, these champions, these leaders in reform. They can't be on the Senate floor right this moment, but I can be here, and I can share their stories. I can tell what happened to them.

Sarah Plummer was raped as a young marine in 2003. She said:

I knew the military was notorious for mishandling rape cases, so I didn't dare think anything good would come of reporting the rape.

Having someone within your direct chain of command just doesn't make any sense, it's like being raped by your brother and having your dad decide the case.

Another survivor, Trina McDonald, at 17 enlisted in the Navy. She was stationed at a remote base in Alaska. Within 2 months, she was attacked, repeatedly drugged and raped by superior officers over the course of 9 months. Can you imagine that being your daughter? Can you imagine this young woman who literally wants to serve our country and even die for our country being repeatedly drugged and raped by her supervisor?

She said:

At one point, my attackers threw me in the Bering Sea and left me for dead in the hopes that they would silence me forever. They made it very clear that they would kill me if I ever spoke up or reported what they had done.

Thank God Trina McDonald survived, because as I read her testimony from the Senate floor, she is being heard in this debate.

Army SGT Rebekah Havrilla, who served in Afghanistan and was raped in 2007, said reporting the crime to her commanding officer was unthinkable:

There was no way I was going to go to my commander. He made it clear he didn't like women.

Listen to AIC Jessica Hinves, who was raped in 2009 by a coworker who broke into her room at 3 a.m. She said:

Two days before the court hearing, his commander called me on a conference at the JAG office, and he said that he didn't believe that [the offender] acted like a gentleman, but there wasn't reason to prosecute.

Breaking into someone's room, not being a gentleman. Obviously, that commander does not understand that rape is a serious crime.

I was speechless. Legal had been telling me this is going to go through court. We had the court date set for several months. And two days before, his commander stopped it. I later found out the commander had no legal education or background, and he'd only been in command for four days.

Her rapist was given the award for Airman of the Quarter. She was transferred to another base.

Many listening tonight may think this is just a crime against women, but

one of the most disturbing facts is that more than half of these crimes are against men. It is not a gender issue. The crimes of rape and sexual assault are not of passion but are brutal crimes, crimes of aggression, crimes of dominance, crimes of control. These are not cases of dates that have gone badly.

Blake Stephens, now 29, joined the Army in January of 2001, just 7 months after graduating from high school. The verbal and physical attacks started quickly, he says, and came from virtually every level of the chain of command. In one of the worst incidents, a group of men tackled him, shoved a soda bottle up his rectum, and threw him backward off an elevated platform onto the hood of a car.

When he reported the incident, Stephens said, his drill sergeant told him, "You're the problem. You're the reason this is happening," and refused to take action. Blake said:

You just feel trapped. They basically tell you you're going to have to keep working with these people day after day, night after night. You don't have a choice.

His assailants told him that once he deployed to Iraq, they would shoot him in the head. "They told me they were going to have sex with me all of the time when we were there."

If these stories aren't enough, please do listen to some retired generals, commanders, JAG officers, veterans who know from years of experience that the status quo is an injustice to those who serve, and our approach is the right way forward.

This September, three retired generals gave their public support for our proposal, including LTG Claudia Kennedy, the first woman to achieve the rank of three-star general in the U.S. Army; BG Lorree Sutton, formerly the highest ranking psychiatrist in the Army; BG David McGinnis, who most recently served in the Pentagon as the Principal Deputy to the Assistant Secretary of Defense for Reserve Affairs.

Lieutenant General (retired) Kennedy wrote me:

Having served in leadership positions in the US Army, I have concluded that if military leadership hasn't fixed this problem in my lifetime, it's not going to be fixed without a change to the status quo.

The imbalance of power and authority held by commanders in dealing with sexual assaults must be corrected. There has to be independent oversight over what is happening in these cases.

Simply put, we must remove the conflicts of interest in the current system. . . . The system in which a commander can sweep his own crime or the crime of a decorated soldier or friend under the rug, protect the guilty and protects serial predators. And it harms our military readiness. . . .

Until leadership is held accountable, this won't be corrected. To hold leadership accountable means there must be independence and transparency in the system.

Permitting professionally trained prosecutors rather than commanding officers to decide whether to take a sexual assault case to



trial is a measured first step toward such accountability. . . . I have no doubt that command climate, unit cohesion and readiness will be improved by [these] changes.

BG (retired) Lorree Sutton also wrote to me, saying:

Failure to achieve these reforms would be a further tragedy to an already sorrowful history of inattention and ineptitude concerning military sexual assault.

In my view, achieving these essential reform measures must be considered as a national security imperative, demanding immediate action to prevent further damage to individual health and well-being, vertical and horizontal trust within units, military institutional reputation, operational mission readiness and the civilian-military compact.

Far from "stripping" commanders of accountability, as some detractors have suggested, these improvements will remove the inherent conflict of interest that clouds the perception and, all too often, the decision-making process under the current system. Implementing these reforms will actually support leaders to build and sustain unit cultures marked by respect, good order and discipline.

BG (retired) David McGinnis, who also served as a Pentagon appointee, wrote this to me:

I fully support your efforts to stamp out sexual assault in the United States military and believe that there is nothing in [the Military Justice Improvement Act] that is inconsistent with the responsibility or authority of command. Protecting the victims of these abuses and restoring American values to our military culture is long overdue.

Retired Air Force Maj. Gen. Martha Rainville, the first woman in the history of the National Guard to serve as a State Adjunct General and served in the military for 27 years, including 14 years in command positions, wrote:

As a former commander, endorsing a change that removes certain authority from military commanders has been a tough decision. It was driven by my conviction that our men and women in uniform deserve to know, without doubt, that they are valued and will be treated fairly with all due process should they report an offense and seek help, or face being accused of an offense.

When allegations of serious criminal conduct have been made, the decision whether to prosecute should be made by a trained legal professional. Fairness and justice require sound judgment based on evidence and facts, independent of pre-existing command relationships.

That is the crux of the problem. You have commanders who have biases. Maybe they don't want women in the military. Maybe they don't believe gay members should serve openly. Maybe they need or appreciate or like the assailant more. Maybe the perpetrator has done great things in battle. Maybe he is more experienced, more important. Maybe he is more popular.

Those biases color decisionmaking. Because when the decisionmaker actually weighs evidence, one of the fundamental pieces of evidence in these cases is the testimony of the victim and the accused. If that commander doesn't value the victim because she is new, he may not believe her when he

sees the perpetrator is a family man with two kids, a lovely wife: How could he possibly do that? He has been in Iraq five times. I don't believe her and I believe him. He has weighed the evidence through a colored lens.

That is not justice. That is not fairness. That is not what our democracy is based on. We believe in justice being blind. We believe in the scales of justice not being weighed for the victim or the accused. Justice is blind. It is fair. It is impartial. It is objective.

If that decisionmaker is not even a trained lawyer, how do we hope they are going to get it right, colored with biases, colored with self-interest. No commander wants to say rape is happening under their command. That is a failure. It is a failure of military readiness. It is a failure of good order and discipline. It is a failure of good command climate. Why would they want to report their own failure? Many times they don't. That is why the deck is stacked against the victims of these crimes in too many cases.

We have had a recent ruling that I think is incredibly important.

The DOD for 50 years has had a panel called the DACOWITS panel. It is a panel of advisers that have been asked by the Secretary of Defense, for the past 50 years, to please tell him what policies and proposals are most important to protect and support women in the military. The whole purpose of the committee is to look at this issue and say what is the status of women in the military, how are they faring.

This panel actually has been studying sexual assault in the military for decades. They have been focused on it, have had hearings on it, opining on it, giving recommendations for a very long time. They have looked at this proposed recommendation, studied it, and they actually recommended every piece of this legislation to be passed by this Congress. They have actually recommended the decisionmaking go outside the chain of command. The vote for that proposal: 10 in favor, 6 abstained, none against. Of the 10 in favor, 9 out of 10 are all former military, 5 of them senior officers. The one nonmilitary was a woman who was head of the Women's Law Center. They want every aspect of this reform put into law. They are the experts. Even Secretary Hagel said he looks at this group with great regard, with high authority. He regards them as the pre-eminent advisory panel for women in the military.

We also have a lot of support from other retired members of the military. Retired U.S. Army MG Dennis Laich, Retired Navy CAPT Lory Manning, Former JAG officer and Congressman PATRICK MURPHY, and military legal experts such as Diane Mazur and Rachel Natelson.

When the DACOWITS panel, the Defense Advisory Committee On Women

In The Services, voted in support of the measure, they say they believe these are the reforms that will make the difference. They say they must implement these reforms to make sure the status of women in the military is protected. Secretary Hagel places a great premium on this panel.

We also have the support of leading veterans groups, veterans groups who actually have served. They are veterans; they understand what happens. "We want to be clear, a vote for the Military Justice Improvement Act is a vote for our troops, and a vote for a stronger military." We should listen to our veterans.

I think it is time we restore trust. The military has had 25 years to deal with this problem. They have been saying zero tolerance for 25 years. They keep saying: We got this. They keep saying: We can handle this, just give us more time. If this happened to my son or daughter—how much more time do you need? How many more thousands of victims are going to be raped and assaulted in the military and have no hope for justice? How many more good men and women are we going to lose to sexual assault and rape, who are retaliated against and pushed out, being told they are the problem? How much are we going to lose in terms of military readiness, in terms of unit cohesion, in terms of troop morale, in terms of good order and discipline, to the scourge of sexual violence in the military?

I don't think we should wait another day. I don't think we should wait for another panel, another report, another study, another, another, another, another. We have boxes of studies over the last 25 years making recommendations. But until you create a transparent, accountable military justice system, you do not have a hope of solving this problem. Until you give the decisionmaking authority to an actual trained lawyer who is not biased, you don't have a hope.

All of our allies have done this, all of them. The ones we fight side by side with—Israel, UK, Canada, Australia, Netherlands, Germany—are allies. They said if it is a serious crime; let the decisionmaker be unbiased; let the decisionmaker be trained.

Did they have a fall-off of good order and discipline when they let these decisions be made by trained prosecutors? They told us no.

When we tried to repeal don't ask, don't tell, military commanders said you cannot possibly do this; this will undermine good order and discipline. When we wanted women to be able to serve in the military, they said you cannot possibly do that because of good order and discipline. When we integrated the armed services, commanders said you cannot possibly do this; it will undermine good order and discipline. We did it. We did every single one of those reforms.



Congress had an action, elected leaders had a responsibility. We provide oversight and accountability over the Department of Defense. It is an important relationship, and sometimes we may have an idea for reform that can make the difference, that can make our military stronger, that can utilize all of our best and brightest.

Don't ask, don't tell—we lost 10 percent of our foreign language speakers because of that corrosive policy. How many thousands are we going to lose to sexual assault and rape in the military? How many? How many good men and women? Losing one more is too many.

I ask my colleagues to support this bill. It is not a Democrat nor is it a Republican idea. It is a good idea. It is a commonsense reform. It makes perfect sense when people learn about the issue and want a solution. This is what this place is supposed to be about. It is supposed to be people of good will coming together to solve problems, to make a difference.

We need leadership. We do not need followers, we need leaders. We need people who will do that job and provide oversight over the Department of Defense, especially in an area where they failed so much. This reform will make a difference, and I urge my colleagues to support it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am pleased to be here to join my colleague Senator GILLIBRAND in expressing my concerns about how we address sexual assault in the military.

For the past several years, we have all become increasingly aware of the prevalence of sexual assault in our military. Personally, I know I share the outrage of all Americans that one of our Nation's proudest institutions is afflicted by this level of criminal violence. In 1989, Secretary of the Navy H. Lawrence Garrett III established a policy of zero tolerance for sexual harassment and sexual assault. Two years later, the Tailhook scandal happened at a convention attended by the Secretary and the Chief of Naval Operations.

On June 2, 1992, Secretary Garrett wrote a memo to his military leaders that said:

While each individual must be accountable for his or her own actions, commanding officers have a unique responsibility for leadership in ensuring appropriate behavior and attitudes of those under their command.

In the end, the Tailhook scandal resulted in 90 victims—83 women and 7

men—140 officers facing possible punishment and zero criminal prosecutions for incidents of assault. All of these events occurred under the same zero tolerance policy that military leaders espouse today.

The Tailhook scandal was only the beginning of our awareness of the silent crisis within the military. Since that time, there have been numerous scandals in every service. Yet 20 years later we are not only told that the system works but that the status quo, maintaining the chain of command on this issue, is vital to solving the problem. This, of course, ignores the reality of the sexual assault crisis.

In fact, according to the Department of Defense Sexual Assault Prevention and Response Office, 26,000 cases of unwanted sexual contact and sexual assault occurred in 2012, and that was an increase of 37 percent since 2010. Clearly, something must change and it must change now.

Thanks to the hard work of Senators GILLIBRAND, BOXER, BLUMENTHAL, and HIRONO, along with so many supporters on both sides of the aisle, this issue is back at the forefront of our national debate. We now have a historic opportunity not only to make additional meaningful commonsense reforms to our military criminal justice system, but I think the Defense authorization bill that we are going to take up before the end of this year, hopefully, has a number of very critical proposals to address sexual assault in our military, and I certainly support those. I was pleased those provisions got unanimous support within the committee. But I do not think we went far enough in that bill.

We also need to send a powerful message to the tens of thousands of victims, many of whom have been suffering quietly for decades, that what happened to them in our military is unacceptable. In too many of those cases it is criminal. And it will no longer be tolerated.

The Military Justice Improvement Act of 2013 addresses what victims tell us is the No. 1 problem in the current system. Victims decide not to report sexual assaults because they fear their commanding officers will not take the issue seriously and they will be retaliated against or nothing will be done.

According to the Department of Defense Sexual Assault Prevention and Response Office, 50 percent of female victims said they did not report the crime because they believed nothing would be done with their report. And 25 percent of women and 27 percent of men who received unwanted sexual contact indicated that the offender was actually someone in their own military chain of command.

Our legislation addresses the chain-of-command issue. It removes the decision of whether to go to trial from the chain of command and puts it into the

hands of experienced prosecutors. This is a straightforward change. It is designed to promote transparency and accountability in the prosecution of these crimes.

It would also ensure that impartial individuals specifically trained to handle these cases determine whether they move forward, which permanently eliminates the conflicts of interest that exist in the current system. We need all victims to know that if they come forward, their cases will be handled fairly and impartially.

Several days ago in America, we celebrated Veterans Day. Many of us went home to our home States to honor the men and women who, throughout our history, have served in our military. Our military's traditions of honor and respect are too important to continue to be plagued by the issue of sexual assault. That is why I urge my colleagues to support the Military Justice Improvement Act, because we strengthen our military when victims of sexual assault have the confidence to come forward and report crimes, and when we remove fear and stigma from the process. We strengthen our military when we create a process to deliver fair and impartial justice on behalf of the victims of these crimes.

Every man and woman who wears the uniform deserves these rights, and after more than 20 years of waiting, it is way past time we come through for them.

I yield the floor.

#### FY 2014 BUDGET PROCESS

Mr. LEAHY. Mr. President, I once again express my strong support for the efforts of the chairwoman of the Appropriations Committee, Senator MIKULSKI, and the chairwoman of the Budget Committee, Senator MURRAY, as they work to reach agreement with their counterparts in the House of Representatives to resolve the impasse over the fiscal year 2014 budget.

Washington today is filled with naysayers. But as broken as the budget process is, and as pessimistic as many people are, I remain hopeful about the possibility of reaching a compromise that can bring us back to some semblance of the regular order everyone claims to want.

If there ever were two Senators who could find a way through the morass, it is Senator MIKULSKI and Senator MURRAY. And they should know there are a great many of us, including some on the Republican side of the aisle, who are 100 percent behind them. I encourage all Senators to read David Rogers' piece in Tuesday's edition of *POLITICO*, entitled "BARBARA MIKULSKI's fight: Protecting appropriations". It tells the story, and in doing so, it pays tribute to Senator MIKULSKI.

I am not naïve about the obstacles ahead, not the least of which is the

shortness of time. We need a top line number from the budget conferees by the end of next week if we are to complete appropriations bills by January 15 when the current continuing resolution expires.

There is no mystery about what needs to happen. There must be compromise by both sides on two key issues—increasing revenues and decreasing spending. There will not be agreement without both. But in the absence of agreement, the operations and programs of every Federal agency will be drastically reduced by the combined effects of sequestration and a full year continuing resolution.

People will lose their jobs and programs will be cut deeply or terminated altogether. Infrastructure projects will be cancelled. The American people will pay the price in far more ways than any one of us can imagine.

I want to mention a few examples of the effects that a full year continuing resolution, at the level the House proposes, will have in lost jobs and canceled infrastructure projects in this country.

Under a full year continuing resolution, the National Science Foundation would receive \$542 million less than the amount in the Senate bill. The funding included by the Senate would provide funding for 1,500 more competitive grants and support 17,000 scientists, technicians and students. Under a CR, those jobs and that research would not be possible.

The \$500 million included in the Senate bill to fix thousands of deteriorating and aging bridges around the country would disappear.

Under a CR, the Federal Aviation Administration would not receive the \$559 million in the Senate bill to hire air traffic controllers needed to keep the skies safe. Instead, the FAA would be faced with having to impose a hiring freeze and furlough air traffic controllers and aviation safety inspectors.

Funding for agricultural research would receive nearly \$242 million less than the levels included in the Senate bill and America's standing as the world leader in food production could be in jeopardy, because we simply won't be able to compete with the \$4.5 billion China spends on agricultural research annually.

The EPA's funding for clean and safe drinking water would face significant cuts, putting Americans' access to clean water at risk. It would also mean 6,500 fewer American jobs.

These are just a few examples of how another long term continuing resolution will neglect the infrastructure needs of our Nation and prevent the creation of thousands of jobs.

I hope the spirit of bipartisan cooperation that put an end to the needless shutdown will enable the budget conferees to reach agreement on a top line funding level so Senate Appropria-

tions Committee Chairwoman MIKULSKI and House Appropriations Committee Chairman ROGERS can help us get back to work and pass the bills needed to fund these essential services.

Mr. President, I ask unanimous consent that David Rogers' article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From POLITICO, Nov. 11, 2013]

BARBARA MIKULSKI'S FIGHT: PROTECTING APPROPRIATIONS  
(By David Rogers)

It's not quite Wendy and the Lost Boys but it's getting close.

Indeed, a year after taking power, Chairwoman Barbara Ann Mikulski—or BAM as she's known in staff memos—is the mother-older sister the Senate Appropriations Committee never knew.

The longest-serving woman ever in Congress, and the first to lead that old male haven, the Maryland Democrat brings a style like none before her: cajoling, prodding, empowering her members to get out on the Senate floor and fight. Appropriations is her neighborhood just as East Baltimore was when Mikulski began her rise as a community organizer in the 60's. Only now it's not a 16-lane highway through Fells Point but sequestration in January that threatens her world.

The stakes are enormous.

If no budget deal is reached in the next month, Congress will surrender to another round of automatic cuts in January and risk leaving the government under no better than a stopgap funding bill through the remainder of fiscal 2014. That would be the third such 12 month CR arrangement in four years—a true breaking point for Appropriations but also a tempting tool for those seeking to frustrate President Barack Obama's second term.

In the midst of this, Mikulski can be a terror: demanding, self-centered to a point of fault. But she enjoys an invaluable alliance with Senate Budget Committee Chairwoman Patty Murray (D-Wash.) who also sits on Appropriations. And at 77, it can seem that Mikulski's whole life has prepared her for this moment: the grocer's daughter and product of grassroots Catholic social activism matched against the new grassroots anti-government forces of the Tea Party.

Obama checked the box of community organizer on his way to the top. Mikulski lived it. She can paraphrase Jesuit scholars but also pepper her floor speeches with "Wow" or "Oh, boy." And her politics remain greatly influenced by the likes of the late Monsignor Geno Baroni, a civil rights and community organizer who was a leader of the neighborhood revival movement of the 60's and 70's.

"He was always cooking up a pot of social glue and developing social capital," Mikulski said in a 1994 speech honoring Baroni's memory. Nearly 20 years later that might describe too her own approach to Appropriations.

"A little bit different," she laughs of the change she has brought. "Absolutely" community organizing is part of that.

"My worst nightmare is that we get to like January 12th and 13th and we don't have anything," she told POLITICO. "And we go to a year-long CR with sequester kicking in on January 15th which is government at its worst. Government on auto pilot and cuts across-the-board in that meat axe way."

"I know a lot about a lot, but I want to be able to marshal the resources of my own

committee to be able to get out there and talk," she said. "The chair of the Appropriations Committee is more like head of the Joint Chiefs. My twelve subcommittee chairman enjoy not only a great deal of autonomy but they really are the ones that drill down on their respective portfolios and know it in a very granular way . . . Who better to tell the story than those who know it the most?"

Beginning with the shutdown in October, the Mikulski style has been to go to the Senate floor herself but then gin up her colleagues to follow. This proved remarkably successful last month, and after a meeting with her Democratic members last week, she's doing the same now—this time focused on sequestration and the perils of surrendering to a full-year stopgap CR.

"She wants us to be engaged with the same energy she has," said Sen. Jack Reed (D-R.I.) "It can be quite effective. Instead of just her giving a speech, we follow and say 'Let me tell you specifics.'"

"It's a new day around here," said Sen. Mark Pryor (D-Ark.). "All the organization skills she can muster, we need at this point."

That organization begins with Murray. And the dynamic of these two women—both rooted in Appropriations—is the most intriguing of the battle ahead.

It is an alliance both new and old at once.

Mikulski took over the chairmanship of Appropriations in December last year after the sudden death of Sen. Daniel Inouye (D-Hawaii.) Weeks later, Murray took the gavel at Budget, replacing North Dakota Sen. Kent Conrad, the committee's long time top Democrat and chairman who retired at the end of the last Congress.

At one level, the 63-year-old Murray is junior to Mikulski. At another, she has moved well ahead by taking on tasks in the party leadership which the matriarchal Mikulski stepped back from even as her Senate contemporary and old House mate, Sen. Harry Reid (D-Nev.) advanced.

For Reid, a veteran of Appropriations and now Majority Leader, the emergence of this Mikulski-Murray alliance is a huge asset as seen in last month's shutdown crisis.

It was popular in the press then to credit a bipartisan coalition of women—led by Sen. Susan Collins (R-Maine)—with driving the final outcome. But in fact, it was two women, Mikulski and Murray, who took the opposite stand. And inside the Democratic caucus, they proved pivotal for Reid in holding firm against the Collins plan.

"We liked the Collins effort . . . It had dignity. It had intellectual rigor," Mikulski said looking back. But the plan itself, which envisioned a CR through January 30, risked disaster for Appropriations. It did nothing to stop sequestration and despite Collins' best intentions, left the door open to what Mikulski feared would be simply another eight month CR after that.

But take away gender, this Mikulski-Murray alliance is really a return to past practice for the Senate.

For most of its history, under Republicans or Democrats, the Senate Budget Committee has been led by chairs bred in Appropriations. Think back to Sens. Pete Domenici (R-N.M.), Lawton Chiles (D-Fla.) Jim Sasser (D-Tenn.) or Judd Gregg (R-N.H.).

In this context, the long tenure of Conrad, a product of the Senate Finance Committee, was more the exception than the rule—now restored by the arrival of Murray.

"She actually understands what we do and what we need to do to do our job," Mikulski said.

The flip side of this coin is that Mikulski must also help Murray do her job on Budget.

Time and again through Senate history, budget resolution votes have been decided by Appropriations members falling in line—or crossing the aisle—in the name of moving ahead. If Murray gets a deal with House Budget Committee Chairman Paul Ryan (R-Wis.), Mikulski's support will be needed to sell it to the Senate.

Two very different pressure points are available to her.

First are the Republicans with whom Mikulski has worked on Appropriations and have their own vested interests in a budget deal. Second are Democratic liberals where Mikulski can provide political cover on tough votes given her progressive credentials and history alongside the late Sen. Edward Kennedy (D-Mass.).

Alabama Sen. Richard Shelby, the ranking Republican on Appropriations, was still a Democrat in the House in the 80's when he and Mikulski served together on the Energy and Commerce Committee. They came over together to the Senate in 1986 and are their own Mutt-and-Jeff pair, taking alternative turns running the Commerce, Justice and Science subcommittee.

"We've got a history," Shelby said. "We both would like a [topline] number being appropriators. When I was down at the White House with the president, I told him the reason we're here mainly is because we've had an appropriations breakdown."

Given Republican politics, Mikulski knows that Shelby can't be as outspoken as she is for a budget deal. But she was worked to enlist him and House Appropriations Committee Chairman Hal Rogers (R-Ky.) to keep the pressure on for a swift conclusion to the budget talks.

"I asked him if he would encourage the timeline of sooner rather than later," Mikulski said of Shelby. In the same vein, she signed onto a recent letter with Rogers that urged negotiators to have an answer by Thanksgiving—leaving time for Appropriations to have an omnibus bill in place by early January.

"What [Rogers] and I share is sequester," Mikulski said. "If we go to sequester, we're cooked."

But Ryan will want Democratic pain to get to a deal. And the day may come when Mikulski has to choose between more chaos for her committee or a compromise that entails savings from sensitive areas like Medicare or federal workers.

"I've got to see what's exhausted before I go down that road," she says, quickly ducking any commitment. "Do you mean to tell me there is not one loophole [Republicans] are willing to close?"

"I'm convinced that Patty can still have room for a deal . . . I don't want to speculate on the array of things that she has to take to the table. It's premature."

Kennedy's memory is important here. Mikulski has no pretensions of having the same status as her late friend. But their history is rich, and just as Kennedy could be a swing vote for the left, she may also have to play that role.

At the 1980 Democratic convention—having lost the nomination battle to President Jimmy Carter—Kennedy tapped Mikulski, then a young congresswoman, to introduce him before his "Dream Shall Never Die" speech.

"You know what: I kept the dress," Mikulski said. "I told him I would keep it until he was president. It became a standard joke. I told him I looked at it longingly."

"And he said 'Because you would like to see me as president?'" Mikulski said. "And I

said, 'No cause I want to be able to fit into the damn thing.'"

Mr. JOHNSON of South Dakota. Mr. President, Congress is facing two fast-approaching budget deadlines: December 13 for a budget deal and January 15 for a funding bill to avert another government shutdown. Given the complexity of the issues, the brief window of opportunity, and the upcoming holiday season, meeting those deadlines will be a challenge. But it is a challenge Congress must meet. If we don't get a budget deal, we don't get a budget topline; we don't get any relief from sequestration; we can't write the 2014 appropriations bills, and we default to a year-long CR. That is a nightmare scenario.

A long-term CR is the worst way to fund the government. It merely recycles last year's funding levels to meet this year's funding priorities. That makes as much sense as using last year's canceled checks to pay this year's bills.

The military construction Program is the poster child for everything that is wrong with a CR. The 2014 Senate MILCON-VA bill includes \$4.8 billion for the construction of hundreds of new-start MilCon projects throughout the United States. The 2013 bill—which sets the funding levels for the CR—funded a totally different set of MILCON projects, and the funding does not align with the 2014 program.

For example, the Army needs  $\frac{1}{2}$  billion less for MILCON in 2014, and the Air Force needs \$800 million more. A CR written at 2013 levels would not reflect those requirements, meaning the Air Force would come up short while the Army would be awash in MILCON dollars it does not need. This would be a devastating blow for the Air Force because it took a pause in its MILCON Program last year. As a result, a CR at the 2013 level would fund less than 30 percent of the 2014 Air Force MILCON Program.

All of which could be moot because a CR also prohibits new starts. Without relief from that provision, 96 percent of the major MILCON Program would be on hold.

The MILCON bill funds mission-critical training and operational facilities, schools, hospitals, troop and family housing, and myriad other programs crucial to the work and well-being of our service members and their families. The 2014 Senate bill funds more than 200 new major MILCON projects in 39 States. And that does not include overseas MILCON or follow-on phases of ongoing projects.

Hundreds of thousands of Americans across the Nation go to work every day for contractors building MILCON projects. Government construction—whether it be MILCON, VA hospitals and clinics, or Federal roads, highways and bridges—is a major job generator. The Association of General Contractors

estimates that every \$1 billion in non-residential construction generates 28,500 jobs.

For the 2014 slate of major MILCON projects alone, that amounts to nearly 137,000 new jobs. Multiply that by the annual Federal Government investment in nationwide construction projects, and it is clear that a robust government construction program is a wise economic investment on all fronts.

Even if the new-start prohibition were lifted, the 2014 sequester remains a threat to the military construction program. DOD estimates that a second round of sequestration could cost the MILCON Program as much as \$1 billion, of which about half would come from new major construction projects. Under another round of sequestration, project deferrals or cancellations are almost guaranteed. The result would be a disruption of the MILCON Program and possibly thousands of lost job opportunities.

As chairman of the Senate Banking Committee, I am well aware of the Nation's precarious economic recovery. As an appropriator, I am equally aware of the need to adequately fund both Defense and domestic government programs.

The path to responsible government funding requires both revenue increases, through such means as closing tax loopholes and sensible spending cuts. Spending cuts alone cannot close the gap without crippling the economy.

Mr. President, Congress has a responsibility to govern. In the coming weeks, we must strive to achieve at minimum a 2-year budget deal, cancel sequestration for at least 2 years, and produce a governmentwide funding bill—what is commonly known as an omnibus by January 15. With the cooperation of all parties, that is an achievable goal. The American people deserve—and expect—no less.

#### AFRICAN WILDLIFE POACHING CRISIS

Mr. LEAHY. Mr. President, it was not very long ago that it seemed as if the ivory trade was on the decline and that the survival of African elephants in the wild was assured. In recent years, we have seen that confidence shattered, as thousands of these magnificent animals have been systematically killed for their tusks. Similarly, the rhinoceros, already endangered, is now in great jeopardy due to the voracious appetite in China and elsewhere in Asia for concoctions manufactured from their horn which can fetch thousands of dollars per ounce.

Large-scale poaching of these and other wildlife species has become endemic in sub-Saharan Africa. It is estimated that up to 17,000 African elephants have been killed for their tusks

since 2011, and just last month poachers used cyanide to poison 300 elephants in Zimbabwe. It was only a couple of years ago that we saw the extinction of the western black rhinoceros, another victim of rampant poaching. This devastating slaughter should serve as a deafening wake-up call to the world. It has implications that extend far beyond wildlife conservation.

The international ban on ivory sales enacted in 1989 had a positive, albeit temporary impact on the protection of elephant and rhinoceros populations, but it has since spawned a black market industry in wildlife and wildlife parts. As I mentioned, some of the market is in carved ivory products and potions prized in Asia for their supposed medicinal or other properties. But this illicit revenue is increasingly being used to fund violent extremist groups in the subcontinent. The profits from this trade fuels trafficking in weapons, drugs, and humans, as well as terrorism in the Horn of Africa, the Sahel, and beyond.

Vermonters take pride in being well informed about international affairs, as well as on the impact that we as individuals have on the world we live in. The people of my State know that many of the products we buy, services we support, and actions we take have global implications, positive and negative. That is why it was no surprise when more than 300 people gathered last month in the University of Vermont's Ira Allen Chapel to view the National Geographic documentary "Battle for the Elephants" and discuss the grave threat that poaching poses to the world's elephant population. The consensus was that while the outlook is ominous, the fact that people are increasingly focused on this crisis is reason for hope that these animals can be saved. Vermont's own Laurel Neme, a renowned environment and wildlife policy expert, noted that technological advancements, especially in regards to tracing the origins of illegal ivory, have made encouraging strides.

The United States has moral as well as strategic interests in combatting trafficking in wildlife and wildlife products. As I have mentioned, it is not only decimating elephant and rhinoceros populations it is also funding traffickers and terrorist groups. For these reasons, the Appropriations Subcommittee on State and Foreign Operations, of which I am chairman, included \$45 million for fiscal year 2014 to combat wildlife poaching and trafficking, including by training and supporting African park rangers and other law enforcement officials. The Obama administration has also recognized the need to address this crisis more forcefully and is allocating additional resources.

Ultimately, it is the responsibility of the African countries to protect and conserve their wildlife populations. But

they cannot do it alone. It is imperative that we work with them and other donor governments and organizations to martial the resources to combat the black market trade in wildlife.

#### SUPREME COURT POLICE AUTHORITY

Mr. LEAHY. Mr. President, since the early 1980s, Congress has provided legislative authority for Supreme Court Police to protect Supreme Court Justices, their employees, and guests when they leave the Supreme Court grounds. That authority is set to expire at the end of next month and merits extension. The House voted by an overwhelming majority of 399 to 3 to pass a bipartisan bill which would extend this authority through 2019. All Democrats have cleared this bill for passage. I urge the minority to do the same so the Senate may swiftly pass this extension to ensure the continued safety of our Supreme Court Justices and their employees.

#### TRIBUTE TO JOHN WOOD

Mr. MCCONNELL. Madam President, I rise today to pay tribute to an American hero who is also a proud and honored Kentuckian. Mr. John Wood of Glasgow, KY, will be honored this month for his service in uniform to our country. Mr. Wood served in the U.S. Marine Corps from 1941 to 1947, was present for the December 7, 1941 attack on Pearl Harbor, and was there at the Battle of Midway Island just months after America entered World War II.

After his military service, Mr. Wood settled in Glasgow, where he worked as a radio broadcast engineer from 1949 to 1990. He is a true legend from the Greatest Generation who still has much to teach us younger folks.

This November 18, Mr. Wood will be honored at Glasgow City Hall. Also, local officials in Glasgow, Cave City, and Barren County will join with local veterans' organizations in Kentucky to proclaim November 20 as "John Wood Day" in Barren County. Coincidentally, on November 20, Mr. Wood will also turn 93 years old. I cannot think of a better tribute to this fine man's service than to recognize him on his birthday.

My fellow Kentuckians can turn out to see Mr. Wood when he serves as the Grand Marshal for the Cave City Christmas Parade later this year, and also as a featured guest in the Glasgow Christmas Parade. These will be wonderful community events to bring Kentuckians together to honor John Wood's service and to say thank you to all veterans in the Christmas spirit.

I know I speak for my colleagues in the U.S. Senate when I express gratitude to Mr. John Wood for his service to our great Nation. Kentucky is proud to have him in our midst. I want to

wish him a very happy birthday, a happy John Wood Day, and a Merry Christmas and a Happy New Year.

Recently an article appeared in a Kentucky publication, the Sanford Herald, highlighting Mr. Wood's life of service. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sanford Herald, November 9, 2013]

#### MARINE VET RECOUNTS PEARL HARBOR, MIDWAY

JOHN E. WOOD REMEMBERS HIS SERVICE IN THE  
PACIFIC

(By Anna Johnson)

SANFORD.—When the first Imperial Japanese plane burst into a ball of fire, John E. Wood thought he saw something else fall toward the small Hawaiian island where he was stationed in 1942.

"I saw something drop from the plane," Wood said. "I thought at first he had bailed out. A little closer you could tell it wasn't the pilot. It was a silver bomb."

It was just a few seconds later when the bombs fell in unison toward the Marine Corps 6th Defense Battalion, destroying plane hangars, power stations, and a cluster of above-ground fuel tanks near Wood.

"I got half nauseated from the smoke and all of those guns being fired," Wood said. "There were fuel tanks burning. The island was just, almost, engulfed with smoke. And then the planes dropped all their bombs."

Wood, a former Lee County resident, manned a .50-caliber machine gun—"They were airplane guns, but they had mounts so they could rotate"—when the Imperial Japanese planes began to fly toward and over Midway Atoll on June 4, 1942.

"We could see them off in the distance," Wood said. "Two or three planes would go down, a plume of smoke behind them. Off the shore away, you'd see a splash when one would go down. We were ordered to fire when they got in range."

One plane, tilting from damage to its left tail, came into close range near Wood, giving them a close encounter with the pilot.

"He was dressed up," Wood said. "He had a white shirt and black coat and black tie. The gloves, he had white gloves on his hands. Every gun there on through the center of the island opened up on him. He was shot down."

The Battle of Midway, a decisive victory for the United States and a turning point in the Pacific theater during World War II, came just six months after the attacks on Pearl Harbor—a battle Wood witnessed, rifle in hand.

#### IT WAS SOMETHING TO DO FOR A LIVELIHOOD

Wood, 92, was born in Montgomery County, near Troy. He grew up in Lee County with his parents, John Lee Wood and Nancy Phillips Wood, and two brothers, Malphus and Thomas.

"My first school was the old McIver Street School, and Edna St. Clair was my teacher," he said. "When I was finished over at McIver Street, I started over at the high school and that was in 1934."

Wood spent two years in the Civilian Conservation Corps—a public-relief program meant to relieve families who faced difficulties during the Great Depression—before enlisting in the Marine Corps in 1941.

"I really didn't have anything else to do at the time," he said. "At the time I enlisted,

it was something to do for a livelihood. And I had a brother already in the Marine Corps."

Wood joined the 4th Defense Battalion as a radio and radar operator, traveling to Cuba, Panama, and along the west coast of the United States. The day after his 21st birthday, aboard the U.S.S. *Henderson*, Wood left San Diego and arrived at Pearl Harbor on Dec. 1, 1941.

"We were there a week when the Japanese attacked Pearl Harbor and Hickam Field," he said.

#### PEARL HARBOR

Wood was stationed two miles from the entrance of Pearl Harbor at an unfinished Marine base. The battalion's rifles were still crated up when Imperial planes began to fire.

"We were still close enough to Pearl Harbor to see when the Japanese planes began to attack," he said. "In Hickam Field we could see all the anti-aircraft fire being fired at the planes down in the harbor area. All the smoke and anti-aircraft fire burst around the planes."

There were murmurs among the men about military maneuvers or exercises that quickly evaporated when the first plane burst into a fireball, streaking down, he said.

"We got the call from the harbor that we were under attack," Wood said. "They tore the crates open, without any regard if you got your own rifle. They gave us a bandolier and told us to fire on anything that came into range. We got our rifles but we weren't sure where we were going."

Only one Japanese plane, possibly taking pictures, Wood said, came near his group.

"There was one Japanese plane that circled our camp area, and he wasn't in range to be firing on," he said. "But some of the boys were firing rifles at it, and we did get a machine gun, .50-caliber, and began firing at it, but the plane was still too far away. It circled and went back in the direction of Honolulu."

There were no casualties or injuries in the 4th battalion, but more than 2,000 Americans lost their lives and another 1,000 were injured. Shots were fired over their heads, Wood said, and they were forced into a nearby mess hall—a military cafeteria—to avoid the gunfire.

"It wasn't the Japanese," he said. "It was our own shells from some of our guns. We didn't know where it was coming from . . . but I was lying there as close to the ground as I could get and there was another boy lying eight or 10 inches from my head. We both had our hands over our heads, and finally they did quit firing and we just laid there for a few seconds. We finally got the nerve to look up, and we raised our heads at the same time. I looked at him, and he looked at me. Neither of us spoke, but I noticed his face was white as a sheet. I just wondered to myself if my face was as white as his. That was my most uneasy moment of it all."

The next day, Wood listened to the declaration of war from President Franklin Roosevelt and preparations began for his 15-month tour at Midway as part of the 6th Defense.

In 1943, he arrived home in Lee County sometime between 1 or 2 p.m., and said simply his parents were glad to see him.

"I was kinda glad to get back home, too," Wood said.

He left the military in April 1947, moved to Kentucky and worked at a radio station for more than 40 years. He married the late Glindoln and had three children.

Wood comes back to Central Carolina almost every summer for a family reunion, he said.

This Veterans Day, Wood said he'll be attending a ceremony and meeting with the Kentucky Bluegrass Chapter of the Pearl Harbor Survivors Association.

"I do think being at both of those two places, well, they are important events in the military history of our country," Wood said. "I do feel a little bit of pride for being at both of those events."

#### NOMINATIONS

Mrs. GILLIBRAND. Mr. President, I rise to offer my strong support for Ms. Nina Pillard to be a U.S. district court judge for the District of Columbia Circuit.

Nina Pillard is an exemplary nominee who is more than qualified to serve on the Federal bench.

She has been a tenured professor of constitutional law at Georgetown University Law Center for 15 years and is a highly accomplished litigator who has practiced law at every level of the court system, including the Supreme Court.

Nina Pillard's impressive professional background makes her superbly qualified to serve on the D.C. Circuit. Her sheer talent, legal prowess, and vast and varied professional career is a testament to her brilliance.

She has argued nine cases before the U.S. Supreme Court and briefed dozens of others on significant constitutional questions such as gender equality, the Family Medical Leave Act, the right to a jury trial, and free speech.

Over the course of her 25-year legal career, Ms. Pillard has argued and/or briefed landmark Supreme Court cases, including *United States v. Virginia*, where she successfully opened the doors of the Virginia Military Institute to female cadets.

Nina attended Harvard Law School, where she was editor of the *Harvard Law Review*. She began her career as a clerk for the U.S. District Court for the Eastern District of Pennsylvania for the Honorable Louis H. Pollak and served as assistant counsel for the NAACP Legal Defense and Education Fund. She then joined the office of the Solicitor General of the United States, where she briefed and argued cases on behalf of the Federal Government before the Supreme Court. In 1998, she was named Deputy Assistant Attorney General for the Department of Justice's Office of Legal Counsel.

Nina is a board member for the American Arbitration Association and is an active reader for the American Bar Association Reading Committee, which evaluated the writings of Supreme Court nominee Samuel Alito for the Standing Committee on Federal Judiciary. She also is a member of the Georgetown Law Supreme Court Institute and serves on the Board of Academic Advisors for the Georgetown Journal of Gender and the Law. Previously, she served as a member of the American Constitution Society and the

Center for Transnational Legal Studies.

However, some of my colleagues are once again blocking another highly qualified and immensely talented woman. The filibuster of Caitlin Halligan, Patricia Millett, and the threatened filibuster of Nina Pillard is history repeating itself.

Some of my colleagues on the other side of the aisle have argued that the three remaining vacancies on the D.C. Circuit should be eliminated because the court's caseload is too low.

What they have failed to mention is that the D.C. Circuit Court currently has 8 active judges and 6 senior judges with an astonishing caseload total of 1,479. This outrageous argument was made just over 7 months ago, when another highly qualified female nominee to the D.C. Circuit, and New Yorker, Caitlin Halligan, was filibustered.

It should also be noted that in the last 19 years, the Senate has confirmed only one woman to this important court. Furthermore, the D.C. Circuit has only had five female judges during its entire 120-year history. In a country where women make up over half of the population, that is a disgraceful statistic and one this body can take steps to eliminate immediately.

It is absolutely necessary that the Senate confirm supremely qualified individuals such as Nina Pillard to serve on the Federal judiciary. Her experience is unmatched and her passion for the law is unquestioned. With a caseload as high as that of the D.C. Circuit, it is our responsibility in the Senate to act swiftly in confirming the President's nominees. We cannot continue nor can we afford to toss out highly experienced individuals, particularly such accomplished women to serve in our Federal Judiciary because of political gamesmanship. The time to act is now.

#### TRIBUTE TO JAMES "BOB" CURRIEO

Mr. McCAIN. Mr. President, I rise today to recognize the service and contributions to the State of Arizona and the Nation of James "Bob" Currieo. Bob spent his life serving our country as a soldier; a leader in the veterans community; and, for the last 17 years in my office, a valued advocate for constituents and veterans. Bob, 79 years young, retires this month.

Serving the residents of Arizona is one of the great pleasures of my office. When my constituents request assistance in matters dealing with the government, I try, as all my colleagues do, to move quickly to provide a fair and effective path for them to seek redress. And, in this regard, I have been lucky to have had a constituent-advocate of Bob's experience and caliber.

The experience that Bob brought to his working with me was informed by

22 years of service in the U.S. Army, retiring with the rank of sergeant major. Following decorated service in the Korean war, a fortunate assignment to the U.S. Army Combat Surveillance School at Fort Huachuca brought Bob to Sierra Vista and introduced him to a State that he would quickly come to love and consider home.

I first met him in 1982 while he was serving as the newly elected National Commander-in-Chief of the Veterans of Foreign Wars. He was then, and remains today, a quiet but powerful force—a man whose soft-spoken words resonate among those around him. Despite his humble, modest demeanor, his talent for leadership and dedication to our Nation's veterans is immediately evident.

In 1984, Bob was invited by the State Department to join a U.S. delegation as an observer of El Salvador's first election in 50 years. I was also on that trip, and remember a long discussion we had about veterans and politics, two of Bob's interests. In 1986, I asked him to join my Arizona staff. Ever in demand, he departed for a period to serve as an executive in the VFW in Washington, DC, where I kept tabs on him. In 1996, Bob was ready to return to Arizona and I leapt at the chance to have him back on my staff.

From that time until just recently, he devoted himself to helping me work on behalf of veterans. On my many trips back home, as I checked in with Fort Huachuca, Davis Monthan, and our veterans communities, I always heard the same message, "You are lucky to have a man like Bob Currie on your team." I wholeheartedly agree.

In the nearly 20 years that Bob served in my office, he opened more than 8,000 cases. That is 8,000 service-members, veterans, military spouses and families who called out for help—calls that I am proud were answered on my behalf by a man as capable and caring as Bob. I thank him for his contributions to my team, his wise counsel, and his unwavering friendship.

As the late Coach Abe Lemons once said, "The trouble with retirement is that you never get a day off." I know that my friend Bob won't face that dilemma—that he will remain active with the VFW and in his community as he embarks on the next exciting chapter of his life. I wish Bob and his wife Cecilia a long and happy retirement—filled with many joyful days and beautiful Tucson sunsets together.

#### RESTORING THE 10TH AMENDMENT ACT

Mr. WICKER. Mr. President, today I wish to express my support for the Restoring the 10th Amendment Act—S. 1643. This legislation, which I have introduced with nine of my colleagues, represents an effort to ensure that

States' rights are protected against further Federal encroachment.

Ratified and signed into law on December 15, 1791, the 10th Amendment is integral to the system of checks and balances that our Founding Fathers conceived. The Founders were right to be concerned that the Federal Government would seek to usurp powers belonging to the States. They understood that limitless Federal power was a threat to the future of our democracy.

In *The Federalist* No. 45, James Madison notes the difference between Federal and State power. He describes the powers that the Constitution grants to the Federal government as "few and defined." He calls the powers left to the States as "numerous and indefinite."

Today, we can plainly see how wise our Founders were. As we enter into the second term of the Obama administration, Federal regulatory overreach has become an intrusive part of everyday life in the United States. From the President's sweeping health-care law to the extreme rulemaking of the Environmental Protection Agency, there is virtually no aspect of Americans' lives that escapes the creeping reach of Federal regulators.

The Restoring the 10th Amendment Act seeks to reverse this trend and to level the playing field by giving States a new tool to challenge Federal overreach. Specifically, it provides special standing in court for State government officials to dispute inordinately sweeping regulations issued by Federal agencies. Any rule proposed by a Federal agency would be subject to constitutional challenges if certain State officials determine that the rule infringes powers reserved to the States under the 10th Amendment. In this way, the bill would reinforce the safeguards in our existing system of constitutional checks and balances.

Americans have the right to expect the members they elect to Congress to uphold the Constitution's founding principles. It is our responsibility to ensure that the executive branch is held accountable for any overreach of its constitutionally defined powers.

This bill recognizes that the 10th Amendment is as important today as it was on the date of its ratification. It would keep the executive branch accountable and preserve the integrity of our constitutional system of checks and balances. Senators COCHRAN, GRASSLEY, ISAKSON, SESSIONS, ROBERTS, THUNE, INHOFE, CRAPO, RISCH, ENZI, and CORNYN have joined me as co-sponsors.

I urge all of my colleagues to support the prompt passage of the Restoring the 10th Amendment Act.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LEW W. CRAMER

• Mr. HATCH. Mr. President, today I wish to recognize a dedicated business man, public servant and friend for his exemplary service in my home State of Utah. Lew Cramer will retire after a distinguished career building international trade in Utah and supporting exports for the United States.

Mr. Cramer began his career earning a bachelor's and law degree from Brigham Young University in Provo, UT. It was many years later that he returned to co-found World Trade Center Utah, an organization which has been instrumental in Utah's economic success. Through the World Trade Center, Mr. Cramer connects Utah firms with new business opportunities around the world. It is thanks to the efforts of hardworking men like Mr. Cramer that, in this time of economic hardship, Utah is the only State in the Nation showing positive export growth year over year for the past decade. With the pioneering spirit of a true Utahn, Mr. Cramer has helped our companies take advantage of export opportunities creating quality, stable jobs in Utah.

Before his time in Utah, Mr. Cramer spent many years in public service. He served as Director General of the U.S. Commercial Service during President George H.W. Bush's administration, directing the activities of 1,400 commercial officers at more than 150 embassies worldwide, as well as in 65 offices throughout the United States. During the Reagan administration, he served as a White House fellow, a Deputy Assistant Commerce Secretary and as the Assistant Secretary of Commerce for International Trade.

Mr. Cramer has worked extensively in the global telecommunications and broadband sectors, including serving as vice president for MediaOne International and US WEST, where he was responsible for their international government and multilateral financial institution relations and public policy for numerous wireless and broadband investments in more than 30 countries. Mr. Cramer shares his vast experience through education. He has taught international business at Georgetown University and the University of Southern California.

I would like to wish my friend the very best in his retirement and to profoundly thank him for his exemplary record of service to Utah and to our Nation. •

##### RECOGNITION OF PROFESSORS OF THE YEAR

• Mr. UDALL of Colorado. Mr. President, today I wish to congratulate the four national winners of the U.S. Professors of the Year Award. Since 1981



this program has recognized outstanding undergraduate instructors throughout the country. In addition to the national winners, a State Professor of the Year was also recognized in 36 States. This year, I am very proud to say that Colorado has the exceptional distinction of being home to two of the four national winners: Ann Williams at the Metropolitan State University of Denver and Steven Pollock at the University of Colorado at Boulder.

While the prestigious Professor of the Year Awards recognizes professors from diverse institutions and fields of study, this year's honorees all share a strong commitment to the art of teaching and to their students. Recipients are proven innovators who drive their fields and their colleagues forward, through both their energy and their enthusiasm. These educators are shaping the next generation of American leaders and should be recognized for the critical role they play in moving our country forward.

I am especially proud to celebrate the two national winners from my State of Colorado. Ann Williams is a Professor of French at Metropolitan State University and is being recognized as the Outstanding Baccalaureate College Professor of the Year. The judges noted her inspirational and innovative teaching of the French language and the cultures of French-speaking countries. She has served her campus community through leadership in her department and institution, her State through participation with a task force on academic standards, and her profession as an author and presenter on pedagogical issues, a textbook writer, a consultant to the Advanced Placement Program, and winner of an award for one of the 10 best practices courses in the country.

Steven Pollock, Professor of Physics at UC—Boulder, has been chosen as the Outstanding Doctoral and Research Universities Professor of the Year. He brings an enthusiasm to his research that stirs excitement for learning in both his undergraduate and graduate students. His innovative methods of teaching and student assessment have been widely adopted through materials he makes publically available, and he has further offered his time to help others integrate them in their courses, fields, and institutional settings. He is also the developer of the highly regarded Student Learning Assistant Program, a mentor to undergraduate physics majors, and author of two popular Learning Company video courses on physics.

Our success as a nation is in no small part due to the leadership and passion of professors like Ann Williams and Steven Pollock. These educators know that focusing on student achievement is critical to fostering the innovation and creativity necessary to make Colorado and our Nation a leader in 21st-

century job creation. I wish all the winners the very best in their endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor of the Year: Ann Williams, Professor of French, Metropolitan State University of Denver

Outstanding Community Colleges Professor of the Year: Robert Chaney, Professor of Mathematics, Sinclair Community College

Outstanding Doctoral and Research Universities Professor of the Year: Steven Pollock, Professor, University of Colorado at Boulder

Outstanding Master's Universities and Colleges Professor of the Year: Gintaras Duda, Associate Professor, Creighton University

#### THE 36 STATE WINNERS ARE

Alabama: Laura Stultz, Professor of Chemistry, Birmingham-Southern College.

Arizona: Amber Wutich, Associate Professor of Anthropology, Arizona State University.

California: Manoutchehr Eskandari-Qajar, Professor of Political Science and Middle East Studies; Chair, Political Science and Economics Department, Santa Barbara City College.

Connecticut: Michelle Loris, Professor of English and Psychology, Sacred Heart University.

Delaware: Harold Bancroft White, Professor of Biochemistry, University of Delaware.

Florida: Thomas Moore, Archibald Granville Bush Professor of Natural Science and Professor of Physics, Rollins College.

Georgia: Mulatu Lemma, Chair of Department of Mathematics, Savannah State University.

Illinois: Jeffrey Boshart, Professor of Art Foundations/Sculpture, Eastern Illinois University.

Indiana: Robert Palumbo, Alfred W. Sieving Chair of Engineering and Professor of Mechanical Engineering, Valparaiso University.

Iowa: Paul Kimball, Science Professor, Northeast Iowa Community College.

Kansas: Gregory Eiselein, Professor of English, Kansas State University.

Kentucky: Mark Lucas, Jobson Professor of English, Centre College.

Maryland: Gregory Wahl, Associate Professor, Department of English, Montgomery College.

Massachusetts: Susan Rodgers, Professor of Anthropology and W. Arthur Garrity Sr. Professor, College of the Holy Cross.

Michigan: Steve Wolfenbarger, Professor of Music (Trombone), Western Michigan University.

Minnesota: Brian Wisenden, Professor of Biology, Minnesota State University Moorhead.

Mississippi: William Kelleher Storey, Professor of History, Millsaps College.

Missouri: Terrence Freeman, Professor of Mechanical Engineering, St.

Louis Community College at Florissant Valley.

Montana: Sara Mae Glasgow, Professor of Political Science, University of Montana Western.

Nebraska: Matthew Huss, Professor of Psychology, Creighton University.

New Hampshire: Vicki May, Instructional Associate Professor of Engineering, Dartmouth College.

New Jersey: Linda Wang, Professor, Math Department, Brookdale Community College.

New York: Curt Stager, Professor of Natural Sciences, Paul Smith's College.

North Carolina: Christopher Cooper, Associate Professor of Political Science and Public Affairs, Western Carolina University.

Ohio: John Ritter, Professor of Geology and Director of Environmental Science, Wittenberg University.

Oklahoma: Mary Phillips, Associate Professor of Biology, Tulsa Community College.

Oregon: Sammy Basu, Professor of Politics, Willamette University.

Pennsylvania: David Bartholomae, Professor of English and Charles Crow Chair, University of Pittsburgh.

Rhode Island: Cheryl Foster, Professor of Philosophy, University of Rhode Island.

South Carolina: Joe Dunn, Charles A. Dana Professor and Chair, Department of History and Politics, Converse College.

South Dakota: James D. Feiszli, Professor of Humanities and Director of Music Activities, South Dakota School of Mines and Technology.

Texas: Ceilidh Charleson-Jennings, Professor of Communication Studies, Collin College.

Utah: Joyce Kinkead, Professor of English, Utah State University.

Virginia: Scott Boltwood, Professor of English and Drama; Chair, English Department, Emory and Henry College.

Washington: Scott Linneman, Professor of Geology, Western Washington University.

Wisconsin: Victor Macias-Gonzalez, Professor of History and Women's Gender and Sexuality Studies, University of Wisconsin—La Crosse.●

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 330. An act to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs with human immunodeficiency virus (HIV).

S. 893. An act to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the



survivors of certain disabled veterans, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 982. An act to amend title 11 of the United States Postal Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 982. An act to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes; to the Committee on the Judiciary.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 14, 2013, she had presented to the President of the United States the following enrolled bills:

S. 330. An act to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

S. 893. An act to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3544. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the semi-annual Implementation Report on Energy Conservation Standards Activities of the Department of Energy; to the Committee on Energy and Natural Resources.

EC-3545. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of the Regulation for the National Low Emission Vehicle Program" (FRL No.

9902-53-Region 3) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Environment and Public Works.

EC-3546. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; Infrastructure Requirements for the 2008 Lead Ambient Air Quality Standards; Correction" (FRL No. 9902-65-Region 4) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Environment and Public Works.

EC-3547. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Procedures for Stringency Determinations and Minor Permit Revisions for Federal Operating Permits" (FRL No. 9902-50-Region 6) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Environment and Public Works.

EC-3548. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2013-1728); to the Committee on Foreign Relations.

EC-3549. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS-2013-1730); to the Committee on Foreign Relations.

EC-3550. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS-2013-1729); to the Committee on Foreign Relations.

EC-3551. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13-0104); to the Committee on Foreign Relations.

EC-3552. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Inspector General Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3553. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Big Valley District-Lake County and Kelsey Bench-Lake County Viticultural Areas and Modification of the Red Hills Lake County Viticultural Area" (RIN1513-AB99) received in the Office of the President of the Senate on October 30, 2013; to the Committee on the Judiciary.

EC-3554. A communication from the Federal Register Liaison Officer, Alcohol and

Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Ballard Canyon Viticultural Area" (RIN1513-AB) received in the Office of the President of the Senate on October 30, 2013; to the Committee on the Judiciary.

EC-3555. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report of a delay in the submission of the audit report for the year ending December 31, 2012; to the Committee on the Judiciary.

EC-3556. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-3557. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Moon Mountain District Sonoma County Viticultural Area" (RIN1513-AC00) received in the Office of the President of the Senate on October 30, 2013; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment:

S. Res. 292. A resolution expressing support for the victims of the typhoon in the Philippines and the surrounding region.

S. 657. A bill to eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety, and for other purposes.

S. 1683. A bill to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Michael G. Carroll, of New York, to be Inspector General, United States Agency for International Development.

\*Daniel W. Yohannes, of Colorado, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

\*Elizabeth Frawley Bagley, of the District of Columbia, to be an Alternate Representative of the United States of America to the Sixty-eighth Session of the General Assembly of the United Nations.

\*Theodore Strickland, of Ohio, to be an Alternate Representative of the United States of America to the Sixty-eighth Session of the General Assembly of the United Nations.

\*Stephen N. Zack, of Florida, to be an Alternate Representative of the United States of America to the Sixty-eighth Session of the General Assembly of the United Nations.

\*Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

\*Sarah Sewall, of Massachusetts, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights).

\*Richard Stengel, of New York, to be Under Secretary of State for Public Diplomacy.

\*Carolyn Hessler Radelet, of Virginia, to be Director of the Peace Corps.

\*Anthony Luzzatto Gardner, of New York, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Anthony Luzzatto Gardner.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

Self: \$250, 01/02/2010, Gillibrand for Senate; \$500, 08/10/2011, Obama Victory; \$500, 08/10/2011, Obama for America.

Spouse: Alejandra Mac-Crohon: None.

Children and Spouses: Nicolas Gardner, Alejandra Gardner: None.

Parents: Richard Gardner: \$1,000, 04/25/2012, Elizabeth Warren; Danielle Gardner: Deceased.

Grandparents: Bruno Luzzatto, deceased; Resy Luzzatto, deceased; Samuel Gardner, deceased; Ethel Gardner, deceased.

Sisters and Spouses: Nina Luzzatto Gardner: \$1,000, 04/03/2012, Elizabeth Warren; \$250, 09/29/2010, Tom Perriello; \$250, 09/30/2012, Elizabeth Esty; \$250, 09/15/2009, Barbara Boxer; \$500, 06/15/2011, Elizabeth Esty; \$250, 09/27/2012, Dan Maffei; \$500, 09/30/2009, Dem Congress Campgn; Francesco Olivieri: None.

\*Amy Jane Hyatt, of California, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Palau.

Nominee: Amy Jane Hyatt.

Post: Palau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: N/A.

3. Children and Spouses: Emma Hyatt, none; Zachary Rishling, none.

4. Parents: Renée L. Hyatt, deceased, none; Ernest B. Hyatt, deceased, none.

5. Grandparents: Simon Hyatt, deceased, none; Rose Hyatt, deceased, none; Clara Lang, deceased, none; Milton Lang, deceased, none.

6. Brothers and Spouses: Glenn S. Hyatt, none; Suzanne Hyatt, none.

7. Sisters and Spouses: N/A.

By Mr. LEAHY for the Committee on the Judiciary.

Carolyn B. McHugh, of Utah, to be United States Circuit Judge for the Tenth Circuit.

Pamela L. Reeves, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California.

James Maxwell Moody, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Amos Rojas, Jr., of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

Peter C. Tobin, of Ohio, to be United States Marshal for the Southern District of Ohio for a term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARKEY (for himself, Mr. KIRK, and Mr. BLUMENTHAL):

S. 1700. A bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. BALDWIN (for herself, Mr. WYDEN, and Mr. UDALL of Colorado):

S. 1701. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to strengthen Fourth and Fifth Amendment Protections and freedoms of citizens of the United States and ensure greater transparency and oversight of the ability of the Federal Government to collect information and conduct surveillance on the private lives of citizens of the United States; to the Committee on the Judiciary.

By Mr. LEE (for himself, Mr. RUBIO, and Mr. CRUZ):

S. 1702. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1703. A bill to require the provision of information to members of the Armed Forces on availability of mental health services and related privacy rights; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 1704. A bill to expand the use of open textbooks in order to achieve savings for students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mrs. GILLIBRAND, and Mr. MARKEY):

S. 1705. A bill to provide a Federal charter for the National Fab Lab Network, a national network of local digital fabrication facilities providing community access to advanced manufacturing tools for learning skills, developing inventions, creating businesses, and producing personalized products; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. CASEY, Mr. DURBIN, Mrs. MURRAY, Mr. HARKIN, Mr. FRANKEN, Mr. BLUMENTHAL, and Mrs. BOXER):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance

clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications; to the Committee on Finance.

By Mr. HELLER (for himself and Ms. HEITKAMP):

S. 1707. A bill to exclude consideration as income under the United States Housing Act of 1937 payments of pensions made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself, Ms. AYOTTE, and Mr. SCHATZ):

S. 1708. A bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KIRK (for himself, Mr. COONS, Mr. BROWN, and Mr. BLUNT):

S. 1709. A bill to require the Committee on Technology of the National Science and Technology Council to develop and update a national manufacturing competitiveness strategic plan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 1710. A bill to require Amtrak to propose a pet policy that allows passengers to transport domesticated cats and dogs on certain Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself, Mr. GRAHAM, and Ms. AYOTTE):

S. 1711. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. BARRASSO, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. ENZI, Mr. GRAHAM, Mr. HELLER, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCAIN, Mr. PAUL, Mr. RICH, Mr. RUBIO, Mr. SCOTT, Mr. THUNE, and Mr. WICKER):

S. 1712. A bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY:

S. 1713. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY):

S. 1714. A bill to impose sanctions with respect to Syria, to expand existing sanctions with respect to Syria, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. BLUNT, Mr. HELLER, Mr. GRAHAM, Mr. WICKER, Mr. KIRK, and Mr. PORTMAN):

S. 1715. A bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER (for himself, Mr. BLUNT, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. HELLER, Mr. COONS, Ms.

KLOBUCHAR, Mr. WICKER, Mrs. MCCASKILL, and Mr. KIRK):

S. 1716. A bill to facilitate efficient investments and financing of infrastructure projects and new long-term job creation through the establishment of an Infrastructure Financing Authority, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KAINE (for himself and Mr. CHAMBLISS):

S. 1717. A bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. ROBERTS, Mrs. MURRAY, Mr. BROWN, Mr. BENNET, and Ms. LANDRIEU):

S. Res. 295. A resolution expressing the support for the designation of October 20, 2013, as the "National Day on Writing"; considered and agreed to.

By Mr. COONS (for himself, Mr. CARDIN, Mr. SESSIONS, and Mr. SCHATZ):

S. Res. 296. A resolution designating the week beginning on October 13, 2013, as "National Wildlife Refuge Week"; considered and agreed to.

By Mr. FRANKEN (for himself and Ms. KLOBUCHAR):

S. Res. 297. A resolution congratulating the Minnesota Lynx women's basketball team on winning the 2013 Women's National Basketball Association Championship; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 381

At the request of Mr. BROWN, the names of the Senator from Maine (Mr. KING), the Senator from Minnesota (Mr. FRANKEN), the Senator from Alaska (Mr. BEGICH), the Senator from Nevada (Mr. REID) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 583

At the request of Mr. PAUL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 583, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 641

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 641, a bill to amend the

Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 644

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 644, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes.

S. 1032

At the request of Mrs. MCCASKILL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1032, a bill to amend title 10, United States Code, to make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of the Armed Forces, and for other purposes.

S. 1150

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1150, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1158

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1249

At the request of Mr. BLUMENTHAL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 1318, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1455

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1455, a bill to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income is operational.

S. 1517

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 1614

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1614, a bill to require Certificates of Citizenship and other Federal documents to reflect name and date of birth determinations made by a State court and for other purposes.

S. 1618

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1618, a bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government.

S. 1635

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1635, a bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period during which supplemental nutrition assistance program benefits are temporarily increased.

S. 1642

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of

S. 1642, a bill to permit the continuation of certain health plans.

S. 1644

At the request of Mrs. BOXER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1644, a bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1670

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1670, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. 1693

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1693, a bill to amend the Patient Protection and Affordable Care Act to extend the initial open enrollment period.

S. 1696

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1696, a bill to protect a women's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 1699

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1699, a bill to permit individuals to renew certain health insurance coverage offered in the individual or small group markets and to provide that such individuals would not be subject to the individual mandate penalty.

S.J. RES. 2

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 284

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 284, a resolution calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

At the request of Mr. RISCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 284, supra.

S. RES. 292

At the request of Mr. SCHATZ, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from New Jersey (Mr. BOOKER), the Senator from

Washington (Mrs. MURRAY), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 292, a resolution expressing support for the victims of the typhoon in the Philippines and the surrounding region.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 1704. A bill to expand the use of open textbooks in order to achieve savings for students; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1704

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable College Textbook Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The high cost of college textbooks continues to be a barrier for many students in achieving higher education.

(2) According to the College Board, during the 2012-2013 academic year, the average student budget for college books and supplies was \$1,200.

(3) The Government Accountability Office found that new textbook prices increased 82 percent over the last decade and that although Federal efforts to increase price transparency have provided students and families with more and better information, more must be done to address rising costs.

(4) The growth of the Internet has enabled the creation and sharing of digital content, including open educational resources that can be freely used by students, teachers, and members of the public.

(5) Using open educational resources in place of traditional materials in large-enrollment college courses can reduce textbook costs by 80 to 100 percent.

(6) Federal investment in expanding the use of open educational resources could significantly lower college textbook costs and reduce financial barriers to higher education, while making efficient use of taxpayer funds.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **EDUCATIONAL RESOURCE.**—The term "educational resource" means an educational material that can be used in postsecondary instruction, including textbooks and other written or audiovisual works.

(2) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) **OPEN EDUCATIONAL RESOURCE.**—The term "open educational resource" means an educational resource that is licensed under an open license and made freely available online to the public.

(4) **OPEN LICENSE.**—The term "open license" means a worldwide, royalty-free, non-exclusive, perpetual, irrevocable copyright license granting the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use the work and adaptations of the work for any purpose, conditioned only on the requirement that attribution be given to authors as designated.

(5) **OPEN TEXTBOOK.**—The term "open textbook" means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

#### SEC. 4. GRANT PROGRAM.

(a) **GRANTS AUTHORIZED.**—From the amounts appropriated under subsection (i), the Secretary shall make grants, on a competitive basis, to eligible entities to support pilot programs that expand the use of open textbooks in order to achieve savings for students.

(b) **ELIGIBLE ENTITY.**—In this section, the term "eligible entity" means an institution of higher education or group of institutions of higher education.

(c) **APPLICATIONS.**—

(1) **IN GENERAL.**—Each eligible entity desiring a grant under this section, after consultation with relevant faculty (including those engaged in the creation of open educational resources), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for promoting and tracking the use of open textbooks in postsecondary courses offered by the eligible entity, including an estimate of the projected savings that will be achieved for students;

(B) a plan for evaluating, before creating new open educational resources, whether existing open educational resources could be used or adapted for the same purpose;

(C) a plan for quality review and review of accuracy of any open educational resources to be created or adapted through the grant;

(D) a plan for disseminating information about the results of the project to institutions of higher education outside of the eligible entity, including promoting the adoption of any open textbooks created or adapted through the grant; and

(E) a statement on consultation with relevant faculty, including those engaged in the creation of open educational resources, in the development of the application.

(d) **SPECIAL CONSIDERATION.**—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to—

(1) achieve the highest level of savings for students through sustainable expanded use of open textbooks in postsecondary courses offered by the eligible entity;

(2) expand the use of open textbooks at institutions of higher education outside of the eligible entity; and

(3) produce—

(A) the highest quality open textbooks;

(B) open textbooks that can be most easily utilized and adapted by faculty members at institutions of higher education;

(C) open textbooks that correspond to the highest enrollment courses at institutions of higher education; and

(D) open textbooks created or adapted in partnership with entities, including campus bookstores, that will assist in marketing and distribution of the open textbook.

(e) **USE OF FUNDS.**—An eligible entity that receives a grant under this section shall use the grant funds to carry out any of the following activities to expand the use of open textbooks:

(1) Professional development for faculty and staff members at institutions of higher education, including the search for and review of open textbooks.

(2) Creation or adaptation of open educational resources, especially open textbooks.

(3) Development or improvement of tools and informational resources that support the use of open textbooks.

(4) Research evaluating the efficacy of the use of open textbooks for achieving savings for students.

(5) Partnerships with other entities, including other institutions of higher education, for-profit organizations, or nonprofit organizations, to carry out any of the activities described in paragraphs (1) through (4).

(f) **LICENSE.**—Educational resources created or adapted under subsection (e) shall be licensed under an open license.

(g) **ACCESS AND DISTRIBUTION.**—The full and complete digital content of each educational resource created or adapted under subsection (e) shall be made available free of charge to the public—

(1) on an easily accessible and interoperable website, which shall be identified to the Secretary by the eligible entity; and

(2) in a machine readable, digital format that anyone can directly download, edit, and redistribute.

(h) **REPORT.**—Upon an eligible entity's completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding—

(1) the effectiveness of the pilot program in expanding the use of open textbooks and in achieving savings for students;

(2) the impact of the pilot program on expanding the use of open textbooks at institutions of higher education outside of the eligible entity;

(3) educational resources created or adapted under the grant, including instructions on where the public can access each educational resource under the terms of subsection (g); and

(4) all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of the 5 succeeding fiscal years after the enactment of this Act.

#### SEC. 5. PRICE INFORMATION.

Section 133(b) of the Higher Education Act of 1965 (20 U.S.C. 1015b(b)) is amended—

(1) by striking paragraph (6); and

(2) in paragraph (9);

(A) by striking subparagraphs (A) and (B); and

(B) by striking “a college textbook that—” and inserting “a college textbook that may include printed materials, computer disks, website access, and electronically distributed materials.”.

#### SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by faculty

within the generally accepted principles of academic freedom that establishes the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

#### SEC. 7. REPORT TO CONGRESS.

Not later than July 1, 2016, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives detailing—

(1) the open textbooks created or adapted under this Act;

(2) the adoption of such open textbooks; and

(3) the savings generated for students, States, and the Federal Government through the use of open textbooks.

#### SEC. 8. GAO REPORT.

Not later than July 1, 2017, the Comptroller General of the United States shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the cost of textbooks to students at institutions of higher education. The report shall particularly examine—

(1) the change of the cost of textbooks;

(2) the factors that have contributed to the change of the cost of textbooks;

(3) the extent to which open textbooks are used at institutions of higher education; and

(4) the impact of open textbooks on the cost of textbooks.

By Mr. DURBIN (for himself,  
Mrs. GILLIBRAND, and Mr. MARKEY):

S. 1705. A bill to provide a Federal charter for the National Fab Lab Network, a national network of local digital fabrication facilities providing community access to advanced manufacturing tools for learning skills, developing inventions, creating businesses, and producing personalized products; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1705

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Fab Lab Network Act of 2013”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Scientific discoveries and technical innovations are critical to the economic and national security of the United States.

(2) Maintaining the leadership of the United States in science, technology, engineering, and mathematics will require a diverse population with the skills, interest, and access to tools required to advance these fields.

(3) Just as earlier digital revolutions in communications and computation provided individuals with the Internet and personal computers, a digital revolution in fabrication will allow anyone to make almost anything, anywhere.

(4) Fab labs like the Center for Bits and Atoms at the Massachusetts Institute of Technology provide a model for a new kind of national laboratory that links local facilities for advanced manufacturing to expand access and empower communities.

(5) A coordinated national public-private partnership will be the most effective way to accelerate the provision of this infrastructure for learning skills, developing inventions, creating businesses, and producing personalized products.

#### SEC. 3. ESTABLISHMENT OF NATIONAL FAB LAB NETWORK.

(a) **DEFINITIONS.**—In this section—

(1) the term “fab lab” means a facility—

(A) equipped with an integrated suite of fabrication tools to convert digital designs into functional physical things and scanning tools to convert physical things into digital designs; and

(B) available for a range of individual and collaborative educational, commercial, creative, and social purposes, based on guidelines established by the NFLN relating to sustainable operation; and

(2) the term “NFLN” means the National Fab Lab Network.

(b) **FEDERAL CHARTER.**—The National Fab Lab Network is a federally chartered nonprofit corporation, which shall facilitate the creation of a national network of local fab labs and serve as a resource to assist stakeholders with the effective operation of fab labs.

(c) **MEMBERSHIP AND ORGANIZATION.**—

(1) **IN GENERAL.**—Eligibility for membership in the NFLN and the rights and privileges of members shall be as provided in the constitution and bylaws of the NFLN. The Board of Directors, officers, and other employees of the NFLN, and their powers and duties, shall be provided in the bylaws of the NFLN.

(2) **BOARD OF DIRECTORS.**—The Board of Directors of the NFLN shall include—

(A) the Director of the Fab Foundation;

(B) members of the manufacturing sector and entrepreneurial community; and

(C) leaders in science, technology, engineering, and mathematics education.

(3) **COORDINATION.**—When appropriate, the NFLN should work with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology, the Small Business Administration, and other agencies of the Federal Government to provide additional resources to fab lab users.

(d) **FUNCTIONS.**—The NFLN shall—

(1) serve as the coordinating body for the creation of a national network of local fab labs in the United States;

(2) provide a first point of contact for organizations and communities seeking to create fab labs, providing information, assessing suitability, advising on the lab lifecycle, and maintaining descriptions of prospective and operating sites;

(3) link funders and sites with operational entities that can source and install fab labs, provide training, assist with operations, account for spending, and assess impact;

(4) perform outreach for individuals and communities on the benefits available through the NFLN;

(5) facilitate use of the NFLN in synergistic programs, such as workforce training, job creation, research broader impacts, and the production of civic infrastructure; and

(6) offer transparency in the management, governance, and operation of the NFLN.

(e) **PURPOSES.**—In carrying out its functions, the NFLN's purposes and goals shall be to—

(1) create a national network of connected local fab labs to empower individuals and communities in the United States; and

(2) foster the use of distributed digital fabrication tools to promote science, technology, engineering and math skills, increase invention and innovation, create businesses and jobs, and fulfill needs.

(f) FUNDING.—The NFLN may accept gifts from private individuals, corporations, government agencies, or other organizations.

By Mr. KIRK (for himself, Mr. COONS, Mr. BROWN, and Mr. BLUNT):

S. 1709. A bill to require the Committee on Technology of the National Science and Technology Council to develop and update a national manufacturing competitiveness strategic plan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. COONS. Mr. President, I come to the floor again today to talk about jobs, about manufacturing jobs, about the high-quality, high-skill wage jobs America needs for today and for the future.

Today I have introduced a bill which shows that dealing with our ongoing challenges of supporting our manufacturing sector and growing jobs in our manufacturing sector can have bipartisan solutions. Senator MARK KIRK of Illinois joined me in introducing the American Manufacturing Competitiveness Act, which has a simple but important objective: to require the creation of a national manufacturing strategy.

Today more than 12 million Americans are directly employed in manufacturing. As I have said on the floor before as part of our Manufacturing Jobs for America Initiative, manufacturing jobs are good jobs. They are high-skilled jobs, they are high-wage jobs, they are high-benefit jobs, and they have a terrific secondary benefit in terms of the other support and service sector jobs that come along with manufacturing jobs in a community.

We need to know the direction we are heading as a country as we try to support the growth of manufacturing. We have grown more than half a million manufacturing jobs in the last 3 years. That is an encouraging sign. We are one of the most productive in the output of our manufacturing sector of all the countries in the world.

What we have lacked is a very coordinated strategy between the Federal Government, State governments, and the private sector to align all of our investments—our investments in research and development, our investments in new skills, our investments in infrastructure—to make sure they are all heading in the right direction.

Do our competitors have national manufacturing strategies? Absolutely. Germany, China, India, South Africa, and Russia all have thoroughly developed, deeply researched, and prominently successful strategies for how to

accelerate and sustain manufacturing as a key part of their economies.

This bill would amend the America COMPETES Act. It would require every 4 years that the Secretary of Commerce, advised by a board of 15 different folks, pull together and think through, research, and then deliver a national manufacturing strategy. This doesn't require new programs. It doesn't even necessarily require new funding or new Federal expenditures. It only requires that we coordinate all the different areas where the Federal Government is investing in supporting manufacturing and where State and local governments are working in partnership with the private sector. This may be a small but vital step toward giving the lift we need for our manufacturing sector to continue its sustained growth of the last few years.

Why is a manufacturing strategy essential? Because we have a couple of areas where, frankly, we are falling short—in infrastructure, in access to capital, and in skills. Having a highly skilled manufacturing workforce is one of the things we need to do if we are going to win the fight to regain our international prominence as the leading global manufacturing country.

The Manufacturing Institute and Deloitte, a global consulting firm, have both independently concluded that there are as many as 600,000 manufacturing jobs in America today that are unfilled because of a lack of a workforce with the relevant skills. The Society of Manufacturing Engineers estimates that number could increase to 3 million by 2015.

So a focus through a national strategy and through some facilitating investments and legislation by this body and the House and by enactment by the President and investments across-the-board could deal with these important skill gaps.

Why are there skill gaps in manufacturing? Many Americans have a misconception about what manufacturing is like today. They have a picture in their heads of manufacturing from 10, 20, or 30 years ago when it required simple labor, when it required repeated routine tasks such as simply putting on a bolt or affixing a particular piece onto a vehicle, where there wasn't any teamwork, there wasn't any continuous improvement required, and there weren't analytical skills required. That was the manufacturing line of the past, not of today and certainly not of the future. In fact, the skills required to be successful in modern advanced manufacturing are quite different from what they were 10, 20, or 30 years ago. Today one has to work as part of a team and be able to troubleshoot and problem-solve.

There are fewer people working on manufacturing lines, but they are higher in productivity because the analytical skills they are bringing to the job

are greater than they have ever been before. That is also why manufacturing can be a more satisfying career, a more rewarding place to work than it was in the past, because it engages the whole human being. It engages the whole worker. It allows them to have ownership of the quality of the finished product.

One of the lessons American automobile manufacturing learned in the 1970s, 1980s, and 1990s as it faced the threat of higher quality auto manufacturing elsewhere in the world was to not only retool the manufacturing line but to empower the individual worker to be engaged in quality control.

Those of us here in the Senate who worked in the manufacturing industry know what it meant to have gone through a process where we had to certify. You had to go through a searching auditing process to be able to demonstrate, if you were a component supplier or if you were part of a supply chain, that you were meeting world-class standards. In fact, the ISO 9000 system—the International Organization for Standardization—and its 9000 series audits that swept through the country over 20 years and ended up resulting in a higher quality of manufacturing was just the first of a number of steps toward requiring those who were working in manufacturing facilities to have a higher level of skills.

One of the ways in which we have an ongoing challenge is that manufacturers—medium and small manufacturers with whom I visited up and down the State of Delaware—don't know the level of skills and the quality of skills of young people they wish to hire who may have just finished high school or might have taken a certificate course with a community college. We don't have a transportable, translatable certificate for basic manufacturing skills.

One of the innovations of the IT industry was a whole series of skills certifications that allow someone to know, when they are hiring a young person to do office support for IT or when they are hiring someone to be a network administrator, whether they have the practical skills they need to do that job and do it well. They can't guess that by where they went to high school or what courses they took at a college. We don't have a similar sort of reliable, transportable, translatable, manufacturing skill certification process. That may be a part of this national manufacturing strategy.

We certainly have heard from manufacturers large and small—not only in Delaware but around the country—about what they need, what would put a floor beneath their growth and would allow them to be globally competitive. No. 1 would be a stronger, skilled workforce; No. 2 would be more access to capital; and No. 3 would be more and better access on a fair basis to a global market and a global economy.



We have had a great first couple of weeks with the Manufacturing Jobs for America Initiative. More than 25 Senators have contributed more than 40 bills. Many of these are broad or bold or bipartisan bills that contain the ideas that I think can sustain and grow manufacturing in the United States going forward. It is a growing menu of bills—bills that are bipartisan and that I believe not only need but deserve a vote on the floor later in this Congress.

I am grateful to Senator KIRK for partnering with me in introducing this bill today, the American Manufacturing Competitiveness Act, and I am hopeful it will pick up more bipartisan sponsors in the days and weeks ahead. I also hope, working in partnership with the Manufacturing Caucus, ably led by Senator STABENOW and Senator GRAHAM, we will begin to hammer out the bipartisan bills that will deserve a vote on this floor and that will ultimately reach enactment through the Congress and by signature of our President. With that, we might well be able to deliver on what we hear most often from our constituents: Help us grow high-quality jobs in this country.

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY):

S. 1714. A bill to impose sanctions with respect to Syria, to expand existing sanctions with respect to Syria, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BLUMENTHAL. Mr. President, I am here to talk about the Syria Sanctions Enhancement Act of 2013, which I am very proud to introduce today, with bipartisan support, joined by my colleagues Senators AYOTTE, CORNYN, and CASEY. This bill is a comprehensive effort to update our existing system of sanctions and to reflect the reality that President Bashar al-Assad and his murderous regime continue to engage in a horrible civil war against the Syrian people.

This bill builds upon the longstanding U.S. sanctions regime against Syria begun in 2004 to deal with that government's policies supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts to stabilize Iraq. Following events in Syria beginning in March of 2011, a series of executive orders have been issued to address the ongoing violence and human rights abuses that have been supported and perpetrated relentlessly by the Assad regime. Fortunately, Congress has come together on a bipartisan basis to sanction many people who are committing terrible atrocities. Now is the time to add to those sanctions, to enhance and enforce them, and ensure they encompass everyone who is enabling Assad to con-

tinue his massacres against his own people.

I have seen some of the effects of this cruel war in person. Earlier this year, I traveled to the Zaatari refugee camp in Jordan, with Senator MCCAIN and Senator GRAHAM, where I saw firsthand how the Assad regime has torn families and lives apart. I returned home from that trip convinced, along with my colleagues, that the United States cannot stand idle while this war rages on and over 1 million Syrians are displaced from their country—a substantial part—the estimates are 30 percent of its entire population displaced from their homes. I remain convinced the United States should take action not only with sanctions but with more effective humanitarian relief. Sanctions are an effective way to cut off Assad's financing and therefore his source of power. Humanitarian relief is necessary to aid the Syrian people who have become refugees in such enormous numbers, even as we pursue those sanctions.

Thankfully, most of the world has come together to denounce and isolate Assad for his horrible abuses. Appallingly, though, a few—most notably Russian banks—finance Assad and enable his continued atrocities.

In September, Senators AYOTTE, CORNYN, SHAHEEN, and I urged the Treasury Department to sanction those Russian banks that are perpetrating war in Syria. They are enabling that war as well as the atrocities it has spawned, and there is significant evidence that some Russian banks, including VTB, VEB, and Gazprombank, have given financial cover to Assad and may still be hiding his assets. This bill, the Syria Sanctions Enhancement Act, would ensure that those actors do not go unpunished. It would sanction financial institutions doing business with Assad and his senior officials, and it would also provide for a full accounting of all Assad's assets. If Assad is hiding money in Russian banks or elsewhere, we need to know where that money is, because it rightly belongs to the people of Syria, not to its murderous dictator.

But our actions against Assad must be wider in scope than simply the financial sector. Therefore, the Syria Sanctions Enhancement Act looks at all the perpetrators of horrific violence who empower Assad and it creates sanctions against them. This bill codifies existing executive orders that sanction senior Syrian officials and people who sell or invest in the Syrian Government. It sanctions anyone who helps the Assad government develop weapons of mass destruction or provides them with conventional weapons. They are responsible for the majority of killings in Syria. They are complicit, and knowingly, purposefully—they are not merely the enablers, they are the providers of those assets used by Assad against his own people.

We have seen how some unscrupulous arms dealers continue to provide arms to the Assad regime that enable his killing. Just yesterday, I was pleased to announce that the Defense Department will stop doing business with Rosoboronexport, the arms dealer that is selling weapons to Assad. Think of it: The U.S. Government was financing, with U.S. taxpayer money, purchases of helicopters for the Afghan Government, to go to the Afghans with the knowledge that that same Russian export agency was selling weapons to Assad. It was stopped, but it is just one example of a company that allows Assad to continue killing his own people.

This bill also requires the President to submit a list of people responsible for human rights abuses committed against the people of Syria. The President must submit a list of those culpable individuals who should be held accountable for human rights abuses committed by Assad against his own people, and the bill will sanction anyone who has provided goods, services or support to enable human rights abuses.

As my colleagues can see, this bill would do quite a few things, but there are a number of important things it will not do. It will not prevent the United States from supporting the moderates who are fighting against the Assad regime, and it would not jeopardize our ongoing efforts to destroy Syria's chemical weapons stockpile; rather, it creates a strategic framework to ensure that the prolonged dismantling of chemical weapons does not serve as a cover for the international community to ignore the brutal reality of these slaughters throughout Syria. The bill is carefully crafted to ensure that the sanctions do not target the people of Syria themselves who are just trying to survive during a difficult time. That is why humanitarian relief from this country is of such paramount importance.

Over the past few months, there has been a lot of debate over what the United States should or should not do in Syria.

Over these past months, the debate has focused on military force and many have been hesitant to use such military force in Syria. But that does not mean the United States can or should stand idle on the sidelines as hundreds of thousands of people are dying and the war threatens to create a wider conflict in the Middle East. I think we can all agree, on both sides of the aisle, that we should be strengthening sanctions against the human rights abusers and supporters of Assad and his military that is tirelessly, relentlessly, and purposefully murdering his own people.

This bill is a bipartisan attempt to move forward around the common concerns of helping the Syrian people. In the coming days, I look forward to a debate on this bill and the way forward



in Syria as we consider Iran's nuclear program and other important factors. There will be a meeting in Geneva upcoming. I view this bill as a means of strengthening our government's hand as we seek peace in Syria and seek to strengthen those forces in Syria that seek to protect their own people.

I look forward to working with my colleagues on this important effort to ensure that the United States continues to stand up and speak out strongly on the side of the people of Syria against a regime that is striving solely and single-mindedly to keep itself in power at all costs, in fact, whatever the cost in the slaughter and displacement of its own people.

By Mr. KAINÉ (for himself and Mr. CHAMBLISS):

S. 1717. A bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KAINÉ. Mr. President, today I am introducing the Servicemember Education Reform and Vocational Act of 2013, SERVE. I am pleased Senator CHAMBLISS joins me in introducing this bill. This bipartisan legislation will improve the quality of education for our veterans and military members.

To date, over one million veterans have taken advantage of the Post-9/11 GI Bill and \$30 billion has been invested. Yet graduation rates remain a concern and the unemployment rate among veterans, especially young veterans who have served in Iraq and Afghanistan, remains higher than the national average.

As the United States begins to draw down its forces after more than a decade at war, it is more important than ever to demonstrate our commitment to the brave men and women who have served and sacrificed to protect our Nation. An important part of this commitment is ensuring our Nation's veterans are prepared for their transition from military service to civilian life.

In Virginia, one in every nine individuals is a veteran, and we have 27 installations across the State, making Virginia as connected to the military as any State in the country.

As I have travelled throughout Virginia and have had the opportunity to meet with servicemembers, veterans, and their families, I have listened to their concerns and ideas. These conversations have reinforced my commitment to fight persistent barriers to veterans' employment, and ensure that veterans have access to quality education programs that yield results.

For these reasons, it is our responsibility to ensure that the Nation's investment in veteran education and training yields successful results and

gives these men and women the tools they need to succeed in the workforce.

I am a strong believer that education is the best investment that any country can make to ensure the success of its citizens. This is why my first bill, the TROOP Talent Act, focused on assisting our servicemembers and veterans in their efforts to gain civilian credentials and transition into the workforce.

The bill I am introducing today, the SERVE Act, is companion legislation that will raise the bar on minimum standards that educational institutions must meet to ensure servicemembers are getting a quality education.

The bill will require institutions to disclose information such as graduation rates, withdrawal policies, and program costs to students and ensure programs fully deliver what they advertise.

The bill will require institutions to provide access to academic and/or career counseling for military and veteran students in hopes of not only improving their chances of graduating, but also helping prepare them for future careers.

The bill will facilitate the use of VA and DoD educational benefits for employment training programs by creating a 5-State pilot program. States will be charged with developing best practices needed to ensure that quality employment training, apprenticeship, and on-the-job training programs are available and accessible for beneficiaries of the post-9/11 GI Bill program.

The bill will require an annual report to relevant Senate and House Committees with disaggregated information on which schools and programs veteran and military students are putting their educational benefits toward.

Today's veterans have been referred to as "the next Greatest Generation." They answered the call to serve our Nation.

They have put it all on the line and invested heavily and personally in the future of our country. Let us do everything we can to capitalize on their experience and character and prepare them for the challenges they and our Nation will face in the future.

The SERVE Act will ensure that the educational benefits our veterans and military members earned are being spent on quality education.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 295—EX-PRESSING THE SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2013 AS THE "NATIONAL DAY ON WRITING"

Mr. CASEY (for himself, Mr. ROBERTS, Mrs. MURRAY, Mr. BROWN, Mr. BENNET, and Ms. LANDRIEU) submitted

the following resolution; which was considered and agreed to:

S. RES. 295

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation consider writing to be essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Internet website tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 20, 2013, as the "National Day on Writing";

(2) strongly affirms the purposes of the National Day on Writing; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to celebrate and promote the National Day on Writing.

SENATE RESOLUTION 296—DESIGNATING THE WEEK BEGINNING ON OCTOBER 13, 2013, AS "NATIONAL WILDLIFE REFUGE WEEK"

Mr. COONS (for himself, Mr. CARDIN, Mr. SESSIONS, and Mr. SCHATZ) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Pelican Island in Florida;

Whereas, in 2013, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to approximately 150,000,000 acres, 561 national wildlife refuges,

and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas, in 2013, 364 units of the National Wildlife Refuge System have hunting programs and 303 units of the National Wildlife Refuge System have fishing programs, averaging approximately 2,500,000 hunting visits and nearly 7,000,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced nearly 31,000,000 wildlife observation visits during fiscal year 2013;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate nearly \$5 in economic activity;

Whereas the National Wildlife Refuge System experiences nearly 47,000,000 visits each year, which generated more than \$2,400,000,000 and more than 35,000 jobs in local economies during fiscal year 2011;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than \$850,000,000 in funds, which has enabled the purchase or lease of more than 5,500,000 acres of wetland habitat for waterfowl and numerous other species in the National Wildlife Refuge System;

Whereas the recovery of 386 threatened and endangered species is supported on refuge lands;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas more than 38,000 volunteers and approximately 220 national wildlife refuge "Friends" organizations contribute more than 1,400,000 hours annually, the equivalent of more than 700 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and one refuge located within an hour drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of "Conserving the Future: Wildlife Refuges and the Next Generation", an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 13, 2013, has been designated as "National Wildlife Refuge Week" by the Fish and Wildlife Service; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 13, 2013, as "National Wildlife Refuge Week";

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

#### SENATE RESOLUTION 297—CONGRATULATING THE MINNESOTA LYNX WOMEN'S BASKETBALL TEAM ON WINNING THE 2013 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. FRANKEN (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

##### S. RES. 297

Whereas on October 10, 2013, the Minnesota Lynx won the 2013 Women's National Basketball Association (WNBA) Championship;

Whereas this is the second WNBA Championship for the Minnesota Lynx in 3 years;

Whereas the Minnesota Lynx won every game in the 2013 WNBA playoffs, beating the Seattle Storm in the Western Conference

semifinals, the Phoenix Mercury in the Conference finals, and decisively beating the Atlanta Dream in the Championship round;

Whereas, on average, more than 13,000 fans attended each home game during the Championship round at the Target Center in Minneapolis to cheer on the Minnesota Lynx;

Whereas the Minnesota Lynx feature 3 gold medal-winning Olympians, Maya Moore, Seimone Augustus, and Lindsay Whalen, and a highly talented team of professionals, including Rebekkah Brunson, Janel McCarville, and Monica Wright; and

Whereas the Minnesota Lynx are one of only four WNBA teams to win multiple titles, with both championships coming under the coaching guidance of Cheryl Reeve: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the achievements of the players, coaches, fans, and staff whose hard work and dedication helped the Minnesota Lynx win the 2013 Women's National Basketball Association Championship; and

(2) recognizes the Twin Cities region and the State of Minnesota, both of which enthusiastically support the team and women's professional basketball.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2032. Mr. INHOFE (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2033. Mr. REID proposed an amendment to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

SA 2034. Mr. REID proposed an amendment to amendment SA 2033 proposed by Mr. REID to the bill H.R. 3204, *supra*.

SA 2035. Mr. REID proposed an amendment to the bill H.R. 3204, *supra*.

SA 2036. Mr. REID proposed an amendment to amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, *supra*.

SA 2037. Mr. REID proposed an amendment to amendment SA 2036 proposed by Mr. REID to the bill H.R. 3204, *supra*.

SA 2038. Mr. CHAMBLISS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2039. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2040. Mr. BAUCUS (for himself, Mr. ENZI, Mr. BARRASSO, Mr. TESTER, Mr. HOEVEN, Ms. HEITKAMP, Mrs. FISCHER, Mr. JOHANN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2041. Mr. TESTER (for himself, Mr. HELLER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him

to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2042. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2043. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2044. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2045. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2046. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2047. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2048. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2049. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2050. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2051. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2052. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2053. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2054. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2055. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2056. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2057. Ms. COLLINS (for herself, Mr. KING, Mr. MARKEY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2058. Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2059. Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2060. Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) submitted an

amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2061. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2062. Mr. GRAHAM (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2063. Ms. AYOTTE (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2064. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2065. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2066. Mr. DONNELLY (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2067. Mr. DONNELLY (for himself, Mr. LEAHY, Mr. CRUZ, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNES, Mr. MENENDEZ, Mr. CORNYN, Mr. BOOZMAN, Ms. HEITKAMP, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2068. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2069. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2070. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2071. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2072. Mr. PORTMAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2073. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2074. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2032.** Mr. INHOFE (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### **SEC. 1082. SENSE OF SENATE ON VETERAN'S PREFERENCE IN PRIVATE EMPLOYMENT.**

It is the sense of the Senate that private employers should, to the extent practical, do their utmost to educate and inform their managers and supervisors, and their human resource and personnel departments, on the advantages of hiring—

- (1) qualified veterans; and
- (2) qualified spouses of veterans, if the veterans have a permanent total disability that is service-connected.

**SA 2033.** Mr. REID proposed an amendment to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

**SA 2034.** Mr. REID proposed an amendment to amendment SA 2033 proposed by Mr. REID to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

In the amendment, strike “1 day” and insert “2 days”.

**SA 2035.** Mr. REID proposed an amendment to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

**SA 2036.** Mr. REID proposed an amendment to amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “4 days”.

**SA 2037.** Mr. REID proposed an amendment to amendment SA 2036 proposed by Mr. REID to the amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

In the amendment, strike “4 days” and insert “5 days”.

**SA 2038.** Mr. CHAMBLISS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.**

Section 12731(f)(2)(A) of title 10, United States Code, is amended by inserting “or in any two consecutive fiscal years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014,” after “in any fiscal year after such date,”.

**SA 2039.** Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. LIMITATION ON TERMINATION OR TRANSFER OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **LIMITATION.**—The Secretary of Defense may not terminate or transfer to the jurisdiction of another agency of the Federal Government any elementary or secondary science, technology, engineering, and mathematics program of the Department of Defense in existence as of September 30, 2012, until 60 days after the date on which the Secretary submits to the congressional defense committees a transition plan with respect to such program.

(b) **ELEMENTS.**—The transition plan with respect to a program under subsection (a) shall include the following:

(1) For a program to be terminated, a description of the manner in which science, technology, engineering, and mathematics education requirements for the dependents covered by the program will be met by another program.

(2) For a program to be transferred to the jurisdiction of another agency—

(A) the name of such agency;

(B) the funding anticipated to be provided the program by such agency during the five-year period beginning on the date of transfer; and

(C) mechanisms to ensure that education under the program will continue to meet the science, technology, engineering, and mathematics education requirements of the Department of Defense, including requirements for the dependents covered by the program.

(3) Metrics to assess whether a program under paragraph (1) or (2) is meeting the requirements applicable to such program under such paragraph.

(c) **CONSULTATION IN DEVELOPMENT.**—Each transition plan under subsection (a) shall be developed by the Secretary of Defense in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

**SA 2040.** Mr. BAUCUS (for himself, Mr. ENZI, Mr. BARRASSO, Mr. TESTER, Mr. HOEVEN, Ms. HEITKAMP, Mrs. FISCHER, Mr. JOHANNES, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1045 and insert the following:

**SEC. 1045. READINESS OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

The Secretary of Defense shall preserve each intercontinental ballistic missile silo that contains a deployed missile as of the date of the enactment of this Act in, at minimum, a warm status that enables that silo—

(1) to remain a fully functioning element of the interconnected and redundant command and control system of the missile field; and

(2) to be made fully operational with a deployed missile.

**SA 2041.** Mr. TESTER (for himself, Mr. HELLER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 632. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR DISABLED VETERANS WITH A SERVICE-CONNECTED, PERMANENT DISABILITY RATED AS TOTAL.**

(a) **AVAILABILITY OF TRANSPORTATION.**—Section 2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.**—(1) The Secretary of Defense shall provide, at no additional cost to the Department of Defense and without any aircraft modification, transportation on scheduled and unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any veteran with a service-connected, permanent disability rated as total.

“(2) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary shall provide transportation under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

“(3) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis

described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under this section.

“(4) In this subsection, the terms ‘veteran’ and ‘service-connected’ have the meanings given those terms in section 101 of title 38.”.

(b) **EFFECTIVE DATE.**—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

**SA 2042.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1033 and insert the following:

**SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, or the territories or possessions of the United States, of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to an individual who is transferred to United States Naval Station, Guantanamo Bay, Cuba, after the date of the enactment of this Act for the purpose of interrogation by the United States.

**SA 2043.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031 and insert the following:

**SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) **CERTIFICATION REQUIRED PRIOR TO TRANSFER.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts

authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) **CERTIFICATION.**—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) **PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.**—

(1) **PROHIBITION.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the

Secretary shall notify Congress of promptly after issuance).

(d) **NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) **REPORTS.**—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) **RECORD OF COOPERATION.**—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for contin-

ued cooperation with United States intelligence and law enforcement authorities.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

Strike section 1033 and insert the following:

**SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, or the territories or possessions of the United States, of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to an individual who is transferred to United States Naval Station, Guantanamo Bay, Cuba, after the date of the enactment of this Act for the purpose of interrogation by the United States.

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **IN GENERAL.**—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment unless authorized by Congress.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—

(1) **IN GENERAL.**—In this section, the term “individual detained at Guantanamo” means

any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) EXCLUSION.—The term does not mean any individual transferred to United States Naval Station, Guantanamo Bay, Cuba, after October 1, 2009, who was not located at United States Naval Station, Guantanamo Bay, Cuba, on that date.

**SEC. 1036. PROHIBITION ON TRANSFER OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the amounts authorized to be appropriated or otherwise available to the Department of Defense may be used to transfer, release, or assist in the transfer or release, during the period beginning on the date of the enactment of this Act and ending on December 31, 2014, of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

**SA 2044.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031 and insert the following:

**SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certifi-

cation made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been com-

pletely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "individual detained at Guantanamo" means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—



(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

**SA 2045.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON TRANSFER OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the amounts authorized to be appropriated or otherwise available to the Department of Defense may be used to transfer, release, or assist in the transfer or release, during the period beginning on the date of the enactment of this Act and ending on December 31, 2014, of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

**SA 2046.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—

(1) IN GENERAL.—In this section, the term “individual detained at Guantanamo” means

any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) EXCLUSION.—The term does not mean any individual transferred to United States Naval Station, Guantanamo Bay, Cuba, after October 1, 2009, who was not located at United States Naval Station, Guantanamo Bay, Cuba, on that date.

**SA 2047.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1025. EXPANSION OF AUTHORITY FOR DISPOSITION OF LARGER NAVAL VESSELS.**

Section 7307(a) of title 10, United States Code, is amended by striking “3,000 tons” and inserting “6,000 tons”.

**SA 2048.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. EXECUTIVE AGENT FOR BATTERY TECHNOLOGY.**

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for battery technology.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act and in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a battery technology roadmap that ensures that the Department has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such technology.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the battery technology supply chain, including the development of trustworthiness requirements for battery technology used in defense systems, and development of strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary shall ensure that the military departments, Defense Agencies, and other components of the Department provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term “Directive 5101.1” means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term “executive agent” has the meaning given the term “DoD Executive Agent” in Directive 5101.1.

**SA 2049.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. EXECUTIVE AGENT FOR MICROWAVE, HIGH POWER VACUUM TUBE TECHNOLOGY, AND TRANSMIT AND RECEIVE DEVICES.**

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for microwave, high power vacuum tube technology, and transmit and receive (TR) devices.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act and in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a roadmap for microwave, high power vacuum tube technology, and transmit and receive devices that ensures that the Department has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such devices.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the microwave, high power vacuum tube technology, and transmit and receive devices supply chain, including the development of trustworthiness requirements for microwave, high



power vacuum tube technology, and transmit and receive devices used in defense systems, and development of strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary considers appropriate.

(C) **SUPPORT WITHIN DEPARTMENT OF DEFENSE.**—In accordance with Directive 5101.1, the Secretary shall ensure that the military departments, Defense Agencies, and other components of the Department provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) **DEFINITIONS.**—In this section:

(1) The term “Directive 5101.1” means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term “executive agent” has the meaning given the term “DoD Executive Agent” in Directive 5101.1.

**SA 2050.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. EXECUTIVE AGENT FOR RADIATION HARDENED DEVICES.**

(a) **EXECUTIVE AGENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for radiation hardened devices.

(b) **ROLES, RESPONSIBILITIES, AND AUTHORITIES.**—

(1) **ESTABLISHMENT.**—Not later than one year after the date of the enactment of this Act and in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) **SPECIFICATION.**—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a radiation hardened devices roadmap that ensures that the Department has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such devices.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the radiation hardened devices supply chain, including the development of trustworthiness requirements for radiation hardened devices used in defense systems, and development of strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary considers appropriate.

(c) **SUPPORT WITHIN DEPARTMENT OF DEFENSE.**—In accordance with Directive 5101.1, the Secretary shall ensure that the military

departments, Defense Agencies, and other components of the Department provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) **DEFINITIONS.**—In this section:

(1) The term “Directive 5101.1” means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term “executive agent” has the meaning given the term “DoD Executive Agent” in Directive 5101.1.

**SA 2051.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INCREASED MICRO-PURCHASE THRESHOLD FOR PURCHASES BY THE UNITED STATES SPECIAL OPERATIONS COMMAND IN SUPPORT OF OPERATIONS OVERSEAS.**

(a) **INCREASED MICRO-PURCHASE THRESHOLD.**—In the case of any purchase by the United States Special Operations Command in support of an operation overseas, the micro-purchase threshold for purposes of section 1902 of title 41, United States Code, shall be deemed to be \$10,000 rather than the amount otherwise provided for in subsection (a) of such section.

(b) **OTHER REQUIREMENTS.**—In applying subsections (d) and (e) of section 1902 of title 41, United States Code, to purchases described in subsection (a), the purchases covered by such subsection (d) or (e) shall be deemed to be purchases not greater than \$10,000 rather than the amount otherwise provided for in such subsection (d) or (e).

**SA 2052.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. ENHANCED AUTHORITY FOR PROVISION OF SUPPORT TO PARTNER NATION LIAISON OFFICERS WHILE ASSIGNED TO THE UNITED STATES SPECIAL OPERATIONS COMMAND.**

(a) **ELIGIBILITY.**—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” before “The Secretary of Defense”; and

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a liaison officer of another nation who is assigned to the head-

quarters of the United States Special Operations Command, the Secretary of Defense may provide administrative services and support, to the extent that the Secretary determines appropriate, for the performance of duties by that liaison officer while so assigned without regard to whether that officer's nation is involved in a military operation with the United States.

“(B) The authority of the Secretary to provide administrative services and support under this subsection for the performance of duties by a liaison officer of another nation who is assigned as described in subparagraph (A) may be exercised only with respect to a liaison officer of another nation whose assignment as described in that subparagraph is accepted by the Secretary of Defense with the concurrence of the Secretary of State.”.

(b) **TERMS OF REIMBURSEMENT.**—Subsection (c) of such section is amended by adding at the end the following new sentence: “In the case of an assignment described in subsection (a)(2), the terms of reimbursement shall be specified in the appropriate international agreement used to assign the liaison officer as described in that subsection.”.

(c) **CONFORMING AMENDMENT.**—Subsection (b)(1) of such section is amended by striking “subsection (a)” and inserting “subsection (a)(1)”.

**SA 2053.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SENSE OF CONGRESS REGARDING RIMPAC 2014.**

It is the sense of Congress that—

(1) Taiwan should be extended an invitation to participate in the Rim of the Pacific (RIMPAC) 2014 to help increase the proficiency of the Taiwan Navy in humanitarian assistance and disaster relief (HA/DR) operations;

(2) Taiwan's participation in HA/DR exercises will contribute to its capacity to respond to natural disasters such as earthquakes and typhoons that frequently strike its own homeland;

(3) building this capacity will only increase Taiwan's ability to effectively respond in the future while contributing to the security and stability of the maritime domain in the Asia-Pacific region for the benefit of all; and

(4) the United States welcomes the opportunity to work with Taiwan in creating a more interactive naval relationship between our two countries as it is in best security interests of both countries.

**SA 2054.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SENSE OF CONGRESS ON PARTICIPATION IN JOINT NATO EXERCISES.**

It is the sense of Congress that the Department of Defense should participate meaningfully in every joint North Atlantic Treaty Organization (NATO) exercise in order to demonstrate continuing commitment to NATO, ensure its operational effectiveness with the United States in a leading role, and confirm the President's announced policy to balance withdrawal of Europe-based Brigade Combat Teams (BCTs) with effective and meaningful rotation of forces to Europe of a United States-based BCT.

**SA 2055.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_. ASSESSMENTS OF ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENT VERIFICATION.**

Section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) in subsection (a)(3), by inserting “the intelligence community, and the Department of Defense” after “Department of State”; and

(2) in subsection (b)—

(A) by striking “REQUEST.—Upon” and inserting the following: “REQUEST.—

“(1) IN GENERAL.—Upon”;

(B) by striking “Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives” and inserting “Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, or the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, or the Committee on Financial Services of the House of Representatives”; and

(C) by adding at the end the following new paragraphs:

“(2) CONTENT.—The report required under paragraph (1) shall specify—

“(A) the types of violations that the foreign country might engage in or attempt if the proposal becomes an agreement; and

“(B) the economic sanctions, military responses, and other options that might be considered by the United States Government in response to any such violation.

“(3) PROPOSAL DEFINED.—In this subsection, the term ‘proposal’ means any proposal, whether formal or informal or in ‘white paper’ form, that is, either directly or through intermediaries, provided in writing to a foreign country by the United States or provided in writing to the United States by a foreign country.”.

**SA 2056.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.**

(a) APPOINTMENT.—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this section referred to as the “Special Envoy”) within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) QUALIFICATIONS.—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

(c) DUTIES.—

(1) IN GENERAL.—The Special Envoy shall carry out the following duties:

(A) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

(B) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

(C) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

(D) Serve as a liaison between the Secretary of Defense and the Secretary of State and foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

(E) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(F) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(2) COORDINATION.—In carrying out the duties under paragraph (1), the Special Envoy shall, to the maximum extent practicable, coordinate with the Under Secretary of Defense for Policy, the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

(d) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom

in the countries of the Near East and the countries of South Central Asia in—

(1) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(2) multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

(e) CONSULTATIONS.—The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this section.

(f) FUNDING.—

(1) AUTHORITY.—Of the amounts appropriated or otherwise made available to the Secretary of State for “Diplomatic and Consular Programs” for fiscal years 2014 through 2018, the Secretary of State is authorized to provide to the Special Envoy \$1,000,000 for each such fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this section.

(2) FUNDING OFFSET.—To offset the costs to be incurred by the Department of State to carry out the provisions of this section for fiscal years 2014 through 2018, the Secretary of State shall eliminate such positions within the Department of State, unless otherwise authorized or required by law, as the Secretary determines to be necessary to fully offset such costs.

(3) LIMITATION.—No additional funds are authorized to be appropriated for “Diplomatic and Consular Programs” to carry out the provisions of this section.

**SA 2057.** Ms. COLLINS (for herself, Mr. KING, Mr. MARKEY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 864. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS OF FOOTWEAR FURNISHED OR OBTAINED BY ALLOWANCE FOR ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.**

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The footwear prescribed under this section to be furnished to, or to be paid for by allowance under this section by, members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces shall comply with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law) to the use of such allowance for such footwear.

“(2) Paragraph (1) does not apply to athletic footwear furnished to, or paid for by allowance by, a member described in that paragraph if such footwear—

“(A) is medically required to meet unique physiological needs of the member; and  
 “(B) cannot be met with athletic footwear that complies with the requirements referred to in that paragraph.”.

**SA 2058.** Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

**SA 2059.** Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON FUTURE AMPHIBIOUS ASSAULT FORCE.**

(a) IN GENERAL.—Not later than February 15, 2014, the Commandant of the Marine Corps shall provide a written report and briefing to the congressional defense committees on the operational risk to the ability of the Marine Corps to meet its obligations under the Department of Defense’s Defense Strategic Guidance issued on January 5, 2012.

(b) CONTENT.—The report and briefing required under subsection (a) shall provide an evaluation of any operational risk imposed by the current and planned number of amphibious warfare ships in the amphibious assault force as well as a review of the capabilities of these ships to meet the needs of the Marine Corps.

**SA 2060.** Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1025. SENSE OF CONGRESS ON A BALANCED FUTURE NAVAL FORCE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The battle force of the Navy must be sufficiently sized and balanced in capability to meet current and anticipated future national security objectives.

(2) A robust and balanced naval force is required for the Department of Defense to fully execute the National Security Strategy of the President.

(3) To develop and sustain required capabilities the Navy must balance investment and maintenance costs across various vessel types, including—

- (A) aircraft carriers;
- (B) surface combatants;
- (C) submarines;
- (D) amphibious assault ships; and
- (E) other auxiliary vessels, including support vessels operated by the Military Sealift Command.

(4) The Navy possesses only 28 amphibious assault ships, with an average of only 22 amphibious assault ships available for surge deployment despite a Marine Corps requirement for 38 amphibious assault ships.

(5) The inadequate level of investment in Navy shipbuilding over the last 20 years has resulted in the following:

(A) A fragile shipbuilding industrial base in the United States, both in the construction yards and secondary suppliers of materiel and equipment.

(B) Increased costs per vessel stemming from low production volume.

(6) The Department of Defense Appropriations Act, 2013 (division C of Public Law 113–6) provides \$263,000,000 towards advance procurement of materiel and equipment required to continue the San Antonio LPD–17 amphibious transport dock class of vessels to a total of 12 vessels, a key first step in rebalancing the amphibious assault ship force structure of the Navy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Department of the Navy must prioritize funding towards increased shipbuilding rates to enable the Navy to meet the full-range of requests from the combatant commands;

(2) the budget requests for the Navy for future fiscal years, and future Long Range Plans for the Construction of Naval Vessels, under section 231 of title 10, United States Code, must realistically anticipate and reflect the true investment necessary to meet stated Navy force structure goals;

(3) without modification to the shipbuilding plan in the Long Range Plan for the Construction of Naval Vessels, the industrial base that enables construction of large, combat-survivable amphibious assault ships is at significant risk; and

(4) the Department of Defense and Congress should act expeditiously to restore the force structure and capability balance of the fleet of Navy vessels as quickly as possible.

**SA 2061.** Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

**SEC. 673. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE COMMISSARY PROGRAM BENEFIT.**

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an analysis and assessment of the Department of Defense commissary program benefit.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the level of Department of Defense funding for the Department of Defense commissary program for each of 10 fiscal years ending with fiscal year 2013.

(2) A list of the commissaries not located within 10 miles of either—

(A) a chain grocery store of comparable size; or

(B) a large commercial store that offers grocery products (including fresh produce) that are comparable to products offered at the nearest commissary.

(3) An analysis of the numbers of each type of eligible beneficiary that used the commissaries in the United States during the 10-fiscal year period ending with fiscal year 2013.

(4) An assessment of the value of the commissary benefit to beneficiaries of the commissary program, including members of the regular and reserve components of the Armed Forces, military retirees, and their dependents.

(5) An assessment of the priority eligible beneficiaries place on the commissary benefit as a recruiting and retention tool for the Armed Forces.

(6) An assessment of the priority the Department of Defense places on the commissary benefit as a recruiting and retention tool for the Armed Forces.

(7) A comparative assessment of commissary store operations in the United

States with commissary store operations at overseas and remote locations, and an assessment of the potential impacts on operations of commissary stores overseas of curtailing commissary stores operations in the United States.

(8) An identification and assessment of operating cost reductions and efficiency that could be achieved by the Defense Commissary Agency without impacting the current benefit levels provided to beneficiaries of the commissary program.

(9) An assessment of the potential savings to the Department if commissary operations in the United States were curtailed or otherwise changed.

**SA 2062.** Mr. GRAHAM (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.**

(a) **CONDITIONS ON USE OF TEST, ASSESSMENT, OR SCREENING TOOLS.**—In the case of any test, assessment, or screening tool utilized under the policy on recruitment and enlistment required by subsection (b) of section 532 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1403; 10 U.S.C. 503 note) for the purpose of identifying persons for recruitment and enlistment in the Armed Forces, the Secretary of Defense shall—

(1) implement a means for ensuring that graduates of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)), including all persons described in subsection (a)(2) of section 532 of the National Defense Authorization Act for Fiscal Year 2012, are required to meet the same standard on the test, assessment, or screening tool; and

(2) use uniform testing requirements and grading standards.

(b) **RULE OF CONSTRUCTION.**—Nothing in section 532(b) of the National Defense Authorization Act for Fiscal Year 2012 or this section shall be construed to permit the Secretary of Defense or the Secretary of a military department to create or use a different grading standard on any test, assessment, or screening tool utilized for the purpose of identifying graduates of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)), including all persons described in subsection (a)(2) of section 532 of the National Defense Authorization Act for Fiscal Year 2012, for recruitment and enlistment in the Armed Forces.

**SA 2063.** Ms. AYOTTE (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 135. LIMITATION ON RETIREMENT OF A-10 AIRCRAFT.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended to retire, prepare to retire, or place in storage any A-10 aircraft until each of the following:

(1) The Secretary of the Air Force certifies to the congressional defense committees each of the following:

(A) That the F-35A aircraft has achieved full operational capability.

(B) That the F-35A aircraft has achieved Block 4A capabilities, including—

(i) an enhanced electronic warfare capability that will allow the F-35A aircraft to counter emerging threats in a close air support (CAS) environment; and

(ii) a GBU-53 Small Diameter Bomb version II or equivalent weapon operational capability.

(C) That a number of F-35A aircraft exists in the Air Force inventory in sufficient quantity to replace the A-10 aircraft being retired in order to meet close air support capability requirements of the combatant commands.

(2) The Comptroller General of the United States submits to the congressional defense committees a report setting forth the following:

(A) An assessment whether each certification under paragraph (1) is comprehensive, fully supported, and sufficiently detailed.

(B) An identification of any shortcomings, limitations, or other reportable matters that affect the quality or findings of any certification under paragraph (1).

(b) **DEADLINE FOR SUBMITTAL OF COMPTROLLER GENERAL REPORT.**—The report of the Comptroller General under paragraph (2) of subsection (a) shall be submitted not later than 90 days after the date of the submittal of the certification referred to in paragraph (1) of that subsection.

**SA 2064.** Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1003. AUTHORITY FOR ACCEPTANCE OF PAYMENT IN KIND IN SETTLEMENT OF A-12 AIRCRAFT LITIGATION.**

Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretary of the Navy is authorized to accept and retain the following consideration in lieu of a monetary payment for purposes of the settlement of the A-12 aircraft litigation arising from the default termination of Contract No. N00019-88-C-0050:

(1) From General Dynamics Corporation: credit in an amount not to exceed \$198,000,000 toward the design, construction, and delivery of the steel deckhouse, hangar, and aft missile launching system for the DDG 1002.

(2) From the Boeing Company: Three EA-18G Growler aircraft, with installed Airborne Electronic Attack kits, valued at an amount not to exceed \$198,000,000, at no cost to the Department of the Navy.

**SA 2065.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.**

(a) **IN GENERAL.**—Not later than March 15, 2014, the Chairman of the United States-China Economic and Security Review Commission established under section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002) shall submit a report on the operations of the Commission to—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the manner in which the Commission has carried out the requirements of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), including how the Commission has—

(A) carried out the purpose described in subsection (b)(2) of that section;

(B) carried out the duties of the Commission described in subsection (c) of that section;

(C) compensated members of the Commission under subsection (e)(1) of that section; and

(D) appointed and compensated the executive director and other personnel of the Commission under subsection (e)(3) of that section.

(2) A list that includes—

(A) the name of each individual that has served or is serving as a member of the Commission as of the date of the submission of the report; and

(B) the term that each such individual served or is serving as of that date.

(3) A description of the extent to which the Commission has access to classified information and how the Commission has used that information in carrying out the duties of the Commission.

(4) A summary of all domestic and foreign travel by members and personnel of the Commission after December 31, 2005, including dates, locations, and purposes of travel and the names of members and personnel who participated.

(5) Recommendations of the Commission for statutory changes to update the mandate, purpose, duties, organization, and operations of the Commission, taking into account changes in the relationship between the United States and China.

**SA 2066.** Mr. DONNELLY (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. COLLABORATION AMONG THE STRATEGIC FORCES OF THE ARMED FORCES.**

(a) SENSE OF CONGRESS ON COLLABORATION.—It is the sense of Congress that—

(1) ongoing collaboration on strategic forces for affordability between the Navy and the Air Force may be further augmented, for example, by the technologies and expertise being developed under the Conventional Prompt Global Strike (CPGS) efforts of the Office of the Secretary of Defense; and

(2) identifying and leveraging areas of overlap may increase efficiencies of strategic systems and Conventional Prompt Global Strike efforts in a manner that reduces long-term costs, including supporting common subsystems that may promote a more resilient industrial base.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed strategy for collaboration among the Army, the Navy, and the Air Force to improve overall strategic program efficiencies, technology sharing, and overall potential benefits of such activities.

(2) ELEMENTS.—The report required by paragraph (2) shall include the following:

(A) An assessment of the potential benefits of collaboration among the Army, the Navy, and the Air Force on strategic programs (including, but not limited to, program management for programs to develop and modernize strategic weapon systems), including potential costs and benefits for research and development and production, and potential benefits for the defense industrial base that supports strategic forces.

(B) An assessment of any risks associated with collaboration described in subparagraph (A), including resource availability, cyber security, and impact on the schedule for current strategic systems modernization programs, and a description of actions to be taken by the Department to mitigate such risks.

**SA 2067.** Mr. DONNELLY (for himself, Mr. LEAHY, Mr. CRUZ, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNIS, Mr. MENENDEZ, Mr. CORNYN, Mr. BOOZMAN, Ms. HEITKAMP, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) SHORT TITLE.—This section may be cited as the “Military Reserve Jobs Act of 2013”.

(b) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G)(iii), by striking “and” at the end;

(B) in subparagraph (H), by adding “and” at the end; and

(C) by inserting after subparagraph (H) the following:

“(I) a qualified reservist;”;

(2) in paragraph (4)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking “and” at the end and inserting “or”; and

(C) by adding at the end the following:

“(C) the individual is a retiree described in paragraph (7)(B);”;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(6) ‘entry level and skill training’ has the meaning given that term in section 3301(2) of title 38;

“(7) ‘qualified reservist’ means—

“(A) an individual who is a member of a reserve component of the Armed Forces—

“(i) who has—

“(I) successfully completed officer candidate training or entry level and skill training; and

“(II) incurred, or is performing, an initial period of obligated service in a reserve component of the Armed Forces of not less than 6 consecutive years; or

“(ii) who—

“(I) has completed at least 10 years of service in a reserve component of the Armed Forces; and

“(II) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

“(B) an individual who is—

“(i) retired from service in a reserve component of the Armed Forces; and

“(ii) eligible for, but has not yet commenced receipt of, retired pay for non-regular service under chapter 1223 of title 10; and

“(8) ‘reserve component of the Armed Forces’ means a reserve component specified in section 101(27) of title 38.”.

(c) TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 3309 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end; and

(2) by striking paragraph (2) and inserting the following:

“(2) a preference eligible under subparagraph (A) or (B) of section 2108(3), or described in section 2108(7)(B)—5 points;

“(3) a preference eligible described in section 2108(7)(A)(ii)—4 points; and

“(4) a preference eligible described in section 2108(7)(A)(i)—3 points.”.

**SA 2068.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 415, strike lines 15 and 16 and insert following:

United States Government;

(5) addresses issues relating to the ability of the United States to support non-proliferation goals through domestic, nuclear fuel cycle capabilities using technology of United States origin; and

(6) mobilizes and leverages additional resources

**SA 2069.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1107 and insert the following:

**SEC. 1107. DEFENSE SCIENCE INITIATIVE FOR PERSONNEL.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to assure the scientific and technological preeminence of its defense laboratories, which are essential to the national security, by requiring the Department of Defense to provide to its science and technology laboratories—

(1) the personnel and support services needed to carry out their mission; and

(2) decentralized management authority.

(b) ESTABLISHMENT OF INITIATIVE.—There is hereby established within the Department of Defense an initiative to be known as the Defense Science Initiative for Personnel (in this section referred to as the “Initiative”). The Initiative shall provide authorities for the Department for the employment and management of personnel of Department of Defense Science and Technology Reinvention Laboratories.

(c) LABORATORIES COVERED BY INITIATIVE.—The laboratories covered by the Initiative—

(1) shall be those designated as Science and Technology Reinvention Laboratories (in this section referred to as “STRs”) by the Secretary or by paragraph (2); and

(2) shall include the laboratories enumerated in section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note), which laboratories are hereby designated as STRs.

(d) SCIENCE AND ENGINEERING DEGREED AND TECHNICAL POSITIONS AT STRs.—

(1) IN GENERAL.—The director of any STR may appoint qualified candidates, without regard to subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title), directly to scientific, technical, engineering, mathematical, or medical positions within such STR, on either a temporary, term, or permanent basis.

(2) QUALIFIED CANDIDATES DEFINED.—Notwithstanding any provision of chapter 51 of title 5, United States Code, in this subsection, the term “qualified candidate” means an individual who is—

(A) a candidate who has earned a bachelor’s degree;

(B) a student enrolled in a program of undergraduate or graduate instruction leading

to a bachelor's or master's degree in a scientific, technical, engineering, mathematical, or medical course of study at an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(C) a veteran or disabled veteran, as defined in paragraph (1) or (2) of section 2108 of title 5, United States Code, respectively, who served as a technician in the Armed Forces in a scientific, technical, engineering, mathematical, or medical occupational specialty.

(3) **LIMITATION.**—The authority in paragraph (2)(A) may not, in any calendar year and with respect to any STRL, be exercised with respect to a number of candidates hired into permanent, term, and temporary positions greater than the number equal to 5 percent of the scientific, technical, engineering, mathematical, and medical positions within such STRL that are filled as of the close of the fiscal year before the start of such calendar year.

(4) **RULE OF CONSTRUCTION.**—Any exercise of authority under paragraph (1) shall be considered to satisfy section 2301(b)(1) of title 5, United States Code.

(e) **EXCLUSIONS FROM PERSONNEL LIMITATIONS.**—The director of any STRL shall manage the workforce strength, structure, composition, and compensation of such STRL—

(1) without regard to any limitation on appointments or funding with respect to such STRL, subject to paragraph (2); and

(2) in a manner consistent with the budget available with respect to such STRL.

(f) **SENIOR EXECUTIVE SERVICE ROTATION AUTHORITY.**—The Secretary of Defense shall, exercising the authority granted to the Secretary by section 3131 of title 5, United States Code, delegate decision making authority under section 3131(5) of such title to the director of each STRL described in subsection (c)(2) to determine the duration of assignment of senior executives assigned to such laboratory, consistent with carrying out the mission of such laboratory.

(g) **SENIOR SCIENTIFIC TECHNICAL MANAGERS.**—

(1) **ESTABLISHMENT.**—There is hereby established in each STRL a category of senior professional scientific positions, the incumbents of which shall be designated as “senior scientific technical managers” and which shall, notwithstanding section 5108 of title 5, United States Code, be positions classified above GS-15 of the General Schedule. The primary functions of such positions shall be—

(A) to engage in research and development in the physical, biological, medical, or engineering sciences, or another field closely related to the mission of such STRL; and

(B) to carry out technical supervisory or program management responsibilities.

(2) **APPOINTMENTS.**—The positions described in paragraph (1) may be filled, and shall be managed, by the director of the STRL involved, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director of the laboratory involved shall determine the number of such positions at such laboratory, not to exceed 3 percent of the number of scientists and engineers employed at such laboratory at the end of the fiscal year prior to the calendar year in which any appointments subject to that numerical limitation are made.

(h) **SELECTION AND COMPENSATION OF SPECIALLY-QUALIFIED SCIENTIFIC AND PROFES-**

**SIONAL PERSONNEL.**—Section 3104 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(d) In addition to the number of positions authorized by subsection (a), the director of each Science and Technology Reinvention Laboratory described in section 1107(c)(2) of the National Defense Authorization Act for Fiscal Year 2014 may establish, without regard to the second sentence of subsection (a), such number of specially-qualified scientific and professional (ST) positions as may be necessary to carry out the research and development functions of the laboratory and which require the services of specially-qualified personnel. The selection process governing appointments made under this subsection shall be determined by the director of the laboratory involved, and the rate of basic pay for the employee holding any such position shall be set by the laboratory director at a rate not to exceed the rate for level II of the Executive Schedule.”

**SA 2070.** Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 585. AUTHORITY FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO SPECIALIST FOUR ROBERT L. TOWLES FOR ACTS OF VALOR DURING THE VIETNAM WAR.**

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Robert L. Towles for the acts of valor referred to in subsection (b).

(b) **ACTION DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Specialist Four Robert L. Towles, on November 17, 1965, as a member of the United States Army serving in the grade of Specialist Four during the Vietnam War while serving in Company D, 2d Battalion, 7th Cavalry, 1st Cavalry Division, for which he was originally awarded the Bronze Star with “V” Device.

**SA 2071.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. DEADLINE FOR DEVELOPMENT OF CONTINGENCY PLAN FOR DEPLOYMENT OF A HOMELAND DEFENSE MISSILE DEFENSE INTERCEPTOR SITE.**

Section 227(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public

Law 112-239; 126 Stat. 1679) is amended by striking “shall—” and inserting “shall, by not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014—”

**SA 2072.** Mr. PORTMAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. REPORT ON USE OF TELEHEALTH FOR TREATMENT OF POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURIES, AND MENTAL HEALTH CONDITIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of telehealth to improve the diagnosis and treatment of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injuries (TBI), and mental health conditions.

(b) **ELEMENTS.**—The report required by subsection (a) shall address the following:

(1) The current status of telehealth initiatives within the Defense Department to diagnose and treat Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions.

(2) Plans for integrating telehealth into the military health care system, including in health care delivery, records management, medical education, public health, private sector partnerships, and research and development.

(3) The status of the integration of telehealth initiatives of the Department with the telehealth initiatives of the Department of Veterans Affairs.

(4) A description and assessment of challenges to the use of telehealth as a means of in-home treatment, outreach in rural areas, and in settings which provide group treatment or therapy in connection with treatment of Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions, and a description and assessment of efforts to address such challenges.

(5) A description of privacy issues related to use of telehealth for the treatment of Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions, and recommendations for mechanisms to remedy any privacy concerns in connection with use of telehealth for such treatment.

**SA 2073.** Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 931 and insert the following:

**SEC. 931. PERSONNEL SECURITY.**

(a) **COMPARATIVE ANALYSIS.**—



(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Director of the Office of Management and Budget and the Director of the Office of Personnel Management, submit to Congress a report setting forth a comprehensive analysis comparing the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for employees and contractor personnel of the Department of Defense that are conducted by the Office of Personnel Management with the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for such personnel that are conducted by the components of the Department of Defense.

(2) ELEMENTS OF ANALYSIS.—The analysis under paragraph (1) shall do the following:

(A) Determine, for each of the Office of Personnel Management and the components of the Department that conduct personnel security investigations, the cost, schedule, and performance associated with personnel security investigations and reinvestigations of each type and level of clearance, and identify the elements that contribute to such cost, schedule, and performance.

(B) Identify mechanisms for permanently improving the transparency of the cost structure of personnel security investigations and reinvestigations.

(b) PERSONNEL SECURITY FOR DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.—

(1) IN GENERAL.—If the Secretary of Defense determines that the current approach for obtaining personnel security investigations and reinvestigations for employees and contractor personnel of the Department of Defense is not the most advantageous approach for the Department, the Secretary shall develop a plan, by not later than October 1, 2014, for the transition of personnel security investigations and reinvestigations to the approach preferred by the Secretary.

(2) CONSIDERATIONS.—In selecting the most advantageous approach preferred for the Department under paragraph (1), the Secretary shall consider whether cost, schedule, and performance could be improved through increased reliance on private-sector entities to conduct, or provide supporting information for, personnel security investigations and reinvestigations for employees and contractor personnel of the Department.

(c) STRATEGY FOR CONTINUOUS MODERNIZATION OF PERSONNEL SECURITY.—

(1) STRATEGY REQUIRED.—The Secretary of Defense, the Director of National Intelligence, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management shall jointly develop and implement a strategy to continuously modernize all aspects of personnel security for the Department of Defense with the objectives of lowering costs, increasing efficiencies, enabling and encouraging reciprocity, and improving security.

(2) METRICS.—

(A) METRICS REQUIRED.—In developing the strategy required by paragraph (1), the Secretary and the Directors shall jointly establish metrics to measure the effectiveness of the strategy in meeting the objectives specified in that paragraph.

(B) REPORT.—At the same time the budget of the President for each of fiscal years 2015 through 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary and the Directors shall jointly submit to the appropriate commit-

tees of Congress a report on the metrics established under paragraph (1), including an assessment using the metrics of the effectiveness of the strategy in meeting the objectives specified in paragraph (1).

(3) ELEMENTS.—In developing the strategy required by paragraph (1), the Secretary and the Directors shall consider, and may adopt, mechanisms for the following:

(A) Elimination of manual or inefficient processes in investigations and reinvestigations for personnel security, wherever practicable, and automating and integrating the elements of the investigation process, including in the following:

(i) The clearance application process.

(ii) Case management.

(iii) Adjudication management.

(iv) Investigation methods for the collection, analysis, storage, retrieval, and transfer of data and records.

(v) Records management for access and eligibility determinations.

(B) Elimination or reduction, where possible, of the use of databases and information sources that cannot be accessed and processed automatically electronically, or modification of such databases and information sources, if appropriate and cost-effective, to enable electronic access and processing within and between agencies.

(C) Access and analysis of government, publically available, and commercial data sources, including social media, that provide independent information pertinent to adjudication guidelines to improve quality and timeliness, and reduce costs, of investigations and reinvestigations.

(D) Use of government-developed and commercial technology for continuous monitoring and evaluation of government and commercial data sources that can identify and flag information pertinent to adjudication guidelines and eligibility determinations.

(E) Standardization of forms used for routine reporting required of cleared personnel (such as travel, foreign contacts, and financial disclosures) and use of continuous monitoring technology to access databases containing such reportable information to independently obtain and analyze reportable data and events.

(F) Establishment of an authoritative central repository of personnel security information that is accessible electronically at multiple levels of classification and eliminates technical barriers to rapid access to information necessary for eligibility determinations and reciprocal recognition thereof.

(G) Elimination or reduction of the scope of, or alteration of the schedule for, periodic reinvestigations of cleared personnel, when such action is appropriate in light of the information provided by continuous monitoring or evaluation technology.

(H) Electronic integration of personnel security processes and information systems with insider threat detection and monitoring systems, and pertinent law enforcement, counterintelligence and intelligence information, for threat detection and correlation.

(I) Determination of the net value of implementing phased investigative approaches designed to reach an adjudicative decision sooner than is currently achievable by truncating investigations based on thresholds where no derogatory information or clearly unacceptably derogatory information is obtained through initial background checks.

(d) RECIPROCITY OF CLEARANCES.—The Secretary of Defense and the Director of National Intelligence shall jointly ensure that

the transition of personnel security clearances between and among Department of Defense components, Department contractors, and Department contracts proceeds as rapidly and inexpensively as possible, including through the following:

(1) By providing for reciprocity of personnel security clearances among positions requiring personnel holding secret, top secret, or sensitive compartmented information clearances (the latter with a counterintelligence polygraph examination), to the maximum extent feasible consistent with national security requirements.

(2) By permitting personnel, when feasible and consistent with national security requirements, to begin work in positions requiring additional security requirements, such as a full-scope polygraph examination, pending satisfaction of such additional requirements.

(e) BENCHMARKS.—For purposes of carrying out the requirements of this section, the Secretary of Defense and the Director of National Intelligence shall jointly determine, by not later than 180 days after the date of the enactment of this Act, the following:

(1) The current level of mobility and personnel security clearance reciprocity of cleared personnel as personnel make a transition between Department of Defense components, between Department contracts, and between government and the private sector.

(2) The costs due to lost productivity in inefficiencies in such transitions arising from personnel security clearance matters.

(f) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall carry out a review of the personnel security process.

(2) OBJECTIVE OF REVIEW.—The objective of the review required by paragraph (1) shall be to identify the following:

(A) Differences between the metrics used by the Department of Defense, the Suitability and Security Clearance Performance and Accountability Council, and the Office of Personnel Management in granting reciprocity for security clearances, and the manner in which such differences can be harmonized.

(B) The extent to which existing Federal Investigative Standards are relevant, complete, and sufficient for guiding agencies and individual investigators as they conduct their security clearance background investigations.

(C) The processes agencies have implemented to ensure quality in the security clearance background investigation process.

(D) The extent to which agencies have developed and implemented outcome-focused performance measures to track the quality of security clearance investigations and any insights from these measures.

(E) The processes agencies have implemented for resolving incomplete or subpar investigations, and the actions taken against government employees and contractor personnel who have demonstrated a consistent failure to abide by quality assurance measures.

(3) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review required by paragraph (1).

(g) TASK FORCE ON RECORDS ACCESS FOR SECURITY CLEARANCE BACKGROUND INVESTIGATIONS.—



(1) **ESTABLISHMENT.**—The Suitability and Security Clearance Performance Accountability Council, as established by Executive Order No. 13467, shall convene a task force to examine the different policies and procedures that determine the level of access to public records provided by State and local authorities in response to investigative requests by Federal Government employees or contracted employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities.

(2) **MEMBERSHIP.**—The members of the task force shall include, but need not be limited to, the following:

(A) The Chair of the Suitability and Security Clearance Performance and Accountability Council, who shall serve as chair of the task force.

(B) Representative from the Office of Personnel Management.

(C) Representative from the Office of the Director of National Intelligence.

(D) Representative from the Department of Defense responsible for administering security clearance background investigations.

(E) Representatives from Federal law enforcement agencies within the Department of Justice and the Department of Homeland Security involved in security clearance background investigations.

(F) Representatives from State and local law enforcement agencies, including—

(i) agencies in rural areas that have limited resources and less than 500 officers; and

(ii) agencies that have more than 1,000 officers and significant technological resources.

(G) Representative from Federal, State, and local law enforcement associations involved with security clearance background administrative actions and appeals.

(H) Representatives from Federal, State, and local judicial systems involved in the sharing of records to support security clearance background investigations.

(3) **INITIAL MEETING.**—The task force shall convene its initial meeting not later than 45 days after the date of the enactment of this Act.

(4) **DUTIES.**—The task force shall do the following:

(A) Analyze the degree to which State and local authorities comply with investigative requests made by Federal Government employees or contractor employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities, including the degree to which investigative requests are required but never formally requested.

(B) Analyze limitations on the access to public records provided by State and local authorities in response to investigative requests by Federal Government employees and contractor employees described in subparagraph (A), including, but not be limited to, limitations relating to budget and staffing constraints on State and local authorities, any procedural and legal obstacles impairing Federal access to State and local law enforcement records, or inadequate investigative procedural standards for background investigators.

(C) Provide recommendations for improving the degree of cooperation and records-sharing between State and local authorities and Federal Government employees and contractor employees described in subparagraph (A).

(5) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the task force shall submit to the appropriate

committees of Congress a report setting forth a detailed statement of the findings and conclusions of the task force pursuant to this subsection, together with the recommendations of the task force for such legislative or administrative action as the task force considers appropriate.

(h) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2074.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

#### **SEC. 1025. GENERAL COASTWISE WAIVER.**

(a) **GENERAL COASTWISE WAIVER.**—A vessel owned and operated by a contractor or subcontractor providing supplies or services under a shipbuilding or ship repair contract entered into with the Department of Navy is authorized to transport merchandise between points in the United States for purposes of performing that shipbuilding or ship repair contract.

(b) **REQUIREMENT TO ISSUE.**—Notwithstanding chapters 121 and 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with a coastwise endorsement to any vessel which will be engaged in the performance of a shipbuilding or ship repair contract entered into with the Department of Navy.

(c) **LIMITATION ON OPERATION.**—Coastwise trade authorized under subsections (a) and (b) shall be limited to the performance of shipbuilding or ship repair contracts entered into with the Department of Navy.

(d) **TERMINATION OF ENDORSEMENT.**—A coastwise endorsement issued under subsection (b) for a vessel shall expire on the date of the sale of the vessel.

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate on November 14, 2013, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON FOREIGN RELATIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 14, 2013, at 11:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 14, 2013, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Ensuring Access to Higher Education: Simplifying Federal Student Aid for Today's College Student.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 14, 2013, at 10 a.m. to conduct a hearing entitled “Threats to the Homeland.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON INDIAN AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 14, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled “Contract Support Costs and Sequestration: Fiscal Crisis in Indian Country.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON THE JUDICIARY**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 14, 2013, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **SELECT COMMITTEE ON INTELLIGENCE**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 14, 2013, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION  
POLICY AND CONSUMER RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, on November 14, 2013, at 2:45 p.m., in SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Cartel Prosecution: Stopping Price Fixers and Protecting Consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 14, 2013, at 2:30 p.m., to hold an European Affairs subcommittee hearing entitled, "A Pivotal Moment for the Eastern Partnership: Outlook for Ukraine, Moldova, Georgia, Belarus, Armenia, and Azerbaijan".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE,  
FISHERIES, AND THE COAST GUARD

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 14, 2013, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Southeast Regional Perspectives on Magnuson-Stevens Act Reauthorization."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that Bryan Stephan, an intern in my office, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that Peter Nothstein, a detailee on the Senate Judiciary Committee, be granted Senate floor privileges for the duration of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, I ask unanimous consent that Jen Burks, a fellow in my office, be granted floor privileges until the end of next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 389, 392, 405, 411, 421 and all nominations at the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to any nominations; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Kenneth L. Mossman, of Arizona, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2016.

## DEPARTMENT OF DEFENSE

Michael D. Lumpkin, of California, to be an Assistant Secretary of Defense.

## DEPARTMENT OF STATE

Gregory B. Starr, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

James Walter Brewster, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Philip S. Goldberg, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career-Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

## IN THE COAST GUARD

PN966 COAST GUARD nominations (26) beginning Kenneth J. Anderson, and ending Forest A. Willis, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2013.

PN967 COAST GUARD nominations (76) beginning Wayne R. Arguin, and ending Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2013.

PN968 COAST GUARD nominations (150) beginning Steven C. Acosta, and ending Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2013.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## PREEMIE REAUTHORIZATION ACT

Mr. REID. I ask that the Senate proceed to the immediate consideration of the House message on S. 252.

The PRESIDING OFFICER laid before the Senate a message from the House, as follows:

*Resolved*, That the bill from the Senate (S. 252) entitled "An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity," do pass with amendments.

Mr. REID. I further ask that the Senate concur in the House amendments, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RESOLUTIONS SUBMITTED TODAY

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 295, 296, 297, en bloc.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Madam President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SUPPORT FOR THE  
VICTIMS OF THE TYPHOON IN  
THE PHILIPPINES

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to calendar No. 245.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 292) expressing support for the victims of the typhoon in the Philippines and the surrounding region.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 13, 2013, under "Submitted Resolutions.")

#### CALLING ON THE GOVERNMENT OF IRAN TO RELEASE SAEED ABEDINI AND OTHER INDIVIDUALS

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate proceed to S. Res. 284.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 31, 2013, under "Submitted Resolutions.")

#### ORDERS FOR MONDAY, NOVEMBER 18, 2013

Mr. REID. I ask unanimous consent that when the Senate completes its

business today, it adjourn until 2 p.m. on Monday, November 18, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; that the first-degree filing deadline for amendments to H.R. 3204 be 3 p.m. on Monday and the second-degree filing deadline be 4 p.m. on Monday; further, that at 5 p.m., the Senate proceed to executive session to consider Calendar No. 381, the nomination of Robert Wilkins to be the U.S. Circuit Judge for the D.C. Circuit, with the time until 5:30 p.m. equally divided and controlled in the usual form prior to the cloture vote on the nomination; that if cloture is not invoked, the Senate resume legislative session and immediately vote on the motion to invoke cloture on H.R. 3204, the pharmaceutical drug compounding bill, all postcloture time be yielded back, the pending amendments be withdrawn and the Senate vote on passage of H.R. 3204; that upon disposition of H.R. 3204, the Senate vote on the motion to invoke cloture on the motion to proceed to S. 1197, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. There will be up to four rollcall votes on Monday at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 18, 2013, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:35 p.m. adjourned until Monday, November 18, at 2 p.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 14, 2013:

##### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

KENNETH L. MOSSMAN, OF ARIZONA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2016.

##### DEPARTMENT OF DEFENSE

MICHAEL D. LUMPKIN, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

##### DEPARTMENT OF STATE

GREGORY B. STARR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

JAMES WALTER BREWSTER, JR., OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Dominican Republic.

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER-MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Republic of the Philippines.

##### IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH KENNETH J. ANDERSON AND ENDING WITH FOREST A. WILLIS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2013.

COAST GUARD NOMINATIONS BEGINNING WITH WAYNE R. ARGUIN AND ENDING WITH MICHAEL B. ZAMPERINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2013.

COAST GUARD NOMINATIONS BEGINNING WITH STEVEN C. ACOSTA AND ENDING WITH MARC A. ZLOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2013.

## EXTENSIONS OF REMARKS

### RECOGNIZING THE 100TH ANNIVERSARY OF HAVEN BUILDING PRODUCTS

#### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, it is my pleasure to recognize the 100th anniversary of Haven Building Products of Winter Haven, Florida.

Originally founded as Winter Haven Planing Mills by Illinois businessman Albert Adolphus Dugger, Haven Building Products has provided a wide range of construction services and materials since 1913. The company has adapted throughout the years to dynamic markets and the growing economy, all while maintaining the same exemplary quality and service associated with the family business. The Dugger family, who still owns and operates the business today, remains committed to serving local builders.

I commend the Dugger family and Haven Building Products for their extraordinary contribution to the Central Florida community.

### RETIREMENT OF POLICE OFFICER STEVEN TROJANOWSKI

#### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GARAMENDI. Mr. Speaker, I rise today to recognize Officer Steven Trojanowski who is retiring after more than 35 years of law enforcement service, with nearly 24 years of that service to the City of Fairfield.

After serving five years as a Reserve Deputy with the Placer County Sheriff's Office and six years as a Deputy Sheriff with the Contra Costa Sheriff's Office, he was hired as a Police Officer with the Fairfield Police Department on November 27, 1989. Officer Trojanowski served the community in a number of capacities within Patrol, Traffic, Investigations, and Quality of Life Bureaus.

In addition to routine patrol assignments, he has served as a DUI Enforcement Officer, Detective, Field Training Officer, provided law enforcement support to the City's Quality Neighborhoods Team (QNT), and earned a Life-saving Award. Some of his most significant contributions to the Police Department have been his knowledge and experience, solid investigative skills, and quality reporting techniques. Officer Trojanowski has been a dedicated team member and a positive representation of the Fairfield Police Department.

He has been a valued employee and his commitment to the community was second to none. Officer Trojanowski was a loyal rep-

resentative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

### HONORING JOSHUA SHAYNE MOORE

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Joshua Shayne Moore. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joshua has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Joshua Shayne Moore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### CONGRATULATING SISTER JEAN MCGRATH FOR HER 50 YEARS OF DEDICATED SERVICE

#### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Sister Jean McGrath, the principal at St. John Fisher Elementary School in Chicago. For the past 50 years, Sister McGrath has tirelessly worked at St. John Fisher as a member of the Congregation of the Sisters of St. Joseph. Her work has not only benefited the school and the parish, but the entire community. This month, Sister Jean—as she is affectionately called—was honored with a celebratory Mass and a street marked with an honorary sign bearing her name.

In 1963, Jean McGrath joined the Congregation of the Sisters of St. Joseph. She joined because she “wanted to be somebody who could do good” and “make a difference.” Sister McGrath continued to make an impact when she began working as a second-grade teacher at St. John Fisher in 1986, just blocks away from her childhood home. Even as other nuns who she entered the congregation with left to pursue family and life outside the

church, she followed her mother's advice to pursue her vocation and serve the community.

When Sister McGrath started at St. John Fisher, she was one of eleven nuns serving on the staff, today she is the only one left. After almost three decades working as a second-grade teacher, high school English teacher and in her current role as principal, Sister McGrath continues to guide and counsel students, teachers, and families with the same passion that inspired her to join the congregation a half century ago. This passion has been a fundamental reason why St. John Fisher Elementary School has flourished during the past 27 years.

During her time as principal, Sister Jean has succeeded in developing a new technology program, and created exemplary art and music programs to foster her students' creative minds. Throughout all the changes St. John Fisher has seen during her tenure, Sister Jean's welcoming and inspiring spirit has remained a constant.

Mr. Speaker, I ask my colleagues to join me in recognizing Sister Jean McGrath for her 50 years of service to the South Side of Chicago and congratulate Sister Jean on her Golden Jubilee. May she continue to guide and inspire people for years to come, and serve as an example of the best qualities of the human heart.

### CONGRATULATING THE ROBERT YOUNG CENTER AND COMMUNITY HEALTH CARE, INC. IN MOLINE

#### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate the Robert Young Center (RYC) and Community Health Care, Inc. (CHC) in Moline, Illinois, which have been recognized with a Gold Best Practice Award from URAC, a leading healthcare accreditation and education organization.

Out of seven national finalists in the category of care coordination and clinical integration, the Robert Young Center and Community Health Care, Inc., received the top award for their work on integrating care for people with severe mental illnesses and co-existing chronic medical diseases. Behavioral disorders and depression often coincide with major medical conditions, including cancer, heart disease and diabetes. CHC established a primary care clinic at the Robert Young Center and RYC placed a mental health clinician at CHC to address co-existing disorders, dramatically reducing ER visits and medical and psychological costs while increasing patients' quality of life scores by 131%.

Mr. Speaker, I want to again congratulate the Robert Young Center and Community

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Health Care for their remarkable achievements. I am very grateful for the wonderful services that they provide for our community and thankful to URAC for allowing them a platform to share their model with others.

**RECOGNIZING THE RECIPIENTS OF  
THE 2013 MAIN STREET BUSINESS  
AND PROFESSIONAL ASSOCIATION,  
INC. ANNUAL DINNER  
AWARDS**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the outstanding recipients of the 2013 Main Street Business and Professional Association, Inc. Awards.

The Main Street Business and Professional Association, Inc. is an association of business and professional men and women living in, owning, or operating a business or service in the Niagara Street Community. They are dedicated to improving and aiding in the development of the community. The members of the Association work together to make Main Street a progressive and serving community of which one can be proud. This year's awardees embody these noble values.

The recipients of the 2013 Main Street Business and Professional Association, Inc., Awards are the Chu's Dining Lounge, Dr. Margaret O'Keefe, Dr. David Taylor, Matt Green, Joseph Hotchkiss, Jim Haid, Robert Pascoal, Niagara Falls Clean Mob, Mitch Alegre, Austin Collins, Laurice Russell, and Kayla Carrisquillo.

Each of these impressive individuals has made significant contributions in various career and community endeavors. I am proud to see such dedicated, hard-working individuals be recognized tonight, and applaud their efforts to better our community.

Mr. Speaker, thank you for giving me the opportunity to recognize the recipients of the 2013 Main Street Business and Professional Association, Inc., Awards, and those who work tirelessly for this valuable organization. Their achievements are commendable and their devotion to our community is inspiring. I wish each and every one of them the best in all their future endeavors.

**IN RECOGNITION OF JAMES  
COLLINS**

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. KEATING. Mr. Speaker, I rise today to recognize and commemorate the accomplishments of veteran James Collins of Dartmouth, Massachusetts, the Southeastern Massachusetts Veteran of the Year.

James Collins, born in Kentucky, served in the Air Force as a staff sergeant in Korea and Japan, as well as at the Otis Air Force Base on Cape Cod. In 1965, Mr. Collins moved to

Dartmouth, Massachusetts and has selflessly served veterans in his community, primarily as a Dartmouth Veterans Service Officer from 1996 to 2003. In his retirement, Mr. Collins has continued his service to the veteran community providing needed assistance and securing benefits for veterans and their families. In addition, Mr. Collins is a member of the Dartmouth Veterans Advisory Board which he helped establish in 1997. He is the current Adjutant and Services Officer for the Veterans of Foreign Wars Post #9059 and is a member of the American Legion Post #307. In all of these organizations, he has worked tirelessly to increase membership and raise funds for projects such as local Veterans Memorials and the annual Dartmouth Memorial Day Parade. Mr. Collins has given so much to his community, and serves as an example of what it means to serve one's country.

Mr. Speaker, I am honored to recognize James Collins for his service in the Air Force and his community. I ask that my colleagues join me in honoring the work of Officer James Collins, the Southeastern Massachusetts Veteran of the Year.

**KEEP YOUR HEALTH PLAN ACT OF  
2013**

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H.R. 3350, the Keep Your Health Plan Act of 2013.

The Obama administration's health exchange enrollment announcement yesterday is one of myriad reasons we must pass this bill. Frankly, these long-awaited numbers did not come as a surprise. A mere 106,185 patients registered for healthcare on the new marketplaces, a fraction of their 500,000 target. According to the Health and Human Services report, the number does not distinguish between those who've paid a premium and those who "selected a plan by clicking a button on the website." Mr. Speaker, the number of Americans who've had their health plans cancelled is in the millions—exponentially higher than those who've received coverage from Obamacare.

This disastrous law was destined to fail from the start. For more than three years now, we've warned the law is unworkable for small businesses, unfair to patients and physicians, and unaffordable for taxpayers.

**CELEBRATING THE 100TH BIRTHDAY  
OF CHIEF JOE MEDICINE  
CROW**

**HON. STEVE DAINES**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. DAINES. Mr. Speaker, I rise to pay tribute to an extraordinary tribal leader in Montana, Chief Joe Medicine Crow, who recently celebrated his 100th birthday. As the Crow

Tribe's last traditional War Chief and oldest living man, Chief Medicine Crow is not only a celebrated member of the Crow Tribe but an important historic figure in Montana.

He enlisted in the U.S. Army and joined the 103rd Infantry Division. As a proud member of the Crow Tribe he never went into battle without his war paint beneath his uniform and a sacred eagle feather beneath his helmet. During World War II he achieved the war deeds to be declared Chief. He also earned the Bronze Star for acts of bravery or merit for his service in the U.S. military and the Presidential Medal of Freedom, the highest civilian honor.

Among his many accomplishments, he was the first member of the Crow Tribe to earn a master's degree. A celebrated writer, he also received an honorary doctoral degree from the University of Southern California and Rocky Mountain College. As a distinguished lecturer and historian, Chief Joe Medicine Crow has worked tirelessly for decades as an advocate for the Crow Tribe. I am proud to know Chief Joe Medicine Crow and thank him for his leadership and loyalty to this country.

**PERSONAL EXPLANATION**

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 571, I was unable to be present for the vote. Had I been present, I would have voted "yes."

**HONORING THE U18 USA POWER  
SOCCER TEAM**

**HON. LUKE MESSER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. MESSER. Mr. Speaker, I rise today to honor the accomplishments of the U18 USA Power Soccer Team.

Team USA recently traveled to Paris, France to compete in the Powerchair Football World Cup. After defeating Ireland's National Team in the semifinals, 13-0, Team USA went on to win the championship with a 5-0 victory over the host French team. The Americans showed incredible strength and team-effort, not surrendering a single goal during the entire tournament.

Team USA included three Hoosiers Lexi Heer, Zackary Dickey and Michael Rodriguez. Their contributions helped the USA bring home another world cup championship. These young athletes embodied the best of American sportsmanship and competition and I was proud to have them representing our country in this tournament.

I join the entire 6th District and Americans across the Nation in congratulating the U18 USA Power Soccer Team for a fantastic and thrilling 2013 Powerchair Football World Cup championship. I look forward to seeing what each of these talented young men and women will achieve in the future.

## HONORING MIKE NUSSBAUM

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor my friend and Chicago actor, Mr. Mike Nussbaum. As an actor and director, Mr. Nussbaum has certainly made an indelible mark on the city of Chicago, Hollywood and the world. His unstoppable energy and dedication to his work keeps Mike Nussbaum on stage at age 90. His love for his family and friends, with four great-grandchildren and counting, also keeps him young.

Mike Nussbaum represents the epitome of success in the Chicago acting community. He has been nominated for the Joseph Jefferson Award ten times and awarded the prestigious award three times over the course of his long career. He has acted in movies such as *Men in Black*, *House of Games*, *Fatal Attraction* and *Field of Dreams*. He has performed in plays such as *Mamet's Glengarry Glen Ross*, *Shakespeare's Merchant of Venice* and *Becket's Endgame*.

Mike's signature gift is that he is able to perform in such diverse roles not only because of his talent, but his hard work and unwillingness to quit. His major strategy is to keep his mind and body as supple as possible. For most, it is difficult to perform exemplary work at age 90—but Mike Nussbaum makes it look easy.

Nussbaum helped build Chicago into the theatre powerhouse it is today. Chicago is now widely respected for its cutting edge theater. This could not have been done without Mike Nussbaum. Happy 90th Birthday, Mike!

HONORING COMMAND SERGEANT  
MAJOR HOWARD O. ROBINSON AS  
HE RETIRES FROM THE ILLINOIS  
NATIONAL GUARD

**HON. WILLIAM L. ENYART**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. ENYART. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Command Sergeant Major Howard O. Robinson, thanking him for his service and wishing him well as he retires from the Illinois National Guard.

CSM Robinson served as my senior enlisted advisor when I was Adjutant General of the Illinois National Guard. I presided at the Change of Responsibility Ceremony in 2011 and passed the sword to CSM Robinson as he became the 10th Command Sergeant Major of the Illinois National Guard. In this capacity he helps provide training for approximately 13,000 Illinois National Guardsmen.

CSM Robinson enlisted in the Illinois Army National Guard in 1983 with the 2nd Battalion, 122nd Field Artillery in Chicago. In 2001 he was selected as the Senior Enlisted Adviser for the 2nd Battalion 123rd Field Artillery in Milan, Illinois. Over the next eight years, his assignments would include: Battalion Command Sergeant Major for the 2nd Battalion,

122nd Field Artillery in Chicago, Brigade Command Sergeant Major for the 404th Chemical Brigade based in Chicago and Army National Guard Land Component Senior Enlisted Adviser.

A 2006 graduate of the United States Army Sergeant Major Academy, CSM Robinson's military education also includes the Army's Primary Leadership Development Course, Basic and Advanced Noncommissioned Officer Courses, Tactical Information Operations Course and the Senior Enlisted Joint Professional Development Course. He served overseas in Germany, participating in a War Fighter Exercise and has participated in various training events throughout Europe.

CSM Robinson has received numerous awards and decorations during his service, including: Meritorious Service Medal (2nd award), Army Commendation Medal (4th Award), Army Achievement Medal (3rd Award), Army Reserve Component Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Humanitarian Service Medal, Armed Forces Reserve Medal, Noncommissioned Officer Professional Development Ribbon (Numeral 4), Army Service Ribbon, Overseas Training Ribbon, Long and Honorable Service Medal, Military Attendance Ribbon, State Active Duty Ribbon, and Louisiana Emergency Services Ribbon.

Prior to his current position with the Illinois National Guard, CSM Robinson has enjoyed a career in healthcare administration and is currently pursuing his Master's Degree in Healthcare Administration at Governors State University.

Mr. Speaker, I ask my colleagues to join me in honoring the distinguished career of Command Sergeant Major Howard O. Robinson, congratulating him on his retirement and wishing him well as he enters his next life chapter.

COMMEMORATING MELWOOD'S  
50TH ANNIVERSARY

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. HOYER. Mr. Speaker, I rise to recognize Melwood, Maryland's second-largest nonprofit agency focusing on people with differing abilities, as it marks its fiftieth anniversary.

In 1963, a small group of parents and supporters decided to teach plant care to young adults who were considered by most to be unemployable. It was then that Melwood was launched as a place where people with differing abilities learned new skills with the goal of employment. For 50 years, Melwood has been advocating on behalf of individuals with differing abilities by providing support services, helping them with critical skills, and placing them in jobs that provide independence and dignity.

Today, Melwood continues to provide job opportunities and support services to nearly 1,900 individuals with differing abilities. With 38 AbilityOne contracts at 43 locations, Melwood is the second-largest agency of its kind in Maryland and the largest AbilityOne

employer in the Eastern Region. Additionally, it operates the Melwood Recreation Center for nearly 900 adults and children with and without special needs. Melwood's great work has even earned it an international reputation, and Melwood's "social entrepreneurial" model has been copied elsewhere in America and in other countries as well.

Every American who wants to contribute to building our country and strengthening our communities ought not to be held back because of a differing ability, and for a half a century Melwood has empowered people with differing abilities to transform their own lives through opportunities of employment, job training, life-skill improvement, and supportive and recreational services.

Much of Melwood's work helped lay the foundation for the enactment of the Americans with Disabilities Act, bipartisan legislation I was proud to lead to passage in the House in 1990 and witness signed into law by President George H.W. Bush. As advocates for people with differing abilities celebrate this milestone anniversary, let us recommit ourselves to Melwood's mission to empower and inspire. I look forward to continuing to work with Melwood for many years to come, and I am confident that it will continue to carry out its mission for another fifty years and beyond.

I ask that my colleagues join me in congratulating co-founder, President, and CEO emeritus, Earl Copus, Jr., current President and CEO, Cari DeSantis, and the rest of the outstanding Melwood staff, who will continue carrying this outstanding organization into the future.

TRIBUTE TO COACH ROY ATMER  
HUTCHINS

**HON. STEVE STOCKMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. STOCKMAN. Mr. Speaker, whereas, Coach Roy Hutchins was a proud veteran of World War II; and

Whereas, Coach Hutchins earned a Bachelor of Science Degree from Texas Southern University in 1947, and a Master of Science Degree from the same University in 1952; and

Whereas, Coach Hutchins joined the faculty of George Washington Carver High School of Baytown, Texas in 1948 and remained there until 1967, as assistant football coach, Coach Hutchins played a major role in Baytown Carver High School winning seven district football championships and three state football championships; and

Whereas, As Head Track and Field Coach, Roy Carver saw his track teams win five state championships; and

Whereas, Coach Hutchins is known for molding numerous Carver athletes into PVILCA Hall of Fame or Hall of Honor members; and

Whereas, Coach Hutchins was also known and very much admired as a science teacher, motivator of youth, and father-like figure who knew how to mold honorable and successful men out of young boys; and

Whereas, Coach Hutchins also exhibited an exemplary family life, and provided a wonderful role model for his student athletes; Be it therefore

*Resolved:* That I, Congressman STEVE STOCKMAN of the 36th District of Texas, proudly salute the life and career of this Carver High School hero and fellow Texan; and do strongly urge that he be inducted into the Prairie View Interscholastic League Coaches Association (PVILCA) Hall of Honor.

#### HONORING ETHAN JAMES FENSKE

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ethan James Fenske. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ethan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ethan James Fenske for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### TRIBUTE TO MASTER SERGEANT JON JENSEN

##### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GIBSON. Mr. Speaker, I rise to pay tribute to Master Sergeant Jon Jensen for his extraordinary service to the nation while serving in the United States Army for the past 25 years. His record of distinguished service includes tours in Kuwait, Korea, and a competitive selection assignment as a Congressional Legislative Liaison to the Office of the Chief, Army Reserve.

As the 295th Ordnance Company First Sergeant while deployed to Kuwait in 2004 and 2005, he superbly integrated 110 cross-leveled Army Reserve Soldiers and 44 active duty Soldiers into one cohesive company. First Sergeant Jensen utilized his superb leadership abilities to provide command and control and health and welfare of his unit, despite their dispersal throughout the Kuwait area of responsibility. First Sergeant Jensen also assumed operational duties during this deployment and successfully established three ammunition holding areas and a theater amnesty program resulting in the company's ability to maintain and provide more than 74,000 short

tons of ammunition in direct support of Operation Iraqi Freedom/Operation Enduring Freedom.

During his tenure as the 303rd Ordnance Group Operations Senior Non-Commissioned Officer, MSG Jensen successfully ensured full munitions support for all U.S. and coalition forces on the Korean Peninsula during the Ulchi Focus Lens Korea 06 exercise. While serving as the 1st Brigade, 104th Training Division Operations NCO, MSG Jensen was hand selected by the Ordnance Corps Advisory Group to present a proposal to the U.S. Army Chief of Ordnance on recommended upgrades to the 89B (Ammunition Specialist) Military Occupational Specialty. While in this role, he also led the Brigade Headquarters and Headquarters Command from last to first place in Division operational readiness in a span of only four months.

MSG Jensen's military career culminated in his competitive selection as the Army Reserve's only senior enlisted Legislative Liaison. At this strategic level, MSG Jensen heavily engaged with key congressional leaders and key senior leaders of governmental and non-governmental entities. MSG Jensen supported numerous congressional hearings, frequent office calls, and countless Hill engagements with members of Congress and Army Reserve Senior Leaders. He spearheaded, organized, planned and executed the Army Reserve Congressional Staff Delegation to Fort McCoy, Wisconsin to showcase the capabilities of an Operational United States Army Reserve.

Mr. Speaker, on behalf of the grateful Nation, I join my colleagues today in saying thank you to Master Sergeant Jon Jensen for his extraordinary dedication to duty and service to the country throughout his distinguished career in the United States Army.

#### A TIMELY CALL TO ACTION ON BEHALF OF THE PERSECUTED CHURCH

##### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. WOLF. Mr. Speaker, I submit Cardinal Timothy Dolan's remarks at the annual U.S. Conference of Catholic Bishops (USCCB) gathering in which he gave an impassioned plea for the church in the West to focus on the increasingly dire plight of the persecuted church around the globe.

I venture that the Catholic bishop under house arrest in China, the imperiled believer in Iraq still reeling from the devastating attack on Our Lady of Salvation Church and the unjustly imprisoned Christian in Pakistan will undoubtedly be heartened by his words and buoyed by his call to action.

CARDINAL TIMOTHY M. DOLAN, ARCHBISHOP OF NEW YORK, PRESIDENT OF THE U.S. CONFERENCE OF CATHOLIC BISHOPS (USCCB)

ADDRESS TO THE USCCB GENERAL ASSEMBLY ON NOVEMBER 11, 2013

Just last August, I had the honor of concelebrating the Mass of Dedication for the Cathedral of the Resurrection in Kiev. A particularly moving moment came when

Metropolitan Shevchuk asked the Lord's protective hand upon believers suffering persecution for their faith anywhere in the world. That such a heartfelt plea came from a people who had themselves been oppressed for so long made it all the more poignant.

This morning I want to invite us to broaden our horizons, to "think Catholic" about our brothers and sisters in the faith now suffering simply because they sign themselves with the cross, bow their heads at the Holy Name of Jesus, and happily profess the Apostles' Creed.

Brother bishops, our legitimate and ongoing struggles to protect our "first and most cherished freedom" in the United States pale in comparison to the Via Crucis currently being walked by so many of our Christian brothers and sisters in other parts of the world, who are experiencing lethal persecution on a scale that defies belief. If our common membership in the mystical body of Christ is to mean anything, then their suffering must be ours as well. The new Archbishop of Canterbury has rightly referred to victims of Christian persecution as "martyrs." We are living in what must be recognized as, in the words of Blessed John Paul II, "a new age of martyrs." One expert calculates that half of all Christian martyrs were killed in the twentieth century alone. The twenty-first century has already seen in its first 13 years one million people killed around the world because of their belief in Jesus Christ—one million already in this still young century.

That threat to religious believers is growing. The Pew Research Center reports that 75 percent of the world's population "lives in countries where governments, social groups, or individuals restrict people's ability to freely practice their faith." Pew lays out the details of this "rising tide of restrictions on religion," but we don't need a report to tell us something we sadly see on the news every day.

While Muslims and Christians have long lived peacefully side-by-side in Zanzibar, for instance, this past year has seen increasing violence. Catholic churches have been burned and priests have been shot. In September one priest was the victim of a horrific acid attack. Nigeria has also been the site of frequent anti-Christian violence, including church bombings on our holiest days.

The situation in India has also been grave, particularly after the Orissa massacre of 2008, where hundreds of Christians were murdered and thousands displaced, and thousands of homes and some 400 churches were torched. Just recently, a Christian couple was recently attacked by an angry mob just because of their faith, their Bibles torn from their hands.

We remember our brothers and sisters in China, where Catholic bishops and other religious leaders are subject to state supervision and imprisonment. Conditions are only getting worse, as the government closes churches and subjects members of several faiths to forced renunciations, so-called re-education, and torture.

Of course, it's not just Christians who suffer from religious persecution, but believers in other faiths as well. Much religious persecution is committed by Muslims against other Muslims. Buddhists in Tibet suffer under government torture and repression. In Myanmar Muslims suffer at the hands of Buddhist mobs. All of us share apprehension over reports of rising anti-Semitism.

But there is no escaping the fact that Christians are singled out in far more places and far more often.



I don't have to tell anyone in this room that our brothers and sisters in the Middle East face particular trials. As Patriarch Bartholomew of Constantinople has observed, for Christians in the Middle East, "even the simple admission of Christian identity places the very existence of [the] faithful in daily threat . . . Exceptionally extreme and expansive occurrences of violence and persecution against Christians cannot leave the rest of us—who are blessed to live peacefully and in some sense of security—indifferent and inactive."

The humanitarian catastrophe that continues to unfold in Syria has been particularly close to our hearts these past few months. We've prayed for and stood in solidarity with the Church and the people of Syria, and with Pope Francis and the bishops of the Middle East in their call for peace.

It's no surprise that this violent and chaotic situation has bred even more religious persecution. Of course we're all familiar with Syria's venerable history as the place from which our faith spread to the rest of the world, and Syria has long been home to a sizable Christian minority. Yet those Christians who have remained in Syria face ever-present, rising threats of violence.

Last April two of our Orthodox brother bishops were kidnapped in Aleppo by gunmen as they returned from a humanitarian mission. Their driver was shot and killed. And a little less than a year ago an Orthodox priest from Hama was killed by a sniper while helping the wounded. Similarly tragic violence against believers is now commonplace.

Just as Syrian Christians have suffered from the war raging in their land, the war in Iraq has devastated that ancient Christian community in that country as well. As Bishop Shlemon Warduni of Iraq tearfully told us during our spring assembly in 2012, remember, the situation of Christians there "became a tragedy of immense proportions after 2003," with many religious and lay faithful tortured and killed.

Violent attacks continue to terrorize the Iraqi people. Just a little over a year ago the war's worst massacre of Iraqi Christians occurred in a brutal attack on Our Lady of Salvation Church in Baghdad, where some 58 believers were massacred. Those martyred for their faith included their parish priest who died holding a crucifix, forgiving the gunmen and asking him to spare his people.

The situations in Syria and Iraq wrench our hearts, but the plight of Christians in Egypt is no better. This past summer saw the serious escalation of violence against our brothers and sisters there, as the ancient Coptic Christian community has been targeted. Dozens of Coptic churches have been burned; Christian-owned businesses and hotels have been attacked; and individual believers have been murdered.

To take one example, John Allen reports that in August, "hundreds of Muslim extremists stormed a school run by Franciscan sisters in . . . Upper Egypt, where they reportedly raped two teachers. Three nuns were paraded before the crowd as prisoners of war." It was only through the intervention of a Muslim lay teacher that other sisters' lives were spared.

We as bishops, as shepherds of one of the most richly blessed communities of faith on the planet, as pastors who have spoken with enthusiastic unity in defense of our own religious freedom, must become advocates and champions for these Christians whose lives literally hang in the balance.

Pope Francis recently invited us all to an examination of conscience in this regard

during his General Audience on September 25:

"When I hear that so many Christians in the world are suffering, am I indifferent, or is it as if a member of my own family is suffering? When I think or hear it said that many Christians are persecuted and give their lives for their faith, does this touch my heart or does it not reach me? Am I open to that brother or that sister in my family who's giving his or her life for Jesus Christ? Do we pray for one another? How many of you pray for Christians who are persecuted? How many? Everyone respond in his own heart. It's important to look beyond one's own fence, to feel oneself part of the Church, of one family of God!"

I am convinced that we have to answer those questions of Pope Francis, not merely as individual believers, but collectively as a body of bishops.

So you ask me, what can we do? Without any pretense of being exhaustive, here are some ideas I'd like to lay before you, with a nod to John Allen and his recent compelling work on this topic.

First, we can encourage intercession for the persecuted. Remember how the "prayers for the conversion of Russia" at the end of Masses over a half-century ago shaped our sense of what was going on behind the Iron Curtain? A similar culture of prayer for persecuted Christians today, both in private and in our liturgical celebrations, could have a similar remedial effect.

We can also make people aware of the great suffering of our brothers and sisters with all the means at our disposal. Our columns, our blogs, our speeches, and our pastoral letters can reference the subject. We can ask our pastors to preach on it, and to stimulate study sessions or activist groups in their parishes. We can encourage our Catholic media to tell the stories of today's new martyrs, unfortunately abundant. Our good experience defending religious freedom here at home shows that, when we turn our minds to an issue, we can put it on the map. Well, it's time to harness that energy for our fellow members of the household of faith hounded for their beliefs around the world.

We know the importance of supporting organizations such as Aid to the Church in Need, the Catholic Near East Welfare Association, Catholic Relief Services, and the Society for the Propagation of the Faith, who have done heroic work, while among our Protestant brothers and sisters groups such as Open Doors make a similar contribution. Writers such as Nina Shea, Paul Marshall, John Allen, and Phillip Jenkins here in the United States help keep the issue alive, as does our own Committee on International Justice and Peace.

Finally, we can insist that our country's leaders make the protection of at-risk Christians abroad a foreign-policy priority for the United States. We can also cajole political leaders to be more attentive to the voices of Christians on the ground, since those Christians will certainly feel the consequences of whatever the West does or doesn't do. As Dr. Thomas Farr reminded us at our spring meeting a couple summers ago, the protection of religious freedom abroad, and advocacy of oppressed believers, has hardly been a high foreign policy priority for administrations of either party.

In general, my brothers, we can make supporting the suffering Church a priority—not one good cause among others, but a defining element of our pastoral priorities. As historians of this conference know, speaking up for suffering faithful abroad has been a hall-

mark of our soon-to-be-century of public advocacy of the gospel by the conference of bishops in this beloved country we are honored to call our earthly home.

Protecting religious freedom will be a central social and political concern of our time, and we American bishops already have made very important contributions to carrying it forward. Now we are being beckoned—by history, by Pope Francis, by the force of our own logic and the ecclesiology of communion—to extend those efforts to the dramatic front lines of this battle, where Christians are paying for their fidelity with their lives. As the Council reminded us, we are bishops not only for our dioceses, not only for our nation, but for the Church universal.

May all the blessed martyrs, ancient and new, pray for us, as we try to be confessors of the faith.

Praise be Jesus Christ!

## PERSONAL EXPLANATION

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 572, I was unable to be present for the vote. Had I been present, I would have voted "yes."

**HONORING MATTHEW ALAN STUBBS II**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Matthew Alan Stubbs II. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Matthew has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Matthew Alan Stubbs II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**CONGRATULATING ED ROCHA AND ROCHA'S VALLEY ENTERPRISES**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. DENHAM. Mr. Speaker, I rise today to recognize and congratulate Ed Rocha and

Rocha's Valley Enterprises, which will be inducted as a member of the Stanislaus County Agricultural Hall of Fame "Legends in Agriculture" during a ceremony in Modesto, California, on November 14, 2013.

Trucking is truly a family legacy for the Rocha family. In 1924, John Rocha founded John N. Rocha Transportation. They started hauling milk, hay and dairy supplies and added cattle a few years later. In 1952, when Ed was a senior in high school, his dad took him to Salinas Dressed Beef Company, in Salinas, CA, to look at two nearly new 1951 Peterbilt Cabovers they had for sale. His dad told him, "If I like the deal, you're in business." They ended up buying the trucks and Ed and his father became partners under the name Rocha Livestock Transportation.

Ten years later, Ed decided to go out on his own and started Ed Rocha Livestock Transportation. Over the years, Ed's operations expanded to Stockton and Modesto and the fleet grew to include tankers, vans, curtain vans, flats and of course cattle trucks.

In 1990, Valley Enterprises was founded, leasing tomato trailers to the Morningstar Company. To this day they are handling the shuttle and interplant business for E&J Gallo. It is important to note that the Rocha family has been hauling for the Gallo family for over 70 years.

A true family business, Ed's youngest son Douglas was running a tomato operation at twelve years old, helped out by his sister Stephanie, at only nine years old. Today, Doug runs Valley Enterprises whose fleet consists of 27 power units and 150 sets of trailers.

Dedicated to giving back to the industry, Ed is very active with several trucking organizations. He is the former president of the California Trucking Association and is active in the American Truck Historical Society (ATHS). Ed also serves on the board of directors for the American Trucking Association (ATA), served on the National Ag Science Center Board of Directors, and he is the executive director and past president of the Hays Antique Truck Museum. His community involvement spreads beyond transportation; Ed and Carole helped start Children's Guardian Home in Oakdale, a home that takes in abused and abandoned children. Ed is a past president of the Children's Crisis Center in Modesto.

Mr. Speaker, please join me in praising Ed Rocha and Rocha's Valley Enterprises, for their significant contributions to agriculture and to the people of our local community.

**TRIBUTE TO LEONEL J. CASTILLO,  
EDUCATOR, CIVIL RIGHTS ACTIVIST,  
AND HOUSTON'S FIRST HISPANIC ELECTED**

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. JACKSON LEE. Mr. Speaker, I rise to pay tribute to Leonel J. Castillo, a legendary and pioneering figure in the history of Houston, Texas. Mr. Castillo, who was the first Hispanic elected to public office in Houston, died November 4, 2013. He was 74 years old.

Leonel J. Castillo was born June 9, 1939 in Victoria, Texas and educated at St. Mary's University in San Antonio, from which he received his Bachelor's degree in English, and his Master's degree in Community Organization from University of Pittsburgh.

Like many men and women of his generation, Leonel Castillo was inspired by President John F. Kennedy's call to service and joined the Peace Corps, serving in the Philippines. During this time he met the gracious and brilliant Evelyn, his partner in life and marriage for more than 50 years, and the mother of their two children, a daughter, Avalyn, and a son, Efrem.

In 1967, Leonel and his family moved to Houston where he soon became involved with local neighborhood organizations. He organized across racial lines and worked to find common ground on important issues to each community, including integration and better educational opportunities for the children of Houston.

Leonel served as Director of SER-Jobs for Progress, board member of Catholic Charities, and member of the Memorial Hermann Hospital advisory board. Leonel also was one of the co-founders of the Houston Hispanic Chamber of Commerce and Houston International University. He also taught at the University of Houston and Texas Southern University.

In 1971, Leonel Castillo was elected Comptroller of the City of Houston, the first Hispanic ever elected to public office in the city's history. He served in that office with distinction, earning the nickname the "Watchdog at City Hall."

Based on his record of demonstrated excellence as a manager and public administrator, Leonel Castillo came to the attention of President Jimmy Carter, who nominated him on April 7, 1977 to be Commissioner of the Immigration and Naturalization Service and confirmed by the Senate just three weeks later, on April 27, 1977. He was the first Hispanic to hold this position. Leonel Castillo served as INS Commissioner until October 1, 1979.

At a White House swearing-in ceremony, President Carter explained his reasons for appointing Leonel Castillo to such an important post:

He's a man who has the highest possible reputation. He's a public administrator, and I think I can tell you that he's going to take on one of the most difficult jobs in the Government.

Mr. Speaker, Leonel J. Castillo touched so many lives in so many ways. He inspired a generation of civic minded Hispanic men and women to seek public office. He was a towering figure in the life of our community. He will be greatly missed.

I ask the House to observe a moment of silence in honor of a great American, my friend, the Honorable Leonel J. Castillo.

**HONORING ANGEL WOODRUFF**

**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Ms. Angel Woodruff of Cape

Girardeau, Missouri for her compassionate defense of others in her local community. Ms. Woodruff currently serves as the first assistant prosecuting attorney in Cape Girardeau County, and has become widely-known for her compassionate and diligent defense of victims of crime. She is known for encouraging victims to advocate for themselves, and to actively seek out the help of the law. Ms. Woodruff began her education studying English at Southeast Missouri State University, and continued on to earn a Law Degree at the University of Missouri-Columbia. She began working at the Cape Girardeau Prosecuting Attorney's Office in 1998 and specializes in violent crimes, drug crime, domestic violence, and sex crimes. She believes that her job is more than just what people see on headlines and in court rooms, and seeks to help victims whose daily lives are affected by her cases on a personal level. Ms. Woodruff reaches out to victims and shows them that they are not alone, and that she is willing to fight for them.

In the words of the U.S. Attorney who hired her, Morley Swingle, "A crime victim is lucky if she is assigned to the case." I am grateful that we have such caring and hardworking members of the Cape Girardeau community, such as Ms. Angel Woodruff. It is my pleasure to recognize her achievements before the House of Representatives and to encourage her to continue advocating for victims of crime.

**HONORING COUNCILWOMAN  
MAXINE PARKER**

**HON. TERRI A. SEWELL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to pay tribute to the life and legacy of Birmingham City Council President Maxine Herring Parker who passed away on Tuesday November 12, 2013. I am deeply saddened by her passing but I am comforted in knowing that her rich legacy of diligent service will live through those she served in Birmingham City Council District 4.

Councilwoman Parker was the epitome of grace, class and firm yet gentle leadership. With her signature flower lapels to accentuate her immaculate appearance, this soft-spoken leader personified womanhood while serving as a great source of strength for her family and her community. In her presence, it was clear, that while she was a warm spirit, Councilwoman Parker was never afraid to fight for what she believed in.

This beloved advocate was first elected to represent Birmingham's District 4 in November 2005. She initially ran on a platform that focused on improving the quality of life for her constituents. But her contributions to the area were boundless. Throughout her eight-year tenure, Councilwoman Parker was best known for her advocacy for environmental justice on behalf of the Collegeville, Harriman Park, and Fairmont neighborhoods.

For decades, citizens in these areas were negatively impacted by industrial pollution. But it was the diligent efforts and leadership of Councilwoman Parker that led to government

action. In 2011, as a result of her tireless advocacy, the Environmental Protection Agency began its first major intervention in the area. Today, the EPA continues environmental cleanup efforts in the area as a result of Councilwoman Parker's efforts to raise awareness on the environmental injustice suffered by her constituents.

Councilwoman Parker went on to receive national recognition for her work and the project was even referenced as an example of successful government and community partnerships at a national conference. In July she served as a presenter at the EPA's Community Involvement Training conference in Boston where she shared her story about the federal environmental cleanup project in her district.

Shortly before her untimely death, Councilwoman Parker was elected as Birmingham City Council President as she began her third term. Prior to her election to the council, she served for many years as Collegeville neighborhood president. She also served as the executive assistant to the President at Talladega College in Talladega, Alabama for 41 years. During her tenure at the college, she served under the administration of six presidents.

On behalf of our Nation and the residents of North Birmingham, I am honored to pay tribute to the life of this phenomenal woman. She was indeed one of the most passionate community servants of her time. Councilwoman Parker had a heart for the people and a courageous spirit that dared to believe in the power of fighting for what we believe in. Let us all commit to continuing her legacy by inheriting her sincere passion for caring for the needs of others. I ask my colleagues to join me in celebrating the life and legacy of Birmingham City Council President Maxine Herring Parker.

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HONORING STATE  
REPRESENTATIVE PHYLLIS POND

**HON. SUSAN W. BROOKS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today, along with my friend and colleague Congresswoman JACKIE WALORSKI, to pay tribute to State Representative Phyllis Pond of New Haven, Indiana. Rep. Pond was an outstanding Hoosier who represented both her district and Indiana with integrity, and sadly passed away on September 22, 2013 at the age of 82.

Rep. Pond began her service to our great state in 1978 when she was first elected to the Indiana General Assembly. A lifelong Hoosier who grew up on a farm and graduated from Warren High School, Ball State University, and Indiana State University, Rep. Pond was the longest-serving female state representative in the history of Indiana. She was also the first woman to earn her seat in the prestigious front row of the Statehouse Chamber. We, the female Members of the Indiana Congressional delegation, are especially grateful for her leadership and guidance that has helped shape our own careers in public service.

As members of the House Education and the Workforce and Armed Services Committees, we honor Rep. Pond for her outstanding work for both Hoosier students and servicemembers. As a former kindergarten teacher who taught students for 37 years, Rep. Pond worked tirelessly to ensure that our state's students received the best education and had access to exceptional opportunities.

Thanks to Rep. Pond, Hoosier K-3 classrooms have no more than eighteen students, creating a healthy learning environment where students receive the attention they need to excel in school. Rep. Pond strongly believed in recognizing our servicemembers and their families. During the holiday season, she was well known for sending cards and words of encouragement to Indiana's finest. Rep. Pond also sponsored legislation to give soldiers on active duty more time with their children.

We are proud that such an exceptional public servant, teacher, and stateswoman called the Hoosier State home, and we are honored to recognize her life's work today. Our deepest condolences and well wishes go out to George Pond, her husband of 62 years; her children, Douglas Pond of Indianapolis, Dr. William Pond of Fort Wayne, and Jean Grasmick of Zionsville; grandchildren, Greg and Scott Pond, Joel Aiken, and Jennifer Knepp; and great grandchildren, Beatrice, Walker, and Eleanore. Our thoughts and prayers are with you during this difficult time.

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SUPPORT FOR THE EXPANSION OF  
MEDICAID COVERAGE

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the opportunity that my home state of Texas lost when it opted out of expanding Medicaid. Denying health care coverage to seniors, veterans, and low-income residents is unconscionable.

Texas has the most uninsured residents among the 24 states that refuse to expand Medicaid. At very little cost to the state itself, 1.5 million uninsured people could have health insurance coverage by now. However, Governor Rick Perry's refusal to expand Medicaid to 133 percent of the federal poverty line ultimately hurts our most vulnerable citizens.

Another adverse effect of choosing not to expand Medicaid falls on our neediest hospitals. Because of reductions in payments to safety-net hospitals, or disproportionate share hospitals (DSH), low-income patients suffer reduced access to care. With these reductions to hospitals, refusals to expand Medicaid, and cuts to Medicare subsidies, we are exposing our most susceptible patients to incredible risk.

If expanded in Texas, the Affordable Care Act would fully fund each state's coverage for the first three years. Over time, the federal government would continue to pay for no less than 90 percent of coverage for newly eligible individuals. This increase in spending is partially offset by the DSH payment reduction.

However, in states that do not expand Medicaid, low-income residents who seek treatment at safety-net hospitals suffer.

Our veterans, seniors, and low-income residents are forced to miss the opportunity to have quality and affordable health insurance simply because of political posturing. I urge my colleagues and each state to support the expansion of Medicaid.

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HONORING ANTHONY JONES

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Anthony Jones. Anthony is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 59, and earning the most prestigious award of Eagle Scout.

Anthony has been very active with his troop, participating in many scout activities. Over the many years Anthony has been involved with scouting, he has not only earned 40 merit badges, but also the respect of his family, peers, and community. Most notably, Anthony has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Anthony Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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HONORING ST. MICHAEL SCHOOL  
IN ORLAND PARK FOR BEING  
NAMED A NATIONAL BLUE RIBBON SCHOOL

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate St. Michael School, an exemplary Catholic elementary school in Orland Park, Illinois, for receiving the prestigious 2013 U.S. Department of Education National Blue Ribbon School Award.

In 1982, The Department of Education established the National Blue Ribbon Schools Program to recognize public and private schools boasting high or significantly improved achievement. The program's goal is to identify aspects of thriving American schools in order to replicate their success. I am proud that St. Michael School in Orland Park in my district has been honored as one of those exceptional schools.

Since first opening its doors in 1949, St. Michael has been serving the community of Orland Park by providing a diverse, challenging curriculum that emphasizes academics, moral values, and discipline. The mission of St. Michael School has always been to provide students with a learning environment that will reinforce the principles and values of Church, home, and community in an effort to

prepare them for lifelong and responsible citizenship.

Today, St. Michael School offers programs from preschool through eighth grade and attracts students from Orland Park and surrounding communities, currently enrolling more than 600 students. As a proud graduate of Catholic schools, I understand the rigorous and engaging curriculum that emphasizes Mathematics, Social Studies, Science, Technology, Language Arts, and Religion. St. Michael's offers challenging educational experiences that foster success, promote unity, and respect the individuality of each student.

Last year I had the pleasure of visiting St. Michael School during Catholic Schools Week. I enjoyed touring the school and visiting with students, and I came away very impressed with the students, teachers, and administrators under the leadership of Principal Bernadette Cuttone. It made perfect sense to me when St. Michael's was chosen as one of only 50 private schools nationwide that received a National Blue Ribbon School Award. Everyone at the school and in the parish should be extremely proud.

Please join me in celebrating the accomplishments of St. Michael School and all the National Blue Ribbon award winners. Their pursuit of academic excellence is inspiring, and I hope that their success can serve as an inspiration for schools across the nation.

CONGRATULATING WQPT-TV IN  
THE QUAD CITIES ON THEIR 30TH  
ANNIVERSARY

### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate WQPT-TV, the Quad-Cities PBS station, on the occasion of their 30th Anniversary.

WQPT launched on Nov. 3, 1983 with only four hours of programming each weekday. With support from local leaders, including former Representative Lane Evans, area colleges and universities, and many dedicated volunteers, WQPT has grown into a station that provides excellent programs on its main and secondary channels 24 hours a day, 7 days a week. WQPT has formed a great partnership with Western Illinois University Quad-Cities, allowing staff to collaborate with students and faculty, speak regularly to classes and engage with the community. Additionally, as part of its educational mission, WQPT's "Ready to Learn Initiative" has donated 123,000 books to area students since 1995.

Before WQPT launched 30 years ago, the Quad-Cities area was the largest metro area in the country without a PBS station. WQPT still has one of the smallest staffs and budgets out of all stations in the Corporation for Public Broadcasting network, yet manages to provide locally relevant, award-winning programs for everyone in the region. These awards include an Emmy nomination, two CINE Golden Eagle Awards, the PBS Sterling Award and a Grassroots Advocacy Award from the National Friends of Public Broadcasting.

Mr. Speaker, I again want to congratulate WQPT-TV for reaching this milestone, and I thank them for their 30 years of service to our community.

ON THE OCCASION OF THE FORTIETH ANNIVERSARY OF THE  
PAYNE-PULLIAM SCHOOL OF  
TRADE AND COMMERCE IN DETROIT, MICHIGAN

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. PETERS of Michigan. Mr. Speaker, I rise today to congratulate the staff, students and alumni of the Payne-Pulliam School of Trade and Commerce in Detroit as they gather to celebrate its Fortieth Anniversary of service to the community.

In 1973, Reverend Betty E. Pulliam and Ms. Freddie M. Lindsey-Payne recognized a growing need in their community—an educational institution whose focus was to provide its students with employment-ready knowledge and skills. In response to this need, Reverend Pulliam and Ms. Lindsey-Payne founded the Payne-Pulliam School which offered a business education in a small class with an individualized learning environment.

As the educational needs of the Greater Detroit community have changed over the last four decades, the Payne-Pulliam School has adapted to meet that demand. Today Payne-Pulliam offers its students assistance with GED preparation, job readiness education and personal development classes. The focus of its dedicated education professionals is to aid their students in their journey to rebuild themselves and their skills. As part of this commitment, Payne-Pulliam provides its students with extensive support in job placement, counseling and training. In 1997, the leadership of the Payne-Pulliam school furthered this commitment by partnering with Michigan Works and the City of Detroit Employment and Training Department.

Each year, as part of its community outreach initiatives, the Payne-Pulliam School hosts its annual Door Opener's Awards event, where students, alumni, educators and community stakeholders come together to recognize individuals who have assisted the School in its mission to provide important education and skills development to the residents of the Greater Detroit region. It is fitting that in this milestone year for the Payne-Pulliam School its founders will be recognized as Door Openers—for their decades of dedication as professional educators and leaders in the endeavor to make education available to all the residents of Southeast Michigan. For both Reverend Pulliam and Ms. Lindsey-Payne, their commitment to education extends far beyond their work at their school as they have been leaders in many other community organizations that are working to increase the accessibility to education in the Greater Detroit region.

Mr. Speaker, access to a quality education is a central component in the continuing success of the Greater Detroit region and other

communities across our nation. I congratulate Reverend Pulliam and Ms. Lindsey-Payne on this great milestone in the history of the Payne-Pulliam School of Trade and Commerce and I congratulate its staff, students and alumni on their continuing efforts to ensure that the future of Michigan remains bright.

EXPRESSING SUPPORT FOR H.  
RES. 402

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. KAPTUR. Mr. Speaker, I join my fellow Co-Chairs of the Congressional Ukrainian Caucus, Reps. SANDY LEVIN and JIM GERLACH in rising today to support the passage of H. Res. 402, supporting the European aspirations of the people of the European Union's (EU) Eastern Partnership countries, and to express continued support for Ukraine as it moves closer to signing the EU Association Agreement.

In order for Ukraine to progress democratically and economically, it is imperative that the conditions of this agreement, as jointly initiated by the EU and Ukraine, are fully met—in law and in practice.

The critical November 28–29 Eastern Partnership Summit in Vilnius, Lithuania is quickly approaching, bringing with it the deadline for signing the Association Agreement. Accordingly, we urge the U.S. Department of State to advance all appropriate opportunities for cooperation with Ukraine to address the remaining required reforms, including electoral and rule of law reforms as well as issues related to selective justice, particularly the release of former Prime Minister Yulia Tymoshenko. Along with the clear democratic and economic benefits, we believe these reforms, coupled with international monitoring and oversight, provide the best opportunity to ensure free and fair elections in Ukraine in 2015 and beyond.

Consistent with our support for H. Res. 402, we applaud the EU's progress—much of it through the Eastern Partnership program—in helping to build democratic, prosperous, and stable societies throughout Eastern Europe and the Caucuses. Building on that progress is in the national interest of the United States; consequently, we call on the U.S. Department of State to direct needed resources to help support Ukraine's European choice.

CELEBRATING THE 40TH ANNIVERSARY OF TEXAS HEALTH HARRIS  
METHODIST HOSPITAL  
HURST-EULESS-BEDFORD

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. MARCHANT. Mr. Speaker, I am proud to recognize the 40th anniversary of Texas Health Harris Methodist Hospital Hurst-Euleless-

Bedford (HEB). The hospital has been dedicated to serving the citizens of Northeast Tarrant County, Texas, where it has been improving the lives of the community with quality health care service.

The vision of an outstanding hospital was formulated through the cooperative leadership from the Cities of Hurst, Euless and Bedford. The cities acknowledged the growing healthcare needs of their citizens and, as a result, the cities formed the HEB Hospital Authority to plan and build the hospital.

Fundraising for the hospital occurred in 1969 and, shortly afterwards in 1970, construction began. The Cities of Hurst, Euless, and Bedford continued to raise funds for the project until the doors opened in June 1973.

Texas Health Harris Methodist Hospital HEB is a fully accredited Cycle IV Chest Pain Center designated by the Society of Chest Pain Centers, and it also has a three-year accreditation, with commendation, from the American College of Surgeons Commission on Cancer. In addition, Texas Health HEB was the first hospital in Northeast Tarrant County to be certified as a Primary Stroke Center. Lastly, the hospital achieved the designation as a Level III Trauma center this year.

Mr. Speaker, on behalf of the 24th District of Texas, I ask all of my distinguished colleagues to join me in recognizing Texas Health Harris Methodist Hospital HEB for serving the North Texas community for 40 years with outstanding health care practices.

#### HONORING SUSAN NUSSBAUM

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2013

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor my friend, treasured playwright and author, Ms. Susan Nussbaum, on her 60th birthday. Susan has been a groundbreaking voice for persons with disabilities. Through her advocacy with disability groups, Susan has written plays and recently a remarkable book that has helped to change the perception of disabled people throughout Chicago and well beyond.

Susan acquired her disability in 1977 at the age of 24 in a car accident. She refused to allow her newfound disability to define her after this tragic accident. In the 1970s, Susan became involved in the disability rights movement and helped to win key fights concerning wheelchair-accessible public transportation and the remodeling of sidewalks, schools, stores, and theaters. The strength and character she built through those wins continues to shine today.

Susan worked at Access Living, a wonderful organization in Chicago dedicated to inclusion, independent living and empowerment for people with disabilities. While working at Access Living Susan founded the Empowered Fe Fes, a peer support and advocacy group of young women with disabilities. Susan knew that first and foremost, a girl with a disability is a girl, with the same feelings, emotions, wants, and desires of any other girl. The group gave young women with disabilities an opportunity

to speak freely in a safe and private space and express the challenges and experiences they encounter on a daily basis. The Empowered Fe Fes challenges traditional stereotypes about disability and gender. My wonderful Constituent Advocate Taina Rodriguez, who has been helping residents in my district office for over 12 years, was Susan's assistant in the Empowered Fe Fes and since she was in high school has had a special mother-daughter relationship with Susan.

Challenging stereotypes has defined much of Susan's work. On stage, Susan has written and directed plays that reframe disability through the lens of someone with an authentic disability experience. Her work has been showcased at Second City, Live Bait, Steppenwolf, and more. She has written such plays as *No One As Nasty* and *Mishuganismo*. "No One as Nasty" appears in a collection titled *Beyond Victims and Villains: Contemporary Plays by Disabled Playwrights*. Susan refuses to write her characters in a certain stereotypical light. Instead, she portrays them in a realistic manner, which has helped to change the stereotype of disabled characters. Susan's work has given voice to a disability experience that transcends the historical portrayal as someone who needs to be pitied, cured or worshipped. Too often, on television, in the movies, in literature, and on stage, people with disabilities are presented as bitter, depressed and pitiable, or as unnaturally heroic and inspirational. Rarely do you see a character with a disability defined as a full participant in our society who just happens to have a disability. I say rarely, because there are people like Susan Nussbaum.

Recently, her achievements as a writer have gone beyond the stage and expanded into literature. Her novel, *Good Kings, Bad Kings*, earned the 2012 Barbara Kingsolver PEN/Bellwether Prize for Socially Engaged Fiction. The novel follows the lives of young people with disabilities as they tell their stories about abuse, neglect and love while living in a state institution. Barbara Kingsolver presented Susan the award and said, "The characters in *Good Kings Bad Kings* made me laugh, over and over again, and cry and cheer. This is fiction at its best . . . A stunning accomplishment."

Susan's body of work has transformed the way we think about disability. I encourage everyone, including my colleagues, to read *Good Kings Bad Kings*.

Among friends she's been called "Disability Culture Queen" and by her family she's known as "Comrade Auntie Sue," "Mami" and just plain "Sue." Congratulations to Susan Nussbaum on your many amazing accomplishments, and a very happy 60th birthday!

#### PERSONAL EXPLANATION

#### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2013

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 573 I was unable to be present for the vote. Had I been present, I would have voted "no".

#### IMPORTANCE OF INVESTING IN SAFE INFRASTRUCTURE FOR PEDESTRIANS AND BICYCLISTS

#### HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2013

Mr. SIRES. Mr. Speaker, I rise today to talk about the importance of investing in safe infrastructure for pedestrians and bicyclists. I recently read a report presented by the Sierra Club and League of American Bicyclists, entitled *The New Majority: Pedaling towards Equity*, and as someone who rides a bicycle regularly, I think there's a lot to be excited about in their findings.

Across the nation, bike ridership is up—and the numbers are impressive. From 2001 to 2009 there has been a 22% increase in bike trips among white Americans, 50% for Hispanics, 80% for Asian Americans, 100% among African Americans, and there's plenty of room for those numbers to grow.

Unfortunately, concerns about access to safe infrastructure remains a barrier for many would-be riders. I believe we must do more in Congress to address that. It's a simple fact that when we invest in complete streets with safe pedestrian and bicycle pathways, we create communities where businesses want to invest and families want to live. That is why I plan to introduce a bill in the coming weeks that will create innovative new ways of financing non-motorized infrastructure projects. I am hopeful that this legislation will attract bipartisan support here in Congress, so that Americans of all age and background can enjoy equitable access to safe roads.

#### TRIBUTE TO COACH ROBERT L. STRAYHAN

#### HON. STEVE STOCKMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2013

Mr. STOCKMAN. Mr. Speaker, Whereas, Coach Robert L. Strayhan of Baytown's Carver High School touched the hearts of the many Carver and Lewisville High School athletes, students, fellow faculty members, staff members and family and friends who had the privilege of knowing him and who had the chance to be coached or mentored by him; and

Whereas, Coach Strayhan, as he was known to all of his students, joined the faculty of George Washington Carver High School of Baytown, Texas in 1952 and remained there until May of 1967. He served as assistant football coach and head basketball coach. Coach Strayhan had strict standards for his athletes and students, making them stay focused on assignments and grades; and

Whereas, Coach Strayhan instituted a 'no pass, no play' rule long before the state of Texas mandated such a rule; and

Whereas, Coach Strayhan made sports fun and was a 'hands-on' coach; and

Whereas, Robert L. Strayhan had strong moral values, encouraging the young people

under his guidance to avoid teen pregnancies, drug abuse, gangs, underage drinking and teen smoking; and

Whereas, Coach Strayhan did not use his athletes only for winning games, but encouraged them to go to college and worked hard to help them obtain scholarships, regardless of race; and

Whereas, Coach Strayhan was very justly proud of his days at Carver High School; Be it therefore

*Resolved:* That I, Congressman STEVE STOCKMAN of the 36th District of Texas, am proud to join the many other friends and members of the Baytown community in honoring the life and work of Coach Robert L. Strayhan—a shining example to his many friends, athletes and students, to the City of Baytown and to his fellow Americans. May he long be remembered.

#### THE INTRODUCTION OF THE LOW-WAGE FEDERAL CONTRACTOR EMPLOYEE BACK PAY ACT OF 2013

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. NORTON. Mr. Speaker, today I introduce the Low-Wage Federal Contractor Back Pay Act of 2013, to grant back pay to federally contracted retail, food, custodial and security service workers who were furloughed during last month's federal government shutdown. The bill, which would amend the current continuing resolution, would apply to all three branches of the federal government. The idea for the bill was brought to my attention by these federally contracted service workers, some of whom work here on the Capitol grounds providing Members of Congress and congressional staff with daily services.

Many federally contracted workers in federal agencies earn little more than the minimum wage with few, if any benefits, and while others are unionized with little better wages, all are the lowest paid workers in the federal government and should not be punished because Congress failed to do its job and keep the government functioning for 16 days. Congress did the right thing when it gave back pay to federal employees, who work in the same buildings as these low-wage service workers. However, both groups of workers were victims who deserve to be made whole. I recognize, of course, that contract workers are employees of contractors, but the distinction between federal workers and at least the lowest-paid service workers who serve the federal government and its employees and keep, for example, their premises clean, fails when it comes to a deliberate government shutdown. Unlike many other contractors, those who employ low-wage service workers have little latitude to help make up for lost wages. Low-wage federally contracted service workers could least afford the loss of pay during the shutdown, and should not now have to go to work every day with everyone else in their federal buildings having received back pay except for them.

The nation's capital is the high-profile home of the federal government's collusion with

those that pay low wages through leases and contracts with federal agencies. At least this legislation would provide some parity to these low-wage federal contractor workers.

I strongly urge my colleagues to support the legislation.

#### OBAMACARE

#### HON. KERRY L. BENTIVOLIO

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. BENTIVOLIO. Mr. Speaker, it's been seven weeks since the debut of the Affordable Care Act's website, and the reviews of the rollout are in. Opinions from news organizations and commentators from across the political spectrum are nearly unanimous—Obamacare is an unmitigated disaster.

One constituent of mine, Cynthia from Novi, Michigan, tried to sign up for Healthcare.gov after her employer told her she'd be losing her plan. Her first attempt to access the exchange saw her kicked off the website. After finally getting a quote for coverage, she saw that the price of her same coverage had skyrocketed.

Jason, also from Novi contacted me about his experience with Obamacare. He has a family of four and likes his current plan because, quote "worked for me and my family" unquote. He recently received a letter from his insurance company explaining that the ACA had caused his plan to be cancelled effective January 1st. His new premium is 73% higher than his old premium.

These are just two stories that exemplify the havoc that this law is wreaking on the American people. It cannot be fixed. Passing a delay, now, is like telling the captain of the Titanic to just hold out a little longer after the iceberg struck. It must be repealed.

#### HONORING CINDY MARKS

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Cindy Marks, the 2013 President of the California School Boards Association. I want to recognize Cindy for her dedication to education over the past fifteen years. In addition to being a junior high and high school Health Education speaker, she spent the past thirteen years as a host family for unwed pregnant teens, and the past eleven years as a mentor at an inner city Apartment Complex in Modesto working with at-risk youth and youth gang members. These are only a few among her many achievements that deserve to be recognized.

As President of CSBA, Cindy chairs a number of CSBA Task Forces and Councils. These include the Educational Legal Alliance Steering Committee, the Linked Learning Task Force, and CSBA's Superintendents Advisory Council. She is a member of the Cities, Counties and Schools Partnership Board of Directors and she represents CSBA on the Edu-

cation Coalition, a consortium of education stake holder groups.

In addition to serving in these leadership positions at a regional and state-wide level, Cindy has served on numerous county-wide committees pertaining to at-risk youth and student achievement. She was appointed by the legislature to the "Joint Committee to develop a master plan for education—Kindergarten through University." She is currently a member of the task force on K-12 Civic Learning, a joint task force established by Chief Justice Tani Cantil-Sakauye and State Superintendent of public instruction Tom Torlakson. The task force will bring definition to the skills, knowledge, and dispositions that students and community members need to be informed of. Cindy leads the sub-group on Business and Community Partners.

In 2013, President Cindy Marks was named, "Elected Woman of the Year" by California Women Lead, a nonprofit, nonpartisan association of women holding—or aspiring to hold—elected or appointed office. She was among five women honored by the organization this year.

Moreover, Cindy has served on a variety of prestigious national governance-related committees including the "100 District Leader Network for Citizenship and Service Learning", a collaboration among national education associations such as the National School Boards Association and the American Association of School Administrators. She also serves on the National School Boards Association Pacific Region Board.

Cindy is also a board member for the Latino Emergency Council, the city Ministry Network, and a founding member of the Dr. Parker Steering Committee to address the achievement gap and how it relates to African American students.

Cindy's passion for education, her expertise across a wide-range of policy areas from school finance and fiscal reform to dropout prevention and school discipline, safe schools, and state and federal legislative issues make her one of California's outstanding education leaders.

Mr. Speaker, please join me in commending Cindy Marks for her hard work, dedication to education, and for serving as an inspiration to others around her. I wish her great success in her future endeavors.

#### TRIBUTE TO DELEGATE JOE JOHNSON

#### HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GRIFFITH of Virginia. Mr. Speaker, today I wish to pay tribute to Delegate Joe Johnson, who has dutifully served Southwest Virginia for nearly 30 years as a member of the Virginia General Assembly. I had the privilege of working on our region's behalf with Delegate Johnson, and like many, was saddened by news of his retirement.

Born in Washington County, Virginia, Delegate Johnson attended Meadowview High School and served in the United States Air

Force during the Korean War. He graduated from Emory and Henry College, which happens to be my alma mater as well, and went on to receive his law degree from the University of Richmond.

Delegate Johnson first represented Southwest Virginia in the House of Delegates in the 1960s. Construction on I-81 was not complete at that time, however. After several years making the long drive from Abingdon to Richmond, Joe understandably chose to prioritize his young family and took a twenty-year hiatus from life as a lawmaker. He successfully ran for office again in 1989, and has represented Southwest Virginia in the House of Delegates ever since.

Throughout his career, Delegate Johnson was involved in numerous issues related to education, playing a key role in establishing the Commonwealth's community college system and the Virginia Tobacco Indemnification and Community Revitalization Commission as well. We may have been members of different political parties, but Joe could always be counted on to work both sides of the aisle on behalf of our region.

Even outside of his legislative work, Delegate Johnson has been an active leader for Southwest Virginia. Throughout the years, Joe has taught Sunday school and served as chairman of the Abingdon Baptist Church, and was involved in the Abingdon Civitan volunteer service club, the Southwest Virginia Cultural Heritage Foundation, and the Virginia Tobacco Indemnification and Community Revitalization Commission Center. He was once chairman of the Southwest Virginia Higher Education Center, and also served as vice chairman and trustee. Joe was on the board of trustees of the Center for Rural Virginia, and was chair of the Emory and Henry College board of trustees. He is former post commander of American Legion Post 13, former worthy patron of the Order of the Eastern Star, former master of the Abingdon Masonic Lodge 48, a Kazim Shriner, and a member of the Independent Order of Odd Fellows, McCabe Lodge. Joe was president of the Washington County Bar Association, and was a member of the Virginia State Bar. He also has been a substitute judge on the Twenty-eighth General District Court.

Delegate Johnson has long been a fixture throughout the community, regularly seen at church, sporting events, city council meetings, board of supervisors meetings, and other community events. Delegate Johnson can always be counted on for a warm smile and, during times of stress or strife, families in his area always could rely on Joe to be there to comfort them. His door was always open, and I know that those he has represented over the years have appreciated his involvement.

Throughout the years, Delegate Johnson has proven himself a dedicated friend of Southwest Virginia. I am grateful for the opportunity to have worked with and learned from him, and have no doubt that I will see my friend Joe again soon. Delegate Johnson, I wish you and your loved ones the very best of luck in all of your future endeavors.

#### HONORING DOLLY JEWEL

##### HON. JASON T. SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Ms. Dolly Jewel of Cape Girardeau, Missouri for her achievements and impact in the community. For many years, Ms. Jewel has devoted both her time and her heart to the Alzheimer's Association in Southeast Missouri, to the great benefit of the community. Ms. Jewel hosts a monthly support group at the Lutheran Home, served on the Southeast Missouri Area Advisory Committee for Alzheimer's Disease, and has planned, coordinated, and implemented annual Walk to End Alzheimer's Disease events. Through these outlets she has sought to increase awareness of the disease, as well as raise money to fund medical research. Ms. Jewel's fight against Alzheimer's Disease became personal when she lost her husband to Alzheimer's in 1997, after an 8 year battle with the disease. Since then, Ms. Jewel is pleased that many advances have been made in the treatment of Alzheimer's, but she knows there is more work to be done.

As well as making a strong public effort in her local community to fight Alzheimer's Disease, Ms. Jewel also works to help lend support to others experiencing the disease. She takes pride in encouraging others to be open about their own experiences with the disease and to not feel embarrassed about acknowledging the disease. She adamantly insists to others that they are not alone, and encourages them to seek social support. Ms. Jewel has provided support and inspiration for many families affected by Alzheimer's Disease, and I truly admire her strength and dedication to helping others.

#### REMEMBERING SEAN ANTHONY JACQUES

##### HON. PAUL COOK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. COOK. Mr. Speaker, I rise today to celebrate the life of Sean Anthony Jacques of Big Bear Lake, California.

Having lived in the area since the age of seven, Sean attended Big Bear Lake Elementary, Middle School, and High School. After his High School graduation, Sean joined the United States Navy and served as an FC2 for six years. Upon the completion of his service, Sean returned to Big Bear Lake to work for the Big Bear Mountain Resorts. He served there and dedicated fifteen years to the area.

Sean is survived by his wife, Suzanne, his son Anthony, and daughter Alexandra, his parents, sister, and his many nieces and nephews.

Mr. Speaker, I submit his favorite poem by Ralph Waldo Emerson. His wife Suzanne has dedicated this to him after his death.

(By Ralph Waldo Emerson)

"To laugh often and love much; to win the respect of intelligent persons and the affec-

tion of children; to earn the approbation of honest citizens and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to give of one's self; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition; to have played and laughed with enthusiasm and sung with exultation; to know even one life has breathed easier because you have lived—this is to have succeeded."

#### HONORING DAVID COEN

##### HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. WELCH. Mr. Speaker, I rise today to honor a distinguished Vermonter, Mr. David Coen, who is retiring from the Vermont Public Service Board, the state agency that regulates our public utilities, after 18 years of exemplary service.

There is no state agency that has a more direct impact on Vermonters' quality of life and economic well-being than the Vermont Public Service Board. Every Vermonter and every business in our state depends on this influential regulatory body to ensure the quality, availability, and affordability of electric, gas, cable, telecommunications, and water services.

David Coen was appointed to the Board by Governor Howard Dean in 1995 and has served with distinction for three terms. As a small-business owner who keenly understood the economic challenges of everyday Vermonters and the importance of high quality and reliable customer service, David was uniquely qualified to take on this challenge. Every day he served, he brought the perspective of the customer to the many challenging decisions in which he participated. David understood well utility law and public policy, but his top priority was to make sure the decisions made by the Board made practical and economic sense for Vermonters.

David's leadership and expertise on utility issues extended well beyond the borders of Vermont. He served in several national leadership positions, including Board Chair of the National Regulatory Research Institute and President of the National Association of Regulatory Utility Commissioners (NARUC). At NARUC, David was the skillful and diplomatic voice of the association before Congress, the courts, and administrative agencies.

Characteristically, he brought his laser-like focus on the customer to the national stage. The theme of his NARUC presidency was "Keeping the Focus: Serving the Public Interest in Changing Times." He also served as chair of NARUC's Consumer Affairs Committee.

Within the Public Service Board, David believed strongly in providing staff with opportunities for professional growth. With this goal in mind, he played a leading role in the creation of regulatory partnerships with other countries, such as Macedonia and Georgia. He also recognized the value to Vermont of good relationships with utility regulators in neighboring jurisdictions, working to foster productive relationships with both American and Canadian regulators.



David's strong legacy reflects his rich personal life and deep commitment to public service. His wife, Sandy Berbeco, is a professional artist and a passionate advocate for the arts. And David brought valuable experience to the Board as a former English teacher and leader in community and business organizations.

Mr. Speaker, I ask the House of Representatives to join me in thanking Mr. David Coen for his 18 years of service to Vermont and the nation and for his deep and abiding commitment to public service. Vermonters, and indeed our country, are better off because of his tireless and distinguished service.

HONORING JERRY MANSBACH AS  
HE IS AWARDED L'ORDRE NA-  
TIONAL DE LA LEGION  
D'HONNEUR

### HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in honor of Gerald (Jerry) Mansbach. On November 17, 2013, Jerry will be honored with l'Ordre national de la Legion d'honneur (the National Order of the Legion of Honor) by Honorary Consul Diane Thomas, representing the French Consulate in Chicago.

Created in 1802 by Napoleon Bonaparte, the Legion d'honneur is the highest and most prestigious distinction bestowed by the French Republic to celebrate extraordinary contributions to the country. Given solely based on merit, the Legion d'honneur expresses the gratitude of the French people for the bravery of the men and women of the United States Armed Forces who fought to secure France's freedom during the Second World War. It is an honor today to join the French people in expressing my gratitude for the sacrifices of America's troops during the struggle to liberate Western Europe from Nazi Germany, and especially to recognize one of my constituents, Sergeant Jerry Mansbach.

Jerry was born in New York City and moved to the Hoosier State at the age of ten, where he grew up and attended high school in Fort Wayne. While attending Indiana University, Jerry joined the U.S. Army in January of 1943. He defended France in the Battle of the Bulge and participated in the Normandy Invasion as a tank commander under General George Patton. Tragically, all of Jerry's fellow tank crew died in battle but he miraculously survived, though not without injury. For his courage, Jerry was awarded the Silver Star Medal for "gallantry in action against an enemy of the United States." He was also presented with the Bronze Star and the Purple Heart.

Like many members of the Greatest Generation, Jerry came back home again to the Midwest to raise a family and begin a career. He worked for Merrill Lynch for forty years, retiring in 2000, and has four children, three stepchildren, and seven grandchildren. Jerry currently resides in Carmel, Indiana, with his wife Shirley. I am proud that such an exceptional Hoosier calls my District home.

Jerry Mansbach is a patriot and a hero. Along with the Honorary Consul and the

French people, I am honored to recognize his sacrifices and bravery during the Second World War today.

### PERSONAL EXPLANATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 574 I was unable to be present for the vote.

Had I been present, I would have voted "no."

CONGRATULATING ERIC  
LARRABEE AS HE CELEBRATES  
HIS 50TH BIRTHDAY

### HON. DOUG LaMALFA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. LAMALFA. Mr. Speaker, I rise today to congratulate an extraordinary milestone of Durham resident Eric Larrabee, as he celebrates his 50th birthday today, November 14, 2013.

A fourth generation Californian, Eric is an active member in the communities of Butte City, Chico and Durham. Eric and his wife, Treasa, are busy raising their twin daughters—Abigail and Jillian—in Durham, while simultaneously running a thriving agricultural operation and giving back to the communities he works and lives through volunteer efforts and serving on boards.

Eric currently serves on the boards of the Association of California Water Agencies, as a trustee to the Enloe Medical Center, and a director at Western Canal Water District. He has also served on the Glenn Country Farm Services Agency County Commission, California Rice Research Board, Levee District Three, Butte City Volunteer Fire Department, and the Glenn County Planning Commission.

Eric is also owner and partner of Larrabee Farms in Butte City, where he works alongside two of his brothers growing rice, pecans, walnuts and various row crops. Farming has been a part of Eric's entire life, being born in Chico and raised on a family farm his great grandfather originally started in 1918 in Clarks Valley in western Glenn County of the California coastal range.

Eric enjoys spending time with his family, skiing in the winter, hunting and fishing throughout the year and enjoying the beautiful landscapes all of Northern California has to offer. As a proud father and husband, family is a strong part of his character. His dedication to community service, family and a life in farming is to be commended.

Mr. Speaker, please join me in congratulating Eric on this special day, November 14, 2013, and in wishing him a Happy 50th Birthday. May he have many, many more.

HONORING JAMES HAWKINS OF  
MOHAWK, N.Y. FOR VOLUN-  
TEERING/BEING A LEUKEMIA  
SURVIVOR

### HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. HANNA. Mr. Speaker, I rise today to recognize Mr. James Hawkins of Mohawk, New York. James is a leukemia survivor. For years he has selflessly provided support to local blood cancer patients through volunteering with The Leukemia & Lymphoma Society, an organization dedicated to the mission of curing blood cancer.

James has worked to support blood cancer patients through public education/awareness events, public advocacy, and personally speaking with many newly diagnosed blood cancer patients each year. The positive impact he has had on these patients is immeasurable. James' dedication to this cause can be seen in his work with The Leukemia & Lymphoma Society, where he volunteers in the patient services department and fundraises for the organization to advance their goal of curing blood cancer.

The work James has done with The Leukemia & Lymphoma Society is particularly inspirational. The society has invested almost \$1 billion in research, contributing to the development of life-saving drugs, and is making great strides in its mission to cure leukemia, lymphoma, Hodgkin's disease and myeloma and improve the quality of life of patients and their families. Since 1963, myeloma survival rates have more than tripled. Lymphoma survival rates have more than doubled. Leukemia survival rates have more than quadrupled.

Mr. Speaker, I proudly ask you to join me in commending James Hawkins for his hard work with The Leukemia & Lymphoma Society and his efforts to make a difference in the lives of blood cancer patients in Upstate New York and Vermont.

A TRIBUTE TO MRS. ANNIE JANE  
(BLAKELY) JACKSON CENTEN-  
NIAL CELEBRATION

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. MOORE. Mr. Speaker, I rise today to congratulate Mrs. Annie Jane (Blakely) Jackson who will celebrate her 100th Birthday on Monday, November 18, 2013. The community will join with Annie J. Jackson to celebrate her centennial on Saturday, November 16, 2013.

Mrs. Jackson was born November 18, 1913 in Hopton, Alabama, was raised in Adamsville, Alabama and moved to Milwaukee, Wisconsin in 1945. She found work at the Cudahy Meat Packing Company and was also employed at the Veteran Hospital for two years. She later found employment with the American Can Company where she worked for twenty-three years prior to her retirement from the company in September, 1976.

Mrs. Jackson was married to the late Junior Lee Jackson for 32 years. Junior Lee Jackson was the owner of Party House Tavern for nearly 30 years and as an entrepreneur was able to employ many people in the community. Mrs. Jackson is the mother of three children—Jonathan, Arlene (both deceased) and Valerie; grandmother to Venus and Raven.

I have literally known Mrs. Jackson all of my life. She is a charter member of Mt. Moriah Baptist Church, Milwaukee, Wisconsin since May of 1956, my church home. There were 17 members when the church was incorporated and today she is the only living charter member. Mrs. Jackson was an active member in the church; she served on the Usher Board and Mission Board and was the very first Mission Board President. She is now confined to a wheel chair and is unable to attend church services but continues to be supportive both spiritually and financially.

Mrs. Jackson volunteered for many years at Lutheran Social Services agency calling the elderly to determine their needs and refer them for necessary services. Cooking and fishing are her most favorite things to do. She has already begun preparation for Thanksgiving dinner; she has cleaned thirty pounds of Chitterlings. It gives her great joy and happiness to be able to cook the entire Thanksgiving dinner for her family, then sit down at the table to eat and thank God for all of their blessings.

It is an honor for me to acknowledge someone who continues to contribute so much to Milwaukee and the 4th Congressional District. She set a strong example of leadership and excellence as a member of her church and for the entire community. She is a Milwaukee and Wisconsin treasure and I value her service. Mr. Speaker, that is why I rise to honor and celebrate Mrs. Jackson's 100 years of life.

#### HONORING THE LIFE OF LAWRENCE ELIOT MARCUS

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of an outstanding man, Lawrence Eliot Marcus. Born in Dallas, TX, "Lawrie," as he was generally known, was the last surviving child of the second-generation in the family that built the Neiman Marcus retail chain to international prominence. The department store, founded by Lawrence's father and aunt, would eventually become a transcendent international retail chain.

Following the death of his father, Herbert Marcus, in 1950, Lawrence Marcus and his brother Stanley took leadership of the family's iconic department store. Neiman Marcus continued to serve as Lawrence's funnel for dedication to quality and service well beyond his retirement in the early 1980s.

As a graduate of Woodrow Wilson High School in Dallas, Texas, Lawrence Marcus earned both a bachelor's degree and an MBA from Harvard University, served in World War II, and eventually earned a Purple Heart dur-

ing his military service before returning to Dallas to assume a bigger role in the Neiman Marcus' operations. While he was known and recognized for many great qualities, most notable was his attention to detail. He once flew to New York to approve the yarn for a new store's carpet before weavers could begin putting the carpet together. Even on the day before his passing, Lawrence Marcus was said to be critiquing shirt fabric.

It is with great respect that I recognize the life and accomplishments of Lawrence Marcus. Both his memory and legacy serve as examples of hard work and tireless dedication to many and I ask that my colleagues keep his family in our hearts and prayers.

#### INTRODUCTION OF THE BIKE- PEDESTRIAN SAFETY ACT

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. BLUMENAUER. Mr. Speaker, today, along with my colleagues Representative COBLE, Representative DEFAZIO, and Representative MCCAUL, I am introducing the Bicycle and Pedestrian Safety Act. This legislation requires the US DOT to establish separate measures for motorized and non-motorized safety targets with the Highway Safety Improvement Program. Under this program, states will set their own safety targets and are given the flexibility to choose the best methods to meet them. The Bicycle and Pedestrian Safety Act encourages states to make their roadways safer while acknowledging local needs.

The need for such legislation has never been clearer. The National Highway Transportation Safety Administration recently reported a 2 percent drop in roadway fatalities, and a 4.6 percent drop for occupants of cars and light trucks between 2010–2011. These safety improvements, however, have not helped all road users. Even as driver and passenger deaths have decreased, the percentage of bicyclist and pedestrian roadway deaths has increased. While overall traffic deaths have decreased, the number of bicyclists dying on our roadways has increased by 9 percent and pedestrian deaths have increased by 3 percent.

The Bicycle and Pedestrian Safety Act requires states to address this increasing safety concern, while maintaining state flexibility. I look forward to working with my colleagues to advance this legislation and protect all roadway users.

#### HONORING THE VICTIMS OF KATYN MASSACRE OF 1940

#### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Ms. KAPTUR. Mr. Speaker, I rise today to submit a recent New York Times article titled, "Ruling on Katyn Killings Highlights Russia-Poland Rift," by Alan Cowell and Andrew

Roth, regarding the Katyn Massacre of 1940. In so doing, we call continued attention to the atrocities committed in Stalinist-controlled Russia inside the Katyn Forest and surrounding areas, events which continue to deeply resonate within the world consciousness and haunt Polish-Russian relations. In 1940, the Soviet secret police was directed by Joseph Stalin to systematically murder approximately 22,000 Polish military officers, prisoners, and intellectuals in and around the Katyn Forest. A U.S. House of Representatives Select Committee was tasked in 1951 with conducting an investigation into the Katyn killing and concluded that the Soviets were responsible for the mass murder. In 2010, after decades of denial and despite protests from its Communist members, the Russian Parliament approved a statement that ultimately acknowledged Stalin's responsibility in perpetrating these heinous crimes. Thus, in September 2012, I issued a formal announcement that the U.S. National Archives and Records Administration, at my request, opened newly declassified compilations and Katyn documents held in storage by the government of the United States. Yet, this past October, while reaffirming in its ruling that Russia had failed to meet obligations to properly investigate the massacre, The European Court of Human Rights found it had no jurisdiction over the massacre and that it ultimately held no duty to investigate the events at Katyn. The Polish people and freedom-loving Americans deserve better. Humanity deserves better. As pointed out in the New York Times piece, in its ruling and in failing to demand a complete and thorough investigation into these events, the ECHR fails to fully condemn this genocide, setting a disturbing precedent for the future and provides no comfort to those families of the victims. As Pope Paul VI so eloquently stated, "If you want peace, work for justice." Justice remains unserved. Thus, I call upon Russia to declassify, once and for all, its 2004 decision to close the investigation into the Katyn Massacre. Let the world of nations continue to work in conjunction with the Polish government and victims' families to uncover the truth of what happened in the Katyn Forest and nearby killing fields. The whole truth will enlighten future generations so that they learn from these heinous crimes, heal the fissures of tyranny and prevent atrocities of the future.

[From the New York Times International, Oct. 22, 2013]

#### RULING ON KATYN KILLINGS HIGHLIGHTS RUSSIA-POLAND RIFT

(By Alan Cowell and Andrew Roth)

LONDON.—In the long-simmering and emotional debate over a notorious mass killing during World War II, the European Court of Human Rights ruled Monday that Russia had failed to comply with its obligations to adequately investigate the massacre of more than 20,000 Polish prisoners of war by the Soviet secret police in 1940.

But the court said it had no jurisdiction over the massacre itself or on the subsequent treatment of the relatives of the dead, prompting an outcry in Poland and expressions of satisfaction among officials in Moscow, underscoring the deep and lingering divisions inspired by the mass killing in the Katyn Forest near Smolensk.

"We are rather disappointed by this verdict," said Poland's deputy foreign minister, Artur Nowak-Far, according to Agence

France-Presse. "The ruling does not take into account all the arguments of the Polish side that have here a great moral and historic right."

Andrzej Melak, president of the Association of the Families of Katyn Victims, called the judgment "scandalous," adding that it was "inadmissible and incomprehensible."

"The failure to condemn this genocide and the impunity of its perpetrators led to it being repeated in Rwanda, the Balkans and it will be repeated again," he said. "Poles will not accept a ruling like this."

But in Moscow, Georgy Matyushkin, the deputy minister of justice and its envoy to the European Court on Human Rights, told the Interfax news agency that the ruling showed that "the court does not have the conventional duty to investigate the events at Katyn" and that it would thus be "illogical" for it to address allegations of improper treatment of the victims' relatives.

"The Russian authorities from the very beginning said that these events are located outside of the frame of the jurisdiction of the European court from the point of view of the time frame," Mr. Matyushkin said. "And this point of view was accepted by the European court."

The Polish prisoners, including nearly 5,000 senior Polish Army officers, disappeared in late 1939 and early 1940 during a period of German-Soviet cooperation, when Soviet forces occupied eastern Poland. In April and May 1940, they were taken to the Katyn woods, near Smolensk, west of Moscow, where they were executed and then buried in mass graves there and in two other villages.

After decades of denial, Russia admitted responsibility for the massacre in 1990, and opened a criminal investigation. The investigation was closed 14 years later, but much of its findings were classified and no one was publicly held responsible.

Relatives of the victims complained to the court in 2007 that the Russian inquiry had been ineffective and that the Russian authorities had displayed a dismissive attitude to requests for information about the event. The case was brought by 15 Polish citizens who are relatives of 12 victims of the massacre—police and army officers, an army doctor and a primary school headmaster—according to court filings.

The court's highest panel, the Grand Chamber, ruled unanimously that "Russia had failed to comply with its obligation" under the European Convention on Human Rights to "furnish necessary facilities for examination of the case," according to a statement from the court in Strasbourg, France.

But the ruling said the court had no jurisdiction to examine complaints over the killings themselves because the massacre took place a decade before the rights convention became international law and 58 years before Russia acceded to it, in 1998.

That period was too long for a "genuine connection" to be established between the killings and Russia's accession to the convention, the ruling said. The court rejected an application for awarding damages.

The court also ruled that there had been no violation of the convention's provision prohibiting inhuman or degrading treatment as it relates to the suffering of families of "disappeared" people. That part of the ruling overturned a lower court's ruling in 2012, which found that that provision had been violated in the cases of 10 of the 15 Polish family members.

In its ruling, the Grand Chamber said Russia had not offered a "substantive analysis" for keeping the decision to classify the deci-

sion to close its investigation. "The court was unable to accept that the submission of a copy of the September 2004 decision could have affected Russia's national security," the ruling said.

Nikita V. Petrov, a historian for the Memorial human rights group, which has sought to declassify the decision, called the ruling a "light reprimand" that would do nothing to further the investigation.

"It's like telling a criminal, 'You haven't behaved yourself very well,'" he said. "But it does not say that a crime is still taking place, because the government is hiding information about past criminal activities like the Katyn case."

The massacre has continued to haunt Russian-Polish relations.

In April 2010, a plane carrying the Polish president and 95 other members of Poland's political and military elite to a commemoration of the massacre crashed over Smolensk, killing everyone on board. The crash led to mutual recriminations over an event intended to help heal the wound.

In November 2010, the Russian Parliament approved a statement holding Stalin and other Soviet leaders responsible for the Katyn killings.

Despite protests from Communist Parliament members, the State Duma acknowledged that archival material "not only unveils the scale of this horrific tragedy but also provides evidence that the Katyn crime was committed on direct orders from Stalin and other Soviet leaders."

#### IN RECOGNITION OF LESLIE A. WOOLLEY, FOR TWENTY-FIVE YEARS OF FEDERAL SERVICE

#### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2013

Mr. CLEAVER. Mr. Speaker, as we enter the season of giving thanks, I reflect on an individual who made a lasting impression on me and this institution. I rise today to recognize and congratulate Leslie Woolley, my former Chief of Staff of five years, on her retirement. A Capitol Hill veteran, Leslie has had a long and distinguished career in public service and the financial services industry.

Prior to working for me, Leslie was the Vice President, for Congressional Relations and International Banking at the Conference of State Bank Supervisors. She had previously spent over twenty years in the Senate and the House working as a professional staff member for the U.S. Senate Committee on Homeland Security and Government Affairs for Sen. Joe Lieberman (then D-CT), for U.S. Senators Zell Miller (D-GA), and Bob Graham (D-FL), who were both on the U.S. Senate Banking Committee. She also worked for U.S. House of Representatives Financial Services Committee members Bill McCollum (R-FL) and Wes Watkins (then D-OK), and as a professional staff member on a House Financial Services Subcommittee for U.S. Representative Norm Shumway (R-CA).

Leslie served in the Executive Branch at the U.S. Department of the Treasury, where she was Director for Business and Public Liaison in the Office of Legislative Affairs and Public Liaison, during Secretary Larry Summers' ten-

ure and at the Federal Deposit Insurance Corporation (FDIC) where she was the Deputy to the Chairman for Policy for the first woman Chairman of the FDIC, Ricki Helfer.

She had private sector experience as well, previously serving as the Vice President for Legislative Affairs at both the Investment Company Institute and at Chemical Bank.

Leslie has had the unique opportunity to provide 25 years of federal service doing what she has loved—working in financial services public policy. During her 35 years in Washington, the financial services issues were interesting and sometimes very challenging. In particular, Leslie guided the FDIC's legislative involvement with the 1996 Deposit Insurance Funds Act which recapitalized the Savings and Loan Insurance Fund (SAIF) and worked with Senator Miller to ensure that the internal controls sections that applied to corporations under the Sarbanes-Oxley Act of 2002 were more balanced than under the original drafts of the bill. Leslie worked with me on the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act which was a response to the late-2009 economic recession, by bringing some of the most significant changes to financial regulation since the Great Depression and impacting all federal financial regulatory agencies and almost every part of the United States' financial services industry.

She holds both a Bachelor in Science and Masters in Business Administration degrees from Oklahoma State University (OSU). In 1995, Leslie was awarded the Distinguished Alumni Award from the OSU Alumni Association. In 2011, Leslie was named one of the top 50 MBA graduates from the OSU Spears School of Business at their 50th anniversary celebration. She has also received the Department of the Treasury's, Secretary's Honor Award (2001); and Women in Housing and Finance's Distinguished Leader Award (2004).

In addition to her professional career, Leslie has made time for and been active in her community. She was President of Women in Housing and Finance 1984–85, and a Board Member from 2002–04; She held the office of Treasurer for Women's Giving Circle of Alexandria from 2007–2011 and a Board Member from 2007 to the present; Leslie was President of the Oklahoma State Society in 1991; and the President of the D.C. Chapter of the Oklahoma State University Alumni Association from 1993–95, an Alumni Association National Board member from 1996–2001, and a member of the OSU Alumni Association Executive Committee from 1998–2001.

Even though the financial services industry has experienced its share of ups and downs, one thing has stayed consistent—the quality of the people, such as Leslie, who worked as colleagues and friends across different states, delegations, agencies, companies and trade associations for the betterment of our country. Upon her retirement, Leslie shared with me how blessed she was to have worked with each and every one of her colleagues and associates. Her husband, Doyle Bartlett and their two children, Ann and Cameron, have helped to make Leslie's career possible and her life better.

Mr. Speaker, I ask you and our colleagues to join me in thanking Leslie for her 25 years of public service in the financial services

arena; for her five years of support, help, and kindness to me, my Congressional staff and the constituents of the Fifth Congressional District of Missouri. I wish her the very best in all her future endeavors.

**OUR UNCONSCIONABLE NATIONAL DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,149,193,429,752.16. We've added \$6,522,316,380,839.08 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

**INTRODUCING THE "INTERNET GAMBLING REGULATION AND TAX ENFORCEMENT ACT OF 2013"**

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Internet Gambling Regulation and Tax Enforcement Act of 2013. This bill would generate new streams of revenue for the federal government as well as state and tribal governments, create an estimated 30,000 new jobs in America, and provide funding for children in foster care and for historic preservation and the arts. This is a companion bill to H.R. 2282, legislation sponsored by Cong. PETER KING and CAPUANO, which would license and regulate online gambling at the federal level. Under current law, intra-state online gambling is legal, but inter-state online gambling is not, except for betting on horseracing, which is legal on an inter-state basis.

Under my legislation, the federal government along with state and tribal governments would recognize a new, untapped stream of revenue. The revenue could help jurisdictions fund needed services at a time when many governments are struggling with tightening budgets.

Online gambling operators would pay a tax to the federal government as well as state and tribal governments equal to a percentage of the total deposits they collect. The money paid to the governments would not be deducted from the accounts of online gamblers.

Operators will pay a tax to the federal government equal to four percent of the funds deposited by players who reside inside the U.S. Operators will pay a tax to state and tribal

governments equal to eight percent of the funds deposited by individuals residing within their jurisdiction. The deposits to state and tribal governments would be made automatically every month by website operators, in lieu of them (the governments?) imposing other taxes of their own. This deposit tax for states and tribes would be an optional, simple, and uniform way to participate.

A quarter of the revenue raised by the bill would go to providing assistance to the nearly 500,000 children in America who live in foster care. The funds generated would be directed at helping foster children through grants to each State to carry out educational and transitional support for individuals who are or were in foster care.

Finally, the bill sets aside 0.5 percent for historic preservation and the arts. I helped enact a similar program in my home state of Washington, and it has been hugely successful over the years.

Some in this body may be concerned that legalizing online gambling would further open the door of the virtual casino to children, but evidence shows the current availability of online gambling options on the Internet has not led to an increase in gambling among minors. Moreover, technology is widely available and used in the United States and abroad to verify identity, age and location for online financial transactions from online banking to online gambling on horseracing.

The future is happening. People in small towns and big cities across America are gambling online either legally under a patchwork of inconsistent state laws or illegally without any consumer protection. We have to deal with this issue. If we regulate online gambling, we can create jobs, generate revenue, and expand aid to children in foster care.

**TRIBUTE TO THE CITY OF REDLANDS, CALIFORNIA—125TH ANNIVERSARY OF INCORPORATION**

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute today to the City of Redlands, California, as their community celebrates the 125th Anniversary of Incorporation. The City of Redlands was established in 1888 by vote of the people of the Lugonia and Redlands Townships. Following incorporation, the City of Redlands rapidly gained distinction for superior citrus production, and was considered around the globe to be the "The Washington Naval Growing Capitol of the World." Through thoughtful leadership and the dedication of residents, The City of Redlands has grown from a small agricultural community to an economic, academic and cultural epicenter.

Redlands, "A City That Works," is home to more than 200,000 residents who enjoy a

wide variety of cultural events throughout the year including the Summer Music Festival at the Redlands Bowl, the Redlands Theater Festival and the Redlands Symphony. Popular community events include the Redlands Bicycle Classic and the Run through Redlands.

Residents of the City of Redlands are proud of their City's distinct attributes and have worked with the City of Redlands Historic and Scenic Preservation Ordinance and Commission, the Redlands Area Historical Society and the Redlands Conservancy to ensure the preservation of the historic built environment and conserve the natural open space. Many architectural treasures including the Lincoln Memorial Shrine, the Redlands Bowl Prosellis, Kimberly Crest House and Gardens, A.K. Smiley Public Library and Morey Mansion have been preserved for future generations due to the dedication and generosity of residents of the City of Redlands.

The commitment of the residents of the City of Redlands for bettering their community extends to their support of the University of Redlands, a private liberal arts university, consistently ranked among the best universities in the nation.

Mr. Speaker, on this very special year for the City of Redlands, please join me in commemorating their One Hundred and Twenty Fifth anniversary.

**PERSONAL EXPLANATION**

**HON. BRAD R. WENSTRUP**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. WENSTRUP. Mr. Speaker, I was absent on November 12 and 13, 2013, due to the birth of my first child. If I were present, I would have voted on the following:

Tuesday, November 12, 2013:

Rollcall No. 571: On Motion to Suspend the Rules and Pass H.R. 2871, "yea."

Rollcall No. 572: On Motion to Suspend the Rules and Pass H.R. 2922, "yea."

Wednesday, November 13, 2013:

Rollcall No. 573: On Ordering the Previous Question, providing for consideration of H.R. 982 and H.R. 2655, "yea."

Rollcall No. 574: On Agreeing to the Resolution providing for consideration of H.R. 982 and H.R. 2655, "yea."

Rollcall No. 575: Cohen of Tennessee Amendment No. 1, "no."

Rollcall No. 576: Nadler of New York Amendment No. 2, "no."

Rollcall No. 577: Jackson Lee of Texas Amendment No. 3, "no."

Rollcall No. 578: On Motion to Recommit with Instructions, "no."

Rollcall No. 579: On Passage of H.R. 982, "yea."

## HOUSE OF REPRESENTATIVES—Friday, November 15, 2013

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 15, 2013.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Oran Warder, St. Paul's Episcopal Church, Alexandria, Virginia, offered the following prayer:

Blessed are You, God of the universe. You have created us and given us life.

Blessed are You, God of this Earth. You have set our world like a radiant jewel in the heavens and filled it with beauty and hope.

Blessed are You, God of these United States of America, for all the lessons of our past, for all that remains for us to do.

Blessed are You, God of truth and justice. Guide the men and women of this House of Representatives. Grant them insight, courage, compassion, and imagination. Protect them from corruption and arrogance, and grant that we whom they seek to serve may give them the support that they need.

Increase our trust in one another. Strengthen our quest for justice, and bring us to unity and a common purpose.

Blessed are You, God of the universe, and blessed are we, Your people.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOLDING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOLDING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. MCCLINTOCK) come forward and lead the House in the Pledge of Allegiance.

Mr. MCCLINTOCK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### OBAMACARE

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, yesterday we heard yet another empty promise from the President that, by fiat, he can delay provisions of law under ObamaCare that have already cost a staggering 5 million Americans their health insurance.

Now, notice that he has not changed the law. He has simply said that he will ignore the law, and he invites health insurers to do the same.

This is a constitutional abomination. We live in a nation of laws and not of men. The principal constitutional responsibility of the President is to take care that the laws be faithfully executed. If a law is bad, we change that law. We don't ignore it.

As a practical matter, the President's announcement has no effect. Since the law hasn't changed, the criminal and civil liability that a health insurer would incur for disobeying it has not changed either.

The President has cruelly given people false hope while severely damaging the fundamental concept that separates democracy from despotism, the rule of law.

The SPEAKER pro tempore. The Chair reminds Members to refrain from making improper references to the President.

### THE PRODUCTION TAX CREDIT

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, I stand in support of the wind power industry and the Production Tax Credit. The PTC has been instrumental in helping create jobs. The wind industry now supports 80,000 American jobs in 44 States.

Last week, a bipartisan Governors' Wind Energy Coalition wrote to the leaders of both Chambers of Congress asking for a multiyear extension of the PTC. They confirmed that, due to the delayed extension of PTC in 2013, only one wind turbine was installed in the first 6 months of this year, a 99 percent decrease from the \$25 billion invested in 2012.

A year and a half ago, the American Wind Energy Association commissioned a report that found a 4-year extension of the PTC would secure some 54,000 jobs. The PTC expiration has resulted in an average 81 percent decrease in wind energy installations.

Democrats and Republicans have repeatedly come together to extend the PTC. That cooperation is needed again.

I urge my colleagues to support American jobs by supporting a multiyear extension of the Production Tax Credit.

### CONGRATULATING ILLINOIS STATE CHAMPION EDWARDSVILLE HIGH SCHOOL BOYS' SOCCER TEAM

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, today I rise and stand here on behalf of my colleague and friend, JOHN SHIMKUS, to congratulate the Edwardsville High School boys' soccer team for winning the IHSA State Championship for the second time in school history.

The team, led by Coach Mark Heiderscheid, had a rough stretch in its season, going 0-2-2, but the team persevered and ended the season on a 15-game winning streak to become State champions.

Last week, in the semifinals, the Tigers came back to stun tournament favorite Naperville Central by scoring three goals in a 12-minute span to win 3-1.

In the finals against Wheeling, Edwardsville was led by its tough defense and held on for a thrilling 2-1 win to be crowned State champions.

So congratulations to the players, coaches, and families of Edwardsville High School boys' soccer team, and best of luck for a repeat next year. Go Tigers.

#### THE BIOFUELS DEVELOPMENT ACT

(Mr. ENYART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENYART. Mr. Speaker, when I was elected to Congress, I pledged to my constituents I would come to Washington to be a problem-solver and offer solutions. In this spirit, I introduced the Biofuels Development Act. This legislation will create American jobs and reduce our dependence on foreign oil.

The goal is simple: establish a \$25 million pilot program for the Air Force to make competitive grants supporting research and development, education, and training to produce bio-based aviation fuel for use by the Air Force.

In addition, this initiative is paid for—I repeat, paid for—using unobligated funds from the Afghanistan Infrastructure Fund.

In southern Illinois, the potential for this approach is tremendous. My district is home to a vibrant agricultural economy, as well as Scott Air Force Base. If this legislation became law, a great partnership between those two communities would produce tremendous results, with a positive ripple effect throughout the local and national economy.

It is high time for this body to focus on rebuilding our economy, putting Americans back to work. I urge my colleagues to join me in support of this important legislation.

#### OBAMACARE HURTS VETERANS

(Mr. BROOKS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. BROOKS of Alabama. Mr. Speaker, America's veterans protect America and our liberties, which begs the question, does ObamaCare keep our promises and obligations to veterans?

Marcus Langford, a veteran from Huntsville, Alabama, wrote me the following:

I am a married father of two and a disabled vet after three tours in Iraq and over 2 years in Afghanistan supporting our military. My health care costs are \$399 a month, but because of the Affordable Health Care Act, my

bill will go up to \$741 a month as of January 2014.

Mr. Speaker, America's veterans deserve better than the 60 percent increase in health care costs that the White House and its Democrat congressional allies obstinately impose on hardworking Americans like Marcus Langford.

The way to do better is to repeal ObamaCare so that America can debate health care solutions based on truth, not deception.

#### YET ANOTHER GOP REPEAL VOTE IN SHEEP'S CLOTHING

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Republicans are at it again. Instead of working together with Democrats and agreeing to a plan that will actually help improve the Affordable Care Act, they are once again planning another vote to repeal the law.

Don't buy into the GOP spin that they are offering a solution to address the insurance policies that have not been renewed by insurance companies.

The President announced yesterday that he is offering an administrative solution that will allow insurers to continue to renew existing policies. The President has made clear that he is willing to work to address the ACA's challenges. Yet, Republicans are working to destroy it once again.

They can try to paint this plan in a different color, call it by a different name, and dress it up any way they like, but don't be fooled: this is just the 46th Republican attempt to strip Americans of their access to affordable health insurance.

#### OBAMACARE CANCELLATIONS

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, I rise to share a story from a constituent of mine in Cary, North Carolina, about the real impact that ObamaCare has had on him and his family.

He is an independent businessman, diagnosed with leukemia, and he wrote that his income has fluctuated in recent years because the disease limits his work capacity. Medical costs have skyrocketed for his chemotherapy and other treatment but have been well covered by his current provider.

Mr. Speaker, after about 10 years of care under the same health care plan, he received a notice that his current policy covering his family of four is being terminated. The ObamaCare-compliant approved replacement plan will increase their premium by about 77 percent, or \$9,000 per year. This is a serious financial challenge for them, and they may have to sell their home.

Mr. Speaker, after everything this man has already been through, he now has to deal with the frustration and uncertainty of this administration's back-and-forth policy. This is not what he and the American people were promised by the President, and it is simply unacceptable.

#### THE AFFORDABLE CARE ACT

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, one of my colleagues this morning talked about creating jobs, and I am delighted to be one of those who saw and advocated in the Affordable Care Act the expansion of service and use on behalf of the American people.

First, as a woman, let me say for women, the Affordable Care Act will take away forever this dastardly assessment that pregnancy was a pre-existing disease. The lifetime caps will be removed for women. The costs are going down for women. In fact, a small business owner indicated that she was going to save \$10,000 on her insurance.

This creates jobs, scholarships for medical professionals, doctors, nurses, and expands the federally qualified clinics.

The Affordable Care Act is here to stay, with consumer protection that will provide for the right kind of health care for the American people.

Don't be fooled. It is going to be the civil rights legislation of the 21st century: women given dignity, children provided health care, seniors not denied health care.

I am delighted that this particular legislation is going to be what we desired it to be: civil rights and health care for all Americans.

#### OBAMACARE

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Mr. Speaker, yesterday, the President said something interesting when describing the attempt of his administration to have an impact, and when describing his frustration with the Federal Government, he described it this way. He said, It is cumbersome, complicated, and outdated.

Well, isn't that an interesting revelation?

Isn't that a stark contrast with the private sector?

Wouldn't it have been helpful if the President had recognized that during the entire debate on ObamaCare, because here is the irony, and it is a dark, sad irony, and it is this.

I have a constituent named Diane whose coverage has jumped from \$368 a month, and it has almost doubled. She

was told her coverage is gone, based on ObamaCare, and she is being migrated into a new system. This is an 11-year breast cancer survivor that liked her coverage and no longer has it.

She doesn't want an administrative remedy. She wants a legislative remedy. She has confidence in this House to get it done, not the White House to get it done.

We need to do this work. We need to pass the Upton bill today.

□ 0915

#### KEEP YOUR HEALTH PLAN ACT OF 2013

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 413 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 413

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

##### GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 413 provides for consideration of H.R. 3350, the Keep Your Plan Act of 2013. The rule provides for 1 hour of debate controlled by the Committee on Energy and Commerce, equally divided between the majority and the minority. Because the bill addresses a targeted emergency situation caused by the lack of foresight in the Affordable Care Act, namely, the cancellation of millions of existing health insurance plans despite repeated prom-

ises to the contrary, because of that, the rule makes no amendments in order. However, the minority is afforded the customary opportunity to offer one motion to recommit, should they so choose.

This is a fair rule to allow us to give some relief to Americans who actually want to keep their health insurance plan but are being told that because of the Affordable Care Act, they may not.

We are now 6 weeks into the disastrous launch of the President's signature health care law, and more and more problems are uncovered with each succeeding day. It seems that the President has quickly forgotten all of the promises made over the past 4 years to the American people about this law.

In 2009, in a speech before the American Medical Association, President Obama stated:

We will keep this promise to the American people: if you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you'll be able to keep your health care plan, period. No one will take it away, no matter what.

At the end of September, the President said:

The first thing you need to know is this: if you already have health care, you don't have to do anything.

Americans from across the country, from across the ideological spectrum agree that President Obama has broken his fundamental promise. And now his attempts to reconcile this broken promise only serve to bring further confusion and chaos.

Today, H.R. 3350 offers a real solution. The bill would allow plans available on the individual market today to be offered in calendar year 2014. It would provide millions of Americans the opportunity to keep their health care plan in 2014. The bill would also ensure that Americans keeping their plans would not face a penalty under ObamaCare's individual mandate.

Mr. Speaker, I have heard from constituents about the problems that they have faced because of the President's law. A Texan from Flower Mound, Texas, recently wrote me about how her insurance has doubled in recent years because of the Affordable Care Act. In short, she wrote me that "I miss 2009 when our family health care was affordable." Millions of Americans, just like this Texan, are losing their health care coverage. They are facing massive increases in their premiums and losing access to their doctor under the Affordable Care Act.

The Associated Press has reported that over 3.5 million people on the individual insurance market have had their insurance canceled. Let me restate that: the Associated Press has reported that over 3.5 million people on the individual insurance market have had their health care plans canceled. We learned just this week the number of people

who successfully signed up on the President's Web site for the Affordable Care Act, under 27,000—3.5 million lose their insurance; 27,000 sign up. It doesn't sound like a fair trade-off.

This is not the first time that the President has realized that his signature law is significantly flawed. Since the law was passed, the President has signed seven bills into law that have repealed portions of the Affordable Care Act. Those were laws passed by the House, passed by the Senate, and sent down to the White House for signature, the way it is supposed to happen in a constitutional Republic.

But in addition to these statutory changes that were passed by the Congress and sent down to the President for his signature, the President has taken it upon himself to issue a multitude of administrative fixes to the law. And now this same President wants to, once again, fix his own law? Can we really trust the administration that wrote this disastrous missive in the first place and so mishandled the implementation? Do we trust them to now fix it? Do we trust them not to change their minds in 2 or 3 weeks' time when perhaps winds are blowing from a different direction?

The White House is saying that it will use its administrative authority to allow health plans that it deemed illegal to now still be able to be sold, but this bill that the House is considering today provides a fix that is both constitutional and follows the legal process.

H.R. 3350 offers a legislative solution to help Americans get a lifeboat, a life raft up from under the crushing weight of this law. The bill would grandfather in all existing health care plans so that no American will lose their coverage as a result of the Affordable Care Act.

President Obama is shifting the blame. He is saying it is up to States and the State insurance commissioners to fix the massive problem that his signature law has created for millions of Americans who are losing their health insurance.

His attempt at another "fix" is quickly coming to a halt. Just hours after the President's announcement, the Washington State insurance commissioner announced that he will not allow insurance companies to continue offering the canceled plans:

We will not be allowing insurance companies to extend their policies. I believe this is in the best interest of the health insurance market in Washington.

It is clear that H.R. 3350 offers the only feasible lifeline to millions of Americans who are crying out for our help. They want to keep their health care plan. It is our job, it is the job of the Congress, to protect the American people from the excesses of this administration. And I urge my colleagues to pass this rule so Americans will have the opportunity to keep their health care plan.



Let's be very clear here: this bill today cannot fix the Affordable Care Act. What has been visited upon the American people in the Affordable Care Act will not be resolved by this action today. It is merely to stop the bleeding. It is an effort to triage, to stabilize the patient. Maybe then we can get the same patient to the operating room to actually fix the problem that bedevils it.

The bill we are voting on today serves to stop that hemorrhaging, and the hemorrhaging that is occurring is a consequence of the ill-conceived government takeover of the American health care industry. Any good triage doctor knows before they can fully treat or cure the patient they have to deal with the immediate problems. In this case, they have to stop the hemorrhage of people losing their private health insurance because of the Affordable Care Act. That is what the House of Representatives will do today. That is what House Republicans will be voting in favor of. I hope that our colleagues across the aisle will see the wisdom in this and join us.

I encourage everyone in this House to vote "yes" on the rule and "yes" on the underlying bill. Let's stand with millions of Americans who are visited daily by cancellation notices in their mailboxes. Despite the promises made to them, they are losing their insurance because of this disastrous law.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Texas (Mr. BURGESS) for yielding me the time; and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong, strong opposition to this closed rule and to the underlying bill. This is effort number 46, by my count, to gut the Affordable Care Act.

Before I discuss the problems with the underlying bill, let me address, just so the record is clear, the latest example of lousy process foisted upon this House by the Republican leadership.

The bill before us today would make sweeping and significant changes to the Affordable Care Act and, thus, to the Nation's health care system. It would profoundly affect the lives of millions of Americans, upend the individual market, and add confusion and uncertainty into an already complicated situation.

So how many hearings did the Republicans hold on this bill? Zero. Let me repeat that: zero. How many expert witnesses did they call? Zip. How many markups did they have in the committees of jurisdiction? Nada. Yet again, Republican promises of regular order and a thoughtful legislative process have been thrown out the window.

And with all due respect to my friend from Texas, to stand here and say with a straight face that this is some kind

of an emergency, we can't have any amendments made in order, we just don't have the time, defies comprehension.

We have a rule that is closed that allows for 1 hour of debate—not even split amongst the committees of jurisdiction. This bill, by right, is not only an Energy and Commerce bill, it is a Ways and Means bill, but the Ways and Means Committee doesn't get any time to debate this bill.

Mr. Speaker, 1 hour. You mean we couldn't have 2 hours of debate and a few amendments? Or 3 hours of debate and a few more amendments? Or 5 hours of debate or a whole day of debate, given the fact that you didn't hold any hearings on this bill? Give me a break. This is not the way to run the House of Representatives. This is not the way you promised you would run the House of Representatives. And, by contrast, on the Affordable Care Act, we had hundreds of hours of debate and markups in which Republican amendments were actually accepted. Now you may not like the Affordable Care Act, but it went through a process. This went through no process. This was just brought up to the Rules Committee, and we are told to bring it right to the floor.

This is not a serious attempt to fix the Affordable Care Act. This is a political statement, and I understand the temptation behind it. Believe me, no one is more frustrated by the problems with the rollout of the Affordable Care Act than those of us who voted for it, believe in it, and want it to work. But instead of working with us to try to actually fix the problems and make the law work, the Republicans have brought forth this Upton bill.

Now, Mr. Speaker, let me be very clear about this bill. It is an attempt to drag us back to the bad old days of the American health care system. It would allow insurance companies to go back to offering cut-rate, shoddy policies that lack the consumer protections required by the Affordable Care Act.

So if you want to go back to a system where insurance companies could turn people away because they are sick, by all means vote for this bill. If you want to go back to a time when women were charged higher rates than men because being a female counted as a preexisting condition, then vote for the Upton bill. If you believe that insurers should be allowed to eliminate somebody's coverage if they get sick or are older or if they have a child or for no good reason whatsoever, then the Upton bill is for you. In short, a vote for the Upton bill is a vote in favor of everything the American people say that they hate about the health care system in this country.

□ 0930

Yesterday, in the Rules Committee, my friend, Dr. BURGESS, made it very

clear that the Upton bill is not an attempt to fix the Affordable Care Act. They are only interested in full repeal. They are perfectly satisfied with 40 million Americans having no health insurance at all. Speaker BOEHNER made a similar statement yesterday.

As I said, the rollout of the health care plan has not been perfect, and I know that my own home State of Massachusetts, the rollout of our State health care law was not perfect either. But Democrats in Massachusetts did not go out of their way over and over and over again to sabotage it just because a Republican Governor named Mitt Romney signed it into law. We worked to make it better. And by 2009, I am proud to say, my congressional district had the highest rate of insurance coverage in the entire country. That is a good thing.

If my Republican friends think that we are going to go back to a system where we in Massachusetts did the right thing but ended up paying for the uncompensated care of people in Texas, North Carolina, Utah, or anywhere else, they are wrong.

At some point, we have to get serious about the goal of providing good quality, affordable health insurance to every American. The Upton bill gets us no closer to that goal. It is yet another political waste of time.

Mr. Speaker, let me just close by making this observation. What this debate is about—and it has turned into an ideological debate—is whether or not you believe that every single American in this country is entitled to good quality health insurance or not.

My friends on the other side of the aisle obviously believe that it is okay that 40 million Americans don't have health insurance, because for the last few years they haven't offered anything other than repeal—repeal, repeal, repeal—and offering nothing as a substitute. They think it is okay to let the insurance companies decide whether you get health care or not based on a preexisting condition or whether you are a female or whether or not you are too old or too sick or whatever. They have been perfectly satisfied with the broken system that was in place.

So that is the choice here. And I would urge my colleagues to understand that there is something wrong with the fact that, in the greatest country in the world and the richest country in the history of the world, so many of our fellow citizens don't have health care, don't have access to health insurance.

And we can fix that. By fixing that, we not only improve the quality of life for our neighbors, our friends, and our fellow citizens, but we also help control health care costs. Because one of the biggest drivers of increased health care costs is the uncompensated care pool.

So let's get serious. Let's stop this political posturing. I know you don't

like the President. You have gone out of your way to say some things that are so outrageous, it is hard for me to believe that Members of Congress would say such things. But get over it and do what is right for the American people. Vote “no” on this closed rule. Vote “no” on the underlying bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

First off, I do need to point out that yesterday, the President of the United States thought that this situation represented an emergency that required his immediate attention, and he rushed a press conference at high noon yesterday to announce his resolution for the problem.

As far as the issue of hearings, I will submit a list of eight hearings that were held in the Energy and Commerce Committee over calendar year 2013 on the issue of grandfathering health care plans.

But the most important thing I wish to point out, for those of you who were here in 2009, we will remember, H.R. 3200 was the Democratic health care reform bill. That bill is now lost forever in the vapor, in the ether. No one knows what became of it. H.R. 3590 passed the House of Representatives in July of 2009. It passed as a housing bill. It went over to the Senate to await further action. The further action was an amendment by HARRY REID late in December of 2009 “to strike all after the enacting clause and insert.” All the housing language was taken out, all of the health care language was inserted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURGESS. I yield myself an additional 30 seconds.

As a consequence, this bill came over to the House and we just simply had to pass it. We had to pass it before we found out what was in it. We didn't have a hearing on H.R. 3590. We didn't have a markup in any committee that I sat on in 2010 on H.R. 3590. This was a bill that was visited upon the American people without the due caution and exercise of the United States House of Representatives.

*CBO Analysis:* CBO analysis is not currently available.

*Committee Action:* The Energy and Commerce Committee has held the following ACA-related hearings:

Full Committee:

August 1, 2013: PPACA Pulse Check

October 24, 2013: PPACA Implementation

Failures: Didn't Know or Didn't Disclose?

October 30, 2013: PPACA Implementation

Failures: Answers from HHS

Subcommittee on Health:

February 14, 2013: SGR: Data, Measures and Models; Building a Future Medicare Physician Payment System

February 27, 2013: Fostering Innovation to Fight Waste, Fraud and Abuse in Health Care

March 13, 2013: Obamacare's Impact on Jobs

March 15, 2013: Unaffordable: Impact of Obamacare on Americans' Health Insurance Premiums

March 18, 2013: Saving Seniors and Our Most Vulnerable Citizens from an Entitlement Crisis

March 20, 2013: Health Information Technologies: How Innovation Benefits Patients

April 3, 2013: Protecting America's Sick and Chronically Ill

April 18, 2013: A Financial Review of the Department of Health and Human Services and Its FY 2014 Budget

September 10, 2013: PPACA Pulse Check: Part 2

Subcommittee on Oversight and Investigations:

March 21, 2013: Health Information Technologies: Administration Perspectives on Innovation and Regulation

April 24, 2013: The Center for Consumer Information and Insurance Oversight and the Implementation of the Patient Protection and Affordable Care Act

July 18, 2013: Patient Protection and Affordable Care Act: Implementation in the Wake of Administrative Delay

September 19, 2013: Two Weeks Until Enrollment: Questions for CCHIO

Subcommittee on Communications and Technology:

March 19, 2013: Health Information Technologies: Harnessing Wireless Innovation

*Administration Position:* A Statement of Administration Policy is currently not available.

*Rule Request:* Chairman Upton (R-MI) sent a letter to Chairman Sessions requesting “that the Committee on Rules hold a hearing and grant a closed rule to govern consideration of H.R. 3350 by the House.”

I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE), the chairman of the Education and Labor Committee.

Mr. KLINE. I thank the gentleman for yielding time and for his incredible leadership on this issue. Dr. BURGESS has been championing real solutions for over 10 years.

Mr. Speaker, 140,000; that is the number of people from my home State of Minnesota who have been notified their health coverage will be canceled as a result of the President's health care law.

John, a constituent from Burnsville, recently learned his own health plan is no longer available. John liked the plan he had and now has to pay 20 percent more to secure coverage.

For many people, a cancellation notice means more than the loss of an insurance policy. It means losing access to the trusted doctors, pediatricians, and nurses who care for their families. We all know how critical these relationships are, especially in difficult moments when a loved one is injured or ill; but for countless families, those relationships will soon be lost, all because Washington bureaucrats think they know best.

The President promised time and again if people liked their health care plan, they could keep it; but the American people are discovering the President failed to keep his word, leaving them with only political gimmicks and a broken Web site. The President may have apologized—and we appreciate that—but the country deserves a Presi-

dent who not only admits when he is wrong, but does what is necessary to make it right.

That is why I support this legislation. The Keep Your Health Plan Act is about fairness. It is only fair to let people keep the health plan they like. No one should be forced to purchase a more expensive policy because the President says so.

It is only fair to help families who are hurting across the country. The President's plan for more administrative tricks is a disservice to each and every one of our constituents, and it is only fair to hold the President accountable for the promises he makes to the American people.

If the President is sincere about undoing some of the damage this law has created, if he wants to provide real solutions for those losing their coverage, and if he wants to keep this promise to our Nation's families, then I urge the President to support the Keep Your Health Plan Act.

Mr. MCGOVERN. Mr. Speaker, let me again remind my colleagues that not a single hearing was held on this bill. Not a single markup was held on this bill, nothing, and it is coming to the floor under a closed rule.

My Republican friends believe that nobody in this House, Democrats or Republicans, have any right to offer an opinion or an alternative. We are given 1 hour of debate on this. It is not evenly split among the committees of jurisdiction. One committee of jurisdiction.

This is a joke. This is not what you promised. This is not the open process. This is not the transparent process on major pieces of legislation that we were promised. This is a joke.

I will insert into the RECORD a Statement of Administration Policy that says that the President, if presented with H.R. 3350, would veto it.

This is a colossal waste of time.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3350—KEEP YOUR HEALTH PLAN ACT OF 2013  
(Rep. Upton, R-MI, and 161 cosponsors, Nov. 14, 2013)

The Administration strongly opposes House passage of H.R. 3350 because it threatens the health care security of hard working, middle class families. The Nation is experiencing the slowest growth in health spending in the last 50 years. Since 2008, growth in private health insurance spending stayed between three and four percent—significantly lower than earlier this decade when growth reached almost 12 percent. With health care costs rising at such low rates, this bill would be a major step back.

H.R. 3350 rolls back the progress made by allowing insurers to continue to sell new plans that deploy practices such as not offering coverage for people with pre-existing conditions, charging women more than men, and continuing yearly caps on the amount of care that enrollees receive. The Administration supports policies that allow people to keep the health plans that they have. But, policies that reverse the progress made to extend quality, affordable coverage to millions of uninsured, hardworking, middle

class families are not the solution. Rather than refighting old political battles to sabotage the health care law, the Congress should work with the Administration to improve the law and move forward.

If the President were presented with H.R. 3350, he would veto it.

Mr. MCGOVERN. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the distinguished gentleman.

Today, Mr. Speaker, I rise to save lives and to ensure that the Affordable Care Act does what it was intended to do and what it is already doing: lifting the lifetime caps, providing preventative care, taking away the discrimination against women and other ethnic minorities by eliminating health disparities.

This is a bill that has seen eons of hearings not only in the underlying committee, but also in the Judiciary Committee and other committees and ad hoc hearings and briefings over and over again. I remember sitting and hearing the painful stories of families whose children had died because they could not get access to health care. But the Upton bill comes today disguised as a sheep in wolf's clothing. It discriminates against people with preexisting conditions; it restores annual caps on the amount of care you can receive; and it forces women to pay more than men for the same coverage.

This bill is not a fix. It is a dissolver of a good bill.

By the way, Mr. Speaker, let me inform my colleagues that there was nothing in the Affordable Care Act that dictated to insurance companies that they had to send cancellation letters. Why don't we hold a hearing and call the CEOs of the insurance companies and ask them why they didn't send the normal letter indicating that you have the opportunity to have a modified policy that will comply with the Affordable Care Act and that your policies are not canceled because those individuals did not pay their premium? Ask that question.

I will tell you that there are health professionals and organizations that believe this particular bill will not work, such as the American Cancer Society and the American Diabetes Society.

I agree with my colleague that there should have been an open rule. And the reason that there should have been an open rule is because I had an amendment that indicated that the conditions specified in the subsection for health insurance insurer, they must notify enrollees eligible for such continued coverage. I am glad that the President yesterday put that language in and also said that you can opt in to your old policy.

We have answered the call and concern of the American people, but we have not taken away from them the right to have consumer protections and

insurance coverage that will make their lives better.

I would also suggest that my amendment indicated health insurance companies are making decisions based on their bottom line, their self-interests, and have decided to terminate insurance plans that are not profitable in the new, highly competitive marketplace for health insurance or want to end insurance for those who are ill and thereby increase their profit margin by keeping only the healthy and marginally healthy while discarding the ill, and the amendment should have been included, because we need to speak to our friends in the health insurance industry that we are here working together and that those letters were not necessary.

Mr. Speaker, I want to save lives. I want consumer protections. I want women not to be discriminated against. Tomorrow, in Houston, we are opening the doors for enrollment in a health fair that we hope thousands will come to.

My friends, the Upton bill does not answer the question. Let us save lives today.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. I thank the gentleman for his courtesy.

This is what we lived in preceding the Affordable Care Act:

18 percent of the underinsured postponed getting care or treatment, and some of those people died;

15 percent of the uninsured had problems paying their medical bills, hounded, hounded, hounded because they didn't have the resources and even went bankrupt;

10 percent of the uninsured needed prescription drugs but they could not afford them;

8 percent were hounded by collection agencies because they had to pay for their mortgage or their food;

6 percent did not seek treatment at all.

Do you know what that equals to? One hundred percent of those individuals suffering bad health care.

Let us vote down the Upton bill, vote against the underlying rule, and let's promote the Affordable Care Act and fix it like the President has done.

Mr. Speaker, I rise in strong opposition to the rule and the underlying bill, H.R. 3350, the so-called "Keep Your Health Plan Act of 2013." I oppose the rule and the underlying bill for two reasons.

First, the bill will not save lives. Second, the legislation is unnecessary in light of the action taken yesterday by President Obama, which should satisfy the proponents of this legislation while at the same time minimizing the risk to the health and safety of underinsured Americans, who are persons who have insurance but spend more than 10% of their income on out-of-pocket medical expenses.

Were it to become law, H.R. 3350 would jeopardize the life and health of those underinsured who purchase these plans it protects, even though health insurance plans are available that would in nearly every case provide more health coverage for less.

Mr. Speaker, researchers have found the following disturbing facts regarding the underinsured:

Eighteen percent of the underinsured postpone getting care or treatment;

Fifteen percent of the underinsured had problems paying medical bills;

Ten percent of the underinsured needed prescription drugs but could not afford them;

Eight percent were hounded by collection agencies for nonpayment of medical bills; and

Six percent did not seek treatment even though they needed it.

Mr. Speaker, this is the cost of underinsurance in America—and this is what we can expect more of should H.R. 3350 become law. The express purpose of this bill is to allow underinsured persons to retain an inadequate "health insurance" plan on the ground that supposedly it is the plan the person "wants to keep."

Unfortunately, there is nothing in this bill that would provide consumer education on the inadequacies of the plan and that something much better is available. For example, there is no requirement in this bill for the insurer to notify the insured that health insurance provided through the exchange that provides more and better coverage for less money.

This means that under H.R. 3350 people will still have problems paying their medical bills, they will have high bills, and they will not be able to afford prescription medication or be hounded by medical bill collectors.

The second reason for opposing this rule and bill is that it is unnecessary in view of the actions taken yesterday by President Obama. As the President announced, insurers will be permitted to offer consumers the option to renew their 2013 health plans in 2014, without change, allowing them to keep their plans. This should satisfy the proponents of the bill.

But the President went further than that because he recognizes that inadequate insurance is really no insurance at all. That is why the President conditioned the ability of insurers to offer plan renewals upon the following:

1. That insurers notify enrollees that they can purchase coverage through the Health Insurance Marketplace where they can potentially qualify for premium tax credits; and

2. Those insurers must inform consumers of the protections they are giving up to keep the plan they have.

Taken together, President Obama's actions are a tempered and measured response to the alleged problem that this bill seeks to remedy.

I fully applaud what the President has done and I offered an amendment that would achieve precisely the same results but the Rules Committee did not make my amendment in order. The text of Jackson Lee Amendment #1 provides:

(C) CONDITIONS FOR CONTINUED OFFERING OF COVERAGE.—The conditions specified in this subsection for a health insurance issuer offering continued coverage under subsection (a) are as follows:

(1) The issuer must notify enrollees eligible for such continued coverage that they can purchase health insurance coverage through the

Health Insurance Marketplace where they can potentially qualify for premium tax credits.

(2) The issuer must tell consumers what protections they are giving up to accept the continued coverage they have.

(3) The issuer must provide notice by mail of the offering of such continued coverage to each affected enrollee; and post these notices on the issuer's website.

The Jackson Lee Amendment, like the action announced by the President, is practical, efficient, and addresses the concerns of those who received cancellation letters from their insurance companies.

It should be noted again that Jackson Lee Amendment #1, and the President's actions, are each superior to H.R. 3350, which contains no provision or requirement that consumers who received these notices be advised by their insurers that they may receive lower insurance rates with better coverage by shopping online or calling the toll free number.

Now there may be some who think the availability of the types of health care insurance that H.R. 3350 would protect is sufficient for Americans. I do not. Neither does President Obama. The majority of the American people do not. We believe, and the Affordable Care Act ensures, that healthcare should be available, accessible and adequate.

Mr. Speaker, adequate health plans have in common the inclusion of certain minimal benefits and services. The second amendment I offered to the legislation before us documented the differences between adequate and inadequate health insurance plans. Unfortunately, the Rules Committee elected not to make my amendment in order. The text of Jackson Lee Amendment #2 is as follows:

#### SEC. 2. FINDINGS.

Congress finds the following:

1. Health Insurance companies are making decisions based on their bottom line self interest and have decided to terminate insurance plans that are not profitable in the new highly competitive market place for health insurance, or want to end insurance for those who are ill and thereby increase their profit margin by keeping only the healthy or marginally healthy, while discarding the ill.

2. Insurance companies make huge profits when they take premiums and pay little to no benefits.

3. The plans offered by some insurance companies called "health insurance", in fact offered little if any health care protection should people with these policies become seriously ill or involved in an accident that required hospitalization.

4. Catastrophic health plans sold to Americans as insurance were not first dollar or even the first thousand dollar policies; some required the first \$5,000 to \$10,000 of health care costs to be paid by the holder of the insurance plan whose income was not sufficient to incur an expense of this magnitude.

5. These plans did not provide many of the minimal benefits of the Affordable Care Act, such as ambulatory patient services, that provide treatment using advanced medical devices or technology like an MRI X-ray.

6. Emergency services were not covered even though emergency room visits could cost tens of thousands of dollars depending on the nature of the emergency. Hospitalization cov-

erage was not included in most of these insurance policies.

7. Maternity and newborn care was not covered nor were pediatric services so that a healthy birth did not mean that the newborn child would have a healthy childhood. Mental health, substance abuse disorder services, and behavioral health treatment were not covered by most of these insurance plans.

8. Prescription drug benefits and necessary laboratory tests also were excluded under these insurance plans. Also excluded under these plans were preventive and wellness services and chronic disease management.

9. Oral and vision care were not part of these plans, which meant that one tooth infection or change in eyesight could set someone back thousands of dollars if they wanted to get treatment.

10. Prescription drug benefits and necessary laboratory tests also were excluded under these insurance plans.

Also excluded under these plans were preventive and wellness services and chronic disease management.

12. Oral and vision care were not part of these plans, which meant that one tooth infection or change in eyesight could set someone back thousands of dollars if they wanted to get treatment.

Mr. Speaker, my constituents in the 18th Congressional District of Texas favor the Affordable Care Act because they understand the insecurity and feeling of helplessness of being uninsured or underinsured. My home state of Texas has the highest percentage of uninsured (27.6%) in the Nation, 4% more than Louisiana, the next state on the list.

The state of Massachusetts, in contrast, boasts the lowest uninsured rate in the country (4%). This is because Massachusetts several years ago adopted the health insurance system upon which the Affordable Health Care Act is based.

The Affordable Care Act when fully implemented will yield the same benefits for my home state of Texas. In fact, it has already begun to do so. Take the case of Lucy, who was insured—I should say underinsured—but had a \$7,500 a year deductible. Thanks to the Health Insurance Exchange she is now much better off. Here is what Lucy has to say about the Affordable Care Act compared to the plan she had before:

I signed up at Healthcare.gov and I'm going to save \$2,300 a year on my premium alone—and more, because my deductible will drop from \$7,500 a year to \$3,000 a year. It's still Blue Cross insurance, and I don't have to change doctors, either. I had a choice of over 30 plans and several different companies.

Mr. Speaker, health care coverage must be not only available and affordable but also adequate in order for consumers to have the health security and financial protection they need and deserve. The Affordable Care Act satisfies these criteria; the bill before us does not. That is why we should reject this rule and the underlying bill.

H.R. 3350 is nothing more than the House Republicans' newest variation on their very old theme, which is to repeal, impede or undermine the Affordable Care Act. This bill is the 46th attempt by the Republicans to deprive the American people of the security and peace

of mind that comes with health care that is affordable, accessible and adequate.

Of course we should not be surprised. After all, it was the House Republicans who shut down the federal government for 16 days and cost the economy \$24 billion while refusing to consider any legislation that would create jobs or address the real needs of the American people.

Mr. Speaker, the bill before us is strongly opposed by a coalition of some of the Nation's leading health and consumer organizations, including the following:

Paralyzed Veterans of America  
American Cancer Society Cancer Action Network  
American Diabetes Association  
American Federation of State, County and Municipal Employees (AFSCME)  
American Heart Association/American Stroke Association  
American Music Therapy Association  
The Arc of the United States  
The Autistic Self Advocacy Network  
Community Catalyst  
Families USA  
Health and Wholeness Ministries, Disciples Center for Public Witness  
Health Care for America Now  
National Alliance on Mental Illness  
National Association of County Behavioral Health & Developmental Disability Directors  
National Council of Jewish Women  
National Partnership for Women & Families

These groups oppose the bill for substantially the same reasons I have discussed. While sympathizing with consumers who are receiving notices from their insurance companies that their policies are not being renewed for next year because they do not comply with the ACA's consumer protections, the Coalition rightly observes that:

[T]he solution is not to allow for the continued sale of inadequate policies[.] Rather, we must educate consumers about their new health insurance options and ensure that notices being sent by insurers clearly inform them of the shortfalls with their current coverage and explain all of their options for finding better coverage.

I agree. Therefore, I urge all Members to join me in voting against this rule and the underlying bill.

NOVEMBER 13, 2013.

Hon. JOHN BOEHNER,  
*Speaker of the House, House of Representatives,*  
*Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: Health care coverage must be not only available and affordable but also adequate in order for consumers to have the health and financial protection they need from health insurance. The Affordable Care Act (ACA) was designed to ensure that, beginning in 2014, Americans would have access to health insurance that meets all three of these important objectives. Our organizations support these goals, and we are therefore opposed to H.R. 3350, legislation that would allow health insurers to continue to sell individual health insurance policies that are inadequate.

The number of people who are underinsured—meaning that their insurance does not provide adequate financial protection

when they are sick—has been growing over the last decade. According to one study, the number of underinsured adults has increased 80 percent since 2003. More than 60 percent of all bankruptcies in 2007 were a result of illness and medical bills, and nearly 80 percent of those who filed for medical bankruptcy were insured. Many consumers with inadequate coverage do not realize how poor it is until they are diagnosed with a serious illness and the bills start rolling in. Only then do they find out that their coverage may have very low annual coverage limits or exclude coverage for important and costly services, such as those provided during a hospital stay.

The ACA includes a number of important protections in response to the large number of uninsured and to help guarantee that consumers have access to comprehensive coverage. The ACA minimizes bankruptcy risk and ensures that the full range of care consumers need in the event of a serious or catastrophic illness will be covered. We cannot afford to go another year without these protections. Among these protections that apply to non-grandfathered plans sold in the individual and small group markets are:

A ban on annual limits on coverage. More than 105 million Americans no longer have lifetime dollar limits on their coverage because of the ACA, but health plans would still be able to sell plans with annual limits under this legislation.

A requirement that plans cover 10 categories of essential health benefits, including doctor visits, hospital care, preventive care, maternity care, mental health care, prescription drugs, and rehabilitation services. Many of these critical benefits are not readily available in the individual market. For example, only 12 percent of health plans sold on the individual market cover maternity coverage, and only 6 percent in the states that do not have a mandate, leaving women without necessary coverage when they become pregnant.

A cap on consumers' annual out-of-pocket spending for their health care to help the nearly 10 million Americans with health insurance who are unable to afford their medical bills.

In addition, many consumers who are uninsured or do not have access to an affordable, adequate health plan from their employer are also eligible for a premium tax credit to help them buy such coverage through the Health Insurance Marketplaces.

Our understanding of this legislation is that it would also allow insurers to continue to market and sell these plans to new consumers through 2014, without complying with the rules that take effect for other plans on January 1. In other words, insurers marketing these plans outside of the Health Insurance Marketplaces could continue to refuse to cover people with pre-existing medical conditions or charge them higher premiums because of their age or health status. As a result, younger and healthier people would be more likely to remain on or newly enroll in these plans, and plans sold through the Health Insurance Marketplaces would end up covering mostly older and sicker people. This would drive up health insurance premiums in the Marketplaces.

We very much sympathize with consumers who are receiving notices from their insurance companies that their policies are not being renewed for next year because they do not comply with the ACA's consumer protections. In at least some instances, these notices have been very alarming and misleading for consumers because they fail to

let them know that they may have better, more affordable insurance options available to them. At least one insurer was fined by a Department of Insurance for a letter that regulators called "misleading." However, the solution is not to allow for the continued sale of inadequate policies, particularly now that more comprehensive coverage is available along with financial assistance to help make better coverage affordable. Rather, we must educate consumers about their new health insurance options and ensure that notices being sent by insurers clearly inform them of the shortfalls with their current coverage and explain all of their options for finding better coverage.

We look forward to working with you to help your constituents get information about their new options for fairer, more comprehensive, and more affordable health care coverage and to make adequate coverage more affordable to everyone.

Sincerely,

American Cancer Society Cancer Action Network, American Diabetes Association, American Federation of State, County and Municipal Employees (AFSCME), American Heart Association/American Stroke Association, American Music Therapy Association, The Arc of the United States, The Autistic Self Advocacy Network, Community Catalyst, Families USA, Health and Wholeness Ministries—Disciples Center for Public Witness, Health Care for America Now, National Alliance on Mental Illness, National Association of County Behavioral Health & Developmental Disability Directors, National Council of Jewish Women, National Partnership for Women & Families, Paralyzed Veterans of America.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, that evening in March of 2010 when the Senate bill was finally going to be considered by the House, there was a meeting of the Rules Committee that night. Democrats were in charge. I presented myself to that meeting with 18 amendments to H.R. 3590 that had been passed by the Senate. Every one of those was summarily rejected.

The problem the Democrats had that day was, should we change a single word in H.R. 3590 as passed by the Senate, the bill would have to go back to the Senate and concur with the House amendment to H.R. 3590. The Majority Leader in the Senate, having lost his 60th vote in a special election in Massachusetts that year, felt that he could not pass anything. He could not achieve cloture with only 59 Democrats to vote in favor of that motion for cloture. That is the reason why not one word was changed between Christmas Eve of 2009 and the time this bill was actually passed.

But after H.R. 3590 came back from the Senate, came to the Rules Committee, did it come to the House under an open rule? No, it did not. It was a closed rule. We were kept out of the process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURGESS. I yield myself an additional 30 seconds.

It is hard to feel too sad for the gentleman from Massachusetts when a bill

of this magnitude came with so little debate, so little input from the minority. We have got a 1-page bill before the House today. This was a 2,700-page bill that affected every man, woman, and child in this country, not just today, not just tomorrow, but for the next three decades they will be living under this. And it came under a closed rule.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

What the gentleman conveniently leaves out are the hundreds of hours of hearings and markups that occurred in the committees of jurisdiction on the Affordable Care Act. The committees of jurisdiction were just cut out of this.

It is becoming a pattern in this House. This is not the only bill where the committees of jurisdiction have been cut out of the process, where Members' voices have been silenced, where they are enforcing rules with an iron fist in this Chamber. So this, unfortunately, is not unique. It is a pattern.

But to suggest that we don't have the time to offer amendments is just ridiculous. We have plenty of time. We could debate this all day if we wanted to, and Members could have an opportunity, both Democrats and Republicans, to amend this, given the fact that they were denied that right in the committees of jurisdiction.

Mr. Speaker, I will enter into the RECORD an article that appeared in the National Review Online, entitled, "Boehner: Upton Bill a Step on Path to ObamaCare Repeal," because what is going on here is very simple.

□ 0945

If you believe that 40 million Americans should be without health insurance, then vote for this bill. That is what they want to do. They want to repeal the Affordable Care Act to go back to a point at which it was perfectly acceptable and okay to have 40 million Americans without health insurance. Now, many of us found that statistic unconscionable in this country, the richest country in the history of the world, and we thought it was bad policy to allow for so many uninsured Americans because that also resulted in higher health care costs, but that is what the goal here is.

The goal here is to undo all of the protections that allow you to keep your kids on your insurance policies until they are 26, that prohibit insurance companies from discriminating against women because they define being a female as a preexisting condition, and all of these artificial rules and regulations that insurance companies threw upon people, these insurance policies that people bought thinking they had insurance only to find out when they got sick they had nothing.

If you want to go back to that, then side with my Republican friends; but

what we want to do here is work as we did in Massachusetts, by the way, with Governor Romney, in order to make this work. I will tell you, for the life of me, I don't understand why this is such a radical idea to guarantee everybody in this country good, quality health insurance.

[From the National Review, Nov. 13, 2013]

BOEHNER: UPTON BILL A STEP ON PATH TO OBAMACARE REPEAL

(By Jonathan Strong)

Before the government shutdown in July, as the defund push from Senators Ted Cruz and Mike Lee was just starting to gain steam, Speaker John Boehner laid-out his preferred Obamacare strategy to House Republicans in a closed-door conference meeting, telling them the GOP could repeal the law with "targeted strikes that will ultimately dissolve the Obamacare coalition."

This morning, in another conference meeting, Boehner reminded his colleagues about that strategy and explained how bringing the "keep your plan" bill introduced by Representative Fred Upton to the House floor Friday fits into it.

"Remember the strategy for stopping Obamacare we laid out to you back in July. It had two components: Aggressive, coordinated oversight, and targeted legislative strikes aimed at shattering the legislative coalition the president has used to force his law on the nation," Boehner said, according to a person in the room.

"That plan is being executed as we speak. But none of it will be effective if we aren't communicating. If we aren't telling the stories our constituents are sharing, then we're letting them down. It means we aren't doing our best to stop this law," he added.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Energy and Commerce Committee, who suffered a long and arduous Rules Committee last night.

Mr. PALLONE. I want to thank my colleague from Massachusetts, not only for having to deal with the ordeal in Rules last night but every day, but also for what he said about the lack of regular order when this Upton bill—this bill by the chairman, Mr. UPTON—came to the Rules Committee.

Mr. Speaker, I am a member of the Health Subcommittee of the Energy and Commerce Committee. I said in Rules last night—and I will say it again today—that we have had many hearings in the Health Subcommittee and that we have had hearings in the full Energy and Commerce Committee. Over the last 2 or 3 weeks, there was ample opportunity to have this bill proceed with regular order with a subcommittee hearing markup and with a full committee hearing markup. None of that was done. This bill just comes here to the floor directly from Rules, and it is a flawed bill. I want to stress that.

I really believe, Mr. Speaker, that this legislation is just another attempt by the GOP to undermine the Affordable Care Act. In fact, I will call this the 46th attempt at repeal. My GOP colleagues have zero interest in helping

people gain and keep their health insurance. They have zero interest in fixing any problems that may be occurring with the rollout of the law. They simply want to demonize the President and his policies, as you have heard over and over again, and they will go to any length to do so. At the top of the list are their efforts to sabotage ObamaCare and to force its failure.

Yesterday, the President took some action to help Americans who want to renew their insurance policies if their insurance companies are willing to offer that option. Ultimately, though, I believe that these people will look at the quality plans available in the new Affordable Care Act insurance marketplace and like what they see because, in most cases, they will find that they are able to purchase better coverage at lower prices than their original policies so that, when they get sick or when they need care, their policies will actually provide it because most of these older policies simply do not provide adequate insurance.

As I said before, the Upton bill before us is not about giving people access to health care. It is about sabotaging ObamaCare. One of my colleagues on the Republican side said they want to have people keep their insurance. The President's initiative yesterday allows them to keep their insurance if they want to, but what the Upton bill does is allow anybody now—anybody, even if they didn't have the old insurance policies—to buy these new skeletal policies that don't provide adequate insurance.

So, if you take away the rhetoric of the Republicans, the Upton bill's practical effect would be to continue to allow insurers to exclude people from coverage based on preexisting conditions and to allow insurers to charge women twice as much as men for the same coverage. It would allow insurers to jack up premiums on a family if its child gets sick. It would allow insurers to set harsh annual caps on coverage. All of the discriminatory practices that the ACA and ObamaCare were designed to eliminate come back under the Upton bill. This bill would not require health insurers to allow individuals to keep their current health care plans because insurers can still do whatever they want. You can't force the insurers to offer the plans. It basically allows them to sell low-quality 2013 plans all through 2014. Nothing else.

Mr. BURGESS. Mr. Speaker, I yield myself 3 minutes.

We have talked about the votes in this House to delay or to modify portions of the Affordable Care Act. Indeed, the House has passed seven of those, and they have been signed by the President.

What really doesn't ever get much attention are the multiple times that the administration—the President, himself—has changed parts of the Af-

fordable Care Act. If you want to talk about something that was done without any hearings, if you want to talk about something that was done in a non-transparent fashion, if you want to talk about something that was done without the ability to amend or debate on the floor of the House, then let's go through a few of these.

Number one: A congressional opt-out. The administration gave Members of Congress and their staffs the option of exempting themselves from the ObamaCare exchanges that were created by the Affordable Care Act, which is contrary to the language of the law.

Exchange enrollment: The administration extended by 6 weeks—from February 14 to March 31, 2014—the period in which people can enroll for coverage in order to avoid the individual mandate tax penalty.

The employer delay: By an administrative action, which is also contrary to statutory language in the Affordable Care Act, the reporting requirements for employers were delayed by 1 year.

Self-attestation: Because of the difficulty of verifying income after the employer reporting requirement was delayed, the administration decided it would allow the self-attestation of income by applicants for health insurance exchanges.

Small businesses on hold: The administration said that the Federal exchanges for small businesses would not be ready by the 2014 statutory deadline. Instead, officials delayed until 2015 the implementation of the Federal shop exchanges.

Closing the high-risk pools: This one was, I thought, particularly egregious. Mr. Speaker, I, frankly, do not understand why this was not covered by the Nation's press. The administration decided to halt the enrollment in Federal high-risk pools, blocking coverage for an estimated 40,000 new applicants, and it decided, rather than using the money from a fund under Health and Human Services Secretary Sebelius' control to extend coverage for Americans with preexisting conditions, that it would, instead, use this money to pay for advertising for the Affordable Care Act.

Remember, the Affordable Care Act was sold to the American people because—remember the quotes?—there were 8 to 12 million people with preexisting conditions. Yet the President's own preexisting pool, which was started in this law when it was signed in March of 2010, was closed on February 1 of 2013, barely 2½ years into its lifespan. Why have we not heard more about that? This was an administrative action to restrict people from access to the risk pools that they were told they were going to get as a consequence of the President's health care law. Many of these people probably voted for the President in November of 2012 because, after all, he was going to provide them



their risk pool insurance for another year—until it didn't happen.

Is it any wonder why there is no faith in what the administration says it will do by administrative edict? Why there is no faith in what has come out of the White House? Why congressional action is not just constitutionally required but is required for the people of this country to continue to have faith in their government?

I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, the gentleman talks about faith. I think the American people have lost faith in the Republican leadership of this House. My friends are so obsessed with this health care bill that they actually shut the government down. TED CRUZ was the Speaker of the House here for a month. I mean, they shut the government down because they do not believe that 40 million uninsured Americans ought to have health insurance.

Ezra Klein, in his Washington Post piece on November 14, writes about the Upton bill.

He says:

It doesn't solve the cancellations problem, but it does manage to put Republicans on the side of insurers, who want to continue discriminating against preexisting conditions.

That is what this is all about: giving the insurance companies more of what they want. If you want to know why, follow the money. It is no secret where the insurance companies' allegiances are. Quite frankly, my friends have had 3 years in control to give us their alternative. They have said "no" to everything. No, no, no. They try to undercut and repeal everything. What have they offered in 3 years? What is their prescription for the uninsured in America? Take two tax breaks and call me in the morning. That is the best they could come up with.

This is a good bill, and we need to work to implement it so that we can make sure that every single American has access to good, quality health insurance.

With that, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding and for his leadership in providing health care for over 40 million Americans who did not have it.

Mr. Speaker, this is the 46th time that our Republican colleagues have tried to repeal or to undermine the Affordable Care Act. I rise in opposition to this closed rule, and I urge a "no" vote on the Upton bill.

We are here today supposedly to help those people who unexpectedly had their insurance policies canceled. This is a real issue as the President, himself, clearly acknowledged last night. That is why he is taking steps to help

these people in the private health care market keep their plans. However, the bill before us now not only fails to solve the problem, it makes things worse by fundamentally undermining the Affordable Care Act in a way that is calculated to doom it to eventual failure.

You would be changing the rules in the middle of a game and virtually guaranteeing that premiums would eventually skyrocket for people who did the right thing—who went to the exchange and got a plan. This would price the program out of existence. Doing that would take us all back to a time when over 40 million Americans did not have access to affordable health insurance, including 2.6 million New Yorkers.

We must not turn our backs on those people now. We absolutely have problems we need to fix, and we have issues we need to solve, but we are on the verge of finally covering millions of Americans who lack the fundamental security of affordable health coverage for their families. We are finally close to achieving a goal for millions that has been pursued for nearly a century under Republican and Democratic administrations alike.

This is a problem we must solve without turning our backs on those families forced into bankruptcy simply because someone in the household got sick. This is a problem we must solve for the sake of all of those women who were denied insurance or who had to pay up to 40 percent more for insurance simply because they were women. This is a problem we must solve for the sake of all of those people with preexisting conditions and for all of those young adults who can stay on their parents' plans until they turn 27.

We did not embark on this effort because we thought it would be easy. We embarked on this effort to provide health care to millions because we thought it was a moral imperative, an economic necessity, and a fundamental human right. Yes, it is hard to get it right, but ultimately this is an effort that history will judge not by the number of computer errors but by the number of lives saved.

Mr. Speaker, I urge my colleagues to vote "no" on this bill and "yes" for health care for millions of Americans.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute for the purposes of response.

Talk about changing the rules in the middle of the game. What in the world was that Presidential press conference 24 hours ago all about? It was about changing the rules by executive fiat. Again, I just went through a list of many of the 27 times that the President has changed the rules in the middle of the game.

What about the times the administration has been engaged in "hide the ball" from the American people, from

the Nation's Governors, from the Nation's insured? What about the fact that the rule for the essential health benefit was held up until 2 days after Election Day last year? Then the Governors had to make a decision as to whether or not to participate in the exchanges in their States a week later. Is it any wonder they could not make a decision of that amount of import in a week's time? Sure, they were given another month's extension, but eventually, 26 Governors said, I can't do it based on the information provided. Another six Governors said, Okay, but the Federal Government is going to have to set up the exchanges. That is why you have 32 States for which the Federal Government is having to set up the Federal fallback exchange.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this point, it is my privilege to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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Mr. ANDREWS. Mr. Speaker, I thank my friend for the time.

In March of 2010, the President signed the Affordable Care Act. In that law, there was a revision that said on January 1 of 2014 if insurance plans did not have important consumer protections, like getting rid of lifetime policy limits and annual limits, that they couldn't be sold anymore.

For over 3½ years, the insurance industry had noticed that the day was coming when they could not sell these plans anymore. They chose to wait until the last couple of weeks to send out notices to millions of Americans saying they couldn't renew their plans next year. This is unfair to those Americans, and it is a problem that ought to be fixed.

The President has stepped forward with a plan to address this to help those Americans. I support what he is doing. The House Democrats will have an opportunity to put on the floor some votes that will further improve that situation as this debate goes on.

This problem of people having their policies canceled is unwarranted and unwelcome, and we should work together to fix it. The underlying bill here does not fix the problem; it creates a problem.

It is very important to understand what the underlying bill does. It says that insurance plans that discriminate against you because you are a woman or because you had skin cancer, or insurance plans that say that in the middle of your chemotherapy you can run out of coverage, or insurance plans that say that after you paid your premiums for months or even years the insurance company can cancel you because you got sick, those plans can continue to be sold to everyone—to everyone.

The problem that we are trying to address is people that have such plans



and want to keep them be given the opportunity to keep them. That is what the President's decision does, which is why we support it.

The underlying bill says that these plans can be opened up to anybody who wants to buy this. That sounds kind of fair at first glance. If someone wants to buy that kind of plan, shouldn't they be able to?

Well, ladies and gentlemen of the House, here is the question: If someone buys a plan that pulls the plug on their chemotherapy in the middle and they keep getting care, who pays for it? The taxpayers do and the other premium payers do. That is who pays for it.

This plan that is before the House today, this Republican bill, is a guarantee of rate shock for the American people because here is what will happen.

If anyone who wants to can buy one of these cars without an airbag or cars without seatbelts—and that is what these plans are—then you will find that the new marketplaces don't have enough people in them. When they don't have enough people in them, the rates will rise. When the rates spike for people in the marketplaces, they will spike for people who get employer-sponsored health care because the possibility of the marketplaces is already reducing the premium increases that employers are seeing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield an additional minute to the gentleman.

Mr. ANDREWS. I thank the gentleman.

So the employer rates, which have risen at the slowest rates in the last 5 or 6 years, would once again be subject to the kind of spikes that happen here.

Look, I think there is bipartisan agreement in this Chamber this morning that if someone has gotten a cancellation notice, we want to help that person keep their plan if they choose to keep it. We agree with that, the President agrees with that. That is what he set out to do.

What we do not want, and what this bill does, is to guarantee rate shock, guarantee a premium spike for Americans, whether they are in these plans that we are talking about today, whether they are in the new marketplaces, or whether they receive insurance through their employer. We need additional protections where insurance commissioners around this country can step forward and investigate arbitrary and unfair practices, where they can protect consumers, and House Democrats are going to put forward such an opportunity to vote on that at the conclusion of this debate.

Let's not in the guise of solving one problem magnify another one. We should oppose this rule and oppose the underlying bill.

Mr. BURGESS. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Texas has 13 minutes remaining. The gentleman from Colorado has 4½ minutes remaining.

Mr. BURGESS. Mr. Speaker, I yield myself 3 minutes for purposes of a response.

The rate shock issue is one about which every Member of this House should be concerned.

Let me read to you from a letter I received from a constituent who lives in The Colony, Texas, a city within my congressional district. They are complaining about the cost and lack of transparency on the healthcare.gov Web site:

The prices the ObamaCare Web site say we can expect based on our ages are \$372 to \$600. But when I go to actually purchase, those prices automatically become \$870. We don't qualify for subsidies so that was not part of any of the calculations.

The constituent goes on to say:

It is bad enough the President has lied to us on multiple points—\$2,500 a year savings, keep your plan, keep your doctor—but also the Web site is designed to mislead us about the price as well. What is the reason that the ObamaCare site and health carrier sites don't agree? I just saw a North Carolina couple on the news who had the same experience and the insurance carrier told them that the prices on the carrier sites are correct and those prices on healthcare.gov are incorrect.

There is rate shock going on in the country right now. That is what part of this debate is about today. But let me just caution my colleagues on the other side of the aisle that the true rate shock experience is likely to hit in September of 2014, about 6 weeks before election day on November 14. What is the reason for that rate shock? Well, we all know that the healthcare.gov Web site was, so far, the abysmal failure.

The administration is counting on a certain demographic to flood that Web site and sign up for their wonderful new Elysian Fields of ObamaCare. It is hard, so they are not going to do it.

But people who are older, perhaps have multiple chronic conditions, who are actually fearful about losing their health care coverage, they are going to keep at it. Bless their hearts. They will keep going. They will keep coming back day after day after day until they can finally get through and sign up for the insurance policy. Yeah, it is more expensive than I want, it doesn't cover as much as I want, but, by golly, I will have something at the start of the year. The problem is the demographic that the administration counted on to sign up is not going to sign up.

Beginning about April of next year, the insurance companies are going to begin to price risk. That is what they do. That is what they do well. So they are going to post risk and they will post their prices somewhere along the lines of July 1 to September 30. Those prices for the renewal of health insurance are going to be staggeringly high; they will be astonishingly high.

The rate shock that is fixing to happen, you ain't seen nothing yet. It is coming in the fall, and it will be unbelievable compared to anything you have seen to date.

I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President. This restriction includes quoting from extraneous materials.

Without objection, the gentleman from Colorado now controls the time and is recognized.

There was no objection.

Mr. POLIS. The Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I thank him for his leadership and that of the full Rules Committee on having to field some really strange notions masquerading as proposals to improve the lives of the American people. We see a lot of that these days.

This one on the floor today really takes the cake because it is essentially to pull the plug on the Affordable Care Act. While it says that they want to delay the cancellations that the insurance companies have written to policyholders, the bill does not mandate.

This is a conversation that is not an action, but it does violence to the bill in other ways. The idea that it was helping consumers was sort of the Trojan horse whose underbelly is poisonous in terms of the health and well-being of the American people.

Mr. Speaker, I come to the floor to speak on the rule because I think it is really important for Members to vote against the rule as a point of fairness. If we reject this rule and allow the Rules Committee to come back to the floor with an opportunity for there to be a Democratic alternative, that would be fair. What we would do in the vote on the previous question, which I urge people to vote "no" on, would be able to vote "yes," or consider voting "yes," on a bill that does exactly what consumers need in terms of this cancellation area.

First of all, it would say that there would be a real delay—a real delay—for 1 year for the implementation in terms of the individual policyholders. That is just this piece of the bill that is the question—individual policyholders.

Ninety-five percent of the American people, as has been said, who have policies that they like can keep them. It is this 5 percent—and that is a lot of people, I don't want to minimize that—but, nonetheless, it is a discrete market.

Let's address that discrete market and in our previous question we bring up a bill that addresses that discrete market not only by enabling them to hold their policies for a year, but by requiring that the insurance companies

must tell people not that you are canceled and we want to sign you up again at a higher cost; instead, insurance companies would be obliged to tell people what their options are, what their options are under the Affordable Care Act in terms of having no lifetime limits on their policies, no annual limits on their policies, no preexisting condition, increasing the cost of their policy, or preventing them from holding their policy should they become sick, A;

B, it would also make sure that the insurance companies tell people what their options are in the exchanges, that they may qualify for a subsidy. In that marketplace the insurance companies are competing—this is a free market, this exchange—they are competing for their policy; and, therefore, that has already lowered cost to consumers.

So they may have a better policy with better benefits at a lower cost and, if they qualify, get a subsidy to do it.

In addition to that, it is really important in every respect in everything we do, not only just for this individual marketplace, for people to understand the benefits of the Affordable Care Act that are available to them. I mentioned no preexisting condition, no annual limits, no lifetime limits, but also that already for over the past year young people can be on their parents' insurance. Over 3 million people have benefited in that regard. Tens of millions of seniors have benefited from the free prevention check-up—mammograms, whatever kinds of things—prevention and wellness exams free, no co-pay, no deductible.

Already seniors are experiencing lower costs for their prescription drugs because of the Affordable Care Act. Already small children cannot be discriminated against, nor their families, in seeking insurance because they have a preexisting condition.

Imagine a child born with a defect for life. They have a preexisting condition which will cost them dearly in terms of premiums, if they can even get insurance, and then it would be with limits. Not so. That has all changed.

That is why on this Upton bill which, as I said, not only does bad things to the Affordable Care Act in terms of disrupting the risk pools, it tries to masquerade as something that does something positive, which it does not. That is why the Upton bill is opposed by a broad coalition of groups: the American Heart Association, the American Diabetes Association, the American Cancer Society Action Network, National Partnership for Women and Families, Paralyzed Veterans of America. Anyone with a preexisting medical condition—100 million people, families with people with preexisting medical conditions, all of them benefit. The stories are so glorious and so beautiful about what a difference the Affordable

Care Act has made to families, especially those with small children or those with preexisting conditions, and to seniors. And, again, being a woman is no longer a preexisting medical condition.

So this is politics; it is not about policy. It isn't any attempt to improve the Affordable Care Act. One way to improve it, though, is what we have in our previous question: give the State insurance commissioners the authority, all of them—some of them have it—but ensure that all of them have the authority to investigate and act upon rate increases, as well as the nature of these letters that were sent out without the integrity that they should have had.

Again, we require that also in these letters the insurance companies make sure that people know what their opportunities are.

□ 1015

So what we are proposing today really does make a difference. In fact, we wanted to get this requirement of the insurance commissioners in the underlying bill, and then we said, okay, we will do that as an improvement. Today is the day that we can do that by voting "no" on the rule, enabling us to bring a bill to the floor that would do that.

I urge our colleagues to support the Affordable Care Act, support what it does for American families, stand with those who fought for Social Security, for Medicare, and affordable care for all Americans because these are three pillars of equal weight in terms of the economic and health security of the American people. They honor the vows of our Founders for life, a healthier life; liberty, the liberty to pursue your happiness so that you are not job locked, constrained by a policy, but free to follow your passion to be self-employed, to start a business, to change jobs, to be entrepreneurial—life, liberty, and the pursuit of happiness.

Vote "no" on the rule.

Mr. BURGESS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I want to remind Members of the House of Representatives about the President's press conference yesterday. I would like to read from the transcript of his remarks. The President yesterday, he first talked about the problems with the healthcare.gov Web site, "big problems, and maybe we can talk about those a little bit," but then he went on to say:

The other problem that has received a lot of attention concerns Americans who've received letters from their insurers that they may be losing the plans they bought in the old individual market, often because they no longer meet the law's requirements.

It seems pretty straightforward to me that the President was saying yesterday.

He goes on to say:

Now, as I indicated earlier, I completely get how upsetting this can be for a lot of Americans, particularly after assurances they heard from me that, if they had a plan that they liked, they could keep it. And to those Americans, I hear you loud and clear. I said that I would do everything we can to fix this problem, and today I am offering an idea that will help do it.

Already people who have plans that predate the Affordable Care Act can keep those plans if they haven't changed. That was already in the law. That's what's called a grandfather that was included in the law. Today, we're going to extend that principle both to the people whose plans have changed since the law took effect and to people who bought plans since the law took effect.

You know, it is interesting, the 10th Amendment to the Constitution should actually protect the States to issue their own directives through their State insurance commissioners. They didn't need the President of the United States to do that. That is a power that has been enshrined to them in the Constitution. The problem is that power was taken away under the Affordable Care Act. Now they have attempted to bring it back. But the fact of the matter is, in many States, patients and constituents won't have that protection, but the Upton bill today will actually provide that protection.

Make no mistake, the Upton bill is not a fix-it bill to the Affordable Care Act; it is a lifeline that we are extending to our constituents who have lost the coverage that they were told that they could keep.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I only have a minute, so let me be concise.

On Monday, I was in San Diego with 30,000 brain researchers excited about the age of discovery and attacking diseases like Alzheimer's and bipolar and schizophrenia. Yesterday, via satellite, I spoke to a public health conference in Brussels for the European Union. Their theme was that the wealth of their member countries was the health of their population.

And then I come to the floor today where we see people who want to retreat from the idea which is to make sure that every single person in our country, for the first time in this Nation's history, has access to affordable health care coverage. There will be no retreat, no equivocation. I know there is this desire among Members on the other team always to somehow go backwards, to some other age in our country as if our future is in the past. Our future and the shaping impulse of our country is in the future, and it is in the health of the citizens of our country.

Mr. BURGESS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), the vice chair of the full committee.

Mrs. BLACKBURN. Mr. Speaker, I am pleased today to stand in support of the rule that will allow us to bring the Keep Your Health Plan Act to the floor.

It is important that we take this action today on H.R. 3350 because we have heard from the American people, from coast to coast, that they do not want the President's health care law. They do not like the President's health care law. They feel as if, and have realized that what is happening with this law is that, number one, it is restricting their choice and options when it comes to health insurance, and, number two, the cost is skyrocketing.

Now, we know that that is very important to our families who have chosen health plans that meet their needs—health savings accounts that allowed them to take individual responsibility for their health care, allowed them the opportunities for choosing doctors and physicians and keeping those doctors and physicians—and what the American people are telling us and our constituents are telling us is that they do, indeed, feel betrayed by the empty promises that the President and this administration have made.

They are also quite concerned about the botched Web site rollout; as I said, the insurance premiums; and, oh, those cancellation notices that are hitting the mailboxes of millions of Americans. They say, This is not what we bargained for. It is not what we were promised. It is not what we voted or spoke in favor of. And so they are asking us to take an action, and H.R. 3350 does take that action.

Now, Mr. Speaker, I want to go back to 2010 when we had a conference and the President was before us, and I asked him a question about the ability to keep plans and for individuals to stay insured. I spoke because of the experience we had had in my State of Tennessee with the test case for HillaryCare, which was called TennCare. We saw the effects of that. We knew it was the test case for a public option in health care; we knew it was too expensive to afford; and, overall, we knew it did not work.

In his response, the President mentioned a little bit about some stray cats and dogs and that he thought they had that cleaned up. But I have to tell you that our constituents and their policies are not stray cats and dogs, and they deserve to have the opportunity to keep their health care and not to be treated in a disrespectful manner or to be discarded to the sidelines.

So the President needs to realize he cannot go around waving a magic wand and fixing this by executive fiat. This is a law. We are a Nation of laws, and we abide by the rule of law. ObamaCare, the President's health care law, is the law of the land. In order to

provide relief to the American people who have clearly spoken to say they do not want this law, it requires an action of Congress.

Today's action will provide relief for some individuals—not as many as we would like, but it is one step in providing some relief. The American people have grown weary of this administration spending money that it does not have on programs the American people do not want. The President's health care law is a great example of a program that the American people do not want, so they have come to us as the people's representative and reminded us that we are a government of, by, and for the people that should be working for the people. And as one of my constituents told me Monday, we, the people, are going to start being the people and holding this administration and this Congress accountable. Today is one of those steps that we are taking on behalf of our constituents and the people of this great Nation.

I thank the gentleman from Texas for the exceptional work that he has done in working with Chairman UPTON from Michigan in bringing this to the floor.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), the chair of the Democratic Caucus.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

In the past month, 500,000 Americans have secured affordable health insurance. They are people that include folks in my State of California like Erin Kotecki Vest, who said the old plan she had had all sorts of deductibles and out-of-pocket costs. At the end of the day, what does she say after going on Covered California's marketplace exchange? She will be saving \$18,900 per year by having shopped on the exchange under the Affordable Care Act.

Paulo Dawud said he passed on an employer-based insurance policy that would have cost him \$504 a month. He got on Covered California's Web site. He picked Kaiser. He now qualifies for a plan that charges \$176 a month.

Allen Pacula says his wife would not have insurance coverage at all as of January 1. They shopped on the Web site. They are now saving \$8,000 a year for, as he says, "a very much better plan."

And Andrew Stryker from Los Angeles, California, 34 years old, lives in the city of Los Angeles, had to wait 3 hours to enroll—\$6,000 savings.

Let's improve this plan. Let's not destroy it. It is time to move forward and give Americans what they need—health security.

Mr. POLIS. If I may inquire, does the gentleman have any remaining speakers?

Mr. BURGESS. Well, I am always here, so I remain as a speaker.

Mr. POLIS. Is the gentleman prepared to close?

Mr. BURGESS. Absolutely.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

If we defeat the previous question, I will offer an amendment to the rule that will allow the House to vote on a substitute that allows Americans to keep their insurance if they like it.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, there are a number of ways that we can improve upon the Affordable Care Act. One of the ones that I would like to highlight that we could be bringing here to the floor today that the Senate already passed is comprehensive immigration reform.

H.R. 15 here in the House, a bipartisan bill that I am confident would pass if brought to the floor, would finally make a dent in the fact that there are more than 10 million people here in this country illegally, the vast majority of whom don't have any access to health insurance. So American citizens are essentially being forced to pay for the health care costs of people who are here illegal every day until we pass comprehensive immigration reform.

We are wondering why rates are going up. It is no surprise, Mr. Speaker. When somebody doesn't have insurance, their costs are shifted on to other people who do. Now, yes, there are Americans who don't have insurance, and the Affordable Care Act helps increase the access that many Americans have to insurance, but it doesn't do a thing about the fact that there are more than 10 million people here illegally in this country in violation of our laws who do not have health care insurance. If we can pass H.R. 15, Mr. Speaker, people who are here illegally will have to get insurance on their own instead of forcing Americans to pay for their insurance.

I urge my colleagues to vote "no" on this rule, defeat the previous question.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

I can't help but think back to that September evening in 2009 when the President stood before a joint session of Congress after the August recess and made a statement to the Nation that, yes, he was trying to change health care but not to worry, that no one who was in the country without the benefit of a Social Security number would be included in that cost because many people are concerned that the cost for the Affordable Care Act, already high,

would expand unreasonably if that were to change; and the President made a promise to the American people that night.

□ 1030

Mr. Speaker, we have heard a lot of stuff today. I really wish there had been that much interest in improving the Affordable Care Act before it passed the first time. We all know the reasons why those improvements were not offered and why we just simply had to have a take it or leave it proposition that was ultimately signed into law.

Mr. Speaker, today's rule provides for the consideration of a critical bill to protect the millions of Americans who are facing the loss of health insurance that they were promised that they could keep.

I certainly thank my friend from Michigan (Mr. UPTON), the chairman of the Energy and Commerce Committee, for producing this thoughtful piece of legislation.

Mr. Speaker, I ask for its approval by the body.

The material previously referred to by Mr. POLIS is as follows:

Strike all and insert the following:

*Resolved*, That immediately upon adoption of this resolution, it shall be in order to consider in the House the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text printed in section 2 of this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the [Committee on Energy and Commerce]; and (2) one motion to recommit with or without instructions.

*Section 2.* The text of the amendment in the nature of a substitute referenced in the first section is as follows:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Consumer Health Plan Protection Act of 2013”.

#### SEC. 2. MAINTAINING EXISTING COVERAGE.

(a) IN GENERAL.—Notwithstanding any provision of the Patient Protection and Affordable Care Act (including any amendment made by such Act or by the Health Care and Education Reconciliation Act of 2010), in the case of health insurance coverage offered by a health insurance issuer in the individual market that is in effect for an individual as of October 1, 2013, the issuer may continue such coverage for such individual for a plan year beginning in 2014 in such market outside of an Exchange established under section 1311 or 1321 of such Act (42 U.S.C. 18031, 18041).

(b) TREATMENT AS GRANDFATHERED HEALTH PLAN IN SATISFACTION OF MINIMUM ESSENTIAL COVERAGE.—Health insurance coverage described in subsection (a) shall be treated as a grandfathered health plan for purposes of the amendment made by section 1501(b) of the Patient Protection and Affordable Care Act.

(c) NOTICE.—As a condition for a health insurance issuer to continue health insurance coverage under subsection (a), the issuer shall provide for notice to each individual to be offered such continued coverage (and for other individuals covered under health insurance coverage offered by such issuer for whom such continued coverage is not offered) prompt notice of the following:

(1) The health insurance coverage options available to the individual through the Marketplace under the Patient Protection and Affordable Care Act and how to exercise such options.

(2) The premium and cost-sharing assistance available for coverage obtained through such Marketplace.

(3) The consumer protections provided under such Act that are not provided under the continuing health insurance coverage.

(d) CONSTRUCTION REGARDING NOTICES OF CANCELLATION OR CONVERSION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prevent the Secretary of Health and Human Services from requiring State insurance commissioners—

(A) to investigate and take appropriate administrative or other actions (such as the imposition of a fine) on cases of inadequate notices of cancellations or conversions of health insurance coverage in the individual market that take effect on or after January 1, 2014; and

(B) to submit to the Secretary reports on the investigations and actions so taken.

(2) INADEQUATE NOTICE.—In this subsection, a notice of the cancellation or conversion of individual health insurance coverage shall be treated as inadequate if the notice—

(A) fails to contain information contained in subsection (c);

(B) fails to be transparent by inappropriately steering individuals to more expensive plans provided by the cancelling issuer; or

(C) fails to otherwise comply with requirements of law.

(e) CONSTRUCTION REGARDING PROTECTION AGAINST DISCRIMINATORY RATES.—Nothing in this section shall be construed as preventing the Secretary or the relevant State insurance commissioner or State regulator from taking corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates for the continued coverage offered under subsection (a) are corrected prior to renewal.

(f) CONSTRUCTION REGARDING PREMIUM PROTECTION.—Nothing in this section shall be construed as preventing the Secretary from using all available tools to ensure that Marketplace premiums are not adversely affected by the operation of this section.

#### SEC. 3. REQUIRING STATE INSURANCE COMMISSIONERS TO INVESTIGATE INSTANCES OF INADEQUATE NOTICES OF CANCELLATION OR CONVERSION OF INDIVIDUAL HEALTH INSURANCE POLICIES.

(a) IN GENERAL.—Each State insurance commissioner shall investigate and take appropriate administrative or other actions (such as the imposition of a fine) on cases of inadequate notices of cancellations or conversions of health insurance coverage in the individual market that take effect on or after January 1, 2014.

(b) INADEQUATE NOTICE.—In this section, a notice of the cancellation or conversion of

individual health insurance coverage shall be treated as inadequate if the notice—

(1) fails to contain information—

(A) on obtaining health insurance coverage through an Exchange under the Patient Protection and Affordable Care Act;

(B) on the possible availability of assistance under such Act towards payment of the premiums and cost-sharing for such coverage; and

(C) on the improved benefits for coverage through an Exchange, compared to health insurance coverage not offered through an Exchange;

(2) fails to be transparent by inappropriately steering individuals to more expensive plans provided by the cancelling issuer; or

(3) fails to otherwise comply with requirements of law.

(c) REPORTS.—

(1) STATE COMMISSIONERS TO HHS.—Not later than March 31, 2014, each State insurance commissioner shall submit to the Secretary of Health and Human Services a report on the investigations and actions described in subsection (a).

(2) HHS REPORT TO CONGRESS.—Not later than April 30, 2014, the Secretary shall submit to Congress a report on such investigations and actions.

(d) DEFINITIONS OF STATE, HEALTH INSURANCE COVERAGE, AND INDIVIDUAL MARKET.—In this section, the terms “State”, “health insurance coverage”, and “individual market” have the meanings given such terms for purposes of title I of the Patient Protection and Affordable Care Act.

#### SEC. 4. PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.

(a) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—The first section 2794 of the Public Health Service Act (42 U.S.C. 300gg-94), as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by adding at the end the following new subsection:

“(e) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—

“(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to prohibit a State from imposing requirements (including requirements relating to rate review standards and procedures and information reporting) on health insurance issuers with respect to rates that are in addition to the requirements of this section and are more protective of consumers than such requirements.

“(2) CONSULTATION IN RATE REVIEW PROCESS.—In carrying out this section, the Secretary shall consult with the National Association of Insurance Commissioners and consumer groups.

“(3) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—The Secretary shall determine, after the date of enactment of this section and periodically thereafter, the following:

“(A) In which markets in each State the State insurance commissioner or relevant State regulator shall undertake the corrective actions under paragraph (4), as a condition of the State receiving the grant in subsection (c), based on the Secretary's determination that the State regulator is adequately undertaking and utilizing such actions in that market.

“(B) In which markets in each State the Secretary shall undertake the corrective actions under paragraph (4), in cooperation with the relevant State insurance commissioner or State regulator, based on the Secretary's determination that the State is not

adequately undertaking and utilizing such actions in that market.

“(4) CORRECTIVE ACTION FOR EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—In accordance with the process established under this section, the Secretary or the relevant State insurance commissioner or State regulator shall take corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates are corrected prior to implementation, or as soon as possible thereafter, through mechanisms such as—

- “(A) denying rates;
- “(B) modifying rates; or
- “(C) requiring rebates to consumers.

“(5) NONCOMPLIANCE.—Failure to comply with any corrective action taken by the Secretary under this subsection may result in the application of civil monetary penalties and, if the Secretary determines appropriate, make the plan involved ineligible for classification as a Qualified Health Plan.”.

(b) CLARIFICATION OF REGULATORY AUTHORITY.—Such section is further amended—

(1) in subsection (a)—

(A) in the heading, by striking “PREMIUM” and inserting “RATE”;

(B) in paragraph (1), by striking “unreasonable increases in premiums” and inserting “potentially excessive, unjustified, or unfairly discriminatory rates, including premiums,”; and

(C) in paragraph (2)—

(i) by striking “an unreasonable premium increase” and inserting “a potentially excessive, unjustified, or unfairly discriminatory rate”;

(ii) by striking “the increase” and inserting “the rate”;

(iii) by striking “such increases” and inserting “such rates”;

(2) in subsection (b)—

(A) by striking “premium increases” each place it appears and inserting “rates”;

(B) in paragraph (2)(B), by striking “premium” and inserting “rate”;

(3) in subsection (c)(1)—

(A) in the heading, by striking “PREMIUM” and inserting “RATE”;

(B) by inserting “that satisfy the condition under subsection (e)(3)(A)” after “award grants to States”;

(C) in subparagraph (A), by striking “premium increases” and inserting “rates”.

(c) CONFORMING AMENDMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2723 (42 U.S.C. 300gg–22), as redesignated by the Patient Protection and Affordable Care Act—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and section 2794” after “this part”;

(ii) in paragraph (2), by inserting “or section 2794” after “this part”;

(B) in subsection (b)—

(i) in paragraph (1), by inserting “and section 2794” after “this part”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “or section 2794 that is” after “this part”;

(II) in subparagraph (C)(ii), by inserting “or section 2794” after “this part”;

(2) in section 2761 (42 U.S.C. 300gg–61)—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and section 2794” after “this part”;

(ii) in paragraph (2)—

(I) by inserting “or section 2794” after “set forth in this part”;

(II) by inserting “and section 2794” after “the requirements of this part”;

(B) in subsection (b)—

(i) by inserting “and section 2794” after “this part”;

(ii) by inserting “and section 2794” after “part A”.

(d) APPLICABILITY TO GRANDFATHERED PLANS.—Section 1251(a)(4)(A) of the Patient Protection and Affordable Care Act (Public Law 111–148), as added by section 2301 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by adding at the end the following:

“(v) Section 2794 (relating to reasonableness of rates with respect to health insurance coverage).”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall be implemented with respect to health plans beginning not later than January 1, 2014.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 12, as follows:

[Roll No. 583]

YEAS—225

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishak  
Bentivolio  
Billirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton

Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Frank (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)

Lucas  
Luetkemeyer  
Lummis  
Marchant  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Ciilline  
Clarke  
Clay  
Clever  
Clyburn  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo

NAYS—193

Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Lujan, Ben Ray  
(NM)

Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (IN)

Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano

Sewell (AL) Thompson (CA) Visclosky  
Shea-Porter Thompson (MS) Walz  
Sherman Tierney Wasserman  
Sinema Titus Schultz  
Sires Tonko Waters  
Slaughter Van Hollen Watt  
Smith (WA) Vargas Waxman  
Speier Veasey Welch  
Swalwell (CA) Vela Wilson (FL)  
Takano Velázquez Yarmuth

## NOT VOTING—12

Campbell Jones Poe (TX)  
Cohen Marino Rush  
Gosar McCarthy (NY) Tsongas  
Herrera Beutler Miller, George Young (AK)

## □ 1057

Mrs. NAPOLITANO, Messrs. BEN RAY LUJÁN of New Mexico and BARBER changed their vote from “yea” to “nay.”

Mr. MATHESON changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. COHEN. Mr. Speaker, I was unavoidably detained at a hearing of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law, on which I serve as Ranking Member. I was therefore unable to be present for rollcall vote No. 583, the Previous Question on the Rule to consider H.R. 3350.

Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 189, not voting 13, as follows:

[Roll No. 584]

## AYES—228

Aderholt Coble Fortenberry  
Amash Coffman Foxx  
Amodei Cole Franks (AZ)  
Bachmann Collins (GA) Frelinghuysen  
Bachus Collins (NY) Gardner  
Barletta Conaway Garrett  
Barr Cook Gerlach  
Barton Costa Gibbs  
Benishek Cotton Gibson  
Bentivolio Cramer Gingrey (GA)  
Bilirakis Crawford Gohmert  
Bishop (UT) Crenshaw Goodlatte  
Black Culberson Gowdy  
Blackburn Daines Granger  
Brady (TX) Davis, Rodney Graves (GA)  
Braley (IA) Denham Graves (MO)  
Bridenstine Dent Griffin (AR)  
Brooks (AL) DeSantis Griffith (VA)  
Brooks (IN) DesJarlais Grimm  
Broun (GA) Diaz-Balart Guthrie  
Buchanan Duffy Hall  
Bucshon Duncan (SC) Hanna  
Burgess Duncan (TN) Harper  
Calvert Ellmers Harris  
Camp Farenthold Hartzler  
Cantor Fincher Hastings (WA)  
Capito Fitzpatrick Heck (NV)  
Carter Fleischmann Hensarling  
Cassidy Fleming Holding  
Chabot Flores Hudson  
Chaffetz Forbes Huelskamp

Huizenga (MI) Miller (MI) Sanford  
Hultgren Miller, Gary Scalise  
Hunter Mullin Schock  
Hurt Mulvaney Schweikert  
Issa Murphy (PA) Scott, Austin  
Jenkins Neugebauer Sessions  
Johnson (OH) Noem Shimkus  
Johnson, Sam Nugent Shuster  
Jordan Nunes Simpson  
Joyce Nunnelee Smith (MO)  
Kelly (PA) Olson Smith (NE)  
King (IA) Owens Smith (NJ)  
King (NY) Palazzo Smith (TX)  
Kingston Paulsen Southerland  
Kinzinger (IL) Pearce Stewart  
Kline Perry Stivers  
Labrador Peterson Stockman  
LaMalfa Petri Stutzman  
Lamborn Pittenger Terry  
Lance Pitts Thompson (PA)  
Lankford Pompeo Thornberry  
Latham Posey Tiberi  
Latta Price (GA) Tipton  
LoBiondo Radel Turner  
Long Reed Upton  
Lucas Reichert Valadao  
Luetkemeyer Renacci Wagner  
Lummis Ribble Walberg  
Marchant Rice (SC) Walden  
Marino Rigell Walorski  
Massie Roby Weber (TX)  
Matheson Roe (TN) Webster (FL)  
McCarthy (CA) Rogers (AL) Wenstrup  
McCaul Rogers (KY) Westmoreland  
McClintock Rogers (MI) Whitfield  
McHenry Rohrabacher Williams  
McIntyre Rokita Wilson (SC)  
McKeon Rooney Wittman  
McKinley Ros-Lehtinen Wolf  
McMorris Roskam Womack  
Rodgers Ross Woodall  
Meadows Rothfus Yoder  
Meehan Royce Yoho  
Messer Runyan Yoho  
Mica Ryan (WI) Young (IN)  
Miller (FL) Salmon

## NOES—189

Andrews Doyle Kuster  
Barrow (GA) Duckworth Langevin  
Bass Edwards Larsen (WA)  
Beatty Ellison Larson (CT)  
Becerra Engel Lee (CA)  
Bera (CA) Enyart Levin  
Bishop (GA) Eshoo Lewis  
Bishop (NY) Esty Lipinski  
Blumenauer Farr Loebuck  
Bonamici Fattah Lofgren  
Brady (PA) Foster Lowenthal  
Brown (FL) Frankel (FL) Lowey  
Brownley (CA) Fudge Lujan Grisham  
Bustos Gabbard (NM)  
Butterfield Gallego Luján, Ben Ray  
Capps Garamendi (NM)  
Capuano Garcia Lynch  
Cárdenas Grayson Maffei  
Carney Green, Al Maloney,  
Carson (IN) Green, Gene Carolyn  
Cartwright Grijalva Maloney, Sean  
Castor (FL) Gutiérrez Matsui  
Castro (TX) Hahn McCollum  
Chu Hanabusa McDermott  
Cielline Hastings (FL) McGovern  
Clarke Heck (WA) McNerney  
Clay Higgins Meeks  
Cleaver Himes Meng  
Clyburn Hinojosa Michaud  
Cohen Holt Moore  
Connolly Honda Moran  
Conyers Horsford Murphy (FL)  
Cooper Hoyer Nadler  
Courtney Huffman Napolitano  
Crowley Israel Neal  
Cuellar Jackson Lee Negrete McLeod  
Cummings Jeffries Nolan  
Davis (CA) Johnson (GA) O'Rourke  
Davis, Danny Johnson, E. B. Pallone  
DeFazio Kaptur Pascarell  
DeGette Keating Pastor (AZ)  
Delaney Kelly (IL) Payne  
DeLauro Kennedy Pelosi  
DeBene Kildee Perlmutter  
DelBene Kildee Peters (CA)  
Dingell Kind Peters (MI)  
Doggett Kirkpatrick Pingree (ME)

Pocan Schrader Titus  
Polis Schwartz Tonko  
Price (NC) Scott (VA) Van Hollen  
Quigley Scott, David Vargas  
Rahall Serrano Veasey  
Rangel Sewell (AL) Vela  
Richmond Shea-Porter Velázquez  
Roybal-Allard Sherman Visclosky  
Ruiz Sinema Walz  
Ruppersberger Sires Wasserman  
Ryan (OH) Slaughter Schultz  
Sánchez, Linda Smith (WA) Waters  
T. Speier Watt  
Sanchez, Loretta Swalwell (CA) Waxman  
Sarbanes Takano Welch  
Schakowsky Thompson (CA) Wilson (FL)  
Schiff Thompson (MS) Yarmuth  
Schneider Tierney

## NOT VOTING—13

Barber Jones Sensenbrenner  
Boustany McCarthy (NY) Tsongas  
Campbell Miller, George Young (AK)  
Gosar Poe (TX)  
Herrera Beutler Rush

## □ 1105

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARBER. Mr. Speaker, on rollcall No. 584 I was unavoidably detained and missed this vote.

Had I been present, I would have voted “yes.”

Mr. UPTON. Mr. Speaker, pursuant to the provisions of House Resolution 413, I call up the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. YODER). Pursuant to House Resolution 413, the bill is considered read.

The text of the bill is as follows:

## H.R. 3350

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Keep Your Health Plan Act of 2013”.

## SEC. 2. IF YOU LIKE YOUR HEALTH CARE PLAN, YOU CAN KEEP IT.

(a) IN GENERAL.—Notwithstanding any provision of the Patient Protection and Affordable Care Act (including any amendment made by such Act or by the Health Care and Education Reconciliation Act of 2010), a health insurance issuer that has in effect health insurance coverage in the individual market as of January 1, 2013, may continue after such date to offer such coverage for sale during 2014 in such market outside of an Exchange established under section 1311 or 1321 of such Act (42 U.S.C. 18031, 18041).

(b) TREATMENT AS GRANDFATHERED HEALTH PLAN IN SATISFACTION OF MINIMUM ESSENTIAL COVERAGE.—Health insurance coverage described in subsection (a) shall be treated as a grandfathered health plan for purposes of the amendment made by section 1501(b) of the Patient Protection and Affordable Care Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) and

the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3350.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, across generations, presidencies are often associated with one famous utterance: "Ask not what your country can do for you," "The only thing we have to fear," "Tear down this wall." And our current President will be no different: "If you like your health care plan, you can keep it, period."

For the last 3 years, the President repeated this promise in selling his signature law, and he did so with the knowledge that it would not be met. Millions of Americans, including nearly 250,000 in Michigan, took the President at his word and now, unexpectedly, are receiving cancellation notices. They are confused, worried, and upset. Today we stand with those families with the Keep Your Health Plan Act.

This bill is to help provide peace of mind to folks like the farmer in Bangor, Michigan, who just found out after purchasing his family's insurance for the last 30 years that he will be able to keep that plan no more. And the sticker shock will be unbearable, as the premiums double and their deductible jumps nearly \$3,000. Sadly, they are not alone. For millions of Americans, it is cancellations today, sticker shock tomorrow.

For the last 6 weeks, the White House stood idly by, ignoring the pleas of millions. But as the administration's allies in Congress panicked, the White House went from attacking our thoughtful bill to making an end run around Congress with a universal "fix."

Our straightforward one-page bill says if you like your current coverage, you should be able to keep it. The President should heed his own advice and work with us, the Congress, as the Founders intended, not around the legislative process.

Everyone today should embrace the Keep Your Health Plan Act, and our efforts to protect Americans from the damage of this law should not stop there. Let's keep the promise.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

This bill is not a bill to let people keep their health insurance plans. The President took care of that issue yes-

terday. This bill is another vote to repeal the Affordable Care Act. It would take away the core protections of that law.

This bill creates an entire shadow market of substandard health care plans. It will destabilize the health insurance exchanges, raise premiums, and continue to allow insurers to discriminate on the basis of preexisting conditions.

The bill takes away the core consumer protections that are part of the law. Under the Republican bill, it ensures to cherry-pick the best risks and destabilize the insurance market for everyone else. That is what we would have if they repealed the law. People would still be out of a chance to get health insurance.

Now, I understand the concern of many Members, that individuals should be able to keep their health insurance if they like it; but there is a profound difference between providing relief for individuals whose policies have been canceled, which is what the President did yesterday, and re-creating the discriminatory, inefficient insurance market that we had before health reform, which is what this bill will do.

We need to have some perspective on this issue. For those currently in the individual insurance market, nearly 5 million people, they will be eligible for a tax credit worth an average of \$5,000. Over a million more people will be eligible for Medicaid, which means additional savings. Because of better coverage that protects them from crippling medical costs, millions more will lower their out-of-pocket costs; and the 25 million Americans without insurance will finally get a good deal on quality coverage.

No one can be denied coverage because of preexisting conditions. No one will see higher rates because they get sick. No one will see their rates go up. No one will run up against annual coverage limits or realize too late that their plan didn't cover the key benefits that they need.

□ 1115

This week, we learned that 1.5 million people have already applied for coverage—a faster signup rate than experienced in Massachusetts—even with all the technical problems we have had. In my State of California, nearly 400,000 people have begun applications in the first month.

There will be a total of 6 months to sign up.

This program is going to work. These are significant signs of progress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself an additional 10 seconds.

They show us we are on our way to dramatically expanding health insurance coverage in this Nation. This bill will take us backwards.

I urge a "no" vote, and I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from the good State of Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the chairman for yielding and for bringing this bill to the floor.

Mr. Speaker, I rise today as the voice of at least 150,000 Oregonians who have already received their cancellation notices. They have been told that the policy they liked, that they wanted to keep, they cannot have any longer.

I was out in my district for 8 straight days last week—36 meetings, 12 counties, 2,476 miles on the road, from morning to late at night. And I am going to tell you there are people like Chuck and Jan in Medford who had gone into retirement, had health insurance, and got a notice that their plan has been canceled.

From Mitchell to Bend to Enterprise to Medford—all over—not only are their plans being canceled, the replacements are coming back with deductibles that are \$12,000 to \$15,000, when they were paying a couple thousand dollars. The premiums are going up—in some cases, double or more.

Some of them may get a subsidy, a lot of them won't, and now they don't have the plan they were promised that they could keep.

And another thing that is insidious that is going on below the surface, in meeting after meeting, hours are being cut back. People are losing their jobs. They are getting less take-home pay because of ObamaCare. This is a problem all across America.

The promise that you could keep your plan was never to be kept, and they knew it. And they continued to say it, and it wasn't true.

People are losing their plans, they are losing their coverage, and they are losing access to the specialists that may save their lives. They won't be able to keep their doctors. Oh, they may, but if the doctor is out of network, there is no cap on what they will pay in terms of a deductible. So financially, you take away their access to health care.

The prices have gone up; the access has gone down. And by the way, in many cases, they have lost their jobs or their hours have been cut back.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), who played such an important role in drafting the Affordable Care Act.

Mr. RANGEL. Let me thank Congressman WAXMAN for giving me this opportunity.

The majority has said that Presidents are remembered by certain things, and this outstanding President will be remembered because he said, if you have a plan—and he didn't say "no matter how bad it is"—you can keep it. I think he will be remembered historically as being the first President in the



United States of America that has told people that, for the first time, every American will have access to affordable health care.

On the other side, history is going to record them, too. They never said that they had any concern at all and never had a plan for the 30 million people that every day are waiting for this plan to go into effect, and that they would publicly acknowledge that they don't want to improve upon mistakes that may have been made but they want to derail, to destroy, and to eliminate and to repeal universal health care for Americans.

I say this. The President apologized yesterday, and I apologize for the United States Congress to those people without insurance today.

If you believe that the administration has done something wrong, for God's sake, let's work together to correct it. But to just ignore the fact that 70 percent of Americans already have good insurance and it is going to be improved, to ignore the fact that 30 million people and their legacy is in jeopardy because they can't afford to have serious illnesses, and to believe that those that belong to the 5 percent that really get caught in what we are supposed to be fixing today, I tell you that there is no evidence at all that the Republican Party wanted to fix anything for the uninsured of America.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Dr. GINGREY, a member of the Health Subcommittee.

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman from New York just said it: universal health care, single-payer system, a government takeover of one-sixth of our economy. That is what they wanted from the very beginning.

I rise today in support of H.R. 3350, the Keep Your Health Plan Act now.

The Obama administration's health exchange enrollment announcement on Wednesday is one of the myriad reasons we must pass this bill. Frankly, these long-awaited numbers did not come as a surprise to us. A mere 100,000 registered for health care on the new marketplaces when they anticipated 500,000. According to a Health and Human Services report, the number does not distinguish even between those that actually paid a premium and those that just selected a plan by clicking a button on the Web site.

Mr. Speaker, the number of Americans who have had their health plans canceled is in the millions—exponentially higher than those who receive coverage under ObamaCare.

This disastrous law was destined to fail from the start. We on this side of the aisle, the Republicans—and indeed, the American people—have known for 3 years that this plan is unworkable for small businesses; it is unfair for physicians and their patients; and it is

unaffordable for we the taxpayer, we the people.

I urge my colleagues to support H.R. 3350.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the top Democrat on the Health Subcommittee of Energy and Commerce.

Mr. PALLONE. Thank you, Mr. WAXMAN.

Unfortunately, today's bill is a ruse. It claims to make things better, but all it does is to make things terribly worse. Republicans will hide behind a sound bite and nice-sounding title. But what this bill really does is to go back to the old, broken health insurance system.

This is just another attempt for the GOP to repeal the provisions of the Affordable Care Act. They have made it their mission to push the ACA to failure, and the only consequence is just that: seriously damaging the insurance provisions of the Affordable Care Act and the millions of Americans who are expected to benefit from the improved coverage and premium and cost-sharing subsidies available through the new health insurance marketplace.

The GOP claims the bill allows people to keep their health plans, but actually it allows old policies with fewer benefits and sometimes higher prices to be sold to new enrollees.

One of the major goals of the ACA was to improve the quality of health insurance policies sold on the private market. Beginning in 2014, health insurance plans can no longer deny coverage for adults with preexisting conditions or charge those individuals more for coverage. And there are a lot of other discriminatory practices that are eliminated by the ACA.

We need to be open to constructive changes to make this law work to the best of its ability, but that is not what the GOP is doing today. No one believes the Republicans care about ensuring that people have health insurance. If they did, then Republicans would not, for purely political reasons, refuse to expand Medicaid with those Republican Governors in the States where now 5 million hardworking Americans across 26 States will not have Medicaid expansion because of Republican politics.

Mr. Speaker, yesterday, the President took action to help Americans who want to renew their old insurance policies. Ultimately, though, I hope that those Americans who want to renew those old policies will look at the quality plans available in the new Affordable Care Act insurance marketplace and like what they see. In most cases, they will find they are able to purchase better coverage at a lower price than their original policies, so, when they get sick or need care, they will actually have it—not with these old policies that, for the most part, are

not going to provide them with good health insurance.

I urge my colleagues to oppose this bill. This is just another repeal effort on the part of the Republicans. They are not serious about trying to provide insurance, and this will accomplish nothing for the American people.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), the chairman emeritus of the Energy and Commerce Committee.

Mr. BARTON. I appreciate the chairman yielding.

Mr. Speaker, we are here today to begin the long process of amending—hopefully improving, and if that is not possible, at some point in time, repealing—the Affordable Care Act.

The President, as everybody knows by now, repeatedly said that if you like your health insurance, you can keep it. Well, it has been proven that even when he said it, that was not true. Yesterday, the President admitted as much when he said for the next year he would try to honor that promise, if only in the breach.

The Upton bill actually correctly honors that promise in the correct way by legislatively saying that insurance can continue to provide these private policies—and I would assume some employer-sponsored policies—regardless of whether they meet the new minimum standards under the Affordable Care Act. The bill does not require insurance companies to do so, but it does allow them to do so. As sponsors of the bill, it is our hope that many companies will do so. It is a reasonable expectation that millions of Americans, given that choice, will actually keep the plans that they have and that they like.

At some point in time, though, Mr. Speaker—this bill is not the end of the process; it is the beginning—we need to come back and fix the rest of the law or perhaps even change it or repeal it.

I have a bill that I hope will be brought to the floor at some point in the near future that will make ObamaCare voluntary. Let the American people choose what parts of the new law they like, and if they decide they don't like some parts or all of the law, they wouldn't be compelled—mandated—to continue to use some of these new policies.

So, Mr. Speaker, I want to commend Chairman UPTON and Subcommittee Chairman PRITS for bringing this bill so expeditiously to the floor. I would hope that we can have a unanimous vote in support of it.

Mr. WAXMAN. Mr. Speaker, the gentleman will not get a unanimous vote.

At this time, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the ranking member of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, the Republicans are on a mission of destruction.

Nothing will satisfy them except that very mission. The Upton bill is another weapon in that mission. What the Republicans fear most of all is that health care reform will eventually work. The Upton bill is a bill to make sure that it does not work.

The President has taken a step to help people keep their policies. The Upton bill opens the door to anyone at all to make sure that health care reform is not workable and that the private market cannot work. So back to the time of 50 million uninsured. So back to the time of cancellation for preexisting conditions. So back to the time of no cap. The alternative is bankruptcy.

Eight years ago, the Medicare drug program that Republicans had passed got off to a rocky start. Did we Democrats pounce on it for political gain? No. We put the country first and helped make the program a success. The Republicans are marching in the opposite direction—the path of destroying instead of making something work.

Let's work together to make it work rather than destroying what Americans want: a healthy health care program for all Americans.

□ 1130

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader of the House.

Mr. CANTOR. I thank the chairman, the gentleman from Michigan.

Mr. Speaker, I rise today in support of the Keep Your Health Plan Act.

Many Americans today are worried. They are worried about their jobs, worried about saving for their children's college educations or worried about saving for their retirements, and now, Mr. Speaker, millions of Americans are worried about coming home and opening their mailboxes to find out that their health care coverage has been taken from them because of the President's health care law.

The President repeatedly said that if you liked your health care plan, you could keep it. We knew this was a promise he could not keep, and now it is a promise he has broken. As a result, millions of Americans across the country are receiving cancellation letters just like this one.

Mr. Speaker, this letter was sent to me by a constituent of mine. His name is Bruno Gora. He is from Richmond, Virginia. Bruno is self-employed, and he purchases his health care plan through Anthem BlueCross/Blue Shield. A few weeks ago, he was shocked to receive this letter because this letter clearly reads: "To meet the requirements of the new law, your current plan can no longer be offered." Purchasing a new plan could potentially cost Mr. Gora thousands of dollars.

Why should he or anyone else be forced off their plan if they want to keep it?

Working families across America were counting on the President to keep his promise. Now they are counting on us to ease some of the pain that his health care law has brought on them.

Yesterday, President Obama announced that he was going to be making some unilateral changes, but the changes he proposed and the ones we are proposing in the House have some very clear differences.

The President's plan restricts coverage previously available to only those who already had it while forcing others to purchase a plan from healthcare.gov or to buy more expensive coverage that may not fit their needs. The White House doesn't even know how they are going to implement the plan they announced yesterday.

This proposal that we are talking about here, Chairman UPTON's plan, aims to help Americans keep their health insurance and give their neighbors a chance to buy the same plans rather than forcing them onto a faulty Web site to buy new coverage they may not like or cannot afford. Under this legislation, there is no confusion. The Keep Your Health Plan Act removes the impediment in the law that restricts insurance plans from being offered.

The only way to completely stop any more cancellation letters like the one Mr. Gora received is through a full repeal of ObamaCare. Today, however, we have an opportunity to stand united and pass a bipartisan measure that aims to slow the growing number of Americans harmed by this law.

I would like to thank Chairman UPTON for his hard work and dedication to the issue, and I urge all of my colleagues in the House to support this bill.

Mr. WAXMAN. Mr. Speaker, at this time, I wish to yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House, the chairman emeritus of the Energy and Commerce Committee and the longest-standing Member in support of universal health care coverage.

Mr. DINGELL. I thank my friend for yielding me this time, and I express great affection and respect for my dear friend, the gentleman from Michigan (Mr. UPTON), who serves the House and his constituents well.

However, Mr. Speaker, this is a regrettable piece of legislation. It is nothing more or less than the kind of insurance policies, which are being authorized by it, that were sold by snake oil salesmen around this country, policies which gave no relief, no help, and no benefit to the American people.

The sad situation is that this not only allows some people to keep their policies, but it allows a lot of snake oil salesmen to run around the country, selling bad policies which undo almost all of the protections which we have put into the Affordable Care Act,

things like protections against preexisting conditions or the fact that a woman who might be buying a policy can be charged more under this legislation on a new policy issued by some sneaky insurance company.

The harsh fact of the matter is that this is not a help to citizens. The President said yesterday that he was going to take steps to correct the problems. If we really want to have this done properly, then that is the way to do it. Let us work together to have these matters corrected properly. Let us see to it that the American people get the protections they need against abusive practices and not that we return to them.

H.R. 3350 allows the new sales of bad policies—which contain programs and practices that are barred by ACA—to new and gullible purchasers, the ones whom we say we seek to protect. As I observed yesterday, the insurance companies feel that this is going to cause huge confusion in the market, and they do not seek this legislation. The average citizen has been sold a bill of lading which is just plainly false. He is not going to be benefited by H.R. 3350. He is simply going to be afforded the opportunity to buy bad policies, whereas what we want to do is see to it that if he has his policy he can keep it. The hard fact of the matter is that he can keep it, and he doesn't need the legislation before us.

The legislation before us simply assures that folks can run around selling bad policies under fictional and false misrepresentations to do hurt to the American people, who, frankly, need protection against the abuses that the Affordable Care Act would put in place.

Mr. UPTON. Mr. Speaker, I now yield 1 minute to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. I thank the gentleman from Michigan for bringing this bill to the floor, which I support.

Mr. Speaker, we all heard that promise that if you like what you have, you can keep it. It is probably the most often repeated promise that Barack Obama has made in his 5 years as President. Yet the President is finally acknowledging that that promise will not be kept to millions of Americans who are losing the good plans they like.

They can't feign that they didn't know this was going to happen, by the way, Mr. Speaker, because, back in 2010, the administration had a report that said over 60 percent of private plans would be canceled under the President's health care law. I have seen it myself in my district. I have got Chris from Covington and Aaron from Slidell who have gotten letters saying they are going to lose the good plans they have because of the President's health care law.

The President's answer was, Oh, it was a lousy plan.

Mr. Speaker, it was not a lousy plan for Chris or for Aaron or for the millions of Americans who are losing their plans. They liked their plans. Some Washington politician shouldn't be able to say, I don't think it is good enough, so I am going to take it from you even though it is right for your family.

Let's put patients and doctors back in charge of these decisions. Let's empower hardworking families to be the ones in control of their health care decisions, not some Washington politician. I urge the passage of this bill.

Mr. WAXMAN. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the number one cause of personal bankruptcies in this country is the cost of health care. Most of those people are so-called "insured." These are the policies that are being offered that people find out, when they get sick, that they really aren't insured.

A major goal of ObamaCare is to protect every consumer from the worst abuses of the private health insurance industry. Starting next year, no consumer can be denied coverage or charged more due to a preexisting condition. This means that 129 million Americans will no longer have to live in fear that they could, one day, be unable to obtain affordable coverage needed to maintain their health or even to save their lives.

The Upton bill would turn back the clock. The Upton bill would allow insurers to cherry-pick among all health care consumers—the young, the healthy—by offering non-ObamaCare-compliant policies, leaving only the old and sick to purchase coverage in the marketplace. This is something they have wanted to do and have been doing for decades. This is going to drive up premiums and allow just the type of discrimination that ObamaCare absolutely ends.

Speaker BOEHNER said yesterday, We have currently the best health care delivery system in the world.

Are you kidding me—with tens of millions of people uninsured and tens of millions more with bad policies that don't cover this?

Rather than taking steps to weaken ObamaCare, my Republican colleagues should be taking this opportunity to build on ObamaCare; as the President said, to fix it.

Last week, I spoke with the director of the Illinois Department of Insurance about some of the unreasonable rate increases my constituents have faced in the past and their concerns about the new rates being quoted in letters they received from their insurers this fall. He told me that he doesn't have the authority he wants in order to protect consumers from excessive pre-

miums. This authority includes the ability to deny or to modify any unreasonable premium. Illinois isn't alone.

Today, Republicans denied us the opportunity to address this by refusing to consider legislation that would move us forward and provide rate modification authority in every State. Instead, they are choosing to move a bill that would drive up premium rates and undermine ObamaCare's new benefits and protections.

I want to caution people. Rather than re-up with some of the policies they have, check it out. What is really covered? Is there hospitalization? Is the emergency room covered? How many times can you go see your doctor? Go to the marketplace. It will be fixed. Pick a plan that is going to provide you with the real coverage and the essential benefits that you need that are provided under ObamaCare. We want to protect you from junk plans that are out there, but we want to let you re-up in plans that actually offer you the kind of coverage you want, that is essential, which is what the President did yesterday.

Mr. UPTON. Mr. Speaker, at this point, I yield 2 minutes to the gentleman from California (Mr. MCCARTHY), the Republican whip.

Mr. MCCARTHY of California. I thank the chairman for his work in keeping his pledge of bringing this bill to the floor.

Mr. Speaker, I rise today in support of H.R. 3350, the Keep Your Health Plan Act.

From the start, ObamaCare has been a disaster.

First, the individual mandate was a bad idea before and is even more dangerous now because it is forcing people to choose health care they do not want, cannot afford, and isn't right for themselves and their families.

Second, the President's credibility continues to crumble as independent news sources have confirmed that he intentionally broke his promise to every American about whether they can keep his insurance under this law.

We will continue to see the shock waves of ObamaCare. Today, it is the fact that Americans cannot keep their coverage. Tomorrow, it will be the staggering and unexpected cost. Next month, it will be about losing access to their doctors, and the list continues. No administrative fix will undo the harm this law has caused.

Republicans believe that we must try and help Americans who have been harmed by ObamaCare. That is why, today, we will pass a bill to allow Americans to continue to enroll in plans currently offered without facing the individual mandate penalty. What the American people and our constituents need is certainty. The only approach that begins to provide them certainty is the bill before us today.

Our bill allows Americans a choice. It lets individuals keep their health care

plans while giving others who currently are uninsured an escape hatch from ObamaCare. Our bill will allow individuals, whether one is a mother of a sick child, a small business owner, or a young, invincible adult, to keep their current plans. The National Federation of Independent Business and senior groups, such as 60 Plus, are urging Congress to fulfill its duty and pass this bill.

I urge my Democratic friends to join with us. Many of them voted for this bill. They stated they had an intent that Americans could keep their plans. Today is their opportunity to keep that pledge.

□ 1145

Mr. WAXMAN. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from the State of Washington, Dr. McDERMOTT, who is the ranking member of the Health Subcommittee of Ways and Means.

Mr. McDERMOTT. Mr. Speaker, my mother used to say "patience is a virtue." I haven't seen so much panic on this floor since 9/11.

Now, the fact is that a couple of Members who used to be here—Jay Inslee, who is now Governor of the State of Washington, and Mike Kreidler, who is the insurance commissioner of the State of Washington—have already said they will not implement this because it is not good for the people of the State of Washington. They have looked at it.

We have worked hard to implement the Affordable Care Act. Now we have a bill out here with no hearings whatsoever run out here, and we are told there will be no confusion. There will be nothing but confusion. You have 50 insurance commissioners around this country who are going to be suddenly given a bill after we write some rules and regulations here that require the insurance companies to sell policies to people.

I can't believe what I am hearing. I thought that the Republicans believed in the free enterprise system. This is socialism. This is government saying to insurance companies: you must sell a policy to somebody next year that you sold to them this year.

When did we shift on the Republican side to the Congress telling an insurance company who they have to sell a policy to or what is in the policy?

The fact is that they are going to have to put the policy out there. They have been working on implementing this law for 3 years. Now 6 weeks before it actually begins to take effect, we run in here and say, wait a minute, wait a minute, you got to start selling policies like the ones that you sold last year.

Do you think they didn't think through what they are doing? I mean, I don't understand. The free enterprise system is lions and they are eating antelopes.

I urge you to vote “no” against this because you are going to create endless confusion in this country and the insurance market.

WASHINGTON STATE OFFICE OF THE  
INSURANCE COMMISSIONER,

November 14, 2013.

KREIDLER STATEMENT ON PRESIDENT OBAMA’S  
ANNOUNCEMENT TODAY

OLYMPIA, WA.—We have worked for three years to implement the Affordable Care Act in a way that works best for Washingtonians. One goal of our efforts has been to build a stable, fair and competitive individual health insurance market.

I know that many people who buy their own health insurance have struggled to keep their coverage. That is why we have worked so hard to make these significant changes. We have brought meaningful benefits to this market that the rest of us with employer-sponsored health plans have enjoyed for years; benefits like prescription drug coverage, maternity care, and reasonable limits on out-of-pocket costs. Our state-based Exchange—[Wahealthplanfinder.org](http://Wahealthplanfinder.org)—is up and running and successfully enrolling thousands of consumers.

I understand that many people are upset by the notices they have recently received from their health plans and they may not need the new benefits today. But I have serious concerns about how President Obama’s proposal would be implemented and more significantly, its potential impact on the overall stability of our health insurance market.

I do not believe his proposal is a good deal for the state of Washington. In the interest of keeping the consumer protections we have enacted and ensuring that we keep health insurance costs down for all consumers, we are staying the course. We will not be allowing insurance companies to extend their policies. I believe this is in the best interest of the health insurance market in Washington.

We estimate that 290,000 people will need to buy new coverage and that at least half of them will qualify for a premium subsidy. I encourage anyone who is shopping for new health plans—whether you’ve been uninsured or have received a cancellation notice from your insurer—to look at all of your options. Don’t just take what your insurance company says. You may find better, more affordable coverage with a different insurer. There are 46 individual health plans for sale in the Exchange and 51 plans available outside the Exchange. If you need help reviewing your options, contact a navigator or an agent or broker.

NOVEMBER 14, 2013.

GOV. INSLEE STATEMENT ON OBAMA ADMINISTRATION’S AFFORDABLE CARE ACT ANNOUNCEMENT

Gov. Jay Inslee issued this statement in response to Thursday’s announcement by President Obama that insurers could continue to offer individual insurance plans that don’t comply with the ACA:

“We appreciate President Obama’s efforts, through the administrative fix announced today, to address the concerns of those who have gotten ‘cancellation’ letters from their insurance companies.

“Each state will be examining this option to see whether it works for them, and we know different states will come to different conclusions.

“Here in Washington, we are fortunate to have a robust insurance exchange, with 46

plans from eight different carriers. We’re also fortunate that our exchange, the Washington Healthplanfinder, is up and running and enrolling tens of thousands of people in meaningful and affordable health coverage.

“Because of that, the majority of Washingtonians who get these letters are able to find better plans and get tax subsidies to help pay for them. They are getting better coverage at a better price.

“Largely because of the success we’ve had implementing the Affordable Care Act so far, Insurance Commissioner Mike Kreidler has concluded that the option of extending old health plans is not a good solution for the state of Washington.

“We understand that these cancellation letters can be upsetting, and we want to make sure everyone knows how to find the best deal for themselves and their families. We encourage everyone to explore their options on the Washington Healthplanfinder—[www.wahealthplanfinder.org](http://www.wahealthplanfinder.org)—and seek out the help of an in-person assistant or broker to find a plan that fits their needs and their budgets.

“We also want to make sure that the people of our state have meaningful health insurance that will cover them when they get sick or end up in the hospital or find they need ongoing prescription drugs, and we know the plans we have in Washington will do that.”

Mr. UPTON. Mr. Speaker, I yield myself 15 seconds.

The gentleman needs to read our bill. It doesn’t say that the insurance companies must sell those policies. That may be in the Senate bill, the Landrieu bill. It is not in this bill.

I yield 1 minute to the vice chair of the Energy and Commerce Committee, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for the superb job that he has done on bringing H.R. 3350 to the floor; and I thank him for listening to millions of Americans who have been so forthright in saying we do not want the President’s health care law; it is destroying our access to the health care that we like; it is taking away our health care plans.

Never has there been a Federal mandate that has just swept so many people aside and said you must buy this product.

Some of you have asked, why are we doing this? Let me tell you why. We are doing it for my constituents like Carolyn and Lucy and Cindy and Wilma, all small business owners, all female heads of households, who have written us and have said we are being forced out—forced out—of the plan that we like, we are being forced away from the doctor that we like, we are being forced to buy a product we do not like.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlelady from Connecticut, ROSA DELAURO.

Mrs. DELAURO. Mr. Speaker, since this Republican majority took office, we have taken vote after vote after vote intended to disrupt, delay, defund, or outright repeal the Affordable Care Act.

Last month, this House majority shut down the Federal Government. They threatened a catastrophic debt default in order to gut this law.

Now, when the Affordable Care Act is going into effect, are we supposed to believe that this Republican majority is putting forth a good-faith effort to improve the bill? It doesn’t wash, and it defies imagination.

This bill is designed to weaken the health care law to roll back the clock on the reforms we worked so hard to pass. It takes us back to the unacceptable state of our health care system before we passed the Affordable Care Act.

Remember, the health care system was failing people. Every year health care costs skyrocketed, small businesses priced out of the market, employers asking for higher contributions in co-pays and dropping coverage, people with preexisting conditions being socked or left on their own. Every year more people had no insurance whatsoever.

This bill allows insurers to continue to provide substandard health insurance plans to families, even to new customers. Americans on these plans will be denied access to preventive services with no out-of-pocket costs. It takes us back to a time when people were not guaranteed coverage for maternity, pediatric care, hospitalizations, where families faced annual caps, lifetime caps. It takes us back to a health insurance market that rejects people with preexisting conditions.

Once again, this Republican majority is trying to put insurers back in the driver’s seat, let them control the health of American families. This majority was never interested in reforming our broken health care system. They have never been interested in the Affordable Care Act, and now they are not interested as well. This is a cynical, transparently political bill. Oppose it.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania, Dr. TIM MURPHY, the chairman of the Oversight and Investigations Subcommittee on Energy and Commerce.

Mr. MURPHY of Pennsylvania. Mr. Speaker, the majority is very concerned about health insurance plans and very concerned about those people who have lost their plans.

When this bill was originally marked up a couple of years ago in the Energy and Commerce Committee, repeatedly we heard from Members on the other side of the aisle saying that if people liked their plan they could keep it. Indefinitely they were grandfathered in.

This needed a fix several months ago. The President of the United States has said he wants Republicans and Democrats to work together for a solution. We are offering to work together, and yet the President has said he would veto this. But the President offered

only a partial fix. It will lead to more confusion.

The question is: Will it lead to class action suits against insurance companies who fail to comply with the law? Many States are saying this partial fix is not sufficient.

We need a legislative fix. We need a way that people can still have their option for buying their plan. What we have to see here is that it is a bigger problem for American families who have found that their insurance is lost and they want to be able to keep it.

Mr. WAXMAN. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 10½ minutes remaining. The gentleman from Michigan has 16¾ minutes remaining.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I rise in opposition to this bill which will undermine the providing of health care at affordable prices for millions and millions and millions of Americans.

We said to those Americans that prior to the adoption of this act if they had a policy, they could keep it. That was accurate. It didn't say that the insurance companies would have to continue to offer it, which, as I understand it, that side of the aisle wouldn't be for in any event. The fact of the matter is that statement was correct.

Subsequent to that, there were policies offered and insurance companies knew and policyholders should have known because it was in the law that they would be subject to minimum requirements. Why? Because as The Heritage Foundation said when it originally came up with this idea, everybody ought to take personal responsibility.

I have heard a lot of talk on your side of the aisle, Mr. Speaker, about personal responsibility. I believe in that.

The Upton bill, as everybody knows, will skew the risk pool and encourage adverse selection. Anybody who knows anything about insurance knows that if you have adverse selection, the prices for those who need insurance will go up very substantially while, yes, the prices for those who don't need insurance will go down very sharply. Quite frankly, if all of us knew we would never be in an automobile accident, we wouldn't have to have automobile insurance, except, of course, the law in almost every State requires us to have it so that others will be protected as well.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Speaker, I yield an additional minute to the gentleman.

Mr. HOYER. I thank the gentleman.

Ladies and gentlemen, this bill is offered by people who, according to their

own rhetoric, want to repeal the Affordable Care Act. That is a fair position; but now they are trying to do so with a Trojan horse they call "the Upton bill" that, in effect, will fix what people are concerned about. The fact of the matter is it will not fix that problem, but what it will do is undermine the ability of millions and millions and millions of people to have health security.

I would urge my colleagues to defeat this Trojan horse. I would urge my colleagues to say to the American people, look, we are prepared to work together.

The President has offered a compromise which will have the effect of not opening up the policies to everybody, but to those people that had a policy. That is a reasonable step to take. That is a step that, perhaps, we can take together and get accomplished.

Let's reject this bill and let's stand with the millions of people who want affordable, quality health care for themselves and their families.

Mr. Speaker, the Affordable Care Act is good for our country, and it is already benefiting millions of people.

Today, those who are uninsured can sign up for affordable plans through the state and federal marketplaces—and over 1.5 million Americans have already applied for coverage. In spite of that, Republicans remain fixated on repealing this law—rather than working with us to improve it.

Today, we are witnessing their latest assault on health care reform, with their 46th vote to undermine the Affordable Care Act. Once again, instead of providing a solution, their bill will only create more problems.

This stands in sharp contrast with the approach of President Obama and Democrats, which is to work together to make improvements where needed.

In that vein, President Obama announced yesterday that insurers can continue to sell 2013 plans through next year to those Americans who are already enrolled in an individual market policy. And the administration will require insurance companies to be more transparent by sharing information with consumers about other coverage options through the marketplaces—many that provide better benefits at a lower cost.

The President's plan will also mitigate the risk of premium increases that could result from the grandfathering of these insurance policies. That is something the gentleman from Michigan's bill does not do—which means that his bill will lead to higher premiums and greater uncertainty for all consumers.

And his bill would undermine the health care reforms that are yielding real benefits for millions of Americans.

I urge my colleagues to oppose this legislation.

Instead, let's work together to make sure the Affordable Care Act is implemented effectively and that Americans will continue to benefit from it.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a member of the

Health Subcommittee on Energy and Commerce.

Mr. LANCE. Mr. Speaker, I rise in strong support of Chairman UPTON's legislation, which will provide much-needed certainty and relief for millions of Americans, including 800,000 in New Jersey.

Regarding this issue, The New York Times editorialized this morning that the President has "damaged his credibility, and it is uncertain how he can earn back the public's trust."

I would suggest support of this bipartisan legislation will earn back the President's trust. This matter should be addressed legislatively and permanently and not administratively and temporarily, as the President suggested yesterday. It is time for us to work together.

I strongly support Chairman UPTON's legislation. I am sure it will pass in a bipartisan fashion and there will be bipartisan support in the other House.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana, Dr. CASSIDY, a member of the Health Subcommittee.

Mr. CASSIDY. Mr. Speaker, for the last 30 years, I have worked in a hospital for the uninsured. What I have learned is that unless you trust the families, unless you give power to the patient, you truly cannot make good medical decisions.

This is an email I got from someone who is my age—mid-50s. She says that we just got a letter from our health care provider, we had a major medical with a \$10,000 deductible. We have lost that. We were told the insurance was not acceptable as written, so now our new policy has a \$7,000 deductible and it cost us \$10,000 more a year.

The deductible goes down by \$3,000, their premium up by \$10,000. This is not power to the family or to the patient. This is Washington saying, thou shalt spend thy money in the way that we direct you to spend it.

Frankly, I don't know if we can reconstruct the private insurance market. It may have been decimated by the Affordable Care Act. The last chance probably was the Enzi resolution on the Senate side in which it was pointed out that as many as 80 percent of Americans will lose their individual policy, but every Democrat voted against that Enzi resolution.

There is hope. It is the Keep Your Health Plan Act, which allows the policies to be resold, to occasionally be tweaked and, by the way, to be sold to others, preserving, if you will, the power of big numbers, which is key to the insurance industry.

□ 1200

Now, the other option, the President and the others on the Senate side, don't allow these policies to be sold to

others. And so without allowing that, of course they are eventually going to be actuarially unsound and collapse. It is a sleight of hand which is disingenuous in terms of its intent. We give power to the patients. We must trust families. We should pass the Keep Your Health Plan Act and allow families to make their own decisions.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let's be clear about the bill before us today. This bill is not an attempt to help Americans keep their insurance plans. The President already announced a plan to help address that goal. Instead, this bill takes a meat cleaver approach, allowing insurance companies to market inadequate policies to new enrollees.

Remember the bad old days when preexisting conditions were discriminated against? This bill brings back that practice. Remember women paying more for coverage simply because of their gender? That is A-okay under this bill. Remember annual caps that let insurance companies stop paying when a consumer came down with an expensive illness? That is back, too. And what about small businesses facing double-digit hikes in their premium costs?

If we want to take up targeted legislation helping those whose policies are being discontinued, then let's do that. But let's call this bill what it is—a return to the day when insurance companies preyed on working families and the 46th attempt to repeal the Affordable Care Act.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MCKINLEY), a member of the Energy and Commerce Committee.

Mr. MCKINLEY. Mr. Speaker, I thank the chairman.

I rise today to be the voice of the citizens of the First District of West Virginia and support House bill H.R. 3350. Let me share just two of the messages of the thousands that we have received.

Linda from Philippi, West Virginia, writes:

I am losing my health insurance due to ObamaCare. My policy has been canceled, and I am being forced to enter the exchange. I like my current policy. Under the exchange, I will be forced to pay \$200 more. I am being hurt by ObamaCare. This simply isn't fair.

And Sherry from Weirton, West Virginia, tells us:

My parents, both retired, received a letter from their insurance company letting them know their new rate starting in January. The increase is so much they can't afford it. I pray that they can continue to receive the health care that they choose so they can continue to be healthy. They deserve better.

Mr. Speaker, these are only two of the stories out of the thousands we

could share. Consequently, I am urging my colleagues to support this particular legislation.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining. The gentleman from Michigan has 12 3/4 minutes remaining.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Speaker, I thank the chairman of the committee for his work on this bill and the legislation before us.

Mr. Speaker, 250,000 Coloradoans have had their health care plans canceled. I join them. Here is my letter. As one of the insurance policyholders in Colorado, I, too, had my insurance canceled. I am part of 250,000 people who had a health care plan they were told they could keep, but they won't be able to.

Noel from eastern Colorado contacted my office to tell me that his insurance has been canceled, insurance that he liked, that he was promised by the President that he would get to keep. Mr. Speaker, Noel tells the story that he has two kids and a third on the way. He tells the story that his premium is going to go up by about \$400 as a result of the changes under the health care bill, and that with the addition of his third child, it will go up another \$300 more a month. His family doesn't make much money. For eastern Colorado, they actually do better than others. They bring home \$5,000 a month. But to see that kind of a health care cost increase when they were promised if they like their health care policy, they could keep it is simply wrong.

We have been accused in this bill of rolling back the law. This bill does one thing. It rolls back a broken promise. It rolls back a broken promise so we can keep our health care plans and so that the 250,000 people in Colorado can keep their health care plans. In fact, it does go back. It goes back to a time when President Obama promised the American people that, if they liked their health care plan, they could keep it, period. It goes back to a time when Kathleen Sebelius, Secretary of HHS, said, if you like your health care plan, you can keep it. It goes back to a time when the majority who passed the legislation in the House and in the Senate said, if you like your health care plan, you can keep it, period.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Mr. Speaker, the expectation that somehow the elements of the Afford-

able Care Act would not be implemented is just simply false. People can keep health insurance, but there are always going to be the new standards to make sure that people no longer have insurance in name only. That is what we heard about repeatedly in the efforts to try to reform the health care system—that people had great health care plans until they got sick. We have minimum standards going forward, and all plans will be required to meet those standards. That was in the law, and that is reasonable.

We are in the midst of the greatest, most significant reform of health care in a generation, and it is already having significant effects. Medical inflation, medical cost inflation is at a 40-year low over the course of the last 3 years. We have significant expansion of coverage already. Hundreds of thousands of people in lower incomes have been able to have access to health care for the first time. Small businesses that have been burdened for years by health care costs now get access to tax credits, and it gets better for them going forward.

It is, I think, ironic for people to talk about somebody losing access to a doctor who is no longer in a network. That happens every year. It happened previously. It will happen in the future unless you are going to somehow sentence doctors to participate in plans. You can't force them.

And shedding crocodile tears because there are some plans that are canceled; in the individual insurance market, routinely 40, 50, 60 percent every year are turned over.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. I sat on the floor and heard my colleague from Oregon (Mr. WALDEN) talk about a very attractive family from southern Oregon that is somehow going to now face a \$12,000 deductible. I want to take a deep dive with Greg and find out what is going on with that family because we have found people have been using ObamaCare for an excuse for some things that are going to happen anyway, or that people misunderstand.

Let's do this together. Let's explore these areas. Let's give people information going forward, and let's make the system work better, not create a parallel system that will make it work worse.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), a member of the Health Subcommittee.

Mr. BILIRAKIS. Mr. Speaker, I thank the chairman for sponsoring this great bill.

In my State of Florida, 300,000 individuals have lost their health care plans due to ObamaCare, and hard-working Americans, like my constituent Mark from Pasco County, are being adversely affected by this law.



Mark currently has a plan that he likes, but ObamaCare will take it away. His new equivalent plan on the exchange comes with a \$12,000 deductible and \$1,000 monthly premiums. He and his wife are about 60 years old and do not qualify for subsidies. They are very healthy, but they are punished, Mr. Speaker. I don't understand, they are punished by the President's health care law.

That is why I am proud to be an original cosponsor of the Keep Your Health Plan Act to remove the barriers preventing hardworking Americans from keeping their health care plans under ObamaCare. We need to pass this bill so we can give the American people the peace of mind they deserve.

Mr. WAXMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a member of the Energy and Commerce Committee.

Mr. TERRY. Mr. Speaker, this is really about trust, and people like Andrea from Omaha feels like that trust has been violated. It has been broken. She was told that she could keep her policy, but then she received her letter saying you cannot keep your policy.

A working mom with two young children, her family's premium has risen to \$770 from \$450 per quarter. Her responsibility for coinsurance is now 50 percent, up from what it was before at 15 percent. Her out-of-pocket costs rose to over \$2,000, and she is paying more for less now.

This isn't a better policy, as we have been told. It takes a big chunk of their family budget. Unfortunately, under ObamaCare, she can't keep her plan. She gets more with less.

Mr. WAXMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, I rise today in support of this legislation allowing individuals to keep their plans into 2014.

Yesterday, my colleagues and I shared powerful stories of many of our constituents who have experienced cancellations and mass rate increases due to ObamaCare. In addition to these individuals, I have many more stories of Kentuckians seeing their plans canceled due to ObamaCare.

More recently, Sylvia Martin from Owensboro wrote to me that her coverage was canceled, and she so far has been unable to get insurance.

H.R. 3350 would allow insurance companies to continue offering 2013 plans, which would benefit the millions of Americans who have seen their current plans canceled. The American people were told repeatedly that if they liked their plan, they can keep it. House Re-

publicans today are trying to honor that promise.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Speaker, I thank the chairman, and I rise in support of the Keep Your Health Plan Act.

This bill is important for many people in my district, including Joann. Joann lives in Limestone, Tennessee, and because her policy doesn't meet the minimum requirements set by ObamaCare, she has been forced to buy a more expensive health care plan. Her premiums will rise from about \$95 a month to \$200 a month. Joann thought \$95 was affordable, but \$200 not.

Despite promises of more affordable health care, this law is making insurance unattainable for many across my home State.

BlueCross BlueShield of Tennessee, our State's largest insurer, has announced it will be forced to send 66,000 cancellation notices to my fellow Tennesseans because of ObamaCare; a Medicaid plan called Cover Tennessee, another 16,000 lose their care.

Mr. Speaker, it is well past the time for President Obama to work with Members of Congress to provide relief to families hurting because of this law. I urge my colleagues to support the Keep Your Health Plan Act.

□ 1215

Mr. WAXMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, may I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 7 minutes remaining, and the gentleman from California has 3½ minutes remaining.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. Mr. Speaker, I rise today in support of H.R. 3350, the Keep Your Health Plan Act, and I would like to thank Chairman UPTON for bringing this bill forward.

Despite President Obama's reassurances that "if you like your health care plan, you can keep it," 3.5 million plans have already been canceled because of ObamaCare.

Cynthia, a constituent from Granite Falls, North Carolina, told me about her family recently. She and her husband and three boys have a premium that was \$300 that has now risen to \$1,206, Mr. Speaker.

The rhetoric from the Democrats has said that the Republicans are only interested in pushing for a repeal of the health care law, rather than fixing it, but this is not true. So far this Congress, Republicans have introduced 102 bills designed to fix the broken areas of ObamaCare. The Democrats by contrast, a mere 17.

Republicans are bringing another fix today, Mr. Speaker, to the House floor. The Keep your Health Plan Act allows families across the country like Cynthia's to keep their policies without penalty.

Mr. WAXMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the gentleman, and I rise in strong support of H.R. 3350.

This is a piece of legislation that protects the people, not a political party, not politicians, not Presidents who don't keep promises.

This is a letter I got from Melissa and Riley from Hermitage, Pennsylvania. Riley is a college student paying for her own education. She is working part time at minimum wage in a local grocery store, paying for what she calls an affordable \$70 per month for her health care coverage. Because of the Affordable Care Act, her hours at the store have been cut back, and now, to add insult to injury, she has been notified by the insurance provider that because of ObamaCare, she will be canceled after another year and that she is going to be forced to choose a plan that costs triple what she is paying now.

Riley's mom, Melissa, also sent a letter to our office, a letter of desperation stating that her health insurance provider, the one she has always relied on, has now informed her that she will no longer be covered after November 25. In her letter to our office, Melissa writes:

When my daughter or I purchase our own health care in an attempt to be self-sufficient in this country, we are penalized, not rewarded.

Mr. President, keep your promise. I can't believe for 3 years we have told people you can keep these policies, you don't have to worry about it, period. If you like your doctor, you can keep your doctor, period.

Now we find out that it was all just talk, and that is what this country is fed up with. They are tired of the talk that comes out of Washington. They want to have people start representing them. That is what we are here to do. Both sides of the aisle, ladies and gentlemen, both sides of the aisle. It is time to stop the spin.

I really feel sorry for the people who sit in the gallery here. We need to put seatbelts in. This room is spinning so fast sometimes, it is hard for them to walk straight when they walk out of here.

I tell you what. Our party will continue to commit ourselves to doing what is right for the American people.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. WAXMAN. Mr. Speaker, I continue to reserve the balance of my time.



Mr. UPTON. May I ask the gentleman from California how many speakers he has left?

Mr. WAXMAN. We have two speakers left.

Mr. UPTON. We just have two speakers as well, myself and Mrs. ELLMERS.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Mr. Speaker, I rise today in support of H.R. 3350, the Keep Your Health Plan Act of 2013.

As my colleagues across the aisle have pointed out over and over and over again, the ACA is law, but it cannot simply be undone by the White House, and it does call on us in the Congress to do so.

Mr. Speaker, we women in this country make 80 percent of the health care decisions, and women in this country have now been told by the President and our Democratic colleagues that the health care choices that they have made to cover their families are not adequate. In fact, they are being called subpar, and they are trying to intervene. They are trying to keep the women in this country from providing that good, sound health care coverage for their families.

That is why we are voting on this bill today, Mr. Speaker. We are voting on it because these are good decisions that have been made by the American people, they are good decisions that have been made by the moms across this country for their families, and we need to do everything we can to protect that.

I call on my colleagues to vote "yes" on H.R. 3350, so that women in this country can continue to do the good job they are doing for their families and provide good health care coverage.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his great leadership in helping to pass the Affordable Care Act, honoring the vows of our Founders for liberty, the freedom to pursue their happiness. It is life, liberty, pursuit of happiness. A healthier life and freedom to pursue that happiness.

It is a funny thing when people talk about Washington, DC, and how people don't get along well; we disagree. We have major disagreements on policy, and one of them is whether health care is a right for all in our country or a privilege for the few, but it doesn't take away from the fact that we are people and we serve in this institution, and we have some areas of agreement one day and the kaleidoscope changes the next day to the point where people are always surprised when I say to them, "I pray for the Congress every day, and on Sunday especially. I pray for our Republican colleagues, as well

as our Democratic colleagues, as well as the President of the United States, Barack Obama or George W. Bush, or whoever he may be, because the success of the President and the success of all of us is a success for the American people, if we can work together to find common ground for the public good."

When I pray for all of us, I have wishes for us. I wish that my Republican colleagues could see how successful the Affordable Care Act is in California. I wish you could hear the stories of family after family after family being liberated, freed from the constraint of being job-locked because the family has a preexisting condition so that now they can follow their passion and not be chained by a policy, follow their passion to be self-employed, to start a business, or to change jobs.

I wish you could hear all of these stories. I wish you would not close your mind to them because this initiative has been transformative. I would have hoped that whatever had been proposed would be to strengthen or improve it, and we all have the humility to know that any bill, whatever our pride of involvement in it is, can be improved.

That is why it is particularly disappointing to come to the floor today to see a bill that says to the Affordable Care Act and all of these people with all of their stories, we are going to unravel this, we are going to unravel all of the good things, whether it is preexisting conditions, ending that discrimination, whether it is lifetime limits, whether it is annual limits, whether it is being a woman no longer being a preexisting condition, whether it is for seniors or for kids 18–26 years old or for little children, even now, before the bill is fully enacted. So I hope and I pray, and I wish that our colleagues could see the evidence and that the decisions would be evidence-based rather than politically motivated.

I think it is really important what this Congress does today. Each Member has to make his or her own decisions, but the fact is that in this body, our words weigh a ton and our votes are even weightier than that. I hope the message that comes out of this Congress is that there is a discussion going on, but there is a values decision that has been made in favor of the American people. If we have to thread a needle to get a result, let's do that, but let's not unravel the whole sweater because that would not be a comfort to the American people.

Let's act to strengthen, not weaken. Let's vote "no" on the Upton bill.

Mr. UPTON. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. DOYLE), a very distinguished member of the Energy and Commerce Committee.

Mr. DOYLE. Mr. Speaker, let's think about where America was prior to the enactment of the Affordable Care Act.

There were 30 to 40 million of our citizens without insurance. People with preexisting conditions either couldn't get insurance or had to pay so much they couldn't afford their insurance. Women were being charged twice as much as men. People that had insurance had annual and lifetime caps.

Did you ever wonder why when you would see families holding fundraisers to raise money for their kid's drugs when a kid has cancer? These are people who had insurance and came up against the annual caps or lifetime caps, and the insurance company didn't pay any more. Half the families in America are filing bankruptcy. People with insurance up against caps, no more payments, families losing everything.

We put an end to that with the Affordable Care Act. How did we do that? We come up with a private system that required everybody to participate—young and old, rich and poor, healthy and sick. When you put everybody in that risk pool, healthy people help us enable the insurance industry to keep rates at an affordable rate for those people who have preexisting conditions and who have chronic diseases. That is how the system works.

What my colleague, Mr. UPTON, is proposing today unravels that system. Make no mistake about it. If we continue to allow private insurance companies to sell policies that discriminate against women, that set annual caps and lifetime caps, if we continue to allow all of those practices that 80 percent to 90 percent of Americans say they want in their health care system, then that risk pool goes away, rates go sky high, and you will have raised premiums for every American in this country.

I say to my colleagues, there are unforeseen circumstances we knew would come up in this bill. I led the charge in my caucus. I told my caucus if the President doesn't come up with a fix, if our leadership doesn't have an alternative solution to this, many of us would consider voting for the Upton bill, as bad as it is, because it undermines the health care bill.

The good news is the President has responded. We will have a motion to recommit today that responds, and I want to make it clear that there is nothing in the Upton bill that mandates insurance companies to do this. This is a shallow bill.

In the end, let me just say, my friends, have some credibility. You introduced 102 bills, and you never put one of them on the floor for a vote. So don't pretend you care about the American people's health care here. You are just trying to repeal the Affordable Care Act. Democrats are not going to let you do that.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to others in the second person.

Mr. UPTON. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

I say to my friend from Pennsylvania, we would have liked to have had some amendments when the Affordable Care Act passed. The rule denied us any amendments.

Why are we here this afternoon?

Most observers of the legislative process would say that the President's health care act would never have passed back in 2010 without the assurance that the President gave, even many times this year, that you could keep your health care if you liked it. If you liked it, you didn't have to do anything, period. I don't think it would have passed in this Chamber or in this Senate without that promise that the President gave.

Then, millions of Americans in the last couple of months have gotten mail. In that mail, there are the cancellation notices. They are seeing their rates go up 200 percent, 300 percent, even 400 percent. Deductibles are going up in the thousands of dollars. People were coming to us all last week when we were home for our veterans events and parades and all the things that we did. They were bringing those letters to us and saying, Hey, what is going on? I thought I could keep this?

Until yesterday afternoon, when it looked like we were going to get as many as 300 votes, including perhaps Mr. DOYLE's and others, when it looked like we were going to get 300 votes for a bill that we introduced only a week and a half ago, all of a sudden the President felt that he needed to act. It wasn't until this bill that he came to the mic and said, You know what? I made a mistake. I am sorry. Maybe this thing will fix it.

□ 1230

But until then, he was going to sit on his hands and just watch us, watch millions of Americans literally watch their health care, watch maybe their economic lives, just go over the cliff. He was prepared to do that, until we showed that we had some bipartisan zip around here to try and, in fact, enforce, make whole his promise that he has said over and over and over again.

That is what this bill does. Read it. It is not too long, a couple of sentences long.

I commend our leadership for bringing this bill to the floor as fast as they can. Man, 5 or 6 legislative days from when it was introduced, that is pretty good.

More importantly, it got a wake-up call to someone down the street on Pennsylvania Avenue, saying, hey, something is wrong. Let's restore what we might have said. I urge my colleagues to vote "yes" on the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this unnecessary legislation. The President has stepped up to the plate, admitted he made a mistake, and took steps to remedy it. This legislation rolls back too many important provisions without doing anything good beyond what the President has already done.

I believe in the Affordable Care Act. This important legislation ended insurance company practices that prevented Americans from accessing quality health insurance. But, I am disappointed in how the law has been rolled out since October 1st. In fact, I think that we should extend open enrollment for an equal amount of time as the website has been down. Why are we not doing that today instead?

This law is too important to fumble the roll out. I represent an area that has one of the highest uninsured rates in the country. Our district also has one of the highest rates of people who have jobs but no health insurance. Before the ACA, the individual marketplace wasn't the right solution for our constituents and after the ACA, the individual marketplace is still not the right place.

The bill before us essentially restores the individual marketplace as it was prior to the ACA. It means insurance companies can refuse coverage because of pre-existing conditions and it means people can lose coverage because they have gotten too sick. I agree that we should allow people who are in the individual marketplace in 2013 and want to remain in it, to do so for another year.

But the bill today is yet another attempt to undo some of the best parts of this law: the minimum essential benefits and I cannot support it.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to H.R. 3350, the "Keep Your Health Plan Act of 2013." I oppose the bill for two reasons.

First, the Affordable Care Act health insurance plans offered by private insurance companies have 10 basic options that saves lives. Second, the legislation is unnecessary in light of the action taken yesterday by President Obama, which should satisfy the proponents of this legislation while at the same time minimizing the risk to the health and safety of underinsured Americans, who are persons who have insurance but spend more than 10 percent of their income on out-of-pocket medical expenses.

Were it to become law, H.R. 3350 would jeopardize the life and health of those underinsured who purchase these plans this bill protects, even though health insurance plans are available that would in nearly every case provide more health coverage for less.

Mr. Speaker, the Affordable Care Act that the Republicans have tried for 46 times to end, delay or impede is working my constituents of the 18th Congressional District and the people of Texas.

Flora Alexandra Brewer of Fort Worth a real estate development business owner who works from home kept trying to sign into the website. She was determined to participate in the exchange. She said that her family had pre-existing conditions. Flora said that, "There's nothing more expensive out there on any of the websites that I have looked at than what I am currently paying for COBRA."

For the past 10 months, Flora has been paying nearly \$1,900 a month for health insurance for her, her husband and one of her sons. She knows that she will most likely not qualify for any subsidies, but she believes she will save around \$500 a month under the program commonly known as Obamacare.

Those potential savings motivate Brewer not to give up on the exchange.

On Wednesday, she called the toll free number listed on healthcare.gov. She spoke to a representative and enrolled in 15 minutes. She will soon receive an email and a packet in the mail detailing the policies and rates she and her family are eligible for."

Mark Sullivan, an Entrepreneur from Austin, enrolled in a Plan that reduces his monthly premiums by half, expands his coverage, and gave him the financial security to focus on his small business. "Mark now feels confident focusing on the success of his new consulting business, saying health insurance is 'one less thing I have to think about' as he pours his time and talent into this next major career move."

Mark also thinks the marketplace will make it possible for more people to start new businesses and wants to share his success with the larger entrepreneurial community in Austin. After comparing plans, Mark settled on a bronze option and added dental insurance. He will receive an \$82 per month subsidy, which will halve the monthly premium he will pay down to \$78."

Lucy after choosing from over 30 plans is saving \$2,300 a year on her premium and \$4,000 on her deductible, said that "I signed up at Healthcare.gov and I'm going to save \$2,300 a year on my premium alone—and more, because my deductible will drop from \$7,500 a year to \$3,000 a year. It's still Blue Cross insurance, and I don't have to change doctors, either. I had a choice of over 30 plans and several different companies."

Mr. Speaker, according to the Kaiser Commission on Medicaid and the Uninsured 47 million persons under the age of retirement were uninsured in 2012. Most of the uninsured are self-employed or employed by small businesses. Another 28 million people were enrolled in Medicaid or CHIP programs to gain access to health insurance.

The overwhelming majority (59 percent) of the insured receive their insurance through employer health plans. However, one in six of the uninsured have at least one working person in their household.

Mr. Speaker, this is the cost of underinsurance in America—and this is what we can expect more of should H.R. 3350 become law. The express purpose of this bill is to allow underinsured persons to retain an inadequate "health insurance" plan on the ground that supposedly it is the plan the person "wants to keep."

Unfortunately, there is nothing in this bill that would provide consumer education on the

inadequacies of the plan and that something much better is available. For example, there is no requirement in this bill for the insurer to notify the insured that health insurance provided through the exchange that provides more and better coverage for less money.

This means that under H.R. 3350 people will still have problems paying their medical bills, they will have high bills, and they will not be able to afford prescription medication or be hounded by medical bill collectors. Further, this bill would allow these health insurance plans to be sold to new customers who may not know about the potentially better options available on the health insurance exchanges.

The second reason for opposing this rule and bill is that it is unnecessary in view of the actions taken yesterday by President Obama. As the President announced, insurers will be permitted to offer consumers the option to renew their 2013 health plans in 2014, without change, allowing them to keep their plans. This should satisfy the proponents of the bill.

But the President went further than that because he recognizes that inadequate insurance is really no insurance at all. That is why the President conditioned the ability of insurers to offer plan renewals upon the following:

1. That insurers notify enrollees that they can purchase coverage through the Health Insurance Marketplace where they can potentially qualify for premium tax credits; and

2. Those insurers must inform consumers of the protections they are giving up to keep the plan they have.

Taken together, President Obama's actions are a tempered and measured response to the alleged problem that this bill seeks to remedy.

I fully applaud what the President has done.

There may be some who think the availability of the types of health care insurance that H.R. 3350 would protect is sufficient for Americans. I do not. Neither does President Obama. The majority of the American people do not. We believe, and the Affordable Care Act ensures, that healthcare should be available, accessible and adequate.

Mr. Speaker, adequate health plans have in common the inclusion of certain minimal benefits and services.

Mr. Speaker, my constituents in the 18th Congressional District of Texas favor the Affordable Care Act because they understand the insecurity and feeling of helplessness of being uninsured or underinsured. My home state of Texas has the highest percentage of uninsured (27.6 percent) in the nation, 4 percent more than Louisiana the next state on the list.

The state of Massachusetts, in contrast, boasts the lowest uninsured rate in the country (4 percent). This is because Massachusetts several years ago adopted the health insurance system upon which the Affordable Health Care Act is based.

Mr. Speaker, health care coverage must be not only available and affordable but also adequate in order for consumers to have the health security and financial protection they need and deserve. The Affordable Care Act satisfies these criteria; the bill before us does not. That is why we should reject this rule and the underlying bill.

H.R. 3350 is nothing more than the House Republicans' newest variation on their very old

theme, which is to repeal, impede or undermine the Affordable Care Act. This bill is the 46th attempt by the Republicans to deprive the American people of the security and peace of mind that comes with health care that is affordable, accessible and adequate.

Of course we should not be surprised. After all, it was the House Republicans who shut down the Federal Government for 16 days and cost the economy \$24 billion while refusing to consider any legislation that would create jobs or address the real needs of the American people.

Mr. Speaker, the bill before us is strongly opposed by a coalition of some of the nation's leading health and consumer organizations, including the following:

Paralyzed Veterans of America.  
American Cancer Society Cancer Action Network.

American Diabetes Association.  
American Federation of State, County and Municipal Employees (AFSCME).

American Heart Association/American Stroke Association.

American Music Therapy Association.

The Arc of the United States.

The Autistic Self Advocacy Network.

Community Catalyst.

Families USA.

Health and Wholeness Ministries, Disciples Center for Public Witness.

Health Care for America Now.

National Alliance on Mental Illness.

National Association of County Behavioral Health & Developmental Disability Directors.

National Council of Jewish Women.

National Partnership for Women & Families.

These groups oppose the bill for substantially the same reasons I have discussed. While sympathizing with consumers who are receiving notices from their insurance companies that their policies are not being renewed for next year because they do not comply with the ACA's consumer protections, the Coalition rightly observes that:

[T]he solution is not to allow for the continued sale of inadequate policies[.] Rather, we must educate consumers about their new health insurance options and ensure that notices being sent by insurers clearly inform them of the shortfalls with their current coverage and explain all of their options for finding better coverage.

I agree. Therefore, I urge all Members to join me in voting against this bill.

Mr. HOLT. Mr. Speaker, I rise in opposition to H.R. 3350. This bill has no purpose, other than to destroy the effort to provide excellent, affordable health care to Americans in every walk of life. Yesterday, the President provided a workable solution to allow insurance companies to continue to offer existing policies to people who want to keep their policies. But the Upton bill we are considering today would allow both those that had these plans, and those that did not, to obtain care under these plans. Especially, people could buy plans that don't really offer much "insurance" at all should anyone in their family get sick.

The comprehensive health care reform legislation we passed in 2010 was a sincere and honorable effort to provide every American with access to affordable and quality health coverage. The law was designed to ensure that health coverage would include access to

free preventive services, and would also be robust enough to actually help an individual afford critical, life-saving care should they fall ill.

The legislation that we are considering today accomplishes none of those goals. H.R. 3350 would allow insurance companies to continue to sell and attract new customers to substandard health plans that offer little protection.

I have received calls and letters from constituents over the past several weeks who share with me their frustration that their health plan has been cancelled. And I sympathize with them. They tell me in complete sincerity that they like these plans—after all, they are not used to having any choice. They think their previous insurance plan is all they can afford. But under the Affordable Care Act they now have the ability to buy real insurance that will not drop them when their kid gets sick or require them to a huge deductible and with government subsidies in an active insurance marketplace, most will probably save money on their premiums.

But I have also heard from constituents who have fallen ill, and during that time of personal turmoil, learn that their insurance does not cover the treatment they need. Their "Basic and Essential Plan," as they're called in New Jersey, does not cover their basic or essential needs. They are on their own, and they will have to pay out-of-pocket for the chemotherapy, hospital tests, or physical therapy their doctor ordered.

Prior to health reform, in 2007, more than 60 percent of all bankruptcies were a result of illness and medical bills, and nearly 80 percent of those who filed for medical bankruptcy were insured.

We passed the Affordable Care Act not only to extend coverage to the 48 million uninsured Americans, but also to improve insurance for the millions more Americans who are underinsured. H.R. 3350 would undermine the Affordable Care Act by allowing new, additional customers to purchase health insurance that provides limited protection, and little prevention. It would result in even more Americans becoming underinsured and lead to additional family's filing for medical bankruptcy.

Many parts of the ACA are working and have very beneficial effects for ordinary Americans—removing caps that cut off coverage even in the middle of critical treatments, allowing 25 year olds who are trying to get on their feet professionally to stay on their parent's policies, guaranteeing equally good coverage at equal cost for women, increasing access to preventive care, and other things. I would hope the sponsors of this bill would devote their best efforts to making the remaining parts of the legislation work. That is what they owe their constituents, rather than trying to destroy this sincere, honorable effort to make health care as good as possible in America.

The rollout of the health insurance Marketplace has not been smooth, and I am as frustrated as everyone else, but the potential for Americans to gain affordable and comprehensive coverage is still enormous. Nearly one million New Jerseyans lack health insurance, and there are still many more underinsured. I am committed to protecting the provisions of health care reform so that New Jerseyans have access to health coverage that is affordable, comprehensive, and reliable. Therefore, I

urge my colleagues to join me in opposing this bill and get to work on implementing the Affordable Care Act so Americans have access to better health care coverage.

Mr. POSEY. Mr. Speaker, as a direct result of the health care law, 10 million Americans risk having their health insurance plans cancelled. Tens of millions more are seeing their costs go up and coverage changed, and they are losing access to their doctors and health care networks.

I get messages daily from my constituents who have had their policies cancelled, seen 200%–400% increases in their health insurance premiums, or who have been cut to part-time work because of the new law. They are finding the Affordable Care Act (ACA) to be unaffordable for their families.

Today the House will consider bipartisan legislation that will help reverse these effects of this law for many Americans, providing relief to some of those who have been harmed.

The sad reality is that the ACA is inherently flawed and unworkable, and this reality is starting to catch-up with Americans across this nation. The broken website is just the tip of the disastrous iceberg as the law has fundamental and costly flaws.

The fact that the Administration has now decided to waive ACA mandates is testimony to the fact that the health care law is directly responsible for millions of Americans losing their coverage, huge increases in health care premiums, along with the loss of access to doctors and hospital networks. There would be no need for the Administration to waive the health care law if the law was not the problem.

Unfortunately, the Administration's proposal falls short by only providing a short-term waiver of the mandates. If it's so bad, then we really should be addressing the fundamental flaws, not simply trying to get beyond the next election. The only way to fix this situation, which will get worse, is for Washington to scrap this law and start over in a transparent process with bipartisan reforms that respect individual freedom and fairness.

Mr. CONNOLLY. Mr. Speaker, today the House considered a bill introduced by Rep. FRED UPTON deceptively titled the "Keep Your Health Plan Act of 2013." The bill actually does nothing to address the situation in which some individuals have had their coverage canceled by their insurance provider. Rather this bill would allow insurance companies to continue selling substandard insurance plans to anyone, even those who currently do not have any insurance, on the open market without the new benefits or protections of the Affordable Care Act (ACA).

In contrast, President Obama has put forth a reasonable solution that extends the grandfathering provision of the law. Under that provision, insurance plans in place on March 23, 2010, the date the ACA was signed into law, are considered grandfathered. At issue now are those plans issued since then that do not meet the minimum standards of the ACA. This week, the President announced an extension of the grandfathering provisions that will empower insurance companies and state commissioners of insurance to allow those older plans to continue to be offered for one more year. If the insurance companies decide to continue offering those plans, they must notify

all individuals who have received a cancellation notice and anyone else at risk of receiving one to inform them of their right to continue their previous coverage so long as the insurer discloses what benefits and protections—such as caps on premiums and out-of-pocket expenses, free preventive care, or guaranteed coverage for pre-existing conditions—will not be provided. They also have to inform these individuals of their right to pursue new coverage that does include the wide range of consumer protections and reforms through the health insurance exchanges.

The reason I voted for and continue to support the ACA is precisely because of those consumer and patient protection reforms. We cannot allow Americans to be subjected to capricious cancellations, lifetime limits on their coverage, no coverage or unaffordable coverage because of pre-existing conditions, and higher premiums based on gender for the same basic coverage. Enrollment in the new insurance plans is increasing with each passing day along with reports of people being pleasantly surprised that they can in fact find insurance plans with premiums that are comparable to, or in many cases less than, their current coverage, and we expect that to continue.

Mr. CONYERS. Mr. Speaker, I rise today in opposition to H.R. 3350, the so-called "Keep Your Health Plan Act of 2013." This bill is not a fix to the problems that have arisen because insurance companies are canceling plans that are insufficient to qualify under the new Affordable Care Act standards or are not viewed as economically viable and worth offering.

Instead, this bill will raise premiums in insurance marketplaces and undermine the overall market reforms that Obamacare is designed to remedy. Yesterday, President Obama offered a better solution than this bill, to address these issues.

As one of the few members that were here during the creation of Medicare, I remember first-hand the tactics used by those opposed to its creation. While this is a very different time and context in history, the vehemence of the opposition has its parallels.

Let me remind you that Medicare was once described by George H.W. Bush as "socialized medicine" and Ronald Reagan once stated that, "one of these days you and I are going to spend our sunset years telling our children and our children's children what it once was like in America when men were free."

Today, Republicans have done little but resist and fear-monger in opposition to Obamacare's implementation. These conservatives see H.R. 3350 as "a metaphorical bullet to the gut of Obamacare." James Capretta, a conservative health care policy expert at the Heritage Foundation and American Enterprise Institute, described it as having an "end result that would be one more step toward fully reversing" what he describes as the "catastrophic mistake of Obamacare." And even Leader JOHN BOEHNER has argued that it is part of a larger strategy to "stop this law."

Although, Medicare has issues that need to be addressed, it has dramatically improved access to health care for America's seniors, leading to longer and healthier lives, reducing poverty, desegregating southern hospitals, and

becoming one of the most popular government programs. From my own political experience, I can safely say that once in place and allowed to operate as designed, Obamacare will have a similarly positive affect.

Allowing H.R. 3350 to pass would be a step backward in the advances we have made in curbing healthcare costs and expanding access. The increase in grandfathered plans this bill allows would open the door to the cherry-picking by health insurance companies that Obamacare is designed to eliminate. Encouraging younger, healthier, and cheaper-to-cover adults to withdrawal from the Marketplaces will cause premiums within the Marketplaces to substantially increase.

The bill would also allow insurers to continue to offer plans that don't include essential health benefits, don't comply with the requirement banning annual caps on coverage, aren't subject to premium rate reviews to determine whether their premiums are reasonable, allow discrimination against people with pre-existing conditions, and force women to pay more than men for the same coverage. These are many of the past problems of the private insurance industry that Obamacare was specifically designed to correct.

Further, it would cause major delays in the start of coverage because insurers would need to establish and file new rates to state insurance departments for review. This would impose major delays to Obamacare's implementation, which is the ultimate goal of this bill and the Republican agenda.

Mr. Speaker, this is the 46th attempt by Republicans to vote to undermine and effectively repeal the Affordable Care Act. I rise today in strong opposition to H.R. 3350, but in support of Rep. MILLER's Motion to Recommit which legislates the President's position. I encourage all my colleagues to do the same.

Mr. PETERS of Michigan. Mr. Speaker, I rise today in support of a temporary, one year extension of health care plans in the individual market. Although this bill isn't perfect, I believe it is important that Congress works together to give Michigan residents certainty and stability in their healthcare choices while the Administration works out the problems in the implementation of the Affordable Care Act.

I want to emphasize my support for health care reform. I voted for this important law in 2010, and have voted 40 times against efforts to repeal and dismantle health care reform. However, many of my constituents have called my office confused by the cancellation letters sent by insurers. Compounding this confusion is the ongoing technology glitches that are keeping people from signing up on the exchanges and learning about new options for health insurance.

At a time when too many Michigan families are still struggling economically, it is important that we keep our promises that the law would allow you to keep your insurance and doctor if you want to.

The President announced his plan to grandfather in health care plans that have been recently canceled, but I believe that Congress must also vote to support that decision legislatively. I believe that this temporary, one year extension of health care plans is necessary while people can get the information they need to make the right choices for their family on the benefits of the Affordable Care Act.

I support the President's requirement to have insurers disclose better information about these grandfathered plans and new plans that might be available. That is why I also joined in sending a letter to Secretary Sebelius stating that we must require insurers to explain to policyholders what benefits they would be losing under the grandfathered plans, and the tax credits and subsidies they could be eligible for in the new insurance marketplace. We must ensure that insurance companies provide a clear explanation when any future changes to plans are not a requirement of the Affordable Care Act.

As I have always said, I am willing to work in order to make improvements to ACA as they are needed. Clearly a fix is needed to ensure that people can keep their insurance if they like it. It is important that we work together to give certainty on this issue, and Congress should pass a bipartisan bill to achieve this goal.

Ms. LEE of California. Mr. Speaker, I rise in strong opposition to H.R. 3350, the so called "Keep Your Health Plan Act".

This bill is nothing more than the latest Republican effort to delay, defund, dismantle, or derail the Affordable Care Act.

I remain committed to ensuring that my constituents in California and millions across the country have access to quality, affordable health care.

Yet, the Republicans want nothing more than to capitalize on any opportunity to undermine the fundamental human right to healthcare. And that is what this latest attack is.

While we must certainly address any challenges that arise in the roll out and implementation of the Affordable Care Act, we cannot undermine its effectiveness by passing this cynical bill.

In fact, just today, I received an email from a constituent who said that his plan had been cancelled, but once he had a chance to view the options on Covered California—California's healthcare exchange—he found a better plan at a better price.

Stories like this one are happening all over the country and are further proof that we must not do anything to undermine the implementation of the Affordable Care Act.

My constituents depend on it, as do millions of Americans.

I urge my colleagues to vote 'no' on this bill. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 413, the previous question is ordered on the bill.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. I am opposed to the bill.

Mr. UPTON. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order from the gentleman from Michigan has been reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Andrews moves to recommit the bill H.R. 3350 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Health Plan Protection Act of 2013".

#### SEC. 2. MAINTAINING EXISTING COVERAGE.

(a) IN GENERAL.—Notwithstanding any provision of the Patient Protection and Affordable Care Act (including any amendment made by such Act or by the Health Care and Education Reconciliation Act of 2010), in the case of health insurance coverage offered by a health insurance issuer in the individual market that is in effect for an individual as of October 1, 2013, the issuer may continue such coverage for such individual for a plan year beginning in 2014 in such market outside of an Exchange established under section 1311 or 1321 of such Act (42 U.S.C. 18031, 18041).

(b) TREATMENT AS GRANDFATHERED HEALTH PLAN IN SATISFACTION OF MINIMUM ESSENTIAL COVERAGE.—Health insurance coverage described in subsection (a) shall be treated as a grandfathered health plan for purposes of the amendment made by section 1501(b) of the Patient Protection and Affordable Care Act.

(c) NOTICE.—As a condition for a health insurance issuer to continue health insurance coverage under subsection (a), the issuer shall provide for notice to each individual to be offered such continued coverage (and for other individuals covered under health insurance coverage offered by such issuer for whom such continued coverage is not offered) prompt notice of the following:

(1) The health insurance coverage options available to the individual through the Marketplace under the Patient Protection and Affordable Care Act and how to exercise such options.

(2) The premium and cost-sharing assistance available for coverage obtained through such Marketplace.

(3) The consumer protections provided under such Act that are not provided under the continuing health insurance coverage.

#### SEC. 3. REQUIRING STATE INSURANCE COMMISSIONERS TO INVESTIGATE INSTANCES OF INADEQUATE NOTICES OF CANCELLATION OR CONVERSION OF INDIVIDUAL HEALTH INSURANCE POLICIES.

(a) IN GENERAL.—Each State insurance commissioner shall investigate and take appropriate administrative or other actions (such as the imposition of a fine) on cases of inadequate notices of cancellations or conversions of health insurance coverage in the individual market that take effect on or after January 1, 2014.

(b) INADEQUATE NOTICE.—In this section, a notice of the cancellation or conversion of individual health insurance coverage shall be treated as inadequate if the notice—

(1) fails to contain information—

(A) on obtaining health insurance coverage through an Exchange under the Patient Protection and Affordable Care Act;

(B) on the possible availability of assistance under such Act towards payment of the premiums and cost-sharing for such coverage; and

(C) on the improved benefits for coverage through an Exchange, compared to health insurance coverage not offered through an Exchange;

(2) fails to be transparent by inappropriately steering individuals to more expensive plans provided by the cancelling issuer; or

(3) fails to otherwise comply with requirements of law.

#### (c) REPORTS.—

(1) STATE COMMISSIONERS TO HHS.—Not later than March 31, 2014, each State insurance commissioner shall submit to the Secretary of Health and Human Services a report on the investigations and actions described in subsection (a).

(2) HHS REPORT TO CONGRESS.—Not later than April 30, 2014, the Secretary shall submit to Congress a report on such investigations and actions.

(d) DEFINITIONS OF STATE, HEALTH INSURANCE COVERAGE, AND INDIVIDUAL MARKET.—In this section, the terms "State", "health insurance coverage", and "individual market" have the meanings given such terms for purposes of title I of the Patient Protection and Affordable Care Act.

#### SEC. 4. PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.

(a) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—The first section 2794 of the Public Health Service Act (42 U.S.C. 300gg-94), as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by adding at the end the following new subsection:

"(e) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—

"(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to prohibit a State from imposing requirements (including requirements relating to rate review standards and procedures and information reporting) on health insurance issuers with respect to rates that are in addition to the requirements of this section and are more protective of consumers than such requirements.

"(2) CONSULTATION IN RATE REVIEW PROCESS.—In carrying out this section, the Secretary shall consult with the National Association of Insurance Commissioners and consumer groups.

"(3) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—The Secretary shall determine, after the date of enactment of this section and periodically thereafter, the following:

"(A) In which markets in each State the State insurance commissioner or relevant State regulator shall undertake the corrective actions under paragraph (4), as a condition of the State receiving the grant in subsection (c), based on the Secretary's determination that the State regulator is adequately undertaking and utilizing such actions in that market.

"(B) In which markets in each State the Secretary shall undertake the corrective actions under paragraph (4), in cooperation with the relevant State insurance commissioner or State regulator, based on the Secretary's determination that the State is not adequately undertaking and utilizing such actions in that market.

"(4) CORRECTIVE ACTION FOR EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—In accordance with the process established under this section, the Secretary or the relevant State insurance commissioner or State regulator shall take corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates are corrected prior to implementation, or as soon as possible thereafter, through mechanisms such as—

"(A) denying rates;

“(B) modifying rates; or

“(C) requiring rebates to consumers.

“(5) NONCOMPLIANCE.—Failure to comply with any corrective action taken by the Secretary under this subsection may result in the application of civil monetary penalties and, if the Secretary determines appropriate, make the plan involved ineligible for classification as a Qualified Health Plan.”.

(b) CLARIFICATION OF REGULATORY AUTHORITY.—Such section is further amended—

(1) in subsection (a)—

(A) in the heading, by striking “PREMIUM” and inserting “RATE”;

(B) in paragraph (1), by striking “unreasonable increases in premiums” and inserting “potentially excessive, unjustified, or unfairly discriminatory rates, including premiums,”; and

(C) in paragraph (2)—

(i) by striking “an unreasonable premium increase” and inserting “a potentially excessive, unjustified, or unfairly discriminatory rate”;

(ii) by striking “the increase” and inserting “the rate”;

(iii) by striking “such increases” and inserting “such rates”;

(2) in subsection (b)—

(A) by striking “premium increases” each place it appears and inserting “rates”; and

(B) in paragraph (2)(B), by striking “premium” and inserting “rate”; and

(3) in subsection (c)(1)—

(A) in the heading, by striking “PREMIUM” and inserting “RATE”;

(B) by inserting “that satisfy the condition under subsection (e)(3)(A)” after “award grants to States”; and

(C) in subparagraph (A), by striking “premium increases” and inserting “rates”.

(c) CONFORMING AMENDMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2723 (42 U.S.C. 300gg–22), as redesignated by the Patient Protection and Affordable Care Act—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and section 2794” after “this part”; and

(ii) in paragraph (2), by inserting “or section 2794” after “this part”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “and section 2794” after “this part”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “or section 2794 that is” after “this part”; and

(II) in subparagraph (C)(ii), by inserting “or section 2794” after “this part”; and

(2) in section 2761 (42 U.S.C. 300gg–61)—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and section 2794” after “this part”; and

(ii) in paragraph (2)—

(I) by inserting “or section 2794” after “set forth in this part”; and

(II) by inserting “and section 2794” after “the requirements of this part”; and

(B) in subsection (b)—

(i) by inserting “and section 2794” after “this part”; and

(ii) by inserting “and section 2794” after “part A”.

(d) APPLICABILITY TO GRANDFATHERED PLANS.—Section 1251(a)(4)(A) of the Patient Protection and Affordable Care Act (Public Law 111–148), as added by section 2301 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by adding at the end the following:

“(v) Section 2794 (relating to reasonableness of rates with respect to health insurance coverage).”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall be implemented with respect to health plans beginning not later than January 1, 2014.

Mr. ANDREWS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

Mr. UPTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. UPTON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes in support of his motion.

Mr. ANDREWS. Mr. Speaker, and my colleagues, we have listened to the many stories told by people this morning with great empathy about people who got a cancellation notice and want to keep the policy that they have.

The issue before the House is whether we want to solve the problem or create another problem. That is the issue. If we want to work together, as we should, to solve the problem of Americans receiving cancellation notices and not being able to keep policies that they have, it requires us to do three things.

First, we have to legally authorize insurance companies to offer these policies on into the future. The Democratic plan which I have proposed does that and, frankly, so does Mr. UPTON's bill.

The second thing that we have to do, though, is make sure that the insurance companies offer the plans for sale. It really does you no good at all if you have the right to buy a plan that the insurance company refuses to sell.

Mr. UPTON's bill is mute on that point. It might be called the “Insurance Companies Bill of Rights” because they have the right to do or not do anything they choose, but the people that we all say that we want to protect really have no rights at all. This is an important distinguishing point in the plan that I am offering now, and I would urge everyone to support.

We have drawn from language offered by my friend from Illinois (Ms. SCHAKOWSKY) which requires State insurance commissioners around this country to be vigilant protectors of consumers, rather than corporate apologists for insurance companies.

Our plan says that if someone's cancellation was arbitrary and thoughtless and unfair, the insurance commissioner must act and protect the people that we heard read in those letters today.

Our plan says that if rate increases are discriminatory, if you got a rate increase because you are a woman who is pregnant, or you got a rate increase because you had skin cancer, or breast cancer, or diabetes, that the insurance commissioner must act and protect the consumer against that indignity.

It does you no good that this bill is called the “Keep Your Insurance If You Want To Bill.” It should be called the “Keep Your Insurance If You Want To And The Insurance Company Allows You To Bill.” We are correcting that wrong and remedying that wrong with our plan.

Thirdly, it doesn't do any good to give people the chance to renew their plans if that renewal results in a huge premium increase for everyone else in the country. That is what the underlying bill does.

The underlying bill says that these plans, which I would really equate to selling an automobile with no airbags and no seatbelts—now, our plan says, look, if you want to keep driving a car with no airbags and no seatbelts, you can keep driving, but people can't sell a car with no airbags and no seatbelts to a new consumer, which is what the underlying bill permits.

Now, when that happens, here is what is going to happen. People in the new State marketplaces are going to see a huge increase in their premiums. People who get covered at work are going to see a huge increase in their premiums. It is going to spill over to Medigap policies for seniors and people on Medicare.

The bill really should be called the “Guaranteed Premium Increase Act of 2013” because that is what it is.

Our bill corrects that by saying, let's help the people we say we want to try to help, people who like their plan and want to keep it, not everyone that the insurance company could dupe or lure into buying a car with no airbag and no seatbelts.

Finally, working together means not forgetting about some other people who write letters we haven't heard much about today, the family that Mr. DOYLE talked about, whose daughter has cancer, who has an insurance policy, but has to have a beef and beer or a golf tournament to raise money to pay their bills. I want to help that person and not repeal the Affordable Care Act.

How about the woman who had breast cancer 10 years ago and can now be told, we are sorry, you can't buy an insurance policy. You have got to pay more if you do. I want to help her by banning discrimination based on pre-existing conditions.

If we really want to work together, let's adopt this plan. Let's really help the people we say we are trying to help, and not the insurance industry of the United States of America.

I yield back the balance of my time.



## POINT OF ORDER

Mr. UPTON. Mr. Speaker, I regret that I do insist on the point of order.

In my opinion, the pending amendment violates clause 7 of rule XVI of the rules of the House which requires that an amendment be germane to the matter it is amending. It is not germane to the bill because section 3 imposes a mandate on State insurance commissioners, and section 4 amends the Public Health Service Act which is, in fact, beyond the scope of the base text.

The SPEAKER pro tempore. Does any Member wish to speak to the point of order?

Mr. ANDREWS. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized to speak to the point of order.

Mr. ANDREWS. Mr. Speaker, my understanding is my friend, the chairman's objection is based on the principle of germaneness. The underlying bill, by its very title, purports to protect Americans who have received a cancellation notice for a policy that they want to keep.

Now, there is a disagreement here over how to protect those Americans. The underlying bill does not have requirements that State insurance commissioners act to protect those individuals. Our plan does. Our plan does.

This is a disagreement over the means to protect American consumers. The underlying bill says we will trust the insurance industry. Our bill says, no, we will enforce the insurance laws.

I would respectfully submit this does not rise to a difference in germaneness. This is a difference of opinion. The bill on the floor purports to protect the Americans that I talked about. We think it doesn't. Our plan does protect those Americans in a different way.

The underlying subject matter of this bill is how do you protect Americans who wish to keep the insurance plan that they have. We believe we have a more effective way of doing that. The majority disagrees. The House deserves a vote on that. No technicality, no procedural nicety vote deny us the chance to take a vote on whose plan is right. We should proceed with this vote.

The SPEAKER pro tempore. Does any other Member wish to speak to the point of order?

Seeing none, the Chair is prepared to rule.

The gentleman from Michigan makes a point of order that the instructions proposed in the motion to recommit offered by the gentleman from New Jersey are not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill permits health insurance issuers that offered health insurance

coverage in the individual market on January 1, 2013, to continue to make such coverage available for sale during 2014.

The amendment proposed in the motion to recommit, in pertinent part, requires State insurance commissioners to examine notices of health insurance cancellations or conversions. It also addresses the regulation of health insurance rates. Specifically, the amendment delineates what would constitute inadequate notice of cancellation or conversions of health insurance coverage, and directs State insurance commissioners to investigate such cases of inadequate notice. Additionally, it permits the Secretary of Health and Human Services or the relevant State insurance regulator to take corrective actions if health insurance rates are determined to be excessive, unjustified, or unfairly discriminatory. Such corrective action may include the assessment of civil monetary penalties.

The bill does not address any of these subject matters. Instead, it is confined to the subject matter of extending into 2014 the authority to offer health insurance coverage that was for sale on the individual market in 2013.

The Chair finds that the amendment proposed in the motion to recommit goes beyond the subject matter of the underlying bill. It is therefore not germane. The point of order is sustained.

Mr. ANDREWS. Mr. Speaker, I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. UPTON. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the bill, if arising without further proceedings in recommitment.

The vote was taken by electronic device, and there were—yeas 229, nays 191, not voting 10, as follows:

[Roll No. 585]

YEAS—229

Aderholt	Bishop (UT)	Burgess
Amash	Black	Calvert
Amodei	Blackburn	Camp
Bachmann	Boustany	Cantor
Bachus	Brady (TX)	Capito
Barletta	Bridenstine	Carter
Barr	Brooks (AL)	Cassidy
Barton	Brooks (IN)	Chabot
Benishek	Brown (GA)	Chaffetz
Bentivolio	Buchanan	Coble
Bilirakis	Bucshon	Coffman

Cole	Johnson, Sam	Rice (SC)
Collins (GA)	Jordan	Rigell
Collins (NY)	Joyce	Roby
Conaway	Kelly (PA)	Roe (TN)
Cook	King (IA)	Rogers (AL)
Cotton	King (NY)	Rogers (KY)
Cramer	Kingston	Rogers (MI)
Crawford	Kinzinger (IL)	Rohrabacher
Crenshaw	Kline	Rokita
Culberson	Labrador	Rooney
Daines	LaMalfa	Ros-Lehtinen
Davis, Rodney	Lamborn	Roskam
Denham	Lance	Ross
Dent	Lankford	Rothfus
DeSantis	Latham	Royce
DesJarlais	Latta	Runyan
Diaz-Balart	LoBiondo	Ryan (WI)
Duffy	Long	Salmon
Duncan (SC)	Lucas	Sanford
Duncan (TN)	Luetkemeyer	Scalise
Ellmers	Lummis	Schock
Farenthold	Marchant	Schrader
Fincher	Marino	Schweikert
Fitzpatrick	Massie	Scott, Austin
Fleischmann	Matheson	Sensenbrenner
Fleming	McCarthy (CA)	Sessions
Flores	McCaul	Shimkus
Forbes	McClintock	Shuster
Fortenberry	McHenry	Simpson
Fox	McIntyre	Smith (MO)
Franks (AZ)	McKeon	Smith (NE)
Frelinghuysen	McKinley	Smith (NJ)
Gardner	McMorris	Smith (TX)
Garrett	Rodgers	Southerland
Gerlach	Meadows	Stewart
Gibbs	Meehan	Stivers
Gibson	Messer	Stockman
Gingrey (GA)	Mica	Stutzman
Gohmert	Miller (FL)	Terry
Goodlatte	Miller (MI)	Thompson (PA)
Gowdy	Miller, Gary	Thornberry
Graves (GA)	Mullin	Tiberi
Graves (MO)	Mulvaney	Tipton
Griffin (AR)	Murphy (PA)	Turner
Griffith (VA)	Neugebauer	Upton
Grimm	Noem	Valadao
Guthrie	Nugent	Wagner
Hall	Nunes	Walberg
Hanna	Nunnelee	Walden
Harper	Olson	Walorski
Harris	Palazzo	Weber (TX)
Hartzler	Paulsen	Webster (FL)
Hastings (WA)	Pearce	Wenstrup
Heck (NV)	Perry	Westmoreland
Hensarling	Petri	Whitfield
Herrera Beutler	Pittenger	Williams
Holding	Pitts	Wilson (SC)
Hudson	Poe (TX)	Wittman
Huelskamp	Pompeo	Wolf
Huizenga (MI)	Posey	Womack
Hultgren	Price (GA)	Woodall
Hunter	Radel	Yoder
Hurt	Reed	Yoho
Issa	Reichert	Young (AK)
Jenkins	Renacci	Young (IN)
Johnson (OH)	Ribble	

NAYS—191

Andrews	Clay	Enyart
Barber	Cleaver	Eshoo
Barrow (GA)	Clyburn	Esty
Bass	Cohen	Farr
Beatty	Connolly	Fattah
Bera (CA)	Conyers	Foster
Bishop (GA)	Cooper	Frankel (FL)
Bishop (NY)	Costa	Fudge
Blumenauer	Courtney	Gabbard
Bonamici	Crowley	Gallego
Brady (PA)	Cuellar	Garamendi
Braley (IA)	Cummings	Garcia
Brown (FL)	Davis (CA)	Grayson
Brownley (CA)	Davis, Danny	Green, Al
Bustos	DeFazio	Green, Gene
Butterfield	DeGette	Grijalva
Capps	Delaney	Gutiérrez
Capuano	DeLauro	Hahn
Cárdenas	DelBene	Hanabusa
Carney	Deutch	Hastings (FL)
Carson (IN)	Dingell	Heck (WA)
Cartwright	Doggett	Higgins
Castor (FL)	Doyle	Himes
Castro (TX)	Duckworth	Hinojosa
Chu	Edwards	Holt
Cicilline	Ellison	Honda
Clarke	Engel	Horsford



Hoyer	McGovern	Sarbanes
Huffman	McNerney	Schakowsky
Israel	Meeks	Schiff
Jackson Lee	Meng	Schneider
Jeffries	Michaud	Schwartz
Johnson (GA)	Moore	Scott (VA)
Johnson, E. B.	Moran	Scott, David
Kaptur	Murphy (FL)	Serrano
Keating	Nadler	Sewell (AL)
Kelly (IL)	Napolitano	Shea-Porter
Kennedy	Neal	Sherman
Kildee	Negrete McLeod	Sinema
Kilmer	Nolan	Slaughter
Kind	O'Rourke	Smith (WA)
Kirkpatrick	Owens	Speier
Kuster	Pallone	Swalwell (CA)
Langevin	Pascarell	Takano
Larsen (WA)	Pastor (AZ)	Thompson (CA)
Larson (CT)	Payne	Thompson (MS)
Lee (CA)	Pelosi	Tierney
Levin	Perlmutter	Peters (CA)
Lewis	Peters (CA)	Titus
Lipinski	Peters (MI)	Tonko
Loeback	Peterson	Van Hollen
Lofgren	Pingree (ME)	Vargas
Lowenthal	Pocan	Veasey
Lowey	Polis	Vela
Lujan Grisham	Price (NC)	Velázquez
(NM)	Quigley	Visclosky
Luján, Ben Ray	Rahall	Walz
(NM)	Rangel	Wasserman
Lynch	Richmond	Schultz
Maffei	Roybal-Allard	Waters
Maloney,	Ruiz	Watt
Carolyn	Ruppersberger	Waxman
Maloney, Sean	Ryan (OH)	Welch
Matsui	Sánchez, Linda	Wilson (FL)
McCollum	T.	Yarmuth
McDermott	Sanchez, Loretta	

## NOT VOTING—10

Becerra	Jones	Sires
Campbell	McCarthy (NY)	Tsongas
Gosar	Miller, George	
Granger	Rush	

## □ 1307

Messrs. GARAMENDI, DEUTCH, BLUMENAUER, OWENS, LARSEN of Washington, BEN RAY LUJÁN of New Mexico, and Ms. WILSON of Florida changed their vote from "yea" to "nay."

Messrs. ROE of Tennessee, TERRY, JORDAN, BARTON, TIBERI, MURPHY of Pennsylvania, KING of New York, CANTOR, and MCINTYRE changed their vote from "nay" to "yea."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Andrews moves to recommit the bill H.R. 3350 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Health Plan Protection Act of 2013".

## SEC. 2. MAINTAINING EXISTING COVERAGE.

(a) IN GENERAL.—Notwithstanding any provision of the Patient Protection and Afford-

able Care Act (including any amendment made by such Act or by the Health Care and Education Reconciliation Act of 2010), in the case of health insurance coverage offered by a health insurance issuer in the individual market that is in effect for an individual as of October 1, 2013, the issuer may continue such coverage for such individual for a plan year beginning in 2014 in such market outside of an Exchange established under section 1311 or 1321 of such Act (42 U.S.C. 18031, 18041).

(b) TREATMENT AS GRANDFATHERED HEALTH PLAN IN SATISFACTION OF MINIMUM ESSENTIAL COVERAGE.—Health insurance coverage described in subsection (a) shall be treated as a grandfathered health plan for purposes of the amendment made by section 1501(b) of the Patient Protection and Affordable Care Act.

(c) NOTICE.—As a condition for a health insurance issuer to continue health insurance coverage under subsection (a), the issuer shall provide for notice to each individual to be offered such continued coverage (and for other individuals covered under health insurance coverage offered by such issuer for whom such continued coverage is not offered) prompt notice of the following:

(1) The health insurance coverage options available to the individual through the Marketplace under the Patient Protection and Affordable Care Act and how to exercise such options.

(2) The premium and cost-sharing assistance available for coverage obtained through such Marketplace.

(3) The consumer protections provided under such Act that are not provided under the continuing health insurance coverage.

(d) CONSTRUCTION REGARDING NOTICES OF CANCELLATION OR CONVERSION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prevent the Secretary of Health and Human Services from requiring State insurance commissioners—

(A) to investigate and take appropriate administrative or other actions (such as the imposition of a fine) on cases of inadequate notices of cancellations or conversions of health insurance coverage in the individual market that take effect on or after January 1, 2014; and

(B) to submit to the Secretary reports on the investigations and actions so taken.

(2) INADEQUATE NOTICE.—In this subsection, a notice of the cancellation or conversion of individual health insurance coverage shall be treated as inadequate if the notice—

(A) fails to contain information contained in subsection (c);

(B) fails to be transparent by inappropriately steering individuals to more expensive plans provided by the cancelling issuer; or

(C) fails to otherwise comply with requirements of law.

(e) CONSTRUCTION REGARDING PROTECTION AGAINST DISCRIMINATORY RATES.—Nothing in this section shall be construed as preventing the Secretary or the relevant State insurance commissioner or State regulator from taking corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates for the continued coverage offered under subsection (a) are corrected prior to renewal.

(f) CONSTRUCTION REGARDING PREMIUM PROTECTION.—Nothing in this section shall be construed as preventing the Secretary from using all available tools to ensure that Marketplace premiums are not adversely affected by the operation of this section.

Mr. UPTON (during the reading). Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New Jersey is recognized for 5 minutes in support of his motion.

Mr. ANDREWS. We come here as stewards of a very sacred trust—to look after the people that are the backbone of this country. We are having this debate this afternoon because we have all heard from men and women across this country who are very upset that an insurance policy that they want to keep has been canceled.

## □ 1315

These constituents are very upset and very troubled, and we are brought here to work together to figure out a solution to that problem.

What is the solution?

First of all, they ought to have the ability to have their insurance companies offer them the policies for sale. Frankly, the underlying bill does that, and so does the plan that I am presenting.

Secondly, there ought to be some way that the insurance companies are given some incentive at the very at least, direction, to sell the policy. It doesn't do you a whole lot of good to have the right to buy a policy that the insurance company is not selling, and this plan has some measures which make it more likely that insurance companies would do that.

Thirdly, to solve that person's problem, we have to make sure that in solving his problem we are not creating another one; that by permitting these policies to be sold for another year, which this does, that we are not spiking the premiums of people in the exchange marketplaces or of people who get their insurance through work.

I have heard a number of Members say that they want a chance for us to work together to solve this problem. Here is that chance because this plan does the three things that I just talked about, but this plan, I think, is different than the underlying bill because this is not a step to unravel the Affordable Care Act; it is a step to improve it—which is the fundamental question, and there are some other people whose stories ought to be told here this afternoon, too.

There is a family this weekend that is having a social to raise money to pay the medical bills for their son or daughter who has cancer, because the insurance policy they thought they had stopped paying their son's or daughter's bills. Their voice should be heard. If you repeal the Affordable Care Act, their voice is silenced.

There are women in this country who go to try to start a business. They try to buy an insurance policy, and they are told, We won't sell you one because you had children or you are a female or you had breast cancer 10 years ago. If you repeal the Affordable Care Act, her voice is silenced.

Mr. Speaker, there are sons and daughters of Americans who are 22, 23

years old who didn't have health insurance before because they couldn't get that first full-time job who now have health insurance because they are on their moms' or dads' policies. If you repeal the Affordable Care Act, their voices will be silenced.

There are senior citizens who used to run out of drug coverage, prescription coverage, around Labor Day because the Medicare doughnut hole popped up. Because of the Affordable Care Act, they are now able to buy their prescriptions at an affordable price and are now able to pay their prescription bills until the end of the year. If you repeal the Affordable Care Act, their voices are silenced.

We come here this afternoon to solve the problem of Americans who want to keep their coverage but who have had it canceled. We want to work together to solve that problem. That is what this plan does.

When we look at women being turned away because of preexisting conditions, we will not be silenced. When we look at 22-year-olds who will lose their coverage if you repeal the Affordable Care Act, we will not be silenced. When you look at seniors who will lose the ability to pay their prescription drugs if you repeal the ACA, we will not be silenced.

We are here to solve problems, not to create them. If you want to work together in a way that improves this law, we are your able and willing partner, but if the intention is to unravel this protection for the American people, we will stand, we will speak, we will fight, and we will oppose every such effort.

Vote "yes" for this motion and "no" on the underlying bill.

Mr. UPTON. Mr. Speaker, I withdraw my point of order and seek time in opposition to the motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, the debate today on whether to support this bill comes down to a very simple question: Why not?

If millions of Americans want the choice of keeping the insurance that they have, why not?

If you believe Congress acting together, not the President acting unilaterally, should try to help people who have lost their coverage, why not?

If you believe that ordinary Americans, not the Federal Government, should decide what their insurance plans look like, why not?

We have a chance today to provide hope to millions of Americans who got that cancellation notice, hope that they can keep the insurance that they like, hope that they are going to have even more choices, and hope that they, not the Federal Government, can pick what their insurance plans actually look like.

So let me be clear.

Our bill, H.R. 3350, does not fix ObamaCare, the President's health care bill. It is only an attempt to help people harmed by this law. But if we can provide some relief to people from this disaster, why not?

Let's defeat the motion to recommit and pass the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 187, nays 230, not voting 13, as follows:

[Roll No. 586]

YEAS—187

Andrews	Engel	Lowe
Barber	Enyart	Lujan Grisham
Barrow (GA)	Eshoo	(NM)
Bass	Esty	Luján, Ben Ray
Beatty	Farr	(NM)
Bera (CA)	Fattah	Lynch
Bishop (GA)	Poster	Maffei
Bishop (NY)	Frankel (FL)	Maloney,
Blumenauer	Fudge	Carolyn
Bonamici	Gabbard	Maloney, Sean
Brady (PA)	Gallego	Matsui
Braley (IA)	Garamendi	McCollum
Brown (FL)	Garcia	McDermott
Brownley (CA)	Grayson	McGovern
Bustos	Green, Al	McNerney
Capps	Grijalva	Meeks
Capuano	Gutiérrez	Meng
Cárdenas	Hahn	Moore
Carney	Hanabusa	Moran
Carson (IN)	Hastings (FL)	Murphy (FL)
Cartwright	Heck (WA)	Nadler
Castor (FL)	Higgins	Napolitano
Castro (TX)	Himes	Neal
Chu	Hinojosa	Negrete McLeod
Cicilline	Holt	Nolan
Clarke	Honda	O'Rourke
Clay	Horsford	Owens
Cleaver	Hoyer	Pallone
Clyburn	Huffman	Pascarell
Cohen	Israel	Pastor (AZ)
Connolly	Jackson Lee	Payne
Conyers	Johnson (GA)	Pelosi
Cooper	Johnson, E. B.	Perlmutter
Costa	Kaptur	Peters (CA)
Courtney	Keating	Peters (MI)
Crowley	Kelly (IL)	Peterson
Cuellar	Kennedy	Pingree (ME)
Cummings	Kildee	Pocan
Davis (CA)	Kilmer	Polis
Davis, Danny	Kind	Price (NC)
DeFazio	Kirkpatrick	Quigley
DeGette	Kuster	Rahall
Delaney	Langevin	Rangel
DeLauro	Larsen (WA)	Richmond
DelBene	Larson (CT)	Roybal-Allard
Deutch	Lee (CA)	Ruiz
Dingell	Levin	Ruppersberger
Doggett	Lewis	Ryan (OH)
Doyle	Lipinski	Sánchez, Linda
Duckworth	Loebach	T.
Edwards	Lofgren	Sanchez, Loretta
Ellison	Lowenthal	Sarbanes

Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema

Slaughter  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Van Hollen  
Vargas  
Veasey

Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

NAYS—230

Aderholt	Griffith (VA)	Petri
Amash	Grimm	Pittenger
Amodei	Guthrie	Pitts
Bachmann	Hall	Poe (TX)
Bachus	Hanna	Pompeo
Barletta	Harper	Posey
Barr	Harris	Price (GA)
Barton	Hartzler	Radel
Benishek	Hastings (WA)	Reed
Bentivolio	Heck (NV)	Reichert
Bilirakis	Hensarling	Renacci
Bishop (UT)	Herrera Beutler	Ribble
Black	Holding	Rice (SC)
Blackburn	Hudson	Rigell
Boustany	Huelskamp	Roby
Brady (TX)	Huizenga (MI)	Roe (TN)
Bridenstine	Hultgren	Rogers (AL)
Brooks (AL)	Hunter	Rogers (KY)
Brooks (IN)	Hurt	Rogers (MI)
Brown (GA)	Issa	Rohrabacher
Buchanan	Jenkins	Rokita
Bucshon	Johnson (OH)	Rooney
Burgess	Johnson, Sam	Ros-Lehtinen
Calvert	Jordan	Roskam
Camp	Joyce	Ross
Cantor	Kelly (PA)	Rothfus
Capito	King (IA)	Royce
Carter	King (NY)	Runyan
Cassidy	Kingston	Ryan (WI)
Chabot	Kinzinger (IL)	Salmon
Chaffetz	Kline	Sanford
Coble	Labrador	Scalise
Coffman	LaMalfa	Schock
Cole	Lamborn	Schweikert
Collins (GA)	Lance	Scott, Austin
Collins (NY)	Lankford	Sensenbrenner
Conaway	Latham	Sessions
Cook	Latta	Shimkus
Cotton	LoBiondo	Shuster
Cramer	Long	Simpson
Crawford	Lucas	Smith (MO)
Crenshaw	Luetkemeyer	Smith (NE)
Culberson	Lummis	Smith (NJ)
Daines	Marchant	Smith (TX)
Davis, Rodney	Marino	Smith (WA)
Denham	Massie	Southerland
Dent	Matheson	Stewart
DeSantis	McCarthy (CA)	Stivers
DesJarlais	McCauley	Stockman
Diaz-Balart	McClintock	Stutzman
Duffy	McHenry	Terry
Duncan (SC)	McIntyre	Thompson (PA)
Duncan (TN)	McKeon	Thornberry
Ellmers	McKinley	Tiberi
Farenthold	McMorris	Tipton
Fincher	Rodgers	Turner
Fitzpatrick	Meadows	Upton
Fleischmann	Meehan	Valadao
Fleming	Messer	Wagner
Flores	Mica	Walberg
Forbes	Michaud	Walden
Fortenberry	Miller (FL)	Walorski
Fox	Miller (MI)	Weber (TX)
Franks (AZ)	Miller, Gary	Webster (FL)
Frelinghuysen	Mullin	Wenstrup
Gardner	Mulvaney	Westmoreland
Garrett	Murphy (PA)	Whitfield
Gerlach	Neugebauer	Williams
Gibbs	Noem	Wilson (SC)
Gibson	Nugent	Wittman
Gingrey (GA)	Nunes	Wolf
Gohmert	Nunnelee	Womack
Goodlatte	Olson	Woodall
Gowdy	Palazzo	Yoder
Graves (GA)	Paulsen	Yoho
Graves (MO)	Pearce	Young (AK)
Griffin (AR)	Perry	Young (IN)

NOT VOTING—13

Becerra	Campbell	Granger
Butterfield	Gosar	Green, Gene

Jeffries  
Jones  
McCarthy (NY)

Miller, George  
Rush  
Sires

Tsongas

□ 1327

Mr. VEASEY changed his vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 157, not voting 12, as follows:

[Roll No. 587]

AYES—261

Aderholt	Duncan (TN)	Kline
Amash	Ellmers	Kuster
Amodei	Enyart	Labrador
Bachmann	Esty	LaMalfa
Bachus	Farenthold	Lamborn
Barber	Fincher	Lance
Barletta	Fitzpatrick	Lankford
Barr	Fleischmann	Latham
Barrow (GA)	Fleming	Latta
Barton	Flores	LoBiondo
Benishek	Forbes	Loeb
Bentivolio	Fortenberry	Long
Bera (CA)	Foster	Lucas
Bilirakis	Fox	Luetkemeyer
Bishop (NY)	Franks (AZ)	Lummis
Bishop (UT)	Frelinghuysen	Maffei
Black	Gallego	Maloney, Sean
Blackburn	Garamendi	Marchant
Boustany	Garcia	Marino
Brady (TX)	Gardner	Matheson
Braley (IA)	Garrett	McCarthy (CA)
Brooks (AL)	Gerlach	McCaul
Brooks (IN)	Gibbs	McClintock
Brownley (CA)	Gibson	McHenry
Buchanan	Gingrey (GA)	McIntyre
Bucshon	Gohmert	McKeon
Burgess	Goodlatte	McKinley
Bustos	Gowdy	McMorris
Calvert	Graves (GA)	Rodgers
Camp	Graves (MO)	McNerney
Cantor	Griffin (AR)	Meadows
Capito	Griffith (VA)	Meehan
Carter	Grimm	Messer
Cassidy	Guthrie	Mica
Chabot	Hanna	Miller (FL)
Chaffetz	Harper	Miller (MI)
Coble	Harris	Miller, Gary
Coffman	Hartzler	Mullin
Cole	Hastings (WA)	Mulvaney
Collins (GA)	Heck (NV)	Murphy (FL)
Collins (NY)	Hensarling	Murphy (PA)
Conaway	Herrera Beutler	Neugebauer
Cook	Holding	Noem
Costa	Hudson	Nolan
Cotton	Huelskamp	Nugent
Cramer	Huelskamp	Nunes
Crawford	Hultgren	Nunnelee
Crenshaw	Hunter	Olson
Culberson	Hurt	Owens
Daines	Issa	Palazzo
Davis, Rodney	Jenkins	Paulsen
DeFazio	Johnson (OH)	Pearce
DelBene	Johnson, Sam	Perry
Denham	Jordan	Peters (CA)
Dent	Joyce	Peters (MI)
DeSantis	Kelly (PA)	Peterson
DesJarlais	Kind	Petri
Diaz-Balart	King (IA)	Pittenger
Duckworth	King (NY)	Pitts
Duffy	Kingston	Poe (TX)
Duncan (SC)	Kinzinger (IL)	Pompeo

Posey  
Price (GA)  
Radel  
Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (WI)  
Salmon

Sanford  
Scalise  
Schneider  
Schock  
Schrader  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shea-Porter  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi

NOES—157

Andrews	Hahn	Neal
Bass	Hall	Negrete McLeod
Beatty	Hanabusa	O'Rourke
Bishop (GA)	Hastings (FL)	Pallone
Blumenauer	Heck (WA)	Pascarella
Bonamici	Higgins	Pastor (AZ)
Brady (PA)	Himes	Payne
Bridenstine	Hinojosa	Pelosi
Broun (GA)	Holt	Perlmutter
Brown (FL)	Honda	Pingree (ME)
Butterfield	Horsford	Pocan
Capps	Hoyer	Polis
Capuano	Huffman	Price (NC)
Carney	Israel	Quigley
Carson (IN)	Jackson Lee	Rangel
Cartwright	Jeffries	Richmond
Castor (FL)	Johnson (GA)	Roybal-Allard
Castro (TX)	Johnson, E. B.	Ruppersberger
Chu	Kaptur	Ryan (OH)
Ciulline	Keating	Sánchez, Linda
Clarke	Kelly (IL)	T.
Clay	Kennedy	Sanchez, Loretta
Cleaver	Kildee	Sarbanes
Clyburn	Kilmer	Schakowsky
Cohen	Kirkpatrick	Schiff
Connolly	Langevin	Schwartz
Conyers	Larsen (WA)	Scott (VA)
Cooper	Larson (CT)	Scott, David
Courtney	Lee (CA)	Serrano
Crowley	Levin	Sewell (AL)
Cuellar	Lewis	Sherman
Cummings	Lipinski	Slaughter
Davis (CA)	Lofgren	Smith (WA)
Davis, Danny	Lowenthal	Speier
DeGette	Lowey	Swalwell (CA)
Delaney	Lujan Grisham	Takano
DeLauro	(NM)	Thompson (CA)
Deutch	Lujan, Ben Ray	Thompson (MS)
Dingell	(NM)	Tierney
Doggett	Lynch	Titus
Doyle	Maloney,	Tonko
Edwards	Carolyn	Van Hollen
Ellison	Massie	Vargas
Engel	Matsui	Veasey
Eshoo	McCollum	Velázquez
Farr	McDermott	Visclosky
Fattah	McGovern	Wasserman
Frankel (FL)	Meeks	Schultz
Fudge	Meng	Waters
Gabbard	Michaud	Watt
Grayson	Moore	Waxman
Green, Al	Moran	Welch
Grijalva	Nader	Wilson (FL)
Gutiérrez	Napolitano	Yarmuth

NOT VOTING—12

Becerra  
Campbell  
Cárdenas  
Gosar

Granger  
Green, Gene  
Jones  
McCarthy (NY)

Miller, George  
Rush  
Sires  
Tsongas

□ 1334

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 587—Final Passage. Had I been present, I would have voted “no.”

Mr. BECERRA. Mr. Speaker, on Friday, November 15, 2013, I was unable to cast my floor vote on rollcall votes. Had I been present for the votes, I would have voted “nay” on rollcall vote 587.

## PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Mr. Speaker, I was unavoidably detained due to official business in California today and missed roll Nos. 583 through 587. Had I been present, I would have voted “yea” on roll No. 586. I would have voted “nay” on roll Nos. 583, 584, 585, and 587.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I yield to my friend, Mr. CANTOR, the majority leader, for the purposes of inquiring of the schedule for the week to come.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

On Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. On Friday, no votes are expected.

Madam Speaker, the House will consider a few suspensions next week, a complete list of which will be announced by close of business today.

In addition, the House will consider three bills to increase domestic energy production, create American middle class jobs, and lower the cost of energy for our families. These bills are H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act, sponsored by Representative BILL FLORES; H.R. 1965, the Federal Lands Jobs and Energy Security Act, authored by Representative DOUG LAMBORN; and H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, sponsored by MIKE POMPEO.

Together, these bills represent our continuing commitment to energy independence and putting more money in the pockets of working middle class families.

Mr. HOYER. Madam Speaker, I thank the gentleman for that information.

I think, as the majority leader knows probably as well as any of us, and maybe better than most of us, we have 4 legislative days left in November and 8 scheduled legislative days in December, assuming we do, in fact, get out on the 13th, which is the last day that we are scheduled to be in session this year.

Having said that, there are a number of pressing items to address. As the majority leader knows, the unemployment insurance protections for folks expire on December 31—actually, I think it is December 28. The SGR provisions expire on December 31. If we do not do something with respect to them, there will be a substantial decrease in the reimbursement to doctors serving Medicare patients.

I know that the majority leader has, and we have, people who are willing to work together to address these issues. Knowing that there is usually uncertainty at the end of a session, I would ask the gentleman if he can give Members a sense of scheduling for the coming month, that is December, and I yield to my friend.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I would say to the gentleman we certainly have three conference reports we are looking at hopefully completing with the Senate. One is the WRRDA conference report that we voted on in the House this week to go to conference. The other is the farm bill conference report, as well as the NDAA, the National Defense Authorization Act.

□ 1345

I would say to the gentleman, Madam Speaker, those are certainly the conference reports we would like to see resolved so we can have a vote in the House. The gentleman correctly points out that the sustainable growth rate program and its formula expires at the end of the year. Certainly, our committees are at work trying to see a way forward, as well as trying to seek out the proper budgetary pay-fors necessary for the plan that has been put forward by Energy and Commerce, as well as the Committee on Ways and Means. I know there have been some bicameral discussions on that as well. I am hopeful we can resolve that, but certainly knowing full well we have to act prior to the end of the year.

I would also point out to the gentleman that there is considerable work being done on the issue of patent reform, and we hope that comes to the floor prior to the end of the year. And obviously, the larger item having to do

with the Budget Committee conference, headed up by Chairman PAUL RYAN and in the other body Senator PATTY MURRAY, and we look forward to a resolution there. That is certainly the intention, Madam Speaker.

Mr. HOYER. I thank the majority leader for that information, and I am pleased that he added to the WRRDA, farm bill, NDAA, and the patent reform issues the budget conference. My view is, as the majority leader probably knows, the most important thing we can do for our economy is to get our country on a fiscally sustainable long-term path.

Can the majority leader give us some information on the status of the budget conference? Certainly, from a public perception, it appears that not much progress has been made, which is worrisome in light of the fact that the target date for the reporting on the conference is the 13th—or, should I say, the legislative directive is to report by the 13th. As Mr. RYAN has pointed out, perhaps unfortunately so, there are no consequences of that not occurring. I had urged, myself, as the majority leader may know, that they report out by Friday of next week, the 22nd of next week, or Thursday of next week, so that we could have the conference report on the week we come back in December after Thanksgiving.

Could the gentleman give us any idea where he thinks the proceedings of the conference committee on the budget stand?

I yield to my friend.

Mr. CANTOR. I thank the gentleman for yielding and would say the gentleman is correct. Certainly, the sooner, the better, as far as I am concerned. I am concerned as well about any resolution on the Budget Committee conference. I know the gentleman has spoken to both Chairman RYAN as well as the other body's chairman. In speaking to Chairman RYAN, he tells me that there has been a lot of discussion, not only public discussion in meetings, but certainly his meeting with the chairman from the Senate, in trying to find a way forward.

The gentleman knows that the issue that is central to these discussions is not unlike the issue that has been under discussion for some time here, and that is how do we go about seeking reform of some of the mandatory programs and trying to reach resolution there in exchange for a commensurate relief on the across-the-board budget cuts that are currently in place.

I don't know, Madam Speaker, whether they are going to meet the deadline next week or not that the gentleman says will be preferable. I know that our chairman is very mindful that the quicker, the better, so we can get on about our work here in the House.

Mr. HOYER. I thank the gentleman.

He mentions the sequester. Of course, almost everybody who has spoken

about the sequester, including myself, the majority leader, and Mr. RYAN, has indicated the sequester is not the way to reduce spending. It is a meat-ax approach which is having very adverse consequences to our national security structure. I think almost every member of the Joint Chiefs of Staff has made that point. Certainly, General Dempsey has made that point. But also, on the domestic discretionary side, the sequester doesn't work, and the proof of that, of course, is that we haven't considered any of those bills on the floor; and the one that we considered, we pulled, the Transportation-HUD bill.

So I am hopeful, and I know Mr. ROGERS is, as is Senator MIKULSKI, the chairs of the Appropriations Committee, have both indicated that they hope to get a number early on, and that is why the 22nd was a preferable date, if we could have reached that, so that they would have a number to which they could mark bills. Obviously, if there is not an agreement on the 302(a), as the gentleman knows, it is very difficult, then, to try to bring those bills together in a conference because they are so far apart.

I am hopeful that the majority leader will use his good offices to urge resolution on the budget conference differences and report out as soon as possible so we can get to that process.

The gentleman I am sure shares my view that the shutting down of government is extraordinarily disruptive, both to the general public and to those who work for the Federal Government, so that it would be incumbent upon us, I think, to try to get out of this gridlock on the budget process that we have been in. I would urge him to exercise whatever, because he has substantial influence to try to get us to a resolution of this issue, and I will tell him I will do the same.

Another issue which you did not mention, Mr. Leader, is immigration. As you know, this issue passed very handily through the United States Senate on a vote of 68-32, and I am very hopeful that we could move this legislation. I think the Senate bill or a variation of the Senate bill would pass. We have introduced an alternative for which we have Republican cosponsorship, H.R. 15, which is a comprehensive immigration bill which incorporates the security provision that was adopted unanimously in this House by the Republican-led Homeland Security Committee. We believe it has bipartisan components to it, and the balance of the bill has bipartisan support in the United States Senate. The gentleman knows, you passed a number of bills out of your committees, and they were passed, of course, with partisan votes. We do not believe these bills are bills that we would support, but we are wondering whether any of them are going to be brought to the floor.

H.R. 2278, which is the Strengthen and Fortify Enforcement Act, which allows the State and local authorities to enforce Federal immigration laws, as you know, we think that is bad policy, but it did come out of the Republican-headed committee in the Judiciary Committee. I am wondering if that might be brought to the floor.

I yield to the gentleman.

Mr. CANTOR. As the gentleman knows, we have had the discussion before about the majority's position on the Senate bill. We don't support the Senate bill. The Speaker I think spoke out on that this week. Our Members don't support the Senate bill. We have said all along Chairman GOODLATTE and his committee are going about a much more deliberative process, a step-by-step approach in trying to address the problems with a broken immigration system. I do think, and I will tell the gentleman that there is consensus on our side of the aisle as well as his, that the system is broken and needs to be fixed. Certainly there are differences on how to go about doing that.

We remain committed, as does the chairman, in trying to move in a step-by-step manner to address the various issues involved with immigration reform, but not to do it the way the Senate did because, as we have seen, many of those who actually voted for the Senate bill in the other body now say they regret that vote or they perhaps would do some differently. I guess it is up to the House to try to address it much more deliberatively and try to fix the problems that exist so we don't see them happen again.

I would say to the gentleman, the House will continue its work; and, as the gentleman knows, the news of this week, unfortunately, has been many, many Americans very unhappy with the work product coming out of this town as far as health care is concerned. I would posit to the gentleman that a bill like ObamaCare or a bill like the Senate immigration bill produces the kind of impact and effect that we are seeing this week and last week and the prior. We don't want to commit that same kind of mistake. We want to be smarter about it.

As the gentleman knows, our committees are hard at work in trying to identify how we can help people with their health care right now since they are facing the very real prospects of not having the health care insurance plans that they like, contrary to the promises that were made when that comprehensive bill was passed a couple of years ago in the same way the Senate bill, the immigration bill, was passed, with not a lot of focus on the detail.

We intend to try and focus on the details of immigration reform, try to come together, see if we can actually have some positive reception on the gentleman's side of the aisle both in

this House and the one across the way as well as the White House to actually work together finally to produce a bipartisan outcome that will be satisfactory because none of these partisan bills have ended up working. As you see, ObamaCare, case in point. That is why we have the train wreck that is upon us. It was a strictly partisan bill that came out of the Congress, House and Senate, and look what has happened.

So I say to the gentleman, we do care about the immigration issue and want to go about reform in a smart way.

Mr. HOYER. I thank the gentleman for his comments, Madam Speaker, and I wish that they had been demonstrated on the farm bill and on the Homeland Security appropriation bill, both of which were reported out of committee on a bipartisan basis but were made very partisan on the floor of this House. I thought that was unfortunate, but that is what happened.

I would like to repeat my question. The gentleman said he wanted to deal with the immigration bill in a very thoughtful, considered way and that he did not support the Senate immigration bill. I was not surprised with that response. The Speaker has also made that very clear; he does not support it. And, very frankly, the majority of Republicans have made it clear they do not support the comprehensive immigration reform bill.

However, Mr. Leader, what I asked you was are you going to bring H.R. 2278 which passed out of the Judiciary Committee, presumably in a thoughtful, considered, discrete way, that is dealing with individual subjects, which is the Strengthen and Fortify Enforcement Act, which allows States and local authorities to enforce Federal immigration laws—my question to you, Mr. Leader, are you going to bring that bill to the floor, or any of the other four bills, which I will mention as well, to the floor, because presumably you believe those were considered in a thoughtful way, were reported out of your committee, were reported out with all of your Republican members, I believe, voting for it, at least 20 of them voting for it. My question to you is: Are you going to bring that bill to the floor?

I yield to my friend.

Mr. CANTOR. I would say to the gentleman, Madam Speaker, it is under consideration as to the timing when we bring that bill to the floor.

I would again reiterate that Chairman GOODLATTE is trying to take a holistic approach to the immigration reform issue—the bill that the gentleman mentioned is obviously one of the pieces in trying to figure this out—and do so in a way that we can effect a positive result, not just result for result's sake. And I again direct the gentleman's attention, Madam Speaker, to what is going on with ObamaCare right

now and how many millions of Americans are extremely disappointed in their government and certainly in the representations that were made by the White House and President insofar as that law is concerned. I don't think that we ought to be engaging in those kinds of commitments when you can't deliver.

So again, we want to be working together. We want to be deliberative about this process, and hopefully we can move forward in a way that is expeditious and thoughtful.

Mr. HOYER. I thank the leader.

I said I wanted to mention the other bills because we understand, A, you would like to talk about health care without focusing on anything else. I get that. We have a disagreement. We will see whether the American people believe that making sure that affordable, quality health care is available to all Americans is something they are for or whether they are against. We will see on that. That issue was joined in the last election. The last election didn't have much effect in this body in terms of the issues that were contended in that election.

But let me ask you about H.R. 2131, which is the Supplying Knowledge Based Immigrants and Lifting Levels of STEM Visas Act.

□ 1400

As the gentleman knows, there are a lot of people very interested in this issue. This would eliminate the diversity visa program, transfer 55,000 green cards available under that program to a new STEM program that employers can use to hire foreign workers with advanced STEM degrees—master's degrees, Ph.D.s, et cetera—from universities. It was being marked up and, I understand, passed out 20-14. Again, that was with an overwhelming Republican vote, if not unanimous vote. Again, the gentleman indicates we want to consider the immigration issue in a thoughtful, discreet, and, as the Speaker has said, bill by bill way.

Is there any expectation that the gentleman has that that bill will be brought to the floor before we adjourn for the year?

I yield to my friend.

Mr. CANTOR. Madam Speaker, I would say to the gentleman if he recalls that in the not too distant past, it was his side that opposed that bill when it was brought to the floor.

My response will be the same. We want to bring bills together. We can work in a cooperative fashion to effect a result. Unfortunately, as the minority opposed stapling green cards to diplomas on that bill that was brought in the past, we are trying to figure out a way where we can bring something forward and actually get it across the finish line with the other body.

Mr. HOYER. I think the majority leader knows, and I know, he has 218

votes on his side of the floor. As a matter of fact, he has substantially more than that.

If the last bill was so good, bring it to the floor and pass it. That is what the Speaker says you want to do, you want to pass bills item by item. What is happening is you are passing bills out of committee and they languish there, just as the farm bill, to which the gentleman referred in the early part of our discussion, languished in the last Congress and was not reported to the floor.

I yield to the gentleman.

Mr. CANTOR. Madam Speaker, I would say to the gentleman that the purpose is not just to make sure that a vote occurs and then nothing happens. The purpose is to pass bills and then allow for the bicameral effort to get a result. That is the frustration.

If the gentleman would also note, on the farm bill, we actually have a conference committee ongoing now. So the reason we employed the process we did was to get in a position that we could actually get a result and not just say we did something and fail to deliver for the people.

I would say to the gentleman again, these bills that he is bringing up all fit into a larger puzzle. We need some indication from the White House and from the majority in the Senate that they will actually work with us. Given the track record that this administration has amassed since 2009, there is not a lot of indication they are willing to work together.

Again, I would point to the prospects of that being what is key, because this week is demonstrative of what happens when you just move without bringing everyone together. The effects of this health care law are going to be lasting on people. They are scared to go to the exchanges. They are worried they are not going to have insurance. This is the impact and result of passing laws by just one body and expecting the other body to just go along. We can't do that now because we are two separate bodies, and we need the White House and the Senate to cooperate with the majority in the House.

Mr. HOYER. I thank the gentleman for that point.

He passed a Homeland Security bill that he knew the Senate wasn't for. He passed appropriation bills that he knew the Senate wasn't for. He passed, Madam Speaker, the farm bill amendments that he knew were not going to be supported in the Senate.

Madam Speaker, we think immigration is a critically important subject. We believe immigration is, in fact, broken. We have an alternative. He doesn't like our alternative. I understand that. We understand that on this side. Perhaps the American people will also understand. They don't like our alternative.

It passed with 68 votes in the United States Senate. He now says people have

changed their mind. Maybe that is the case, but it passed with 68 votes in the United States Senate. They don't like it. Madam Speaker, I understand that. I get it.

They don't like the health care bill. By the way, Madam Speaker, I am starting to get that message. I am pretty thick and it takes some time, but on 46 votes to repeal or to undermine, I get it. You don't like that bill. You think it is a bad bill. We have a disagreement on that, Mr. Leader.

However, apparently we don't have a disagreement on the fact that the immigration system in America is broken. What I am asking you—you have passed out of committee the Agricultural Guest Worker Program. It creates a new Temporary Agricultural Worker Program. That also passed on a partisan vote. None of these votes were bipartisan. There was no effort to work with the Democrats on the committee to bring a bipartisan bill, unlike Mr. LUCAS or Mr. CARTER, who brought bipartisan bills to the floor and saw them turned into partisan pieces of legislation with the help, frankly, of the majority party.

I am asking you regarding the Agricultural Guest Worker Act, are we going to bring that to the floor? Again, a discreet, thoughtful, I am sure on your side of the aisle, addressing of a broken program, but if we don't bring it to the floor, we don't consider it, we can never get to conference, which is what the gentleman says he wants to do.

I yield to my friend.

Mr. CANTOR. Madam Speaker, I will say to the gentleman again, the track record of this administration and the majority in the Senate has indicated an unwillingness to sit down and talk. They have not done so. Certainly, the White House has not done so on the immigration issue, did not do so on the health care issue. Again, it doesn't help the American people for this insistence on "my way or the highway" kind of mode of operation.

We have gotten the message now. If it is going to be my way or the highway, we will try to do whatever we can to help people, as we did today on the floor with a bipartisan vote. The gentleman continues to say that we don't like the health care bill. That is true. I think the American people have spoken out pretty loud and clearly over the last 10 days or so, as indicated by the White House and the President's move yesterday. Obviously, the law is not working.

We don't want to get into another situation like that. We want to make sure we work together comprehensively because there are step-by-step actions that need to be taken, but we need results. We need the White House to sit down and talk to us. We don't need any more speeches, and we don't need any more press conferences by the President. We need some actual talk.

On the immigration issue, they have just not come forward. They have said "my way or the highway." I say to the gentleman that is not how you work in a bipartisan process.

The gentleman complains about partisan action on the floor. Well, there is an inherent partisanship when you have a majority versus a minority, and the will of the House is reflected in the votes here. The Senate is controlled by the gentleman's party, and so is the White House. So to get any kind of result, such as the farm bill, we are going to need a bipartisan result. He is correct on that. It doesn't mean that if we pass something in the House it automatically has to be something the Senate will support.

Again, I would say to the gentleman, let's all try to work together. I think our side has indicated a willingness to do that. Obviously, we want to go and get these conference reports out, but we have not seen a willingness on the part of the gentleman's party, this President, to say we can work together to effect positive immigration reform—not just my way or the highway.

Mr. HOYER. Madam Speaker, I thank the gentleman for his observations.

I must say I am somewhat amused, Madam Speaker, because there are few people in America who believe it is our party that is my way or the highway. There are few people in America who didn't see 198 Democrats vote to keep their government working. It is not my way or the highway. We didn't get what we wanted. We didn't want that number that was passed. 198 Democrats, without exception, voted to keep this government open; 198 Democrats voted to pay the bills of the United States of America. It wasn't a question of my way or the highway. It wasn't a question of repeal or I will vote to shut down the government. 147 Republicans, Madam Speaker, voted to keep the government shut down because they didn't get their way. 147 Republicans, including in both instances, the chairman of the Budget Committee, Mr. RYAN, voted to not pay the bills of the United States of America. And they voted against the majority leader's advice and against the Speaker's advice. That is a problem. I agree that that is a problem.

No matter how much, Madam Speaker, the majority leader says it is the President and the United States Senate that are undermining, in fact, the United States Senate has been passing time and after time after time bipartisan bills and has sent them to the House, where they have languished or been opposed, and finally, they were supported. That was true in the Violence Against Women Act. It was true on a bill that the majority leader and I were for, Madam Speaker, and that is for giving Sandy relief. He couldn't get more than 25 percent of his party to support that.

All I am saying is that, if immigration is a problem and we all say it is, and you think it needs to be dealt with in a discrete way, and you have passed bills out, why don't you bring them to the floor? H.R. 1772, the Legal Workforce Act, makes E-Verify immigration status programs for prospective employees mandatory. Again, I presume that this is one of Mr. GOODLATTE's thoughtful, considered steps to fix a broken immigration system.

All I am asking is—now for the fourth time—will you bring one or more of these bills to the floor? We may not be for them, but at least they put, as the gentleman keeps saying, a bill before the House so the House can work its will. Frankly, if they are defeated, then it would be incumbent upon us to move in a different direction, but if they are just sitting there without consideration by the House, without the ability of the House to work its will, then it continues to cause inaction on a subject that all of us have expressed needs action.

If the gentleman wants to respond to that, I will yield. If not, I will go on to another subject. I am going to go on to another subject.

Rather than go on to another subject, let me urge the gentleman, again, because when the gentleman says, "Let the House work its will," that is a wonderful phrase. Hopefully, it resonates with the American people. But the House is not allowed to work its will. Ultimately, of those bills I have just referenced, we did work our will, and we worked our will, frankly, with mostly a majority of Democrats and a minority of Republicans joining together to pass critically important legislation for this country. We couldn't get the majority of your party to vote for many of those bills.

I would ask the gentleman that if he really wants the House to work its will, and he believes that H.R. 15, the comprehensive immigration bill, is a bad bill, bring it to the floor and see if the House thinks it is a bad bill, see if the House believes that it is a bill that is not worthy to be considered and passed as a fixing of a broken immigration system.

I urge my friend to bring that bill to the floor. He has the power to bring that bill to the floor. I urge him to do so.

I yield to my friend.

Mr. CANTOR. Madam Speaker, I would just say to the gentleman that we don't want a repeat of what is going on now with ObamaCare. That bill constructed as it is by the Senate is a last-minute effort to get it across the finish line. I think there is a lot that could be done a lot better in that bill. The gentleman, I believe, knows that, as well. If he doesn't share my opinion, then we can agree to disagree on that.

I would just say again, let's be mindful, Madam Speaker, of what happens

when you put together a bill like ObamaCare. There are real consequences for millions of Americans right now, and they are scared that they are not even going to have health care insurance that they have today come January 1. There are plenty of reasons for that: the mishaps with the Web sites, the call centers, the stolen identities. All the things that don't seem to be working right now are scaring people out of even considering in a rational way what is going on. How could they? There are no answers being given. I would say to the gentleman it is largely due to the unfortunate architecture of that bill, some of which can be blamed on the process by which it was put together. We don't want to the make that mistake again.

I would say to the gentleman that I look forward to working with him in a deliberate and thoughtful approach. We are not bringing up the Senate bill. We are not going to do that. I have said that to the gentleman. Hopefully, we can work in a much more positive way.

Mr. HOYER. In closing, Madam Speaker, let me simply observe that this is somewhat ironic because the gentleman has repeatedly said he doesn't like the Senate bill.

□ 1415

I hear that. He then says, we need to consider a more thoughtful way of doing this. I get that.

I have then pointed out that the committee, which is headed by Mr. GOODLATTE, Republican leader of the Judiciary Committee, has passed a number of bills, presumably, in that quest for a more thoughtful consideration to fix a broken system.

The gentleman has not said he is going to bring any of those bills to the floor, so he knows what he is against, Madam Speaker. He knows what his party is against, Madam Speaker, but he cannot tell us what he is going to do to fix a broken system because, apparently, the four bills that I have asked about are not being brought to the floor, are not part of the solution of which the gentleman speaks, and that is regrettable.

Let me say, in closing, Madam Speaker, I hope we can work in a bipartisan fashion. It didn't occur after the election, where the very issue was whether or not we ought to extend affordable health care to millions of people, some 30 to 40 to 50 million people who did not have health care security.

They continue to be scared. They continue to be presented with a message that this is a failed program, frankly, before it even starts.

Now, it has started. In terms of access, it doesn't start, as the gentleman knows, until January 1. But for some people, for some people it has started. For some parents with children with a preexisting condition, who could not get insurance, it is working.

For young people who couldn't find a job but needed insurance and were less than 26 years of age, they could stay on their parents' policy. It was working.

For seniors who were confronted with a doughnut hole that put them deeply in debt for prescription drugs they needed for lifesaving and life quality, it is working.

It is working for those people who did not go bankrupt and won't go bankrupt in the future because there are not the limits that can be imposed upon them when they get really sick.

So, yes, we will have a debate on that, but it ought not to simply divert us from all of the other issues that we need to deal with.

The budget—we need to get this country on a fiscally sustainable path. I know the leader agrees on that.

We need to fix a broken immigration system. I know the leader believes that as well. We need to invest in growing our country, to get rid of the sequester because the sequester is going to hurt our country. And, frankly, I think the leader agrees on that. We may not agree on how to do it, but I think he agrees on the objective.

So, Madam Speaker, on all of those, we ought to be giving our best efforts, not in a partisan way, but in a bipartisan way, as Americans, not as Democrats and Republicans.

Madam Speaker, I yield back the balance of my time.

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Mr. CANTOR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislation business.

The SPEAKER pro tempore (Mrs. WALORSKI). Is there objection to the request of the gentleman from Virginia? There was no objection.

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(Mr. REED asked and was given permission to address the House for 1 minute.)

Mr. REED. Madam Speaker, I rise today to recognize the effort that we took today, this afternoon, in this Chamber with the passage of the Keep Your Health Plan Act. This act honors a promise that the President made to all of America, you can keep your health care if you want, and that is what we did today.

I have been hearing, Madam Speaker, from constituents all over western New York, in my district. Two, in particular, I spoke to yesterday. One, from Ithaca, New York, after meeting with a navigator as a small business owner, trying to get health insurance because he received a cancellation notice that



they were going to lose their insurance this January 1, told me that he decided to forego health insurance next year because of the cost associated with it.

I talked to a young man from Bath, New York, who told me, My employer just notified me that my hours are going to be cut from 35 hours a week down to 25 hours, and he didn't even receive health insurance from that individual, but yet was told it was because of ObamaCare, and they would need to put him under a part-time status and lose those hours of work. Well, those hours of work are real dollars out of his pocket and his family's pocket.

I applaud the bipartisan effort we did today. Thirty-nine Democrats joined us on this side to allow Americans to keep their health care.

#### CONGRATULATING NINA DAVULURI

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Madam Speaker, it is my pleasure to rise today to congratulate Nina Davuluri on winning the 2014 Miss America competition, and to proclaim our welcoming her back to central New York for her homecoming celebration this weekend.

I had the privilege of meeting Nina when she was Ms. Syracuse, and I can tell you that she will be a different kind of Miss America. She graduated from Fayetteville-Manlius High School and then went on to the University of Michigan, where she earned a degree in brain behavior and cognitive science. She was an exemplary student and, during her time in college, made the Dean's List and won several scholastic awards.

She is also very involved in the community. She is talented and driven and civic-minded, and she believes in empowering women around the world through education and opportunity, and that is what she has been doing as Miss America.

She has also already broken down barriers and changed the face of the Miss America competition as the first Indian-American woman to be crowned Miss America.

Madam Speaker, I would ask my colleagues in the House of Representatives to join me in congratulating Nina Davuluri on her victory at the 2014 Miss America competition and wish her the best of success in all her future endeavors.

#### THE AFFORDABLE CARE ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to voice

the concerns of a small business in Pennsylvania's Fifth Congressional District, whose economic security is in jeopardy due to the Affordable Care Act.

The is the story of a sixth-generation, family-run business that has been marginally profitable over the years. The business has grown through tough times, while staying committed to always providing health care insurance through policies that allow their employees the choice and the flexibility to have the doctor that they want.

Since the ACA has taken effect, this business is now facing drastic increases in costs, which threaten their profitability and, in turn, this threatens jobs in our community.

The President has offered the American public little assurance that he can save the plans, plans that he originally said we could keep. The public doesn't need another press conference or PR fix. They need real solutions moving forward.

I commend my 39 Democratic colleagues on the other side of the aisle who joined us in passing the Keep Your Health Plan Act today. These Members realize there needs to be accountability in government. The American people deserve as much.

#### THE AFFORDABLE CARE ACT

(Mr. HORSFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORSFORD. Madam Speaker, it is past time for this Congress to work together to improve the Affordable Care Act. This law can be improved, but it is also helping people throughout this country and in my home State of Nevada.

One example that I would like to share with you today is that of Michelle, a constituent from Pahrump, Nevada. Michelle enrolled in a plan on the exchange that will save her \$200 per month and allow her access to OB-GYN services closer to home. She called her enrollment in the program an overwhelmingly positive experience.

Michelle is currently on a HIPAA-guaranteed plan that costs her \$565 a month. If she gets sick and needs an urgent visit, mammogram or other OB-GYN services, she has to drive to Las Vegas from Pahrump.

After enrolling in the Affordable Care Act, she will save more than \$200 a month and have access to local urgent visit and OB-GYN services in Pahrump.

Madam Speaker, now is not the time to turn back the clock or leave constituents like Michelle behind. If Republicans are successful in defunding or even delaying the Affordable Care Act, Michelle will lack insurance. She will have to go back to the predatory plan that offered her no real coverage and costs even more.

I ask my colleagues on the other side, let's work together to make the Affordable Care Act work for the American people.

#### RECOGNITION OF INTERNATIONAL 15q DAY

(Mr. ROKITA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROKITA. Madam Speaker, today I rise in recognition of International 15q Day.

Now, what is International 15q Day?

It is a day to raise awareness of the similarities between Angelman, Prader-Willi, and Chromosome 15q Duplication syndromes. All three are genetic disorders originating in the 15th chromosome.

My offices are supporting these efforts today to shine a light on those that suffer from these disorders. These disorders are so rare that they do not get the attention or dedication to research that many other diseases and disorders do.

My son, Teddy, now almost 6 years old, was diagnosed with Angelman syndrome in early 2010. Angelman significantly impairs his capacity for motor development and severely inhibits his intellectual development. In addition to that, it is likely he will never speak.

But through his challenges, he is such an inspiration to everyone he meets. We do not know what Teddy's ultimate impact on the world will be, but we know it, and those of these other children, will be great.

My wife, Kathy and I, are so humbled by the support of our family and friends, including my staff, who, in all of our offices today, are wearing blue to recognize International 15q Day for Teddy, his fellow angels, and all those affected by these disorders.

Madam Speaker, I encourage all Americans to learn more about these disorders by visiting [www.angelman.org](http://www.angelman.org).

#### OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Madam Speaker, I won't take long.

I got this email from a constituent that, on Tuesday of last week, my 89-year old mother-in-law fell and broke her hip. Her doctor gave her only a 50 percent chance of survival, but survive she did. He, the doctor, stated after the operation that she was lucky that it happened now, because "in 2 weeks I could not have performed the same procedure because it is not an approved procedure under the new rules. It's too expensive."

We all wondered what her chances of survival would have been under Dr. Obama. That is from Jay, in my district.

There are all kinds of terrible things that are happening as a result of the passage of ObamaCare. I voted "yes" on the bill today. Apparently, the Senate is not going to take it up. It just said if the insurance companies could allow them to continue on their policies without making it illegal, as ObamaCare does, to keep those policies.

We have numerous proposals. Anybody that says Republicans don't have any solutions, we have got numerous solutions. I filed a bill that would have been a better, far better bill to ObamaCare back before ObamaCare passed. CBO wouldn't score it. They helped the Democrats all they could, but especially after the director was woodshedded at the White House.

There are many solutions, and one solution now would be to allow insurance policies that have been approved for this year by State commissioners, let them go on, like those that are on the Federal, State, or local cafeteria plans for Federal, State or local workers.

There are many things we can do to have a bridge to get us through the next year if we can just repeal ObamaCare. It did not look like a possibility a few months ago but, as Americans are finding out more and more about the disaster of this government taking over everyone's health care, they are finding, gee, maybe it wouldn't be such a bad idea, as we had 30-plus Democrats, in a bipartisan vote today, express, gee, maybe we should have allowed people to keep their insurance if they wanted it.

One article today from FOX News, "Obama's Insurance Plan 'Fix' Stirs Confusion, Ridicule At the State Level," points out what a disaster it is. The President's even adding to the problems by unilaterally passing a new law, as he has done repeatedly. Normally it is reserved only to monarchs, kings, emperors, those kind of things, to step up and say, I am changing the law.

He has done it with regard to immigration. He has done it with regard to ObamaCare. He ignores parts of laws or laws he doesn't like, and that has also been done at the Department of Justice.

□ 1430

Here is a headline, CNN: ObamaCare Enrollment Numbers "Complete Disaster." And we are finding out that 26,000-or-so signed up and bought insurance when they needed 500,000.

Here is one from McClatchy: "Roiling Health Care Waters, Obama's Fix Could Make Matters Worse," by Anita Kumar and Lesley Clark.

From the Weekly Standard, Daniel Halper: "'Fairy Tale' Continues As

Obama Proposes Extralegal ObamaCare Fix." It is unconstitutional.

And by the way, Madam Speaker, it seems like those who had the President for constitutional law are probably entitled to file a class action, wanting their money back. Because, clearly, the President is not familiar with the fact that the executive branch just can't announce or change laws as they wish without getting Congress' approval.

Here is another, ObamaCare Architect: "Could Be the Beginning of a Death Spiral" from Today by Daniel Halper. In fact, it quotes the architect of ObamaCare being interviewed by Megyn Kelly. She asked, "Is that the beginning of the so-called death spiral?" And he said "That could be the beginning of a death spiral," as people did not sign up for ObamaCare like they needed to.

And then one from Human Events: "There is No 'Fix'" for ObamaCare. And, Madam Speaker, I think that is the bottom line here. We have got to repeal ObamaCare. People are already being dramatically, adversely affected. It has changed the 40-hour workweek. It has changed people's ability to have their own decisions about their own health care.

We need to move, as Ben Carson suggested, toward health savings accounts, encouraging those higher deductibles with cash to take care of the difference. There are all kinds of great solutions. Many of us have them. We just need to repeal ObamaCare for the good of America.

And it is deeply saddening to know that our government is not even warning people about going on ObamaCare, that when they enter their personal information, it is subject to being stolen by identity thieves and may put them in great personal identity quandaries and difficulties legally. So I bring that up because somebody needs to warn people about the problems of registering with the ObamaCare Web site, if they can get through.

My hope and prayer is that we will do the right thing by America. We will get back to acting within the Constitution. And friends like our leader, who spoke moments ago, expressing profound ignorance of what has gone on here on the floor, as he has stated that we had PAUL RYAN and many other Republicans voting for the government not to pay its bills.

There is no Republican I know of that has voted that way. Apparently, he has paid more attention to mainstream media that has misrepresented the truth than he has to what has actually gone on here. No Republicans voted for America not to pay its bills. In fact, Republicans are the ones who voted repeatedly to compromise before the shutdown.

But HARRY REID had it in his mind that if there were a shutdown, if he could refuse to compromise on any-

thing, force a shutdown, then Americans would get misrepresentations as to what occurred. They would blame the Republicans, and then they would get the majority back here in the House next year.

But a funny thing happened on the way to that plan. Many people are starting to find out: wait a minute, Republicans compromised repeatedly. HARRY REID is the one that wouldn't bring a compromise to the floor, wouldn't even allow negotiations to occur with a conference committee. And then people are finding out why Republicans were so concerned about ObamaCare, because it is a disaster. It is affecting people's ability to get the health care they need.

It is so grossly unfair. It is putting people at risk. It is time to stop the figurative bleeding of America and repeal ObamaCare.

And with that, I yield back the balance of my time.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 14, 2013, she presented to the President of the United States, for his approval the following bill.

H.R. 2747. To amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

#### ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, November 18, 2013, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3665. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Only One Offer-Further Implementation (DFARS Case 2013-D001) (RIN: 0750-AH89) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3666. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Designated Country-Croatia (DFARS Case 2013-D031) (RIN: 0750-AI09) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3667. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Approval of Rental Waiver Requests (DFARS Case 2013-D006) (RIN: 0750-AI03) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3668. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2013, as required by the Inspector General Act of 1978, as amended; to the Committee on Financial Services.

3669. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's fifth report on Government dam use charges under Section 10(e)(2) of the Federal Power Act, pursuant to 16 U.S.C. 803; to the Committee on Energy and Commerce.

3670. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the information technology strategic plan, pursuant to Public Law 112-144, section 1125(a)(1) (126 Stat. 1115); to the Committee on Energy and Commerce.

3671. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Patient Protection and Affordable Care Act; Program Integrity: Exchange, Premium Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014 [CMS-9957-F2; CMS-9964-F2] (RIN: 0938-AR82; RIN: 0938-AR74) received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3672. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Technical Amendment to External Review for Multi-State Plan Program (RIN: 1210-AB30) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3673. A communication from the President of the United States, transmitting notification that the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2013; (H. Doc. No. 113-73); to the Committee on Foreign Affairs and ordered to be printed.

3674. A letter from the Chief Human Capital Officer, Department of Energy, transmitting ten reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3675. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3676. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3677. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 24); to the Committee on Natural Resources.

3678. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decisions of the district court in the case of *Beer, et al. v. United States*, No. 09-37 (CFC); *Gettleman v. United States*, No. 11-464 (CFC); to the Committee on the Judiciary.

3679. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2014 [CMS-8053-N] (RIN: 0938-AR59) received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3680. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Part A Premiums for CY 2014 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8054-N] (RIN: 0938-AR57) received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3681. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — FFI Agreement for Participating FFI and Reporting Model 2 FFI [Notice 2013-69] received November 4, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3682. A letter from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting the Administration's final rule — Extension of the Expiration Date for State Disability Examiner Authority to Make Fully Favorable Quick Disability Determinations and Compassionate Allowances [Docket No.: SSA-2013-0023] (RIN: 0960-AH59) received November 5, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3683. A letter from the Under Secretary, Department of Defense, transmitting the Fiscal Year 2012 Defense Environmental Programs Annual Report; jointly to the Committees on Armed Services and Energy and Commerce.

3684. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2014 [CMS-8055-N] (RIN: 0938-AR58) received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONAWAY: Committee on Ethics. In the Matters of Allegations Relating to Travel to Taiwan by Representatives William Owens and Peter Roskam in 2011 (Rept. 113-266). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3343. A bill to amend the District of Columbia Home Rule Act to clarify the rules regarding the determination of the compensation of the Chief Financial Officer of the District of Columbia (Rept. 113-267). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 2860. A bill to amend title 5, United States Code, to provide that the Inspector General of the Office of Personnel Management may use amounts in the revolving fund of the Office to fund audits, investigations, and oversight activities, and for other purposes (Rept. 113-268). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY:

H.R. 3504. A bill to provide improved consumer protection and rate review for health insurance coverage in the individual market, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 3505. A bill to direct the Architectural and Transportation Barriers Compliance Board to develop accessibility guidelines for electronic instructional materials and related information technologies in institutions of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCDERMOTT:

H.R. 3506. A bill to amend title 38, United States Code, to direct the Secretary of the Army to permit visitors to leave appropriate items on gravesites and markers located in section 60 of Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERS of California (for himself, Mr. THOMPSON of California, Mr. WELCH, and Mr. HARPER):

H.R. 3507. A bill to amend titles 10 and 38, United States Code, to expand the use of telehealth under the TRICARE program and in the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUFFY (for himself and Mr. WALZ):

H.R. 3508. A bill to amend title 38, United States Code, to clarify the qualifications of hearing aid specialists of the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LEE of California (for herself, Mr. ENGEL, Mr. ROYCE, Ms. CLARKE, Ms. WILSON of Florida, Ms. WATERS, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. RADEL, Mr. DIAZ-BALART, Mr. MEEKS, Ms. BASS, and Mr. RANGEL):

H.R. 3509. A bill to direct the Secretary of State to submit to Congress a report on the status of post-earthquake recovery and development efforts in Haiti; to the Committee on Foreign Affairs.

By Ms. BASS (for herself, Mr. SCOTT of Virginia, Mr. DANNY K. DAVIS of Illinois, and Ms. WILSON of Florida):

H.R. 3510. A bill to amend the Higher Education Act of 1965 to repeal the suspension of

eligibility for grants, loans, and work assistance for drug-related offenses; to the Committee on Education and the Workforce.

By Mr. CAPUANO (for himself, Ms. WATERS, Mr. JONES, Mr. HINOJOSA, Mr. LYNCH, Mr. KEATING, and Mr. TIERNEY):

H.R. 3511. A bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HECK of Nevada:

H.R. 3512. A bill to amend title XVIII of the Social Security Act to facilitate the transition to Medicare for individuals enrolled in group health plans, to establish a 3-month open enrollment period under Medicare Advantage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. MORAN, Mr. WAXMAN, Mr. PRICE of North Carolina, Mr. POCAN, Ms. SHEA-PORTER, and Mr. CARTWRIGHT):

H.R. 3513. A bill to end the use of body-gripping traps in the National Wildlife Refuge System; to the Committee on Natural Resources.

By Mr. McDERMOTT:

H.R. 3514. A bill to amend title 38, United States Code, to expand the authority of veterans to transfer entitlement to Post-9/11 Educational Assistance to dependents; to the Committee on Veterans' Affairs.

By Mr. McDERMOTT:

H.R. 3515. A bill to amend title 38, United States Code, to increase the age limit for children using transferred Post-9/11 Educational Assistance; to the Committee on Veterans' Affairs.

By Mr. RYAN of Ohio (for himself, Mr. NUGENT, and Mr. RUIZ):

H.R. 3516. A bill to improve health care furnished by the Department of Veterans Affairs and the Department of Defense by increasing access to complementary and alternative medicine and other approaches to wellness and preventive care, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER:

H.R. 3517. A bill to amend the Patient Protection and Affordable Care Act to delay the individual health insurance mandate and any penalties for violating the individual mandate until after there is a certification that the healthcare.gov or other applicable State Exchange website is fully operational, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWALWELL of California:

H.R. 3518. A bill to amend the Public Works and Economic Development Act of 1965 with respect to grants for economic ad-

justment, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRIDENSTINE (for himself, Mr. MASSIE, and Mr. DESANTIS):

H.J. Res. 104. A joint resolution proposing an amendment to the Constitution of the United States to repeal the sixteenth article of amendment; to the Committee on the Judiciary.

By Mr. CALVERT:

H. Con. Res. 65. Concurrent resolution expressing the sense of Congress regarding outreach to families of members of the Armed Forces killed in action in Iraq and Afghanistan, and in other conflicts; to the Committee on Armed Services.

By Mr. McCAUL (for himself, Mr. THOMPSON of Mississippi, Mr. HUDSON, Mr. RICHMOND, Mr. McKEON, and Ms. WATERS):

H. Res. 415. A resolution expressing the sense of the House of Representatives with respect to the tragic shooting at Los Angeles International Airport on November 1, 2013; to the Committee on Homeland Security.

By Mr. AL GREEN of Texas (for himself, Mr. POLIS, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, Mr. TAKANO, Ms. SINEMA, Mr. POCAN, Mr. CLEAVER, Ms. CHU, Mr. HONDA, Ms. JACKSON LEE, Ms. LEE of California, Ms. ROS-LEHTINEN, Mr. LEWIS, Mr. CONYERS, Mr. ELLISON, Ms. EDWARDS, Mr. HANNA, Mr. HASTINGS of Florida, Ms. SPEIER, Mr. GUTIERREZ, Mrs. CAROLYN B. MALONEY of New York, Mr. GRIJALVA, and Ms. CLARKE):

H. Res. 416. A resolution encouraging the celebration of the month of June as LGBT Pride Month; to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. SCHAKOWSKY:

H.R. 3504.

Congress has the power to enact this legislation pursuant to the following:

Title I, Section 8

By Mr. PETRI:

H.R. 3505.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. McDERMOTT:

H.R. 3506.

Congress has the power to enact this legislation pursuant to the following:

The principle constitutional authority for this legislation resides in section 8 of article I of the Constitution of the United States, which states: "The Congress shall . . . make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

By Mr. PETERS of California:

H.R. 3507.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DUFFY:

H.R. 3508.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or in any Department or Officer thereof.

By Ms. LEE of California:

H.R. 3509.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. BASS:

H.R. 3510.

Congress has the power to enact this legislation pursuant to the following:

Article I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. CAPUANO:

H.R. 3511.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power \* \* \* To regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes.

By Mr. HECK of Nevada:

H.R. 3512.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII: "The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States."

By Mrs. LOWEY:

H.R. 3513.

Congress has the power to enact this legislation pursuant to the following:

The first amendment.

By Mr. McDERMOTT:

H.R. 3514.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8—to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof

By Mr. McDERMOTT:

H.R. 3515.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States

By Mr. RYAN of Ohio:

H.R. 3516.

Congress has the power to enact this legislation pursuant to the following Section 8 statements:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of

the United States or in any Department or Officer thereof

By Mr. SCHRADER:

H.R. 3517.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. 1, §8, cl. 1.

By Mr. SWALWELL of California:

H.R. 3518.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18; Article I, Section 9, Clause 7

By Mr. BRIDENSTINE:

H.J. Res. 104.

Congress has the power to enact this legislation pursuant to the following:

This joint resolution is enacted pursuant to the power granted to Congress to propose amendments to the Constitution under Article V of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LOBIONDO.  
H.R. 184: Mr. PRICE of North Carolina.  
H.R. 473: Mr. MORAN.  
H.R. 503: Mr. GRIFFIN of Arkansas.  
H.R. 543: Mr. PASCRELL.  
H.R. 630: Ms. KELLY of Illinois and Mr. BARROW of Georgia.  
H.R. 664: Mr. HONDA, Ms. BROWNLEY of California, Mr. GARCIA, and Mr. QUIGLEY.  
H.R. 679: Mr. CARTWRIGHT.  
H.R. 683: Mr. WALZ.  
H.R. 685: Mr. BENTIVOLIO, Mrs. WALORSKI, Mr. MCNERNEY, Mr. BACHUS, Mr. REED, Mr. RIBBLE, Mr. YODER, Mr. GARDNER, Mr. SMITH of Missouri, and Mr. DESJARLAIS.  
H.R. 690: Mr. GRIFFIN of Arkansas.  
H.R. 736: Mr. ENYART.  
H.R. 809: Mr. LUETKEMEYER and Mr. RUIZ.  
H.R. 855: Ms. DUCKWORTH.  
H.R. 875: Mr. BENISHEK.  
H.R. 915: Ms. GABBARD, Mr. REED, Ms. SINEMA, Mr. KINZINGER of Illinois, and Mrs. ROBY.  
H.R. 919: Ms. FUDGE.  
H.R. 983: Mr. MCGOVERN.  
H.R. 1020: Ms. KUSTER and Mr. ISRAEL.  
H.R. 1125: Mr. DEFazio.  
H.R. 1150: Ms. NORTON, Mr. DOGGETT, and Ms. ROYBAL-ALLARD.  
H.R. 1154: Mrs. CAPPS.  
H.R. 1175: Mrs. CAPPS.  
H.R. 1209: Mr. BOUSTANY and Mr. SEAN PATRICK MALONEY of New York.  
H.R. 1317: Mr. LYNCH, Ms. ESHOO, and Mr. COURTNEY.  
H.R. 1354: Mr. SCHIFF.  
H.R. 1452: Mr. SHERMAN and Mr. AL GREEN of Texas.  
H.R. 1528: Mr. DEFazio.  
H.R. 1565: Mr. POLIS.  
H.R. 1699: Ms. DELAURO, Mr. TAKANO, and Mr. ANDREWS.  
H.R. 1726: Mr. FRELINGHUYSEN.  
H.R. 1761: Mr. WILSON of South Carolina.  
H.R. 1779: Mr. REED.  
H.R. 1812: Mr. RICHMOND.  
H.R. 1861: Mr. BENISHEK.  
H.R. 1869: Mr. PAULSEN, Mr. WALDEN, and Mr. DESJARLAIS.  
H.R. 1878: Mr. RADEL.  
H.R. 1890: Ms. MCCOLLUM and Mr. CARTWRIGHT.  
H.R. 1900: Mr. SESSIONS and Mr. DUNCAN of South Carolina.  
H.R. 1920: Mr. PASCRELL.  
H.R. 1953: Mr. CARTWRIGHT.

H.R. 2012: Mr. GRIMM.  
H.R. 2027: Mrs. BROOKS of Indiana.  
H.R. 2053: Mr. BROOKS of Alabama.  
H.R. 2066: Mr. GRIJALVA.  
H.R. 2073: Mr. CONNOLLY.  
H.R. 2101: Mr. KENNEDY.  
H.R. 2103: Mr. LOBIONDO.  
H.R. 2123: Mr. WAXMAN.  
H.R. 2142: Mr. LOBIONDO.  
H.R. 2241: Mr. COLLINS of Georgia.  
H.R. 2261: Mr. WHITFIELD and Mr. GRIFFIN of Arkansas.  
H.R. 2309: Ms. HAHN, Mr. PAULSEN, Mr. LIPINSKI, Mr. FINCHER, Mrs. WAGNER, Mr. SOUTHERLAND, and Mr. PETRI.  
H.R. 2315: Mr. DENT.  
H.R. 2368: Mr. RANGEL.  
H.R. 2429: Mr. POSEY and Mr. LOBIONDO.  
H.R. 2504: Mr. JEFFRIES, Ms. MOORE, Mr. MORAN, Mr. HOLT, Mr. GRIJALVA, Mr. CUMMINGS, Mr. PERLMUTTER, Ms. SHEA-PORTER, and Mr. COLLINS of New York.  
H.R. 2587: Mr. MORAN.  
H.R. 2663: Mrs. CAPITO, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. PETERSON.  
H.R. 2727: Mr. DUNCAN of South Carolina.  
H.R. 2805: Ms. HERRERA BEUTLER.  
H.R. 2807: Mr. KILMER and Mr. GENE GREEN of Texas.  
H.R. 2810: Mr. STIVERS and Mr. MCKINLEY.  
H.R. 2825: Mrs. CAPPS.  
H.R. 2839: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 2847: Mr. MCNERNEY.  
H.R. 2866: Mr. WILLIAMS.  
H.R. 2902: Mr. BLUMENAUER, Mr. ANDREWS, Mr. McDERMOTT, Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Mr. JEFFRIES, Mr. COURTNEY, Ms. MOORE, Ms. WATERS, Mr. ISRAEL, Mr. HONDA, Mr. SWALWELL of California, Mr. BRALEY of Iowa, Mr. FARR, Mrs. NAPOLITANO, Mr. KIND, Ms. CASTOR of Florida, Ms. VELÁZQUEZ, Mrs. DAVIS of California, Mr. CICILLINE, Mr. COOPER, Mr. ENYART, Mr. NADLER, Mr. ELLISON, Mr. KILDEE, Mr. LOWENTHAL, Mr. BISHOP of New York, Mr. FOSTER, and Mr. THOMPSON of Mississippi.  
H.R. 2918: Mr. YARMUTH, Mr. COLE, Mr. STEWART, Mr. TIERNEY, Ms. KAPTUR, and Mrs. BLACKBURN.  
H.R. 2932: Mr. CICILLINE.  
H.R. 2935: Mr. ROYCE.  
H.R. 2937: Mr. WOLF and Mr. WITTMAN.  
H.R. 2939: Mr. VALADAO.  
H.R. 2945: Mr. KIND.  
H.R. 2967: Mr. MICHAUD.  
H.R. 2997: Ms. GRANGER.  
H.R. 2998: Mr. CARSON of Indiana.  
H.R. 3024: Mr. LIPINSKI.  
H.R. 3040: Mr. NEAL.  
H.R. 3077: Mr. THOMPSON of Pennsylvania.  
H.R. 3103: Ms. BROWNLEY of California.  
H.R. 3111: Mr. GARDNER and Mrs. BEATTY.  
H.R. 3135: Mr. SWALWELL of California.  
H.R. 3148: Ms. KUSTER, Mr. ENYART, Mr. COOPER, and Mr. POLIS.  
H.R. 3149: Ms. KUSTER.  
H.R. 3207: Mr. LIPINSKI.  
H.R. 3228: Mr. HIMES.  
H.R. 3303: Mr. VARGAS.  
H.R. 3306: Mr. PALAZZO.  
H.R. 3318: Ms. FUDGE and Mr. POE of Texas.  
H.R. 3320: Mr. BOUSTANY.  
H.R. 3322: Mr. GENE GREEN of Texas.  
H.R. 3327: Ms. JACKSON LEE, Mr. MCNERNEY, Ms. FUDGE, Mr. GRIMM, Mrs. BEATTY, and Ms. BROWNLEY of California.  
H.R. 3330: Mr. ISRAEL, Ms. SINEMA, and Ms. BROWNLEY of California.  
H.R. 3346: Mr. MICHAUD.  
H.R. 3351: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3359: Mr. HUELSKAMP.  
H.R. 3361: Ms. BONAMICI and Mr. CUMMINGS.  
H.R. 3362: Mrs. BLACKBURN and Mrs. ELLMERS.  
H.R. 3367: Mr. MURPHY of Florida.  
H.R. 3370: Mr. HIGGINS.  
H.R. 3385: Mr. KILMER.  
H.R. 3391: Mrs. MILLER of Michigan.  
H.R. 3395: Ms. KELLY of Illinois.  
H.R. 3403: Mr. MILLER of Florida.  
H.R. 3408: Mr. STIVERS and Mr. NUNES.  
H.R. 3413: Mr. SMITH of Missouri, Mr. HUIZENGA of Michigan, Mr. ROKITA, Mrs. HARTZLER, Mr. YOUNG of Alaska, Mr. LONG, Mr. MULLIN, Mr. HUNTER, Mr. SENSENBRENNER, and Mr. ROTHFUS.  
H.R. 3416: Mr. PEARCE, Mr. BRIDENSTINE, and Mr. BROUN of Georgia.  
H.R. 3425: Mr. SCHRADER and Mr. MICHAUD.  
H.R. 3436: Mr. COBLE, Mr. YOHIO, Ms. LOFGREN, and Mr. JONES.  
H.R. 3445: Mr. KILDEE, Mr. CARSON of Indiana, Mr. GRIJALVA, and Mr. ELLISON.  
H.R. 3463: Mr. CUELLAR and Mr. HUNTER.  
H.R. 3465: Ms. LEE of California, Mr. GUTIÉRREZ, Mr. BUTTERFIELD, Ms. NORTON, Mr. RUSH, Mr. LEWIS, Mr. RICHMOND, and Mr. BISHOP of Georgia.  
H.R. 3469: Mr. GALLEGGO, Mr. GRIFFIN of Arkansas, Mr. KEATING, Mr. PALAZZO, and Mr. O'ROURKE.  
H.R. 3471: Mr. VEASEY, Mr. MAFFEI, Ms. DEGETTE, Ms. CLARKE, Mr. MCNERNEY, Mr. HASTINGS of Florida, Mr. HIMES, and Ms. SCHWARTZ.  
H.R. 3485: Mr. HARRIS, Mr. ROKITA, Mr. PEARCE, and Mr. SOUTHERLAND.  
H.R. 3486: Mr. BRIDENSTINE.  
H.R. 3488: Ms. DELBENE, Mr. FLORES, and Mr. SEAN PATRICK MALONEY of New York.  
H. Con. Res. 64: Mr. O'ROURKE.  
H. Res. 72: Mr. DENT.  
H. Res. 147: Mrs. CAPITO.  
H. Res. 250: Mr. HUDSON and Mr. CONAWAY.  
H. Res. 285: Mr. PRICE of North Carolina.  
H. Res. 291: Mr. WEBER of Texas, Mr. SEAN PATRICK MALONEY of New York, and Mrs. NAPOLITANO.  
H. Res. 365: Ms. DELBENE, Mr. CLEAVER, Mr. TIERNEY, and Ms. LEE of California.  
H. Res. 401: Mr. RUSH, Mr. RANGEL, and Mr. CARNEY.  
H. Res. 404: Ms. BASS, Mr. CICILLINE, Mr. COOK, Mr. KINZINGER of Illinois, Mr. MEADOWS, Mr. SALMON, and Mr. WEBER of Texas.  
H. Res. 408: Mr. AL GREEN of Texas, Mr. McDERMOTT, Mr. SWALWELL of California, Ms. HANABUSA, Mr. PRICE of North Carolina, Ms. NORTON, Mr. FRANKS of Arizona, Mr. MORAN, Mr. BERA of California, Mrs. DAVIS of California, Mr. RANGEL, Mr. SABLAN, Ms. SLAUGHTER, Mr. FALBOMAVEGA, Mr. COSTA, Mr. PETERS of California, Ms. Linda T. Sánchez of California, Mr. MCNERNEY, Mr. LANGEVIN, Ms. LEE of California, Mr. PAYNE, Mr. CARSON of Indiana, Mr. RUSH, Ms. WILSON of Florida, Mr. JOHNSON of Georgia, Ms. BROWN of Florida, Mr. CONYERS, Mr. MCGOVERN, Mr. RICHMOND, Mr. GUTIÉRREZ, Mr. WATT, Mr. BISHOP of Georgia, Mrs. NAPOLITANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HUFFMAN, Mr. SCOTT of Virginia, Ms. BROWNLEY of California, Mr. COURTNEY, Mr. Vela, Mr. ISRAEL, Ms. MATSUI, and Mr. TAKANO.  
H. Res. 411: Mr. PALAZZO.  
H. Res. 412: Mrs. BROOKS of Indiana and Mr. SEAN PATRICK MALONEY of New York.  
H. Res. 414: Mr. CONNOLLY, Mr. MCGOVERN, and Mr. CONYERS.

## EXTENSIONS OF REMARKS

A TRIBUTE TO HONOR THE LIFE  
OF IRENE GENEVIEVE STRANGIO

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of an extraordinary woman, Irene Genevieve Strangio, who died at the age of 89 in Mountain View, California, on October 21, 2013. Her beloved Mountain View community was the beneficiary of so much of her brilliance and activism, and our world is a better place because she graced it.

Irene Strangio was born in Brooklyn, New York, to Robert and Irene Thornton and was the eldest of seven siblings. Irene made Mountain View her home and gave it her all. Known for her generous heart, she often shared with family and friends her artistic talents, knack for journalism, and popular kitchen abilities. As a trained R.N. she dispensed professionalism mixed with caring, and her work ethic shined through anything she set her mind to.

Irene was the loving mother of five children: Marie, Jes, Elizabeth, Michael, and Janis, and the devoted grandmother and great-grandmother to many. She leaves behind countless friends and I feel privileged to count myself among them. Irene, her husband John who predeceased her, and their family have been my friends since 1966.

Mr. Speaker, I ask my colleagues to join me in extending our condolences to the entire Strangio family who mourn the passing of this great and good woman. I'm deeply grateful to have known Irene and even prouder to call her my friend. Through her integrity, decency and wisdom, she strengthened each of us and made our community and our country better.

RECOGNIZING NOVEMBER AS NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. SCHOCK. Mr. Speaker, I rise to recognize November as National Hospice and Palliative Care Month. Palliative care focuses on relieving the pain, stress and symptoms of a serious illness while hospice focuses on caring for a patient based on his or her own unique needs and wishes. In 2012, an estimated 1.6 million individuals received hospice services including home based care, continuous home care, general inpatient care for pain control or complex symptom management or inpatient respite care.

Unlike care delivered at a hospital, the hospice team consists of a group of individuals

whose goal is to provide support for both the patient and the patient's family. As the Safe Haven Hospice in Lincoln, Illinois says "hospice is about adding life to [one's] days."

The U.S. hospice movement was founded by volunteers who play an instrumental role in hospice care. In 2012, an estimated 400,000 hospice volunteers provided 19 million hours of service. One of those volunteers is a constituent of mine who became involved following the unexpected death of her son.

Hospice volunteers like this individual support and enhance the hospice care team. In fact, hospice is the only provider whose Medicare Conditions of Participation requires volunteers to provide at least 5 percent of total patient care hours.

I urge my colleagues to recognize the important work of hospice and palliative care providers and volunteers in their communities during National Hospice and Palliative Month.

RECOGNIZING RECIPIENTS OF THE  
2013 ARTS COUNCIL OF FAIRFAX  
COUNTY ARTS AWARDS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the 2013 Arts Awards presented by the Arts Council of Fairfax County. These awards recognize the extraordinary contributions of artists and arts organizations, as well as the individuals and businesses in Fairfax County, the City of Fairfax, and the City of Falls Church that support the arts in our community.

Founded in 1964, the Arts Council of Fairfax County, Inc. is a non-profit organization designated as Fairfax County's local arts agency to promote all forms of art. The Arts Council operates programs and initiatives that include grants, arts advocacy, education, and professional development opportunities for artists and arts organizations. In FY13, the Arts Council awarded grants to 62 organizations and 3 artists, funded more than 2,600 performances and activities, which were attended by more than 1.2 million people. In addition, The Arts Council of Fairfax County has been a strong supporter and sponsor of the 11th Congressional District High School Arts Competition and has been instrumental in making this program one of the most successful in the nation.

The Arts Awards honor supporters of the arts in four categories: the Jinx Hazel Arts Citizen of the Year Award, the Arts Achievement Award, the Emerging Arts Award, and the Arts Philanthropy Award. It is my honor to enter the following names of the 2013 Arts Awards Recipients into the Congressional Record:

The Jinx Hazel Arts Citizen of the Year Award is presented to The Fairfax County

Economic Development Authority, FCEDA, for its outstanding leadership and service to civic life and leadership in the arts and culture in Fairfax County. FCEDA highlights Fairfax County's rich cultural life and cosmopolitan environment through its international marketing campaigns, web site, and the presentation of opportunities in the arts to its many business prospects. FCEDA believes it is important to support organizations that enhance the overall quality of life for the residents of Fairfax County.

The Arts Achievement Award is presented to Ms. Kathryn Fredgren in recognition of 32 years of vision and leadership in bringing the highest quality dance performances of classical ballet, contemporary and modern dance, jazz, and tap dance to thousands of children and adults in Northern Virginia. Together with her husband Ken, Ms. Fredgren founded The Center Dance Company in 1981. Re-named BalletNova Center for Dance in 2009, the organization continues to be one of the most widely respected dance training centers in Northern Virginia. Upon her retirement as artistic director of BalletNova, Ms. Fredgren brought her love of children and innovative teaching to her position as dance artist-in-residence at Hunter Woods Elementary School in Reston from 2005 to 2011. She currently serves on BalletNova's board of directors.

Riverbend Opera Company, one of the two professional opera companies in Fairfax County, is the recipient of the Emerging Arts Award for its entrepreneurial and high quality arts programming. Founded in 2009, Riverbend Opera Company brings professional opera productions to Northern Virginia and provides performance opportunities to established and emerging music professionals. Through a partnership with Thomas Jefferson High School for Science and Technology, Riverbend provides students with opportunities to work with music professionals, learn the background and history of operatic works, study the music in depth, and join in as chorus members during the Company's performances.

The Art Philanthropy Award is presented to Cityline Partners LLC for its outstanding support and leadership to the arts. Cityline owns, manages, and develops transit-oriented real estate holdings in Tysons and the DC metropolitan region. Continuing a strong tradition of philanthropy to the arts in Fairfax County, Cityline offers in-kind facility services to Traveling Players Ensemble and sponsors Celebrate Fairfax, the McLean Orchestra, and Youth Orchestra.

Mr. Speaker, I ask my colleagues to join me in congratulating the recipients of the 2013 Arts Awards and in recognizing and thanking the visionaries, leaders, and supporters who help to make our Northern Virginia communities rich with cultural opportunities.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of October 28, 2013. If I were present, I would have voted on the following—

Rollcall #561: On Motion to Suspend the Rules and Pass, as Amended H.R.2189, "yea";

Rollcall #562: On the Motion to Suspend the Rules and Pass H.R. 2011, "yea";

Rollcall #563: On ordering the Previous Question and Providing for consideration of H.R. 992, the Swaps Regulatory Improvement Act and H.R. 2347, the Retail Investor Protection Act, "nay";

Rollcall #564: On agreeing to the resolution providing for consideration of H.R. 992, the Swaps Regulatory Improvement Act and H.R. 2347, the Retail Investor Protection Act, "no";

Rollcall #565: On agreeing to the amendment on H.R. 2347 offered by George Miller of California, "nay";

Rollcall #566: On Motion to recommit with instructions on H.R. 2347, "aye";

Rollcall #567: On passage of H.R. 2347, "aye";

Rollcall #568: On Motion to Recommit with Instructions on H.R. 992, "yea";

Rollcall #569: On Passage of H.R. 992, "aye";

Rollcall #570 On passage of H.J. Res. 99, "nay."

## THE PERSECUTION OF BAHAI COMMUNITY IN IRAN

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. MORAN. Mr. Speaker, I rise today to mark the passing of Mr. Ataollah Rezvani, a Baha'i community leader in the port city of Bandar Abbas, Iran. In late August, Mr. Rezvani was found murdered in his car on the outskirts of the city, a gunshot to the back of his head. Before his death, he was subject to persistent threats and intimidation from agents of the Iranian Ministry of Intelligence. And ultimately, his steadfast refusal to submit or cower in the face of this oppression resulted in the loss of his livelihood and his life. His only crime was the practice of his faith.

Over the last several months, the Iranian regime has taken a new and welcome posture toward the resolution of the nuclear issue. While the talks between Iran and the P5-plus-1 have not yielded an agreement, we are in a better position to come to a sustainable agreement than ever before. These efforts are welcome. However, Iran's steps toward reconciling with the global community must be paired with progress on human rights at home, and an end to religious-based persecution of Iran's Baha'i and other minority communities.

Although the Iranian authorities released 91 political prisoners in recent months, not a sin-

gle Baha'i was among them. Instead, 115 Baha'is remain imprisoned, solely because of their faith, including the leadership of the "Yaran-i-Iran," or "Friends in Iran." The seven leaders of this group, which oversaw the welfare of the Iranian Baha'i community, have now each served five years of their 20-year sentences—the longest sentences given to any prisoner of conscience in Iran.

Dating back to the 1979 Islamic Revolution, the Iranian government has implemented a program of active, systematic discrimination against the Baha'i community. As a result, the Baha'i have been reduced to second-class citizens within their own country, stripped of their property, denied access to an education, and deprived of the freedom to worship. All human beings are entitled to these liberties, not simply because of a statute or a constitution. Rather, these are the basic human rights of every person, regardless of race, color, or creed, by virtue of our very humanity.

It is my fervent hope that Iran's leadership will move forward towards rapprochement with the international community, but we must also see progress toward internal reform, and a restitution of rights to all minority communities and the Baha'i citizens of Iran particularly.

## INTRODUCTION OF THE TECHNOLOGY, EQUALITY, AND ACCESSIBILITY IN COLLEGE AND HIGHER EDUCATION (TEACH) ACT

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. PETRI. Mr. Speaker, today I introduced the Technology, Equality, and Accessibility in College and Higher Education (TEACH) Act to ensure that students with disabilities have equal access to the benefits of electronic instructional materials used in today's colleges and universities.

Colleges and universities across the country are using a wide array of new technologies and instructional materials in the classroom. While the use of these new technologies is a positive development, it can also pose a challenge for accessibility. We have an obligation to ensure that students with disabilities have an equal opportunity to obtain a quality education.

The bill would require that any instructional technology, such as digital content, tablets, online platforms, interactive computer software, etc., used by a postsecondary school either be accessible to students with disabilities or that the school provide accommodations or modifications so that the ease-of-use and benefits of the technology for students with disabilities is on par with other students.

These requirements are consistent with joint guidance issued in 2010 by the Departments of Education and Justice regarding the use of new technologies in the classroom and the accessibility requirements of the Americans with Disabilities Act and the Rehabilitation Act of 1973. The guidance was issued in response to the use of electronic book readers by some colleges and universities that were not fully accessible to visually impaired students.

To help schools meet these requirements, the TEACH Act directs the Access Board, an independent federal agency, to develop guidelines for electronic instructional materials used by institutions of higher education. Schools would not be limited to using materials or technologies that are consistent with the guidelines, but those materials that do conform to the guidelines would automatically be considered to be accessible under the law.

In 2008, the Higher Education Opportunity Act created the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, otherwise known as the AIM Commission. One of the commission's recommendations was that the Access Board be directed by Congress to develop guidelines to help guide the development of accessible instructional materials in the marketplace. This bill would implement that recommendation.

For decades, schools have been required to provide equal access to all students. What this bill would do is ensure that students with disabilities are given equal treatment now and in the future as new, innovative technologies are developed and used more often in the classroom.

I hope that my colleagues will join me in support of this legislation.

## THE PASSING OF WILLIAM J. COYNE

**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. DOYLE. Mr. Speaker, I rise today to pay tribute to former Member of Congress William J. Coyne, who represented Pennsylvania's 14th District from 1981 until 2003. Bill passed away on November 3, 2013.

I was honored to work with Bill for eight years as members of Pennsylvania's Congressional delegation from adjacent districts, and I have had the privilege of serving many of his former constituents since he retired in January 2003. I wanted to take this opportunity to remember Bill.

Bill was born on August 24, 1936. He grew up in a house on Halket Street in Pittsburgh's Oakland neighborhood, and he lived in that house for most of his life.

Bill graduated from Central Catholic High School in 1954. He served in the U.S. Army in Korea from 1955 through 1957. He returned to Pittsburgh after completing his military service and began working as an accountant for a trucking company. He subsequently attended Robert Morris College, graduating with a B.S. in accounting in 1965. In all, he worked as an accountant for 13 years.

Bill became involved in local politics in the 1960s, doing volunteer work on a number of local Democratic campaigns. He ran for office himself in 1970 and was elected to the Pennsylvania House of Representatives, where he served one term. He was elected to Pittsburgh City Council in 1973, and he served as a City Councilman from 1974 until 1980.

In 1980, Bill ran for Congress, and was elected to represent Pennsylvania's 14th Congressional District in the U.S. House of Representatives. At that time, the 14th District



consisted of the City of Pittsburgh and a number of adjacent communities in Allegheny County. He was re-elected 10 times and represented the 14th District in Congress for 22 years from 1981 until 2003.

During his first 2 terms in Congress, Bill served on the House Banking Committee and the Committee on House Administration. He also served on the Committee on Standards of Official Conduct, known unofficially as the House Ethics Committee.

In 1985, he was appointed to serve on the Ways and Means Committee. In addition, from 1993 through 1998, he served on the House Budget Committee.

In the 1980s, when Bill started serving in Congress, southwestern Pennsylvania was experiencing high unemployment and economic disruption as a result of the decline of the steel industry, which up until then had been the dominant driver of the region's economy. Consequently, job creation and economic redevelopment were his top priorities when he began serving in Congress and throughout his service there.

At that time, due to many young and working-age individuals leaving the region to seek work elsewhere, Pittsburgh had a disproportionately large elderly population—with more senior citizens than any Congressional District outside of Miami. As a result, Bill also focused his efforts on programs which, like Social Security, Medicare, and Medicaid, were essential to the health and well-being of older Americans. He worked on the Ways and Means Committee, for example, to protect Americans' pensions and other retirement benefits, enact a Medicare prescription drug benefit, and oppose efforts to cut federal safety net programs.

Bill worked closely with local and state elected leaders to develop a plan for the region's renewal, which consisted of building on the region's greatest assets—its research universities, hospitals, and financial institutions—while attempting to preserve the region's remaining manufacturing base. His efforts to achieve those goals focused on federal investments in scientific and biomedical research, higher education, housing and community development, transportation, and the clean-up and redevelopment of abandoned industrial sites. He also pursued complementary tax and trade policies. He was actively involved in securing federal funding for important projects in southwestern Pennsylvania as well as efforts to preserve and expand federal programs nationwide.

With hundreds of acres of shuttered steel mills in the region, Bill worked on the Ways and Means Committee to provide tax incentives for businesses and municipalities to clean up and redevelop vacant, often polluted industrial sites—often referred to as brownfields—including a provision in the Taxpayer Relief Act of 1997 which allowed businesses to deduct the cost of cleaning up brownfields sites in certain targeted areas. He also worked successfully to expand the brownfields tax incentive and delay its expiration date by several years. In addition, he supported legislation to create federal empowerment zones and enterprise communities, which provided tax breaks for businesses that operated in economically distressed areas.

Bill believed that the federal tax code could and should be used to create or preserve American manufacturing jobs, and he worked successfully to make the federal tax-exempt Industrial Development Bond program permanent to keep U.S. manufacturing jobs from moving overseas.

Bill also worked successfully to secure hundreds of millions of dollars in federal funding for local infrastructure projects—including reconstruction of the Drake, Library, and Overbrook trolley lines in Allegheny County and construction of an extension of the MLK Jr. Busway. He worked successfully to get local locks and dams updated—most notably, Locks and Dams 2, 3, and 4 on the Lower Monongahela River—and a flood control project built along Saw Mill Run. Bill also secured the cost-free transfer of the Hays Ammunition Plant to the City of Pittsburgh for redevelopment. He secured millions of dollars in seed money for the Software Engineering Institute at Carnegie Mellon University and the NASA Robotics Engineering Consortium. In addition, he worked successfully to enact a bill designating the Steel Industry Heritage Project in Homestead as a national heritage area to preserve the region's history and culture and promote local tourism.

Bill was also an unabashed liberal—a vocal defender of workers' rights, women's rights, and gay rights as well as all of the New Deal and Great Society programs. He believed in tougher federal gun control laws—voting, for example, in support of the 1994 assault weapons ban. He opposed efforts to roll back American workers' rights to organize and bargain collectively, and he worked to expand protection for workers' rights in international trade agreements.

Bill strongly opposed efforts to cut domestic spending programs in the 1980s and 1990s, especially programs to help local governments undertake important redevelopment activities—programs like Community Development Block Grants, Urban Development Action Grants, the Economic Development Administration, and General Revenue Sharing. Bill also worked with many of his colleagues to protect federal programs that served children, senior citizens, the disabled, and working families. On the other side of the ledger, he opposed increased defense spending in the 1980s and supported deep defense cuts in the 1990s after the end of the Cold War and the demise of the Soviet Union. Bill worked on the House Ways and Means Committee to reduce the tax burden on low- and middle-income families. He was also actively involved in developing and enacting legislation to reform the Internal Revenue Service.

In 2002, Bill decided to retire at the end of his 11th term. In January of 2003, he wrapped up his career in politics and returned home to Pittsburgh. In the 10 years since then, Bill has enjoyed retirement, dividing his time between his home in Pittsburgh and a home in Ireland.

When you take into account his military service, his service in the Pennsylvania State legislature, his service on Pittsburgh City Council, and his 22 years in Congress, you can't help but conclude that Bill Coyne was a dedicated public servant. He was quiet but effective—and he was living proof that nice guys can get ahead. Bill Coyne was a credit to this

institution and to his home town. Those of us who had the privilege to know him will miss him.

He is survived by his long-time companion Kathy Kozdemba, his brother Philip Coyne, Jr., and many nieces and nephews.

I'd like to include this eulogy given by his nephew Daniel Coyne at his funeral in Pittsburgh last week.

**BILLY: A EULOGY FOR CONGRESSMAN BILL COYNE DELIVERED AT HIS FUNERAL, NOVEMBER 7, 2013**

(By Daniel V. Coyne, Managing Editor, Boston Consulting Group)

Bill Coyne was my father's older brother, and I have the honor and privilege of saying a few words about who he was and the full life he lived.

Bill, or Billy as I called him, was devoted to his long-time companion Kathy; to his surviving brother Philly; to his nieces, nephews, cousins, and extended family; to his faith; to the city of Pittsburgh, which he served for decades; and to his neighborhood of Oakland, which gave rise to characters, stories, and legends that made me wish I'd grown up in a different time.

He was best known, of course, for being a politician. Articles about Bill Coyne always described him as quiet. But that belied his passion and his commitment. He worked incredibly hard for the things he believed in. Economic development and opportunity, equality, measures to help the working class. He was sometimes described as an old-fashioned Democrat. I think he was very proud of that—proud to be called liberal or progressive. Not that he'd ever brag about it. Billy never cared for grandstanding, never sought the limelight.

To me, his legacy is not just about what he did, it's about how he did it. Billy was civil, sincere, genuine, and honorable. He epitomized everything that's good and noble about the title "public servant". He simply wanted to help people. He got involved in politics in the late 60s, he said, because of the conditions of the country. He wanted to make a difference. And that's what he and his dedicated staff did.

In a 1986 profile of Billy in the Pittsburgh Press, Tip O'Neill summed it up nicely: "You can get a lot done for your constituents when you have the respect and admiration of your colleagues," he said. "And Bill Coyne is one of the best liked guys down here." Incidentally, when Billy heard that the Press wanted to do a story on him, he had a one-word response: "Why?"

Billy was more than a politician. He was a kind and generous uncle. He was thoughtful and warm. He loved being with Kathy and hosting Christmas dinners with her. He loved being with his nieces, nephews, and cousins. He was happy being in Pittsburgh, living a short walk from Halket Street, where he grew up. And he was energized by the visits he and Kathy made to Ireland several times each year.

For his brother Philly's 90th birthday, a group of us travelled to Ireland. Billy and Kathy were our guides. Billy's excitement was infectious. He was like a little kid, reveling in the music, the scenery, the streetscapes, the people, being with our relatives. He wanted so much for us to be a part of it. It reminded me of how he'd treat people who visited him in Washington.

I lived there for a few years while Billy was in office. He'd sometimes sneak me and a friend onto the floor of the House of Representatives for small occasions, like the State of the Union Address. It was never to

show off. Billy wasn't in the habit of trying to impress people. I just think he saw the House floor in the same way he and others who grew up in Oakland saw Forbes Field. It's historic, and it's hallowed ground. But it's sort of public property . . . you don't really need a ticket to get in. The fact that it was there was permission enough.

Billy did those sorts of things all the time. He'd go out of his way to do something if he thought it would make you happy. The fact is, Billy would go out of his way for anyone, anytime. Selfless hardly begins to describe his compassion and his sense of service. That's how he worked his job. That's how he lived his life.

His passing is a profound loss for Kathy, for Philly, and for our whole family. We were blessed to have had him in our lives, and we will miss him dearly.

There's a quote, attributed to an ancient Chinese philosopher, whom Billy was fond of. Kathy gave it to me. She said that Billy carried it around in his wallet. It obviously meant a lot to him, and I'd like to close by reading it:

A leader is best when people barely know he exists  
Not so good when people obey and acclaim him  
Worse when they despise him  
But of a good leader who talks little, when his work is done they will say:  
"We did it ourselves"

#### HONORING REP. HELEN DELICH BENTLEY

#### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Congresswoman Helen Delich Bentley, a longtime member of the U.S. House of Representatives, a champion of the Port of Baltimore and a dear friend on the occasion of her 90th birthday.

A graduate of the University of Missouri, Congresswoman Bentley is a former journalist who worked as a reporter and editor for the Baltimore Sun, where she developed her lifelong passion for the Port of Baltimore and Chesapeake Bay. She then hosted a TV program about the Port focusing on maritime and transportation issues. She was elected to represent Maryland's Second Congressional District in 1985 and served the next four terms. She chaired the Federal Maritime Commission and became a strong advocate for responsible trade policies, the U.S. Merchant Marine fleet and, of course, American ports. As chair, she was then the fourth-highest ranking woman in federal government history, the first woman to serve in a key government position in the maritime field and the first woman appointed by a President to head a regulatory agency.

It is because of Congresswoman Bentley's decades of dedication, passion and advocacy that the Port of Baltimore will continue to prosper and provide honest, good-paying jobs to many Maryland families for generations to come. In 2006, the Port was rightly renamed the Helen Delich Bentley Port of Baltimore.

Congresswoman Bentley continues to exercise her expertise in the maritime and manufacturing industries as President and CEO of

Helen Bentley & Associates, Inc. She also serves on the Board of Trustees for the Baltimore Museum of Industry. While too numerous to list in their entirety, Congresswoman Bentley is the recipient of countless awards and accolades. In 2006, she earned the Governor's International Leadership Award and was named the 2010 William Donald Schaefer Industrialist of the Year. She was inducted into the International Maritime Hall of Fame in 2004 and has earned 10 honorary doctorates.

I have had the pleasure of knowing Congresswoman Bentley for many years. Once political rivals, I consider her a mentor and trusted advisor, especially on maritime issues. Mr. Speaker, I ask that you join with me today to honor Congresswoman Helen Delich Bentley. The citizens of Maryland have been lucky to have her as a champion all these years. It is with great pride that I wish her the happiest of birthdays and many more years of success.

#### HONORING LOCAL LAW ENFORCEMENT FOR THEIR GREAT SERVICE TO OUR COMMUNITY

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mr. WOLF. Mr. Speaker, I rise today to recognize the following law enforcement personnel who have recently been honored by the Horseshoe Curve Benevolent Association for their tireless service and continued willingness to put their lives on the line to protect our communities. These honorees include: Trooper Ronnie Riggs, Deputy Greg E. Lambert, Deputy Stephen A. Moore, Officer George Bell, Sergeant Travis Short, Officer John Dixon, Investigator Greg Frenzel and Sheriff Lenny Millholland.

Senior Trooper Ronnie Riggs has served the Virginia Department of State Police for over 10 years. Working out of the state police barracks in Kernstown, Trooper Riggs has become a tremendous asset to the area through his efforts to improve public safety. Trooper Riggs' service to the community and professionalism are seriously appreciated.

Chief Deputy Travis Sumption began his career as a communications officer with the Clarke County Sheriff's Office in February 1993. In 1998, he was appointed Deputy Sheriff and after an assignment as a traffic enforcement deputy in 2004, he became the first person to hold the title of First Sergeant in Clarke County. In 2006, he worked with the Clarke County Sheriff's Office regional drug task force and supervised the general investigations and gang units. After graduating from the Virginia Forensic Science Academy in 2008, he successfully managed a complex, multi-jurisdictional murder case. I wish him all the best in his new role of Chief Deputy.

Deputy Greg E. Lambert has served the Winchester Sheriff's Office since 2011. He came to the sheriff's office with previous experience with the Winchester Police Department and the U.S. Capitol Police. He excelled in his work with the "Don't Bust the Bus" operation designed to ticket offenders for passing school buses and is also involved with Project Life-

saver, a program to save the lives and reduce injury of the elderly, as well as those who suffer from cognitive conditions such as Alzheimer's and autism. He is a member of the North and South End Citizens Groups, which focus on eliminating crime in the City of Winchester. Deputy Lambert's hard work and commitment to keeping citizens safe is greatly appreciated.

Deputy Stephen A. Moore serves the Frederick County Sheriff's Office. This summer he demonstrated courage when he rescued a mother of five from her burning home. He got the mother out of the house safely, and then ran back into the home when it was engulfed in flames and full of smoke to ensure that all of the children were safe. I commend him for his outstanding ability to remain calm and focused in a crisis.

Officer George Bell serves the Northwestern Regional Adult Detention Center and was recently honored for his remarkable efforts to prevent the escape of a high-risk inmate. Officer Bell showed resolve when he took action to address the situation and protect the civilians who would have otherwise been in grave danger. I appreciate his hard work and service to the community.

Sergeant Travis Short serves Mount Weather Police Department. Recently, he was recognized by the Department of Homeland Security and the Federal Emergency Management Agency and also received a Life Saving Award. In August, he was the first responder to a critical scene where an individual was in cardiac arrest and severely bleeding. He took decisive and immediate action to save the person's life. Sergeant Short's focus on training and his preparedness in crisis greatly benefit the community he serves so well.

Officer John Dixon serves the Winchester Police Department and was recently recognized for resuscitating a young woman who was suffering from an overdose. This was the second time he saved someone in critical condition. Officer Dixon is an excellent police officer and a leader among his peers—his colleagues frequently applaud the high quality of his investigations. His good police work makes him a committed role model to all those who serve.

Investigator Greg Frenzel has served the Berryville Police Department since 1997. He began his career as a patrol officer and now serves as an investigator where he conducts investigations involving major property loss and crime. Additionally, he has worked as a firearms instructor and serves with the regional Criminal Justice Academy. Berryville Chief of Police Neal White has submitted Investigator Frenzel as the 2013 nominee of the year, citing his valuable contributions to the department throughout his career. I congratulate Investigator Frenzel on this nomination and commend him for his diligent investigative work.

Sheriff Lenny Millholland has served the City of Winchester since 1979. I have known and worked with Lenny for many years. He began his career as a Cadet Deputy for the Allegany County Sheriff's Office in Maryland, where he worked for two years before accepting a position with the Winchester Police Department. During his tenure with the Winchester Police, he rose through the ranks from

patrol officer, K9 Handler, Investigator, and Lieutenant for the Criminal Investigative Division, which handles murders, rapes and robberies. He is also a graduate of the Central Shenandoah Criminal Justice Training Academy, the Maryland State Police K9 Academy and the FBI National Academy Session 188. In 2001, he was elected Sheriff of the city of Winchester and shortly after completed the National Sheriff's Institute in Longmont, Colorado. Over the course of his term as Sheriff, he has been appointed to a number of committees and boards that service law enforcement and local non-profit organizations. He is also a past president of the Virginia Sheriffs Institute, which trains Sheriffs in Virginia. I commend Lenny on his outstanding career and thank him for his committed service to the Shenandoah Valley over the years. I wish him all the best in his retirement.

I am proud to join with the Horseshoe Benevolent Association, which has been honoring local law enforcement since 2004, to recognize these officers for their bravery, dedication and strength. We owe them a sincere debt of gratitude for their service to the 10th District.

I submit the following Winchester Star article on the Horseshoe Benevolent Association's annual police appreciation dinner.

[From The Winchester Star, Nov. 5, 2013]

CITIZEN GROUP HONORS LOCAL LAW ENFORCEMENT

(By Val Van Meter)

PINE GROVE—The Horseshoe Curve Benevolent Association honored eight area law enforcement personnel recently for their service to the community in 2013.

Those attending the event at the Blue Ridge Volunteer Fire and Rescue Company in Pine Grove also gave retiring Winchester Sheriff Lenny Millholland a special tribute for his 12 years in office.

Association spokesman Jim Wink said the gathering was to recognize local police and security officers who put their lives "on the line" to protect the community.

Each of the officers honored received a plaque from the association and a certificate of appreciation from the Virginia House of Delegates, sponsored by Dels. Joe May, R-Leesburg, and Beverly Sherwood, R-Fredrick County.

Honorees were:

Frederick County Sheriffs Office Deputy Stephen A. Moore, who was on his way to a court hearing on June 18 when he saw smoke coming from a residence at 300 N. Kent St. in Winchester and learned that a child might be in the house.

Despite it not being his jurisdiction, he went to the scene—and when the mother of the child re-entered the building he followed her and brought her back out. He then re-entered the house with two city police officers, though he was unable to save the child.

Moore's boss, Sheriff Robert Williamson, said his actions are "a mirror image of what we all should be."

Northwestern Regional Adult Detention Center officer George Bell, who was nominated for his actions Aug. 12 in subduing an inmate who tried to escape while being treated at the Winchester Medical Center. Bell fought off an attempt by the inmate to snatch his gun and then pursued him through the hospital and captured him in the lobby.

Mount Weather Police Department Sgt. Travis Short, who was honored for respond-

ing to a 911 call Aug. 16 for a Federal Emergency Management Agency employee in cardiac arrest. As first responder on the scene, he began measures that were credited with saving the employee's life.

Winchester Police Officer John Dixon, who was nominated for resuscitating a young woman who was suffering from a drug overdose. His action on Sept. 26 was the second time that Dixon had been able to restore someone's breathing.

State Police Trooper Ronnie Riggs, who has served on the force for more than 10 years.

Riggs, who works from the Kernstown Barracks, was praised for his "professionalism" in enforcing criminal statutes and driving safety efforts.

Clarke County Sheriffs Office Chief Deputy Travis Sumption, who joined the department as a communications officer and moved to a deputy position in 1998. Sumption was later appointed first sergeant and became one of the few members of the county's investigative unit, working with the Northwest Virginia Regional Drug Task Force and on gang activities.

Winchester Sheriffs Office Deputy Greg E. Lambert, who was cited for a number of community policing efforts including work on an enforcement program to stop drivers from passing school buses that are picking up or dropping off students.

Berryville Police Department Investigator Greg Frenzel, who was nominated for his professionalism in handling investigations, especially those involving major property loss and crimes against persons.

Clarke County Sheriff Anthony "Tony" Roper praised retiring Winchester Sheriff Lenny Millholland, who he said exemplifies the concern a sheriff should have for his community.

Roper said Millholland originally planned to study veterinary medicine at Allegany College in Cumberland, Md., but switched to criminal justice.

Millholland joined the Winchester Police Department in 1979 and moved from patrol officer to canine handler, investigator and then lieutenant for the Investigative Division.

He was elected city sheriff in 2001.

Roper said Millholland has served on numerous boards and committees in both law enforcement and for nonprofit organizations serving the community.

He is a past president of the Virginia Sheriffs' Institute, a nonprofit organization that handles training and education for sheriffs in the state.

Millholland received a standing ovation from the audience as he accepted a plaque from Del. May.

The Horseshoe Curve Benevolent Association is a citizens group, based in Pine Grove, which raises funds for groups and organizations that serve the community, mostly in Clarke County. Among other efforts, it supports the Blue Ridge Volunteer Fire Company and senior and handicapped residents of the Johnson-Williams Apartments, and presents a scholarship annually to a Clarke County High School senior.

IN RECOGNITION OF WASHINGTON AVENUE PRESBYTERIAN CHURCH'S 175TH ANNIVERSARY

HON. SANFORD D. BISHOP

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my sincere congratulations to the congregation of Washington Avenue Presbyterian Church in Macon, Georgia, as the membership and leadership of the church celebrates a remarkable 175 years. The congregation of Washington Avenue Presbyterian Church will commemorate this milestone with a Celebration on Sunday, November 17, 2013 at 3:00 pm at Washington Avenue Presbyterian Church in Macon.

Tracing its roots back to the pre-Civil War era, the Church was organized around 1838 when Pastor Samuel Cassels was instructed to preach and minister to the slaves of the members of the 1st Presbyterian Church's congregation. The "African Chapel," a separate facility, was built on Fourth Street (now M.L. King Drive) but remained associated with the 1st Presbyterian Church. With a request for full independence by "African Chapel" members that was granted on May 5, 1866, the present Washington Avenue Presbyterian Church was formed. Joseph Williams, David Laney, and Robert Carter were the first Ministers ordained to serve the church following its formal establishment.

The Church had humble origins due to racial and social stratification in the post-Civil War South. With the end of the Civil War, the bells of Washington Avenue Presbyterian Church rang to celebrate emancipation. Under the pastorate of David Laney, most notably, the distinguished Gothic Revival structure of the Church was constructed.

The Washington Avenue Presbyterian Church is not only the oldest African-American congregation in the state of Georgia, but also bears the distinct honor of being one of the oldest minority congregations in the country. Named for the street on which it is located, the Church has become the primary place of worship for many generations of the most prominent black families in Macon. It also enjoys the privilege of being listed in the National Register of Historic Places in America, another indication of its importance in the local, state, and national communities.

The story of Washington Avenue Presbyterian Church, which began as a small group of slaves worshipping in a small "African Chapel" and has grown into an expansive and successful church, is truly an inspiring one of the dedication and perseverance of a faithful congregation of people who put all their love and trust in the Lord.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to the Washington Avenue Presbyterian Church in Macon, GA for their long history of coming together through the good and difficult times to praise and worship our Lord and Savior Jesus Christ.

# HONORING THE LIFE OF RICHARD W. BOERS

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to Dick Boers, who passed from this life on Wednesday October 2, 2013. Dick's family and friends will remember him in a memorial service at the Toledo Botanical Gardens on October 15, 2013.

Dick Boers was "a man for all seasons." A horticulturalist and landscape architect, Dick was instrumental in the establishment of the Toledo Botanical Gardens, then known as Crosby Gardens. He was later named Trustee Emeritus of the Gardens' Board and was affectionately known as "Mr. Crosby." The gardens were a signature achievement in a distinguished career.

Born in 1941 in Rochester, New York, Richard Boers graduated from Cornell University. He was pursuing his graduate degree at the University of Michigan when he was recruited by the City of Toledo as a seasonal park designer. In 1965 he was named the City's Forestry Commissioner, at age 25 the youngest in the city's history and the youngest in the nation. Dick spent the next thirty years in the City of Toledo's Parks Department. A dedicated public service, Dick's efforts during his tenure were evident and everywhere. He was widely credited with "greening up" industrial Toledo. Even as he served the City and the citizens of Toledo, Dick was a respected member of several professional organizations and his talent was sought by many.

The Toledo Blade noted that "A sign in Dick's office summed up who he was, 'There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit.'" Philosophers' words indeed, and characteristic of Dick's wisdom.

Dick Boers' efforts of his lifetime are all around us in our city. His legacy is a gift of beautiful landscapes to be enjoyed for generations to come. When the flowering pear trees burst into bloom in early spring in downtown Toledo, and along the city's thoroughfares, we shall fondly remember Dick Boers. When the annual arts festival is held at the Toledo Botanical Gardens, we shall say thank you to Dick Boers. When native plant species like the blue lupine displace invasive species, we express appreciation to Dick Boers for beautifying our parks and environs. For every part of nature he tended and stewarded to the next generation, we say thank you always to Dick Boers.

# OUR UNCONSCIONABLE NATIONAL DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,149,193,429,752.16. We've added \$6,522,316,380,839.08 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## PERSONAL EXPLANATION

## HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. WESTMORELAND. Mr. Speaker, on rollcall No. 572, I was unavoidably detained in Georgia and could not make it to Washington, DC in time to cast my vote.

Had I been present, I would have voted "yea."

## RECOGNIZING STAFF SERGEANT RODNEY PAINTER FOR HIS SERVICE TO OUR NATION IN THE UNITED STATES AIR FORCE

## HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, it is my privilege to recognize Staff Sergeant Rodney D. Painter, Jr., for nearly 11 years of service to our nation in the United States Air Force.

As a member of the 19th Security Forces Squadron in Little Rock, Arkansas, Staff Sergeant Painter implemented the first Discipline and Adjustment Board and the Parole Board with First Sergeants. He coordinated with the U.S. Air Force Security Forces Center to develop a new confinement floor plan and led an extensive camera project to certify a new confinement facility that ensures the security of inmates.

Staff Sergeant Painter has been generous in his philanthropy, in the most recent year volunteering over 40 hours with Big Brothers Big Sisters of America to provide guidance and mentorship to local youth. In the same year, he also volunteered over 20 hours with the United Way Homeless Shelter, strengthening the bonds between the United States Air Force and local communities. I commend Staff Sergeant Painter for his dedication to serving our nation and the Central Florida community. It is because of men and women like Staff Sergeant Painter who give of themselves to our country that we can live in a free country.

## INTRODUCING THE "HONORING OUR FALLEN HEROES WITH DIGNITY ACT OF 2013"

## HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Honoring Our Fallen Heroes with Dignity Act of 2013.

This act protects the rights of families to leave small keepsakes at the gravesites of servicemembers buried in Section 60 of Arlington National Cemetery, many of whom bravely served their country in Iraq and in Afghanistan.

During the summer of 2013, officials at Arlington National Cemetery came through Section 60 and, without providing advance notice to families, threw away mementos left behind for the heroes buried in Section 60.

Teresa Arciola, a mother whose son was killed in Iraq in 2005, cried when she found out that the mementos she left at her son's gravesite had been removed. "It was like no one cared anymore," she told The Washington Post.

The act would allow mementos to be left on the top of and immediately next to grave markers in Section 60 of Arlington National Cemetery as long as they did not interfere with normal operations and maintenance procedures, such as mowing the grass.

The items can not be a health or safety hazard, be permanently affixed to gravestones, and can't interfere with normal operations of the Section 60 of Arlington National Cemetery. At end of each month, items left on the grave stone will be collected, cataloged, and stored.

## HONORING JAMES BRYON ADAMS, JR.

## HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to celebrate and honor the life my dear friend James "Jim" Bryon Adams, Jr.—an exemplary American citizen, husband, father, and grandfather.

On November 10, Jim passed away peacefully at his home in Greensboro, North Carolina, at the age of 70.

Born and raised in Atlanta, Jim was the oldest son of the late James Byron and Marie Black Adams. After graduating from Druid Hills High School, he attended Georgia Institute of Technology and joined Sigma Nu fraternity, where we became friends. Jim was a reliable friend and fraternity brother. And on top of that, he was a dedicated leader in whatever organizations he joined. While I knew him, he was a Rush Chairman of our fraternity, Captain of the Varsity baseball team, President of the Rambling Wreck Club, and a member of the ANAK honorary society.

After finishing his degree and a short stint with the Chicago Cubs minor league team in Washington State, Jim joined Deering Milliken—presently Milliken & Company—in New York City which began a long and successful career in the textile industry. He was an executive at many companies in the industry and eventually became President of Flynt Amtex, where he retired at age 65, but continued serving on their board of directors.

Jim's friends and family will remember him as a level headed and dispassionate man who could bring a lighthearted sense of humor to every situation. He took pride in his profession, cared deeply about his family, and enjoyed golfing with his friends.

Mr. Speaker, I extend my deepest condolences to Jim's wife Daryl, his son James, his daughter Jill, his great-grandson Brayden, his brother David, and his nephew James in this time of difficulty. It saddens me to know that the world is missing an honorable and dedicated man, but I am humbled to know that he is now in a better place.

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HONORING RIVERDALE HIGH  
SCHOOL AND H2O FOR LIFE

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**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. BLUMENAUER. Mr. Speaker, today, I would like to take a moment to honor an individual who, for the last four years, has been inspiring the next generation of global water activists.

Riverdale High School teacher Laurie LePore began teaching the "H2O for Life" course as a way to introduce a service-learning component to her students' education.

At the beginning of each H2O for Life course, students select one or two schools currently lacking a proper, healthy, water source. The class is then divided into five student-led groups, each tasked with their own jobs to do, working together to raise funds for the building of wells, water purification systems, and restrooms for schools in need. Laurie also educates students about water issues in my home state of Oregon, including dam breaching, overfishing, and the impact of bottled water.

This year, her class is assisting two elementary schools in South Africa to raise \$5,000 to bring water, sanitation, and hygiene projects and practices to their schools—benefiting a total of 2,086 students. At the end of the year, eight schools from Africa, the Philippines, and India will have first-time access to water and sanitation facilities thanks to the H2O for Life class and Mrs. LePore's dedication.

Bringing water and sanitation into schools is an essential part of having an effective education system. Without adequate sanitation facilities, young girls are embarrassed to attend school and too often stay away as a result. If there isn't water in their place of learning, many children are forced to choose between providing water for themselves and their family or their education. When it's a matter of life and death or learning, school always loses out.

As the lead sponsor of the 2005 "Water for the Poor Act" and the current "Water for the World Act of 2013," I applaud local efforts to highlight this ongoing challenge and am deeply appreciative of the impact this program has and will have not only on her students, but for the thousands of children they've helped around the world.

PERSONAL EXPLANATION

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. ELLISON. Mr. Speaker, on November 12, 2013, I missed rollcall votes No. 571 and 572 for district business. Had I been present I would have voted "yes" on both.

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WORLD DAY OF REMEMBRANCE  
FOR ROAD TRAFFIC VICTIMS

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**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. VAN HOLLEN. Mr. Speaker, I rise in recognition of World Day of Remembrance for Road Traffic Victims.

This Sunday around the world, millions will pause to remember those who have died or been injured in road crashes. Every year, the list of those injured and suffering as a result of road crashes grows. This tragedy is increased by the fact that many of these deaths and injuries could have been prevented. This is a growing global epidemic predominantly impacting young people. More than 40 percent of all road traffic deaths occur among individuals under 25 years old and road crashes are the second leading cause of death for young people aged 5–25 years.

Promoting global road safety requires a focus on education, advocacy and support for targeted road safety projects in low and middle income countries where the problem is more prevalent. That is why I have been a long supporter of the Association for Safe International Road Travel (ASIRT).

ASIRT encourages governments in developing nations to reduce road traffic deaths and injuries through dialogue, research and advocacy. ASIRT encourages and promotes U.S. government involvement in road safety abroad by emphasizing the importance of sharing U.S. technical assistance and injury treatment expertise with other nations and international organizations. ASIRT also works closely with the Congressional Global Road Safety Caucus to raise awareness among members of Congress about this urgent problem and with U.S. embassies abroad to promote road safety initiatives in host countries.

I want to congratulate ASIRT for being selected to participate in the new Bloomberg Global Road Safety Initiative. This initiative will devote \$125 million over five years to fund road safety interventions in 10 target countries around the globe. ASIRT is the only non-governmental organization among the Bloomberg partners on this project. ASIRT will work to strengthen NGO capacity in target countries through grassroots programs and is currently working on programs in Egypt, Kenya, and Turkey with plans of expanding to other countries.

World Remembrance Day is a time for the public to think about the devastating loss and suffering that still occurs because of road crashes and reminds us of how much more

we must still do to bring this suffering to an end.

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HONORING NANCY ELLEN VOILS-  
FIELD

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**HON. H. MORGAN GRIFFITH**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Nancy Ellen Voils-Field of Salem, Virginia, who went to be with her Heavenly Father on November 8, 2013.

Nancy met her husband, Robert Field, as a teenager. They moved to Salem in 1972, following 20 years of Army life. Nancy, a devout Latter-Day Saint, spent much of her time working to serve her Heavenly Father and assist those in need.

Those who knew her are well aware of her long-time participation in 4-H and Extension Homemakers, and of her involvement in Scouting. I had the pleasure of working with Nancy for a number of years in the Boy Scouts of America, Blue Ridge Mountains Council, Catawba District. Whenever a task needed to be done, Nancy would wait to see if anyone else would step forward. If no one else volunteered, we could always count on Nancy to say, "Well, I could probably do that." It was widely known in the community that Nancy Field was a quiet leader who would get the job done.

Nancy loved music, gardening, and quilting. Over the years, I always enjoyed looking at her many award-winning entries in the Salem Fair.

Nancy leaves behind her husband of 62 years, Robert, and a sister, Mary Lou Voils. Also surviving are four children David Field and his wife Marianne of Columbus, Mississippi, Sharon Crenshaw of Roanoke, Robert (Brian/Rob) Field, of Naples, Florida, Charles (Rich) Field and his wife Dawn, of Salem; and four grandchildren.

My thoughts and prayers go out to Nancy's family and loved ones. She will be greatly missed. Her love for her family, friends, and community will always be remembered and cherished in Salem.

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CONGRATULATING AND HONORING  
THE LOUISIANA BUSINESS AND  
TECHNOLOGY CENTER

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**HON. BILL CASSIDY**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. CASSIDY. Mr. Speaker, I rise today in honor of the Louisiana Business & Technology Center (LBTC), located on Louisiana State University's South Campus in Louisiana's Sixth Congressional District. It is indeed a great honor and privilege to join with the LBTC in commemorating and celebrating 25 years of dedicated service to the business community in the State of Louisiana.

Over the past 25 years, the LBTC has partnered with small businesses and entrepreneurs to help them reach their goals of longevity and self-sufficiency. Under the leadership of Executive Director Charles D'Agostino and his team, the LBTC has created over 10,000 jobs and helped start up companies raise \$172 million in loans and equity investments. Additionally, the LBTC has been instrumental in providing Small Business Innovation Research (SBIR) grant assistance to over 2,500 companies amounting to \$77 million in awards. Finally, the Center has enlisted the support of LSU's student body in creating a Student Incubator which has spawned 28 full time businesses with 97 jobs and has raised over \$3 million in capital since 2010.

Based upon the LBTC's long record of accomplishment and achievement, they have obtained the reputation of being known as one of the best entrepreneurial launchpads in the State. On behalf of the residents of Louisiana's Sixth Congressional District, I congratulate the Louisiana Business and Technology Center on the tremendous contribution it has had in fostering and developing small businesses which are a vital component to our Nation's economy.

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HONORING LEBANON ON ITS 70TH  
INDEPENDENCE DAY

**HON. RICHARD L. HANNA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. HANNA. Mr. Speaker, one week from today, on November 22, 2013, the Lebanese people will come together to celebrate the 70th Independence Day of Lebanon. As a proud Lebanese-American, I extend my congratulations on this momentous occasion to President Sleiman, Caretaker Prime Minister Mikati, Speaker Berri, and all citizens of Lebanon and those around that world who proudly claim Lebanese heritage.

For seventy years, Lebanon has exemplified its rich history of multiethnic heritage and cohesion through its ability to bring together populations that enjoy the freedom to show their diversity in areas such as their religious practices while remaining bound together through their love for a unified and sovereign Lebanese nation. The National Pact that set the foundation for the Lebanese state in 1943 established a framework of independence, diversity, inclusion, and unity that have endured through these last seventy years as the keystones of a strong and lasting sovereign nation.

The Lebanese people have not only contributed to outstanding and continuing achievements within Lebanon and the Middle East, but all around the world. Here in the United States of America, the early Lebanese Americans who arrived in the 19th century quickly established strong communities built on the foundation of strong work ethic, ingenuity, and cultural integration. Those characteristics continue to define today's generation of Lebanese Americans who make up the largest demographic of Arab Americans at 26.9 percent according to the U.S. Census Bureau's most re-

cent American Community Survey. I am honored that many of these Lebanese-American families have chosen to call New York—and especially Upstate—home. I embrace all of the positive contributions that they continue to make every day in our society.

Today, the role that Lebanon plays within the world and the Middle East is as important as ever, and it is of upmost importance that it endure as a beacon of hope and a truly independent ally and nation free from the instability, foreign influence, and war that have engulfed its Syrian neighbor. The strength of the people of Lebanon and their leaders has been demonstrated through their ability to remain resilient and united even in the midst of a regional crisis that has displaced 814,002 Syrian refugees as of November 12, 2013, into more than 1,400 Lebanese communities. It is imperative that the United States continue to support Lebanon as it grapples with these difficult times and maintains its strength through whatever may lie in the days and years ahead.

Given all that Lebanon has been through these past 70 years, it is important that this day of independence be celebrated for all that have called Lebanon home and those abroad who are proud to be defined by the Lebanese history and heritage that contributes to the character of both individuals and nations around the world.

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IN RECOGNITION OF SAINT JAMES  
A.M.E. CHURCH'S 150TH ANNIVERSARY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my sincere congratulations to the congregation of Saint James A.M.E. Church in Columbus, Georgia, as the church's membership and leadership celebrates a remarkable 150 years. The congregation of St. James A.M.E. Church will celebrate this very significant anniversary with a worship celebration on Sunday, November 17, 2013 at the Church at 1002 Sixth Avenue in Columbus, Georgia.

Tracing its roots back to the Civil War era, the St. James congregation emerged from the Bethel African Methodist Episcopal Church in Philadelphia, Pennsylvania, with Reverend William Gaines serving as the first pastor in 1864. Today, the physical body of the church serves as a reflection and memorial of past members and pastors who contributed to its preservation. On September 29, 1980, the church was listed on the National Historic Register.

In an 1873 act, the Georgia Legislature granted St. James A.M.E. Church the land on which it stands and the first cathedral construction was completed in 1876. The ornately carved front doors, built by slaves, are the oldest parts of the church and are a reminder of the history of strength and perseverance behind the congregation.

Since its founding, St. James has endured several additions and renovations, all of which help tell the story of the church, its members

and its fifty-one former leaders. In 1886, Reverend Larry Thomas oversaw the construction of the bell tower, which still stands today as a symbol of the Church's concrete mission to serve its congregation and community. Reverend Harold I. Bearden, who served from 1940 to 1948, installed the pipe organ that is still heard during church services today.

In 1988, St. James purchased property for a new parsonage, and by 1996, the conversion of the old parsonage into an administrative building was completed under the leadership of Reverend Scottie Swinney. The building now houses offices, a conference room, music room, clothing and food bank, and archives room, which collectively aid in the fulfillment of the church ministry. After Reverend Swinney's tenure, Reverend Richard Washington was pastor of the church. The church is now pastored by Reverend Joseph Baker, Sr.

In 2004, St. James erected an Elevator Tower to accommodate all members of the congregation. The building includes classrooms, accessible bathrooms, a stewardess room, and an elevator that services the Fellowship Hall and Sanctuary. To commemorate this achievement, a time capsule was deposited behind the Elevator Tower cornerstone to be opened in 2054.

Throughout all of these changes, the church has consistently maintained its presence as a center for spiritual, educational, professional, and civic gatherings within the African American community.

The second oldest church of its denomination in Georgia, St. James A.M.E. Church has served as pillar of faith and community for 150 years. The spirit within the congregation and their commitment to the growth of St. James is both admirable and inspiring.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to Saint James A.M.E. Church in Columbus, Georgia for their dedication to helping one another, serving the community, and above all, worshipping our Lord and Savior Jesus Christ.

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HONORING RESIDENTS OF THE  
VILLAGE OF LYONS 125TH ANNIVERSARY OF ITS INCORPORATION

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Village of Lyons, Illinois, which is celebrating its 125th anniversary.

Lyons enjoys a long and colorful history, beginning in the late 17th century when the explorers Louis Joliet and Father Pierre Marquette began their quest for a western passage to the Pacific. After deciding to return home to Green Bay, Wisconsin, the explorers learned about a path from the Pottawatomie Native Americans traveling with them, a path that connected the Chicago and the Des Plaines Rivers, and included the future site of the Village of Lyons. Two hundred years later this swampy path would become the Illinois & Michigan Canal, one of the most important canals in the history of the United States, and a

primary reason why Chicago became the nation's transportation hub. The Chicago Sanitary and Ship Canal, which replaced the Illinois & Michigan Canal, remains a critical link between the Mississippi River and the Great Lakes.

As Chicago grew so did Lyons, but the residents never forgot the historically important site on which their Village was founded and built. Today, a statue stands at the Chicago Portage National Historic Site to honor that history.

Along the banks of the Des Plaines River sits another historic site, the Hofmann Tower. Built in 1908, the tower sits next to the former site of an electric dam Hofmann built and was meant to attract visitors to the area to enjoy the river and its banks. In 1978, Hofmann Tower was named to the National Register of Historic Places and Mayor Getty is currently working on plans to restore it.

I am proud to represent the Village of Lyons as it prospers today under the leadership of Mayor Chris Getty. On November 15, I will join the mayor and the residents of Lyons at Crystal Sky Banquets to celebrate the village's 125th anniversary.

I ask my colleagues to join me in honoring the residents of Lyons, Illinois on the 125th anniversary of their village. May they enjoy this weekend's celebration and may the village continue to thrive as a close community.

IN HONOR OF CONGRESSMAN C.W.  
BILL YOUNG

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Ms. McCOLLUM. Mr. Speaker, it is with tremendous sadness that I mourn the passing of Chairman C. W. Bill Young—an inspiring colleague and an outspoken champion for the United States Military. His passing will leave an enormous void in the U.S. House of Representatives where he has served for 43 years and was admired and respected for his strength, leadership and unwavering commitment to military strength and freedom around the world.

It was my honor to serve with him as a member of the House Appropriations Subcommittee on Defense. As the longest serving Republican in the House and former Chairman of the Full Appropriations Committee, he was true inspiration to me and every Member who had the privilege to serve our country alongside him. I will miss Chairman Young as a colleague and a friend.

I extend my heartfelt prayers and condolences to Chairman Young's family, especially his wife Beverly, who was his constant companion, champion of military families, and a true inspiration in her own right. The U.S. House of Representatives and the United States of America has lost a hero and he will be sadly missed.

70TH ANNIVERSARY OF LEBANON'S  
INDEPENDENCE

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Ms. KAPTUR. Mr. Speaker, I rise today on behalf of the Lebanese American communities in our district, who are celebrating the 70th anniversary of Lebanon's independence. On November 22, 1943, Lebanon obtained its independence from France. Shortly thereafter, Lebanon became a founding member of both the United Nations and League of Arab States. Signaling its commitment to the idea that human rights were global and that it was ready to be a full partner in the post World War II world, Lebanon participated in the drafting of one of the UN's most distinguished documents—the Universal Declaration of Human Rights.

The United States and Lebanon have been blessed by a historically strong friendship, owing in part to the emigration of Lebanon's sons and daughters. They embraced America and followed the words expressed by the poet Kahlil Gibran, that "To be a good citizen is to acknowledge the other person's rights before asserting your own, but always to be conscious of your own." The contributions of those early immigrants and those who followed helped to build our nation.

Since 1965, over 135,000 new immigrants have come from Lebanon. Ohio has one of the largest Lebanese American communities in our nation and our citizens are richer for it. The Lebanese community willingly shares its culture and values; the result has been innumerable contributions to the arts, sports, medicine, politics, education, science and industry. In fact, Toledo, Ohio became the first major city in America to elect a citizen of Lebanese ancestry to the position of Mayor, Mr. Michael Damas who served with distinction.

As one of the world's early cradles of civilization, Lebanon has persevered, both suffering hardship and sharing in prosperity. Remarkably, the spirit of its people shines through. I join the people of Lebanon, those of Lebanese ancestry around the world, and the Lebanese American community in celebrating Lebanese Independence Day.

TRIBUTE TO GENERAL ROBERT  
"BOB" KEHLER

**HON. JEFF FORTENBERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. FORTENBERRY. Mr. Speaker, I would like to congratulate General Robert "Bob" Kehler of United States Strategic Command on his retirement from the Air Force after 38 years of outstanding service to our country. I would also like to thank his wife Marjorie for her selfless sacrifice throughout his career, as well as the sacrifices of their two sons, Matt and Jared.

General Kehler's nearly three years as the head of STRATCOM caps an accomplished

career that began in 1975 as a distinguished graduate of the Pennsylvania State University Air Force Reserve Officers' Training Corps program. Early in his service, he developed expertise in the nuclear enterprise as commander of Minuteman intercontinental ballistic missile squadrons at Whiteman Air Force Base, the 30th Space Wing at Vandenberg Air Force Base, the 21st Space Wing at Peterson Air Force Base, and at Air Force Space Command.

The General held numerous additional leadership positions in the Air Force throughout his many years of service. He represented the Secretary of the Air Force on Capitol Hill as the Legislative Liaison and was point man for the President's intercontinental ballistic missile modernization initiative. After his time on Capitol Hill, General Kehler assumed the position of Director of the National Security Space Office and was tasked with integrating a number of our military's space organizations.

General Kehler has been a forward-thinking leader as evidenced by his achievement transferring the ICBM mission to the Air Force Global Strike Command and helping to create the 24th Air Force to execute the evolving and critical cyberspace mission. With his important work in these areas, there is no doubt that the United States is more prepared today to face the challenges and threats confronting us in the nuclear and cyber domains.

Mr. Speaker, I have had the good fortune to work with General Kehler on a number of occasions as the U.S. Representative for Strategic Command's headquarters at Offutt Air Force Base in Bellevue, Nebraska. He is a brilliant thinker and I know that he has contributed immeasurably to SRATCOM's global missions.

It is my distinct honor to lead my fellow Members of Congress in thanking General Robert "Bob" Kehler for his exceptional years of service and to wish him all the best in his future endeavors.

COLORADO HAS THE SECOND  
LARGEST AEROSPACE ECONOMY  
IN THE UNITED STATES

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. COFFMAN. Mr. Speaker, I rise today to speak on behalf of myself and my fellow members of the Colorado delegation, Representatives DIANA DEGETTE, CORY GARDNER, DOUG LAMBORN, ED PERLMUTTER, JARED POLIS, and SCOTT TIPTON, about our home state's aerospace leadership and the long-term plan for sustaining America's space-faring future. Space technologies benefit the everyday lives of all American citizens and Colorado has the second largest aerospace economy in the United States. In our great state, there are more than 165,000 employees of the aerospace industry, eight of the nation's top aerospace contractors, over 400 space-related companies, four space-related military commands, and universities among the world's best for aerospace-related degrees.



The United States has lost the ability to put people into space with our own national assets at the end of NASA's Space Shuttle program. Colorado is key to regaining the ability for manned space exploration with programs such as Lockheed Martin's Orion Multi-Purpose Crew Vehicle, Sierra Nevada Space Systems' "Dream Chaser" and other low-earth orbit missions aboard United Launch Alliance vehicles. Colorado was a significant contributor to one of the premier space events of this decade. The Mars Science Laboratory "Curiosity" mission, is at the center of Global Positioning System (GPS) satellite technology, and is also a national leader developing satellites that support and protect our nation's civil, commercial and national security interests.

Colorado seeks to remain on the leading edge of America's space-faring future, pursuing designation as a commercial spaceport and leading advocacy for America's space exploration through organizations like the Space Foundation, Colorado Space Coalition, Colorado Space Business Roundtable, and Colorado's Official Air & Space Museum, Wings Over the Rockies.

Wings Over the Rockies' Spreading Wings Gala on November 16, 2013 will gather hundreds of aerospace executives and enthusiasts to honor leading advocates for America's space-faring future—Astronaut Edwin E. "Buzz" Aldrin, Jr., second man to walk on the Moon, and Dr. Neil deGrasse Tyson, noted astrophysicist and host of the forthcoming "Cosmos" television series.

It is imperative that we strive to preserve and enhance United States leadership in space to inspire young people, spur innovation, and ensure continued national and economic security. Mr. Speaker, it is with great pleasure that we thank Astronaut Aldrin and Dr. Tyson for their positive vision of our space-faring future and commend Wings Over the Rockies and all of Colorado's aerospace community for their commitment to exploring new horizons in the frontier of space for the benefit of generations of American citizens.

#### HONORING COLUMBIA ELEMENTARY SCHOOL

#### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. LAMBORN. Mr. Speaker, I rise today to honor the accomplishments of Columbia Elementary School in Colorado Springs, Colorado, located in my congressional district, for receiving the Department of Education's prestigious National Blue Ribbon Award.

Established in 1898 in the heart of the city, Columbia Elementary School is one of Colorado Springs's first elementary schools. Its mission statement defines the core learning objectives of the school:

The Columbia Community will collaboratively ensure that learning takes place for ALL by being responsible, setting high standards and accepting no excuses. Our students will be contributing members of society who

are respectful, responsible, and capable life-long learners.

The National Blue Ribbon Schools Program recognizes public and private elementary, middle, and high schools where students perform at exceptionally high levels or where significant improvements are being made in students' academic achievement. A National Blue Ribbon School's flag overhead has become a mark of excellence in education recognized by everyone from parents to policy-makers in thousands of communities.

The program recognizes schools in one of two performance categories. The first category is "Exemplary High Performing," in which schools are recognized among their state's highest performing schools, as measured by state assessments or nationally-normed tests. The second category is "Exemplary Improving," in which schools that have at least 40 percent of their students from disadvantaged backgrounds demonstrate the most progress in improving student achievement levels as measured by state assessments or nationally-normed tests.

Columbia Elementary is an "Exemplary Improving School," but it hadn't always been that way, and there is an extraordinary story behind this. Prior to the arrival of the current school Principal, Karen Shaw, five years ago, the Colorado Springs School District had placed the school on "Technical Assistance" status, because the statistical data about academic achievement indicated "low achievement and low growth for a period of several years." Teachers were working hard, but it wasn't organized or aligned, and kids weren't succeeding. Ms. Shaw changed all of that. She brought a small handful of teachers with her from her previous school and through ingenuity and hard work implemented new curriculum and interventions, schedules and methodologies, data procedures and trainings to change the entire culture of the school. So, in five years this extraordinary school has been transformed from "Technical Assistance" to a "National Blue Ribbon School." This new approach transformed "Low Achievement and Low Growth" test scoring to "High Achievement and High Growth."

I am so proud to have a school of this quality in my Congressional District. The strengths of Columbia are its staff, students, families and community. Teachers embrace using data to improve instruction, which ultimately has led to increased student achievement. The staff leads by example by being life-long learners themselves! They take advantage of multiple professional development opportunities including active engagement strategies, differentiated instruction, Positive Behavior Supports and Response to Intervention—where Columbia is exemplary at both RTI and PBS implementation.

The teachers at Columbia work over the summer for credit to learn curriculum and create materials for students. They offer numerous after-school activities for students that range from yoga to math club. The staff and teachers' commitment inspires a strong work ethic and exemplary attitude. Students at Columbia are respectful, responsible, safe and kind. As a result, discipline problems have dramatically declined in the past four years, and now teachers have more time to teach.

The Award's effect on schools and communities is powerful. As one principal recalls, "The National Blue Ribbon begins a process you cannot stop."

Many National Blue Ribbon Schools find they attract business partners, financial assistance and volunteers. If school choice is an option, as it is at Columbia, student applications to National Blue Ribbon Schools increase. National Blue Ribbon School principals and teacher leaders are called on to give presentations at state, regional, and professional meetings about the practices that have made a difference for their students and faculty. District and state educators visit these model schools to learn about promising leadership and instructional strategies.

Mr. Speaker, I am proud to represent such a fine school and want to recognize the accomplishment of Columbia Elementary School, its teachers and staff, and the students who so richly deserve this coveted Blue Ribbon School Award.

#### INTRODUCING TWO BILLS RELATED TO POST-9/11 EDUCATION ASSISTANCE

#### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce two important legislation that would make common-sense reform to Section 3319 of title 38 of the United States pertaining to post-9/11 educational assistance, also known as "Post-9/11 GI Bill." I supported the creation of the Post-9/11 GI Bill because the brave men and women in uniformed services deserve our nation's support in attaining education. I have heard from many constituents who are benefiting from this worthy program. I have also heard from some who say that the law needs to be amended to ensure that the benefits are fully used.

My first bill, Post-9/11 Educational Assistance Enhancement Act, would expand the authority of veterans to transfer post-9/11 educational assistance to dependents within five years of separation from the uniformed services. Currently, members of the uniformed services must transfer their benefits to their dependent before leaving the services. My bill would give veterans more time to ascertain whether or not life circumstance dictates the need to transfer the educational benefits to their dependents. The goal is to ensure that more people can take advantage of the educational assistance.

My second bill, Increased Age Limit for Post-9/11 Education Assistance Dependents Act, would increase the age limit to use transferred post-9/11 educational assistance from 26 years old to 29 years old. This is again intended to capture more beneficiaries of the Post-9/11 GI Bill, particularly those who are pursuing medical school or other professional degrees where the typical age of entry is higher than other degrees.

*November 15, 2013*

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I encourage all of my colleagues to support these two measures so that we can better serve our veterans and military families.

PERSONAL EXPLANATION

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. WESTMORELAND. Mr. Speaker, on rollcall No. 571, I was unavoidably detained in

Georgia and could not make it to Washington, DC, in time to cast my vote.

Had I been present, I would have voted "yea."

**SENATE—Monday, November 18, 2013**

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, be with us not only in great moments of experience but also during mundane and common tasks of life. Through the power of Your Spirit, may our Senators mount up with wings like eagles, running without weariness and walking without fainting. Lord, give them the wisdom to be patient with others, ever lenient to their faults and ever prompt to appreciate their virtues. Rule in their hearts, keeping them from sin and sustaining their loved ones in all of their tomorrows. Surround them with the shield of Your favor, as You provide them with a future and a hope.

We pray in Your sovereign Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 91, S. 1197.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**DRUG QUALITY AND SECURITY ACT**

Pending:

Reid amendment No. 2033, to change the enactment date.

Reid amendment No. 2034 (to amendment No. 2033), of a perfecting nature.

Reid motion to commit the bill to the Committee on Health, Education, Labor and Pensions, with instructions, Reid amendment No. 2035, to change the enactment date.

Reid amendment No. 2036 (to (the instructions) amendment No. 2035), of a perfecting nature.

Reid amendment No. 2037 (to amendment No. 2036), of a perfecting nature.

Mr. REID. I now ask unanimous consent that the cloture motion with respect to H.R. 3204, the pharmaceutical drug compounding bill, be withdrawn, the pending motion and amendments be withdrawn, and the Senate vote on the passage of the bill.

The PRESIDING OFFICER (Mr. Kaine). Without objection, it is so ordered.

The bill (H.R. 3204) was ordered to a third reading and was read the third time.

**ANIMAL DRUG COMPOUNDING**

• Mr. ISAKSON. Mr. President, I wish to thank Mr. ALEXANDER for his work on this legislation. I am happy to see that all sides have been able to reach an agreement on clarifying the oversight of large compounding facilities, while also ensuring that patients continue to have access to customized medicines at their local pharmacy. I am grateful to the chairman and ranking member for clarifying that the intent of this legislation is to maintain current law with respect to patients' and physicians' access to drugs compounded for office use. I am also very encouraged that we are finally moving forward on creating a uniform national standard for the pharmaceutical supply chain, which will allow patients to have more confidence in the safety of the drugs they receive while also ensuring that national distributors and third-party logistics providers do not face the burden of dealing with a confusing and inconsistent patchwork of State-by-State rules.

I would like to take a moment to discuss an issue that is not directly addressed in the bill before us. I have heard from my constituents that there are serious problems, similar to the ones we are seeking to address today, with the inappropriate compounding of animal drugs. As with human drugs, mass production of compounded animal drugs with inadequate safety standards has resulted in suffering and death.

While the compounding of animal drugs according to a prescription from a veterinarian for an individual patient is legal, necessary, and appropriate, it is important to draw a line between compounding and manufacturing. I am especially troubled by reports that some entities characterizing themselves as "compounding pharmacies" are producing large quantities of animal drugs that are essentially copies of FDA-approved products. They are then

mass-marketed as cheap alternatives to approved products, without being subject to any of the safety requirements and quality controls that manufacturers must comply with.

As with human drugs, the FDA has had mixed success in taking enforcement action against questionable or abusive animal drug compounding practices. While I understand that animal drug compounding raises complicated issues that the bill before us does not address, I want to make it clear that the absence of animal drug provisions in this legislation does not constitute an endorsement of the status quo. I hope that in the months ahead, Congress can begin to investigate the issues surrounding animal drug compounding in more depth, with an eye toward spurring the FDA to make this a higher enforcement priority.

Mr. ALEXANDER. Mr. President, I agree that there are issues associated with animal drug compounding that should be examined. This bill does not change the current animal drug regulatory structure, and it is my hope that FDA would exercise its current enforcement authorities, as well as work with State pharmacy boards, to ensure that the law is being followed with respect to animal drug compounding, including compounding from bulk chemicals and the copying of approved drugs. In addition, Congress should utilize its oversight authorities to ensure that the agency acts accordingly. I plan to work with my colleagues in the Senate and the House to ask the Government Accountability Office to look at compounding of animal drugs.

Mr. ISAKSON. I thank the chairman, and I look forward to working with him.●

**ACCESS TO COMPOUNDED DRUGS**

Mr. ALEXANDER. Mr. President, I have been working very hard with Senator HARKIN, members of the HELP Committee, and members of the House Energy and Commerce Committee on legislation to provide options for patients and providers who want compounded drugs made in FDA-regulated facilities. As we debate this bill today, I want to make clear that all involved on this legislation have no intent of limiting patient or provider access to quality compounded drugs that fill a clinical need.

The process in the HELP Committee began as soon as news of the outbreak broke in Tennessee, and I cannot thank enough the folks at the Tennessee Department of Health, including Dr. Kainer, for all their good work that prevented so many further cases and lives being destroyed.

We have been working very hard to reach an agreement on how compounding should be regulated—and we have come a long way. Stakeholders including pharmacists, public health groups, and the FDA, have been sitting around a table to find a consensus solution. We have made good progress, and I want to talk about this legislation.

For traditional pharmacy, currently regulated under 503A of the Food, Drug, and Cosmetic Act, we strike the provisions found unconstitutional by the Supreme Court related to marketing.

In addition, and what will help prevent another New England Compounding Center, NECC, the Drug Quality and Security Act establishes a completely separate and distinct section 503B that authorizes FDA to regulate an optional category for larger compounding facilities. Sterile compounding facilities that do not want to comply with the patchwork of State laws and requirements can choose instead to have FDA regulate their compounding. 503B establishes rigorous quality standards, registration, adverse event reporting, inspections, and fees. If there are unintended consequences to this legislation, I stand ready to work with my colleagues and provide necessary oversight.

It has been almost 10 years since the Supreme Court decision that left a great deal of uncertainty in the regulation of pharmacy compounding. We clarify that 503A applies nationwide, and create an FDA regulated source for sterile compounded drugs. Nothing in the legislation is intended to limit access to quality compounded drugs for providers and patients or alter the practice of medicine but, rather, create a whole new alternative for safe sources of sterile compounded drugs that are held to a nationwide quality standard. The legislation does not change current law on office use compounding or repackaging.

Chairman HARKIN will discuss the importance of this language, and I thank him for working with me so hard on this over the last year.

Mr. HARKIN. Mr. President, as Senator ALEXANDER has indicated, we have been working together for a long time to develop legislation that will ensure that patients have access to the compounded drug products they need and that they can have greater confidence that their compounded drugs are safe. We ultimately landed on a package that preserves current law for traditional compounders but creates a new option for entities that choose to operate outside the bounds of traditional pharmacy practice to allow them to serve as safe sources of the compounded drugs that providers and their patients need.

We have worked very hard to craft a proposal that preserves patient access to clinically necessary medications

while helping to ensure that providers have access to safe sources of compounded drugs. As Senator ALEXANDER noted, section 503A of the current Federal Food, Drug, and Cosmetic Act governs traditional compounding. This bill preserves current 503A but removes the unconstitutional advertising provisions so 503A is the uniform policy nationwide.

Similarly, we do not change current law regarding repackaging or biologics. The Senate bill established a new regulatory regime for repackaging and biologics, but ultimately, after our bipartisan, bicameral discussions, we made no changes to current law on those subjects nor do we change current law on the compounding of animal drugs. The existing restrictions on animal drug compounding have not been rigorously enforced. We will be asking GAO to take a closer look at the laws regulating animal compounding because we weren't able to address it in this package.

This bill also creates an entirely new source of quality compounded drugs. It permits entities that want to serve as outsourcers for entities that need large volumes of clinically necessary compounded drugs to provide those drugs, as long as they register with FDA and pay a registration fee, adhere to high quality standards, submit to FDA inspection, and tell the agency if adverse events occur.

I recognize that many patients need drugs that are not available from pharmaceutical manufacturers, and I have no interest in cutting off patients' access to those drugs. But I do want to ensure that when patients do need a compounded drug, it is safe. By ensuring that current law—FDCA section 503A—applies nationwide and creating a new safe source of outsourced drugs, this bill should enhance patients' ability to get the drugs they need without having to worry about their safety.

#### PRACTICE OF MEDICINE

Mr. COBURN. Mr. President, I wish to express support moving forward with the Drug Quality and Security Act but want to express my concern that this legislation should not be used by the FDA to interfere with a doctor's ability to practice medicine and choose the best therapy for his or her patients. Patients have allergies, conditions, and diseases on an individual basis. So often drugs in the form made by manufacturers are not the best option for an individual patient's needs, especially in some specialties such as ophthalmology. A varying strength or dose may need to be made by the pharmacy and many States have laws permitting physician compounding as well.

I understand and have received assurances from my colleague Senator ALEXANDER that limiting access to necessary treatments by providers and patients was not the intent of this legislation and look forward to working

with him should any unintended consequences arise.

Mr. ALEXANDER. Mr. President, I thank my friend Dr. COBURN for his remarks, concern, and assistance with this legislation. I agree with him, and want to clarify that nothing in this legislation will constrain a doctor's options to practice medicine. The legislation tries to ensure that if a doctor or patient needs access to compounded drugs, that there is an FDA-regulated source for those drugs where the quality standards are uniform nationwide. Doctors know their patients best and should have access to accurate information on the safety and quality of the drugs they use.

If there are unintended consequences to this legislation, I stand ready to work with my colleagues and provide necessary oversight.

Mr. ALEXANDER. Mr. President, I rise today to speak about the Drug Quality and Security Act and also to thank the members and staff who have worked with us to reach an agreement and pass this bill. The legislation addresses the current ambiguity around the regulation of compounding pharmacies, one of which is tied to more than 60 deaths. It also establishes a workable system to get to unit level tracing of the nearly 4 billion prescriptions filled a year in the U.S. within a decade. In addition to bipartisan support in Congress, the bill enjoys broad support from the biomedical industry, patient groups, consumer groups, and other stakeholders.

Over a year ago, staff began to work on identifying the cause and possible solutions to help prevent another meningitis outbreak. A group of staff from Republican and Democratic offices on the Health, Education, Labor, and Pensions Committee began a series of standing meetings and proceeded to meet every week for several months. They met with stakeholders and discussed policy solutions that each member thought would solve the problem. After much discussion of the benefits, costs, and possible unintended consequences, members agreed to a list of policy concepts. That bill, S. 959, is a strong bill, and was voted out of committee unanimously. While I believe our Senate bill was a stronger solution, it would not have gotten through the Chamber on the other side of the Capitol.

We held bipartisan and bicameral meetings throughout August to try to find a consensus that could pass both Chambers, and that legislation is what you see before you. Is it perfect? No, but I believe it is a good first step and a market-driven solution to this terrible tragedy.

I would like to thank Senator HARKIN for his tireless work on this bill, along with Chairman UPTON and Ranking Member WAXMAN of the Energy and Commerce Committee. Senator HARKIN's staff has also worked tirelessly on

this bipartisan bill. They worked many late evenings, long weekends, and through countless discussions to get the bill to where it is today.

Specifically, I want to recognize and thank Jenelle Krishnamoorthy, Elizabeth Jungman, and Nathan Brown. I also want to thank Pam Smith, Senator HARKIN's staff director, for her leadership in getting this bill to the finish line.

I also would like to thank Jennifer Boyer with Senator ROBERTS and Hannah Katch with Senator FRANKEN for all their help as well.

Senators BENNET and BURR were instrumental in the drug tracing title on which they have been working for almost 2 years. Rohini Kosoglu with Senator BENNET and Anna Abram and Margaret Coulter with Senator BURR worked very hard to craft this section, and I would like to thank them, too. I would also like to thank our Senate legislative counsels Stacy Kern Scherer and Kim Tamber, and from the Congressional Budget Office Julia Christensen, Jean Hearne and Ellen Werble.

Finally, I would like to thank my staff—Grace Stuntz, and my Health Policy Director, Mary-Sumpter Lapinski. I also want to thank my staff director, David Cleary, for his work on this bill. My staff has been working around the clock for many days and weeks, and I sincerely appreciate their dedication to getting this bill passed.

I know Members are pulled in many different directions and there is always a lot of work to complete. We have a bipartisan bill that we believe will pass the Senate later today and passed the House on Saturday, September 28th, that takes a big step in addressing the regulation of compounded drugs and preventing counterfeit, stolen, and substandard drugs from reaching consumers. I urge my colleagues to support this compromise.

Mr. BOOZMAN. Mr. President, more than a year ago we witnessed the fatal New England Compounding Center meningitis outbreak. The Food and Drug Administration failed to pursue enforcement action against NECC, despite clear warning signs. Moreover, the Massachusetts Board of Pharmacy did not do its job. It failed to provide basic oversight. This inaction allowed a criminal compounder to operate with impunity—ending the lives of many Americans.

In contrast, the Arkansas Board of Pharmacy is competent and thorough. It does a great job. Arkansas regularly inspects all pharmacies. We are a small State, but we run a tight ship.

However, Arkansas has no way of knowing whether other State pharmacy boards are doing their job.

We need to take steps to protect patients from precarious, poorly inspected, out-of-State drugs. However, I

want to make clear of something before we move on this legislation.

The practice of pharmacy, including pharmacy compounding, is a State issue. Nothing in this law changes that. Compounded drugs for office-use is a State issue. Nothing in this law changes that. Commonplace drug repackaging for drugs—like Avastin—is a State issue. I relied on compounders regularly when I practiced in a surgery center. Office-use compounding and repackaging is acceptable under Arkansas law. Nothing in this law changes that.

The omission of office-use from section 503(a) of the Food, Drug, and Cosmetic Act should not signal to the FDA that it has the authority to encroach upon State authority to regulate office-use. This is not the intent of the law, and I will closely monitor FDA implementation as this process moves forward.

If the State of Minnesota wants to prohibit drug repackaging and compounding—that is its decision. But again, this law is by no means a green light for the FDA to usurp the rights of States. I want to make that crystal clear.

Lastly, contrary to much of what has been said, compounders have really stepped up to assist providers in need. Today, America faces a serious drug shortage problem. Sterile injectable generic drugs constitute 80 percent of the drugs in short supply.

Not surprisingly, government pricing caps have caused these shortages. Thankfully, compound pharmacists in Arkansas and across the country have been meeting critical market needs that manufacturers have been unable to satisfy. Compounders have helped address supply chain gaps and sudden spikes in demand—particularly in rural and neglected areas. They have plugged holes in the system, and they have tended to overlooked markets.

Without compounders, doctors would not perform surgeries. Without compounders, oncologists would be forced to administer alternative chemotherapy drugs. Without compounders, patients would suffer from limited access. These are real issues and real problems, and we must take these realities into consideration. I look forward to working with all stakeholders to ensure commonsense compounding, repackaging, and office-use administration of compounded drugs.

Mr. LEVIN. Mr. President, the Senate is poised to pass legislation aimed at strengthening the safety of compounded pharmaceuticals and the security of the drug supply chain. It has been more than 1 year since the public became aware of what quickly became a far reaching fungal meningitis outbreak affecting citizens in 20 States, including my home State of Michigan. Following an investigation by the Centers for Disease Control and Prevention

and the Food and Drug Administration, along with local health departments, it became clear the outbreak was caused by contaminated steroid injections produced by the now defunct New England Compounding Center, NECC, a compounding pharmacy in Framingham, MA. This tragedy brought a spotlight to bear on the opaque regulation of mass compounding pharmacies.

According to the CDC, over 750 people from across the United States were affected by tainted pain steroid injections produced by NECC. Victims numbering 264, more than one third of the hundreds made severely ill from contaminated injections, reside in Michigan. Sixty-four of the victims lost their life as a result of illness, including 19 Michiganians. While it is certainly important that we clarify Federal regulatory responsibilities to help ensure similar tragedies are not repeated in the future, we could have begun debate on a solution far earlier. A legislative response is surely long overdue.

Colleagues on both sides of the aisle and the Capitol have worked through this issue to produce a bill that will both strengthen Federal authority to regulate mass-compounding facilities and will lay the groundwork for a nationwide system to track prescription drugs. While not as far reaching as some may have initially intended, the bill we are considering does represent an important and necessary step forward and was unanimously passed by the House of Representatives in September.

It is important to draw a distinction, as this bill does, between so-called traditional compounding—where a pharmacist tailors a particular drug to meet the unique needs of a patient, such as removing a certain dye or altering the dosage level of an adult medication to be suitable for a child—and the mass compounding of drugs for wholesale distribution. Compounding pharmacists have long been regulated by State boards of pharmacy. However, as was made clear in the investigation that followed the meningitis outbreak, NECC, a mass compounding pharmacy, was operating in a regulatory gray area where neither the State nor Federal Government took full responsibility for ensuring their facility and compounding practices were safe and sterile.

The Drug Quality and Security Act aims to address this regulatory gray area by clarifying the responsibilities of the FDA with regard to the oversight of mass compounded pharmaceuticals. Specifically, it further defines the distinction between traditional compounding and compounding manufacturers that make large volumes of drugs without individual prescriptions.

Under this bill, mass compounding pharmacies can choose to register as

outsourcing facilities that would be subject to new FDA regulatory oversight similar to that of other pharmaceutical manufacturers. And, in an effort to provide patients with better information about compounded drugs, this legislation calls for detailed labeling of compounded drugs and directs the FDA to make available on their website a list of FDA-regulated facilities. Importantly, this legislation also will implement a new system for tracking drugs from the manufacturer to the pharmacy in an effort to ensure accountability at every step along the way. This new system will replace the current State tracing laws with a uniform standard and also will establish nationwide drug serial numbers to allow for efficient tracing.

While this legislation will not compensate those who have been harmed or bring back those who we have lost, I am hopeful it will help to ensure Americans are not faced with a similarly tragic, avoidable situation in the future. I urge my colleagues to join me in supporting final passage of this important legislation.

Mr. WARNER. Mr. President, hundreds of people in Virginia were sickened and 2 died from an outbreak of fungal meningitis last year that was traced to a single compounding pharmacy in Massachusetts. Hundreds more in several States became sick, and dozens perished. This public health crisis highlighted the critical need for better oversight of pharmacies that are producing compounded drugs.

The Compounding Quality Act and Drug Supply Chain Security Act, which the Senate will consider for final passage today, includes important provisions that ensures that patients and providers have access to safe compounded drugs.

This legislation also includes important provisions that deal with how to better monitor and track the drug distribution supply chain. It improves on patient safety by developing a workable pathway that will ultimately result in tracing for the entire country. Additionally, it strengthens licensure requirements for wholesale distributions and third-party logistics providers, and establishes nationwide drug serial numbers. Finally, this legislation works to address the growing problem of pharmaceutical theft, counterfeiting and diversion. The Compounding Quality Act and Drug Supply Chain Security Act is the most significant piece of legislation on drug distribution supply chain in 25 years.

I am appreciative of Senators HARKIN, ALEXANDER, and all members of the Health, Education, Labor and Pension committees for their tireless work on putting together these smart, bipartisan provisions which will help improve the lives of countless Virginians and Americans.

I offer my strong support to the Compounding Quality Act and Drug

Supply Chain Security Act, and encourage its swift passage.

Mrs. FEINSTEIN. Mr. President, I am proud today to support the Drug Quality and Security Act because it marks an important step forward in protecting the safety and integrity of our Nation's drug supply. California has been a leader in addressing this issue and played a key role in creating a solution.

Patients deserve peace of mind when it comes to purchasing drugs. When a parent walks into a pharmacy to pick up a prescription for a sick child, she should be confident that the drugs she is picking up are safe and have not been tampered with. What is perhaps not known to many people, however, is that in today's drug supply system, there is no standard process for oversight to trace drugs through the supply chain system and make sure they were in the right hands and properly stored the whole time.

We hear occasionally about infected or counterfeit drugs. These are shocking stories. Last year, New England Compounding Center, or NECC, a compounding manufacturer from Framingham, MA, produced contaminated medicine that sickened over 750 people all across the country. I'm very sad to say that 64 people have died, needlessly, because of these contaminated drugs.

A report by the Senate Health, Education, Labor, and Pensions, HELP, Committee from earlier this year found that NECC was known to produce drugs that were mislabeled, did not contain the correct dosage of active ingredients and were made using equipment that was not properly sterilized.

You might think that a story like this is rare. What we have learned is that it is not. The report by the HELP Committee found that in the 8 months immediately after the outbreak caused by NECC-manufactured drugs, 48 other compounding companies were found to be producing drugs that were either unsafe or were made in unsafe environments.

The problems do not stop with the manufacturers. People often do not realize that drugs do not usually travel directly from a manufacturer to a pharmacist. In fact, they may make many stops along the way. Manufacturers, resellers, wholesalers, distributors—these are some of the entities that can receive, resell and ship drugs before they get to the pharmacist or patient. At any time in the delivery process, there is opportunity for counterfeit drugs to enter the supply chain or real drugs to be diverted for illegitimate uses.

In 2009, for example, 129,000 vials of insulin were stolen. These vials later reappeared and were then sold to pharmacies and hospitals. We do not know who was handling these vials after they were stolen, or if they were stored

under appropriate conditions—a real threat to patients.

This bill does the following:

First, it establishes a comprehensive, electronic, interoperable framework for tracing the distribution history of every individual unit that passes through the drug supply chain. The effect of this part of the bill is to establish a "chain of custody" or "pedigree" for each prescription drug dispensed to patients. Should a drug be diverted, this "chain of custody" will provide important information to Federal regulators when counterfeit drugs are detected in the supply chain.

Second, it clearly distinguishes the scope of what constitutes the traditional pharmacy practice of drug compounding from those, like NECC, who seek to exploit a patchwork of current Federal laws and regulations to produce large quantities of unsafe drug products under the guise of compounding.

I am proud that California has led the Nation in taking real steps to address the issue of pharmaceutical supply chain safety.

In fact, California passed a law to require more oversight of the drug supply chain in 2004. Since then, the State Board of Pharmacy and State legislators have worked together with representatives from industry to perfect the law.

This action by California has been a key influence in drafting language on the Federal level. The Board of Pharmacy has provided many hours of technical assistance and has really been a team player. I commend the hard work of Chairman HARKIN, Ranking Member ALEXANDER, and his predecessor Senator ENZI, as well as Senators BENNET and BURR and their staff who have worked tirelessly to bring this legislation to the finish line. Many stakeholders were involved in drafting this bipartisan, bicameral solution that addresses the issue of substandard manufacturing practices and drug supply chain safety.

This is a remarkable step toward improved safety of medicine that Americans rely on every day.

Mr. BURR. Mr. President, we worked to ensure that the Drug Quality and Security Act achieves a balanced approach to strengthen the safety, security and accountability of our Nation's pharmaceutical drug supply chain. This legislation establishes a uniform electronic unit-level system over the next decade that will increase security and ensure a safer pharmaceutical drug supply chain from manufacturers to dispensers. The charitable distribution of prescription drugs from the manufacturer to patients through patient assistance programs, PAPs, is a valuable and unique approach to providing American patients access to critical, lifesaving medicines. As this legislation is implemented, the varied and

unique approaches of PAPs should be taken into consideration to ensure patients who access needed treatments through these effective programs are able to continue accessing the prescription drug medications provided through PAPs.

The PRESIDING OFFICER. Is there further debate? If not, the question is on passage of the bill.

The bill (H.R. 3204) was passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Ms. WARREN. Mr. President, today the Senate passed the Drug Quality and Security Act. I am proud to have worked together with Chairman HARKIN, Ranking Member ALEXANDER, and all of the Senators on the HELP Committee from both sides of the aisle over several months to develop this law, which will create commonsense oversight of the pharmaceutical compounding industry and the pharmaceutical supply chain.

Some politicians use the word “regulation” as if it were a curse. Certainly no one wants bad regulations or over regulation, but the impact of failing to regulate when public safety is at risk can be dangerous and even deadly.

We have an example just how deadly right in front of us—and an example of what happens when Congress fails to regulate. It starts with compounding pharmacies.

Compounding pharmacies serve individual patients who need specialized drugs. Without these customized products, some of our most vulnerable patients would not be able to get the precisely formulated medications they need. But customers have no way to evaluate the safety or purity or cleanliness of the compounded medications they receive. That is what regulations are for.

For too long, bad actors in this industry have taken advantage of lax State enforcement and confusion about Federal regulations. The consequences of too little regulation and too little enforcement were brought into sharp focus last year when a compounding pharmacy in Massachusetts, the New England Compounding Center, was identified as the source of a widespread fungal meningitis outbreak that sickened 751 people and killed 64. I wish NECC were an isolated case, but companies like it have engaged in shoddy practices for years practices that have caused sickness and injuries and even death.

There have been many attempts to fix the law and require FDA oversight in this area. In 2007 Senator Kennedy worked with Senator ROBERTS to develop bipartisan legislation that would have addressed this issue. If that effort had succeeded, we might have been

able to spare many people great suffering. Sixty-four people from just one incident would probably be alive today. But the industry lobbyists beat back their efforts. The result? People got sick and people died.

This issue is of particular importance to Massachusetts, and I am proud to have worked with my colleagues on the HELP Committee throughout my first year in the Senate to shape earlier versions of this legislation. Throughout the bipartisan development process and the public hearings and votes in the HELP Committee, I pushed for a bill that would subject compounding pharmacies to strong FDA oversight. Those efforts, and negotiations with the House of Representatives, have produced the Drug Quality and Security Act. The bill strengthens current law and establishes tough, new regulations that will keep us all safer.

The compounding provisions of this bill are not the final word in what is needed. I believe the FDA should have more authority to inspect the records of compounding pharmacies, and we have included in the bill a GAO study that will assess the impact and effectiveness of this new law and tell us if more work is needed. But this bill is big step forward in making people safer, so I support it strongly.

This legislation has another feature that will help make drugs safer. It creates an important new oversight system to ensure we have a secure supply chain for our pharmaceutical products. Today, we can track a gallon of milk in the grocery store all the way back to its producer, but we can't verify the origins of a prescription drug on the shelves of our pharmacies. Counterfeit or illegally imported drugs can be integrated into the supply chain, and currently there is no detection mechanism. This bill ensures that we can trace a particular drug from its manufacturer all the way to the pharmacy. It will allow consumers to buy prescription medications with greater confidence that the drugs are safe, legal, and free of counterfeit or substandard ingredients. It will allow patients to have greater confidence that the pills in the bottle from the pharmacy are exactly what their doctors have ordered—nothing more and nothing less.

I commend my colleagues for stepping up to the challenge and showing that it is possible for Congress to do what is right—pass commonsense reforms that protect patients and consumers from harm. This is one of the basic functions of government: making sure that markets work by ensuring that no one cuts corners that the customer can't see or that put someone's family at risk. When all the manufacturers have to follow the same standards of cleanliness, when all of them have to account for where they got the chemicals they used in their products, the playing field is level and the cus-

tomers is free to make good, independent decisions. This is how government should work—through actions to improve public health and public safety through smart, fair, and reasonable regulations that will improve the lives of all Americans. I hope that the Drug Quality and Security Act will do just that. I am proud to support it.●

Mr. HARKIN. Mr. President, today, with final passage of the Drug Quality and Security Act, we have helped to ensure the safety of compounded drug products and secure the pharmaceutical supply chain. We have clarified the law governing traditional compounding and created a new source of high-quality compounded products for hospitals and other providers who need large volumes of compounded drugs. We have also set in motion a revolution in the distribution of pharmaceuticals—within a decade we will know exactly how our drug products travel through the often-complicated distribution system so that we can identify counterfeit and adulterated drugs before they get into American medicine cabinets.

By passing the Drug Quality and Security Act, we have taken an important step to improve American families' access to lifesaving drugs and medical devices.

The bipartisan process that produced this bill has been quite remarkable. I have worked closely with my colleagues on both sides of the aisle and both sides of the Capitol, as well as industry stakeholders, patient groups, and consumer groups, to solicit ideas and improvements on the critical provisions in this bill. We have a better product thanks to everyone's input.

I would like to extend a special thank you to my colleague, Ranking Member ALEXANDER. I have been working with Senator ALEXANDER on this since he became ranking member, and it has been a wonderful and cooperative partnership. I can honestly say that we would not have gotten this done without his excellent leadership and wise council. I thank the Senator.

I also thank all of the HELP Committee members, as well as members of the committee and their staff, who were thoroughly engaged with this process from the beginning as part of the bipartisan working groups. Each of you has contributed significantly to this legislation, and I am sincerely grateful for your contributions.

On that note, I specifically thank the staff of Ranking Member ALEXANDER's office. I thank David Cleary, Mary-Sumpter Lapinski, and Grace Stuntz. I also thank Hannah Katch from Senator FRANKEN's staff, Rohini Kosoglu from Senator BENNET's staff, Jennifer Boyer from Senator ROBERTS staff, and Anna Abram and Margaret Coulter from Senator BURR's staff. I know that they have developed close working relationships with my staff throughout this



process, and I am sincerely grateful for your dedicated efforts.

I also thank my own staff on the HELP Committee, who have spent many a night and weekend with Senator ALEXANDER's staff, other member offices, and our colleagues in the House working to come to consensus on the critical policy issues in this legislation. I thank Pam Smith, Jenelle Krishnamoorthy, Elizabeth Jungman, Nathan Brown, Emily Schlichting, Allison Preiss, Kate Frischmann, Abraham White, Jim Whitmire, Chung Shek, Frank Zhang and Evan Griffis.

We would be remiss if we did not also thank the Congressional Budget Office for their knowledgeable and capable team that dedicated many hours to estimating the budgetary effects of this legislation. Finally, we owe an enormous debt of gratitude to the staff members in the Legislative Counsel's Office—specifically Kim Tamber, Stacy Kern-Sheerer, and Bill Baird. They, too, worked long hours, nights, and weekends to assist my staff in drafting this legislation and working out technical issues.

This bill's final passage is a victory for the millions of Americans who need safe medicines—a victory that would not have been possible without the dedicated work of our Senate family. I thank you all for your extraordinary public service.

#### WELCOMING BACK SENATOR INHOFE

Mr. REID. Mr. President, I see our friend here who has returned from his surgery and the death of his son, if he wishes to say something before I complete my remarks.

Mr. INHOFE. Mr. President, the majority leader should go ahead. My remarks will be longer.

Mr. REID. Mr. President, through the Chair to the senior Senator from Oklahoma, we are glad to have him back. We all empathize with something only a parent can understand. I am grateful to him for the example he sets for all of us.

#### SCHEDULE

Mr. President, we are going to be in a period of morning business until 5 o'clock today. Following morning business, the Senate will proceed to executive session to consider the nomination of Robert Wilkins to be U.S. Circuit judge for the D.C. Circuit. At 5:30, there will be up to two rollcall votes, including cloture on the Wilkins nomination. If cloture is not invoked, there will be a second cloture vote on the Defense authorization bill.

#### NOMINATIONS

Mr. President, today the Senate will consider yet another qualified nominee to be a D.C. Circuit Court of Appeals judge, considered by many to be the second highest court in all the land.

It is troubling that Senate Republicans, for the fourth time this year, appear poised to reject an exceedingly

capable nominee to this court for blatantly political reasons. Republicans have blocked three highly qualified female D.C. Circuit nominees in a row: Caitlin Halligan, Patricia Millett, and Nina Pillard. Today they are expected to block confirmation of District Judge Robert Wilkins, an extremely competent and experienced nominee and one who has bipartisan support. I say that because no one has questioned his qualifications or abilities; likewise, no Senator objected to the qualifications of Ms. Halligan, Ms. Millett or Ms. Pillard. Instead, Republicans have blocked these nominees solely to deny President Obama his constitutional right to appoint judges.

In years passed, my Republican colleagues agreed to block judicial nominees only in "extraordinary circumstances." These are their words, not mine.

In 2005, the senior Senator from South Carolina LINDSEY GRAHAM defined extraordinary circumstances for the benefit of this body. Being a highly qualified trial lawyer, I think he is qualified to respond and set this definition that we all agreed with. Here is what he said:

Ideological attacks are not an "extraordinary circumstance." To me, it would have to be a character problem, an ethics problem, some allegation about the qualifications of a person, not an ideological bent.

No Senator—I repeat, no Senator—has questioned the character, ethics, or qualifications of these three women that have already been rejected for the D.C. Circuit. No one has questioned the character, ethics or qualifications of Judge Wilkins. So I am frustrated that Republicans would once again filibuster such a highly qualified nominee—a nominee so highly qualified, in fact, that he was confirmed 3 years ago by voice vote to become a district court judge.

Judge Wilkins is an Indiana native who graduated cum laude with a degree in chemical engineering, and then he got a law degree from Harvard Law School. He has worked as a staff attorney for the D.C. Public Defender Service. He was a partner specializing in white-collar defense, intellectual property, and complex civil litigation at the private law firm of Venable. That is an outstanding law firm with lawyers all over the country.

Judge Wilkins also helped shine a national spotlight on national profiling when he brought a landmark lawsuit against the Maryland State Police in 1992 after he and three family members were stopped and searched. Why? Because they were African Americans. It is landmark litigation.

This nominee has a bright legal mind and a remarkable dedication to the rule of law. Under normal circumstances, such as the circumstances of his 2010 confirmation, he would be quickly confirmed, but now he faces a

Republican filibuster. Unfortunately, the type of Republican obstruction we face today has become quite commonplace. President Obama's circuit court nominees, including nominees for the vital D.C. Circuit, have waited seven times longer than those nominated by President Bush.

Republicans claim they are blocking nominees to this crucial court because the court is underworked and doesn't need to fill its complement of judges. Republicans also claim that filling these three vacancies would amount to court packing. That is absurd on its face. My Republican colleagues were happy to confirm four Bush nominees to this court. In fact, 15 of the last 19 to the D.C. Circuit were appointed by Republican presidents. Appointing judges to fill vacant judicial seats is not court packing, it is the President's right as well as his duty.

I do not ask Republican Senators to support President Obama's nominees or even that they vote for them, but it is right and proper that they should give President Obama's nominees the same fair consideration afforded the nominees that came before them.

#### RESERVATION OF LEADER TIME

Would the Chair announce the business of the day.

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oklahoma.

#### ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that my 10 minutes might be extended by about 10 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKING THE MAJORITY LEADER

Mr. INHOFE. Mr. President, let me start off, before the leader leaves the floor—and I was hoping to do this before the Chaplain of the Senate, Dr. Barry Black, left. I had a horrible loss eight days ago, losing a son. It was so touching to me—and I thank Barry Black, who included a good bit of some things about my son and about me in his opening prayer. Also, the comments that were made, the very gentle comments, and very helpful, that were made by the majority leader. So, through the Chair, I wish to thank HARRY REID very much for the comments he made.

# NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, we have something coming up that we are going to be talking about this week, and I am a little disturbed because I don't know exactly when it is going to be coming up, and I don't know how many objections there are going to be. I just know there are some people who want to delay, since it is a must-pass bill, the National Defense Authorization Act. We have passed it every year for, I think, 51 years. We have never failed to pass it. This is not going to be the first year that we fail to pass it. But I am hoping our Members will recognize how significant this is.

First of all, as the ranking member on the Senate Armed Services Committee, I thank my colleague, the chairman of the committee, Senator LEVIN, for his leadership and for his cooperation, which we enjoyed during the committee markup of this bill. We got it through the committee in pretty fast order. People realized there are some things that had to be taken up on the floor—three very controversial issues. Fine. This is where it should be taken up. It will be taken up. There will be amendments I will strongly oppose and some I will support. But I have always considered the National Defense Authorization Act to be the most important piece of legislation Congress considers each year.

This bill contains crucial authorizations that support our men and women in harm's way in Afghanistan and around the world. It supports training of our servicemembers and maintenance and modernization of their equipment to ensure they are prepared to overwhelm any adversary and return home safely to their loved ones. But—and this is a big but—it does so only as the reduced defense spending will allow.

It authorizes research and development efforts that will ensure we maintain technological superiority over our enemies and can successfully defeat the threats of tomorrow. But, again, it does so only—this is different; this has never happened before—when we are facing a reduction in our military spending. It is so unacceptably low that it has caused our leaders in all core services, which I will read in just a moment, to talk about how this is life-threatening.

But, most importantly, one thing we will continue to do is provide for the pay and the benefits of the brave men and women who are in harm's way to defend this Nation. In an era increasingly defined by partisan gridlock, the NDAA—the National Defense Authorization Act—is one of the rare occasions where Members of both parties can come together out of a shared commitment to our military men and women. This enduring commitment was exemplified this year again by the

overwhelming bipartisan majority that supported the passage of the NDAA from the committee in June. I look forward to continuing this tradition and this cooperation until we get this bill passed.

Consideration of this year's NDAA comes at a pivotal moment for our national security. The global security environment we face is more volatile and dangerous than any other time in my memory or, I suggest, in the history of the country. Yet our ability to protect the country against these growing threats is at serious risk. After losing \$487 billion—that just came out of the defense budget through the first 4½, 5 years of this administration—we now are looking at sequestration. Sequestration is an outcome thought to be so egregious and irresponsible that it would never be allowed to happen. None of us believed it would happen, that we would—after already losing \$487 billion from our defense system—have to be facing sequestration.

I never can say “sequestration” without reminding people why it is only 18 percent of our budget goes to defending America. Yet they have been forced to endure 50 percent of the cuts. It is wrong. But, nonetheless, that is what has been happening over the last—it has been in effect for 8 months. Its drastic across-the-board cuts are exacerbating the effects of an already declining national security budget.

As a result, the military is experiencing a dramatic decline in readiness and capabilities. I have a chart in the Chamber.

General Odierno, the Chief of Staff of the Army, recently said that his forces are at the—I am quoting now—“lowest readiness levels I've seen within our Army since I've been serving for the last 37 years” and that only two brigades are ready for combat—only two brigades. This is General Odierno.

The reason I wanted this chart put up is because it tells us where we are today. The part shown in orange, which is the huge cuts coming from sequestration, is far greater than the rest of it. That is readiness. That is what we are talking about.

We do hear a lot about the cost of personnel and all of that, but that is shown in the lower colored blue. So you are not talking about if you are able to do away with those actually coming up with any major reductions. The part shown in yellow is force structure. Now we are talking about, as General Odierno said, being down to only two brigades that are ready for combat. That is because of what has already been happening in the last 8 months in the force structure.

The modernization is shown in green on the chart. Modernization is always the first to be cut when force cuts come in because they figure that is something you don't feel the pain of today. But I want you to concentrate

on the part shown in orange because that is where it really would hurt us.

So we had General Odierno saying his forces were at the lowest readiness levels he has seen in his 37 years in the U.S. Army. I was in the Army many years ago, and I can remember back then when it always had priority over everything. Defending America seemed to be the thing.

Admiral Greenert, Chief of Naval Operations, said:

... because of fiscal limitations and the situation we're in we don't have another strike group trained and ready to respond on short notice in case of a contingency. We're tapped out.

That is our Navy.

Our top military leaders now warn of being unable to protect American interests around the world. Admiral Winnefeld—he is the Vice Chairman of the Joint Chiefs of Staff, the next-to-the-highest military person—said earlier this year: “There could be, for the first time in my career, instances where we may be asked to respond to a crisis and we will have to say we cannot.”

General Dempsey, the No. 1 military person, the Chairman of the Joint Chiefs of Staff, has warned that continued national security cuts will—and I am again quoting—“severely limit our ability to implement our defense strategy. It will put the nation at greater risk of coercion, and it will break faith with the men and women in uniform.”

That is why I am so troubled by this disastrous path we are on. In the face of mounting threats to America, prolonged budgetary uncertainties and the mindless sequestration cuts are crippling the people who are vital to our security, our men and women in the military.

To be clear, our military was facing readiness shortfalls even before sequestration took effect. Sequestration has only been in effect for 8 months. We never dreamed it would, after all the cuts we have gotten out of it from, quite frankly, this administration.

So the equipment, the problems we have—rather than rebuilding the ability of our military to defend the country, we are digging ourselves deeper into a hole. The longer we allow military readiness and capabilities to decline, the more money and time it will take to rebuild.

We are falling victim to the misguided belief that as the wars of today wind down, we can afford to gut investments in our Nation's defense. This is an irresponsible and dangerous course. I remember back during the middle of the 1990s. They talked about a peace dividend at that time. I can remember them saying: Well, the Cold War is over. We no longer need that strong of a military. Now, in this day and age, it is so much more serious than it has been in the past.

Our top military leaders agree. In testimony before the Armed Services

Committee last week, General Amos—he is the Commandant of the Marine Corps—testified that if he is asked to respond to a contingency in the current budget environment—I am quoting—“we will have fewer forces arriving less-trained, arriving later to the fight. This would delay the buildup of combat power, allow the enemy more time to build its defenses, and would likely prolong combat operations altogether. This a formula for more American casualties.”

That is the Commandant of the Marine Corps.

Such an outcome would be immoral and a dereliction of duty. If we expect the men and women of our military to go into harm's way to protect America, we have an obligation to provide them with the training, technology, and capabilities required to decisively overwhelm any adversary at any time and return safely home to their loved ones. Under this sequestration, we cannot do it. That is what we are talking about right here when I say we are talking about our obligation to provide the training, technology, and capabilities. That is shown in all that orange on the chart. That means that is what we are not going to do.

This is why ending sequestration and protecting the readiness of our military men and women remains my top priority. However, something must be done now to mitigate the devastating impacts to readiness until we can find a long-term solution.

Again, I am just talking a little bit about the significance of having our Defense authorization bill come to the floor, get it started, start working on amendments. This is what is important. But in order to address the shortfalls we have, I have an amendment that would phase sequester in a way that would allow our senior military leaders to enact reforms without disproportionately degrading our ability to train and prepare our military men and women to protect this country.

Let me say quickly, one of my closest friends in this Chamber is one of the Senators from Alabama, JEFF SESSIONS. JEFF SESSIONS, as we speak, is on a plane on his way back from California, so he cannot be here. JEFF SESSIONS has come up with an amendment. He is on the Budget Committee. He is a real budget hawk, and he still is willing to increase the military by 1 percent with a proposed amendment he might have. When JEFF SESSIONS gets back, I am going to talk to him about going together on his amendment so we can maybe merge the two amendments.

My amendment seeks to leverage what General Odierno refers to as “ramping,” a rephrasing of the sequestration cuts that reduces the impact in fiscal year 2014 and 2015 to a more manageable level and shifts the remainder of the required cuts across the remaining years. So we are talking about that

you would not feel it as much in these first 2 years, and yet we would make up for it, and that is why it is budget neutral. The Congressional Budget Office has told me this amendment will not score. That is very important to a lot of people.

Let me be real clear: I remain committed to ending sequestration of our military men and women. My amendment does not fix sequestration nor will it impede my continued push for fixing sequestration. We are going to continue to do that. It is immoral that we are not doing it. However, the damage being done to our military is so egregious and reckless under the current sequester mechanism that I have no choice but to take this step to avoid an even greater readiness catastrophe that would seriously damage our national security.

I talked just a few minutes ago to General Odierno. He is the Commander, the top person in the U.S. Army. I made a couple of notes here. I want to make sure I do not misquote him because he said if we can do what we are trying to do with this amendment—in other words, backload some of this stuff—it would actually save money 3 or 4 years from now because if you start cutting right now across the board, as would be mandated by sequestering, then you are going to be cutting in areas where it is going to cost you more to come back and do that. So I think you will find most of the military is very anxious to do that.

Again, I am not going to offer this until we have a chance to talk to Senator SESSIONS and hopefully come up with something that will be sellable to this body.

In addition to my concerns about sequestration, this bill contains several provisions that I find deeply problematic. In particular, I strongly oppose the sections that would loosen restrictions on the transfer of detainees from Guantanamo Bay into the United States or to countries such as Yemen that remain vulnerable to Al Qaeda and its terrorist affiliates.

I have to ad-lib here a little bit because I cannot remember how many years I have been trying to save one of the greatest assets this country has, and that is Guantanamo Bay. I say to my good friend, the Presiding Officer, this is one of the few good deals we have because we have had Guantanamo Bay since 1904, and it has cost us—I think the total is \$4,000 a year—and Castro forgets to collect about every other year. So it is one of the few good deals we have out there.

It is the only place you can put these combatants where they are in a position where they can be interrogated and we can save American lives, and I do not know why this President, President Obama, has this obsession to turn these people out of Guantanamo Bay back into the United States. He first

did this his first year—4 years ago. He had a plan. He had located, I think it was, 17 places in America where he could send these terrorists.

One of them happened to be in my State of Oklahoma at Fort Sill. I will always remember that. I went down to Fort Sill, I say to the Presiding Officer, because I found out we have a small prison down there. And the major, a female who runs that prison, said to me: I can't understand what is wrong with you people in Washington. You have that perfectly good facility down there that will save American lives, and people are treated better than they have ever been treated before. One of the major problems we have down there is obesity because they are eating so much. So it is not a matter of not being treated fairly.

Well, for some reason this President has had a—and one of the problems with turning these people back in to America into our system is that a terrorist is not a criminal. A terrorist teaches others. They are in the business of teaching other people to be terrorists. You put them in our prison system and they are going to be working on the people who are there. That is why I have such strong feelings about the closing of Guantanamo—or the President trying to do that. We have stopped him from doing that for 4½ years now. We will continue. However, they are trying to make it easier for them to take people out of Guantanamo Bay and send them to my State of Oklahoma and throughout America. Hopefully we can defeat that part of this bill.

While I am pleased the bill fully funds the budget request for missile defense and includes a provision that would establish a radar site on the east coast, I remain concerned that we are vulnerable to a growing ballistic missile threat from the Middle East.

Let me comment here. I was upset. The first budget that President Obama had, I knew—and again, when you say “liberal” and “conservative” that is not name calling. “Liberal” simply means you want government to have more involvement in our lives, and he is a liberal person. And most liberals do not think we need a military, to start with.

I always remember his first budget. I went over to Afghanistan so I could be there when he announced his budget, knowing if I was doing it from there with tanks going back and forth, I would get some attention on it. Sure enough, it worked.

In that first budget, the President, in his budget, did away with our only fifth-generation fighter, the F-22; did away with our lift capacity, the C-17; did away with our future combat system, which had been the first advance in ground capability in probably 50 years.

But I think the worst of everything was, he did away with the site that we

were building in Poland and the Czech Republic to be a ground-based interceptor that would take care of something coming from that direction into the United States.

You see, we have 33 ground-based interceptors. They are all located on the west coast. Our intelligence has told us since 2007 that Iran is going to have the capability of a weapon and a delivery system—by weapon, I am talking about a nuclear weapon—and a delivery system by 2015. We are talking about in less than a year and a half from now. He is going to have that capability. So we were building that for the purpose of being able to catch something coming from that direction. Well, he took that out, and we stopped that.

There are other problems with that too because I remember when we were trying to sell Poland and the Czech Republic on the idea. They said: Are you sure now? If we agree and we make Russia angry at us by agreeing to have a ground-based interceptor in Poland and the radar in the Czech Republic, are you sure that some President is not going to come along and pull the rug out from under us?

I said: I am absolutely positive.

That is exactly what happened.

I only mention that because the radar site on the east coast certainly would not be effective by the time they are going to have that capability. Nonetheless, we are addressing it.

I am pleased that under Chairman LEVIN's leadership the committee was able to reach a compromise during the markup to address the scourge of sexual assault in the military. The Senate bill includes 16 provisions that are specifically targeted to improving the tools the Department, the services, and the commanders have at their disposal for fighting sexual assault. It includes an additional 12 provisions to make important improvements to the military justice system and the Uniform Code of Military Justice. This is a comprehensive, targeted legislative initiative that would address that. That is going to be controversial. I understand that.

I think a lot of us served in the military. It happens that I was in the military court many years before most of you guys were born. At that time the one thing I learned—and this was way back then—was that the commander's influence in discipline is necessary. We are all going to keep that in mind as we look at some of these amendments.

I look forward to bringing this to the floor as soon as we can, getting these controversial issues out of the way. I am hoping I will get favorable consideration on my amendment that is going to make it much less devastating to the military.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DRUG QUALITY AND SECURITY ACT

Mr. ALEXANDER. Mr. President, this afternoon the Senate passed and sent to the President legislation that Tennesseans and Americans will welcome because it deals with the terrifying fungal meningitis outbreak that occurred more than a year ago that killed 16 Tennesseans and made many others sick.

The problem at that time was sterile compounded drugs that turned out not to be sterile. So when they were injected into patients for back pain or neck pain, those tainted drugs caused fungal meningitis and caused a number of Tennesseans to die and many others to become sick. Had it not been for the heroic efforts of the Tennessee State Department of Public Health, many others across the country may have been injected with that tainted medicine and become sick.

This is a very important piece of legislation which Senators and House Members have been working on for a year. I am glad it passed. I am sure the President will sign it. In our State, we know how personal this was. There is the story of Diana Reed from Brentwood, TN, who was the caregiver for her husband, who has Lou Gehrig's disease. She had neck pain—maybe because of helping him in and out of a wheelchair—went to the doctor, and got an injection for her neck pain. The next thing she knew, she had fungal meningitis and she died. Still, her husband with Lou Gehrig's disease lives on.

That story has been told in many States. We have been told by the Commissioner of the Food and Drug Administration that if we do not act, it will happen again. If we do not act, Commissioner Hamburg said, the question is not if but when there will be another tragedy. We have acted. No one should believe we can guarantee such a tragedy will never happen again, but for two reasons, it is much less likely we will have another tragedy like fungal meningitis as the result of contaminated drugs.

No. 1, we have cleared up the question of accountability. After this happened, and it was discovered that the tainted drugs came from the Massachusetts compounding pharmacy, there was a lot of finger pointing back and forth between the FDA and the State board about who should have been regulating this pharmacy, because there were other trouble signs. This never should have happened and would not

have happened if they had been either properly regulated either by the State or the Federal agency, the FDA.

That often happens when there is not accountability, when it is not clear who is on the flagpole, as I like to say—when it is not clear who is in charge. We have used the example of Admiral Hyman Rickover, who was a Navy officer. In the 1950s, when he was assigned the job of the nuclear Navy, he told his captains two things: No. 1, you are in charge of the ship; and, No. 2, you are in charge of the reactor. If anything goes wrong with the nuclear reactor, your career is over.

As a result of that level of clear accountability, since the 1950s there has never been a death as a result of a reactor accident on one of our nuclear ships. This legislation creates that kind of accountability for compounded drugs.

It preserves the traditional role of States to regulate drugstores. Compounding is something almost every drugstore does. We have 60,000 of those, and that is an important job to the States. Most States do an excellent job.

It preserves the role of the Food and Drug Administration for manufacturers, those who manufacture large amounts of drugs which are prepared without an individual prescription. But it creates a new sort of facility which we call outsourcing facility. This facility is regulated by the FDA.

Two things have happened. One is either the FDA or the State is in charge of a compounding pharmacy. It will be one or the other. The second is there is a new outsourcing facility. A doctor or a hospital in Virginia or Tennessee may choose to buy all of its sterile drugs, for example, from a compounding pharmacy that is regulated by the FDA. It doesn't have to, but it may choose to do that.

We believe many will choose to do that, particularly with the sterile drugs that are sent across State lines without a prescription. This legislation affects the health and safety of millions of Americans.

There was a second part this legislation that was passed this afternoon that is equally as important and in some ways more far-reaching. We call it track and trace. That is the shorthand name for it. Four billion prescriptions are written every year.

What this legislation does is attach a serial number to each drug that is manufactured and follows it all the way from the drug manufacturer to the individual pharmacy. Why is that important? It is important so that one will know, if given a prescribed drug, that it works, is not counterfeit, and that it is safe. It will take several years to implement this, but the drugs that make the 4 billion prescriptions will now be able to be tracked and traced from the manufacturer to the pharmacy.

Many of our disputes are well advertised around the Senate. In fact, one could argue that is what we are for—the resolution of disputes. If there weren't a dispute, we probably wouldn't be here. We would work everything out at the city council, the Governor's office or somewhere else.

The big issues of the day stand here. Some of those are hard to resolve. ObamaCare is hard to resolve, fixing the debt is hard to resolve. We have very different points of view.

On this issue, which was difficult to do, we worked for more than 1 year on the compounding pharmacy bill and more than 2 years on the track-and-trace bill. It was very difficult to do. We were able to do it.

I commend Senator HARKIN, who is chairman of our committee, Senator FRANKEN, Senator ROBERTS, Senator BURR, Senator BENNET, and many other Members of the committee. We were able to involve many people in it and come out with the unanimous recommendation of our committee, and it was unanimous today.

Just because it was unanimous, I don't want anyone to think it was easy. It was hard work. Because it was unanimous, I don't want anyone to think it is not important.

It is important in Tennessee to those 16 families who had a family member die. It is important to the dozens of families with a member of their family who is sick because of those injections. It is important to those families who may still become sick in our State and other States.

No. 1, it is important to know after this who is on the flagpole. It is either the FDA or the State agencies, and there will be no more finger pointing.

No. 2, any doctor or hospital that chooses to buy its sterile compounded drugs that are shipped interstate in large amounts without prescription from an FDA-related facility may do that.

This is a day of results in the Senate, which I am pleased to see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. While the Senator is on the floor, I wish to thank my colleague from Tennessee for this legislation and the hard work he has done on it. Also, there was significant pain and difficulties experienced by his constituents in Tennessee. This is something that I think will benefit all Americans and a rare bipartisan occasion in the Senate, which we should all celebrate. I thank my colleague from Tennessee.

#### DEFENSE AUTHORIZATION

Mr. MCCAIN. First, I obviously wish to join all of my colleagues in welcoming back our dear friend, the Senator from Oklahoma, JIM INHOFE. We know he has gone through a very ter-

rrible family tragedy, and our thoughts and prayers continue to be with him and the members of his family. We are very happy to see him return, working and leading on this very important aspect of our work, the National Defense Authorization Act.

Today I will have filed an amendment on behalf of Senator SESSIONS and myself—Senator SESSIONS, as we all know, is the ranking member of the Budget Committee—to try to address the issue of this terrible effect on our defense establishment as a result of sequestration. Rather than go into the background of why it happened, the fact is that now in 2012, 2013, and into 2014, we see a continued decline in funding for national defense and then a rise, as it is currently planned. This is current law.

Obviously, it is not a rational approach because our defense business and people in the Pentagon do not plan on a day-to-day or week-to-week or month-to-month basis.

What this amendment does is it preserves sequestration—which I am opposed to—but the fact remains that in order to try to ease the burden of sequestration on our military, this would smooth out this dip that has taken place over an 8-year period until the expiration of current law in 2021, and next year and the years after for 2014, 2015, 2016, and 2017 it would give increases in spending and then reductions in those outyears and still achieve the same reductions in spending as dictated by sequestration.

The reason I say this is because we are looking at a dramatic impact on our military if we allow spending to go down to that level for 2014 before we start climbing back up.

What is happening to our military today? It has a large impact, it is disgraceful, and it is harmful. In this very unsettled world we live in, we are seeing unprecedented reductions and impact on our national security that we have not seen since the end of the Vietnam war.

Two weeks ago the Armed Services Committee held a hearing to understand how the sequester had impacted the Department of Defense. We learned, according to the Chief of Staff of the Army, GEN Ray Odierno, that continued sequestration along this line will cause the Army to end, restructure or delay over 100 acquisition programs. The Army, already drawing down by 80,000 Active-Duty troops, will be forced to reduce and eliminate an additional 60,000. The Guard and Reserve would also be forced to remove tens of thousands of men and women from their ranks. It amounts to an almost 20-percent cut in troop strength over the next 5 years and will result in an Army that has tens of thousands fewer soldiers than it had in 2011. Unit training has been curtailed such that by the end of 2014, if we go down this scale,

General Odierno forecasts that only 15 percent of Army brigade combat teams will be fully ready in the event of a contingency.

The Chief of Naval Operations, Admiral Greenert, testified that sequestration means the Navy will operate more sparsely across the globe and be less able to reassure our allies that U.S. interests around the world are properly served. The Navy is the most visible sign of America's strategic deterrent, and we are putting that deterrent at risk.

The Commandant of the Marine Corps, Gen. James Amos, said that because of sequestration, he was "mortgaging" long-term modernization to pay for keeping his marines trained and ready today, but he also said the plan is not sustainable. As equipment and facilities age, he won't be able to pay for their upkeep while simultaneously paying for training. What will give, unfortunately, is readiness.

As all the service chiefs testified, "readiness" means lives. The lower their readiness, the greater the risk to the lives of soldiers, sailors, airmen, and marines in the event of a deployment.

The Chief of Staff of the Air Force, Gen. Mark Welsh, told us that the Air Force had to ground 13 combat squadrons—had to ground 13 combat squadrons—because they lacked funding due to sequestration. Other squadrons' flying hours were cut in half. He warned that continued cuts to flying hours, which are a certainty under this present plan, will guarantee that many more squadrons will forego mission readiness in the coming years. General Welsh's least damaging plan to pay for sequestration is to cut some 25,000 airmen and 500 aircraft, almost 10 percent of the aircraft inventory.

Obviously, what is not reflected in these numbers is the impact on morale and retention. The Air Force is deeply concerned about the number of pilots it is losing to private industry. My colleagues may not know that there is a large exodus of airline pilots that will be leaving the airlines due to retirement in the next few years.

There is a recent story where a number of Air Force pilots were offered a bonus of \$225,000 to remain in the U.S. Air Force and most of them turned it down. Why are they turning it down? It is because they are not flying, and they are not sure whether they are going to be flying.

We are cutting their flying hours to the bone. We are grounding entire squadrons. We are harming the morale and readiness of our military today in all of the services.

I provide those examples, but as one Air Force leader said recently: "If you're not flying your aircraft because it's grounded, you might as well go fly something else."

I provide these examples because it is important for us to understand that

our actions in Congress are presently and materially degrading our military's ability to defend the Nation and protect our interests abroad. This is not an abstraction, especially at a time when international threats and instability are growing and not lessening.

I acknowledge there is a fatigue after more than a decade of war. Cutting the defense budget seems an easy way to ameliorate the Nation's dire budget problems, but such thinking is wrong.

I remember the troop cuts and the budget reductions after Vietnam. I remember that it took us 15 years to restore the military to the proficiency, capability, and professionalism that we have today.

Defense represents less than 20 percent of total government spending. We could zero out the entire defense budget and would still, with the growth of entitlement spending and the prevalence of tax loopholes, not be able to reduce the Federal deficit.

I have worked with colleagues for 2 years trying to address this issue. I have toured the country with KELLY AYOTTE and LINDSEY GRAHAM and met with community and business leaders. I joined with our distinguished chairman CARL LEVIN and hosted a series of meetings with Senators to find common ground. None was to be found.

So here we are, with an obvious impact for next year of sequestration which would dramatically impact our ability to defend this Nation. In desperation, I am asking my colleagues to at least agree to smoothing out this path—which would end up with the same reductions in the spending but at least not hit this bottom level which would cause us to have planes that will not fly, ships that can't sail, and men and women in the military unable to train and operate. Once we reduce and impact operations and maintenance, readiness suffers, and readiness incapability only shows up over time.

I spent last Sunday with my friend Senator ALEXANDER. The Senator from Tennessee and I were at Fort Campbell, KY, where we spent some time with the men and women who are serving in the military. We were briefed by the military leadership and the command master sergeants of the various units based at Fort Campbell, KY. We found that already the ability to train, the ability to retain, the ability to act with the kind of proficiency which is necessary in today's world is already being seriously degraded.

So I ask my colleagues, in working with Senator SESSIONS via the Sessions amendment, to consider this amendment to the National Defense Authorization Act so we can at least soften the blow, to some degree, of sequestration.

Senator LAMAR ALEXANDER and I were taken by the patriotism, the hard work, and the quality of the men and women serving our Nation in the

United States Army at Fort Campbell, KY. Senator ALEXANDER and I were both deeply alarmed at the fact that these people are literally having to budget and operate on a month-to-month basis. They are not able to sustain the level of readiness and capability that this Nation needs at this very difficult time.

So I urge my colleagues to consider this amendment that Senator SESSIONS will be sponsoring. I look forward to debating and hopefully passing this legislation to give our men and women the relief they need to serve this country with the patriotism and the efficiency we need in these difficult times.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SEVERE NOVEMBER STORMS

Mr. COATS. Mr. President, I am here to talk about legislation I have introduced that I hope my colleagues will join me in supporting, but first I would like to make a couple of comments about the terrific storms that roared through the Midwest, including my State, yesterday afternoon and evening. Mother Nature was in full fury and caused significant damage to my State. Fortunately, no deaths were reported, but there were injuries, destroyed buildings, turned-over cars, and downed trees and power lines. There was quite a bit of damage across our State affecting a significant number of towns—Muncie, Kokomo, Marion, Lebanon, Washington, Lafayette, and others. It was a line of storms that packed a lot of power and did a lot of damage.

We were fortunate in Indiana not to suffer loss of life. Our neighbors to the west in Illinois took the brunt of this storm. Our thoughts and prayers go out to those families and those loved ones who were lost in that storm.

There has been a good response by FEMA. People are on the ground already. Assessments are being made and Hoosiers are rolling up their sleeves and cleaning it up, as we fully expect them to do. The response has been terrific. I certainly have to acknowledge that this caused some severe damage but the response addressing it has been terrific.

#### NATIONAL CEMETERIES ACT

Mr. COATS. The bill I would like to talk about is S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act, which hopefully will come before the Senate this week. I wish this legis-

lation were not necessary. It should not be. Tragic events happened on May 30, 2012. Obviously, we wish that had never happened and wish there never had to be a bill named after Alicia Dawn Koehl. I regret that the Department of Veterans Affairs made a mistake that resulted in even more pain and heartbreak for this family who is already suffering from heartbreak from the loss of Alicia Dawn Koehl.

These are the circumstances. On May 30, 2012, Michael LaShawn Anderson went on a shooting spree at an Indianapolis apartment complex, injuring three people and taking the life of Alicia Dawn Koehl, a devoted wife and loving mother of two children. As police were arriving at the scene, Anderson then killed himself.

Shortly after the Koehl family faced the unimaginable—putting their mother and wife to rest—they discovered that the local Department of Veterans Affairs had made a very disturbing mistake. The VA erroneously granted the shooter a burial with military honors at Fort Custer National Cemetery in Augusta, MI, on June 6, 2012. Although Anderson was a U.S. veteran, his unthinkable act made him ineligible by law to be buried in a national cemetery. We passed a law prohibiting a veteran who has committed a federal or state capital crime, even though they have given service, from benefiting from the honors of a military cemetery burial.

After learning that Anderson was given this distinct honor of being buried alongside our country's heroes in a national cemetery, the Koehl family requested that the VA disinter his remains. They contacted our staff, me, and for over a year, together, we worked and we have been working with the VA and the Koehl family to remove Anderson's remains from the Custer National Cemetery in Michigan.

However, earlier this year the VA informed me personally that it could not exhumate the remains of Anderson because the Department does not believe it has the legal authority to do so without the Congress passing legislation and signature by the President. In other words, the VA was permitted under current law to bury Anderson at the national cemetery, but the Department's legal interpretation of the law says it does not have the legal authority to fix that mistake and exhumate the remains of this ineligible veteran. Legislation had to be offered to right this wrong. The bill that is being presented here would grant both the Department of Veterans Affairs and the Department of Defense the authority to disinter ineligible veterans buried at national cemeteries who have committed a Federal or State capital crime. It would give the VA the authority it needs to exhumate the remains of Michael Anderson.

Last month I testified in support of this bill before the Senate Veterans'



Affairs Committee hearing, and I was pleased to be joined by Alicia's father-in-law Frank and mother-in-law Carol, who traveled from Fort Wayne, IN, in support of this particular bill. I thank chairman BERNIE SANDERS and ranking member RICHARD BURR and members of the committee for immediately grasping the nature of this and being willing to do everything possible to help us move this legislation. It could not have been done without their support, and their efforts have been advanced and expedited by their commitment to support this and to have Senate action on the legislation as soon as possible.

I am here today to urge my colleagues to support and pass this Alicia Dawn Koehl Respect for National Cemeteries Act. The victims and family members of this tragic shooting have suffered enough and should not be forced to wait much longer to have their requests met. As a veteran myself, I have the deepest respect for those who have worn the uniform to serve and defend our country. But no veteran who commits a capital crime should be given the honor of a military burial and being laid to rest next to our Nation's military heroes. That is the law today, and we need to make sure that law is followed. By passing this legislation, we can resolve an unacceptable mistake and help provide the family with a sense of peace and closure.

My Indiana colleague, Congresswoman SUSAN BROOKS, has introduced legislation in the House and is working to carry this across the finish line.

I urge my colleagues to pass S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act, and ensure that our fallen veterans can rest in peace next to loved ones and fellow servicemembers, not criminals who were guilty of such a horrendous crime.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

#### CALLING FOR THE RELEASE OF YULIA TYMOSHENKO

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 95, S. Res. 165.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 165) calling for the release from prison of former Prime Minister

of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

#### S. RES. 165

*Whereas, in August 1991, the Ukrainian Parliament declared independence from the Soviet Union and approved decrees to mint its own currency and take command of all Soviet military units on its soil;*

*Whereas, in December 1991, 90 percent of Ukrainians voted in a referendum to support independence from the Soviet Union;*

*Whereas Ukraine has experienced increased economic and political cooperation with Europe and the United States since its independence from the Soviet Union;*

*Whereas, in 1996, Ukraine adopted its first democratic constitution that included basic freedoms of speech, assembly, religion, and press;*

*Whereas in 2004, Ukrainians organized a series of historic protests, strikes, and sit-ins known as the "Orange Revolution" to protest electoral fraud in the 2004 presidential election;*

*Whereas Yulia Tymoshenko was a leader of the Orange Revolution and was first elected as Prime Minister in 2005;*

*Whereas, in the 2010 presidential election, incumbent President Viktor Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Viktor Yanukovich and then Prime Minister Yulia Tymoshenko to face one another in a run-off election;*

*Whereas Mr. Yanukovich defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;*

*Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison on charges that she abused her position as Prime Minister in connection with a Russian natural gas contract;*

*Whereas, on January 26, 2012, the Parliamentary Assembly Council of Europe (PACE) passed a resolution (1862) that declared that the articles under which Ms. Tymoshenko was convicted were "overly broad in application and effectively allow for ex post facto criminalization of normal political decision making";*

*Whereas, on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko;*

*Whereas, on September 22, 2012, the United States Senate passed a resolution (S. Res. 466, 112th Congress) that condemned the selective and politically motivated prosecution and imprisonment of Yulia Tymoshenko, called for her release based on the politicized charges, and called on the Department of State to institute a visa ban against those responsible for the imprisonment of Ms. Tymoshenko and the other political leaders associated with the 2004 Orange Revolution;*

*Whereas, on April 7, 2013, President of Ukraine Viktor Yanukovich pardoned former interior minister Yuri Lutsenko and several other opposition figures allied with Ms. Tymoshenko;*

*Whereas, on April 30, 2013, the European Court of Human Rights, which settles cases of rights abuses after plaintiffs have exhausted appeals in their home country courts, ruled that Ms. Tymoshenko's pre-trial detention had been*

*arbitrary; that the lawfulness of her pre-trial detention had not been properly reviewed; that her right to liberty had been restricted; and, that she had no possibility to seek compensation for her unlawful deprivation of liberty;*

*Whereas, on April 30, 2013, Department of State Spokesman Patrick Ventrell reiterated the United States call that Ms. Tymoshenko "be released and that the practice of selective prosecution end immediately" in light of the European Court of Human Rights decision;*

*Whereas Ukraine hopes to sign an association agreement with the European Union during the Eastern Partnership Summit in November 2013; and*

*Whereas, after the European Court of Human Rights ruling, European Parliament Committee on Foreign Affairs chairman Elmar Brok stated that "Ukraine is still miles away from fulfilling European standards" and must "end its selective justice" before signing the association agreement: Now, therefore, be it*

*Resolved That the Senate—*

*(1) calls on the Government of Ukraine to release former Prime Minister Yulia Tymoshenko from imprisonment based on politicized and selective charges and in light of the April 2013 European Court of Human Rights verdict;*

*(2) calls on the European Union members to include the release of Ms. Tymoshenko from imprisonment based on politicized and selective charges as a criterion for signing an association agreement with Ukraine at the upcoming Eastern Partnership Summit in Lithuania;*

*(3) expresses its belief and hope that Ukraine's future rests with stronger ties to Europe, the United States, and others in the community of democracies; and*

*(4) expresses its concern and disappointment that the continued selective and politically motivated imprisonment of former Prime Minister Yulia Tymoshenko unnecessarily detracts from Ukraine's otherwise strong relationship with Europe, the United States, and the community of democracies.*

Mr. DURBIN. Mr. President, I rise to speak to an issue relative to the nation of Ukraine. It is the continued imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko. Sadly, for over 2 years now, she has been languishing in prison on politicized charges that she abused her position in connection with a natural gas contract with Russia.

This is a photo showing the former Prime Minister's trial in Ukraine. This occurred, as I said, more than 2 years ago.

I am not going to judge the wisdom of that contract—one of an endless series of policy decisions any chief executive makes in most nations. But this is an imprisonment that has been recognized by the international community and countless human rights organizations and by the European Court of Human Rights as selectively prosecuted and politically motivated. This is an imprisonment that has a whiff of the neighboring nation of Belarus, where those who run for President against strongman dictator Alexander Lukashenko not only always lose the election but virtually always get thrown in jail—talk about a disincentive to run for office—but not from Ukraine, which has looked to solidify its place among the community of democracies, do we expect this kind of conduct.



When I visited Ukraine last May, I had the opportunity to meet with President Yanukovich, the Prime Minister, and the Foreign Minister. I was grateful they gave me their time. During those discussions, I always raised the issue of Ms. Tymoshenko's imprisonment, hoping it would be solved. They gave me kind of indirect assurances that it would in a very brief time.

Last year, Senator INHOFE of Oklahoma, as well as Senators BOXER, CASEY, MENENDEZ, and I, introduced a Senate resolution calling for her release. It passed unanimously last September—over 1 year ago. Yet here we are today, more than 1 year later and a few weeks before an important opportunity for Ukraine to strengthen its ties to the West by potentially signing an agreement with the European Union, and Ms. Tymoshenko is still in jail.

This is not only embarrassing, it is disgraceful. This is a costly distraction from all the other important issues in the Ukraine, a nation which has such great potential. It plays into Russian President Putin's hands, who would like nothing more than to see the European Union Association Agreement scuttled because of the failure of the Ukrainian Government to release Ms. Tymoshenko. Why would Ukraine's leaders want to succumb to Russian bullying and jeopardize political ties to the West over a simple grudge regarding the previous Prime Minister?

I am dismayed by the seeming inability to find a reasonable compromise that would allow Ms. Tymoshenko to seek medical treatment abroad, a move that would allow us to instead focus on strengthening the important ties between the United States, the European Union, and Ukraine.

Ukraine is our friend and ally. It helped us in Libya and in Afghanistan. Its leadership rightly sees Ukraine's future with the West. But when you join the community of democracies, you simply do not throw your former political opponents in jail over policy disagreements. You instead offer better ideas and beat them in an election.

That is why this summer, regrettably, I introduced a followup resolution again calling for the release of Ms. Tymoshenko. I am happy to note that Senators BARRASSO, BOOZMAN, BOXER, CARDIN, INHOFE, MENENDEZ, MURPHY, PORTMAN, RUBIO, SESSIONS, and SHAHEEN have joined me on that resolution. Let me add that is not a group of Senators we see agree on too many issues. We all agree on this. For months, we have been waiting, assured that a resolution to Ms. Tymoshenko's case would come to fruition. We saw Ukraine take promising steps toward political reform. We saw some of Ms. Tymoshenko's allies pardoned.

Over the course of the last few weeks in particular, we were optimistic that

the negotiations led by former President of the European Parliament Pat Cox and former Polish President Aleksander Kwasniewski were seemingly making headway toward a solution in which Ms. Tymoshenko would leave to go to Germany for medical treatment. We were hopeful such a solution would come in time for Ukraine to sign an association agreement with the EU during the Eastern Partnership Summit in Vilnius at the end of this month—a step strongly supported by the United States.

We held off in calling this resolution with the hope that real progress would take place. But last Wednesday, after 2 years of delay and obfuscation on this issue, the Ukrainian Parliament postponed a vote on the bill that would have secured this resolution—a move that only adds to the long list of missed opportunities in Ukraine. That is why today, with some disappointment, my colleagues and I have decided to move forward and pass this resolution in the Senate.

There is still time to find a solution before the Eastern partnership summit takes place at the end of the month, so I am hopeful our friends in the Ukraine will be able to find an honorable way forward to put the best interests of the country first and end Ms. Tymoshenko's detention.

I ask unanimous consent that the committee-reported substitute amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The resolution, (S. Res. 165), as amended, was agreed to.

The amendment to the preamble was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to.

#### TORNADOES IN ILLINOIS

Mr. DURBIN. Mr. President, search and rescue operations are underway in several Illinois communities today after deadly tornadoes tore through my home State yesterday.

Eight people died as a result of the storms—six in Illinois—and dozens are seriously injured.

My heart goes out to the people who have lost so much and today are beginning to sort through the rubble.

Take a look at what the people in Washington, IL, near Peoria, woke up to this morning.

This photo shows what is left of the neighborhood on Devonshire Road.

It is difficult to know which property is which because the homes have been reduced to splinters.

The tornado cut a path from one end of Washington to the other, knocking down power lines, rupturing gas lines, and ripping off roofs.

This is another picture of the devastation in Washington, IL. It looks as though this whole neighborhood has been destroyed.

Mayor Gary Manier says between 2,000 and 3,000 homes were damaged by tornadoes in his city, alone. He credits the advance warning system for saving many lives. Mayor Manier estimates people in Washington had about 4-to-5 minutes to take cover.

Washington is a city of about 15,000 people. It is about 150 miles southeast of Chicago.

At least 400 homes were destroyed there—wiped off their foundations.

Standalone homes, multifamily homes, and apartment buildings were damaged. Rescue teams are searching the debris to make sure all the victims of the storm are accounted for.

Several stories have been reported of debris from Washington ending up near Streator, IL, which is more than 50 miles away. People in Streator found part of a plastic recycling bin with the Washington city emblem on it and a UPS package addressed to one of Washington's hardest hit neighborhoods. A person in Lockport, IL; which is two hours away, found a savings bond with a Washington, IL, address.

Many other Illinois communities were struck by the twisters. This photo shows some of the aftermath in Brookport, IL, which is in Massac County, in the southern part of the State.

Several people in Brookport said some homes moved as much as 20-feet off their foundations. Seventy homes were destroyed and many more are damaged.

Three of the six people who died in Illinois lived in Massac County.

The Village of Gifford, IL, a small community of 500 people, suffered severe damage. About 160 homes were destroyed there. People there say it looks as though half of the town has been wiped away.

In Washington County, two siblings, Joseph Hoy, who was 80 years old, and Frances Hoy, who was 78, died in the storms. They lived in the Village of New Minden.

Coal City, Nashville, East Peoria, Pekin—many Illinois communities were struck by the tornadoes.

In the face of all this devastation, people all over the State are beginning the painful task of assessing the damage.

In fact, we are starting to hear stories of bravery during the tornadoes.

In Washington, a 6-year-old boy is being credited for saving the lives of his mother and older brother.

Six-year-old Brevin Hunter was playing a video game when he heard the wail of the siren yesterday. He urged his mom to go down to the basement.

His mother, Lisa Hunter, had heard the siren, too, but said the skies looked deceptively calm, so she thought it was a drill.

Brevin wouldn't let up. He told his mother that he learned in school that when you hear the siren, you have to go somewhere safe.

Brevin, his mother, and Brevin's older brother, Brody, grabbed a futon and went to the basement just minutes before the tornado slammed into their duplex in Washington Estates.

Lisa Hunter credits her little boy for saving their lives.

Lorelei Cox, a teacher in the City of Washington, credits a former student for saving her life and her husband's.

Cox's house was directly in the path of the storm. She and her husband, Dave, took shelter when they heard the sirens, but they were buried by debris when the twister hit. They survived but could not get out.

Cox says she and her husband were dug out from under the rubble by one of her former students.

Governor Pat Quinn has declared seven Illinois counties State disaster areas.

Champaign, Grundy, LaSalle, Massac, Tazewell, Washington, and Woodford Counties are receiving the trucks, communications equipment, and heavy equipment needed to remove debris. More than 60 National Guardsmen are helping with recovery.

Earlier today I spoke with Jonathon Monken, the head of the Illinois Emergency Management Agency. He assured me that FEMA representatives are in the State, assessing the damage, and working with State and local officials to help people.

The State has dispatched technical rescue teams to a number of locations across the State, and is providing emergency generators, light towers, and communications systems.

The extent of the damage is breathtaking. I commend the mayors and first responders who are on the front lines, bringing order to the chaos, and Governor Quinn and his team, who are getting immediate help to the communities hardest hit.

And I am confident that the State will need Federal assistance to help with the cleanup and recovery. I stand ready to help ensure there is Federal assistance to augment the arduous but critical recovery work that the municipalities and the State already have begun.

Tornadoes aren't new to Illinois. They are pretty common in our part of the world, but this is an unusual situation we face. In the last 27 years, there have been approximately 194 tornadoes in our State recorded in the month of November; 101 of them were recorded yesterday—again, 194 in 27 years, and 101 yesterday. Is the weather changing in America? I think the people in Illinois would say it is changing for the

worse when it comes to the incidences of tornadoes out of season in our State of Illinois.

There are two things I can predict about this disaster, without fail. One year from now, we will go back to these scenes and we will see the most amazing work having been done by so many families and so many neighbors to pitch in and rebuild. They never quit and never give up. They will be back. They will be back with their homes and playgrounds and churches and schools and shops. They will be back.

The second thing I can predict without fail—and it is not unique to Illinois, but I am so proud of it—is that neighborly quality where people pitch in to help one another in ways large and small, from showing up last night in Washington, IL, at one of the shelters with 35 hot pizzas; somebody just brought them in and said give them to whoever wants them. It is the little gestures such as that, and many others, large and small, which I am so proud to report that are just part of who we are. Again, not unique to Illinois, not unique to the Midwest, maybe not even unique to America, but time and again in times of crisis it comes out and shows itself over and over again.

#### WILKINS NOMINATION

Mr. DURBIN. Mr. President, I rise to speak about the President's nominations to fill vacancies on the Court of Appeals for the D.C. Circuit.

The D.C. Circuit, which is considered to be the second most important court in America, has 8 active judges of the 11 judgeships authorized by law. My colleagues on the other side of the aisle have argued that the Senate should not confirm any of President Obama's nominees for these vacancies. But when there are vacancies in the Federal judiciary, it is the duty of the President to fill them, and it is the duty of the Senate to advise and consent in an honest and professional way to the filling of these vacancies. The Senate does not have the right to unilaterally determine that certain judicial seats and posts should never be filled by certain Presidents. That is exactly what is happening today in the U.S. Senate.

Today we are considering the nomination of Judge Robert Wilkins to serve on the D.C. Circuit. He currently serves as a Federal judge for the U.S. District Court for the District of Columbia. He was confirmed by the Senate in 2010 by a voice vote—no controversy. Seventy of my colleagues, including 28 Republicans, were here for that confirmation.

There is no question that Judge Wilkins has the experience, qualifications, and integrity to be an outstanding circuit court judge. He is a native of Indiana and a graduate of Harvard Law. He

worked for 11 years as a public defender in Washington, DC, and then joined the Venable law firm, where he served as a partner for nearly a decade.

As a judge, he has presided over hundreds of civil and criminal cases. He has a reputation, an unblemished reputation, for fairness and integrity. The Leadership Conference on Civil and Human Rights, which strongly supports his nomination, said he has a "wealth of experience and impartiality" and a "steadfast commitment to enforcing the rule of law."

He has been rated "unanimously well-qualified" to serve on the D.C. Circuit by the nonpartisan American Bar Association.

No Senator—not one—questioned his qualifications during his hearing before the Senate Judiciary Committee. As a sitting Federal judge, he has already demonstrated sound judgment and integrity.

He deserves an up-or-down vote on his nomination. And he deserves to be confirmed. But my Republican colleagues have made it clear that, once again, they are going to filibuster President Obama's nominee to the D.C. Circuit. It has nothing to do with Judge Wilkins, they say. They just do not want any Democratic President to fill this vacancy on this important court, period. This is becoming a pattern, an embarrassing pattern, in the U.S. Senate, and this court is exhibit A in the abuse of the filibuster.

President George W. Bush made six nominations for the D.C. Circuit during his Presidency. Four were confirmed by the Senate. President Obama has made five nominations for the D.C. Circuit. If the Republicans filibuster Judge Wilkins today, as they have threatened, then four out of the five of this President's nominees will have been filibustered.

Let's go through these nominees, just to recollect.

Caitlin Halligan, Patricia Millett, and Nina Pillard—some of the finest attorneys in the country, some of the most outstanding women who have ever been nominated for a Federal judgeship—were all filibustered and stopped by the Republicans.

My Republican colleagues say this is an argument about caseload because there is not enough work to justify these judges. This argument does not make sense. My Republican colleagues were eager to confirm nominees for the 9th, 10th, and 11th seats on the D.C. Circuit when it was a Republican President. You did not hear them talk about caseload then. This is a manufactured excuse for them to filibuster President Obama's nominees.

When it comes to D.C. Circuit nominees by our current Democratic President, it looks as though we will see four times as many filibusters as confirmations. This is unacceptable. It is disgraceful. These judicial vacancies

are authorized by law, and the President has nominated extraordinarily well-qualified women and men to fill them. These nominees do not deserve a filibuster. They deserve a chance to be judged on their merits.

I urge my Republican colleagues to stop these filibusters now and to allow an up-or-down vote on Judge Wilkins and these other outstanding nominees.

We reached a bit of an agreement here a number of years ago that we would not stop these nominees unless there were "extraordinary circumstances." That was the term that was used. It turns out one of those extraordinary circumstances is when a Democratic President named Barack Obama makes a nomination. Too many Republicans think that is extraordinary and that they can stop well-qualified, good people from serving our Nation and serving on this important court.

We will have a chance this afternoon. I hope Judge Wilkins will be given that chance to serve on this important court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RETIREMENT CRISIS

Ms. WARREN. Mr. President, I rise today to talk about the retirement crisis in this country—a crisis that has received far too little attention and far too little response from Washington.

I have spent most of my career studying the economic pressures on middle-class families—families who worked hard, who played by the rules, but who still found themselves just hanging on by their fingernails. Starting in the 1970s, even as workers became more productive, their wages flattened, while core expenses such as housing and health care and sending their kids to college kept going up.

Working families did not ask for a bailout. Instead, they rolled up their sleeves. They sent both parents into the workforce. But that meant higher childcare costs, a second car, and higher taxes. So they tightened their belts more, cutting spending wherever they could.

Adjusted for inflation, families today spend less than they did a generation ago on food, clothing, furniture, appliances, and other flexible purchases. When that still was not enough to cover rising costs, they took on debt—credit card debt, college debt, debt just to pay for the necessities.

As families became increasingly desperate, unscrupulous financial institu-

tions were all too happy to chain them to financial products that got them into even more trouble—products where fine print and legalese covered the true costs of credit. These trends are not new. There have been warning signs for years about what is happening to our middle class.

One major consequence of these increasing pressures on working people—a consequence that receives far too little attention—is that the dream of a secure retirement is slowly slipping away.

A generation ago, middle-class families were able to put away enough money during their working years to make it through their later years with dignity. On average, they saved about 11 percent of their take-home pay while working. Many paid off their homes, got rid of all their debts, and retired with strong pensions from their employers. And when pensions, savings, and investments fell short, they could rely on Social Security to make up the difference.

That was the story a generation ago. Since that time the retirement landscape has shifted dramatically against our families. Among working families on the verge of retirement, about a third have no retirement savings of any kind and another third have total savings that are less than a year's annual income. Many seniors have seen their housing wealth shrink as well. According to AARP, in 2012, one out of every seven older homers was paying down a mortgage that was higher than the value of their house.

And just as they need to rely more than ever on pensions, employers are withdrawing from their traditional role in helping provide a secure retirement. Two decades ago, more than a third of all private sector workers—35 percent—had traditional defined benefit pensions—pensions that guaranteed a certain monthly payment that retirees knew they could depend on. Today that number has been cut in half. Only 18 percent of private sector workers have defined benefit pensions. Employers have replaced guaranteed retirement income with savings plans, such as 401(k) plans, that leave the retiree at the mercy of a market that rises and falls and sometimes at the mercy of dangerous investment products. These plans often fall short of what retirees need and nearly half of all American workers do not even have access to those limited plans. This leaves more than 44 million workers without any retirement assistance from their employers.

Add all of this up—the dramatic decline in individual savings and the dramatic decline of guaranteed retirement benefits and employer support in return for a lifetime of work—and we are left with a retirement crisis, a crisis that is as real and as frightening as any policy problem facing the United States today.

With less savings and weaker private retirement protection, retirees depend more than ever on the safety and reliability of Social Security. Social Security works. No one runs out of benefits and the payments do not rise or fall with the stock market. Two-thirds of seniors rely on it for the majority of their income in retirement, and for 14 million seniors—14 million—this is the safety net that keeps them out of poverty. God bless Social Security.

And yet even Social Security has been under attack. Monthly payments are modest, averaging about \$1,250, and over time those benefits are shrinking in value. This puts a terrible squeeze on seniors.

With tens of millions of people more financially stressed as they approach retirement, with more and more people left out of the private retirement security system, and with the economic security of our families unraveling, Social Security is rapidly becoming the only—only—lifeline that millions of seniors have to keep their heads above water. And yet instead of taking on the retirement crisis, instead of strengthening Social Security, some in Washington are fighting to cut benefits.

Just this morning the Washington Post ran an editorial mocking the idea of a looming retirement crisis. To make sure no one missed the point, they even put the words "retirement crisis" in quotation marks.

No retirement crisis? Tell that to the millions of Americans who are facing retirement without a pension. Tell that to the millions of Americans who have nothing to fall back on except Social Security. There is a \$6.6 trillion gap between what Americans under 65 are currently saving and what they will need to maintain their standard of living when they hit retirement. Mr. President, \$6.6 trillion—and that assumes that Social Security benefits are not cut. Make no mistake, there is a crisis.

The call to cut Social Security has an uglier side to it too. The Washington Post framed the choice as more children in poverty versus more seniors in poverty. The suggestion that we have become a country where those living in poverty fight each other for a handful of crumbs tossed off the tables of the very wealthy is fundamentally wrong. This is about our values, and our values tell us that we do not build a future by deciding first who among the vulnerable will be left to starve.

Look at the basic facts. Today Social Security has a \$2.7 trillion surplus. If we do nothing, Social Security will be safe for the next 20 years and even after that will continue to pay most benefits. With some modest adjustments, we can keep the system solvent for many more years—and we could even increase benefits.

The tools to help us build a future are available to us now. We do not

start the debate by deciding who gets kicked to the curb. We are Americans. We start the debate by figuring out how to create better efficiencies, how to make small changes that will make the system fairer, how to grow the pool of those who contribute, and how to rebuild the system that every single one of us can rely on to make sure there is a baseline in retirement that no one falls below.

We do not build a future for our children by cutting basic retirement benefits for their grandparents. No. We build a future for our kids by strengthening our economy, by investing in education and infrastructure and research, by rebuilding a strong and robust middle class in which every kid gets a chance and the most vulnerable have a strong safety net.

The most recent discussion about cutting benefits has focused on something called the chained CPI. Supporters of the chained CPI say it is a more accurate way of measuring the cost-of-living increases for seniors. That statement is simply not true. Chained CPI falls far short of the actual increases in costs that seniors face. Pure and simple, chained CPI is just a fancy way to say cut benefits.

The Bureau of Labor Statistics has developed a measure of the real impact of inflation on seniors. It is called the CPI-E. If we adopt it today, it would generally increase the benefits for our retirees, not cut them. Social Security is not the answer for all of our retirement problems. We need to find a way to tackle the financial squeeze that is crushing our families. We need to help families start saving again. We need to make sure more workers have access to better pensions. But in the meantime, so long as those problems continue to exist and as long as we are in the midst of a real and growing retirement crisis, a crisis that is shaking the foundations of what was once a vibrant and secure middle class, the absolute last thing we want to do is cut Social Security benefits. The absolute last thing we should do in 2013, at the very moment that Social Security has become the principal lifeline for millions of our seniors, is allow the program to be dismantled inch by inch.

Over the past generation, working families have been hacked at, chipped, and hammered. If we want a real middle class, a middle class that continues to serve as the backbone of our country, then we must take the retirement crisis seriously. Seniors have worked their entire lives and have paid into this system. But right now more people than ever are on the edge of financial disaster once they retire. The numbers continue to get worse. That is why we should be talking about expanding Social Security benefits, not cutting them.

Senator HARKIN from Iowa, Senator BEGICH from Alaska, Senator SANDERS

from Vermont, and others have been pushing hard in that direction. Social Security is incredibly effective. It is incredibly popular. The calls for strengthening it are growing louder day by day.

The conversation about retirement and Social Security benefits is not a conversation just about math. At its core this is a conversation about our values. It is a conversation about who we are as a country and who we are as a people. I believe we honor our promises. We make good on a system that millions of people paid into faithfully throughout their working years. We support the right of every person to retire with dignity.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. MCCONNELL. Mr. President, as I noted last week, despite the repeated promises of President Obama, millions of people are losing their health insurance, health insurance they very much like and were assured that they could keep. It has been reported that so far 3.5 million Americans have lost their health insurance under ObamaCare. That includes over one-quarter of a million in Kentucky, one-third of a million people in Florida, and almost a million people in California. This is a serious problem that the President and congressional Democrats need to do something about. Unfortunately, they appear to be relying on half measures and creative accounting, not real solutions.

For example, we learned over the weekend that the administration's goal is to have the Web site serve only 80 percent of users, which is probably why our Democratic colleagues want to spend 100 percent of their time discussing other subjects, which brings us to the vote we will have today.

#### NOMINATIONS

For the third time in this work period, the majority will have the Senate vote on yet another nominee to the D.C. Circuit. This is not because the court needs more judges. It is the least busy court in our entire country. In fact, it is far less busy now than it was when Senate Democrats pocket-filibustered President Bush's nominee to that court, Peter Keisler, for 2 whole years. This is according to our Democratic colleagues' own standards.

Our colleagues are having the Senate spend time on this because doing so furthers their twin political goals:

first, to quote a member of the Democratic leadership, to fill up that court because the President's agenda, according to an administration ally, runs through the D.C. Circuit; second, to divert as much attention as possible from the problem-plagued ObamaCare rollout at this formative stage of the 2014 campaign, according to published reports. In other words, rather than focusing on keeping their commitment to the American people, they are focusing on what appeals to their base. Rather than change the law that is causing so many problems for so many, they want to change the subject.

Unfortunately, the Senate will not be voting on legislation to allow Americans to keep their health insurance if they like it, as they were promised again and again and again. Rather, we will be voting on another nominee for a court that does not have enough work to do. The Senate ought to be spending its time dealing with a real crisis, not a manufactured one. We ought to be dealing with an ill-conceived law that is causing millions of Americans to lose their health insurance. Instead, we will spend our time today on a political exercise designed to distract the American people from the mess that is ObamaCare, rather than trying to fix it.

Last week I also suggested that if our Democratic colleagues are going to ignore the fact that millions of people are losing their health insurance plans, they should at least be working with us to fill judicial emergencies that actually exist, rather than complaining about fake ones. I noted there are nominees on the Executive Calendar who would fill actual judicial emergencies, unlike any of the D.C. Circuit nominations. Several of them, in fact, have been pending on the calendar longer than the nomination on which we will be voting today. Another week has gone by without any action by the majority to fill these actual judicial emergencies. Rather than work with us to schedule votes on them in an orderly manner as we have been doing, the majority chose to leapfrog over them in order to concoct a crisis on the D.C. Circuit so it can distract Americans from the failings of ObamaCare.

Unfortunately, our friends appear to be more concerned with playing politics than with actually solving problems. So like last week, I will vote no on this afternoon's political exercise. As I said last week, I hope the Senate will focus on what the American people care about rather than spend its time trying to distract them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I am in order, I would like to speak on the judicial nomination, the vote we are having.

The PRESIDING OFFICER. The Senator is recognized.

## WILKINS NOMINATION

Mr. GRASSLEY. I am going to vote not to bring up the nomination of Judge Wilkins. I have some concerns about his record, but I am not going to focus on those concerns today, because there are a lot bigger issues we are dealing with. I have said it before and I will say it again: By the standards the Democrats established in the year 2006, we should not confirm anymore judges to the D.C. Circuit, especially when those additional judges cost approximately \$1 million per year per judge.

The fact of the matter is, this D.C. Circuit they want to make three more appointments to—and this will be the third of these appointments we have dealt with—is underworked. The statistics make it abundantly clear, but I am not going to go through them all again as I have in the past. I will mention a couple brief points regarding the caseload. The D.C. Circuit ranks last, for instance, in both the number of appeals filed and the appeals terminated. These are the cases coming to the court and going out. Not only does DC rank last, but it is not even close. To give you a frame of reference compared to DC, the Eleventh Circuit, which has the highest caseload, has over five times as many appeals as are filed here in the D.C. Circuit. The same is true for appeals terminated. Again, it is not even close. The Eleventh Circuit has over five times as many appeals terminated as the D.C. Circuit.

The bottom line is that the D.C. Circuit does not have enough work as it is right now, let alone if we were to add even more judges, in this case the President's desire to add three.

That is why the current judges on the court, the current judges, have written to me and said things such as: "If any more judges were added now, there wouldn't be enough work to go around."

As I said last week, at least some on the other side concede that the D.C. Circuit's caseload is low, but they claim DC's caseload numbers don't take into account the complexity of the court's docket based upon the number of administrative appeals filed in that circuit.

As I have said, this argument doesn't stand against scrutiny. My colleagues argue that the D.C. Circuit docket is complex because 43 percent of its dockets are made up of administrative appeals. Of course, there is a reason they cite a percentage rather than a number. That is because it is a high percentage of a very small number.

When we look at the actual number of these so-called complex cases per judge, the Second Circuit has almost twice as many as the D.C. Circuit. In 2012 there were 512 administrative appeals filed in the D.C. Circuit, but in the Second Circuit there were 1,493 filed.

Stated differently, in DC there were only 64 administrative appeals per active judge. The Second Circuit has nearly twice as many with 115 files. Again, that is 64 administrative appeals per judge in DC compared with almost twice as many with the Second Circuit at 115.

This entire argument about complexity, I hope, comes out to be nonsense to most of my colleagues. To hear the other side, it is an outrage that we would hold them to the same standards they established in 2006 when they blocked Peter Keisler's nomination to the D.C. Circuit based upon caseload.

Since that time, by the standard that the other side established, the court's caseload has declined even further. It has declined so much, in fact, that the number of appeals back then, with 10 acting judges, is roughly the same as there are now with 8 active judges. Again, we didn't set this standard, the Democrats did.

That standard may be inconvenient for Democrats today, but that is not a reason to abandon the standard they established. Remember, the other side established the Keisler standard after the so-called Gang of 14 agreement. Even if that agreement hadn't expired by its own terms at the end of the 109th Congress, the Democrats established the Keisler standard after that agreement supposedly took effect.

As I have said, the other side has run out of legitimate arguments in support of these nominations. That is why they seem to be grasping at straws.

When the other side gasps at straws, they get desperate. When the other side gets desperate, they turn to their last line of defense, accuse us Republicans of bias.

Over the last week or so, my colleagues on the other side have argued that Republicans are opposing nominees based on gender. That argument—as I said last week and I still say—is offensive and patently absurd.

It is so absurd, in fact, that even the Los Angeles Times called the Democrats' attempt to play the "gender card" a "pretty bogus argument," noting that in the past Republicans have "happily confirmed female nominees."

The fact is that the Republicans have supported over 80 women nominated to the bench by this President as well as a host of other nominees of diverse backgrounds. Those are the facts. It is unfortunate but sadly predictable that facts may not mean much.

These allegations of gender bias are unfortunate because they represent cheap attacks that the other side knows are untrue. It also is unfortunate because the entire exercise is designed to create the appearance of a crisis where there is no crisis. There is no crisis in the D.C. Circuit because they don't have enough work to do as it is. There is a crisis occurring now all

across the country as a result of the health care reform bill that often goes by the terminology of ObamaCare.

Millions of Americans are losing their health insurance, even though the President promised over and over—we know the quote: "If you like your health care, you can keep it."

Even though we have a very real and serious crisis facing this country because of ObamaCare, the other side is desperately trying to divert attention to anything but the ObamaCare disaster.

This is how the Roll Call newspaper described this strategy:

Senate Democrats . . . are readying their next assertive moves on three other issues important to their base:

Abortion rights  
Minimum wage  
Federal judiciary

The goal is to divert as much attention as possible away from the problem-plagued ObamaCare rollout.

Let me get this straight. A crisis is unfolding all across this country as millions of Americans are losing their health insurance because of ObamaCare. Yet the Democrats' strategy, according to Roll Call, is to conceal the ObamaCare crisis by using the D.C. Circuit as a smokescreen.

That is breathtaking, even by Washington, DC, standards. The other side is so eager to divert attention from the millions of Americans losing their insurance because of ObamaCare that they are willing to manufacture a crisis in the D.C. Circuit, even though the current judges say: "If any more judges were added now, there wouldn't be enough work to go around."

Not only that, but after running out of legitimate arguments to justify the President's attempt to stack the deck on this court, the other side has resorted to making allegations of gender bias. I have already explained that these allegations are offensive and absurd. But since the other side's strategy is to conceal the ObamaCare train wreck with a D.C. Circuit smokescreen and on top of that is willing to go so far as to accuse our side of gender bias, then I am going to take the opportunity to share some of the frustrations being experienced by my constituents in Iowa, meaning women in Iowa, as a result of ObamaCare.

A woman from Vinton, IA, writes:

After 28 days of complete frustration, I got to look at 30 plans on the Iowa health care exchange at [healthcare.gov](http://healthcare.gov). The CHEAPEST one is \$1,886 per year with a \$6,300 deductible.

Last year, I spent \$1,484 on health care. TOTAL. OUT OF MY OWN POCKET. I wouldn't even meet the deductible paying almost \$350 a month on the one plan offered.

At that rate, what I spent TOTAL last year would be spent on premiums in 4 months.

With more and more policies being cancelled by the insurance companies; with more and more doctors refusing to serve patients with Obamacare; and with the increasing anger towards elected officials, including

President Obama, how do you plan to fix this mess???

Another woman from Sioux City, IA, writes:

My company just had a meeting inform us of the changes to our healthcare plan thanks to "Obamacare".

It is going to cost me \$190 more each month next year for my family coverage.

I am going to have to work more overtime, reduce my 401K contributions and opt out of my Flex 125 contributions to try to recover the extra money coming out of my paycheck because of the new laws. . . .

While I suppose I should count myself lucky I didn't lose my employer health insurance coverage, I sure don't feel happy about the extra money I am going to have to pay for the same coverage I was getting this year. What a joke.

I wish there was something that could be done about this. Socialized health care . . .

Then she used a word that I can't repeat in the Senate.

From a mom in Dayton, IA:

Our family's health insurance agency contacted us last week to set up an appointment to talk to us about the changes in our health coverage due to Obamacare.

We went to the meeting and found out that our HSA that we currently have will no longer be available because of Obamacare, plus our monthly rate will go from \$350.00/month to \$570.00/month.

We have no idea how we are going to afford this increase. We feel blindsided. I know that you are committed to helping Iowans, as well as all Americans, so I ask that you keep fighting for affordable healthcare.

My final message is from a woman in Melbourne, IA, who writes:

I got a full in your face understanding of just how horrible it was today when I went to renew my insurance.

I currently pay \$110 every two weeks for insurance for my whole family.

Next year I will have to pay over \$500 every two weeks to insure my family.

The healthcare website Obamacare created is no better. I can't even get the website to work properly. It will not allow me to put my husband on a joint policy with me. . . . I actually have to weigh which is cheaper . . . paying the fine or paying for insurance. Sadly it will probably be paying the fine.

These are real stories from real women facing a real crisis in only 1 State of the 50 States, my State of Iowa. Of course, this isn't happening only in my State. Far from it. This is happening to millions of Americans all across the country.

Rather than focus on this crisis, a real crisis, the other side has developed a strategy specifically designed to divert attention from it. That strategy is to use the D.C. Circuit as a smoke-screen.

In summary, the judges themselves say: "If any more judges were added now, there wouldn't be enough work to go around."

Even though we shouldn't fill these seats based upon the Democratic standard set in 2006 and even though filling these seats would waste \$3 million per year in taxpayers' money that we don't have, the other side seems, in an unreasonable way, bent upon manufacturing a crisis for cynical, political reasons.

I urge my colleagues on the other side to come to their senses. Let us start focusing on the real crisis facing this country. I urge my colleagues to vote no on the Wilkins cloture petition.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO CONGRESSMAN DICK NICHOLS

Mr. MORAN. Mr. President, last month I was at the World War II Memorial greeting a number of Kansans who had arrived on an Honor Flight, and I certainly want to pay tribute to each of our service men and women and veterans. What a great experience it was on a beautiful day at the memorial. One of those veterans is someone I wish to talk about this evening to my colleagues here in the Senate.

Getting off the bus that day was my friend and a former Member of the U.S. House of Representatives for the Fifth Congressional District of Kansas, Dick Nichols. There are many things I admire about Kansans. Folks from my home State always look out for others. They commit their lives to helping and improving the lives of their communities, our State, and our Nation in order to make certain there is an even better opportunity for the next generation. Congressman Nichols is certainly one of those individuals. I wish to pay my regards to him today.

Dick was born in Kansas, raised in Fort Scott, and served during World War II as an ensign in the U.S. Navy. After serving our Nation with great integrity and humility, he pursued and achieved a bachelor's degree in science from Kansas State University in 1951. Congressman Nichols is a supporter of education but particularly a supporter of education that comes from Kansas State University. He is a Wildcat through and through.

Dick worked in a number of roles related to agriculture and banking in both the Topeka and Hutchinson communities in our State before he moved to McPherson—his home now. In McPherson, he began his career as a longtime community banker at the Home State Bank. He became president of that bank in 1969, and in 1986 he was elected to serve as president of the Kansas Bankers Association.

That same year Dick got some national notoriety: He was stabbed on the Staten Island Ferry by a homeless refugee from Cuba while touring the Statue of Liberty. While recuperating in

the hospital, he was visited by then-New York Mayor Ed Koch, who apologized on behalf of the city of New York for the event. He was also invited to the Johnny Carson show to tell of his experiences in New York City. But even during that particular event, what he said on the talk show and what he told Mayor Koch was that he always looked for the best in every person and in every situation.

Dick continued as an active banker and served as the president and chairman of the board of his bank until he was elected to the U.S. Congress in 1990. Due to reapportionment in our State following the 1990 census, his district, the Fifth District, was eliminated and we went from five congressional districts to four, and Dick returned to the Home State Bank as chairman of its board. But whether he was a Congressman representing the Fifth District, a community banker in his hometown, or an ensign in the U.S. Navy, Dick always put service to others above self-interest.

Prior to his election to office in Congress, he was active in Kansas politics and particularly Republican politics. In my first campaign in 1996 for the U.S. House of Representatives, it was an honor for me to have him agree to serve as my campaign's honorary chairman.

In addition to his political involvement, Dick was also engaged in so many other things, many of them related to the community he cares so much about, McPherson, KS, including the chamber of commerce and the Rotary Club. He became the commanding general of the Kansas Cavalry, which is a group of business men and women from across our State who band together to recruit and encourage new businesses to come to our State, and he continued to serve other service men and women and veterans through his membership and participation in the American Legion and VFW.

Dick has often been quoted as saying:

Much of life is in our mental attitude. If you think great things might happen, they do. If you question them ever happening, they won't.

I agree with that sentiment, and I have seen Dick Nichols live that in his life. Because of his attitude and character, many—including me—were inspired not only to get to know him but then to try to model their public service after his.

In McPherson, there are few people more loved and respected than Dick Nichols. It is a privilege for me to be able to call him a friend and mentor. When I initially ran for Congress and needed advice about his community and his county, he was the first person I reached out to. I always remember, as I was campaigning for the very first time for office in Congress, I had people tell me: If you are a friend of Dick Nichols', you are a friend of mine. And



it is an opportunity we all ought to take to remember that how we conduct ourselves influence and affect so many others.

While I know that what happens here in the Senate and what happens in Washington, DC, has huge consequences and effect upon Kansans and Americans—and, in fact, people around the globe—I continue to believe that we change the world one person at a time, and it happens in communities across my State and across the country. Dick Nichols represents the kind of person who changes lives—in fact, changes the life of every person he meets.

So today, having seen Dick Nichols just a few weeks ago at the World War II Memorial, built in his and other World War II veterans' honor, I express my gratitude to Congressman Nichols for his service to his community, to our State of Kansas, and to our Nation. And I use this opportunity to remind myself about the true nature of public service, about caring for other people. I wish Dick and his wife Linda and their families all the very best.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBERT LEON WILKINS TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Robert Leon Wilkins to be United States Circuit Judge.

The assistant legislative clerk read the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District Of Columbia Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise today in strong support of the nomination of Judge Robert L. Wilkins to be a circuit judge for the United States Court of Appeals for the District of Co-

lumbia Circuit. I was pleased to introduce Judge Wilkins to the Judiciary Committee in September, and the committee favorably reported his nomination in October.

Judge Wilkins currently serves as Federal District Judge for the U.S. District Court for the District of Columbia, and was unanimously confirmed by the Senate for this position in 2010. I urge the Senate to invoke cloture to allow an up-or-down vote on this extremely qualified nominee.

Judge Wilkins is a native of Muncie, IN. He obtained his B.S. cum laude in chemical engineering from Rose-Hulman Institute of Technology, and his J.D. from Harvard Law School.

Following graduation, Judge Wilkins clerked for the Honorable Earl B. Gilliam of the U.S. District Court for the Southern District of California. He later served as a staff attorney and as head of Special Litigation for the Public Defender Service for the District of Columbia. He then practiced as a partner with Venable LLP, specializing in white collar defense, intellectual property, and complex civil litigation, before taking the bench as a judge.

Besides Wilkins' professional accomplishments as an attorney, he also played a leading role as a plaintiff in a landmark civil rights case in Maryland involving racial profiling. During his tenure with the Public Defender Service and in private practice, Judge Wilkins served as the lead plaintiff in Wilkins, et al. v. State of Maryland, a civil rights lawsuit against the Maryland State Police for a traffic stop they conducted of Judge Wilkins and his family.

In 1992, Judge Wilkins attended his grandfather's funeral in Chicago, and then began an all-night road trip home with three family members. Judge Wilkins was due back in Washington, DC that coming morning for a court appearance as a public defender. A Maryland State Police trooper pulled over their car. The police detained the family and deployed a drug-sniffing dog to check the car, after Judge Wilkins declined to consent to a search of the car, stating there was no reasonable suspicion. The family stood in the rain during the search, which did not uncover any contraband.

It is hard to describe the frustration and pain you feel when people pressure you to be guilty for no good reason, and you know that you are innocent . . . [W]e fit the profile to a tee. We were traveling on I-68, early in the morning, in a Virginia rental car. And, my cousin and I, the front seat passengers, were young black males. The only problem was that we were not dangerous, armed drug traffickers. It should not be suspicious to travel on the highway early in the morning in a Virginia rental car. And it should not be suspicious to be black.

After the traffic stop, Judge Wilkins began reviewing Maryland State Police data, and noticed that while a majority of those drivers searched on I-95 were black, blacks made up only a minority of drivers traveling there.

Judge Wilkins filed a civil rights lawsuit, which resulted in two landmark settlements that were the first to require systematic compilation and publication by a police agency of data for all highway drug and weapons searches, including data regarding the race of the motorist involved, the justification for the search and the outcome of the search. The settlements also required the State police to hire an independent consultant, install video cameras in their vehicles, conduct internal investigations of all citizen complaints of racial profiling, and provide the Maryland NAACP with quarterly reports containing detailed information on the number, nature, location, and disposition of racial profiling complaints.

These settlements inspired a June 1999 executive order by President Clinton, Congressional hearings and legislation that has been enacted in over half of the 50 States.

It was a landmark case. It pointed out the right way in which we should conduct oversight and the right way to end racial profiling. Judge Wilkins took the leadership and did something that many of us would have had a hard time doing, putting himself forward in order to do what was right.

As my colleagues know, I have introduced S. 1038, the End Racial Profiling Act—ERPA—which would codify many of the practices now used by the Maryland State Police to root out the use of racial profiling by law enforcement. The Judiciary Committee held a hearing on ending the use of racial profiling last year, and I am hopeful that with the broader discussion on racial profiling generated by the tragic Trayvon Martin case that we can come together and move forward on this legislation.

Judge Wilkins played a key role in the passage of the federal statute establishing the National Museum of African American History and Culture Plan for Action Presidential Commission, and he served as the Chairman of the Site and Building Committee of that Presidential Commission. The work of the Presidential Commission led to the passage of Public Law No. 108-184, which authorized the creation of the National Museum of African American History and Culture. This museum will be the newest addition to the Smithsonian, and it is scheduled to open in 2015 between the National Museum of American History and the Washington Monument on the National Mall.

Judge Wilkins continues his pro bono work to this day. He currently serves as the Court liaison to the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the D.C. Circuit. He is committed to public service and equal justice under the law.

As a U.S. district judge for the District of Columbia since 2011, Judge Wilkins has presided over hundreds of civil



and criminal cases, including both jury and bench trials. Judge Wilkins already sits on a Federal bench which hears an unusual number of cases of national importance to the Federal Government, including complex election law, voting rights, environmental, securities, and administrative law cases. Indeed, Judge Wilkins has been nominated for the appellate court that would directly hear appeals from the court on which he currently sits. He understands the responsibilities of the court that he has been nominated to by President Obama.

The American Bar Association gave Judge Wilkins a rating of unanimously well qualified to serve as a Federal appellate judge, which is the highest possible rating from the nonpartisan peer review.

The U.S. Court of Appeals for the District of Columbia Circuit is also referred to as the Nation's second-highest court. The Supreme Court only accepts a handful of cases each year, so the D.C. Circuit often has the last word and proclaims the final law of the land in a range of critical areas of the law. Only 8 of the 11 seats of the court authorized by the Congress are filled, resulting in a higher than 25-percent vacancy rate on this critical court.

This court handles unusually complex cases in the area of administrative law, including revealing decisions and rulemaking of many Federal agencies in policy areas such as environmental, labor, and financial regulations. Nationally, only about 15 percent of the appeals are administrative in nature. In the D.C. Circuit, that figure is 43 percent. They have a much larger caseload of complex cases. The court also hears a variety of sensitive terrorism cases involving complicated issues such as enemy combatants and detention policies.

I have a quote from former Chief Judge Henry Edwards who said:

[R]eview of large, multiparty, difficult administrative appeals is the staple of judicial work in the D.C. Circuit. This alone distinguishes the work of the D.C. Circuit from the work of other circuits. It also explains why it is impossible to compare the work of the D.C. Circuit with other circuits by simply referring to raw data on case filings.

Chief Justice Roberts noted that "about two-thirds of the cases before the D.C. Circuit involved the Federal Government in some civil capacity, while that figure is less than twenty-five percent nationwide." He also described the "D.C. Circuit's unique character, as a court with special responsibility to review legal challenges to the conduct of the national government."

We have a person who is imminently qualified for this position in Judge Wilkins. We have a need to fill these vacancies. The Senate should carry out its responsibility and conduct an up-or-down vote on Judge Wilkins' nomination. We are going to have a chance to do that in a few moments.

Let me remind my colleagues that the Senate unanimously confirmed Judge Wilkins in 2010 for his current position, and he has a distinguished lifelong record of public service.

I ask the Senate and my colleagues to vote so we can move forward and get an up-or-down vote on this imminently qualified judge, and I hope my colleagues will support his confirmation.

Mr. HATCH. The Senate today takes yet another unnecessary cloture vote on a nomination to the U.S. Court of Appeals for the D.C. Circuit, a court that needs no more judges. Applying the same standards that Democrats used to oppose Republican nominees to this court shows without a doubt that it needs no more judges today.

In July 2006, Judiciary Committee Democrats—including four still serving on the committee today—wrote chairman Arlen Specter explaining two reasons for opposing more D.C. Circuit appointments. The caseload of the court had declined, Democrats wrote, and more pressing "judicial emergency" vacancies had not been filled. Today, as we also debate nominees to the D.C. Circuit, Democrats will not only mention, let alone apply, the criteria they used in the past. But if we are going to have more than a totally political, completely partisan judicial confirmation process, I believe we should do just that.

In 2006, Democrats opposed more D.C. Circuit appointments because written decisions per active judge had declined by 17 percent. Since 2006, written decisions per active judge have declined by an even greater 27 percent. In 2006, Democrats opposed more D.C. Circuit appointments because total appeals had declined by 10 percent. Since 2006, total appeals have declined by an even greater 18 percent. The D.C. Circuit's caseload not only continues to decline, but is declining faster than before.

In 2006, Democrats opposed more D.C. Circuit appointments because there were 20 judicial emergency vacancies and there were nominees for only 60 percent of them. Since 2006, judicial emergency vacancies have nearly doubled and the percentage of those vacancies with nominees has declined to less than 50 percent.

These are not my criteria. I did not pull these criteria out of the air this morning because they helped the political spin surrounding this cloture vote. After all, it takes only an agenda and a calculator to create a politically useful statistic. No, these are the very same criteria that Democrats used to oppose Republican nominees to this very same court. No Democrat has yet admitted that they were wrong to use these criteria in 2006 or explained why we should use different criteria today simply because the other political party controls the White House.

Since these facts are so uncomfortable, Democrats simply ignore them

and try a new tactic, claiming that the D.C. Circuit's caseload is at least not the lowest in the country. I really wish the truth mattered more around here, especially when it is so easy to identify. The Administrative Office of the U.S. Courts ranks the 12 circuits of the U.S. Court of Appeals on different measures of their caseload and have posted on its website the rankings for the past 17 years. Without exception, the D.C. Circuit has ranked last, 12th out of 12 circuits, in both appeals being filed and appeals being terminated.

Some, including the Judiciary Committee chairman just last week, claim that the D.C. Circuit is busier than the Tenth Circuit, which includes my State of Utah. I have no idea how that is relevant to whether the D.C. Circuit needs more judges today. But even if that made sense, the claim is simply not true. The only caseload measure he now mentions is "pending cases," which is least relevant because it is a snapshot rather than a measure of the flow of cases through the court. But here's what a brief look at the Administrative Office's database quickly shows. This year is the only year in nearly two decades when the Tenth Circuit ever had more pending cases than the D.C. Circuit.

The Tenth and D.C. Circuits have been the same size for many years, and since 2008 the D.C. Circuit has had one fewer authorized judgeship. This year, the Tenth Circuit had 87 percent more new appeals, 150 percent more written decisions per active judge, and 220 percent more appeals terminated on the merits. Rather than using an irrelevant criterion from a single year, as Democrats do, I looked at these relevant criteria over the last 20 years. The Tenth Circuit has always had a higher caseload than the D.C. Circuit and, if anything, the gulf between them has increased over time.

Why are my Democratic colleagues trying so hard to ignore or distort the cold, hard facts? What is so crucial about appointing these particular nominees to this particular court at this particular time? The most obvious reason is also the most political. This court has jurisdiction over actions of the executive branch agencies that President Obama needs to pursue his political agenda. His go-it-alone strategy increasingly avoids Congress, the only branch directly elected by and representing the American people. He appears to think that the three branches are interchangeable, that the political ends justify the political means.

The D.C. Circuit is evenly balanced today, with four Republican and four Democratic appointees. So President Obama sees this as his chance to stack the D.C. Circuit with judges he believes will approve his agenda.

If we still believe in an independent judiciary, if we want to preserve at

least a little integrity and not lose all confidence of the American people in the confirmation process, then we should stop this partisan gambit. We should do what Democrats in 2006 did. We should use meaningful, objective criteria to conclude that the D.C. Circuit needs no more judges today and instead focus on confirming qualified nominees to courts that need them.

**THE PRESIDING OFFICER.** The Senator from Vermont.

**Mr. LEAHY.** Mr. President, I listened to the words of my good friend from Maryland. He is absolutely right in what he said. It is a strange time. I have been here almost four decades, and I have experienced some dramatic changes in the Senate majorities and leadership styles going back and forth between both parties. But nothing at all has compared to the change that has occurred in the last 5 years.

Since President Obama was sworn in as President of the United States, what has occurred here is something I have never seen with any other President, and I have been here since the time of President Ford. Senate Republicans have made it their priority to obstruct at every turn the consideration of nominations that he has put forward. The Republican leader has said that his main goal was to have the President fail. Confirmation votes that regularly occurred by consent, now require a lengthy cloture process. Bipartisan and home state support for a nominee no longer ensures a timely confirmation.

Make no mistake, through this obstruction, Senate Republicans have crossed the line from use of the Senate rules to abuse of the Senate rules. It is the same kind of abuse that shut down our Federal Government recently and cost the taxpayers billions of dollars. One of the things that concerns me, as chairman of the Senate Judiciary Committee, is what it is doing to undermine, and eventually destroy, both the integrity and independence of our Federal judiciary.

One of the great glories of our country's three-part government is the independence of the Federal Judiciary. But, over the last 5 years, Senate Republicans have dragged it into politics. This severely impacts the ability of our Federal justice system to serve the interests of the American people.

If you are a litigant and need the protection of our Federal courts, you do not care whether a judge is a Republican or Democrat. You do not care whether they were nominated by a Republican or a Democratic President. All you expect—whether you are a plaintiff or defendant, State or respondent—is to be able to go into that courthouse and be treated fairly. But, if you go to that courthouse now, there is nobody there due to the 93 vacancies caused by the stonewalling on the other side of the aisle.

The same Republicans who are stonewalling now once insisted that

filibustering judicial nominees was unconstitutional. The Constitution has not changed but when a Democrat was elected to the White House, they reversed course and filibustered this President's very first judicial nominee. Can you imagine? Within a very short time after the President was sworn in, the very first person was filibustered. That was the precedent they started.

Incidentally, that judicial nominee had the strong support of the most senior Republican then serving in the Senate. The most senior Republican Senator supported that nomination, but his leadership said: No, we have to filibuster and block the nomination because, after all, it was President Obama's nomination, not President Bush's nomination.

This is the pattern Senate Republicans continued to follow, filibustering 34 of President Obama's judicial nominees. This is nearly twice as many nominees than required cloture during President Bush's two terms. Almost all of these nominees were, by any standard, noncontroversial, but it took a great deal of effort by the Senate Judiciary Committee members and by Majority Leader REID to get to a simple up or down vote on those confirmations. Most of these nominees were supported by well-known names in the law, both Republicans and Democrats, but we still had to fight and get cloture to get them through.

Most recently, Senate Republicans have decided to filibuster well-qualified nominee after well-qualified nominee for the United States Court of Appeals for the D.C. Circuit. This court has three vacant seats.

During the Bush Administration, the Senate confirmed President Bush's nominees to the 9th, 10th, and 11th seats. Then when there was again a vacancy in the 10th seat, and the Senate confirmed President Bush's second nominee for the 10th seat. But, now, when a new President has been elected—and I might say reelected by a solid majority—the Senate Republicans say: Oh, no, wait a minute. We needed those judges when there was a Republican President. We don't need them now that there is a Democrat President. The Senate Republican blockade of D.C. Circuit nominees is at an unprecedented level of obstruction. In my four decades here, I have never seen anything like what the Senate Republicans are doing—by either party. As Maine's former senior Senator Olympia Snowe recently said, "When you have these back-to-back rejections of nominees, at some point it may be trying to reverse the results of the election."

I fear that the obstruction will continue tonight, when we will try to end the filibuster against Judge Robert Wilkins. Judge Wilkins was unanimously confirmed to the U.S. District Court for the District of Columbia less than three years ago. He has presided

over hundreds of cases and issued significant decisions in various areas of the law, including in the fields of administrative and constitutional law. Prior to serving on the bench, he was a partner for nearly 10 years in private practice and served more than 10 years as a public defender in the District of Columbia.

This is a man who under past Presidents and in past Senates would probably be confirmed by a voice vote after dozens of Senators of both parties stood on the floor to praise him. The difference today is that Judge Wilkins was nominated by President Obama, and suddenly Republican Senators are trying to block him.

During his time at the Public Defender Service, Judge Wilkins served as the lead plaintiff in a racial profiling case, which arose out of an incident in which he and three family members were stopped and detained while returning from a funeral in Chicago. This lawsuit led to landmark settlements that required systematic statewide compilation and publication of highway traffic stop and search data by race.

These settlements inspired an Executive order by President Clinton, legislation in the House and Senate, and legislation in at least 28 States prohibiting racial profiling or requiring data collection. It was a landmark case. The distinguished Presiding Officer and I come from States where we hope we do not have racial profiling. But, many Senators here know there are cases of racial profiling. I am aware of that happening even to members of my own family. I believe this practice should be stopped.

Despite the progress made in the past several decades, the struggle to diversify our Federal bench continues. If confirmed, Judge Wilkins would be only the sixth African American to have ever served on what is often considered the second most powerful court in our country, the D.C. Circuit.

Judge Wilkins has earned the ABA's highest possible rating of unanimously well qualified. Most attorneys nominated to the federal courts by Republicans or Democrats wish they had Judge Wilkins' professional experience and qualifications. Judge Wilkins also has the support of the National Bar Association, the nation's largest professional association of African-American lawyers and judges, as well as several other prominent legal organizations. I ask unanimous consent to have printed in the RECORD a list of letters in support of Judge Wilkins.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS IN SUPPORT OF THE NOMINATION OF  
JUDGE ROBERT WILKINS

July 31, 2013—Diverse group of 97 organizations in support of Judge Wilkins, and the other two D.C. Circuit nominees, Patricia

Millett and Nina Pillard. The organizations include National Bar Association, National Conference of Women's Bar Associations, Hispanic National Bar Association, American Association for Justice, National Association of Consumer Advocates, NAACP, and National Employment Lawyers Association.

August 28, 2013—Joseph C. Akers, Jr., Interim Executive Director, on behalf of National Organization of Black Law Enforcement Executives (NOBLE)

September 10, 2013—Benjamin F. Wilson, Managing Principal, Beveridge & Diamond, P.C. and John E. Page, SVP, Chief Legal Officer, Golden State Foods Corp. and Immediate Past President, National Bar Association on behalf of an "ad hoc group of African American AmLaw 100 Managing Partners and Fortune 1000 General Counsel"

September 10, 2013—Nancy Duff Campbell and Marcia D. Greenberger, co-Presidents, on behalf of the National Women's Law Center

September 10, 2013—Doreen Hartwell, President, Las Vegas Chapter of the National Bar Association

September 11, 2013—The National Bar Association testimony in support.

September 18, 2013—William Martin, Washington Bar Association

September 27, 2013—Douglas Kendall, President, and Judith Schaeffer, Vice President, Constitutional Accountability Center

October 1, 2013—National Bar Association

October 1, 2013—Michael Madigan, Orrick, Herrington & Sutcliffe LLP

September 10, 2013 and October 2, 2013—Wade Henderson, President & CEO and Nancy Zirkin, Executive Vice President on behalf of The Leadership Conference on Civil and Human Rights

Mr. LEAHY. Republicans said the D.C. Circuit should be operating at full strength when President Bush held office. What is the difference between President Obama and President Bush's nominees? If it made sense to be operating at full strength with a Republican President, shouldn't it be operating at full strength under a Democratic President?

The Senate should consider Judge Wilkins based on his qualifications, and not hide behind some pretextual argument that most Americans can see through. As today's Washington Post editorial states, "It's transparently self-serving of GOP lawmakers to oppose D.C. Circuit nominees only when it's a Democrat's turn to pick them." I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 17, 2013]  
JUDICIAL NOMINEES FACE UNFAIR HURDLES IN THE SENATE

(By the Editorial Board)

Senate Republicans on Monday are likely to take a vote that is unfair, unwise and bad for the functioning of the government. Again.

For the third time in three weeks, the Senate will consider a presidential nominee to the powerful U.S. Court of Appeals for the District of Columbia Circuit. The first two nominees, Patricia Millett and Cornelia Pillard, failed to attract the 60 votes necessary to clear GOP filibusters. There's little reason to think that dynamic will change for the third, Judge Robert Wilkins.

Senate Republicans are not assessing these nominees on their merits, as each deserves. Rather, Republicans have made them victims of a toxic and unresolvable "debate" about the proper size of the D.C. Circuit. Republicans accuse President Obama of attempting to tilt its ideological balance, which, of course, he is. And they argue that the court isn't busy enough to require its vacant seats to be filled. Democrats insist the court still needs more active judges, and they point out that Republicans attempted to fill the court during the George W. Bush years, when the caseload wasn't much different.

But the question of whether the D.C. Circuit needs all 11 of its judicial slots doesn't need to be resolved to offer the president's legitimate nominees a fair up-or-down vote, and Republicans are wrong to use that as a pretext to block them. It's transparently self-serving of GOP lawmakers to oppose D.C. Circuit nominees only when it's a Democrat's turn to pick them. If Republicans truly are concerned that the court is too large, they should offer a plan to reduce its size—in future presidencies. That would separate raw partisan motivation from authentic concern about the state of the court system, and it's the only sensible way to make changes to its size amid sharp partisan contention. In the meantime, Republicans should give the president's legitimate, well-qualified nominees a fair hearing, instead of degrading further the already-broken process of staffing the government and the courts.

If the "debate" about the D.C. Circuit's size should doesn't end that way, Democrats might end it in another. Some of them would like to unblock the road for the president's nominees by forcing rules changes that would limit the filibuster. Following the rejection of the two women and Mr. Wilkins, who is African American, even some fairly even-keeled senators might be inclined to agree. That's a perilous path for the chamber that both sides probably would regret taking.

Instead, adults in the GOP should finally get together with Democrats and hammer out an understanding—the way previous judicial nomination crises have been resolved.

Mr. LEAHY. The halls are full of people talking about whether we are going to have a change in the cloture rule. I hope it does not come to that. But, make no mistake: the reason there is momentum toward considering a change in our rules is this kind of pettifoggery, delay for the sake of delay, and treating this President differently from past Presidents.

If the Republican caucus continues to abuse the filibuster rules and obstruct these fine nominees without justification, then I believe this body must consider anew whether a rules change should be in order. As I stated above, that is not a change that I want to see happen but if Republican Senators are going to hold nominations hostage without consideration of their individual merit, drastic measures may be warranted.

Earlier this year, nearly every single Senate Democrat pushed the Majority Leader for a rules change in the face of Republican obstruction. I was one of the few members of the majority who voiced concern about changing the Senate rules. I believe that if Repub-

licans filibuster yet another well-qualified nominee to this court tonight, it will be a tipping point. Senate Republicans have blocked three well-qualified women in a row from receiving a confirmation vote and now they are on the brink of filibustering the next nominee, Judge Robert Wilkins. I fear that after tonight the talk about changing the cloture rules for judicial nominations will no longer be just talk. There will be action. We cannot allow this unprecedented, wholesale obstruction to continue without undermining the Senate's role provided in the Constitution and without harming our independent Federal judiciary.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 235 Ex.]

## YEAS—53

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markley	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

## NAYS—38

Alexander	Enzi	Moran
Ayotte	Fischer	Paul
Barrasso	Flake	Portman
Boozman	Grassley	Reid
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Wicker
Cruz	McConnell	

ANSWERED "PRESENT" —1

Hatch

## NOT VOTING—8

Begich	Isakson	Vitter
Blunt	Landrieu	Warner
Graham	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 38. One Senator responded "Present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Wilkins nomination.

The PRESIDING OFFICER. The motion is entered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—MOTION TO PROCEED—Continued

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for

defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Jack Reed, Angus S. King, Jr., Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tim Kaine, Christopher A. Coons, Tom Udall, Sheldon Whitehouse, Bill Nelson, Joe Manchin III, Mark R. Warner, Debbie Stabenow, Amy Klobuchar, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 236 Leg.]

## YEAS—91

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Booker	Heitkamp	Reed
Boozman	Heller	Reid
Boxer	Hirono	Risch
Brown	Hoeven	Roberts
Burr	Inhofe	Rockefeller
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Johnson (WI)	Schumer
Casey	Kaine	Scott
Coats	King	Sessions
Coburn	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Leahy	Stabenow
Coons	Lee	Tester
Corker	Levin	Thune
Cornyn	Manchin	Toomey
Crapo	Markley	Udall (CO)
Cruz	McCain	Udall (NM)
Donnelly	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Fischer	Mikulski	
Flake	Moran	

## NOT VOTING—9

Begich	Graham	Rubio
Blunt	Isakson	Vitter
Chambliss	Landrieu	Warner

The PRESIDING OFFICER. On this vote, the yeas are 91 and the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the first amendments in order to S. 1197, the Defense authorization bill, be the following two amendments. First, an editorial comment. These are two very important amendments that I think we should resolve. The Guantanamo amendment—I think most all Democrats accept what is in the bill. The White House accepts what is in the bill. The Republicans and a few others want to change what is in the bill. We should have debate and a vote on that. I think that is appropriate. Gillibrand—that is an amendment that has received a lot of attention, and we should have that debate now. It has received nationwide attention.

So let's start over. The reason I mentioned these two, and these two only, tonight—I ask unanimous consent that the first amendments in order to S. 1197 be the following: the Republican leader or designee relative to Guantanamo and Gillibrand or designee relative to sexual assault; that each amendment be subject to one side-by-side amendment relevant to the amendment it is paired with; that a McCaskill-Ayotte amendment be considered the side-by-side to the Gillibrand amendment and the majority leader or designee have the side-by-side to the Republican Guantanamo amendment; that no second-degree amendments be in order to any of these amendments; that each of these amendments and any side-by-side be subject to a 60-affirmative vote threshold; that each side-by-side amendment be voted on prior to the amendment to which they were offered; further, that no motions to recommit be in order during the consideration of the bill; finally, that upon disposition of these amendments, I be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, reserving the right to object, let me first say to my good friend the leader that I wholeheartedly agree that arguably the two most significant amendments and most controversial amendments that have to be addressed would be on Guantanamo and then, of course, the Gillibrand amendment on sexual assault. I think we probably have different views and positions, but I think we agree that these need to be addressed immediately.

My wish has been that we could do that and line up some of the other

amendments but at the same time put ourselves in a position where we could have open amendments on our side. There is a great demand in our conference to have open amendments. I would like to get to the point where we could do that and have them somehow regulated so that they be relative to the subject matter of the bill, S. 1197.

So that would be my concern, and for that reason I would object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I hope we can work on additional amendments beyond these two after they are disposed of. It is an important bill. We need to finish it before we leave here this week, and it is a big task to do that. It is my understanding that Senator LEVIN, working with the ranking member, has already had some serious conversations about how to move forward, conferencing, preconference, and even though the ranking member has been indisposed because of a medical condition that lasted just a short period of time, he has been in touch with his staff and Senator LEVIN on almost a daily basis. So I hope we can move beyond these two amendments. I would sure like to get these two amendments out of the way as soon as possible.

As far as an open amendment process, I think that was then and we are here now. I am not sure that is going to happen on this bill. If we could work something out for a finite list of amendments or something that could help us get this done, I would be happy to be as reasonable as I can.

Mr. LEVIN. Mr. President, would the majority leader yield?

Mr. REID. Of course.

Mr. LEVIN. The majority leader has said we have to finish this bill this week. If we can't make progress on amendments that we agree should be called up and are important amendments—one coming basically from each side, even though there will probably be votes from each side for and against these amendments—if we can't make progress on these amendments where everyone seems to agree we ought to start moving, I am worried about the prospects of finishing this week. Frankly, I am worried anyway. I am very much worried. It has to happen. We have to finish this week or else we can't get to conference. We have to get to conference and then come back. So I hope that in the morning perhaps the majority leader might renew that unanimous consent request because the objection to it is going to make it less likely we can get our bill passed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, to the senior Senator from Michigan, the chairman of this most prestigious and important committee, what I think would

be a real shame is if we wind up having to file cloture on the bill as it is written. I know the committee did great work. They worked very hard, and the vast majority of the time they did it on a bipartisan basis to get the bill to where it is now. It would be a shame to have to file cloture on the bill itself. I would hope that if we have to do that, we can get cloture on it and get on with the conference. But I am very troubled. Today is Monday, and I would be happy to renew my request as soon as I get here in the morning, but I would hope that the people who are working on these two important pieces of legislation at the very least would come and start talking about them. Everyone knows what the amendments are. They may not be able to pass a test on every word in the amendments, but we know the concept of the amendments. Let them come and start talking about these amendments. To this stage, they have been negotiated and debated in the press. Let's debate them here on the Senate floor.

Mr. INHOFE. Would the leader yield?

Mr. REID. I would be happy to yield for a question.

Mr. INHOFE. I hope the leader is aware that I have just as strong feelings about these amendments. It is a starting place. And the leader said we need to be talking about it. I came down today and talked about both of these amendments at some length.

While I say we may not be in agreement with the amendments, they need to be debated. Historically, every year since I have been here, I say through the Chair, we have had a lot of amendments. We have always been able to get it through—50, 51 years—

Mr. REID. It was 52, I think.

Mr. INHOFE. Fifty-two, and we are going to do it this time and I hope satisfy some of the concerns in our caucus at the same time.

I thank the leader for his comments, and I want him to know we are in agreement on getting to these amendments.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, before I yield to my friend from Michigan, there are things in this bill that are not resolved in the Defense appropriations bill that authorize things to be done in the military that can only be done by authorizing them. So I myself am very concerned about being able to move forward on this bill. We do not live in a vacuum. We have to work something out with the appropriate committees in the House of Representatives and then have both the House and the Senate vote. That is what conferences are all about. Time is of the essence.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Oklahoma, my rank-

ing member, the ranking member on Armed Services, because I know how much he wants to get to this bill. I do not understand the objection that I know is not his personally but comes from his side. I do not understand how we are advancing this bill and advancing the cause of reaching debate on amendments on this bill by objecting to move to the amendments that I think everybody wants to debate. I do not understand how that advances any cause. I know this is not the approach of the Senator from Oklahoma. We have a very bipartisan committee.

Anyway, I will leave it at that. I hope in the morning we can find a way to do what I think everybody says they want to do, which is to begin an amendment process on this bill.

I want to end by again thanking him. He has not only had his personal health issue, but, as the majority leader and all of us know in this body, he has had a very tragic loss, and he is working very hard through that. We doubly and triply appreciate his service to this body and his bipartisan work on the Armed Services Committee. It is invaluable. I don't want anything that I say tonight about being frustrated that we cannot start debate on two amendments that everybody wants to debate in any way to imply anything other than a very positive relationship that we have.

Mr. REID. Reclaiming my time, I ask unanimous consent to yield back all postcloture time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on the motion to proceed.

The motion was agreed to.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1197) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2123

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. On behalf of Senator LEVIN, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. LEVIN, for himself and Mr. INHOFE, proposes an amendment numbered 2123.

The amendment is as follows:

(Purpose: To increase to \$5,000,000,000 the ceiling on the general transfer authority of the Department of Defense)

On page 310, line 14, strike "\$4,000,000,000" and insert "\$5,000,000,000".

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2124 TO AMENDMENT NO. 2123

Mr. REID. Mr. President, on behalf of Senator LEVIN, I have an amendment at the desk. I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEVIN, for himself and Mr. INHOFE, proposes an amendment numbered 2124 to amendment No. 2123.

The amendment is as follows:

(Purpose: To improve the amendment)

On page 1, line 2, strike “‘\$5,000,000,000’” and insert “‘\$5,000,000,001’”.

Mr. REID. I have a motion to recommit S. 1197 with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with the following amendment, No. 2125.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. On that motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2126

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 2126 to the instructions of the motion to recommit.

The amendment is as follows:

In the amendment, strike “3 days” and insert “2 days”.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2127 TO AMENDMENT NO. 2126

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 2127 to amendment No. 2126.

The amendment is as follows:

In the amendment, strike “2 days” and insert “1 day”.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a pe-

riod of morning business, with Senators permitted to speak for 10 minutes each until 8 o'clock this evening, and as I thought I said, Mr. President, this will be for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, what we have just seen on this floor tonight is just more and more of the same obstruction. This is now the fourth D.C. Circuit judge the Republicans have filibustered. That means they have not allowed us to have an up-or-down vote.

I am not going to go into the qualifications of these people; they are stellar. We will have more time to debate that. But it is extraordinary. We never heard that the D.C. court should become a smaller court when George Bush was President, or any other President. Now, all of a sudden they want to shrink the court when, in fact, this is probably—I would say it is the most important circuit in the country, and it has a very important caseload.

First we see that obstructionism, the filibuster of the court nominees, and then we see my dear friend the ranking member of the Armed Services Committee I think reluctantly object to moving forward with two amendments that are essential to the bill. There are two amendments; one has to do with Guantanamo, one has to do with sexual assault in the military.

My friend from Oklahoma, representing the Republicans, said: We want an open amendment process. Just so people know what that means, when someone says: We want an open amendment process, it means they want to offer amendments that have nothing to do with the Defense bill, to this particular bill. Again, we are stymied.

I was just home. People are saying: Why don't you guys get along? Why don't you get things done?

We are trying. We did not have one Democrat filibuster the judges. We didn't have one Democrat oppose moving forward with two critical amendments.

Mr. President, we see obstructionism here from my Republican friends. They are my friends. They are my friends, but I do not get this. This is a military bill. This is a dangerous world. We are bringing our troops back from hot spots around the world. They are still in great danger. We have sexual assault in the military that I am going to talk about that is rampant. We have so many issues we want to address. Yet we hear objection.

We can only hope that in the light of day tomorrow, cooler heads will prevail and we can begin debating and voting on these critical amendments. It is puzzling. It took us days and days to do the compounding bill, which is a bill necessary to make sure the pharmaceutical outlets that compound drugs are safe. It passed the House. It is

uncontroversial—days and days because a Senator wants to talk about the health care of Members of Congress.

We better start doing the work of the people because that is why we are here. We cannot go down any lower in public opinion. It is embarrassing—9 percent of the people think we are doing a good job. At first I thought it is our families, but now I am even doubting they think we are doing a good job. I don't know who the 9 percent is, but thank you, thank you, thank you. It will get better when we start working together.

I am very hopeful. I am going to chair the Water Resources Development Act conference. We are going to conference on that bill. It is 500,000 jobs. A bill passed the House. We have a good bill here in the Senate that passed. We hope to iron out our differences. I know Senator MURRAY and PAUL RYAN are trying to bring us agreement on the budget. I pray they get that done.

Meanwhile, we have a bill that should bring us together, the Defense Authorization Act. Yet what happens? Stymied. We have supremely qualified judges for the circuit court. What happens? They are filibustered. We cannot vote on them and they are left out there hanging, with all their qualifications. It is ridiculous.

Something has to give.

AMENDMENT NO. 2181

There are a couple of issues I have worked hard on in terms of this bill. I have a number of amendments, but I want to talk about two with which I have been very involved. One is my own amendment No. 2181, which is based on a bill I wrote with Senator GRAHAM, LINDSEY GRAHAM. The bill is quite bipartisan. We have an amazing list of cosponsors. I am going to read them in alphabetical order: AYOTTE, BAUCUS, BLUMENTHAL, BLUNT, CARDIN, CHAMBLISS, COLLINS, COONS, DONNELLY, FISCHER, GILLIBRAND, GRAHAM, HIRONO, KLOBUCHAR, MCCAIN, MCCASKILL, MURKOWSKI, SHAHEEN, TESTER, and WARNER. This is wonderful.

The amendment I have written is going to reform what we call the article 32 proceeding. In the military, when there is a sexual assault and the decision is made to move forward with a trial, there is first a pretrial investigation. This is called an article 32 proceeding. It is the equivalent of a civilian pretrial hearing. Even though there is supposed to be a rape shield law in place, it does not work. What is happening is these article 32 proceedings have become their own trials, an opportunity for the defense counsel to harass and intimidate sexual assault victims. In fact, according to the DOD, 30 percent of sexual assault victims who originally agree to help prosecute their offenders change their minds before the trial because they know and they told us they are revictimized by the process. I am going to give a few examples.



In April 2012, a 20-year-old female midshipman at the U.S. Naval Academy was raped by three football players at an off-campus party. The young woman testified during the article 32 proceeding, where she was forced to endure roughly 30 hours of relentless questioning by attorneys for her attackers. The questioning included graphic questions about her sexual history and even what she was wearing under her clothes. Anyone who knows anything about the civilian legal system knows this would never, ever be allowed—never.

In October 2008, while stationed at Marine Corps Air Station Miramar in San Diego, Elizabeth Lyman was raped in her barracks by another marine. She was 11 weeks pregnant at the time. She was forced to testify at two article 32 proceedings before her case was sent to a court-martial. This is what she said:

My rapist hired a civilian attorney who asked me outrageous questions . . . . These questions were extremely upsetting to me. I had just been discharged from the hospital when I was told I had to take the stand for a second time and I was told I had no choice if I wanted the charges to go forward. This is what has become of the procedure for article 32.

I went to Senator LINDSEY GRAHAM because he is an expert and indeed an attorney. He has served in the position of counsel, and right away he said it was revictimization. It is wrong, it is a runaway train, and we have to fix it. I am so grateful to him for helping us.

In July 2012, a 23-year-old marine named Karalen Morthole was raped by a master sergeant in a bar on the grounds of the Marine Barracks in Washington, DC. Earlier this year she testified in an article 32 proceeding against her alleged attacker. According to her, “The overall experience was painful. It was the first time since the night of the rape that I saw the man who hurt me. It was a terrifying and uncomfortable experience. I felt dehumanized being made out as a liar, and blamed for everything that happened to me . . . The intimidation tactics, the blaming, all in front of the man who raped me were completely overwhelming.”

She supports this bipartisan amendment to reform article 32. She said people don’t come forward because they know they are going to be revictimized, and so they walk away.

I am very pleased we have strong bipartisan support for this amendment. I know we have a very big debate going on and everybody is torn asunder on the other issue of whether to keep the prosecution decisions in the chain of command for serious offenses. But on this one—limiting the scope of article 32—we have broad support. I am proud to say that I even have support of Chairman LEVIN and Senator INHOFE. We have a tremendous group of people who have helped us.

We will have these proceedings presided over by a military lawyer when

possible. The proceedings are going to be recorded. We will prevent victims from being forced to testify in these proceedings. They can have alternative forms of testimony instead. So these are the basic commonsense reforms.

I am very happy to say that with the strong support we have from so many of my colleagues on both sides of the aisle, as well as the support of Chairman LEVIN, I feel very positive. But to get this done and stop this revictimization of people who are distraught after having been attacked and brutally raped and hurt, we need a bill to come up, and we don’t need objections so we can move forward. We need to move forward with this bill, and I truly hope we can.

This article 32 reform brings us all together. It brings CLAIRE MCCASKILL and KIRSTEN GILLIBRAND together. It brings Senator BLUNT and myself together. It is a very bipartisan reform. There are already several reforms in this bill we are proud of. Senator MIKULSKI is organizing us tomorrow to talk about those reforms, and this is one more we can add.

In closing my remarks tonight, I wish to take on the issue of the Gillibrand amendment No. 2099. I am so very proud to stand with a very bipartisan group of colleagues in support of KIRSTEN GILLIBRAND’s amendment. These colleagues perhaps don’t agree on much. When I am on the same side as TED CRUZ, that is something; right? When KIRSTEN GILLIBRAND is on the same side as RAND PAUL, that is something. It goes on and on down the line. We also have Senator GRASSLEY’s support.

By the way, 17 of 20 women Senators support the Gillibrand amendment. I hope that is a message—that this is the right way to go, and I am going to explain it.

My involvement in this is deep and long. Twenty years ago we were all outraged to learn that nearly 100 women and men had been sexually harassed and assaulted by a group of naval aviators during a convention of the Tailhook Association. I think a lot of us who were around then remember that. I was a new Senator at the time, and I was completely shocked at what happened. They had a gauntlet that people walked through. They were harassed, hurt, and distraught when it was over.

In the wake of the Tailhook scandal, senior military leaders promised to crack down on the crime of sexual assault with then-Secretary of Defense Dick Cheney declaring a zero tolerance policy.

I will show how many times different Secretaries of Defense—Democrat and Republican—have promised they were going to take care of this. When the military comes to lobby us against this, I say to them: When are you going to embrace true reform? Because for 20

years we have been hearing this baloney, and I will read now.

Secretary Rumsfeld, who served from January 2001 to December 2006, said: “Sexual assault will not be tolerated in the Department of Defense.”

Secretary William Cohen, who served from January 1997 to January 2001, said: “I intend to enforce a strict policy of zero tolerance of hazing, of sexual harassment, and of racism.” He said that on January 31, 1997.

Secretary William Perry, who served from February 1994 until January 1997, said: “For all of these reasons, therefore, we have zero tolerance for sexual harassment.”

Secretary Cheney, who served from 1989 until 1993, said: “Well, we’ve got a major effort underway to try to educate everybody, to let them know that we’ve got a zero-tolerance policy where sexual harassment’s involved.”

I wish to correct the RECORD.

When Tailhook happened, I was in the House. I got to the Senate right after that because it was 1991, and I was elected in 1992. I continued my work on this when I got to the Senate. I have to be honest and say I believed the military when they said it would never happen again. I said: Well, that is it. This thing is out and it will never happen again. I was wrong. By the way, that is the worst thing a politician ever wants to say: I was wrong. Those are three words you never want to say: I was wrong.

I believed the Pentagon. I thought they would take care of it. They have never taken care of it. Now we have Chuck Hagel, who, to my knowledge, is now lobbying against the KIRSTEN GILLIBRAND approach.

Secretary Hagel said:

It’s not good enough to say we have a zero tolerance policy. We do, but what does that mean? How does that translate into changing anything? I want to know.

He wants to know. I will tell him. Support the KIRSTEN GILLIBRAND amendment. Change and reform this. Take these serious offenses outside of the chain of command. It is not working.

Leon Panetta, who served from July 2011 until February 2013, said: “We have absolutely no tolerance for any form of sexual assault.” He didn’t take anything outside the chain of command either.

Secretary Robert Gates, who served from 2006 until 2011, said: “This is a matter of grave concern. I have zero tolerance for sexual assault.”

Really? Every one of these men had zero tolerance for sexual assault. Yet not one of them ever lived up to the promise. Sexual assault is running rampant. We have 26,000 cases a year, and do you know what percent get reported? Ten percent get reported. Do you know what percent of cases don’t get reported? Ninety percent. We have a 90-percent problem. There are 26,000



cases and only 10 percent get reported. Ninety percent don't get reported.

So then you say: Why? Why is it? The answer comes back from the victims: Nothing will happen. We will be revictimized. We will get blamed. They will blame us. We will get kicked out. We have to go to our commander. He is not trained in this. Please change it.

If a whole group of people who have been victimized tell you the reason why they will not report the crime, you ought to listen. They know better than any Senator. They know better than any Defense Department blue ribbon panel.

Speaking of panels, there is a panel that has a funny name called DACOWITS, which stands for Defense Advisory Committee on Women in the Services. They have one job; that is to provide recommendations on policies relating to women in the military. Guess what. They endorsed the Gillibrand amendment. There was not one vote against it.

How can Senators—and I have friends on both sides of the aisle—stand with a straight face and say we can keep the status quo, when all the victims are saying no, and the one committee that has advised the military on women for over 60 years says no. I say listen to the victims, listen to the military's advisory committee. Don't listen to the top brass who are running around, going to everybody's offices trying to undermine us. Just for the record, they have not come to my office because they know where I stand.

If they came to my office, the first thing I would do is look at them and say: What would you do if this happened to your daughter? What would you do? Would you tell her to report it to a commander who may be very friendly with the guy who did this?

Let me tell you, there is a moment in time when you see an issue clearly, and it happens in funny ways. The woman who has been nominated to be Under Secretary of the Navy made a statement about this issue. When I read this statement, you will understand why the victims are so right.

I know the Presiding Officer has worked hard on this issue as well. Dr. Jo Ann Rooney, the nominee to be Under Secretary of the Navy was asked the following question: In your view, what would be the impact of requiring a judge advocate outside the chain of command to determine whether allegations of sexual assault should be prosecuted?

In other words, she was asked about the Gillibrand amendment. Should we take the prosecution of military sexual assault and other serious crimes outside the chain of command? Listen to her answer. This is the advertisement for the Gillibrand amendment.

She said:

A judge advocate outside the chain of command will be looking at a case through a dif-

ferent lens than a military commander. I believe the impact would be decisions based on evidence. . . .

Can you believe that? She said: "I believe the impact would be decisions based on evidence. . . ."

I ask rhetorically: Isn't that what justice is about, decisions based on the evidence? She goes on to say, "... rather than the interest in preserving good order and discipline." I would argue, A, you base these decisions on the evidence; and, B, there is no good order and discipline when there are 26,000 cases of sexual assault and only 10 percent are reported.

What kind of order is that? We have thousands of perpetrators running around the military, and there are thousands of victims scared to death. They are brokenhearted, broken down, and their spirit is broken. How do Senators actually stand here and say: We are going to just keep it the way it is. We are going to turn our backs on these victims.

Listen to this story from a young woman in my State. I stood next to her and held her hand when she told this story. Stacey Thompson was drugged and brutally raped by a male sergeant while stationed in Okinawa, Japan. She reported the rape to her superiors, but her allegations were swept under the rug. While her attacker was allowed to leave the Marine Corps without ever facing trial, Stacey became the target of a drug investigation, and this is why. Her perpetrator drugged her and he dumped her on the street. He left her on the street after being raped and drugged. He gets out of the military scot-free and they start an investigation on her drug use, even though she never used drugs, except the drugs her perpetrator gave her.

I stood next to this young woman. She had never told her story until—and it happened in 1999—until KIRSTEN GILLIBRAND put her bill forward.

I want to make this point: Half of the victims are men. When I talk about 26,000 victims, half of them are men. These are violent crimes.

So here is the story of Amando Javier. He was serving in the Marine Corps in 1993. He was brutally raped and physically assaulted by a group of fellow marines. Ashamed and fearing for his life, he kept his rape a secret for 15 years. When he finally found the courage to share the story with a friend, he wrote it down, and I will read some of his words:

My experience left me torn apart physically, mentally, and spiritually. I was dehumanized and treated with ultimate cruelty, by my perpetrators. . . . I was embarrassed and ashamed and didn't know what to do. I was young at that time. And being part of an elite organization that values brotherhood, integrity and faithfulness made it hard to come forward and reveal what happened.

So it is two decades later, and not one person—not one—has been held accountable for this heinous crime. The

perpetrators are still out there and they are able to recommit these horrific crimes again.

Ariana Klay. Here is the last story. She graduated from the U.S. Naval Academy. She joined the Marines. She deployed to Iraq in 2008. Following her return from Iraq, she was selected to serve at the Marine Barracks in Washington, a very prestigious post. It is right down the street from here. At the Marine Barracks, Ariana was subjected to constant sexual harassment. When she tried to report it, do my colleagues know what her chain of command told her? "Deal with it." That is akin to telling a little child who is being abused somewhere to deal with it.

That is the culture my colleagues want to keep—"deal with it"? No. It is a crime. Help the person. Go after the perpetrator. Get a trained prosecutor in there to find out if it is true and if it is true, prosecute to the hilt.

In August 2010, she was gang-raped by a senior Marine officer and his friend who broke into her home. Ariana, despite all the warning signs, reported her assault. But a Marine Corps investigation determined she had welcomed the harassment. Do my colleagues know why? This is what they said: She wore makeup and she exercised in shorts and tank tops. What?

The Marine Corps did court-martial one of Ariana's rapists, but they never convicted him of rape. Do my colleagues know what he was convicted of? Adultery and indecent language. Please. How could anyone who listens to the victims say they are not going to vote for the Gillibrand amendment?

I stood with Ariana along with a large group of colleagues, Republicans and Democrats, right here the other day. Her husband is a former Marine Corps officer and he spoke at the press conference. This is what he said. It is so important to listen to what he said:

The first step to addressing sexual assault in the military is to remove its prosecution from the chain of command. It is unfair to expect commanders to be able to maintain good order and discipline as long as their justice system incentivizes and empowers them to deny their units' worst disciplinary failures ever happened.

In his statement—and it is on YouTube and I hope people will listen to it. In his statement, he talks about the fact that he was a commander and he was in the middle of war. He said, as a commander, I have one job to do; that is, to have a fighting machine that is second to none. I want you to know, when I am told to deal with sexual harassment or a crime of any sort, I am not trained to do it. It is a distraction.

I will read the exact quote so my colleagues don't think I am exaggerating. He said:

I used to feel a commander's disinterest in the law, too. During my training and deployments to Iraq, I focused on fighting. My life and those of my Marines depended on it.

Legal issues were divisive, distracting, and confusing; they made me resent those who brought them to my attention, and feel bias as strong as my relationships with those involved. Commanders can be forgiven for thinking war is their most important job, and it should be expected that they'll manage the judicial process as a side-show and an annoyance.

This is someone who served as a commander and is telling us it is not right to keep loading these commanders up with all of these different responsibilities when their main responsibility is to fight and win wars.

So our amendment, the Kirsten Gillibrand amendment, would take the decision about whether to prosecute serious crimes such as sexual assault out of the hands of commanders and give it to professionally trained military prosecutors outside the chain of command. If something, God forbid, were to happen in the Presiding Officer's office or my office—something very bad, some crime, upstairs in a room somewhere in our office—we are not trained to deal with that. We would immediately call law enforcement to deal with it, wouldn't we? We are not going to decide who is right and wrong. One person is saying he did it. The other one is saying she did it. People are crying and yelling in our office. We are not going to. It is not right. It has to be taken outside our office to the trained prosecutors to determine who was at fault. The chips will fall where they may. Maybe a Senator has a favorite of the two people involved in the altercation. We are not objective, and we are not trained for that—at least I am not. It would be similar to saying a CEO of a corporation should make a decision about whether one or more of her employees should be prosecuted for rape. That is not right. We don't have the decision made within the organization. It has to be outside.

Under our amendment, complex legal decisions would be made by experienced and impartial legal experts because the decision to prosecute serious crimes should be based on evidence. Nothing else should enter into it except evidence. Jo Ann Rooney made the point for us. She said, essentially, watch out if you take it outside the chain of command, it will be based on evidence, not on discipline. Some discipline. Some discipline: 26,000 cases and 90 percent go unreported. What kind of discipline is that? It is not discipline. People are getting away with it. They are getting away with it.

The men and women who risk their lives every day deserve a better system. I can't tell my colleagues how many victims I have met. They were destroyed by the system. They were destroyed by that culture. Men and women are begging us to act.

Tonight we had a chance to agree we would begin debate and voting on this important amendment. It was objected to by the Republicans. We need to get

to the vote. I hope when we do that we will have the votes necessary.

I wish to make another point: There is a filibuster going on here. We are going to need 60 votes. We have over 50. Let's be clear. We have over 50. I am very sorry we have to get to 60, but there are those on both sides who are demanding that we get to 60. It is 20 years after Tailhook. This is our moment to make the change we should have made back then. It is time to stand up to all the people who say status quo, status quo, status quo. If the status quo was working, I would support it. If the status quo was working, the victims would come forward. They wouldn't run away and say: I can't deal with this.

Think about the thousands of perpetrators who are running around the military doing this over and over. Think about when they get out and now they are on the street in civilian life doing it over and over again. If they think they can get away with this behavior—this abuse of power, this violence, this hurt—they are going to continue.

I hope colleagues will make the decision to stand with us, with our terrific bipartisan group we have lined up behind this amendment, this Gillibrand amendment. I am very proud to have been working on this for a long time, and I think we are moving in the right direction. We are very close to 60 votes. I urge any colleague who might be within the sound of my voice, if they haven't decided, meet with a victim, meet with a victims' group, listen to their pleas. Listen to how smart they are. They understand what happened to them and they are begging us to stand up to the status quo, to the powerful Pentagon. We are taking on the most powerful organization in the world. But on this, they are wrong. They are right on a lot of other things, but on this they are wrong.

I look forward to proudly casting my vote for the Gillibrand amendment.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CLAY LARKIN

• Mr. CRAPO. Mr. President, today I wish to recognize the outstanding work of Clay Larkin, who is retiring after serving for 13 years as Mayor of Post Falls, ID.

Mayor Larkin has dedicated immense time and covered considerable ground serving the people of Post Falls. He has devoted nearly 18 years to advancing the community, and Post Falls has thrived under his leadership. He served on the city council for 5 years before becoming mayor. As a strong and consistent advocate for the city, he helped bring considerable commerce to the area. His efforts also helped establish a foundation for further economic development and infrastructure improvements.

Additionally, under his leadership, community resources, including a library, city hall and police station, have been constructed, and he has worked to protect essential resources. Further, he has invested time and effort into emphasizing opportunities for youth, who are the future of our communities, State, and Nation. Mayor Larkin's work has understandably been recognized through numerous awards and honors. He is acknowledged for his devotion to making progress, his ability to adapt to changes, and his perseverance.

Post Falls and Idaho have been blessed to benefit from Clay's sound leadership. I thank Clay Larkin for his exceptional service, congratulate him on his retirement, and wish him all the best. I hope that retirement provides him more time with loved ones and the time for fishing he so greatly deserves.●

##### TRIBUTE TO REBECCA SPENCER

• Mr. WHITEHOUSE. Mr. President, for the past 25 years, Rev. Rebecca Spencer has provided parishioners at the United Church of Christ's Central Congregational Church in Providence, RI, with thoughtful, dedicated, and selfless leadership.

I have been blessed to experience Reverend Spencer's inspiring stewardship firsthand. As a member of the Central Congregational Church for the years that I lived in Providence, I saw her regularly touch the lives of her parishioners by providing the spiritual guidance sought by so many in today's fast-paced and sometimes lonely world. And as the first woman in the United Church of Christ's history to become a senior minister without first serving as an associate of the congregation, Reverend Spencer has been a role model for the young women of her congregation who aspire to follow in her footsteps and one day take on leadership roles of their own.

Outside of church, Reverend Spencer has been a leader in Rhode Island's close-knit community. From her work to prevent domestic violence, to her service to our children through the United Way of Rhode Island, to the counsel she provides the Bioethics Committee at Women & Infants Hospital, Reverend Spencer has demonstrated a deep devotion to public service. Her contributions have made our State a better place for all.

Last year, I had the privilege of bringing Reverend Spencer to the Senate floor to deliver the opening prayer as a guest chaplain. Her invocation reminded each of us, particularly those of us elected to represent our fellow citizens, of our responsibility as members of the national and international community:

Gracious and loving God, we thank You for Your presence with us. You offer wisdom and

perspective and grace. We ask Your blessings to be upon these elected representatives. May all that we do reflect Your purpose that we live together as Your children in harmony and freedom. May Your blessings and our work bring real hope to those who may be struggling or oppressed.

We do ask for Your special blessings to be with those who serve our country in the military—at home, at sea, in the air, and foreign countries. Shield them from danger as they work for peace.

This is indeed a gift of a new day You have given to us. May all our endeavors honor You and may we all serve the cause of life, liberty, and the pursuit of happiness in this beloved land of ours. May we truly do justice and love kindness and walk humbly with You, our God.

Congratulations to Reverend Spencer on her 25th anniversary at the Central Congregational Church. Rhode Island is proud to call her one of our own, and I am proud to call her a friend.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2655. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

H.R. 3350. An act to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1848) to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources,

and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, DUNCAN of Tennessee, LOBIONDO, GRAVES of Georgia, Mrs. CAPITO, Mrs. MILLER of Michigan, Messrs. HUNTER, BUCSHON, GIBBS, HANNA, WEBSTER of Florida, RICE of South Carolina, MULLIN, RODNEY DAVIS of Illinois, RAHALL, DEFazio, Meses. BROWN of Florida, EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, Ms. EDWARDS, Mr. GARAMENDI, Ms. HAHN, Mr. NOLAN, Ms. FRANKEL of Florida, and Mrs. BUSTOS.

From the Committee on Natural Resources, for consideration of sections 103, 115, 144, 146, and 220 of the House bill, and sections 2017, 2027, 2028, 2033, 2051, 3005, 5002, 5003, 5005, 5007, 5012, 5018, 5020, title XII, and section 13002 of the Senate amendment, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and Mrs. NAPOLITANO.

The message also announced that the Speaker removes the gentleman from Georgia, Mr. GRAVES, as a conferee and appoints the gentleman from Missouri, Mr. GRAVES, to fill the vacancy thereon to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2655. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3558. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Early Warning Reporting, Foreign Defect Reporting, and Motor Vehicle and Equipment Recall Regulations" (RIN2127-AK72) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3559. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Ejection Mitigation" (RIN2127-AL40) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3560. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments To Implement Certain Provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21)" (RIN2126-AB60) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3561. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Penalty Guidelines" (RIN2137-AF02) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3562. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Enhanced Enforcement Procedures—Resumption of Transportation" (RIN2137-AE98) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3563. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Highway-Rail Grade Crossing; Safe Clearance" (RIN2137-AE69) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3564. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Corrections and Response to Administrative Appeals (HM-215K, HM-215L, HM-218G and HM-219)" (RIN2137-AF01) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3565. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Office of the Secretary, Department of Transportation, received in the Office of the President of the Senate on November 4, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3566. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act (FOIA); Miscellaneous Rules Redesignation of Authority To Determine Appeals Under the FOIA" (16 CFR Part 4) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3567. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations" (RIN0648-BD43) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3568. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (81); Amdt. No. 3553" (RIN2120-AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3569. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (4); Amdt. No. 3557" (RIN2120-AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3570. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (30); Amdt. No. 3552" (RIN2120-AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3571. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (84); Amdt. No. 3551" (RIN2120-AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3572. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (16); Amdt. No. 3554" (RIN2120-AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3573. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0463)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3574. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2013-0186)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3575. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell ASCa Inc. Emergency Locator Transmitters Installed on Various Transport Category Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0707)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3576. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AgustaWestland S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0350)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3577. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0527)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3578. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0270)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3579. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0398)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3580. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0301)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3581. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0119)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3582. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0097)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3583. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopters Textron, Inc. (Bell) Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0379)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3584. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0535)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3585. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell)" ((RIN2120-AA64) (Docket No. FAA-2013-0400)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3586. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0931)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3587. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0341)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3588. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0887)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3589. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0020)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3590. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; Embraer S.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0092)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation; to the Committee on Commerce, Science, and Transportation.

EC-3591. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1076)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3592. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0335)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3593. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1078)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3594. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0617)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3595. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0615)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3596. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0808)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3597. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0424)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3598. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0422)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3599. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher GmbH and Co. Segelflugzeugbau Sailplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0450)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3600. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0459)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1254. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes (Rept. No. 113-121).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. WARNER (for himself and Mr. KAINE)):

S. 1718. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Mr. BURR):

S. 1719. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. LEE, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 1720. A bill to promote transparency in patent ownership and make other improvements to the patent system, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself and Mr. MCCAIN):

S. 1721. A bill to decrease the frequency of sports blackouts, to require the application of the antitrust laws to Major League Baseball, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 298. A resolution to authorize testimony, documents, and representation in *United States v. Allen*; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 313

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 381

At the request of Mr. BROWN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from West Virginia (Mr. MANCHIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. CORKER), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 822

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 822, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 916

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 916, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 942

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 994

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 994, a bill to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

S. 1011

At the request of Mr. JOHANNIS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1306

At the request of Mr. REED, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1306, a bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1323

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1323, a bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.

S. 1351

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1351, a bill to provide for fiscal gap and generational accounting analysis in the legislative process, the President's budget, and annual long-term fiscal outlook reports.

S. 1441

At the request of Mr. BENNET, the name of the Senator from Colorado

(Mr. UDALL) was added as a cosponsor of S. 1441, a bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1495

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1495, a bill to direct the Administrator of the Federal Aviation Administration to issue an order with respect to secondary cockpit barriers, and for other purposes.

S. 1507

At the request of Ms. HEITKAMP, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1577

At the request of Mr. JOHANNIS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1577, a bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

S. 1610

At the request of Mr. MENENDEZ, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1644

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Ohio (Mr. PORTMAN), the Senator from Virginia (Mr. Kaine) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1644, a bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1687

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1687, a bill to

amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes.

S. 1696

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1696, a bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 1697

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1697, a bill to support early learning.

S. 1709

At the request of Mr. KIRK, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1709, a bill to require the Committee on Technology of the National Science and Technology Council to develop and update a national manufacturing competitiveness strategic plan, and for other purposes.

S. RES. 269

At the request of Mr. CRUZ, his name was added as a cosponsor of S. Res. 269, a resolution expressing the sense of the Senate on United States policy regarding possession of enrichment and reprocessing capabilities by the Islamic Republic of Iran.

S. RES. 270

At the request of Mr. KIRK, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 270, a resolution supporting the goals and ideals of World Polio Day and commending the international community and others for their efforts to prevent and eradicate polio.

AMENDMENT NO. 2025

At the request of Mr. KAINE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2025 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2040

At the request of Mr. BAUCUS, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2040 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.



## AMENDMENT NO. 2042

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO), the Senator from Oklahoma (Mr. COBURN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2042 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2043

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2043 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2044

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2044 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2045

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2045 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2046

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2046 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2056

At the request of Ms. STABENOW, her name was added as a cosponsor of

amendment No. 2056 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2057

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2057 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2063

At the request of Ms. AYOTTE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 298—TO AUTHORIZE TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. ALLEN

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

## S. RES. 298

Whereas, in the case of *United States v. Allen*, Crim. No. 12-112, pending in the United States District Court for the Middle District of Florida, the prosecution has requested the production of documents and testimony from current and former employees of the offices of Senators Bill Nelson and Marco Rubio;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Peter Mitchell and Grace Pettus, a current and a former employee, respectively, of the Office of Senator Bill Nelson, and Adele Griffin and Ashley Cook, current employees of the Office of Senator Marco Rubio, and any other current or former employee from either office from whom relevant evidence may be sought, are authorized to produce documents and provide testimony in the case of *United States v. Allen*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former employees of the offices of Senators Nelson and Rubio in connection with the production of evidence authorized in section one of this resolution.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2075. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs; which was ordered to lie on the table.

SA 2076. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2077. Mr. CRUZ (for himself, Mr. CORNYN, Mr. GRAHAM, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2078. Mr. UDALL of Colorado (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2079. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2080. Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2081. Mrs. BOXER (for herself, Mr. GRAHAM, Mrs. SHAHEEN, Mr. BLUNT, Mrs. MCCASKILL, Mrs. GILLIBRAND, Mr. BAUCUS, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. TESTER, Mr. KAINE, Mr. COONS, Mr. WYDEN, Mr. PORTMAN, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2082. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2083. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2084. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2085. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2086. Mrs. SHAHEEN submitted an amendment intended to be proposed by her



to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2087. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2088. Mr. BURR (for himself, Mr. RUBIO, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2089. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2090. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2091. Mr. REED (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2092. Mr. SCHATZ (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2093. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2094. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2095. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2096. Mr. MARKEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2097. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2098. Mr. FLAKE (for himself, Mr. McCAIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2099. Mrs. GILLIBRAND (for herself, Mrs. BOXER, Ms. COLLINS, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. PAUL, Mrs. SHAHEEN, Mr. KIRK, Mr. SCHUMER, Mr. JOHANNIS, Ms. HIRONO, Mr. BEGICH, Mr. COONS, Mr. MARKEY, Mr. JOHNSON of South Dakota, Ms. BALDWIN, Ms. WARREN, Mr. UDALL of New Mexico, Mr. SCHATZ, Mr. HEINRICH, Mr. CARDIN, Mr. CRUZ, Mr. WYDEN, Mr. DONNELLY, Ms. MURKOWSKI, Mr. CASEY, Mr. BOOKER, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2100. Mr. WYDEN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2101. Mr. DONNELLY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2102. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2103. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2104. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an

amendment intended to be proposed by Mr. REID to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2105. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2106. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2107. Mr. REID (for Mr. WARNER (for himself and Mr. MORAN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2108. Mr. REID (for Mr. WARNER) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2109. Mr. REID (for Mr. WARNER (for himself and Mrs. GILLIBRAND)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2110. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2111. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2112. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2113. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2114. Mr. PORTMAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2115. Mr. JOHNSON of Wisconsin (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2116. Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2117. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2118. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2119. Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2120. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2121. Mr. BLUMENTHAL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2122. Mrs. GILLIBRAND (for herself and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2123. Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1197, supra.

SA 2124. Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to amendment SA 2123 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) to the bill S. 1197, supra.

SA 2125. Mr. REID proposed an amendment to the bill S. 1197, supra.

SA 2126. Mr. REID proposed an amendment to amendment SA 2125 proposed by Mr. REID to the bill S. 1197, supra.

SA 2127. Mr. REID proposed an amendment to amendment SA 2126 proposed by Mr. REID to the amendment SA 2125 proposed by Mr. REID to the bill S. 1197, supra.

SA 2128. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2129. Mr. CARDIN (for himself, Mr. McCAIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2130. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2131. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2132. Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2133. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2134. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2135. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2136. Mr. LEE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2137. Mr. LEE (for himself, Mr. CRUZ, Mr. BARRASSO, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2138. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2139. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2140. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2141. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2142. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2143. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2144. Ms. MURKOWSKI submitted an amendment intended to be proposed by her

to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2145. Ms. AYOTTE (for herself, Mr. BLUMENTHAL, Mr. MORAN, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2146. Mrs. BOXER (for Mr. SANDERS) proposed an amendment to the bill S. 1471, to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

SA 2147. Mrs. BOXER (for Mr. MENENDEZ (for himself and Mr. CORKER)) proposed an amendment to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

#### TEXT OF AMENDMENTS

**SA 2075.** Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs; which was ordered to lie on the table; as follows:

On page 18, strike line 11 and insert the following:

“(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

“(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

“(5) PARTNER COUNTRY DEFINED.—In this section, on page 16, line 3, strike “counties” and insert “countries”.

On page 18, line 1, strike the second set of quotation marks.

On page 18, line 4, strike the second set of quotation marks.

**SA 2076.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032 and insert the following:

#### **SEC. 1032. TRANSFER OF MEDICAL PERSONNEL AND SUPPLIES TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, FOR TREATMENT OF INDIVIDUALS DETAINED AT GUANTANAMO.**

(a) TRANSFER FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT AUTHORIZED.—The Secretary of Defense may transfer any United States military medical personnel or medical supplies from a military medical treatment facility in the United States to United States Naval Station Guantanamo Bay, Cuba, for the purpose of providing medical

treatment to prevent the death or significant injury or harm to the health of an individual detained at Guantanamo.

(b) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1031(e)(2).

**SA 2077.** Mr. CRUZ (for himself, Mr. CORNYN, Mr. GRAHAM, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

#### **SEC. 1035. REWARDS AUTHORIZED.**

In accordance with the Rewards for Justice program authorized under section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), the Secretary of State shall offer a reward of not more than \$5,000,000 to individuals who furnish information—

(1) regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012; or

(2) leading to the capture of an individual who committed, conspired to commit, attempted to commit, or aided in the commission of the attacks described in paragraph (1).

**SA 2078.** Mr. UDALL of Colorado (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

#### **SEC. 1066. REPORT ON HEALTH AND SAFETY RISKS ASSOCIATED WITH EJECTION SEATS.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the risks to the health and safety of members of the Armed Forces of the ejection seats currently in operational use by the Air Force.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment whether aircrew members wearing advanced helmets, night vision systems, helmet-mounted cueing systems, or other helmet-mounted devices or attachments are at increased risk of serious injury or death during a high-speed ejection sequence.

(2) An analysis of how ejection seats currently in operational use provide protection against head, neck, and spinal cord injuries during an ejection sequence.

(3) An analysis of initiatives currently underway within the Air Force to decrease the

risk of death or serious injury in an ejection sequence.

(4) The status of any testing or qualifications on upgraded ejection seats that may reduce the risk of death or serious injury in an ejection sequence.

**SA 2079.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following new section:

#### **SEC. 2842. CONDITIONS ON DEPARTMENT OF DEFENSE EXPANSION OF PINON CANYON MANEUVER SITE, FORT CARSON, COLORADO.**

The Secretary of Defense and the Secretary of the Army may not acquire, in fee or by eminent domain, any land to expand the size of the Piñon Canyon Maneuver Site near Fort Carson, Colorado, unless each of the following occurs:

(1) The land acquisition is specifically authorized in an Act of Congress enacted after the date of the enactment of this Act.

(2) Funds are specifically appropriated for the land acquisition.

(3) The Secretary of Defense and the Secretary of the Army comply with the environmental review requirements of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) with respect to the land acquisition.

**SA 2080.** Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

#### **Subtitle D—Syria Sanctions**

#### **SEC. 1241. DEFINITIONS.**

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(4) COMPONENT PART.—The term “component part” has the meaning given that term

in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(5) **FINANCIAL INSTITUTION.**—The term “financial institution” has the meaning given that term in section 14 of the Iran Sanctions of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(6) **FINISHED PRODUCT.**—The term “finished product” has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(7) **FOREIGN FINANCIAL INSTITUTION; DOMESTIC FINANCIAL INSTITUTION.**—The terms “foreign financial institution” and “domestic financial institution” shall have the meanings of those terms as determined by the Secretary of the Treasury.

(8) **FOREIGN PERSON.**—The term “foreign person” means an individual or entity that is not a United States person.

(9) **GOOD AND TECHNOLOGY.**—The terms “good” and “technology” have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(10) **GOVERNMENT OF SYRIA.**—The term “Government of Syria”—

(A) means the Government of Syria on the date of the enactment of this Act, including any agency or instrumentality of that Government, any entity controlled by that Government, and the Central Bank of Syria; and

(B) does not include a successor government of Syria.

(11) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(12) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(13) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(14) **MONEY LAUNDERING.**—The term “money laundering” means the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(15) **PERSON.**—The term “person” means an individual or entity.

(16) **SERVICES.**—The term “services” includes software, hardware, financial, professional consulting, engineering, and specialized energy information services, energy-related technical assistance, and maintenance and repairs.

(17) **SUCCESSOR GOVERNMENT OF SYRIA.**—The term “successor government of Syria” means a successor government to the Government of Syria that is recognized as the legitimate governing authority of Syria by the Government of the United States.

(18) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; and

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

## **PART I—IMPOSITION OF SANCTIONS WITH RESPECT TO SENIOR OFFICIALS OF THE GOVERNMENT OF SYRIA AND PERSONS THAT CONDUCT CERTAIN TRANSACTIONS WITH SYRIA**

### **SEC. 1251. IMPOSITION OF SANCTIONS WITH RESPECT TO SENIOR OFFICIALS OF THE GOVERNMENT OF SYRIA.**

(a) **IDENTIFICATION OF PERSONS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to the appropriate congressional committees a list of persons the President determines—

(A) are senior officials of the Government of Syria;

(B) have provided support to or received support from a senior official of that Government;

(C) have acted or purported to act, directly or indirectly, for or on behalf of a senior official of that Government; or

(D) are owned or controlled, directly or indirectly, by a senior official of that Government.

(2) **SENIOR OFFICIALS.**—In making the determination required by paragraph (1)(A), the President shall consider the following individuals to be senior officials of the Government of Syria:

(A) President Bashar al-Assad.

(B) The Vice President of that Government.

(C) Any member of the cabinet of that Government.

(D) The head or heads of the National Progressive Front.

(E) Any senior leader of—

(i) the Syrian Arab Army;

(ii) the Syrian Arab Navy;

(iii) the Syrian Arab Air Force;

(iv) the Syrian Arab Air Defense Force; or

(v) any other military or paramilitary force that has taken up arms on behalf of that Government.

(3) **SUPPORT TO OR FROM SENIOR OFFICIALS.**—In making the determination required by paragraph (1)(B), the President shall consider the following persons to have provided support to or received support from a senior official of the Government of Syria:

(A) Any person that has materially assisted, sponsored, or provided goods, services, or financial, material, or technological support to or for the benefit of an individual the President has determined under paragraph (1)(A) to be a senior official of that Government.

(B) Any person that has received any funds, goods, or services from an individual the President has determined under paragraph (1)(A) to be a senior official of that Government.

(b) **BLOCKING OF PROPERTY.**—The President shall block and prohibit any transaction in property and interests in property of any person on the list required by subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under this section with respect to any person for the provision of agricultural commodities, food, medicine, or medical devices to Syria or the provision of humanitarian assistance to the people of Syria.

(d) **EXCEPTION FOR SUPPORT TO DISMANTLE CHEMICAL WEAPONS PROGRAM.**—The President may not impose sanctions under this section with respect to any person for the

provision of support in the process of dismantling the chemical weapons program of Syria.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 90 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

### **SEC. 1252. IMPOSITION OF PENALTIES WITH RESPECT TO UNITED STATES PERSONS THAT CONDUCT CERTAIN TRANSACTIONS WITH RESPECT TO SYRIA.**

(a) **IN GENERAL.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act, to a United States person that—

(1) violates, attempts to violate, conspires to violate, or causes a violation of section 1251 or regulations prescribed under section 1251;

(2) conducts investment activities in Syria on or after the date of the enactment of this Act;

(3) exports, reexports, sells, or supplies, directly or indirectly, a service from the United States to the Government of Syria;

(4) conducts a transaction with respect to petroleum or petroleum products of Syrian origin; or

(5) approves, finances, facilitates, or guarantees a transaction by a foreign person that would be prohibited under this section if conducted by a United States person.

(b) **INVESTMENT ACTIVITIES DEFINED.**—In this section, the term “investment activities” means—

(1) an investment of more than \$100 in the aggregate in the economy of Syria in—

(A) the financial or banking sector;

(B) the military or defense sector;

(C) the law enforcement sector; or

(D) the energy sector; or

(2) a transfer of any amount to Bashar al-Assad or any person acting or purporting to act, directly or indirectly, for or on behalf of Bashar al-Assad.

### **SEC. 1253. APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.**

The blocking of property under section 1251(b) and the penalties under section 1252 shall apply to contracts or other agreements entered into on or after December 1, 2013.

## **PART II—MODIFICATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA**

### **SEC. 1261. MODIFICATION OF LIST OF PERSONS RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.**

(a) **IN GENERAL.**—Section 702(b)(1) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8791(b)(1)) is amended to read as follows:

“(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the President shall submit to the

appropriate congressional committees a list of the following persons:

“(A) Any person that the President determines, based on credible evidence, is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses, including repression, against citizens of Syria or their family members, regardless of whether those abuses occurred in Syria.

“(B) A senior official or senior officer of a person described in subparagraph (A).

“(C) Any person that has materially assisted, sponsored, or provided goods, services, or financial, material, or technological support to a person—

“(i) described in subparagraph (A); or

“(ii) with respect to which sanctions have been imposed pursuant to Executive Order 13338 or Executive Order 13460 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting the export of certain goods to Syria).

“(D) Any person owned or controlled, directly or indirectly, by a person with respect to which sanctions have been imposed pursuant to Executive Order 13460.

“(E) Any person acting or purporting to act, directly or indirectly, for or on behalf of a person with respect to which sanctions have been imposed pursuant to Executive Order 13460.”

(b) UPDATE.—Section 702(b)(2) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8791(b)(2)) is amended by striking “enactment of this Act” and inserting “enactment of the National Defense Authorization Act for Fiscal Year 2014”.

(c) TRANSITION RULE.—The President shall submit any list required to be submitted before the date that is 120 days after the date of the enactment of this Act by subsection (b) of section 702 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8791), as in effect on the day before such date of enactment, in accordance with the provisions of such section 702.

**SEC. 1262. MODIFICATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.**

(a) PERSONS AGAINST WHICH SANCTIONS ARE IMPOSED.—Section 703(a)(2) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(a)(2)) is amended—

(1) in subparagraph (B), by striking “; or” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) has acted for or on behalf of a person on the list, if the person that acted for or on behalf of the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

“(E) has materially assisted, sponsored, or provided goods, services, or financial, material, or technological support to a person on the list, if the person that assisted, sponsored, or provided goods, services, or support had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list.”

(b) ACTIVITY DESCRIBED.—Section 703(b)(2)(A) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(b)(2)(A)) is amended—

(1) in clause (i), by striking “; or” and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(iii) operates or directs the operation of goods or technologies described in subparagraph (C)(ii).”

(c) SUBMISSION DATE.—Section 703(b)(1) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(b)(1)) is amended by striking “enactment of this Act” and inserting “enactment of the National Defense Authorization Act for Fiscal Year 2014”.

(d) UPDATE.—Section 703(b)(4) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(b)(4)) is amended by striking “enactment of this Act” and inserting “enactment of the National Defense Authorization Act for Fiscal Year 2014”.

(e) TRANSITION RULE.—The President shall submit any list required to be submitted before the date that is 120 days after the date of the enactment of this Act by section 703 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792), as in effect on the day before such date of enactment, in accordance with the provisions of such section 703.

**PART III—IMPOSITION OF SANCTIONS TO PREVENT THE DEVELOPMENT OF WEAPONS CAPABILITIES OF SYRIA**

**SEC. 1271. DECLARATION OF POLICY.**

It is the policy of the United States to prevent the massacre of the people of Syria by denying the Government of Syria the ability to develop and obtain weapons of mass destruction and conventional weapons and to use those and other weapons against the people of Syria.

**SEC. 1272. MULTILATERAL REGIME.**

(a) MULTILATERAL NEGOTIATIONS.—In order to further the objective of section 1271, Congress urges the President to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against Syria that will inhibit the efforts of the Government of Syria to develop and obtain conventional weapons and to use those and other weapons against the people of Syria.

(b) PERIODIC REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 120 days thereafter, the President shall report to the appropriate congressional committees on the extent to which diplomatic efforts described in subsection (a) have been successful.

(2) CONTENTS.—Each report required under paragraph (1) shall include the following:

(A) The countries that have agreed to undertake measures to inhibit the efforts of the Government of Syria described in subsection (a), and a description of those measures.

(B) The countries that have not agreed to measures described in subparagraph (A).

(C) Other measures the President recommends that the United States take to inhibit the efforts of the Government of Syria described in subsection (a).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The President shall initiate an investigation into the possible imposition of sanctions under section 1273 or 1274 against a person upon receipt by the United States of credible information indicating that such person is engaged in an activity described in such section.

(2) DETERMINATION AND NOTIFICATION.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), and subject to paragraph (3), the President shall—

(A) determine, pursuant to section 1273 or 1274, if a person has engaged in an activity described in that section; and

(B) notify the appropriate congressional committees of the basis for any such determination.

(3) SPECIAL RULE.—The President is not required to initiate an investigation, and may terminate an investigation, under this subsection if the President certifies in writing to the appropriate congressional committees that—

(A) the person whose activity was the basis for the investigation is no longer engaging in the activity or has taken significant verifiable steps toward stopping the activity; and

(B) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 1273 or 1274 in the future.

**SEC. 1273. IMPOSITION OF SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES BY SYRIA.**

(a) EXPORTS, TRANSFERS, AND TRANSHIPMENTS.—The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person—

(1) on or after the date of the enactment of this Act, exported or transferred, or permitted or otherwise facilitated the transshipment of, any goods, services, technology, or other items to any other person; and

(2) knew or should have known that—

(A) the export, transfer, or transshipment of the goods, services, technology, or other items would likely result in another person exporting, transferring, transshipping, or otherwise providing the goods, services, technology, or other items to Syria; and

(B) the export, transfer, transshipment, or other provision of the goods, services, technology, or other items to Syria would contribute materially to the ability of the Government of Syria to—

(i) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

(ii) acquire or develop conventional weapons that are intended to be used, or are actually used, against the people of Syria.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall prohibit the Government of the United States from transporting weapons and aid to forces opposing the Government of Syria.

**SEC. 1274. IMPOSITION OF SANCTIONS WITH RESPECT TO EXPORTATION OF DEFENSE ARTICLES TO SYRIA.**

(a) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person—

(1) sells or provides defense articles to the Government of Syria; or

(2) sells, leases, or provides to the Government of Syria goods, services, technology, information, or support described in subsection (b).

(b) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of the ability of the Government of Syria to import defense articles, including—

(1) except as provided in subsection (c), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

(2) financing or brokering such sale, lease, or provision;

(3) providing ships or shipping services to deliver defense articles to Syria;

(4) bartering or contracting by which goods are exchanged for goods, including the insurance or reinsurance of such exchanges; or

(5) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Syria, including governmental bonds.

(c) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under this section with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subsection (b).

(d) **DEFENSE ARTICLE DEFINED.**—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

**SEC. 1275. ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.**

(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), in any case in which a person is subject to sanctions under section 1273 or 1274 because of an activity described in that section that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

(b) **EXCEPTION.**—The sanctions described in subsection (a) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subsection if the President determines and notifies the appropriate congressional committees that the government of the country—

(1) does not know or have reason to know about the activity; or

(2) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.

(c) **INDIVIDUAL APPROVAL.**—Notwithstanding subsection (a), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subsection (a) applies (other than a person that is subject to the sanctions under section 1273 or 1274) if the President—

(1) determines that such approval is vital to the national security interests of the United States; and

(2) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on For-

eign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives the justification for approving such license, transfer, or retransfer.

(d) **CONSTRUCTION.**—The sanctions described in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and other related laws.

(e) **AGREEMENT FOR COOPERATION DEFINED.**—In this section, the term “agreement for cooperation” has the meaning given that term in section 11(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

**SEC. 1276. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF TRAINING TO MILITARY OR PARAMILITARY FORCES OF THE GOVERNMENT OF SYRIA.**

The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person knowingly engages in an activity that provides training to the military or paramilitary forces of the Government of Syria.

**SEC. 1277. IMPOSITION OF SANCTIONS WITH RESPECT TO EXPORTATION OF REFINED PETROLEUM PRODUCTS TO SYRIA.**

(a) **IN GENERAL.**—The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person knowingly—

(1) sells or provides to the Government of Syria refined petroleum products—

(A) that have a fair market value of \$1,000,000 or more; or

(B) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more; or

(2) sells, leases, or provides to the Government of Syria goods, services, technology, information, or support described in subsection (b)—

(A) any of which has a fair market value of \$1,000,000 or more; or

(B) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

(b) **GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.**—Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of the ability of the Government of Syria to import refined petroleum products, including—

(1) except as provided in subsection (c), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

(2) financing or brokering such sale, lease, or provision;

(3) providing ships or shipping services to deliver refined petroleum products to Syria;

(4) bartering or contracting by which goods are exchanged for goods, including the insurance or reinsurance of such exchanges; or

(5) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Syria, including governmental bonds.

(c) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing offi-

cial policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subsection (b).

**SEC. 1278. SANCTIONED PERSONS.**

(a) **IN GENERAL.**—The sanctions described in sections 1273, 1274, 1275, 1276, and 1277 shall be imposed with respect to—

(1) any person the President determines has carried out an activity described in any such section; and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activity referred to in that paragraph; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activity referred to in that paragraph.

(b) **SANCTIONED PERSON DEFINED.**—In this part, the term “sanctioned person” means any person described in subsection (a).

**SEC. 1279. WAIVER.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the President may, on a case by case basis, waive for a period of not more than 180 days the application of section 1273, 1274, 1275, 1276, or 1277 with respect to a person if the President certifies to the appropriate congressional committees at least 30 days before the waiver is to take effect that the waiver is vital to the national security interests of the United States.

(b) **EXCEPTION.**—The President may not waive the application of section 1273 with respect to a person for the provision of goods, services, technology, or other items to Syria that would contribute materially to the ability of the Government of Syria to acquire or develop chemical, biological, or nuclear weapons or related technologies.

(c) **SUBSEQUENT RENEWAL OF WAIVER.**—At the conclusion of the period of a waiver under subsection (a), the President may renew the waiver for subsequent periods of not more than 180 days each if the President determines, in accordance with that subsection, that the waiver is appropriate.

**SEC. 1280. DESCRIPTION OF SANCTIONS.**

The sanctions to be imposed on a sanctioned person under this part are as follows:

(1) **EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.**—The President may direct the Export-Import Bank of the United States not to approve any financing (including any guarantee, insurance, extension of credit, or participation in the extension of credit) in connection with the export of any goods or services to any sanctioned person.

(2) **EXPORT SANCTION.**—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(A) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other law that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) **LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.**—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than \$10,000,000 in any 12-month period unless that person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) **PROHIBITIONS ON FINANCIAL INSTITUTIONS.**—

(A) **IN GENERAL.**—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(i) **PROHIBITION ON DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(ii) **PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.**—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(B) **CLARIFICATION.**—The imposition of either sanction under clause (i) or (ii) of subparagraph (A) shall be treated as one sanction for purposes of this part, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of this part.

(5) **PROCUREMENT SANCTION.**—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) **FOREIGN EXCHANGE.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a sanctioned person has any interest.

(7) **BANKING TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(8) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(9) **BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.**—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.

(10) **EXCLUSION OF CORPORATE OFFICERS.**—The President may direct the Secretary of

State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person.

(11) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

(12) **ADDITIONAL SANCTIONS.**—The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

#### **SEC. 1280A. ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.**

(a) **MODIFICATION OF FEDERAL ACQUISITION REGULATION.**—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity for which sanctions may be imposed under this part.

(b) **REMEDIES.**—

(1) **TERMINATION, DEBARMENT, OR SUSPENSION.**—

(A) **IN GENERAL.**—If the head of an executive agency determines that a person has submitted a false certification under subsection (a) on or after the date on which the revision of the Federal Acquisition Regulation required by this section becomes effective, the head of that executive agency shall—

(i) terminate a contract with such person; or

(ii) debar or suspend such person from eligibility for Federal contracts for a period of not more than 3 years.

(B) **PROCEDURE.**—Any debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

(2) **INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NON-PROCUREMENT PROGRAMS.**—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency pursuant to paragraph (1).

(c) **CLARIFICATION REGARDING CERTAIN PRODUCTS.**—The remedies set forth in subsection (b) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

(d) **RULE OF CONSTRUCTION.**—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under subsection (a).

(e) **WAIVERS.**—The President may on a case-by-case basis waive the requirement

that a person make a certification under subsection (a) if the President determines and certifies in writing to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that it is in the national interest of the United States to do so.

(f) **EXECUTIVE AGENCY DEFINED.**—In this section, the term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(g) **APPLICABILITY.**—The revisions to the Federal Acquisition Regulation required under subsection (a) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

#### **PART IV—IMPOSITION OF SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH SYRIA**

##### **SEC. 1281. IMPOSITION OF SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH SYRIA.**

(a) **PROHIBITIONS AND CONDITIONS WITH RESPECT TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in an activity described in paragraph (2).

(2) **ACTIVITIES DESCRIBED.**—A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) facilitates the efforts of the Government of Syria, Hezbollah, or others that have knowingly engaged in armed conflict on behalf of the Government of Syria—

(i) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) to provide support for organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) or support for acts of international terrorism (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note));

(B) engages in money laundering to carry out an activity described in subparagraph (A);

(C) facilitates efforts by the Central Bank of Syria or any other Syrian financial institution to carry out an activity described in subparagraph (A); or

(D) facilitates a significant transaction or transactions or provides significant financial services for a person whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) the proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction by the Government of Syria;

(ii) the support by that Government for international terrorism; or

(iii) human rights abuses by that Government.

(3) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person



that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(b) **PENALTIES FOR DOMESTIC FINANCIAL INSTITUTIONS FOR ACTIONS OF PERSONS OWNED OR CONTROLLED BY SUCH FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit any person owned or controlled by a domestic financial institution from knowingly engaging in a transaction or transactions with or benefitting the Government of Syria, Hezbollah, or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) **PENALTIES.**—The penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a domestic financial institution to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if—

(A) a person owned or controlled by the domestic financial institution violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection; and

(B) the domestic financial institution knew or should have known that the person violated, attempted to violate, conspired to violate, or caused a violation of such regulations.

(c) **REQUIREMENTS FOR FINANCIAL INSTITUTIONS MAINTAINING ACCOUNTS FOR FOREIGN FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall prescribe regulations to require a domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution to do following:

(A) Perform an audit of activities described in subsection (a)(2) that may be carried out by the foreign financial institution.

(B) Establish due diligence policies, procedures, and controls, such as the due diligence policies, procedures, and controls described in section 5318(i) of title 31, United States Code, reasonably designed to detect whether the foreign financial institution has knowingly engaged in any such activity.

(2) **REPORT.**—Any domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution shall report to the Department of the Treasury any time the domestic financial institution suspects that the foreign financial institution is engaging in any activity described in subsection (a)(2), without regard to whether the Department requested such a report.

(3) **PENALTIES.**—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a person that violates a regulation prescribed under paragraph (1) or the requirements of paragraph (2), in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(d) **WAIVER.**—The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (a) or the imposition of a penalty under subsection (b) with respect to a domes-

tic financial institution on and after the date that is 30 days after the Secretary—

(1) determines that such a waiver is necessary to the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(e) **PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.**—

(1) **IN GENERAL.**—If a finding under subsection (a)(1), a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (b), is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under subsection (a)(1), any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (b).

(f) **CONSULTATIONS IN IMPLEMENTATION OF REGULATIONS.**—In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(g) **AGENT DEFINED.**—In this section, the term “agent” includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

## PART V—GENERAL PROVISIONS

### SEC. 1291. REPORT ON MILITARY CAPABILITIES OF GOVERNMENT OF SYRIA.

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and every 120 days thereafter, the President shall report to the appropriate congressional committees on the military capabilities of the Government of Syria.

(b) **CONTENTS.**—Each report required under subsection (a) shall include the following:

(1) Information on the provision of weapons to the Government of Syria during the 120-day period preceding the submission of the report, including—

(A) the type and quantity of weapons being provided to that Government; and

(B) the entities providing those weapons to that Government.

(2) The types of weapons that are most commonly used by that Government against the people of Syria.

### SEC. 1292. REPORTS ON IDENTIFICATION OF SYRIAN ASSETS.

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report identifying assets of the Government of Syria held by financial institutions.

(b) **CONTENTS.**—The reports required by subsection (a) shall contain the following:

(1) The name of any financial institution holding assets of the Government of Syria.

(2) The country with primary jurisdiction over each such financial institution.

(3) Whether the assets described in paragraph (1) have been frozen.

### SEC. 1293. TERMINATION OF SANCTIONS.

The provisions of this subtitle and any sanctions imposed pursuant to this subtitle shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) a certification that the Government of Syria—

(A) is no longer using weapons of any kind against the people of Syria;

(B) is not providing support for international terrorist groups;

(C) is not developing or deploying medium- and long-range surface-to-surface ballistic missiles; and

(D) is not pursuing or engaging in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons and has provided credible assurances that it will not pursue or engage in such behavior; or

(2) a certification that—

(A) a successor government of Syria has been democratically elected and is representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

**SA 2081.** Mrs. BOXER (for herself, Mr. GRAHAM, Mrs. SHAHEEN, Mr. BLUNT, Mrs. MCCASKILL, Mrs. GILLIBRAND, Mr. BAUCUS, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. TESTER, Mr. KAINE, Mr. COONS, Mr. WYDEN, Mr. PORTMAN, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle E of title V, add the following:

### SEC. 566. PRELIMINARY HEARINGS ON ALLEGED OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) **PRELIMINARY HEARINGS.**—

(1) **IN GENERAL.**—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended to read as follows:

#### “§ 832. Art. 32. Preliminary hearing

“(a)(1) No charge or specification may be referred to a general court-martial for trial until a judge advocate conducts a preliminary hearing.

“(2) In exceptional circumstances, an officer other than a judge advocate may conduct a preliminary hearing if it is determined that detailing a judge advocate to conduct the preliminary hearing is not supportable.

“(3) Wherever supportable, the judge advocate or officer conducting a preliminary hearing shall have a grade equal to or higher than the grade of any military counsel who, at the time the judge advocate or officer is detailed, has been assigned to represent a party at the preliminary hearing.

“(4) The preliminary hearing shall be limited to the purpose of determining whether there is probable cause to believe an offense has been committed and whether the accused committed it.

“(5) After conducting the preliminary hearing, the judge advocate or officer conducting the preliminary hearing shall prepare a report that includes the following:

“(A) A determination as to court-martial jurisdiction over the offense and the accused.



“(B) A determination as to probable cause.  
“(C) A consideration of the form of charges.

“(D) A recommendation as to the disposition which should be made of the case.

“(b)(1) The accused shall be advised of the charges against the accused and of the accused's right to be represented by counsel at the preliminary hearing. The accused has the right to be represented at the preliminary hearing as provided in section 838 of this title (article 38) and in regulations prescribed under that section.

“(2) At the preliminary hearing, the accused may cross-examine adverse witnesses if they are available. The accused may offer evidence and call witnesses relevant to the probable cause determination.

“(3) A victim may not be required to testify at the preliminary hearing. A victim who declines to testify shall be deemed to be not available for purposes of the preliminary hearing.

“(4) The presentation of evidence and examination of witnesses at a preliminary hearing shall be limited to the question of probable cause.

“(c) A preliminary hearing under this section shall be recorded by a suitable recording device, and a copy of the recording shall be provided to any party upon request. The victim shall have access to the recording, upon request, in accordance with regulations prescribed by the Secretary concerned for purposes of this section.

“(d) The requirements of this section are binding on all persons administering this chapter but failure to follow them does not constitute jurisdictional error.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of such title (the Uniform Code of Military Justice) is amended by striking the item relating to section 832 (article 32) and inserting the following new item:

“832. Art. 32. Preliminary hearing.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 834(a)(2) of such title (article 34(a)(2) of the Uniform Code of Military Justice) is amended by striking “the report of investigation” and inserting “the report of the preliminary hearing”.

(2) Section 838(b)(1) of such title (article 38(b)(1) of the Uniform Code of Military Justice) is amended by striking “an investigation” and inserting “a preliminary hearing”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act, and shall apply with respect to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that occur on or after such effective date.

**SA 2082.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.**

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended

by adding at the end the following new section:

**“§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill**

“(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by this subsection in connection with any promotion, goods, services, or commercial activity in a manner that reasonably and falsely suggests that such use is approved, endorsed, or authorized by the Department or any component thereof.

“(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

“(A) ‘GI Bill’.

“(B) ‘Post-9/11 GI Bill’.

“(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

“(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) When any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

“(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

“3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill”.

**SA 2083.** Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SAFE CHILD CARE ACT.**

(a) SHORT TITLE.—This section may be cited as the “Safe Child Care Act of 2013”.

(b) BACKGROUND CHECKS.—Section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “subsection (b)(3)” and inserting “paragraph (3)”; and

(B) by redesignating paragraph (2) as paragraph (4);

(2) by moving paragraphs (2) and (3) of subsection (b) to subsection (a), and inserting them after paragraph (1) of that subsection;

(3) in subsection (a)(3), as redesignated by paragraph (2) of this subsection, by striking

“subsection (a)(1)” and inserting “paragraph (1)”;;

(4) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) A background check required by subsection (a) shall be initiated through the personnel programs of the applicable Federal agencies.

“(2) A background check for a child care staff member under subsection (a) shall include—

“(A) a search, including a fingerprint check, of the State criminal registry or repository in—

“(i) the State where the child care staff member resides; and

“(ii) each State where the child care staff member previously resided during the longer of—

“(I) the 10-year period ending on the date on which the background check is initiated; or

“(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated;

“(B) a search of State-based child abuse and neglect registries and databases in—

“(i) the State where the child care staff member resides; and

“(ii) each State where the child care staff member previously resided during the longer of—

“(I) the 10-year period ending on the date on which the background check is initiated; or

“(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated;

“(C) a search of the National Crime Information Center database;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System;

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

“(F) a search of the State sex offender registry established under that Act in—

“(i) the State where the child care staff member resides; and

“(ii) each State where the child care staff member previously resided during the longer of—

“(I) the 10-year period ending on the date on which the background check is initiated; or

“(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated.

“(3) A child care staff member shall be ineligible for employment by a child care provider if such individual—

“(A) refuses to consent to the background check described in subsection (a);

“(B) makes a false statement in connection with such background check;

“(C) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006; or

“(D) has been convicted of a felony consisting of—

“(i) murder, as described in section 1111 of title 18, United States Code;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;  
 “(vii) arson;  
 “(viii) physical assault or battery; or  
 “(ix) subject to paragraph (5)(D), a drug-related offense committed during the preceding 5 years.

“(4)(A) A child care provider covered by paragraph (3) shall submit a request, to the appropriate State agency designated by a State, for a background check described in subsection (a), for each child care staff member (including prospective child care staff members) of the provider.

“(B) In the case of an individual who is hired as a child care staff member before the date of enactment of the Safe Child Care Act of 2013, the provider shall submit such a request—

“(i) prior to the last day of the second full fiscal year after that date of enactment; and  
 “(ii) not less often than once during each 5-year period following the first submission date under this subparagraph for that staff member.

“(C) In the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—

“(i) prior to the date the individual becomes a child care staff member of the provider; and

“(ii) not less often than once during each 5-year period following the first submission date under this subparagraph for that staff member.

“(5)(A) The State shall—

“(i) carry out the request of a child care provider for a background check described in subsection (a) as expeditiously as possible; and

“(ii) in accordance with subparagraph (B) of this paragraph, provide the results of the background check to—

“(I) the child care provider; and

“(II) the current or prospective child care staff member for whom the background check is conducted.

“(B)(i) The State shall provide the results of a background check to a child care provider as required under subparagraph (A)(ii)(I) in a statement that—

“(I) indicates whether the current or prospective child care staff member for whom the background check is conducted is eligible or ineligible for employment by a child care provider; and

“(II) does not reveal any disqualifying crime or other related information regarding the current or prospective child care staff member.

“(ii) If a current or prospective child care staff member is ineligible for employment by a child care provider due to a background check described in subsection (a), the State shall provide the results of the background check to the current or prospective child care staff member as required under subparagraph (A)(ii)(II) in a criminal background report that includes information relating to each disqualifying crime.

“(iii) A State—

“(I) may not publicly release or share the results of an individual background check described in subsection (a); and

“(II) may include the results of background checks described in subsection (a) in the development or dissemination of local or statewide data relating to background checks if the results are not individually identifiable.

“(C)(i) The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a background

check required under subsection (a) to challenge the accuracy or completeness of the information contained in the criminal background report of the staff member.

“(ii) The State shall ensure that—

“(I) the appeals process is completed in a timely manner for each child care staff member;

“(II) each child care staff member is given notice of the opportunity to appeal; and

“(III) each child care staff member who wishes to challenge the accuracy or completeness of the information in the criminal background report of the child care staff member is given instructions about how to complete the appeals process.

“(D)(i) The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in paragraph (3)(D)(ix) is eligible for employment by a child care provider, notwithstanding paragraph (3).

“(ii) The review process under this subparagraph shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

“(E) Nothing in this section shall be construed to create a private right of action against a child care provider if the child care provider is in compliance with this section.

“(F) This section shall apply to each State that receives funding under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

“(6) Fees that the State may charge for the costs of conducting a background check as required by subsection (a) shall not exceed the actual costs to the State for the administration of such background checks.

“(7) Nothing in this subsection shall be construed to prevent a Federal agency from disqualifying an individual as a child care staff member based on a conviction of the individual for a crime not specifically listed in this subsection that bears upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

“(8) In this subsection—

“(A) the term ‘child care provider’ means an agency of the Federal Government, or a unit of or contractor with the Federal Government that is operating a facility, described in subsection (a); and

“(B) the term ‘child care staff member’ means an individual who is hired, or seeks to be hired, by a child care provider to be involved with the provision of child care services, as described in subsection (a).”; and

(5) by striking subsection (c) and inserting the following:

“(c) **SUSPENSION PENDING DISPOSITION OF CRIMINAL CASE.**—In the case of an incident in which an individual has been charged with an offense described in subsection (b)(3)(D) and the charge has not yet been disposed of, an employer may suspend an employee from having any contact with children while on the job until the case is resolved.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1 of the second full fiscal year after the date of enactment of this Act.

**SA 2084.** Mr. Kaine (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) **IN GENERAL.**—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled “Petersburg National Battlefield Boundary Expansion”, numbered 325/80.080, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ACQUISITION OF PROPERTIES.**—The Secretary of the Interior (referred to in this section as the “Secretary”) is authorized to acquire the land and interests in land, described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) **ADMINISTRATION.**—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **IN GENERAL.**—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2).

(2) **MAP.**—The land transferred is depicted on the map titled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/80.801A, dated May 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) **CONDITIONS OF TRANSFER.**—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) **NO REIMBURSEMENT OR CONSIDERATION.**—The transfer is without reimbursement or consideration.

(B) **MANAGEMENT.**—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of that park in accordance with applicable laws and regulations.

**SA 2085.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DEFINITION OF SPOUSE FOR PURPOSES OF VETERAN BENEFITS TO REFLECT NEW STATE DEFINITIONS OF SPOUSE.**

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (3), by striking “of the opposite sex”; and

(2) by striking paragraph (31) and inserting the following new paragraph:

“(31) Notwithstanding section 7 of title 1, an individual shall be considered a ‘spouse’ if the marriage of the individual is valid in the State in which the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place in which the marriage was entered into and the marriage could have been entered into in a State. In this paragraph, the term ‘State’ has the meaning given that term in paragraph (20), except that the term also includes the Commonwealth of the Northern Mariana Islands.”.

**SA 2086.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. LAND CONVEYANCE, PAUL A. DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the City of Portsmouth, New Hampshire (in this section referred to as the “City”), all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of the Paul A. Doble Army Reserve Center for the purpose of permitting the City to use the property for public purposes.

(b) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army shall require the City to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(d) **ADDITIONAL TERMS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

**SA 2087.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. ELIMINATION OF FUNDING FOR TECHNICAL SUPPORT FOR 2015 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.**

(a) **LIMITATION.**—No funds authorized to be appropriated for fiscal year 2014 by section 301 for operation and maintenance, Defense-wide, may be obligated or expended for technical support to develop recommendations and manage a 2015 round of defense base closure and realignment.

(b) **FUNDING REDUCTION.**—The amount authorized to be appropriated by section 301 is hereby reduced by \$8,000,000, with the amount of the reduction to be allocated to operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense as specified in the funding table in section 4301.

**SA 2088.** Mr. BURR (for himself, Mr. RUBIO, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. STRATEGY TO DISRUPT AND DEGRADE HAQQANI NETWORK ACTIVITIES, FINANCES, AND RESOURCES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Haqqani Network is the primary partner for the Taliban, al Qaeda, regional militants, and other global Islamic jihadists committing acts of violence, as well as political and economic oppression in Afghanistan and Pakistan.

(2) The Haqqani Network continues to be a strategic threat to the safety, security, and stability of both Afghanistan and Pakistan, as well as the broader region.

(3) The Haqqani Network is directly responsible for a significant number of United States casualties and injuries on the battlefield in Afghanistan.

(4) The Haqqani Network continues to actively plan potentially catastrophic attacks against United States interests and personnel in Afghanistan.

(5) Congress has repeatedly urged the Administration to implement a comprehensive approach to disrupt and degrade the Haqqani Network's operations and finances.

(6) On September 19, 2012, the Secretary of State formally designated the Haqqani Network a Foreign Terrorist Organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(7) The Haqqani Network has not been pressured by a sustained and systemic campaign against its financial infrastructure.

(8) Without the implementation of a more robust strategy to disrupt and degrade the operations and finances of the Haqqani Network, the continued planned drawdown of United States and coalition forces will provide the Haqqani Network with additional opportunities to plot and execute attacks against the United States and western interests.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Administration should more urgently prioritize and execute its full authority to disrupt and degrade the Haqqani Network and to deny the organization finances and resources it requires to carry out their activities.

(c) **STRATEGY TO DISRUPT AND DEGRADE HAQQANI NETWORK ACTIVITIES, FINANCES, AND RESOURCES.**—

(1) **STRATEGY REQUIRED.**—The President shall establish a comprehensive strategy to disrupt and degrade Haqqani Network activities, finances, and resources.

(2) **COORDINATION.**—The strategy required by paragraph (1) shall be prepared by the Secretary of Defense in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Director of National Intelligence, and any other department or agency of the United States Government involved in activities related to disrupting and degrading the Haqqani Network.

(3) **ELEMENTS.**—The strategy required by paragraph (1) shall—

(A) build upon the current activities of the Department of Defense, the Department of State, the Department of the Treasury, the Department of Justice, and the elements of the intelligence community to disrupt and degrade Haqqani Network activities, finances, and resources;

(B) provide assessments by the appropriate element of the intelligence community assessment—

(i) of the operations and aspirations of the Haqqani Network in Afghanistan and Pakistan, and its activities outside the region; and

(ii) of the relationships, networks, and vulnerabilities of the Haqqani Network, including with Pakistan's military, intelligence services, and government officials, including provincial and district officials;

(C) review the plans and intentions of the Haqqani Network for the upcoming Afghan Presidential elections and the continued drawdown of United States and coalition troops;

(D) review the current United States policies, operations, and funding to identify impediments to applying sustained and systemic pressure against the Haqqani Network's financial infrastructure;

(E) examine the role current United States and coalition contracting processes have in furthering the financial interests of the Haqqani Network, and how such strategy will mitigate the unintended consequences of such processes;

(F) provide an assessment of individuals in Afghanistan and neighboring countries who facilitate the manufacturing, procurement, and transport of materials and components used to build and detonate improvised explosive devices and how the strategy will disrupt these efforts;

(G) include an assessment of formal and informal business sectors penetrated by the Haqqani Network in Afghanistan, Pakistan, and other countries, particularly in the Persian Gulf region, and how the strategy will counter these activities;

(H) include an assessment of other United States interests in targeting financial institutions and business entities that knowingly facilitate, or participate in assisting, including by acting on behalf of, at the direction of, or as an intermediary for, or otherwise assisting formal and informal Haqqani Network financial activities;

(I) include an estimate of associated costs required to plan and execute the proposed activities to disrupt and degrade the Haqqani Network's operations and resources; and

(J) include a discussion of the metrics to measure the strategy's and activities' success to disrupt and degrade Haqqani Network activities, finances, and resources.

(4) **INTEGRATION AND COORDINATION.**—The strategy required by paragraph (1) shall include an assessment of gaps in current efforts to disrupt and degrade the Haqqani Network's operations, an articulation of agencies' financial disruption priorities, the establishment of appropriate metrics for determining and measuring success, and steps to ensure that the strategy fits in broader United States efforts to stabilize Afghanistan and prevent the region from being a safe haven for al Qaeda and its affiliates.

(5) **STRATEGY AND IMPLEMENTATION PLAN.**—The Secretary of Defense shall submit to the appropriate committees of Congress—

(A) not later than March 31, 2014, the strategy required by paragraph (1); and

(B) not later than 180 days after the submission of such strategy, a plan for the implementation of such strategy.

(6) **FORM.**—The strategy required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

**SA 2089.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

**SEC. 502. EXPANSION OF CATEGORIES OF REGULAR OFFICERS ON THE ACTIVE-DUTY LIST WHO MAY BE CONSIDERED FOR SELECTIVE EARLY RETIREMENT.**

(a) **LIEUTENANT COLONELS AND COMMANDERS.**—Subparagraph (A) of section 638a(b)(2) of title 10, United States Code, is amended by striking “would be subject to” and all the follows through “two or more times)” and inserting “have failed of selection for promotion at least one time and whose names are not on a list of officers recommended for promotion”.

(b) **COLONELS AND NAVY CAPTAINS.**—Subparagraph (B) of such section is amended by striking “would be subject to” and all that follows through “not less than two years)” and inserting “have served on active duty in that grade for at least two years and whose names are not on a list of officers recommended for promotion”.

**SA 2090.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

**SEC. 402. INCREASE IN ANNUAL LIMITATION ON END STRENGTH REDUCTIONS FOR REGULAR COMPONENTS OF THE ARMY AND MARINE CORPS.**

(a) **ANNUAL REDUCTIONS OF ARMY END STRENGTHS.**—Subsection (a) of section 403 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1708) is amended by striking “15,000 members” and inserting “25,000 members”.

(b) **ANNUAL REDUCTIONS OF MARINE CORPS END STRENGTHS.**—Subsection (b) of such section is amended by striking “5,000 members” and inserting “7,500 members”.

**SA 2091.** Mr. REED (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PILOT PROGRAM TO REHABILITATE AND MODIFY HOMES OF DISABLED AND LOW-INCOME VETERANS.**

(a) **DEFINITIONS.**—In this section:

(1) **DISABLED.**—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) **ELIGIBLE VETERAN.**—The term “eligible veteran” means a disabled or low-income veteran.

(3) **ENERGY EFFICIENT FEATURES OR EQUIPMENT.**—The term “energy efficient features or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) **LOW-INCOME VETERAN.**—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) **PRIMARY RESIDENCE.**—

(A) **IN GENERAL.**—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is the principal dwelling of an eligible veteran and is owned by such veteran or a family member of such veteran.

(B) **FAMILY MEMBER DEFINED.**—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) **QUALIFIED ORGANIZATION.**—The term “qualified organization” means a nonprofit organization that provides nationwide or statewide programs that primarily serve veterans or low-income individuals.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) **VETERAN.**—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(10) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(b) **ESTABLISHMENT OF A PILOT PROGRAM.**—

(1) **GRANT.**—

(A) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(B) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(C) **MAXIMUM GRANT.**—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(2) **APPLICATION.**—

(A) **IN GENERAL.**—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under subparagraph (B), accompanied by such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) a plan of action detailing outreach initiatives;

(ii) the approximate number of veterans the qualified organization intends to serve using grant funds;

(iii) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(iv) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans who are not eligible for programs under chapter 21 of title 38, United States Code, and meet their needs.

(C) **PREFERENCES.**—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(i) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(ii) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term "rural areas").

(3) **CRITERIA.**—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(A) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(B) Have established outreach initiatives that—

(i) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program;

(ii) ensure veterans who are disabled receive preference in selection for assistance under this program; and

(iii) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(C) Have an established nationwide or statewide network of affiliates that are—

(i) nonprofit organizations; and

(ii) able to provide housing rehabilitation and modification services for eligible veterans.

(D) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(4) **USE OF FUNDS.**—A grant award under the pilot program shall be used—

(A) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(i) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(I) accommodate the functional limitations that result from having a disability; or

(II) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(ii) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(iii) installing energy efficient features or equipment if—

(I) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(II) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(B) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(C) for other purposes as the Secretary may prescribe through regulations.

(5) **OVERSIGHT.**—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used effi-

ciently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(6) **MATCHING FUNDS.**—

(A) **IN GENERAL.**—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(B) **IN-KIND CONTRIBUTIONS.**—In order to meet the requirement under subparagraph (A), such organization may arrange for in-kind contributions.

(7) **LIMITATION COST TO THE VETERANS.**—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(8) **REPORTS.**—

(A) **ANNUAL REPORT.**—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(i) the number of eligible veterans provided assistance under the pilot program;

(ii) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(iii) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(iv) the amount of matching funds and in-kind contributions raised with each grant;

(v) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(vi) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(vii) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(viii) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(ix) any other information that the Secretary considers relevant in assessing such program.

(B) **FINAL REPORT.**—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(9) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for carrying out this section \$4,000,000 for each of fiscal years 2015 through 2019.

**SA 2092.** Mr. SCHATZ (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. COMPTROLLER GENERAL REPORT ON MENTAL HEALTH STIGMA REDUCTION EFFORTS IN THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall carry out a review of the policies, procedures, and programs of the Department of Defense to reduce the stigma associated with mental health treatment for members of the Armed Forces and deployed civilian employees of the Department of Defense.

(b) **ELEMENTS.**—The review required by subsection (a) shall address, at a minimum, the following:

(1) An assessment of the availability and access to mental health treatment services for members of the Armed Forces and deployed civilian employees of the Department of Defense.

(2) An assessment of the perception of the impact of the stigma of mental health treatment on the career advancement and retention of Armed Forces members and such deployed civilian employees.

(3) An assessment of the policies, procedures, and programs, including training and education, of each of the Armed Forces to reduce the stigma of mental health treatment for Armed Forces members and such deployed civilians employees at each unit level of the organized forces.

(c) **REPORT.**—Not later than March 1, 2015, the Comptroller General shall submit to the congressional defense committees a report on the review required by subsection (a).

**SA 2093.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 135. SENSE OF SENATE ON PROCUREMENT OF THE LONG RANGE STRIKE BOMBER AIRCRAFT.**

It is the sense of the Senate that—

(1) advancements in air-to-air and surface-to-air weapons systems by foreign powers will require increasingly sophisticated long range strike capabilities;

(2) upgrading the existing United States bomber aircraft fleet of B-1B, B-2, and B-52 bomber aircraft must remain a high budget priority in order to maintain their combat effectiveness; and

(3) the Air Force should continue to prioritize development and acquisition of the Long Range Strike Bomber program.

**SA 2094.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2832.

**SA 2095.** Mr. KAINE submitted an amendment intended to be proposed by

him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1003. SENSE OF THE SENATE REGARDING REPORTING ON THE LONG-TERM BUDGETARY EFFECTS OF SEQUESTRATION.**

(a) FINDINGS.—Congress finds that—

(1) the reductions in discretionary appropriations and direct spending accounts under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) (in this section referred to as “sequestration”) were never intended to take effect;

(2) the readiness of the Nation’s military is weakened by sequestration;

(3) sequestration has budgetary and cost impacts beyond the programmatic level; and

(4) there is limited information about these indirect costs to the Federal Government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Government Accountability Office and the Office of Management and Budget should establish a task force to report on the long-term budgetary costs and effects of sequestration, including on procurement activities and contracts with the Federal Government.

**SA 2096.** Mr. MARKEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. UPDATE OF COST ESTIMATES FOR SSB(X) SUBMARINE PROGRAM ALTERNATIVES.**

(a) REPORT ON UPDATE REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2014, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth an update of the cost estimates prepared under subsection (a)(1) section 242 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1343) for each option considered under subsection (b) of that section for purposes of the report under that section on the Ohio-class replacement ballistic missile submarine.

(2) FORM.—Each updated cost estimate in the report under paragraph (1) shall be submitted in an unclassified form that may be made available to the public.

(b) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the date of the submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the accuracy of the updated cost estimates in the report under subsection (a).

**SA 2097.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. MONITORING AND COMBAT OF TRAFFICKING IN PERSONS.**

(a) REDESIGNATION OF OFFICE.—

(1) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended—

(A) in the subsection heading, by striking “OFFICE TO MONITOR AND COMBAT TRAFFICKING” and inserting “BUREAU TO MONITOR AND COMBAT TRAFFICKING IN PERSONS”;

(B) in paragraph (1)—

(i) in the first sentence, by striking “Office to Monitor and Combat Trafficking” and inserting “Bureau to Monitor and Combat Trafficking in Persons”;

(ii) in the second sentence, by striking “Office” and inserting “Bureau”; and

(iii) in the sixth sentence, by striking “Office” and inserting “Bureau”; and

(C) in paragraph (2)(A), by striking “Office to Monitor and Combat Trafficking” and inserting “Bureau to Monitor and Combat Trafficking in Persons”.

(2) CONFORMING AMENDMENTS.—(A) Section 112A(b)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(3)) is amended by striking “Office to Monitor and Combat Trafficking” and inserting “Bureau to Monitor and Combat Trafficking in Persons”.

(B) Section 113(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(a)) is amended by striking “Office to Monitor and Combat Trafficking” and inserting “Bureau to Monitor and Combat Trafficking in Persons”.

(C) Section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7112) is amended—

(i) by striking “Office to Monitor and Combat Trafficking” both places it appears and inserting “Bureau to Monitor and Combat Trafficking in Persons”; and

(ii) in subsection (a)(2), by striking “focus of the Office” and inserting “focus of the Bureau”.

(D) Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended by striking “Office to Monitor and Combat Trafficking” and inserting “Bureau to Monitor and Combat Trafficking in Persons”.

(b) ASSISTANT SECRETARY OF THE BUREAU TO MONITOR AND COMBAT TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)), as amended by subsection (a)(1), is further amended—

(A) in paragraph (1)—

(i) by striking “Director” each place it appears and inserting “Assistant Secretary”; and

(ii) by striking “, with the rank of Ambassador-at-Large”; and

(B) in paragraph (2), by striking “Director” both places it appears and inserting “Assistant Secretary”.

(2) CONFORMING AMENDMENTS.—(A) Section 112A(b)(3) of the Trafficking Victims Protec-

tion Act of 2000 (22 U.S.C. 7109a(b)(3)), as amended by subsection (a)(2)(A), is further amended by striking “Director” and inserting “Assistant Secretary”.

(B) Section 105(a)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7112(a)(2)), as amended by subsection (a)(2)(C), is further amended by striking “Director” and inserting “Assistant Secretary”.

(C) Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)), as amended by subsection (a)(2)(D), is further amended by striking “Director” and inserting “Assistant Secretary”.

(3) INCREASE IN AUTHORIZED ASSISTANT SECRETARY POSITIONS.—(A) Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking “not more than 24 Assistant Secretaries” and inserting “not more than 25 Assistant Secretaries”.

(B) Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of State (24)” and inserting “Assistant Secretaries of State (25)”.

(c) REFERENCES.—

(1) OFFICE TO MONITOR AND COMBAT TRAFFICKING.—Any reference to the Office to Monitor and Combat Trafficking in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Bureau to Monitor and Combat Trafficking in Persons.

(2) ASSISTANT SECRETARY OF THE BUREAU TO MONITOR AND COMBAT TRAFFICKING IN PERSONS.—Any reference to the Director of the Office to Monitor and Combat Trafficking in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Bureau to Monitor and Combat Trafficking in Persons.

**SA 2098.** Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.**

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are not obligated as of the date of enactment of this Act shall be used to carry out this section.

**SA 2099.** Mrs. GILLIBRAND (for herself, Mrs. BOXER, Ms. COLLINS, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. PAUL, Mrs. SHAHEEN, Mr. KIRK, Mr. SCHUMER, Mr. JOHANNES, Ms. HIRONO, Mr. BEGICH, Mr. COONS, Mr. MARKEY, Mr. JOHNSON of South Dakota, Ms. BALDWIN, Ms. WARREN, Mr. UDALL of New Mexico, Mr. SCHATZ, Mr. HEINRICH, Mr. CARDIN,



Mr. CRUZ, Mr. WYDEN, Mr. DONNELLY, Ms. MURKOWSKI, Mr. CASEY, Mr. BOOKER, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 552 and insert the following:

**SEC. 552. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.**

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) A conspiracy to commit an offense specified in subparagraph (A) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(C) A solicitation to commit an offense specified in subparagraph (A) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(D) An attempt to commit an offense specified in subparagraph (A) through (C) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as pun-

ishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O-6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of

Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this subsection.

(B) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) EFFECTIVE DATE AND APPLICABILITY.—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

**SEC. 552A. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.**

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

“(8) the officers in the offices established pursuant to section 552A(c) of the National Defense Authorization Act for Fiscal Year 2014 or officers in the grade of O-6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 552(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 applies;”.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

“(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the person is in the chain of command of the accused or the victim.”.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 552(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).



(2) **PERSONNEL.**—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

**SEC. 552B. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.**

(a) **IN GENERAL.**—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 552 and 552A (and the amendments made by section 552A) using personnel, funds, and resources otherwise authorized by law.

(b) **NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.**—Sections 552 and 552A (and the amendments made by section 552A) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

**SEC. 552C. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

Paragraph (2) of section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1762), as amended by section 546 of this Act, is further amended—

(1) by redesignating subparagraph (M) as subparagraph (N); and

(2) by inserting after subparagraph (L) the following new subparagraph (M):

“(J) Monitor and assess the implementation and efficacy of sections 552 through 552C of the National Defense Authorization Act for Fiscal Year 2014, and the amendments made by such sections.”.

**SA 2100.** Mr. WYDEN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**Subtitle F—Military Land Withdrawals**

**SEC. 2851. SHORT TITLE.**

This subtitle may be cited as the “Military Land Withdrawals Act of 2013”.

**SEC. 2852. DEFINITIONS.**

In this subtitle:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(2) **MANAGE; MANAGEMENT.**—

(A) **INCLUSIONS.**—The terms “manage” and “management” include the authority to exercise jurisdiction, custody, and control over the land withdrawn and reserved by title LI.

(B) **EXCLUSIONS.**—The terms “manage” and “management” do not include authority for disposal of the land withdrawn and reserved by title LI.

(3) **SECRETARY CONCERNED.**—The term “Secretary concerned” has the meaning given the term in section 101(a) of title 10, United States Code.

**PART 1—GENERAL PROVISIONS**

**SEC. 2861. GENERAL APPLICABILITY; DEFINITIONS.**

(a) **APPLICABILITY OF PART.**—The provisions of this part apply to any withdrawal made by this subtitle.

(b) **RULES OF CONSTRUCTION.**—Nothing in this part assigns management of real property under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

**SEC. 2862. MAPS AND LEGAL DESCRIPTIONS.**

(a) **PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the land withdrawn and reserved by part 2; and

(2) file maps and legal descriptions of the land withdrawn and reserved by part 2 with—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

(b) **LEGAL EFFECT.**—The maps and legal descriptions filed under subsection (a)(2) shall have the same force and effect as if the maps and legal descriptions were included in this subtitle, except that the Secretary of the Interior may correct any clerical and typographical errors in the maps and legal descriptions.

(c) **AVAILABILITY.**—Copies of the maps and legal descriptions filed under subsection (a)(2) shall be available for public inspection—

(1) in the appropriate offices of the Bureau of Land Management;

(2) in the office of the commanding officer of the military installation for which the land is withdrawn; and

(3) if the military installation is under the management of the National Guard, in the office of the Adjutant General of the State in which the military installation is located.

(d) **COSTS.**—The Secretary concerned shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

**SEC. 2863. ACCESS RESTRICTIONS.**

(a) **IN GENERAL.**—If the Secretary concerned determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of land withdrawn and reserved by this subtitle, the Secretary may take such action as the Secretary determines to be necessary to implement and maintain the closure.

(b) **LIMITATION.**—Any closure under subsection (a) shall be limited to the minimum area and duration that the Secretary concerned determines are required for the purposes of the closure.

(c) **CONSULTATION REQUIRED.**—

(1) **IN GENERAL.**—Subject to paragraph (3), before a closure is implemented under this section, the Secretary concerned shall consult with the Secretary of the Interior.

(2) **INDIAN TRIBE.**—Subject to paragraph (3), if a closure proposed under this section may affect access to or use of sacred sites or re-

sources considered to be important by an Indian tribe, the Secretary concerned shall consult, at the earliest practicable date, with the affected Indian tribe.

(3) **LIMITATION.**—No consultation shall be required under paragraph (1) or (2)—

(A) if the closure is provided for in an integrated natural resources management plan, an installation cultural resources management plan, or a land use management plan; or

(B) in the case of an emergency, as determined by the Secretary concerned.

(d) **NOTICE.**—Immediately preceding and during any closure implemented under subsection (a), the Secretary concerned shall post appropriate warning notices and take other appropriate actions to notify the public of the closure.

**SEC. 2864. CHANGES IN USE.**

(a) **OTHER USES AUTHORIZED.**—In addition to the purposes described in part 2, the Secretary concerned may authorize the use of land withdrawn and reserved by this subtitle for defense-related purposes.

(b) **NOTICE TO SECRETARY OF THE INTERIOR.**—

(1) **IN GENERAL.**—The Secretary concerned shall promptly notify the Secretary of the Interior if the land withdrawn and reserved by this subtitle is used for additional defense-related purposes.

(2) **REQUIREMENTS.**—A notification under paragraph (1) shall specify—

(A) each additional use;

(B) the planned duration of each additional use; and

(C) the extent to which each additional use would require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nondefense-related uses of the withdrawn and reserved land or portions of withdrawn and reserved land.

**SEC. 2865. AUTHORIZATIONS FOR NONDEFENSE-RELATED USES.**

(a) **AUTHORIZATIONS BY THE SECRETARY OF THE INTERIOR.**—Subject to the applicable withdrawals under part 2, with the consent of the Secretary concerned, the Secretary of the Interior may authorize the use, occupancy, or development of the land withdrawn and reserved by this subtitle.

(b) **AUTHORIZATIONS BY THE SECRETARY CONCERNED.**—The Secretary concerned may authorize the use, occupancy, or development of the land withdrawn and reserved by this subtitle—

(1) for a defense-related purpose; or

(2) subject to the consent of the Secretary of the Interior, for a non-defense-related purpose.

(c) **FORM OF AUTHORIZATION.**—An authorization under this section may be provided by lease, easement, right-of-way, permit, license, or other instrument authorized by law.

(d) **PREVENTION OF DRAINAGE OF OIL OR GAS RESOURCES.**—

(1) **IN GENERAL.**—For the purpose of preventing drainage of oil or gas resources, the Secretary of the Interior may lease land otherwise withdrawn from operation of the mineral leasing laws and reserved for defense-related purposes under this subtitle, under such terms and conditions as the Secretary determines to be appropriate.

(2) **CONSENT REQUIRED.**—No surface occupancy may be approved by the Secretary of the Interior under this subtitle without the consent of the Secretary concerned.

(3) **COMMUNITIZATION.**—The Secretary of the Interior may unitize or consent to communitization of land leased under paragraph (1).

(4) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

**SEC. 2866. BRUSH AND RANGE FIRE PREVENTION AND SUPPRESSION.**

(a) REQUIRED ACTIVITIES.—The Secretary concerned shall, consistent with any applicable land management plan, take necessary precautions to prevent, and actions to suppress, brush and range fires occurring as a result of military activities on the land withdrawn and reserved by this subtitle, including fires that occur on other land that spread from the withdrawn and reserved land.

(b) COOPERATION OF SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—At the request of the Secretary concerned, the Secretary of the Interior shall—

(A) provide assistance in the suppression of fires under subsection (a); and

(B) be reimbursed by the Secretary concerned for the costs of the Secretary of the Interior in providing the assistance.

(2) TRANSFER OF FUNDS.—Notwithstanding section 2215 of title 10, United States Code, the Secretary concerned may transfer to the Secretary of the Interior, in advance, funds to reimburse the costs of the Department of the Interior in providing assistance under this subsection.

**SEC. 2867. ONGOING DECONTAMINATION.**

(a) IN GENERAL.—During the period of a withdrawal and reservation of land under this subtitle, the Secretary concerned shall maintain a program of decontamination of contamination caused by defense-related uses on the withdrawn land—

(1) to the extent funds are available to carry out this subsection; and

(2) consistent with applicable Federal and State law.

(b) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 2711 of title 10, United States Code, a description of decontamination activities conducted under subsection (a).

**SEC. 2868. WATER RIGHTS.**

(a) NO RESERVATION OF WATER RIGHTS.—Nothing in this subtitle—

(1) establishes a reservation of the United States with respect to any water or water right on the land withdrawn and reserved by this subtitle; or

(2) authorizes the appropriation of water on the land withdrawn and reserved by this subtitle, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—

(1) IN GENERAL.—Nothing in this section affects any water rights acquired or reserved by the United States before the date of enactment of this Act.

(2) AUTHORITY OF SECRETARY CONCERNED.—The Secretary concerned may exercise any water rights described in paragraph (1).

**SEC. 2869. HUNTING, FISHING, AND TRAPPING.**

Section 2671 of title 10, United States Code, shall apply to all hunting, fishing, and trapping on the land—

(1) that is withdrawn and reserved by this subtitle; and

(2) for which management of the land has been assigned to the Secretary concerned.

**SEC. 2870. LIMITATION ON EXTENSIONS AND RENEWALS.**

The withdrawals and reservations established under this subtitle may not be extended or renewed except by a law enacted after the date of enactment of this Act.

**SEC. 2871. APPLICATION FOR RENEWAL OF A WITHDRAWAL AND RESERVATION.**

To the extent practicable, not later than 5 years before the date of termination of a withdrawal and reservation established by this subtitle, the Secretary concerned shall—

(1) notify the Secretary of the Interior as to whether the Secretary concerned will have a continuing defense-related need for any of the land withdrawn and reserved by this subtitle after the termination date of the withdrawal and reservation; and

(2) transmit a copy of the notice submitted under paragraph (1) to—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

**SEC. 2872. LIMITATION ON SUBSEQUENT AVAILABILITY OF LAND FOR APPROPRIATION.**

On the termination of a withdrawal and reservation by this subtitle, the previously withdrawn land shall not be open to any form of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, unless the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date on which the land shall be—

(1) restored to the public domain; and

(2) opened for appropriation under the public land laws.

**SEC. 2873. RELINQUISHMENT.**

(a) NOTICE OF INTENTION TO RELINQUISH.—If, during the period of withdrawal and reservation under this subtitle, the Secretary concerned decides to relinquish any or all of the land withdrawn and reserved by this subtitle, the Secretary concerned shall submit to the Secretary of the Interior notice of the intention to relinquish the land.

(b) DETERMINATION OF CONTAMINATION.—The Secretary concerned shall include in the notice submitted under subsection (a) a written determination concerning whether and to what extent the land that is to be relinquished is contaminated with explosive materials or toxic or hazardous substances.

(c) PUBLIC NOTICE.—The Secretary of the Interior shall publish in the Federal Register the notice of intention to relinquish the land under this section, including the determination concerning the contaminated state of the land.

(d) DECONTAMINATION OF LAND TO BE RELINQUISHED.—

(1) DECONTAMINATION REQUIRED.—The Secretary concerned shall decontaminate land subject to a notice of intention under subsection (a) to the extent that funds are appropriated for that purpose, if—

(A) the land subject to the notice of intention is contaminated, as determined by the Secretary concerned; and

(B) the Secretary of the Interior, in consultation with the Secretary concerned, determines that—

(i) decontamination is practicable and economically feasible, after taking into consideration the potential future use and value of the contaminated land; and

(ii) on decontamination of the land, the land could be opened to operation of some or all of the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) ALTERNATIVES TO RELINQUISHMENT.—The Secretary of the Interior shall not be required to accept the land proposed for relinquishment under subsection (a), if—

(A) the Secretary of the Interior, after consultation with the Secretary concerned, determines that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws; or

(B) sufficient funds are not appropriated for the decontamination of the land.

(3) STATUS OF CONTAMINATED LAND ON TERMINATION.—If, because of the contaminated state of the land, the Secretary of the Interior declines to accept land withdrawn and reserved by this subtitle that has been proposed for relinquishment, or if at the expiration of the withdrawal and reservation made by this subtitle, the Secretary of the Interior determines that a portion of the land withdrawn and reserved by this subtitle is contaminated to an extent that prevents opening the contaminated land to operation of the public land laws—

(A) the Secretary concerned shall take appropriate steps to warn the public of—

(i) the contaminated state of the land; and

(ii) any risks associated with entry onto the land;

(B) after the expiration of the withdrawal and reservation under this subtitle, the Secretary concerned shall undertake no activities on the contaminated land, except for activities relating to the decontamination of the land; and

(C) the Secretary concerned shall submit to the Secretary of the Interior and Congress a report describing—

(i) the status of the land; and

(ii) any actions taken under this paragraph.

(e) REVOCATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary of the Interior determines that it is in the public interest to accept the land proposed for relinquishment under subsection (a), the Secretary of the Interior may order the revocation of a withdrawal and reservation established by this subtitle.

(2) REVOCATION ORDER.—To carry out a revocation under paragraph (1), the Secretary of the Interior shall publish in the Federal Register a revocation order that—

(A) terminates the withdrawal and reservation;

(B) constitutes official acceptance of the land by the Secretary of the Interior; and

(C) specifies the date on which the land will be opened to the operation of some or all of the public land laws, including the mining laws.

(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Nothing in this section requires the Secretary of the Interior to accept the land proposed for relinquishment if the Secretary determines that the land is not suitable for return to the public domain.

(2) NOTICE.—If the Secretary makes a determination that the land is not suitable for return to the public domain, the Secretary shall provide notice of the determination to Congress.

**SEC. 2874. LAND WITHDRAWALS; IMMUNITY OF THE UNITED STATES.**

The United States and officers and employees of the United States shall be held harmless and shall not be liable for any injuries or damages to persons or property incurred as a result of any mining or mineral or geothermal leasing activity or other authorized nondefense-related activity conducted on land withdrawn and reserved by this subtitle.

**PART 2—MILITARY LAND WITHDRAWALS****SEC. 2881. CHINA LAKE, CALIFORNIA.****(a) WITHDRAWAL AND RESERVATION.—**

(1) **WITHDRAWAL.**—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws).

(2) **DESCRIPTION OF LAND.**—The public land (including interests in land) referred to in paragraph (1) is the Federal land located within the boundaries of the Naval Air Weapons Station China Lake, comprising approximately 1,045,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on the maps entitled “Naval Air Weapons Station China Lake Withdrawal—Renewal”, “North Range”, and “South Range”, dated March 18, 2013, and filed in accordance with section 2862.

(3) **RESERVATION.**—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Use as a research, development, test, and evaluation laboratory.

(B) Use as a range for air warfare weapons and weapon systems.

(C) Use as a high-hazard testing and training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and directed energy and unmanned aerial systems.

(D) Geothermal leasing, development, and related power production activities.

(E) Other defense-related purposes consistent with the purposes described in subparagraphs (A) through (D) and authorized under section 2864.

**(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—****(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—**

(A) **IN GENERAL.**—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable law.

(B) **AUTHORIZED ACTIVITIES.**—To the extent consistent with applicable law and Executive orders, the land withdrawn by this section may be managed in a manner that permits the following activities:

(i) Grazing.

(ii) Protection of wildlife and wildlife habitat.

(iii) Preservation of cultural properties.

(iv) Control of predatory and other animals.

(v) Recreation and education.

(vi) Prevention and appropriate suppression of brush and range fires resulting from non-military activities.

(vii) Geothermal leasing and development and related power production activities.

(C) **NONDEFENSE USES.**—All nondefense-related uses of the land withdrawn by this section (including the uses described in subparagraph (B)), shall be subject to any conditions and restrictions that the Secretary of the Interior and the Secretary of the Navy jointly determine to be necessary to permit the de-

fense-related use of the land for the purposes described in this section.

**(D) ISSUANCE OF LEASES.—**

(i) **IN GENERAL.**—The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, permit, license, or other instrument authorized by law with respect to any activity that involves geothermal resources on—

(I) the land withdrawn and reserved by this section; and

(II) any other land not under the administrative jurisdiction of the Secretary of the Navy.

(ii) **CONSENT REQUIRED.**—Any authorization issued under clause (i) shall—

(I) only be issued with the consent of the Secretary of the Navy; and

(II) be subject to such conditions as the Secretary of the Navy may require with respect to the land withdrawn and reserved by this section.

**(2) ASSIGNMENT TO THE SECRETARY OF THE NAVY.—**

(A) **IN GENERAL.**—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) **APPLICABLE LAW.**—On assignment of the management responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.);

(iii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(iv) cooperative management arrangements entered into by the Secretary of the Interior and the Secretary of the Navy; and

(v) any other applicable law.

**(3) GEOTHERMAL RESOURCES.—**

(A) **IN GENERAL.**—Nothing in this section or section 2865 affects—

(i) geothermal leases issued by the Secretary of the Interior before the date of enactment of this Act; or

(ii) the responsibility of the Secretary of the Interior to administer and manage the leases described in clause (i), consistent with the provisions of this section.

(B) **AUTHORITY OF THE SECRETARY OF THE INTERIOR.**—Nothing in this section or any other provision of law prohibits the Secretary of the Interior from issuing, subject to the concurrence of the Secretary of the Navy, and administering any lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and any other applicable law for the development and use of geothermal steam and associated geothermal resources on the land withdrawn and reserved by this section.

(C) **APPLICABLE LAW.**—Nothing in this section affects the geothermal exploration and development authority of the Secretary of the Navy under section 2917 of title 10, United States Code, with respect to the land withdrawn and reserved by this section, except that the Secretary of the Navy shall be required to obtain the concurrence of the Secretary of the Interior before taking action under section 2917 of title 10, United States Code.

(D) **NAVY CONTRACTS.**—On the expiration of the withdrawal and reservation of land under this section or the relinquishment of the land, any Navy contract for the development of geothermal resources at Naval Air Weapons Station, China Lake, in effect on the date of the expiration or relinquishment shall remain in effect, except that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to sub-

stitute a standard geothermal lease for the contract.

(E) **CONCURRENCE OF SECRETARY OF THE NAVY REQUIRED.**—Any lease issued under section 2865(d) with respect to land withdrawn and reserved by this section shall require the concurrence of the Secretary of the Navy, if—

(i) the Secretary of the Interior anticipates the surface occupancy of the withdrawn land; or

(ii) the Secretary of the Interior determines that the proposed lease may interfere with geothermal resources on the land.

**(4) WILD HORSES AND BURROS.—**

(A) **IN GENERAL.**—The Secretary of the Navy—

(i) shall be responsible for the management of wild horses and burros located on the land withdrawn and reserved by this section; and

(ii) may use helicopters and motorized vehicles for the management of the wild horses and burros.

(B) **REQUIREMENTS.**—The activities authorized under subparagraph (A) shall be conducted in accordance with laws applicable to the management of wild horses and burros on public land.

(C) **AGREEMENT.**—The Secretary of the Interior and the Secretary of the Navy shall enter into an agreement for the implementation of the management of wild horses and burros under this paragraph.

(5) **CONTINUATION OF EXISTING AGREEMENT.**—The agreement between the Secretary of the Interior and the Secretary of the Navy entered into before the date of enactment of this Act under section 805 of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103-433; 108 Stat. 4503) shall continue in effect until the earlier of—

(A) the date on which the Secretary of the Interior and the Secretary of the Navy enter into a new agreement; or

(B) the date that is 1 year after the date of enactment of this Act.

**(6) COOPERATION IN DEVELOPMENT OF MANAGEMENT PLAN.—**

(A) **IN GENERAL.**—The Secretary of the Navy and the Secretary of the Interior shall update and maintain cooperative arrangements concerning land resources and land uses on the land withdrawn and reserved by this section.

(B) **REQUIREMENTS.**—A cooperative arrangement entered into under subparagraph (A) shall—

(i) focus on and apply to sustainable management and protection of the natural and cultural resources and environmental values found on the withdrawn and reserved land, consistent with the defense-related purposes for which the land is withdrawn and reserved; and

(ii) include a comprehensive land use management plan that—

(I) integrates and is consistent with any applicable law, including—

(aa) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(bb) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(II) shall be—

(aa) annually reviewed by the Secretary of the Navy and the Secretary of the Interior; and

(bb) updated, as the Secretary of the Navy and the Secretary of the Interior determine to be necessary—

(AA) to respond to evolving management requirements; and

(BB) to complement the updates of other applicable land use and resource management and planning.

## (7) IMPLEMENTING AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to implement the comprehensive land use management plan developed under paragraph (6)(B)(ii).

(B) COMPONENTS.—An agreement entered into under subparagraph (A)—

(i) shall be for a duration that is equal to the period of the withdrawal and reservation of land under this section; and

(ii) may be amended from time to time.

## (c) TERMINATION OF PRIOR WITHDRAWALS.—

(1) IN GENERAL.—Subject to paragraph (2), the withdrawal and reservation under section 803(a) of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103-433; 108 Stat. 4502) is terminated.

(2) LIMITATION.—Notwithstanding the termination under paragraph (1), all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Interior or the Secretary of the Navy with respect to the land withdrawn and reserved under that section, unless inconsistent with the provisions of this section, shall remain in force until modified, suspended, overruled, or otherwise changed by—

(A) the Secretary of the Interior or the Secretary of the Navy (as applicable);

(B) a court of competent jurisdiction; or

(C) operation of law.

(d) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

**SEC. 2882. LIMESTONE HILLS, MONTANA.**

(a) WITHDRAWAL AND RESERVATION OF PUBLIC LAND FOR LIMESTONE HILLS TRAINING AREA, MONTANA.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (3), and all other areas within the boundaries of the land as depicted on the map provided for by paragraph (4) that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) RESERVATION; PURPOSE.—Subject to the limitations and restrictions contained in subsection (c), the public land withdrawn by paragraph (1) is reserved for use by the Secretary of the Army for the following purposes:

(A) The conduct of training for active and reserve components of the Armed Forces.

(B) The construction, operation, and maintenance of organizational support and maintenance facilities for component units conducting training.

(C) The conduct of training by the Montana Department of Military Affairs, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(D) The conduct of training by State and local law enforcement agencies, civil defense organizations, and public education institutions, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(E) Other defense-related purposes consistent with the purposes specified in subparagraphs (A) through (D).

(3) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) comprises approximately 18,644 acres in Broadwater County, Montana, generally depicted as “Proposed Land Withdrawal” on the map entitled “Limestone

Hills Training Area Land Withdrawal” and dated April 10, 2013.

## (4) INDIAN TRIBES.—

(A) IN GENERAL.—Nothing in this subtitle alters any rights reserved for an Indian tribe for tribal use of the public land withdrawn by paragraph (1) by treaty or Federal law.

(B) CONSULTATION REQUIRED.—The Secretary of the Army shall consult with any Indian tribes in the vicinity of the public land withdrawn by paragraph (1) before taking any action within the public land affecting tribal rights or cultural resources protected by treaty or Federal law.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—During the period of the withdrawal and reservation specified in subsection (e), the Secretary of the Army shall manage the public land withdrawn by paragraph (1) of subsection (a) for the purposes specified in paragraph (2) of that subsection, subject to the limitations and restrictions contained in subsection (c).

## (c) SPECIAL RULES GOVERNING MINERALS MANAGEMENT.—

## (1) INDIAN CREEK MINE.—

(A) IN GENERAL.—Of the land withdrawn by subsection (a)(1), locatable mineral activities in the approved Indian Creek Mine plan of operations, MTM-78300, shall be regulated in accordance with subparts 3715 and 3809 of title 43, Code of Federal Regulations.

## (B) RESTRICTIONS ON SECRETARY OF THE ARMY.—

(i) IN GENERAL.—The Secretary of the Army shall make no determination that the disposition of, or exploration for, minerals as provided for in the approved plan of operations described in subparagraph (A) is inconsistent with the defense-related uses of the land withdrawn under this section.

(ii) COORDINATION.—The coordination of the disposition of and exploration for minerals with defense-related uses of the land shall be determined in accordance with procedures in an agreement provided for under paragraph (3).

## (2) REMOVAL OF UNEXPLODED ORDNANCE ON LAND TO BE MINED.—

## (A) REMOVAL ACTIVITIES.—

(i) IN GENERAL.—Subject to the availability of funds appropriated for such purpose, the Secretary of the Army shall remove unexploded ordnance on land withdrawn by subsection (a)(1) that is subject to mining under paragraph (1), consistent with applicable Federal and State law.

(ii) PHASES.—The Secretary of the Army may provide for the removal of unexploded ordnance in phases to accommodate the development of the Indian Creek Mine under paragraph (1).

## (B) REPORT ON REMOVAL ACTIVITIES.—

(i) IN GENERAL.—The Secretary of the Army shall annually submit to the Secretary of the Interior a report regarding any unexploded ordnance removal activities conducted during the previous fiscal year in accordance with this paragraph.

(ii) INCLUSIONS.—The report under clause (i) shall include—

(I) a description of the amounts expended for unexploded ordnance removal on the land withdrawn by subsection (a)(1) during the period covered by the report; and

(II) the identification of the land cleared of unexploded ordnance and approved for mining activities by the Secretary of the Interior under this paragraph.

## (3) IMPLEMENTATION AGREEMENT FOR MINING ACTIVITIES.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall enter into an agreement to implement this

subsection with respect to the coordination of defense-related uses and mining and the ongoing removal of unexploded ordnance.

(B) DURATION.—The duration of an agreement entered into under subparagraph (A) shall be equal to the period of the withdrawal under subsection (a)(1), but may be amended from time to time.

(C) REQUIREMENTS.—The agreement shall provide the following:

(i) That Graymont Western US, Inc., or any successor or assign of the approved Indian Creek Mine mining plan of operations, MTM-78300, shall be invited to be a party to the agreement.

(ii) Provisions regarding the day-to-day joint-use of the Limestone Hills Training Area.

(iii) Provisions addressing periods during which military and other authorized uses of the withdrawn land will occur.

(iv) Provisions regarding when and where military use or training with explosive material will occur.

(v) Provisions regarding the scheduling of training activities conducted within the withdrawn land that restrict mining activities.

(vi) Procedures for deconfliction with mining operations, including parameters for notification and resolution of anticipated changes to the schedule.

(vii) Procedures for access through mining operations covered by this section to training areas within the boundaries of the Limestone Hills Training Area.

(viii) Procedures for scheduling of the removal of unexploded ordnance.

(4) EXISTING MEMORANDUM OF AGREEMENT.—Until the date on which the agreement under paragraph (3) becomes effective, the compatible joint use of the land withdrawn and reserved by subsection (a)(1) shall be governed, to the extent compatible, by the terms of the 2005 Memorandum of Agreement among the Montana Army National Guard, Graymont Western US, Inc., and the Bureau of Land Management.

## (d) GRAZING.—

(1) ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.—The Secretary of the Interior shall manage the issuance and administration of grazing permits and leases, including the renewal of permits and leases, on the public land withdrawn by subsection (a)(1), consistent with all applicable laws (including regulations) and policies of the Secretary of the Interior relating to the permits and leases.

(2) SAFETY REQUIREMENTS.—With respect to any grazing permit or lease issued after the date of enactment of this Act for land withdrawn by subsection (a)(1), the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that—

(A) are consistent with Department of the Army explosive and range safety standards; and

(B) provide for the safe use of the withdrawn land.

(3) ASSIGNMENT.—The Secretary of the Interior may, with the agreement of the Secretary of the Army, assign the authority to issue and to administer grazing permits and leases to the Secretary of the Army, except that the assignment may not include the authority to discontinue grazing on the land withdrawn by subsection (a)(1).

(e) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal of public land by subsection (a)(1) shall terminate on March 31, 2039.

**SEC. 2883. CHOCOLATE MOUNTAIN, CALIFORNIA.**

(a) WITHDRAWAL AND RESERVATION.—

(1) **WITHDRAWAL.**—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) **DESCRIPTION OF LAND.**—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 228,324 acres in Imperial and Riverside Counties, California, generally depicted on the map entitled “Chocolate Mountain Aerial Gunnery Range—Administration’s Land Withdrawal Legislative Proposal Map”, dated October 30, 2013, and filed in accordance with section 2862.

(3) **RESERVATION.**—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Testing and training for aerial bombing, missile firing, tactical maneuvering, and air support.

(B) Small unit ground forces training, including artillery firing, demolition activities, and small arms field training.

(C) Other defense-related purposes consistent with the purposes that are—

(i) described in subparagraphs (A) and (B); and

(ii) authorized under section 2864.

(b) **MANAGEMENT OF WITHDRAWN AND RESERVED LAND.**—

(1) **MANAGEMENT BY THE SECRETARY OF THE INTERIOR.**—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(A) this subtitle;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) any other applicable law.

(2) **ASSIGNMENT OF MANAGEMENT TO THE SECRETARY OF THE NAVY.**—

(A) **IN GENERAL.**—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) **ACCEPTANCE.**—If the Secretary of the Navy accepts the assignment of responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(iii) any other applicable law.

(3) **IMPLEMENTING AGREEMENT.**—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement—

(A) that implements the assignment of management responsibility under paragraph (2);

(B) the duration of which shall be equal to the period of the withdrawal and reservation of the land under this section; and

(C) that may be amended from time to time.

(4) **ACCESS AGREEMENT.**—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to address access to and maintenance of Bureau of Reclamation facilities located within the boundary of the Chocolate Mountain Aerial Gunnery Range.

(c) **ACCESS.**—Notwithstanding section 2863, the land withdrawn and reserved by this section (other than the land comprising the Bradshaw Trail) shall be—

(1) closed to the public and all uses (other than the uses authorized by subsection (a)(3) or under section 2864); and

(2) subject to any conditions and restrictions that the Secretary of the Navy determines to be necessary to prevent any interference with the uses authorized by subsection (a)(3) or under section 2864.

(d) **DURATION OF WITHDRAWAL AND RESERVATION.**—The withdrawal and reservation made by this section terminates on March 31, 2039.

#### SEC. 2884. TWENTYNINE PALMS, CALIFORNIA.

(a) **WITHDRAWAL AND RESERVATION.**—

(1) **WITHDRAWAL.**—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) **DESCRIPTION OF LAND.**—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 150,928 acres in San Bernardino County, California, generally depicted on the map entitled “MCAGCC 29 Palms Expansion Map”, dated November 13, 2013 (3 sheets), and filed in accordance with section 2862, which are divided into the following 2 areas:

(A) The Exclusive Military Use Area, divided into 4 areas, consisting of—

(i) 1 area to the west of the Marine Corps Air Ground Combat Center, consisting of approximately 91,293 acres;

(ii) 1 area south of the Marine Corps Air Ground Combat Center, consisting of approximately 19,704 acres; and

(iii) 2 other areas, each measuring approximately 300 meters square (approximately 22 acres), located inside the boundaries of the Shared Use Area described in subparagraph (B), totaling approximately 44 acres.

(B) The Shared Use Area, consisting of approximately 40,931 acres.

(3) **RESERVATION FOR SECRETARY OF THE NAVY.**—The land withdrawn by paragraph (2)(A) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Sustained, combined arms, live-fire, and maneuver field training for large-scale Marine air ground task forces.

(B) Individual and unit live-fire training ranges.

(C) Equipment and tactics development.

(D) Other defense-related purposes that are—

(i) consistent with the purposes described in subparagraphs (A) through (C); and

(ii) authorized under section 2864.

(4) **RESERVATION FOR SECRETARY OF THE INTERIOR.**—The land withdrawn by paragraph (2)(B) is reserved—

(A) for use by the Secretary of the Navy for the purposes described in paragraph (3); and

(B) for use by the Secretary of the Interior for the following purposes:

(i) Public recreation—

(I) during any period in which the land is not being used for military training; and

(II) as determined to be suitable for public use.

(ii) Natural resources conservation.

(b) **MANAGEMENT OF WITHDRAWN AND RESERVED LAND.**—

(1) **MANAGEMENT BY THE SECRETARY OF THE NAVY.**—Except as provided in paragraph (2), during the period of withdrawal and reservation of land by this section, the Secretary of the Navy shall manage the land withdrawn and reserved by this section for the purposes described in subsection (a)(3), in accordance with—

(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.);

(B) this subtitle;

(C) a programmatic agreement between the Marine Corps and the California State Historic Preservation Officer regarding operation, maintenance, training, and construction at the United States Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California; and

(D) any other applicable law.

(2) **MANAGEMENT BY THE SECRETARY OF THE INTERIOR.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), during the period of withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the area described in subsection (a)(2)(B).

(B) **EXCEPTION.**—Twice a year during the period of withdrawal and reservation of land by this section, there shall be a 30-day period during which the Secretary of the Navy shall—

(i) manage the area described in subsection (a)(2)(B); and

(ii) exclusively use the area described in subsection (a)(2)(B) for military training purposes.

(C) **APPLICABLE LAW.**—The Secretary of the Interior, during the period of the management by the Secretary of the Interior under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(4), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) **SECRETARY OF THE NAVY.**—

(i) **IN GENERAL.**—The Secretary of the Navy, during the period of the management by the Secretary of the Navy under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(3), in accordance with—

(I) an integrated natural resources management plan prepared and implemented in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

(II) this subtitle;

(III) the programmatic agreement described in paragraph (1)(C); and

(IV) any other applicable law.

(ii) **LIMITATION.**—The Department of the Navy shall not fire dud-producing ordnance onto the land withdrawn by subsection (a)(2)(B).

(3) **PUBLIC ACCESS.**—

(A) **IN GENERAL.**—Notwithstanding section 2863, the area described in subsection (a)(2)(A) shall be closed to all public access unless otherwise authorized by the Secretary of the Navy.

(B) **PUBLIC RECREATIONAL USE.**—

(i) **IN GENERAL.**—The area described in subsection (a)(2)(B) shall be open to public recreational use during the period in which the area is under the management of the Secretary of the Interior, if there is a determination by the Secretary of the Navy that the area is suitable for public use.

(ii) DETERMINATION.—A determination of suitability under clause (i) shall not be withheld without a specified reason.

(C) RESOURCE MANAGEMENT GROUP.—

(i) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior, by agreement, shall establish a Resource Management Group comprised of representatives of the Departments of the Interior and Navy.

(ii) DUTIES.—The Resource Management Group established under clause (i) shall—

(I) develop and implement a public outreach plan to inform the public of the land uses changes and safety restrictions affecting the land; and

(II) advise the Secretary of the Interior and the Secretary of the Navy with respect to the issues associated with the multiple uses of the area described in subsection (a)(2)(B).

(iii) MEETINGS.—The Resource Management Group established under clause (i) shall—

(I) meet at least once a year; and

(II) solicit input from relevant State agencies, private off-highway vehicle interest groups, event managers, environmental advocacy groups, and others relating to the management and facilitation of recreational use within the area described in subsection (a)(2)(B).

(D) MILITARY TRAINING.—

(i) NOT CONDITIONAL.—Military training within the area described in subsection (a)(2)(B) shall not be conditioned on, or precluded by—

(I) the lack of a recreation management plan or land use management plan for the area described in subsection (a)(2)(B) developed and implemented by the Secretary of the Interior; or

(II) any legal or administrative challenge to a recreation management plan or land use plan developed under subclause (I).

(ii) MANAGEMENT.—The area described in subsection (a)(2)(B) shall be managed in a manner that does not compromise the ability of the Department of the Navy to conduct military training in the area.

(4) IMPLEMENTATION AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy shall enter into a written agreement to implement the management responsibilities of the respective Secretaries with respect to the area described in subsection (a)(2)(B).

(B) COMPONENTS.—The agreement entered into under subparagraph (A)—

(i) shall be of a duration that is equal to the period of the withdrawal and reservation of land under this section;

(ii) may be amended from time to time;

(iii) may provide for the integration of the management plans required of the Secretary of the Interior and the Secretary of the Navy by this section;

(iv) may provide for delegation to civilian law enforcement personnel of the Department of the Navy of the authority of the Secretary of the Interior to enforce the laws relating to protection of natural and cultural resources and fish and wildlife; and

(v) may provide for the Secretary of the Interior and the Secretary of the Navy to share resources so as to most efficiently and effectively manage the area described in subsection (a)(2)(B).

(5) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

(A) DESIGNATION.—The following areas are designated as the “Johnson Valley Off-Highway Vehicle Recreation Area”:

(i) Approximately 45,000 acres (as depicted on the map referred to in subsection (a)(2)) of

the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle Area that is not withdrawn and reserved for defense-related uses by this section.

(ii) The area described in subsection (a)(2)(B).

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designation in effect on the date of enactment of this Act and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual off-highway vehicular use and recreation.

(C) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than the portion of the area described in subsection (a)(2)(B) that is being managed in accordance with the other provisions of this section), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of exercise activities) conducted on the land withdrawn and reserved by this section.

(E) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

**SEC. 2885. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).

(c) REVOCATION OF WITHDRAWAL.—Effective on the date of enactment of this Act—

(1) Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822), is revoked with respect to the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map; and

(2) the land described in paragraph (1) shall be managed by the Secretary of the Interior as public land, in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

**SA 2101.** Mr. DONNELLY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.**

(a) IN GENERAL.—Not later than March 15, 2014, the Chairman of the United States-China Economic and Security Review Commission established under section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002) shall submit a report on the operations of the Commission to—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the manner in which the Commission has carried out the requirements of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), including how the Commission has—

(A) carried out the purpose described in subsection (b)(2) of that section;

(B) carried out the duties of the Commission described in subsection (c) of that section;

(C) compensated members of the Commission under subsection (e)(1) of that section; and

(D) appointed and compensated the executive director and other personnel of the Commission under subsection (e)(3) of that section.

(2) A list that includes—

(A) the name of each individual that has served or is serving as a member of the Commission as of the date of the submission of the report; and

(B) the term that each such individual served or is serving as of that date.

(3) A description of the extent to which the Commission has access to classified information and how the Commission has used that information in carrying out the duties of the Commission.

(4) A summary of all domestic and foreign travel by members and personnel of the Commission after December 31, 2005, including dates, locations, and purposes of travel and the names of members and personnel who participated.

(5) A summary and description of the changes that have occurred in the relationship between the United States and China after December 31, 2000, with respect to economics and national security.

(6) Recommendations of the Commission for statutory changes to update the mandate, purpose, duties, organization, and operations of the Commission, taking into account changes in the relationship between the United States and China.

**SA 2102.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. INCLUSION OF SUICIDE PREVENTION IN PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.**

Section 706 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1800; 10 U.S.C. 10101 note) is amended by striking “and substance use disorders and traumatic brain injury” each place it appears (other than in paragraphs (1) and (2) of subsection (c)) and inserting “substance use disorders, traumatic brain injury, and suicide prevention”.

**SA 2103.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON ACTIVITIES BEING UNDERTAKEN BY THE PEOPLE'S REPUBLIC OF CHINA TO SUSTAIN THE ECONOMY OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the activities being undertaken by the People's Republic of China to sustain the economy of the Democratic People's Republic of Korea.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the activities of the People's Liberation Army (PLA) and Politburo members of the People's Republic of China in government and non-government bilateral trade, banking, investment, economic development, and infrastructure projects between the People's Republic of China and the Democratic People's Republic of Korea at the national, provincial, and local level.

(B) A description of the financial resources, flows, and structures of the entities and individuals of the People's Republic of China engaged in the activities described under subparagraph (A).

(C) An assessment of the impact of the activities described under subparagraph (A) on

the weapons of mass destruction program and the ballistic missile program of the Democratic People's Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 2104.** Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EXPANSION OF CHARTER OF COUNCIL ON VETERANS EMPLOYMENT TO INCLUDE GOVERNMENT CONTRACTORS.**

The President shall revise the mission and function of the Council on Veterans Employment, established pursuant to Executive Order 13518 of November 9, 2009—

(1) to include Government contractors within the scope of the Council's efforts to increase the number of veterans employed, including by encouraging Government contracts to enhance recruitment and training of veterans; and

(2) to integrate the inclusion of Government contractors into the Council's efforts and processes.

**SA 2105.** Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. VOLUNTARY RELEASE OF CERTAIN INFORMATION FOR SEPARATING MEMBERS OF THE ARMED FORCES TO STATE EMPLOYMENT AGENCIES.**

(a) RELEASE BY DoD.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out a program under which the Department of Defense shall, upon the request of a member undergoing discharge, separation, or release from the Armed Forces, provide information on the member described in subsection (c) to the State employment agency of each State designated by the member in the request. Such information shall be so provided not earlier than 90 days before the date of the separation, discharge, or release of the member concerned.

(b) RELEASE BY VA.—The Secretary of Veterans Affairs shall carry out a program under which the Department of Veterans Affairs shall, upon the request of a veteran made not later than 90 days after the date of the veteran's discharge, separation, or release from the Armed Forces, provide information on the veteran described in subsection (c) to the State employment agency of each State designated by the veteran in the request. A veteran may make a request under this subsection only if the veteran did not make a request under subsection (a) for the provision of such information to State employment agencies.

(c) COVERED INFORMATION.—Information described in this subsection on an individual making a request under subsection (a) or (b) is the following:

(1) The individual's name.

(2) The date, or anticipated date, of the individual's discharge, separation, or release from the Armed Forces.

(3) The characterization, or anticipated characterization, of the individual's discharge from the Armed Forces.

(4) The individual's sex.

(5) The individual's marital status.

(6) The individual's State of domicile.

(7) The individual's level of education.

(8) Appropriate contact information for the individual.

(9) Whether the individual is participating, or did participate, in a transition orientation program for members of the Armed Forces such as the Transition Assistance Program (TAP).

(10) Any field of future employment for which the individual expresses a preference in the individual's request.

**SA 2106.** Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. MODIFICATION OF FEDERAL ACQUISITION REGULATION TO ENCOURAGE GOVERNMENT CONTRACTORS TO HIRE UNEMPLOYED VETERANS.**

The Director of the Office of Management and Budget shall direct the Federal Acquisition Regulatory Council to, by not later than 60 days after the date of the enactment of this Act, issue proposed rules and, by not later than 270 days after the date of the enactment of this Act, issue final rules amending the Federal Acquisition Regulation—

(1) to require contractors who are subject to the cost accounting standards under the Federal Acquisition Regulation and who received at least \$25,000,000 in aggregated contracts in each of the prior two fiscal years to develop and maintain a single company-wide veterans employment plan that, at a minimum, establishes—

(A) performance metrics;

(B) a plan to hire unemployed veterans, with a particular focus on unemployed veterans who served on active duty in the Armed Forces after September 11, 2001; and

(C) [methods] for training veterans not later than on year after hiring them in skills applicable to Government contracts;



(2) to encourage Federal agencies to modify or waive a skill required for the performance of an awarded contract when the contract is to be performed by an otherwise unemployed veteran assigned to work on such contract and the contractor provides training to the veteran in order to meet the modified or waived requirement by not later than one year after the date of such assignment;

(3) to authorize any contractor to deem that an otherwise unemployed veteran hired by a contractor after the date of the enactment of this Act who is assigned to work on a new or existing government contract meets the minimum skill qualification requirements under the contract if the contractor is provides training to such veteran in order to meet the original qualification requirement of such contract within one year of such assignment; and

(4) to modify such audit, oversight, and allowable cost requirements as may be applicable to Federal contracts to recognize and take into account the actions taken by a contractor under paragraph (3) as being in compliance with the terms and conditions of a contract.

**SA 2107.** Mr. REID (for Mr. WARNER (for himself and Mr. MORAN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

**SEC. 604. SENSE OF SENATE ON PAYMENT OF PAY AND ALLOWANCES FOR MEMBERS OF THE ARMED FORCES DURING A LAPSE IN APPROPRIATIONS.**

It is the sense of the Senate that—

(1) the members of the Armed Forces and their families continue to make great sacrifices in the service of our nation;

(2) the government shutdown during the recent lapse in appropriations hurt military families, the Federal workforce, taxpayers, and businesses; and

(3) in the event of a lapse in appropriations, Congress should make continuing appropriations for—

(A) pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations for members of the Armed Forces (as defined in section 101(a)(4) of title 10, of the United States Code), including reserve components, who perform active service during such period; and

(B) pay and allowances for military technicians (dual status) during such period.

**SA 2108.** Mr. REID (for Mr. WARNER) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. SENSE OF SENATE ON PAYMENT OF DEATH GRATUITIES AND RELATED BENEFITS TO SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) the members of the Armed Forces and their families continue to make great sacrifices in the service of our nation;

(2) to not pay timely death benefits to the families of fallen members of the Armed Forces is unacceptable; and

(3) in the event of a lapse in appropriations, Congress should make continuing appropriations for the payment of death gratuities and related benefits to survivors of deceased members of the Armed Forces, including members of the Coast Guard when not in the service of the Navy, including—

(A) payment of a death gratuity under sections 1475 to 1477 and 1489 of title 10, United States Code;

(B) payment or reimbursement of funeral and burial expenses authorized under sections 1481 and 1482 of title 10, United States Code;

(C) payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services under section 481f of title 37, United States Code; and

(D) temporary continuation of a basic allowance of housing for dependents of members dying on active duty, as authorized by section 403(1) of title 37, United States Code.

**SA 2109.** Mr. REID (for Mr. WARNER (for himself and Mrs. GILLIBRAND)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. UNMANNED AIRCRAFT SYSTEMS AND NATIONAL AIRSPACE.**

(a) **MEMORANDA OF UNDERSTANDING.**—Notwithstanding any other provision of law, the Secretary of Defense may enter into a memorandum of understanding with a non-Department of Defense entity that is engaged in the test range program authorized under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to allow such entity to access non-regulatory special use airspace if such access—

(1) is used by the entity as part of such test range program; and

(2) does not—

(A) interfere with the activities of the Secretary; or

(B) otherwise interrupt or delay missions or training of the Department of Defense.

(b) **ESTABLISHED PROCEDURES.**—In carrying out subsection (a), the Secretary of Defense shall use the established procedures of the Department of Defense with respect to entering into a memorandum of understanding.

(c) **RULE OF CONSTRUCTION.**—A memorandum of understanding entered into under

subsection (a) between the Secretary of Defense and a non-Department of Defense entity may not be construed as establishing the Secretary as a partner, proponent, or team member of such entity in the test range program specified in such subsection.

**SA 2110.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

(a) **IN GENERAL.**—Section 3301(1)(B) of title 38, United States Code, is amended by inserting “12301(h),” after “12301(g).”

(b) **RETROACTIVE APPLICATION.**—The amendment made by subsection (a) shall apply as if such amendment were enacted immediately after the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110-252).

**SA 2111.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. LIMITATION ON ASSISTANCE TO PROVIDE TEAR GAS OR OTHER RIOT CONTROL ITEMS.**

None of the funds authorized to be appropriated by this Act may be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the security forces of such government are not using excessive force to repress peaceful, lawful, and organized dissent.

**SA 2112.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.**

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2017. Requirement to use human-based methods for certain medical training**

“(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2016, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

“(2) Not later than October 1, 2018, the Secretary—

“(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

“(B) may not use animals for such purpose.

“(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

“(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

“(c) ANNUAL REPORTS.—(1) Not later than October 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods and replacement of live-animal based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

“(2) Each report under this subsection on or after October 1, 2018, shall include a description of any exemption under subsection (b) that is in force as the time of such report, and a current justification for such exemption.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘combat trauma injuries’ means severe injuries likely to occur during combat, including—

“(A) hemorrhage;

“(B) tension pneumothorax;

“(C) amputation resulting from blast injury;

“(D) compromises to the airway; and

“(E) other injuries.

“(2) The term ‘human-based training methods’ means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

“(A) simulators;

“(B) partial task trainers;

“(C) moulage;

“(D) simulated combat environments;

“(E) human cadavers; and

“(F) rotations in civilian and military trauma centers.

“(3) The term ‘partial task trainers’ means training aids that allow individuals to learn or practice specific medical procedures.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

“2017. Requirement to use human-based methods for certain medical training.”.

**SA 2113.** Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON UNDERSEA FIBER-OPTIC CABLE USE FOR DEPARTMENT OF DEFENSE ACTIVITIES WORLDWIDE.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Department of undersea fiber-optic cables to transmit information. The report shall set forth the following:

(1) A description of the quantity, type, and sensitivity of information transmitted by the Department on undersea fiber-optic cables.

(2) A description of the degree to which foreign companies manufacture or service undersea fiber-optic cables used by the Department to transmit information.

(3) A list of companies, and their countries of origin, that manufacture and service undersea fiber-optic cables used by the Department to transmit information.

(4) An assessment of the vulnerabilities created when undersea fiber-optic cables used by the Department to transmit information are manufactured or serviced by foreign companies.

(5) An estimate of the extent to which the reliance of the Department on undersea fiber-optic cables to transmit information will increase over the next decade.

(6) An assessment of the health of the United States industrial base for the manufacture and servicing of undersea fiber-optic cables.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 2114.** Mr. PORTMAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. REPORT ON USE OF TELEHEALTH FOR TREATMENT OF POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURIES, AND MENTAL HEALTH CONDITIONS.**

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of telehealth to improve the diagnosis and treatment of Post-Traumatic

Stress Disorder (PTSD), Traumatic Brain Injuries (TBI), and mental health conditions.

(b) ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The current status of telehealth initiatives within the Defense Department to diagnose and treat Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions.

(2) Plans for integrating telehealth into the military health care system, including in health care delivery, records management, medical education, public health, and private sector partnerships.

(3) The status of the integration of telehealth initiatives of the Department with the telehealth initiatives of the Department of Veterans Affairs.

(4) A description and assessment of challenges to the use of telehealth as a means of in-home treatment, outreach in rural areas, and in settings which provide group treatment or therapy in connection with treatment of Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions, and a description and assessment of efforts to address such challenges.

(5) A description of privacy issues related to use of telehealth for the treatment of Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions, and recommendations for mechanisms to remedy any privacy concerns in connection with use of telehealth for such treatment.

**SA 2115.** Mr. JOHNSON of Wisconsin (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

**SA 2116.** Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. PROHIBITION ON FOREIGN ASSISTANCE TO GOVERNMENTS DEVELOPING GROUND-LAUNCHED NUCLEAR-CAPABLE MISSILE SYSTEMS WITH THE CAPABILITY OF STRIKING THE CONTINENTAL UNITED STATES.**

Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “device, or” and inserting “device,”;

(B) in subparagraph (D), by inserting “or” after “device,”; and

(C) by inserting after subparagraph (D) the following new subparagraph:

“(E) is in the process of developing or acquiring a ground-launched nuclear-capable missile system with an assessed range capable of striking the continental United States, and is not a permanent member of the United Nations Security Council,”;

(2) in paragraph (4)(A), by striking “required under paragraph (1)(A) or (1)(B)” and inserting “required under paragraph (1)(A), (1)(B), or (1)(E)”;

(3) in paragraph (5)—

(A) by striking “this subsection, if the Congress” and inserting the following: “this subsection—

“(A) if the Congress”;

(B) by striking “required under paragraph (1)(A) or (1)(B) if he” and inserting “required under paragraph (1)(A), (1)(B), or (1)(E) if the President”;

(C) by striking “security. The President shall transmit” and inserting “security, and transmits”;

(D) by striking “therefor.” and inserting the following: “therefor; and

“(B) if the Secretary of Defense, in consultation with the Director of National Intelligence, certifies to Congress that the government of a country subject to sanctions under paragraph (1) solely on the basis of subparagraph (E) of such paragraph is no longer in the process of developing or acquiring a missile system described under such subparagraph, the President may waive such sanctions.”; and

(4) by adding at the end the following new paragraph:

“(9)(A) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, and annually thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on any countries determined in accordance with subparagraph (E) of paragraph (1) to be in the process of developing or acquiring a missile system described under such subparagraph.

“(B) In this paragraph, the term ‘appropriate congressional committees’ means—

“(i) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

“(ii) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.”.

**SA 2117.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON WHEREABOUTS OF ARMY SERGEANT BOWE BERGDAHL.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees an unclassified report, with a classified annex, regarding the status of the search for U.S. Army Sergeant Bowe Bergdahl, who was captured by the Taliban on June 30, 2009, in Paktika Province in eastern Afghanistan. The report should include Sergeant Bergdahl’s suspected whereabouts, his likely captors, and what efforts are being made to find and recover him.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

**SA 2118.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND INVESTMENT TO MEET THE REQUIREMENTS OF RENEWABLE ENERGY GOALS.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, renewable energy research, development, and investment in pursuit of meeting the renewable energy goals set forth in section 2911(e) of title 10, United States Code, by executive order, and through related legislative mandates. This review shall specify specific programs, costs, and estimated and expected savings of the programs.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Committee on Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the review conducted under subsection (a), including the following elements:

(1) A description of current Department of Defense renewable energy research initia-

tives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(2) A description of current Department of Defense renewable energy development initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(3) A description of current Department of Defense renewable energy investment initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions will include the total dollars spent to date, the estimated total cost of the program, and the estimated lifetime of the program.

(4) A description of the estimated and expected savings of each of the programs described in paragraphs (1), (2), and (3), including a comparison of the renewable energy cost to the current cost of conventional energy sources, as well as a comparison of the renewable energy cost to the average energy cost for the previous 10 years.

(5) An assessment of the adequacy of the coordination by the Department of Defense of planning for renewable energy projects with consideration for savings realized for dollars invested and the capitalization costs of such investments.

(6) An assessment of the adequacy of the coordination by the Department of Defense among the service branches and the Department of Defense as a whole, and whether or not the Department of Defense has a cost-effective, capabilities-based, and coordinated renewable energy research, development, and investment strategy.

(7) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department of Defense in optimizing research, development, and investment in renewable energy initiatives.

(8) Recommendations regarding the need for a new energy strategy for the Department of Defense that provides the Department with the energy supply required to meet all the needs and capabilities of the Armed Forces in the most cost-effective and efficient manner.

**SA 2119.** Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON TRANSFER TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated for fiscal year 2014 by this Act or any

other Act may be used to transfer, release, or assist in the transfer or release, including a transfer or release otherwise authorized by section 1031, of an individual detained on or after January 20, 2009, at Naval Station, Guantanamo Bay, Cuba, to—

(1) the government of a foreign country determined to be repeatedly providing support for acts of international terrorism pursuant to section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

(2) the recognized leadership of a foreign entity designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(3) the government of a foreign country determined to be not cooperating fully with United States antiterrorism efforts pursuant to Section 40A of the Arms Export Control Act (22 U.S.C. 2781); or

(4) to the government of a foreign country identified as having a terrorist safe haven within its borders in the Department of State 7120 Report on Terrorist Safe Havens.

**SA 2120.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. SENSE OF SENATE ON UPGRADE OF CHARACTERIZATION OF DISCHARGE OF CERTAIN VIETNAM ERA MEMBERS OF THE ARMED FORCES.**

(a) **SENSE OF SENATE.**—It is the sense of the Senate that, when considering a request for correction of a less-than-honorable discharge issued to a member of the Armed Forces during the Vietnam era, the Board for Corrections of Military Records—

(1) should take into account whether the veteran—

(A) served in the Republic of Vietnam during the Vietnam era;

(B) following such service, was diagnosed with Post-Traumatic Stress Disorder after Post-Traumatic Stress Disorder was included in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association; and

(C) has evidence to attest to current good standing within the veteran's community; and

(2) if the veteran meets the criteria specified in paragraph (1), should give all due consideration to an upgrade of characterization of discharge.

(b) **VIETNAM ERA DEFINED.**—In this section, the term “Vietnam era” has the meaning given that term in section 101(29) of title 38, United States Code.

**SA 2121.** Mr. BLUMENTHAL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. REPORT ON POTENTIAL INCORPORATION OF UNITED STATES-MANUFACTURED ROTARY WING AIRCRAFT INTO THE AFGHAN NATIONAL SECURITY FORCES FLEET.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposal for the potential incorporation of United States-manufactured rotary wing aircraft into the Afghan National Security Forces (ANSF) fleet.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the anticipated cost, schedule, and training required for the incorporation of United States-manufactured rotary wing aircraft into the Afghan National Security Forces fleet, including costs associated with the procurement and sustainment of such aircraft.

(2) A description of any actions required to be undertaken to facilitate the incorporation of such aircraft into the Afghan National Security Forces fleet.

**SA 2122.** Mrs. GILLIBRAND (for herself and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. CLARIFICATION OF PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.**

Section 317(d)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2249; 10 U.S.C. 2701 note) is amended—

(1) in subparagraph (B), by striking “and”;

(2) by redesignating subparagraph (C) as subparagraph (Q); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

“(C) tires;

“(D) treated wood;

“(E) batteries;

“(F) plastics, except insignificant amounts of plastic remaining after a good-faith effort to remove or recover plastic materials from the solid waste stream;

“(G) munitions and explosives, except when disposed of in compliance with guidance on the destruction of munitions and explosives contained in the Department of Defense Ammunition and Explosives Safety Standards, DoD Manual 6055.09-M;

“(H) compressed gas cylinders, unless empty with valves removed;

“(I) fuel containers, unless completely evacuated of its contents;

“(J) aerosol cans;

“(K) polychlorinated biphenyls;

“(L) petroleum, oils, and lubricants products (other than waste fuel for initial combustion);

“(M) asbestos;

“(N) mercury;

“(O) foam tent material;

“(P) any item containing any of the materials referred to in a preceding subparagraph; and”.

**SA 2123.** Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 310, line 14, strike “\$4,000,000,000” and insert “\$5,000,000,000”.

**SA 2124.** Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to amendment SA 2123 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 1, line 2, strike “\$5,000,000,000” and insert “\$5,000,000,001”.

**SA 2125.** Mr. REID proposed an amendment to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

**SA 2126.** Mr. REID proposed an amendment to amendment SA 2125 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 2127.** Mr. REID proposed an amendment to amendment SA 2126 proposed by Mr. REID to the amendment SA 2125 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 2128.** Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. ASSESSMENT OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct an assessment of each program as follows:

(A) The Army Educational Outreach Program (AEOP).

(B) The STEM2Stern program of the Navy.

(C) The DoD STARBASE program carried out by the Under Secretary of Defense for Personnel and Readiness.

(2) **CONSULTATION.**—The Secretary of Defense shall conduct assessments under this subsection in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

(b) **ELEMENTS.**—The assessment of a program under subsection (a) shall include the following:

(1) An assessment of the current status of the program.

(2) A determination as to the advisability of retaining, terminating, or transferring the program to another agency, together with a justification for the determination.

(3) For a program determined under paragraph (2) to be terminated, a justification why the science, technology, engineering, and mathematics education requirements of the program are no longer required.

(4) For a program determined under paragraph (2) to be transferred to the jurisdiction of another agency—

(A) the name of such agency;

(B) the funding anticipated to be provided the program by such agency during the five-year period beginning on the date of transfer; and

(C) mechanisms to ensure that education under the program will continue to meet the science, technology, engineering, and mathematics education requirements of the Department of Defense, including requirements for the dependents covered by the program.

(5) Metrics to assess whether a program under paragraph (3) or (4) is meeting the requirements applicable to such program under such paragraph.

(c) **LIMITATION ON CERTAIN ACTIONS ON PROGRAMS PENDING ASSESSMENT.**—A program specified in paragraph (1) of subsection (a) may not be terminated or transferred to the jurisdiction of another agency until the completion of the assessment required by that subsection.

(d) **FUNDING.**—

(1) **TRANSFER OF CERTAIN FUNDS TO PK-12 STEM PROGRAMS.**—Of the amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Defense-wide for the National Defense Education Program (NDEP) for the National Security Science and Engineering Faculty Fellowship (NSSEFF) as specified in the funding table in section 4201, \$10,000,000 shall be available

for pre-kindergarten, elementary, and secondary science, technology, engineering, and mathematics programs of the Department of Defense.

(2) **TRANSFER OF FUNDS BACK TO NSSEFF ON COMPLETION OF ASSESSMENT.**—Upon certifying to the congressional defense committees that the assessment required by subsection (a) is complete, the Secretary may transfer to the National Security Science and Engineering Faculty Fellowship such amount from the amount transferred by paragraph (1) as the Secretary considers appropriate.

**SA 2129.** Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. VIETNAM EDUCATION FOUNDATION.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Secretary of Defense has called for more high-level exchanges and enhanced defense cooperation between the United States and Vietnam.

(2) Vietnam plays a major role in the President's strategic priority to rebalance United States policies toward Asia (popularly known as the "Asia pivot").

(3) The Department of Defense is increasing its United States force posture in Asia to achieve more geographical distribution, operational resilience, and politically sustainability.

(4) The Secretary of Defense and the Minister of Defense of the Socialist Republic of Vietnam have agreed to develop cooperation in the following 5 areas:

(A) High-level dialogues.

(B) Maritime security.

(C) Search and rescue operations.

(D) Peacekeeping operations.

(E) Humanitarian assistance and disaster relief.

(5) The Secretary of Defense has emphasized that enhanced defense cooperation must be accompanied by reform and liberalization in other sectors.

(b) **GRANTS AUTHORIZED.**—

(1) **ESTABLISHMENT OF HIGHER EDUCATION INSTITUTION IN VIETNAM.**—In order to support Vietnam's socioeconomic transition and promote the values of intellectual freedom and open enquiry, the Secretary of State may award 1 or more grants to not-for-profit organizations engaged in promoting institutional innovation in Vietnamese higher education to establish an independent, not-for-profit, higher education institution in Vietnam.

(2) **USE OF FUNDS.**—Grant funds awarded under this subsection shall be used to support the establishment of an independent, not-for-profit academic institution to be built in Vietnam, which shall—

(A) achieve standards comparable to those required for accreditation in the United States; and

(B) offer graduate and undergraduate level teaching and research programs in a broad

range of fields, including public policy, management, and engineering.

(3) **APPLICATION.**—Eligible not-for-profit organizations desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) **FUNDING.**—The Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(5) **ANNUAL REPORT.**—The Secretary of State shall submit an annual report to the appropriate congressional committees that summarizes the activities carried out under this subsection during the most recent fiscal year.

(c) **TRANSFER OF FUNCTIONS AND ASSETS.**—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Bureau of Educational and Cultural Affairs of the Department of State.

(d) **VIETNAM DEBT REPAYMENT FUND.**—Section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended to read as follows:

“(c) **AVAILABILITY OF FUNDS.**—

“(1) **AMOUNTS TRANSFERRED TO THE FOUNDATION.**—Except as provided in paragraph (2), for each of the fiscal years 2014 through 2018, \$5,000,000 of the amounts deposited into the Fund (or accrued interest) shall be transferred to the Foundation to carry out the fellowship program described in section 206.

“(2) **AMOUNTS ALLOTTED FOR GRANTS TO ESTABLISH AN INDEPENDENT, NOT-FOR-PROFIT, HIGHER EDUCATION INSTITUTION IN VIETNAM.**—Notwithstanding paragraph (1), the Secretary of State may expend any amounts deposited into the Fund (or accrued interest) to carry out the grant program established under section 1237(b) of the National Defense Authorization Act for Fiscal Year 2014, to support the establishment of an independent, not-for-profit academic institution in Vietnam offering graduate and undergraduate level programs in a broad range of fields, including public policy, management, and engineering.

“(3) **DISPOSITION OF EXCESS FUNDS.**—For each of the fiscal years 2014 through 2018, the Secretary of the Treasury shall deposit all amounts in the Fund in excess of the amounts transferred or expended under paragraphs (1) and (2) for such year as miscellaneous receipts into the General Fund of the Treasury of the United States.”.

**SA 2130.** Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489) is amended—

(1) in subsections (a) and (b), by striking “fiscal year 2012 or 2013” and inserting “fiscal year 2012, 2013, 2014, or 2015”;

(2) in subsection (c)—

(A) by striking “during fiscal years 2012 and 2013” in the matter preceding paragraph (1);

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(C) in paragraph (3), as so redesignated, by striking “fiscal years 2012 and 2013” and inserting “fiscal years 2012, 2013, 2014, and 2015”;

(3) in subsection (d)(4), by striking “fiscal year 2012 or 2013” and inserting “fiscal year 2012, 2013, 2014, or 2015”; and

(4) by adding at the end the following new subsections:

“(e) **CARRYOVER OF REDUCTIONS REQUIRED.**—If the reductions required by subsection (c)(2) for fiscal years 2012 and 2013 are not implemented, the amounts remaining for those reductions in fiscal years 2012 and 2013 shall be implemented in fiscal years 2014 and 2015.

“(f) **ANTI-DEFICIENCY ACT VIOLATION.**—Failure to comply with subsections (a) and (e) shall be considered violations of section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’).”.

**SA 2131.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON ACCOUNTABILITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY IN SYRIA.**

(a) **SENSE OF CONGRESS.**—Congress—

(1) strongly condemns the ongoing violence, the use of chemical weapons, and the systematic gross human rights violations carried out by Syrian government forces under the direction of President Bashar al-Assad, as well as abuses committed by al Qaeda affiliates and other jihadists involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking peaceful democratic change; and

(3) calls on the President to support Syrian and International Community efforts to ensure accountability for war crimes and crimes against humanity committed during the conflict.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and 180 days after the cessation of violence in Syria, the Secretary of State shall submit to the appropriate congressional committees a report on war crimes and crimes against humanity in Syria.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description of violations of internationally recognized human rights and crimes against humanity perpetrated during the civil war in Syria, including—

(i) an account of the war crimes and crimes against humanity committed by the regime of President Bashar al-Assad;

(ii) an account of the war crimes and crimes against humanity committed by al Qaeda affiliates and other jihadists involved in the conflict; and

(iii) a description of the conventional and unconventional weapons used for such crimes and, where possible, the origins of the weapons.

(B) A description of efforts by the Department of State and the United States Agency for International Development to ensure accountability for violations of internationally recognized human rights and crimes against humanity perpetrated against the people of Syria by President Bashar al-Assad and al Qaeda affiliates and other jihadists involved in the conflict, including—

(i) a description of initiatives that the United States has undertaken to train Syrian investigators on how to document, investigate, and develop findings of war-crimes; and

(ii) an assessment of the impact of those initiatives.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

**SA 2132.** Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. COMPREHENSIVE POLICY ON IMPROVEMENTS TO CARE AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH UROTRAUMA.**

(a) **COMPREHENSIVE POLICY REQUIRED.**—

(1) **IN GENERAL.**—Not later than January 1, 2014, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a comprehensive policy on improvements to the care, management, and transition of recovering members of the Armed Forces with urotrauma.

(2) **SCOPE OF POLICY.**—The policy shall cover each of the following:

(A) The care and management of the specific needs of members of the Armed Forces who are urotrauma patients, including eligibility for the Recovery Care Coordinator Program pursuant to the Wounded Warrior Act (10 U.S.C. 1071 note).

(B) The return to active duty of members of the Armed Forces who have recovered from urotrauma, when appropriate.

(C) The transition of recovering members of the Armed Forces from receipt of care and services for urotrauma through the Department of Defense to receipt of care and services for urotrauma through the Department of Veterans Affairs.

(3) **CONSULTATION.**—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government, with representatives of military service organizations representing the interests of

members of the Armed Forces who are urotrauma patients, and with appropriate nongovernmental organizations having an expertise in matters relating to the policy.

(b) **REPORT.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report that includes a review identifying options for responding to gaps in the care of members of the Armed Forces who are urotrauma patients.

**SA 2133.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. NATIONAL BLUE ALERT COMMUNICATIONS NETWORK.**

(a) **SHORT TITLE.**—This section may be cited as the “National Blue Alert Act of 2013”.

(b) **DEFINITIONS.**—In this section:

(1) **COORDINATOR.**—The term “Coordinator” means the Blue Alert Coordinator of the Department of Justice designated under subsection (d)(1).

(2) **BLUE ALERT.**—The term “Blue Alert” means information relating to the serious injury or death of a law enforcement officer in the line of duty sent through the network.

(3) **BLUE ALERT PLAN.**—The term “Blue Alert plan” means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.

(4) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” shall have the same meaning as in section 1204(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).

(5) **NETWORK.**—The term “network” means the Blue Alert communications network established by the Attorney General under subsection (c).

(6) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) **BLUE ALERT COMMUNICATIONS NETWORK.**—The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

(d) **BLUE ALERT COORDINATOR; GUIDELINES.**—

(1) **COORDINATION WITHIN DEPARTMENT OF JUSTICE.**—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

(2) **DUTIES OF THE COORDINATOR.**—The Coordinator shall—

(A) provide assistance to States and units of local government that are using Blue Alert plans;

(B) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert



plans throughout the United States, including—

(i) a list of the resources necessary to establish a Blue Alert plan;

(ii) criteria for evaluating whether a situation warrants issuing a Blue Alert;

(iii) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;

(iv) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—

(I) the law enforcement agency involved—

(aa) confirms—

(AA) the death or serious injury of the law enforcement officer; or

(BB) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or

(bb) concludes that the law enforcement officer is missing in the line of duty;

(II) there is an indication of serious injury to or death of the law enforcement officer;

(III) the suspect involved has not been apprehended; and

(IV) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;

(v) guidelines—

(I) that information relating to a law enforcement officer who is seriously injured or killed in the line of duty should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved;

(II) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach, which should not be limited to State lines;

(III) for law enforcement agencies of States or units of local government to develop plans to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and

(IV) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and

(vi) guidelines for—

(I) the issuance of Blue Alerts through the network; and

(II) the extent of the dissemination of alerts issued through the network;

(C) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—

(i) the use of public safety communications;

(ii) command center operations; and

(iii) incident review, evaluation, debriefing, and public information procedures;

(D) work with States to ensure appropriate regional coordination of various elements of the network;

(E) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities in-

involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—

(i) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(ii) members who are—

(I) representatives of a law enforcement organization representing rank-and-file officers;

(II) representatives of other law enforcement agencies and public safety communications;

(III) broadcasters, first responders, dispatchers, and radio station personnel; and

(IV) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;

(F) act as the nationwide point of contact for—

(i) the development of the network; and

(ii) regional coordination of Blue Alerts through the network; and

(G) determine—

(i) what procedures and practices are in use for notifying law enforcement and the public when a law enforcement officer is killed or seriously injured in the line of duty; and

(ii) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.

(3) LIMITATIONS.—

(A) VOLUNTARY PARTICIPATION.—The guidelines established under paragraph (2)(B), protocols developed under paragraph (2)(C), and other programs established under paragraph (2), shall not be mandatory.

(B) DISSEMINATION OF INFORMATION.—The guidelines established under paragraph (2)(B) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.

(C) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under paragraph (2)(B) shall—

(i) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and

(ii) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty and the families of the officers.

(4) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this section.

(5) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

(A) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

(B) lobby any officer of a State regarding the funding or implementation of a Blue Alert plan; or

(C) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

(6) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Coordinator shall

submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Blue Alert plans that are in effect or being developed.

**SA 2134.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489) is amended—

(1) in subsections (a) and (b), by striking “fiscal year 2012 or 2013” and inserting “fiscal year 2012, 2013, 2014, or 2015”;

(2) in subsection (c)—

(A) by striking “during fiscal years 2012 and 2013” in the matter preceding paragraph (1);

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(C) in paragraph (3), as so redesignated, by striking “fiscal years 2012 and 2013” and inserting “fiscal years 2012, 2013, 2014, and 2015”;

(3) in subsection (d)(4), by striking “fiscal year 2012 or 2013” and inserting “fiscal year 2012, 2013, 2014, or 2015”; and

(4) by adding at the end the following new subsections:

“(e) CARRYOVER OF REDUCTIONS REQUIRED.—If the reductions required by subsection (c)(2) for fiscal years 2012 and 2013 are not implemented, the amounts remaining for those reductions in fiscal years 2012 and 2013 shall be implemented in fiscal years 2014 and 2015.

“(f) ANTI-DEFICIENCY ACT VIOLATION.—Failure to comply with subsections (a) and (e) shall be considered violations of section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’).”

**SA 2135.** Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. SENSE OF SENATE THAT FUNDS FOR DEATH GRATUITIES AND RELATED SURVIVOR BENEFITS FOR SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES SHOULD NOT BE SUBJECT TO ANNUAL APPROPRIATIONS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The death gratuity and related survivor benefits are a one-time payment to help families with the acute financial hardships that



accompany the loss of a deceased member of the Armed Forces.

(2) During the recent lapse in appropriations, the death gratuity and related survivor benefits were suspended until an appropriations Act covering payment of such benefits was enacted.

(3) Not paying the death gratuity and related survivor benefits in a timely manner stands against our values as a Nation to honor and support those who paid the ultimate sacrifice.

(4) While it is altruistic to declare that lapses in annual appropriations must be avoided, a history of periodic lapses in annual appropriations suggests other such lapses are possible.

(5) It is time for permanent legislation that will ensure death gratuities and related survivor benefit for families of deceased members of the Armed Forces are not subject to annual appropriations.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that funds for death gratuities and related survivor benefits for survivors of deceased members of the Armed Forces should not be subject to annual appropriations.

**SA 2136.** Mr. LEE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON FURTHER NUCLEAR ARMS REDUCTIONS WITH THE RUSSIAN FEDERATION.**

It is the sense of Congress that, if the United States seeks further nuclear arms reductions with the Russian Federation, below the levels of the New START Treaty, such reductions—

(1) should only be pursued through mutual negotiated agreement with the Russian Federation;

(2) should be verifiable;

(3) should be made pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States; and

(4) should include the full range of nuclear weapons capabilities that threaten the United States, its forward-deployed forces, and its allies, including non-strategic nuclear weapons.

**SA 2137.** Mr. LEE (for himself, Mr. CRUZ, Mr. BARRASSO, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of the contribution;

(B) a description of the contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for the contribution;

(D) the purpose of the contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving the contribution.

(c) **SCOPE OF INITIAL REPORT.**—The first report required under subsection (a) shall include the information required under this section for the previous three fiscal years.

(d) **PUBLIC AVAILABILITY OF INFORMATION.**—Not later than 14 days after submitting a report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

**SA 2138.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

**SEC. 922. AGREEMENTS WITH CERTAIN COMMERCIAL SPACEPORTS AND RANGE AND LAUNCH COMPLEXES.**

(a) **IN GENERAL.**—Section 2276 of title 10, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **AGREEMENTS WITH COMMERCIAL SPACEPORTS AND RANGE AND LAUNCH COMPLEXES.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) seek to enter into an agreement under subsection (b) with each commercial spaceport or range and launch complex described in paragraph (2); and

“(B) provide funding to each such commercial spaceport or range and launch complex in accordance with this section.

“(2) **COMMERCIAL SPACEPORTS AND RANGE AND LAUNCH COMPLEXES DESCRIBED.**—A commercial spaceport or range and launch complex described in this paragraph is a commercial spaceport or range and launch complex that—

“(A) is licensed by the Federal Aviation Administration;

“(B) provides orbital launch capabilities in support of national security space programs; and

“(C) receives funding from amounts made available for space launch operations for the Air Force Space Command of the Department of Defense.”.

(b) **CONFORMING AMENDMENT.**—Subsection (d)(3) of such section is amended by inserting “and as provided in subsection (e)” after “subsection (b)”.

**SA 2139.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 10 and 11, insert the following:

**Subtitle A—Army Programs**

**SEC. 111. TRANSFER OF CERTAIN C-23 AIRCRAFT.**

(a) **TRANSFER.**—

(1) **OFFER OF TRANSFER.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall extend to the chief executive officer of the State of Alaska the opportunity to take title to not more than eight C-23 aircraft with tail numbers specified in paragraph (2).

(2) **TAIL NUMBERS.**—The tail numbers of the C-23 transfer subject to offer under paragraph (1) are as follows: 93-01319, 93-01329, 94-00308, 94-00309, 88-01869, 90-07015, 90-07016, 90-07012.

(b) **REQUIREMENTS APPLICABLE TO TRANSFER.**—The transfer of any C-23 aircraft under subsection (a) shall be occur in accordance with the provisions of subsections (b) and (c) of section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1318).

**SA 2140.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON READINESS OF AIR FORCE COMBAT RESCUE HELICOPTER FLEET.**

(a) **REPORT REQUIRED.**—Not later than April 1, 2014, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau and the Adjutants General of the States of Alaska, California and New York, submit to congressional defense committees a report setting for an assessment of the readiness of the Air Force combat rescue helicopter fleet.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the readiness of the Air Force combat rescue helicopter fleet, including—

(A) the Aircraft Availability Rate for each of the preceding 12 months for the portion of the fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard; and

(B) in the case of the combat rescue helicopters operated by the Air National Guard, the Aircraft Availability Rate for each of the preceding 12 months for each helicopter and any recommendations for remedial actions for sustainment, modernization, or replacement of such helicopter as the Secretary considers appropriate.

(2) A plan for the immediate replacement of Air National Guard search and rescue helicopters that are at or near the end of their mission capable life.

(3) A plan for near-term, middle-term, and long-term recapitalization of the Air Force combat rescue helicopter fleet.

**SA 2141.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, strike line 15 and insert the following:

“(5)(A) An individual specified in subparagraph (B) who is the victim of an offense described in paragraph (2) that is committed by a member of armed forces or cadet or midshipman may be provided assistance by a Special Victims’ Counsel under this subsection as if such individual were a member of the armed forces. In this subsection, any reference to a member in connection with the provision of such assistance shall be deemed to be a reference to such individual.

“(B) An individual specified in this subparagraph is an individual as follows:

“(i) A cadet at the United States Military Academy.

“(ii) A midshipman at the Naval Academy.

“(iii) A cadet at the Air Force Academy.”.

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. CONTINUOUS AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMINERS AND SEXUAL ASSAULT NURSE EXAMINERS-ADULT/ADOLESCENT FOR CADETS AND MIDSHIPMEN WHO ARE VICTIMS OF SEXUAL ASSAULT AT THE MILITARY SERVICE ACADEMIES.**

(a) CONTINUOUS AVAILABILITY.—Each Secretary concerned shall ensure that the services specified in subsection (b) are available on a continuous basis for cadets or midshipmen, as the case may be, who are the victim of a sexual assault at the military service academy under the jurisdiction of such Secretary.

(b) COVERED SERVICES.—The services specified in this subsection are the following:

(1) Services of Sexual Assault Forensic Examiners (SAFEs).

(2) Services of Sexual Assault Nurse Examiners-Adult/Adolescent (SANEs).

(c) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means the following:

(1) The Secretary of the Army with respect to the United States Military Academy.

(2) The Secretary of the Navy with respect to the Naval Academy.

(3) The Secretary of the Air Force with respect to the Air Force Academy.

**SA 2142.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. MENTAL HEALTH COUNSELORS UNDER THE TRICARE PROGRAM.**

(a) ONE-YEAR POSTPONEMENT OF DECREDENTIALING OF CERTAIN COUNSELORS.—Notwithstanding the provisions of the Interim Final Rule entitled “TRICARE: Certified Mental Health Counselors” and published on December 27, 2011, or any other provision of law or regulation—

(1) physician-supervised mental health counselors who are qualified mental health providers for purposes of section 199.4 of title 32, Code of Federal Regulations, on October 1, 2014, shall retain such status and continue to be recognized for purposes of the TRICARE program until not earlier than December 31, 2015; and

(2) such mental health counselors shall remain eligible for reimbursement under the TRICARE program while continuing to retain such status and be so recognized.

(b) REPORT.—Not later than April 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report setting for the following:

(1) The number of Certified Mental Health Counselors (as that term is defined in section 199.6(c)(3)(iii)(N) of title 32, Code of Federal Regulations) in each State and territory of the United States who are available to provide mental health counseling to beneficiaries of the TRICARE program in such State or territory.

(2) The number of physician-supervised mental health counselors in each State and territory of the United States who will no longer be eligible to provide mental health counseling to beneficiaries of the TRICARE program if decertified.

(3) An assessment whether a sufficient number of Certified Mental Health Counselors will be available in the communities in which beneficiaries of the TRICARE program reside to provide mental health counseling to beneficiaries of the TRICARE program whose mental health counselors are not eligible for continued credentialing under the TRICARE program, with special emphasis on the availability of Certified Mental Health Counselors—

(A) in Alaska;

(B) in other predominantly rural States and in rural communities in States that are not predominantly rural; and

(C) in the territories.

(4) A description and assessment of the availability of mental health counseling and training programs accredited by the Council for Accreditation of Counseling and Related Educational Programs, and a description of the availability of Certified Mental Health

Counselors in States and territories in which such programs are not available.

(5) An assessment of the costs and benefits of requiring beneficiaries of the TRICARE program to abandon existing patient relationships with physician-supervised mental health counselors in the event of the decertification of mental health counselors for purposes of the TRICARE program, and an assessment of the impact of that eventuality on the continuity of care to patients.

(6) A description of any evidence available to the Secretary suggesting that patients of physician-supervised mental health counselors under the TRICARE program are dissatisfied with their professional relationships with such counselors.

(7) A justification for the determination to implement a blanket termination of physician-supervised mental health counselors under the TRICARE program as necessary to maintain quality of services under the TRICARE program, including whether evidence is available to the Secretary to demonstrate that a statistically significant number of physician-supervised mental health counselors currently credentialed under the TRICARE program are providing substandard care to beneficiaries of the TRICARE program.

(8) An assessment whether it is equitable to terminate experienced physician-supervised mental health counselors from further participation under the TRICARE program in favor of potentially less experienced Certified Mental Health Counselors.

(9) A description of the obstacles faced by physician-supervised mental health counselors who seek to transition to Certified Mental Health Counselor status, including obstacles in connection with lack of graduation from an educational program certified by the Council for Accreditation of Counseling and Related Educational Programs.

(10) A description of any modifications to regulations that the Secretary intends to propose or implement in light of the postponement under subsection (a) and the matters covered by the report.

**SA 2143.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. REPORTS ON MEDICAL CARE AND FORENSIC COLLECTION ACTIVITIES AVAILABLE FOR VICTIMS OF MILITARY SEXUAL TRAUMA AT THE MILITARY SERVICE ACADEMIES.**

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report describing the following:

(1) The emergency and other medical care to include mental healthcare currently available for victims of military sexual trauma at the military service academy under the jurisdiction of such Secretary.

(2) The forensic collection activities currently undertaken in connection with military sexual trauma at such military service academy.

(b) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means the following:

- (1) The Secretary of the Army with respect to the United States Military Academy.
- (2) The Secretary of the Navy with respect to the Naval Academy.
- (3) The Secretary of the Air Force with respect to the Air Force Academy.

**SA 2144.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. PROVISION OF INFORMATION TO MEMBERS OF THE ARMED FORCES ON AVAILABILITY OF MENTAL HEALTH SERVICES AND RELATED PRIVACY RIGHTS.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090a the following new section:

**“§ 1090b. Notice to members of the armed forces on availability of mental health services and privacy rights related to receipt of such services**

“(a) PROVISION OF INFORMATION REQUIRED.—The Secretaries of the military departments shall ensure that the information described in subsection (b) is provided—

“(1) to each officer candidate during initial training;

“(2) to each recruit during basic training; and

“(3) to other members of the armed forces at such times as the Secretary of Defense considers appropriate.

“(b) REQUIRED INFORMATION.—The information required to be provided under subsection (a) shall include at a minimum the following:

“(1) Information regarding the availability of mental health services under this chapter.

“(2) Information on the applicability of Department of Defense Directive 6025.18 and other regulations regarding privacy prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) to records regarding a member seeking and receiving mental health services, including the extent to which—

“(A) any such records can be shared with promotion boards, commanding officers, and other members of the armed forces;

“(B) any adverse actions can be taken against the member for seeking and receiving mental health services; and

“(C) a diagnosis of a mental health condition can result in negative personnel action.

“(c) REDUCTION OF PERCEIVED STIGMA.—As provided in section 1090a(b)(1) of this title, in providing information under subsection (a), the Secretary of a military department shall seek to eliminate perceived stigma associated with seeking and receiving mental health services and to promote the use of mental health services on a basis comparable to the use of other medical and health services.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090a the following new item:

“1090b. Notice to members of the armed forces on availability of mental health services and privacy rights related to receipt of such services.”

(c) PROVISION OF INFORMATION TO CURRENT MEMBERS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall ensure that all members of the Armed Forces, including members of the reserve components, serving in the Armed Forces as of that date are provided the information required to be provided to new recruits and officer candidates pursuant to section 1090b of title 10, United States Code, as added by subsection (a).

**SA 2145.** Ms. AYOTTE (for herself, Mr. BLUMENTHAL, Mr. MORAN, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 861 and 862 and insert the following:

**SEC. 843. PROHIBITION ON PROVIDING FUNDS TO THE ENEMY.**

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that—

(1) executive agencies shall not provide funds through a contract, grant, or cooperative agreement with a person or entity that is directly or indirectly supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict; and

(2) executive agencies shall not provide funds through a contract, grant, or cooperative agreement with a person or entity that fails to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of the United States Government are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(b) IDENTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense shall, in conjunction with the Director of National Intelligence, designate in each geographic combatant command an element to carry out intelligence missions within the area of responsibility of such combatant command outside the United States to identify persons and entities that—

(1) provide funds, including goods and services, received under a contract, grant, or cooperative agreement of an executive agency directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict; or

(2) fail to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of an executive agency are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is

actively engaged in hostilities in accordance with the law of armed conflict.

(c) AGENCY ACTIONS ON IDENTIFICATION OF PERSONS OR ENTITIES.—

(1) IDENTIFICATION.—Not later than 270 days after the date of the enactment of this Act, the head of each executive agency shall carry out a program to use available intelligence (including information made available pursuant to subsections (b) and (i)(1)) to—

(A) review persons and entities who receive United States funds, including goods and services, through contracts, grants, and cooperative agreements performed for such executive agency; and

(B) identify any such persons and entities who are providing funds, including goods and services, received under a contract, grant, or cooperative agreement of such executive agency directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(2) DISCHARGE BY DOD THROUGH COMMANDERS OF COMBATANT COMMANDS.—The Secretary of Defense shall carry out the program required by paragraph (1) through the commanders of the geographic combatant commands.

(3) NOTIFICATION OF CONTRACTING ACTIVITIES.—If the head of an executive agency (or the designee of such head) or the commander of a geographic combatant command identifies a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict, the head of such executive agency (or designee) or commander, as the case may be, shall notify the heads of contracting activities, or other appropriate officials, of the executive agencies in writing of such identification. Any written notification pursuant to this paragraph shall be made in accordance with procedures established to implement the revisions of regulations required by this section.

(d) AUTHORITY TO TERMINATE OR VOID CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS AND TO RESTRICT FUTURE AWARD.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to provide that, upon notice from the head of an executive agency (or the designee of such head) or the commander of a geographic combatant command under subsection (c)(3), the head of contracting activity, or other appropriate official, of an executive agency may do the following:

(A) If the notice is that a person or entity has been identified as providing funds, including goods and services, received under a contract, grant, or cooperative agreement of the executive agency directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict—

(i) either—

(I) terminate for default the contract, grant, or cooperative agreement; or

(II) void the contract, grant, or cooperative agreement in whole or in part; and

(ii) restrict the future award of contracts, grants, or cooperative agreements of the executive agency to the person or entity so identified.

(B) If the notice is that the person or entity has failed to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of the executive agency are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict, terminate for default, in whole or in part, the contract, grant, or cooperative agreement.

(2) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(c) CLAUSE.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of an executive agency that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of an executive agency that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2), other than the matter provided for in subparagraph (A) of that paragraph.

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to certify in connection with entry into the contract, grant, or cooperative agreement that the contractor or recipient, as the case may be, has never knowingly provided funds, including goods and services, directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict;

(B) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds, including goods and services, received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict; and

(C) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity, or other appropriate official, to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (d).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT DEFINED.—In this subsection, the term “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of \$20,000.

(f) REQUIREMENTS FOLLOWING CONTRACT ACTIONS.—Not later than 270 days after the date

of the enactment of this Act, applicable regulations shall be revised as follows:

(1) To require that any head of contracting activity, or other appropriate official, taking an action under subsection (d) to terminate, void, or restrict a contract, grant, or cooperative agreement notify in writing the contractor or recipient of the grant or cooperative agreement, as applicable, of the action.

(2) To permit, in such manner as such regulations, as so revised, shall provide, the contractor or recipient of a grant or cooperative agreement subject to an action taken under subsection (d) to terminate or void the contract, grant, or cooperative agreement, as the case may be, an opportunity to contest the action within 30 days of receipt of notice of the action.

(g) ANNUAL REVIEW; PROTECTION OF CLASSIFIED INFORMATION.—

(1) ANNUAL REVIEW.—The heads of executive agencies (or the designees of such heads) and the commanders of the geographic combatant commands shall, on an annual basis, review the lists of persons and entities previously covered by a notice under subsection (c)(3) as having been identified pursuant to subsection (c)(1)(B) in order to determine whether or not such persons and entities continue to warrant identification pursuant to subsection (c)(1)(B). If the head of an executive agency (or designee) or commander determines pursuant to such a review that a person or entity no longer warrants identification pursuant to subsection (c)(1)(B), the head of the executive agency (or designee) or commander, as the case may be, shall notify the heads of contracting activities, or other appropriate officials, of the executive agencies in writing of such determination.

(2) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon to make an identification in accordance with subsection (b) or (c) may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (d), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article I or Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(h) DELEGATION OF CERTAIN RESPONSIBILITIES.—

(1) COMBATANT COMMAND RESPONSIBILITY TO IDENTIFY AND PROVIDE NOTICE.—The commander of a geographic combatant command may delegate the responsibilities in paragraphs (1) through (3) of subsection (c) to the deputy commander of that combatant command. Any delegation of responsibilities under this paragraph shall be made in writing.

(2) NONDELEGATION OF RESPONSIBILITY FOR CERTAIN ACTIONS.—The authority provided by subsection (d) to terminate, void, or restrict contracts, grants, and cooperative agreements, in whole or in part, may not be delegated below the level of head of contracting activity or equivalent official for purposes of grants or cooperative agreements.

(i) ADDITIONAL RESPONSIBILITIES OF EXECUTIVE AGENCIES.—

(1) SHARING OF INFORMATION ON SUPPORTERS OF THE ENEMY.—The Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, carry out a program through which agency components may provide information to heads of executive agencies (or the designees of such heads) and the commanders of the geo-

graphic combatant commands relating to persons or entities who may be providing funds, including goods and services, received under contracts, grants, or cooperative agreements of the executive agencies directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict. The program shall be designed to facilitate and encourage the sharing of risk and threat information between executive agencies and the geographic combatant commands.

(2) INCLUSION OF INFORMATION ON CONTRACT ACTIONS IN FAPIIS AND OTHER SYSTEMS.—Upon the termination, voiding, or restriction of a contract, grant, or cooperative agreement of an executive agency under subsection (c), the head of contracting activity, or other appropriate official, of the executive agency shall provide for the inclusion in the Federal Awardee Performance and Integrity Information System (FAPIIS), or other formal system of records on contractors or entities, of appropriate information on the termination, voiding, or restriction, as the case may be, of the contract, grant, or cooperative agreement.

(3) REPORTS.—The head of contracting activity, or other appropriate official, that receives a notice pursuant to subsection (c)(3) shall submit to the head of the executive agency (or designee) concerned or the appropriate geographic combatant command, as the case may be, a report on the action, if any, taken by the head of contracting activity pursuant to subsection (d), including a determination not to terminate, void, or restrict the contract, grant, or cooperative agreement as otherwise authorized by subsection (d). This paragraph shall expire on the date that is three years after the date of the enactment of this Act.

(j) REPORTS.—

(1) IN GENERAL.—Not later than March 1 of 2015, 2016, and 2017, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report on the use of the authorities in this section in the preceding calendar year, including the following:

(A) For each instance in which an executive agency exercised the authority to terminate, void, or restrict a contract, grant, and cooperative agreement pursuant to subsection (d), based on a notification under subsection (c)(3), the following:

(i) The executive agency taking such action.

(ii) An explanation of the basis for the action taken.

(iii) The value of the contract, grant, or cooperative agreement voided or terminated.

(iv) The value of all contracts, grants, or cooperative agreements of the executive agency in force with the person or entity concerned at the time the contract, grant, or cooperative agreement was terminated or voided.

(B) For each instance in which an executive agency did not exercise the authority to terminate, void, or restrict a contract, grant, and cooperative agreement pursuant to subsection (d), based on a notification under subsection (c)(3), the following:

(i) The executive agency concerned.

(ii) An explanation why the action was not taken.

(2) FORM.—Any report under this subsection may be submitted in classified form.

(k) OTHER DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term “combatant command” means a command established pursuant to chapter 6 of title 10, United States Code.

(3) The term “contract” includes a contract for commercial items but is not limited to a contract for commercial items.

(4) The term “designated terrorist organization” means any organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(5) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(6) The term “head of contracting activity” has the meaning given that term in subpart 601 of part 1 of the Federal Acquisition Regulation.

(1) COORDINATION WITH CURRENT AUTHORITIES APPLICABLE TO CENTCOM.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Effective 270 days after the date of the enactment of this Act, section 841 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1510; 10 U.S.C. 2302 note) is repealed.

(2) USE OF SUPERSEDED AUTHORITIES IN DISCHARGE OF REQUIREMENTS.—In providing for the discharge of the requirements of this section by the Department of Defense, the Secretary of Defense may use and modify for that purpose requirements and procedures established by the Secretary for purposes of the discharge of the requirements of section 841 of the National Defense Authorization Act for Fiscal Year 2012.

#### SEC. 844. ADDITIONAL ACCESS TO RECORDS.

(a) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to require that the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of an executive agency that is awarded on or after the date of the enactment of this Act.

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the head of the executive agency concerned, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds, including goods and services, available under the contract, grant, or cooperative agreement are not provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the commander of a geographic combatant command or the head of an executive agency (or

the designee of such head) that there is reason to believe that funds, including goods and services, available under the contract, grant, or cooperative agreement concerned may have been provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(4) FLOWDOWN.—A clause described in paragraph (2) shall also be required in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of \$20,000.

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 1 of 2015, 2016, and 2017, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report on the use of the authority provided by this section in the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall identify, for the calendar year covered by such report, each instance in which an executive agency exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken.

(3) FORM.—Any report under this subsection may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term “combatant command” means a command established pursuant to chapter 6 of title 10, United States Code.

(3) The term “contract” includes a contract for commercial items but is not limited to a contract for commercial items.

(4) The term “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of \$20,000.

(5) The term “designated terrorist organization” means any organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(6) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(d) COORDINATION WITH CURRENT AUTHORITIES APPLICABLE TO CENTCOM.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Effective 270 days after the date of the enactment of this Act, section 842 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1513; 10 U.S.C. 2313 note) is repealed.

(2) USE OF SUPERSEDED AUTHORITIES IN DISCHARGE OF REQUIREMENTS.—In providing for the discharge of the requirements of this section by the Department of Defense, the Secretary of Defense may use and modify for that purpose the regulations and procedures established for purposes of the discharge of the requirements of section 842 of the National Defense Authorization Act for Fiscal Year 2012.

**SA 2146.** Mrs. BOXER (for Mr. SANDERS) proposed an amendment to the bill S. 1471, to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes; as follows:

Strike section 2 and insert the following new section 2:

#### SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.

(a) AUTHORITY TO RECONSIDER PRIOR DECISIONS.—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

“(A) inter the remains of a person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

“(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

“(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person’s next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person’s next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

“(i) By the Secretary in accordance with section 5104 of this title.

“(ii) By the Secretary of Defense in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

“(3)(A) Notwithstanding any other provision of law, the next of kin or other person authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

“(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall

be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

“(ii) A notice of disagreement filed with the Secretary of Defense under subparagraph (A) shall be decided in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

“(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

“(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

“(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

“(e)(1) A case described in this subsection is a case in which the appropriate federal official receives—

“(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

“(B) information that a person described in paragraph (2) may have committed a Federal capital crime or a State capital crime but was not convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

“(2) A person described in this paragraph is a person—

“(A) whose remains have been interred in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

“(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.”

(b) MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2) of such section is amended by striking “such official approves an application for”.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

**SA 2147.** Mrs. BOXER (for Mr. MENENDEZ (for himself and Mr. CORKER)) proposed an amendment to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs; as follows:

On page 18, strike line 11 and insert the following:

“(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publicly available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

“(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publicly available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

“(5) PARTNER COUNTRY DEFINED.—In this On page 16, line 3, strike “counties” and insert “countries”.

On page 18, line 1, strike the second set of quotation marks.

On page 18, line 4, strike the second set of quotation marks.

## NOTICES OF HEARINGS

### SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 20, 2013, at 3:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 339, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes;

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to john\_assini@energy.senate.gov.

For further information, please contact Meghan Conklin at (202) 224-8046, or John Assini at (202) 224-9313.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Thursday, November 21, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending calendar business.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2013, at 3 p.m., to conduct a hearing entitled “Beyond Silk Road: Potential Risks, Threats, and Promises of Virtual Currencies.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that CDR Roberto L. Molina, a U.S. Naval Officer who is currently serving as Senator HARRY REID's defense legislative fellow this year, be granted floor privileges for the duration of S. 1197, the National Defense Authorization Act for 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that Maj. Nicole Stoneburg, who is serving as a defense legislative fellow in my office, be granted the privilege of the floor during the consideration of S. 1197, the Defense Authorization Act for Fiscal Year 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that a fellow in Senator WARNER's office, Mark D. Simakovsky, be granted the privilege of the floor for the duration of consideration of the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ALICIA DAWN KOEHL RESPECT FOR NATIONAL CEMETERIES ACT

Mrs. BOXER. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 1471 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1471) to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Sanders amendment, which is at the desk, be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.



The amendment (No. 2146) was agreed to, as follows:

Strike section 2 and insert the following new section 2:

**SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.**

(a) **AUTHORITY TO RECONSIDER PRIOR DECISIONS.**—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

“(A) inter the remains of a person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

“(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

“(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

“(i) By the Secretary in accordance with section 5104 of this title.

“(ii) By the Secretary of Defense in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

“(3)(A) Notwithstanding any other provision of law, the next of kin or other person authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

“(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

“(ii) A notice of disagreement filed with the Secretary of Defense under subparagraph

(A) shall be decided in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

“(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

“(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

“(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

“(e)(1) A case described in this subsection is a case in which the appropriate federal official receives—

“(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

“(B) information that a person described in paragraph (2) may have committed a Federal capital crime or a State capital crime but was not convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

“(2) A person described in this paragraph is a person—

“(A) whose remains have been interred in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

“(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.”

(b) **MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.**—Subsection (a)(2) of such section is amended by striking “such official approves an application for”.

(c) **APPLICABILITY.**—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

The bill (S. 1471), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1471

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Alicia Dawn Koehl Respect for National Cemeteries Act”.

**SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.**

(a) **AUTHORITY TO RECONSIDER PRIOR DECISIONS.**—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

“(A) inter the remains of a person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

“(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

“(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

“(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

“(i) By the Secretary in accordance with section 5104 of this title.

“(ii) By the Secretary of Defense in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

“(3)(A) Notwithstanding any other provision of law, the next of kin or other person authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

“(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

“(ii) A notice of disagreement filed with the Secretary of Defense under subparagraph (A) shall be decided in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

“(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

“(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the



disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

“(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

“(e)(1) A case described in this subsection is a case in which the appropriate federal official receives—

“(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

“(B) information that a person described in paragraph (2) may have committed a Federal capital crime or a State capital crime but was not convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

“(2) A person described in this paragraph is a person—

“(A) whose remains have been interred in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

“(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.”.

(b) MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2) of such section is amended by striking “such official approves an application for”.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

### SEC. 3. DISINTERMENT OF REMAINS OF MICHAEL LASHAWN ANDERSON FROM FORT CUSTER NATIONAL CEMETERY.

(a) DISINTERMENT OF REMAINS.—The Secretary of Veterans Affairs shall disinter the remains of Michael LaShawn Anderson from Fort Custer National Cemetery.

(b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary of Veterans Affairs shall—

(1) notify the next-of-kin of record for Michael LaShawn Anderson of the impending disinterment of his remains; and

(2) upon disinterment, relinquish the remains to the next-of-kin of record for Michael LaShawn Anderson or, if the next-of-kin of record for Michael LaShawn Anderson is unavailable, arrange for an appropriate disposition of the remains.

### PEPFAR STEWARDSHIP AND OVERSIGHT ACT OF 2013

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 202, S. 1545.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1545) to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the

parts of the bill intended to be inserted are shown in italics.)

S. 1545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “PEPFAR Stewardship and Oversight Act of 2013”.

#### SEC. 2. INSPECTOR GENERAL OVERSIGHT.

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking “5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013” and inserting “coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018”; and

(2) in subparagraph (C)—

(A) in clause (ii)—

(i) in the heading, by striking “SUBSEQUENT” and inserting “2010 THROUGH 2013”; and

(ii) by striking “the last four plans” and inserting “the plans for fiscal years 2010 through 2013”; and

(B) by adding at the end the following new clause:

“(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

“(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.”.

#### SEC. 3. ANNUAL TREATMENT STUDY.

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking “through September 30, 2013” and inserting “through September 30, 2019”; and

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

“(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

“(B) A comprehensive and harmonized expenditure analysis by partner country, including—

“(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

“(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable.”; and

(4) by adding at the end the following new paragraph:

“(4) PARTNER COUNTRY DEFINED.—In this subsection, the term ‘partner country’ means a country with a minimum United States Government investment of HIV/AIDS

assistance of at least \$5,000,000 [annually] in the prior fiscal year.”.

#### SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “2013” and inserting “2018”; and

(B) in clause (ii)—

(i) by striking “2013” and inserting “2018”; and

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking “2013” and inserting “2018”; and

(2) in subparagraph (B)—

(A) by striking “under this subsection” each place it appears;

(B) in clause (ii), by striking “pursuant to the authorization of appropriations under section 401” and inserting “to carry out section 104A of the Foreign Assistance Act of 1961”; and

(C) in clause (iv), by striking “2013” and inserting “2018”.

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking “2013” and inserting “2018”; and

(B) in subparagraph (C)—

(i) by inserting “in an open, machine readable format” after “site”; and

(ii) by amending clause (v) to read as follows:

“(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;”.

(C) in subparagraph (D)(ii), by inserting “, in an open, machine readable format,” after “audits”; and

(D) in subparagraph (E), by inserting “, in an open, machine readable format,” after “publicly”; and

(E) in subparagraph (F)—

(i) in clause (i), by striking “; and” and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

“(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

“(iii) expenditure data—

“(I) tracked by principal recipients and subrecipients [by prevention, care, and treatment as practicable] by program area, where practicable, prevention, care, and treatment and reported in a format that allows comparison with other funding streams in each country; or

“(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

“(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;” and

(F) by amending subparagraph (G) to read as follows:

“(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

“(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

“(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

“(iii) the total cost of the import duties and internal taxes;

“(iv) recovered import duties or internal taxes; and

“(v) the status of country status-agreements.”

#### SEC. 5. ANNUAL REPORT.

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(f)) is amended to read as follows:

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

“(2) REPORT DUE IN 2014.—*The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.*

“[(2)(3) REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

“(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

“(i) estimates by partner country of the global burden and need; and

“(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

“(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

“(i) a description of how those targets are designed to—

“(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

“(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

“(III) achieve an AIDS-free generation;

“(ii) national targets across prevention, treatment, and care that are—

“(I) established by partner countries; or

“(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

“(iii) bilateral programmatic targets across prevention, treatment, and care, including—

“(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

“(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

“(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

“(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

“(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

“(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

“(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

“(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

“(i) the number, by partner country, of persons on HIV treatment, including specifically—

“(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

“(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

“(ii) HIV treatment coverage rates by partner country;

“(iii) the net increase in persons on HIV treatment by partner country;

“(iv) new infections of HIV by partner country;

“(v) the number of HIV infections averted;

“(vi) antiretroviral treatment program retention rates by partner country, including—

“(I) performance against annual targets for program retention; and

“(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

“(vii) a description of supportive care [including management of co-morbidities]

“(H) A description of [national] partner country and United States-funded HIV/AIDS prevention programs and policies, including—

“(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

“(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

“(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

“(III) programs for behavior-change; and

“(IV) other programmatic activities to prevent the transmission of HIV;

“(ii) antiretroviral treatment as prevention; and

“(iii) a description of any new preventative interventions or methodologies.

“(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

“(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

“(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

“(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

“(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

“(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

“(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure

continued quality of care for essential services.

“(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

“(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

“(ii) average costs, by country and by core intervention;

“(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

“(iv) import duties and internal taxes imposed on program commodities and services, by country.

“(M) A description of partnership framework agreements with countries, and regions where applicable, including—

“(i) the objectives and structure of partnership framework agreements with countries, including—

“(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

“(II) how these agreements incorporate a role for civil society; and

“(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

“(N) A description of efforts and activities to engage new partners, including faith-based, [community based] locally-based, and United States minority-serving institutions.

“(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

“(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

“(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

“(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

“(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

“[(3)(4) PARTNER COUNTRY DEFINED.—In this subsection, the term ‘partner country’ means a country with a minimum United States Government investment of HIV/AIDS assistance of at least \$5,000,000 [annually] in the prior fiscal year.”]

#### SEC. 6. ALLOCATION OF FUNDING.

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking “2013” and inserting “2018”; and

(2) by striking “amounts appropriated pursuant to the authorization of appropriations under section 401” and inserting “amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2)”.

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking “2013” and inserting “2018”; and

(2) by striking “amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401” and inserting “amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2)”.

Mrs. BOXER. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to as original text, the Menendez-Corker amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The amendment (No. 2147) was agreed to, as follows:

(Purpose: To require reporting on program evaluations)

On page 18, strike line 11 and insert the following:

“(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

“(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

“(5) PARTNER COUNTRY DEFINED.—In this

On page 16, line 3, strike “counties” and insert “countries”.

On page 18, line 1, strike the second set of quotation marks.

On page 18, line 4, strike the second set of quotation marks.

The bill (S. 1545), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “PEPFAR Stewardship and Oversight Act of 2013”.

#### SEC. 2. INSPECTOR GENERAL OVERSIGHT.

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking “5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013” and inserting “coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018”; and

(2) in subparagraph (C)—

(A) in clause (ii)—

(i) in the heading, by striking “SUBSEQUENT” and inserting “2010 THROUGH 2013”; and

(ii) by striking “the last four plans” and inserting “the plans for fiscal years 2010 through 2013”; and

(B) by adding at the end the following new clause:

“(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

“(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.”.

#### SEC. 3. ANNUAL TREATMENT STUDY.

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking “through September 30, 2013” and inserting “through September 30, 2019”; and

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

“(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

“(B) A comprehensive and harmonized expenditure analysis by partner country, including—

“(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

“(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable.”; and

(4) by adding at the end the following new paragraph:

“(4) PARTNER COUNTRY DEFINED.—In this subsection, the term ‘partner country’ means a country with a minimum United States Government investment of HIV/AIDS assistance of at least \$5,000,000 in the prior fiscal year.”.

#### SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “2013” and inserting “2018”; and

(B) in clause (ii)—

(i) by striking “2013” and inserting “2018”; and

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking “2013” and inserting “2018”; and

(2) in subparagraph (B)—

(A) by striking “under this subsection” each place it appears;

(B) in clause (ii), by striking “pursuant to the authorization of appropriations under section 401” and inserting “to carry out section 104A of the Foreign Assistance Act of 1961”; and

(C) in clause (iv), by striking “2013” and inserting “2018”.

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking “2013” and inserting “2018”; and

(B) in subparagraph (C)—

(i) by inserting “in an open, machine readable format” after “site”; and

(ii) by amending clause (v) to read as follows:

“(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;”.

(C) in subparagraph (D)(ii), by inserting “, in an open, machine readable format,” after “audits”; and

(D) in subparagraph (E), by inserting “, in an open, machine readable format,” after “publicly”; and

(E) in subparagraph (F)—

(i) in clause (i), by striking “; and” and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

“(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

“(iii) expenditure data—

“(I) tracked by principal recipients and subrecipients by program area, where practicable, prevention, care, and treatment and reported in a format that allows comparison with other funding streams in each country; or

“(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

“(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;”.

(F) by amending subparagraph (G) to read as follows:

“(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

“(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

“(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

“(iii) the total cost of the import duties and internal taxes;

“(iv) recovered import duties or internal taxes; and

“(v) the status of country status-agreements;”.

#### SEC. 5. ANNUAL REPORT.

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(f)) is amended to read as follows:

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

“(2) REPORT DUE IN 2014.—The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

“(3) REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

“(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

“(i) estimates by partner country of the global burden and need; and

“(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

“(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

“(i) a description of how those targets are designed to—

“(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

“(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

“(III) achieve an AIDS-free generation;

“(ii) national targets across prevention, treatment, and care that are—

“(I) established by partner countries; or

“(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

“(iii) bilateral programmatic targets across prevention, treatment, and care, including—

“(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

“(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

“(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

“(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

“(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

“(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

“(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

“(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

“(i) the number, by partner country, of persons on HIV treatment, including specifically—

“(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

“(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

“(ii) HIV treatment coverage rates by partner country;

“(iii) the net increase in persons on HIV treatment by partner country;

“(iv) new infections of HIV by partner country;

“(v) the number of HIV infections averted;

“(vi) antiretroviral treatment program retention rates by partner country, including—

“(I) performance against annual targets for program retention; and

“(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

“(vii) a description of supportive care.

“(H) A description of partner country and United States-funded HIV/AIDS prevention programs and policies, including—

“(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

“(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

“(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

“(III) programs for behavior-change; and

“(IV) other programmatic activities to prevent the transmission of HIV;

“(ii) antiretroviral treatment as prevention; and

“(iii) a description of any new preventative interventions or methodologies.

“(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

“(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

“(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

“(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

“(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

“(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

“(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

“(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

“(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

“(ii) average costs, by country and by core intervention;

“(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

“(iv) import duties and internal taxes imposed on program commodities and services, by country.

“(M) A description of partnership framework agreements with countries, and regions where applicable, including—

“(i) the objectives and structure of partnership framework agreements with countries, including—

“(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

“(II) how these agreements incorporate a role for civil society; and

“(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

“(N) A description of efforts and activities to engage new partners, including faith-based, locally-based, and United States minority-serving institutions.

“(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

“(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

“(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

“(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

“(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

“(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publicly available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

“(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publicly available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

“(5) PARTNER COUNTRY DEFINED.—In this subsection, the term ‘partner country’ means a country with a minimum United States Government investment of HIV/AIDS assistance of at least \$5,000,000 in the prior fiscal year.”

## SEC. 6. ALLOCATION OF FUNDING.

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking “2013” and inserting “2018”; and

(2) by striking “amounts appropriated pursuant to the authorization of appropriations under section 401” and inserting “amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2)”.

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking “2013” and inserting “2018”; and

(2) by striking “amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401” and inserting “amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2)”.

# AUTHORIZING SENATE LEGAL COUNSEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 298, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 298) to authorize testimony, documents, and representation in *United States v. Allen*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony, documents, and representation in a Federal criminal action pending in Florida Federal District Court. The defendant is charged with sending through the mail to the Jacksonville, FL, offices of Senators BILL NELSON and MARCO RUBIO an envelope containing a white powdery substance and a letter containing alleged threats directed towards the Senators. The prosecution has requested from both Senators' offices the production of the letters at issue and testimony from current and former office employees who witnessed the relevant events. Senators NELSON and RUBIO would like to cooperate with these requests.

The enclosed resolution would authorize the production of the letters at issue and testimony by current and former employees of the offices of Senators NELSON and RUBIO. It would also authorize the Senate legal counsel to represent any current or former employees of those offices from whom evidence may be sought in this case.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

## ORDERS FOR TUESDAY, NOVEMBER 19, 2013

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, November 19, 2013; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of S. 1197, the National Defense Authorization Act, with the time until 12:30 p.m. for debate only; finally, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

# ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Tuesday, November 19, 2013, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### INTER-AMERICAN FOUNDATION

MARK E. LOPES, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2016, VICE HECTOR E. MORALES, TERM EXPIRED.

### LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

VICTOR B. MADDOX, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2016. (REAPPOINTMENT)

### DEPARTMENT OF ENERGY

FRANKLIN M. ORR, JR., OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY, VICE STEVEN ELLIOT KOONIN.

MARC A. KASTNER, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, VICE WILLIAM F. BRINKMAN.

### PUBLIC HEALTH SERVICE

VIVEK HALLEGGERE MURTHY, OF MASSACHUSETTS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE REGINA M. BENJAMIN, RESIGNED.

### DEPARTMENT OF JUSTICE

DEBO P. ADEGBILE, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE THOMAS E. PEREZ, RESIGNED.

## HOUSE OF REPRESENTATIVES—Monday, November 18, 2013

The House met at noon and was called to order by the Speaker pro tempore (Mr. BROOKS of Alabama).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 18, 2013.

I hereby appoint the Honorable MO BROOKS, to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
Speaker of the House of Representatives.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 2013.

Hon. JOHN A. BOEHNER,  
Speaker, U.S. Capitol, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 18, 2013 at 10:23 a.m.:

That the Senate agree to the House amendments to the bill S. 252.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore (Mr. DENHAM). Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

### OBAMACARE MISREPRESENTATIONS AND SOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, on January 15, 2009, in order to get ObamaCare passed, President Obama promised America:

If you like your health care plan, you'll be able to keep your health care plan, period. No one will take it away, no matter what.

On June 28, 2012, in order to get reelection votes, President Obama promised:

If you're one of the more than 250 million Americans who already has health insurance, you will keep your health insurance. This law will only make it more secure and more affordable.

President Obama, in his recent apology for his deceptions, has not stopped the cancelation of millions, millions of Americans' health insurance plans nor slowed the ObamaCare-caused skyrocketing health insurance costs.

ObamaCare forces families to, on the one hand, pay higher ObamaCare health insurance costs and cut spending for food, shelter, and clothing or, on the other hand, go without health insurance and pay tax penalties while risking health-caused bankruptcy.

Montana Democrat Senator MAX BAUCUS, the Senate sponsor of ObamaCare, warned us earlier this year that ObamaCare was a train wreck waiting to happen. Well, the verdict is in. ObamaCare is dysfunctional and threatens the lives and finances of millions of real hardworking Americans.

Mark Templeton of Huntsville, Alabama, writes:

I just received a notice from BlueCross/BlueShield of Alabama yesterday, indicating my Total Blue plan was no longer available due to the Affordable Care Act. My family coverage increased from \$450 a month to \$1,187 for similar coverage. They were kind enough to offer the more affordable and considerably worse Silver plan for only \$937 per month. I don't qualify for any subsidies, so this will directly hit my household finances. Please make every effort to stop the Affordable Care Act from affecting any more Tennessee Valley families and businesses.

Jessica Moore of Ardmore, Alabama, writes:

I am writing about the not-so Affordable Care Act. My health insurance premiums are going up by 118 percent with BlueCross/BlueShield. The Health Care Marketplace will be of no help to me, as I make "too much" money. I am a single Iraq veteran. I am my sole income. I am perfectly healthy. The amount which my premium was raised is how much money I have left in the bank at the end of the month. I do not live beyond my means. I am a faithful taxpayer. The Affordable Care Act premium hikes are not affordable to me, nor to many other honest taxpayers. Please help the already "taxed to the max" middle class on this issue.

ObamaCare has caused millions of Americans to receive health insurance cancelation letters, leaving them to struggle with how to protect their families. Thanks to ObamaCare, a year

from now, tens of millions more Americans risk losing their health insurance once ObamaCare's employer mandate kicks in.

Mr. Speaker, while ObamaCare is dysfunctional and threatens American lives, there is a better way. The American Health Care Reform Act, which I have cosponsored, unleashes the power of free enterprise competition to deliver quality health care at prices Americans can better afford.

Among other things, this bill, first, forces lower health care costs by legalizing interstate competition among insurance companies; second, reforms medical malpractice laws so that health insurance is paying for health care, not frivolous lawsuits; third, lets Americans deduct health care costs and gives Americans a standard deduction for health insurance costs; four, protects Americans with preexisting conditions by bolstering State-based high-risk pools.

Mr. Speaker, health care decisions should be made by doctors and patients, not Washington bureaucrats. Quite frankly, Big Brother bureaucrats have no business butting in and forcing Americans to buy health insurance Americans cannot afford or do not want.

ObamaCare denies hardworking American taxpayers their right—yes, their right—to choose the health care policy best tailored to their needs. Mr. Speaker, ObamaCare should be repealed, and America should debate health care solutions based on truth, not deception.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 9 minutes p.m.), the House stood in recess.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOLF) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You, so that with Your Spirit, and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people's House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

May they be great enough to be humble and good enough to keep their faith, always regarding public office as a sacred trust. Give them the courage and the wisdom to fail not their fellow citizens nor You.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from the Northern Mariana Islands (Mr. SABLAN) come forward and lead the House in the Pledge of Allegiance.

Mr. SABLAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### DELAYING A BROKEN PROMISE ISN'T AN HONEST SOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the panic and frustration felt by millions of American families is real. They all heard the promise:

If you like the health care you have, you can keep it.

And they believed it.

But families in my district are experiencing something different: canceled plans, premium hikes, and uncertainty.

Mark from Advance, North Carolina, tells me:

Both my wife and I are over 60, retired, and self-insured. We received letters notifying us that our health insurance policies are being canceled. The replacement policies cost more than twice as much. If we accept the policies, we will be paying \$798.20 per month for insurance.

Same goes for John from Advance. He writes:

My wife has had her premiums increase from \$200 to \$600. We have had this plan for 6 years and thought we could keep our insurance.

Mark and John were given a promise by President Obama. Telling them to wait 1 year before the promise is broken for good isn't an honest solution.

#### CONGRATULATING PACIFICA INSURANCE UNDERWRITERS ON ITS 40TH ANNIVERSARY

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, 40 years ago, Jose C. Tenorio, a visionary businessman of the Northern Mariana Islands, founded Pacifica Insurance Underwriters.

1973 was an exciting time in our islands. The Covenant was being negotiated. Hotels, tourists, and investors were starting to appear. Yet we were still in our economic infancy. Insurance was hard to obtain. Many did not appreciate the value of insurance. It took commitment and courage for the late Mr. Tenorio and his partners to invest in Pacifica.

Over 40 years, the business flourished, and Pacifica has lived up to the great responsibility of every insurer: when the need arises, they have been there for their customers. Pacifica has also set an example of corporate responsibility with contributions to worthy causes and with the volunteer activities of its employees throughout our community.

We feel proud to witness a homegrown company do well. So join me in congratulating the owners and employees of Pacifica Insurance Underwriters on their 40th anniversary.

#### WHO SHOULD BE FIRED FOR THIS HEALTH CARE MESS?

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last week, I asked the question: What does it take for someone to get fired by this administration? We were faced with the serial incompetence of the rollout of the healthcare.gov Web site. Then, late last week, someone was fired—not for incompetence, but for daring to criticize the administration.

District of Columbia Insurance Commissioner William White criticized the President's rule on allowing people to keep their insurance. The next day, Commissioner White was fired for being public in his criticism of the administration.

If the President is so eager to see people lose their jobs over problems with his health insurance takeover, I have got some suggestions on where he could start.

What about the Director of the Center for Consumer Information and Insurance Oversight? This was the indi-

vidual who was supposed to oversee the building of the Web site, who in fact misled congressional committees not once, not twice, but three times over the past year.

What about the Chief Information Officer of the Center for Medicare and Medicaid Services?

Mr. President, what about the Secretary of Health and Human Services?

Instead of people losing their jobs for simply disagreeing with the President, we should be holding those people responsible whose overwhelming incompetence has caused these problems in the first place.

#### MAKING PROGRESS EVERY DAY

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, Republicans just can't take "yes" for an answer.

The President addressed the unintended consequences caused more by insurance companies than the Affordable Care Act, a law that has benefited millions of people all across our country in Republican and Democratic districts.

No one is happy about the problems with the Web site, but I have been on some other Web sites recently that have been around a lot longer and run into glitches that did not allow me to complete an activity either. Jeff Zients and CMS are reporting progress every day; and even though they expect to have it substantially fixed by the end of the month, anyone who knows about technology or wants to be honest about what we are going through will know that the work of improving that Web site will be pretty much a constant process.

Democrats worked to implement laws passed by Republicans that fell short of what we felt was needed. They need to stop all the repeals that they know are going nowhere and focus on jobs, the economy, and legislation that they have let languish that would speed up our sluggish economy. They and their cohorts need to stop urging young people and others not to sign up for health insurance, as is being reported.

The American people need to have the security of access to reliable, affordable health care. The Affordable Care Act begins to give that to us. They want the benefits of the ACA and for us to work together to uphold the laws of the land—not just some, but all of them.

#### AMERICAN PEOPLE DESERVE TO KEEP THEIR HEALTH CARE PLANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)



Mr. WILSON of South Carolina. Mr. Speaker, the President has broken his promises to the American people. Because of the administration's strained interpretation of health care plans under ObamaCare, millions of families continue to receive policy cancellation notifications, destroying jobs.

Last week, the President made another unrealistic promise when he offered to provide a quick fix to this problem. At the same time, he threatened to veto the Keep Your Health Plan Act, bipartisan legislation that passed the House last week that allows him to legislatively follow through with his pledge.

Common sense tells us the President is putting politics over policy when it comes to implementing his signature health care takeover. His administration is out of touch with the struggles American families are experiencing as a result of this destruction and intrusion of our health care system. The best way for American families to experience relief from this law is for the President to work with House Republicans to repeal and replace it with sensible solutions.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

I appreciate the dedicated personnel of the U.S. Naval Hospital of Naples, Italy.

#### NUMBERS TO KNOW

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, thanks to the Affordable Care Act:

Nearly 13 million Americans have benefited from \$1.1 billion in rebates from health insurance companies;

105 million Americans have received access to free preventive services;

Nearly 30 million women are receiving free preventive services;

Up to 17 million children with pre-existing health conditions are no longer denied coverage by insurers;

6.6 million young adults up to age 26 have taken advantage of the law to obtain health insurance through their parents' plans;

More than 100 million Americans no longer have a lifetime limit on their insurance coverage;

More than 7.1 million seniors in the doughnut hole have already saved \$8.3 billion on prescription drugs; and

More than 4.4 million seniors have free annual wellness visits under Medicare.

Mr. Speaker, rather than working to make the Affordable Care Act successful, Republicans are telling Americans they want to return to the days when insurance companies could tell those with preexisting conditions, Sorry, you don't deserve and cannot purchase health insurance.

Forty-six times, Republicans have told Americans that if they reach their lifetime limits, that is just too bad. Forty-six times, they have said they want to keep the Medicare part D doughnut hole and keep medication unaffordable for seniors, and that is the way it is going to be.

Mr. Speaker, Americans deserve access to affordable, quality health care.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MESSER) at 5 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT OF 2013

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2061) to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2061

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Digital Accountability and Transparency Act of 2013".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Amendments to the Federal Funding Accountability and Transparency Act of 2006.

Sec. 4. Pilot program to evaluate consolidated recipient reporting.

Sec. 5. Classified and protected information.

Sec. 6. American Recovery and Reinvestment Act of 2009 amendments.

Sec. 7. Disaster Relief Appropriations Act of 2013 amendments.

Sec. 8. Executive agency accounting and other financial management reports and plans.

Sec. 9. Limits and transparency for conference and travel spending.

#### SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) expand the Federal Funding Accountability and Transparency Act of 2006 by disclosing direct Federal agency expenditures and linking Federal contract, loan, and grant spending information to programs of Federal agencies in order to enable taxpayers and policy makers to track Federal spending more effectively;

(2) provide consistent, reliable, and searchable Government-wide spending data that is displayed accurately for taxpayers and policy makers on USASpending.gov;

(3) analyze Federal spending data to proactively prevent waste, fraud, abuse, and improper payments;

(4) simplify reporting for entities receiving Federal funds by streamlining reporting requirements and reducing compliance costs while improving transparency; and

(5) improve the quality of data submitted to USASpending.gov by holding Federal agencies accountable for the completeness and accuracy of the data submitted.

#### SEC. 3. AMENDMENTS TO THE FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006.

Section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking "FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING" and inserting "DISCLOSURE OF FEDERAL FUNDING";

(2) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (7), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'Executive agency' under section 105 of title 5, United States Code.";

(C) by inserting after paragraph (3), as redesignated by subparagraph (A), the following new paragraphs:

"(4) FEDERAL FUNDS.—The term 'Federal funds' means any funds that are made available to or expended by a Federal agency.

"(5) OBJECT CLASS.—The term 'object class' means the category assigned for purposes of the annual budget of the President submitted under section 1105(a) of title 31, United States Code, to the type of property or services purchased by the Federal Government.

"(6) PROGRAM ACTIVITY.—The term 'program activity' has the meaning given that term under section 1115(h) of title 31, United States Code.";

(D) in paragraph (7), as redesignated by subparagraph (A)—

(i) in subparagraph (B), by striking "paragraph (2)(A)(i)" and inserting "paragraph (3)(A)(i)"; and

(ii) in subparagraph (C), by striking "paragraph (2)(A)(ii)" and inserting "paragraph (3)(A)(ii)";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "the Office of Management and Budget" and inserting "the Secretary of the Treasury" each place it appears;

(ii) in subparagraph (F)—

(I) in clause (i), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

(II) by redesignating clauses (i) and (ii) as subclauses (I) and (II); and

(III) by striking the period at the end of subclause (II) as so redesignated and inserting “; and”;

(iii) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and adjusting the margin accordingly;

(iv) by striking “for each Federal award—” and inserting the following: “for all Federal funds—

“(A) for each Federal agency, component of a Federal agency, appropriations account, program activity, and object class (including any subcomponent of an object class), and other accounts or data as appropriate—

“(i) the amount of budget authority available;

“(ii) the amount obligated;

“(iii) the amount of outlays;

“(iv) the amount of any Federal funds reprogrammed or transferred; and

“(v) the amount of expired and unexpired unobligated balances; and

“(B) for each Federal award—”;

(v) in subparagraph (B)(iii), as so designated by this subparagraph, by inserting “, which shall be assigned a unique identifier,” after “information on the award”;

(B) in paragraph (3)—

(i) by striking “The Director of the Office of Management and Budget” and inserting “The Secretary of the Treasury”; and

(ii) by striking “the Director” and inserting “the Secretary”;

(C) in paragraph (4)—

(i) by striking “the Director of the Office of Management and Budget” and inserting “the Secretary of the Treasury”; and

(ii) by striking “the Director” and inserting “the Secretary”, each place it appears; and

(D) by adding at the end the following:

“(5) APPLICATION OF DATA STANDARDS.—The Secretary of the Treasury shall apply the data standards established under subsection (e) to all data collection, data dissemination, and data publication required under this section.

“(6) DATA FEED TO RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.—The Secretary of the Treasury shall provide the data described in paragraph (1) to the Recovery Accountability and Transparency Board so that it can be included in the Recovery Operations Center described in subsection (h).”;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “and Grants.gov” and inserting “Grants.gov, the Payment Automation Manager and Financial Information Repository and other data or databases from the Department of the Treasury, the MAX Information System of the Office of Management and Budget, and other data from Federal agencies collected and identified by the Office of Management and Budget”;

(ii) in subparagraph (B), by adding “and” at the end; and

(iii) by adding at the end the following:

“(C) specify such search shall be confined to Federal funds”;

(B) in paragraph (2), by inserting “the Payment Automation Manager and Financial Information Repository and other data or databases from the Department of the Treasury, the MAX Information System of the Office of Management and Budget, other data from Federal agencies collected and identified by the Office of Management and Budget,” after “Grants.gov website.”;

(C) in paragraph (4)—

(i) by striking “shall be updated not later” and inserting the following: “shall be updated—

“(A) not later”; and

(ii) by adding at the end the following:

“(B) not less than once each quarter with information relating to Federal funds”;

(D) in paragraph (5)—

(i) by inserting “Federal funds and” before “Federal awards” the first place it appears;

(ii) by striking “subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii)” and inserting “subsection (a)(3)(A)(i) and those described in subsection (a)(3)(A)(ii)”;

(iii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(6) shall have the ability to aggregate data for the categories described in paragraphs (1) through (5) without double-counting data; and

“(7) shall permit all information published under this section to be downloaded in bulk.”;

(5) by redesignating subsections (e), (f), and (g) as subsections (i), (j), and (k), respectively; and

(6) by inserting after subsection (d) the following new subsections:

“(e) DEPARTMENT OF THE TREASURY REQUIREMENTS FOR DATA STANDARDS.—

“(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, the Administrator of General Services, and the heads of Federal agencies, shall establish Government-wide financial data standards for Federal funds, which shall—

“(A) include common data elements, such as codes, unique award identifiers, and fields, for financial and payment information required to be reported by Federal agencies and entities receiving Federal funds, including identifiers for Federal awards and entities receiving Federal awards;

“(B) to the extent reasonable and practicable, ensure interoperability and incorporate—

“(i) common data elements developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(ii) common data elements developed and maintained by Federal agencies with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council; and

“(iii) common data elements developed and maintained by accounting standards organizations; and

“(C) include data reporting standards that—

“(i) incorporate a widely accepted, nonproprietary, searchable, platform-independent computer-readable format;

“(ii) are consistent with and implement applicable accounting principles;

“(iii) are capable of being continually upgraded as necessary;

“(iv) are structured to specifically support the reporting of financial and performance-related data, such as that any data produced, regardless of reporting need or software used for creation or consumption, is consistent and comparable across reporting situations;

“(v) establish, for each data point, a standard method of conveying the reporting period, reporting entity, unit of measure, and other associated attributes; and

“(vi) incorporate nonproprietary standards in effect on the date of enactment of the Digital Accountability and Transparency Act of 2013.

“(2) DEADLINES.—

“(A) GUIDANCE.—The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, shall issue guidance on the data standards established under paragraph (1) to Federal agencies not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2013.

“(B) WEBSITE.—Not later than 1 year after the date on which the guidance under clause (i) is issued, the Secretary of the Treasury shall ensure that the website required under this section makes data publicly available in accordance with the data standards established under paragraph (1).

“(C) AGENCIES.—Not later than 180 days after the date on which the guidance under subparagraph (A) is issued, each Federal agency shall collect, report, and maintain data in accordance with the data standards established under paragraph (1).

“(3) CONSULTATION.—The Secretary of the Treasury shall consult with public and private stakeholders in establishing data standards under this subsection.

“(f) CONSOLIDATED RECIPIENT FINANCIAL REPORTS.—The Director of the Office of Management and Budget shall—

“(1) review the financial reporting required by Federal agencies for Federal award recipients to consolidate financial reporting and reduce duplicative financial reporting and compliance costs for recipients;

“(2) request input from Federal award recipients to reduce duplicative financial reporting, especially from State and local governments and institutions of higher education;

“(3) not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2013, provide guidance to the heads of Federal agencies regarding how to simplify the reporting requirements for Federal award recipients to consolidate financial reporting, reduce duplicative reporting, and reduce compliance costs, as appropriate; and

“(4) not later than 18 months after the date of enactment of the Digital Accountability and Transparency Act of 2013, submit to Congress a report regarding any legislative action required to consolidate, streamline, or reduce the cost of reporting requirements for Federal award recipients.

“(g) ACCOUNTABILITY FOR FEDERAL FUNDING.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2013, and every 2 years thereafter until the date that is 6 years after such date of enactment, the Inspector General of each Federal agency, in consultation with the Comptroller General of the United States, shall review a sampling of the data submitted under this Act by the agency, and shall submit to Congress and make publicly available a report on the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of consistent data standards by the Federal agency.

“(2) COMPTROLLER GENERAL.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Digital Accountability and Transparency Act of 2013, and every 2 years thereafter until the date that is 6 years after such date of enactment, and after review of the reports submitted under paragraph (1), the Comptroller General of the United States shall submit to Congress and make publicly available a report on the completeness, timeliness, quality, and accuracy of the data submitted under this Act by each Federal agency and

the implementation and use of consistent data standards by each Federal agency.

“(B) RANKING.—The Comptroller General of the United States shall make available a ranking of Federal agencies regarding data quality, accuracy, and compliance with this Act.

“(h) RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.—

“(1) RESOURCES AND MECHANISMS.—The Recovery Accountability and Transparency Board shall develop and test information technology resources and oversight mechanisms to enhance the transparency of and detect and remediate waste, fraud, and abuse in Federal spending for Inspectors General.

“(2) WEBSITE.—The Recovery Accountability and Transparency Board shall maintain a website informing the public of its activities to identify waste, fraud, and abuse and increase transparency of Federal funds to provide support for Inspectors General.

“(3) RECOVERY OPERATIONS CENTER.—The Recovery Accountability and Transparency Board shall establish and maintain a Recovery Operations Center as a government-wide Internet-based data access system to carry out the functions described in paragraph (4).

“(4) FUNCTIONS OF THE RECOVERY OPERATIONS CENTER.—The functions referred to in paragraph (3) are the following:

“(A) IN GENERAL.—The Recovery Operations Center shall incorporate—

“(i) all information described in subsection (b)(1);

“(ii) other information maintained by Federal, State, local, and foreign government agencies; and

“(iii) other commercially and publicly available information.

“(B) SPECIFIC FUNCTIONS.—The Recovery Operations Center shall be designed and operated to carry out the following functions:

“(i) Combine information described in subsection (b)(1) with other compilations of information, including those listed in subparagraph (A).

“(ii) Permit agencies, in accordance with applicable law, to detect and remediate waste, fraud, and abuse.”

#### SEC. 4. PILOT PROGRAM TO EVALUATE CONSOLIDATED RECIPIENT REPORTING.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Recovery Accountability and Transparency Board, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall establish a pilot program relating to reporting by recipients of Federal funds (in this section referred to as the “pilot program”) for the purpose of increasing financial transparency to—

(1) display the full cycle of Federal funds;

(2) improve the accuracy of Federal financial data; and

(3) develop recommendations for reducing reporting required of recipients of Federal funds by consolidating and automating financial reporting requirements across the Federal Government.

(b) REQUIREMENTS.—The pilot program shall—

(1) include a combination of recipients of Federal contracts, grants, and subawards, the aggregate value of which is not less than \$1,000,000,000;

(2) include a diverse group of recipients of Federal awards; and

(3) to the extent practicable, include recipients that receive Federal awards from multiple programs across multiple agencies.

(c) REPORTING AND EVALUATION REQUIREMENTS.—Each recipient of Federal funds par-

ticipating in the pilot program shall submit to the Recovery Accountability and Transparency Board reports on the finances of the selected Federal awards.

(d) PUBLICATION OF INFORMATION.—All the information collected by the Recovery Accountability and Transparency Board under the pilot program shall be made publicly available and searchable on the website established under section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

(e) TERMINATION.—The pilot program shall terminate on the date that is 3 years after the date on which the Recovery Accountability and Transparency Board establishes the pilot program.

(f) REPORT.—Not later than 90 days after the date on which the pilot program terminates under subsection (e), the Recovery Accountability and Transparency Board shall submit to the Office of Management and Budget, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the pilot program, which shall include—

(1) a description of financial data collected under the pilot program, the accuracy of the data provided, and the cost to collect the data from recipients; and

(2) recommendations for—

(A) consolidating some or all aspects of Federal financial reporting to reduce the costs to recipients of Federal funds;

(B) automating some or all aspects of Federal financial reporting to increase efficiency and reduce the costs to recipients of Federal funds; and

(C) improving financial transparency.

(g) GOVERNMENT-WIDE IMPLEMENTATION.—Not later than 90 days after the date on which the Office of Management and Budget receives the report required by subsection (f), the Director of the Office of Management and Budget shall determine whether to authorize the Recovery Accountability and Transparency Board to extend the recipient reporting requirements of the pilot program to all Federal funds. The Recovery Accountability and Transparency Board shall begin requiring Government-wide recipient reporting at the start of the fiscal year that commences after the fiscal year during which such authorization is granted, and under such terms and conditions that the Board shall determine, in consultation with the Director.

#### SEC. 5. CLASSIFIED AND PROTECTED INFORMATION.

Section 3 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended to read as follows:

#### “SEC. 3. CLASSIFIED AND PROTECTED INFORMATION.

“Nothing in this Act shall require the disclosure to the public or to any person without an identifiable need to know—

“(1) information protected under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); or

“(2) information protected under section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986.”

#### SEC. 6. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AMENDMENTS.

Division A of Public Law 111-5 is amended—

(1) in section 1501 of title XV, by striking paragraph (4) and inserting the following:

“(4) COVERED FUNDS.—The term ‘covered funds’—

“(A) except as provided in subparagraph (B), means any funds that are expended or obligated from appropriations made under this Act; and

“(B) for purposes of sections 1522 and 1524, means funds that are expended or obligated by an agency from appropriations made under this or any other Act.”;

(2) in section 1512 of title XV, by adding at the end the following:

“(i) EXPIRATION.—The requirements in this section shall expire on December 30, 2013.”;

(3) in section 1523 of title XV, by adding at the end the following:

“(d) EXPIRATION.—The requirements in this section shall expire on December 30, 2013.”;

(4) in section 1526 of title XV, by adding at the end the following:

“(e) EXPIRATION.—The requirements in this section shall expire on December 30, 2013.”; and

(5) in section 1530 of title XV, by striking “September 30, 2013.” and inserting “September 30, 2017.”.

#### SEC. 7. DISASTER RELIEF APPROPRIATIONS ACT OF 2013 AMENDMENTS.

Division A of Public Law 113-2 is amended in section 904(d)—

(1) by striking “for purposes related to the impact of Hurricane Sandy”;

(2) by striking “related to the impact of Hurricane Sandy” after “receiving appropriations”; and

(3) by striking “related to funds appropriated for the impact of Hurricane Sandy” after “on its activities”.

#### SEC. 8. EXECUTIVE AGENCY ACCOUNTING AND OTHER FINANCIAL MANAGEMENT REPORTS AND PLANS.

Section 3512(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting “and make available on the website described under section 1122 of this title” after “appropriate committees of the Congress”;

(2) in paragraph (3)(B)(vi), by inserting “, system development, financial management workforce development, related risk assessment and mitigation for the Federal Government as a whole, related risk assessment and mitigation for executive agencies, development of capacity to prevent and detect fraud,” after “equipment acquisitions”; and

(3) in paragraph (4), by adding at the end the following:

“(C) Not later than 90 days after the date of enactment of the Digital Accountability and Transparency Act of 2013, and every 90 days thereafter, the Director shall make available on the website described under section 1122 of this title a report regarding—

“(i) specific goals for the most recent full fiscal year, the fiscal year during which the report is submitted, and the fiscal year following the year during which the report is submitted that are necessary steps toward implementing the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) fully and in an effective, efficient, and accurate manner; and

“(ii) the status and progress achieved toward each goal described in clause (i), including any changes to the cost, schedule, or performance baselines of achieving each goal, using earned value management where appropriate.”.

#### SEC. 9. LIMITS AND TRANSPARENCY FOR CONFERENCE AND TRAVEL SPENDING.

(a) AMENDMENT.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5711 the following:

**“§5712. Limits and transparency for conference and travel spending**

“(a) CONFERENCE TRANSPARENCY AND SPENDING LIMITS.—

“(1) PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.—Each agency shall post on the public website of that agency detailed information on any presentation made by any employee of that agency at a conference (except to the extent the head of an agency excludes such information for reasons of national security or information described under section 552(b)) including—

“(A) the prepared text of any verbal presentation made; and

“(B) any visual, digital, video, or audio materials presented, including photographs, slides, and audio-visual recordings.

“(2) LIMITS ON AMOUNT EXPENDED ON A CONFERENCE.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), an agency may not expend more than \$500,000 to support a single conference.

“(B) EXCEPTION.—The head of an agency may waive the limitation under subparagraph (A) for a specific conference after making a determination that the expenditure is justified as the most cost-effective option to achieve a compelling purpose. The head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subparagraph, including the justification for such waiver.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude an agency from receiving financial support or other assistance from a private entity to pay or defray the costs of a conference the total cost of which exceeds \$500,000.

“(b) INTERNATIONAL CONFERENCE RULE.—An agency may not pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any international conference, unless the Secretary of State determines that attendance for such employees is in the national interest, or the head of the agency determines that attendance for such employees is critical to the agency's mission. The Secretary of State and the head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subsection, including the justification for such waiver.

“(c) REPORTING ON TRAVEL AND CONFERENCE EXPENSES REQUIRED.—At the beginning of each quarter of each fiscal year, each agency shall post on the public website of that agency a report on each conference that costs more than \$10,000 for which the agency paid travel expenses during the preceding 3 months that includes—

“(1) the itemized expenses paid by the agency, including travel, lodging, and meal expenses, and any other agency expenditures to otherwise support the conference;

“(2) the primary sponsor of the conference;

“(3) the location of the conference;

“(4) the date of the conference;

“(5) a brief explanation of how the participation of employees from such agency at the conference advanced the mission of the agency;

“(6) the title of any employee, or any individual who is not a Federal employee, whose travel expenses or other conference expenses were paid by the agency;

“(7) the total number of individuals whose travel expenses or other conference expenses were paid by the agency; and

“(8) in the case of a conference for which that agency was the primary sponsor, a statement that—

“(A) describes the cost to the agency of selecting the specific conference venue;

“(B) describes why the location was selected, including a justification for such selection;

“(C) demonstrates the cost efficiency of the location;

“(D) provides a cost benefit analysis of holding a conference rather than conducting a teleconference; and

“(E) describes any financial support or other assistance from a private entity used to pay or defray the costs of the conference, and for each case where such support or assistance was used, the head of the agency shall include a certification that there is no conflict of interest resulting from such support or assistance.

“(d) FORMAT AND PUBLICATION OF REPORTS.—Each report posted on the public website under subsection (c) shall—

“(1) be in a searchable electronic format; and

“(2) remain on that website for at least 5 years after the date of posting.

“(e) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given that term under section 5701, but does not include the government of the District of Columbia.

“(2) CONFERENCE.—The term ‘conference’ means a meeting, retreat, seminar, symposium, or event that—

“(A) is held for consultation, education, discussion, or training; and

“(B) is not held entirely at a Government facility.

“(3) INTERNATIONAL CONFERENCE.—The term ‘international conference’ means a conference occurring outside the United States attended by representatives of—

“(A) the Government of the United States; and

“(B) any foreign government, international organization, or foreign nongovernmental organization.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5711 the following:

“5712. Limits and transparency for conference and travel spending.”.

(c) ANNUAL TRAVEL EXPENSE LIMITS.—

(1) IN GENERAL.—In the case of each of fiscal years 2014 through 2018, an agency (as defined under section 5712(e) of title 5, United States Code, as added by subsection (a)) may not make, or obligate to make, expenditures for travel expenses, in an aggregate amount greater than 70 percent of the aggregate amount of such expenses for fiscal year 2010.

(2) EXEMPTIONS.—The agency may exclude certain travel expenses from the limitation under paragraph (1) only if the agency head determines that inclusion of such expenses would undermine national security, international diplomacy, health and safety inspections, law enforcement, or site visits required for oversight or investigatory purposes.

(3) REPORT TO CONGRESS.—In each of fiscal years 2014 through 2018, the head of each agency shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing—

(A) the justification for any expenses excluded (under paragraph (2)) from the limitation under paragraph (1); and

(B) the positive or negative impacts, if any, of the limitation under paragraph (1) on the agency's mission, cost-effectiveness, effi-

ciency, and ability to perform core functions.

(4) IDENTIFICATION OF TRAVEL EXPENSES.—

(A) RESPONSIBILITIES.—Not later than January 1, 2014, and after consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts, the Director of the Office of Management and Budget shall establish guidelines for the determination of what expenses constitute travel expenses for purposes of this subsection. The guidelines shall identify specific expenses, and classes of expenses, that are to be treated as travel expenses.

(B) EXEMPTION FOR MILITARY TRAVEL.—The guidelines required under subparagraph (A) shall exclude military travel expenses in determining what expenses constitute travel expenses. Military travel expenses shall include travel expenses involving military combat, the training or deployment of uniformed military personnel, and such other travel expenses as determined by the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, substantially the same bill was passed in the previous Congress. The Digital Accountability and Transparency Act, or the DATA Act, is an important piece of legislation in that it will create the opportunity for government to be more efficient, more effective, and more transparent.

The American people deserve real accountability in how the taxpayer dollars are spent, now more than ever. It is unacceptable for Federal spending on data currently to be so inaccurate, unpredictable, inconsistent, and, quite frankly, expensive.

Nobody can follow the money at the Federal level these days, in spite of the fact that we spend over \$82 billion on IT. Political gain is often had or lost every time a major program funding proves to lead to a dead end. Whether it is a billion-dollar program for the Department of Defense or, now, the most current challenge, the one faced in healthcare.gov, it is often easy to point fingers.

But, Mr. Speaker, if we are going to handle large data in a way in which we

get predictable success rather than inevitable failure, we have to start by demanding that data be structured from the day it is created and formatted in a way that makes it capable of search, aggregating, downloading in bulk, and manipulating, both for the benefit of insiders trying to find accountability and outsiders legitimately exercising their right to know how government is spending their money.

The DATA Act will contain a pilot to examine ways to consolidate and streamline reporting requirements. This will decrease the burden of Federal financial reporting for agencies and for States, school systems, and other recipients of Federal dollars.

We found, during the Recovery Act, that the Recovery Board, using DATA Act-type transparency, was able to find huge amounts of waste, fraud, and abuse and do it in a transparent way in real-time because they required recipient reporting.

Recipient reporting, in a perfect world, would already have taken place; but we recognize that consolidating and improving the way in which data is compiled needs to come first. Therefore, between the pilot in this bill and, in fact, the requirement that we begin structuring data the way the SEC and other agencies have will, in fact, make this legislation a money saver for the Federal Government.

The DATA Act is bipartisan and bicameral and widely supported. A companion legislation was introduced in the Senate by Senator WARNER and Senator PORTMAN. Their legislation is substantially similar and will be easily made into a consolidated bill, one the American people can have confidence in, was thought of over multiple Congresses, well vetted, and, in fact, assure the American people that we will not make, in the next Congress and in Congresses beyond, some of the mistakes that have been made in the past.

With that, I ask for early consideration of this version of the act and would note that we passed out of our committee unanimously, and by voice, not just in our committee, but in the last Congress, a bill substantially similar.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 2061, the DATA Act, and I am pleased to work with the chairman as we continue to reconcile this bill with the Senate bill.

The DATA Act will provide the public with information about how the government is spending its money. This will hold agencies accountable for their spending, and it will result in a more effective and efficient government.

The President emphasized the importance of access to data when he issued

an executive order on May 9, 2013, that requires government information to be released in ways that make it easy to find and use. The DATA Act would require government spending data to meet those same requirements through data standards issued by the Office of Management and Budget.

The bill also requires that spending data be available through a single Web site.

H.R. 2061 authorizes, in addition, the Recovery Act Board through the year 2017, and requires the Recovery Board to conduct a pilot project involving direct reporting of spending information from recipients of Federal money.

There are a couple of issues that I hope will be resolved as the bill moves forward to the Senate. During the committee markup of this bill, Ranking Member ELIJAH CUMMINGS requested that the bill be amended to address two specific concerns.

One of those concerns was the need to ensure that stakeholders have an opportunity to provide feedback before OMB decides whether to extend the pilot project on recipient reporting.

The other issue was the need to ensure that OMB has the option to extend all the requirements under the pilot project, or just some of the requirements, if the Director determines that is the best course.

Just as the chairman led H.R. 2061 through our committee on a bipartisan basis, I am hopeful that Chairman ISSA will work on the same basis to address these outstanding issues.

This, however, is a good bill, Mr. Speaker; and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the leader of the House, and a supporter of big data reform.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from California. I want to thank him, as well as the gentlelady from the District of Columbia, for their work on the DATA Act.

Mr. Speaker, I do rise today in support of the Digital Accountability and Transparency Act. The American people deserve a functioning government that is both open and accountable. The DATA Act is an important step to achieving this goal because it will publish Federal spending data and transform it from disconnected documents into open, searchable data for people to see and read through online.

This easily accessible data will create an abundant amount of resources and opportunities for innovation to occur. It will bring about new start-ups and innovators, all of which will be aimed toward turning this data into actionable information.

This information can then be used to help solve some of our Nation's most pressing problems and help all of us

better determine where we can better eliminate waste.

Over the last year, Mr. Speaker, I had the privilege of visiting a civic start-up called Code for America in California. It is an organization that is committed to helping solve problems, primarily at the local level.

It has a long list of programmers and developers who are ready to take action across the country. They want to use their skills and apply those skills to help government and its citizens be more efficient. But they, first, need to know, when they go into a locality, whether the kind of information they need is going to be accessible.

We can begin to do that today here at the Federal level. With the passage of the DATA Act, we will be one step closer to the American people being able to hold government bureaucracies accountable. Plain and simple, Federal spending data will be easier to access under this bill.

Mr. Speaker, there has been a lot of controversy surrounding the rollout of ObamaCare over the last month. And beyond the core problem of the law's causing the cancellation of individuals' insurance, beyond the core problem of the law's causing the increase in costs to millions of Americans for their health care, one of the more frustrating issues is a lack of transparency on the part of government bureaucracy.

We just cannot tell what the information is right now. How many people have really signed up for ObamaCare?

We don't know whether it is people who have purchased plans on the healthcare.gov site, or whether it is people who have just put them into their shopping carts. Again, very, very frustrating, not only for folks around the country, but for those of us who want to try and help the situation so that government is not cramming down on anyone its prescribed method of health care coverage.

So the DATA Act is an opportunity for both parties to come together and to demonstrate that we are serious about creating a more open and effective government and about holding government accountable. Let's pass this bill so we can begin to restore trust with the American people.

Again, I want to thank the gentleman from California, Chairman DARRELL ISSA, as well as the gentlelady from the District of Columbia, for their work on this bill, the other members of the Oversight and Government Reform Committee for their hard work; and I urge my colleagues to support the bill.

Ms. NORTON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume in closing.

I want to thank the gentlelady from the District of Columbia, and particularly note that this has been one of

those shining, shining examples of bipartisan behavior by the committee and, I suspect, the entire Congress.

I might note that earlier this month the Senate Homeland Security and Government Affairs Committee voted unanimously to pass the Senate version of this act, so upon our passage, we will very shortly be in an opportunity to begin making these kinds of changes, and I look forward to that. I look forward to this kind of legislation in the future.

I urge all Members to vote positively on this fundamental reform, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to begin by thanking Chairman ISSA and Ranking Member CUMMINGS for working with the university community to address a number of their concerns with specific provisions of H.R. 2061. I understand that the universities are still seeking some improvements to the legislation in order to ensure a transparent, fair, and effective process for improving the collection of data on federal funding, including of research grants to universities. I hope that the Chairman and Ranking Member will continue to work with the universities as this bill moves forward.

What concerns me most about this legislation is the sudden inclusion of major portions of H.R. 313 in this otherwise unrelated bill. I expressed my concerns about H.R. 313 when it was under consideration earlier this year, and these concerns remain in place today. I think we can all agree that federal agencies need to be wise and judicious in their use of travel funds, and that highly publicized past abuses, while very much the exception, were a wake-up call for us to exercise stricter oversight of taxpayer dollars. The Administration itself, through the Office of Management and Budget (OMB), has also sought to curb these abuses by instituting new travel caps and new reporting requirements on all agency travel and I applaud them for taking this seriously.

However, the scientific community, which includes tens of thousands of federal scientists and engineers at agencies such as the Department of Energy and NASA, depend on face-to-face interaction through conferences and workshops to foster innovation and launch new scientific directions. The scientific community, therefore, is rightfully concerned about the unintended consequences of travel restrictions stifling innovation and stunting economic growth by preventing federal scientists from participating fully in scientific exchanges with their fellow scientists and engineers from across the country and the world.

Once again, I want to thank Chairman ISSA for taking into consideration some of the concerns expressed by the agencies and the scientific community regarding the travel restrictions in H.R. 313 that have now been incorporated into H.R. 2061. However, this legislation still requires significant improvement. While OMB requires all agencies to publicly report on conference expenses in excess of \$100,000, H.R. 2061 would require even more detailed reporting for an agency sending even a single employee to a conference for which the conference's total cost—which may or may not be borne by taxpayer dollars—exceeds

\$10,000. In other words, while the intent may have been otherwise, the language as written would not create any reasonable threshold for agency reporting. Are we really going to pay agency staff to post an explanation of how the participation of an employee advanced the mission of the agency for every \$30 roundtrip train ticket to a large meeting or workshop? It seems to me that in any given fiscal year, the cost of the additional bureaucratic resources necessary to meet this requirement will exceed the actual expenses incurred.

I also remain concerned about what I see as arbitrary limits on the number of agency employees who may participate in large, international, scientific conferences and on the total amount an agency may spend not just next year, but through fiscal year 2018. I hope that, if this bill should continue to move forward, my colleagues on the other side of the aisle will work with our colleagues in the other body to continue to perfect this bill. As the Ranking Member of the Committee on Science, Space, and Technology, I stand by to assist in whatever way I can to ensure that we do not implement new regulations with unintended negative consequences for the progress of U.S. health, science, and innovation.

Mr. HOLT. Mr. Speaker, as a scientist, I know firsthand how important scientific conferences and meetings are. I opposed H.R. 2061, the Digital Accountability and Transparency Act, because it would cut by 30 percent the amount of travel federal employees could undertake for conferences, meetings, and other crucial events.

Although I appreciate the sponsors' efforts to ensure oversight on travel expenditures, I suspect they fail to realize the impact that this legislation would have on the progress of science and technology. Scientific conferences play a key role in American innovation. The informal conversations, formal presentations, and everything else that goes on between scientists from different institutions and different countries lead to new collaborations that have the promise of new discoveries.

Just about any scientific society in this country can give you examples where large numbers of federally sponsored researchers have teamed up to tackle pressing issues of our day at a conference. To give just one example, the American Chemical Society and the American Physical Society have stated that the development of an anti-cancer drug was the result of collaboration between a team of scientists from three laboratories that took place at one of these conferences.

We justifiably invest in federal research efforts, and we should ensure that we maximize that investment. When we deny federal scientists and researchers the ability to travel and collaborate with their peers, we leave them and our country with a diminished ability to make the most of that investment.

This affects not only scientists, of course. It is important for all federal employees to meet with their fellow professionals. If any of my colleagues wonder why face-to-face meetings are important, I would ask, why did they vote for House rules that require all of our votes to be taken in person here in the House of Representatives?

While H.R. 2061 takes some laudable attempts to increase transparency, it will un-

doubtedly stifle scientific collaboration, and thus I cannot support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 2061, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1715

#### CLARIFICATION OF DETERMINATION OF COMPENSATION OF CHIEF FINANCIAL OFFICER OF DISTRICT OF COLUMBIA.

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3343) to amend the District of Columbia Home Rule Act to clarify the rules regarding the determination of the compensation of the Chief Financial Officer of the District of Columbia.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3343

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION OF DETERMINATION OF COMPENSATION OF CHIEF FINANCIAL OFFICER OF DISTRICT OF COLUMBIA.

(a) DETERMINATION OF COMPENSATION.—Section 424(b)(2)(E) of the District of Columbia Home Rule Act (sec. 1–204.24(b)(2)(E), D.C. Official Code) is amended to read as follows:

“(E) PAY.—The Chief Financial Officer shall be paid at a rate such that the total amount of compensation paid during any calendar year does not exceed an amount equal to the limit on total pay which is applicable during the year under section 5307 of title 5, United States Code, to an employee described in section 5307(d) of such title.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?



There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a capable chief financial officer is paramount to the physical health and integrity and defensiveness of any organization that he or she oversees. The District of Columbia is no exception. Just the opposite. The Federal city is perhaps the most important place for people to look at a microcosm of whether or not the Federal Government can be fiscally responsible.

In the 1990s, when the District of Columbia was bankrupt, Congress, at its discretion and the direction of this committee, stepped in with sweeping legislation to help the city's sinking financial ship. Included in these reforms was the establishment of an independent chief financial officer to oversee the city's finances. Since the creation of this position, Congress has come to rely upon the D.C. CFO to give an objective, unvarnished picture of the city's finances. The D.C. CFO is our best window into the financial status of the Federal city.

The bill before us today spends no Federal dollars. It simply allows the District to use its own locally generated funds to pay its CFO as much as a member of the Federal Government's Senior Executive Service can receive in total compensation. Now, I know that the men and women here on the floor understand the Senior Executive Service. But for those who may not, we have, throughout the government, hundreds and hundreds and hundreds of positions that are very senior that make, in fact, at times more than Members of Congress. These are specialists. These are highly trained career professionals that, in fact, make up to but not more than the Vice President.

Back in the 1990s when we created this position, we established an amount that seemed reasonable at the time. Today, establishing a more flexible amount, one that can change over time as the Senior Executive Service changes, makes more sense. Ultimately, there are CFOs throughout government—some of them controlling less responsibility and smaller amounts of funds and certainly, in many cases, less significant and complex relationships than that of a city of over 500,000 with countless different departments, including, obviously, the education of children, the security of the Federal city, and the like. For that reason, it seems only fitting that we link it to a salary that can be at least as great as a senior Federal service.

Now, ultimately, we are not mandating a salary. We are only allowing the city to recruit someone who is created by an act of Congress to serve this body as a window into our oversight of the Federal city. This legislation was supported unanimously by the Oversight and Government Reform Com-

mittee last month, and I urge all Members to support this important technical change to the charter for the city of the District of Columbia.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I associate myself with the remarks of the chairman.

I rise in support of this important legislation, with special appreciation to Majority Leader ERIC CANTOR and particularly to Chairman ISSA and Ranking Member CUMMINGS for quickly marking up this bill so that it could come to the floor expeditiously, as the District is in the throes of hiring a new CFO. I will have more to say on their indispensable support presently.

The District of Columbia's independent chief financial officer is a unique office in the United States created by Congress. The city cannot obligate or expend funds without the CFO's approval, and the CFO can only be terminated for cause.

Today's bill, which contains a formula developed by Chairman ISSA, is an important example of the chairman's continuing commitment to assist the city in improving and safeguarding its vital operations.

When the current CFO announced his retirement earlier this year, the Mayor formed a CFO search committee, led by Alice Rivlin, the former head of the D.C. Financial Control Board, the Office of Management and Budget, and the Congressional Budget Office, and former Mayor Anthony Williams.

The search committee determined that the allowable compensation that is in the bill is necessary for the recruitment and retention of a CFO, but the District government does not have the authority under the Home Rule Act to alter the CFO's compensation. This bill would amend the Home Rule Act to permit the D.C. government to pay its CFO an amount that may not exceed the pay of members of the Senior Executive Service in agencies with an Office of Personnel Management-certified appraisal system.

Currently, the Home Rule Act sets the CFO's pay at the basic pay for level I of the executive schedule. The bill's compensation standard, as with the term of an interim CFO under the D.C. Chief Financial Officer Vacancy Act, which we got enacted earlier this year, was established by Chairman ISSA and is supported by the city. I am particularly grateful to the chairman and also to Majority Leader CANTOR for their continued partnership on legislation to improve the efficiency and effectiveness of the District of Columbia government.

As with today's bill, their assistance was indispensable last month as the Congress, with bipartisan help from the Senate, agreed for the first time to remove the threat of a D.C. government shutdown by permitting the city to spend its local funds, its own locally

raised taxpayer funds, for the entire fiscal year 2014.

While Federal agencies' spending authority expires on January 15, the CR that Congress approved matches the city's responsibility to raise local funds with its right to, therefore, spend these funds, consistent with budget autonomy for the District, which Majority Leader CANTOR, Chairman ISSA, and Ranking Member CUMMINGS have all supported.

Again, I want to offer not only my own but also the gratitude of the city. The District has chosen a CFO; but, unfortunately, that matter is still pending because it has to lay over here in the Congress. The city is faced with the issue of two sovereigns that must approve a piece of legislation. Whenever I have had anything approaching that kind of emergency, the chairman has gone out of his way to see to it that we proceeded and that the city was not inconvenienced or, dare I say, embarrassed. I very much appreciate the way in which he expedited this bill and got it on a markup—and there have not been a lot of markups—but he made sure this got on the most recent markup. I particularly appreciate his innovation in devising a formula that would, in fact, be approved as I believe and hope it will today by this House.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and I yield back the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

In closing, to my colleague from the District of Columbia, ELEANOR, thank you. Thank you for the work you do for the District. It is our committee's jurisdiction to oversee the Federal city, and it is an honor; but it wouldn't be possible if not for the engagement of Delegate NORTON, if it wasn't for the cooperation we have had with the Mayor and members of the council and with the outgoing CFO.

So we don't often get an opportunity on the House floor to talk about, candidly, the fact that we are hosted by a city here. We have jurisdiction over it; but, ultimately, the day-to-day operation is not a burden to Congress but, rather, a benefit to Congress that we have by having this unique relationship.

So as I urge all Members to vote for this important change, I want to thank the majority leader and all those who have brought this bill in a timely fashion to the floor so that we could make a decision and go to hiring a new CFO so we would never be without a person to oversee the finances and to report to Congress in a timely fashion so that we can have confidence that the people who so kindly host us, in fact, will remain fiscally responsible and solvent throughout anything that may come their way.

So, again, to the gentlewoman from the District of Columbia (Ms. NORTON),



I thank her. Mr. Speaker, I thank you for this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 3343.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXTENSION AND EXPANSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION THROUGH 2018

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3487) to amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, to expand such authority to certain other violations, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3487

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION THROUGH 2018.

Section 309(a)(4)(C)(iv) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)(iv)) is amended by striking “December 31, 2013” and inserting “December 31, 2018”.

#### SEC. 2. EXPANSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION.

(a) APPLICATION TO QUALIFIED DISCLOSURE REQUIREMENTS.—Section 309(a)(4)(C)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)(i)) is amended by striking “any requirement of section 304(a) of the Act (2 U.S.C. 434(a))” and inserting “a qualified disclosure requirement”.

(b) SCHEDULE OF PENALTIES FOR EACH VIOLATION.—Section 309(a)(4)(C)(II) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)(II)) is amended by inserting “, for violations of each qualified disclosure requirement,” before “under a schedule of penalties”.

(c) DEFINITION OF QUALIFIED DISCLOSURE REQUIREMENT.—Section 309(a)(4)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)) is amended—

(1) by redesignating clause (iv), as amended by section 1, as clause (v); and

(2) by inserting after clause (iii) the following new clause:

“(iv) In this subparagraph, the term ‘qualified disclosure requirement’ means any requirement of—

“(I) subsections (a), (c), (e), (f), (g), or (i) of section 304; or

“(II) section 305.”.

#### SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the earlier of—

(1) December 31, 2013; or

(2) the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3487, reauthorizing the Federal Election Commission's Administrative Fines Program. This program, which was established in the year 2000, provides the FEC with a consistent, transparent process for determining and administering fines for campaign finance reporting violations primarily related to late or incomplete filings with the Commission. It also provides filers with an inexpensive and efficient alternative to full investigations and enforcement proceedings to resolve very minor filing violations.

Using a public formula that takes multiple factors into consideration, like length of delay and repeat offenses, the FEC's program simply assesses the appropriate fines associated with a minor violation.

For example, if a Political Action Committee or Federal candidate files their quarterly expenditures 24 hours past the submission deadline, the Administrative Fines Program will automatically determine the financial penalty using its formula and then send a notification. If there is no dispute, the fine is just simply paid.

H.R. 3487 also expands this successful program to include reports filed by other types of organizations if the FEC's commissioners adopt a formula of fines for them. This effective program saves the agency, filers, and taxpayers money. However, without this bill, the program will expire on December 31 of this year.

With that, I certainly want to thank the gentleman from Pennsylvania (Mr. BRADY) as well as the other members of our committee, the House Administration Committee, for their support of this bill. And I would urge my colleagues to support this reauthorization.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3487, a bill to reauthorize the Federal

Election Commission's Administrative Fines Program through 2018.

□ 1730

This program allows the FEC to streamline “straightforward disclosure violations” and enact a penalty. Since its introduction in 1999, the AFP has improved the enforcement process, decreased late filings, and assessed over \$4 million in fines. Reauthorizing the AFP program is a reasonable and appropriate step.

The FEC is a small agency charged with the monumental task of overseeing the massive, complex, and eroding campaign funding system. In the wake of Citizens United, we need them more than ever. Instead, the agency has been mired in partisan games, distracting it from important functions such as conducting audits or issuing regulations, advisory opinions, and enforcement actions. But now, with a new, confirmed full slate of commissioners, I look forward to the agency moving ahead and returning to its core duties instead of the partisan squabble of the past.

Even though my Republican colleagues and I don't always see eye-to-eye on these campaign finance issues, we all agree that the AFP program has been successful. I am very proud to stand with Chairman MILLER on this issue.

I urge all Members to support H.R. 3487. I urge an “aye” vote, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I would just close by saying that, as a former secretary of state from the great State of Michigan and a former chief elections officer of my State, I think this is a very common-sense, cost-efficient, cost-effective program. It has worked very, very well for the agency, for the FEC, and certainly for filers as well as taxpayers.

I would urge my colleagues to support H.R. 3487 and reauthorize the Federal Election Commission's Administrative Fine Program.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3487.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING USE OF EMANCIPATION HALL FOR CONGRESSIONAL GOLD MEDAL CEREMONY FOR NATIVE AMERICAN CODE TALKERS

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 25) authorizing the

use of Emancipation Hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 25

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR GOLD MEDAL CEREMONY FOR NATIVE AMERICAN CODE TALKERS.**

Emancipation Hall in the Capitol Visitor Center is authorized to be used on November 20, 2013, for a ceremony to award the Congressional Gold Medal to Native American code talkers. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

**GENERAL LEAVE**

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise in very strong support of Senate Concurrent Resolution 25, authorizing the use of Emancipation Hall on Wednesday, November 20, for a ceremony to award the Congressional Gold Medal to Native American code talkers who assisted the United States military and our ally powers. This ceremony, Mr. Speaker, is a very long overdue recognition of all Native American code talkers that served this Nation during times of foreign conflict.

Although the contributions of the Navajo code talkers during the World Wars have been the most celebrated, many, many other Native American tribes deserve recognition for their courage and dedication to this Nation as well. Thousands of Native Americans from over a dozen tribes across the country saw the threats to humanity being posed and joined with our military forces to protect our common homeland. It was a call to action that they selflessly and successfully accomplished.

I want to thank our former colleague from Oklahoma, Mr. Boren, for his leadership on H.R. 4544, the Native American Code Talkers Act, which provides for this overdue recognition and celebration.

Mr. Speaker, I urge all my colleagues to support this resolution, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the chair in supporting S. Con. Res. 25, which authorizes the use of Emancipation Hall for a ceremony to award the Congressional Gold Medal to Native American code talkers. I am very pleased to support the efforts to honor these patriotic Americans and their service to our Nation during some of its most trying times. This honor is extremely well deserved, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, it is my great honor to yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE), a member of the Rules Committee and also recently named last week as the chairman of the Subcommittee on Legislative Branch Appropriations. Also, Mr. COLE is a member of the Chickasaw Nation and the Chickasaw Hall of Fame.

Mr. COLE. I thank my friend, the chairman, for yielding me the time and for her gracious remarks.

Mr. Speaker, Native Americans have fought against, with, and for the United States more than any other group of people in the history of our country, and it is still true today. Native Americans enlist in the American military at a higher rate than any other race or ethnicity in the United States. That sense of protecting one's place and one's land, which is such an integral part of Native American history, is deep and alive and has benefited this country.

As my friend the chairman mentioned, most Americans are certainly aware of the distinguished role of the Navajo code talkers in the Second World War. What many of them are not aware of, though, is how many others served not only in that war, but as far back as the First World War.

This ceremony will recognize 33 tribes whose members are considered DOD code talkers. Ten of those tribes are from my home State of Oklahoma, and three of them—the Choctaws, Comanches, and Kiowas—reside in my district. It is a privilege for me, as a Native American, to support this resolution and urge its adoption.

It is right that we recognize the contribution of these Americans—the first Americans—who were so often discriminated against at the time in which they contributed to the defense of our country and, in some cases in the First World War, still did not have the rights of other American citizens. Most Native Americans did not actually achieve the right to vote until 1924. So the fact that they were willing to go and lay their life on the line to assist this country, I think, speaks volumes about their patriotism and their commitment.

So I thank my friends for bringing the resolution to the floor. I look forward to voting in support of it, and I urge its adoption by the House.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, it is my great privilege to yield such time as he may consume to the gentleman from Oklahoma (Mr. MULLIN), a member of the Transportation and Infrastructure and Natural Resources Committees. He is also a citizen of the Cherokee Nation.

Mr. MULLIN. Mr. Speaker, I would like to thank the gentlelady from Michigan for yielding me time to speak on such an important issue.

The Cherokee Nation has a rich history of pride and heritage inside this country. At a very young age, I had the special privilege of meeting a gentleman, another former member of the Cherokee Nation, Wayne Russell.

Wayne Russell was taken care of by my grandparents. My grandad, Kenneth Morris, is also a Cherokee member, who fought in the European theatre as a combat engineer. Wayne Russell was a neighbor of my granddad.

My grandmother and granddad took care of Wayne until he passed away. At a young age, I got the privilege of getting to know him. We share the same birthday, and so it was a common bond for us. Wayne used to tell me stories of how he got to use his native language to help this great Nation win a war against a group of individuals that had very bad intentions not just in our country, but in this world.

Wayne never asked for anything. Wayne simply stood up each day and did his job when he was in uniform. When he came home, he didn't ask for anybody to give him anything. He didn't ask for a handout. He was just proud to serve.

Before I even knew what code talkers were, Wayne used to tell me about it all the time, because he used to teach the Cherokee language in the school I went to in Westfield. So Wayne would talk to me in our native tongue and tell me about the stories that he had from the war.

He didn't realize he was special. I didn't really realize he was special. But today, I get to stand up and talk about him. What an honor it is for me to stand on this House floor as a Member of the United States Congress and get to bring Wayne Russell's name up and tell people what he did.

Wayne has passed. When he left, he left me all his medals. And we get to stand up this week and vote on something to honor not just Cherokee members, but the members of Native Americans in Indian Country all across this great Nation that didn't ask for anything, but just simply did their job. They didn't realize they were special; they just did what it took to win. Because we have pride in Indian Country.

We take great pride in this great country we call America. And for us to stand up and speak up for them, what an opportunity for this House to reach across the aisle and show bipartisan support to honor a group of people.

So it is an honor to stand up here, Mr. Speaker, and it is an honor that the gentlelady from Michigan has given me time to talk about Wayne Russell and something important to me.

I urge my colleagues to support this. Let's stand together and say "thank you" to a group of people that is well overdue.

Mrs. DAVIS of California. Mr. Speaker, I must say, I hope that all of us are looking forward to this ceremony because I think it is going to be a very impressive one and give us a chance to honor, again, these wonderful, patriotic Americans.

I urge an "aye" vote, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I don't know how I follow on from the two previous speakers we had on our side that talked very eloquently from their heart about their pride in their heritage and their pride as being Americans and now as Members of the Congress about this bipartisan bill, and it is a ceremony that I tell my colleague from California we are all looking forward to.

As I mentioned in my opening remarks, it is certainly a ceremony that is long overdue for the recognition of all Native Americans, and particularly these code talkers and what they did to keep America free. They are great ambassadors of liberty, freedom, and democracy.

I urge all my colleagues to support Senate Concurrent Resolution 25, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 25.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### GENERAL WILLIAM H. GOURLEY FEDERAL OUTPATIENT CLINIC: A JOINT VA-DOD HEALTH CARE FACILITY

Mr. WENSTRUP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 272) to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the "General William H. Gourley Federal Outpatient Clinic: A Joint VA-DOD Health Care Facility", as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 272

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NAME OF THE DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE JOINT OUTPATIENT CLINIC, MARINA, CALIFORNIA.

(a) DESIGNATION.—The Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed at the intersection of the proposed Ninth Street and the proposed First Avenue in Marina, California, shall be known and designated as the "Major General William H. Gourley VA-DOD Outpatient Clinic".

(b) REFERENCES.—Any reference in a law, regulation, map, document, record, or other paper of the United States to the Department of Veterans Affairs and Department of Defense joint outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the "Major General William H. Gourley VA-DOD Outpatient Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. WENSTRUP) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

#### GENERAL LEAVE

Mr. WENSTRUP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WENSTRUP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 272, which designates the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the General William H. Gourley VA-DOD Outpatient Clinic.

I want to commend Representative SAM FARR of California for sponsoring this legislation.

□ 1745

Mr. Speaker, the late Major General William H. Gourley gave this Nation 36 years of committed and distinguished service in the United States Army. That service took him to far off places such as Vietnam, Korea, Turkey, and Germany, where he had an immediate and positive impact on the soldiers and officers with whom he served.

When General Gourley's service to the Nation was done, he returned to his beloved Monterey, California, to retire. He became actively involved in the Monterey community, helping to oversee the restructuring of Fort Ord for civilian reuse following the Base Realignment and Closure decision to shut down that Army post.

Mr. Speaker, General Gourley was also instrumental in paving the way

for the joint VA-DOD outpatient clinic to be constructed in Marina, California, which is why it is fitting that that clinic, which when completed will serve our Active Duty and retired military, their families and veterans, be named the General William H. Gourley VA-DOD Outpatient Clinic.

General Gourley dedicated his life to serving the military. The VA-DOD clinic will stand as a reminder of his service to all those who will benefit from the health care provided by the clinic in the future.

Mr. Speaker, I urge all Members to support this bill, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Major General William Gourley was truly a soldier's soldier. His long and storied career can be summed up by the motto he took with him across the Army to every unit he commanded: "Soldiers first." He insisted that support of the military must focus on the needs of soldiers, and this mantra soon became the standard across the entire Army personnel community.

After more than 30 years in uniform, General Gourley continued fighting for the well-being of soldiers and their families. His bigger-than-life persona and caring nature endeared him to Active Duty soldiers and veterans alike, and he could often be seen at the former Fort Ord—at the commissary or at the PX—inquiring as to how servicemembers were and as to how he could help them. He was a fixture at the local VA clinic, but dreamed of a larger facility that could seamlessly integrate care over the life of a soldier.

It was this desire, coupled with his penchant for helping others, which led him to play an instrumental role in the planning and development of the soon-to-be joint VA-DOD hospital. It would only be fitting to see this new and innovative facility named after a true American hero.

I reserve the balance of my time.

Mr. WENSTRUP. Mr. Speaker, at this time, I have no further requests for time. I am prepared to close after my colleague has yielded back her time.

I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield such time as he may consume to my colleague from California (Mr. FARR), the sponsor of this legislation.

Mr. FARR. Thank you, Mr. Chair, and thank you, Congresswoman DAVIS, for yielding.

Mr. Speaker, I rise in support of, obviously, the legislation I have authored, but I really appreciate the statements that have been made here about General Gourley. He was a very special human being—tall-statured, an incredible soldier, and a retiree who

kind of brought together the retiree community of the military along the entire Monterey Peninsula.

We still have nine military missions, including the Naval Postgraduate School, the Defense Language Institute, at which all the languages of the world are taught, the Manpower Development Center, Fort Hunter Liggett, Camp Roberts, and so on. So we have a lot of military there.

He recognized that not only did the Active Duty soldiers—men and women in uniform who have a clinic at the Defense Language Institute—have to live off of TRICARE but, really, so did their spouses and children. A lot of the doctors in the community wouldn't accept TRICARE because the reimbursement rates were so low. So here were underserved populations. There was a widow population of military retirees, who, after the base closed and the hospital closed and where there was space available, they weren't really familiar with how to use TRICARE or how to find TRICARE doctors. There was the Active Duty military, and then there was this incredible veterans community. So, for the first time in the history of this country, we got the Department of Veterans Affairs and the Department of Defense together, and we decided that they ought to plan a clinic.

General Gourley was so instrumental in getting that sort of one-stop, proud-to-serve opportunity to be in the design of a building and in the operation of a building, and it was no small task because all of these agencies want to be joined. I always remind people that you can't be a veteran without having walked through the Department of Defense first. In the old days, when you left the Department of Defense, then you had to find your way. You had to find your papers and get them all transferred and do all of this heavy lifting, and there was always bureaucracy and a loss of papers and a loss of stuff. So this one-stop system, which we all think is much more cost-effective and a proud way to say "thank you" to those who serve, is really going to be implemented in this brand new clinic on which we just broke ground on Veterans Day, a week ago.

From my seat on the Military Construction Appropriations Subcommittee, I have learned that we really need to find this unity. When we had found it, it had always been advocated by General Gourley. Unfortunately, he passed away a couple of years ago, but just before he passed away, I was able to do an oral interview with him to archive in the Library of Congress because Congress has developed this oral history archive. I would urge all of my colleagues in Congress to take part in doing these interviews with veterans and to archive their experiences.

General Gourley served in many, many places in this country. He was always a leader and was outspoken. He

was critical of things that needed to be criticized. When he was head of the War College in Carlisle, Pennsylvania, he insisted that soldiers couldn't go to class unless they brought their wives, so that those spouses would come to understand that the Army mindset, in the form of a greater bond within the family, is a shared duty and a shared sacrifice. In that sense of unity, he always used to say, "Leave a better Army." Leave it better than you found it.

I think he left this world a lot better than he found it. One way the community would like to pay tribute to him for his using his retirement to continue to bring this collaboration and this "thinking outside the box" together is to name this new clinic after him. He would be so proud. I was at his burial at Arlington National Cemetery in 2008. In honor of his lifetime of service to our country, to our troops, to our veterans, I am really proud to have introduced this bill, which is to name the clinic after this American hero. I am proud to have been his friend, and I ask your support in passing the bill.

Mrs. DAVIS of California. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. WENSTRUP. Mr. Speaker, health care is a morale staple of our military, both in Active Duty and when we become veterans, whether it is in theatre or at home, as those who have served or who are serving know that, on the health care side, we have their backs. General Gourley understood that.

I urge all to vote in favor of this bill in order to give him the recognition that is due.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. WENSTRUP) that the House suspend the rules and pass the bill, H.R. 272, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WENSTRUP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 2013.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 18, 2013 at 4:21 p.m.:

That the Senate passed without amendment H.R. 3204.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 54 minutes p.m.), the House stood in recess.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 6 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2061, by the yeas and nays;

H.R. 272, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

#### DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2061) to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Issa) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 388, nays 1, not voting 41, as follows:

[Roll No. 588]

## YEAS—388

Aderholt  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishkek  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brownley (CA)  
Buchanan  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clarke  
Clay  
Clever  
Clyburn  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Crowley  
Cuellar  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Doggett  
Doyle  
Duckworth  
Duffy

Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Enyart  
Eshoo  
Farr  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Honda  
Horsford  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildeer  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)

Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Levin  
Lipinski  
LoBiondo  
Loebsack  
Lofgren  
Long  
Lowenthal  
Lowe  
Lucas  
Luetkemeyer  
Lujan Grisham  
Lujan (NM)  
Luján, Ben Ray  
Lummis  
Lynch  
Maffei  
Maloney, Carolyn  
Maloney, Sean  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Mullin  
Mulaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger

Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda T.  
Sanford  
Sarbanes

Scalise  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiberi

Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Westrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NAYS—1

Holt  
NOT VOTING—41

Bentivolio  
Brown (FL)  
Bucshon  
Campbell  
Carter  
Coble  
Conaway  
Courtney  
Crenshaw  
Culberson  
Dingell  
Engel  
Forbes  
Gingrey (GA)

Gosar  
Green, Al  
Grijalva  
Gutiérrez  
Herrera Beutler  
Kingston  
Lee (CA)  
Lewis  
Marchant  
McCarthy (NY)  
Moore  
Moran  
Peters (CA)  
Radel

Richmond  
Rogers (AL)  
Rokita  
Rooney  
Rush  
Sanchez, Loretta  
Schock  
Schwartz  
Shimkus  
Thompson (MS)  
Wasserman  
Schultz  
Waters  
Watt

□ 1857

Mr. STIVERS, Ms. CHU, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CARSON of Indiana, Ms. CLARKE, and Mr. RUPPERSBERGER changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL WILLIAM H. GOURLEY FEDERAL OUTPATIENT CLINIC: A JOINT VA-DOD HEALTH CARE FACILITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 272) to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the “General William H. Gourley Federal Outpatient Clinic: A

Joint VA-DOD Health Care Facility”, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. WENSTRUP) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 42, as follows:

[Roll No. 589]

## YEAS—388

Aderholt  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishkek  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brownley (CA)  
Buchanan  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clarke  
Clay  
Clever  
Clyburn  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crowley  
Cuellar  
Cummings  
Daines

Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Doggett  
Doyle  
Duckworth  
Duffy

Holding  
Holt  
Honda  
Horsford  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildeer  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Levin  
Lipinski  
LoBiondo  
Loebsack  
Lofgren  
Long  
Lowenthal  
Lowe  
Lucas  
Luetkemeyer  
Lujan Grisham  
Lujan (NM)  
Luján, Ben Ray  
Lummis  
Lynch  
Maffei  
Maloney, Carolyn  
Maloney, Sean  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum

McDermott	Polis	Smith (MO)
McGovern	Pompeo	Smith (NE)
McHenry	Posey	Smith (NJ)
McIntyre	Price (GA)	Smith (TX)
McKeon	Price (NC)	Smith (WA)
McKinley	Quigley	Southerland
McMorris	Rahall	Speier
Rodgers	Rangel	Stivers
McNerney	Reed	Stockman
Meadows	Reichert	Stutzman
Meehan	Renacci	Swalwell (CA)
Meeks	Ribble	Takano
Meng	Rice (SC)	Terry
Messer	Rigell	Thompson (CA)
Mica	Roby	Thompson (PA)
Michaud	Roe (TN)	Thornberry
Miller (FL)	Rogers (KY)	Tiberi
Miller (MI)	Rogers (MI)	Tierney
Miller, Gary	Rohrabacher	Tipton
Miller, George	Ros-Lehtinen	Titus
Mullin	Roskam	Tonko
Mulvaney	Ross	Tsongas
Murphy (FL)	Rothfus	Turner
Murphy (PA)	Roybal-Allard	Upton
Nadler	Royce	Valadao
Napolitano	Ruiz	Van Hollen
Neal	Runyan	Vargas
Negrete McLeod	Ruppersberger	Veasey
Neugebauer	Ryan (OH)	Vela
Noem	Ryan (WI)	Velázquez
Nolan	Salmon	Visclosky
Nugent	Sánchez, Linda	Wagner
Nunes	T.	Walberg
Nunnelee	Sanford	Walden
O'Rourke	Sanbanes	Walorski
Olson	Scalise	Walz
Owens	Schakowsky	Waxman
Palazzo	Schiff	Weber (TX)
Pallone	Schneider	Webster (FL)
Pascarella	Schrader	Welch
Pastor (AZ)	Schweikert	Wenstrup
Paulsen	Scott (VA)	Westmoreland
Payne	Scott, Austin	Whitfield
Pearce	Scott, David	Williams
Pelosi	Sensenbrenner	Wilson (FL)
Perlmutter	Serrano	Wilson (SC)
Perry	Sessions	Wittman
Peters (MI)	Sewell (AL)	Wolf
Peterson	Shea-Porter	Womack
Petri	Sherman	Woodall
Pingree (ME)	Shuster	Yarmuth
Pittenger	Simpson	Yoder
Pitts	Sinema	Yoho
Pocan	Sires	Young (AK)
Poe (TX)	Slaughter	Young (IN)

## NOT VOTING—42

Bentivolio	Green, Al	Rokita
Brown (FL)	Grijalva	Rooney
Bucshon	Gutiérrez	Rush
Campbell	Herrera Beutler	Sanchez, Loretta
Carter	Kingston	Schock
Coble	Lee (CA)	Schwartz
Conaway	Lewis	Shimkus
Crenshaw	Marchant	Stewart
Culberson	McCarthy (NY)	Thompson (MS)
Dingell	Moore	Wasserman
Engel	Moran	Schultz
Forbes	Peters (CA)	Waters
Gingrey (GA)	Radel	Watt
Gohmert	Richmond	
Gosar	Rogers (AL)	

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the 'Major General William H. Gourley VA-DOD Outpatient Clinic'".

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today, I missed the following votes:

H.R. 2061—Digital Accountability and Transparency (DATA) Act of 2013. Had I been present, I would have voted "yes" on this bill.

H.R. 272—To designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the "General William H. Gourley Federal Outpatient Clinic: A Joint VA-DOD Health Care Facility. Had I been present, I would have voted "yes" on this bill.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1965, FEDERAL LANDS JOBS AND ENERGY SECURITY ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2728, PROTECTING STATES' RIGHTS TO PROMOTE AMERICAN ENERGY SECURITY ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 113-271) on the resolution (H. Res. 419) providing for consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, and providing for consideration of the bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation, which was referred to the House Calendar and ordered to be printed.

## OBAMACARE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to address what has really been going on behind the scenes in the Affordable Care Act. You see, if millions of people didn't lose their coverage, the architects of the law knew the exchanges would be full just of sick and elderly, without healthier populations subsidizing those plans.

No matter which way you spin it, the President's broken promises—this one, in particular—should concern us all. We were promised we could keep our policies, coverage, and doctors; yet these choices are now being denied for millions of Americans.

Many of us are not surprised. For the fact of the matter is that the Affordable Care Act is not about consumer choice. It is about governmental control, control over our lives, control over our decisionmaking. This is social engineering at its worst.

The lackluster performance of a Web site will disappear over time. Unfortunately, the insurance cancellations and cost increases are going to continue re-

gardless of an executive order or another "promise" from the White House. The American people deserve better, Mr. Speaker; and they surely can't afford more broken promises.

#### TRIBUTE TO GERARDO I. HERNANDEZ OF PORTER RANCH, CALIFORNIA

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, today there was a memorial in Washington in honor of a great public servant, Gerardo I. Hernandez, the first transportation security officer to be killed in the line of duty. It is with great sorrow that I offer my deepest sympathy to his family and pay tribute to him. He died on Friday, November 1, 2013, in Los Angeles of gunshot wounds received from an assailant while he was doing his duty as a transportation security officer. He was the first one to be killed in the line of duty.

He was born in El Salvador and became an American citizen. He met Ana, the love of his life, who he married in 1998, and they have two wonderful children.

In 2010, he joined the Transportation Security Administration. Everyone indicated what a great public servant he was. He was always excited to go to work and enjoyed the interaction with the passengers at LAX. He was a joyful person, always smiling, took pride in his duty for the American public and for the TSA mission.

As a senior member of the Homeland Security Committee, I offer my deepest sympathy and ask for a 1-minute acknowledgement of this great and fine public servant. May he rest in peace.

Mr. Speaker, it is with great sorrow but also great admiration that I rise to pay tribute to Gerardo I. Hernandez of Porter Ranch, California.

Mr. Hernandez died on Friday, November 1, 2013, in Los Angeles of gunshot wounds received from an assailant while he was doing his duty as a Transportation Security Officer at the Los Angeles International Airport.

He was the first TSA officer killed in the line of duty in the 12 year history of the agency. He was only 39 years old.

Gerardo Hernandez was born in El Salvador in 1973 and at the age of 15 immigrated to the United States to escape the civil unrest of that war-torn country in 1988.

Four years later, Gerardo met Ana, the love of his life, whom he married in 1998. Together, Gerardo and Ana were the loving parents of two wonderful children, Louis and Stephanie.

Mr. Speaker, in 2010, Gerardo Hernandez joined the Transportation Security Administration, an agency created from the ash and rubble and heartbreak of the terrorist attack of September 11. He did so because he loved his adopted country and wanted to do what he could to help keep her safe. According to his wife Ana:

[Gerardo] was always excited to go to work and enjoyed the interactions with the passengers at LAX. He was a joyful person, always smiling. He took pride in his duty for the American public and for the TSA mission.

Mr. Speaker, as a senior member of the Homeland Security Committee and former chair of its Transportation Security Subcommittee, I can tell you that Gerardo Hernandez was a good man and reflected TSA at its best.

He will be greatly missed by his family and friends and colleagues and by countless members of the flying public who will remember how he also greeted them with a smile and treated them with respect.

Gerardo Hernandez was a special person but happily for our country he is not unique.

Every day thousands of TSA employees carry out their mission of keeping the airways safe for the flying public. The importance of TSA in safeguarding transportation throughout the nation cannot be understated.

On average, TSA officers screen 1.7 million air passengers at more than 450 airports across the nation, which in 2012 amounted to 637,582,122 passengers.

TSA provides security for the nation's airports, maintains a security force to screen all commercial airline passengers and baggage, and works with the transportation, law enforcement and intelligence communities to ensure the security of the air transit industry.

Mr. Speaker, sometimes we tend to forget just how horrible was that September 11 day twelve years ago. That day changed forever the way we gain access to commercial airplanes.

From that day on Americans understood that a little temporary inconvenience in exchange for the more permanent security of a safe and uneventful flight was a small price to pay.

It is people like Gerardo Hernandez who do their best to make the necessary screening as unintrusive and unburdensome as possible consistent with the mission of ensuring the security of all members of the flying public.

And they are willing to risk their lives to ensure the job gets done.

We owe the men and women of the TSA a debt of gratitude. They have earned our respect and appreciation and our support. Their hearts ache over the loss of their friend and colleague.

But they recognize and understand that the best way to honor the memory of the great Gerardo Hernandez is to continue doing what he always did: treat everyone with respect, greet them with a smile, and discharge their duties so that all passengers screened board their flights secure in the knowledge that every precaution has been taken to ensure that they reach their destination and return safely home to the families and friends who know them best and love them most.

Mr. Speaker, I ask the House to observe a moment of silence in honor of Gerardo I. Castillo, the first Transportation Security Officer to lose his life in the line of duty.

## ARE THE PEOPLE THE ENEMY OF THE STATE?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, from Bubba in southeast Texas to the Pope, no one is off limits to the surveillance of the National Spy Agency, NSA. Americans are fighting the Soviet-style surveillance by filing thousands of open records requests on the NSA. Citizens want to know if the "snoop and spy" agency has monitored their emails, phones, computers, and location devices. Rather than transparency, the citizens have received just a form letter with no answer to their questions, all because it is a spy secret.

Citizen Joel writes, "I should have the right to know if I am under surveillance."

Courts should put a stop to the NSA Soviet-style surveillance and grant injunctions and open records requests.

The NSA is addicted to spying and snooping. It has no authority under the PATRIOT Act nor the Constitution to impose domestic dragnet surveillance on citizens. This is a clear violation of the Fourth Amendment.

NSA acts like the people are the enemy of the state. However, this NSA activity is the enemy of personal privacy in the United States.

And that's just the way it is.

## SAFE CLIMATE CAUCUS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, in the past week, we have seen yet another devastating storm claim the lives and communities of thousands of people in the Philippines as well as a string of tornadoes that cut through 12 States, from New York to Tennessee. These powerful storms last for a matter of days, while recovery from their destruction takes years.

Hurricane Irene began as a tropical storm on August 20, 2011. By the time it completed its path on August 29, it had wreaked havoc from Puerto Rico to New England, becoming the seventh most costly hurricane in our Nation's history, while taking 56 lives. The storm lasted a mere 10 days, no more than 36 hours in any one spot; but in my district and other affected areas, people are still recovering more than 2 years later. Infrastructure still needs to be repaired or replaced or improved upon. Businesses have not fully recovered, and many families are still struggling to rebuild their homes and their lives.

The costs continue to mount. We have denied our responsibility to deal with climate change for far too long. The time to act is now.

□ 1915

## PROTECTING AMERICAN INNOVATION AND JOBS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to express my strong concern about the increasingly discriminatory trade and investment environment in India.

The United States and India share a very important trade and security relationship. But our trading relationship is being threatened by an alarming array of discriminatory and internationally inconsistent actions and decisions recently. This is particularly the case in the area of intellectual property.

Intellectual property is the engine that drives the U.S. economy. The attacks on our IP not only harm U.S. job creation and competitiveness, but also chip away at the overall global IP framework that is essential to the innovation of new medicines. Since 2012, India has inappropriately revoked or denied patents on at least 14 lifesaving and life-enhancing drugs. These decisions harm the R&D system, hurting patients and their families who rely on the development of new cures and treatments.

That is why earlier this year Representative JOHN LARSON and myself were joined by 170 other Members of this body in urging the administration to raise these issues at the highest level of discussions with the Indian government. It is critical that we send a strong message to our trading partners that we will not sit idly by while India blatantly undermines intellectual property rights and discriminates against our businesses.

## FIGHTING FOR THE MIDDLE CLASS

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Mr. Speaker, I was visited today in my district office by an individual who is one of my constituents—and one of my bosses—who told me about his disappointment with me and our government here in Washington and our inability to positively affect his life.

He told me a story about how he and his wife lost their health care policy. What is worse, he told me about his diagnosis of cancer, which has wracked his body and is spreading throughout his organs. He told me how he felt Washington didn't care at all about him and how he had been lied to. He wanted someone to fight for him and the other people in the middle class.

I just wanted to come to the floor today, Mr. Speaker, and echo that account so that he knows that someone is



here fighting for him. I dedicate myself to fighting on his behalf and for the other millions of Americans just like him.

#### A PROMISE MADE IS A PROMISE KEPT

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, where I come from in northeast Georgia, a promise made is a promise kept.

This is my constituent, Theresa, from Commerce, Georgia. She wasn't initially opposed to ObamaCare. For 12 years, Theresa has been paying on a plan that provides no deductible and reasonable copays. As a 54-year-old on a fixed income, this plan has worked well for her. A few weeks ago, she found out that her plan will be terminated at the end of this month. Alternative coverage will cost her at least \$5,000 more a year and will not provide as many benefits as her current plan. Theresa says many of her family and friends will have their health insurance premiums double, thanks to an unaffordable Affordable Care Act.

House Republicans don't just talk about giving Americans the opportunity to keep their insurance coverage if they want to, but we have wanted that all along. We are listening to the American people, even if the President won't.

#### CONGRESSIONAL BLACK CAUCUS: HUNGER IN AMERICA

The SPEAKER pro tempore (Mr. CRAMER). Under the Speaker's announced policy of January 3, 2013, the gentleman from Nevada (Mr. HORSFORD) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HORSFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials into the RECORD on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. HORSFORD. Mr. Speaker, this evening, we come to this Special Order to bring attention to the issue of hunger in America.

In just a little more than over a week, many of us will spend time around our tables celebrating Thanksgiving dinner. And as we give thanks for the incredible benefits that we enjoy, there are many Americans who will go without. They will go without a nutritious meal. They will go without

meals in the classrooms or after school. Many of our veterans will go without meals as well.

And so tonight, the Congressional Black Caucus uses its hour in this Special Order to bring attention to these important issues, particularly at this time in the debate about our budget.

Earlier this month, on November 1, the 2009 Recovery Act's temporary increase in funding for the Supplemental Nutrition Assistance Program, or SNAP, expired, resulting in an additional benefit cut to all households. According to the Center on Budget and Policy Priorities, this is approximately a \$25-per-month or \$300-a-year cut to nutritional benefit programs for a family of four. SNAP benefits will now average less than \$1.40 per person per meal in 2014, down from \$1.50 previously.

Bringing attention to these issues is critical, particularly, as I said, when we are entering negotiation on the farm bill as well as negotiation on the budget. So tonight you will hear from members of the Congressional Black Caucus who see these issues as priorities in these negotiations.

I would like to extend time now to the chair of the Congressional Black Caucus, a lady who serves on the Agriculture Committee and who has been a champion for the issues of SNAP as well as other food assistance programs in the farm bill. I yield to the gentlelady from Ohio, Representative FUDGE.

Ms. FUDGE. I thank the gentleman for yielding.

I would like to thank my colleagues, Congressmen HORSFORD and JEFFRIES, for continuing to lead the Special Order and for tonight leading on a Special Order hour that addresses another important topic, and that is hunger in America.

In 10 days, Americans will come together with family and friends to celebrate Thanksgiving, but for many families around the country, their Thanksgiving tables will be sparse and some even bear. As one of the wealthiest countries in the world, it is shameful that this Nation has not and will not address the issue of hunger.

As ranking member on the House Agriculture Subcommittee that oversees our country's nutrition programs, I am working hard to end hunger in America.

One in every six Americans struggle with hunger or food insecurity. This is an issue that plagues nearly every community, from our inner cities to our rural countryside. While Americans are still struggling to rebound from the recent recession, many families have already seen a setback as they experience a reduction in SNAP, which my colleague talked to you about just a moment ago. The Center on Budget and Policy Priorities reports that this reduction is equal to the loss of 16 meals for a family of three.

When children are hungry, they are not able to focus in school. When seniors have limited resources and limited incomes, they are forced to make the difficult choice between purchasing medicine and sufficient groceries.

Mr. Speaker, when the House adjourns this Thursday, many of us will go home to spend the Thanksgiving holidays with our families. Some will serve the less fortunate in our communities. But let's all take the time to talk to workers at food banks and other charities, ask about the impact of Federal benefits cuts, the increased demand on charitable antihunger programs and what has been done to fill the gap. Just a short discussion with those who have fallen on hard times can be a sobering reminder of the impact a little help can provide.

And to the American people who are struggling this Thanksgiving, please know that the CBC has not forgotten you. As the conscience of the Congress, we continue to fight for you every single day. The fight is far from over, but as long as one American is suffering, we will fight on.

I thank the gentleman.

Mr. HORSFORD. Thank you to the chair of the Congressional Black Caucus. As she said, we will fight on. These are issues that are not going to go away.

With the farm bill negotiations, I am optimistic that, despite the fact that when that bill was brought here to the House of Representatives in October and there was an incomprehensible \$40 billion cut to SNAP, we can bridge that gap between now and the end of the year and pass a farm bill that includes the important policy for farm subsidies in this country that are necessary, but do so by not including special subsidies for Big Agriculture and other corporations while cutting \$40 billion in SNAP food assistance to the poor.

Again, these are issues that are critically important to American families across this great country. They are issues that we are hearing about daily from our constituents.

Many people don't realize that it is not only good for the individual who is on food assistance, but it is also good for our economy because this is money that goes back into our local grocery stores that keeps people employed and helps our local economy. So it is a benefit in two ways.

I would now like to turn attention to the gentleman from Indiana, Representative CARSON from the Seventh Congressional District, for his remarks during this Special Order.

Mr. CARSON of Indiana. Thank you to my dear colleague from Nevada, Congressman HORSFORD, also to my colleague from Brooklyn, Representative JEFFRIES, and also Chairwoman MARCIA FUDGE of the CBC.

Mr. Speaker, a special ed teacher contacted my office last month, worried about cuts to food stamps and the

impact that they would have on her classroom. One of her sixth grade students had burst into tears in the middle of her lesson because she heard on the news that benefits would be cut on November 1.

Mr. Speaker, this teacher was compassionate enough to take the child's concerns quite seriously. She gave them a voice by contacting our office. I rise today, Mr. Speaker, to be this child's voice—and the voice of all of those who live in the wealthiest Nation on Earth but still live in hunger.

Mr. Speaker, if you look at the list of the most food insecure districts in the country, you see populations of every race and every ethnicity. Even in the State with the least food insecurity, 15 percent of families still struggle to find their next meal. So while I speak today as a member of the esteemed Congressional Black Caucus, we stand with all Americans.

Sadly, my congressional district in the great Hoosier State of Indiana holds the dubious distinction of having one of the highest rates of food insecurity in the entire country. Over 30 percent of families in Indiana struggle to put food on the table and don't always know where their next meal is coming from.

To be clear, this is not a criticism of the local food banks or not-for-profits that serve the poor very honorably. Hoosiers take care of one another, which is why we have some of the best service organizations in the entire country. But sadly, even the best food banks can't pull food out of thin air.

Over the past few years, Mr. Speaker, I have heard from many Indiana food banks that donations are down as more people struggle to make ends meet in our economic downturn. With high unemployment and underemployment, Federal assistance simply isn't buying enough food to meet their demand. The shelves just aren't as full as they used to be. This leaves many low-income constituents to rely on SNAP, also known as food stamps, a program that will be cut by \$5 billion next year as recovery provisions expire.

Even with ideal funding levels, food stamps never means large, multicourse meals for poor families. The average person receives less than \$1.50 per meal.

□ 1930

For many of these families, Mr. Speaker, a healthful meal is already a luxury that remains out of reach. These families just want to put food on the table. The program means a few hundred dollars a month per family, which is enough for some bread, cereal, and canned food, but rarely is it enough for fresh vegetables or meat. No one gets rich off of food stamps, but at least they can eat. Yet, for some reason, the program remains one of the prime targets of the Members of Con-

gress who are now fighting to cut nearly 4 million people from this program. This is unacceptable, and it has real-life implications.

Fortunately, in our district, the Seventh Congressional District of Indiana, we have the Indy Hunger Network, the Butler University's Center for Urban Ecology, the Indiana Healthy Weight Initiative, Indiana's Family and Social Services Administration, FSSA, and the Indy Food Council. They are working with our local farmers' markets to encourage people who are receiving assistance to reinvest in our local economy by matching the SNAP dollars spent on fresh fruits and vegetables. These types of partnerships are not supported when we decide to cut benefits and eligibility. We must invest in these types of creative initiatives, programs that feed our communities and incentivize healthy living, programs that create jobs and rebuild our economy so that people are fed and healthy enough to go to school, to work and to contribute to our economy.

Some of my colleagues argue that our debt is out of control, that we need to rein in spending, and that every American should be asked to sacrifice equally, but we have to put this thing into perspective. If you are a person who makes millions of dollars every year, you might lose hundreds of thousands of dollars, maybe. If you own a business, you might decide to invest a little less. By contrast, if you make a minimum wage and live under the poverty line year after year, what might you lose? Monetarily, very little—\$50 here, \$100 there. There would be a small impact on our debt, but that small amount—those few dollars here and there—equates to food on the table.

When looking for so-called "equitable treatment," no one is ever asking a wealthy person to go hungry, but that is exactly what some of my Republican colleagues are doing with their proposal to cut \$39 billion to SNAP. They are suggesting that some Americans, like those in poor neighborhoods in Indianapolis, simply don't deserve to eat because it is too expensive. Other Republicans argue that SNAP is only meant as a temporary stopgap.

For most people, Mr. Speaker, poverty isn't a temporary stop on the way to prosperity. If a family is fortunate enough to pull itself out of poverty, it could take many years, maybe even a decade. Unfortunately, our recession pushed many families in the wrong direction, costing jobs, incomes, and homes. It also moved people deeper into poverty. This means more children will go to school on empty stomachs. It means more aging seniors already on fixed incomes are forced to choose between buying groceries and medication. It means more poverty, not less. In fact, between 2007 and 2012, during the height of the Great Recession, the number of food stamp users rose 77 percent because more people needed them.

I am standing here with my brilliant and esteemed colleagues, Representative HORSFORD and Representative JEFFRIES and the Congressional Black Caucus, because our districts are some of the hardest hit, but this isn't a Black issue, Mr. Speaker. This is a nationwide problem that impacts every color and ethnicity in every city, county, and town. Yet some of our colleagues in this House are willing to ignore millions of their constituents—those who are struggling to eat—just to pass a bill to cut SNAP by \$39 billion. We should be increasing SNAP funding, not decreasing it. We should learn the lessons of European austerity measures. We should be debating an extension of expiring provisions to avoid benefit reductions next year. We should be focused on ending hunger in America, not just on cutting programs that might reduce the debt.

Mr. Speaker, as I close, many of us take for granted that we can grab a sandwich or make a salad when we need to eat. Most people here—I know I will—will celebrate Thanksgiving next week and will have tables full of good food, some of the best food that money can buy. Yet, for many in America, Thanksgiving is just another day spent in hunger. For these people, a traditional Thanksgiving meal is simply out of reach. Yet we believe that struggling families across the country would say that, on Thanksgiving, they are thankful for any amount of food they can buy—the food that SNAP helps them buy.

Instead of taking this away, let's fight for a higher quality of life, and let's stand together to make sure our neighbors, our children, and our vulnerable seniors never go hungry.

Mr. HORSFORD. I would like to thank the distinguished gentleman from Indiana for his remarks and for highlighting the fact that this is an issue that affects all American families across this country. We all know someone who relies on SNAP benefits or we have come into contact with individuals—our neighbors, our friends, our veterans—who rely on these benefits as well. To somehow suggest that this is an issue that only a certain number of communities should care about is simply false, and it is why we are having this conversation, Mr. Speaker. This is a conversation that we have on each and every Monday that we have the opportunity to come to the floor of the House in order to raise important issues like the one we are raising tonight on hunger.

I want to encourage people who are listening right now to send us your comments and to share your experiences with SNAP benefits. You can do so by sending us a tweet at #cbctalks, and we will try to share your comments and your questions so that we can have this conversation here on the

floor of the House, because it is a conversation that many families across America are confronting.

I would like to invite up my esteemed colleague from New York, with whom I have the honor of co-anchoring the CBC Special Order hour. It has been a great opportunity to get to know him and to work with him on these important issues. I would like to start a bit of a conversation with him, if I can, on these issues. There are a number of things I would like to touch on with the gentleman from New York.

The first is on which households are most affected by this food insecurity across America. Will you touch upon that? Then I would like to talk about how the attack on SNAP also plays into the Affordable Care Act.

I yield now to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Congressman HORSFORD, thank you very much for yielding, and thank you very much for the tremendous leadership that you have shown on this issue and for anchoring the CBC Special Order, this hour of power during which, for 60 minutes, members of the Congressional Black Caucus consistently, every Monday that we are in session, have the opportunity to take to the floor of the House of Representatives and to speak directly to the American people about an issue of great significance affecting their quality of life. Today, we are tackling an extremely important issue in a country that is the wealthiest Nation in the world. It is the issue of hunger.

For the life of me, I haven't been able to figure out why in this country, with all of this wealth—I come from the city of New York, where Wall Street is the engine that drives the world's economy. Yet, in neighborhoods that are in the shadows of Wall Street, you have children and seniors who are going to bed hungry and who are waking up the next day without any hope as to how they will be able to satisfy their nutritional needs.

Across this country, it appears that there are approximately 50 million people who are food insecure—50 million Americans who go to bed hungry at night. Approximately 16 million of those Americans are children born into very difficult circumstances not of their doing. They are not hungry by choice. They are hungry based on the urgency of their situations. It seems that, in this great Nation, we should be doing everything possible to deal with that food insecurity.

Now, as it relates to Americans and to those who are most impacted by food insecurity and hunger, approximately 1 in 10 Caucasian households is food insecure; one in seven overall households in America is food insecure; and approximately one in four African American households—25 percent of the people in the African American com-

munity—goes to bed hungry. Not a single person, whether he is Black or White, Asian or Latino, old or young, should be food insecure in the greatest Nation in the world.

The reality of the situation is that, as opposed to making progress on this issue in America, we stand here today on the floor of the House of Representatives and are at the risk of going backwards because there are some in this Chamber on the other side of the aisle who, for some reason, think that it makes sense to balance the budget on the backs of children and seniors and of those who are hungry in America. There is no other way, Representative HORSFORD, to explain the fact that, in this Chamber, you had people voting for a \$39 billion cut to the Supplemental Nutrition Assistance Program, colloquially known as “food stamps”—a \$39 billion cut.

Now, the explanation that is often given to us is that this is a fiscally responsible approach to the reality that, from a financial standpoint, we are on an unsustainable path in America. Certainly, as a member of the Budget Committee, I am of the view that there are some challenges that we have to confront in moving forward, particularly as they relate to the growth of the older American population and to the fact that people in America are living longer. Those two realities are going to create a strain on health care costs in America, and it is something that we are going to have to confront in moving forward. When you hear doom and gloom statements made about the deficit and the debt in America, it is important to unpack those statements and to really and truly evaluate what has driven the explosion of the debt in America.

It certainly hasn't been the fact that there are hungry people in this country whom we are trying to help. That is not driving the debt explosion in America. It is a failed war in Iraq while in search of weapons of mass destruction, weapons that to this day have not and will never be found because they didn't exist; a mis-prosecuted war in Afghanistan that has carried on much longer than it needed to because we were off on a diversion in Iraq; the Bush tax cuts that were passed in 2001 and in 2003, which helped to explode the deficit, that were unpaid for and that benefited disproportionately the wealthy and the well off in America.

These are the reasons we are in the debt and deficit situation that we confront in this country today. It is not because we have got 50 million Americans who are food insecure whom we are trying to help in the greatest Nation in the world.

Now, I am thankful for organizations like the Food Bank For New York City, back at home, which provides assistance to those who are trying to make it on a day-to-day basis with food

banks all across the city, including many in the district that I represent.

□ 1945

But there is a role for government to play in providing assistance to needy Americans. These aren't individuals who have chosen poverty as a lifestyle. They have not chosen hunger as a lifestyle. These are individuals who find themselves in a difficult spot, and we as a government should be doing everything we can to help them turn their lives around.

In 2008, the economy collapsed. It was the worst situation financially that we found ourselves in since the Great Depression. Since that moment, the recovery that we have experienced, as I have talked about from time to time on the floor of the House of Representatives, has been a very schizophrenia one. It has been an uneven one. It has been a recovery that has benefited some in America while others have been left behind.

Earlier today, the stock market crossed over to the 16,000 point mark for the first time, I believe, in our Nation's great history. The stock market is way up, CEO compensation is way up, corporate profits are way up, the productivity of the American worker is way up. Yet unemployment remains stubbornly high and consumer demand is stagnant and working families and middle class folks are struggling. Income inequality has reached levels in some places in this country not seen since the Great Depression; and, as we have discussed, far too many Americans are hungry.

It seems that in the midst of this uneven, schizophrenia, economic recovery, where the corporate titans are doing well and those with robust stock portfolios are doing extremely well, and CEOs and companies are doing extremely well, that we can find the compassion in this House and in the Congress and in our great government to make sure that in America, the richest Nation in the world, we can embrace the principle that no child, no senior, no individual should go to bed hungry; and that we can't rest until every single American has been able to benefit from the turnaround that began to take place under this administration, but that still has a ways to go in order for all Americans to be included in getting up off the ground, moving forward, and putting them in a place where they can pursue life and liberty and happiness consistent with that principle included in that grand document of our Founding Fathers.

Let me close by making an observation. Earlier this week, or a few days ago over the weekend, I had an opportunity to attend a farmers market in the east New York portion of the district. At this farmers market, there was a whole host of healthy food options that were being sold, many of

which were grown in the community garden that was immediately adjacent to this farmers market. It was a wonderful sight to see seniors and young people and others who were out with the opportunity to purchase healthy food options—fruits and vegetables—at an affordable price. It was an example for me of what can be done on a community level to help tackle this issue.

I resolved myself that as I came back down to the Congress, I would commit to doing all that I can to replicate that effort for the people in the Eighth Congressional District back home, for the people in Nevada, for the people all across this country to deal with the hunger issue, but also to make sure that healthy food options are made more available, because we recognize that the consequence, not just of hunger, but of poor diet, bears a direct relationship to the fact that many in urban America and in other parts of the country are disproportionately suffering from a wide range of ailments—respiratory disease, heart disease, childhood obesity—that directly relate to poor nutrition.

That is one of the reasons why we on this side of the aisle have remained committed to the Affordable Care Act as something that is good for America. All of these issues that we work on here in this country ultimately tie toward trying to do things that are good for America—for children, for seniors, for working families, and for the middle class.

That is why I am proud to stand with my colleague, Representative HORSFORD, as well as the members of the Congressional Black Caucus, in tackling the issue of food insecurity, tackling the issue of the Affordable Care Act, and continuing to work on behalf of the betterment of America.

Mr. HORSFORD. Thank you to the gentleman from New York, the co-anchor for this Special Order hour, Representative JEFFRIES. I look forward to a dialogue on this, but let me just underscore what it is we are faced with in this House of Representatives.

Our colleagues on the other side, the House Republicans, proposed \$40 billion in food assistance cuts to low-income families over 10 years. This would affect 210,000 children who currently receive free school meals and would affect some 170,000 veterans—yes, veterans—who also depend on SNAP benefits in our country, and would cost an estimated 55,000 job cuts in just the first year of cuts alone.

At a time when we should be growing the economy, adding jobs, helping our veterans, helping the poor, and those who are striving to be part of the middle class, the bill that was passed in October has these devastating cuts to children, to seniors and, yes, even to our veterans.

Now, I have said before, and I will say it again, we should not be cutting

the safety net for our most vulnerable while maintaining costly government subsidies for the well-off industries. That is what my colleague from New York just talked about. Littered in this farm bill are subsidies for Big Ag, some of which they themselves didn't even ask for and they know should be expiring in order for us to preserve funding for children, seniors, and veterans.

So it is not a Nevada child in my district who receives just over \$4 a day to eat who is the problem with the Federal budget deficit. The problem is corporate welfare and the special interest giveaways that litter our Tax Code. It is time that we put a face to the individuals who are benefiting from these programs. That is what we are here to spotlight tonight.

I would like to share just three quick stories of constituents who have shared with me in my office their impact and reliance on the food assistance program, known as SNAP.

The first is Alma. She lives on Social Security in my district. She currently receives \$932 a month. Out of that she pays all of her bills—her rent, her utilities, she gets all of her necessities, and has very little left over. She has about \$91 a month that she can live off for food. Now, with these proposed cuts, it would be \$54 based on a history of cuts and adjustments. She doesn't want to be on SNAP benefits; but without that safety social net, she will go hungry.

Another constituent, Erin, is currently a pre-law student and is unemployed and recently found out she is pregnant. She is working really hard to make a better life for herself and her family, but right now she can only provide for herself; but she has a child to take care of and the SNAP cuts will hurt her ability to do that.

And, finally, there is Bertha, whose monthly SNAP benefit is \$310 a month. She is a single mom of four children, and that SNAP benefit gives her about 2 weeks' worth of food. Her paycheck barely covers daily expenses, so any cut—\$10, \$20, \$30—will have a serious impact on her family. And, oh, by the way, her kids are 9 months, 12 years old, 14, and 18.

So these are the real people who are being affected by these cuts, and it is not just the SNAP program. Unfortunately, this targeting of the poor for savings throughout the budget is nothing new by our colleagues on the other side. Those who are striving to break into the middle class face serious barriers to entry because the House Republicans' budget cut job training, they are about to cut unemployment benefits, they have cut child care assistance and funding for Head Start.

They are also trying to undermine the Affordable Care Act, which provides health insurance to many who could not afford it otherwise. I would like to tell you some stories of con-

stituents in my district who have voluntarily shared their story and given me permission to share their story of the success of the Affordable Care Act.

One is Michelle. She is a constituent in Pahrump, Nevada, which is about an hour outside of Las Vegas in my district. Michelle enrolled in a plan on the exchange that will save her \$200 per month and allow her access to her OB/GYN services closer to home. She calls her enrollment in the program an "overwhelmingly positive experience." Michelle is currently on a HIPAA-guaranteed plan that costs her about \$565 per month. If she gets sick and needs an urgent visit to the doctor or a mammogram or other OB/GYN service, she has to drive to Las Vegas from Pahrump, which I said is about an hour outside.

After enrolling in the Affordable Care Act, she will save more than \$200 a month and have access to local urgent visits and OB/GYN services in her community in Pahrump. Mr. Speaker, now is not the time to turn back the clock or leave constituents like Michelle behind.

There are other constituents who have also shared their stories with me—Jeronimo and Teresita. They have been without health insurance for 10 years and were finally able to receive affordable insurance through Nevada Health Link. So, if you are watching, go to [nevadahealthlink.com](http://nevadahealthlink.com) and sign up today.

There is another one—Victor and Yumaria. They had never had insurance before. They are a father and a daughter who were approved for a qualified health plan at an affordable price, and they are very happy and thankful to finally have insurance.

Then there is Lisa, who is also enrolled in Medicaid for her and her family, which she is entitled to based on the eligibility requirements.

In my home State, there are some 21 percent of Nevadans who are currently uninsured. More than 30 percent of the children in my State are uninsured. So not only is it the cuts to SNAP, the cuts to Head Start, to job training, to vital services that so many families depend on, but it is this undermining of vital social safety net programs that people in the middle class are striving to be a part of.

So I want to ask my colleague, Representative JEFFRIES, from New York, what are some of the positive economic impacts to the SNAP program? How can we help to reinforce this message that not only is this good for the families that we are talking about, but it is also good for the economy? And what about those 55,000 jobs that could be cut in the first year alone if the House GOP plan to cut these services goes into effect?

I yield the time to the gentleman from New York.

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Mr. JEFFRIES. I thank the distinguished gentleman from the Silver State, and I think it is very important to note that in addition to the compassionate reasons to provide food assistance to hungry Americans in the greatest Nation in the world—that, it seems to me, should be sufficient enough reason for the government to act. But if that, for whatever reason, does not provide adequate motivation for my colleagues on the other side of the aisle to deem it significant, to allow for the robust Supplemental Nutrition Assistance Program to remain in effect, I would suggest that there are also economic benefits to making sure that we provide assistance to low-income Americans.

Every economist who has studied the sluggish nature of our economic recovery recognizes that perhaps the biggest problem that we confront is the inadequate nature of our consumer demand, that Americans, for a wide variety of reasons, aren't spending enough. One of the reasons on the low-income side of the socioeconomic strata is because poorer Americans just don't have the resources. One of the reasons why I support an increase in the minimum wage is because independent economists have clearly indicated that, if you put additional dollars in the hands of lower-income Americans, the likelihood is they will spend those dollars, which increases economic productivity because of the increase in consumer demand.

Similarly, if you have Americans who are food insecure and you provide them with additional resources in order to deal with the hunger problem in their household, they are not going to save that money. They are going to spend that money to deal with their food insecurity and that of their children. But that has a stimulant effect on the economy. It helps our economy grow. That was the reason why increased SNAP benefits were included in the Recovery Act.

As my colleague from Nevada indicated, as of November 1 of this month, those increased SNAP benefits have lapsed; therefore, you have got people all across America with \$20 to \$24 less per month that they can spend in trying to address the food insecurity issues that they have. That is a problem in America. That is why one of the reasons when we as Democrats talk about things that should be done to turn the economy around, to invest in America, we support a balanced approach to deficit reduction and economic recovery. The other side supports an approach that balances the budget on the backs of the most vulnerable in our society. My friends on the other side of the aisle will say: That is just hyperbole; what facts do you have to support that charge?

Well, is it hyperbole when you cut \$39 billion from the Supplement Nutrition

Assistance Program that your intent is to balance the budget on the backs of the hungry in America? When your budget cuts \$168 billion in higher education spending, is it hyperbole to suggest that your intent is to balance the budget on the backs of younger Americans in pursuit of the American Dream through a college education? Is it hyperbole to suggest that when you cut \$810 billion from Medicaid, as your budget does, that your intent is to balance the budget on the backs of the sick and the afflicted and the poor in America? That is not hyperbole. These are the facts that your budget, your legislative action, have laid on the table.

Mr. HORSFORD. I would like to underscore a couple of points that the gentleman is making here. The first is the fact that this does disproportionately affect the poor and those who are striving to become a part of the middle class. At the same time, there are corporate subsidies, billions of dollars of corporate subsidies for the agriculture industry in the farm bill and in other legislation that has come before this House that they will move expeditiously and then leave the food behind in the farm bill, for the first time that I am aware of that we have approved a farm bill without also including the food assistance component to it. They later came back and included it, but with a \$40 billion cut.

And the positive economic impacts of this cannot be underscored either. I hear from representatives from the retail industry who tell me that SNAP creates some \$340 million in farm production for each \$1 billion of retail that is generated. There is some 3,300 farm jobs that are created for each \$1 billion of funding that is provided for; that for every \$1 billion of SNAP benefits, it also creates between 9,000 to 18,000 full-time jobs. So not only is this the right thing to do, not only is it the morally conscionable thing to do, it is also good for the economy.

And so as we make this argument, how important it is to debunk some of the myths surrounding SNAP, one of them being that there is fraud in the SNAP program and that is why the cuts aren't going to hurt the poor or those who are striving to be part of the middle class.

Mr. JEFFRIES. I think if I had a dollar for every time that a Member on the other side of the aisle claimed wage, fraud, or abuse in order to justify some egregious, draconian cuts, I would be a multimillionaire right now.

It is unfortunate that in the absence of legitimate facts, in order to justify going after these programs, that the allegation of waste or fraud or abuse, without a scintilla of systematic evidence, is laid on the table to justify actions, but let's be clear. The reason that my colleagues on the other side of the aisle, Mr. Speaker, have made the

decision to go after programs like SNAP and higher education funding and a wide variety of our social safety net programs that have made America great in many ways is because, essentially, in the budget supported by the majority, passed in this House, Representative HORSFORD, the majority wants to take the top tax rate in America, 39.6 percent, and what they do in this budget, after making all of these egregious cuts, is to lower that top tax rate from 39.6 percent all the way down to 25 percent. Now, the argument is always made that the reason this is being done is because of stimulating the economy as a result of some well-worn, tired, trickle-down theory that has been proven to be discredited based on the facts as we know them over the previous two administrations.

And I will just briefly make that point related to why in the world would you, in 2013, make the argument that if you drop the tax rate from 39.6 percent to 25 percent and then cut \$39 billion from SNAP in order to try and do it, cut billions of dollars from higher education funding, voucherize Medicare, cut hundreds of billions from Medicaid, it is because you expect America to accept the argument that that is going to create a stimulating effect on the economy. Well, when the top tax rate was 39.6 percent during the 8 years of Bill Clinton's Presidency, 20 million jobs were created; when, under the Bush administration, the top tax rate was dropped to 35 percent, we lost approximately 650,000 jobs. The facts don't support the nature of your argument.

That is why we think that there is just absolutely no justification to engage in alleged cost-cutting behavior, such as cutting \$39 billion from SNAP in support of an economic theory that has widely been discredited.

Mr. HORSFORD. I thank the gentleman.

I would like to debunk another myth, and that is: just let the charities handle it. We have a number of great nonprofits out there, the church community, the faith-based community, can step up and fill the void.

Well, I would like to turn your attention to this chart which shows that, with all the great work that the nonprofits and the faith-based community is doing in addressing hunger and food insecurity, that amounted to about \$5 billion in estimated value of all food that is distributed by U.S. charities this year. That compares to \$5 billion that has already been cut since November 1 because of the setback, the so-called hunger cliff. This does not take into account the additional cuts that are on the horizon both in the Senate plan, which is about \$4.1 billion of additional cuts, compared to the House GOP plan, which again is estimated to be \$39 billion.

Now, I support the charities in my local communities. Three Square is our

local food bank. They do a phenomenal job in southern Nevada in helping both our rural and urban areas, getting the needs of the families and the food that they need in those communities.

While my family and I will be making a donation to our local food bank and helping families get meals for Thanksgiving, that is not going to absorb the \$39 billion of cuts that are proposed by the other side. This is just another one of those examples where the arguments don't support reality.

We are living in reality. The families who are struggling on these benefits whose stories we have shared tonight are dealing with reality. It is not a mother who is raising her children who is struggling to make ends meet who wants to rely on SNAP benefits that is the problem with our budget. It is simply not. It is not the veterans who have served our country with distinction and honor and who have come back, and because of the environment in their communities, they are also relying on SNAP benefits. They are not the problem with the Federal budget deficit. It is not the seniors at the Pahrump food bank that I visit who literally are having their meals cut back because of their draconian budget cuts. These American families are simply relying on a safety net that has been there and should be there in the wealthiest country in the world.

Now, I agree with my colleague who says that from a budget standpoint we have to tackle these problems, but there is a way to do it right. There is a way to do it without costing more in human toil, and there is a wrong way to do it. And the proposal by House Republicans to balance the budget on the backs of our children, our seniors, our veterans, the working poor and those who are striving to be part of the middle class is not it.

We will work with you on other ways to balance the budget, but it shouldn't be by making more families food insecure.

Mr. Speaker, may I ask how much time we have remaining?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining.

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Mr. HORSFORD. Mr. Speaker, in that remaining time, I would like to yield to my colleague, Mr. JEFFRIES, for any concluding remarks that he has, and then I will close out this Special Order hour.

Mr. JEFFRIES. I thank the distinguished gentleman again for his tremendous leadership in bringing to the House floor such an important issue of concern to the African American community, but really of concern to all Americans.

Hunger is an issue that should be nonpartisan in nature. It affects urban America and parts of suburban America and certainly rural America. It af-

fects individuals who are Black, who are White, who are Latino, who are Asian, all different religious groups and ethnic persuasions. It is an issue that we should be willing to work on on a nonpartisan basis to find common ground with folks on the other side of the aisle to address an issue that should trouble every single Member of the House of representatives.

How can it be that we accept the fact that there are 50 million Americans who are food insecure in the wealthiest Nation in the world?

I have traveled all over the district that I represent, and I hear the arguments of some on the other side of the aisle that the Supplemental Nutrition Assistance Program, or SNAP, as it is sometimes referred to, is a program that creates dependency. Well, I haven't met a single one of my constituents who chooses hunger as a lifestyle. It seems to me that is a rough style to choose.

These individuals, for one reason or another, find themselves in a tough spot, and we in the Congress should be doing everything we can to try and help them out, to get them back on their feet, to put them in a position where they can move forward and make progress for themselves and for their families. Ultimately, that would mean progress for the community and for this country.

I thank the gentleman again for his leadership, and I look forward to working with you on this issue as we move forward.

Mr. HORSFORD. I thank the gentleman from New York for your leadership and commitment to this issue. You have come to this floor on many occasions to talk about the important issues facing our country, and you are always inclusive and factual. You make a compelling argument for why this body needs to take up these issues.

Let me just conclude, Mr. Speaker, by saying not only do we reject \$40 billion in cuts to the food assistance program, but we are actually calling on our colleagues on the other side to work with us, to help make SNAP work even better for America's families, to build on the great things that SNAP already does. This program is actually one of the most successful antihunger programs that we have. It lifts more families out of poverty than most other programs.

Let me just close by sharing one example that we can be addressing. The example I want to close with is the Thrifty Food Plan, which is currently how SNAP benefits are currently calculated. The TFP is the lowest cost of the four food plans developed by the USDA, and it is unrealistic for a family of four.

A family of four receiving \$632 per month doesn't go very far in buying those fresh fruits and vegetables that my colleague talked about at the local

farmers market. The current TFP formula fails to calculate difficulties associated with the lack of food availability. The fact that in many of our communities, both rural and urban, the accessibility to nutritious, wholesome meals and fruits and vegetables isn't even available. That falls disproportionately on the poor to have to pick up those costs. For example, it doesn't include the cost of transportation. It doesn't include food preparation time that so many working families struggle with. It leaves the average family of four with a \$200 monthly benefit shortfall.

Again, this is simply unacceptable. As the wealthiest Nation in the world, no American—not our children, not our veterans, not our seniors—should be forced to survive on what is now \$1.40 per meal. That is why, Mr. Speaker, we are here this hour to bring attention to this issue and to call upon our colleagues to work with us, to not implement these cuts and to make these programs work—not only SNAP, but Head Start and the other vital programs that so many families are depending on as part of that social safety net and the fabric of the American society.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the devastating impact of hunger in America. The debate surrounding cuts to nutrition assistance coupled with nationwide food insecurity is a recipe for disaster for our neediest citizens.

The Supplemental Nutrition Assistance Program (SNAP) is a vital tool that helps feed Americans struggling economically. More than 90 percent of SNAP beneficiaries are children, elderly, veterans, or disabled. Four to six million low-income people will be affected by cuts to SNAP funding, including the 450,000 residents in Dallas County, that are food insecure, 300,000 of which are children.

The GOP's efforts to cut \$40 billion in SNAP are unconscionable and we must stand strong for the 16.4 percent of our population that remains food insecure. According to the USDA, one in every five Texas households experiences food insecurity. Out of the estimated 1.8 million Texas children, one in four live in food insecure households. Approximately 3.6 million Texas residents receive some type of federal food assistance.

In my district, I chair the Dallas Coalition for Hunger Solutions which is composed of organizations dedicated to fighting hunger and making Dallas County food secure. I strongly support the federal programs that work to support the needs of our citizens nationwide. I urge my colleagues to oppose any proposed cuts to nutrition assistance. Collectively, we can do so much to confront food insecurity in our nation.

Mr. CONYERS. Mr. Speaker, on November 1st, thousands of families in my congressional district saw a cut to their SNAP (food stamps) benefits. A family of four saw a loss of up to \$36 a month. Over the course of the next 12 months, many families across my district will lose more than 24 million meals. Michigan



families are already struggling to put food on the table, and the last thing we should do is take food away from those who need it most. Unfortunately, this has already happened.

There's no sugarcoating it: we have a hunger problem in Michigan and across the United States. The majority of households receiving SNAP are those with children. It is our responsibility to protect—not cut—critical programs like SNAP for the families and kids who rely on them. That's why I introduced H.R. 3353, the "Extend Not Cut SNAP Benefits Act" which would extend the Recovery Act's 13.6% increase in SNAP for an additional year.

This extraordinarily low level of SNAP benefits under the new levels will force families to find ways to stretch their already limited benefits even further at the grocery store in order to put healthy, nutritious food on the table for their kids. With less money to spend on groceries each month, the importance of nutrition education becomes even more real.

Yet the House and Senate proposed deep cuts within the Farm Bill could cut SNAP by as much as an additional \$40 billion (on top of the cut we just saw on November 1st) and would cut funding for SNAP Education (SNAP-Ed). Keeping SNAP and SNAP-Ed strong isn't just the right thing to do—it's also the smart thing to do. Children who get enough of the healthy food they need, as a rule, face fewer health problems, do better in school and grow up to lead stronger, more productive lives.

Ms. BEATTY. Mr. Speaker, as we begin to enter the holiday season, let us reflect on the devastating impact of hunger on individuals, families, and communities.

Mr. Speaker—hunger is no holiday for millions of Americans.

50 million individuals in this country are food insecure and 17 million of them are children.

Making sure children are well fed is necessary if America is to reach its health, education, economic, and fiscal goals.

In 2011, 679,900 children in Ohio lived in food insecure households.

On Nov. 1, the largest cuts in the history of our country's food stamp program, now called the Supplemental Nutrition Assistance Program, went into effect when the increase given by the 2009 economic stimulus package expired.

This reduction, which totaled \$5 billion, has already touched more than 47 million people—1 in 7 Americans.

Moreover, billions more in cuts are scheduled to occur in the following two years, despite the fact that food insecurity in America has not even begun to return to pre-recession levels.

Mr. Speaker, we are in a hunger crisis.

When almost 50 million people in the richest country on the planet are hungry, that is a crisis.

Moreover, food insecurity can have wide-ranging detrimental consequences on individual's physical and mental health, especially with the more vulnerable populations such as pregnant women and seniors.

According to the U.S. Department of Agriculture, more than 1 in 6 Ohio households faced food insecurity from 2010 to 2012, up 6.3 percentage points from a decade earlier.

Ohio trailed only Missouri and Nevada in hunger increases during that same time.

Ohioans have been left to cope with loss of employment, wage stagnation, slow economic recovery, and food insecurity.

Ohioans are hurting.

Shellie, a mother in my district expressed to me that by the end of every month, she has to tell her kids that all they have left to eat is enough food for dinner.

There is nothing left in the pantry to put on the table for breakfast or lunch.

Then there is Roberta, who was a county caseworker in my district for 25 years and a school board member for ten years, and suffered a serious and sudden illness.

Now, because of medical bills, she and her family rely on food stamps and food pantries.

Another touching example is Sandra in my district, who is disabled and lost her job during the recession.

Food stamps are her only recourse for food.

There are thousands of stories like Shellie's, Roberta's, and Sandra's throughout our country.

We must let our constituents know that we hear their struggles and we are fighting for them.

Preventing irrational cuts to the Supplemental Nutrition Assistance Program (SNAP) is a great first step to curbing hunger.

The large \$40 billion cuts in the House version of the 2013 Farm Bill are unprecedented.

SNAP should remain a part of the farm bill and I urge anyone who believes hunger and food insecurity should end to make sure that it does.

This is a practical and moral imperative.

I will continue to support the American people through their daily fight to preserve funding for these initiatives and to end hunger in America.

I thank you for the opportunity to speak on this important issue.

Ms. JACKSON LEE. Mr. Speaker, I strongly support the stance of the Congressional Black Caucus in their daily fight to preserve, support and increase funding for initiatives to end hunger in America. The Congressional Black Caucus has proposed a fiscally sound and morally responsible budget that protects the SNAP program as well as other programs that are vital to vulnerable communities.

As a member of the House Hunger Caucus, Out of Poverty Caucus, and proud co-sponsor of H.R. 3353, the "Extend Not Cut SNAP Benefits Act" I am dedicated to educating my fellow Members on hunger-related issues as I understand the devastating impact hunger has on millions of children and families in our country.

The cuts in SNAP benefits implemented on November 1, 2013, reduce the amount per meal that beneficiaries receive to \$1.40, affecting not only the families that rely on SNAP but also straining the resources of local food pantries that will be pressed to fill the gap, to keep people from going hungry. Together, the SNAP meals lost in 2014 from the scheduled cuts—nearly 3.4 billion meals—would exceed the projected annual meal distribution by Feeding America food banks around the country.

Further, a family of 4 will receive \$36 less each month which translates into a week of groceries that will be taken away from poor

working families, disabled persons, the elderly and children.

This reduction in benefits is the largest wholesale cut in the program since Congress passed the first Food Stamps Act in 1964 and affects nearly one in seven Americans or more than 47 million people. The cut is equivalent to 16 meals a month for a family of three.

SNAP programs lifted 4.7 million Americans above the poverty line in 2011, including 2.1 million children. Approximately 91% of SNAP benefits go to households with incomes below the poverty line. SNAP is also a win for the economy because every \$1 in benefits generates \$1.70 in economic activity.

In the 18th Congressional District of Texas, my constituency, there are 154,741 persons who will suffer because of the reduction in food assistance to an average of \$1.40 meal. Studies have documented the inadequacy of this level of funding to meet the minimal nutrition requirements for children and families. Hundreds of thousands of Texans may go hungry if the cuts to the SNAP programs are not restored.

As I stated earlier I am a strong advocate for H.R. 3353, the "Extend Not Cut SNAP Benefits Act", which maintains SNAP benefits at the pre-November 1, 2013 levels and allows the House and Senate to work to reach agreement on the Fiscal Year 2014 budget for food programs.

Congress has the power to enact supporting legislation for the individuals, families, and communities that struggle with food security in our country. I encourage the collaboration of both sides of the aisle to work for this common good.

#### THE ABUSE OF POWER BY THE IRS

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. FLORES) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLORES. Mr. Speaker, thank you for the recognition. This evening, I would like to lead the discussion about the blatant abuse of power by the Internal Revenue Service, specifically regarding its targeting of Americans because of their political beliefs.

In early 2012, the Waco Tea Party contacted me to express concern about overly onerous information requests regarding their request to become a 501(c)(4) organization. I subsequently contacted the IRS to get answers, and I also contacted the House Ways and Means Committee and the House Oversight and Government Reform Committee to inform them of the situation that I had been made aware of. Unfortunately, following my inquiry into the IRS, the issue did not go away and, in fact, it got worse. I began to learn that this targeting was wide and spread throughout the country.

In April of 2012, I, along with 62 of my House colleagues, sent a letter to then-IRS Commissioner Doug Shulman requesting a response as to why the IRS



was targeting and intimidating conservative groups. We received a basic, nonresponsive letter from the IRS that outlined how applications are processed and that in no way answered our questions on the targeting and the onerous questioning of the grassroots groups.

On May 10, 2013, just a little over a year later, the IRS officially apologized for inappropriately targeting conservative groups like the Waco Tea Party. The House Oversight and Government Reform Committee and the House Ways and Means Committee started and continued to conduct hearings into this targeting of conservative groups.

News reports would go on to reveal that senior IRS personnel knew about this practice as far back as 2011, directly contradicting earlier testimony of senior IRS personnel, who claimed that they did not know of these practices. I, along with my colleagues here on the House floor tonight, are far from satisfied with just an apology.

We have several letters from groups that we are going to share with you tonight. This needless and abusive targeting has burdened many conservative groups throughout the country. I have invited several of my colleagues to come to the House floor and to join me as we bring back to the forefront this blatant abuse of power from the IRS on conservative groups. Tonight, I would like to present the injustice that has been done by reading letters to Congress from these targeted groups that go into detail about their experiences.

The first letter is from a group in my district, Texas District 17. It is the Waco Tea Party. Here is what their letter says:

We are writing to you to explain to you and to your colleagues what it is like to be targeted by the government via the Internal Revenue Service. We are not writing to explain the facts and details—that is all a matter for public record and the courts—but rather to explain what happens to United States citizens who simply exercise their rights under the law.

When we began the Waco Tea Party, we were regular Americans who spoke out about being taxed enough already. We weren't political operatives or politicians. For the most part, we were new to the world of politics. We were naive. We believed our government had problems, but we didn't realize that it would target citizens for their political beliefs, that it would put us on a "be on the lookout," or BOLO, list, for short, for using the words "Tea Party" in our name; that some Members of Congress would write to the IRS and demand action against us because we held a different position on policy.

We weren't targeted because we broke the law; we were targeted because we were compliant with the law. We weren't targeted because we spoke out; we were targeted because our viewpoints weren't acceptable to government bureaucrats at the IRS. The law was wrongly used against us in an attempt to shut us out and to shut us up.

The toll this IRS targeting is taking on our lives is immeasurable. The financial burden on our small grassroots group has been

staggering, requiring many of us to dip into our household budgets to cover expenses, the sleepless nights worrying about what would happen if we couldn't find someone to help us, the emotional stress of explaining to your spouse, your children, family, and friends why you have to miss a special event or special day because we had to work on inane and intrusive demands by the IRS, questions that had nothing to do with our application but were instead used as a weapon of intimidation.

The countless nights that we have laid in our bed not able to sleep, the times that we quietly cried into a pillow because we don't want our spouse to know how scared we are, or the isolation we have felt because of how the media and even some Members of Congress have demonized us, none of this matters to an agent of the government. We are not seen as people. We deeply love our country. We are patriotic, and we are dedicated to preserving our birthrights guaranteed by the Constitution and passing them on to the next generation.

Our grandfathers, fathers, and others fought wars against countries that use government to squelch freedom and liberty of their citizens, only to find that out our own government was now engaging in these tactics. We are not ashamed of our country, but we are disgusted with our government and those who condone the IRS tactics.

We implore you to act to preserve political speech, free speech, to hold people accountable for what they have done to the American citizens. We pray that you and your colleagues will act to restrain government, punish those who were responsible, and restore our First Amendment rights to what the Founders intended.

Sincerely, Toby Marie Walker, Carol Waddell, Becky Kodrin, and Bobby Keith, Waco Tea Party members, supporters and volunteers.

Mr. Speaker, as I told you, there are several letters we have to share tonight. The next person I would like to invite to speak is RANDY WEBER from Texas District 14, and he will share what some of his constituents have written to him.

Mr. WEBER of Texas. Mr. Speaker, I thank my friend from Texas.

As we all know, in May of 2013, it was unearthed—that is probably a pretty good word, because they had it deeply buried in the government bureaucracy—that the IRS was unjustly targeting conservative 501(c)(4) groups and using aggressive intimidation tactics. Today, I rise with my colleagues to share the story of organizations that were unlawfully targeted by the IRS or Internal Revenue Service, as I like to refer to them.

In southeast Texas, in my district, Texas District 14—they are on the gulf coast—the Clear Lake Tea Party was just such a group, one of many that fell victim to the IRS' illegal—and I want to underscore that—illegal maneuvers.

On November 23, 2009, the Clear Lake Tea Party filed their 501(c)(4) tax exempt status. After having received no word from the IRS for almost 8 months, the founder of the Clear Lake Tea Party made an inquiry regarding the status of their application. What they got back from the IRS should

shock and appall every American. Here is what Mary Huls, president of the Clear Lake Tea Party, sent our office, what they got back on July 12, 2010:

The Clear Lake Tea Party received an additional information request from Elizabeth Hofacre in the Cincinnati, Ohio, office of the IRS demanding 19 more nontax-related items to complete our application.

The Clear Lake Tea Party board was duly alarmed by the broad and personal nature of the information required, which we would have to deliver and declare under penalties of perjury. We judged the questions to be far outside the normal purview of a nominal request for a tax exempt designation.

For example, number one: they were requested to provide a list of speakers and their qualifications for events that the Clear Lake Tea Party have had in the prior year. They were asked to provide copies of information that was easily found on Facebook and Twitter.

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And then, believe it or not, the Clear Lake Tea Party there in Galveston, Texas, Clear Lake, League City, Galveston County area, was asked to explain their relationship with the King Street Patriots, another Tea Party.

Now, Mr. Speaker, I was born at night, but it wasn't last night. What in the world does that have to do with their application for their own tax exempt (c)(4) status?

Number 4, they were asked to—and let me just hasten to add, they were not asked to explain their relationship with ACORN or moveon.org or Organizing For America.

Number 4, they were asked to explain the Operation Pink Slip Program and to provide literature concerning this program. How did you decide who would be fired?

Of course, the Clear Lake Tea Party, their immediate reaction upon receiving this information was confusion. You see, they had already been investigated by an IRS agent.

Well, after the IRS' beyond intrusive and illegal, I might add, investigation of the Clear Lake Tea Party, the Clear Lake Tea Party's board met and made the executive decision to withdraw their 501(c)(4) application and to file with the State of Texas as a Texas nonprofit corporation that pays taxes in order to practice and protect their First Amendment freedom of speech.

We got a subsequent email from Ms. Huls, president of the Clear Lake Tea Party, and she stated in that email that they would not be intimidated by this Federal agency or any other, and they would go down a different path. And so they chose to file as a Texas nonprofit.

Mr. Speaker, it is an absolute shame, and I will say a travesty, that the head of the IRS, the former head, could come up to testify in front of our committees, stick her finger in the face of the American taxpayer, in the eye, I would say, and say, I am going to claim the Fifth Amendment. I don't have to

answer your questions. I don't have to be accountable to you. I don't have to be accountable to the American taxpayer.

And what I said to my district was, try that one on for size when the IRS wants to audit you. Get in front of their agents, their Gestapo, their henchmen and say, I plead the Fifth Amendment. I don't have to answer your questions, and see how that works.

It is unbelievable, Mr. Speaker, that in the United States of America, we are scrutinized for the applications we file and words are chosen like conservatives, King Street Patriots, and we are so deeply scrutinized as to drive the Clear Lake Tea Party to withdraw their (c)(4) tax exempt status.

Not in America should this ever happen. I am urging my colleagues in the House to join me and my fellow patriots all across this land to continue that cry that the justified scrutiny of the IRS to make sure two things, that those who did this are held accountable, and that it never, ever can happen again in the land of the free and the home of the brave.

Mr. Speaker, I am RANDY WEBER, and I love my country. It is the government I fear.

Mr. FLORES. I thank my friend from Texas (Mr. WEBER). And I am now honored to yield to another friend from the great State of Tennessee, MARSHA BLACKBURN, who represents the Tennessee Seventh.

Mrs. BLACKBURN. I thank the gentleman from Texas for yielding, and Mr. FLORES has really done a wonderful job of outlining the problem that we have come to the floor to address tonight.

Quite frankly, Mr. Speaker, it is a problem and a situation that so many of our constituents never thought that they would witness or experience in this great Nation. They always felt that they had the right to free speech because it is a guaranteed right.

How dare that they, or their groups, find themselves subjected to mistreatment by a Federal Government agency because of what they chose to say or to do, all in defense of liberty and the Constitution of this great land.

Well, we had some of our Tennessee groups that were unjustly targeted through this process. They brought that to our attention because they realized that they were the brunt of this mistreatment, that they were facing a Federal Government agency who came bearing the power of the Federal Government to try to fear and intimidate citizens.

Yes, indeed, it is the example of the government turning against the citizens and the power of the government being used to silence the citizens.

So many of our constituents that were involved with this process said, What happened? How did this change? What has caused this to take place?

And what they began to say to us was, if they can do this to others, what are they going to do to us?

If they can do this to us in our group, what will they end up doing to others?

So we have worked very closely and continue to follow what is happening with these groups and, of course, have been very concerned, as we have heard and watched the hearings for how the IRS carried out this data-mining and these word searches.

I have to tell you, Mr. Speaker, it is no doubt at all, no doubt in my mind at all why the American people are so concerned about the security of the President's health care law. They know that their data may be used against them because they have living proof with the IRS, that they took information, applications, donors to groups, and then they turned that information against those donors from those groups in order to silence them and to impair their free speech.

I want to read a letter tonight from one of the groups in my district, in our State, that has been unfairly and unjustly treated by the IRS. And this one comes from Linchpins of Liberty. It is stating their posture as of October 21 of this year.

And the gentleman who is the executive director of Linchpins of Liberty is a gentleman named Kevin Kookogey, who started his organization because he loves his country. He loves freedom. He wants to preserve this for his children and future generations.

So he did what a lot of Americans do, decided to put together an organizational structure that individuals could come together under to further the cause of freedom, something more individuals could and should do.

But this is what happened to him, and I am quoting from his letter, which I will enter, Mr. Speaker, as a part of the permanent record for the proceedings of this evening:

Dear Congresswoman Blackburn,

As you know, I am president and founder of Linchpins of Liberty, an American Leadership Development Enterprise.

On January 2, 2011, we filed our application with the IRS seeking to obtain a 501(c)(3) status as an educational organization.

Now, Mr. Speaker, that date is important. January 2, 2011:

For over 33 months now, the IRS has unlawfully delayed and obstructed that application. Under threat of perjury, the IRS has demanded that I disclose the identities of my students, some of whom are minors. One letter from the IRS contained in excess of 90 inquiries of intimidation intended to force me to disclose my donors and to identify the political affiliation of my mentors.

This has come at great cost to me. I have already lost a \$30,000 grant from a reputable nonprofit whose executive director advised me that he had never seen such treatment of a 501(c)(3) applicant in his 25 years of making grants.

On June 5, 2013, the day after I testified before Congress, I then lost most of my business when my largest client advised me that

it was uncomfortable with the public expression of my political views in defending my constitutional rights.

A few days later, Congressman McDermott suggested on national television that I may have lied before Congress simply because I was not under oath when I testified. Perhaps he was projecting, because I don't make a distinction between whether or not I am under oath. I tell the truth all the time.

If the intent of the administration is to intimidate and silence the voices of freedom, then it has grossly misjudged its citizens. The government is not our master. It is our agent. We are the principals, and we delegate our rights. We do not surrender them.

I therefore respectfully appeal to you to confront this abuse of power by the executive branch, and, in so doing, to protect, defend and preserve human liberty for ourselves and our posterity.

Sincerely, Kevin Kookogey, president and founder, Linchpins of Liberty.

Mr. Speaker, when you read the letters such as the one from Mr. Kookogey, such as the ones that you are going to hear from other organizations tonight, what you realize is there is an outstanding field of questions relative to what has transpired with the IRS:

Why did they go about this?

What was their purpose?

Was it maliciousness?

Were their actions purposeful?

Was it intended to silence, to silence those that stand in opposition to the practices and the positions of this administration?

Those are some of the questions that our constituents are still seeking to find the answers to. They would like to have their IRS designation because they recognize we are a Nation of laws. We abide by the law, and they would seek to operate within the law.

OCTOBER 21, 2013.

Re Linchpins of Liberty—The Cost of Speaking for Freedom

Hon. MARSHA BLACKBURN,  
Washington, DC.

DEAR CONGRESSWOMAN BLACKBURN: As you know, I am President and Founder of Linchpins of Liberty: An American Leadership Development Enterprise.

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For over 33 months now, the IRS has unlawfully delayed and obstructed that application. Under threat of perjury, the IRS has demanded that I disclose the identities of my students—some of whom are minors. One letter from the IRS contained in excess of ninety (90) inquiries of intimidation intended to force me to disclose my donors and to identify the political affiliation of my mentors!

This has come at great cost to me. I have already lost a \$30,000 grant from a reputable non-profit whose Executive Director advised me that he had never seen such treatment of a 501(c)(3) applicant in his 25 years of making grants.

On June 5, 2013, the day after I testified before Congress, I then lost most of my business when my largest client advised me that it was uncomfortable with the public expression of my political views in defending my Constitutional rights.

A few days later, Congressman McDermott suggested on national television that I may

have lied before Congress simply because I was not under oath when I testified. Perhaps he was projecting, because I don't make a distinction between whether or not I am under oath. I tell the truth ALL the time.

If the intent of the Administration is to intimidate and silence the voices of freedom, then it has grossly misjudged its citizens. The government is not our master. It is our agent. We are the principals, and we delegate our rights. We do not surrender them.

I therefore respectfully appeal to you to confront this abuse of power by the Executive Branch, and in so doing to protect, defend, and preserve human liberty, for ourselves and our posterity.

Sincerely,

KEVIN KOOKOGUEY,

*President & Founder, Linchpins of Liberty.*

Mr. FLORES. I thank the Congresswoman from Tennessee.

Mr. Speaker, I appreciate the words that were shared with us from the gentlelady from Tennessee, from one of her constituents. And we hear firsthand the agonizing feelings of her constituents as they have experienced the abuse of an overreach of Federal power by this feared agency, the IRS.

I am now pleased to yield to another one of my good friends. Representative LANKFORD from Oklahoma will share what some of the folks in Oklahoma Five think about what the IRS has done.

□ 2045

Mr. LANKFORD. Thank you to my colleague for hosting this.

Mr. Speaker, about 3½ years ago, Americans started getting more and more frustrated. It is really a product of several years of building, this sense of helplessness as they struggled and watched their Nation—I don't even know how to begin to describe the emotions that really welled up about 4 years ago when Americans watched their health care beginning to slip away. This absolute divide that happened as a Nation between Republicans and Democrats—and they used to try to work together to try to resolve things—went out the window on a pure partisan vote to push through a health care change that not a single Republican voted for. And Democrats, in a skittish way, pushed it with glee while others stepped back and said, I hope this works the way it is being advertised.

As we know now, it is not working. It is working exactly as many Republicans said it would work. And the impulse of the Federal Government to take over more and more would actually cause serious problems in the process.

At the same time, the United States Government began to overspend more than it ever had in the history of the United States. Mr. Speaker, \$1.45 trillion of overspending in a single year led millions of Americans to stop and to gather—many of them for the first time—gather in small groups and say, Our government is really struggling.

This is not going, as a Nation, how we thought it would go. And they gathered together in small groups, which were spontaneously called these Tea Party groups, groups of patriots and individuals, housewives, moms, business leaders, and guys that owned locksmith shops, and all of these different places that were around just started gathering together to say, What can we do? Just normal Americans.

As they began to form and to meet in groups of five, 10, 20, 25—sometimes they would meet with huge rallies of 100 or 200 people. But most of the time, it is at somebody's house. Most of the time it is at a VFW meeting place or some other spot. They determined, Well, we need to get organized, and we need to be able to pass out materials and do some things. And to do that in our governmental system, they have got to try to find some way to be able to organize that money together, which means they need to contact the Internal Revenue Service and be able to access and get a revenue number. Well, they started that.

One of those groups was in Oklahoma, a group called Oklahoma City Patriots in Action. This group of individuals are just normal Oklahoma great folks. They got together, submitted their application, and went through the process they needed to do. And then they get a letter back with 21 questions, some of them having up to nine subquestions to it. Sixty-five total requests came back to this group of individuals saying, We will give you your number if you will tell us all of this information. And to accentuate it, the letter begins with first them needing to sign this statement:

Under penalties of perjury, I declare that I have examined this information, including accompanying documents, and, to the best of my knowledge and belief, the information contains all the relevant facts relating to the request for the information, and such facts are true, correct, and complete.

And then they go on to make 65 different data requests, many of them incredibly long.

There is no question this letter is intended to intimidate people; but I can tell you from knowing these Oklahomans, they tried to intimidate the wrong people with this.

So let me just give you an example of some of the things they began to ask for in this long list of questions. They asked things like:

Do you directly or indirectly communicate with members of legislative bodies? If so, provide copies of the written communications and contents of other forms of communications.

In other words, if you redress grievances to your elected officials, as our Constitution allows you to do, please provide us a copy of everything you said when you went to your government for a redress of grievances.

How about this:

Give detailed examples on how you will educate the public concerning key legisla-

tion and the positions of political candidates and elected officials on that legislation.

Please explain how you obtain the current legislative information, both State and Federal, and the turnaround time to post on your Web site.

Why in the world does it matter what their turnaround time is—whether they post it in a day or 10 days—for your IRS application?

How about this:

Please provide copies of your current Web pages from your Web site.

Wouldn't it be easier just to ask for the Web site name and then go search it themselves? They wouldn't have to print out copies of every page.

And here are two sets of my favorites, of this long list. I could go on and on with it. This asks:

Have you conducted or will you conduct rallies or exhibitions for or against any public policies, legislation, public officers, political candidates, or like kinds? If yes, please explain and provide the following: State the time, location, and content schedule of each rally or exhibition. Provide copies of handouts you provided or will provide to the public. The names of persons from your organization and the amount of time they have spent or will spend on the event.

One last piece—and again, I could go on and on with this. This is the one that, when I read through this, it continued just to make my blood boil:

Have any candidates running for public office spoken or will they speak at a function of your organization? If so, provide the names of the candidates, the functions at which they spoke, any materials distributed or published with regard to their appearance and the event, any video or audio recordings of the event, and a transcript of any speeches given by the candidates.

Now, these are a gatherings of 20 people sitting around in someone's house. They are not transcribing every part of everything that is said. These are normal Americans getting together to discuss what is going on in their government. And the IRS said, If you want to continue to do this and be organized, we need to get a transcript of every speech that was done around your kitchen table.

And to add insult to injury, remember what I said at the beginning, Under penalties of perjury, if you don't provide completely everything in this, you are not eligible.

What is this intended to do? This is intended to silence. This is intended to tell good, hardworking Americans, Be quiet, sit around your dining room table, don't organize, don't keep moving.

Now when our committee asked about this, the Oversight and Government Reform Committee, which I serve on, when we asked about this initially and began pushing forward to get more information—because as the folks in Oklahoma City know, this is not an isolated event. Letters like this, with other questions, went to other places all over the country, to everyone who had the name "Tea Party," had the

word “liberty,” or had the word “patriot” in their name. They were assigned to a specific group in Cincinnati, and they dead-ended all in that one group.

Now, initially, when we asked individuals about it, we were told this was just a crazy group of folks in Cincinnati that went rogue, as if they all worked for WKRP, and they were out there just being crazy in Cincinnati.

When we asked those quote-unquote “rogue” agents in Cincinnati to come before our committee and to tell us about it, what we were told was very clear. They were following the instructions they got from Washington, D.C., on what to do with these applications. And a special group was set up that all they did was take in applications that had “Tea Party,” “liberty,” or “patriot” in it. And when they arrived at that location, they were to sit there and wait for instructions from Washington, D.C.

So we asked the Cincinnati folks, Who gave you those instructions in Washington, D.C.? Those individuals were then called before our committee. And we asked those individuals, Did you give instructions to the Cincinnati office? Yes. Why did you do that? Here was their statement:

Because we were told by the IRS counsel to wait on their instructions.

We are now in the process of doing interviews with the IRS counsel to say, Why was the decision made to say, people with certain names, send them letters like this with no intention of ever answering them? That they would get 65 detailed requests like this, each providing a very long response needed? And that then when it was finally collected, they would dead-end in Cincinnati. Why? Are we still trying to get that answer.

Why does that matter? Because Americans, whether they be liberal, conservative, anything in between should have a government that serves them, rather than intimidates them. It is right that we continue to walk through this process. It is right that good, hardworking Americans are not intimidated by their government.

This is something that needs to be resolved and will be resolved, and though the headlines have faded away on it, we have not forgotten these individuals. And we will continue to work through the process to be held to account and to make sure this doesn't happen to anyone again in the days ahead.

I thank the gentleman for hosting this time so that these folks in Oklahoma City and around the country are not forgotten.

Mr. FLORES. I thank the gentleman from Oklahoma (Mr. LANKFORD) for sharing with us more chilling evidence of a Federal Government that has gone wild and how the Federal Government can target you based on what is in your name.

I would now like to yield to my good friend from Texas, Mr. LOUIE GOHMERT, from Texas' District One.

Mr. GOHMERT. I thank my dear fellow alumnus of Texas A&M. We do go way back, knowing each other from undergraduate days.

I want to follow up, and I am very grateful for my friend from Texas (Mr. FLORES) taking charge of this hour, setting it up to talk about the IRS and the abuses.

And I know we have been talking about the abuses of Tea Party conservative groups, pro-Israel groups; but I wanted to just touch in brief on the extent of the arrogance of the IRS. They feel like they are above the law. Lois Lerner never showed any remorse for what certainly appears not only to have been perjury but also to have been a crime. There is a specific criminal code provision dealing with abuses of the Internal Revenue office.

And you have Kathleen Sebelius. And right now, of course, people all over the country, millions are losing or have lost their health insurance. And there was this article here in October. This was from CNN News:

In an interview with CNN's Dr. Sanjay Gupta Tuesday night, Health and Human Services Secretary Kathleen Sebelius said she won't be enrolling in the problem-plagued health insurance system that she was charged to implement. “I have created an account on the site. I have not tried signing up, because I have insurance.”

Well, she—like the IRS—has Federal employee insurance, and they don't care about everybody else, but we know the head of Health and Human Services says she is not going to bother with it.

And as we look into the arrogance of the Internal Revenue Service—and I especially appreciate my friend from Texas, BILL FLORES, bringing this up because I don't know how many CPAs we have in Congress—but I know the CPA exam was a lot tougher than the bar exam. And I certainly appreciate somebody that knows about dealing with the IRS.

But this article, “IRS Employees' Union Urges Members to Oppose Obamacare—For Themselves.” And the article goes on. So NTEU, which is the union for Treasury employees, is strongly urging its members, including the IRS agents tasked with implementing ObamaCare, to oppose DAVE CAMP's legislation which would compel them to personally participate in the same health care program they will be enforcing. On the NTEU Web site, union members are urged to email their Congressmen and Senators and ask them to oppose H.R. 1780. It provides a sample letter that they should provide, saying:

I am a Federal employee and one of your constituents. I am very concerned about legislation that has been introduced by Congressman Dave Camp to push Federal employees out of the Federal Employees Health

Benefits Program and into the insurance exchanges established under the Affordable Care Act.

It is just the height of arrogance that the IRS, while they are investigating groups that believe in the propriety and fidelity of the United States Constitution—because somehow they are a threat to the United States Constitution because they believe in it—at the same time, they know they are gearing up to enforce ObamaCare and to delve into the most private information that people have. It is not enough to just look at financial information. They are going to be looking to see about their health care and their health care coverage and can get even more detail than what we have been hearing during this hour.

I can't imagine a worse prescription for abandoning the Constitution than that. And not only that, we have heard that ObamaCare—correctly, apparently—that it will cause the hiring of 17,000, 18,000 new IRS agents. And although I was not a math major, I love math and did very well every time I took it, but if you multiply 56,000 times 18,000 IRS employees, in 1 year you have added over \$1 billion to health care costs. And there is not one of those 18,000 IRS agents, as arrogant as they may be and as personal as they are going to get, that are going to do anything but create a need for health care and not provide any whatsoever.

□ 2100

They may cause some ulcers. They are certainly not going to solve or be a solution for someone's ulcers. We still don't have proper accountability for the IRS.

One other thing about the IRS and their handling of this. We keep being told that there are 5 million people that have lost their policies. As I understand it, it is 5 million policies. We are talking about a lot more than 5 million people. And when you think about the people that are going to have to pay for their health care and the extra billion dollars for new IRS agents and the billions of dollars over time that will be paid for the navigators and all those people that won't provide any health care whatsoever, it is staggering.

People across America, from the polls, are figuring out this isn't about their health care. This is about the GRE—the government running everything.

And some people I know wonder, well, what solution is there? Even if you had a fair tax or a flat tax, you still have got to have an IRS.

And I love Arthur Laffer, Reagan's economic adviser. He said, Louie, you don't have to have the IRS. You ought to do away with it.

The problem with the IRS is that, of course, they are going to get arrogant because they pick who they are going

to audit, just like we have seen with all these abuses. They pick what all they are going to audit, just as we have been hearing. They get so intrusive, so personal, and then they decide what your punishment is going to be.

There is no other area like it in America, and I don't think the Founders anticipated that the IRS or any entity would ever exist that could be the prosecutor, the judge, the jury, and the executioner all. And that is why Arthur Laffer says you need to get rid of the IRS and have an auditing agency that is a fraction of the size of the IRS.

They don't get to pick whom they audit. That is done completely at random. They never get to pick whom they audit. And they never get to decide what will be done with their auditing. It has to be passed on to Justice or to the collection of the taxes if they have not been paid. They never get to participate in that. And I like the way that sounds, especially the more we hear about the abuses of people that are just freedom-loving Americans.

So I appreciate very much my friend taking this time so we can talk about the IRS. And I realize that he knew when he signed up for this hour that there would be others to come. And it is a brave thing because he is risking an audit as we go in because he knows better than anybody just how abusive the IRS can get.

Mr. FLORES. Mr. Speaker, I appreciate the comments of Mr. GOHMERT. I think he raises an issue that all Americans rightly need to be concerned about, and that is the invasion of our privacy that we expect to have under our Constitution when you have an IRS that is looking into your personal records.

Mr. Speaker, I did get a letter from the IRS about 6 weeks after I wrote my letter to them demanding an answer for what they were doing to the Waco Tea Party. So I think they are targeting everybody. They don't care who they target. It seems like they are on a mission to try to squelch opposition to this administration's policies.

I would now like to yield to a brand-new freshman Member from Florida. Mr. DESANTIS from Florida's Sixth District is going to share some stories about what his constituents have experienced with the IRS.

Mr. DESANTIS. I thank the gentleman from Texas.

Mr. Speaker, the power to tax is the power to destroy, and so when you have the government using that taxing power to target individual Americans based on their exercise of First Amendment rights, that really is the utmost seriousness in terms of the threat that that represents to constitutional government.

I received a letter from one of my constituents a couple of weeks back named Carole McManus, and she is a leader in a conservative group in

northeast Florida. They are basically dedicated towards educating about constitutional government, individual freedom, the rule of law, and traditional American principles. I would think that that would be something that we would be applauding, especially in this day and age.

Well, they had to go through this situation with the IRS. So they submitted an application and they waited for a month, 3 months, 6 months, a year. It took 18 months for the IRS to respond to their inquiry; and when the IRS responded, did they approve the group, as would be a matter of course, particularly for groups that were recognized as representing a liberal perspective? No. They were given a list of very intrusive questions about the operation of their group.

I actually saw this firsthand during the 2012 election, because I went just to shake hands with folks one night just to see how people were doing, and all the group leaders were scared that I was there because they didn't want to get hit by the IRS. They didn't want to do anything wrong.

And so what the IRS was able to do by stretching this out, by submitting all these intrusive questions, they really chilled these folks from feeling confident in being able to exercise their First Amendment rights. And they did look scared about what could happen to them just because I happened to show up even though it was not a partisan event. I was shaking hands and we were talking about this stuff.

So I appreciate the gentleman from Texas organizing this hour.

The frustrating thing about it is, yes, you may have impropriety in any given administration, but what we have now with the IRS is we have a lot of career bureaucrats who have their own ideological bent. We have people like Lois Lerner, who take it upon themselves to target groups that they think deserve targeting. And the problem with that is nobody ever elected Lois Lerner to anything. Essentially, she is a nameless, faceless bureaucrat that you have just got to hope the point of view that you are trying to pursue is not one that she finds objectionable.

That lack of accountability, not knowing whether the bureaucracy will come down on you, that is a problem with the IRS. That is a problem in any of these agencies, quite frankly.

So I think the more that Americans understand the threat that is posed by a runaway bureaucracy, I think the better. I would like to see some far-reaching reforms so that we are protecting taxpayers and we are protecting American citizens in the exercise of their right.

And you know what? If the bureaucracy steps out of bounds, there ought to be consequences for that. The idea that somehow Lois Lerner is going to retire with full pay and benefits and

not be held responsible at all, even though she couldn't even testify in front of the Oversight Committee, I think that rubs a lot of Americans wrong.

So I thank the gentleman from Texas for organizing this. I really appreciate the attention that you have focused on this issue.

Mr. FLORES. Mr. Speaker, I thank the gentleman from Florida for that heartfelt testimony today. I would also like to thank him for his years of service in the United States Navy and as a current member of the United States Naval Reserve. We appreciate having people like this that serve our country.

It is a shame that Americans who serve their country, whether they are in Congress or just a member of a local Tea Party, are targeted because of the fact that they are concerned about what is happening in Washington, what is happening from an administration or from the nameless, faceless bureaucrats that you heard of a few minutes ago.

Mr. Speaker, may I inquire how much time we have left?

The SPEAKER pro tempore. The gentleman has 13 minutes remaining.

Mr. FLORES. Thank you, Mr. Speaker.

We have, as I told you at the outset of this conversation, many letters that we received from folks all over this country. And I am not going to read all these letters, but I am going to include some of them in the RECORD of tonight's proceedings.

One letter is from Amen, or Abortion Must End Now, that talks about how they were targeted. The Greenwich Tea Party Patriots of South Jersey wrote in about how they were targeted and the IRS treated them.

You heard Mr. DESANTIS from Florida talk about the First Coast Tea Party and how they were targeted, so their letter is going to be part of the RECORD. The Hawaii Tea Party writes in and talks about their experiences with the IRS. The Kentucky 9/12 Project has written in to talk about what they experienced.

The Manassas Tea Party next door in Virginia has written in to talk about how long it took for them to have their application reviewed and how they were bullied and insulted.

You heard Mr. LANKFORD talk about the OK Tea Party and Patriots in Action Association. The Patriots Educating Concerned Americans Now, or PECAN for short, in California, we got a letter from them. The Roane County Tea Party from Tennessee, we have got a letter from them.

We also have a letter from the San Fernando Valley Patriots in California that talks about the IRS treatment and the abuse. Actually, this one is sort of interesting because it has a poem, so I am going to read this one.

Again, this is from the San Fernando Valley Patriots in California. This letter starts with a poem entitled, "Our

Grassroots Voice," by Karen Kenney, coordinator, San Fernando Valley Patriots:

The faces of the San Fernando Valley Patriots are different from our voice.

We are Democrats, Republicans, and Independents, but patriots all.

We speak as one with a love of God and country.

But our voice is a whisper against the roar that is this government.

We began as a "tea party" group in May 2009 near Los Angeles; born from the tax burdens within the American Recovery and Reinvestment Act.

A government too big, makes each citizen small, we thought. The First Amendment would offer a platform for us to speak politically, but we were wrong. Our government unsheathed its sword: the IRS.

The IRS did what tyranny does: threaten and control. The questionnaires sent to us were consuming; their intent to test our resolve.

But liberty prefers to stand and be heard.

We held more than 85 events in 2 years, but donations dropped and costs rose. We could afford fewer speakers, rallies, and handouts.

In July 2012, we withdrew our application for tax-exempt status with the IRS after 20 months of delays and grueling red tape.

We must now pay nonprofit taxes in California. The minimum is \$800 annually.

We have little money, but more people.

On June 4, 2013, the Ways and Means Committee heard our voice.

Now, our voice is stronger and more heard. God bless America.

And here is their letter:

On June 4, 2013, we told our story to the Ways and Means Committee. We did not plead the Fifth. We did not hide the facts. We did not lie. Our voice rose against the tyranny that is the IRS scandal. We told the truth of how a government too big makes each citizen small. We told the truth of abuse of power by the fist of a grinding bureaucracy.

We spoke of demand-and-delay tactics that cut our funds and public face. The IRS kept pounding, and we stopped our application for tax relief. But we did not stop meeting, teaching, and talking about the Constitution.

Now we have fewer speakers, fewer rallies, and fewer resources. But our resolve is undaunted. You see, we stand firmly with the First Amendment, not the Fifth.

God bless this Nation. God bless its people. God bless our liberty.

Karen Kenney, San Fernando Valley Patriots.

We have a letter from the Shelby County Liberty in Ohio. We have the Unite in Action from Nashville, Tennessee. We have the Wetumpka Tea Party from Alabama, who wrote in about their treatment at the hands of an overreaching IRS.

The Liberty Township Tea Party from Ohio has written in. The Richmond Tea Party, again, from next door in Virginia, has a letter that they want Americans to know about. The Rochester Tea Party Patriots in Minnesota, and the Greater Phoenix Tea Party Patriots in Arizona have written in.

On our Web site at flores.house.gov we have a timetable of when the IRS started this and what processes they went through and the lies that were

told to the American people about what they were doing. And then we also had some testimony about when they came clean and when IRS officials started to resign. So it would be fascinating for Americans to be able to see that.

Mr. Speaker, the IRS is supposed to enforce our tax laws with integrity and fairness. Yet here we are, 6 months later, and the Obama administration has done nothing more than to try and ride out the storm without taking action.

Lois Lerner and Doug Shulman have resigned from the IRS. However, they are still entitled to live the rest of their lives living on the backs of the hardworking American taxpayers that they abused when they were with the IRS.

□ 2115

Mr. Speaker, folks like Lerner and Shulman should never be allowed to get away with behavior like this and to get on Federal retirement. The IRS must stop targeting certain individuals and groups for partisan reasons. It is time that the administration gives Congress the information that we have requested over and over and over again so that the American people will know the facts and so that they will know that these practices are no longer being done. Americans deserve and demand transparency from government agencies, and they deserve compliance with law and with the Constitution.

My colleagues and I remain committed to finding answers and to putting a stop to this injustice. Mr. Speaker, I would like for every Federal bureaucrat who has tried to abuse the American people to have to submit their testimony with this same language that they requested from these everyday Americans who were just trying to stand up and exercise their First Amendment rights. I would like them to say:

Under penalties of perjury, I declare that I have examined this information, including the accompanying documents, and to the best of my knowledge and belief, the information that all the relevant facts relating to the request for information and such facts are true, correct and complete.

This is what Lois Lerner should have had to provide, not plead the Fifth. As I said before, my colleagues and I remain committed to finding answers and to putting a stop to this injustice.

Mr. Speaker, I thank you for allowing us to bring this issue back to the forefront as we continue to look for answers and demand action. We will reassure the American public that the IRS and other Federal agencies will not scrutinize individuals and groups for political or ideological party reasons.

I also submit for the RECORD the letters that we received tonight.

I would ask that all Americans tonight continue to pray for their coun-

try during these difficult times for our military men and women and for our first responders.

I will close by saying, God bless America.

Mr. Speaker, I yield back the balance of my time.

AMEN (Abortion Must End Now)

AMEN (Abortion Must End Now) is a faith-based organization dedicated to defending the sanctity of life from its moment of conception. The Internal Revenue Service targeted AMEN, accusing us of being political.

Months into our 501c3 filing, AMEN received a letter from the IRS, not fully understanding the terminology, I phoned them. The IRS specialist shared with me that we could be seen as being "too political". The specialist continued to explain that the references to religion within our Mission statement could be an issue. The IRS also informed me that our name, AMEN (Abortion Must End Now) could be seen as "political" because it infers, "we aim to abolish abortion." I questioned, "We would have to change our name and Mission?" the IRS Specialist responded, "Most likely." I shared with the specialist that if we changed our name and Mission, we would no longer be the same organization.

It is because of the statements made by the IRS that we ignored future letters to pursue our tax-exempt status. We felt with abortion silencing the voices of over 3,200 American babies each day, we could not allow the IRS to silence ours.

The abuse of the IRS has truly impacted our organization. We operate on a very low budget, as many are unable to donate without having the advantage of a tax credit. We feel that our growth has been stunted due to the unethical actions of the IRS. We also feel that we continue to be a target as after our application for tax exemption in 2009, 2 out of 3 Directors of AMEN have been audited.

AMEN was targeted because we believe in defending the Unalienable Right to Life. The IRS has acted unlawfully and it is this unlawful abuse that must be aborted.

God Bless America,

KRISTY LIEN, *President.*

Greenwich Tea Party Patriots of South Jersey (New Jersey)

In early 2011, our organization, The Greenwich Tea Party Patriots of South Jersey filed an application for an exemption from Federal income tax and are still "in the process."

It is the desire of our organization to simply educate and inform the public concerning policies and issues that are taking place in our society. Membership includes a large number of elderly who do not have computers so newsletters are sent at least monthly via regular mail. Our primary reason for asking for this exemption was simply to get a better rate when mailing newsletters. Although we do take advantage of the "bulk rate" price allowed to us due to the number of pieces we send, the price for an exempted organization is significantly lower.

Most Americans historically are extremely intimidated by the IRS and the scandal that was created by the IRS has made most citizens even more apprehensive.

Our organization has been irreparably affected by this scandal.

For instance, we have had a booth at our county fair for several years now. In the past, many people wanted to sign up on our mail list to get information. This year, only



a few people wanted to put their name on the "sign-up" form with most saying, "I'm not putting my name on that and risk being audited by the IRS."

Many people have also told us that they would love to give us a nice donation but are afraid the "IRS will find out and they will be targeted."

All we wanted was a better rate for mailing our newsletters and we are still awaiting the process.

Sincerely,

BRENDA ROAMES, *President.*

#### FIRST COAST TEA PARTY (FLORIDA)

I know you are familiar with the First Coast Tea Party that encompasses members in the NE area of Florida (specifically most members are from Duval, St. Johns and Clay counties). I wanted to bring our group's IRS issue (following our 8/31/10 501c4 application) to your attention.

As our group was going thru a transition with the leadership of our organization, in early 2012, we received a letter from the IRS requesting additional information before the IRS could/would complete their consideration of our application for exemption. Early 2012, was a hectic period for our volunteer tea party group.

Leadership changes and the kick-off of our 2012 focused goals to help with getting out the vote, was now interrupted with the IRS request for responses to 11 comprehensive questions regarding our organization. This request came nearly 18 months after we sent in our application. (Note: The letter from the IRS was dated January 31, 2012 with a request for our response by February 21, 2012.)

At the time of this request from the IRS, I was responsible for answering the questions with the assistance of our CPA and the help of volunteers with the FCTP.

As a young volunteer organization, our files, etc. were not fully established and yet the window to complete the request was upon us. Gathering the data and providing samples (where specifically asked) was time intensive and costly. We met the deadline and sent off 4 pounds of paper to the IRS.

We had not provided the information completely, in the eyes of the IRS, so on July 16th with an added request for information from 2 comprehensive questions, the FCTP responded to the IRS on August 7, 2012. Again, this interruption to our 2012 election year focus was frustrating and seemed like a diversion. We worked with Mr. Grant Herring from a Cincinnati, Ohio office of the IRS.

We received our 501c4 status in November of 2012.

Regards,

CAROLE McMANUS.

#### HAWAII TEA PARTY

Hawaii Tea Party also known as TEA Party Maui is a non-partisan educational group which sought recognition and standing with the IRS under provision 501(c)4 for Tax-Exempt, Non-Profit status.

From the very beginning of our 755 day ordeal, which began with our original application in May 2010, and continued until our eventual receipt of official IRS approval in July 2012; we were targeted, thwarted, intimidated, and subjected to unreasonable and over-reaching demands that were far afield of the intent of the screening of such applications. Bear in mind that normally, 501(c)4 applications were routinely granted by the IRS within 90 to 180 days. The IRS delays in returning follow-up telephone calls and emails and their stonewalling of our re-

quests for information only served to exacerbate our in-limbo status; which in effect shrunk attendance at our meetings, lessened participation in our events, and diminished the donations we did receive. But most significantly, the IRS actions created in the general public a fear of association and identification with the TEA Party name; and with our membership, an overwhelming fear of personal identification and harassment by the IRS. All of this conspired to place us in the unenviable position of not being able to fully participate in the democratic process for the important 2010 mid-term election cycle, as well as the 2012 national elections.

As of this writing, October 2013, we have learned that our suspicions during the 755-day ordeal of an IRS campaign targeting suppression of our Freedom of Speech, Freedom of Assembly, and Freedom to Redress our Grievances have proved to be true. We believe that all Americans should find this illegal activity by the IRS outrageously egregious and demand full accountability by the persons involved and that they be prosecuted to the full extent of the law.

Sincerely,

TEA PARTY MAUI BOARD OF DIRECTORS.

#### KENTUCKY 9/12 PROJECT

It is with sadness for our country that I write this to inform you of what we went through and implore you to fix what we have become. Kentucky 9/12 Project filed its application for 501(c)(4) in December, 2010 with great confidence that all of its activities, relations, and dealings fell well within the bounds of that which defines that status. We as citizens were then targeted and held hostage by this administration at the arms of the IRS for over two years. During this time of uncertainty we were directly hindered in our fund raising and abilities to serve the people that shared our principles in the communities and state we live in. This is far greater than a financial impact and to us this was never about a bureaucracy verses some large organization but a government directly attacking and trying to silence ordinary individual people and thought. Personally this fundamentally changed me and it was with great consternation for me and my family that we went forward with a federal lawsuit against the IRS and United States of America. I would hope that those we elected and our representatives on both side of the aisle would see the severity of this as a wakeup call to what we have become. As for me, I shall and we should be forever fearful of what government has become and can and may do to any of us.

Respectful Regards,

ERIC WILSON.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mrs. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1471. An act to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

#### FREEDOM AND TECHNOLOGY

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHR-ABACHER) for 30 minutes.

Mr. ROHRABACHER. Mr. Speaker, there is a piece of legislation that will be going through the Judiciary Committee on Wednesday that the American people need to be alerted about. It goes right to the heart of our prosperity, right to the heart of our national security, right to the heart of the well-being of average Americans.

Our Founding Fathers believed that with technology and freedom—and, yes, with the profit motive—that those things would uplift all of humankind and that this would be the formula that would make America a great Nation. In fact, they wrote into our Constitution a mandate that guarantees the rights of inventors and authors. It is the only place in the body of the Constitution that the word "right" is used.

I quote article I, section 8, clause 8 of the Constitution of the United States:

The Congress shall have the power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

This provision has served America well, leading to general prosperity, national security, and also to the decent living of average people.

This is compared to the anxieties and the horror stories that the common man was living in, which prevailed in the days when our Constitution was written. Throughout the world, ordinary people lived in poverty, and they lived under repression and in a constant state of oppression. What broke this cycle of repression and deprivation and what built a great country here in the United States—an example to the world—was freedom and technology, yes, and guaranteed freedom and technology through the rule of law through our Constitution.

The Americans worked hard to build this great country, yes, but that is not what made the difference. That is not what made us a great country, of how we broke out of that cycle of repression that mankind suffered under for so long. What made the difference was that technology multiplied the results of the hard work of our people. People have been working hard since ancient times. People still work hard today all over the world. The difference is that Americans brought technology to bear on these problems, multiplying the creation of wealth and, thus, the uplifting of ordinary people.

It was our strong patent system that ensured that technology and freedom would work its magic. We can see now that we have had the strongest and the best patent system throughout our country's history, and it has been heralded throughout the world. Yet, today, multinational corporations,



some of them run by Americans—and some wonder, when the Americans are running these companies, whose allegiance they have—want to diminish the patent protection of the American people.

In my 25 years, battles have been fought over and over again, often turned back sometimes through compromise, but these efforts over these last 25 years have been aimed at dramatically weakening our patent system. So, basically, the argument has been made over and over again that we need to harmonize America's patent system with the rest of the world's. We have the strongest patent system in the world. We have rights that are guaranteed. Our other rights to speech and prayer, we would never think about harmonizing those with the rest of the world's—we would want to have the strongest constitutional protections—but now these big companies want to weaken the protection of the intellectual property of our own Americans by harmonizing our law with the weaker laws in Japan and Europe. I say, if they want to harmonize laws, they should be demanding that those other countries strengthen their laws so that the individuals in those countries are protected as Americans have been.

How did that play specifically in terms of demands to change the law, demands which we have managed to thwart over these last 25 years?

Basically, in Europe and Japan, if someone applies for a patent, after 18 months, that patent is published even if that patent has not been granted, meaning the application that the inventor has given out to show his genius is disclosed to everybody in the world. They wanted to do that to the American inventor. If you filed your patent, after 18 months, even if you hadn't received your patent, they were going to publish it. Talk about an invitation to steal. We beat that back, but it was a tough fight. These same people right now are the ones that we are fighting. They are trying to change the patent system in the bill that is going through on Wednesday in the Judiciary Committee.

What do they also want to do? On what else did we have to fight back?

In the United States, as the Constitution says, for 17 years, if someone files for a patent and is granted the patent, no matter how long it takes, you are going to have 17 years in which you own that new idea, that new concept. Guess what? Overseas, that is not the way it is. The minute you file overseas—let's say it takes 15 years for you to get your patent because it is very complicated, and it deals by its very nature with new science and new ideas—guess what? The clock starts ticking immediately when you file for the patent. Sometimes people will have all of their patents' time eaten up by

the bureaucracy, which, of course, gives these major corporations in Europe the edge of influencing the bureaucracy when they are going to want to approve or to disapprove of a new innovation, a new piece of technology, for which someone is asking for a patent. Thus, these big corporations are able to force small inventors into deals for their creations, saying that we can fence you in, and you won't ever be able to use it anyway.

We won most of these fights, and the two I just mentioned. Trying to make sure that a patent application that hasn't been granted won't be published, we beat that back. We beat back the idea that the clock is going to start ticking right away so that, if it takes a long time for a patent to be issued, the inventor won't lose all of his rights. We won most of those, and there were some compromises, but this fight never ends with these big companies, with these globalists who have a global sense of the economy, a global sense of freedom, a global sense of the American people in that we are not so unique and that we are just part of the global system. They keep coming back and coming back.

As for the multinational corporations which have sought to remove these other things that I was mentioning a while ago and to put those in place, they now have another offensive on the way, and I find myself fighting for the small inventors, who are struggling to defend their patent rights, and for the patent rights of all Americans and America's innovators. Of course, we don't see these big corporations presenting an idea to Congress, saying we want to lessen the patent protection of ordinary Americans. No. Instead, they always have to come up with a very sinister-sounding word. Then they hire the best PR people in the world to promote this image in the public's mind.

Before that sinister force that we had to diminish our patent protection for—that we had to make sure that our own inventors could have their patent applications published after 18 months or have the clock ticking away so they would never have a right to enforce their patents—that sinister portion in those days was called a “submarine patent.” It was described in these sinister, derogatory terms, and, boy, they almost succeeded, but we beat them back in their attempt to use a scare tactic to get the American people to fundamentally change our patent system, which has worked so well for us and has affected the standard of living of ordinary Americans.

Now there is another term that is being used. It is even more sinister sounding. I wonder what PR firm was paid how many hundreds of thousands of dollars to come up with it and then millions of dollars to promote this sinister phrase so that people would accept it. The term is “patent troll.”

Yes, “patent troll.” There is a good, sinister term. There are patent trolls out there; thus, we have got to change the basics of our patent system in a way that hurts the little guy's ability to protect his own intellectual property rights when it comes to his patent.

These so-called “patent trolls” are patent holders or they are companies which represent patent holders. They are engaged in defending their rights as part of the Constitution—their intellectual property rights—against the infringement of those patents which they own. They are their patents. We are not talking about someone who is stealing a patent from someone. We are not talking about a frivolous suit. We are talking about someone who owns a patent that has been issued to him by the Patent Office. Those patents that they own are just as valid as, perhaps, all of the other patents that are granted by the Patent Office. Yet these huge corporate entities would infringe on the patent rights of the little guy and would give them the middle finger and tell them “sue me if you think you can get any enforcement of it.” No, no, no. These people would have us believe that patent trolls—people who are defending patents that are legitimate patents—are in some way doing something evil.

What makes the patents of these people who are what they call “patent trolls” different than the good patents which are owned by these very same multinational corporations, by these very same corporations who bring very similar litigation forward when their patents are being violated?

The so-called “patent troll” has been identified as being out for profit. This is where they say they are different, that they are out for profit, not from actually seeing technology being used, or that they are out for profit by getting involved in something that he or she did not invent. Surprise, surprise. We have got lawyers who are engaged in litigation only for the fact that they are going to make some money out of the litigation.

Yes, we have frivolous lawsuits, and we should do what we can to stop them in this country, but that doesn't mean that you change the fundamental rights of those people whose rights are being violated. If the small inventor doesn't have the resources to enforce his or her patent, an individual or a company can buy those rights just like it could buy some land from someone who didn't have the resources to plant it or it could commercially try to sell it or to create a partnership.

□ 2130

They can also, or create a partnership.

The small inventor can now go into a partnership or sell his patent rights to someone else. Basically, if they can't

enforce their rights because a big company is infringing upon them, they need help. Up until now, they have been legally entitled to get it.

I have consulted with a number of outside individual inventors and groups, and they have reaffirmed that the legislation being proposed in the Judiciary Committee further disadvantages the little guy against the deep-pocketed, multi-national corporations. Many of these multi-national corporations, what they do now is they don't do patent searches when they are utilizing new technology to upgrade the machines and the equipment that they own. They don't do patent searches so that they can just say they didn't know.

Well, in the past, they have taken great pains to make sure they weren't stepping on somebody's toes. Now, if somebody comes to them, they have intentionally not educated themselves to the ownership rights of this individual and they just tell them, well, sue me in court, knowing that most of these people are such little guys they can't enforce their rights.

By the way, this is true of not just patents, but across the board. The little guys in our country need the help of lawyers who sometimes have to work on contingency or are many times just working on a profit motive to help a little guy against a big guy who has infringed on their rights.

This guise of targeting the so-called "patent trolls," meaning this person or a company who has contracted with the inventor to see that his or her patent rights are respected, that these guys are supposedly horrible. Well, how horrible it is making a business out of helping small inventors or just seeing that an inventor who has not had the ability to commercialize and to enforce his patents, that instead what we have got is people who are out to help that person now enforce the rights that he has under our Constitution, just the same if someone decided not to farm their land. If you own a piece of land and you have decided not to farm it and you want to turn it into some sort of a bird sanctuary, that is your right as long as you own that land. Our Constitution says that people who invent some new ideas have 17 years of ownership, property ownership, on their idea. Now they are trying to stop that; they are trying to change that.

Proponents of this legislation that will go through the Judiciary Committee on Wednesday are covering up the fact that what we are dealing with here is someone who has stolen someone else's patent rights, and now they want to change the system so they can get away with that theft. That is the primary purpose behind this legislation. Now, they will say, oh, we just don't want these big companies, these multi-nationals, to be taken advantage of by someone who owns a patent, a

lawful patent, and now is trying to enforce it after not having enforced it for a long period of time.

Well, I would hope that all people will try their best to get their patent on the market and to do good things with these new technologies. In fact, 95 percent of the people I know who are inventors struggle their hardest to get their patent sold and into the commercial market and being put to use because they know other inventions are coming along that are going to take their place. So this is a very small issue, if it is one at all. But the fact is the market is coping with this, is encouraging people who own patents to put them in play. Let the marketplace, let our companies utilize those patents, because they will make a profit out of it.

Tonight, I draw attention of the American people and my colleagues to H.R. 3309, the Innovation Act they call it this time, introduced by Chairman GOODLATTE with 14 bipartisan cosponsors. This bill is scheduled, as I said, to be marked up in the House Judiciary Committee this week even though the committee has only held one hearing on this bill since the introduction of the bill, and that hearing was only 10 legislative days ago.

There are major other forces besides these multi-national corporations that are at play here, whether we are talking about hospitals and doctors or whether we are talking about other groups in our society like universities and others who own patents. There are a lot of people who are going to lose if this goes through, and they need time to communicate with their representatives. Instead, they are ramrodding this through very quickly.

The witnesses at the hearing that they did have included former Patent Office Director Kappos, who made it clear that we should move slowly and with very great care in making such great changes to the patent law, especially in light of the fact that no one yet understands the implications of the last patent law they passed during the last Congress called the America Invents Act, the AIA. That was Congress' last patent bill, which is right now in the process of being implemented and interpreted by the Patent Office and by the courts.

So we haven't even digested the last bite that Congress has taken out of the patent law apple, and now they want to gobble down a few more bites. In and of itself, this legislation is too broad, its implications are too unclear, and its effects are unknowable. That is what is going to happen. They are going to put that bill right through the process starting on Wednesday at the Judiciary Committee. That is what witnesses and other experts have indicated to us. The conclusion: move forward with caution. But that is not what is happening.

Congress is being railroaded to pass this legislation on top of the last legis-

lation. Well, what is going on here? The congressional ramrodding exemplifies the battle to diminish America's patent system that has been going on for 25 years, the same globalist multi-national corporations who may or may not have had interest of the American people at heart.

According to the sponsors of H.R. 3309, it is an attempt to combat the problem of patent trolls. Oh, my gosh, be afraid of patent trolls and weaken the rights of our patent holders, even though a study that was mandated by Congress in the last patent bill that passed just a couple years ago, that study hasn't even been consulted and been made part of this debate. That study showed that this "problem" supposedly that we have, this patent troll thing that has come up now is not really a major driver of lawsuits.

A study that was commissioned by the last patent bill has decided it is not—not—a major driver of lawsuits and has not caused a surge of new lawsuits. Most of the provisions in the legislation that they will pass through the committee this week will make it much more complicated, much more costly, and much more challenging to bring a lawsuit for patent infringement rather than making it simpler, cheaper, and easier to defend against baseless accusations of infringement.

We are being told that these people who are leading the trolls have some sort of an unjustified claim, that these are false patents, these things shouldn't be enforced. But they haven't done that. What they are doing is preventing people who have regular claims, people who have legitimate claims, from seeking damages from big companies, big guys, who intentionally are infringing upon them.

We are being asked to raise the bar for the inventor to bring a lawsuit to defend his or her rights. We are making it more difficult for the inventor, rather than easier for these big companies to brush away frivolous lawsuits. We instead are making it harder on inventors to defend their legitimate property rights. So rather than lowering the bar to allow small business to defend itself against frivolous lawsuits, we are basically raising the bar when it comes to inventors to protect their rights.

In addition, under the claim of "technical correction," this legislation proposes to remove the patent system's only independent judicial process. That is in section 45 of title 35. If this passes, inventors who are not satisfied that the Patent Office has actually treated them fairly, that the bureaucracy has worked within the law, that they have not been cheated, there is not some collusion going on, the fact is there will be no recourse to an inventor who feels that he has been wronged by our own bureaucracy.

Although this safeguard that we have had that prevents the bureaucracy

from doing things that are illegal or out of procedure or violating someone's rights, those safeguards of having a judicial review have been part of our American law system since 1836. It isn't some antiquated process; it is independent judicial review. Last year, the Supreme Court of the United States in *Kappos v. Hyatt* reaffirmed the importance of this provision.

Now the Patent Office has been requested that judicial review be done away with because it is so burdensome—so burdensome—to have a judicial review in case some people within our bureaucracy are acting illegally or incompetently. Oh, we can't allow that because it is too burdensome for the bureaucracy to defend their actions in a courtroom even though this happens on very rare occasions, very rare occasions because we have that recourse. Take away that recourse and those problems will be a lot more. They will grow because there will be nothing to stop them from wrong action in the bureaucracy. The Patent Office wants to strip away the rights of Americans because it is inconvenient to their bureaucracy.

The legislation going before the Judiciary Committee here in the House this week is consistent with the decades-long battle being waged on America's independent inventors by multi-national corporations. Here are a few of the provisions:

Might I ask the Chair how much more time I have remaining.

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

Mr. ROHRABACHER. The Innovation Act will create more paperwork when the inventor files for an infringement claim, thus increasing the cost to defend their rights and a potential for having the case dismissed on a technicality is greatly expanded.

The Innovation Act will switch us to a "loser pays" system, which means the little guy is going to fight some future corporation who has got lawyers on their payroll. That little guy now has to realize he is going to pay enormous costs where the, of course, big corporation only has to pay the legal fees. If you have loser pays, that is what that provision is all about. The big corporation will only have to pay for that little guy. The little guy will have to pay huge expenses and thus, what is it, he is deterred from protecting his own rights. Let's just say loser pays is a loser for the little guy and a big winner for the big guy.

This is so broad they are expanding now who will have to pay with the loser pays. This bill actually brings in people who will now be expected to pay the expenses of these big corporations who are infringing. If that guy loses, if the little guy loses, anybody who has even helped the little guy will be brought in and they will be libel for the loser pays provisions. What does that

mean? That means little guys will never be able to get outside help from people to invest in their suit. Philo Farnsworth, the inventor of the picture tube, had to get people to help him because RCA was ripping him off and he had people invest to help pay for his legal fees. This bill would eliminate that by making all of those people libel.

Section 4 of this new bill, the Innovation Act, would create new requirements that a patent holder must meet, once filing a claim of infringement, by providing information about all parties. When he files for an infringement, he has to give information of all the parties, including those people who may have invested in his suit. Thus, we have a blanket. Now we have people exposed to all sorts of harassment. Just for what? For backing up someone's right and saying, I will give you some money to defend your rights.

There is no reason for us to have this type of exposure that has never been required before. This will, again, put great pressure on people not to get involved to help those people whose patents are being infringed upon.

□ 2145

There is a provision in the bill that actually limits the amount of time and things that can be required in discovery, which means the little guy will now have to have many motions of discovery, and every motion will cost him money, rather than having one motion. These things are very complicated and very hard to understand for the American people, but what they add up to, they have been thought out very well because the big companies know how to beat the little guys down, and that is what this bill is all about.

If we were instead trying to eliminate frivolous lawsuits, which we should, there would be a whole different approach to this. This would be enabling those large companies to defeat frivolous lawsuits. Instead, what we have going through our Judiciary Committee is a bill that makes it harder for those people who are the innovators and the inventors to defend their intellectual property rights.

I would ask my fellow colleagues to join me in opposing this bill. And I ask the American people to pay attention to what is going on and make sure that this attempt to, again, diminish the patent rights of the American people is defeated and, again, that the rights of our people to live in prosperity and to have national security based on our great innovation is protected from multinational corporations who are motivated simply by greed and not for the benefit of the people of the United States.

I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONAWAY (at the request of Mr. CANTOR) for today on account of attending a funeral.

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Mr. DANNY K. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of business in the district.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1471. An act to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes; to the Committee on Veterans' Affairs, in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 19, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3685. A letter from the Deputy Secretary, Department of Defense, transmitting a letter regarding recommendations to the Military Compensation and Retirement Modernization Commission; to the Committee on Armed Services.

3686. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3687. A letter from the Administrator, Department of Energy, transmitting a report on The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran; to the Committee on Energy and Commerce.

3688. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana — Air Quality, Subchapter 7, Subchapter 16 and Subchapter 17 [EPA-R08-OAR-2012-0846; FRL-9817-4] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3689. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Ohio; Ohio NOx SIP Call Rule Revisions [EPA-R05-OAR-2010-0997; FRL-9901-38-Region 5] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3690. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio SO<sub>2</sub> Air Quality Rule Revisions [EPA-R05-OAR-2011-0672; FRL-9902-03-Region 5] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3691. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Approval of Revision to the State Implementation Plan [EPA-R04-OAR-2012-0385; FRL-9902-98-Region 4] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3692. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi; Transportation Conformity SIP — Memorandum of Agreement [EPA-R04-OAR-2013-0228; FRL-9902-58-Region 4] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification; Permits for Specific Designated Facilities [EPA-R06-OAR-2006-0593; FRL-9903-00-Region 6] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2012-0427; FRL-9392-1] received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of the Regulation for the National Low Emission Vehicle Program [EPA-R03-OAR-2013-0407; FRL-9902-53-Region 3] received November 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards; Correction [EPA-R04-OAR-2012-0582; FRL-9902-65-Region 4] received November 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Procedures for Stringency Determinations and Minor Permit Revisions for Federal Operating Per-

mits [EPA-R06-OAR-2010-0355; FRL-9902-50-Region 6] received November 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2012-0710; FRL-9401-5] received November 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — FD & C Green No. 3; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2013-0003; FRL-9402-7] received November 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerances [EPA-HQ-OPP-2012-0876; FRL-9400-4] received November 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3701. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-59, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3702. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords; to the Committee on Foreign Affairs.

3703. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-13-3485); to the Committee on Foreign Affairs.

3704. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-116, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3705. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-153, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3706. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-157, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3707. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-126, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3708. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-135, pursuant to the reporting requirements of

Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3709. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-119, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3710. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-075, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3711. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-144, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3712. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-0104, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3713. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-090, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3714. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-175, pursuant to the reporting requirements of Section 40(g)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3715. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-160, pursuant to the reporting requirements of Section 40(g)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3716. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-152, pursuant to the reporting requirements of Section 40(g)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3717. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-161, pursuant to the reporting requirements of Section 40(g)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3718. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the twenty-first quarterly report on the Afghanistan Reconstruction; to the Committee on Foreign Affairs.

3719. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Mississippi Regulatory Program [SATS No. MS-023-FOR; Docket No.: OSM-2012-0018; S1D1SSS08011000SX066A00067F134S180110; S2D2SSS08011000SX066A0003 F13XS501520] received October 23, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3720. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Commercial Atlantic Aggregated Large Coastal Shark (LCS), Atlantic Hammerhead Shark, Atlantic Blacknose

Shark, and Atlantic Non-Blacknose Small Coastal Shark (SCS) Management Groups [Docket No.: 120706221-2705-02] (RIN: 0648-XC881) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3721. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Credits for Sections 25C and 25D [Notice 2013-70] received November 4, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3722. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2013-66] received November 4, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3723. A letter from the Assistant Director, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Credit for Production from Advanced Nuclear Facilities [Notice 2013-68] received November 4, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3724. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2014 Cost-of-Living Adjustments to the Internal Revenue Code Tax Tables and Other Items [Notice 2013-35] received November 4, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3725. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Annual Report of the Student Loan Ombudsman; jointly to the Committees on Financial Services and Energy and Commerce.

3726. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Conditions of Participation (CoPs) for Community Mental Health Centers [CMS-3202-F] (RIN: 0938-AP51) received October 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 1900. A bill to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects; with an amendment (Rept. 113-269). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 2061. A bill to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes; with an amendment (Rept. 113-270). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 419. Resolution providing for consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing cer-

tainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, and providing for consideration of the bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation (Rept. 113-271). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NEUGEBAUER:

H.R. 3519. A bill to amend the Consumer Financial Protection Act of 2010 to make the Bureau of Consumer Financial Protection an independent agency; to the Committee on Financial Services.

By Mr. BOUSTANY:

H.R. 3520. A bill to amend the Internal Revenue Code of 1986 to reform rules relating to 501(c)(4) organizations and provide certain taxpayer protections, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 3521. A bill to authorize Department of Veterans Affairs major medical facility leases, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASSIDY:

H.R. 3522. A bill to authorize health insurance issuers to continue to offer for sale current group health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON:

H.R. 3523. A bill to amend the Internal Revenue Code of 1986 to provide for audits of the Internal Revenue Service to ensure that employees and service contractors of the Internal Revenue Service file their Federal tax returns on time and pay Federal tax debts owed; to the Committee on Ways and Means.

By Mr. MCKINLEY (for himself and Mr. SCHNEIDER):

H.R. 3524. A bill to amend the Workforce Investment Act of 1998 to provide grants to States for on-the-job training programs for adults in economically disadvantaged areas; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 3525. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for the treatment of hydrocephalus in children in developing countries, to train surgeons and other medical practitioners in innovative methods to treat and cure hydrocephalus, to fund related research, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey:

H.R. 3526. A bill to permit persons subject to the jurisdiction of the United States to enter into transactions with certain sanctioned foreign persons that are customary, necessary, and incidental to the donation or provision of goods or services to prevent or alleviate the suffering of civilian populations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period

to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. ENGEL, Mr. MATHESON, Mr. ROSKAM, and Mr. KING of Iowa):

H.R. 3527. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WHITFIELD (for himself and Mr. PALLONE):

H.R. 3528. A bill to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. PITTS (for himself, Mr. ELLISON, Mr. CHABOT, Mr. CONYERS, Mr. SENSENBRENNER, Mr. MCGOVERN, Mr. WOLF, Mr. SIRES, Mr. MEADOWS, Mr. MORAN, Mr. HUELSKAMP, Mr. LEWIS, Ms. MCCOLLUM, Mr. GRIJALVA, and Mr. POLIS):

H. Res. 417. A resolution praising India's rich religious diversity and commitment to tolerance and equality, and reaffirming the need to protect the rights and freedoms of religious minorities; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. PITTS, Mr. FRANKS of Arizona, and Mr. SMITH of New Jersey):

H. Res. 418. A resolution urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution:

By Mr. NEUGEBAUER:

H.R. 3519.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7—No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time

By Mr. BOUSTANY:

H.R. 3520.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. MILLER of Florida:

H.R. 3521.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. CASSIDY:

H.R. 3522.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. KINGSTON:

H.R. 3523.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MCKINLEY:

H.R. 3524.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. SMITH of New Jersey:

H.R. 3525.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SMITH of New Jersey:

H.R. 3526.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 10

By Mr. TERRY:

H.R. 3527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article I, Section 8, Clause 1

By Mr. WHITFIELD:

H.R. 3528.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 that grants

Congress the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 50: Mr. HONDA.  
H.R. 351: Mr. SALMON and Mrs. LUMMIS.  
H.R. 385: Mr. TURNER and Mr. LANGEVIN.  
H.R. 494: Mr. BISHOP of Georgia.  
H.R. 495: Ms. FOXX.  
H.R. 647: Mr. ROYCE, Mr. MCHENRY, Mr. CONAWAY, Mr. CONYERS, Mrs. WAGNER, Mr. FLEMING, Mr. GRIMM, Mr. STOCKMAN, Mr. ISRAEL, Mr. LOBIONDO, and Mr. HINOJOSA.  
H.R. 664: Mr. SCHIFF and Mr. TAKANO.  
H.R. 669: Ms. SCHAKOWSKY.  
H.R. 713: Mr. NADLER, Ms. SPEIER, Mr. RUSH, and Mr. COHEN.  
H.R. 721: Mr. VARGAS.  
H.R. 794: Mr. ISRAEL.  
H.R. 798: Mr. WAXMAN.  
H.R. 820: Mr. MORAN.  
H.R. 855: Mr. RAHALL.  
H.R. 915: Mr. HORSFORD.  
H.R. 920: Mr. COLLINS of Georgia and Mr. RAHALL.  
H.R. 942: Ms. ESTY and Mr. SERRANO.  
H.R. 984: Mr. ISRAEL.  
H.R. 1012: Mr. DEFazio.  
H.R. 1024: Ms. KELLY of Illinois and Mrs. WALORSKI.  
H.R. 1098: Mr. CARSON of Indiana.  
H.R. 1105: Mr. DAVID SCOTT of Georgia.  
H.R. 1180: Mr. RUPPERSBERGER, Ms. TITUS, Mr. PAYNE, Ms. TSONGAS, Mr. JEFFRIES, Ms.

LORETTA SANCHEZ of California, Mr. HORSFORD, and Ms. CLARKE.

H.R. 1209: Ms. LORETTA SANCHEZ of California.

H.R. 1241: Mr. COSTA.

H.R. 1250: Mr. KENNEDY and Mr. SEAN PATRICK MALONEY of New York.

H.R. 1337: Mr. BROUN of Georgia.

H.R. 1339: Mr. GRIFFIN of Arkansas, Mr. THOMPSON of California, and Mr. HORSFORD.

H.R. 1429: Mr. LATHAM and Mrs. LOWEY.

H.R. 1501: Ms. MENG and Mr. HORSFORD.

H.R. 1563: Mr. BUCHSON.

H.R. 1603: Mr. FITZPATRICK.

H.R. 1629: Mr. MCGOVERN.

H.R. 1666: Mr. ISRAEL.

H.R. 1678: Mr. MICHAUD.

H.R. 1735: Mr. AL GREEN of Texas, Mr. PETERS of California, and Ms. WILSON of Florida.

H.R. 1726: Mr. NUGENT, Mr. VELA, Mr. ROONEY, Mr. BARTON, Mrs. BLACK, and Mr. BUCHANAN.

H.R. 1732: Mr. BLUMENAUER.

H.R. 1750: Mrs. BACHMANN, Mrs. BLACK, Mr. GIBBS, Mr. DAINES, Mr. POSEY, Ms. GRANGER, and Mr. WILLIAMS.

H.R. 1755: Mr. ENYART, Mr. SABLAN, and Mr. BISHOP of Georgia.

H.R. 1779: Mr. BARROW of Georgia.

H.R. 1787: Mr. WHITFIELD, Mr. HUELSKAMP, and Mr. SCHOCK.

H.R. 1795: Mr. O'ROURKE and Mr. HALL.

H.R. 1869: Mr. MEEHAN.

H.R. 1905: Mrs. BROOKS of Indiana and Ms. WILSON of Florida.

H.R. 1943: Mr. HOLT.

H.R. 1951: Mr. WOLF.

H.R. 1992: Mr. MEEKS.

H.R. 2001: Mr. WELCH, Mr. CÁRDENAS, and Ms. FRANKEL of Florida.

H.R. 2061: Mr. HONDA.

H.R. 2084: Mr. HORSFORD.

H.R. 2103: Mr. RUNYAN.

H.R. 2118: Mr. CARSON of Indiana.

H.R. 2214: Mr. HONDA.

H.R. 2237: Mr. MCGOVERN.

H.R. 2328: Mr. RIBBLE.

H.R. 2426: Mr. COHEN.

H.R. 2430: Mr. WATT.

H.R. 2459: Mrs. KIRKPATRICK.

H.R. 2482: Mr. MICHAUD.

H.R. 2499: Mr. PETERS of Michigan and Mr. ELLISON.

H.R. 2502: Mr. BUTTERFIELD, Mr. BECERRA, Mr. DINGELL, Mr. QUIGLEY, Mr. TIERNEY, Mrs. BEATTY, Mr. KIND, and Ms. SCHWARTZ.

H.R. 2509: Mr. KIND.

H.R. 2520: Mr. HONDA.

H.R. 2591: Mr. VEASEY, Ms. HERRERA BEUTLER, and Mr. TAKANO.

H.R. 2662: Ms. NORTON and Mr. MCGOVERN.

H.R. 2663: Mr. PETRI.

H.R. 2670: Mr. HONDA.

H.R. 2717: Mr. HASTINGS of Washington.

H.R. 2737: Mr. KIND.

H.R. 2778: Mr. LONG.

H.R. 2824: Mr. DAINES.

H.R. 2887: Mrs. BEATTY.

H.R. 2902: Mr. TIERNEY, Mr. PALLONE, and Ms. TITUS.

H.R. 2918: Mr. BACHUS and Mr. WENSTRUP.

H.R. 2939: Mr. CÁRDENAS, Mr. SEAN PATRICK MALONEY of New York, Mr. WOLF, and Mrs. MCCARTHY of New York.

H.R. 2959: Mr. WOMACK, Mr. COLE, Mr. CASIDY, Mr. LATTA, Mr. HANNA, Mr. MARCHANT, Mrs. CAPITO, Mr. BENISHEK, Mr. FINCHER, Mr. WALBERG, Mr. SCHOCK, Mrs. LUMMIS, Mr. SOUTHERLAND, and Mr. LABRADOR.

H.R. 3005: Mr. PETERS of California.

H.R. 3024: Mr. SCHOCK.

H.R. 3030: Mr. BEN RAY LUJÁN of New Mexico.

H.R. 3040: Ms. SCHAKOWSKY.

H.R. 3084: Mr. PETERS of California.

H.R. 3111: Mr. ROSS, Mr. ROTHFUS, Mr. LUETKEMEYER, Mr. SHIMKUS, Mr. HASTINGS of Washington, and Mr. GRIMM.

H.R. 3113: Mr. CARSON of Indiana.

H.R. 3121: Mr. HENSARLING and Mr. THOMPSON of Pennsylvania.

H.R. 3135: Ms. KUSTER.

H.R. 3150: Mr. HIGGINS.

H.R. 3168: Mr. CONAWAY.

H.R. 3172: Ms. CHU, Mr. TONKO, Mr. COHEN, and Ms. SCHAKOWSKY.

H.R. 3179: Mr. SCALISE and Mr. KENNEDY.

H.R. 3212: Mr. TIPTON and Mr. MCGOVERN.

H.R. 3240: Mr. VEASEY, Mr. PETERS of Michigan, Mr. FITZPATRICK, Mr. ROSS, Mr. LUCAS, Mr. MURPHY of Florida, and Mr. DAVID SCOTT of Georgia.

H.R. 3323: Mr. WOLF.

H.R. 3353: Mr. DOYLE.

H.R. 3357: Ms. WILSON of Florida and Mr. ELLISON.

H.R. 3360: Mr. TAKANO and Ms. DUCKWORTH.

H.R. 3364: Mr. PITTS and Mr. COLE.

H.R. 3369: Ms. BROWNLEY of California.

H.R. 3370: Mr. POE of Texas, Mr. MCKINLEY, Mr. SOUTHERLAND, Mr. LEWIS, Mr. PETERSON, and Mr. MILLER of Florida.

H.R. 3377: Mr. MCCLINTOCK.

H.R. 3391: Mr. BEN RAY LUJÁN of New Mexico.

H.R. 3410: Mr. KLINE, Mr. YODER, Mr. FLEISCHMANN, Mr. STEWART, and Mr. ROKITA.  
H.R. 3413: Mr. FINCHER, Ms. HERRERA BEUTLER, Mr. HUELSKAMP, Mr. WHITFIELD, and Mr. BARROW of Georgia.

H.R. 3439: Mr. FARR and Ms. BROWNLEY of California.

H.R. 3449: Mr. HUFFMAN, Mr. MCGOVERN, Mr. HIGGINS, and Mr. ISRAEL.

H.R. 3453: Ms. TITUS, Mr. RANGEL, Mrs. BEATTY, and Mr. ENYART.

H.R. 3466: Mr. RANGEL.

H.R. 3467: Mr. POCAN.

H.R. 3468: Mr. PETERS of Michigan.

H.R. 3484: Mr. WAXMAN and Ms. LEE of California.

H.R. 3485: Mr. BUCHANAN, Mr. GARDNER, and Mr. MCCAUL.

H.R. 3489: Mr. MCKINLEY.

H.R. 3510: Mr. GRIJALVA.

H.R. 3511: Mr. MEEKS.

H. Res. 72: Mrs. BEATTY.

H. Res. 123: Mr. COHEN.

H. Res. 147: Mr. POE of Texas and Mrs. BACHMANN.

H. Res. 188: Mr. DUNCAN of South Carolina.

H. Res. 326: Mr. NUNNELEE.

H. Res. 356: Mr. LAMALFA.

H. Res. 394: Mr. POE of Texas.

H. Res. 401: Mr. HIMES, Mr. SEAN PATRICK MALONEY of New York, Mr. CONNOLLY, and Ms. SCHWARTZ.

H. Res. 404: Mr. CONNOLLY, Mr. DEUTCH, Ms. Frankel of Florida, Mr. HOLDING, Mr. LOWENTHAL, Ms. MENG, Mr. MESSER, Mr. RADEL, Mr. KENNEDY, and Mr. PERRY.

H. Res. 408: Ms. SCHAKOWSKY, Ms. WATERS, Mr. LEWIS, Mr. HORSFORD, Mr. POCAN, Mr. O'ROURKE, Mrs. MCCARTHY of New York, Mr. ENYART, and Mr. FARR.

H. Res. 411: Mr. PEARCE.

H. Res. 412: Mr. MULLIN, Mr. BARR, Mr. VEASEY, and Mr. O'ROURKE.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HOLT, or a designee, to H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MRS. MILLER OF MICHIGAN

The provisions that warranted a referral to the Committee on House Administration in H.R. 3487, to amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Campaign Commission to impose civil money penalties

on the basis of a schedule of penalties established and published by the Commission, to expand such authority to certain other violations, for other purposes, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.



## EXTENSIONS OF REMARKS

A CELEBRATION OF THE LIFE OF THE HONORABLE THOMAS S. FOLEY, FIFTH DISTRICT OF WASHINGTON, SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. BOEHNER. Mr. Speaker, the Honorable Thomas S. Foley, former Speaker of the House of Representatives, died on October 18, 2013. The House took several steps to honor the former Speaker. Following House tradition, the Speaker's chair on the rostrum was draped in black and the Speaker's gavel rested on a black pillow. Outside the House chamber, Speaker Foley's official portrait in the Speaker's Lobby was draped in black. On October 22, 2013, the House adopted House Resolution 383, expressing the condolences of the House upon his death. On October 29, 2013, a memorial service was held in Statuary Hall celebrating the life of Speaker Foley. The following is a transcript of those proceedings:

(The Honorable JOHN A. BOEHNER, Speaker of the United States House of Representatives)

Speaker Boehner: Ladies and gentlemen, let us begin today by acknowledging a great friend of this institution, Mrs. Heather Foley.

(Applause.)

Speaker Boehner: Mrs. Foley, thank you for giving us this chance to try to express the depth of gratitude that we owe to Tom.

An English poet once wrote, "The noblest work of God is an honest man." Well, Tom Foley was that and more. A leader grounded in decency, in principle, he brought honor to himself, to his family, and to this House. He did all these things a public servant should do and, frankly, did many of them better than the rest. Ask any of his peers and they will tell you this, especially those who didn't share his politics.

Listen to Bob Dole, who around the time Tom became Speaker called him "a man of total integrity." Or ask Alan Simpson, who said, "Tom can tell you to go to Hell and make you feel good about going there." And Henry Hyde, as fierce a conservative as they come, who said of the man, "I wish he were a Republican."

There's also this from President George H.W. Bush, "Tom Foley represented the very best in public service and our political system." One class act tipping his hat to another.

Yes, the span of Tom's service and his record is impressive, as is the sequence of his rise: Ag Committee chairman, majority whip, majority leader, and Speaker.

But it was his sense of fairness, his port-in-a-storm bearing, that will always stand out for me. It's how he held this institution together at a very difficult time, and it's why those who come after us, who seek to know

what it means when we use that phrase, "man of the House," or just what it means to leave something behind, should look up the name Thomas S. Foley.

Today, we gather in the old Hall, joined by Presidents, Vice Presidents, Speakers, and so many of our colleagues and diplomats that Tom served with and to reminisce about this man's service and a toast to his life.

Welcome, and thank you all for being here. (The Reverend Patrick J. Conroy, S.J., Chaplain of the United States House of Representatives)

Reverend Conroy: God of Heaven and Earth, the work of Your hands is made known in Your bountiful creation and in the lives of those who faithfully live in Your grace.

Today we especially remember the life and work of Tom Foley, son of the very proud city of Spokane. His commitment to furthering education in his own district, Washington's Fifth, is testified to by the Ralph and Helen Higgins Foley Library at Gonzaga University, his alma mater. It is named in honor of his parents, who clearly did something right in raising such a son.

Tom Foley was a modest man whose impact on the public weal beyond his district far exceeded any projection of ego strength. May we all be inspired by his example to be men and women impelled to improve the lives and prospects of our fellow citizens while eschewing any honor or glory for ourselves, and as he did, do our part to increase understanding and respect across cultural divides.

Be present with us this day, O God, as we mark his life and remember his legacy. Bless this gathering and comfort us as we comfort one another in remembering a great American and a genuinely good man.

Amen.

(The Honorable Norman Dicks, United States House of Representatives, Sixth District of Washington, 1977-2013)

Mr. Dicks: Tom Foley was my friend, mentor, and colleague in the House of Representatives.

I first met Tom Foley at the University of Washington Law School in 1965 during his freshman term. He was a brilliant young man with a warm and friendly smile. It was his intellect and love for this country that made him an outstanding leader.

He served as chairman of the House Agriculture Committee and worked hard on the farm bill and food stamp legislation. Bringing these two issues together allowed Chairman Foley to build support in the House for both.

Tom believed in, and practiced, civility and bipartisanship. His view was that, after the elections were over, Democrats and Republicans should work together to deal with the national legislative agenda.

Seeing Tom Foley's strong leadership qualities and belief in getting things done for the American people, Speaker O'Neill appointed Tom to be the majority whip. He was then unanimously elected to be our majority leader and then our Speaker in 1989.

As Speaker, Tom worked closely with Bob Michel, the Republican leader from 1989 to 1995. They remained great friends after they

left Congress. Later, President Clinton named Speaker Foley to be our Ambassador to Japan.

As a staffer to Senator Warren T. Magnuson, I worked with Tom on the Spokane World's Fair in 1974. This project created dramatic change for Spokane, the largest city in the Fifth District.

Tom was so proud to represent the people of the Fifth Congressional District for 30 years. He always thought this was his most important responsibility.

It was a great honor for me that Tom Foley supported me in my campaign to Congress in 1976. I was then privileged to work with him and to receive his support as a Member of the House, and I will always thank him for being such a good mentor.

We will always remember the legacy of Tom Foley. He believed in the Congress, and he believed that this institution could produce positive results for the American people.

His loving wife, Heather, supported him throughout his career and took wonderful care of him during his long illness.

May God bless you, Heather, and the entire Foley family.

(The Honorable Jim McDermott, United States House of Representatives, Seventh District of Washington)

Mr. McDermott: Good afternoon. I am Jim McDermott. I am a House Member from Washington's Seventh Congressional District, which is mostly Seattle. I knew Tom Foley for more than 40 years, and throughout that time, he was a wonderful friend and a sage mentor.

In 1971, when I was a freshman State legislator, he took me out to dinner in Seattle and suggested I run for Congress. I was pleased by his regard for my career, but I knew better since I was a freshman legislator. So I rejected it and ran for Governor. I got creamed. Tom never said a word.

Chastened, I returned to the legislature, determined to learn as much as I could about the realities of governing effectively and the challenges of the legislative role.

When I finally ran for Congress in 1988, Tom was the majority leader of the House. As I arrived for my first term in 1989, Tom was about to become Speaker. I know now that he was about to become the last Speaker of the whole House. He believed that the Speaker was the Speaker for the whole House, and he lived that to his very core.

Today many will note Tom's devotion to the House of Representatives and his learned knowledge of the history of this organization. Sitting down with Tom and letting him tell stories, you learned enormous amounts. He appreciated the role of the House in our balanced structure of government. He knew well the challenge of maintaining that fragile balance.

So when he assumed the Speakership, he brought to it a scholar's depth of understanding and a disciple's passion. He led the House with fairness and comity, a style of leadership we haven't seen—we recently have looked for it—but we have not seen what Tom was able to do with both sides.

Tom understood that the House could not perform its constitutional function without

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

evenhandedness and respected the role of the minority. Tom was a Democrat, no question about it. He was very clear about why he was a Democrat. He believed in the legitimacy and the value of government. He knew that government's duty was to improve the lives of Americans, and he saw it as a noble obligation and worthy of one's very best efforts at any time.

When he became Speaker, he abandoned none of these principles. He added to them a very nuanced appreciation of the role of Speaker, and his certainty that the leadership of the House required not a flame-throwing partisan but a measured, steady pilot enlightened by an unmatched knowledge of, and love for, the House of Representatives.

Tom Foley's district was a sprawling, largely rural swath of eastern Washington state; yet its essentially very conservative voters reelected him for 30 years. They took an urban internationalist and sent him back again and again. They did so, and that was a persistent reaffirmation of his unshakeable integrity, his superb legislative skills, and his deep connection with the people of the Fifth District. He always started his speech by saying, "My highest honor was to be elected Congressman from the Fifth District." I believe that the voters recognized him as a great American.

We share that sense of wry Irish humor, but Tom's charm and wit were all his own. He was an extraordinary person and an irreplaceable friend. I am grateful to have known him.

Rest in peace.

(The Honorable John Lewis, United States House of Representatives, Fifth District of Georgia)

Mr. Lewis: Mrs. Foley, bless you.

There was a great minister, scholar, and abolitionist who lived in New England in the 19th century. His name was James Freeman Clarke, and he once made this statement: "A politician," he said, "thinks only of the next election; a statesman thinks of the next generation."

Speaker Tom Foley was a true statesman. He believed it was an honor to serve the public good, and he brought respect for the dignity of our democracy and the inspiration of our mandate as a Nation to every moment of his service. He believed it was our calling as Members of Congress to do what we could to preserve and help create a more perfect Union that has been in the making for almost 300 years.

In all of my years knowing Speaker Foley and seeing him on the floor or in small meetings, I never heard this man, this good man, speak or say a bad word about anyone. I just have a feeling that he was one who believed, if you couldn't say something good about someone, don't say anything at all.

As a leader, he believed he should build and not tear down, reconcile and not divide. He stood for the principles of diplomacy and mutual respect, even toward his opposition. He did not subscribe to the politics of personal destruction.

He knew that his work as Speaker, as a representative of the great State of Washington or as a legislator was bigger than his own personal values and ambition. He wanted to leave a record of accomplishment that would have a lasting impact on our society for generations to come. When he left the Speaker's chair, it was the end of an era, a period, in our history.

Maybe, just maybe, his passing at this moment in our history is just an elegant reminder of one simple truth: no leader is

greater than the cause he serves, and when our lives are over, we will be remembered not for fame or fortune, but for how we helped or how we harmed the dignity of all humankind.

I will never forget this prince of a man who led by example and struggled to turn the tide of partisanship in Congress back to constructive debate on the great issues. Every leader, whether in politics or in the larger society, but every leader in America could do well to take a page from Tom Foley's book.

(The Honorable Nancy Pelosi, Democratic Leader of the United States House of Representatives)

Minority Leader Pelosi: Heather, Mr. President, Mr. President, Mr. Vice President, Mr. Vice President, how wonderful that Speaker Foley has two Presidents, two Vice Presidents, and the good wishes of President George Herbert Walker Bush that our distinguished Speaker quoted earlier. He could never probably have imagined that when he came to the floor on the first day to make his first floor speech. He said, "Public service is a free gift of a free people and a challenge for all of us in public life to do what we can to make our service useful for those who have sent us here." Few fulfilled that charge with more courage, more conviction, more civility than he.

I take great pride in the fact that he's the first Speaker to hail from west of the Rocky Mountains. He brought to Congress a fresh perspective and a powerful voice that would open doors of leadership to Members who represent the diversity of our country.

His first campaign was legendary in its civility. Before the election was even over, his opponent, Congressman Walt Horan, released a statement calling the campaign the cleanest he had ever seen in his 22 years in office. In that spirit, when Tom Foley came to Congress and as Speaker Foley, he made campaign finance reform a priority. He sent legislation to the President's desk that would ensure that our democracy was a government of, by, and for the people. Unfortunately, we could not override the President's veto, but Speaker Foley's commitment to a just democracy and fair elections serves us as an enduring challenge to this day.

Known for his ability to build consensus, Speaker Foley never compromised on the conviction to do right by the American people. When tragedy struck at the Fairchild Air Force Base Hospital in his district, this longtime defender of gun rights saw the need for sensible gun violence prevention laws. Speaker Foley brought that bill to the floor. He helped enact it—those bans—knowing that it would not be well received in his district. But he did what he believed, and he did it with courage.

He matched that dedication to principle and courage with a gift for diplomacy. Nearly 20 years ago, I was privileged—I don't know why I was on the list, but I was invited to attend a special dinner at the British Embassy to honor Speaker Foley for his leadership. As fate would have it, President Clinton, that was the day that you announced that you were going to grant a temporary visa to Gerry Adams. Just a coincidence.

Needless to say, the mood of the evening was tense. Speaker Foley, with his characteristic grace, reasoned that this step—no matter how disconcerting at the moment to them—was crucial to delivering an ever-elusive peace to Northern Ireland, Ambassador.

That remarkable ability to build bridges across great divides would serve him well as Speaker and, later, as U.S. Ambassador to Japan—something he took great pride in, as

I know you did, Mr. Vice President. His judgment was impeccable and was respected, and many of us benefited from it.

For me, in September 2008, I attended a G-8 meeting of heads of Parliament, or Speakers—whatever they're called in their particular country. All of the participants were invited to lay a wreath at the Hiroshima Peace Memorial. I immediately called Ambassador Foley, as I called Vice President Mondale, to ask what I should do. He replied, "You must participate. You will be the highest-ranking American official," up until then, "to lay a wreath at the memorial. You cannot say no."

Now, that may seem easy now, but at the time, that was very strong judgment, as, again, the Vice President also gave me.

Such is the nature of a great man who believed, above all, in the purpose of public service. It's about respect. Diplomat, leader, Speaker—Tom Foley was the quintessential champion of the common good. He spoke for the House he led and the country he so loved.

In his farewell speech—I started with his opening speech—in his farewell speech to the House, he said, "Congress is the place where we come together to speak the voices of America and democracy, and it is the voice that is found to echo resoundingly throughout the world." Throughout the world.

Heather, I hope it is a comfort to you that so many people mourn your loss throughout the world and are praying for you at this sad time. To you, Heather, and to the Foley family, thank you for sharing Tom with a grateful Nation. His voice will forever echo in our hearts, to all who strive to make a difference through public service.

As we count our blessings as a Nation, we know that God truly blessed America with the life and leadership of Speaker, Ambassador, and leader, Tom Foley.

(The Honorable Mitch McConnell, Republican Leader of the United States Senate)

Senate Minority Leader McConnell: Thank you all for being here. And, Heather, we honor you today. You were there all along, guiding and accompanying Tom across all the peaks and the valleys right to the end. We thank you for your spirit, your generosity, and your example, which enlivened this House, as well as your own, for many years. Welcome back.

Now, given Tom's famous equanimity, it is somewhat ironic that he decided to run for Congress in the first place. He actually did it in a moment of anger. The day was July 16, 1964. The Beatles had just returned to Liverpool after their first U.S. tour. President Johnson had recently signed the Civil Rights Act and was on his way to a landslide victory against Barry Goldwater that November. And a 35-year-old Tom Foley was having lunch at the Spokane Club in downtown Spokane.

A gifted lawyer from a prominent local family and a trusted aide to Scoop Jackson, Tom mentioned to the guys he was eating lunch with that he was thinking seriously about running for Congress—not this time, but the next time around. At which point, one of his lunch companions bluntly dismissed the idea out of hand and said:

"You'll never do it. You're like all young people. You think the party's going to come to you with a Tiffany tray and an engraved card and say, 'Please, we humbly beg you, run for Congress.' And that isn't the way it happens. People get to Congress by wanting to run for Congress. You've got excuses this year, and you'll have excuses next year and the year after that."

Well, Tom didn't like this little piece of armchair psychology one bit, and he was determined to prove them wrong. So he got up

from the table, walked over to the library across the hall, stuffed himself into a phone booth, and called Western Union. Within minutes, a telegram had been sent to Senator Jackson back in Washington saying that Tom had just resigned his job and was headed to Olympia to file for a run.

Then Tom called his bank and found out he didn't have any money. His cousin Hank had to loan him the filing fee.

Oh, and the filing deadline was the next day.

So Tom had no cash, no plan, and virtually no time.

But he had the smarts. He had a sterling reputation. He had the backing of Senator Jackson. And now, he had the motivation.

And he did it, and for the next three decades, Thomas Stephen Foley would devote his life to the people of eastern Washington's Fifth Congressional District—with grace, intelligence, wit, and a profound respect for others, including his political adversaries, and an abiding gratitude for the trust and confidence of the people he was elected to serve, from Walla Walla to Northport and all the wheat country and timber towns in between.

Tom always looked the part. Even his classmates at Gonzaga High School called him "the Senator." And I dare say that if most Americans were asked to conjure up in their minds the image of a Congressman, the man they'd like to see would be him. To most people, it seemed as though Tom were born to serve here. And in a remarkable 30-year congressional career, he proved they were right. He proved that he didn't just look the part, he knew the part, and he played it well.

Tom and I weren't on the same side on most issues. His faith in government was, shall I say, a little more robust than mine, but we shared a deep respect for the institution and a belief that working with the other side, particularly at a time of divided government, is no heresy when it enables you to achieve some good for the Nation.

That kind of comity is sometimes viewed as old fashioned around here, but that's never been true. The parties have always disagreed, but it hasn't kept them from working together from time to time to solve problems that we all recognize.

Tom knew that. He practiced it. He took flak from time to time for being a little too friendly with Republicans, but I don't think he ever doubted the wisdom of his approach, even in defeat. As Tom often said, "The first vote you need to earn is your own." It was a principle that served him very well, and it's one that I think says a lot about what the legacy of the gentleman from Spokane will be. We honor his service and his memory.

May we draw all the right lessons from both.

(The Honorable Harry Reid, Majority Leader of the United States Senate)

Senate Majority Leader Reid: For 4 years, I served in the House of Representatives with Speaker Tom Foley. During the time I served there, he was the majority whip. I also served with the man who would succeed Speaker Foley as leader of the House, Speaker Newt Gingrich. Newt and I don't agree on too much, but when he wrote in last week's Time magazine that Tom Foley was a pragmatic man, a person of great integrity, and a genuine patriot, I couldn't agree more with Newt.

This is what Speaker Gingrich wrote: "I have nothing but fond memories of serving with Tom Foley. We worked together when we could, competed when we had to, and co-

operated for the national interest as far as possible."

I, too, have fond memories of my time serving in the House with Tom Foley. I offer my condolences to Heather who, as we all know, had a strong voice in the House, at least when I was there. She was tremendous, always there available to help us; and she was his greatest influence politically in his whole life.

Tom learned his practical style of politics from his mentors, Senators Scoop Jackson and Warren Magnuson, who were both from the State of Washington. Speaker Foley gained his pragmatism from being a Member, as we've heard from Norm Dicks and others, as a Member and then chairman of the House Agriculture Committee, one of the Chamber's most bipartisan committees.

But I credit much of Tom's down-to-earth demeanor to his Western upbringing. You see, he was the first Speaker of the House of Representatives to be born west of the Rocky Mountains. He cut an imposing figure. He was a big man physically and had this wonderful smile and great voice. He was always gracious to young Members like me.

One day, when I reflect back, as we get a little older, and we've all had that experience, or most of us, you can't see like you used to, and somehow he didn't bring his reading glasses with him. And he was desperate. He had to read there. He was managing what was going on on the floor and he couldn't see. So I was the first person he saw, and he said, "Find me some glasses. I don't care where you get them." And I wanted to adhere to his wishes, so I didn't care where I got them. Somebody left them laying on a desk, and I grabbed them, and he was so happy to get those glasses because, as has happened to all of us, he just couldn't see and he needed to see. Well, it was my honor and pleasure to find him some glasses to help him see that day.

But a vision as to where the country needed to go he always saw clearly.

(The Honorable Robert H. Michel, Minority Leader of the United States House of Representatives, 1981-1995)

Mr. Michel: Heather, members of the family and President Clinton, President Obama, and all my former colleagues and friends of Tom, all of you, it was my good fortune to have visited Tom with my former right-hand man Billy Pitts a few days before Tom died. I am so grateful to Heather for making that visit possible.

We thought it was going to be just a visit of a couple of minutes, and it ended up we were speaking for an hour about the days gone by, not unlike so many others we had over a relationship of more than 40 years. We both were able to say our piece in an atmosphere of mutual respect, open-mindedness, and, most of all, trust.

As I said in an article in The Post the other day, when Tom became Speaker, he suggested that we get together once a week, talk over the affairs of the House, one week in my office and the next in his, something that had never been done before. While we disagreed over policy and jostled with each other politically, the meetings were highly productive because underlying them was the faith and trust we had in each other. We could talk about anything, knowing that our discussions would remain private unless we decided otherwise. I don't think there is anything more important in the relationship between political leaders than trust.

Never was that bond tested more than it was in January 1991 when I implored Tom to bring to the House floor a resolution that

Steve Solarz of New York and I had introduced authorizing then-President Bush to engage in military action in Operation Desert Storm to drive Saddam Hussein out of Kuwait. I was convinced that Tom opposed military intervention, and I know that a good many of his caucus were strongly opposed as well. It was an exercise of political courage and personal decency for Tom to agree to bring the resolution up for an open debate and recorded vote under those circumstances, but he did.

We had one of the most spirited, but civil and informative, debates in which I had been privileged to participate in all my 38 years in Congress. We prevailed in the final outcome that day, but I would have been proud of the House and proud of our Speaker regardless, because the House demonstrated to the world that it was truly a deliberative and democratic body.

Tom and I always struggled to find common ground between our two sides. When there were issues upon which we could not agree, we could at least use common courtesy in the way we conducted our politics. That isn't just good manners; it is good politics.

But win, lose, or compromise, the way we argue can be as important, in the long run, as the decisions we reach.

I so admired Tom's grace and civility. I also admired his understanding and natural feel for the personality and the distinctive culture of the institution. He was so dedicated to its preservation and protection. Tom was chosen to lead the House in a very difficult time. Through it all, he was a gentleman of the House and a fair and honest broker and a worthy adversary.

And maybe we both knew that our days were numbered. We were too conditioned by our personal and political upbringing to assume that we had the market cornered on political principle or partisan superiority. We knew, too, that there would always be a distinction and separation between campaigning for office and serving in office. We were, I guess, pupils of the old school.

Tom knew that a House Member has three essential jobs: to deliberate, to debate, and to be effective. He knew that if we wanted to be effective in the House, you just can't go around shouting your principles; you have to subject those principles to the test of open debate against those who do not share those principles. But true debate is not possible unless the Golden Rule is applied, which simply means that you treat your fellow Members the way you, yourself, want to be treated. Tom believed in that rule, and he practiced it from the day he came to the House and all during his time as Speaker of the House.

Tom Foley was proud to be a Member of this House. I share that deep pride in this great institution, and I guess that is one reason we were able to work together. We both saw the House of Representatives not as a necessary evil, but as one of the great creations of a free people.

On our last day in Congress, on November 29, 1994, Tom did me the great honor of inviting me to the Speaker's podium to preside over the House while he gave his farewell remarks from the well. Incidentally, that was the first time in 40 years a Republican had been on that rostrum. When we stood side by side at the podium on that last day of the 103rd Congress, we knew that we were icons, I guess, of a bygone era. As we visited for the last time 20 years later, I think we felt good about that. We both took great pride in knowing we had made things happen, that

we found good ways to solve difficult problems and make the House a working institution.

Now Tom takes his place among the great public servants immortalized in this Hall of Statues. He is most worthy of a presence here. I know, because of his great love for this institution, that his spirit will dwell here forever. I only hope that the legislators who now walk through here each day, so consumed by the here and now, will feel his spirit, learn from it, and be humbled by it.

That's what I have to say in honor of my dear friend, Tom Foley.

(The Honorable William J. Clinton, 42nd President of the United States)

President Clinton: Mr. Michel may be 90 years old, but he has the spirit of a man half his age and the wisdom of one 10 times his age. We thank him for his remarks.

Heather, I thank you, and, Mr. Speaker, I thank you for giving those of us who worked with, knew, and cared about Tom the chance to be here today. I thank you, Heather, for all you did to make his work possible and better.

Mr. President, thank you for being here, and Mr. Vice President, Vice President Mondale, and all the others who have spoken before me.

Shortly after I was elected President, I invited Speaker Foley and Leader Gephardt to come to Arkansas to see me to tell me everything I didn't know that was about to happen to me, which Tom Foley proceeded to do in that calm, restrained, balanced, lyrical way.

Tom told me not to be lulled by Bob Michel's friendliness, that he was a very tough adversary, but I could make a deal with him. He told me not to be intimidated, Mr. Speaker, by your bellicosity because you were a brilliant politician, but in the end, we would find a way to do business. He turned out to be right about both things.

His leadership made possible things that mattered to me a lot. Being President is a matter of trying to do what you promised to do when you ran, trying to respond to legitimate impulses that are coming out of the political system across the range, and trying to deal with the unanticipated developments. And if you ignore any of them, you cannot prevail. And if you can't work with the Congress, it's very difficult.

Tom Foley, therefore, was pivotal in our landslide victory for my economic plan and deficit reduction plan, because we won by one vote in the House. And that runaway victory was made possible by the Speaker and everybody else that voted for it. But also, we just celebrated the 20th anniversary of the Family Medical Leave law, the 20th anniversary of AmeriCorps. They are now part of the pillars of our sense of common citizenship.

Now, I have had Republicans and Democrats come up to me and tell me what a difference the family leave law made for them; young people who belong to both political parties who believed in citizen service and participated in AmeriCorps. He helped make those things possible, too.

And one of the things that I always appreciated about him and marveled at how he could be brutally honest in the kindest way.

It is true, as Leader Pelosi said, that he had a conversion of sorts on the whole question of assault weapons because of an experience he had, but he was very clearheaded. He told me when we succeeded, in no small measure thanks to the leadership of then-Senator Biden, and putting the assault weapons ban back in the crime bill, he said, "You can leave this in here but there will be a lot of blood on the floor if we pass this. Many of us will not survive."

I will never forget the argument I had with him. I said, "Tom, I'm from Arkansas. Both my Senators voted for this. I'm still going to carry it next time." He said, "Yeah." He said, "In 4 years. It's the same thing with your economic plan. People will see that it works and people will see that they did not lose their guns and they still got to defend their homes and go hunting and be in sports shooting contests, but we all have to run before they know any of that. We have enough uncertainty now. If you put this in there, there will be a lot of carnage."

And I thought he was wrong, but he was right. And he lost that election by 4,000 votes. I would be a wealthy man if I had a dollar for every time in the last 20 years I have found my mind drawn to that conversation.

Was it worth his public service? We had 8 years of declining violent crime for the first time in the history of the country. We did prove that it did not interfere with people's Second Amendment rights, but the price was high.

What I want to tell you is, appropriate today, that Tom Foley, as nice as he was, as civil as he was, as much as he loved his colleagues of both parties, was one tough guy. This is a man who took up martial arts in his sixties. Now that I am there, I respect it even more.

He risked the broken bones and the torn ligaments and everything. He was tough and he walked clear-eyed into the House, and we put those votes together and the crime bill passed. And those of us who supported it at least think America was much better off as a result. But he knew that, even in the spirit of bipartisanship and compromise, being in public service and making difficult decisions was inevitable and not free, and he paid the price.

Before I came here, I read all the letters that Tom Foley and I wrote to each other. That is a great thing about having a library. Somebody will dig that stuff up for you. Now, here is the one that means the most to me. It says the most about him. He loved being in the House. It hurts to lose anytime, but it really hurts if you're the Speaker, and he knew his district, it turned out, way better than I did, at least 4,000 votes better than I did.

Bob Michel talked about what they did on November 29, 1994. This letter was written to me on November 16, 1994, signed by Tom Foley and Dick Gephardt and Bob Michel and Newt Gingrich, asking that the administration send to the lame-duck session of Congress the legislation to implement the general agreement on terrorism and trade which established the World Trade Organization which I believe has played a major role in lifting more people out of poverty in extreme circumstances in very poor countries, in the last 20 years, than anything else.

He was, in short, dying inside, heartbroken, and he still showed up for work, and he still believed that the purpose of political service was to get the show on the road.

I will never forget this letter as long as I live. Dick was hurt, too. He was going from majority to the minority, but Tom Foley had lost his seat in a district he loved. I talked to him about the wrinkles and curves of that district I don't know how many times. But he was doing his job.

I asked him to go to Japan, just as I asked Vice President Mondale to go to Japan, for a very simple reason. After our wartime conflict, they became one of our greatest allies and one of the greatest forces for democracy and security and freedom and growth in the

world. They had a tough time in the 1990s. They had their collapse well before we did, and I always believed that the rest of the world was underestimating the Japanese people, their brilliance, their creativity, their technology, their resilience, and I wanted them to know that America still cared.

And when Fritz Mondale was there and when Tom Foley was there, they knew America cared.

So I leave you with this. I think they had a good time there, and I think they enjoyed it. I know he did. There were seven Japanese Prime Ministers in my 8 years as President. We are not the only people that have turmoil. The best politician was Prime Minister Obuchi. Tragically, as a young man he had a stroke. He endured for 43 days after his stroke, and when he died I suppose in a busy world full of things to do, it was something of an anticlimax. I was appalled when I was the only leader of a major country that came to his funeral. But I flew all the way to Japan, spent 7 hours, so that I could go. I liked him, I admired him, and I thought he had set forth a direction that gave Japan the best chance they had to succeed until Mr. Mori took office.

At the end of the funeral, young Japanese women appeared with trays of flowers, and in the site, his ashes were on a high wall that was totally made of flowers of the rising sun, and every person there, beginning with his wife, went up and bowed to his ashes and put a flower on the table until thousands and thousands and thousands of flowers were there creating a great cloud.

He was succeeded as Prime Minister by one of his close allies, and the ally said this—Tom Foley and I stayed there for hours and then we went home and watched the rest of it on television until every person had put their flower there, a testimony to the importance of citizenship and believing in the institutions of your country. But the current Prime Minister said this of his friend, "I wonder if he ever dreamed, and if my friend dreamed, I wonder what his dreams were. Whatever they were, I hope they have all now come true."

I did not know Tom Foley well enough to know if he ever dreamed, or if he did, what he dreamed. But I know when he sat with me that day and watched that sacred experience, I saw the well of common humanity we all share across all of our interesting differences.

He gave his life to our country, and I hope his dreams have all come true.

(The Honorable Barack H. Obama, President of the United States)

President Obama: To Heather and the Foley family, to Tom's colleagues and friends, President Clinton, Vice President Mondale, former Speakers, and those who preceded me, I am honored to join you today to remember a man who embodied the virtues of devotion and respect for the institution that he led, for the colleagues that he served alongside, and, most importantly, for the citizens that he had the honor to represent.

Unlike so many of you, I did not have the privilege of knowing Tom personally. I admired him from afar. But like millions of Americans, I benefit from his legacy. Thanks to Tom, more children get a head start on success in school and in life, more seniors receive better health care, more families breathe easier because they know their country will be there for them in times of need. And all of them—all of us—are indebted to that towering man from Spokane.

I think, in listening to the wonderful memories that have been shared, we get a sense of this man, and we recognize his humility. He often attributed much of his success to good luck—and he may have had a point. Leader McConnell told the story about his first race. There were a couple of details that got left out. On the way to Olympia to file the paperwork for his first congressional campaign, apparently Tom blew out a tire, so he and some friends hitchhiked to a service station to get it fixed. And then, as they approached the outskirts of the city, they ran out of gas, so they pushed the car up the hill, coasting into town just before the deadline. And Tom went on to win that race by a resounding 54 votes.

So there's no question that there may have been some luck of the Irish operating when it came to Tom Foley, as well as incredible stamina. But what led him to make history as the first Speaker of the House from west of the Rockies was not luck. It was his hard work, his deep integrity, and his powerful intellect, and, as Bob Michel so eloquently and movingly stated, his ability to find common ground with his colleagues across the aisle. And it was his personal decency that helped him bring civility and order to a Congress that demanded both and still does.

Which brings me to a final point. At a time when our political system can seem more polarized and more divided than ever before, it can be tempting to see the possibility of bipartisan progress as a thing of the past—old school, as Bob said. It can be tempting to wonder if we still have room for leaders like Tom; whether the environment, the media, the way that districts are drawn, and the pressures that those of us in elected office are under somehow preclude the possibility of that brand of leadership. Well, I believe we have to find our way back there.

Now, more than ever, America needs public servants who are willing to place problem-solving ahead of politics, as the letter that President Clinton held up indicates, as the history of the crime bill shows. We are sent here to do what's right, and sometimes doing what's right is hard and it's not free; and yet that's the measure of leadership.

It's important for us who feel a responsibility to fight for a cause to recognize that our cause is not advanced if we can't also try to achieve compromise, the same way our Founders saw it—as a vital part of our democracy, the very thing that makes our system of self-government possible. That's what Tom Foley believed. That's what he embodied. That's the legacy that shines brightly today.

On the last day that he presided as Speaker, Tom described what it should feel like to serve the American people in this city. He spoke about coming to work in the morning and catching a glimpse of the Capitol. And he said that it ought to give anyone a thrill, a sense not only of personal satisfaction, "but very deep gratitude to our constituents for the honor of letting us represent them." And Tom never lost that sense of wonder.

It's interesting—as I read that passage, what he wrote, the first time I visited Capitol Hill, Tom Foley was Speaker. I was a very young man and I was doing community work, and I remember seeing that Capitol and having that same sense of wonder. And I think now about Tom Foley being here, doing that work, and inspiring what might have ultimately led me to be interested in public service as well.

When we're standing outside these magnificent buildings, we have that sense of wonder and that sense of hope. And some-

times the longer you're here, the harder it is to hang on to that. And yet Tom Foley never lost it—never lost that sense of wonder, never lost the sense of gratitude. What a privilege he felt it was to serve. And he never forgot why he came here—on behalf of this Nation and his State and the citizens that he loved and respected so much.

And so, as a country, we ought to be grateful to him. And to Heather and to the people of the great State of Washington, thank you so much for sharing Tom with us.

God bless Tom Foley. God bless the United States of America.

Speaker Boehner: Mr. President and to all of our speakers, thank you for your testimonials.

In keeping with tradition, at this time, I would like to ask Leader Pelosi to join me as we present Mrs. Foley with a flag flown over the Capitol on the day of the Speaker's passing and a copy of House Resolution 383, a resolution expressing the House's sincerest condolences.

(Presentation made.)

(Mrs. Heather Foley, wife of the Honorable Thomas S. Foley)

Mrs. Foley: Thank you, President Obama and President Clinton. I so appreciate you coming to honor and celebrate Tom's life.

Thank you, Norman Dicks and Jim McDermott, our wonderful friends. Let me acknowledge Congressman Lewis and former Congressman and Republican leader Bob Michel, who have both always been great friends to Tom and me.

And of course, I thank Senator Harry Reid and Senator Mitch McConnell for traveling a long way from the Senate to the House to remember my husband.

Also, I want to thank the Special Envoy from Japan, Minister Masahiko Komura and Ambassadors Sasae, Anderson, and Westmacott, plus the diplomatic delegations, for coming.

I owe a special debt of gratitude to Speaker Boehner for making this memorial service possible. Without his caring and competent staff, this event would not have happened.

When my husband was Speaker, we had about one person who handled this kind of work. The Speaker has been most gracious and helpful, and I applaud him for that.

I want to say a few words about my husband. As you probably know, I worked for him for years as an unpaid staffer. I did not plan to do this when I married him in 1968. I was sort of wooed into being a volunteer for just a little while to see how things go, and I remained for the full time he was here. I should say that I stayed here unpaid, and that it was a great adventure. Every time I thought of leaving, he would suddenly assume a new position, and it was a great good fortune of my life to be along for the ride and to see what happened next.

Early on, I discovered that my husband was a wonderful teacher. David Barner has written the nicest note about this, and I think he was right on the mark. I can look back and say that his father taught him about fairness, patience, and all the virtues everyone has mentioned today.

There was a story that Tom's father, who was a superior court judge, could sentence you to death and you would thank him. But when I think back, and what I thought at the time is I'm not sure where his good judgment came from, how he understood the limits of power—and there are enormous limits to power—that we must all work together and how much courage he often displayed when defending what he believed was right. Some of it must have been the result of his Jesuit education and his experience as a debater.

A friend of his is here who knew him and debated with him, and he told me that at 16 he was just a wonderful, great man, even though he was just a young man at that time. I never knew really exactly why he always knew the right thing to say and do. Perhaps it was his honesty and his resolve to keep his word. I don't know.

I think back on our almost 45 years together, and I think of the long, long meetings that perhaps best displayed his ability to reason with people. One of them was in the late 1960s at Shadel Park High School in Spokane. Tom had accepted the challenge of a man whose name I think was Virgil Gunning who was opposed to any form of gun control, and he claimed that Tom was for every form of gun control. So Tom agreed to appear at this forum in this local high school, and Virgil ran ads in the newspapers and was able to attract—I think he also ran them on the radio and television—an audience of about 700 people. Tom stood on the stage for 5½ hours and answered all of Gunning's allegations with reasons that I never would have thought of. There were endless questions in the audience. There were bumper stickers waved about the Hungarians limited their guns and that's why they lost their freedom, something to that effect.

I can remember Tom saying that he was not for repealing laws that limited a citizen's use of cannons and rockets, that he didn't think you were entitled to have a missile silo right there in the backyard of your house.

At first, the audience was hostile, but at the end, Gunning made a fatal mistake. He asked everyone to stand up and then he pleaded for money to pay for the hall and the ads, and people who were already standing, they just walked out.

I had spent a good deal of my life overseas at this time, and I was mesmerized to watch this. It wasn't like, you know, dealing with the Pakistanis or going to school there or living in Greece or Egypt, as I had done. It was something very different.

I learned over the years, and I was able to see Tom reason with all kinds of people and with all kinds of interesting arguments. He could always see another side to something. I got to see him in action with Presidents and politicians on both sides of the House and both sides of the Capitol. He was somehow able to walk others through their demands and show them where they were asking too much and where they might be right. He was not afraid to take a position that a constituent or a colleague might oppose and explain why.

I can remember the Pacific power administrator who came to get more goodies being told that it was time that the Pacific Northwest perhaps limited its demands and look in other directions to get more power. I'm sure they are still here asking for it, but anyway. But at the time, they agreed.

He was a man of principle. He was not afraid to compromise. He believed there was honor in compromising. When he nearly lost the election in 1980, he did not retreat to the life he enjoyed as chairman of the House Agriculture Committee, as many would have done. Instead, he became Democratic whip and started his climb up the leadership ladder.

I was appalled. I had gotten used to his position as chairman, and I was on good terms with the staff. Suddenly, all of these people were going to lose their jobs. We couldn't take all of them with us to the whip office. The budget was not that large. So I got used

to it, and then he moved up the ladder again and again.

It would have been the easy thing to stay as chairman of the Agriculture Committee, and I should have known that this extraordinary man was destined for extraordinary things. I'm afraid I've kept you too long. Thank you so much for coming to salute the life of a great man.

Thank you.

Reverend Conroy: Dear Lord, as we close our time together, send Your Spirit of peace and consolation upon us, who mourn the loss of the honorable former Speaker of the House, Tom Foley.

He was a glowing example, an icon of what it means to be a man for others. His decades of service to his home State of Washington, and to our great Nation, will be long appreciated by those whose lives are forever blessed by his life's work and dedication.

May Your angels come to greet our beloved Tom, and may those who mourn him here be consoled with the knowledge that for those who love You, everything is turned to good. Amen.

#### RECOGNIZING THE GARY CHAMBER OF COMMERCE

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I recognize the Gary Chamber of Commerce as the organization celebrates the 6th annual Lakeshore Classic basketball tournament. In honor of this historic event, the Gary Chamber of Commerce is hosting a celebratory event and basketball tournament on Friday, November 29 and Saturday, November 30 at the Genesis Convention Center in Gary, Indiana.

The Lakeshore Classic will not only recall a remarkable moment in basketball history but will also remind us of the profound effect it had on society for generations to come. In 1955, the Indianapolis Crispus Attucks High School and the Gary Roosevelt High School basketball teams faced off in an astonishing game that left the sport of basketball changed forever. It was the first time in the history of our nation that two African American high school teams would compete for a state championship. The game was historic and extraordinary, setting records that would remain for decades. The final score, 97 to 74, would make history as the most collective points ever scored in a championship game.

At the time, the impassioned players who participated in this game may have been thought of as the "forgotten Hoosiers" but are today honored with great prestige and have left an indelible mark on the game of basketball. I would like to take this time to recognize the members of the historic 1955 Gary Roosevelt team that have inspired the Lakeshore Classic. Those deceased, Maurice Everett, Arthester McCruiston, Johnnie Ford, Charles Ford, James Guyden, Vann Ligon, James Eubanks and Coach John D. Smith have since passed on, but their contributions will never be forgotten. Surviving members include Wilson "Jake" Eison, Jerome Morgan, Randolph Williams, Jerome Ward and Dr. Dick Barnett.

Mr. Speaker, at this time, I ask you and my other distinguished colleagues to join me in recognizing the Gary Chamber of Commerce, the organizers and sponsors of the 6th annual Lakeshore Classic, and the players who inspired the event. Their noteworthy commitment, leadership, and contributions have inspired generations to come. For enriching the quality of life in Northwest Indiana and throughout the country, they are to be commended.

#### RECOGNIZING THE CARLISLE INDIANS FOR WINNING THE TEXAS CLASS A BASEBALL CHAMPIONSHIP TITLE

**HON. LOUIE GOHMERT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. GOHMERT. Mr. Speaker, recognition and rousing congratulations are due to the Carlisle High School Varsity Baseball Team in completing an outstanding season which concluded with the team's triumph in the 2013 Class A state baseball tournament.

Through hard work and determination, the Carlisle Indians defeated the Stamford Bulldogs with a final score of 6-1.

Within the first innings of the first state championship game in Carlisle's history, it was abundantly clear that the Indians were dominating the game. At the conclusion of the fifth inning and after twelve hits by the Indians, Carlisle already held a 5-1 lead over the Bulldogs thanks to an exceptional performance by the team's offense and defense.

The Indians maintained their lead through the seventh and final inning—granting the team the prestigious title of Texas State Baseball Champions.

The Carlisle Indians made history for their high school by bringing home Carlisle's first state title. Their success has been attributed to the excellent leadership of their athletic staff, their outstanding veteran pitching lineup, the reliability of their defense, and timely hitting when they had to have it. This season alone, the Indians produced 18 shutouts, and ultimately finished the season with an incredible record of 29-1.

The Carlisle Indians exemplify what it means to work as a team. The players and staff seamlessly united their efforts to produce a sound performance that culminated with their capturing the victory. Their sportsmanship, humility, determination, hard work, and skill are to be commended, admired, and emulated.

The winning team was led to victory by an outstanding coaching and administrative staff including: Head Baseball Coach, Wesley Colley; Athletic Director and Assistant Coach, Rocky Baker; Assistant Coach, Cal Goss; Assistant Coach, Bob Tamplin; Manager, Ty Kennedy; Manager, Colby Draper; Strength and Conditioning Instructor, Clay Baker; Principal, Sarah Baker; and Superintendent, Michael R. Payne.

Great praise goes to the team members who played through and secured the team's first state title: Ty Baker, Kyle Byrd, Clay

Alphin, Ben Goss, Caleb Colley, Shadow Sanders, Dylan Sanders, Cooper Grigsby, Jaylan Holland, Zach Brightwell, Michael Savala, Gunner Baker, Collin Gray, Justin McMurtry, Dalton Sanders, and Kolton Heim.

Accolades must also be given to the players' families and the entire community of supporters who reside in Rusk County, who embraced the warrior spirit for which the team was named. Without these devoted fans' support and encouragement, the Indians' road to the championship would have been much more difficult.

It is with great pride that I join the constituents of the First District of Texas in congratulating the players and athletic staff of the 2013 Class A Champion Carlisle High School Varsity Baseball Team. Their legacy is now recorded in the CONGRESSIONAL RECORD that will endure as long as there is a United States of America.

#### RECOGNIZING MIKE BURNS FOR HIS SECOND RECEPTION OF DARDEN'S DIAMOND CLUB AWARD

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, it is my pleasure to recognize one of my constituents, Mike Burns, Managing Partner of the Seasons 52 in Orlando, for his reception of Darden's top honor—the Diamond Club Award. This is his second time receiving the Diamond Club Award for his passionate leadership and exemplary customer service.

Darden is the world's largest restaurant operating company. Diamond Club recognizes and celebrates the top 5% of restaurant leaders who demonstrate outstanding results by upholding Darden's strong values and achieving top financial performance in the company's previous fiscal year. I commend Mr. Burns for his dedicated work and positive impact on the Central Florida community.

#### ESTABLISHING A SYRIAN WAR CRIMES TRIBUNAL?

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, the two-year-old Syrian civil war has produced increasingly horrific human rights violations, including summary executions, torture and rape. Most recently, both government and rebel forces have targeted medical and humanitarian aid personnel. Snipers are reportedly targeting pregnant women and children. Since the Syrian civil war began, more than 100,000 people have been killed and nearly seven million people have been forced to leave their homes. By December of this year, it is estimated that neighboring countries such as Turkey, Lebanon and Iraq could see as many as 3.5 million Syrian refugees.

Those who have perpetrated human rights violations among the Syrian government, the

rebels and the foreign fighters on both sides of this conflict must be shown that their actions will have serious consequences.

H. Con. Res. 51, introduced on September 9th, calls for the creation of an international tribunal that would be more flexible and more efficient than the International Criminal Court to ensure accountability for human rights violations committed by all sides. This hearing will examine the diplomatic, political, legal and logistical issues necessary for the establishment of such a court. Today's hearing will examine controversial issues such as sovereignty, the ICC versus ad hoc regional tribunals and the sponsorship of such a tribunal.

Perhaps the most famous war crimes tribunals were the Nuremberg and Tokyo trials—the post-World War II trials of Axis military officers and government functionaries responsible for almost unimaginable crimes against humanity. The Cold War rivalry between the United States and the former Soviet Union prevented the international cooperation necessary for war crimes tribunals to be convened by the United Nations. After the end of that international political conflict, there have been three particularly notable international tribunals to hold accountable those guilty of genocide or crimes against humanity: in the former Yugoslavia, in Rwanda and in Sierra Leone.

Each of these tribunals has achieved a level of success that has escaped the International Criminal Court. The Yugoslavia tribunal has won 69 convictions, the Rwanda tribunal has won 47 convictions and the Sierra Leone tribunal has won 16 convictions. Meanwhile, the ICC—costing about \$140 million annually—has thus far seen only one conviction.

The ICC process is distant and has no local ownership of its justice process. It is less flexible than an ad hoc tribunal, which can be designed to fit the situation. The ICC requires a referral. In the case of the President and Deputy President of Kenya, it was Kenya itself that facilitated the referral. That is highly unlikely in the case of Syria. Russia in the UN Security Council would likely oppose any referral of the Syria matter to the ICC, but might be convinced to support an ad hoc proceeding that focuses on war crimes by the government and rebels—one that allows for plea bargaining for witnesses and other legal negotiations to enable such a court to successfully punish at least some of the direct perpetrators of increasingly horrific crimes. And Syria, like the United States, never ratified the Rome Statute that created the ICC, which raises legitimate concerns about sovereignty with implications for our country which this panel will also address.

There are issues that must be addressed for any Syria war crimes tribunal to be created and to operate successfully. There must be sustained international will for it to happen in a meaningful way. An agreed-upon system of law must be the basis for proceedings. An agreed-upon structure, a funding mechanism and a location for the proceedings must be found. There must be a determination on which and how many targets of justice will be pursued. A timetable and time span of such a tribunal must be devised. And there are even more issues that must be settled before such an ad hoc tribunal can exist.

David Crane, one of today's witnesses, has suggested five potential mechanisms for a Syrian war crimes tribunal: An ad hoc court created by the United Nations; a regional court authorized by a treaty with a regional body; an internationalized domestic court; a domestic court comprised by Syrian nationals within a Syrian justice system; or the ICC.

Each of these first four models have some benefits—some more than others. The ICC can be ruled out, and a domestic court in the near future seems highly unlikely. However, we are not here today to decide which of these models will be chosen. Rather, our objective in a hearing I held last month was to promote the concept of a Syria war crimes tribunal whatever form it eventually takes.

Again, those who are even now perpetrating crimes against humanity must be told that their crimes will not continue with impunity. Syria has been called the world's worst humanitarian crisis. According to the World Health Organization, an epidemic of polio has broken out in northern Syria because of declining vaccination rates. One might reasonably also consider it the worst human rights crisis in the world today. Therefore, the international community owes it to the people of Syria and their neighbors to do all we can to bring to a halt the actions creating these crises for Syria and the region.

At last month's hearing, we assembled a distinguished panel to discuss the pros and cons of creating and sustaining a Syrian war crimes tribunal. This was not an academic exercise. We must understand the difficulties of making accountability for war crimes in Syria a reality. Therefore, we must understand the challenges involved so that we can meet and overcome them and give hope to the terrorized people of Syria. Their suffering must end, and the beginning of that end could come through the results of last month's proceeding.

#### CONTINUING TO PUSH FOR MEDICAID EXPANSION

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. CONYERS. Mr. Speaker, I rise today to talk about the healthcare benefits low-income residents of Michigan can now access because of the state's expansion of Medicaid. I strongly encourage my colleagues to ask their respective governors to take similar measures to expand Medicaid.

In Michigan, this expansion will provide health insurance for thousands of Michiganders who need it most, while saving money and improving care for all of our citizens.

In 2014 alone, 320,000 individuals will be able to access Medicaid benefits, and by 2021, 470,000 Michiganders will be covered—dropping Michigan's uninsured population by nearly 50 percent.

Perhaps most beneficial is the fact that the state will actually save money since federal funds will cover 100 percent of the costs of this expansion for the first 3 years. Next year, the savings will be \$206 million and much of

these savings will be put in a fund to cover Michigan's future health care liabilities, meaning there will be no net cost to the state for the next 21 years. Further, this expansion will save the state \$320 million in uncompensated care by 2022.

This means tax savings for every single tax-paying Michigander, as they will no longer be responsible for paying the medical bill of uninsured individuals who used to seek services at expensive emergency room facilities.

While many states are recognizing the irresistible benefits of Medicaid expansion, 25 states have yet to do so—apparently for ideological reasons. This summer, the Kaiser Family Foundation calculated that the Medicaid expansion would have twice the impact in the states that are leaning against expansion than those embracing it, exhibiting how incredibly positive it would be for those states to adopt expansion. If a state like my home of Michigan can recognize the benefits, I know others can as well. This is a common sense decision that will benefit every person, and even small businesses, in the states that have not yet expanded coverage.

Mr. Speaker, I strongly encourage the 25 governors to see past the ideology and recognize the overwhelming benefit their constituents will reap by their actions to expand Medicaid.

#### TRIBUTE TO DICK MORGAN

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. CLAY. Mr. Speaker, Dick Morgan, who began his professional musical career as a child and spent decades as one of Washington's leading jazz pianists, died Oct. 20 in hospice care at the Village at Rockville retirement facility. He was 84 and resided in Silver Spring.

He had prostate cancer, his wife, Sylvia Morgan, said.

Since his arrival in Washington in 1960, Mr. Morgan had a long and steady career as a pianist in nightclubs, hotels and concert halls, including Blues Alley and the Kennedy Center. He recorded more than a dozen albums and performed over the years with many top singers and musicians, including Etta Jones, Joe Williams and Keter Betts.

He was known as a versatile, crowd-pleasing pianist who could embellish a large repertoire of tunes with improvised flourishes that reminded many listeners of piano stars Oscar Peterson and Erroll Garner.

"Dick showed you that jazz is fun," David Einhorn, Mr. Morgan's bass player for 17 years, said Wednesday in an interview. "Dick was a guy who could bring you to tears and make you laugh and make you bounce in your seat, all in one song."

In the mid-1950s, when Mr. Morgan was working in Norfolk, the trombonist and bandleader Tommy Dorsey invited him to join his group in Las Vegas. The job was cut short when Dorsey died in 1956. During his time in Las Vegas, Mr. Morgan performed at a birthday party for Frank Sinatra, with Sinatra singing along with him.



By the late 1950s, Mr. Morgan had returned to Norfolk, where he often worked with Virginia-born guitarist Charlie Byrd, who helped launch the bossa nova craze of the 1960s. Byrd helped bring Mr. Morgan to Washington, where he was soon leading a trio at the old Showboat Lounge in Adams Morgan.

Saxophonist Julian "Cannonball" Adderley, then at the height of his fame, was so bowled over by what he heard from Mr. Morgan that he called his record label. Within a week, a recording crew came to Washington to capture Mr. Morgan in a live album, "Dick Morgan at the Showboat" (1960). His drummer on the recording, Bertell Knox, continued to work with Mr. Morgan for more than 50 years.

"I don't make any claims to be a first-class jazz pianist," Mr. Morgan told the Richmond Times-Dispatch in 2007. "I'm somebody that will immediately get immersed in the audience and get them to pay attention. That has carried me through the years. I play for the audiences—I don't play for me."

Richard Lewis Morgan was born June 5, 1929, in Petersburg, Va. By the time he was 5, he could play hymns from memory—after his mother had played them just once on the pump organ at his family's home.

Largely self-taught on piano, Mr. Morgan had his own radio show in Petersburg when he was 10. He learned mostly from older musicians passing through nearby Fort Lee, Va., and had an early encounter with bandleader Duke Ellington, who encouraged his budding career.

Mr. Morgan attended Virginia State University and played in an Army combo in the early 1950s.

He often had extended hotel and club engagements in the Bahamas, Bermuda, Canada and Puerto Rico, but Mr. Morgan became a Washington fixture, with long residences at the Top of the Town in Arlington, Pirate's Hideaway in Georgetown and, more recently, the Madison Hotel in downtown D.C.

In 1997, a Washington Post critic praised Mr. Morgan's album "After Hours," noting that he "taps into the essence of the blues" and "an engagingly blue mood envelops the listener, thanks to his rippling tremolos and leisurely paced turnarounds."

Mr. Morgan's final recording, the solo album "Bewitched," was released in 2010. He gave his last performance in April.

His first marriage, to the former Lois Josephine Fountain, ended in divorce. He was predeceased by a son from an earlier relationship, James Morgan, and a stepson, Roland Everett.

Survivors include his wife of 44 years, Sylvia Everett Morgan of Silver Spring; a daughter from his first marriage, Anita M. Harris-Jones of Norfolk; a stepdaughter, L. Verlon Colwell of Washington; seven grandchildren; 10 great-grandchildren; and five great-great-grandchildren.

When he was approaching 50, Mr. Morgan returned to college at the behest of a friend, comedian Bill Cosby, and graduated in 1979 from the Washington program of Antioch College. He received a law degree from Howard University in 1983 but never pursued a legal career, preferring to stay at the piano.

"He really touched audiences because of how he understood the music and how he

could convey what the music was saying," Steve Abshire, his guitarist for the past 29 years, said Wednesday. "He had a way of communicating the music that went straight to the heart."

#### ON THE OCCASION OF THE CENTENNIAL ANNIVERSARY OF THE PHI BETA SIGMA FRATERNITY

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. PETERS of Michigan. Mr. Speaker, I rise to join with the members of the Phi Beta Sigma Fraternity, Inc. to celebrate the centennial anniversary of their brotherhood, which is bound together under the ideals of scholarship and service.

When it was founded by A. Langston Taylor, Leonard F. Morse and Charles I. Brown at Howard University in the early days of 1914, Phi Beta Sigma was envisioned as a fraternal organization that would seek an inclusive membership of meritorious young leaders. Together the founders sought to build a brotherhood committed to serving the communities in which they were raised—empowering residents and bringing together friends and neighbors to create positive change.

One-hundred years later, Phi Beta Sigma has grown into a thriving international fraternal network, with hundreds of collegiate and alumni chapters and an impressive list of accomplishments. In the early part of the Twentieth Century, its members answered the call to serve their nation in the face of unprecedented challenges—fighting bravely in the U.S. Armed Forces during World War I and World War II. Phi Beta Sigma's members were at the forefront of the Harlem Renaissance, an incredible resurgence of the unique and rich cultural contributions African-American communities have made to our country. During the Great Depression, Phi Beta Sigma worked to ensure that a college education remained an attainable goal for America's African-American community by offering scholarships. And during the 1950s, members of Phi Beta Sigma were among the individuals leading the charge for Civil Rights in Selma, Alabama, and across the nation, including my distinguished colleague, Congressman JOHN LEWIS.

As a Member of Congress from the Greater Detroit region, I have the privilege of representing many Phi Beta Sigma members of the Alpha Alpha Beta Sigma, Nu Alpha Sigma and Xi Beta Sigma alumni chapters in the Greater Detroit area, as well as several collegiate chapters across the Southeast Michigan region. In their efforts to fulfill the mission of their brotherhood, they have supported organizations like Forgotten Harvest that rescue and redistribute food to organizations that assist food insecure families in Michigan, been mentors to young men in the Big Brother program and the Boy Scouts of America, and assisted seniors with maintaining their households. Furthermore, they have undertaken endeavors that support HIV/AIDS education and awareness, created scholarship programs to increase access to higher education and that

have increased the quality of living in communities across the Greater Detroit region. Most recently, Phi Beta Sigma has been at the front of a campaign to eliminate hazing in fraternities and sororities across our country.

In addition to the greater local chapters of the Phi Beta Sigma Fraternity, Inc. in the Southeast Michigan area, I also extend my congratulations to the Epsilon Tau Sigma, Pi Rho Sigma and Zeta Gamma Sigma alumni chapters, as well as the many collegiate chapters that serve other communities across Michigan.

Mr. Speaker, it is a great pleasure to congratulate the Michigan members of the Phi Beta Sigma as they celebrate their centennial with their brothers from around the world. In one-hundred years, they have given rise to leaders that have been at the forefront of shaping our nation in the defining moments of the Twentieth Century and engaged in countless service projects that have increased the vitality of communities around the world. I know they must be very proud of this incredible milestone in their organization's history and I wish them many years of continued success in their service to our communities.

#### EXCHANGE OF LETTERS ON H.R. 3350, KEEP YOUR HEALTH PLAN ACT OF 2013

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. UPTON. Mr. Speaker, I submit the following for the RECORD.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, November 14, 2013.*

Hon. DAVE CAMP,  
*Chairman, Committee on Ways and Means, Washington, DC.*

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 3350, the "Keep Your Health Plan Act of 2013." As you noted, there are provisions of the bill that fall within the Committee on Ways and Means' Rule X jurisdiction.

I appreciate your willingness to forgo action on H.R. 3350, and I agree that your decision does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 3350 on the House floor.

Sincerely,

FRED UPTON,  
*Chairman.*

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
*Washington, DC, November 13, 2013.*

Hon. FRED UPTON,  
*Chairman, Committee on Energy and Commerce, Washington, DC.*

DEAR CHAIRMAN UPTON: I am writing concerning H.R. 3350, the "Keep Your Health Plan Act of 2013," which may be scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code of 1986. Section 5000A of the

Internal Revenue Code requires individuals to maintain minimum essential coverage or pay a penalty. Section 2(b) of H.R. 3350 modifies which health care plans would meet the requirement of minimum essential coverage. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3350, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

#### OPENING OF THE GOV. GEORGE DEUKMEJIAN COURTHOUSE

**HON. ALAN S. LOWENTHAL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. LOWENTHAL. Mr. Speaker, the recent opening of the \$340-million Gov. George Deukmejian Courthouse in Long Beach is the culmination of nearly a decade of work. Part of the Los Angeles County Superior Court System, the new 531,000-square-foot glass-and-concrete structure replaces the current 55-year-old Long Beach courthouse that is the most outdated in the state and has been deemed seismically unfit.

The new Deukmejian Courthouse is 65 percent larger than the old courthouse, with 24 courtrooms and room to expand to 30. It is equipped with wireless Internet access throughout and space for five retail vendors to service the courthouse traffic.

For me, the road to the new Courthouse began nearly a decade ago in conversations between Los Angeles County Supervisor Don Knabe, Long Beach Mayors Beverly O'Neill and Bob Foster, myself and the then-presiding judge of the Long Beach courthouse, Brad Andrews. Judge Andrew's vision of a new courthouse for Long Beach was the driving force behind the building of a coalition of supporters for the project. This coalition would eventually grow to include a vast number of supporters including members of the public, the private sector and government. I am proud to count myself among the early members of this group.

Those early discussions about a new courthouse revolved around the understanding that under the existing state funding and procurement system, it would be 15–20 years before a new Long Beach courthouse could be built.

As this core group grew, it became clear that a public private partnership would be necessary to fund the project as the state could not expend the hundreds of millions of dollars needed to build the courthouse.

With support primarily from Assemblymember Hector De La Torre, and California State Senators Joe Dunn, Dick Ackerman and Don Perata, I introduced in the California State Budget Act of 2007, Senate

Bill 77 which granted the authority for the Judicial Council and Administrative Office of the Courts to investigate the use of a public-private partnership in the development of the Long Beach project.

The Long Beach courthouse is the first to be built as a public-private funding partnership, with the developer, Long Beach Judicial Partners, paying for the upfront construction costs.

The new building is an example of what can be accomplished when the state, county and local governments work together to accomplish something that the whole community can be proud of. Our new courthouse is beautiful. It will act as a magnet for further development in the area for years to come while serving as a shining example of cooperation and innovation.

#### GUO FEIXIONG AND FREEDOM OF EXPRESSION

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, last month I held a hearing that discussed China's detention of writer, activist, and self-trained legal advocate Guo Feixiong. A veteran of China's "rights defense" movement, Guo was criminally detained on August 8, 2013. We now know that he wasn't formally arrested until early September 2013. Guo's detention appears to be reprisal for his support of government transparency and calls for accountability. In recent months, Beijing has cracked down harshly on dozens of similar-minded advocates seeking political reforms.

Guo is not a newcomer to public advocacy or punishments. A former novelist and businessman, he first became widely known in 2005 for organizing protests of land seizures on the outskirts of Guangzhou city. In 2007, a Chinese court sentenced the outspoken Guo to five years' imprisonment on charges of illegal publishing. He and his supporters maintain the charges were fabricated to silence him and others. In late 2011, he was released. Since that time, he's continued to participate in China's "rights defense" movement. He's continued to express himself freely in the hopes of advancing human rights. He has protested along reporters fighting the Southern Weekly's heavy-handed-censorship and vocally supported recent calls for greater government transparency and an end to corruption.

Now, Guo is being held on charges of "assembling a crowd to disrupt order in a public place." This alleged crime—along with many others—is all-too-often used unjustly against the courageous men and women who want accountability or change. For simply asking for transparency, he is suspected of disrupting the harsh "order" Beijing enforces.

Notwithstanding China's own criminal procedural rules, authorities have denied Guo access to a lawyer and have failed to properly notify his family. Once again, China continues to enforce its legal protections haphazardly when punishing or silencing those who advocate for change.

The hearing focused on the heroism and sacrifices of Mr. Guo. Sadly, Guo is one among many. In recent months, Chinese authorities have cracked down on dozens of human rights advocates participating in a so-called "New Citizens' Movement." The movement, which began forming last year, has been described as a loose network of like-minded, academics and lawyers who hold informal gatherings and promote various issues, including transparency and anti-corruption efforts.

These detentions signify Chinese citizens' growing resolve and Beijing's growing fears. Guo, and many others throughout China, want change. They want accountability, they want transparency, and they want justice. And, increasingly, they are willing to endure great risks and willing to sacrifice their own personal security to speak freely.

We were fortunate to be joined by Ms. Zhang Qing, Guo's courageous wife, and Ms. Yang Tianjiao, his wonderful daughter. We were also blessed to have with us two giants in the human rights field—Pastor Bob Fu and Mr. Chen Guangcheng who addressed the persecution of Guo and others and who also discussed more broadly the recent developments relating to freedom of expression in China.

With this current crackdown on Chinese human rights activists, it is important to understand the brave and bold people challenging the Chinese state. Inspiring figures like Guo put another heroic face on these detentions. This face, however, does more than just contextualize the current crackdown or add details to a prisoner file. It causes us to wonder about ourselves, our commitment to human rights, and the risks we are willing to take for those around us. Guo now faces an uncertain punishment, as we must determine our own human rights commitment to him and others.

In July 2013, Guo wrote about a 1989 Tiananmen activist now also facing the possibility of more prison time. He wrote, "[Zhao Changqing] is an important symbol of the 1989 generation, who, in the face of danger, takes action, bears responsibility, persists, pushes forward, and becomes more evolved. This is how one should behave and shoulder his fate!"

Despite the hardships and the odds, Guo reminds us that we must shoulder our responsibilities and our burdens. We are here today to accept our responsibility to Guo and these courageous Chinese human rights advocates. We hope that we can also "take action, bear responsibility, persist, push forward, and evolve" like these heroes. He reminds us that this is how we all should behave.

We hope that the Chinese Government is listening. We hope the Chinese citizens seeking change are listening. And, we hope Guo is listening. And we hope President Obama and our administration are listening and will do everything in their power to help free Guo and others fighting for human rights in China—so far that has not been the case.

## PERSONAL EXPLANATION

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. BLUMENAUER. Mr. Speaker, I wish to correct a vote I made on Wednesday, October 30, on H.R. 992, the Swaps Regulatory Improvement Act. I mistakenly voted for this legislation, when I intended to vote against it. I have a longstanding record of supporting robust banking regulations that protect taxpayers from risky trading activity. Significantly altering provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act before those reforms have been fully implemented is premature. I wish to clearly state for the record that I did not intend to vote for this legislation, and I look forward to continuing working for strong banking protections for the American people.

## CONGRATULATING PACIFICA INSURANCE UNDERWRITERS ON ITS 40TH ANNIVERSARY

**HON. GREGORIO KILILI CAMACHO SABLAN**

OF NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. SABLAN. Mr. Speaker, forty years ago, Jose Camacho Tenorio, a visionary businessman of the Northern Mariana Islands, saw the need and the opportunity for a locally-owned insurance agency in our island community. In response, he founded Pacifica Insurance Underwriters.

1973 was an exciting time in our islands. The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America was in the midst of being negotiated. Commercial hotels were beginning to rise. Japanese tourists and investors were just starting to appear on our shores.

Yet we were still very much in our economic infancy. Insurance coverage of any sort was difficult to obtain. Many individuals and many developing businesses did not even appreciate the value of insurance. Under these circumstances, I took great commitment and some courage to make the financial investment necessary to form Pacifica Insurance Underwriters.

The late Mr. Tenorio, affectionately known as "Joeten," took up the challenge, and working with the family of a business associate, Pete Ada, Jr. of Guam, and with the Tokugoro Kuribayashi family of Japan, established Pacifica Insurance Underwriters and installed Joseph Screen, a former official of the Trust Territory of the Pacific Islands, as the company's first corporate executive.

Pacifica then teamed up with Tokio Marine & Nichido Fire Insurance Co., Ltd., a formidable Japanese insurer, and, as that company's general agent in the Northern Mariana Islands, began offering property and casualty, liability, and automobile insurance to businesses and individuals.

Over the years, Pacifica's business has grown: adding marine and workmen's compensation insurance, medical, dental, and vision plans, as well as term and whole life policies. Along the way, Pacifica entered into other general agency agreements with respected regional insurance companies Pacific Guardian Life and Century Insurance.

Throughout these four decades, Pacifica has lived up to the great responsibility of every insurer: Whether addressing a health issue, repairing a car, or recovering from natural or manmade disaster, when the need arises, they have been there for their customers.

In addition to writing thousands of policies annually across all lines of insurance, Pacifica has honored the legacy of its founders by becoming a valued corporate partner in our community. Still owned by its founding families and still run by Joeten's descendants, the company donates directly to schools, environmental groups, religious organizations, and other good causes. Pacifica makes substantial charitable donations through the Joeten Charitable Foundation. And its owners and employees individually lend their hands to a wide variety of community projects and events.

The Northern Mariana Islands has seen its share of economic highs and lows. In recent years, particularly, the insurance market has become more challenging, with increased competition, a decline in population, and a decreasing number of businesses. Through it all, Pacifica has remained consistent in its commitment to its employees, its customers, and our community.

We all feel proud when we witness a homegrown company with humble beginnings do well. So, please, join me in congratulating the owners and employees of Pacifica Insurance Underwriters on their fortieth anniversary, and in wishing them another forty years of success and growth.

## SUPPORT FOR PASSAGE ON H. RES. 402

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. LEVIN. Mr. Speaker, I join my fellow Co-Chairs of the Congressional Ukrainian Caucus, Representatives MARCY KAPTUR and JIM GERLACH in rising today to support the passage of H. Res. 402, supporting the European aspirations of the people of the European Union's (EU) Eastern Partnership countries, and to express continued support for Ukraine as it moves closer to signing the EU Association Agreement.

In order for Ukraine to progress democratically and economically, it is imperative that the conditions of this agreement, as jointly initiated by the EU and Ukraine, are fully met—in law and in practice.

The critical November 28–29 Eastern Partnership Summit in Vilnius, Lithuania is quickly approaching, bringing with it the deadline for signing the Association Agreement. Accordingly, we urge the U.S. Department of State to advance all appropriate opportunities for cooperation with Ukraine to address the remain-

ing required reforms, including electoral and rule of law reforms as well as issues related to selective justice, particularly the release of former Prime Minister Yulia Tymoshenko. Along with the clear democratic and economic benefits, we believe these reforms, coupled with international monitoring and oversight, provide the best opportunity to ensure free and fair elections in Ukraine in 2015 and beyond.

Consistent with our support for H. Res. 402, we applaud the EU's progress—much of it through the Eastern Partnership program—in helping to build democratic, prosperous, and stable societies throughout Eastern Europe and the Caucasus. Building on that progress is in the national interest of the United States; consequently, we call on the U.S. Department of State to direct needed resources to help support Ukraine's European choice.

## THE CONTINUING THREAT OF BOKO HARAM

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, Nigeria is one of the United States' main allies, African trading partners, and a major economic and political force beyond the African continent. Unfortunately, it continues to be plagued by terrorist forces whose reach extends beyond the borders of that country. Last week, I held a hearing to examine the extent to which the organization known as Boko Haram and its affiliates pose a threat to Nigeria and the region, as well as the United States, and the rest of the international community.

Boko Haram is a Nigerian terrorist group whose name in Arabic means "people committed to the propagation of the Prophet's teachings and jihad." The name "Boko Haram" is a translation from Hausa meaning that conventional education (boko) is forbidden (haram). Because of its repeated attacks against Christian targets during holy days such as Christmas and Easter, Boko Haram is seen by some as principally an anti-Christian organization. In the last year alone, Boko Haram terrorists are believed to have killed 1,200 Christians in Nigeria. In fact, it is estimated that more than 60 percent of Christians killed worldwide because of religious intolerance die in Nigeria. This year alone, according to Emmanuel Ogebe, one of today's witnesses, 53 Christian churches have been attacked, and 216 people were murdered by terrorists in them.

However, it would not be a completely accurate interpretation of the facts to assume that what is happening in Nigeria is just a Muslim-Christian conflict.

In the past two years, two subcommittees have sent staff delegations to investigate the Boko Haram threat, and this past September Gregory Simpkins, the Africa subcommittee's staff director, and I visited Abuja and Jos to further look into this matter. We found that the truth of this organization is much more complex than is widely understood. Although exact

numbers were not made available to us, Boko Haram is definitely targeting other Muslims who don't agree with their views. Muslim religious leaders who criticize the terrorist violence are themselves made targets. What must be prevented is a growing inability for Christians and Muslims to work together to meet their common threat.

According to various reports, Boko Haram began in 2003 when about 200 university students and unemployed youth created a camp in Yobe State near the Niger border to withdraw from what they considered the corrupt, sinful and unjust Nigerian Government, and their community was supposedly founded on Islamic law. The group was then known by the nickname the Nigerian Taliban. Violent clashes with Nigerian security forces nearly destroyed the group several times, but its charismatic leader, Mohammed Yusuf kept the group alive until his death while in police custody in July 2009.

Since Yusuf's death, there have been various spokesmen but one person who is believed to be the nominal leader: Abubakar Shekau. Furthermore, a breakaway group known as Ansaru has appeared on the scene.

The proliferation of voices speaking for Boko Haram and the new faction lead some to believe this is not a coherent organization. We learned that it is actually a very sophisticated organization operating in cells disconnected from each other but coordinating at a high level. While there are those acting in the name of Boko Haram for their own purposes, this terrorist group is organized, albeit in an unconventional manner.

Some also believe this group is purely a domestic terrorist group operating in Nigeria. We found that to be a false assumption as well. Boko Haram/Ansaru does wage attacks on the Nigerian Government and other domestic targets. Nevertheless, their actions prove their participation in the global jihad movement that wages violent war worldwide to establish their skewed version of Islam as the prevailing religion globally. Various actions, such as the bombing of the United Nations Abuja office in August 2011, and numerous statements from Boko Haram spokesmen indicate their international intent. This international focus has been confirmed by American and Nigerian intelligence information.

The three criteria for an organization to be declared a Foreign Terrorist Organization by the U.S. Government are: (1) it must be a foreign organization, (2) it must engage in terrorist activity and (3) it must threaten the security of United States nationals, U.S. national security or the economic interests of the United States. Clearly Boko Haram/Ansaru meets that test. This is why I have introduced H.R. 3209 to urge the Administration to declare Boko Haram a Foreign Terrorist Organization. This measure would better provide tools for stopping those who currently provide funding or other support for this murderous, terrorist organization, and I welcome the State Department's enactment today of this designation.

Our government has provided training and other assistance to the Nigerian government to battle this terrorist threat. Unfortunately, the past brutality demonstrated by the Nigerian security forces, as well as the inability of Nige-

rian security forces to collaborate with one another, have prevented this effort from being as successful as it should be. In far too many cases, the Nigerian government itself has actually turned local people in the North against its effort to end the terrorist threat. By its ineffectiveness, the Nigerian security forces have pushed Nigerian Christians and Muslims to form their own militias to protect themselves from terrorists and each other. In the long run, this development makes eventual reconciliation of Nigeria's various religious and ethnic communities more difficult.

At last week's hearing, we had with us the administration's point person for our government's effort to help end the terrorist threat in Nigeria, a leading Nigerian Muslim spokesman against this terrorism, a Nigerian Christian expert on this terrorist threat, an American-based expert on this violence and a survivor of the Boko Haram threat. The survivor, Mr. Habila Adamu, was challenged to renounce his Christian faith. When he refused, he was shot by terrorists and left for dead. Miraculously, he survived and joined us last week with one of the most inspiring examples of faith any of us will ever hear.

I hope last week's hearing will provide a fuller understanding of this terrorist threat and explain why declaring Boko Haram/Ansaru as a Foreign Terrorist Organization as part of our government's effort to end this menace and its ongoing financial support was such a necessary decision.

#### HONORING JEROLD "JERRY" KLEIN

#### HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to honor Jerold "Jerry" Klein who earned an Air Medal, Bronze Star, and Silver Star for his heroic service as a soldier in the Vietnam War. On Monday, November 11, Jerry was the first veteran to be honored on CBS 12's week-long segment, Veteran Hall of Honor. Jerry is a remarkable member of our community, and I am proud to represent him in Florida's 22nd District.

Jerry has been an unrelenting ambassador for veterans, spending most of his time as a veterans' services volunteer. He helped establish the Palm Beach Veterans Court and earlier this month served as the Co-Grand Marshal in the West Palm Beach Veterans Day Parade, which drew thousands of veterans and civilians to the downtown area.

Before Jerry was fighting for our veterans here in South Florida, he was fighting for our country in Vietnam. On May 1, 1968 Jerry helped rescue comrades in combat. "My company was ambushed in the A Shua Valley which is on the Laotian border," Jerry recalls. "We took about a dozen casualties. On that day I was involved in helping to rescue a number of my comrades and months later I was told that I was being awarded the 3rd highest award for valor that the nation can grant—the Silver Star."

In honor of his service to our nation, I am proud to recognize Jerold Klein and thank him

for his commitment to the South Florida community of veterans.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,189,547,404,790.46. We've added \$6,562,670,355,877.38 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### IN MEMORY OF DR. NOHAD TOULAN AND DIRICE MORONI TOULAN

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Mr. BLUMENAUER. Mr. Speaker, our hearts go out to Mariam and Omar, to the extended Toulan family, to their Portland State family whose lives have been touched by the service commitment of Nohad and Dirce Moroni Toulan. Indeed, Portlanders who never knew them have benefited from their presence in our community for almost 40 years.

The Toulans were a unique power couple not just in Portland, but with influence around the world. Indeed, they were an international power couple; he from Egypt, she from Argentina. They accepted international assignments, as when he became the first planning director for the greater Cairo region.

He had been an advisor to the United Nations development program and to local and foreign governments. Most significant was his 20-month assignment directing the preparation of the comprehensive regional plan for the holy city of Mecca. They were amazing assignments for an amazing man.

It was my honor to have met him when he first arrived in Portland in 1974. I was working in the president's office at Portland State University then when he began the most critical chapter in the development of Portland State as a true urban university.

It is hard to think of all the ways the Toulans contributed to the evolution of our modest continuing education center for returning veterans to the establishment of a vital, strong, thriving university with particular expertise in urban studies.

Dr. Toulan was a renaissance man: a scholar, planner, and academic leader, a force in the community for human rights, sound foreign policy, and protecting the planet. There is a reason his name graces the School of Planning and Public Policy at Portland State. No one contributed more to the emergence of one of the outstanding academic outposts in America dealing with planning, livability, transportation, and how we knit these elements together for a better future.

Nohad helped define the critical role that an urban university can play not just as a place of instruction, but for research and a living laboratory.

Dirce Moroni Toulan in her own right was an accomplished professional. She didn't just support Nohad through his career, but had a strong academic and professional background and was greatly influential and respected at the university. It is not by accident that her name is on the library for the College of Public Affairs.

I worked directly for two presidents and since worked with four more. Each put their imprint on the university which is still being enhanced further under the stewardship of Wim Wiesel and his wife Alice. Yet over the last 40 years, I don't think anybody has done more for the evolution of the university and its role in our community, and in the nation, and in the world.

We mourn the loss of this extraordinary couple even as we celebrate their lives. Portland State University, our community, the nation is a better place because of them.

As I reflect on the sad closing of this brilliant chapter, to focus on the academic and the professional, important as they are is to lose an essential element that has become more important to me over the years, even as the formal phase of their career wound down.

They were a true interfaith couple: a Catholic priest and Muslim Iman were at their memorial last Monday. In an era of such international tension these last dozen years, which have been visited upon our community, theirs were voices of tolerance and compassion. They were vigorously opposed to discrimination, and fierce champions of outreach, of connection, of mutual respect.

For all of the many contributions that will live on in urban affairs and Portland State University, they made a vital contribution to sane foreign policy, religious tolerance, and interfaith cooperation which may not be evidenced like the name of a college or a library. Their message was there when the community needed to hear it and their example when the community needed to see it. We are richer for that gift.

IN HONOR OF PROFESSOR ROBERT WILLIAMS FOR TWENTY-FIVE YEARS OF PUBLISHING STATE CONSTITUTIONAL LAW ISSUE FOR THE RUTGERS LAW JOURNAL

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Professor Robert Williams for his immense contributions to the Rutgers Law Journal and to Rutgers School of Law—Camden.

Twenty-five years ago, state Constitutions were a relatively obscure area of legal scholarship. However, Professor Williams understood that these state Constitutions have a real impact on people's lives, sometimes more so than the Federal Constitution. Along with Professor G. Alan Tarr, he coined the term

"comparative subnational constitutional law" for this field of study, and published the first State Constitutional Law issue for the Rutgers Law Journal.

Since this time, Professor Williams's scholarship has brought great acclaim to his discipline, and to Rutgers-Camden. The Journal has included an annual State Constitutional Law issue for the past twenty-five years, and Professor Williams has been instrumental in every one. He also serves as the associate director of the Center for State Constitutional Studies. And despite his extensive academic responsibilities, Professor Williams still serves as counsel in public interest cases, and has filed several notable Amicus briefs in recent years.

Mr. Speaker, the contributions of Professor Williams to the legal community should not go unrecognized. I join all of Rutgers Law—Camden and South Jersey in expressing our gratitude for Professor Williams as he celebrates a milestone in his commitment to the rule of law.

CONGRATULATING CAPITAL PARTNERS FOR EDUCATION (CPE) ON 20TH ANNIVERSARY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Capital Partners for Education (CPE) on 20 successful years of providing low-income youth in the national capital area with the necessary support to get to and through college.

Founded in 1993, CPE is a dynamic college preparatory program that helps motivated, low-income youth to overcome the academic and social barriers that may otherwise prevent them from attending and succeeding in the college of their choice. Through its proven combination of one-on-one mentoring, partnerships with quality schools, academic financial assistance, and a customized array of academic, career, and life skills development, CPE works to break the cycle of poverty by leveling the educational playing field for low-income students.

Since its inception, CPE has helped 99% of its graduates enroll in college and 70% to graduate on time. To meet the needs of the community and the 21st century workforce, CPE is expanding to reach more students. Currently, the organization serves 200 students and is on track to double its student body by 2016.

Mr. Speaker, I ask the House of Representatives to join me in thanking the staff, volunteers, donors, partner schools and organizations, students, parents, and alumni as they celebrate the 20th anniversary of CPE and its many accomplishments.

NATIONAL FAMILY CAREGIVER AWARENESS MONTH

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of National Family Caregiver Awareness Month. This November, let us take a moment to celebrate the 90 million family caregivers in the United States. During this month, it is important that we not only thank these selfless individuals, but that we also raise awareness and increase support for caregivers.

While some care for parents, veterans, or even children with special needs, we must recognize the important tasks that caregivers perform. Whether it is managing multiple medications, providing wound care, operating home medical equipment, family caregivers work tirelessly each day. Family caregivers provide nearly \$450 billion worth of unpaid care each year and should be recognized as the backbone of our nation's long-term care system.

More than 15 million family caregivers provide care to 5 million individuals with Alzheimer's disease. Alzheimer's disease rapidly increases the total number of family caregivers in this country. Overall, two out of every five adults are family caregivers. Approximately 39 percent of all American adults are considered family caregivers in some capacity, an increase from 30 percent in 2010.

There are many different types of caregivers and each deserves recognition and support. Many do not realize that they have become a family caregiver and need additional support and guidance. Others have been the primary caregiver for years and struggle with the stress of caring for a loved one. Some are part of a family care giving team and provide support from far away. Whatever role a caregiver takes, it is vital that we not only thank them but also commit to supporting their efforts. I urge my colleagues to recognize National Family Caregiver Awareness month and to support the caregivers of our nation.

IN RECOGNITION OF CANADIAN CITIZENS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING THE VIETNAM WAR

**HON. JOHN KLINE**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. KLINE. Mr. Speaker, I rise today in recognition of the thousands of Canadians who selflessly served in the Armed Forces of the United States during the Vietnam War.

These Veterans swore to protect and defend the Constitution of the United States and served honorably as members of our Armed Forces at a time when America faced many challenges at home and abroad.

Of the thousands of Canadian citizens who were drafted or volunteered to serve, over

three thousand became naturalized U.S. citizens between 1967 and 1975. Others became citizens later, but many, with their obligation completed, returned in obscurity to their homes in Canada. Additionally, more than one hundred Canadians lost their lives in service to our country.

Canadians who served honorably in the Armed Forces of the United States are deserving of the recognition they have earned—their service to this country is worthy of our highest regard.

To my fellow Vietnam Veterans, thank you for your dedicated service and sacrifice. Your devotion to the cause of freedom has not gone unnoticed.

# END PERSECUTION OF BURMA'S ROHINGYA PEOPLE AND OTHER ETHNIC AND RELIGIOUS MINORITIES

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. MCGOVERN. Mr. Speaker, today, Representative JOE PITTS and I introduced a bipartisan resolution to protect Burma's Rohingya minority and other ethnic and religious minority groups in Burma. While Burma has begun a gradual transition from decades of military rule to a fledgling democracy, Burma's Rohingya minority has experienced a shocking rise in targeted attacks at the hands of Burma's Buddhist majority, along with increased instances of arbitrary arrests, detention, and extortion of Rohingya and other Muslim communities across the country.

All signs indicate that the Rohingya and other Muslim communities in Burma remain at extreme risk to further forms of persecution and violence. My colleagues and I therefore introduce this resolution to call for an end to the persecution of Burma's Rohingya minority and the protection of all ethnic and religious minority groups in Burma.

I urge my colleagues to join us on this resolution calling for an end to the persecution of the Rohingya people and the protection of Burma's ethnic and religious minorities.

## IRS AND THE TEA PARTY

**HON. BILL FLORES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. FLORES. Mr. Speaker, I would like to submit the following:

MANASSAS TEA PARTY,  
*Virginia.*

On behalf of the Manassas Tea Party and the disaffected constituents that you represent, we wish to remind you of the angst, as well as the damage that we experienced in our quest for non-profit status for our organization, an organization dedicated to preserving Constitutional principles.

The process began on May 14th, 2010 and concluded on December 4th, 2012—more than a two year wait. As our status remained in

flux and with the IRS's threatening and unwarranted behavior, our community impact weakened. We found it difficult to keep people engaged, members became uncomfortable participating, our organization became paralyzed, membership numbers declined, and our fundraising suffered.

The IRS is truly an intimidating force. In their multiple requests for information pertaining to group and individual politics, postings on social networks, and contributor affiliations, we felt threatened and bullied. Their language and tone intimated that anything short of full cooperation and disclosure in all aspects of the IRS demands would be reviewed under the threat of perjury. The IRS even informed us that our private responses would be made public.

Our experience represents a shameful example of government harassment and abuse, and an orchestrated attempt to disenfranchise citizens of The United States of their Constitutional rights. Intrusions such as these are not just 'Tea Party' issues. For when government abuses its power and authority, it should sound an alarm for all Americans.

You gentlemen, have been charged with guarding our liberty. What will you do to right this gross injustice?

Respectfully,

THE MANASSAS TEA PARTY.

OKC TEA PARTY AND PATRIOTS  
IN ACTION ASSOCIATION,  
*Oklahoma.*

PATRIOTS EDUCATING CONCERNED  
AMERICANS NOW (PECAN),  
*California.*

In early 2010 we formed Patriots Educating Concerned Americans Now as a 501c3 non-profit. PECAN provided a support network for a dozen patriot groups in Northern CA and while waiting for the official IRS approval we operated as a 501c3 non-profit. It became clear, however, that most donors wanted proof of our official non-profit status. An accountant volunteered his time to create and manage our non-profit but his generosity was repaid with hundreds of unpaid work hours because our group was targeted by the IRS.

Our largest group in Redding had 500 people attending every Monday night through the 2010 election but donations from the group just covered the cost of the meeting room. There was no way to raise enough money to bring teachers, speakers, trainers and other organizations like Wounded Warrior Project to our rural area. Lack of significant fundraising has suppressed outreach to build supporters, disseminate information and get out the vote. The IRS has essentially limited us to word of mouth rather than the growing and thriving non-profit we have been poised to be for the past three and a half years.

Individuals and businesses have been concerned about targeting by the government since the tea party began. The actions of the IRS have confirmed their worst fears. This has translated into lower attendance at meetings and events while destroying our ability to raise funds; donors fear IRS harassment. The actions of the IRS have suppressed voter education from Sacramento to the Oregon border in not one but TWO elections!

BOARD OF  
DIRECTORS PECAN.

ROANE COUNTY TEA PARTY,  
*Tennessee.*

The Roane County Tea Party was originally loosely formed on April 10th, 2009 and

formally organized in October of 2009. On January of 2010 we started the paperwork to apply to the IRS for 501(c)(4) status and submitted the paperwork on March 20th, 2010. We heard nothing from the IRS (even though we kept calling every month) until January of 2012 when a letter came from the IRS requesting additional information.

This information was quite extensive and, at that time, we believed it was quite intrusive but we worked on it (eight of us) for about six weeks. Upon completing a massive amount of paperwork we took everything to a CPA with forty years experience doing business to make sure we had completed everything correctly.

The CPA looked over our documents briefly and then asked who we had angered at the IRS. She went on to comment that a major portion of the documentation was not needed, required or, even legal for the IRS to even ask. The CPA then went through everything over the next couple of days, removing about 80% of the papers, advising us to submit the rest.

On March 20th, 2012 we submitted the remaining documents per her instructions and waited for a reply.

By August of 2012 we received an additional set of questions from the IRS and took them directly to the CPA for clarification. Based on guidance from the CPA we responded to these second set of questions and sent them back to the IRS.

What followed was, what I would characterize as a series of harassing, intimidating phone calls from one Grant Herring, an agent of the IRS to both myself and the RCTP chairman, Val McNabb over the next few months. I personally spoke with Mr. Herring at least three times by phone with the calls lasting up to 45 minutes each. Val McNabb did receive at least that many calls and possibly more.

Finally in January of 2013 we received one last letter from the IRS with only two additional questions. We answered those questions and notified the IRS that we would not be responding to any more questions and for them to approve or deny us.

On March 28th, 2013 we received an approval letter dated March 15th, 2013 that we were approved. On June 17th, 2013 we received another letter that our status was revoked. A number of calls to the IRS followed resulting in RCTP receiving a letter of apology on July 11th, 2013 from the IRS telling us they had made a mistake and we were being reinstated.

If you believe that this saga is over you are mistaken. Shortly after that on August 12th, 2013 we received notice from the IRS that our active status was revoked again for failing to file for three consecutive years a 990N form. What followed were calls to four different IRS offices all over the US by Val McNabb to rectify this problem. After many, many hours on the phone with a half dozen IRS personnel we were returned to active status with the IRS.

Only the good Lord knows exactly how long our current active status will last.

GARY JOHNSTON,  
*Roane County Tea Party.*

SHELBY COUNTY LIBERTY,  
*Ohio.*

Shelby County Liberty was formed by local citizens concerned about our government diminishing our constitutional liberties and behaving fiscally irresponsible. To positively impact this destructive course we feel a fact-based understanding of our United States Constitution is necessary to understand the

freedoms and liberties we are in danger of losing.

Shelby County Liberty is dependent on donations and the generosity of other non-profit organizations to accomplish Constitution Classes and informative Town Hall meetings. Our group has been told, confidentially, by other tax exempt groups, that they fear loss of their 501(C)3 status if they support us. Private business tell us they fear repercussions. It is nearly impossible to conduct Town Hall meetings, speakers and trainers without money or a meeting venue. When we received the first letter from the IRS Cincinnati office demanding the name of every attendee of every meeting, plus many additional intrusive questions on individuals, we clearly understood why the government is feared.

Ironically, the very rights the Liberty groups rose up to protect, have been so assaulted that Americans fear retaliation if they exercise those rights, from the government that is suppose to protect and defend those rights.

Clearly people fear reprisal from our government and this has limited Shelby County Liberty educational activities, hampered support and slowed donations. What kind of a nation do we live in when its citizens fear their own government?

In Liberty,

H.R. PENCE,  
*Shelby County Liberty  
Communications Director,  
And the entire membership.*

UNITE IN ACTION, INC.,  
*Nashville, TN.*

Imagine for a moment the most notorious bully ever known to man suddenly sets their sights on you and for three long years that bully in your path every day. That is exactly what Unite In Action has endured. What did we do to deserve such attention? We tried to educate people on the history of America's founding, the Constitution, civics and issues that have an impact on millions of Americans. That raised the ire of someone in a position of power who then directed the IRS to point their guns directly at us.

The IRS has buried our organization in mounds of paperwork with long lists of extremely intrusive questions totally outside the normal information required for a 501(c)(4) application. They demanded printed copies of everything we, and anyone associated with us, have ever said, distributed, posted, personal information about our board members and a list of our donors.

We publicly disclosed the demand of the IRS. Our openness has resulted in most of our supporters fleeing for fear of retaliation by the IRS. And who could blame them? Even the most honest taxpayer fears scrutiny by the IRS.

By cutting off our funding through intimidation, the IRS has effectively silenced our voices and severely hampered our mission to educate the American public about things that should be, but are no longer, taught in our public school systems. Why would anyone want to silence those trying to educate our citizens on how government works and how we became the United States of America?

As of this writing, our organization has endured the injustice of having our application held hostage for 1225 days and counting. Our government should not target its citizens with whom it may disagree or because of what they say. We would expect to see this behavior in China, Russia or Venezuela, not in America where speech is a protected and sacred right. We urge Congress to act swiftly

to put an end to such oppression, not just for Unite In Action, but for all Americans.

Semper Vigilantes,

JAY DEVEREAUX,  
*President,  
Unite In Action, Inc.*

WETUMPKA TEA PARTY,  
*Alabama.*

Thank you for reading my letter. And I thank you again for pursuing the source of this IRS corruption.

I've been asked to recount the IRS' mistreatment of the Wetumpka Tea Party. I've already done that. In previous testimony, I've explained in detail how the IRS turned a simple 90-day application process into a multi-year bureaucratic debacle. Then, oddly enough, our legal problems suddenly vanished without explanation shortly after the 2012 election cycle. As we've learned, hundreds of tea parties and like-minded organizations suffered the same fate.

The political targeting conducted by the IRS is a national outrage. Those aren't my words. Those words came from President Obama.

So who gave the order?

An outrage is committed by a human being. Initially, a Cincinnati IRS office was blamed, but offices can't be held responsible. Only individuals can be held responsible. And those agents in Cincinnati said their directives came from Washington.

So who gave the order?

This wasn't a hurricane or an earthquake. This wasn't magic. And the targeting was too consistent and pervasive to be considered coincidental. Someone in Washington, DC decided to target their political adversaries.

So who gave the order?

This scandal is unique in American history. Never before have millions of Americans been targeted by their government for their political views. This is not a partisan issue. Both sides can agree that unaddressed government problems tend to get bigger. At root, the actions of the IRS threaten American freedom and every American citizen's faith in their government. That root cannot be allowed to grow.

It's been more than five months since President Obama promised to hold the IRS accountable. Thus far, no one has been indicted. No one has been fired. And Lois Lerner is taking the fifth.

So, Mr. President, who gave the order?

BECKY GERRITSON,  
*Wetumpka Tea Party, President.*

LIBERTY TOWNSHIP TEA PARTY,  
*Ohio.*

Who we are:

The Liberty Township Tea Party was founded in the summer of 2009 with a desire to organize with like-minded individuals with an interest to educate ourselves, and others, about significant current events that are negatively impacting our country and families; and with a commitment to work in concert with other concerned citizens to bring about positive, public policies that are consistent with our core values. We are an independent group and speak for ourselves on all issues. We have cooperative and collaborative relationships with other local like minded independent Tea Party groups but are not part of any state or national group.

Statement on IRS

The Liberty Township Tea Party applied for 501c3 status with the IRS in May of 2010. Our Tea Party was modeled after the League of Women Voters with the goal of encouraging the community to become educated in

the political process and issues of the day. We received our first round of questions in January of 2011; this set of 34 questions rapidly expands to 95 questions when all of the sub-questions are tallied in. After two follow-up letters by us asking for status and several telephone calls it was not until January 2013 that we heard from the IRS again. This time in the form of eleven more follow-up questions with attendant sub-questions to answer. The Liberty Township Tea Party has engaged in this application process in good faith in this government agency to process the application in a timely manner. That faith in the government's ability and sincerity has been tested to the edge.

Summary

It has now been 38 months and we have not been approved or rejected. Our group is premised on the goal of smaller government. The inability of the IRS to make a timely decision, their intrusive illegal politically motivated questioning that went what was beyond reasonable proves to us that our bureaucracies are bloated and our representatives have failed miserably in controlling the agencies they have created. Our right to free speech and assembly has been abridged.

LIBERTY TOWNSHIP TEA PARTY.

RICHMOND TEA PARTY,  
*Virginia.*

On behalf of the Richmond Tea Party I'd like to express both my outrage over the treatment by the IRS regarding our application for a 501C 4 tax status as well as my concern that when the investigation is over there will be just a slight slap on the wrist along with worthless promises that the IRS will do better in the future. This investigation should not be used solely as political posturing. As you know, we fear big government, from either side of the aisle, and this serves as proof that our fears are well founded. We will be watching to see if Congress will take this abuse of power by the management of the IRS seriously and take substantial corrective action or whether this will just be a political circus show.

Abuse of power is tyranny and we believe the IRS abused its power and we are seeking redress from our elected officials.

Respectfully,

BRUCE A. JAGGARD,  
*Chairman of the Board,  
Richmond Tea Party.*

ROCHESTER TEA PARTY PATRIOTS,  
*Minnesota.*

The Rochester Tea Party Patriots wanted you to know that a simple application request for 501c3 took over 3 years. We started the application process on August 11, 2009, which was lost by the IRS. We resent our application and another year passed. After numerous phone calls being ignored by Mr. Ball, in Cincinnati; our CPA filled a Request for Taxpayer Advocate Service Assistance on August 10th 2011. Within a day after receiving our registered letter he returned our phone call. He advised there was nothing he could do for us, all Tea Party type organizations were being held and handled as a group. We were denied our 501c3 status and but were granted 501c4 status on September 6, 2012.

In the last year of our application process we received many requests from IRS agents requesting exceptionally inappropriate questions;

"Please submit statements regarding educational, work and philanthropic backgrounds of the organization's officers . . ."

"Names and addresses of our members"

"Other than serving as officers for the organization, please provide the names and the



addresses of each individual's employer/business, the nature of their employment/business, and the number of hours devoted to their employment/business"

How these intrusive questions related to our 501c3 application has yet to be explained. During this extended application period, our organization incurred additional expenses. We were not able to take advantage of the 501c3 discounts for our email and website accounts and ineligible to apply for a number grants.

In closing, regardless of any organizations perceived political affiliation, no one should be targeted or intimidated by its own government or agents. We ask Congress to hold the persons and organizations accountable for their actions; it was the Tea Party this time who will be next . . . You?

ROCHESTER TEA PARTY PATRIOTS.

GREATER PHOENIX  
TEA PARTY PATRIOTS,  
Arizona.

The Greater Phoenix Tea Party was founded as an Arizona non-member/non-profit corporation in late 2009 to educate our fellow citizens about their birthright, and restore America's founding principles to our society and government. At the end of our first full year we filed a 501c4 application with the IRS. In January of 2011, the U.S. Treasury cashed our application check. Months went by with no word from the IRS so we tracked down and queried the agent in charge of our file who provided us with no compelling reasons the delay. In February of 2012, we got one of the infamous IRS letters requesting inapposite information. When several other Tea Party groups across the country got their letters simultaneously, we knew something was up.

In May of this year, the IRS declared that they had indeed been targeting Tea Party and conservative groups leading up to the 2012 election cycle. Ms. Lerner declared when this scandal came to light, that upon discovering the targeting of conservative groups, she ordered a halt to the practice immediately; yet here we are along with several other groups having not been approved or denied.

This harassing of ideological adversaries has vindicated the very founding of the Tea Party movement and has given all of our warnings to the American people credence regarding the dangers of big government. Because of their un-constitutional treatment we have filed suit against the IRS.

Today we are here to urge Congress to act and expose the layers of this very real scandal. We implore you to be relentless in your investigation and administration of justice; being ever mindful of your oaths to uphold the Constitution and the principles of limited government it safeguards. Do this, and all Americans will benefit from your actions, and we will stand beside you and help develop the tools necessary to fight domestic enemies and tyranny. As long as the Federal government continues to expand beyond its delegated bounds and threatens individual liberty, America's standing will continue to shrink and we will accelerate towards an unnecessary national sunset.

Thank you,  
EXECUTIVE COMMITTEE OF THE GREATER  
PHOENIX TEA PARTY PATRIOTS.

# CONGRESSIONAL RECOGNITION FOR MR. ART ALMQUIST: WIN- NER OF A 2013 TEACHER OF THE YEAR AWARD FROM PEOPLE MAGAZINE

## HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Mr. BARBER. Mr. Speaker, I rise today to honor Mr. Art Almquist, theater teacher at Tucson High Magnet School, for being awarded one of People Magazine's 2013 Teachers of the Year awards, and the first of its Readers' Choice awards.

As stated in People Magazine, "For the past 17 years, Almquist has been Tucson Magnet's drama teacher. He has built a cutting-edge theater program rarely seen on the high school level. For Almquist, known for staging productions on topics such as AIDS, environmental activism and immigration, theater offers a way to teach his students a variety of skills that go beyond acting. 'He's influenced thousands of students to find the challenge, the love, and the joy of whatever career they pursue,' says former student Julian Martinez."

I couldn't be prouder to have Mr. Almquist inspiring the students of Southern Arizona. It was the students who made this award possible, voting online thousands of times and encouraging others to join them to ensure Mr. Almquist would receive this honor.

Teaching may be the most important skill a person can share. As parents, coaches, educators, neighbors, friends and community leaders, we all are responsible for helping children learn. And if we teach correctly, we give the lifelong gift of continual learning. There is no "finish line" to education. Regardless of the formal process of elementary and higher levels of school, a great teacher endows the love of improvement that continues throughout our lives.

I am proud to recognize Art Almquist of Tucson High Magnet School and all the people who work each day to help strengthen the education system in Southern Arizona. It is our duty to thank our teachers for their significant contributions to our community and ensuring a bright future for our children.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks

section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 19, 2013 may be found in the Daily Digest of today's record.

## MEETINGS SCHEDULED

NOVEMBER 20

9:30 a.m.

Conferees

Meeting of conferees on H.R. 3080, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources.

SH-216

10 a.m.

Committee on Finance

To hold hearings to examine the nominations of Sarah Bloom Raskin, of Maryland, to be Deputy Secretary of the Treasury, and Rhonda K. Schmittlein, of Missouri, to be a Member of the United States International Trade Commission.

SD-215

Committee on Health, Education, Labor, and Pensions

Subcommittee on Primary Health and Aging

To hold hearings to examine health relating to social and economic status.

SD-430

Committee on Homeland Security and Governmental Affairs

Business meeting to consider the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

SD-342

Committee on Small Business and Entrepreneurship

To hold hearings to examine Affordable Care Act implementation, focusing on how to achieve a successful rollout of the small business exchanges.

SR-428

2 p.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce

To hold hearings to examine the national security workforce.

SD-342

2:30 p.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine soldiers as consumers, focusing on business practices relating to the military community.

SR-253

Committee on Foreign Relations

Subcommittee on East Asian and Pacific Affairs

To hold hearings to examine rebalance to Asia IV, focusing on economic engagement in the Asia-Pacific region.

SD-419

Committee on Indian Affairs

To hold an oversight hearing to examine Carcieri, focusing on bringing certainty to trust land acquisitions.

SD-628

## Committee on the Judiciary

To hold hearings to examine the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

SD-226

3:30 p.m.

## Committee on Energy and Natural Resources

## Subcommittee on Public Lands, Forests, and Mining

To hold hearings to examine S. 182, to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City, S. 483, to designate the Berryessa Snow Mountain National Conservation Area in the State of California, S. 771, to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, S. 776, to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, S. 841, to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, S. 1305, to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado, S. 1341, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 1414, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, S. 1415, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians, S. 1479, to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and S. 339, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land.

SD-366

## NOVEMBER 21

9:30 a.m.

## Committee on Energy and Natural Resources

Business meeting to consider S. 258, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 715, to authorize the Secretary of the Interior to use designated funding to

pay for construction of authorized rural water projects, S. 782, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 974, to provide for certain land conveyances in the State of Nevada, S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944, S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System, H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, H.R. 697, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960, H.R. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and H.R. 1033, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

SD-366

## Committee on Foreign Relations

To hold hearings to examine the Convention on the Rights of Persons with Disabilities.

SD-G50

10 a.m.

## Committee on Banking, Housing, and Urban Affairs

Business meeting to consider the nomination of Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System; to be immediately followed by a hearing to examine housing finance reform, focusing on powers and structure of a strong regulator.

SD-538

## Committee on the Judiciary

Business meeting to consider S. 619, to amend title 18, United States Code, to prevent unjust and irrational criminal punishments, S. 1410, to focus limited Federal resources on the most serious offenders, S. 1675, to reduce recidivism and increase public safety, S. 975, to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder

Justice Act of 2009, and the nominations of John B. Owens, of California, and Michelle T. Friedland, of California, both to be a United States Circuit Judge for the Ninth Circuit, Matthew Frederick Leitman, Judith Ellen Levy, Laurie J. Michelson, and Linda Vivienne Parker, all to be a United States District Judge for the Eastern District of Michigan, Christopher Reid Cooper, to be United States District Judge for the District of Columbia, Gerald Austin McHugh, Jr., and Edward G. Smith, both to be a United States District Judge for the Eastern District of Pennsylvania, M. Douglas Harpool, to be United States District Judge for the Western District of Missouri, and Peter Joseph Kadzik, of New York, to be an Assistant Attorney General, Robert L. Hobbs, to be United States Marshal for the Eastern District of Texas, and Gary Blankinship, to be United States Marshal for the Southern District of Texas, all of the Department of Justice.

SD-226

10:15 a.m.

## Committee on Environment and Public Works

## Subcommittee on Clean Air and Nuclear Safety

To hold a joint oversight hearing to examine the Nuclear Regulatory Commission's (NRC) implementation of the Fukushima Near-Term Task Force recommendations and other actions to enhance and maintain nuclear safety.

SD-406

2:15 p.m.

## Committee on Foreign Relations

## Subcommittee on Near Eastern and South and Central Asian Affairs

To hold hearings to examine the political, economic, and security situation in North Africa.

SD-419

2:30 p.m.

## Committee on Commerce, Science, and Transportation

To hold hearings to examine the nominations of Paul Nathan Jaenichen, Sr., of Kentucky, to be Administrator of the Maritime Administration, and Debra L. Miller, of Kansas, to be a Member of the Surface Transportation Board, both of the Department of Transportation, and Arun Madhavan Kumar, of California, to be Assistant Secretary of Commerce for Trade Promotion and Director General of the United States and Foreign Commercial Service.

SR-253

## Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

## NOVEMBER 22

10 a.m.

## Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine housing finance reform, focusing on developing a plan for a smooth transition.

SD-538

<b>17346</b>		<b>EXTENSIONS OF REMARKS, Vol. 159, Pt. 12</b>		<i>November 18, 2013</i>	
DECEMBER 11		DECEMBER 18		POSTPONEMENTS	
2:15 p.m.		2:15 p.m.		NOVEMBER 20	
Special Committee on Aging		Special Committee on Aging		2 p.m.	
To hold hearings to examine protecting seniors from medication labeling mistakes.		To hold hearings to examine the future of long-term care policy, focusing on continuing the conversation.		Committee on Banking, Housing, and Urban Affairs	
SD-562		SD-562		Subcommittee on Financial Institutions and Consumer Protection	
				To hold hearings to examine regulating financial holding companies and physical commodities.	
				SD-G50	

## HOUSE OF REPRESENTATIVES—Tuesday, November 19, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDING).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 19, 2013.

I hereby appoint the Honorable GEORGE HOLDING to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### THE TOLL OF OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, we are now 7 weeks into the implementation of ObamaCare. We know that in the first 4 weeks, 106,000 Americans placed health plans in their shopping baskets, although it is not clear how many of them actually purchased plans. Meanwhile, it is estimated that 5.5 million Americans have lost the health insurance that they had, that they liked, and that they were promised that they could keep.

The inconvenient truth is that this law has dramatically increased the ranks of the uninsured. Yesterday came word that college students are seeing their low-cost student plans canceled, with replacement costs as much as 1,800 percent higher under ObamaCare.

Although the President recently assured the Nation that the cancellations are confined to the individual market, we are now learning that his administration gives a mid-range estimate that two-thirds of the small employer

plans and 45 percent of the large employer plans face cancellation as well. Some estimates are as high as 93 million Americans who have employer-sponsored plans will lose their plans next year.

And these reports don't account for the millions more who are seeing massive rate increases in their current plans; nor do they account for the millions more who have had their hours cut back to part time or had their wages cut back or have lost their jobs altogether as employers struggle to stay in business while bearing these staggering costs; nor do they account for those who discover that by accepting ObamaCare plans, they are losing their doctors.

Walmart now warns that the financial impact of this law on families could materially depress holiday shopping.

Mr. Speaker, we are watching nothing less than the wholesale destruction and collapse of the American health care system, which, for all of its flaws, was still the most advanced, accessible, adaptable, and responsive health care system that the world has ever known; and if you doubt that for a second, ask yourself where the world's elites came when they needed first-class medical care. It wasn't to Canada or England or Mexico. It was to the United States. And now we are losing that.

There was nothing unforeseen about this fiasco. Republicans have been warning of these outcomes from the very beginning.

When we warned that Americans would not be able to keep their health care plans, we were called extremists. When we warned that ObamaCare would result in massive cost increases on consumers, we were called alarmists. When we warned that many Americans would lose their jobs, have their hours cut back, or see salary cuts, we were called racists. When we asked for a 1-year delay in this program to address these issues, we were called demagogues, arsonists, and jihadists.

But, now, all of these warnings are coming to pass, and still the Democrats persist in imposing this law on an unwilling Nation. In doing so, great violence is being done to our Constitution.

In implementing this takeover of one-sixth of the American economy, the President has repeatedly asserted what can only be described as a doctrine of executive nullification—the authority to ignore the parts of the law that he finds inconvenient or embar-

assing and to pick and choose who must obey the law and who need not.

He has granted some 1,600 exemptions for well-connected interests—mainly labor unions. He has excused big businesses from the requirement that they provide health care to their employees, while forcing employees to fend for themselves. He has excused Members of Congress and their staffs from paying the full cost of ObamaCare policies.

And last Thursday, he announced that health insurers can ignore the law that requires them to cancel existing policies. Notice that he didn't say that he was going to seek to change the law. He said he would ignore the law for a year. He invited health insurers to do the same, in direct violation of the principle constitutional responsibility of the Presidency to "take care that the laws be faithfully executed."

Mr. Speaker, I appeal to my Democratic colleagues to consider the damage that this law is doing, both to the American health care system and to the rule of law itself and, above all, to the families who are struggling to deal with its effects.

I ask them to heed the growing pleas of the American people to have their health plans restored to them. I ask them to join Republicans in repealing ObamaCare and to help us replace it with the patient-centered health care system that we have long proposed: reforms that preserve the best of American health care while repairing its flaws.

### BUDGET CONFERENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, we have 10 days left in this year's session, according to the schedule. We are supposed to adjourn on December 13—somewhat ironically, Friday the 13th; and yet, Mr. Speaker, we see time is running out and we are not addressing the critical issue and the critical responsibility of funding the government and of applying resources to our priorities.

Time is running out, Mr. Speaker, for budget conferees to send us legislation so we can avoid another government shutdown in January.

A budget conference agreement will require compromise from both sides—a step that Budget Chairman PAUL RYAN and many of his colleagues seem unprepared to take.

Mr. Speaker, it has been my premise that the reason we did not go to conference for the last 7 months, notwithstanding the fact that the Senate

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

passed a budget and the House passed a budget, is that Chairman RYAN knows there is no compromise that he could reach that he could bring back and have the support of his colleagues on the Republican side; and as a result, we have no compromise. As a result, we have no product to consider.

This is an extremely disappointing position, Mr. Speaker, because it is clear that the Ryan budget is not a viable blueprint for governing. It was not when we passed it, and it is not now. It was a pretense of fiscal responsibility without any of the substance of fiscal reality or courage. That fact was made evident this summer as Republicans could only pass funding bills for defense and veterans programs, pulling their transportation funding bill and not even bringing the other appropriations bills to the floor.

Yesterday, all 12 of the Republican subcommittee chairs of the Appropriations Committee sent a letter to PAUL RYAN, CHRIS VAN HOLLEN, Senator MURRAY, and Senator SESSIONS, saying, We need to have a budget. We need to have a compromise agreement; and we need to have a sequester number eliminated and a rational number replacing it—a number that can work for America.

In fact, they said, If you don't do it, we are going to have to have a meat-ax—their verbiage, not mine, Mr. Speaker—not only on the domestic side of the budget—education, health care, the environment, law enforcement—but also on the national security side of the budget.

We all know how the budget that was offered by Mr. RYAN achieves balance—severe cuts, in the same vein as the irrational sequester, that target the most vulnerable Americans and place our economic recovery in jeopardy.

It is somewhat ironic that on the front page of *The Washington Post* today we see where Mr. RYAN was not focused on the budget; he is focused on the poor. That is a proper focus, and this Congress ought to be focused on that. But it is interesting that the Ryan budget does exactly the opposite of what we need to do to make sure that the poor are reduced in number and the middle class are expanded in number.

That is why, in my view, Mr. Speaker, regarding this budget, so many of his own party could not support appropriations bills within the framework of the Ryan budget. That is why the bills were not brought to the floor.

Already, some Republicans are admitting that only a balanced approach will enable us to achieve the level of deficit reduction we need; and contrary to Mr. RYAN's view, this means that revenues—that hated word—must be on the table.

Representative TOM COLE of Oklahoma, the former chairman of the Republican Campaign Committee is one

of them, telling reporters on October 25:

I think both sides would like to deal with the sequester. And we're willing to put more revenue on the table to do that.

Mr. COLE was one of the signers of that letter to which I referred that said, Let's replace the meat-ax represented by the sequester. Unfortunately, Chairman RYAN continues to rule out any talk of revenues, which is the key to any meaningful compromise that will replace the sequester.

Mr. Speaker, as you probably know and as I think my Republicans colleague know, I have said now and I have said in the past that we must also deal with entitlements. We need a balanced plan, not an unbalanced plan; but without a balanced plan, the sequester will remain in place, and it will hurt America.

Instead of just saying what he is against, it is time for Mr. RYAN and Republicans to show a readiness to compromise to achieve results for the American people.

Mr. RYAN is the chairman of the conference committee. Yet he has to this date not put on the table what chairmen always do—the chairman's mark, chairman's suggestion, or chairman's proposal.

Democrats have been clear that we are willing to compromise and are ready to do what it takes to achieve a balanced and bipartisan deal on the budget. This was evident when we voted unanimously alongside 87 Republicans to end the government shutdown, even when it meant supporting a continuing resolution—an appropriations bill for the government—at a level we believed was too low. But we understood compromise was necessary. And so all 198 Democrats voted to open up the government and to pay America's bills, while 147 Republicans—approximately 62 percent of the Republicans—voted to keep the government shut down and to not pay America's bills.

I was encouraged to read the letter sent yesterday, as I said, by Chairman ROGERS and the Appropriations Subcommittee chairs, making clear how important it is for conferees to send us a budget by Thanksgiving—that would have to be this Friday, because we are not going to be here next week—rather than risk another painful shutdown and the continuation of the irrational sequester this coming year.

Many Republicans now agree with Democrats that the sequester is unworkable.

Who says so? Mr. RYAN says he doesn't like the sequester. Mr. CANTOR, the majority leader, says he doesn't like the sequester. And HAL ROGERS has said it is unworkable and inadvisable.

The Budget Conference has a larger mission than to simply rearrange the sequester's severe cuts. This is an op-

portunity to replace the sequester with a sensible approach that permits Congress to look strategically at our budget priorities and our long-term fiscal and economic goals. If we do so, in my view, it will be the most important stimulus of our economy and job-creating action that this Congress could take.

Mr. Speaker, I hope that Chairman RYAN will set his flawed budget aside and instead embrace the approach that many of his Republican colleagues are already recognizing is the only realistic path toward a compromise by this committee. To do so could usher in a historic agreement to achieve real fiscal responsibility for America for years to come. I hope Mr. RYAN's leadership will result in that objective.

□ 1015

#### 27TH CENTRE COUNTY TOYS FOR TOTS CAMPAIGN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, in 1947, Major Bill Hendricks, with the support of his Los Angeles Marine Corps Reserve unit, collected and distributed 5,000 toys to needy children. Since the program's adoption nationally as Toys for Tots in 1948, the U.S. Marine Corps Reserve's Toys for Tots program has collected and distributed close to 500 million toys.

On Monday, I had the honor of attending the Centre County Toys for Tots' kickoff breakfast in central Pennsylvania. Chaired by Gene Weller, a retired Marine major, 2013 marks the 27th Centre County Toys for Tots campaign, organized by the Nittany Leathernecks Detachment 302. About 250 collection points around Centre County will accept new, unwrapped toys, books, and games for infants to teenagers until December 15. This program has grown with the support of area food banks, fire departments, businesses, and hundreds of local volunteers.

Mr. Speaker, over the past 10 years, Marines have distributed an annual average of 15 million toys, bringing joy to an average of more than 6.3 million less fortunate children each year.

We thank you in more ways than one every day, Marines, and I thank you for supporting these children in need.

#### IRAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in an era of violence in the Middle East, tragedy in Syria, and turmoil in Egypt, there is some very encouraging news surrounding Iran.

The most important signal may have been the election of Hassan Rouhani as President of Iran who is by no means a moderate by anyone's stretch of the imagination except in the context of Iran. He was the choice of the Iranian people for change, for a different path to reduce the collision course with the United States and the crippling sanctions we have imposed. His foreign minister, Mohammad Zarif, is an able and experienced diplomat with strong relationships with the people who have dealt with him for years both in the United States and Iran.

I am encouraged by the reports in the news and in the opinion pages which point out something I have long argued on the floor of this House: the convergence of interests between the United States and Iran.

People forget the key role that the United States played in the emergence of the modern state of Iran, of the constitutional revolution beginning in 1905, where American influence was profoundly felt. Unfortunately, for the last 60 years, we have serially mismanaged our relationship with Iran.

How would we have felt if a foreign power worked to overthrow our democratically elected government and install a dictator? That is exactly what the United States and Great Britain did in 1953 and how the Shah returned to power.

It is amazing that the majority of Iranians still has positive feelings towards the United States, which they do. People forget the alignment of interests between the United States and Iran after 9/11 that led them to help us deal with post-Taliban Afghanistan. In the capitals of some of our supposed allies in the Middle East, people were cheering on that tragedy. On 9/11, people in Tehran were standing in solidarity with Americans. This, of course, was before George Bush recklessly included them in his infamous "axis of evil" pronouncement. The Iranian people are distinct from the Arabs and are proud of their Persian heritage, stretching back thousands of years.

Iran is an important part of any ultimate solution in stabilizing Iraq and in resolving the Syrian conflict. Yes, they have advanced nuclear development, and we rightly should be deeply concerned with their pursuit of nuclear weapons. That is why one of the Obama administration's greatest foreign policy triumphs has been to marshal support of the world for this stringent, comprehensive regime of sanctions. It has made a huge difference—driving down the value of their currency, depleting their foreign reserves, and creating extreme inflationary pressures on their economy.

Now is the time to see if a solution can be developed. It is decidedly not the time to ratchet up sanctions even further. Nothing would undercut the more moderate forces in Iran, and more

pressure could be very counterproductive because we are at risk of sanctions fatigue by our partners. Other countries that do not share our same policy positions and deep hostility towards the Iranians have gone along with sanctions. To expect that countries like China, India, and Russia are going to follow us with even more extreme sanctions and turn their backs on the progress is questionable at best. At worst, it would end up losing support for the sanctions regime we have now, would strengthen the hand of the hard-liners who do hate America, and would set back long-term prospects for peace, not just for Iran, but for Syria, Iraq, and throughout the Middle East.

Most experts I have encountered feel Iran could have built a nuclear bomb years ago, but they didn't. Recently, they have slowed the pace of their nuclear activities and have been open to proposals unthinkable a year ago. The rush to undercut the process is shortsighted, counterproductive, and it risks accelerating the development of Iranian nuclear weapons.

Now is the time to accelerate diplomacy, not to walk away. It is decidedly not the time for the United States Congress to throw a monkey wrench in the diplomatic procedures and to ratchet up sanctions. We can always reimpose sanctions, but may not be able to recreate this diplomatic opportunity.

#### GEORGE TURNER

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentleman from North Carolina (Mr. HOLDING) for 5 minutes.

Mr. HOLDING. Mr. Speaker, I rise today to honor a great American, George Turner, from Wilmington, North Carolina, for his recent induction into the Wake County Boys & Girls Club Hall of Fame.

George is a man of character and conviction, who exudes principle and selflessness. He is a tireless worker and leader in his community. George's success in business is equally matched by his giving nature.

Earlier this month, George was honored for his years of service to the Wake County Boys & Girls Club, and was inducted into their Hall of Fame. Over 700 people came to the Raleigh Convention Center to see George be honored for his service to the Boys & Girls Club. This is a testament to how many lives he has touched in his decades of work with the organization. As a longtime board member of the Wake County Boys & Girls Club, previously leading the organization as board president, George is a great role model to kids across North Carolina.

George attended East Carolina University and served in the United States Coast Guard, Active and Reserves, from 1960 to 1968. Before he retired, George was CEO of the Ready Mixed

Concrete Company in my hometown of Raleigh, North Carolina.

George is a real leader in business and in education, serving on the board of directors for the Raleigh Chamber of Commerce, the National Ready Mixed Concrete Association, the North Carolina State University Engineering School, the North Carolina State University College of Design, and the Raleigh YMCA.

George is a truly giving man, and I can think of no one more deserving of the Hall of Fame than he. I congratulate him on receiving this award, and I thank him for his unwavering dedication to his community. It is spirit and enterprise like George Turner's that will rebuild our Nation and rebuild our economy.

#### SUPPORTING ONEIDA INDIAN NATION'S "CHANGE THE MASCOT" CAMPAIGN

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MAFFEI) for 5 minutes.

Mr. MAFFEI. Mr. Speaker, I am proud to represent central New York, home of the six nations of the Haudenosaunee Confederacy, which was also known as the Iroquois Confederacy. It includes the Mohawks, the Oneidas, the Onondagas, the Cayugas, the Senecas, and, later, the Tuscaroras. It spread across New York, and was one of the earliest civil governments in territory that now lies within the United States and Canada.

Mr. Speaker, I rise today in support of Oneidas' leader Ray Halbritter's efforts to change the name of the Washington, D.C., National Football League team. The name of the Washington football team is derogatory to the Native Americans of this country. For many Native Americans across the land, the name of the Washington football team is a deeply personal reminder of a legacy of racism and of generations of pain.

The current campaign to change the team's name is supported by many groups and individuals, including Native American organizations, civic and government leaders, editorial boards, and many leaders, including my colleagues, Representatives BETTY MCCOLLUM and TOM COLE, and many others in a nonpartisan effort.

President Obama said recently:

If I were the owner of a team and I knew that there was a name of my team—even if it had a storied history—that was offending a sizable group of people, I'd think about changing it.

I wholeheartedly join this effort.

I also believe that the owner of the Washington team and other NFL owners should meet with the Oneidas as they have requested. How can we achieve mutual understanding unless they are willing to meet?

Mr. Speaker, in my office and with me now, I keep a replica of a Two Row

Wampum belt, called the Guswhenta. It was lent to me by the Onondagas, and it symbolizes one of the first treaties between the Native Americans and the Europeans, concluded in 1613 between the Dutch and the Haudenosaunee. The two rows of wampum, which are beads made out of shells, represent Europeans and Native Americans. They are equal in size and travel together along a strip of white, representing peace. It was and still is a symbol of friendship and community.

Although the years since this treaty was concluded have seen much devastation and tribulation for Native Americans, today, the Haudenosaunee endure and maintain their culture. We have much to do to improve our relationship between our two peoples after centuries of strife, conflict, and repression, but so many are working to mend the rifts and to restore the promise of brotherhood and respect that this treaty belt contains. I joined a group of canoers last summer—Native Americans, European Americans, Asian and African Americans—who rode together across upstate New York and to New York City in order to commemorate this 400-year-old agreement.

Wouldn't it be great if, in order to show reverence and respect for the Haudenosaunee and the Native American tribes across this country, we could continue to do these things. Wouldn't it be great if, on this 400th anniversary of this groundbreaking treaty, we could right the wrong and change this NFL's team's name.

Mr. Speaker, this treaty was perhaps the first, but it wasn't the last. In November of 1794, George Washington, whose portrait is one of only two portraits in this hallowed Hall, through his official representative, Tom Pickering, concluded the treaty of Canandaigua with the Haudenosaunee. President Washington had a six-foot-long treaty belt that was fashioned to ratify this treaty that our two peoples should live in peace and friendship.

Mr. Speaker, George Washington, himself, respected the Native Americans of this country and their culture. Shouldn't the NFL team that bears his name do the same?

#### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, again I am on the floor today to talk about the ongoing discussion between the United States and Afghanistan regarding a 10-year bilateral strategic agreement to allow troops to remain overseas beyond the year 2014.

Multiple news organizations have reported that talks on the agreement have stalled because of the unwillingness of the Afghan Government to let

the American military search Afghan homes. Two senior Afghan officials went so far as to tell The New York Times that the negotiations had reached a profound impasse.

Mr. Speaker, I would like to submit for the RECORD a letter that I have written to the President of the United States regarding this issue.

This agreement will force the United States to continue paying trillions of tax dollars to support the Afghans' President Karzai, a corrupt government which we cannot afford any longer. As it is, taxpayers in the United States have been paying \$10.45 million every hour for the cost of the war in Afghanistan since 2001. Let me repeat that. Taxpayers in the United States have been paying \$10.45 million every hour for the cost of the war in Afghanistan since 2001. This is unacceptable, especially at a time when this national debt is at an astounding \$17 trillion and when we have been forced to make deep budget cuts in the United States.

Just this past weekend, tornadoes in Illinois killed six people. Last year, we watched the devastation on the east coast that resulted from Hurricane Sandy. These national disasters represent only one area in which we could use the money that we are sending to Afghanistan to help the American people right here. In addition, the bilateral strategic agreement will expose our troops to considerable dangers and will risk the loss of additional American lives, all without the approval of Congress.

At the very least, we in Congress should vote as to whether we agree with this agreement or not. It is not required by the Constitution, but we who oversee the spending of the taxpayers' money should demand that the leadership of the House in both parties have a vote, if nothing more than a resolution, that we do support this bilateral strategic agreement or we do not support it.

Mr. Speaker, I am here again today with my poster that is just such a sad commentary on Afghanistan. It is the cartoon of a little Mr. Karzai drawing money out of a money machine—which is being paid for by the taxpayers, by the way—and his comment is, "I am just making a quick withdrawal."

□ 1030

Sadly, too, behind him is an American soldier whose thoughts are this: "I would like to make a quick withdrawal from here."

Mr. Speaker, it is time for this Congress to wake up and take care of America's problems and not Afghanistan's problems. A 10-year agreement is unacceptable and we need to come together in a bipartisan way to send a message to the administration that we do not support this agreement, and we come together, Republicans and Democrats.

I would close by asking God to please continue to bless our men and women in uniform and ask God to please continue to bless America.

NOVEMBER 18, 2013.

President BARACK OBAMA,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: I write today due to the ongoing discussion between the United States and Afghanistan regarding a 10-year Bilateral Security Agreement to allow our troops to remain overseas beyond 2014. Multiple news organizations have reported that talks on the agreement have stalled because of the unwillingness of the Afghan government to allow the American military to search Afghan homes.

Mr. President, this agreement will force the United States to continue paying trillions of tax dollars to support Afghan President Hamid Karzai's corrupt government. This is unacceptable, particularly at a time when the national debt is an astonishing 17 trillion dollars and we have been forced to make deep budget cuts at home. More importantly, allowing our troops to remain in Afghanistan exposes them to considerable danger and risks the loss of additional American lives—all without the approval of Congress. At the very least, a vote should be allowed to ensure that Congress exercises its constitutional responsibility of oversight of the expenditure of taxpayer money.

Considering these points, I implore you to reconsider the Bilateral Security Agreement and prevent both the loss of precious American lives and the waste, fraud, and abuse of American money overseas.

Sincerely,

WALTER B. JONES,  
*Member of Congress.*

#### PANCREATIC CANCER AND SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Utah (Mr. MATHESON) for 5 minutes.

Mr. MATHESON. Mr. Speaker, I rise today to bring awareness to our country's rate of pancreatic cancer and the need for strong and continued medical research of this disease. This year, over 45,000 are expected to be diagnosed with pancreatic cancer, a number that has steadily climbed over the past decade.

While survival rates for many other forms of cancer have improved in recent years, only 6 percent of patients diagnosed with pancreatic cancer will live more than 5 years. That is a statistic that has not improved over 40 years.

Earlier this year, I sat down with several of my constituents affected by pancreatic cancer. One in particular, Jamiee, saw her father diagnosed with the disease and then tragically die just 11 weeks after he was diagnosed. Sadly, this story is all too common when discussing pancreatic cancer. I would guess that we all know someone who has died from this disease.

Sequestration cut \$1.5 billion from the National Institutes of Health earlier this year. This is critical funding that would have been used to conduct research on deadly diseases such as



pancreatic cancer. Everyone I talk to in my district agrees with the idea that funding medical and disease research is a good thing.

We must continue research in this area and begin the process of reversing these remarkably depressing statistics with pancreatic cancer. We owe it to Jamiee and thousands of other families affected by this disease to work towards a cure.

**ANN CARRIZALES—WIFE, MOTHER, FORMER MARINE, STAFFORD POLICE OFFICE, HERO**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, I rise today with great pride to share an amazing story of a police officer from Texas 22.

At 3:30 a.m., on October 26, this officer from Stafford, Texas, noticed a car sitting at a green light with its left turn signal on. A few minutes later the Stafford officer stopped that car. As the officer approached the car, shots rang out. The officer was hit in the neck, face, and chest.

The thugs sped off. The thugs had no idea who they shot. If they knew, they would have dropped their weapons and surrendered without a fight. They shot a wife, a mother of two young children, a former marine, who was the first female to join the Marine Corps' boxing team. They shot Stafford police officer Ann Carrizales. They messed with the wrong marine.

Despite being wounded, Ann returned fire, blowing out the back glass of the thug's automobile. She jumped in her cruiser and joined the chase. She quickly got on the radio saying, "Shots fired, shots fired, I've been hit."

For 7 minutes Ann chased the shooters. The video of her dashboard camera shows how cool and in control Ann was. She chased the thugs through two counties with multiple law enforcement agencies joining the chase—the Stafford Police Department, Missouri City Police Department, Sugar Land Police Department, Houston Police Department, sheriff's deputies from Fort Bend County and Harris County, and the Texas Department of Public Safety, all joining in the chase.

Despite her wounds, Ann stayed on the radio and kept everyone aware of her location, telling everyone all the streets that she was passing while she was chasing the thugs. Ann was in charge and everyone knew that.

Ann followed those thugs into an apartment complex. Knowing the danger to arriving officers in an apartment complex and the danger to innocent Americans losing their lives from stray gunshots in those apartments, Ann continued to manage the scene.

On Ann's dashboard camera, you can see Ann's fellow officers trying to take care of her wounds. Ann can be heard

saying, "Get out, it's not safe," and tell them to "watch your back." Ann's shooter was caught later that day, and his two buddies were caught a few days later.

I talked to Ann a week after she was shot. I had two questions for Ann. The first question: "What did you think when you were shot?" She told me that her mama bear instincts kicked in. Those punks tried to take her from her husband and her two kids. They were going to pay for that. I also asked Ann: "Did you ever think you were going to die?" She snapped, "No, sir, my chief did not give me permission to die that night."

Thank you, Ann, for wearing that badge and for your heroism. Semper fi, Ann, semper fi.

#### WE MUST TACKLE THE REAL PROBLEMS WE FACE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, this week, it was reported that House Republicans are looking for a legislative plan to close out the year and to move forward into 2014 and, as such, passed out a blank sheet of paper as their agenda—a blank sheet.

Each month, polls put congressional approval rates at new lows, and more independent organizations rank the 113th Congress as one of the least—if not the least—productive of all time.

In response, leadership of the people's House has continued to govern by sound bites and pass messaging bills that simply go nowhere—even painfully shutting down the government for more than 2 weeks in the process.

If House leadership is looking for an agenda, they need only to look across the aisle to their friends. We have some suggestions, and chief among them is putting Americans back to work.

During our August work period, I participated in some 166 events, meeting with constituents each and every time. At nearly every stop, my friends and neighbors wanted to know what was being done in Washington to help the private sector create jobs.

My district is extraordinary, but not in this regard. I have to believe that the people of Albany and Schenectady and Saratoga Springs, New York, my hometown of Amsterdam, New York, in the 20th Congressional District, are thinking what America is thinking. They are asking what myself and our colleagues on both sides of the aisle are doing to grow the economy.

House Democrats stand ready to work with Republicans to address the real challenges that face this great Nation of ours.

Sequestration-related cuts are estimated to cost our economy some 1.6 million jobs through 2014. Let's work together to save jobs and pass a budget

that invests by growing in a justified way, in a fair way, revenues and belt tightening so that we cut as we can, so that we then invest as we must.

Our family farms deserve the certainty that a 5-year reauthorization of the farm bill has brought them for decades upon decades. Our parties clearly don't see eye-to-eye on cutting such items as hunger assistance, hunger assistance for millions of veterans, millions of frail people, millions of elderly, millions of children.

If we work together on jobs, we will help the private sector put people into jobs and cut poverty and reduce the need for hunger programs. Now, isn't that a humane approach?

We see middle class America experiencing pain at the gas pump, and we worry that our foreign policy is dictated by our dangerous dependency, our gluttonous thirst for fossil-based fuels. Yet, we stand today without a clear and definitive clean energy agenda that would make our Nation a safer place and create tens of thousands of jobs in the short-term, boosting an American green-collar economy. It can be done.

A report just last week on solar panels was interesting. If we would use just simply 5 percent of available rooftops in Los Angeles County, we would be able to create 29,000 jobs in that effort.

In the past week, we have seen major severe weather events wreak havoc on the Philippines and across 12 States within the Midwest of our country. Even if you choose to ignore fact-based science that really proves climate change to be real and here, we can all agree that our aging infrastructure needs our assistance, it needs to be upgraded, it needs to be improved and replaced, so that we are taking a proactive approach to the soundness of infrastructure, which grows jobs. Instead, we are allowing storms of the century to impact our communities and then have a reactive process that simply isn't the best way to do business.

I could go on and on, but I only have 5 minutes here.

Immigration reform, updating the Voting Rights Act, tax reform, expanding background checks for gun owners, or passing ENDA—there is more than enough for us to tackle that translates into jobs. The vast majority of these policies would pass in a bipartisan fashion, as the government shutdown was avoided by a bipartisan vote with a unanimous vote from the Democrats with a minority of votes from the Republicans. We could get things done if we would allow votes to be taken up on this floor, a simple up or down vote, but get it done and grow jobs.

This week, we solemnly observe the 50th anniversary of the death of one of the greatest leaders our Nation has known, President John F. Kennedy, a man who once said:

Never before has man had such capacity to control his own environment, to end thirst and hunger, to conquer poverty and disease, to banish illiteracy and massive human misery. We have the power to make this the best generation of mankind in the history of the world—or to make it the last.

To act is both in our power and our duty. We must tackle these problems. I implore this House to take up a jobs agenda. Let's put America to work.

### 30TH ANNIVERSARY OF THE GRAND RONDE TRIBE'S RESTORATION AS A FEDERALLY RECOGNIZED TRIBE

The SPEAKER pro tempore (Mr. OLSON). The Chair recognizes the gentleman from Oregon (Mr. SCHRADER) for 5 minutes.

Mr. SCHRADER. Mr. Speaker, I rise today to acknowledge a significant milestone for the Confederated Tribes of the Grand Ronde Community of Oregon. This Friday, November 22, 2013, marks the 30th anniversary of the Grand Ronde Tribe's restoration as a federally recognized tribe.

The Confederated Tribes of Grand Ronde consist of nearly 30 different historic Indian tribes who lived in western Oregon, southern Washington, and northern California. This confederation of tribes was created almost 160 years ago when the Federal Government forced these tribes onto the Grand Ronde Indian Reservation in order to make room for the expanding settler population. Before the settlers arrived on the west coast, there were more than 60 tribes living within the Oregon stretch of the Pacific Ocean. These tribes resided in their homelands for over thousands of years.

As more and more settlers flowed into Willamette, Umpqua, and Rogue River Valleys, they began to overwhelm the land that had once belonged to the tribes. Conflict ensued. By the 1850s the United States Government, in an effort to end conflict and open up land for settlers, initiated treaty-making with the antecedent tribes and bands of Grand Ronde.

The United States and the Kalapuya and Molala Tribes, among others, entered into the Willamette Valley Treaty. With this treaty, the United States seized much of the Willamette Valley while promising money, supplies, education, health care, and protection to the Indians.

□ 1045

As a result of the Willamette Valley treaty and six other treaties ceding about 14 million acres, over 2,000 tribal people were removed from their native homelands and forced to resettle on the Grand Ronde Indian Reservation in the Yamhill Valley. At that time, the reservation consisted of more than 60,000 acres of land.

Before the arrival of the settlers, there were 20,000 native people living in

the Willamette Valley. When the tribes were forced onto the reservation, there were 2,000. At the dawn of the 20th century, there were only 302 people listed on the Grand Ronde Reservation census. Many people had died as a consequence of the administrative neglect or had moved away from the reservation to find better opportunities for work in the cities.

By 1944, the United States Government found itself between a depression and a war. Seeking to cut government spending, they began to terminate their treaty responsibilities to Indian tribes and began the process of ending the United States' relationship with the tribe.

In 1954, Congress passed the Western Oregon Indian Termination Act, which terminated treaties the government had entered into in the 1850s. As a result of that act, the Grand Ronde Indian Reservation was closed. By this time, the tribe had been calling the reservation home for over 100 years. Along with losing their homes, people lost their access to health care, education, and other services the Federal Government promised to provide them in the treaties with the tribes. The Federal Government reneged on its promise to the tribes of a "permanent reservation forever."

Although the Grand Ronde people were once again driven from their land, they refused to surrender their cultural identity and traditions. In the 1970s, members of the Grand Ronde reservation community united to form the Confederated Tribes of Grand Ronde Indians to fight for their right to be recognized by the United States Federal Government.

After years of dedication and persistent efforts by tribal members, the United States Congress finally restored its relationship with the tribe on November 22, 1983, passing the Grand Ronde Restoration Act signed by President Ronald Reagan. This act, following nearly 30 years of termination, allowed the tribe to be eligible again for Federal housing, health, and education services. It also initiated a process that would lead to the Grand Ronde Reservation Act and the tribe's recovery of almost 10,000 acres of its original reservation.

Since restoration, the Confederated Tribes of Grand Ronde has thrived, becoming one of the most successful and vibrant tribes in the Pacific Northwest. With their own money, they have reacquired parts of their original reservation. The population of the tribe has grown from roughly 1,500 members a year after restoration to almost 5,000 members.

Grand Ronde boasts a stable economy that is rooted in timber and tribal gaming. The Spirit Mountain Casino on the Grand Ronde reservation has been responsible for a significant part of the tribe's income since the mid-1990s.

Spirit Mountain is the most successful casino in Oregon and also the largest employer in Polk County, employing more than 1,200 people. Grand Ronde dedicates 6 percent of casino profits to its Spirit Mountain Community Fund. The fund, which supports a diverse array of charitable organizations in Oregon, has given more than \$60 million to local communities, nonprofit organizations, and Oregon's Indian tribes since 1977.

The Confederated Tribes of Grand Ronde emerged from over a century of hardship to become a thriving community. There can be no doubt that the people of Grand Ronde will continue to prosper, as they have done on this land for a thousand years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

### JOHN ARIALE, THANK YOU FOR A JOB WELL DONE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CRENSHAW) for 5 minutes.

Mr. CRENSHAW. Mr. Speaker, I rise this morning to honor the congressional career of my chief of staff, John Ariale. I first met John Ariale 13 years ago, right after I was first elected to Congress; and after that first meeting when I saw his keen intellect, I saw his wry sense of humor, his love of Excel spreadsheets, his laser-like focus on policy, and his zany Italian zeal, I knew that was a combination that I needed to lead my legislative office.

They say that the decision to have someone be your chief of staff is one of the most important decisions you will ever make as a Member of Congress because the chief of staff not only represents your political views, but also represents your personal values. If there is one decision that I have made that I think would be unanimously agreed upon by my constituents as well as my colleagues, it would be the choice to have John be my chief of staff.

John has assembled an outstanding team of individuals. He has led that team of individuals through thick and thin. We have fought and won some very important legislative battles, one of which is a proposal of landmark legislation to forever change for the good the way our Nation deals with individuals with disabilities. It is called the ABLE Act. We haven't crossed the finish line yet, but I am sure we will; and when we do, it will be in large part because of the moral clarity and hard work and dedication of John Ariale.

Winston Churchill once said:

We make a living by what we get, but we make a life by what we give.

Mr. Speaker, John Ariale has given me, he has given this institution, he has given all of the individuals who have had a chance to work with him his heart and his soul. He has given his expertise, his wisdom, and his patience. There is little we can do to repay him for all that other than express to him our extreme gratitude and to wish him well on his next opportunities, his next challenge.

And so I would say to John Ariale, as he leaves as chief of my staff, thank you for a job well done.

God bless and Godspeed.

#### BUDGET COMMITTEE NEEDS TO GET THEIR JOB DONE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, now that the Republican shutdown is over, Congress should be addressing the most pressing issues facing our Nation—faster economic growth, putting our people back to work at living-wage jobs, balancing the budget, and investing in our future. But so far, there is no Republican budget deal completed to set the frame for all of this, to give confidence to businesses that they can invest, and to assure the American people that there is some certainty that Congress has done its job.

The first step is completion of a responsible budget resolution for 2014 which starts in just a few weeks; and, in fact, the Federal fiscal year started October 1. From that resolution would follow, if we had regular order in this House, 12 appropriation bills constrained within the limits of that important budget. But rather than completing the budget bill, I observed the chairman of the House Budget Committee making political speeches out in Iowa rather than getting the job done here. My message today is get the job done of the Budget Committee.

We know that the economy will grow when more people are working; and when that happens, the Federal debt will go down.

The first chart I have here actually shows that during the Clinton years when employment went up, we were able to balance the budget. It was followed during the Bush year with the terrible recession where unemployment went up and, guess what, the budget deficit increased and our accumulated debt grew at extraordinary proportions.

Now, think about what happens to the U.S. debt when unemployment goes up; and during the Bush years, we had over 8.8 million jobs that were eliminated because of the Great Recession. When people don't have a job, they aren't paying taxes. They aren't buying a new car or spending money at department stores or other consumer spending that drives employment

growth and job creation. Increased wages drive investment. Moreover, people who don't have a job are likely relying on government for help—unemployment benefits that are extended, or other parts of the Federal safety net, the social safety net such as health insurance, and health care. That causes a drawdown in Federal spending.

So the message to my Republican colleagues is get the job done. That's the only way you are going to be able to reduce the debt. We cannot balance our budget with unemployment hovering at over 7 percent nationally.

Although the Obama administration has successfully led 42 months of consecutive job creation compared to the Bush years when we went so much into the hole, we still have not dug ourselves out and replaced those 8.8 million jobs that were eliminated. That is a lot of jobs. Over 2 million manufacturing jobs alone were eliminated. If we think about that, we have done a good job month by month, in crawling out of the recession. But the pace of this is not what I would call robust, but it definitely has been steady.

Piled on top of this gigantic effort to try to create jobs is a nagging trade deficit. In my part of America, people know well what job outsourcing has occurred to foreign countries. We have had continuing hemorrhaging of U.S. jobs because of trade agreements like NAFTA, China PNTR, Korea, all in the negative, all in the red, not in the black. We have not had a positive trade balance in this country since 1975, and the numbers show it. The deficits just keep getting worse.

Can you find anything made in America any more? There is \$9 trillion in accumulated trade deficit since 1975. That actually equals half of our long-term debt because our monthly trade deficit now hovers around \$39 billion more imported goods coming in there than we are able to export. This means more foreign goods, fewer U.S. jobs. Over time, these foreign subsidized products from closed markets replace American products and the jobs that go with them. The word "outsourcing" has become all too familiar.

Mr. Speaker, if my Republican colleagues want to tackle the Federal debt, then they need to bring a completed budget deal to the floor. It is months, almost a year, too late. We need to tackle the Federal debt by growing jobs. Bring economic growth and jobs bills to the floor. We need to no longer bring trade deals to this floor that result, through fast track, in the kind of job killing that we have had over the last quarter century. Shouldn't we focus on what the American people have been saying to us year after year after year: it is the economy; it is job creation. This institution ought to be focused laser beam on what the American people are telling us. Why is that so hard to do?

I urge my colleagues on the Budget Committee, get back to work. Stop the politicking around the country; get those committees reaching compromises between the House and the Senate. Let's get the big frame; and then let's, through regular order, bring up the 12 appropriation bills within those budget restraints so we can eliminate the debt by making this economy grow fully again.

#### RECESS

The SPEAKER pro tempore (Mr. CRENSHAW). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 57 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Dr. John Adams, First Baptist Church, Mantachie, Mississippi, offered the following prayer:

Our Father, we bow before Your majestic throne today. We acknowledge that You are in Heaven and we are on Your good Earth.

Our prayers are given for each one in this Chamber, that Your love and wisdom be in each life. Today, we pray for our Speaker and each legislator, that Your hands will guide their hands.

Father, I know today that the best thing that I can do for these men and women is to pray for them. Give them courage to make the right decisions. Let the laws coming forth from these hallowed Halls be pleasing to You and be a benefit to our fellow man.

Allow these leaders to have a breath of fresh air today and to have the Spirit of God's Son in helping others. We ask Your blessings on our United States of America.

In the name of God's Son, we pray.  
Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. FOXX. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND DR. JOHN ADAMS

The SPEAKER. Without objection, the gentleman from Mississippi (Mr. NUNNELEE) is recognized for 1 minute.

There was no objection.

Mr. NUNNELEE. Mr. Speaker, I would like to welcome to the House of Representatives this morning Dr. John Adams, Jr., who offered the prayer earlier.

Dr. Adams is a native of Mississippi, and he is currently the senior pastor of First Baptist Church in Mantachie, Mississippi. He is joined by his wife, Darla Kaye Fuller Adams.

Dr. Adams has served as senior pastor in churches in Mississippi, Texas, Colorado, and Arkansas. Dr. Adams has spoken throughout the South and around the country, sharing a 13-part series about the Judeo-Christian heritage of America. He also presently serves as the executive director of the Moral Action of Mississippi and of the national organization, the Moral Action of the Baptist Missionary Association.

We are honored to have him here today, and we deeply appreciate his service to our Lord and to the people of Mississippi.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair will now entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### THE PATIENT OPTION ACT

(Mr. BROWN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Georgia. Mr. Speaker, now more than ever, Americans are

feeling the pain from ObamaCare. This law is hurting Americans with higher premiums and cancellation notices. If it is left in place, our country will suffer under the new wave of spending that it will create.

This destroyer must be stopped.

Just last week, the House passed a symbolic bill that merely nibbled at the edges of the problems caused by ObamaCare, but you cannot fix a law that will cripple our economy, increase our Nation's debt, and limit health care options for millions of Americans. I was one of only four Republicans to oppose this bill, because we can't fix the President's broken promises in ObamaCare. Instead, we must repeal ObamaCare for good.

I have introduced legislation, the Patient OPTION Act, that would do just that. Congress must stop wasting time to pass bills that keep ObamaCare in place. We must repeal and replace this disaster immediately. The Patient OPTION Act is the solution.

#### WORLD TOILET DAY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, the concept of a World Toilet Day can make children giggle, some adults blush and others change the subject, but the title is designed to take a most serious subject head-on.

The world can no longer afford to be squeamish, to make jokes or to change the subject about the fundamental issue of access to adequate sanitation. That is because 2.5 billion people live without it, which leads to 700,000 premature deaths each year, and it is getting worse. Instead of solving this global crisis, the number living without access has increased by 700 million people.

Today, we want to renew our commitment to helping these unfortunate people around the world have access to sanitation, which we all take for granted.

I appreciate the Gates Foundation and other NGOs, like WaterAid, for stepping up to help solve the dilemma, and I call on my colleagues to support H.R. 2901, which Congressman POE and I have introduced, which is the Water for the World Act, so that the United States can play a greater, more effective role to save lives around the globe.

#### "MAKE OUR VOICES HEARD"

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Rodney from Winston-Salem, North Carolina, pays \$540 a month for a family health insurance plan that covers his wife, his 16-year-old son, and himself. This plan works well for them and fits within

their family budget; but Rodney received the same unwelcomed news that has startled millions of other Americans: the health insurance he likes will be canceled because the "suits" in Washington think his preferred plan is lousy. The most similar government-sanctioned ObamaCare plan will cost Rodney's family \$1,139 each month—more than their mortgage payment.

Understandably, Rodney is sickened by this news.

I have worked very hard my entire adult life to take care of my family and provide for all of their needs. How am I supposed to continue to support them . . . with the government forcing me into a situation I cannot afford?

Rodney closed his letter by asking me:

If you do nothing else, please do everything in your power to make our voices heard.

House Republicans are doing that every day for Rodney and for Americans like him.

#### IF YOU FIX IT, THEY WILL COME

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, despite all of the hysterical comments like we just heard on the floor here today, it is important for people to know that, in States in which Governors embrace the Affordable Care Act and set up a high-functioning Web site, the fact of the matter is that enrollment is exceeding expectations.

In Connecticut on Friday, which is where I am from, we released figures. Over 13,000 enrolled in the first 6 weeks, and the pace of enrollment is accelerating. In the last 2 weeks, they have enrolled more than they had enrolled in the prior month. On Saturday, I was at an enrollment fair—there were eight of them all across the State—and there was a full waiting room of people who were waiting their turns—like at a deli counter to get their numbers—to sit down to get help in terms of signing up with a plan. Twenty minutes is all it took to sign up for a plan.

I spoke to Merrylyn Weaver from New London, Connecticut, who said:

I am finally going to have health insurance after 3 years of being without it.

It took her 20 minutes to sign up for an Anthem Blue Cross Silver plan.

The fact of the matter is that the message is, if you fix it, they will come. That is what this Congress should be focused on is fixing it so that the people in the waiting room like I saw in Norwich, Connecticut, are going to get help all across the country. It is time to help people get insurance, not to scare them and destroy a plan that provides them hope.

# RECOGNIZING BAYLOR REGIONAL MEDICAL CENTER FOR THE 2013 MALCOLM BALDRIDGE NATIONAL QUALITY AWARD

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Baylor Regional Medical Center at Plano on their latest accolade—the 2013 Malcolm Baldrige National Quality Award, which is the Nation's highest Presidential honor for performance excellence through innovative practices and visionary leadership.

For nearly a decade, Baylor Plano has provided north Texas with high-quality and compassionate care. Their superior patient satisfaction rate and dedication to training the best and the brightest go unmatched. Baylor Plano's success and patient-centered care is a testament to the endless possibilities when you have choice and freedom on your side.

It is an honor to congratulate Baylor Plano's employees, medical staff, and volunteers for doing their part to keep Texas' bigger and better reputation intact. I wish them continued success.

God bless you, and I salute you.

## EMPLOYMENT NONDISCRIMINATION ACT

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to urge House leaders to let us vote on the Employment Non-discrimination Act.

In 1979, my late husband, Paul, was the first U.S. Senator to introduce legislation to ban job discrimination based on sexual orientation. I agreed with him then and feel just as strongly about ENDA today. Employees should be judged solely by their ability to do their jobs.

After I was elected in 2007, I was proud to cast one of my first votes in support of the passage of the Employment Nondiscrimination Act, an effort spearheaded by the relentless Barney Frank. While ENDA passed in the House of Representatives in 2007, it did not move in the Senate; but on November 7, the U.S. Senate made history by passing ENDA. It is now time for the House to act—to pass ENDA and to finally expand protections in order to prevent employment discrimination.

Mr. Speaker, for the sake of dignity, justice, and equality, let us vote.

## CANCER DRUG COVERAGE PARITY ACT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, orally administered anticancer drugs are becoming the standard care for certain types of cancer as a promising alternative to traditional chemotherapy, which is administered through the vein. They are also driving some of the most exciting research in fighting cancer as 35 percent in the oncology pipeline are oral chemo drugs.

Unfortunately, insurance policies have not kept pace with the science. Typically, IV chemotherapy is covered as a medical benefit while oral chemotherapy is covered under the prescription drug component. This creates a disparity in coverage and a financial disincentive to choose oral chemotherapy. Cancer patients should choose a course of treatment based on what they and their doctors believe will work best.

That is why I have introduced the Cancer Drug Coverage Parity Act. It would require insurance plans to provide coverage for oral chemotherapy at a cost no less favorable than that of traditional chemotherapy. My bill has 68 bipartisan cosponsors. I urge my colleagues to join us to support the development of these promising new treatments to patients who need them.

□ 1215

## AFFORDABLE CARE ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, even with the difficulties of the health care Web site, we are seeing great things coming out of this Affordable Care Act. Across the country, millions of people who lacked affordable health care options yesterday are checking out their new options today. This law is working.

I continue to hear scores of success stories from California. Marilynn, who is a breast cancer survivor, was paying nearly \$1,300 a month for her Anthem Blue Cross policy. Through Covered California, she is saving now more than \$500 a month.

Although the healthcare.gov Web site has had its problems—that we are fixing—know that the California exchange has become a model for the rest of the country. Early enrollment results demonstrate that Covered California is working and people are signing up. We led the Nation in our readiness for this new law, and newly released numbers show that 131,000 Californians have already enrolled in new quality health plans on Covered California, more than any other State exchange.

Rather than rooting for its failure, let's work together to make this a reality for all Americans.

## HEALTH CARE ACT ADVANCES EQUALITY, FREEDOM, AND FAIR- NESS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, I pause today to think about history. I thought a lot about the 50th anniversary of President Kennedy's assassination, and today is the 150th anniversary of the Gettysburg Address. I thought I should bring some words to us from the Address. The world can never forget what the soldiers of Gettysburg did:

It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the Earth.

I am proud to serve in this House where John Kennedy served. I am proud to serve in this House where Abraham Lincoln served. It is my opinion that part of that work was providing equality, freedom, and fairness. I believe President Lincoln would support the Affordable Care Act and health care for all.

## WE NEED A FAIR AND BALANCED BUDGET

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, many of our constituents are still recovering from the reckless Tea Party government shutdown. Now it is time to do our job and pass a budget, help grow the economy, and create jobs. Budgets are statements of our values and priorities as a Nation.

Our top priority in passing a budget must be to end the harmful, across-the-board budget cuts known as the sequester. We must extend emergency unemployment compensation which millions of jobless workers and families rely on. This will end at the end of December if we don't do this.

Although our economy has improved, there are still 4 million people in this country that have been unemployed for 6 months or more. These same individuals have already experienced reductions in their benefits due to sequestration and automatic SNAP—food stamp—cuts as of November 1.

Tea Party Republicans have refused to create jobs, they have cut job training, and now they are ready to pull the plug on this vital lifeline. This is morally wrong and economically stupid.

I urge the budget conferees to extend the Emergency Unemployment Compensation program for at least an additional year and to repeal the sequester. We need a fair and balanced budget that reflects our values.

#### PRESIDENTIAL MEDAL OF FREEDOM

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, tomorrow will mark the 50th anniversary of the executive order of President Kennedy which established the Presidential Medal of Freedom. Five hundred exceptional individuals have received the award in these 50 years. Tomorrow, 16 will be honored, including President Bill Clinton.

For us in Hawaii, it is noteworthy that the Hawaii-born President will be honoring Senator Daniel K. Inouye. In his press release, the President recognized the Senator for his lifelong public service, including the highly decorated 442nd Regiment in World War II, for which he was awarded the highest military honor, the Congressional Medal of Honor.

It is, however, most noteworthy that when asked how the Senator wanted to be remembered, Senator Inouye said:

Very simply, that I represented the people of Hawaii honestly and to the best of my abilities. I think I did okay.

He was a true American, a humble man, and truly deserving of the highest civilian honor of this great country.

#### AFFORDABLE CARE ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, despite the fact that the robust provisions passed in the House were significantly reduced in the Senate, the people of the Virgin Islands are benefiting in many ways from the Affordable Care Act.

As an example, a physician related to me that the insured 21- to 25-year-olds and the preventive care without copay kept her practice afloat, and the insurance rebate and tax credits for small businesses enabled her to provide insurance for her employees without requiring contributions from them.

In addition, seniors and people with disabilities saved an average of \$647 on medicines. Health centers in my district were able to expand space and services; children with sickle cell, asthma, and diabetes could be insured; every newborn will get an important home visit; and the new Medicaid dollars will enable us to provide coverage for up to half of our now uninsured.

We still have work to do to ensure full access in the Virgin Islands and

the Nation, but the Affordable Care Act has already made a positive difference in the lives of many of our constituents. The ACA is helping Americans in all of the States and territories, and we will continue to build on its successes, not yield to Republican opportunism and obstructionism.

#### BROKEN PROMISES

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, the train wreck and broken promises of the President's health care reform act continue.

The gentleman from Connecticut earlier said that we were hysterical. Mr. Speaker, my constituents are hysterical about these broken promises.

Allen from Harford County writes about his 31-year-old son. His 31-year-old son can't get a full-time job because employers won't hire people full-time because of the Affordable Care Act. He writes:

I'm writing today to voice my concern as a parent and to report that my healthy 31-year-old son's health insurance premium will be tripling. Currently, he has his own CareFirst BlueCross plan and was recently notified that it was going to be canceled, and his premium will go up from \$200 a month to \$600 a month.

Mr. Speaker, this is a train wreck. Parents and families are hysterical. They can't afford a \$600 premium for a single person working a part-time job. Canceled policies and skyrocketing premium costs are two broken promises. America deserves better.

#### BENEFITS OF OBAMACARE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, my Republican friends continue to obsess with repealing a law that is making a difference and will make a significant difference in the years to come.

I want to address some of the benefits that have accrued to my congressional district in North Carolina:

Eight thousand young adults now have health insurance through their parents' plan; 150,000 individuals now have health insurance that covers preventive services without any copays, co-insurance, or deductible; and 138,000 residents in my district are saving money due to the ACA provisions that prevent insurance companies from spending more than 20 percent of their premiums on profits and overhead.

Because of these provisions, 13,000 people in my district received a rebate of \$87 per family last year and \$158 per family the year before.

Although Republicans have been relentless in their efforts to dismantle and discredit ObamaCare, the facts are uncontroverted.

#### 35TH ANNIVERSARY OF JONESTOWN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, today we mark the 35th anniversary of the massacre of Jonestown.

Prior to September 11, this was the deadliest event in U.S. history, excluding wars and natural disasters. More than 900 innocent people were killed after being seduced by the charismatic but deeply disturbed Jim Jones.

Mr. Speaker, among the dead was Congressman Leo Ryan, the first Congressman to be assassinated in the line of duty. He went to Guyana out of concern for the safety of his constituents there. Most of them were of African American descent.

Congresswoman JACKIE SPEIER, who was then on Congressman Ryan's staff, was shot five times and had to wait 22 hours for assistance.

Today, I introduced a resolution honoring their extraordinary bravery and calling on the Speaker to establish protocols to memorialize Members who die in the line of duty. Out of the tragedy of Jonestown, true heroes were revealed.

#### GIVING TUESDAY

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, we all know about Black Friday and Cyber Monday, but I am proud to support Giving Tuesday, a national day dedicated to charitable giving and volunteerism.

On December 3, Giving Tuesday will harness the collective power of charities, families, businesses, and individuals to transform how people think about, talk about, and participate in the giving season.

Launched by the 92nd Street Y in New York City last year, in the district that I am privileged to represent, Giving Tuesday inspires Americans to take action to improve their local communities and strengthen our country.

Thousands of partners in all 50 States are joining in this national movement of individuals and organizations that believe that everyone, whether you are a large donor or an individual volunteer, has a role in helping to solve the challenges our communities face every day.

Americans are the most charitable people in the world, and Giving Tuesday is a day for us as a Nation to celebrate our spirit of generosity.

I urge everyone to spread the word about Giving Tuesday to your constituents so together we can celebrate the

giving season and aid the important work of charities and organizations.

#### REPAIRING THE AFFORDABLE CARE ACT

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, my son played basketball at Dillard University. I went down to see his games as often as I could. On one occasion, we were driving around in his car, we were at a busy intersection, and the car stops. I didn't know what was wrong, but eventually I realized that he simply didn't have gas in it. I was not happy, but I didn't stand outside of the car and just continue to talk to him about the fact that the car stopped running and needed gas.

What we did is, we tried to get some gas to get the car out of the busy intersection because a lot of people were trying to get by. It would have been of no value for me to stand there and lecture him or talk about how horrible the situation was. We wanted to fix it.

That is the same thing with the Affordable Care Act. There are some problems. I think it would be crazy for anybody to say there are not problems. The law has already been passed by Congress, signed by the President, and upheld by the Supreme Court of the United States.

We would be infinitely better off if we gave our time to repairing the problems that are there as opposed to standing in the intersection talking about how bad it is.

□ 1230

#### PROVIDING FOR CONSIDERATION OF H.R. 1965, FEDERAL LANDS JOBS AND ENERGY SECURITY ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2728, PROTECTING STATES' RIGHTS TO PROMOTE AMERICAN ENERGY SECURITY ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 419

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-26 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-27 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the

Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

##### GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides for a structured rule for the consideration of H.R. 1965, the Federal Lands Jobs and Energy Security Act, as well as for consideration of H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act. The rule provides for each bill to receive 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, except that on H.R. 2728, the Committee on Science, Space, and Technology will control 20 minutes of the 1 hour provided for.

The rule makes in order eight amendments for H.R. 1965 and five amendments for H.R. 2728. In both cases, the number of amendments to be offered by Democrats outnumber those to be offered by Republicans. A number of those amendments which were filed and not made in order violated the House rules either by not being germane or by violating CutGo. So this is a very fair and generous rule and will provide for a balanced debate on the merits of these important pieces of legislation.

Mr. Speaker, I am pleased to stand before the House to support this rule, as well as the underlying pieces of legislation, which are both important bills



aimed at making the United States more energy independent.

I appreciate the hard work of the sponsors, Mr. LAMBORN of Colorado, Mr. FLORES of Texas, as well as the work of the chairman of the Natural Resources Committee, the gentleman from Washington (Mr. HASTINGS), as well as that of the chairman of the Science Committee, the gentleman from Texas (Mr. SMITH). These are significant pieces that will move our Nation forward.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Utah for yielding me the customary 30 minutes.

Mr. Speaker, for this body to spend the final week before a week-long break, one of the final weeks of the year, the third-to-last week of the legislative year, considering messaging bills that aren't going anywhere is a disservice to this country and one of the reasons that this institution is as unpopular as it is. Rather than taking on immigration reform, rather than protecting Americans from employment discrimination, both of which bills passed the Senate with strong majorities, including many Republicans, we are instead debating a bill to move backward rather than forward.

H.R. 1965 and H.R. 2728, the Federal Lands Jobs and Energy Security Act and the so-called Protecting States' Rights to Promote Energy Security Act, circumvent future Federal regulations designed to keep people safe and healthy by handing over jurisdiction to States that have any guidance, even a few words of guidance, regarding hydraulic fracturing. We will be talking about the example and what this means in my home State of Colorado in a few moments. But neither bill will become law. Unlike immigration reform, unlike ENDA, which would end workplace discrimination against gays and lesbians across our country, these bills will not become law.

Similar legislation to H.R. 1965 was considered last Congress. This legislation was opposed by the administration. It was not brought up by the Senate, and yet here we are debating it again in the House of Representatives when we have real business to take care of.

These are not the issues that my constituents are calling in demanding that I take action on. They are demanding that I work to fix our broken immigration system. They are demanding that I work to balance the budget. They are calling in demanding that we work to improve upon health care delivery in this country; yet, instead, we are discussing bills that are detrimental to the economy of the district that I represent and destroy jobs.

Let me discuss H.R. 1965 first. This bill's central premise is to allow oil and gas companies to drill wherever

and whenever they want to drill on public lands. This bill is completely irresponsible and prioritizes the needs of the oil and gas industry over every other use of our public lands, including the drivers of jobs in my district: hunting, fishing, skiing, and off-road vehicle recreating.

This bill sets arbitrary deadlines for the BLM to approve drilling applications and requires the BLM to lease at least 25 percent of lands nominated by the oil and gas industry each year.

In addition, the underlying bill offers millions of acres of public lands for lease to companies that are trying to develop a fuel source that has not even proven to be viable—oil shale—without regard to the impact on water or our local economy or environment.

I represent the district that includes popular destinations like Vail and Breckenridge and Winter Park, Colorado. People from across the country come to enjoy our skiing in winter, our outdoor recreation, our hunting, our fishing, and white water rafting. When you use areas of land for extraction and you create oil rigs, the heavy truck traffic and roads associated with the extraction industry, people are less likely to want to come visit for these other purposes. It will hurt our ability to attract tourists from the rest of the country if we don't have adequate safeguards around the Federal lands which are part of Eagle and Summit Counties and on which our economy relies.

Now, on H.R. 1965, I did offer several amendments to try to improve these bills, but only one of my amendments was made in order under this rule. I am pleased at least my amendment with the gentleman from California (Mr. HUFFMAN) is in order, which requires the National Academy of Sciences to study and report to Congress about the impact of flooding on oil and gas facilities and leaks and spills from tanks, wells, and pipelines.

My district recently fell victim to horrendous floods. We call it our 100-year flood in Boulder, Larimer, and Weld Counties. A number of drilling operations were impacted, and we are continuing to assess the damage, not only with regard to drilling operations and potential contamination, but of course our people are digging out with regard to their homes and their offices as well. The September floods in Colorado caused an unprecedented level of destruction to thousands of oil and gas facilities in northern and eastern Colorado. As a result, over 43,000 gallons of oil and over 26,000 gallons of produced water spilled from the tanks, wells, and pipelines into the floodwater.

That is why I joined Representative DEFAZIO, the ranking member of Natural Resources, in sending a letter on September 25 to Chairman HASTINGS requesting a hearing to fully understand the consequences resulting from the flooding. That hearing hasn't been

scheduled yet, but I am hopeful that we can resolve this issue, hold congressional hearings, understand how this issue affects my district, but also affects other districts that might be subject to flooding that house drilling operations.

With regard to the oil shale amendment, I am disappointed that the other amendment I offered with Mrs. NAPOLITANO was not made in order. It would have simply required a study. The U.S. Geological Survey would have studied the impacts of oil shale leasing on the quantity and quality of water available in the West. My friend from Utah knows that water in the West is a very important thing. You know, gold is for looking at, and water is for fighting over. Frankly, when we look at the impact and the potential impact that a very heavy use of water would have with some of the extraction techniques that are being explored for oil shale production, we need to look at the impact that would have on water that we need for agriculture, for homeowners, and for recreation. And a simple study would be a first step in doing that.

Unfortunately, under this rule and this closed process, we were not allowed to bring forth this amendment to discuss a study of how oil shale production would affect water uses. Many of the test processes use enormous amounts of water to develop oil shale. It is very concerning because the largest known deposits of oil shale are in the Green River formation, which include portions of Colorado, Utah, and Wyoming, all three of our States experiencing over the last several years drought conditions and have scarce water resources that are relied upon by our residents and by our farmers.

Thirty million users of water, including farmers, ranchers, and municipalities, depend on water from the Colorado River basin. My amendment would ensure that we have a better understanding of how much water oil shale would use and could pollute or otherwise impact through the quantities used of the water available for other purposes.

Now, I would like to turn to H.R. 2728. Hydraulic fracturing, or fracking, is a national issue. It is something that we need to address here in Congress. It is something my constituents are demanding of me that we address here in Congress, but H.R. 2728 is not what my constituents had in mind.

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In this election this month, earlier here in November, four of the five largest municipalities in my district—Fort Collins, Boulder, Lafayette, and Broomfield—passed measures that put bans or moratoriums on fracking.

Never before in my time in public service have I ever seen an issue that has been the number one issue on the ballot in four of the top five municipalities. And I should add, it was scheduled to be on the ballot of the fifth, but

it was deferred. The petitions to put it on the ballot were deferred, and we expect it will be on the ballot at Loveland at this point if the citizens continue with their push for an initiative there.

We have seen tremendous growth in natural gas development due to fracking and directional drilling in the last decade alone. That is a great thing. It is a great thing for American energy independence. It is a great thing for American manufacturing. It is a great thing for reducing our energy costs.

In Colorado alone, 50,000 wells have been drilled, and many more have been drilled nationally. These drilling activities, however, in a district such as mine, a district that is an extraction district, are occurring very close to where people live, work, and where they raise families, yet our State doesn't have any meaningful regulation to protect homeowners.

It meets the definition of having fracking rules; it certainly does. Unfortunately, the fracking rules are overseen by an oil and gas commission that is heavily influenced by the oil and gas industry. They don't have at their disposal the independence or the ability to enact real penalties for violations of our laws, and their charge is not first and foremost to protect homeowners and families and health. That has led to this backlash, which is why even very conservative towns in my district—one of the towns that had a 5-year moratorium on fracking elected a very conservative mayoral candidate by a 60-40 margin, which is not unusual for this town. These are folks who are fundamentally conservative voting for a conservative candidate for mayor, who won, and yet, at that same election, that same year, they passed a moratorium on fracking in Broomfield County.

This is of great concern to the people in my district. The growth of fracking without commonsense Federal guidelines, without commonsense State guidelines, has caused an enormous amount of friction between the American Dream of homeowners in my district and our Nation's need for energy.

State and local rules are an important part of the equation, but we also need standards at the Federal level, particularly as relates to Federal lands—namely, BLM lands—which are an important part of the equation to address impacts that go beyond any particular community, such as keeping our air free from pollution, keeping pollution out of our lungs, our waterways, and our drinking water.

Some State and local laws addressing oil and gas extraction are woefully unprepared. The extraction industry hit before they had the chance to even create a local regulatory framework, or they have one that is woefully outdated and relates to the extraction

technologies that were prevalent decades ago rather than the new extraction technologies that are being deployed today.

Colorado is trying to update its oil and gas rules, but they really haven't done anything to create a meaningful framework to protect homeowners and families, which is why four of the five largest municipalities in my district have either banned or put a moratorium on fracking.

We have a State issue, and the State has actually threatened to sue some of these same municipalities for that ban. That is not a Federal issue, but this has been an enormous issue in my district. The citizens in my district want more protection, not less, when it comes to fracking.

The industry reaction has been extremely counterproductive. The desire for my citizens to see more protection—somehow the industry interprets this as the citizens need more information or need more marketing about how great fracking is. That is not what they need. They have got plenty of that. The opponents of these ballot initiatives, the oil and gas initiatives, spent millions of dollars educating my constituents about how wonderful and harmless fracking is. That is not what they are asking for. If we could take some of that money and instead apply it to recapturing gases from the well sites and ensuring that we have closed systems for the water recovery instead of the marketing campaigns, we would actually make progress with regard to increasing consumer confidence and the confidence of my citizens in the process. But that is not what we have seen to date, and this bill will not help bring it about.

For almost 5 years, I have represented Colorado's Second Congressional District. In that time, I have witnessed exponential growth in natural gas extraction in and around our district. I have met with too many families and communities that have been forced from their homes and devastated by nearby fracking activity.

Fracking has occurred hundreds of feet from homes, schools, and playgrounds. I have been powerless to stop it. We tried to ask an oil and gas company not to frack near a school in Erie, Colorado, Red Hawk Elementary, but the response that I got at my office after two letters continues to be a formulaic response from their attorneys that "we have the right to frack here and we will."

Many families are fleeing those communities not because of lack of information, not because the oil and gas company hasn't done everything they can to have wonderful ambassadors in our community creating a lot of great literature, advertising all over our airwaves. That is not why families are fleeing. They are fleeing because they don't want to live next to an oil rig or

have their kids going to school next to a fracking pad or oil rig. That is just common sense. There is no amount of marketing or information that will change their minds, and that is the fundamental flaw in the reasoning process that many in the oil and gas industry have had to date.

I have heard many stories from families about getting fracked, and as a result, I had introduced the BREATHE Act in the last Congress and the FRAC Act, requiring disclosure of fracking fluids, removing the exemption that fracking has from the Clean Air Act and the Clean Water Act, the small-site exemption.

I, unfortunately, have gotten to experience fracking firsthand here in this last year. For more than a decade, I have had a peaceful family farm, about 50 acres, near Berthoud, Colorado, where my father-in-law lives. That is our house there. Fracking, without any notice to us, because, of course, it wasn't required under State law, occurred hundreds of feet from our home. In July, overnight, without any warning, a towering drill rig arose, literally across the street from where my father-in-law lives. You can see it right here.

The sounds of the 24-hour-a-day-and-night operation led us to invite my father-in-law to have to stay with us in Boulder in our apartment on our couch during the active phase of the drilling process. The rig was spewing black smog and making loud noises at all hours of the day. And when the drilling rig went up without notice or warning, our little dream and our life became a nightmare and was thrown into turmoil.

Last night, at the Rules Committee hearing, Chairman SESSIONS and Chairman HASTINGS spoke about a Web site, [www.fracfocus.org](http://www.fracfocus.org), that supposedly reveals all the chemicals used during the fracking process. But FracFocus is actually not revealing at all. It gives operators sole discretion to decide what information they display and what they don't display.

This is actually an example of a well. This is the one that is very close to our house. You will see that, of course, many of the ingredients of the fracking fluids are completely noncontroversial. We know they are largely water, sand, and quartz. We are not talking about that. That is not the issue. As you will see, they have "proprietary" listed next to several vague terms. They have surfactants here, proprietary. So people in the neighborhood don't even know what environmental contaminants to measure for or to look for.

Again, from a marketing perspective, the oil and gas companies are saying it is not leaching into groundwater, there are not surface spills; but, at the same time, they are refusing to provide the information that would allow the independent verification of their claims and safety.

When I looked up the drilling site near my house on FracFocus, there were many ingredients that were listed as proprietary, including surfactants and polymers; and because of the lenient policy of FracFocus, the company that drilled near my house withheld the only information that we were actually interested in in terms of what was being used in the ground.

We need to look at a commonsense approach to fracking. The constituents in my district are demanding it. We could have voted on such a balanced approach to fracking. I introduced, as an amendment to H.R. 2728, the BREATHE Act. The BREATHE Act was identical to a bill that I introduced earlier this Congress. It would have reversed the oil and gas industry's loophole to a provision in the Clean Air Act that protects the public from small air pollution sources that might individually be de minimus but, in the aggregate, released large volumes of toxic substance into the air.

We have to talk about the concentration of this operation. In Weld County, Colorado, there are close to 50,000 wells. Again, for any particular fracking pad, the emission profile is small; but, if you have a number, a dozen, two dozen, 100, in a limited area, the emission profile is going to look a lot more like a factory or even a coal-burning plant than it does something that can be rounded down to zero. We need to look at the fact that the concentration of thousands of wellheads in a very limited geographic area has a profound potential impact and cumulative impact on air quality that affects our health and our quality of life.

My amendment is critical because there is significant evidence that oil and gas wells and their associated infrastructure, including heavy truck traffic and diesel engines, contribute to air pollution. Chemicals such as benzene and volatile organic compounds and methane are associated with oil and gas production sites and should not be subject to an exemption from the Clean Air Act. Despite the growing proof that the oil and gas industry causes air pollution, oil and gas operators are still exempt from the basic Federal protection afforded by the Clean Air Act.

I offer this amendment and introduced the BREATHE Act because people who live near oil and gas developments deserve the protections of the Clean Air Act, just as other Americans do who live near factories, just as other Americans do who live near coal-burning plants. We have 55 sponsors for the BREATHE Act, yet it has not received a hearing or a markup; and on a party-line vote yesterday in the Rules Committee, it was not allowed to be considered as an amendment to this bill.

Another amendment I helped offer to the underlying measure would also improve the legislation. The amendment I

offered with Mr. HOLT allows the Secretary of the Interior to issue regulations to minimize fugitive methane emissions on public lands.

Methane is a potent greenhouse gas that often leaks during the drilling and transportation of oil and gas. In fact, methane leaks are so common in oil and gas drilling that we have rural areas in the Upper Green River Basin in Wyoming that have recorded higher concentration levels than the worst pollution days in downtown Los Angeles.

Fortunately, there are already control technologies available to minimize air pollution in operations. If the oil and gas companies would use just some of the money that they spend on lobbying and on marketing and on all the wonderful advertising that they are doing on our airwaves in Colorado and, instead, upgrade their facilities to recapture methane, I think we could actually see some progress on this issue.

I urge my colleagues to support this amendment when it comes up for consideration later in the afternoon.

Mr. Speaker, the American people are calling for real solutions in Congress. The people of the Second Congressional District are for an all-of-the-above approach to energy. We are for solar. We are for wind. We are for oil. We are for gas. We are for hydro. We want to make them all work. And just as there would be a zoning process around creating a windmill in a residential neighborhood that is 100 feet tall right near your home, there should be a zoning process around the extraction of oil and gas, especially near where the constituents of my district live and work.

Mr. Speaker, this bill is a messaging bill that might help the majority's relationship with oil and gas companies, but what we really need is a balanced approach that ensures that we can develop our domestic oil and gas resources in a way that doesn't destroy jobs in districts like mine and protects the health of Americans across our country.

These bills fall short on that account. And despite our effort to amend them, the rule doesn't allow many of the most important amendments that would remove the exemption from the Clean Air Act and Clean Water Act and ensure that we have an extraction industry that is consistent with the public health.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the rule that we have before us is about two bills. The first bill deals with fairness for those who live in public land States as to the ability to process oil and gas leases. The second bill deals with fracking, the fracturing of oil that is a policy that started in the 1940s in the State of Texas.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FLORES),

who is the sponsor of the second bill, to discuss that particular portion.

□ 1300

Mr. FLORES. I thank Mr. BISHOP for the time to discuss this rule and the important underlying legislation.

Mr. Speaker, everyone, Republicans and Democrats, like to talk about clean, affordable natural gas. Yet, the Bureau of Land Management has proposed duplicative Federal regulations on the very technology that has facilitated the shale energy revolution, and that is hydraulic fracturing.

States have a proven record in regulating hydraulic fracturing for over 60 years. Obama administration officials are already on the record stating that hydraulic fracturing is safe and that States have a strong role in its regulation.

The proposed BLM regulation of hydraulic fracturing on Federal lands appears to be a solution in search of a problem that does not exist.

The legislation that I have cosponsored with Mr. CUELLAR, H.R. 2728, would stop this Federal overreach by recognizing States' authority to regulate hydraulic fracturing and prohibit the Interior Department from enforcing its proposed regulations in any States that already have a regulatory protocol for this technology.

There are already existing Federal regulations that apply to other energy activities on Federal lands. The tradition of States having a primary role in developing our onshore energy resources has contributed immeasurably to our shale energy revolution, however, and imposing another Federal one-size-fits-all approach only hampers domestic energy production.

The Federal Government already takes 10 times longer to issue an energy activity permit than States do. Why would we want to give these bureaucrats any more flexibility or tools to deter activity on taxpayer-owned lands? After all, over the last 5 years, natural gas production on Federal lands is down over 20 percent, and the rest of the country has seen dramatic increases.

States are better able to decide how to craft environmentally responsible regulations that reflect both the geology and the water needs of their States. This is why American energy development continues to thrive on private lands and State lands, despite the decrease on Federal lands.

If left unchecked, the new BLM regulations are only the beginning of more Federal overreach that will eventually hamper production on private land.

We are in the midst of an energy transformation, Mr. Speaker, in the way that we produce energy in this country. This energy revolution has created hundreds of thousands of well-paying American jobs in the industry.

More importantly, however, energy from abundant, safe, affordable, and

clean natural gas has put America in a position to be globally competitive in manufacturing, where we can create millions of great middle class jobs while simultaneously meaningfully decreasing greenhouse gas emissions, as we have seen over the last decade or so.

Today's rule provides for the legislation that helps us responsibly develop our taxpayer-owned energy resources, and we will later consider legislation that will bring energy to the marketplace.

I urge my colleagues to vote "yes" on the rule, and I urge support for the underlying legislation.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from Colorado for yielding.

Mr. Speaker, I rise in strong opposition to this rule and to the two underlying bills. In fact, these bills are, themselves, solutions in search of problems. They tear down environmental protections and they restrict public participation in an attempt to expand oil and gas production.

But the truth is, oil production on Federal lands has gone up significantly since 2008, and Federal regulations have not stopped States from implementing their own fracking rules.

These bills are nothing more than reckless giveaways to big oil and gas companies that put American families and the environment at risk.

H.R. 2728, for example, would preemptively prohibit the Federal Government from setting even minimal safety standards for fracking. Fracking, whether onshore or offshore, poses serious environmental and public health risks that we don't fully understand now.

We know very little about the environmental and public health impacts of onshore fracking, and we know even less about offshore fracking. Offshore fracking has been occurring for over 20 years off the California coast, with at least four fracs approved as recently as this year.

Federal regulators and the public only recently became aware of these activities, thanks to FOIA requests released last summer. We know virtually nothing about the size of these fracs, the chemicals being used, or the impacts on the marine environment.

They have been approved with categorical exemptions and decades-old permits that are woefully inadequate, and that is why I offered an amendment to H.R. 2728 to stop these activities until a full environmental review is conducted. Unfortunately, my amendment was not made in order, which is disappointing.

If oil companies get to inject millions of gallons of fracking fluids into our public lands, then the least we can and must do is study the impacts of those activities. Whether it is done off-

shore or onshore, we have a responsibility to ensure that fracking is safe, but the bills before us this week greatly undercut this crucial responsibility.

So I urge my colleagues to stop this reckless giveaway to Big Oil, and oppose this rule and the underlying bills.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

When Ronald Reagan was first elected President, he talked to his National Security Advisor—I believe his name was Richard Allen—and told him that his policy for foreign affairs was going to be "we win and they lose." It shocked his National Security Advisor because they had always been talking about managing communism or coexisting with communism. This was the first time somebody had actually come up with such a specific and precise rationale and policy for the Nation.

But President Reagan also realized, for him to actually enact his goal, they first had to fix the economy, which, as strange as it seems, was worse than the economy we have today. With double-digit inflation, double-digit unemployment, double-digit interest rates, he had to first fix that before he could go on to his goal of actually winning the Cold War.

He also recognized that if he was going to fix those economic problems, he had to have a reliable and affordable source of energy, and that, indeed, was one of the problems that caused the situation they were in under the Carter administration.

Earlier this year we brought a couple of bills forward, one for the Defense Authorization Act and the Defense Appropriations Act, and I said at the time that the reason we had those here was because it allowed and empowered our State Department.

Foreign policy is whatever we are willing to fund as far as military growth. They are interrelated.

One of the things this administration appears to have forgotten is the interrelation between improving our economy and improving energy production at the same time, although they have done well in trying to forward green energy solutions.

Unfortunately, as much as that is a positive and proper approach, most of what they have done has failed to reach the goals they established for themselves, and not only that, much of it has also been involved in scandals. Also, it cannot be done at the time you are attacking traditional forms of energy.

So that is why we are here. One of the realities is that, oddly enough, at this particular time, we are producing more energy in America than we have for a long time. And the numbers are always all over the place, depending on what the starting date is with these surveys. Whether you go to an industry like the Western Energy Alliance or a

neutral entity like the Congressional Research Service, they are all saying basically the same thing. There is a slight increase in offshore energy on Federal lands. There is not an increase in onshore energy production on Federal lands, depending, once again, on what base you are using, and our increase in production, which is true, has almost all come from private lands, State-owned lands, and Native American lands of this country.

Now, the fact that we are closer to energy independence is nice, but that is not our goal. That is simply an infamous goal that we should have.

The goal should be to reduce the amount of energy coming into this country and becoming more energy independent so we can actually help people, so that we can come to the point where we are producing enough energy from this energy-rich Nation to make sure that we have affordable electricity, so when a family goes into a room, they don't have to worry about turning on the light, impacting their kids' college education fund; so that even low-income families can realize they can heat their homes in the winter; so that one can travel from Point A to Point B in your car and realize it is affordable; so that jobs actually are plentiful, especially spinoff jobs.

It is not those who necessarily are working at the site in which you are developing the energy, but the spinoff jobs: the trucker that goes to and from bringing product into or away from the site, or those who are doing the motels and the restaurants that are feeding the workers, those who are working on Main Street that are providing food and resources to those who are providing the services to those particular workers.

In Western States, like the State of Utah, it is essential, also, to our education fund. If you were to look at this particular chart, the chart on the top, the States in red are the States that have the hardest time, the slowest growth in their education funding.

The chart on the bottom, the stuff in red is what is owned by the Federal Government. I hate to say it, but there is a relationship between the amount of public lands owned by the Federal Government and the inability to try and fund the proper education system.

What that comes to, in gross terms, is over the last 20 years, Western States, the predominantly public land States, have increased their education funding by 35 percent. The rest of the Nation, which has very little public ground, has increased its education funding by 68 percent. They are doubling the growth of it.

What simply matters is that States in the West that are public land States have a difficult time of funding their education system when they are prohibited from being able to develop a lot of the resources which are found in

those Western States. That is one of the reasons why we have a difficult time in funding our own education system and why the first bill in this rule is asking for Western States to be treated fairly in this particular process.

Whether one likes it or not, to vote against these bills unintentionally harms kids, and it harms education in the West. If our funding for education in my home State is going to be effectively increased, it has got to come from development of the natural resources that are in my State and not putting impediments in the way of the State moving forward.

This is the map of significance that I showed you. Everything that is red is that which is owned by the Federal Government, and you find—glory be—we have the predominance of it here in the West, in my State.

There is a difference in how energy is developed in the red areas, as opposed to the basically white areas. If you were trying to develop areas in the white, which has very little Federal land, it simply means a company goes out, they contact a property owner, get the right to do exploration, and then, if they find something which they wish, they buy either the land or the mineral rights and go ahead and do it.

On the red areas, the public land areas, the process is far, far different. It has been said on this floor that this bill would allow oil companies to go wherever they want. That is an overstatement. It is not quite accurate.

In the red areas, what happens is, first, the Federal Government, in this case, the Department of the Interior, will establish a regional management plan to establish which areas are proper for economic development, for drilling, and for mining. Not all areas are, so not all areas become part of the regional management plan, and only those areas that have potential for economic development in oil and gas are the ones that are listed in the RMP.

Then it goes through a NEPA process. Once the NEPA process for the RMP is completed, then the Interior Department decides what areas that are listed as potential energy development areas will actually be leased by the Federal Government.

Then they are let out to bid. That also has to go through a NEPA process before, finally, a company can bid on lands and go through and try to find out if it is worthy to develop. If they wish to develop, then they also have to go through an application for drilling.

Now, in most States, the white area, that application for drilling by itself takes between 15 to 30 days. In the red area, that application has been averaging over 300 days, which is where the unfairness takes place.

The first bill that is in this rule would say, okay, let's split the difference, and we will say you make the

decision within 60 days; plenty of time to make that particular decision.

It is also noted that, in all of these processes I went through, from the RMP to the NEPA process, to the lease, to the lease bid, to the second NEPA process, to the APD, there is opportunity for citizens to have input, free speech access to input.

Now, that costs the Department money to access that, which is true, but it is part of their job, so we accept it.

□ 1315

However, when the bid is actually made or a protest is made to that bid, that is extra work for the Department, which, in every other area of government, we would require a fee when some kind of citizen action requires extra work to expedite the paperwork for that type of protest or that type of policy or that type of request.

The companies that do an APD are already charged that by the Department of the Interior. They pay a fee of \$6,500 every time they have a request to drill. This bill codifies that. But also it says that, if you are going to challenge or protest one, this is not the opportunity for citizen input that you have along the process each and every step. But if you are actually going to do a challenge of this, then you also should pay a fee because this challenge requires extra work and extra expense on the part of the Department, and this is put at a \$5,000 fee. It is \$6,500 to actually request the permitting process to start and \$5,000 if you want to protest it.

In my State, unfortunately, we have seen examples where, on what I consider to be a whim, the President or the administration or the Department of the Interior has simply withdrawn leases that have gone through all of those steps I indicated and were effective and were put into motion. The first thing this administration did was to withdraw 77 leases in Utah. It had a catastrophic effect upon the Uinta Basin in my home State, where unemployment skyrocketed immediately after that was done, not only because the leases were withdrawn, but the private companies that were doing their work on private lands also saw the handwriting on the wall and wished to no longer go forward with that because of the implications of the withdrawal of those leases.

I got a letter from one of the kids who was living there. She was in junior high school. She asked me to please do something about it because her father was not working on the wells or the sites of those leases. He was one of the truckers, a private contractor who was taking stuff into those sites and trucking stuff out from those sites. And she was so happy because her family had been situated. They were doing well. They had finally bought a house and

bought some property, and she had her dream of finally having a horse. And she wrote to me, pleading to see if we could change what this administration had done with those 77 leases so she could simply keep her horse. It didn't happen. She lost the horse. Her father lost the job. They lost the house. They lost land and had to go back to Salt Lake City to find employment.

Recently, in this same area, once again going through the process, the Interior Department identified 800,000 acres that were susceptible and appropriate for economic drilling development. They were those that were already abutting existing leases or intermingled within existing leases. But there were 800,000 acres. When they came up with the lease process, the administration decided to only offer 144,000; and then before the lease actually went out to bid, they withdrew almost 100,000 of those 144,000 because they had found a question in their minds as to what the impact might be.

Now, I recognize this could be legitimate. I mean, the Federal Government has only owned this land since the Mexican War. Obviously there are things that can slip somebody's attention in the first 180 years of looking at a piece of property. But nonetheless, only 44,000 acres were put out to bid. That is 5 percent of the total that was identified as acceptable for this kind of development.

Now, we are not talking about wilderness areas or national park areas or conservation areas; only areas that were susceptible and appropriate for this concept, which is why the 25 percent figure is really kind of a modest figure of what should be the case and should be taken.

If we were to pass these two bills, it is very easy to realize that the desert could bloom again because that is the purpose. These bills, for the first time, identify Native American interests and make sure that Native American interests on Native American lands are going to be respected by the Federal Government. They take it.

Four score and 7 years ago, we started a fracking process in the United States—give or take a score. But this fracturing process has, so far, been working. We have a list of those from the EPA, from the Interior Department, from both Energy Secretaries, the last two Interior Secretaries, a former EPA Administrator, the current Administrator, former BLM Directors who have all said that there is no identifiable problem with what the States are doing with fracturing. The States do have this experience in doing it.

The language is very clear. Sometimes people say, well, there are no regulations because they can't find a specific regulation. It mentions the word "fracturing." But to be honest, and not trying to be too wonkish, if you have rules and regulations that

talk about wellbore construction or drill site integrity, that is what is necessary to ensure the health and safety of individuals. And States do know how to go do that, and they do know how to protect that area.

The actual question, though, is, if we are coming up with rules for fracturing—and this deals with the bill that Representative FLORES was addressing—where should the decision be made on how to implement those rules? Should it be made here in Washington or should it be made in the State where the situation exists?

I have a great deal of empathy for what the gentleman from Colorado was saying was what he wished to see in his home State. I would be more than happy to allow him to do anything he wanted to do. If, indeed, they want to cancel all kinds of fossil fuel development in the State of Colorado, I would be more than happy to allow him to do that. I just don't want that in my State.

And unfortunately, the conventional wisdom is always that only people in Washington, D.C., have the broad view to make decisions for the entire Nation. That is a ridiculous wisdom. That is inaccurate. States are just as competent. There are as many smart people who live and reside in States, their Department of Environmental Quality, which we have in the State of Utah, as live here in Washington. They can make these decisions. They can do it well.

If a State does not want to make these kinds of decisions, does not want to have these kinds of rules, allow a national rule to take precedence. No problem. But if a State is willing to be independent and make decisions for themselves, we should allow them to do it because the States are just as good and, unfortunately, often better than the Federal Government in making these kinds of provisions.

You see, one of the things that is happening—the good gentleman from Colorado did talk about what is happening in his State. And once again, if his State wants to ban all kinds of these activities, if they want to ban all development of fossil fuels, that is fine.

This bill's adoption does not stop Colorado from doing anything that Colorado wishes to do. Not passing this bill will stop the State of Utah from having primacy and doing what the State of Utah wishes to do.

Look, we are not talking about the decimation of enormous tracts of Federal land. Within the Federal campus, there are over 650 million acres. That is one-third of America that the Federal Government owns. Of those 650 million acres, 450 million acres are already set aside for preservation and conservation and will never, never have any kind of development or any kind of drilling taking place on those 450 million acres.

The amount of area that has been identified as potential for economic de-

velopment is only 38 million acres. But on those 38 million acres, allow the States to move forward to make sure that what the State wants on our local lands is respected and that what happens on Federal public lands is fair and equitable to what happens on private lands in non-Federal States.

With that, I look forward to anything the gentleman from Colorado has to say, and I reserve the balance of my time.

Mr. POLIS. I yield myself 30 seconds to respond.

To be clear, there is not an effort in Colorado, as the gentleman insinuated, to somehow prevent the extraction of fossil fuels from occurring in Colorado. In fact, quite to the contrary. Because of the lack of meaningful State regulations, many cities and counties are banning extraction; and four of the five biggest cities I represent have moratoriums or bans on fracking precisely because there are insufficient Federal and State guidelines. So it is really working with counterpurposes and hurting the very prospects for the extraction industry that the gentleman aspires to assist by not having adequate regulation to safeguard people's homes and families.

I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman very much.

Mr. Speaker, the gentleman is correct that none of the dialogue that we just heard is mutually exclusive from creating jobs, from providing a growing economy, having a sustainable environment, and maybe having even a national energy policy. This should not be a conflict between who has read and who has not in terms of land and the ability to use Federal lands and education. We can do both. And what I believe is happening is that we are trying to take sides without looking constructively at everyone's amendments to make this legislation what it should be.

I have always advocated for a national energy policy. Today I rise to discuss the amendments that I offered to try to bring people together. I listened to the discussion.

Since the industry pays \$6,500, we must let individual protesters pay \$5,000. I would venture to say that the amendment that I offered would have been a fair one. It is to eliminate that amount. It could have been a compromise, make it a \$1,000 fee. But in actuality, this blocks individuals from even expressing their viewpoint even though they have been able to go through the process of comment.

I did get an amendment in which will help ensure that the legislation, should it become law, will not apply or be interpreted in such a way that it unfairly burdens injured parties seeking relief. My amendment No. 2 indicates that this shall not be construed to abridge

the right of people to petition for the redress of grievances in violation of the first article of the amendment to the Constitution, a right to protest.

Another amendment that I had was also an amendment to protect individuals, farmers, ranchers, and small businesses by removing the provision in the bill prohibiting recovery of attorney fees pursuant to the Equal Access to Justice Act. That amendment was made in order to create a level playing field.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman from Texas an additional 15 seconds.

Ms. JACKSON LEE. There are a number of other amendments that I offered to H.R. 2728. One would have made it clear that the deference accorded to State law under section 44 of the bill applied only to fracking operations conducted on State lands but not to Federal lands. This was a good amendment that did not make it. A number of amendments did not. Some of my amendments did, and I want to say thank you. But I believe we can work together for a national energy policy that works for all of us.

Mr. Speaker, I rise to speak on the rule governing debate on H.R. 1965, the "Federal Lands Jobs and Energy Security Act," and H.R. 2728, the "Protecting States' Rights to Promote American Energy Security Act."

As the Member of Congress from Houston, the energy capital of the nation, I have always been mindful of the importance and have strongly advocated for national energy policies that will make our nation more energy independent, preserve and create jobs, and keep our nation's economy strong.

I am not pro- or anti-fracking. I strongly am "pro-jobs" and "pro-growing economy" and "pro-sustainable environment."

Volatile energy prices threaten economic security for millions of middle class Americans and hits consumers hard, raising gas prices and straining budgets for millions of American families.

It is a familiar story, but in order to restore lasting security for middle class families we need a sustained plan for American energy, not false promises of quick fixes.

That is why I carefully consider each energy legislative proposal brought to the floor on its individual merits and support them when they are sound, balanced, fair, and promote the national interest.

Where they fall short, I believe in working across the aisle to improve them by offering constructive amendments.

That is why I offered several amendments for the Rules Committee to consider in reporting the bills covered by this rule.

Three of my amendments were made in order by the Committee and for this I wish to express my appreciation to Chairman SESSIONS and Ranking Member SLAUGHTER hearing the bills before the House.

Four other amendments that I offered were not made in order by the Committee, which I regret very much since I believe strongly that each would have made genuine improvements to the bills.



For the benefits of all Members, I will describe these amendments briefly.

JACKSON LEE AMENDMENTS TO H.R. 1965, "FEDERAL LANDS JOBS AND ENERGY SECURITY ACT"

Jackson Lee Amendment #1 would have eliminated the new \$5,000 filing fee that creates a higher barrier for individuals, small businesses or communities to protest agency actions taken pursuant to the bill.

A filing fee of this magnitude would unduly burden the ability of farmers, ranchers, homeowners, communities, and small businesses aggrieved by agency action to seek redress to vindicate their rights or obtain a remedy for a legally cognizable injury.

Although the Committee did not make in order Jackson Lee Amendment #1, I am pleased that the Rules Committee made in order Jackson Lee Amendment #2, which will help ensure that this legislation, should become law, will not applied or interpreted in such a way that it unfairly burdens injured parties seeking relief.

Jackson Lee Amendment #2 provides that this legislation:

"[S]hall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States."

We should never take for granted the precious and unique right—even for democracies—of citizens to hold their government accountable and answerable to the judiciary for redress for legally cognizable injuries.

I am also pleased that Rules Committee made in order Jackson Lee Amendment #3, another amendment offered to protect individuals, farmers, ranchers, and small businesses by removing the provision in the bill prohibiting recovery of attorney fees pursuant to the Equal Access to Justice Act.

This amendment levels the playing field and conforms the bill to current law and practice.

Since its enactment in 1980, the Equal Access to Justice Act (EAJA) has enhanced parties' ability to hold government agencies accountable for their actions and inaction.

EAJA also helps deter government inaction or erroneous conduct and encourages all parties, not just those with resources to hire legal counsel, to assert their rights.

The EAJA is used to vindicate a variety of federal rights, including access to Veterans Affairs and Social Security disability benefits, as well as to secure statutory environmental protections.

The EAJA promotes public involvement in laws have a significant impact on the public health and safety such as the National Environmental Policy Act, Clean Air Act and Clean Water Act.

2. JACKSON LEE AMENDMENTS TO H.R. 2728, "PROTECTING STATES' RIGHTS TO PROMOTE AMERICAN ENERGY SECURITY ACT"

I offered several amendments to H.R. 2728, the "Protecting States' Rights to Promote American Energy Security Act" that address State and Federal interest in developing and enforcing fracking regulations.

The first of these, Jackson Lee Amendment #1 to H.R. 2728, would have made it clear that the deference accorded to state law under section 44 of the bill applied only to fracking operations conducted on state lands but not to federal lands.

My amendment would not impact the ability of states to approve fracking on state or private lands.

I am disappointed that the Rules Committee did not make this amendment in order because it would have markedly improved the bill.

Before offering this amendment I canvassed and consulted key stakeholders in my district and was advised by them that a patchwork of 50 separate sets of legal rules and regulations governing fracking operations on federal lands was inefficient, expensive, and unduly burdensome. I agree. My amendment would have ensured that there would be only a single, uniform standard governing fracking operations administered by the Department of Interior.

Federal lands are held in trust for the benefit of the American people. They are a source of national pride as well as a source of revenue for a wide range of industries, which include ranching, logging, mineral extraction (including oil and gas), and tourism.

I am hopeful that this amendment will be reconsidered by the Senate or the bicameral conference as the bill makes its way through the legislative process, particularly since the Rules Committee also declined even to make in order another version of the amendment, Jackson Lee Amendment #2, which required only that the Secretary review and approve state fracking law before permitting it to govern fracking operations on federal land.

Mr. Speaker, fracking is a new and promising mining technique that has proven to be very effective and profitable for oil and gas extraction processes. This appears to be good news for our nation's energy and economic but the technology is still in its infancy.

That is why I am also pleased that the Rules Committee made in order Jackson Lee Amendment #3, which provides that the Secretary of the Interior shall annually review and report to Congress on all State activities relating to hydraulic fracturing.

I urge my colleagues to support the Jackson Lee Amendments made in order under this rule.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 30 seconds, if I could, simply to say that what the bill does, does not restrict any kind of free speech opportunity for individuals. They still have the right of comment, which is totally free, in any of those processes from the RPM to the NEPA to the lease to the leased bid to the second NEPA to the APD. So that is there only when an effort actually causes an additional expense to the government, which is typical and standard. That fee is actually going to be initiated to try to cover the costs to the Federal Government.

It is my pleasure now to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), the sponsor of the first of the two bills, who has a bill that will ensure that the standards become fair and equitable for everyone throughout this Nation.

Mr. LAMBORN. I thank the gentleman from Utah.

Mr. Speaker, I want to respond to my colleague from Colorado who has raised

some concerns about the issue of hydraulic fracturing. And we all agree. There is a place for reasonable regulation; there is a place for the surface rights of homeowners and businesses in the area of a well to have their safety and health protected; and we would all agree with that.

In Colorado, we really do have a pretty comprehensive and well-thought-out system of regulations. Some of the objections may really get more into State and local issues that my colleague has raised, the distance of setbacks and things like that, but I hope we will not miss the main point.

The main point: these bills are before the House this week. We want to improve the American economy. We want to create more jobs. Energy is one of the bright spots in an otherwise anemic economic recovery. And if you look at where the energy production is really taking off, it is on State and private lands. For my colleague from Colorado, it is a private land scenario that he is dealing with.

Federal lands need to catch up. There are billions of acres of Federal lands, including offshore. I know we are going to concentrate on onshore, but we have not kept up with energy production, and yet this has otherwise been a bright spot in our economy.

So if we want to create jobs for the American people—and these are some of the best paying jobs—if we want to have an expanded manufacturing base, if we want the cost of energy to consumers to be as low as possible so that they can go out and spend their hard-earned money on everything else that they need for their families and not have as high of a utility bill, then we need to pass these three bills this week.

□ 1330

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 1 minute.

Mr. LAMBORN. Mr. Speaker, there is a place to talk about reasonable regulation that has to be in place for the drilling process, for the capture of gas, and for how to treat the water that comes back up from a fractured well.

Yes, let's look at those things; and let's also look at the State role and not think that the Federal role has to take over completely, as we have some in this administration who would like to do.

But the bottom line is we need American jobs. We need a stronger economy. We need lower prices so people keep more of their hard-earned money. That is what these job bills are about this week. It is about the economy and jobs.

So we will get into a discussion later today, tomorrow, and Thursday on making sure that the environment is protected, making sure that everyone else has their rights protected; but



let's create jobs. That is what these bills are going to do. That is why I am proud to be a sponsor of the bill that comes up later this afternoon that we will be talking more about.

Mr. POLIS. Mr. Speaker, I would inquire whether the gentleman from Utah has any remaining speakers. If not, I am prepared to close.

Mr. BISHOP of Utah. I have no further speakers.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make sure we don't go home unless we finish the budget by December 13.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I will submit for the record, as well, a recent poll. The Denver Post published an article this past summer that states that 65 percent of Colorado residents favor protecting wilderness parks and open space and our Federal lands for future generations and 30 percent support more drilling.

It has been 144 days and 13 hours since the Senate passed its immigration reform bill, S. 744. We have introduced H.R. 15 here in the House. Each day that the House refuses to take up reform costs the country \$37 million. Already there is more than \$5 billion in potential lost revenue so far.

If we can take up immigration reform and pass it, I would even support allowing that revenue to be used to keep the loopholes for the oil and gas industry open—something that I have long opposed. But if we can pass immigration reform, I would accept that pay-for as a way of keeping the oil and gas loopholes open for the next several years.

The nonpartisan Congressional Budget Office found that the comprehensive immigration reform bill would increase our GDP by 3.3 percent, raise American wages by \$470 billion, and create an average of 121,000 jobs for Americans each year. So rather than take up a job-creating bill for Americans that reduces our deficit, we are taking up a bill that hurts the economy and hurts jobs in districts like mine.

The longer we fail to act on immigration reform, the greater the cost to the American people. Take the example of the solvency of the Social Security system. As the Social Security Administration estimates, close to two-thirds of the 8 million undocumented people who are here currently work underground. No surprise. They are not allowed to work aboveground in official

jobs with payroll deductions, and neither they nor their employers are able to legally declare their earnings or pay their payroll taxes.

Today, only 37 percent of undocumented immigrants pay Social Security taxes. Experts are estimating that our Nation loses about \$20 billion in payroll taxes each year. We will continue to lose that money until we pass H.R. 15, comprehensive immigration reform.

The Senate has acted—with strong Republican support and strong Democratic support—and passed bipartisan immigration reform last June; and yet the House hasn't had a single moment of floor time for any immigration reform bill, despite the fact that four have been passed through the committee.

The time is now. We are here today, we are here tomorrow, we are here 2 more weeks. If we need to come back, let's do it.

The country is demanding that we create jobs. Comprehensive immigration reform will do that. The country is demanding we shore up our entitlement programs. Comprehensive immigration reform will do that. The country is demanding that we reduce our deficit. Comprehensive immigration reform will do it. Securing our borders, protecting our country from terrorists—law enforcement, the faith community all support immigration reform.

In closing, I want to again state the article I am submitting for the RECORD says 65 percent want to protect our environment and 30 percent are for more drilling.

The people have spoken. These bills are out of touch. It is time to take up comprehensive immigration reform.

I urge my colleagues to oppose the rule and the bill, and I yield back the balance of my time.

[From the Denver Post]

POLL OF WESTERNERS ON DRILLING ON PUBLIC LANDS: 65% PROTECTION; 30% DRILLING

(By Bruce Finley)

A new poll finds that 30 percent of the residents of Colorado and the western United States favor oil and gas drilling on public lands, while 65 percent support protecting wilderness, parks and open space for future generations.

Results of the poll done by Hart Research Associates were presented Monday by the policy group Center for American Progress, which with the Wilderness Society was launching a campaign for balance.

"This is a case where Washington's policies and rhetoric are still locked in a drilling-first mind-set, but westerners want the protection of public lands to be put on equal ground," said John Podesta, chairman of the Center for American Progress, which is headquartered in Washington, D.C.

"Voters do not see conservation and development of public lands as an either-or choice. Instead, they want to see expanded protections for public lands—including new parks, wilderness and monuments—as part of a responsible and comprehensive energy strategy," Podesta said.

U.S. domestic oil and gas production has reached record levels, with more than 37 million acres of public land leased to companies for drilling. Polling and focus group discussions were conducted in Colorado, Montana, New Mexico, Oregon, Arizona, Idaho, Utah, Wyoming and Nevada in April and May.

The poll asked participants to state what they regard as a very important priority, and 65 percent said permanent protection of public lands. Results showed 63 percent prioritized ensuring access to public lands for recreation, while 30 percent favored ensuring access to oil and gas resources.

The poll found that 29 percent supported use of public lands for grazing livestock.

Western Energy Alliance officials in Denver cited a different poll. It found that more than 78 percent of voters nationwide favor increased development of oil and natural gas in the United States.

Voters have a favorable view of "how oil and natural gas is produced in America," said Tim Wigley, president of Western Energy Alliance in a statement. "Almost one in four (24 percent) chose federal lands over state or private lands."

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

I appreciate the poll that was presented into the RECORD; but that is why, I would submit, the Interior Department has a resource management plan. Those RMPs are established in the first place so that incompatible relationships and incompatible entities are not put in the same area. It is why you can actually have both.

What the two bills before us that would be brought to the floor under this rule do is allow States to have a say in what is going on, because States are confident. They are closer to the problem. They should have a say and a stake and make a statement in this particular issue.

If these bills were brought to the floor, public land States in the West—the red areas on my map—would be treated fairly and treated closer to what is happening in the white States, where there is little public land.

This is also, though, one of the things that I want us not to lose focus on. It is not about drilling or not drilling. It is what is the purpose of developing our energy resources, that is, to make sure that people can heat their homes and have lights in their houses, that they can drive from point A to point B and afford it, and so that people can have jobs so that that little middle school girl in my State can actually have a place for her horse. That is what these bills are about.

More importantly, for Western States, the public land States, is to allow us to generate the revenue we need from the resources we have in our State to fund an education system. If these bills are defeated, the ability of Western land States to adequately fund their educational systems will be stymied.

It is important. If you care about kids, you have to provide this kind of resource for the Western States. That

is why these two bills are not just rehashes. These two bills are essential for those of us who live in the West.

For the sake of the education system of Western kids, I would encourage everyone to support not only the rule, but support both underlying bills. They are important. This is a fair rule. It is appropriate legislation. They are good bills and a fair rule. I urge their adoption.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 419 OFFERED BY  
MR. POLIS OF COLORADO

At the end of the resolution, add the following new section:

SEC. 3. It shall not be in order to consider a concurrent resolution providing for adjournment unless the House as adopted a conference report on S. Con. Res. 8, establishing a budget for the United States Government by December 13, 2013.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT  
REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the notion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amend-

ment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 13, as follows:

[Roll No. 590]

YEAS—223

Aderholt	Cotton	Griffin (AR)
Amash	Cramer	Griffith (VA)
Amodei	Crawford	Grimm
Bachmann	Crenshaw	Guthrie
Bachus	Culberson	Hall
Baletta	Daines	Hanna
Barr	Denham	Harper
Barton	Dent	Harris
Benish	DeSantis	Hartzler
Bentivolio	DesJarlais	Hastings (WA)
Bilirakis	Diaz-Balart	Heck (NV)
Bishop (UT)	Duffy	Hensarling
Black	Duncan (SC)	Holding
Blackburn	Duncan (TN)	Hudson
Boustany	Ellmers	Huelskamp
Brady (TX)	Farenthold	Huizenga (MI)
Bridenstine	Fincher	Hultgren
Brooks (AL)	Fitzpatrick	Hunter
Brooks (IN)	Fleischmann	Hurt
Broun (GA)	Fleming	Issa
Buchanan	Flores	Jenkins
Bucshon	Forbes	Johnson (OH)
Burgess	Fortenberry	Johnson, Sam
Calvert	Fox	Jones
Camp	Franks (AZ)	Jordan
Cantor	Frelinghuysen	Joyce
Capito	Gardner	Kelly (PA)
Carter	Garrett	King (IA)
Cassidy	Gerlach	King (NY)
Chabot	Gibbs	Kinington
Chaffetz	Gibson	Kinzinger (IL)
Coble	Gingrey (GA)	Kline
Coffman	Gohmert	Labrador
Cole	Goodlatte	LaMalfa
Collins (GA)	Gowdy	Lamborn
Collins (NY)	Granger	Lance
Conaway	Graves (GA)	Lankford
Cook	Graves (MO)	Latham

Latta	Petri	Shuster
LoBiondo	Pittenger	Simpson
Long	Pitts	Smith (MO)
Lucas	Poe (TX)	Smith (NE)
Luetkemeyer	Pompeo	Smith (NJ)
Lummis	Posey	Smith (TX)
Marchant	Price (GA)	Southerland
Marino	Reed	Stewart
Massie	Reichert	Stivers
McCarthy (CA)	Renacci	Stockman
McCaul	Ribble	Stutzman
McClintock	Rice (SC)	Terry
McHenry	Rigell	Thornberry
McKeon	Roby	Tiberi
McKinley	Roe (TN)	Tipton
McMorris	Rogers (AL)	Turner
Rodgers	Rogers (KY)	Upton
Meadows	Rogers (MI)	Valadao
Meehan	Rohrabacher	Wagner
Messer	Rokita	Walberg
Mica	Rooney	Walden
Miller (FL)	Ros-Lehtinen	Walorski
Miller (MI)	Roskam	Webster (FL)
Miller, Gary	Ross	Wenstrup
Mullin	Rothfus	Westmoreland
Mulvaney	Royce	Whitfield
Murphy (PA)	Runyan	Williams
Neugebauer	Ryan (WI)	Wilson (SC)
Noem	Salmon	Wittman
Nugent	Sanford	Wolf
Nunes	Scalise	Womack
Nunnelee	Schock	Woodall
Olson	Schweikert	Yoder
Palazzo	Scott, Austin	Yoho
Paulsen	Sensenbrenner	Young (AK)
Pearce	Sessions	Young (IN)
Perry	Shimkus	

NAYS—194

Andrews	Esty	Maffei
Barber	Farr	Maloney,
Barrow (GA)	Fattah	Carolyn
Bass	Foster	Maloney, Sean
Beatty	Frankel (FL)	Matheson
Becerra	Fudge	Matsui
Bera (CA)	Gabbard	McCollum
Bishop (GA)	Gallego	McDermott
Bishop (NY)	Garamendi	McGovern
Blumenauer	Garcia	McIntyre
Bonamici	Grayson	McNerney
Brady (PA)	Green, Al	Meeks
Braley (IA)	Green, Gene	Meng
Brown (FL)	Grijalva	Michaud
Brownley (CA)	Gutiérrez	Miller, George
Bustos	Hahn	Moore
Butterfield	Hanabusa	Moran
Capps	Hastings (FL)	Murphy (FL)
Capuano	Heck (WA)	Nadler
Carney	Higgins	Napolitano
Carson (IN)	Himes	Neal
Cartwright	Hinojosa	Negrete McLeod
Castor (FL)	Holt	Nolan
Castro (TX)	Honda	O'Rourke
Chu	Horsford	Owens
Ciulline	Hoyer	Pallone
Clarke	Huffman	Pascarell
Clay	Israel	Pastor (AZ)
Cleaver	Jackson Lee	Payne
Clyburn	Jeffries	Pelosi
Cohen	Johnson (GA)	Perlmutter
Connolly	Johnson, E. B.	Peters (CA)
Conyers	Kaptur	Peters (MI)
Cooper	Keating	Peterson
Costa	Kelly (IL)	Pingree (ME)
DeFazio	Kennedy	Pocan
DeGette	Kildee	Polis
Delaney	Kilmer	Price (NC)
DeLauro	Kind	Quigley
DeBene	Kirkpatrick	Rahall
Deutch	Kuster	Rangel
Dingell	Langevin	Richmond
Doggett	Larsen (WA)	Roybal-Allard
Doyle	Larson (CT)	Ruiz
Duckworth	Lee (CA)	Ruppersberger
Edwards	Levin	Ryan (OH)
Ellison	Lewis	Sánchez, Linda
Engel	Lipinski	T.
Enyart	Loebach	Sanchez, Loretta
Eshoo	Lofgren	Sarbanes
	Lowenthal	Schakowsky
	Lujan Grisham	Schiff
	(NM)	Schneider
	Lujan, Ben Ray	Schrader
	(NM)	Schwartz
	Lynch	Scott (VA)

Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)

## NOT VOTING—13

Campbell  
Cárdenas  
Davis, Rodney  
Gosar  
Herrera Beutler

□ 1402

Ms. SEWELL of Alabama and Mr. CAPUANO changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, on rollcall No. 590 I was unavoidably detained.

Had I been present, I would have voted, “yes.”

Stated against:

Ms. SINEMA. Mr. Speaker, on rollcall No. 590, had I been present, I would have voted, “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 196, not voting 12, as follows:

[Roll No. 591]

## AYES—222

Aderholt  
Amash  
Amodel  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishke  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)

Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson

Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)

King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth

## NOES—196

Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski

Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano

Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko

## NOT VOTING—12

Campbell  
Coble  
Fleischmann  
Gosar  
Gutiérrez

Herrera Beutler  
McCarthy (NY)  
Radel  
Rush  
Thompson (PA)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1410

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLEISCHMANN. Mr. Speaker, on rollcall No. 591, I was unavoidably detained—I would have voted, “yes.”

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## FEDERAL LANDS JOBS AND ENERGY SECURITY ACT

## GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1965.

The Chair appoints the gentlewoman from North Carolina (Ms. FOXX) to preside over the Committee of the Whole.

□ 1414

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the

consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, with Ms. FOXX in the chair.

The Clerk read the title of the bill.

THE CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from New Jersey (Mr. HOLT) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

□ 1415

Mr. HASTINGS of Washington. Madam Chair, I yield myself such time as I may consume.

Madam Chair, with millions of Americans still looking for work, growing debts and deficits, and energy prices that are still far too high, the United States needs to implement an all-of-the-above energy plan to responsibly harness our Nation's energy resources on our Federal lands.

New energy production is one of the best ways to grow the economy and create new jobs to put people back to work. One needs to look no further for proof than to States like North Dakota that have flourishing economies and some of the lowest unemployment rates in the country, all due to energy production. Because of this energy boom, the U.S. is now projected to be the world leader in oil production by 2015, surpassing Saudi Arabia.

The catch is that this increased oil production is happening on private and State lands—which is good—places that aren't as restricted by onerous Federal regulations and policies. Federal lands are being left behind.

However, this lack of production on Federal lands is not for a lack of resources. We have tremendous potential for new onshore oil and natural gas production on Federal lands, but the Obama administration is actively and purposely keeping these resources off limits. Leasing and permitting delays, regulatory hurdles, and ever-changing rules are a few of the reasons energy production on Federal lands is in decline.

President Obama has had the four lowest years of Federal acres leased for energy production going back to 1988. Under his administration, the average time to get a drilling permit approved on Federal land is 307 days. By contrast, it takes an average of only 10 days in North Dakota to get a permit; and another example, in Colorado it only takes 27 days.

It is no wonder that State lands are flourishing while Federal lands are experiencing a decrease in energy production. That is unacceptable, and this bill

today offers real solutions to unlock the shackles that have been placed on our Federal lands.

H.R. 1965, the Federal Lands Jobs and Energy Security Act, is a package of bills that will help us expand oil, natural gas, and renewable energy production on public lands. It will streamline government red tape, break down bureaucratic hurdles, and put in place a clear plan for developing our own energy resources. Even more importantly, this bill will spur job creation and help grow and strengthen our economy.

Madam Chair, I want to take a moment to specifically highlight the importance of the third title in this bill, the National Petroleum Reserve Alaska Access Act. The NPR-A was specifically designated in 1923 as a petroleum reserve. Let me repeat that: NPR-A was specifically designated in 1923—that is 90 years ago—as a petroleum reserve. Its express purpose was to supply our country with American energy. That was the foresight of Congress 90 years ago. That is why it is completely unacceptable that the Obama administration this year finalized a plan to close half of NPR-A to energy production. Let me repeat: we set aside NPR-A 90 years ago for energy production, and this administration unilaterally shut off half of it. So this bill would nullify that plan and require the Interior Department to produce a new plan for responsibly developing these resources.

This bill would require annual lease sales in the NPR-A and ensure that necessary roads, bridges, and pipelines needed to support energy resources out of the NPR-A can be approved and completed in a timely, efficient manner. Now, Madam Chairman, this is crucial to the Trans-Alaskan Pipeline System, TAPS. It is crucial because that pipeline needs to remain fully operational.

Much focus has been given to the Keystone XL pipeline, and properly so; but we cannot forget that TAPS is one of the most important pieces of energy infrastructure in our Nation. Reduced production in Alaska has left TAPS at less than half of its capacity, threatening a shutdown that would cost jobs and significantly weaken our energy security. We cannot allow that to happen, and developing our resources in the NPR-A is vital to ensuring that it doesn't.

I urge my colleagues to support this job-creating legislation and allow our Federal lands to be part of our Nation's energy equation.

We have seen the jobs that can be created through energy production. We have seen how it can grow local communities and create thriving economies. We have seen how lower energy prices are vital to putting more money in the pockets of American families. We know what is possible. It is just a

matter of realizing that potential by allowing new energy production to occur on our Federal lands.

The majority of the provisions in this bill passed the House last Congress with bipartisan support. It is time for this Congress to once again move forward with this commonsense, job-creating energy plan.

Madam Chair, I reserve the balance of my time.

Mr. HOLT. Madam Chair, I rise in opposition to this misguided, unnecessary, and environmentally harmful piece of legislation and yield myself such time as I may consume.

We all know that under President Obama the United States is in the middle of an almost unprecedented oil and gas boom. Last week, the Energy Information Administration said that for the first time in 20 years U.S. crude oil production surpassed imports. Also last week, the International Energy Agency projected that the U.S. would become the number one oil producer by 2015.

The headlines keep coming. On October 4, EIA reported:

U.S. expected to be the largest producer of petroleum and natural gas hydrocarbons in 2013.

On October 16, a headline read:

U.S. is already world's number one producer, consultants say.

Even the Republicans have to admit this energy boom is happening, but they say it has nothing to do with President Obama because they don't want to give him credit for anything. They say all of the increased production—all of it—is coming from State and private lands. President Obama, they believe, is choking off production on Federal lands, and that is why we need the giveaways to Big Oil. That is why we need these attempts in this legislation to stifle public comment. That is why we need drill-at-all-cost measures.

But they are wrong. Flat-out wrong.

What has actually happened to oil production from our public and Indian lands out West since President Obama took office, you may ask? It has skyrocketed. Onshore oil production from Federal and Indian lands, just what we are talking about in this legislation, has gone up every year since the President has been in office. It is now 35 percent higher than it was under President Bush. Yet this legislation would not just reduce environmental productions. It would gut them; it would remove them.

So here is an even more interesting statistic. The nationwide increase in oil production since President Obama took office is 30 percent. The increase on Federal and Indian lands is even outpacing the increase nationwide, including private lands. I believe it is simple enough that anyone should be able to understand this. Oil production for the entire country is up 30 percent. Oil production on Federal and Indian land is up 35 percent.

But the Republicans have this playbook that they just can't get away from, this shopworn 2008 drill, baby, drill playbook. And so they want to try to make things easier for Big Oil while trying to ensure that conservation and hunting and fishing and recreation and renewables, and everything else that these Federal lands might be used for, has to take a back seat to drilling.

The entire premise of this bill is that President Obama is shutting off access to Federal lands and driving oil production down. The premise is false. We are not here because we need this legislation to increase our domestic production of oil and gas, and it certainly has nothing to do with prices at the pump. We are not here because the bill will have any impact on the world price of oil or gasoline at the pump. We are not here because anyone thinks this bill has a chance of becoming law either. We are here because we have a deeply divided Republican caucus, and one of the few things that unites this caucus is the belief that Big Oil should enjoy higher profits, and those profits should come from publicly owned land.

We are here because bills to convert our priceless national treasures into profits on Big Oil's balance sheets are about the only idea that our Republican colleagues can agree on among themselves.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I am very pleased to yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), a former chairman of the Natural Resources Committee.

Mr. YOUNG of Alaska. Madam Chairman, it is amazing as I sit on this floor after 40 years of listening to so much nonsense from the other side when it comes to energy. This increase of production in the United States came from private lands and State lands, not the Federal lands, and those are the facts. And we are still not independent from oil from the Middle East that caused us disruption in our economy. To hear the same litany of words over and over again, we have to save, we can't produce, but we have to have employment. We will have a stimulus package. And, in fact, we will have more government borrowing for the economy and forget real jobs.

But I am going to talk about title V in this legislation. The Federal Lands Jobs and Energy Security Act contains a number of measures to promote energy development by and for the benefit of Indians and Alaska Natives.

Specifically, title V contains a range of measures requested by a number of Indian tribes and Alaska Native corporations to streamline burdensome Federal regulations and legal procedures that hinder exploration, development, and production of energy on their lands.

There are 56 million acres of lands held in trust by the Federal Govern-

ment for the benefit of Indians, 56 million. In Alaska, there are 44 million acres, a total land mass larger than the State of California.

Many of these areas are in untapped energy resources. It is estimated that up to 10 percent or more of our Nation's energy is contained in Native lands.

The problem is that outdated Federal policies thwart the ability of tribes to use their lands for their benefit. Leases of Indian trust lands require Federal review and approval, which arguably brings little or no value to the tribes involved. If Federal review and approval of energy leases created any economic value, then private landowners and State governments would be clamoring to have their projects reviewed and approved by the Federal Government, too.

There are few better measures of how ineffective Federal supervision of Indian affairs has been than the fact that since 2010 nearly \$5 billion has been paid by the government to Indians to settle Federal mismanagement of their trust lands.

While many Indian tribes and Alaska Native corporations have made great strides in building businesses and strengthening their economies, tribal communities remain at the bottom of nearly every economic and social indicator. The sad fact is in 21st-century America, severe poverty wears a Native face.

□ 1430

Instead of helping tribes make positive strides in energy development, the Obama administration is erecting new hurdles. The EPA canceled a valid permit for the largest tribe to operate a large power plant on its land with its coal. The Department of the Interior has proposed a hydraulic fracturing rule which makes Indian lands less competitive and less attractive to industry, again, taking away from the American Indians.

Fortunately, several tribes are seeking to shed the current Federal system altogether and to take over management of their lands and energy resources. It is these tribes which asked for the provisions in title V of the bill today.

It is with great pleasure that the standalone bill on which title V is based, H.R. 1548, has been endorsed by the National Congress of American Indians and several individual tribes.

It is time to stop treating Indian trust lands as public lands—they are not public lands; they are private lands—and increase tribes' powers of self-governance over their energy resources for the good of their members and for the good of the United States' energy security.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. YOUNG of Alaska. Let's make the principle of tribal self-governance, which you talk about and never follow—you never give the Indians a break for anything. You pat them on the head, give them a blanket and half a beef, and expect them to be quiet. That is that side over there. You do not support the American Indians. You never have. You pat them on the head and give them a side of beef.

Mr. HOLT. Madam Chair, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), a lifelong stalwart supporter of the environment and of energy production.

Mr. DINGELL. Madam Chairman, I rise first to pay respects to the distinguished gentleman on the majority side handling the legislation to tell him that I have affection and respect for him, but he is handling a bad bill. I also want to thank my good friend for yielding me this time.

I have been to Alaska many times. I have hunted there. I have fished there. I have been to the NPR-A. I have been to all of the refuges in the national forests and national parks and the BLM lands up there. I have seen what a treasure it is. I have also supported, actively, the idea that this Nation must make it possible for us to easily produce energy, but not at the price of throwing away things like our basic fundamental environmental protection laws.

This legislation is not going to significantly increase production of oil. All it is going to do is throw away the things that are necessary to protect it against unwise use. This has been a battle that we have had in this body many times, where the majority will consistently seek to make it easier to drill for oil that either isn't there or isn't there in the amounts or that is not going to be produced by the oil companies, because we are finding that there is a lot of oil where there is authorization for drilling where they just got the drilling permits and they sit there and look at the drilling permits. Oil is not produced.

Having said this, the Secretary in the last year or so has increased the ability of this Nation to continue producing more and more oil from the public lands. One of the problems with Alaska is the public lands are cold, they are intractable, they are harsh, and they are hard to produce oil from; so it is necessary that it takes longer for us to produce oil on those lands, and that is properly so. It is easy to produce it in the warmer, more gentle climates here in the United States. Given that fact, we can expect that we will see more rapid increases in production here than we will see up there.

We have a tremendous national treasure in Alaska. It produces fish, wildlife, open spaces, salmon, all kinds of riches of renewable resources of all kinds.

The CHAIR. The time of the gentleman has expired.

Mr. HOLT. Madam Chair, I gladly yield the gentleman an additional 1 minute.

Mr. DINGELL. I express my thanks to my dear friend.

Madam Chairwoman, we should not throw away those protections, nor should we open those lands up to being blasted, drilled, ditched, and dug without wise protection. After all, good conservation is wise conservation and wise use of the resources.

We are going to find, as time passes, the predictions of our Department of Energy and the Department of the Interior, that this oil is not present in NPR-A and in the arctic game range and is not there in the amounts that we would like, and there is no real reason for increasing that oil production, especially by permits that will not yield any additional production of oil to this Nation.

I urge my colleagues to reject the legislation. Let the administration continue its production of oil according to wise use and see to it that we protect the treasures that we have in Alaska against unwise use.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 4 minutes to the gentleman from Colorado (Mr. LAMBORN), the sponsor of this legislation.

Mr. LAMBORN. Madam Chairman, I thank the chairman of the committee, DOC HASTINGS.

I rise in strong support of H.R. 1965, the Federal Lands Jobs and Energy Security Act, which incorporates four additional bills into my bill. This legislation takes significant steps toward moving our country forward on a path to energy independence by streamlining government regulations and reducing government red tape that hinders onshore energy production. It will create new American jobs, promote energy and economic development, and increase revenues to the State and Federal governments.

This legislation also sets firm timelines for Applications for Permit to Drill, or APD, approvals and dedicates funds from APD solar and wind right-of-way fees to the permitting field offices. It will require the Bureau of Land Management to lease at least 25 percent of the nominated acreage not previously made available for lease. It will inject certainty into the leasing process and terms to give energy developers the certainty they need to move forward with production.

It also requires the Secretary of the Interior to develop a 4-year plan for onshore energy development, similar to the 5-year plan they are required to develop for offshore development. It opens up the National Petroleum Reserve in Alaska for energy production and allows the BLM to conduct leasing through the Internet.

Since taking office, despite the claims to the contrary, President Obama has waged a war on energy development. Under the administration, a simple permit, which in my home State of Colorado on average takes 27 days to approve, takes nearly a year on Federal land. And only minuscule areas of land have been leased for energy development, despite significant interest in many more acres. In fact, the Obama administration has had the 4 lowest years of Federal acres leased for energy production going back to 1988. The Obama administration has even taken the shocking and questionable step of canceling leases that have been legally bought and paid for.

Energy companies are practically fleeing from developing energy on Federal lands in favor of the more reliable and efficient State and private permitting processes. Further, the Obama administration has made it harder for oil shale technology to develop so that companies are showing little interest in developing this promising technology.

While the President tries to take credit for increased energy production under his administration, the reality is that the vast majority of any increased production occurs on State and private land that the Federal Government has no jurisdiction over. In fact, since 2009, total Federal oil production is down 7.8 percent, and total natural gas production on Federal lands is down 21 percent.

My legislation would interject much-needed certainty into nearly every step of the onshore energy production process. It will ensure that permits are approved in a timely fashion, would prohibit the administration from changing lease terms or revoking leases after they have been legally won, would ensure that onshore leasing moves steadily forward, and will allow the Secretary to plan for this Nation's future energy needs.

Energy that is available and affordable creates more jobs for Americans here at home rather than overseas. It lowers the price of essential goods that American families buy every day, and it leaves more of the hard-earned money in the pockets of Americans after they pay their gas and utility bills. There is no reasonable objection to this bill.

I urge my colleagues to support this critical legislation to create new American jobs and establish an efficient process to produce both renewable and conventional energy on Federal lands. We can do this while meeting the extensive environmental standards that are already in place.

Madam Chairwoman, I urge support for this bill.

Mr. HOLT. Madam Chair, let's summarize what is in this legislation.

H.R. 1965 is a compilation of a number of wishful bills, wishful legislation

from the other side. It would shortcut environmental reviews, discourage public participation in energy development decisions, and eliminate thoughtful leasing reforms.

It would require that any public entity or individual that wanted to challenge a leasing decision post a \$5,000 protest fee just to be able to access the process.

It would require that the Department of the Interior lease at least 25 percent each year of oil and gas nominated areas, whether or not they are suitable for drilling now.

And, Madam Chair, I get this. It would elevate oil and gas leasing decisions above all other uses of public lands, such as hunting, fishing, grazing, conservation, recreation, and other energy uses.

It would also require a plan to crisscross the National Petroleum Reserve in Alaska with roads and pipelines, a network that would be a bonanza for some contractor, I am sure, ignoring the management plan that was approved this year. Why? Not for a good reason. We don't need all these relaxations—"relaxation" is too mild a word—the gutting of environmental review, the removal of public participation, because oil production is doing very well, thank you.

Let's deal with facts.

Federal onshore oil production, which is what this bill is about, has increased 35 percent. It is actually a faster growth rate than oil production overall in the United States. I am not sure why the other side refuses to acknowledge that. I would think they would want to take that as good news. If you look past their talking points at the actual data, you will see that Federal onshore oil production has increased every year since 2008. That doesn't include Indian lands, where production has also increased every year since 2008. So the fundamental premise of this bill is flawed.

There are, right now, 37 million acres of Federal land under lease for oil and gas development, but two-thirds of that is not in production or exploration. Go figure. Let's go ask these companies why they are bidding on these lands. When you lease land, it is because you think it will be productive, yet they are sitting on them. We don't need to streamline. We don't need to remove any environmental controls in order to stimulate leasing, because 37 million acres of Federal land are under lease now.

Furthermore, even if the other side was right about their flawed premise, even if it was a problem in production, onshore Federal oil is only 5 percent or 6 percent of total production. That is all it will be. So if there were a production problem, if it were not the case that we were producing more than we have produced—we are in better shape than we have been in decades—further

drilling on Federal land would not be the answer.

□ 1445

So there is no reason for this bill. It sets back the use of these Federal lands to a free-for-all, unprotected state, and this is bad legislation.

Madam Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairwoman, I am very pleased to yield 3 minutes to the gentleman from Colorado (Mr. TIPTON), a member of the committee.

Mr. TIPTON. Thank you, Mr. Chairman, for yielding me time on this critical matter.

I appreciate that my Planning for American Energy Act was incorporated as title II of the Federal Lands Jobs and Energy Security Act of 2013. This final, commonsense package seeks to put in place responsible American energy plans that will reduce energy costs for consumers while also spurring economic growth and job opportunities.

The legislation before us today would unleash the potential for thousands of new jobs and establish a reliable, affordable, and secure source of American energy through responsible production. Title II of this act seeks to establish commonsense steps to create an all-of-the-above American energy plan for using Federal lands to meet America's energy needs.

Under title II of this legislation, the nonpartisan Energy Information Administration provides the projected energy needs of the United States for the next 30 years to the Secretaries of the Interior and Agriculture. The Secretaries would use this information to establish an environmentally responsible, 4-year energy production plan.

The bill allows for energy development on public lands in order to promote the energy and national security of the United States in accordance with multiple-use management standards established by the Federal Land Policy and Management Act.

Title II requires an all-of-the-above approach to energy development responsibly in this country. The bill specifically cites wind, solar, hydropower, geothermal, oil, gas, coal, oil shale, and minerals needed for energy development to be included in the plan. These goals would be accomplished responsibly, without repealing a single environmental regulation or review process.

Earlier this year, an important study entitled "Energy Cost Impacts on American Families" was released. This study, which relies on government data, had some troubling findings, including that more than 50 percent of U.S. households are expected to spend at least 20 percent of their family budgets on energy costs in 2013. This figure has nearly doubled in the last 10 years alone.

Even more troubling is the fact that these energy increases have disproportionately impacted families on lower incomes and seniors on fixed incomes. This stands to reason, given the decline in energy production on Federal lands under this administration.

Since President Obama took office, production on Federal lands has declined significantly, including a staggering 21 percent decline in Federal natural gas production.

Colorado, along with our neighboring Western States, is in a unique position to contribute to our Nation's energy security and ensure that the United States remains competitive in the world market.

By promoting a commonsense regulatory framework embracing domestic energy research and development, and applying environmental and safety standards already on the books rather than adding costly new mandates, we can help meet America's energy needs right here at home, providing energy and economic security that will benefit American families.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. TIPTON. An all-of-the-above approach in energy, this responsibly increases production on federal lands and is needed to ensure that the prosperity of our Nation is ensured. This is exactly what H.R. 1965 will accomplish. It creates a framework to responsibly meet America's energy needs, lower energy costs for consumers, and create much-needed American jobs.

I urge the immediate passage of this bill.

Mr. HOLT. Madam Chair, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip of the Democratic Party, someone who understands the economic importance of protecting the environment.

Mr. HOYER. Madam Chair, I thank the gentleman from New Jersey for yielding.

Madam Chair, this bill, and the other two House bills we will consider this week, were put forward, in my opinion, to fill time. Yes, they are unifying issues on the Republican side of the aisle, Madam Chair, but they are not pressing. Even if they were good policy, they are not pressing.

We stand here without a budget. We stand here with 10 days left to go.

Madam Chair, it is now quarter of 3:00, and it was about 2:30, and our business is through for today. No budget, no unemployment insurance extension, no farm bill, no conference report even on the budget, no immigration bill, no ending discrimination, ENDA, bill—a raft of critically important issues that this House ought to be considering.

So this is somewhat the fiddle on which we are playing while Rome is burning.

We shut down the government for 16 days, for the first time in 17 years, a conscious decision to shut down government, and 147 of my Republican colleagues, Madam Chair, voted to keep the government shut down and voted against paying our bills. Yet, we consider this legislation.

Now, I am against this legislation substantively, but even more egregious is the wasting of 4 of the 12 days we had available to address the issues I have just discussed. America is rightfully disgusted with the Congress of the United States. Me too.

Energy security remains an important issue. I agree with my colleagues on that. But these bills offer partisan solutions to energy production that are taking our time away from pressing matters, as I have explained, like the budget conference, unemployment insurance, comprehensive immigration reform, the farm bill, Medicare physician payment formula, and tax extenders.

We are all going to be wringing our hands just a few days from now saying, Of course we want to make sure there is a doc fix so that people with Medicare can make sure their doctors are paid appropriately so they will continue to serve them. We will say, Of course we want to do that.

Well, why did you waste a week?

We won't have an answer to that, unless the answer is, Well, we are really not going to address them; we would rather address these issues that bring our party together and make us look like we are doing the work that our base wants us to do.

Tomorrow's legislation seeks to block a proposed Bureau of Land Management regulation that is not even yet in effect and overreaches to cover all Interior Department lands.

The first of these bills sets an arbitrary deadline on leases, permits, and reviews that stand in the way of regulators doing their job to protect citizens and affected communities.

I think citizens want to be protected. Yes, they want it done in an efficient, effective manner, but they want to be protected.

These bills were put forward in the name of achieving energy security, when, in truth, ironically, America is now more energy secure than it has been in decades.

The Acting CHAIR (Mr. HULTGREN). The time of the gentleman has expired.

Mr. HOLT. I yield 2 minutes to the gentleman.

Mr. HOYER. We are more energy independent than we have been in decades. As a matter of fact, when I talk about the Make It In America agenda of making manufacturing jobs and making things here in this country, one of our assets is, we are the abundant energy supply in the world today. There are more oil rigs in America today than the rest of the world combined.



Yet, we are talking about energy security. We have it. Do we need to enhance it? Of course. Just days ago, the Energy Information Administration announced that we produced more crude oil last month. Madam Chair, than we imported for the first time in almost 20 years. Under President Obama, oil production is up, and we now have more rigs operating, as I said, than the rest of the world combined.

Domestic natural gas extraction has also grown to an all-time record, and energy companies already hold more than 20 million acres of public land onshore on which they have yet to produce oil or gas. That is 56 percent of leased public lands onshore. The gentleman from New Jersey (Mr. HOLT) was speaking of that.

These bills distract and delay this body's critical attention to the issues of critical concern to all America, and, yes, indeed, to the rest of the world that wants to see and needs a responsible, fiscally secure America.

No budget, no budget conference, no farm bill, no immigration bill, no ENDA bill, all which passed the Senate in a bipartisan fashion. They are worthy of debate. That doesn't mean either side has to agree, but that is what we ought to be debating, ladies and gentlemen of this House, because they are the critical issues confronting us before the end of this year.

Yet, we waste our time, and frankly, we let ourselves off early because we don't have enough work to do.

I urge opposition to these three bills. I urge the majority party to bring the important pieces of legislation to the floor that America needs.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to my colleague from Ohio, I yield myself 1 minute to respond to my good friend, the minority leader. He characterized these bills as being not pressing.

Mr. Chairman, I would point out that probably the biggest issue facing America that we have heard from our constituents probably on both sides of the aisle is the need to have a growing economy and jobs. American energy—we have a chance to capture American energy and jobs with this legislation. So while it is not pressing, as the gentleman says, it is certainly very, very important.

Now, I would also point out the gentleman, the minority leader, was talking about several issues that are important. I would just suggest that probably number one on Americans' minds right now actually started on October 1, when the sign-up for the health care plan passed. Now, if there is something that is absolutely pressing that needs to pass this Congress before the end of the year, it is to rectify how people can keep the health care policies that they wanted.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chair, I yield myself an additional 30 seconds.

I might add, last week, last Friday, in a bipartisan vote, 39 Members of my colleagues on the other side of the aisle joined us to ensure that if people like their health care policies they can keep their health care policies.

Now, that bill is waiting in the Senate. We have a bicameral legislature. We know they have to act. But if there is one thing that is absolutely pressing before we get done is to resolve that issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in support of the Federal Lands Jobs and Energy Security Act. This important legislation will help streamline onshore energy production and create jobs right here in America.

I want to thank the chairman for including legislation I have introduced, the BLM Live Internet Auctions Act, as a title in this legislation.

As we are all aware, oftentimes the Federal Government is behind the private sector when it comes to technological innovation. As a former chief information officer of a publicly traded company, I understand how much more efficient the Federal Government could become if we were able to provide some much-needed technological innovation.

□ 1500

The BLM Live Internet Auctions Act will allow the Federal Government to come into the 21st century and do what the private sector has already been doing for over a decade.

This legislation fixes an unintended consequence of a 26-year-old law that requires that BLM conduct auctions by oral bidding. Back in 1987, the Internet hadn't even been created by a certain former Vice President, and this bill simply gives the Bureau of Land Management the option to conduct auctions for their lease sales over the Internet. Traditional in-person auctions will still be held, but we can more effectively speed up sales, reduce fraud, and ensure the best return to Federal taxpayers for oil and gas leases by conducting them securely online.

Most importantly, this legislation will ensure efficient and timely lease sales so that developers can more quickly begin producing homegrown energy for American consumers and create much-needed jobs for Americans.

We know that BLM has the capability to do this because back in 2009 BLM conducted a test run of the program, selling 28 land parcels via live Internet auctions. By all accounts, they were very successful. The pilot program resulted in 1,500 unique visitors from 46 States, increasing the number of bidders and the sale price

when compared with traditional in-person auctions. Even the administration supports this legislation, and I am hopeful that the Senate will act on it quickly so that we can bring the BLM process into the 21st century.

I urge all of my colleagues to support the underlying legislation.

Mr. HOLT. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), the minority member of highest rank on our committee, the Natural Resources Committee.

Mr. DEFAZIO. I thank the gentleman.

Mr. Chairman, I was listening with interest to some of the statements made earlier in the debate about the administration deliberately restraining the oil and gas industry in this country. Actually, the facts belie those statements.

The Federal lands oil production is growing faster than that on private lands—plus 30, plus 35. Obviously, they start with a larger base, but still it is growing faster. So that hardly shows any deliberate attempts by the Obama administration to limit this production.

And, again, Republicans talk about that the President had not leased an adequate amount of land. But if you look, these little photos are of former President George Bush, and when the lines start to go up, these are from the current President, Barack Obama, and onshore oil production on Federal lands is up 35 percent.

So let's deal with what the real intent here is. The Obama administration has an all-of-the-above strategy. They are trying to produce these resources responsibly. The other side of the aisle would have us believe that environmental laws and other restrictions and an intentional campaign by the Obama administration are making us vulnerable to foreign influences. Actually, our imports were at the lowest level in recent history in the last year. We are producing more and more of our own oil and are headed toward self-sufficiency. But we also have to deal with climate change, and we also have to deal with prices to consumers.

Now, with this legislation, we are actually celebrating Thanksgiving a week early. I would call the bill a turkey. But it is not just a turkey; it is leftovers from Turkey Day, because we have actually passed this legislation previously, and it went nowhere previously, as will this legislation here today.

But they want to pretend that this will somehow benefit consumers and that somehow there is a campaign by the Obama administration to restrain the supply. Nothing could be further from the truth. I will have an amendment later.

If we want to drive down prices at the pump tomorrow by 70 cents, it is

pretty simple: just stop the speculation on Wall Street. But I will talk about that more later.

There are a number of provisions in this bill that are egregious. I don't have time to go into all of them, but there are a few things. As I mentioned earlier, basically do away with environmental protections, muzzle the public's voice in terms of them appealing decisions by the distant Federal Government to develop in their backyard or next door, you know, to elevate oil and gas drilling to the predominant use on any Federal public lands—yes, predominant use over and above hunting, fishing, recreation. Anything else, oil and gas is predominant.

Now, the President also said, You know what? I think that we ought to go out and look at these parcels before we lease them. That is something they didn't do in the Bush era. We have 25-year-old land use plans at many of these agencies. They are understaffed. They are behind. They haven't revised their land use plans in a long time. A lot of things have happened in the last 25 years, and it might be that there is now a ski resort right next to an area that was previously available or was potentially available for oil and gas leasing.

The Obama administration said we ought to go out and look to see how it can impact other activities that have come to the floor in the last 25 years. They are being criticized for that. Now, that does take a little bit of time, but they are saying, hey, some States are allowing private lands to go forward in 10 days. These aren't private lands. These are the lands of the people of the United States of America. I think a little more due diligence is in order. We don't want to mimic a State that says, Oh, you want to drill there? Okay. Here you go. No one gets to say anything about it. It is your land. You go right ahead.

Then, this is amazing. This is kind of a fun math issue. They say that the industry can nominate land, which is the current law, but they are saying the government must lease 25 percent of whatever the industry chooses to nominate in a given year. So there are 130 million acres available for oil and gas leasing in the United States, predominantly in the West. So in the first year, the industry nominates 130 million acres. That means the Interior Department has to offer 32 million acres to lease. Now, next year, well, we have only got 100 million left, so they would get 25 percent of that. That is 25 million acres.

As you can figure it out, we are sort of infinitely headed toward zero here. The gentleman from New Jersey (Mr. HOLT) is a scientist. He can probably figure it out better. I don't know if we would ever get to zero. But it would be in ever and ever smaller increments that we were leasing here. And yet

there are 25 million acres that the industry has under lease that they haven't yet developed, but they could get this astonishing increase.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield an additional 1 minute to the gentleman from Oregon.

Mr. DEFAZIO. I was thinking of bringing a map of all the leasable land, but it would be difficult to produce. But you can get it in your imagination.

So let's deal with the real problems before us. If we are going to produce energy on Federal lands, make sure there is no real conflict. Let's keep the multiple use concept. I think most members of the public support that, not give oil and gas a predominant use. Let's also keep in mind that we have to look at alternative energy development on Federal lands so that we can deal with climate change, which some of us believe in.

This warmed-over leftover turkey proposal will pass the House, of course, but that will be the last that anyone hears of it. Happy Thanksgiving.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS), another member of the Natural Resources Committee.

Mrs. LUMMIS. Mr. Chair, I would like to put a couple things straight that have been said. We are not talking about all Federal lands in this bill. We are not talking about National Park Service lands. National parks and national monuments are excluded from this bill. We are not talking about wilderness. We are not talking about lands that have been recommended for wilderness status. Those are managed as de facto wilderness. We are not talking about wildlife refuges. We are not talking about Department of Defense lands. We are not talking about Bureau of Reclamation lands. We are only talking about Bureau of Land Management lands that are managed for multiple use now. We are also talking about a Nation that desperately needs jobs.

Mr. Chair, I was in a country in the Arab world last weekend. They have 6.5 percent employment in the private sector. Everyone else is either unemployed or works for the government. Their neighbors prop up their economies to keep their problems from spilling over the borders into their countries. For a country that has been clamoring for jobs to smack down this bill as being irrelevant indicates to me that Congress has lost its way, that it doesn't understand that what the American people want is to work. They want earned success. They want self-respect. They want jobs.

H.R. 1965 would streamline the leasing and permitting process to put our public land resources back to work for the people who own them, the American people, particularly those who live near these resources and know the importance of a quality environment.

I represent the whole State of Wyoming. I have lived there my entire life. Nobody cares more about the environment of Wyoming than I do—nobody. This is also good fiscal policy.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentlewoman from Wyoming.

Mrs. LUMMIS. Wyoming's payments to the U.S. Treasury for oil, gas, and coal royalties nearly pays for the entire BLM budget.

And I would point out that, contrary to what the gentleman said about the increase in production on Federal land, between the year 2000 and 2007, in Wyoming, the number of new leases issued was 873, on average; during the Obama administration, it is 599. In my book, that is a decline of 31 percent.

Mr. Chairman, I want to thank Messrs. HASTINGS and LAMBORN for making this bill possible. I urge the Members to support it.

Mr. HOLT. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. POE), the gentleman from the State that certainly knows what oil production is about.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Chairman, for the first time in nearly 20 years, the United States is producing more crude oil than it imports. U.S. oil output is soaring due to the fracking boom in North Dakota and, yes, in Texas and some other areas. That is the reason.

The Energy Information Administration said this week that oil production by barrels is up 11 percent from last year and 63 percent over the last 5 years. If this trend continues, with the expanded use of renewables, and, of course, the completion of the Keystone XL pipeline, it is entirely possible that we could see total energy independence in this country in the next 10 years. Imagine what our foreign policy could be if we were energy independent. We could make Middle Eastern oil, turmoil, and politics irrelevant.

However, all of this progress has been made despite the current administration. How ironic it is the administration takes credit for all the oil production boom when it does everything it can to stonewall this boom.

Oil and natural gas production on Federal lands is down 40 percent compared to 10 years ago. Most of the new drilling is on private and State land, not Federal land. Under this administration, 2010 had the lowest number of offshore leases since 1984. Imagine what we could do if we could speed up the permitting process on Federal land.

To address this, H.R. 1965 expands onshore oil and natural gas production on Federal lands and streamlines the leasing and permitting process, among

many other commonsense provisions, to help get the government out of the way of progress.

Mr. HOLT. Mr. Chair, I yield myself such time as I may consume.

I would like to address the talking points that have been parroted without thinking by speaker after speaker from the other side.

The fact is oil production on onshore public lands, the subject of this legislation, is up by 35 percent. It is not down. It is not flat. It is up. It is up even more than oil production in the country overall. So what is the problem here?

As for employment, it is worth pointing out that oil and natural gas industry employment has increased.

□ 1515

Clearly, there was a falloff with the recession—or let's call it a depression—but in the last half-dozen years, industry employment has increased by more than 162,000—a 40 percent increase. Oil and gas industry jobs decreased in 2009 as a result of the recession, but now the jobs are increasing at a rate even faster than before.

And I have to emphasize that in connection with this because this legislation says that oil and gas would take precedence over all other uses of Federal lands. Federal lands don't exist solely for the purpose of oil and gas extraction.

As I have said before, there is one thing that the Republicans seem to agree on, that we should give away whatever we can to the oil companies. That is why we are doing this legislation, because they don't have any other legislation that they can agree on well enough to bring to the floor. But multiple uses of our Federal lands, aside from oil and gas production, are important to Americans.

As for jobs, the government shut-down that the folks who are proposing this legislation voted for and supported caused the closure of over 400 units of our National Park Service and cost local economies hundreds of millions of dollars and caused delays in the approval of pending permits, by the way.

It is also worth pointing out that this week the Interior Department announced that, because of revenues from oil and gas extraction, the Department of the Interior was able to disburse \$14.2 billion—a 17 percent increase over the previous year—to State, local, and tribal accounts. This money goes for the land and water conservation fund, the reclamation fund, historic preservation, and so forth.

So this is a bill to address a problem that doesn't exist—and to do it in a way that does not address the interests of the people at large. It is a giveaway to the oil and gas industry. I urge my colleagues to vote this down.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Washington has 5¼ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, just let me talk about what this bill is about. This bill is about attempting to open Federal lands to energy production.

All the talk has been on oil and gas. That is very important. But this is also for renewable by doing what? By saying that in the process of using Federal lands for energy production, those lands that have the potential for the most production should be the first leased. What a remarkable idea: go where the potential energy is. And that is what this bill does.

But let me respond to my good friend from New Jersey who talked about how much we are producing in this country and so forth. I would suggest that he left out a few important points.

First of all, it takes some length of time in order to get an active lease into production, and the gentleman didn't talk about that. Why? Because it generally takes 4 to 6 years. And sometimes it is 8 to 10 years.

But in the last administration—the Bush II administration—they were very active in letting leases. And as a result of that, at the time that this administration took over, there were a number of active leases that were ready to produce. That is why the production was high in the early part of this administration.

And just put it this way: again, we are talking about Federal lands that are being leased for production. When the President took office, roughly 1.9 million acres were leased for energy production. That was in 2009. In 2012, that figure dropped to 1.75 million acres that were open for production. That is, obviously, a reduction.

But another way to look at it is the application permits to drill, which is really where I guess it meets the road, so to speak. In 2001, there were a little over 2,000 permits that were issued; and in 2012, there were a little over 1,700 permits issued. That is a 15 percent drop. If you drop the permits, you are obviously going to have less production.

So I think that needed to be pointed out to kind of set the record straight.

As to my good friend, Mr. DINGELL, who is not on the floor now, I want to talk about the National Petroleum Reserve in Alaska one more time.

Ninety years ago, that was set aside as a reserve. In all the years that Democrats controlled Congress, from the mid-fifties all the way to the nineties, nothing was ever done to change that policy until this administration decided, without any direction from Congress, to set aside one-half of that.

Why is that important?

I mentioned in my opening remarks that the Trans-Alaska Pipeline is a

very important part of our pipeline system. There is no question that there is a movement in this country to try to dry up that pipeline by slow-walking oil exploration in Alaska, whether they are talking about offshore or onshore.

The NPR was designed to be a petroleum reserve. Why should we not build an infrastructure to utilize that?

It has been said, well, there's not that much oil there. Well, that will come out when leases are offered. Those that want to take advantage of this and think there is some production there will make the leases. The market will dictate that. But to unilaterally close it off doesn't make any sense. This bill corrects that. It makes NPR what it was supposed to be historically since 1923.

So those are just a couple of issues, Mr. Chairman, I wanted to touch on.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I rise in opposition to H.R. 1965, a bill that would unnecessarily and irresponsibly give away public lands to Big Oil, even as U.S. oil production is at a 24-year high and the oil industry receives billions of dollars in tax breaks per year.

H.R. 1965 would remove the safeguards that protect taxpayers and public lands by requiring the Interior Department to grant leases on 25 percent of the land requested by oil companies every year and imposing strict deadlines on application review, automatically approving leases after just 60 days even if safety and environmental reviews are not yet complete. It would also enact barriers to public review—if a community wanted to challenge a leasing decision, it would have to pay a \$5,000 fee to be heard. If a case took more than 60 days to adjudicate, it would be automatically denied.

Mr. Chairman, under this Administration, domestic oil production has increased by 35 percent on Western public and Indian lands. Oil and gas companies are currently only developing about a third of the public lands they already lease. This bill, which would prioritize energy production over hunting, fishing, grazing, conservation, and every other use of public lands, will not reduce energy prices or increase energy security. It would simply cede control of natural resources held in public trust to already-profitable big oil companies. I urge a no vote.

Ms. FRANKEL of Florida. Mr. Chairman, I rise today in strong opposition to H.R. 1965, the so-called Federal Lands, Jobs, and Energy Security Act. This bill would fundamentally undermine the way our public lands are managed by forcing us to prioritize oil drilling over all other land uses. Current law requires the federal government to manage public lands by taking into account a variety of uses, including recreation, wildlife habitats, and indeed, oil exploration. This bill would throw this successful historical precedent out the window and put the destructive practice of oil drilling at the top of the list. If this would happen in my home state of Florida, we would see devastating effects to the Florida panther—an iconic symbol of our state and also one of the most threatened species in the world. Panthers play a

critical role in our ecosystem, but their habitat has been greatly diminished and now there are only 160 panthers. Fortunately, the government recognizes that we need to consider important species like the Florida panther when making land-use decisions. Today's legislation could destroy efforts to protect endangered species like the beloved Florida panther. That's why I urge a "no" vote and yield back my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-26 is adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 1965

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Lands Jobs and Energy Security Act of 2013".

#### **SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

#### **TITLE I—FEDERAL LANDS JOBS AND ENERGY SECURITY**

- Sec. 1001. Short title.
- Sec. 1002. Policies regarding buying, building, and working for America.

##### **Subtitle A—Onshore Oil and Gas Permit Streamlining**

- Sec. 1101. Short title.
- CHAPTER 1—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM
- Sec. 1111. Permit to drill application timeline.
- Sec. 1112. Solar and wind right-of-way rental reform.

##### **CHAPTER 2—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM**

- Sec. 1121. Administrative protest documentation reform.

##### **CHAPTER 3—PERMIT STREAMLINING**

- Sec. 1131. Improve Federal energy permit coordination.
- Sec. 1132. Administration of current law.

##### **CHAPTER 4—JUDICIAL REVIEW**

- Sec. 1141. Definitions.
- Sec. 1142. Exclusive venue for certain civil actions relating to covered energy projects.
- Sec. 1143. Timely filing.
- Sec. 1144. Expedition in hearing and determining the action.
- Sec. 1145. Standard of review.
- Sec. 1146. Limitation on injunction and prospective relief.
- Sec. 1147. Limitation on attorneys' fees.
- Sec. 1148. Legal standing.

##### **CHAPTER 5—KNOWING AMERICA'S OIL AND GAS RESOURCES**

- Sec. 1151. Funding oil and gas resource assessments.

##### **Subtitle B—Oil and Gas Leasing Certainty**

- Sec. 1201. Short title.
- Sec. 1202. Minimum acreage requirement for onshore lease sales.
- Sec. 1203. Leasing certainty.
- Sec. 1204. Leasing consistency.
- Sec. 1205. Reduce redundant policies.
- Sec. 1206. Streamlined congressional notification.

##### **Subtitle C—Oil Shale**

- Sec. 1301. Short title.
- Sec. 1302. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
- Sec. 1303. Oil shale leasing.

##### **Subtitle D—Miscellaneous Provisions**

- Sec. 1401. Rule of construction.

#### **TITLE II—PLANNING FOR AMERICAN ENERGY**

- Sec. 2001. Short title.
- Sec. 2002. Onshore domestic energy production strategic plan.

#### **TITLE III—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS**

- Sec. 3001. Short title.
- Sec. 3002. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 3003. National Petroleum Reserve in Alaska: lease sales.
- Sec. 3004. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 3005. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 3006. Departmental accountability for development.
- Sec. 3007. Deadlines under new proposed integrated activity plan.
- Sec. 3008. Updated resource assessment.

#### **TITLE IV—BLM LIVE INTERNET AUCTIONS**

- Sec. 4001. Short title.
- Sec. 4002. Internet-based onshore oil and gas lease sales.

#### **TITLE V—NATIVE AMERICAN ENERGY**

- Sec. 5001. Short title.
- Sec. 5002. Appraisals.
- Sec. 5003. Standardization.
- Sec. 5004. Environmental reviews of major Federal actions on Indian lands.
- Sec. 5005. Judicial review.
- Sec. 5006. Tribal biomass demonstration project.
- Sec. 5007. Tribal resource management plans.
- Sec. 5008. Leases of restricted lands for the Navajo Nation.
- Sec. 5009. Nonapplicability of certain rules.

#### **TITLE I—FEDERAL LANDS JOBS AND ENERGY SECURITY**

##### **SEC. 1001. SHORT TITLE.**

This title may be cited as the "Federal Lands Jobs and Energy Security Act".

##### **SEC. 1002. POLICIES REGARDING BUYING, BUILDING, AND WORKING FOR AMERICA.**

(a) CONGRESSIONAL INTENT.—It is the intent of the Congress that—

(1) this title will support a healthy and growing United States domestic energy sector that, in turn, helps to reinvigorate American manufacturing, transportation, and service sectors by employing the vast talents of United States workers to assist in the development of energy from domestic sources;

(2) to ensure a robust onshore energy production industry and ensure that the benefits of development support local communities, under this title, the Secretary shall make every effort to promote the development of onshore American energy, and shall take into consideration the so-

cioeconomic impacts, infrastructure requirements, and fiscal stability for local communities located within areas containing onshore energy resources; and

(3) the Congress will monitor the deployment of personnel and material onshore to encourage the development of American manufacturing to enable United States workers to benefit from this title through good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) REQUIREMENT.—The Secretary of the Interior shall when possible, and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.

##### **Subtitle A—Onshore Oil and Gas Permit Streamlining**

##### **SEC. 1101. SHORT TITLE.**

This subtitle may be cited as the "Streamlining Permitting of American Energy Act of 2013".

##### **CHAPTER 1—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM**

##### **SEC. 1111. PERMIT TO DRILL APPLICATION TIMELINE.**

Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows: "(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

"(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days after receiving an application for the permit. The Secretary may extend such period for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

"(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

"(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

"(ii) an opportunity to remedy any deficiencies.

"(C) APPLICATION DEEMED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application is deemed approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

"(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

"(i) provide to the applicant a description of the reasons for the denial of the permit;

"(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

"(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

"(E) FEE.—

"(i) IN GENERAL.—Notwithstanding any other law, the Secretary shall collect a single \$6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A). This fee shall not apply to any resubmitted application.

“(ii) **TREATMENT OF PERMIT PROCESSING FEE.**—Of all fees collected under this paragraph, 50 percent shall be transferred to the field office where they are collected and used to process protests, leases, and permits under this Act subject to appropriation.”.

**SEC. 1112. SOLAR AND WIND RIGHT-OF-WAY RENT-AL REFORM.**

(a) **IN GENERAL.**—Subject to subsection (b), and notwithstanding any other provision of law, of fees collected each fiscal year as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g))—

(1) no less than 25 percent shall be available, subject to appropriation, for use for solar and wind permitting and management activities by Department of the Interior field offices responsible for the land where the fees were collected;

(2) no less than 25 percent shall be available, subject to appropriation, for Bureau of Land Management solar and wind permit approval activities; and

(3) no less than 25 percent shall be available, subject to appropriation, to the Secretary of the Interior for department-wide solar and wind permitting activities.

(b) **LIMITATION.**—The amount used under subsection (a) each fiscal year shall not exceed \$10,000,000.

**CHAPTER 2—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM**

**SEC. 1121. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is further amended by adding at the end the following:

“(4) **PROTEST FEE.**—

“(A) **IN GENERAL.**—The Secretary shall collect a \$5,000 documentation fee to accompany each protest for a lease, right of way, or application for permit to drill.

“(B) **TREATMENT OF FEES.**—Of all fees collected under this paragraph, 50 percent shall remain in the field office where they are collected and used to process protests subject to appropriation.”.

**CHAPTER 3—PERMIT STREAMLINING**

**SEC. 1131. IMPROVE FEDERAL ENERGY PERMIT COORDINATION.**

(a) **ESTABLISHMENT.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a Federal Permit Streamlining Project (referred to in this section as the “Project”) in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(b) **MEMORANDUM OF UNDERSTANDING.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of the Army Corps of Engineers.

(2) **STATE PARTICIPATION.**—The Secretary may request that the Governor of any State with energy projects on Federal lands to be a signatory to the memorandum of understanding.

(c) **DESIGNATION OF QUALIFIED STAFF.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **DUTIES.**—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the employee's home agency; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal lands.

(d) **ADDITIONAL PERSONNEL.**—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (a) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) **FUNDING.**—Funding for the additional personnel shall come from the Department of the Interior reforms identified in sections 1111, 1112, and 1121.

(f) **SAVINGS PROVISION.**—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(g) **DEFINITION.**—For purposes of this section the term “energy projects” includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

**SEC. 1132. ADMINISTRATION OF CURRENT LAW.**

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

**CHAPTER 4—JUDICIAL REVIEW**

**SEC. 1141. DEFINITIONS.**

In this chapter—

(1) the term “covered civil action” means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal lands of the United States; and

(2) the term “covered energy project” means the leasing of Federal lands of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease, except that the term does not include any disputes between the parties to a lease regarding the obligations under such lease, including regarding any alleged breach of the lease.

**SEC. 1142. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.**

Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

**SEC. 1143. TIMELY FILING.**

To ensure timely redress by the courts, a covered civil action must be filed no later than the

end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

**SEC. 1144. EXPEDITION IN HEARING AND DETERMINING THE ACTION.**

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

**SEC. 1145. STANDARD OF REVIEW.**

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

**SEC. 1146. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.**

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation. In addition, courts shall limit the duration of preliminary injunctions to halt covered energy projects to no more than 60 days, unless the court finds clear reasons to extend the injunction. In such cases of extensions, such extensions shall only be in 30-day increments and shall require action by the court to renew the injunction.

**SEC. 1147. LIMITATION ON ATTORNEYS' FEES.**

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code, (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

**SEC. 1148. LEGAL STANDING.**

Challengers filing appeals with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as challengers before a United States district court.

**CHAPTER 5—KNOWING AMERICA'S OIL AND GAS RESOURCES**

**SEC. 1151. FUNDING OIL AND GAS RESOURCE ASSESSMENTS.**

(a) **IN GENERAL.**—The Secretary of the Interior shall provide matching funding for joint projects with States to conduct oil and gas resource assessments on Federal lands with significant oil and gas potential.

(b) **COST SHARING.**—The Federal share of the cost of activities under this section shall not exceed 50 percent.

(c) **RESOURCE ASSESSMENT.**—Any resource assessment under this section shall be conducted by a State, in consultation with the United States Geological Survey.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section a total of \$50,000,000 for fiscal years 2014 through 2017.

**Subtitle B—Oil and Gas Leasing Certainty**

**SEC. 1201. SHORT TITLE.**

This subtitle may be cited as the “Providing Leasing Certainty for American Energy Act of 2013”.

**SEC. 1202. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.**

In conducting lease sales as required by section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)), each year the Secretary of the Interior shall perform the following:

(1) The Secretary shall offer for sale no less than 25 percent of the annual nominated acreage not previously made available for lease. Acreage offered for lease pursuant to this paragraph shall not be subject to protest and shall

be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that it shall not be subject to the test of extraordinary circumstances.

(2) In administering this section, the Secretary shall only consider leasing of Federal lands that are available for leasing at the time the lease sale occurs.

#### SEC. 1203. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended by inserting “(1)” before “All lands”, and by adding at the end the following:

“(2)(A) The Secretary shall not withdraw any covered energy project issued under this Act without finding a violation of the terms of the lease by the lessee.

“(B) The Secretary shall not infringe upon lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.

“(C) No later than 18 months after an area is designated as open under the current land use plan the Secretary shall make available nominated areas for lease under the criteria in section 2.

“(D) Notwithstanding any other law, the Secretary shall issue all leases sold no later than 60 days after the last payment is made.

“(E) The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

“(F) Not later than 60 days after a lease sale held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.

“(G) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary deems such stipulations as emergency actions to conserve the resources of the United States.”.

#### SEC. 1204. LEASING CONSISTENCY.

Federal land managers must follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.

#### SEC. 1205. REDUCE REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

#### SEC. 1206. STREAMLINED CONGRESSIONAL NOTIFICATION.

Section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)) is amended in the matter following paragraph (4) by striking “at least thirty days in advance of the reinstatement” and inserting “in an annual report”.

#### Subtitle C—Oil Shale

##### SEC. 1301. SHORT TITLE.

This subtitle may be cited as the “Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act” or the “PIONEERS Act”.

##### SEC. 1302. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species

Act of 1973 (16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of the Interior shall implement those regulations, including the oil shale leasing program authorized by the regulations, without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of the Interior shall implement the oil shale leasing program authorized by the regulations referred to in subsection (a) in those areas covered by the resource management plans amended by such amendments, and covered by such record of decision, without any other administrative action necessary.

#### SEC. 1303. OIL SHALE LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 10 parcels for lease for research, development, and demonstration of oil shale resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale development, as determined by the Secretary, in areas nominated through public comment. Each lease sale shall be for an area of not less than 25,000 acres, and in multiple lease blocs.

#### Subtitle D—Miscellaneous Provisions

##### SEC. 1401. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to authorize the issuance of a lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) to any person designated for the imposition of sanctions pursuant to—

(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), the Comprehensive Iran Sanctions, Accountability and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), or the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.);

(2) Executive Order 13622 (July 30, 2012), Executive Order 13628 (October 9, 2012), or Executive Order 13645 (June 3, 2013);

(3) Executive Order 13224 (September 23, 2001) or Executive Order 13338 (May 11, 2004); or

(4) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).

#### TITLE II—PLANNING FOR AMERICAN ENERGY

##### SEC. 2001. SHORT TITLE.

This title may be cited as the “Planning for American Energy Act of 2013”.

##### SEC. 2002. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating

section 44 as section 45, and by inserting after section 43 the following:

##### “SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

“(a) IN GENERAL.—

“(1) The Secretary of the Interior (hereafter in this section referred to as ‘Secretary’), in consultation with the Secretary of Agriculture with regard to lands administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy. This Strategy shall direct Federal land energy development and department resource allocation in order to promote the energy and national security of the United States in accordance with Bureau of Land Management’s mission of promoting the multiple use of Federal lands as set forth in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

“(2) In developing this Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on the projected energy demands of the United States for the next 30-year period, and how energy derived from Federal onshore lands can put the United States on a trajectory to meet that demand during the next 4-year period. The Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.

“(3) The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands. Such objective shall be—

“(A) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on lands held by the Bureau of Land Management and the Forest Service;

“(B) the best estimate, based upon commercial and scientific data, of the expected increase in domestic coal production from Federal lands;

“(C) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

“(D) the best estimate, based upon commercial and scientific data, of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands administered by the Bureau of Land Management and the Forest Service;

“(E) the best estimate, based upon commercial and scientific data, of the expected increase in unconventional energy production, such as oil shale;

“(F) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil, natural gas, coal, and other renewable sources from tribal lands for any federally recognized Indian tribe that elects to participate in facilitating energy production on its lands; and

“(G) the best estimate, based upon commercial and scientific data, of the expected increase in production of helium on Federal lands administered by the Bureau of Land Management and the Forest Service.

“(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.

“(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.

“(b) TRIBAL OBJECTIVES.—It is the sense of Congress that federally recognized Indian tribes



may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving its own strategic energy objectives designated under this subsection.

“(c) **EXECUTION OF THE STRATEGY.**—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.

“(d) **STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.**—In developing each strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

“(e) **REPORTING.**—The Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of meeting the production goals set forth in the strategy. The Secretary shall identify in the report projections for production and capacity installations and any problems with leasing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.

“(f) **PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.**—Not later than 12 months after the date of enactment of this section, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement. This programmatic environmental impact statement will be deemed sufficient to comply with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.

“(g) **CONGRESSIONAL REVIEW.**—At least 60 days prior to publishing a proposed strategy under this section, the Secretary shall submit it to the President and the Congress, together with any comments received from States, federally recognized Indian tribes, and local governments. Such submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.

“(h) **STRATEGIC AND CRITICAL ENERGY MINERALS DEFINED.**—For purposes of this section, the term ‘strategic and critical energy minerals’ means those that are necessary for the Nation’s energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production and those that are necessary to support domestic manufacturing, including but not limited to, materials used in energy generation, production, and transportation.”

(b) **FIRST QUADRENNIAL STRATEGY.**—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the first Quadrennial Federal Onshore Energy Production Strategy under the amendment made by subsection (a).

### **TITLE III—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS**

#### **SEC. 3001. SHORT TITLE.**

This title may be cited as the “National Petroleum Reserve Alaska Access Act”.

#### **SEC. 3002. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.**

It is the sense of Congress that—

(1) the National Petroleum Reserve in Alaska remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

#### **SEC. 3003. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.**

Section 107(a) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(a)) is amended to read as follows:

“(a) **IN GENERAL.**—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the reserve in accordance with this Act. Such program shall include at least one lease sale annually in those areas of the reserve most likely to produce commercial quantities of oil and natural gas each year in the period 2013 through 2023.”

#### **SEC. 3004. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall facilitate and ensure permits, in a timely and environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary to—

(1) develop and bring into production any areas within the National Petroleum Reserve in Alaska that are subject to oil and gas leases; and

(2) transport oil and gas from and through the National Petroleum Reserve in Alaska in the most direct manner possible to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) **TIMELINE.**—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

(1) Permits for such construction for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved within 60 days after the date of enactment of this Act.

(2) Permits for such construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved within 6 months after the submission to the Secretary of a request for a permit to drill.

(c) **PLAN.**—To ensure timely future development of the Reserve, within 270 days after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leasable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

#### **SEC. 3005. ISSUANCE OF A NEW INTEGRATED ACTIVITY PLAN AND ENVIRONMENTAL IMPACT STATEMENT.**

(a) **ISSUANCE OF NEW INTEGRATED ACTIVITY PLAN.**—The Secretary of the Interior shall, within 180 days after the date of enactment of this Act, issue—

(1) a new proposed integrated activity plan from among the non-adopted alternatives in the National Petroleum Reserve Alaska Integrated Activity Plan Record of Decision issued by the

Secretary of the Interior and dated February 21, 2013; and

(2) an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for issuance of oil and gas leases in the National Petroleum Reserve-Alaska to promote efficient and maximum development of oil and natural gas resources of such reserve.

(b) **NULLIFICATION OF EXISTING RECORD OF DECISION, IAP, AND EIS.**—Except as provided in subsection (a), the National Petroleum Reserve-Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013, including the integrated activity plan and environmental impact statement referred to in that record of decision, shall have no force or effect.

#### **SEC. 3006. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.**

The Secretary of the Interior shall issue regulations not later than 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve-Alaska.

#### **SEC. 3007. DEADLINES UNDER NEW PROPOSED INTEGRATED ACTIVITY PLAN.**

At a minimum, the new proposed integrated activity plan issued under section 3005(a)(1) shall—

(1) require the Department of the Interior to respond within 5 business days to a person who submits an application for a permit for development of oil and natural gas leases in the National Petroleum Reserve-Alaska acknowledging receipt of such application; and

(2) establish a timeline for the processing of each such application, that—

(A) specifies deadlines for decisions and actions on permit applications; and

(B) provide that the period for issuing each permit after submission of such an application shall not exceed 60 days without the concurrence of the applicant.

#### **SEC. 3008. UPDATED RESOURCE ASSESSMENT.**

(a) **IN GENERAL.**—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) **COOPERATION AND CONSULTATION.**—The resource assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) **TIMING.**—The resource assessment required by subsection (a) shall be completed within 24 months of the date of the enactment of this Act.

(d) **FUNDING.**—The United States Geological Survey may, in carrying out the duties under this section, cooperatively use resources and funds provided by the State of Alaska.

### **TITLE IV—BLM LIVE INTERNET AUCTIONS**

#### **SEC. 4001. SHORT TITLE.**

This title may be cited as the “BLM Live Internet Auctions Act”.

#### **SEC. 4002. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.**

(a) **AUTHORIZATION.**—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting “, except as provided in subparagraph (C)” after “by oral bidding”; and

(2) by adding at the end the following:

“(C) In order to diversify and expand the Nation’s onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through



Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.”

(b) **REPORT.**—Not later than 90 days after the tenth Internet-based lease sale conducted under the amendment made by subsection (a), the Secretary of the Interior shall analyze the first 10 such lease sales and report to Congress the findings of the analysis. The report shall include—

(1) estimates on increases or decreases in such lease sales, compared to sales conducted by oral bidding, in—

- (A) the number of bidders;
- (B) the average amount of bid;
- (C) the highest amount bid; and
- (D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of such sales, compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to better maximize bidder participation, ensure the highest return to the Federal taxpayers, minimize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.

#### **TITLE V—NATIVE AMERICAN ENERGY**

##### **SEC. 5001. SHORT TITLE.**

This title may be cited as the “Native American Energy Act”.

##### **SEC. 5002. APPRAISALS.**

(a) **AMENDMENT.**—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

##### **“SEC. 2607. APPRAISAL REFORMS.**

“(a) **OPTIONS TO INDIAN TRIBES.**—With respect to a transaction involving Indian land or the trust assets of an Indian tribe that requires the approval of the Secretary, any appraisal relating to fair market value required to be conducted under applicable law, regulation, or policy may be completed by—

- “(1) the Secretary;
- “(2) the affected Indian tribe; or
- “(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

“(b) **TIME LIMIT ON SECRETARIAL REVIEW AND ACTION.**—Not later than 30 days after the date on which the Secretary receives an appraisal conducted by or for an Indian tribe pursuant to paragraphs (2) or (3) of subsection (a), the Secretary shall—

- “(1) review the appraisal; and
  - “(2) provide to the Indian tribe a written notice of approval or disapproval of the appraisal.
- “(c) **FAILURE OF SECRETARY TO APPROVE OR DISAPPROVE.**—If, after 60 days, the Secretary has failed to approve or disapprove any appraisal received, the appraisal shall be deemed approved.

“(d) **OPTION TO INDIAN TRIBES TO WAIVE APPRAISAL.**—

“(1) An Indian tribe wishing to waive the requirements of subsection (a), may do so after it has satisfied the requirements of subsections (2) and (3) below.

“(2) An Indian tribe wishing to forego the necessity of a waiver pursuant to this section must provide to the Secretary a written resolution, statement, or other unambiguous indication of tribal intent, duly approved by the governing body of the Indian tribe.

“(3) The unambiguous indication of intent provided by the Indian tribe to the Secretary under paragraph (2) must include an express waiver by the Indian tribe of any claims for damages it might have against the United States as a result of the lack of an appraisal undertaken.

“(e) **DEFINITION.**—For purposes of this subsection, the term ‘appraisal’ includes appraisals and other estimates of value.

“(f) **REGULATIONS.**—The Secretary shall develop regulations for implementing this section, including standards the Secretary shall use for approving or disapproving an appraisal.”

(b) **CONFORMING AMENDMENT.**—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. 13201 note) is amended by adding at the end of the items relating to title XXVI the following:

“Sec. 2607. Appraisal reforms.”

##### **SEC. 5003. STANDARDIZATION.**

As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian lands shall use a uniform system of reference numbers and tracking systems for oil and gas wells.

##### **SEC. 5004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.**

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended by inserting “(a) **IN GENERAL.**—” before the first sentence, and by adding at the end the following:

“(b) **REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.**—

“(1) **IN GENERAL.**—For any major Federal action on Indian lands of an Indian tribe requiring the preparation of a statement under subsection (a)(2)(C), the statement shall only be available for review and comment by the members of the Indian tribe and by any other individual residing within the affected area.

“(2) **REGULATIONS.**—The Chairman of the Council on Environmental Quality shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions, in consultation with Indian tribes.

“(3) **DEFINITIONS.**—In this subsection, each of the terms ‘Indian land’ and ‘Indian tribe’ has the meaning given that term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

“(4) **CLARIFICATION OF AUTHORITY.**—Nothing in the Native American Energy Act, except section 5006 of that Act, shall give the Secretary any additional authority over energy projects on Alaska Native Claims Settlement Act lands.”

##### **SEC. 5005. JUDICIAL REVIEW.**

(a) **TIME FOR FILING COMPLAINT.**—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final agency action. Any energy related action not filed within this time period shall be barred.

(b) **DISTRICT COURT VENUE AND DEADLINE.**—All energy related actions—

(1) shall be brought in the United States District Court for the District of Columbia; and

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause of action is filed.

(c) **APPELLATE REVIEW.**—An interlocutory order or final judgment, decree or order of the district court in an energy related action may be reviewed by the U.S. Court of Appeals for the District of Columbia Circuit. The D.C. Circuit Court of Appeals shall resolve such appeal as expeditiously as possible, and in any event not more than 180 days after such interlocutory order or final judgment, decree or order of the district court was issued.

(d) **LIMITATION ON CERTAIN PAYMENTS.**—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other ex-

penses under such sections, to any person or party in an energy related action.

(e) **LEGAL FEES.**—In any energy related action in which the plaintiff does not ultimately prevail, the court shall award to the defendant (including any intervenor-defendants), other than the United States, fees and other expenses incurred by that party in connection with the energy related action, unless the court finds that the position of the plaintiff was substantially justified or that special circumstances make an award unjust. Whether or not the position of the plaintiff was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the energy related action for which fees and other expenses are sought.

(f) **DEFINITIONS.**—For the purposes of this section, the following definitions apply:

(1) **AGENCY ACTION.**—The term “agency action” has the same meaning given such term in section 551 of title 5, United States Code.

(2) **INDIAN LAND.**—The term “Indian Land” has the same meaning given such term in section 203(c)(3) of the Energy Policy Act of 2005 (Public Law 109-58; 25 U.S.C. 3501), including lands owned by Native Corporations under the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1601).

(3) **ENERGY RELATED ACTION.**—The term “energy related action” means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing:

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(4) **ULTIMATELY PREVAIL.**—The phrase “ultimately prevail” means, in a final enforceable judgment, the court rules in the party’s favor on at least one cause of action which is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party, and does not include circumstances where the final agency action is modified or amended by the issuing agency unless such modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.

##### **SEC. 5006. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

The Tribal Forest Protection Act of 2004 is amended by inserting after section 2 (25 U.S.C. 3115a) the following:

##### **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

“(a) **IN GENERAL.**—For each of fiscal years 2014 through 2018, the Secretary shall enter into stewardship contracts or other agreements, other than agreements that are exclusively direct service contracts, with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

“(b) **DEFINITIONS.**—The definitions in section 2 shall apply to this section.

“(c) **DEMONSTRATION PROJECTS.**—In each fiscal year for which projects are authorized, the Secretary shall enter into contracts or other agreements described in subsection (a) to carry out at least 4 new demonstration projects that meet the eligibility criteria described in subsection (d).

“(d) **ELIGIBILITY CRITERIA.**—To be eligible to enter into a contract or other agreement under this subsection, an Indian tribe shall submit to the Secretary an application—

“(1) containing such information as the Secretary may require; and

“(2) that includes a description of—

“(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

“(B) the demonstration project proposed to be carried out by the Indian tribe.

“(e) **SELECTION.**—In evaluating the applications submitted under subsection (c), the Secretary—

“(1) shall take into consideration the factors set forth in paragraphs (1) and (2) of section 2(e) of Public Law 108-278; and whether a proposed demonstration project would—

“(A) increase the availability or reliability of local or regional energy;

“(B) enhance the economic development of the Indian tribe;

“(C) improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

“(D) improve the forest health or watersheds of Federal land or Indian forest land or rangeland; or

“(E) otherwise promote the use of woody biomass; and

“(2) shall exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

“(f) **IMPLEMENTATION.**—The Secretary shall—

“(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

“(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

“(g) **REPORT.**—Not later than September 20, 2015, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

“(1) each individual tribal application received under this section; and

“(2) each contract and agreement entered into pursuant to this section.

“(h) **INCORPORATION OF MANAGEMENT PLANS.**—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

“(i) **TERM.**—A stewardship contract or other agreement entered into under this section—

“(1) shall be for a term of not more than 20 years; and

“(2) may be renewed in accordance with this section for not more than an additional 10 years.”.

#### **SEC. 5007. TRIBAL RESOURCE MANAGEMENT PLANS.**

Unless otherwise explicitly exempted by Federal law enacted after the date of the enactment of this Act, any activity conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary of the Interior under the National Indian

Forest Resources Management Act (25 U.S.C. 3101 et seq.) or the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.), shall be considered a sustainable management practice for purposes of any Federal standard, benefit, or requirement that requires a demonstration of such sustainability.

#### **SEC. 5008. LEASES OF RESTRICTED LANDS FOR THE NAVAJO NATION.**

Subsection (e)(1) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(e)(1); commonly referred to as the “Long-Term Leasing Act”), is amended—

(1) by striking “, except a lease for” and inserting “, including leases for”;

(2) in subparagraph (A), by striking “25” the first place it appears and all that follows and inserting “99 years;”;

(3) in subparagraph (B), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(C) in the case of a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that any such lease may include an option to renew for one additional term not to exceed 25 years.”.

#### **SEC. 5009. NONAPPLICABILITY OF CERTAIN RULES.**

No rule promulgated by the Department of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall have any effect on any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on whose behalf such land is held in trust or restricted status.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part A of House Report 113-271. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

#### **AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON**

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 113-271.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 17, strike “\$10,000,000” and insert “\$5,000,000”.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this amendment makes adjustments in the bill to the amount of funds authorized to be made

available to BLM field offices for energy permitting. This change is made to ensure the bill meets its goal of reducing the deficit, not increasing spending.

According to information from the Congressional Budget Office, after adoption of this amendment the underlying bill would reduce the deficit by \$26 million, while generating more American energy and new jobs for American workers.

This amendment sets the funding directed to wind and solar energy permitting in local BLM field offices at \$5 million each fiscal year. Currently, under existing law, no funds get sent to those doing the work to permit these renewable projects. After the amendment, the amount to help foster renewable energy on Federal lands is less than currently in the bill, but is far more than the zero dollars allocated today.

A vote for this amendment is a vote for an all-of-the-above approach to American energy. It is a vote for more American-made energy, and it is a vote to support renewable energy that uses its own funds and not taxpayers' subsidies; and, Mr. Chairman, it is a vote to reduce the deficit.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. I wanted to point out a curious, but revealing, point about this amendment.

In order to get the bill to score properly to fit with the policy of the Republican Conference, it was necessary to cut \$5 million out of the authorization in the bill.

So where did they go? To cut \$5 million out of renewable energy and let the tens of millions of dollars of authorized funds for the oil and gas to sit untouched.

But I would really like to address something else that the gentleman said that has to do with the whole reason we are here today on this bill instead of doing that important work that Mr. HOYER spoke of earlier.

The gentleman talked about how we have to increase the supply of oil so that we can drive down prices at the pump and talked about how the policies of President Bush were responsible for the undeniable increases in onshore oil production.

They say that gas was as much as \$4 a gallon in 2008. You know whose fault that was.

And then, in 2009, it was \$2 a gallon.

Did the supply in the United States change that much in 1 year? No. This shows quite clearly that it is not because of the amount of drilling on public lands. That has nothing to do with it. It has a scant effect on the price at the pump.

It is amazing, Mr. Speaker. When confronted with something uncomfortable, the Republicans always have a convenient excuse.

Gas prices were \$4 a gallon in 2008. Oh, that is because NANCY PELOSI was Speaker of the House.

Gas prices plummet later that year to half that amount. Well, that is because President Bush said we need to drill more.

Then, gas prices shoot up after JOHN BOEHNER becomes Speaker of the House, but that is because President Obama is in office.

And, now, oil production on Federal lands skyrockets under President Obama, and it is a boom. But that is really because of President Bush.

So if gas prices go down further this year, maybe that is because of, I don't know, was it Eisenhower or Reagan?

Give me a break.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 113-271.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 9, strike the closing quotation marks and the following period, and after line 9 insert the following:

“(C) RIGHT TO PETITION PRESERVED.—This paragraph shall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States.”.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Let me thank Mr. HOLT and Mr. HASTINGS and the Rules Committee for admitting this amendment.

Mr. Chairman, we could all engage in discussions about our commitment to a national energy policy. I would venture to say that we would not find one Member of this body that was not committed to the idea of individuals being able to have low costs at the pump and to be able to have heat in the severe winters and air conditioning for those of us in the heat of summer in places like Texas and elsewhere. We are committed to doing so.

□ 1530

I said this earlier this morning on the rule. Let me thank the Rules Committee for this amendment that has been admitted on my behalf, but let me also say that we will do better if we come across the aisle and talk about the issues—again, sustainable environment, sustainable energy policy, the creation of jobs, and addressing the needs of low-income families. That is the American way. The American way is also the ability to petition your government in the system of laws that we have.

My amendment is simple. It indicates that the underlying bill should not be construed to abridge the right of the people to petition for the redress of grievances in violation of the first article of the amendment to the Constitution in the Bill of Rights.

It is important to note that there is a \$5,000 fee for anyone who wants to protest the particular structure in this bill, upon aggrieved parties, to challenge the award by the agency of a lease, of a right-of-way, of a permit to drill on public lands. This \$5,000 fee is supposed to give comfort because, on the larger entities—the businesses—it is a \$6,500 fee. For many parties, that may adversely affect the individuals, who would be homeowners, small businesses, nonprofits, and community organizations. A filing or a documentation fee of this amount, in many cases, is prohibitive and will discourage many injured parties from taking the actions necessary to vindicate their rights.

My amendment seeks to avoid this undesirable result by making it plain that it is not the intent of Congress to discourage parties from seeking relief where necessary or to deny access to justice to any party with a legitimate claim. I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. Chairman, my amendment is simple and straightforward. The Jackson Lee Amendment provides that nothing in section 1121 of the bill:

“[S]hall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States.”

Section 1121 amends the Mineral Leasing Act (30 U.S.C. 226(p)) to impose a \$5,000 “documentation fee” upon aggrieved parties to challenge the award by the agency of a lease, right of way, permit to drill on public lands.

For many parties that may be adversely affected by these types of agency actions—individuals, home owners, small businesses, nonprofits and community organizations—a filing or documentation fee of this amount in many cases is prohibitive and will discourage many injured parties from taking the action necessary to vindicate their rights.

My amendment seeks to avoid this undesirable result by making plain that it is not the intent of Congress to discourage parties from seeking relief where necessary or to deny ac-

cess to justice to any party with a legitimate claim.

The Jackson Lee Amendment is intended to provide flexibility to the agency and the courts in considering a request to waive all or a portion of the “documentation fee.”

It does not direct or require the agency to grant such waivers. The amendment is intended only to permit and encourage such waivers in appropriate cases.

Mr. Chairman, we should never take for granted the precious and unique right—even for democracies—of citizens to hold their government accountable and answerable to the judiciary for redress for legally cognizable injuries.

As the Member of Congress from Houston, the energy capital of the nation, I have always been mindful of the importance and have strongly advocated for national energy policies that will make our nation more energy independent, preserve and create jobs, and keep our nation's economy strong.

I am pro-energy independence, “pro-jobs,” “pro-growing economy” and pro-sustainable environment. As a senior member of the Judiciary Committee, I am also “pro-fairness.”

The Jackson Lee Amendment seeks to establish fairness and restore balance in the application and implementation of this law.

I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

To be clear, nothing in this act prohibits individuals from asserting their rights to petition the government. In fact, it would be ridiculous for us to try to write a statute that would negate the First Amendment, so nothing in this bill does that at all. Let me talk about the process here.

The BLM undertakes multiple layers of rulemaking and environmental review when going through its Federal actions. Nearly every layer of this process allows for the opportunity for public comments, involvement, and questions regarding BLM's actions. Nothing, Mr. Chairman, in this legislation impacts an individual's right to comment, petition, and object to the actions of BLM under this bill. Nothing, by the way, in this legislation stops individuals from filing lawsuits. That is important in this debate on this amendment.

H.R. 1965 simply implements a cost recovery fee for the formal process of filing protests of oil and gas leasing. These formal protests require a direct BLM response, using staff time, energy, and resources to address what is, simply, often a delaying tactic. This paperwork recovery fee will ensure that BLM has the resources necessary to address the protests but that it has the necessary resources to carry out the functions of the Bureau of Land

Management, which is for multipurpose use in this country.

So it is for these reasons, Mr. Chairman, that I oppose this amendment, because it does not add anything to what people already have a constitutional right to do.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I take issue with my good friend from Washington State.

This bill has a \$5,000 documentation fee on the stage of protest and petition. Obviously, our good friends on the industry side don't even pay anything to nominate land, but it is a \$5,000 barrier.

My friend refers to the administrative process. I am a lawyer. It is under the APA code. That is different from being able to go to a higher level and to be able to comment under the Federal Register and write that "I don't like this," and then you are ruled against anyhow. Then your next level of protest is to be able to protest at the level that requires you to pay \$5,000, not even \$1,000. We are scoring this, and we are doing it on the backs of citizens.

My amendment does make sense because what it says is that we are committed as a Congress not to block people from being able to have an equal opportunity to protest. They may not prevail, Mr. Chairman, but they should have an equal opportunity.

I believe it would be senseless for Republicans and Democrats not to go on record to say that we support the opportunity for protest and petition. I am pro-energy independence, pro-jobs, pro-growing the economy, pro-fairness, pro-sustainable environment, and I believe that there are opportunities for us to come together. We haven't listened to each other. The gentleman from New Jersey (Mr. HOLT) just made some very important statements. I am making a statement about the idea.

I believe it is egregious to have a \$5,000 fee on individuals—nonprofits, farmers, ranchers, neighbors, et cetera. I will say to you, if you want to understand what it means, in my town, there is a group going to court to fight against a high-rise. That high-rise, Mr. Chairman, went through every process—the planning commission, the city council—and they were rejected, but they are going into a lawsuit. They happen to be a little bit more prosperous. Farmers, ranchers, and others who are having to pay \$5,000 and neighbors who are having to pay \$5,000, I simply think that is excessive.

My colleagues, since the amendment that I had was to eliminate the \$5,000, I welcome a compromise of \$1,000; but I offer this simple statement that what we do today shall not be construed to abridge the right of the people to petition for the redress of grievances in violation of the first article of the amendment, and it protects the Fifth

Amendment as well, which is due process—the right to protect your property. Frankly, I believe that it is extremely important because there are entities that are near Federal lands.

So, with a generosity of spirit, I would ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. How much time is remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

First of all, Mr. Chairman, this bill has nothing to do with high-rises, so we should set that apart, and I know the gentlelady was using that as an example.

I have to say this in a larger sense, which is that, in the time that I have had the privilege to chair this committee, we have seen over and over and over what I would call "frivolous action" by people with lawsuits who are trying to slow down the process. The gentlelady used her example of high-rises in Houston. I will use another example that, I think, this House needs to address, and that is the issue of the Endangered Species Act and how it affects development in other parts of the country.

In setting that aside for now, this bill simply says that, in going through the process, there should be something up front if you are serious about your issue. It is nothing more than that. This is a modest way to say, if people are serious about the actions that they are trying to take, then there ought to be nothing more than some skin in the game. That is what this bill does. This amendment would take that out. That is why I oppose the amendment and why I urge my colleagues to vote "no."

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LOWENTHAL

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 113-271.

Mr. LOWENTHAL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, beginning at line 20, strike section 1132.

Beginning at page 16, line 24, strike "except that" and all that follows through page 17, line 2 and insert a period.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chairman, I yield myself such time as I may consume.

The amendment I offer today maintains the Interior Department's ability to review oil and gas activities for significant impacts on public health and safety, among other extraordinary circumstances.

While predictable, it is unfortunate that the majority again and again is willing to throw out basic health and safety protections in order to speed up oil and gas extractions for industry. Whether it is in this oil and gas industry bill today, in last week's mining industry bill, or in tomorrow's natural gas industry bill, the majority's common theme is that of getting rid of transparency and protections for public health and safety and of threatening our environment in the name of increased profits for industry.

This is not okay with me. This is not why I came to Washington.

The oil and gas industry is the most profitable in the world, and the rates of domestic extraction have increased under the Obama administration. ExxonMobil reported a net income of over \$44 billion in 2012. I know it and Wall Street knows it, and their balance sheets prove it. These companies are doing fine. So why are we stripping our oversight agencies and the ability of the public to ensure that extraction is done responsibly and not at the expense of the welfare of this and future generations? I think it is shortsighted; I think it is irresponsible; and I think it is wrong.

H.R. 1965, as it is currently written, would prevent the Interior Department from reviewing oil and gas activities that would otherwise qualify for skipping the National Environmental Policy Act for extraordinary circumstances.

Section 390 of the Energy and Policy Act of 2005 allows certain qualifying oil and gas activities to potentially skip a full NEPA process through a categorical exclusion. Title 43 of section 46.205 of the Code of Federal Regulations requires that the Interior Department test for extraordinary circumstances in which a normally excluded action may have a significant environmental effect and require additional analysis and action. Title 43 of section 46.215 of the Code of Federal Regulations goes on to list the types of extraordinary circumstances to be tested before proceeding with a categorical exclusion for the oil and gas activity.

Thus, before the Interior Department bypasses NEPA, this is what it currently checks for:

Are there significant impacts upon public health or safety? Are there violations of Federal, State, local, or tribal law? Are there limits to access and ceremonial use of Indian sacred sites? Is there the introduction, continued existence, or spread of noxious weeds or of nonnative invasive species? It also lists eight other potential significant problems.

This is what the existing law and regulation does. It helps to protect the public and the environment during oil and gas activities. Simply speaking, H.R. 1965 eliminates these protections. My amendment would simply preserve them, and I urge a "yes" vote.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

This amendment would increase regulatory red tape and opportunities for frivolous lawsuits to stop what we are trying to do here—American energy production and job creation. It would achieve the exact opposite of what our Nation needs and what the bill provides.

H.R. 1965 seeks to streamline and expedite the onshore oil and gas and renewable permitting process, and it does so in a safe and responsible way. This amendment would simply reinject the same uncertainty and bureaucracy into the permitting process that this legislation seeks to do away with.

The Energy Policy Act of 2005, Mr. Chairman, established in a broad, bipartisan fashion the use of categorical exclusions for energy projects in specific and limited circumstances. This provision was intended to expedite the permit approvals of certain energy projects on disturbed land, on operations with a small footprint, or in areas that were previously approved in recent years. Again, the Energy Policy Act of 2005 was a bipartisan attempt, and this provision which I just described was part of the 2005 Act.

□ 1545

These pro-energy reforms are designed to allow minor actions that do not significantly affect the environment to move forward without the burdensome and lengthy full costly environmental review.

To the point the gentleman is making and what the gentleman's amendment addresses, this legislation clarifies the Department's ability to use the categorical exclusion tool to quickly permit energy projects. This amendment, unfortunately, would require the Department of the Interior to unrea-

sonably review what we call "extraordinary circumstances" which require additional NEPA reviews, thereby essentially negating any value from expediting a project and inserting more certainty into an already uncertain energy permitting process.

The intent of this legislation is to streamline and simplify projects that are held up, often for years, in bureaucratic red tape and regulatory uncertainty. This amendment backtracks from the goal by injecting more bureaucracy and regulatory hurdles into the process.

Mr. Chairman, I don't think this amendment adds anything to what we are trying to accomplish. In fact, I think it goes the other way. It goes the other way in such a way that negates what the Energy Act of 2005 in a bipartisan manner said.

I urge rejection of the amendment, and I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. LOWENTHAL. Thank you.

Mr. Chairman, the gentleman from Washington is saying that, if we remove the extraordinary circumstances part of seeing whether, in fact, we grant a categorical exemption—what my amendment does by saying "no" is that the public must have an opportunity, if we are going to grant an exemption, which we think is fine, but what is wrong with finding out whether there is going to be a significant impact on health and safety? What is wrong with finding out if there is going to be a violation of State, Federal, local, or tribal law? What is wrong with understanding what are the limits to access to ceremonial use of sacred sites? He says that by asking these questions before we give an exemption, that this imposes regulatory red tape that is exactly the opposite of what the Nation needs, it is more bureaucracy.

It is just the opposite. This protects the Nation. This allows us to understand, when we are given a categorical exemption, that we are protecting the public health of the Nation.

I urge an "aye" vote on my amendment, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Notwithstanding what my good friend from California said, I just want to make this point, which ironically was not brought out at all in the gentleman's argument. That is the issue of categorical exclusion.

That has been in place on energy projects now for 8 years. If there is something wrong with that or there is an example of where it has been abused, then maybe the gentleman has a case, but the gentleman didn't speak

at all—not at all—to the point that that provision in the 2005 Energy Act has been abused. That alone should be enough to reject this amendment.

In any case, I do not believe that his amendment adds to what we are trying to do to streamline the process of energy creation and creating American energy jobs.

I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LOWENTHAL).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. LOWENTHAL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 113-271.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, beginning at line 4, strike section 1147.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I yield myself 3 minutes.

I again thank the managers, Mr. HOLT and Mr. HASTINGS.

Mr. Chairman, I again make the same comment about what I have heard on this floor from Members on both sides of the aisle: that they are pro-energy policy, pro-environment, pro-jobs, pro-sustainable environment. They simply want an opportunity to work on legislation to activate or to ensure that that occurs.

There is a prohibition contained in section 1147 of this legislation with respect to the recovery of attorney fees and costs by a prevailing party pursuant to the Equal Access to Justice Act. My amendment removes the prohibition, a prohibition that has been established law for a very long time.

This amendment is needed to level the playing field and conform the bill to current law and practice. I think that if we listen to each other, it will be a simple answer of "yes" if we ask any citizen should they have a right to sue, and if they prevail under the Equal Access to Justice Act, that they are able to get attorney fees.

I think the answer, when clear heads would respond, is not whether it is an energy bill or not, or who the defendant is; they would say, Why shouldn't this bill be subjected to the law that exists?

The Equal Access to Justice Act allows individuals, small businesses, and nonprofits to recover attorney fees from the Federal Government. This act is used to vindicate a variety of Federal rights, including access to Veterans Affairs and Social Security disability benefits, as well as to secure statutory environmental protections.

Therefore, to eliminate that is again to cut into—to cut into—the very Bill of Rights of your right to petition, to the right to counsel, all of that, because it indicates that you have a right to prevail in attorney fees.

It is a simple process that does not undermine, if you will, the question of the energy policy in the United States.

If we look at the first poster, we will acknowledge the fact that, interestingly enough, the average amount of money under these cases was \$1.8 million annually over the last 8 years. The EPA only paid out \$280,000 annually over the last 5 years. I venture to say with the average payment of \$100,000 this is not busting the bank. This is allowing citizens who prevail to be able to have attorney fees. I clearly believe that the legislation that we have warrants a fix, a fair fix, to be able to ensure that anyone that has a disagreement post the administrative process and goes into court can, in fact, utilize.

This is one that shows that, in fact, local environmental groups and national environmental groups are no more than others. The largest amount goes to various State governments, individuals, various unions and workers that got a minimal amount or may not have even prevailed.

So I think it is important to recognize that this is not one that is going to destroy this bill, it is going to enhance the bill.

With that, I reserve the balance of my time.

Mr. Chairman, my amendment removes the prohibition contained in Section 1147 with respect to the recovery of attorney fees and costs by a prevailing party pursuant to the Equal Access to Justice Act (5 U.S.C. § 504 and 28 U.S.C. § 2412).

This amendment is needed to level the playing field and conform the bill to current law and practice.

For more than three decades, since its enactment in 1980, the Equal Access to Justice Act (EAJA) has enhanced parties' ability to hold government agencies accountable for their actions and inaction.

EAJA allows individuals, small businesses and nonprofits to recover attorney fees from the federal government.

The EAJA is used to vindicate a variety of federal rights, including access to Veterans Affairs and Social Security disability benefits, as well as to secure statutory environmental protections.

The EAJA promotes public involvement in laws have a significant impact on the public health and safety such as the National Environmental Policy Act, Clean Air Act and Clean Water Act.

EAJA also helps deter government inaction or erroneous conduct and encourages all parties, not just those with resources to hire legal counsel, to assert their rights.

Mr. Chairman, fee awards under the EAJA are NOT available in any and every case. Rather, attorneys' fees are only recoverable in cases where plaintiffs prevail and the government cannot demonstrate that its legal position was "substantially justified."

The amount of attorney fees awarded cannot exceed \$125 per hour, a figure is far below the amount currently charged by big city law firms.

No law firm or public interest group is getting rich off a practice relying upon EAJA awards for its attorney fees.

A new report, *Shifting the Debate: In Defense of the Equal Access to Justice Act*, concludes that EAJA has been cost-effective, applies only to meritorious litigation and that existing legal safeguards and the independent discretion of federal judges will continue to ensure its prudent application.

Moreover, the claim that large environmental groups are getting rich on attorney fees simply is not supported by available evidence.

A recent GAO study (requested by House Republicans) of cases brought against EPA found: most environment lawsuits (48%) were brought by trade associations and private companies; attorney fees were awarded only about eight percent of the time; among environmental plaintiffs, the majority of cases were brought by local groups rather than national groups; and the average award under the EAJA was only about \$100,000.

In reality, EAJA "reforms" would have the effect of watering down the implementation and enforcement of law enacted to protect the public health and safety.

Much has been made about environmental groups obtaining fees in suits that are "merely" procedural.

Both public-interest and industry litigants agree that "procedural" litigation under the Administrative Procedure Act is essential to checking executive power on a range of issues.

Additionally, it should be pointed out that procedural requirements and deadlines contained in environmental laws are paramount to ensuring the protections that Congress has enacted.

Indeed, in the case of the National Environmental Policy Act, the nation's foundational environmental statute, following sound procedure is the entire point of the law.

NEPA requires agencies to take a "hard look" at the consequences of their actions and to carefully consider alternatives, but compels no particular outcomes.

Mr. Chairman, the provision in the bill that prohibits recovery of attorney fees under the EAJA is not "reform"; it is a step backwards.

Instead of providing an important tool by which the public can hold the federal government accountable for its actions, Section 1147 would deny the benefit of this proven account-

ability tool to unwelcome legal challenges and to prejudice a subset of disfavored plaintiffs.

I urge my colleagues to support the Jackson Lee Amendment.

#### JACKSON LEE AMENDMENT #4

1. EAJA attorney fees awards do not cost a lot of money

According to GAO, the EAJA attorney fees paid to successful plaintiffs on average: by the Treasury Department: \$1.8 million annually over the last 8 years; by EPA: \$280,000 annually over the last 5 years; average Payment: \$100,000.

2. EAJA attorney fees awards are infrequently awarded

Attorney fees were awarded only about eight percent (8%) of the time according to a July 2013 report by the Environmental Law Institute, "The Environmental Relevance of the Equal Access to Justice Act."

3. Most environmental cases are brought by industry trade associations and private companies

In August 2011 GAO conducted study of cases brought against EPA and found: most suits were brought by trade associations and private companies; and, among environmental plaintiffs, the majority of cases were brought by local groups rather than national groups.

4. Largest EAJA attorney fees have been awarded in actions brought by industry trade group plaintiffs, private companies, and state or local government agencies

\$500,000: National Cotton Council;  
\$150,000: Honeywell International, Inc.;  
\$95,000: National Pork Producers Council & American Farm Bureau;

\$92,000: American Trucking Association;  
\$22,000: American Corn Growers Association.

\$400,000: State of New Jersey;  
\$100,000: State of North Carolina;  
\$127,500: Commonwealth of Massachusetts;

\$198,000: State of New York;  
\$240,000: South Coast Air Quality Management District (Calif.).

In August 2011 GAO conducted a study of cases brought against EPA and found: 1. most suits were brought by trade associations and private companies; and 2. among environmental plaintiffs, the majority of cases were brought by local groups rather than national groups.

Share of environmental cases by lead plaintiff type: FY 1995–2010 by type of group	Number of cases	Percentage
Trade associations .....	622	25
Private companies .....	566	23
Local environmental and citizens' groups .....	388	16
National environmental groups .....	338	14
States, territories, municipalities, and regional government entities .....	297	12
Individuals .....	185	7
Unions, workers' groups, universities, and tribes ....	46	2
Other .....	33	1
Unknown .....	7	1
Total .....	2,482	100

On average, EAJA attorney fees paid to successful plaintiffs: Treasury: \$1.8 million annually over the last 8 years; EPA: \$280,000 annually over the last 5 years; average payment: \$100,000.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.



The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I say, I rise to oppose this amendment.

The Equal Access to Justice Act, or the EAJA, was created, rightfully so, to level the playing field between citizens seeking to do the right thing and a well-funded Federal Government. Unfortunately, wealthy activist groups have been able to distort the intended purpose of the EAJA by exploiting the program as a cash register to file thousands of lawsuits, many based on frivolous technicalities.

Further, Federal payments to lawyers fighting lawsuits come out of each agency's budgets, which, of course, hinders the agency's ability to do their job and forces tighter budgets on the agencies working on behalf of Americans.

Every year, numerous energy projects are held up by burdensome legal challenges by activist groups whose aim is to hold up or simply stop energy production in this country.

Under the guise of "responsible development," these groups file lawsuit after lawsuit that force the government to use Federal resources and millions of dollars in taxpayer funds to litigate these lengthy and burdensome lawsuits. These well-funded activist groups have the resources to hire, in some cases, multiple lawyers to sue the Federal Government.

These unnecessary delays in energy projects result in a domino effect of delays in economic development, of delays, obviously, in job creation, of delays in income generation for local, State, and, indeed, the Federal Government, and delays in making the United States becoming energy independent.

Further, many small communities depend on a robust energy sector to provide jobs for its residents and generate income for their local schools and for their communities. These well-funded activist organizations should not be rewarded, Mr. Chairman, with taxpayer dollars for delaying American job creation and the generation of funds for our local communities.

I urge my colleagues to vote "no" on the amendment, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, let me be very clear that the awards under the EAJA are not available for any and every case. Only when the plaintiff prevails. Is that not fair?

When an individual, a nonprofit, who has sought to even the playing field, who wants to make sure that we have a strong energy policy but they are praying that you listen to them as to how it is destroying their property, their house, their quality of life, they have a right to petition.

So I want to correct the gentleman's interpretation. I heard on the floor of

the House that he mentioned the word "frivolous." As a lawyer, and one who adheres to the Constitution, I would like to not think that if you are concerned about an issue, that you cannot get into the court of justice and that you cannot make your case. You may not win, but I want to surprise him with the fact that the large number of cases that went under this act and sued the EPA were trade associations—622; private companies—556. There are a variety of others, not collectively together. State territories and municipalities—297. Should they not recover if they prevail? Should environmental groups not recover if they prevail—only at 388? Should individuals at 185 cases not prevail if they win? Should workers groups and universities and tribes not prevail if they should win?

I think that we are wrongheaded if we simply do not adhere to the existing law; not use the terminology "frivolous" but applaud Americans who are willing to stand up for their rights.

My example was correct. It was an analogy. These homeowners are fighting Big Business, but what they decided to do is, after they were ruled against by every administrative local body, they have gone into the courthouse. They happen to be more prosperous than someone else, but why would you fault an individual who is using their meager pennies with an attorney to try and prevail on something that they believe will harm them?

My amendment is very simple. It just indicates, if you prevail, you should not be denied the attorney fees that anyone else would get and, if you will, debunks and rebuts the proposition that only those groups that we might not enjoy their position—trade associations, private big companies—I ask my colleagues to support the Jackson Lee amendment for fairness and justice in America.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

I would just simply say that what this bill and the bill tomorrow, for that matter—this bill is designed to create an atmosphere for more American energy production, which I think is badly needed in our economy, because we know that a growing economy by any measure has to have a predictable energy source. That has been lacking on our Federal lands. That is what the underlying bill does.

What we have seen, and what we have observed in our committee, is the fact that the courtroom is used to slow down so many projects on Federal land. This provision in the current bill simply, I think, clarifies and rectifies that we can have some certainty in the law. That, I think, is the important part of creating American energy. I don't think that this amendment adds anything to that.

I urge rejection of the amendment, and I yield back the balance of my time.

□ 1600

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 113–271.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, on line 15, strike "and", on line 20, strike the period and insert "; and", and after line 20 insert the following:

"(H) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources from 'available lands' (as such term is defined in section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.)), and including any other lands deemed by the Territory or State of Hawaii, as the case may be, to be included within that definition) that the agency or department of the government of the State of Hawaii that is responsible for the administration of such lands selects to be used for such energy production.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HANABUSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is nearly identical to one I proposed last Congress to a similar Natural Resources bill numbered H.R. 4480, which was agreed to by a voice vote.

This amendment simply adds to title II, the Planning for America Energy Act of 2013, a subsection (h), which essentially mirrors the language found in a prior subsection addressing Native American tribal lands. This particular amendment requires the inclusion of Hawaiian Homes Commission Act lands.

As you know, Hawaii is in a unique situation in that, in 1920, this Congress created the Hawaiian Homes Commission Act; and there is a special body of approximately 203,000 acres of land which is under the control of Congress.



Congress approves whether or not things can be amended in the act. Even upon statehood, that right was retained.

This amendment seeks to have those Hawaiian Home lands that the State agency or department responsible for the administration of these lands has selected to be used for the very development of geothermal, solar, wind, and other renewable energy sources included in the Quadrennial Federal Onshore Energy Production Strategy. It has no implications other than the fact that these lands could be used for renewable energy development and that these lands have somehow become forgotten, but do not necessarily fall under Federal jurisdiction.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Ms. HANABUSA. I yield to the gentleman.

Mr. HASTINGS of Washington. I have no problem with your amendment. As you rightfully said, in the last Congress this was accepted by a voice vote. I think it adds more lands for energy production; and as the gentlelady knows, we are in favor of that. So we accept the gentlelady's amendment.

Ms. HANABUSA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MARINO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 113-271.

Mr. MARINO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 26, after line 4, insert the following:

“(6) The Secretary shall include in the Strategy a plan for addressing new demands for transmission lines and pipelines for distribution of oil and gas across Federal lands to ensure that energy produced can be distributed to areas of need.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Pennsylvania (Mr. MARINO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MARINO. Mr. Chairman, I yield myself such time as I may consume.

Study after study proves that pipelines are the safest, most environmentally friendly, and most efficient method for transporting oil and natural gas. A company in my district tried to expand a current pipeline or build a new pipeline through a recreation area, but was unable to do so because of bureaucratic red tape and mess.

Instead of expanding a pipeline that was in the ground before the recreation area was created, the company had to loop the pipeline around the recreation area in order to provide natural gas to residents in New Jersey. This forced the company to add seven additional miles of pipeline, even though it would be more environmentally friendly to build a pipeline through the park. Yet the level of bureaucratic red tape in trying to construct oil and gas pipelines through Federal lands is nothing short of ludicrous.

My amendment wouldn't solve the problem we experienced in my district; however, this amendment takes a small step in addressing the difficulties in constructing pipelines by requiring the Secretary of the Interior to include a plan for addressing new demands for transmission lines and pipelines for distribution of oil and gas across Federal lands to ensure that energy produced can be distributed to areas of need.

Common sense tells us that without the necessary pipeline infrastructure to transport the energy, it will be much more difficult to meet America's future oil and gas demands.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. MARINO. I yield to the gentleman.

Mr. HASTINGS of Washington. I want to thank the gentleman for bringing this amendment to the floor. I think it adds a great deal to what we are trying to do with energy development in this country, and I am prepared to accept the amendment. I thank the gentleman for yielding to me.

Mr. MARINO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MARINO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 113-271.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. —01. STUDY OF EFFECTS OF FLOODING ON OIL AND GAS FACILITIES.**

The Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study and report to the Congress on the effect of flooding on oil and gas facilities, and the resulting instances of leaking and spills from tanks, wells, and pipelines.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Colorado (Mr. POLIS) and a Mem-

ber opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment along with Representative HUFFMAN from California. It is a very simple amendment. It would require the National Academy of Sciences to study and report to Congress about the impact of flooding on oil and gas facilities and the resulting instances of leaking and spills from tanks, wells, and pipelines.

Sadly, this is an issue that hits very close to home. In my district in Colorado, we recently suffered from the great flood of 2013. Many counties in my district were declared Federal disaster areas. Many of those counties are also home to significant extraction operations. Floods can happen anywhere, and this one occurred well outside of a floodplain; but it is important to understand how to minimize damage to oil and gas infrastructure in the event of a flood. Constituents in my district in Colorado are rebuilding. We are working hard, and we wish we had the kind of information that this study would produce years before the flood so we could have better prepared with regard to our oil and gas infrastructure and the safeguards around it.

We do know a few things about the impact of the floods so far with regard to oil and gas facilities in northern and northeastern Colorado. Over 43,000 gallons of oil and 26,000 gallons of produced water have spilled from the tanks, wells, and pipelines in the floodwater.

If we learn a lot from this experience, I hope that future areas impacted by flooding, as well as ours, because we never know whether the next flood is decades or years or centuries away, will be able to avoid these kinds of spills in our communities.

On September 25, I did join Representative DEFAZIO in sending a letter to Chairman HASTINGS requesting a hearing to understand the consequences resulting from the flood. I continue to hope that the gentleman will be open to scheduling that hearing with regard to the impact of flooding, or perhaps more generally disasters, and how we can better safeguard our oil and gas infrastructure in this country.

The floods in Colorado did shed a light on the need to better understand how we can safeguard our oil and gas infrastructure from disasters generally and, in our case, a terrible flood that had seven confirmed fatalities and hundreds of millions of dollars of property damage.

We would all benefit from learning more about how disasters like the Colorado flood can impact communities, States, and, indeed, the Federal Government. Local elected officials, first

responders, experts in oil and gas technology innovation, and the Academy of Sciences can help enhance our understanding of how to prevent damage to oil and gas infrastructure and avert spills and leaks in other communities. We don't want our communities to have to learn the hard way, as ours has done. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in light of the recent flooding in the gentleman's home State of Colorado, I can appreciate his concern about this issue. However, this amendment contains no restrictions on the scope and breadth of this study, and it seems to be endless. In fact, the study is not focused on the tragic flooding in Colorado, and it is so expansive it can include all flooding anywhere, and the term "oil and gas" facilities is undefined. That is what the amendment says.

"Oil and gas" facilities could be interpreted to mean many things, much of which is outside of the jurisdiction of this committee. This could include corner gasoline stations or private gas meters. And "leaking and spills from tanks, wells, and pipelines" does not have to be associated with natural gas. It can be anything, such as a septic or water or sewer tanks and pipelines.

Further, this amendment does not specify that the study be conducted in conjunction with production on Federal land, which of course is what this legislation specifically deals with. The result is a nationwide study that can touch a variety of sources, right down to private homes, the results of which will have nothing to do with the energy production process that this legislation seeks to streamline.

This study, undoubtedly at the expense of taxpayer dollars, will have no impact on energy production; and, frankly, it has no clear goal.

Finally, the proper place to examine the effects of flooding in Colorado is in Colorado. In testing done by the Colorado State Department of Public Health and the Environment, they found pollutants from oil and gas in the aftermath of the spills at 29 specific sites, but no pollutants in Colorado's waterways. However, the incidence of E. coli and raw sewage was measurable and did have an impact on public health, which is not limited to one industry and is not even covered by this study.

Mr. Chairman, for a variety of reasons, and I think I have tried to touch on the major ones that I just enunciated, I urge rejection of this amendment.

I reserve the balance of my time.

Mr. POLIS. Mr. Chairman, again, regarding the language of the amendment, of course it is not designed to apply narrowly to Colorado. That would be considered an earmark, prohibited under the rules of the House. In addition, it is not designed just to serve the needs of my district.

This amendment is designed to learn from this so other areas of the country don't go through the same damage from flooding to our oil and gas infrastructure that occurred in my district.

The language is very limiting with regard to the report to Congress, very boilerplate language that we have used for other studies which have been successfully accomplished by the Academy of Sciences, reporting to Congress "on the effect of flooding on oil and gas facilities, and the resulting instances of leaking and spills from tanks, wells, and pipelines," precisely what has occurred as a result of the flooding in Colorado and could, of course, occur as a result of flooding in other areas of the country that have a significant presence of the extraction industry.

I hope that my colleagues will support this measure that Mr. HUFFMAN and I have brought forward. I think it would be a commonsense report that would be of great value to this Congress in protecting our infrastructure and our environment from the impact of flooding.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN), the author of this legislation.

Mr. LAMBORN. Mr. Chairman, I thank the full committee chairman for yielding me this time.

I want to applaud and commend my colleague from Colorado for his concern and thoughtfulness to the people impacted in Colorado, many of which were in his and Representative CORY GARDNER's district, some even further south in my district where there was, unfortunately, some loss of life also. So we all share that same concern.

□ 1615

To put things in perspective, though, when we look at the oil and gas impact of the flooding, there was no hydraulic fracturing going on during the flooding, and the spillage that was later determined to have taken place was relatively minor. There were about 1,000 barrels of oil and gas spilled, with about 400 barrels of production water. That is about 1,500 barrels, which is about 62,000 gallons. To put that in perspective, this was considered a 1 trillion-gallon rainfall in a period of 7 days or so. That would amount to more than that every second. Every single second would have 67,000 barrels of river flow. So 1 second's worth of oil and gas in the entire horrific rainfall, I think, puts things in perspective.

So I ask for a "no" vote on this amendment. It is a lot broader than just the Federal lands that this legislation talks about, and so it goes beyond the scope of the legislation and I don't think it is really called for.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Washington has 1 minute remaining.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. LAMBORN. Just to conclude, when you put things in perspective, I think that there were a lot more serious issues with the flooding, some of which continue to today and will continue far into the future. Those are the issues we should really concentrate on.

For that reason, I ask for a "no" vote on this amendment.

Mr. POLIS. Mr. Chairman, I do want to again elaborate a little bit. The gentleman from Washington brought up germaneness and jurisdictional issues.

This amendment has been advanced to the floor by the Rules Committee with the necessary waivers granted, so it does not need to go through any other committee. It is here for the full House to consider. I appreciate it being included in the rule. I encourage Members to make the decision on the merits. It has been granted the necessary waivers to be considered on the House floor. Again, I do think this study would be of value to Congress, if, in fact, the 43,000 gallons of oil don't represent any kind of danger or risk that will be included in the report.

The National Academy of Sciences will have access to the information that we as policymakers will need and my State will need for future planning and other States that have an extraction industry will benefit from in the event of a flood. This can save the health of people, it can save lives, and it can save costly infrastructure in the oil and gas industry. It is a commonsense measure, a useful study.

I encourage my colleagues to vote "yes," and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

As I mentioned in my initial remarks, this amendment really is very broadly written. And when we had other amendments talking about potential lawsuits, boy, adopting this amendment here would really be a litigant's dream if it were to be part of the legislation.

I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 113–271.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents accordingly):

#### **TITLE VI—MISCELLANEOUS PROVISIONS**

##### **SEC. 6001. CERTAIN REVENUES GENERATED BY THIS ACT TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION TO LIMIT EXCESSIVE SPECULATION IN ENERGY MARKETS.**

The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

##### **“SEC. 44. REVENUES TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION.**

“(a) ESTABLISHMENT OF TREASURY ACCOUNT.—The Secretary of the Treasury (in this section referred to as the ‘Secretary’) shall establish an account in the Treasury of the United States.

“(b) DEPOSIT INTO ACCOUNT OF CERTAIN REVENUES GENERATED BY THIS ACT.—The Secretary shall deposit into the account established under subsection (a) the first \$10,000,000 of the total of the amounts received by the United States under leases issued under this Act or any plan, strategy, or program under this Act.

“(c) AVAILABILITY AND USE OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), the amounts in the account established under subsection (a) shall be made available to the Commodity Futures Trading Commission to use its existing authorities to limit excessive speculation in energy markets.

“(2) SUBJECT TO APPROPRIATIONS.—The authority provided in paragraph (1) may be exercised only to such extent, and with respect to such amounts, as are provided in advance in appropriations Acts.”.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, much of the majority's argument here is based on providing relief to the American consumer, and this amendment would provide a real and potentially immediate relief to American consumers.

Two years ago in the Senate, in the spring when we were having a big run-up in oil prices, they had the head of

Exxon Mobil testify. He said, Hey, don't blame us for those high prices. He said, Blame Wall Street. He basically said that 60 cents to 70 cents per gallon at the pump is going to Wall Street speculators. So if we want to provide real relief to the American people, we need to rein in speculation.

But the Republicans only have one watchdog out there—the Commodity Futures Trading Commission. They are supposed to set up position limits for nonparticipants, people just speculating on price, not people actually utilizing these commodities. That hasn't been done, and they are otherwise under relenting attack, including a \$10 million cut in their budget by the Republicans.

So if we really wanted to do something to help consumers, we would pass this amendment, get a few more watchdogs downtown, put in place those position limits on speculators, and next May you wouldn't see prices run up \$1, \$1.25, \$1.50 a gallon like we see every May. That has to do with two things: refinery manipulation by the industry and speculation by Wall Street. We are not addressing either of those things.

Today, we are talking about putting more land up for leasing. And today, we have a total of 35,397,010 acres of active leases, and the nonproducing leases are 30,019,256, i.e., that is about 85 percent of the leases that are nonproducing leases.

They have got plenty of places to go now. It is in their interest to constrain supply somewhere along the way. It hasn't been on the side of production because we are exporting crude oil. We are still exporting gasoline, even. It has been on the refinery side and has been speculation by Wall Street that has driven up the price.

I urge adoption of this amendment and reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, let me be very clear that I do oppose this amendment.

This amendment is costly and wasteful. The amendment would redirect \$10 billion away from Federal permitting streamlining, which we know would help lower costs and produce more energy, and instead funnel the money to another fruitless study of the unfounded position of somehow market speculation is impacting energy prices.

Mr. Chairman, earlier this year, researchers Christopher Knittel and Robert S. Pindyck from the Massachusetts Institute of Technology, Sloan School of Management, MIT, found that speculation wasn't driving up energy prices. I will quote them, Mr. Chairman.

Back to those pesky speculators for a moment: surely, their bets on oil have had at least some effect on prices?

According to our latest research, the answer is: not really. In our recent paper, we explore the link between speculation and inventory changes. We calculate a series of speculation-free prices by creating a stable inventory of oil, providing us with a picture of what the market might look like in the absence of speculation. We focus on inventory for a simple reason: if oil prices are changing because of speculators, then there would have to be commensurate changes to inventories—a buildup when prices are increasing and a drawdown when prices are falling.

But when the economy was strong and oil prices were increasing, we didn't see large increases in inventories. In fact, they fell somewhat. This means that peak prices would have actually been higher if you take away any effects of speculation.

And let me repeat that final part:

But when the economy was strong and oil prices were increasing, we didn't see large increases in inventories. In fact, they fell somewhat. This means that peak prices would have actually been higher if you take away any effects of speculation.

Time and time again, we have heard from those opposed to oil and gas drilling that it is the shady Wall Street speculator, the man behind the curtain who is driving up energy prices. The truth is that the best way to fight speculators, or foreign cartels, is simply to outproduce them, and that should be our solution here today.

We should be working to figure out how to use more than just 2 percent of our Federal lands for energy development. We should find a way to have Federal lands keep pace with private lands in the revolution of energy production as currently taking place in the United States. Yet the Congressional Research Service tells us:

All of the increase from fiscal year 2007 to fiscal year 2012 took place on non-Federal lands, and the Federal share of total U.S. crude oil production fell by about 7 percentage points.

Yet, instead of reversing this trend, streamlining permitting, the author of this amendment wants to siphon off money for studies.

The legislation before us today is designed to streamline and produce more onshore energy production. This will create jobs and reduce our dependence on foreign imports. It demands an all-of-the-above energy agenda, and I would like to think that the folks on the other side could at least embrace that part of it.

I urge my colleagues to reject this amendment and support the underlying bill, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, may I inquire as to how much time I have left?

The Acting CHAIR. The gentleman from Oregon has 2½ minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the gentleman's amendment

today, which helps ensure that our derivatives regulator can protect our financial markets and economy. This amendment improves the funding situation of the CFTC by giving back \$10 million that my Republican colleagues proposed to cut earlier this year.

Many Americans are unaware that the CFTC is charged with enforcing laws designed to thwart Wall Street from manipulating the cost of commodities, which affects the price at the pump and the cost of food on our plates. Just as importantly, the CFTC has been tasked with writing and enforcing rules reforming the financial markets and participants like AIG that contributed to the worst financial crisis since the Great Depression.

For these reforms to have teeth, we need a cop with the resources and staff to hold the financial industry accountable. And yet, despite the overwhelming need, House Republicans want to cut the CFTC's budget, deciding this year to provide the CFTC a funding level that is 40 percent below the President's request. This funding level is in addition to sequester cuts, which have caused temporary staff layoffs as well as the agency-wide closure for 2 weeks during the Republican shutdown.

Mr. Chairman, we are witnessing a multifaceted effort by the Republican majority to undercut laws and regulations with which Republicans and certain special interests disagree, halting Dodd-Frank rulemaking through litigation and legislation, while simultaneously depriving our market cops of resources.

The DeFazio amendment is a first step towards countering this offensive, by funding Wall Street's cop, at a minimum, with the same resources as last year.

I thank my thoughtful friend from Oregon and urge adoption of this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I am prepared to close if the gentleman is prepared to close, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, according to MIT, then, the head of Exxon Mobil perjured himself under oath at the Senate and the Federal Reserve Bank in St. Louis is wrong because they have an in-depth study not paid for by the industry that says, indeed, speculation is a major factor.

Here is over 1 month where you see the price vary by up to \$11 per day. Now, you tell me that the supply changed by \$11 worth in a day and then, whoops, the next day it is back down? Then, Ben Bernanke said he saw a further decline coming and the industry tanked oil futures by \$6.

This is pure speculation. Don't defend it. Support the amendment and give the American people real relief from high gas prices that are unnecessary.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Washington has 1 minute remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I know there is no truism specifically in economic theory, but one thing we do know about crude oil is that it is subject to international pricing.

□ 1630

We do know that a big part of the international pricing and production is conducted by a cartel, namely, OPEC. The last figure I saw was about 45 percent of the international market. Well, when you have 45 percent controlled by one entity, you are going to have some price pressures that are coming. Indeed, you probably have some speculation.

Mr. Chairman, this is the important part of what this underlying bill and the bill that we will have on the floor tomorrow does.

The only way that you are going to beat cartels is to outproduce them. I don't care if you are talking about crude oils or if you are talking about apples or you are talking about potatoes or you are talking about timber. The whole idea, if you have somebody that controls a big part of the marketplace, the way you beat them is to outproduce them.

This bill allows America to outproduce our foreign competitors. This amendment adds nothing to that. I urge rejection of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMBORN) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, eco-

nomics development, and job creation, and for other purposes, had come to no resolution thereon.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1900, NATURAL GAS PIPELINE PERMITTING REFORM ACT

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 113-272) on the resolution (H. Res. 420) providing for consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### PEPFAR STEWARDSHIP AND OVERSIGHT ACT OF 2013

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1545) to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "PEPFAR Stewardship and Oversight Act of 2013".

#### SEC. 2. INSPECTOR GENERAL OVERSIGHT.

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking "5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013" and inserting "coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018"; and

(2) in subparagraph (C)—

(A) in clause (ii)—

(i) in the heading, by striking "SUBSEQUENT" and inserting "2010 THROUGH 2013"; and

(ii) by striking "the last four plans" and inserting "the plans for fiscal years 2010 through 2013"; and

(B) by adding at the end the following new clause:

"(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the

date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

“(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.”.

### SEC. 3. ANNUAL TREATMENT STUDY.

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking “through September 30, 2013” and inserting “through September 30, 2019”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

“(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

“(B) A comprehensive and harmonized expenditure analysis by partner country, including—

“(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

“(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable.”; and

(4) by adding at the end the following new paragraph:

“(4) PARTNER COUNTRY DEFINED.—In this subsection, the term ‘partner country’ means a country with a minimum United States Government investment of HIV/AIDS assistance of at least \$5,000,000 in the prior fiscal year.”.

### SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “2013” and inserting “2018”;

(B) in clause (ii)—

(i) by striking “2013” and inserting “2018”;

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking “2013” and inserting “2018”; and

(2) in subparagraph (B)—

(A) by striking “under this subsection” each place it appears;

(B) in clause (ii), by striking “pursuant to the authorization of appropriations under section 401” and inserting “to carry out section 104A of the Foreign Assistance Act of 1961”; and

(C) in clause (iv), by striking “2013” and inserting “2018”.

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking “2013” and inserting “2018”;

(B) in subparagraph (C)—

(i) by inserting “in an open, machine readable format” after “site”;

(ii) by amending clause (v) to read as follows:

“(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;”;

(C) in subparagraph (D)(ii), by inserting “, in an open, machine readable format,” after “audits”;

(D) in subparagraph (E), by inserting “, in an open, machine readable format,” after “publicly”;

(E) in subparagraph (F)—

(i) in clause (i), by striking “; and” and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

“(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

“(iii) expenditure data—

“(I) tracked by principal recipients and subrecipients by program area, where practicable, prevention, care, and treatment and reported in a format that allows comparison with other funding streams in each country; or

“(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

“(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;”;

(F) by amending subparagraph (G) to read as follows:

“(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

“(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

“(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

“(iii) the total cost of the import duties and internal taxes;

“(iv) recovered import duties or internal taxes; and

“(v) the status of country status-agreements;”.

### SEC. 5. ANNUAL REPORT.

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(f)) is amended to read as follows:

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

“(2) REPORT DUE IN 2014.—The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

“(3) REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

“(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

“(i) estimates by partner country of the global burden and need; and

“(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

“(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

“(i) a description of how those targets are designed to—

“(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

“(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

“(III) achieve an AIDS-free generation;

“(ii) national targets across prevention, treatment, and care that are—

“(I) established by partner countries; or

“(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

“(iii) bilateral programmatic targets across prevention, treatment, and care, including—

“(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

“(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

“(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

“(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

“(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

“(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

“(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

“(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

“(i) the number, by partner country, of persons on HIV treatment, including specifically—

“(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

“(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

“(ii) HIV treatment coverage rates by partner country;

“(iii) the net increase in persons on HIV treatment by partner country;

“(iv) new infections of HIV by partner country;

“(v) the number of HIV infections averted;

“(vi) antiretroviral treatment program retention rates by partner country, including—

“(I) performance against annual targets for program retention; and

“(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

“(vii) a description of supportive care.

“(H) A description of partner country and United States-funded HIV/AIDS prevention programs and policies, including—

“(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

“(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

“(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

“(III) programs for behavior-change; and

“(IV) other programmatic activities to prevent the transmission of HIV;

“(i) antiretroviral treatment as prevention; and

“(iii) a description of any new preventative interventions or methodologies.

“(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

“(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

“(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

“(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

“(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

“(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

“(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

“(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

“(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

“(ii) average costs, by country and by core intervention;

“(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

“(iv) import duties and internal taxes imposed on program commodities and services, by country.

“(M) A description of partnership framework agreements with countries, and regions where applicable, including—

“(i) the objectives and structure of partnership framework agreements with countries, including—

“(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

“(II) how these agreements incorporate a role for civil society; and

“(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and

collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

“(N) A description of efforts and activities to engage new partners, including faith-based, locally-based, and United States minority-serving institutions.

“(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

“(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

“(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

“(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

“(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

“(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

“(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

“(5) PARTNER COUNTRY DEFINED.—In this subsection, the term ‘partner country’ means a country with a minimum United States Government investment of HIV/AIDS assistance of at least \$5,000,000 in the prior fiscal year.”.

#### SEC. 6. ALLOCATION OF FUNDING.

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking “2013” and inserting “2018”; and

(2) by striking “amounts appropriated pursuant to the authorization of appropriations under section 401” and inserting “amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2)”.

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking “2013” and inserting “2018”; and

(2) by striking “amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401” and inserting “amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask that all of our Members have 5 legislative days to revise and extend their remarks and to include any extraneous materials that they might wish to include on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1545. They call this the PEPFAR Stewardship and Oversight Act of 2013.

It was just over a decade ago that AIDS threatened to decimate an entire generation of men and women and children around the world, and particularly in Africa. Without access to life-saving treatment, there was then no incentive to get tested. Without testing, it was impossible to detect and prevent new infections.

In the hardest-hit countries, an estimated 35 percent of the population was HIV positive, and life expectancy in those countries dropped to as low as 34 years.

The global AIDS pandemic was a massive humanitarian challenge, but it also threatened our economic and national security. The pandemic struck down men and women in their most productive years. The economies of emerging trade partners contracted. Socioeconomic conditions deteriorated.

Tens of millions of orphaned children, forced to fend for themselves, became vulnerable to trafficking. They became vulnerable to criminality and recruitment by extremists.

Infections among security forces in southern Africa was disturbingly high.

It was against this backdrop that the United States mounted the most significant effort of any nation to combat a single disease in history. Authorized by Congress in 2004, and reauthorized in 2008, the President's Emergency Plan For AIDS Relief, or PEPFAR, as we call it today, was a game-changer, and has since become among the most successful U.S. foreign aid programs since the Marshall Plan. Like many of my colleagues, I have been to Africa and witnessed the saved lives.

Today, nearly 10 million people receive treatment supported by PEPFAR. Thirteen countries have reached a tipping point in their AIDS epidemic, the point where the number of adults on treatment exceeds the number of new infections. So across Africa, the new infections have declined by 33 percent.

There is now hope that an AIDS-free generation may be within reach. We should be proud of that effort. But the United States cannot and should not do this alone. It is in our interest to ensure that our bilateral programs, our programs like PEPFAR, are complemented by an effective, efficient,



and accountable global fund to fight AIDS, malaria, and tuberculosis.

The PEPFAR Stewardship and Oversight Act of 2013 provides a framework for the continuation of PEPFAR's success. Among other things, this legislation locks in important social values provisions mandated in the 2004 and 2008 bills that could be jettisoned if we don't move forward with this legislation.

It improves transparency and reporting in a way that reflects the current direction of the program, and it extends limitations on U.S. participation in the Global Fund, including a 33 percent limitation on U.S. contributions and a 20 percent withholding requirement linked to transparency and management reforms at the Global Fund.

So this bill is time-sensitive. During the week of December 1, the Global Fund will convene a donors' conference. Without the 33 percent cap and 20 percent withholding requirements firmly in place, which is what the bill does, the ability of the United States to leverage both our contributions and our reforms would be diminished.

So I urge my colleagues to support this important, timely measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in strong support of S. 1545, the PEPFAR Stewardship and Oversight Act, and I yield myself as much time as I may consume.

I echo the words of my friend, the chairman. This important legislation, which passed the Senate by unanimous consent, reauthorizes key authorities that have helped the President's Emergency Plan For AIDS Relief, called PEPFAR, change the trajectory of the HIV/AIDS epidemic around the world.

Before President Bush announced PEPFAR in his 2003 State of the Union address, and Congress passed authorizing legislation in May of that year, HIV and AIDS were ravaging the continent of Africa. By then, more than 25 million people had died from HIV/AIDS, and 14 million children had been left as orphans.

Another 42 million people were infected and, though lifesaving treatments had been developed, far too many people had no access to the medications necessary to save their lives. Therefore, PEPFAR became and remains the largest commitment by any nation to combat a single disease internationally.

Today, nearly 6 million people are receiving life-sustaining anti-retroviral treatment.

Last year, more than 46 million people received HIV testing and counseling. Of these, more than 11 million were pregnant women, and, as a result of treatment, the one-millionth baby was born HIV-free this year.

HIV/AIDS is no longer threatening to wipe out an entire generation on the

continent of Africa. In fact, a sustained commitment by the United States to fighting this epidemic has made it possible for experts and researchers to talk about achieving an AIDS-free generation.

PEPFAR is in the midst of an important transition as countries take on greater ownership of their HIV/AIDS programs. At this critical juncture, the PEPFAR Stewardship and Oversight Act is an important demonstration of our ongoing, bipartisan support for the fight against HIV/AIDS.

This legislation also contains critical provisions that will enable Congress to provide the oversight necessary to ensure PEPFAR continues to save millions of lives, while protecting our taxpayers' hard-earned money.

The bill calls for continued coordination by the inspectors general for the State Department, Department of Health and Human Services, and the U.S. Agency for International Development in conducting audits and oversight of the PEPFAR program.

It also requires a more robust annual report from the Office of the U.S. Global AIDS Coordinator, which will ensure better accountability.

This legislation also extends key funding requirements for the treatment and care portion of the program, as well as funding for orphans and vulnerable children.

Historically, the United States contribution to the Global Fund has been capped at 33 percent of total contributions. This cap has been an effective tool to leverage contributions from other countries, as well as to push for reforms, if necessary, within the Global Fund.

However, when PEPFAR's authorization ended at the end of September, this 33 percent cap lapsed as well. I believe it is crucial that this 33 percent cap be reinstated going into the Global Fund replenishment conference, which will be held the first week of December here in Washington, and this legislation would accomplish this important policy objective.

Mr. Speaker, by all accounts, PEPFAR has been an incredible success and a program we should all be proud to be a part of.

I would like to thank Ambassador Eric Goosby, the recently departed United States Global AIDS Coordinator, for his hard work on behalf of PEPFAR and his lifelong dedication to those living with HIV/AIDS.

I commend Chairman ROYCE, Representative LEE, and Representative ROS-LEHTINEN, as well as Senator MENENDEZ and Senator CORKER, for their hard work on this legislation. It has been a pleasure working with all of them in such a bipartisan and bicameral manner.

I would like to thank the House leadership for allowing this to come to the floor in a timely manner. Again, I

think that Chairman ROYCE and I have shown that bipartisanship does exist in this Congress. It certainly exists on our Foreign Affairs Committee, and this is a product of that bipartisan comity.

So I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is my honor to yield 4 minutes to the gentlewoman from California (Ms. LEE), who has been so instrumental in fighting for this legislation and other AIDS legislation for so many years in the Congress.

Ms. LEE of California. Mr. Speaker, first, let me thank our ranking member for yielding, but also, let me just thank you so much for your tremendous leadership on this issue and on the Foreign Affairs Committee, and for your recognition and hard work in achieving and seeking to achieve an AIDS-free generation.

I want to say it is a real pleasure to be with you today and to be back with you today, actually, with the committee that I served on for 8 years. So thank you, again, so much.

Let me also thank the chair of the Foreign Affairs Committee, Chairman ROYCE, for ensuring that PEPFAR continues as a bipartisan effort, and for your commitment to an AIDS-free generation. I just want to thank you for that leadership because, oftentimes, we wonder if there is bipartisanship in this body. Well, I think today, once again, we can cite that when it comes to saving lives, PEPFAR is a clear example of how we work together to do just that.

□ 1645

And, of course, I must thank my co-chair on the Congressional HIV/AIDS Caucus, Congresswoman ILEANA ROS-LEHTINEN from Florida. I have to thank her for her work on HIV/AIDS initiatives, both international and domestic.

I am very proud to have played a role in the creation of PEPFAR and am proud of the leadership of the Congressional Black Caucus and our chair at that time, the gentlewoman from Texas, Congresswoman EDDIE BERNICE JOHNSON. Even before the world knew about this program, Congresswoman JOHNSON knew the importance of Presidential leadership and put this on the Congressional Black Caucus' agenda during our very first meeting with President Bush.

To quote from a 2002 letter to President Bush, the CBC called for an "expanded U.S. initiative" to respond to the greatest plague in recorded history. And then following that, in President Bush's 2003 State of the Union speech, he laid out what this important initiative should look like and made a serious commitment to this effort.



So over the last decade, we have worked closely with the late Chairman Hyde, Chairman Lantos, as well as Senator Kerry, the late Senator Jesse Helms, Senator Bill Frist, Congressman Jim Leach, Congressman McDERMOTT, Congresswoman DONNA CHRISTENSEN, Leader PELOSI, and so many others. And I share this because I think it is important that society recognize that the history of this has been bipartisan because we kept our eye on the prize. We knew that we wanted to save lives and we wanted to see an AIDS-free generation, and so many people, so many Members of this body, so many outside organizations, and our staff have worked so hard to get us to this point.

So now, a decade later, I am especially proud, once again, to be a co-author of the bill before us today. As I said, this is a bipartisan compromise, and in the end, I think we have a very good bill.

We agreed on the need to protect funding for HIV treatment and programs for orphans and vulnerable children. We agreed on the need to preserve support and extend the expired 33 percent cap on United States contributions to the Global Fund. This cap is a proven tool for leveraging donor funding and is especially important as the United States prepares to host the Fourth Replenishment Conference for the Global Fund next month.

Our bill also updates the annual report to better guide PEPFAR's transition toward greater country ownership while enhancing oversight. And I am especially pleased that we included reporting requirements on efforts to engage key stakeholders, including faith-based organizations and United States minority-serving institutions.

I can tell you, as a member of the Appropriations Committee, PEPFAR has transitioned from—and this is very important. And I want to thank Ranking Member ENGEL and Chairman ROYCE for helping us realize the need to transition from an emergency response to a means of supporting country leadership in their work towards an AIDS-free generation. So this bill will fundamentally help continue to move our programs in that direction.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ENGEL. I yield an additional 30 seconds to the gentlewoman.

Ms. LEE of California. Thank you very much.

I want to thank Ambassador Goosby for his tremendous leadership, who actually lives in my congressional district in northern California, and also Dr. Mark Dybul, who now leads the Global Fund, and so many more.

PEPFAR has supported nearly 6 million people on lifesaving treatment, more than 11 million pregnant women who have received HIV testing and counseling, and 1 million babies born

HIV-free this year. So this bill represents the real achievements that we can make when we put aside our differences and work together to achieve an AIDS-free generation.

Mr. ROYCE. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is my great honor now to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Democratic leader who has, I think, done more than anyone else to fight for these things from almost the time that she came to Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for his kind words.

It is just that I have been here such a long time, when I first came to Congress, the mere mention of the word "AIDS" on the floor was something I thought was the most natural thing to do but was something that some of my colleagues squirmed at. We have, indeed, come a long way from that time.

So today is a proud day as Democrats and Republicans come together to extend and reauthorize our efforts to fight the global HIV/AIDS and infectious diseases in the poorest countries around the world.

I thank Chairman ROYCE and Ranking Member ENGEL for working together to bring this important legislation to the floor today, and I thank Congresswoman BARBARA LEE for her unwavering leadership on these issues since day one that you came to the Congress. So many of our colleagues deserve recognition, and the gentlewoman has acknowledged some of them.

I will just add that this marks the 10th anniversary of the historic Tom Lantos and Henry Hyde U.S. Global Leadership Against AIDS, Tuberculosis, and Malaria Act. This legislation has been the foundation of the U.S. initiative to provide sustained constructive leadership in the global fight against AIDS.

The original PEPFAR authorizing legislation, followed by the excellent work of the Appropriations Committee over the last decade, has provided lifesaving antiretroviral treatment, care, and prevention for millions of people, especially focused on the most vulnerable infants and children.

I have traveled on this AIDS issue for a very long time in our country and abroad, and I have seen firsthand the difference that PEPFAR has made. I have been to clinics, as have my colleagues Mr. McDERMOTT, Congresswoman LEE, the head of the Congressional Black Caucus Health Braintrust, Congresswoman CHRISTENSEN, as well as others who are here, and now newer Members, Messrs. HIMES and CICILLINE.

What was wonderful about it was we went to places where people were so poor and so desperate, but they were not so desperate that they were with-

out hope. And PEPFAR gave them hope because, as they said, Originally we wouldn't even want anybody to know that we had AIDS. Why would we even be tested for AIDS? People found out that we had AIDS, but why would we even come to a clinic? What hope did we have?

Well, PEPFAR gave them hope. It gave them a path.

So today we know—and Congresswoman LEE mentioned some of the figures. Some bear repeating and some others I will mention:

Treatment for over 5 million people; antiretroviral drugs for 750,000 pregnant women living with HIV to prevent mother-to-child transmission of HIV averted 230,000 infant HIV infections in 2012 alone; HIV testing and counseling for almost 47 million people; and this year, the 1 millionth baby will be born HIV-free because of PEPFAR support. That means a child that might have been born HIV-infected.

Congresswoman LEE mentioned that Dr. Goosby lives in her district. His parents and where he was raised is in my district. So we all take great pride in his work.

Over the years, we have made tremendous progress. First, with President Clinton, we increased the bilateral programs to fight HIV/AIDS, and we helped create, authorize, and fund the Global Fund. Then, under the leadership of President Bush—and this has to be a source of great pride for President Bush and an important part of his legacy—we established PEPFAR and provided the necessary funding to ramp up the emergency response to the crisis.

And I might add my thanks to Bono for the role that he played in, again, ramping up the resources and making sure the public understood, as did those of us in elective office and especially in the executive branch, where maybe this was a newer issue to them, that we needed to have the resources to make this happen. So thank you to Bono. Not only did he help us with the loan forgiveness to some of these same countries, but now to the alleviation of poverty, the eradication of disease. That is part of his agenda. And he worked with us to enhance our efforts.

President Obama has provided leadership as well and has strengthened those efforts and has boosted our investments to put us on the brink of an AIDS-free generation. President Obama also is to be commended for lifting the travel ban on those with HIV, enabling the International AIDS Conference to return to the United States in 2012.

I remember, as a brand-new Member attending the conference in 1987 when this ban was in existence, it was an embarrassment that scientists could not come here or people coming here with HIV/AIDS from whom we could learn and there could be scientific collaboration. Well, that was not allowed because of the travel ban. So thank you,

President Obama, for lifting it so that we could have a truly scientific, truly comprehensive conference in 2012 in the United States, very proudly.

Today the Congress will pass legislation to extend our global AIDS investment. Even in these difficult fiscal times, we know that cutting back is a false economy that costs us more in the future. HIV/AIDS is still adapting, and so must we. It is a very resourceful virus. It just keeps finding ways, mutating and finding ways, and we have to be more resourceful in our fight against it.

I thank the authors of the legislation, to the chair and ranking minority member, for bringing the bill to the floor and adapting our policies to meet the continued challenges posed by AIDS, TB, malaria, and deadly diseases around the world. I am so pleased that we will probably have a unanimous vote on this important bill, and that is, indeed, an honor to be a part of.

Mr. ROYCE. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), a very valued member of the Foreign Affairs Committee.

Mr. CICILLINE. I thank the gentleman for yielding, and I thank Chairman ROYCE, Ranking Member ENGEL, Leader PELOSI, and my colleague Congresswoman LEE for their strong leadership.

Mr. Speaker, as a longtime advocate for a strong government response to the HIV/AIDS public health crisis in my home State of Rhode Island and now as a member of the House Foreign Affairs Committee, I rise today to strongly support the President's Emergency Plan for AIDS Relief reauthorization.

This year, we mark the 10th anniversary of PEPFAR, which has always enjoyed broad bipartisan support. First, in 2003, there was bipartisan support for addressing this public health emergency; then, in 2008, in response to some progress, PEPFAR transitioned into a more sustainable program with greater country ownership.

Over the past decade, PEPFAR has significantly expanded access to antiretroviral therapy for those suffering from HIV and AIDS, which has led to a decrease in deaths from this devastating disease all around the world. We have made real progress because of PEPFAR, and we must remain vigilant and build upon this progress.

The fight is not over. According to the World Health Organization, to date, almost 70 million people have been infected with the HIV virus, and about 35 million have died of AIDS. It is critical that the United States continue to be a leader in an increasingly international effort to eradicate this disease.

Mr. Speaker, the role of the United States remains critical to combating

the worldwide HIV/AIDS epidemic, and the PEPFAR Stewardship and Oversight Act is a necessary and commonsense piece of legislation. This bill extends vital authority and strengthens oversight of the PEPFAR program. Most importantly, the bill would also extend the expired 33 percent limitation on U.S. contributions to the Global Fund. This cap has proven to be an effective tool for leveraging funding from other donor countries.

Just 30 years ago, we knew almost nothing about HIV and AIDS, and we were not able to treat those who were suffering from this disease. To have made such progress since then is remarkable, and it is a real testament to what we can achieve when we work together in a bipartisan way.

I urge my colleagues to vote "yes" and to continue our efforts toward an AIDS-free generation which, for the first time, may be within our reach.

Mr. ROYCE. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT), a classmate of mine.

Mr. McDERMOTT. Mr. Speaker, I associate myself with all the remarks of my friends.

We have had a remarkable occurrence in my time in the Congress. This was once a death sentence. Today, we are on the verge of being able to produce an AIDS-free generation.

Now, it is great and we are always excited when we do something new and big and exciting, but maintaining and pushing forward to finish the project is really where we are. This bill will pass without a vote against it, I am quite sure. But the real question is: What do we put in the budget? Because if we don't maintain what is going on in the world today, we will lose. We will go backward.

□ 1700

It is like we have built a dike and we are holding back the sea. But the fact is if we don't have the drugs available when mothers deliver children and you do that intervention right at the appropriate time, you will not prevent the children from getting it. You will not be able to give the long-term care to the mothers as they raise these children.

In my view, that is really where we are.

This was the crowning achievement, I think, of the administration of George Bush. His starting this was a statement to the world that the United States cared about an epidemic that affected the entire face of the universe. And we have done a good job.

But I say this because I worry about the sequester. What does sequester mean to this? What will be the reductions? Because I am getting calls from my friends in South Africa, Zambia,

Zimbabwe, Uganda, and Kenya, saying, How much money is there going to be next year? Will we be able to expand the program, keep it the same, or are we going to have to retrench?

That is what the world is watching as we face this upcoming vote on the budget.

I hope that we have as many votes for funding the program as we do for reauthorizing it here today in this bill.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank my colleague for yielding.

Mr. Speaker, I, too, rise today in strong support of H.R. 3177, the PEPFAR Stewardship and Oversight Act of 2013.

This year marks the 10th anniversary of PEPFAR, a program that has literally saved lives in Africa and other hard-hit nations around the globe. Thanks to PEPFAR, more than 5 million people have received HIV/AIDS treatments; more than 46 million have received confidential HIV testing and counseling. In 2012 alone, 750,000 pregnant women living with HIV received antiretroviral drugs to prevent transmission to their babies.

This bill builds on the enormous strides that PEPFAR has made in its 10 years and bolsters oversight and reporting requirements. It also includes provisions that will expand international donor support, as well as continue to empower and enhance country ownership in health, thus promoting sustainability.

Mr. Speaker, more than 100 organizations, most of which are on the front lines fighting this pandemic throughout Asia, Africa, Middle East, the Caribbean, and other highly affected countries, strongly support this bill. Our HBCUs, who have an important role to play, have also been advocates for it.

I have visited PEPFAR programs in Africa and the Caribbean and seen their effectiveness firsthand. They save lives.

As a physician who practiced for more than 20 years before coming here, I know what happens when individuals who are at great risk for HIV infection do not get accurate testing, education, and counseling, or when those who are infected do not receive antiretroviral drugs. The outcome is disastrous.

As a Member representing a U.S. territory in the Caribbean—the world's second hardest hit region by HIV/AIDS—I cannot stress more strongly how vitally important our passing the PEPFAR Stewardship and Oversight Act of 2013 is today. The lives of millions of individuals in our global community who are currently battling HIV/AIDS depend upon it. The health and wellness of millions more who are

at risk for infection but currently HIV-free depend on it.

We have not agreed on much that is health and health care-related as of late, but this is one bill that we can, and I am sure will, agree on. So I strongly urge all my colleagues to support H.R. 3177.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore. The gentleman for New York has 4 minutes remaining.

Mr. ENGEL. I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, I thank Mr. ENGEL for yielding.

I would like to thank the chairman and the ranking member of the Foreign Affairs Committee for the bipartisan-ship with which they led this bill and which I think we will accomplish some very good things tomorrow.

The figures around this program speak for themselves: the millions of lives saved, the orphanages which are no longer full, the many pregnant women who will not transmit a deadly virus to their children. These things speak for themselves.

Without question, PEPFAR and the Global Fund are two of the most effective foreign aid programs ever conceived in this Chamber. But Americans might ask in good faith, Why spend money in places like Africa, Asia, and in the Caribbean when the needs are so intense right here at home? And the answer to that question could not be clearer.

Africa and Asia, where PEPFAR and the Global Fund do the most good, are areas of great instability but of great promise, where countries like China are buying up commodities, are exerting their influence, and are throwing their weight around.

We have the opportunity through the continuation of programs such as PEPFAR and the Global Fund to win for generations the hearts and minds of people who will think back on American assistance as the reason that their family had continuity, as the reason that their country continued to develop.

So the question we are answering when we think about continuing these programs and our involvement and our taxpayer dollars should really be, Are we a country that offered the opportunity to continue to save lives? Will we do that? Do we want to save lives, if we can? Do we want to be known just for our economic and military strengths, or do we want to also be known as an unqualified force for good in this world?

I would say that at this point in our history our ability to say that it is not just about economic and military power, but it is about a quality of

mercy that we all cherish. And this is a wonderful opportunity for us to say who we are by supporting this legislation.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I am very happy to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, we can celebrate PEPFAR's 10 years of success in saving millions of lives by passing the bipartisan PEPFAR Stewardship and Oversight Act.

Nearly 6 million people are receiving life-sustaining anti-retroviral treatments and providing care and support to more than 4.5 million orphans and vulnerable children. That is PEPFAR.

This bill extends critical authorities and strengthens program oversight to ensure access to essential prevention and treatment services. Most importantly, this bill extends existing funding requirements for treatment of orphans and vulnerable children.

We have brought to the world a tipping point in the fight against AIDS, and I urge all my colleagues to vote "yes" on this very important bill. I thank my colleagues, like BARBARA LEE, who have supported and initiated this amazing help for saving millions of lives.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself the balance of my time.

In closing, let me just, again, say what I said at the outset. I want to thank Chairman ROYCE. I am really proud of this legislation. It is truly a bipartisan product.

We are doing something really, really good here today. We are doing something that we can be proud of today. We are saving lives, and we are showing once again that the United States is the most compassionate Nation on Earth. When all is said and done, isn't this really one of the greatest things that we can do?

So I urge my colleagues on both sides of the aisle to support this bill, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I do think Mr. ELIOT ENGEL of New York should feel proud about this bill. He is the original author of the House-passed version.

I would say that, in the interest of expediting this measure, we on the Foreign Affairs Committee worked, frankly, not only across party lines but across Chambers in order to draft legislation that preserves congressional prerogatives, that advances U.S. interests, and, as ELIOT ENGEL said so succinctly, that saves lives. This bill does that. It achieves these objectives. We worked in tandem with the Senate on Mr. ENGEL's original draft to get this done.

This bill does not affect direct spending. It doesn't affect revenues. It does

not create new programs or include major new policy provisions. I want the Members to understand that.

It is a streamlined, bipartisan measure that does extend critical PEPFAR authorities that expired, and it maintains the gains achieved through the 2008 reauthorization process.

Besides the leadership of Mr. ENGEL on this bill, I would like to recognize the work of Representatives ROSLEHTINEN and LEE to shape this measure, as well as efforts by our leadership to ensure that we do not miss this narrow window of opportunity to send this bill to the President's desk without further delay.

I would also share with our Members that it helps get us on a path towards graduating countries from assistance. It conditions and limits assistance to the Global Fund.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise today in support of S. 1545, the PEPFAR Stewardship and Oversight Act. Since its establishment in 2003, the U.S. President's Emergency Plan for AIDS Relief, known as PEPFAR, has become arguably the most effective global health program that the U.S. government has ever administered. Already, nearly 15 million AIDS victims have been served; let us not stop there.

The HIV/AIDS epidemic threatened to eliminate an entire generation in Africa. Economies were threatened and health care systems were wholly unequipped to handle the magnitude of the epidemic. Through PEPFAR, the U.S. government and its local partners provided diagnostic testing, administered antiretroviral treatment (ART), and expanded HIV/AIDS programs to lower the rate of transmission. These efforts achieved significant success. This year the millionth HIV-free baby was born due to PEPFAR-supported prevention of mother-to-child transmission. In 13 countries, the rate of infection is below the increasing rate of adults requiring treatment. Now we can finally work toward an AIDS-free generation.

S. 1545 extends our commitment to PEPFAR and the U.N. Global Fund through 2018. It maintains the 10 percent funding requirement for orphans and vulnerable children, and at least 51 percent for treatment programs. This bill does not address the changing priorities in the second phase of PEPFAR, giving PEPFAR the bandwidth to strengthen health systems, explore public-private partnerships, and increase country ownership.

Local partnership and ownership is essential to the sustainability of PEPFAR's programs. This partnership has already begun; the effects can be seen in broader administration of medical services, though the parallel expansion of social services for the HIV community has lagged. The continuation of the 33 percent funding cap for the U.N. Global Fund ensures local partnership to address such problems.

One of the most notable changes to this legislation is its increase in oversight. I look forward to receiving the annual, joint oversight and auditing plans that will be developed by

the Inspectors General of the Department of State, USAID, and HHS, thus increasing Congressional oversight as well. It will include per-patient cost studies and analysis of the shift toward greater country ownership. PEPFAR is no longer a start-up program, and the oversight associated with its shift toward long-term sustainability must be adjusted accordingly.

Yesterday, the Senate passed this bill with unanimous consent. It is our turn to do the same.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 1545, The President's Emergency Plan for AIDS Relief Stewardship and Oversight Act (PEPFAR). Eleven years ago, as the Chair of the Congressional Black Caucus, I initiated PEPFAR talks with President George Bush to discuss the necessity of an international response to the HIV/AIDS pandemic. President Bush helped make a \$15 billion commitment to worldwide AIDS relief.

Not only has PEPFAR driven down the cost of commodities, it has seen real success targeting each country's specific epidemic by coordinating resources within numerous AIDS responses.

PEPFAR is a vital emergency response and it has been able to transition to long-term sustainability through country ownership. This bill not only strengthens all that PEPFAR has achieved, it extends critical oversight and authority in order to continue its success.

While PEPFAR has been a major accomplishment, we must continue to support its efforts. The U.S. investment in the Global Fund is key to the success of PEPFAR.

Our contributions have not only secured resources but also helped to increase coverage of health services and saved millions of lives. I urge my colleagues to vote in favor of S. 1545 and continue to support this critical program.

The SPEAKER pro tempore (Mr. WENSTRUP). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, S. 1545.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REPUBLICAN SOLUTIONS TO HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Indiana (Mr. MESSER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MESSER. Mr. Speaker, I rise today for an important Special Order—this time, to focus on Republican solutions to our national health care crisis.

The President's health care law has hurt more people than it has helped. Taxes are going up, premiums are rising to unaffordable levels, workers' hours are being cut, and people are losing the plans they like. After more

than \$500 million spent, the Web site doesn't even work. The truth is that, despite all these problems, the American people needed genuine health care reform before President Obama signed his signature law—and we still do.

The American people deserve an alternative to the failures of the President's health care law, and we have one: The Affordable Health Care Reform Act. This important bill replaces the President's health care law with patient-centered reforms that genuinely lower costs while keeping you in charge of your health care.

I have a few colleagues with me here today to join in this conversation. I certainly would like to start by yielding to Congressman BARTON.

Thank you for your leadership on this important issue.

Mr. BARTON. Thank you. I want to recognize your leadership on the Republican Study Committee and the Health Task Force on preparing the legislation that you just referred to.

I am the past chairman of the Energy and Commerce Committee, the past ranking member of that committee; and when the Affordable Care Act came through the Congress, I was the senior Republican on the committee of jurisdiction.

□ 1715

I don't want to tell you and the American people that I told you so, but I told you so. We knew that this wasn't going to work.

For example, we had a hearing today about the Affordable Care Act in the Energy and Commerce Subcommittee on Oversight and Investigations. It was focusing on the security of the Web site and on all of the problems and when the administration knew about those problems and what they did or didn't do. In the course of that hearing, Congressman CORY GARDNER of Colorado was asking the senior civil servant, Mr. Chao from CMS, some questions.

The gentleman from CMS just kind of, off the cuff, said, You know that 60 to 70 percent of the programs haven't been developed yet.

Congressman GARDNER followed up and said, What are you talking about?

He said, All we are working on right now is the Web site to get people registered. We haven't completed that portion of the program about billing, that portion about accounting for treatment, how we interact with the hospitals and the patients and the doctors. Basically, 60 to 70 percent of the system has not been programmed yet.

Mr. MESSER. Unbelievable.

Mr. BARTON. Can you imagine that, if we are having the horrendous problems we are having on just getting people interacted with making choices of which kind of coverage they are going to choose, the problems you are going to have when you actually begin to have to use the system for real health care in January?

So I and, I think, you and the other members of the Republican Study Committee task force on health, who helped prepare the legislation that you are talking about, are going to begin to push to delay the Affordable Care Act.

I have a bill, H.R. 3348, that makes it voluntary the first year in that we are not going to impose the individual mandate on people. The President has already delayed the employer mandate for a year. My bill, H.R. 3348, would delay the individual mandate so that, as we work through all of the problems, people can choose to participate or can choose not to participate.

I think it is becoming more apparent every day that the Affordable Care Act is like that shiny automobile that you see when you go into the showroom or go to the car lot. You see it, and the salesman says, Man, this thing is great. It gets 30 miles a gallon. It doesn't use much oil. Everything is power steering, and it has air-conditioning and a great stereo system. So you put down your down payment, and you take it out on the road. Son of a gun. The thing doesn't go above 50. It burns oil like it is going out of style. The air-conditioning doesn't work. The stereo system barely works. It is just a lemon.

The Affordable Care Act is a lemon, and the American people and the Democrats on the other side of the aisle who voted for it are having buyer's remorse.

So what we need to do is to delay it or to repeal it or to at least make it voluntary. Then let's look at some of these alternatives like the legislation that we put into play in which we give people real choices. It is a patient-centered, client-centered system. We allow insurance to be sold across State lines. We beef up affordable savings accounts, Health Savings Accounts. We do cover preexisting conditions, which I know you will talk about later on, but we do it with a high-risk pool on a State-by-State basis.

The Democrats have told us time after time in the general debate that you Republicans are against the Affordable Care Act, but you don't have an alternative.

We have an alternative, and I think it is a good alternative. I am a sponsor of the legislation, and I am here to support you in this Special Order. As we go through and outline what is in it, I think the American people and the other Members of the House who are watching these proceedings—more and more of them—will say, We don't like that lemon that we have. Maybe we ought to go back, and maybe we ought to start over. Maybe some of these ideas in the alternative we should take a serious look at.

So I commend you for your work on the legislation, and I also commend you for leading this Special Order this evening.

Mr. MESSER. Thank you. Once again, I appreciate the gentleman's leadership. I appreciate your longstanding leadership on this important issue and your longtime leadership in Texas as well.

As you have said, nobody wants to say, "I told you so," but, unfortunately, what has unfolded in the most recent weeks and months is exactly what was predicted by folks on your committee and elsewhere because you could see from the beginning that the bill was fundamentally flawed and just didn't work.

I want to cite to this Chamber the number 701. According to the Department of Health and Human Services, that is the number of Hoosiers who have successfully signed up for health insurance on the Affordable Care Act exchanges. Indiana isn't alone. States across the country are experiencing dismal enrollment numbers. What is worse is that millions of Americans, including 108,000 Hoosiers, are getting policy cancellation notices from their health insurance companies. These notices are coming at a faster rate than people are able to sign up for the health care plans under the President's health care bill.

The President called a press conference once again last week to announce to the American people that, if you like your health care plan, you can keep it. The problem is, no matter how many times the President makes that promise, the promise still isn't true. Saying the promise over and over again doesn't magically make it true.

One of my constituents, Michael Sturgis of Greensburg, called to let me know that he received a cancellation letter from his insurance company. He was told his monthly premium was going to increase from \$397 a month to \$831 a month—an almost \$500 increase per month. His \$5,000 deductible will now go up to \$7,300. So he is spending more money for a plan that gives him less.

This is unacceptable, and it is certainly not affordable. That is why we need to pass the American Health Care Reform Act. It is so people like Michael and the millions of Americans like him all across this country can remain in charge of their own health care.

Now I would like to yield to a colleague of mine, another person who has shown great leadership on this important issue and who is a close personal friend of mine as well, the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. I thank the gentleman. I thank, more importantly, his heart on representing the people of the great State of Indiana and on the fact that he is concerned on a daily basis. We have had conversations a number of times on not only how this health care law is affecting families but, truly, on how we must find a way to work to-

gether in a bipartisan way to stop the harmful effects on those men and women whom we call neighbors, friends, and constituents. So I thank the gentleman for yielding.

Americans across the country are already feeling the impacts of ObamaCare, and many of them are fearful of what lies ahead. I know, in my State alone, we have had over 473,000 people who have lost their health care coverage due to cancellations because of ObamaCare. They keep asking, What is coming next? What is the next thing? Whether it is a Web site that doesn't work, whether it is the cancellation of policies, whether it is security concerns over the Web site that are existing, they are all concerned.

I held a town hall meeting last night, and 85 percent of the callers' questions were related to ObamaCare. I don't think we have ever seen it so overwhelmingly lopsided in terms of one issue. Yet it was all about families, and for me, it was the families of western North Carolina.

I had veterans asking me, Does this mean that I am going to lose my health care coverage? Is TRICARE going to be sucked into ObamaCare? Even though we have had promises to the contrary, we know that there is a real move afoot to minimize and to bring it down. So our commitment to our veterans is one that has to stay strong, and we have to be committed to that. I know that you agree with me on that particular issue.

There was a wife who was worried about how she and her husband were going to be able to afford the premiums because their premiums had tripled. They said, We just don't know how we are going to be able to afford it. Then I had a business owner who employs, he said, between 26 and 28 people. He said, I am not sure how we are going to be able to continue to provide health care coverage as premiums escalate. It is all about trying to make sure that I keep them gainfully employed, and now I am having to try to figure out how we pay for these premiums that have increased.

These are real people. This is not politics. They have faces and names, and we have got to address it.

People across the country have become gravely concerned. A recent poll showed more than 58 percent of the people believe that ObamaCare is not ready for prime time. In spite of this overwhelming stress over ObamaCare, the one question I continue to hear is: What is your solution?

Many of the Democrats have claimed that Republicans only want to repeal the law rather than to try to fix it, but I can tell you that that is not the case because, even in this Congress, Republicans have offered over 102 bills to fix some of the problems with the Affordable Care Act while the Democrats have only offered 17 solutions.

Now, last week, we passed one of those solutions, the Keep Your Health Plan Act, to make sure that if you like your health care plan that you can keep it, but much more needs to be done. The American Health Care Reform Act, which you were talking about, now has over 102 cosponsors. It is a comprehensive solution that was put forth by House Republicans to address the serious problems that we have in our Nation's health care system.

It is a multifaceted piece of legislation that provides an array of reforms and lower costs, which is something that the current bill really doesn't do. We talk about affordable care, but it hasn't really been lowering the costs. This is one that keeps it patient-centered and makes sure that health care is a decision between the doctor and the patient, not between the government and the patient. It provides those tax reforms for families and companies, and it levels the playing field in providing for health care for all Americans. It fully repeals the President's health care law. It eliminates billions in taxes and thousands of pages of unworkable regulations and mandates that we have already seen, and we are only now starting to find out what the implications are. It spurs competition to lower health care costs as we know that competition will do that. Yet it allows for the purchase of health insurance across State lines, enabling small businesses to kind of pool together in order to lower those health care costs, but it is really about reforming what we are seeing.

It reforms medical malpractice laws in a commonsense way that limits trial lawyers' fees, but yet, at the same time, it does not diminish the protection for our patients if something were to go wrong. It expands Health Savings Accounts so that they can use pretax dollars to provide for their health care expenses.

Ultimately, it is a safeguard. It safeguards us against those preexisting conditions. I know you have heard from your constituents, as I have from mine, that one of the good things about the Affordable Care Act is it makes sure those preexisting conditions are covered. This does the same thing. It makes sure that they are protected. Yet, at the same time, it makes sure that those high-risk pools are extended and guaranteed that availability—a protection that many Americans depend on and need.

I just want to thank you for your leadership on this particular issue. I believe it is time we worked together in a bipartisan way to fix this problem piece of legislation. We have put forth a proposal, and I urge my colleagues across the aisle to join us. I thank you for your leadership in highlighting this this evening.

Mr. MESSER. Thank you. I certainly appreciate the gentleman and his leadership. I am sure you have been asked by many, both privately and publicly, the same thing that I have been asked, which is: Aren't you just really rooting for ObamaCare to fail?

□ 1730

The comment I make every time I am asked that question is, no, I am rooting for the millions of Americans who are now being harmed by this bill. All the moms and dads that are worried about whether they are going to have insurance that had it before. The people who were promised things, that they would suddenly magically have insurance, and now they are not getting it.

In the areas across the country where there were promises that rates would go down and now rates are going up, those folks now are caught at this point. I do think we have a responsibility. You and I both know, anybody that has been following here, we were opposed to ObamaCare and led efforts, along with many others, to try to make sure that we didn't have it.

We also have always recognized that the status quo wasn't acceptable in health care either. That while we had a lot of great things in our system—certainly some of the best health care treatment in the world—we had a program that was unaffordable and rates were going up.

We have free enterprise-based, patient center-based solutions that can make a difference.

I appreciate your leadership and highlighting this.

Mr. MEADOWS. You are absolutely right. I know that I have got physicians in North Carolina that are looking at retiring because of dealing with the bureaucracy of this new law. We have got hospitals who thought it was going to be a great advantage to them in covering those costs that are now looking and saying, well, the implementation of it is really—what we were promised and what we are getting may not be exactly the same.

We need to make sure that we right this ship, that we do what is right.

I am honored to be able to cosponsor this legislation with you and look forward to your leadership, and I thank you.

Mr. MESSER. Thank you very much. For months, the President has unilaterally enacted modifications, repeals, and delays to his own law, yet none of those so-called “fixes” have fixed this flawed law. Health care costs have continued to skyrocket. This is a huge burden on employers, individuals, and families.

The American Health Care Reform Act will drive down the cost of health care through increased competition, individuals will be able to purchase health insurance across State lines

and, as my colleague highlighted, businesses can pool together to get the same buying power as large corporations.

Under the American Health Care Reform Act, families will have the flexibility to pick the coverage that best fits their needs. When people are in charge of their own health care, they become better consumers, which will encourage competition in the health care market. Real savings will only happen when people, not Washington bureaucrats, are in charge of their own health care.

Next up, I would like to highlight a real leader on this important issue of providing an alternative to the failed programs of the President's health care law, my friend and colleague from Louisiana, the chairman of the Republican Study Committee, Mr. SCALISE. Great to have you here.

Mr. SCALISE. I want to thank my friend and colleague, Mr. MESSER from Indiana, for yielding and for your leadership in talking about this here on the House floor.

I think a lot of us over the last few years that this law has been on the books, while we have been pointing out all of the many problems that it is creating for families, we predicted, unfortunately, we saw this coming. This “train wreck,” as it was called by the lead sponsor in the Senate who rammed the bill through, he called it a train wreck recently because he finally acknowledged how devastating this would be. Of course, the President, we all remember that promise that was repeated time and time again: If you like what you have, you can keep it. Something we all embrace.

Of course, I knew, you knew, so many of us knew, I think even the President knew, unfortunately, when he was making that promise time and time again for the last 3 years, that that promise could not be kept under the President's health care law; just with all the mandates, all the unworkable taxes and mandates and these government bureaucrats that come between patients and doctors and get in the middle of health care, and IRS agents coming with the hammer to enforce this law.

We all knew. We saw that there would be no way people would be able to keep the health care that they liked. While we repeated it many times, it wasn't real until recently when millions—millions—of families started getting cancellation notices, losing the good health care that they have today and enjoy.

I have gotten letters from so many of my constituents. We reached out through social media with Facebook and Twitter and Share with Steve and asked for their stories. I remember Shaun from Covington who said, I am losing the good health care I have.

I posed the question to Secretary Sebelius at a hearing. I said, here is a

guy in my district, we are hearing this over and over again, he is losing his health care, what do you tell him? She said, well, just go in the marketplace. Of course this is the Web site that doesn't work that spent over \$500 million of taxpayer money. Not one person has been held accountable, by the way, for that failure.

As we point out all these failures, we also said there is a better way. We as conservatives stepped forward and said, we ought to put down on paper the things we stand for: market-driven, consumer-patient oriented health care reforms that actually lower costs, that will actually increase access. We put it together in a bill called the American Health Care Reform Act, H.R. 3121, a bill anybody can go look up and read. In fact, a bill that is less than 200 pages long with all the great reforms in it. Of course, comparing and contrasting that to the President's health care law with over 2,700 pages, all these unworkable mandates.

What the bill does is just basic commonsense reforms that should have been done years ago. We, of course, as you mentioned, allow people to buy across State lines. People in America, probably some of the best consumers in the world, with the Internet with so many options, people go online every day and find good products for their family. They don't care where that product is from. If it is good for their family, they are going to buy it.

With health care you really can't do that. You don't really have that opportunity. The health care law has taken those options away from families. So we say, let's empower people again, let's put patients back in charge of their health care decisions.

I am from Louisiana. If I find a better deal for my family in the State of Maryland, I can go buy that plan. I should be able to buy that plan. Right now I really can't. Yet you do that with car insurance and so many other products. You are able to buy across State lines, and it gives you opportunities.

We do so many other things to make sure people with preexisting conditions can't be discriminated against, allowing small businesses to pull together.

Again, this is a bill that has been put together by conservatives in the House. In fact, a number of medical doctors, actual medical doctors, people with real world experience in health care, helped draft this bill and, ultimately, we brought it forward and we have over 100 cosponsors.

So I think the momentum is building as the President's law just continues to collapse and, frankly, the President's credibility collapses with it. People I think are looking for that better way, and we have it with the American Health Care Reform Act.

Again, I thank the gentleman from Indiana for his leadership, and I yield back.



Mr. MESSER. I certainly appreciate the gentleman from Louisiana and his leadership. I know you were quoted over the weekend on FOX News by George Will describing the tragic circumstances that most Americans see themselves in, those that have lost their health care plan. I would like you to expand on that just a little bit, if you don't mind.

Mr. SCALISE. Sure. One of the things we have heard so much from this administration about health care as they have referred to people's plans, good plans, they refer to many of them as "lousy" plans. I have been in hearings where we have had Obama administration officials, in fact the President himself goes around chastising people and saying, you might be losing your plan, but it probably wasn't that good of a plan anyway.

Who is it for some Washington politician to tell somebody, and in Covington, Louisiana, as a constituent of mine, Shaun, said, who is it for the President to say that Shaun's plan was lousy when Shaun liked his plan? The President's promise was not, "If Barack Obama likes what you have, you can keep it." The promise was, "If you like what you have, you can keep it." No Washington politician or bureaucrat or IRS agent should be able to take that away from you.

Yet, as that was happening and they are berating people saying, your plan wasn't that good, it was a lousy plan, I said it is kind of like a guy who burns down your house and then he shows up with an empty bucket of water and then he sits there and gives you a lecture on how bad and lousy your house was before the fire. All you want is your house back. You didn't want somebody to burn it down in the first place.

People just want their good health care. They sure don't want to be lectured by some bureaucrat or politician in Washington saying, hey, your plan really wasn't that good because I don't think it was that good; when, in fact, the person back home is saying, I thought it was good, it was good for my family, my doctor can go see my kids, and I want to continue that relationship with my doctor, and they are about to lose it. They are losing it with these Washington politicians who helped ram this bill through.

That is why I think, as the President's health care law collapses on all the weight of these unworkable mandates and taxes, we need to put up an alternative, and we have an alternative called a better way—the American Health Care Reform Act.

We want to help bail those people out with a real bucket of water and a real relief sign that there is something that we are doing, not only to point out how bad the law is—they are seeing it play out every day—but also how we can actually fix the problems that are becoming even worse because of this law.

Mr. MESSER. Again, I thank the gentleman. Thank you for your leadership.

As we have talked about before, the American people needed health care reform before the disaster of ObamaCare rolled out. Obviously, we need it now more than ever given the failings of recent days. H.R. 3121, the American Health Care Reform Act, is an answer.

There are several principles upon which we should all be able to agree when it comes to genuine health care reform.

First, patients should not be denied health insurance because of preexisting conditions.

Second, any Federal policy changes must be designed to drive costs down, not up, as we have seen under the so-called Affordable Care Act.

Third, you should be able to keep your health care plan if you like it. I agree with former President Bill Clinton when he has said that, given that very clear promise that was made by President Obama on behalf of the Federal Government to the American people, we need to pass legislation—we have already passed a bill in the House—but we need to pass legislation that makes sure that promise is kept.

Fourth, we need commonsense medical liability reform that puts an end to the expensive system of defensive medicine that we have now.

Health care decisions should be left up to you and your doctor, not Washington bureaucrats.

The American Health Care Reform Act is centered on these five principles.

F frivolous lawsuits are driving up health care costs and forcing good doctors out of the medical field. The American Health Care Reform Act improves medical liability law. Frankly, Indiana has been a leader in this area because of leadership from former Governor "Doc" Bowen, a physician back in the 1960s. The Indiana medical malpractice reform approach would be a great Federal model, and its principles from that plan is a part of H.R. 3121, which we are talking about today.

We need improved medical liability law that allows doctors to continue practicing medicine without fear of excessive and unfair penalties.

I also would like to talk to you a little bit about the importance of medical savings accounts. Fellow Hoosier Pat Rooney is known as the "father of health savings accounts" from his work as the president and CEO of Golden Rule. They were established in 2003 while Pat Rooney was the chairman of the Golden Rule Insurance Company. Pat believed people should own their own health care.

Health savings accounts have proven to be a useful tool for individuals and families while navigating the health care system. Our plan, H.R. 3121, expands health savings accounts and enhances their performance by increasing

the cap on contributions and expanding the allowable uses of health savings account funds. This gives people more control over how they spend their health care dollars and allows them to invest pretax dollars toward their future health care needs.

Mr. Speaker, no one doubts that real reform is needed, but there are two distinct visions for the future of health care in our Nation.

The President's plan expands the Federal Government's role in health care, raises taxes, and imposes unfair and unworkable mandates on the American people. Our plan, H.R. 3121, the American Health Care Reform Act, puts people in charge of their own health care. It encourages competition to lower costs and expand coverage.

American families, businesses, and individuals deserve real solutions to the very serious problems that exist in health care in America today. The American Health Care Reform Act provides a path to true reform.

Mr. Speaker, I yield back the balance of my time.

□ 1745

#### DEVASTATING TORNADO HITS ILLINOIS

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise today to talk about the devastating tornado that hit my region of Illinois this past Sunday.

The tornado, which has been classified as an EF-4, hit speeds of up to 190 miles per hour. The city of Pekin in my district was especially hard hit. More than 200 structures in this city of 35,000 people were damaged, and 75 homes were left uninhabitable. Many people lost not only their homes, but all their possessions.

To give just one personal story, Gary and Selena Cleer were in church on Sunday when the tornado hit. They took shelter with the rest of the congregation in the hallway. Finally, when they were able to drive safely back home, they didn't even recognize their house. Much of their roof was gone. Their garage had been torn away, and their battered car lay amid rubble.

Illinoisans are generous and compassionate people, as well as being resilient and hard working. I have no doubt we will recover from the storm, but this type of disaster could happen anywhere.

As we continue to debate the issues of the day, I call on all of us to keep in mind the people who have been hit hard by natural disasters. We owe it to them to be there for them in their time of need.



# BUILDING INFRASTRUCTURE CREATES JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for this opportunity. At least once a week we come before the House to talk about jobs, that little four-letter word that is so important on everybody's mind—can I get a job, will I have a job, what does it take to get a job in America. We still have far too high unemployment, and we still have a great need to ensure that our jobs produce the kinds of wages and opportunities that Americans really want. They want to be able to buy a home, have a car, raise their families, provide the necessities, and see their kids get a great education and opportunity.

We have a long way to go. We have come a long way, but we still have a long way to go. One of the critical ways that America can and must build jobs is build the infrastructure, to make sure that those foundations of the economy will grow, upon which cities will be built, those things that allow us to prosper, the critical investments. In this case, the physical investments are the issue that we are going to talk about today.

We have an opportunity. Beginning tomorrow, a conference committee will be formed here in the Capitol made up of Senators, Republican and Democrat, and Members of the House of Representatives, both Republican and Democrat, sitting down together. Oh, yeah, together, actually at the same table, tomorrow morning, 9:30, to beginning a conference committee on the Water Resources Reform and Development Act, otherwise known as WRRDA. If you are around here long enough, you know what that means, but I guess the rest of the world really needs to know it is the Water Resources Reform and Development Act.

And so 13 million jobs, 13 million jobs in America depend upon how well that conference committee does its work. The House of Representatives a few weeks back put out its version of the bill. The Senate did several months ago. Senator BARBARA BOXER from the State of California, my colleague, will be chairing that committee. We have work to do. We have the task of making sure that 13 million American jobs that depend upon the Water Resources Reform and Development Act will be secure. It is a big one.

So what is involved in the Water Resources Reform and Development Act? Well, how about this: 99 percent of America's international trade travels through our ports and waterways. That is a big number. I suppose there is some 1 percent that travels on air-

planes, and those are probably very high-ticket, high-priced items. But if you are talking about the great, almost the entire, majority of America's work, that goes through our ports and waterways. This is what the Water Resources Reform and Development Act is all about. It is about our ports, the great ports of America. It is about the waterways of America. It is about the locks and the dams on the rivers.

Let me put this up for just a second. This is an interesting map. I don't know if many Americans have really considered the map of the United States and the waters of the United States. Obviously, the coastline, we don't have Alaska on this map, but it should be there also. The great coasts, the east coast, the gulf coast, the Pacific coast, and of course on and around Alaska. That is not all. Each of these rivers also is a waterway upon which commerce flows; and tomorrow, with the conference committee for the WRRDA bill, we will be discussing how to make these rivers more attuned to the environment and to commerce.

On the great Mississippi River, the Missouri, the Ohio, and the Illinois Rivers and all the way up into Wisconsin, an enormous amount of America's commerce flows along those rivers. And joining me in just a moment will be Representative BILL ENYART from the State of Illinois, and he will be talking about some of these issues as they relate to that part of the world. But this great river system in the central part of America is a major highway. There are interstate roads, to be sure, and there are local and county roads, but most of them feed into this great system that moves up and down the Mississippi River. The Water Resources Reform and Development Act is all about that. It is all about that commerce on that great river and about whether the locks and the levees that are on that river are adequate to meet the needs of commerce and the needs of public protection.

For those of us on the west coast and the east coast and even into the gulf, it is about the ports. It is about the ports of America and whether those ports are adequate for the commerce that we need to have. So when you happen to go by a port and you see one of these tied up at the dock, you can think about the American economy and about 99 percent of the international trade that goes in and out of our ports. It is a big deal. It is a very, very big deal, and most of America's ports are antiquated. The shoals, that is the mud and sand at the bottom of the ports, have been accreted, that is, built up over the last several years; and it needs constant dredging. And so part of what we will be dealing with at the WRRDA conference committee is the dredging of the ports and quite possibly the shore side, what is going on there.

These are subjects that we will come to in the next few minutes as we talk

more about how we can build jobs in America and simultaneously build the American economy by building the great infrastructure.

One more issue I want to put up here before I call on Mr. ENYART is this one. You see all of these rivers here; they are critically important. They are critically important for commerce and trade and obviously water and agriculture and all the rest. But sometimes—virtually every year—they are also a major problem for America.

This happens to be a picture of a levee break on the Sacramento River system. I happen to represent 200 miles of the Sacramento River. This break is all too common across America; and so the Water Resources Reform and Development Act, which will be up tomorrow in the conference committee—it is not going to be finished but at least it will make some progress toward completion—will deal with the levees.

The Army Corps of Engineers is the responsible Federal agency for the maintenance of the rivers, for the waters of America, whether they are in the rivers or along the shore. They are responsible for the ports, that is, for the maintenance of the ports, not the ports themselves. And in my district, the Army Corps of Engineers plays a major role in public safety because it is their responsibility to make sure that these levees are adequate to the challenge of a flood. When those levees are not adequate, great damage is done across America. It is approximately \$22.3 billion of annual unspent American treasure that is still in the pockets of America and the governments of America when these levees work. When they fail, it is a huge expense—floods, flood damage, and the like.

I would like now to call on the gentleman from Illinois (Mr. ENYART) to share with us his view of the necessity for the Water Resources Reform and Development Act and the way it protects and helps his district.

Mr. ENYART. I thank the gentleman from California for this time to speak about the importance of the Water Resources Reform and Development Act.

Mr. GARAMENDI was talking about the coast, the east coast and the west coast and the great coastlines of our Nation. I always like to tell folks out here that I represent the west coast of Illinois. I always get a strange look when I say that, and sometimes a chuckle. But I represent the westernmost counties of Illinois, the river counties, reaching from Alton, Illinois, just north of St. Louis, all the way to Cairo, the very southern tip of Illinois. That piece of Illinois encompasses the great maritime highway that is the economic backbone of our inland agriculture industry, indeed, all of our inland industries.

Just north of my district, the Illinois River, which transits from the Mississippi up to the Great Lakes, flows

into the Mississippi. Directly across from my district, the Missouri River feeds into the Mississippi; and then as you go downstream, the Mississippi and the Ohio converge at the very southern tip at Cairo, Illinois.

So we understand in southern Illinois the importance of these river systems. We understand the importance of port authorities. Port authorities aren't just limited to Los Angeles and New York and the east coast and the west coast or the gulf coast, but they are very important to our inland maritime industry also.

Back when I served as the adjunct general or the commanding general of the Illinois National Guard, I had the unfortunate problem of dealing with floods on the Mississippi and on the Ohio. Back when I was a young officer, we had the terrible flood of 1993. We had the flood of 2008 and then the flood of 2011. And then just last winter, we had the terrible drought that wound up dropping the river levels in the Mississippi so low that it nearly stopped navigation on the river. So we need to work on this infrastructure for the three reasons that I ran for Congress. When I ran for Congress, I said I ran for jobs, jobs, and jobs. And that is what this is about.

When the rivers started drying up and when that drought hit and those barges couldn't transit the Mississippi and were having to go up and down the Mississippi with significantly lighter loads, it did several things to impact our economy. First, the barges couldn't transport nearly as much corn or as much soybeans; and at one point, the world's corn supply was down to less than 30 days, 30 days for the entire world. The world needed that corn from Illinois and from Iowa, the Dakotas and Missouri. That corn gets shipped on the Mississippi River and the Missouri River. When that river was drying up, that corn didn't flow.

□ 1800

Coming upstream is the oil that goes into the refineries at Wood River, Illinois, the steel that gets processed at the steel mills in Alton, Illinois, and Granite City, Illinois, and the fertilizer that goes on the fields throughout southern and central Illinois.

There are several provisions in this bill that have passed through the Senate that we think need to be added to the House bill that would help those navigation requirements on the Mississippi River.

Additionally, we have provisions in the bill that, as Mr. GARAMENDI talked about, would improve the levee system. The levee system is critical not only throughout my district, but, indeed, up and down the rivers because of the problems with flood insurance. I have families who have lived for generations in homes located near the Mississippi River and other contributory rivers

who, because of the potential rise in flood insurance rates, will be unable to afford to pay the insurance and unable to sell their homes, to relocate as necessary. We need to improve those levees.

By the way, while we are improving those levees, what are we doing? We are putting people to work.

This bill is supported by multiple groups throughout our Nation. It is truly a bipartisan bill. It passed the House 417-3 and the Senate by a vote of 84-14. You can't get much more bipartisan than that.

Let's look at the supporters of this bill. Labor supports the bill because they understand the importance of these jobs, and they understand the importance of maritime industry along that river. The Chamber of Commerce supports this bill. The National Association of Manufacturers, the American Farm Bureau, the Illinois Farm Bureau all support this bill because it is important to all of those industries and to all of those jobs. It is not just the local economy of southern Illinois. It is the regional economy, the national economy, and, indeed, even the world economy.

Remember when I was talking about when the world's corn supply was down to less than 30 days. If we can't ship corn from Illinois and Iowa and the Midwest and out to the world, we will have a very serious food problem.

The bill provides provisions for the Corps of Engineers to maintain navigation on the river, to improve the navigation aids that were virtually useless during the drought. Some of those navigation aids are simply lines painted on bridges. Those are navigation aids that date back to the 19th century, back to Mark Twain. Today I think we can do a little bit better than painting lines on bridge abutments to provide navigation aids for our maritime industry.

Additionally, the Corps, at this point, is restricted to working in the 300-foot congressionally mandated channels. So 300 feet going down the river the barges transit through is the only place the Corps is allowed to work. This bill would give the Corps more authorities to work outside that channel to ensure that we have safe navigation for those barges filled with oil and with fertilizer and other industrial materials.

The bill would also provide for a Greater Mississippi River Basin extreme weather management study. Today, we don't understand how the river system operates, and we don't treat it as a system. When you look at that map that Mr. GARAMENDI showed you of the river system, you see an entire system. You see the Mississippi, the Ohio, the Missouri, the Illinois. Those aren't separate entities. But today, in the law, we treat them as separate entities. The Missouri River is

governed under completely different legislation than the Mississippi River is. And the Corps of Engineers, even if everybody agreed, couldn't release water from those Missouri River dams down into the Mississippi River to help the navigation because they didn't have the authorities to do so. That doesn't make a whole lot of sense, and I think we need a commonsense solution to that: we treat the entire system as it is, indeed, a system.

Another issue that we need to consider is the locks and dams. Many of those locks and dams are 70 years old. They are in need of maintenance. They are in need of improvement. Those locks and dams, many of them are only 600 feet, and for efficiencies they need to be 1,200 feet in order to get the barge tows through. That will do several things. It will help the economy by lessening shipping costs, by making the cost of transportation for that corn, for that fertilizer, for that oil that gets refined into gasoline, dropping those transportation costs, making it less expensive to process and to buy.

It would also be good for the environment, because by using bigger tows, you are burning less fuel to ship the same amount of goods. Shipping by barge in the inland waterways is by far the most fuel efficient method of transportation compared to either rail or trucking.

Clearly, for all of those reasons, we need to get this bill passed. We need it for my three issues: jobs, job, and jobs, for southern Illinois, for the region, for the Nation.

Mr. GARAMENDI. Thank you very much. Sometimes I want to call you Congressman, and sometimes I want to call you General. Always we are going to say that you really know the Mississippi. You served there in the National Guard, providing the protection to the people, and to have a very good sense of what is necessary in that part of Illinois and beyond.

As you were talking about the issues of moving goods and services up and down the great Mississippi River system—Ohio, Missouri, and the other rivers—there is about \$1.4 trillion of goods that move down that river into the other ports across America and is shipped out across the entire world. That is 30 million jobs. You were talking about that.

You also raised a point that is very important, and that is that it is not just the ongoing jobs of the tugboats and the barges, the granaries and all of that, but it is also the job of building the infrastructure itself. The men and women that are going to get out there and put together the new docks, the new levee systems—all of those things require manpower. And we know that there is an enormous benefit. Every dollar that is invested in infrastructure returns well over \$3 back into the economy immediately, to say nothing of

the long-term benefit that comes of having that new lock system in place, more efficient, longer locks so, as you said, more of those barges than just one towline can work their way through the lock and not have to be broken up into smaller towlines.

So there are a lot of issues in this piece of legislation. It is going to be an extremely important moment in moving the economy forward. This is the first time in 6 years. It has been 6 years since the Congress and the Senate got together to do a water resource reform and development program. Why? I guess we just couldn't quite figure it out, but we have to do it this time.

There is a need for very serious reform in this system. We know that many of the projects that are undertaken, that the Corps of Engineers is working on, are forever trying to get in line and get in place.

We know that many projects simply are derelict; they never should be built. So the bill removes \$12 billion of derelict projects that should never be built and replaces them with new projects that are critically important. Some of those are the locks along the Mississippi and the Ohio system and some of the other dams that are out there.

For me in California, we know that these projects are critically important. The city of Sacramento, Mr. ENYART, is one of the most flood-risk cities—in fact, it is No. 2 in flood risk; probably No. 1, now that New Orleans has had an opportunity to have its flood walls rebuilt following the devastation of Katrina. Now it is Sacramento. It is a huge population in a very risky area, a population that I represent part of and share with Congresswoman MATSUI, the city of Sacramento.

It is a little different than New Orleans. When Katrina came through, it was flooded, to be sure, and terribly damaged. Many lives were lost. But the water was warm. In Sacramento, if the levees were to break on the American River or the Sacramento River system and flood that system, we are talking about very cold water, water that people would not survive in for more than a few minutes because of the temperature and hypothermia. So we really need to build those levees.

As I go into this task of being on the conference committee where I will serve as one of the representatives of the House of Representatives, I will be looking at those kinds of projects that are really about human life, the safety of my constituents and the safety of constituents all around this Nation where these levees need to be built to a high standard. Many of them need to be repaired in my district, the delta of California. Many of the levees are over 100 years old and were never built to standards that would be applicable today.

So we have work to do. We have levees to build. We have ports to build. We

have channels to dredge. We have jobs that will be created when we pass this bill and adequately fund it.

One other thing that is possible here is not only will we create jobs directly in building the ports, dredging the rivers and channels, building the levees and repairing them—those are direct jobs. Not only will we do that. We will also have the long-term foundation, the investment necessary for future economic growth. We will also, if we do one more thing—and I hope to get this into the legislation. That is to make sure that there is a strong buy America provision.

This is going to be American taxpayer money that is going to be used for the steel in the locks, for the cement, for the pilings in the piers and probably the dredges that will be used for the channel. This is all American taxpayer money that will be used to buy and maintain that equipment. If it is American taxpayer money, then, by golly, you ought to be buying American goods. So buy American. Use our taxpayer money to build the rest of the manufacturing sector of America. Build our steel industry by buying American steel for the locks and for the piers and for the cement and for the other work that needs to be done. Make it in America. It is very simple. Use American taxpayer money to make it in America and to buy American goods.

So I am going to be working very diligently on that conference committee to make sure that this buy America provision is strongly embedded in the legislation. I know that if we are able to do that, we will not only improve our levees, dredge the channels, build the ports, but we will also have the opportunity to make American jobs in the manufacturing sector.

Mr. ENYART, you may have some additional thoughts that you would like to bring to our attention. If so, please have at it.

Mr. ENYART. Thank you, Mr. GARAMENDI. Actually, I do.

I would like to point out that the Democratic motion to instruct conferees—as you pointed out, you serve on that conference committee—passed on November 14 with bipartisan support. That motion encouraged the conferees to reauthorize an effective dam security program.

The goal here is to reduce risks to people, to life and property from dam failure. With the age of some of these dams and the aging infrastructure in place, the potential loss of life and limb and property is astronomical. By putting money into maintenance now, we are saving not only lives and property, but saving money downstream because we know that sooner or later, with the age of that infrastructure, that it is going to fail. That is one of the important things that the Democratic motion to instruct conferees did.

Additionally, Mr. GARAMENDI, I signed the bipartisan letter to the House leadership of both parties requesting a speedy conference report. We need to move this conference report. As you pointed out earlier, Mr. GARAMENDI, this has been waiting for 6 years. We can't afford to wait another 6 years. So we need a speedy conference report between the Senate and between the House so that we can merge that legislation, add the items that we believe are on the House bill that need to be part of that Senate bill and vice versa so that we can begin bringing these jobs back to America and bringing the use of these American products to our districts.

That letter emphasized the importance of WRRDA, not only to the district, but also the difficulties which it imposes on business and on labor and on the trades if this bill is not moved in a prompt manner.

One of the other important aspects of the bill for my particular district—you were talking about the Sacramento River. But one of the particular parts of the bill that we want to see added that has passed the Senate establishes the Metro East Flood Risk Management Program. What we are talking about there is the urban industrial area in southwestern Illinois across from St. Louis, running all the way from Alton, down through east St. Louis, south to Columbia, Illinois.

□ 1815

It encompasses three counties, with a population of about 600,000 folks. So it is very significant. It includes oil refineries, steel mills, chemical plants, residential areas, and many of the bridges, both rail and passenger car, that transit the Mississippi there. So it is critical that we get this taken care of.

Mr. GARAMENDI. Well, we also, Mr. ENYART, in California we have those same issues. Let me swap places with you. I want to put up one of the maps here of California.

Mr. ENYART, you were talking about the central part of America. You certainly can see it here, as you were discussing the Mississippi River system and your area, up here in the Illinois area.

In California, we think we are a real big State and we have got a lot of people, and this legislation is extremely important for California. I am going to just point out some of the—San Francisco Bay, one of the great maritime bays in the world. We would argue there is none more beautiful nor more important than the San Francisco Bay.

In and out of this Bay flows a vast amount of commerce to the Port of Oakland, and also up to the rivers, into the central part of California, through the delta on the Sacramento and the San Joaquin River, where trade now goes, international trade, to the Port of Sacramento and the Port of Stockton.

Very, very important because, like Illinois and the great Midwest, we have a vast agricultural economy here in the central valley of California, and a lot of that, particularly rice from my district, goes out of the Port of Stockton and Sacramento.

Both of those ports now have channels that are of insufficient depth to bring in the large ships, and so it becomes much more expensive. The issue you raised, Mr. ENYART, about the cost of shipping, if you have small ships that can't carry a full cargo because of the depth of channel, it gets more expensive.

So in this area, channel maintenance at the Port of Oakland, channel maintenance for the Ports of Sacramento and the like and, of course, up along the Contra Costa County area, where the refineries and the oil tankers come and go.

As you move further south, we have got the ports, mostly fishing down here along the coast and, of course, Monterey, which is famous, Pebble Beach and the Monterey Bay area.

Then you get down to Los Angeles, and the two great, great harbors of America, side by side, together form the largest harbor system in this Nation, and you can argue whether it is the largest in the world, but it is surely big, the Port of Los Angeles, represented by Congresswoman HAHN, and the Port of Long Beach, side by side there in the Los Angeles area, Long Beach represented by Mr. LOWENTHAL.

Those ports are really one of the major engines of international trade and economic growth, and of course, from those ports, those great cargos move in and out, all across America on the railways and highways. So we have that.

Then of course you can get down here to San Diego, some other harbors along the way in Orange County, and then the harbor of San Diego, which is extremely important for the military. Any time you happen to get to San Diego, you will see the aircraft carriers there from the U.S. Navy and other critical equipment and ships of the U.S. Navy. All of that is important.

Here in my district—I am going to put up another map, and this is where I really get involved. This is a map of, obviously, San Francisco Bay here, with the harbor of San Francisco, the Port of San Francisco, the Port of Oakland, Alameda in here and up along the Contra Costa coast.

As you get into the delta, this is the largest inland delta, or the largest delta on the west coast of the Western Hemisphere, and one of the great inland deltas of the world. There are more than 1,000 miles of waterways here in this delta area.

I represent about half of that area, the Sacramento River going up here and the San Joaquin River coming here, and then down into the great San

Joaquin Valley. These areas are all protected by levees, and so the rivers are confined within those levees, and many of those levees, as I said a while ago, are more than 100 years old, and they need protection.

The water system of California, water flowing from the north, across these, through these waterways that are channeled by the levees to the great pumps down here, delivering water to southern California and the San Joaquin Valley, depends upon these levees.

This is part of the WRRDA bill, and so these levees and protecting the water system of California and the great agricultural enterprises of the delta are critically important, and the Water Resource Reform and Development Act provides money for the maintenance and the continuing studies of these levees, as well as for many of the critical environmental habitats in the area.

As you move up the Sacramento River, you will come to the great metropolis of Sacramento, which I talked about, and here, the American River coming in with the Sacramento River. Right in this area is, arguably, the highest flood danger area in America, and there is a project right here in the Natomas area that is absolutely crucial, crucial to life and limb.

Then as you move on up in the rest of my district, going up 200 miles from here to here, you have Yuba City and Marysville, again, communities that have flooded in the past, with the loss of life, and those too are dependent upon the success of the WRRDA bill.

Now, what we are going to do tomorrow, and in the days ahead as we move through this conference committee—and my task, is to get the policy set. But the other side of it is the money. Where's the money coming from?

Well, the austerity budgets that have been such the prize of our Republican colleagues really have stripped money away from the projects that we have been talking about, stripped money away from the maintenance of the ports, the dredging of the channels, and the protection and enhancement of the levees. That money has been stripped away.

So, with the first sequestration that took place about 8 months ago, \$250 million of money that the Corps of Engineers would have for the ports, for the channels, and for the levees, disappeared. That was Sequestration 1.

On January 15, Sequestration 2 hits, with another \$90 billion hit, and we are not sure exactly how much the Corps of Engineers will lose, but they are going to lose a vast amount of money.

So all of the talk, all of the energy that we are putting into writing the appropriate policies to reform, to improve, to put programs in place for the American economy, aren't going to happen. Well, many of them are not

going to happen because of the austerity budgets and the two sequestrations.

This is a critical problem, a critical problem, and I would reach out to my colleagues, both Democrat and Republican, and say, but there is money. There is money available, but we are not spending it in the right place.

In the budget bill that passed the House of Representatives a few months ago, there was an increase in the authorization well above what the President wanted to build and rebuild nuclear bombs, over \$12 billion over the next decade, for just one life-extension program on a nuclear weapon, the B-61—\$12 billion.

Now, it can be argued, and I would argue this, that that was an extraordinarily inappropriate place to spend money. We don't need that bomb for deterrence, I don't believe. The military may argue that we do, but then they can never get enough of these things.

My argument is, we need to spend the money where real danger exists, and that real danger exists on America's rivers when these levees are not up to standard. When the levees protecting New Orleans were not up to standard, people died, billions upon billions were lost.

When the levees in Sacramento are not up to standard, billions will be lost and people will die, and that is an immediate threat.

We have got plenty of other nuclear weapons for deterrence, but to spend \$12 billion in a way that I believe would be better spent on things that protect real people in real-life situations—so we are making judgments here. First of all, we are making a judgment—well, I wouldn't say either you or I, Mr. ENYART, are making this judgment, but our colleagues, particularly on the Republican side, are making a judgment that they believe you can build the American economy with austerity; that is, to cut the Federal expenditures. I disagree.

There are critical investments that the Federal Government should and must make. This is not new. Often we hear the talk around here, the Founding Fathers.

Mr. ENYART, have you heard people talk about, well, the Founding Fathers would do thus and so? We hear it all the time.

The Founding Fathers, let's take Washington and Hamilton, shortly after he was inaugurated—

Oh, by the way, Washington refused to be inaugurated in a suit made in England. He was inaugurated in a suit made in America. There was only one tailor at the time that would do that, but he did it.

Then he told Hamilton, I want a policy to build the American manufacturing sector. Hamilton came back some days later, probably 2 or 3

months, with a program, not 2,000 pages, but probably a couple of hundred pages at the most, and he said: We need, in America, to do the following things: to build the American economy and the American manufacturing base.

He said, one, we need to build ports. We need to build canals, and we need to protect American industry by using American taxpayer dollars to buy American-made goods. He said, beware of trade policies.

Hamilton and Washington wanted trade policies that protected the American manufacturing sector and American agriculture.

Interestingly, in the next few days, or in the next few weeks, we are going to have the question of trade policy before us here in the House of Representatives, and it is likely to be the Trans-Pacific Trade Program.

What is it?

Well, they want to fast-track it, where not one person on this floor will be able to say, wait a minute; we ought to change this, or we ought to change that. So we ought to be paying attention to the Founding Fathers who said, watch trade policy. Protect American jobs.

So as we go through all of this, in my district, we are going to have to have the money, American taxpayer money, plus a lot of local taxpayer money to protect the citizens in my district and the ports.

About \$1.8 billion is collected at the ports to rebuild, to dredge, and to maintain the ports. About half that money is siphoned off for other projects.

Beware of austerity budgets. No more sequestration. This Nation cannot afford that terrible policy of sequestration because it will rip the heart out of the critical investments that America has to make.

I have rambled on here for a little while and went off to some other things. Mr. ENYART, would you like to pick it up for a while?

Mr. ENYART. Thank you, Mr. GARAMENDI. I appreciate that.

You know, what we are really talking about here, Mr. GARAMENDI, it seems to me is, are we spending money, or are we investing in America?

I like to tell folks at home that when that roof starts getting old on your house, and you know those shingles need to be replaced, do you want to replace those shingles?

Do you want to put a new roof on that house before it starts to leak?

Yes, you want to do that because you are going to save the money then of the damage that is going to be caused when this roof does start to leak.

We are really talking about the same thing. We are talking about investing in America. We are talking about investing in our house, investing in our home, protecting that infrastructure, protecting that roof before it does begin to leak.

It is interesting you were talking about how money gets siphoned off, and this bill does change that. This bill would increase—you know, we have a special fund that is supposed to go to the maintenance of harbors and of ports, and this bill would increase the investments in improving our Nation's ports by increasing the percentage of the money that is collected each year through the Harbor Maintenance Trust Fund.

□ 1830

As you pointed out, it is unfortunate, but half of the money that is collected to maintain harbors gets siphoned off and spent on other things.

Now, I believe and you believe, we believe, and the folks who voted for this bill believe that we should spend that money for the purpose for which it is collected, and that is to maintain and improve our harbors and our ports.

Now, you know, some of the Democrats on the committee have said that the bill is a compromise. Some of the folks don't like the fewer environmental reviews. But, you know, we voted for it. We pushed it forward even though it was a compromise. And sometimes in this business, you have to give a little to get a little. And it is like I talk about at home. When you go buy that new pickup truck, the dealer wants one price, and you want another price, you have got to meet somewhere in the middle to get there.

Mr. GARAMENDI. But "compromise" is not a dirty word in my lexicon. Compromise is absolutely necessary. There are things in the bill that I would have written differently. In the conference committee, there are going to be differences between the House and the Senate in how we do.

You have mentioned some of the issues. The environmental issues, some of them are controversial. But there is a major part of this bill to speed these projects forward and to hold the Corps of Engineers responsible for getting things done. Part of it is they have got 3 years to do the initial study, and they have got \$3 million to get that study done, and their feet are going to be held to that commitment to get these projects moving forward. So there is a lot of reform in here, in the bureaucracy of the way this system has worked. There is also a lot of reform in this on allowing the local partnerships.

All of these programs are partnerships. They are partners with the local governments, ports, as you described earlier, local levee districts, and the like. Those partnerships, under present law, have a very difficult time to start a program early, to get it going without the Corps' permission. So what we have, we call it "crediting." And that allows these local governments, local ports to begin a project. Eventually, there is a whole new process in here for selecting which projects will be done.

By the way, we are not going to do earmarks. There are no earmarks in this legislation. No earmarks are allowed in the future. But there is a process to prioritize projects across the Nation, and ultimately, Congress is taking back some of its power to set the priorities for the Nation.

But that crediting that allows the local governments to get started, we are going to want to move that a little bit forward because in my district, because of the austerity budgets and the sequestration, many necessary projects are not allowed to move forward. But with a little tweaking of this language, which I will be working to get done, it will allow some of these projects to go forward. And the local share would then be counted if and when—if and when the Federal Government, the Corps of Engineers, actually decides to make that a national project.

So this is going to be very important. It is probably important in your area, for some of the levees in your area that are maintained now by the local levee districts and flood protection districts.

We spent a lot of time in the House and also in the Senate. We are going to have to work out some of the differences, some of the compromises. Not so much Democratic and Republican, but some regional differences and some differences about how the system should work, so we will work on that.

We have got about another 5, 7 minutes, so if you would like to wrap, and then I will wrap. And then I am going to do something that is not too common here. I am going to take this ball of some of this international trade and I am going to toss it to my Republican colleague, and we will let him bat it around for a while.

Mr. ENYART. Wonderful.

Well, you know, Mr. GARAMENDI, while you are working on that conference committee, I would really appreciate it if you could see fit to—and this goes back to the environmental piece a little bit.

The Senate bill includes the Middle Mississippi River Environmental Pilot Program, which gives the Army Corps of Engineers authority to restore and protect fish and wildlife habitat along the Middle Mississippi River while they are undertaking navigation projects.

Right now, they are just constrained working on navigation. Well, doesn't it make a lot of sense, by the way, while you are working on navigation to also, when you can, improve the fish and the wildlife habitat.

In southern Illinois, fishing is a big sport. We have a lot of tourists come in. Hunting, goose hunting is a big sport and deer hunting. And if you can improve that wildlife habitat, it is going to help the environment as well as help our tourist economy in southern Illinois.

Now, that was part of the bill that I introduced, but it got stripped out before it passed the House. But it did pass

the Senate. So as part of your conference, if you could help me out with that, I would really appreciate it.

Mr. GARAMENDI. Well, this is part of what we ought to be doing, and that is looking at these issues and maximizing the potential and the benefit that comes from a project. Let me give you another example of the same thing, and it is along the environmental line.

Right now the Corps of Engineers, while dredging in the San Francisco Bay area—let's just say the Port of Oakland over here. When they dredge there, they have to use the cheapest way of disposing of the dredging materials, called spoils, mostly sand and clay. They take it out here to Alcatraz, and they dump it in Alcatraz, and the tide takes it out past the San Francisco Golden Gate.

Well, we are saying, wait a minute. That is extremely valuable material to build habitat in areas that have been despoiled over the years. For example, down here in the southern part of the bay, these were great salt flats where the salt industry used the bay and evaporated the bay water to get salt. Well, those need to be restored. And it is quite possible that the material from the dredging could be used in that way or another habitat program, even up here into the delta. But it is not the cheapest.

So we are looking at a little tweak here that would allow the Port of Oakland or the other ports in the San Francisco Bay area and, really, around the Nation to do an environmental project along with the dredging project very similar to what you are talking about on the Mississippi River.

So I see common cause here. I see common cause where we can maximize the total benefit for the Nation. It could be an additional cost that the port will have to pick up. Okay. But we get a twofer. We get environmental benefits as well as the economic benefits to the port.

Have you got any other things on your list?

Mr. ENYART. I will just close out with saying, Mr. GARAMENDI, thank you for the time this evening. I think this has been a true team effort from manufacturers and business groups, labor unions, port authorities, and the Agriculture Committee.

You know, I sit on the Agriculture Committee, and the ag community knows how critical this legislation is for Illinois. And Congress needs to get things done for the American people, and no job is more important than keeping our economy strong right here at home.

Mr. GARAMENDI. General ENYART, Congressman ENYART, or BILL, thank you so very, very much. I really appreciate working with you tonight on this critical issue, the fundamental investment.

Let's remember, this is not new. The Army Corps of Engineers has been around since the very earliest days of our democracy. The Army Corps has been responsible for the waterways of America, and the Water Resources Reform and Development Act is going to be an opportunity for America to really move its infrastructure, particularly the trade.

Remember, just to review, we are talking 13 million jobs immediately depend upon the Water Resources Reform and Development Act. We are talking about 99 percent of our trade travels through our ports and waterways, whether it is on the Mississippi, the Sacramento, the San Joaquin Rivers, or the great ports and the coastal part of America. It is critically important.

And as we do these things, we have the opportunity to reach back into the history of America and remember what the Founding Fathers talked about way back in George Washington's very early days: that these fundamental investments in what they called canals and ports and roads were critical to the growth of the United States at the very, very outset. George Washington and Alexander Hamilton also recognized the importance of international trade and that we get those trade policies correct.

So as we get ready to do the Water Resources Reform and Development Act, which is critical—and the conference committee starts tomorrow, and I have the honor of being on that conference committee—we also think about the way in which the trade of America is dependent upon our work in getting sound policies in place.

And it is also critically important in dealing with the issue of international trade agreements, whether it is the transpacific trade program or the new one that is being worked on with Europe, we have to protect our own jobs. We have to protect the American economy. And in doing so, we must carry out our constitutional responsibility given to us by the United States House of Representatives and the Senators. The Constitution says that it is the legislature, Congress and the Senate, that shall set trade policy, and that requires that we have the opportunity to look at the details of every trade policy and not fast-track trash through the House.

Joining me and taking up, as I wrap up my hour, is my colleague on the Republican side. Why don't you take my last couple of minutes, and then you can have your own half hour.

Mr. FORTENBERRY. Well, first of all, let me thank the gentleman for yielding to me. I know it is a bit unusual when Democrats and Republicans come down and share portions of the time. I think it is actually what the American people want a little more of. We should do this more often.

I am giving a talk in a few moments on health care. You and I will probably

disagree to some fundamental philosophical approaches to that, and that is fine. You are in one party; I am in another. You have your own inclinations; I have my own inclinations and approaches. But to try to work constructively toward problem solving, I think it would behoove us all if we could figure out a better pathway to do that.

And that is why I am grateful to you for just leaving me a few moments because as I was listening to your speech, you talked about something I didn't know, that George Washington refused to wear a suit made in England and went back and said, Give me a manufacturing policy for this country. It was a very curious but good story to demonstrate a particular dynamic that, as you rightly pointed out, is part of our modern-day debate about how we do trade agreements in this fast-track authority. I think we have to be very, very cautious about this.

Trade can have the potential benefit to raise all boats. It has to be fair. It has an element of free, but it also has to be enforceable. And there are other dynamics to trade other than just the economic benefit that should be measured, such as the human cost of production in various societies. And we have glossed over those things in the past.

So I just wanted to commend you and thank you for raising this issue of giving, basically, over our authority by saying, we will vote to deny our authority to review the fullness of a trade agreement should one come through to us. I think that is a serious concern. So I want to commend the gentleman for raising the issue.

Mr. GARAMENDI. Well, thank you so very much. And I look forward to working with you on that issue. I know it is going to be coming.

Well, we don't know exactly when. But they are trying to wrap up. Our trade rep, our ambassador is trying to wrap this up and present it to us. And they are talking fast-track. And I am going, time-out, guys. Time-out. We need to review. We need to make sure that it is fair trade. Not just free trade, but fair trade—fair to the American worker, fair to the American manufacturer, farmer, and the like.

Mr. FORTENBERRY. If I could add something, I think we ought to call it "smart" trade.

Mr. GARAMENDI. I like that word, too. Can we compromise on that?

Mr. FORTENBERRY. Yes, sounds good.

Mr. GARAMENDI. I yield back the balance of my time.

#### HEALTH CARE

The SPEAKER pro tempore (Mr. DESANTIS). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from

Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Mr. Speaker, thank you for the time.

I don't have to tell you all that there is a debate raging in our country about the future of health care. I want to share, first of all, a story that I received by email from Yvonne who lives in the town of Firth, Nebraska, right near me. She says this:

We are a farming family of five in southeast Nebraska and recently received notification from Blue Cross/Blue Shield of Nebraska—an insurance company—that our insurance premiums are increasing from \$578 per month to \$1,092 per month. That is \$514 more, resulting from the misnamed “Affordable Care Act.”

Yvonne goes on and says:

Even if I play with the numbers and drop our family income to be eligible for subsidies, my family has never needed government assistance in the past to pay for health insurance. Why should we need it now, other than Washington's interference? Would you please tell me how I am supposed to find an extra \$500 in my monthly budget to afford this new improved policy.

Mark, who lives in Lincoln, says he is 49. He said he had his insurance canceled, and he had a very good policy. And this is what he had to say:

I had a \$5,000 deductible policy; and after that, everything was covered. My policy was not a junk insurance policy. And it was canceled.

□ 1845

Mr. Speaker, many Americans are awakening to sticker shock and are feeling, frankly, very betrayed by the earlier comments that if you like your health care plan, you can keep it. Clearly, there is a significant problem here. And what has happened?

Well, Mr. Speaker, we need the right type of health care reform—health care that is actually going to reduce costs and improve outcomes while also protecting vulnerable persons. But what we have gotten instead through the new law is a shift of cost to more unsustainable spending by government, a shift of cost from one American to another; and we also have a serious erosion of health care liberties.

This is another email that I received from Joan. She talked about her son. She has maintained her son's policy—a young man—in case of a catastrophic event so it would not be a burden to the hospital.

She said:

He does not make enough money to file taxes, but his premium goes from \$85 to \$220. So my son will no longer have insurance of any kind. My son's new policy is required by law to include things he can never, ever use—maternity for a male and pediatric services for an adult. Please at least allow the insurance carriers to call this what it is—an insurance subsidy from my son to others.

This young man is 30 years old. I don't know the circumstances of the family as to why they are providing a

policy for their 30-year-old son, but clearly the family is trying to do the right thing and help one another; but they are being forced by escalating costs to reconsider the very idea of carrying health insurance themselves and doing the right thing.

Mr. Speaker, when I was a much younger man in my twenties, I had an individual insurance policy that I bought. I thought it was the right thing to do. I didn't want to impose the risk of my own health care needs—in case something went wrong—on the rest of society. And I bought this policy. It was a pretty big burden to carry for someone in their twenties. It was fairly expensive. So I decided to raise the deductible to \$1,000 to basically help better manage the costs.

Well, one day I had a very severe headache, and it just didn't seem to go away; and as this went on, I decided it was necessary for me to seek medical attention.

So thinking about it, I decided to simply bypass the family doctor, assuming that they would probably refer me to the ear, nose, and throat specialist. And so I made an appointment with the ENT doctor, probably saving myself about \$50 by simply going to the specialist.

When I got there, she examined me and they took an x-ray. Afterward, the doctor said, I really can't tell from the x-ray what the problem is. I'm going to need to do a CAT scan. I interrupted her at that moment and injected in the conversation and said, Doctor, I understand if you might be worried about liability and there might be this test that is normal protocol for you to run. She interrupted me and said, Why are you saying this to me? I said, Because I need to know if you really need this test. I'm actually paying for it.

Again, I had the \$1,000 deductible.

She said, Oh, let's think about this. I'm only looking at your sinuses. So that means that we could probably ask one of the two entities in town with a CT scan machine if they will widen the cross-section and let's see if they'll give you a discount for doing that.

So she asked her assistant to help. They called both places in town, found out the price, found out if they would lower the price based upon a wider cross-section for this test, and one of them did. And I don't remember the exact amount, but I think it was \$75.

Mr. Speaker, I saved \$75 by simply asking a simple question. The doctor got the test that she needed and the community resource was more properly allocated, all because I had the incentive to watch the cost.

This is one of the problems here that we have in the whole health care debate. Because, again, the Affordable Care Act, sometimes called ObamaCare—and there are a lot of people who want to move away from that expression “ObamaCare,” and I respect

that, because it has always seemed to me to be a bit disrespectful toward the President, so let's call it the Affordable Care Act. The Affordable Care Act shifts costs to more government spending and actually is moving costs from one individual to another.

Now, how did we get here?

Well, you remember in the Bush administration the number that was being talked about was that there were 50 million Americans who were uninsured. It has been a while now since I looked at that statistic. From memory, as I recall, that was actually an aggregate statistic that reflected the number of people within a year who had some trouble accessing affordable, quality health insurance. It was not necessarily a snapshot in time.

So the number might have been bigger than what was suggested, but it laid the ground work for where we are now. Of course, President Obama and the administration used that number as well; but when you parse the number down and look at Americans who were having problems accessing affordable, quality health insurance, whether because of preexisting condition or some other issue, that number may have come down to perhaps 10 million to 15 million persons.

Now that is a real problem. That is a lot of people who need help. And the right response is to engage in policy debate that will actually help them access affordable, quality health insurance; but we have done so by turning the entire health care system inside out. And it is creating havoc, sticker shock; and many Americans are feeling betrayed, particularly those who are buying their insurance in the open market, the individual market.

Soon, many more will be receiving the price shock who have employer-based insurance because of a couple of factors. And what are those factors?

First of all, in the new law what has happened is there is a shrinkage of the age ratio. It used to be six categories, as I recall—now it is three—by which you can price the product. That means younger people are actually subsidizing older people. You can have a debate about the merits of that, but that is one of the cost drivers.

Secondly, there are all types of new mandated benefits. You heard it in the emails that I received. First of all, a very young man is having his insurance rates skyrocket simply because he is a young male. In Nebraska, we have one of the highest rate increases for single males. It is second only to Arkansas. It is 220-plus percent, as I recall.

Why is that? We were somewhat a less regulated State, if you will. But what that created were market conditions whereby a young person who was relatively healthy could get an affordable, quality health insurance policy that protected them from catastrophic



incidents. If they were in an accident or an unfortunate disease happened to strike them, they were covered; but now it is pushing those policies to a level where people are questioning as to whether or not they can afford it. A policy designed to help people is hindering those who have been doing the right thing from purchasing insurance.

The mandated benefits issue: as the older gentleman writing me pointed out, I don't need maternity services. Again, those were incorporated into the law. An inability to customize an insurance policy based upon one's particular needs after us deciding what is a reasonable set of basic coverages that are necessary, which used to occur State by State.

The third is no denials. Now, this one is a little bit more sensitive because, again, we do have Americans who are being held by this law and who had previously been either denied because of preexisting conditions or, for one reason or another, were having problems accessing affordable, quality health insurance.

So as we move forward into a debate as to how we are going to reform the system and perhaps get this right, it is necessary that we carry forward either this way or another way. It used to be the government's subsidy of high-risk pools in which we allowed people to have access to more affordable insurance. Either that way or the way whereby we all absorb the cost across insurance policies and that we take care of people who rightfully need access.

And so there are a few embedded policies in this Affordable Care Act that do make some sense. The first one was allowing young people to stay on their parents' policies a little bit longer—until the age of 26. I supported that before the Affordable Care Act made sense. It replenishes your insurance pool, helps enculturate the concept of buying insurance at a young age, and hopefully that carries forward into creating a more robust, dynamic marketplace.

Second is, again, dealing appropriately with people who have preexisting conditions. There are a lot of ways to do that—either, again, by subsidizing the market directly, since it was somewhat broken, or absorbing the cost across all insurance products.

The third issue was removing insurance caps for those who actually bumped up to their total maximum benefit.

I know of cases where families were struggling with a severe disease condition that would meet their insurance cap. The response was they simply had to leave their job and go find another job and get employer-based insurance to basically start the clock over. That doesn't save the system any money. It just burdens the family.

So those are three aspects of the current health care bill that makes some

sense, but we did not have to do so by turning the entire system inside out and harming disproportionately large numbers of Americans who have been doing the right thing: protecting themselves and not relying on society for the imputed costs of their own health care risk; who were trying in a marketplace to find the right product for themselves, but now who have lost access to basic products like good catastrophic coverage, which will lower costs for younger people. That is a very strong disincentive for young people to actually enter the insurance market, and that needs to be corrected.

I think it is also part of our responsibility, for those of us who have said "no" to the Affordable Care Act and who have said there are better ways to reform the health care system to start laying out some specifics.

Well, one of the specifics should be that we all ought to try to agree that the health savings account idea is a way in which we form a hybrid model that actually benefits the marketplace, benefits individuals, and retains the robustness of what private market competition can give you.

Let's take, for instance, the case of the surgical procedure called LASIK. Now, I am not aware of insurance policies that regularly carry that procedure whereby the eye is operated on to correct vision. Large numbers of Americans have been helped by this extraordinary technological invention. And it appears to me from a cursory look at that market that prices have fallen, outcomes have improved, and the doctors who do this surgery seem to do pretty well with basically no insurance involved.

So let's look at the health savings account model as a hybrid model whereby we retain the government subsidy in a certain sense by allowing people to set aside an account on a tax-free basis and they accumulate monies that go toward their first dollar of health care costs, taking better control over those first dollars that are expended.

Now, Mr. Speaker, I recently had a medical issue. I had a sore spot on my ear. I didn't think much about it, but after about 3 weeks of it being there, I thought at my age maybe it is good to get that checked.

So I went to the dermatologist, and he looked at it and he said, JEFF, I think this is 50-50 it may be a cancerous-type condition. I said, All right. He said, I'm going to put you on a medicine that we can go ahead and get started now while we wait for the biopsy to come back.

So I went to the pharmacist to get the medicine. My co-pay was \$5. I am very grateful for that. It was very easy for me, and I am thankful I had the insurance to be able to do this. It was \$5.

I asked the pharmacist, How much does this medicine cost? He said, I

don't know. Let me check. He came back and said, It's \$500. I said, Well, this is Friday. I'm not sure on Monday if I'm going to need this medicine or not. It's 50-50. Maybe we just ought to wait. And I chose to wait.

So on Monday the doctor called back and said it was benign—not cancerous—nothing to worry about, and I didn't have to take the medicine.

Well, I had no incentive not to take the medicine. The doctor didn't necessarily think through the question with me. He didn't have to because my co-pay was \$5. Again, I am grateful for that. But the point being that \$495 of waste would have occurred in the system had I not simply asked a question, and I didn't have an incentive to ask a question. I was simply trying to make sure that we weren't imprudently using that much medicine when it may go to waste; and I am glad I turned it down.

Again, that is the point. If you have your own health savings account, which is coupled with a catastrophic policy, two things are occurring at once: first of all, you are controlling your first dollar costs. You have a normal conversation with your doctor about ordinary health care. Is this the pathway we need to go? What are our alternatives? Who can provide those in town—maybe at a cheaper rate, with the same quality?

For that, we need price transparency in medicine. It is an important part of market reform that needs to occur. But if something really goes wrong and you are on the hospital gurney getting rolled into an operating room, you shouldn't have to pull off your mask and say, Can somebody give me the price of the anesthesia around here? That is not the point. That is different. That is a catastrophic condition. With catastrophic insurance, you should be protected from having to worry about those market dynamics.

So I think this is a good hybrid model whereby, again, the government incentives you to put a little bit of money aside in a tax-free account which, by the way, can accumulate over time. Most people don't get sick in their life, and a lot of this money could grow to a substantial amount over time and actually be a supplement in retirement or a supplement to Medicare. We have got long-term cost problems in the Medicare program.

□ 1900

So, again, it is thinking dynamically, creatively as to how we restructure health care and give improved opportunities for a robust marketplace for health insurance that doesn't just consolidate the marketplace into fewer and fewer companies. It has been suggested that what is happening now is this is becoming like a utility system whereby there are going to be a few insurance carriers that work with hospitals, and that is it. The government

will have a role in setting certain rates, and that is it. So you lose the dynamic of the competitive model for the insurance market. We should protect people's access. We should allow people to have access to affordable, quality insurance and not simply be denied for preexisting conditions. There are a lot of ways to do that. If we do that, we can keep the market dynamic basis for controlling health care costs.

We do this in all other areas of our lives, and it is normal to us. There is no reason that we have to put on blinders when we are dealing with ordinary health care costs and simply submit to the system whatever they tell us to do. There is no reason for that. What we could see—again, if we inject this sort of competitive marketplace for ordinary costs—is competition in the marketplace for ordinary processes and procedures in medicine, for drugs. Then you could see, like in the LASIK surgery example, prices falling, innovation occurring, and a health care system making reasonable returns for its efforts. Right now, we have a health care system that is very, very frightened. Doctors are very frightened of the next steps in terms of the evolving dynamic of the Affordable Care Act. You have many doctors who are saying they are not going to be able to afford to take on any more Medicare patients. You already have this problem in Medicaid. So you want a robust, dynamic market in which people are innovating, in which costs are falling, and in which health care outcomes are improving.

Health Savings Accounts give people the opportunity to control that first-dollar cost, but if they are really sick or have an accident, they are protected and don't have to worry about those costs. That makes a lot of sense to me, Mr. Speaker. In the Affordable Care Act, unfortunately, though, what we have is a dampening of the marketplace for the Health Savings Account idea. It ought to be exactly the opposite. Now, there is a reasonable argument that some have made that this is not appropriate for people who are older, who have increasing health care costs, and who don't have the time to set enough money aside to meet their normal, ordinary expenses—fair enough—but it is an important model that we should be eagerly embracing for the young generation so that they can have affordable, quality catastrophic insurance, so that they have incentive to move into the market, and so that the market responds to their questions as to:

Why does this cost this much? Who is providing the best service? Does this really make sense?

With our simply trying with the diminished marketplace and with a lack of incentive to actually watch those first-dollar costs that the Health Savings Account gives us, then there are not really those incentives to, again,

force transparency and to ask simple questions as to how you best manage the resources that you have in partnership with the medical community, like I did when I was trying to reduce my own costs for that CAT scan. The doctor very willingly accommodated my request, and that community resource was better allocated.

To me, that is a commonsense solution that we all ought to be embracing. Instead, what we have now is a huge shift of cost to more unsustainable government spending and to many Americans being disproportionately hurt because of skyrocketing premiums or because they are losing the health care that they were promised they could keep. Now, that is simply not fair. There is a better way to fix this system.

In the last few weeks, because of the problematic rollout of the marketplace Web site—the “exchange” as it is called—it has brought more and more attention to this issue. It is my hope, Mr. Speaker, that we just don't get into finger-pointing and “we told you so,” for those of us who are against this, but that we actually sit down and try to construct something that is much more reasonable and fruitful for the entire system.

Mr. Speaker, the formal definition of a “law” is: an ordinance of reason given by those in authority for the common good. You have a real question here as to the reasonableness of this law, because it is so unfairly and disproportionately hurting a lot of people, and whether that meets the definition of its being for the common good.

As I suggested, there are aspects of the current law that we can retain—keeping young people on insurance longer, removing the caps on insurance, and protecting people who have preexisting conditions. Those should be retained, I feel; but as we move forward with a robust debate, we ought to keep in mind: let's do everything—let's do all we can—to give America a better path forward, the path that they deserve, so that any health care reform meets the true definition of a truly just law in that it promotes the common good, which means society's well-being.

What does that common good look like?

It is a vibrant marketplace for affordable, quality insurance. Persons who have had a condition shouldn't be denied. There should be a dynamic by which the person controls his first-dollar cost because he owns those dollars, and he is protected, if something really goes wrong, through catastrophic policies.

That shift to the health care paradigm could lend itself to the right type of reform for the next generation for Medicare, for instance. If you have had a huge savings account accumulate over time because you are not one of

the unfortunate—you are one of the majority of people who, fortunately, does not get stricken by something serious over your lifetime—then you will be able to potentially use that money for your own well-being and retirement or as a further supplement to the Medicare program.

This is what is called “thinking outside the box.” Let's think dynamically as to how these programs can mutually reinforce one another—the current health care reform and our important health safety nets in retirement. That is what we ought to be thinking about.

So, Mr. Speaker, I just submit these comments this evening because I think it is important to try to unpack what has gone wrong and why and to frame the debate in a manner that is actually constructive so that America gets the type of health care reform that we deserve—a robust health care system that leads the world, that improves health care outcomes while reducing costs, and that also protects vulnerable persons.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMPSON of Pennsylvania (at the request of Mr. CANTOR) for after 1:30 p.m. today on account of official business.

#### ADJOURNMENT

Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 20, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3727. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's “Major” final rule — Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations (RIN: 3038-AD88) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3728. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs; Clarification and Improvement (RIN: 0560-A114) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3729. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-13-0010;

FV13-946-1 FIR] received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3730. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Capital Planning (RIN: 3052-AC80) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3731. A letter from the Under Secretary, Department of Defense, transmitting account balance in the Defense Cooperation Account as of September 30, 2013; to the Committee on Armed Services.

3732. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Capital Fund Program [Docket No.: FR-5236-F-02] (RIN: 2577-AC50) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3733. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to China Southern Airlines Co. Ltd. (China Southern) of Guangzhou, China; to the Committee on Financial Services.

3734. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Korean Air Lines Co., Ltd. (KAL) of Seoul, South Korea; to the Committee on Financial Services.

3735. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Bulgaria pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3736. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Minsheng Financial Leasing Co., Ltd. of Tianjin, China; to the Committee on Financial Services.

3737. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3738. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Removal of References to Credit Ratings in Certain Regulations Governing the Federal Home Loan Banks (RIN: 2590-AA40) received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3739. A letter from the Acting Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Final Priority. Rehabilitation Training: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling [CFDA Number: 84.129B] received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3740. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3741. A letter from the Secretary, Department of Health and Human Services, transmitting the second biennial report concerning the Food Emergency Response Network mandated by the FDA Food Safety Modernization Act (FSMA); to the Committee on Energy and Commerce.

3742. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Addition of ortho-Nitrotoluene; Community Right-to-Know Toxic Chemical Release Reporting [EPA-HQ-TRI-2012-0111; FRL-9902-12-OEI] (RIN: 2025-AA35) received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3743. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio: Bellefontaine; Determination of Attainment for the 2008 Lead Standard [EPA-R05-OAR-2012-0779; FRL-9902-33-Region 5] received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3744. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on the Section 126 Petition from Eliot, Maine [EPA-HQ-OAR-2013-0671; FRL-9902-55-OAR] received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3745. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Removal of Significant New Use Rules [EPA-HQ-OPPT-2013-0399; FRL-9902-16] (RIN: 2070-AB27) received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3746. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2012-0107; FRL-9399-4] received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3747. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MM Docket No.: 99-25] [MB Docket No.: 07-172] [RM 11338] received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3748. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Amendments to Material Control and Accounting Regulations [NRC-2009-0096] (RIN: 3150-AI61) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3749. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revisions to Radiation Protection [NRC-2012-0268] received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3750. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Qualification Tests for Safety-

Related Actuators in Nuclear Power Plants; Regulatory Guide 1.73, Revision 1 received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3751. A letter from the Assistant Secretary, Department of Defense, transmitting a report that the Department intends to utilize a contribution to the Cooperative Threat Reduction (CTR) Program from the Foreign Office of the Federal Republic of Germany; to the Committee on Foreign Affairs.

3752. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3753. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

3754. A letter from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3755. A letter from the Archivist, National Archives, transmitting a draft bill entitled, "Federal Register Modernization Act"; to the Committee on Oversight and Government Reform.

3756. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semi-annual report on the activities of the Inspector General for April 1, 2013 through September 30, 2013, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

3757. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery [Docket No.: 120109034-2171-01] (RIN: 0648-XC823) received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3758. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 48, Framework Adjustment 50; 2013 Sector Operations Plans, Contracts, and Allocation Annual Catch Entitlements [Docket No.: 120814336-3739-04] (RIN: 0648-BC27, 0648-BC97, and 0648-XC240) received September 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3759. A letter from the Register of Copyrights and Director, Copyright Office, transmitting a schedule of proposed new copyright fees and the accompanying analysis; to the Committee on the Judiciary.

3760. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of Free

Speech Coalition v. Holder, No. 09-4607 (E.D. Pa.); to the Committee on the Judiciary.

3761. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Civil Monetary Penalty Inflation Adjustment Rule [FRL-9901-98-OECA] (RIN: 2020-AA49) received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3762. A letter from the General Counsel, National Tropical Botanical Garden, transmitting a letter notifying of a delay in the submission of the annual audit report; to the Committee on the Judiciary.

3763. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter regarding the Department's decision to no longer defend section 3 of the Defense of Marriage Act; to the Committee on Veterans' Affairs.

3764. A letter from the Director, Legislative Affairs, Office of the Director of National Intelligence, transmitting the 2013 Annual Report of Advisory Intelligence Committees; to the Committee on Intelligence (Permanent Select).

3765. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "DHS Privacy Office 2013 Annual Report to Congress"; to the Committee on Homeland Security.

3766. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting third periodic Report to Congress: Summary of Significant Safety-Related Issues at Operating Defense Nuclear Facilities; jointly to the Committees on Energy and Commerce and Armed Services.

3767. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 119-146 of the June 2013 "Treasury Bulletin", pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and the Workforce, and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURGESS: Committee on Rules. House Resolution 420. Resolution providing for consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, and for other purposes (Rept. 113-272). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MEADOWS (for himself, Mrs. CAPITO, Mr. MURPHY of Florida, and Mr. BUTTERFIELD):

H.R. 3529. A bill to provide exemptions from certain mortgage, servicing, and appraisal requirements for non-profit low-income housing providers, and for other purposes; to the Committee on Financial Services.

By Mr. POE of Texas (for himself, Mrs. CAROLYN B. MALONEY of New York, Mr. NOLAN, Mrs. MILLER of Michigan, and Ms. GRANGER):

H.R. 3530. A bill to provide justice for the victims of trafficking; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. PRICE of Georgia, Mr. WEBSTER of Florida, Mr. KELLY of Pennsylvania, Mr. STIVERS, Mr. CARNEY, Mr. BARBER, Ms. FUDGE, Mr. BUCSHON, and Mr. KILMER):

H.R. 3531. A bill to amend title XVIII of the Social Security Act to eliminate the 3-day prior hospitalization requirement for Medicare coverage of skilled nursing facility services in qualified skilled nursing facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mr. GEORGE MILLER of California):

H.R. 3532. A bill to promote State requirements for local educational agencies and public elementary and secondary schools relating to the prevention and treatment of concussions suffered by students; to the Committee on Education and the Workforce.

By Mr. AMODEI:

H.R. 3533. A bill to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, and for other purposes; to the Committee on Natural Resources.

By Mr. WALBERG (for himself, Mr. CONYERS, Mr. HUIZENGA of Michigan, Mr. DINGELL, Mrs. MILLER of Michigan, Mr. BENISHEK, Mr. PETERS of Michigan, Mr. BENTIVOLIO, Mr. UPTON, Mr. CAMP, Mr. ROGERS of Michigan, Mr. LEVIN, and Mr. KILDEE):

H.R. 3534. A bill to designate the facility of the United States Postal Service located at 113 West Michigan Avenue in Jackson, Michigan, as the "Officer James Bonneau Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY (for himself and Mr. GARY G. MILLER of California):

H.R. 3535. A bill to amend the Internal Revenue Code of 1986 to authorize new empowerment zone designations for urban areas with high unemployment and high foreclosure rates, and for other purposes; to the Committee on Ways and Means.

By Mrs. BEATTY (for herself, Ms. NORTON, Ms. SEWELL of Alabama, Mr. LOEBSACK, and Mr. CARTWRIGHT):

H.R. 3536. A bill to amend the Elementary and Secondary Education Act of 1965 to support teacher and school professional training on awareness of student mental health conditions and suicide prevention efforts; to the Committee on Education and the Workforce.

By Ms. EDWARDS (for herself, Ms. NORTON, Mr. CUMMINGS, Ms. TSONGAS, Mr. CICILLINE, Mr. WELCH, and Mr. HOLT):

H.R. 3537. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself and Mr. GEORGE MILLER of California):

H.R. 3538. A bill to expand the use of open textbooks in order to achieve savings for students; to the Committee on Education and the Workforce.

By Mr. LONG:

H.R. 3539. A bill to amend title X of the Public Health Service Act with respect to adoption and other pregnancy options counseling; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. MARINO, and Mr. DEUTCH):

H.R. 3540. A bill to amend chapter 26 of title 35, United States Code, to require the disclosure of information related to patent ownership, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas (for himself and Mr. GARDNER):

H.R. 3541. A bill to prevent a taxpayer bailout of health insurance issuers; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Ohio:

H.R. 3542. A bill to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Res. 421. A resolution recognizing people of African Descent and Black Europeans; to the Committee on Foreign Affairs.

By Mr. VAN HOLLEN (for himself and Mrs. BLACKBURN):

H. Res. 422. A resolution recognizing the campaign of genocide against the Kurdish people in Iraq; to the Committee on Foreign Affairs.

By Ms. WILSON of Florida (for herself, Ms. SPEIER, Ms. CHU, Mr. HONDA, Mr. FARR, Ms. ESHOO, Ms. LEE of California, Mr. WAXMAN, Mrs. CAPPS, Ms. JACKSON LEE, Mr. MCGOVERN, Mr. SWALWELL of California, Mrs. NAPOLITANO, Mr. LOWENTHAL, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. MORAN, Mr. BARROW of Georgia, Mr. HASTINGS of Florida, Mr. DELANEY, and Mrs. LOWEY):

H. Res. 423. A resolution honoring the life, legacy, and example of Congressman Leo J. Ryan 35 years after his tragic death; to the Committee on House Administration, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MEADOWS:

H.R. 3529.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1:

Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United

States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. POE of Texas:

H.R. 3530.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. RENACCI:

H.R. 3531.

Congress has the power to enact this legislation pursuant to the following:

Congress created a health care program called Medicare that is operated by the federal government. This bill would improve the efficiency and fairness of that program, especially access to care, while affecting interstate commerce, which Congress has the power to regulate under Article I, Section 8, Clause 3.

By Mr. BISHOP of New York:

H.R. 3532.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18.

By Mr. AMODEI:

H.R. 3533.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. WALBERG:

H.R. 3534.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7.

By Mr. MCNERNEY:

H.R. 3535.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mrs. BEATTY:

H.R. 3536.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Ms. EDWARDS:

H.R. 3537.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. HINOJOSA:

H.R. 3538.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. LONG:

H.R. 3539.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to . . . ” provide for the common Defense and general Welfare of the United States . . . ”

Article 1, Section 8, Clause 18—“To make all Laws which shall be necessary and proper

for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Mr. POLIS:

H.R. 3540.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of Section 8 of Article I of the U.S. Constitution.

By Mr. GRIFFIN of Arkansas:

H.R. 3541.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. JOHNSON of Ohio:

H.R. 3542.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 120: Ms. EDWARDS.

H.R. 259: Mr. KINGSTON.

H.R. 270: Mr. ELLISON and Mr. HONDA.

H.R. 274: Mr. KEATING.

H.R. 351: Mr. MCKEON.

H.R. 543: Mr. BISHOP of New York.

H.R. 647: Mr. MULVANEY, Mr. AUSTIN SCOTT of Georgia, Mr. COLLINS of Georgia, and Ms. JACKSON LEE.

H.R. 669: Mrs. CHRISTENSEN.

H.R. 676: Ms. MCCOLLUM.

H.R. 685: Mr. VELA, Mr. MESSER, Mr. DUNCAN of Tennessee, and Mrs. McMORRIS RODGERS.

H.R. 713: Mr. GIBBS, Mrs. WAGNER, Mr. LAMALFA, and Mr. HONDA.

H.R. 715: Mr. MCNERNEY and Mr. PERLMUTTER.

H.R. 809: Mr. FINCHER.

H.R. 919: Mr. RYAN of Ohio.

H.R. 997: Mr. LATHAM and Mrs. MILLER of Michigan.

H.R. 1020: Ms. FOXX.

H.R. 1024: Mr. BARROW of Georgia.

H.R. 1124: Mrs. BEATTY.

H.R. 1179: Mr. COHEN and Mrs. CHRISTENSEN.

H.R. 1199: Mr. GARCIA.

H.R. 1209: Mr. GIBBS, Mr. GRAVES of Georgia, Mr. PITTENGER, Mr. BEN RAY LUJÁN of New Mexico, Mr. KING of New York, and Ms. FUDGE.

H.R. 1248: Mr. BACHUS.

H.R. 1310: Mr. LAMBORN.

H.R. 1339: Mr. LIPINSKI and Mrs. CAPITO.

H.R. 1428: Mr. PRICE of North Carolina.

H.R. 1429: Mr. BISHOP of New York.

H.R. 1449: Mr. ROSS, Mr. DIAZ-BALART, Mrs. LUMMIS, and Mr. SOUTHERLAND.

H.R. 1461: Mr. HUNTER and Mr. NUGENT.

H.R. 1518: Mr. RODNEY DAVIS of Illinois, Mr. CRENSHAW, and Mr. BILIRAKIS.

H.R. 1563: Ms. FRANKEL of Florida, Ms. WASSERMAN SCHULTZ, and Mr. GRAVES of Missouri.

H.R. 1601: Mr. CARTWRIGHT.

H.R. 1616: Mr. GIBSON.

H.R. 1666: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LIPINSKI, and Ms. ESHOO.

H.R. 1717: Mr. DAVID SCOTT of Georgia and Ms. KUSTER.

H.R. 1726: Ms. FRANKEL of Florida.

H.R. 1761: Mr. ROE of Tennessee.

H.R. 1779: Mr. PETERSON.

H.R. 1830: Ms. ESTY.

H.R. 1851: Ms. KUSTER and Mr. HORSFORD.

H.R. 1852: Mr. ROSS, Mr. DIAZ-BALART, Mrs. LUMMIS, Mr. LABRADOR, and Ms. BROWNLEY of California.

H.R. 1869: Mr. WITTMAN.

H.R. 1878: Ms. FRANKEL of Florida.

H.R. 1920: Mr. RIGELL.

H.R. 1985: Mr. GOODLATTE.

H.R. 1992: Mr. KINZINGER of Illinois and Mr. SIRE.

H.R. 2027: Mr. CASSIDY.

H.R. 2028: Mr. TIERNEY.

H.R. 2144: Mr. DUNCAN of South Carolina.

H.R. 2305: Mr. THOMPSON of Pennsylvania.

H.R. 2385: Mrs. WAGNER.

H.R. 2446: Mrs. WAGNER.

H.R. 2553: Ms. MOORE, Ms. SCHWARTZ, Ms. TITUS, and Mr. GEORGE MILLER of California.

H.R. 2560: Mr. RANGEL.

H.R. 2607: Mrs. CAROLYN B. MALONEY of New York, Mr. ISRAEL, and Mr. POCAN.

H.R. 2619: Mr. LOWENTHAL.

H.R. 2663: Mr. ROSS.

H.R. 2697: Mr. BISHOP of New York, Ms. KUSTER, and Mr. JOHNSON of Georgia.

H.R. 2703: Mr. DOYLE.

H.R. 2725: Mr. TIBERI, Mr. STUTZMAN, and Ms. WASSERMAN SCHULTZ.

H.R. 2785: Mr. RENACCI.

H.R. 2791: Mr. GIBSON and Mr. HUIZENGA of Michigan.

H.R. 2818: Mr. GRIJALVA.

H.R. 2945: Mr. ROSKAM.

H.R. 3040: Mr. GENE GREEN of Texas.

H.R. 3105: Mr. GOODLATTE and Mr. COTTON.

H.R. 3111: Mr. JOHNSON of Ohio.

H.R. 3121: Mr. RENACCI.

H.R. 3125: Mr. BUTTERFIELD, Mr. BRALEY of Iowa, Mr. DANNY K. DAVIS of Illinois, Mr. CLAY, Mr. COHEN, Mr. RODNEY DAVIS of Illinois, and Mr. LOEBACK.

H.R. 3135: Ms. MCCOLLUM.

H.R. 3143: Mr. ISRAEL.

H.R. 3163: Mr. MORAN.

H.R. 3169: Mr. BURGESS.

H.R. 3189: Mr. POE of Texas.

H.R. 3206: Ms. FRANKEL of Florida.

H.R. 3211: Mr. FITZPATRICK.

H.R. 3240: Mr. FOSTER.

H.R. 3297: Ms. SCHAKOWSKY.

H.R. 3299: Mr. RIBBLE, Mr. HARRIS, Mr. BENTIVOLIO, Mr. BOUSTANY, and Mr. ROSKAM.

H.R. 3303: Mr. BILIRAKIS.

H.R. 3308: Mr. PITTENGER.

H.R. 3309: Mr. JOHNSON of Ohio and Mr. LARSEN of Washington.

H.R. 3322: Mr. RANGEL.

H.R. 3327: Mrs. BUSTOS.

H.R. 3333: Mr. PETERS of California.

H.R. 3335: Mr. POE of Texas, Mr. JOHNSON of Ohio, Mr. BOUSTANY, and Mr. COLLINS of New York.

H.R. 3349: Ms. LOFGREN, Mr. DEFazio, and Mr. WELCH.

H.R. 3360: Ms. SLAUGHTER.

H.R. 3362: Mr. LONG.

H.R. 3392: Mr. ROGERS of Kentucky.

H.R. 3395: Mr. ISRAEL.

H.R. 3407: Mr. COURTNEY.

H.R. 3416: Mr. HUNTER and Mr. PITTENGER.

H.R. 3429: Mr. MEEHAN.

H.R. 3430: Mr. LOWENTHAL.

H.R. 3435: Mr. LYNCH.

H.R. 3436: Mr. WOLF and Mr. PERRY.

H.R. 3464: Ms. HERRERA BEUTLER and Mr. JONES.

H.R. 3469: Mr. VELA, Ms. CASTOR of Florida, Mr. VEASEY, Mrs. ELLMERS, Mr. VAN HOLLEN, Mr. POCAN, and Mr. BISHOP of New York.

H.R. 3470: Mr. STOCKMAN.

H.R. 3480: Mr. MCGOVERN.  
 H.R. 3482: Mr. PITTENGER.  
 H.R. 3484: Ms. SPEIER.  
 H.R. 3485: Mr. BROUN of Georgia, Mr. WOODALL, and Mr. THORNBERRY.  
 H.R. 3486: Mrs. BACHMANN and Mr. PITTENGER.  
 H.R. 3488: Mr. YOUNG of Alaska, Mr. VEASEY, Mr. TURNER, Mr. CALVERT, Mr. OLSON, and Mr. LARSON of Connecticut.  
 H.R. 3490: Mr. MCGOVERN, Ms. NORTON, and Mr. HANNA.  
 H.R. 3509: Mr. CRENSHAW and Mr. SHERMAN.  
 H.R. 3516: Mr. THOMPSON of Pennsylvania.  
 H.R. 3526: Mr. WEBER of Texas, Mr. FORTENBERRY, and Mr. MCGOVERN.  
 H.R. 3527: Mrs. CHRISTENSEN and Mr. FORTENBERRY.  
 H. Con. Res. 16: Mr. GIBBS and Mr. CHABOT.  
 H. Con. Res. 64: Mr. JOHNSON of Ohio.  
 H. Res. 72: Mr. CÁRDENAS.  
 H. Res. 147: Mr. PEARCE.  
 H. Res. 188: Mr. HOLDING and Mr. HIGGINS.  
 H. Res. 227: Mr. GEORGE MILLER of California.  
 H. Res. 231: Mr. THOMPSON of Pennsylvania and Ms. PINGREE of Maine.

H. Res. 238: Mr. CARSON of Indiana.  
 H. Res. 250: Mr. KINGSTON.  
 H. Res. 284: Mr. COBLE.  
 H. Res. 345: Mr. PRICE of North Carolina.  
 H. Res. 401: Ms. SINEMA, Ms. LOFGREN, and Mr. QUIGLEY.  
 H. Res. 402: Mr. GERLACH, Ms. KAPTUR, Mr. LEVIN, Mr. PITTS, Mr. PRICE of North Carolina, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIRES, Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. SCHWARTZ, and Ms. FRANKEL of Florida.  
 H. Res. 404: Mr. MCCAUL.  
 H. Res. 405: Mr. THOMPSON of Pennsylvania.  
 H. Res. 407: Mr. LEWIS, Mr. MICHAUD, and Ms. BASS.  
 H. Res. 410: Mr. HANNA, Mr. HUELSKAMP, Mr. BUCHANAN, and Mr. CHABOT.  
 H. Res. 417: Mr. SMITH of New Jersey.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 8 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 1965, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative TONKO, or a designee to H.R. 3301, the North American Energy Infrastructure Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative TONKO, or a designee to H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

**SENATE—Tuesday, November 19, 2013**

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, You make the clouds Your chariot and walk upon the wind. We see Your works in the rising of the sun and in its setting. For the beauty of the Earth and the glory of the skies, we give You praise.

Today, make our lawmakers heirs of peace, demonstrating that they are Your children as they strive to find common ground. May they take pleasure in doing Your will, knowing that by so doing they are fulfilling Your purposes in our world.

Lord, You are never far from us but often we are far from You, so show us Your ways and teach us Your paths. Thank You that Your mercy is from everlasting to everlasting upon those who come to You with reverence. May Your glory endure forever. We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will be in a period of morning business for 1 hour. The time will be equally divided and controlled between the two leaders or their designees.

Following morning business the Senate will resume consideration of the National Defense Authorization Act.

The Senate will recess today from 12:30 until 2:15 to allow for our weekly caucus meetings.

We will work on amendments to the Defense bill today. Everyone will be notified when votes are scheduled.

**NATIONAL DEFENSE AUTHORIZATION ACT**

Mr. REID. Mr. President, today we are going to continue work on the De-

fense bill. It is really an important measure, and that is an understatement. It safeguards this Nation. It ensures our troops have the resources and training they need. It provides for military families who support our fighting men and women. This is a serious bill, and it deserves serious debate—not to be bogged down by unrelated political issues.

For example, this legislation encompasses a lot of issues, including a pay raise for members of our Armed Forces. It authorizes dozens of special pay rates and bonuses, such as bonus payments for servicemembers who see combat or who are stationed overseas.

This important legislation also includes robust and far-reaching provisions to combat the scourge of sexual assault in the military, including changes that would ensure perpetrators are punished and victims are protected. Senators LEVIN, GILLIBRAND, MCCASKILL, and others have done exceptionally good work to confront this problem. As we build on their work, there are additional amendments concerning military sexual assault the Senate needs to consider.

The Senate must also consider amendments relating to the Guantanamo Bay detention center. Everyone is aware that we cannot complete this bill until we vote on the sexual assault and Guantanamo provisions.

I know this bill has a lot of provisions people would like to change. Frankly, we won't be able to change a lot of it. The committee did really good work in coming up with the bill. The two issues I have just talked about, though, must have votes. I would accept the language in the Defense bill as it relates to Guantanamo; I think it is a significant improvement. But my Republican colleagues want to have an opportunity to change that, and I understand that. That is why I said that should be the first measure we vote on. I have said that more than once, and I say it again.

The matter dealing with sexual assault is a controversial matter, and we have to have a vote on that. We have to do that. That is why I said that is the second most important issue we deal with in this bill.

Why couldn't we get these two important issues out of the way? I am speaking only for myself. If we have votes on those two measures, I think the bill would be ready to go to conference. I know people don't like to hear that, but I think that is, in fact, the case.

The time, effort, and wisdom led by Senator LEVIN to come up with a bill,

working with the new ranking member Senator INHOFE has been a labor of love for both of them. But these two issues need to be resolved on the Senate floor. I ask that it be done.

I asked last night by unanimous consent to get these things done, but there was objection from my Republican colleagues. So if we can't vote even on these amendments to these two crucial issues—and I know there are other issues, but no one can in any way disparage what I have just said, that these are two very important issues. Everyone, I think, agrees they have to be considered before we can complete the work on this underlying legislation. So if we can't get these two votes done, how are we going to address any of the other issues we need to work on?

Maybe I shouldn't be optimistic, but I can be hopeful that we will be able to schedule votes on these amendments soon. In the meantime, Senators should not wait to debate these issues. Let's take just these two issues until we schedule votes on these amendments. Senators should come to the floor to speak on the issues now. There is a limited time to complete this bill before the Thanksgiving holiday, and Senators should use that time wisely to engage in meaningful debate.

I am totally aware of the number of Senators who wish to offer amendments on other issues as well, both defense-related and otherwise. So Senators should file their amendments, and I hope we can figure out a way to have a robust amendment process. However, we cannot allow this important legislation to be sidetracked by debates on amendments unrelated to our Nation's defense.

Our Nation's defense is a relative term and some people have different ideas as to what that should mean. But the United States has passed this bill for more than half a century. This is a sign of respect for this institution and for the people this legislation represents—our Nation's Armed Forces. So let's give this bill the respect it deserves.

**NOMINATIONS**

Mr. REID. Mr. President, it is hard for me to find the words to express my disappointment for our country in yesterday's vote on another person to go to the D.C. Circuit Court of Appeals.

The last three people have been filibustered, and they are good people. They are qualified. Their records are outstanding for their work in the courts—scholastically brilliant, every one of them. But Republican obstruction has become endemic in the Senate



over the last five years, grinding the work of this institution to a halt, threatening the integrity of this institution and damaging our country. No President should have to put up with what President Obama has had to put up with.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The Republican leader is recognized.

#### HEALTH CARE

Mr. McCONNELL. Mr. President, over the past few weeks, we have seen vivid, painful confirmation of the predictions that many of us made about ObamaCare. Most notable among them, perhaps, was the President's often repeated promise: "If you like your plan, you can keep it." "If you like your plan, you can keep it," he said. But we were always doubtful that could possibly be true.

This was always what Democrats thought they had to tell the American people in order to muscle ObamaCare into law. They knew it wouldn't work otherwise. They knew the truth would not sell and, of course, that is all coming out now.

But we are also learning a lot of other very unsettling things about this law, such as the fact that a lot of things that were working well in our health care system are now being thrown out for no good reason by the same people who brought us the ObamaCare Web site.

High-risk pools are a good example. About three dozen States set up these kinds of pools to ensure Americans with serious medical conditions, such as those suffering from diabetes and heart disease, would have a place to turn. High-risk pools have often proved successful and popular among the communities they serve. They currently provide insurance to hundreds of thousands of Americans, including thousands of Kentuckians, nearly all of them with preexisting conditions—the very people the law was supposed to help. These folks benefit from this coverage and many want to keep it. Unfortunately, that would no longer be possible under ObamaCare. Nearly all of them will lose their coverage at the end of the year.

Just as millions of other Americans across the country, folks who like the coverage they have in these high-risk pools—and remember, I am talking about some of the most vulnerable people in our society—are now discovering they won't be able to keep it, either, despite what the President told us again and again. As it turns out, the folks who ran this law through Congress think people in these high-risk pools belong in ObamaCare instead.

They don't think it matters whether my constituents want to get dumped into ObamaCare or not; they made that decision for them.

A lot of folks in Kentucky don't think this is right and they are upset, and not just because they are losing their plan and all the hassle and complication that involves. For many of these folks, the plans they are being forced into have more limited hospital and doctor networks than the plans they currently have. As one State official recently put it, "If you're in the middle of chemotherapy, the last thing you want to do is switch oncologists."

We seem to see these kinds of stories just about every day now. There is the North Carolina woman with a severe heart condition who said she didn't know if her cardiologist and her procedures would be covered under ObamaCare. Here is what she said: "It's . . . the uncertainty that gets to me."

There is the breast cancer survivor and her husband who have been paying about \$800 a month for premiums in a high-risk pool. After that policy was canceled, they expected lower rates under ObamaCare. Instead, they found their premium and deductibles could actually be going up.

This is scary stuff. But these are the real-life consequences of ObamaCare. This is no longer some theoretical policy discussion. I would suggest that as we contemplate the future of this law, our Democratic friends should start paying closer attention to stories such as these because it is not enough to have a messaging strategy and to play the old Washington game by trying to weather the PR storm until folks move on.

These stories we are hearing from our constituents are literally heart-breaking. This is not some hassle to move past. It is a problem to solve. It is what we were sent here for, and it is what health care reform should be about—about helping folks, not hurting them.

We do not need to get past this news cycle, as some of the White House spinners seem to think. What we need to get past is a White House mentality that told us last week that passing a bill to codify the very promise the President made to sell the bill would gut ObamaCare. We need to get past a mentality that caused the President to issue a veto threat on a law that would let him keep his promise to the American people about keeping the health care plans they have and like.

It is almost comical watching the contortions the administration is making trying to explain this fiasco away. Over the weekend we learned through a White House leak to the Washington Post that the President's new definition of success for the ObamaCare Web site is four out of five users making it through the checkout line—four out of five users making it through the

checkout line. Who thinks that is acceptable? I certainly do not, and I cannot think of anybody outside the White House compound who will think that is acceptable either.

Frankly, if this is the President's way of restoring credibility on this law, by leaking that the Web site will not even work for one out of five users just a few days after vowing it would soon be up and running like a top, well, he has some work to do. The bar for clarity, honesty, and success under ObamaCare has sunk to new lows.

Look, if you are being treated for cancer and about to be dumped into ObamaCare, the last thing you want to hear is that leaving one out of five people behind is now considered an ObamaCare win. We are talking about people's lives here. This kind of mindset—whether we are talking about a Web site or anything else—is deeply worrying.

But then again this has always been the problem with blind faith in massive government programs. It is the old idea that we should not let the evidence get in the way of a good theory. That is the mindset the supporters of this law are stuck in right now—just blindly adhering to the hope that this program will work against all the evidence. It is pretty distressing. It is going to have to change if we are going to get anywhere.

The real question right now should be obvious: What is the administration's plan to turn all this around? We know they have a press plan. What is the policy plan? What is the policy plan? Does the administration have anything of substance to tell folks who are losing their plans? Does it have anything to tell folks in these high-risk pools who could be losing their doctors? Does anyone over there know—anyone?

I have said this before and I will say it again: These are people's lives we are talking about. So it is time for a reality check. The defenders of ObamaCare have a choice: Stand up for your constituents or defend a law that is falling apart before our very eyes, a law that threatens to drag down the quality and affordability of care for millions—literally millions—of Americans who need it, including those most in need.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Michigan.

#### ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I have a very brief statement I will now make, and I thank the Senators from Maryland and Maine for allowing me to do this. I ask unanimous consent that the very brief statement I am going to make not count against morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, later this morning the Senate is going to resume consideration of S. 1197, the National Defense Authorization Act for Fiscal Year 2014. I will have a full statement to make on this legislation later today. However, I would like to take just a moment to talk to my colleagues about where we are on the bill and how we would like to proceed.

Last night, the majority leader asked for unanimous consent to bring up side-by-side amendments on subjects that we know we need to debate and vote on—military detention at Guantanamo and sexual assault and misconduct in the military. Each amendment and side-by-side was to be subject to a 60-vote threshold. Unfortunately, there was an objection to this request. As a result of that objection, the majority leader filled the amendment tree on our bill.

Now we are in a position where we are going to need the cooperation of all Senators to get this important bill passed, as we must, in the limited time available to us before Thanksgiving week in order that we will have time to go to conference, get a conference report, and bring that conference report back to the House and Senate.

It remains our intention to bring up and vote on as many relevant amendments to the bill as possible, and I know the Republican manager, ranking member Senator INHOFE, shares this objective. Toward this end I expect there will be further attempts later in the day to reach a unanimous consent agreement on the first amendments to be brought up, and that will be a repeated unanimous consent request that was offered last night for those first two amendments.

It is also our intention to clear amendments, as we have always done on this bill. I urge our colleagues, if you have amendments, to file them, bring them to us, so we can try to clear them. The majority and minority staffs of the Armed Services Committee are working hard. We hope to have a first package of cleared amendments ready

for consideration later today, and we will continue to go through that process during the week.

Finishing this bill is going to be a very difficult task. We have managed to do it for the last 51 years, and I am confident, with the cooperation of all Senators, we will be able to do it again this year. We must for the sake of our troops, their families, and our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### SEXUAL ASSAULT IN THE MILITARY

Ms. MIKULSKI. Mr. President, today we, of course, are beginning the debate on the National Defense Authorization Act. Throughout the next hour, and throughout the rest of the day, you will see the women of the Senate take the floor, one, in support of our military but also to express their concern and their ideas on how to deal with sexual violence in the military. You will see in the next hour our ideas—the fact that we have excellent ideas in the bill—and then we will have a robust debate on how to even further enhance this process.

This is a compelling national problem. When you join the military and you face the enemy, you should not have to fear the enemy within. No woman should be a victim of rape by a fellow soldier or seaman or corpsman. No man should face the same sexual attack and call it hazing. There is no place in the U.S. military for violence against one member of the military by another.

I am pretty fed up. I am fed up with lip service and empty promises and zero tolerance policies and task force after task force after task force. I am an old-timer in this institution. I have been here for 25 years, and I have worked on this issue every year. Ever since I first came here there has been some repugnant occurrence—from when I was a brandnew Senator and I had to deal with a situation at the Naval Academy where a female midshipman was chained to a urinal at the Naval Academy and taunted for 3 hours by fellow midshipmen, until she was freed by a visiting Air Force cadet, getting her out of handcuffs at her own Naval Academy. Then there was Tailhook. Then there were other kinds of incidents.

Statistics after statistics. There are 26,000 reasons why we are on the floor today. Mr. President, 26,000 sexual assaults have occurred in our U.S. military this past year.

Then we look at the service academies training the future leaders—15 attacks at the Naval Academy, 15 attacks at West Point, and over 50 attacks at the U.S. Air Force Academy.

Now is the time to do something, to do something bold, to do something

strong and something unequivocal, something victims can have confidence in, where the accused can feel the process will be fair and we restore the confidence in the U.S. military to stop this and to deal with their own.

I am proud of the leadership taken by the women in the Senate and the women on the Armed Services Committee. There are now seven women on the Armed Services Committee—five Democrats and two Republicans. Wow, do they work on a bipartisan basis with the leadership of the committee. We appreciate the work of the fine men who have supported us in dealing with this issue. We particularly thank Chairman LEVIN for his leadership, and we acknowledge the role of Senator INHOFE. By the way, all of the women of the Senate wish to express our sincere condolences to Senator INHOFE on the loss of his beloved son, Dr. Perry Inhofe.

This is not just a women-only fight. This is a fight to make sure our military continues to be the best in the world and that when you serve, there is an enemy outside that we will always face, but there is an enemy within that we need to now end.

We, the women of the Senate—all of us—agree on the goals. We want to be able to provide prosecutorial tools for punishment, we want to ensure fairness in the process, and we want to make sure we get help to the victims.

The National Defense Authorization Act has more than 30 reforms in it to accomplish that. Thirteen relate to prosecutorial reforms, 10 are reforms to improve victims' services, 2 reforms are to improve training of first responders, and 5 also deal with various kinds of reporting.

I am so pleased that the bill works to prevent retaliation against someone who reports a crime. So if you feel you have been a victim of sexual assault you are not retaliated against by stepping forward, where you are then doubly victimized, both by the attack and then by those who want to squelch the fact that you want to bring the attack to the surface and to follow some kind of redress and to also get help.

It also eliminates the statute of limitations on courts-martial for sexual crimes. It requires a review of decisions by commanders not to prosecute and requires dishonorable discharge for anyone convicted of a sexual assault.

The bill ensures that every victim gets access to legal counsel and support. This is very important. It is important not only to me and the other women, but it is important to the person who would be injured. First responders must have training in sexual assault. There are others that could be elaborated on.

Sexual assault in the military continues to rise. It is a problem, as I said. I am worried about the men and women every day, to be sure that they are well trained and well protected.

Unfortunately, many of these acts of violence are unreported, unprosecuted, and unpunished. DOD's own annual report gives us a picture of why victims do not report these crimes. Fifty percent do not think anything will be done, 43 percent believe they will not be believed, and 47 percent are afraid of retaliation.

The reforms in this bill deal with those fears and their concerns. We are ready to reform, revise, and standardize how the military deals with these problems. These reforms will change the way the military thinks and how they act.

During the course of this whole process, we have met with victims and heard their stories, we have met with experts and advocates, we have met with the military themselves. Now we are ready to give all concerned in this a voice by using the Defense bill for a vehicle for serious and significant reform. We have been able to do this because we have worked together on both sides of the aisle, working with the leadership of the committee—30 reforms that people can count on for fairness in the process for the accused but also help to those who feel they have been victimized but to be sure they are not victimized by the very system they count on.

I eagerly look forward to hearing from my senior Republican colleague Senator COLLINS.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maine.

**Ms. COLLINS.** First, I wish to commend the senior Senator from Maryland, the dean of the women Senators, for organizing this debate today on an issue that concerns each of us; that is, the growing crisis of sexual assault in the military.

I first raised my concern over the military's inadequate response to the growing crisis of sexual assault nearly 10 years ago. I remember it well. It was a hearing before the Senate Armed Services Committee in 2004, at which I expressed my growing alarm about the number of sexual assaults in the military and the inadequate response by the leaders of the military to provide adequate care for the survivors and to ensure appropriate punishment for the perpetrators of these reprehensible crimes.

In an exchange I had with GEN George Casey, I stated the military needs to be much more responsive to reports of sexual assault, particularly in the field, and to separate these women and, in some cases, the male victims, from their alleged attackers. The Department must also vigorously prosecute offenders and hold commanders accountable for establishing zero tolerance policies.

To say that General Casey's response was disappointing would be an understatement. I am convinced that if the

military had heeded the concerns that I and others such as Senator MIKULSKI raised a decade ago, this terrible problem would have been addressed much sooner, saving many individuals from the trauma, the pain, and the injustice they endured.

Back then, sadly, the attitude of the high-ranking officials who were testifying at that 2004 hearing was dismissive, even though these crimes never should have occurred in the first place, traumatized the survivors, and eroded the trust and discipline that are fundamental to every military unit. Thankfully, the attitude I perceive amongst senior military officers today is markedly different from the one I encountered 9 years ago. The work of translating the military's stated policy of zero tolerance into reality, however, remains unfinished business. Fostering a culture of zero tolerance so that the number of assaults is greatly diminished remains a goal, not reality. Ensuring that survivors do not think twice about reporting an assault for fear of retaliation or damage to their careers is still not part of the military culture.

In 2011, I joined our former colleague John Kerry in coauthoring the Defense STRONG Act as an initial step to address this crisis. Provisions of that bill were signed into law as part of the fiscal year 2012 National Defense Authorization Act. They provide survivors of sexual assault the assistance of advocates with genuine confidentiality. They provide guaranteed access to an attorney and expedited consideration to be transferred far away from their assailant.

Earlier this year I introduced the Coast Guard STRONG Act to extend these protections to Coast Guard members. I thank Chairman LEVIN, Ranking Member INHOFE, and Senator MCCASKILL for their work to include these provisions in this year's NDAA.

More than anything, survivors need to have the confidence that the legal system in which they report a crime will produce a just and fair result. Based upon data from the Department of Defense's most recent sexual assault prevention and response survey, that view is not held by enough service-members or survivors.

As a result, I have supported and introduced legislation with Senators GILLIBRAND and MCCASKILL aimed at reducing the barriers to justice that many survivors of sexual assault currently face in the military.

I commend both Senator GILLIBRAND and Senator MCCASKILL for their extraordinary leadership and dedication to resolving this unacceptable problem.

Let me also thank Chairman LEVIN and Ranking Member INHOFE for incorporating significant provisions from both bills into the NDAA.

In fact, there are more than 26 provisions specifically targeting sexual as-

sault in the military in the bill that we are debating today. For example—and there are many, but I wish to highlight one because it was part of a bill Senator MCCASKILL and I introduced—the legislation mandates a dishonorable discharge or dismissal for any service-member convicted of sexual assault. This came from a bipartisan, bicameral bill, the BE SAFE Act, that I introduced with Senator MCCASKILL, Congresswoman NIKI TSONGAS, and Congressman MIKE TURNER earlier this year.

In addition, the NDAA eliminates the ability of a convening authority to overturn a conviction by a jury post-trial for major offenses.

It permits a commander to relocate an alleged perpetrator of a sexual assault crime rather than relocating the survivor following an attack.

It eliminates certain factors, such as the alleged character of the accused, that a commander can consider in deciding how to dispose of an offense so that these decisions are based on evidence and the law.

Finally, the bill includes a provision I support that requires the military to provide an attorney dedicated to the interests of survivors of sexual assaults who can provide legal advice and assistance when survivors need such assistance the most.

There are many other important provisions that are included in this bill. Our work will not be complete until the Pentagon has demonstrated that it is fully enforcing its stated policy of zero tolerance for sexual assault.

There are strong views in the Pentagon and in Congress on how best to address this issue beyond the 26 provisions in the bill before us. There is much debate on what it means for the military's unique legal system.

One of the criticisms I have heard is that we should wait a few more months for the results of still more studies or perhaps even wait a few more years to see if recently enacted provisions have made a difference. I strongly disagree. How many more victims are required to suffer before we take additional action? How many more lives must be ruined before we act? Rather than waiting for the results of yet more studies, we must debate proposals to increase the confidence of survivors and increase prevention efforts now until we have proved that the military has, indeed, fostered a culture of zero tolerance in which survivors are no longer concerned about retaliation from their peers or even their commanders.

This is why I have decided to support Senator GILLIBRAND's amendment to this bill. This was not an easy decision, as there are valid arguments on both sides. Senator GILLIBRAND's amendment takes aim squarely at the problem of victims failing to report sexual assault. In my judgment, her amendment will encourage more victims to

report sexual assaults, and that is absolutely critical.

There can be no question about the Senate's commitment to reducing the instances of sexual assault in the military and to providing appropriate care for survivors. As we debate various proposals, we are united by the need for the serious reforms that are included already in this bill and that will enhance the military's response to sexual assault.

I wish to thank all of those on the Armed Services Committee, particularly the two leaders, Senator MCCASKILL and Senator GILLIBRAND, for their excellent work.

I am certain our work on the NDAA will make a real difference in reducing unnecessary suffering, injury, and injustice.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I thank my colleagues Senator COLLINS and Senator MIKULSKI for their leadership on this issue and for bringing this important discussion to the floor today.

I also thank Senator MURKOWSKI, who I see in the Chamber as well, who has been a leader. Also, I thank Senator MCCASKILL, who has been a leader in the Armed Services Committee with me.

This has been an issue that has brought people together. It has brought people together for the right reasons. This is an issue that the women of the Senate have really driven, but it is important to understand that this is not a woman's issue. The issue of ending sexual assaults in our military is an issue for everyone. This is an issue about justice. This is an issue about fairness. This is about making sure that victims of crimes, both men and women, get the justice they deserve, the support they deserve in our military, and that they understand and appreciate that we want them to have a climate in the military where if they are a victim, they can come forward and receive the support they need and that they deserve.

Finally, this is also about the character of our military. We are blessed to have the very best military in the world, but when there is a plague of sexual assaults such as we have seen in our military, it undermines the very fabric of our military in terms of our readiness, in terms of our preparedness, and in terms of the cohesiveness of our units.

This is why it is not only important that we address and support the victims of these crimes, that we end sexual assault in our military, but that we have a climate in our military that says: If you are a commander and you do not stop sexual assaults, prevent sexual assaults, have a climate in your unit that says zero tolerance, this is not going to happen; if a victim comes forward in your unit and you don't

handle this the right way, do the right thing, support victims, and ensure that perpetrators are held accountable, you will be relieved from command.

That is the climate in which all of the reforms in this Defense authorization are brought forward, where we work together across the aisle with very strong provisions to support victims.

One of those provisions is a special victims counsel. Senator PATTY MURRAY and I introduced a bill, stand-alone, to ensure, based upon a pilot program in the Air Force, that victims of sexual assault will actually now have their own lawyer, someone to represent them and their interests, to know that if they come forward there is someone looking out for them. That is one of the provisions contained in this Defense authorization bill, to ensure that every victim will have someone who stands for them.

In addition to that is retaliation. We have now made retaliation against victims a crime under the Uniform Code of Military Justice. This is to say to victims that if they come forward and for some reason are retaliated against, then whoever does that will be guilty of a crime. This is sending the message to please come forward, we want to support you, and we want to be sure the perpetrators are held accountable.

In addition, I believe that if we want to solve this problem, the provisions in this bill that people have worked together on are very strong. I thank the chairman of the Armed Services Committee and the ranking member for their work together.

We are going to pass in this Chamber unprecedented reforms that ensure that the military understands this is not an issue anymore that can be left in the closet. This is not an issue that can be quietly spoken of where victims feel they can't come forward. The reforms in this bill are very tough. They support victims. They hold commanders accountable, and they make sure we do not see what we have seen in the past, things such as commanders overturning the verdicts. That will be done under this bill. That is not allowed anymore if this bill passes on the floor.

So I simply come to the floor today to say there is so much we have agreed upon that is going to address this issue in the military, and I thank all my colleagues on the floor today for their leadership. We will not let this rest. The one thing I do know, for those of us who serve on the Armed Services Committee and those who are here in the Chamber who do not serve on the Armed Services Committee but serve on other important committees, including the Appropriations Committee, despite the unprecedented reforms I believe we are going to pass on a bipartisan basis to end sexual assault in the military and to ensure victims are sup-

ported, we are not going to let this go. This is not going to be something where we pass these reforms and that is the end of the story. Every few months we are going to be asking: What have you done to implement these reforms? Every few months we are going to be expecting a report back to the Senate to ensure that what we all have intended to occur here—that is the right thing for victims of crime, that is the right thing for our military—is getting done.

So while I am very proud of everything we have done and we will do when we pass the Defense authorization bill on a bipartisan basis to stand against sexual assault in our military, this is not the end of the story. We will continue to pursue this to make sure that our military understands they are accountable, that victims of crime understand that while in the military they will be supported, that we will not let this go.

I thank the Chair and my colleagues for their leadership and everything they have done to support victims of crime and to end sexual assault in our military.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to join my colleagues in highlighting the epidemic of sexual assault in our Nation's armed services, and I am glad to join many of my colleagues here—the Senators from Maine and New Hampshire and our leader, the Senator from Maryland—in making sure the voices of women are heard in this debate.

We know that in May 2013 the Defense Department released a report that showed 26,000 incidents of unwanted sexual contact among service-members. That is an increase of 35 percent over 2 years.

In my State, Washingtonians are very proud of the incredible men and women who keep our country safe and defend us, and we are proud of the 10 military installations across our State. There are more than 65,000 men and women serving in military installations in the State of Washington—places such as Joint Base Lewis-McChord, the Puget Sound Naval Shipyard, Naval Station Everett, Naval Base Kitsap, Whidbey Island Naval Air Station, Bangor Naval Submarine Base, and Fairchild Air Force Base. So we took it seriously when there were 116 reports of sexual assault across all of these installations in the State of Washington in 2010. That number is too high, and that is only the amount that is being reported. We know there may be many assaults that go unreported.

As my colleagues are saying, we need to do everything we can to address this problem. I am pleased that Joint Base Lewis-McChord is developing a sexual assault prevention program, and I urge my colleagues in the Senate to act to

address this epidemic problem. The men and women of our Armed Forces are basically defending our country, so why are we leaving them unprotected while they serve?

I have cosponsored legislation authored by my colleague the senior Senator from Washington to provide special victims' counsel to victims of sexual assault. This will ensure that professionals trained in dealing with sexual assault are there to support the victims.

There may be differing opinions on how best to achieve the overall goals of reducing sexual assault in the military, but I believe all my colleagues can agree on one common goal: protecting the victims from further abuse. We need to put an end to an environment that allows sexual assault to occur and that lets the perpetrators go unpunished and discourages victims of sexual assault through fear and intimidation. Again, we may differ on how to best achieve that goal, but we are all here to say the same thing: Enough is enough. We will not tolerate sexual assault in the military and Armed Forces, and we owe it to our servicemembers to come together and act toward a solution today. That is why my colleagues are here—to emphasize this point in a way that speaks volumes about how this tragedy is affecting men and women in the armed services and the fact that this institution needs to come together to address it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my friends, the good Senator from Maryland, the dean of the women in the Senate, and the Senator from Maine, who have organized this portion of the debate this morning. I acknowledge and thank the other women of the Senate who are here this morning to speak on an issue we would all agree is something that must be addressed and that for far too long has not seen the redress it commands. So we stand together unified in an effort to truly make a difference.

I acknowledge the good work particularly of Senators MCCASKILL and GILLIBRAND, who have worked to raise the awareness of sexual assault in the military. They have truly advanced the discussion to the point where for the first time in far too long we will make substantive, meaningful headway when it comes to addressing sexual assault, sexual harassment, and what has been called or referred to as military sexual trauma. Working together I think we do have that momentum, that push to truly address these areas in a meaningful way.

When the Senate passes the National Defense Authorization Act for 2014, it will be evident to all that we have sent a very strong message on these issues—

a very united message, clearly bipartisan.

It should be clear to all who have been following the debates—first in the Armed Services Committee and now here on the floor—there are differences of opinion within this body about how we address the crisis. But there is no difference of opinion that we must address the crisis. That means how to create a culture that prevents the kinds of incidents we are talking about from ever occurring; how we work to protect the rights of victims; how to ensure that justice and accountability are achieved in an open and transparent fashion so that victims know there is a system that works for them and so that our constituents know and we here in Congress have that confidence again. Right now that confidence does not exist.

We recognize that there remain differences across the body in how to achieve the elimination of sexual assault, sexual harassment, and military sexual trauma. I believe the amendment offered by our colleague from New York Senator GILLIBRAND is the best medicine for a difficult situation that has been allowed to languish for far too long.

This afternoon I intend to spend a little more time explaining why the amendment of Senator GILLIBRAND, although it is strong medicine and it is disruptive of the status quo, is the right way to go. But my purpose this morning in joining with my female colleagues here in the Senate is not to argue for or against one amendment or another; it is to point out that the NDAA, as reported by the Armed Services Committee, includes many provisions—so many provisions—that truly have a positive impact going forward.

I would also point out that during the course of our debate on the NDAA, the Senate may consider other amendments that enjoy broad support. My colleague, the Senator from California Mrs. BOXER spoke eloquently last night about her amendment that will protect victims' rights in article 32 proceedings. This amendment has drawn good, strong support from those who support the approach of Senator GILLIBRAND as well as those who oppose it. I am proud to cosponsor the amendment of Senator BOXER. It is good legislation, and I hope we can come together to adopt it.

I have submitted amendment No. 2141. This ensures that cadets and midshipmen at our Nation's service academies have access to special victims' counsel and sexual assault nurse examiners. Another of my amendments, No. 2143, requires reports from the heads of our service academies on the services available to victims of military sexual trauma. I would certainly hope these noncontroversial amendments can be offered and accepted at the appropriate time.

I think all of these ideas—those mentioned by my colleague from New Hampshire, those addressed by my colleague from Maine and others—will all help to make a difference, but I think we recognize that this is just the beginning of solving the problem. The Congress of the United States can encourage good behavior and can sanction bad behavior, but what we cannot do is legislate good culture.

Over the next few days we are going to hear a good many words about the importance of the chain of command in maintaining good culture. Some will argue that our efforts to ensure bad behavior is sanctioned will cause the chain of command to abandon this responsibility. I don't accept this proposition. Regardless of how we dispose of the amendment of Senator GILLIBRAND or the amendment of Senator MCCASKILL, it is the responsibility of the chain of command to provide for good order and discipline and sound military culture always. This is a nondelegable duty of those who accept positions of leadership and responsibility within our Armed Forces.

Those who wear the uniform reflect the values of this country, and every action they take must uphold those values. Sometimes, though, one has to wonder, does the chain of command get it? To illustrate a point, I want to share a sad story. This is a story Senator GILLIBRAND and I share.

The soldier's name was Danny Chen. He grew up in New York City's Chinatown. He joined the Army, and he was assigned to Fort Wainwright in Fairbanks, AK. From there he was deployed to Afghanistan. He was found dead in Afghanistan of what the Army described as “an apparent self-inflicted gunshot wound.”

New York Magazine describes his experience in Afghanistan this way: A group of his superiors allegedly tormented Chen on an almost daily basis over the course of about 6 weeks in Afghanistan. They singled him out. He was their only Chinese-American soldier. They spit racial slurs at him. They forced him to do sprints while carrying a sandbag. They ordered him to crawl along gravel-covered ground while they flung rocks at him. One day, when his unit was assembling a tent, he was forced to wear a hard hat and shout out instructions to his fellow soldiers in Chinese.

Danny Chen's story is not about sexual assault or sexual harassment, but it is about harassment. It is about the kind of extreme behavior that has no place—absolutely no place—in the Armed Forces of this world's greatest democracy, just as sexual harassment and military sexual trauma have no place in our Armed Forces.

This week we have the opportunity to send a strong statement to the chain of command that they need to clean up the culture. Never again should we

have to speak of a culture that allows harassment, assault, and trauma generated from within to fester within our military.

So I join with my colleagues this morning in unity for the victims and for a change—a change that will realign the reality that our servicemembers seem to face in the Armed Forces with the values of the greatest democracy on Earth.

I thank the Chair and my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to speak on the National Defense Authorization Act and how the Senate, and particularly the women of the Senate, are working to address the crisis of military sexual assault.

I thank Senators MIKULSKI and COLLINS for organizing and bringing us together this morning. I thank Senators LEVIN and INHOFE for their leadership, and I thank Senators MCCASKILL and GILLIBRAND for working on this critical legislation over the course of the past year. Of course, I thank all of the women of the Senate. We have heard from many of them this morning and will hear from more because this is an incredible year—a year that I hope will be remembered as a decisive one in the effort to eradicate military sexual assault once and for all.

We are all too well aware that sexual assault continues to plague our Armed Forces. We have all seen the horrifying numbers. In 2012, the Department of Defense received 3,374 reports of sexual assault in the military. But by the DOD's own estimates, 26,000 incidents of unwanted sexual contact actually took place during that period. That means that only 12.9 percent—a small fraction—of all incidents were actually reported. Of the 3,374 reported offenses in 2012, only 880 faced command action for sex crimes. Of those 880, 594 faced court-martial, and 302 of those court-martial resulted in convictions.

So all in all, we have a situation in which 880 people faced any kind of discipline for a sex crime out of the universe of 26,000 potential incidents. That is only 3.4 percent of total of incidents in which someone was held accountable, and only 302 or 1.1 percent were actually convicted of a crime. That is not a good set of numbers, and it sums up why this problem has been festering and why we need action this year.

But I think we also know that we are not all here because of the statistics. We are here because of real people and because each and every one of the numbers is a personal story of grief, and we know them all too well. Whether it was the sexual assault scandal last year at Lackland Air Force Base in Texas where a dozen or more basic training instructors were accused of sexually assaulting female trainees or the more recent case at the air base in Italy,

where an Air Force general decided to reinstate a pilot, without explanation, despite the fact that this pilot had been convicted of sexual assault charges in a court-martial by a jury of his peers.

I think of Kimberley Wellnitz from Mora, MN. She served with the Marines in Iraq. In 2005, she was handcuffed to a bed and assaulted by a fellow Marine—her supervisor. She reported him. The end result? He was demoted in rank.

It is clear we have so much more to do in addressing this problem. It doesn't just hurt our men and women in uniform. It undermines the integrity of our Armed Forces and the integrity of our country, and that is why we can't let it continue.

I know everyone in the Senate—and none more than the women of the Senate—wants action to change this intolerable situation. And action is what we are going to get. This year's National Defense Authorization Act contains more than two dozen unprecedented reforms which will increase reporting of these crimes, provide support to victims, and help rebuild trust in the military's handling of sexual assaults.

As a former prosecutor who ran an office of 400 people, I learned over time that the outcomes are incredibly important. But just as important is how people feel about how they are treated in the system. Every year we did a survey of our victims of domestic abuse and of sexual assault, and one of the aspects that became clear over time: Just as important as how many months someone got in prison was whether or not the crime was explained to them, whether or not the process was explained to the victims, and whether or not the outcome was explained. We actually had people come back and say: I know this case had to be dropped; or I know you couldn't bring charges in this case, but I felt that you treated me with respect, and I understood that my case would still remain so that if another case came forward my record would be there, my report would be there. If the facts were better or if there was more evidence, you could go forward with it. That led me to get involved way before this past year in the issues of record retention in the military on sexual assault reports.

When I first got involved, we learned the shocking fact that many branches of the military were destroying the records sometimes in 1 year, sometimes in 5 years. That is why Senator Olympia Snowe and I got together and proposed changes to that system. We actually changed it so records would be kept for decades. But the problem is that still in the law, despite two changes we have made over the years on this exact authorization act, the victim actually has to sign something and say they want the records retained. That would not happen in a civil court.

Current law only requires retention of restricted reports—and that is when a servicemember chooses not to take legal action—at the request of the affected servicemember. This might seem innocuous, but it is not. It is a loophole allowing for the continued destruction of records, making it harder for service men and women who have been sexually assaulted to get VA benefits for the assault or to seek justice in the future.

I did an event with a former marine whose case couldn't be brought. Because she was a marine, the records at the time were kept for 5 years. So when the perpetrator got out and raped two kids in California, that prosecutor in California was at least able to look at the records. Whether he could use them or not is somewhat immaterial. It simply helps to look at the records to know what happened and if there was a similar *modus operandi*.

A servicemember who has been through an assault should not be forced to reach a far-reaching decision whether his or her report on such a crime will be retained or not, as is what is happening right now. This bill gets rid of the double standard between restricted and unrestricted reports, ensuring all reports are stored in a secure and private manner for at least 50 years. It also contains a provision from my bill requiring the disposition of substantiated sexual-related offenses be noted in personnel records. This will help ensure that commanders are aware of potential repeat offenders. And it contains the language from my Military Sexual Assault Prevention Act—and I thank Senator MURKOWSKI for her support—which expresses the sense of the Senate that charges of rape, sexual assault or attempts to commit these offenses should be disposed of by court-martial rather than by nonjudicial punishment or administrative action. We want offenders to be convicted and punished, not just given a slap on the wrist by commanders or allowed to slink away without a discharge.

This year's NDAA also includes legislation which I introduced with Senator MCCASKILL to add sexual assault and related charges to the list of protected communications that can be investigated by the DOD inspector general. This is expanded whistleblower protection which will help ensure that servicemembers are able to report sexual assault crimes without facing retaliation.

These are just a few of the provisions addressing sexual assault in this bill. We also know this bill does so much focused on victims' rights and treating our victims with the respect that they deserve.

Our country is fortunate that we have so many selfless service men and women who volunteer to serve their country. When they raise their hands

to serve, we take on the responsibility to provide them the means to accomplish their mission and to ensure they don't have to worry about what is going on behind the front line. Sexual assault in the military betrays that responsibility. If in the course of their service our service men and women experience an assault that our military failed to prevent, then we owe them the basic decency of justice.

I look forward to working on and passing this bill with my colleagues so that we can protect our servicemembers once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are seeing something pretty historic, with over half of the women of the Senate speaking on this issue. I know the press isn't covering this, but I hope with C-SPAN they are.

This is a bipartisan effort, with 30 reforms we have agreed to, and it is very impressive that we are all here, speaking up with one voice, and an occasional difference in goals. I hope America is watching because this has never happened before.

I now turn to the Senator from Wisconsin for her remarks, then to the Senator from Missouri, and then to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise this morning to speak about this year's national defense authorization legislation and the important reforms that are a part of the underlying bill to improve our military's response to sexual assault within its ranks.

The men and women in our Armed Services serve with courage in defense of our freedom every single day. In my eyes their service needs to be respected by taking decisive action to address the ongoing crisis—in fact, you can call it an epidemic—of sexual assault in the military. We know the system is broken, and it is long past time we fix it.

I wish to share just one story from a remarkable and brave woman named Rachel who lives in LaCrosse, WI.

Rachel joined the Army in 2004. She was sexually assaulted that same year while she was stationed at Fort Meade in Maryland for advanced individual training. After reporting her assault to her commanding officer, Rachel was interrogated for hours over numerous days and ultimately forced to drop the charge. She was written up for fraternization, and her assailant was not charged with any crime.

As you can imagine, Rachel was deeply affected by the trauma of this crime and continues to face struggles with post-traumatic stress disorder. But Rachel is a survivor and a true inspiration. She has turned her pain and courage into a platform for advocacy and service to her community, working

through her organization Survivors Empowered Through Art to raise awareness about military sexual assault through the power of art and storytelling.

Rachel's story is a reminder that she is not alone and that we must do everything that we can to make sure that all victims of sexual assault have the support they deserve. That is why I am heartened by the many important reforms included in the 2014 National Defense Authorization Act and very grateful to the bipartisan coalition, in particular of women Senators who have worked so diligently to make this change happen. In particular, Senators GILLIBRAND and MCCASKILL have led the fight to make these improvements. Their efforts will make a real difference in the lives of countless Americans by preventing sexual assault in the military and greatly improving our support to victims.

However, I believe more must be done to help victims of sexual assault. That is why I am a proud cosponsor of Senator GILLIBRAND's amendment, which would improve on these important reforms by removing the prosecution of major crimes from the military chain of command. Instead, military prosecutors would determine whether to move a case forward, which would eliminate inherent bias and conflicts of interest which currently deter victims from reporting sexual assault crimes in the first place.

I am also filing an amendment to ensure we are including ROTC programs in our conversations about military sexual assault. Just like we must ensure our new officers from service academies meet our highest standards, we must do the same of those commissioned in ROTC programs across America.

I think the important improvements in this year's Defense authorization show the great promise of what can be achieved if we work together in a bipartisan way to get work done for the American people.

It is a tremendous privilege to be a public servant. It is a special privilege to be the first woman elected from my State to the U.S. Senate. One of the best parts for me is that I get to be a woman in the Senate at a time when there are so many incredible other women in the Senate to work with, to learn from, and to look up to. I expressly thank my Senate colleagues who serve on the Armed Services Committee—Senators MCCASKILL, HAGAN, SHAHEEN, GILLIBRAND, HIRONO, AYOTTE, and FISCHER. I thank them for their work in guiding this process through their committee in such an effective and bipartisan way. And my thanks of course goes as well to Senators LEVIN and INHOFE for their stewardship of these important provisions.

I thank Senators MIKULSKI and COLLINS for organizing today's floor

speeches. The cumulative total of those changes represents true progress in eliminating the tragedy and scourge of sexual assault in our military. I once again thank my colleagues for their bipartisan work.

I yield the floor.

The PRESIDING OFFICER (Mr. Kaine). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I too thank my colleagues Senator MIKULSKI and Senator COLLINS for making an effort today to highlight the work that has been done on this important issue. I would be less than candid if I did not say it has been frustrating to have one policy difference dominate the discussion of this issue over the previous few weeks, without anyone even realizing the historic reforms that are contained in this bill. So I welcome the opportunity to come with my colleagues who may disagree on one policy issue but do not disagree on the goal and are taking a moment to recognize the work that has been put into this bill by not just the women of the Armed Services Committee but also the men of the Armed Services Committee.

After the hearings—and some of us have spent literally hundreds of hours pouring over trial transcripts, spending time visiting with prosecutors—I think we have fashioned historic and amazing changes that are going to forever change the successful prosecution of rapists in our military and go further to protect victims.

I come to this issue with a great deal of experience. I think it is not hyperbole or overstating it that I have stood in the courtroom prosecuting sexual predators more than any Member of the Senate. I have handled hundreds and hundreds of cases and dozens and dozens of jury trials. No one in this Chamber has intersected with victims of sexual assault more than I have. I do not think anyone has more of an understanding of the particularly complicated problems that these cases present, especially when there is a "consent" defense.

Keep in mind that the vast majority of these cases in the military are consent offenses. You have two options in a sexual assault case. One is "it wasn't me," and the other is "it was consensual activity." It does not take someone much to understand the principle that in this instance most of these cases are going to be consent defenses.

Why do I emphasize that? I emphasize it because it is relevant. It is particularly relevant to the reforms that we embrace in the underlying bill. The time period in which a victim decides she is going to come forward out of the shadows and hold her perpetrator accountable is invariably very close in time to the time of report. It is how she is treated at that juncture more than anything else, more than whether she has been victimized in the military



or whether she has been victimized on the streets of your hometown—she is coming forward with the most personally painful moment of her life. Keep in mind if you are coming forward with the most personally painful moment of your life how complicated that gets if you know the defense is going to be that you wanted it, that it is consensual, and then it is even more difficult.

That is why the vast majority of these crimes in our country are never reported, ever. It doesn't matter whether we are talking military or civilian. So how can we, at that critical moment, make sure that victim gets the help and support she or he needs to do the unthinkable, and that is to lay herself or himself bare to the public about what has happened. The way you do that is through the reforms my colleague Senator MURRAY stressed and that we have incorporated in this bill, and that is that every single victim gets their own lawyer.

I don't think many Members understand how extraordinary that is. That reform alone will make our military the most victim-friendly criminal justice system in the world. In no other criminal justice system anywhere—civilian, military, United States, our allies—does a victim get that kind of support. That is what is underlying in these reforms. We already know it works because it has been a pilot program in the Air Force. Unlike those who say reporting will never go up unless we make another policy change, reporting is spiking in our military, up 50 percent just this year. That is because the victims are getting the word, not only do you not have to report to the chain of command, you are going to begin to get the resources and help and knowledge you need to navigate the choppiest waters, emotionally and personally, you will ever encounter.

Not only have we done that in the underlying bill, we also have done other work such as stripping commanders of their ability to abuse this system by changing the outcome of a trial—very important.

Making the crime of retaliation a reality in the military—it should be actionable in a criminal court within the military if you retaliate against a victim who reports. Now not only will the victim know that retaliation is a crime, not only will the unit know retaliation is a crime, the victim has her own lawyer who can help press those charges if that occurs.

Think of the practical consequences of this reform. You go back into your unit, you are retaliated against, you call your lawyer: You will not believe what they did to me today. Your lawyer helps you bring charges against those who might retaliate.

It requires automatic discharge from the military for rape or assault convictions.

There will be other opportunities to debate the policy difference we have

about how these cases are handled in the military, but I cannot say how grateful I am to the dean and to Senator COLLINS for doing this today. It is very important that we not lose sight that this is not about a bumper sticker. It is not about one side versus the other. This is about doing the very best job we can on the policy so we can protect victims, prosecute offenders, and get them the hell out of our military. That is what this is about, and with every fiber of my being I believe we are going to accomplish that with the reforms we are embracing.

I will come back to the floor to talk more about the amendment I will be offering on the floor to go even further with some of these reforms that we think are necessary.

I am so grateful that my colleagues have taken a moment to recognize the obvious; that what we have done is historic; that what we have done we do in agreement; and what we have done is going to make a difference.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do we have under this morning business agreement?

The PRESIDING OFFICER. All time in morning business has currently expired.

#### EXTENSION OF MORNING BUSINESS

Ms. MIKULSKI. We have two more speakers, Senators from Massachusetts and Washington State. I ask unanimous consent morning business be extended for these two for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I yield to the Senator from Washington State and the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland and the Senator from Maine for helping to bring so many of us to the floor today to talk about an issue that cuts across partisan lines and has plagued our Nation's military and has gone unaddressed for far too long. Military sexual assault is an epidemic and it has rightly been identified as such by the Pentagon. It is absolutely unconscionable that a fellow servicemember, the person you rely on to have your back and to be there for you, would commit such a terrible crime. It is simply appalling that they could commit such a personal violation of their brother or sister in uniform, but what is worse and what has made change an absolute necessity is the prevalence of these crimes. Recent estimates tell us that 26,000 servicemembers are sexually assaulted each year and just over 3,000 of those assaults are reported. According

to the Department of Veterans Affairs, about one in five female veterans treated by VA has suffered from military sexual assault; one in five. That is certainly not the act of a comrade. It is not in keeping with the ethos of any of the services, and it can no longer be tolerated. That is why the women of the Senate have been united in calling for action.

There has been made much of the fact that there are now 20 women in the Senate, a historic number that I think we all agree can still grow. But it is important to remember that the number alone should not be what is historic. Instead, it is what we do with our newfound strength to address the issues that are impacting women across the country.

With this bill, the first Defense authorization of this Congress, we are doing exactly that. We are taking historic action to help servicemembers access the resources they need to seek justice without fear. One way this bill will do just that, help protect our servicemembers and assist victims and punish criminals, is through the inclusion of a bill I introduced across party lines with Senator AYOTTE. Our bill, which is included in the base bill, creates a new category of legal advocates called special victims' counsels. They would be responsible for advocating on behalf of the interests of the victim. These special victims' counsels would advise the victim on the range of legal issues they may face.

For example, when a young private first class is intimidated into not reporting a sexual assault by threatening her with unrelated legal charges such as underage drinking, this new legal advocate would be there to protect her and tell her the truth. Since January, the Air Force has provided these advocates to over 500 victims through an innovative new pilot program. Ten months later, the results are speaking for themselves. Ninety-two percent of victims are extremely satisfied with the advice and support their SVC lent them through the military judicial process, 98 percent would recommend other victims request these advocates, and 93 percent believed these advocates effectively fought on their behalf.

In describing their experience with an advocate, one victim shared that:

Going through this was the hardest thing I ever had to do in my life. Having a Special Victim Counsel helped tremendously. . . . No words could describe how much I appreciate having one of these advocates.

Through our bipartisan effort, the Defense authorization bill will also enhance the responsibility and authority of DOD's sexual assault prevention and response office, known as the SAPRO. This improvement will help provide better oversight of efforts to combat military sexual assault across the Armed Forces. SAPRO would also be required to regularly track and report

on a range of MSA statistics, including assault rates and the number of cases brought to trial, and compliance with in each of the individual services.

Some of the stat collection is already being done so this requirement is not going to be too burdensome, but it will give the office authority to track and report to us on the extent of the problem.

I believe the great strength of our military is in the character and dedication of our men and women who wear that uniform. It is the courage of these Americans who volunteer to serve our country that are the Pentagon's greatest asset. I know it is said a lot but take a moment to think about that. Our servicemembers volunteered to face danger, put their lives on the line, and protect our country and all its people. When we think of those dangers, we think of IEDs and battles with insurgents.

We should not have to focus on the threats they encounter from their own fellow servicemembers, and we should never allow for a culture in which the fear of reporting a crime allows a problem such as this to fester year after year. These are dangers that can never be accepted and none of our courageous servicemembers should ever have to face them.

Earlier this year I asked Navy Secretary Ray Mabus about the sexual assault epidemic, and I was glad he told me that "concern" was not a strong enough word to describe how he feels about this problem. He said he is angry about it. I know many of us in the Senate are angry as well, particularly our female colleagues who have dedicated so much time to this issue and share this feeling and want to put an end to this epidemic.

I am hopeful we can work quickly to do right by our Nation's heroes. When our best and brightest put on a uniform and join the U.S. Armed Forces, they do so with the understanding that they will sacrifice much in the name of defending our country and its people. But that sacrifice should never have to come in the form of abuse from their fellow servicemembers.

I am proud the women in this Senate have taken this issue head on, and what should never be lost in the effort to enact the many changes that have been proposed is that for too long this was an issue that was simply swept under the rug. That is no longer the case thanks to bipartisan cooperation, the work of thousands of dedicated advocates, and the voices of countless victims who have bravely spoken.

We are poised to make a difference on an issue that women everywhere have brought out of the shadows, and I am proud of the women who have worked so hard on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong support for efforts to stamp out sexual assault in our military, and I wish to begin by thanking the Senator from Maryland and the Senator from Maine for their extraordinary leadership in bringing us here to speak on this issue.

For over 20 years our military has said it has a zero tolerance policy toward sexual violence. Government agencies have put out 20 reports examining the problem and suggesting potential solutions. Yet, shamefully, incidents of sexual assault involving our military personnel continue at staggering rates.

Data from the Department of Defense indicates that thousands of men and women serving in the military are subject to these horrific experiences every year. More than 20 percent of women serving in the military have reported unwanted sexual contact at some point during the course of their military service.

Perhaps most shameful, about half of all female victims in a 2012 DOD survey indicated they did not report these crimes because they believed such reports would simply be ignored.

This is an outrageous situation. We have called on the military over and over to solve this problem, and they have failed. Simply once again calling on the military to reform will be an exercise in futility. Worse, it will be a breach of trust with the men and women who are future victims of sexual predators lurking in the military.

These are important steps forward that we take today. There are a number of extremely strong provisions to address sexual assault included in this year's National Defense Authorization Act which will move us in the right direction. These provisions are designed to crack down on sexual assaults, to better protect and advocate for victims, and to change the climate within our military to one that ends this despicable conduct.

The bill includes provisions to promote the prosecution of these cases by eliminating the statute of limitations on certain sexual offense cases and by limiting the ability of commanding officers to modify court-martial findings in sexual offense cases.

The bill requires the provision of a special victims' counsel to provide legal support for servicemembers who are victims of sexual violence at the hands of other members of the military and take steps to limit the potential for victims to be mistreated by defense counsel.

There are other important steps forward in this bill. As the Senate debates the Defense bill, we will consider additional provisions to prosecute and eliminate sexual assault. I support those efforts as well.

The issue of sexual violence within our Armed Forces is very personal to

me. All three of my brothers served in the military. My oldest brother was career military and flew 288 combat missions in Vietnam. I know the unbelievable sacrifices our military men and women make for this country and the sacrifices their families make to support them.

Yet, in spite of those sacrifices, we as a nation have consistently refused to take sufficient steps to ensure that our military men and women are protected from sexual violence on the job. Tolerance for sexual assaults demeans the sacrifices that millions of brave men and women have stepped forward to make on our behalf. We owe it to our servicemembers, and to their families, to change the culture in our military that remains far too tolerant of this abuse. We owe it to our servicemembers, and to their families, to do everything in our power to stamp out these incidents.

No matter the outcome of this week's amendment votes, this year's Defense Authorization Act will make significant strides toward finally making the military's zero tolerance policy a reality.

I am proud to support these efforts, and I promise that so long as these crimes continue to occur, so long as victims are fearful to come forward, so long as justice is denied to victims, we will be right back here next year and the year after that and the year after that, doing everything we can to end sexual assault in the military.

The brave men and women serving in our Armed Forces have no intention of giving up on us, and we have no intention of giving up on them.

I yield my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, with the outgoing statement by the Senator from Massachusetts, we have now concluded the time that the women of the Senate have taken, on a bipartisan basis, to speak out against sexual assault in the military and to speak for the 30 reforms we have all agreed upon, on a bipartisan basis, that will enable prosecutorial reform, help to the victims, guarantee that there is fairness with the process, and make sure that if a victim comes forward, that victim will not be retaliated against or ignored, and for anyone who is accused, that person will get a fair process.

I am very proud of the way the seven women on the Armed Services Committee took the lead on this issue and were then joined not only by the rest of us but also social workers, advocates, former Attorneys General. We could not have done it without the very good men on the committee, particularly the chairmanship of Senator LEVIN and the help of Senator INHOFE.

I note the Senator from Rhode Island Mr. REED is on the floor. We want to thank Senator REED for his strong advocacy and advancement for women in

the military and also these important reforms.

I would also like to add, as the dean of the women, that what we did this morning was pretty historical. We have 10 women from the Senate across the aisle speaking out on 30 reforms that were agreed to in the underlying bill. This is what the American people wanted—Members of the Senate working together with the chairman of the committee, listening to victims, listening to experts, and listening to the military.

Do you know what was disappointing. There was only one person in the press gallery. If we had been in conflict—and there will be disagreements later on where there are differences in some policies, and that is OK with me. But we don't make press when we have actually worked together, and worked with such incredible diligence and expertise among ourselves, to solve these egregious and historically intransigent problems.

I say to the press, you know you like conflict, you know you like controversy, and you particularly want to see it among the women. We have a precedent where we have disagreed before on goals. When I led the fight with Lilly Ledbetter, Senator Kay Bailey Hutchison took me on with nine amendments. We had a good debate and a good bill at the end of it.

Senator MURKOWSKI, from the State of Alaska, has also disagreed with me on what should be the best approach on preventive health. We had debates without personal conflict, and we then came up with some good ideas.

I say today, when I listen to our colleagues on the other side of the aisle—who again have great backgrounds—this is pretty historic.

If you are watching on C-SPAN, you saw history being made. There were 10 of us—and there will be more later today—who actually agreed. We are trying to govern the way we were elected to govern. I am proud with what we are going to do with the reforms that are involved. I am proud of the way we have gone about it, and if we disagree on some matters here and there, that is what debate, intellectual rigor, and civility will be all about.

I will conclude this debate for now. Other women will be coming throughout the day to speak, and we know we will be debating some other important policies as well.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MURPHY). Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1197.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1197) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid (for Levin-Inhofe) amendment No. 2123, to increase to \$5,000,000,000 the ceiling on the general transfer authority of the Department of Defense.

Reid (for Levin-Inhofe) amendment No. 2124 (to Amendment No. 2123), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid amendment No. 2125, to change the enactment date.

Reid amendment No. 2126 (to (the instructions) amendment No. 2125), of a perfecting nature.

Reid amendment No. 2127 (to amendment No. 2126), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be for debate only.

The Senator from Rhode Island.

Mr. REED. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I think everyone is aware that we have a lot of differences on both sides of the aisle. Quite frankly, I just had a meeting with some of the House people. There are some problems right now. I am anxious for Chairman LEVIN to come back, perhaps after our conferences, and I will do the same thing, and hopefully we will be able to do it. I understand there has already been a statement made about the Ayotte amendment on Guantanamo. She is ready to debate, and I think Senator LEVIN has a side-by-side amendment he is ready to debate as well. So that, in my opinion, is about as far as we have come as far as progress. I will withhold any other comments I will make until the chair has made his comments, which will probably be after lunch.

By the way, I ask our Members to continue to file all amendments they have in anticipation that we will, as we have in the past, ultimately come to that conclusion, that we will have amendments.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Chair.

(The remarks of Senator THUNE pertaining to the introduction of S. 1724 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Alabama.

Mr. SESSIONS. Madam President, we need to be moving forward with the Defense bill. It is very important. I am a member of Armed Services Committee, and we had a good bipartisan vote out of committee to bring the bill to the floor. Chairman LEVIN has been fair to us in committee, so we got a good committee process. But there are some disagreements over a number of issues that the full Senate needs to discuss and vote on. They just should be able to do that.

We are drifting into a process that is absolutely contrary to the history of the Senate—the real concept of the U.S. Senate—where we bring matters up and vote on them. Just because it cleared our committee does not mean the full Senate does not get to vote on some of these differing opinions.

I voted in the committee on a number of amendments that did not pass. We had amendments up in committee that we decided not to vote on, and the phrase was: Well, we will carry that to the floor. In other words, it will be brought up and the whole Senate will vote on it, not just the committee. Maybe in the interim something could be worked out. But if not, it would go to the full Senate, and the full Senate would work its will, would have its debate and vote.

We are going days now with nothing happening, no amendments being voted on. They could have already been voted on. So Senator REID has filled the tree, and that means he has complete control over the process. He has the ability to say we will not have a single amendment. In fact, except for, I think, two, all he has agreed to in this process is to have maybe two amendments up, and that is unacceptable. Senator REID ought to know that. You cannot move the Defense bill of the United States of America, spending \$500 billion, and not have amendments and Senators actually offering suggestions on how to spend that money better and do better for America. What are we here for?

So I am really worried about this. I am afraid that this whole thing could collapse over the failure of amendments to be offered. I look here at a chart. Back, basically, when Republicans were in charge, we had 27 amendments, 25 amendments, 13 amendments actually voted on. The average number was 11.5 amendments voted on.

We already have well over 100 amendments filed. Over half of them, two-thirds of them, will eventually be withdrawn or the managers of the bill will agree to some form of that suggestion with different language and we would move on. But we should have already started on amendments, and we should recognize that a good Defense bill is

going to require an open process where we can actually discuss how to fix it and make it better.

In addition, we are facing, under the Budget Control Act and the sequester, some real financial challenges for the Department of Defense that are historic. It is significant. We need to be able to talk about that and work on that and try to figure out a way to strengthen the ability of the Defense Department to function in a rational way and not do unnecessary damage to them while they work to contain spending. That is a critical thing.

So I would say to Senator REID, who has a tough job—there is no doubt about that—Senator REID, you should not attempt this dramatic reduction in the ability of the Senate to actually have amendments to a bill as large and as important as the Defense bill. You are overreaching, Senator REID.

We cannot agree to that. The loyal opposition, the Republican opposition—I say, the bill that came out of committee was bipartisan, overwhelmingly bipartisan, with a big vote in the committee. But there are things that need to be voted on here, and we are not going to agree to a handful of amendments. So if you try to move forward with this bill without allowing at least a legitimate amendment process, you are not going to go forward because we are not going to agree to go forward when you fill the tree and block amendments and have the power to deny amendments of any significant degree on the floor of the Senate.

I am worried about that. I hope my friend, Senator LEVIN, and Senator REED, who is here, and others, can talk with the majority leader and reason with him, and let's get on with the business of proceeding with these amendments and some actual debate about the future of America's defense posture because we do have challenges in the years to come—a lot different than we have had—and we need to reconfigure defense, and we need to be asking ourselves honestly and in a bipartisan way, what will we need to do in 15 years, what will we need to be doing in 2025.

I had the honor to be at the Reagan Library this weekend for a national security conference dealing with what our defense structure should be in 2025. Senator LEVIN, along with former Secretary of Defense Gates, was given the first award they give for patriotic service. So our Armed Services chairman, let me note, was honored—our Democratic chairman—was honored at the Ronald Reagan Library for his commitment to national defense.

But I am just saying, ladies and gentlemen, in a bipartisan way we need to be thinking about what our future defense policy should be. We need to be thinking about how to move this bill. But it will not move, and I will not support going to a bill that does not

allow this Senate to have a reasonable opportunity to have amendments.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I have come to the floor today to moderate a colloquy between my colleagues for the next 20 minutes or so regarding a very important amendment that has been filed to the Defense authorization bill we are considering. The colloquy will be between myself, Senator WICKER, Senator WARREN, Senator COCHRAN, Senator HOEVEN, Senator NELSON, and Senator MERKLEY. I ask unanimous consent that we have the next 20 minutes to conduct the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FLOOD INSURANCE

Ms. LANDRIEU. Madam President, I really appreciate the courtesies of the manager of the bill on the floor, Senator REED. I really appreciate his courtesies because those of us who have come to the floor today to speak about this issue are extremely concerned about this problem that has presented itself based on a bill that was passed 2 years ago called Biggert-Waters. With all the best intentions, a bill was passed 2 years ago to try to fix and reform and reauthorize the Nation's Flood Insurance Program, which is a very important program that allows millions of people who live not just along the coast but along our rivers and bayous and streams—from coast to coast, inland and coastal communities—to live safely and to live affordably and to have flood insurance they can count on. That was the intention of the bill, but something went awry through the passage of the bill, and the consequences are devastating.

Now, as we look back 2 years, and we see how FEMA and some of these Federal agencies are implementing the law we passed, we have some very serious concerns not only about how they are implementing it, but about the law itself.

So a group of us have come together to change that law so we can provide opportunities for our families, for our individuals and our businesses, to be able to buy and keep the kind of flood insurance they need to stay in business and to keep their communities intact.

In the last couple of weeks all we have heard about is health care insurance, and that is important, and we have some things to fix and move forward on, providing the country with a health care system they can depend on, but we also have a real challenge in flood insurance and affordability to our communities.

In Louisiana alone we have 400,000 flood insurance policies. Florida—I see my good friend, Senator NELSON from Florida, on the floor. His State has the

largest number of policies; followed by Texas, with the second largest number; and, of course, Mississippi has quite a few as well. Senator WICKER joins me on the floor.

I want to start by showing this map I have in the Chamber so everyone who is following this debate—and there are literally millions of people following this debate; not only homeowners, business owners, but bankers, realtors, developers, et cetera—because if we do not get this right, these communities where you see these dots on the map, which are shown in the Mardi Gras colors—purple, gold, and green—these dots represent communities that are being affected by this program that needs to be changed and reformed.

These are flood maps that are being issued. Look how many there are in Oregon, Washington, California, Texas. What really surprised me—because I know the gulf coast well; that is the area, of course, that I represent, Louisiana; and I know Texas and Mississippi and Florida very well—but the area that surprised me was Pennsylvania and Illinois and, of course, New York, New Jersey, and the east coast because of Superstorm Sandy. But this is a national issue. It is not a Louisiana issue. It is not a gulf coast issue. It is a national issue.

You will notice that these flood maps are not just along the coast. Some people say to us who are working on this: Well, I am not concerned because I do not represent a coastal State. Well, heads up, everyone. Even if you do not represent a coastal State, you are having flood maps issued from North Dakota, South Dakota, interior States, Kansas, Arkansas, et cetera, because you have rivers and flood zones.

If we do not change this bill in a significant way—what we are asking for in the Menendez-Isakson bill, which we are here offering as an amendment to the defense authorization bill—many of these communities will be devastated. That is because the Biggert-Waters bill has mandated fairly steep and unsustainable and unaffordable—to the middle class—rate increases that will simply prevent people from being able to stay in their homes.

My friend Senator WICKER is following me in this colloquy. He wants to speak specifically about the hardships that some of our people are experiencing as they are getting these notices about the rate increases. I ask Senator WICKER, what is he hearing in Mississippi? Could the Senator elaborate a minute about the unintended consequences of Biggert-Waters and the increases that some of our people are seeing in their primary homes as well as their businesses.

Mr. WICKER. Madam President, I thank my colleague from Louisiana for asking that question.

What I am hearing from Mississippi, and what I think we are going to be

hearing from all across the United States of America, is that this is about to be a disaster for property owners in the United States of America. So I join my colleagues today—and perhaps there will be others besides the three of us on the floor—in saying we need to address the very real problem of increases in flood insurance premiums, which will unfairly hurt homeowners and businesses in my home State of Mississippi and across the United States of America.

I appreciate my colleague presenting the map to show that this is indeed a national problem and not just a regional or coastal problem. The severe onset of unaffordable rates—unaffordable rates—could have a devastating impact on the livelihood of homeowners and communities throughout the Nation and on our economy. Moreover, they could jeopardize the long-term solvency of the National Flood Insurance Program, which covers some 5.6 million Americans.

There is no doubt that NFIP faces enormous challenges. The damages wrought by storms such as Katrina, Rita, and Sandy have left the NFIP in the red for nearly a decade, amounting to nearly \$24 billion at the last count.

In the early years of the NFIP, when bad storm years were roughly offset by light storm years, taxpayers effectively carried policyholders through years because of the NFIP's authority to borrow from the Treasury. However, the catastrophic 2004–2005 hurricane seasons put the program more than \$20 billion in debt and disproved the notion that the finances would balance out over time.

The principles for NFIP reform are worthy goals. Premiums need to reflect risks more accurately, flood risks must be projected and mapped more accurately, and the purchase of flood insurance needs to be encouraged and enforced in order to enlarge the risk pool.

We cannot expect the NFIP to continue as a viable program without addressing the huge imbalance between premium revenue and payments for losses. At the same time, Congress cannot sit by in the face of these dramatic unaffordable rate increases facing many Americans.

The manner in which these reforms are being implemented is alienating the very people the program is intended to help. The new rates penalize people who have followed the rules, while placing the heaviest burden on those who are only now recovering from recent disasters.

In communities still recovering from recent Mississippi River flooding and in communities along the gulf coast, where the aftermath of Katrina still lingers, a financial burden of this magnitude could force homeowners either to leave their property unprotected or to move away altogether.

Ensuring the long-term success of the NFIP means taking an honest look

at how the reforms Congress enacted last year are being implemented and whether they are unfairly hurting citizens—and I contend they are. Allowing rates to go from a few hundred dollars to tens of thousands of dollars is hardly a reasonable approach to reform.

Reform should not be unnecessarily painful, unfair, or counterproductive to the goal of solvency. Premium increases that make the coverage literally unaffordable could lead to a net loss in program revenue. Nobody benefits from that. Nobody benefits, neither the homeowner nor the taxpayer, when NFIP premium increases result in foreclosure.

I am concerned that NFIP may well have overestimated net revenue increases. They may have underestimated the burden of the program going forward. That alone would be a good reason to delay the increases, if a longer phase-in would result in a net increase in revenue to the program, as I suspect it would.

A delay would also allow time to study the effects of premium increases and it would allow us, as policymakers, to look for less harmful approaches to reform. The Federal Emergency Management Agency should be able to complete an affordability study and ensure that its technologies and methodologies accurately assess risk.

I thank my colleague from Louisiana and I thank my colleague from Florida for joining us. I urge all of my colleagues to support action that provides immediate relief to Americans facing these steep rate hikes.

Ms. LANDRIEU. I thank the Senator from Mississippi for his comments and engaging in this exchange on the floor this morning.

The Senator from Florida has been particularly concerned because Florida has a very robust population as one of our largest States. I think the Senator has over 2 million policies in Florida.

Through the Chair, I wish to ask what the Senator is hearing in Florida about this situation.

Mr. NELSON. I thank the Senator from Louisiana for inquiring.

I can say that Federal flood insurance that is not affordable is not Federal flood insurance. To go from a position that one is paying rates at one level and all of a sudden go to a higher position, people are completely priced out of the market and all of the ancillary things that go with it because people can't sell their homes. When one puts that ripple effect through the entire economy, especially in a State such as mine that has more coastline than any State save for Alaska and where we have 40 percent of all the flood insurance policies.

I dealt with this, I would say to the Senator from Louisiana, because in my former life I was the elected insurance commissioner of Florida. Fortunately, I had no jurisdiction over the Federal

Flood Insurance Program, but other insurance companies that offered it privately or supplemented the Federal flood insurance we did have jurisdiction to regulate.

People cannot build a house—if they are going to a bank to get a mortgage—unless they have flood insurance. Now that the maps, as the Senator has pointed out, have been expanded showing there are a lot more areas that are inundated by water, by flood, at times of the year, then this becomes, for the engine of commerce, a critical component. One can't be charging one price and suddenly say we are going to be charging people four times as much.

Let us have a little common sense. A little common sense says we want FEMA to do an affordability study and, in the meantime, until we receive that study, we want this put on hold. It does not say it is not going to go up in the future, but availability of insurance is directly proportional to the ability of people to pay for that insurance and to continue the American dream, which home ownership is.

I would ask if the Senator from Louisiana remembers how long we have been trying to get this going. To the great credit of the Senator from Louisiana, who has taken the lead, she saw the problem early before people started complaining in my State and other States. They were complaining in the State of Louisiana. Senator LANDRIEU was on top of it. We have only been doing this for about 8 months. We have a vehicle on the floor that is a must-pass vehicle. It is the Defense authorization bill. We need to get this legislation amended onto it and have it signed into law.

I thank the Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Florida.

The Senator is correct about urgency. As the Presiding Officer knows, in her own home State, we are hearing from people who are stuck literally between a rock and a hard place because they can't get their insurance renewed. They can't afford the premium increases.

If they were thinking about selling their home, their home basically has become literally worthless, losing what equity they have—temporarily we hope because we intend to fix this—because no one can purchase a home if the flood insurance went from \$300 a year to \$13,000 or \$15,000 a year. It is affecting home ownership.

This is why I am proud to say—I see the Senator from Mississippi on the floor.

I wish to say how grateful I am to the great coalition of Senators who have come together, 24 Senators and 128 House Members. In addition, we have the National Association of Realtors, the National Association of Home Builders, and the Independent Community Bankers of America.

I wish to ask the Senator from Mississippi, through the Chair, does the Senator think we have a better chance of getting attention for our bill with the national strong support of the realtors, the homebuilders, and the bankers?

What is the Senator hearing from them in his State of Mississippi?

Mr. COCHRAN. If the distinguished Senator would yield, I would be pleased to respond.

It is a fact that the Homeowner Flood Insurance Affordability Act, which we are discussing, seeks to protect homeowners from increases in the cost of flood insurance premiums until the administration reviews and reports to the Congress on the flood mapping technologies, methodologies, and insurance affordability that are being issued under the authority of existing laws.

One problem we are concerned about is that the program was supposed to protect taxpayer investments, communicate perceived flood risks to homeowners, and encourage communities to protect themselves against flood risks.

The reform legislation enacted in 2012 made some positive changes in the program. Today some of those changes are now working in opposition to the broader goals of reform; hence, the importance of this legislation. These shortcomings existed in the law and they actually threaten to weaken the National Flood Insurance Program.

The success of flood insurance is so important to many inland and coastal States, such as mine and Louisiana, the State of the distinguished Senator. Communities there continue to work to overcome damages caused by the greatest natural disaster in our Nation's history, the effects of the Deepwater Horizon spill in 2010 and now skyrocketing flood insurance premiums.

Under the Homeowner Flood Insurance Affordability Act, the administration would be required to provide assurances to Congress that it is using sound mapping methods to make flood insurance rate determinations. A study by the National Academy of Science produced in March of this year has called into question some of the engineering practices the government uses to determine rates.

Before allowing unaffordable flood insurance rates to devalue private property and harm local communities and economies, we should be absolutely sure the government's engineering practices and procedures are as sound as possible. It will be very difficult to rebuild communities or restore home equity once they are lost, so we had better get it right.

Our bill does not create new programs to address rising premiums. It simply leaves in place some current practices so we can make sure the reproductive reforms we enacted last

year will actually improve the credibility of the program among communities and homeowners.

Our bill would not affect positive reforms related to expanding program participation or the phaseout of subsidized flood insurance premiums for vacation homes and homes that have a history of repeated flooding.

My principal purpose of coming to the floor was to thank the distinguished Senator from Louisiana for her leadership as she continues to be our outfront person in dealing with some of the very challenging facts and decisions that are coming from those who are trying to improve the program at the Federal level but also at the State and local level, which is where the action is. I am pleased to join her in this plea to the Senate.

Ms. LANDRIEU. I thank the distinguished Senator from Mississippi. I appreciate his hard work as well as the staff. It has been a real team effort and without him we wouldn't be where we are today.

The Senator from Massachusetts is scheduled next in this colloquy. She has brought a particularly spectacular view, a different view, and a much needed view from the east coast, not only in light of the devastation from Hurricane Sandy but the ongoing challenges to that region.

I wish to ask unanimous consent, as it is 12:30 p.m., when we were supposed to end, if each of us takes 4 minutes in the order of Senator WARREN, Senator HOEVEN, and Senator MERKLEY, we could then recess for lunch as was required earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. What is the Senator hearing at home from the people of Massachusetts about this, and how important does she think it is for us to have the support of the realtors and the homebuilders and other national organizations that understand the dire consequences if we are not able to get some of these fixes in place?

Ms. WARREN. I thank the Senator from Louisiana for the question, but most of all I thank her for her energetic leadership on this issue; she will help us find the right way forward.

I am here today because of what I am hearing from families in Massachusetts. I also thank the Senator from Mississippi. This is something that is hitting us all around the country—this change in the flood maps. So I am here today to support my colleagues' bipartisan efforts to help homeowners across the country who are getting hit with newly revised flood maps and increased flood insurance premiums.

Families purchase flood insurance to prevent the loss of their homes during a natural disaster, but now many of these same families fear that the price of flood insurance could be just as devastating and could actually cost them their homes.

I understand why Congress changed the national flood program to more accurately reflect the true costs and risks of flood damage, and I agree that over time we need to move to a more market-based system for setting flood insurance rates, providing we adequately take into account the affordability concerns for working families. But that is not what is happening right now. These new maps and rate increases are having as big an impact as a big storm.

When FEMA released these flood maps earlier this year and last, they knew they were placing hundreds of thousands of homeowners into a flood zone for the very first time. Yet there was inadequate warning to homeowners. Many have started receiving letters from their mortgage companies and are learning for the first time that they must now purchase flood insurance. We have heard about the costs—\$500, \$1,000 a month, even more. Most hard-working families and most seniors don't have that kind of extra money on hand to spend on flood insurance premiums they never knew they needed.

One Massachusetts resident wrote to me and said:

I have owned my property for over 33 years. Twelve years ago I built a house according to the codes at the time. Recently, flood maps were redrawn, putting my home in a new flood zone and out of compliance. The implementation of the Biggert-Waters act is going to raise our flood insurance to \$10,000 or more per year. I follow the rules, and now the rules are changing, leaving me few options to comply.

The Homeowner Flood Insurance Affordability Act that I have cosponsored along with Senator LANDRIEU and so many others will provide relief to this homeowner and to others who built to code and were later remapped into a higher risk area. This critical bill will delay rate increases until FEMA completes affordability studies mandated by the Biggert-Waters Flood Insurance Reform Act and until subsequent affordability guidelines are enacted.

There is a second problem with FEMA's actions. The reclassifications have taken place in some areas without a careful and complete analysis, but for those who believe they haven't been correctly classified, it is a tough challenge to get their flood zone status changed.

I received another letter from a Massachusetts constituent who lives in Brockton. She was informed that her only way out of this mess was to pay more than \$1,000 for an engineer to come and conduct an elevation study of a nearby brook. Now, let's be clear. She had to spend this money even though the city of Brockton and the nearby Army Corps of Engineers have no record of the brook ever flooding. If her appeal is successful, she is still out \$1,000 due to FEMA's mistake.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. WARREN. Then I will just say I am pleased to join my colleagues on both sides of the aisle in calling for this commonsense delay which will give FEMA time to get this right. I thank Senator LANDRIEU for her leadership, and I thank Senators MENENDEZ, ISAKSON, COCHRAN, and all the cosponsors of this bill. Time is running out. We need to get this done.

I yield back.

Ms. LANDRIEU. Madam President, I thank the Senator so much.

Senator HOEVEN has joined us, and he has been particularly forceful on the issue of basements in a State that doesn't have an ocean anywhere around it but has some serious flooding challenges. I would hope the Senator would take a minute to explain to everyone what he has been telling us and how important this particular piece of this bill is for the basement situation in his State.

Mr. HOEVEN. Madam President, I thank the good Senator from Louisiana. I am very pleased to join in this colloquy with my cosponsors of this very important piece of legislation.

This is about affordability of home ownership. The American dream is about home ownership. It always has been, and we want to make sure that continues. So it is about affordability, but it is also about getting it right.

Look, if we are going to reset flood insurance rates, we need to get it right. This affects people across this great Nation. It affects their ability to own and continue to own their own home. We need to make sure, as we make this transition, which we are all working on—we are all working on it—that we get it right. So that is why we see this bipartisan legislation, and we urge our colleagues to join us in this effort. This is about home ownership, this is about affordability, and this is about getting it right.

To the point the good Senator from Louisiana just made and as the Chair knows well, in the great State of North Dakota we have the Red River Basin, the Cheyenne River Basin, we have the James River Basin, we have the Missouri River Basin, the Devils Lake Basin, and more. So we know flooding, and we have seen it from year to year.

There are a number of provisions in this bill which the Senator has already identified which are critically important, and I will not repeat those, but I wish to focus for a minute on the basement exemption.

Legislation to preserve the basement exemption was included in the Hoeven-Heitkamp Flood Safe Basements Act, S. 1601. That has been incorporated into this bill. As sponsors, we appreciate that very much because this is a collaborative effort to get it right as we make this transition in flood insurance rates and make sure we protect the affordability on a fair basis as we move to financial viability for the long term for flood insurance rates.

When a homeowner has put the cost into making sure they have a flood-proof basement, if we don't take that into account in the insurance rates, we are penalizing them and we are charging them twice. It makes no sense. It makes no sense at all. That is why we have to have the basement exemption continued in this legislation, and that is why its sponsors, on a bipartisan basis, are not only pursuing this as stand-alone legislation, but we are also introducing it as an amendment to the Defense authorization bill or other legislation that can move, because we need to address it and we need to address it now.

As the Chair well knows, the mayor of a small community in northeast North Dakota, which has seen repeated flooding, contacted our congressional delegation and said: Hey, look. What is going on with FEMA right now is they are changing these flood insurance rates, and we have examples of homeowners who are going from less than \$1,000 a year to more than \$5,000 a year—a fivefold increase—and it is not a new home. The home has been there a long time and it has never been flooded.

It has never been flooded, and they are going to go from less than \$1,000 to \$5,000 on a home that has been there for a long time and never been flooded? That is not how this is supposed to work. That is not how it is supposed to work, and that is why we need this legislation.

Again, I thank the good Senator from Louisiana. All of the sponsors—and we have a great bipartisan group going already—urge our colleagues to join us, and we urge them to join us without delay. We seek a common objective: We will adjust the flood insurance rates to make sure the program is viable for the long term, but we need to get it right, and that is what this is all about.

I yield the floor.

Ms. LANDRIEU. Madam President, we have all been extremely helpful, of course, as a team in bringing this issue forward and crafting a bill, but literally we would not be here if it were not for the leadership of the subcommittee chairman who has jurisdiction over this issue—if he had not said yes when we asked him for a hearing in his committee to allow us to present the facts in hopes that we could find a way, as all of us have said, to make this program self-sustainable for the taxpayers but helpful to the people who need it. These are twin goals, both of which must be met or there won't be any program because no one will be able to afford to be in it. I thank the Senator for getting to that so quickly.

He is the last in our colloquy. Again, what is he hearing from home and can he give us, as chair of the subcommittee, some insight into how he thinks this will affect real estate markets if we are not able to fix this.

Mr. MERKLEY. I thank my colleague from Louisiana for her tireless efforts in this regard. We can tell from the commentaries that have just been put forward from the Senator from Massachusetts, the Senator from Mississippi, the Senator from North Dakota, of course our colleague from Louisiana, and now representing Oregon, that these are folks representing blue States and red States and all types of different terrains, and they have the common purpose of addressing the dysfunction of the Biggert-Waters bill that was passed.

Just to give a small feeling for this, the Hay family from Eagle Creek, OR, wanted to sell their home. They had a nice young couple with solid financials who wanted to buy it. It was all approved except for the insurance policy. When the couple found out the insurance policy would not be the \$500 the current family has been paying but \$5,000 a year, the deal fell apart because for every \$1,000 you pay in flood insurance, the value of the home drops by \$20,000. So not only is the couple who wanted this home unable to buy it because of the home's value dropping, but the family who owned the home, who had equity in the home, and who hoped to take these funds into retirement to be their nest egg, has lost that nest egg due to these outrageous additional costs, these dramatic increases.

So the point of sale is one particular problem that has a big impact on the real estate market, but we also have the situation of someone who has a policy lapse. Maybe an individual thinks their mortgage company is paying the policy, the mortgage company thinks the owner is paying it, and it defaults for a few days. When everyone finds out no one has paid the bill, suddenly that family might be going, in that situation, from \$500 to \$5,000. Or perhaps the mortgage company has never enforced the provision requiring flood insurance and now they have checked their records—and they are checking their records because they are now being charged a significant multithousand-dollar fine if they do not check their records—and they find you should have flood insurance under the law but you don't, so they contact you. Well, now you are facing this unsubsidized rate as a new policy.

So we have all of this, and then layered on top of that is the fact that across the Nation the flood zones are being remapped. So folks who were outside of the 100 years and have been outside and have had their homes for 15 years are suddenly getting notified that they are inside the flood zone and required by their mortgage company to get a policy.

They may say: But wait, I looked at the map, and only the corner of my property is in the flood zone and my home isn't.

Well, the mortgage company says: We are sorry. You have to get this, and



you have to then prove you are not in the flood zone.

It may cost those homeowners thousands of dollars to get an elevation survey and be able to demonstrate they are outside the flood zone. The homeowner carries this burden of proof.

So this is a big challenge, and we should recognize how uncertain and what an art form it is to establish these 100-year zones because a company comes in and does a model, and they say: Well, a 100-year flood will look like this, and they will point out what tributary, what watershed that contributes to the confluence of creeks is going to end up flooding that particular town.

Based on their model, the flood zone might look as though it is in the eastern section of the town or the western section of the town, and so on and so forth, that uncertainty where just inches can change whether you are inside a 100-year or outside a 100-year. Some of these areas are very flat. A few inches water rise can cover many additional square miles, and this can have a huge impact on our business districts, because what business wants to reinvest in a business district when now they feel that any improvements they make are going to be in an area where no one else is going to want to buy their company because they are in a situation where they have unaffordable flood insurance.

This is why we have come together—Democrats and Republicans, States from the North, South, East, and West coming together—to say we must change this situation which is creating so much unfairness and economic damage. I am delighted, as the chair of the subcommittee, to be fully engaged in partnering this. A special thanks to my colleague, the Senator from Louisiana, who is doing such a fine job of championing this issue.

Ms. LANDRIEU. Our time has come to an end. In conclusion, I thank the Senator from Oregon again, the subcommittee chair, for his leadership. I also particularly thank Senator MENENDEZ and Senator ISAKSON, the two lead sponsors of this bill, who have come together to provide the leadership to move this bill forward. They will be looking for a vehicle. We filed it on this bill in the event we have an opportunity for an amendment on the Defense bill. If not, we will be looking for the next possible opportunity.

I thank the Presiding Officer for her cosponsorship and her leadership for North Dakota.

This is a map of all the counties which have levees. I was surprised when I saw this map. I am very familiar with the levees in Louisiana. I helped to build a lot of them. I am very familiar with the Mississippi River generally because we have so much commerce along the Mississippi. I am generally familiar with Missouri, Illi-

nois, and Arkansas. But what really stood out for me was the levee systems in Montana, Arizona, and California. A lot of these are levees, dikes, and dams that are different from the river levees that we see. But look at Pittsburgh, New York, North Dakota, Montana, Washington. There is not a place in this country—not on the coast, not on the interior—that doesn't have a threat of flooding. Either a levee can break, a dam can break, a river can overflow, or there can be flash flooding because of droughts. Even in Texas where there is a lot of flash flooding. So not only on the coast, but inland as well, in Kansas.

The conclusion is this is a real challenge for our whole Nation. We have a bill led by Senator MENENDEZ and Senator ISAKSON that costs and scores zero. We have written this bill in a way that just postpones these draconian rate increases so we can take a little more time to study it, do some modeling, and get it right. This bill was passed with very good intentions, but prematurely, without the data we need to make smart decisions for our communities. This is giving us time to get it right. There is zero cost the way this bill is structured.

Again, I appreciate the courtesies of our leader managing this bill on the floor.

I yield back the remainder of my time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent the time until 4 p.m. be for debate only, with the time being equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I hope Members will now come down and debate, particularly if we can start off again with the legislation on Guantanamo. There will be two amendments here. One will be an amendment by Senator AYOTTE and the other one would be an amendment by myself, with Senator MCCAIN. It will be a Levin-McCain amendment. I hope those who are interested in this subject particularly would come down between now and then and we can perhaps even

reach a vote on Guantanamo, the two amendments, side-by-side, even later this afternoon. That is the goal. It is not part of the unanimous consent proposal, but that would be a goal.

I know my friend from Oklahoma and I are able to work things out most often, and we will try to figure out a way to hopefully get to a vote on two amendments which I think everybody agrees, not on the outcome of the vote, but agrees need to be debated and resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me say I appreciate all the help the chairman has given us during the course of this very difficult time. I also suggest we have gone through this same thing other years in the past.

One of the things is there are so many people demanding or wanting to have a system where we could have more amendments. I encourage anyone who has amendments to go ahead and send them to the floor. It doesn't do any good to talk about them unless you have them down here and in front of us. Then I hope the chairman and I could get together and we could have, actually, more amendments. Those people who want to be heard on this, we have adopted this timing, so we encourage you to come down and be heard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank my friend from Oklahoma because he has said what needs to be said here, which is that we welcome amendments being brought to the floor. We will do our best to try to clear those amendments, which means obviously consulting with not just the sponsors but potential opponents to try to see if we can work things out. On this bill we have always been able to work out amendments, sometimes as many as 100. We need to have votes on this bill, but we also can clear amendments. We work together on a bipartisan basis to do that.

I join in his request that Senators who have amendments get them to us to see if we can possibly work them out. We simply must finish this bill this week. The timetable is such that if we are going to finish this bill, as we have for 51 straight years, we have to get this bill to conference. That, in and of itself, will take a week. Then we have to bring the conference report back, if we can reach an agreement on it, to both Houses, and that will take as much as a week as well under the rules, so we really need the cooperation of every Member of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I rise at this point to discuss Wicker

amendment No. 2185. This is an important amendment. I hope the leadership of this committee is paying attention. My amendment would prohibit foreign governments from constructing, on U.S. soil, satellite positioning and ground monitoring stations. I think many Americans were surprised when, on November 16, the New York Times published an article by Michael Schmidt and Eric Schmitt entitled "A Russian GPS Using U.S. Soil Stirs Spy Fears."

I ask unanimous consent a copy of this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 16, 2013]  
A RUSSIAN GPS USING U.S. SOIL STIRS SPY FEARS

(By Michael S. Schmidt and Eric Schmitt)

WASHINGTON.—In the view of America's spy services, the next potential threat from Russia may not come from a nefarious cyberweapon or secrets gleaned from the files of Edward J. Snowden, the former National Security Agency contractor now in Moscow.

Instead, this menace may come in the form of a seemingly innocuous dome-topped antenna perched atop an electronics-packed building surrounded by a security fence somewhere in the United States.

In recent months, the Central Intelligence Agency and the Pentagon have been quietly waging a campaign to stop the State Department from allowing Roscosmos, the Russian space agency, to build about half a dozen of these structures, known as monitor stations, on United States soil, several American officials said.

They fear that these structures could help Russia spy on the United States and improve the precision of Russian weaponry, the officials said. These monitor stations, the Russians contend, would significantly improve the accuracy and reliability of Moscow's version of the Global Positioning System, the American satellite network that steers guided missiles to their targets and thirsty smartphone users to the nearest Starbucks.

"They don't want to be reliant on the American system and believe that their systems, like GPS, will spawn other industries and applications," said a former senior official in the State Department's Office of Space and Advanced Technology. "They feel as though they are losing a technological edge to us in an important market. Look at everything GPS has done on things like your phone and the movement of planes and ships."

The Russian effort is part of a larger global race by several countries—including China and European Union nations—to perfect their own global positioning systems and challenge the dominance of the American GPS.

For the State Department, permitting Russia to build the stations would help mend the Obama administration's relationship with the government of President Vladimir V. Putin, now at a nadir because of Moscow's granting asylum to Mr. Snowden and its backing of President Bashar al-Assad of Syria.

But the C.I.A. and other American spy agencies, as well as the Pentagon, suspect that the monitor stations would give the Russians a foothold on American territory

that would sharpen the accuracy of Moscow's satellite-steered weapons. The stations, they believe, could also give the Russians an opening to snoop on the United States within its borders.

The squabble is serious enough that administration officials have delayed a final decision until the Russians provide more information and until the American agencies sort out their differences, State Department and White House officials said.

Russia's efforts have also stirred concerns on Capitol Hill, where members of the intelligence and armed services committees view Moscow's global positioning network—known as Glonass, for Global Navigation Satellite System—with deep suspicion and are demanding answers from the administration.

"I would like to understand why the United States would be interested in enabling a GPS competitor, like Russian Glonass, when the world's reliance on GPS is a clear advantage to the United States on multiple levels," said Representative Mike D. Rogers, Republican of Alabama, the chairman of a House Armed Services subcommittee.

Mr. Rogers last week asked the Pentagon to provide an assessment of the proposal's impact on national security. The request was made in a letter sent to Defense Secretary Chuck Hagel, Secretary of State John Kerry and the director of national intelligence, James R. Clapper, Jr.

The monitor stations have been a high priority of Mr. Putin for several years as a means to improve Glonass not only to benefit the Russian military and civilian sectors but also to compete globally with GPS.

Earlier this year, Russia positioned a station in Brazil, and agreements with Spain, Indonesia and Australia are expected soon, according to Russian news reports. The United States has stations around the world, but none in Russia.

Russian and American negotiators last met on April 25 to weigh "general requirements for possible Glonass monitoring stations in U.S. territory and the scope of planned future discussions," said a State Department spokeswoman, Marie Harf, who said no final decision had been made.

Ms. Harf and other administration officials declined to provide additional information. The C.I.A. declined to comment.

The Russian government offered few details about the program. In a statement, a spokesman for the Russian Embassy in Washington, Yevgeniy Khorishko, said that the stations were deployed "only to ensure calibration and precision of signals for the Glonass system." Mr. Khorishko referred all questions to Roscosmos, which did not respond to a request for comment last week.

Although the Cold War is long over, the Russians do not want to rely on the American GPS infrastructure because they remain suspicious of the United States' military capabilities, security analysts say. That is why they have insisted on pressing ahead with their own system despite the high costs.

Accepting the dominance of GPS, Russians fear, would give the United States some serious strategic advantages militarily. In Russians' worst fears, analysts said, Americans could potentially manipulate signals and send erroneous information to Russian armed forces.

Monitor stations are essential to maintaining the accuracy of a global positioning system, according to Bradford W. Parkinson, a professor emeritus of aeronautics and astronautics at Stanford University, who was the

original chief architect of GPS. As a satellite's orbit slowly diverges from its earlier prediction, these small deviations are measured by the reference stations on the ground and sent to a central control station for updating, he said. That prediction is sent to the satellite every 12 hours for subsequent broadcast to users. Having monitor stations all around the earth yields improved accuracy over having them only in one hemisphere.

Washington and Moscow have been discussing for nearly a decade how and when to cooperate on civilian satellite-based navigation signals, particularly to ensure that the systems do not interfere with each other. Indeed, many smartphones and other consumer navigation systems sold in the United States today use data from both countries' satellites.

In May 2012, Moscow requested that the United States allow the ground-monitoring stations on American soil. American technical and diplomatic officials have met several times to discuss the issue and have asked Russian officials for more information, said Ms. Harf, the State Department spokeswoman.

In the meantime, C.I.A. analysts reviewed the proposal and concluded in a classified report this fall that allowing the Russian monitor stations here would raise counterintelligence and other security issues.

The State Department does not think that is a strong argument, said an administration official. "It doesn't see them as a threat."

Mr. WICKER. This article elaborates on a proposal under review by our own State Department to allow the Russian space agency to construct half a dozen satellite ground monitoring stations on U.S. soil. The article describes these potential sites as "seemingly innocuous, dome-topped antenna perched atop an electronics-packed building surrounded by a security fence somewhere in the United States." Taken at face value, these Russian ground monitoring stations are supposed to improve the accuracy and reliability of Russia's version of the global positioning system.

According to the Times article, the Obama administration is actively considering this request by Moscow in an attempt to reset once again the administration's failed reset policy which the President once hailed as the beginning of better U.S.-Russian relations. We have every reason to be skeptical of Russia's intentions to utilize GPS monitoring stations on U.S. soil. Let me repeat this: GPS monitoring stations controlled by Russia on U.S. soil.

Time and again, President Putin has shown he is unwilling to cooperate with America. The list of grievances continues to grow. Let's not forget that Russia has granted asylum to Edward Snowden, who is charged with espionage and theft of U.S. government property after releasing up to 200,000 classified documents to the press.

Let's not forget that Russia has defended the brutal regime of Syrian President Bashar al-Assad and helped perpetuate the dictator's grip on power with military aid.

Let's not forget that Russia, the same Russia that wants to put GPS

stations on U.S. soil, has denied Russian orphans a chance at a better life in the United States, with a ban on U.S. adoptions, ultimately victimizing the most vulnerable, in a desperate attempt to distract the world from Russia's human rights failings.

It is clear Russia's interests are not often aligned with those of the United States. Accordingly, I am deeply concerned and people within the intelligence community are deeply concerned and people within the Defense Department are deeply concerned about the Russian proposal to use U.S. soil to strengthen Russia's GPS capabilities. These ground monitoring stations could be used for the purpose of gathering intelligence. Even more troubling, these stations could actually improve the accuracy of foreign missiles targeted at the United States.

Our national security and foreign policy apparatus is large and widespread. I do not question anyone's patriotism or the intentions of the State Department. But it is clear that there are other parts of the administration that are very concerned about this.

This morning I had the opportunity to review a classified report by DOD. I encourage all Members of the Senate to review this classified document and, to me, I think it will reaffirm the need for increased transparency on this very serious matter. Senators LEE, FISCHER, and CORNYN so far have joined me in filing an amendment to the Defense authorization bill that would fully inform the American people about the implications of the Russian proposal.

My amendment would prohibit the construction of GPS monitoring stations by any foreign government on U.S. soil until the Secretary of Defense and the Director of National Intelligence jointly certify to the Congress that these stations do not have the capability to gather intelligence or improve foreign weapons systems. My amendment would also require a report to Congress on the use of satellite positioning ground monitoring stations by foreign governments.

This amendment is simple and straightforward, and I urge my colleagues to support its inclusion in the Defense authorization bill. I encourage cosponsors from both sides of the aisle.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, on behalf of the Senate Armed Services Committee, we are pleased to bring S. 1197, the National Defense Authorization Act for Fiscal Year 2014, to the Senate floor. The Armed Services Committee approved the bill by a 23-3 vote on June 13, making this the 52nd consecutive year our committee has reported the Defense Authorization Act.

The strong bipartisan vote for this bill in the Armed Services Committee continues the tradition of our committee, where our Members have con-

tinued to come together to support the national defense and our men and women in uniform. I thank Senator INHOFE for the major contribution he has made to this process in his first year as the ranking Republican on the committee.

This year's bill would authorize \$625.1 billion for national defense programs, the same amount as the President's budget request. Unless the Congress acts to modify or eliminate the sequestration required by the Budget Control Act, however, this amount will automatically be reduced by \$50 billion, leaving the Department of Defense with far less than it needs to meet the requirements of our national military strategy.

U.S. forces are drawing down in Afghanistan and are no longer deployed in Iraq. However, the real threats to our national security remain and our forces are deployed throughout the globe. Over the course of the last year, the civil war in Syria has become increasingly destructive, North Korea has engaged in a series of provocative acts, Iran has moved forward with its nuclear program, and Al Qaeda affiliates have continued to seek safe havens in Yemen, Somalia, North Africa, and elsewhere.

It is particularly important that we do what we can to sustain the compensation and quality of life our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. Toward this end, our bill, No. 1, authorizes a 1-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request; it reauthorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty and Reserve component military personnel. It does not include Department of Defense proposals to establish or increase health care fees, deductibles, and copayments that would primarily affect working-age military retirees and their families. It authorizes \$25 million in supplemental impact aid to local educational agencies with military dependent children and \$5 million in impact aid for schools with military dependent children with severe disabilities, and provides funding for the Department of Defense STARBASE Program. It enhances the Department of Defense programs to assist veterans in their transition to civilian life by improving access to credentialing programs for civilian occupational specialties.

The bill also includes funding needed to provide our troops the equipment and support they need for ongoing combat, counterinsurgency, and stability operations around the world. For example, the bill funds the President's request for \$80.7 billion for overseas con-

tingency operations. It authorizes \$9.9 billion for U.S. special operations command, including both base budget funding and OCO funding. It authorizes nearly \$1 billion for counter-IED efforts, beginning to ramp down expenditures in this area while ensuring that we make investments needed to protect our forces from roadside bombs.

The bill fully funds the President's request for the Afghan Security Forces Fund to train and equip the Afghan National Army and Afghan police, growing their capabilities so we can complete the transition of security responsibility as planned by the end of 2014.

It reauthorizes the use of DOD funds to support a program to reintegrate insurgent fighters into the Afghan forces and into Afghanistan. It authorizes the Secretary of Defense—upon a determination from the President that it is in the national security interest of the United States—to use up to \$150 million of amounts authorized for the Coalition Support Fund account in fiscal years 2013 and 2014 to support the border security operations of the Jordanian Armed Forces, and it extends global train-and-equip authority, section 1206, through 2018 to help build the capacity of foreign force partners to conduct counterterrorism and stability operations.

The bill before us addresses major issues that are of particular importance to the Department of Defense, relative to the detention facility at Guantanamo Bay, Cuba, and the problem of sexual assault and misconduct in the military.

As to Guantanamo, this bill would provide our military with needed flexibility to determine how long we need to detain individuals now held in the Gitmo detention facility and where else we might hold them. For a number of years now Congress has enacted legislation eliminating this flexibility and requiring that we continue to hold all Gitmo detainees regardless of costs and whether it is needed in our national security interest. The existing legislation has made it more difficult to try detainees for their crimes and nearly impossible to return them to their home countries.

For example, even if we have a strong case that a detainee has committed crimes for which he could be indicted and convicted in a Federal court, the existing law makes it impossible to try him there. Even if we have determined that a detainee poses no ongoing security threat to the United States, we cannot send them back to his home country unless the Secretary of Defense certifies to six stringent conditions. Even if the individual is likely to die without advanced medical treatment, we cannot remove him from Gitmo for the purpose of receiving such treatment.

As a result, the legislation we have on the books has reinforced the impression held by many around the world

that Guantanamo is a legal black hole where we hold detainees without recourse. This perception has been used by our enemies to recruit jihadists to attack us, and it has made our friends less willing to cooperate with us in our efforts to fight terrorism around the world.

The Gitmo detention facility is not only a recruiting tool for our enemies, but it has become an obsolete white elephant that costs hundreds of millions of dollars a year. It can no longer be justified based on the rationale for creating Gitmo in the first place.

One dozen years ago, the Bush administration started sending detainees to Gitmo in large part out of a desire to avoid the jurisdiction of the U.S. courts and ensure that detainees would have no legal avenue to appeal their convictions. Whether one supported that approach, that argument all but disappeared in 2008 when the Supreme Court ruled in the *Boumediene* case that Gitmo detainees would be treated as being inside the United States for the purpose of habeas corpus appeals.

Instead of recognizing that the Gitmo detention facility is no longer needed, however, we have enacted legislation which makes it virtually impossible to move detainees anywhere else, ensuring that the facility will remain open whether it is needed for particular detainees or not. The current law prohibits the transfer of any detainee to the United States for detention under the law of armed conflict or trial before a military commission or in civilian court and includes unduly burdensome certification requirements that make it extremely difficult to transfer detainees back to their home countries.

The basis for these legislative obstacles appears to be the fear that returning Gitmo detainees to their home countries or transferring them to the United States would pose an unacceptable threat to our national security. However, we have brought numerous terrorists to the United States for trial and incarceration without adverse effect to our national security.

In just the last 3 years, for example, we have brought three foreign terrorists into the United States for trial. The first is Abu Ghaith, Osama bin Laden's son-in-law, who has been convicted in Federal court and remains in Federal custody without incident. The second is Ahmed Abdulkadir Warsame, who pled guilty in Federal court and remains in Federal custody without incident. The third is Ahmed Ghailani, a Gitmo detainee who was convicted in Federal court, received a life sentence, and remains in Federal custody without incident.

Moreover, our military has routinely detained individuals on the battlefield in Afghanistan and then exercised the discretion to transfer them to local jurisdiction or to release them. If we can

trust our military to make these determinations on a day-to-day basis, we should be able to trust them to make the same determinations at Gitmo.

The risk that any of these detainees could once again engage in activities hostile to our interests around the world has been substantially reduced by the rigorous procedures our military has instituted to review individual cases and ensure that appropriate protections are in place before transferring any detainee back to his home country.

These procedures have resulted in a dramatic decline in the so-called recidivism rate over the last 5 years. While more than 160 Gitmo detainees released by the Bush administration are known or suspected to have engaged in activities hostile to our interest after their transfer or release, only 7 detainees released by the Obama administration—less than 10 percent of the total—are known or suspected to have engaged in such activities.

This rigorous review process would be codified by the provision in our bill which would require that the Secretary of Defense determine, prior to transferring a Gitmo detainee, that the transfer is in our national security interest and that actions have been taken to mitigate any risks that the detainee could again engage in any activity that threatens U.S. persons or interest.

It is time for us to move past the fear that our country somehow lacks the capacity to handle Gitmo detainees and allow our military to address the transfer of detainees in a rational manner based on the facts of each case.

As to sexual misconduct, this bill includes the most comprehensive legislation targeting sexual misconduct and assault in the military ever considered by Congress. Our committee adopted more than two dozen separate provisions and a host of historic, significant reforms addressing sexual assault and prevention. In particular, the bill makes it a crime under the Uniform Code of Military Justice to retaliate against a victim who reports a sexual assault, and it requires the DOD IG to review and investigate any allegation of such retaliation.

Our bill establishes the expectation that commanders will be relieved of their command if they fail to maintain a climate in which victims can come forward without fear.

Our bill requires service Secretaries to provide a special victims' counsel to provide legal advice and assistance to servicemembers who are victims of a sexual assault committed by a member of the Armed Forces.

Our bill amends article 60 of the Uniform Code of Military Justice to limit the authority of a commander to overturn a verdict for rape, sexual assault, forcible sodomy, and other serious offenses.

Our bill eliminates the element of the character of the accused from the

factors to be considered in deciding how to proceed with the case.

Our bill requires commanding officers to immediately refer any allegation of a sexual misconduct offense involving service members to the appropriate investigative agency.

Our bill requires that the sentence for service members convicted of rape, sexual assault, forcible sodomy or an attempt to commit one of those offenses, include, at a minimum, a dismissal or dishonorable discharge.

Our bill requires that all substantiated complaints of sexual-related offenses be noted in the service record of the offender.

Our bill eliminates the 5-year statute of limitations on trial by court-martial for certain sexual-related offenses.

Our bill codifies a prohibition on military service by individuals convicted of sexual offenses.

Some have argued we should also change the military justice system by removing commanders from their current role in deciding what cases should be prosecuted and instead place that authority in the hands of military lawyers. However, the testimony before our committee showed that commanders, far from being reluctant to prosecute sexual offenses, are more likely to prosecute those offenses than civilian or military lawyers.

Further, removing authority from commanding officers would distance them from these cases and make them less accountable, making it more difficult for them to take the steps needed to protect victims from peer pressure, ostracism, and retaliation. While taking authority away from the chain of command would indeed be a dramatic change, this change would actually afford the victims of sexual assault less protection and make it less likely that sexual assaults will be prosecuted than the current system.

For this reason, we adopted an alternative approach that will better protect victims. Our approach is to require a commander who receives an allegation of sexual assault to either prosecute it or have it automatically reviewed by his or her commander—almost a general or flag officer—and if a commander chooses not to prosecute against the advice of legal counsel, the case receives automatic review by a service Secretary. This approach will enable commanders to continue an aggressive approach to prosecuting sexual offenses while ensuring against the unusual case in which a commander might decide not to pursue a case that could be successfully prosecuted.

An important part of this problem is the underreporting and inadequate investigation of sexual assaults. There is still inadequate reports for victims of sexual assaults. There is also a problem with retaliation, ostracism, and peer pressure from victims. Underneath it all remains a culture that has taken

inadequate steps to correct this situation. In the end, getting this right will require sustained leadership by commanders who can be held accountable for conduct in their units. It is more difficult to hold someone accountable for failure to act if we reduce his or her authority to act.

We want commanders fully engaged in the resolution of this problem and not divorced from it. Throughout our deliberations on this issue, we were guided by a single goal: passing the strongest, most effective measures to combat sexual assault by holding perpetrators accountable and protecting and supporting victims. We believe our bill does that.

Our country relies on the men and women of our military and the civilians who support them to keep us safe and to help us meet U.S. national security objectives around the world. We expect them to put their lives on the line every day, and in return we tell them we will stand by them and their families, that we will provide them with the best training, the best equipment, and the best support available to any military anywhere in the world.

As of today, we have roughly 1.4 million U.S. soldiers, sailors, airmen, and marines serving on Active Duty—with tens of thousands engaged in combat in Afghanistan and stationed in other regional hotspots around the globe.

While there are issues on which Members may disagree, we all know we must provide our troops the support they need. Senate action on the National Defense Authorization Act for Fiscal Year 2014 will improve the quality of life for our men and women in uniform and their families. It will give them the tools they need to remain the most effective fighting force in the world, and most important of all, it will send an important message that we as a nation stand behind them and appreciate their service.

I look forward to working with all of our colleagues to pass this vital legislation and again would urge all of our colleagues who have amendments to bring them to our attention so we can try very hard to clear amendments which can get support on both sides of the aisle and which have no strong objection.

This has been a process which has worked for as many years as I have been here, and it is the only way we are going to be able to get a bill passed this week. Again, it is critically important that this bill pass this week or else there seems to be very little hope we could actually get a bill to conference and back to both Houses.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to speak for up to 5 minutes, and that after I conclude my remarks, Senator CHAMBLISS be

recognized, followed by Senator AYOTTE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Madam President, I rise to highlight for Senators the important work of the Airland Subcommittee in the fiscal year 2014 National Defense Authorization Act as reported by the Committee on Armed Services. I am very proud to be the chairman of the Airland Subcommittee and for the close working relationship I have with Senator WICKER, the ranking member of the subcommittee.

The Airland Subcommittee has broad responsibilities for substantial parts of the Army, Navy, Marine Corps, and Air Force budgets. The Airland Subcommittee also has responsibility for National Guard and Reserve equipment and readiness. As a former governor, I know firsthand how effective the National Guard is, and they provide a great value for all Americans.

Throughout this process the goal of the Airland Subcommittee has been to promote and improve current and future readiness of our military, all while ensuring the most efficient and effective use of taxpayer dollars. This year the Airland Subcommittee has jurisdiction over \$49 billion of the Defense Department's base and overseas contingency budget. This includes \$37.1 billion for procurement and \$11.9 billion for research and development.

In this regard the Airland Subcommittee's recommendation fully supports the Department's budget request for Overseas Contingency Operations and would support most of the major weapons and equipment programs in the base as requested. However, sequestration presents many challenges. We can no longer spend billions of dollars buying equipment the military does not need or want. Just a few days ago, the chairman of the Joint Chiefs of staff, General Dempsey, provided me with a list of programs the Department of Defense no longer needs and they want to retire.

This much is clear: We can no longer conduct business as usual. In fact, the Bowles-Simpson Commission recommended the Department of Defense and Congress establish a commission that would review major weapons programs unneeded by the Department. This is something we should take a look at. I look forward to working with my colleagues on this important issue, and the National Commission on the Structure of the Air Force is already reviewing and will make recommendations on the retirements and divestiture of aircraft the military no longer needs.

In future subcommittee work I will be reviewing General Dempsey's list and will be working with my colleagues on the programs the Department no longer needs.

Congress must debate this important issue so that we spend every dollar we

have wisely and keep our military the strongest in the world.

I wish to compliment Senator WICKER again on how well we have worked together this year, and I thank Chairman LEVIN, Ranking Member INHOFE, and the wonderful committee staff who have worked so closely with my staff and me on this bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, first of all, let me say to my friend from West Virginia—I happen to serve on that subcommittee and I was in the hearing the other day when he asked a question of General Dempsey, a very appropriate question. We thought a very strong answer was going to be given by Senator Dempsey to the question of the Senator from West Virginia regarding weapons systems and other expenditures that are mandated by Congress that the chiefs and other folks at the Pentagon have said they don't need. As he and I were just discussing, we finally got that letter yesterday, and it was somewhat of a very tepid response rather than the strong response we had hoped for.

In any event, the Senator from West Virginia, along with Senator COBURN and myself, are going to work together to develop a list of expenditures that are either unwanted by the Pentagon that Congress has mandated or expenditures that ought to be spent in some other agency but, unfortunately, are being charged to the Pentagon. So I look forward to working with the chairman on that issue, and I thank him and Senator WICKER for their leadership on the subcommittee.

I rise principally today in support of the Ayotte-Chambliss-Inhofe amendment No. 2255, which would restore many of the legislative limits and requirements Congress has placed in recent years on the transfer of Guantanamo Bay detainees and prevent medical-related transfers to the United States. I believe these legislative safeguards are vital to our national security and essential to good intelligence collection.

For several years now we have been debating the status of Guantanamo Bay and the detainees who remain there. Time and time again, during the course of these debates, I have asked this administration to come up with a viable, long-term detention and interrogation policy. Frankly, they have failed to do so because of a stubborn commitment to a poorly thought out campaign promise to close Guantanamo.

The call to close Guantanamo may sound like a good campaign sound bite to some people but, frankly, in the real world of national security it undermines good intelligence collection and increases the risks that dangerous detainees will be back on the streets

where they can continue, as they have, to kill and harm Americans. These are not abstract theories; they are facts. The recidivism rate is nearly 29 percent and has been climbing steadily since detainees began being released from Guantanamo. This includes nearly 10 percent of detainees who have returned to the fight after being transferred by the current administration following the administration's extensive review of each detainee.

Al Qaeda in the Arabian Peninsula counts former Guantanamo detainees not just among its members but among its leaders. A former Guantanamo detainee is believed to have been involved in last year's Benghazi attacks that killed our ambassador and three other Americans.

The administration's stubborn refusal to add even one more terrorist to the Gitmo detainee population has forced the executive branch back into the pre-9/11 mindset of treating terrorists as ordinary criminals—a mindset we know doesn't work. A lot of people will come to this floor on the other side of the aisle and say: Well, we have tried all of these terrorists in article III courts in the United States and it has worked. For the most part, they have been convicted, and they are now serving time. That is a fairly accurate statement. However, what they fail to say is that these article III trials of terrorists who have been arrested inside the United States are nowhere near the caliber of those who planned and carried out the attacks of 9/11 as well as those who were captured on the battlefield seeking to kill and harm Americans and, in a lot of instances, did kill Americans and maim Americans, and they are now housed at Guantanamo. That is a very, very distinct difference, and those prisoners should not be treated the same as an ordinary common burglar is treated in an article III court here in the United States.

In response to criticisms of the approach that the mindset of 9/11 is being returned to, the administration now seems to favor interrogations on board naval vessels. The end result, however, has been no different. At the end of these brief interrogations, those individuals have been transferred to Federal courts here in the United States where they are unlikely to provide any more intelligence information because they have been Mirandized and are now awaiting trial.

From the Christmas Day bomber to the Boston bomber to the East Africa embassies bomber, this preference for criminal prosecution at the expense of intelligence collection has become the administration's standard operating procedure. This is no way to defend our Nation, and it sends a message of weakness to terrorists and our allies alike.

This amendment Senator AYOTTE, Senator INHOFE, and I are putting for-

ward sends the right message to the American people. It ensures that our detention practices have clarity for the next year and that on a permanent basis no detainee will be transferred overseas unless there is a clear certification that the transfer is in the best interests of the United States. This also sends a very clear message to the terrorists at Guantanamo Bay: You are not coming to the United States where you will have the advantage of article III courts.

This amendment includes five provisions.

No. 1, it imposes a 1-year ban on transfers to the United States of Guantanamo detainees, except in cases after the date of enactment where the detainee is sent to Guantanamo for purposes of interrogation.

No. 2, it imposes a 1-year ban on transfers of detainees to Yemen—and I will speak more about that in a minute.

No. 3, it imposes a 1-year ban on building or modifying facilities inside the U.S. to house Guantanamo detainees.

No. 4, it makes permanent the certification requirements needed before any transfer of a detainee overseas.

Lastly, it strikes the provision in the bill that allows transfers of detainees to the United States purely for medical care.

Let me address each provision very briefly. First, I have yet to hear why it is a good idea to bring Guantanamo detainees to the United States. While the President made a promise to close Guantanamo, the American people seem unified against bringing these detainees to the U.S. for any reason, and I believe we should listen to the American people.

It is clear that giving the Secretary of Defense the authority to decide to bring detainees here for detention, trial, and incarceration will have the same impact as Congress lifting the prohibition outright. But the same issues we have been talking about for several years and that GAO identified in its 2012 report on detention options inside of the United States still exists. These include cost considerations, questions about the legal status of the detainees, and concerns about protecting the general public and personnel at these facilities or during trial.

Let's look at who these 164 individuals are that remain at Guantanamo. We started out with about 860-something, as I recall, give or take a few. So we have already released both to other countries and, in some cases where we frankly made a mistake, individuals who should not have been there, or it has been determined by the appropriate reviewing committees that these detainees were OK to be sent back to their country of origin or to some other host country that was willing to

take them and supervise them or keep them in detention but to get them out of Guantanamo. Now, the 164 who are remaining are the meanest, nastiest terrorists in the world, frankly. They are the ones nobody is going to want. So if nobody else wants them, why should we allow them to come to the United States?

These are the individuals who either planned and masterminded the attack on the United States on September 11, 2001, such as Khalid Shaikh Mohammed, or they are individuals we picked up on the battlefield who were actively engaged in fighting and killing Americans, as well as engaged in building bombs that were intended to—and in a lot of instances did—explode and kill or injure Americans.

Some of these folks range from KSM to the USS *Cole* bomber who are awaiting trial and, frankly, should be tried at Guantanamo. In other words, they are dangerous detainees who should not and cannot be sent, as I said, to any other country.

Many of us have been calling on the administration to send new detainees to Guantanamo simply for interrogation. Detainees such as al-Shabaab leader Ahmed Abdulkadir Warsame, East Africa Embassies bombing suspect Abu Anas al-Libi, who was arrested in Libya recently, and suspects in the Benghazi attacks all belong at Guantanamo where they can be interrogated for a long time under the rules and articles of war, without Miranda rights or criminal defense lawyers.

But this administration has consistently refused to even consider Guantanamo for interrogation of the meanest folks who still remain at large. It is off the table, as they tell us. Some have used the excuse that it is off the table because of this restriction in previous Defense authorization acts. In other words, the administration could not put any new detainees at Guantanamo for interrogation because they could not send them to Federal court for trial.

If this administration had made any effort at all, even just once, over the past 4 years to interrogate detainees at Guantanamo rather than holding them on a ship, this excuse would have much more merit. But to make sure there are no excuses anymore, our amendment makes clear that detainees who are sent to Guantanamo specifically for the purposes of interrogation after the date of enactment may still be transferred to the United States for trial in article III courts or before military tribunals. That means there is absolutely no need to hold another detainee on board a ship just to interrogate him. And there is absolutely no excuse for not putting new detainees at Guantanamo Bay. This provision makes sense for the security of this country, and it makes sense for good intelligence collection.



The ban on transfers to Yemen is a very critical aspect of this amendment. The amendment bans any detainee transfers to Yemen until December 31, 2014. It has been 4 years since the President imposed a moratorium on transfers to Yemen from Guantanamo following the failed airplane bombing attempt on Christmas Day 2009 by Umar Farouk Abdulmutallab. At that time, Yemen was viewed as a hotspot for terrorists, especially with the rise of Al Qaeda in the Arabian Peninsula. Now, 4 years later, not much has really changed except for the rising recidivism rate. We know that former detainees have rejoined AQAP both as leaders and as members. We know Yemen continues to struggle with terrorist groups who are trying to make sure it remains an AQAP stronghold. And we know AQAP continues to look for ways, like the 2009 failed Christmas Day bombing, to attack this country.

We have all seen the reports that the administration wants to transfer detainees to Yemen and is working with the Yemeni Government to set up a detention or rehabilitation facility inside Yemen to house these prisoners. We learned from the Saudi rehabilitation program that rehabilitating hardened terrorists simply does not always work. The recidivism rate for the Saudi program is at least 20 percent. Many of these detainees, such as AQAP leader Said al-Shihri, ended up in Yemen fighting as terrorists again. Yemen, as one senior administration official described it, is like the Wild West. It is the last place we should send dangerous detainees. In other words, now is not the time to experiment with our national security.

Our amendment ensures that no detainee can be sent to Yemen over the next year. I recognize that there are Yemeni detainees who have been cleared for transfer, so we do not permanently prohibit those transfers. But just because a detainee is eligible for transfer from Guantanamo does not mean he no longer poses any threat at all. We have to remember that the easiest transfers have already been done, and even among those easy transfers, over a quarter of them have been known to be reengaged in the fight against Americans.

So our amendment imposes a reasonable time period on this prohibition: No transfers can occur until at least December 31, 2014. Over the next year we should have a better sense of how well the Yemeni Government is combating terrorists within its borders. Once we see their track record, we can decide whether it makes sense to send them any new detainees.

In the past, under the previous Government of Yemen, the detainees who were transferred from Guantanamo to Yemen simply were allowed to wander around in Yemen with no supervision whatsoever, and I daresay that we now

do not have any idea where most of those detainees are inside of Yemen or, more significantly, whether they are still in Yemen, whether they are re-engaged in the fight, whether they are in Syria fighting on one side or the other, or what has gone on with those detainees.

Al Qaeda and its affiliates look up to Guantanamo detainees. They have immediate street credibility among terrorists, which makes it more tempting for them to rejoin the fight. We should not make it easier to transfer detainees anywhere, much less places where there are confirmed recidivists or a real threat from AQAP. The detainees, including many of the Yemenis, who remain at Guantanamo are among the worst offenders.

We should want all future transfers to be done wisely and fully in line with our national security interests. This amendment accomplishes those objectives.

Third, this amendment continues the ban on building or modifying facilities inside the United States to hold those detainees. It does not prohibit any changes to the facilities at Guantanamo Bay, so those facilities will continue to be state-of-the-art.

I understand that this administration wants to close Guantanamo and that the Justice Department has already purchased the correctional facility in Thomson, IL, to house them. But there is still overwhelming consensus here in Congress and among the American people that Guantanamo detainees should never set foot inside the United States. We need to listen to that consensus.

With that in mind, our amendment ensures that not one penny of American taxpayer dollars will be spent on the Thomson facility or to build or modify any other facility inside the United States to house Guantanamo detainees. Our amendment applies not just to Defense Department funding but to all U.S. Government funds. That way, no other Department, including the Justice Department, can try to circumvent the will of the American people and bring Guantanamo detainees to our homeland.

Many of us have been to Guantanamo. I have been there several times to see for myself how the detainees live and are treated. It is a first-rate prison facility. I have been to many prison facilities in my State as well as other parts of the country. It is one that would probably make most inmates at prisons here inside the United States very envious.

We should not forget that many of the detainees at Guantanamo are some of the most dangerous terrorists in the world. If they cannot be transferred to other countries, they do not belong in the United States.

This amendment also makes permanent the certification requirements

that are needed before any detainee can be transferred outside of Guantanamo Bay. As I mentioned, the recidivism rate today is almost 29 percent and growing, so we should not make it easier to transfer detainees anywhere, much less to places where there are recidivists or real terrorist threats. The certification requirements and the ban on transfer if there is a confirmed recidivist in a host country were designed to lessen the likelihood that detainees would reengage.

I understand that some people want Guantanamo closed, but eliminating commonsense measures that are there to protect American citizens is not the way to do it. These measures give Congress and the American people confidence that the Defense Secretary has fully considered all aspects of the transfer, especially the host country's past record and current capabilities.

As the rising recidivism rate tells us, even detainees who have been cleared for transfer—through a very rigorous process, I might add—can still pose a threat. We have to remember that the easiest transfers have already been done, and even among those over a quarter have reengaged. The detainees who remain are among the worst offenders. We should want all future transfers to be done wisely and fully in line with our national security interests.

I do not find persuasive the argument that these certification requirements are so burdensome that detainees cannot be transferred. In fact, this year alone detainees have been transferred to Algeria, and we continue to get notices of other proposed transfers.

Not every detainee needs to stay at Guantanamo Bay. I recognize that, as do the other authors of this amendment. But not one should be released until we are absolutely certain that everything is being done to prevent new terrorist activity on the part of those individuals who are, in fact, released. These certification requirements give us that certainty. Making these requirements permanent is the only sure way to guarantee that each and every transfer is best for the national security of the United States.

Finally, this amendment restores the status quo by striking section 1032 in the bill, which allows the transfer of detainees into the United States for medical care. We need to remember that Guantanamo is a first-class facility, operated by dedicated military personnel who put up with an awful lot from detainees. I remember the first time I went to Guantanamo, they were housed in a facility that is not the facility they are in today. It was much more of an open facility where the guards simply would walk back and forth in very close range to the actual prisoners themselves. Those guards were subjected to being spit upon, having human waste thrown at them as



well as food or anything the detainees could get their hands on. Needless to say, it was not a very nice place to be.

But we need to remember also that Guantanamo possesses not only first-class medical facilities but also first-class judicial facilities for the trial of these individuals. There is a state-of-the-art courtroom down there, which is being virtually unused today, that ought to be used to try these individuals before a military tribunal.

Section 1032 seems to be a solution in search of a problem. Guantanamo Bay has the facilities from a medical standpoint and the doctors within the military to treat these prisoners. And I am not aware of any instance in which a detainee has died or suffered further injury because of our inability to treat them at Guantanamo.

Aside from being unnecessary, this provision does not make good policy. Over the past several years detainees at Guantanamo have waged repeated hunger strikes in an effort to gain sympathy so the United States will release them from prison. When inmates in our prisons here engage in such tactics, we do not reward them, but that is exactly what section 1032 would do. If we give detainees the ability to be brought to the United States even for what is supposed to be temporary treatment, that is a powerful incentive for a detainee to injure himself or go on a hunger strike.

I am also concerned about how this provision would even be implemented. It is unclear whether we will have to modify military hospitals so they can handle high-value terrorist detainees. At what cost and at what risk to the safety of others, including the towns in which these facilities are located?

I appreciate that the provision tries to limit the rights of detainees when they are brought here, but we have been down this road before with habeas corpus rights. Once a detainee is physically inside the United States, it becomes much more difficult to argue against any change in immigration or legal status.

In my view, section 1032 is simply in this bill to further reduce the population at Guantanamo. This is not a goal I can support. Our amendment keeps the status quo and keeps these terrorist detainees where they belong—at Guantanamo Bay.

It is time for this administration to provide real leadership on detention and interrogation issues instead of trying to keep ill-conceived campaign promises that run contrary to the established facts and known threats to our national security. Keeping this country safe demands real-time intelligence—the kind we have gotten in the past from interrogating detainees for long periods of time, including those detainees at Guantanamo. It is time for us to end this dangerous practice of treating terrorists first and foremost

like criminals who deserve Miranda warnings, attorneys, and court appearances.

It is time for us to stop pretending that the detainees at Guantanamo are no different from common ordinary criminals. Our amendment ensures that the balance remains on the side of our national security and good intelligence collection. It ensures that common sense, not politics, will determine the future of Guantanamo detainees and the effectiveness of our intelligence collection.

I am pleased to turn to the Senator from New Hampshire, Senator AYOTTE, who has been such a champion on this issue. She and I have worked very closely, as well as any number of other national security issues, since she came to the Senate. She has been a tremendous asset. As a former prosecutor, she understands how serious these individuals are from a criminal standpoint.

I commend her for the great work she has done, and I certainly look forward to hearing her comments.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Hampshire.

Ms. AYOTTE. I wish to thank my colleague from Georgia, who is the Republican ranking member on the Senate Intelligence Committee. Senator CHAMBLISS has seen so much in terms of the real threats that we face from terrorists in this country. I appreciate his leadership on ensuring that America remains safe and his leadership on this issue of ensuring that the Guantanamo detainees are not released to get back in the fight against us, to attack not only our soldiers but us and our allies.

I would start with the Defense authorization, as it stands, and even the side-by-side offered by Chairman LEVIN, is a dramatic change from current policy of where we are now with regard to Guantanamo and the transfer of Guantanamo detainees internationally and to the United States of America between last year's Defense authorization and this year's Defense authorization.

What has changed? The only thing that has changed is the fact that the reengagement rate of those who are suspected of having been released—who have been released from Guantanamo and are suspected or actually have re-engaged in the fight against us—has increased, not decreased.

Yet the status quo of where we stand now, if our amendment just described by Senator CHAMBLISS is not adopted, amendment No. 2255—is that we would weaken what is required to be certified from people who are released from Guantanamo.

In other words, the Defense authorization and the proposal offered by Chairman LEVIN would weaken the national security requirements that are currently in place; the standards which

we have to meet before someone is transferred from Guantanamo to another country, even though the reengagement rate has actually increased.

What else would it do? It would now allow the potential for transferring Guantanamo detainees to the United States of America. This would include Guantanamo detainees potentially such as Khalid Shaikh Mohammed whom Senator CHAMBLISS has referenced. He is the mastermind of September 11. He is the key player behind the attacks on our country on September 11, and so we are going to allow the potential that he could be transferred to the United States of America.

In addition, there is allowance for a potential transfer to the country of Yemen. As Senator CHAMBLISS has talked about, the country of Yemen is the place where the head of Al Qaeda in the Arabian Peninsula is centered. Not only that, in Yemen, there have actually been instances where we have seen prison breaks in Yemen. In fact, it is a very destabilized place.

In June I asked the Chairman of the Joint Chiefs of Staff about Yemen, and he assessed it to be the most dangerous. Al Qaeda in the Arabian Peninsula, which is located in Yemen, is the most dangerous Al Qaeda affiliate. Again, when we look at Yemen, there have been breaks from detention facilities there.

Senator CHAMBLISS has described the 2009 Christmas Day Bomber who received his training in Yemen.

We have Guantanamo detainees who have actually been captured—whom we have let out previously—captured, killed or spotted in Yemen. These included Al Qaeda in the Arabian Peninsula's former second in command, Said al-Shihri and Ibrahim Suleiman al Rubaish, alleged to be one of Al Qaeda in the Arabian Peninsula's main religious leaders. We have instances where in Yemen there actually have been Al Qaeda terrorists, some who have returned to the leadership of Al Qaeda after we released them from Guantanamo and have gone back in.

I ask, why are we lifting the prohibition of transfers to Yemen when there still is not a certification that can be made that they will not reengage and that Yemen even can detain these individuals or account for them in a place which is the head of Al Qaeda in the Arabian Peninsula?

Where we are now is very important in terms of the protection of our country. As Senator CHAMBLISS mentioned, the administration has been so caught up in not wanting to transfer anyone into Guantanamo that we are left with a situation where we are potentially losing valuable intelligence to protect our country.

I wish to speak about that. If we captured tomorrow the current head of Al Qaeda, Zawahiri, what would we do

with him? Are we going to bring him to the United States or should we bring him to a secure detention facility at Guantanamo?

The legal questions that are raised by this in terms of if we bring him to the United States, are we going to tell him you have the right to remain silent, even though he is the current head of Al Qaeda? Shouldn't the first priority be to collect information to protect our country, to know what they are planning, to know what they are doing, to know what could happen next?

We now have the example that was given of Warsame, who was a terrorist captured overseas. Instead of being brought to Guantanamo, he was put on a ship for approximately 60 days and then brought to the United States, where he was told you have the right to remain silent.

Worse, recently, there was the capture of a man named al-Libi, and al-Libi actually had been involved in the beginning—in fact, the Director of the Federal Bureau of Investigation recently said before the Homeland Security Committee that he was a founder of Al Qaeda with Osama bin Laden—and recaptured in Libya. Rather than bring him to Guantanamo Bay, he was put on a ship for only 1 week, 1 week.

Then he was transferred to New York City and read his Miranda rights. This is someone who was alleged to have committed the bombing against the embassies in Africa in 1998 and someone who has decades of involvement in Al Qaeda and who was only interrogated on a ship for 1 week, rather than being brought to Guantanamo and fully interrogated to make sure we maximize the gathering of intelligence to protect our country.

Now the administration wants to close Guantanamo. The alternative offered by Chairman LEVIN is that they should come up with a plan of where we would put these detainees in the United States of America.

The question is why have we had to wait this long, first, to even have some information of what the plan would be and what to do. Second, why would we want the most dangerous terrorists in the world, some of them, to come to the United States of America, when we have a secure detention facility at Guantanamo? Why would we risk the legal questions that will be raised if we bring them to the United States? Do we have to read them Miranda? If we capture Zawahiri and we have no Guantanamo to take him to, do we have to read him Miranda because he is in the United States of America and we can't gather intelligence to protect our country?

How much does it cost to make sure people are secure in the area where these terrorists are being brought? We don't even know where they will be brought because the alternative

amendment, all it says is that they have to come up with a plan of where to put these terrorists rather than at Guantanamo. We don't know—the amendment does not provide for us as Congress to approve this plan. It only says the Secretary of Defense has to come up with a plan, and then he may take action to transfer the detainees, allowing them to be transferred to the United States of America.

Stay tuned if the Guantanamo detainees are coming to your neighborhood because we don't know. This is why it is important that the prohibitions stay in place in the absence of any plan. Why should we bring them to the United States of America, given the dangerous nature of who they are? Also, why wouldn't we want to have a secure facility to ensure that we have a place to interrogate terrorists, to make sure we can maximize the information and understand what they know to prevent attacks against our country. Otherwise, we will continue to have a situation where terrorists such as al-Libi are only interrogated for 1 week and then they are told you have the right to remain silent. No terrorist should hear that right.

I wish to say that what this provision does is it puts back in place the requirements that the administration has to meet a strong set of criteria before they can transfer to third-party countries.

What was taken out? What was taken out, which is important, is the way they have weakened the requirements for transferring people, the requirements the administration must meet before transferring from Guantanamo to third-party countries. They have taken out language that requires the Secretary of Defense currently to certify that a country is not a state sponsor of terrorism or foreign terrorist organization.

Now there is no longer a requirement that we even have to certify that. If our amendment is not passed and the alternative is passed, if there is a country or an entity that is a state sponsor of terrorism or a foreign terrorist organization, then they can transfer there.

They have also taken out the provision that would consider whether we have previously transferred a detainee to the country and yet the detainee has gone back into the fight, has re-engaged. In other words, if we made a mistake in the past and transferred someone out of Guantanamo to a country such as Yemen, they weren't able to secure that individual and that individual gets back into the fight, that was a consideration they had to take into account before they could transfer to that country.

That is now being removed from the national security criteria, making it much weaker and easier to transfer to countries that are not only potential sponsors of terrorism but are also

countries where we have already had a history of transferring detainees who have gotten back in the fight against us and our soldiers. We have seen some of these detainees show up in places such as Afghanistan against our soldiers. We have seen these detainees attempt to attack us and our allies. We cannot risk weakening the provisions to say we are going to transfer them and take our risks that they can do that again.

We should keep the current law in place. The administration has been able to meet the current law. They have transferred six detainees under the current provisions. They do not have an excuse to say that we can't transfer anyone because they have already been able to transfer people.

I ask unanimous consent to ask my colleague, the Senator from Georgia, a question about these provisions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. I ask Senator CHAMBLISS, if we eliminate Guantanamo—in other words, under this proposal they would be permitted to transfer people to the United States of America or that new captures be brought to the United States of America instead of to a facility such as Guantanamo, what are the risks we face in terms of losing valuable intelligence that we need to protect our country?

Mr. CHAMBLISS. The very best tool we have been able to utilize from an intelligence-gathering standpoint is the information we gather from individuals who were involved in the crime or involved in the planning of the crime. That is the case whether it is an ordinary burglary, bank robbery or in the case that we are talking about today, the planning and the scheming of the carrying out of what happened on September 11, as well as terrorist activity prior to that, such as the USS *Cole* bombing and others, as well as terrorist activity against the United States subsequent to September 11, as well as the detainees who are at Guantanamo today who were captured on the battlefield in Afghanistan.

We have gone through each one of the detainees who were involved in specific incidents or who are battlefield-captured detainees and we have been able to gather intelligence from them that we simply would not have been able to get from anyone else. Many times what we have when we interrogate the detainees, we will know the answer to the question we are going to ask them. Sometimes it is information that was gleaned from detainee X, who was with detainee Y whom we are now interrogating. By virtue of the fact that we know information that we have already gleaned from detainee X, we can ask terrorist Y about it or detainee Y. And you are going to get not only verification of what the first interrogated detainee tells you, but all of

a sudden you are going to have an expanded story because this guy says, well, he knows this, and that is the case, so I may as well go ahead and tell him the rest of this.

That is kind of the way the interrogation process goes. What has happened at Guantanamo is that it has been there for a number of years now. September 11 is now 12 years behind us, but we are still gathering information from detainees at Guantanamo who have been there from the very first day it opened. We are gathering information on acts of violence that have occurred, but more significantly on the makeup of Al Qaeda, on who the members are, where they are located, where their headquarters were versus where they think the headquarters might be. There is such a valuable source of information to be gleaned from individuals one on one in the interrogation process that we simply can't get otherwise.

Let me refer a question to the Senator from New Hampshire. She was a prosecutor. She was the attorney general of New Hampshire and she prosecuted any number of criminal cases over the years as attorney general, including some very violent cases. She is familiar with the criminal process, obviously. She is familiar with individuals who have been convicted of crimes, and who, in some instances, were let out of jail when their time was up or whatever and those individuals reengaged in criminal activity, much like what we are seeing at Guantanamo today. The Senator and I have both talked about the recidivism rate being very high.

What is the Senator's opinion, as a long-time prosecutor, relative to these 164 individuals who remain at Guantanamo Bay today with regard to what she thinks is the possibility or the probability of their reengaging in the fight because of their long-term detention at Guantanamo?

Ms. AYOTTE. I would say we have to go from the evidence we have before us, where we have a 29-percent reengagement rate. And let's face it. The easier decisions were made first, in terms of who should be released. Now we have some very hardcore individuals who are there. We already have a 29-percent reengagement rate of them getting back in the fight against us as terrorists, and so we face a grave risk of some of the most hardened individuals if we transfer them or we lessen the standard for transfer, which is what this is doing. It is taking away the issues I talked about—the consideration of countries we have already transferred to but people have gotten back in it—and making it easier to transfer and weaker in terms of the national security requirements that have to be met, and I am worried they will get back in and then harm us and our interests because we already have a history of that.

I want to ask the Senator from Georgia an additional question. Some have cited the cost issue as the reason we should close Guantanamo. But to the Senator's knowledge, has anyone done the cost estimate of all the considerations that would have to be taken into account in the United States and also the security interests of the people of this country of transferring these terrorists to the United States?

Finally, I would also say there are risks we face in losing intelligence if they have to be Mirandized, and things such as that. That is a huge cost in terms of protecting our country, is it not?

Mr. CHAMBLISS. Well, it certainly is. I think the Senator and I need to be very clear with our colleagues here as well as the American public. When it comes to the cost of detaining terrorists who carried out the horrific attacks of September 11, I think the American people are well prepared to use their taxpayer dollars to house guys such as Khalid Shaikh Mohammed, who has admitted to planning the September 11 attacks. If we house him in a prison here inside the United States and he gets Mirandized, I am sure the first thing he is going to do is to get a lawyer. The Senator and I are both lawyers, and we would be foolish not to tell our client to hush up, don't talk anymore. And that is exactly what he would do.

So the cost of detaining individuals who ripped this country apart on September 11, 2001, is not a consideration, in my mind, from the standpoint of whether we should house those folks for the rest of their lives.

Ms. AYOTTE. If we were to lose, for example, valuable intelligence, if we were to get Zawahiri tomorrow, or if we had captured Osama bin Laden instead of killing him, and were able to interrogate him, that is a value that cannot be placed on that in terms of preventing future attacks and understanding how Al Qaeda is planning things in order to prevent future harm to Americans; isn't that right?

Mr. CHAMBLISS. Absolutely. No question about it. And if you do bring them to the United States, I guarantee that is the last bit of interrogation of any of those individuals that we will ever see.

The Senator mentioned bin Laden. I remember at a hearing in the Senate Armed Services Committee where the issue of bin Laden came up during a presentation by the current administration's Secretary of Defense. I asked the question with regard to Guantanamo Bay, and said: If you captured bin Laden tomorrow, what would you do with him? And to his credit, the Secretary of Defense looked me straight in the eye and said: Gee, Senator, I guess we would have to send him to Guantanamo. And he was right. There is nowhere in America where bin

Laden would have been welcomed in the county jail or some Federal institution. I don't think there is any question about that. The 164 who are there today, in my mind, fit in that same category. Some of these individuals have never said one word to an interrogator since they have been there. Some of them—most of them, in fact—have been very open, and we still are gathering intelligence from them. But if we transfer them to the United States, that is the last we will hear from them.

Ms. AYOTTE. I thank my colleague.

Mr. INHOFE. Will the Senator yield? The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I have been listening to the discussion. I agree wholeheartedly with everything that has been said. The amendment we are going to be voting on is part of three different amendments. I had one of them, as do my two colleagues. One thing that hasn't been said is the part I put in where I constructed a provision to prohibit transferring of detainees for emergency medical treatment, which is just another way of getting them there.

The PRESIDING OFFICER. The time has expired.

Mr. INHOFE. I ask unanimous consent to speak for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. The other thing is, when you transfer someone here for incarceration purposes, is it not true these are not criminals, these are terrorists, and what terrorists do for a living is train other people to be terrorists? To commingle them in our prison system is something that would be of great danger to this country. That is something my colleagues would agree is one of the major reasons we want to keep them from the United States.

Ms. AYOTTE. I would agree with Ranking Member INHOFE, and I want to thank him for his leadership. Absolutely, these are not common criminals. These are not people who have robbed a bank. These are people who have attacked our country and who seek to get other people to attack our country. That is the reason why we wouldn't want to mingle them with criminals or bring them to the United States so they can be told they have the right to remain silent. We have to protect our country by knowing what they know.

Mr. INHOFE. Parliamentary inquiry: The Chair has said the time on our side has expired. Of course, I know—

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I know the chairman wants to use some time here too.

I ask unanimous consent that at the conclusion of his remarks, if all time has not been consumed, I be given a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand the situation is as follows: that the time between now and 4 o'clock is under majority control, and then between 4 o'clock and 5 o'clock we have not resolved that issue as to who would control time; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So there may be more time available between 4 o'clock and 5 o'clock.

Mr. CHAMBLISS. Would the Senator repeat that?

Mr. LEVIN. Under the existing UC, the time between now and 4 o'clock is under the control of the majority, because the minority has used their time. At 4 o'clock, we have to enter into another UC—or we can do it now—deciding what the situation will be for the hour between 4 o'clock and the time of the vote.

Mr. CHAMBLISS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the provisions in this bill relating to the Guantanamo detention facility, or Gitmo, and oppose the amendment to strike those provisions and to reinstate existing restrictions on the transfer of Gitmo detainees.

Gitmo is expensive, inefficient, damaging to U.S. international standing, harmful to our allies' ability to cooperate with us, and serves as a recruiting tool for extremists. It is not needed to secure people who should be detained and should be tried. There are other places for detention and for trial in front of a military tribunal. We don't need Gitmo to stay open at a huge expense in order to do that.

The bill before us makes long overdue fixes to our ability to transfer detainees out of Gitmo, provide our military with needed flexibility to determine how long we need to detain individuals now held at the Guantanamo facility, and where we should hold them.

For a number of years now, Congress has enacted legislation eliminating that flexibility and requiring we continue to hold all Gitmo detainees at Guantanamo whether or not it is in our national security interests to do so. The current law establishes an absolute ban on bringing any Gitmo detainee to the United States for any purpose, including detention, trial, incarceration, or even medical treatment. And it replaces the best judgment of our military and intelligence experts on the risk posed by an additional Gitmo detainee with a cumbersome checklist of requirements that must be certified before any detainee may be transferred overseas.

The current law makes it more difficult to try detainees for their crimes and nearly impossible to return them to their home countries. For example,

even if we have a strong case that a detainee has committed crimes for which he could be indicted, convicted in Federal Court, the current law makes it impossible to try him. This is true even in cases where similar charges are not available before a military commission, making it impossible to try the detainee at Guantanamo. And it is true even in cases where the security risks in bringing the detainee to the United States would be nonexistent.

In 2010, the Guantanamo Detainee Review Task Force recommended 44 Gitmo detainees for possible prosecution. As a result in significant part of the legislated restrictions on transferring detainees to the United States for trial, however, we have had only 4 of the 44 plea bargains and no other successful prosecutions of those detainees.

Similarly, even if we have determined that a detainee poses no ongoing security threat to the United States, we cannot send them back to their home country unless the Secretary of Defense certifies to six conditions addressing issues such as the country's control over its own territory and its detention facilities and so forth. And even if the individual is likely to die without advanced medical treatment, we cannot remove him from Gitmo for the purpose of receiving such treatment.

In 2010, the Guantanamo Detainee Review Task Force conducted a rigorous interagency review and determined that more than half of the Gitmo population, including 84 of the 164 detainees currently at Gitmo, could be safely transferred overseas without posing a significant security threat. However, only two Gitmo detainees have actually been transferred using the certification provision since it was enacted at the end of 2010.

Under the current law, even if a detainee has been convicted or pled guilty and served his sentence, even if he has cooperated with us and provided us with useful intelligence, even if he has renounced all ties to Al Qaeda or the Taliban, even if he has been determined to no longer pose a threat to our national security, it is still extremely difficult to transfer or release a Gitmo detainee. That is why we still have detainees sitting in Guantanamo who have been cleared for transfer or release on multiple occasions by two different administrations over a period of almost a decade.

The current law has reinforced, as a result, the impression held by many around the world that Guantanamo is a legal black hole where we hold detainees without recourse. This perception has been used by our enemies to recruit jihadists to attack us, and it has made our friends less willing to cooperate with us in our efforts to fight terrorism around the world. For this reason, many of our top national security leaders spanning the Bush and Obama ad-

ministrations have repeatedly told us of the harm that Gitmo causes to our national security.

First, with respect to transfers of Gitmo detainees overseas to their home countries or other countries, the bill would streamline the onerous certification procedures imposed by Congress and restore the ability of our military leaders to exercise their best judgment in determining whether detainees could be transferred abroad consistent with our national security. This provision would enable the Department of Defense to handle Gitmo detainees in the same way that it has handled other detainees in the course of the conflicts in Iraq and Afghanistan—by making case-by-case determinations whether it is in our national security interest to continue holding an individual.

Second, with respect to transfers of Gitmo detainees into the United States, the bill would reverse the one-size-fits-all ban that Congress has imposed on such transfers and permit case-by-case determinations of whether it is in our national security interest to transfer Gitmo detainees into custody inside the United States for detention and trial. This provision would restore our Nation's ability to use a key tool in the fight against the terrorist threat. That tool is prosecution of Gitmo detainees in Federal courts.

I have offered a side-by-side amendment with Senator McCAIN which requires the administration to develop a comprehensive plan and submit it to Congress before it could transfer any detainees to the United States under this provision. This plan would include a case-by-case determination of each individual held at Guantanamo where the individual is intended to be held, including the specific facility or facilities inside the United States that would be used and the estimated costs of any modification that may be needed at those facilities.

The side-by-side amendment would also clarify that Gitmo detainees would not gain any additional legal rights as a result of their transfer to the United States for detention and trial. In particular, detainees who are transferred to the United States would not gain any additional rights; would not be permitted to be released inside the United States; would not lose their status as unprivileged enemy belligerents eligible for detention and trial under the law of war; and would not gain any additional right to challenge his or her detention beyond the right to habeas corpus—which they already have at Guantanamo, as the Supreme Court has decided.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor to our side-by-side amendment, the Levin-McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Guantanamo continues to be a damaging reminder of a failed U.S. strategy that sought to put captured terrorists beyond the reach of the law and the U.S. courts. A dozen years ago the Bush administration started sending detainees to Gitmo in large part out of a desire to avoid the jurisdiction of the United States courts and ensure that detainees would have no legal avenue to appeal their convictions. Now, whether or not one supported that approach, that argument ended in 2008, when the Supreme Court ruled in the *Boumediene* case that Gitmo detainees would be treated as being inside the United States for the purpose of habeas corpus appeals.

Instead of recognizing the problems with maintaining the Gitmo facility—the problems of extreme costs, and that it adds no additional security to what exists if these people are brought to the United States for military trial, as being held as prisoners under the laws of war, or for Federal court trial, even though all of that is still possible inside the United States—we have enacted legislation which makes it virtually impossible to move detainees anywhere else, ensuring that the facility is going to remain open whether we need it or not.

The result is that we are stuck with an expensive facility. And make no mistake, the costs of the Guantanamo detention facility are exorbitant. The Department of Defense has put the costs associated with Gitmo at over \$400 million a year. That is more than \$2.5 million per detainee. If we had any additional security as a result, it would be worth it. But we don't need Gitmo for additional security. These detainees can be held in the United States. They can be held for trial, they can be held according to the rule of law, and they can be held under the military as military detainees.

Now, \$2.5 million per detainee is, by some estimates, 35 times the annual cost of housing a prisoner at a supermax security prison inside the United States. That does not include the more than \$200 million in additional military construction requests that the Department believes it needs to spend to keep Guantanamo running in the coming years. I repeat: If this added to our security, it would be worth it. But it doesn't. We can bring these same people to the United States to be held as prisoners of war the way we did Italians and others during World War II. I had hundreds in my home State. If we added to our security by keeping Guantanamo open instead of just having a place which is used as a training ground and used as an argument for Jihad—but we can keep these people in the United States just as safely as Guantanamo in maximum security prisons or under the military jurisdiction with the same amount of security for the people of the United States at far less cost.

We are all facing sequestration. It is undermining the readiness of our Armed Forces, requires risky reductions in force structure, and makes it likely we are going to have to cancel or severely curtail vital modernization programs. We cannot afford to spend \$500 million a year on a program that doesn't make us more safe.

The basis for the legislative obstacles to moving detainees out of Guantanamo appears to be the fear that returning Gitmo detainees to their home countries or transferring them to the United States would pose an unacceptable threat to our national security. But history has shown that we bring numerous terrorists to the United States for trial or incarceration. It has had no adverse effect on our national security. These prosecutions have resulted in hundreds of convictions on terrorism-related charges without apparent adverse effect to our national security. As the Attorney General wrote to Judiciary Committee Chairman LEAHY last week, terrorist prosecutions in Federal courts have been “an essential element of our counterterrorism efforts” and “a powerful tool of proven effectiveness.”

In the last 3 years, we have brought three foreign terrorists into the United States for trial. We brought Abu Ghath, Osama bin Laden's son-in-law, who has been convicted in Federal court and remains in Federal custody without incident. The second is Ahmed Warsame, who pled guilty in Federal court and remains in Federal custody without incident. The third is Ahmed Ghailani, who was convicted in Federal court, received a life sentence, and remains in Federal custody without incident. Again, there have been hundreds of convictions in this country of persons connected to terrorism in Federal courts.

Our military has routinely detained individuals on the battlefield in Afghanistan and then exercised their discretion to transfer them to local jurisdiction or to release them. If we can trust our military to make these determinations on a day-to-day basis for detainees in Afghanistan, we should be able to trust our military to make the same determination for detainees at Gitmo.

The rigorous review process which is codified by our bill's provisions requires the Secretary of Defense to determine, prior to transferring a Gitmo detainee, that the transfer is in our national security interest and that actions have been taken to mitigate any risk that the detainee could again engage in any activity that threatens United States persons or interests.

The provisions in this bill will get us past our fear that we cannot securely handle Gitmo detainees in this country. It would allow the Secretary of Defense to authorize Gitmo transfers to the United States for detention and

trial if doing so is in the United States' security interests. This bill will restore the President's ability to choose the most effective tool—whether that is military commissions or Federal courts—to bring these Gitmo detainees to justice.

In conclusion, I urge our colleagues to support the Guantanamo provisions in the bill, vote for the Levin-McCain-Feinstein side-by-side amendment, and oppose the effort to reinstate the counterproductive and costly restrictions in current law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that at 4:00 there might be a unanimous consent which will lead us to a vote at 5:00. Is that correct?

The PRESIDING OFFICER. The Chair has no knowledge about a vote at 5:00.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield the time between now and 4:00 to the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, it seems we are going to have an opportunity a little later on to discuss this tonight. In the capacity of the ranking member of the Armed Services Committee, I have to say that I can't imagine having a chairman with whom I cooperate and agree with on almost every issue like Chairman LEVIN. I really appreciate the work we have done together. We both recognize this is the most important piece of legislation each year, and we both recognize that, for 51 consecutive years, we have had this legislation. Nothing has come up to obstruct it. We also realize Republicans would prefer to have more opportunities to have amendments, and Chairman LEVIN has been very helpful in helping us to get that.

The area on which I don't agree is in the area of Gitmo and how it should be used. Every time I go to Gitmo, I shake my head and I say: Why in the world would we not use this resource? We don't have another resource like it. We heard the Senator from Georgia make the statement that he asked the chairman: If we don't have Gitmo to send these people, where are we going to send them? I believe it was Secretary of Defense Panetta who said: We don't know. There is not another place. We have used it successfully since 1904.

I often have said, and said yesterday, that we don't have many good deals in government. This is one that is. Since 1904, our rent on that territory has been \$4,000 a year. I don't think anyone can come up with a better deal, and besides Castro doesn't collect it about half the time.

It is argued that we can use it for interrogation. The information we received which led to Osama bin Laden's

demise was received from interrogation which took place at Gitmo.

When we talk about the treatment of people, the one thing that I discover every time I go down there is one of the chief problems they have in Gitmo is obesity because they are eating better than they have ever eaten at any other time in their lives. A primary care provider is there for every 450 detainees. They have never had that kind of treatment at any other time in their lives. The detainees receive age-appropriate colon cancer screening, TB screening, annual dental procedures, physical therapy, and all these things.

The idea that we would not be able to bring them to the United States for some more serious personal care I can't buy because we have the U.S. Naval Hospital at Guantanamo Bay. I have been there. They have approximately 250 personnel there who support the base's population of over 6,000.

When I look at this and I think of the options they have and this obsession the President seems to have to bring these terrorists into the United States, I have to share this one story. I know there is going to be a request here in just a moment. I can remember back 4½ years ago when this President first came in office—I am going from memory now—he had 17 places in the United States where he could put these terrorists. One happened to be in my State of Oklahoma, Fort Sill. He went down to look at the facility. The major who was in charge of it told me she had several tours of duty at Guantanamo. She said: Go back and tell those people in Washington we do not need to be spreading these terrorists throughout the continental United States when we have that great facility. She said she had been there twice and it is state-of-the-art.

I have a great fear, and that is that once we get a different administration here that realizes the value of Guantanamo Bay, it will be too late to go back and get it again. That is the reason we have been holding on to it with white knuckles.

The amendment we are going to be voting on in another hour or so, whenever it is set in, is going to be an amendment that will allow us to continue to use what I consider to be one of the most valuable assets we have in the system.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am going to make a unanimous consent proposal which I understand has been cleared.

I ask unanimous consent that the pending motion to recommit be withdrawn; that the pending Levin amendment, No. 2123, be set aside for Senator AYOTTE or designee to offer amendment No. 2255 relative to Guantanamo; that the amendment be subject to a

relevant side-by-side amendment, which is No. 2175, from Senators LEVIN, MCCAIN, and FEINSTEIN; that no second-degree amendments be in order to either of these Guantanamo amendments; that each of these amendments be subject to a 60-affirmative-vote threshold; that the time until 5 p.m. be equally divided between the two leaders or their designees; that at 5 p.m. the Senate proceed to vote in relation to the Ayotte amendment No. 2255; that upon disposition of the Ayotte amendment, the Senate proceed to vote in relation to the Levin-McCain-Feinstein amendment No. 2175; and that there be 2 minutes equally divided in between the votes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I was going to say the time between now and 5 o'clock is equally divided, as I understand it, between the Senator from Oklahoma and myself.

I yield the floor.

THE PRESIDING OFFICER. The Senator is correct.

#### AMENDMENT NO. 2255

Mr. INHOFE. On behalf of Senator AYOTTE, myself, and others, I call up amendment No. 2255 and ask the clerk to report by number.

THE PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Ms. AYOTTE, for herself, Mr. CHAMBLISS, Mr. INHOFE, Mrs. FISCHER, Mr. ENZI, and Mr. RUBIO, proposes an amendment numbered 2255.

The text of the amendment is printed in today's RECORD under "Text of amendments."

THE PRESIDING OFFICER. The Senator from Michigan.

#### AMENDMENT NO. 2175

Mr. LEVIN. Mr. President, I call up amendment No. 2175.

THE PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCAIN, proposes an amendment numbered 2175.

The amendment is as follows:

(Purpose: To propose an alternative to section 1033, relating to a limitation on the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba)

Strike section 1033 and insert the following:

#### SEC. 1033. LIMITATION ON THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) TRANSFER FOR DETENTION AND TRIAL.—The Secretary of Defense may transfer a detainee described in subsection (a) to the United States for detention pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), trial, and incarceration if the Secretary—

(1) determines that the transfer is in the national security interest of the United States;

(2) determines that appropriate actions have been taken, or will be taken, to address any risk to public safety that could arise in connection with detention and trial in the United States; and

(3) notifies the appropriate committees of Congress not later than 30 days before the date of the proposed transfer.

(c) NOTIFICATION ELEMENTS.—A notification on a transfer under subsection (b)(3) shall include the following:

(1) A statement of the basis for the determination that the transfer is in the national security interest of the United States.

(2) A description of the action the Secretary determines have been taken, or will be taken, to address any risk to the public safety that could arise in connection with the detention and trial in the United States.

(d) STATUS WHILE IN THE UNITED STATES.—A detainee who is transferred to the United States under this section—

(1) shall not be permitted to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or be eligible to apply for admission into the United States;

(2) shall be considered to be paroled into the United States temporarily pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)); and

(3) shall not, as a result of such transfer, have a change in designation as an unprivileged enemy belligerent eligible for detention pursuant to the Authorization for Use of Military Force, as determined in accordance with applicable law and regulations.

(e) LIMITATION ON TRANSFER OR RELEASE OF DETAINEES TRANSFERRED TO THE UNITED STATES.—An individual who is transferred to the United States under this section may not be released within the United States and may only be transferred or released in accordance with the procedures under section 1031.

(f) LIMITATIONS ON JUDICIAL REVIEW.—

(1) LIMITATIONS.—Except as provided for in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents relating to any aspect of the detention, transfer, treatment, or conditions of confinement of a detainee described in subsection (a) who is held by the Armed Forces of the United States.

(2) EXCEPTION.—A detainee who is transferred to the United States under this section shall not be deprived of the right to challenge his designation as an unprivileged enemy belligerent by filing a writ of habeas corpus as provided by the Supreme Court in *Hamdan v. Rumsfeld* (548 U.S. 557 (2006)) and *Boumediene v. Bush* (553 U.S. 723 (2008)).

(3) NO CAUSE OF ACTION IN DECISION NOT TO TRANSFER.—A decision not to transfer a detainee to the United States under this section shall not give rise to a judicial cause of action.

(g) EFFECTIVE DATE.—



(1) IN GENERAL.—Subsections (b), (c), (d), (e), and (f) shall take effect on the date that is 60 days after the date on which the Secretary of Defense submits to the appropriate committees of Congress a detailed plan to close the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

(2) ELEMENTS.—The report required by paragraph (1) shall contain the following:

(A) A case-by-case determination made for each individual detained at Guantanamo of whether such individual is intended to be transferred to a foreign country, transferred to the United States for the purpose of civilian or military trial, or transferred to the United States or another country for continued detention under the law of armed conflict.

(B) The specific facility or facilities that are intended to be used, or modified to be used, to hold individuals inside the United States for the purpose of trial, for detention in the aftermath of conviction, or for continued detention under the law of armed conflict.

(C) The estimated costs associated with the detention inside the United States of individuals detained at Guantanamo.

(D) A description of any additional actions that should be taken consistent with subsections (d), (e), and (f) to hold detainees inside the United States.

(E) A detailed description and assessment, made in consultation with the Secretary of State and the Director of National Intelligence, of the actions that would be taken prior to the transfer to a foreign country of an individual detained at Guantanamo that would substantially mitigate the risk of such individual engaging or reengaging in any terrorist or other hostile activity that threatens the United States or United States person or interests.

(F) What additional authorities, if any, may be necessary to detain an individual detained at Guantanamo inside the United States as an unprivileged enemy belligerent pursuant to the Authorization for Use of Military Force (Public Law 107-40), pending the end of hostilities or a future determination by the Secretary of Defense that such individual no longer poses a threat to the United States or United States persons or interests.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INTERIM PROHIBITION.—The prohibition in section 1022 of the Fiscal Year 2013 National Defense Authorization Act (Public Law 112-239; 126 Stat. 1911) shall apply to funds appropriated or otherwise made available for fiscal year 2014 for the Department of Defense from the date of the enactment of this Act until the effective date specified in subsection (g).

(i) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” has the meaning given that term in section 1031(e)(2).

Mr. LEVIN. I understand we have a Senator on the way. I suggest the absence of a quorum unless someone else wishes to be recognized. I ask that the

time on the quorum call be equally divided unless someone else seeks to be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, during this pause, if someone comes down to talk about the two amendments that will be voted on at 5 o'clock, I will be happy to defer to them. But I think it is important that we understand we are finally making some headway in getting into this Defense authorization bill. It seems as if every year for 51 years now we have been able to get it through. While other bills become controversial, get to a point where they cannot go any further, that does not happen with the Defense authorization bill. It is one that has to take place.

As the Republican ranking member of the Senate Armed Services Committee, let me say, as I have said before, I thank my friend and colleague the chairman CARL LEVIN for his leadership in marking up this bill. It has always been difficult. In most cases we agree with each other. We happen to be looking at an amendment now where we disagree. But I always consider the NDAA bill as the most important piece of legislation in Congress every year. It contains authorizations that support our men and women serving in harm's way, all the way in Afghanistan and around the world. It supports the training of our servicemembers and maintenance and modernization of their equipment. It authorizes research and development; that is, R&D efforts that will ensure that we maintain technological superiority over our enemies and can defeat the threats of tomorrow. Most important, it provides for the pay and benefits for the brave men and women who have made their sacrifices and are putting their lives at risk for our benefit. However, it is important to note this year—and this has not happened before, in my memory—the bill provides all of these vitally important efforts only as the reduced spending levels would allow.

In an era increasingly defined by bipartisan gridlock, the NDAA is one of the rare occasions where Members of both parties can come together. This enduring commitment was exemplified again this year by the overwhelming bipartisan support we had for the bill that came out of our committee—bipartisan support. We want, of course, to have that same bipartisan support here on the floor. Hopefully we will be able to get this done by the end of this week.

Consideration of this year's NDAA comes at a time in our national secu-

rity when we face more volatile and dangerous times than we ever have in the history of this country. Chaos and violence are on the rise in the Middle East and north Africa. Al Qaeda is growing and establishing new safe havens from which to plan and launch attacks against the United States. We have rogue nations, such as Iran and North Korea. It is not the way it was in the old days—I have often said the good old days—of the Cold War where we had an enemy and that enemy was predictable. We knew that enemy.

Remember, we used to have this thing called mutual assured destruction. That meant something then, but it doesn't mean anything now because our potential enemies out there want to be destroyed. They have a different mentality than they used to.

Iran and North Korea are developing their nuclear capability and delivery systems. Our intelligence has told us that Iran will have a weapon and a delivery system. All the way back in 2007 they said they would have it by 2015. That is a year and a half from right now. I tell the Chair that they are going to have that capability. The threats are much more serious to us now.

When I say this is the first time we have faced the crisis we are facing now, it is not just because the enemy is out there. I am talking about an enemy who will have the capability of sending a weapon over and delivering it to the United States, but at the same time over the last 5 years of this administration the military has already endured a \$487 billion cut. That is \$487 billion out of the defense budget. That is before sequestration.

Now we have sequestration—an outcome once thought to be so egregious, I can remember that as recently as less than a year ago, we thought: We are not going to have this. After \$487 billion being pulled out of the military, we cannot also have sequestration, which will be the \$½ trillion that will come out in the next period of time. So we didn't think it would happen, but it did happen.

We are now into what, our seventh or eighth month of sequestration. In total, our military men and women stand to endure over a \$1 trillion slash from their budget. These cuts are forcing a dramatic decline in military readiness and capabilities.

I talked to General Odierno yesterday. He is Chief of Staff of the Army. He recently said that his forces are at the—I am going to quote now—“lowest readiness levels I have seen within our Army since I've been serving for the last 37 years” and that only two brigades are ready for combat. That is our U.S. Army. We have never had that confession made. It is a level of desperation where they are willing to come out and talk of it. We cannot sustain another \$½ trillion in cuts.



Admiral Greenert, Chief of Naval Operations, said that “because of fiscal limitations and the situation we’re in, we don’t have another strike group trained and ready to respond on short notice in case of emergencies. We’re tapped out.” That is the CNO of the Navy.

Our top military leaders now warn of being unable to protect America’s interests around the world. Keep in mind, Admiral Winnefeld is the No. 2 person in line. He is the Vice Chairman of the Joint Chiefs of Staff. Admiral Winnefeld, who has been there nearly 40 years, stated earlier this year that “there could be, for the first time in my career, instances where we may be asked to respond to a crisis and we will have to say we cannot.”

General Dempsey, the No. 1 guy, Chairman of the Joint Chiefs of Staff, has warned that continued national security cuts will “severely limit our ability to implement our defense strategy. It will put the nation at greater risk of coercion, and it will break faith with men and women in uniform.”

This is why I am so troubled by the disastrous path we are on. In the face of mounting threats to America, we are crippling the very people who are vital to our security—the men and women in uniform.

To be clear, our military was facing readiness shortfalls even before sequestration took effect. Nearly 12 years of sustained combat operations have really worn down our forces and their equipment. In order to meet the spending caps mandated by sequestration, the military services are being forced to starve the accounts necessary to repair and reset their forces.

Rather than rebuilding the ability of our military to defend the country, we are digging ourselves deeper into a hole. The longer we allow military readiness and capabilities to decline, the more money and time it will take to rebuild.

We already know this is the case based on what happened in fiscal year 2013. For example, General Welsh, Chief of Staff of the Air Force, said that because of the first round of sequestration cuts he was “forced to ground 33 squadrons”—he’s talking about fighter squadrons—“including 13 combat-coded squadrons and an additional seven squadrons were reduced to basic ‘take-off and land’ training. It will now cost a minimum of 10 percent more flying hours to fully retrain the grounded squadrons . . .” What he is saying is that when it was mandated that he take down 33 squadrons—which happened around April—then in July, 3 months later, they said, you can start working the squadrons again—he is saying that it costs more to retrain and bring these people back up in these proficiencies than it saved during that 3-month period of time.

He specifically said that it will now cost a minimum of 10 percent more fly-

ing hours to fully retrain the grounded squadrons than it would have to simply keep them trained all along. We heard that from several other top people as well.

I talked to General Amos yesterday. He is with the Marine Corps. He said he has approximately \$800 million in critical military construction funding that they will be unable to execute under sequestration—assuming they go through with sequestration. By the way, I have not given up on stopping the military sequestration that is damaging our ability to defend ourselves.

General Amos said that the military construction funding will be unable to execute under sequestration and will need to be deferred. Further, it will cost over \$6.5 billion to buy back orders of the V-22s, joint strike fighters, Hughes, and Cobras. Those are four platforms we would have to bring back at the additional cost of \$6.5 billion that we otherwise would not have spent.

On Monday Admiral Greenert told me that under the current budget environment he will be forced to defer much-needed ship maintenance, costing a 15- to 20-percent increase in total costs.

In other words, the things they are doing now to meet these line-by-line mandates of reductions are not saving money but costing money. Under sequestration, we will lose one *Virginia*-class submarine, one littoral combat ship, one afloat forward staging base, development of an *Ohio*-class replacement submarine program. They will all be delayed, which again will result in an increased price.

So not only is sequestration gutting our military capabilities, it ends up costing American taxpayers more than it will save. We are falling victim to the misguided belief that as the wars of today wind down, we can afford to gut investments in our Nation’s defenses. It is irresponsible and makes America less safe.

I remember going through the same thing back in the 1990s when the chant at that time was the cold war is over, so we no longer need that strong of a defense. We heard it from both sides, and now we are going through the same thing. History reminds us we cannot dictate when and where the next conflict is going to arise. Instead, if we allow the continued dismantling of our military, we will be less safe and less prepared to defend our country. If our military men and women are called upon, their ability to accomplish the mission will be undermined, and tragically, more will lose their lives unnecessarily.

We had the top military people in our Armed Services Committee, and I asked them about this issue. They talked about the loss of readiness—risk equals lives. When you take on more risks, you lose more American lives.

General Amos, Commandant of the Marine Corps, testified that if he is tasked to respond to a contingency in the current budget environment:

We would have fewer forces, arriving less trained, arriving later to the fight. This would delay the build-up of combat power, allow the enemy more time to build up their defenses, and likely prolong combat operations altogether. This is a formula for more U.S. casualties.

Such an outcome would be immoral and a dereliction of duty. If we expect the men and women in our military to go in harm’s way to protect America, we have an obligation to provide them with the training, technology, and capabilities that is required to decisively overwhelm any adversary at any time and return safely to home and their loved ones.

I can remember when they used to use a different term than they use today. Today they call it nature of military operations. It used to be defending America on how many fronts. Since World War II, there were always two fronts, and now we are down to where it would be hard to do it on one front, and that is why this bill is so important and why protecting the readiness of our military men and women remains my top priority. However, something has to be done to mitigate any devastating impact of readiness, so we must find long-term solutions. Every day that goes by without action will only increase the damage.

I do have an amendment that would phase sequester in a way that would allow our senior military leaders to enact reforms without disproportionately degrading our military so we can continue to train and prepare our military women and men.

My good friend the Senator from Alabama and I are joining forces. We have an amendment that is going to allow some degree of latitude and flexibility. So while we are living under the same budget constraints we are under today, they can make some decisions where it is not just an online reduction. I have just finished talking about how much more that will end up costing us.

I see now we have someone else who has come to the floor to be heard. I want to repeat how much I appreciate the chairman of the committee CARL LEVIN for his cooperation with our side. He is trying to get this to become a reality and get this bill passed hopefully this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 15 minutes to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to support the Levin-McCain amendment, and I have added my name as a cosponsor. I would also like to

speak in support of provisions authored by Chairman LEVIN that are in this year's National Defense Authorization Act, which provides more flexibility that the President and Secretary of Defense need in order to move detainees from Guantanamo.

I strongly support the Levin-McCain-Feinstein amendment. Here is what it would do: It would clarify that Guantanamo detainees transferred to the United States for law of war detention do not have any additional rights or benefits such as the right to claim asylum. So it limits it.

It would clarify that Gitmo detainees transferred to the United States may not be released from law of war detention into the United States.

Finally, it would require a detailed plan to be submitted to Congress on how to close Guantanamo, including the specific facilities intended to be used to hold detainees inside the United States.

I have heard Senator MCCAIN talk about this, request it, and I believe it is a very valid need.

It has been 12 years since the attacks of 9/11 and the United States invasion of Afghanistan. In the ensuing years 779 people were brought to Guantanamo without charge, and for many of them, simply for being at the wrong place at the wrong time. Most of the 164 left have been held for more than 10 years. Those transferred to Guantanamo from CIA custody in black sites have been there now for 7 years. Unfortunately, we still have not figured out a way to close Guantanamo.

President George W. Bush called for it to be closed. So did former Secretaries of State Condoleezza Rice and Collin Powell, as well as former Secretaries of Defense Bob Gates and Leon Panetta, among others.

In fact, here is what President Bush wrote on pages 179 and 180 of his memoir Decision Points:

... there are things I wish had come out differently. I am frustrated that the military tribunals moved so slowly. Even after the Military Commissions Act was passed, another lawsuit delayed the process again. By the time I left office, we held only two trials. The difficulty of conducting trials made it harder to meet a goal I had set in my second term: closing the prison at Guantanamo in a responsible way. While I believe opening Guantanamo after 9/11 was necessary, the detention facility had become a propaganda tool for our enemies and a distraction for our allies.

While I would like to go much further and close the facility immediately, the provisions in this bill will ease the transfer restrictions so that detainees can be held in other countries or tried, convicted, and put in a proper maximum security facility in the United States.

There are three categories of detainees left at Guantanamo:

First, 46 detainees will continue to be held on preventive detention, meaning

they are being held under international law until the end of hostilities—when-ever that may be. It could be years; it could be decades.

Second, 34 detainees have been slated for prosecution, and of those three detainees have already been convicted in a military commission and are still serving their time at Guantanamo. But most of these 34 detainees have not even been charged, and there is no indication when they will be.

The final category is the largest—84 of the 164 detainees currently at Guantanamo were cleared for transfer by a 2010—that's 3 years ago—interagency process carried out by our national security and intelligence agencies. But current law needlessly complicates efforts to transfer those 84 men.

President Bush transferred over 530 detainees from Guantanamo during his time in office and, unfortunately, many went on to commit terrorist acts because there were no individual assessments done on each detainee. But these individual assessments have been carried out by the Obama administration.

Despite his commitment to close Guantanamo, President Obama has been able to transfer only 67 detainees during his first term, and only two recommended for transfer have been successfully sent home under the burdensome procedures now in place. More are on the way, but this is an unacceptable delay because the government cleared these detainees for transfer years ago.

Sections 1031, 1032, and 1033 of this bill will give the President more flexibility to transfer these detainees out of Guantanamo. It is long overdue. I thank the chairman, who is sitting in front of me, and the ranking member for these provisions. But even under these provisions, the Secretary of Defense would still have to certify that the transfer is in our Nation's security interests and that appropriate steps have been taken to address the risk of recidivism. Congress would have to continue to be notified of such transfers.

In March of this year, Lt. Gen. John F. Kelly, the head of the U.S. Southern Command which has military responsibility for Guantanamo, testified to Congress about the massive hunger strikes that were going on at the time and said the detainees were devastated at the lack of transfers and the government's failure to execute plans to close it as the President has promised.

In June of this year, I traveled to Guantanamo with Senator MCCAIN and the President's Chief of Staff to see this devastation for myself. On our trip, we saw the process that is used to retain the detainees as they are forced from their cells and brought in to be force fed. We did not see a detainee being force fed, but we saw the tube that is forced up their nose and down their throat into their stomach. It is

coated with olive oil or Lanacane, if necessary, and it is done daily. We saw the restraints—at the legs, the arms, and the head where detainees are held—not too different from the image of a death row convict in an electric chair.

I said at the time and I will say it again today, the military and civilian personnel at work on Guantanamo are carrying out their duties with dedication, skill, and honor. My opposition to continued detention at Guantanamo is not an indictment against them; it is with a failed and bankrupt policy, including here in Congress, and now is the time to change it.

Another thing that struck me is the enormous costs we are sinking into this isolated facility each year. Detention operations at Guantanamo now total approximately \$5 billion since the facility opened in January of 2002. According to the most recent estimates provided by the Department of Defense, the total cost for fiscal year 2013 is estimated to be \$454.1 million, which equals approximately \$2.8 million per detainee. That works out to be more than 35 times the cost to hold the prisoner in a supermax facility in Florence, CO. This supermax facility currently houses a number of Al Qaeda terrorists, including Zacarias Moussaoui, Shoe Bomber Richard Reid, and the would-be Christmas Day Bomber Umar Farouk Abdulmutallab.

In this era of sequestration and furloughs, how can we justify spending approximately \$2.8 million per Guantanamo detainee?

Now, even with near unanimous support across the current and past administration to close the structure, some appear to question whether there still is a national security need to shutter the facility. I believe it is clear that Guantanamo is still a symbol that motivates our enemies and draws more and more young Muslims to fight against the United States.

This is not just my determination but also the finding of our intelligence community. Last week, Director of National Intelligence James Clapper wrote to the Senate Intelligence Committee noting his support for the closure of Guantanamo in which he offered the following examples of how Al Qaeda and its affiliates continue to reference Guantanamo in furtherance of their global jihadist goals.

Al Qaeda leader Ayman Zawahiri, in an audio statement in July of this year, cited the detention without trial of Gitmo prisoners as one indication of American hypocrisy and indiscriminate persecution of innocent Muslims. An article about the Boston Marathon bombings, in the most recent edition of Al Qaeda in the Arabian Peninsula's "Inspire" magazine—this is kind of a diabolical magazine that Al Qaeda puts out and this is one published in June—highlighted the ongoing detention of

prisoners at Gitmo as one of the purported justifications of terrorist attacks such as 9/11 and the Boston Marathon bombings.

Here is what the article said:

If we note down all that has been and is still being carried out by America against Muslim nations, we will run out of pages. . . . There is also the secret prisons and black sites file, we could not miss out Guantanamo Bay detention camp. The American Nation should have a good grasp of all of these and other historic facts so that they can comprehend the background and the context of the Boston Marathon operation, Detroit, September 11 and other operations which are barely a wave of anger; vengeance.

Furthermore, Guantanamo is referenced 20 times in the previous 10 issues of "Inspire" magazine.

I ask unanimous consent to have printed in the RECORD the letter from the DNI dated November 12, 2013.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIRECTOR OF NATIONAL INTELLIGENCE

Washington, DC.

Hon. DIANNE FEINSTEIN,  
Chairman, Select Committee on Intelligence,  
U.S. Senate, Washington, DC.

Hon. SAXBY CHAMBLISS,  
Vice Chairman, Select Committee on Intelligence,  
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN AND VICE CHAIRMAN CHAMBLISS: As the Senate considers provisions of the FY14 National Defense Authorization bill that would lift Guantanamo detainee transfer restrictions, I would like to provide the Intelligence Community's views of the national security implications in maintaining the Guantanamo Bay detention facility (GTMO).

Al-Qa'ida, its affiliates, and its allies this year continued to reference the detention and purported mistreatment of the detainees at GTMO in furtherance of their global jihadist narratives. The references to GTMO by al-Qa'ida and affiliated organizations include:

Al-Qa'ida leader Ayman al-Zawahiri in an audio statement in July 2013 citing the detention without trial of GTMO prisoners as one indication of American hypocrisy and indiscriminate persecution of innocent Muslims and calling for all al-Qa'ida prisoners at GTMO to be released.

An article about the Boston marathon bombings in the most recent edition of AQAP's Inspire magazine in June highlighting the ongoing detention of prisoners at GTMO as one of the purported justifications to engage in jihad.

As these examples illustrate, closing the Guantanamo Bay detention facility would deprive al-Qa'ida leaders of the ability to use alleged ongoing mistreatment of detainees to further their global jihadist narrative. In an effort to disrupt the narrative used by terrorists, I support the President's priority of closing the detention facility.

Sincerely,

JAMES R. CLAPPER.

Mrs. FEINSTEIN. Mr. President, I just visited the 9/11 memorial this past Saturday and was extraordinarily moved by that memorial. It is an amazing place. It really brings to one's heart the gravity of what that situation was. We then went down to the museum and I saw exactly where the

plane went through the steel superstructure and the staircase where hundreds of our people fled with smoke following them down those stairs. We must prevent another 9/11.

I note there is a letter from certain members of the September 11th Families for Peaceful Tomorrows that has been sent to us in favor of this bill and the detainee transfer provisions in the bill. I ask unanimous consent to have printed in the RECORD the letter from the September 11th Families for Peaceful Tomorrows.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PEACEFUL TOMORROWS,

New York, NY, November 18, 2013.

DEAR SENATOR: We are writing to ask you to support the Guantanamo detainee transfer provisions included in the National Defense Authorization Act (NDAA) for Fiscal Year 2014, as reported out of the Senate Armed Services Committee (SASC). We are all family members of those killed in the 9/11/2001 terrorist attacks. Since that tragic event, we have worked together as members of September 11th Families for Peaceful Tomorrows [<http://www.peacefultomorrow.org>] for long-lasting solutions to the violence that claimed our loved ones' lives.

In recent years, Guantanamo prison and the on-going Military Commission hearings for the 9/11 suspects at Guantanamo have been a particular focus of our concern and action. We believe closing Guantanamo is good human rights policy and good national security policy. The Guantanamo provisions in the Senate NDAA provide the necessary flexibility to execute that policy responsibly. We urge your support of the Guantanamo provisions in the Senate NDAA and urge you to vote "no" on any amendments that would further restrict transfers.

When Peaceful Tomorrows first organized, we committed to working together to promote U.S. foreign policy that places a priority on internationally-recognized principles of human rights and to calling attention to threats to human rights that might result from U.S. responses to 9/11. Guantanamo has become a stain on our national reputation. Today, it is simply no longer sustainable—ethically, strategically, or financially.

We are keenly aware of the continuing injustice of holding the 164 prisoners now at Guantanamo prison without trial for these many years. These prisoners have been denied the justice which Americans take pride in as a source of national strength. At the same time, our 9/11 family members continue to be denied justice by the seemingly imperceptible progress of trying those prisoners under the current military commissions. We advocate the immediate release of those who have been cleared for release, and the transfer of the remaining prisoners to be tried in US federal courts, which have successfully tried and convicted scores of terrorists in the past decade.

More than half of the Guantanamo detainees have long been cleared for transfer by our own national security and intelligence agencies. Current law has needlessly complicated moving these cleared detainees. This law must be revised. The SASC foreign transfer provisions will do that while ensuring that any risks are far outweighed by the dangers of continuing the status quo. Major General Paul Eaton (Ret.) has cautioned

that unless we institute change, Guantanamo will serve as "a recruiting tool of the first order" for those who wish us harm, while damaging cooperation with our allies on counterterrorism that will result in lost intelligence opportunities. Worse yet is the effect it has had on Americans, corrupting their faith in American values that has taken centuries to build.

To continue to spend nearly \$2.7 million per detainee, per year makes no sense at a time when Congress is wrestling with deep budget cuts. We can institute an intelligent, factor-based system that will allow the Secretary of Defense to explain to Congress whether a transfer is in America's national security interests, and the steps that will be taken to mitigate any risk of a detainee engaging in terrorist activities after release.

In his May speech at the National Defense University, President Obama recommitted his administration to closing Guantanamo. Since that time, the administration has appointed envoys at the Departments of Defense and State to oversee the closure of Guantanamo. This is absolutely the right thing to do now, but Congress must also do its part.

The Guantanamo provisions in the Senate NDAA clarify and modify the President's authority to transfer detainees to foreign countries and provide important additional flexibility to close Guantanamo responsibly. They replace a cumbersome certification and waiver regime with sensible, factor-based standards designed to minimize risks. They lift the ban on transfers to the United States for criminal prosecution, which is critical now that we see how federal criminal courts offer a more experienced and less costly way to try terrorism suspects than the flawed, costly, inefficient, and perhaps unconstitutional, military commissions system at Guantanamo Bay. The experiment of the military commissions of the 21st century has proven inadequate to its promises of justice, transparency, fairness and speed.

It is more than twelve years after the heinous attacks in which our loved ones died. During that time some of our fellow 9/11 family members have died waiting to see justice done. Enough is enough! It is time for the U.S. to demonstrate its commitment to the rule of law by moving detainees cleared for release out of Guantanamo, by making federal trials for those who are accused of terrorist crimes possible, and by taking steps to close the Guantanamo facilities that have earned the U.S. the enmity of the world. We exhort you to pass the NDAA without transfer restrictions on Guantanamo prisoners, and help to bring this horrible chapter to a close in our lifetimes.

Our relatives died on 9/11; they would never have wanted the U.S. to compromise its principles in their names, nor do we.

Sincerely,

THE MEMBERS OF SEPTEMBER 11TH  
FAMILIES FOR PEACEFUL TOMORROWS.

Mrs. FEINSTEIN. Mr. President, by the end of President Obama's term in office, some detainees will have been held at Guantanamo without charge or trial for 15 years—15 years. We need to change this outcome, and we can do so with no threat to our Nation's security.

For one detainee, Ibrahim Idris, his physical and mental problems at Guantanamo have gone on for so long that the government decided to finally drop its opposition to his legal argument that he is far too sick to stay locked

up. There are others at Guantanamo who are desperate and in need of medical treatment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. Mr. President, if I may finish this paragraph.

Mr. LEVIN. Mr. President, I yield an additional 2 minutes to the time of the Senator from California.

Mrs. FEINSTEIN. I thank the chairman.

That is why section 32 of this Defense bill will allow the Department of Defense to temporarily transfer Guantanamo detainees to the United States for emergency or critical medical treatment. No one is talking about releasing these detainees into the United States. The section is about providing medical care to people in our custody.

The other Guantanamo provisions in this year's defense bill clarify and improve the existing authority to transfer detainees out of Guantanamo, to other nations, responsibly. Specifically, Section 1031 replaces a cumbersome six-part certification requirement and partial waiver regime in current law with a more sensible, factor-based standard designed to mitigate any risks, but allow transfers to foreign countries and into the U.S. for criminal prosecution.

Let me be clear about this last point: Al Qaeda terrorists should be transferred to the U.S. for prosecution in Federal criminal courts because for some of them, Federal criminal court is the only option left besides indefinite detention or release.

I regret to say this, but the military commission system at Guantanamo has failed. Although the issue is being appealed, under current law, the military commission system cannot be used to prosecute the terrorists at Gitmo for the crimes of material support and conspiracy, which are two crimes commonly charged in federal criminal court. That restriction has complicated the efforts of the military prosecutors to convict terrorists.

Don't we want the chance to bring these terrorists to justice instead of releasing them or holding them forever without charge? Wasn't the reason we passed these criminal penalties into law so that they could be used against terrorists such as those Al Qaeda members who conspired against the United States, or aided the terrorists involved in the attacks of September 11?

Now that we have been able to observe the different iterations of the military commission system over the years, it is clear that it does not provide swift justice for either the detainees or the victims who want to see these accused terrorists brought to justice. Consider the following information about the military commission system.

Military commission prosecutions have led to short sentences and zero death penalty convictions.

Three of seven individuals convicted in military commissions are already out of prison living freely in their home countries of Yemen, Australia, and Sudan. A fourth detainee who was convicted could be released from Guantanamo later this year, a fifth is serving his sentence in Canada, and a sixth now has his case on appeal.

Military Commissions at Guantanamo have cost the U.S. \$600 million since 2007. That's \$600 million to prosecute seven people.

By comparison, Federal criminal courts offer a more experienced and less constitutionally risky venue. There have been 533 terrorism-related convictions in Federal criminal courts since 9/11.

The President should have the option to add some of the detainees currently at Guantanamo to that conviction list. Section 1033 of this year's defense authorization bill will allow the Secretary of Defense to transfer Gitmo detainees to the U.S. for detention and trial if the Secretary of Defense determines that, No. 1, doing so is in the U.S. national security interest, and No. 2, that public safety issues have been addressed.

Allowing detainees to be brought to the U.S. and charged in Federal court will work to put an end to the delay of justice and the extreme cost of the experimental justice system at Guantanamo Bay. It is the quickest and best way to ensure detainees will answer for their terrorist crimes and serve out long prison sentences.

For those relatively few detainees who can't be tried but instead have been slated for continued detention until the end of hostilities, bringing them to the United States presents a more cost-effective and less controversial option. Facilities in the United States are up to the task. I don't believe there is any more risk of a Guantanamo detainee escaping from a maximum security facility than there is from a prisoner getting out of Supermax. It has never been done.

I know transferring Guantanamo detainees out of the facility where they have been for 10 or more years is not politically popular. These are not easy decisions, but we have to consider the alternatives.

Do we want 84 detainees who have been cleared for transfer to other countries to languish in our prison any longer? Again, "cleared for transfer," doesn't mean these detainees will automatically go free. "Cleared for transfer" means they could still be detained by foreign governments after they are transferred.

Do we want detainees who could be prosecuted quickly and serve long prison sentences to avoid being brought to justice any longer?

Isn't it time to close Guantanamo once and for all? I believe Guantanamo is, has been, and always will be a dark

spot on our history, so the sooner we get rid of it, the better.

I support the Guantanamo language included in this bill by Chairman LEVIN and ask my colleagues to support the Levin-McCain Amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. I thank the chairman of the Armed Services Committee.

Mr. President, I rise, as the Senator from California did, in support of a tough, adaptable, and smart national security policy. What do I mean by that? In this case, that means we ought to support provisions that provide the Department of Defense and the President with the flexibility necessary to transfer certain detainees from the detention facility at Guantanamo to face justice in other venues. In that context, I am proud to join Chairman LEVIN and Senator MCCAIN and Senator FEINSTEIN in sponsoring this important bipartisan amendment. For a number of reasons, I strongly believe its passage would strengthen our national security and is in the best interests of our country.

I am joined in that assessment by the Director of National Intelligence, the Secretary of Defense, and many other senior national security leaders, including at least 38 retired generals and admirals who helped to prosecute the war against Islamic extremists.

This amendment does not close Guantanamo. It doesn't require the release of detainees into the United States or force the transfer of suspected terrorists to foreign countries. This amendment simply provides the administration with the flexibility to bring justice to Gitmo detainees in the most effective, efficient means possible.

The fact is that civilian courts have convicted over 400 suspected terrorists since 2001. The conviction rate for terrorist suspects in article III courts; that is, civilian courts, is nearly 90 percent. During the same period, a grand total of seven detainees at Guantanamo have been convicted by military commissions, and of those seven, two convictions were overturned.

There are circumstances in which military commissions are appropriate. I would agree with some of my colleagues that there are detainees held at Guantanamo who should face trial in a military commission. But the fact is that in many cases the civilian court system is faster, it is more efficient and more effective at bringing terrorists to justice than military commissions. So why would we handcuff ourselves and limit our options to bring accused terrorists to justice?

Our enemy already knows we are tough. We have pursued them all over the globe. We have eliminated their leaders and we have killed or captured many of their followers. But we can be tough and we can be smart at the same time. Handcuffing our military and Justice Department in their efforts to bring our enemies to justice is simply shortsighted and counterproductive. Doing so only impedes justice, erodes the image of the United States, and serves as a recruiting tool for a new generation of terrorists.

According to the Defense Department, we are spending about \$450 million a year to keep Gitmo open. And the DOD is going to need hundreds of millions more for upgrades and repairs if the facility stays open. That situation is unsustainable, especially at a time of sequestration and rising budget deficits. Without action by Congress, those costs will continue to climb as detainees get older and sicker, and our moral standing will suffer the longer we hold people without trial.

Based on evidence, I have faith in our justice system to secure convictions in terrorist cases. We have a system of justice second to none and prisons that already hold some of the most dangerous criminals in the world. There is no question that these individuals who have been convicted and sentenced will be detained for the rest of their lives with no risk to our citizens.

We have proven it time and time again. As a member of the Armed Services and Intelligence Committees, I receive frequent briefings and reports on our counterterrorism efforts around the world. I know this: I know this amendment will let us continue to prove it again and again in the future.

In sum, the Levin-McCain-Feinstein-Udall amendment benefits our national security and should be passed by the Senate without delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 4 minutes 15 seconds.

Mr. LEVIN. I ask unanimous consent that I be able to yield an additional 5 minutes above the 4½ minutes to Senator DURBIN. I understand if that means there is less time left than allotted to the other side, I would ask unanimous consent that additional time be used at 5 o'clock and the vote would then occur a few minutes after 5.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, I do not object, but specifically we have a request by the prime author of this amendment to be under consideration at 5 o'clock to have 5 minutes. So I assume the thrust of the Senator's UC request is to give her 5 minutes, even if it happens to fall starting at 5 o'clock.

Mr. LEVIN. Is the Senator from New Hampshire available at 5 minutes to 5? If that is true, I ask unanimous consent that I be allowed to modify that previous UC request to provide 10 minutes to the Senator from Illinois and the last 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, first, let me thank my colleague and friend from the State of Oklahoma for yielding time and the Senator from Michigan for manufacturing this close so both sides will be heard as we come to this important vote.

For 11 years now—for 11 years—I have been coming to the Senate floor giving speeches about closing Guantanamo. This is my 66th speech calling for the closure of Guantanamo. This year I held a hearing in the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. I brought in military experts, and I asked them: Do we need Guantanamo? Here is what they said. In fact, here is what we heard from Retired MG Paul Eaton, who served for 30 years in the Army and was the commanding general of the Coalition Military Assistance Training Team in Iraq. He said:

Guantanamo is a terrorist creating institution and is a direct facilitator in filling out the ranks of Al Qaeda and other terror organizations that would attack the U.S. or our interests.

General Eaton said:

Guantanamo, in military terms, is a recruitment tool of the first order.

Then I went down to the Southern Command in Miami, FL, and I met with the generals there who have the responsibility of running Guantanamo. When I asked them about Guantanamo, there was a sadness that came over the conversation, and they talked about how difficult it was—with about 160 or 165 detainees remaining down there—how difficult and how expensive it was for them to maintain that facility. They accepted it. It was part of their responsibility being in our military. But they basically said to me: When is Congress going to accept its responsibility?

The Levin-McCain amendment before us accepts our responsibility.

Let's get down to the bottom line. Whether you think these terrorists should be at Guantanamo or not in Guantanamo, let's talk about something very basic and very simple. How much does it cost for us to keep in prison one person in Guantanamo for 1 year? It is \$2.7 million—\$2.7 million per prisoner per year.

How much does it cost the Federal taxpayers to take the most dangerous, blood-thirsty, deadly individual we convict in our criminal courts and put them in the Florence supermax facility

in Colorado, where no prisoner has ever escaped? Mr. President, \$70,000 a year.

What are we trying to prove? Are we trying to prove in Guantanamo how much money we can spend—let me add waste—on a facility that is totally unnecessary?

I asked the Director of the U.S. Bureau of Prisons a very basic question: If we sent the most dangerous terrorist at Guantanamo to Florence, CO, what is the likelihood that person would escape? He said: Zero. They do not escape from our supermax facilities.

So we are not keeping America safe by wasting—wasting—\$450 million a year in Guantanamo. We know that roughly half of those who are being held at Guantanamo should be released. They are not going to be tried for a crime at this point. They should be released. What the Levin-McCain amendment does is to set up an orderly, thoughtful, sensible way for the transfer of these prisoners.

Why do we keep this Guantanamo open? What is the point? It is as if some lobbyist has us enthralled that we have to keep Guantanamo open. It is not about national security anymore. It is not about the cost of incarceration anymore. It is about something else that I cannot even define.

So what we need to do is to take those remaining in Guantanamo who can be charged, charge them, try them, incarcerate them. Those who are going to be a danger to the United States should never see the light of day. But why would we continue to waste \$2.7 million per year per prisoner to keep Guantanamo open?

Throughout its history, Guantanamo has had a checkered past. It is part of Cuba. We send the Cuban Government each year a rental check for the Guantanamo facility. They never cash it. They may tear them up. They do maintain the minefield between Guantanamo and the rest of the Island of Cuba to make sure there is no travel between the two, not that anyone would try. That is it. We maintain this facility because in the earliest days of our fight against terrorism after 9/11, there were legal counsels in the White House, such as John Yoo, who said that Guantanamo Bay was the "legal equivalent of outer space." We could put people there. They will have no rights and no one will ever know. How wrong he was.

Guantanamo has become such a sad symbol that it is time for it to be closed, and it is time for us to do it in a thoughtful, sensible, honorable way, as every great nation should. To maintain Guantanamo for some bragging right that I cannot even describe on the floor is simply unacceptable.

I am going to be opposing the amendment that is offered by the Senator from New Hampshire and supporting the Levin-McCain bipartisan amendment, which I think deals with this issue in a thoughtful and reasonable way.

Do you want to keep America safe? Take those prisoners, those convicted terrorists, and put them in a supermax facility. If you say to yourself, oh, we don't put known terrorists and convicted terrorists in our Federal prison system, how wrong you are. They are all over our Federal prison system. We have convicted terrorists who are incarcerated in Marion, IL. Drive down to southern Illinois and no one even knows it because they will never see the light of day—never.

So in terms of safety in America, we know how to keep America safe. We also know when we are wasting money. At this point in time, we are wasting money with this Guantanamo facility.

Let's transfer those for detention and trial into the appropriate places and have them tried successfully. I think we have had perhaps six or seven tried by military commissions—only six or seven—since 9/11, and two of those were reversed. Most of them go into our court system. Even when they read them Miranda rights, it does not stop the convictions. The convictions come through regularly because our people know how to convict those who would threaten the United States and make it dangerous.

It is worth taking a moment to recall the history of Guantanamo Bay.

After 9/11, the Bush administration decided to set aside the Geneva Conventions, which have served us well in past conflicts, and set up an offshore prison in Guantanamo in order to evade the requirements of our Constitution.

General Colin Powell, who was then the Secretary of State, objected. He said disregarding our treaty obligations, "will undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain."

At the hearing that I held in the Constitution Subcommittee, we received testimony from Retired MG Michael Lehnert, who served in the Marine Corps for 37 years. General Lehnert led the first Joint Task Force Guantanamo, which established the detention facility in 2002. General Lehnert testified that he tried to comply with the Geneva Conventions, but he was rebuked by civilian political appointees in the Bush administration. General Lehnert testified:

"We squandered the good will of the world after we were attacked by our actions in Guantanamo. . . . Our decision to keep Guantanamo open has actually helped our enemies because it validated every negative perception of the United States. . . . To argue that we cannot transfer detainees to a secure facility in the United States because it would be a threat to public security is ludicrous.

Instead of taking the advice of General Powell and General Lehnert, Defense Secretary Donald Rumsfeld approved the use of abusive interrogation techniques at Guantanamo.

Guantanamo became an international embarrassment, and the Supreme Court repeatedly struck down the Bush administration's detention policies.

Let's be clear, conditions at Guantanamo Bay have improved dramatically since the detainee abuses of the previous administration.

But we cannot continue the indefinite detention of dozens of detainees in an offshore island prison. Gen. Paul Eaton said it well when he testified to my subcommittee:

Guantanamo cannot be buffed enough to shine again after the sins of the past. . . . Guantanamo's reputation for torture and lack of due process of law cannot be rectified.

Every day, the soldiers and sailors serving at Guantanamo Bay are doing a magnificent job under difficult circumstances.

But these fine young men and women are being asked to carry out an unsustainable policy of indefinite detention because we—their political leaders—have failed to close Guantanamo prison.

The President's authority has been limited by Congress. We have enacted restrictions on detainee transfers that make it nearly impossible to close the facility.

During his two terms in office, Congress never once restricted President Bush's authority to transfer Guantanamo detainees.

Congress did not start micromanaging the Commander in Chief's authority to transfer detainees until 2009, after President Obama took office.

The Obama administration believes that Congress should completely lift the restrictions on the President's authority to close Guantanamo detention facility. I agree.

But I will support the Levin-McCain amendment, which is a constructive step in the right direction. The Levin-McCain amendment would give the President more flexibility to move forward with closing Guantanamo, while still imposing significant restrictions on the administration's authority to transfer detainees.

Under the Levin-McCain amendment, the Secretary of Defense may transfer a Guantanamo detainee to the United States, but only for the purpose of detention, trial, and incarceration. The Secretary of Defense must "determine that the transfer is in the national security interest of the United States." And he must ensure that appropriate steps have been taken to eliminate any risk to public safety while the detainee is in the United States. The McCain-Levin amendment also specifically prohibits any detainee who is transferred to the U.S. for detention or trial from applying for asylum or from being released into the United States.

Before the administration would be permitted to transfer any detainees to

the U.S., they would have to produce a detailed report on the plans for each and every detainee who is currently held at Guantanamo Bay.

The Defense Authorization Act also would allow the Secretary of Defense to temporarily transfer a detainee to a military medical facility in the United States, if the detainee needs critical, emergency care in order to prevent death or an imminent significant injury.

The Secretary of Defense would only be authorized to make such transfers if the required medical care cannot be provided at Guantanamo Bay "without incurring excessive and unreasonable costs."

Moreover, the Defense Department would have complete responsibility for the custody and control of any detainee during their transfer and temporary hospitalization at a military medical facility.

Detainees receiving temporary emergency medical care would not remain in the United States. The bill specifically requires that they be returned to Guantanamo as soon as they are medically cleared to travel.

Under the Defense authorization bill, the administration could only transfer detainees to foreign countries in limited circumstances. Specifically, first, the Secretary of Defense must determine that it is in the national security interest of the United States to transfer a particular detainee to a given country. Second, the Secretary of Defense must determine that sufficient steps have been taken that will substantially mitigate the risk of recidivism.

But that is not all. The bill requires the Secretary to consider six factors when determining whether a transfer is in the national security interest of the United States, including: No. 1, actions taken by the United States or the host country to reduce the risk of recidivism; No. 2, the host country's control over any facility where the detainee may be held; No. 3, an assessment of the capacity and willingness of the host country to meet its assurances to help mitigate recidivism; and No. 4, the detainee's cooperation with U.S. intelligence and law enforcement forces.

These provisions would ensure that—before any detainee is transferred to a foreign country—the administration would conduct a thorough review of all relevant factors, with a primary focus on preserving our national security.

In contrast to the McCain-Levin amendment, the Ayotte amendment would continue and expand the existing detainee transfer restrictions, which would micromanage the Commander in Chief's national security decisions and make it impossible to close Guantanamo.

It is time to move forward with shutting down Guantanamo prison. We can transfer most of the detainees to foreign countries. And we can bring the



others to the United States for detention and trial.

Look at the track record. Since 9/11, nearly 500 terrorists have been tried and convicted in Federal courts and are now being safely held in Federal prisons. And no one has ever escaped from a Federal supermax prison or a military prison.

In contrast, only six individuals have been convicted by military commissions, and two of these convictions have been overturned by the courts. And today, nearly 12 years after the 9/11 attacks, the architects of the 9/11 attacks are still awaiting trial at Guantanamo.

During his confirmation hearing, I discussed this with FBI Director Jim Comey, who was Deputy Attorney General in the Bush administration. Mr. Comey told me:

We have about a 20-year track record in handling particularly Al Qaeda cases in federal courts . . . the federal courts and federal prosecutors are effective at accomplishing two goals in every one of these situations: getting information and incapacitating the terrorists.

I have heard some of my Republican colleagues argue that we cannot close Guantanamo because of the risk that some detainees may engage in terrorist activities.

The irony is that due to steps taken by President Obama, recidivism rates for the detainees transferred during the Obama administration are far lower than they were during the Bush administration.

Only 4.2 percent of former detainees transferred since January 22, 2009, when President Obama took office, are confirmed recidivists. In contrast, 18.2 percent of the detainees released during the Bush administration are confirmed recidivists.

That is because the Obama administration put in place a strict process for detainee transfers. According to the Director of National Intelligence, of the 174 former detainees who are confirmed or suspected recidivists, only 7 have been transferred during the Obama administration.

No one is suggesting that closing Guantanamo is risk free or that no detainees will ever engage in terrorist activities if they are transferred.

But our national security and military leaders have concluded that the risk of keeping Guantanamo open far outweighs the risk of closing it because the facility continues to harm our alliances and serve as a recruitment tool for terrorists.

And before any detainees are transferred, they are extensively screened, steps are taken to mitigate any risks, and then detainees are monitored after they are transferred. Detainees who pose a risk that cannot be mitigated will not be transferred.

Detainees who pose a risk that cannot be mitigated will not be trans-

ferred. And if a former detainee does return to terrorism, he will likely meet the fate of Said al-Shihri, No. 2 official in Al Qaeda in the Arabian Peninsula, who was recently killed in a drone strike.

I stand with Gen. Colin Powell, Gen. Paul Eaton, Gen. Michael Lehnert and countless other national security and military leaders.

It is time to end this sad chapter of our history. Eleven years is far too long. We need to close Guantanamo.

I thank Senator LEVIN and Senator MCCAIN for bringing this issue before us. We can no longer ignore it. We cannot afford to ignore it. As General Eaton says, we cannot afford to keep this recruiting tool open for Al Qaeda. We cannot afford to continue to tell American taxpayers they need to pay \$2.7 million a year for every prisoner in Guantanamo. Transfer them to a supermax prison for \$70,000. America will be just as safe. It will have money in the bank to use to fight terrorism in more effective ways.

I urge my colleagues to support the Levin-McCain amendment and oppose the Ayotte amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise in support of amendment No. 2255. Let me just say what we cannot afford. What we cannot afford is to read terrorists Miranda rights and tell them they have the right to remain silent.

Why can't we afford that? Because if we lose the opportunity to gather valuable information to protect our Nation, then we cannot prevent future attacks against the country.

Here is the problem we face. Here, shown in this picture I have in the Chamber, is the current head of Al Qaeda, Ayman al-Zawahiri. If we capture him tomorrow, I ask my colleagues this: Do you want to send him to a secure detention facility where he can be fully interrogated under the laws of war and held there in detention under law of war authority or do you want to send him to a prison in the United States where we cannot know—the legal questions are many—where there is a real risk that he will not be able to be held in law of war detention and will be told you have the right to remain silent, and we will lose opportunities to gather intelligence to protect our country.

My colleague from Illinois talked about the worst criminals whom we put in prison. I am a former murder prosecutor, and I put some of the worst murderers in prison. There is a difference. We are not dealing with criminals; we are dealing with terrorists. The priority has to be to gather information and protect our country. If we catch Zawahiri tomorrow, bring him to a prison near you, give him a lawyer, tell him he has the right to remain si-

lent, those legal questions are not dealt with if we adopt the alternative amendment that allows the administration to transfer people such as Khalid Shaikh Mohammed, the mastermind of 9/11, to the United States.

What do we do with future captures, such as Zawahiri? How do we ensure we can gather information? By the way, that is priceless. If we can stop a terrorist attack by interrogating someone—the price we can save for America, we cannot put a number on that.

If you believe, with a rising reengagement rate of 29 percent—which is higher than last year in terms of people we have had at Guantanamo, we have let go but have gotten back in the fight against us—that we should weaken the standards this administration has to meet to transfer people from Guantanamo to third-party countries, then that is essentially what is done in the Defense authorization.

My amendment will restore existing law to ensure that there are strong national security waivers the administration must meet before they transfer prisoners to countries where they are getting back in the fight against us, where they are getting out and getting back in the fight, including against our troops.

So this is a fundamental question. We cannot afford right now, with what is happening around the world, to close the one secure detention facility we have, and it is clear we can conduct law of war detentions there. We still remain in a fight against terrorists. We cannot treat them like common criminals. That is what is at stake.

If you believe this man shown in this picture should come to a prison near you, that is not what I have heard from my constituents or the American people. That is why my amendment will prohibit the transfer of the mastermind of 9/11 to U.S. soil and keep him in Guantanamo, a top-rate detention facility that keeps terrorists, as opposed to common criminals, secure.

Finally, I would say, as we look at the prohibition on Yemen, my amendment, which is also cosponsored by the ranking member of the Intelligence Committee and many other Members in this Chamber, would prevent transfers to the country of Yemen. Without my amendment, the administration could transfer terrorists to Yemen. What does that mean? Yemen is where Al Qaeda in the Arabian Peninsula is centered. We have actually had terrorists who have been released from Guantanamo and gone back into Al Qaeda leadership and been found in Yemen and there have been prison breaks in Yemen. Yet if my amendment is not adopted to prohibit transfers to Yemen, the administration can transfer detainees from Guantanamo to countries such as Yemen, and the security requirements are weakened.

The world is not a safer place from last year to this year, unfortunately.



The reengagement rate of Guantanamo prisoners has increased from last year to this year.

Why are we weakening the national security provisions? Let's keep existing law in place. Why do we want to send Khalid Shaikh Mohammed to the United States of America when we have a secure facility at Guantanamo? Why do we want to take any risk that if we are blessed enough to have our men and women in uniform—who do a fantastic job—capture Zawahiri tomorrow, that he may have to be told “you have the right to remain silent” because there are legal ambiguities when he is brought to this country, as opposed to law-of-war detention and interrogation in Guantanamo? This is what is at stake.

We cannot afford to think we are no longer fighting a war against terrorists. We cannot afford to treat people like him as common criminals. As much as I believe in our criminal justice system, it was not created to gather intelligence, which is what we need to do to make sure America remains safe.

I ask my colleagues to support amendment No. 2255, which is cosponsored also by Senator CHAMBLISS, the ranking Republican on the Intelligence Committee; Senator INHOFE, the ranking Republican on the Armed Services Committee; as well as Senator FISCHER, Senator RUBIO, and Senator BARASSO.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent to have printed in the RECORD letters from Secretary Hagel, Secretary Kerry, Attorney General Holder, and the Director of National Intelligence, James R. Clapper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,  
Washington, DC, Nov 19, 2013.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding the President's goal of closing the Guantanamo Bay Detention Facility and to note the importance of lifting the restrictions on detainee transfers that prevent us from achieving that goal. These restrictions make it difficult to transfer detainees and to close Guantanamo. They are also unnecessary. Before transferring a detainee, this Administration will always ensure the receiving country commits to taking necessary measures to ensure that the detainee's threat is mitigated and the detainee will not be mistreated.

As you know, I recently appointed Mr. Paul Lewis as the Department's Special Envoy for Guantanamo transfers. Special Envoy Lewis will work closely with the State Department's Special Envoy, Mr. Cliff Sloan, to meet with foreign governments and negotiate these assurances. Eliminating or easing the congressionally mandated transfer restrictions would help facilitate our on-

going efforts to transfer detainees once those assurances have been obtained.

The President's proposal to transfer some individuals to the United States for detention or trial, where appropriate, would also help facilitate our efforts to close the facility at Guantanamo, potentially saving U.S. taxpayers millions of dollars each year.

As always, the Department is prepared to provide additional briefings on the closing of the Guantanamo Bay Detention Facility. A similar letter has been sent to the other congressional defense committees.

Thank you.

Sincerely,

CHUCK HAGEL.

THE SECRETARY OF STATE,  
Washington, DC, November 13, 2013.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
Washington, DC.

DEAR MR. CHAIRMAN: The continued operation of the Guantanamo Bay detention facility undermines U.S. national security and foreign policy interests. I seek your support for the provisions in the Senate Fiscal Year 2014 National Defense Authorization Act that would provide flexibility for detainee transfers and strike unmanageable provisions that currently hinder our efforts to close the facility.

The continued operation of the Guantanamo facility damages U.S. diplomatic relations and our standing in the world. It undermines America's indispensable leadership on human rights and other critical foreign policy and national security matters. In particular, the Guantanamo detention facility consistently impedes joint counterterrorism efforts with friends and allies. Provisions in the Senate bill would provide an effective, yet judicious, transfer authority which would provide critical support and flexibility in ongoing negotiations with foreign governments on repatriation and resettlement issues.

With increasing fiscal challenges, we must bear in mind that, aside from its incalculable diplomatic costs, detention operations at Guantanamo cost U.S. taxpayers more than \$2.7 million per detainee each year—far more than our super maximum security prisons that safely and securely hold the most dangerous inmates in the world, including convicted terrorists. As both detainees and facilities age, these costs will sharply increase.

I hope I can count on your support for the Guantanamo provisions in the Senate Defense Authorization bill to provide us the flexibility we need to close the Guantanamo Bay detention facility. Until this flexibility is restored, our efforts to close the facility are hampered and our national security and foreign policy interests continue to be impeded.

Sincerely,

JOHN F. KERRY.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, DC, November 14 2013.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

Hon. CHARLES E. GRASSLEY,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: As the Senate prepares to consider the National Defense Authorization Act for FY2014, I write to reiterate the longstanding objections of the Department of Justice to any provisions that would con-

tinue to restrict the transfer of detainees from Guantanamo, limit the ability of the Executive Branch to determine when and where to prosecute terrorist suspects, and otherwise prevent the President from taking steps to bring about the orderly closure of the facility. Such restrictions encroach on the ability of the Executive Branch to make foreign policy and national security decisions and would, in certain circumstances, violate separation of powers principles.

The unwarranted restrictions on the Executive branch's authority to transfer detainees to a foreign country should be eliminated. Detainees were designated for transfer based on an interagency consensus after a thorough review of all available information. Restricting the ability of the Executive Branch to implement appropriate transfers weakens our national security by wasting resources, damaging our relationships with key allies, and strengthening our enemies.

I also continue to object strongly to the restrictions on transferring Guantanamo detainees to the United States for any purpose. The prosecution of terrorists in Federal court has long been an essential element of our counterterrorism efforts and has been a powerful tool of proven effectiveness. Since 9/11, hundreds of convictions have been obtained on terrorism or terrorism-related charges in our Federal courts, including the convictions of over 165 defendants since 2009. The effectiveness of this system was underscored again on October 24, 2013 when the U.S. Court of Appeals for the Second Circuit affirmed the conviction and life sentence of Ahmed Ghailani, who was transferred from Guantanamo and then convicted in federal district court of conspiracy in connection with his role in the 1998 East Africa embassy bombings. There is no justification for prohibiting the Federal prosecution of Guantanamo detainees in appropriate cases. As you are aware, the viability of conspiracy and material support prosecutions in military commissions is unresolved in light of adverse D.C. Circuit decisions that currently are under review by the full court. Particularly in view of these rulings, Congress should restore the option to prosecute detainees in Federal court in circumstances where the Executive Branch determines that a Federal prosecution is the surest way to protect our national security. Our federal prisons are fully capable of housing Guantanamo detainees safely, securely, and humanely, just as they have done for the hundreds of defendants serving sentences for terrorism-related offenses since September 11, 2001.

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. Moreover, if we are to protect our national security and advance our foreign policy objectives, the President must have the ability to transfer detainees when doing so serves our national interests. I urge you to reject any legislative proposals that would compromise our ability to carry out that solemn responsibility.

Sincerely yours,

ERIC H. HOLDER, Jr.  
Attorney General.

DIRECTOR OF NATIONAL  
INTELLIGENCE,  
Washington, DC.

Hon. DIANNE FEINSTEIN,  
*Chairman, Select Committee on Intelligence*  
*U.S. Senate, Washington, DC.*

Hon. SAXBY CHAMBLISS,  
*Vice Chairman, Select Committee on Intelligence*  
*U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN AND VICE CHAIRMAN CHAMBLISS: As the Senate considers provisions of the FY14 National Defense Authorization bill that would lift Guantanamo detainee transfer restrictions, I would like to provide the Intelligence Community's views of the national security implications in maintaining the Guantanamo Bay detention facility (GTMO).

Al-Qa'ida, its affiliates, and its allies this year continued to reference the detention and purported mistreatment of the detainees at GTMO in furtherance of their global jihadist narratives. The references to GTMO by al-Qa'ida and affiliated organizations include:

Al-Qaida leader Ayman al-Zawahiri in an audio statement in July 2013 citing the detention without trial of GTMO prisoners as one indication of American hypocrisy and indiscriminate persecution of innocent Muslims and calling for all al-Qa'ida prisoners at GTMO to be released.

An article about the Boston marathon bombings in the most recent edition of AQAP's Inspire magazine in June highlighting the ongoing detention of prisoners at GTMO as one of the purported justifications to engage in jihad.

As these examples illustrate, closing the Guantanamo Bay detention facility would deprive al-Qa'ida leaders of the ability to use alleged ongoing mistreatment of detainees to further their global jihadist narrative. In an effort to disrupt the narrative used by terrorists, I support the President's priority of closing the detention facility.

Sincerely,

JAMES R. CLAPPER.

The PRESIDING OFFICER (Ms. WARREN). Under the previous order, the question occurs on Ayotte amendment No. 2255.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Georgia (Mr. ISAKSON).

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—43

Alexander	Cornyn	Hoeven
Ayotte	Crapo	Inhofe
Barrasso	Cruz	Johanns
Boozman	Donnelly	Johnson (WI)
Burr	Enzi	Kirk
Chambliss	Fischer	Lee
Coats	Graham	McConnell
Coburn	Grassley	Moran
Cochran	Hagan	Murkowski
Collins	Hatch	Portman
Corker	Heller	Pryor

Risch  
Roberts  
Rubio  
Scott

Sessions  
Shelby  
Thune  
Toomey

Vitter  
Wicker

NAYS—55

Baldwin  
Baucus  
Begich  
Bennet  
Blumenthal  
Booker  
Boxer  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Coons  
Durbine  
Feinstein  
Flake  
Franken  
Gillibrand  
Harkin

Heinrich  
Heitkamp  
Hirono  
Johnson (SD)  
Kaine  
King  
Klobuchar  
Landrieu  
Leahy  
Levin  
Manchin  
Markey  
McCain  
McCaskey  
Menendez  
Merkley  
Mikulski  
Murphy  
Murray

Nelson  
Paul  
Reed  
Reid  
Rockefeller  
Sanders  
Schatz  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Warren  
Whitehouse  
Wyden

NOT VOTING—2

Blunt

Isakson

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2175

Under the previous order, there will be 2 minutes equally divided prior to a vote on the Levin-McCain amendment No. 2175.

The Senator from Michigan.

Mr. LEVIN. Madam President, this amendment is a Levin-McCain-Feinstein-Udall amendment. It clarifies that Gitmo detainees would not gain any additional legal rights as a result of their transfer to the United States for detention. Any Gitmo detainee who is transferred to the United States gains no additional legal rights. They also are not permitted to be released inside the United States. They do not lose their status as unprivileged enemy belligerents eligible for detention and trial under the law of war. If they are transferred to the United States, they gain no additional right to challenge their detention beyond the habeas corpus that has been affirmed by the Supreme Court.

I would hope this could be broadly supported.

Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I have a letter from 38 retired flag and general officers of the U.S. military, and I quote from their letter:

As retired flag and general officers, we believe it is imperative for Congress to address Guantanamo now. We have always believed that our detention policies should adhere to the rule of law, and that we as a Nation are more secure when we do. Guantanamo is a betrayal of American values. The prison is a symbol of torture and justice delayed. More than a decade after it opened, Guantanamo remains a recruiting poster for terrorists which makes us all less safe.

I would also point out for my colleagues that Guantanamo has cost more than \$400 million in the last two fiscal years, and the Department of De-

fense estimates that is \$2.7 million per detainee per year.

I ask unanimous consent to have printed in the RECORD the letter from which I just quoted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 13, 2013.

Hon. JOHN MCCAIN,  
*U.S. Senate, Russell Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR MCCAIN: As retired flag and general officers, we believe it is imperative for Congress to address Guantanamo now. We have always believed that our detention policies should adhere to the rule of law, and that we as a nation are more secure when we do. Guantanamo is a betrayal of American values. The prison is a symbol of torture and justice delayed. More than a decade after it opened, Guantanamo remains a recruiting poster for terrorists which makes us all less safe. As the United States ends the war in Afghanistan in 2014, the government must find a lawful disposition for all detainees captured as part of that war. Spending \$2.7 million per detainee annually at Guantanamo, when a comparable facility in the United States costs taxpayers only \$34,000–\$78,000, is fiscally irresponsible, especially as our military must make significant budget cuts under sequestration.

The Senate National Defense Authorization Act (NDAA) as reported out of the Senate Armed Services Committee would provide a meaningful step towards responsibly closing Guantanamo. It authorizes the transfer of detainees cleared for transfer by the U.S. intelligence and defense agencies for purposes of resettlement or repatriation, and it permits transfers to the U.S. for purposes of prosecution, incarceration and medical treatment. We support these provisions, and oppose any efforts to impose more stringent restrictions on the transfer of detainees out of Guantanamo.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General Ronald H. Griffith, USA (Ret.); General David M. Maddox, USA (Ret.); General William G. T. Tuttle, Jr., USA (Ret.); Vice Admiral Richard Carmona, USPHSCC (Ret.); Lieutenant General John Castellaw, USMC (Ret.); Lieutenant General Robert G. Gard, Jr., USA (Ret.); Lieutenant General Arlen D. Jameson, USAF (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Lieutenant General Charles Osttott, USA (Ret.); Lieutenant General Norman R. Seip, USAF (Ret.); Lieutenant General Harry E. Soyster, USA (Ret.); Lieutenant General Keith J. Stalder, USMC (Ret.); Major General Paul D. Eaton, USA (Ret.); Major General Mari K. Eder, USA (Ret.); Major General Eugene Fox, USA (Ret.).

Rear Admiral Donald Guter, JAGC, USN (Ret.); Rear Admiral John D. Hutson, JAGC, USN (Ret.); Major General Michael R. Lehnert, USMC (Ret.); Major General William L. Nash, USA (Ret.); Major General Walter L. Stewart, Jr., USA (Ret.); Major General Antonio M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General David M. Brahms, USMC (Ret.); Brigadier General Stephen A. Cheney, USMC (Ret.); Brigadier General James P. Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA

(Ret.); Brigadier General Gerald E. Galloway, USA (Ret.); Brigadier General Dennis P. Geoghan, USA (Ret.); Rear Admiral Norman R. Hayes, USN (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Richard O'Meara, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I urge my colleagues to vote against amendment No. 2175. If you want to bring the 164 Gitmo detainees to the United States, that is what this amendment will allow the administration to do. The plan they are going to submit requires no congressional oversight, no approval, and though the chairman said they will not get any additional legal rights, he does not answer the question what about constitutional rights if they are brought to our soil. Will they have to be told they have the right to remain silent?

If we catch Zawahiri, the current head of Al Qaeda, tomorrow, will he have to be read Miranda rights? Because that is what is happening when we bring them to U.S. soil now. That is the real question.

That is not required to be answered by their plan the administration wants sent, and we have no oversight over that plan. I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent for 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. There are no additional rights for people brought to military detention in the United States than they have in Guantanamo. Nothing changes. There are no more Miranda rights here than in Guantanamo. If they are in military detention, they are in military detention wherever it is.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the question occurs on the Levin-McCain amendment No. 2175.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators wishing to vote or to change their vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 238 Leg.]

#### YEAS—52

Baldwin	Gillibrand	Mikulski
Baucus	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCain	Warner
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	
Franken	Merkley	

#### NAYS—46

Alexander	Graham	Pryor
Ayotte	Grassley	Risch
Barrasso	Hatch	Roberts
Boozman	Heller	Rubio
Burr	Hoeven	Sanders
Chambliss	Inhofe	Scott
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Thune
Corker	Leahy	Toomey
Cornyn	Lee	Vitter
Crapo	McConnell	Warren
Cruz	Moran	Wicker
Enzi	Murkowski	Wyden
Fischer	Paul	
Flake	Portman	

#### NOT VOTING—2

Blunt	Isakson
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. Madam President, I am going to announce a consent agreement, and I will read through it in just a minute. It seems to me this debate we had today was extremely important. As I said last night, one of the issues in this bill is Guantanamo. I felt it was appropriate—even though I agree with the language in the bill—that the Republicans have an opportunity to see if they could change it. That is what this was all about this afternoon.

On the sexual assault issue, there is language in the bill that Senator GILLIBRAND and others want to change. Senator LEVIN and especially Senator MCCASKILL have come up with a side-by-side, just like we had today, and that deserves a full debate. That is an issue which has been in all the papers over the last several months.

The Senate deserves and the American public deserves this debate. I hope we can get this done.

Mr. REID. Madam President, I ask unanimous consent that the pending Levin amendment No. 2123 be set aside for Senator GILLIBRAND or designee to offer amendment No. 2099 relative to sexual assault; that the amendment be subject to a relevant side-by-side

amendment from Senators MCCASKILL and AYOTTE, amendment No. 2170; that no second-degree amendments be in order to either of the sexual assault amendments; that each of these amendments be subject to a 60-affirmative-vote threshold; that when the Senate resumes consideration of the bill on Wednesday, November 20, the time until 5 p.m. be equally divided between the proponents and opponents of the Gillibrand amendments; that at 5 p.m. the Senate proceed to a vote in relation to the Gillibrand amendment No. 2099; that upon disposition of the Gillibrand amendment, the Senate proceed to vote in relation to the McCaskill-Ayotte amendment No. 2170; that there be 2 minutes equally divided in between the votes; and that no motions to recommit be in order during the consideration of the sexual assault amendments.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Madam President, reserving the right to object, will the Senator amend his request and add the following language: following the disposition of the McCaskill-Ayotte amendment, all pending amendments be withdrawn and the Republican manager or his designee be recognized to offer the next amendment in order, followed by an amendment offered by the majority side, and that the two sides continue offering amendments in alternating fashion until all amendments are disposed of.

The PRESIDING OFFICER. Will the leader so modify his request?

Mr. REID. Madam President, with the deepest respect to my friend the senior Senator from Oklahoma, we are not in a position to have a bunch of amendments on this bill. It took us weeks to get the drug compounding bill done—weeks, plural. What we should do is get this very contentious amendment out of the way and move on to other amendments. There is no reason why we can't agree on going from one amendment to another amendment. Everyone has to understand that this is not going to be an open amendment process. It is not going to happen. We have tried that. Remember? People said, we haven't done anything on energy for 5 years. That pretty well says it all. But we said, OK, what we are going to do is work on something that is bipartisan in nature led by Senator SHAHEEN. Senator PORTMAN was heavily involved. We never got off first base. We never even got headed toward first base. So we can't do that.

There is going to have to be a change of atmosphere around here where we agree to do legislation. We talk about remembering the good old days when we had unlimited amendments. I remember those too. I also remember the good old days where the majority would have a few amendments, the minority would have a number of amendments, and we would move forward and

pass legislation. But no one is willing to do that anymore. We are, but they are not.

So I know how well-intentioned my friend is, but that was then and this is now. I object. I don't accept his modification to my request.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you very much.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2305

Mr. REID. I have a motion to recommit S. 1197 with instructions at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with the following amendment No. 2305.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2306

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2306 to the instructions on the motion to recommit.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days."

Mr. REID. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2307 TO AMENDMENT NO. 2306

Mr. REID. I am so sorry. I have a second-degree amendment at the desk that I totally forgot about.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2307 to amendment No. 2306.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day."

Mr. REID. Madam President, what I hope we can do tomorrow, as we did today—I know people feel strongly

about this sexual assault issue—is people will come and talk about that. It is so important. We were able to do that today on this amendment we had, and by the time 5 o'clock came, there had been a full discussion of the amendment. No one was crying for more time. So I hope in the morning people who feel strongly about this issue will come and talk about it. We did have some people who came and talked about this issue and that was important. So there are very strong feelings about this amendment. It is a difficult issue. It is sexual assault in the military. It wasn't long ago we wouldn't even be discussing such a thing on the Senate floor. We have to now, because it is an issue the military has, and we are trying to work through this. People have different views on how to proceed, but everyone agrees it needs to change. It is a question of how we change it, and that is what this debate is all about.

So I hope Senators will come in the morning and start talking about this issue; tee it up for a vote sometime tomorrow afternoon.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, and we can do that until 7:30 tonight; and during that period of time, it will be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

#### ATTACKING BIOFUELS

Mr. GRASSLEY. Madam President, I wish to address another round of attacks that have been spearheaded by Big Oil against America's biofuels producers.

As its market share for Big Oil dips, Big Oil is doubling down to swat down its perennial pinata. This time around, petroleum producers and food conglomerates are using environmental groups as political cover to gain traction on efforts to pull the plug on the renewable fuel standard that we often refer to as RFS.

This is a ridiculously transparent and very much self-serving assault by these special-interest groups. Their relentless campaign to discredit ethanol undermines America's longstanding efforts to diversify its energy landscape, fuel the economy, and, most importantly, strengthen our national security.

The predictable efforts to smear ethanol's reputation ignore the renewable fuel's valuable contribution to clean energy, rural development, job creation, and U.S. energy independ-

ence. The latest round of misguided untruths disregards the plain truth. The plain truth is ethanol is renewable, it is sustainable, it is a clean-burning fuel, and all this helps run the Nation's transportation fleet with less pollution and less imported oil.

Let me remind my colleagues, most of that imported oil comes from countries that hate us and use our money to potentially kill Americans. Yet critics continue to hide behind distortions that claim ethanol is bad for the environment, and those distortions I wish to discuss.

I wish to separate fact from fiction regarding ethanol's impact on the environment. Critics say farmers are putting fragile land into production to cash in on higher corn prices at the expense of soil erosion and clean water.

That argument is not good under any respects. It may have been better last year and the year before when corn was \$7, but corn is about \$4 a bushel now—hardly making ends meet. They point out that 5 million Conservation Reserve Program acres are no longer enrolled in the conservation program since 2008. They want to pin the blame on ethanol. But the facts are, first of all, fewer acres enrolled in CRP has more to do with Federal belt-tightening, meaning spending less money here in Congress, than land stewardship decisions made by corn farmers.

The 2008 farm bill had a lot to do with it. That farm bill built upon other stewardship incentives for American farmers and ranchers administered by the U.S. Department of Agriculture, including the Environmental Quality Incentives Program, wetland restoration, and wildlife habitat programs. So land put into these programs under the 2008 farm bill takes land out of crop production, but it is not the ethanol industry that has done it. It is Federal policy.

For instance, a Wetlands Reserve Program in 2012 had a record-breaking enrollment of 2.65 million acres. The Wetlands Reserve Program lands cannot be farmed for 30 years, so they aren't going to be raising corn on that land to produce ethanol.

According to the Environmental Protection Agency, no new grassland has been converted to cropland since 2005. Farmers must make marketing, planting, and stewardship decisions that keep their operations financially sound and productive from crop year to crop year.

Even more importantly, these decisions must be environmentally sustainable for the long haul, both from the standpoint of the farmer's economic well-being as well as meeting certain laws that require that.

So let me be clear: Farmers simply can't afford to not take scrupulous care of the land that sustains their livelihoods.

Fertilizer use is on the decline. Compare application per bushel in 1980

versus 2010: Nitrogen is down 43 percent, phosphate is down 58 percent, and potash is down 64 percent.

Ethanol burns cleaner than gasoline. According to the Oregon National Laboratory, corn ethanol reduces greenhouse gas emissions by 34 percent compared to gasoline. If the oil industry wants to talk about the environment, we should not forget—and I will remind them and the people behind this move—about the 1989 Exxon Valdez oil spill or the 2010 Deepwater Horizon oil spills in the Mexican gulf. Critics also say that the renewable fuel standard is driving more acres into corn production. Well, the fact is, if facts mean anything, the RFS is driving significant investment in higher yielding, drought-resistant seed technology that very much enhances production per acre. This is a win-win scenario, to cultivate good-paying jobs, mostly in rural America, and to harvest better yields on less land.

The total cropland planted to corn in the United States is decreasing. Let's compare this year's crop year when U.S. farmers planted 97 million acres of corn—97 million corn acres. In the 1930s, farmers planted 103 million acres of corn. Farmers have increased corn harvests through higher yields, not more acres.

Critics contend the Nation's corn crop is diverted for fuel use at the expense of feed for livestock and higher prices at the grocery store. But what are the facts? In reality, one-third of the corn processed to make ethanol re-enters the marketplace as high-value animal feed called dried distillers grain. Livestock feed remains the largest end user of corn.

I get so darn tired of hearing people from Big Oil or these environmental groups or these big supermarket conglomerates say that 40 percent of the corn produced goes into ethanol when they don't give credit for the 18 pounds of every 56-pound bushel of corn, 18 pounds, or one-third of it, is used for animal feed. So when coproducts such as the dried distillers grain are factored in, then ethanol consumes only about 27 percent of the whole corn grain by volume. Livestock feed uses 50 percent.

Critics have also pursued the false accusation that the increased production of biofuels increases grocery prices. Again, nothing could be further from the truth. The facts are that the U.S. Department of Agriculture Secretary has said farmers receive about 14 cents of every food dollar spent in the grocery stores, and the farmers share of a \$4 box of corn flakes is only 10 cents.

So what is at stake when a coalition of special interests tag-teams to pull the rug out from underneath the Nation's ethanol policy? Well, there is a lot at stake. Unfortunately, these flawed attacks on ethanol and next-

generation biofuels undermine America's effort to move forward with an aggressive, diversified energy policy that takes into account global demand, geopolitics, and U.S. economic growth.

It has resulted in an EPA that has wholeheartedly adopted this false narrative promoted by Big Oil and Big Oil allies. On Friday, then, the EPA released its proposed rule for the required volumes under the renewable fuel standard for next year. The EPA in this proposal chose to reduce the overall biofuels mandate. Rather than increase the amount of biofuel to be blended as the law requires, the EPA has chosen to waive the mandate and suggest that we use less homegrown renewable biofuel in our fuel supply; hence, more dependence upon foreign sources of energy.

It is terribly disappointing that the U.S. biofuels industry is now under attack from President Obama's EPA. This action, which was vigorously pursued by Big Oil, is a slap in the face of our domestic energy producers. Who would have believed that Big Oil found an ally in President Obama's EPA since he has been such a defender of biofuels and all green energy.

Who would have expected the Obama EPA to be more harmful to our domestic biofuels effort than President Bush ever was? President Bush was demagogued as an oil man from Texas. But he never undermined biofuels to the extent that this proposal from this EPA would.

In making this announcement, the EPA said the challenges to supplying more ethanol to the market are too great because of the so-called blend wall. The fact is the blend wall is a creation of Big Oil. The primary reason ethanol is not blended at levels higher than 10 percent today is because Big Oil has stood in the way.

Congress knew in 2007 that the RFS, renewable fuel standard, would require biofuels to be blended at levels higher than 10 percent. But the petroleum companies fought that every step of the way, going back 4 or 5 years, and finally last Friday they were successful.

Friday's announcement, by the way, by EPA rewarded them for their temper tantrums. The EPA's proposal puts Big Oil in charge of how we implement the renewable fuel standard. It has rewarded Big Oil for its intransigence.

While EPA says its intention is to put the RFS Program on a manageable trajectory that will support continued growth, I want to tell you the exact opposite is true. This proposal is a step back, not a step forward. It undercuts all segments of biofuel—including biodiesel, ethanol, and the advanced biofuels that go by the name of cellulosic ethanol.

While this administration claims to have an energy strategy of "all of the above," this decision by EPA proves it is in favor of "none of the above." Iron-

ically, biofuel producers now know what it is like for traditional energy producers with a bureaucracy that impedes domestic energy production at every turn.

I find this decision baffling. I hope President Obama will see the harmful impacts of the EPA proposal and fix this mistake during the 60-day period EPA must take to consider opinions on this issue.

So there are 60 days to turn this around. I hope we can do that.

I yield the floor.

#### PATENT TRANSPARENCY AND IMPROVEMENTS ACT

Mr. LEAHY. Madam President, the American patent system has long been the envy of the world. Two years ago, Congress took important action to update and modernize this system for the 21st century by passing the Leahy-Smith America Invents Act. The Leahy-Smith act has made key improvements to the patent system, strengthening it for the long term. Unfortunately, there are bad actors who are misusing the system by unfairly targeting small businesses and others with lawsuits that are often based on low-quality patents. That is why I joined on Monday with Senator LEE, Senator WHITEHOUSE, and Senator KLOBUCHAR to introduce legislation that will build upon the success of the Leahy-Smith act and curb abuses by so-called patent trolls.

The Patent Transparency and Improvements Act will take important steps to rein in the most egregious abuses of the patent system. It will improve transparency of patent ownership so that trolls cannot hide behind shell corporations and obscure the true owner of the patents that are being asserted. It will help customers who are sued simply for using a product that they purchased by allowing the case against them to be stayed while the product's manufacturer litigates the suit. The Patent Transparency and Improvements Act will also take steps to crack down on abuses of demand letters that are all too often sent to small businesses simply to extort monetary settlements.

When small businesses in Vermont are threatened with lawsuits simply for using document scanners in their offices or offering wi-fi service to their customers, we can all agree that the patent system is not being used as intended. I thank Senator LEE and our cosponsors for joining me in this important effort and applaud Chairman GOODLATTE for the work he is doing in the House to address this problem. I look forward to working with all members of the Judiciary Committee, as well as with the House, to pass bipartisan and bicameral legislation that will crack down on these abuses while at the same time preserving the parts

of the patent system that have made it the greatest in the world and an engine for job creation.

#### ATTACK ON PRO-BÚSQUEDA

Mr. LEAHY. Madam President, on November 15, according to information I have received, three armed men attacked the offices of the Asociación Pro-Búsqueda de Niños y Niñas Desaparecidos in El Salvador, dousing computers, archives, and confidential documents with gasoline and then lighting them on fire.

For Senators who may not be aware, Pro-Búsqueda is a small organization devoted to locating Salvadorans who, as children during the civil war, were forcibly taken from their parents, some of whom were killed by Salvadoran military officers, and either “adopted” by those officers or sold to other families including foreigners. Pro-Búsqueda works to support the Salvadoran birth parents who lost their children to these forced adoptions, and uses DNA technology to help family members find each other. Years ago, a member of my staff visited Pro-Búsqueda’s office in San Salvador, met the courageous staff and observed the research they were doing.

This deplorable attack on Pro-Búsqueda followed the abrupt decision by San Salvador’s Archdiocese to close Tutela Legal, the highly respected human rights office of the Roman Catholic Church which played an indispensable role in investigating and documenting violations of human rights during the war, including the assassination of Archbishop Romero. The office collected key testimony and other documentary evidence, and there is more of that work to be done.

The attack on Pro-Búsqueda also followed the welcome but controversial decision by the Salvadoran Supreme Court to accept a case challenging the Amnesty Law, which has provided immunity from prosecution to former Salvadoran military officers implicated in atrocities during the war.

I join those who have expressed condolences to the staff of Pro-Búsqueda, and urge the Salvadoran Government to conduct a thorough investigation and to punish those responsible. It is tragic that two decades after the signing of the peace accords that ended the war, attempts to determine the fate of kidnapped children elicits this kind of hateful, violent response. It illustrates how much remains to be done to fulfill the promise of the accords and overcome the painful and divisive legacy of that war.

#### 80TH ANNIVERSARY OF THE UKRAINIAN FAMINE

Mr. CARDIN. Madam President, this year we commemorate the 80th anniversary of the Holodomor, the geno-

cidal Ukrainian Famine of 1932–1933. Eighty years ago, an engineered famine in Soviet-dominated Ukraine and bordering ethnically-Ukrainian territory resulted in the horrific deaths of millions of innocent men, women, and children.

I visited the Holodomor monument in central Kyiv, a poignant reminder of the suffering perpetrated by Soviet dictator Stalin’s deliberate and inhumane policy to suppress the Ukrainian people and destroy their human, cultural, and political rights. Requisition brigades, acting on Stalin’s orders to fulfill impossibly high grain quotas, took away the last scraps of food from starving families and children. Eyewitness accounts describing the despair of the starving are almost unfathomable. Millions of rural Ukrainians slowly starved—an excruciatingly painful form of death—amid some of the world’s most fertile farmland, while stockpiles of expropriated grain rotted by the ton, often nearby. Meanwhile, Ukraine’s borders were sealed to prevent the starving from leaving to less-affected areas. International offers of help were rejected, with Stalin’s henchmen denying a famine was taking place. At the same time, Soviet grain was being exported to the West.

The final report of the congressionally created Commission on the Ukraine Famine concluded in 1988 that “Joseph Stalin and those around him committed genocide against Ukrainians in 1932–33.” No less than Rafael Lemkin, the Polish-Jewish-American lawyer who coined the term “genocide” and was instrumental in the adoption of the 1948 U.N. Genocide Convention, described the “destruction of the Ukrainian nation” as the “classic example of Soviet genocide.”

We must never forget the victims of the Holodomor or those of other republics in the Soviet Union, notably Kazakhstan, that witnessed cruel, mass starvation as a result of Stalin’s barbarism, and we must redouble our efforts to protect human rights and democracy, ensuring that 20th-century genocides such as the Holocaust, Armenians in the Ottoman Empire, Ukraine, Bosnia, Cambodia, and Rwanda become impossible to imagine in the future.

#### SESSICENTENNIAL OF THE GETTYSBURG ADDRESS

Mr. CARDIN. Madam President, 150 years ago today, President Abraham Lincoln gave one of the greatest speeches not just in U.S. history but in human history. In under 3 minutes and using just 10 sentences, President Lincoln spanned the past, present, and future of the American experiment and spoke to the aspirations, rights, and responsibilities not just of Americans but of humankind.

It is astounding for us to realize that President Lincoln was invited to the

dedication of the Nation’s first national military cemetery almost as an afterthought. The event was organized around the schedule of former Harvard president Edward Everett, who was thought to be one of the Nation’s greatest orators of the time.

Everett was the featured speaker and, in the custom of that era, addressed the crowd for over 2 hours. President Lincoln, who had been invited to say “a few appropriate words,” followed Everett.

President Lincoln wrote for the ear; he recited words and phrases as he committed them to paper. When he gave speeches, he spoke deliberately. His great speeches, including the Gettysburg Address, were as much theological in nature as they were political arguments.

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

President Lincoln borrowed a method of referring to time from the Psalms of the King James Bible, Psalm 90:10. It seems idiosyncratic to our ears today, but his listeners would have immediately grasped that he was going back not to 1789, when the first Congress convened in New York City and George Washington was inaugurated as our Nation’s first President. He was not going back to 1788 when the Constitution was ratified or back to 1787 when the Constitutional Convention met. He was going back 87 years, to 1776 and the Declaration of Independence, citing the proclamation of our Founding Fathers who were from the North and South alike—of the universal truth “that all men are created equal.”

In the very next sentence, President Lincoln pivoted to the present and proceeded to explain the purpose of the Civil War: to determine whether the United States of America or any other nation “conceived in liberty, and dedicated to the proposition that all men are created equal” could succeed and last:

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

And then President Lincoln, with characteristic humility, paid homage to those who had fought and died at Gettysburg before pivoting again, to the future and to laying out the responsibilities of his and future generations of Americans:

But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember



what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

As historian Ronald C. White, Jr., has written, “Lincoln was finished. He had not spoken the word ‘I’ even once. It was as if Lincoln disappeared so Americans could focus unhindered upon his transcendent truths.” Those “transcendent truths” are apparent to us today but things weren’t so clear 150 years ago, in the midst of the horrific brutality and death of the Civil War. On November 20, 1863, the New York Times reported that President Lincoln’s address was interrupted by applause five times and followed by sustained applause, but historian Shelby Foote said that the reaction to the speech was delayed and “barely polite.” On November 23, 1863, the Chicago Times—an anti-Lincoln paper—editorialized that President Lincoln’s address “was an offensive exhibition of boorishness and vulgarity” and “a perversion of history so flagrant that the most extended charity cannot regard it as otherwise than willful.”

Initially, President Lincoln believed that the Civil War was being fought simply to preserve the Union. But his thinking evolved to the point where the war was about the abolition of slavery. It became the testing ground of whether the United States of America—or any other nation dedicated to human liberty and equality—could endure.

There is a popular legend that President Lincoln jotted down a few notes on his way to Gettysburg or that he spoke extemporaneously. That isn’t true. He prepared the speech beforehand and there was one improvisation only: He added the words “under God.” As White noted, “‘Under God’ pointed backward and forward: back to ‘this nation,’ which drew its breath from both political and religious sources, but also forward to a ‘new birth.’ Lincoln had come to see the Civil War as a ritual of purification. The old Union had to die . . . Death became a transition to a new Union and a new humanity.”

And so President Lincoln—in theological as well as constitutional language—laid out for his listeners, for us, and for our grandchildren “the unfinished work” and “the great task remaining”: namely, to promote “a new birth of freedom.” As the American poet Archibald MacLeish wrote, “There are those who will say that the liberation of humanity, the freedom of man

and mind, is nothing but a dream. They are right. It is the American dream.” We Americans are singularly fortunate and privileged to hail from the first Nation in history “conceived in liberty, and dedicated to the proposition that all men are created equal.” It is our solemn responsibility not only to protect and expand freedom here but to promote and nurture it abroad so that “government of the people, by the people, for the people, shall not perish from the earth.”

#### TRIBUTE TO REVEREND THEODORE JUDSON JEMISON

Ms. LANDRIEU. Madam President, today I wish to ask my colleagues to join me in recognizing one of Louisiana’s courageous civil rights leaders, the Reverend Theodore Judson “T.J.” Jemison, who passed on November 15, 2013, at the age of 95 in Baton Rouge, LA. Reverend Jemison, the youngest of six children, was born in Selma, AL in 1918.

Reverend Jemison attended Alabama State College for his undergraduate degree and received a master’s of divinity degree from Virginia Union University. He became a heroic leader in the civil rights movement, served as pastor of Mount Zion First Baptist Church for nearly a half century, and was president of the National Baptist Convention for 12 years.

Reverend Jemison orchestrated the Baton Rouge bus boycott of 1953—a model that would later be adopted by Dr. Martin Luther King, Jr., in Montgomery, AL. Reverend Jemison actively pressured the Baton Rouge City Council to ensure equal treatment for African-American passengers who were barred from seating in areas designated White-only. Through this work Reverend Jemison helped expand the civil rights to many of the citizens of Louisiana.

Reverend Jemison served as president of the National Baptist Convention, the largest Black Baptist organization in the United States, from 1982–1994. As the organization’s president, Reverend Jemison worked to promote the principles of the social gospel. He also oversaw the construction of the Baptist World Center in Nashville, TN. Reverend Jemison worked tirelessly to fight for equality, education, and opportunity not only for African Americans in Louisiana but across the country as well.

Reverend Jemison was a true inspiration to all that had the great privilege to know him. I am grateful and honored to have known him. My deepest condolences go out to his family and all of those whose lives he touched. My deepest condolences go out to his family and all of those whose lives he touched. He will be greatly missed.

#### ADDITIONAL STATEMENTS

##### ABRAMSON CANCER CENTER

• Mr. CASEY. Madam President, today I wish to recognize the 40th anniversary of the Abramson Cancer Center of the University of Pennsylvania.

Since its founding, the University of Pennsylvania has been at the forefront of education. It is one of the oldest universities in the United States, founded in 1740 by Benjamin Franklin who later went out on to found the Nation’s first hospital, Pennsylvania Hospital. From its inception the university was a leader in medical care and research which culminated in the creation of the Nation’s first school of medicine in 1765 and then the first teaching hospital, the Hospital of the University of Pennsylvania in 1874. Today, the Perelman School of Medicine at the University of Pennsylvania is ranked in the top 5 best medical schools in the country and the hospital is ranked in the top 15 best hospitals.

With the growing diagnoses of cancer throughout the world, in 1973 a dedicated team of specialists established a center that would bring together all cancer research at the university, which one year later was designated a comprehensive cancer center by National Cancer Institute, NCI, one of only 41 in the country. In 2002, the center changed its name to the Abramson Cancer Center after the generous donation from Leonard and Madlyn Abramson. This gift allowed the center to conduct innovative cancer research and improve the quality of care for patients.

The Abramson Cancer Center is composed of 318 faculty members from 37 departments and 8 schools within the University of Pennsylvania. In 2010, the NCI described the quality of care at the center as “exceptional.” One of the reasons the Abramson Cancer Center is ranked among the top 15 cancer centers in the country is because of its outstanding faculty collaboration. Healthcare professionals including medical and radiation oncologists, counselors, dieticians, and rehabilitation specialists work together to ensure that patients receive the most comprehensive care possible.

Having the Madlyn and Leonard Abramson Family Cancer Research Institute as a part of the university research facilities ensures that the transition between the laboratory and the clinical care setting is expedited. This guarantees that patients are able to receive the cutting-edge treatment and prevention options they need.

Since its establishment, the Abramson Cancer Center has been essential in the fight to cure cancer. The center works to achieve this through extensive research, innovative clinical trials and exceptional cancer care.



I am proud that the Abramson Cancer Center is located in the great Commonwealth of Pennsylvania and wish to congratulate and recognize them on their 40th anniversary.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 25. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 272. An act to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the "Major General William H. Gourley VA-DOD Outpatient Clinic".

H.R. 2061. An act to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

H.R. 3343. An act to amend the District of Columbia Home Rule Act to clarify the rules regarding the determination of the compensation of the Chief Financial Officer of the District of Columbia.

H.R. 3487. An act to amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, to expand such authority to certain other violations, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2061. An act to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for

other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1737. A bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3601. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1003)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3602. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2013-0143)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3603. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0094)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3604. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0239)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3605. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0240)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3606. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0364)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3607. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-20132-0983)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3608. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engine" ((RIN2120-AA64) (Docket No. FAA-2013-0738)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3609. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Inc. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0349)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3610. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2007-28059)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3611. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1454)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3612. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Bryant AAF, Anchorage, AK" ((RIN2120-AA66) (Docket No. FAA-2012-0433)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3613. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Everett, WA" ((RIN2120-AA66) (Docket No. FAA-2013-0434)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3614. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Battle Mountain, NV" ((RIN2120-AA66) (Docket No. FAA-2013-0530)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3615. A communication from the Paralegal Specialist, Federal Aviation Adminis-

transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stockton, KS" ((RIN2120-AA66) (Docket No. FAA-2013-0274)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3616. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Oakland, CA" ((RIN2120-AA66) (Docket No. FAA-2013-0457)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3617. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits" (RIN2126-AB62) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3618. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wasatch, UT" ((RIN2120-AA66) (Docket No. FAA-2013-0528)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3619. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Umatilla, FL" ((RIN2120-AA66) (Docket No. FAA-2013-0002)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3620. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation By Reference" ((RIN2120-AA66) (Docket No. FAA-2013-0709)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3621. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Fort Polk, LA" ((RIN2120-AA66) (Docket No. FAA-2013-0267)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3622. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Dayton, TN, Establishment of Class E Airspace; Cleveland, TN, and Revocation of Class E Airspace; Bradley Memorial Hospital, Cleveland, TN" ((RIN2120-AA66) (Docket No. FAA-2013-0073)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3623. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Harlingen, TX" ((RIN2120-AA66) (Docket No. FAA-2012-1140)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3624. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Plattsburgh, NY" ((RIN2120-AA66) (Docket No. FAA-2013-0276)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3625. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Wrightstown, NJ" ((RIN2120-AA66) (Docket No. FAA-2013-0565)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3626. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Santa Monica, CA" ((RIN2120-AA66) (Docket No. FAA-2011-0611)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3627. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment, Modification and Cancellation of Air Traffic Service (ATS) Routes; Northeast United States" ((RIN2120-AA66) (Docket No. FAA-2013-0504)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3628. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation (RNAV) Routes; Washington, DC" ((RIN2120-AA66) (Docket No. FAA-2013-0339)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3629. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of Low Power Radio Service, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations" (FCC 13-134) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3630. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Promoting Interoperability in the 700 MHz Commercial Spectrum; Requests for Waiver and Extension of Lower 700 MHz Band Interim Construction Benchmark Deadlines" (FCC 13-136) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1398. A bill to require the Federal Government to expedite the sale of underutilized Federal real property (Rept. No. 113-122).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Ms. KLOBUCHAR, Mr. BOOZMAN, and Mr. FRANKEN):

S. 1722. A bill to improve the training of child protection professionals; to the Committee on the Judiciary.

By Mr. VITTER:

S. 1723. A bill to clarify that the anti-kickback laws apply to qualified health plans, the federally-facilitated marketplaces, and other plans and programs under title I of the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. ALEXANDER, Mr. HATCH, Mr. INHOFE, Mr. VITTER, Mr. ENZI, Mr. JOHNSON of Wisconsin, Mr. BARRASSO, Mr. SCOTT, Mr. CHAMBLISS, Mr. COBURN, Mr. BOOZMAN, and Mr. ROBERTS):

S. 1724. A bill to provide that the reinsurance fee for the transitional reinsurance program under the Patient Protection and Affordable Care Act be applied equally to all health insurance issuers and group health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. SCHUMER, and Ms. LANDRIEU):

S. 1725. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO (for himself, Mr. CHAMBLISS, Mr. INHOFE, Mr. LEE, Mr. MCCONNELL, Mr. PAUL, Mr. VITTER, Mrs. FISCHER, and Mr. HOEVEN):

S. 1726. A bill to prevent a taxpayer bailout of health insurance issuers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. 1727. A bill to require a Comptroller General of the United States report assessing a study of the Army on the combat vehicle industrial base; to the Committee on Armed Services.

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, and Mr. BROWN):

S. 1728. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes; to the Committee on Rules and Administration.

By Mr. BEGICH:

S. 1729. A bill to amend the Patient Protection and Affordable Care Act to provide further options with respect to levels of coverage under qualified health plans; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1730. A bill to reform the regulatory process to ensure that small businesses are

free to compete and to create jobs, to clear unnecessary regulatory burdens, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL (for himself, Mr. HELLER, and Mr. LEE):

S. 1731. A bill to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEE (for himself and Mr. HATCH):

S. 1732. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, Ms. HETTKAMP, and Mr. KIRK):

S. 1733. A bill to stop exploitation through trafficking; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 1734. A bill to amend the Older Americans Act of 1965 to provide for a Seniors' Financial Bill of Rights, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. RISCH, Mr. RUBIO, Mr. CRAPO, Mr. COBURN, Mr. ENZI, Mr. CORNYN, Mr. BARRASSO, Mr. BOOZMAN, and Mr. MCCONNELL):

S. 1735. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. BURR, Mr. GRASSLEY, Mr. HARKIN, and Mr. KIRK):

S. 1736. A bill to amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself and Mr. REID):

S. 1737. A bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property; read the first time.

By Mr. CORNYN (for himself, Mr. WYDEN, Mr. KIRK, Ms. KLOBUCHAR, and Mr. RUBIO):

S. 1738. A bill to provide justice for the victims of trafficking; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. Res. 299. A resolution congratulating the American Jewish Joint Distribution Committee on the celebration of its 100th anniversary and commending its significant con-

tribution to empower and revitalize developing communities around the world; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 300. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. DURBIN (for himself, Ms. COLLINS, Ms. MIKULSKI, Mr. JOHNSON of South Dakota, Mr. MENENDEZ, Mr. WICKER, Mr. MORAN, and Mr. MARKEY):

S. Res. 301. A resolution recognizing and supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 160

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 160, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 288

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 288, a bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry.

S. 381

At the request of Mr. BROWN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 405, a bill to provide for media coverage of Federal court proceedings.

S. 583

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 583, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 635

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 669

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 759

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 1011

At the request of Mr. JOHANNES, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1053

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1053, a bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

S. 1307

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1307, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1349

At the request of Mr. MORAN, the names of the Senator from Oklahoma

(Mr. COBURN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1424

At the request of Mr. MURPHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1424, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

S. 1476

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1476, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1555

At the request of Mr. WICKER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1555, a bill to amend titles XVIII and XIX of the Social Security Act to provide for a delay in the implementation schedule of the reductions in disproportionate share hospital payments, and for other purposes.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1642

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1642, a bill to permit the continuation of certain health plans.

S. 1654

At the request of Mr. REED, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1654, a bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations.

S. 1702

At the request of Mr. LEE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.

1702, a bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes.

S. RES. 294

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 294, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 2038

At the request of Mr. CHAMBLISS, the names of the Senator from Virginia (Mr. KAINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. MORAN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2038 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2041

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2041 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2046

At the request of Ms. AYOTTE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2046 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

At the request of Mr. MORAN, his name was added as a cosponsor of amendment No. 2056 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2057 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2063

At the request of Ms. AYOTTE, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2081

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Ms. HIRONO), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. DONNELLY), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2081 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2087

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2087 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2099

At the request of Mrs. GILLIBRAND, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2099 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2100

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 2100 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2109

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2109 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2116

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2116 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2117

At the request of Mr. RISCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 2117 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2118

At the request of Mr. RISCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2118 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. INHOFE, his name and the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2118 intended to be proposed to S. 1197, supra.

## AMENDMENT NO. 2119

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2119 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2121

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2121 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2132

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 2132 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2145

At the request of Ms. AYOTTE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2145 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself, Mr. ALEXANDER, Mr. HATCH, Mr. INHOFE, Mr. VITTER, Mr. ENZI, Mr. JOHNSON of Wisconsin, Mr. BARRASSO, Mr. SCOTT, Mr. CHAMBLISS, Mr. COBURN, Mr. BOOZMAN, and Mr. ROBERTS):

S. 1724. A bill to provide that the reinsurance fee for the transitional rein-

surance program under the Patient Protection and Affordable Care Act be applied equally to all health insurance issuers and group health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. THUNE. Mr. President, I come to the floor to discuss again how ObamaCare is negatively impacting American families.

NBC News is reporting that 5 million Americans have received cancellation notices from health insurers. In my home State of South Dakota, the Sioux Falls Argus Leader is reporting that nearly 3,000 people have lost the plan they had. Yet this administration is merely pursuing political band-aids for the problem created by the President's health care law. The President is trying to fix this problem of canceled plans, but his solution is a politically motivated bandaid in response to pressure from Members of his own party who are nervous about the next election. The unfortunate reality of his bandaid is that it won't work.

Instead of taking responsibility for his failed policies and broken promises, he is changing his mind about how he wants his law to work at the eleventh hour. He is kicking the can to State insurance regulators to determine whether, in 48 days—which is from the date of his announcement on Thursday—they can reverse a train wreck that has been barreling down the tracks for nearly 4 years.

The President's health care law told the entire country that compliance with the President's law must occur on January 1, 2014. In response, industry and State regulators complied. Now, after relentlessly pushing a law that is fundamentally flawed, the President is changing his mind. He is expecting the State insurance commissioners to bail him out, to allow Americans to keep the plans they were promised they could keep.

Since passage of his health care law, the President has continued to tout his law and has continued to make promises to the American people that he knowingly cannot keep. While I agree that Americans should be able to keep the plans they have and like, this eleventh-hour attempt at a fix is an indication that the underpinnings of this law are irreversibly flawed.

The administration is now trying to live up to a promise it made despite the fact that they knew the promise wasn't true. In fact, the President repeated and reiterated that promise as recently as September 26 despite the fact that the administration knew it wasn't true. In 2010 the administration knew that up to 93 million Americans in the private market were in danger of losing their current health care plan. But the deeper problem with the President's fix is that it is merely a bandaid. By this time next year Americans will be in this exact same situation all over again.

The President is not focused on finding a good permanent solution but a good political solution. Putting this bandaid on the problem now may get him and his party past next year's elections. He seems more interested in preserving that power than creating real solutions to the underlying issues. In fact, the President is so concerned about the politics of his actions that he is considering yet again a way to bail out his union friends. As part of the health care law, unions agree to pay a tax to help pay for the cost of expanding coverage. This tax, known as the reinsurance tax, is scheduled to be paid by self-insured plans, including plans administered by unions and many of the largest businesses in America. But the unions are unhappy that they have to pay money into a fund to help fund a benefit for someone other than their dues-paying members. They took their complaints to the administration, and, buried in a regulation issued last month, the administration announced they intend to exempt unions from paying this tax.

Yesterday the Wall Street Journal editorial page articulated exactly why the unions should not be exempt from this tax. The editorial, called "ObamaCare's Union Favor," argues that "the unions ought to consider this tax a civic obligation in solidarity with the (uninsured) working folk they claim to support." It further states that "there's no conceivable rationale—other than politics—for releasing union-only plans from a tax." As the editorial pointed out, exempting unions from this tax will only mean increased taxes on nonunionized Americans in self-insured plans since the tax is structured in a way that it must raise a total of \$25 billion and isn't structured as a straight percentage like most taxes.

Granting this political deal to unions is why I am introducing the Union Tax Fairness Act. This bill would ensure that unions live up to the commitments they made when they put their political weight behind the health care law. It is political deals such as this that highlight how this law is failing the average American.

This reinsurance fee exemption isn't the only backroom deal the administration is trying to grant unions. Earlier this fall the administration tried to find a way to provide ObamaCare subsidies to ineligible union employees. I introduced a bill called the Union Bailout Prevention Act which was aimed at ensuring the administration could not make that special deal either.

It is clear that this President—President Obama—is trying to fix problems in his health care law by making decisions and exemptions based on favors to his political allies.

Democrats are on the run from the law they once championed. They recog-

nize this law is sagging under its own weight. Last week there were 39 House Democrats who voted against the Obama administration by supporting the Upton bill that provides a better solution to allowing Americans to keep plans they like than what the President proposed. Even former President Bill Clinton said President Obama should keep his word when it comes to allowing Americans to keep the plans they have and like. In this Chamber, several Senate Democrats are running for the exits and looking for a legislative escape hatch of their own.

Unfortunately, the solutions proposed by this administration to fix problems in the health care law are only temporary solutions. Their solutions to problems are either temporary delays—as they did with the employer mandate and the 1-year extension of 2013 plans—or political favors to their friends and allies. Instead, this administration should agree to delay this entire law for all Americans.

Americans are deeply skeptical of the Affordable Care Act. According to last week's Gallup poll, 55 percent of Americans now disapprove of the health care law. There is a more recent poll this morning in which ABC News and the Washington Post have that number at 57 percent disapproving.

The time to act is now to ensure Americans can keep the plans they have and like. This "fix" won't prevent Americans from losing their coverage, facing sticker shock and premium increases, or losing their doctors. This law is fundamentally broken, and we need to start over and enact real reforms that decrease costs and improve access to care.

As do so many of us in this Chamber, I hear on a daily basis from my constituents in South Dakota about the very real impact this is having on middle-income Americans. This is an email I received last week:

My wife just received our health care insurance policy renewals for 2014 and we are in shock!

Our monthly premiums increased from \$400 per month to \$1,000, or over \$7,000 more per year. My wife age 59 and me age 60 now receive maternity benefits and some other very limited coverage. We lost our prescription drug co-pay and doctor visits co-pay. These expenses will now be included in our \$6,300 deductible. I will have no option for any subsidy to offset these increases in premiums.

He goes on to say:

Please, please push for a reversal of this horrible health care plan.

My wife and I are physically ill after receiving this letter from our insurance carrier. Again, the government is destroying our lives and we need you to stop this madness.

This is just one example of many that I have heard from my State of South Dakota and many that my colleagues here in the Senate are hearing from all across this country. It is clear

this program, this health insurance law, is not ready for prime time. It is time for us to take a timeout and to go back to the drawing board and construct a plan, an insurance program for this country, legislation that will help reduce the costs for working-class Americans, give them access to better quality of care, and allow them to keep the doctor they choose, which is very much in jeopardy as well as a result of this takeover, literally, of one-sixth of our economy.

There is a better way, as I think countless—millions—Americans are finding out through canceled coverages, sticker shock from skyrocketing premiums, and the new knowledge that they may not be able to keep not only their health insurance plan but also the doctors they like. This is a grim reality for way too many Americans, and it is time for us to step forward and do something about it.

The President's proposal is a bandaid. It is a political solution. It is not a permanent solution; it is temporary. We need long-term fixes put in place that will address the health care concerns people have. The way to do that isn't to have the Federal Government literally assume control of one-sixth of the American economy and all the decisionmaking that takes out of the hands of ordinary, middle-class families—people across this country who are working hard to take care of their families.

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, and Mr. BROWN):

S. 1728. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1728

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguarding Elections for our Nation's Troops through Reforms and Improvements (SENTRI) Act".

#### TITLE I—AMENDMENTS RELATED TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT

##### SEC. 101. PRE-ELECTION REPORTING REQUIREMENT ON TRANSMISSION OF ABSENTEE BALLOTS.

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(c)) is amended by striking "Not later than 90 days" and inserting the following:

"(1) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—



“(A) IN GENERAL.—Not later than 43 days before any election for Federal office held in a State, the chief State election official of such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, confirming—

“(i) the number of absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 46th day before the election, and

“(ii) whether those ballots were timely transmitted.

“(B) MATTERS TO BE INCLUDED.—The report under subparagraph (A) shall include the following information:

“(i) Specific information about ballot transmission, including the total numbers of ballot requests received from such voters and ballots transmitted to such voters by the 46th day before the election from each unit of local government that will administer the election.

“(ii) If the chief State election official has incomplete information on any items required to be included in the report, an explanation of what information is incomplete information and efforts made to acquire such information.

“(C) REQUIREMENT TO SUPPLEMENT INCOMPLETE INFORMATION.—If the report under subparagraph (A) has incomplete information on any items required to be included in the report, the chief State election official shall make all reasonable efforts to expeditiously supplement the report with complete information.

“(D) FORMAT.—The report under subparagraph (A) shall be in a format prescribed by the Attorney General in consultation with the chief State election officials of each State.

“(2) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days”.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff-1(c)) is amended by striking “REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED” and inserting “REPORTS ON ABSENTEE BALLOTS”.

#### SEC. 102. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)) is amended to read as follows:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);”.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff-1(g)) is amended to read as follows:

“(g) BALLOT TRANSMISSION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 46 days before an election for Federal office, the following rules shall apply:

“(A) TRANSMISSION DEADLINE.—The State shall transmit the absentee ballot not later than 46 days before the election.

“(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

“(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request elec-

tronic ballot transmission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

“(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

“(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the collection and delivery of marked absentee ballots; and

“(II) in any other case, provide for the return of such ballot by express delivery.

“(iii) COST OF EXPRESS DELIVERY.—In any case in which express delivery is required under this subparagraph, the cost of such express delivery—

“(I) shall not be paid by the voter, and

“(II) may be required by the State to be paid by a local jurisdiction if the State determines that election officials in such jurisdiction are responsible for the failure to transmit the ballot by any date required under this paragraph.

“(iv) ENFORCEMENT.—A State's compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to effectuate the purposes of this Act.

“(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 46 days but not less than 30 days before an election for Federal office, the State shall transmit the absentee ballot not later than 3 business days after such request is received.”.

#### SEC. 103. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(3)) is amended by striking “general elections” and inserting “general, special, primary, and runoff elections”.

(b) CONFORMING AMENDMENT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) in subsection (b)(2)(B), by striking “general”, and

(2) in the heading thereof, by striking “general”.

#### SEC. 104. TREATMENT OF BALLOT REQUESTS.

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(1) by inserting “or overseas voter” after “submitted by an absent uniformed services voter”; and

(2) by striking “members of the uniformed services” and inserting “absent uniformed services voters or overseas voters”.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(A) by striking “A State” and inserting the following:

“(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State”, and

(B) by adding at the end the following new subsections:

“(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

“(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election) and any special elections for Federal office held in the State through the calendar year following such general election, the State shall provide an absentee ballot to the voter for each such subsequent election.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to either of the following:

“(A) VOTERS CHANGING REGISTRATION.—A voter removed from the list of official eligible voters in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(a)).

“(B) UNDELIVERABLE BALLOTS.—A voter whose ballot is returned by mail to the State or local election officials as undeliverable or, in the case of a ballot delivered electronically, if the email sent to the voter was undeliverable or rejected due to an invalid email address.”.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION” and inserting “TREATMENT OF BALLOT REQUESTS”.

(3) REVISION TO POSTCARD FORM.—

(A) IN GENERAL.—The Presidential designee shall ensure that the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) enables a voter using the form to—

(i) request an absentee ballot for each election for Federal office held in a State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election) and any special elections for Federal office held in the State through the calendar year following such general election; or

(ii) request an absentee ballot for a specific election or elections for Federal office held in a State during the period described in paragraph (1).

(B) PRESIDENTIAL DESIGNEE.—For purposes of this paragraph, the term “Presidential designee” means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

#### SEC. 105. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(6)) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

#### SEC. 106. BIENNIAL REPORT ON THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND COMPTROLLER GENERAL REVIEW.

(a) IN GENERAL.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is amended—

(1) in the matter preceding paragraph (1)—



(A) by striking “March 31 of each year” and inserting “June 30 of each odd-numbered year”; and

(B) by striking “the following information” and inserting “the following information with respect to the Federal elections held during the 2 preceding calendar years”;

(2) in paragraph (1), by striking “separate assessment” each place it appears and inserting “separate assessment and statistical analysis”; and

(3) in paragraph (2)—

(A) by striking “section 1566a” in the matter preceding subparagraph (A) and inserting “sections 1566a and 1566b”;

(B) by striking “such section” each place it appears in subparagraphs (A) and (B) and inserting “such sections”; and

(C) by adding at the end the following new subparagraphs:

“(C) The number of completed official postcard forms prescribed under section 101(b)(2) that were completed by absent uniformed services members and accepted and transmitted.

“(D) The number of absent uniformed services members who declined to register to vote under such sections.”.

(b) COMPTROLLER GENERAL REVIEWS.—Section 105A of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) COMPTROLLER GENERAL REVIEWS.—

“(1) IN GENERAL.—

“(A) REVIEW.—The Comptroller General shall conduct a review of any reports submitted by the Presidential designee under subsection (b) with respect to elections occurring in calendar years 2014 through 2020.

“(B) REPORT.—Not later than 180 days after a report is submitted by the Presidential designee under subsection (b), the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the review conducted under subparagraph (A).

“(2) MATTERS REVIEWED.—A review conducted under paragraph (1) shall assess—

“(A) the methodology used by the Presidential designee to prepare the report and to develop the data presented in the report, including the approach for designing, implementing, and analyzing the results of any surveys,

“(B) the effectiveness of any voting assistance covered in the report provided under subsection (b) and provided by the Presidential designee to absent overseas uniformed services voters and overseas voters who are not members of the uniformed services, including an assessment of—

“(i) any steps taken toward improving the implementation of such voting assistance; and

“(ii) the extent of collaboration between the Presidential designee and the States in providing such voting assistance; and

“(C) any other information the Comptroller General considers relevant to the review.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(2) Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) in paragraph (5), by striking “101(b)(7)” and inserting “101(b)(6)”;

(B) in paragraph (11), by striking “101(b)(11)” and inserting “101(b)(10)”.

(3) Section 105A(b) of such Act (42 U.S.C. 1973ff-4a(b)) is amended—

(A) by striking “ANNUAL REPORT” in the subsection heading and inserting “BIENNIAL REPORT”; and

(B) by striking “In the case of” in paragraph (3) and all that follows through “a description” and inserting “A description”.

#### SEC. 107. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to the regularly scheduled general election for Federal office held in November 2014 and each succeeding election for Federal office.

### TITLE II—PROVISION OF VOTER ASSISTANCE TO MEMBERS OF THE ARMED FORCES

#### SEC. 201. PROVISION OF ANNUAL VOTER ASSISTANCE.

(a) ANNUAL VOTER ASSISTANCE.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566a the following new section:

##### “§ 1566b. Annual voter assistance

“(a) IN GENERAL.—The Secretary of Defense shall carry out the following activities:

“(1) In coordination with the Secretary of each military department—

“(A) affirmatively offer, on an annual basis, each member of the armed forces on active duty (other than active duty for training) the opportunity, through the online system developed under paragraph (2), to—

“(i) register to vote in an election for Federal office;

“(ii) update the member’s voter registration information; or

“(iii) request an absentee ballot;

“(B) provide services to such members for the purpose of carrying out the activities in clauses (i), (ii), and (iii) of subparagraph (A); and

“(C) require any such member who declines the offer for voter assistance under subparagraph (A) to indicate and record that decision.

“(2) Implement an online system that, to the extent practicable, is integrated with the existing systems of each of the military departments and that—

“(A) provides an electronic means for carrying out the requirements of paragraph (1);

“(B) in the case of an individual registering to vote in a State that accepts electronic voter registration and operates its own electronic voter registration system using a form that meets the requirements for mail voter registration forms under section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(b)), directs such individual to that system; and

“(C) in the case of an individual using the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) to register to vote and request an absentee ballot—

“(i) pre-populates such official postcard form with the personal information of such individual, and

“(ii) (I) produces the pre-populated form and a pre-addressed envelope for use in transmitting such official postcard form; or

“(II) transmits the completed official postcard form electronically to the appropriate State or local election officials.

“(3) Implement a system (either independently or in conjunction with the online system under paragraph (2)) by which any change of address by a member of the armed forces on active duty who is undergoing a

permanent change of station, deploying overseas for at least six months, or returning from an overseas deployment of at least six months automatically triggers, through the Defense Enrollment and Eligibility Registration System or related systems, a notification via electronic means to such member that—

“(A) indicates that such member’s voter registration or absentee mailing address should be updated with the appropriate State or local election officials; and

“(B) includes instructions on how to update such voter registration using the online system developed under paragraph (2).

“(b) DATA COLLECTION.—The online system developed under subsection (a)(2) shall collect and store all data required to meet the reporting requirements of section 201(b) of the Safeguarding Elections for our Nation’s Troops through Reforms and Improvements (SENTRI) Act and section 105A(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)(2)) in a manner that complies with section 552a of title 5, United States Code, (commonly known as the Privacy Act of 1974) and imposes no new record management burden on any military unit or military installation.

“(c) TIMING OF VOTER ASSISTANCE.—To the extent practicable, the voter assistance under subsection (a)(1) shall be offered as a part of each service member’s annual training.

“(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary of Defense shall prescribe regulations implementing the requirements of subsection (a). Such regulations shall include procedures to inform those members of the armed forces on active duty (other than active duty for training) experiencing a change of address about the benefits of this section and the timeframe for requesting an absentee ballot to ensure sufficient time for State delivery of the ballot.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566a the following new item:

“1566b. Annual voter assistance.”.

(b) REPORT ON STATUS OF IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant committees of Congress a report on the status of the implementation of the requirements of section 1566b of title 10, United States Code, as added by subsection (a)(1).

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a detailed description of any specific steps already taken towards the implementation of the requirements of such section 1566b;

(B) a detailed plan for the implementation of such requirements, including milestones and deadlines for the completion of such implementation;

(C) the costs expected to be incurred in the implementation of such requirements;

(D) a description of how the annual voting assistance and system under subsection (a)(3) of such section will be integrated with the Defense Enrollment and Eligibility Registration System or other Department of Defense personnel databases that track military service members’ address changes;

(E) an estimate of how long it will take an average member to complete the voter assistance process required under subsection (a)(1) of such section;

(F) an explanation of how the Secretary of Defense will collect reliable data on the utilization of the online system under subsection (a)(2) of such section; and

(G) a summary of any objections, concerns, or comments made by State or local election officials regarding the implementation of such section.

(3) **RELEVANT COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

### **TITLE III—ELECTRONIC VOTING SYSTEMS**

#### **SEC. 301. REPEAL OF ELECTRONIC VOTING DEMONSTRATION PROJECT.**

Section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is repealed.

### **TITLE IV—RESIDENCY OF MILITARY FAMILY MEMBERS**

#### **SEC. 401. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.**

(a) **IN GENERAL.**—Subsection (b) of section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking “a person who is absent from a State because the person is accompanying the person’s spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence” and inserting “a dependent of a person who is absent from a State in compliance with military orders shall not, solely by reason of absence, whether or not accompanying that person”; and

(2) in the heading by striking “SPOUSES” and inserting “DEPENDENTS”.

(b) **CONFORMING AMENDMENT.**—The heading of section 705 of such Act (50 U.S.C. App. 595) is amended by striking “SPOUSES” and inserting “DEPENDENTS”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to absences from States described in section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 595(b)), as amended by subsection (a), after the date of the enactment of this Act, regardless of the date of the military orders concerned.

By Ms. COLLINS:

S. 1730. A bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, to clear unnecessary regulatory burdens, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Clearing Unnecessary Regulatory Burdens Act of 2013, or the “CURB Act.” This legislation is designed to help relieve the onerous regulatory burden on our Nation’s job creators.

When I ask employers in Maine what we need to do to help them add jobs, they tell me that Washington must reduce the cost and complexity of the regulations imposed on them. And this is not just a concern voiced by Maine businesses. Earlier this year, a Gallup poll of small business owners found that the vast majority are not hiring

new workers right now, and more than half pointed to government regulations as one of the reasons why. The National Federation of Independent Business found the same when it polled its members last year.

No business owner I know questions the legitimate role of regulation in protecting the health, safety, and well-being of employees and the public. But the public is not well-served by regulations that bury small businesses under a mountain of paperwork, driving up costs unnecessarily, and impeding growth and job creation. Proper regulation should be as efficient and simple as possible. At the very least, the benefits of a regulation should exceed its costs.

Unfortunately, the burden of Federal regulations continues to grow. Right now, Federal agencies are at work on nearly 2,500 new rules, at least 229 of which affect small businesses. One hundred thirty-nine are major rules, costing more than \$100 million each. These rules will go on top of a pile of regulations now measured in the millions of pages.

Year-by-year, this pile of pages gets ever deeper. In the 1970s, the Federal Register, the compilation of Federal regulations, added some 450,000 pages. In the first decade of the 21st Century, more than 730,000 pages were added—a rate of 73,000 pages per year. The pace continues to accelerate. On average since 2010, the Federal Government has added more than 80,000 pages to the Federal Register each year. This cannot continue.

We are not in the fifth year of an economic “recovery” that has produced tepid economic growth and stubbornly high unemployment. The red-tape that is strangling our job creators is one of the chief reasons our economy has not fully recovered, and why millions of Americans still cannot find jobs. If we want to get our economy moving again and get Americans back to work, we must get serious about streamlining and reforming our regulatory system.

The CURB Act is designed to do that by requiring Federal agencies to take into account the impacts to small businesses and job growth before imposing new rules and regulations. It does this in four ways: first, by requiring Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices; second, by requiring agencies to follow “good guidance” practices; third, by helping small businesses avoid unnecessary penalties for first-time, non-harmful paperwork violations; and fourth, by implementing reforms to the Regulatory Flexibility Act proposed by our former colleague, Senator Olympia Snowe. Let me explain each of these provisions in further detail.

First, as a general rule, Federal agencies are not required by statute to ana-

lyze the indirect costs regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs, OIRA, with an assessment of the indirect costs of proposed regulations. The CURB Act would essentially codify this provision of President Clinton’s Executive Order.

Second, our bill obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as “guidance documents.” Let me explain why this is necessary:

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called “guidance documents,” rather than formal rules. Although these guidance documents are merely an agency’s interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, OMB issued a Bulletin which contained a provision closing this loophole by imposing “Good Guidance Practices” on Federal agencies. This requires agencies to provide public notice and comment for significant guidance documents. The CURB Act would essentially codify this OMB Bulletin.

Third, the CURB Act helps out the “little guy” trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses do not have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and the jobs it supports. The CURB Act directs agencies to search their files to determine whether a small business is facing a paperwork violation for the first time, and to offer to waive the penalty for that violation if no harm has come of it. It simply does not make sense to me to punish small businesses the first time they accidentally fail to comply with paperwork requirements, so long as no harm comes from that failure.

Fourth, as I mentioned, my bill also includes reforms to the Regulatory Flexibility Act, RFA. These reforms would build on the RFA by expanding its requirements to include guidance documents and indirect costs, in a manner consistent with what I have already described. In addition, the reforms to the RFA would allow small businesses to challenge burdensome rules when they are proposed, instead of when the rules have become final, which is often too late.

Finally, these proposed reforms would put teeth into the RFA's requirement that agencies review their rules for possible savings at least once a decade. The bill directs each agency's Inspector General to notify the head of the agency if a rule has not been reviewed in the time required. Once this notification is received, the agency has 6 months to conduct the required review. If it fails to do so, the bill directs the IG to notify Congress, triggering the rescission of one percent of the offending agency's personnel budget unless Congress intervenes.

Before I close, I want to note that many Members of this body, on both sides of the aisle, have offered serious regulatory reform proposals for our consideration in recent years. Indeed, even the President's own "Jobs Council"—before it was disbanded—stressed the need for regulatory reform, and put forward ideas consistent with many of the proposals I and other Members of this body have submitted as legislation. Last session, the Homeland Security and Governmental Affairs Committee, under the leadership of then-Chairman Lieberman and myself, held a series of hearings on regulatory reform. But the Senate as a whole did not act on these proposals last session, or dedicate any time whatsoever to their consideration. I am hopeful this session will be different, and room will be made on the Senate's agenda to consider regulatory reform. As we do so, I would ask my colleagues to consider the approach I have proposed in the CURB Act.

By Mr. DURBIN (for himself, Mr. BURR, Mr. GRASSLEY, Mr. HARKIN, and Mr. KIRK):

S. 1736. A bill to amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1736

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Support Earned Recognition for Veterans Act" or the "SERVe Act".

#### SEC. 2. CLARIFICATION OF VETERAN STATUS.

(a) CLARIFICATION OF DEFINITION OF MILITARY SERVICE.—Section 101 of title 38, United States Code, is amended—

(1) in paragraph (21)(D), by inserting after "Naval Academy" the following: "(but, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), does not include any service performed by a student at a preparatory school of a service academy

who is not otherwise a member of the Armed Forces)";

(2) in paragraph (22), by inserting before the period at the end the following: "or, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces"; and

(3) in paragraph (23), by adding after the period at the end the following: "Except for purposes of chapter 17 of this title in accordance with section 107(e)(2), such term does not include duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces."

(b) SERVICE DEEMED NOT TO BE ACTIVE SERVICE.—Section 107 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Except as provided by paragraph (2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary, regardless of whether the student was injured or disabled as a result of such duty.

"(2) Chapter 17 of this title shall apply to an individual described in paragraph (1) with respect to furnishing hospital care and medical services solely for an injury or disability incurred by the individual as a result of military training related to future active duty service performed as a student during the course of required training at a preparatory school of a service academy. An individual who receives such care and services under this paragraph may not be treated as a veteran for the purposes of any other provision of law solely by reason of receiving such care and services under this paragraph."

(c) SMALL BUSINESS CONCERNS.—Section 8127(1) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) The term 'veteran', in accordance with sections 101 and 107 of this title, does not include an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student."

(d) PREFERENCE ELIGIBLE.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (4)(B), by striking "and"; and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(6) an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student, may not be treated as a 'veteran', 'disabled veteran', or 'preference eligible'."

By Mr. CORNYN (for himself, Mr. WYDEN, Mr. KIRK, Ms. KLOBUCHAR, and Mr. RUBIO):

S. 1738. A bill to provide justice for the victims of trafficking; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1738

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Victims of Trafficking Act of 2013".

#### SEC. 2. DOMESTIC TRAFFICKING VICTIMS' FUND.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 3014. Additional special assessment

"(a) In addition to the assessment imposed under section 3013, the court shall assess an amount of \$5,000 on any person or entity convicted of an offense under—

"(1) chapter 77 (relating to peonage, slavery, and trafficking in persons);

"(2) chapter 109A (relating to sexual abuse);

"(3) chapter 110 (relating to sexual exploitation and other abuse of children);

"(4) chapter 117 (relating to transportation for illegal sexual activity and related crimes); or

"(5) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to human smuggling), unless the person induced, assisted, abetted, or aided only an individual who at the time of such action was the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

"(b) An assessment under subsection (a) shall not be payable until the person subject to the assessment has satisfied all outstanding court-ordered fines and orders of restitution arising from the criminal convictions on which the special assessment is based.

"(c) There is established in the Treasury of the United States a fund, to be known as the 'Domestic Trafficking Victims' Fund' (referred to in this section as the 'Fund'), to be administered by the Attorney General, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services.

"(d) Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of money received for the Government, there shall be deposited in the Fund an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

"(e)(1) From amounts in the Fund, and without further appropriation, the Attorney General, in coordination with the Secretary of Health and Human Services shall, for each of fiscal years 2015 through 2019, use amounts available in the Fund to award grants or enhance victims' programming under—

"(A) sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a, 14044b, and 14044c);

"(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

"(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

"(2) Of the amounts in the Fund used under paragraph (1), not less than \$2,000,000 shall be used for grants to provide services for child pornography victims under section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

"(f)(1) Effective on the day after the date of enactment of the Justice for Victims of Trafficking Act of 2013, on September 30 of

each fiscal year, all unobligated balances in the Fund shall be transferred to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

“(2) Amounts transferred under paragraph (1)—

“(A) shall be available for any authorized purpose of the Crime Victims Fund; and

“(B) shall remain available until expended.

“(g) The amount assessed under subsection (a) shall, subject to subsection (b), be collected in the manner that fines are collected in criminal cases.

“(h) The obligation to pay an assessment imposed on or after the date of enactment of the Justice for Victims of Trafficking Act of 2013 shall not cease until the assessment is paid in full.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by inserting after the item relating to section 3013 the following:

“3014. Additional special assessment.”.

#### SEC. 3. OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF HUMAN TRAFFICKING.

Section 107(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following:

“(4) OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF HUMAN TRAFFICKING.—

“(A) IN GENERAL.—Upon receiving credible information that establishes by a preponderance of the evidence that a covered individual is a victim of a severe form of trafficking and at the request of the covered individual, the Secretary of Health and Human Services shall promptly issue a determination that the covered individual is a victim of a severe form of trafficking. The Secretary shall have exclusive authority to make such a determination.

“(B) COVERED INDIVIDUAL DEFINED.—In this subsection, the term ‘covered individual’ means—

“(i) a citizen of the United States; or

“(ii) an alien lawfully admitted for permanent residence (as that term is defined in section 101(20) of the Immigration and Nationality Act (8 U.S.C. 1101(20)).

“(C) PROCEDURE.—For purposes of this paragraph, in determining whether a covered individual has provided credible information that the covered individual is a victim of a severe form of trafficking, the Secretary of Health and Human Services shall consider all relevant and credible evidence, and if appropriate, consult with the Attorney General, the Secretary of Homeland Security, or the Secretary of Labor.

“(D) PRESUMPTIVE EVIDENCE.—For purposes of this paragraph, the following forms of evidence shall receive deference in determining whether a covered individual has established that the covered individual is a victim of a severe form of trafficking:

“(i) A sworn statement by the covered individual or a representative of the covered individual if the covered individual is present at the time of such statement but not able to competently make such sworn statement.

“(ii) Police, government agency, or court records or files.

“(iii) Documentation from a social services, trafficking, or domestic violence program, child welfare or runaway and homeless youth program, or a legal, clinical, medical, or other professional from whom the covered individual has sought assistance in dealing with the crime.

“(iv) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

“(v) Physical evidence.

“(E) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of the Justice for Victims of Trafficking Act of 2013, the Secretary of Health and Human Services shall adopt regulations to implement this paragraph.

“(F) RULE OF CONSTRUCTION; OFFICIAL RECOGNITION OPTIONAL.—Nothing in this paragraph shall be construed to require a covered individual to obtain a determination under this paragraph in order to be defined or classified as a victim of a severe form of trafficking under this section.”.

#### SEC. 4. VICTIM-CENTERED HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b) is amended to read as follows:

##### “SEC. 203. VICTIM-CENTERED CHILD HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.

“(a) GRANTS AUTHORIZED.—The Attorney General may make block grants to an eligible entity to develop, improve, or expand comprehensive domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims’ services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

“(b) AUTHORIZED ACTIVITIES.—Grants awarded under subsection (a) may be used for—

“(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

“(A) identify victims and acts of child human trafficking;

“(B) address the unique needs of child victims of human trafficking;

“(C) facilitate the rescue of child victims of human trafficking;

“(D) investigate and prosecute acts of human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking;

“(E) use laws that prohibit acts of child human trafficking, child sexual abuse, and child rape, and to assist in the development of State and local laws to prohibit, investigate, and prosecute acts of child human trafficking; and

“(F) implement and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of child sex trafficking victims for prostitution offenses;

“(2) the establishment or enhancement of dedicated anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

“(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer’s time on duty that is dedicated to working on cases involving child human trafficking; and

“(B) investigation expenses for cases involving child human trafficking, including—

“(i) wire taps;

“(ii) consultants with expertise specific to cases involving child human trafficking;

“(iii) travel; and

“(iv) other technical assistance expenditures;

“(C) dedicated anti-trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenders, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this section shall be not more than the percentage of the total number of hours worked by the prosecutor that is spent working on cases involving child human trafficking;

“(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims’ services through coordination with—

“(i) child advocacy centers;

“(ii) social service agencies;

“(iii) State governmental health service agencies;

“(iv) housing agencies;

“(v) legal services agencies; and

“(vi) non-governmental organizations and shelter service providers with substantial experience in delivering comprehensive services to victims of child human trafficking; and

“(3) the establishment or enhancement of problem solving court programs for trafficking victims that include—

“(A) mandatory and regular training requirements for judicial officials involved in the administration or operation of the court program described under this paragraph;

“(B) continuing judicial supervision of victims of child human trafficking who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

“(C) the development of a specialized and individualized, court-ordered treatment program for identified victims of child human trafficking, including—

“(i) State-administered outpatient treatment;

“(ii) life skills training;

“(iii) housing placement;

“(iv) vocational training;

“(v) education;

“(vi) family support services; and

“(vii) job placement;

“(D) centralized case management involving the consolidation of all of each child human trafficking victim’s cases and offenses, and the coordination of all trafficking victim treatment programs and social services;

“(E) regular and mandatory court appearances by the victim during the duration of the treatment program for purposes of ensuring compliance and effectiveness;

“(F) the ultimate dismissal of relevant non-violent criminal charges against the victim, where such victim successfully complies with the terms of the court-ordered treatment program; and

“(G) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and non-governmental organizations to provide comprehensive services to victims and encourage cooperation with law enforcement.

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

“(2) REQUIRED INFORMATION.—An application submitted under this subsection shall—

“(A) describe the activities for which assistance under this section is sought;

“(B) include a detailed plan for the use of funds awarded under the grant; and

“(C) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section.

“(3) PREFERENCE.—In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

“(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) through (3) of subsection (b); or

“(B) the application includes a plan by the State or unit of local government to continue funding of all activities funded by the award after the expiration of the award.

“(d) DURATION AND RENEWAL OF AWARD.—

“(1) IN GENERAL.—A grant under this section shall expire 1 year after the date of award of the grant.

“(2) RENEWAL.—A grant under this section shall be renewable not more than 3 times and for a period of not greater than 1 year.

“(e) EVALUATION.—The Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to child human trafficking and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section.

“(f) MANDATORY EXCLUSION.—An eligible entity awarded funds under this section that is found to have used grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

“(g) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a grant under this section if within the 5 fiscal years before submitting an application for a grant under this section, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

“(h) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

“(i) FEDERAL SHARE.—The Federal share of the cost of a program funded by a grant awarded under this section shall be—

“(1) 70 percent in the first year;

“(2) 60 percent in the second year; and

“(3) 50 percent in the third year.

“(j) AUTHORIZATION OF FUNDING; FULLY OFFSET.—For purposes of carrying out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, is authorized to award not more than \$7,000,000 of the funds available in the Domestic Trafficking Victims' Fund, established under section 3014 of title 18, United States Code, for each of fiscal years 2015 through 2019.

“(k) DEFINITIONS.—In this section—

“(1) the term ‘child’ means a person under the age of 18;

“(2) the term ‘child advocacy center’ means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

“(3) the term ‘child human trafficking’ means 1 or more severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving a victim who is a child; and

“(4) the term ‘eligible entity’ means a State or unit of local government that—

“(A) has significant criminal activity involving child human trafficking;

“(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;

“(C) has developed a workable, multi-disciplinary plan to combat child human trafficking, including—

“(i) the establishment of a shelter for victims of child human trafficking, through existing or new facilities;

“(ii) the provision of trauma-informed, gender-responsive rehabilitative care to victims of child human trafficking;

“(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of human trafficking, with a focus on domestic child human trafficking;

“(iv) prevention, deterrence, and prosecution of offenses involving child human trafficking, including soliciting, patronizing, or purchasing human acts with children;

“(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth;

“(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or child, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

“(vii) cooperation or referral agreements with State child welfare agencies and child advocacy centers;

“(D) has a victim certification process for eligibility and access to State-administered medical care to ensure that minor victims of human trafficking who are not eligible for interim assistance under section 107(b)(1)(F) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(F)) are granted eligibility for, and have access to, State-administered medical care immediately upon certification as such a victim, or as soon as practicable thereafter but not later than the period determined by the Assistant Attorney General in consultation with the Assistant Secretary for Children and Families of the Department; and

“(E) provides an assurance that, under the plan under subparagraph (C), a victim of child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services provided with a grant under this section.

“(1) GRANT ACCOUNTABILITY; SPECIALIZED VICTIMS' SERVICE REQUIREMENT.—No grant funds under this section may be awarded or transferred to any entity unless such entity has demonstrated substantial experience providing services to victims of human trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of human trafficking victims.”

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Trafficking Vic-

tims Protection Reauthorization Act of 2005 (22 U.S.C. 7101 note) is amended by striking the item relating to section 203 and inserting the following:

“Sec. 203. Victim-centered child human trafficking deterrence block grant program.”

**SEC. 5. DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.**

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 212(5) (42 U.S.C. 13001a(5)), by inserting “, including human trafficking and the production of child pornography” before the semicolon at the end; and

(2) in section 214 (42 U.S.C. 13002)—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following:

“(b) DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, may make grants to develop and implement specialized programs to identify and provide direct services to victims of child pornography.”

**SEC. 6. INCREASING RESTITUTION FOR TRAFFICKING VICTIMS.**

(a) TITLE 18 AMENDMENTS.—Section 1594 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “that was used or” and inserting “that was involved in, used, or”;

(ii) by inserting “or any property traceable to such property” after “such violation”; and

(iii) in paragraph (2), by inserting “, or any property traceable to such property” after “such violation”; and

(B) in subsection (e)(1)(A)—

(i) by striking “Any property, real or personal, used or” and inserting “Any property, real or personal, involved in, used, or”; and

(ii) by inserting “, or any property traceable to such property” after “any violation of this chapter”;

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

“(f) Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter. Such transfers shall have priority over any other claims to the assets or their proceeds.”

(b) TITLE 28 AMENDMENT.—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting “chapter 77 of title 18,” after “criminal drug laws of the United States or of”.

(c) TITLE 31 AMENDMENT.—Section 9703(a)(2)(B) of title 31, United States Code, (relating to the Department of the Treasury Forfeiture Fund) is amended—

(1) in clause (iii)(III), by striking “and” at the end;

(2) in clause (iv), by striking the period at the end and inserting “; and”;

(3) by inserting after clause (iv) the following:

“(v) the United States Immigration and Customs Enforcement with respect to a violation of chapter 77 of title 18 (relating to human trafficking).”

# SEC. 7. STREAMLINING STATE AND LOCAL HUMAN TRAFFICKING INVESTIGATIONS.

Section 2516(2) of title 18, United States Code, is amended by inserting "human trafficking, child sexual exploitation, child pornography production," after "kidnapping,".

# SEC. 8. FIGHTING COMPLEX CRIMINAL ENTERPRISES ENGAGED IN HUMAN TRAFFICKING.

(a) IN GENERAL.—Chapter 96 of title 18, United States Code, is amended by adding at the end the following:

## "SEC. 1969. AGGRAVATED HUMAN TRAFFICKING RACKETEERING.

"(a) DEFINITIONS.—In this section—

"(1) the term 'aggravated human-trafficking racketeering activity' means any activity that—

"(A) is a racketeering activity (as defined in section 1961(1)); and

"(B) includes—

"(i) any act or threat involving murder, kidnapping, human trafficking, sexual exploitation, coerced prostitution, or the production of child pornography, which is chargeable under State law and punishable by imprisonment for more than 1 year (as amended or revised as of the date on which the activity occurred or, in the instance of a continuing offense, the date on which the charges under this section are filed in a particular matter); or

"(ii) any act that is indictable under (as amended or revised as of the date on which the activity occurred or, in the instance of a continuing offense, the date on which charges under this section are filed in a particular matter)—

"(I) sections 1581 through 1592 (relating to peonage, slavery, and trafficking in persons);

"(II) section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire);

"(III) section 1959 (relating to violent crimes in aid of racketeering);

"(IV) section 2251, 2251A, 2252, or 2260 (relating to sexual exploitation of children); or

"(V) sections 2421 through 2424 (relating to slave traffic); and

"(2) the term 'enterprise' has the meaning given the term in section 1961.

"(b) PROHIBITED ACTIVITIES.—It shall be unlawful for any person to participate, directly or indirectly, in or relating to the affairs of any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, if—

"(1)(A) such participation within the enterprise includes committing or causing to be committed 2 or more acts of aggravated human-trafficking racketeering activity in or relating to the affairs of the enterprise; or

"(B) such participation within the enterprise includes any act of participation with the intention that some known or unknown participant or participants within the enterprise would commit, or would cause to be committed, individually or collectively, 2 or more acts of aggravated human-trafficking racketeering activity in or relating to the affairs of the enterprise.

"(c) CONSPIRACY.—It shall be unlawful for any person to conspire to violate subsection (b).

"(d) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Whoever violates this section shall be punished in accordance with section 1963.

"(2) CLARIFICATION OF PUNISHABLE OFFENSES.—Any person prosecuted under this section may be both convicted and sentenced in any court of competent jurisdiction for any combination of the following:

"(A) The offense of conspiring to violate this section, and for any other particular of-

fense or offenses that may be an object of the conspiracy.

"(B) Any violation of this section.

"(C) Any aggravated human-trafficking racketeering activity."

(b) PENALTIES.—Section 1963 of title 18, United States Code, is amended by inserting "or section 1969" after "section 1962" each place it appears.

(c) VIOLENT CRIMES IN AID OF RACKETEERING.—Section 1959 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or aggravated human-trafficking racketeering activity" before "or for the purpose"; and

(B) by striking "murders, kidnaps, maims" and inserting "aggravated human trafficking racketeering activity, murders, kidnaps, human trafficking, sexual exploitation, coerced prostitution, maims"; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) 'aggravated human-trafficking racketeering activity' has the meaning given the term in section 1969;".

(d) TABLE OF SECTIONS.—The table of sections for chapter 96 of title 18, United States Code, is amended by inserting after the item relating to section 1968 the following:

"1969. Aggravated human trafficking racketeering."

# SEC. 9. ENHANCING HUMAN TRAFFICKING REPORTING.

(a) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

"(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term 'part 1 violent crimes' shall include severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)."

(b) CRIME CONTROL ACT AMENDMENTS.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) in paragraph (2), by striking "and" at the end; and

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (2)" and inserting "paragraph (3)";

(B) in subparagraph (A), by inserting "and a photograph taken within the previous 180 days" after "dental records";

(C) in subparagraph (B), by striking "and" at the end;

(D) by redesignating subparagraph (C) as subparagraph (D); and

(E) by inserting after subparagraph (B) the following:

"(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and"

# SEC. 10. REDUCING DEMAND FOR SEX TRAFFICKING.

(a) IN GENERAL.—Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or maintains" and inserting "maintains, patronizes, or solicits";

(2) in subsection (b)—

(A) in paragraph (1), by striking "or obtained" and inserting "obtained, patronized, or solicited"; and

(B) in paragraph (2), by striking "or obtained" and inserting "obtained, patronized, or solicited"; and

(3) in subsection (c)—

(A) by striking "or maintained" and inserting "knew, or recklessly disregarded the fact, that the person"; and

(B) by striking "knew that the person" and inserting "knew, or recklessly disregarded the fact, that the person".

(b) DEFINITION AMENDED.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended by striking "or obtaining" and inserting "obtaining, patronizing, or soliciting".

# SEC. 11. USING EXISTING TASK FORCES TO TARGET OFFENDERS WHO EXPLOIT CHILDREN.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that all task forces and working groups within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex.

# SEC. 12. ENHANCED PENALTIES FOR HUMAN TRAFFICKING, CHILD EXPLOITATION, AND REPEAT OFFENDERS.

Part 1 of title 18, United States Code, is amended—

(1) in chapter 77—

(A) in section 1583(a), in the flush text following paragraph (3), by striking "not more than 20 years" and inserting "not more than 30 years";

(B) in section 1587, by striking "four years" and inserting "10 years"; and

(C) in section 1591(d), by striking "20 years" and inserting "25 years"; and

(2) in section 2426(a), by striking "twice" and inserting "3 times".

# SEC. 13. HOLDING SEX TRAFFICKERS ACCOUNTABLE.

Section 2423(g) of title 18, United States Code, is amended by striking "a preponderance of the evidence" and inserting "clear and convincing evidence".

# SEC. 14. COMBATING SEX TOURISM.

Section 2423 of title 18, United States Code is amended—

(1) in subsection (b), by striking "for the purpose" and inserting "with a motivating purpose of"; and

(2) in subsection (d), by striking "for the purpose of engaging" and inserting "with a motivating purpose of engaging".

# SEC. 15. GRANT ACCOUNTABILITY.

(a) DEFINITION.—In this section, the term "covered grant" means a grant awarded by the Attorney General under section 203 of the Trafficking Victims Protection Reauthorization Act (42 U.S.C. 14044b).

(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term "unresolved audit finding" means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

(B) REQUIREMENT.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the



appropriate number of grantees to be audited each year.

(C) **MANDATORY EXCLUSION.**—A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) **PRIORITY.**—In awarding covered grants, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a covered grant.

(E) **REIMBURSEMENT.**—If an entity is awarded a covered grant during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) **NONPROFIT ORGANIZATION REQUIREMENTS.**—

(A) **DEFINITION.**—For purposes of this paragraph and covered grants, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) **PROHIBITION.**—The Attorney General may not award a covered grant to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) **DISCLOSURE.**—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) **CONFERENCE EXPENDITURES.**—

(A) **LIMITATION.**—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this Act or an Act amended by this Act, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

(B) **WRITTEN APPROVAL.**—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) **REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and

the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) **ANNUAL CERTIFICATION.**—Beginning in the first fiscal year beginning after the date of enactment of this Act, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification indicating whether—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(B) all mandatory exclusions required under paragraph (1)(C) have been issued;

(C) all reimbursements required under paragraph (1)(E) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 299—CONGRATULATING THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE ON THE CELEBRATION OF ITS 100TH ANNIVERSARY AND COMMENDING ITS SIGNIFICANT CONTRIBUTION TO EMPOWER AND REVITALIZE DEVELOPING COMMUNITIES AROUND THE WORLD

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 299

Whereas the American Jewish Joint Distribution Committee (referred to in this preamble as the “JDC”), the leading Jewish humanitarian assistance organization in the world, provides economic relief to communities facing hardship and builds the foundation for self-sustaining Jewish community life;

Whereas when the JDC was founded in 1914, the organization initiated relief projects in communities primarily in Eastern Europe and the Middle East, and, as of November 2013, the JDC works in 70 countries worldwide and touches more than 1,000,000 lives each year;

Whereas the JDC has pioneered high-impact programs that provide access to education, health care, food, shelter, and assistance with job training and placement for governments and other organizations to utilize;

Whereas the JDC has developed and implemented initiatives in Israeli society aimed at meeting the needs of the most disadvantaged citizens in the State of Israel, including children and youth at risk, the chronically unemployed (including ultra-Orthodox Jews, people with disabilities, and Israeli Arabs), and the elderly;

Whereas the JDC received the Israel Prize in 2007 for its lifetime achievements and special contributions to society and the State of Israel for developing innovative, scalable solutions to meet the needs of the most disadvantaged citizens in the State of Israel;

Whereas the JDC has helped transform the lives of women and girls throughout the

world, through initiatives that provide access to health care and education to girls, encouraging them to overcome gender barriers, receive an education, and become community leaders;

Whereas the JDC is engaging many young individuals in the United States to participate in rescue, renewal, and revitalization work through service and volunteer programs around the world;

Whereas the JDC and the United States Government have a historic and enduring relationship that has evolved from cooperating in life-saving work in Europe through the American Relief Administration following World War I and the War Refugee Board during World War II to the more recent partnerships between the JDC and the Department of Agriculture, the Department of State, and the United States Agency for International Development;

Whereas the JDC mobilizes its expert professionals and network of local, United States, Israeli, and global partners, including the Jewish Coalition for Disaster Relief, to provide immediate relief and long-term assistance in the aftermath of natural disasters, such as by providing emergency supplies and medical assistance following the earthquake and tsunami in Japan in 2011 and the earthquake in Haiti in 2010; and

Whereas the JDC creates programs and solutions that benefit the neediest populations in communities around the world and confronts the most difficult challenges, such as natural disasters, extreme poverty, political instability, and genocide: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and celebrates the 100th anniversary of the founding of the American Jewish Joint Distribution Committee; and

(2) commends the American Jewish Joint Distribution Committee on its valuable work around the world and wishes the organization success in its future efforts.

### SENATE RESOLUTION 300—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 300

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into JP Morgan Chase’s “whale trades” and risks and abuses of derivatives;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee’s investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with



the privilege of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into JP Morgan Chase's "whale trades" and risks and abuses of derivatives.

**SENATE RESOLUTION 301—RECOGNIZING AND SUPPORTING THE GOALS AND IMPLEMENTATION OF THE NATIONAL ALZHEIMER'S PROJECT ACT AND THE NATIONAL PLAN TO ADDRESS ALZHEIMER'S DISEASE**

Mr. DURBIN (for himself, Ms. COLLINS, Ms. MIKULSKI, Mr. JOHNSON of South Dakota, Mr. MENENDEZ, Mr. WICKER, Mr. MORAN, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 301

Whereas more than 5,000,000 individuals in the United States live with Alzheimer's disease, and, based on current projections, as many as 16,000,000 individuals in the United States will have Alzheimer's disease by 2050;

Whereas 1 in every 9 individuals in the United States over the age of 65 lives with Alzheimer's disease;

Whereas another individual in the United States develops Alzheimer's disease every 68 seconds, and, by 2050, another individual in the United States will develop the disease every 33 seconds;

Whereas, in 2013, an estimated 450,000 people in the United States will die from Alzheimer's disease, making it the sixth-leading cause of death in the United States;

Whereas, between 2000 and 2010, deaths attributed to Alzheimer's disease increased by 68 percent;

Whereas Alzheimer's disease is devastating physically, emotionally, and financially;

Whereas Alzheimer's disease creates an enormous financial strain on the health care system, families, and Federal and State budgets;

Whereas, according to an independent study supported by the National Institutes of Health, Alzheimer's disease is already the costliest disease in the United States and is expected to become even more costly in the future;

Whereas, in 2013, the total direct cost of caring for individuals in the United States with Alzheimer's disease is estimated to be \$203,000,000,000, including \$107,000,000,000 in costs to Medicare and \$35,000,000,000 to Medicaid;

Whereas, if nothing is done to change the trajectory of the disease, the total direct cost of caring for individuals in the United States with Alzheimer's disease is expected to rise to \$1,200,000,000,000 by 2050;

Whereas the average cost to Medicare for beneficiaries with Alzheimer's disease is 3 times higher than for those without the condition;

Whereas a Federal commitment to fighting Alzheimer's disease can lower costs and improve health outcomes for people living with the disease today and in the future;

Whereas, by making Alzheimer's disease a national priority, we can replicate the successes that have been achieved in fighting other diseases;

Whereas leadership from the Federal Government has helped lower the number of deaths from other major diseases and health problems such as HIV/AIDS, cancer, heart disease, and stroke;

Whereas, in 2010, Congress unanimously passed the National Alzheimer's Project Act;

Whereas the National Alzheimer's Project Act requires the Secretary of Health and Human Services to create and annually update a National Plan to Address Alzheimer's Disease;

Whereas the National Plan to Address Alzheimer's Disease establishes goals and action steps to combat the disease in the areas of research, care, support, and public awareness; and

Whereas the National Plan to Address Alzheimer's Disease has resulted in some notable accomplishments, including the creation of a blueprint for Alzheimer's research by the National Institutes of Health: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that additional focus, research, and resources are needed to overcome Alzheimer's disease;

(2) acknowledges the impact that Alzheimer's disease has on individuals with the disease, their caregivers and loved ones, and the United States as a whole; and

(3) supports the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease.

Mr. DURBIN. Mr. President, we all know someone who has been affected by Alzheimer's disease or someone else who has.

Everyone has occasional memory lapses, and it's normal to forget names of an acquaintance or forget where you put your keys.

But Alzheimer's is so much more than just memory loss.

It is a debilitating disease that only gets worse as it progresses.

People living with the disease often forget conversations, appointments, and eventually forget the names of close friends and may no longer recognize their spouse or their children.

They struggle to recall the words to identify objects, and eventually lose the ability to read and write.

Alzheimer's makes everyday activities like keeping track of bills and cooking a meal extremely challenging and frustrating.

Although the disease develops differently for every individual, it eventually leads to loss of memory, thinking and reasoning skills.

This year, approximately 450,000 people in the United States will die from Alzheimer's disease.

Currently, more than 5 million Americans are living with the disease, including 210,000 people in Illinois.

But with a new person being diagnosed with Alzheimer's every 68 seconds, the number of people with Alzheimer's will rise to 16 million by 2050.

If nothing is done to change the trajectory of the disease, more people and

families will suffer and federal spending linked to the disease will soar.

In 2013, the cost of caring for those with Alzheimer's disease will total an estimated \$203 billion for Medicaid and Medicare.

If we stay on this path, the total cost of caring for individuals with Alzheimer's disease is expected to rise to 1.2 trillion by 2050—an increase of more than 500 percent.

But this is a problem that we can solve.

In 2010, Congress recognized the need for additional resources and research to overcome Alzheimer's disease and unanimously passed the National Alzheimer's Project Act.

The National Alzheimer's Project Act created a national strategic plan, which establishes goals and action steps to combat the disease in the areas of research, care, support, and public awareness.

The plan has already resulted in some notable achievements.

In 2012, the National Institutes of Health dedicated an additional \$50 million for Alzheimer's research.

The Health Resources and Services Administration invested \$2 million to improve the quality of care for people with Alzheimer's.

But more needs to be done and the success of the National Alzheimer's Plan requires continued federal investments for biomedical research and resources for people with Alzheimer's.

President Obama's fiscal year 2014 budget proposed \$100 million in new NIH funding for Alzheimer's research.

The Senate Labor, Health, and Human Services appropriations bill which passed the Appropriations Committee adds \$84 million to the NIH's National Institute of Aging for Alzheimer's research.

The bill also provides \$40 million for the new Brain Initiative, which will help us better understand the brain and Alzheimer's.

These federal investments to fight Alzheimer's disease can lower costs and improve health outcomes for people living with the disease.

People like Janet Dever.

Janet Dever, 73 years old, was diagnosed with Alzheimer's disease five years ago.

She does her best to not dwell on the negatives or sink into depression.

But she says that the hardest part of the disease is watching her family and friends suffer along with her.

The part of the disease that upsets her the most is that many people don't know how to interact with her anymore, so they have stayed away.

But Janet and her husband Bill aren't giving up. And we shouldn't give up either.

To reinforce the initial steps toward greater investment in finding answers, I am submitting this resolution, along with Senators COLLINS, MIKULSKI, TIM

JOHNSON, MENENDEZ, WICKER, MORAN, and MARKEY, supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease.

But to achieve these goals, the Plan needs federal funding to be fully implemented.

I urge my colleagues to support this Resolution and reinforce our national commitment to turning around the seeming inevitability of this terrible brain disease.

I look forward to working with my colleagues to ensure investments are made in Alzheimer's research and to make the goal of preventing and effectively treating Alzheimer's disease by 2050 a reality.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2148. Mr. BENNET (for himself, Mr. COBURN, Mr. CARPER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2149. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2150. Mrs. HAGAN (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2151. Mrs. HAGAN (for herself, Mr. UDALL of Colorado, Mr. BAUCUS, Mr. WYDEN, and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2152. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2153. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2154. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2155. Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. PAUL, Mr. CHAMBLISS, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. WYDEN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2156. Mr. COBURN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2157. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2159. Mr. COBURN submitted an amendment intended to be proposed by him

to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2166. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2167. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2168. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2169. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2170. Mrs. MCCASKILL (for herself, Ms. AYOTTE, Mrs. FISCHER, Ms. COLLINS, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2171. Mrs. MCCASKILL (for herself, Mr. MCCAIN, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2172. Mr. CASEY (for himself, Ms. AYOTTE, Mr. WARNER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2173. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2174. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2175. Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, supra.

SA 2176. Mr. RISCH (for himself, Mr. RUBIO, Mr. CORNYN, Mr. BLUNT, Mr. MORAN, Ms. AYOTTE, Mr. VITTER, Mrs. FISCHER, Mr. JOHNSON of Wisconsin, Mr. CRAPO, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2177. Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2178. Mr. FLAKE (for himself and Mr. COBURN) submitted an amendment intended

to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2179. Mr. FLAKE (for himself, Mr. COBURN, Mr. SCOTT, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2180. Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2181. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2182. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2183. Mr. VITTER (for himself, Mr. RISCH, Mr. LEE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2184. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2185. Mr. WICKER (for himself, Mr. LEE, Mrs. FISCHER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2186. Mr. KIRK (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DURBIN, Mr. BOOZMAN, Mrs. GILLIBRAND, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2187. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2188. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2189. Mr. RUBIO (for himself, Mr. CRUZ, Mr. ROBERTS, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2190. Mr. RUBIO (for himself, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2191. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2192. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2193. Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2194. Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2195. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2196. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2197. Mr. KAINE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S.

1197, *supra*; which was ordered to lie on the table.

SA 2198. Mr. WHITEHOUSE (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2199. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2200. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2201. Mr. NELSON (for himself, Mr. BLUMENTHAL, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2202. Mr. NELSON (for himself, Ms. COLLINS, Mr. WYDEN, Mrs. HAGAN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2203. Ms. MIKULSKI (for herself and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2204. Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2205. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2206. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2207. Mr. BLUMENTHAL (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2208. Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2209. Ms. KLOBUCHAR (for herself, Mr. SCHATZ, Mr. PRYOR, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2210. Ms. KLOBUCHAR (for herself, Mr. SCHATZ, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2211. Ms. KLOBUCHAR (for herself and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2212. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2213. Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2214. Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2215. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2216. Mr. REID submitted an amendment intended to be proposed by him to the

bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2217. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2218. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2219. Mr. MENENDEZ (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. VITTER, Mr. NELSON, Mrs. GILLIBRAND, Mr. COCHRAN, Ms. HEITKAMP, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Mr. MANCHIN, Mr. BOOKER, Mr. BEGICH, Mr. CASEY, Mr. HOEVEN, Mrs. HAGAN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2220. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2221. Mr. BURR (for himself, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2222. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2223. Mr. PAUL (for himself, Mr. WYDEN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2224. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2225. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2226. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2227. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2228. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2229. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2230. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2231. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2232. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. ALEXANDER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2233. Mr. KIRK (for himself, Mr. COONS, Mr. BLUNT, Mr. BROWN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2234. Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be pro-

posed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2235. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2236. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2237. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2238. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2100 submitted by Mr. WYDEN (for himself and Mr. HEINRICH) and intended to be proposed to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2239. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2240. Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2241. Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2242. Mr. HEINRICH (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2243. Mr. HEINRICH (for himself, Mr. UDALL of New Mexico, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2244. Mr. HEINRICH (for himself, Mr. SHELBY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2245. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2246. Mr. FRANKEN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2247. Mr. SCHATZ (for himself, Mr. BARRASSO, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2248. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2249. Mr. TESTER (for himself, Mr. CHAMBLISS, Mr. BEGICH, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2250. Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2251. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2252. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2253. Mr. MANCHIN (for himself, Mrs. BOXER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2254. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2255. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, Mrs. FISCHER, Mr. ENZI, Mr. RUBIO, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra.

SA 2256. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2257. Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2258. Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2259. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2260. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2261. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2262. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2263. Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2264. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2265. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. HARKIN, Mr. WYDEN, Mr. SCHATZ, Mr. DONNELLY, Mr. BROWN, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2266. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2267. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2268. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2269. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2270. Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. MERKLEY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2271. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2272. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2273. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2274. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2275. Mr. BROWN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2276. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2277. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2278. Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. COONS, Mr. KIRK, Mr. GRAHAM, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2279. Mr. DURBIN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2280. Mr. DURBIN (for himself, Mrs. HAGAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2281. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2282. Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. BLUMENTHAL, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2283. Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2284. Mr. DONNELLY (for himself, Mr. CRUZ, Mr. LEAHY, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNIS, Mr. MENENDEZ, Mr. BOOZMAN, Ms. HEITKAMP, Mr. CHAMBLISS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2285. Mr. WARNER (for himself, Ms. COLLINS, Mr. KAINE, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2286. Mr. COONS (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2287. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2288. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2289. Mr. MENENDEZ submitted an amendment intended to be proposed by him

to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2290. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2291. Mr. MANCHIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2292. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2293. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2294. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2295. Mr. KIRK (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. RUBIO, Mr. GRAHAM, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2296. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2297. Mr. CHAMBLISS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2298. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2299. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2300. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2301. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2302. Mr. CORNYN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2303. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2304. Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2305. Mr. REID proposed an amendment to the bill S. 1197, supra.

SA 2306. Mr. REID proposed an amendment to amendment SA 2305 proposed by Mr. REID to the bill S. 1197, supra.

SA 2307. Mr. REID proposed an amendment to amendment SA 2306 proposed by Mr. REID to the amendment SA 2305 proposed by Mr. REID to the bill S. 1197, supra.

SA 2308. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2309. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2310. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2311. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2312. Mr. ALEXANDER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2313. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2314. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2317. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2318. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2319. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2322. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2323. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2324. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2325. Mr. REED (for himself, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2326. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2327. Mr. MANCHIN (for himself, Mr. KIRK, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2328. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2329. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2330. Mr. LEAHY submitted an amendment intended to be proposed by him to the

bill S. 1197, supra; which was ordered to lie on the table.

SA 2331. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2332. Mr. CASEY (for himself, Mr. BROWN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2333. Mr. PRYOR (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2334. Mr. PRYOR (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2335. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2336. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2337. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2338. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2339. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2340. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2341. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2342. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2343. Mr. MERKLEY (for himself, Mr. PAUL, Mr. LEE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2344. Mr. DONNELLY (for Mr. BROWN) proposed an amendment to the bill S. 381, to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

SA 2345. Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.

SA 2346. Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, supra.

SA 2347. Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of En-

ergy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2348. Mr. JOHANNES (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2148.** Mr. BENNET (for himself, Mr. COBURN, Mr. CARPER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 17 through 19, and insert the following:

### SEC. 334. FEDERAL DATA CENTER CONSOLIDATION.

(a) **SHORT TITLE.**—This section may be cited as the "Data Center Consolidation Act of 2013".

(b) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) **COVERED AGENCY.**—The term "covered agency" means the following (including all associated components of the agency):

- (A) Department of Agriculture;
- (B) Department of Commerce;
- (C) Department of Defense;
- (D) Department of Education;
- (E) Department of Energy;
- (F) Department of Health and Human Services;
- (G) Department of Homeland Security;
- (H) Department of Housing and Urban Development;
- (I) Department of the Interior;
- (J) Department of Justice;
- (K) Department of Labor;
- (L) Department of State;
- (M) Department of Transportation;
- (N) Department of Treasury;
- (O) Department of Veterans Affairs;
- (P) Environmental Protection Agency;
- (Q) General Services Administration;
- (R) National Aeronautics and Space Administration;
- (S) National Science Foundation;
- (T) Nuclear Regulatory Commission;
- (U) Office of Personnel Management;
- (V) Small Business Administration;
- (W) Social Security Administration; and
- (X) United States Agency for International Development.

(3) **FDCCI.**—The term "FDCCI" means the Federal Data Center Consolidation Initiative described in the Office of Management and Budget Memorandum on the Federal Data Center Consolidation Initiative, dated February 26, 2010, or any successor thereto.

(4) **GOVERNMENT-WIDE DATA CENTER CONSOLIDATION AND OPTIMIZATION METRICS.**—The term "Government-wide data center consolidation and optimization metrics" means the metrics established by the Administrator under subsection (c)(2)(G).

(c) **FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND STRATEGIES.**—

(1) IN GENERAL.—

(A) ANNUAL REPORTING.—Each year, beginning in the first fiscal year after the date of enactment of this Act and each fiscal year thereafter, the head of each covered agency, assisted by the Chief Information Officer of the agency, shall submit to the Administrator—

(i) a comprehensive inventory of the data centers owned, operated, or maintained by or on behalf of the agency; and

(ii) a multi-year strategy to achieve the consolidation and optimization of the data centers inventoried under clause (i), that includes—

(I) performance metrics—

(aa) that are consistent with the Government-wide data center consolidation and optimization metrics; and

(bb) by which the quantitative and qualitative progress of the agency toward the goals of the FDCCI can be measured;

(II) a timeline for agency activities to be completed under the FDCCI, with an emphasis on benchmarks the agency can achieve by specific dates;

(III) year-by-year calculations of investment and cost savings for the period beginning on the date of enactment of this Act and ending on the date described in subsection (f), broken down by each year, including a description of any initial costs for data center consolidation and optimization and life cycle cost savings and other improvements, with an emphasis on—

(aa) meeting the Government-wide data center consolidation and optimization metrics; and

(bb) demonstrating the amount of agency-specific cost savings each fiscal year achieved through the FDCCI; and

(IV) any additional information required by the Administrator.

(B) USE OF OTHER REPORTING STRUCTURES.—The Administrator may require a covered agency to include the information required to be submitted under this subsection through reporting structures determined by the Administrator to be appropriate.

(C) STATEMENT.—Each year, beginning in the first fiscal year after the date of enactment of this Act and each fiscal year thereafter, the head of each covered agency, acting through the Chief Information Officer of the agency, shall—

(i) submit a statement to the Administrator stating whether the agency has complied with the requirements of this section; and

(ii) make the statement submitted under subclause (i) publicly available; and

(iii) if the agency has not complied with the requirements of this section, submit a statement to the Administrator explaining the reasons for not complying with such requirements.

(D) AGENCY IMPLEMENTATION OF STRATEGIES.—Each covered agency, under the direction of the Chief Information Officer of the agency, shall—

(i) implement the strategy required under subparagraph (A)(ii); and

(ii) provide updates to the Administrator, on a quarterly basis, of—

(I) the completion of activities by the agency under the FDCCI;

(II) any progress of the agency towards meeting the Government-wide data center consolidation and optimization metrics; and

(III) the actual cost savings and other improvements realized through the implementation of the strategy of the agency.

(E) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the

reporting of information by a covered agency to the Administrator, the Director of the Office of Management and Budget, or Congress.

(2) ADMINISTRATOR RESPONSIBILITIES.—The Administrator shall—

(A) establish the deadline, on an annual basis, for covered agencies to submit information under this section;

(B) establish a list of requirements that the covered agencies must meet to be considered in compliance with paragraph (1);

(C) ensure that information relating to agency progress towards meeting the Government-wide data center consolidation and optimization metrics is made available in a timely manner to the general public;

(D) review the inventories and strategies submitted under paragraph (1) to determine whether they are comprehensive and complete;

(E) monitor the implementation of the data center strategy of each covered agency that is required under paragraph (1)(A)(ii);

(F) update, on an annual basis, the cumulative cost savings realized through the implementation of the FDCCI; and

(G) establish metrics applicable to the consolidation and optimization of data centers Government-wide, including metrics with respect to—

(i) costs;

(ii) efficiencies, including at least server efficiency; and

(iii) any other metrics the Administrator establishes under this subparagraph.

(3) COST SAVING GOAL AND UPDATES FOR CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop, and make publicly available, a goal, broken down by year, for the amount of planned cost savings and optimization improvements achieved through the FDCCI during the period beginning on the date of enactment of this Act and ending on the date described in subsection (f).

(B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is made publicly available, and each year thereafter, the Administrator shall aggregate the reported cost savings of each covered agency and optimization improvements achieved to date through the FDCCI and compare the savings to the projected cost savings and optimization improvements developed under subparagraph (A).

(ii) UPDATE FOR CONGRESS.—The goal required to be developed under subparagraph (A) shall be submitted to Congress and shall be accompanied by a statement describing—

(I) whether each covered agency has in fact submitted a comprehensive asset inventory, including an assessment broken down by agency, which shall include the specific numbers, utilization, and efficiency level of data centers; and

(II) whether each covered agency has submitted a comprehensive consolidation strategy with the key elements described in paragraph (1)(A)(ii).

(4) GAO REVIEW.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall review and verify the quality and completeness of the asset inventory and strategy of each covered agency required under paragraph (1)(A).

(B) REPORT.—The Comptroller General of the United States shall, on an annual basis, publish a report on each review conducted under subparagraph (A).

(d) ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.—

(1) IN GENERAL.—In implementing a data center consolidation and optimization strategy under this section, a covered agency shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(A) applicable provisions found within the Federal Risk and Authorization Management Program (FedRAMP); and

(B) guidance published by the National Institute of Standards and Technology.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Director of the Office of Management and Budget to update or modify the Federal guidelines on cloud computing security.

(e) WAIVER OF DISCLOSURE REQUIREMENTS.—The Director of National Intelligence may waive the applicability to any element (or component of an element) of the intelligence community of any provision of this section if the Director of National Intelligence determines that such waiver is in the interest of national security. Not later than 30 days after making a waiver under this subsection, the Director of National Intelligence shall submit to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a statement describing the waiver and the reasons for the waiver.

(f) SUNSET.—This section is repealed effective on October 1, 2018.

#### SEC. 335. MODIFICATION OF ANNUAL CORROSION CONTROL AND PREVENTION REPORTING REQUIREMENTS.

**SA 2149.** Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

#### SEC. 1066. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF CANINES USED IN STAND-OFF DETECTION OF EXPLOSIVES AND EXPLOSIVES PRECURSORS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Department of Defense to develop and maintain the capability and infrastructure required to support canines used for stand-off detection of explosives and explosives precursors to support combat, combat support, and combat service support dismounted forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the plans of the Department, and each Armed Force, to develop and maintain the capability and infrastructure



required to support canines for stand-off detection of explosives and explosives precursors to support combat, combat support, and combat service support dismounted forces.

(2) A specification of each of the following:

(A) The acquisition, production, and procurement process for canines for stand-off detection of explosives and explosives precursors.

(B) The testing and evaluation procedures of the Department to ensure that canines reach or exceed current detection capabilities and standards for detection canines with respect to explosives and explosives precursors.

(C) The timeframe for procuring, training, and certifying canines capable of providing stand-off detection of explosives and explosives precursors in the event of a surge requirement.

(3) A description of the plans of the Department to continue research and development in the field of improvised explosive device (IED) detection for dismounted forces using canines for stand-off detection of explosives and explosives precursors.

(4) A description of the technologies, if any, capable of replacing canines as a stand-off detection of explosives and explosives precursors capability for dismounted forces that will be or are expected to be available during the 2-year period beginning on the date of the report.

(5) A description of the current work of the Department with other Federal, State, and local agencies, institutions of higher education, nonprofit organizations, other elements of the private sector, and international allies in the research, development, training, and coordination of the use of canines for stand-off detection of explosives and explosives precursors.

**SA 2150.** Mrs. HAGAN (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1109. LIMITATION ON PAY INCREASE OR BONUSES FOR FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, the Secretary of Defense may not increase the pay of any foreign national employed by the Department of Defense, or pay such a foreign national any employment-related bonus or award, until the later of—

(1) the effective date of the first adjustment under section 5303 of title 5, United States Code made after the date of enactment of this Act; or

(2) the date on which the Secretary of Defense determines that the discretionary spending limit under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) for the revised security category (as defined under section 251A(1) of such Act (2 U.S.C. 901a(1))) for the fiscal year during which the determination is made, and each fiscal year thereafter through fiscal year 2021, has been increased by an Act of Congress over the otherwise applicable dis-

cretionary spending limit, which shall be based on the amounts of such discretionary spending limits after the application of each calculation, reduction, and other adjustment required under section 251A of such Act.

(b) WAIVER.—The Secretary of Defense may waive the limitation under subsection (a), in whole or in part, if the Secretary determines the waiver is in the interest of national security.

**SA 2151.** Mrs. HAGAN (for herself, Mr. UDALL of Colorado, Mr. BAUCUS, Mr. WYDEN, and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. MINIMUM AMOUNTS OF EXPENDITURES ON TUITION ASSISTANCE PROGRAMS FOR MEMBERS OF THE ARMED FORCES DURING FISCAL YEAR 2014.**

The minimum amount used by the Secretary of a military department for tuition assistance for members of an Armed Force under the jurisdiction of that Secretary during fiscal year 2014 shall be not less than—

(1) the amount authorized to be appropriated for fiscal year 2014 by this Act for tuition assistance programs for members of that Armed Force, minus

(2) an amount that is not more than the percentage of the reduction required to the Operation and Maintenance account for that Armed Force for fiscal year 2014 by the budget sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 2152.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

**SEC. 3119. MODIFICATION OF SUBMITTAL DATE OF COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2176; 50 U.S.C. 2562) is amended—

(1) in subsection (b)(1), by inserting “, and to the Comptroller General of the United States,” after “the appropriate congressional committees”; and

(2) in subsection (e)(1), by striking “two years after the date of the enactment of this Act” and inserting “18 months after the date of the submittal of the report described in subsection (b)(1)”.

**SA 2153.** Mr. DONNELLY submitted an amendment intended to be proposed

by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON ACTIVITIES BEING UNDERTAKEN BY THE PEOPLE'S REPUBLIC OF CHINA TO SUSTAIN THE ECONOMY OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the activities being undertaken by the People's Republic of China to sustain the economy of the Democratic People's Republic of Korea.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the activities of the People's Liberation Army (PLA) and Politburo members of the People's Republic of China in government and non-government bilateral trade, banking, investment, economic development, and infrastructure projects between the People's Republic of China and the Democratic People's Republic of Korea at the national, provincial, and local level.

(B) A description of the financial resources, transactions, and structures of the entities and individuals of the People's Republic of China engaged in the activities described under subparagraph (A).

(C) An assessment of the impact of the activities described under subparagraph (A) on the weapons of mass destruction program and the ballistic missile program of the Democratic People's Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 2154.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike lines 23 and 24 and insert the following:

181; 122 Stat. 32), is amended by inserting “conventional” after “common”.

(b) LIMITATION.—No modification of B-52 aircraft for the purpose of complying with the terms of the New START Treaty MAY be made until the Secretary of Defense submits to Congress the report required under section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1575).



(c) **NEW START TREATY DEFINED.**—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

**SA 2155.** Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. PAUL, Mr. CHAMBLISS, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. WYDEN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—AUDIT OF THE DEPARTMENT OF DEFENSE**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Audit the Pentagon Act of 2013”.

**SEC. 1602. FINDINGS.**

Congress makes the following findings:

(1) Section 9 of Article I of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish “a regular statement and account of the receipts and expenditures of all public money”.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of Government. The Department has not complied with this law.

(4) The financial management of the Department of Defense has been on the “High-Risk” list of the Government Accountability Office, which means that the Department is not consistently able to “control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; [and] prevent and detect fraud, waste, and abuse”.

(5) The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) requires the Secretary of Defense to report to Congress annually on the reliability of the financial statements of the Department of Defense, to minimize resources spent on producing unreliable financial statements, and to use resources saved to improve financial management policies, procedures, and internal controls.

(6) In 2005, the Department of Defense created a Financial Improvement and Audit Readiness (FIAR) Plan, overseen by a directorate within the office of the Under Secretary of Defense (Comptroller), to improve Department business processes with the goal of producing timely, reliable, and accurate financial information that could generate an audit-ready annual financial statement. In December 2005, that directorate, known as

the FIAR Directorate, issued the first of a series of semiannual reports on the status of the Financial Improvement and Audit Readiness Plan.

(7) The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) requires regular status reports on the Financial Improvement and Audit Readiness Plan described in paragraph (6), and codified as a statutory requirement the goal of the Plan in ensuring that Department of Defense financial statements are validated as ready for audit not later than September 30, 2017. In addition, the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) requires that the statement of budgetary resources of the Department of Defense be validated as ready for audit by not later than September 30, 2014.

(8) At a September 2010 hearing of the Senate, the Government Accountability Office stated that past expenditures by the Department of Defense of \$5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department. At that hearing, the Government Accountability Office could not predict when the Department would achieve full audit readiness of such statements.

(9) At a 2013 hearing of the Senate, Secretary of Defense Chuck Hagel affirmed his commitment to audit-ready budget statements for the Department of Defense by the end of 2014, and stated that he “will do everything he can to fulfill this commitment”. At that hearing, Secretary Hagel noted that auditable financial statements were essential to the Department not only for improving the quality of its financial information, but also for reassuring the public and Congress that it is a good steward of public funds.

**SEC. 1603. CESSATION OF APPLICABILITY OF REPORTING REQUIREMENTS REGARDING THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) **CESSATION OF APPLICABILITY.**—

(1) **MILITARY DEPARTMENTS.**—The financial statements of a military department shall cease to be covered by the reporting requirements specified in subsection (b) upon the issuance of an unqualified audit opinion on such financial statements.

(2) **DEPARTMENT OF DEFENSE.**—The reporting requirements specified in subsection (b) shall cease to be effective when an unqualified audit opinion is issued on the financial statements of the Department of Defense, including each of the military departments and the other reporting entities defined by the Office of Management and Budget.

(b) **REPORTING REQUIREMENTS.**—The reporting requirements specified in this subsection are the following:

(1) The requirement for annual reports in section 892(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2306a note).

(2) The requirement for semi-annual reports in section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note).

(3) The requirement for annual reports in section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2306a note).

(4) The requirement for annual reports in section 1008(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public

Law 107-107; 115 Stat. 1204; 10 U.S.C. 113 note).

(5) The requirement for periodic reports in section 908(b) of the Defense Acquisition Improvement Act of 1986 (Public Law 99-500; 100 Stat. 1783-140; 10 U.S.C. 2326 note) and duplicate requirements as provided for in section 6 of the Defense Technical Corrections Act of 1987 (Public Law 100-26; 101 Stat. 274; 10 U.S.C. 2302 note).

**SEC. 1604. ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY DEPARTMENT OF DEFENSE AND MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2014.**

(a) **DEPARTMENT OF DEFENSE GENERALLY.**—Subject to section 1606(1), if the Department of Defense obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2014, the limitation on the total amount of authorizations that the Secretary of Defense may transfer pursuant to general transfer authority available to the Secretary in the national interest in the succeeding fiscal year shall be \$8,000,000,000.

(b) **MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND DEFENSE FIELD ACTIVITIES.**—Subject to section 1607(a), if a military department, Defense Agency, or defense field activity obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2014, the thresholds for reprogramming of funds of such military department, Defense Agency, or defense field activity, as the case may be, without prior notice to Congress for the succeeding fiscal year shall be deemed to be the thresholds as follows:

(1) In the case of an increase or decrease to the program base amount for a procurement program, \$60,000,000.

(2) In the case of an increase or decrease to the program base amount for a research program, \$30,000,000.

(3) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, \$45,000,000.

(4) In the case of an increase or decrease to the amount for a budget activity for military personnel, \$30,000,000.

(c) **CONSTRUCTION.**—Nothing in this section shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on transfers covered by subsection (a) or reprogrammings covered by subsection (b) under any other provision of law.

(d) **DEFINITIONS.**—In this section, the terms “program base amount”, “procurement program”, “research program”, and “budget activity” have the meanings given such terms in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

**SEC. 1605. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2015 GENERAL FUND STATEMENT OF BUDGETARY RESOURCES OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2015 by December 31, 2015, the following shall take effect on January 1, 2016:

(1) **ADDITIONAL QUALIFICATIONS AND DUTIES OF USD (COMPTROLLER).**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Under Secretary of Defense (Comptroller)

under section 135 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) DUTIES AND POWERS.—The duties and powers of the individual serving as Under Secretary of Defense (Comptroller) shall include, in addition to the duties and powers specified in section 135(c) of title 10, United States Code, such duties and powers with respect to the financial management of the Department of Defense as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(2) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASA FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Army for Financial Management under section 3016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Army for Financial Management shall include, in addition to the responsibilities specified in section 3016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(3) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASN FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Navy for Financial Management under section 5016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Navy for Financial Management shall include, in addition to the responsibilities specified in section 5016(b)(4) of title 10, United States Code, such respon-

sibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(4) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASAF FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Air Force for Financial Management under section 8016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Air Force for Financial Management shall include, in addition to the responsibilities specified in section 8016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(b) PUBLIC COMPANY DEFINED.—In this section, the term “public company” has the meaning given the term “issuer” in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

#### **SEC. 1606. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2018 FINANCIAL STATEMENTS.**

If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2018 by December 31, 2018:

(1) PERMANENT CESSATION OF ENHANCED GENERAL TRANSFER AUTHORITY.—Effective as of January 1, 2019, the authority in section 1604(a) shall cease to be available to the Department of Defense for fiscal year 2018 and any fiscal year thereafter.

(2) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—Effective as of April 1, 2019:

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

##### **“§ 132a. Chief Management Officer**

“(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(3) JURISDICTION OF DFAS.—Effective as of April 1, 2019:

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SEC. 1607. FAILURE OF THE MILITARY DEPARTMENTS TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FINANCIAL STATEMENTS FOR FISCAL YEARS AFTER FISCAL YEAR 2017.**

(a) PERMANENT CESSATION OF AUTHORITIES ON REPROGRAMMING OF FUNDS.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2018 by December 31, 2018, effective as of January 1, 2019, the authorities in section 1604(b) shall cease to be available to the military department for fiscal year 2018 and any fiscal year thereafter.

(b) ANNUAL PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPS PAST MILESTONE B IN CONNECTION WITH FAILURE.—

(1) PROHIBITION.—Effective for fiscal years after fiscal year 2017, if a military department fails to obtain an audit with an unqualified opinion on its financial statements for any fiscal year, effective as of the date of the issuance of the opinion on such audit, amounts available to the military department for the following fiscal year may not be obligated by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(2) DEFINITIONS.—In this subsection:

(A) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

(B) The term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

**SEC. 1608. ENTERPRISE RESOURCE PLANNING.**

The Secretary of Defense shall amend the acquisition guidance of the Department of Defense to provide for the following:

(1) The Defense Business System Management Committee may not approve procurement of any Enterprise Resource Planning (ERP) business system that is independently estimated to take longer than three years to procure from initial obligation of funds to full deployment and sustainment.

(2) Any contract for the acquisition of an Enterprise Resource Planning business system shall include a provision authorizing termination of the contract at no cost to the Government if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(3) Any implementation of an Enterprise Resource Planning system shall comply with each of the following:

(A) The current Business Enterprise Architecture established by the Chief Management Officer of the Department of Defense.

(B) The provisions of section 2222 of title 10, United States Code.

(4) The Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) shall have the authority to replace any program manager (whether in a military department or a Defense Agency) for the procurement of an Enterprise Resource Planning business system if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(5) Any integrator contract for the implementation of an Enterprise Resource Planning business system shall only be awarded to companies that have a history of successful implementation of other Enterprise Resource Planning business systems for the Federal Government (whether with the Department of Defense or another department or agency of the Federal Government), including meeting cost and schedule goals.

**SA 2156.** Mr. COBURN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ USE OF FUNDS AVAILABLE FOR THE DEPARTMENT OF DEFENSE ONLY FOR DEFENSE-RELATED PURPOSES.**

(a) ELIMINATION OF NON-DEFENSE SPENDING.—Amounts authorized to be appropriated by this Act may not be used for a program, project, or activity if the Secretary of Defense determines that the such program, project, or activity does not serve a defense-related purpose.

(b) TRANSFER OF DUPLICATIVE PROGRAMS.—In the event the Secretary of Defense determines that a program, project, or activity of the Department of Defense duplicates, in whole or in part, a program, project, or activity of another department or agency of

the Federal Government, the Secretary shall transfer to the head of such department or agency jurisdiction any part of such program, project, or activity that is so duplicative.

(c) COORDINATION ON NON-DEFENSE-SPECIFIC RESEARCH.—In the event the Secretary of Defense determines that a program, project, or activity of the Department of Defense involves research or development that will benefit another department or agency of the Federal Government, the Secretary shall coordinate with the head of such department or agency and the Director of the Office of Management and Budget on such research and development in order to ensure that such research and development is conducted in a manner which provides maximum benefit to both the Department and such department or agency.

**SA 2157.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 901 and insert the following:

**SEC. 901. UNDER SECRETARY OF DEFENSE FOR MANAGEMENT.**

(a) CONVERSION OF POSITION OF DEPUTY CHIEF MANAGEMENT OFFICER TO POSITION OF UNDER SECRETARY OF DEFENSE FOR MANAGEMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137a as section 137b; and

(B) by inserting after section 137 the following new section 137a:

**“§ 137a. Under Secretary of Defense for Management**

“(a) APPOINTMENT.—(1) There is an Under Secretary of Defense for Management, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment to the position of Under Secretary of Defense for Management shall—

“(A) have served in a senior executive level position with operational responsibilities in a public company or a Federal or State agency;

“(B) have demonstrated experience driving strategic performance measures and leading the transformational efforts of a large, complex organization; and

“(C) possess an educational background in business administration, public administration.

“(b) RESPONSIBILITY FOR DISCHARGE OF CERTAIN.—(1) In addition to the responsibilities specified in subsection (c), the Under Secretary of Defense for Management is also the following:

“(A) The Deputy Chief Management Officer of the Department of Defense.

“(B) The Performance Improvement Officer of the Department of Defense.

“(C) The Chief Information Officer of the Department of Defense.

“(2) In the capacity of Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Management shall exercise authority, direction, and control over the Information Assurance Directorate of the National Security Agency.

“(c) GENERAL RESPONSIBILITIES.—The Under Secretary of Defense for Management is responsible, subject to the authority, direction, and control of the Secretary of Defense and the Deputy Secretary of Defense in the role of the Deputy Secretary as Chief Management Officer of the Department of Defense, for—

“(1) supervising the management of the business operations of the Department of Defense and adjudicating issues and conflicts in functional do main business policies;

“(2) establishing business strategic planning and performance management policies and the Department of Defense Strategic Management Plan;

“(3) establishing business information technology portfolio policies and overseeing investment management of that portfolio for the Department of Defense; and

“(4) establishing end-to-end process and standards policies and the Business Enterprise Architecture.

“(d) PRECEDENCE.—The Under Secretary of Defense for Management takes precedence in the Department of Defense after the Deputy Secretary of Defense.”

(2) CONFORMING REPEAL OF SUPERSEDED AUTHORITY.—Section 132a of such title is repealed.

(3) CONTINUATION OF OFFICE.—Notwithstanding subsection (a) of section 137a of title 10, United States Code (as amended by paragraph (1)), the individual serving in the position of Deputy Chief Management Officer of the Department of Defense as of the date of the enactment of this Act may serve as Under Secretary of Defense for Management under that section until a successor is appointed Under Secretary of Defense for Management as specified in that subsection.

(b) CLARIFICATION OF ORDER OF PRECEDENCE FOR THE PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.—Subsection (d) of section 137b of such title, as redesignated by subsection (a)(1) of this section, is amended by striking “and the Deputy Chief Management Officer of the Department of Defense” and inserting “the Under Secretary of Defense for Management, and the officials serving in the positions specified in section 131(b)(4) of this title”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 10, United States Code, is further amended as follows:

(A) In section 131(b)—

(i) in paragraph (2), by adding at the end the following new subparagraph:

“(F) The Under Secretary of Defense for Management.”;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(B) In section 186—

(i) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

“(2) The Under Secretary of Defense for Management.”; and

(ii) in subsection (b), by striking “the Deputy Chief Management Officer of the Department of Defense” and inserting “the Under Secretary of Defense for Management”.

(C) In section 2222, by striking “the Deputy Chief Management Officer of the Department of Defense” each place it appears in subsections (c)(2)(E), (d)(3), (f)(1)(D), (f)(1)(E), and (f)(2)(E) and inserting “the Under Secretary of Defense for Management”.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 132a; and

(B) by striking the item relating to section 137a and inserting the following new items:

“137a. Under Secretary of Defense for Management.

“137b. Principal Deputy Under Secretaries of Defense.”.

(3) EXECUTIVE SCHEDULE MATTERS.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Chief Management Office of the Department of Defense and inserting the following new item:

“Under Secretary of Defense for Management.”.

**SA 2158.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.**

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

**SA 2159.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CONSOLIDATION OF DUPLICATIVE AND OVERLAPPING AGENCIES, PROGRAMS, AND ACTIVITIES OF THE FEDERAL GOVERNMENT.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the heads of other departments and agencies of the Federal Government—

(1) use available administrative authority to eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in Government Accountability Office reports on duplication and overlap in Government programs;

(2) identify and submit to Congress a report setting the legislative action required to further eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the reports referred to in paragraph (1); and

(3) determine the total cost savings that—

(A) will accrue to each department, agency, and office effected by an action under paragraph (1) as a result of the actions taken under that paragraph; and

(B) could accrue to each department, agency, and office effected by an action under

paragraph (2) as a result of the actions proposed to be taken under that paragraph using the legislative authority set forth under that paragraph.

**SA 2160.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF EACH FISCAL YEAR.**

Not later March 1 each year, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of the previous fiscal year by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of the previous fiscal year by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of the previous fiscal year by account.

**SA 2161.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITATION ON AMOUNTS AVAILABLE IN FISCAL YEAR 2014 FOR TUITION ASSISTANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE TO ADDRESS CRITICAL-NEEDS SHORTAGES FOR MILITARY PERSONNEL.**

Notwithstanding any other provision of this Act, the total amount available in this Act for fiscal year 2014 for tuition assistance programs of the Department of Defense may not exceed \$100,000,000 in order that such assistance be limited to use as a retention tool to address critical-needs shortages for military personnel.

**SA 2162.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 524.

**SA 2163.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON EMPLOYMENT BY THE DEPARTMENT OF DEFENSE OF INDIVIDUALS AND CONTRACTORS WITH SERIOUSLY DELINQUENT TAX DEBTS.**

(a) **PROHIBITION.**—An individual or contractor with a seriously delinquent tax debt may not be appointed to, or continue serving in, a position within or funded by the Department of Defense.

(b) **SERIOUSLY DELINQUENT TAX DEBT DEFINED.**—In this section, the term “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

(2) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

**SA 2164.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITATION ON FUNDS AVAILABLE IN AFGHANISTAN SECURITY FORCES FUND FOR EQUIPMENT AND TRANSPORTATION.**

Of the amounts available in the Afghanistan Security Forces Fund for fiscal year 2014 for equipment and transportation, not more than an amount equal to 50 percent of such amounts may be obligated or expended for such purposes until the Secretary of Defense submits to the congressional defense committees a report setting forth the plan of the Department of Defense to transfer or sell the C-27A aircraft.

**SA 2165.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . C-130J AIRCRAFT.**

Of the amount authorized to be appropriated for fiscal year 2014 by section 101 and available for Aircraft Procurement for the Air Force for procurement of C-130J aircraft as specified in the funding table in section 4101, not more than an amount equal to 25 percent of such amount may be obligated or expended for procurement of C-130J aircraft until the Secretary of Defense submits to the congressional defense committees a report setting forth the plan of the Department of Defense to transfer or sell the C-27J aircraft.

**SA 2166.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON SMALL ARMS AND AMMUNITION USED BY UNITED STATES ARMED FORCES.**

It is the sense of Congress that the small arms and ammunition used by the United States Armed Forces should be superior to the small arms and ammunition used by potential threat nations, foreign allied militaries, and United States domestic law enforcement.

**SA 2167.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. TRANSFER OF ADMINISTRATIVE JURISDICTION, GEORGIA.**

(a) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—Not later than September 30, 2014, the Secretary of Agriculture shall transfer to the Secretary of the Army administrative jurisdiction over the approximately 282,304 acres of Federal land in the Chattahoochee National Forest that is being used by the Secretary of the Army for Camp Frank D. Merrill in Dahlonega, Georgia, in accordance with the permit numbered 0018-01, in exchange for the transfer by the Secretary of the Army (acting through the Chief of Engineers) to the Secretary of Agriculture of administrative jurisdiction over approximately 10 acres of Corps of Engineers land on Lake Lanier located at 372 Dunlap Landing Road, Gainesville, Georgia.

(b) **USE OF TRANSFERRED LAND.**—On transfer of the Federal land in the Chattahoochee National Forest to the Secretary of the Army under subsection (a), the Secretary of the Army shall continue to use the transferred land for military purposes.

(c) **PROTECTION OF THE ETOWAH DARTER AND HOLIDAY DARTER.**—Nothing in this section affects the designation of land within the Chattahoochee National Forest before the date of enactment of this Act as critical

habitat for the Etowah darter (*Etheostoma etowahae*) and the Holiday darter (*Etheostoma brevirostrum*).

**(d) MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register a map and legal description of the land to be transferred under subsection (a).

(2) **EFFECT.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct any errors in the map and legal description.

(e) **REIMBURSEMENTS OF COSTS.**—The transfer of administrative jurisdiction under subsection (a) shall be made without reimbursement, except that the Secretary of the Army shall reimburse the Secretary of Agriculture for any costs incurred by the Secretary of Agriculture in preparing the map and legal description under subsection (d).

**SA 2168.** Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2832.

**SA 2169.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPACT OF CERTAIN MENTAL AND PHYSICAL TRAUMA ON DISCHARGES FROM MILITARY SERVICE FOR MISCONDUCT.**

(a) **REPORT REQUIRED.**—The Comptroller General of the United States shall submit to Congress a report on the impact of mental and physical trauma relating to Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), behavioral health matters not related to Post Traumatic Stress Disorder, and other neurological combat traumas (in this section referred to as “covered traumas”) on the discharge of members of the Armed Forces from the Armed Forces for misconduct.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which the Armed Forces have in place processes for the consideration of the impact of mental and physical trauma relating to covered traumas on members of the Armed Forces who are being considered for discharge from the Armed Forces for misconduct, including the compliance of the Armed Forces with

such processes and mechanisms in the Department of Defense for ensuring the compliance of the Armed Forces with such processes.

(2) An assessment of the extent to which the Armed Forces provide members of the Armed Forces, including commanding officers, junior officers, and noncommissioned officers, training on the symptoms of covered traumas and the identification of the presence of such conditions in members of the Armed Forces.

(3) An assessment of the extent to which members of the Armed Forces who receive treatment for a covered trauma before discharge from the Armed Forces are later discharged from the Armed Forces for misconduct.

(4) An identification of the number of members of the Armed Forces discharged as described in paragraph (3) who are ineligible for benefits from the Department of Veterans Affairs based on characterization of discharge.

(5) An assessment of the extent to which members of the Armed Forces who accept a discharge from the Armed Forces for misconduct in lieu of trial by court-martial are counseled on the potential for ineligibility for benefits from the Department of Veterans Affairs as a result of such discharge before acceptance of such discharge.

**SA 2170.** Mrs. MCCASKILL (for herself, Ms. AYOTTE, Mrs. FISCHER, Ms. COLLINS, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, line 9, insert “OR SENIOR TRIAL COUNSEL” after “STAFF JUDGE ADVOCATE”.

On page 167, line 13, insert “or the senior trial counsel detailed to the case” after “Military Justice”).

On page 167, line 21, insert “OR SENIOR TRIAL COUNSEL” after “STAFF JUDGE ADVOCATE”.

On page 167, line 25, insert “or the senior trial counsel detailed to the case” after “Military Justice”).

At the end of part I subtitle E of title V, add the following:

**SEC. 547. ADDITIONAL ENHANCEMENTS OF MILITARY DEPARTMENT ACTIONS ON SEXUAL ASSAULT PREVENTION AND RESPONSE.**

(a) **ADDITIONAL DUTY OF SPECIAL VICTIMS' COUNSEL.**—In addition to the duties specified in section 539(a)(3), a Special Victims' Counsel designated under section 539 shall provide advice to victims of sexual assault on the advantages and disadvantages of prosecution of the offense concerned by court-martial or by a civilian court with jurisdiction over the offense before such victims express their preference as to the prosecution of the offense under subsection (b).

(b) **CONSULTATION WITH VICTIMS REGARDING PREFERENCE IN PROSECUTION OF CERTAIN SEXUAL OFFENSES.**—

(1) **IN GENERAL.**—The Secretaries of the military departments shall each establish a process to ensure consultation with the victim of a covered sexual offense that occurs in the United States with respect to the vic-

tim's preference as to whether the offense should be prosecuted by court-martial or by a civilian court with jurisdiction over the offense.

(2) **WEIGHT AFFORDED PREFERENCE.**—The preference expressed by a victim under paragraph (1) with respect to the prosecution of an offense, while not binding, should be afforded great weight in the determination whether to prosecute the offense by court-martial or by a civilian court.

(3) **NOTICE TO VICTIM OF LACK OF CIVILIAN CRIMINAL PROSECUTION AFTER PREFERENCE FOR SUCH PROSECUTION.**—In the event a victim expresses a preference under paragraph (1) in favor of prosecution of an offense by civilian court and the civilian authorities determine to decline prosecution, or defer to prosecution by court-martial, the victim shall be promptly notified of that determination.

(c) **PERFORMANCE APPRAISALS OF MEMBERS OF THE ARMED FORCES.**—

(1) **APPRAISALS OF ALL MEMBERS ON COMPLIANCE WITH SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAMS.**—The Secretaries of the military departments shall each ensure that the written performance appraisals of members of the Armed Forces (whether officers or enlisted members) under the jurisdiction of such Secretary include an assessment of the extent to which each such member supports the sexual assault prevention and response program of the Armed Force concerned.

(2) **PERFORMANCE APPRAISALS OF COMMANDING OFFICERS.**—The Secretaries of the military departments shall each ensure that the performance appraisals of commanding officers under the jurisdiction of such Secretary indicate the extent to which each such commanding officer has or has not established a command climate in which—

(A) allegations of sexual assault are properly managed and fairly evaluated; and

(B) a victim can report criminal activity, including sexual assault, without fear of retaliation, including ostracism and group pressure from other members of the command.

(d) **COMMAND CLIMATE ASSESSMENTS FOLLOWING INCIDENTS OF CERTAIN SEXUAL OFFENSES.**—

(1) **ASSESSMENTS REQUIRED.**—The Secretaries of the military departments shall each establish a process whereby a command climate assessment is performed following an incident involving a covered sexual offense for each of the command of the accused and the command of the victim. If the accused and the victim are within the same command, only a single climate assessment is required. The process shall ensure the timely completion of command climate assessments for provision to military criminal investigation organizations and commanders pursuant to paragraph (2).

(2) **PROVISION TO MILITARY CRIMINAL INVESTIGATION ORGANIZATIONS AND COMMANDERS.**—A command climate assessment performed pursuant to paragraph (1) shall be provided to the following:

(A) The military criminal investigation organization conducting the investigation of the offense concerned.

(B) The commander next higher in the chain of command of the command covered by the climate assessment.

(e) **CONFIDENTIAL REVIEW OF CHARACTERIZATION OF TERMS OF DISCHARGE OF VICTIMS OF SEXUAL OFFENSES.**—

(1) **IN GENERAL.**—The Secretaries of the military departments shall each establish a confidential process, through boards for the correction of military records of the mili-

tary department concerned, by which an individual who was the victim of a covered sexual offense during service in the Armed Forces may challenge, on the basis of being the victim of such an offense, the terms or characterization of the individual's discharge or separation from the Armed Forces.

(2) **CONSIDERATION OF INDIVIDUAL EXPERIENCES IN CONNECTION WITH OFFENSES.**—In deciding whether to modify the terms or characterization of an individual's discharge or separation pursuant to the process required by paragraph (1), the Secretary of the military department concerned shall instruct boards to give due consideration to the psychological and physical aspects of the individual's experience in connection with the offense concerned, and to what bearing such experience may have had on the circumstances surrounding the individual's discharge or separation from the Armed Forces.

(3) **PRESERVATION OF CONFIDENTIALITY.**—Documents considered and decisions rendered pursuant to the process required by paragraph (1) shall not be made available to the public, except with the consent of the individual concerned.

(f) **COVERED SEXUAL OFFENSE DEFINED.**—In subsections (a) through (e), the term “covered sexual offense” means any of the following:

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(g) **MODIFICATION OF MILITARY RULES OF EVIDENCE RELATING TO ADMISSIBILITY OF GENERAL MILITARY CHARACTER TOWARD PROBABILITY OF INNOCENCE.**—Not later than 180 days after the date of the enactment of this Act, Rule 404(a) of the Military Rules of Evidence shall be modified to clarify that the general military character of an accused is not admissible for the purpose of showing the probability of innocence of the accused, except that evidence of a trait of the military character of an accused may be offered in evidence by the accused when that trait is relevant to an element of an offense for which the accused has been charged.

**SEC. 548. APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO MILITARY SERVICE ACADEMIES.**

(a) **MILITARY SERVICE ACADEMIES.**—The Secretary of the military department concerned shall ensure that the provisions of this subtitle, and the amendments made by this subtitle, apply to the United States Military Academy, the Naval Academy, and the Air Force Academy, as applicable.

(b) **COAST GUARD ACADEMY.**—The Secretary of Homeland Security shall ensure that the provisions of this subtitle, and the amendments made by this subtitle, apply to the Coast Guard Academy.

**SEC. 549. COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF JUSTICE IN EFFORTS TO PREVENT AND RESPOND TO SEXUAL ASSAULT.**

(a) **STRATEGIC FRAMEWORK ON COLLABORATION REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly develop a strategic



framework for ongoing collaboration between the Department of Defense and the Department of Justice in their efforts to prevent and respond to sexual assault. The framework shall be based on and include the following:

(1) An assessment of the role of the Department of Justice in investigations and prosecutions of sexual assault cases in which the Department of Defense and the Department of Justice have concurrent jurisdiction, with the assessment to include a review of and list of recommended revisions to relevant Memoranda of Understanding and related documents between the Department of Justice and the Department of Defense.

(2) An assessment of the feasibility of establishing the position of advisor on military sexual assaults within the Department of Justice (using existing Department resources and personnel) to assist in the activities required under paragraph (1) and provide to the Department of Defense investigative and other assistance in sexual assault cases occurring on domestic and overseas military installations over which the Department of Defense has primary jurisdiction, with the assessment to address the feasibility of maintaining representatives or designees of the advisor at military installations for the purpose of reviewing cases of sexual assault and providing assistance with the investigation and prosecution of sexual assaults.

(3) An assessment of the number of unsolved sexual assault cases that have occurred on military installations, and a plan, with appropriate benchmarks, to review those cases using currently available civilian and military law enforcement resources, such as new technology and forensics information.

(4) A strategy to leverage efforts by the Department of Defense and the Department of Justice—

(A) to improve the quality of investigations, prosecutions, specialized training, services to victims, awareness, and prevention regarding sexual assault; and

(B) to address social conditions that relate to sexual assault.

(5) Mechanisms to promote information sharing and best practices between the Department of Defense and the Department of Justice on prevention and response to sexual assault, including victim assistance through the Violence against Women Act and Office for Victims of Crime programs of the Department of Justice.

(b) **REPORT.**—The Secretary of Defense and the Attorney General shall jointly submit to the appropriate committees of Congress a report on the framework required by subsection (a). The report shall—

(1) describe the manner in which the Department of Defense and Department of Justice will collaborate on an ongoing basis under the framework;

(2) explain obstacles to implementing the framework; and

(3) identify changes in laws necessary to achieve the purpose of this section.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

**SEC. 550. SENSE OF SENATE ON INDEPENDENT PANEL ON REVIEW AND ASSESSMENT ON RESPONSE SYSTEMS TO SEXUAL ASSAULT CRIMES.**

It is the sense of the Senate that—

(1) the panel to review and assess the systems used to respond to sexual assault established by section 576 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1758) is conducting an independent assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses;

(2) the work of the panel will be critical in informing the efforts of Congress to combat rape, sexual assault, and other sex-related crimes in the Armed Forces;

(3) the panel should include in its assessment under subsection (d)(1) of section 576 of the National Defense Authorization Act for Fiscal Year 2013 a review of the reforms that will be enacted pursuant to this subtitle and the amendments made by this subtitle; and

(4) the views of the victim advocate community should continue to be well-represented on the panel, and input from victims should continue to play a central role in informing the work of the panel.

On page 176, line 23, strike “120 days” and insert “60 days”.

**SA 2171.** Mrs. MCCASKILL (for herself, Mr. MCCAIN, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. POW/MIA MATTERS.**

(a) **REPORT ON ACCOUNTING FOR POW/MIAS.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on accounting for missing persons from covered conflicts.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The total number of missing persons in all covered conflicts and in each covered conflict.

(B) The total number of missing persons in all covered conflicts, and in each covered conflict, that are considered unrecoverable, including—

(i) the total number in each conflict that are considered unrecoverable by being lost at sea or in inaccessible terrain;

(ii) the total number from the Korean War that are considered to be located in each of China, North Korea, and Russia.

(C) The total number of missing persons in all covered conflicts, and in each covered conflict, that were interred without identification, including the locations of interment.

(D) The number of remains in the custody of the Department of Defense that are awaiting identification, and the number of such remains estimated by the Department to be likely to be identified using current technology.

(E) The total number of identifications of remains that have been made since January 1, 1970, for all covered conflicts and for each covered conflict.

(F) The number of instances where next of kin have refused to provide a DNA sample

for the identification of recovered remains, for each covered conflict.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “missing persons” has the meaning given that term in section 1513(1) of title 10, United States Code.

(B) The term “covered conflicts” means the conflicts specified in or designated under section 1509(a) of title 10, United States Code, as of the date of the report required by paragraph (1).

(b) **REPORT ON POW/MIA ACCOUNTING COMMUNITY.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the POW/MIA accounting community.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description and assessment of the current structure of the POW/MIA accounting community.

(B) An assessment of the feasibility and advisability of reorganizing the community into a single, central command, including—

(i) an identification of the elements that could be organized into such command; and

(ii) an assessment of cost-savings, advantages, and disadvantages of—

(I) transferring the command and control of the Joint POW/MIA Accounting Command (JPAC) and the Central Identification Laboratory (CIL) from the United States Pacific Command to the Office of the Secretary of Defense;

(II) merging the Joint POW/MIA Accounting Command and the Central Identification Laboratory with the Defense Prisoner of War/Missing Personnel Office (DPMO); and

(III) merging the Central Identification Laboratory with the Armed Forces DNA Identification Lab (AF-DIL).

(C) A recommendation on the element of the Department of Defense to be responsible for directing POW/MIA accounting activities, and on whether all elements of the POW/MIA accounting community should report to that element.

(D) An estimate of the costs to be incurred, and the cost savings to be achieved—

(i) by relocating central POW/MIA accounting activities to the continental United States;

(ii) by closing or consolidating existing Joint POW/MIA Accounting Command facilities; and

(iii) through any actions with respect to the POW/MIA accounting community and POW/MIA accounting activities that the Secretary considers advisable for purposes of the report.

(E) An assessment of the feasibility and advisability of the use by the Department of university anthropology or archaeology programs to conduct field work, particularly in politically sensitive environments, including an assessment of the potential cost of the use of such programs and whether the use of such programs would result in a greater number of identifications.

(F) A survey of the manner in which other countries conduct accounting for missing persons, and an assessment whether such practices can be used by the United States.

(G) A recommendation as to the advisability of continuing to use a military model for recovery operations, including the impact of the use of such model on diplomatic relations with countries in which the United States seeks to conduct recovery operations.

(H) Such recommendations for the reorganization of the POW/MIA accounting community as the Secretary considers appropriate



in light of the other elements of the report, including an estimate of the additional numbers of recoveries and identifications anticipated to be made by the accounting community as a result of implementation of the reorganization.

(3) **BASIS IN PREVIOUS RECOMMENDATIONS.**—The report required by paragraph (1) shall take into account recommendations previously made by the Director of Cost Assessment and Program Evaluation, the Inspector General of the Department of Defense, and the Comptroller General of the United States regarding the organization of the POW/MIA accounting community.

(4) **POW/MIA ACCOUNTING COMMUNITY.**—In this subsection, the term “POW/MIA accounting community” has the meaning given that term in section 1509(b)(2) of title 10, United States Code.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

**SA 2172.** Mr. CASEY (for himself, Ms. AYOTTE, Mr. WARNER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. SECURITY SUPPORT FOR AFGHAN WOMEN AND GIRLS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In January 2013, President Barack Obama stated, “The Afghan constitution protects the rights of Afghan women. And the United States strongly believes that Afghanistan cannot succeed unless it gives opportunity to its women. . . . And we think that a failure to provide that protection not only will make reconciliation impossible to achieve, but also would make Afghanistan’s long-term development impossible to achieve.”

(2) As stated in the Department of Defense’s July 2013 1230 Report on Progress Toward Security and Stability in Afghanistan (in this section, the “1230 Report”), the United States Government “recognizes that promoting security for Afghan women and girls must remain a top foreign policy priority”. The November 2013 1230 Report also highlights this priority and further states, “A major focus of DoD and others working to improve the conditions of women in Afghanistan is now to maintain the gains made in the last twelve years after the ISAF mission ends.”

(3) According to the United Nations Assistance Mission in Afghanistan (UNAMA) Mid-Year Report 2013: Protection of Civilians in Armed Conflict, the conflict “increasingly harmed women and children. In the first six months of 2013, conflict related violence killed 106 women and injured 241 (347 casual-

ties), a 61 percent increase from the same period in 2012.”

(4) Women still face significant barriers to full participation in the Afghan National Army (ANA) and Afghan National Police (ANP), including a discriminatory or hostile work environment. As stated in the July and November 2013 Report, other barriers include “family-related issues. . . lack of challenging assignments upon graduation, accounts of sexual harassment and violence, and difficulties concerning separate housing and bathing facilities” for female personnel.

(5) According to the November 2013 Report, female recruitment and retention rates for the Afghan National Security Forces fell short of the Ministry of Defense (MoD) and Ministry of the Interior (MoI) female recruitment goals of 10 percent of the ANA and AAF and 5,000 for the ANP. In regards to women serving in the ANP, the November 2013 report also states, “Low female recruitment is due in part to the MoI’s passive female recruitment efforts, which has no specific female recruitment strategy or plan.” At the time of the November 2013 Report, only 1,557 women were serving in the ANP (847 officers and NCOs and 710 patrolmen). This represents an increase of 36 women from the last reporting period.

(6) According to the Special Inspector General for Afghan Reconstruction (SIGAR) October 2013 report, despite more women showing an interest in joining the security forces, only 0.3 percent of ANA and AAF and 1 percent of police in Afghanistan are women. According to the November 2013 Report, “The MOD has failed to capitalize on this interest and organize the necessary initial training, such as Female Officer Candidate and NCO courses. ISAF advisors continue to mentor the MOD to reduce their emphasis on ethnic balancing in order to accelerate ANA gender integration.”

(7) According to the International Crisis Group, there are not enough female police officers to staff all provincial Family Response Units (FRUs). United Nations Assistance Mission in Afghanistan and the Office of the High Commissioner for Refugees found that “in the absence of Family Response Units or visible women police officers, women victims almost never approach police stations willingly, fearing they will be arrested, their reputations stained or worse”.

(8) Fair, free, and inclusive presidential elections in Afghanistan in April 2014 will be critical for the country’s future security and stability. Afghan women in particular are often prevented from meaningful participation in the electoral process due to the threat of violence, security environment, the scarcity of female poll workers, and lack of awareness of women’s political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan.

(9) According to the Independent Election Commission of Afghanistan, Afghanistan needs 12,000 female police officers to search women at polling stations. The Afghan National Police has about 1,570 women for this duty. According to the United Nations Development Programme (UNDP), without female searchers at polling stations, security threats will increase as men can dress in burkhas attempting to enter the female areas of the polling station while concealing firearms, knives, or explosives.

(10) According to the July 2013 Report, “U.S. Embassy engagement on security preparations for the 2014 election with the MoI and Independent Elections Commission has focused on the need for increased temporary female security personnel, which would pro-

vide an environment where women can access polling stations while also ensuring the safety and security of the polling stations, and highlighting the role women can play in ensuring security overall.”

(11) According to the November 2013 Report, “The lack of female ANSF for both routine security operations and the 2014 Afghan elections makes the ANSF gender gap an operational and political risk for the Government of the Islamic Republic of Afghanistan (GIROA).” Further, the November 2013 Report highlights the significant risk to the credibility of the April 2014 elections and to the ANSF, stating, “Failure to recruit more women could deter female voter turnout, harming the legitimacy of the ANSF and those elected to office in 2014.”

(b) **THE SENSE OF CONGRESS ON PROMOTION OF SECURITY OF AFGHAN WOMEN.**—It is the sense of Congress that—

(1) the United States Government should regularly press the Government of the Islamic Republic of Afghanistan to commit to the meaningful inclusion of women in any peace process and to ensure that women’s concerns are fully reflected in relevant negotiations; and

(2) the United States Government and the Government of Afghanistan should “reaffirm the role of Afghan civil society, particularly women’s organizations, in advocating for and supporting human rights, good governance, and sustainable social, economic, and democratic development of Afghanistan through a sustained dialogue”, as agreed to during the meeting between the International Community and the Government of Afghanistan on the Tokyo Mutual Accountability Framework (TMAF) in July 2013.

(c) **STRATEGY TO PROMOTE SECURITY OF AFGHAN WOMEN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall support the efforts of the Government of Afghanistan to ensure the security of Afghan women and girls during and after the security transition process through implementation of an Afghan-led strategy to increase awareness and responsiveness among Afghan National Army and Afghan National Police personnel regarding the unique challenges women confront when serving in those forces.

(2) **TRAINING.**—The Secretary of Defense, working with the International Security Force (ISAF) and NATO Training Mission-Afghanistan (NTM-A), should encourage the Government of Afghanistan to include in the strategy developed under paragraph (1) the following elements:

(A) An evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue.

(B) A plan to increase the number of female security officers, including those serving in Family Response Units, specifically trained to address cases of gender-based violence.

(C) A plan to address the development of accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(3) **ENROLLMENT AND TREATMENT.**—The Secretary of Defense, in cooperation with the Afghan Ministries of Defense and Interior, shall assist the Government of Afghanistan in including as part of the strategy developed under paragraph (1) the development and implementation of a strategy to increase the number of female members of the ANA and ANP and to ensure their equal treatment, including the following actions:

(A) Submission of status reports to the Secretary of Defense, not later than 120 days

after the date of the enactment of this Act, on the plans of the MOD and MOI for the recruitment and retention of female officers, non-commissioned officers, and soldiers, including efforts to—

(i) provide appropriate equipment for female security and police forces;

(ii) modify facilities to allow for female participation within the security and police forces;

(iii) training to include literacy training for women recruits and gender awareness training for male counterparts; and

(iv) a review of the number of women in the ANP and realistic deadlines to increase the number of female officers by 2014.

(B) The allocation of not less than \$15,000,000 from the Afghan Security Forces Fund to be available for the recruitment, retention, and support of women in the ANSF.

(4) STAFFING AT POLLING STATIONS.—The Secretary of Defense shall assist the Afghan MOD and MOI in increasing the number of women staffing polling stations during the April 2014 elections in Afghanistan, including—

(A) assistance in the development of a recruitment and training program for female searchers and security officers to staff voting stations during the April 2014 elections by not later than 60 days after the date of the enactment of this Act;

(B) assistance in the implementation of the program described in subparagraph (A), including working with the Ministry of Interior to ensure that female ANP officers are assigned to provide security for polling stations; and

(C) allocating up to \$5,000,000 from the Afghan Security Forces Fund to be available to hire temporary female personnel to staff polling stations.

**SA 2173.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2842. RESPONSIBILITY FOR ENVIRONMENTAL REMEDIATION AT BADGER ARMY AMMUNITION PLANT, BARABOO, WISCONSIN.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) PLANT.—The term “plant” means the Badger Army Ammunition Plant near Baraboo, Wisconsin.

(3) PROPERTY.—The term “property” includes—

(A) the plant;

(B) any land—

(i) located in Sauk County, Wisconsin; and

(ii) managed by the Federal Government relating to the plant; and

(C) any structure on the land described in subparagraph (B).

(b) RETENTION OF ENVIRONMENTAL LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Department of Defense shall retain liability for the costs of environmental remediation associated with the plant under the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable Federal or State law if the property is transferred in fee or in trust to another Federal agency.

(2) LIMITATION.—The liability described in paragraph (1) is limited to the costs of remediation of environmental contamination that existed before the date on which the property is transferred.

(c) LAND HELD IN TRUST.—If the property is transferred to another Federal agency to be held in trust for an Indian tribe, the transfer shall not result in any reduction of funds available to the Secretary of Defense to carry out the cleanup and closure of the plant.

(d) EFFECT.—Nothing in this section—

(1) relieves the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or liability under any Federal or State law with respect to the plant;

(2) alters any authority of the Administrator of the Environmental Protection Agency or the Governor of the State of Wisconsin under subsection (a)(4) or (h)(3)(B) of section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4), (h)(3)(B));

(3) affects the level of cleanup at the plant or the closure of the plant required under any Federal or State law;

(4) affects or limits the application of, or any obligation to comply with, any environmental law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(5) prevents the United States from bringing a cost recovery, contribution, or any other action that would otherwise be available under any Federal or State law.

**SA 2174.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. REPORT ON FEASIBILITY OF ASSESSMENT OF SEXUAL VIOLENCE AMONG RESERVE OFFICERS' TRAINING CORPS CADETS.**

(a) REPORT.—Not later than June 30, 2014, the Secretary of Defense shall, in consultation with the Secretary of Education, submit to the congressional defense committees a report setting forth an assessment of the feasibility of conducting a study of sexual violence by cadets in the Reserve Officers' Training Corps (ROTC) programs during fiscal years 2009 through 2014 in order to determine the extent of sexual violence in the Reserve Officers' Training Corps programs and the need for reform of such programs in connection with such violence.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and prioritization of the quantitative and qualitative data, including collection and assessment methodologies in

compliance with applicable privacy laws, that should be used to assess the extent of sexual violence among Reserve Officers' Training Corps cadets for each Armed Forces and across the Armed Forces in general, including data on—

(A) alleged and proven incidents of sexual violence by Reserve Officers' Training Corps cadets as reported to the Reserve Officers' Training Corps programs, institutions of higher education, and law enforcement officials;

(B) alleged and proven incidents of sexual violence by students of institutions of higher education of demographics similar to the demographics of Reserve Officers' Training Corps cadets as reported to institutions of higher education and law enforcement officials; and

(C) actions officially and unofficially taken by Reserve Officers' Training Corps programs, institutions of higher education, and law enforcement officials in response to such alleged and proven incidents of sexual violence.

(2) An assessment of the feasibility of the collection and analysis of the data provided for in paragraph (1), to include what methods and resources that would be required to collect, for sample sizes of sufficient size as to provide significant evidence for determining the extent, if any, of sexual violence among Reserve Officers' Training Corps cadets.

(3) An approach to surveying and assessing Reserve Officers' Training Corps classroom information materials, course materials, and lesson plans related to education and training for prevention of sexual violence, and the process for developing such materials and lesson plans.

(4) An approach to assessing the processes of communication among Reserve Officers' Training Corps program officials, institutions of higher education, and law enforcement officials about alleged and proven sexual violence incidents involving Reserve Officers' Training Corps cadets.

(5) An approach to assessing how the records of Reserve Officers' Training Corps cadets, including disciplinary records, are evaluated prior to commissioning.

(6) Such other matters and recommendations with respect to the study described in subsection (a) as the Secretary considers appropriate.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW.—Not later than four months after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the methodology proposed in the feasibility study covered by such report to conduct a study of sexual violence among Reserve Officers' Training Corps cadets.

(d) CONGRESSIONAL REVIEW AND REPORT REQUIREMENTS.—The relevant congressional defense committees shall review the Comptroller General report required by subsection (c), and the feasibility study required by subsection (a). Such committees shall certify completion of the feasibility study required under subsection (a) and identify recommendations for a new report. Upon certification of the feasibility study, the Secretary of Defense, in consultation with the Secretary of Education, shall execute a new report following the guidelines established by the feasibility study required in subsection (a) and recommendations identified by the relevant defense committees. The new report shall be submitted to the congressional defense committees not later than 6 months after certification.

(e) **SEXUAL VIOLENCE DEFINED.**—In this section, the term “sexual violence” means the following:

(1) Sexual assault, as that term is defined in section 40002(a)(23) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(23)).

(2) Domestic violence, as that term is defined in section 40002(a)(6) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(6)).

(3) Dating violence, as that term is defined in section 40002(a)(8) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(8)).

(4) Stalking, as that term is defined in section 40002(a)(24) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(24)).

(5) Sexual harassment, as that term is defined in section 1561(e) of title 10, United States Code.

**SA 2175.** Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1033 and insert the following:

**SEC. 1033. LIMITATION ON THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **IN GENERAL.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) **TRANSFER FOR DETENTION AND TRIAL.**—The Secretary of Defense may transfer a detainee described in subsection (a) to the United States for detention pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), trial, and incarceration if the Secretary—

(1) determines that the transfer is in the national security interest of the United States;

(2) determines that appropriate actions have been taken, or will be taken, to address any risk to public safety that could arise in connection with detention and trial in the United States; and

(3) notifies the appropriate committees of Congress not later than 30 days before the date of the proposed transfer.

(c) **NOTIFICATION ELEMENTS.**—A notification on a transfer under subsection (b)(3) shall include the following:

(1) A statement of the basis for the determination that the transfer is in the national security interest of the United States.

(2) A description of the action the Secretary determines have been taken, or will be taken, to address any risk to the public safety that could arise in connection with the detention and trial in the United States.

(d) **STATUS WHILE IN THE UNITED STATES.**—A detainee who is transferred to the United States under this section—

(1) shall not be permitted to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or be eligible to apply for admission into the United States;

(2) shall be considered to be paroled into the United States temporarily pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)); and

(3) shall not, as a result of such transfer, have a change in designation as an unprivileged enemy belligerent eligible for detention pursuant to the Authorization for Use of Military Force, as determined in accordance with applicable law and regulations.

(e) **LIMITATION ON TRANSFER OR RELEASE OF DETAINEES TRANSFERRED TO THE UNITED STATES.**—An individual who is transferred to the United States under this section may not be released within the United States and may only be transferred or released in accordance with the procedures under section 1031.

(f) **LIMITATIONS ON JUDICIAL REVIEW.**—

(1) **LIMITATIONS.**—Except as provided for in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents relating to any aspect of the detention, transfer, treatment, or conditions of confinement of a detainee described in subsection (a) who is held by the Armed Forces of the United States.

(2) **EXCEPTION.**—A detainee who is transferred to the United States under this section shall not be deprived of the right to challenge his designation as an unprivileged enemy belligerent by filing a writ of habeas corpus as provided by the Supreme Court in *Hamdan v. Rumsfeld* (548 U.S. 557 (2006)) and *Boumediene v. Bush* (553 U.S. 723 (2008)).

(3) **NO CAUSE OF ACTION IN DECISION NOT TO TRANSFER.**—A decision not to transfer a detainee to the United States under this section shall not give rise to a judicial cause of action.

(g) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Subsections (b), (c), (d), (e), and (f) shall take effect on the date that is 60 days after the date on which the Secretary of Defense submits to the appropriate committees of Congress a detailed plan to close the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

(2) **ELEMENTS.**—The report required by paragraph (1) shall contain the following:

(A) A case-by-case determination made for each individual detained at Guantanamo of whether such individual is intended to be transferred to a foreign country, transferred to the United States for the purpose of civilian or military trial, or transferred to the United States or another country for continued detention under the law of armed conflict.

(B) The specific facility or facilities that are intended to be used, or modified to be used, to hold individuals inside the United States for the purpose of trial, for detention in the aftermath of conviction, or for continued detention under the law of armed conflict.

(C) The estimated costs associated with the detention inside the United States of individuals detained at Guantanamo.

(D) A description of any additional actions that should be taken consistent with subsections (d), (e), and (f) to hold detainees inside the United States.

(E) A detailed description and assessment, made in consultation with the Secretary of

State and the Director of National Intelligence, of the actions that would be taken prior to the transfer to a foreign country of an individual detained at Guantanamo that would substantially mitigate the risk of such individual engaging or reengaging in any terrorist or other hostile activity that threatens the United States or United States person or interests.

(F) What additional authorities, if any, may be necessary to detain an individual detained at Guantanamo inside the United States as an unprivileged enemy belligerent pursuant to the Authorization for Use of Military Force (Public Law 107-40), pending the end of hostilities or a future determination by the Secretary of Defense that such individual no longer poses a threat to the United States or United States persons or interests.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) **INTERIM PROHIBITION.**—The prohibition in section 1022 of the Fiscal Year 2013 National Defense Authorization Act (Public Law 112-239; 126 Stat. 1911) shall apply to funds appropriated or otherwise made available for fiscal year 2014 for the Department of Defense from the date of the enactment of this Act until the effective date specified in subsection (g).

(i) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” has the meaning given that term in section 1031(e)(2).

**SA 2176.** Mr. RISCH (for himself, Mr. RUBIO, Mr. CORNYN, Mr. BLUNT, Mr. MORAN, Ms. AYOTTE, Mr. VITTER, Mrs. FISCHER, Mr. JOHNSON of Wisconsin, Mr. CRAPO, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXII, add the following:

**SEC. 1237. REPORT ON INF TREATY COMPLIANCE INFORMATION SHARING.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on information and intelligence sharing with North Atlantic Treaty Organization (NATO) and NATO countries on compliance issues related to the INF Treaty.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) A description of all compliance and consistency issues associated with the INF Treaty, including a listing and assessment of all

Ground Launched Russian Federation Systems being designed, tested, or deployed with ranges between 500 kilometers and 5,500 kilometers.

(2) An assessment of INF Treaty compliance and consistency information sharing among NATO countries, including—

(A) sharing among specific NATO countries and the NATO Secretariat;

(B) the date specific information was shared; and

(C) the manner in which such information was transmitted.

(3) If any information on INF Treaty compliance or consistency was withheld from a specific NATO country or the NATO Secretariat, a justification for why such information was withheld.

(c) **UPDATES.**—Not later than 180 days and one year after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall provide to the appropriate congressional committees updates to the report submitted under subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INF TREATY.**—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987.

**SA 2177.** Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.**

(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) **COVERED INDIVIDUALS.**—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the “Missouri List”.

(c) **PROHIBITION ON BENEFITS FOR DISQUALIFYING CONDUCT UNDER NEW PROCESS.**—The

process established under subsection (a) shall include a mechanism to ensure that a covered individual is not treated as an individual eligible for a benefit described in subsection (a) or (b) of section 107 of such title if such covered individual engaged in any disqualifying conduct during service described in such subsections, including collaboration with the enemy or criminal conduct.

**SA 2178.** Mr. FLAKE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XV, add the following:

**SEC. 1523. REPORT ON USE OF FUNDS FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the use of funds appropriated for overseas contingency operations during fiscal year 2013 and on the funds requested for such operations for fiscal year 2014.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An accounting (including by specific dollar amount) of the use of funds appropriated for overseas contingency operations for fiscal year 2013 by the Department of Defense Appropriations Act, 2013 (division C of Public Law 113-6), set forth by program, project, and activity.

(2) An accounting (including by specific dollar amount) of the proposed use of funds requested for overseas contingency operations for fiscal year 2014 in the budget of the President for that fiscal year (as submitted pursuant to section 1105 of title 31, United States Code), set forth by program, project, and activity.

(3) A description of dollar amounts within each program, project, and activity funded through funds for overseas contingency operations for fiscal year 2013 or 2014 that may be funded using funds authorized or appropriated for the Department of Defense on a recurring basis upon completion of current overseas contingency operations in Afghanistan.

(c) **CONTINGENT REDUCTION IN AMOUNT AVAILABLE FOR OSD.**—Of the amount authorized to be appropriated for fiscal year 2014 by this Act and available for the Office of the Secretary of Defense as specified in the funding tables in division D, not more than an amount equal to 90 percent of such amount may be used for that purpose until the date of the submittal of the report required by subsection (a).

**SA 2179.** Mr. FLAKE (for himself, Mr. COBURN, Mr. SCOTT, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. CERTIFICATION REQUIREMENT FOR MILITARY CONSTRUCTION PROJECTS IN AREAS OF CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2804 the following new section:

**“§ 2804a. Certification requirement for military construction projects in areas of contingency operations**

“(a) **CERTIFICATION REQUIREMENT.**—(1) The Secretary of Defense may not obligate or expend funds to carry out a military construction project overseas in connection with a contingency operation (as defined in section 101(a)(13)) unless the combatant commander of the area of operations in which such project is to be constructed has certified to the Secretary of Defense that the project is needed for direct support of a contingency operation within that combatant command.

“(2) The restriction under paragraph (1) does not apply to planning and design activities.

“(b) **CERTIFICATION GUIDANCE.**—The Secretary of Defense shall provide guidance regarding the certification required under subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2804 the following new item:

“2804a. Certification requirement for military construction projects in areas of contingency operations.”.

**SA 2180.** Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. MARITIME SECURITY IN GULF OF GUINEA.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Although the number of armed robbery at sea and piracy attacks worldwide dropped substantially in recent years, such acts in the Gulf of Guinea are increasing, with more than 40 reported through October 2013 and many more going unreported.

(2) The nature of attacks in the Gulf of Guinea demonstrates an ongoing pattern of cargo thefts and robbery, often occurring in the territorial waters of West and Central African states.

(3) The U.S. Strategy Toward Sub-Saharan Africa issued by President Barack Obama in June 2012 states, “It is in the interest of the United States to improve the region’s trade competitiveness, encourage the diversification of exports beyond natural resources, and ensure that the benefits from growth are broad-based.”.

(4) The United States Government in the Gulf of Guinea has focused on encouraging

multi-layered regional and national ownership in developing sustainable capacity building efforts, including working with partners through the G8++ Friends of Gulf of Guinea Group, to coordinate United States Government maritime security activities in the region.

(5) United Nations Security Council Resolution 2039, “expressing its deep concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security and the economic development of states in the region”, was unanimously adopted on February 29, 2012.

(b) SENSE OF CONGRESS.—Congress—

(1) condemns acts of armed robbery at sea, piracy, and other maritime crime in the Gulf of Guinea;

(2) endorses and supports the efforts made by United States Government agencies to assist affected West and Central African countries to build capacity to combat armed robbery at sea, piracy, and other maritime threats, and encourages the President to continue such assistance, as appropriate, within resource constraints; and

(3) commends the African Union, sub-regional entities such as the ECOWAS and ECCAS, and the various international agencies that have worked to develop policy and program frameworks for enhancing maritime security in West and Central Africa, and encourages these entities and their member states to continue to build upon these and other efforts to achieve that end.

**SA 2181.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. FORCE PROTECTION.**

(a) REPORT.—Not later than March 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on current expeditionary physical barrier systems and new systems or technologies that are or can be used for force protection and to provide blast protection for forces supporting contingency operations.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A review of current and projected threats in connection with force protection, a description of any recent changes to policies on force protection, and an assessment of current planning methods on force protection, including standoff distances and physical barriers, to provide consistent and adequate levels of force protection.

(2) An assessment of the use of expeditionary physical barrier systems to meet the goals of the combatant commands for force protection and force resiliency.

(3) A description of the specifications developed by the Department to meet requirements for effectiveness, affordability, lifecycle management, and reuse or disposal of expeditionary physical barrier systems.

(4) A description of the process used within the Department to ensure appropriate consideration of the decommissioning cost, environmental impact, and subsequent disposal of expeditionary physical barrier materials

in the procurement process for such materials.

(5) An assessment of the availability of new technologies or designs that improve the capabilities or lifecycle costs of expeditionary physical barrier systems.

**SA 2182.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SECURITY CLEARANCES FOR CERTAIN SENATE PERSONAL OFFICE EMPLOYEES.**

(a) DEFINITIONS.—In this section—

(1) the term “covered committee of the Senate” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(E) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate; and

(F) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the term “covered Member of the Senate” means a Member of the Senate who serves on a covered committee of the Senate; and

(3) the term “personal office employee” means an individual who is an employee serving in the official office of a covered Member of the Senate.

(b) PROCEDURES.—Not later than 60 days after the date of enactment of this Act, the Director of Senate Security, in coordination with the Secretary of Defense and the Director of National Intelligence, shall establish and implement procedures that enable 1 personal office employee of each covered Member of the Senate, to be designated by the covered Member of the Senate, to obtain security clearances necessary for access to classified national security information, including top secret and sensitive compartmented information, if the personal office employee meets the criteria for such clearances.

**SA 2183.** Mr. VITTER (for himself, Mr. RISCH, Mr. LEE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON CESSATION OF PURSUIT OF BILATERAL REDUCTIONS IN UNITED STATES NUCLEAR FORCES WITH COUNTRIES IN ACTIVE NONCOMPLIANCE WITH CURRENT NUCLEAR ARMS REDUCTION OBLIGATIONS.**

It is the sense of Congress that the President should not seek further reductions to United States nuclear forces, including by negotiation, with a country that is in active noncompliance with its existing nuclear arms reduction obligations until, at the earliest, that noncompliance is resolved.

**SA 2184.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. TRANSPARENCY OF COVERAGE DETERMINATION.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Chief Administrative Officer of the House of Representatives and the Financial Clerk of the Senate shall make publically available the determinations of each member of the House of Representatives and each Senator, as the case may be, regarding the designation of their respective congressional staff (including leadership and committee staff) as “official” for purposes of requiring such staff to enroll in health insurance coverage provided through an Exchange as required under section 1312(d)(1)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(1)(D)), and the regulations relating to such section.

(b) FAILURE TO SUBMIT.—The failure by any member of the House of Representatives or Senator to designate any of their respective staff, whether committee or leadership staff, as “official” (as described in subsection (a)), shall be noted in the determination made publically available under subsection (a) along with a statement that such failure permits the staff involved to remain in the Federal Employee Health Benefits Program.

(c) PRIVACY.—Nothing in this Act shall be construed to permit the release of any individually identifiable information concerning any individual, including any health plan selected by an individual.

**SA 2185.** Mr. WICKER (for himself, Mr. LEE, Mrs. FISCHER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X add the following:

**SEC. 1082. LIMITATION ON CONSTRUCTION ON UNITED STATES SOIL OF SATELLITE POSITIONING GROUND MONITORING STATIONS OF FOREIGN GOVERNMENTS.**

(a) **CERTIFICATION.**—The President may not authorize or permit the construction of a satellite positioning ground monitoring station directly or indirectly controlled by a foreign government on United States soil until the Secretary of Defense and the Director of National Intelligence jointly certify to Congress that such monitoring station will not possess the capability or potential to be used for the purpose of gathering intelligence or improving any foreign weapons system.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of National Intelligence, and the Commander of the United States Strategic Command shall jointly submit to the appropriate committees of Congress a report on the use of satellite positioning ground monitoring stations by foreign governments for the purpose of gathering intelligence or improving the accuracy of missile guidance systems.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description and assessment of the current and potential use of satellite ground monitoring stations under the control of foreign governments for the purpose of gathering intelligence.

(B) A description of the role of positioning satellites in ballistic and tactical missile guidance systems.

(C) A description and assessment of the current and potential future use of satellite positioning ground monitoring stations as a means of improving the accuracy of satellite guided missiles.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2186.** Mr. KIRK (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DURBIN, Mr. BOOZMAN, Mrs. GILLIBRAND, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. DEPARTMENT OF DEFENSE MANUFACTURING ARSENAL STUDY AND REPORT.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study that examines how the Department of Defense can improve its manufacturing arse-

nals located at the Joint Manufacturing and Technology Center at Rock Island Arsenal, Illinois, the Watervliet Arsenal in Watervliet, New York, and the Pine Bluff Arsenal in Jefferson, Arkansas and how the Department of Defense can more effectively use and manage public-private partnerships to preserve critical industrial capabilities at these facilities for future national security requirements while providing a return on investment to the Army.

(2) **DETAILS OF STUDY.**—The study required under paragraph (1) shall include an examination of the following issues:

(A) The effectiveness of the Department of Defense's strategy to workload each of the arsenals and the potential for alternative strategies that could better identify workload for each arsenal.

(B) The impact of the Army Working Capital Fund-driven rate structure on public private partnerships at each arsenal.

(C) The extent to which operations at each arsenal can be streamlined, improved, or enhanced.

(D) The effectiveness of the Army's implementation of cooperative agreements authorized at manufacturing arsenals under section 4544 of title 10, United States Code.

(b) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study conducted under this section. The report shall include recommendations to improve the Department of Defense's workload strategy.

**SA 2187.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. SUSPENSION AND REFORM OF UNITED STATES ARMS SALES TO EGYPT AND UNITED STATES ECONOMIC SUPPORT TO EGYPT.**

(a) **SUSPENSION AND REFORM OF ARMS SALES.**—

(1) **IN GENERAL.**—The United States Government may not license, approve, facilitate, or otherwise allow the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) until 15 days after the President submits to the appropriate congressional committees a certification that—

(A) the Government of Egypt—

(i) continues to implement the Peace Treaty between the State of Israel and the Arab Republic of Egypt, signed at Washington, March 26, 1979;

(ii) is taking necessary and appropriate measures to counter terrorism, including measures to counter smuggling into the Gaza Strip by, among other measures, detecting and destroying tunnels between Egypt and the Gaza Strip and securing the Sinai peninsula;

(iii) is allowing the Armed Forces of the United States to transit the territory of Egypt, including through the airspace and territorial waters of Egypt;

(iv) is supporting a transition to an inclusive civilian government by demonstrating a

commitment to, and making consistent progress toward, holding regular, credible elections that are free, fair, and consistent with internationally accepted standards;

(v) is respecting and protecting the political and economic freedoms of all residents of Egypt, including taking measures to address violence against women and religious minorities;

(vi) is respecting freedom of expression and due process of law, including respecting the rights of women and religious minorities; and

(vii) is permitting nongovernmental organizations and civil society groups in Egypt, the National Democratic Institute, the International Republican Institute, Freedom House, and the Konrad Adenauer Stiftung to operate freely and consistent with internationally recognized practices; and

(B) licensing, approving, facilitating, or otherwise allowing the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt is in the national security interests of the United States.

(2) **EXCEPTION.**—The limitation under paragraph (1) shall not apply to defense articles and defense services to be used primarily for supporting or enabling counterterrorism, border and maritime security, or special operations capabilities or operations.

(3) **WAIVER.**—

(A) **IN GENERAL.**—The President may waive the limitation under paragraph (1) for a 180-day period if, not later than 15 days before the waiver takes effect, the President—

(i) certifies to the appropriate congressional committees that licensing, approving, facilitating, or otherwise allowing the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt is in the vital national security interests of the United States; and

(ii) provides to those committees a report—

(I) detailing the reasons for the certification under clause (i); and

(II) analyzing the extent to which the actions of the Government of Egypt do or do not satisfy each of the criteria described in subparagraphs (A) and (B) of paragraph (1).

(B) **EXTENSIONS OF WAIVER.**—The President may extend the effective period of a waiver under subparagraph (A) for an additional 180-day period if, not later than 15 days before the extension takes effect, the President submits to the appropriate congressional committees an updated certification and report that meet the requirements of that subparagraph.

(b) **SUSPENSION AND REFORM OF UNITED STATES ECONOMIC SUPPORT TO EGYPT.**—

(1) **IN GENERAL.**—No bilateral economic assistance may be provided to Egypt as direct budget support for the Government of Egypt until 15 days after the Secretary of State certifies to the appropriate congressional committees that—

(A) providing such assistance is in the national security interest of the United States;

(B) the Government of Egypt—

(i) continues to implement the peace treaty referred to in subsection (a)(1)(A)(i);

(ii) is supporting the transition to an inclusive civilian government by demonstrating a commitment to hold regular, credible elections that are free, fair, and consistent with internationally accepted standards;

(iii) is respecting and protecting the political, economic, and religious freedoms of all residents of Egypt, including taking measures to address violence against women and religious minorities;



(iv) is permitting nongovernmental organizations and civil society groups in Egypt, including the National Democratic Institute, the International Republican Institute, Freedom House, and the Konrad Adenauer Stiftung to operate freely and consistent with internationally recognized standards; and

(v) is demonstrating a commitment to implementing economic reforms, including reforms necessary to reduce the deficit and ensure economic stability and growth.

(2) **WAIVER.**—

(A) **IN GENERAL.**—The President may waive the limitation under paragraph (1) for a 180-day period if, not later than 15 days before the waiver takes effect, the President—

(i) certifies to the appropriate congressional committees that providing assistance described in that paragraph is in the vital national security interests of the United States;

(ii) submits to those committees a report—

(I) detailing the reasons for the certification described in clause (i); and

(II) analyzing the extent to which the actions of the Government of Egypt do or do not satisfy each of the criteria described in subparagraphs (A) and (B) of paragraph (1).

(B) **EXTENSIONS OF WAIVER.**—The President may extend the effective period of a waiver under subparagraph (A) for an additional 180-day period if, not later than 15 days before the extension takes effect, the President submits to the appropriate congressional committees an updated certification and report that meet the requirements of subparagraph (A).

(C) **FUNDING FOR DEMOCRACY AND GOVERNANCE PROGRAMS.**—

(1) **IN GENERAL.**—If, in any fiscal year, bilateral economic assistance is provided to Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund), not less than \$50,000,000 of that assistance shall be provided through the Department of State and the National Endowment for Democracy for democracy and governance programs in Egypt.

(2) **ADDITIONAL FUNDING IF WAIVER AUTHORITY INVOKED.**—If, in any fiscal year, the President exercises the waiver authority under subsection (b)(2) and bilateral economic assistance is provided to Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$25,000,000 of that assistance (in addition to the amount provided for under paragraph (1)) shall be provided through the Department of State and the National Endowment for Democracy for democracy and governance programs in Egypt.

(d) **INAPPLICABILITY OF CERTAIN LIMITATION.**—The limitation on the use of funds under section 7008 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74; 125 Stat. 1195) shall not apply to assistance provided in accordance with this section.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2188.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Imposition of Sanctions With Respect to Syria**

**SEC. 1241. DEFINITIONS.**

In this subtitle:

(1) **ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives.

(3) **DEFENSE ARTICLE; DEFENSE SERVICE.**—The terms “defense article” and “defense service” have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(4) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(5) **PERSON.**—The term “person” means an individual or entity.

(6) **PETROLEUM.**—The term “petroleum” includes crude oil and any mixture of hydrocarbons that exists in liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

(7) **PETROLEUM PRODUCTS.**—The term “petroleum products” includes unfinished oils, liquefied petroleum gases, pentanes plus, aviation gasoline, motor gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, petrochemical feedstocks, special naphthas, lubricants, waxes, petroleum coke, asphalt, road oil, still gas, miscellaneous products obtained from the processing of crude oil (including lease condensate), natural gas, and other hydrocarbon compounds.

(8) **SYRIAN FINANCIAL INSTITUTION.**—The term “Syrian financial institution” means—

(A) a financial institution organized under the laws of Syria or any jurisdiction within Syria, including a foreign branch of such an institution;

(B) a financial institution located in Syria;

(C) a financial institution, wherever located, owned or controlled by the Government of Syria; and

(D) a financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).

(9) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

**SEC. 1242. IMPOSITION OF SANCTIONS WITH RESPECT TO SELLING, TRANSFERRING, OR TRANSPORTING DEFENSE ARTICLES, DEFENSE SERVICES, OR MILITARY TRAINING TO THE ASSAD REGIME OF SYRIA.**

On or after the date that is 30 days after the date of the enactment of this Act, the President may impose sanctions from among the sanctions described in section 1245 with respect to any person that the President determines has, on or after such date of enactment, knowingly participated in or facilitated a significant transaction related to the sale, transfer, or transportation of defense articles, defense services, or military training to the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government.

**SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS PROVIDING PETROLEUM OR PETROLEUM PRODUCTS TO THE ASSAD REGIME OF SYRIA.**

On or after the date that is 30 days after the date of the enactment of this Act, the President shall impose the sanction described in paragraph (5) of section 1245 and 2 or more of the other sanctions described in that section with respect to each person that the President determines has, on or after such date of enactment, knowingly participated in or facilitated a significant transaction related to the sale or transfer of petroleum or petroleum products to the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government.

**SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO CONDUCTING CERTAIN FINANCIAL TRANSACTIONS WITH THE CENTRAL BANK OF SYRIA OR ANOTHER SYRIAN FINANCIAL INSTITUTION.**

(a) **IN GENERAL.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted, on or after the date of the enactment of this Act, a significant transaction with the Central Bank of Syria or another Syrian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) related to the sale of defense articles to—

(1) the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government; or

(2) any person added after April 28, 2011, and before the date of the enactment of this Act, to the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury in connection with the conflict in Syria.

(b) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under this section with respect to any person for the provision of agricultural commodities, food, medicine, or medical devices to Syria or the provision of humanitarian assistance to the people of Syria.

**SEC. 1245. SANCTIONS DESCRIBED.**

The sanctions the President may impose with respect to a person under sections 1242 and 1243 are the following:

(1) **EXPORT-IMPORT BANK ASSISTANCE.**—The President may direct the Export-Import



Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the person.

(2) **PROCUREMENT SANCTION.**—The President may prohibit the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the person.

(3) **ARMS EXPORT PROHIBITION.**—The President may prohibit United States Government sales to the person of any item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) and require termination of sales to the person of any defense articles, defense services, or design and construction services under that Act (22 U.S.C. 2751 et seq.).

(4) **DUAL-USE EXPORT PROHIBITION.**—The President may deny licenses and suspend existing licenses for the transfer to the person of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) **BLOCKING OF ASSETS.**—The President may, pursuant to such regulations as the President may prescribe, block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(6) **VISA INELIGIBILITY.**—In the case of a person that is an alien, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the person, subject to regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

#### SEC. 1246. WAIVERS.

(a) **GENERAL WAIVER AUTHORITY.**—The President may waive the application of section 1242, 1243, or 1244 to a person or category of persons for a period of 180 days, and may renew the waiver for additional periods of 180 days, if the President determines and reports to the appropriate congressional committees every 180 days that the waiver is in the vital national security interests of the United States.

(b) **WAIVER FOR HUMANITARIAN NEEDS.**—The President may waive the application of section 1243 to a person for a period of 180 days, and may renew the waiver for additional periods of 180 days, if the President determines and reports to the appropriate congressional committees every 180 days that the waiver is necessary to permit the person to conduct or facilitate a transaction that is necessary to meet humanitarian needs of the people of Syria.

(c) **FORM.**—Each report submitted under subsection (a) or (b) shall be submitted in unclassified form but may include a classified annex.

#### SEC. 1247. SENSE OF CONGRESS ON SANCTIONS.

It is the sense of Congress that the President should work closely with allies of the United States to obtain broad multilateral

support for countries to impose sanctions that are equivalent to the sanctions set forth in this subtitle under the laws of those countries.

**SA 2189.** Mr. RUBIO (for himself, Mr. CRUZ, Mr. ROBERTS, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

#### SEC. 1237. SENSE OF CONGRESS ON IRANIAN NUCLEAR PROGRAM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Diplomats from the Islamic Republic of Iran, the European Union, the United States, the United Kingdom, Germany, France, China, and Russia continue to discuss the Government of Iran's illicit nuclear weapons program.

(2) President of Iran Hasan Rouhani has in the past bragged about his success in buying time for Iran to make nuclear advances.

(3) Iranian Supreme Leader Ayatollah Khamenei, who retains control over Iran's nuclear program, recently claimed that Iran did not desire nuclear weapons but said that if Iran "intended to possess nuclear weapons, no power could stop us".

(4) The Government of Iran continues to expand Iran's nuclear and missile programs in violation of multiple United Nations Security Council resolutions.

(5) The Government of Iran has a decades-long track record of cheating on and violating commitments regarding its nuclear program and has used more than 10 years of diplomatic negotiations to buy more time to expand its nuclear weapons program.

(6) Iran remains the world's number one exporter of terrorism and as recently as 2011 was plotting to assassinate a foreign official on United States soil.

(7) Over the last three decades, the Government of Iran and its terrorist proxies have been responsible for the deaths of Americans.

(8) The Government of Iran and its terrorist proxies continue to provide military and financial support to the regime of Bashar al-Assad in Syria, aiding his regime's mass killing of civilians.

(9) The Government of Iran continues to sow instability in its region and to threaten its neighbors, including United States allies such as Israel.

(10) The Government of Iran denies its people their fundamental freedoms, including freedom of the press, freedom of assembly, freedom of religion, and freedom of conscience.

(11) International and United States sanctions imposed on Iran have assisted in bringing Iran to the negotiating table.

(12) Other countries, such as North Korea, have used diplomatic talks regarding their nuclear programs to allow time for the development of nuclear weapons.

(13) Based on the Government of Iran's stockpile of low enriched uranium and its plan to continue installing advanced centrifuges, the Government of Iran could agree to suspend all enrichment above 3.5 percent and still be in a position to produce weapons-

grade uranium without detection by the middle of next year.

(14) If the Government of Iran starts up its heavy water reactor in Arak, it could establish an alternate pathway to a nuclear weapon, producing enough plutonium each year for one or two nuclear weapons.

(15) Nineteen other nations currently access peaceful nuclear energy without any enrichment or reprocessing activities on their soil.

(16) The Government of Iran could likewise achieve access to peaceful nuclear energy without enrichment or reprocessing activities on its own soil.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it shall be the policy of the United States that the Government of Iran will not be allowed to develop a nuclear weapon and that all instruments of United States power and influence remain on the table to prevent this outcome;

(2) the Government of Iran does not have an absolute or inherent right to enrichment and reprocessing technologies under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty");

(3) relief of sanctions related to Iran's nuclear program imposed upon Iran by the United States should only be provided once Iran has completely abandoned its nuclear weapons program, including any enrichment or reprocessing capability, and has provided complete transparency to the International Atomic Energy Agency regarding its work on weaponization of a nuclear device; and

(4) until the Government of Iran has taken the actions set forth in paragraph (3), Congress should move to pass a new round of additional sanctions without delay.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as an authorization for the use of force or declaration of war.

**SA 2190.** Mr. RUBIO (for himself, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, strike line 13 and insert the following:  
the uniformed services are increased by 1.8 percent.

(c) **FUNDING AND OFFSET.**—

(1) **INCREASE IN AMOUNT FOR MILITARY PERSONNEL.**—The amount authorized to be appropriated for fiscal year by section 421 for military personnel is hereby increased by \$600,000,000.

(2) **DECREASE IN AMOUNT FOR RDT&E ARMY.**—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Army as specified in the funding table in section 4201 is hereby decreased by \$71,223,000.

(3) **DECREASE IN AMOUNT FOR RDT&E NAVY.**—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Navy as specified in the funding

table in section 4201 is hereby decreased by \$141,015,000.

(4) DECREASE IN AMOUNT FOR RDT&E AIR FORCE.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Air Force as specified in the funding table in section 4201 is hereby decreased by \$227,890,000.

(5) DECREASE IN AMOUNT FOR RDT&E DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Defense-wide as specified in the funding table in section 4201 is hereby decreased by \$158,207,000.

(6) DECREASE IN AMOUNT FOR OT&E DEFENSE MANAGEMENT SUPPORT.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Operational Test and Evaluation, Defense Management Support as specified in the funding table in section 4201 is hereby decreased by \$1,655,000.

**SA 2191.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. DEPARTMENT OF DEFENSE REPORT ON MILITARY HOUSING PRIVATIZATION INITIATIVE.**

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall issue a report to Congress on the Military Housing Privatization Initiative under subchapter IV of chapter 169 of title 10, United States Code. The report shall include the details of any project where the project owner has outstanding local, county, city, town, or State tax obligations dating back over 12 months, as determined by a final judgment by a tax authority.

**SA 2192.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. EXTENSION OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES TO EMPLOYEES OF CONTRACTORS OF THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

(a) CONTRACTOR EMPLOYEES OF DoD AND RELATED AGENCIES.—Section 2409 of title 10, United States Code, is amended—

(1) by striking subsection (e); and  
(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) PILOT PROGRAM ON OTHER CONTRACTOR EMPLOYEES.—Section 4712 of title 41, United States Code, is amended—

(1) by striking subsection (f); and  
(2) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

**SA 2193.** Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. PROHIBITION ON USE OF FUNDS FOR INCENTIVE PAYMENTS UNDER CERTAIN CONTRACTOR PREFERENCE AUTHORITY.**

Amounts authorized to be appropriated for fiscal year 2014 for the Department of Defense may not be used for incentive payments for Indian organizations, Indian-owned economic enterprises, and Native Hawaiian small business concerns under subsection (f)(5) of clause 252.226-7001 of the Department of Defense Supplement to the Federal Acquisition Regulation.

**SA 2194.** Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 864. SMALL BUSINESS GOALS.**

(a) DEFINITIONS.—In this section—

(1) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632); and

(2) the term “small business contracting goal” means a contracting or subcontracting goal for the utilization or participation of small business concerns or types of small business concerns established under section 8 of the Small Business Act (15 U.S.C. 637).

(b) LIMITATION.—In determining whether the Department of Defense has met a small business contracting goal, the Department of Defense may not include a contract or subcontract awarded under the authority under the Small Business Act that is—

(1) awarded as a sole source contract; and  
(2) in an amount that is more than the limit on sole source contracts under subpart 19.8 of part 19 of the Federal Acquisition Regulation.

**SA 2195.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_ PROHIBITION ON PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE.**

(a) DEFINITIONS.—In this section, the terms “agency” and “career appointee” have the meanings given such terms in section 5381 of title 5, United States Code.

(b) PROHIBITION.—On and after the date of enactment of this Act, an agency may not pay an award under section 4507 or 5384 of title 5, United States Code, to a career appointee that relates to any period of service performed during fiscal year 2013 or fiscal year 2014.

**SA 2196.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. PROHIBITION ON USE OF UNITED STATES FUNDS FOR PROGRAMS AND PROJECTS IN AFGHANISTAN THAT CANNOT BE PHYSICALLY ACCESSED BY UNITED STATES GOVERNMENT CIVILIAN PERSONNEL.**

(a) PROHIBITION.—Amounts available to the department and agencies of the United States Government may not be obligated or expended for a program or project in Afghanistan if civilian personnel of the United States Government with authority to conduct oversight of such program or project cannot physically access such program or project.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than \$1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of \$1,000,000 or more, but less than \$40,000,000, by the mission director of the department or agency concerned, the United States Ambassador to Afghanistan, or the Commander of the International Security Assistance Force (ISAF).

(C) In the case of a program or project with an estimated lifecycle cost of \$40,000,000 or more, by the head of the department or agency of the United States Government concerned.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the people of Afghanistan want or need the program or project.

(C) That the program or project has been coordinated with the Afghanistan Government, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption.

(F) That the people of Afghanistan have the financial resources, technical capacity, and political will to sustain the program or project.

(G) That all implementing agencies have established meaningful metrics for determining outcomes and measuring success of the program or project.

**SA 2197.** Mr. KAINE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. ASSESSMENT OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of each program as follows:

(A) The Army Educational Outreach Program (AEOP).

(B) The STEM2Stern program of the Navy.

(C) The DoD STARBASE program carried out by the Under Secretary of Defense for Personnel and Readiness.

(2) CONSULTATION.—The Secretary of Defense shall conduct assessments under this subsection in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

(b) ELEMENTS.—The assessment of a program under subsection (a) shall include the following:

(1) An assessment of the current status of the program.

(2) A determination as to the advisability of retaining, terminating, or transferring the program to another agency, together with a justification for the determination.

(3) For a program determined under paragraph (2) to be terminated, a justification why the science, technology, engineering, and mathematics education requirements of the program are no longer required.

(4) For a program determined under paragraph (2) to be transferred to the jurisdiction of another agency—

(A) the name of such agency;

(B) the funding anticipated to be provided the program by such agency during the five-year period beginning on the date of transfer; and

(C) mechanisms to ensure that education under the program will continue to meet the science, technology, engineering, and mathematics education requirements of the Department of Defense, including requirements for the dependents covered by the program.

(5) Metrics to assess whether a program under paragraph (3) or (4) is meeting the requirements applicable to such program under such paragraph.

(c) LIMITATION ON CERTAIN ACTIONS ON PROGRAMS PENDING SUBMITTAL OF ASSESSMENT.—A program specified in paragraph (1) of subsection (a) may not be terminated or transferred to the jurisdiction of another agency until 30 days after the date on which the report required by that subsection is sub-

mitted to the congressional defense committees.

**SA 2198.** Mr. WHITEHOUSE (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 331 and insert the following:

**SEC. 331. STRATEGY FOR IMPROVING ASSET TRACKING AND IN-TRANSIT VISIBILITY.**

(a) STRATEGY AND IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy for improving asset tracking and in-transit visibility across the Department of Defense, together with the plans of the military departments, for implementing the strategy and ensuring compliance.

(2) ELEMENTS.—The strategy and implementation plans required under paragraph (1) shall include the following elements:

(A) The overarching goals and objectives desired from implementation of the strategy.

(B) A description of steps to achieve those goals and objectives, as well as milestones and performance measures to gauge results.

(C) An estimate of the costs associated with executing the plan, and the sources and types of resources and investments, including skills, technology, human capital, information, and other resources, required to meet the goals and objectives.

(D) A description of roles and responsibilities for managing and overseeing the implementation of the strategy, including the role of program managers, and the establishment of mechanisms for multiple stakeholders to coordinate their efforts throughout implementation and make necessary adjustments to the strategy based on performance.

(E) A description of key factors external to the Department of Defense and beyond its control that could significantly affect the achievement of the long-term goals contained in the strategy.

(F) A detailed description of asset marking requirements and how automated information and data capture technologies could improve readiness, cost effectiveness, and performance.

(G) A defined list of all categories of items that program managers shall identify for the purposes of asset marking.

(H) A description of steps to improve asset visibility tracking for classified programs.

(I) Steps to be undertaken to facilitate collaboration with industry designed to capture best practices, lessons learned, and any relevant technical matters.

(J) A description of how improved asset tracking and in-transit visibility could enhance audit readiness, reduce counterfeit risk, enhance logistical processes, and benefit the Department of Defense.

(b) COMPTROLLER GENERAL REPORT.—Not later than one year after the strategy is submitted under subsection (a), the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the strat-

egy, accompanying implementation, and asset marking plans—

(1) include the elements set forth under subsection (a)(2);

(2) align to achieve the overarching asset visibility and in-transit visibility goals and objectives of the Department of Defense; and

(3) have been implemented.

**SA 2199.** Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORTS ON UNMANNED AIRCRAFT SYSTEMS.**

(a) REPORT ON COLLABORATION, DEMONSTRATION, AND USE CASES AND DATA SHARING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Transportation, the Administrator of the Federal Aviation Administration, and the Administrator of the National Aeronautics and Space Administration, on behalf of the UAS Executive Committee, shall jointly submit a report to the appropriate congressional committees that describes the following:

(1) The collaboration, demonstrations, and initial fielding of unmanned aircraft systems at test sites within and outside of restricted airspace.

(2) The progress being made to develop public and civil sense-and-avoid and command-and-control technology, including the human factors and other technological challenges identified in the Integration of Civil Unmanned Aircraft Systems in the National Airspace System Roadmap, published by the Federal Aviation Administration on November 7, 2013, and what role the test sites can play in overcoming those challenges.

(3) An assessment on the sharing of operational, programmatic, and research data relating to unmanned aircraft systems operations by the Federal Aviation Administration, the Department of Defense, and the National Aeronautics and Space Administration to help the Federal Aviation Administration establish civil unmanned aircraft systems certification standards, pilot certification and licensing, and air traffic control procedures, including identifying the locations selected to collect, analyze, and store the data.

(4) The strategy to improve the effectiveness of government-industry collaboration between UAS Executive Committee members and relevant stakeholders regarding National Airspace System integration, and how the test sites can be used to improve this collaboration.

(5) An evaluation of how best to overcome the national security challenges identified in the NAS Roadmap referred to in paragraph (2).

(b) REPORT ON RESOURCE REQUIREMENTS NEEDED FOR UNMANNED AIRCRAFT SYSTEMS DESCRIBED IN 5-YEAR ROADMAP.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, on behalf of the UAS Executive Committee, shall submit a report to the appropriate congressional committees that describes the resource requirements needed to meet the

milestones for unmanned aircraft systems integration described in the 5-year roadmap described in section 332(a)(5) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note).

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Transportation and Infrastructure of the House of Representatives;

(F) the Committee on Science, Space, and Technology of the House of Representatives; and

(G) the Committee on Appropriations of the House of Representatives.

(2) The term “UAS Executive Committee” means the Department of Defense-Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4596) established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

**SA 2200.** Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. ASSESSMENT OF MEMBER ABUSE OF CHAIN OF COMMAND POSITIONS TO GAIN ACCESS TO OR COERCE ANOTHER PERSON FOR A SEX-RELATED OFFENSE AS ADDITIONAL DUTIES OF INDEPENDENT PANELS FOR REVIEW OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.**

(a) ASSESSMENT AS ADDITIONAL DUTY OF PANEL ON RESPONSE SYSTEMS TO SEXUAL ASSAULT CRIMES.—Paragraph (1) of section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1760), as amended by section 545(a) of this Act, is further amended—

(1) by redesignating subparagraph (L) as subparagraph (M); and

(2) by inserting after subparagraph (K) the following new subparagraph (L):

“(L) An assessment of instances in the Armed Forces in which a member of the Armed Forces has committing a sexual act upon another person by abusing one’s position in the chain of command of the other person to gain access to or coerce the other person.”.

(b) ASSESSMENT OF CONSEQUENCES OF REVISION OF ARTICLE 120 SEX-RELATED OFFENSES AS ADDITIONAL DUTY OF INDEPENDENT PANEL ON JUDICIAL PROCEEDINGS.—Paragraph (2) of such section, as amended by section 546 of this Act, is further amended—

(1) by redesignating subparagraph (M) as subparagraph (N); and

(2) by inserting after subparagraph (L) the following new subparagraph (M):

“(M) Assess the likely consequences of amending of definition of rape and sexual assault under section 120 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), to expressly cover a situation in which a person subject to the Uniform Code of Military Justice commits a sexual act upon another person by abusing one’s position in the chain of command of the other person to gain access to or coerce the other person.”.

**SA 2201.** Mr. NELSON (for himself, Mr. BLUMENTHAL, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 712 and insert the following:

**SEC. 712. TIMELINE FOR IMPLEMENTATION OF INTEROPERABLE ELECTRONIC HEALTH RECORDS.**

(a) TIMELINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) ensure that the electronic health record systems of the Department of Defense and the Department of Veterans Affairs are interoperable through compliance with the national standards and architectural requirements identified by the Department of Defense/Department of Veterans Affairs Interagency Program Office, in collaboration with the Office of the National Coordinator for Health Information Technology of the Department of Health and Human Services; and

(2) by not later than December 31, 2016, provide for the deployment by the Department of Defense and the Department of Veterans Affairs of modernized electronic health record software supporting Department of Defense and Department of Veterans Affairs clinicians in a manner that ensures continuing compatibility with the interoperability platform and full standards-based interoperability.

(b) IMPLEMENTATION.—In implementing the interoperability of electronic health records under subsection (a), the Secretary of Defense and Secretary of Veterans Affairs shall jointly consider the feasibility and advisability of each of the following:

(1) The creation of a health data authoritative source by the Department of Defense and Department of Veterans Affairs that can be accessed by multiple providers and standardizes the input of new medical information.

(2) The ability of patients of both the Department of Defense and the Department of Veterans Affairs to download the medical records of the patient (commonly referred to as the “Blue Button Initiative”).

(3) Enabling each current member of the Armed Forces and dependent of such a member to elect to receive an electronic copy of the health care record of such individual.

(4) The establishment of a secure, remote, network-accessible computer storage system (commonly referred to as “cloud storage”) to provide members of the Armed Forces and veterans the ability to upload the health care records of the member or veteran if the member or veteran elects to do so and allow medical providers of the Department of De-

fense and the Department of Veterans Affairs to access such records in the course of providing care to the member or veteran.

(c) REPORTS.—

(1) STATUS REPORT.—Not later than January 1, 2014, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth a description of the current progress of the Secretaries in achieving the full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs. The report shall include a description and assessment of lessons learned by the Secretaries as a result of efforts undertaken by the Secretary before the report to achieve the full interoperability of such information.

(2) PLAN TO MEET TIMELINE.—Not later than March 31, 2014, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the plan of the Secretaries to meet the timeline specified in subsection (a)(2), and any associated deadlines and objectives.

**SA 2202.** Mr. NELSON (for himself, Ms. COLLINS, Mr. WYDEN, Mrs. HAGAN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of

chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) **REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.**—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) **RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.**—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) **EFFECTIVE DATE.**—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

**SA 2203.** Ms. MIKULSKI (for herself and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . CONFIRMATION OF APPOINTMENT OF THE DIRECTOR OF THE NATIONAL SECURITY AGENCY.**

(a) **DIRECTOR OF THE NATIONAL SECURITY AGENCY.**—Section 2 of the National Security Agency Act of 1959 (50 U.S.C. 3602) is amended—

(1) by inserting “(b)” before “There”; and

(2) by inserting before subsection (b), as so designated by paragraph (1), the following:

“(a)(1) There is a Director of the National Security Agency.

“(2) The Director of the National Security Agency shall be appointed by the President,

by and with the advice and consent of the Senate.

“(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.”.

(b) **POSITION OF IMPORTANCE AND RESPONSIBILITY.**—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

(c) **EFFECTIVE DATE AND APPLICABILITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as the Director of the National Security Agency, except that the individual serving as such Director as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed as such Director, by and with the advice and consent of the Senate, assumes the duties of such Director; or

(B) the date of the cessation of the performance of the duties of such Director by the individual performing such duties as of the date of the enactment of this Act.

(2) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—Subsection (b) shall take effect on the date of the enactment of this Act.

**SEC. . PRESIDENTIAL APPOINTMENT AND SENATE CONFIRMATION OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.**

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking “the National Security Agency,”; and

(2) in section 12—

(A) in paragraph (1), by striking “or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code” and inserting “the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Director of the National Security Agency”; and

(B) in paragraph (2), by striking “or the Commissions established under section 15301 of title 40, United States Code” and inserting “the Commissions established under section 15301 of title 40, United States Code, or the National Security Agency”.

(b) **EFFECTIVE DATE; INCUMBENT.**—

(1) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date on which the first Director of the National Security Agency takes office on or after the date of the enactment of this Act.

(2) **INCUMBENT.**—The individual serving as Inspector General of the National Security Agency on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

**SA 2204.** Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND CERTAIN MILITARY EQUIPMENT TO CERTAIN FOREIGN FORCES FOR PERSONNEL PROTECTION AND SURVIVABILITY.**

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2413), as most recently amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1621), is further amended by striking “September 30, 2014” and inserting “September 30, 2015”.

**SA 2205.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. REVIEW OF DISCHARGE CHARACTERIZATION OF FORMER MEMBERS OF THE ARMED FORCES WHO WERE DISCHARGED BY REASON OF SEXUAL ORIENTATION.**

(a) **IN GENERAL.**—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) **CRITERIA.**—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as “DADT”) or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or their representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD-214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or their representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) **REQUEST FOR REVIEW.**—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) **REVIEW.**—

(1) **IN GENERAL.**—After a request has been made under subsection (c), the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) **ADDITIONAL MATERIALS.**—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or their representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) **CHANGE OF CHARACTERIZATION.**—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the representative of the member, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) **CHANGE OF RECORDS.**—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD-214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or their representative a revised DD-214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD-214 form referred to in paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) **STATUS.**—

(1) **IN GENERAL.**—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) **REINSTATEMENT.**—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) **REPORTS.**—

(1) **REVIEW.**—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under this section.

(2) **REPORTS.**—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(i) **HISTORICAL REVIEW.**—The Secretary of each military department shall ensure that oral historians of such department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

(j) **DEFINITIONS.**—In this section:

(1) The term “appropriate discharge board” means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term “covered member” means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term “discharge characterization” means the characterization under which a member of the Armed Forces is discharged or released, including “dishonorable”, “general”, “other than honorable”, and “honorable”.

(4) The term “Don’t Ask Don’t Tell” means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don’t Ask, Don’t Tell Repeal Act of 2010 (Public Law 111-321).

(5) The term “representative” means the surviving spouse, next of kin, or legal representative of a covered member

**SA 2206.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. ORDNANCE RELATED RECORDS REVIEW AND REPORTING REQUIREMENT FOR VIEQUES AND CULEBRA ISLANDS, PUERTO RICO.**

(a) **IDENTIFICATION OF MILITARY MUNITIONS AND NAVY OPERATIONAL HISTORY.**—

(1) **RECORDS REVIEW.**—The Secretary of Defense shall conduct a review of all existing Department of Defense records to determine and describe the historical use of military munitions and military training on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays and waters. The review shall, to the extent practicable and based on historical documents available, identify the type of munitions, the quantity of munitions, and the location where such munitions may have potentially been used or may be remaining on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays or waters. The historical review shall also determine the type of various military training exercises that occurred on each island and in the nearby cays and waters.

(2) **COOPERATION AND CONSULTATION.**—The Secretary of Defense may request the assistance of other Federal agencies and may consult the Governor of Puerto Rico as may be determined appropriate in conducting the review required by this subsection and in preparing the report required by subsection (b).

(b) **REPORT.**—Not later than 450 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and shall make publicly available, a report detailing the findings and determinations of the review required by subsection (a). The report shall be organized to include the information detailed in subsection (a) in addition to site history, site description, real estate ownership information, and any other information about known military munitions and military training that occurred historically on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays and waters. The report shall include any information and recommendations that the Secretary determines appropriate about the potential hazards to the public associated with unexploded ordnance on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays and waters.

(c) **DEFINITIONS.**—In this section:

(1) **MILITARY MUNITIONS.**—The term “military munitions” has the meaning given that term in section 101(e)(4) of title 10, United States Code.

(2) **UNEXPLODED ORDNANCE.**—The term “unexploded ordnance” has the meaning given that term in section 101(e)(5) of title 10, United States Code.

**SA 2207.** Mr. BLUMENTHAL (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XV, add the following:



**SEC. 1522. REDUCTION IN FUNDING AVAILABLE FOR AFGHANISTAN SECURITY FORCES FUND FOR ROTARY WING AIRCRAFT.**

The amount authorized to be appropriated for fiscal year 2014 by section 1504 and available for Operation and Maintenance for Overseas Contingency Operations for the Afghanistan Security Forces Fund for the Ministry of Defense for equipment and transportation, as specified in the funding table in section 4302, is hereby reduced by \$345,000,000, with the amount of the reduction to be applied to amounts otherwise so available for rotary wing aircraft.

**SA 2208.** Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. LAND CONVEYANCE, PHILADELPHIA NAVAL SHIPYARD, PHILADELPHIA, PENNSYLVANIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Philadelphia Regional Port Authority (in this section referred to as the “Port Authority”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately .595 acres located at the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania. The Secretary may void any land use restrictions associated with the property to be conveyed under this subsection.

(b) CONSIDERATION.—

(1) AMOUNT AND DETERMINATION.—As consideration for the conveyance under subsection (a), the Port Authority shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary. The Secretary’s determination of fair market value shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration.

(2) TREATMENT OF CASH CONSIDERATION.—The Secretary shall deposit any cash payment received under paragraph (1) in the special account in the Treasury established for that Secretary under subsection (e) of section 2667 of title 10, United States Code. The entire amount deposited shall be available for use in accordance with paragraph (1)(D) of such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Port Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Port Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 2209.** Ms. KLOBUCHAR (for herself, Mr. SCHATZ, Mr. PRYOR, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. FUTURE AVAILABILITY OF TRICARE PRIME FOR CERTAIN BENEFICIARIES ENROLLED IN TRICARE PRIME.**

Section 732 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1816) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) ACCESS TO TRICARE PRIME.—

“(1) ONE-TIME ELECTION.—Subject to paragraph (3), the Secretary shall ensure that each affected eligible beneficiary who is enrolled in TRICARE Prime as of September 30, 2013, may make a one-time election to continue such enrollment in TRICARE Prime, notwithstanding that a contract described in subsection (a)(2)(A) does not allow for such enrollment based on the location in which such beneficiary resides. The beneficiary may continue such enrollment in TRICARE Prime so long as the beneficiary resides in the same ZIP code as the ZIP Code in which the beneficiary resided at the time of such election.

“(2) ENROLLMENT IN TRICARE STANDARD.—If an affected eligible beneficiary makes the one-time election under paragraph (1), the beneficiary may thereafter elect to enroll in TRICARE Standard at any time in accordance with a contract described in subsection (a)(2)(A).

“(3) RESIDENCE AT TIME OF ELECTION.—An affected eligible beneficiary may not make the one-time election under paragraph (1) if, at the time of such election, the beneficiary does not reside in a ZIP code that is in a region described in subsection (c)(1)(B).”.

**SA 2210.** Ms. KLOBUCHAR (for herself, Mr. SCHATZ, and Mr. CASEY) sub-

mitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. MODIFICATIONS OR REALIGNMENTS OF THE TRICARE PROGRAM.**

(a) SENSE OF CONGRESS ON CHANGES OR REALIGNMENTS OF TRICARE PRIME SERVICE AREAS.—It is the sense of Congress that any changes or realignments of the service areas of the TRICARE Prime option of the TRICARE program that are implemented by the Department of Defense should minimize their impact on cost and beneficiary satisfaction for current beneficiaries under the TRICARE program to the greatest extent practicable.

(b) REPORT ON IMPLEMENTATION OF REDUCTIONS IN TRICARE PRIME SERVICE AREAS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the implementation of reductions in the service areas of TRICARE Prime.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the implementation of the transition for eligible beneficiaries under the TRICARE program (other than eligible beneficiaries on active duty in the Armed Forces) who no longer have access to TRICARE Prime under current TRICARE managed care contracts, including the following:

(i) The number of eligible beneficiaries who have transitioned from TRICARE Prime to the TRICARE Standard option of the TRICARE program since October 1, 2013.

(ii) The number of affected eligible beneficiaries who transferred their TRICARE Prime enrollment to a more distant available Prime Service Area to remain in TRICARE Prime, by State.

(iii) The number of beneficiaries who were eligible to transfer to a more distant available Prime Service Area, but chose to use TRICARE Standard.

(B) An estimate of the increased annual costs per beneficiary incurred for healthcare under the TRICARE program for eligible beneficiaries described in subparagraph (A).

(C) A description of the plans of the Department to assess the impact on access to healthcare and beneficiary satisfaction for eligible beneficiaries described in subparagraph (A).

**SA 2211.** Ms. KLOBUCHAR (for herself and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal



year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. REVIEW OF INTEGRATED DISABILITY EVALUATION SYSTEM.**

(a) REVIEW.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a review of—

(1) the backlog of pending cases in the Integrated Disability Evaluation System with respect to members of the reserve components of the Armed Forces for the purpose of addressing the matters specified in paragraph (1) of subsection (b); and

(2) the improvements to the Integrated Disability Evaluation System specified in paragraph (2) of such subsection.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the review under subsection (a). The report shall include the following:

(1) With respect to the reserve components of the Armed Forces—

(A) the number of pending cases that exist as of the date of the report, listed by military department, component, and, with respect to the National Guard, State;

(B) as of the date of the report, the average time it takes each of the Department of Defense and the Department of Veterans Affairs to process a case through each phase or step of the Integrated Disability Evaluation System under such Department's control;

(C) a description of the measures the Secretary has taken and will take to resolve the backlog of cases in the Integrated Disability Evaluation System; and

(D) the date by which the Secretary plans to resolve such backlog for each military department.

(2) With respect to the regular components and reserve components of the Armed Forces—

(A) a description of the progress being made by each of the Department of Defense and the Department of Veterans Affairs to transition the Integrated Disability Evaluation System to an integrated and readily accessible electronic format that a member of the Armed Forces may access to see the status of the member during each phase of the system;

(B) an estimate of the cost to complete the transition to an integrated and readily accessible electronic format; and

(C) an assessment of the feasibility of improving in-transit visibility of pending cases, including by establishing a method of tracking a pending case when—

(i) a military treatment facility is assigned a packet and pending case for action regarding a member; and

(ii) a packet is at the Veterans Tracking Application and Disability Rating Activity Site of the Department of Veterans Affairs.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

(2) The term “pending case” means a case involving a member of the Armed Forces who, as of the date of the review under subsection (a), is within the Integrated Disability Evaluation System and has been referred to a medical evaluation board.

**SA 2212.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON USE OF DETERMINATIONS OF PERSONALITY DISORDER OR ADJUSTMENT DISORDER AS BASIS TO SEPARATE MEMBERS FROM THE ARMED FORCES.**

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an evaluation of the following:

(1) The use by the Secretaries of the military departments of the authority to separate members of the Armed Forces from the Armed Forces due to unfitness for duty because of a mental condition not amounting to disability, including separation on the basis of a personality disorder or adjustment disorder, during the period beginning on January 1, 2007, and ending on the date of the enactment of this Act, including the total number of members separated on such basis during that period.

(2) The extent to which the Secretaries of the military departments complied with Department of Defense regulations in separating members of the Armed Forces on the basis of a personality disorder or adjustment disorder during that period.

(3) The impact of such a separation on the ability of veterans so separated to obtain service-connected disability compensation, disability severance pay, and disability retirement pay.

(4) The effectiveness of existing mechanisms for members of the Armed Forces so separated to review or challenge separations on that basis.

**SA 2213.** Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.**

Section 330J(c) of the Public Health Service Act (42 U.S.C. 254c-15(c)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) provide to military veterans who were certified as military emergency medical technicians (or a substantially similar mili-

tary occupational specialty) with required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity.”.

**SA 2214.** Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DESIGNATION OF MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS AS HEALTH PROFESSIONAL SHORTAGE AREAS.**

(a) PHSA.—Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended in the second sentence by inserting “and medical facilities of the Department of Veterans Affairs (including State homes, as defined in section 101(19) of title 38, United States Code)” after “(42 U.S.C. 1395x(aa)),”.

(b) CONCURRENT BENEFITS.—

(1) SCHOLARSHIP PROGRAM.—Section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)) is amended—

(A) in paragraph (3), by striking “and”;

(B) in paragraph (4), by striking the period and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) not be participating in the Department of Veterans Affairs Health Professionals Educational Assistance Program under chapter 76 of title 38, United States Code.”.

(2) DEBT REDUCTION PROGRAM.—Section 338B(b) of the Public Health Service Act (42 U.S.C. 254l-1(b)) is amended—

(A) in paragraph (2), by striking “and”;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) not be participating in the Department of Veterans Affairs Health Professionals Educational Assistance Program under chapter 76 of title 38, United States Code.”.

(c) CONSULTATION.—In carrying out the National Health Service Corps Program under subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.), the Secretary of Health and Human Services shall consult with the Secretary of Veterans Affairs with respect to health professional shortage areas that are medical facilities of the Department of Veterans Affairs (including State homes, as defined in section 101(19) of title 38, United States Code).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

**SA 2215.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.**

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

“(G) For a month for which the retiree receives veterans’ disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

**“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”**

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2014, and shall apply to payments for months beginning on or after that date.

**SEC. 647. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.**

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 646(a), is amended—

(A) by striking “a member or” and all that follows through “retiree”)” and inserting “a qualified retiree”; and

(B) by adding at the end the following new paragraph:

“(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

“(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

“(B) is also entitled for that month to veterans’ disability compensation.”.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member’s retired pay under such chapter exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2014, and shall apply to payments for months beginning on or after that date.

**SA 2216.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.**

(a) DEFINITION.—In this section, the term “unfunded liability” has the meaning given the term under section 8331 of title 5, United States Code.

(b) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking “and” at the end;

(B) in paragraph (17), by striking the period at the end and inserting “; and”; and

(C) by inserting after paragraph (17) the following:

“(18) any period of service performed—

“(A) not later than December 31, 1977;

“(B) while a citizen of the United States;

“(C) in the employ of—

“(i) Air America, Inc.; or

“(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including—

“(I) Air Asia Company Limited;

“(II) CAT Incorporated;

“(III) Civil Air Transport Company Limited; and

“(IV) the Pacific Division of Southern Air Transport; and

“(D) during the period that Air America, Inc. or any other entity described in subparagraph (C) was owned and controlled by the United States Government.”; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: “For purposes of this subchapter, service of the type described in paragraph (18) shall be considered to have been service as an employee.”.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking “or” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.”.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) IN GENERAL.—Except as provided under paragraph (4), any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of the annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) SUBMISSION OF ELECTION.—An election to have an annuity recomputed under subparagraph (A) shall be submitted to the Office of Personnel Management not later than 2 years after the effective date of this section.

(C) PROSPECTIVE APPLICATION OF RECOMPUTATION.—A recomputation under subparagraph (A) shall be effective as of the date of the first payment under the annuity that is made after the later of—

(i) the date of the recomputation; or

(ii) the effective date of this section.

(D) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any additional amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based, for periods before the first month for which recomputation is reflected in the regular monthly annuity payments of the individual.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—

(i) ELECTION.—Except as provided under subparagraph (B)(ii) and paragraph (4), an individual not described in paragraph (2) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) SUBMISSION OF ELECTION.—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) COMMENCEMENT DATE; RETROACTIVITY.—

(i) IN GENERAL.—Subject to clause (ii), any entitlement to an annuity or to an increased annuity resulting from an election under subparagraph (A) shall be effective as of the date on which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(ii) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity or increased annuity is or may be based, for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(iii) RETROACTIVITY FOR PURPOSES OF ENTITLEMENT TO ANNUITY.—Any determination of the amount of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if

this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) **NO RIGHT TO SURVIVOR ANNUITY.**—Notwithstanding section 8341 of title 5, United States Code, or any other provision of law, an individual shall not be entitled to an annuity or increased annuity under subchapter III of chapter 83 of such title based on service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) performed by a deceased individual.

(d) **FUNDING.**—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) **REGULATIONS.**—The Director of the Office of Personnel Management shall promulgate regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by subsection (b)) that was subject to title II of the Social Security Act.

(f) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this section.

**SA 2217.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. MEDICAL RESEARCH ON HYDROCEPHALUS.**

In conducting the Peer Reviewed Medical Research Program, the Secretary of Defense may select medical research projects relating to hydrocephalus under the program.

**SA 2218.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. INDEPENDENT ASSESSMENT ON ADVANCEMENT OF WOMEN IN THE ARMED FORCES.**

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide for an independent assessment of the manner in which current laws, policies, and practices of the Department of Defense support the full integration of women into the Armed Forces throughout their military careers.

(2) **INDEPENDENT ENTITY.**—The assessment shall be conducted by an independent, non-governmental entity selected by the Secretary from among entities described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that have recognized expertise in national security and military affairs and ready access to appropriate policy experts throughout the United States and internationally.

(b) **ELEMENTS.**—The assessment conducted pursuant to subsection (a) shall include the following:

(1) A review of current Department of Defense policies intended to ensure the physical safety of women in the Armed Forces and the prevention of unwanted sexual contact.

(2) A review of current and emerging data on the impacts of broadening career opportunities for women in the Armed Forces on the short-term and longer-term readiness of women for military service, as well as potential implications for the Department of Veterans Affairs.

(3) An identification and assessment of barriers to the equal advancement of women throughout their military careers.

(4) An identification and assessment of options to enhance the physical safety, short-term and long-term medical readiness, and career advancement opportunities of women in the Armed Forces.

(5) An identification and assessment of the views of policy leaders and experts from relevant fields, including the view of international leaders and experts when applicable, on the matters covered by the assessment.

(c) **REPORT.**—

(1) **SUBMITTAL TO SECRETARY OF DEFENSE.**—Not later than 270 days after the date of the enactment of this Act, the entity selected pursuant to subsection (a) to conduct the assessment required by that subsection shall submit to the Secretary a report on the findings of the entity as a result of the assessment. The report shall be submitted in unclassified form.

(2) **TRANSMITTAL TO CONGRESS.**—Not later than 90 days after the date of the receipt of the report under paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) **FUNDING.**—Of the amount authorized to be appropriated for fiscal year 2014 by section 301 and available for Operation and Maintenance, Defense-wide, for the Office of Secretary of Defense Studies Fund as specified in the funding tables in section 4301, \$800,000 shall be available for the assessment required by subsection (a).

**SA 2219.** Mr. MENENDEZ (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. VITTER, Mr. NELSON, Mrs. GILLIBRAND, Mr. COCHRAN, Ms. HEITKAMP, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Mr. MANCHIN, Mr. BOOKER, Mr. BEGICH, Mr. CASEY, Mr. HOEVEN, Mrs. HAGAN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to

authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division A, add the following:

**TITLE XVI—FLOOD INSURANCE**

**SECTION 1601. SHORT TITLE.**

This title may be cited as the “Homeowner Flood Insurance Affordability Act of 2013”.

**SEC. 1602. DEFINITIONS.**

As used in this title, the following definitions shall apply:

(1) **ADJUSTED BASE FLOOD ELEVATION.**—For purposes of rating a floodproofed covered structure, the term “adjusted base flood elevation” means the base flood elevation for a covered structure on the applicable effective flood insurance rate map, plus 1 foot.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(3) **AFFORDABILITY AUTHORITY BILL.**—The term “affordability authority bill” means a non-amendable bill that if enacted would only grant the Administrator the authority necessary to promulgate regulations in accordance with the criteria set forth in section 1603(d)(2).

(4) **AFFORDABILITY STUDY.**—The term “affordability study” means the study required under section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 957).

(5) **APPLICABLE FLOOD PLAIN MANAGEMENT MEASURES.**—The term “applicable flood plain management measures” means flood plain management measures adopted by a community under section 60.3(c) of title 44, Code of Federal Regulations.

(6) **COVERED STRUCTURE.**—The term “covered structure” means a residential structure—

(A) that is located in a community that has adopted flood plain management measures that are approved by the Federal Emergency Management Agency and that satisfy the requirements for an exception for floodproofed residential basements under section 60.6(c) of title 44, Code of Federal Regulations; and

(B) that was built in compliance with the applicable flood plain management measures.

(7) **DRAFT AFFORDABILITY FRAMEWORK.**—The term “draft affordability framework” means the draft programmatic and regulatory framework required to be prepared by the Administrator and submitted to Congress under section 1603(d) addressing the issues of affordability of flood insurance sold under the National Flood Insurance Program, including issues identified in the affordability study.

(8) **FLOODPROOFED ELEVATION.**—The term “floodproofed elevation” means the height of floodproofing on a covered structure, as identified on the Residential Basement Floodproofing Certificate for the covered structure.

(9) **NATIONAL FLOOD INSURANCE PROGRAM.**—The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

**SEC. 1603. DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE INCREASES; DRAFT AFFORDABILITY FRAMEWORK.**

(a) DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE INCREASES.—

(1) GRANDFATHERED PROPERTIES.—Beginning on the date of enactment of this Act, the Administrator may not increase risk premium rates for flood insurance for any property located in an area subject to the premium adjustment required under section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(h)).

(2) PRE-FIRM PROPERTIES.—Beginning on the date of enactment of this Act, the Administrator may not reduce the risk premium rate subsidies for flood insurance for any property—

(A) described under section 1307(g)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(1)); or

(B) described under 1307(g)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(3)), provided that the decision of the policy holder to permit a lapse in flood insurance coverage was as a result of the property no longer being required to retain such coverage.

(3) EXPIRATION.—The prohibitions set forth under paragraphs (1) and (2) shall expire 6 months after the later of—

(A) the date on which the Administrator proposes the draft affordability framework;

(B) the date on which any regulations proposed pursuant to the authority that the Administrator is granted in the affordability authority bill, if such bill is enacted, become final; or

(C) the date on which the Administrator certifies in writing to Congress that the Federal Emergency Management Agency has implemented a flood mapping approach that utilizes sound scientific and engineering methodologies to determine varying levels of flood risk in all areas participating in the National Flood Insurance Program.

(b) PROPERTY SALE TRIGGER.—Section 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)) is amended to read as follows:

“(2) any property purchased after the expiration of the 6-month period set forth under section 1603(a)(3) of the Homeowner Flood Insurance Affordability Act of 2013;”.

(c) TREATMENT OF PRE-FIRM PROPERTIES.—Beginning on the date of enactment of this Act and ending upon the expiration of the 6-month period set forth under subsection (a)(3), the Administrator shall restore the risk premium rate subsidies for flood insurance estimated under section 1307(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) for any property described in subparagraphs (A) and (B) of subsection (a)(2) and in section 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

(d) DRAFT AFFORDABILITY FRAMEWORK.—

(1) IN GENERAL.—The Administrator shall prepare a draft affordability framework that proposes to address, via programmatic and regulatory changes, the issues of affordability of flood insurance sold under the National Flood Insurance Program, including issues identified in the affordability study.

(2) CRITERIA.—In carrying out the requirements under paragraph (1), the Administrator shall consider the following criteria:

(A) Accurate communication to consumers of the flood risk associated with their property.

(B) Targeted assistance to flood insurance policy holders based on their financial abil-

ity to continue to participate in the National Flood Insurance Program.

(C) Individual or community actions to mitigate the risk of flood or lower the cost of flood insurance.

(D) The impact of increases in risk premium rates on participation in the National Flood Insurance Program.

(E) The impact flood insurance rate map updates have on the affordability of flood insurance.

(3) DEADLINE FOR SUBMISSION.—Not later than 18 months after the date on which the Administrator submits the affordability study, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the draft affordability framework.

(e) CONGRESSIONAL CONSIDERATION OF FEMA AFFORDABILITY AUTHORITIES.—

(1) NO REFERRAL.—Upon introduction in either House of Congress, an affordability authority bill shall not be referred to a committee and shall immediately be placed on the calendar.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) PROCEEDING TO CONSIDERATION.—It shall be in order to move to proceed to consider the affordability authority bill in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the affordability authority bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) CONSIDERATION.—The affordability authority bill shall be considered as read. All points of order against the affordability authority bill and against its consideration are waived. The previous question shall be considered as ordered on the affordability authority bill to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the affordability authority bill shall not be in order.

(3) CONSIDERATION IN THE SENATE.—

(A) PLACEMENT ON THE CALENDAR.—Upon introduction in the Senate, an affordability authority bill shall be immediately placed on the calendar.

(B) FLOOR CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, at any time beginning on the day after the 6th day after the date of introduction of an affordability authority bill (even if a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the affordability authority bill and all points of order against consideration of the affordability authority bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the affordability authority bill is agreed to, the affordability authority bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order against the affordability authority bill are waived. Consideration of the affordability

authority bill and of all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the affordability authority bill is in order, and is not debatable.

(D) NO AMENDMENTS.—An amendment to the affordability authority bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to commit or recommit the affordability authority bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has voted to proceed to the affordability authority bill, the vote on passage of the affordability authority bill shall occur immediately following the conclusion of consideration of the affordability authority bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(4) AMENDMENT.—The affordability authority bill shall not be subject to amendment in either the House of Representatives or the Senate.

(5) CONSIDERATION BY THE OTHER HOUSE.—

(A) IN GENERAL.—If, before passing the affordability authority bill, one House receives from the other an affordability authority bill—

(i) the affordability authority bill of the other House shall not be referred to a committee; and

(ii) the procedure in the receiving House shall be the same as if no affordability authority bill had been received from the other House except that the vote on passage shall be on the affordability authority bill of the other House.

(B) REVENUE MEASURE.—This subsection shall not apply to the House of Representatives if the affordability authority bill received from the Senate is a revenue measure.

(6) COORDINATION WITH ACTION BY OTHER HOUSE.—

(A) TREATMENT OF AFFORDABILITY AUTHORITY BILL OF OTHER HOUSE.—If the Senate fails to introduce or consider a affordability authority bill under this section, the affordability authority bill of the House shall be entitled to expedited floor procedures under this section.

(B) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the affordability authority bill in the Senate, the Senate then receives the affordability authority bill from the House of Representatives, the House-passed affordability authority bill shall not be debatable.

(C) VETOES.—If the President vetoes the affordability authority bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an affordability authority bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(f) INTERAGENCY AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to—

- (1) complete the affordability study; or
- (2) prepare the draft affordability framework.

(g) CLEAR COMMUNICATIONS.—The Administrator shall clearly communicate full flood risk determinations to individual property owners regardless of whether their premium rates are full actuarial rates.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide the Administrator with the authority to provide assistance to homeowners based on affordability that was not available prior to the enactment of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 916).

**SEC. 1604. AFFORDABILITY STUDY AND REPORT.**

Notwithstanding the deadline under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 957), not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the affordability study and report required under such section.

**SEC. 1605. AFFORDABILITY STUDY FUNDING.**

Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 957) is amended by striking “not more than \$750,000” and inserting “such amounts as may be necessary”.

**SEC. 1606. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL MAP APPEALS.**

(a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is amended by striking the second sentence and inserting the following: “The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this subsection.”.

(b) CONFORMING AMENDMENT.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

- (1) in paragraph (6), by striking “and” at the end;

- (2) in paragraph (7), by striking the period at the end and inserting “; and”; and

- (3) by adding at the end the following:

“(8) for carrying out section 1363(f).”.

**SEC. 1607. FLOOD PROTECTION SYSTEMS.**

(a) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)) is amended—

- (1) in the first sentence, by inserting “or reconstruction” after “construction”;

- (2) by amending the second sentence to read as follows: “The Administrator shall find that adequate progress on the construction or reconstruction of a flood protection system, based on the present value of the completed flood protection system, has been made only if (1) 100 percent of the cost of the system has been authorized, (2) at least 60 percent of the cost of the system has been appropriated, (3) at least 50 percent of the cost of the system has been expended, and (4) the system is at least 50 percent completed.”; and

- (3) by adding at the end the following: “Notwithstanding any other provision of law, in determining whether a community has made adequate progress on the construction, reconstruction, or improvement of a flood protection system, the Administrator

shall consider all sources of funding, including Federal, State, and local funds.”.

(b) COMMUNITIES RESTORING DISACCREDITED FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended by amending the first sentence to read as follows: “Notwithstanding any other provision of law, this subsection shall apply to riverine and coastal levees that are located in a community which has been determined by the Administrator of the Federal Emergency Management Agency to be in the process of restoring flood protection afforded by a flood protection system that had been previously accredited on a Flood Insurance Rate Map as providing 100-year frequency flood protection but no longer does so, and shall apply without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement of the flood protection system.”.

**SEC. 1608. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.**

Notwithstanding the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 916), the amendments made by that Act, or any other provision of law, the Administrator shall rate a covered structure using the elevation difference between the floodproofed elevation of the covered structure and the adjusted base flood elevation of the covered structure.

**SEC. 1609. DESIGNATION OF FLOOD INSURANCE ADVOCATE.**

(a) IN GENERAL.—The Administrator shall designate a Flood Insurance Advocate to advocate for the fair treatment of policy holders under the National Flood Insurance Program and property owners in the mapping of flood hazards, the identification of risks from flood, and the implementation of measures to minimize the risk of flood.

(b) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Flood Insurance Advocate designated under subsection (a) shall be to—

- (1) educate property owners and policyholders under the National Flood Insurance Program on—

- (A) individual flood risks;
- (B) flood mitigation; and
- (C) measures to reduce flood insurance rates through effective mitigation; and

- (D) the flood insurance rate map review and amendment process;

- (2) assist policy holders under the National Flood Insurance Program and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;

- (3) assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;

- (4) coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and

- (5) aid potential policy holders under the National Flood Insurance Program in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the duties and responsibilities of the Flood Insurance Advocate.

**SA 2220.** Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him

to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON ASSESSMENT OF ARMY STUDY ON THE COMBAT VEHICLE INDUSTRIAL BASE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the study of the Army on the Bradley Fighting Vehicle industrial base submitted to Congress pursuant to the Conference Report to Accompany H.R. 4310 (112th Congress), the National Defense Authorization Act for Fiscal Year 2013 (House Report 112-705).

(b) ELEMENTS.—The report required by subsection (a) shall—

- (1) address each of the combat vehicles included in the study of the Army;

- (2) include an assessment of the reasonableness of the study's methods including, but not limited to the sufficiency, validity, and reliability of the data used to conduct the study; and

- (3) include findings and recommendations on the combat vehicle industrial base, but should not replicate the study of the Army.

**SA 2221.** Mr. BURR (for himself, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CLARIFICATION OF VETERAN STATUS OF INDIVIDUALS WHO ATTENDED PREPARATORY SCHOOL OF SERVICE ACADEMY.**

(a) CLARIFICATION OF DEFINITION OF MILITARY SERVICE.—Section 101 of title 38, United States Code, is amended—

- (1) in paragraph (21)(D), by inserting after “Naval Academy” the following: “(but, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), does not include any service performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces)”; and

- (2) in paragraph (22), by inserting before the period at the end the following: “or, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces”; and

- (3) in paragraph (23), by adding after the period at the end the following: “Except for purposes of chapter 17 of this title in accordance with section 107(e)(2), such term does not include duty performed by a student at a preparatory school of a service academy who

is not otherwise a member of the Armed Forces.”.

(b) **SERVICE DEEMED NOT TO BE ACTIVE SERVICE.**—Section 107 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided by paragraph (2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary, regardless of whether the student was injured or disabled as a result of such duty.

“(2) Chapter 17 of this title shall apply to an individual described in paragraph (1) with respect to furnishing hospital care and medical services solely for an injury or disability incurred by the individual as a result of military training related to future active duty service performed as a student during the course of required training at a preparatory school of a service academy. An individual who receives such care and services under this paragraph may not be treated as a veteran for the purposes of any other provision of law solely by reason of receiving such care and services under this paragraph.”.

(c) **SMALL BUSINESS CONCERNS.**—Section 8127(1) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) The term ‘veteran’, in accordance with sections 101 and 107 of this title, does not include an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student.”.

(d) **PREFERENCE ELIGIBLE.**—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (4)(B), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(6) an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student, may not be treated as a ‘veteran’, ‘disabled veteran’, or ‘preference eligible’.”.

**SA 2222.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SECTION 1082. PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.**

(a) **REPEAL OF PURCHASE REQUIREMENT.**—Section 4124 of title 18, United States Code, is amended—

(1) in subsection (a)—  
(A) by striking “shall purchase” and inserting “may purchase”; and  
(B) by inserting “and services” after “such products”; and

(2) in subsection (c), by striking “subject to the requirements of subsection (a)” and

inserting “that purchases such products or services of the industries authorized by this chapter”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 8504 of title 41, United States Code, is amended—

(1) in subsection (a), by striking “(a) IN GENERAL.—”; and

(2) by striking subsection (b).

**SEC. 1083. PROHIBITION ON AWARD OF CERTAIN CONTRACTS TO FEDERAL PRISON INDUSTRIES, INC.**

Notwithstanding any other provision of law, a Federal agency may not award a contract to Federal Prison Industries after competition restricted to small business concerns under section 15 of the Small Business Act (15 U.S.C. 644) or the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

**SEC. 1084. SHARE OF INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that if the head of an executive agency reduces the quantity of items or services to be delivered under an indefinite delivery/indefinite quantity contract to which Federal Prison Industries is a party, the head of the executive agency shall reduce Federal Prison Industries’ share of the items or services to be delivered under the contract by the same percentage by which the total number of items or services to be delivered under the contract from all sources is reduced.

(b) **DEFINITIONS.**—In this section—

(1) the term “executive agency” has the meaning given the term in section 133 of title 41, United States Code; and

(2) the term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code.

**SA 2223.** Mr. PAUL (for himself, Mr. WYDEN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CHALLENGES TO GOVERNMENT SURVEILLANCE.**

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended by adding at the end the following new subsection:

“(m) **CHALLENGES TO GOVERNMENT SURVEILLANCE.**—

“(1) **INJURY IN FACT.**—In any claim in a civil action brought in a court of the United States relating to surveillance conducted under this section, the person asserting the claim has suffered an injury in fact if the person—

“(A) has a reasonable basis to believe that the person’s communications will be acquired under this section; and

“(B) has taken objectively reasonable steps to avoid surveillance under this section.

“(2) **REASONABLE BASIS.**—A person shall be presumed to have demonstrated a reasonable basis to believe that the communications of the person will be acquired under this section if the profession of the person requires the person regularly to communicate foreign intelligence information with persons who—

“(A) are not United States persons; and

“(B) are located outside the United States.

“(3) **OBJECTIVE STEPS.**—A person shall be presumed to have taken objectively reasonable steps to avoid surveillance under this section if the person demonstrates that the steps were taken in reasonable response to rules of professional conduct or analogous professional rules.”.

**SA 2224.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) **IN GENERAL.**—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”.

(b) **CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

**SA 2225.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EXTENSION OF PERIOD FOR USE OF ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.**

(a) **EXTENDED PERIOD.**—Section 3312 of title 38, United States Code, is amended—

(1) in subsection (a), by striking “in subsections (b) and (c)” and inserting “in subsections (b), (c), and (d)”; and



(2) by adding at the end the following new subsection:

“(d) **EXTENDED PERIOD FOR INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.**—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter who has a service-connected disability consisting of post-traumatic stress disorder or traumatic brain injury is entitled to a number of months of educational assistance under section 3313 of this title equal to 54 months.”.

(b) **REDUCED AMOUNT.**—Section 3313 of such title is amended by adding at the end the following new subsection:

“(j) **REDUCED AMOUNT FOR INDIVIDUALS WITH EXTENDED PERIOD OF ASSISTANCE.**—The amount of educational assistance payable under this section to an individual described in section 3312(d) of this title shall be 67 percent of the amount otherwise payable to such individual under this section.”.

**SA 2226.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SECTION 1082. PRESERVING FREEDOM FROM UNWARRANTED SURVEILLANCE.**

(a) **SHORT TITLE.**—This section may be cited as the “Preserving Freedom from Unwarranted Surveillance Act of 2013”.

(b) **DEFINITIONS.**—In this section—

(1) the term “drone” has the meaning given the term “unmanned aircraft” in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note); and

(2) the term “law enforcement party” means a person or entity authorized by law, or funded by the Government of the United States, to investigate or prosecute offenses against the United States.

(c) **PROHIBITED USE OF DRONES.**—Except as provided in subsection (d), a person or entity acting under the authority, or funded in whole or in part by, the Government of the United States shall not use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States.

(d) **EXCEPTIONS.**—This Act does not prohibit any of the following:

(1) **PATROL OF BORDERS.**—The use of a drone to patrol national borders to prevent or deter illegal entry of any persons or illegal substances.

(2) **EXIGENT CIRCUMSTANCES.**—The use of a drone by a law enforcement party when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the law enforcement party possesses reasonable suspicion that under particular circumstances, swift action to prevent imminent danger to the life of an individual is necessary.

(3) **HIGH RISK.**—The use of a drone to counter a high risk of a terrorist attack by a specific individual or organization, when the Secretary of Homeland Security deter-

mines credible intelligence indicates there is such a risk.

(e) **REMEDIES FOR VIOLATION.**—Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of this section.

(f) **PROHIBITION ON USE OF EVIDENCE.**—No evidence obtained or collected in violation of this section may be admissible as evidence in a criminal prosecution in any court of law in the United States.

**SA 2227.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.**

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

(1) Dr. Shakil Afridi has been released from prison in Pakistan;

(2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

**SA 2228.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) **IN GENERAL.**—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed within 12 months of the date of enactment of this Act.

(b) **REPORT.**—

(1) **IN GENERAL.**—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) **CONTENTS.**—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller

General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) **REPEAL OF CERTAIN LIMITATIONS.**—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “in writing.”.

(d) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 714 of title 31, United States Code, is amended by striking subsection (f).  
**SEC. 1083. AUDIT OF LOAN FILE REVIEWS REQUIRED BY ENFORCEMENT ACTIONS.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the review of loan files of homeowners in foreclosure in 2009 or 2010, required as part of the enforcement actions taken by the Board of Governors of the Federal Reserve System against supervised financial institutions.

(b) **CONTENT OF AUDIT.**—The audit carried out pursuant to subsection (a) shall consider, at a minimum—

(1) the guidance given by the Board of Governors of the Federal Reserve System to independent consultants retained by the supervised financial institutions regarding the procedures to be followed in conducting the file reviews;

(2) the factors considered by independent consultants when evaluating loan files;

(3) the results obtained by the independent consultants pursuant to those reviews;

(4) the determinations made by the independent consultants regarding the nature and extent of financial injury sustained by each homeowner as well as the level and type of remediation offered to each homeowner; and

(5) the specific measures taken by the independent consultants to verify, confirm, or rebut the assertions and representations made by supervised financial institutions regarding the contents of loan files and the extent of financial injury to homeowners.

(c) **REPORT.**—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the audit required under subsection (a).

**SA 2229.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.**

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2014, whichever occurs later.

**SA 2230.** Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of



Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 931 and insert the following:  
**SEC. 931. PERSONNEL SECURITY.**

(a) **COMPARATIVE ANALYSIS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Director of the Office of Management and Budget, submit to Congress a report setting forth a comprehensive analysis comparing the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for employees and contractor personnel of the Department of Defense that are conducted by the Office of Personnel Management with the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for such personnel that are conducted by the components of the Department of Defense.

(2) **ELEMENTS OF ANALYSIS.**—The analysis under paragraph (1) shall do the following:

(A) Determine, for each of the Office of Personnel Management and the components of the Department that conduct personnel security investigations, the cost, schedule, and performance associated with personnel security investigations and reinvestigations of each type and level of clearance, and identify the elements that contribute to such cost, schedule, and performance.

(B) Identify mechanisms for permanently improving the transparency of the cost structure of personnel security investigations and reinvestigations.

(b) **PERSONNEL SECURITY FOR DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.**—

(1) **IN GENERAL.**—If the Secretary of Defense determines that the current approach for obtaining personnel security investigations and reinvestigations for employees and contractor personnel of the Department of Defense is not the most advantageous approach for the Department, the Secretary shall develop a plan, by not later than October 1, 2014, for the transition of personnel security investigations and reinvestigations to the approach preferred by the Secretary.

(2) **CONSIDERATIONS.**—In selecting the most advantageous approach preferred for the Department under paragraph (1), the Secretary shall consider ways in which cost, schedule, and performance could be improved while conducting or providing supporting information for, personnel security investigations and reinvestigations for employees and contractor personnel of the Department.

(c) **STRATEGY FOR CONTINUOUS MODERNIZATION OF PERSONNEL SECURITY.**—

(1) **STRATEGY REQUIRED.**—The Secretary of Defense, the Director of National Intelligence, and the Director of the Office of Management and Budget shall jointly develop and implement a strategy to continuously modernize all aspects of personnel security for the Department of Defense with the objectives of lowering costs, increasing efficiencies, enabling and encouraging reciprocity, and improving security.

(2) **METRICS.**—

(A) **METRICS REQUIRED.**—In developing the strategy required by paragraph (1), the Secretary and the Directors shall jointly establish metrics to measure the effectiveness of the strategy in meeting the objectives specified in that paragraph.

(B) **REPORT.**—At the same time the budget of the President for each of fiscal years 2015 through 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary and the Directors shall jointly submit to the appropriate committees of Congress a report on the metrics established under paragraph (1), including an assessment using the metrics of the effectiveness of the strategy in meeting the objectives specified in paragraph (1).

(3) **ELEMENTS.**—In developing the strategy required by paragraph (1), the Secretary and the Directors shall consider, and may adopt, mechanisms for the following:

(A) Elimination of manual or inefficient processes in investigations and reinvestigations for personnel security, wherever practicable, and automating and integrating the elements of the investigation process, including in the following:

(i) The clearance application process.

(ii) Case management.

(iii) Adjudication management.

(iv) Investigation methods for the collection, analysis, storage, retrieval, and transfer of data and records.

(v) Records management for access and eligibility determinations.

(B) Elimination or reduction, where possible, of the use of databases and information sources that cannot be accessed and processed automatically electronically, or modification of such databases and information sources, if appropriate and cost-effective, to enable electronic access and processing within and between agencies.

(C) Access and analysis of government, publicly available, and commercial data sources, including social media, that provide independent information pertinent to adjudication guidelines to improve quality and timeliness, and reduce costs, of investigations and reinvestigations.

(D) Use of government-developed and commercial technology for continuous monitoring and evaluation of government and commercial data sources that can identify and flag information pertinent to adjudication guidelines and eligibility determinations.

(E) Standardization of forms used for routine reporting required of cleared personnel (such as travel, foreign contacts, and financial disclosures) and use of continuous monitoring technology to access databases containing such reportable information to independently obtain and analyze reportable data and events.

(F) Establishment of an authoritative central repository of personnel security information that is accessible electronically at multiple levels of classification and eliminates technical barriers to rapid access to information necessary for eligibility determinations and reciprocal recognition thereof.

(G) Elimination or reduction of the scope of, or alteration of the schedule for, periodic reinvestigations of cleared personnel, when such action is appropriate in light of the information provided by continuous monitoring or evaluation technology.

(H) Electronic integration of personnel security processes and information systems with insider threat detection and monitoring systems, and pertinent law enforcement, counterintelligence and intelligence information, for threat detection and correlation.

(I) Determination of the net value of implementing phased investigative approaches designed to reach an adjudicative decision sooner than is currently achievable by truncating investigations based on thresholds

where no derogatory information or clearly unacceptably derogatory information is obtained through initial background checks.

(d) **RECIPROCITY OF CLEARANCES.**—The Secretary of Defense and the Director of National Intelligence shall jointly ensure that the transition of personnel security clearances between and among Department of Defense components, Department contractors, and Department contracts proceeds as rapidly and inexpensively as possible, including through the following:

(1) By providing for reciprocity of personnel security clearances among positions requiring personnel holding secret, top secret, or sensitive compartmented information clearances (the latter with a counterintelligence polygraph examination), to the maximum extent feasible consistent with national security requirements.

(2) By permitting personnel, when feasible and consistent with national security requirements, to begin work in positions requiring additional security requirements, such as a full-scope polygraph examination, pending satisfaction of such additional requirements.

(e) **BENCHMARKS.**—For purposes of carrying out the requirements of this section, the Secretary of Defense and the Director of National Intelligence shall jointly determine, by not later than 180 days after the date of the enactment of this Act, the following:

(1) The current level of mobility and personnel security clearance reciprocity of cleared personnel as personnel make a transition between Department of Defense components, between Department contractors, and between government and the private sector.

(2) The costs due to lost productivity in inefficiencies in such transitions arising from personnel security clearance matters.

(f) **COMPTROLLER GENERAL REVIEW.**—

(1) **REVIEW REQUIRED.**—Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall carry out a review of the personnel security process.

(2) **OBJECTIVE OF REVIEW.**—The objective of the review required by paragraph (1) shall be to identify the following:

(A) Differences between the metrics used by the Department of Defense and other departments and agencies that grant security clearances in granting reciprocity for security clearances, and the manner in which such differences can be harmonized.

(B) The extent to which existing Federal Investigative Standards are relevant, complete, and sufficient for guiding agencies and individual investigators as they conduct their security clearance background investigations.

(C) The processes agencies have implemented to ensure quality in the security clearance background investigation process.

(D) The extent to which agencies have developed and implemented outcome-focused performance measures to track the quality of security clearance investigations and any insights from these measures.

(E) The processes agencies have implemented for resolving incomplete or subpar investigations, and the actions taken against government employees and contractor personnel who have demonstrated a consistent failure to abide by quality assurance measures.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review required by paragraph (1).

(g) TASK FORCE ON RECORDS ACCESS FOR SECURITY CLEARANCE BACKGROUND INVESTIGATIONS.—

(1) ESTABLISHMENT.—The Suitability and Security Clearance Performance Accountability Council, as established by Executive Order No. 13467, shall convene a task force to examine the different policies and procedures that determine the level of access to public records provided by State and local authorities in response to investigative requests by Federal Government employees or contracted employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities.

(2) MEMBERSHIP.—The members of the task force shall include, but need not be limited to, the following:

(A) The Chair of the Suitability and Security Clearance Performance and Accountability Council, who shall serve as chair of the task force.

(B) Representative from the Office of Personnel Management.

(C) Representative from the Office of the Director of National Intelligence.

(D) Representative from the Department of Defense responsible for administering security clearance background investigations.

(E) Representatives from Federal law enforcement agencies within the Department of Justice and the Department of Homeland Security involved in security clearance background investigations.

(F) Representatives from State and local law enforcement agencies, including—

(i) agencies in rural areas that have limited resources and less than 500 officers; and

(ii) agencies that have more than 1,000 officers and significant technological resources.

(G) Representative from Federal, State, and local law enforcement associations involved with security clearance background administrative actions and appeals.

(H) Representatives from Federal, State, and local judicial systems involved in the sharing of records to support security clearance background investigations.

(3) INITIAL MEETING.—The task force shall convene its initial meeting not later than 45 days after the date of the enactment of this Act.

(4) DUTIES.—The task force shall do the following:

(A) Analyze the degree to which State and local authorities comply with investigative requests made by Federal Government employees or contractor employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities, including the degree to which investigative requests are required but never formally requested.

(B) Analyze limitations on the access to public records provided by State and local authorities in response to investigative requests by Federal Government employees and contractor employees described in subparagraph (A), including, but not be limited to, limitations relating to budget and staffing constraints on State and local authorities, any procedural and legal obstacles impairing Federal access to State and local law enforcement records, or inadequate investigative procedural standards for background investigators.

(C) Provide recommendations for improving the degree of cooperation and records-sharing between State and local authorities and Federal Government employees and contractor employees described in subparagraph (A).

(5) REPORT.—Not later than 120 days after the date of the enactment of this Act, the task force shall submit to the appropriate committees of Congress a report setting forth a detailed statement of the findings and conclusions of the task force pursuant to this subsection, together with the recommendations of the task force for such legislative or administrative action as the task force considers appropriate.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2231.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SENSE OF SENATE ON OBSERVANCE OF NATIONWIDE MOMENT OF REMEMBRANCE ON MEMORIAL DAY TO APPROPRIATELY HONOR UNITED STATES PATRIOTS LOST IN THE PURSUIT OF PEACE AND LIBERTY AROUND THE WORLD.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The preservation of basic freedoms and world peace has always been a valued objective of the United States.

(2) Thousands of United States men and women have selflessly given their lives in service as peacemakers and peacekeepers.

(3) The American people should continue to demonstrate the appreciation and gratitude these patriots deserve and to commemorate the ultimate sacrifice they made.

(4) Memorial Day is the day of the year for the United States to appropriately remember United States heroes by inviting the people of the United States to respectfully honor them at a designated time.

(5) The playing of “Taps” symbolizes the solemn and patriotic recognition of those Americans who died in service to the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the people of the United States should, as part of a moment of remembrance on Memorial Day each year, observe that moment with the playing of “Taps” in honor of the people of the United States who gave their lives in the pursuit of freedom and peace; and

(2) that playing of “Taps” should take place at widely-attended public events on Memorial Day, including sporting events and civic ceremonies.

**SA 2232.** Mr. FLAKE (for himself, Mr. MCCAIN, Mr. ALEXANDER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed by him to the

bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.**

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

**SA 2233.** Mr. KIRK (for himself, Mr. COONS, Mr. BLUNT, Mr. BROWN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.**

Section 102 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6622) is amended—

(1) in subsection (b), by striking paragraph (7) and inserting the following:

“(7) develop and update a national manufacturing competitiveness strategic plan in accordance with subsection (c).”; and

(2) by striking subsection (c) and inserting the following:

“(c) NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the American Manufacturing Competitiveness Act of 2013, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, the strategic plan developed under paragraph (2).

“(2) DEVELOPMENT.—The Committee shall develop (and update as required under paragraph (8)), in coordination with the National Economic Council, a strategic plan to improve Government coordination and provide long-term guidance for Federal programs and activities in support of United States manufacturing competitiveness, including advanced manufacturing research and development.

“(3) COMMITTEE CHAIRPERSON.—In developing and updating the strategic plan, the Secretary of Commerce, or a designee of the Secretary, shall serve as the chairperson of the Committee.

“(4) GOALS.—The goals of such strategic plan shall be to—

“(A) promote growth, job creation, sustainability, and competitiveness in the United States manufacturing sector;

“(B) support the development of a skilled manufacturing workforce;

“(C) enable innovation and investment in domestic manufacturing; and

“(D) support national security.

“(5) CONTENTS.—Such strategic plan shall—

“(A) specify and prioritize near-term and long-term objectives to meet the goals of the plan, including research and development objectives, the anticipated timeframe for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

“(B) describe the progress made in achieving the objectives from prior strategic plans, including a discussion of why specific objectives were not met;

“(C) specify the role, including the programs and activities, of each relevant Federal agency in meeting the objectives of the strategic plan;

“(D) describe how the Federal agencies and federally funded research and development centers supporting advanced manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies and United States based manufacturing of new products and processes for the benefit of society to ensure national, energy, and economic security;

“(E) describe how such Federal agencies and centers will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce;

“(F) describe how such Federal agencies and centers will assist small and medium-sized manufacturers in developing and implementing new products and processes;

“(G) take into consideration and include a discussion of the analysis conducted under paragraph (6); and

“(H) solicit public input (which may be accomplished through the establishment of an advisory panel under paragraph (7)), including the views of a wide range of stakeholders, and consider relevant recommendations of Federal advisory committees.

“(6) PRELIMINARY ANALYSIS.—

“(A) IN GENERAL.—As part of developing such strategic plan, the Committee, in collaboration with Federal departments and agencies whose missions contribute to or are affected by manufacturing, shall conduct an analysis of factors that impact the competitiveness and growth of the United States manufacturing sector, including—

“(i) research, development, innovation, transfer of technologies to the marketplace, and commercialization activities in the United States;

“(ii) the adequacy of the industrial base for maintaining national security;

“(iii) the state and capabilities of the domestic manufacturing workforce;

“(iv) export opportunities and domestic trade enforcement policies;

“(v) financing, investment, and taxation policies and practices;

“(vi) the state of emerging technologies and markets; and

“(vii) efforts and policies related to manufacturing promotion undertaken by competing nations.

“(B) RELIANCE ON EXISTING INFORMATION.—To the extent practicable, in completing the analysis under subparagraph (A), the Committee shall use existing information and the results of previous studies and reports.

“(7) ADVISORY PANEL.—

“(A) ESTABLISHMENT.—The chairperson of the Committee may appoint an advisory panel of private sector and nonprofit leaders

to provide input, perspective, and recommendations to assist in the development of the strategic plan under this subsection.

“(B) MEMBERSHIP.—The panel shall have no more than 15 members, and shall include representatives of manufacturing businesses, labor representatives of the manufacturing workforce, academia, and groups representing interests affected by manufacturing activities.

“(C) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the Advisory Panel.

“(8) UPDATES.—Not later than May 1, 2018, and not less frequently than once every 4 years thereafter, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, an update of the strategic plan transmitted under paragraph (1). Such updates shall be developed in accordance with the procedures set forth under this subsection.

“(9) REQUIREMENT TO CONSIDER STRATEGY IN THE BUDGET.—In preparing the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include information regarding the consistency of the budget with the goals and recommendations included in the strategic plan developed under this subsection applying to that fiscal year.”.

**SA 2234.** Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. LAND CONVEYANCES RELATED TO ARMY RESERVE CENTERS IN NEW HAMPSHIRE AND CONNECTICUT.**

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Army may convey without consideration the following parcels to the designated entities for the specific purposes:

(1) Approximately 3.4 acres and improvements known as the Paul A. Doble Army Reserve Center in Portsmouth, New Hampshire, to the City of Portsmouth for the public benefit of a public park or recreational use.

(2) Approximately 5.11 acres and improvements known as the LT John S. Turner Army Reserve Center in Fairfield, Connecticut, to the City of Fairfield for the public benefit of a public park or recreational use.

(3) Approximately 6.9 acres and improvements known as the Paul J. Sutcovoy Army Reserve Center in Waterbury, Connecticut, to the City of Waterbury for the public benefit of emergency services and public safety activities.

(b) REVERSION.—Any deed of conveyance authorized under this section shall provide that all of the property be used and maintained for the purpose for which it was conveyed. If the Secretary determines at any time that any real property conveyed under subsection (a) ceases to be used or maintained in accordance with the purposes of the conveyances specified in such subsection, all right, title, and interest in and to the

property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF CONSIDERATION IN LIEU OF REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, the Secretary may, in lieu of exercising the right of reversion specified under subsection (b), require the recipient City to pay to the United States an amount equal to the fair market value of the property conveyed. The fair market value of the property shall be determined by the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the recipient City to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance or in lieu of reversion hereunder shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of each parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 2235.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. UNITED STATES-ISRAEL MISSILE DEFENSE COOPERATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The State of Israel remains under the threat of continuing attack from missiles, rockets, and mortars fired at Israel by militants from terrorist organizations on its southern border and by Hezbollah on its northern border, which have killed and wounded many innocent Israeli civilians. Israel also faces significant ballistic missile threats from Iran and Syria.

(2) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) expressed the sense of Congress that the United States should have an active program of ballistic missile defense cooperation with Israel, and should take steps to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities, and to enhance the capability of both nations to defend against ballistic missile threats present in the Middle East region.

(3) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) states the policy of the United States to support the inherent right of Israel to self-defense and expresses the sense of Congress that the United States Government should provide the Government of Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend against the urgent threat posed to Israel and United States forces in the region.

(4) It is central to the national security interests of the United States to support Israel's ability to defend itself against missiles and rockets, including through joint cooperation on the Arrow Weapon System (with Arrow-2 and Arrow-3 interceptors) and the David's Sling Weapons System, along with continued support for the Iron Dome short-range rocket defense system.

(5) The Arrow Weapon System, deployed with the Arrow-2 interceptor jointly developed by Israel and the United States, has been operational since 2000 and defends Israel against medium-range ballistic missiles.

(6) The Arrow-3 interceptor, being jointly developed by the United States and Israel, is designed to intercept ballistic missiles with nuclear or chemical warheads at high altitude. The Arrow-3 interceptor completed a successful fly-out test in February 2013.

(7) The David's Sling Weapon System, being jointly developed by the United States and Israel, is designed to intercept short-range ballistic missiles, medium-range and long-range rockets, and cruise missiles. The David's Sling Weapon System successfully intercepted an inert medium-range rocket target in a November 2012 test.

(8) The Israeli Defense Forces report that, during Operation Pillar of Defense in November 2012, the Iron Dome short-range rocket defense system achieved a success rate of about 85 percent against rockets bound for Israeli population centers and infrastructure, thus averting large-scale casualties in Israel and enhancing Israel's operational flexibility during the conflict.

(9) Continued missile defense cooperation between the United States and Israel will further develop and enhance the missile defense capability, and thus the security, of both the United States and Israel.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our strategic partner Israel;

(2) supports maintenance of an active program of ballistic missile defense cooperation with Israel;

(3) supports efforts to enhance the capability of both the United States and Israel to defend against ballistic missile threats present in the Middle East region; and

(4) urges the Department of Defense to take all appropriate steps as may be necessary to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of missile defense cooperation between the United States and Israel.

(2) ELEMENTS.—The report under this subsection shall include the following:

(A) A description of the current program of ballistic missile defense cooperation between the United States and Israel, including its objectives and results to date.

(B) A description of the actions taken within the previous year to improve the coordination, interoperability, and integration of the missile defense capabilities of the United States and Israel.

(C) A description of the actions planned to be taken by the Government of the United States and the Government of Israel over the next year to improve the coordination, interoperability, and integration of their missile defense capabilities.

(D) A description of the joint efforts of the United States and Israel to develop ballistic missile defense technologies and capabilities.

(E) A description of the joint missile defense exercises and training that have been conducted by the United States and Israel, and the lessons learned from those exercises.

(F) A description of the cooperation by the United States and Israel in sharing ballistic missile threat assessments.

(G) Any other matters the Secretary considers appropriate.

**SA 2236.** Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. LIMITED DECONTAMINATION AUTHORITY FOR PORTIONS OF FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.**

(a) DECONTAMINATION AUTHORITY.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the transfer of the former bombardment area on the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense may authorize and conduct activities for the removal of unexploded ordnance and munitions scrap from those portions of the former bombardment area that were explicitly identified as having regular public access in the Department of Defense study entitled "Study Relating to the Presence of Unexploded Ord-

nance in a Portion of the Former Naval Bombardment Area of Culebra Island, Commonwealth of Puerto Rico" and dated April 20, 2012, which was prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4464).

(b) EXCEPTIONS.—In authorizing and conducting activities for the removal of unexploded ordnance and munitions scrap within the transferred former bombardment area, as authorized by subsection (a), the Secretary of Defense may exclude areas of dense vegetation and steep terrain that—

(1) make public access difficult and public use infrequent; and

(2) would severely hamper the effectiveness and increase the cost of removal activities.

(c) DEFINITIONS.—In this section:

(1) The term "quitclaim deed" refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term "unexploded ordnance" has the meaning given that term by section 101(e)(5) of title 10, United States Code.

**SA 2237.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. PROTECTION OF DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) SECRETARY OF DEFENSE AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

**"§ 2672. Protection of property**

"(a) IN GENERAL.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

"(b) OFFICERS AND AGENTS.—(1)(A) The Secretary may designate military or civilian personnel of the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

"(B) A designation under subparagraph (A) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

"(C) In making a designation under subparagraph (A) with respect to any category of personnel, the Secretary shall specify each of the following:

"(i) The personnel or positions to be included in the category.

"(ii) Which authorities provided for in paragraph (2) may be exercised by personnel in that category.

"(iii) In the case of civilian personnel in that category—

“(I) which authorities provided for in paragraph (2), if any, are authorized to be exercised outside the property specified in subsection (a); and

“(II) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

“(D) The Secretary may make a designation under subparagraph (A) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

“(i) the exercise of each specific authority provided for in paragraph (2) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

“(ii) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

“(2) Subject to subsection (h) and to the extent specifically authorized by the Secretary, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under this subsection may—

“(A) enforce Federal laws and regulations for the protection of persons and property;

“(B) carry firearms;

“(C) make arrests—

“(i) without a warrant for any offense against the United States committed in the presence of the officer or agent; or

“(ii) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

“(D) serve warrants and subpoenas issued under the authority of the United States; and

“(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the Department of Defense or persons on such property.

“(c) REGULATIONS.—(1) The Secretary may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

“(2) A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

“(d) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b) and (c) may be exercised only by the Secretary or the Deputy Secretary of Defense.

“(e) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

“(f) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary determines it to be economical and in the public interest, the Sec-

retary may use the facilities and services of Federal, State, tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services.

“(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary may enter into agreements with Federal agencies and with State, tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, tribal, and local laws concurrently with other Federal law enforcement officers and with State, tribal, and local law enforcement officers.

“(h) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (b)(2) to officers and agents designated under subsection (b)(1) shall be exercised in accordance with guidelines approved by the Attorney General.

“(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to preclude or limit the authority of any Federal law enforcement agency;

“(2) to restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

“(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

“(4) to affect chapter 47 of this title (the Uniform Code of Military Justice); or

“(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2671 the following new item:

“2672. Protection of property.”

**SA 2238.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2100 submitted by Mr. WYDEN (for himself and Mr. HEINRICH) and intended to be proposed to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following:

(f) PAYMENTS IN LIEU OF TAXES.—Notwithstanding any other provision of law, the land withdrawn under subsection (a) shall be considered to be and treated as entitlement land (as defined in section 6901 of title 31, United States Code).

**SA 2239.** Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 31. REPORT ON STATUS OF PILOT PROGRAM FOR TECHNOLOGY COMMERCIALIZATION.**

(a) APPOINTMENT OF TECHNOLOGY TRANSFER COORDINATOR.—Section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)) is amended by striking “The Secretary” and inserting “Not later than 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2014, the Secretary”.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on the status of the pilot program authorized under section 3165 of the National Defense Authorization Act for Fiscal Year 2013 (50 U.S.C. 2794 note; Public Law 112-239).

**SA 2240.** Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 153. SENSE OF CONGRESS ON NONKINETIC COUNTER-ELECTRONIC SYSTEMS.**

It is the sense of Congress that—

(1) in carrying out the developmental planning effort of the Air Force for nonkinetic counter-electronics, the Secretary of Defense should consider the results of the successful joint technology capability demonstration conducted by the counter-electronics high power microwave missile project in 2012;

(2) an analysis of alternatives is an important step in the long term-term development of a nonkinetic counter-electronic system;

(3) the Secretary should pursue both near-term and long-term joint nonkinetic counter-electronic systems; and

(4) the counter-electronics high power microwave missile project (or a variant thereof) should be considered among the options for a possible materiel solution in response to any near-term joint urgent operational need, joint emergent operational need, or combatant command integrated priority for a nonkinetic counter-electronic system.

**SA 2241.** Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. USE OF PRE-DETONATION TECHNOLOGY TO EXPEDITE DEVELOPMENT OF NEXT GENERATION COUNTER IMPROVED EXPLOSIVE DEVICES.**

In developing and procuring capabilities to defeat improvised explosive devices, the Joint Improvised Explosive Device Defeat Organization (JIEDDO) shall leverage (including through the use of funds) existing pre-detonation technology demonstrated during the Max Power Operational Evaluation to expedite technology development of a next generation operational counter improvised explosive device system.

**SA 2242.** Mr. HEINRICH (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FOR ASSISTANCE PROVIDED TO NONGOVERNMENTAL ENTERTAINMENT-ORIENTED MEDIA PRODUCERS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense benefits when the entertainment industry produces media portraying the skill, heroism, capability, and challenges of members of the Armed Forces and their families through increased morale, better recruitment and retention, and improved understanding by the public.

(2) The Department of Defense is in often the best position to ensure realism in productions.

(3) The Department of Defense is sometimes forced to decline assisting in productions because expenses incurred are not reimbursed to the accounts withdrawn.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by inserting after section 2263 the following new section:

**“§2264. Reimbursement for assistance provide to nongovernmental entertainment-oriented media producers**

“(a) IN GENERAL.—There shall be credited to the applicable appropriations account or fund from which the expenses described in subsection (b) were charged any amounts received by the Department of Defense as reimbursement for such expenses.

“(b) DESCRIPTION OF EXPENSES.—The expenses referred to in subsection (a) are any expenses—

“(1) incurred by the Department of Defense as a result of providing assistance to a nongovernmental entertainment-oriented media producer;

“(2) for which the Department of Defense requires reimbursement under section 9701 of title 31, United States Code, or any other provision of law; and

“(3) for which the Department of Defense received reimbursement after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter

is amended by adding after the item relating to section 2263 the following new item:

“2264. Reimbursement for assistance provide to nongovernmental entertainment-oriented media producers.”.

**SA 2243.** Mr. HEINRICH (for himself, Mr. UDALL of New Mexico, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

**SEC. 922. REPORT ON ORS-5 MISSION OF THE OPERATIONALLY RESPONSIVE SPACE PROGRAM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it remains the policy of the United States, as expressed in section 913(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2355), to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support military users and operations from space, which shall consist of—

(A) responsive satellite payloads and busses built to common technical standards;

(B) low-cost space launch vehicles and supporting range operations that facilitate the timely launch and on-orbit operations of satellites;

(C) responsive command and control capabilities; and

(D) concepts of operations, tactics, techniques, and procedures that permit the use of responsive space assets for combat and military operations other than war; and

(2) the Operationally Responsive Space Program Office has demonstrated through multiple launches since 2009 an ability to accomplish each policy objective of the Operationally Responsive Space Program through specific missions, but has not executed a mission that leverages all policy objectives of that Program in a single mission.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Executive Agent for Space of the Department of Defense shall report to the congressional defense committees on the status of the ORS-5 mission, which seeks to leverage all policy objectives of the Operationally Responsive Space Program in a single mission.

**SA 2244.** Mr. HEINRICH (for himself, Mr. SHELBY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. AVAILABILITY OF FUNDS FOR CO-PRODUCTION OF IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM IN THE UNITED STATES.**

(a) IN GENERAL.—Of the amounts authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Defense-wide for the Missile Defense Agency as specified in the funding tables in section 4201, up to \$15,000,000 may be obligated or expended for nonrecurring engineering costs in connection with the establishment of a capacity for production in the United States by United States industry of parts and components for the Iron Dome short-range rocket defense program.

(b) USE OF FUNDS ONLY PURSUANT TO AGREEMENT.—Funds may be obligated and expended under subsection (a) only pursuant to an agreement between the United States and Israel for co-production of Iron Dome parts and components in the United States.

(c) REPORT TO CONGRESS.—Not later than 30 days after obligating or expending funds authorized by subsection (a), the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the plan to implement the agreement described in subsection (b), including the following:

(1) A description of the estimated cost of implementing the agreement, including the costs to be paid by industry.

(2) The expected schedule to implement the agreement.

(3) A description of any efforts to minimize the costs of the agreement to the United States Government.

(d) CONSTRUCTION OF AUTHORITY WITH PROCUREMENT OF IRON DOME.—Nothing in this section shall be construed to alter or effect the procurement schedule, or anticipated procurement numbers, under the Iron Dome short-range rocket defense program.

**SA 2245.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. COMPREHENSIVE ALASKA INSTALLATION ENERGY REPORT.**

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the Service Assistant Secretaries responsible for Installations and Environment for the military services, shall submit a report to the congressional defense committees detailing the current cost and sources of energy at each military installation in Alaska, and viable and feasible options for achieving energy efficiency and cost savings at Alaska military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation specific assessment of feasible and mission appropriate energy initiatives supporting energy production and consumption at military installations.



(B) An assessment of current sources of energy in Alaska and potential future sources that are technologically feasible, cost effective, and mission appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost effective where appropriate and consistent with department priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that would achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into consideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy efficient solutions in the state of Alaska, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary is encouraged to work in conjunction and coordinate with the State of Alaska, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term “Alaska military installation” includes to Clear Air Force Station, Eielson Air Force Base, Fort Wainwright, Joint Base Elmendorf-Richardson, Fort Greely, and Eareckson Air Station.

**SA 2246.** Mr. FRANKEN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. ENHANCED TRANSPARENCY OF FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 ACTIVITIES.**

(a) ENHANCED PUBLIC REPORTING FOR ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) ENHANCED REPORTING FOR ELECTRONIC SURVEILLANCE ORDERS.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807) is amended to read as follows: **“SEC. 107. REPORT OF ELECTRONIC SURVEILLANCE.**

“(a) IN GENERAL.—In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Court and to Congress a report setting forth with respect to the preceding calendar year—

“(1) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title;

“(2) the total number of such orders and extensions either granted, modified, or denied;

“(3) the total number of individuals who were subject to electronic surveillance conducted under an order entered under this title, provided that if this number is fewer

than 500, it shall exclusively be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number; and

“(4) the total number of citizens of the United States and aliens lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) who were subject to electronic surveillance conducted under an order entered under this title, provided that if this number is fewer than 500, it shall exclusively be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number.

“(b) FORM OF REPORT.—Each report required by this section shall be submitted in unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.”.

(2) ENHANCED REPORTING FOR PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended by adding at the end the following:

“(c) ANNUAL REPORT ON USE OF PEN REGISTER AND TRAP AND TRACE DEVICES.—

“(1) REQUIREMENT FOR REPORT.—Except as provided in paragraph (2), in April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

“(A) the total number of applications made for orders approving the use of a pen register and trap and trace devices under this title;

“(B) the total number of such orders either granted, modified, or denied;

“(C) a good faith estimate of the total number of individual persons whose electronic or wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title;

“(D) good faith estimates of the total numbers of United States persons—

“(i) whose electronic or wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title;

“(ii) whose electronic communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title, and the number of such persons whose information was subsequently reviewed or accessed by a Federal officer, employee, or agent; and

“(iii) whose wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title, and the number of such persons whose information was subsequently reviewed or accessed by a Federal officer, employee, or agent; and

“(E) the total number of computer-assisted search queries initiated by a Federal officer, employee, or agent in any database of electronic or wire communications information obtained through the use of a pen register or trap and trace device authorized under an order entered under this title, and the number of such queries whose search terms included information from the electronic or wire communications information of a United States person.

“(2) STATEMENT OF NUMERICAL RANGE.—If an estimate specified in subparagraphs (C) or (D) of paragraph (1) is fewer than 500, it shall exclusively be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number.

“(3) FORM OF REPORT.—Each report under this section shall be submitted in unclassified

form and shall be made available to the public 7 days after the date such report is submitted to Congress.

“(4) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize or in any other way affect the lawfulness or unlawfulness of installing or using a pen register or trap and trace device.

“(5) DEFINITIONS.—In this subsection:

“(A) ELECTRONIC COMMUNICATION AND WIRE COMMUNICATION.—The terms ‘electronic communication’ and ‘wire communication’ have the meanings given those terms in section 2510 of title 18, United States Code.

“(B) INDIVIDUAL PERSON.—The term ‘individual person’ means any individual and excludes any group, entity, association, corporation, or governmental entity.

“(C) UNITED STATES PERSON.—The term ‘United States person’ means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))).”.

(3) ENHANCED REPORTING FOR BUSINESS RECORDS REQUESTS.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(A) in subsection (b)(3), by adding at the end the following:

“(F) Records concerning electronic communications.

“(G) Records concerning wire communications.

“(H) Information described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18, United States Code.”; and

(B) by amending subsection (c) to read as follows:

“(c) ANNUAL REPORT ON SECTION 501 ORDERS.—

“(1) REQUIREMENT FOR REPORT.—Except as provided in paragraph (2), in April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

“(A) the total number of applications made for orders approving requests for the production of tangible things under section 501;

“(B) the total number of such orders either granted, modified, or denied;

“(C) a good faith estimate of the total number of individual persons whose tangible things were produced under an order entered under section 501;

“(D) good faith estimates of the total numbers of United States persons—

“(i) whose tangible things were produced under an order entered under section 501;

“(ii) who were a party to an electronic communication of which a record was produced under an order entered under section 501, and the number of such persons whose records were subsequently reviewed or accessed by a Federal officer, employee, or agent;

“(iii) who were a party to a wire communication of which a record was produced under an order entered under section 501, and the number of such persons whose records were subsequently reviewed or accessed by a Federal officer, employee, or agent; and

“(iv) who were subscribers or customers of an electronic communication service or remote computing service and whose records, as described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18, United States Code, were produced under an order entered under section 501, and the number of such persons whose records were subsequently reviewed by a Federal officer, employee, or agent;

“(E) the total number of computer-assisted search queries initiated by a Federal officer,



employee or agent in any database of tangible things produced under an order entered under section 501, and the number of such queries whose search terms included information from the electronic or wire communications contents or records of a United States person; and

“(F) a certification confirming that in the course of the preceding year no orders entered under section 501 were used to obtain the contents of an electronic or wire communication.

“(2) STATEMENT OF NUMERICAL RANGE.—If an estimate described in subparagraph (C) or (D) of paragraph (1) is fewer than 500, it shall exclusively be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number.

“(3) FORM OF REPORT.—Each report under this subsection shall be submitted in unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.

“(4) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize or in any other way affect the lawfulness or unlawfulness of using an order for the production of tangible things under section 501 to obtain any of the items described in subparagraphs (A) through (H) of subsection (b)(3).

“(5) DEFINITIONS.—In this subsection:

“(A) IN GENERAL.—The terms ‘contents’, ‘electronic communication’, ‘electronic communication service’, and ‘wire communication’ shall have the meanings given those terms in section 2510 of title 18, United States Code.

“(B) INDIVIDUAL PERSON.—The term ‘individual person’ means any individual and excludes any group, entity, association, corporation, or governmental entity.

“(C) REMOTE COMPUTING SERVICE.—The term ‘remote computing service’ has the meaning given that term in section 2711 of title 18, United States Code.

“(D) UNITED STATES PERSON.—The term ‘United States person’ means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))).”

(4) ENHANCED REPORTING FOR ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.—Section 707 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881f) is amended by adding at the end the following:

“(c) ANNUAL REPORT.—

“(1) REQUIREMENT FOR REPORT.—In April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

“(A) the total number of—

“(i) directives issued under section 702;

“(ii) orders granted under section 703; and

“(iii) orders granted under section 704;

“(B) good faith estimates of the total numbers of individual persons whose electronic or wire communications or communications records were collected pursuant to—

“(i) a directive issued under section 702;

“(ii) an order granted under section 703; and

“(iii) an order granted under section 704; and

“(C) good faith estimates of the total numbers of United States persons—

“(i) whose electronic or wire communications contents or records were collected pursuant to—

“(I) a directive issued under section 702;

“(II) an order granted under section 703; and

“(III) an order granted under section 704;

“(ii) who were a party to an electronic communication whose contents were collected pursuant to a directive issued under section 702, and the number of such persons whose communication contents were subsequently reviewed or accessed by a Federal officer, employee, or agent;

“(iii) who were a party to an electronic communication whose records (other than content) were collected pursuant to a directive issued under section 702, and the number of such persons whose communication records were subsequently reviewed or accessed by a Federal officer, employee, or agent;

“(iv) who were a party to a wire communication whose contents were collected pursuant to a directive issued under section 702, and the number of such persons whose communication contents were subsequently reviewed or accessed by a Federal officer, employee, or agent;

“(v) who were a party to an electronic communication whose records (other than content) were collected pursuant to a directive issued under section 702, and the number of such persons whose communication records were subsequently reviewed or accessed by a Federal officer, employee, or agent; and

“(vi) who were subscribers or customers of an electronic communication service or remote computing service whose records, as described in subparagraphs (A), (B), (D), (E), and (F) of section 2703(c)(2) of title 18, United States Code, were produced pursuant to a directive issued under section 702, and the number of such persons whose records were subsequently reviewed or accessed by a Federal officer, employee, or agent.

“(2) STATEMENT OF NUMERICAL RANGE.—If an estimate specified in subparagraphs (B) or (C) of paragraph (1) is fewer than 500, it shall exclusively be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number.

“(3) PUBLIC AVAILABILITY.—Each report under this subsection shall be submitted in unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.

“(4) DEFINITIONS.—In this subsection:

“(A) IN GENERAL.—The terms ‘contents’, ‘electronic communication’, ‘electronic communication service’, and ‘wire communication’ have the same meanings given those terms in section 2510 of title 18, United States Code.

“(B) INDIVIDUAL PERSON.—The term ‘individual person’ means any individual and excludes any group, entity, association, corporation, or governmental entity.

“(C) REMOTE COMPUTING SERVICE.—The term ‘remote computing service’ shall have the same meaning given that term in section 2711 of title 18, United States Code.

“(D) UNITED STATES PERSON.—The term ‘United States person’ means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))).

“(5) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize or in any other way affect the lawfulness or unlawfulness of using an order or directive under section 702, 703, or 704 to collect any of the information described in subparagraph (B) or (C) of paragraph (1).”

(5) RULES OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection shall be construed—

(A) to authorize the collection of any additional information, other than public demographic data, for the purpose of complying

with the reporting requirements of this section; or

(B) to authorize an amount of additional appropriations to carry out this subsection that is more than the amount authorized for that purpose for fiscal year 2013.

(b) PUBLIC DISCLOSURES OF AGGREGATE INFORMATION RELATED TO ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) DISCLOSURES.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

#### “TITLE IX—PUBLIC DISCLOSURES OF AGGREGATE INFORMATION.

##### “SEC. 901. PUBLIC DISCLOSURES OF AGGREGATE INFORMATION.

“(a) IN GENERAL.—Except as provided under subsection (c), a person that has received an order under section 105, 402, or 501, or an order or a directive under section 702, 703, or 704 may, every six months with respect to the preceding six month period, disclose to the public information with respect to each statutory authority as follows:

“(1) The total number of orders or directives received under the authority.

“(2) The percentage or total number of such orders or directives complied with, in whole or in part.

“(3) The total number of individual persons, users, or accounts whose information of any kind was produced to the Government, or was obtained or collected by the Government, under an order or directive received under the authority.

“(b) NATURE OF PRODUCTION.—Except as provided under subsection (c), a person that has received an order under section 402 or 501, or an order or a directive under section 702 may, every six months with respect to the preceding six month period, disclose to the public the total number of individual persons, users, or accounts for whom the following information was produced to the Government, or was obtained or collected by the Government, with respect to each such authority, if applicable:

“(1) The contents of electronic communications.

“(2) The contents of wire communications.

“(3) Records concerning electronic communications.

“(4) Records concerning wire communications.

“(5) Information described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18.

“(c) STATEMENT OF NUMERICAL RANGE.—If the total number of individual persons, users, or accounts specified in paragraph (3) of subsection (a) or in paragraphs (1), (2), (3), (4), or (5) of subsection (b) is fewer than 500, it shall exclusively be expressed as a numerical range of ‘fewer than 500’ and shall not be expressed as an individual number.

“(d) PERMITTED DISCLOSURE.—No cause of action shall lie in any court against any person for making a disclosure in accordance with this section.

“(e) CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to authorize or in any other way affect the lawfulness or unlawfulness of using an order or directive described in subsection (a) to obtain, collect, or secure the production of information described in paragraphs (1), (2), (3), (4), or (5) of subsection (b); or

“(2) to prohibit, implicitly preclude, or in any other way affect the lawfulness or unlawfulness of a disclosure not authorized by this section.

“(f) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘contents’, ‘electronic communication’, and ‘wire communication’ have the meanings given those terms in section 2510 of title 18, United States Code.

“(2) INDIVIDUAL PERSON.—The term ‘individual person’ means any individual and excludes any group, entity, association, corporation, or governmental entity.

“(3) PERSON.—The term ‘person’ has the meaning given that term in section 101.”.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is amended—

(A) in section 402(d)(2)(B)(ii)(I) (50 U.S.C. 1842(d)(2)(B)(ii)(I)), by inserting “except as permitted by section 901,” before “shall not disclose”; and

(B) in section 501(d) (50 U.S.C. 1861(d))—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking “or” at the end;

(II) in subparagraph (C), by striking the period at the end and inserting a semicolon and “or”; and

(III) by adding at the end the following:

“(D) the public as permitted by section 901.”; and

(ii) in paragraph (2)(A) by inserting “subparagraph (A), (B), or (C) of” after “pursuant to”.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

“TITLE IX—PUBLIC DISCLOSURES OF AGGREGATE INFORMATION.

“Sec. 901. Public disclosures of aggregate information.”.

**SA 2247.** Mr. SCHATZ (for himself, Mr. BARRASSO, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. NATIVE AMERICAN VETERANS' MEMORIAL ACT AMENDMENTS.**

(a) AUTHORITY TO ESTABLISH MEMORIAL.—Section 3 of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q-5 note; 108 Stat. 4067) is amended—

(1) in subsection (b), by striking “within the interior structure of the facility” and inserting “on property under the jurisdiction of the Smithsonian Institution”; and

(2) in subsection (c)(1), by striking “, in consultation with the Museum, is” and inserting “and the National Museum of the American Indian are”.

(b) PAYMENT OF EXPENSES.—Section 4(a) of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q-5 note; 108 Stat. 4067) is amended—

(1) in the heading, by inserting “AND NATIONAL MUSEUM OF THE AMERICAN INDIAN” after “AMERICAN INDIANS”; and

(2) in the first sentence, by striking “shall be solely” and inserting “and the National Museum of the American Indian shall be”.

**SA 2248.** Mr. KING (for himself and Ms. COLLINS) submitted an amendment

intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. HUBZONES.**

(a) IN GENERAL.—Section 3(p)(5)(A)(i)(I) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) is amended—

(1) in item (aa), by striking “or” at the end;

(2) by redesignating item (bb) as item (cc); and

(3) by inserting after item (aa) the following:

“(bb) pursuant to subparagraph (A), (B), (C), (D), or (E) of paragraph (3), that its principal office is located in a HUBZone described in paragraph (1)(E) (relating to base closure areas) (in this item referred to as the ‘base closure HUBZone’), and that not fewer than 35 percent of its employees reside in—

“(AA) a HUBZone;

“(BB) the census tract in which the base closure HUBZone is wholly contained;

“(CC) a census tract the boundaries of which intersect the boundaries of the base closure HUBZone; or

“(DD) a census tract the boundaries of which are contiguous to a census tract described in subitem (BB) or (CC); or”.

(b) PERIOD FOR BASE CLOSURE AREAS.—

(1) AMENDMENTS.—

(A) IN GENERAL.—Section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) is amended by striking “5 years” and inserting “10 years”.

(B) CONFORMING AMENDMENT.—Section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note) is amended by striking “5 years” and inserting “10 years”.

(2) EFFECTIVE DATE; APPLICABILITY.—The amendments made by paragraph (1) shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to—

(i) a base closure area (as defined in section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D))) that, on the day before the date of enactment of this Act, is treated as a HUBZone described in section 3(p)(1)(E) of the Small Business Act (15 U.S.C. 632(p)(1)(E)) under—

(I) section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note); or

(II) section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note); and

(ii) a base closure area relating to the closure of a military installation under the authority described in clauses (i) through (iv) of section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) that occurs on or after the date of enactment of this Act.

**SA 2249.** Mr. TESTER (for himself, Mr. CHAMBLISS, Mr. BEGICH, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the De-

partment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. REVIEW BY PHYSICAL DISABILITY BOARD OF REVIEW OF MILITARY SEPARATION ON BASIS OF A MENTAL CONDITION NOT AMOUNTING TO DISABILITY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, approximately 30,000 veterans have been separated from the Armed Forces on the basis of a personality disorder or adjustment disorder.

(2) Nearly all veterans who are separated on the basis of a personality or adjustment disorder are prohibited from accessing service-connected disability compensation, disability severance pay, and disability retirement pay.

(3) Many veterans who are separated on the basis of a personality or adjustment disorder are unable to find employment because of the “personality disorder” or “adjustment disorder” label on their Certificate of Release or Discharge from Active Duty.

(4) The Government Accountability Office has found that the regulatory compliance of the Department of Defense in separating members of the Armed Forces on the basis of a personality or adjustment disorder was as low as 40 percent between 2001 and 2007.

(5) Expansion of the authority of the Physical Disability Board of Review to include review of the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder, is warranted in order to ensure that any veteran wrongly separated on such basis will have the ability to access disability benefits and employment opportunities available to veterans.

(b) MEMBERS ENTITLED TO REVIEW BY PHYSICAL DISABILITY BOARD OF REVIEW.—Section 1554a of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “disability determinations of covered individuals by Physical Evaluation Boards” and inserting “disability and separation determinations regarding certain members and former members of the armed forces described in subsection (b)”;

(2) by striking subsection (b) and inserting the following new subsection:

“(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who—

“(1) during the period beginning on September 11, 2001, and ending on December 31, 2014, are separated from the armed forces due to unfitness for duty because of a medical condition with a disability rating of 20 percent disabled or less and are found to be not eligible for retirement; or

“(2) before December 31, 2014, are separated from the armed forces due to unfitness for duty because of a mental condition not amounting to disability, including separation on the basis of a personality disorder or adjustment disorder.”.

(c) NATURE AND SCOPE OF REVIEW.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) REVIEW OF SEPARATIONS DUE TO UNFITNESS FOR DUTY BECAUSE OF A MENTAL CONDITION NOT AMOUNTING TO DISABILITY.—(1) Upon the request of a covered individual described in paragraph (2) of subsection (b), or a surviving spouse, next of kin, or legal representative of a covered individual described in such paragraph, the Physical Disability Board of Review shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual. In addition, the Physical Disability Board of Review may review, upon its own motion, the findings and decisions of the Physical Evaluation Board with respect to a covered individual described in such paragraph.

“(2) Whenever a review is conducted under paragraph (1), the members of the Physical Disability Board of Review shall include at least one licensed psychologist and one licensed psychiatrist who has not had any fiduciary responsibility to the Department of Defense since December 31, 2001.

“(3) In conducting the review under paragraph (1), the Physical Disability Board of Review shall consider—

“(A) the findings of the psychologist or psychiatrist of the Department of Defense who diagnosed the mental condition;

“(B) the findings and decisions of the separation authority with respect to the covered individual; and

“(C) whether the separation authority correctly followed the process for separation as set forth in law, including Department of Defense regulations, directives, and policies.

“(4) The review by the Physical Disability Board of Review under paragraph (1) shall be based on the records of the Department of Defense and the Department of Veterans Affairs and such other evidence as may be presented to the Board. The Board shall consider any and all evidence to be considered, including private mental health records submitted by the covered individual in support of the claim.

“(5) If the Physical Disability Board of Review proposes, upon its own motion, to conduct a review under paragraph (1) with respect to a covered individual, the Board shall notify the covered individual, or a surviving spouse, next of kin, or legal representative of the covered individual, of the proposed review and obtain the consent of the covered individual or a surviving spouse, next of kin, or legal representative of the covered individual before proceeding with the review.

“(6) After the Physical Disability Board of Review has completed the review under this subsection with respect to the separation of a covered individual, the Board shall provide the claimant with a statement of reasons concerning the Board's decision. The covered individual has the right to raise with the Board a motion for reconsideration if—

“(A) new evidence can be presented that would address the issues raised in the Board's statement of reasons; or

“(B) the Board has made a plain error in making its recommendation.”.

(d) CORRECTION OF MILITARY RECORDS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

“(f) CORRECTION OF MILITARY RECORDS.—(1) The Secretary of the military department concerned shall correct the military records of a covered individual in accordance with the recommendation made by the Physical Disability Board of Review under subsection (e) unless the Secretary determines that the

Board has made a clearly erroneous recommendation. Any such correction shall be made effective as of the date of the separation of the covered individual.

“(2) In the case of a covered individual previously separated with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such individual would be entitled based on the individual's military record as corrected shall be adjusted to take into account receipt of such lump-sum or other payment in such manner as the Secretary of the military department concerned considers appropriate.

“(3) If the Physical Disability Board of Review makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.”.

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by inserting after “REVIEW” the following: “OF SEPARATIONS DUE TO UNFITNESS FOR DUTY BECAUSE OF MEDICAL CONDITION WITH A LOW DISABILITY RATING”; and

(B) in paragraph (1)—

(i) by inserting “described in paragraph (1) of subsection (b)” after “a covered individual” the first place it appears;

(ii) by inserting “described in such paragraph” after “a covered individual” the second place it appears; and

(iii) by striking the second sentence and inserting the following new sentence: “In addition, the Physical Disability Board of Review may review, upon its own motion, the findings and decisions of the Physical Evaluation Board with respect to a covered individual described in such paragraph.”; and

(2) in subsection (e), as redesignated by subsection (c)(1), by striking “under subsection (c)” and inserting “conducted under subsection (c) or (d)”.

(f) NOTIFICATION OF NEW AVAILABILITY OF REVIEW.—

(1) NOTIFICATION REQUIREMENT.—In the case of individuals described in subsection (b)(2) of section 1554a of title 10, United States Code, as amended by subsection (b), who have been separated from the Armed Forces during the period beginning on September 11, 2001, and ending on the date of the enactment of this Act or who are separated after that date, the Secretary of Defense shall ensure, to the greatest extent practicable, that such individuals receive oral and written notification of their right to a review of their separation from the Armed Forces under such section 1554a.

(2) COMPLIANCE.—The Secretary of the military department with jurisdiction over the Armed Force in which the individual served immediately before separation shall be responsible for providing to the individual the notification required by paragraph (1). The Secretary of Defense shall monitor compliance with this notification requirement and promptly notify Congress of any failures to comply.

(3) LEGAL COUNSEL.—The notification required by paragraph (1) shall—

(A) inform the individual of the right to obtain legal or non-legal counsel to represent the individual before the Physical Disability Board of Review; and

(B) include a list of organizations that may provide such counsel at no cost to the individual.

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 1554a. Physical Disability Board of Review: review of separations with disability rating of 20 percent or less and separations on basis of mental condition not amounting to disability”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 79 of such title is amended by striking the item relating to section 1554a and inserting the following new item:

“1554a. Physical Disability Board of Review: review of separations with disability rating of 20 percent or less and separations on basis of mental condition not amounting to disability.”.

**SA 2250.** Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. DEFERRAL FOR CERTAIN PERIOD IN CONNECTION WITH RECEIPT OF ORDERS FOR MOBILIZATION FOR WAR OR NATIONAL EMERGENCY.**

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in the matter preceding clause (i), by striking “, during any period”;

(2) in clause (i), by striking “during which” and inserting “during any period during which”;

(3) in clause (ii), by striking “during which” and inserting “during any period during which”;

(4) in clause (iii)—

(A) by striking “during which” and inserting “during any period during which”; and

(B) in the matter following subclause (II), by striking “or” after the semicolon;

(5) by redesignating clause (iv) as clause (vi);

(6) by inserting after clause (iii) the following:

“(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

“(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

“(II) the 180-day period preceding the first day of such service;

“(v) notwithstanding clause (iv)—

“(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

“(II) in the case of any borrower whose call or order to duty is cancelled before the first

day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and"; and

(7) in clause (vi) (as redesignated by paragraph (5)), by striking "not in excess" and inserting "during any period not in excess".

(b) **DIRECT LOANS.**—Section 455(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "during any period";

(2) in subparagraph (A), by striking "during which" and inserting "during any period during which";

(3) in subparagraph (B), by striking "not in excess" and inserting "during any period not in excess";

(4) in subparagraph (C)—

(A) by striking "during which" and inserting "during any period during which"; and

(B) in the matter following clause (ii), by striking "or" after the semicolon;

(5) by redesignating subparagraph (D) as subparagraph (F);

(6) by inserting after subparagraph (C) the following:

"(D) in the case of any borrower who has received a call or order to duty described in clause (i) or (ii) of subparagraph (C), during the shorter of—

"(i) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in clause (i) or (ii) of subparagraph (C); and

"(ii) the 180-day period preceding the first day of such service;

"(E) notwithstanding subparagraph (D)—

"(i) in the case of any borrower described in such subparagraph whose call or order to duty is cancelled before the first day of the service described in clause (i) or (ii) of subparagraph (C) because of a personal injury in connection with training to prepare for such service, during the period described in subparagraph (D) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

"(ii) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in clause (i), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and"; and

(7) in subparagraph (F) (as redesignated by paragraph (5)), by striking "not in excess" and inserting "during any period not in excess".

(c) **PERKINS LOANS.**—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "during any period";

(2) in clause (i), by striking "during which" and inserting "during any period during which";

(3) in clause (ii), by striking "not in excess" and inserting "during any period not in excess";

(4) in clause (iii), by striking "during which" and inserting "during any period during which";

(5) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively;

(6) by inserting after clause (iii) the following:

"(iv) in the case of any borrower who has received a call or order to duty described in

subclause (I) or (II) of clause (iii), during the shorter of—

"(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

"(II) the 180-day period preceding the first day of such service;

"(v) notwithstanding clause (iv)—

"(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

"(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled";

(7) in clause (vi) (as redesignated by paragraph (5)), by striking "not in excess" and inserting "during any period not in excess"; and

(8) in clause (vii) (as redesignated by paragraph (5)), by striking "during which" and inserting "during any period during which".

(d) **CONFORMING AMENDMENTS.**—Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 428B(d)(1)(A)(ii) (20 U.S.C. 1078-2(d)(1)(A)(ii)), by striking "428(b)(1)(M)(i)(I)" and inserting "or clause (i)(I), (iv), or (v) of section 428(b)(1)(M)"; and

(2) in section 493D(a) (20 U.S.C. 1098f(a)), by striking "section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(iii)" and inserting "clause (ii) or (iv) of section 428(b)(1)(M), subparagraph (C) or (D) of section 455(f)(2), or clause (iii) or (iv) of section 464(c)(2)(A)".

(e) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(f) **APPLICABILITY.**—The amendments made by this section shall apply with respect to all loans made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

**SA 2251.** Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. SENSE OF SENATE ON ANNUAL REPORTS TO CONGRESS ON PLANS FOR THE SIZE, FORCE STRUCTURE, AND READINESS OF THE COMPONENTS OF THE ARMED FORCES TO SUPPORT THE NATIONAL SECURITY STRATEGY.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The strategic environment remains uncertain and dangerous, as threats to our na-

tional security persist and continue to emerge.

(2) The fiscal environment is also uncertain, with constrained resources and declining budgets.

(3) The Nation will need trained and ready active and reserve component forces regardless of size or force structure and budgetary pressures. The Department of Defense is expected to provide sufficient military capability at an affordable cost to protect and promote our security interests at acceptable levels of risk.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that the Secretary of Defense should provide a report to the congressional defense committees not later than 180 days after enactment of this Act, and every year thereafter for the next five years, on the Department's analysis, plans, and progress on the implementation of such plans with respect to the size, force structure, and readiness of the active and reserve components of the military departments that are necessary to support the national security strategy or other strategic guidance. Each report should include—

(1) end-strengths of the active and reserve components of the Armed Forces, and projected changes by year over the future years defense program;

(2) force structures of the active and reserve components of the Armed Forces, and projected changes by year over the future years defense program; and

(3) an assessment of the risk associated with the analysis and plans included in paragraphs (1) and (2), and how risk is projected to change over the future years defense program.

(c) **FORM.**—The reports described in subsection (b) may be in unclassified or classified form.

**SA 2252.** Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 510. TREATMENT OF MILITARY TECHNICIANS (DUAL STATUS) AS ESSENTIAL OR EXCEPTED EMPLOYEES OF THE FEDERAL GOVERNMENT IN THE EVENT OF A LAPSE IN APPROPRIATIONS.**

Notwithstanding section 1341 of title 31, United States Code, or any other provision of law, if members of the Armed Forces on active duty are designated as essential or excepted personnel during a lapse in appropriations, military technicians (dual status) shall be deemed to be essential or excepted employees during that lapse in appropriations.

**SA 2253.** Mr. MANCHIN (for himself, Mrs. BOXER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 841 and insert the following:  
**SEC. 841. MAXIMUM AMOUNT OF ALLOWABLE COSTS OF SALARIES OF CONTRACTOR EMPLOYEES.**

(a) AMENDMENT TO COST PRINCIPLES.—Section 2324(e)(1)(P) of title 10, United States Code, is amended—

(1) by striking “the benchmark” and all that follows through “section 1127 of title 41” and inserting “\$230,700 per year, adjusted annually to reflect the change in the Employment Cost Index for all workers, as calculated by the Bureau of Labor Statistics”; and

(2) by striking “scientists and engineers” and inserting “scientists, engineers, medical professionals, cybersecurity experts, and other workers with unique areas of expertise”.

(b) REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review alternative benchmarks and industry standards for compensation and provide the congressional defense committees with the views of the Department of Defense as to whether any such benchmarks or standards would provide a more appropriate measure of allowable compensation for the purposes of section 2324(e)(1)(P) of title 10, United States Code, as amended by subsection (a), as it relates to compensation of scientists, engineers, medical professionals, cybersecurity experts, and other workers with unique areas of expertise.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Office of Management and Budget shall submit a report on contractor compensation to the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) the total number of contractor employees, by executive agency, in the narrowly targeted exception positions described under section 2324(e)(1)(P) of title 10, United States Code, during the preceding fiscal year;

(B) the taxpayer-funded compensation amounts received by each contractor employee in a narrowly targeted exception position during such fiscal year; and

(C) the duties and services performed by contractor employees in the narrowly targeted exception positions during such fiscal year.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2014, and shall apply with respect to costs of compensation incurred on or after that date under contracts entered into before, on, or after that date.

**SA 2254.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE SEXUAL ASSAULT PREVENTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES.**

(a) REPORT REQUIRED.—Not later than September 30, 2015, the Comptroller General of the United States shall submit to the congressional defense committees a report on the sexual assault prevention activities of the Department of Defense and the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the sexual assault prevention strategy of the Department of Defense.

(2) A description and assessment of the actions taken by each of the Army, the Navy, the Air Force, and the Marine Corps to implement the sexual assault prevention strategy of such Armed Force.

(3) A comprehensive description of the sexual assault prevention activities of the Army, the Navy, the Air Force, and the Marine Corps, as of the submittal of the report and of those planned for the 12 months thereafter.

(4) A comprehensive description of the sexual assault prevention activities at joint installations, and an assessment of the collaborative efforts of the military departments involved, as of the submittal of the report and of those planned for the 12 months thereafter.

(5) A comparative assessment of the sexual assault prevention activities of the Army, the Navy, the Air Force, and the Marine Corps, including an assessment of the extent to which any differences among such activities arise from unique qualities of a particular Armed Force or the efforts of an Armed Force to pursue an innovative approach to sexual assault prevention.

(6) A description and assessment of the procedures and mechanisms used by each of the Army, the Navy, the Air Force, and the Marine Corps to ensure that the sexual assault prevention strategy of such Armed Force, and the training provided pursuant to such strategy, are effective in achieving the intended objectives of such strategy.

(7) Such other recommendations on the sexual assault prevention activities of the Army, the Navy, the Air Force, and the Marine Corps as the Comptroller General considers appropriate.

**SA 2255.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, Mrs. FISCHER, Mr. ENZI, Mr. RUBIO, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1031 and insert the following:

**SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the

disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

Strike section 1032.

Strike section 1033 and insert the following:

**SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, or the territories or possessions of the United States, of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to an individual who is transferred to United States Naval Station, Guantanamo Bay, Cuba, after the date of the enactment of this Act for the purpose of interrogation by the United States.

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

**(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—**

(1) IN GENERAL.—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) EXCLUSION.—The term does not mean any individual transferred to United States Naval Station, Guantanamo Bay, Cuba, after October 1, 2009, who was not located at United States Naval Station, Guantanamo Bay, Cuba, on that date.

**SEC. 1036. PROHIBITION ON TRANSFER OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the amounts authorized to be appropriated or otherwise available to the Department of Defense may be used to transfer, release, or assist in the transfer or release, during the period beginning on the date of the enactment of this Act and ending on December 31, 2014, of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

**SA 2256.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. COMPREHENSIVE ALASKA INSTALLATION ENERGY REPORT.**

(a) FINDINGS.—Congress makes the following findings:

(1) According to a 2012 Total Energy Cost Analysis conducted by the Alaska Command Energy Steering Group, there exists a significant disparity between the costs of power at all military installations in Alaska.

(2) Military installations differ in energy sources and operating entities by utilizing both public and private means and methods of operation: three interior installations, Clear Air Force Station, Eielson Air Force Base, and Fort Wainwright use coal cogeneration heat and electric plants; fuel oil heat and commercial electric power is used to power Fort Greely; and natural gas heat and commercial electric power is used at Joint Base Elmendorf-Richardson.

(3) Electricity infrastructure in Alaska differs from other States because most consumers in Alaska are not interconnected to large grids through transmission and distribution lines.

(4) Alaska has more fossil and renewable energy resources than any other State.

(5) Alaska has the potential for long-term sustainable energy production through development of its natural gas, coal, oil, hydro-power, tidal, geothermal and wind resources



to meet the energy needs of the State and beyond.

(6) Renewable energy, when combined with advanced micro-grid and storage technologies, can significantly reduce the energy costs at military installations.

(7) The Department of the Air Force has successfully partnered with the municipality of Anchorage and a local utility company on a renewable energy project converting methane gas into fuel useable for a military installation.

(8) Over the past three years, the Department of the Air Force has invested over \$25,000,000 in renewable energy projects at Alaska military installations.

(9) The Department of Defense prepares an Annual Energy Management Report in accordance with section 2925 of title 10, United States Code.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) energy security is critical to United States national security;

(2) cost-saving opportunities exist at Alaska military installations if energy efficiency solutions are sought after and implemented;

(3) evaluating energy efficiency measures at Alaska military installations is essential in order to determine enduring cost-effective energy production and consumption solutions and ensure mission effectiveness; and

(4) a comprehensive and detailed study of energy efficiency options at military installations in the state of Alaska is needed due to its complex and challenging geography, distance from the lower 48 states, resource availability, and lack of energy infrastructure.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the Service Assistant Secretaries responsible for Installations and Environment for the military services, shall submit a report to the congressional defense committees detailing the current cost and sources of energy at each military installation in Alaska, and viable and feasible options for achieving energy efficiency and cost savings at Alaska military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation specific assessment of feasible and mission appropriate energy initiatives supporting energy production and consumption at military installations.

(B) An assessment of current sources of energy in Alaska and potential future sources that are technologically feasible, cost effective, and mission appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost effective where appropriate and consistent with department priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that would achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into con-

sideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy efficient solutions in the state of Alaska, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary is encouraged to work in conjunction and coordinate with the State of Alaska, local communities, and other Federal departments and agencies.

(d) DEFINITIONS.—In this section, the term “Alaska military installation” includes Clear Air Force Station, Eielson Air Force Base, Fort Wainwright, Joint Base Elmendorf-Richardson, Fort Greely, and Eareckson Air Station.

**SA 2257.** Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.**

The Secretary of the Navy may not obligate or expend funds for construction or advanced procurement of materials for the Littoral Combat Ships (LCS) designated as LCS 25 or LCS 26 until the Secretary submits to Congress each of the following:

(1) The report required by section 125(a).

(2) A coordinated determination by the Director of Operational Test and Evaluation and the Under Secretary of Defense for Acquisition, Technology, and Logistics that successful completion of the test evaluation master plan for both seaframes and each mission module will demonstrate operational effectiveness and operational suitability.

(3) A certification that the Joint Requirements Oversight Council—

(A) has reviewed the capabilities of the legacy systems that the Littoral Combat Ship is planned to replace and has compared these capabilities to those to be provided by the Littoral Combat Ship;

(B) has assessed the adequacy of the current Capabilities Development Document (CDD) for the Littoral Combat Ship to meet combatant command requirements and to address future threats as reflected in the latest assessment by the defense intelligence community; and

(C) has either validated the current Capabilities Development Document or directed the Secretary to update the current Capabilities Development Document based on the performance of the Littoral Combat Ship and mission modules to date.

(4) A report on the expected performance of each seaframe variant and mission module against the current or updated Capabilities Development Document.

(5) Certification that a Capability Production Document (CPD) for the seaframes has been completed.

(6) Certification that a Capability Production Document will be completed for each mission module before operational testing.

**SA 2258.** Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 13 and 14 and insert the following:

costs of that ship that are attributable solely to an urgent and unforeseen requirement identified as a result of the shipboard test program.”.

(c) LIMITATION ON SHIPBOARD TEST PROGRAM COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (7) of section 122(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as added by subsection (b), to adjust the amount set forth in section 122(a)(1) of that Act, as amended by subsection (a), for the ship referred to in such paragraph with respect to an urgent and unforeseen requirement identified as a result of the shipboard test program only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that such requirement was not known before the date of the submittal to Congress of the budget for fiscal year 2014 (as submitted pursuant to section 1105 of title 31, United States Code);

(2) the Secretary determines, and certifies to the congressional defense committees, that waiting on an action by Congress to raise the cost cap specified in such section 122(a)(1) to account for such requirement will result in a delay in the delivery of that ship or a delay in the date of initial operating capability of that ship; and

(3) the Secretary submits to Congress a report setting forth a description of such requirement before the obligation of additional funds pursuant to such authority.

**SA 2259.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 510. NATIONAL GUARD CONDUCT OF FIRE-FIGHTING HOMELAND DEFENSE MISSIONS WHILE IN STATE STATUS.**

(a) NATIONAL GUARD SUPPORT FOR FEDERAL AND STATE CIVIL AUTHORITIES.—Section 502(f)(2) of title 32, United States Code, is amended by adding at the end the following new subparagraph:

“(C) Support of operations, missions, or activities undertaken in support of a civil authority of a Federal or State agency when expenses related to such operations, missions, or activities are reimbursed.”.

(b) ACTIVE GUARD AND RESERVE DUTY.—Section 328(b) of such title is amended—

(1) by inserting “(1)” before “A member”;

(2) in paragraph (1), as so designated, by inserting “subparagraphs (A) and (B) of” after “additional duties specified in”; and



(3) by adding at the end the following new paragraph:

“(2) A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in subparagraph (C) of section 502(f)(2) of this title without regard to any limitation in paragraph (1).”.

(C) FEDERAL TECHNICIAN OPERATIONAL SUPPORT FOR FEDERAL AND STATE CIVIL AUTHORITIES.—Section 709(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(D) Support of operations, missions, or activities undertaken in support of a civil authority of a Federal or State agency pursuant to section 502(f)(2)(C) of this title.”.

**SA 2260.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act may be made used for United States participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Egypt-Israel peace treaty signed at Washington, D.C., on March 26, 1979.

(b) WAIVER.—The President may waive the limitation in subsection (a) if the President certifies to Congress in writing that the waiver is in the national security interests of the United States.

**SA 2261.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In division C, between titles XXXII and XXXV, insert the following:

**TITLE XXXIII—NUCLEAR TERRORISM CONVENTIONS AND MARITIME SAFETY**

**SEC. 3301. SHORT TITLE.**

This title may be cited as the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012”.

**Subtitle A—Safety of Maritime Navigation**

**SEC. 3311. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.**

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking “a ship flying the flag of the United States” and inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in clause (ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in clause (iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsections (d) and (e) and inserting the following:

“(d) DEFINITIONS.—In this section and in sections 2280a, 2281, and 2281a:

“(1) APPLICABLE TREATY.—The term ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

“(2) ARMED CONFLICT.—The term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

“(3) BIOLOGICAL WEAPON.—The term ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

“(4) CHEMICAL WEAPON.—The term ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except if intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement, including domestic riot control purposes, if the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B).

“(5) COVERED SHIP.—The term ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country.

“(6) EXPLOSIVE MATERIALS.—The term ‘explosive materials’ has the meaning given the term in section 841(c) and includes an explosive (as defined in section 844(j)).

“(7) INFRASTRUCTURE FACILITY.—The term ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5).

“(8) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

“(9) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility.

“(10) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(11) NON-PROLIFERATION TREATY.—The term ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968.

“(12) NON-PROLIFERATION STATE PARTY.—The term ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty.

“(13) NUCLEAR WEAPON STATE PARTY TO THE NON-PROLIFERATION TREATY.—The term ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty.

“(14) PLACE OF PUBLIC USE.—The term ‘place of public use’ has the meaning given the term in section 2332f(e)(6).

“(15) PRECURSOR.—The term ‘precursor’ has the meaning given the term in section 229F(6)(A).

“(16) PUBLIC TRANSPORTATION SYSTEM.—The term ‘public transportation system’ has the meaning given the term in section 2332f(e)(7).

“(17) SERIOUS INJURY OR DAMAGE.—The term ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora.

“(18) SHIP.—The term ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically

supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

“(19) **SOURCE MATERIAL.**—The term ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

“(20) **SPECIAL FISSIONABLE MATERIAL.**—The term ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

“(21) **TERRITORIAL SEA OF THE UNITED STATES.**—The term ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

“(22) **TOXIC CHEMICAL.**—The term ‘toxic chemical’ has the meaning given the term in section 229F(8)(A).

“(23) **TRANSPORT.**—The term ‘transport’ means to initiate, arrange or exercise effective control, including decision making authority, over the movement of a person or item.

“(24) **UNITED STATES.**—The term ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.

“(e) **EXCEPTIONS.**—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) **DELIVERY OF SUSPECTED OFFENDER.**—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

“(g)(1) **CIVIL FORFEITURE.**—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) **APPLICABLE PROCEDURES.**—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil

forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

#### **SEC. 3312. VIOLENCE AGAINST MARITIME NAVIGATION.**

(a) **IN GENERAL.**—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

##### **“§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction**

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—Subject to the exceptions set forth in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, unless—

“(I) the country to the territory of which or under the control of which such item is

transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this paragraph or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the offense set forth in subsection (a)(2) pertains to subparagraph (A);

“(E) attempts to do any act prohibited under subparagraph (A), (B), or (D); or

“(F) conspires to do any act prohibited under this subsection, shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

“(2) **THREATS.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited under subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country

other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

#### SEC. 3313. EXCEPTIONS TO LAW PROHIBITING VIOLENCE AGAINST MARITIME FIXED PLATFORMS.

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by adding at the end the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

#### SEC. 3314. ADDITIONAL OFFENSES AGAINST MARITIME FIXED PLATFORMS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following:

##### “§ 2281a. Additional offenses against maritime fixed platforms

“(a) OFFENSES.—

“(1) IN GENERAL.—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

“(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) DEFINITIONS.—In this section:

“(1) CONTINENTAL SHELF.—The term ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

“(2) FIXED PLATFORM.—The term ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following:

“2281a. Additional offenses against maritime fixed platforms.”

#### SEC. 3315. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended, by striking “2281” and inserting “2280a (relating to maritime safety), 2281 through 2281a”.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title

18, United States Code, is amended by striking, “2280, 2281” and inserting, “2280, 2280a, 2281, 2281a”

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by striking “or section” and inserting “, section 2280, 2280a, 2281, or 2281(a) (relating to maritime safety), or section”.

#### Subtitle B—Prevention of Nuclear Terrorism SEC. 3321. ACTS OF NUCLEAR TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

##### “§ 2332i. Acts of nuclear terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Any person who knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act, shall be punished as prescribed in subsection (c).

“(2) THREATS.—Any person who, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Any person who attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the

United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Any person who violates this section shall be punished by death or imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—In this section:

“(1) ARMED CONFLICT.—The term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11).

“(2) DEVICE.—The term ‘device’ means—

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment.

“(3) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

“(4) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

“(5) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(6) NUCLEAR FACILITY.—The term ‘nuclear facility’ means—

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material.

“(7) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given the term in section 831(f)(1).

“(8) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

“(9) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning given the term in section 831(f)(4).

“(10) STATE.—The term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state.

“(11) STATE OR GOVERNMENT FACILITY.—The term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3).

“(12) UNITED STATES CORPORATION OR LEGAL ENTITY.—The term ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States.

“(13) VESSEL.—The term ‘vessel’ has the meaning given the term in section 1502(19) of title 33.

“(14) VESSEL OF THE UNITED STATES.—The term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

“2332i. Acts of nuclear terrorism.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

#### SEC. 3322. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(2) by inserting after paragraph (2) the following:

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5);” and

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7);”

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8);” and

(2) in paragraph (2), by striking “(8)” and inserting “(9);”

(c) in subsection (c)—

(1) in subparagraph (2)(A), by inserting “or a stateless person whose habitual residence is in the United States” after “United States”; and

(2) in paragraph (4), by striking “or” at the end; and

(3) by striking paragraph (5) and inserting the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”

(d) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(e) by inserting after subsection (c) the following:

“(d) NONAPPLICABILITY.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are under-

stood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given the term in section 2332f(e)(11);

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state;

“(11) the term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3); and

“(12) the term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46.”

#### SEC. 3323. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2332i (relating to acts of nuclear terrorism),” before “2339 (relating to harboring terrorists).”

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by inserting “2332i,” before “2340A.”

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by inserting “, 2332i,” after “2332h.”

**SA 2262.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

#### SEC. 1066. FORCE PROTECTION.

(a) REPORT.—Not later than March 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on current expeditionary physical barrier systems and new systems or technologies that are or can be used for force protection and to provide blast protection for forces supporting contingency operations.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A review of current and projected threats in connection with force protection, a description of any recent changes to policies on force protection, and an assessment of current planning methods on force protection, including standoff distances and physical barriers, to provide consistent and adequate levels of force protection.

(2) An assessment of the use of expeditionary physical barrier systems to meet the goals of the combatant commands for force protection and force resiliency.

(3) A description of the specifications developed by the Department to meet requirements for effectiveness, affordability, lifecycle management, and reuse or disposal of expeditionary physical barrier systems.

(4) A description of the process used within the Department to ensure appropriate consideration of the decommissioning cost, environmental impact, and subsequent disposal of expeditionary physical barrier materials in the procurement process for such materials.

(5) An assessment of the availability of new technologies or designs that improve the capabilities or lifecycle costs of expeditionary physical barrier systems.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 2263.** Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. PROHIBITION ON USE OF NONCOMPETITIVE PROCEDURES FOR OFFENSIVE ANTI-SURFACE WARFARE WEAPON CONTRACTS.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Offensive Anti-Surface Warfare Weapon may be used to enter into or modify a contract using procedures other than competitive procedures (as that term is defined in section 2302(2) of title 10, United States Code).

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

**SA 2264.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. SENSE OF CONGRESS ON SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES TO EGYPT.**

It is the sense of Congress that it should be the policy of the United States to consider the willingness of the Government of Egypt to sign the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993 (commonly known as the "Chemical Weapons Convention"), before resuming sales of defense articles or defense services to Egypt.

**SA 2265.** Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. HARKIN, Mr.

WYDEN, Mr. SCHATZ, Mr. DONNELLY, Mr. BROWN, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER THE TRICARE PROGRAM.**

(a) BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER TRICARE.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Subject to paragraph (4), in providing health care under subsection (a), the treatment of developmental disabilities (as defined by section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8))), including autism spectrum disorder, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(2) In carrying out this subsection, the Secretary shall ensure that—

“(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(B) applied behavior analysis or other behavioral health treatment may be provided by an employee, contractor, or trainee of a person described in subparagraph (A) if the employee, contractor, or trainee meets minimum qualifications, training, and supervision requirements as set forth by the Secretary.

“(3) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a covered beneficiary under—

“(A) this chapter;

“(B) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

“(C) any other law.

“(4)(A) Treatment may be provided under this subsection in a fiscal year only to the extent that amounts are provided in advance in appropriations Acts for the provision of such treatment for such fiscal year in the Defense Dependents Developmental Disabilities Account.

“(B) Funds for treatment under this subsection may be derived only from the Defense Dependents Developmental Disabilities Account.”.

(b) DEFENSE DEPENDENTS DEVELOPMENTAL DISABILITIES ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established on the books of the Treasury an account to be known as the “Defense Dependents Developmental Disabilities Account” (in this subsection referred to as the “Account”).

(B) SEPARATE ACCOUNT.—The Account shall be a separate account for the Department of Defense, and shall not be a subaccount within the Defense Health Program account of the Department.

(2) ELEMENTS.—The Account shall consist of amounts authorized to be appropriated or transferred to the account pursuant to paragraph (5).

(3) EXCLUDED SOURCES OF ELEMENTS.—Amounts in the Account may not be derived from transfers from the following:

(A) The Department of Defense Medicare-Eligible Retiree Health Care Fund under chapter 56 of title 10, United States Code.

(B) The Coast Guard Retired Pay Account.

(C) The National Oceanic and Atmospheric Administration Operations, Research, and Facilities Account.

(D) The Public Health Service Retirement Pay and Medical Benefits for Commissioned Officers Account.

(4) AVAILABILITY.—Amounts in the Account shall be available for the treatment of developmental disabilities in covered beneficiaries pursuant to subsection (g) of section 1077 of title 10, United States Code (as added by subsection (a)). Amounts in the Account shall be so available until expended.

(5) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2014 for the Department of Defense for the Defense Dependents Developmental Disabilities Account, \$60,000,000.

(B) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 301 for Operation and Maintenance and available for the Office of the Secretary of Defense as specified in the funding table in section 4301 is hereby reduced by \$60,000,000.

(C) TRANSFER FOR CONTINUATION OF EXISTING SERVICES.—From amounts authorized to be appropriated for fiscal year 2014 by section 1406 and available for the Defense Health Program for Operation and Maintenance as specified in the funding table in section 4501, there is hereby transferred to the Defense Dependents Developmental Disabilities Account, \$140,000,000.

**SA 2266.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EXPANSION OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE TO INCLUDE SERVICE ON ACTIVE DUTY IN ENTRY LEVEL AND SKILL TRAINING UNDER CERTAIN CIRCUMSTANCES.**

(a) FOR INDIVIDUALS WHO SERVE BETWEEN 18 AND 24 MONTHS.—Section 3311(b)(5)(A) of title 38, United States Code, is amended by striking “excluding” and inserting “including”.

(b) FOR INDIVIDUALS WHO SERVED IN OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, OR CERTAIN OTHER CONTINGENCY OPERATIONS.—Section 3311(b) of such title is amended in paragraphs (6)(A) and (7)(A) by striking “excluding service on active duty in entry level and skill training” and inserting “including service on active duty in entry level and skill training for individuals who served on active duty in the Armed Forces in Operation Enduring Freedom, Operation

Iraqi Freedom, Operation New Dawn, or any other contingency operation (as that term is defined in section 101 of title 10) and excluding service on active duty in entry level and skill training for all other individuals”.

**SA 2267.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. INDUSTRY AND BUSINESS TECHNOLOGY TRANSFER WORKING GROUP.**

(a) IN GENERAL.—The Secretary of Energy and the National Nuclear Security Administration shall jointly establish and administer an industry and business technology transfer working group that—

(1) parallels and complements the efforts of the National Laboratory technology working group; and

(2) shall convene regularly to make recommendations to the Department of Energy and the National Laboratories for use to assess capabilities and implement improvements regarding—

- (A) priorities for commercialization;
- (B) the assessment of technology targets;
- (C) the evaluation of the impact of technology transfer activities; and
- (D) implementation of technology transfer activities.

(b) REQUIREMENTS.—The working group established under subsection (a) shall carry out technology transfer evaluations, measurement, and reporting functions of the Department of Energy, including—

(1) an annual evaluation of the progress and impact of the technology transfer programs and activities of the Department and the National Nuclear Security Administration;

(2) functions in addition to the metrics included in the annual Federal laboratory technology transfer report of the National Institute of Standards and Technology relating to—

- (A) the number of patents filed;
- (B) the number of patents granted;
- (C) the number of licenses and details regarding the license;
- (D) the earned royalty income and other royalty statistical information;
- (E) the disposition of royalty income;
- (F) the number of licenses terminated for cause; and

(G) other relevant parameters unique to the technology transfer programs and activities of the Department and the National Nuclear Security Administration;

(3) as part of the annual evaluation of technology transfer activities of the Department of Energy, additional information relating to the economic and technology transfer impact of—

- (A) North American Industry Classification System (NAICS) employment data;
- (B) follow-on investment;
- (C) start-up survival and growth rate;
- (D) transactional efficiency;
- (E) programmatic operational efficiency;
- (F) the effectiveness of local and regional partnerships; and

(G) other key metrics determined by the Secretary of Energy and the National Nuclear Security Administration;

(4)(A) the use of random sampling, retrospective data, and other justifiable evaluation methodologies to control the cost and scope of the evaluations; and

(B) to the maximum extent practicable—

(i) the collection and analysis of data relevant to the metrics described in this paragraph; and

(ii) the use of the results to improve the implementation of technology transfer activities;

(5)(A) the continuous monitoring of the fairness and opportunities in the administration of this paragraph;

(B) the assessment of—

(i) accessibility; and

(ii) expectations and limitations relating to employee conflict of interest; and

(C) to the maximum extent practicable, the implementation of annual improvements to enable the Department and the National Laboratories to effectively coordinate technology transfer activities; and

(6) based on input from the National Laboratory and industry technology transfer working groups, an assessment of the degree to which the technology transfer programs and activities of the Department and the National Nuclear Security Administration and National Laboratory technology transfer offices are meeting the technology transfer goals of the Department.

**SA 2268.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DEPARTMENT OF ENERGY RESEARCH AND DEVELOPMENT GRANTS.**

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “director” means the director of a National Laboratory.

(2) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(b) RESEARCH AND DEVELOPMENT GRANTS.—

(1) IN GENERAL.—A director may accept grants for research and development activities from foundations and other nonprofit organizations.

(2) WAIVER OF INDIRECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), a director may waive the indirect costs for the grants described in paragraph (1) to the extent required by the operating charter of the foundation or nonprofit organization.

(B) LIMITATION ON WAIVER.—The total amount waived under subparagraph (A) shall not be greater than 1 percent of the total budget of the National Laboratory.

**SA 2269.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities

of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 662. PREVENTION OF VETERANS HOMELESSNESS THROUGH IMPROVED FINANCIAL EDUCATION FOR MEMBERS OF THE ARMED FORCES.**

(a) FINDINGS.—Congress makes the following findings:

(1) The veterans population, as a percentage of total homeless population, is still extraordinarily high, and higher than the percentage of veterans in the general population.

(2) The Department of Veterans Affairs goal of eliminating homelessness among veterans by 2015 is a laudable goal.

(3) The Department of Veterans Affairs has made significant progress toward reaching the goal of eliminating homelessness among veterans.

(4) Even if the Department of Veterans Affairs reaches the goal of eliminating homelessness among veterans, both the Department of Veterans Affairs and the Department of Defense will need to embrace long-term efforts to prevent future veterans from becoming homeless.

(5) In addition to triggers of homelessness such as lack of employment, Post-Traumatic Stress Disorder (PTSD), substance use and abuse, and a poor support system, veterans who lack basic financial skills may be at a higher risk of becoming homeless.

(6) According to a study by the American Journal of Public Health, many members of the Armed Forces lack basic financial skills such as how to make a household budget.

(7) The lack of basic financial skills puts veterans at higher risk of making poor financial decisions, becoming victims of predatory lenders, and losing housing as a result of these and other financial decisions.

(8) The Department and Defense and the Department of Veterans Affairs have made strides to educate members separating from the Armed Forces through the Transition Assistance Program, but more can be done to educate members about basic financial decision making.

(b) TRAINING FOR ENLISTED ON MEMBERS ON BASIC FINANCIAL SKILLS.—

(1) PLAN FOR TRAINING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for providing improved training on basic financial skills to all enlisted members of the Armed Forces in grade E-3 and above during their military service. The plan shall be based on the reviews required by subsections (c) and (d).

(2) COMMENCEMENT OF TRAINING.—The Secretary shall commence provision of the training described in paragraph (1) in accordance with the plan required by that paragraph by not later than one year after the date of the enactment of this Act.

(c) REVIEWS OF CERTAIN TRAINING.—

(1) TRAINING FOR OFFICER CANDIDATES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the training on financial and economic matters provided to candidates for commissioning as officers in the Armed Forces to determine whether additional training on such matters should be provided to such candidates before commissioning.



(2) **TRAINING WITHIN TAP.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a review of the training provided through the Transition Assistance Program (TAP) to determine whether training on financial skills provided through that Program is adequate for preparing members for civilian life.

(d) **PROVISION OF BASIC FINANCIAL SKILLS TRAINING.**—

(1) **IN GENERAL.**—The Secretary of Defense shall—

(A) review the effectiveness of the initial training on basic financial skills that is provided to enlisted members of the Armed Forces;

(B) assess whether yearly training refreshers should be required for members of the Armed Forces in order to build on the initial training described in subparagraph (A);

(C) review the qualifications required of individuals for the provision of training on basic financial skills to members of the Armed Forces; and

(D) in light of the reviews and assessment under this paragraph, establish a revised curriculum to be followed in the provision of training on basic financial skills for both trainees and trainers.

(2) **CONSULTATION.**—The Secretary of Defense shall carry out paragraph (1) in consultation with the Secretary of Veterans Affairs, the Secretary of Education, the Consumer Financial Protection Bureau, and such public and private organizations dedicated to financial skills education as the Secretary of Defense considers appropriate.

**SA 2270.** Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. MERKLEY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF FEDERAL DEFENSE CONTRACTS.**

(a) **IN GENERAL.**—Section 2305(a)(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C)(i) In prescribing the evaluation factors to be included in each solicitation for competitive proposals for covered contracts, an agency shall include the effects on employment within the United States of the contract as an evaluation factor that must be considered in the evaluation of proposals.

“(ii) In this subparagraph, the term ‘covered contract’ means—

“(I) a contract in excess of \$1,000,000 for the procurement of manufactured goods;

“(II) a contract in excess of \$1,000,000 for the procurement of goods or services listed in the report of industrial base capabilities required by section 2504 of title 10; and

“(III) a contract in excess of \$1,000,000 for the procurement of any item procured as part of a major defense acquisition program.

“(iii) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider, and in the case of a covered con-

tract will consider as an evaluation factor under subparagraph (A), information (in this subsection referred to as a ‘jobs impact statement’) that the offeror includes in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

“(iv) The information that may be included in a jobs impact statement may include the following:

“(I) The number of jobs expected to be created or retained in the United States if the contract is awarded to the offeror.

“(II) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

“(III) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract unless doing so is required to provide the goods or services stipulated in the contract or is in the best interest of the Federal Government.

“(v) The contracting officer may consider, and in the case of a covered contract will consider, the information in the jobs impact statement in the evaluation of the offer and may request further information from the offeror in order to verify the accuracy of any such information submitted.

“(vi) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than one year after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

“(vii) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.

“(viii)(I) In any contract awarded to an offeror that submitted a jobs impact statement with its offer in response to the solicitation for proposals for the contract, the agency shall track the number of jobs created or retained during the performance of the contract.

“(II) If the number of jobs that the agency estimates will be created (by using the jobs impact statement) significantly exceeds the number of jobs created or retained, then the agency may consider this as a factor that affects a contractor’s past performance in the award of future contracts.

“(III) Contractors shall be provided an opportunity to explain any differences between their original jobs impact statement and the actual amount of jobs created or retained before the discrepancy affects the agency’s assessment of the contractor’s past performance.”

(b) **REVISION OF FEDERAL ACQUISITION REGULATION.**—The Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the amendment made by subsection (a).

**SA 2271.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. COMPTROLLER GENERAL REPORT ON RECOVERY AUDIT PROGRAM OF THE TRICARE PROGRAM.**

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report that evaluates the similarities and differences in the approaches to identifying and recovering improper payments between the Medicare program and the TRICARE program. The report shall contain an evaluation of the following:

(1) Medicare and TRICARE claims processing efforts to prevent improper payments by denying claims prior to payment.

(2) Medicare and TRICARE claims processing efforts to correct improper payments post-payment.

(3) The effectiveness of Medicare and TRICARE post-payment audit programs in identifying and correcting improper payments that are returned to the government plans.

**SA 2272.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 9 and 10, insert the following:

(d) **EXPANSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.**—Subsection (d) of section 1227 of the National Defense Authorization Act for Fiscal Year 2013 is further amended in paragraph (1)(B)(i), by inserting “, Lashkar-e-Tayyiba, Jaish-e-Mohammed,” after “the Haqqani Network”.

**SA 2273.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. TRANSFER OF EXCESS PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE.**

Section 2576a of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) **RESTRICTIONS ON TRANSFER.**—(1) Such excess military equipment shall not be transferred under the provisions of this section to a State or local law enforcement, firefighting, homeland security, or emergency management agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary and suitable for the operation of such agency by the Governor (or such State official as he



may designate) of the State in which such agency is located. Equipment transferred to a State or local law enforcement, fire-fighting, homeland security, or emergency management agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency.

“(2) The Secretary of Defense shall, as a condition of transfer of personal property under this section, prohibit the additional transfer of such property to any receiving party unless the transfer and such receiving party meet the requirements under paragraph (1).

“(3) The Secretary may require any party receiving personal property pursuant to this section to return such property to the Department of Defense at no cost to the Department if such party does not comply with the requirements of paragraph (1).”.

**SA 2274.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.**

(a) IN GENERAL.—The Secretary of Defense is authorized to work with other Federal agencies—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with Department of Defense contractors responsible for the production of major weapons systems to identify and address gaps in domestic supply chains.

(b) CONSULTATION.—In carrying out the actions authorized under this section, the Secretary shall consult with—

(1) the Department of Commerce and other Federal agencies with relevant experience; and

(2) participants in the National Institute of Standards and Technology Hollings Manufacturing Extension Partnership program authorized under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), and other industry groups.

**SA 2275.** Mr. BROWN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INCLUSION OF FLAGS OF THE UNITED STATES OF AMERICA UNDER BUY AMERICAN REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.**

Section 2533a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A flag of the United States of America (within the meaning of chapter 1 of title 4).”.

**SA 2276.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 311.

**SA 2277.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. REVISION OF DEFENSE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION TO TAKE INTO ACCOUNT SOURCING LAWS.**

Not later than 60 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the requirements imposed by sections 129, 129a, 2330a, 2461, and 2463 of title 10, United States Code.

**SA 2278.** Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. COONS, Mr. KIRK, Mr. GRAHAM, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. UNITED STATES EXPORTS TO AFRICA.**

(a) PURPOSE.—The purpose of this section is to create jobs in the United States by increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

(b) DEFINITIONS.—In this section:

(1) AFRICA.—The term “Africa” refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Banking, Housing, and Urban

Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(B) the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

(3) TRADE PROMOTION COORDINATING COMMITTEE.—The term “Trade Promotion Coordinating Committee” means the Trade Promotion Coordinating Committee established by Executive Order 12870 (58 Fed. Reg. 51753).

(4) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term “United States and Foreign Commercial Service” means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

(c) COORDINATED AGENCY EFFORTS.—Not later than 60 days after the date of the enactment of this Act, the President shall designate an existing senior United States Government official with existing interagency authority for export policy for Africa to coordinate among various United States Government agencies existing export strategies with the goal of significantly increasing United States exports to Africa in real dollar value. Such coordination shall occur for not less than 2 years after the date of the enactment of this Act.

(d) TRADE MISSION TO AFRICA.—It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

(e) PERSONNEL.—

(1) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(A) IN GENERAL.—The Secretary of Commerce shall ensure that not less than 10 total United States and Foreign Commercial Service officers are assigned to Africa for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

(B) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee, the Under Secretary for International Trade of the Department of Commerce, and the person designated pursuant to subsection (c), assign the United States and Foreign Commercial Service officers described in subparagraph (A) to United States embassies in Africa after conducting a timely resource allocation analysis that represents a forward-looking assessment of future United States trade opportunities in Africa.

(C) COORDINATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall ensure that the Department of Commerce coordinates with the United States Executive Director at the World Bank and the African Development Bank on United States export strategy related to Africa.

(2) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(A) STAFFING.—Of the net offsetting collections collected by the Overseas Private Investment Corporation used for administrative expenses, the Corporation shall use sufficient funds to ensure that adequate staff, not to increase by more than two new staff, are available to promote stable and sustainable economic growth and development in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general

economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(B) **REPORT.**—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed as permitting the reduction of Department of Commerce, Department of State, Export Import Bank, or Overseas Private Investment Corporation personnel or the alteration of planned personnel increases in other regions, except where a personnel decrease was previously anticipated or where decreased export opportunities justify personnel reductions.

(f) **TRAINING.**—Not later than 90 days after the date of the enactment of this Act, the President shall develop and implement a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country shall receive that training.

(g) **SMALL BUSINESS ADMINISTRATION.**—Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Trade Promotion Coordinating Committee,” after “Director of the United States Trade and Development Agency,”; and

(2) in paragraph (3), by inserting “regional offices of the Export-Import Bank,” after “Retired Executives.”.

(h) **NON-OECD LENDING AND REPORTING.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that foreign export credit agencies are providing non-OECD arrangement compliant financing in Africa, which distorts trade and threatens United States jobs.

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the senior coordinator named in subsection (c) shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives a report on United States Government export financing related to United States exports to Africa.

(B) **ELEMENTS.**—The report required under subparagraph (A) shall include the following elements:

(i) A summary of progress made to significantly increase United States exports to Africa in real dollars.

(ii) An explanation of challenges hindering further United States exports to Africa, including plans to overcome such challenges.

(iii) An assessment of challenges that prevented United States Government export financing for viable United States export business to Africa for which commercial lending was not available.

(iv) A summary of all Export Import Bank loans made and rejected that were considered to counter non-OECD arrangement compliant financing offered by other countries.

(v) A description of trade distorting non-OECD arrangement compliant financing loans made by other countries during that fiscal year to firms that competed against United States firms.

(C) **NON-DISCLOSURE.**—The report required under subparagraph (A) shall not disclose any information that is confidential or business proprietary, or that would violate section 1905 of title 18, United States Code (commonly referred to as the “Trade Secrets Act”).

**SA 2279.** Mr. DURBIN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. EXTREMITY TRAUMA AND AMPUTATION RESEARCH.**

Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4508) is amended—

(1) in subsection (c)(2), by adding at the end the following: “Such research may be conducted by awarding competitive grants for peer-reviewed research on patient outcomes, materials, and technology to advance orthotic and prosthetic clinical care for members of the Armed Forces and veterans who have undergone amputation, traumatic brain injury, and other serious physical injury as a result of combat or military experience.”; and

(2) in subsection (d)(2), by adding at the end the following new subparagraph:

“(C) Identification and prioritization of the most significant gaps in orthotic and prosthetic research pertinent to the provision of evidence-based clinical care to members of the Armed Forces and veterans, and a summary of how any grants awarded under subsection (c)(2) will address such gaps.”.

**SA 2280.** Mr. DURBIN (for himself, Mrs. HAGAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. REVENUE, RECRUITING, AND MARKETING RESTRICTIONS FOR INSTITUTIONS OF HIGHER EDUCATION RECEIVING FUNDS FROM VOLUNTARY MILITARY EDUCATION PROGRAMS.**

(a) **90/10 RULE FOR PARTICIPATION IN VOLUNTARY MILITARY EDUCATION PROGRAMS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, in order for a proprietary institution of higher education (as defined in section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b))) to be eligible to participate in a voluntary military education program, such institution shall demonstrate to the Secretary of Defense that not less than 10 percent of such institution’s revenues are derived from sources other than—

(A) funds provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(B) funds provided under voluntary military education programs, as calculated in a manner to be determined by the Secretary of Defense and consistent with section 487(d)(1) of such Act.

(2) **VOLUNTARY MILITARY EDUCATION PROGRAMS DEFINED.**—In this subsection, the term “voluntary military education programs” means—

(A) the programs to assist military spouses in achieving education and training for extended employment and portable career opportunities under section 1784a of title 10, United States Code (commonly referred to as “MyCAA”); and

(B) the authority to pay tuition for off-duty training or education of members of the Armed Forces under section 2005 or 2007 of title 10, United States Code.

(b) **MARKETING BAN.**—

(1) **IN GENERAL.**—In order to be eligible to receive voluntary military education program funds and in addition to any other requirements to receive such funds, an institution of higher education or other postsecondary educational institution shall not use revenues derived from voluntary military education program funds for recruiting or marketing activities described in paragraph (2).

(2) **COVERED ACTIVITIES.**—Except as provided in paragraph (3), the recruiting and marketing activities subject to paragraph (1) shall include the following:

(A) Advertising and promotion activities, including—

(i) paid announcements in newspapers, magazines, radio, television, billboards or electronic media;

(ii) naming rights; and

(iii) any other public medium of communication, including paying for displays or promotions at job fairs, military installations, or college recruiting events.

(B) Efforts to identify and attract prospective students, either directly or through a contractor or other third party, including contact concerning a prospective student’s potential enrollment or application for grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, which may include—

(i) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other internet communications regarding enrollment; and

(ii) soliciting an individual to provide contact information to an institution of higher education, including websites established for

such purpose and funds paid to third parties for such purpose.

(C) Such other activities as the Secretary of Defense may prescribe, including paying for promotion or sponsorship of education-related or military-related associations.

(3) EXCEPTIONS.—The recruiting and marketing activities subject to paragraph (1) shall not include the following:

(A) Any activity that is required as a condition of receipt of funds by an institution of higher education under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), is specifically authorized under such title, or is otherwise specified by the Secretary of Education.

(B) Any activity that is required to qualify for voluntary military education program funds or is otherwise specified by the Secretary of Defense.

(4) REPORTING.—Each institution of higher education, or other postsecondary educational institution, that receives revenues derived from voluntary military education program funds shall annually prepare and submit a report to the Secretary of Defense and to Congress regarding the institution's expenditures on advertising, marketing, and recruiting.

(5) DEFINITION OF VOLUNTARY MILITARY EDUCATION PROGRAM FUNDS.—In this subsection, the term “voluntary military education program funds” means funds provided under—

(A) the programs to assist military spouses in achieving education and training for extended employment and portable career opportunities under section 1784a of title 10, United States Code (commonly referred to as “MyCAA”); and

(B) the authority to pay tuition for off-duty training or education of members of the Armed Forces under section 2005 or 2007 of title 10, United States Code.

**SA 2281.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PROGRAM TO PROVIDE FEDERAL PROCUREMENT CONTRACTS TO EARLY-STAGE SMALL BUSINESS CONCERNS.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following:

**“SEC. 48. PROGRAM TO PROVIDE FEDERAL PROCUREMENT CONTRACTS TO EARLY-STAGE SMALL BUSINESS CONCERNS.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘early-stage small business concern’ means a small business concern—

“(A) that has not more than 15 employees;

“(B) that—

“(i) has average annual receipts that total not more than \$1,000,000; or

“(ii) is in an industry with a size standard of less than \$1,000,000 in average annual receipts; and

“(C) that is certified as an early-stage small business concern—

“(i) by the Administrator; or

“(ii) by a Federal agency, State government, or national certifying entity approved by the Administrator to certify that the small business concern is an early-stage small business concern;

“(2) the term ‘Federal procurement contract’ means a contract with a Federal agency for the procurement of goods or services; and

“(3) the term ‘program’ means the program established under subsection (b).

“(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program to provide improved access to Federal procurement contract opportunities for early-stage small business concerns in accordance with this section.

“(c) PROCUREMENT CONTRACTS.—

“(1) IN GENERAL.—In carrying out the program, the Administrator shall, in consultation with other Federal agencies, identify Federal procurement contracts of not less than \$3,000 and not more than \$50,000 to be awarded to early-stage small business concerns under the program.

“(2) CONTRACT AWARDS.—A Federal agency may award a contract identified under paragraph (1) to an early-stage small business concern selected, and determined to be responsible, by the Federal agency.

“(3) COMPETITION.—

“(A) SOLE SOURCE.—A contracting officer may award a sole source contract to an early-stage small business concern under the program if—

“(i) the contracting officer determines that the early-stage small business concern is a responsible contractor with respect to performance of the contract;

“(ii) the contracting officer does not have a reasonable expectation that 2 or more early-stage small business concerns will submit offers for the contract; and

“(iii) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

“(B) RESTRICTED COMPETITION.—A contracting officer may award a contract under the program on the basis of competition restricted to early-stage small business concerns if the contracting officer has a reasonable expectation that—

“(i) 2 or more early-stage small business concerns will submit offers for the contract; and

“(ii) the contract award can be made at a fair and reasonable price.

“(4) CONTRACT VALUE.—A contract awarded under the program shall have a value greater than \$3,000 and less than \$50,000.

“(d) TECHNICAL ASSISTANCE.—The Administrator shall provide early-stage small business concerns with technical assistance and counseling regarding—

“(1) applying and competing for Federal procurement contracts; and

“(2) fulfilling administrative responsibilities associated with the performance of a Federal procurement contract.

“(e) ATTAINMENT OF CONTRACT GOALS.—Contract awards made under the program shall count toward the attainment of the goals established under section 15(g).

“(f) REGULATIONS.—The Administrator shall—

“(1) not later than 180 days after the date of enactment of this section, propose regulations to carry out this section; and

“(2) not later than 270 days after the date of enactment of this section, issue final regulations to carry out this section.

“(g) REPORT TO CONGRESS.—Not later than April 30, 2015, the Administrator shall submit to Congress a report on the performance of the program.”.

(b) REPEAL OF SIMILAR PROGRAM.—Section 304 of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 644 note) is repealed.

**SA 2282.** Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. BLUMENTHAL, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**Subtitle F—Military Land Withdrawals**

**SEC. 2851. SHORT TITLE.**

This subtitle may be cited as the “Military Land Withdrawals Act of 2013”.

**SEC. 2852. DEFINITIONS.**

In this subtitle:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(2) MANAGE; MANAGEMENT.—

(A) INCLUSIONS.—The terms “manage” and “management” include the authority to exercise jurisdiction, custody, and control over the land withdrawn and reserved by title LI.

(B) EXCLUSIONS.—The terms “manage” and “management” do not include authority for disposal of the land withdrawn and reserved by title LI.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” has the meaning given the term in section 101(a) of title 10, United States Code.

**PART 1—GENERAL PROVISIONS**

**SEC. 2861. GENERAL APPLICABILITY; DEFINITIONS.**

(a) APPLICABILITY OF PART.—The provisions of this part apply to any withdrawal made by this subtitle.

(b) RULES OF CONSTRUCTION.—Nothing in this part assigns management of real property under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

**SEC. 2862. MAPS AND LEGAL DESCRIPTIONS.**

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the land withdrawn and reserved by part 2; and

(2) file maps and legal descriptions of the land withdrawn and reserved by part 2 with—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal descriptions filed under subsection (a)(2) shall have the same force and effect as if the maps and legal descriptions were included in this subtitle, except that the Secretary of the Interior may correct any clerical and typographical errors in the maps and legal descriptions.

(c) AVAILABILITY.—Copies of the maps and legal descriptions filed under subsection (a)(2) shall be available for public inspection—

(1) in the appropriate offices of the Bureau of Land Management;

(2) in the office of the commanding officer of the military installation for which the land is withdrawn; and

(3) if the military installation is under the management of the National Guard, in the office of the Adjutant General of the State in which the military installation is located.

(d) **COSTS.**—The Secretary concerned shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

**SEC. 2863. ACCESS RESTRICTIONS.**

(a) **IN GENERAL.**—If the Secretary concerned determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of land withdrawn and reserved by this subtitle, the Secretary may take such action as the Secretary determines to be necessary to implement and maintain the closure.

(b) **LIMITATION.**—Any closure under subsection (a) shall be limited to the minimum area and duration that the Secretary concerned determines are required for the purposes of the closure.

(c) **CONSULTATION REQUIRED.**—

(1) **IN GENERAL.**—Subject to paragraph (3), before a closure is implemented under this section, the Secretary concerned shall consult with the Secretary of the Interior.

(2) **INDIAN TRIBE.**—Subject to paragraph (3), if a closure proposed under this section may affect access to or use of sacred sites or resources considered to be important by an Indian tribe, the Secretary concerned shall consult, at the earliest practicable date, with the affected Indian tribe.

(3) **LIMITATION.**—No consultation shall be required under paragraph (1) or (2)—

(A) if the closure is provided for in an integrated natural resources management plan, an installation cultural resources management plan, or a land use management plan; or

(B) in the case of an emergency, as determined by the Secretary concerned.

(d) **NOTICE.**—Immediately preceding and during any closure implemented under subsection (a), the Secretary concerned shall post appropriate warning notices and take other appropriate actions to notify the public of the closure.

**SEC. 2864. CHANGES IN USE.**

(a) **OTHER USES AUTHORIZED.**—In addition to the purposes described in part 2, the Secretary concerned may authorize the use of land withdrawn and reserved by this subtitle for defense-related purposes.

(b) **NOTICE TO SECRETARY OF THE INTERIOR.**—

(1) **IN GENERAL.**—The Secretary concerned shall promptly notify the Secretary of the Interior if the land withdrawn and reserved by this subtitle is used for additional defense-related purposes.

(2) **REQUIREMENTS.**—A notification under paragraph (1) shall specify—

(A) each additional use;

(B) the planned duration of each additional use; and

(C) the extent to which each additional use would require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nondefense-related uses of the withdrawn and reserved land or portions of withdrawn and reserved land.

**SEC. 2866. BRUSH AND RANGE FIRE PREVENTION AND SUPPRESSION.**

(a) **REQUIRED ACTIVITIES.**—The Secretary concerned shall, consistent with any applicable land management plan, take necessary precautions to prevent, and actions to suppress, brush and range fires occurring as a result of military activities on the land withdrawn and reserved by this subtitle, including fires that occur on other land that

spread from the withdrawn and reserved land.

(b) **COOPERATION OF SECRETARY OF THE INTERIOR.**—

(1) **IN GENERAL.**—At the request of the Secretary concerned, the Secretary of the Interior shall—

(A) provide assistance in the suppression of fires under subsection (a); and

(B) be reimbursed by the Secretary concerned for the costs of the Secretary of the Interior in providing the assistance.

(2) **TRANSFER OF FUNDS.**—Notwithstanding section 2215 of title 10, United States Code, the Secretary concerned may transfer to the Secretary of the Interior, in advance, funds to reimburse the costs of the Department of the Interior in providing assistance under this subsection.

**SEC. 2867. ONGOING DECONTAMINATION.**

(a) **IN GENERAL.**—During the period of a withdrawal and reservation of land under this subtitle, the Secretary concerned shall maintain a program of decontamination of contamination caused by defense-related uses on the withdrawn land—

(1) to the extent funds are available to carry out this subsection; and

(2) consistent with applicable Federal and State law.

(b) **ANNUAL REPORT.**—The Secretary of Defense shall include in the annual report required by section 2711 of title 10, United States Code, a description of decontamination activities conducted under subsection (a).

**SEC. 2868. WATER RIGHTS.**

(a) **NO RESERVATION OF WATER RIGHTS.**—Nothing in this subtitle—

(1) establishes a reservation of the United States with respect to any water or water right on the land withdrawn and reserved by this subtitle; or

(2) authorizes the appropriation of water on the land withdrawn and reserved by this subtitle, except in accordance with applicable State law.

(b) **EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.**—

(1) **IN GENERAL.**—Nothing in this section affects any water rights acquired or reserved by the United States before the date of enactment of this Act.

(2) **AUTHORITY OF SECRETARY CONCERNED.**—The Secretary concerned may exercise any water rights described in paragraph (1).

**SEC. 2869. HUNTING, FISHING, AND TRAPPING.**

Section 2671 of title 10, United States Code, shall apply to all hunting, fishing, and trapping on the land—

(1) that is withdrawn and reserved by this subtitle; and

(2) for which management of the land has been assigned to the Secretary concerned.

**SEC. 2870. LIMITATION ON EXTENSIONS AND RE-NEWALS.**

The withdrawals and reservations established under this subtitle may not be extended or renewed except by a law enacted after the date of enactment of this Act.

**SEC. 2871. APPLICATION FOR RENEWAL OF A WITHDRAWAL AND RESERVATION.**

To the extent practicable, not later than 5 years before the date of termination of a withdrawal and reservation established by this subtitle, the Secretary concerned shall—

(1) notify the Secretary of the Interior as to whether the Secretary concerned will have a continuing defense-related need for any of the land withdrawn and reserved by this subtitle after the termination date of the withdrawal and reservation; and

(2) transmit a copy of the notice submitted under paragraph (1) to—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

**SEC. 2872. LIMITATION ON SUBSEQUENT AVAILABILITY OF LAND FOR APPROPRIATION.**

On the termination of a withdrawal and reservation by this subtitle, the previously withdrawn land shall not be open to any form of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, unless the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date on which the land shall be—

(1) restored to the public domain; and

(2) opened for appropriation under the public land laws.

**SEC. 2873. RELINQUISHMENT.**

(a) **NOTICE OF INTENTION TO RELINQUISH.**—If, during the period of withdrawal and reservation under this subtitle, the Secretary concerned decides to relinquish any or all of the land withdrawn and reserved by this subtitle, the Secretary concerned shall submit to the Secretary of the Interior notice of the intention to relinquish the land.

(b) **DETERMINATION OF CONTAMINATION.**—The Secretary concerned shall include in the notice submitted under subsection (a) a written determination concerning whether and to what extent the land that is to be relinquished is contaminated with explosive materials or toxic or hazardous substances.

(c) **PUBLIC NOTICE.**—The Secretary of the Interior shall publish in the Federal Register the notice of intention to relinquish the land under this section, including the determination concerning the contaminated state of the land.

(d) **DECONTAMINATION OF LAND TO BE RELINQUISHED.**—

(1) **DECONTAMINATION REQUIRED.**—The Secretary concerned shall decontaminate land subject to a notice of intention under subsection (a) to the extent that funds are appropriated for that purpose, if—

(A) the land subject to the notice of intention is contaminated, as determined by the Secretary concerned; and

(B) the Secretary of the Interior, in consultation with the Secretary concerned, determines that—

(i) decontamination is practicable and economically feasible, after taking into consideration the potential future use and value of the contaminated land; and

(ii) on decontamination of the land, the land could be opened to operation of some or all of the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) **ALTERNATIVES TO RELINQUISHMENT.**—The Secretary of the Interior shall not be required to accept the land proposed for relinquishment under subsection (a), if—

(A) the Secretary of the Interior, after consultation with the Secretary concerned, determines that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws; or

(B) sufficient funds are not appropriated for the decontamination of the land.

(3) **STATUS OF CONTAMINATED LAND ON TERMINATION.**—If, because of the contaminated state of the land, the Secretary of the Interior declines to accept land withdrawn and

reserved by this subtitle that has been proposed for relinquishment, or if at the expiration of the withdrawal and reservation made by this subtitle, the Secretary of the Interior determines that a portion of the land withdrawn and reserved by this subtitle is contaminated to an extent that prevents opening the contaminated land to operation of the public land laws—

(A) the Secretary concerned shall take appropriate steps to warn the public of—

(i) the contaminated state of the land; and  
(ii) any risks associated with entry onto the land;

(B) after the expiration of the withdrawal and reservation under this subtitle, the Secretary concerned shall undertake no activities on the contaminated land, except for activities relating to the decontamination of the land; and

(C) the Secretary concerned shall submit to the Secretary of the Interior and Congress a report describing—

(i) the status of the land; and  
(ii) any actions taken under this paragraph.

(e) REVOCATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary of the Interior determines that it is in the public interest to accept the land proposed for relinquishment under subsection (a), the Secretary of the Interior may order the revocation of a withdrawal and reservation established by this subtitle.

(2) REVOCATION ORDER.—To carry out a revocation under paragraph (1), the Secretary of the Interior shall publish in the Federal Register a revocation order that—

(A) terminates the withdrawal and reservation;

(B) constitutes official acceptance of the land by the Secretary of the Interior; and

(C) specifies the date on which the land will be opened to the operation of some or all of the public land laws, including the mining laws.

(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Nothing in this section requires the Secretary of the Interior to accept the land proposed for relinquishment if the Secretary determines that the land is not suitable for return to the public domain.

(2) NOTICE.—If the Secretary makes a determination that the land is not suitable for return to the public domain, the Secretary shall provide notice of the determination to Congress.

#### SEC. 2874. LAND WITHDRAWALS; IMMUNITY OF THE UNITED STATES.

The United States and officers and employees of the United States shall be held harmless and shall not be liable for any injuries or damages to persons or property incurred as a result of any mining or mineral or geothermal leasing activity or other authorized nondefense-related activity conducted on land withdrawn and reserved by this subtitle.

#### PART 2—MILITARY LAND WITHDRAWALS

##### SEC. 2881. CHINA LAKE, CALIFORNIA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws).

(2) DESCRIPTION OF LAND.—The public land (including interests in land) referred to in

paragraph (1) is the Federal land located within the boundaries of the Naval Air Weapons Station China Lake, comprising approximately 1,045,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on the maps entitled “Naval Air Weapons Station China Lake Withdrawal—Renewal”, “North Range”, and “South Range”, dated March 18, 2013, and filed in accordance with section 2862.

(3) RESERVATION.—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Use as a research, development, test, and evaluation laboratory.

(B) Use as a range for air warfare weapons and weapon systems.

(C) Use as a high-hazard testing and training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and directed energy and unmanned aerial systems.

(D) Geothermal leasing, development, and related power production activities.

(E) Other defense-related purposes consistent with the purposes described in subparagraphs (A) through (D) and authorized under section 2864.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(i) this subtitle;  
(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and  
(iii) any other applicable law.

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable law and Executive orders, the land withdrawn by this section may be managed in a manner that permits the following activities:

(i) Grazing.  
(ii) Protection of wildlife and wildlife habitat.  
(iii) Preservation of cultural properties.  
(iv) Control of predatory and other animals.

(v) Recreation and education.

(vi) Prevention and appropriate suppression of brush and range fires resulting from non-military activities.

(vii) Geothermal leasing and development and related power production activities.

(C) NONDEFENSE USES.—All nondefense-related uses of the land withdrawn by this section (including the uses described in subparagraph (B)), shall be subject to any conditions and restrictions that the Secretary of the Interior and the Secretary of the Navy jointly determine to be necessary to permit the defense-related use of the land for the purposes described in this section.

(D) ISSUANCE OF LEASES.—

(i) IN GENERAL.—The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, permit, license, or other instrument authorized by law with respect to any activity that involves geothermal resources on—

(I) the land withdrawn and reserved by this section; and

(II) any other land not under the administrative jurisdiction of the Secretary of the Navy.

(ii) CONSENT REQUIRED.—Any authorization issued under clause (i) shall—

(I) only be issued with the consent of the Secretary of the Navy; and

(II) be subject to such conditions as the Secretary of the Navy may require with respect to the land withdrawn and reserved by this section.

(2) ASSIGNMENT TO THE SECRETARY OF THE NAVY.—

(A) IN GENERAL.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) APPLICABLE LAW.—On assignment of the management responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;  
(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.);

(iii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(iv) cooperative management arrangements entered into by the Secretary of the Interior and the Secretary of the Navy; and

(v) any other applicable law.

(3) GEOTHERMAL RESOURCES.—

(A) IN GENERAL.—Nothing in this section or section 2865 affects—

(i) geothermal leases issued by the Secretary of the Interior before the date of enactment of this Act; or

(ii) the responsibility of the Secretary of the Interior to administer and manage the leases described in clause (i), consistent with the provisions of this section.

(B) AUTHORITY OF THE SECRETARY OF THE INTERIOR.—Nothing in this section or any other provision of law prohibits the Secretary of the Interior from issuing, subject to the concurrence of the Secretary of the Navy, and administering any lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and any other applicable law for the development and use of geothermal steam and associated geothermal resources on the land withdrawn and reserved by this section.

(C) APPLICABLE LAW.—Nothing in this section affects the geothermal exploration and development authority of the Secretary of the Navy under section 2917 of title 10, United States Code, with respect to the land withdrawn and reserved by this section, except that the Secretary of the Navy shall be required to obtain the concurrence of the Secretary of the Interior before taking action under section 2917 of title 10, United States Code.

(D) NAVY CONTRACTS.—On the expiration of the withdrawal and reservation of land under this section or the relinquishment of the land, any Navy contract for the development of geothermal resources at Naval Air Weapons Station, China Lake, in effect on the date of the expiration or relinquishment shall remain in effect, except that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for the contract.

(E) CONCURRENCE OF SECRETARY OF THE NAVY REQUIRED.—Any lease issued under section 2865(d) with respect to land withdrawn and reserved by this section shall require the concurrence of the Secretary of the Navy, if—

(i) the Secretary of the Interior anticipates the surface occupancy of the withdrawn land; or

(ii) the Secretary of the Interior determines that the proposed lease may interfere with geothermal resources on the land.

(4) WILD HORSES AND BURROS.—

(A) IN GENERAL.—The Secretary of the Navy—

(i) shall be responsible for the management of wild horses and burros located on the land withdrawn and reserved by this section; and

(ii) may use helicopters and motorized vehicles for the management of the wild horses and burros.

(B) REQUIREMENTS.—The activities authorized under subparagraph (A) shall be conducted in accordance with laws applicable to the management of wild horses and burros on public land.

(C) AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy shall enter into an agreement for the implementation of the management of wild horses and burros under this paragraph.

(5) CONTINUATION OF EXISTING AGREEMENT.—The agreement between the Secretary of the Interior and the Secretary of the Navy entered into before the date of enactment of this Act under section 805 of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103-433; 108 Stat. 4503) shall continue in effect until the earlier of—

(A) the date on which the Secretary of the Interior and the Secretary of the Navy enter into a new agreement; or

(B) the date that is 1 year after the date of enactment of this Act.

(6) COOPERATION IN DEVELOPMENT OF MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior shall update and maintain cooperative arrangements concerning land resources and land uses on the land withdrawn and reserved by this section.

(B) REQUIREMENTS.—A cooperative arrangement entered into under subparagraph (A) shall—

(i) focus on and apply to sustainable management and protection of the natural and cultural resources and environmental values found on the withdrawn and reserved land, consistent with the defense-related purposes for which the land is withdrawn and reserved; and

(ii) include a comprehensive land use management plan that—

(I) integrates and is consistent with any applicable law, including—

(aa) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(bb) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(II) shall be—

(aa) annually reviewed by the Secretary of the Navy and the Secretary of the Interior; and

(bb) updated, as the Secretary of the Navy and the Secretary of the Interior determine to be necessary—

(AA) to respond to evolving management requirements; and

(BB) to complement the updates of other applicable land use and resource management and planning.

(7) IMPLEMENTING AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to implement the comprehensive land use management plan developed under paragraph (6)(B)(ii).

(B) COMPONENTS.—An agreement entered into under subparagraph (A)—

(i) shall be for a duration that is equal to the period of the withdrawal and reservation of land under this section; and

(ii) may be amended from time to time.

(C) TERMINATION OF PRIOR WITHDRAWALS.—

(1) IN GENERAL.—Subject to paragraph (2), the withdrawal and reservation under section 803(a) of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103-433; 108 Stat. 4502) is terminated.

(2) LIMITATION.—Notwithstanding the termination under paragraph (1), all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Interior or the Secretary of the Navy with respect to the land withdrawn and reserved under that section, unless inconsistent with the provisions of this section, shall remain in force until modified, suspended, overruled, or otherwise changed by—

(A) the Secretary of the Interior or the Secretary of the Navy (as applicable);

(B) a court of competent jurisdiction; or

(C) operation of law.

(D) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

#### SEC. 2882. LIMESTONE HILLS, MONTANA.

(a) WITHDRAWAL AND RESERVATION OF PUBLIC LAND FOR LIMESTONE HILLS TRAINING AREA, MONTANA.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (3), and all other areas within the boundaries of the land as depicted on the map provided for by paragraph (4) that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) RESERVATION; PURPOSE.—Subject to the limitations and restrictions contained in subsection (c), the public land withdrawn by paragraph (1) is reserved for use by the Secretary of the Army for the following purposes:

(A) The conduct of training for active and reserve components of the Armed Forces.

(B) The construction, operation, and maintenance of organizational support and maintenance facilities for component units conducting training.

(C) The conduct of training by the Montana Department of Military Affairs, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(D) The conduct of training by State and local law enforcement agencies, civil defense organizations, and public education institutions, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(E) Other defense-related purposes consistent with the purposes specified in subparagraphs (A) through (D).

(3) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) comprises approximately 18,644 acres in Broadwater County, Montana, generally depicted as “Proposed Land Withdrawal” on the map entitled “Limestone Hills Training Area Land Withdrawal” and dated April 10, 2013.

(4) INDIAN TRIBES.—

(A) IN GENERAL.—Nothing in this subtitle alters any rights reserved for an Indian tribe for tribal use of the public land withdrawn by paragraph (1) by treaty or Federal law.

(B) CONSULTATION REQUIRED.—The Secretary of the Army shall consult with any Indian tribes in the vicinity of the public land withdrawn by paragraph (1) before taking any action within the public land affecting tribal rights or cultural resources protected by treaty or Federal law.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—During the period of the withdrawal and reservation specified in subsection (e), the Secretary of the Army shall

manage the public land withdrawn by paragraph (1) of subsection (a) for the purposes specified in paragraph (2) of that subsection, subject to the limitations and restrictions contained in subsection (c).

(c) SPECIAL RULES GOVERNING MINERALS MANAGEMENT.—

(1) INDIAN CREEK MINE.—

(A) IN GENERAL.—Of the land withdrawn by subsection (a)(1), locatable mineral activities in the approved Indian Creek Mine plan of operations, MTM-78300, shall be regulated in accordance with subparts 3715 and 3809 of title 43, Code of Federal Regulations.

(B) RESTRICTIONS ON SECRETARY OF THE ARMY.—

(i) IN GENERAL.—The Secretary of the Army shall make no determination that the disposition of, or exploration for, minerals as provided for in the approved plan of operations described in subparagraph (A) is inconsistent with the defense-related uses of the land withdrawn under this section.

(ii) COORDINATION.—The coordination of the disposition of and exploration for minerals with defense-related uses of the land shall be determined in accordance with procedures in an agreement provided for under paragraph (3).

(2) REMOVAL OF UNEXPLODED ORDNANCE ON LAND TO BE MINED.—

(A) REMOVAL ACTIVITIES.—

(i) IN GENERAL.—Subject to the availability of funds appropriated for such purpose, the Secretary of the Army shall remove unexploded ordnance on land withdrawn by subsection (a)(1) that is subject to mining under paragraph (1), consistent with applicable Federal and State law.

(ii) PHASES.—The Secretary of the Army may provide for the removal of unexploded ordnance in phases to accommodate the development of the Indian Creek Mine under paragraph (1).

(B) REPORT ON REMOVAL ACTIVITIES.—

(i) IN GENERAL.—The Secretary of the Army shall annually submit to the Secretary of the Interior a report regarding any unexploded ordnance removal activities conducted during the previous fiscal year in accordance with this paragraph.

(ii) INCLUSIONS.—The report under clause (i) shall include—

(I) a description of the amounts expended for unexploded ordnance removal on the land withdrawn by subsection (a)(1) during the period covered by the report; and

(II) the identification of the land cleared of unexploded ordnance and approved for mining activities by the Secretary of the Interior under this paragraph.

(3) IMPLEMENTATION AGREEMENT FOR MINING ACTIVITIES.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall enter into an agreement to implement this subsection with respect to the coordination of defense-related uses and mining and the ongoing removal of unexploded ordnance.

(B) DURATION.—The duration of an agreement entered into under subparagraph (A) shall be equal to the period of the withdrawal under subsection (a)(1), but may be amended from time to time.

(C) REQUIREMENTS.—The agreement shall provide the following:

(i) That Graymont Western US, Inc., or any successor or assign of the approved Indian Creek Mine mining plan of operations, MTM-78300, shall be invited to be a party to the agreement.

(ii) Provisions regarding the day-to-day joint-use of the Limestone Hills Training Area.



(iii) Provisions addressing periods during which military and other authorized uses of the withdrawn land will occur.

(iv) Provisions regarding when and where military use or training with explosive material will occur.

(v) Provisions regarding the scheduling of training activities conducted within the withdrawn land that restrict mining activities.

(vi) Procedures for deconfliction with mining operations, including parameters for notification and resolution of anticipated changes to the schedule.

(vii) Procedures for access through mining operations covered by this section to training areas within the boundaries of the Limestone Hills Training Area.

(viii) Procedures for scheduling of the removal of unexploded ordnance.

(4) EXISTING MEMORANDUM OF AGREEMENT.—Until the date on which the agreement under paragraph (3) becomes effective, the compatible joint use of the land withdrawn and reserved by subsection (a)(1) shall be governed, to the extent compatible, by the terms of the 2005 Memorandum of Agreement among the Montana Army National Guard, Graymont Western US, Inc., and the Bureau of Land Management.

(d) GRAZING.—

(1) ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.—The Secretary of the Interior shall manage the issuance and administration of grazing permits and leases, including the renewal of permits and leases, on the public land withdrawn by subsection (a)(1), consistent with all applicable laws (including regulations) and policies of the Secretary of the Interior relating to the permits and leases.

(2) SAFETY REQUIREMENTS.—With respect to any grazing permit or lease issued after the date of enactment of this Act for land withdrawn by subsection (a)(1), the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that—

(A) are consistent with Department of the Army explosive and range safety standards; and

(B) provide for the safe use of the withdrawn land.

(3) ASSIGNMENT.—The Secretary of the Interior may, with the agreement of the Secretary of the Army, assign the authority to issue and to administer grazing permits and leases to the Secretary of the Army, except that the assignment may not include the authority to discontinue grazing on the land withdrawn by subsection (a)(1).

(e) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal of public land by subsection (a)(1) shall terminate on March 31, 2039.

#### SEC. 2883. CHOCOLATE MOUNTAIN, CALIFORNIA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 228,324 acres in Imperial and Riverside Counties, California, generally depicted on the map entitled “Choco-

late Mountain Aerial Gunnery Range—Administration’s Land Withdrawal Legislative Proposal Map”, dated October 30, 2013, and filed in accordance with section 2862.

(3) RESERVATION.—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Testing and training for aerial bombing, missile firing, tactical maneuvering, and air support.

(B) Small unit ground forces training, including artillery firing, demolition activities, and small arms field training.

(C) Other defense-related purposes consistent with the purposes that are—

(i) described in subparagraphs (A) and (B); and

(ii) authorized under section 2864.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(A) this subtitle;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) any other applicable law.

(2) ASSIGNMENT OF MANAGEMENT TO THE SECRETARY OF THE NAVY.—

(A) IN GENERAL.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) ACCEPTANCE.—If the Secretary of the Navy accepts the assignment of responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(iii) any other applicable law.

(3) IMPLEMENTING AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement—

(A) that implements the assignment of management responsibility under paragraph (2);

(B) the duration of which shall be equal to the period of the withdrawal and reservation of the land under this section; and

(C) that may be amended from time to time.

(4) ACCESS AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to address access to and maintenance of Bureau of Reclamation facilities located within the boundary of the Chocolate Mountain Aerial Gunnery Range.

(c) ACCESS.—Notwithstanding section 2863, the land withdrawn and reserved by this section (other than the land comprising the Bradshaw Trail) shall be—

(1) closed to the public and all uses (other than the uses authorized by subsection (a)(3) or under section 2864); and

(2) subject to any conditions and restrictions that the Secretary of the Navy determines to be necessary to prevent any interference with the uses authorized by subsection (a)(3) or under section 2864.

(d) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminates on March 31, 2039.

#### SEC. 2884. TWENTYNINE PALMS, CALIFORNIA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 150,928 acres in San Bernardino County, California, generally depicted on the map entitled “MCAGCC 29 Palms Expansion Map”, dated November 13, 2013 (3 sheets), and filed in accordance with section 2862, which are divided into the following 2 areas:

(A) The Exclusive Military Use Area, divided into 4 areas, consisting of—

(i) 1 area to the west of the Marine Corps Air Ground Combat Center, consisting of approximately 91,293 acres;

(ii) 1 area south of the Marine Corps Air Ground Combat Center, consisting of approximately 19,704 acres; and

(iii) 2 other areas, each measuring approximately 300 meters square (approximately 22 acres), located inside the boundaries of the Shared Use Area described in subparagraph (B), totaling approximately 44 acres.

(B) The Shared Use Area, consisting of approximately 40,931 acres.

(3) RESERVATION FOR SECRETARY OF THE NAVY.—The land withdrawn by paragraph (2)(A) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Sustained, combined arms, live-fire, and maneuver field training for large-scale Marine air ground task forces.

(B) Individual and unit live-fire training ranges.

(C) Equipment and tactics development.

(D) Other defense-related purposes that are—

(i) consistent with the purposes described in subparagraphs (A) through (C); and

(ii) authorized under section 2864.

(4) RESERVATION FOR SECRETARY OF THE INTERIOR.—The land withdrawn by paragraph (2)(B) is reserved—

(A) for use by the Secretary of the Navy for the purposes described in paragraph (3); and

(B) for use by the Secretary of the Interior for the following purposes:

(i) Public recreation—

(I) during any period in which the land is not being used for military training; and

(II) as determined to be suitable for public use.

(ii) Natural resources conservation.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE NAVY.—Except as provided in paragraph (2), during the period of withdrawal and reservation of land by this section, the Secretary of the Navy shall manage the land withdrawn and reserved by this section for the purposes described in subsection (a)(3), in accordance with—

(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.);

(B) this subtitle;

(C) a programmatic agreement between the Marine Corps and the California State Historic Preservation Officer regarding operation, maintenance, training, and construction at the United States Marine Air Ground



Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California; and

(D) any other applicable law.

(2) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in subparagraph (B), during the period of withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the area described in subsection (a)(2)(B).

(B) EXCEPTION.—Twice a year during the period of withdrawal and reservation of land by this section, there shall be a 30-day period during which the Secretary of the Navy shall—

(i) manage the area described in subsection (a)(2)(B); and

(ii) exclusively use the area described in subsection (a)(2)(B) for military training purposes.

(C) APPLICABLE LAW.—The Secretary of the Interior, during the period of the management by the Secretary of the Interior under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(4), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) SECRETARY OF THE NAVY.—

(i) IN GENERAL.—The Secretary of the Navy, during the period of the management by the Secretary of the Navy under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(3), in accordance with—

(I) an integrated natural resources management plan prepared and implemented in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

(II) this subtitle;

(III) the programmatic agreement described in paragraph (1)(C); and

(IV) any other applicable law.

(ii) LIMITATION.—The Department of the Navy shall not fire dud-producing ordnance onto the land withdrawn by subsection (a)(2)(B).

(3) PUBLIC ACCESS.—

(A) IN GENERAL.—Notwithstanding section 2863, the area described in subsection (a)(2)(A) shall be closed to all public access unless otherwise authorized by the Secretary of the Navy.

(B) PUBLIC RECREATIONAL USE.—

(i) IN GENERAL.—The area described in subsection (a)(2)(B) shall be open to public recreational use during the period in which the area is under the management of the Secretary of the Interior, if there is a determination by the Secretary of the Navy that the area is suitable for public use.

(ii) DETERMINATION.—A determination of suitability under clause (i) shall not be withheld without a specified reason.

(C) RESOURCE MANAGEMENT GROUP.—

(i) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior, by agreement, shall establish a Resource Management Group comprised of representatives of the Departments of the Interior and Navy.

(ii) DUTIES.—The Resource Management Group established under clause (i) shall—

(I) develop and implement a public outreach plan to inform the public of the land uses changes and safety restrictions affecting the land; and

(II) advise the Secretary of the Interior and the Secretary of the Navy with respect to the issues associated with the multiple uses of the area described in subsection (a)(2)(B).

(iii) MEETINGS.—The Resource Management Group established under clause (i) shall—

(I) meet at least once a year; and

(II) solicit input from relevant State agencies, private off-highway vehicle interest groups, event managers, environmental advocacy groups, and others relating to the management and facilitation of recreational use within the area described in subsection (a)(2)(B).

(D) MILITARY TRAINING.—

(i) NOT CONDITIONAL.—Military training within the area described in subsection (a)(2)(B) shall not be conditioned on, or precluded by—

(I) the lack of a recreation management plan or land use management plan for the area described in subsection (a)(2)(B) developed and implemented by the Secretary of the Interior; or

(II) any legal or administrative challenge to a recreation management plan or land use plan developed under subclause (I).

(ii) MANAGEMENT.—The area described in subsection (a)(2)(B) shall be managed in a manner that does not compromise the ability of the Department of the Navy to conduct military training in the area.

(4) IMPLEMENTATION AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy shall enter into a written agreement to implement the management responsibilities of the respective Secretaries with respect to the area described in subsection (a)(2)(B).

(B) COMPONENTS.—The agreement entered into under subparagraph (A)—

(i) shall be of a duration that is equal to the period of the withdrawal and reservation of land under this section;

(ii) may be amended from time to time;

(iii) may provide for the integration of the management plans required of the Secretary of the Interior and the Secretary of the Navy by this section;

(iv) may provide for delegation to civilian law enforcement personnel of the Department of the Navy of the authority of the Secretary of the Interior to enforce the laws relating to protection of natural and cultural resources and fish and wildlife; and

(v) may provide for the Secretary of the Interior and the Secretary of the Navy to share resources so as to most efficiently and effectively manage the area described in subsection (a)(2)(B).

(5) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

(A) DESIGNATION.—The following areas are designated as the “Johnson Valley Off-Highway Vehicle Recreation Area”:

(i) Approximately 45,000 acres (as depicted on the map referred to in subsection (a)(2)) of the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle Area that is not withdrawn and reserved for defense-related uses by this section.

(ii) The area described in subsection (a)(2)(B).

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designation in effect on the date of enactment of this Act and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual off-highway vehicular use and recreation.

(C) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than the portion of the area described in sub-

section (a)(2)(B) that is being managed in accordance with the other provisions of this section), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of exercise activities) conducted on the land withdrawn and reserved by this section.

(c) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

## SEC. 2885. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).

(c) REVOCATION OF WITHDRAWAL.—Effective on the date of enactment of this Act—

(1) Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822), is revoked with respect to the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map; and

(2) the land described in paragraph (1) shall be managed by the Secretary of the Interior as public land, in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

**SA 2283.** Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. UNITED STATES-ISRAEL MISSILE DEFENSE COOPERATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The State of Israel remains under the threat of continuing attack from missiles, rockets, and mortars fired at Israel by militants from terrorist organizations on its southern border and by Hezbollah on its northern border, which have killed and wounded many innocent Israeli civilians. Israel also faces significant ballistic missile threats from Iran and Syria.

(2) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) expressed the sense of Congress that the United States should have an active program of ballistic missile defense cooperation with Israel, and should take steps to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities, and to enhance the capability of both nations to defend against ballistic missile threats present in the Middle East region.

(3) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) states the policy of the United States to support the inherent right of Israel to self-defense and expresses the sense of Congress that the United States Government should provide the Government of Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend against the urgent threat posed to Israel and United States forces in the region.

(4) It is central to the national security interests of the United States to support Israel's ability to defend itself against missiles and rockets, including through joint cooperation on the Arrow Weapon System (with Arrow-2 and Arrow-3 interceptors) and the David's Sling Weapons System, along with continued support for the Iron Dome short-range rocket defense system.

(5) The Arrow Weapon System, deployed with the Arrow-2 interceptor jointly developed by Israel and the United States, has been operational since 2000 and defends Israel against medium-range ballistic missiles.

(6) The Arrow-3 interceptor, being jointly developed by the United States and Israel, is designed to intercept ballistic missiles with nuclear or chemical warheads at high altitude. The Arrow-3 interceptor completed a successful fly-out test in February 2013.

(7) The David's Sling Weapon System, being jointly developed by the United States and Israel, is designed to intercept short-range ballistic missiles, medium-range and long-range rockets, and cruise missiles. The David's Sling Weapon System successfully intercepted an inert medium-range rocket target in a November 2012 test.

(8) The Israeli Defense Forces report that, during Operation Pillar of Defense in November 2012, the Iron Dome short-range rocket defense system achieved a success rate of about 85 percent against rockets bound for Israeli population centers and infrastructure, thus averting large-scale casualties in Israel and enhancing Israel's operational flexibility during the conflict.

(9) Continued missile defense cooperation between the United States and Israel will further develop and enhance the missile defense capability, and thus the security, of both the United States and Israel.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our strategic partner Israel;

(2) supports maintenance of an active program of ballistic missile defense cooperation with Israel;

(3) supports efforts to enhance the capability of both the United States and Israel to defend against ballistic missile threats present in the Middle East region; and

(4) urges the Department of Defense to take all appropriate steps as may be necessary to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of missile defense cooperation between the United States and Israel.

(2) ELEMENTS.—The report under this subsection shall include the following:

(A) A description of the current program of ballistic missile defense cooperation between the United States and Israel, including its objectives and results to date.

(B) A description of the actions taken within the previous year to improve the coordination, interoperability, and integration of the missile defense capabilities of the United States and Israel.

(C) A description of the actions planned to be taken by the Government of the United States and the Government of Israel over the next year to improve the coordination, interoperability, and integration of their missile defense capabilities.

(D) A description of the joint efforts of the United States and Israel to develop ballistic missile defense technologies and capabilities.

(E) A description of the joint missile defense exercises and training that have been conducted by the United States and Israel, and the lessons learned from those exercises.

(F) A description of the cooperation by the United States and Israel in sharing ballistic missile threat assessments.

(G) Any other matters the Secretary considers appropriate.

**SA 2284.** Mr. DONNELLY (for himself, Mr. CRUZ, Mr. LEAHY, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNES, Mr. MENENDEZ, Mr. BOOZMAN, Ms. HEITKAMP, Mr. CHAMBLISS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) SHORT TITLE.—This section may be cited as the “Military Reserve Jobs Act of 2013”.

(b) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G)(iii), by striking “and” at the end;

(B) in subparagraph (H), by adding “and” at the end; and

(C) by inserting after subparagraph (H) the following:

“(I) a qualified reservist;”;

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(6) ‘qualified reservist’ means an individual who is a member of a reserve component of the Armed Forces on the date of the applicable determination—

“(A) who—

“(i) has completed at least 4 years of service in a reserve component of the Armed Forces; and

“(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; or

“(B) who—

“(i) has completed at least 10 years of service in a reserve component of the Armed Forces; and

“(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

“(7) ‘reserve component of the Armed Forces’ means a reserve component specified in section 101(27) of title 38.”

(c) TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 3309 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end; and

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(3) a preference eligible described in section 2108(6)(B) - 4 points; and

“(4) a preference eligible described in section 2108(6)(A) - 3 points.”

**SA 2285.** Mr. WARNER (for himself, Ms. COLLINS, Mr. Kaine, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 511 and insert the following:

**SEC. 511. EXPANSION AND ENHANCEMENT OF AUTHORITIES RELATING TO PROTECTED COMMUNICATIONS OF MEMBERS OF THE ARMED FORCES AND PROHIBITED RETALIATORY ACTIONS.**

(a) EXPANSION OF PROHIBITED RETALIATORY PERSONNEL ACTIONS.—Subsection (b) of section 1034 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “or being perceived as making or preparing” after “making or preparing”;

(B) in subparagraph (A), by striking “or” at the end;

(C) in subparagraph (B)—

(i) in clause (i), by inserting “or a representative of a Member of Congress” after “a Member of Congress”;

(ii) in clause (iv), by striking “or” at the end;

(iii) by redesignating clause (v) as clause (vi);

(iv) by inserting after clause (v) the following new clause (v):

“(v) a court, grand jury, or court-martial proceeding, or an authorized official of the Department of Justice or another law enforcement agency; or”; and

(v) in clause (vi), as redesignated by clause (iii) of this subparagraph, by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following new subparagraph:

“(C) testimony, or otherwise participating in or assisting in an investigation or proceeding related to a communication under subparagraph (A) or (B), or filing, causing to be filed, participating in, or otherwise assisting in an action brought under this section.”; and

(2) in paragraph (2), by inserting after “any favorable action” the following: “, or a significant change in a members duties or responsibilities not commensurate with the member’s grade”.

(b) INSPECTOR GENERAL INVESTIGATIONS OF ALLEGATIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “paragraph (3)” and inserting “paragraph (4)”;

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) A communication described in paragraph (2) shall not be excluded from the protections provided in this section because—

“(A) the communication was made to a person who participated in an activity that the member reasonably believed to be covered by paragraph (2);

“(B) the communication revealed information that had previously been disclosed;

“(C) of the member’s motive for making the communication;

“(D) the communication was not made in writing;

“(E) the communication was made while the member was off duty; and

“(F) the communication was made during the normal course of duties of the member.”;

(4) in paragraph (4), as so redesignated, by striking “subsection (h)” each place it appears and inserting “subsection (j)”;

(5) in paragraph (5), as so redesignated—

(A) by striking “paragraph (3)(A)” and inserting “paragraph (4)(A)”;

(B) by striking “paragraph (3)(D)” and inserting “paragraph (4)(D)”;

(C) by striking “60 days” and inserting “one year”; and

(6) in paragraph (6), as so redesignated, by striking “outside the immediate chain of command” and all that follows and inserting “both of the following:

“(A) Outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.

“(B) At least one organization higher in the chain of command than the organization of the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.”.

(c) INSPECTOR GENERAL INVESTIGATIONS OF UNDERLYING ALLEGATIONS.—Subsection (d) of such section is amended by striking “subparagraph (A) or (B) of subsection (c)(2)” and inserting “subparagraph (A), (B), or (C) of subsection (c)(2)”.

(d) REPORTS ON INVESTIGATIONS.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking “subsection (c)(3)(E)” both places it appears and inserting “subsection (c)(4)(E)”;

(B) by inserting “and the Secretary of the military department concerned” after “the Secretary of Defense”; and

(C) by striking “to the Secretary,” and inserting “to such Secretaries.”; and

(2) in paragraph (3), by inserting “and the Secretary of the military department concerned” after “the Secretary of Defense”.

(e) ACTION IN CASE OF VIOLATIONS.—Such section is further amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) ACTION IN CASE OF VIOLATIONS.—(1) Not later than 30 days after receiving a report from the Inspector General under subsection (e), the Secretary of Homeland Security or the Secretary of the military department concerned, as applicable, shall determine whether there is sufficient basis to conclude whether a personnel action prohibited by subsection (b) has occurred, and, if so, shall order such action as is necessary to correct the record of a personnel action prohibited by subsection (b). Such Secretary shall take any appropriate disciplinary action against the individual who committed such prohibited personnel action.

“(2) If the Secretary of Homeland Security or the Secretary of the military department concerned, as applicable, determines that an order for corrective or disciplinary action is not appropriate, not later than 30 days after making the determination, such Secretary shall—

“(A) provide to the Secretary of Defense and the member or former member, a notice of the determination and the reasons for not taking action; and

“(B) refer the report to the appropriate board for the correction of military records for further review under subsection (g).”.

(f) CORRECTION OF RECORDS.—Subsection (g) of such section, as redesignated by subsection (e)(1) of this section, is further amended—

(1) in paragraph (1), by adding at the end the following new sentence: “In a case referred to the Board by the Secretary of Homeland Security or the Secretary of a military Department pursuant to subsection (f), the Board shall review the matter.”; and

(2) in paragraph (3), by striking “board elects to hold” in the matter preceding subparagraph (A) and inserting “board holds”.

(g) REVIEW.—Subsection (h) of such section, as redesignated by subsection (e)(1) of this section, is further amended by striking “subsection (f)” and inserting “subsection (g)”.

**SA 2286.** Mr. COONS (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CREDIT FOR CERTAIN SUBCONTRACTORS.**

(a) IN GENERAL.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(16) CREDIT FOR CERTAIN SUBCONTRACTOR.—

“(A) IN GENERAL.—For purposes of determining whether a prime contractor has attained the percentage goals specified in paragraph (6)—

“(i) if the subcontracting goals pertain only to a single contract with an executive agency, the prime contractor shall receive credit for a small business concern performing as a first tier subcontractor or a subcontractor at any tier under the subcontracting plans required under paragraph (6)(D), in an amount equal to the dollar value of work awarded to the small business concern; and

“(ii) if the subcontracting goals pertain to more than 1 contract with 1 or more executive agencies, or to 1 contract with more than 1 executive agency, the prime contractor shall only receive credit for a small business concern that is a first tier subcontractor, in an amount equal to the dollar value of work awarded to the small business concern.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to limit the responsibility of a prime contractor to provide the maximum practicable opportunities for participation by small business concerns as first tier subcontractors.”

(b) DEFINITIONS PERTAINING TO SUBCONTRACTING.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(dd) DEFINITIONS PERTAINING TO SUBCONTRACTING.—In this Act:

“(1) AT ANY TIER.—The term ‘at any tier’ means any subcontractor that is not a first tier subcontractor.

“(2) FIRST TIER SUBCONTRACTOR.—The term ‘first tier subcontractor’ means a subcontractor who has a subcontract directly with the prime contractor.

“(3) SUBCONTRACT.—The term ‘subcontract’ means a legally binding agreement between a contractor that is already under contract to another party to perform work, and a third party, for the third party to perform a part, or all, of the work that the contractor has undertaken.

“(4) SUBCONTRACTOR.—The term ‘subcontractor’ means any a third party entering a subcontract.”.

(c) IMPLEMENTATION AND EFFECTIVE DATE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration, the Secretary of Defense, and the Administrator of General Services shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives a plan to—

(A) implement this section and the amendments made by this section; and

(B) ensure that the appropriate tracking mechanisms are in place to enable transparency of subcontracting activities at all tiers.

(2) COMPLETION.—Not later than 180 days after the date on which the plan described in paragraph (1) is submitted, the Administrator of the Small Business Administration, the Secretary of Defense, and the Administrator of General Services shall complete the actions required by the plan.

(3) REGULATIONS.—Not later than 1 year after the date on which the actions required under the plan described in paragraph (1) are completed, the Administrator of the Small

Business Administration and the Federal Acquisition Council shall promulgate any regulations necessary to implement this section and the amendments made by this section.

(4) APPLICATION.—Any regulations promulgated under paragraph (3) shall not apply to any contract entered into before the first day of the first full fiscal year after the date on which the regulations are promulgated.

(d) GAO STUDY ON SUBCONTRACTING REPORTING SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report studying the feasibility of using Federal subcontracting reporting systems (including the Federal subaward reporting system required by section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) and any electronic subcontracting reporting award system used by the Small Business Administration) to attribute subcontractors to particular contracts in the case of contractors that have subcontracting plans under section 8(d) of the Small Business Act that pertain to multiple contracts with executive agencies.

**SA 2287.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. PROHIBITION ON INTEGRATION OF CHINESE MISSILE DEFENSE SYSTEMS INTO UNITED STATES MISSILE DEFENSE SYSTEMS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that missile defense systems of the People's Republic of China should not be integrated into the missile defense systems of the United States or the North Atlantic Treaty Organization.

(b) FUNDING PROHIBITION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of Defense may be obligated or expended to integrate missile defense systems of the People's Republic of China into United States missile defense systems.

**SA 2288.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2815. LAND CONVEYANCE, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, act-

ing through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 420 acres, as generally depicted on a map entitled "Proposed Camp Williams Land Transfer" and dated June 14, 2011, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land for National Guard and national defense purposes.

(b) SUPERSEDITION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), is hereby superseded, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of Defense determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of Defense determines is subject to reversion under subsection (c), if the Secretary of Defense also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

**SA 2289.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. RELEASE OF REPORT ON ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.**

Not later than 15 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Defense shall jointly publish on a public website and otherwise make available to the public the report on the results of the study of energy and cost savings in nonbuilding applications required under section 518(b) of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1660).

**SA 2290.** Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. LONG-TERM ENERGY SAVINGS CONTRACTS.**

(a) DEPARTMENT OF DEFENSE.—Section 2913(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "for up to 25 years" after "enter into agreements"; and

(2) by adding at the end the following new paragraph:

"(5) An agreement entered into under this subsection shall include requirements for measurement, verification, and performance assurances or guarantees of energy savings."

(b) OTHER AGENCIES.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended—

(1) in paragraph (3), by inserting "with agreements for up to 25 years" after "conservation incentive programs"; and

(2) by adding at the end the following new paragraph:

"(5) Any agreement entered into under paragraph (3) shall include requirements for measurement, verification, and performance assurances or guarantees of energy savings."

**SA 2291.** Mr. MANCHIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. NOTICE TO COMMANDING OFFICERS ON CHILD ABUSE COMMITTED BY MEMBERS OF THE ARMED FORCES.**

Section 1794 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) NOTICE TO COMMANDING OFFICERS ON CHILD ABUSE COMMITTED BY MEMBERS.—Notice on an incident of child abuse committed by a member of the armed forces shall be submitted to an officer in grade O-6 in the chain of command of the member."

**SA 2292.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. PROHIBITION RELATING TO TOBACCO PRODUCTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Tobacco use by military personnel has two major economic effects on the Department of Defense, the cost of health care for military personnel (active-duty, retired, and dependents), and the cost of lost productivity.

(2) The Department of Defense spends over \$1,600,000,000 a year on tobacco-related medical care, increased hospitalization, and lost

days of work (according to Department of Defense figures for 2008).

(3) Over the next 10 years, the net present value of preventable smoking-attributable health-care expenditures is \$19,685,000,000 for the entire population of veterans, an average of \$21,444 for each current veteran smoker.

(4) The cost of treating individuals for tobacco-related diseases in the TRICARE system is estimated to be over \$500,000,000 per year (or 4 percent of the total TRICARE budget) for medical care and \$346,000,000 in lost productivity. These expenses are primarily for care of individuals who had cardiovascular disease or respiratory problems. Other tobacco related costs included treatment of cancer, cerebrovascular diseases, and newborn health complications.

(5) In 2008, the Department of Veterans Affairs spent over \$5,000,000,000 to treat chronic obstructive pulmonary disease. More than 80 percent of chronic obstructive pulmonary disease is attributed to smoking.

(6) The Department of Veterans Affairs spent an additional 1,300,000,000 in 2008 on arteriosclerosis, another smoking-related disease.

(7) Tobacco use has been implicated in higher dropout rates during and after basic training, poorer visual acuity, and a higher rate of absenteeism in active-duty military personnel in addition to a multitude of health problems.

(8) Military retirees and their dependents incur greater tobacco-related health costs than do active-duty members of the military or their dependents.

(9) Over 9,200 hospital-bed days for active-duty personnel were attributed to tobacco-related diseases, or about 10 percent of the total Department of Defense hospital-bed days and 1.5 percent of all active-duty hospital-bed days (Helyer et al., 1998).

(10) Tobacco-related medical costs amounted to \$20,000,000 in a 1997 Centers for Disease Control and Prevention study of smoking in active-duty Air Force personnel, or 6 percent of total Air Force medical system expenditures (2000).

(11) A 2007 study (Dall et al) calculated that moderate to heavy smoking was associated with greater absenteeism in the TRICARE Prime enrolled population, 356,000 full time equivalent days were lost per year, and 30,000 full time equivalent days were lost as a result of below-normal work performance.

(12) The Centers for Disease Control and Prevention has determined the following mortality rates:

(A) Cigarette smoking is associated with about one of every five deaths in the United States each year.

(B) Cigarette smoking is associated with more than 440,000 deaths annually (including deaths from secondhand smoke).

(C) Life expectancy for smokers is at least 10 years shorter than for nonsmokers.

(b) PROHIBITION.—The Secretary of Defense shall promulgate regulations to prohibit the sale of discounted tobacco products in any commissary store or exchange store under the commissary system and the exchange system operated under chapter 147 of title 10, United States Code.

**SA 2293.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

**SEC. 502. DEMONSTRATION PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS.**

(a) DEMONSTRATION PROGRAM REQUIRED.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a demonstration program to assess the feasibility and advisability of permitting individuals with auditory impairments (including deafness) to access as officers of the Air Force.

(b) CANDIDATES.—

(1) NUMBER OF CANDIDATES.—The total number of individuals with auditory impairments who may participate in the demonstration program shall be not fewer than 15 individuals or more than 20 individuals.

(2) MIX AND RANGE OF AUDITORY IMPAIRMENTS.—The individuals who participate in the demonstration program shall include individuals who are deaf and individuals who have a range of other auditory impairments.

(3) QUALIFICATION FOR ACCESSION.—Any individual who is chosen to participate in the demonstration program shall meet all essential qualifications for accession as an officer in the Air Force, other than those related to having an auditory impairment.

(c) SELECTION OF PARTICIPANTS.—

(1) IN GENERAL.—The Secretary of the Air Force shall—

(A) publicize the demonstration program nationally, including to individuals who have auditory impairments and would be otherwise qualified for officer training;

(B) create a process whereby interested individuals can apply for the demonstration program; and

(C) select the participants for the demonstration program, from among the pool of applicants, based on the criteria in subsection (b).

(2) NO PRIOR SERVICE AS AIR FORCE OFFICERS.—Participants selected for the demonstration program shall be individuals who have not previously served as officers in the Air Force.

(d) BASIC OFFICER TRAINING.—

(1) IN GENERAL.—The participants in the demonstration program shall undergo, at the election of the Secretary of the Air Force, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(2) NUMBER OF PARTICIPANTS.—Once individuals begin participating in the demonstration program, each Basic Officer Training course or Commissioned Officer Training course at Maxwell Air Force Base, Alabama, shall include not fewer than 4, or more than 6, participants in the demonstration program until all participants have completed such training.

(3) AUXILIARY AIDS AND SERVICES.—The Secretary of Defense shall ensure that participants in the demonstration program have the necessary auxiliary aids and services (as that term is defined in section 4 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12103)) in order to fully participate in the demonstration program.

(e) COORDINATION.—

(1) SPECIAL ADVISOR.—The Secretary of the Air Force shall designate a special advisor to the demonstration program to act as a resource for participants in the demonstration program, as well as a liaison between partici-

pants in the demonstration program and those providing the officer training.

(2) QUALIFICATIONS.—The special advisor shall be a member of the Armed Forces on active duty—

(A) who—

(i) if a commissioned officer, shall be in grade O-3 or higher; or

(ii) if an enlisted member, shall be in grade E-5 or higher; and

(B) who is knowledgeable about issues involving, and accommodations for, individuals with auditory impairments (including deafness).

(3) RESPONSIBILITIES.—The special advisor shall be responsible for facilitating the officer training for participants in the demonstration program, intervening and resolving issues and accommodations during the training, and such other duties as the Secretary of the Air Force may assign to facilitate the success of the demonstration program and participants.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report on the demonstration program. The report shall include the following:

(1) A description of the demonstration program and the participants in the demonstration program.

(2) The outcome of the demonstration program, including—

(A) the number of participants in the demonstration program that successfully completed the Basic Officer Training course or the Commissioned Officer Training course;

(B) the number of participants in the demonstration program that were recommended for continued military service;

(C) the issues that were encountered during the program; and

(D) such recommendation for modifications to the demonstration program as the Secretary considers appropriate to increase further inclusion of individuals with auditory disabilities serving as officers in the Air Force or other Armed Forces.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the demonstration program.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

**SA 2294.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.**

Section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “describing” and inserting “including”;

(2) in subparagraph (B), by striking “and”; and

(3) by striking subparagraph (C) and inserting the following:

“(C) if the agency failed to achieve the goals established for the agency under subsection (g)(2) for such fiscal year—

“(i) any justifications for the failure to achieve such goals; and

“(ii) a remediation plan, which shall—

“(I) be based on an analysis of factors that led to the failure to achieve such goals; and

“(II) include proposed new practices to better achieve such goals;

“(D) methods of enforcement, including any penalties imposed, with respect to prime contractors that did not meet the subcontracting goals established for the agency under subsection (g)(2) for such fiscal year;

“(E) methods to incentivize prime contractors to achieve the subcontracting goals established for the agency under subsection (g)(2); and

“(F) a certification by the agency regarding whether prime contractors took all feasible steps to implement the subcontracting plans required under section 8(d) for such fiscal year.”.

**SA 2295.** Mr. KIRK (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. RUBIO, Mr. GRAHAM, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

#### **Subtitle D—Iran Sanctions**

#### **SEC. 1241. FINDINGS; SENSE OF CONGRESS; STATEMENT OF POLICY.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Government of Iran continues to expand the nuclear and missile programs of Iran in violation of multiple United Nations Security Council resolutions.

(2) The Government of Iran has a decades-long track record of cheating on and violating commitments regarding the nuclear program of Iran and has used more than 10 years of diplomatic negotiations to allow more time to expand its nuclear weapons program.

(3) Iran remains the number one exporter of terrorism in the world and as recently as 2011 was plotting to assassinate a foreign official in the United States.

(4) Over the last 30 years, the Government of Iran and its terrorist proxies have been responsible for the deaths of citizens of the United States.

(5) The Government of Iran and its terrorist proxies continue to provide military and financial support to the regime of Bashar al-Assad in Syria, aiding that regime in the mass killing of the people of Syria.

(6) The Government of Iran continues to sow instability in the Middle East and threaten its neighbors, including allies of the United States such as Israel.

(7) The Government of Iran denies its people fundamental freedoms, including freedom

of the press, freedom of assembly, freedom of religion, and freedom of conscience.

(8) Sanctions imposed with respect to Iran by the United States and the international community have assisted in bringing Iran to the negotiating table, but other countries, such as North Korea, have used diplomatic talks regarding their nuclear programs to allow time for the development of nuclear weapons.

(9) President Hasan Rouhani of Iran has in the past bragged about his success in buying time for Iran to make nuclear advances.

(10) Based on the stockpile of low enriched uranium held by the Government of Iran and its plan to continue installing advanced centrifuges, the Government of Iran could agree to suspend all enrichment of uranium to greater than 3.5 percent and still be in a position to produce weapons-grade uranium without detection by the middle of 2014.

(11) If the Government of Iran commences the operation of its heavy water reactor in Arak, it could establish an alternate pathway to a nuclear weapon, producing enough plutonium each year for one or 2 nuclear weapons.

(12) As of the date of the enactment of this Act, 19 countries access nuclear energy for peaceful purposes without conducting any enrichment or reprocessing activities within that country.

(13) The Government of Iran could likewise access nuclear energy for peaceful purposes without conducting any enrichment or reprocessing activities within Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iran must not be allowed to develop nuclear weapons capabilities;

(2) all instruments of power and influence of the United States should remain on the table to prevent the Government of Iran from developing nuclear weapons capabilities;

(3) the Government of Iran does not have an absolute or inherent right to enrichment and reprocessing capabilities and technologies under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”);

(4) any interim agreement with Iran regarding its nuclear program must require that Iran comply with all United Nations Security Council resolutions concerning the nuclear program of Iran, including by—

(A) suspending enrichment at all facilities;

(B) suspending construction of a heavy water nuclear reactor in Arak; and

(C) ceasing all work related to nuclear weaponization and providing full transparency with respect to the cessation of that work;

(5) given the decades-long history of deception by the Government of Iran with respect to the nuclear program of Iran, and violations by that government of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, any final agreement with Iran regarding its nuclear program must—

(A) prevent that government from possessing any enrichment or reprocessing capabilities;

(B) provide for the continuous monitoring of the nuclear program of Iran under a strict verification regime, including inspections at any time or place;

(C) result in Iran surrendering its supply of enriched material to the International Atomic Energy Agency;

(D) prevent any operation of the reactor in Arak; and

(E) require that Iran sign and abide by the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna December 18, 2003 (commonly referred to as the “Additional Protocol”);

(6) a violation by Iran of any interim or final agreement with respect to the nuclear program of Iran should result in the immediate imposition of comprehensive economic sanctions, including on all petroleum-related exports and additional restrictions on financial and commercial activity by Iran; and

(7) if the Government of Israel is compelled to take military action against Iran in self-defense, the Government of the United States should provide diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.

(c) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to prevent the proliferation of nuclear weapons and material related to nuclear weapons because of the significant negative impact of that proliferation, particularly to countries that do not possess nuclear weapons, including Iran, on the national security and economic interests of the United States and other countries;

(2) to ensure that the proliferation of nuclear weapons and material related to nuclear weapons be strictly restricted;

(3) to ensure that countries that do not possess nuclear weapons, including Iran, do not obtain nuclear weapons;

(4) to take such actions as may be necessary to implement the policy described in paragraph (3);

(5) to ensure that Iran ceases all domestic uranium enrichment and reprocessing technology development, installation, and operation;

(6) to ensure that Iran ceases all plutonium-related activities and dismantles all plutonium-related facilities; and

(7) that any negotiated agreement with the Government of Iran regarding its nuclear program, whether interim or otherwise, must—

(A) include clear, measurable, and verifiable requirements for the Government of Iran to substantially and effectively terminate any activities that may be related to the development of a nuclear weapons capability before any existing sanctions or other measures with respect to Iran are modified, whether temporarily or otherwise; and

(B) because of the significant impact of such an agreement on the national security and economic interests of the United States, including the impact on commerce, trade, and sanctions policy, be submitted to Congress and be subject to a congressional resolution of disapproval.

#### **SEC. 1242. DEFINITIONS.**

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—



(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(4) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(5) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(6) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(7) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(8) **NATIONAL BALANCE SHEET.**—The term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE THE GOVERNMENT OF IRAN ACCESS TO ASSETS OF THAT GOVERNMENT OR UNDERWRITING, INSURANCE, OR REINSURANCE SERVICES.**

(a) **PROHIBITION ON PROVIDING ACCESS TO OR USE OF CERTAIN ASSETS.**—Notwithstanding any other provision of law, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly, on or after the date of the enactment of this Act, directly or indirectly provided to a person described in subsection (c) access to, the use of, or the ability to make a payment with, any asset, fund, or account owned or controlled by, or owed to, that person or another person described in subsection (c).

(b) **PROHIBITION ON PROVIDING UNDERWRITING, INSURANCE, AND REINSURANCE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance to a person described in subsection (c).

(2) **TREATMENT OF SANCTIONS RELATING TO IMPORTATION OF GOODS.**—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(3) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing offi-

cial policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for a person described in subsection (c).

(c) **PERSON DESCRIBED.**—A person described in this subsection is any of the following:

(1) The state and the Government of Iran, or any political subdivision, agency, or instrumentality of that Government, including the Central Bank of Iran.

(2) Any person owned or controlled, directly or indirectly, by that Government.

(3) Any person acting or purporting to act, directly or indirectly, for or on behalf of that Government.

(4) Any other person determined by the President to be described in paragraph (1), (2), or (3).

**SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES TO OR FROM IRAN.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, sells, supplies, or transfers to Iran, directly or indirectly, a good or service that is a type of good or service that is—

(1) used by Iran as a medium for barter, swap, or any other exchange or transaction; or

(2) listed as an asset of the Government of Iran for the purpose of the national balance sheet of Iran.

(b) **TREATMENT OF SANCTIONS RELATING TO IMPORTATION OF GOODS.**—The requirement to impose sanctions under subsection (a) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under subsection (a).

**SEC. 1245. HUMANITARIAN EXCEPTION.**

The President may not impose sanctions under this subtitle with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

**SEC. 1246. SUSPENSION OF SANCTIONS.**

(a) **IN GENERAL.**—The President may suspend the imposition of sanctions under this subtitle if the President determines and reports to the appropriate congressional committees that Iran has—

(1) suspended all enrichment, reprocessing, and heavy water-related activities and facility construction;

(2) suspended any activity related to ballistic missiles capable of delivering nuclear weapons, including any launch using ballistic missile technology;

(3) ratified and begun to make substantial efforts toward the full implementation of the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna December 18, 2003 (commonly referred to as the “Additional Protocol”);

(4) fully cooperated with the International Atomic Energy Agency on all outstanding issues, particularly those that give rise to

concerns about the possible military dimensions of the Iranian nuclear program; and

(5) fulfilled its obligations pursuant to United Nations Security Council Resolution 1929 (2010).

(b) **REINSTATEMENT OF SANCTIONS.**—If the President, during a period in which the President has suspended sanctions under subsection (a), receives information from any entity, including the International Atomic Energy Agency, the Secretary of Defense, the Secretary of State, the Secretary of Energy, or the Director of National Intelligence, that Iran has, since the suspension of sanctions took effect, engaged in any enrichment, reprocessing, heavy water, or ballistic missile-related activity or construction, or has refused to cooperate in any way with the requests of the International Atomic Energy Agency, the President shall—

(1) not later than 10 days after receiving the information, determine whether the information is credible and accurate;

(2) notify the appropriate congressional committees of that determination; and

(3) if the President determines that the information is credible and accurate, not later than 5 days after that determination, reinstate the sanctions suspended under subsection (a).

**SA 2296.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 585. MEDALS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.**

(a) **PURPLE HEART.**—

(1) **AWARD.**—

(A) **IN GENERAL.**—Chapter 57 of title 10, United States Code, is amended by inserting after section 1129 the following new section:

**“§ 1129a. Purple Heart: members killed or wounded in attacks of homegrown violent extremists motivated or inspired by foreign terrorist organizations**

**“(a) IN GENERAL.**—For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as a result of an act of an enemy of the United States.

**“(b) COVERED MEMBERS.**—A member described in this subsection is a member who was killed or wounded in an attack perpetrated by a homegrown violent extremist who was inspired or motivated to engage in violent action by a foreign terrorist organization, unless the death or wound is the result of willful misconduct of the member.

**“(c) DEFINITIONS.**—In this section:

**“(1) The term ‘foreign terrorist organization’** means an entity designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

**“(2) The term ‘homegrown violent extremist’** shall have the meaning given that term by the Secretary of Defense in regulations prescribed for purposes of this section.”.



(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 1129 the following new item:

“1129a. Purple Heart: members killed or wounded in attacks of homegrown violent extremists motivated or inspired by foreign terrorist organizations.”.

(2) RETROACTIVE EFFECTIVE DATE AND APPLICATION.—

(A) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as of September 11, 2001.

(B) REVIEW OF CERTAIN PREVIOUS INCIDENTS.—The Secretaries concerned shall undertake a review of each death or wounding of a member of the Armed Forces that occurred between September 11, 2001, and the date of the enactment of this Act under circumstances that could qualify as being the result of the attack of a homegrown violent extremist as described in section 1129a of title 10, United States Code (as added by paragraph (1)), to determine whether the death or wounding qualifies as a death or wounding resulting from a homegrown violent extremist attack motivated or inspired by a foreign terrorist organization for purposes of the award of the Purple Heart pursuant to such section (as so added).

(C) ACTIONS FOLLOWING REVIEW.—If the death or wounding of a member of the Armed Forces reviewed under subparagraph (B) is determined to qualify as a death or wounding resulting from a homegrown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as so added), the Secretary concerned shall take appropriate action under such section to award the Purple Heart to the member.

(D) SECRETARY CONCERNED DEFINED.—In this paragraph, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(b) SECRETARY OF DEFENSE MEDAL FOR THE DEFENSE OF FREEDOM.—

(1) REVIEW OF THE NOVEMBER 5, 2009 ATTACK AT FORT HOOD, TEXAS.—If the Secretary concerned determines, after a review under subsection (a)(2)(B) regarding the attack that occurred at Fort Hood, Texas, on November 5, 2009, that the death or wounding of any member of the Armed Forces in that attack qualified as a death or wounding resulting from a homegrown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as added by subsection (a)), the Secretary of Defense shall make a determination as to whether the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the same attack meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom.

(2) AWARD.—If the Secretary of Defense determines under paragraph (1) that the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the attack that occurred at Fort Hood, Texas, on November 5, 2009, meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom, the Secretary shall take appropriate action to award the Secretary of Defense Medal for the Defense of Freedom to the employee or contractor.

**SA 2297.** Mr. CHAMBLISS (for himself and Mr. INHOFE) submitted an

amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. SENSE OF SENATE ON FUNDING FOR THE UNITED STATES NAVAL SEA CADET CORPS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Naval Sea Cadet Corps, chartered by Congress in 1962, focuses on the development of youth ages 11 through 17, and has trained more than 150,000 young Americans since its creation.

(2) The United States Naval Sea Cadet Corps directly enhances the primary recruiting goal of the Navy of ensuring awareness of the Navy and its mission.

(3) The Navy has not increased funding for the United States Naval Sea Cadet Corps since fiscal year 2006.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should fully fund the United States Naval Sea Cadet Corps during fiscal year 2014.

**SA 2298.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. INPATIENT HEALTH CARE FACILITY AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY IN HARLINGEN, TEXAS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in Far South Texas are not being fully met by the Department of Veterans Affairs.

(2) According to recent census data, more than 108,000 veterans reside in Far South Texas.

(3) Travel times for veterans from the Valley Coastal Bend area from their homes to the nearest Department of Veterans Affairs hospital for acute inpatient health care can exceed six hours.

(4) Even with the significant travel times, veterans from Far South Texas demonstrate a high demand for health care services from the Department of Veterans Affairs.

(5) Ongoing overseas deployments of members of the Armed Forces from Texas, including members of the Armed Forces on active duty, members of the Texas National Guard, and members of the other reserve components of the Armed Forces, will continue to increase demand for medical services provided by the Department of Veterans Affairs.

(6) The Department of Veterans Affairs employs an annual Strategic Capital Investment Planning process to “enable the VA to continually adapt to changes in demographics, medical and information tech-

nology, and health care delivery”, which results in the development of a multi-year investment plan that determines where gaps in services exist or are projected and develops an appropriate solution to meet those gaps.

(7) According to the Department of Veterans Affairs, final approval of the Strategic Capital Investment Planning priority list serves as the “building block” of the annual budget request for the Department.

(8) Arturo “Treto” Garza, a veteran who served in the Marine Corps, rose to the rank of Sergeant, and served two tours in the Vietnam War, passed away on October 3, 2012.

(9) Treto Garza, who was also a former co-chairman of the Veterans Alliance of the Rio Grande Valley, tirelessly fought to improve health care services for veterans in the Rio Grande Valley, with his efforts successfully leading to the creation of the South Texas VA Health Care Center at Harlingen, located in Harlingen, Texas.

(b) REDESIGNATION OF SOUTH TEXAS DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE CENTER.—

(1) IN GENERAL.—The South Texas Department of Veterans Affairs Health Care Center at Harlingen, located in Harlingen, Texas, is redesignated as the “Treto Garza South Texas Department of Veterans Affairs Health Care Center”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the medical facility of the Department of Veterans Affairs referred to in paragraph (1) shall be deemed to be a reference to the “Treto Garza South Texas Department of Veterans Affairs Health Care Center”.

(c) REQUIREMENT OF FULL-SERVICE INPATIENT FACILITY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the Treto Garza South Texas Department of Veterans Affairs Health Care Center includes a full-service inpatient health care facility of the Department and shall modify the existing facility as necessary to meet that requirement.

(2) PLAN TO EXPAND FACILITY CAPABILITIES.—The Secretary shall include in the annual Strategic Capital Investment Plan of the Department a project to expand the capabilities of the Treto Garza South Texas Department of Veterans Affairs Health Care Center by adding the following:

(A) Inpatient capability for 50 beds with appropriate administrative, clinical, diagnostic, and ancillary services needed for support.

(B) An urgent care center.

(C) The capability to provide a full range of services to meet the needs of women veterans.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report detailing a plan to implement the requirements in subsection (c), including an estimate of the cost of required actions and the time necessary for the completion of those actions.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term “Far South Texas” means the following counties in Texas: Aransas, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

**SA 2299.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.**

(a) **REPORT.**—Not later than June 1, 2014, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Russian Federation (in this section referred to as “Russia”). The report shall address the development of Russian security strategy and military strategy.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the security situation in the independent states of the former Soviet Union.

(2) The goals and factors shaping Russian security strategy and military strategy.

(3) An assessment of Russia’s security objectives, including objectives that would affect the North Atlantic Treaty Organization, Iran, Syria, the broader Middle East region, and the People’s Republic of China.

(4) Developments in Russian military doctrine and training and trends in military spending and investments.

(5) An assessment of the United States military-to-military relationship with the Russian Federation armed forces, including the following elements:

(A) A comprehensive and coordinated strategy for military-to-military activities and updates to the strategy.

(B) A summary of all such military-to-military activities during the one-year period preceding the report, including objectives of the activities and perceived benefits to Russia of those activities.

(C) A description of military-to-military activities planned for the following 12-month period.

(D) The Secretary’s assessment of the benefits the Department of Defense expects to gain from such military-to-military activities, and any risks associated with such activities.

(E) The Secretary’s assessment of how such military-to-military activities fit into the larger security relationship between the United States and the Russian Federation.

(6) A description of Russian military-to-military relationships with the independent states of the former Soviet Union, Iran, and Syria, including the size of associated military attaché offices.

(7) Other military and security developments involving Russia that the Secretary of Defense considers relevant to United States national security.

(c) **SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 2300.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. COMPREHENSIVE LONG-TERM PLAN FOR AFGHAN NATIONAL SECURITY FORCES AVIATION CAPABILITIES.**

(a) **LONG-TERM PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees report setting forth a comprehensive long-term plan for training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces (ANSF) through 2024 (when the 2012 United States–Afghan Strategic Partnership Agreement expires).

(b) **SCOPE AND COVERAGE.**—

(1) **IN GENERAL.**—The plan required by subsection (a) shall cover the plans of the Department of Defense to ensure that the Afghan National Security Forces are able to independently maintain and sustain a professional and safe military aviation program.

(2) **COVERED COMPONENTS.**—The plan shall cover the Special Mission Wing (SMW) and the Afghan Air Force (AAF), the two main components of the aviation assistance effort of the United States and its coalition allies in Afghanistan.

(c) **ELEMENTS.**—The plan shall include the following:

(1) Elements regarding the aviation capabilities of the Afghan National Security Forces, including—

(A) the manner in which the Department of Defense will maintain and evaluate safety, airworthiness, and pilot proficiency standards of the Afghan National Security Forces;

(B) means by which the Department will train the Afghan National Security Forces to minimum aviation proficiency levels; and

(C) means by which the Department will assist the Afghan National Security Forces in recruiting the requisite number of pilots, other crewmembers, and aircraft maintenance personnel.

(2) Elements regarding training of Afghanistan National Security Forces aviation personnel.

(3) Elements regarding the aviation equipment of the Afghan National Security Forces, including—

(A) the type and number of aircraft required to equip each Afghan National Security Forces aviation unit;

(B) the additional aircraft to be procured by the Afghan National Security Forces to meet such requirements; and

(C) for each aircraft platform required to equip Afghan National Security Forces aviation units, the date on which the Afghan National Security Forces are expected to be capable of maintaining and operating such platform without support from the United States Armed Forces or contractors.

(4) Elements regarding the cost of training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces, including—

(A) the amount required on an annual basis for operations and sustainment costs for the aviation capabilities;

(B) means by which such costs will be borne by the United States or its coalition allies in Afghanistan; and

(C) means by which some or all such costs will be borne by Afghanistan commencing in 2014.

(5) Elements regarding vetting and end-user monitoring systems for both Afghanistan and the United States with respect to any aircraft and training provided the Afghan National Security Forces by the United States.

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) **SIGAR REVIEW.**—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Special Inspector General for Afghanistan Reconstruction shall submit to the congressional defense committee a report on the plan covered by such report. The report under this subsection shall include the following:

(1) A review and assessment of the plan by the Special Inspector General.

(2) Such recommendations for additional actions on training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces as the Special Inspector General considers appropriate.

**SA 2301.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. PILOT PROGRAM ON INVESTIGATIONAL TREATMENT OF MEMBERS OF THE ARMED FORCES FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a 3-year pilot program under which the Secretary shall establish a process for randomized placebo-controlled clinical trials of investigational treatments (including diagnostic testing) of Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD) received by members of the Armed Forces in health care facilities other than military treatment facilities.

(b) **CONDITIONS FOR APPROVAL.**—The approval by the Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose and its use must comply with rules of the Food and Drug Administration applicable to investigational new drugs or investigational devices.

(2) The treatment must be approved by the Secretary following approval by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The patient receiving the treatment may not be a retired member of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) **ADDITIONAL RESTRICTIONS AUTHORIZED.**—The Secretary may establish additional restrictions or conditions for reimbursement as the Secretary determines appropriate to ensure the protection of human research subjects, appropriate fiscal management, and the validity of the research results.

(d) **DATA COLLECTION AND AVAILABILITY.**—The Secretary shall develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretary shall ensure that the database preserves confidentiality and that any use of the database or disclosures of such data are limited to such use and disclosures permitted by law and applicable regulations.

(e) **REPORT TO CONGRESS.**—Not later than 30 days after the last day of each fiscal year during which the Secretary is authorized to make payments under this section, the Secretary shall submit to Congress an annual report on the implementation of this section and any available results on investigational treatment studies authorized under this section.

**SA 2302.** Mr. CORNYN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

**SEC. 673. SURVEY OF PREFERENCES OF MEMBERS OF THE ARMED FORCES REGARDING MILITARY PAY AND BENEFITS.**

(a) **SURVEY REQUIRED.**—The Secretary of Defense shall carry out an anonymous survey of random members of the Armed Forces regarding their preferences in military pay and benefits.

(b) **ELEMENTS.**—The survey under this section shall be conducted for the purpose of soliciting information on the following:

(1) The value that members of the Armed Forces place on the following forms of compensation relative to one another:

- (A) Basic pay.
- (B) Allowances for housing and subsistence.
- (C) Bonuses and special pays.
- (D) Dependent healthcare benefits.
- (E) Healthcare benefits for retirees under 65 years old.
- (F) Healthcare benefits for Medicare-eligible retirees.
- (G) Retirement pay.

(2) How the members value different levels of pay or benefits, including the impact of co-payments or deductibles on the value of benefits.

(3) Any other matters related to military pay and benefits that the Secretary considers appropriate.

(4) How information collected pursuant to paragraph (1), (2), or (3) varies by age, grade, dependent status, and other factors the Secretary considers appropriate.

(c) **SUBMITTAL OF RESULTS.**—

(1) **IN GENERAL.**—Upon the completion of the survey required by this section, the Secretary shall submit a report on the analysis and raw data of the survey to each of the following:

(A) The Military Compensation and Retirement Modernization Commission under subtitle H of title VI of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

(B) Congress.

(2) **AVAILABILITY TO PUBLIC.**—At the same time the Secretary submits the report required by paragraph (1), the Secretary shall make the report available to the public.

(d) **USE OF RESULTS BY COMMISSION.**—Section 671(b)(1) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1787) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) examining the report and corresponding analysis and raw data collected pursuant to the survey of preference of members of the Armed Forces regarding military pay and benefits required by section 673(a) of the National Defense Authorization Act for Fiscal Year 2014; and”.

**SA 2303.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 411, beginning on line 6, strike “may be used to enter” and all that follows through line 9 and insert “may be used—

(1) to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport; or

(2) to modify any existing contract or subcontract with Rosoboronexport.

On page 411, beginning on line 12, strike “determines that such waiver is in the national security interests of the United States” and insert “, in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic”.

On page 412, between lines 7 and 8, insert the following:

**SEC. 1233A. MODIFICATION OF FISCAL YEAR 2013 PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) **SCOPE OF PROHIBITION.**—Subsection (a) of section 1277 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2030) is amended by striking “may be used” and all that follows and inserting “may be used—

“(1) to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport; or

“(2) to modify any existing contract or subcontract with Rosoboronexport.”.

(b) **NATIONAL SECURITY WAIVER AUTHORITY.**—Subsection (b) of that section is

amended by striking “determines that such waiver is in the national security interests of the United States.” and inserting “, in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic.”.

**SEC. 1233B. PROHIBITION ON USE OF FISCAL YEAR 2012 FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2012 by the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) that remain available for obligation or expenditure as of the date of the enactment of this Act may be used—

(1) to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport; or

(2) to modify any existing contract or subcontract with Rosoboronexport.

(b) **NATIONAL SECURITY WAIVER AUTHORITY.**—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic.

**SA 2304.** Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.**

(a) **IN GENERAL.**—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(9) Provide information about disability-related employment and education protections.”;

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) **ADDITIONAL ELEMENTS OF PROGRAM.**—The mandatory program carried out under this section shall include—

“(1) for any member who plans to use the member’s entitlement to educational assistance under title 38—

“(A) instruction providing an overview of the use of such entitlement; and

“(B) testing to determine academic readiness for post-secondary education, courses of

post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education; and

“(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.”.

(b) **DEADLINE FOR IMPLEMENTATION.**—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsections (b)(9) and (c) of such section, as added by subsection (a), by not later than April 1, 2015.

(c) **FEASIBILITY STUDY.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

**SA 2305.** Mr. REID proposed an amendment to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

**SA 2306.** Mr. REID proposed an amendment to amendment SA 2305 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 2307.** Mr. REID proposed an amendment to amendment SA 2306 proposed by Mr. REID to the amendment SA 2305 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 2308.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON ROLE OF MILITARY BANDS IN NATIONAL DEFENSE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on role of military bands in the national defense. The report shall include the following:

(1) A description of the average annual cost of military bands over the three fiscal years ending with fiscal year 2013, set forth by Armed Force, including costs of training centers, support and logistics, cadre, and other personnel and equipment.

(2) An assessment of the direct contributions of military bands to the national security of the United States.

(3) A justification, if any, from the Secretary of each military department for the continuation of military band capabilities by the Armed Forces under the jurisdiction of such Secretary in light of an austere fiscal environment and upcoming reductions in end strengths for the Armed Forces.

**SA 2309.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. PILOT PROGRAM ON PROVISION OF CERTAIN INFORMATION TO STATE VETERANS AGENCIES TO FACILITATE THE TRANSITION OF MEMBERS OF THE ARMED FORCES FROM MILITARY SERVICE TO CIVILIAN LIFE.**

(a) **PILOT PROGRAM REQUIRED.**—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing the information described in subsection (b) on members of the Armed Forces who are separating from the Armed Forces to State veterans agencies as a means of facilitating the transition of members of the Armed Forces from military service to civilian life.

(b) **COVERED INFORMATION.**—The information described in this subsection with respect to a member is as follows:

- (1) Department of Defense Form DD 214.
- (2) A personal email address.
- (3) A personal telephone number.
- (4) A mailing address.

(c) **VOLUNTARY PARTICIPATION.**—The participation of a member in the pilot program shall be at the election of the member.

(d) **FORM OF PROVISION OF INFORMATION.**—Information shall be provided to State veterans agencies under the pilot program in digitized electronic form.

(e) **USE OF INFORMATION.**—Information provided to State veterans agencies under the pilot program may be shared by such agencies with appropriate county veterans serv-

ice offices in such manner and for such purposes as the Secretary shall specify for purposes of the pilot program.

(f) **REPORT.**—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program. The report shall include a description of the pilot program and such recommendations, including recommendations for continuing or expanding the pilot program, as the Secretary considers appropriate in light of the pilot program.

**SA 2310.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REQUIREMENT FOR PROMPT RESPONSES FROM SECRETARY OF DEFENSE WHEN SECRETARY OF VETERANS AFFAIRS REQUESTS INFORMATION NECESSARY TO ADJUDICATE BENEFITS CLAIMS.**

(a) **DEADLINE FOR PROMPT RESPONSE.**—Whenever the Secretary of Veterans Affairs submits a request to the Secretary of Defense for information that the Secretary of Veterans Affairs determines is necessary to adjudicate a claim for a benefit under a law administered by the Secretary of Veterans Affairs, the Secretary of Defense shall attempt to furnish such information to the Secretary of Veterans Affairs by not later than 30 days after receiving the request from the Secretary of Veterans Affairs.

(b) **INITIAL EXTENSION OF DEADLINE.**—In a case in which the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with information requested under subsection (a) within the 30-day period set forth in such subsection, the Secretary of Defense shall—

(1) notify the Secretary of Veterans Affairs of the Secretary of Defense's inability to furnish the Secretary of Veterans Affairs with the information requested within the 30-day period set forth in such subsection; and

(2) attempt to furnish the Secretary of Veterans Affairs with the information requested by not later than 30 days after the end of the 30-day period set forth in such subsection.

(c) **SUBSEQUENT EXTENSION.**—In a case in which the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with information requested under subsection (a) within 60 days, the Secretary of Defense shall submit to the Secretary of Veterans Affairs—

(1) an explanation as to why the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with the requested information; and

(2) an estimate as to when the Secretary of Defense will furnish the Secretary of Veterans Affairs with the requested information.

(d) **ANNUAL REPORT.**—Not less frequently than once each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of

Representatives a report that summarizes, with respect to the most recently completed one-year period—

(1) the number of requests for information received from the Secretary of Veterans Affairs under subsection (a);

(2) the number of requests for information received from the Secretary of Veterans Affairs under subsection (a) with respect to which the Secretary of Defense supplied the requested information; and

(3) the number of requests for information received from the Secretary of Veterans Affairs under subsection (a) with respect to which the Secretary of Defense was unable to furnish the requested information to the Secretary of Veterans Affairs within 60 days.

**SA 2311.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. DEADLINE FOR COMPLETION OF IMPLEMENTATION OF THE HEALTHCARE ARTIFACT AND IMAGE MANAGEMENT SOLUTION PROGRAM.**

(a) **DEADLINE.**—The Secretary of Defense shall complete the implementation of the Healthcare Artifact and Image Management Solution (HAIMS) program of the Department of Defense by not later than the date that is 180 days after the date of the enactment of this Act.

(b) **REPORT.**—Upon completion of the implementation of the Healthcare Artifact and Image Management Solution program, the Secretary shall submit to Congress a report describing the extent of the interoperability between the Healthcare Artifact and Image Management Solution program and the Veterans Benefits Management System (VBMS) of the Department of Veterans Affairs.

**SA 2312.** Mr. ALEXANDER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. TRANSPORTATION OF SUPPLIES AND EQUIPMENT IN THE UNITED STATES BY COMMERCIAL MOTOR VEHICLES.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to maximize the operational effectiveness, efficiency, and cost savings of the Defense Transportation System, especially surface and related intermodal transportation requirements in support of contingency and peacetime operations by allowing surface transportation supplies to be transported in longer tractor-trailer combinations.

(b) **INCREASE IN ALLOWABLE LENGTH OF TRACTOR TRAILER COMBINATIONS.**—Section

3111(b)(1)(A) of title 49, United States Code, is amended by striking “or of less than 28 feet” and inserting “or, notwithstanding section 3112, of less than 33 feet”.

**SA 2313.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. LIMITATION ON ASSISTANCE TO ASSAD REGIME DURING DESTRUCTION OF SYRIAN CHEMICAL WEAPONS.**

(a) **IN GENERAL.**—The United States Government may not provide financial assistance or license, approve, facilitate, contribute, or otherwise allow the sale, lease, transfer, or delivery of any items for the purposes of the dismantlement and destruction of Syria's chemical program that could be adapted for military use to the Organization for the Prohibition of Chemical Weapons (OPCW) or the government of any country until the Secretary of Defense submits to the appropriate congressional committees—

(1) a certification that—

(A) such assistance will not be transferred or provided to the Government of Syria; and

(B) the final disposition of any items or equipment, after the chemical weapons are removed from Syria or are destroyed in Syria, will not remain with the Government of Syria; and

(2) an assessment of whether the Government of Syria's declaration to the OPCW regarding its chemical weapons program is complete, including a list of undeclared chemical weapons stockpiles, munitions, and facilities in Syria.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2314.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CLOSE DETENTION FACILITIES AT GUANTANAMO BAY, CUBA.**

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of Defense may be obligated or expended for the purpose of funding personnel or programs whose primary focus is facili-

tating the closure of Guantanamo Bay prison.

**SA 2315.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. CONVEYANCE, AIR NATIONAL GUARD RADAR SITE, FRANCIS PEAK, WASATCH MOUNTAINS, UTAH.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the State of Utah (in this section referred to as the “State”), all right, title, and interest of the United States in and to the structures, including equipment and any other personal property related thereto, comprising the Air National Guard radar site located on Francis Peak, Utah, for the purpose of permitting the State to use the structures to support emergency public safety communications, including 911 emergency response service for Northern Utah.

(b) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Air Force may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact inventory of equipment and other personal property to be conveyed under subsection (a) shall be determined by the Secretary of the Air Force.

(d) **TIME OF CONVEYANCE.**—The conveyance under this section shall occur as soon as practicable after the date of the enactment of this Act. Until such time as the conveyance occurs, the Secretary of the Air Force shall take no action with regard to the structures described in subsection (a) that will result in the likely disruption of emergency communications by the State and local authorities.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) **ISSUANCE OF LAND USE AUTHORIZATION.**—The conveyance of the structures

under subsection (a) shall not affect the validity and continued applicability of the land use. Upon completion of the conveyance under subsection (a), the State of Utah shall submit for a land use authorization to the Forest Service for placement and use of structures on National Forest System land. Such land use authorization shall comply with Forest Service land use authorization requirements for similar land uses on National Forest System land.

(g) DURATION OF AUTHORITY.—The authority to make a conveyance under this section shall expire on the later of—

- (1) September 30, 2014; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

**SA 2316.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. PROTECTION OF RELIGIOUS FREEDOMS OF MILITARY CHAPLAINS DURING NON-MILITARY SERVICES.**

(a) ARMY CHAPLAINS.—Section 3547 of title 10, United States Code, is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following new subsection (b):

“(b) A chaplain may close a prayer lead by the chaplain outside of a religious service in accordance with the traditions, expressions, and religious exercises of the group for whom the prayer is lead.”.

(b) NAVY CHAPLAINS.—Section 6031 of such title is amended by adding at the end the following new subsection:

“(d) A chaplain may close a prayer lead by the chaplain outside of divine service in accordance with the traditions, expressions, and religious exercises of the group for whom the prayer is lead.”.

(c) AIR FORCE CHAPLAINS.—Section 8547 of such title is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following new subsection (b):

“(b) A chaplain may close a prayer lead by the chaplain outside of a religious service in accordance with the traditions, expressions, and religious exercises of the group for whom the prayer is lead.”.

**SA 2317.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. NOTIFICATION OF MODIFICATION OF ARMY FORCE STRUCTURE.**

(a) CERTIFICATION OF ENVIRONMENTAL COMPLIANCE.—The Secretary of the Army shall

certify to the congressional defense committees that Army force structure modifications, reductions, and additions authorized as of the date of the enactment of this Act that will utilize funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of the Army are compliant with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) NOTIFICATION OF NECESSARY ASSESSMENTS OR STUDIES.—The Secretary of the Army, when making congressional notifications in accordance with section 993 of title 10, United States Code, shall include the Secretary's assessment whether or not such changes require an Environmental Assessment or Environmental Impact Statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and, if such an assessment or study is required, the plan for conducting such assessment or study.

**SA 2318.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. INTELLIGENCE ASSESSMENT AND REPORT ON AL-SHABAAB.**

(a) INTELLIGENCE ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a classified intelligence assessment of the terrorist organization known as Al-Shabaab. Such assessment shall include the following:

- (1) A description of organizational structure, operational objectives, and funding sources for Al-Shabaab.
- (2) An assessment of the extent to which Al-Shabaab threatens security and stability within Somalia and surrounding countries.
- (3) An assessment of the extent to which Al-Shabaab threatens the security of United States citizens or the national security or interests of the United States.
- (4) The description of the relationship between Al-Shabaab and Al-Qaeda and Al-Qaeda affiliates.
- (5) An assessment of the capacity of the Government of Somalia to counter the threat posed by Al-Shabaab.
- (6) An assessment of the capacity of regional countries and organizations, including the African Union, to counter the threat posed by Al-Shabaab.

(b) SECRETARY OF STATE AND SECRETARY OF DEFENSE JOINT REPORT.—Not later than 90 days after the date on which the intelligence assessment required by subsection (a) is submitted, the Secretary of State and the Secretary of Defense, jointly, shall submit to the appropriate committees of Congress a report describing the strategy of the United States to counter the threat posed by Al-Shabaab.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2319.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXEMPTION FROM SEQUESTRATION FOR FISCAL YEAR 2014.**

Section 251A(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(5)) is amended—

- (1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

- (2) by inserting before subparagraph (B), as redesignated, the following:

“(A) MODIFICATION OF DEFENSE FUNCTION REDUCTIONS.—Notwithstanding any other provision of this Act, for discretionary appropriations and direct spending accounts within function 050 (defense function)—

“(i) for fiscal year 2014, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$25,000,000,000;

“(ii) for fiscal year 2015, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$17,000,000,000;

“(iii) for fiscal year 2016, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$12,000,000,000;

“(iv) for fiscal year 2017, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$4,000,000,000;

“(v) for fiscal year 2018, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$3,000,000,000;

“(vi) for fiscal year 2019, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$10,000,000,000;

“(vii) for fiscal year 2020, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$18,000,000,000;

“(viii) for fiscal year 2021, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$27,000,000,000; and

“(ix) for each of fiscal years 2014 through 2021, OMB shall calculate the amount of the respective reductions to discretionary appropriations and direct spending (as adjusted under this subparagraph) in accordance with subparagraphs (B) and (C).”.

- (3) in subparagraph (B)(i), as redesignated, by inserting “as adjusted, if adjusted, in accordance with subparagraph (A)” after “paragraph (4)”; and



(4) in subparagraph (C), as redesignated—  
 (A) by inserting “as adjusted, if adjusted, in accordance with subparagraph (A)” after “paragraph (4)”; and  
 (B) by striking “subparagraph (A)” and inserting “subparagraph (B)”.

**SA 2320.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. MINIMUM WAGE FOR WORK UNDER CONTRACTS BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Notwithstanding section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), any entity awarded a contract by the Department of Defense for services performed in the United States, or property manufactured in the United States, shall pay each individual performing such services or manufacturing such property a wage not less than \$14.00 an hour while such individual performs such services or manufactures such property.

(b) APPLICABILITY TO SUBCONTRACTORS.—Subsection (a) shall apply to an entity awarded a subcontract under a contract for services or property described in such subsection, in the same manner as such subsection applies to the entity awarded such contract.

(c) EFFECTIVE DATE.—Subsection (a) shall apply with respect to contracts awarded by the Department of Defense after the date of enactment of this Act for fiscal year 2014 and each fiscal year thereafter.

**SA 2321.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. ENHANCED PRIVACY PROTECTIONS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) LIMITING OVERBROAD SURVEILLANCE REQUESTS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in subsection (a)(1), by striking “to protect against international terrorism or clandestine intelligence activities,” and inserting “for an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation,”;

(2) in subsection (b)(2)(A)—

(A) in the matter preceding clause (i)—

(i) by striking “a statement of facts showing that there are reasonable grounds” and inserting “specific and articulable facts giving reason”;

(ii) by inserting “each of” before “the tangible things”;

(iii) by striking “are” and inserting “is”; and

(iv) by striking “to protect against international terrorism or clandestine intelligence activities,” and inserting “an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation,”;

(B) in clause (i), by adding “or” at the end;

(C) in clause (ii), by striking “or” and inserting “and”; and

(D) by striking clause (iii); and

(3) in subsection (c)(1), after “the release of tangible things,” by inserting “For each tangible thing to be released, the judge shall enter a finding that the Director of the Federal Bureau of Investigation or the Director’s designee has presented specific and articulable facts giving reason to believe that the thing is relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) of this section to obtain foreign intelligence information not concerning a United States person or an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation.”.

(b) EXPANSION OF REPORTING REQUIREMENTS UNDER FISA.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended by striking subsections (a), (b), and (c) and inserting the following:

“(a) On a semiannual basis, the Attorney General shall fully inform Congress concerning all requests for the production of tangible things under section 501, including with respect to the preceding 6-month period—

“(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

“(2) the total number of such orders either granted, modified, or denied.

“(b) In informing Congress under subsection (a), the Attorney General shall include the following:

“(1) A description with respect to each application for an order requiring the production of any tangible things for the specific purpose for such production.

“(2) An analysis of the effectiveness of each application that was granted or modified in protecting citizens of the United States against terrorism.

“(c) In a manner consistent with the protection of the national security of the United States, the Attorney General shall make available to the public the information provided to Congress under subsection (a).”.

**SA 2322.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. ANNUAL REPORT ON DEPARTMENT OF DEFENSE GREENHOUSE GAS EMISSIONS.**

Not later than June 30, 2014, and annually thereafter, the Secretary of Defense shall submit to Congress a report on greenhouse gas emissions of the Department of Defense during the previous calendar year. The report shall include a review and description of

greenhouse gas emissions by military department, Defense Agency, and type of activity, including electricity consumption, transportation, and heating.

**SA 2323.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIV, add the following:

**SEC. 2404. INCREASED FUNDING FOR ENERGY CONSERVATION PROJECTS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ADDITIONAL AMOUNT FOR ENERGY CONSERVATION INVESTMENT PROGRAM.—The amount authorized to be appropriated for fiscal year 2014 by section 2403(6) and available for the Energy Conservation Investment Program as specified in the funding table in section 4601 is hereby increased by \$279,000,000, with the amount of the increase to be available for projects that improve energy efficiency at military installations (including retrofitting existing buildings and enabling new construction to meet higher energy efficiency standards) or allow for the inclusion or addition of renewable energy generation at military installations.

(2) RENEWABLE ENERGY GENERATION DEFINED.—In this subsection, the term “renewable energy generation” includes—

(A) solar, wind, biomass, landfill gas, ocean, and geothermal; and

(B) energy storage systems designed to store energy produced by a renewable energy system for later use or for frequency regulation.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 1504 and available for the Afghanistan Infrastructure Fund as specified in the funding table in section 4302 is hereby reduced by \$279,000,000.

**SA 2324.** Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 949. REPORTING ON PENETRATIONS INTO NETWORKS AND INFORMATION SYSTEMS OF OPERATIONALLY CRITICAL CONTRACTORS.**

(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Secretary of Defense shall establish procedures that require an operationally critical contractor to report to a component of the Department of Defense designated by the Secretary for purposes of such procedures when a network or information system of such operationally critical contractor is successfully penetrated.

(b) PROCEDURE REQUIREMENTS.—

(1) RAPID REPORTING.—The procedures established pursuant to subsection (a) shall require each operationally critical contractor



to rapidly report to the component of the Department designated pursuant to subsection (a) on each successful penetration of any network or information systems of such contractor. Each such report shall include the following:

(A) The technique or method used in such penetration.

(B) A sample of any malicious software, if discovered and isolated by the contractor, involved in such penetration.

(2) DEPARTMENT ASSISTANCE AND ACCESS TO EQUIPMENT AND INFORMATION BY DEPARTMENT PERSONNEL.—The procedures established pursuant to subsection (a) shall include mechanisms for Department personnel to—

(A) assist operationally critical contractors in detecting and mitigating penetrations; and

(B) upon request, obtain access to equipment or information of an operationally critical contractor necessary to conduct forensic analysis in addition to any analysis conducted by such contractor.

(3) PROTECTION OF TRADE SECRETS AND OTHER INFORMATION.—The procedures established pursuant to subsection (a) shall provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

(c) ISSUANCE OF PROCEDURES.—The Secretary shall establish the procedures required by subsection (a) by not later than 90 days after the date of the enactment of this Act. The procedures shall take effect on the date of establishment.

(d) ASSESSMENT OF DEPARTMENT POLICIES AND SYSTEMS FOR SHARING INFORMATION ON PENETRATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Act, the Secretary shall conduct an assessment of Department policies and systems for sharing information on successful penetrations into networks or information systems of operationally critical contractors.

(2) ACTIONS FOLLOWING ASSESSMENT.—Upon completion of the assessment required by paragraph (1), the Secretary shall issue or revise guidance applicable to Department components to ensure the rapid sharing of information relating to successful penetrations into networks or information systems of operationally critical contractors.

(e) DEFINITIONS.—In this section:

(1) The term “operationally critical contractor” means a contractor designated by the Secretary for purposes of this section as a critical source of supply for a service or capability that is essential to the mobilization, deployment, or sustainment of the Armed Forces in a contingency operation.

(2) The term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

**SA 2325.** Mr. REED (for himself, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A add the following:

## TITLE XVI—ENHANCEMENT AND IMPROVEMENT OF SCRA

### SEC. 1600. SHORT TITLE.

This title may be cited as the “SCRA Enhancement and Improvement Act of 2013”.

#### Subtitle A—Enhancement of Rights Under Servicemembers Civil Relief Act

### SEC. 1601. EXTENDED PERIOD OF PROTECTION UNDER INSTALLMENT CONTRACTS FOR PURCHASE OR LEASE.

Section 302(a)(1) of the Servicemembers Civil Relief Act (50 U.S.C. App. 532(a)(1)) is amended, in the matter following subparagraph (B), by striking “or during that person’s military service” and inserting “, during, or within one year after such servicemember’s period of military service”.

### SEC. 1602. MODIFICATION OF PERIOD DETERMINING WHICH ACTIONS ARE COVERED UNDER STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION PROTECTIONS CONCERNING MORTGAGES AND TRUST DEEDS OF MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking “filed” and inserting “pending”.

(b) CONFORMING AMENDMENTS.—Section 710(d) of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1208) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) SUNSET AND REVIVAL.—

“(A) IN GENERAL.—Subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as amended by subsections (a) and (b) of this section, are amended by striking ‘within one year’ each place it appears and inserting ‘within 90 days’.

“(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on January 1, 2015.”; and

(2) by striking paragraph (3).

### SEC. 1603. PROHIBITION ON COLLECTION OF PENALTIES FOR EARLY PREPAYMENT OF MORTGAGE.

Section 203 of the Servicemembers Civil Relief Act (50 U.S.C. App. 523) is amended by adding at the end the following new subsection:

“(c) PROHIBITION ON PREPAYMENT PENALTIES FOR CERTAIN MORTGAGES.—

“(1) IN GENERAL.—When a servicemember discharges an obligation arising under a mortgage contract and would otherwise thereby incur a prepayment penalty, such penalty shall not accrue if—

“(A) the servicemember is in military service at the time the prepayment penalty is incurred; and

“(B) the reason the servicemember discharges the obligation, thereby incurring the penalty, is materially affected by such military service.

“(2) MATERIALLY AFFECTING MILITARY SERVICE.—For purposes of paragraph (1)(B), the requirement that the reason a servicemember discharged a mortgage obligation, thereby incurring a prepayment penalty, be materially affected by military services requires—

“(A) that the mortgage be secured by the servicemember’s primary residence; and

“(B) that the servicemember receive permanent change of station orders.

“(3) RELIEF, COSTS, AND ATTORNEY FEES.—An assessment of a penalty in violation of this subsection shall be considered a violation of this Act for purposes of title VIII.”.

### SEC. 1604. PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES REGARDING PROFESSIONAL LICENSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 701 et seq.) is amended by adding at the end the following new section:

#### “SEC. 707. PROFESSIONAL LICENSES.

“(a) EXPIRATION DURING PERIOD IN WHICH SERVICEMEMBERS ARE ELIGIBLE FOR HOSTILE FIRE OR IMMINENT DANGER SPECIAL PAY.—If a license issued by a State or local licensing authority to a servicemember would otherwise expire during a period in which such servicemember is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, such State or local licensing authority shall delay the expiration of such license until not earlier than the date that is 180 days after the date on which such period of eligibility ends.

“(b) CONTINUING EDUCATION REQUIREMENTS DURING PERIOD IN WHICH SERVICEMEMBERS ARE ELIGIBLE FOR HOSTILE FIRE OR IMMINENT DANGER SPECIAL PAY.—If a State or local licensing authority otherwise requires a servicemember to meet any continuing education requirements to maintain a license for a trade or profession during a period in which such servicemember is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, such State or local licensing authority shall delay such continuing education requirement until not earlier than the date that is 180 days after the date on which such period of eligibility ends.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501(b)) is amended by inserting after the item relating to section 706 the following new item:

“Sec. 707. Professional licenses and certifications.”.

### SEC. 1605. EXPANSION OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES REGARDING TAXES RESPECTING REAL PROPERTY OCCUPIED BY BUSINESSES OWNED BY SUCH MEMBERS.

(a) IN GENERAL.—Subsection (a)(2) of section 501 of the Servicemembers Civil Relief Act (50 U.S.C. App. 561) is amended by striking the matter before subparagraph (A) and inserting the following:

“(2) real property occupied for dwelling, professional, trade, business, or agricultural purposes by a servicemember, the servicemember’s dependents or employees, or a business which (without regard to the form in which such profession, trade, business, or agricultural operation is organized or carried out) is owned entirely by a servicemember or by a servicemember and the spouse of the servicemember—”.

(b) NOTICE.—Such section is further amended by adding at the end the following new subsection:

“(f) WRITTEN NOTICE TO TAXING AUTHORITIES.—In order for real property owned by a business which is owned entirely by a servicemember or by a servicemember and the spouse of the servicemember to be subject to the protections provided in this section, the servicemember shall provide to the applicable taxing authority written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service, not later than 180 days after the date of the servicemember’s termination or release from military service.”.

**SEC. 1606. PROHIBITION ON DENIAL OF CREDIT BECAUSE OF ELIGIBILITY FOR PROTECTION.**

Section 108 of the Servicemembers Civil Relief Act (50 U.S.C. App. 518) is amended—

(1) by striking “Application by” and inserting the following:

“(a) APPLICATION OR RECEIPT.—Application by”; and

(2) by adding at the end the following new subsection:

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—In addition to the protections under subsection (a), an individual who is entitled to any right or protection provided under this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such entitlement.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a lender from considering all relevant factors, other than the entitlement of an individual to a right or protection provided under this Act, in making a determination as to whether it is appropriate to extend credit.”.

**SEC. 1607. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.**

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting “ON DEBT INCURRED BEFORE SERVICE” after “LIMITATION TO 6 PERCENT”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.”;

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”; and

(5) in paragraph (4), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “AS OF DATE OF ORDER TO ACTIVE DUTY”; and

(B) by inserting before the period at the end the following: “in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)”.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) STUDENT LOAN.—The term ‘student loan’ means the following:

“(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(B) A private student loan as that term is defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).”.

**SEC. 1608. TERMINATION OF RESIDENTIAL LEASES AFTER ASSIGNMENT OR RELOCATION TO QUARTERS OF UNITED STATES OR HOUSING FACILITY UNDER JURISDICTION OF UNIFORMED SERVICE.**

(a) TERMINATION OF RESIDENTIAL LEASES.—

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.”; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative.”.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting “in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,” before “by delivery”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer indicating that the servicemember has been assigned to or is otherwise relocating to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and”.

(b) DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES FOR PURPOSES OF ACT.—

(1) TRANSFER OF DEFINITIONS.—Such Act is further amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating such paragraphs, as so transferred, as paragraphs (10) and (11).

(2) CONFORMING AMENDMENTS.—Such Act is further amended—

(A) in section 305 (50 U.S.C. App. 535), as amended by paragraph (1), by striking subsection (i); and

(B) in section 705 (50 U.S.C. App. 595), by striking “or naval” both places it appears.

**SEC. 1609. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.**

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

**“SEC. 303A. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.**

“(a) IN GENERAL.—Subject to subsection (b), with respect to a servicemember who dies while in military service and who has a surviving spouse who is the servicemember's successor in interest to property covered under section 303(a), section 303 shall apply to the surviving spouse with respect to that property during the one-year period beginning on the date of such death in the same manner as if the servicemember had not died.

“(b) NOTICE REQUIRED.—

“(1) IN GENERAL.—To be covered under this section with respect to property, a surviving spouse shall submit written notice that such surviving spouse is so covered to the mortgagee, trustee, or other creditor of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

“(2) TIME.—Notice provided under paragraph (1) shall be provided with respect to a surviving spouse anytime during the one-year period beginning on the date of death of the servicemember with respect to whom the surviving spouse is to receive coverage under this section.

“(3) ADDRESS.—Notice provided under paragraph (1) with respect to property shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

“(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the military service-related death of a spouse while in military service.

“(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official Department of Defense form that can be used by an individual to give notice under paragraph (1).”.

(b) EFFECTIVE DATE.—Section 303A of such Act, as added by subsection (a), shall apply with respect to deaths that occur on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Protection of surviving spouse with respect to mortgage foreclosure.”.

**Subtitle B—Improvements to Servicemembers Civil Relief Act**

**SEC. 1611. IMPROVED PROTECTION OF MEMBERS OF UNIFORMED SERVICES AGAINST DEFAULT JUDGMENTS.**

(a) MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT.—

(1) IN GENERAL.—Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting such clauses two ems to the right;

(B) in the matter before clause (i), as redesignated by subparagraph (A), by striking “In any” and inserting the following:

“(A) IN GENERAL.—In any”; and

(C) by adding at the end the following new subparagraph (B):

“(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the plaintiff. The affidavit shall set forth all steps taken to determine the defendant’s military status and shall have attached copies of the records on which the plaintiff relied in drafting the affidavit.”.

(2) APPLICABILITY.—Paragraph (1)(B) of such section, as added by paragraph (1), shall apply with respect to actions and proceedings filed on or after the date of the enactment of this Act.

(b) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—Paragraph (2) of such section (50 U.S.C. App. 521(b)) is amended—

(1) by striking “If in an action” and inserting the following:

“(A) IN GENERAL.—If in an action”;

(2) in subparagraph (A), as designated by paragraph (1), by striking “If an attorney” and inserting the following:

“(C) LIMITATIONS ON APPOINTED ATTORNEY.—If an attorney”;

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph:

“(B) DUE DILIGENCE.—If the court appoints an attorney to represent the defendant—

“(i) the attorney shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the attorney; and

“(ii) the plaintiff shall submit to the attorney such information as the plaintiff may have concerning the whereabouts or identity of the defendant.”; and

(4) by adding at the end the following new subparagraph:

“(D) TREATMENT OF ATTORNEYS FEES.—The reasonable fees of an attorney appointed to represent a servicemember shall be treated as costs of court for court cost purposes, unless the creditor seeks relief from such charges from the court.”.

#### **SEC. 1612. MODIFICATION OF PERIOD IN WHICH A WAIVER OF A RIGHT PURSUANT TO A WRITTEN AGREEMENT MAY BE MADE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended in the third sentence by striking “during or after the servicemember’s period of military service” and inserting “after the occurrence of the event that gave rise to the rights or protections to be waived”.

#### **SEC. 1613. CLARIFICATION REGARDING APPLICATION OF ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL AND PRIVATE RIGHT OF ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Sections 801 and 802 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597 and 597a) shall apply as if such sections were included in the enactment of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108–189.

#### **SEC. 1614. EXPANSION OF PROTECTIONS RELATING TO MORTGAGES TO INCLUDE OBLIGATIONS ON REAL OR PERSONAL PROPERTY FOR WHICH A SERVICEMEMBER IS PERSONALLY LIABLE AS A GUARANTOR OR CO-MAKER.**

Section 303(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended, in the matter before paragraph (1), by inserting “or an obligation on real or personal property for which a servicemember is personally liable as a guarantor or co-maker” after “by a servicemember”.

#### **Subtitle C—Enforcement of Rights Under Servicemembers Civil Relief Act**

#### **SEC. 1621. ELECTION OF ARBITRATION TO RESOLVE CONTROVERSIES UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 102 of the Servicemembers Civil Relief Act (50 U.S.C. App. 512) is amended by adding at the end the following new subsection:

“(d) ELECTION OF ARBITRATION.—

“(1) CONSENT REQUIRED.—Notwithstanding any other provision of law, whenever a contract with a servicemember provides for the use of arbitration to resolve a controversy subject to a provision of this Act and arising out of or relating to such contract, arbitration may be used to settle such controversy only if, after such controversy arises, all parties to such controversy consent in writing to use arbitration to settle such controversy.”.

“(2) EXPLANATION REQUIRED.—Notwithstanding any other provision of law, whenever arbitration is elected to settle a dispute pursuant to paragraph (1), the arbitrator shall provide the parties to such contract with a written explanation of the factual and legal basis for any decision made by the arbitrator in the course of such arbitration.”.

(b) APPLICABILITY.—Subsection (d) of such section, as added by subsection (a), shall apply with respect to contracts entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this Act.

#### **SEC. 1622. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

“(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

“(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to qui tam relations shall not apply.

“(3) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than one year after the date of the enactment of the SCRA Enhancement and Improvement Act of 2013 and not less frequently than once each year thereafter, the Attorney General shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the issuance of civil investigative demands under this subsection during the previous one-year period.

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following for the year covered by the report:

“(i) The number of times that a civil investigative demand was issued under this subsection.

“(ii) For each civil investigative demand issued under this subsection with respect to an investigation, whether such investigation resulted in a settlement or conviction.”.

(b) EFFECTIVE DATE.—Subsection (d) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to all violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), regardless of when the violations are alleged to have occurred.

#### **SEC. 1623. INCREASE IN CIVIL PENALTIES FOR VIOLATION OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”; and

(2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

#### **Subtitle D—Other Matters**

#### **SEC. 1631. CLERICAL AMENDMENTS.**

(a) IN GENERAL.—The heading for section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended by striking “RESIDENTIAL OR MOTOR VEHICLE LEASES” and inserting “LEASES OF PREMISES OCCUPIED AND MOTOR VEHICLES USED”.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501(b)) is amended by striking the item relating to section 305 and inserting the following new item:

“Sec. 305. Termination of leases of premises occupied and motor vehicles used.”.

**SA 2326.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

#### **TITLE XVI—MILITARY VOTING**

##### **SEC. 1601. SHORT TITLE.**

This title may be cited as the “Protect Military and Overseas Voters Act”.

##### **Subtitle A—Absent Uniformed Services Voters and Overseas Voters**

##### **SEC. 1611. SHORT TITLE.**

This subtitle may be cited as the “Absent Uniformed Services Voters and Overseas Voters Act”.

##### **SEC. 1612. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO DEPENDENTS OF ABSENT MILITARY PERSONNEL.**

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) in the heading, by inserting “**AND DEPENDENTS**” after “**SPOUSES**”; and

(2) by amending subsection (b) to read as follows:

“(b) **SPOUSES AND DEPENDENTS.**—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or any State or local office, a dependent of a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that person’s absence and without regard to whether or not such dependent is accompanying that person—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to absences from States described in section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 595(b)), as amended by subsection (a), after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

##### **SEC. 1613. PRE-ELECTION REPORTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.**

Section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(c)) is amended to read as follows:

“(c) **REPORTS ON AVAILABILITY, TRANSMISSION, AND RECEIPT OF ABSENTEE BALLOTS.**—

“(1) **PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.**—Not later than 55 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Election Assistance Commission (hereafter in this subsection referred to as the ‘Commission’), and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 46 days before the election. The report shall be in a form prescribed by the Attorney General, in consultation with the Commission, and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

“(2) **PRE-ELECTION REPORT ON ABSENTEE BALLOT TRANSMISSION.**—Not later than 43 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Commission, and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots have been transmitted by not later than 46 days before the election to all qualified absent uniformed services and overseas voters whose requests were received at least 46 days before the election. The report shall be in a form prescribed by the Attorney General, in consultation with the Commission, and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots transmitted, from each unit of local government which will administer the election.

“(3) **POST-ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.**—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Attorney General, the Commission, and the Presidential Designee on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public that same day.”.

##### **SEC. 1614. ENFORCEMENT.**

(a) **AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION.**—Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4) is amended to read as follows:

##### **“SEC. 105. ENFORCEMENT.**

“(a) **ACTION BY ATTORNEY GENERAL.**—

“(1) IN GENERAL.—The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

“(2) **PENALTY.**—In a civil action brought under paragraph (1), if the court finds that the State violated any provision of this title, it may, to vindicate the public interest, assess a civil penalty against the State—

“(A) in an amount not to exceed \$110,000 for each such violation, in the case of a first violation; or

“(B) in an amount not to exceed \$220,000 for each such violation, for any subsequent violation.

“(3) **REPORT TO CONGRESS.**—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

“(b) **PRIVATE RIGHT OF ACTION.**—A person who is aggrieved by a State’s violation of this title may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

“(c) **STATE AS ONLY NECESSARY DEFENDANT.**—In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State any duty or responsi-

bility which is the subject of an action brought under this section.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

##### **SEC. 1615. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANSMISSION RULE.**

(a) **REPEAL OF WAIVER AUTHORITY.**—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended by striking subsection (g).

(2) **CONFORMING AMENDMENT.**—Section 102(a)(8)(A) of such Act (42 U.S.C. 1973ff-1(a)(8)(A)) is amended by striking “except as provided in subsection (g).”.

(b) **MODIFICATION OF TIME-PERIOD TO AVOID WEEKEND DEADLINES.**—Section 102(a)(8) of such Act (42 U.S.C. 1973ff-1(a)(8)(A)) is amended by striking “45 days” each place it appears and inserting “46 days”.

(c) **REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO MEET REQUIREMENT.**—Section 102 of such Act (42 U.S.C. 1973ff-1), as amended by subsection (a), is amended by inserting after subsection (f) the following new subsection:

“(g) **REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN DEADLINES.**—

“(1) **TRANSMISSION OF BALLOT BY EXPRESS DELIVERY.**—If a State fails to meet the requirement of subsection (a)(8)(A) to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 46 days before the election (in the case in which the request is received at least 46 days before the election)—

“(A) the State shall transmit the ballot to the voter by express delivery; or

“(B) in the case of a voter who has designated that absentee ballots be transmitted electronically in accordance with subsection (f)(1), the State shall transmit the ballot to the voter electronically.

“(2) **SPECIAL RULE FOR TRANSMISSION FEWER THAN 40 DAYS BEFORE THE ELECTION.**—If, in carrying out paragraph (1), a State transmits an absentee ballot to an absent uniformed services voter or overseas voter fewer than 40 days before the election, the State shall enable the ballot to be returned by the voter by express delivery, except that in the case of an absentee ballot of an absent uniformed services voter for a regularly scheduled general election for Federal office, the State may satisfy the requirement of this paragraph by notifying the voter of the procedures for the collection and delivery of such ballots under section 103A.”.

##### **SEC. 1616. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended to read as follows:

##### **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.**

“(a) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

“(b) **EXCEPTION FOR VOTERS CHANGING REGISTRATION.**—Subsection (a) shall not apply

with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

“(c) PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that election which are submitted by absentee voters who are not members of the uniformed services or overseas citizens.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to voter registration and absentee ballot applications which are submitted to a State or local election official on or after the date of the enactment of this Act.

**SEC. 1617. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(6)) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

**SEC. 1618. EFFECTIVE DATE.**

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply with respect to elections occurring on or after January 1, 2014.

**Subtitle B—Voter Registration Modernization**  
**SEC. 1621. SHORT TITLE.**

This subtitle may be cited as the “Voter Registration Modernization Act”.

**SEC. 1622. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.**

(a) REQUIRING AVAILABILITY OF INTERNET FOR REGISTRATION.—The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting after section 6 the following new section:

**“SEC. 6A. INTERNET REGISTRATION.**

“(a) REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—

“(1) AVAILABILITY OF ONLINE REGISTRATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):

“(A) Online application for voter registration.

“(B) Online assistance to applicants in applying to register to vote.

“(C) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature in electronic form as required under subsection (c).

“(D) Online receipt of completed voter registration applications.

“(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A State shall accept an online voter

registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

“(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and

“(2) the individual provides a signature in electronic form in accordance with subsection (c) (but only in the case of applications submitted during or after the second year in which this section is in effect in the State).

“(c) SIGNATURES IN ELECTRONIC FORM.—For purposes of this section, an individual provides a signature in electronic form by—

“(1) electronically signing the document in the manner required by the State for purposes of submitting online applications for voter registration before the date of the enactment of this section;

“(2) executing a computerized mark in the signature field on an online voter registration application; or

“(3) submitting with the application an electronic copy of the individual’s handwritten signature through electronic means.

“(d) CONFIRMATION AND DISPOSITION.—

“(1) CONFIRMATION OF RECEIPT.—Upon the online submission of a completed voter registration application by an individual under this section, the appropriate State or local election official shall send the individual a notice confirming the State’s receipt of the application and providing instructions on how the individual may check the status of the application.

“(2) NOTICE OF DISPOSITION.—As soon as the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.

“(3) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subsection by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.

“(e) PROVISION OF SERVICES IN NON-PARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—

“(1) the online application does not seek to influence an applicant’s political preference or party registration; and

“(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.

“(f) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

“(g) USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available on-

line, in addition to making the services available online in accordance with the requirements of this section.

“(h) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.”.

(b) TREATMENT AS INDIVIDUALS REGISTERING TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME VOTER IDENTIFICATION REQUIREMENTS.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or online under section 6A of the National Voter Registration Act of 1993”.

(c) CONFORMING AMENDMENTS.—

(1) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(a)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 30 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and”.

(2) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES.—Section 8(a)(5) of such Act (42 U.S.C. 1973gg-6(a)(5)) is amended by striking “and 7” and inserting “6A, and 7”.

**SEC. 1623. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.**

(a) IN GENERAL.—

(1) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)) is amended by adding at the end the following new paragraph:

“(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

“(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter’s registration information, including the voter’s address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

“(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—

“(i) revise any information on the computerized list to reflect the update made by the voter; and

“(ii) if the updated registration information affects the voter’s eligibility to vote in

an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

“(C) CONFIRMATION AND DISPOSITION.—

“(i) CONFIRMATION OF RECEIPT.—Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the State’s receipt of the updated information and providing instructions on how the individual may check the status of the update.

“(ii) NOTICE OF DISPOSITION.—As soon as the appropriate State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.

“(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.”.

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (42 U.S.C. 15483(d)(1)(A)) is amended by striking “subparagraph (B)” and inserting “subparagraph (B) and subsection (a)(6)”.

(b) ABILITY OF REGISTRANT TO USE ONLINE UPDATE TO PROVIDE INFORMATION ON RESIDENCE.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)(2)(A)) is amended—

(1) in the first sentence, by inserting after “return the card” the following: “or update the registrant’s information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002”; and

(2) in the second sentence, by striking “returned,” and inserting the following: “returned or if the registrant does not update the registrant’s information on the computerized Statewide voter registration list using such online method.”.

**SEC. 1624. STUDY ON BEST PRACTICES FOR INTERNET REGISTRATION.**

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall conduct an ongoing study on best practices for implementing the requirements for Internet registration under section 6A of the National Voter Registration Act of 1993 (as added by section 1622) and the requirement to permit voters to update voter registration information online under section 303(a)(6) of the Help America Vote Act of 2002 (as added by section 1623).

(b) REPORT.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall make publicly available a report on the study conducted under subsection (a).

(2) QUADRENNIAL UPDATE.—The Director of the National Institute of Standards and Technology shall review and update the report made under paragraph (1).

(c) USE OF BEST PRACTICES IN EAC VOLUNTARY GUIDANCE.—Subsection (a) of section 311 of the Help America Vote Act of 2002 (42 U.S.C. 15501(a)) is amended by adding at the end the following new sentence: “Such voluntary guidance shall utilize the best prac-

tices developed by the Director of the National Institute of Standards and Technology under section 1624 of the Voter Registration Modernization Act for the use of the Internet in voter registration.”.

**SEC. 1625. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.**

(a) INCLUDING OPTION ON VOTER REGISTRATION APPLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE INFORMATION.—

(1) IN GENERAL.—Section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(b)) is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) shall include a space for the applicant to provide (at the applicant’s option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.”.

(2) PROHIBITING USE FOR PURPOSES UNRELATED TO OFFICIAL DUTIES OF ELECTION OFFICIALS.—Section 9 of such Act (42 U.S.C. 1973gg–7) is amended by adding at the end the following new subsection:

“(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.”.

(b) REQUIRING PROVISION OF INFORMATION BY ELECTION OFFICIALS.—Section 302(b) of the Help America Vote Act of 2002 (42 U.S.C. 15482(b)) is amended by adding at the end the following new paragraph:

“(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 7 days before the date of the election involved, shall provide the individual with information on how to obtain the following information by electronic means:

“(A) The name and address of the polling place at which the individual is assigned to vote in the election.

“(B) The hours of operation for the polling place.

“(C) A description of any identification or other information the individual may be required to present at the polling place.”.

**SEC. 1626. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.**

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

“(j) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a ‘valid voter registration form’ if—

“(1) the applicant has accurately completed the application form and attested to the statement required by section 9(b)(2); and

“(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.”.

**SEC. 1627. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle (other than the amendments made by section 1625) shall take effect January 1, 2016.

(b) WAIVER.—Subject to the approval of the Election Assistance Commission, if a State certifies to the Election Assistance Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2016” were a reference to “January 1, 2018”.

**SA 2327.** Mr. MANCHIN (for himself, Mr. KIRK, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CONSOLIDATED AND COORDINATED FEDERAL GOVERNMENT INTERNET PORTAL TO CONNECT CURRENT AND FORMER MEMBERS OF THE ARMED FORCES WITH EMPLOYERS SEEKING EMPLOYEES WITH SKILLS AND EXPERIENCE DEVELOPED THROUGH MILITARY SERVICE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Although significant progress has been made, unemployment among veterans remains stubbornly high.

(2) The unemployment rate among younger veterans, ages 18 to 24, remains well above the national average.

(3) This problem impacts the Department of Defense budget. Over the past 10 years, the Federal Government has expended more than \$9,600,000,000 on unemployment compensation benefits for former members of the Armed Forces.

(4) The Department makes significant investments in members of the Armed Forces including specialized technical training in skills that are easily transferrable to civilian career fields.

(5) Beyond specific technical training, veterans gain unique leadership, organizational,



and other skills that make them valued employees in the private sector.

(6) Government agencies, private sector entities, and nonprofit organizations are responding to the issue of unemployment among veterans.

(7) There are now so many programs to assist veterans in finding employment, many within the Government, that veterans may not know where to seek assistance in finding employment. While these programs are well intentioned, many are duplicative in nature, and compete for scarce resources.

(8) The Department of Labor, the Department of Veterans Affairs, the Department of Defense, and the Office of Personnel Management are currently working to consolidate the veterans employment initiatives of the Government into a single, consolidated Internet portal with the goal of connecting veterans who are seeking employment with employers who want to employ them.

(9) The consolidated portal will prevent Federal Government agencies from competing with each other to accomplish the same goal, and will save the Federal Government money while providing a comprehensive, coordinated tool for employers and veterans seeking employment.

(10) The Federal Government can accomplish this by leveraging the best practices of current programs.

(11) While progress has been made, there is no statutory requirement to streamline these Government programs and coordinate the resources that are all intended to achieve the same goal.

(b) **CONSOLIDATED INTERNET PORTAL REQUIRED.**—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Labor shall, in conjunction with the Secretary of Defense, the Secretary of Veterans Affairs, and organizations concerned with veterans resources, consolidate Internet portals of the Federal Government on employment for current and former members of the Armed Forces into a comprehensive consolidated Internet portal within a single existing platform or system for the purposes of connecting current and former members of the Armed Forces who are seeking employment with employers who want to employ them.

(c) **ELEMENTS.**—

(1) **IN GENERAL.**—The consolidated Internet portal under subsection (b) should include the following:

(A) A means through which current and former members of the Armed Forces may connect for employment purposes with employers seeking the experience and skills developed during service in the Armed Forces, including a means of presenting a profile of each member or former member to employers that includes, at a minimum—

(i) the skills obtained by such member or former member during service in the Armed Forces and additional skills such member or former member is interested in pursuing; and

(ii) the current or intended residence of such member or former member (including an option for members or former members who are willing to reside in various locations).

(B) A means of permitting qualified prospective employers to post employment openings and seek contact with members or former members based on their profile for the purposes of requesting the initiation of arrangements or negotiations concerning potential employment.

(C) A means of presenting other employment resources, including resume preparation, to members or former members seeking employment.

(2) **MATTERS CONSIDERED.**—In developing the consolidated Internet portal, the Secretaries referred to in subsection (b) should consider, at a minimum, the following:

(A) Public and private sector resources on matters relating to the portal.

(B) Opportunities to incorporate local employment networks into the portal.

(C) Methodologies to determine the most effective employment resources and programs to be incorporated into the portal.

(D) Means for streamlining processes through the portal for employers to find and employ former members of the Armed Forces.

(d) **MEMBER PARTICIPATION.**—

(1) **IN GENERAL.**—Participation in the consolidated Internet portal under subsection (b) shall be limited to members of the National Guard and Reserves, members of the Armed Forces on active duty who are transitioning from military service to civilian life, former members of the Armed Forces, and veterans.

(2) **VOLUNTARY.**—Participation by a member or former member of the Armed Forces described in paragraph (1) in the consolidated Internet portal shall be voluntary. A member or former member participating in the portal may cease participation in the portal at any time.

(e) **REPORTS BY IMPLEMENTING SECRETARIES.**—

(1) **PRELIMINARY REPORT.**—Not later than six months after the date of the enactment of this Act, the Secretaries shall submit to the appropriate committees of Congress a report on the consolidated Internet portal under subsection (b). The report shall include the following:

(A) A list of the Internet portals of the Federal Government that are redundant to, or duplicative of, the consolidated Internet portal.

(B) An estimate of the cost-savings to be achieved by the Federal Government through the consolidated Internet portal, including through the elimination or consolidation into the consolidated Internet portal of the Internet portals listed under subparagraph (A).

(2) **REPORT FOLLOWING IMPLEMENTATION OF PORTAL.**—Not later than one year after the date of the implementation of the consolidated Internet portal under subsection (b), the Secretaries shall submit to the appropriate committees of Congress a report on the portal.

(3) **ELEMENTS.**—Each report under this subsection shall include a description of the consolidated Internet portal and such other information on the portal as the Secretaries consider appropriate.

(f) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the elimination by Federal agencies of Internet portals that are redundant to, or duplicative of, the consolidated Internet portal under subsection (b).

(2) **ELEMENTS.**—The report shall include the following:

(A) The list of the internet portals of the Federal Government at the time of the implementation of the consolidated Internet portal that are determined by the Comptroller General to have been redundant to, or duplicative of, the consolidated Internet portal.

(B) An assessment whether the list of internet portals under subsection (f)(1)(A) encompassed all the Internet portals of the

Federal Government that were redundant to, or duplicative of, the consolidated Internet portal.

(C) An assessment of the actions taken by Federal agencies to eliminate Internet portals that were redundant to, or duplicative of, the consolidated Internet portal.

(D) A list of Internet portals of the Federal Government determined to be redundant to, or duplicative of the consolidated Internet portal that have yet to be eliminated by Federal agencies as of the date of the report.

(g) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and the Workforce, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

**SA 2328.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. SEXUAL ASSAULT FORENSIC EXAMINERS.**

(a) **PERSONNEL ELIGIBLE FOR ASSIGNMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the only individuals who may be assigned to duty as a sexual assault forensic examiner (SAFE) for the Armed Forces, and for any dependents of members of the Armed Forces or civilian employees of the Department of Defense who are eligible for sexual assault forensic examinations through the Department of Defense, shall be members of the Armed Forces and civilian personnel of the Department of Defense or Department of Homeland Security who are as follows:

- (A) Physicians.
- (B) Nurse practitioners.
- (C) Nurse midwives.
- (D) Physician assistants.
- (E) Registered nurses.

(2) **INDEPENDENT DUTY CORPSMEN.**—An independent duty corpsman or equivalent may be assigned to duty as a sexual assault forensic examiner for individuals described in paragraph (1) if no individual provided for in that paragraph is otherwise available for assignment to such duty.

(b) **AVAILABILITY OF EXAMINERS.**—

(1) **IN GENERAL.**—The Secretary concerned shall ensure the availability of an adequate number of sexual assault forensic examiners for individuals described in subsection (a)(1) through the following:

(A) Assignment of at least one sexual assault forensic examiner at each military medical treatment facility under the jurisdiction of such Secretary, whether in the United States or overseas.

(B) If assignment as described in subparagraph (A) is infeasible or impracticable, entry into agreements with local licensed and accredited medical facilities, whether



Governmental or otherwise, with the resources for the provision of sexual assault forensic examinations for such individuals.

(2) **NAVAL VESSELS.**—The Secretary concerned shall ensure the availability of an adequate number of sexual assault forensic examiners for naval vessels through the assignment of at least one sexual assault forensic examiner for each naval vessel having a regular complement of more than 100 personnel.

(c) **TRAINING AND CERTIFICATION.**—

(1) **IN GENERAL.**—Commencing not later than one year after the date of the enactment of this Act, the Secretary concerned shall ensure that all sexual assault forensic examiners under the jurisdiction of such Secretary have completed the requirements of the training program specified in subparagraphs (A) and (B) of paragraphs (2), and shall establish a mechanism to ensure compliance with the ongoing training requirements in subparagraphs (C) and (D) of that paragraph. The requirements shall apply uniformly to all sexual assault forensic examiners under the jurisdiction of the Secretaries.

(2) **ELEMENTS.**—Each training program under this subsection shall include the following:

(A) Training in sexual assault forensic examinations by qualified personnel who—

(i) is a certified sexual assault forensic examiner; or

(ii) possesses training and clinical or forensic experience in sexual assault forensic examinations similar to that of a certified sexual assault forensic examiner.

(B) A minimum of 40 hours of coursework for participants in sexual assault forensic examinations of adults and adolescents.

(C) Clinical mentoring to ensure continuing competency.

(D) Guidelines for continuing education.

(3) **NATURE OF TRAINING.**—The Secretary concerned shall ensure that the training provided incorporates and reflects best practices and standards on sexual assault forensic examinations.

(4) **SENSE OF CONGRESS ON CERTIFICATION.**—It is the sense of Congress that each participant who successfully completes all training required under the training program should obtain a sexual assault forensic examiner certification by not later than five years after completion of such training.

(5) **EXAMINERS UNDER AGREEMENTS.**—Any individual providing sexual assault forensic examinations for the Armed Forces under an agreement under subsection (b)(1)(B) shall, to the extent practicable, possess the training and experience required for certification under the training program.

(d) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerned the Coast Guard when it is not operating as a service in the Navy.

**SA 2329.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SUPPORT FOR INTERNATIONAL CRIMINAL TRIBUNAL PROSECUTION OF GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES.**

Section 705 of the Foreign Relations Authorization Act, Fiscal Years 2001 (22 U.S.C. 7401) is amended—

(1) by striking subsection (b); and

(2) by inserting after subsection (a) the following new subsection:

“(b) **LIMITATION.**—

“(1) **IN GENERAL.**—Funds authorized to be appropriated by this or any other Act may be made available for training and technical assistance for, and professional and in-kind support of, international and hybrid criminal tribunals in their investigations, apprehensions, and prosecutions of Joseph Kony, Omar al-Bashir, Bashar al-Assad, and other high-profile, non-allied foreign nationals who are accused of genocide, crimes against humanity, or war crimes.

“(2) **CONSULTATION.**—The Secretary of State shall consult with the appropriate congressional committees on the specific types of assistance and support to be provided under paragraph (1).”.

**SA 2330.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EX GRATIA PAYMENTS TO LOCAL MILITARY COMMANDERS.**

(a) **IN GENERAL.**—The Secretary of Defense may, under such regulations as the Secretary may prescribe, make available amounts to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) **CONDITIONS.**—An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) **NATURE OF PAYMENTS.**—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgment of any legal obligation to compensate for any damage, personal injury, or death.

(d) **AMOUNT OF PAYMENTS.**—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat op-

erations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) **LEGAL ADVICE.**—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) **WRITTEN RECORD.**—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) **REPORT.**—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

**SA 2331.** Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—EMBASSY SECURITY**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security, Threat Mitigation, and Personnel Protection Act of 2013”.

**SEC. 1602. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **FACILITIES.**—The term “facilities” encompasses embassies, consulates, expeditionary diplomatic facilities, and any other diplomatic facilities, not in the United States, including those that are intended for temporary use.

**Subtitle A—Funding Authorization and Transfer Authority**

**SEC. 1611. CAPITAL SECURITY COST SHARING PROGRAM.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal year 2014 for the Department of State \$1,383,000,000, to be available until expended, for the Capital Security Cost Sharing Program, authorized by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-453; 22 U.S.C. 4865 note).

(b) **SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.**—It is the sense of Congress that—

(1) the Capital Security Cost Sharing Program should prioritize the construction of

new facilities and the maintenance of existing facilities in high threat, high risk areas in addition to addressing immediate threat mitigation as set forth in section 1612, and should take into consideration the priorities of other government agencies that are contributing to the Capital Security Cost Sharing Program when replacing or upgrading diplomatic facilities; and

(2) all United States Government agencies are required to pay into the Capital Security Cost Sharing Program a percentage of total costs determined by interagency agreements, in order to address immediate threat mitigation needs and increase funds for the Capital Security Cost Sharing Program for fiscal year 2014, including to address inflation and increased construction costs.

(c) **RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.**—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-453; 22 U.S.C. 4865 note) is amended by adding at the end the following: “A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by paragraph (1), except that such project may include office space or other accommodations for members of the United States Marine Corps.”.

#### **SEC. 1612. IMMEDIATE THREAT MITIGATION.**

(a) **ALLOCATION OF AUTHORIZED APPROPRIATIONS.**—In addition to any funds otherwise made available for such purposes, the Department of State shall, notwithstanding any other provision of law except as provided in subsection (d), use \$300,000,000 of the funding provided in section 1611 for immediate threat mitigation projects, with priority given to facilities determined to be “high threat, high risk” pursuant to section 1642.

(b) **ALLOCATION OF FUNDING.**—In allocating funding for threat mitigation projects, the Secretary of State shall prioritize funding for—

(1) the construction of safeguards that provide immediate security benefits;

(2) the purchasing of additional security equipment, including additional defensive weaponry;

(3) the paying of expenses of additional security forces, with an emphasis on funding United States security forces where practicable; and

(4) any other purposes necessary to mitigate immediate threats to United States personnel serving overseas.

(c) **TRANSFER.**—The Secretary may transfer and merge funds authorized under subsection (a) to any appropriation account of the Department of State for the purpose of carrying out the threat mitigation projects described in subsection (b).

(d) **USE OF FUNDS FOR OTHER PURPOSES.**—Notwithstanding the allocation requirement under subsection (a), funds subject to such requirement may be used for other authorized purposes of the Capital Security Cost Sharing Program if, not later than 15 days prior to such use, the Secretary certifies in writing to the appropriate congressional committees that—

(1) high threat, high risk facilities are being secured to the best of the United States Government's ability; and

(2) the Secretary of State will make funds available from the Capital Security Cost

Sharing Program or other sources to address any changed security threats or risks, or new or emergent security needs, including immediate threat mitigation.

#### **SEC. 1613. LANGUAGE TRAINING.**

(a) **IN GENERAL.**—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH THREAT, HIGH RISK POSTS.**

“(a) **IN GENERAL.**—Diplomatic security personnel assigned permanently to, or who are serving in, long-term temporary duty status as designated by the Secretary of State at a high threat, high risk post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

“(b) **LANGUAGE TRAINING DESCRIBED.**—Language training referred to in subsection (a) should prepare personnel described in such subsection—

“(1) to speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

“(2) to read within an adequate range of speed and with almost complete comprehension on subjects germane to security.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 annually for fiscal years 2014 and 2015 to carry out this section.

(c) **INSPECTOR GENERAL REVIEW.**—The Inspector General of the Department of State and Broadcasting Board of Governors shall, at the end of fiscal years 2014 and 2015, review the language training conducted pursuant to this section and make the results of such reviews available to the Secretary of State and the appropriate congressional committees.

#### **SEC. 1614. FOREIGN AFFAIRS SECURITY TRAINING.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Department of State employees and their families deserve improved and efficient programs and facilities for high threat training and training on risk management decision processes;

(2) improved and efficient high threat, high risk training is consistent with the Benghazi Accountability Review Board (ARB) recommendation number 17;

(3) improved and efficient security training should take advantage of training synergies that already exist, like training with, or in close proximity to, Fleet Antiterrorism Security Teams (FAST), special operations forces, or other appropriate military and security assets; and

(4) the Secretary of State should undertake temporary measures, including leveraging the availability of existing government and private sector training facilities, to the extent appropriate to meet the critical security training requirements of the Department of State.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR IMMEDIATE SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.**—There is authorized to be appropriated for the Department of State \$100,000,000 for improved immediate security training for high threat, high risk security environments, including through the utilization of government or private sector facilities to meet critical security training requirements.

(c) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR LONG-TERM SECURITY TRAINING**

**FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated \$350,000,000 for the acquisition, construction, and operation of a new Foreign Affairs Security Training Center or expanding existing government training facilities, subject to the certification requirement in paragraph (2).

(2) **REQUIRED CERTIFICATION.**—Not later than 15 days prior to the obligation or expenditure of any funds authorized to be appropriated pursuant to paragraph (1), the President shall certify to the appropriate congressional committees that the acquisition, construction, and operation of a new Foreign Affairs Security Training Center, or the expansion of existing government training facilities, is necessary to meet long-term security training requirements for high threat, high risk environments.

(3) **EFFECT OF CERTIFICATION.**—If the certification in paragraph (2) is made—

(A) up to \$100,000,000 of the funds authorized to be appropriated under subsection (b) shall also be authorized for the purposes set forth in paragraph (1); or

(B) up to \$100,000,000 of funds available for the acquisition, construction, or operation of Department of State facilities may be transferred and used for the purposes set forth in paragraph (1).

(d) **USE OF FUNDS APPROPRIATED UNDER THE AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009.**—Of the funds appropriated to the Department of State under title XI of the American Reinvestment and Recovery Act of 2009 (Public Law 111-5), \$54,545,177 is to remain available until September 30, 2016, for activities consistent with subsections (b) and (c).

#### **SEC. 1615. TRANSFER AUTHORITY.**

Section 4 of the Foreign Service Buildings Act of 1926 (22 U.S.C. 295) is amended by adding at the end the following new subsections:

“(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to subsection (k), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for any other purpose related to diplomatic and consular programs on or after October 1, 2013, as the Secretary determines are necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary.

“(2) Any funds transferred under the authority provided in paragraph (1) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

“(k) Not later than 15 days before any transfer of funds under subsection (j), the Secretary shall notify the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.”.

#### **Subtitle B—Contracting and Other Matters**

#### **SEC. 1621. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.**

(a) **IN GENERAL.**—Section 136(c)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

“(3) in evaluating proposals for such contracts, award contracts to technically acceptable firms offering the lowest evaluated price, except that—

“(A) the Secretary may award contracts on the basis of best value (as determined by a cost-technical tradeoff analysis); and

“(B) proposals received from United States persons and qualified United States joint venture persons shall be evaluated by reducing the bid price by 10 percent;”.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes—

(1) an explanation of the implementation of paragraph (3) of section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a); and

(2) for each instance in which an award is made pursuant to subparagraph (A) of such paragraph, as so amended, a written justification and approval, providing the basis for such award and an explanation of the inability to satisfy the needs of the Department of State by technically acceptable, lowest price evaluation award.

**SEC. 1622. DISCIPLINARY ACTION RESULTING FROM UNSATISFACTORY LEADERSHIP IN RELATION TO A SECURITY INCIDENT.**

Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834 (c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking “RECOMMENDATIONS” and inserting the following: “RECOMMENDATIONS.—

“(1) **IN GENERAL.**—Whenever”; and

(3) by inserting at the end the following new paragraph:

“(2) **CERTAIN SECURITY INCIDENTS.**—Unsatisfactory leadership by a senior official with respect to a security incident involving loss of life, serious injury, or significant destruction of property at or related to a United States Government mission abroad may be grounds for disciplinary action. If a Board finds reasonable cause to believe that a senior official provided such unsatisfactory leadership, the Board may recommend disciplinary action subject to the procedures in paragraph (1).”.

**SEC. 1623. MANAGEMENT AND STAFF ACCOUNTABILITY.**

(a) **AUTHORITY OF SECRETARY OF STATE.**—Nothing in this title or any other provision of law shall be construed to prevent the Secretary of State from using all authorities invested in the office of Secretary to take personnel action against any employee or official of the Department of State that the Secretary determines has breached the duty of that individual or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or a serious breach of security, even if such action is the subject of an Accountability Review Board's examination under section 304(a) of the Diplomatic Security Act (22 U.S.C. 4834(a)).

(b) **ACCOUNTABILITY.**—Section 304 of the Diplomatic Security Act (22 U.S.C. 4834) is amended—

(1) in subsection (c), by inserting after “breached the duty of that individual” the following: “or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious in-

jury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a),”;;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

“(d) **MANAGEMENT ACCOUNTABILITY.**—Whenever a Board determines that an individual has engaged in any conduct addressed in subsection (c), the Board shall evaluate the level and effectiveness of management and oversight conducted by employees or officials in the management chain of such individual.”.

**SEC. 1624. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended in the third sentence by inserting “physical security enhancements and” after “Such assistance may include”.

**SEC. 1625. REEMPLOYMENT OF ANNUITANTS.**

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking “to facilitate the” and all that follows through “Afghanistan, if” and inserting “to facilitate the assignment of persons to high threat, high risk posts or to posts vacated by members of the Service assigned to high threat, high risk posts, if”;;

(2) by amending paragraph (2) to read as follows:

“(2) The Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the incurred costs over the prior fiscal year of the total compensation and benefit payments to annuitants reemployed by the Department pursuant to this section.”; and

(3) by adding after paragraph (3) the following paragraphs:

“(4) In the event that an annuitant qualified for compensation or payments pursuant to this subsection subsequently transfers to a position for which the annuitant would not qualify for a waiver under this subsection, the Secretary may no longer waive the application of subsections (a) through (d) with respect to such annuitant.

“(5) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to this subsection shall terminate on October 1, 2019.”.

**Subtitle C—Expansion of the Marine Corps Security Guard Detachment Program**

**SEC. 1631. MARINE CORPS SECURITY GUARD PROGRAM.**

(a) **IN GENERAL.**—Pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), the Secretary of State, in consultation with the Secretary of Defense, shall—

(1) develop and implement a plan to incorporate the additional Marine Corps Security Guard personnel authorized pursuant to section 404 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 5983 note) at United States embassies, consulates, and other facilities; and

(2) conduct an annual review of the Marine Corps Security Guard Program, including—

(A) an evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements;

(B) an assessment of whether Marine Corps security guards are appropriately deployed

among facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(C) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements set forth in subsection (a)(2).

**Subtitle D—Reporting on the Implementation of the Accountability Review Board Recommendations**

**SEC. 1641. DEPARTMENT OF STATE IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED BY THE ACCOUNTABILITY REVIEW BOARD CONVENED AFTER THE SEPTEMBER 11-12, 2012, ATTACKS ON UNITED STATES GOVERNMENT PERSONNEL IN BENGHAZI, LIBYA.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report, with a classified annex, on the implementation by the Department of State of the recommendations of the Accountability Review Board convened pursuant to title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.) to examine the facts and circumstances surrounding the September 11-12, 2012, killings of four United States Government personnel in Benghazi, Libya.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the overall state of the Department of State's diplomatic security to respond to the evolving global threat environment, and the broader steps the Department of State is taking to improve the security of United States diplomatic personnel in the aftermath of the Accountability Review Board Report.

(2) A description of the specific steps taken by the Department of State to address each of the 29 recommendations contained in the Accountability Review Board Report, including—

(A) an assessment of whether implementation of each recommendation is “complete” or is still “in progress”; and

(B) if the Secretary of State determines not to fully implement any of the 29 recommendations in the Accountability Review Board Report, a thorough explanation as to why such a decision was made.

(3) An enumeration and assessment of any significant challenges that have slowed or interfered with the Department of State's implementation of the Accountability Review Board recommendations, including—

(A) a lack of funding or resources made available to the Department of State;

(B) restrictions imposed by current law that in the Secretary of State's judgment should be amended; and

(C) difficulties caused by a lack of coordination between the Department of State and other United States Government agencies.

**SEC. 1642. DESIGNATION AND REPORTING FOR HIGH THREAT, HIGH RISK FACILITIES.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary

of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives a classified report, with an unclassified summary, evaluating Department of State facilities that the Secretary of State determines to be “high threat, high risk” in accordance with subsection (c).

(b) **CONTENT.**—For each facility determined to be “high threat, high risk” pursuant to subsection (a), the report submitted under such subsection shall also include—

(1) a narrative assessment describing the security threats and risks facing posts overseas and the overall threat level to United States personnel under chief of mission authority;

(2) the number of diplomatic security personnel, Marine Corps security guards, and other Department of State personnel dedicated to providing security for United States personnel, information, and facilities;

(3) an assessment of host nation willingness and capability to provide protection in the event of a security threat or incident, pursuant to the obligations of the United States under the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and the 1961 Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961;

(4) an assessment of the quality and experience level of the team of United States senior security personnel assigned to the facility, considering collectively the assignment durations and lengths of government experience;

(5) the number of Foreign Service Officers who have received Foreign Affairs Counter Threat training;

(6) a summary of the requests made during the previous calendar year for additional resources, equipment, or personnel related to the security of the facility and the status of such requests;

(7) an assessment of the ability of United States personnel to respond to and survive a fire attack, including—

(A) whether the facility has adequate fire safety and security equipment for safe havens and safe areas; and

(B) whether the employees working at the facility have been adequately trained on the equipment available;

(8) for each new facility that is opened, a detailed description of the steps taken to provide security for the new facility, including whether a dedicated support cell was established in the Department of State to ensure proper and timely resourcing of security; and

(9) a listing of any “high-threat, high-risk” facilities where the Department of State and other government agencies’ facilities are not collocated including—

(A) a rationale for the lack of collocation; and

(B) a description of what steps, if any, are being taken to mitigate potential security vulnerabilities associated with the lack of collocation.

(c) **DETERMINATION OF HIGH THREAT, HIGH RISK FACILITY.**—In determining what facilities constitute “high threat, high risk facilities” under this section, the Secretary shall take into account with respect to each facility whether there are—

(1) high to critical levels of political violence or terrorism;

(2) national or local governments with inadequate capacity or political will to provide appropriate protection; and

(3) in locations where there are high to critical levels of political violence or terrorism or national or local governments lack the capacity or political will to provide appropriate protection—

(A) mission physical security platforms that fall well below the Department of State’s established standards; or

(B) security personnel levels that are insufficient for the circumstances.

(d) **INSPECTOR GENERAL REVIEW AND REPORT.**—The Inspector General for the Department of State and the Broadcasting Board of Governors shall, on an annual basis—

(1) review the determinations of the Department of State with respect to high threat, high risk facilities, including the basis for making such determinations;

(2) review contingency planning for high threat, high risk facilities and evaluate the measures in place to respond to attacks on such facilities;

(3) review the risk mitigation measures in place at high threat, high risk facilities to determine how the Department of State evaluates risk and whether the measures put in place sufficiently address the relevant risks;

(4) review early warning systems in place at high threat, high risk facilities and evaluate the measures being taken to preempt and disrupt threats to such facilities; and

(5) provide to the appropriate congressional committees an assessment of the determinations of the Department of State with respect to high threat, high risk facilities, including recommendations for additions or changes to the list of such facilities, and a report regarding the reviews and evaluations undertaken pursuant to paragraphs (1) through (4) and this paragraph.

#### **SEC. 1643. DESIGNATION AND REPORTING FOR HIGH-RISK COUNTERINTELLIGENCE THREAT POSTS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in conjunction with appropriate officials in the intelligence community and the Secretary of Defense, shall submit to the appropriate committees of Congress a report assessing the counterintelligence threat to United States diplomatic facilities in Priority 1 Counterintelligence Threat Nations, including—

(1) an assessment of the use of locally employed staff and guard forces and a listing of diplomatic facilities in Priority 1 Counterintelligence Threat Nations without controlled access areas; and

(2) recommendations for mitigating any counterintelligence threats and for any necessary facility upgrades, including costs assessment of any recommended mitigation or upgrades so recommended.

(b) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) **PRIORITY 1 COUNTERINTELLIGENCE THREAT NATION.**—The term “Priority 1 Counterintelligence Threat Nation” means a country designated as such by the October

2012 National Intelligence Priorities Framework (NIPF).

#### **SEC. 1644. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF BENGHAZI ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the progress of the Department of State in implementing the recommendations of the Benghazi Accountability Review Board.

(b) **CONTENT.**—The report required under subsection (a) shall include—

(1) an assessment of the progress the Department of State has made in implementing each specific recommendation of the Accountability Review Board; and

(2) a description of any impediments to recommended reforms, such as budget constraints, bureaucratic obstacles within the Department or in the broader interagency community, or limitations under current law.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

#### **SEC. 1645. SECURITY ENVIRONMENT THREAT LIST BRIEFINGS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and upon each subsequent update of the Security Environment Threat List (SETL), the Bureau of Diplomatic Security shall provide classified briefings to the appropriate congressional committees on the SETL.

(b) **CONTENT.**—The briefings required under subsection (a) shall include—

(1) an overview of the SETL; and

(2) a summary assessment of the security posture of those facilities where the SETL assesses the threat environment to be most acute, including factors that informed such assessment.

#### **Subtitle E—Accountability Review Boards**

##### **SEC. 1651. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Accountability Review Board mechanism as outlined in section 302 of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832) is an effective tool to collect information about and evaluate adverse incidents that occur in a world that is increasingly complex and dangerous for United States diplomatic personnel; and

(2) the Accountability Review Board should provide information and analysis that will assist the Secretary, the President, and Congress in determining what contributed to an adverse incident as well as what new measures are necessary in order to prevent the recurrence of such incidents.

##### **SEC. 1652. PROVISION OF COPIES OF ACCOUNTABILITY REVIEW BOARD REPORTS TO CONGRESS.**

Not later than 2 days after an Accountability Review Board provides its report to the Secretary of State in accordance with title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the Secretary shall provide copies of the report to the appropriate congressional committees for retention and review by those committees.

##### **SEC. 1653. CHANGES TO EXISTING LAW.**

(a) **MEMBERSHIP.**—Section 302(a) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832(a)) is amended by inserting “one of which shall be the Inspector General of the Department of

State and the Broadcasting Board of Governors," after "4 appointed by the Secretary of State,".

(b) STAFF.—Section 302(b)(2) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832(b)(2)) is amended by adding at the end the following: "Such persons shall be drawn from bureaus or other agency sub-units that are not impacted by the incident that is the subject of the Board's review.".

#### Subtitle F—Other Matters

#### SEC. 1661. ENHANCED QUALIFICATIONS FOR DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after section 206 (22 U.S.C. 4824) the following new section:

#### "SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.

"The individual serving as Deputy Assistant Secretary of State for High Threat, High Risk Posts shall have one or more of the following qualifications:

"(1) Service during the last six years at one or more posts designated as High Threat, High Risk by the Department of State at the time of service.

"(2) Previous service as the office director or deputy director of one or more of the following Department of State offices or successor entities carrying out substantively equivalent functions:

"(A) The Office of Mobile Security Deployments.

"(B) The Office of Special Programs and Coordination.

"(C) The Office of Overseas Protective Operations.

"(D) The Office of Physical Security Programs.

"(E) The Office of Intelligence and Threat Analysis.

"(3) Previous service as the Regional Security Officer at two or more overseas posts.

"(4) Other government or private sector experience substantially equivalent to service in the positions listed in paragraphs (1) through (3)."

**SA 2332.** Mr. CASEY (for himself, Mr. BROWN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

#### SEC. 864. EXCHANGE STORE SYSTEM PARTICIPATION IN THE ACCORD ON FIRE AND BUILDING SAFETY IN BANGLADESH.

(a) SPECIAL PROCUREMENT GUIDANCE FOR GARMENTS MANUFACTURED IN BANGLADESH.—The senior official of the Department of Defense designated pursuant to section 2481(c) of title 10, United States Code, to oversee the defense commissary system and the exchange store system shall require, consistent with applicable international agreements, that the exchange store system—

(1) for the purchase of garments manufactured in Bangladesh for the private label brands of the exchange store system, either becomes a signatory of, or otherwise abides

by the applicable requirements and terms set forth in, the Accord on Fire and Building Safety in Bangladesh without becoming a signatory;

(2) for the purchase of licensed apparel manufactured in Bangladesh, gives a preference to licensees that are signatories to the Accord on Fire and Building Safety in Bangladesh; and

(3) for the purchase of garments manufactured in Bangladesh from retail suppliers, gives a preference to retail suppliers that are signatories to the Accord on Fire and Building Safety in Bangladesh.

(b) NOTICE OF EXCEPTIONS.—If garments manufactured in Bangladesh are purchased from suppliers that are not signatories to the Accord on Fire and Building Safety in Bangladesh, the Department of Defense official referred to in subsection (a) shall notify Congress of the purchase and the reasons therefor.

(c) EFFECTIVE DATE.—The requirements imposed by this section shall take effect 90 days after the date of the enactment of this Act or as soon after that date as the Secretary of Defense determines to be practicable so as to avoid disruption in garment supplies for the exchange store system.

**SA 2333.** Mr. PRYOR (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

#### SEC. 593. TREATMENT OF CIVILIAN EMPLOYEES PAID FROM WORKING CAPITAL FUND ACCOUNTS.

(a) IN GENERAL.—Section 251(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(3)) is amended by adding at the end the following: "For purposes of this paragraph, a working capital fund account established pursuant to section 2208 of title 10, United States Code, or subaccount or portion of such an account, that is used to pay 1 or more civilian employees of the Department of Defense shall be included as a military personnel account."

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any order of the President to exempt military personnel accounts from sequestration issued under section 255(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(f)(1)) after January 1, 2014.

**SA 2334.** Mr. PRYOR (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1082. ADJUSTMENTS TO RATES OF BASIC PAY OF PREVAILING RATE EMPLOYEES.

(a) LIMITATION ON ADJUSTMENTS.—

(1) PREVAILING RATE EMPLOYEES OF AGENCIES.—Notwithstanding any other provision of law, and except as otherwise provided in this section, a prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, may not be paid—

(A) during the period beginning on January 1, 2014 and ending on the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2014, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period beginning on the day after the end of the period described in subparagraph (A) and ending on September 30, 2014, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2014 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2014 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) OTHER PREVAILING RATE EMPLOYEES.—Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) EMPLOYEES PAID FROM NEW SCHEDULES.—For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2013, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) RATES OF PREMIUM PAY.—Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2013, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) PERIOD COVERED.—This subsection shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning after December 31, 2013.

(6) TREATMENT UNDER OTHER LAWS.—For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) LIMITATIONS.—Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the

rate that would be payable were this subsection not in effect.

(8) **EXCEPTIONS.**—The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) **COMPARABILITY OF ADJUSTMENTS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a), effective as of the first day of the first applicable pay period beginning after December 31, 2013, the percentage increase in rates of basic pay for the statutory pay systems under section 5344 and 5348 of title 5, United States Code, that takes place in fiscal year 2014 shall be not less than the percentage increase received by employees in the same pay locality whose rates of basic pay are adjusted under sections 5303 and 5304 of title 5, United States Code.

(2) **PAY LOCALITIES.**—For the purposes of this subsection, prevailing rate employees in localities where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as “Rest of United States” under section 5304 of title 5, United States Code.

**SA 2335.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INCLUSION OF SHOES AND RELATED MATERIALS UNDER DOMESTIC SOURCE REQUIREMENTS.**

(a) **IN GENERAL.**—Subsection (b)(1) of section 2533a of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) shoes, and the materials and components thereof, shoe findings, and soling materials.”.

(b) **CONFORMING AMENDMENT.**—Subsection (k) of such section is amended by striking “(or (E))” and inserting “(E), or (F))”.

**SA 2336.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. JUSTIFICATION AND APPROVAL OF SOLE SOURCE CONTRACTS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405) included a requirement for a written justification and approval (J&A) when awarding applicable Federal sole source contracts in excess of \$20,000,000.

(2) Ensuring competition in the Federal acquisition process is of vital importance to United States taxpayers.

(3) Section 811 was intended to further this objective.

(4) Government contracting officers may inadvertently be deterred from awarding contracts over \$20,000,000 under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) as a result of confusion over the proper interpretation of section 811.

(5) Section 811 of the National Defense Authorization Act for Fiscal Year 2010 should be repealed and replaced in order to ensure that the objective of the section is properly implemented and not misconstrued to prohibit or limit the award of sole source contracts of over \$20,000,000 to those businesses which qualify for such awards under the small business 8(a) program.

(b) **MODIFIED JUSTIFICATION AND APPROVAL REQUIREMENTS RELATED TO SOLE SOURCE CONTRACTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the Department of Defense Supplement to the Federal Acquisition Regulation to provide that the head of an agency (as that term is defined in section 2302(1) of title 10, United States Code) may not award a sole-source contract for an amount exceeding \$20,000,000 unless—

(A) the contracting officer for the contract justifies the use of a sole-source contract in writing; and

(B) the justification is approved by an official designated in section 2304(f)(1)(B) of title 10, United States Code, to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract.

(2) **ELEMENTS OF JUSTIFICATION.**—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(A) A description of the needs of the agency concerned for the matters covered by the contract.

(B) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(C) A determination that the use of a sole source contract is in the best interest of the Department of Defense.

(D) A determination that the anticipated cost of the contract will be fair and reasonable.

(E) Such other matters as the official referenced in paragraph (1)(B) shall specify for purposes of this subsection.

(3) **TREATMENT OF OTHER JUSTIFICATION AND APPROVAL ACTIONS.**—In the case of any contract for which a justification and approval is required under section 2304(f) of title 10, United States Code, a justification and approval meeting the requirements of such section may be treated as meeting the requirements of this section for purposes of the award of a sole-source contract.

(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed as—

(A) prohibiting or limiting a contract exceeding \$20,000,000 in compliance with paragraphs (1) and (2) from being awarded for a procurement described in section 2304(f)(2)(D)(ii) of title 10, United States Code; or

(B) eliminating, reducing, or otherwise modifying obligations of the Department of Defense under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

(c) **REPEAL OF SUPERSEDED PROVISION.**—Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405) is hereby repealed.

(d) **REGULATIONS.**—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to implement this section and the repeal of section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405).

**SA 2337.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Human Rights Sanctions**

**SEC. 1241. DEFINITIONS.**

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) **FINANCIAL INSTITUTION.**—The term “financial institution” has the meaning given that term in section 5312 of title 31, United States Code.

(3) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(4) **PERSON.**—The term “person” means an individual or entity.

(5) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. 1242. IDENTIFICATION OF FOREIGN PERSONS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of each foreign person that the President determines, based on credible information—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country seeking—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and



freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections; or

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1).

(b) **UPDATES.**—The President shall submit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(c) **FORM.**—

(1) **IN GENERAL.**—The list required by subsection (a) shall be submitted in unclassified form.

(2) **EXCEPTION.**—The name of a foreign person to be included in the list required by subsection (a) may be submitted in a classified annex only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each person in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in paragraph (1) or (2) of subsection (a).

(3) **CONSIDERATION OF CERTAIN INFORMATION.**—In preparing the list required by subsection (a), the President shall consider—

(A) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(B) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(4) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by subsection (a) shall be made available to the public and published in the Federal Register.

(d) **REMOVAL FROM LIST.**—A foreign person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not later than 15 days before the removal of the person from the list that—

(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

(2) the person has been prosecuted appropriately for the activity in which the person engaged; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which the person engaged, and has credibly committed to not engage in an activity described in paragraph (1) or (2) of subsection (a).

(e) **REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.**—

(1) **IN GENERAL.**—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person meets the criteria for being added to the list required by subsection (a), the President shall submit a response to that chairperson and ranking member of the committee with respect to the status of the person.

(2) **FORM.**—The President may submit a response required by paragraph (1) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(3) **REMOVAL.**—

(A) **IN GENERAL.**—If the President removes from the list required by subsection (a) a foreign person that has been placed on the list at the request of the chairperson and ranking member of one of the appropriate congressional committees, the President shall provide the chairperson and ranking member with any information that contributed to the removal decision.

(B) **FORM OF INFORMATION.**—The President may submit the information requested by subparagraph (A) in classified form if the President determines that it is necessary to the national security interests of the United States to do so.

(f) **NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.**—The President shall publish the list required by subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

#### **SEC. 1243. INADMISSIBILITY OF CERTAIN INDIVIDUALS.**

(a) **INELIGIBILITY FOR VISAS.**—An individual who is a foreign person on the list required by section 1242(a) is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States.

(b) **CURRENT VISAS REVOKED.**—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of an individual who would be ineligible to receive such a visa or documentation under subsection (a).

(c) **WAIVER FOR NATIONAL SECURITY INTERESTS.**—

(1) **IN GENERAL.**—The Secretary of State may waive the application of subsection (a) or (b) in the case of an individual if—

(A) the Secretary determines that such a waiver—

(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

(ii) is in the national security interests of the United States; and

(B) before granting the waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(2) **TIMING FOR NOTICE OF CERTAIN WAIVERS.**—In the case of a waiver under subparagraph (A)(ii) of paragraph (1), the Secretary shall submit the notice required by subparagraph (B) of that paragraph not later than 15 days before granting the waiver.

(d) **REGULATORY AUTHORITY.**—The Secretary of State shall prescribe such regulations as are necessary to carry out this section.

#### **SEC. 1244. FINANCIAL MEASURES.**

(a) **FREEZING OF ASSETS.**—

(1) **IN GENERAL.**—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a foreign person on the list required by section 1242(a) of this Act if such property and interests in property are in the United States, come within

the United States, or are or come within the possession or control of a United States person.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to foreign persons included on the classified annex under section 1242(c)(2) if the President determines that such an exception is vital to the national security interests of the United States.

(b) **WAIVER FOR NATIONAL SECURITY INTERESTS.**—The Secretary of the Treasury may waive the application of subsection (a) if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) not later than 15 days before granting the waiver, provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(c) **ENFORCEMENT.**—

(1) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(2) **REQUIREMENTS FOR FINANCIAL INSTITUTIONS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations requiring each financial institution that is a United States person and has within its possession or control assets that are property or interests in property of a foreign person on the list required by section 1242(a) to certify to the Secretary that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (a).

(d) **REGULATORY AUTHORITY.**—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

#### **SEC. 1245. REPORT TO CONGRESS.**

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of the Treasury shall each submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this subtitle, including—

(A) the number of foreign persons added to or removed from the list required by section 1242(a) during the year preceding the report, the dates on which those persons were added or removed, and the reasons for adding or removing those persons; and

(B) if few or no persons have been added to that list during that year, the reasons for not adding more persons to the list; and

(2) efforts by the executive branch to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this subtitle.

**SA 2338.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal



year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON B61-12 LIFE EXTENSION PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) During the debate in the Senate on the ratification of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation (commonly known as the “New START Treaty”), leaders in both Congress and the executive branch acknowledged the critical linkage between the modernization of the nuclear arsenal and the ability to safely reduce the number of warheads in the nuclear stockpile of the United States.

(2) As proposed by the President, successfully executing the B61-12 life extension program would generate an 53 percent reduction in the total number of air-delivered gravity weapons in the active and inactive nuclear stockpile of the United States and an 87 percent reduction in the total amount of nuclear material utilized by air-delivered gravity weapons in the nuclear stockpile of the United States.

(3) The B61-12 life extension program has already been delayed by fluctuating appropriations and further delays in appropriations threaten the viability and credibility of the nuclear deterrent of the United States and the nuclear assurances provided to allies of the United States in the North Atlantic Treaty Organization and in the Pacific region.

(4) Alternative proposals to refurbish B61 nuclear weapons do not meet the military requirements of the United States Strategic Command and fail to address all of the concerns relating to aging faced by the existing B61 series of air-delivered gravity weapons.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) further delays to the B61-12 life extension program would have unacceptable effects on the reliability and credibility of the nuclear deterrent of the United States; and

(2) it is critical that the United States ensure that there are no further delays in successfully executing the ongoing B61-12 life extension program, development of the associated tail-kit assembly, and development of a nuclear-capable F-35 Block 4 aircraft.

**SA 2339.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON B61-12 LIFE EXTENSION PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) During the debate in the Senate on the ratification of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Rus-

sian Federation (commonly known as the “New START Treaty”), leaders in both Congress and the executive branch acknowledged the critical linkage between the modernization of the nuclear arsenal and the ability to safely reduce the number of warheads in the nuclear stockpile of the United States.

(2) As proposed by the President, successfully executing the B61-12 life extension program would generate an 53 percent reduction in the total number of air-delivered gravity weapons in the active and inactive nuclear stockpile of the United States and an 87 percent reduction in the total amount of nuclear material utilized by air-delivered gravity weapons in the nuclear stockpile of the United States.

(3) The B61-12 life extension program has already been delayed by fluctuating appropriations and further delays in appropriations threaten the viability and credibility of the nuclear deterrent of the United States and the nuclear assurances provided to allies of the United States in the North Atlantic Treaty Organization and in the Pacific region.

(4) Alternative proposals to refurbish B61 nuclear weapons do not meet the military requirements of the United States Strategic Command and fail to address all of the concerns relating to aging faced by the existing B61 series of air-delivered gravity weapons.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) further delays to the B61-12 life extension program would have unacceptable effects on the reliability and credibility of the nuclear deterrent of the United States; and

(2) it is critical that the United States ensure that there are no further delays in successfully executing the ongoing B61-12 life extension program, development of the associated tail-kit assembly, and development of a nuclear-capable F-35 Block 4 aircraft.

**SA 2340.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 125. SENSE OF SENATE ON THE LITTORAL COMBAT SHIP PROGRAM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Despite early problems with the Littoral Combat Ship (LCS) program, the Navy has made substantial progress in getting production on schedule and costs under control. As a result, the Navy is now purchasing LCS below the congressionally mandated cost cap. According to congressional testimony provided by Assistant Secretary of the Navy (Research, Development and Acquisition) Sean Stackley on July 25, 2013 before the Subcommittee on Seapower and Projection Forces of the House Armed Services Committee, “The average cost of both LCS variants—including basic construction, government-furnished equipment (GFE), and change orders—across the 10-seaframe procurement over the five year period falls under the Congressionally-mandated cost cap of \$480 million per seaframe (FY 2009 dollars)”. This testimony is consistent with the findings in the Congressional Budget Office’s

October 2013 report entitled “An Analysis of the Navy’s Fiscal Year 2014 Shipbuilding Plan” which states: “In the 2014 Future Years Defense Program, the Navy estimated the average cost of the LCS at about \$420 million per ship over the next five years, including the 6 ships (2 per year) to be bought in 2016 through 2018, after the end of the two 10-ship contracts. That figure is well below the Congressionally mandated cost cap for the LCS program of \$515 million per ship (adjusted for inflation). Overall, the Navy estimated that the 36 LCSs to be purchased by 2026 would cost about \$446 million per ship, on average”. Finally, according to the Department of the Navy, LCS is “the only shipbuilding program wherein the unit cost in production is on a marked steady decline”.

(2) LCS is vital to the Navy and our national security. According to Secretary of the Navy, Ray Mabus, it is “the future of the Navy and the future of how we fight”. Similarly, Assistant Secretary of the Navy Stackley, in his written testimony for Congress observed: “[T]he LCS program is of critical importance to our Navy. With its great speed and interchangeable modules, the ship will provide unprecedented warfighting flexibility. LCS is one of the cornerstones of the future Navy, and provides critical capability to the fleet. This fast, agile, focused-mission platform is designed for operation in near-shore environments, yet is capable of open-ocean operation”.

(3) The LCS program is an essential element of the Navy’s long-term shipbuilding strategy which directly supports warfighting and presence requirements articulated by the combatant commanders. The planned buy of 52 LCS supports strategic and operational requirements validated in the Navy’s 2012 Force Structure Assessment (FSA) pursuant to the January 2012 defense strategic guidance document entitled “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense”. According to the Department of the Navy, “LCS and associated mission modules replace the capabilities of frigates (FFGs), mine countermeasure (MCM) ships, and patrol craft (PCs) which are reaching [the end of their] expected service life”. Additionally, according to the Navy, “delaying procurement of these ships would slow both the delivery of this critical capability to the fleet [and] progress toward the 300-ship target in FY 2019 and the ultimate goal of meeting a 306 ship force structure required to support validated . . . warfighting and presence requirements”. Similarly, as noted in congressional testimony provided by Ronald O’Rourke of the Congressional Research Service (CRS), “If the LCS program were truncated to 24 ships or some other number well short of 52, a potential key issue [for Congress] would be the operational implications for the Navy of potentially not having sufficient capacity to fully perform the LCS’s three core missions of countering mines, small boats, and diesel submarines, particularly in littoral waters”.

(4) The cost for all LCS seaframes under contract (FY 10–13 ships) will increase if the current block buy contracts are disrupted. According to the Department of the Navy, costs will increase “due to the impact of lost workload, inefficiencies, and breakage to the vendor base”. Additionally, negotiated ship construction prices will be lost for FY 14 and FY 15 ships. Moreover, FY 15 competitive prices will be required to be renegotiated in a sole source environment which will likely result in significant increases to FY 15 ship pricing. Slowing or pausing the program will also likely result in additional costs to future ships as a result of lost learning in the

shipyards, increased overhead, vendor pricing, and concerns about contract stability. Finally, disrupting the current block buy contracts could potentially cause extreme damage to the shipbuilding industrial base.

(5) Many first-of-class ships experience unanticipated challenges, setbacks, and, as a result, intense scrutiny and sometimes harsh criticism. According to the Secretary of the Navy, Ray Mabus, “the first of every single class in our Navy has faced similar issues and has been strengthened by dealing with them”. Similarly, according to congressional testimony provided on October 23, 2013 by CRS analyst Ronald O'Rourke, “In the midst of criticisms of certain Navy surface ship acquisition programs in the 30-year shipbuilding plan, [such as the LCS program], on issues such as cost growth, ship capabilities, construction-quality, and testing of combat system equipment, it can be helpful to recall, as a matter of providing some historical context, that a number of earlier Navy surface combatant acquisition programs—including some, like the DDG-51 program, that are today considered acquisition success stories—were themselves criticized on one or more of these grounds”. For example, in January 1990, the Government Accountability Office (GAO) criticized the DDG-51 Arleigh Burke destroyer program in their report to the Secretary of Defense, “Navy Shipbuilding: Cost and Schedule Problems on the DDG-51 AEGIS Destroyer Program”, noting that the shipyard had originally “encountered problems in designing and constructing the lead ship. The contract costs have increased substantially, and the ship will be about 17 months late. Since the lead ship is only 50 percent complete, additional problems could surface and delay the follow ships.” Additionally, the GAO recommended “that the Secretary of Defense ensure sufficient information exists to justify the award of contracts for follow ships beyond the seven now under contract”. Nevertheless, the Navy went on to successfully build a total of 62 of these destroyers since the program's inception with an additional 13 ships planned (under construction, on contract, or covered by awarded contracts).

(6) The Government Accountability Office's July 2013 report, “Navy Shipbuilding: Significant Investments in the Littoral Combat Ship Continue Amid Substantial Unknowns about Capabilities, Use, and Cost”, overstates the significance of design changes to follow-on ships. As noted by Assistant Navy Secretary Stackley in his July 2013 testimony before Congress, “No changes to LCS seaframe requirements are envisioned in the near term as both LCS classes meet Navy requirements”. Further, as the Department of the Navy has stated, “The issues and corrective efforts discussed [in the GAO report] are consistent with all lead ships of any new class of surface combatants, or any lead ship of a new class. Other ‘new, potentially significant seaframe design changes’ mentioned [in the GAO report] as under consideration by the Navy would—if accepted by the Navy—be incorporated into the next procurement (LCS 25 and follow), as is standard practice in all shipbuilding programs”.

(7) The GAO's concern with concurrency in the development and fielding of LCS mission modules is misplaced. As Assistant Navy Secretary Stackley has explained in his congressional testimony before the House Armed Services Committee, “The modular strategy for mission packages is a breakthrough concept for delivering cost effective capability by employing mature technologies to meet today's warfighting require-

ments while also providing tremendous flexibility to rapidly employ developing technologies to counter emerging threats or otherwise close gaps today, and in the future. . . In order to deliver these capabilities in the capacity needed, and with an eye on controlling cost and risk, the Navy is employing an incremental fielding strategy wherein the first increment leverages mature technologies and existing programs of record to provide a level of performance exceeding that available in the fleet today”. Moreover, Assistant Secretary Stackley made clear that “[t]his incremental approach minimizes concurrency risk while allowing the flexibility which the modular concept provides. . . This time-phased fielding of capability is fundamental as it allows the Navy to rapidly field systems as they are matured instead of waiting for the final capability delivery. The major systems that comprise mission packages are already established as individual programs, with their own Acquisition Program Baselines (APBs) including cost, schedule and performance objectives and thresholds”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) chief among the mandates of the Navy is forward presence;

(2) operating forward overseas is critical to United States national security and the preservation of United States national interests;

(3) to achieve this forward presence, the size of the Navy fleet matters;

(4) the Littoral Combat Ship (LCS) will be a critical component of the overall size of the Navy fleet and, without it, the Navy will not be able to provide the capabilities or capacity that operational commanders require;

(5) the capabilities of the Littoral Combat Ship remain essential to operational commanders;

(6) Littoral Combat Ship vessels, together with their mission modules, form a key part of the long-range shipbuilding strategy of the Navy to meet force structure requirements in support of the January 2012 defense strategic guidance document entitled “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense”;

(7) the Navy should continue to plan on procuring 52 Littoral Combat Ship seaframes in accordance with its most recent long-range shipbuilding plan, while balancing available funding with achieving the lowest possible pricing to the Government;

(8) the progress of the Navy in answering the concerns of the July 2013 report of the Government Accountability Office, entitled “Navy Shipbuilding: Significant Investments in the Littoral Combat Ship Continue Amid Substantial Unknowns about Capabilities, Use, and Cost”, has been noteworthy and adequate;

(9) the report on the Littoral Combat Ship referred to in paragraph (8), while detailed and substantive, contains recommendations that do not reflect a full and thorough understanding of the Littoral Combat Ship program;

(10) the Navy should be applauded for its decision to deploy U.S.S. Freedom (LCS 1), a research and development funded platform, early and with a surface warfare (SUW) mission package to gather helpful information and lessons learned in order to better inform the development of operational, manning, maintenance, and logistics support concepts;

(11) the Navy should be commended for the ongoing and rigorous testing of the mine countermeasures (MCM) mission module being conducted by U.S.S. Independence (LCS 2)—another research and development funded

platform—and the recent successful completion of the second phase of developmental testing of the SUW mission package by U.S.S. Fort Worth (LCS 3);

(12) the Navy must continue to endeavor to drive overall Littoral Combat Ship program costs down;

(13) the Navy must inform the future procurement strategy with thorough assessments, which are based on validated requirements and independent cost estimates and which include program thresholds and objectives for cost, schedule, and performance;

(14) future acquisition decisions on the Littoral Combat Ship should be informed with an up-to-date service cost position and “should cost” assessment;

(15) the Defense Acquisition Executive should determine whether a new Office of the Secretary of Defense (OSD) Cost Analysis and Program Evaluation (CAPE) independent cost estimate (ICE) will be needed to inform future Littoral Combat Ship program decisions; and

(16) the Navy, along with the Joint Staff, should conduct a requirements assessment study to serve as a revalidation of the Littoral Combat Ship capabilities definition document.

**SA 2341.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SENSE OF CONGRESS ON DEFENSE CO-OPERATION WITH GEORGIA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Georgia is a highly valued partner of the United States and has repeatedly demonstrated its commitment to advancing the mutual interests of both countries, including through the deployment of Georgian forces as part of the NATO-led International Security Assistance Force in Afghanistan, currently serving as the largest non-NATO contributor and without caveats in Helmand Province, and as part of the Multi-National Force in Iraq.

(2) Contrary to international law and the 2008 ceasefire agreement between Russia and Georgia, Russian forces have constructed barriers, including barbed wire and fences, along the administrative boundary line for the South Ossetia region of Georgia. This “borderization” is inconsistent with Russia's international commitments under the August 2008 ceasefire agreement, is contrary to Georgia's sovereignty and territorial integrity, creates hardship and significant negative impacts for populations on both sides of these barriers, and is detrimental to long-term conflict resolution.

(3) The peaceful transfer of power as the result of the October 2012 parliamentary elections in Georgia represents a major accomplishment toward the Georgian people's creation of a free society and full democracy.

(4) The presidential election of October 2013 marks another major step in this transition to a free and open democracy. International election observers from the Organization for Security and Co-operation in Europe (OSCE) concluded that the election

"was efficiently administered, transparent and took place in an amicable and constructive environment [ . . . ]. Fundamental freedoms of expression, movement and assembly were respected, and candidates were able to campaign without restriction. [ . . . ] A wide range of views and information was made available to voters through the media, providing candidates with a platform to present their programmes and opinions freely." This is consistent with significant progress toward a mature and free democracy.

(b) **SENSE OF CONGRESS.**—Congress—

(1) declares that the United States supports Georgia's sovereignty, independence, territorial integrity, and the inviolability of its internationally recognized borders and expresses concerns over the continued occupation of the Georgian regions of Abkhazia and South Ossetia by the Russian Federation;

(2) encourages the President to enhance defense cooperation efforts with Georgia and supports the efforts of the Government of Georgia to provide for the defense of its government, people, and sovereignty and territorial integrity within its internationally recognized borders;

(3) reaffirms its support for Georgia's NATO membership aspirations and congratulates Georgia on the steps it has taken to further its integration with NATO;

(4) remains committed to assisting the people of Georgia in establishing a free and democratic society in their country; and

(5) congratulates the Government and people of Georgia on the presidential election of October 27, 2013, and commends the Government and people of Georgia on a peaceful and democratic transfer of power and its continued movement toward a free and democratic society.

**SA 2342.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. REPORTING ON DEVELOPMENT AND INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in cooperation with the Secretary of State and the Administrator of the United States Agency for International Development, shall develop and submit to the appropriate congressional committees a plan to enter into the Afghanistan development assistance database of the United States Agency for International Development relevant information related to development and infrastructure projects in Afghanistan planned or implemented under the Commanders Emergency Response Program, Afghanistan Infrastructure Fund, and the Task Force for Business and Stability Operations.

(b) **CONTENT.**—

(1) **IN GENERAL.**—The plan developed under subsection (a) shall include the following:

(A) Appropriate thresholds and timeframes for Department of Defense development or infrastructure projects to be included in the database so as to maximize the usefulness of

the database for the monitoring and assessment of prior, ongoing, and future United States Government assistance to Afghanistan.

(B) Rationales for the establishment of such thresholds and timetables as well as an estimated cost and timeframe required to complete the data entry process.

(C) Measures to protect from public disclosure information that if released would potentially threaten the lives or livelihoods of United States citizens, third-country nationals, or citizens of Afghanistan associated with United States Government development projects.

(2) **DIRECT SUPPORT FOR ANSF EXCLUDED.**—The information included in the development assistance database pursuant to the plan shall not include projects designed to directly support the Afghan National Security Forces (ANSF).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2343.** Mr. MERKLEY (for himself, Mr. PAUL, Mr. LEE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) **FINDING.**—Congress finds that, in June 2013, the Government of Afghanistan assumed the lead for combat operations in all regions of Afghanistan consistent with the schedule agreed to by President Barack Obama and President of Afghanistan Hamid Karzai.

(b) **STATEMENT OF POLICY.**—It is the policy of the United States—

(1) that, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, the President shall complete the accelerated transition of United States military and security operations to the Government of Afghanistan and redeploy United States Armed Forces from Afghanistan (including operations involving military and security-related contractors) by not later than December 31, 2014; and

(2) to pursue diplomatic efforts leading to a political settlement and reconciliation of the internal conflict in Afghanistan.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, should the President determine the necessity to maintain United States troops in Afghanistan to carry out missions after December 31, 2014, any such presence and missions should be authorized by a separate vote of Congress not later than June 1, 2014.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as limiting or prohibiting any authority of the President to—

(1) modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) attack al Qaeda forces wherever such forces are located;

(3) provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces;

(4) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan; or

(5) provide security after December 31, 2014, to United States facilities or diplomatic personnel located in Afghanistan.

**SA 2344.** Mr. DONNELLY (for Mr. BROWN) proposed an amendment to the bill S. 381, to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo; as follows:

On page 3, strike lines 16 and 17, and insert the following:

(a) **PRESENTATION AUTHORIZED.**—The President pro tempore

On page 4, line 1, strike "(2)" and insert "(b)", and move the margin 2 ems to the left.

On page 4, line 2, strike "paragraph (1)" and insert "subsection (a)".

On page 4, strike lines 6 through 13, and insert the following:

(c) **FOLLOWING AWARD OF MEDALS.**—

(1) **IN GENERAL.**—Following the award of the gold medals referred to in subsection (a), 5 of the gold medals shall be given to the 5 surviving members of the mission as of February 2013 or their next of kin, with a sixth

On page 4, line 19, strike "(B)" and insert "(2)", and move the margin 2 ems to the left.

On page 4, line 22, strike "this paragraph" and insert "paragraph (1)".

On page 5, line 1, strike "(b) DUPLICATE MEDALS." and insert "**SEC. 3. DUPLICATE MEDALS.**", and move the margin 2 ems to the left.

On page 5, between lines 6 and 7, insert the following:

**SEC. 4. STATUS OF MEDALS.**

On page 5, line 7, strike "(c)" and insert "(a)".

On page 5, between lines 9 and 10, insert the following:

(b) **NUMISMATIC MEDALS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act are numismatic items.

On page 5, strike lines 10 through 20.

**SA 2345.** Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; as follows:

On page 2, line 3, strike "**AND REQUEST**".

On page 2, line 11, strike "**AND REQUESTED**".

On page 3, line 1, strike “**AND REQUEST**”.  
On page 3, line 9, strike “**AND REQUESTED**”.

**SA 2346.** Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; as follows:

Amend the title so as to read “An Act to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.”.

**SA 2347.** Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. BUDGET TREATMENT AND PLAN ON IMPLEMENTATION OF REDUCTIONS IN NUCLEAR FORCES IN CONNECTION WITH THE NEW START TREATY.**

(a) **BUDGET TREATMENT OF REDUCTIONS PURSUANT TO NEW START TREATY.**—The Secretary of Defense shall ensure that activities relating to the dismantlement or conversion of nuclear weapons in connection with the implementation of the New START Treaty are assigned separate, dedicated program elements in the budget materials submitted to the President by the Secretary in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2015 and each fiscal year thereafter in which reductions to the nuclear forces of the United States are made in connection with the implementation of the New START Treaty.

(b) **SUBMISSION OF PLAN ON NEW START TREATY.**—Not later than the date on which the President submits the budget of the President to Congress under section 1105 of title 31, United States Code, for fiscal year 2015, the Secretary of Defense shall submit to the appropriate congressional committees the plan required by section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1575).

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **NEW START TREATY.**—The term “New START Treaty” means the Treaty on Meas-

ures of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation.

**SA 2348.** Mr. JOHANNIS (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 949. BRIEFINGS FOR CONGRESS ON THE STATUS OF THE UNITED STATES CYBER COMMAND.**

(a) **QUARTERLY BRIEFINGS REQUIRED.**—Commencing 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall provide the congressional defense committees, and any other Member of Congress requesting such a briefing, a briefing on the status of the United States Cyber Command.

(b) **ELEMENTS.**—Each briefing under subsection (a) shall include the following:

(1) An update on the status of any proposal to elevate the United States Cyber Command to the status of a unified combatant command.

(2) A current summary assessment of the specific advantages and disadvantages for the national security of the United States of elevating the United States Cyber Command to the status of a unified combatant command.

(3) A current estimate of the cost of elevating the United States Cyber Command to the status of a unified combatant command, and a current justification for that cost.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 19, 2013, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on November 19, 2013, at 10 a.m. in room SR-418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 19, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on November 19, 2013, at 10:30 a.m., to hold an East Asia and Pacific Affairs subcommittee hearing entitled, “Assessing the Response to Typhoon Yolanda/Haiyan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE**

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 19, 2013, at 2:30 p.m., to conduct a hearing entitled, “Strengthening Government Oversight: Examining the Roles and Effectiveness of Oversight Positions Within the Federal Workforce.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON NATIONAL SECURITY AND INTERNATIONAL TRADE AND FINANCE AND THE SUBCOMMITTEE ON ECONOMIC POLICY**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on National Security and International Trade and Finance and the Subcommittee on Economic Policy be authorized to meet during the session of the Senate on November 19, 2013, at 3:30 p.m., to conduct a hearing entitled, “The Present and Future Impact of Virtual Currency.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that MAJ Casey Williams, a U.S. Army officer who is serving as a military fellow in my office, be granted the privilege of the floor for the remainder of the first session of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to extend floor privileges to MAJ Richard Anderson, our Army fellow, for the remainder of this calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that Col. B.B. Lange, a defense fellow assigned to our office, be granted privileges of the floor for the purpose of the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, I ask unanimous consent that Dan Gilbert, my Department of Defense Fellow, and Erica Miller, my State Department Fellow, be granted floor privileges for the duration of the National Defense

Authorization Act, through final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Alec Johnson, a legislative fellow detailed to the Committee on Appropriations, be granted floor privileges for the duration of the consideration of the National Defense Authorization Act for Fiscal Year 2014.

I ask unanimous consent that CDR Tasya Y. Lacy, a U.S. Naval officer, who is currently serving as Senator SHAHEEN's defense legislative fellow this year, be granted floor privileges during the duration of S. 1197, the National Defense Authorization Act for 2014. I also ask unanimous consent that floor privileges be granted to Maj. Nate Somers, a U.S. Air Force officer who is serving as a defense legislative fellow in Senator CARDIN's office, for the duration of consideration of S. 1197.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S. 1197

Mr. DONNELLY. I ask unanimous consent that when the Senate resumes consideration of S. 1197 on Wednesday, November 20, there be up to 6 hours of debate only on the issue of sexual assault, with Senator GILLIBRAND or designee controlling 3 hours, Senators McCASKILL and AYOTTE or designees each controlling 75 minutes, the ranking member or designee controlling 20 minutes, and the chairman or designee controlling 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DOOLITTLE TOKYO RAIDERS CONGRESSIONAL GOLD MEDAL

Mr. DONNELLY. I ask unanimous consent the Banking, Housing and Urban Affairs Committee be discharged from further consideration of S. 381 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 381) to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders," for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

There being no objection, the Senate proceeded to consider the bill.

Mr. DONNELLY. I ask unanimous consent the Brown amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2344) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 381), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

#### S. 381

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds that—

(1) on April 18, 1942, the brave men of the 17th Bombardment Group (Medium) became known as the "Doolittle Tokyo Raiders" for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo;

(2) 80 brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an "extremely hazardous mission", without knowing the target, location, or assignment, and willingly put their lives in harm's way, risking death, capture, and torture;

(3) the conduct of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

(4) after the discovery of the USS Hornet by Japanese picket ships 170 miles further away from the prearranged launch point, the Doolittle Tokyo Raiders proceeded to take off 670 miles from the coast of Japan;

(5) by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Doolittle Tokyo Raiders deliberately accepted the risk that the B-25s might not have enough fuel to reach the designated air-fields in China on return;

(6) the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

(7) because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

(8) of the 80 Doolittle Tokyo Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States;

(9) of the 8 captured Doolittle Tokyo Raiders, 3 were executed and 1 died of disease; and

(10) there were only 5 surviving members of the Doolittle Tokyo Raiders as of February 2013.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of 6 gold medals of appropriate design in honor of the World War II members of the 17th Bombardment Group (Medium) who became known as the "Doolittle Tokyo Raiders", in recognition of their military service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### (c) FOLLOWING AWARD OF MEDALS.—

(1) IN GENERAL.—Following the award of the gold medals referred to in subsection (a), 5 of the gold medals shall be given to the 5 surviving members of the mission as of February 2013 or their next of kin, with a sixth medal to be given to the National Museum of the United States Air Force, where it shall be displayed with the Doolittle Tokyo Raiders Goblets, as appropriate, and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of the United States Air Force should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other locations and events associated with the Doolittle Tokyo Raiders.

#### SEC. 3. DUPLICATIVE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

#### SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC MEDALS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act are numismatic items.

#### AWARDING OF THE MEDAL OF HONOR

Mr. DONNELLY. I ask unanimous consent the Armed Services Committee be discharged from further consideration of H.R. 3304, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3304) to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.

There being no objection, the Senate proceeded to consider the bill.

Mr. DONNELLY. I ask unanimous consent the Levin amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; the Levin title amendment, which is at the desk, be agreed to; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2345) was agreed to, as follows:

On page 2, line 3, strike "AND REQUEST".  
On page 2, line 11, strike "and requested".  
On page 3, line 1, strike "AND REQUEST".  
On page 3, line 9, strike "and requested".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The amendment (No. 2346) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read "An Act to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor."

#### AUTHORIZING DOCUMENT PRODUCTION

Mr. DONNELLY. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 300, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) to authorize production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into JP Morgan Chase's "whale trades" and risks and abuses of derivatives.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and requests from other government entities and officials with a legitimate need for the records.

Mr. DONNELLY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### MEASURE READ THE FIRST TIME—S. 1737

Mr. DONNELLY. Madam President, I understand that S. 1737, introduced earlier today by Senator HARKIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1737) to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

Mr. DONNELLY. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR WEDNESDAY, NOVEMBER 20, 2013

Mr. DONNELLY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, November 20, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; and that following morning business, the Senate resume consideration

of S. 1197, the National Defense Authorization Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DONNELLY. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:13 p.m., adjourned until Wednesday, November 20, 2013, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### AFRICAN DEVELOPMENT FOUNDATION

LINDA THOMAS-GREENFIELD, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2015, VICE JOHNNIE CARSON.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

BRANDON K. DOAN

##### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

DAVID A. CENTI  
DOUGLAS J. DIMOND  
BRIAN J. KELLER  
PAUL J. MCDONALD  
EDWARD M. REILLY

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JULIE A. MEIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

KRYSTEN J. PELSTRING

## EXTENSIONS OF REMARKS

### HONORING THE CAREER AND SERVICE OF SAL HOWARD

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to honor Sal Howard and his service to the City of Buffalo. A dedicated employee with an indefatigable spirit, Sal has worked for the City of Buffalo for 31 years.

Sal began his long career with the City of Buffalo during the tenure of Mayor Jimmy Griffin. Due to the death of his father, Benjamin, Sal left high school to provide for his mother, brother, and sister. Through the Mayor's Summer Youth Program, Sal worked fixing snow plows and lawnmowers to aid his family.

After working for the Mayor's Summer Youth Program, Sal accepted a position with the City of Buffalo Animal Shelter, transporting dogs back and forth to the veterinarian, among other responsibilities. Sal's next step came with a position in the City of Buffalo's Engineering Department. As part of the Clean Sweep initiative, Sal drives trucks to help clean city streets, remove debris, and beautify our neighborhoods.

In addition to his day job, Sal serves as a New York State licensed armed security guard. Sal's work ethic is second to none.

The Howard family has an impressive history of civil service. Sal's father Benjamin was a sanitation engineer for the City, and his mother Columbia worked as a custodian for the Board of Education. His sister Sarah currently is a bus aide for the Board of Education and his brother Bernie worked for the City until his passing.

Sal's dedication to our community extends beyond his job. A devoted Catholic, he is an usher and Eucharistic Minister at St. Columba-Brigid Roman Catholic Church, on the corner of Hickory and Eagle Streets in Buffalo.

Mr. Speaker, thank you for allowing me a few moments to acknowledge Sal's commendable career and service to our community. I am grateful for his good works and wish him the best in all his future endeavors.

### HONORING JULIAN NABOZNY

#### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. PASTOR of Arizona. Mr. Speaker, I rise before you today to pay tribute to a Phoenix community leader and businessman, who for 20 years now has given back to his community by providing complimentary breakfasts to thousands of individuals at his McDonald's restaurant on Thanksgiving Day.

Mr. Julian Nabozny, a native of Argentina whose family moved to Chicago when he was 13, went to high school and college in Illinois and became a naturalized U.S. citizen. He became a high school teacher, mainly so he could pursue his first love—soccer—but soon learned he could not survive on a coach's salary. When he learned McDonald's was looking for prospective Hispanic owners, he took a shot and worked his way up from three establishments in Chicago to now owning five restaurants in Phoenix.

Since he moved to Phoenix in the early 1990s, Mr. Nabozny has built his restaurants to offer more than just a family experience; they have become local community centers. Besides providing thousands of free breakfasts on Thanksgiving Day, his McDonald's stores have provided free community resources, such as information about health insurance, immigration laws, or free mammograms. He has become a trusted leader whose voice lends help to important causes in the Hispanic community. He was recently honored as the 2012 Man of the Year at "La Noche de Amistad (The Night of Friendship)", an event organized by Phoenix 1190 AM Radio and Mujeres Unicas, a Spanish-language radio program, for donating much of his time and personal finances to help those less fortunate. In 2000, he won the National Restaurant Association's Cornerstone Humanitarian Award.

In addition, Mr. Nabozny has been a member of the McDonald's Board of Directors; president of Chicago McDonald's Hispanic Owners Association; treasurer, vice president, and president of the national McDonald's Hispanic Owners Association; chair of the company's Hispanic Marketing Committee; a leader in McDonald's Hispanic Scholarship Program; and is a member of the company's Arizona Board of Directors. He is also the Arizona/Nevada representative to the McDonald's National Hispanic Board of Directors.

As he has grown his business, Mr. Nabozny has built his restaurants to reflect the diversity of the neighborhoods in which they are located. He features Aztec-inspired artwork and a Talavera mosaic from Puebla, Mexico in his Phoenix restaurants, among other cultural features.

Mr. Nabozny has said that he believes God saved his life three times on separate occasions. Those incidents reinforced his drive to help those who are less fortunate. By providing free Thanksgiving Day breakfasts and other resources to the Phoenix community, he has provided physical nourishment, and in many cases, spiritual nourishment, to thousands of his fellow human beings. I have had a longstanding friendship with Mr. Nabozny and I admire him greatly. Therefore, on the occasion of the 20th year he plans to provide free Thanksgiving breakfasts, and to show him our deep appreciation, I ask my colleagues today to help me pay tribute to my friend and a great community leader, Mr. Julian Nabozny.

### HONORING THE CAREER OF RAY LOMAS

#### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to talk about Ray Lomas of Rock Island, Illinois.

Ray Lomas has been helping kids in the Quad-Cities since the 1950s. He coached sports teams, mentored students and athletes, and co-founded the Metropolitan Youth Program in the 1980s. Metro Youth continues to this day to engage students through its step-ers and drill team while providing tutoring and educational programs. A drummer himself, Lomas hosted the drum unit at his house every day, and made sure that they also learned practical skills like paying bills and applying for jobs.

Now 84, Ray Lomas has lived in the Quad-Cities for almost his entire life, and spent 36 years working for Deere & Co. in East Moline. His son Rory Lomas is now retired after serving in the Army for over 24 years.

Mr. Speaker, I'd like to thank Ray Lomas for his years of service to our community and I am very happy that Rock Island celebrated Ray Lomas Day on October 24th.

### PERSONAL EXPLANATION

#### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. TSONGAS. Mr. Speaker, I was unable to cast a vote on rollcall 586 and 587 on November 15, 2013. I was in Massachusetts to meet with Army Chief of Staff General Ray Odierno at Natick Soldier Systems Center, the only active duty Army installation in New England. Since I encouraged him to come, and helped organize a portion of his visit, I felt it was necessary to be present.

Had I been present for this vote, I would have voted "yes" on the Motion to Recommit (rollcall 586) and "no" on the final passage of H.R. 3350 (rollcall 587).

I would have voted against H.R. 3350 because it would have opened up health insurance plans that do not meet the basic requirements of the Affordable Care Act to new enrollees. I would have voted for the Democratic Motion to Recommit. This motion would have given insurance companies the option to continue offering plans that were in existence as of October 1, 2013 to current enrollees, but would not have opened up these plans that do not meet basic requirements to new consumers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



RECOGNIZING THE 100TH ANNIVERSARY OF THE ROTARY CLUB OF READING, BERKS COUNTY, PENNSYLVANIA

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the Rotary Club of Reading, Berks County, Pennsylvania, on the occasion of its 100th anniversary.

The Rotary Club of Reading was chartered on December 1, 1913 and was the 88th Rotary Club of over 30,000 now to be chartered. Throughout its proud 100 year history, the Reading Rotarians have committed themselves to making a difference in the community by providing meaningful service to those in need. Among the many projects the members of the Rotary Club of Reading have undertaken and completed include: establishing Rotary Park for the enjoyment of the citizens of Reading and Berks County; performing roadside cleanups; and awarding scholarships to Reading High School students.

The distinguished volunteer service by the members of the Rotary Club of Reading over the last 100 years has served to significantly improve the quality of life in the Greater Reading community.

Mr. Speaker, in recognition of its 100th anniversary, I ask that my colleagues join me today in recognizing the Rotary Club of Reading, Berks County, Pennsylvania.

CRISIS IN THE CENTRAL AFRICAN REPUBLIC

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, today I held a subcommittee hearing that was not called an "emergency" hearing, but it very well could have been. Since we first decided to hold a hearing to spotlight the human rights situation in the Central African Republic, the situation has deteriorated even further so that today the country is on the verge of a humanitarian catastrophe.

Coups and dictatorships have characterized the Central African Republic since its independence in 1960, but the current crisis is far more dangerous than what has come before.

Consider this: in a country of approximately 5 million people, roughly 1.1 million citizens face serious food insecurity. Some 460,000 CAR nationals are displaced, including 64,000 who have fled to neighboring countries as refugees and nearly 400,000 who are internally displaced.

This is because there has been a complete breakdown of law and order in the country following the ouster of former President François Bozizé in March of this year. After riding to power on the back of an insurrection known as Seleka, the current dictator, Michel Djotodia, has found it difficult to disengage. Seleka, originally a political alliance, has trans-

formed into a militia of about 25,000 men, up to 90 percent of which come from Chad and Sudan and therefore constitute in the eyes of many a foreign invasion force. They do not speak the local language, and are Muslim in a nation that is roughly 80 percent Christian. They have targeted churches for destruction and stirred up sectarian hatreds where none had existed previously. Indeed, the Sudanese contingent in particular are said to be members of the notorious janjaweed, who have spread slavery and destruction in the Darfur region of Sudan and now are doing the same in the Central African Republic.

And if that is not bad enough, elsewhere, the Lord's Resistance Army, or LRA, under the psychotic leader Joseph Kony is also loose in the Central African Republic. Both the LRA and Seleka are said to kidnap children to serve as soldiers, and UNICEF estimates that there are now as many as 3,500 child soldiers affiliated with armed groups in the country.

Djotodia has formally disbanded Seleka, but Seleka continues to wreak destruction in the countryside, and they have seized mines and other resources in the country. Djotodia's writ does not extend much beyond the capital city of Bangui.

Even in Bangui, the situation is chaotic. One of our witnesses, Mike Jobbins, related how "There have been nearly a dozen successful or attempted carjackings of humanitarian vehicles over the past two weeks and at least three aid workers have lost their lives since the crisis began."

In response to the depredations of Seleka, their victims have begun to form self-defense units referred to as anti-balaka, or anti-machete, gangs, which have begun to commit retaliatory outrages of their own. Rather than confront the Seleka rebels who are responsible for starting the cycle of violence, however, they often target Muslim civilians, who are deemed "soft targets." Thus, violence begets violence.

The situation is so bad that just this past week, John Ging, director of the UN Office for Coordination of Humanitarian Affairs warned, "We are very, very concerned that the seeds of a genocide are being sown."

All this is happening in a state which is, by any definition, dysfunctional.

In the words of PM Nicolas Tiangaye, who is the closest thing to a legitimate figure in the government of the Central African Republic and whom my staff and I met with this summer when he visited Washington, the Central African Republic is "anarchy, a non-state."

This descent into chaos has compounded the misery of the people of the Central African Republic suffered greatly and lagged substantially in terms of development. Prior to this year, the Central African Republic ranked 180 of 186 countries per the UN Human Development Index.

One area where the Central African Republic did lead bespeaks an irony: National Geographic ranked the Central African Republic as the nation least affected by light pollution. This is, of course, indicative of its low level of development, and the neglect and affirmative harm which generations of political leaders have subjected the country and its people.

Amid this darkness, however, there are bright spots. It is the leadership of churches

and faith based organizations, as well as traditional Muslim leaders long resident in the Central African Republic who have sought to defuse communal tensions. These indigenous Muslim leaders who speak for peace need to be recognized and distinguished from foreign fighters from countries such as Sudan—the same janjaweed who harrowed Darfur—who kill and sow destruction in the name of jihad.

We had the opportunity to hear from one such courageous faith leader, Bishop Nongo. I had the privilege of hosting Bishop Nongo in my office when he came to visit Washington this summer, and I was moved nearly to tears as he described the suffering of the people in his country. It is leaders such as Bishop Nongo, who provide assistance to all regardless of their affiliation, and who strive for peace, who provide the greatest hope for the Central African Republic.

TO RECOGNIZE THE 150 YEAR ANNIVERSARY OF THE GETTYSBURG ADDRESS

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today in recognition of 278 simple words spoken a century and a half ago in a small town in my home state of Pennsylvania. When President Lincoln addressed the crowd assembled at the dedication of the National Cemetery at Gettysburg, he noted in his speech that his words were ones that, "the world will little note, nor long remember". Yet, 150 years later, President Lincoln's words of sacrifice and strength still ring true. Even amidst the fog of a still raging civil war, Lincoln promised that "this nation, under God, shall have a new birth of freedom"—and that "government of the people, by the people, for the people, shall not perish from the earth." Today, we recognize the commitment of President Lincoln to reunite and ensure the continued success of our nation. Furthermore, we reinforce our efforts to protect his solemn pledge of a free government for a free people.

COMMEMORATING JOHN LANCE LINDABERRY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. LANCE. Mr. Speaker, I rise today to honor the memory of Private First Class John Lance Lindaberry of Long Valley, New Jersey who honorably served his country during the Vietnam War. Mr. Lindaberry was a member of the 2nd Battalion of the 27th Infantry Regiment, 25th Infantry Division, and killed in action on Nov. 16, 1967.

Mr. Lindaberry was graduated from West Morris Central High School in 1966, and joined the Army in 1967. He was loved by his family and the community, especially his fellow parishioners at the Highlands Presbyterian Church.

Long Valley continues to honor the memory of Mr. Lindaberry at its annual Memorial Day services, as well as other fallen service members.

#### HONORING BRANDT BEAUCHAMP

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Brandt Beauchamp. Brandt is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 663, and earning the most prestigious award of Eagle Scout.

Brandt has been very active with his troop, participating in many scout activities. Over the many years Brandt has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brandt has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Brandt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### INTRODUCING A RESOLUTION IN RECOGNITION OF PEOPLE OF AFRICAN DESCENT AND BLACK EUROPEAN LEADERS

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution recognizing people of African descent, and particularly Europe's Black community and political leaders, as we welcome a delegation of Black European Rights Leaders representing 10 European countries to Washington, DC this week, and continue working to address issues of inequality, discrimination, and inclusion in the 57 North American and European countries that make up the region of the Organization for Security and Cooperation in Europe (OSCE).

An estimated seven to ten million individuals of African descent currently live in Europe, particularly in France, the United Kingdom, and the Netherlands, and form an influential part of the African diaspora. From labor and scholarship to politics and civil rights, they have contributed greatly to European history and culture over the past several centuries. However, the story of Black Europeans remains widely untold, rendering many of their past and present contributions to the political and social life of Europe invisible or forgotten. Furthermore, similar to the experiences of many African Americans, they have increasingly become the targets of discrimination, pernicious racial profiling, and violent hate crimes impacting equal access to housing, employment, education, and justice.

On April 29, 2008, I chaired a U.S. Helsinki Commission hearing entitled, "The State of (In)visible Black Europe: Race, Rights, and Politics," which focused on bringing to light the daily challenges of racism and discrimination encountered by Black Europeans, specifically with regard to their representation in leadership positions and political participation. Since then, I have worked with minority and other European legislators to convene annual events in Brussels, Belgium at the European Parliament to address these issues, including the 2009 Black European Summit: Transatlantic Dialogue on Political Inclusion and the 2010 and 2011 Transatlantic Minority Political Leadership Conferences. Follow-on initiatives from these events have included the Transatlantic Inclusion Leaders Network in cooperation with the State Department and German Marshall Fund, which works to advance young, diverse, and inclusive leaders on both sides of the Atlantic.

This resolution acknowledges the findings from the OSCE's Annual Hate Crimes Report and European Union Agency for Fundamental Rights' (EUFRA) 2009 European Union Minorities and Discrimination Survey (EU-MIDIS), as well as initiatives such as the June 2013 European Network Against Racism's "People of African Descent and Black Europeans" Policy Paper and Open Society Justice Initiative 2009 report, entitled "Ethnic Profiling in the European Union," which reveal systemic discrimination against Black Europeans in housing, education, health care, employment, the criminal justice system, and access to political participation. Moreover, recent racist acts towards Black European cabinet-level officials highlight continuing issues of racism and national extremism, and the need to increase the awareness of rights and protection for Black Europeans.

Cooperation is key to addressing the global problems of racism and discrimination. As we continue working to build on past and current initiatives, I encourage my colleagues to join me in recognizing and celebrating the collective history and achievements made by people of African descent. This resolution reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life. To that end, Congress should welcome increased parliamentary activities, including those of the OSCE Parliamentary Assembly, to engage in efforts to promote racial equality and combat racial discrimination through efforts such as introducing legislation, speaking out against racism, increasing the political participation of racial minorities, and working with Black European and other minority communities to develop relevant policies.

Europe today grapples with complex questions at the intersection of national identity, decreasing birth rates, increasing immigration, security concerns, and a rise in extremist political parties and vigilantism. In this context of changing demographics and attitudes, the experiences of Black Europeans increasingly serve as a measure of the strength of European democracies and commitments to human rights. Following the 2011 Transatlantic Minority Political Leadership Conference, U.S. and European parliamentarians called for a

Joint US-EU Action Plan to work on transatlantic solutions to address bias and discrimination and foster inclusion—much the way we work jointly on counterterrorism, trade, and other issues. The adoption of such an initiative would significantly increase the tools our governments have to address common issues, develop proactive policies to meet changing demographics leading to increased diversity in our societies, and ultimately ensure the long-term stability and prosperity of our democracies.

Mr. Speaker, I urge the adoption of a Joint Action Plan in addition to immediate actions by European governments and members of civil society and the private sector, in consultation with Black European communities, to develop and implement initiatives to combat racial discrimination and promote racial equality in Europe. In the interim, our government can do more to partner with European public and private sectors and Black and migrant communities to advance human rights and inclusion in Europe, including appointing at the State Department and U.S. Agency for International Development (USAID) Senior Advisors on Afro-descent peoples and establishing a State Department Fund for the Inclusion of Racial and Ethnic minorities modeled after the Department's International Fund for Women and Girls and Lesbian, Gay, Bisexual, and Transgender (LGBT) Global Equality Funds.

#### PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. CONAWAY. Mr. Speaker, on November 18th, I was attending a funeral and missed rollcall No. 588, on H.R. 2061. Had I been present, I would have voted "aye."

#### HONORING MICHAEL A. LENOIR, M.D.

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Dr. Michael LeNoir as we celebrate over 40 years of his contributions to the medical field. Dr. LeNoir continues to be a celebrated physician, and we join together in praise of his remarkable contributions to the Bay Area, California, and our great nation.

Dr. LeNoir is married to Denise Washington LeNoir and they have 4 daughters and 5 grandchildren. He attended the University of Texas Medical Branch at Galveston and graduated in 1967. During his transitional year, he interned at the Los Angeles County and the University of Southern California Medical Center. He completed his pediatrics residency at the William Beaumont Army Medical Center in 1970, and finished his fellowship in pediatric allergy and immunology in 1972 at the University of California at San Diego. Dr. LeNoir has

been certified for 39 years in Allergy and Immunology from the American Board of Allergy and Immunology, and certified 40 years in Pediatrics from the American Board of Pediatrics. He has practiced clinical allergy and pediatrics in the Bay Area since 1977, and has been an active member of the National Medical Association (NMA) since 1975.

Throughout his prolific career, Dr. LeNoir has served in a number of leadership roles including former board member of the American Association of Certified Allergists, former chair of the Underserved Committee of the American Academy of Allergy, past President of the Northern California Allergy Association, former Chair of the NMA Allergy and Asthma Section, and former Chair of the Clinical Faculty at the University of California, San Francisco when he served as an associate clinical professor.

Dr. LeNoir has also earned myriad accolades, including the first Floyd Malveaux Award by the NMA Allergy and Asthma Section, the 2006 Community Physician of the Year Award by the Residents at Oakland Children's Hospital and Research Institute, the Lydia Smiley Award from the California School Nurses Association, as well as numerous awards highlighting his community service.

Dr. LeNoir was named as one of the America's leading African American Allergists by Black Enterprise Magazine in 2001 and 2008. Since 2001, Dr. LeNoir has been named as one of the best 200 physicians by Oakland Magazine and San Francisco Magazine.

From 1981 to 1993, Dr. LeNoir was the medical editor for KCBS Radio, hosting a 2 hour weekly talk show. He has been the CEO of the Ethnic Health America Network since 1985, and is the host and executive producer of the About Health Program, a talk show featured on Pacifica Radio stations, including Berkeley's KPFA. He has also served as president of the National Association of Physician Broadcasters.

Currently, Dr. LeNoir is president of the Ethnic Health Institute at Alta Bates Summit Medical Center, Board Chair of the African American Wellness Project, and member of the Board of Directors at Children's Hospital and Research Center in Oakland.

Earlier this summer, Dr. LeNoir was inaugurated as the 114th President of the NMA. The NMA is the largest and oldest national organization representing the interests of more than 32,000 African American physicians and the patients they serve. Under Dr. LeNoir's leadership, the NMA will continue its work to eliminate health disparities, improve the pipeline for African American students, and advance the quality of health among communities of color and disadvantaged populations.

I have had the privilege of knowing and working with Dr. LeNoir for many years. He is a brilliant and compassionate physician who has used his expertise and experience on behalf of his patients and the overall community. I am proud to call him a colleague and a friend.

On behalf of California's 13th Congressional District, Dr. Michael LeNoir, I salute you. Your 40 years of dedication to improving the health of our communities and leadership on medical advances have made an indelible mark in history. Thank you for your continued work and best wishes to you and your loved ones in the years to come.

#### HONORING THE 150TH ANNIVERSARY OF SAINT PETER LUTHERAN CHURCH—AFTON, MN

#### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. MCCOLLUM. Mr. Speaker, I rise to pay tribute to the congregation of Saint Peter Lutheran Church of Afton, Minnesota on the occasion of the 150th anniversary of the church. Since its founding by German settlers in 1863, the church has served as a center of faith and community.

The founding families of Saint Peter Lutheran Church of Afton held tightly to their faith and, as their numbers grew, they recruited a travelling missionary, Reverend Horst, to conduct services from the homes of worshippers. Shortly thereafter another clergyman, Pastor Rolf, took over duties, regularly travelling 15 miles from Saint Paul by foot to preside over the parish.

On December 27th, 1863, the congregation was formally organized into the "The Evangelical Lutheran Saint Peter's Church of Afton Township, Washington County, Minnesota." During the next two years, three acres of land were purchased and on it built the first church from a reconstructed mill that had been abandoned in the area. The first service in the new Saint Peter's church was held on August 12, 1865 and it stood intact for nearly sixty years.

Ultimately, the original structure was converted into a schoolhouse in 1898 and a replacement church was erected beside it, both remaining until they burned down in 1924. The following year saw the completion of a replacement building on the grounds, today known as the 'old' church.

Saint Peter Lutheran Church continues to play a central role in the lives of many Afton families, serving both spiritual and physical needs. Through its strong support of local food shelves and clothing drives, the congregation is directly helping to feed and clothe families in need. The congregation's growth is a tribute to the generosity and commitment of six generations who have built on the foundation laid by those early German settlers. Saint Peter Lutheran Church has blessed the Afton area with its dedication to good deeds for 150 years.

Mr. Speaker, in honor of the 150th Anniversary of Saint Peter Lutheran Church of Afton, Minnesota, I am pleased to submit this statement to the CONGRESSIONAL RECORD.

#### HONORING IAN MORBY

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ian Morby. Ian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 663, and earning the most prestigious award of Eagle Scout.

Ian has been very active with his troop, participating in many scout activities. Over the many years Ian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ian has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ian Morby for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### PERSONAL EXPLANATION

#### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 588, I was unable to be present for the vote on H.R. 2061.

Had I been present, I would have voted "yes."

#### TRIBUTE TO LOUISE A. ANDERSON

#### HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. BUCSHON. Mr. Speaker, I rise today to pay tribute to Ms. Louise A. Anderson who at the end of this month will be retiring as Director of the West Central Indiana Area Health Education Center in my district.

A nurse by vocation, she has been passionate about ensuring that Hoosiers have access to quality healthcare in their communities by recruiting and training the next generation of healthcare providers. In addition to her professional engagements, Ms. Anderson remains a very active volunteer in professional and community organizations holding several board and committee positions at the local, state, and national levels. Her commitment to the citizens of West Central Indiana for the last three decades has been exemplary through her service as a provider, teacher, and educator. May we all live such a rich and distinguished life of service.

#### HONORING DR. STEPHEN T. BARTLETT

#### HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Dr. Stephen T. Bartlett, a close friend and accomplished surgeon and respected professor, on the occasion of his 60th birthday.

A specialist in kidney and pancreas transplantation as well as vascular surgery, Dr. Bartlett has taught and practiced medicine at the renowned University of Maryland since 1991.

He is a Peter Angelos Distinguished Professor and chairs the Department of Surgery at the university's School of Medicine. He also serves as Senior Vice President and Surgeon-in-Chief at the University of Maryland Medical System.

Dr. Bartlett earned his medical degree from the University of Chicago and completed his residency at the University of Pennsylvania. He continued his training at Northwestern University and taught at the University of California Davis. He was then recruited to Maryland and revitalized the university's transplant program. The school's kidney transplant program is now the second highest in volume in the country. Under his leadership, the surgical department ranks among the highest in the country in National Institute of Health grant funding.

While Dr. Bartlett's accomplishments are too numerous to list in their entirety, it bears mentioning that he has been recognized as a "Top Doctor" by Baltimore Magazine. The National Kidney Foundation recently named him one of its 2013 "Kidney Champions" for his groundbreaking contributions to the field of kidney research and transplantation. He has authored more than 230 peer-reviewed journal articles and 11 book chapters.

Of particular note, Dr. Bartlett lead an effort that recently resulted in the most extensive full face transplant completed in the world to date. In addition to historic projects like this, he continues to spearhead basic scientific research always with the singular goal of improving patients' quality of life.

I have had the pleasure of knowing Dr. Bartlett—as well as his wife, June, and three children—on a personal level for many years. I am impressed with his dedication to his family. He may receive distinguished accolades for his medical breakthroughs, but his commitment to his wife and children come first.

Mr. Speaker, I ask that you join with me today to honor Dr. Stephen Bartlett. His service and dedication to the University of Maryland is an asset to the state. It is with great pride that I wish him the happiest of birthdays and many more to come.

#### THE 125TH ANNIVERSARY OF THE TOWN OF BRAMWELL, WEST VIRGINIA

##### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. RAHALL. Mr. Speaker, nestled in a picturesque valley setting, amidst gently sloped green hills, complete with a meandering river is the town of Bramwell, West Virginia, which celebrates its 125th birthday tomorrow.

Coal was very much a part of the genesis of Bramwell. It is a town that was home to many coal mine owners and operators. So much so in fact, this small town was once able to boast of more per capita millionaires than any town in the country. Entrepreneurism still reigns in Bramwell, although today it is not as much of the pocketbook as it is of the heart. Many of the town's grand homes have been painstakingly and lovingly preserved by homeowners.

Throughout the year, the town hosts a number of festive events that celebrate its coal heritage. Every Christmas, homes are opened for tours and period costumed, well versed and pithy witted interpreters will guide visitors through a domestic lifestyle enjoyed in yesteryear. Each spring, home tours welcome the new season just as cordially and each fall, the Bramwell Octoberfest is not to be missed.

However, any day of the year is a good day to visit this homage to history. Visitors will be met with a sincere pride in our coal heritage, the heritage of our families and of our State. That sense of pride is just as alive and kicking as ever. For everyone in Bramwell, history is not a thing of the past; it is a prologue to the future. In fact, the future of this temperate region fittingly dubbed Four Seasons Country, is bright, largely due to the efforts of communities like Bramwell.

For the same pioneering spirit that established deep roots here, the same productive mindset that grew this small town into a considerable per capita national asset; the same soul that said our best days are yet ahead; this town, with its share of Bluestone, is seeing more and more blue skies each day. And the word has spread. From Hatfield and McCoy Trail riders, from national and international Boy Scouts of America and their families, to even our neighbors here in the Virginias, Bramwell has become a distinctive, desirable destination in and of its own right. Of that we are most proud.

I take great pride myself in playing a role in bringing the federal resources to bear so that the Bramwell story can be told and retold 1,025 years from now. From Coal Heritage funding to supporting funding for VISTA to help staff the new Farmer's Market, Bramwell is one heck of a good, sound federal investment. And, boy, that's a story we can share with the world.

It's a story that exceeds the fame and infamy of the fabled fortunes of coal barons. It's a tale with far broader implications than a slice of living history romanticized for a few days of entertainment. It is nothing short of a life's lesson, of a people not giving up nor giving in. And it is proof positive of the productivity that comes from a close knit group of people who work together for the common good.

Mr. Speaker, the work and achievements this town's citizens have forged constitute nothing short of a model for the country.

I hope my colleagues will take note of this national investment and take time to visit soon. They may feel completely free to share this treasure of a town with their constituents. Bramwell welcomes all.

To all my good friends in Bramwell, I wish you a very Happy Birthday and Godspeed.

#### PERSONAL EXPLANATION

##### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. GRANGER. Mr. Speaker, on rollcall No. 587, due to a previously scheduled, important event in my district with my constituents that could not be rescheduled, I was not present for this vote.

Had I been present, I would have voted "aye."

#### HONORING RYAN A. MCCOY

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ryan A. McCoy. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ryan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ryan A. McCoy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### PERSONAL EXPLANATION

##### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. CONAWAY. Mr. Speaker, on November 18th, I was attending a funeral and missed rollcall No. 589, on H.R. 272. Had I been present I would have voted "aye."

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,192,878,839,268.39. We've added \$6,566,001,790,355.31 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### IN CELEBRATION OF LOTTIE ALBERT'S 98TH BIRTHDAY

##### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, today I rise to wish my dear friend Lottie Albert a very happy 98th birthday. Lottie was

born on December 25, 1915 to Eva and Louis Wernick in New York, New York. In 1936, she married Sol Albert and shared 55 wonderful years of marriage with him. They had two daughters, Harriet and Doreen. Now, Lottie is a grandmother of Eric, Glenn, and Lowell, as well as a great-grandmother of Kyle, Samantha, Heather, and Seth.

Lottie has been a resident of Broward County for 40 years and lived in the City of Sunrise for the past 12 years. She is an amazing individual who has selflessly dedicated herself to helping so many throughout South Florida, and for that I am truly grateful.

Her work with the Ann Storck Children's Center, The Elderly Interest Fund's MEDIVAN Program, and the Alzheimer's Family Center was honored on March 25, 2012 with her induction into the Broward County Women's Hall of Fame. Additionally, in 1988, she was inducted into the Area Agency on Aging's Dr. Nan S. Hutchison Broward Senior Hall of Fame. Furthermore, in 2005 Broward County named November 12th as "Lottie Albert Appreciation Day."

Mr. Speaker, Lottie exemplifies the ideals of civic engagement. Her compassion and tireless devotion to her community are a shining example for us all. She has been a wonderful friend to me for so many years, and it is my distinct honor to wish her a happy birthday.

**HONORING ARGO MARKETING  
GROUP ON BEING AWARDED THE  
2013 INC. HIRE POWER AWARD  
FOR JOB CREATION**

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Argo Marketing Group as it celebrates being awarded the 2013 Inc. Hire Power Award as the number one job creator in Lewiston, Maine.

Argo Marketing Group was founded in 2003 by Jason Levesque, a veteran of the United States Army. It provides quality third-party customer service to its clients' customers around the world. In the past 10 years, the firm has grown from being the brainchild of one determined individual to a fast-growing industry pioneer with three Maine offices.

This year, Argo Marketing Group has invested \$2.4 million in turning a dilapidated building in Lewiston's downtown into a 25,000 square foot headquarters with space for 250 jobs. With the addition of the new Lewiston facility, Argo Marketing Group expects to have a total of 350 call center seats and 500 employees. For these efforts, the firm placed first on the 2013 Inc. Hire Power list of job creators in Lewiston.

Throughout the Group's rapid expansion, it has remained devoted to community service. It has lent its support to groups including the Lewiston Public Theater, Sand Castle preschool, and Maine's National Guard and Reserve Family Readiness Program. Founded by a veteran, the firm is committed to giving back to Maine service members by offering hiring bonuses to military veterans, active members

and veterans of the Maine National Guard and Reserve, and their spouses.

Argo Marketing Group is truly a testament to the creative and dynamic spirit of Maine. As a job-builder and community member, its efforts help make Maine a great place to live and do business.

Mr. Speaker, please join me again in congratulating Argo Marketing Group on being awarded the 2013 Inc. Hire Power Award for their outstanding job creation in the city of Lewiston, Maine.

**CONGRESSIONAL RECOGNITION  
FOR YOUTH DEVELOPMENT CON-  
FERENCE**

**HON. RON BARBER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. BARBER. Mr. Speaker, today I wish to recognize the first Douglas Youth Leadership Development Forum that will be held this week in Southern Arizona.

The theme of this forum is "Speaking Truth to Power" and it is being held in conjunction with national, state and local observations of Rural Health Day.

This forum will engage junior high school and high school students living in the Douglas area who are eager to gain leadership experience through volunteer initiatives tied to the improvement of health care in rural areas.

I hope that many young people in Cochise County and elsewhere in Southern Arizona will take this opportunity to participate in this very worthwhile endeavor.

During the forum, attendees will hear from established youth leaders. Also speaking will be long-time Douglas leaders who support the advancement of youth into leadership roles.

The Arizona Rural Health Association is sponsoring this important event. Other sponsors are the city of Douglas, Chiricahua Community Health Center, Cochise County Health Department, Cochise County Youth Health Coalition, Douglas Family Care, Douglas High School Health Occupation Students of American, Douglas High School Med Club, People's Choice Hospital, Southeast Arizona Area Health Education Center, Southeast Arizona Medical Center, Students Against Destructive Decisions, University of Arizona Center for Rural Health and the Voice of Douglas.

I am proud to recognize the first Douglas Youth Leadership Development Forum and encourage residents of my district to fully support it.

**HONORING JARED DALE GOULD**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jared Dale Gould. Jared is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the

Boy Scouts of America, Troop 1393, and earning the most prestigious award of Eagle Scout.

Jared has been very active with his troop, participating in many scout activities. Over the many years Jared has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jared has earned the rank of Eagle Scout. Jared has also contributed to his community through his Eagle Scout project. Jared constructed a fire pit at Heartland Presbyterian Center outside of Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jared Dale Gould for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**PERSONAL EXPLANATION**

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. MOORE. Mr. Speaker, I rise today regarding my absence from the House for votes on the evening of November 18, 2013, due to a medical issue. I would like to submit how I would have voted had I been in attendance for the following votes:

Rollcall No. 588, on the motion to suspend the rules and pass, as amended, the Digital Accountability and Transparency Act (H.R. 2061): I would have voted "yea."

Rollcall No. 589, on the motion to suspend the rules and pass, as amended, a bill (H.R. 272) to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the General William H. Gourley Federal Outpatient Clinic: A Joint VA-DOD Health Care Facility: I would have voted "yea."

**PERSONAL EXPLANATION**

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall no. 589, I was unable to be present for the vote on H.R. 272.

Had I been present, I would have voted "yes."

**RECOGNIZING ZORAIDA RIOS-  
ANDINO**

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAYSON. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, to recognize the public service of Zoraida Rios-Andino. Zoraida was born in East Chicago, Indiana. Her passion for social justice started when she was studying at Saint Joseph's College where

she received a Bachelor's Degree in Sociology and Education. As a student, she was the founder of an organization called "Palante" and was the assistant director of a college TV program, "Know Your Community," which informs Latino students about issues affecting the Hispanic community. She is the proud mother of her two children Carolina Raquel and Gilberto Antonio. Her pride and joy is her granddaughter Analiz Diana Balderas.

In 1979, Zoraida moved to Puerto Rico and worked for several community services companies. In 1986, she returned to Indiana and began advocating for the rights of the Puerto Rican and Latino community. She served as President of Madre Atrevete Muevete Ahora (MAMA) and Secretary of the Latino Historical Society. She was also active with the Northwest Indiana Voter Registration and Education Foundation, United Citizens Organization, and United Farm Workers. Zoraida was the co-founder and President of the National Conference of Puerto Rican Women and received their Lifetime Achievement Award in 2000. She also received the Roberto Clemente Community Service Award from the Northwest Indiana Coordinating Counsel.

After moving to Florida with her family, Zoraida became the founder and President of the National Conference of Puerto Rican Women's local chapter in Orlando. She is also a member of the Asociación Borinqueña and La Casa de Puerto Rico. In 2008, she got involved with various social justice groups and served as Vice President for Frente Unido 436 and Vice President of the National Council of Puerto Rican Rights. She is also involved with the Black, Latino, Puerto Rican Alliance for Justice and is founder and co-director of the Orlando chapter of the National Congress of Puerto Rican Rights. She is currently working on her project "Boricua," a tool to unite the worldwide Puerto Rican community.

I am happy to honor Zoraida Rios-Andino for her public service to the Hispanic community.

**TO CONGRATULATE THE FUND A CURE FOR PANCREATIC CANCER ORGANIZATION OF NEWTOWN, PENNSYLVANIA**

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. FITZPATRICK. Mr. Speaker, November has been designated Pancreatic Cancer Awareness Month. This disease and its alarming statistics call for aggressive measures to develop early detection and treatment tools before its incidence increases dramatically. More advanced scientific research will give hope to those diagnosed with pancreatic cancer, which is the only major cancer with a five-year relative survival rate of just six percent. Since there are no effective early detection tools or curative treatments for pancreatic cancer, it is expected to become the second leading cause of cancer-related deaths by 2020. I, therefore, commend the Fund a Cure for Pancreatic Cancer Organization, of Newtown, Bucks County, Pennsylvania, and its 2013

Run Over Cancer 5K that took place on July 6 with more than 250 participants. Congratulations for raising over \$35,000 for the Thomas Jefferson University Hospital's Pancreatic Cancer Research Team. The proceeds from this annual event will be presented to the hospital in Philadelphia on Dec. 2, 2013.

**HONORING PHILLIP CHRISTOPHER RUARK**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Phillip Christopher Ruark. Phillip is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Phillip has been very active with his troop, participating in many scout activities. Over the many years Phillip has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Phillip has contributed to his community through his Eagle Scout project. Phillip performed needed maintenance work in Wallace State Park in Cameron, Missouri, including raising the necessary funds and installing a handicap-accessible bench.

Mr. Speaker, I proudly ask you to join me in commending Phillip Christopher Ruark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**COMMEMORATING VINCENT EVERETT FIELDS**

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. LANCE. Mr. Speaker, I rise today to honor the memory of Vincent Everett Fields of Long Valley, New Jersey who honorably served his country during the Second World War. Mr. Fields was a Private First Class, United States Marine Corps, and was killed in action during the battle of Iwo Jima on March 6, 1945.

Mr. Fields was 23 years old at the time of his death and left behind a young wife and a baby daughter. He was a member of the 5th Marine Amphibious Corps, which assaulted the Island with sea and air support. In the battle of Iwo Jima our Nation lost 6,800 American service members.

At the time of this tremendous loss, General James L. Jones, 32nd Commandant of the Marine Corps, stated: "The valor and sacrifice of the Marines and Sailors who fought on Iwo Jima is, today and forever, the standard by which we judge what we are and what we might become."

**IN SUPPORT OF NATIONAL ENTREPRENEURS' DAY**

**HON. ELIZABETH H. ESTY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. ESTY. Mr. Speaker, today is National Entrepreneurs' Day, a time when we celebrate the hard work of small business owners, inventors, and start-up companies across the country. Entrepreneurs are truly driving growth in our economy, and the small businesses they create account for more than 97% of all employers in Connecticut.

I had the honor of celebrating National Entrepreneurs' Day yesterday—a day early—back home in Connecticut. I visited iDevices, a local company in Avon that creates wireless connectivity for smartphones and tablets. The company builds apps such as the iGrill Bluetooth cooking thermometer, the iShower, and the iKitchen. The CEO, Christopher Allen, started with one product, the iGrill, and \$150,000 of pre-seed funding through Connecticut Innovations. He used that money to grow his business and take his product to market, partnering with key tech players like Apple and receiving a major endorsement from Mark Zuckerberg. Last summer, the founder of Facebook, "liked" iDevice's iGrill, and his endorsement went viral sparking major traffic on iDevice's website and demand for their product.

Since their launch, iDevices has grown from a small staff of 3 people to a company that now employs 28 people. And they're still growing. Yesterday, Christopher told me they expect to have 40 employees by the end of the year. He has built a campus in Avon the likes of what one would expect to find in Silicon Valley that provides a nurturing environment for his engineers and employees to innovate and create new products. The company has also invested in our local students—they hosted four interns this past summer from local colleges, and those interns will be returning as full-time employees upon graduation.

With all apologies to my colleagues in Northern California, Christopher has created a business in my district that attracts the talent and minds that would typically go to Facebook and Google. He and his team are providing a way to keep our homegrown New England talent in Connecticut for generations to come. iDevices and Christopher are just one of many entrepreneurs making a difference in Connecticut and across the country. I am proud and grateful that they call Connecticut home.

I look forward to continuing to work with my friend Rep. Scott Peters on issues to improve our economy and support job creation.

**HONORING THE LIFE AND LEGACY OF EDWARD O. WATTS, SR.**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to acknowledge Edward O. Watts, Sr., director of

Watts Architecture & Engineering, who passed away on October 31st, 2013 in Buffalo at the age of 70.

A Western New York native, Mr. Watts grew up in Grand Island and graduated from Camden Academy in Alabama. He earned a bachelor's degree in mechanical engineering from Tuskegee University, and went on to gain his master's degree from Baldwin Wallace College.

Mr. Watts began his career at Lockheed Martin in Atlanta as a design engineer, and moved on to work for DuPont in Cleveland, Ohio before being transferred to Niagara Falls. He was able to follow the American Dream and start his own business, now known as Watts Architecture & Engineering. The company began with just one employee—Mr. Watts himself—and now employs about 100 people. Recently, the firm celebrated its 25th anniversary. Mr. Watts received many business and design awards for his work, perhaps the most prominent being the U.S. Small Business Administration Graduate Firm of the Year Award in 2010.

Dedicated to giving back to communities that helped him grow, Mr. Watts was a member of the Tuskegee University Alumni Association, and frequently returned to the school to raise funds to upgrade the engineering department and for scholarships. He helped fund the Watts Family Scholarships at Alabama State University in honor of his mother, who was a graduate of the university. Mr. Watts also generously contributed to schools in his native Western New York. His company provides scholarships every year at the University at Buffalo for minority students, one for the School of Engineering and one for the School of Architecture. Mr. Watts completed the University at Buffalo Center for Entrepreneurial Leadership Program, and for more than 10

years he returned as a mentor for numerous business owners.

Mr. Watts was a member of the Lincoln Memorial United Methodist Church and served on its board of trustees as church treasurer. His favorite pastime was playing the Robert Trent Jones Golf Trail in Alabama—a passion he pursued at home as well. He organized the Watts Open Golf Tournament for his employees as well as the American Institute of Architects/American Council of Engineering Consultants of Western New York Golf Tournament.

Mr. Watts's dedication to his community was equaled by his love for his family. Together, he and his wife of forty-four years, Lydia, raised two sons, Edward and Jonathan. Mr. Watts was close with his sisters, Dr. Vivien DeShields, Claudette Camp, and Dr. Geraldine Bell.

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ADDITIONAL ORIGINAL CO-  
SPONSORS FOR H.R. 3526

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**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, Rep. RANDY K. WEBER SR., Rep. JEFF FORTENBERRY, and Rep. JAMES P. MCGOVERN should have been included as original co-sponsors of a piece of legislation that I introduced yesterday, H.R. 3526, a bill to permit persons subject to the jurisdiction of the United States to enter into transactions with certain sanctioned foreign persons that are customary, necessary, and incidental to the donation or provision of goods or services to prevent or alleviate the suffering of civilian

populations, and for other purposes or more simply, the Humanitarian Access Facilitation Act.

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HONORING KEYAN DAVID  
LUNDERS

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**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Keyan David Lunders. Keyan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1333, and earning the most prestigious award of Eagle Scout.

Keyan has been very active with his troop, participating in many scout activities. Over the many years Keyan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Keyan has become a Member of the Order of the Arrow and earned the rank of Warrior in the Tribe of Mic-O-Say. Keyan has also contributed to his community through his Eagle Scout project. Keyan restored a section of trail and constructed two benches along the White Tail Trail at the Parkville Nature Sanctuary in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Keyan David Lunders for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.



## HOUSE OF REPRESENTATIVES—Wednesday, November 20, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MASSIE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 20, 2013.

I hereby appoint the Honorable THOMAS MASSIE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### TALK TO IRAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Mr. Speaker, for much of the past decade, Iran's nuclear weapons development program has been a top national security concern for the United States. An Iran armed with nuclear weapons, capable of threatening Israel and other regional states, would touch off a nuclear arms race in the world's most volatile region.

For this reason, I have pressed for ever-increasing sanctions to isolate Iran from the global economy and have supported a policy that leaves all options on the table, including military force. The stakes are too high to risk any miscalculation of our resolve by Iran's leaders.

In pushing for ever more punitive sanctions, I have held out the hope that increased economic pressure might force Iran to give up its nuclear weapons ambition and rejoin the community of nations. Now we are at a moment in the standoff with Tehran that will test that assumption.

In repeated statements since his election as Iran's new President in June,

Hassan Rouhani expressed interest in exploring a negotiated end to the sanctions in exchange for walking back its nuclear program. While the first Geneva meeting did not lead to a breakthrough on an interim deal, the parties reportedly came close and will be reconvening today for a second round.

Some have called on the Senate to continue work on a new round of sanctions that was passed by the House with my support earlier this year. Advocates of this approach say that sanctions brought us to this point, and increased pressure during the negotiations will improve the likelihood of success at the bargaining table.

I disagree.

President Obama and Secretary of State Kerry have asked for more time to test Iran's willingness to enter into a tough and verifiable agreement, and I think we should give it to them.

I am pleased to see reports that there appears to be a bipartisan agreement in the Senate that we will hold off for now. We will know soon enough if the Iranian regime is serious about a new direction in its nuclear program and in its relationship with the West. If it is not, there will be ample opportunity to tighten the stranglehold on Iran's economy, and further sanctions will have my full support.

Some have warned that any relaxation of sanctions in an interim deal risks unraveling the whole sanctions regime. This is not an illusory concern, and for this reason, any partial lifting of the freeze on Iranian assets must be quickly reversible if the Iranians balk on a final deal; but the absence of an interim deal is also problematic if it means another 6 months of Iranian enrichment. The Iranians must be made to understand that, if they walk away or cheat, the sanctions will be tightened to the point of strangulation—and the international community must be prepared to make good on that threat.

I have no illusions about the character of the Iranian regime; nor do I trust it. I do not believe that we can look into Rouhani's eyes and see the truth, let alone his soul. Even if Rouhani were serious about his intentions, there is no guarantee that Iran's Supreme Leader, Ayatollah Ali Khomeini, would bless any agreement that forces Iran to verifiably forswear the development of the bomb.

Ultimately, this is not about trust. It is not about making concessions to Iran or awarding the mullahs for thwarting the will of the international community for many years. It is about

seizing the opportunity to see whether we can end Iran's nuclear weapons program without resorting to military action; and if we cannot, no doubt it will remain that the United States made every effort to resolve this grave threat diplomatically.

No negotiation is without risk, and the Iranians' track record is cause for great skepticism. The administration must not accept a bad deal, but neither should it be prevented from testing whether it can obtain a good deal that advances our security interests and those of our allies.

Yitzhak Rabin, the former Israeli Prime Minister who signed the Oslo Accords two decades ago, once noted:

You make peace with your enemies, not the Queen of Holland.

I agree and urge us to give diplomacy a chance.

### GENERAL JAMES D. THURMAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CARTER) for 5 minutes.

Mr. CARTER. Mr. Speaker, I rise today to recognize and congratulate General James D. Thurman on his retirement from the United States Army after 38 years of dedicated, distinguished, and honorable service. He will retire on November 22, 2013, concluding his service over the past 2 years as commander of the U.S. forces in Korea. During both war and peace, General Thurman has served with courage and distinction in the face of tremendous adversity, demonstrating his commitment to America and to our people.

During his long and honorable career, General Thurman successfully commanded 10 different units at every echelon of command, including extensive operational combat deployments. Besides his command of the 4th Infantry Division and the Multinational Division in Baghdad, Iraq, he made significant contributions during the initial invasion of Iraq as the chief of operations for the Coalition Forces Land Component Command. Other notable assignments during his tenure include operations in Kosovo as the chief of the Plans and Policy Division for Allied Forces Southern Europe and battalion executive officer in the 1st Cavalry Division during Operations Desert Shield and Desert Storm.

In his final assignment, General Thurman served as the senior U.S. military officer in Korea where he was responsible for 28,500 U.S. forces stationed there. His top command priority

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was to deter and defend against North Korean provocations and aggression and, should deterrence fail, to be prepared to “fight tonight” and win. He ensured the readiness of his multinational, combined and joint forces through a broad range of actions.

As a result of changes he directed during the two annual multinational, combined and joint exercises in Korea, forces under his command became the most mission-focused training exercises in U.S.-ROK history. His initial assessment of existing capabilities on the peninsula resulted in the addition of an armed reconnaissance squadron and other changes to better prepare and position U.S. forces to respond. His steady hand and strong relationships with his ROK counterparts, as well as with senior civilian and military leaders in the U.S., were critical to safely navigating several operational crises.

A native of Marietta, Oklahoma, General Thurman graduated from East Central Oklahoma University, where he earned his commission through the Reserve Officers’ Training Corps. His first assignment was with the 4th Infantry Division, which he later commanded and deployed with to Iraq. Since his first assignment, he and his wife, Delia, known as “Dee” Thurman, have moved over 25 times in 38 years, including four tours in Germany, two at the National Training Center, and three in my district at Fort Hood, Texas. During that time, they raised two daughters, and they are now proud grandparents.

Retirement is to be celebrated and enjoyed. It is not the end of a career but, rather, the beginning of a new adventure. I commend General Thurman for his selfless service to the Nation and to the United States Army. I wish him and his wife the best in the years ahead, and I welcome them as new constituents to the 31st Congressional District.

#### CUTS TO SNAP HURT VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, next week is Thanksgiving. All of us in this Chamber will go back to our districts, and we will celebrate this holiday with our families, usually with a big turkey dinner with all of the fixings and with all of these wonderful desserts; but, Mr. Speaker, for millions and millions of Americans, they won’t have anything to celebrate next week because they don’t have enough to put food on their tables for their families. There are close to 50 million people in the United States of America—the richest country in the history of the world—who are hungry. Close to 17 million of them are kids.

Mr. Speaker, in the face of these terrible statistics, we have a Congress

that is working overtime to make life for many of these people even more miserable. There has already been a cut in SNAP as a result of the ending of the Recovery Act moneys that provided an extra boost to the program. So everybody who is on this program, on November 1, received a cut in their benefit—a benefit that is, on average, about \$1.50 per meal per day. They received a cut. On top of that, the House of Representatives passed a farm bill that has an additional \$40 billion cut in this program.

That would result in millions of families who currently receive the benefit losing it altogether. It would result in hundreds of thousands of children who right now are able to take advantage of a free breakfast and lunch program at school to lose that benefit. It would also result in about 170,000 veterans losing the benefit.

So I want to talk a little bit today about our veterans and about how they are being adversely impacted by some of the policies that we are pursuing here in the House of Representatives.

On November 1, Jonathan Capehart of The Washington Post wrote a column entitled, “Oh, SNAP. Veterans Get Dissed by the GOP.” I want to read the first few paragraphs of his piece:

Remember all the howling by Republicans about the closed monuments and war memorials during the Ted Cruz government shutdown? Remember how they helped World War II vets storm their memorial on the very first day? Remember how one of the Members of Congress snarled at a Park Service ranger for trying to abide by the law and keep the memorial closed to the public? Remember how the likes of Cruz and Sarah Palin railed against President Obama for the cuts to veterans’ benefits that resulted from the Cruz-caused shutdown?

“Our veterans should be above political games,” Cruz said at the Million Vets March on October 13. “Veterans have proven they are not timid, and we will not be timid in calling out anybody that uses the military as pawns.” Palin said at the same event, “We can only be America, home of the free, if we are America, home of the brave.”

So, pardon the forthcoming blue language: Where the hell are they now that a multi-billion-dollar cut to the food stamp program has hit thousands of veterans squarely in their wallets?

He is referring to the cut that occurred on November 1.

According to the Center on Budget and Policy Priorities, “In any given month, a total of 900,000 veterans nationwide lived in households that relied on SNAP, the Supplemental Nutrition Assistance Program, to provide food for their families.”

In any given year or in any given month, millions and millions of dollars of SNAP funds are spent at military commissaries to help feed military members and their families who struggle against hunger.

Mr. Speaker, I raise this issue because there seems to be somewhat of a contradiction here in this people’s House of Representatives. We are all very good at kind of talking the talk. People get up time and time again, and

they talk about how important and how wonderful our veterans are. We all go back to our districts on Veterans Day and on Memorial Day, and we praise our veterans, and we thank them for their service to their country and for their sacrifice; but when it comes to making sure that our veterans have enough to eat, that they have enough food to put on their tables for their families, we are worse than indifferent in this House of Representatives. We are making things worse for them.

If this cut that the House of Representatives passed goes into effect—this \$40 billion cut in SNAP—as I said, 170,000 veterans and their families will lose their benefit altogether. This is on top of a cut in their benefit that they have already received.

□ 1015

I don’t know what people think is meant by praising our veterans. But instead of talking the talk, we ought to walk the walk a little bit more. We ought to make sure that the men and women who served our country, who this Congress voted to send over to Iraq and send over to Afghanistan, we ought to ensure that when they come back that they at least have enough to eat. Many veterans that come back have a tough time getting back into the workforce, and yet some of the language that was put in the House farm bill would actually make it almost impossible for them to get this benefit.

Mr. Speaker, I urge my colleagues as we approach Thanksgiving to not forget our veterans.

#### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I am again on the floor today because our Nation has failed to heed the warning of George Washington, who told us to beware of foreign entanglements.

We have lost over 4,474 Americans in Iraq and 2,276 Americans in Afghanistan. In both of these wars combined, 46,720 of our servicemembers have been wounded. Furthermore, the American taxpayer is spending \$10.45 million every hour to pay for the cost of the war in Afghanistan since 2001. Mr. Speaker, let me repeat that. We are spending \$10.45 million an hour just to pay for the money spent in Afghanistan since 2001. Despite these facts, we are now entering into a long-term agreement that, at best, is a failure—at best is a failure.

It is with great disappointment that I share an NBC article, entitled, “Endless Afghanistan? United States-Afghanistan Agreement Would Keep Troops in Place and Funds Flowing Perhaps Indefinitely”—perhaps until

2024. I would like to read a short paragraph and submit for the record a few additional excerpts.

While many Americans have been led to believe the war in Afghanistan will soon be over, a draft of a key United States-Afghan security deal obtained by NBC News shows the United States is prepared to maintain military outposts in Afghanistan for many years to come, and pay to support hundreds of thousands of Afghan security forces.

Mr. Speaker, George Washington was right. Afghanistan is an impossible situation. History has proven that it is impossible. The Bilateral Security Agreement will only serve to endanger American lives and squander taxpayers' money. I implore my colleagues on both sides of the aisle to join me in standing up for the American people in opposition to the signing of this agreement.

Mr. Speaker, the President has the constitutional right to enter into the agreement. We have no oversight on the agreement itself, but we can put a resolution on the floor and let the Congress debate and let the American people know that we realize what we are doing in Afghanistan, instead of continuing to pass budget bills to fund Karzai.

Mr. Speaker, I have got a little poster here of Karzai. The man is a corrupt leader. All he is doing is taking the taxpayers' money and becoming richer and richer. Mr. Speaker, the funny and sad thing about this in the poster—it is a cartoon—there is a poor American soldier standing behind Karzai, who is at a money machine, and it says the thoughts of the soldier:

I would like to make a quick withdrawal from here.

To the American soldier, I am sorry to say, if we don't do our job in Congress, you will be there until 2024.

The American people need to call their Members of Congress and say that we do not accept this agreement to keep our troops there until 2024. If you can't stop it, at least have a debate on the floor of the House and pass a resolution to say this is what the American people want to see: no long-term agreement with Afghanistan.

Mr. Speaker, I want to thank God for blessing our troops and blessing America.

EXCERPTS FOR THE RECORD FROM NBC NEWS ARTICLE "ENDLESS AFGHANISTAN? US-AFGHAN AGREEMENT WOULD KEEP TROOPS IN PLACE AND FUNDS FLOWING, PERHAPS INDEFINITELY"

While many Americans have been led to believe the war in Afghanistan will soon be over, a draft of a key U.S.-Afghan security deal obtained by NBC News shows the United States is prepared to maintain military outposts in Afghanistan for many years to come, and pay to support hundreds of thousands of Afghan security forces.

The wide-ranging document, still unsigned by the United States and Afghanistan, has the potential to commit thousands of American troops to Afghanistan and spend billions of U.S. taxpayer dollars.

The document outlines what appears to be the start of a new, open-ended military commitment in Afghanistan in the name of training and continuing to fight al-Qaeda. The war in Afghanistan doesn't seem to be ending, but renewed under new, scaled-down U.S.-Afghan terms.

The deal, according to the text, would take effect on Jan. 1, 2015 and "shall remain in force until the end of 2024 and beyond."

The document doesn't specifically say how many U.S. and NATO troops would remain in Afghanistan beyond 2014. Afghan officials tell NBC News they hope it will be 10 to 15 thousand. U.S. officials tell NBC News the number is closer to seven to eight thousand, with an additional contribution from NATO.

Factoring in troop rotations, home leave, and breaks between deployments, the service of tens of thousands of American troops would be required to maintain a force of seven to eight thousand for a decade or longer. The anticipated costs would likely run into the billions quickly.

[T]he United States shall have an obligation to seek funds on a yearly basis to support the training, equipping, advising and sustaining of the Afghan National Security Forces (ANSF).

#### AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. Mr. Speaker, I want to share with you another letter I received from a constituent about the Affordable Care Act. He writes:

About 9 months ago, my wife was forced to leave her job, in part because they wanted her to travel to Boston twice a week and the responsibilities to care for our daughter who has cerebral palsy made that impossible. Our health insurance was from her employment.

We went on to COBRA, which cost about \$1,400 per month. Waiting to have permanent insurance that did not have a termination date, we contacted Anthem Blue Cross for a quote for private insurance.

We were told that my wife was uninsurable for 10 years because she had been treated for depression a few years ago when our daughter was diagnosed with cerebral palsy and we were told she would require spinal cord surgery to possibly walk.

They then said, because of her condition, the cost for only my daughter and I was almost \$4,000 per month. The burden for the last 6 months was overwhelming. Insurance brokers informed us that only the Affordable Health Care Act could help us.

Yesterday my wife signed up for health insurance for all of us. Due to our income, we do not qualify for assistance and we were never looking for any. All we wanted was affordable insurance for my family. The policy we selected will end up costing about what our COBRA payment is, \$1,400, depending on how much deductible we end up using, which is all we ever wanted.

I know the only reason our family is safe is because of the President, who cares more about people like us than the CEO of Anthem Blue Cross or Aetna.

Mr. Speaker, I receive calls and letters like this all the time. It is why I worked so hard to pass the Affordable Care Act in the first place.

This is a transformative piece of legislation, a law that provides more secu-

rity for the middle class and a better, healthy quality of life for the entire community. It empowers patients and doctors again and puts them, and not insurers, back at the center of care. It makes important, long-overdue reforms that most people just take as common sense.

But for 3 years now, this House Republican majority has been trying to roll the clock back and bring back the bad old days when insurance companies could discriminate against people with preexisting conditions, even children with preexisting conditions, once again. They want to see women pay more for the same coverage than men, be denied coverage because they survived breast cancer, were a victim of domestic violence, or had a child by cesarean section. They want to see small businesses lose tax credits and seniors' health care and drug costs continue to rise at staggering rates.

But we are not going to go back. The Affordable Care Act is already making a profound difference for individuals and families in need. It is time to stop with the partisan political games and let it work for families who desperately need to have health care coverage and insurance that they can't afford.

#### EURASIAN SITUATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I want to take this time to talk about some European issues, especially in eastern Europe.

First, I want to talk about the country of Belarus. Three years after the brutal and bloody crackdown on peaceful demonstrators after the December 10 presidential elections, nine political prisoners remain behind bars under deplorable conditions in Belarus. This includes Nikolai Statkevich, who ran against Lukashenko in 2010; Ales Bialiatski, the head of Viasna, a human rights organization; and Mikalai Autukhovich, who sliced open his stomach in September to protest his poor treatment by prison guards. While the regime recently released three political activists—Zmitser Dashkevich, Aliaksandr Frantskevich, and Pavel Seviarynets—it continues to restrict their freedom of movement and activities.

The general human rights situation in Belarus also continues to deteriorate. Recent laws passed to regulate demonstrations and political information have greatly curtailed freedom of assembly, and independent journalists and political activists are under a constant threat of intimidation and arbitrary detention. In October, the regime made amendments to the Electoral Code designed to undermine the ability of opposition candidates to receive funding and compete in the 2014 local elections.

The EU voted in October to expand sanctions on the Lukashenko regime for an additional year citing the regime's failure to release or effectively rehabilitate political prisoners and its disregard for human rights or democratic principles in their decision making. The United States should continue to work with the European Union to remain consolidated, impose economic sanctions, and have a single plan of action regarding the promotion of dramatic processes in Belarus.

Tensions with Russia increased when the Lukashenko regime arrested Vladislav Baumgertner, a Russian citizen who is the head of a major Russian potash firm. The move was in retaliation for this firm dropping its joint venture with a local Belorussian potash firm, resulting in a steep drop in the commodity price and harming the Belarus economy. This began an ongoing "potash war" with Russia. Meanwhile, negotiations to put a Russian airbase in Belarus have proved controversial and allowed opposition parties an opening to criticize the regime and focus attention on national independence and sovereignty issues. The United States should continue to support Belorussian citizens as they fight to maintain their sovereignty.

Also, Mr. Speaker, I want to talk about the Eastern Partnership. On November 28 through 29, just coming up soon, the European Union will host the Eastern Partnership Summit in Vilnius, Lithuania. The goal of the event is to promote closer ties between the EU and its eastern neighbors and, in particular, to further the progress on association agreements with Georgia, Moldova, and the Ukraine. The governments of these countries have worked for years to meet conditions for signing the agreements, and the summit is viewed as an historic step in European integration for these countries.

Russia has responded to the Eastern Partnership initiative by applying intense pressure on these countries to abandon EU engagement and join a Russian-led Eurasian union instead. Russia has started erecting barbed wire fences on Georgian territory, prompting a stern rebuke from the EU condemning the action and calling for their removal. In Moldova, Russia has resorted to its tactics of banning Moldova wine imports and threatening to cut off gas during the winter months. Russia has banned dairy products from Lithuania and certain chocolate products from the Ukraine and threatened both countries with disruption or price hikes on gas supplies. The EU has warned Russia to stop these actions, and the U.S. should join in the condemnation of Russia's aggressive behavior towards the sovereignty of nations on its border.

Mr. Speaker, I appreciate this time for talking about these emerging democracies in eastern Europe, the

threat that still continues, and the importance of the United States Government being involved in promoting democracy, freedom, and the rule of law.

#### AFFORDABLE CARE ACT SUCCESS STORIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Mr. Speaker, we have been in this huge debate around the Affordable Care Act for quite a while now. One of the things that I cannot ever forget is the health care nightmare stories that I listened to before we passed the Affordable Care Act. As I see so many of my Republican colleagues gleefully celebrate the difficulties with the Web site or cancelations and then think that that is going to somehow help them in an election, I can't think about any election. All I can think about are people like the people whom I want to share with you right now.

Let me tell you about Marty Olson. Marty built a small business creating marble sinks and countertops. He poured everything he had into his business, and it flourished. He became a job creator, in the language of some people. I call him a "small business person." I call his customers "job creators."

Just a few years ago, he employed more than half a dozen employees. Recently, things changed drastically for him. Over the course of the last year, his 9-year-old daughter, Abby, was diagnosed with leukemia. She beat the odds and was in remission for 6 months until her cancer symptoms returned. She is now awaiting a bone marrow transplant. Mr. Olson spent time with his ailing daughter, and his business began to decrease.

□ 1030

He is now the sole employee of the marble business. Three months ago, he suffered a detached artery and had heart surgery. He is still recuperating from his surgery and losing his insurance on January 1 due to a divorce. He began to search for affordable health insurance, but most premium quotes were too much for him to afford. The implementation of the Affordable Care Act means he will not be denied insurance due to his preexisting heart condition. The health care exchange in Minnesota, mnsure.org, is allowing him to purchase a policy he can afford. Without the plans available on the Minnesota health care exchange, he likely would have to choose between health insurance or paying his other monthly bills.

When his business was growing, he often trained employees who increased his production, but sometimes lost that employee because he was unable to provide them with an adequate

health care insurance plan. The small business exchange is there for him to use when his business grows again in the future.

Of course Marty is not by himself in this. Tracy Brock is another small business owner. She has presided over a small business for 21 years. She is able to earn enough to support herself and hire several part-time employees. However, her health insurance premiums have forced her to work six to seven days a week. Those high premiums, around \$650 a month, prevent her from taking time to enjoy life and get some well-deserved rest. Her insurance premiums were taking most of her marginal profits. The assets from her business disqualified her from receiving any assistance with her premiums.

Tracy had the misfortune of being a cancer patient. She also needs knee replacement surgery, and Ms. Brock's business has not been as profitable recently so she continues to work every day despite her health condition. She began researching mnsure.org, the health care exchange available in Minnesota, and she found health plans with better coverage at prices that she can afford. Some plans she found were only 50 percent of the cost of her current premium. The additional coverage will give her more options to treat her conditions, and the savings will allow her to work less and enjoy life more.

I just want to say, Mr. Speaker, we shouldn't look at difficulties in the implementation of the Affordable Care Act as a political opportunity. We should never take our eye off the fact that we have citizens who desperately need something way better than we had before we had the Affordable Care Act. I wish Republicans would say, You know what, it is there. It is passed. The Supreme Court has said it is constitutional, and we are going to do everything we can to make it work even if we would do it different, and we will offer constructive improvements, but we are not going to sit back and just try to wreck it with poison pill bills like the Upton bill last week, or with the 47 attempts to repeal it, or with the myriad of other tricks, sabotage, and devices that they have employed.

It is time to help Americans like Marty Olson, like Tracy Brock, and like millions of other people, including one of my own interns, Abby Schanfield. Abby is an awesome young woman. She has had numerous surgeries since she was 10 months old. Thanks to the Affordable Care Act, Abby is able to stay on her parents' insurance until she is 26, and her parents were able to pay premiums and copays that have given her access to the health care that she needs.

So for that and for many other reasons, I urge support of the Affordable Care Act.

### HONORING FIVE FORT BENNING SOLDIERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I come before you today to honor five soldiers, those attached to and those of the 75th Ranger Battalion, Fort Benning, Georgia.

Fort Benning is home to about 1,500 Rangers of the entire 75th Ranger Regiment. They are an elite group of soldier who perform specialized operations for the Army. Currently, the 3rd Battalion, 75th Ranger Regiment, as well as Rangers of the Regimental Headquarters and the Regimental Special Troop Battalion, are deployed. I have a deep commitment to Fort Benning, and once these Rangers pass through Fort Benning, Georgia, they become part of the State's family.

On October 6, five of these brave Rangers were part of a mission gone wrong. Sergeant Patrick Hawkins, Private 1st Class Cody Patterson, 1st Lieutenant Jennifer Moreno, and Special Agent Joseph Peters were killed by an improvised explosive device while conducting combat operations in Kandahar province, Afghanistan, and Corporal Joshua Hargis was seriously injured.

These soldiers came to Fort Benning from across the Nation. They are sons and daughters and parents, spouses, loved by many. Their loss is felt across our Nation, and we thank them for paying the ultimate sacrifice.

As we mourn the loss of these four soldiers, I also want to give thanks for the life of Corporal Joshua Hargis. Corporal Hargis was injured on the same mission on October 6 and is pictured here beside me. This photo has been nicknamed "the salute seen around the world" because it shows the strong character of an American soldier.

After hours of surgery, Corporal Hargis' commander held a small ceremony in the hospital room to honor Corporal Hargis with the Purple Heart award. They thought he was unconscious. Doctors, nurses, and fellow Rangers crowded into the room to watch him receive his award. Despite his injuries, tubes, and intense pain, Corporal Hargis still saluted his commander when his Purple Heart was pinned on his hospital blanket. This act of determination despite pain embodies all that is a Ranger. This is the heart of a warrior. This is America. We need not apologize to anyone for our strength and our greatness.

I want to thank these five brave Rangers, Sergeant Patrick Hawkins, Private 1st Class Cody Patterson, 1st Lieutenant Jennifer Moreno, Special Agent Joseph Peters, and Corporal Joshua Hargis, for their service and their sacrifice. Joan and I send our prayers to their families and to their friends.

God bless America, and God bless our troops.

### AFFORDABLE CARE ACT CANCELATIONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. CAPPS) for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise to speak about the Affordable Care Act. The Affordable Care Act is working for many of my constituents on the central coast of California, like Danna in San Luis Obispo County, who tells me she will be saving 40 percent on her family's premiums. It is working for the Pacelas in Solvang, who tell me they now have better coverage while saving \$8,000 a year on their premiums. It is working for the thousands of families whose young adult children can continue on their parents' plans, and for everyone who has a preexisting condition who now cannot be turned down for coverage.

I know that this is not the case for all central coast residents, especially those who may have received cancellation notices this year, either because their insurer is only selling in the exchanges, or because the insurance companies have stopped offering plans in our area all together. Cancellation of these plans has caused real pain and confusion for our constituents in California who are faced with Covered California marketplace options that have different provider networks or different premium costs.

After hearing numerous stories from the families I represent, it is clear we must address this problem with the implementation of the Affordable Care Act so we can protect all California families and businesses. The President has offered an administrative fix to this issue to allow insurance companies to offer plans to those already enrolled for the next year, but States will be the final decisionmakers.

That is why I led a letter, with Congresswoman ZOE LOFGREN and 22 of our California colleagues, to Covered California's leadership asking them to implement this administrative fix without delay.

Covered California has led the way in bringing new, quality health care opportunities to millions of Californians. The Web site is working, and enrollment is steadily increasing. But with over 1 million Californians receiving cancellation notices of their current plans, we must and we will do more to ensure that no one is left without the opportunity for affordable coverage. These families were told that if they liked their plan they can keep it, and that is a promise we must keep for them.

### AMERICAN PEOPLE HAVE RIGHT TO KNOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. GARRETT) for 5 minutes.

Mr. GARRETT. Mr. Speaker, President Obama purports to protect and defend the idea of open government, but his staff seems to have missed the memo. You see, just 5 months ago, I asked Treasury Secretary Jack Lew about his personal knowledge of the IRS' reprehensible practice of targeting innocent Americans. I inquired of him three basic things, one of which was what was the Secretary's knowledge and what was his involvement with any of the various meetings with then-IRS Commissioner Doug Shulman and the White House. You see, back then a year ago, Jack Lew served as the chief of staff to the President while some of the most egregious, reprehensible behavior ever displayed by the IRS took place while Doug Shulman was the IRS Commissioner and while Doug Shulman reportedly attended meetings at the White House at various times. Unfortunately, rather than answer some of these basic and simple questions and putting to bed any and all appearance of impropriety by Jack Lew, Secretary Lew continues to ignore all of my questions.

The American people have the right to know. The American people have the right to know exactly what Secretary Lew knew and what he did. So I rise today to ask the American people to join with me and demand openness from this government, from this President, and from Secretary Jack Lew.

Secretary Lew, it is time to answer the questions of the American public.

### MESSAGES AND MISSIONS YET UNDONE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE. Mr. Speaker, today I rise to speak of messages and missions yet undone. This Congress, both House and Senate, was sent here on behalf of the American people to ensure that their voices and their needs are adhered to. They are not interested in the clanging of voices; they are interested in the rolling up of sleeves and making sure our government works. So I stand here in reflection of a very successful enrollment day in Houston, Texas, last Saturday, where people came and stood in line to be able to seek information and, yes, enroll because they have faith in this Nation.

As the Affordable Care Act goes along and fixes broken promises and broken technology, what we should be focused on is making it work for the American people. Making sure that those with preexisting disease can have insurance, young people with minimal

income can have insurance, those between 50 and 65 can have insurance, and those with catastrophic illnesses can have insurance. I have faith that as we work through this, what is best for the American people is the choices they will have, and the fact that they will keep what they have and be able to enroll for a year is a response to the pain.

We know that the insurance companies did not need to send cancellation letters; they could have sent modification letters, but I want to go forward.

Things yet unfinished—one happens to be the enormity of gun violence among our young people that has been reflected in incidents in Houston, Texas; 19 shot, two dead, teenagers at a house party. This past weekend, one shot at a house party, who has lost his life. My sympathy to their families. I call out now for all of our forces, Federal, local, and State, PTOs and school districts, teachers, civic organizations and faith organizations, that we work together to be able to stop the surge of gun violence and the loss of our young people.

Statistics will show that in African American communities and Hispanic communities where there is homicide, that a high percentage is by a gun. So I would ask that we look seriously at legislation I introduced, H.R. 65, the gun storage and safety device bill, and a bill that also indicates, except for exceptions, that guns should not be in the hands of young people under the age of 21, and for someone who allows that to happen, there should be higher penalties on that individual.

I have been told by urban mayors that there are stash houses where people can go and rent guns. Let's not be afraid of background checks. More importantly, let's not be afraid of weeding out this horrible scourge on our community, and the deaths that families have to contend with.

Then, I think it is important to note that we have got to continue to speak on the issue of mental health needs. Tragedy occurred in Virginia, and the story that is unfolding saddens me because that story is similar to the one in Sandy Hook. The young perpetrator had issues they had to deal with in terms of their mental health. We have got to be able to provide more resources for beds for young people. We have got to intervene. We have got to help families. We have got to not run away from mental health issues, but run toward them.

□ 1045

Then I would like to make mention of those families who are suffering because their Supplemental Nutrition Assistance Program over the last month has been cut. They are expecting in this budget coming forward that \$40 billion will be on the table to be cut again.

I have visited my food banks. I took the SNAP challenge and ate on that

budget. No one should call those folks deadbeats. And every time there is a deadbeat, you can be assured that person will be found out. I am concerned about the seniors and the young children that go to bed hungry, and one-half of those who get SNAP benefits, Supplemental Nutrition Assistance Program benefits, are in actuality children.

As we go toward this budget process deadline of December 13, let us have a sense of compassion. Let us have sources that will help us and the Department of Justice to be able to deal with this proliferation of guns, these Saturday night specials, these stash houses to help our children. Let's expand counseling and pronouncements by the local community that we are standing up against this violence that is attacking our children. Let's find dollars to help out local and State communities on resources for mental health.

Let me thank one of the leaders in my community, Patrick, who is a Vietnam veteran who has raised up the issue in Houston on the need for mental health beds and intervention, stories that I have heard in my own community where a grandfather took his grandchild to a county facility, they did not have a bed, and ultimately that grandchild stabbed and killed his grandfather and the grandfather's daughter.

We know that there are challenges, missions, and messages yet undone. Let's get to work on behalf of the American people.

#### THE NATION'S BROKEN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. RIBBLE) for 5 minutes.

Mr. RIBBLE. Mr. Speaker, I rise today to discuss our Nation's broken budget process and ways we can begin to fix it.

The government shutdown is caused by the broken budget process. Funding our government with continuing resolutions is caused by a broken budget process. If we fix this, we could get away from this type of management of the taxpayer dollars.

Every year, Congress is required by law to pass a budget resolution. Every year, it is required to pass 12 appropriation bills by October 1, the start of the fiscal year. Yet, since 2001, Congress has managed to enact only 8.3 percent of our required appropriation bills on time. In the past 8 election years, Congress has failed to pass a budget resolution a full 75 percent of the time.

The Washington Post recently did an article about this process. It showed that this broken process allows Federal departments and agencies to develop a use-it-or-lose-it mentality. A full 20 percent of all Federal spending and

contracting happens in the last month of the fiscal year. Look at how it spikes. It is not just one time. It did it in 2010, 2011, and 2012. The spending happens in the last month of the year and, in particular, the very last week of the year. This is true about contracting, as well. There were 156,000 contracts, 154,000 contracts, 149,000 contracts all done in the last few weeks of each budget year.

This use-it-or-lose-it mentality is costing the taxpayers millions of dollars. We must begin to fix this broken process, and that is why I have introduced the Biennial Budgeting and Enhanced Oversight Act of 2013. Overnight, it would cut this in half.

A biennial budgeting system, like the one my legislation creates, allows Congress to set budget and spending priorities in the first year and then do real oversight in the second year. This will allow Congress to better understand how the Federal Government is spending taxpayer money and be better equipped to make spending decisions in the future.

This biennial budgeting process has strong bipartisan support with 110 cosponsors so far. They range from the most progressive Member of Congress to the most conservative, painting a broad picture of support from Members of Congress and the Americans that they represent.

Here is a list of groups within Congress that have multiple Members supporting the legislation: the House Budget Committee, the Republican Study Committee, the Tuesday Group, the Blue Dog Democrats, the New Democratic Coalition, the Progressive Caucus, a broad cross-section of the Congress and the people that they are here to represent.

Not only that, every President since Ronald Reagan has supported biennial budgeting. Here is a quote from Jack Lew, the former OMB Director and White House Chief of Staff, our Nation's current Secretary of the Treasury:

The 2-year system is a good idea. The 1-year budget process gives both the administration and Congress little time to focus on implementing the programs.

It is time that we begin to address the serious nature of not managing the taxpayer dollars in following the requirements of the law. We need to fix this broken process this year. It is time to do it.

Mr. Speaker, if the past few months have taught us anything, it is that our current budget process isn't working. It is time to create a system that will help us budget responsibly, foster greater certainty in the U.S. economy, and save taxpayer dollars. We can do it in bipartisan fashion.

I urge all Members of Congress to cosponsor H.R. 1869 today and help us govern again.

TRIBUTE TO COMMISSIONER  
DEVERRA BEVERLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a woman who spent her life trying to help others. This is a tribute to Commissioner Deverra Beverly, a premiere public housing advocate.

In and around Chicago and in public housing circles throughout the Nation, Ms. Deverra Beverly was known as a staunch defender and key player in making decisions about public housing issues and plans, not only in the ABLA community where she lived, but throughout Chicago and with impact on national policy.

Ms. Deverra Beverly is what sociologists and urban planners and politicians call "grassroots." She was from the people, of the people and with the people, and a representative for the people. She was first of all a wife, a mother, a friend, a confidant, a leader who emerged from the people and was trusted by the people.

Many people did not know it, but Ms. Beverly worked for the city of Chicago's Department of Human Services for more than 30 years. After her retirement in 1997, she devoted the rest of her life to providing leadership on Chicago public housing issues. She was president of the Local Advisory Council of ABLA, vice president of the Central Advisory Council, acting chair and treasurer of the Central Advisory Council, and was a close friend and supporter of Commissioner Artensia Randolph, who set the bar for CHA resident leadership.

As a result of her local leadership, national public housing leaders and groups were attracted to her, and she became a founding chair of the National Public Housing Museum. She was appointed a Chicago Housing Authority commissioner by Mayor Daley and retained by Mayor Emanuel.

Ms. Beverly was a skilled negotiator; and as a result of the many changes taking place in the ABLA community, she often sat at the table with Alderman Bob Fioretti, Danny Solis, Jason Ervin, university officials, people from the mayor's office, philanthropists, developers, myself, and others.

Deverra Beverly always expressed the position of the tenants, the people; and when you look at the ABLA community today, much of it is a reflection of the thinking and the work of Commissioner Deverra Beverly.

Contrary to much popular opinion, working families do live in public and mixed-income housing. As a result of the process known as "urban renewal," Deverra Beverly's family moved into the ABLA homes in 1943. Her father was a postal employee. Her mother worked in the home. Deverra worked

for the city of Chicago for more than 30 years. She did not have to live in ABLA, but she chose to live there because that is where her heart was.

I guess maybe the poet Sam Walter Foss may have been thinking of her when he wrote his poem that said:

Let me live in my house by the side of the road, where the race of men go by.

They are good, they are bad, they are weak, they are strong, wise, and foolish—so am I.

Then why should I sit in the scorner's seat, or hurl the cynic's ban?

Let me live in my house by the side of the road like Deverra Beverly and be a friend to man.

AMERICAN DIABETES MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. Mr. Speaker, I rise this morning to recognize the month of November as National Diabetes Awareness Month.

It is observed every year in November to raise awareness of diabetes across America; but I am here to tell you, Mr. Speaker, diabetes is a 365-day, 24-hour-a-day, 7-days-a-week disease that kids and adults that deal with the disease have to attend to.

Mr. Speaker, how do I know that? Well, this is personal to me. My son Will was diagnosed at age 4 with type 1 diabetes. He is 13 now, Mr. Speaker, and he has grown up with this disease. I can tell you that we get up every night, my wife in particular, as I stay down here in Washington, D.C., still monitoring his blood sugar by poking his fingers and taking his blood at 2 a.m. every time he eats just to see where his sugars are going to be.

This is a disease that has not been cured, but I tell you I am confident, Mr. Speaker, that we will find a cure. We need to find a cure. We work in our household with the Juvenile Diabetes Research Foundation, JDRF. It is a great organization that dedicates a significant majority of its funds to research for a cure for type 1 diabetes.

Just last week, Mr. Speaker, at a town hall that I held at Fayette, New York, back in upstate New York, I had a young lady 5 years old come and speak before us and talk about diabetes and how it impacts her since she was diagnosed at the age of 3.

This is a disease, Mr. Speaker, that we have the ability, in my opinion, to find a cure. We need to work together in a bipartisan basis. I am vice chair of the Congressional Diabetes Caucus. It is the largest caucus here in Washington, D.C. The focus on education and awareness of diabetes cannot just occur in November, but it must occur every day.

I urge everyone to be aware of the risk factors and discuss your individual risks with your doctor, your health

care provider. And my heartfelt thanks go out to all the providers and the parents and the caregivers of each and every person associated with somebody with this disease.

Working together, my son, Will, in his lifetime, will have a cure and won't have to deal with this disease every day. Please, take a moment, recognize this disease, and in November, in particular, be aware of what diabetes is all about.

AMERICA'S ENERGY SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Dakota (Mr. CRAMER) for 5 minutes.

Mr. CRAMER. Mr. Speaker, let me begin by thanking my colleague, Mr. REED, for his leadership on the Congressional Diabetes Caucus. Thank you, that was very inspiring.

Mr. Speaker, I am of the firm conviction that America's national security and America's economic security are tied directly to America's energy security.

We have a wonderful opportunity today to vote on a couple of very important bills that will enhance that energy security, and I urge my colleagues to vote "yes" on both of them.

I get to represent the entire State of North Dakota. North Dakota was once described by one of our favorite sons, Eric Sevareid, the famous CBS newsmen, as the rectangular blank spot in the Nation's mind. But today, everybody is talking about North Dakota. It is the fastest growing economy in the world. It has the lowest unemployment rate in the country. It has the fastest growing personal income in the country. In fact, today, Mr. Speaker, there are tens of thousands of high-paying jobs in North Dakota waiting for more people to come to the State to fill them. If you are willing to work hard and put in a full day's honest work, you can be very successful there.

We have heard some speeches already this morning about the need to reduce hunger. We have heard some speeches this morning about the availability of affordable health care. I am for both of those things, and the best way to enhance availability of health care and to reduce hunger is to provide jobs.

Again, I would urge my colleagues today to vote for the bills that will be in front of us.

□ 1100

H.R. 1965 is the Federal Lands Jobs and Energy Security Act. It is not a complicated bill. It acknowledges two things. It acknowledges the vast energy resources that our country owns under its Federal lands onshore. It also acknowledges contemporary technology that provides all of the security and safety that is required to do the job well. But what it does is it diverts



some of the resources into the right places, that allows the streamlining of permitting while also empowering the local offices of our Bureau of Land Management and our U.S. Forest Service in ways that allow them to do the jobs that they do very well even better.

This is something I know a little bit about. Prior to coming to Congress, I was an energy regulator for 10 years in North Dakota. I worked closely with our Federal partners, in fact, found them to be some of the best people that I had the opportunity to know. I just met with a number of them last week out in the western part of the State. They do a great job, but they need more resources, especially in an economy that is so competitive for workforce and so competitive in areas like rent and housing and the cost of living.

So by allowing the local offices to keep more of the permitting fees, we can channel the resources to allow them to do their jobs better and faster, without compromising the integrity of their charge to protect our other natural resources above the ground. They do it as well as anybody, and we ought to let them do that job and empower them to do it.

H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act, simply acknowledges what the Constitution guarantees, and that is that we are a Nation of States and that States are, in fact, sovereign, and that nobody is more protective of the land and the water and the air than the people who live on it and drink it and breathe it. It simply states that if you have fracturing rules in your State, that is good enough. It is your State, and the Federal Government's minimum standards ought not impose, be an imposition, on the States and their rights to develop their resources the way they want to. It frees up resources of the Federal Government, while unleashing the ingenuity and innovation of our energy economy, providing wealth, providing jobs, and, by the way, reducing the cost of energy for the rest of us, which makes us even more competitive in the global marketplace.

We have a grand opportunity today, Mr. Speaker, to pass these two bills and to put America on a path to full economic recovery and, perhaps, to bring more troops home from the Middle East to reduce our dependency on foreign oil. Let's do this not only as a country, but as a continent, acknowledging that our friends in Canada are better trading partners than Venezuela. Let's build the pipelines and infrastructure necessary. Let's unleash American ingenuity, and let's put America back to work by becoming more energy secure.

#### IMPACTS OF THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Mr. Speaker, I rise today to share some of the stories that fellow Californians in my district are having with the impact under the ACA, the ObamaCare plan.

A funny thing happened on the way to government-run health care nirvana. 1.1 million Californians have lost their health care coverage. In fact, for every one person who has selected a new ACA ObamaCare plan, 40 people have received cancellation notices. They find that their costs are going to increase, especially in rural California, where choices are more limited of plans, of places to seek health care. Their access to health care is being jeopardized. The law is creating a huge burden for rural health care, where, again, you have to travel maybe several hours, many miles, to seek the kind of health care you need.

Despite the President's promise to the public on this issue, "If you like your plan, you can keep it. Period," we heard; "If you like your doctor, you can keep your doctor. Period," we heard, this is clearly not the case. Less access, fewer choices, skyrocketing premiums, it is the wrong direction from the President's health care plan as promised.

I would like to share, again, some of the people from our district.

Bill and Corina Eiler from Fort Jones, California, they write, I received a letter from Anthem Blue Cross notifying me that, due to the Affordable Care Act, my plan had been canceled. My new monthly premium of \$919, it used to be \$480 a month, a 192 percent increase, which Bill finds absurd. They have two daughters in college and one more at home. How are they supposed to come up with that kind of money?

Tricia Plass of Tulalake writes that she and her husband, they are business owners. They are self-employed. They have always purchased their own health insurance. Their monthly premium has been around \$800 a month for both of them. Their monthly premium will now jump to over \$1,000 for just one of them. They still have to determine what the other one is going to do. It now appears they will be forced into California's insurance coverage, known as Covered California, where there are no plans with coverage for their doctor that they use now. Since they live near the State line of Oregon, they get their health care on the other side in Oregon. Their facility is there. Their doctor is there. They will no longer be able to see that doctor. They are going to have to drive maybe 2 or 3 hours to Redding or somewhere else to find new physicians. So they live with the constant fear that their new policy will

not even provide coverage when they need it.

Janice Marquis from Redding writes: I recently received a letter from Aetna stating that my medical care coverage policy would be canceled at the end of the year.

She is 62 and must wait 2½ years before she is eligible for Medicare. Her insurance coverage will jump from \$318 a month to over \$500 a month. The promise made by President Obama, "if you like your policy, you can keep it," she feels, was a lie.

This entire program is a nightmare.

Lastly, this one is really disturbing. A lady named Ramona Larramendy from Redding, California, says she was diagnosed with stage 3 ovarian cancer in July. With her current plan she was able to get the surgery and treatment she needed. A very large hospital bill of \$128,000 was covered. Her insurance paid all but \$700 of that because she had good coverage. Now, because she is going to be canceled, she doesn't know what is going to happen to her. She still needs a lot more treatment in this crisis moment of her life, and yet, for her Christmas present, she is going to get uncertainty. She is going to get the worry, at a time where she is being treated for stage 3 cancer, what is the health care plan that, for political purposes, it appears, since we have done everything else to try and point out to the American people and to the politicians in this building that it needs to be fixed or changed, that we are not getting it right here.

So what are we going to do? Again, these Californians are not alone. These Americans are not alone. Millions are paying the price for the President's broken promises.

It should not be a political issue. It should be us serving the public. We cannot continue to stand by and watch as millions are losing their coverage that they want, that they shopped for, that they were diligent about, with people that are professionals that know what they are doing, unlike what we see with the people running the Web sites, which is only a small part of the whole big picture of what is wrong with this system.

We need to set the egos aside, go back to the drawing board—at the very least, set this aside for a year. I believe we should repeal it and go back to targeting the people that really do need the help and let the folks in this country that are already reasonably happy with their plan, have done the diligence, have made the efforts to get the coverage and be responsible Americans, they don't need to be bothered in this scenario. Let's help the people that need the help. The American Health Care Reform Act, as put over by the Republican Study Committee, is one way to do that.

So let's look for alternatives. We have alternatives. We have had them

all along, as Republicans, as conservatives, as people that understand business. And so let's make these choices available to the American public, not force them into something that they never asked for other than for political purposes.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 8 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at noon.

#### PRAYER

Reverend Dr. Paul Taylor, St. Vincent Archabbey, Latrobe, Pennsylvania, offered the following prayer:

We stand before You, O Holy God, conscious of our sinfulness, but aware that we gather in Your name.

Come to us, remain with us, and enlighten our hearts. Give us light and strength to know Your will, to make it our own, and to live it in our lives.

Guide us by Your wisdom, support us by Your power, for You are God, our God, the holy God.

You desire justice for all. Enable us to uphold the rights of others. Do not allow us to be misled by ignorance or corrupted by fear or favor.

Unite us to Yourself in the bond of love and keep us faithful to all that is true.

As we gather in Your name, may we temper justice with love, so that all our discussions and reflections may be pleasing to You and earn the reward promised to good and faithful servants.

We ask this of You who live and reign forever and ever.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause one, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Massachusetts (Ms. TSONGAS) come forward and lead the House in the Pledge of Allegiance.

Ms. TSONGAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND DR. PAUL TAYLOR

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 1 minute.

There was no objection.

Mr. SHUSTER. Mr. Speaker, I rise today to honor and introduce a good friend and community leader in my home State, Reverend Paul Taylor, and to thank him for offering today's invocation. Reverend Taylor made the trip to the Nation's Capital from the great city of Latrobe, Pennsylvania. I know my colleague, TIM MURPHY, joins me in welcoming Reverend Taylor to the House of Representatives.

For the past 17 years, Reverend Taylor has dedicated his life to the students and faculty at Saint Vincent College. As a member of the college, he has held several prominent positions, including dean of admission, dean of students, and his current role as executive vice president.

Reverend Taylor's civic engagement and enthusiasm for improving the lives of others is not limited to higher education. Reverend Taylor also serves on the board of directors for the Latrobe Area Hospital Charitable Foundation and assists as a weekend parish priest.

In his personal life, Reverend Taylor is an avid hunter and serves as the chaplain to the six-time Super Bowl champion Pittsburgh Steelers, and he performs mass every Sunday for every home game.

Reverend Taylor is a warm and welcoming leader. He has helped build a strong foundation at Saint Vincent College that will last for decades to come. I am proud of the work he has done in the Pennsylvania community and am privileged to call him my friend.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### FRACKING

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act, is a commonsense bill that promotes energy independence, protects jobs, and preserves states' rights.

The 25th District of Texas contains the Barnett Shale, a major job creator, energy provider, and economic driver in the oil and gas industry. Reports

this month showed that 825 out of the 1,762 active rigs in the United States are located throughout the State of Texas. That is almost half the Nation's active drilling rigs.

The shale oil boom in Texas contributes to our Nation's overall ability to cut reliance on foreign oil and get one step closer to energy independence. I will tell you one thing that can stop this progress dead in its tracks, however, and that is red tape and Federal bureaucracy.

For 60 years, States have regulated their own hydraulic fracturing operations, but the Obama administration is attempting to step in and add duplicative and costly regulations. For example, on average, it takes a State 30 days to approve permits for drilling. The Federal Government's Bureau of Land Management takes an average of 228 days.

Subjecting States to this is senseless, harmful, and unnecessary. H.R. 2728 will prevent this and many other destructive regulations from stifling energy production and job creation.

#### IRAN AND DIPLOMACY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, as the diplomats gather in Geneva today, I applaud their hard work in moving toward an interim agreement on the Iranian nuclear challenge.

After years of confrontation, today marks an important moment for all of us who support a diplomatic solution. We have spent a great deal of time to get to this place: taxpayer dollars, political capital, and global influence. We must not turn back now.

Right now, we have the maximum amount of leverage for a deal vis-a-vis Iran without fracturing the international coalition. Therefore, we should focus 100 percent on reaching a deal in Geneva under the P5+1 framework. It is absolutely critical.

Like using a wrench to tighten a nut, you can strip it if you push too hard. We have pushed to exactly the right point, and I hope that we will be successful.

We must, however, remember Mr. Reagan said, "Trust, but verify." It is possible to prevent nuclear problems if we trust, but verify. That is what these diplomats are doing.

#### SEQUESTRATION

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, over the past year, I have heard from thousands of people in the Dayton area who have

been affected by the unilateral and irresponsible spending cuts known as sequestration, which I have strongly opposed. Among those are numerous business owners who have contacted my office with details about the need to cut hours and eliminate full-time jobs in an effort to keep their doors open in this time of budgetary uncertainty.

Because of this continued uncertainty in contracts and the military's ability to make commitments, thousands of jobs in the Dayton area are at risk as we head into the second year of sequestration. Many of these subcontractors are critical to the training and further education of our military personnel. As a result of these cutbacks, our readiness and the ability to deal with global conflicts are greatly diminished.

Hundreds of hardworking civilian employees are struggling to pay their personal bills as a result of furloughs, and many more will suffer in 2014 as reductions in force will be necessary if the burdens of sequestration are not lifted.

I encourage those members of the Budget Committee to find targeted and meaningful spending cuts that will alleviate the pressure that sequestration is having on Dayton and similar communities across the country that serve as strong supporters of our military.

#### EMPLOYMENT NON-DISCRIMINATION ACT

(Ms. KUSTER asked and was given permission to address the House for 1 minute.)

Ms. KUSTER. Mr. Speaker, today, as we mark National Transgender Day of Remembrance, I rise in support of H.R. 1755, the Employment Non-Discrimination Act.

Earlier this month, the Senate made history by passing employment protections for transgender workers for the first time ever. This bipartisan legislation is about one thing: ensuring that all Americans, regardless of who they are or who they love, are treated with the dignity and equality that they deserve.

Last week, I heard from a teenager constituent in New Hampshire who would be deeply impacted by this bill. This courageous young man is just beginning to search for his first job, but he is worried that he will be at a significant disadvantage right off the bat because he is transgender.

Finding a job in tough economic times is hard enough without the obstacle of discrimination. We must work toward becoming a country that rewards the hard work of every person, regardless of sexual orientation or gender identity.

#### MENTAL HEALTH REFORM

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, another preventable tragedy: a young man searching for psychiatric help is turned away. According to news reports, just 24 hours before this deadly incident, the young man underwent an emergency psychiatric evaluation but could not get the inpatient treatment he so desperately needed. His story ended like too many others suffering from serious illness—in a violent death.

Why did the system fail him? One, there were no psychiatric beds available. In 1955, there were 550,000 beds; today, there are fewer than 40,000. Two, the standard to make sure a mentally ill person gets treatment is unworkable. Three, Federal laws like HIPAA and FERPA prevent information from being shared.

I am introducing legislation next month to fix the problems that have plagued the Nation's mental health system for decades. It will increase inpatient options and make sure people get the treatment they need. We have to advance this so we have a key to unlock the door.

I ask my colleagues to join me in working for these mental health reforms so that families can share the joy of recovery instead of the sadness of loss.

#### NATIONAL ALZHEIMER'S AWARENESS MONTH

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise to recognize National Alzheimer's Awareness Month.

One of my constituents, Alan Holbrook of Groton, Massachusetts, lost his wife this year after their family endured her 8-year battle with Alzheimer's disease. Bernadette Holbrook was diagnosed with Alzheimer's at 57. Alan left his job to lovingly take care of her.

He is not alone. For every person with Alzheimer's, there are approximately two to three others that generously give unpaid care.

Alzheimer's is a disease that disproportionately impacts women. Nearly two-thirds of those with the disease are women, and that number is growing. Today, 5 million people in this country suffer from the disease, and it will likely be an estimated 15 million by 2025.

This disease not only exacts a tremendous physical and emotional toll, but a financial one as well. In 2013, the estimated direct costs just to take care of those with Alzheimer's were \$203 billion.

Mr. Speaker, for the Holbrooks and the millions of those who suffer from Alzheimer's disease, we must dedicate ourselves towards curing and preventing this disease.

#### IF YOU LIKE YOUR HEALTH INSURANCE PLAN, YOU CAN KEEP IT—WITHOUT THE FINE PRINT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, if you like your health insurance plan, you can keep it—without the fine print.

The American people were told repeatedly by the President that if they liked their health insurance plan, they could keep it. This pledge didn't come with an asterisk, a footnote, or other fine print. Now, after millions of Americans are receiving cancellation notices from their preferred health care plans, the White House is doing its best to insert fine print into this pledge where none ever existed.

The original pledge wasn't that most Americans could keep their health care plan or that others would lose their plans and be given coverage that the government thought was better for them. Instead, the White House is making excuses for why thousands of people in my district are losing their preferred coverage.

I ask for the administration to stop making excuses and looking for ways to take my constituents' policies away. My constituents deserve the truth and real solutions.

□ 1215

#### PANCREATIC CANCER ACTION NETWORK

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, earlier this year I welcomed Rhode Island volunteers from the Pancreatic Cancer Action Network to the United States Capitol and discussed their concerns about our commitment to fighting this terrible disease.

According to the National Cancer Institute at the National Institutes of Health, 45,000 new cases of pancreatic cancer will be diagnosed this year. About 38,000 men, women, and children across our Nation will die from this disease over this same period of time.

While our scientific and medical communities have made enormous strides in the fight against other forms of disease, the fact is that more than 90 percent of pancreatic cancer patients will die within 5 years of diagnosis.

We have to do more to make it easier for doctors to catch this disease early and develop treatments that will improve the prognosis for patients with pancreatic cancer. I applaud the men and women of the Pancreatic Cancer Action Network today for their ongoing work in the fight against this disease, and I look forward to working with them to support continued research and the development of new forms of treatment that will benefit all

those whose lives are touched by cancer.

#### WHERE ARE THE OBAMACARE SAVINGS?

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Steven from Salisbury, North Carolina, wrote to tell that the insurance that has served his family well is going to be canceled. In its place, he has been pointed to an ObamaCare alternative. However, it will cost \$523 more each month. Steven finds that unbelievable. He writes:

In return for this increase, I get coverage I do not need. This one-size-fits-all insurance is paternalistic and restricting the choices of American citizens.

Doug, who is also from Salisbury, was told his health insurance plan doesn't pass ObamaCare muster either. A similar government-sanctioned policy will cost him 200 percent more each month. Doug wants to know:

Where is the savings President Obama told me I would enjoy? As a single male with a suffering small business and a monthly mortgage, I simply can't afford this.

Steven and Doug know better than Washington bureaucrats what coverage will best meet their family and individual needs. They want the freedom to continue making that choice, the freedom to keep the plans they like, for good.

#### JOBS, JOBS, JOBS

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, last week there was a ribbon cutting at Miami International Airport for 36 new customer service kiosks. While this was greeted as good news, there is still a great unanswered question: What happens to all the customer service workers that machines like this replace?

It is the same story at grocery stores, drugstores, toll booths, and so on. Customer service jobs that used to be gateways to the middle class are increasingly being replaced with technology.

Mr. Speaker, this is not bad news. Time-saving technologies must be created, constructed, maintained, and repaired—and this takes human labor as well, but we must train our workforce to perform these jobs. This is the essence of the skills gap that is afflicting our communities. By cutting job training programs, reckless budget cuts like the sequester are making it harder to close the skills gap and, in turn, reduce unemployment. The mantra of this Congress should be jobs, jobs, jobs.

#### ENSURING AMERICANS CAN KEEP THEIR HEALTH PLAN

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, I rise to tell the story of one of my constituents, Jane, whose health care plan was canceled in the wake of ObamaCare. Here is a recent email she sent to me:

I am a 61-year-old woman with a husband on Medicare. The day before the exchange opened, I received a letter from BlueCross/BlueShield informing me my policy is no longer available. The policy that is closest in coverage is approximately 50 percent higher in premiums and had an almost 50 percent higher deductible. I feel it is extremely unfair that I was told I could keep my coverage if I liked it. I will also have to pay substantially more for the same coverage. I wonder if the administration ever thought about those of us who have to pay for our health coverage with no extra help and how much more we would be paying.

Mr. Speaker, this House passed H.R. 3350 so Jane and others can keep the plan they want and can afford. The Senate must act and not cover for the President, who conceded he broke his promise to Americans. Let's give good news to Americans.

#### PASS IMMIGRATION REFORM

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, since this Congress convened, it has done nothing to help create jobs. In fact, through ill-advised and overenthusiastic cutting, the sequester, the shutdown, the threat to our full faith and credit, this Congress has destroyed jobs.

Mr. Speaker, what if I told you there was a jobs bill just sitting waiting to be passed that would add almost \$1 trillion to our economy in a 10-year period? What if I told you this jobs bill would create 121,000 new jobs every single year for 10 years? What if I told you that this would also make us a more humane Nation that would stop the breakup of families and the deportations of moms and dads, of Dreamers? What if I told you that this jobs plan got 68 votes in the United States Senate, a divided United States Senate.

Of course, I am describing the comprehensive immigration bill, which the Speaker of this House refuses to bring up. There is no principled, no logical objection to this thing. There are just scare tactics that people with funny accents and names you can't pronounce will come and take your job. That is not true. It is time to pass that jobs bill.

#### MORE BROKEN PROMISES

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. Mr. Speaker, American families are watching the train wreck

of the President's health care reform law coming down the track at them each and every day.

Promises were made by the President and by supporters of the law that if you like your plan, you can keep it. Promises were made that family plans would cost \$2,500 a year less under ObamaCare. Those promises just weren't true.

David in Carroll County wrote me just this morning to let me know what his family is going through with their health insurance. David is self-employed and is married with three children. He likes his family plan. He doesn't think it is substandard in any way, but his family just got a cancellation notice.

Mr. Speaker, they won't get to keep the plan they like. His new plan, which the Federal Government says that they have to buy, will cost \$400 more per month, an increase of almost \$5,000 more per year, not a decrease as the President promised.

David's family is just a hardworking, middle class family trying to make ends meet. Mr. Speaker, David and his family deserve better than broken promises.

#### BENEFITS OF OBAMACARE

(Mr. TAKANO asked and was given permission to address the House for 1 minute.)

Mr. TAKANO. Mr. Speaker, I rise today to tout the very real benefits of ObamaCare.

Karrie Brooks, a resident in my district, wrote to me saying:

The individual coverage that I could afford as a healthy 54-year-old woman has been \$418 a month with a \$5,000 deductible. I avoided going to the doctor mostly for fear that if I used the insurance, my policy would be canceled.

She goes on to say:

Recently, Anthem let me know that I would have to change to a compliant plan. The plan they suggested is similar, but it will cost me \$53 less each month. Yes, less. Most important, I know that it cannot be canceled. The peace of mind and security that these changes have given me is huge.

Mr. Speaker, for the first time in decades, a single illness or accident will not plunge American families into financial ruin. The positive effects of ObamaCare are real, and Americans like Karrie Brooks are evidence of that.

#### DECREASING SPENDING

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, yesterday The Washington Times reported that the U.S. is now spending millions on life skills and art seminars for prisoners at Guantanamo

Bay in Cuba. The paper said a multi-million dollar Federal contract is teaching Gitmo detainees basic landscaping, calligraphy, and Microsoft PowerPoint, among other seminars and library services.

Last July, the Comptroller of the Defense Department reported that the cost of keeping Guantanamo prison open during 2013 would be an astounding \$454 million for just 164 prisoners. This comes out to roughly \$2.7 million per year for each one of these detainees held in the prison camp. This compares to \$72,000 per year per prisoner in Federal high security prisons. Because the Federal Government is so wasteful and inefficient, States are housing State prisoners for half that amount.

The taxpayers of this Nation should not be forced to spend \$454 million to give the good life to former terrorists. They should be sent to the most unpleasant prison in the U.S., but this and other abuses of U.S. taxpayers will continue until we drastically downsize the Federal Government and greatly decrease its funding.

#### PROPOSALS TO CREATE JOBS

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, recently the Republican leadership handed out a blank piece of paper labeled "Agenda 2014." Blank means no goals, no plan, no immigration reform, no jobs, no nothing.

Well, I have a list of proposals that I would like to write on that blank slate, proposals that would create jobs, grow the economy, and strengthen the middle class. So I will start today by introducing commonsense legislation that achieves these objectives and invests in our country's ability to compete in the 21st century.

The Training Highly Skilled Americans Act would use revenue from H-1B visas to promote STEM education at minority-serving colleges and universities and provide scholarships to minority students who are going into STEM fields.

Science and technology companies are already paying our government to bring foreign workers to the U.S. to fill STEM jobs, so why not use some of these funds to train our own folks to have these skills to fill these jobs in the future? This is particularly critical for minority students, who are significantly underrepresented in these fields. By opening our doors to STEM education, we will strengthen our education system and our economy.

#### AFFORDABLE CARE ACT WEB SITE PROBLEMS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, earlier this fall the President said the Affordable Care Act is more than just a Web site and that the problems with the Web site will soon be fixed. While I don't disagree with either of those two statements, I don't understand the timeline involved because yesterday in the Oversight and Investigation Subcommittee of the Energy and Commerce Committee, the deputy chief information officer for the Centers for Medicare and Medicaid Services told us that the Web site was launched, but it wasn't finished upon launch.

I have to ask: Why in the world would they proceed with this if they knew it wasn't finished? When asked to give a percentage completion, it was confusing. His answer was either 40 or 60 percent; no one really knows, and here is the kicker. When you get to January and providers, doctors, and hospitals are seeing patients who think they have coverage under the Affordable Care Act, part of the problem with the unfinished Web site is there may be difficulty in delivering provider payments. That is an intolerable situation that must be resolved and must be resolved quickly. It could start with the administration being honest with the committee about where they are in the development of the Web site.

#### NUCLEAR WEAPONS IN THE MIDDLE EAST

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, today world leaders are meeting in Geneva to negotiate an agreement that could lead to the elimination or reduction in the threat of nuclear weapons in the Middle East. This is a good thing. The goal of the negotiations is to prevent the spread of nuclear weapons, particularly those in the possession of or that could potentially be developed by Iran. We don't want Iran to have a nuclear weapon. We ourselves are trying to reduce stockpiles, so negotiations to prevent that are squarely within the United States national security interests.

The American people support these negotiations. A new Washington Post poll shows that Americans want a negotiated deal with Iran by a 2-1 margin. The alternative to negotiation is not good. In fact, it could lead to war. Americans do not want another war. Therefore, negotiations are the right way to handle this particular problem with regard to preventing Iran from acquiring a nuclear weapon. Support negotiations. We support them, and hope they succeed.

#### AFFORDABLE HEALTH CARE COVERAGE

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Mr. Speaker, recently, I received an email from a woman in my district named Shannon. Shannon received a letter from her health care provider stating that her current health care policy did not meet the requirements of the Affordable Care Act and that she would have to choose a new plan or go to the health care marketplace and find coverage.

She went to the health care marketplace and found a comparable plan that cost \$400 a month more. This is outrageous. More than 300,000 Floridians, like Shannon, received letters that their current health care plans were canceled. Premiums and deductibles are increasing for countless Americans. So many people received notices that their plans were canceled. We have only begun to experience the devastating effects of this law.

I submit that the next concern of my constituents will be not only that they can't keep their health care plan, but they won't be able to keep their doctors. We need to get rid of this law, and we need to replace it with one that is consumer-focused and market-driven so that Americans like Shannon can get affordable health care coverage and keep their doctors.

□ 1230

#### AFFORDABLE CARE ACT

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, many of my colleagues have highlighted the challenges of implementing the Affordable Care Act at the Federal level. While these must be addressed, I would like to take a minute to highlight the successes we have seen at the State level in Rhode Island. Although a majority of States opted not to operate an exchange of their own, Rhode Island chose to be a leader in creating a State-driven, integrated marketplace to provide quality, affordable health insurance for its citizens.

On October 1, Health Source RI, the Ocean State's online portal and health insurance marketplace, opened for business. It has successfully enrolled over 5,000 residents to date without many of the issues plaguing the Federal Web site. Of course, we are still at the beginning stages of this process, and efforts are under way to improve and expand the successful rollout with many of our State partners.

This has been a highly collaborative effort, and I look forward to continuing our work together so that individuals, families, and small businesses can shop

for insurance that meets their needs based on transparent, competitive pricing and robust coverage.

#### PRO-GROWTH ENERGY POLICY

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, Americans are working hard to make ends meet during this sluggish economy, and a clear and predictable pro-growth energy policy will help to alleviate financial stress on American families as energy costs rise. But most of all, pro-growth energy policies will create jobs and put Americans back to work.

If you are looking for legislation that will create jobs across America, there are several opportunities to vote “yes” this week in the United States House.

The Natural Gas Pipeline Permitting Reform Act, Federal Lands Jobs and Energy Security Act, and the Protecting States’ Rights to Promote American Energy Security Act are all pro-growth, pro-energy policies that the House will consider this week and will give all my colleagues an opportunity to show whether they are pro-jobs or not.

These bills will promote natural gas pipeline infrastructure construction projects, expand onshore American energy production, and create jobs by passing these bills that will streamline government red tape and eliminate duplicative and costly regulations that only delay safe energy production on American soil.

Mr. Speaker, let’s unite on behalf of the American people and support these pro-energy growth, pro-job creation bills.

#### CONGRATULATING TEACHER OF THE YEAR, ART ALMQUIST

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIJALVA. Mr. Speaker, I rise today to congratulate Tucson High Magnet School’s teacher, Art Almquist, as being named Teacher of the Year by People Magazine.

For the past 17 years, Mr. Almquist has been Tucson Magnet’s drama teacher. He has built a phenomenal theater program rarely seen on any high school level. His programs and plays have won numerous awards from universities, as well as regularly being named one of the best high school theaters in America by the American High School Theater Festival.

Mr. Almquist is known for staging productions on topics such as AIDS, environmental activism, and immigration. He believes the theater offers each student an opportunity to learn new skills and enhance his skills.

As an educator, he has influenced thousands of students to pursue a career that both challenges them, but also brings them joy.

I give my most sincere thanks and congratulations to Mr. Art Almquist for representing Tucson as a leader in the field of education. Mr. Almquist exemplifies how a role model can affect change and educate the next generation.

#### THANKSGIVING AND SNAP

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, next week we celebrate Thanksgiving, a holiday in which we express our gratitude for all that life in this land has given us. We celebrate our good fortune with family, friends, and foods.

One of the most iconic portrayals of this day is Norman Rockwell’s 1941 painting, “Freedom from Want,” which shows a large family seated around a dinner table waiting to carve up a turkey. This painting was created to depict what Franklin Roosevelt called one of the “four essential human freedoms,” the freedoms that millions of Americans would fight and die to protect in World War II.

Roosevelt reminded us as Americans that “we cannot be content . . . if some fraction of our people, whether it be one-third or one-fifth or one-tenth, is ill-fed, ill-clothed, ill-housed, and insecure.” Instead, “after this war is won, we must be prepared to move forward . . . to new goals of human happiness and well-being.”

Mr. Speaker, we are moving in the wrong direction. Right now in America, 49 million Americans, one out of every seven households in our country, are struggling with hunger, including 16 million kids. At this time of great need, this body proposes to cut \$40 billion from food stamps, forcing 4 million low-income Americans to go hungry. It is immoral.

#### HOMES ACT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, energy efficiency investments work. A recent study by the Lawrence Berkeley National Laboratory found that improving the airtightness in homes would achieve \$33 billion in annual energy savings.

Across the country, 113 million homes use 23 percent of U.S. sourced energy, and the largest potential is in the hottest and the coldest climates.

In Vermont, we are leading the country on energy efficiency, demonstrating the potential these home

improvements can have for saving money and protecting the environment.

I have introduced bipartisan legislation with my good friend and Republican colleague, Representative McKINLEY, that would provide homeowners with an incentive to install precisely these kinds of efficiency measures in their own homes.

Whatever your preferred source of energy, we can all agree that using less energy is good for the taxpayer and the environment. This is something we can and should work together on accomplishing.

I encourage everyone to read Lawrence Berkeley’s article in the science digest *Energy and Buildings*. It can be found at [www.elsevier.com/locate/enbuild](http://www.elsevier.com/locate/enbuild).

#### HONORING NATIVE AMERICAN CODE TALKERS

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, November is Native American Heritage Month, and I rise today to honor the many contributions that Native Americans have made and continue to make to our Nation’s proud history and culture.

Earlier today, we awarded the Congressional Gold Medal to 26 tribes whose members served as code talkers during World War II and World War I, including the Pueblo of Acoma, which is one of 22 Native tribes that call New Mexico home. At a later date, we will honor seven more code talker tribes, including another from New Mexico, the Pueblo of Laguna.

The code talkers proudly served our country with great honor and distinction. They transmitted vital information during some of the most dangerous battles, including every assault the marines conducted in the Pacific from 1942 to 1945. Without the code talkers, the world wars would have lasted longer and America would have suffered many more casualties.

Mr. Speaker, I am proud that the Pueblos of Acoma and Laguna and the other code talker tribes are officially getting the thanks and recognition they deserve from a very grateful Nation.

#### PROVIDING FOR CONSIDERATION OF H.R. 1900, NATURAL GAS PIPELINE PERMITTING REFORM ACT

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 420

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-25. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. On any legislative day during the period from November 22, 2013, through November 29, 2013—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 3. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the cus-

tomary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

## GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 420 provides for the consideration of a critical piece of legislation that was passed by the Committee on Energy and Commerce designed to address the costly and unnecessary delays which many businesses experience when trying to get a final determination to be made by the Federal Government in relation to a pending pipeline.

A member of the committee, Mr. POMPEO from Kansas, the bill's author, has drafted a meaningful piece of legislation, taking into account the various competing interests involved in the permitting process and has found a fair and just balance for ensuring that our critical infrastructure moves forward.

The rule before us today provides for 1 hour of general debate on the bill. Five of the six amendments submitted to the Rules Committee were made in order, all Democratic amendments. The sixth was neither germane nor did it meet the CutGo rules of the House. Finally, the minority is afforded the customary motion to recommit on the bill, allowing for yet another opportunity to amend the legislation.

H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, is the product of hours of work with stakeholders that Mr. POMPEO has put in to improve the legislation. The bill streamlines our Nation's pipeline permitting processes in an effort to allow for greater capacity and promote safe infrastructure. Specifically, the bill directs the Federal Energy Regulatory Commission to approve or deny a permit application for a new natural gas pipeline within 12 months.

Natural gas is one of the clearest examples of how this country can move itself toward a more sustainable energy-independent future while at the same time allowing and encouraging our economy to grow. My own district in north Texas sits 8,000 feet above the Barnett shale, a natural gas formation that industry has been using to produce gas for decades. Indeed, due to the technological advances and strong market, the area that I represent felt few of the effects of the recession until at least a year after the recession was initiated due to the booming economy that resulted from the development of the resources under our feet.

Obviously, with increased production and demand, as we have seen with the natural gas industry, comes an increased need for infrastructure. I welcome any legislation which would streamline the permitting process and allow companies to spend less time with Washington bureaucrats and more time creating jobs, producing products that consumers want and are eager to buy.

□ 1245

Indeed, with the increase in supply that hydraulic fracturing has created with natural gas, the pace at which the Federal Government has approved increased infrastructure, namely pipelines, to transport this commodity has not kept up.

Pipelines provide the safest, fastest, and cleanest mode of transportation for natural gas, as we in the Energy and Commerce Committee have heard from witnesses again and again. Making certain that our country has the number of pipelines necessary for transporting the gas we need to heat our homes and run our cars is a critical step toward energy independence.

Moreover, Members of this body who annually support more robust funding for programs like the Low Income Home Energy Assistance Program, commonly referred to as LIHEAP, should be joining with Republicans today in supporting an increase in pipeline infrastructure in our country, as the natural gas being produced in Western States could more efficiently be transported to the Northeastern States, reducing home heating costs and lessening the need for government assistance for many families.

Mr. Speaker, this bill is an important bill. It will create opportunity to put thousands of workers to work, creating the infrastructure that this country has needed for some time due to the energy boom in natural gas. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas for yielding me the time, and I yield myself such time as I may consume. I also rise in opposition to this rule and to the underlying bill.

Mr. Speaker, it appears that this Republican-controlled House of Representatives is incapable of doing anything that matters in people's lives. When the history is written on the 113th Congress, especially as it pertains to the House of Representatives, they have accomplished nothing. They have made a lot of noise. They shut the government down. They whine about the health care bill every chance they get, but they have accomplished absolutely nothing.

And it is frustrating because our country is facing great challenges. Our



economic growth is slower than it should be, thanks to the Republican shutdown of government, and their willingness to play politics with the debt ceiling has had a negative impact on our economy. Job growth is too slow, and we should be working together to invest in education and in job training and in infrastructure projects to help put people back to work. We ought to have a long-term highway bill. I think every Governor in the country, Republican and Democrat, would agree with me on that statement. Yet this House of Representatives just seems incapable of accomplishing anything to help rebuild our infrastructure.

The sequester that my Republican friends embraced has taken a terrible toll on our science and research programs. Talk to the people at NIH. Potentially lifesaving research into diseases like cancer and Parkinson's disease have been crippled, yet there is no urgency over on the side of my friends on the other side of the aisle to try to do anything about it. They just sit there and twiddle their thumbs and life goes on; meanwhile, we are losing our competitive edge in medical research and in science.

The Senate has passed a bipartisan, comprehensive immigration bill. The Republican leadership claims that we simply don't have the time to take it up. That is nonsense. We had time to take up this horrible bill that my colleague from Iowa (Mr. KING) authored that would allow for the mass deportation of young, undocumented immigrants, the so-called DREAMers who were brought here as children by their parents. They have time to demagogue these issues, but to actually fix our broken immigration system, they claim we don't have any time.

Mr. Speaker, I will insert into the RECORD today's Washington Post editorial, "John Boehner Must Act on Immigration Now."

And just so my colleagues understand this, when my friends on the other side of the aisle say they don't have time, the Republicans will take 4 out of 5 days off for the rest of the year. That is how hard they are working on behalf of the American people. Four out of 5 days remaining from now until the end of the year they are going to take off. That is not doing your job, Mr. Speaker. That is not doing your job.

Instead of dealing with these important issues, we have this bill before us now that has come to the floor, H.R. 1900. The bill before is rather curious. Rather than solving a problem that actually exists, it is a solution in search of a problem, and it is just another partisan messaging bill that is going nowhere in the Senate. The White House has already said they would veto it.

H.R. 1900 would require FERC, the Federal Energy Regulatory Commis-

sion, to approve or deny an application for a natural gas pipeline within 12 months of its filing date. FERC already decides 92 percent of permit applications within 12 months, and the GAO has concluded that its pipeline permitting process is predictable and consistent and gets pipelines built. The small percentage of applications that have taken more than a year involve complex proposals that deserve a more thoughtful review.

Instead of speeding up the permitting process, this bill will lead to unnecessary permit denials and increased litigation that will ultimately slow the process down. If FERC cannot properly review permits within the rigid 12-month deadline, they may be forced to deny applications that would otherwise end up being approved.

For me, the most troubling part of H.R. 1900 is that it may result in truncated or inadequate environmental analysis, which threatens the health and safety of communities these potentially hazardous pipelines run through. Just last week, a Chevron pipeline exploded in Milford, Texas, forcing the entire town to evacuate. Mr. Speaker, it isn't too much to ask the oil and gas industry to go through a process to make sure that these pipelines are safe.

I urge my colleagues to vote "no" on this rule and on the underlying bill, and I urge my Republican colleagues to get back to work on solving real problems on behalf of the American people.

Enough of the press releases, enough of this polarizing rhetoric and these meaningless debates that we seem to be consumed with here in the House of Representatives. People want us to work on their behalf, to do things that will improve their lives, that will strengthen our country; and instead, my friends on the other side of the aisle seem to be cheering for our country to fail all the time and bringing this kind of stuff to the floor, which is going nowhere and is meaningless.

At this point, Mr. Speaker, I reserve the balance of my time.

[The Washington Post, Nov. 19, 2013]

JOHN BOEHNER MUST ACT ON IMMIGRATION  
Now

(By Editorial Board)

Poor John Boehner. The beleaguered House speaker can't even eat breakfast in peace. The other day, a pair of teenage girls, activists for immigration reform, accosted him at Pete's Diner, his early-morning hangout, to ask how he'd like to be deported.

"How would you feel if you had to tell your kids at the age of 10 that you were never coming home?" 13-year-old Carmen Lima, of California, asked Mr. Boehner. "That wouldn't be good," allowed the Speaker.

He got that right. The rest of his remarks on immigration that day, not so much. Mr. Boehner, who pledged to press ahead with immigration reform a year ago following Mitt Romney's dismal performance with Latino voters, now says the House will not negotiate with Democrats on the basis of the sweeping reform bill passed by the Senate in June with bipartisan support. Translation:

Don't hold your breath for immigration reform this year, and don't get your hopes high for next year, either.

Mr. Boehner says he still wants to "deal with" immigration, but "in a commonsense, step-by-step way."

The trouble is, no one knows what those steps would be. The only immigration bill on which Mr. Boehner has permitted a vote by the full House would allow for the mass deportation of young, undocumented immigrants brought to this country illegally as children by their parents—the so-called Dreamers.

Deporting hundreds of thousands of youngsters who grew up and went to school in the United States does not seem an especially promising way to resolve the broader issue of the nation's broken immigration system. Neither does heaving billions of dollars more at border security without tackling the entire problem. Some partial reforms, such as opening the visa spigot for high-tech engineers, scientists and mathematicians, may make sense, but they don't get at the fundamental problem.

As it happens, border security and high-tech visas are addressed in the Senate bill, along with more fundamental reform; that's why it's 1,300 pages long, a fact that Mr. Boehner cited to dismiss its viability as the basis for negotiations. In the wake of Obamacare's rollout troubles, large-scale reforms are in poor repute, we understand. But there are 11 million undocumented immigrants in the United States. The country needs to deal with them in some way. When it does so, it needs to set up a sensible system for future immigration so we don't wind up in the same fix 10 or 20 years from now. That requires legislation of some complexity, it's true, but members of Congress are elected to solve complex problems.

President Obama said Tuesday that he is open to dealing with immigration in a piecemeal fashion. But the House can't dictate that only border security and deportation are on the table. Mr. Boehner should let House Republicans vote on the parts of immigration reform they consider priorities and take that "sensible step-by-step" approach into negotiations with the Senate. It is unserious, and unconstructive, to tell the Senate what it can and cannot bring to the table in negotiations with the House.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time, it is my privilege to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague.

I rise today in opposition to the rule and to H.R. 1900.

As many of my colleagues are aware, natural gas is extremely important to the State of Texas. It seems like every day more and more natural gas deposits are being found. More importantly, with the commercialization of horizontal drilling and hydraulic fracturing, we are now able to develop these resources effectively and economically, but that is only half the story. Once we have found these resources, we need a way to move them to market in a safe and environmentally responsible way.

In 1956, the United States decided it was in our best interest to build a network of highways. These highways, totaling approximately 47,000 miles,

moved goods to market and dramatically expanded commerce. It may surprise some, but the interstate and intrastate pipeline system is approximately seven times larger than the highway system in the United States.

The natural gas pipeline system in this country is critical and extensive infrastructure. The permitting and review process that is required to site and construct pipelines in this country has ensured an environmental safety record that is second to none. That doesn't mean there aren't still going to be problems, when you consider the amount of miles we have.

Unfortunately, I can't support this particular bill. I support an expedited review process and expansion of the pipeline system. Our intrastate natural gas pipeline system is not broken. I cannot support a bill that would issue a license or permit or approval after merely an expired time line. In testimony in our committee, the Federal Energy Regulatory Commission, the FERC, has an average of about a year turnaround.

I want to continue to support the construction of pipelines, and my ardent support is firmly backed by a safety record that is unmatched. I will continue to support an industry that has been an engine of our economic growth for the last decade.

This bill is a solution in search of a problem. I look forward to working with my colleagues in the future on another approach that will benefit all stakeholders, our environment, and our economy.

I encourage my colleagues to oppose the rule and the bill.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time, it is my privilege to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), our distinguished whip.

Mr. HOYER. Mr. Speaker, I see four people in the gallery. I see three Members on the floor. The galleries are empty, the floor is empty because we are not doing anything, and it is not because we don't have a lot of things to do.

We have 6—7 if you count tomorrow where we will leave by 12:00—6 full days left in the session in 2013, and yet we fiddle here while the country sees itself burning on bills that are going nowhere, that have no priority and deal with a subject, energy, which, happily, is one of the most successful places we are at in America today, where we are fast becoming the energy-independent, low-cost energy situs of the world.

We have no budget conference coming to this floor scheduled in the 6 full days that we have left and the 2 other days that may be counted in which we come in at 6:30 and meet for probably a half an hour or 45 minutes and vote on suspension bills. Yet we have spent this entire week—and we left, of course,

hardworking day yesterday, we left doing work at 2:30 in the afternoon. No budget conference, no fiscal policy, no solution to the crisis that confronted us when we shut down government.

I urged that we have a budget conference report by November 22—that is tomorrow—so that we didn't, as our practice has been in recent months and years, confront real issues only when crisis gives us no other alternative.

No immigration reform has been brought to the floor, although it passed the Senate with 68 votes, comprehensive immigration reform, which will address a problem that every Member of this House says is an immigration system that is broken. The majority leader said that the other day, and I asked him about the four bills that our Republican friends, Mr. Speaker, have reported out of committee but they languish somewhere in the netherworld, not brought to the floor for consideration by this House.

And yet we have time to consider bills that will have no impact, which the President says he will veto, and are not bipartisan bills, were reported out of the committee in a partisan fashion, as so much of the legislation that we consider on this House floor is, partisan, confrontational, no-consensus pieces of legislation.

Yet a comprehensive immigration reform bill that had 68 votes, over two-thirds of the United States Senate, 14 Republicans voted for that bill, yet the Speaker says he is not for it and won't bring it to the floor. That is the same Speaker that says let the House work its will. The House cannot work its will if the legislation is not brought to the floor by the House, which can only be done by the Republican majority, Mr. Speaker, as you know. So they keep that bill from being considered, although CBO says it will help the economy, grow jobs, and fix a broken system.

□ 1300

There are 6 full days left to go on the schedule in 2013. And yet the farm bill, which was reported out of the committee 2 years ago in a bipartisan fashion in the last Congress but was never brought to this floor, while we twiddled our thumbs while Rome burned—the farm bill lies languishing in conference committee because a bipartisan bill, passed by the United States Senate, was not considered in this House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield an additional 3 minutes to the gentleman from Maryland.

Mr. HOYER. But a partisan bill with almost no Democratic votes, and the second piece of that farm bill, the nutritional part, receiving not a single Democratic vote, lies languishing in the conference committee because it was passed in an extraordinarily par-

tisan fashion, where the gentleman from Oklahoma's (Mr. LUCAS) bill, reported out in a bipartisan fashion. The American public, Mr. Speaker, says, Let's act bipartisanship. We did. With Democratic and Republican votes, the farm bill came out of the Agriculture Committee and was turned into a partisan bill on this floor by my Republican colleagues. So it languishes with 6 days left, with the farm bill expiring on December 31, no action, no progress.

We need to pay our doctors a proper compensation for the services they give. I am sure the gentleman from the Rules Committee, who, himself, is a medical doctor, understands this necessity. We need to fix the sustainable growth, but it languishes somewhere out in the netherworld while we have 6 days left. Unfixed, unscheduled. I have asked the majority leader numerous times: Is that going to be brought to the floor? It has not been brought to the floor.

Discrimination in the workplace, passed by the Senate in a bipartisan fashion, ENDA, is not going to be brought to this floor. The Speaker says he is opposed to it, so the House will not be able to work its will again on a piece of legislation that, in my opinion, would have a majority of the votes on this floor. There is no doubt in my mind, and I am the whip. I count votes, Mr. Speaker, as you know. It would have the majority of votes on this floor, but the Speaker and the majority leader will not bring it to this floor.

Unemployment insurance for 1.2 million people ends on December 31, and we have 6 days of full work left and two partial days when we come in at 6:30. Yet unemployment insurance has not been brought to this floor to be extended for those 1.1 million people, with still 7.2 or 7.3 percent unemployment. Unemployment insurance is a critically important issue. It is somewhere out there, but it is not on this floor. This, while we have considered legislation this entire week that the majority knows will not pass the United States Senate and, even if it did pass, would not be signed by the President of the United States.

But they send a message, perhaps, to their base: politics. With the budget conference, immigration reform, the farm bill, the sustainable growth rate, doc reimbursement for Medicare patients, discrimination in the workplace, unemployment insurance, and, yes, I would add to that tax extenders—none of it on this floor.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MCGOVERN. I yield an additional 2 minutes to the gentleman from Maryland.

Mr. HOYER. No one ought to ask themselves why the American people hold this institution in such low regard. None of us who have served in

this institution for any period of time are proud of what we are doing in this Congress. We lament the unwillingness of the leadership of this House to have us do the work that the American public knows we must be doing.

So, Mr. Speaker, I rise today in support of the previous question. This is not just an ordinary previous question. What this previous question says is, We will not adjourn, American people. We will not adjourn on December 13, as is projected by the majority to be the date on which we adjourn. We will not adjourn until such time as we have done the important work that the American people expect of us, the responsible work that the American people expect of us, the work that we ought to expect of ourselves until we consider this bill.

I would hope that we would defeat the previous question, and if we defeat the previous question, then we will bring to this floor a resolution which will say, We shall not adjourn until we have done a budget conference that precludes fiscal crisis, shutting down government, a refusal to pay America's debts; that we pass an immigration reform bill that fixes what everybody knows is a broken system; until we bring a farm bill to the floor which will preclude farmers and consumers and those who need nutritional help from being put at risk.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MCGOVERN. I yield an additional 1 minute to the gentleman.

Mr. HOYER. Mr. Speaker, I have in my hand a letter. This is not a letter from Democrats. This is a letter from 13 Republican leaders, chairs of the subcommittees of the Appropriations Committee, who say to the budget conference committee: Bring a solution to the floor before the Thanksgiving break and no later than December 2. Yet, ladies and gentlemen of this House, Mr. Speaker—and yes, Mr. Speaker, all of us speak to the American people, who ought to be asking us, Why? Why? Why do we waste time when so much important work remains to be done?

Defeat the previous question. Allow us to offer a resolution which will say to the American people, We will continue to work until we get your work done.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, November 18, 2013.

Hon. PAUL RYAN,  
*Chairman, Budget Committee,*  
*House of Representatives, Washington, DC.*

Hon. CHRIS VAN HOLLEN,  
*Ranking Member, Budget Committee,*  
*House of Representatives, Washington, DC.*

Hon. PATTY MURRAY,  
*Chairwoman, Budget Committee,*  
*U.S. Senate, Washington, DC.*

Hon. JEFF SESSIONS,  
*Ranking Member, Budget Committee,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN RYAN, CHAIRWOMAN MURRAY, RANKING MEMBER SESSIONS, AND RANKING MEMBER VAN HOLLEN: We call on the Budget conference to reach an agreement on the FY 2014 and 2015 spending caps as soon as possible to allow the appropriations process to move forward to completion by the January 15 expiration of the current short-term Continuing Resolution. We urge you to redouble your efforts toward that end and report common, topline levels for both the House and Senate before the Thanksgiving recess, or by December 2 at the latest.

If a timely agreement is not reached, the likely alternatives could have extremely damaging repercussions. First, the failure to reach a budget deal to allow Appropriations to assemble funding for FY 2014 will reopen the specter of another government shutdown. Second, it will reopen the probability of governance by continuing resolution, based on prior year outdated spending needs and priorities, dismissing in one fell swoop all of the work done by the Congress to enact appropriations bills for FY 2014 that reflect the will of Congress and the people we represent. Third, the current sequester and the upcoming "Second Sequester" in January would result in more indiscriminate across the board reductions that could have negative consequences on critically important federal programs, especially our national defense.

In addition, failure to agree on a common spending cap for FY 2015 will guarantee another year of confusion.

The American people deserve a detailed budget blueprint that makes rational and intelligent choices on funding by their elected representatives, not by a meat ax. We urge you to come together and decide on a common discretionary spending topline for both FY 2014 and FY 2015 as quickly as possible to empower our Committee, and the Congress as a whole, to make the responsible spending decisions that we have been elected to make.

Sincerely,

Harold Rogers, Chairman, Committee on Appropriations; Jack Kingston, Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies; Tom Latham, Chairman, Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies; Kay Granger, Chairwoman, Subcommittee on State, Foreign Operations, and Related Agencies; John Abney Culberson, Chairman, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies; John R. Carter, Chairman, Subcommittee on Homeland Security; Tom Cole, Chairman, Subcommittee on Legislative Branch; Frank R. Wolf, Chairman, Subcommittee on Commerce, Justice Science, and Related Agencies; Rodney Frelinghuysen, Chairman, Subcommittee on Defense; Robert B. Ader-

holt, Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; Michael K. Simpson, Chairman, Subcommittee on Energy and Water Development, and Related Agencies; Ander Crenshaw, Chairman, Subcommittee on Financial Services and General Government; Ken Calvert, Chairman, Subcommittee on Interior, Environment, and Related Agencies.

Mr. BURGESS. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with the remarks of our distinguished whip. It is frustrating to serve in the people's House and watch as this leadership purposely tries to avoid doing the people's business. It is frustrating when you go home and you talk to farmers, and they want to know where the farm bill is. It is frustrating when you talk to people about immigration, and they look at what happened in the United States Senate, where it passed overwhelmingly with bipartisan support, and we can't even get anything scheduled here. We can't even get anything scheduled here.

It is frustrating when people are still reeling over the fact that the Republicans shut the government down, and they want to make sure we don't repeat it. Yet we have no budget resolution, no budget conference that has been put together to make sure that we are on a road where we don't have any more of these Ted Cruz-led shutdowns around here. So it is very frustrating.

I think the gentleman from Maryland said it very clearly—that the American people are frustrated. It is not just Democrats. It is Democrats and Republicans that are frustrated.

PARLIAMENTARY INQUIRY

Mr. BURGESS. Parliamentary inquiry, Mr. Speaker.

Mr. MCGOVERN. I yield to the gentleman from Texas for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURGESS. Is it in order to refer to Members of the other body by name?

The SPEAKER pro tempore. The Chair will not provide an advisory opinion.

Mr. MCGOVERN. So we don't want another Ted Cruz-led shutdown here in the House of Representatives. I think the American people are fed up with that.

Then, as the distinguished minority whip pointed out, I mean, we are not even in session more than 6 full days from now until the end of the year, which is absolutely unconscionable.

You say to yourself, Well, maybe the Republicans are planning to do something in the future; maybe they have an agenda for the future. Then we read in Politico that last Thursday, a group of House Republicans filed into Majority Leader ERIC CANTOR's Capitol office

suite and received a blank piece of paper labeled, "Agenda 2014." This is their agenda for 2014. A Republican political aide put it more bluntly by saying, "What we have done so far this year clearly hasn't worked."

This is their agenda for next year. It might as well be the agenda for the rest of this year. It is nothing, nothing that is improving the quality of life for the people that we represent. Again, it fuels a cynicism all across the country that the majority party here doesn't seem to care about what happens to regular people, and that is very, very disconcerting.

I guess they could go back and say that their big accomplishment was that they complained about the Affordable Care Act. Over 40-something times, they brought bills to the floor to try to repeal it, never once offering an alternative to improve it, never once giving an alternative idea that would help address the fact that tens of millions of our citizens don't have health insurance. Millions do have health insurance, but it is really not health insurance because when they get sick, they realize they have been paying for a policy that provides them nothing. There is no alternative agenda to try to address those issues; it is just that they are against it. I guess it is easy to say "no," but the bottom line is, I think the American people are looking for us to say "yes" to some things.

So, Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up House Resolution 424, Ranking Member SLAUGHTER's resolution prohibiting an adjournment of the House until we adopt a budget conference report.

What that means is that we should not adjourn until we do our job. That shouldn't be a radical idea. I would like to think there is bipartisan consensus that we ought to do our job, and that is what this would require.

So, Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question.

I urge a "no" vote on the rule and on the underlying bills which, to be honest with you, are a waste of our time. They are going nowhere in the Senate, and the President has already issued a veto threat on them.

With one last urging of my Republican colleagues to stay here and do your work, Mr. Speaker, with that, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

You know, Mr. Speaker, it was a little over a year ago that the American people went to the polls, and in their wisdom, they elected a divided government. They knew what divided government looked like. They had seen it for the 2 years prior.

The President came to town in 2009 and promised a lot of sweeping changes, and he delivered on those sweeping changes during the first 2 years of his administration. He had a health care bill passed. The health care bill passed without a single Republican vote. You talk about a partisan vote—the Patient Protection and Affordable Care Act was a partisan vote. Unfortunately, we are seeing now, as we have convulsed the country with these changes that are occurring within the insurance system, we are seeing the changes that are going to occur to our providers, our doctors, our hospitals, our nurses in the months ahead. This is a serious situation, and it requires serious action to be taken.

I won't apologize for any action that has been taken by the majority in this House to try to rein in the excesses of the administration and the previous Democrat-controlled Congress when they took over one-sixth of the Nation's economy in a partisan fashion without a single Republican vote.

The sequester was passed in August of 2011. It was passed at the request of the President. The gentleman has talked about shutdowns and defaults of the government. Do you remember that the sequester was a compromise proposed by the President and the Office of Management and Budget at the White House in order to prevent defaulting on our debt? It was a very difficult vote for many of us in this House.

What has the sequester delivered? The sequester delivered what no one had been able to deliver in the 4 years previously, and that is a Federal budget deficit that is below \$1 trillion. It doesn't sound like a big ask that the American people had: We want you to stop spending so much money. The sequester delivered on that promise.

I find it strange now for the gentleman from Massachusetts to impugn the integrity of people who voted in favor of that sequester when the President and the minority leader of the House of Representatives now want to take credit for the fact that the deficit was cut in half over the last 4 years.

□ 1315

The only reason it was cut in half was because they raised it to unsustainable levels, and now the sequester has reined that back in. It is quite likely that the deficit at the end of fiscal year 2014 will in fact be lower if we don't do something to damage the trajectory that we are on.

I don't think the immigration bill passed by the Senate is here at the

House. I think it has got an origination problem, and it is unconstitutional. If there is a bill at the desk, I will be happy to look at it, but I don't think that has occurred. The gentleman knows that.

This bill that we are considering today would lower the price of natural gas delivered to consumers in the State of Massachusetts. I have a table prepared by the Committee on Energy and Commerce. The national average for natural gas is \$9.19 per thousand cubic feet. In Massachusetts, it is \$13.18.

So this is a bill today that could deliver product to the gentleman's constituents in Massachusetts at a much more reasonable price. This sounds to me like a bill that will help the economy. This sounds to me like a bill that may provide jobs for the American people.

The minority whip talked about the doc fix. Our committee, the Committee on Energy and Commerce, did pass, in a bipartisan fashion, the repeal of the sustainable growth rate formula. I think it is a good bill. I think it is a bill where we had participation from both sides of the dais and not a single dissenting vote when we voted on the bill in committee right before the August recess.

There is another body here in the Capitol Building. They are considering their own version of a similar bill in the appropriate Finance Committee over in the other body. I don't want to prejudge or preclude what they will or won't do. I am anxious for them to do something that would give us a negotiating point where we could consider moving forward with a final repeal of this problem, but in fact, the legislative branch consists of two bodies—this body and the body on the other side. Until the Finance Committee acts, there is little more that the Energy and Commerce Committee can do to push that bill forward.

Mr. Speaker, today's rule provides for consideration of a critical bill to ensure our energy infrastructure needs are being met. Mr. POMPEO has done a good job. I applaud him and our committee for the thoughtful legislation.

I urge my colleagues to support both the rule and the underlying bill.

[From the Energy & Commerce Committee, U.S. House of Representatives, Nov. 19, 2013]

H.R. 1900 NEEDED TO DELIVER AFFORDABLE AMERICAN ENERGY TO CONSUMERS

HOUSE TO VOTE THIS WEEK ON LEGISLATION TO SPEED UP NATURAL GAS PIPELINE PROJECTS

This week the House of Representatives will consider H.R. 1900, the Natural Gas Pipeline Permitting Reform Act. Authored by Energy and Commerce Committee member Rep. MIKE POMPEO (R-KS), the bill will help ensure consumers have access to affordable and reliable energy by modernizing the permitting process for interstate natural gas pipelines. It is a critical part of the committee's efforts to build the architecture of abundance, and will allow American families and businesses across the country to enjoy the benefits of the U.S. shale gas boom.

America is experiencing a surge in natural gas production but right now we simply don't have the infrastructure to accommodate this increased supply and deliver this low-cost energy to consumers and manufacturers. And as gas gains a greater market share of the nation's electricity portfolio, many regions of the country do not have the pipeline capacity to support this conversion, leaving consumers vulnerable to price spikes. We saw this play out last January as areas of the country, particularly along the East Coast, faced gas shortages and high prices. According to a recent blog post by the Energy Information Administration, "The increased use of natural gas for electricity generation has raised concerns about fuel diversity, as the Northeast is also reliant on natural gas for part of its heating needs and has limited pipeline capacity to bring gas to market. The winter of 2012-13 saw spikes in wholesale electricity prices in New England and New York as demand for natural gas from both electric generators and natural gas distribution companies taxed the capacity to bring natural gas into these markets."

The chart below highlights those states that suffered the most last winter from high natural gas prices and the lack of adequate infrastructure, with natural gas prices reaching up to 68% higher than the national average:

Residential Natural Gas Prices for January  
2013: National Average: \$9.19\*

Alabama .....	\$14.44/57%
Arizona .....	\$11.07/20%
Connecticut .....	\$13.07/42%
Delaware .....	\$12.32/34%
Florida .....	\$15.43/68%
Georgia .....	\$12.92/41%
Maine .....	\$15.33/67%
Maryland .....	\$10.73/17%
Massachusetts .....	\$13.18/43%
New Hampshire .....	\$11.99/30%
New Jersey .....	\$10.81/18%
New York .....	\$11.42/24%
North Carolina .....	\$11.07/20%
Pennsylvania .....	\$10.48/14%
Rhode Island .....	\$12.58/37%
South Carolina .....	\$11.88/29%
Vermont .....	\$14.73/60%
Virginia .....	\$11.10/21%
Washington .....	\$10.47/14%

\*Dollars per Thousand Cubic Feet  
Source: U.S. EIA

Ms. JACKSON LEE. Mr. Speaker, I rise to speak about the rule governing debate on this bill, H.R. 1900, the "Natural Gas Pipeline Permitting Act."

Mr. Speaker, as I stated yesterday when we debated the other energy bills, I am not anti-energy exploration. I am not pro- or anti-fracking. I am, however strongly "pro-jobs," "pro-economic growth," and "pro-sustainable environment."

As a Member of Congress from Houston I have always been mindful of the importance of, and have strongly advocated for, national energy policies that will make our nation energy independent, preserve and create jobs, and keep our nation's economy strong.

That is why I carefully consider each energy legislative proposal brought to the floor on its individual merits and support them when they are sound, balanced, fair, and promote the national interest.

Where they fall short, I believe in working across the aisle to improve them if possible by offering constructive amendments.

Although I believe the nation would benefit by increased pipeline capacity to transport our abundant supplies of natural gas, the legislation before contains several provisions that are of great concern to me.

Pursuant to Section 2, paragraph (4) of the bill, a permit or license for a natural gas pipeline project is "deemed" approved if the Federal Regulatory Energy Commission (FERC) or other federal agencies do not issue the permit or license within 90-120 days.

I have three concerns with this regulatory scheme.

First, as a senior member of the Committee on the Judiciary, I have a problem with "deeming" something done that has not been done in fact.

Thus, the provision is unwise.

Second, this provision is a remedy in search of a problem. There is no lengthy or intolerable backlog of neglected natural gas pipeline projects awaiting action by FERC.

The provision is unnecessary because FERC has, since fiscal year 2009, completed action on 92 percent (504 out of 548) of all pipeline applications that it has received within one year of receipt. And the remaining 8% of decisions that have taken longer than one year involve complex proposals that merit additional review and consideration.

Third, the provision is irresponsible because it would require FERC to and other agencies to make decisions based on incomplete information or information that may not be available within the stringent deadlines, and to deny applications that otherwise would have been approved, but for lack of sufficient review time.

Compounding the problem is the fact that FERC like virtually every federal agency is operating under the onerous and draconian provisions of the disastrous sequestration which has caused so much misery and disruption across the nation and to our economy.

FERC, for example, with a budget of \$306 million faces a \$15 million reduction in spending authority this fiscal year, according to OMB. That sum amounts to 5% of FERC's budget.

So the likely impact of this bill if passed is to put FERC in the position of having to work faster to issue decisions with fewer experienced employees and a reduction in resources.

Given the inherent dangers involved in the construction and operation of a natural gas pipeline, does anyone doubt that this state of affairs is likely to lead to FERC to err on the side of caution and deny applications that may otherwise been approved if it had more time and more resources to carry out its responsibilities?

Mr. Speaker, we should not take that chance. That is why I offered an amendment, which the Rules Committee made in order, to suspend the effectiveness of this legislation so long as sequestration is in effect. I urge all Members to support the Jackson Lee Amendment when it comes to the floor later this week.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 420 OFFERED BY  
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new section:

Sec. 4. Immediately upon adoption of this resolution, the House shall proceed to the consideration of the resolution (H. Res. 424) prohibiting the consideration of a concurrent resolution providing for adjournment unless the House has adopted a conference report on the budget resolution by December 13, 2013, if called up by Representative Slaughter of New York or her designee. All points of order against the resolution and against its consideration are waived.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment

or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 12, as follows:

[Roll No. 592]

YEAS—223

Aderholt	Fleischmann	Lance
Amash	Fleming	Lankford
Amodei	Flores	Latham
Bachus	Forbes	Latta
Barletta	Fortenberry	LoBiondo
Barr	Fox	Long
Barton	Franks (AZ)	Lucas
Benishek	Frelinghuysen	Luetkemeyer
Bentivolio	Gardner	Lummis
Bilirakis	Garrett	Marchant
Bishop (UT)	Gerlach	Marino
Black	Gibbs	Massie
Blackburn	Gibson	McCarthy (CA)
Boustany	Gingrey (GA)	McCaul
Brady (TX)	Gohmert	McClintock
Bridenstine	Goodlatte	McHenry
Brooks (AL)	Gosar	McKeon
Brooks (IN)	Gowdy	McKinley
Broun (GA)	Granger	McMorris
Buchanan	Graves (GA)	Rodgers
Bucshon	Graves (MO)	Meadows
Burgess	Griffin (AR)	Meehan
Calvert	Griffith (VA)	Messer
Camp	Grimm	Mica
Cantor	Guthrie	Miller (FL)
Capito	Hall	Miller (MI)
Carter	Hanna	Miller, Gary
Cassidy	Harper	Mullin
Chabot	Harris	Mulvaney
Chaffetz	Hartzler	Murphy (PA)
Coble	Hastings (WA)	Neugebauer
Coffman	Heck (NV)	Noem
Cole	Hensarling	Nugent
Collins (GA)	Holding	Nunes
Collins (NY)	Hudson	Nunnelee
Conaway	Huelskamp	Olson
Cook	Huizenga (MI)	Palazzo
Cotton	Hultgren	Paulsen
Cramer	Hunter	Pearce
Crawford	Hurt	Perry
Crenshaw	Issa	Petri
Culberson	Jenkins	Pittenger
Daines	Johnson (OH)	Pitts
Davis, Rodney	Jones	Poe (TX)
Denham	Jordan	Pompeo
Dent	Joyce	Posey
DeSantis	Kelly (PA)	Price (GA)
DesJarlais	King (IA)	Reed
Diaz-Balart	King (NY)	Reichert
Duffy	Kingston	Renacci
Duncan (SC)	Kinzinger (IL)	Ribble
Duncan (TN)	Kline	Rice (SC)
Farenthold	Labrador	Rigell
Fincher	LaMalfa	Roby
Fitzpatrick	Lamborn	Roe (TN)

Rogers (AL)	Sessions	Valadao
Rogers (KY)	Shimkus	Wagner
Rogers (MI)	Shuster	Walberg
Rohrabacher	Simpson	Walden
Rokita	Smith (MO)	Walorski
Rooney	Smith (NE)	Weber (TX)
Ros-Lehtinen	Smith (NJ)	Webster (FL)
Roskam	Smith (TX)	Wenstrup
Ross	Southerland	Whitfield
Rothfus	Stewart	Williams
Royce	Stivers	Wilson (SC)
Runyan	Stockman	Wittman
Ryan (WI)	Stutzman	Wolf
Salmon	Terry	Womack
Sanford	Thompson (PA)	Woodall
Scalise	Thornberry	Yoder
Schock	Tiberi	Yoho
Schweikert	Tipton	Young (AK)
Scott, Austin	Turner	Young (IN)
Sensenbrenner	Upton	

NAYS—195

Andrews	Green, Gene	O'Rourke
Barber	Grijalva	Owens
Barrow (GA)	Gutiérrez	Pallone
Bass	Hahn	Pascarella
Beatty	Hanabusa	Pastor (AZ)
Becerra	Hastings (FL)	Payne
Bera (CA)	Heck (WA)	Pelosi
Bishop (GA)	Higgins	Perlmutter
Bishop (NY)	Himes	Peters (CA)
Blumenauer	Hinojosa	Peters (MI)
Bonamici	Holt	Peterson
Brady (PA)	Honda	Pingree (ME)
Brown (FL)	Horsford	Pocan
Brownley (CA)	Hoyer	Polis
Bustos	Huffman	Price (NC)
Butterfield	Israel	Quigley
Capps	Jackson Lee	Rahall
Capuano	Jeffries	Rangel
Cárdenas	Johnson (GA)	Richmond
Carney	Johnson, E. B.	Roybal-Allard
Carson (IN)	Kaptur	Ruiz
Cartwright	Keating	Ruppersberger
Castor (FL)	Kelly (IL)	Ryan (OH)
Castro (TX)	Kennedy	Sanchez, Linda
Chu	Kildee	T.
Cicilline	Kilmer	Sanchez, Loretta
Clarke	Kirkpatrick	Kind
Clay	Kuster	Sarbanes
Cleaver	Langevin	Schakowsky
Clyburn	Larsen (WA)	Schiff
Cohen	Larson (CT)	Schneider
Connolly	Lee (CA)	Schrader
Conyers	Levin	Schwartz
Cooper	Lewis	Scott (VA)
Costa	Lipinski	Scott, David
Courtney	Loebach	Serrano
Crowley	Lofgren	Sewell (AL)
Cuellar	Lowenthal	Shea-Porter
Cummings	Lowe	Sherman
Davis (CA)	Lujan Grisham	Sinema
Davis, Danny	(NM)	Sires
DeFazio	Luján, Ben Ray	Slaughter
DeGette	(NM)	Smith (WA)
Delaney	Lynch	Speier
DeLauro	Maffei	Swalwell (CA)
DelBene	Maloney,	Takano
Deutsch	Carolyn	Thompson (CA)
Dingell	Maloney, Sean	Thompson (MS)
Doggett	Matheson	Tierney
Doyle	Matsui	Titus
Duckworth	McCollum	Tonko
Edwards	McDermott	Tsongas
Ellison	McGovern	Van Hollen
Engel	McIntyre	Vargas
Enyart	McNerney	Veasey
Eshoo	Meeks	Vela
Esty	Michaud	Velázquez
Farr	Miller, George	Visclosky
Fattah	Moore	Walz
Foster	Moran	Wasserman
Frankel (FL)	Murphy (FL)	Schultz
Fudge	Nadler	Waters
Gallego	Napolitano	Watt
Garamendi	Neal	Waxman
Garcia	Negrete McLeod	Welch
Grayson	Nolan	Wilson (FL)
Green, Al		Yarmuth

NOT VOTING—12

Bachmann	Gabbard	Meng
Braley (IA)	Herrera Beutler	Radel
Campbell	Johnson, Sam	Rush
Ellmers	McCarthy (NY)	Westmoreland

□ 1345

Mr. DAVID SCOTT of Georgia, Ms. WILSON of Florida and SLAUGHTER changed their vote from "yea" to "nay."

Messrs. YOUNG of Alaska and CARTER changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 592, had I been present, I would have voted "no."

Ms. GABBARD. Mr. Speaker, on November 20, 2013, I was unavoidably detained and was unable to record my vote for rollcall No. 592. Had I been present I would have voted "nay" on ordering the previous question.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yes 225, noes 194, not voting 11, as follows:

[Roll No. 593]

AYES—225

Aderholt	DeSantis	Jenkins
Amash	DesJarlais	Johnson (OH)
Amodei	Duffy	Johnson, Sam
Bachus	Duncan (SC)	Jones
Barletta	Duncan (TN)	Jordan
Barr	Farenthold	Joyce
Barton	Fincher	Kelly (PA)
Benishek	Fitzpatrick	King (IA)
Bentivolio	Fleischmann	King (NY)
Bilirakis	Fleming	Kingston
Bishop (UT)	Flores	Kinzing (IL)
Black	Forbes	Kline
Blackburn	Fortenberry	Labrador
Boustany	Fox	LaMalfa
Brady (TX)	Franks (AZ)	Lamborn
Bridenstine	Frelinghuysen	Lance
Brooks (AL)	Gardner	Lankford
Brooks (IN)	Garrett	Latham
Broun (GA)	Gerlach	Latta
Buchanan	Gibbs	LoBiondo
Bucshon	Gibson	Long
Burgess	Gingrey (GA)	Lucas
Calvert	Goodlatte	Luetkemeyer
Camp	Gosar	Lummis
Cantor	Gowdy	Marchant
Capito	Granger	Marino
Carney	Graves (GA)	Massie
Carter	Graves (MO)	McCarthy (CA)
Cassidy	Griffin (AR)	McCaul
Chabot	Griffith (VA)	McClintock
Chaffetz	Grimm	McHenry
Coble	Guthrie	McKeon
Coffman	Hall	McKinley
Cole	Hanna	McMorris
Collins (GA)	Harper	Rodgers
Collins (NY)	Harris	Meadows
Conaway	Hartzler	Meehan
Cook	Hastings (WA)	Messer
Costa	Heck (NV)	Mica
Cotton	Hensarling	Miller (FL)
Cramer	Holding	Miller (MI)
Crawford	Hudson	Miller, Gary
Crenshaw	Huelskamp	Mullin
Culberson	Huizenga (MI)	Mulvaney
Daines	Hultgren	Murphy (PA)
Davis, Rodney	Hunter	Neugebauer
Denham	Hurt	Noem
Dent	Issa	Nugent

Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peters (CA)  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita

## NOES—194

Andrews  
Bachmann  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi

Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)

Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz

Waters  
Watt  
  
Campbell  
Diaz-Balart  
Elmers  
Gohmert

Waxman  
Welch  
  
Herrera Beutler  
McCarthy (NY)  
Meng  
Pittenger

Wilson (FL)  
Yarmuth  
  
Radel  
Rush  
Wenstrup

## NOT VOTING—11

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1352

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PITTENGER. Mr. Speaker, on rollcall No. 593, I was unavoidably detained. Had I been present, I would have voted “yes.”

## PERSONAL EXPLANATION

Mrs. ELLMERS. Mr. Speaker, on rollcall Nos. 592 and 593, I was unavoidably detained. Had I been present, I would have voted “yes.”

## PERSONAL EXPLANATION

Mrs. MENG. Mr. Speaker, on rollcall Nos. 592 and 593, had I been present, I would have voted “no.”

## FEDERAL LANDS JOBS AND ENERGY SECURITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1965.

Will the gentleman from Arkansas (Mr. WOMACK) kindly take the chair.

□ 1354

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, November 19, 2013, a request for a recorded vote on amendment No. 8 printed in part A of House Report 113–271 by the gentleman from Oregon (Mr. DEFazio) had been postponed.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113–271 on which further proceedings were postponed in the following order:

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. LOWENTHAL of California.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 7 by Mr. POLIS of Colorado.

Amendment No. 8 by Mr. DEFazio of Oregon.

The Chair will reduce to 2 minutes the time for any electronic vote in this series.

## AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 222, not voting 9, as follows:

[Roll No. 594]

## AYES—199

Andrews	Ellison	Lewis
Barber	Engel	Lipinski
Barrow (GA)	Enyart	Loeb sack
Bass	Eshoo	Lofgren
Beatty	Esty	Lowenthal
Becerra	Farr	Lowey
Bera (CA)	Fattah	Lujan Grisham
Bishop (GA)	Foster	(NM)
Bishop (NY)	Frankel (FL)	Luján, Ben Ray
Blumenauer	Fudge	(NM)
Bonamici	Gabbard	Maffei
Brady (PA)	Gallego	Maloney,
Braley (IA)	Garamendi	Carolyn
Brown (FL)	Garcia	Maloney, Sean
Brownley (CA)	Gibson	Matheson
Bustos	Grayson	Matsui
Butterfield	Green, Al	McCollum
Capps	Green, Gene	McDermott
Capuano	Grijalva	McGovern
Cárdenas	Gutiérrez	McIntyre
Carney	Hahn	McNerney
Carson (IN)	Hanabusa	Meeks
Cartwright	Hastings (FL)	Meng
Castor (FL)	Heck (WA)	Michaud
Castro (TX)	Higgins	Miller, George
Chu	Himes	Moore
Cicilline	Hinojosa	Moran
Clarke	Holt	Murphy (FL)
Clay	Honda	Nadler
Cleaver	Horsford	Napolitano
Clyburn	Hoyer	Neal
Cohen	Huffman	Negrete McLeod
Connolly	Israel	Nolan
Conyers	Jackson Lee	Nugent
Cooper	Jeffries	O'Rourke
Courtney	Johnson (GA)	Owens
Crowley	Johnson, E. B.	Pallone
Cuellar	Kaptur	Pascarell
Cummings	Keating	Pastor (AZ)
Davis (CA)	Kelly (IL)	Payne
Davis, Danny	Kennedy	Pelosi
DeFazio	Kildee	Perlmutter
DeGette	Kilmer	Peters (CA)
Delaney	Kind	Peters (MI)
DeLauro	Kirkpatrick	Pingree (ME)
DelBene	Kuster	Pocan
Deutch	Lance	Polis
Dingell	Langevin	Price (NC)
Doggett	Larsen (WA)	Quigley
Doyle	Larson (CT)	Rahall
Duckworth	Lee (CA)	Rangel
Edwards	Levin	Richmond



Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David

## NOES—222

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Billirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)

Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko

Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Campbell  
Diaz-Balart  
Gohmert

## NOT VOTING—9

Herrera Beutler  
Lynch  
McCarthy (NY)

Radel  
Ross  
Rush

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1358

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. LOWENTHAL  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from California (Mr.  
LOWENTHAL) on which further pro-  
ceedings were postponed and on which  
the noes prevailed by voice vote.  
The Clerk will redesignate the  
amendment.  
The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.  
A recorded vote was ordered.  
The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 194, noes 228,  
not voting 8, as follows:

[Roll No. 595]

## AYES—194

Andrews  
Barber  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Poster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)

Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Lujan, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis

Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz

Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko

## NOES—228

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Billirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Goodlatte  
Gosar

Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson

Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf

Womack Yoder Young (AK)  
Woodall Yoho Young (IN)

## NOT VOTING—8

Campbell Herrera Beutler Ross  
Diaz-Balart McCarthy (NY) Rush  
Gohmert Radel

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1402

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## PERSONAL EXPLANATION

Mr. ROSS. Mr. Chairman, on rollcall Nos. 594 & 595 I was unavoidably detained. Had I been present, I would have voted, “no.”

## AMENDMENT NO. 4 OFFERED BY TEXAS (MS. JACKSON LEE)

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 225, not voting 7, as follows:

[Roll No. 596]

## AYES—198

Amash	Davis (CA)	Hinojosa
Andrews	Davis, Danny	Holt
Barber	DeFazio	Honda
Barrow (GA)	DeGette	Horsford
Bass	Delaney	Hoyer
Beatty	DeLauro	Huffman
Bera (CA)	DelBene	Israel
Bishop (GA)	Deutch	Jackson Lee
Bishop (NY)	Dingell	Jeffries
Blumenauer	Doggett	Johnson (GA)
Bonamici	Doyle	Johnson, E. B.
Brady (PA)	Duckworth	Keating
Braley (IA)	Edwards	Kelly (IL)
Broun (GA)	Ellison	Kennedy
Brown (FL)	Engel	Kildee
Brownley (CA)	Enyart	Kilmer
Bustos	Eshoo	Kind
Butterfield	Esty	Kirkpatrick
Capps	Farr	Kuster
Capuano	Fattah	Langevin
Cardenas	Foster	Larsen (WA)
Carney	Frankel (FL)	Larson (CT)
Carson (IN)	Fudge	Lee (CA)
Cartwright	Gabbard	Levin
Castor (FL)	Gallego	Lewis
Castro (TX)	Garamendi	Lipinski
Chu	Garcia	Loeb sack
Ciilline	Gibson	Loftgren
Clarke	Grayson	Lowenthal
Clay	Green, Al	Lowey
Cleaver	Green, Gene	Lujan Grisham
Clyburn	Grijalva	(NM)
Cohen	Gutiérrez	Lujan, Ben Ray
Connolly	Hahn	(NM)
Conyers	Hanabusa	Lynch
Cooper	Hanna	Maffei
Courtney	Hastings (FL)	Maloney,
Crowley	Heck (WA)	Carolyn
Cuellar	Higgins	Maloney, Sean
Cummings	Himes	Matheson

Matsui	Pingree (ME)	Sires
McCollum	Pocan	Slaughter
McDermott	Polis	Smith (WA)
McGovern	Price (NC)	Speier
McIntyre	Quigley	Swalwell (CA)
McNerney	Rahall	Takano
Meeks	Rangel	Thompson (CA)
Meng	Richmond	Thompson (MS)
Michaud	Roybal-Allard	Tierney
Miller, George	Ruiz	Titus
Moore	Ruppersberger	Tonko
Moran	Ryan (OH)	Tsongas
Murphy (FL)	Sánchez, Linda	Van Hollen
Nadler	T.	Vargas
Napolitano	Sanchez, Loretta	Veasey
Neal	Sarbanes	Vela
Negrete McLeod	Schakowsky	Velázquez
Nolan	Schiff	Visclosky
O'Rourke	Schneider	Walz
Owens	Schrader	Wasserman
Pallone	Schwartz	Schultz
Pascarell	Scott (VA)	Waters
Pastor (AZ)	Scott, David	Watt
Payne	Serrano	Waxman
Pelosi	Sewell (AL)	Welch
Perlmutter	Shea-Porter	Wilson (FL)
Peters (CA)	Sherman	Yarmuth
Peters (MI)	Sinema	

## NOES—225

Aderholt	Garrett	McMorris
Amodei	Gerlach	Rodgers
Bachmann	Gibbs	Meadows
Bachus	Gingrey (GA)	Meehan
Barletta	Gohmert	Messer
Barr	Goodlatte	Mica
Barton	Gosar	Miller (FL)
Benishke	Gowdy	Miller (MI)
Bentivolio	Granger	Miller, Gary
Bilirakis	Graves (GA)	Mullin
Bishop (UT)	Graves (MO)	Mulvaney
Black	Griffin (AR)	Murphy (PA)
Blackburn	Griffith (VA)	Neugebauer
Boustany	Grimm	Noem
Brady (TX)	Guthrie	Nugent
Bridenstine	Hall	Nunes
Brooks (AL)	Harper	Nunnelee
Brooks (IN)	Harris	Olson
Buchanan	Hartzler	Palazzo
Bucshon	Hastings (WA)	Paulsen
Burgess	Heck (NV)	Pearce
Calvert	Hensarling	Perry
Camp	Holding	Peterson
Cantor	Hudson	Petri
Capito	Huelskamp	Pittenger
Carter	Huizenga (MI)	Pitts
Cassidy	Hultgren	Poe (TX)
Chabot	Hunter	Pompeo
Chaffetz	Hurt	Posey
Coble	Issa	Price (GA)
Coffman	Jenkins	Reed
Cole	Johnson (OH)	Reichert
Collins (GA)	Johnson, Sam	Renacci
Collins (NY)	Jones	Ribble
Conaway	Jordan	Rice (SC)
Cook	Joyce	Rigell
Costa	Kaptur	Roby
Cotton	Kelly (PA)	Roe (TN)
Cramer	King (IA)	Rogers (AL)
Crawford	King (NY)	Rogers (KY)
Crenshaw	Kingston	Rogers (MI)
Culberson	Kinzinger (IL)	Rohrabacher
Daines	Kline	Rokita
Davis, Rodney	Labrador	Rooney
Denham	LaMalfa	Ros-Lehtinen
Dent	Lamborn	Roskam
DeSantis	Lance	Ross
DesJarlais	Lankford	Rothfus
Diaz-Balart	Latham	Royce
Duffy	Latta	Ryunan
Duncan (SC)	LoBiondo	Ryan (WI)
Duncan (TN)	Long	Salmon
Elmers	Lucas	Sanford
Farenthold	Luetkemeyer	Scalise
Fincher	Lummis	Schock
Fitzpatrick	Marchant	Schweikert
Fleischmann	Marino	Scott, Austin
Fleming	Massie	Sensenbrenner
Flores	McCarthy (CA)	Sessions
Forbes	McCaul	Shimkus
Fortenberry	McClintock	Shuster
Fox	McHenry	Simpson
Franks (AZ)	McKeon	Smith (MO)
Frelinghuysen	McKinley	Smith (NE)
Gardner		Smith (NJ)

Smith (TX)	Turner	Whitfield
Southerland	Upton	Williams
Stewart	Valadao	Wilson (SC)
Stivers	Wagner	Wittman
Stockman	Walberg	Womack
Stutzman	Walden	Woodall
Terry	Walorski	Yoder
Thompson (PA)	Weber (TX)	Yoho
Thornberry	Webster (FL)	Young (AK)
Tiberi	Wenstrup	Young (IN)
Tipton	Westmoreland	

## NOT VOTING—7

Becerra	McCarthy (NY)	Wolf
Campbell	Radel	
Herrera Beutler	Rush	

## ANNOUNCEMENT BY THE ACTING CHAIR.

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1406

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 7 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 221, not voting 7, as follows:

[Roll No. 597]

## AYES—202

Andrews	Cuellar	Hanna
Barber	Cummings	Hastings (FL)
Barrow (GA)	Davis (CA)	Heck (WA)
Bass	Davis, Danny	Higgins
Beatty	DeFazio	Himes
Bera (CA)	DeGette	Hinojosa
Bishop (GA)	Delaney	Holt
Bishop (NY)	DeLauro	Honda
Blumenauer	DelBene	Horsford
Bonamici	Deutch	Hoyer
Brady (PA)	Dingell	Huffman
Braley (IA)	Doggett	Israel
Brown (FL)	Doyle	Jackson Lee
Brownley (CA)	Duckworth	Jeffries
Bustos	Edwards	Johnson (GA)
Butterfield	Ellison	Johnson, E. B.
Capps	Engel	Kaptur
Capuano	Enyart	Keating
Cardenas	Eshoo	Kelly (IL)
Carney	Esty	Kennedy
Carson (IN)	Farr	Kildee
Cartwright	Fattah	Kilmer
Cassidy	Fortenberry	Kind
Castor (FL)	Foster	Kirkpatrick
Castro (TX)	Frankel (FL)	Kuster
Chu	Fudge	Lance
Ciilline	Gabbard	Langevin
Clarke	Gallego	Larsen (WA)
Clay	Garamendi	Larson (CT)
Cleaver	Garcia	Lee (CA)
Clyburn	Gibson	Levin
Cohen	Grayson	Lewis
Connolly	Green, Al	Lipinski
Conyers	Green, Gene	Loeb sack
Cooper	Grijalva	Loftgren
Courtney	Gutiérrez	Lowenthal
Crowley	Hahn	Lowey
	Hanabusa	

Lujan Grisham (NM)  
 Luján, Ben Ray (NM)  
 Lynch  
 Maffei  
 Maloney, Carolyn  
 Maloney, Sean  
 Matheson  
 Matsui  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McNerney  
 Meadows  
 Meeks  
 Meng  
 Michaud  
 Miller, George  
 Moore  
 Moran  
 Murphy (FL)  
 Nadler  
 Napolitano  
 Neal  
 Negrete McLeod  
 Nolan  
 O'Rourke  
 Pallone  
 Pascrell

## NOES—221

Aderholt  
 Amash  
 Amodei  
 Bachmann  
 Bachus  
 Barletta  
 Barr  
 Barton  
 Benishek  
 Bentivolio  
 Bilirakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Boustany  
 Brady (TX)  
 Bridenstine  
 Brooks (AL)  
 Brooks (IN)  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Burgess  
 Calvert  
 Camp  
 Cantor  
 Capito  
 Carter  
 Chabot  
 Chaffetz  
 Coble  
 Coffman  
 Cole  
 Collins (GA)  
 Collins (NY)  
 Conaway  
 Cook  
 Cotton  
 Cramer  
 Crawford  
 Crenshaw  
 Culberson  
 Daines  
 Davis, Rodney  
 Denham  
 Dent  
 DeSantis  
 DesJarlais  
 Diaz-Balart  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Foxx

Pastor (AZ)  
 Paulsen  
 Payne  
 Pelosi  
 Perlmutter  
 Peters (CA)  
 Peters (MI)  
 Pingree (ME)  
 Pocan  
 Polis  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Richmond  
 Roybal-Allard  
 Ruiz  
 Ruppersberger  
 Ryan (OH)  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schneider  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell (AL)

Shea-Porter  
 Sherman  
 Sinema  
 Sires  
 Slaughter  
 Smith (WA)  
 Speier  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Titus  
 Tonko  
 Tsongas  
 Van Hollen  
 Vargas  
 Veasey  
 Vela  
 Velázquez  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Welch  
 Wilson (FL)  
 Woodall  
 Yarmuth

Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Smith (MO)  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Stewart  
 Stivers  
 Stockman  
 Stutzman  
 Becerra  
 Campbell  
 Herrera Beutler

Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner  
 Upton  
 Valadao  
 Wagner  
 Walberg  
 Walden  
 Walorski  
 Weber (TX)

## NOT VOTING—7

McCarthy (NY)  
 Radel  
 Rush  
 Visclosky

ANNOUNCEMENT BY THE ACTING CHAIR  
 The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1411

So the amendment was rejected.  
 The result of the vote was announced  
 as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO  
 The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Oregon (Mr. DEFAZIO)  
 on which further proceedings were  
 postponed and on which the noes pre-  
 vailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.  
 The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 195, noes 226,  
 not voting 9, as follows:

[Roll No. 598]

## AYES—195

Andrews  
 Barber  
 Barrow (GA)  
 Bass  
 Beatty  
 Bera (CA)  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Bonamici  
 Brady (PA)  
 Braley (IA)  
 Brown (FL)  
 Brownley (CA)  
 Bustos  
 Butterfield  
 Capps  
 Capuano  
 Cardenas  
 Carney  
 Carson (IN)  
 Cartwright  
 Castor (FL)  
 Castro (TX)  
 Chu  
 Cicilline  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Connolly  
 Conyers  
 Courtney  
 Crowley  
 Cuellar  
 Cummings  
 Davis (CA)  
 Davis, Danny  
 DeFazio  
 DeGette  
 DeLauro  
 DelBene  
 Deutch  
 Dingell  
 Doggett  
 Doyle  
 Duckworth  
 Edwards  
 Ellison  
 Engel  
 Enyart  
 Eshoo  
 Esty  
 Farr  
 Fattah  
 Fitzpatrick  
 Fortenberry  
 Foster  
 Frankel (FL)  
 Fudge  
 Gabbard  
 Gallego  
 Garamendi  
 Garcia  
 Gibson  
 Grayson  
 Green, Al  
 Green, Gene  
 Grijalva  
 Gutierrez  
 Hahn  
 Hanabusa  
 Hastings (FL)  
 Heck (WA)  
 Higgins  
 Himes  
 Hinojosa  
 Holt  
 Honda  
 Horsford  
 Hoyer  
 Huffman  
 Israel  
 Jackson Lee  
 Jeffries  
 Johnson (GA)  
 Johnson, E. B.  
 Jones  
 Kaptur  
 Keating  
 Kelly (IL)  
 Kennedy  
 Kildeer  
 Kilmer  
 Kind  
 Kirkpatrick  
 Kuster  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis  
 Lipinski  
 Loebsack  
 Lofgren  
 Lowenthal

Lowey  
 Lujan Grisham (NM)  
 Luján, Ben Ray (NM)  
 Lynch  
 Maffei  
 Maloney, Carolyn  
 Maloney, Sean  
 Matheson  
 Matsui  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McNerney  
 Meeks  
 Meng  
 Michaud  
 Miller, George  
 Moore  
 Moran  
 Murphy (FL)  
 Nadler  
 Napolitano  
 Neal  
 Negrete McLeod  
 Nolan  
 O'Rourke  
 Pallone

Pascrell  
 Pastor (AZ)  
 Payne  
 Pelosi  
 Perlmutter  
 Peters (CA)  
 Peters (MI)  
 Peterson  
 Pingree (ME)  
 Pocan  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Richmond  
 Roybal-Allard  
 Ruiz  
 Ruppersberger  
 Ryan (OH)  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schneider  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano

## NOES—226

Aderholt  
 Amash  
 Amodei  
 Bachmann  
 Bachus  
 Barletta  
 Barr  
 Barton  
 Benishek  
 Bentivolio  
 Bilirakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Boustany  
 Brady (TX)  
 Bridenstine  
 Brooks (AL)  
 Brooks (IN)  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Burgess  
 Calvert  
 Camp  
 Cantor  
 Capito  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Coble  
 Coffman  
 Cole  
 Collins (GA)  
 Collins (NY)  
 Conaway  
 Cook  
 Cooper  
 Costa  
 Cotton  
 Cramer  
 Crawford  
 Crenshaw  
 Culberson  
 Daines  
 Davis, Rodney  
 Delaney  
 Denham  
 Dent  
 DeSantis  
 DesJarlais  
 Diaz-Balart  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Farenthold  
 Fincher  
 Fleischmann  
 Fleming  
 Flores

Sewell (AL)  
 Shea-Porter  
 Sherman  
 Sinema  
 Sires  
 Slaughter  
 Smith (WA)  
 Speier  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Titus  
 Tonko  
 Tsongas  
 Van Hollen  
 Veasey  
 Vela  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Welch  
 Wilson (FL)  
 Yarmuth

Forbes  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guthrie  
 Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (WA)  
 Heck (NV)  
 Hensarling  
 Holding  
 Hudson  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (OH)  
 Johnson, Sam  
 Jordan  
 Joyce  
 Kelly (PA)  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 LaMalfa  
 Lamborn  
 Lankford  
 Latham  
 Latta  
 LoBiondo  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis  
 Marchant  
 Marino  
 Massie  
 McCarthy (CA)  
 McCaul  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McHenry  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meadows  
 Meehan  
 Messer  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Mullin  
 Mulvaney  
 Murphy (PA)  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Palazzo  
 Paulsen  
 Pearce  
 Perry  
 Petri  
 Pittenger  
 Pitts  
 Poe (TX)  
 Polis  
 Pompeo  
 Posey  
 Price (GA)  
 Reed  
 Reichert  
 Renacci  
 Ribble  
 Rice (SC)  
 Rigell  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Rothfus  
 Royce  
 Runyan  
 Ryan (WI)  
 Salmon  
 Sanford  
 Schock  
 Schweikert  
 Scott, Austin  
 Sensenbrenner

Scott, Austin	Terry	Wenstrup
Sensenbrenner	Thompson (PA)	Westmoreland
Sessions	Thornberry	Whitfield
Shimkus	Tiberi	Williams
Simpson	Tipton	Wilson (SC)
Smith (MO)	Turner	Wittman
Smith (NE)	Upton	Wolf
Smith (NJ)	Valadao	Womack
Smith (TX)	Wagner	Woodall
Southerland	Walberg	Yoder
Stewart	Walden	Yoho
Stivers	Walorski	Young (AK)
Stockman	Weber (TX)	Young (IN)
Stutzman	Webster (FL)	

## NOT VOTING—9

Becerra	McCarthy (NY)	Rush
Campbell	Owens	Shuster
Herrera Beutler	Radel	Vargas

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1416

Mr. SCOTT of Virginia changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, and, pursuant to House Resolution 419, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mrs. KIRKPATRICK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. KIRKPATRICK. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Kirkpatrick moves to recommit the bill H.R. 1965 to the Committee on Natural

Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 7, strike the close quotation marks and following period at line 18, and after line 18 insert the following:

“(F) ENSURING A FAIR RETURN FOR TAXPAYERS.—Subparagraphs (A), (B), (C), and (D) shall apply with respect to a permit application submitted by a major integrated oil company (as defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986) only if the company agrees not to claim the domestic production activities deduction under section 199 of the Internal Revenue Code of 1986”.

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. 01. PROTECTING NATIVE AMERICAN SACRED AND CULTURAL SITES.**

Nothing in this Act requires the Secretary of the Interior to allow energy development that would negatively impact land that is identified by the Secretary, in consultation with affected Indian tribes, as a Native American sacred site or cultural site.

The SPEAKER pro tempore. The gentlewoman from Arizona is recognized for 5 minutes.

Mrs. KIRKPATRICK. Mr. Speaker, this is the final amendment to the bill. It will not kill the bill nor send it back to committee.

If it is adopted, this bill will immediately proceed to final passage. The Big Five oil companies are making record profits. They have made \$250 billion in profits in just the last 2 years. At the same time, they are receiving \$4 billion in oil and tax breaks every year.

U.S. oil production is at a 24-year high, with the United States soon projected to be the top oil producer in the world. Before these big oil companies get even more drilling rights on public taxpayer lands, they should give up these unneeded subsidies. Otherwise, this is another giveaway to Big Oil.

It expands drilling on public lands at the expense of public uses like hunting, fishing, and recreation. It also goes far beyond the reforms for tribal self-determination in energy development.

It limits community input on projects that may affect the environment, and it bars the door to justice for claims from victims of environmental disasters caused by energy development projects on Indian lands.

This bill has real threats to our tribes, so we need to amend H.R. 1965 to remedy this, and we need a fair return for taxpayers. This amendment is a way to lower the deficit so that it is a win-win for taxpayers.

I urge my colleagues across the aisle, who care so much about our tribes, to vote to close this massive tax loophole and giveaway.

I urge my colleagues across the aisle to side with the American people, especially the Native American people, instead of Big Oil and support this amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, first, when we talk about taxes on energy, what we are talking about is raising taxes on the American people and the goods that they would buy because the cost of energy would rise because of that. That is the first point to the gentlewoman's argument. This motion to recommit is nothing more than raising taxes on energy in this country.

Second point: I find it absolutely ironic that here we are with another, I would say, political amendment supposedly dealing with our Native American friends. In all the time that my friends on the other side of the aisle were in charge, they never brought up anything in energy policy that would secure the rights in Indian Country for them to take advantage of their own lands. We have a title in this bill. Title V allows American Indians to develop their lands as they see fit with American energy.

This motion to recommit is wrong. Vote “no.” Vote for the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mrs. KIRKPATRICK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 232, not voting 9, as follows:

[Roll No. 599]

## AYES—189

Andrews	Cicilline	Ellison
Barber	Clarke	Enyart
Bass	Clay	Eshoo
Beatty	Cleaver	Esty
Becerra	Clyburn	Farr
Bera (CA)	Cohen	Fattah
Bishop (GA)	Connolly	Foster
Bishop (NY)	Conyers	Frankel (FL)
Blumenauer	Cooper	Fudge
Bonamici	Courtney	Gabbard
Brady (PA)	Crowley	Garamendi
Braley (IA)	Cummings	Garcia
Brown (FL)	Davis (CA)	Grayson
Brownley (CA)	Davis, Danny	Green, Al
Bustos	DeFazio	Grijalva
Butterfield	DeGette	Gutiérrez
Capps	Delaney	Hahn
Capuano	DeLauro	Hanabusa
Cárdenas	DelBene	Hastings (FL)
Carney	Deutch	Heck (WA)
Carson (IN)	Dingell	Higgins
Cartwright	Doggett	Himes
Castor (FL)	Doyle	Hinojosa
Castro (TX)	Duckworth	Holt
Chu	Edwards	Honda

Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe y  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum

## NOES—232

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart

McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.

Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus

Campbell  
Engel  
Herrera Beutler

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1432

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ENGEL. Mr. Speaker, on rolcall No. 599 I was at a meeting in the Rayburn Room and missed the vote. Had I been present, I would have voted, "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HOLT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 192, not voting 10, as follows:

[Roll No. 600]

## AYES—228

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert

Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

McCarthy (NY)  
Shuster  
Van Hollen  
Whitfield

Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant

Andrews  
Barber  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio

Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

## NOES—192

DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Galleo  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe y  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney

Meeks	Rahall	Speier
Meng	Rangel	Swalwell (CA)
Michaud	Richmond	Takano
Miller, George	Roybal-Allard	Thompson (CA)
Moore	Ruiz	Thompson (MS)
Moran	Ruppersberger	Tierney
Murphy (FL)	Ryan (OH)	Titus
Nadler	Sánchez, Linda	Tonko
Napolitano	T.	Tsongas
Neal	Sanchez, Loretta	Van Hollen
Negrete McLeod	Sarbanes	Vargas
Nolan	Schakowsky	Veasey
O'Rourke	Schiff	Vela
Pallone	Schneider	Velázquez
Pascarell	Schrader	Visclosky
Pastor (AZ)	Schwartz	Walz
Payne	Scott (VA)	Wasserman
Pelosi	Scott, David	Schultz
Perlmutter	Serrano	Waters
Peters (CA)	Sewell (AL)	Watt
Peters (MI)	Shea-Porter	Waxman
Pingree (ME)	Sherman	Welch
Pocan	Sinema	Wilson (FL)
Polis	Sires	Wolf
Price (NC)	Slaughter	Yarmuth
Quigley	Smith (WA)	

## NOT VOTING—10

Bilirakis	Radel	Whitfield
Campbell	Rush	Yoho
Herrera Beutler	Shuster	
McCarthy (NY)	Tiberi	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1441

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on Wednesday, November 20, 2013, I missed rollcall vote No. 600 for unavoidable reasons. Had I been present, I would have voted as follows: rollcall No. 600: "aye" (On passage of H.R. 1965.)

Mr. TIBERI. Mr. Speaker, on rollcall No. 600 (final passage of H.R. 1965) I was unavoidably detained and did not cast my vote. Had I been present, I would have voted, "yea."

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 20, 2013.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2013 at 11:51 a.m.:

That the Senate passed with amendments H.R. 3304.

That the Senate passed S. 381.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## PROTECTING STATES' RIGHTS TO PROMOTE AMERICAN ENERGY SECURITY ACT

## GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2728.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2728.

The Chair appoints the gentleman from Kansas (Mr. YODER) to preside over the Committee of the Whole.

□ 1444

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation, with Mr. YODER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in section 2 of House Resolution 419 and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology.

The gentleman from Washington (Mr. HASTINGS), and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes. The gentleman from Texas (Mr. SMITH) and the gentleman from Oregon (Ms. BONAMICI) each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

□ 1445

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Obama administration is once again attempting to block new energy production, keeping energy prices high and hurting middle class families. The Department of the Interior is proposing new regulations on the practice of hydraulic fracturing on Federal and tribal lands. These regulations, once implemented next year, will in all likelihood add new layers of red tape and lower energy production even further on Federal land.

For over 2 years, the Natural Resources Committee has conducted extensive oversight of the Obama administration's proposed regulations. We have held multiple hearings across the country and have heard from energy experts, tribal leaders, and State officials who have all had the same message: these are bad regulations that potentially destroy jobs and stifle American energy production.

According to one study, these new Federal regulations would cost nearly \$350 million annually. As a consequence, the 1.7 million jobs that are currently supported by shale oil and natural gas production—a number, I might add, Mr. Chairman, that is expected to increase to 2.5 million by 2015—these jobs would be put in jeopardy. Even worse, these proposed regulations duplicate efforts already being carried out by States across the country.

Hydraulic fracturing has been safely and effectively regulated by States for decades. So the Obama administration's proposed regulations are unnecessary, they are redundant, and they simply waste precious time and money duplicating what is already being done successfully.

That is why two of our colleagues from Texas, Mr. FLORES and Mr. CUELLAR, introduced the bipartisan H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act, before us today. This bill prohibits the Interior Department from enforcing duplicative hydraulic fracturing regulations in any State that already has regulations or will adopt regulations in the future and recognizes States' authority to regulate this type of activity.

The bill acknowledges that States are doing a good job and an effective job regulating this activity. And ironically, Mr. Chairman, officials from the Obama administration, itself, have admitted that there has not been one known case of groundwater contamination from hydraulic fracturing. The reason I mention this, Mr. Chairman, is because groundwater contamination is the argument most frequently used against this process.

The bill also recognizes that States are able to carefully craft regulations to meet the unique geological and hydrologic needs of their States. A one-size-fits-all regulatory structure, like this administration is trying to impose, will not work and is certainly not the answer.

I want to be very clear: this bill does not prevent the Federal Government from implementing baseline standards in States where none exist. This bill simply prevents the Federal Government from wasting time, money, and resources by imposing duplicative red tape on a process that is widely regarded as being properly regulated by the States.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield myself 3 minutes.

I rise in opposition to this bill. Apparently, Mr. Chairman, the Republican majority believes that the greatest threat that Americans face from hydraulic fracturing today is too many regulations. They don't seem to be concerned about the danger posed to our drinking water supplies or the impacts of industrialization on our rural landscapes or the increased risk of earthquakes from wastewater injection or the emissions of methane or other noxious chemicals into the air or the identity of the mystery chemicals being pumped underground nor the disposal of waste safely. Americans are concerned about these things, and so should we be.

The House Democrats are trying to do something about that. My colleagues and I have introduced an entire series of bills designed to address the very real impacts that fracking has on American communities: the BREATHE Act, by Mr. POLIS; the SHARED Act, by Ms. SCHAKOWSKY; the CLEANER Act, by Mr. CARTWRIGHT; the FRESH Act, also by Mr. CARTWRIGHT; and the FRAC Act, by Ms. DEGETTE. These are attempts to protect the air, the water, the land, and ensure that people know what is being injected into the ground under their homes. The Republicans will not bring any of these bills to the floor, and I doubt they will because, according to the Republicans, the real threat is too many regulations.

This is preposterous, Mr. Chairman. Tell the people who want to know what chemicals are being injected under their homes that the real danger is that the Federal Government wants them to know. Tell the people who are seeing elevated levels of methane in their drinking water that the real danger is that the Federal Government wants to ensure that the wells are built better so they will not leak methane. Mr. Chairman, tell the people living next to the huge open pits of wastewater that the real danger is the Federal Government wants to make sure that States have minimum standards.

Mr. Chairman, I am astonished that the sponsors of this bill and the leadership would even bring the bill to the floor. It will do nothing, absolutely nothing, to address any of the concerns that families have legitimately about the impacts of fracking in their communities. Worse than that, the bill will strip existing protections in place across the entire Nation.

It would eliminate the ability of the Fish and Wildlife Service and the National Park Service to regulate oil and gas operations on their own lands. It would prevent the Fish and Wildlife Service from enforcing wildlife protec-

tion regulations under the Endangered Species Act and the Migratory Bird Treaty Act—oh, yes, I know my colleagues will say, That is not true; read the bill—and any number of other laws everywhere across the country.

Now I would like to think that these are unintended consequences of a poorly drafted bill, but given past attacks on the Endangered Species Act and such, I think there is reason to suspect that this is an intended consequence.

They will say, This is about states' rights, but Democrats are actually focused on the American people's rights: their rights to clean air; their rights to clean water; to be free of hazardous waste; to know what is happening under their very feet.

I urge my colleagues to defeat this bill and to bring up legislation that will really deal with the health and safety of Americans across the country.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. FLORES), the author of this legislation, who is a member of the Natural Resources Committee.

Mr. FLORES. Mr. Chairman, this bill will put the House on record in support of the shale energy boom, more American jobs, and lower energy prices, all of which are a direct result of hydraulic fracturing technology.

For the average American family last year, the shale energy boom meant \$1,200 per family in lower energy bills. During our slow economic recovery, it has been the lone bright spot responsible for creating the most new jobs, both in energy and in manufacturing.

States have been effectively regulating fracturing on Federal, State, and private lands for over 50 years, and the States oppose the Federal Government trying to overrule their expertise. There is no demonstrated need for the Federal Government to waste taxpayer money by duplicating and complicating State efforts. The only reason for the Federal Government to get involved is to placate those who oppose the shale energy revolution and the jobs boom that has come from it. I hear the arguments:

First, they will say that States might have insufficient regulations. The facts are that all States that produce oil and gas have comprehensive rules and regulations to ensure that hydraulic fracturing is done safely. Moreover, there are many Federal laws that will continue to apply to energy development, and this bill will not change those.

Second, they argue that the Federal Government should be able to apply any rules and regulations it wants on Federal land. Well, for instance, States already effectively manage the wildlife and the water on Federal lands. Yet the environmental concern surrounding fracturing is water protec-

tion, and water protection authorities have always been the purview of the States.

Third, the proponents of Federal regulation argue that the administration will not expand the Department of the Interior rule to State and to private lands. Instead of embracing the booming shale energy production, this administration has directed over 10 Federal agencies to look for ways to override State rules in this regard.

Energy is a key economic input to a more prosperous future for all Americans. H.R. 2728 stops the Federal Government from more Federal regulation encroachment on State water authorities and potential infringement on State and private lands.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentleman from Texas.

Mr. FLORES. I thank Chairman HASTINGS for his assistance in moving this legislation through his committee and the bill's co-lead, Mr. CUELLAR.

I urge my colleagues to vote "yes" on H.R. 2728 and support the American manufacturing renaissance, lower energy costs, and American jobs.

Mr. HOLT. I am pleased to yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), the senior ranking member of the Committee on Natural Resources.

Mr. DEFAZIO. I thank the gentleman.

Mr. Chairman, now here, a group has done an assessment of the various State regulatory regimes, and as you can see, they vary tremendously. They think that the best is Maryland. There are others gathered toward the top, the middle, and then way down here at the bottom, you have Virginia.

Some States require comprehensive pressure testing of the casing. That is essential, particularly if you are going through the water table to get to the gas. If you get the leaks, then you destroy the water table. Some States don't require that.

Some States require that you contain the fluids that come back up, the waste products laden with toxic materials not only from the fluids but from the ground itself. Other States allow it to be in open pits.

Some States require disclosure of the chemicals that are used. Now how can you say there has been no contamination when there are contaminated wells in many places across the U.S.? Some of it has to do with baseline contamination with arsenic or other things, but if you don't know what they are sticking into the ground near your well or water table, you can't track what it is that was a baseline before and/or what is pollution that has resulted. We don't know that. So why not require disclosure of the chemicals?



We are having a gold rush right now for fracking. It is not exactly like this is going to have an impact if we put in place a reasonable floor of Federal regulations. One Macondo, just one Macondo in this industry, one well that blows out in a large aquifer or some other disaster, and this whole thing is going to come grinding to a halt, and then you are going to see a strong push-back for strong regulations.

Quite frankly, I don't think that the regulations being proposed by this administration are stringent enough for a floor. They are probably above maybe some of these people on the bottom, but they are way below some of the best-performing States here.

Why should it be different State to State? What is it? Do we want to protect the above ground resources and not have open pits? Well, under this bill, if you have an open pit, it is on a flyway, migratory birds land there and die quickly, the Federal Government can't do anything about it. If that State allows open pits, we can't do anything about that. That is up to that State, and that is a fact. A number of States allow open pits.

We should have a regulatory regime where the Federal Government, on its lands, which belong to all the people of the United States, sets a reasonable floor for regulations. If a State like Maryland wants to go above good, solid regulations, well, then, good. But if someone else is a bad actor, and they want to drag it down, and they want to have open pits, they don't want to test the casing, they don't want to do other things that are absolutely essential to protect resources, then they can do that on Federal lands?

It is bad enough that they are allowing people to do it on private lands and do it on their State lands. But these are Federal lands. We are going to require and should require a higher bar to protect the public, to protect the environment, to protect these precious resources and do this responsibly.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 30 seconds to ask the distinguished ranking member of the Natural Resources Committee if he could tell me who did that study.

I yield 15 seconds to the gentleman from Oregon (Mr. DEFAZIO) for him to tell me who did that study.

Mr. DEFAZIO. I thank the gentleman for the question.

It was done by an advocacy group called Resources for the Future. It is kind of like your study that says it will cost \$350 million, which was done by industry. It is an advocacy group. You have an industry advocacy group. We have an environmental advocacy group.

□ 1500

Mr. HASTINGS of Washington. I thank the gentleman for responding.

At this time I yield 2 minutes to the gentleman from Colorado (Mr. LAM-

BORN), chairman of the subcommittee that dealt with this legislation.

Mr. LAMBORN. Mr. Chairman, I rise in strong support of H.R. 2728, which came through the subcommittee I chair and which I am pleased to co-sponsor.

This bipartisan legislation requires the Department of the Interior to defer to State regulations regarding hydraulic fracturing on Federal lands within the States.

These proposed Federal regulations will lead to more bureaucratic red tape that will further discourage energy producers from developing on Federal land.

The time period for approving a simple application for a permit to drill has only increased under President Obama. An energy producer can wait for nearly a year for a permit to be approved on Federal land, while in my home State of Colorado, it is only an average of 27 days.

The Federal regulations being proposed by the administration will add an entirely new layer of regulations to the already cumbersome Federal process. This will increase the cost of producing energy and does not help working American families.

The proposed Federal regulations also ignore the extensive work done by the States to regulate hydraulic fractures within their borders. Our committee has heard from numerous witnesses from Utah, Wyoming, Colorado, and other States who have testified to the extensive process these States went through to draft their regulations, regulations that are very successful. No one can show where States are dropping the ball.

My home State of Colorado has been safely using hydraulic fracturing for over 40 years and has the toughest disclosure rule in the Nation. Even our Democratic Governor, John Hickenlooper, to his credit, believes that it is the State's responsibility to regulate the industry. The States know their own geology and water better than bureaucrats in Washington do.

This bill will eliminate Federal regulations that are unnecessary, burdensome, and expensive. Please support H.R. 2728.

Mr. HOLT. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN), a member of the Energy and Commerce Committee and someone who is as expert as anyone in this Chamber on oil and gas industry and regulations.

Mr. GENE GREEN of Texas. I thank my colleague. Although, I have to admit, sometimes I feel a little awkward listening to my colleagues' statements, but I am glad that report showed Texas is one of the more tougher States that regulates hydraulic fracturing.

Mr. Chairman, in the State of Texas, hydraulic fracturing has been a com-

mon practice for many years. The technique, combined with horizontal drilling, has made the idea of energy independence in the United States almost a reality.

Across the United States, the development of natural gas continues to power our economic engine and is the foundation of a manufacturing renaissance. Thus far, State agencies have done a great job of regulating hydraulic practices on State and private lands.

In Texas, the Railroad Commission—inappropriately named—has set a variety of standards that aim to protect the environment and allow for the development of this vital natural resource.

I am a firm believer in property rights and that whoever owns that land should have the right to regulate that land.

I would not support the Federal Government regulating the development of natural gas or the practice of hydraulic fracturing on State and/or private lands. More importantly, I cannot support the idea of legislation that would prevent the Federal Government from regulating Federal lands. Unfortunately, that is what this bill is asking us to do.

I understand and support the desire to develop our natural resources in the most economical way possible with as little bureaucratic red tape as possible. I know the significant advantage that the shale gas boom has provided our domestic petrochemical industry, various manufacturers, and a whole host of end-users.

Let's make sure, though, that the Department of the Interior does their job and does not have to transfer oversight of Federal lands to State lands. We need the Department of the Interior to allow resource development under Federal law.

I encourage my colleagues to oppose this bill. Hopefully, we will bring up a bill that will make the Department of the Interior actually let us produce on our Federal lands.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. FLORES), the sponsor of the legislation.

Mr. FLORES. Mr. Chairman, I am disappointed in my good friend from Texas' comments, especially in light of the fact that there are a significant number of jobs in his district and in Texas that are powered by natural gas that comes from the shale energy revolution.

My friend from Texas undoubtedly knows that the Federal Government takes 10 times as long to issue a permit as does the State of Texas for energy activities, and I wouldn't want to have the Federal Government add another layer of complexity to that.

We are not plowing new ground with my bill. The Federal Government already defers to the States on the management of wildlife and water on Federal lands.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 2728 with my good friend, BILL FLORES, and, of course, our chairman also.

The U.S. has become the world's largest producer of oil and natural gas, surpassing Russia this year. The transformation of our energy production has rejuvenated our middle class by reviving core American industries and bringing blue-collar jobs back to U.S. soil.

In light of this new American energy revolution, we must ensure that we have a smarter and more focused approach to energy regulation.

This legislation would prevent the Interior Department from enforcing Federal rules related to hydraulic fracturing in States that already have existing oversight rules, like my State of Texas, and the Railroad Commission in my home State.

This legislation is not about more or less regulation. This bill helps our Federal Government work in a smarter and more cost-effective manner. We need to enable States to regulate their own lands—because they know it better—and not try to create a Federal one-size-fits-all approach.

This bill would untangle redundant regulation in States that have created their own regulations that address well design, location, water quality, emissions, wildlife protection, and health and safety.

I represent the Eagle Ford Shale area in Texas, which is one of the largest production areas in the United States. That shale has transformed my area, whether it is Webb County, LaSalle, Atascosa, Wilson, or McMullen County. The other counties there have been transformed by Eagle Ford.

I also worked at the State for many years as a legislator, and I understand the Railroad Commission. I understand they also do a good job.

Therefore, the State of Texas has passed smart regulations by working directly with our communities and with our counties, with our industry, and is leading the Nation in establishing FracFocus, which informs all Texans what materials are used in the fracking activities.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 30 additional seconds.

Mr. CUELLAR. Our State governments know their own land best. Let us improve how our government func-

tions, empower our States to enforce their own laws on their own lands, and continue this energy growth that we have.

With that, I thank the chairman, Mr. BILL FLORES, and also the ranking member, Mr. HOLT, who allowed me to speak.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Texas (Mr. GOHMERT), another member of the Resources Committee.

Mr. GOHMERT. Mr. Chairman, I am very grateful to my dear friend, BILL FLORES, and to DOC HASTINGS, chairman of our committee. I appreciate Mr. CUELLAR's comments.

The truth is, we have been working on this for a long time, and Mr. FLORES has gotten it here. This is fantastic because we need jobs in America. We need more of our own energy in America. This bill helps us do that.

I got into a discussion with one of our colleagues across the aisle who is now in the Senate, and I brought this up to him in previous years. If a State has a regulatory body that is addressing the issue, has cleaner air, cleaner water, is doing the job, then let them do it. Let's not add another layer of bureaucracy that takes away jobs. It slows the economy.

I am very grateful that it looks like we are going to pass a bill that creates jobs instead of these job-ending things that have been happening down the hall and down Pennsylvania Avenue.

So I applaud my colleague and I applaud my friends that support this bill. This is going to help America.

Mr. HOLT. Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Montana (Mr. DAINES), another member of the Resources Committee.

Mr. DAINES. Mr. Chairman, I rise in support of H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act.

Hydraulic fracturing has been critical to the production of our rich Montana-Bakken oil. It is key not only to our State's economy but also to unlocking a valuable source of revenue for the Federal Government and our State. This helps fund our schools, our teachers, and our infrastructure in Montana.

Montana has smart, environmentally sensitive regulations of this process already in place. Like most Montanans, I love to hike, I love to hunt, I love to fish. We are the safeguards of the environment in Montana. We do not need bureaucrats in Washington telling us how to protect our lands in Montana. Yet the Obama administration has put more senseless barriers in place by stiffening the Federal restraint and red tape on this process.

Do you realize that Montana Indian tribes face over 50 percent unemploy-

ment? This rule could deny our Native Americans the independence that energy development on their lands can make possible. H.R. 2728 would ensure the Federal Government does not get in the way of responsible energy development on tribal land and throughout Montana. Washington, D.C., needs to look more like Montana, not the other way around.

The people of Montana and our country need a responsible energy plan that protects our environment and creates a better future for our kids. That means jobs and lower energy prices.

I urge passage of H.R. 2728.

Mr. HOLT. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from New Mexico (Mr. PEARCE), a former member of the Natural Resources Committee.

Mr. PEARCE. I thank the gentleman for yielding.

Mr. Chairman, natural gas is revitalizing American industries. It is revitalizing the middle class. That natural gas is being produced because we do a process called hydraulic fracturing.

My background is in oil and gas. I have seen the process my whole life. I have seen new technological innovations that keep us more safe, keep the process safe, protect the well bores, and protect the water.

So who would be against a process that is rebuilding American industries, that is rebuilding the job base of this country?

Sand sales you would not seem to identify with this particular process, and yet that is exactly why sand sales are soaring in the country and the production of chemicals is soaring—because of the use of this process called hydraulic fracturing.

It has been around for decades. New Mexico has safe drinking water, but we have also got plentiful jobs, and American consumers have lower costs of living, all because of a process.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. PEARCE. New Mexico knows how to regulate its own industry. Do not force us to live by some cookie-cutter mold that has produced an Affordable Care Act that is killing jobs across the country. Give us our freedom and we will protect the environment.

Mr. HOLT. Mr. Chairman, I yield myself 2 minutes.

It is traditional and appropriate in this country that matters dealing with health and safety, clean water, and clean air are handled at the interstate level, at the Federal level. This legislation would remove all sorts of regulations. Best practices that are designed to minimize the environmental impact of oil and gas legislation for Bureau of

Land Management practices would be gone.

It gets rid of requirements to protect sacred sites and historic properties. It would throw out the regulation that prevents occupancy within a quarter of a mile of designated fisheries. It would remove the regulation that you can't do any of these activities in the floodplain of the Yellowstone River, and on and on.

My colleague a moment ago talked about the booming industry in chemicals because of fracking. Yes, that brings up an interesting point about the difference in State regulations. We would hope that anybody in the drilling area would have access to the chemicals that are being injected into these wells under their very feet, under their homes.

□ 1515

But if you look at what some States allow now, they allow chemicals that are confidential, proprietary, undisclosed to be used, and they number in the dozens. Let's see. We have got here oxyalkylated phenol resins; we have terpenes and terpenoids; we have quaternary amines. These are all items that are held confidentially, proprietarily; and under this legislation that we are considering, a State could make sure that they are not disclosed.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. PERRY), a State that is booming because of this activity.

Mr. PERRY. I would like to thank Chairman HASTINGS and Mr. FLORES for bringing H.R. 2728 to the floor for this opportunity.

Mr. Chairman, I would just like to remind everybody that, although they might say, Why do we do this? Why is the rhetoric important? I mean, if we don't counter the kind of alternate reality that the other side often touts, people will think that that is reality. I will remind everybody in the room that the Federal Government and every State government has said that there has been not one accident—zero—referring to the aquifer regarding hydraulic fracking—not one.

People in Washington have never been to Dimock; they have never been to Renovo or to Tidioute or to Warren, Pennsylvania. They don't know anything about these places and what happens here, but yet they want to regulate us. The people who live there are the ones who are working there, and they have the greatest stake in protecting the environment.

Let me tell you what it has done for Pennsylvania: \$750 million in road and infrastructure and improvements since 2008 has been provided by the gas industry. The average income is up \$1,200 because of it; \$1.8 billion in tax revenue

has been generated by responsible shale development.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. PERRY. Ninety-six percent of the employment comes out of the Appalachian basin. That is in Pennsylvania. That is where we live. There has been a \$650 savings per household per year because of it, and there are 232,000 associated jobs with an average pay of \$83,305 a year.

Mr. Chairman, there is a list of agencies that these people must comply with for every single portion of this. I am going to run out of time, but I am going to run out of time just going through them, all right: the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the County Conservation District.

The CHAIR. The time of the gentleman has again expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds as I see he is on a roll.

Mr. PERRY. The U.S. Fish and Wildlife Service, the Department of Conservation and Natural Resources, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, the Pennsylvania Department of Transportation, the Occupational Health and Safety Administration, the Susquehanna River Basin Commission, the Delaware River Basin Commission, the Pennsylvania Historic Museum Commission, and the Pennsylvania Public Utility Council.

Finally, Mr. Chairman, all of those chemicals that were noted on every job site are listed on a material safety data sheet, which is required by law.

Mr. HOLT. I yield myself such time as I may consume.

Mr. Chairman, my colleagues say that there have been no cases of contamination from the fracking, itself. What about leakage from poorly constructed wells? What about leakage from unlined pits? Are they prepared to claim that there has never been water contamination because of this? That is what the Bureau of Land Management regulations and rules get at—well construction, wastewater management, the threats to drinking water in neighboring communities. This legislation would gut—it would remove—any possibility of such rules.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD), another member from an energy-producing State.

Mr. FARENTHOLD. Mr. Chairman, we are producing more energy now than we have ever produced, and it is thanks to new technologies like hy-

draulic fracking for making that happen.

The Eagle Ford shale in the district I represent has created over 400,000 jobs and, roughly, \$2.6 billion in salaries in a 13-county area. The benefits from this are not isolated. Shale has brought back rail, steel, plastics, sand, and manufacturing; and the average U.S. household's energy costs have gone way down. I have seen numbers as high as \$1,200 less for energy bills. This technology isn't new. We have been using it in Texas for over 60 years. It is regulated by the Texas Railroad Commission, and they do a great job.

All of these people with all of the scare tactics sometimes forget that, when hydraulic fracking is done, it is done a mile below or two miles below the water table. It is safe. It is well regulated by the State. It is good for the economy. It is turning the balance of trade. It is saving us money on energy. It is also creating an economic revival in this country. We have got to let States regulate it. I urge the support of this bill.

Mr. HOLT. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, let me inquire of my friend from New Jersey if he is prepared to close. We had some further requests for time, but I don't see them, and sometimes they don't get their time when they don't come down here.

Mr. HOLT. I say to the gentleman from Washington that we are in the same situation. I was expecting a few other speakers. In not seeing them, I am prepared to close.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. HOLT. I yield myself the balance of my time.

Mr. Chairman, here is a partial list of the Federal laws, rules, and regulations that could not be enforced were this bill to become law:

The Endangered Species Act; the Migratory Bird Treaty Act; the oil and gas operations in National Park Service units; the oil and gas operations in National Wildlife Refuges; the casing and cementing regulations, such as should have been applied in the Deepwater Horizon case; the wastewater management regulations; the plugging and abandonment regulations, in other words, when pits or wells are abandoned; the best management practices for oil and gas drilling on public lands; the timing limits of when operations could be conducted with the least disruption to wildlife; the protections for sacred sites, historic trails, fisheries, and wetlands; and much more.

It has been sold as a states' rights bill that would only block the Bureau of Land Management's fracking rules, but it would strip agencies on Federal lands of the authority to enforce almost every regulation on the books because any State that has any regulation that affects these activities means

that none of these regulations could apply, that they would all be superseded by the State regulations. That is what the bill says.

As for whether there is any damage done, I would point my friends to this picture. Maybe you have a little trouble seeing it, but, essentially, it shows burning tap water. No, this is not a staged picture. This happened in a residence. This is methane flaming because the water is full of methane.

Now, I know my colleagues will say, Oh, but that is not because of fracking. There must be some other reason. There must be.

They haven't found it. They have blamed it on all sorts of other things, but it happens where the fracking is occurring.

So this is a case in which the practice has gotten ahead of the science, in which the practice has gotten ahead of our regulations, in which it has gotten ahead of our understanding; and the idea to reduce regulations and understanding so that we could do it faster is preposterous. This is not the way you protect public health. This is not the way you protect public safety. It is not the way you stimulate the economy. It is false economy to proceed in disregard for the protection of the environment.

So, with that, Mr. Chairman, I urge my colleagues to oppose H.R. 2728.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. HOLT. I yield to the gentleman for a question.

Mr. HASTINGS of Washington. Mr. Chairman, may I inquire as to how much time the gentleman from New Jersey has left if he is going to yield back.

The CHAIR. The gentleman from New Jersey has 4 minutes remaining.

Mr. HASTINGS of Washington. I would advise the gentleman to reserve his time because one of our speakers came, which we didn't think was going to happen. So I would advise the gentleman to reserve his time so that he has time to respond.

Mr. HOLT. I appreciate the advice. It is possible that some of my speakers will arrive. I urge that we vote "no," and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished majority leader, who is from a State that would like to do more offshore even though we are talking about onshore.

Mr. CANTOR. I thank the gentleman from Washington.

Mr. Chairman, I rise today in support of the Protecting States' Rights to Promote American Energy Security Act.

Over the last 10 years, America has been experiencing a shale energy boom; and because of new technology in hydraulic fracturing, the development of

energy resources has been environmentally friendly. While the technology that has made this boom possible is truly impressive, I want to take a moment and focus on the impact this boom is having on hardworking middle class families.

Many of these families are living paycheck to paycheck. Many have gone years without a meaningful raise, but powering their lights or heating their homes is not an optional expense. An unexpected rise in the monthly utility bill means less money for new school clothes, the college savings account, or even a night out at the movies. That is why it is so important that we pursue policies that lower energy costs. Hydraulic fracturing is one such policy.

A recent study found that, absent hydraulic fracturing, a family's home energy bills and other costs for goods and services would have been \$1,200 higher last year. The study concludes that the continued production of our domestic energy resources could increase disposable household income—principally by lowering costs—by \$800 over the next 2 years. This is the type of relief American families deserve.

But lower energy costs for working families is not the only benefit of hydraulic fracturing. The same study showed that the natural gas and shale oil industry contributed over 1.7 million jobs in 2012 alone. Going forward, it is predicted to add a total of 2.5 million jobs by 2015. These are good, well-paying jobs right here in America. For those who have been struggling to find work for months or, in some cases, for years, this kind of advancement in energy technology could allow these folks to find work, to get back on their feet, and to provide for their families. It is no coincidence that areas of our country with active domestic energy production from hydraulic fracturing are experiencing lower levels of unemployment.

These benefits to working families are now under threat. They are under threat from newly proposed Federal regulations by this administration that would cost our economy jobs, keep energy bills from falling, and hinder our cause to become more energy secure.

State governments and local regulators have been very effective with implementing environmentally sound regulations to meet the specific geologic requirements of their States for over 60 years. This act will keep the Federal Government from imposing redundant regulations and needless red tape that will only raise the monthly utility bills of millions of American families and cost America new jobs.

The States and local regulators should be allowed to do this job without any Federal interference. I saw firsthand, when I accompanied my colleague from North Dakota, KEVIN CRAMER, to Williston, wellheads that were being drilled, and the last thing

they need in that State, in that area, are the Federal regulators coming in to tell them how to drill a well.

This bill is an opportunity for the House to act in a bipartisan manner and show our constituents that we are serious about creating jobs, that we are serious about easing the burden of high energy costs, and are serious about strengthening our energy security.

I want to thank all of those involved and the chairman of the committee, as well as Congressman BILL FLORES and the rest of Chairman HASTINGS' Natural Resources Committee, for their hard work and dedication to this issue for working middle class families. I also want to thank Chairman LAMAR SMITH and the Science Committee for their important contribution to this legislation.

I urge my colleagues in the House to support this legislation.

Mr. HOLT. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. This is Groundhog Day, Mr. Chairman. I would say to my friend, now I have no more speakers whom I can foresee at all, so I am prepared to close if the gentleman doesn't repeat his last statement.

Mr. HOLT. Then I will take just a moment.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. HOLT. Mr. Chairman, in closing, when I showed the picture of the burning tap water, I saw expressions of incredulity from the other side of the aisle. Surely that can't be true; or if it is true, surely it is not because of fracking.

A Duke University study found that methane contamination was in 115 of 141 shallow residential drinking wells that they studied, six times higher than wells greater than a mile from the fracking operations. Now, it is hard to tell when you are deep in the ground where that methane is leaking and what other chemicals, undisclosed chemicals, are leaking with that methane.

There is something here that should be regulated, and this legislation would prevent such regulations. I urge a "no" vote, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman has 3 minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

The underlying bill, as has been mentioned several times, is about American jobs and American energy security.

Just last week, the International Energy Agency released its World Energy

Outlook. In that report, they predicted that the U.S. would surpass Saudi Arabia and become the top oil producer in the world in only 2 more years. Now, this is great news for our economy, it is great news for American workers, it is great news for potential energy prices, and, Mr. Chairman, it is great news for our national security.

This recent boom in energy production would not be possible without the new technological advances of horizontal drilling and hydraulic fracturing. Let me give you an example. In the year 2000, shale gas, which is the prime area that you go after with hydraulic fracturing, provided just 1 percent of our Nation's natural gas supplies. Today, it is 25 percent. That number will only continue to grow.

While the White House is quick to take credit for this uptick in energy production, the truth is this increase is happening in spite of this administration's policies and not because of them. Because what has been well documented, all of the increase in energy production is happening on State and private lands, not on Federal lands. Currently, 93 percent of shale oil wells are located on private and State lands and only 7 percent on Federal lands. That simply means that there is a great potential on Federal lands that are currently being ignored because of the regulatory hoops.

I suggest that if the Department of the Interior goes through with their regulations on fracking that would be duplicative of those States, it would only keep that 7 percent where it is rather than increasing. It seems to me, from a standpoint of policy for our country, it is best to be as energy secure as we can possibly be because that means that we are secure from a national security standpoint.

Finally, and certainly not least, that means that American jobs, good-paying American jobs, are creating the energy for the American consumer. That is what this bill is all about.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

The CHAIR. The gentleman from Texas is recognized.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 2 minutes.

Each week there is more good news about the benefits of the energy revolution underway across America. Whether it is the manufacturing renaissance spurred by affordable natural gas or the new opportunities for good-paying energy jobs, the benefits of the shale revolution can hardly be overstated. For that reason, I am happy to support H.R. 2728, a bill that seeks to prevent redundant Federal regulations where States already have environmental protections in place.

H.R. 2728 also incorporates legislation reported by the Science Committee—the Hydraulic Fracturing

Study Improvement Act. Title II of this legislation holds the EPA accountable by requiring it to base its studies on the facts instead of worst-case scenarios that exist only in the EPA's imagination.

In its zeal to regulate, the EPA has rushed to link water contamination to hydraulic fracturing. It has made this claim in three high-profile cases, only to be forced to retract its statements after the facts have come out. The EPA's track record does not instill confidence in their ongoing studies of the relationship between hydraulic fracturing and drinking water.

The Science Committee has conducted numerous oversight hearings on EPA research. These efforts have revealed that the EPA's approach is to try to find problems without considering whether these problems would actually occur in the real world. Title II corrects this by requiring a real-world look at risk that gives an honest evaluation of probability. This will prevent the misuse of the EPA's studies by those simply looking for an excuse to scare people. Title II of this legislation will enhance our ability to ensure continued safe and responsible production of America's natural energy resources.

Mr. Chairman, I reserve the balance of my time.

Ms. BONAMICI. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act.

Title II of this act is a bill passed by the Science Committee, the EPA Hydraulic Fracturing Study Improvement Act. This is a piece of legislation that should not have been passed out of the committee.

First, title II contains provisions that designate the fracking study is a highly influential scientific assessment and requires EPA to follow its standard peer review protocols for such assessments. This language is unnecessary because EPA already considers the fracking study to be a highly influential scientific assessment.

Second, and importantly, unfortunately, this bill will obstruct EPA's ability to carry out its important work. The requirements of this bill may force the EPA to delay production of their final report on the effects of hydraulic fracturing on water quality. This bill could delay an important report that is based on a study that the EPA initiated more than 3 years ago. The study was reviewed and approved by the EPA's independent Science Advisory Board. The Science Advisory Board found the study to be both appropriate and comprehensive. The American public should not have to wait any longer before they receive a scientific analysis of whether their water has been affected by hydraulic fracturing.

What I found troubling is that the Science Committee never got information from the Science Advisory Board, which validated the study, regarding its opinion about the bill, nor did we get comments from the EPA or any other experts. In fact, the bill never had a hearing. This bill effectively attempts to micromanage the EPA without a factual basis for doing so.

The bill requires the EPA to do an ad hoc risk analysis by requiring them to quantitatively estimate the probabilities, uncertainties, and consequences of impacts to drinking water from hydraulic fracturing; however, this was never a study that was set up to determine the risk effects of hydraulic fracturing. The study was meant to examine the science to determine if hydraulic fracturing operations have any effect on groundwater. By requiring an ad hoc risk analysis on a study that was not designed to acquire the data necessary to do a risk analysis, the EPA would be forced to try to fit a round peg in a square hole.

What remains truly unclear is why this language is included when it is so unnecessary. If the current study were to find a link between fracking and groundwater contamination, then a full risk assessment will be required before the Agency can establish any regulations to address the issue.

What this bill is doing here is requiring a risk analysis simultaneously, and as part of, the very study that is meant to determine if there is a need for a risk analysis. These efforts to become involved in directing the specific details of scientific process are very troubling.

It appears that this bill is setting up the EPA to fail. If the EPA doesn't complete the study by the deadline, they have failed; and if the EPA completes the study but the ad hoc risk analysis is not as detailed as the bill's proponents expect, then they would have also failed. More importantly, their ad hoc risk analysis may taint the very accurate scientific data behind that analysis.

It is not in the public interest to have this study delayed any longer. Let the EPA complete their study. If the science shows the effects connecting hydraulic fracturing with contaminated groundwater, then we will let the EPA's long-established process of doing a risk assessment after such a study to be followed completely with all the I's dotted and T's crossed.

It is also difficult to understand how the proponents of the bill reconcile title II with title I. Title I clearly attempts to prevent the Federal Government from having oversight inspection or enforcement responsibility for hydraulic fracturing regulations. However, if the States are supposed to regulate, don't they need the science to support those regulations?

This study is designed to be the science that provides the Federal Government and the States with the information they will need to make policy choices about the effects of hydraulic fracturing on groundwater. By possibly delaying this study, we delay the ability of the States or the Federal Government to make prudent choices to protect the American public.

If you support hydraulic fracturing, delaying the study will not speed up the process of opening new areas of the country to hydraulic fracturing. Title II of H.R. 2728 will only delay an important scientific study and, ironically, may delay the development of new shale fields throughout the United States.

I urge my colleagues to vote against this legislation, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, on the way to yielding time to the gentlewoman from Wyoming, I want to point out that the underlying bill, the science bill that is contained in the underlying bill, did pass by voice vote in the Science Committee.

I yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS), who is also the chairman of the Energy Subcommittee on the Science Committee.

Mrs. LUMMIS. Mr. Chairman, I rise in support of the right of State governments to regulate hydraulic fracturing. I am pleased that the bill before us also includes Chairman LAMAR SMITH's bill to ensure the integrity of Federal research into hydraulic fracturing.

Mr. Chairman, the EPA botched its study linking hydraulic fracturing to groundwater contamination in a 2011 report on groundwater in Pavillion, Wyoming. The report was so flawed that the EPA was forced to disavow their preliminary conclusion that hydraulic fracturing caused contamination in Pavillion.

The EPA's phoney preliminary conclusions were widely reported, altered national public perception, and the EPA did not back away until the damage was already done. Two years later, the EPA turned the study over to the State of Wyoming where it will undergo the scientific rigor it deserves.

Mr. Chairman, the question today is not whether hydraulic fracturing should be regulated. It should. But we shouldn't allow the Federal Government to regulate when States are already stepping up to the plate. My home State of Wyoming has been a leader in hydraulic fracturing regulation, so much so that even the Bureau of Land Management holds up Wyoming as a model.

What works for Wyoming might not work for Texas or Pennsylvania. The hydrology and the geology are different. Any State that assumes the responsibility of regulating hydraulic fracturing should be allowed to do so. Governors, legislators, and State regu-

lators care about the well-being of the citizens in their State. More than that, who better to regulate the practice than those who live near the wells, who drink the groundwater, and who know the local geology, hydrology, and industries better than anyone?

I urge my colleagues to support H.R. 2728.

Ms. BONAMICI. Mr. Chairman, I yield myself such time as I may consume.

To clarify, there was opposition to the legislation in the Science Committee; however, there is no recorded vote.

I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. COLLINS), who is a member of the Science Committee.

Mr. COLLINS of New York. Thank you, Mr. Chairman, for the opportunity to speak today.

I want to speak out about the importance of the EPA Hydraulic Fracturing Study Improvement Act, legislation that makes up title II of the act.

The EPA is currently conducting a multiyear study on the relationship between hydraulic fracturing, or fracking, and groundwater. This legislation will greatly improve the value of the EPA study by increasing transparency and requiring it to include an objective risk assessment.

□ 1545

Hydraulic fracturing has been studied over and over again. My home State of New York is a prime example of how studies can stall job creation.

In New York, a moratorium on hydraulic fracturing was enacted in 2008. Now, 5 years later, that moratorium is still in place because the New York Department of Environmental Conservation is conducting a study on the environmental impact of fracking. Yet, no details of this study have been revealed, and a date of completion has yet to be announced.

Now the EPA is trying to do a similar study, which will only further delay a practice that many States currently allow and are benefiting from.

Fracking represents one of the greatest opportunities for strengthening our Nation's energy security and spurring economic growth. If New York would allow fracking, 520 shale gas wells could sustain 62,000 new and needed jobs.

This legislation will increase transparency and accuracy in how the EPA reports on the study of hydraulic fracturing and will get rid of the need for duplicative studies, like the one being done in New York.

Additionally, the risk assessment requirement will turn the study into a useful tool for both scientists and decisionmakers. By providing decisionmakers with the data and information

they need in order to become comfortable with fracking, we can help create jobs and further our Nation's energy independence.

Ms. BONAMICI. I reserve the balance of my time.

Mr. SMITH of Texas. We are prepared to close, so I reserve the balance of my time.

Ms. BONAMICI. Mr. Chairman, in 2010, the Department of Interior, Environment, and Related Agencies Appropriations Act required the EPA to perform a study on the relationship between hydraulic fracturing and groundwater contamination. The final report is currently expected to be released in 2016.

EPA's proposed study plan was reviewed by the EPA Science Advisory Board. The Science Advisory Board determined that EPA's approach was generally appropriate and comprehensive. Further, the Science Advisory Board recommended that some analysis of risks be considered in the study, but a full risk assessment could add another 5 to 7 years to the expected release date.

The proponents of this legislation mischaracterize the EPA's study plan as flawed for failing to include a comprehensive risk assessment. That position is not consistent with the conclusions of the highly qualified scientists, researchers, and industry representatives who are members of the EPA's independent Science Advisory Board, and importantly, title II could delay the release of this very important study. I urge my colleagues to oppose this legislation.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, we actually have two more individuals who will speak on this side, so if the gentlewoman from Oregon wants to reclaim some time after our next speaker, she is welcome to do so.

Meanwhile, I yield 2 minutes to the gentleman from Texas (Mr. WEBER) who is a distinguished member of the Science Committee.

Mr. WEBER of Texas. Mr. Chairman, I thank Chairman SMITH.

Texas has produced half of all new jobs in America in recent years. Even Time magazine noted how things are good in Texas. They call it maybe the future of America. The creation of many of these jobs in Texas would not be possible without hydraulic fracturing. Fracking is reaching previously untapped shale natural gas deposits, thereby increasing our Nation's natural gas supply and lowering the cost of energy for all Americans.

Seemingly unaware of all of the economic benefits of America's energy renaissance, the Obama administration has moved to regulate fracking on Federal lands and to spend millions of dollars in studies at the EPA, despite its safe usage in Texas for over 60 years.

The EPA is zero for three when it comes to hydraulic fracturing

alarmism. Their allegations of groundwater contamination in Texas, Pennsylvania, and Wyoming all struck out after proper review and analysis.

That is why I support H.R. 2728, because it will leave the regulation of fracking up to the States. We care about our States more than any bureaucrat up in Washington, D.C., and one size doesn't fit all. Texas was environmentally friendly before being green was cool. This legislation also holds the EPA accountable to taxpayers by requiring that their multimillion-dollar study of hydraulic fracturing follow basic and widely agreed upon scientific processes. We have it right in Texas. They ought to leave us alone, and we will help create jobs and get this economy moving again.

Ms. BONAMICI. Mr. Chairman, I thank the chairman, Mr. SMITH from Texas, for his offer to reclaim. I ask unanimous consent to reclaim the balance of my time.

The CHAIR. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Ms. BONAMICI. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, we are now on our last speaker, so if the gentlelady wants to yield back, we can proceed.

Ms. BONAMICI. May I inquire whether there are other speakers?

Mr. SMITH of Texas. We are on our last speaker now, to respond to the gentlewoman from Oregon.

Ms. BONAMICI. I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. CRAMER), also a member of the Science Committee.

Mr. CRAMER. I thank the chairman for his leadership on this important issue.

Mr. Chairman, the citizens of North Dakota sent me to Washington in large part to protect our thriving economy from the overreaching regulations, often based on faulty science, from destroying that very economy. In carrying out that charge, I get the opportunity to tell the North Dakota success story in Washington, with the hope that we can duplicate it around our country.

A major part of telling that story, of course, is talking about the successful regulation of hydraulic fracturing in our State.

Lynn Helms, the director of North Dakota's Department of Mineral Resources, testified in the Natural Resources Committee on this very issue, saying:

Our oil and gas rules are reviewed at least every 2 years through a public comment process. North Dakota regulations also address flow-back disposal, chemical disclosure, well construction, and well bore pressure testing and have reduced well bore failures from six per year to zero.

From six to zero—that is success at the State level.

In addition to the fact that any Federal hydraulic fracturing rule will be duplicative, the rules will be impractical to implement across the Nation, where environmental and geological circumstances are as diverse as the views in this Chamber.

North Dakota has gone from number nine to number two in oil production, and at the same time from number 38 to number 6 in economic success.

While the BLM is developing its hydraulic fracturing rules, the EPA is conducting studies on the potential impacts of hydraulic fracturing on drinking water resources. A stated goal of the EPA study is to ask the question: What are possible impacts—I restate, possible impacts—of hydraulic fracturing fluids on drinking water? Even the EPA's independent advisers have raised questions, with one member stating:

There is no quantitative risk assessment included in EPA's research effort.

Despite, Mr. Chairman, no cases of hydraulic fracturing impacting drinking water resources, title II of this bill does not prevent the EPA from conducting such studies but ensures any such study done is held to the highest standards of review and risk assessment. I urge passage so that the Federal Government cannot impose its mediocrity on States' success.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, this afternoon, I voted no on H.R. 1965, the Federal Lands, Jobs, and Energy Security Act. I appreciate that my colleagues brought this legislation to the floor, and, in fact, have supported many of the titles contained in the measure—and continue to do so. I have a long record of supporting efforts to increase development of our domestic energy resources. However, I could not support the bill today given that two troubling amendments, specifically the Marino and Hanabusa amendments, which were adopted to the bill with little debate and Members were not given the opportunity to vote on these additional provisions.

I was particularly concerned with the Marino amendment. It calls for plans to allow the construction of new power lines "across federal lands to ensure that that energy produced can be trusted to areas of need." Some may consider this to be non-controversial, but I have fought the impact of similar language for a number of years. I am privileged to represent Virginia's hallowed grounds, and I simply cannot support efforts to construct new power lines through our area—particularly power lines that would ship energy to other parts of the country. That's why I opposed PATH, and why I opposed TrAIL. Cedar Creek and Bell Grove National Historic Park and Manassas National Battlefield Park are just a few areas in our region that could be impacted by this amendment.

I also could not support the inclusion of the Hanabusa amendment, which I am concerned is a continued effort to classify native Hawai-

ians as a Native American tribe, and, as such, have lands taken into trust. That would allow for the expansion of Indian gambling in Hawaii. I will continue to fight efforts to expand gambling in America, whether it is on-reservation, off-reservation or over the Internet.

This evening, I voted for H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act. I support the development of our nation's natural gas resources, which will help our economy and strengthen our national security. Advances in technology have unlocked significant domestic reserves that were historically inaccessible, which has resulted in lower heating costs and lower prices at the pump. At the same time, I understand and recognize the real concerns expressed by those concerned that horizontal drilling and hydraulic fracturing in Virginia, particularly within the George Washington National Forest, could negatively impact our region's water quality, water supply and recreational resources. To be clear—environmental protections should be increased in Virginia before any potential activity of this kind is allowed within the George Washington National Forest. I fully support efforts to enact strong laws to protect Virginia's national resources and respect the wishes of local jurisdictions in making any decisions about energy exploration on state or federal lands in the Commonwealth.

Mr. VAN HOLLEN. Mr. Chairman, I rise in opposition to H.R. 2728, which would prevent the federal government from ever implementing a uniform baseline level of safety and environmental protection in hydraulic fracturing operations across the country.

Today's bill would preempt a rulemaking process that is not yet completed and require the federal government to defer to state regulations of fracking on public lands, no matter what those regulations may be. Moreover, because the bill forbids the Department of the Interior from exercising oversight over "any component" of the fracking process, it could prevent application of basic protections under a variety of existing environmental laws.

States vary widely in their efforts to manage the expanded use of hydraulic fracturing and the federal government has a responsibility to provide a minimum baseline of oversight to protect our public lands, public safety, and public health. H.R. 2728 would block any proposed standards and impede existing law, and I urge a no vote.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-27 is adopted.

The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:



H.R. 2728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

# **TITLE I—STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION**

## **SECTION 101. SHORT TITLE.**

This title may be cited as the “Protecting States’ Rights to Promote American Energy Security Act”.

## **SEC. 102. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.**

The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

### **“SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.**

“(a) **IN GENERAL.**—The Department of the Interior shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing, or any component of that process, relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for that activity.

“(b) **STATE AUTHORITY.**—The Department of the Interior shall recognize and defer to State regulations, permitting, and guidance, for all activities related to hydraulic fracturing, or any component of that process, relating to oil, gas, or geothermal production activities on Federal land regardless of whether those rules are duplicative, more or less restrictive, shall have different requirements, or do not meet Federal guidelines.

“(c) **HYDRAULIC FRACTURING DEFINED.**—In this section the term ‘hydraulic fracturing’ means the process by which fracturing fluids (or a fracturing fluid system) are pumped into an underground geologic formation at a calculated, predetermined rate and pressure to generate fractures or cracks in the target formation and thereby increase the permeability of the rock near the wellbore and improve production of natural gas or oil.”

## **SEC. 103. TRIBAL AUTHORITY ON TRUST LAND.**

The Department of the Interior shall not enforce any Federal regulation, guidance, or permit requirement regarding the underground injection of fluids or propping agents as part of the hydraulic fracturing process, or any component of that process, relating to oil, gas, or geothermal production activities on any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on whose behalf such land is held in trust or restricted status.

# **TITLE II—EPA HYDRAULIC FRACTURING RESEARCH**

## **SEC. 201. SHORT TITLE.**

This title may be cited as the “EPA Hydraulic Fracturing Study Improvement Act”.

## **SEC. 202. EPA HYDRAULIC FRACTURING RESEARCH.**

In conducting its study of the potential impacts of hydraulic fracturing on drinking water resources, with respect to which a request for information was issued under Federal Register Vol. 77, No. 218, the Administrator of the Environmental Protection Agency shall adhere to the following requirements:

(1) **PEER REVIEW AND INFORMATION QUALITY.**—Prior to issuance and dissemination of any final report or any interim report summarizing the Environmental Protection Agency’s research on the relationship between hydraulic fracturing and drinking water, the Administrator shall—

(A) consider such reports to be Highly Influential Scientific Assessments and require peer review of such reports in accordance with guidelines governing such assessments, as described in—

(i) the Environmental Protection Agency’s Peer Review Handbook 3rd Edition;

(ii) the Environmental Protection Agency’s Scientific Integrity Policy, as in effect on the date of enactment of this Act; and

(iii) the Office of Management and Budget’s Peer Review Bulletin, as in effect on the date of enactment of this Act; and

(B) require such reports to meet the standards and procedures for the dissemination of influential scientific, financial, or statistical information set forth in the Environmental Protection Agency’s Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency, developed in response to guidelines issued by the Office of Management and Budget under section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554).

(2) **PROBABILITY, UNCERTAINTY, AND CONSEQUENCE.**—In order to maximize the quality and utility of information developed through the study, the Administrator shall ensure that identification of the possible impacts of hydraulic fracturing on drinking water resources included in such reports be accompanied by objective estimates of the probability, uncertainty, and consequence of each identified impact, taking into account the risk management practices of States and industry. Estimates or descriptions of probability, uncertainty, and consequence shall be as quantitative as possible given the validity, accuracy, precision, and other quality attributes of the underlying data and analyses, but no more quantitative than the data and analyses can support.

(3) **RELEASE OF FINAL REPORT.**—The final report shall be publicly released by September 30, 2016.

The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 113-271. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 113-271.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 14, strike “The” and insert “Except as provided in subsection (c), the”.

Page 2, line 4, strike “The” and insert “Except as provided in subsection (c), the”.

Page 2, after line 11, insert the following (and redesignate the subsequent quoted subsection accordingly):

“(c) **METHANE EMISSIONS.**—Nothing in this section limits the authority of the Secretary of the Interior to issue regulations to require the minimization of venting and flaring of methane from oil and gas drilling operations on public lands, and to issue regulations designed to reduce fugitive methane emissions.

The CHAIR. Pursuant to House Resolution 419, the gentleman from New

Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I yield myself 3 minutes.

I rise in support of the amendment that I am introducing, along with Mr. PETERS and Mr. POLIS, to allow the Secretary of the Interior to regulate methane.

Methane is the second most abundant greenhouse gas emitted in the United States, and the oil and gas industry is responsible for about 30 percent of all methane emissions into the atmosphere.

Methane is a super pollutant more than 20 times more potent than carbon dioxide in warming the atmosphere. Now we know that methane can and sometimes does leak from fracked wells. That is what we see here with the ignited tap water. This so-called fugitive methane also contributes to air pollution as tropospheric ozone, or smog, which threatens public health by triggering asthma attacks and aggravating the conditions of people with bronchitis and emphysema.

In fact, methane leaks have contributed to the Upper Green River basin in Wyoming having some of the worst air quality in the country, at times rivaling the worst air quality days in Los Angeles.

Although discussed as a cleaner burning and more climate friendly energy source, natural gas, which is mostly methane, leaks at every stage of production, not just into the groundwater, and hence into drinking water wells. It does leak, and it does affect the Earth’s climate. It is true that burning methane releases less carbon dioxide greenhouse gas to the atmosphere than does burning an equivalent amount of coal, but the methane itself is a greenhouse gas. Fugitive methane emissions in excess of only a few percent remove the relative advantages of natural gas compared to other fossil energy sources.

Aside from issues of climate and health, leaked methane represents lost royalties for the Federal Government, lost revenue for oil and gas companies, and I know that supporting greater profits for Big Oil is something my colleagues should be eager to support.

Our amendment will help prevent the wasteful leakage of natural gas, will limit avoidable methane emissions, and will protect air quality and public health. I urge a “yes” vote on the Holt-Peters-Polis amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, the legislation before the House today is designed to eliminate duplicative regulations and allow for

increased energy production. That is the intent of the legislation. Yet here we are with an amendment that creates a loophole in the bill to allow the government to impose back-door regulations to restrict and block American energy production, which, of course, we know would result in lost job opportunities.

H.R. 2728 aims to give the States primacy in regulating hydraulic fracturing operations within their borders. I want to mention that again. This bill aims to give the States primacy in regulating hydraulic fracturing within their borders. So if a State regulatory body wants to implement emissions regulations, which this amendment addresses, in conjunction with their other rules and regulations, they are free to implement their own regulations beyond what is already required. Nothing in this bill prevents any State from putting emissions at the end of the regulations in place.

Further, the Secretary has the authority to manage methane emissions for production on Federal lands and, working collaboratively, we have seen significant reductions in the last 2 years because of that effort. However, attempting to cloak these regulations as fracturing regulations through a loophole that will cost American jobs and inhibit energy production in my mind is simply not the way to go.

So this amendment aims to impose controversial and political regulations into a bill that is simply about American energy production, and I urge a "no" vote.

Let me make just one other point. I will probably repeat this again. There is nothing in this bill that prevents a State from regulating emissions within their State, which, of course, would take effect and what the gentleman is trying to do.

I reserve the balance of my time.

□ 1600

Mr. HOLT. Mr. Chairman, the whole point of the underlying bill is to make it impossible for the Department of the Interior, the Bureau of Land Management, the Secretary of the Interior to impose regulations. It says if the State has any regulations, then the Federal regulations don't count.

All this amendment would do is say on the important issue of what is called fugitive methane, leaked methane, methane that gets into the atmosphere by whatever means because of the drilling and fracking, should be limited. And it should be limited for several reasons. It is a potent greenhouse gas, and it is lost revenue. So I would think that everyone would be eager to make sure that none of this fugitive methane gets into the atmosphere or into the drinking water.

We know methane can and sometimes does leak from fracked wells. We should want the Secretary to be able to

regulate that, because under the underlying bill, the Secretary could not.

This amendment is necessary, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

My good friend, the author of this amendment, opened his second remarks by saying, This legislation makes it impossible to regulate—fill in the blanks. No, Mr. Chairman, that is not the case.

This bill says that primacy of regulation of hydraulic fracturing, which has been going on for some 60 years, if a State has it in place, that State's laws shall be the ones that we should follow. Those States that don't have it, then, of course, this legislation would allow the Department of the Interior's regulations to be there until they changed their regulations.

I want to make a point. This amendment is about the emissions from the process of hydraulic fracturing. Nothing in this bill, as I said before, prevents a State from doing what they can do. After all, keep in mind, Mr. Chairman, those States that have hydraulic fracturing rules maybe in all likelihood have some regulations dealing with the emissions that come from that. Nothing in this bill prevents that from happening.

What the amendment does do, as I mentioned in my opening remarks, is a back-door way to regulate hydraulic fracturing when, as I said just a moment ago, it has been done successfully for over 60 years in the States.

I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, the Holt-Peters-Polis amendment would allow the Secretary of Interior to minimize fugitive methane emissions on public lands.

Methane is a potent greenhouse gas that commonly leaks during the drilling and transportation of oil and gas. If you look at the entire production process, excess methane emissions can make natural gas energy just as dirty as coal energy. Moreover, methane and Volatile Organic Compounds emitted from oil and gas wells interact with sunlight to create ozone, another greenhouse gas.

Although national methane emissions fell between 2011 to 2012, emissions in Colorado, Wyoming, Utah, and other energy producing states have risen due to oil and gas operations. Colorado has approximately 50,000 wells which contribute to the state's current non-attainment status for the EPA's 2008 national ambient air quality standard for ozone. In addition, rural areas in the Upper Green River Basin in Wyoming have recorded dangerously high levels of smog that rival the worst pollution days in Los Angeles due to drilling. This is concerning since ground level ozone or "smog" can trigger asthma attacks and aggravate conditions of people with bronchitis and emphysema.

Earlier this year I introduced the BREATHE Act, H.R. 1154 because oil and gas wells and

their associated infrastructure contribute to air pollution. Despite the overwhelming evidence that oil and gas production causes air pollution, oil and gas operators are still exempt from the basic federal protections afforded by the Clean Air Act. The BREATHE Act would close the loopholes in the Clean Air Act carved out for the oil and gas industry.

Energy companies can easily and cheaply curb methane emissions by simply fixing the leaks in oil and gas equipment. Also, methane control technology is inexpensive and readily available. Industry also stands to benefit from capturing emissions because they can sell the captured methane and other valuable hydrocarbons for a profit instead of leaking them into the air.

Reducing methane leaks will in turn reduce ground level ozone pollution and protect the quality of life for our communities and our families. Please support the Holt-Peter-Polis amendment.

The Acting CHAIR (Mr. FORTENBERRY). The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. FLORES

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 113-271.

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, beginning at line 9, strike "regardless" and all that follows through line 11 and insert a period.

Page 2, after line 11, insert the following:

“(C) TRANSPARENCY OF STATE REGULATIONS.—

“(1) IN GENERAL.—Each State shall submit to the Bureau of Land Management a copy of its regulations that apply to hydraulic fracturing operations on Federal land.

“(2) AVAILABILITY.—The Secretary of the Interior shall make available to the public State regulations submitted under this subsection.

“(d) TRANSPARENCY OF STATE DISCLOSURE REQUIREMENTS.—

“(1) IN GENERAL.—Each State shall submit to the Bureau of Land Management a copy of any regulations of the State that require disclosure of chemicals used in hydraulic fracturing operations on Federal land.

“(2) AVAILABILITY.—The Secretary of the Interior shall make available to the public State regulations submitted under this subsection.

Page 2, beginning at line 23, strike "the" and all that follows through "process" and insert "the process of hydraulic fracturing (as that term is defined in section 44 of the Mineral Leasing Act, as amended by section 102 of this Act)".

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman

from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chairman, I rise to offer a simple amendment today that makes technical and clarifying corrections to H.R. 2728. My amendment also calls on State regulators to provide their hydraulic fracturing and chemical disclosure requirement regulations to BLM for public disclosure.

States have the expertise in carefully crafting hydraulic fracturing regulations that meet the unique geologic and hydrologic needs of their States. This bottom-up regulatory relationship between the States and the Federal Government is one of the reasons that we are able to enjoy the vast economic benefits of the shale energy boom.

These changes will ensure that the cooperative and transparent State-driven regulatory approach to energy activity will continue. The energy shale boom is driving our economic recovery, and we need to keep the Federal Government from slowing down energy production on taxpayer owned Federal lands with duplicative regulations and unnecessary red tape.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FLORES. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman's amendment goes right to the heart of what those who are opposed to this process are concerned with by disclosing the chemicals which is embodied in this amendment. This amendment does exactly what seems to be the opposition on the other side. I think it is a good amendment, and we are prepared to accept it.

Mr. FLORES. I thank the chairman.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Chairman, I want to thank my colleague.

I rise today in support of the Flores amendment, which would make public States that have established efficient and regulatory programs that both encourage domestic development of our resources and protect the environment and health of our citizens.

My home State of Ohio has some of the most transparent and robust oil and gas regulations in the Nation, which in many cases far surpass Federal regulations. In fact, since 1953, over 80,000 wells have been hydraulically fractured in Ohio without a single case of groundwater contamination. At the same time, we are experiencing an energy renaissance that is estimated to bring more than 65,000 jobs and contribute nearly \$5 billion to Ohio's economy by 2014. Ohio now has the potential to be a leader in domestic energy production and would bring much needed high-paying jobs and economic growth to northeast Ohio.

It is clear that prudent and responsible development of our resources that creates jobs, enhances our national security and energy independence, and impacts long-term economic growth should not be a partisan issue.

I urge my friends on both sides of the aisle to support this amendment and the underlying bill.

Mr. FLORES. I thank Mr. RENACCI for his comments.

Again, this is a simple amendment in response to feedback I received during the past few weeks.

Again, the American energy shale revolution is completely dependent on hydraulic fracturing. Without this evolving technology, job creation, growth in manufacturing, lower energy prices, and lower greenhouse gas emissions would all stop. All the benefits our Nation is experiencing today would stop.

I urge my colleagues to vote "yes" on the amendment and "yes" on the underlying legislation.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I claim time in opposition to the amendment, although I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. HOLT. Mr. Chairman, I will not oppose this amendment because by itself it does not change anything, but it does underscore the problems with the bill itself. So I would like to speak on that for a moment.

I don't think there is anything wrong with making Interior a one-stop shopping place for State drilling regulations, although I don't know if there are any States that want to keep their regulations secret. So I don't know if that provision actually has any real impact.

Let me read a provision of the bill that this amendment strikes so that everyone understands what the amendment is trying to do. Subsection (b) of the bill says Interior shall defer to all State regulations for all activities related to any component of the hydraulic fracturing process. It then goes on to say "regardless of whether those rules are duplicative, more or less restrictive, shall have different requirements, or do not meet Federal guidelines."

Apparently the majority, as well as the author of this amendment, recognize that the last sentence was a little excessive and now this amendment proposes to strike that. But it doesn't make any difference because in subsection (a), the bill reads that Interior cannot enforce any of its regulations or guidance for any component of the hydraulic fracturing process.

Subsection (a) strips Interior of their authority to enforce. This certainly has the same effect as the language in

subsection (b) directing them to defer with respect to any regulations or requirements.

Even after this amendment is adopted—and we are prepared to accept it—the language in the bill will still require that Interior defer to the States, regardless of whether State rules are less restrictive or adequate or are inadequate or if they don't meet Federal guidelines. That is the problem with the bill. The bill remains the same.

This amendment is really superfluous. I will not oppose the amendment, but it does underscore the fundamental problem with the legislation that we are considering here today. It strips Interior of any authority to protect public health, public safety from drilling and fracking operations on public lands.

Although I will also accept the amendment, I will continue to oppose the underlying bill, and I yield back the balance of my time.

Mr. FLORES. I thank the gentleman for accepting the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. REED

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 113-271.

Mr. REED. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 10, insert the following:

**SEC. \_\_\_\_ . GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining the economic benefits of domestic shale oil and gas production resulting from the process of hydraulic fracturing. This study will include identification of—

(1) State and Federal revenue generated as a result of shale gas production;

(2) jobs created both directly and indirectly as a result of shale oil and gas production; and

(3) an estimate of potential energy prices without domestic shale oil and gas production.

(b) REPORT.—The Comptroller General shall submit a report on the findings of such study to the Committee on Natural Resources of the House of Representatives within 30 days after completion of the study.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I ask unanimous consent that amendment No. 3 printed in part B of House Report

113-271 be modified by the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Strike "Page 4, after line 10" and insert "Page 2, after line 19".

The CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED. Mr. Chairman, I have a straightforward amendment to H.R. 2728, which I am offering on a bipartisan basis with my colleague from California (Mr. COSTA).

Our amendment will direct the Government Accountability Office to conduct a study on the number of jobs created from shale development in America. In addition, the study will look at the impact that shale production has had on energy prices and State and Federal revenues.

Mr. Chairman, this is a straightforward, simple amendment to quantify and document the economic benefits from shale development in America.

As I serve on the Natural Gas Caucus, as well as the Manufacturing Caucus, I can tell you that the development of natural gas in America has put us on a course to have a manufacturing rebirth and renaissance here in the United States. It is consistent with my philosophy that we need to build it here and sell it there, and this amendment will quantify on the Federal level the economic benefits that are associated with the development of this resource not only from the direct jobs of producing the resource, but the indirect and secondary jobs in the United States manufacturing sector, as well as all the other jobs that would support the development of this resource that we have been blessed with here in America.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. REED. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think this amendment will probably no doubt prove what we have been saying, that producing American energy will produce American jobs.

I think the gentleman's amendment adds to this legislation, and I am willing to accept that.

Mr. REED. I thank the gentleman for that acceptance of the amendment.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. COSTA), my cosponsor on this amendment.

Mr. COSTA. Mr. Chairman, I want to thank my friend, the gentleman from New York and fellow cochair of the Natural Gas Caucus, Mr. REED, for the time.

Places like the San Joaquin Valley, which I represent, are still struggling to create jobs in the wake of our Great Recession.

Energy production is a game changer not only in California, but around the country. These are exciting times with the findings in the Marcellus, the Barnett, the Bakkan, and the Monterey in California, which is estimated to be as large, if not larger, than the others that I mentioned.

Those who doubt the ability of States to regulate the oil and gas industry, I urge you to look at my home State of California which has put forth a long-term plan for responsible production of natural gas that the Governor signed into law last month.

□ 1615

Many other States are taking their lead because we know one size doesn't fit all and, therefore, I think that is a preferred approach.

As all of us in the House are looking to determine what our next generation economy will look like, efforts like the amendment that we are proposing here, I believe, are critically important. The United States is on track to become the largest oil and gas producer in the world in the next few years. These are exciting times. The potential of the United States, Canada, and Mexico will far surpass the Middle East in the production of fossil fuels.

We should take advantage, therefore, of this opportunity, this dividend that will benefit our economy and also benefit the geopolitics of the world that we live in that is so dangerous. This shift from being importers of our energy to an international exporter will yield significant dividends for both our economy and global security. Our amendment will show that the economic opportunity cost of blocking or continuing to delay responsible—responsible—development of natural gas simply should not be the case.

The fact is that this study is more about the numbers and the dollars and how we do it safely and telling this side of the story, the human side of the story.

I support the amendment.

Mr. REED. Mr. Chairman, at this point in time, I would just like to note, in this Chamber you have a gentleman from California and a gentleman from New York standing together to highlight the game-changing economic impact of the development of this natural resource. I believe this amendment will clearly articulate how this goes to create a manufacturing rebirth, a job renaissance here in America. I join with him in this amendment, and I urge all my colleagues to support the Reed-Costa amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. Does any Member claim time in opposition?

If not, the question is on the amendment, as modified, offered by the gentleman from California (Mr. REED).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 113-271.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. 01. REQUIREMENT TO OFFER FOR SALE ONLY IN THE UNITED STATES.**

The Secretary of the Interior shall require that all gas produced under a lease issued pursuant to authorities granted by this Act shall be offered for sale only in the United States.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, this is an amendment that I think will help deliver on some of the promises being made here today. This would say that natural gas produced on Federal lands, on Federal lands only, would not be allowed to be exported from the United States.

Now, the principal argument we are hearing on the Republican side is that, by adopting their standard, which they say is the states' rights standards—I have already raised concerns about that on fracking—that it will encourage yet more development on Federal lands, increase our domestic energy supply, and free us from the OPEC cartel. Okay. But that won't work if we produce energy on Federal lands and then we export it to other countries like China or Japan or elsewhere.

The Energy Information Administration has done a study. They say there will be a tipping point in the export of liquefied natural gas where we will create a world market; we will be subject to the world price. That means that there would be a dramatic increase in gas prices here in the United States both for residential, factory use, and as an input for manufacturing fertilizer or other sorts of manufacturing.

So, suddenly, we would see an advantage which we have only very, very recently developed. We have manufacturing companies bringing production back to the U.S. because of our plentiful natural gas and saying it is to our advantage, our energy is cheaper here, our feed stocks are cheaper here. This is a tremendous advantage for us, and they are producing here and exporting finished goods.

If we begin to export in great volume the raw material, the feed stock, the natural gas through a liquefied process, then suddenly it will be we are in the international market. It means a dramatic run-up in natural gas prices. We

lose our competitive advantage for domestic manufacturing, and we are back where we are with oil, despite the idea that if we produce more oil we will somehow become free of OPEC or other countries around the world.

The fact is that oil is traded as an international commodity, and no matter how much we produce here, it is going to be priced internationally at the highest price being paid in the international market. That is not so today for natural gas. But if we export enough of it and create enough capacity to export it, that will become the case.

So this would have no impact on gas produced on State lands, Indian lands, private lands. It just simply says that that approximately 15 percent of the natural gas being produced on Federal lands could not be exported, must be used domestically to keep prices down here at home to advantage manufacturers here at home.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself 2½ minutes.

Mr. Chairman, a similar amendment like this has been offered multiple times in our committee markups and they have always failed on a bipartisan vote, and similar amendments like this have also failed on the floor. This is nothing more than an effort to make production on Federal lands more challenging and less valuable.

The vast majority of the natural gas that is produced in the United States stays in North America, but that that is exported, 98 percent goes to Canada and Mexico. We ought to keep those customers.

Additionally, since 2009, the U.S. has been the largest producer of natural gas in the world, which, I guess, goes to my friend from Oregon's argument. But energy is going to be globally decided in the marketplace. Many companies operating in the United States are international companies with businesses all over the world. Undercutting the basic premise of the free market and restricting the use of the resource always has real economic consequences in the future.

Now, there is one other point about this amendment, too. The amendment makes it unclear what is considered natural gas. The question arises, are products derived from natural gas also only to be sold in the United States because they are made from natural gas? It is unclear the way the amendment is drafted. But if that were to be the case, Mr. Chairman, there would be vast spin-off industries that would be affected, namely, the plastic industries.

So I tend to be one that believes that the American consumer, in fact, con-

sumers everywhere, are benefited if we have free trade in the world. That should apply to everything, including a big resource that we are becoming a leader in, and this amendment, I think, is contrary to that approach.

Mr. Chairman, with that, I reserve the balance of my time.

Mr. DEFAZIO. To the gentleman's point, it is absolutely clear. It says "gas." It does not say products derived from gas, fertilizer, or manufactured plastic or anything else. It just says the gas must be sold here in the United States.

He admits and says that it will make it less valuable. That means he is looking at increasing the price of natural gas here to accommodate exports overseas to put us in a world market. Then we are, yet again, screwed, just like we have been with oil for years. We are back to the point where we are competing in an international market. We lose international competitiveness. We lose more manufacturing.

This is pretty transparent here. I mean, the industry is pressuring, I am sure, on their side of the aisle, saying, Oh, my God, don't do that. Don't say that that 15 percent of the gas produced on Federal lands, belonging to the taxpayers of United States, has to be used here to help keep down our prices for our homes, for our manufacturing, to give us a competitive world advantage. Let's do it like all our other free trade, which is bankrupting the country and exported millions of manufacturing jobs over the last few years.

He talked about it again. Globally decided free market. He used those words. If we go to a globally decided free market in the export of natural gas, we lose the advantage, and their basic premise that this will lower prices for Americans is stood on its head.

If you don't adopt this amendment, if you vote against it, you are voting to increase the price of natural gas, according to the Energy Information Administration, for all consumers and manufacturers and the downstream products from those in the United States of America. So, if you really want to lower the price to consumers, vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, the DeFazio amendment is ill-conceived. Creating jobs in the energy sector is creating American jobs, and this amendment would, in fact, inhibit our ability to reduce our trade deficit and also affects an issue of providing natural gas to our strategic allies.

As a result of increased natural gas production, the price of natural gas has fallen over the last few years, making

it competitive in the global marketplace. This presents an opportunity to export U.S. natural gas.

Many of our allies rely heavily upon a single source or unstable regions for natural gas. For example, Russia has used its European market dominance to influence other countries, cutting off natural gas supplies over various disputes. Poland is so eager to wean itself off Russia for natural gas that it plans to buy LNG from Qatar at a price estimated to be 40 to 50 percent higher than the rate charged by Gazprom, Russia's state-owned monopoly, just to be able to have some independence.

Increasing natural gas exports would provide our allies with an alternative and reliable source of energy, helping to strengthen our economic and geopolitical partnerships.

It should be noted that the boom in natural gas production has already made an impact. Supplies previously destined for our shores but no longer needed as a result of increased production have been diverted elsewhere. This increase in global supply has helped several European countries successfully renegotiate their long-term contracts with Gazprom, Russia's state-owned monopoly.

Mr. Chair, in general, when it comes to trade, we often talk about barriers that other countries have to U.S. producers, ones that we must overcome in order to export. In this case, these are regulatory burdens we are placing upon ourselves that are preventing our ability to create jobs and preventing our ability to lower our overall trade deficits. Restraining U.S. natural gas exports would only hurt our abilities to bolster strategic partnerships and create jobs right here at home.

The DeFazio amendment does nothing to decrease the cost currently of natural gas. This is an important ability to create jobs and lower our trade deficit.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

I would just simply say and correct my good friend from Oregon, I did not say that because natural gas would enter the international market it would become less available. I simply said that it would become part of the global market.

I dare say that, when oil was discovered in Titusville, Pennsylvania, nobody thought that that oil would become part of the world market, but it has. But unfortunately, because we in the United States have not utilized our resources like we should with crude oil and not competed as we should with past decisions, there was a cartel that was formed internationally called OPEC. They control the oil market.

The best way to beat cartels is to outsupply them. If we are going to be a leader in natural gas in the world, we ought to take advantage of that and lead when we can, but recognize that a free market gives the best services to people and recipients of that, not only in the United States, but in the world.

With that, I urge rejection of the DeFazio amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

□ 1630

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 113–271.

Ms. JACKSON LEE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE \_\_\_\_—MISCELLANEOUS PROVISIONS**  
**SEC. \_\_. REVIEW OF STATE ACTIVITIES.**

The Secretary of the Interior shall annually review and report to Congress on all State activities relating to hydraulic fracturing.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chair, in just a second, I will yield to the distinguished chairman.

Just in a sentence, the Jackson Lee amendment is simple and will provide for an annual review of any and all hydraulic fracturing activity, as well as a report to be submitted to Congress.

I now yield to the gentleman from Washington, Chairman HASTINGS, for the purpose of entertaining a question.

Mr. HASTINGS of Washington. I thank the gentlelady for her amendment and for yielding to me for the purpose of entering into a colloquy.

Mr. Chairman, I would ask my friend from Texas, the text of the gentlelady's amendment requires the Secretary of the Interior to conduct an annual review of all State hydraulic fracturing activity. My concern is that this provision appears to be very broad.

I would be delighted to work with the gentlelady, as this bill works its way

through the legislative process, to consider some additional conditions to ensure that the broad review is targeted at those areas subject to the jurisdiction of the committee and results in a report to Congress that is meaningful and productive.

To that end, would the gentlelady be willing to work with me to clarify that her amendment is intended to apply to State permitting of hydraulic fracturing on Federal lands?

Ms. JACKSON LEE. Reclaiming my time, I thank the chairman for working with me on this matter. I appreciate his willingness to work with me.

I want to achieve what the ultimate intent was, and that is, to have this amendment pertain to Federal lands. My response is that I do not object to a modification of the amendment to make clear that the review and report required of the Secretary should be limited to State permitting of hydraulic fracturing on Federal lands, which will, in fact, provide this Congress with the necessary information on these processes.

I yield to the chairman.

Mr. HASTINGS of Washington. With the clarification that the gentlelady will work with me, that this is subject to Federal lands, with the clarification that the review and report required of the Secretary should be limited to State permitting of hydraulic fracturing on Federal lands, I am willing to accept the gentlelady's amendment. I thank her for her work on that.

I yield back to the gentlelady.

Ms. JACKSON LEE. I thank the chairman.

Mr. Chair, I just wanted to indicate that we have the opportunity to do a number of things: create jobs, energy independence, preserve and create a strong economy, and protect our environment.

I am interested in seeing the opportunity for low-income families to be able to be helped in the cold of the winter and the heat of the summer, to be able to find relief from the energy costs that we have talked about so often, and I would hope that as we move forward with the legislation that we will be able to work together.

I believe that the 2.1 million jobs that will be created, the increase of consumers' household dollars, and the amount of money that will be going into the government Treasury really should bring us together. My amendment, as clarified by the chairman in our discussion in the colloquy, is to give Congress that oversight pertaining to those Federal lands.

I thank the chairman for his clarification. I am looking forward to working with him and maintaining the language in the bill, however, with the understanding that we will get that review for Federal lands and that that will come from the Secretary of the Interior to the United States Congress.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113–271 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HOLT of New Jersey.

Amendment No. 4 by Mr. DEFAZIO of Oregon.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 230, not voting 10, as follows:

[Roll No. 601]

AYES—190

Andrews	DeGette	Israel
Barber	Delaney	Jackson Lee
Bass	DeLauro	Jeffries
Beatty	DelBene	Johnson (GA)
Becerra	Deutch	Johnson, E. B.
Bera (CA)	Dingell	Kaptur
Bishop (GA)	Doggett	Keating
Bishop (NY)	Doyle	Kelly (IL)
Blumenauer	Duckworth	Kennedy
Bonamici	Edwards	Kildee
Brady (PA)	Ellison	Kilmer
Braley (IA)	Engel	Kind
Brown (FL)	Enyart	Kirkpatrick
Brownley (CA)	Eshoo	Kuster
Bustos	Esty	Langevin
Butterfield	Farr	Larsen (WA)
Capps	Fattah	Larson (CT)
Capuano	Foster	Lee (CA)
Cárdenas	Frankel (FL)	Levin
Carney	Fudge	Lewis
Carson (IN)	Gabbard	Lipinski
Cartwright	Garamendi	Loeb sack
Castor (FL)	Garcia	Lofgren
Castro (TX)	Gibson	Lowenthal
Chu	Grayson	Lowe y
Cicilline	Green, Al	Lujan Grisham
Clarke	Grijalva	(NM)
Clay	Gutiérrez	Luján, Ben Ray
Cleaver	Hahn	(NM)
Clyburn	Hanabusa	Lynch
Cohen	Hastings (FL)	Maffei
Connolly	Heck (WA)	Maloney,
Conyers	Higgins	Carolyn
Cooper	Himes	Maloney, Sean
Courtney	Hinojosa	Matsui
Crowley	Holt	McCollum
Cummings	Honda	McDermott
Davis (CA)	Horsford	McGovern
Davis, Danny	Hoyer	McIntyre
DeFazio	Huffman	McNerney

Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis

Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema

Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—230

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen

Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers

Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry

Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner

Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams

Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—10

Campbell  
Herrera Beutler  
Hurt  
Lummis

McCarthy (NY)  
Noem  
Radel  
Rush

Shuster  
Wasserman  
Schultz

□ 1702

Mr. WHITFIELD changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 601, on the amendment offered by Reps. HOLT to H.R. 2728, Protecting States' Rights to Promote American Energy Security Act. Had I been present, I would have voted “no.”

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The Acting CHAIR (Mr. HECK of Nevada). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the Committee now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our country in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

## AMENDMENT NO. 4 OFFERED BY MR. DEFazio

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFazio) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 276, not voting 12, as follows:

[Roll No. 602]

## AYES—142

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)

Braley (IA)  
Brownley (CA)  
Bustos  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chu

Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Crowley  
Cummings  
Davis, Danny

DeFazio  
DelBene  
Deutch  
Doggett  
Levin  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Fortenberry  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Grayson  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Holt  
Honda  
Horsford  
Huffman  
Israel  
Jeffries  
Johnson (GA)  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer

Kirkpatrick  
Kuster  
Langevin  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Loftgren  
Lowenthal  
Lowe  
Lynch  
Maloney, Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Peters (MI)

Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Roybal-Allard  
Ruiz  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Walz  
Waters  
Watt  
Welch  
Wilson (FL)  
Yarmuth

## NOES—276

Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Burgess  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Cárdenas  
Carter  
Cassidy  
Castro (TX)  
Chabot  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis (CA)  
Davis, Rodney

DeGette  
Delaney  
DeLauro  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)

Hensarling  
Himes  
Hinojosa  
Holding  
Hoyer  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jackson Lee  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lummis  
Maffei  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon



McKinley	Rice (SC)	Smith (TX)
McMorris	Richmond	Southerland
Rodgers	Rigell	Stewart
Meadows	Roby	Stivers
Meehan	Roe (TN)	Stockman
Messer	Rogers (AL)	Stutzman
Mica	Rogers (KY)	Takano
Miller (FL)	Rogers (MI)	Terry
Miller (MI)	Rohrabacher	Thompson (PA)
Miller, Gary	Rokita	Thornberry
Mullin	Rooney	Tiberi
Mulvaney	Ros-Lehtinen	Tipton
Murphy (FL)	Roskam	Turner
Murphy (PA)	Ross	Upton
Negrete McLeod	Rothfus	Valadao
Neugebauer	Royce	Vargas
Nugent	Runyan	Veasey
Nunes	Ruppersberger	Vela
Nunnelee	Ryan (OH)	Visclosky
Olson	Ryan (WI)	Wagner
Palazzo	Salmon	Walberg
Paulsen	Sanchez, Loretta	Walden
Pearce	Sanford	Walorski
Perlmutter	Scalise	Weber (TX)
Perry	Schock	Webster (FL)
Peters (CA)	Schrader	Wenstrup
Petri	Schwartz	Westmoreland
Pittenger	Schweikert	Whitfield
Pitts	Scott (VA)	Williams
Poe (TX)	Scott, Austin	Wilson (SC)
Pompeo	Sensenbrenner	Wittman
Posey	Sessions	Wolf
Price (GA)	Sewell (AL)	Womack
Rahall	Shimkus	Woodall
Reed	Simpson	Yoder
Reichert	Sinema	Yoho
Renacci	Smith (MO)	Young (AK)
Ribble	Smith (NJ)	Young (IN)

## NOT VOTING—12

Aderholt	Noem	Wasserman
Campbell	Radel	Schultz
Chaffetz	Rush	Waxman
Herrera Beutler	Shuster	
McCarthy (NY)	Smith (NE)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1711

Mr. HECK of Nevada and Ms. DUCKWORTH changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the Chair, Mr. HECK of Nevada, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation, and, pursuant to House Resolution 419, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. LOWENTHAL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LOWENTHAL. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lowenthal moves to recommit the bill H.R. 2728 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendments:

Page 1, line 14, strike “The” and insert “Except as provided in subsection (c), the”.

Page 2, line 4, strike “The” and insert “Except as provided in subsection (c), the”.

Page 2, after line 11, insert the following (and redesignate the subsequent quoted subsection accordingly):

(c) PUBLIC DISCLOSURE.—Nothing in this section limits the authority of the Department of Interior or any State from requiring the public disclosure of chemicals in hydraulic fracturing fluids, the source and type of base fluid used in hydraulic fracturing, the disposition of hydraulic fracturing flowback fluids, and any other details of how and where hydraulic fracturing operations occur, for use by the public to study and analyze for the benefit of public health and safety.

Mr. FLORES (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LOWENTHAL. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, transparency and public disclosure are critical ingredients to successful public policy and, I would dare say so, to successful democracy. My amendment would provide just that—transparency and public disclosure of the hydraulic fracturing operations that are now prolific in so many States.

Right now, our communities do not have access to reliable or complete information about fracking operations. Colleagues, our communities have a right to know.

If the public has a right to know what ingredients are in their food, don't our communities have a right to know what chemicals the oil and gas industry is going to pump past their drinking water?

If the public has a right to know where Superfund pollution sites are, don't our communities have a right to know where the oil and gas industry is going to store these millions of gallons of unknown chemicals and contaminated slurry?

If the public has a right to know about major land-use changes, don't our communities have a right to know when the oil and gas industry is going to start a fracking operation next-door—with its accompanying air emissions? its truck traffic? its noise? and its derricks?

I would hope that encouraging transparency and public disclosure would be a bipartisan issue. I certainly hear about transparency from the majority when this Chamber is talking about other Federal programs. We should be consistent and make sure the people in our communities also have a right to know about fracking chemicals injected below their backyards, their schools, their farms, and their parks.

And to those who would resist providing the community a right to know about fracking operations, I would warn that you prevent transparency at the oil and gas industry's own peril.

To develop our resources responsibly and to harness the benefits of the shale gas boom, we need the public's trust, and industry will not earn it if they hide the facts. When the oil and gas industry refuses to disclose the facts, it is natural for the public to ask then: Why won't industry tell us what chemicals they are using? What are they hiding?

When the oil and gas industry hides the facts, it erodes the public's trust and breeds suspicion.

□ 1715

Hiding the facts prevents first responders and health workers from understanding how to appropriately treat exposed individuals after a fracking accident.

Hiding the facts prevents emergency officials from understanding how to properly contain and clean up a chemical spill after a fracking accident.

Hiding the facts prevents the public from knowing which chemicals to test for in their drinking water before, during, and after fracking.

Hiding the facts prevents researchers who conduct chemical transport studies from understanding the prevalence, the movement, and the longevity of fracking chemicals in the subsurface environment.

Hiding the facts prevents the public from verifying the oil and gas industry's assertion that hydraulic fracturing is safe.

Don't hide the facts. Our communities have a right to know. Vote “yes” on the motion to recommit.

I yield back the balance of my time.

Mr. FLORES. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. Mr. Speaker, this should be pretty easy.

In my earlier amendment that was approved by voice vote today, we addressed the concerns raised by the gentleman from California, so let's move on down the road and vote for American jobs and American energy.

A vote today for H.R. 2728 is a vote to regain our Nation's position as the world's leading energy producer, a product of the shale energy boom.

Thanks to shale energy, middle class manufacturing jobs are returning to the U.S. after generations of decline. Thanks to shale energy, our Nation's production is a huge blow to unstable and unfriendly areas like Russia and the Middle East, who previously dictated the world supply of energy.

Just last year, shale energy supported 2.1 million jobs. Turning our backs on the shale energy boom now would cause the Federal Government to lose up to \$1.6 trillion in revenues over the next decade and a half.

I would repeat: the issue that was raised in the motion to recommit was already in my amendment that was passed by voice vote earlier today.

Mr. Speaker, lower energy costs for American families, a cleaner environment, an increase in American manufacturing jobs, and domestic energy security would all be lost without the underlying bill.

I urge my colleagues to oppose this motion to recommit and to support abundant, safe, and clean energy through the Protecting States' Rights to Promote American Energy Security Act. Vote "yes" for American jobs.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. LOWENTHAL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on the passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 232, not voting 10, as follows:

[Roll No. 603]

#### AYES—188

Andrews	Bishop (GA)	Brown (FL)
Barber	Bishop (NY)	Brownley (CA)
Bass	Blumenauer	Bustos
Beatty	Bonamici	Butterfield
Becerra	Brady (PA)	Capps
Bera (CA)	Braley (IA)	Capuano

Cárdenas	Honda	Owens
Carney	Horsford	Pallone
Carson (IN)	Hoyer	Pascarell
Cartwright	Huffman	Pastor (AZ)
Castor (FL)	Israel	Payne
Castro (TX)	Jackson Lee	Pelosi
Chu	Jeffries	Perlmutter
Cicilline	Johnson (GA)	Peters (CA)
Clarke	Johnson, E. B.	Peters (MI)
Clay	Jones	Pingree (ME)
Cleaver	Kaptur	Pocan
Clyburn	Keating	Polis
Cohen	Kelly (IL)	Price (NC)
Connolly	Kennedy	Quigley
Conyers	Kildee	Rangel
Cooper	Kilmer	Richmond
Courtney	Kind	Roybal-Allard
Crowley	Kirkpatrick	Ruiz
Cuellar	Kuster	Ruppersberger
Cummings	Langevin	Ryan (OH)
Davis (CA)	Larsen (WA)	Sánchez, Linda
Davis, Danny	Larson (CT)	T.
DeFazio	Lee (CA)	Sanchez, Loretta
DeGette	Levin	Sarbanes
Delaney	Lewis	Schakowsky
DeLauro	Lipinski	Schiff
DeBene	Loebback	Schneider
Deutch	Lofgren	Schwartz
Dingell	Lowenthal	Scott (VA)
Doggett	Lowe	Scott, David
Doyle	Lujan Grisham	Serrano
Duckworth	(NM)	Sewell (AL)
Edwards	Luján, Ben Ray	Shea-Porter
Ellison	(NM)	Sherman
Engel	Lynch	Sinema
Enyart	Maffei	Sires
Eshoo	Maloney,	Slaughter
Esty	Carolyn	Smith (WA)
Farr	Maloney, Sean	Speier
Fattah	Matsui	Swalwell (CA)
Foster	McCollum	Takano
Frankel (FL)	McDermott	Thompson (CA)
Fudge	McGovern	Thompson (MS)
Gabbard	McIntyre	Tierney
Garamendi	McNerney	Titus
Garcia	Meeks	Tonko
Grayson	Meng	Tsongas
Green, Al	Michaud	Van Hollen
Grijalva	Miller, George	Vargas
Gutiérrez	Moore	Veasey
Hahn	Moran	Velázquez
Hanabusa	Murphy (FL)	Visclosky
Hastings (FL)	Nadler	Walz
Heck (WA)	Napolitano	Waters
Higgins	Neal	Watt
Himes	Negrete McLeod	Welch
Hinojosa	Nolan	Wilson (FL)
Holt	O'Rourke	Yarmuth

#### NOES—232

Aderholt	Collins (NY)	Gibbs
Amash	Conaway	Gibson
Amodei	Cook	Gingrey (GA)
Bachmann	Costa	Gohmert
Bachus	Cotton	Goodlatte
Barletta	Cramer	Gosar
Barr	Crawford	Gowdy
Barrow (GA)	Crenshaw	Granger
Barton	Culberson	Graves (GA)
Benishek	Daines	Graves (MO)
Bentivolio	Davis, Rodney	Green, Gene
Bilirakis	Denham	Griffith (AR)
Bishop (UT)	Dent	Griffith (VA)
Black	DeSantis	Grimm
Blackburn	DesJarlais	Guthrie
Boustany	Diaz-Balart	Hall
Brady (TX)	Duffy	Hanna
Bridenstine	Duncan (SC)	Harper
Brooks (AL)	Duncan (TN)	Harris
Brooks (IN)	Ellmers	Hartzler
Broun (GA)	Farenthold	Hastings (WA)
Buchanan	Fincher	Heck (NV)
Buchson	Fitzpatrick	Hensarling
Burgess	Fleischmann	Holding
Calvert	Fleming	Hudson
Camp	Flores	Huelskamp
Cantor	Forbes	Huizenga (MI)
Capito	Fortenberry	Hultgren
Carter	Fox	Hunter
Cassidy	Franks (AZ)	Hurt
Chabot	Frelinghuysen	Issa
Coble	Gallego	Jenkins
Coffman	Gardner	Johnson (OH)
Cole	Garrett	Johnson, Sam
Collins (GA)	Gerlach	Jordan

Joyce	Nunes	Scott, Austin
Kelly (PA)	Nunnelee	Sensenbrenner
King (IA)	Olson	Sessions
King (NY)	Palazzo	Shimkus
Kingston	Paulsen	Simpson
Kinzinger (IL)	Pearce	Smith (MO)
Kline	Perry	Smith (NE)
Labrador	Peterson	Smith (NJ)
LaMalfa	Petri	Smith (TX)
Lamborn	Pittenger	Southerland
Lance	Pitts	Stewart
Lankford	Poe (TX)	Stivers
Latham	Pompeo	Stockman
Latta	Posey	Stutzman
LoBiondo	Price (GA)	Terry
Long	Rahall	Thompson (PA)
Lucas	Reed	Thornberry
Luetkemeyer	Reichert	Tiberi
Lummis	Renacci	Tipton
Marchant	Ribble	Turner
Marino	Rice (SC)	Upton
Massie	Rigell	Valadao
Matheson	Roby	Vela
McCarthy (CA)	Roe (TN)	Wagner
McCaul	Rogers (AL)	Walberg
McClintock	Rogers (KY)	Walden
McHenry	Rogers (MI)	Walorski
McKeon	Rohrabacher	Weber (TX)
McKinley	Rokita	Webster (FL)
McMorris	Rooney	Wenstrup
Rodgers	Ros-Lehtinen	Westmoreland
Meadows	Roskam	Whitfield
Meehan	Ross	Williams
Messer	Rothfus	Wilson (SC)
Mica	Royce	Wittman
Miller (FL)	Runyan	Wolf
Miller (MI)	Ryan (WI)	Womack
Miller, Gary	Salmon	Woodall
Mullin	Sanford	Yoder
Mulvaney	Scalise	Yoho
Murphy (PA)	Schock	Young (AK)
Neugebauer	Schrader	Young (IN)
Nugent	Schweikert	

#### NOT VOTING—10

Campbell	Noem	Wasserman
Chaffetz	Radel	Schultz
Herrera Beutler	Rush	Waxman
McCarthy (NY)	Shuster	

□ 1728

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. HOLT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 187, not voting 9, as follows:

[Roll No. 604]

#### AYES—235

Aderholt	Boustany	Coffman
Amash	Brady (TX)	Cole
Amodei	Bridenstine	Collins (GA)
Bachmann	Brooks (AL)	Collins (NY)
Bachus	Brooks (IN)	Conaway
Barletta	Broun (GA)	Cook
Barr	Buchanan	Costa
Barrow (GA)	Bucshon	Cotton
Barton	Burgess	Cramer
Benishek	Calvert	Crawford
Bentivolio	Camp	Crenshaw
Bilirakis	Cantor	Cuellar
Bishop (GA)	Capito	Culberson
Bishop (UT)	Carter	Daines
Black	Cassidy	Davis, Rodney
Blackburn	Chabot	Denham
Boehner	Coble	Dent

DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jackson Lee  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)

Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
McRogers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell

Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOES—187

Andrews  
Barber  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly

Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi

García  
Gibson  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kuster

Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Loftgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler

Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader

Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—9

Campbell  
Chaffetz  
Herrera Beutler  
McCarthy (NY)

Noem  
Radel  
Rush  
Shuster

□ 1739

Mr. VEASEY changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HOUR OF MEETING ON TOMORROW

Mr. LAMALFA Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## CELEBRATING THE LIFE OF JIM HOLDEN

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to celebrate the life of Jim Holden, a resident of Franklin, Venango County, Pennsylvania.

An outdoor enthusiast who tirelessly promoted recreation and tourism in Pennsylvania, Jim passed away on November 9 at the age of 73.

As cofounder of the Allegheny Valley Trails Association, Jim was instrumental in the Rails-to-Trails movement, an effort in the early 1990s to rehabilitate abandoned railways into multipurpose recreational trails for the public to access and enjoy.

Franklin's newspaper stated the following upon Jim's passing:

Largely unrealized were how Holden's efforts impacted the overall economy of a region hard-hit over the years by the loss of blue collar manufacturing jobs that once made the oil region one of the most prosperous in all the country. His passing will leave some mighty big hiking boots to fill.

Jim Holden knew that our region's recreational resources could be better utilized to the benefit of the community and its economy. He spent his life making this vision a reality.

Our thoughts and prayers are with Jim Holden and his family. He surely did leave big boots to fill but also an enduring legacy for us to cherish.

## GOOD THINGS HAPPENING WITH HEALTH CARE REFORM

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute.)

Mr. HUFFMAN. Mr. Speaker, some of my colleagues want to go back to the old way of doing business on health insurance. We can't go back to the days when people with preexisting conditions were denied coverage and women were asked to pay more simply because they are women.

We know the ACA rollout has not been perfect. We knew all along a reform of this magnitude would require some adaptive management. It happened with Social Security and Medicare, but we worked together to improve those cornerstones of our social safety net, not tear them down.

So let's work to fix the problems of the ACA, but let's tell the whole story, including the good parts of this law. In California, we are on track to meet our enrollment goals—tens of thousands of people already enrolled. I am hearing countless good news stories about the ACA: a mom whose son was hospitalized with a brain tumor who would have hit a lifetime cap, but now they have coverage and they can focus on that child's recovery; a constituent in Trinity County who just emailed me—he and his wife are buying a car with the savings they are achieving thanks to the ACA. There are dozens and dozens more success stories because of this law.

I hope my Republican colleagues will join in fixing the problems with this law and give it a chance to work. There are too many good things happening because of health care reform to go back to the old way of doing business.

□ 1745

## NATIONAL ADOPTION MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, during the month of November, we celebrate

and promote the wonderful and selfless commitment to adoption, as it is National Adoption Month.

Last year, American parents proudly adopted over 135,000 children at birth, in foster homes, and from overseas. However, I would like to bring special attention to the many American families that are no longer permitted to adopt children from places such as Guatemala and Russia.

I have signed on to two separate letters with bipartisan support from Members of both the House and the Senate to urge the Guatemalan and the Russian Governments to once again resume intercountry adoption cases for American families.

Mr. Speaker, every child deserves to grow up in a loving family. We should not be limited by the country they are born into. Let's refresh our commitment to creating more effective strategies and opportunities to work towards a day when every child has an opportunity to be in a safe and loving home.

#### SAFE CLIMATE CAUCUS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, recently someone said to new EPA Administrator Gina McCarthy that she was not living in the real world with regard to climate change.

My question today is if those who are questioning whether she lives in the real world would say the same thing to the survivors of the typhoon of Biblical proportions that just devastated the Philippines where 4,000 people have been impacted. This was the strongest land-falling typhoon on record.

And I am wondering if they would tell people whose homes were hit by the unusually late Mid-Western tornados this past weekend that they are not living in reality. Sixty tornados were reported, eight people were killed, and the damages are estimated to be at least \$1 billion.

Weather-related losses and damages have risen from \$50 billion to almost \$200 billion annually over the last decade.

Putting our heads in the sand will not stop the reality that our climate is changing and that human beings are a part of the reason.

#### GEORGIAN PRESIDENTIAL ELECTION

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, on October 27, I was honored to observe the recent presidential elections in the Republic of Georgia in which Giorgi Margvelashvili was elected.

It was characterized by the International Republican Institute as "calm and . . . with a substantial reduction of complaints filed with the election commission."

The President was elected with a 62 percent vote in an election that was described also as an important milestone in Georgia's democratic development.

In keeping with this promise to step down following the election, Prime Minister Bidzina Ivanishvili appointed a successor, Irakli Garibashvili, on November 2. He was most recently the Minister of Interior appointed by the Prime Minister after the Georgia Dream Coalition's victory in the 2012 parliamentary elections. Prior to his work in government, he headed Mr. Ivanishvili's charitable organization Cartu. He holds a graduate degree from the University of Paris, Sorbonne; and I was pleased to visit the country, the Republic of Georgia, and be involved in the democratic process and principles.

#### TRIBUTE TO BARRY SULLIVAN

The SPEAKER pro tempore (Mr. COLLINS of New York). Under the Speaker's announced policy of January 3, 2013, the gentleman from Massachusetts (Mr. CAPUANO) is recognized for 60 minutes as the designee of the minority leader.

Mr. CAPUANO. Mr. Speaker, tonight, several Members wanted to come to the floor to discuss the retirement of a very good friend of ours who deserves our recognition. Because there are so many people with busy schedules, I am going to go right into it and yield to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, Mr. CAPUANO represents a famous area of America, south Boston, a wonderful area of our country.

As every Member of this House knows, we who serve here in the Chamber rely on an outstanding group of professionals who manage the floor and the party cloakrooms. This is true for both Democrats and Republicans.

On the Democratic side, we have been incredibly fortunate to have been served with great ability by a devoted public servant with a wonderful sense of humor, a sense of this House, a sense of history, a sense of decency, and a sense of how to help Members greatly. He has managed our cloakroom for the past 33 years.

That man, devoted to the smooth running of the people's House day in and day out, is Barry Sullivan. As he prepares to retire from service, I want to join not only those from Massachusetts who are justifiably very proud of him as a brother from their own State, but also all of those in the House on both sides of the aisle, but particularly on our side of the aisle, who have been advantaged by his service, by his good humor, and by his caring.

Barry, a native of south Boston, first came to Washington in 1980 to work for the Sergeant at Arms as a doorkeeper. In 1987, Tip O'Neill appointed him to manage the Democratic cloakroom, and he has been reappointed ever since.

Barry had grown up around politics; and his father, Leo Sullivan, had been a Massachusetts State senator and a Boston police commissioner. He never thought he would stay in Washington for more than a couple of years, but the call to serve this House and his country proved too strong. His country and each of us and this institution have been advantaged by his staying.

Barry brought a lot of Boston to the Capitol. He set up a desk in the cloakroom that is very much a shrine to the Boston Red Sox and a place of homecoming for Massachusetts Members. And every time our Members' beepers would announce votes, it was Barry's mellifluous Boston accent that came across the airwaves to tell us what was going on.

Even more so, Barry has made the cloakroom feel like a home, a home away from home for all of us who serve here, and he will be missed dearly and greatly by all who came to cherish his friendship and his comradeship.

Barry, who sits on the floor with us, Mr. Speaker, we wish you all the best in retirement, both to you and to your lovely bride, Barbara, whom I had the opportunity of knowing very well almost as long as I have known you. She was a special person and had a special connection to this House because she was the daughter of our former colleague, Bill Hughes of New Jersey. Bill Hughes represented the people of New Jersey well, and I was honored to serve alongside him on the Financial Services Committee for a while.

As the sunny shores of Cape Cod beckon him, we bid farewell to an extraordinary public servant whose legacy will continue to be felt in the Halls of Congress both on and off this floor for many years to come.

Barry, thank you and Godspeed.

Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. NEAL), the dean of the Massachusetts delegation.

Mr. NEAL. Mr. Speaker, I want to thank MIKE CAPUANO for organizing this event on behalf of Barry Sullivan.

Barry Sullivan is a reminder of the men and women who serve this institution day in and day out to make sure that it runs as efficiently as it possibly can.

We depend very much here on accurate data and accurate information; and to call Barry Sullivan at any time of the day or night, you could depend on getting the best information that was available at that moment.

Beyond that, he was an individual of great humor. He had the ability to laugh at himself. He had the ability to chuckle with all of us. I recall with

some humor one day that he was in a great state of duress, and that was that he had only been able to deliver one blueberry muffin to Chairman Moakley. Chairman Moakley wanted two blueberry muffins, or as he would say at the time, Chairman Moakley wanted two blueberry muffins. I saw Barry in the hall, and I said, What have we got going today? He said, I don't know, but I am getting that second blueberry muffin if I get nothing else accomplished.

It is these individuals that day in and day out make us look good here. That is the reminder. They oversee a very complex process in that cloakroom of trying to adhere to the rules of the House and at the same time making sure that the Members of Congress are well positioned not only in terms of time, but in terms of time management.

Barry welcomed me here in 1988. He is one of the first people I met. There was Brian Donnelly and Joe Early and a number of others in the Massachusetts delegation. Nick Marvroules, Gerry Studds, and others come to mind. Of course, there was Barney and members of our delegation. We were always very proud of Barry Sullivan, and I thought that one of his great champions here had been Brian Donnelly in those years. That is how we got to know Barry as well as we did.

I wish him well. I also would say that we can take great confidence from the fact that he was a student of this institution. He held the highest regard for it. He was an acolyte of Tip O'Neill and Joe Moakley, who revered service in this institution.

Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON), a former head of the Democratic Caucus.

Mr. LARSON of Connecticut. Mr. Speaker, I want to thank MIKE CAPUANO for organizing this Special Order. Both STENY and RICH have said it well.

Everything that is rich about public service is embodied in the service provided by Barry Sullivan. As RICH pointed out, to have come here with Tip O'Neill and Joe Moakley puts you in the pantheon of stars in New England. I point out to Mr. CAPUANO that RICH NEAL is not only the dean of the Massachusetts delegation; he is the dean of the New England delegation, as well.

Barry Sullivan is New England through and through. He is Irish. He is Catholic. He is the Red Sox. He is the Celtics. He is the Bruins. He is the Patriots. He gets us through the day.

My first encounter with him came over in the Pennsylvania corner where he would be summoned on a regular basis. I thought for a while he was Jack Murtha's personal valet. I did not realize that there was one of those little white buttons that they press. But automatically, Barry would appear out of the backroom and immediately as-

sure Mr. Murtha that things were all right, how things would be done for the day, what time we would get out of here, et cetera. All of the essentials that Members need.

The wonderful thing about Barry, his three sons, and Barbara is that they epitomize class. He is such a gentleman, even among the most tense of situations, he is there for all of us—most notably to remind you that you forgot to vote, to stick your card in, and adhere to the rules of the floor here. It is that class and the professionalism that he brings to the job.

The elevation of public service is something that another man from Massachusetts provided to all of us. To elevate public life, whether as an elected official or whether in the service of your country, whether it is being a Clerk in this House, whether it is running the Democratic Caucus, or whether it is being in the Peace Corps, John Fitzgerald Kennedy made it elevated, the whole notion of public service. Barry, you exemplify the nobility that Kennedy ushered in and gave credence to a life of public service.

Well done, a son of Boston, a son of Ireland, and, of course, a Red Sox fan. God bless you, Barry, and your entire family.

□ 1800

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. KEATING) will control the remainder of the hour.

Mr. KEATING. Mr. Speaker, I will now yield to a phenomenal Representative of Mr. Sullivan, who will be joining countless people, as we have already seen from Representatives from Maryland, Representatives we will hear from from Vermont and New York and California and New Jersey, all envious of being associated with Massachusetts officials and Mr. Sullivan.

We understand their humility, and in that humility I would like to yield to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my colleague.

When I first heard that Barry Sullivan was retiring, my reaction was, Say it ain't so.

I have been in this body for 5 years, and one of the first people I met in orientation was Barry Sullivan. And as a son of Boston myself, as an Irish Catholic myself, as somebody whose family vacations in Cape Code periodically, in Falmouth, where Barry also vacations, I felt I was at home. I felt that there was a human face to this institution who cared about it passionately, who had ties to Tip O'Neill and Joe Moakley, two great heroes in my family's household back in Boston.

I think Barry has provided incredible service to the people's body, to this House, and has tried to ease stress, has tried to make our lives more com-

fortable. I cannot imagine what we are all going to do when our pager goes off and we don't hear that Boston staccato: There will be four votes; this is the last series of the day. That is Barry Sullivan. And if you come from New England, those are comforting tones.

Barry has contributed 33 years to this institution. I don't think he ever lost a sense of reverence for what this institution is all about; and I think, in showing that reverence, he reminds those of us who hold elective office here just how privileged we are to serve in the people's body. He never lost sight of that, and I hope none of us will either.

Barry, I think that is your lasting legacy. Thank you to you and your wonderful wife, Barbara, and your three kids. Enjoy retirement. God bless.

Mr. KEATING. Mr. Speaker, I would like to introduce now for comments about Mr. Sullivan a person who shared the same mentor in many respects, a person that we all admire so greatly, that is the late Congressman Joseph Moakley, I would like to yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank my colleague from Massachusetts.

It is a real privilege to be here with my colleagues to honor Barry Sullivan. And when I heard about his retirement, I couldn't help but think that this is the end of an era.

As my colleague BILL KEATING mentioned, both Barry and I came here under the mentorship of a great man, Joe Moakley, who understood what public service meant in the best tradition. And I think one of the things that I admire about Barry is that he has been a public servant in the highest tradition. He has been the go-to guy for everything and anything.

You know, a lot of people don't understand who don't work here about all the people who kind of work behind the scenes, who work longer hours than we do, and Barry is amongst that group of people, always here, early mornings, late nights, separated from his family at times when we couldn't get our act together here in the Congress. He has just been incredible.

So we are going to miss you, Barry, for a whole bunch of reasons, and I am going to miss you also because of your friendship. You and Barbara have been great friends to Lisa and me. You have given us advice on how to raise our kids and where to send them to school, and we appreciate that very, very much.

But I want you to know that there are so many of us here who have high regard for you and who value your service and your friendship. And I will just close by saying that I am grateful, but I want you to know that we are going to be friends for life.

Mr. KEATING. I thank the gentleman from Massachusetts.

Mr. Sullivan has had this position as manager of the Cloakroom on the Democratic side since 1987, and he has served different leaders in that capacity. I am sure one of the highlights of his career has been having that position when history was changed and we had our first woman who was Speaker of the House.

I would like to yield to our esteemed leader from California (Ms. PELOSI).

Ms. PELOSI. Thank you, Mr. KEATING. I thank you for yielding. I thank you and Mr. CAPUANO and the members of the Massachusetts delegation for bringing us together to honor a wonderful friend to all of us.

Mr. Speaker, in late 1979, the legendary Congressman Joseph Moakley, a colleague to many of us who had the privilege to call him "colleague," ran into the son of a friend and former colleague, Leo Sullivan, in Boston. He knew that the young Boston State College student had served as a page on Beacon Hill and had an interest in public service. He suggested that it was time for this young man to travel to our Nation's Capital to serve in Congress, led by another Massachusetts legend, Speaker Tip O'Neill. That young man was and is Barry Sullivan.

When he arrived in Washington the following March, he thought he would spend just a few years here before returning to his beloved South Boston. Thirty-three years later, he will finally leave his post in the Democratic Cloakroom, an institution in its own right, a source of information for Members. He leaves as a committed public servant to the Congress and to our country.

As one of Barry's former colleagues once said, "Down here, Members are looking for somebody who knows what's going on." And Barry always knew. He was the trusted source, has been the trusted source, of what was happening on the floor, what bill was up for a vote, what issues Members were tackling on any given day. Barry always knew what was going on, in addition to the floor agenda, what was important for Members to know.

Public service is in his blood, as the son of one of the central players of the mid-20th century in Massachusetts State government. So prominent was Barry's father, Leo, in local politics, that he escorted then-President-elect John Kennedy from Logan Airport to the Boston Garden on election night, 1960, a great honor for a great Massachusetts leader and family.

Barry would come here and be escorting Presidents, Prime Ministers and Kings over and over again, and he did so with grace and commanding respect.

Boston is in his blood. As a proud native of South Boston, a devoted Red Sox fan—did I say that they won the World Series? But of course everybody knows that.

Okay. You can cheer for Barry as well as for the Red Sox, okay? I was at the game. All right.

A devoted Red Sox fan, I repeat, a father and husband who takes his family back to his hometown and to Cape Cod every year without fail. And now, with his career in the Capitol coming to a close, we all know that Barry looks forward to spending as much time as he can on the Cape with his beloved wife, Barbara, and their three sons.

Barry Sullivan has been an integral part of our team and our system. He has been a clearinghouse of information from his first day in the Cloakroom to his last, as the man in charge. His service has proven invaluable. His contributions have been incredible, just remarkable. He gives you the answer before you ask the question. He anticipates our every need.

To Barbara and the whole Sullivan family, thank you for sharing your husband and father with the United States Congress for so long.

To Barry, you have earned the respect of Members of Congress and the gratitude of countless Members of Congress who have served in this Chamber. Thank you for taking a chance, for coming to Washington to serve Tip, at the invitation of Joe Moakley—what legends—and for serving us all with grace, good humor, and dedication throughout your tenure in the House of Representatives; though you are leaving us on a day-to-day basis, I hope you will be no stranger to us and that you will return on many occasions.

Thank you, Barry Sullivan.

Mr. KEATING. Thank you, Madam Leader.

We all know that it is no secret that in this House there are often great divisions, and probably the most profound schism that exists in this House is between Red Sox fans and Yankee fans. But to show you the esteem that Mr. Sullivan has held with our Members, I have the privilege of yielding whatever time he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank the gentleman. And you are correct. You stuffed my first line.

I live a few blocks away from Yankee Stadium, and so, for a Yankee fan to honor a Red Sox fan shows the kind of love and respect that I have for him. I don't know if I will survive or be able to sleep tonight, but I will say congratulations, Barry, on the Red Sox winning the World Series.

You notice that didn't come out too well, but it is not that easy.

Barry Sullivan. When I first came here and I found out that Barry Sullivan was running the Cloakroom, I expected to see Barry Sullivan, the movie star of the 1940s in the black-and-white movies. Instead, I found a class act and a person who really cared about the membership. And that is what is important, that he always took care of the membership.

One of the things that always amazed me about Barry was his ability to put

up with us. After all, how many times does a person get to answer the same question 200 times in a row to the same people?

When are we getting out tonight, Barry?

When do you think votes will end?

Do I have time to go to dinner?

Well, Mr. SERRANO, blah, blah, blah, blah, blah, and he would do it. And then you would show up and you would show up and he would do it. By the third time, I would have told everybody to come in the Cloakroom and I will make one speech to everybody, and then you can all get out of here and leave me alone. But there was always that ability for him to understand the needs we had, the information we needed, and the fact that he provided that for us.

But he also had a sense of humor. I gave him a hard time for so long. I have been here 23 years, and I had running lines with him. One of them, walking into the Cloakroom, was, Are the Red Sox still in the league? That was one of the ones. The other one was, What is the loudest noise in September? And he would actually go along with it and say, What? I would say, The Red Sox falling apart. And this went on and on and on.

But through it all, Barry, you showed more than just being a sports fan, you showed that you were a class human being, that you were a person who cared, a person who cared in terms of how we got here. I think you, as much as anyone else, understood that none of us get appointed here, that we have to go beg in front of a Legion hall or in front of a subway station or in front of a supermarket for a vote, and you understood that, and that is how you treated us, and that is how I think we treated you.

You were the one who told us if there were peanuts coming to that basket in front of you when we were looking for peanuts or chocolate or whatever. You were the person who made sure everything ran well, and I am going to miss you. I am really going to miss you, because I think you are one of the classiest acts around here. I hope you stay in touch. And I will just end this way. We have in Spanish—and I will apologize to the stenographer, and I will translate it later.

We have a saying in Spanish: Dime con quien andas y te dire quien eres.

(English translation of the above statement is as follows:)

Tell me who you walk with and I will tell you who you are.

We walk with you. We are you. Let's hope that we have learned from you how to be as classy and as humane as you have been for so many years.

Thank you, Barry.

□ 1815

Mr. CAPUANO. Mr. Speaker, I yield now to the gentleman from Massachusetts (Mr. KEATING) who represents the

town of Falmouth, the Member who, I guess, will represent Barry in different ways, possibly officially at some point.

GENERAL LEAVE

Mr. KEATING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KEATING. Mr. Speaker, after the kind words of the gentleman from New York, I just want to say, after hearing him pay tribute to Mr. Sullivan, I just will tell you that I do hope that the Yankees sign Robinson Canó, and I hope they go way over the luxury tax threshold to do it.

Mr. Speaker, just briefly, I want to tell you, when I came to this House not knowing much, I asked for advice from a lot of people, and I can't tell you how many people told me, Just seek out Barry Sullivan for whatever you need, whether it is a personal need, whether it is the knowledge of the city, whether it is the knowledge of legislative practice, whether it is the knowledge of what to do in the formal or informal structure. They all told me to seek out Barry Sullivan. I will tell you that no better advice was ever given to me.

I want to congratulate him on his 33 years, and I want to say that it has been an amazing career because, as the leadership has changed over his 87 years, he has maintained that position despite who was in the Democratic leadership, and that is a tribute to the job that he does.

I also have felt a kinship with him as I began to know a little bit about him. I saw that we have a lot in common. He comes from a police family. His father was a police commissioner. My father was a police officer. My brother was a police officer. His father was a State senator, and I served in the State senate for part of that time, representing the city of Boston as well.

We both shared the great privilege of having a mentor. Joe Moakley was the Congressman in my district in my days when I was in the State legislature, and I called upon him time and time again for advice. I realize that both Barry Sullivan and I profited greatly from that knowledge, not only of the institutional knowledge that he had but the good character and type of person that Joe Moakley was.

Barry and I both had an early interest in politics. We both studied and majored in political science when we were in college. Even our own sons went to the same college of St. Joe's, and we both paid those tuition figures to have that occur.

A lot of people will be saying goodbye to Barry, and they will be saying that they are sorry they won't be seeing him as much. I think I am probably

in the minority, where I will be able to say, I probably will see you more because I am sure that as he has more time to spend on his own to recreate, to be with his family, I am going to see him on the beaches in Falmouth Heights. I am going to see him fishing. I am going to see him watching the Falmouth Commodores in the Cape Cod league, enjoying probably one of the best places in the world to retire to.

I just want to wish him well. I wish Barbara well. Good health. Enjoy those years. And thank you, Mr. Sullivan, for a job well done.

Mr. CAPUANO. Mr. Speaker, I would like to yield to the gentleman from New Jersey (Mr. ANDREWS), another Member with a special relationship with Mr. Sullivan.

Mr. ANDREWS. I thank my friend for yielding.

With a sense of real mixed emotions, I join this discussion tonight, certainly with gratitude and pride for Barry's 33 years of service but also for a real sense of regret that he will not be a part of our everyday lives and work the way he has been for all these years.

The House is very often a very chaotic and noisy place. The bell rings, and hundreds of people descend upon the floor. They all have their demands. They all have their ideas. They all have their needs. In that sea of chaos, you look for a person who stands tall and strong and is unflappable no matter what. Barry, for all of us, for all those years, you have been one of those people.

Nothing flusters Barry Sullivan. There is no problem too great. There is no controversy too bitter. He is always the same optimistic, friendly, honest, cheerful, strong person, no matter what. And your strength has been an inspiration to all of us.

When you know from whence Barry comes, his strength is easy to understand. I did not have the privilege of sharing the heritage that he has from Boston, but I know his family very, very well. I know that his beloved father-in-law, former Representative Bill Hughes, Ambassador Bill Hughes, served here. Perhaps his greatest gift was Barbara. I think that is probably the reason Barry stayed in Washington, because he met her, and they started a beautiful life together. They have three wonderful sons that they have educated and raised, and I have the privilege of working with his son Brendan, who is here with us tonight, representing the people of our First Congressional District of New Jersey.

So, Barry, nothing you do surprises us because of your inner strength and your qualities and your optimism.

The one thing about Barry that did surprise me, however, was that he did not start growing his beard in the middle of the summer and let it go until the end of the World Series, like his beloved Red Sox. There was some discussion that he might do that.

But I do admire the fact that he was nice to everyone—even to the Yankees fans, as Mr. SERRANO just said. He showed real equanimity.

Barry, on behalf of our country, our party, my constituents, and my family, we thank you for your strength and your goodness and your inspiration. We know we will see you many times in the future. We wish you Godspeed. Congratulations.

Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman for yielding.

Barry, we are going to miss you. Everyone has been rightly singing your praises.

I will tell you the couple of things I noticed right away. When I came, it was 2007. Many of the Members who have spoken have been here many years longer. When you went into the cloakroom, you were treated like you had been here forever. Everybody was treated the same. The goodwill, the good sense of humor, the good judgment, the sense that we are all part of something larger than ourselves—that was something that Barry really conveyed.

The other thing I noticed, we used to have pages here. Remember that? We had these young people full of hopes and dreams about how they could make a contribution in this country, how they could make this a better country, how they could be better people.

Barry, it was amazing to watch you with those kids because you had to get them organized. They had to learn all of our names. They would be sitting there in the cloakroom studying the Congressional Pictorial, and these young kids from all over the country would be coming up, and they would be saying hi to Mr. MILLER, to Mr. WELCH, to Mr. CAPUANO, and it was such a reassuring observation, such a wonderful scene there where these kids—boys and girls—felt that they had a big job in a big institution. You could see them getting excited about public service, and you could see them taking seriously the responsibilities that go along with it, which at that moment, for them, was learning the names and matching them to the faces of the people who were here.

Barry, you were a great teacher. It wasn't just that they got our names right. It was that you inspired them to find in themselves the discipline and the strength to take that next step and to aspire to achieve their dreams.

It is a life well lived when you can treat the people in it with love and respect, when you can commit yourself to the building of an institution, that you can help leave it behind in better shape than you found it.

So, Barry, for all of us who served with you, seeing all the good deeds you have done for so many, thank you very much.



Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman for yielding.

Also, I want to say that as a freshman Member here several years ago, Barry made me feel very special, and I thought that it had to do with the fact that I was from a place called South Buffalo, which is very much like South Boston but without the edge or the accent.

This favorite son of South Boston defined this institution with a sense of order, most certainly, but with a sense of pride and purpose and humor as well. An avid Boston Red Sox fan and Boston Bruins fan, and just an all-around wonderful person who made everyone here, hundreds of Members that have served, feel very special, as you did that first day that I arrived.

So, Barry, I thank you, as a Member of this House, and I want to commend you for your years of service and wish you well in the years ahead of you.

Mr. CAPUANO. I yield to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and thank him for organizing this tribute to Barry and, I think, to his family, because we know the time he takes away from them on our behalf for his service here.

I am one of the few people who can say that I was here before you were, Barry, but I thought everybody here was from Boston or something like that when I first got here from the west coast.

I want to join my colleagues here. I think we all have very strong and deep feelings about the service you have rendered to us. Sometimes when we were pleasant, and sometimes when we weren't so pleasant, sometimes when we were harried, and sometimes when we were relaxed, you always seemed to be very stable in terms of the answers that you could provide us, even when you couldn't possibly know the answer to the question, "When are we getting out?" You would just kind of look and say, Well, and you would give your best guesstimate because you didn't have a clue what was going to take place on the floor, given the turmoil that happens from time to time. But it was more than just about getting out; I think it was also an assessment, your sense of what was really taking place on the floor. Yes, there were 50 amendments filed, but you had a handicap system. You figured 30 were going to go by the wayside by noon. Another five would drop out later. You heard somebody else might have been leaving. So now we are down to a handful of manageable amendments. So don't give up your early reservation. That kind of handicapping was worth a lot when you come from the west coast and you have got to do it every week. So thank you for that.

Your service here overall to us, the dignity with which you have treated the Members of Congress—as I say, sometimes we can be rather demanding because we are harried. It has just been a wonderful, wonderful relationship to have you on our side in our cloakroom, taking care of us and answering questions from our families when they call and want to know what might they expect in terms of our service and our time here.

I think Joe Moakley picked a good guy. He did right by you, and you did right by us. And I just want to thank you.

I want to join Mr. WELCH also. I was a big fan of the experience that the pages were able to garner here, and all of us have met people who were pages who now live in our districts and remember that experience, or it was key to their actions, and it was unfortunate that we weren't able to hold onto that program. But your management, your care, and your kind remarks to them sometimes when they were being youthful and exuberant about something that may be taking place, to remind them what was going on in the House, I think, was one of the lessons of their lives that they will never forget. So thank you very much for that management and oversight of those young people who have gone on in so many instances to make major, major contributions in our communities and in our country. Thank you so much for your service.

Mr. CAPUANO. Mr. Speaker I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman for yielding.

Barry, I just want to say that there have been a lot of kind words here tonight, and I think a lot of the words are very appropriate, but I have got to say, I don't even like you.

You are full of bad news all the time. We want to go home. You won't let us. We want to come in later. You won't let us. We want to go home a day early. You won't let us. Barbara, I don't know how you put up with him.

As a young boy, I used to go to church with my grandfather. He was an usher at the church. He wasn't the priest. He wasn't the head of the parish council. But he was the guy who made everything run. He helped run the festival. He was the top usher, so he had to handle all the money. He scheduled everybody. I grew up really watching him with an appreciation of how many people that you may not see in that instance on the altar or here speaking on the floor, how many people work to make things happen.

□ 1830

Barry is in that cloakroom making things happen, making things run smoothly; not in the newspaper, not getting the headlines. And I just want to say thanks.

I worked for a Member of Congress 20 years ago, and he had the old things you used to have to slide on. It was huge, it seemed like, back then, and I remember as a staffer hearing Barry's voice, and I knew it was Barry. I just heard this voice, Two bells, three bells, four bells, 15 minutes, 5 minutes. For 2 years, I would hear that.

Then, when I finally became a Member and I got my little clip and I started hearing that voice and I got to meet Barry, it was like I thought I had made it. I get to respond to what Barry has been telling people to do for so many years. It was a great honor.

Then-Minority Leader PELOSI started the 30-Something Working Group with Kendrick Meek and DEBBIE WASSERMAN SCHULTZ and other Members, and I would come to the floor sometimes two or three nights during the week and stay very late—sometimes until 10 or 11. And I knew Barry was here, slogging away. He would say, Are you going to go tonight, Mr. RYAN? Yes. Sorry, Barry. He would sit in that room and wait until that was done. But that is the kind of dedication that you had.

We love you. You are the best. Always with a smile and something nice to say, no matter how bad the situation got or how tough things were.

Barbara, thank you. I know there are a lot of late nights here.

Barry, you are the best. Have a great retirement.

Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from South Boston (Mr. LYNCH).

Mr. LYNCH. I want to thank my friend, Mr. CAPUANO, for reserving this time on our behalf to recognize our great friend.

Mr. Speaker, Barry Sullivan has been here a long time.

I know that the title "cloakroom manager" has a rather antiquated sound to it. As a matter of fact, there is a rumor around here that Barry Sullivan actually was the manager of the cloakroom back when they still wore cloaks.

I am not sure he has been here that long, but I do know the beginning of his service started with marching in the St. Patrick's Day parade in South Boston with Joe Moakley, our dear departed friend. Now, after 33 years, our friend has decided to retire from his position. I think it is a truly bittersweet moment for a lot of us.

Barry has been an extension of our staffs. I will miss the daily contact that I have with Barry, because most of the time he is reminding me to make all the votes. But he is also an extension of our families, in many ways. So many of us travel back and forth from our home districts—mine, in South Boston, and around the city of Boston—back here to Washington. And Barry is an extension of that.

I have had the good fortune to call Barry my friend since I arrived here in

Washington, D.C., shortly after the attacks on September 11. I came in in a special election. I was the only Democrat elected at that time. I was given one bit of advice by my friends. They said, Make sure you get to know Barry Sullivan in the cloakroom. That is some of the best advice that I have ever received in coming here.

Barry may not know it, but to a new Member of Congress, his assistance is immeasurable, especially when you are first getting used to understanding the rhythm here in Washington, D.C., and the importance of the whole process here.

Barry has been in D.C. all these years now—at least 33 years—but he has never lost his connection to his hometown of South Boston. As a matter of fact, Barry may not know this, but he is actually still voting in South Boston each and every election. There is an old South Boston rule that if someone moves away or even if they pass away, as long as you know how that person would have voted, you are allowed to vote on their behalf.

I am actually kidding on that.

Barry has never lost his connection to his local community in South Boston, as well as his love for Cape Cod. A true son of South Boston, Barry and his family still make their annual trip to Falmouth, Massachusetts. Of course, they always stop at Sullivan's at Castle Island for a couple of hot dogs.

While there is no doubt that Barry loves to get back to the Cape, there was always the rumor that Barry traveled back home simply to work on his Boston accent. While I may have had trouble when I first got here in talking to some of our colleagues from the Deep South, I never needed an interpreter to talk to my friend Barry.

I still remember how proud we were back in 2007, standing right in this Chamber, in this aisle, at the State of the Union address. It was Barry Sullivan who made the announcement: Mr. Speaker, the President of the United States. While most of the country didn't know what he was saying, a lot of people back in South Boston in our district were very, very proud of that moment. The phone was ringing off the hook.

Mr. Speaker, there are a lot of Members here who are the face of the Congress. We are up here at the microphone on a continual basis, sometimes much to the chagrin of the people we represent, but behind the scenes it is people like Barry Sullivan who make things work. His manner and respectful way of dealing with everyone, whether it was a page, the Speaker of the House, or whether it is a Democrat—he's even nice to the Republicans. I think it helps the camaraderie and the way this body works, and I think it goes beyond what people would rightfully expect. Barry conducted his job with that level of respect and dignity

and efficiency in guiding us in our jobs and in our responsibilities.

On a personal level, I am proud to call Barry a friend. I have also come to know his wife, Barbara—Saint Barbara, we call her—and his sons Barry, Brendan, and Brian.

We do regret that he has decided to move on to other endeavors.

I just want to say that the job that you have done here, Barry, and the dignity and professionalism that you have lent to this Congress and to your country is something that we are enormously proud of. I cannot think of a better compliment and recognition of a job well done. You have been a blessing to this Congress—both sides of the aisle—and to your country.

Barry, we all wish you well in your future endeavors. We wish the best for Barbara, your sons, and your family. I thank you for all the kindness you have shown towards me and towards all the other Members and their families during our times in this Congress.

God bless you and thank you. Godspeed.

Mr. CAPUANO. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. MICHAEL, thank you for putting this together tonight.

I come tonight not only to talk about Barry, but to talk about all the staff. Please understand what I am saying tonight. If you feel that there is an injection in my words of politics, so be it.

First of all, I never understood what Barry said at any time, so it is not a question of having a translation.

Thank you for your service to your country and thank you for your service to this Congress—every Congressman. The entire membership has been so fortunate to have you here.

You know what I mean when I say Barry, Location, location, location. You were right: you fit, and you did what you said you were going to do.

I do not speak to you in terms of your title, because titles come and go. I speak to your character. You are a person of character. Your word is always your bond.

We joked and we kibitzed back and forth. We joked about sports. We joked about life. You are an example for all of us, as you move forward. And you may be on—as some might say—the down side of the mountain, but you are really not.

I say this to all the staff members.

I have been here for close to 17 years, and Barry, you are leaving at a time of most interest to me, since I always made it a habit, whether I was a teacher or whether I was in the mayor's office, whatever, to talk to everybody—the secretary, the administrator, the young lady on the elevator, the maintenance man, the guy who took care of the boiler. When I was the mayor, in the middle of the winter, the temperature in the council chambers was 80 de-

grees. I would tell him to go down and stoke the fire and make it so hot so we could get the meeting over with.

You have got to know who to talk to. You don't talk to the mayor, you don't talk to the superintendent of the schools, you don't talk to the Speaker. You talk to the Barry's of this world that make the place run. If you don't learn that, then you are in for a sad awakening when you get here.

Public servants have been maligned in this very institution. Public servants have not been appreciated. I want to speak—and I have done it many times on this floor, Barry—for public servants. They can speak for themselves. I guess I am a public servant, too.

But the disrespect shown, with a pat on the back and then a spit in your eye, doesn't belong here, because if we are really grateful for what you do, Mr. Barry, Mr. Police Officer, Mr. Firefighter, Mr. Teacher, Mr. Congressman, if we really appreciate it, we are straight with you. We respect you. We want to make sure you get fair compensation for your pay so you don't have to feel like you have your hat out.

You have raised this institution. You have made it a better place—all of you.

So, Mr. Speaker, to go back to those who aren't here right now, I will tell them that when we lose the appreciation for the staff people who serve every day, serve our country every day, we are the worse for it, not the better.

Barry, I have never heard an evil word spoken about you because there was nothing to say of negativity. Thank you for who you are. I hope I see you again. You have made an impression on all of us.

God bless you, and God bless your beautiful family. God bless America.

Mr. CAPUANO. Thank you, Mr. PASCRELL.

Barry, I wanted to save this until last because, honestly, stuff about life is just stuff. It is all interesting.

You have had an interesting life. Great. For me, I wanted to do this because I consider you a friend, and I don't make friends that easily. I make a lot of acquaintances. I don't consider a lot of people close friends.

□ 1845

To me, friendship is based on whether I think somebody will go through the fire for me like I would go through the fire for them. My judgment on you is that you would. It has a lot to do with the way you were raised. I don't know much about it, but I do. When you were raised in South Boston, I was being raised in Somerville. There was only one place in the world tougher than South Boston at that time, and that was Somerville.

I will tell you that an awful lot of people come out of those situations bitter, with a lot of difficulties, not knowing what to do and angry at the world.

A lot of good people come out of it, though, just the opposite—understanding, okay, life can be tough; life isn't fair; make the best of it you can. It is better to go through life with a smile and take yourself a little less seriously than it is to be bitter. You have done that. You have done it with grace. To me, that means an awful lot.

I will tell you that it was always comforting for me to hear the voice on the machine. I think it is a joke. I think it is hilarious. I have actually enjoyed having to catch you up on your proper pronunciation of words. I love the fact that your friends at home called you and told you that the word "speaker" isn't spoken the way you have got it. It has been twisted after all of these years. You have got to get it right. Get back up to Boston, and get it straight. I think that is great.

I will tell you that, for me, the relationship started before I even knew it, and that was at St. John's Prep. You are the only person I know who went there besides me. The only difference between you and me is you finished it, and I got kicked out, but in those days—and I have no idea. I never asked why you were there. I know why I was there. I was there to be plucked out of a difficult situation with the hope that things would go a different way. Now, of course, you couldn't take the Somerville out of me, and it didn't quite work out the way my parents had thought it might. The Xaverian brothers mostly were from Somerville at the time, and their beatings were nothing to me—just natural life.

But, to me, that tells me something—you had it right from the beginning. You had a good upbringing. You treat people with respect. You understand the needs of the Members here, and you treat us like human beings. To me, that is more important than anything else. For me, that friendship doesn't go away.

I hate the fact that you are retiring. I hate it. I hate it because I don't take change too well. I like certain, stable things in my life. I love STEPHEN LYNCH, but I hate the fact that Joe Moakley is not with us anymore. I know that life changes, and I know and I hope to God that you have a great retirement. I hope you enjoy yourself. I hope you learn to say your wife's name properly. My wife is also a "Barbara," and there are no "ah's" in there. You don't need that letter. It is an extra letter. Just get rid of it.

I hope you have a great retirement. I hope you realize that you are always, always, always going to have friends here. I don't care where I am or where you are. If there is ever anything I can do to help you or your family or if there is anything I can do to ever help—I don't even have to say it because I know you know it. It is what we do. It is what we enjoy doing.

You are my friend. I don't come to this well very often, as you well know.

It is a unique experience for me. I think most of what is said here is insincere and read off papers. I just wanted to take a minute to sincerely tell you that I have enjoyed our relationship. I consider you a good friend, and I wish you the best of life wherever you go, whatever you do. It has been a joy working with you, and I am proud of the fact that I can call you a friend.

Thank you for your service, Barry. Thank you for your friendship.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise to salute Barry Kevin Sullivan on the occasion of his retirement as the Director of the Democratic Cloakroom after over 30 years of service to the House of Representatives and to our nation.

Barry came by his love for public service naturally. A native of South Boston, his father Leo served in the Massachusetts State Legislature and also as Boston Police Commissioner. After earning a degree in political science from Boston State College, Barry spent a few years on Beacon Hill before arriving in Washington in 1980 where he was mentored by two giants of this institution: Former Speaker Tip O'Neill and former Congressman Joe Moakley. Barry quickly became the heart and soul of the Democratic Cloakroom. Members of Congress count on him to be first to know what is happening on the floor, and he has a well-deserved reputation as the consummate professional.

While we will always miss Barry, I wish him and his wife Barbara the very best as they leave D.C. and get to enjoy some well-deserved family time on the Cape they love so much.

Ms. ESHOO. Mr. Speaker, Barry Kevin Sullivan has come to be known as "the man to know in the House." Serving as Chief Information Officer in the Democratic Cloakroom, Members have been looking to him for the past 33 years for everything from the now famous "Best Guesstimate for Last Vote," to last night's Red Sox score. When Members need to get a pulse reading on the floor, they turn to Barry. He is command central, and it's a job he's been masterful at.

This hasn't been by mere coincidence.

Barry is the son of Evelyn and Leo Sullivan. His father served as Massachusetts State Senator and Boston Police Commissioner who escorted President-elect John F. Kennedy from Logan International to the Boston Garden for his victory rally. He is an alumnus of Boston State University and a Beacon Hill veteran. His mentor Congressman Joe Moakley groomed him and Speaker Tip O'Neill promoted him. Barry Sullivan's pedigree has made him a consummate professional and uniquely and exceptionally suited to manage the cloakroom.

I rise to honor Barry Sullivan for his 33 years of service in the House Democratic Cloakroom and for being one of the most loyal and trustworthy people I've ever met. His kindnesses to me have been endless and he has enriched my daily service in the House for 21 years. I wish Barry every blessing in his retirement, enjoying happy and healthy days with his wife and the pride of his life, their

three sons. May there be more time for bluefishing for Horseshoe Shoal, and cheering on the Red Sox.

Here's to you, Barry. God bless you and thank you for the honorable service you have given to our nation.

Mr. DINGELL. Mr. Speaker, I rise today in honor of Barry Sullivan, Director of the Democratic Cloakroom, who has announced his plans to retire after decades of service here in the House. His presence in this chamber and his years of hard work on behalf of House Democrats will be sorely missed. I have been blessed to be here throughout Barry's career and to see first-hand his contribution to this body and to our Nation. I was honored to work alongside Congressman Joseph Moakley, who served as a mentor to Barry and helped advance his career. He's a proud son of South Boston, and I wish him and his family the absolute best for a long and happy retirement. Thank you, Barry, for your 33 years of service on behalf of and for the people of our great Nation. God bless you.

#### THE HEROES OF NORTH CAROLINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

#### IN PRAISE OF THE PATH PROGRAM

Ms. FOXX. Mr. Speaker, Larry Woods, a constituent of mine from Winston-Salem, is accomplishing groundbreaking work in service to local North Carolinians.

Under Larry's leadership, the Housing Authority of Winston-Salem is transforming the template for North Carolina's housing programs through a program called PATH, or Projects for Assistance in the Transition from Homelessness.

Through PATH, the housing authority works with community groups in service to families and individuals who are proactively seeking to reduce and eventually end their dependence on government support.

PATH's community collaborations provide specialized job skills, education, employment preparation, and career placement services to equip families as they turn their dreams into reality. The PATH concept, championed by Larry Woods and his team, has capitalized on community resources, has eliminated duplication and gaps in service, and has reduced service costs.

Participants in the PATH program soon will also be able to benefit from access to special "step-up" housing at the housing authority's new, modern facilities.

In the near future, some individuals working to improve their lives through PATH will be able to move into the Oaks, a new 50-unit development located in Winston-Salem. The Oaks will feature a variety of apartments to fit

residents' unique needs and provide a valuable incentive for participants as they move forward in their personal journeys toward self-sufficiency. An open house was recently held at the Oaks, where two completed units were shown to the public, and I would like to congratulate all involved on that accomplishment.

Larry and his team's forward-thinking approach to public housing has changed the lives of many North Carolinians. The PATH program is just one component of their efforts to advance their mission of direct service in a fiscally responsible way.

Communities throughout our country that are looking to overcome the challenges of homelessness can find new ideas to meet the needs of their citizens by looking to the great example of Winston-Salem's PATH program.

THE SPIRIT OF SERVICE AND VOLUNTEERISM:  
DEWEY'S BAKERY AND FORBUSH HIGH SCHOOL  
BAND BOOSTERS

Ms. FOXX. Mr. Speaker, community spirit is alive and well in North Carolina's Fifth District.

The Forbush High School Band Boosters are creatively working toward the goal of replacing decades-old band uniforms and equipment. Booster volunteers have been fund-raising for this project for years because the \$30,000 price tag goes well beyond a single year's budget.

In their effort, they reached out to Dewey's Bakery in Winston-Salem, and the two have teamed to open a special Dewey's fund-raising store in Yadkinville, North Carolina, much like fund-raising stores operating for other schools in Clemmons and Boone. Mr. and Mrs. Clate and Josie Wingler of Yadkinville graciously donated a storefront, and right now Band Boosters are there, selling wonderful Dewey's products, as they will be until Christmas. The entire Yadkinville store is run by volunteers—band members, parents, grandparents, and community supporters; and more than one-third of the store's profits will go directly to the Forbush High School Band.

This level of teamwork, spirit of volunteerism, generosity, and commitment to local communities is a testament to the wonderful people living in the Fifth District.

75TH ANNIVERSARY: NATIONAL INDUSTRIES FOR  
THE BLIND

Ms. FOXX. Mr. Speaker, National Industries for the Blind celebrates its 75th anniversary this year, and I congratulate NIB on this achievement. The work NIB, its team members, and affiliates do every day in service to blind and visually impaired Americans is deserving of national attention and thanks.

NIB teams with 91 associated non-profit agencies to extend opportunities for economic and personal independence to men and women throughout America who are blind. NIB goes about

this goal primarily by connecting visually impaired individuals with good jobs—jobs they can be proud of.

In my home State, Winston-Salem Industries for the Blind has worked on behalf of visually impaired North Carolinians since 1936. Last year, under the leadership of executive director David Horton and executive chairman Dan Boucher, Industries for the Blind connected 309 local residents with fulfilling job opportunities at manufacturing facilities in Winston and Asheville.

As a visually impaired person myself, I have great appreciation for NIB's commitment to help those with severe sight challenges acquire what Winston-Salem Industries for the Blind describes as the "confidence and independence to contribute to society and fulfill personal dreams of having a job."

To the folks at NIB and at local industries throughout the country, congratulations on 75 years of faithful service, and best wishes for many more years to come.

SAMARITAN'S PURSE AND TYPHOON HAIYAN

Ms. FOXX. Mr. Speaker, the prayers of the American people remain with Filipino people as they struggle to recover in the wake of Typhoon Haiyan.

Haiyan claimed thousands of lives, displaced millions and left widespread devastation throughout the Philippine Islands. The gravity of the crisis is heartbreaking. The United States and many international aid organizations have been quick to help our friends in the Philippines.

Samaritan's Purse, an international Christian relief organization headquartered in Boone, North Carolina, is among them. Members of the Samaritan's Purse Disaster Assistance Response Team are on the ground in the Philippines right now, providing medical support and basic survival supplies, such as food and hygiene kits, temporary shelter items, and clean drinking water.

As part of the international response team, Samaritan's Purse is living out its mission to provide "spiritual and physical aid to hurting people around the world." Its team members on the ground are also obeying, vividly, the Biblical directive to practice faith by visiting orphans and widows in the midst of their distress.

Knowing full well the enormity of the struggle and depth of pain before them, we commit to keep a prayerful vigil for the Samaritan's Purse team in the Philippines, United States aid workers and their international partners, and for the millions whose lives have been changed by the tragedy of Haiyan.

A NOBLE CALLING: HICKORY'S FALLEN HEROES  
MINISTRY

Ms. FOXX. Mr. Speaker, with the recent honoring of our Nation's venerable veterans, it is appropriate to men-

tion a group of my constituents who have accepted an ongoing mission to help our military heroes and their families. Started 3 years ago by ex-marine Mike Beasley, the Fallen Heroes Ministry operates out of Sandy Ridge Baptist Church in Hickory, North Carolina.

The ministry has spread its influence across the State and even the Nation by honoring families who have experienced the tragic loss of a family member in combat. Through this noble undertaking, members of the Fallen Heroes Ministry have reached out to many families who have experienced the loss of a loved one in Iraq or Afghanistan and even to a family in Hickory who lost a son long ago in Vietnam. The Fallen Heroes Ministry serves as a reminder to congregations nationwide to remain engaged in service to America's heroes and their families, since the loss of American soldiers brings real heartbreak to communities back home.

□ 1900

The Fallen Heroes Ministry abides by a noble vision: striving to bring together families of our fallen with the support of home communities to foster an environment to help with their collective healing process. Their work is deserving of praise and their calling—in service to our heroes and our loved ones—shows just a bit of the spirit that sets America apart in the world.

CHARLES CHURCH, A MOST DESERVING  
RECIPIENT OF THE TUCKWILLER AWARD

Ms. FOXX. Mr. Speaker, the Boone Area Chamber of Commerce recently recognized the late Charles Church of Valle Crucis as the recipient of the 2013 Tuckwiller Award for Community Development.

What a way to honor his legacy, for Charles could not be more deserving. He was a farmer, a teacher, a visionary, and a friend of folks well beyond Watauga. Charles was instrumental in building Watauga's local organic farming community and is known for establishing a broad food network in the Boone area.

Charles understood the interdependency of the farm and city. He valued cooperation above competition and possessed the spirit of innovation that has always characterized great North Carolinians.

A successful farmer, Charles selflessly mentored both young and experienced growers. His pioneering ideas and dedicated spirit continued to guide many throughout our community. Without his vision, energy, and dedication, organic farming and the entire locally grown food network in Watauga wouldn't be what it is today.

The Tuckwiller Award remembers Charles as a kind, generous, and tireless advocate for farmers, and, above all, an honored member of our North Carolina community.

And though the community still very much misses his presence and his counsel, the example set by Charles Church—ever the optimist—continues to inspire.

With that, Mr. Speaker, I yield back the balance of my time.

#### IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. PITTENGER). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Colorado (Mr. POLIS) for 30 minutes.

Mr. POLIS. Mr. Speaker, I just returned from visiting with hardworking Americans down on The National Mall, including Tom Weiss from Colorado, who are camped out and fasting in front of the Capitol on The National Mall. It is called the "Fast for Families," a call for immigration reform and a pathway to citizenship.

Fasting this month are many fine Americans using their own suffering to send a clear message to us here in Washington—to their elected leaders—that the moral and economic toll of Congress' failure to pass immigration reform is simply too great. This is an economic cause, yes, a security cause, yes, but it is a moral cause to unite families, to allow people to give back to our country to make it greater.

Men and women from all corners of the country are pleading with us to pass comprehensive immigration reform. H.R. 15 here in the House reduces the deficit by close to \$200 billion, creates over 100,000 jobs for Americans, secures our borders, unites families, makes sure that we have people with the skills we need to build a 21st century economy, and all that it requires is action here on the floor of the House.

There are many others in States, including Arizona, Nebraska, California, New York, and Pennsylvania, who are also fasting and depriving themselves of food to demonstrate their passion for fixing our broken immigration system.

I want to share with you the words of Jesus Ramirez, a 16-year-old high school student from Indianapolis, whose parents brought him to the United States when he was just 7 years old to escape the violence that was gripping his home country of Mexico. He says:

My family and 11 million families out there who are undocumented are living in the shadows and living with a fear that one day they will come home and not see a loved one.

Sadly, Mr. Speaker, every day until Congress acts, Jesus' worst fears come true for the 1,100 men, women, and children who are forcibly deported from the United States because our broken immigration system provides no recourse, provides no way under current law to get right with the law, no remedy, no line to get in for people for whom we say "get in line."

Immigration reform is about creating that line. The people who are here illegally will go to the end of the line behind people who are in process under our current immigration system.

Clara Cuesta of Philadelphia, who is also fasting, said that she has friends who deal with hostile and exploitive conditions in the workplace, but are afraid to report it or to change jobs because they are worried about being asked to produce documents that they don't have and, again, have no way to get under current law. According to Clara, she has friends that are yelled at and treated less than equal simply because there is no way for them to get right with the law.

There are women across our country, Mr. Speaker, who are victims of domestic abuse but don't seek the help they desperately need from authorities because they fear the risk of deportation from those very same authorities that should be there to protect them from harm.

Since 1994, there have been more than 6,000 reported deaths on the U.S.-Mexico border. Comprehensive immigration reform will finally secure our southern border. Let's heed the call of the fasters, of those who pray passionately for comprehensive immigration reform. As Reverend Jim Wallis, the president of Sojourner, said:

For people of faith, this is not a political issue, but a moral one; and for Christians, how we treat 11 million undocumented people, the strangers among us, is how we treat Christ himself.

I am sad to report, Mr. Speaker, it has been 145 days since the bipartisan Senate immigration bill passed with two-thirds of the Senate. It is rare, Mr. Speaker, here in my time serving in this body, that two-thirds of the Senate can agree on anything. But to agree on something of the importance of immigration reform, more than two-thirds of the Senate, sends a message that our friends on the other side of this building have heard the call of the people of this country to restore the rule of law, have heard the call of law enforcement to get real and enforce our laws, have heard the call of employers who want a highly skilled workforce, have heard the call of families who simply want to be safe in their homes as they work hard to make our country stronger.

That is why I am proud to be part of a coalition of House Members that introduced a bill similar to the Senate bill, the bipartisan bill, H.R. 15, the Border Security Economic Opportunity and Immigration Modernization Act, which creates jobs, reduces our deficit, provides a pathway to citizenship, and unites families. Immigration reform will provide significant economic growth as immigrants will be able to contribute substantially to economic growth, increased wages, and productivity.

According to the nonpartisan Congressional Budget Office, the Senate immigration reform bill will lead to significant economic growth. Over the next decade, comprehensive immigration reform will increase our GDP by 3.3 percent. That means raising wages for Americans by \$470 billion. That means creating an average of 121,000 jobs a year for Americans. Immigration reform also means that immigrants will pay more than \$100 billion in additional taxes, including to State and local government, to support the services that they have been using all along.

It is not fair to our fellow Americans for people who are here without paperwork illegally to be using our public services without contributing with their taxes, and yet they support paying taxes. It is rare to meet people in this country who want to pay taxes, but, to a person that I have met with, they are ready. They are ready. They are patriotic. They are ready to contribute to our country, if only we will let them.

The bill also expands the number of H-1B citizens from 65,000 to 110,000 and allows the cap to rise as high as 180,000, depending on the U.S. economy, to ensure that businesses don't have to compete for oversubscribed visa slots and can access the workers they need so we can grow the next great generation of companies here. When a company is hiring in the technology field or a computer programmer, they are going after the person. If they can't bring the person that they want here to fill that job, they will fill that job in India, they will fill that job in England, they will fill that job in South America. It is a global economy. As Americans, we want those jobs and that economic productivity here.

The House refusal to take up immigration reform has cost this country over \$5.3 billion in potential revenue so far. The cost continues to go up every day that we fail to act.

One of the issues in the contentious budget discussions about restoring fiscal solvency to our country is how we can repair our entitlement programs, make them secure for the next generation of retirees. Take the solvency of the Social Security trust fund, for example. The Social Security trust fund is already paying out more in retirement benefits than it receives in taxes. From an actuarial perspective, that is scheduled to get worse as baby boomers age.

But as the Social Security Administration estimates, close to two-thirds of the 8 million people who are here illegally currently work in an underground labor economy where neither their employers nor they are declaring their earnings or paying payroll taxes. Imagine that, 8 million more people paying into Social Security to make sure that it is there for Americans who

have worked hard all their lives. We owe that to so many Americans who have paid in that it is there for them, and comprehensive immigration reform will ensure that that happens.

Today, only about 37 percent, it has been estimated, of people who are here legally pay into Social Security with payroll taxes. Experts are estimating that our Nation loses about \$20 billion a year in payroll taxes. I want that number to be 100 percent. I want people who are working here in this country to pay their fair share to ensure that Americans who have worked hard and paid into Social Security their whole lives are able to retire with the benefits that were promised to them and that they planned their lives around.

While people who are here illegally are already helping to support Social Security to the tune of \$12 billion a year, we are foregoing \$20 billion a year, which is what it has been estimated they would pay in if only we let them. If we can provide a pathway to citizenship for the 11 million people who are here illegally, they will contribute hundreds of billions of dollars more to our Social Security system—\$606 billion over the next 36 years. That funds a lifetime of retirement benefits for almost two and a half million Americans just from those.

We are not talking about letting new people into the country. We are not talking about changing the way that people get here. We are talking about people who are already here and working. We are just saying, Pay your taxes. Pay your taxes like other Americans do.

Let's talk about health care costs. While people here illegally pay into some of the health care programs to the tune of \$115 billion for Medicare—again, we are foregoing the revenue—health care costs will continue to rise for American families because of the cost of the uninsured.

As the Center for Immigration Studies estimates, the current cost of treating uninsured immigrants who enter this country without documentation is \$4.3 billion a year, mostly at emergency rooms and free clinics. So again, costs are being shifted to American citizens to pay for the health care of those who are here illegally.

The answer is simple. Make them pay for it themselves. H.R. 15 does that. Let's bring it to the floor. How much longer must we continue to subsidize the health care for people who haven't even followed our laws in working in our country?

If we can pass a comprehensive immigration reform bill that brings our underground economy out of the shadows, many of these immigrants, some of whom have been here for decades, who are currently receiving benefits without paying for them, will be required to pay for their benefits. They will be required to purchase health care or get insured through their employer.

□ 1915

In doing so, our labor market will be healthier, more productive, and generate economic growth. The people who are here illegally will no longer be able to undermine wages for American workers because they are willing to work under the table and take public benefits from others rather than paying for it themselves, and that is why it is time to pass H.R. 15.

There are only 10 legislative days left in 2013 for the House of Representatives to pass immigration reform. Thousands of men and women across the country who are fasting should send a strong message to this body. We need to ask immediately to pass comprehensive immigration reform that provides a pathway to citizenship and helps rebuild our economy.

The average work week is an example of many of the hardworking immigrants in our country. On the farm worker side, it is 53 hours a week. The average wage of a noncitizen worker is \$318 a week. Until we can find a way to bring the underground economy out from the shadows, illegal immigration will continue to exert a downward pressure on wages for American workers, reward businesses that skirt the law, that hire people illegally, and provide a drag on our overall economy and job creation.

There is no other bill that I know of that will create over 100,000 jobs for Americans, reduce our deficit by close to \$200 billion, improve our national security, decrease the terrorist risk to our homeland, and unite hardworking families. Immigration reform will do that.

The economic case is compelling. We have gone through some of the numbers here tonight. The security case is compelling in terms of making sure that people in our country cooperate with law enforcement investigations, that we know who is here, and they are accountable for following our laws.

The moral case for immigration reform is what is driving this to national prominence. Moral issues always trump our day-to-day concerns. When something is right or wrong, Americans know that. They know that in their minds. They feel it in their heart, and Americans are good people, Mr. Speaker, and they want a country, they want to live in a country and be part of a country that reflects their values as Americans. Americans know that the way we handle immigration today does not do that.

It is not moral to take a hardworking mother who plays a critical role supporting her family away from her American children and put her in indefinite detention. It is not right to allow thousands of people to die at our border rather than secure it, and not let people who shouldn't be here through. It is not right to force millions of people to live amongst us in a

secret and underground manner, risking exploitation, risking being found out at any turn.

That is why, Mr. Speaker, the faith-based community—from the evangelical coalition for immigration reform to the Catholic bishops to the Jews and Muslims to nonbelievers—has joined together not just to support immigration reform but to be the strong, moral voice for comprehensive immigration reform. It is simply the right thing to do by our people, for our values.

We are a Nation of laws, and we are a Nation of immigrants. We need those two to be consistent. We need to reflect our American values as a Nation of immigrants, in our laws that welcome those who want to work hard and play by the rules to our shores. Yet today we have people who have worked hard every day for years, for decades, who have American kids who have gone through our schools and are as American as you or I, while their parents or their uncles or aunts are still forced to live underground and in secrecy. Despite being American in fact, they are not yet American in word.

Again, there is no pathway, there is no line for people to get right with the law. Many people face what is called a lifetime bar, meaning that if they even try to come forward, they would have to live in some other country they might not have even been to for decades, and don't have a job and don't have any family there, and very likely never be able to return to where their kids are. When you ask that of people, they are not going to self-deport. That is not a good deal. What parent is going to want to leave their kids for the rest of their life and go to a country that they haven't been in for decades and don't have a job and might not even have family or friends there. It doesn't meet the real life needs of people in our country.

What does is making sure that we hold people accountable for following our laws. Let's create provisional status so that eventually they can earn a green card. It is also important to know that H.R. 15 and the Senate bill don't grant citizenship to anybody. There is nobody who is granted citizenship under any of these immigration reform bills we are talking about. It is about creating the line, creating the pathway, creating the way that people can get behind in line those who are already in line, a minimum of 13 years before they are even eligible to take the test or become a citizen.

I have had the opportunity in Estes Park and in Centennial, Colorado, to be at the new citizenship ceremonies where we administer the oath of citizenship to new Americans from across the world. It gives me great pride as an American, as a great grandchild of immigrants, as a Member of Congress, to be able to participate in welcoming

people from Holland, Kenya, Israel, Brazil, from Mexico, to name just a few of the many countries represented at the two ceremonies I got to be a part of. There are many more that would like to work hard beside their American brothers and sisters to make our country stronger.

Through acting on immigration reform, we can create jobs, reduce our deficit, improve our security, and most importantly, reflect what we know to be right and our values as Americans.

I have been speaking every week on the floor of the House since the passage of the Senate immigration reform bill and since we introduced the House immigration reform bill about the need to pass immigration reform in the House. I believe we have the votes, Mr. Speaker. I believe H.R. 15, which has strong bipartisan sponsorship, if it was placed on the floor of the House, I am confident it would pass. I am confident that the Senate would accept the improvements that the House has made to the border security provisions. We have moved to an outcome-based model to hold border security accountable, and I am confident that President Obama would sign that bill.

There are 2 more weeks here, Mr. Speaker, 8 more legislative days. I think America would like to see Congress work a little harder here. We have 40-some days left in the year. Most Americans have to work more than 8 days out of 40. I think Americans would like to see us work 10 days, 12 days. I mean, God forbid, 25 or 30 days out of 40. That is what most Americans do. If we do that, I know we can pass immigration reform, whether it takes a day, a week, a month. We owe it to our country to try.

I have been disappointed to see the types of bills that we have been spending days debating here on the floor of the House these last few weeks. While these are, of course, issues that people care about—last week we talked about asbestos torts; this week we talk about BLM fracking regulations, certainly an issue that affects Colorado near and dear to my district—I can tell you that the number of people from my district who have written in or called in on immigration reform has been, I think, 100 times. We were talking about asbestos reform last week. I didn't have a single constituent who had called in saying what I really want Congress to tackle is asbestos reform. I haven't had one in the years I have been here saying this is an issue they want us to deal with.

Fracking, frankly, my constituents have asked me to take action on, but it is not the action that the House considered with the BLM. It is more like the bill that I sponsored, the Breathe Act which we offered as an amendment, and was not allowed in the Rules Committee. Even that, even though my district is home to fracking issues and BLM lands, the numbers of letters and

calls we have gotten to act on that issue is dwarfed by the overwhelming demand for immigration reform. There has never been an issue like it in the public's desire and passion for Congress to act. It is an issue that our municipal governments can't fix, our State governments can't fix. Only our Federal Government can secure our borders. Only our Federal Government can require workplace enforcement. Only our Federal Government can determine who is here legally and who is here illegally. These are not things that cities or States can do.

With a void of Federal leadership, States are around the edges trying to do what they can. They are talking about in-State tuition. They are working with deferred action kids. The President has moved forward with deferred action programs that provide a 2-year respite for young de facto Americans who know no other country, but only Congress, only the lawmakers, can address this issue and actually replace our broken, immoral, nonsensical immigration system with one that works and is enforced to restore the rule of law to our Nation.

This problem won't go away until Congress acts. It won't resolve itself. We can wait. We can wait, and in 5 years, maybe there will be 14 million people here illegally instead of 10. Maybe there will be a whole new generation of people who are here working illegally because we refuse to enforce the laws, refuse to require that employers verify that people who work at their companies are here legally. We don't do that in this country. We have a program, it is an optional program. So guess what? Most employers don't do E-Verify. You are an employer, why would you do it if it is optional? I think under 10 percent of companies use E-Verify, so it is not a burden on small business, but we need to make employment verification required, which H.R. 15 does. I mean, if we are ever going to get serious about ending the demand side of illegal immigration, which is people coming here for jobs—if they can't get the jobs, they are not going to be here. We need to be serious about that. H.R. 15 does that.

We need to be serious about securing our border. Now, another important thing for Americans to know is securing our border is very important, but it is only about half of the issue. About half of the people who are here illegally came legally and stayed and worked illegally. So locking down that border, you are never going to get 100 percent, but 99 percent, whatever you get down there, that can reduce illegal immigration by about half. But the other half came here legally, meaning they were on a student visa and they stayed illegally and worked illegally, or they flew on a tourist visa and they stayed and worked illegally. There are a number of different ways where it is

perfectly legal to arrive here, but then they stay illegally.

So we have to deal with both sides of that, which is why border security is great, but it is not enough. In the best cases, it reduces the number of people who enter our country illegally by about half. It doesn't do a darn thing about the fact that there are 11 million people already here illegally, it doesn't do a darn thing about people who will keep entering illegally because they actually enter legally and stay illegally.

There are a lot of moving parts to this immigration boondoggle that the country will continue to find itself in until Congress has the courage, the integrity, and the desire to act.

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If there are other ideas, we are happy to hear them. We put H.R. 15 on the table. There have been many ideas from the Senate bill. I know there are a number of bills that have passed out of the Judiciary Committee. There might be a way to bundle some of those together in what has been called "piecemeal reform," if we can create a holistic system that works.

If there is a piecemeal approach, Mr. Speaker, we need to start having a meal of the pieces and seeing what the pieces are. I was in the software and Internet industry before I was elected to office, and we used to have a word for products that were much hyped and never delivered upon. We called it "vaporware." I fear that this piecemeal approach could become vaporware if we don't start seeing some action soon.

God forbid we work more than 8 days out of 40. If we don't see action by the end of the year, I know we are here in January for 3 weeks. What an excellent time to take up immigration reform, something that I feel can unite this body, the good and proud men and women who make up this body, who care deeply about restoring the rule of law, who care deeply about ensuring that our Nation has a prosperous future, reducing our deficit and creating jobs for Americans on both sides of the aisle, which is why more than two-thirds of the Senate joined in a rare bipartisan vote of support for immigration reform and has challenged this House to take similar action.

We can do it, Mr. Speaker. We need to schedule the floor time to do that. We need to get the ideas that Members from both sides of the aisle have on the table. We think H.R. 15 is an excellent bipartisan vehicle. If the leaders of this body have other solutions, we are happy to talk about them. But the most important thing that the American people already know about immigration, and I hope the leadership of this body recognizes, is that it is not an issue that solves itself, and it is not an issue that goes away. It is an issue that only becomes more salient year after year that Congress fails to act.



I call upon this body to bring forward H.R. 15 and to pass commonsense immigration reform.

I yield back the balance of my time.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1848. An act to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

H.R. 3204. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 252. To reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused prematurity, and for other purposes.

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

#### ADJOURNMENT

Mr. POLIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 21, 2013, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3768. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule—Energy Conservation Program: Request for Exclusion of 100 Watt R20 Short Incandescent Reflector Lamp From Energy Conservation Standards [Docket Number: EERE-2010-BT-PET-0047] (RIN: 1904-AC57) received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3769. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule—2014 Edition Electronic Health Record Certification Criteria: Revision to the Definition of "Common Meaningful Use (MU) Data Set" (RIN: 0991-AB91) received November 4, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3770. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule—Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Ad-

diction Equity Act of 2008; Technical Amendment to External Review for Multi-State Plan Program (RIN: 0938-AP65) received November 13, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3771. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Schedules of Controlled Substances: Temporary Placement of Three Synthetic Phenethylamines Into Schedule I [Docket No.: DEA-382] received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3772. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Port Lions, Alaska; De Beque, Colorado; and Benjamin, Cisco, Rule, and Shamrock, Texas) [MB Docket No.: 13-156] received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3773. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Promoting Interoperability in the 700 MHz Commercial Spectrum. Requests for Waiver and Extension of Lower 700 MHz Band Interim Construction Benchmark Deadlines [WT Docket No.: 12-69] [WT Docket No.: 12-332] received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3774. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Accessibility of User Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 [MB Docket No.: 12-108] [MB Docket No.: 12-107] received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3775. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Transmission Planning Reliability Standards [Docket Nos.: RM12-1-000 and RM13-9-000; Order No. 786] received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3776. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Freedom of Information Act (FOIA); Miscellaneous Rules; Redesignation of Authority to Determine Appeals Under the FOIA received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3777. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revisions to Design of Structures, Components, Equipment, and Systems [NRC-2013-0041] received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3778. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility; Maryland; Howard County, Unincorporated Areas; [Docket ID: FEMA-2013-0002] [Internal Agency Docket No.: FEMA-8303] received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3779. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Plattsburgh, NY [Docket No.: FAA-2013-0276; Airspace Docket No.: 13-AEA-5] received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3780. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2008-0617; Directorate Identifier 2007-NM-354-AD; Amendment 39-17533; AD 2013-15-17] (RIN: 2120-AA64) received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3781. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Boeing Company Model Airplanes [Docket No.: FAA-2008-0615; Directorate Identifier 2007-NM-352-AD; Amendment 39-17529; AD 2013-15-13] (RIN: 2120-AA64) received October 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3782. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Technical Corrections Relating to the Procedures for the Production or Disclosure of Information in State or Local Criminal Proceedings [CBP Dec. 13-18] received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ELLISON (for himself, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CICILLINE, Ms. CLARKE, Mr. CONYERS, Mr. GRIJALVA, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. WILSON of Florida, Mr. RUSH, Mr. KILDEE, Ms. MOORE, and Mrs. CAROLYN B. MALONEY of New York):

H.R. 3543. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act; to the Committee on Financial Services.

By Mr. LATTA (for himself, Ms. KAPTUR, Mr. WOLF, Mr. MCINTYRE, Mr. JORDAN, Mr. HIGGINS, Mr. ROGERS of Michigan, and Mr. CONAWAY):

H.R. 3544. A bill to award the Congressional Gold Medal, collectively, to the members of the Office of Strategic Services (OSS) in recognition of their superior service and major contributions during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CÁRDENAS (for himself, Mr. CUMMINGS, Mr. RANGEL, Mr. RYAN of Ohio, Mr. HUFFMAN, and Ms. MCCOLLUM):

H.R. 3545. A bill to protect the academic futures of collegiate student athletes; to the Committee on Education and the Workforce.

By Mr. LEVIN (for himself, Mr. DOGGETT, Mr. RANGEL, Mr. McDERMOTT, Mr. LEWIS, Mr. NEAL, Mr. BECERRA, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, Ms. SCHWARTZ, Mr. DANNY K. DAVIS of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. VAN HOLLEN, Ms. LEE of California, Ms. SHEAPORTER, Mr. CICILLINE, and Ms. FUDGE):

H.R. 3546. A bill to provide for the extension of certain unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PALAZZO, and Ms. EDWARDS):

H.R. 3547. A bill to extend the application of certain space launch liability provisions through 2014; to the Committee on Science, Space, and Technology.

By Mr. JOHNSON of Ohio:

H.R. 3548. A bill to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents; to the Committee on Energy and Commerce.

By Mrs. HARTZLER (for herself and Ms. KUSTER):

H.R. 3549. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Ways and Means.

By Mr. AMASH (for himself, Mr. DUNCAN of South Carolina, Mr. JORDAN, Mr. LAMBORN, Mr. McCLINTOCK, Mr. MEADOWS, Mr. PRICE of Georgia, and Mr. SALMON):

H.R. 3550. A bill to stabilize the housing and banking sectors by eliminating policies that distort markets and facilitate risky lending, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Appropriations, Science, Space, and Technology, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3551. A bill to require the periodic inspection of certain railroad facilities; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3552. A bill to improve emergency response activities in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania:

H.R. 3553. A bill to allow a credit against income tax for employers who pay their Federal contractor employees compensation lost by reason of the Federal Government shutdown; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 3554. A bill to amend the Public Health Service Act to designate certain med-

ical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BUSTOS (for herself, Mr. GIBSON, Mr. MURPHY of Florida, Mr. ENYART, Mr. QUIGLEY, Mr. RIBBLE, Mr. FORTENBERRY, Mr. COOPER, Mr. CARNEY, Mr. OWENS, Mr. WELCH, Ms. KELLY of Illinois, Ms. KUSTER, Mr. BRALEY of Iowa, Mrs. KIRKPATRICK, Mr. KIND, Mr. RUSH, Mr. MAFFEI, Mr. LOEBSACK, Mr. RUIZ, Mr. HIMES, Mr. CUMMINGS, Mr. PETERS of Michigan, Ms. SCHWARTZ, Mr. WALZ, Mr. RODNEY DAVIS of Illinois, Mr. BARBER, Ms. FRANKEL of Florida, Mr. CLAY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. COHEN, Mr. YARMUTH, Mr. HASTINGS of Florida, Mr. CLEAVER, Mr. CARSON of Indiana, Mr. DELANEY, Mr. MORAN, Ms. DUCKWORTH, Mr. SHIMKUS, Mr. HONDA, Mr. SCHRADER, Mr. MATHE-SON, Mr. BARROW of Georgia, Mr. LIPINSKI, Mr. DINGELL, Ms. BROWNLEY of California, Ms. TITUS, Ms. MENG, Mr. PETERS of California, Mr. CONNOLLY, Mr. LOWENTHAL, Mr. PERLMUTTER, Ms. DEGETTE, Ms. SINEMA, Mr. HOLT, and Mr. FITZPATRICK):

H.R. 3555. A bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ELLMERS (for herself and Mr. DEFazio):

H.R. 3556. A bill to establish a program to assist in the importation and care of abused, injured, or abandoned nonhuman primates; to the Committee on Energy and Commerce.

By Mr. GOSAR:

H.R. 3557. A bill to amend title 18, United States Code, to provide increased protections for consumer or subscriber password information, and to amend the Foreign Intelligence Surveillance Act of 1978 to provide that the Director of the Federal Bureau of Investigation may not access password information pursuant to an order under section 501 of that Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Georgia (for himself, Mr. McINTYRE, Mr. COBLE, Mr. McHENRY, Mr. LIPINSKI, Mr. WESTMORELAND, Mr. MICHAUD, Mrs. ELLMERS, Mr. PASCRELL, Mr. MCGOVERN, Mr. HUDSON, Mr. RANGEL, Mr. JONES, Mr. BISHOP of Georgia, Mr. MEADOWS, Mr. JOHNSON of Georgia, Mr. PITTENGER, Ms. LINDA T. SANCHEZ of California, Mr. HOLDING, Mr. DAVID SCOTT of Georgia, Mr. GOWDY, Mr. WILSON of South Carolina, Mr. COLLINS of Georgia, and Ms. FOX):

H.R. 3558. A bill to provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of

the Treasury with authority to more aggressively enforce customs and trade laws relating to textile and apparel articles, and for other purposes; to the Committee on Ways and Means.

By Mr. HONDA (for himself and Mr. LANKFORD):

H.R. 3559. A bill to establish a program to accelerate entrepreneurship and innovation by partnering world-class entrepreneurs with Federal agencies; to the Committee on Oversight and Government Reform.

By Mr. HORSFORD (for himself, Mr. CONYERS, and Mr. THOMPSON of Mississippi):

H.R. 3560. A bill to mandate the basic educational, regulatory, and management actions necessary for the prevention of racial profiling practices by law enforcement; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON:

H.R. 3561. A bill to prohibit Department of State approval for the Russian space agency to build or operate a ground monitoring station in the United States unless such station does not raise counterintelligence or other national security concerns; to the Committee on Foreign Affairs.

By Mr. KINGSTON:

H.R. 3562. A bill to clarify the application of all laws, including the Patient Protection and Affordable Care Act, to the Federal Government and Congress, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. BLUMENAUER, Mr. CAPUANO, Mr. HOLT, Mr. MCGOVERN, Mr. ELLISON, and Mr. CICILLINE):

H.R. 3563. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Oversight and Government Reform.

By Mr. BEN RAY LUJAN of New Mexico:

H.R. 3564. A bill to make technical corrections to certain Native American water rights settlements in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. MCKINLEY (for himself and Ms. DEGETTE):

H.R. 3565. A bill to amend the Department of Energy Organization Act to establish a biennial commission to develop a comprehensive energy policy for the United States; to the Committee on Energy and Commerce.

By Ms. MOORE (for herself, Ms. EDWARDS, and Ms. KELLY of Illinois):

H.R. 3566. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a grant program regarding firearms; to the Committee on the Judiciary.

By Mr. SCHRADER (for himself and Mr. RIBBLE):

H.R. 3567. A bill to amend title XVIII of the Social Security Act to provide for additional coverage options for beneficiaries under the original Medicare fee-for-service program through a Medicare Link program; to the

Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS:

H.R. 3568. A bill to amend the Immigration and Nationality Act to establish the STEM Education and Training Account in order to enhance the economic competitiveness of the United States by providing funding for STEM education and training, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. HANNA, Ms. ROS-LEHTINEN, and Mr. TAKANO):

H.R. 3569. A bill to amend title 38, United States Code, to add a definition of spouse for purposes of veteran benefits that recognizes new State definitions of spouse; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H. Res. 424. A resolution prohibiting the consideration of a concurrent resolution providing for adjournment unless the House has adopted a conference report on the budget resolution; to the Committee on Rules.

By Mr. DESANTIS (for himself, Mr. SALMON, Mr. WEBER of Texas, Mrs. BLACKBURN, Mr. MULVANEY, Mr. GARRETT, Mr. LAMALFA, Mr. FLEMING, Mr. KING of Iowa, Mr. STUTZMAN, Mr. BRIDENSTINE, Mr. YOHIO, Mr. MCCLINTOCK, and Mr. WILSON of South Carolina):

H. Res. 425. A resolution expressing disapproval of the failure to satisfy the constitutional duty to "take Care that the Laws be faithfully executed" and the usurpation of the legislative authority of Congress by the President of the United States; to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ELLISON:

H.R. 3543.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mr. LATTA:

H.R. 3544.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CARDENAS:

H.R. 3545.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. LEVIN:

H.R. 3546.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. SMITH of Texas:

H.R. 3547.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

and

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. JOHNSON of Ohio:

H.R. 3548.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mrs. HARTZLER:

H.R. 3549.

Congress has the power to enact this legislation pursuant to the following:

Article, I, Section 8, Clause 18, (To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.)

By Mr. AMASH:

H.R. 3550.

Congress has the power to enact this legislation pursuant to the following:

Federal credit programs such as loans, loan guarantees, and insurance are purported to be authorized under the Constitution as "necessary and proper" (U.S. Const. art. I, §8, cl. 18) extensions of Congress's powers "To lay and collect Taxes, Duties, Imposts and Excises, to . . . provide for the . . . general Welfare of the United States" (U.S. Const. art. I, §8, cl. 1) or "to regulate Commerce . . . among the several States" (U.S. Const. art. I, §8, cl. 3).

Some provisions in this bill repeal existing sections of statute. Congress has the implied power to repeal laws that exceed its constitutional authority as well as laws within its constitutional authority.

The bankruptcy reforms requested from committees of jurisdiction are authorized by Congress's power "To establish . . . uniform Laws on the subject of Bankruptcies throughout the United States" (U.S. Const. art. I, §8, cl. 4).

By Mr. ANDREWS:

H.R. 3551.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Mr. ANDREWS:

H.R. 3552.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution

By Mr. BRADY of Pennsylvania:

H.R. 3553.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 3554.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. BUSTOS:

H.R. 3555.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. ELLMERS:

H.R. 3556.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Clause 3 of Section 8 of Article I of the United States Constitution.

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

By Mr. GOSAR:

H.R. 3557.

Congress has the power to enact this legislation pursuant to the following:

Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

By Mr. GRAVES of Georgia:

H.R. 3558.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority on which this bill rests is the power of Congress to exercise authority to regulate trade with foreign nations pursuant to Article 1, Section 8, Clause 3 of the United States Constitution."

By Mr. HONDA:

H.R. 3559.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. HORSFORD:

H.R. 3560.

Congress has the power to enact this legislation pursuant to the following:

Spending Clause: Article I, sec. 8, cl. 1.

By Mr. KINGSTON:

H.R. 3561.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. KINGSTON:

H.R. 3562.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, and 18:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LANGEVIN:

H.R. 3563.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 3564.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MCKINLEY:

H.R. 3565.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Ms. MOORE:

H.R. 3566.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. SCHRADER:

H.R. 3567.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under:

U.S. Const. art. 1, §1; and

U.S. Const. art. 1, §8, cl. 1.

By Ms. TITUS:

H.R. 3568.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. WALZ:

H.R. 3569.

Congress has the power to enact this legislation pursuant to the following:

Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. PITTENGER.

H.R. 50: Mr. QUIGLEY.

H.R. 207: Mr. DAINES.

H.R. 241: Mrs. NOEM.

H.R. 503: Mr. GIBSON, Mr. AMODEI, Mr. BILIRAKIS, Mr. HECK of Nevada, Mr. POMPEO, Mr. WILSON of South Carolina, Mr. COFFMAN, Mrs. ROBY, Mr. GUTHRIE, Mr. OLSON, Mr. CRAWFORD, Mr. FINCHER, and Mr. SABLAN.

H.R. 610: Mr. WITTMAN.

H.R. 647: Mr. DAINES, Mrs. NAPOLITANO, Mr. BURGESS, and Mr. THORNBERRY.

H.R. 664: Mr. HOLT and Mr. PRICE of North Carolina.

H.R. 685: Mr. CAMP, Mr. WAXMAN, and Mr. WILSON of South Carolina.

H.R. 721: Ms. WASSERMAN SCHULTZ, Mr. MESSER, Ms. SEWELL of Alabama, and Mr. THOMPSON of California.

H.R. 915: Mr. VAN HOLLEN, Ms. TSONGAS, Mr. CHAFFETZ, Mr. RUIZ, Ms. FRANKEL of Florida, Ms. BROWNLEY of California, Mr. GARCIA, and Ms. TITUS.

H.R. 919: Mr. SIRES.

H.R. 924: Ms. ESHOO.

H.R. 938: Mr. YOHIO and Mr. COBLE.

H.R. 946: Mr. FLEISCHMANN.

H.R. 1010: Mr. HIMES.

H.R. 1024: Mr. POSEY.

H.R. 1098: Mrs. CHRISTENSEN.

H.R. 1146: Mr. ROSKAM.

H.R. 1179: Mr. MATHESON.

H.R. 1209: Mrs. BUSTOS, Mr. BARLETTA, Mr. BILIRAKIS, Mr. KILDEE, Mr. LARSON of Connecticut, Mr. THOMPSON of Pennsylvania, Mr. DENT, Mr. UPTON, Mr. GUTHRIE, Ms. LINDA T. SANCHEZ of California, Mr. MURPHY of Pennsylvania, Ms. JENKINS, Mr. ROONEY, Mr. PETERSON, Mrs. BEATTY, Mr. JORDAN, Ms. KAPTUR, Mr. LARSEN of Washington, Mr. LATHAM, Mr. RENACCI, Mr. SHIMKUS, Mr. LOBIONDO, Mr. PERRY, Mr. SMITH of Washington, Mr. MCDERMOTT, and Mr. DIAZ-BALART.

H.R. 1310: Ms. GRANGER.

H.R. 1318: Mrs. CAROLYN B. MALONEY of New York.

H.R. 1339: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1354: Mr. FITZPATRICK, Mr. COURTNEY, and Ms. FRANKEL of Florida.

H.R. 1474: Mr. CONYERS.

H.R. 1507: Mr. BENISHEK, Mr. VELA, and Mr. WITTMAN.

H.R. 1509: Ms. TITUS.

H.R. 1528: Mr. RANGEL, Mr. MORAN, Mr. MCINTYRE, and Mr. NADLER.

H.R. 1563: Mr. JOYCE and Mr. COLLINS of New York.

H.R. 1701: Mr. BROUN of Georgia and Mr. WESTMORELAND.

H.R. 1732: Mr. PRICE of North Carolina.

H.R. 1750: Mrs. HARTZLER, Mr. GIBSON, Mr. DUNCAN of Tennessee, Mr. COLLINS of Georgia, Mr. MARCHANT, Mr. FLEISCHMANN, and Mr. RUSH.

H.R. 1763: Mrs. BEATTY, Ms. NORTON, and Mr. HANNA.

H.R. 1795: Mr. SHERMAN.

H.R. 1814: Mr. MICA, Mr. TIERNEY, Mr. BENISHEK, Mr. POSEY, Mr. MATHESON, and Mr. BISHOP of Utah.

H.R. 1869: Mr. RENACCI and Mr. TIPTON.

H.R. 1905: Mr. PRICE of North Carolina.

H.R. 1918: Mr. KINZINGER of Illinois.

H.R. 2012: Mr. MORAN and Ms. LOFGREN.

H.R. 2016: Mr. BURGESS.

H.R. 2066: Mr. DEFazio.

H.R. 2085: Mr. RODNEY DAVIS of Illinois.

H.R. 2146: Mrs. LOWEY.

H.R. 2199: Mr. WHITFIELD.

H.R. 2237: Ms. NORTON and Mr. CAPUANO.

H.R. 2285: Ms. MCCOLLUM.

H.R. 2288: Mr. RUNYAN.

H.R. 2362: Mr. LEWIS and Mr. CONYERS.

H.R. 2376: Mr. MEEHAN.

H.R. 2377: Ms. ROS-LEHTINEN and Mr. RUNYAN.

H.R. 2430: Mr. NADLER.

H.R. 2510: Mr. BEN RAY LUJÁN of New Mexico and Mr. WELCH.

H.R. 2560: Mr. CAPUANO.

H.R. 2575: Mr. ROGERS of Kentucky, Mr. ROHRBACHER, Mr. HECK of Nevada, Mrs. ROBY, Mr. CRENSHAW, and Mr. MCCAUL.

H.R. 2591: Mr. QUIGLEY and Mr. COOK.

H.R. 2638: Mr. GRIFFIN of Arkansas and Mr. SCHOCK.

H.R. 2672: Mr. HINOJOSA.

H.R. 2691: Mrs. MCCARTHY of New York.

H.R. 2697: Mr. SCOTT of Virginia and Mr. POLIS.

H.R. 2738: Mrs. MCCARTHY of New York.

H.R. 2866: Mrs. MCCARTHY of New York, Mrs. BACHMANN, Mr. STIVERS, Mr. BISHOP of Utah, Ms. CASTOR of Florida, Mr. TIBERI, Mr. ADERHOLT, Mrs. CAPPAS, Ms. MATSUI, Mr. BLUMENAUER, Mr. SCHWEIKERT, Mr. FRANKS of Arizona, Mr. SENSENBRENNER, Mr. YARMUTH, Mr. GOWDY, Mr. DANNY K. DAVIS of Illinois, Mr. WAXMAN, and Mr. SMITH of New Jersey.

H.R. 2906: Mr. SMITH of New Jersey, Mr. STIVERS, and Mr. FORTENBERRY.

H.R. 2918: Mr. RUNYAN.

H.R. 2928: Mr. SCOTT of Virginia.

H.R. 2935: Mr. CRENSHAW.

H.R. 2939: Ms. FRANKEL of Florida, Mr. BISHOP of New York, Mr. PITTENGER, and Ms. TSONGAS.

H.R. 2959: Mr. PITTENGER and Mr. POMPEO.

H.R. 2998: Ms. MCCOLLUM.

H.R. 3031: Mr. ENYART.

H.R. 3040: Mr. SWALWELL of California, Ms. KAPTUR, and Mr. LYNCH.

H.R. 3047: Mr. LOWENTHAL.

H.R. 3094: Mrs. BUSTOS.

H.R. 3135: Mr. PRICE of North Carolina and Mr. LANGEVIN.

H.R. 3177: Mr. CICILLINE, Mr. RANGEL, Mr. SIRES, and Mrs. CHRISTENSEN.

H.R. 3279: Mr. KINZINGER of Illinois.

H.R. 3303: Mrs. ELLMERS and Mr. LATTA.

H.R. 3305: Ms. SLAUGHTER and Mr. GOSAR.

H.R. 3323: Mrs. CAPITO.

H.R. 3327: Mr. RODNEY DAVIS of Illinois, Mr. KING of New York, Ms. MOORE, Mr. SCOTT of Virginia, Mr. RYAN of Ohio, and Mr. BISHOP of Georgia.

H.R. 3335: Mr. NUNNELEE, Mr. LATTA, Mr. WITTMAN, Mr. SALMON, Mr. HARRIS, Mr. WEBER of Texas, Mr. OLSON, Mr. BRADY of Texas, Mr. FLORES, Mr. LAMALFA, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, and Mr. DAINES.

H.R. 3360: Mr. RUSH and Mrs. LOWEY.

H.R. 3361: Mr. NUGENT, Mr. LAMALFA, and Ms. BROWNLEY of California.

H.R. 3367: Mr. GOSAR and Mr. RAHALL.

H.R. 3370: Mr. WOLF, Ms. HANABUSA, Mr. NUNNELEE, and Mr. FRELINGHUYSEN.

H.R. 3374: Mr. PETERS of Michigan and Mr. HINOJOSA.

H.R. 3387: Mr. PETERS of California.

H.R. 3408: Mr. ENYART, Mr. JOHNSON of Ohio, Mr. MEADOWS, Mr. POE of Texas, and Mr. PERRY.

H.R. 3410: Mr. SALMON, Mr. WEBER of Texas, Mr. DESANTIS, Mr. PITTS, Mr. PITTENGER, Mr. HARRIS, Mr. SCHWEIKERT, Mrs. BLACKBURN, and Mr. RUNYAN.

H.R. 3413: Mr. WITTMAN, Mr. COBLE, Mr. RODNEY DAVIS of Illinois, and Mr. NUNNELEE.

H.R. 3416: Mr. LATTA.

H.R. 3419: Mr. JONES and Mr. GOSAR.

H.R. 3429: Mr. LATTA.

H.R. 3450: Mrs. BLACKBURN, Mr. HARRIS, Mr. FLEMING, Mr. PRICE of Georgia, Mr. BARTON, Mr. OLSON, Mr. DUNCAN of South Carolina, Mr. PEARCE, and Mr. ROE of Tennessee.

H.R. 3453: Mr. CICILLINE, Ms. TSONGAS, and Mr. HASTINGS of Florida.

H.R. 3465: Mr. JOHNSON of Ohio, Mr. COHEN, and Mr. QUIGLEY.

H.R. 3474: Mrs. BLACKBURN, Mr. WITTMAN, and Mr. LAMALFA.

H.R. 3479: Mr. HULTGREN and Ms. GRANGER.

H.R. 3485: Mr. DESANTIS, Mr. BENTIVOLIO, Mr. POE of Texas, Mr. GOSAR, Mr. LATTA, Mr. NUNNELEE, Mr. LANKFORD, and Mr. FLEISCHMANN.

H.R. 3488: Mr. MICHAUD, Ms. ESTY, Mr. SIREs, Mr. GRIJALVA, Ms. BROWNLEY of California, Ms. NORTON, Mr. BISHOP of Utah, Ms. HAHN, Mr. DINGELL, and Mr. COBLE.

H.R. 3508: Mr. JONES.

H.R. 3521: Mr. BILIRAKIS, Mr. RUNYAN, Mr. MICHAUD, Ms. BROWN of Florida, Ms.

BROWNLEY of California, Mrs. KIRKPATRICK, Mr. O'ROURKE, and Mr. BOUSTANY.

H.R. 3530: Mr. FITZPATRICK.

H.R. 3535: Ms. KELLY of Illinois, Mr. CARTWRIGHT, Ms. KAPTUR, and Mr. HIGGINS.

H.R. 3538: Mr. VARGAS, Mr. GARCIA, Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Mr. LOEBsACK, Mr. NADLER, Mr. CROWLEY, Mr. JEFFRIES, Mr. COURTNEY, Mr. POLIS, Mr. CUELLAR, Mr. DOGGETT, Mr. AL GREEN of Texas, Mr. BEN RAY LUJÁN of New Mexico, and Mr. GRIJALVA.

H.R. 3541: Mr. HULTGREN, Mr. McCLINTOCK, Mr. SALMON, Mr. HARRIS, Mr. MASSIE, Mr. WEBER of Texas, Mrs. BLACKBURN, Mr. FLEMING, Mr. ROKTTA, Mr. COTTON, Mr. GOWDY, Mr. DUNCAN of South Carolina, Mr. DUNCAN of

Tennessee, Mr. TERRY, Mr. BRIDENSTINE, Mr. SOUTHERLAND, Mr. BACHUS, Mr. WESTMORELAND, and Mr. McHENRY.

H.J. Res. 43: Mr. LANGEVIN, Ms. BASS, Mr. GEORGE MILLER of California, and Mr. WATT.

H. Con. Res. 52: Mr. SCHRADER.

H. Res. 109: Mr. RYAN of Wisconsin.

H. Res. 147: Mr. ROYCE.

H. Res. 254: Mr. FARR.

H. Res. 281: Mr. PALLONE and Mr. GOODLATTE.

H. Res. 284: Mr. HINOJOSA.

H. Res. 396: Mr. JOYCE.

H. Res. 417: Mr. CARSON of Indiana and Mr. GRIFFIN of Arkansas.

H. Res. 418: Mr. ENGEL and Mr. CROWLEY.

**SENATE—Wednesday, November 20, 2013**

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father, we come to You. No other help have we, for You have been our refuge in ages past and our hope for years to come. Sustain our lawmakers during these challenging times. Forgive us when we make You our last option, depending first upon our own ingenuity to save us. Lord, give our Senators the wisdom to seek first Your kingdom, striving to remain within the center of Your will. Send out Your light to lead them to a destination that will glorify You.

Thank You for smiling upon America, blessing this land we love from the reservoir of Your great bounty. Continue to lead us in the way of peace and unity.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 20, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican Leader, the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans the final half.

Following morning business the Senate will resume consideration of the Defense authorization bill. We will debate the sexual assault issue for up to 6 hours today. I hope we will reach an agreement on the ability to vote on those two amendments. We have worked very hard on arriving at a point where we can debate this issue. I hope we can do that. I think it would be very appropriate to have that issue resolved as quickly as possible.

**MEASURE PLACED ON THE CALENDAR—S. 1737**

Mr. REID. I am told that S. 1737 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (S. 1737) to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**HEALTH CARE**

Mr. MCCONNELL. Mr. President, in recent weeks we have seen a lot of hand-wringing on the other side of the aisle over ObamaCare—a little shock here, a little dismay there, and more than a little feigned outrage. What we haven't seen, of course, is anything even approaching a good answer as to why the President told the American people one thing and then did the other or a solution to the national crisis of millions—millions—of Americans, some with very serious medical conditions heading into the holiday season having just been told they would lose their health care plans.

The folks who voted for this law and the President whose name it bears did everything they could to keep these folks in the dark about the realities of ObamaCare for more than 3 years—3 long years. But the problems we are seeing shouldn't come as news to anyone, least of all our Democratic friends, because what we have seen are the utterly predictable consequences of ObamaCare.

The fact is a lot of folks warned about these kinds of consequences coming to pass, but the President's political machine just steamrolled anybody who spoke up—ran right over them. They laughed it all off, dismissed everyone else as naysayers and cynics, when all the while they basically knew—they knew—we were right.

Countless independent experts, health care professionals, and insurance authorities across the country all warned—all of them warned—about what we are seeing right now. So did many of us. If only the Democrats who run Washington had listened. But the President needed their votes for a bill he hoped would define his legacy, so they gambled that their constituents would just learn to live with ObamaCare and forget the false promises. That was the gamble. In other words, Washington Democrats were specifically warned about the consequences we are seeing, and they voted for ObamaCare anyway.

Republicans repeatedly warned about Americans losing their health plans—repeatedly. We repeatedly warned about Americans losing access to doctors and to hospitals. We repeatedly warned about rising costs and skyrocketing premiums. Check the CONGRESSIONAL RECORD. We warned and we warned and we warned about each of these.

Frankly, we shouldn't have had to do that. It doesn't take an actuary to figure this stuff out, and the issues my constituents now have to put up with as a result of this law are just simply unacceptable.

Kimberly Maggard from Nicholasville wrote that the health plan available to her through the ObamaCare exchange—now listen to this—would cost more than her family's house payment and car payment combined. Kimberly Maggard from Nicholasville in my State wrote that the health plan available to her through the ObamaCare exchange would cost more than her family's house payment and car payment combined.

Here is what she said:

We are just average Kentuckians working and living paycheck to paycheck without

any assistance from government programs. I really don't know what we will do if they have to pay that amount out for insurance. We might lose our home . . . our transportation . . . my daughter might have to drop out of college . . . the list goes on and on. What are we supposed to do?

Harriet White from Rockville said that ObamaCare is negatively impacting her family's finances and quality of care. Here is what she said:

The sad truth is that like my coworkers, my deductible has doubled along with my premiums. The only way to be able to adjust is for us to either reduce or stop our 401(k) contributions. This is hardly affordable health care.

Here is what Larry Thompson from Lexington said:

[The] health plan that I've had for 10 years just got cancelled, and the least expensive plan on the exchange is the 246 percent increase—that means hundreds of extra dollars per month we don't have.

Look, all of this is completely and totally unacceptable, and so many of ObamaCare's consequences were basically predicted by Republicans years ago—years ago.

So it is no wonder vulnerable Democrats are dashing for the exits, performing political contortions that would make Houdini blush. But here is the issue: Until these folks are willing to face reality, I doubt it will matter.

One of our colleagues on the other side was asked back in 2009 if she would accept "100 percent responsibility" and "100 percent accountability" for the failure or success of any legislation she voted for. She said she would. So she and her colleagues now have a choice. They can keep trying to distance themselves from ObamaCare in public while simultaneously protecting it from meaningful change in private—to keep standing by as this train wreck unloads on the middle class—or they can simply accept that they were wrong to ignore all the warnings, and then work with Republicans to repeal and replace ObamaCare with real bipartisan health care reform. That is the choice.

If Washington Democrats are looking for a political exit, that is the only meaningful one available—the only exit. If they are looking for the best policy outcome to do right by the people who elected them, they will reach the same conclusion. That is the good news.

I hope they will get there soon because we have already seen Washington Democrats travel through just about every one of the stages of grief: Denial at first, claiming the law's only problem is that it was just too popular; then anger, pointing fingers of blame at contractors, Republicans, of course, the media—really anyone but themselves, then bargaining, proposing nips and tucks to a law that needs an overhaul instead.

For the sake of our country, let's hope they just speed right along to acceptance—the acceptance that

ObamaCare can't work and won't work, and that their constituents deserve better. When they do, Republicans will be right here, just as we have always been, ready to work with them to start over with real reforms that decrease costs and improve access to care. That is what our constituents wanted all along, and that is just what we should give them.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

Who yields time?

The Senator from Oregon.

#### NOMINATIONS

Mr. MERKLEY. Mr. President, I rise today along with my colleague from New Mexico to protest the paralysis that has kept the Senate from confirming well-qualified nominees to do their jobs.

The U.S. Senate provides the opportunity for all of us to weigh in on our constitutional role of advice and consent, advice and consent regarding nominations to the executive branch and to the judicial branch by the President.

Everyone in this body agrees that the Senate should, under this responsibility, serve as a significant check on the quality of Presidential nominations, the quality of nominations or nominees for the court and for executive positions. I certainly share that sentiment, that the Senate should provide this significant check on quality. The Senate should vet nominees. We should question them. We should debate them. And then we should vote on whether to confirm or reject them.

What is absolutely clear, however, is that when advice and consent becomes block and destroy, then the Senate process is broken. A minority of one branch of government should never be able to systematically undermine the other two branches of government. Yet that is exactly what we have today.

Look at the well-qualified nominees who have been blocked from having an up-or-down vote here in the Senate Chamber just in recent weeks: MEL WATT, nominated to head the Federal Housing Finance Agency; and then

nominees to the court: Patricia Millett, Cornelia Pillard, and now Robert Wilkins.

These folks are highly qualified, but they were not allowed to have an up-or-down vote. The Senate was not allowed to weigh in on whether they were to be confirmed or not confirmed. This situation in which the Senate minority undermines the executive and judicial branches is unacceptable. It is inconsistent with the concept of coequal branches of government. Our Constitution laid out this vision that the House and the Senate, as the legislative branch, would serve as a coequal branch with the executive branch and the judicial branch.

Certainly the ability to check nominations, to vet nominations, is part of that check on the other two branches. But when it is used in this manner, this manner in which you can systematically undermine the function of another branch, then you have taken a position and created a process that is inconsistent with coequal branches. Taken to its extreme—and we are seeing that extreme today—the executive branch is compromised in its ability to function, the judicial branch is compromised in its ability to function.

Now we have a special situation that has arisen in which the minority says: We are going to block all nominees to the D.C. Circuit Court regardless of their qualifications because we want to see it dominated by the nominees from a former President, and we do not let the existing President put his fair share of nominees into those vacancies.

The argument has been brought forward—to cover up this effort to ideologically pack the court—that this is simply about the work requirements of that circuit not being high enough to justify additional judges. Yet if that was indeed the case and there was an effort to distinguish it from the ideological bent that is clear here, then that would be something one would say about the future: Let's implement that 8 years down the road or we would have seen it in the past when President Bush was putting his nominees forward. The Republicans would have said: No, we do not want to confirm these nominees because the workload is not heavy enough. But just a few years ago, the argument was very much: Let's confirm these nominees of President Bush. Well, the workload, if anything, has increased.

So we cannot allow this process in which a minority says: When our President is in charge we are going to insist on up-or-down votes, but when a President of the other party is in charge, we are not going to allow those votes.

Let's be clear: There should not be an "our President" and "their President." The President is the President of the entire country, of the blue States and the red States, altogether. The judicial system serves all of us regardless of



our party identities. It is our responsibility to make it work.

In January we had a promise made on the floor of this Chamber, and that promise from Minority Leader MITCH MCCONNELL was to restore the “norms and traditions of the Senate” regarding nominations.

What are the norms and traditions of the U.S. Senate regarding nominations? It is an up-or-down vote, with rare exception. But, unfortunately, as we stand here today, we see that January promise has been broken. It was broken a few weeks into this year when a filibuster for the first time in U.S. history was launched on a Defense Secretary nominee. We then saw it in July—another effort of this Chamber to come together and return to the norms and traditions of the Senate. And briefly we did have up-or-down votes on executive branch nominees. But that ended a couple weeks ago when MEL WATT was blocked from that opportunity. So, therefore, the Senate must act. The Senate must act to restore its traditional role of having an up-or-down vote.

I, quite frankly, would prefer, in a perfect world, to see this done simply through the type of agreement we have sought a couple of times: up-or-down votes, with rare exception. But it is clear that is not possible because the January promise was broken, because the July promise was broken, and, therefore, we are in the position where we have to do by rule that which cannot be done by simple cooperation.

Some have said this has never been done, changing the rules or the application of the rules by a simple majority in the middle of a term. But that is simply not the case. I have in my hand a list of 18 times when this has been done since 1977. I have put up a chart in the Chamber of some of those changes that are quite relevant to this discussion.

By a simple majority in 1977: preventing postcloture filibusters; in 1979, by a simple majority: preventing abuse of legislative amendments in appropriations bills; in 1980, preventing filibusters on the motion to proceed to nominations and treaties; in 1987, preventing filibusters via rollcall of the Journal.

I have put these up for those instances that pertain to filibusters. But these are only 4 of the 18 times since 1977 that we have changed the application of the rules by a simple majority. So let no one say this is unprecedented. And these 18 changes have come more often in Republican hands than the hands of Democrats in terms of the majority of this body.

It is time to end the block-and-destroy strategy being employed by the minority in regard to executive branch nominations and judicial nominations.

I am very honored to be a partner in this conversation with the senior Sen-

ator from New Mexico, who has been raising concerns about the functionality of the Senate from the day he first set foot in this Chamber.

With that, I yield for my colleague.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that Senator MERKLEY and I be allowed to engage in a colloquy following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I could not agree more with what Senator MERKLEY pointed out. There has been a lot of discussion—especially as shown on that chart the Senator talked about—that we have done this before. When the Senate hits a roadblock, we can come back to our majority powers and get through the roadblock and continue to do business, to do business as the Senate and do the business we were sent here to do.

As the Senator noted, I remember I called for rules reform 4 years ago. I said the Senate was a graveyard for good ideas. I remember talking about that in my campaign and coming here, and I am sorry to say little has changed, that the digging continues.

Americans are tired, I believe, with the gridlock and the dysfunction in Washington—filibusters, shutdowns, hyperpartisan attacks. Americans want reform in the way their government operates: more cooperation, more transparency, less partisanship, more problem solving.

Monday's vote was one more example of why we need reform. Judge Robert Wilkins is well qualified to serve on the Court of Appeals for the D.C. Circuit. He deserved an up-or-down vote. Instead, what did we get? Another filibuster. He is the fourth nominee to that court to be trampled on by the minority—not because he is unqualified, not because of any failing on his part, but because a Democratic President nominated him. For some that is enough, that is all it takes to tell an eminent American to go home.

First it was Caitlin Halligan in March, then Patricia Millett last month, followed by Nina Pillard last week, and now Robert Wilkins—each of them exceptional, every one of them distinguished nominees. Each would be a credit to the court of appeals.

So No. 4, and counting. In baseball, three strikes and you are out. Not so in the Senate.

But this is not just about the rules. It is about having a Senate that works—not one that buckles under the weight of filibusters.

The partisan games continue, and the game has gone on long enough because the losers are the American people.

Senators MERKLEY and HARKIN and I proposed changes to the rules at the

beginning of this Congress—rules changes that were fair. They reined in the abuse. They protected the minority. We were very clear. We called for a talking filibuster. We argued that if the minority wants to continue debate, which is what voting against cloture is, they should actually have to stand on the floor and debate. Come down here, if you want to slow things down, and get on the floor and debate.

Instead, a compromise was reached. The two leaders agreed to “work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.” That was the standard and the test: “extraordinary circumstances.”

The minority leader said:

On the subject of nominations, Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate.

That was the agreement, and we all know it has not been kept.

In July, we had another shutdown on confirmations—all qualified candidates, all prepared to serve, but nominated by a Democratic President—or asked to lead agencies the other side does not like: the Department of Labor, the EPA, the Consumer Financial Protection Bureau—all blocked.

Once again we looked at changing the rules with a simple majority to restore the Senate's ability to function. We had a historic meeting in the Old Senate Chamber, and we reached another compromise.

I was hopeful for the outcome. There was feeling on both sides that things had to change, that we needed to change the way we do business here, and we confirmed several of those nominees.

But here we are again back on the filibuster merry-go-round and getting nowhere. Four months later, the same debate, the same partisan games, with qualified nominees denied an up-or-down vote. And not just judicial nominees but also Congressman MEL WATT blocked from leading the Federal Housing Finance Agency.

The only “extraordinary circumstance” has been continual obstruction.

These are not the norms and traditions of the Senate. It is the failure of partisan politics. In fact, it was not long ago that Republicans were the first to say so during the Bush administration. They were up in arms. Why? Because 10 judicial nominations had been blocked—10, mind you. That number seems quaint now, but it was enough for the Republicans.

Here is what the Republican policy committee said in 2005. These are their words:

This breakdown in Senate norms is profound. There is now a risk that the Senate is creating a new 60-vote confirmation standard. The Constitution plainly requires no

more than a majority vote to confirm. Exercising the constitutional option in response to judicial nomination filibusters would restore the Senate to its longstanding norms and practices governing judicial nominations, and guarantee that a minority does not transform the fundamental nature of the Senate's advice and consent responsibility. This approach, therefore, would be both reactive and restorative.

Restoring the Senate to its longstanding norms and practices. It would be difficult to state the case more clearly.

One of my colleagues on the other side of the aisle said: We should be careful what we wish for; that is, majority rule could backfire, which might get more Justice Scalias.

Well, that is exactly the point. The Constitution does not give me the right to block a qualified nominee no matter who is in the White House. The real norms and traditions of the Senate honor that principle. Some of us may disagree with Justice Scalia on judicial philosophy, but he was a qualified nominee. He received an up-or-down vote and he was unanimously confirmed. Likewise, Justice Ruth Bader Ginsburg was considered liberal, the former ACLU general counsel. Many on the other side may have disagreed with her views, but there was no filibuster. She was confirmed by a vote of 96 to 3. A minority in the Senate should not be able to block qualified nominees.

On the other side of the aisle, this is not advice and consent; this is obstruct and delay. The people elect the President. They give him or her the right to select a team to govern and to appoint judges to the Federal bench. If those nominees are qualified, they deserve an up-or-down vote. That is how our democracy is intended to work. That is the mandate of our Constitution. That is the real tradition of the Senate. That is the way it is supposed to work. It has worked that way in the past.

My father was Secretary of the Interior for President Kennedy. He later told me—when I asked him how long it took to get his team in place at Interior, he said, “Tom, I had virtually my entire team in place in the first 2 weeks”—in place and ready to serve the American people in 2 weeks. The President's team is his team to choose so long as they are qualified to do the job.

My colleague on the other side is right. The winds can change. Let's be candid. Neither side is 100 percent pure. Both sides have had their moments of obstruction and, no doubt, their reasons at the time. But I do not think the American people care much about that. They do not want a history lesson or a lesson in parliamentary procedure. They want a government that is fair. They want a government that is reasonable and that works for them.

I say to Senator MERKLEY, we are back in this situation now where we started as we came in the Senate in

2008 and saw a broken Senate, a Senate that was not responding to the American people.

What I wanted to ask the Senator about, because to me it is one of the troublesome parts of what is happening with these judges, the last four judges who have been filibustered have been women. I think we are talking about a different standard because in between the four, a man got onto the same court, was voted in, but three women have been held up and filibustered: Caitlin Halligan, Patricia Millett, Nina Pillard. So over and over we have this kind of obstruction. Does the Senator think we have a double standard? Is it one standard when we look at what has happened recently on the court of appeals where a man gets on and three women get denied?

Mr. MERKLEY. I say to my colleague from New Mexico, I would say that it has been very disturbing to see these very capable women whom you have mentioned not be able to get an up-or-down vote. Indeed, our chair of the Judiciary Committee Senator LEAHY held a press conference to make this very concern known, that it seemed as if there is one process for men and a different process for women. I am going to defer to his judgment on that because I have not been part of the Judiciary Committee. I would like to think that in this day and age there is not that sort of gender bias. That is what I would like to think, but I will let Senator LEAHY's commentary and his concerns in that area speak for themselves. It is clear, though, that fundamentally the situation is this: These women were highly qualified. They did not get up-or-down votes.

I have in my hand a memo from April 25, 2005. It is titled “The Senate's Power to Make Procedural Rules by Majority Vote.” It consists of arguments made by the Republican majority in 2005 that nominees should get up-or-down votes for the judiciary. There are many quotes from colleagues who still serve in this body who said in 2005 that regardless of whether they were in the majority or the minority, they felt nominees deserved an up-or-down vote, that the Constitution demanded it, and that the balance of powers between the branches demanded it.

I would ask my colleague if he would help us understand what has changed since 2005 when our colleagues across the aisle made the case that nominees deserved up-or-down votes, said it was essential in the constitutional vision, was essential in the proper application of advice and consent. What has changed that makes those arguments disappear now in 2013, 8 years later?

Mr. UDALL of New Mexico. I think we have come back to the central question. That question is, How does our Constitution work when it comes to nominees? I do not have any doubt that

we are talking about majorities. There are only five places in the Constitution where a supermajority is mentioned. It is not mentioned when it deals with advice and consent, judicial nominees, or Presidential nominees to the executive branch.

I think the Republican policy committee said it very well in the memo the Senator is talking about. It was authored at the time when the head of the policy committee was John Kyl. He was the chairman of the policy committee, known in the Senate as a good lawyer, and was respected on the Constitution. He wrote about the Constitution and how the Constitution should work. He said a couple of things that I think are interesting. This was back on April 25, 2005:

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

A little bit further on, he also said:

An exercise of the constitutional option—

That means taking an action to put a judge on the court with a majority vote—

The exercise of the constitutional option under the current circumstance would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

So I do not think anything has changed. I do not think it has changed from the time in 2005 to today. I do not think the Constitution has changed from the time we put it into place until today, that when it comes to those nominees the traditions and norms of the Senate are to have the majority have a say, that they get an up-or-down vote.

That is the situation right now. We have a filibuster going on on a number of nominees, both Presidential nominees and judicial nominees. So I think what we are trying to do in working with our leadership is say: Let's go back to the norms and traditions of the Senate where we use the majority wisely and give that advice and consent.

Mr. MERKLEY. I thank the Senator for expanding on that picture of the core elements necessary to exercise our constitutional responsibilities. I keep thinking about how polarization in our society has come to bear on this issue. I believe there are many colleagues across the aisle who believe very much in what they said in 2005, that there should be up-or-down votes; therefore, I have to conclude that they have decided their base demands a permanent campaign against the President and the maximum use of every tool available and that is trumping the appropriate exercise of advice and consent.

Perhaps that polarization explains why the promise made by the minority leader in January to return to the norms and traditions of the Senate fell

apart within weeks, if not days. Perhaps it explains how the understanding that was reached in July to allow up-or-down votes on executive nominations fell apart a couple of weeks ago. In that situation we have a single path left to us to appropriately exercise advice and consent; that is, to change the rules so they cannot be abused. If the abuse cannot be cured through good-hearted dialog and understanding of our need to honor the constitutional vision, then we need to change the rules. That is why I wholeheartedly support moving toward a simple up-or-down vote.

In 2005 our Republican colleagues said: If the Democrats keep blocking up-or-down votes, we are going to change the rules and require a simple majority. The Gang of 14 came out with a compromise, and they said—the compromise was that Democrats would only filibuster under extraordinary circumstances and Republican colleagues would then not change the rules. But actually that worked fine in that the Democrats honored that until President Obama came into office. But that extraordinary circumstance has not continued to be honored after President Obama came into office. In that situation, it does seem as if the only way to make sure we honor the constitutional vision and the balance between the powers is to actually change the rules and say it is an up-or-down vote.

I would ask my colleague from New Mexico whether he shares that perspective or perhaps has a different take on it.

Mr. UDALL of New Mexico. I do not think there is any doubt in this country that on both sides—the Republican side and the Democratic side—the base pushes us hard. I think we have reached this stage of hyperpartisanship. I believe our job as leaders is to overcome that and to lead. Leading here means allowing the norms and traditions of the Senate to continue, and that would be an up-or-down vote on judicial nominees.

What I asked the Senator about what was particularly troublesome to me was when we look at the history, the last two women who were put onto the Supreme Court—Sonia Sotomayor and Elena Kagan—75 percent of the Republicans in the Senate voted against both of them. So we have that history compared with the women who have been denied here. It is very troubling to me to see that.

I think we are supposed to wrap up. I do not know whether the Senator has any closing comments.

Mr. MERKLEY. I thank my colleague from New Mexico for his leadership in trying to restore the Senate so that it will work—work on legislation, work on executive nominations, work on judicial nominations. The country has a low opinion of the function of our

Chamber. We certainly do not deserve a high opinion when we are captured by this level of partisan paralysis. I look forward to continuing to work together to help restore this body to a great deliberative body that fulfills its responsibilities under our Constitution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### OBAMACARE

Mr. JOHANNES. I come to the floor to discuss reports I have heard from my fellow Nebraskans about the President's health care law.

Senators have been quoting facts, figures, and reports about the negative effects of this law, and that dates back to when the debate began in 2009. The reality is that no amount of facts or figures can illustrate the real-life stories from our hometowns and from the Main Streets of Nebraska. These personal stories are compelling and powerful examples of what the reports have been saying all along, why we must stand with the American people, and repeal ObamaCare.

A woman named Deb from Kearney, NE, reached out to me. As millions of other Americans, her family's insurance plan has been cancelled, notwithstanding the President's promise that if you like your plan, you can keep it, period.

Now she is facing new premiums for her family. They have increased an unbelievable 133 percent. Their plan pays for maternity coverage, even though they no longer need maternity coverage. Why? Because ObamaCare mandates this, they have no choice about it.

Deb said:

Obama needs to call it like it is. This is not the affordable health care act.

Jennifer, from Madison, NE, reached out to me with a very compelling story. Jennifer is a two-time cancer survivor. She shared that last year she spent a fair amount of time evaluating health care plans, doing her homework. She picked a plan that made a lot of sense for her family under her circumstances. Recently, Jennifer learned that her current plan would no longer be available because of the health care law's new requirements. She described her new plan and said:

My deductible is going up, my co-insurance is going up, and my premium is almost doubling. . . . I think it is an insult to hard working, responsible people like myself to require me to pay for coverage of all these additional services.

A woman named Hannah from Lincoln, NE, 25 years old, is seeing massive increases as well. Her monthly premium is increasing by about 160 percent, and her annual deductible is more than doubling to over \$6,000. She explains:

I'm healthy and active—I love long-distance running—and I rarely get sick. This is

impossible for my budget. I feel like Obama is punishing those of us who have graduated college and are working hard trying to make a life for ourselves. We're starting our families, building businesses, launching our careers, and trying to give back to our communities however we can. Now ObamaCare is devastating the American dream of an entire generation.

These Nebraskans and people all over this great country are understandably frustrated. There has been a lot of talk recently about this law. There has been a lot of talk about the President's promises. Over the course of the last 4 years, none of his promises have centered on American families such as these who are losing the plans they like or who are paying more for their coverage. None of its promises indicated that young people's costs, such as Hannah's, would go through the roof.

One wonders if there had been honesty in this debate whether the bill would ever have passed. In fact, President Obama's promises signal just the opposite. He said over and over that people could keep their plans if they liked them. He even put a "period" there, and he said they would pay less.

These consequences are not happening by accident. They are the central pillars of the President's law, ObamaCare. The law mandated coverage standards for health insurance plans and forced people into policies that meet those mandates.

What is the result? The result is a law that drives up costs. It eliminates choices. It is motivated by a simple guiding principle; that is, that Nebraskans and Americans can't decide for themselves. It is motivated by a principle that government knows best. It is saying that the health insurance people freely chose is an inferior plan because the President and his people say so. It says that government must protect people from their own decision-making.

That is not what the American people want and is not the kind of country they want to live in. They have spoken loudly and clearly, especially when the truth came out as the realities of ObamaCare are settling into their daily lives.

The frustrating part is that the President's announcement last week that Americans can supposedly keep their plans was provoked not by devastating stories of millions of Americans or Nebraskans but by members of his own party who are now in a panic about their reelection. To the American people, to the people I represent in Nebraska, this is far too little and far too late.

In 2010, the administration's own rule on this subject showed as many as 80 percent of small business plans and 69 percent of all business plans would lose their grandfathered status. I went to the Senate floor at the time to warn about it. Everyone on this side of the

aisle voted to cancel this ill-advised ObamaCare regulation. Let me remind everyone that every single Senator on the other side of the aisle voted to let this destructive rule go forward. Now Americans and Nebraskans are paying the price for that vote.

Taking action 3 years ago would have been a very thoughtful step to avoiding disastrous consequences, but a surprise announcement caught everybody by surprise. Essentially 45 days to undo 3 years of ObamaCare damage, to protect people in their reelection, is not a serious policy effort. If a team is five touchdowns behind, they can't wait until there is 1 minute left to start playing. Let's face it. President Obama's announcement last week was not a policy decision. It was an attempt to arrive at a political fix to save reelection for members of his party. Once again he sidestepped Congress and the legislative process to unilaterally enact a temporary delay of one of his signature law's major provisions. Let me emphasize, it is temporary. It is only designed to get us past election day and to try to save some seats for his party.

Even if people believe that insurance companies and every insurance commissioner in 50 States can undo all of the planning they have done to comply with ObamaCare, to follow the rules—even if one assumes they can undo that in 45 days, our citizens will be back in the same boat next year after election day. The cancellation policies will again be printed. The replacement ObamaCare-approved policies will reveal skyrocketing prices, and our citizens will be back in the same lurch. The time for temporary fixes that shift the blame or delay the pain until the election is over needs to end.

While I will fight to eliminate this law's most burdensome provisions, the truth is that changes to this law create an avalanche of consequences. The provisions of this failed policy are so interconnected, so ill-fated, that no amount of amending and tweaking will solve the problems that American families and businesses are facing. We have only seen the tip of the iceberg. I believe full repeal is the only real answer for American families.

Congress can take a stand so millions of Americans can keep their doctors and keep the plans they like. We don't need a 2,700-page law and \$1 trillion in taxes to address the cost of health care or to help individuals with preexisting conditions.

Americans are demanding what they didn't get in 2010 and since this law passed. They are demanding transparency. They are demanding thoughtful policy steps for a better, more efficient, and lower cost health care system. They want leaders who recognize we are not on the right track; we never have been with this law. It is time to head in a direction that puts Americans first, not political opportunity.

I believe this is a critical moment. I hope we seize upon this moment and do all we can to listen to the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO STAFF

Mr. BLUNT. I rise to acknowledge Maj. Mark Shirley, serving as a Defense legislative fellow, and Robert Temple, an intern in my office. We have certainly benefited from both of them, particularly Major Shirley. He has been with our office for 1 year. This has been the first year I have been on both the Armed Services Committee and the Defense Appropriations Committee. Major Shirley's help in both of those cases has been exceptional. I am pleased we have had this benefit.

#### OBAMACARE

Mr. BLUNT. I want to talk a few minutes about what is happening with health care. I came to the floor last week to talk about individuals who were having problems. People are contacting our office. In fact, I suspect they are contacting 100 Senate offices every day expressing their concerns as they lose insurance.

At least 4.2 million Americans have now received cancellation notices on the insurance they had. I know last week the President made his proposal that apparently you could keep the insurance you like for 1 year if your insurance company will still offer it and if the State insurance commissioner will approve it. But those are two pretty big ifs and certainly nowhere close to "you can keep your insurance if you like it, period. If you like your doctor, you can keep your doctor, period." Neither of those is going to turn out to be the case. In fact, insurance commissioners immediately—their organization—said this is going to be practically very hard to comply with. So it is one of many problems.

I think the law that is most likely to apply with the Affordable Care Act will be the law of unintended consequences—consequences for individuals, consequences for people who had preexisting conditions and who in 35 States were being well served by something called the high-risk pool. Virtually all of those high-risk pools go out of existence on December 31. I know the Missouri high-risk pool goes out of existence on December 31, and the 4,300 people who depend on that for

their insurance now have to find insurance on their own. They can get insurance through the exchange, but in all cases I have heard of so far, they will be paying more for their insurance on January 1 than they are paying for coverage today or will pay through the end of this year. So much for helping people with preexisting conditions. There was certainly a way to extend those high-risk pools, but we didn't do that.

This week I had a number of businesses talking about the problems they are having. I would like to briefly talk about two of them this morning. One of them is the Older Adults Transportation System in our State. It is headquartered near the middle of the State in Columbia, MO. It provides transportation for seniors, for people who are disabled, for low-income Missourians. Like many, the Older Adults Transportation System—called OATS—was notified that their current plan would be canceled on January 1. The rate for their new policy for their 50 full-time employees is going to be 40 percent higher on January 1 than the policy they have until December 31, and the only way they can do anything about that is to provide fewer services. So because of that 40-percent increase, fewer trips will be available to take the people they serve. Surely that wasn't the goal of the health care plan. They wanted to insure their driving staff. There are 600 drivers in that system; they wanted to insure them. They were actually hopeful, with all the promises about the Affordable Care Act, that they would be able to add their driving staff. Instead of adding their driving staff, they have to figure out what they are going to do with the 50 employees they have been insuring at rates that are now 40 percent higher than they were before.

Businesses around the State are calling. I recently heard from McArthur's Bakery in St. Louis. They currently have a 9-percent cap on a 2-year health policy. It is a qualified plan. Randy, the president of McArthur's Bakery, believes they have a pretty good plan. He thought their plan was a plan that should meet any standard they would hope to meet. It wasn't a rich plan. He described it to me as not a Cadillac plan but at least an Impala plan, and they thought the Impala was what they could do. Suddenly they have learned there is going to be a 4.4-percent increase in fees and taxes and a huge increase in the deductible. Their current plan has a deductible of about \$500 for an individual and \$1,250 for a family. The deductible on the new plan is going to be about \$3,500 for an individual and \$10,000 to \$12,000 for a family.

That is what I am hearing all the time, that the coverage may be broader, there may be things covered that didn't used to be covered, but the deductible is now so big that the plan

people thought protected their needs doesn't really protect their needs. For most families, \$12,000 is catastrophic. It doesn't take \$120,000 or \$500,000 to be catastrophic; \$12,000 is catastrophic. If that becomes your new deductible year after year, you will have a problem you didn't have when your deductible was \$1,200.

Randy McArthur says:

The very thing that ObamaCare was supposed to do was to protect the working people—to give them access to affordable insurance—but it's actually doing the exact opposite.

Instead, this law will mandate coverage for things you will have to pay for that you didn't have to pay for before and apparently will offset that by being sure you pay a lot more of your own money up front.

I think we are going to continue to see these problems develop. I hope we can find ways to fix that. I introduced a number of bills in 2009 that I thought were better alternatives than this one. We may have to go back and start all over. But right now, the one thing we do know is that the law of unintended consequences appears to be hitting a lot of families and hitting a lot of families very hard.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, how much time remains?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. BARRASSO. Madam President, I come to the floor today and would note a headline on the front page of Politico today regarding the ObamaCare Web site. "Tech Chief: Up to 40% Work Is Left On ObamaCare. Financial management tools are unfinished."

This Web site has been a debacle. People all around the country are angry. They are anxious, frustrated, and bothered, but mostly I am hearing anger from people in Wyoming. And it is not just the Web site. The Web site is just the tip of the iceberg. People are furious when they get letters of cancellation, when they have coverage canceled and then they see higher premiums. All across the country people are finding out that because of the health care law, they can't keep their doctor. They are hearing stories about fraud, identity theft, and higher copays and deductibles. So I bring to the floor today a couple of letters I have received from people in Wyoming.

Last week, Veterans Day, I was in Douglas, WY, for the flag-raising ceremony at the American Legion at 7 a.m.

talking to folks—some who had gotten cancellation letters. Let me read a letter from a family in Douglas, WY, a small community in Converse County. They say:

We just found out that our current health insurance policy with Blue Cross Blue Shield of Wyoming (which is a \$20,000 deductible for our family) will not be allowed after January 1st . . . that only those under age 30 will be able to have catastrophic plans. We ranch, work very hard, have been healthy . . . can't afford and don't believe a lower deductible makes sense for us.

So this is a family who decided what was best for them as a family—not what the government told them they had to buy but what worked for them as a family. They say that what they bought was something that made sense for them.

Continuing to read from their letter:

. . . basically have had insurance to avoid losing our cows and land if something catastrophic happened to us. Don't know what we will do if you guys don't get this derailed.

Madam President, as someone from the Rocky Mountain West, I can tell you that in a community of lots of ranchers and farmers, what they are trying to do is insure against this catastrophic loss.

They go on to say:

Quick side note—we think most people expect health insurance to cover everyday costs—it wouldn't make sense and it would cost way too much to get insurance to cover new tires, oil changes, washer fluid, new batteries (regular expected upkeep) for our vehicles—if we only had insurance for the big health issues, it wouldn't cost as much for all of us in the end.

Of course, that is what they wanted to do.

They go on:

Obamacare doesn't deal with any of the issues of why health care in America costs what it does and truly seems to make it all worse.

Thank you for what you do—we know you already understand this. We just thought you should know what we are dealing with.

That is a ranch family in Douglas, WY, in Converse County.

This past Saturday night I was in Lusk, WY, in Niobrara County, and I have an email I wish to share with you from Lusk, WY. Again, this is somebody who has had coverage canceled, higher copays, and all of the things we are talking about.

Just for a second, let me show the list of the number of people who have been canceled. Some 4.7 million Americans have had their health insurance canceled in 32 States, and we don't even have the numbers for a number of other States. This is what people all across the country are seeing.

Let me read this email from Lusk, WY. This individual says:

I have supported the President and the Affordable Health Care act since the beginning. That changed on Thursday. All along we have been told if we have insurance, and we are satisfied, no changes will be necessary. That is a misleading statement. I was in-

formed by my company my policy will be canceled in December. Then they will offer me another policy but with huge changes. My premium will go up . . . my deductible will rise . . . That is not the same as my current policy. I feel like, after decades of paying my own insurance, I am being penalized. I won't call it lying, but the President certainly misled a lot of us middle aged Americans.

I do have one alternative I am pursuing. I can buy insurance that does not meet the guidelines of the Act. However, I will be forced to pay the penalty for noncompliance. I can afford my insurance and the penalty.

Once again, Americans do not like to be misled from the top leadership down. It simply helps to solidify the mistrust we have in government.

Thank you for your solid leadership.

That is why I am here today on the floor. We need to hear more stories from people around the country—not just Republicans but Democrats need to hear these stories. Tweet us your story at hashtag "your story."

Republicans have better ideas about ways we can actually help people get the care they need from a doctor they choose at a lower cost.

This health care law is hurting many millions of Americans. We now know that the President knew it at the time he continued to repeat the line—which we now know is a misleading line—to the American people. Very soon we will find that the line "if you like your doctor, you can keep your doctor" was misleading as millions more will be losing their doctor. There is great damage continuing to be done. We need to start over.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1197.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1197) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid (for Levin/Inhofe) amendment No. 2123, to increase to \$5 billion the ceiling on

the general transfer authority of the Department of Defense.

Reid (for Levin/Inhofe) amendment No. 2124 (to amendment No. 2123), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid amendment No. 2305, to change the enactment date.

Reid amendment No. 2306 (to (the instructions) amendment No. 2305), of a perfecting nature.

Reid amendment No. 2307 (to amendment No. 2306), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, there will be up to 6 hours of debate only.

The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise today to speak about my amendment to the National Defense Authorization Act, an amendment known as the bipartisan Military Justice Improvement Act. I wish to start by thanking my colleagues on both sides of the aisle for their strong and unwavering leadership on behalf of our brave men and women in uniform. I could not be more proud of the bipartisan work that has been done to do the right thing.

I thank Senator REID, Senator BOOKER, and Senator HELLER, the three most recent supporters of our bill. I thank them for their extraordinary leadership and determination to end the scourge of sexual violence in the military.

I also thank my colleague and friend from Missouri for her unwavering commitment to helping victims of sexual assault. Although we disagree on my amendment, I remind all of our colleagues that the Defense Authorization Act has been made stronger in enumerable ways by Senator MCCASKILL's work, advocacy, and dedication. I also will be supporting her amendment today because I think the provisions in her amendment will add even more positive changes to the command climate and will help victims feel like they have a stronger voice.

However, while the changes in the McCaskill amendment are very good, I do not believe they are enough to truly ensure justice for victims of sexual assault. For that, we essentially need impartial, unbiased, objective consideration of the evidence by trained military prosecutors, which is what my amendment will provide.

Yesterday, I proudly stood with retired generals, leaders of veterans organizations, and survivors, who represent a growing chorus of military voices, to urge Congress to take its oversight role head-on and finally create an independent, unbiased military justice system the men and women who serve in our military so deeply deserve.

Leaders such as retired Maj. Gen. Martha Rainville, the first woman in history of the National Guard to serve as an adjutant general, who has served in the military for 27 years, including

14 years in command positions, wrote to me:

As a former commander, endorsing a change that removes certain authority from military commanders has been a tough decision. It was driven by my conviction that our men and women in uniform deserve to know, without doubt, that they are valued and will be treated fairly with all due process should they report an offense and seek help or face being accused of an offense.

When allegations of serious criminal misconduct have been made, the decision whether to prosecute should be made by a trained legal professional. Fairness and justice require sound judgment based on evidence and facts, independent of pre-existing command relationships.

Leaders such as BG (retired) Lorree Sutton, who served as the top psychiatrist in the U.S. Army, wrote, saying:

Failure to achieve these reforms would be a further tragedy to an already sorrowful history of inattention and ineptitude concerning military sexual assault.

In my view, achieving these essential reform measures must be considered as a national security imperative, demanding immediate action to prevent further damage to individual health and well-being, vertical and horizontal trust within units, military institutional reputation, operational mission readiness and the civilian military compact.

Far from "stripping" commanders of accountability, as some detractors have suggested, these improvements will remove the inherent conflict of interest that clouds the perception and, all too often, the decision-making process under the current system.

Implementing these reforms will actually support leaders to build and sustain unit cultures marked by respect, good order, and discipline.

LTG (retired) Claudia Kennedy, the first three-star female general in the Army, wrote:

Having served in leadership positions in the U.S. Army, I have concluded that if military leadership hasn't fixed the problem in my lifetime, it's not going to be fixed without a change to the status quo. The imbalance of power and authority held by commanders in dealing with sexual assault must be corrected. There has to be independent oversight over what is happening in these cases.

Simply put, we must remove the conflicts of interest in the current system. . . . The system in which a commander can sweep his own crime or the crime of a decorated soldier or friend under the rug protects the guilty and protects serial predators. And it harms military readiness. . . .

Until leadership is held accountable, this won't be corrected. To hold leadership accountable means there must be independence and transparency in the system.

Permitting professionally trained prosecutors rather than commanding officers to decide whether to take sexual assault cases to trial is a measured first step toward such accountability. . . . I have no doubt that command climate, unit cohesion and readiness will be improved by (these) changes.

BG (retired) David McGinnis, who also served as a Pentagon appointee, wrote:

I fully support your efforts to stamp out sexual assault in the United States military and believe that there is nothing in (the Military Justice Improvement Act) that is

inconsistent with the responsibility or authority of command. Protecting the victims of these abuses and restoring American values to our military culture is long overdue.

It is because they love the military that they are making their voices heard—standing united behind brave survivors. I will share some of those stories because it is their stories which inform some of this legislation.

Kate Weber, from Protect Our Defenders, was awarded the 2013 Woman Veteran Leader of the Year by the California Department of Veteran Affairs, and Sarah Plummer came to Washington, DC, all the way from Colorado. Yesterday they came to courageously tell their stories so that their brothers and sisters in uniform get a military justice system that is finally worthy of their great service to our Nation.

Sarah's story is extremely disturbing. She was raped as a young marine in 2003. She said:

I knew the military was notorious for mishandling rape cases, so I didn't dare think anything good would come of reporting the rape.

Having someone in your direct chain of command doesn't make any sense, it's like getting raped by your brother and having your dad decide the case.

Kimberly Hanks, the brave survivor from the infamous and horribly unjust Aviano case, who I spoke to months ago about this issue when our journey began, just wrote an op-ed published this week:

Regardless of all the promises by military leadership and half measures offered in the name of reform nothing short of removing the prosecution and adjudication authority away from the commander and placing it with independent, military professionals outside the accused's and victim's chain of command will end this nightmare.

Trina McDonald, who at 17 enlisted in the Navy, was stationed at a remote base in Alaska. Within 2 months, she was attacked, repeatedly drugged, and raped by superior officers over the course of 9 months. She said:

At one point my attackers threw me in the Bering Sea and left me for dead in the hopes that they would silence me forever. They made it very clear that they would kill me if I ever spoke up or reported what they had done.

Listen to Army SGT Rebekah Havrilla, who served in Afghanistan and was raped in 2007, and said reporting the crime to her commanding officer to her was "unthinkable":

There was no way I was going to my commander. He made it clear he didn't like women.

A1C Jessica Hives, who was raped in 2009 by a coworker who broke into her room at 3:00 in the morning, said:

Two days before the court hearing, his commander called me on a conference call at the JAG office, and he said that he didn't believe that [the offender] acted like a gentleman, but there wasn't reason to prosecute.

I was speechless. Legal had been telling me this is going to go through court. We had the



court date set for several months. And two days before, this commander stopped it. I later found out the commander had no legal education or background, and he had only been in command for four days.

Her rapist was given the award for Airman of the Quarter. She was transferred to another base.

We also can't forget that more than half of the victims last year alone were men.

Blake Stephens, now 29, joined the Army in 2001, just 7 months after graduating high school. The verbal and physical attacks started quickly, he says, and came from virtually every level of the chain of command. In one of the worst incidents, a group of men tackled him, shoved a soda bottle into his rectum, and threw him backward off an elevated platform onto the hood of a car.

When he reported the incident, his drill sergeant told him: "You're the problem. You're the reason this is happening." His commander refused to take action.

Blake said:

You just feel trapped. They basically tell you you're going to have to keep working with these people day after day, night after night. You don't have a choice.

His assailants told him that once they deployed to Iraq, they were going to shoot him in the head. "They told me they were going to have sex with me all the time when we were there."

This is the problem: There were 26,000 sexual assaults estimated by the Department of Defense last year alone based on confidential surveys, but only 3,374 were actually reported. Of those reported, 302 went to trial.

So if you are starting with 26,000 estimated cases and only 302 go to trial, that is a 1-percent rate of conviction in the U.S. military for the heinous crime of degradation, aggression, and dominance of rape and sexual assault. One percent. And we just heard from these victims. There are too many command climates that are toxic, that do not ensure good order and discipline, that do not protect against rape and sexual assault, that do not create a sense that if I come forward and report, that justice could be done.

In this survey—this a confidential survey—the reason victims didn't report is they said they didn't believe anything would be done. They also said they either feared or witnessed retaliation. This is the problem. About 23,000 cases weren't reported. It means in 23,000 command climates, these assaults are happening and victims feel they will not get justice.

So I am grateful for every reform we have put in place in this underlying bill. They are good, strong reforms that will help victims who report. But every single one of them applies only to these 3,000 cases. They apply to the cases that are reported, where the command climates are sufficient that a

victim feels: I can come forward. I can at least report these cases. In the 23,000 other cases, those victims don't have that confidence.

So if we don't create a transparent, accountable system that is outside the chain of command, the hope of getting more victims to come forward and report so we can at least weigh the evidence and see if we can go to trial is not there. The hope isn't there. The confidence in an objective review by someone who doesn't know the perpetrator and doesn't know the victim doesn't exist.

So while we have these 3,000 cases which were reported and commanders did make sure 1 in 10 went to trial—and when they did go to trial, there was a 95-percent conviction rate. So they are not making the wrong decisions about what case to try. It is just that only 3,000 command climates were strong enough. We can't train their way out of this problem. There are 23,000 command climates that weren't strong enough, that didn't ensure justice, that created fear of retaliation. That is the problem.

So without an objective system, without creating transparency and accountability, without saying the decider doesn't know the victim of the perpetrator, there is no bias, because in too many cases, as we heard from these stories, the perpetrators may well be more valuable to the commander, may well have several tours of duty under his belt, may well have done great acts of bravery, may well have two kids and a wife at home. So when that commander, looking at the case file, says: You know, it can't possibly have happened; it didn't happen this way; he weighs the evidence differently than someone objective, who is trained, who actually knows the difference in these crimes and knows what a rape is. They know rape is not a crime of romance. They know rape is a crime of dominance. They know rape is a crime of violence. It is not about a date gone badly. It is not about hormones. It is not about a hookup culture. It is actually a crime that is brutal and violent, committed by someone who is acting on aggression and dominance and violence.

That is why the training matters. I want somebody who knows that, who has been trained as a lawyer, who understands prosecutorial discretion and can weigh evidence objectively.

We have to look at who is advocating for this bill—our veterans organizations: Iraq and Afghanistan Veterans of America wants this reform. Vietnam Veterans of America wants this reform. Service Women's Action Network wants this reform. They are all speaking in one voice, and they say: "A vote for an independent and objective military justice system is a vote for our troops and a vote to strengthen our military."

They know. They have served. They are veterans. They are no longer Active Duty. They can speak their mind.

This week we released a letter of 26 retired generals, admirals, commanders, colonels, captains, and senior enlisted personnel, including two generals and two admirals known as flag officers, who are saying to Congress:

We believe that the decision to prosecute serious crimes including sexual assault should be made by trained legal professionals who are outside the chain of command but still within the military.

This change will allow prosecutorial decisions to be made by facts and evidence and not be derailed by preexisting relationships, attitudes, biases, and perceptions.

It is our sincere belief that this change in the military justice system will provide the opportunity for real progress toward eliminating the scourge of sexual assault in the military.

I am hopeful our colleagues will listen to these collective voices because nobody knows the military and what needs to be done to fix this broken system better than they do. Listen to the victims who have clearly told us over and over how a system that only produces 302 prosecutions out of the DOD's estimated 26,000 cases of rape, sexual assault, and unwanted sexual contact last year must be fundamentally changed to restore trust and accountability.

These men and women of America's military have put everything on the line to defend our country. Each time they are called to serve they answer that call. But too often these brave men and women find themselves in the fight of their lives, not on some far-off battlefield against an enemy but right here on their own soil, within their own ranks, with their commanding officers, as victims of horrible acts of sexual violence.

Sexual assault is not new, but it has been allowed to fester in the shadows for far too long because instead of the zero tolerance pledge we have heard for two full decades now, since Dick Cheney was the Secretary of Defense, first using those words in 1992, what we truly have is zero accountability.

There is no accountability because any trust that justice will be served has been irreparably broken under our current system where commanders hold all the cards over whether a case moves forward to prosecution.

There are those who argue that removing these decisions out of the chain of command into the hands of independent prosecutors in the military will diminish good order and discipline. This is not a theoretical question. We actually know the answer to this. Our allies have already made these reforms and they have not seen a diminishment in good order and discipline. The UK, Israel, Australia, Canada, Netherlands, Germany—all of them have taken the decisionmaking whether to prosecute the cases outside the chain of command for civil liberties reasons—some



in interests of defendants' rights, some in interests of victims' rights—to make their justice system better. We could use a better justice system. We could use that transparency and accountability. We have a unique problem. I think this reform solves our problem.

Director general of the Australian Defence Force Legal Service Paul Cronan said that Australia has faced the same set of arguments from military leaders in the past. Cronan said:

It's a little bit like when we opened up [to] gays in military in the late '80s. There was a lot of concern at the time that there'd be issues. But not surprisingly, there haven't been any.

There are those who argue that our reform would somehow take commanders off the hook or that they would no longer be accountable. Let me be clear. There is nothing in this bill that takes commanders off the hook. They are still the only ones responsible for setting command climate, for maintaining good order and discipline, for making sure these rapes and assaults do not happen, for making sure there is no retaliation and the victim comes forward, for making sure the command climate is sufficient when they do come forward.

This is a legal decision and actually most commanders never get to make this legal decision. Your platoon sergeant, your drill sergeant, they are never going to be able to be the convening and disposition authority. That is not their job. But they still have to maintain good order and discipline. They are on the hook and the underlying bill is strong because we make retaliation a crime to give them just one more tool to help them set their command climate.

There are those who argue that this reform will cost too much. I do not know how you could possibly say that forwarding cases and prosecuting rape in the military costs too much. Our men and women in uniform are worth much more. Not only do these critics ignore the facts that we already have trained JAGs serving in our military, they actually ignore the financial cost of sexual assault in the military. The RAND Corporation has estimated that this scourge cost \$3.6 billion last year alone.

There are those who say commanders move forward on cases that civilian prosecutors will not. To claim that keeping prosecutions inside the chain of command will increase the prosecutions is not supported by the statistics. If you only have 3,000 or so cases being reported and 23,000 cases not being reported under the current system, if you change that system and those 23,000 cases start becoming reported cases, you will have more prosecutions, you will have more convictions, you will have more justice.

The bottom line is simple. The current system oriented around the chain

of command is producing horrible results and has been producing horrible results for 25 years. The current structure is producing 1 percent of cases that go to trial. That is not good enough. It is not a system that is deserving of the sacrifice that the men and women in uniform give to our country every single day.

It is also contrary to the fundamental values of our American justice system. Our justice system relies on the fact that a decision about whether to go to trial is never made on bias, it is always made on facts and evidence. It is not made on whether it is good for the commander. It is made on whether there are facts and evidence to prove a serious crime has been committed.

For all those who say this is a radical idea and should wait until next year, the DOD has an advisory panel that actually has opined for the past 50 years on the status of women in the military. That panel, called the DACOWITS—that panel had a vote on these proposals. They voted in favor overwhelmingly, with no one against. Of the 10 votes that we have, 9 are former military, 4 are high-ranking generals and officers. The nonmilitary voice is the head of a women's law center—knowledgeable individuals who are actually tasked by the Department of Defense, handpicked by the Department of Defense, to opine on the status of women in the military. They have voted to support these measures.

Secretary Hagel has even said he places "a great premium" on the voices of this panel.

I have not come lightly to the conclusion that we need to fundamentally reform our military justice system in order to strengthen it, but this is a commonsense proposal. It is not a Democratic idea. It is not a Republican idea. It is just doing what is right. If you listen to these survivors, veterans, retired generals, and commanders, they believe this change is needed. But even our current military commanders at the Department of Defense do not dispute the problem or the facts or the reason for the problem. The Commandant of the Marine Corps Gen. James F. Amos said earlier this year the victims do not report these cases because "they don't trust us, they don't trust the chain of command, they don't trust the leadership."

We have to restore that trust. If you have too many commanders and too many command climates with 23,000 unreported cases where that trust is broken, you are not going to fix it by keeping it with the commanders. That is the problem. This is a fundamental problem.

Listen to the Chairman of the Joint Chiefs of Staff, General Dempsey, who said that the military is sometimes "too forgiving" in these cases, admitting bias in the system toward decorated officers.

I firmly believe it is our obligation to restore that trust. Our fundamental duty as Senators, as Members of Congress, is to provide the needed oversight and accountability over the armed services. We should not do what the generals are telling us to do. This is our job.

Every time I meet with a member of the military I am overwhelmingly grateful for their service, for their sacrifice, for their courage. They deserve better. They deserve a military justice system that is consistent with our core, fundamental American values of objectivity, of truth, of evidence, of fact, and of justice.

I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that any time spent on quorum calls during this debate on the sexual assault issue be equally divided between Senator GILLIBRAND on one side and Senator AYOTTE and Senator McCASKILL on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. I yield 5 minutes of the time of Senator AYOTTE to the Senator from Missouri, Mr. BLUNT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. I thank Senator McCASKILL, my colleague from Missouri, and Senator GILLIBRAND both for the effort, the time, the commitment, the focus they have made on this issue. They have clearly both been at the frontlines of changing the underlying bill.

There are two things Senator GILLIBRAND said that I absolutely agree with. The underlying bill is strong. It is a step in the right direction. It is the result of our committee debate, our committee action. I think I heard the Senator from New York say she was supporting the McCaskill amendment which adds even additional strength to that.

I also am supporting that amendment. I think it does make the bill even stronger. It says the commanders will be evaluated based on this as one of the factors; that no longer would this just be something if it happens to come up you talk about it, but the commanders will be evaluated based on what they did to change the command atmosphere, what they did to protect people against sexual assault, what they did to create an atmosphere where these things not only do not happen, but when they do happen, they are vigorously dealt with and looked to as something that has to be dealt with, and the commander should be evaluated in that way.

There is another layer of review in the McCaskill amendment. If the commander disagrees with something that

has happened in this process, they have to kick that review up another level. The so-called good soldier defense is no longer a defense. This is about this incident, this assault, this accusation, and dealt with solely in that way because of this additional amendment that I think many of us will support that will be added to what is already a strong underlying bill.

Also, this amendment would allow victims to express a preference, whether they would have this pursued in a civilian trial or in a military trial, a court-martial. Those are all good additions. I think that is why—not only why Senator MCCASKILL proposed them, but the Senator from New York and I would be supporting that amendment.

I believe the amendment improves what the committee did. But I think the committee had a full debate and a long debate and a vigorous debate on how important it is the commanders be involved. Senator MCCASKILL, my colleague from Missouri, has been a leader on this all her time in the Senate. When she came to the Senate, one of the things in her background was her work as a county prosecutor and, more specifically, a prosecutor for sexual assault cases. I have relied on her judgment as we looked at these issues, and I think her judgment is borne out by so many things we heard in the committee.

Senator AYOTTE will be speaking in support of the McCaskill amendment and underlying bill. Senator FISCHER, a member of the Armed Services Committee, will also be part of that debate.

The Armed Services Committee introduced a bill that has the most comprehensive legislation targeting sexual assault that has ever been considered by the Congress. We added to that amendment these important elements of another McCaskill amendment. There are 26 provisions in the underlying bill which deal with this issue. It was among the most difficult decisions I think we met, but also one of the most important decisions we met: the idea that commanders would have responsibility for the atmosphere they create.

One of the things that was mentioned more than once was the integration of the Armed Forces. I stand by Senator Truman's desk, one of our predecessors in this Senate from Missouri. He signed the order that integrated the Armed Forces. President Eisenhower pursued that further, but only when the command structure was given absolute responsibility to deal with what had become a real problem. There were even race riots on ships, according to Senator McCain, who talked to us about this issue. It was when the commanders were given the responsibility to see that this problem was solved that it was solved.

I think this bill, and the additional amendment I will be supporting, the

McCaskill amendment, clarifies in new ways how important it is that commanders accept this as part of their command responsibility.

The numbers Senator GILLIBRAND talked about are totally unacceptable. One of the things commanders will be evaluated on in the future will be what they did about changing that environment. In my view, taking them out of the command responsibility in this area makes it less likely, not more likely, that the atmosphere will change.

I ask unanimous consent for 1 additional minute. Since Senator AYOTTE is not here to object, I will take it from her time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. The fact that this is in the bill and further improved, I believe, by the amendment, clearly says we are going to change the culture of the military.

Had it not been for the hard work of my colleagues, particularly Senator MCCASKILL and Senator GILLIBRAND, this bill would not be as far along as it is. Their difference of opinion is not about solving this problem, because we all believe this problem is going to be solved. I think we all believe this bill takes a significant and strong step toward doing that. I feel most Senators will believe the McCaskill amendment adds another element to the bill.

I am glad the defense committee, the Armed Services Committee, and now the U.S. Senate, are taking additional steps to solve this problem. It is a tragedy for every individual in the military, man or woman, who has been the victim of a sexual assault, reported or not. Whatever we can do to see that they are reported, minimized, and finally ended is what ought to happen. I hope this bill does that, and I believe it does.

I was pleased to be part of bringing this bill to the floor, and I will be pleased when the McCaskill amendment is added to it today, and we face a new view of how this issue is dealt with.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank Senator BLUNT for his comments and appreciate his hard work on the Armed Services Committee as we tackle an issue that all of us have an emotional commitment to for all the right reasons.

I thank Senator GILLIBRAND. We both want fundamental reform. We are both working as hard as we know how to get it. We have a fundamental disagreement on how best to obtain that goal, and I would like to go through some of that disagreement for the next few minutes.

The 26 historic reforms that are in the bill are going to make our military

the most victim-friendly criminal justice system in the world. In no other system does a victim get their own lawyer. In no other system will they have the protection, empowerment, and the deference we are creating for them in this bill.

In my years of experience in handling these cases—hundreds of them with victims—I would have given anything if that victim had had the confidence of independent advice. I think it would have made a tremendous difference in the staggering number of victims who refused to go forward.

This is the most personally painful moment of anyone's life. Make no mistake about it, no matter what we do in this Chamber and no matter what this bill accomplishes, we will never be able to get every victim to come forward because of the nature of this horrific crime, but we have to do better.

Like Senator GILLIBRAND, I have talked to dozens and dozens and dozens of victims. I have talked to and spent hundreds of hours with prosecutors—military prosecutors, women and men, veterans, commanders, active and retired—and just as there is not agreement among all the women in this Chamber, there is not agreement among all the victims, there is not agreement among all the veterans, there is not agreement even among all the commanders, although most women commanders have acknowledged that even though this sounds seductively simple, it is much more complicated, and we will be creating more problems than we will be solving if we make the change as advocated by Senator GILLIBRAND.

Let's get at what we are trying to do. We have no disagreement that there are too many of these crimes and that they are not reported enough—complete agreement. The goal here is how do we get more reporting. There is a theory that if we do this—if we take this decision away from any command at all to go forward, that that will magically have victims come forward.

Senator GILLIBRAND talked about our allies. I am grateful we have their experience because we can look and see what happened. Our allies have done this, and not in one instance has reporting gone up. We know this is not the silver bullet because if it were, we would have seen an increase in reporting in all the countries that have adopted this system.

The response systems panel was put in place by the Armed Services Committee to recommend to the Pentagon changes in this area. We know they have formally acknowledged that our allies—many of whom did this to protect defendants' rights—have not seen an increase in reporting.

If the theory is that reporting can only go up if we do this, then why are we seeing a spike in reporting right now? There is a 46-percent increase of

reporting this year over last year. That is because some of the military are already putting in the reforms we are codifying in the underlying bill. They are giving victims their own lawyers. They are ramping up the protection, information, and deference they give victims. That is the single most important factor, based on all of my experience, that will dictate whether a victim has the courage to come out of the shadows, and finally that somehow doing this will stop retaliation. That unit is still going to know that that crime was reported.

Keep in mind that currently, and under our reforms, the victim does not have to report to the chain of command. Right now the victim does not have to report to the chain of command. Many of my colleagues didn't realize that a victim has many places they can report this crime. Under our reforms, they will immediately get a lawyer and have that level of protection immediately. They will also have the information that they don't have to report to the chain of command.

I am trying to understand how reporting, investigating, and deciding half a continent away—a group of lawyers making that decision—stops retaliation. How does that keep the people in your unit from acting inappropriately toward you because you have reported a crime? There is nothing magical about that. In most instances the word will get out.

Let's use our common sense. Say you are back in your unit after having been assaulted. Which way are you going to have more protection? Will you have more protection if a group of colonels a half continent away is looking at the facts of the case or if your commander has signed off? Of course, if your commander has signed off, because that sends a message to the unit: We are getting to the bottom of this.

Probably the most telling fact about this debate is: Is this happening now? Because at this time outside investigators investigate these cases, and outside JAGs make recommendations. We have that in our system now. So the question is: If these outside lawyers are recommending that we go forward based on their independent investigation, are commanders shutting them down? Are commanders saying: We will not go forward? No one can find me a case where that happened and the prosecutors said: We need to go and the commanders said no.

On the other hand, over the last 2 years, there have been 93 separate times the outside lawyer said: You know, this case is too weak, this case doesn't have enough facts—93 times. You know what happened in every one of those cases? The commander said: We are going to get to the bottom of it. So almost 100 victims over the last 2 years would not have had their day in court under Senator GILLIBRAND's proposal.

In Senator GILLIBRAND's proposal, when the lawyer says no, it is over, whereas, in our proposal, if this were to ever happen, even though we know this is not a problem now, we have review after review after review. No one is going to be able to turn a victim away from her day of justice without accountability, checks and balances, and oversight. There will be a difference in that unit because now retaliation is a crime and the commander is going to be evaluated on how they are handling this issue within their command.

There are also practical problems—and some of my colleagues will come to the floor today and talk about this. There are a number of implementation issues that I don't think have been thought through, and this is the real world here. We are talking about appeals and challenges. We are talking about not even having enough colonels right now to staff this. We are talking about risking the ability to get a speedy trial. We are talking about eliminating the ability to plea bargain.

Let me tell the Presiding Officer, having handled these cases, I think people sometimes make the assumption that a plea bargain is about copping out, it is about not protecting the victim. Talk about stories of victims, I can tell story after story of real people whom I dealt with who came forward and said: Yes, I think I can do this.

I will never forget this one woman who came to me and said: My mental health counselor said that testifying in court will set me back so far I can't do it, but can you get something on him? In those instances, do you think that defense lawyer is going to plead to a sexual offense or even a serious offense? But many times we were able to get something on him so the next time, if it happened, we at least had a better shot. Many times plea bargains are dictated by victims. Military prosecutors are telling me this, that it will really limit their ability and create serious due process concern.

In her proposal, this outside lawyer picks everybody—picks the defense lawyer, picks the jury, and picks the prosecutor. How is that going to stand up to a due process claim? It is not clear who picks the judge. That is left silent. I don't know who picks the judge. It is not clear. That is another question: Who is going to decide who is going to actually pick the judge?

It eliminates the option of nonjudicial punishment. Take the case of the Air Force airman who was just recently tried in civilian courts. He was initially charged with a sexual offense. It was reduced to a simple assault. If that had been within the military, they couldn't have done that because it wasn't a serious offense so it goes back over to the convening authority within the command and then that soldier knows they are not going to do a trial—they can't—and all he has to do is turn down nonjudicial punishment.

Some of these difficulties will be explored in more detail, as I say, throughout the day.

Here is the one I don't understand. If a person believes deeply in the policy he or she is advocating, why in the world would that person then proactively limit the ability to resource it? In the language of the Gillibrand amendment, it actually says there shall be no funds authorized for this, no personnel billets authorized for this. The military has estimated over \$100 million a year just in personnel costs because they have to create a completely different system outside the system they currently have, which will still be operative for some offenses that are related to the military and that are low-level offenses. But we have to have a whole new system for arson, robbery, theft, murder, and for sexual assault. Yet she proactively in her amendment says we can't resource it. That is truly one that makes me scratch my head.

There are a lot of problems surrounding this amendment, but let me emphasize our goals are the same and our motives are pure. We believe—and we believe this is borne out by the data—we will have more prosecutions because it will be very easy for lawyers who are a long way away—overworked, underresourced—to say: This is a consent case. It is a little messy. Everybody was drunk. Let that one go, and then it is over.

Let me briefly talk about what we have in our amendment because it is also very important, once again empowering victims further. In our amendment we are going to allow victims to formally weigh in, whether they would prefer, if there is concurrent jurisdiction, for the civilian authorities to handle the case in addition or whether they would rather the military authorities handle the case. It strengthens the role of the prosecutor because it provides another layer of review over the prosecutor's decisions. It increases the accountability of commanders making this evaluation on their forms and adding that other layer of review. It eliminates the good soldier defense. It is irrelevant whether someone is a good pilot if they have sodomized or raped someone in the military, and our amendment will make it irrelevant and inadmissible.

I thank the Presiding Officer for the time. I know we have others who want to visit on this, and I will be happy to be back later in the day to talk specifically about some of the other issues in this bill.

I do not see anyone else here right now, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, as we wait for our colleagues to join the floor so they can have their floor time, I wish to address a few of my colleague's concerns.

Some of the technical concerns she raised—we actually took some of those concerns and revised them in the bill that has actually been presented, so some of those concerns have been actually fully addressed.

For example, as to her concern about the convening authority, the disposition authority, our bill is very specific. The disposition authority is the decisionmaking authority. That goes to the trained military legal prosecutor, the JAG counsel, so they actually get to make the decision about whether to proceed to trial on the evidence.

The convening authority, which is a different right, a different duty, is left intact as it is. So the convening authority still will decide judges, juries, and all the details of what the court and the trial will look like. It is two separate authorities in two separate places. That has been clarified in the bill so there is no concern there.

One other concern my colleague raised is this issue of nonjudicial punishment. Our bill is very specific. We exclude 37 specific crimes, including all article 15 crimes, all of the crimes that one would be using nonjudicial punishment to enforce. If the disposition authority decides they do not want to prosecute the case because they don't have enough evidence to go forward, it goes directly back to the commander to use the benefit of the nonjudicial punishment to do whatever kind of punishment he or she thinks is appropriate.

So those are just two technical issues my colleague raised that I think are very important to clarify.

Then the third issue Senator McCASKILL raised that I think is a misunderstanding of the bill is about this world away problem. Today, in our bill, compared to the current system, the reporting is the same. One can report anywhere. One can report to a chaplain or to a friend or to a nurse or to a doctor. One can report anywhere. That is not changing. The reporting is exactly the same.

What also is exactly the same is the investigation. So once a person does report, whether to a chaplain or to a commander, investigators will be sent to investigate the case, whether in Iraq or Afghanistan or Germany or anywhere. That stays exactly the same. So it doesn't matter, this world away, because the investigators go to the person. It is not a different set of investigators; it is the exact same set of investigators, and the commanders are

still responsible to make sure the investigators do their job. So the commander has to be protecting the victim and has to be making sure the unit is not retaliating. He has to make sure the investigator has access to the evidence, and he has to make sure the command climate stays strong with good order and discipline. That never changes. Those commanders are always responsible for good order and discipline and command climate.

The only difference under this bill is after the investigation is completed and there is a file—a file of evidence—it doesn't go sit on an O6 commander's desk. An O6 commander is colonel and above, so quite a senior commander. He may not even be in Afghanistan or Germany or exactly where that crime has occurred. The O6 commander will look at the file and decide: Has a crime been committed and is there enough evidence to go forward?

Instead of that commander making that decision, this bill proposes that it will be a trained military prosecutor, so it doesn't matter what desk the file goes on. What does matter is whether the person whose desk that file goes on is objective. What matters is that person is actually trained, understands the law, understands the nature of the crime, can weigh the evidence and make a decision based on the evidence, not whether he likes the victim or values or doesn't value the perpetrator. Those biases are what is affecting the system negatively today.

So that is why the world away is not a concern, because the investigation proceeds exactly as it always did. The only difference is on whose desk it goes to make the ultimate legal decision.

Then, lastly, back to this issue of whether commanders are being held accountable. Commanders are held accountable. We actually have it in the underlying bill. Not only is retaliation now a crime, but they will be measured, as Senator BLUNT said, on whether their command climate is strong. Is the command climate strong enough to make sure these rapes aren't happening? Is your command climate strong enough to make sure retaliation of a victim doesn't happen? Is the command climate strong enough to make sure victims believe justice is possible?

So they will be evaluated and commanders will be held accountable.

I don't think it is appropriate to hold a commander accountable based on whether he weighs the evidence properly. That is a legal judgment. It is not based on whether a person is tough or not tough on these rapes. It is based on whether there is enough evidence to show that a crime has been committed. It should be a technical, legal decision, not a decision based on how tough one is on crime. That is not the measurable. It is just not the measurable.

So commanders are going to be held accountable for their command cli-

mate, for good order and discipline. Whether they make a legal decision up at the colonel level is not determinative as to whether they have done their job. The commanders who are getting the opportunity to make those legal decisions today, they are not doing a bad job. Of those 3,000 cases reported, 1 in 10 went to trial. That is not a terrible ratio. The ones they do choose to move forward, there is a 95-percent conviction rate.

Yes, I agree in those 100 cases, where the commander said move forward, the conviction rates weren't as high. Some of those cases had convictions and some did not, and those are excellent opportunities for the victims to be heard. But we don't want just 100 more cases going forward; we want tens of thousands of cases to be reported so they have a chance to go forward. It is the difference of thousands, and that is why I feel this reform is so necessary. Still, in light of all of the amazing reforms in the underlying bill, I think it is necessary because that crisis of confidence is so raw, is so real, is so present.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Mr. President, I rise to speak about the NDAA which is currently on the floor. I wish to address a couple of issues. One I am passionate about is the veterans unemployment rate and how it is dealt with in the NDAA, another is shipbuilding, another is the critical issue of sexual assault and misconduct and, finally, sequester.

Before I begin, let me talk about how important this bill is. This is a bill the Senate has passed every year for over 50 years. We pass it every year, even if we can't pass a budget, even if we can't do other things, because it is so critical to show those who serve in the military that we are behind them. I have heard some indications, even within the last 24 hours, that because of so many amendments that might be possible on this bill, would that call into question whether we would be able to keep our streak going. If we have to be here Christmas Day, we need to be on the floor Christmas Day to make sure we pass this bill before the end of the year. It is that important. It is the most important bill that comes before this body, and we need to do everything we can to guarantee the certainty to those who serve.

In Virginia, we are so connected to Active-Duty service and to our veterans. My wife and I are a Blue Star Family. This is very important and we have to make sure we pass this bill.

Let me start with a personnel issue that matters a lot to me, which is the veterans unemployment rate. Right now it is unacceptable that veterans, especially enlisted, who have served in

Iraq and Afghanistan have an unemployment rate that is higher than the national average.

A report that was issued last week by the Bureau of Labor Statistics states that the unemployment rate for veterans who have served since 9/11 remains around 10 percent, which is higher than nonveterans of the same age. Ten percent represents 246,000 individual veterans of that era who want to work but don't have it.

That is why I introduced as my first legislation in April the Troop Talent Act of 2013. A companion bill in the House was introduced by Representative TAMMY DUCKWORTH. The bills have been incorporated into the NDAA's in both Armed Services Committees. They are now on the floor and virtually identical.

The bill represents a strategy to deal with our veterans unemployment rate by making sure Active-Duty military receive civilian credentials for the skills they obtain in the military at the moment they obtain them.

The bill has a number of provisions. My colleagues on the Armed Services Committee were good enough to include them in the underlying bill. This bill will help us deal with the veterans unemployment rate, and that is one of the reasons I so much wanted to get to it and am so strongly supportive.

Second is shipbuilding. The Presiding Officer and I both have a real interest in this topic, as all Americans do. It is an area of great importance to the State. In Virginia we manufacture the largest items on the planet Earth, which is the nuclear aircraft carrier, at the Huntington Ingalls Shipyard in Newport News.

As the Defense Department reorients, resources its strategy toward Asia, we have to find the Navy bearing more and more of the operational burden of our military in that policy shift, and we have to continue to provide the Navy with adequate resources and funding through this provision to support that shift and to support shipbuilding.

Unfortunately, sequestration—and I will finish with sequestration in a minute—poses grave dangers. So we need to do what we can to maintain this priority for shipbuilding. Right now the sequester has reduced our normal level of three carrier strikers and three amphibious ready groups, which weakens our readiness to deal with challenges in a very challenging world. We have to maintain the priorities mandated and the NDAA does that and that is one of the reasons I support it.

Regarding the issue of sexual misconduct, 2014 is going to be remembered as a potentially historic year for a good reason in the military. I wish to make sure history is good and is not clouded by our continued inability to grab onto and reduce the issue of sexual misconduct.

Earlier this year, I know Members of this body were very happy when Sec-

retary Hagel and the military leadership embraced the proposition that women should be able to serve in the military without being barred by gender from any military specialty, that military specialties could have rigorous physical or training criteria, but that both men and women should be able to compete to serve in any military specialty, even combat-related specialties.

We will be remembered—2014 will be remembered—for that. But that memory will fade by comparison if what we are really remembered for is we missed an opportunity, an important opportunity, to tackle the important issue of sexual assault.

I congratulate Senators GILLIBRAND and McCASKILL for all the great work they have done to bring this to the attention of the body and to look the military in the eye and say: This has to stop.

They have said it would stop over and over for 20 years, and it has not. This has to be the moment when it stops, and these Senators, working together with us on the Armed Services Committee, have put together a sizeable package of reforms that I am confident will help this time be different.

I also thank the brave victims who testified. I went to every hearing in the Senate on the sexual assault issue. Senator GILLIBRAND had a Personnel Subcommittee hearing. I was there for that entire hearing. Senator LEVIN had a hearing in Armed Services. I was there for nearly that entire full-day hearing. Committee markups in the Subcommittee on Personnel and the full committee—I have been to all the meetings.

I have heard these victims testify. How brave they are as survivors to come forward and testify. I also thank survivors in Virginia who have come and shared their stories with me personally so I could grapple with what is the right mix. These survivors have done a wonderful job in making sure we address this issue.

I tackled the issue of sexual assault in a way when I was Governor. We were treating victims of sexual assault in the civil justice system poorly in Virginia. We were not unique in that, but there was no excuse for it.

So I impaneled a group of advocates and survivors to look at Virginia law and tell us what we needed to change if we were going to try to deal with this scourge. One of the problems with sexual assault is—together with domestic violence—it is often a very under-reported crime.

If somebody breaks into my apartment, I do not hesitate to call the police and say: There has been a break-in. If somebody bashes my car windshield in, I do not hesitate to call in and say: Look, a crime has been committed.

But crimes of sexual assault and crimes of domestic violence—and there

tends to be on overlap, not completely but there is an overlap—are crimes where there is underreporting, in both civilian and military, and on college campuses. So one of the most important aspects in any reform is to create an environment where people feel they can come forward with a complaint, when they have one.

The statistics are well known. They have just been cited on the floor. By a statistical sampling, it has been estimated there have been 26,000 instances of unwanted sexual conduct, of sexual assaults in the military, and only 3,000 have been reported. We have to make sure these reforms we are about to embrace help us deal with this reporting issue so people feel a sense of comfort.

What we realized in tackling these issues in Virginia is that for people to feel comfortable with reporting sexual assaults, they have to have time. You cannot make them make the decision about reporting in an instant. There is often a psychological component about deciding what to do. There needs to be privacy and discretion and confidence, and there also needs to be advice and resources. People need to know: what are the avenues they have. What are the legal procedures, how do they look, and what are their rights if they decide to pursue a complaint.

I support the ongoing bill that is on the floor, and I will support some other proposals that are out. The McCaskill-Ayotte proposal I will support. I support the reform for a number of reasons. It affects the training and evaluation of military personnel. It affects the way sexual assault allegations are investigated, the way they are prosecuted, and the way they are punished. It protects witnesses.

An amendment Senator WARNER and I got into the bill—and we will be adding to it on the floor—protects whistleblowers who blow the whistle on an unfortunate or sexually harassing climate.

But the most important part of this bill is what the bill does for anyone who has been victimized by a crime of sexual assault—to create a climate where they can come forward and lodge a complaint.

In the military right now there are a number of avenues whereby somebody who has been victimized by a crime of sexual assault can lodge a complaint. Unique in this form of crime, there is a restricted report, where someone can come forward and report confidentially. That is very, very important.

But this bill adds to it what I think is the core of driving up reporting, which is salutary. It adds to it, also, something that would be unique in the military. It would exist for no other crime category, no other offense category. If someone complains of a sexual assault, they will be assigned a special victims' counsel, whose job it is to have their back, to hear the painful

story, to share the various reporting mechanisms, counseling resources that are available, how the crime might be prosecuted. At every step along the way, as that victim is becoming a survivor and dealing with the challenge, that special victims' counsel will be there to help them make decisions and give them the backup and support they need.

This is based on a pilot project in the Air Force, a pilot project in the Air Force that is working. What we are finding, based on this pilot project in the Air Force, is even when people file complaints in a restricted, confidential way—they come in and say: I want to file a complaint, but I don't want to go against the perpetrator because I don't want people to know; I just want help—after they get a special victims' advocate and learn about the proceedings and learn about the protections, and they build up a bond with somebody who has their back, they are very likely to say: You know what, now I have the confidence to actually file my complaint publicly and take on the perpetrator—who needs to be taken on, who needs to be drummed out of the military if they committed a sexual assault.

So I believe the core of getting this right is about giving victims an avenue where they can have the time, they can have the advice, they can have the privacy and discretion to understand what their options are and then make a decision and go forward.

I think if we pass this bill with that special victims' counsel this will be the single best thing we will be able to do to tackle the crime of sexual assault.

Let me conclude by saying a word about sequestration.

A word that none of us knew before the beginning of 2013 has been spoken so many times on the floor of this body. No one intended for sequestration to happen when the votes were cast in the summer of 2011. Everyone was told across the board: Nonstrategic cuts to health care, domestic accounts, and to defense would be harmful to us. We have seen the harm that sequestration is doing to our Nation's military at a time when our military is getting more and more dangerous.

Indiscriminate across-the-board cuts are not only hurting all kinds of military priorities, they are also sending the signal to young men and women who are thinking about military careers or who are in the military and deciding how long they want their careers to be—they are sending them a signal that Congress does not value what they do.

We need to show the men and women of the military we value what they do. We need to show them by getting an NDAA bill done this year. We need to show them by ending sequestration. Will there be savings we can find in our defense spending? Of course. We ought

to be looking at every item of government to determine whether we can do better and save money. But this across-the-board sequester that is grounding air combat wings, that is grounding carrier units, that is making us less able to confront a more challenging world, is not behavior befitting of the greatness of this Nation.

I am a budget conferee right now, working on a budget deal. We are under a Senate- and House-imposed deadline to try to find that deal by December 13 so the appropriators can work on a budget. We will work diligently on that. I have an optimistic sense about finding a budget deal that enables us to replace this foolish sequester with a more strategic approach that will not hurt our military.

Mr. President, I thank you for the time and I now yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I want to, first of all, thank the chairman of the Armed Services Committee and the ranking member, Senator LEVIN and Senator INHOFE, for the leadership they have provided to this body and to our Nation in fashioning a bill, the National Defense Authorization Act for Fiscal Year 2014, that truly serves our national security and preserves and enhances our national defense.

I want to thank my colleague Senator MCCASKILL for the leadership she has provided, along with others, such as Senator REED and Senator GILLIBRAND, all who have focused on the issues that are raised by the Military Justice Improvement Act—the need to reform and strengthen our system of prosecuting and providing justice to the survivors of sexual assault.

I have joined with Senator GILLIBRAND in supporting the Military Justice Improvement Act because I think it embodies the kind of major reform that is necessary to provide enhanced confidence and trust in this system of military justice—major change that is needed to drive out the scourge of military sexual assault from our Armed Forces and provide the men and women of our military—the strongest and best military in the world now and in the history of the United States—with a system of military justice that matches their excellence.

The legislation before us, the National Defense Authorization Act for Fiscal Year 2014, provides much-needed equipment and training needed by our warfighters. It keeps us dominant across the globe and all of the domains

that are necessary for our national defense. It authorizes two new attack submarines for the coming fiscal year, and it keeps us on track for developing the next generation of ballistic missile submarines. These weapon systems, these weapon platforms, and all that is contained in this act, are vitally important for the defense of our Nation. The debate about the Military Justice Improvement Act should in no way distract us from that mission to maintain and enhance the defense of the United States.

This bill enables the Air Force to move forward with a new combat rescue helicopter that will take injured airmen and others to safety. In June I wrote with five of my colleagues to Gen. Mark Welsh, the Air Force Chief of Staff, to support the Air Force in its efforts to replace the current fleet of HH-60G Pave Hawks with helicopters that can carry more and go further, all the while keeping the fuel efficiency and value that the H-60 aircraft provides. This legislation keeps our progress underway in the development and fielding of the Joint Strike Fighter that will assure that our Air Force, Navy, and Marines are ready to respond.

This bill has so many critical and valuable elements that should be at the forefront of this debate and evoke appreciation for Senator LEVIN and Senator INHOFE and the work done by my colleagues on the Armed Services Committee. So I am proud to support this bill. At the same time, Congress has a responsibility to transform the time-worn slogan of “zero tolerance for military sexual assault” into a real plan and strategy that will achieve that goal.

For years and years the military has promised zero tolerance toward sexual assault. Yet the actual achievement has fallen short. That is why reporting has been so low and why the crime of military sexual assault is not only underreported but underprosecuted.

The goal of the Military Justice Improvement Act is to improve reporting because without reporting there cannot be investigation and there cannot be prosecution, which means there can be no punishment and no prevention and protection.

Those are the goals of this major reform: better reporting and enhanced prosecution to deter this horrific crime, and to make sure that victims are better protected and the crime itself prevented.

This bill requires the Secretary of Defense to afford rights to victims of crimes prosecuted under the Uniform Code of Military Justice, such as protections from unreasonable delay and the right to be heard. This bill gives those protections even without the Military Justice Improvement Act. It also obligates the Secretary of Defense to ensure these rights are enforceable

and affords every victim a special victim's counsel—again, measures on which there is consensus provided in the bill right now.

I am pleased that in response to my request to the defense appropriations committee, when this provision is authorized in this legislation, there will be \$25 million appropriated to stand up this program systemwide and defensewide.

So the legislation before us has many good things even without the Military Justice Improvement Act. I am proud of the reforms that are accomplished in this bill on which we agree. Where we disagree is on the proposal to take prosecutorial decisions out of the chain of command. That is a narrower change that many people appreciate because the rest of the system, which is required for the present command and control authority, would be essentially maintained. What is taken out of the chain of command is simply the prosecutorial decision so that an experienced, trained, objective professional can make those decisions.

I really believe this measure, if adopted, as I hope it will be, will lead the military at some point—those commanders who may resist it now—to actually thank the Senate and the Congress for taking these decisions out of their hands so that they can focus on the incredible challenges of military readiness and preparedness, so they can do what they are trained to do, which is to train their men and women and maintain and enhance their readiness so that they can do professionally what is their prime mission, which is to fight wars and defend our Nation.

These decisions about prosecuting sexual assault cases can be better made by trained, experienced prosecutors who have the expertise in their field that our military commanders have in their field. I think it will serve the entire interests of our military to make sure that these decisions are made by those military professionals in JAG offices, just as they are trained in other areas of expertise that require that kind of training.

I am listening to the voices of the victims as to what will enhance their reporting and eliminate their fear of reprisal and retaliation. On Monday I was joined by four survivors of military sexual assault to discuss the need for reforming military justice. I wish to express my appreciation for Army SST Sandra Lee, Army SGT Cheryl E. Berg, Air Force SSgt Pattie Dumin, and Marine Corps Cpl Maureen Friedly. Each demonstrated that day that their shared experiences of military justice warrant the reforms contained in the Military Justice Improvement Act.

I would like to share just one—Marine Corps Cpl Maureen Friedly, who was sexually assaulted by a fellow marine in 2006 while attending the Navy School of Music. She pressed charges

against her attacker and requested an unrestricted investigation. I will now read her words into the RECORD:

I went to an NCIS investigator who questioned me about the day I was attacked and, after hearing my testimony, told me that I would have to take a lie detector test to insure I was not filing falsely. I agreed to it but was never asked anything by my investigator again. My chain of command made it very clear that they preferred my attacker, who was a platoon leader, over me and supported him through everything. When I graduated from the school and went to my duty station in San Diego, CA, my new chain of command tried to help me find out what had happened to my case as I had not heard about it for several months. A few weeks passed before we found that my paperwork had been mishandled, and I was told that nothing could be done and my attacker would go out to the fleet.

Eventually it was found that he had sexually assaulted several other women and he was administratively separated from the Corps, not charged, and not given a dishonorable discharge.

Her remarks say more than I ever could about the need for enacting the Military Justice Improvement Act. The reforms contained in the measure already are a vitally important step in the right direction. Taking these decisions out of the chain of command is important to good order and discipline because eliminating the crime of sexual assault and providing for greater reporting is vital to good order and discipline. Our experience shows that it has worked when our allies implemented it. Whatever the claims about numbers of cases reported in those allies' armies, clearly they are satisfied with the way it has worked there.

Finally, let me just say that I appreciate the bipartisan efforts on this bill on both sides. I think that eventually we will see this kind of reform. Whether or not it is approved today, history is moving in this direction, demanded and driven by the brave men and women who have suffered from this crime, the survivors and victims whose voices we have heard, and the commanders and veterans who have come forward to us, all of the major veterans organizations that have made their voice heard to us and who wholeheartedly have said: This kind of reform is necessary to vindicate and support the brave men and women who put their lives on the line for our Nation day in and day out, whose excellence should be matched by a military justice system that truly and really looks for zero tolerance and achieves zero tolerance in sexual assault.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN.) The Senator from Oregon.

Mr. WYDEN. Madam President, before he yields the floor, I wish to commend my colleague from Connecticut in terms particularly—and I am going to go into some of the history with respect to this so-called zero tolerance policy because I think when we look

back over history, there is a very big gap between the past pledges of zero tolerance for sexual assault and the realities of what we have seen. That is one of the key points the Senator from Connecticut has made, among many others. I thank him for it. It was a very valuable presentation.

I also commend the Presiding Officer for her extraordinary work. Again and again, she has outlined what I think is very constructive; that is, the areas where there is common ground here, common ground to try to address an issue that I just went through with Senator BLUMENTHAL. We have heard past pledges about it, and it has not really come to be. The Presiding Officer has done very fine work. Senator GILLIBRAND, Senator McCASKILL, Senator AYOTTE, I know the best, but a whole host of Senators have been interested in this issue. I also see my friend from Rhode Island Senator REED. He and Senator LEVIN have been very interested in this issue over the years. So there has been plenty of good work. I think the question now really is: How are we going to make a fundamental break from policies that over the last couple of decades simply have not worked?

Go back to the Tailhook scandal. That was in 1991. Over the course of a 4-day conference in Las Vegas, more than 100 Naval and Marine Corps aviation officers sexually assaulted 90 victims. We watched the Secretary of the Navy resign after Tailhook. His replacement said that "sexual harassment will not be tolerated" and that "those who do not get the message will be driven from our ranks."

Then there was the Aberdeen debacle 5 years later. Five years after we were told this would not be tolerated, 5 years later, we had the Aberdeen debacle. Army Secretary Togo West delivered remarks to the Senate Armed Services Committee titled "There's a Problem, And We Mean To Fix It."

Once again, years go by, and we have another such problem. That was the 2003 scandal at the Air Force Academy where 19 percent of women cadets reported having been sexually assaulted and 7 percent reported having been the victim of a rape or attempted rape. The Air Force Secretary told Congress, "We will not tolerate in our Air Force, nor in our Academy, those who sexually assault others; those who would fail to act to prevent assaults."

So, again, we heard—and certainly I am not here to doubt the sincerity of those who made those comments, but yet the pattern continues. We have a horrible set of sexual assaults, not just one but multiple ones. We have these pledges for zero tolerance. Yet we have one event after another. After the 2003 scandal, there were again the pledges of zero tolerance. We had the Joint Base San Antonio-Lackland scandal where some 30 training instructors



were accused of offenses ranging from improper relationships with trainees to sexual assault and rape. In response, the Secretary of Defense said—as did many of his predecessors in the military—“the command structure from the chairman on down have made very clear to the leadership in this department that this is intolerable and it has to be dealt with. We have absolutely no tolerance for any form of sexual assault.”

So the pattern through all of these instances is “zero tolerance. We will fix this.” These comments—as I say, I do not question the sincerity of those who made them. These were officials in the military who served their country with great distinction and great valor. But the bottom line is the bottom line: When they said there would be zero tolerance, somehow those policies did not actually work as it related to real life for those who wear the uniform of the United States.

Today the military officer in charge of sexual abuse education at Fort Hood is under investigation for running a prostitution ring. Two Navy football players await trial in a military court on charges of sexual assault. Today a West Point sergeant stands accused of secretly videotaping female cadets in the shower. So it seems to me that because of the good work of so many here—I cited the Presiding Officer; Senator REED, who is managing the bill at this point; Senator GILLIBRAND; Senator MCCASKILL—I believe we are now in a position to finally make some significant changes and turn these past pledges of zero tolerance into a new reality that really ensures that those who wear the uniform of the United States do have a new measure of protection from sexual assault.

In effect, this is a new zero tolerance policy, a new policy that says: Zero tolerance for promises that go unfulfilled. Zero tolerance for a culture in which these assaults are treated as something less than the violent crimes they are. Zero tolerance for a system that continues to fail so many victims.

The Pentagon estimates that in 2012 some 26,000 servicemembers experienced sexual assault. Some, I know, have looked at this issue as sort of a glorified hazing matter, boys being boys, a discipline issue.

Senator FISCHER, one of our colleagues who has come to the Senate most recently, has been correct to point out this is not a gender issue, this is a violence issue. It is a violence issue because sexual assault is called assault for a reason. It is assault. We are talking about a violent crime that involves control and domination.

I think it is also worth noting that somewhere in the vicinity of close to half of military assault victims are men. In fact, the Department of Defense estimates that 14,000 of those 26,000 victims last year were men.

Colleagues are waiting to speak, and I would simply wrap up by way of saying that I think the bill, the committee bill, takes some constructive steps in the right direction. I wish to see it go further. It is why I joined a bipartisan group of colleagues to support Senator GILLIBRAND’s legislation that would remove the decision to prosecute from the chain of command and give it to experienced, impartial military lawyers.

Suffice it to say we are going to have to come to grips, colleagues, with this question of assault—and particularly sexual assault—in a variety of forums.

This is not the place to discuss it, but yesterday Senator CORNYN, I, and Senator KLOBUCHAR introduced a fresh approach to dealing with sex trafficking, which is also sexual assault. There will be an opportunity to discuss that bipartisan bill in the future.

This is the time. This is the time to close the gap between all of those unfulfilled promises about how there will be zero tolerance for sexual assault and a new reality that affords a new measure of protection from sexual assault for those who wear the uniform of the United States. This is the opportunity we have in the Senate today and the opportunity we have to achieve that goal in a bipartisan manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. When sexual abuse occurs in a military unit or when a servicemember is a victim or a perpetrator of sexual abuse, we have failed.

Certainly the military has failed, but Congress with its constitutional mandate to “make rules for the government and regulation of the land and naval forces” and to “provide for . . . disciplining the militia” shares in that failure.

This is why the efforts of Senator MCCASKILL, Senator GILLIBRAND, and indeed all of my colleagues are so important and so commendable. They have elevated this debate and challenged this Congress and our military to act. They have recognized, through their passionate advocacy, that sexual abuse not only is a violation of an individual, but it is a corrosive force that can undermine the trust that is essential for the functioning of any military unit.

The essence of military service is selfless service in which every soldier, sailor, marine, and airman must be prepared to give his or her life for a comrade. Sexual abuse is the antithesis of that ethic. It represents predatory behavior and exploitation, not selfless sacrifice and protection of those you serve with. It has no place in the military, and if not eliminated, it will insidiously destroy our military. No technology, no amount of military resources can assure military success if courage and character fail. Sexual

abuse is a cowardly act that betrays the ethic and character of the military.

I believe we are united on this point. This debate is about preventing sexual abuse, a shared goal of every Member of the Senate, of Congress, of the military, and of this Nation. The question is how best to achieve this essential goal.

I believe it requires leadership at every stage: recruitment, training, evaluation, promotion, retention, and punishment. I believe commanders must be involved in every step. They must be responsible and their subordinates must recognize this responsibility and their authority. To remove the commander from any of these responsibilities will, in my view, weaken his or her effectiveness in every one of these dimensions.

I had the privilege of commanding a company of paratroopers in the 82nd Airborne Division. I was responsible directly for nonjudicial company-grade punishment under the Uniform Code of Military Justice. But it was clear to me and to my troops that the battalion and brigade commanders and the division commander had court-martial authority and would necessarily confer with their subordinate commanders in the execution of this authority. This reality, this authority, permeated everything we did and reinforced the policy orders of every commander, including myself.

I will admit that my experience is decades old, and it preceded the integration of women into combat units such as an airborne infantry battalion, but the central role of the commander has not diminished. Moreover, the experiences of the sixties and the seventies also reveal a military struggling with serious and corrosive problems, principally racial integration and drug use. Congress ultimately dealt with these problems, not by bypassing commanders but by holding them, and through them every member of the Armed Forces, to a higher standard.

Today the American military is the first institution anyone points to when noting the progress we have made in racial equality and opportunity. This was not always the case.

Incidents with racial overtones plagued the Vietnam period [and the post-Vietnam era]. Among the most widely publicized were a race riot among prisoners in a stockade in Vietnam in 1968 and several incidents aboard naval vessels in the early 1970s.

In one of these incidents in 1972 on the carrier *Kitty Hawk*, there was a 15-hour melee between Black and White sailors. Effectively, that carrier, that ship—a capital ship of the Navy—was absolutely ineffectual. They weren’t prepared to fight the enemy, they were fighting each other.

In May of 1971, there were 4 days of rioting at Travis Air Force Base in California ignited by racial incidents on the base; over 100 individuals were

arrested and more than 30 Air Force personnel were treated for riot-related injuries. The Marine Corps saw serious racial clashes at Camp Lejeune, NC, and Kaneohe Naval Air Station in Honolulu. In the Army, especially in Germany, there were frequent racial clashes.

In December of 1970, a special investigating team reported to President Nixon on the situation in Europe and declared that black troops were experiencing "acute frustration" and "volatile anger" because of their treatment.

Interestingly, this report cited as a major cause of this frustration "the failure in too many instances of command leadership to exercise the authority and responsibility in monitoring the equal opportunity provisions that were already a part of military regulations. . . ."

The military has made significant progress on racial opportunity. I am sure more can and should be done, but the progress to date has been driven principally by command leadership at every stage, including the enforcement of the Uniform Code of Military Justice.

The point was made by Charles Moskos and John Sibley Butler, two of the utmost authorities on race relations in the military. In 1996 they wrote:

Perhaps surprisingly, no Army regulation deals solely with race relations or equal opportunity. Instead, these issues fall under Army Regulation (AR) 600-20, whose broad concern is "Army Command Policy." This title is more than symbolic. The Army treats good race relations as a means to readiness and combat effectiveness—not as an end in itself. This is the foundation for the Army's way of overcoming race. Racial concerns are broadened into a general leadership responsibility, and commanders are held accountable for race relations on their watch.

Once again, the emphasis is on commanders, not specialized legal procedures that bypass commanders. My best judgment is we will make the most progress addressing the issue of sexual abuse by holding commanders accountable, not by excluding them from a critical aspect of military life.

Under the leadership of Senator LEVIN and Senator INHOFE, the Armed Services Committee made significant changes to provisions regarding sexual abuse in the military. Moreover Senators MCCASKILL, AYOTTE, and FISCHER will make additional changes in their proposed amendment that will further strengthen our commitment and ability to respond to the crisis of sexual abuse in the military. But it is also important to describe the ongoing efforts by the Department of Defense to deal with sexual abuse in the military.

I am drawing on testimony of LTG Flora D. Darpino, the Judge Advocate General of the Army, and she described policies effective in the Army, but generally there are equivalent procedures in the other services.

The Army began a major effort to combat sexual abuse beginning in 2004 with the creation of the Sexual Assault Prevention and Response Program, the SAPR Program, and the implementation of restricted reporting. This allows victims of sexual assault to confidentially disclose a crime to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process.

This program has evolved into a comprehensive effort "fielding a capability of over 11,000 personnel, deployable and available 24 hours a day," to respond to the victims' needs.

Included in the procedures available under the SAPR Program are new reporting options for the victim, expedited transfers, access to victim advocates and, most recently, access to victim counsel.

In addition, this program has a significant educational component that "saturates Soldier training from the first days of initial entry training to senior leader forums." The training focuses on bystander intervention and is linked to "Army values that bond Soldiers as a team." It reinforces the military ethic of selfless service over predation and self-gratification.

"In 2009, the Army recognized the need for improved training and resources for the prosecution of these crimes." Special Victim Prosecutors were created in the Judge Advocate General's Corps and sexual assault investigators were created in the Criminal Investigative Division, CID. Together, these specially trained and experienced professionals work only special victim cases. They are able to apply unprecedented expertise. In addition, all JAG prosecutors and defense counsels have received enhanced training regarding cases of sexual abuse.

With all of these changes, Lieutenant General Darpino still identifies the commander as the "critical" element. In her words: "The most critical element of this institutional effort, however, is the focus of commanders."

As such, she points out:

The Army, like the other services, has moved aggressively to hold commanders accountable for setting a command climate that encourages reporting, deplores conduct that degrades or harasses individuals, and provides a safe environment, free of retaliation, for victims after they come forward. To support this effort, officers and commanders are receiving enhanced training at every level. Specifically, "the officers entrusted with the disposition of sexual assaults, withheld to the O-6 (Colonel) Special Court Martial Convening Authority, are required to attend Senior Legal Orientation Courses at the Judge Advocate General's Legal Center and School with a focus on the proper handling of sexual assault allegations. General officers, who will serve as convening authorities, are offered one-on-one instruction in legal responsibilities, again with a focus on sexual assault."

Most significantly, in my view, and most recently, the Secretary of the

Army, on September 27, 2013, directed that every officer and noncommissioned officer will be rated on how well he or she "fostered a climate of dignity and respect and adhered to the Sexual Harassment/Assault Response (SHARP) Program."

Secretary McHugh and General Odierno have made it clear that commanders and senior leaders are responsible. Their advancement, their retention, their standing in the Army will rest with an annual, explicit, written review of their efforts to combat sexual abuse.

I wish to return for a moment to my discussion of the racial challenges facing the Army while I served. Let me also return to the comments of Charlie Moskos, the most respected academic authority and also an Army veteran. In 1986 he wrote:

More important for blacks than the new race relations curriculum was the revision of the efficiency report, a performance evaluation that carries a lot of weight in all promotions. Starting in the early 1970s, a new category appeared in the official report for officers and NCOs: race relation skills. Filling out this section was mandatory and the requirement was rigorously enforced. More blacks received promotions. Some officers with a poor record on race were relieved of command. All of this set a tone. If for only self-interest, Army officers and NCOs became highly sensitive to the issue of race. Today—

He is talking about 1986.

one is more likely to hear racial jokes in a faculty club than in an officers' club. And in an officers' club one will surely see more blacks.

I think we have made great progress, finally, by focusing on the evaluation and efficiency reports that every officer and NCO must receive each year.

Now in the context of what the military is doing to combat sexual assault and in the context of glaring examples of what it is not doing and what it is failing to do, the Armed Services Committee adopted provisions that should rapidly and dramatically combat sexual abuse within the military. The Secretary of Defense has already taken administrative steps to implement some of these provisions. Senator MCCASKILL will offer additional provisions with her amendment that I wholeheartedly support.

It is important to recognize the comprehensive and critical nature of these provisions that are already in the National Defense Authorization Act—from improving measures to prevent sexual assault, to protecting victims when it does happen, and strengthening the judicial process to discipline those who commit such heinous crimes.

The bill makes important changes that will improve the prevention of sexual assaults. First, the bill prohibits the commissioning or enlistment of individuals convicted of rape, sexual assault, forcible sodomy, or incest, or attempting to commit these offenses.

Second, the bill requires the Secretary of Defense to report on whether legislative action is required to modify the UCMJ to prohibit sexual acts and contacts between military instructors and their trainees.

The next step is to ensure that all servicemembers understand how they can and must prevent and respond to incidents of sexual assault. Each of the services is conducting a variety of training programs on sexual assault prevention and response. This bill requires the Secretary of Defense to conduct a comprehensive review of the adequacy of this training and to then prescribe in regulations such modifications to address any inadequacies identified by this review. The bill also requires the Secretary of Defense to review the adequacy of the training, qualifications, and experience of individuals assigned to positions responsible for sexual assault prevention and response, to retrain or reassign any individual who does not have adequate training or qualifications, and to improve the requirements for selection and assignment to sexual assault prevention and response billets.

Servicemembers who have been sexually assaulted or raped should have every resource available to report the incident, to receive care, and to see that justice is done. In crafting this bill, the committee acknowledged that many victims do not report such incidents because of a fear of retaliation from their peers and leaders. So this legislation includes a provision that makes retaliation against servicemembers for reporting criminal offenses a punishable offense under the Uniform Code of Military Justice. This will ensure that both victims and witnesses to such crimes are able to report the occurrence without facing retaliatory action or threat of such action. This bill also requires the DOD inspector general to review and investigate allegations of retaliatory personnel actions for reporting a rape, sexual assault, or sexual misconduct.

Next, the bill expands certain existing protections to victims who are members of the National Guard and Reserves, and members of the Coast Guard. First, it requires the service secretaries to ensure that members of the National Guard and Reserves have access to a sexual assault response coordinator not later than 2 business days following the request for such assistance. These coordinators explain the reporting process, address the victim's safety and security needs, and offer expertise and available services, including medical care, counseling, and legal support.

Second, it clarifies that an existing requirement for the expedited change of station or unit transfer requested by a victim of sexual assault also applies to members of the Coast Guard.

The bill requires the service secretaries to provide a special victims'

counsel to provide legal advice and assistance to servicemembers who are victims of a sexual assault committed by a member of the Armed Forces. This resource was initially created by the Air Force, in a program that began in January of this year. Since the committee's markup of this bill, Secretary of Defense Hagel has directed each of the services to implement such a program. This provision will codify administrative action that has already been taken.

The bill also authorizes the service secretaries to provide guidelines to commanders regarding their authority to temporarily reassign or remove from an assignment a servicemember on active duty who is accused of committing or attempting to commit a sexual assault offense, not as a punitive measure but solely for the purpose of maintaining good order and discipline within the member's unit. In addition, the bill directs the Secretary of Defense to provide information and discussion of this authority as part of the required training for new and prospective commanders at all levels of command.

The bill also makes several changes to further strengthen the judicial process. First, the bill eliminates the element of the character and military service of the accused—the so-called good soldier defense—from the factors a commander should consider in deciding how to dispose of an offense.

I should add that Senator MCCASKILL's amendment further limits the defendant's use of good military character as evidence.

Second, the bill requires the defense counsel in courts martial to make requests to interview complaining witnesses through the trial counsel, and, if requested by the witness, requires that defense counsel interviews take place in the presence of the trial counsel, counsel for the witness, or outside counsel. This is to protect against the abuse of this process.

Next, the bill changes Article 60 of the UCMJ to limit the ability of a convening authority to modify the findings of a court-martial to specified sexual offenses. In other words, this provision eliminates a commander's ability to overturn a jury's conviction for sexual assault, rape, and other crimes.

Additionally, the bill requires a mandatory minimum sentence of dismissal or dishonorable discharge of a servicemember convicted of a sexual assault offense.

The bill also eliminates the 5-year statute of limitations on trial by court-martial for certain sexually related offenses, and requires that substantiated complaints of a sexually related offense resulting in a court-martial conviction, nonjudicial punishment, or administrative action be noted in the service record of the servicemember, regardless of the member's grade.

Importantly, the bill maintains and strengthens the role of commanders in the judicial process. During the markup of this bill, the committee adopted an amendment on a bipartisan basis that preserves the ability of commanders to initiate court-martial proceedings. Removing this authority, which some of our colleagues advocate, would weaken accountability and undermine efforts to combat sexual assault. Commanders have the responsibility to train their subordinates, they are charged with maintaining good order and discipline within their units, and they are responsible for the safety of the men and women they lead. The commander is essential to instilling among the members of his or her unit that sexual assault and related behaviors will not be tolerated and will be adjudicated.

The bill includes several provisions that address the role of the commanding officer. First, it requires commanding officers to immediately refer to the appropriate military criminal investigation organization reports of sexually related offenses involving servicemembers in the commander's chain of command. Next, the bill requires automatic higher level review of any decision by a commander not to prosecute a sexual assault allegation, with the review going all the way to the service secretary in any case in which the commander disagrees with the military lawyer's recommendation to prosecute.

If a legal counsel advises prosecution, and the commander does not do it, ultimately it will be resolved by the service secretary. Most commanders do not want their decisions reviewed by the service secretary. I think this will add more sense and more purpose to their efforts to combat sexual abuse.

All of these changes take significant steps forward in addressing these horrible crimes. However, we must remain committed to further improving both prevention and response. That is why the bill includes several provisions related to the review that is currently under way by the independent panel created by last year's Defense authorization bill—the Response Systems to Adult Sexual Assault Crimes Panel. This committee is assessing the systems used to investigate, prosecute, and adjudicate crimes involving sexual assault. The bill we are considering today assigns additional issues to be considered by this panel and requires the panel to produce its report no later than 1 year from its first meeting, which occurred in July, rather than 18 months, as originally laid out in last year's law.

As I mentioned before, Senators MCCASKILL, AYOTTE, and FISCHER are proposing an amendment that further strengthens all of these provisions that are already in the committee's bill. First, their amendment requires the

special victims' counsels to advise victims of the advantages and disadvantages of their cases being prosecuted in a civilian court with jurisdiction or through the Uniform Code of Military Justice. The victim may express his or her preference, and this preference must be afforded great weight in the determination to prosecute the offense by court-martial or by a civilian court.

The amendment codifies the decision by the Department of the Army to evaluate the performance of soldiers in adhering to the standards regarding sexual assault prevention and response. It extends this provision to every service in the Department of Defense. As previously noted in the context of race relations, this provision is likely to make a profound and lasting contribution to the prevention of sexual abuse. That is what we are about here—preventing sexual abuse. This could be one of the key drivers in that effort.

The amendment also improves accountability of commanders by requiring that a command climate assessment be performed after an incident involving a covered sexual offense, as defined in the legislation, for both the command of the victim and the command of the accused, if they are in separate commands, or a single assessment if they are in the same command. These assessments will be completed promptly and provided to the military criminal investigation organization conducting the investigation of the offense concerned and to the next higher commander in the chain of command of the affected unit.

You will know, if you are a commander, if there is an incident in your unit that all the details will be known by your battalion commander, your brigade commander, your division commander, and all the way up. That will be another strong incentive to make sure that nothing happens in your unit. That is part of the amendment proposed by my colleagues.

This provision, particularly in conjunction with the requirement to evaluate servicemembers' compliance under the official report, will go a long way to provide the accountability and the emphasis on commanders to do their jobs.

GEN Bruce Clarke, a distinguished officer wounded in the Battle of the Bulge and who was awarded the Silver Star—one of the great heroes of the U.S. Army—famously instructed his units that, in his words, “an organization does well only those things the boss checks.” Well, we are checking each individual to make sure commander and noncommissioned officer—they are doing their best. We are checking each unit, if there is an incident in that unit, and we are living up to the advice of General Clarke. It will get done because, finally, it will be checked consistently, thoroughly and appropriately.

The amendment also establishes a confidential process that will enable a victim of a sexual assault who is subsequently discharged to challenge the terms or characterization of his or her discharge in order to correct possible instances of retaliation. This provision will help ensure that a discharge accurately reflects the service of the individual, taking into consideration the effects of sexual assault and also helping to remove the concern that reporting sexual abuse could influence the character of a military discharge. Reporting such a crime should never influence the character of a military discharge.

The amendment strengthens the role of the prosecutor in advising commanders on courts martial. The committee language requires the civilian service secretary review all cases where a commander does not choose to prosecute when his or her legal counsel/judge advocate recommends prosecution. The amendment extends that mandatory review if the prosecutor recommends prosecution and the commander demurs. In effect, if either the prosecutor or the legal counsel/judge advocate recommends prosecution and the commander demurs, the case will automatically be referred to the civilian service secretary. You will have the highest ranking civilian in the uniform service making the final call. Every commander will know that.

The amendment modifies the Military Rules of Evidence to prevent defendants from introducing evidence of good military character as a general defense of a charge. Such evidence may only be admitted if that trait is relevant to an element of the offense for which the accused has been charged. Too often, the good soldier defense has been seen as overcoming specific evidence directly related to a crime. This appearance undermines the essential perception that a verdict is determined by direct evidence supporting the elements of the crime, not the previous reputation of the defendant. This provision builds upon a section of the underlying bill that eliminates the character and the military service of the accused from the factors a commander should consider in deciding how to dispose of an offense.

Finally, the amendment ensures that all of the protections of this legislation are extended to the cadets and midshipmen of our service academies. The McCaskill-Ayotte-Fischer amendment strengthens the committee bill. Through enhanced accountability of commanders and additional changes to the Uniform Code of Military Justice, we will strengthen prevention and prosecution of sexual abuse.

Those who argue for the exclusion of the commander from the judicial process point to the policies of our allies, including Canada, the United Kingdom, Australia, and Israel. These countries

have removed commanders as convening authorities and use independent military or civilian prosecutors to make charging decisions. While it can be useful at times to draw comparisons between our Armed Forces and those we serve alongside, there are several points to be made with respect to our military justice system that do not align.

First, none of these countries changed their system in response to a sexual assault crisis among their ranks or to protect rights of victims more generally. In most cases the system was changed to protect the rights of the accused.

Second, none of the allies can draw a correlation between their system and any change in reporting by victims of sexual abuse. Many argue that removing the commander as the decision-maker will remove a significant hurdle that victims face in deciding whether to report sexual assaults. There is no statistical or anecdotal evidence that removing commanders from the charging decision has had any effect on victims' willingness to report crimes in these judicial systems among our allies.

In materials provided to the Response Systems Panel, the deputy military advocate general for the Israeli Defense Force noted an increase in sexual assault complaints between 2007–2011, attributing no specific reason for the increase but noting that it could represent an increase in the number of offenses or it could be a result of campaigns by service authorities to raise awareness on the issue.

Similarly, the commodore of Naval Legal Services for Britain's Royal Navy has assessed that recent structural changes to their military judicial system had no discernible effect on the reporting of sexual assault offenses.

Third, the scope and scale of our allies' caseloads are vastly different, primarily because of the much greater size of the U.S. Armed Forces. For example, the Canadian military only tried 75 to 80 courts-martial last year, which is roughly comparable to one U.S. Army division's annual caseload. But several of our allies who have changed their military justice system have indicated that the changes have resulted in the process slowing down and taking longer. Frankly, that is one of the issues victims have raised in terms of why they aren't reporting and why they are so terribly frustrated—because of the length and duration of the process.

Furthermore, most allies cannot conduct courts-martial in a deployed environment. BG Richard Gross, the legal counsel to the Chairman of the Joint Chiefs of Staffs, stated in a letter:

One critical feature of our justice system is its expeditionary nature—the ability to administer justice anywhere in the world our forces deploy.

Notably, the Army alone tried over 950 cases in deployed areas over the past 10 years. In one case in Iraq, four soldiers committed multiple crimes in a single night. The commander referred all four soldiers to court-martial, and they were charged with consuming alcohol, breaking into local Iraqi homes, and stealing property and money from the locals. Because the commander in Iraq had authority to refer these cases to trial, the first trial was underway within 2 months of the incident. All of the co-accused and many defense witnesses were in the same unit, and local Iraqis were available as fact witnesses. Because the commander had a fully deployable military justice system at his disposal, he was able to send a strong message to the unit that such conduct would be dealt with swiftly and decisively. Simultaneously, he was able to restore positive relations with the local community.

The Army has also cited instances of allied soldiers committing sexual assault crimes against U.S. soldiers, and because of the allied nation's system removing the authority of the chain of command and removing the process from the battlefield, our commanders would demand but not receive timely information on the status of any prosecution. We had a soldier victim, and they could not find anything about the process that was going on.

Tragically, sexual assault is a crime that historically is underreported, and this is not only with respect to the military. The Rape, Abuse, and Incest National Network cites Department of Justice crime surveys that show that an average of 60 percent of assaults in the last 5 years were not reported to police. However, in numbers released earlier this month, DOD showed that more servicemembers are coming forward to report sexual assaults. From October 2012 to June 2013, 3,553 sexual assault complaints were reported to DOD. That is a 46-percent increase over the same period a year ago. These cases include sexual assaults by civilians on servicemembers and by servicemembers on civilians. A significant number of the reported incidents occurred before the victim had even entered military service.

Another argument for removing the commander's authority is that independent JAGs or even civilian authorities will prosecute more cases. However, statistics show that commanders from all services have exercised jurisdiction and pursued courts-martial for sexual assault cases over the determination of civilian authorities. Over the last 2 years, Army commanders have exercised jurisdiction in 49 sexual assault cases the local civilian authorities declined to pursue, and 32 of those cases were tried by court-martial, resulting in 26 convictions. The U.S. Marine Corps exercised jurisdiction in 28 sexual assault cases, all of which were

tried by court-martial, and 16 cases resulted in conviction. This goes on throughout every service.

Commanders also have an interest in pursuing a court-martial as a way to demonstrate the seriousness of the crime and its impact on unit discipline, not merely because of the quantity or quality of evidence that a crime occurred.

On June 4 the Armed Services Committee held a hearing on the legislative proposals to address sexual assault in the military. We heard from four colonels from the Army, Navy, Marine Corps, and Air Force. They all spoke about the importance of seeking legal advice from their command judge advocate and having the responsibility to adjudicate crimes within their command.

COL Donna Martin, commander of the Army's 202nd Military Police Group Criminal Investigation Division, stated:

It is of paramount importance that commanders are allowed to continue to be the center of every formation, setting and enforcing standards, and disciplining those who do not. The commander is responsible for all that happens or fails to happen in his or her unit.

She went on to say:

The Uniform Code of Military Justice provides me with all the tools I need to deal with misconduct in my unit from low-level offenses to the most serious, including murder and rape. I cannot and should not relegate my responsibility to maintain discipline to a staff officer or someone else outside the chain of command.

When asked about whether a commander might be more likely to pursue a court-martial than even an outside independent officer because of the desire to send a message to his or her unit, Marine Colonel King replied that he considers "achieving justice for whatever crime was committed and also the message that I send to the thousands of Marines that are actively watching what's going on. So I can, even if I fail to achieve a conviction at whatever level, still send a powerful message to them that this kind of conduct, even alleged, even not proven, is completely unacceptable."

Col. Jeannie Leavitt, commander of the 4th Fighter Wing, stated:

I could absolutely see the scenario where a prosecutor may not choose to prosecute a case or recommend prosecuting a case because of the likelihood of conviction. However, as the commander, I absolutely want to prosecute the case because of the message it sends so that my airmen understand that they will be held accountable. And then we'll let the jury decide what happened in the case and whether or not it will be convicted. But that message is so important, whereas an independent prosecutor may not see the need to take it to trial if the proof is not necessarily going to lead to conviction."

Additionally, our service JAGs have expressed several concerns about the proposed amendment my colleague from New York is introducing. I will

take a moment and talk about the amendment.

I thank and commend Senator GILLIBRAND because without her persistence and passion, we would not be here today. She perhaps has done more than anyone else to focus our attention on this incredibly heinous crime done to individuals and the threat to good order, discipline, and efficiency of the military.

Her objective—the elimination of sexual abuse in the ranks of our military—must be our objective, and it must be realized. She and her cosponsors have determined, in their view, that the removal of the commander from the application of the Uniform Code of Military Justice for a wide variety of offenses is the best approach to achieve the goal of ending sexual abuse in the military, but, as my previous comments clearly indicate, I disagree. Indeed, given the nature of military service, which is significantly different from civilian life, I believe that without the active involvement of commanders in every phase of military life, this goal cannot be effectively and rapidly achieved.

The approach in the amendment proposed by my colleague from New York poses significant problems in practice that could unwittingly complicate rather than accelerate efforts to end sexual abuse.

The amendment attempts to divide crimes designated by specific articles of the UCMJ into two broad categories: traditional military offenses subject to command adjudication, such as AWOL and insubordination, and a broad category of serious offenses that would typically constitute civilian criminal offenses, such as murder, robbery, and rape and sexual crimes. In fact, here is a chart depicting the division of the articles of the Uniform Code of Military Justice.

This second category of offenses would be removed from command adjudication and would be referred to an independent prosecutor. This independent prosecutor must be at least a full colonel with "significant experience in trials by general or specific court martial" and be "outside the chain of command of the member subject to such charges."

This bifurcated system—especially considering the scope of crimes excluded from the chain of command—will have profound effects on the ability of commanders and units to function effectively.

Let's take the case, which is not uncommon, of a soldier who writes five checks on five separate occasions for \$30 each to the PX knowing he doesn't have the funds to cover his purchases. The Criminal Investigations Division investigates and informs the commander. Under the Gillibrand amendment, the CID must refer this case to the independent prosecutor because it

falls under article 123a. These are referred to special prosecutors if they fall under the category. The five separate incidents, although they individually have a maximum punishment of 6 months, would be charged together, leading to 30 months, which exceeds the 1-year threshold for the Gillibrand amendment. As a result, this would be sent forward to the special prosecutor.

I hardly think that charging this soldier for writing bad checks is the intent of the Gillibrand amendment, but it will be the effect. It also raises the very practical questions of how the independent prosecutor will deal with an onslaught of cases like this when the expectation is that he or she will be focused on sexual abuse and other serious crimes, such as murder. There is a practical issue: Are you going to take a bad check case when you have 15 pending attempted murders, assaults, rapes, et cetera? That is a practical issue, and I think the answer is probably no.

Under the amendment, the independent prosecutor has the choice of convening a special court-martial or a general court-martial. A special court-martial consists of a panel of at least three members or, at the servicemember's election, a military judge sitting alone. There is a prosecutor, referred to as the trial counsel, and a defense counsel. In comparison, a general court-martial is the military's highest level court where servicemembers are tried for the most serious crimes—roughly analogous to a civilian felony court—and the maximum punishments are increased.

Before any charge can be sent to a general court-martial, an Article 32 investigation must be conducted, which is a hybrid of a civilian grand jury proceeding and a preliminary comprehensive discovery proceeding. The Article 32 investigation is intended to be more than a mere formality; it is a valuable right for the accused and a source of information for the commander. The general court-martial may consist of a military judge and not fewer than five members or a military judge alone if the defendant chooses. Capital cases require 12 members.

As we can see, these proceedings are intensive in terms of time, in terms of commitment of military personnel, and in terms of investigatory efforts. In fact, the average length of special court-martial proceedings ranges from 3 to 5 months. General courts-martial can take anywhere from 5 to 8 months. In cases involving sexual assault, both special and general courts-martial take longer—an average of 9 months. Again, this is probably going to delay the process, not accelerate the process.

Given the time and resources involved in a general or special court-martial, in the case of a young soldier writing bad checks and the longstanding practice of reserving general

and special courts-martial for the most serious offenses, I seriously doubt that an independent prosecutor would take this case. At some point, the independent prosecutor will inform the commander, which raises another issue. If this notification is delayed extensively, there is a related problem of what to do with the soldier under suspicion. Do you deploy him or her subject to recall? Do you leave him behind? So all of these issues are important.

The independent prosecutor's decision is binding on any applicable convening authority for a trial by court-martial on such charges. It is binding on every commander. The amendment, however, does attempt to preserve authority to punish these types of offenses by declaring that the independent prosecutor's decision "shall not operate to terminate or otherwise alter the authority of commanding officers" to employ a summary court-martial or to impose nonjudicial punishment under Article 15 of the UCMJ. But this authority is absolutely an illusion.

Under the UCMJ, every soldier has the right to turn down a summary court-martial or an Article 15. Once he is informed by counsel that he will not be subject to a general court-martial or a special court-martial, and he can turn down a summary court-martial and article 15, the soldier will invariably refuse the summary court-martial or article 15. Ironically, in doing so he will demand a court-martial. But the commander cannot comply, as he can now, because he has already been preempted by the independent prosecutor.

This scenario will play out over and over again. A unit is plagued by a series of barracks thefts which, if unchecked, erodes good order and discipline. The commander has information that one soldier is boasting about ripping off people but he has no other evidence. During a routine health and welfare inspection, an iPhone valued at over \$500 and reported missing is found in the boasting soldier's room. Under the Gillibrand amendment, the commander must refer the case to the independent prosecutor and again you will have the issues of whether the independent prosecutor takes such a case, and if not, the likelihood that the accused will refuse a summary court-martial or an Article 15 and walk free.

Incidents like this—and this is not the intent of the legislation, but this is what will happen—will erode unit cohesion and raise questions at least implicitly: Who is really running the unit? The commander? An unseen and unknown JAG, hundreds of miles away? Or individual soldiers who may appear to be violating the rules with impunity?

This question is important here, but it is critical when a commander has to order soldiers to do dangerous things,

and ultimately, that is what commanders have to do and soldiers have to have no doubt that the commander, he or she, is fully in charge.

As I referenced earlier, the bifurcation of the articles of the UCMJ poses significant challenges. The problem with the drafting of this amendment complicates not just cases of common theft, not just issues that you say we could throw out, but the very issue of sexual assault we are trying to address.

Let's take another example of a married couple, both of whom are Active Duty servicemembers, who get into a shouting match in their quarters on post. The husband stabs the wife with a kitchen knife and knocks her unconscious. She provides a statement to CID but later retracts it. They have another argument which results in his assaulting her with an attempt to commit rape. Under the Gillibrand amendment, the first offense of aggravated assault, Article 128, would have to be referred to the independent prosecutor to decide whether to send the case to a court-martial, while the offense of assault with intent to commit rape, which is specified under Article 134, is exempt from the Gillibrand proposal and would be referred to the chain of command. Assuming both the independent prosecutor and the independent commander seek a general court-martial, this particular victim will now have to have two separate Article 32 hearings, two subsequent courts-martial, at least doubling the number of times she must recount her nightmare and prolonging the administration of justice.

The accused will demand and likely get two separate panels for each set of offenses, thus doubling the number of officers unavailable for their duties in the command and more than doubling the administrative, personnel, and witness costs associated with the general court-martial.

This is a situation where, rather than streamlining, reinforcing, and clarifying the military's efforts to deal with sexual assault, we have confused them, we have delayed them, and we have put commanders in the position of competing with independent prosecutors. This is not going to add to the solution on a practical basis of how we deal with sexual assault.

We know so many of the men and women in our Armed Forces serve our nation selflessly. Every day they are prepared to give their lives. Sexual assault is the antithesis of this ethic. It has no place in the Armed Forces, and if not eliminated, it will insidiously destroy our military. I believe preventing sexual abuse requires leadership at every stage and that commanders must be involved in every step. I believe that we will make the most progress in addressing this issue by involving and holding commanders accountable, not by excluding them from a critical area of militarily life.

We have worked extensively to include provisions in this bill that will improve the prevention of sexual assault, the protection of victims, and the prosecution of perpetrators. We must pledge to do more, to continue our oversight of these programs and make further changes if needed. We owe it to all those who bravely and honorably wear the uniform of our Nation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, first, let me thank Senator GILLIBRAND for her leadership on this issue of sexual assault in our military. I support her amendment. I believe we need to look at a new way to deal with this issue so there is not only confidence within the military but within our country that sexual assault will not be tolerated in our military and that we have an effective way to deal with it. I thank Senator GILLIBRAND. It is quite clear, as Senator REED said, without her leadership we would not be having these discussions on the floor of the Senate today. I applaud her for that.

TRIBUTE TO MAJOR NATE SOMERS

Mr. CARDIN. Madam President, we are now dealing with the NDAA bill, the National Defense Authorization Act, and it is our opportunity as a Senate to weigh in on one of the primary roles of government and that is the security of our country, how we can support our men and women in our military service to make sure they have the best equipment and the best support and live up to our commitments to our veterans when they return to civilian life. It is an awesome responsibility. I know each of us in our own capacities need to rely on outside help in order to be able to carry out this responsibility.

We have staff. In my case I have been blessed to have a detailee from the Department of Defense from the Air Force. That person is Maj. Nate Somers. I mention that because he will be leaving my assignment very shortly, within the next week or so. I wanted to take this time to let my colleagues know, but also to let all the people know, that these detailees who are assigned to our office play a critical role. He has helped me in developing provisions that are in the National Defense Authorization Act and amendments that we are offering that deal with military health issues, that deal with regional security concerns, that deal with the impact of sequestration and how we can deal with the impact of sequestration and that deal with human rights issues with U.S. leadership globally as well as within the military.

To say the least, I could not have done this as effectively as I needed to on behalf of the people of Maryland if it were not for Maj. Nate Somers. He comes to this assignment with an in-

credible background. His military record is unbelievable. Major Nate Somers has dedicated his life to serving our Nation. Nate started his career with the U.S. Air Force in 2001 when he graduated and received his commission through the Officer Training Program at Mississippi State University. He also, I might add, has two master's degrees. Nate then went on to serve in Arkansas, Florida, and Virginia, and was deployed in support of both Operation Iraqi Freedom and Operation Enduring Freedom. Prior to joining my office, Major Somers served as liaison between the Air Combat Command and the Air Force Legislative Liaison Director on issues ranging from constituent inquiries to weapons systems.

Over the course of his incredible career, Major Somers has earned 17 different major awards and decorations, including the Meritorious Service Medal and the Air Force Commendation Medal. His receiving these awards comes as no surprise to those who know him. Nate demonstrates his extraordinary service to our Nation and to our Armed Forces each and every day.

There is hardly a day that goes by that I am not better informed because of his assignment to my Senate office. To say that Major Somers will be missed is an understatement. Nate has truly been an integral part of my staff. Whether ensuring our Maryland veterans get the services they need or advising me on complex defense issues, there was no task Nate would not do or could not do in order to help our office. The Air Force should be proud of the extraordinary talent they have in Maj. Nate Somers. I thank him for his service to this Nation.

I also want to take this opportunity to thank Nate's wife and sons for sharing Nate with the Senate and for his service to the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska

Ms. MURKOWSKI. Madam President, yesterday morning I was pleased to be able to come to the floor of the Senate and join with a good, strong, group of women from both sides of the aisle to express our joint commitment—really the commitment of every Member of this body—to address the scourge of sexual assault, sexual misconduct within the military.

I thought it was a good way to start off the debate yesterday on the issue of sexual assault within the military, recognizing that some are in different places in terms of how we deal with these very important issues. But ultimately the goal of each of us is the same. The goal is that we make things right for those who are serving our Nation, and that when it comes to instances of sexual assault, military sexual trauma, sexual harassment, that really there is no place in our military for this.

We use different terminology when we are discussing the issue of sexual misconduct in the military. How we define what we are seeking to eradicate is important. We have used the more generic term sexual assault probably more often to describe the problem that we need to address, but I suggest that definition is probably a bit too narrow. I prefer to use the term military sexual trauma, which is the term that the VA, the Veterans Administration, uses to describe a spectrum of harms. Their term, the VA's term, military sexual trauma, means "the trauma resulting from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving."

I prefer this term because it emphasizes the various traumas that can occur, both with and without physical assaults and batteries. This definition also calls to our attention the fact that whatever the instrument of trauma there are psychological scars that need to be addressed. These are psychological scars that can last a lifetime. I think it is fair to say that this spectrum of scars is broad and it is deep.

I have looked very carefully at the work that came out of the Senate Armed Services Committee. I have looked at Senator GILLIBRAND's amendment very carefully. I have considered all that is being incorporated in the Defense Authorization Act. Again, as I mentioned yesterday, I am pleased with how in so many different areas we have been working together to address these issues of military sexual trauma.

I am a supporter of Senator GILLIBRAND's approach to ensure justice for victims of military sexual trauma. Today, I would like to explain some of the reasons why I have chosen to support that approach.

The current system of military justice relies upon the individual decisions of commanders for a decision on whether or not an offense is to be punished, and which charges are to be brought. In our complex military there are many commanders. We all know that. While our code of military justice may be uniform, I think we are seeing strong evidence that its implementation is anything but uniform.

Senator GILLIBRAND's approach ensures that charges will be investigated and that the charging decision will be made by disinterested military prosecutors. Decisions will be made by disinterested prosecutors whose only interest is that the perpetrators account for their actions, that victims' interests are protected, and that the integrity of the process is paramount. I think that this is very important. I think this is a breath of fresh air.

The recent experiences I have had, as a Senator from Alaska, with the transparency of decisions made within the chain of command leaves much to be



desired. Unfortunately, we have learned about these situations from what we read in the headlines, and it makes you say: Oh my gosh. I cannot believe this is happening in our military.

It makes your stomach turn. We are not hearing this from the chain of command. We are reading this in our newspapers. We are seeing this reported in the media, and that is the first time we hear of them.

Case in point: The 49th Missile Defense Battalion, which operates our Nation's missile defense at Fort Greely. The missile defense establishment at Fort Greely is a very important facility for us in Alaska—as well as for the Nation. Last spring it was widely reported that unlawful fraternization among certain members of the battalion—rising up into the chain of command—was creating an uncomfortable situation for those who were not part of what I would describe as the in-crowd at Fort Greely.

Just when I thought I understood what was going on at Fort Greely—after I was told not to worry and that everything was all fixed—there was a bizarre series of events which showed up on my doorstep. The complainant, who was a member of the Alaska National Guard, was involved in a child custody dispute with another member of the Alaska National Guard. For reasons I don't understand, the complainant's chain of command decided to inject himself into this custody dispute by causing the complainant to be detained in an electrical closet on a secure U.S. military base for a period of days in order to deny him lawful visitation with his children. It is also alleged that DOD civilian police and Fort Greely military police were complicit in these actions.

All of this is detailed in a sworn affidavit, which the complainant submitted to my office.

You just have to shake your head. Are we supposed to call this military justice? Maybe it is frontier justice. Maybe it is military justice in the last frontier. I don't like it, and I don't think we should ever accept it.

I asked the Army CID to look into this incident because it was my impression then that an unlawful denial of one's freedom is a criminal offense. I understand that the complaint my office forwarded was not pursued by the Army CID, but was referred to the Space and Missile Defense Command.

I am most appreciative that an investigation was pursued, but one might legitimately ask the question: How did it end? What was the outcome of this story? I don't know. Alaskans don't know. We don't know. Neither I nor the individual who sought the investigation has been informed of the outcome, just that the chain of command had looked into it. Where is the transparency?

The complainant has been told he needs to file a Freedom of Information Act request in order to get an answer. None of this sits right with me as an example of how the chain of command is an impartial, unbiased, and vigorous protector of victims. I am not able to see that in this instance. In this case it is alleged that the chain of command were either the perpetrators or complicit with the perpetrators.

Think of the message that sends. Fort Greely is a very small installation. Folks pretty much know what is going on at smaller installations. We know of this incident. It has been reported in the papers. We were told the chain of command has looked into it, but then nothing happened after that.

I would like to suggest that this is the only incident that has come to my attention, but that is not the case. Literally, less than a month ago, on October 27, the Anchorage Daily News reported on allegations that were made by senior Alaska National Guard chaplains of pervasive and longstanding sexual assault and sexual misconduct within Guard ranks.

There were allegations of some 26 different sexual assault and sexual misconduct incidents that were reported in the news. The chaplains become aware of these incidents through their own observations and through complaints that were brought to them by Guard members.

I had an opportunity to ask senior leaders of the National Guard Bureau what they knew about this situation. I asked them when they found out about this situation. You know what the answer was? They read about it in the news clippings. Really? I mean, it just stuns me to hear this after we heard about how we have this system—throughout the chain of command—that has been addressing this issue. Somewhere there is a broken link in this chain.

When the media finds out first and reports about it, and the senior leaders here are unaware of 26 different allegations, it just causes one to wonder.

It is a truism of management that if you want a problem managed, you have to know about it. You have to measure it and let your subordinates know that their performance is being evaluated on that measure.

So answer this question: How can the Secretary of Defense and our senior military leaders ever hope to manage the critical problem before us when the deplorable facts—and I am not talking about the number of complaints—are buried within a decentralized and far flung chain of command? How can I develop any sense of comfort that those who were responsible for these hideous activities have been brought to justice and not just simply moved around the military? It does cause one to wonder.

It is a horrible truth that we are still dealing with in Alaska, but we have all

heard—and are very aware—of the widespread allegations of child sexual abuse within the Catholic Church. We have come to learn that the Church, in fact, was aware of many of these allegations. Unfortunately, for a period of time, the way they handled the problem was to move the offending clergy to other places. Some of them were moved to the State of Alaska. If they acted inappropriately in an urban community, they were shipped out to a bush community—a very remote place.

Out of sight, out of mind, and free to offend again. That is not responsibility. That is not accountability. That is not how it should be done within the church, and it certainly should not happen within our military.

We have all shared many different victim stories here on the Senate floor. I want to add that the more this issue of military sexual trauma and sexual assault has been discussed on the Senate floor, more victims have come to speak to me.

I was in my home State 2 weeks ago for a big outdoor community event. It was a pretty cold Saturday afternoon. I was approached by a woman who had seen me from across the street. She was attending a conference at the time. She came across the street and into the town square. She was not wearing a coat. She wanted to make sure that I knew she too had been a victim but had not had the strength to report the crime. She just left the service.

She said to me: Don't give up on this because I had to step down from my military career and the perpetrator stayed on, and as he stayed on, he continued to be promoted. Her plea to me was: Please don't let that continue.

I want to share another story that is very personal to me. I think all of us as Members of the Senate know what a privilege and honor it is to nominate qualified constituents to attend our Nation's service academies. The military stands very tall in the eyes of Alaskans, so in my State these nominations are highly competitive.

Last spring I became aware that one of my nominees who was accepted into one of the service academies and did phenomenally well was sexually assaulted at the academy. I was following this young woman because I knew her family.

She graduated and was commissioned, but now the burden of dealing with the fact that she was not protected from the crime has caused her to resign her commission. She put 4 years of very hard work toward a military career, and now that career is in the garbage.

I contacted her recently. She is a strong woman, but her dreams have been completely dashed by what she experienced.

Many of my colleagues know I have taken a keen interest in the work of our service academies. I served for a

short time on the Board of Visitors of one of the academies, but I was not aware of the trauma my constituent had suffered until she contacted me long after graduation. I don't recall any substantial discussions about issues like this during my tenure on the Board of Visitors. It needs to be discussed. It not only needs to be discussed but action needs be taken to eliminate instances like that from ever happening.

These issues are all current issues, but not all of these issues are new. Earlier this year I came to know a woman by the name of Trina McDonald. At one point in time she had the opportunity to live in the State of Alaska as a servicemember. So many of our servicemembers who have been stationed in Alaska want to stay for life. They want to retire there because they love it. Unlike many of her colleagues, Trina chose to try to forget everything that had been attached to her service in Alaska. She prefers to forget that experience. That is because she was sexually assaulted while serving in my home state.

Many of you may have seen "The Invisible War." Ms. McDonald speaks of the experiences she had when she was assigned to the Navy and stationed at Adak, which is now a closed naval base on the Aleutian Chain. This happened about 20 years ago. Trina asserts she was repeatedly drugged, raped, and ultimately dumped in the Bering Sea by superior officers.

What did the chain of command do? Trina states that she had no place to turn because both the police and her superiors were the perpetrators. What do you do? Where do you go? Where is the redress? It pains me to think that the issues, which today are very high in the attention of this body, have been out here for 20-plus years. I have listened to my colleagues on the floor talk about the Tailhook scandal, and we have talked about so many of the other high profile instances where we have heard our military leaders say, Never again; never again; zero tolerance. They are using all the right words.

It really does cause us to ask the question: Are we to attribute this cycle of violence we are seeing to attention deficit on the part of us here in Congress or attention deficit on the part of our military leaders? This is not what zero tolerance looks like. Whatever the case, I think it is going to take some very strong medicine to break through this powerful attention deficit we have seen historically.

Incremental steps, in my view, don't cut it anymore. For the young woman, again, whose military career is no longer; the woman I met out in the cold 2 weeks ago who gave up her dream and has just had to stand by and watch her perpetrator ascend his career ladder, incremental measures don't cut it.

I think it is time for profound change. I think the amendment offered by the Senator from New York, while it is strong medicine, and I acknowledge that, I think it is the right tool for what we are dealing with at this time.

With that, I thank the Presiding Officer and I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Iowa.

**MR. GRASSLEY.** Madam President, I wish to reiterate my strong support for Senator GILLIBRAND's reforms to the military justice system. I am proud to be an original cosponsor of this act, and I should add it has been a pleasure working with Senator GILLIBRAND on the issue. Her passion and commitment to rooting out sexual assault in the military ought to be inspiring to all of us, and watching how she negotiates and how she lobbies for her ideas can teach all of us a good lesson.

I should also add that I appreciate the work of the Armed Services Committee, which added a large number of commonsense reforms to the underlying bill. In fact, some of them are so commonsense that one has to wonder why the military hasn't adopted them already or, if need be, asked for legislation to do so before now.

For instance, the bill before us provides that people convicted of certain sexual assault offenses may not join the Armed Forces—common sense. It requires mandatory discharge from the Armed Forces of any member convicted of certain sexual assault offenses—common sense. It directs a comprehensive review of the adequacy of training pertaining to sexual assault prevention and response—common sense.

The underlying bill also has a number of provisions to address certain concerns about commanding officers not handling sexual assault charges properly but still keeps this judicial process in the chain of command. That is inappropriate; hence, this amendment.

We have tried working within the current system. This isn't a new issue. Military leaders have been making emphatic promises about tackling the problem of sexual assault for years and years, but the problem only seems to be getting worse. What is more, the current system appears to be part of the problem. There is a culture that has to change, and it won't change by itself.

According to a recent Defense Department report, 50 percent of female victims stated they did not report the crime. Why? Because they believed that nothing would be done with their report.

Seventy-four percent of females and 60 percent of males perceive one or more barriers to reporting sexual assault. Sixty-two percent of the victims who reported a sexual assault indicated

they received some form of professional, social, or administrative retaliation. This should not happen in a military where everybody ought to be looking out for everybody else.

A very cohesive unit is essential for everybody's protection but also for the success of the mission. So it is a terrible deterrent when sexual assaults ought to be reported 100 percent but aren't. If sexual assault cases are not reported, it is quite obvious, common sense tells us they can't be prosecuted. If sexual assault isn't prosecuted, common sense ought to tell us it leads to predators remaining in the military and a perception that that sort of activity will be tolerated or a person can get away with it. Common sense tells us that people get away with it.

By allowing this situation to continue, we are putting at risk the men and women who have volunteered to place their lives on the line. We are also seriously damaging military morale and military readiness. Taking prosecutions out of the hands of commanders and giving them to professional prosecutors who are independent of the chain of command will help ensure impartial justice for the men and women in uniform.

I know some Senators will be nervous about the fact that the military is lobbying against this legislation. There is a certain awe that permeates among Senators when people with stars on their shoulders appear among us. We are being asked, once again—that environment is here—to wait and see if the latest attempt to reform the current system will do the trick. I respond that the time for trying tweaks to the current system and waiting for another report or study has long since passed.

We also hear that this measure will affect the ability of commanders to retain good order and discipline. I would like to be clear that we in no way take away the ability of commanders to punish troops under their command for their military infractions. Commanders also can and should be held accountable for the climate under their command. But the point here is sexual assault is a law enforcement matter, not a military one.

If anyone wants official assurances that we are on the right track, we can take confidence in the fact that an advisory committee appointed by the Secretary of Defense himself supports our reforms. On September 27 of this year, the Defense Advisory Committee on Women in the Services—and I believe that acronym is DACOWITS—voted overwhelmingly in support of each of the components of the Military Justice Improvement Act amendment.

This advisory committee isn't something new. These various advisory committees under different Secretaries of Defense have been around since 1951 when they were created by then-Secretary of Defense George C. Marshall.

The committee is composed of civilian and retired military men and women who are appointed by the Secretary of Defense to provide advice and recommendations on matters and policies relating to the recruitment and retention, treatment, employment, integration, and well-being of highly qualified professional women in the Armed Forces. Historically, this advisory committee's recommendations have been very instrumental in affecting changes to laws and policies pertaining to military women.

The bottom line is—and, again, this is common sense—this isn't some advocacy group or fly-by-night panel. It is a longstanding advisory committee handpicked by the Secretary of Defense, and it supports the substance of our amendment to a tee.

I know it is easier to support incremental reforms. That is even prudent in some cases. However, when we are talking about something as serious and life-altering as sexual assault, we cannot afford to wait any longer than we already have. Our men and women serving in this military deserve bold action to solve this problem—not in a few years or a little bit at a time but right now. So I urge my colleagues to be bold and join us in this effort. It is the right thing to do.

It seems to me as though a lot of debates in this body get complicated, and this one seems to be complicated too by some people. But it is really a very simple issue. It doesn't need to be this complicated, because it talks about changing the culture. I know there are cultures in every bureaucracy that need to be changed that affect their operations, but none of them are as damaging as the No. 1 responsibility of the Federal Government. So a culture in the Defense Department has to be taken seriously. We have to change the culture.

When one joins the military—and I haven't been in the military so I don't speak with authority, but it seems to me as I understand the military—I have a grandson in the Marines and I had sons in the military. But when a person joins, they join because they feel that everybody in that unit will have each other's back. There should be no fear of anyone—anyone—in the unit. There should be nothing but respect for each other. Members of the military should have confidence in each other and loyalty toward each other. They are all on the same mission. None of them should be considered an enemy. None of them should have any particular power over another. That is what this sexual assault thing is all about—power over weak individuals—not weak because of who they are, but weak because of the power of the people above.

This is badly needed legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Madam President, this is a tough issue. It is a tough issue because good people don't agree. Good people don't see the issue the same way. But we cannot lose sight of the fact that so many of the reforms we will be voting on to guarantee a safe haven, to guarantee a safe experience, a common camaraderie, are all parts of a big plan for change. What we are debating today is one small portion of that—not small in the sense of impact. We need to make sure we reward all of the great work the committee has done, the great work that has been done with the leadership of Senator MCCASKILL from the great State of Missouri, and the commitment that this body is making today, in a very unified way, to change the outcome.

I will spend a moment with that in mind to talk about how I came to my decision to support the Gillibrand amendment. I wish to first talk about my experience. I am probably one of the few people in this body who has actually sat across a table as somebody who had the power to make the decision on whether we were going to, in fact, pursue a prosecution and have that discussion. I know that is a shared experience I have with Senator MCCASKILL, and those are experiences we will never forget—the damage that is done so often when people are victims of sexual assault, beyond other kinds and other forms of physical assault, the power and the responsibility. So I recognize the great need we have to deal with this issue. I recognize the great need we have to have professionals make the decision.

The bottom line for me is, if someone came forward and appendicitis was suspected, he or she wouldn't ask the commanding officer to make the decision for the doctor. What I am suggesting today is that these are very difficult decisions on whether one is going to pursue or decline a prosecution and they should be made by people who are trained. There should be a whole system—as we have seen in the civil side—a whole system of support.

Frequently we talked about, back in the 1980s and the 1990s—as we were moving through these same questions in the civil courts—not revictimizing the victim. I think what you are hearing today is story upon story where victims of sexual assault in the military feel not only let down but they feel revictimized.

So I want to very quickly go through a couple of the points we have heard over and over, which is that this change in the Gillibrand amendment would affect good order and discipline in the military. I have heard this from many of the military, the good military leaders who have come to my office to talk about this problem: that they need this authority, this specific convening authority, because their orders will fall on deaf ears or their leadership will be questioned.

I am not an expert in leadership, but I have to ask you: Do we really believe that sort of authority is truly essential to being someone whom the troops will follow, someone who demands respect, who inspires devotion or truly will stand and fight side by side no matter what the cost?

The conclusion I make is that I do not think so. Because when I talk to our brave veterans in North Dakota or our noncommissioned officers who lead our servicemembers every single day, that is not what I hear. I hear: I knew he would do the same for me. Not: Well, he has convening authority.

That is what I believe inspires and maintains good order and discipline: the shared values of a mission, of trust, of concern, and respect.

I also have heard great reforms, especially in the Air Force—and we have a special relationship in North Dakota to the Air Force, having two air bases. The Air Force JAG came in and told me about the new process and the new procedures and impressed upon me this great opportunity they had taken now for change. I said one thing. I said: It is too late. It is too late to expect that we are going to believe it this time. It's the old adage: "Fool me once, shame on you; fool me twice, shame on me." We are at that point now where something very dramatic needs to happen in order to send the very important message that you matter and this behavior does not reflect behavior that is becoming of our troops, of our country, and the people who step up to serve our country.

Progress that has been made does not go far enough. I think it is time to boldly act and step up for people who serve, who have stepped up bravely and said: What can I do, no matter the cost or the sacrifice—knowing the hardship they will endure and the distance from home and family who love and care for them; that when they go, our military personnel say: I am yours. I will go and do whatever I need to do, whatever you tell me, to protect our values and to protect our way of life.

It seems a small thing to do everything we can to protect those who protect us. The time has come to address this, to send a strong and important message to our volunteer service that we will not tolerate this and that we will put this decision in the hands of the people who are best equipped to make this important decision. And that is the prosecutors.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes, without taking the time from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I thank the Senator from Texas and the Senator from Missouri for their courtesy, and I will endeavor to do it a little quicker than in 10 minutes.

#### CHANGING SENATE RULES

Madam President, this weekend, Vanderbilt plays Tennessee in a football game in Knoxville. Let's say Vanderbilt gets on the 1-yard line of Tennessee and Tennessee then says: Well, we are the home team. Let's add 20 yards or whatever it takes to win the game. Or let's say in the World Series recently the Red Sox were behind St. Louis in the ninth inning and the Red Sox said: Well, we are the home team. Let's add a couple of innings or whatever it takes to win the game. Everyone, I think, would say that is cheating. Everyone would say: You are destroying the game of football or baseball.

If a home team could change the rules at any time during the game or whatever it takes to win the game, what kind of game is it? That is what Senator Vandenberg said after World War II and Senator LEVIN repeated to all of us—that a Senate in which a majority can change the rules any time the majority wants to change the rules is a Senate without any rules.

Yet we hear that is what the Democratic majority may be seeking to do this week. They are unhappy, they say, that Republicans have said it is premature to vote up or down on three circuit judges nominated by President Obama—even though that was exactly the position of the Democratic Senators in 2006 and 2007 when they argued that the D.C. Circuit Court is underworked and that we should transfer judges from where they are needed the least to where they are needed the most. So they are going to change the rules of the game during the game or whatever it takes to get the results they want.

We have a lot of new Senators on both sides of the aisle. Nearly half the Senate, 44 members, are in their first term. It is important for them to remember that in Senator REID's book he said that to do this would be the end of the U.S. Senate, that Senator Robert Byrd—probably the most distinguished Senate historian in its history—said in his last speech to us that the filibuster is the necessary fence against the excesses of the majority and of the Executive. It is the fence against what de Tocqueville called in the early 1830s the greatest danger to our country that he saw, which was the tyranny of the majority.

You may ask, how could this possibly happen? Here is how I am afraid it is

happening. Sometimes we get off in our rooms by ourselves—and Republicans do it as well as Democrats—and we give ourselves our own version of the facts. The last time this came up, we tried to address this in the Old Senate Chamber. I think all of us thought it was a pretty good session. But this is my third opportunity to respond to these nuclear threats, and I am not going to do it again.

The President said during the government shutdown that he was not going to negotiate with a gun to his head. Neither am I. Democrats have had their finger on the nuclear button for 2 years. I hope they will reconsider.

No. 1, I hope they will read Senator LEAHY's letter, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 27, 2006.

Hon. ARLEN SPECTER,

Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SPECTER: We write to request that you postpone next week's proposed confirmation hearing for Peter Keisler, only recently nominated to the D.C. Circuit Court of Appeals. For the reasons set forth below, we believe that Mr. Keisler should under no circumstances be considered—much less confirmed—by this Committee before we first address the very need for that judgeship, receive and review necessary information about the nominee, and deal with the genuine judicial emergencies identified by the Judicial Conference.

First, the Committee should, before turning to the nomination itself, hold a hearing on the necessity of filling the 11th seat on the D.C. Circuit, to which Mr. Keisler has been nominated. There has long been concern—much of it expressed by Republican Members—that the D.C. Circuit's workload does not warrant more than 10 active judges. As you may recall, in years past, a number of Senators, including several who still sit on this Committee, have vehemently opposed the filling of the 11th and 12th seats on that court:

Senator Sessions: “[The eleventh] judgeship, more than any other judgeship in America, is not needed.” (1997)

Senator Grassley: “I can confidently conclude that the D.C. Circuit does not need 12 judges or even 11 judges.” (1997)

Senator Kyl: “If . . . another vacancy occurs, thereby opening up the 11th seat again, I plan to vote against filling the seat—and, of course, the 12th seat—unless there is a significant increase in the caseload or some other extraordinary circumstance.” (1997)

More recently, at a hearing on the D.C. Circuit, Senator Sessions, citing the Chief Judge of the D.C. Circuit, reaffirmed his view that there was no need to fill the 11th seat: “I thought ten was too many . . . I will oppose going above ten unless the caseload is up.” (2002)

In addition, these and other Senators expressed great reluctance to spend the estimated \$1 million per year in taxpayer funds to finance a judgeship that could not be justified based on the workload. Indeed, Senator Sessions even suggested that filling the 11th seat would be “an unjust burden on the taxpayers of America.”

Since these emphatic objections were raised in 1997, by every relevant benchmark, the caseload for that circuit has only dropped further. According to the Administrative Office of the United States Courts, the Circuit's caseload, as measured by written decisions per active judge, has declined 17 percent since 1997; as measured by number of appeals resolved on the merits per active judge, it declined by 21 percent; and as measured by total number of appeals filed, it declined by 10 percent. Accordingly, before we rush to consider Mr. Keisler's nomination, we should look closely—as we did in 2002—at whether there is even a need for this seat to be filled and at what expense to the taxpayer.

Second, given how quickly the Keisler hearing was scheduled (he was nominated only 28 days ago), the American Bar Association has not yet even completed its evaluation of this nominee. We should not be scheduling hearings for nominees before the Committee has received their ABA ratings. Moreover, in connection with the most recent judicial nominees who, like Mr. Keisler, served in past administrations, Senators appropriately sought and received publicly available documents relevant to their government service. Everyone, we believe, benefited from the review of that material, which assisted Senators in fulfilling their responsibilities of advice and consent. Similarly, the Committee should have the benefit of publicly available information relevant to Mr. Keisler's tenure in the Reagan Administration, some of which may take some time to procure from, among other places, the Reagan Library. As Senator Frist said in an interview on Tuesday, “[T]he D.C. Circuit . . . after the Supreme Court is the next court in terms of hierarchy, in terms of responsibility, interpretation, and in terms of prioritization.” We should therefore perform our due diligence before awarding a lifetime appointment to this uniquely important court.

Finally, given the questionable need to fill the 11th seat, we believe that Mr. Keisler should not jump ahead of those who have been nominated for vacant seats identified as judicial emergencies by the non-partisan Judicial Conference. Indeed, every other Circuit Court nominee awaiting a hearing in the Committee, save one, has been selected for a vacancy that has been deemed a “judicial emergency.” We should turn to those nominees first; emergency vacancies should clearly take priority over a possibly superfluous one.

Given the singular importance of the D.C. Circuit, we should not proceed hastily and without full information. Only after we reassess the need to fill this seat, perform reasonable due diligence on the nominee, and tend to actual judicial emergencies, should we hold a hearing on Mr. Keisler's nomination.

We thank you for your consideration of this unanimous request of Democratic Senators.

Sincerely,

PATRICK LEAHY.  
CHUCK SCHUMER.  
RUSS FEINGOLD.  
TED KENNEDY.  
DIANNE FEINSTEIN.  
DICK DURBIN.  
HERB KOHL.  
JOE BIDEN.

Mr. ALEXANDER. It was signed in 2006 by all the Democratic members of the Judiciary Committee: Senator LEAHY, Senator FEINSTEIN, Senator

Kennedy, Senator BIDEN, Senator SCHUMER, Senator DURBIN, Senator Feingold, and Senator Kohl. These Senate Democrats said under no circumstances should we consider confirming a judge to the D.C. Circuit when it is so underworked. So the Republican President and the Democratic Senate agreed with that and reduced the Court's size by one judge—just the same argument being made today.

No. 2, any suggestion that the President's nominations are being held up is completely wrong. I invited the Congressional Research Service into my office. I asked that question. They have said: No. President Obama's cabinet nominations in his second term are being considered at about the rate as those of President Clinton and President George W. Bush.

On every Senator's desk is an Executive Calendar. Every person who could be confirmed by the Senate is on this calendar. There are about 11 pages. The one who has been on there the longest goes back to February and six were reported in the Summer. But all the rest of them go back just to September 12—just a few weeks. Most of them have been there just 3 or 4 weeks.

So people are not being held up. The only way a nominee can be reported to the Senate floor is by a Democratic committee. The only person who can bring them from the calendar to be confirmed is the Democratic leader. Why doesn't he bring them to the floor and let them be confirmed?

In the history of the Senate—and this is from the Congressional Research Service—there have only been 17 executive nominees in its history who have failed to be seated because of a filibuster vote, a failed cloture vote. There have been two under the Clinton administration, three in the Bush administration, two in the Obama administration. There have been five Bush circuit judges and five Obama circuit judges. Never a Supreme Court Justice—there was a little exception with Abe Fortas, which was different—never a district court judge, and never a Cabinet member denied a seat by a filibuster—a failed cloture vote. So where is the crisis?

In conclusion, I would make this suggestion: I think what makes Americans angry about ObamaCare is it is taking us in the wrong direction, it is the 3,000-page bill, but as much as anything else it is the raw exercise of political power in the middle of the night during a snowstorm to pass a bill by a partisan vote, without any bipartisan support.

If the Democrats proceed to use the nuclear option in this way, it will be ObamaCare II, it will be the raw exercise of political power to say: We can do whatever we want to do.

Grantland Rice, a famous sportswriter, once said: "It's not whether you win or lose, it's how you play the

game." In this case, it is not so much what the rule is, it is how you change the rule. There have always been a few Senators on either side of the aisle who care enough about our institution and enough about our Constitution of checks and balances to stop a stampede that we will later regret. I hope that will be true again. I hope we will resist turning the Senate into an institution where the home team can cheat to win the game, to get whatever result it wants at any time it wants. Because as Senator Vandenberg said, and Senator LEVIN has repeated: A Senate where a majority can change the rules any time it wants is a Senate without any rules at all.

I ask unanimous consent to have printed in the RECORD a 1-page summary of the 17 nominations that have not been confirmed after a failed cloture vote, which, according to the Congressional Research Service, is the entire number in the history of the U.S. Senate that have ever been denied their seat by a filibuster.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### NOMINATIONS NOT CONFIRMED AFTER A FAILED CLOTURE VOTE

##### EXECUTIVE BRANCH

##### CLINTON NOMINEES

Sam Brown—to be Ambassador to the Conference on Security and Cooperation in Europe

Henry Foster—to be U.S. Surgeon General

##### G. W. BUSH NOMINEES

Thomas Dorr—to be Undersecretary of Agriculture for Rural Development and Board Member, Commodity Credit Corporation

John R. Bolton—to be U.S. Representative to the United Nations

Peter Flory—to be Assistant Secretary of Defense

##### OBAMA NOMINEES

Craig Becker—to be member of the National Labor Relations Board

Mel Watt—to be director of the Federal Housing Finance Agency

##### CIRCUIT COURT JUDGES

##### BUSH NOMINEES

Miguel Estrada  
Charles Pickering  
William Myers  
Carolyn Kuhl  
Henry Saad

##### OBAMA NOMINEES

Goodwin Liu  
Caitlin Halligan  
Patricia Millett  
Cornelia Pillard  
Robert Wilkins  
Source: Congressional Research Service.

The PRESIDING OFFICER (Mr. HEINRICH). The assistant majority leader.

Mr. DURBIN. Mr. President, I will take a few minutes to respond to the statement just made by my colleague from Tennessee, my friend, LAMAR ALEXANDER.

We have a circumstance here in the U.S. Senate which is—

The PRESIDING OFFICER. On whose time does the Senator speak?

Mr. DURBIN. Mr. President, I am sorry. I did not know we were in controlled time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I rise in support of the Gillibrand amendment. I am proud to support Senator GILLIBRAND's concerted effort to deal with the problem of sexual assault in our military.

I want to begin by commending her persistent leadership in forging a bipartisan coalition to tackle this serious problem. I supported the Gillibrand amendment in committee, and I am proud to be a cosponsor of the amendment here on the floor of the Senate. I rise today to share my reasons for supporting it and to encourage my colleagues to continue to come together in support of this amendment.

Everyone in this body wants to support the men and women of our military. In the course of the Senate Armed Services Committee hearings on sexual assault, we heard testimony after testimony about the persistent problem of sexual assault in the military. I found myself persuaded by the arguments that Senator GILLIBRAND raised in defense of her amendments.

Indeed, when I said at the hearing that I had been persuaded by the arguments, I have to tell you, afterwards a reporter from a newspaper came up to me astonished, and asked, in wonderment: Were you really persuaded by arguments at a hearing? I thought everyone came in with their views already set in stone, and nothing that was said here made a difference.

I chuckled and said: Well, the arguments Senator GILLIBRAND put forth I found powerful in terms of how do we deal with a serious problem.

There were two arguments in particular that I found persuasive. The first is that sexual assault has proven to be a persistent problem in the military. According to the Defense Department, 3,374 cases of unwanted sexual contact were reported last year.

More than 23,000 additional cases of unwanted sexual contact went unreported. This has been a problem that has been present in the military for decades. Our commanders, our generals, our admirals, have worked in good faith, have worked diligently to correct this problem. It has proven a persistent problem. Yet, unfortunately, their efforts to correct the problem have not proven successful.

In the civilian side, one of the great challenges when it comes to sexual assault is the relatively low rate of reporting. Sadly, on the military side, that problem is even greater. The most significant barrier we see to deterring and preventing sexual assault is that many of the victims are unwilling, are not comfortable coming forward and reporting the assaults they are experiencing. Despite the repeated good-faith

efforts of our military commanders, we have been unable to fix that problem.

The second argument Senator GILLIBRAND raised that I find quite persuasive is that a number of our allies, including Great Britain, including Israel, including Canada, including Germany, have implemented reforms quite similar to the reforms she is proposing, which is namely that the decision whether to bring a prosecution for a crime like sexual assault should be made by an impartial military prosecutor and not by the commanding officer who may well be the commanding officer both of the victim of the crime and the perpetrator of the crime. Those reforms have been implemented by our allies. Our allies have not seen good order and discipline undermined. Indeed, the data suggests they have seen an increase in reporting rates. Those are the arguments that persuaded me that we need to solve this problem, we need to stop this problem.

Let me point out that the coalition supporting the Gillibrand amendment is a bipartisan coalition. This cuts across party lines.

In my view, there are two strong conservative principles, both of which the Gillibrand amendment furthers. No. 1, all of us want to strengthen our military, ensure that good order and discipline are protected; that our commanders are effective; that we maintain the strongest fighting force on the face of the planet. But, No. 2, all of us want to prevent and deter violent crime and to ensure that anyone who commits violent crime, and in particular a crime of a sexual nature, meets swift and sure punishment.

Prior to being elected in the Senate I spent many years in law enforcement working to ensure that those guilty of violent crimes, and in particular crimes of sexual violence against children, against women, received the swiftest and surest punishment.

In my view, the Gillibrand amendment furthers both of these conservative objectives. I have tried to think about this issue not just from the perspective of a Senator but also from the perspective of a father. My wife and I have two little girls, Caroline and Catherine, who are 5 and 3. I have tried to think if some years hence Caroline or Catherine made a decision to step forward and volunteer to serve in our Armed Forces, what are the rules I would want to be in place to ensure that my daughters were protected against any risk of sexual assault.

Given the two-decade-plus history that we have seen in the military of not being able to effectively prevent these crimes and not having victims willing to come forward and report, in my view, shifting not to a civilian authority but to an impartial military prosecutor is going to significantly increase the reporting rates, which, in turn, is going to deter these crimes from being committed.

All of us owe a duty to our soldiers, our sailors, airmen, and marines, the young men and women who voluntarily step forward to risk everything to defend our Nation. For one of those young soldiers to find himself or herself the victim of sexual assault is an absolute violation of that trust.

The Supreme Court has referred to rape as "short of murder, the ultimate violation of self." All of us have an obligation to make sure we are protecting our soldiers. An environment where young men and women in the military fear the risk of sexual assault or are not able to come forward and report those crimes is not an environment that furthers good order and discipline. So I would encourage all of my friends in this body, both Democrats and Republicans, to come together in support of this commonsense proposal to strengthen our military, and at the same time to deter and punish the unacceptable, unspeakable crimes of sexual assault so we can together honor the commitment we owe to all men and women in the military.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I rise today to talk about a very important issue I spoke about on the floor yesterday; that is, eliminating sexual assaults in our military, making sure victims are supported, that they get the support they need.

Yesterday on the floor I talked about important reforms we are doing together on a bipartisan basis to make sure victims receive special victims' counsel, so each victim is now going to receive an attorney who represents him or her in the system, and stands up for their rights.

We make retaliation a crime under the Uniform Code of Military Justice so that victims of sexual assault understand if they are retaliated against, there will be a crime for that. In fact, those who retaliate will be brought to justice.

There are many other dozens of reforms that are in the Defense authorization, but today I want to talk about a very important issue. I see on the floor Senator McCASKILL. I want to commend her for her leadership on this issue. She has been a tremendous leader. Senator McCASKILL, Senator FISCHER from Nebraska, and I have offered an amendment that will further strengthen historic reforms that we discussed yesterday on the Defense authorization, including allowing a victim to formally express their wish

about how their case will be handled, in addition to their being, of course, provided special victims' counsel, to provide the prosecuting attorney the ability to disagree with a commander's decision, which I will talk about more, and to have a review of that decision by the civilian head of each force.

Then we eliminate things such as the good soldier defense. Then those who feel like they have been discharged from the military or how their discharge has been described will now get an opportunity to have their case reviewed. So we are not only looking forward, but we are going to look backward to make sure that victims of crimes know they will be treated with dignity and respect.

I have come to this issue as someone who was a prosecutor. Most of the cases I prosecuted were murder cases, but I also had the chance to serve as attorney general of our State, where I worked with not only murder victims but also victims of sexual and domestic violence. This is a set of crimes that is unacceptable in society, but particularly unacceptable in our military, where we expect the very best from our military.

I looked at this issue very carefully, the issue that has been discussed so much on the floor today, that is, in handling sexual assault cases and other types of cases, should the military justice system be changed fundamentally to take the commander out of the decision on whether a charge will be brought after an independent investigation. I came down on the side of we need to hold commanders more accountable, not less accountable, because everything within our military, of course, is deployable. We have the finest men and women who serve our country in the world. We have to have a military justice system structured in a way that it can bring justice in Afghanistan as easily as it can bring justice in the United States of America, wherever our men and women are situated. If we take commanders out of the decisionmaking process, then fundamentally we are holding them less accountable for the results of how these cases are handled. So I would like to talk about the proposal Senators McCASKILL, FISCHER, and I have that I think will hold commanders much more accountable.

Right now, as we look at cases of sexual assault in our military, we want victims to understand they can come forward. When they come forward, and we want them to come forward, they will get the support they need and deserve; that their perpetrators will be held accountable for the crimes they have committed.

We want commanders to establish a climate within their unit to say no tolerance when it comes to sexual assault. If you do not handle a sexual assault case properly, you will be relieved of

your command. That is what this is about.

So in our proposal, rather than remove commanders from the decision-making—let me say how this works so people understand. Right now, a victim of a sexual assault or another serious crime comes forward. They do not have to come forward through their chain of command. They can come forward through a health care professional, they can come forward through a 911 call, they can come forward through their pastor to report a sexual assault. Then it is independently investigated.

From there, that investigation is presented to a JAG lawyer in the chain of command who then makes a recommendation to the commander of whether a charge should be brought and whether they should be going to a military trial at that point. So to take out of that the decision of the commander is now to leave the victim in a situation where—let's put this victim in Afghanistan. They are in a situation where the case has been investigated. It comes back. The commander now does not take responsibility for whether a charge is brought. The commander is now put in a situation where: I am sorry, that decision is being made by another set of JAG lawyers who are outside of the chain of command, so go talk to the lawyers over here, not me. It puts the commander in a bystander responsibility rather than taking responsibility for these decisions.

So what we have done is made commanders more accountable. When the JAG lawyer comes to the commander for a recommendation, saying this case should be brought on a sexual assault case, if the commander says: No, it should not, that will go all the way up to the civilian secretary of whatever force is involved, whether it is the Secretary of the Army, the Secretary of the Air Force, each branch, and will be reviewed separately. That will hold commanders more accountable than turfing it over to a lawyer over here where the victim has to hear that: I am sorry, I cannot tell you what the decision is on your case because there is a lawyer over here making this decision.

Even in a case where the commander and the JAG lawyer both agree that a charge should not be brought, under our proposal there will be another review of those cases up the chain of command to say someone else should look at it. There should be accountability. There should be accountability at every level of our military to ensure that victims of sexual assault will be supported and that these cases will be handled and the perpetrators will be brought to justice.

There has been a lot of discussion on the floor today. All of us want more victims to come forward and feel that they can report their case, because not enough of them have come forward.

Yet the evidence shows that if we take commanders out of it, we are not

necessarily going to get any more reporting. In fact, we have cases that may not be brought to justice. The evidence shows that commanders are being more aggressive than the actual JAG lawyers in terms of cases that are being brought. If we look over the last 2 years, there are 26 Army victims where the JAG lawyer said: Don't bring the case.

The commander overruled the JAG, went to trial, and the perpetrator was convicted. There was justice for this victim.

Under this proposal those cases would not have gone forward because the JAG lawyer said: No, don't bring it. There were 16 cases in our Marine Corps over the last 2 years where that would have happened as well, where 16 victims wouldn't have received justice.

There was one Navy victim, and nine Air Force victims would not have seen a conviction for their perpetrators—the rapists, who deserve to go to trial, to be convicted, and to be judged. Those cases would not have gone forward.

When I hear Senator GILLIBRAND's proposal—and I respect her so much, and there is so much we agree on, and I respect the work that she has done and the work that we have done together on many of the provisions that I have talked about—the discussion that taking it out of the chain of command will cause more reports to come forward, then if less cases will go to conviction, if I am the victim, how does that make me feel more as if I want to come forward and report my case? Maybe my case won't be brought or there is a set of cases that would not ever be brought if a commander—who has responsibility within his or her unit for this—hadn't recommended this case go forward.

The other argument we have heard a lot about is many of our allies have taken it out of the chain of command, including Canada, Great Britain, Israel, Germany, and Australia. There has been a misunderstanding, because as we researched this issue as to why our allies took it out of the chain of command, we discovered the truth is they took the decision out—of whether a commander would make the decision to go to a trial on a sexual assault case or other serious felony—to protect defendants, not victims.

I can assure people—with all due respect to defendants, and I have defended cases as well because they certainly have rights under our laws and I respect that—this is about protecting victims. Our allies changed their system to protect defendants. What we are trying to do is to have a victim-friendly environment where people will come forward and where perpetrators will be held accountable.

If we look at those countries such as Canada, Great Britain, Israel, and Australia, that have changed their system, they have not seen any greater report-

ing. In other words, it is one thing if we looked at it and said when they changed their systems the victims came forward. That is not the case. That is not what the evidence shows. Facts are stubborn things.

As a former prosecutor, I want to make decisions on how to address this very real and important problem based on facts. The facts are that there are cases that wouldn't have been prosecuted if we took it out of the chain of command—perpetrators that should have been held accountable. Our allies did it, but they haven't seen any greater reporting, and they did it to protect defendants.

What do we want to do? Let's hold our commanders more accountable. This is what some former peers of our military have said, such as COL Lisa Schenck, U.S. Army retired former Judge Advocate General, who spent 25 years in the military. We asked her about these two proposals. She said: If you take out the convening authority—meaning the decisionmaking process from the commander—you are essentially gutting the military justice process. If you take the court-martial process away from the convening authorities for sexual assaults or for major offenses, that allows them to say: Hey, the JAGs are dealing with it. They need to be held accountable, and they need to be part of a process.

We don't want to create a situation where we say: I have turfed it to my lawyer over here, and the lawyers over here are going to make the decision.

Commanders should be held accountable for those decisions.

In fact, we had a woman who is currently in the Marine Corps come to the Republican Conference, a woman commander. She is very impressive to have reached the level she has in the Marine Corps. She works training our marines. I was very impressed with her experience. She has commanded at every level. She said: If you want to get this done for victims, don't make the commanders bystanders.

This is what makes me very worried. If I thought that taking the commanders out of the decisionmaking process would help victims further, I would do it. As she describes: If you make a commander a bystander—which is what the proposal on the table of Senator GILLIBRAND is, who I very much respect, and I know her passion is very real for this and I share it. I don't want commanders to be bystanders. If they are bystanders, then how do we relieve them from command when they don't do their job on this because we have taken the decisionmaker standard from it.

This is another issue that concerns me. We have spent a great deal of time, rightly so, trying to address the issue of sexual assault in the military. The Gillibrand amendment that is on the floor doesn't only take sexual assault



out of the chain of command, it takes out murder, manslaughter, death or injury of an unborn child, stalking, rape—we talked about rape—larceny and wrongful appropriation, robbery, forgery; making, drawing, or uttering a check, draft or order without sufficient funds; maiming, arson, extortion, assault, burglary, housebreaking, perjury, and frauds against the United States.

We need to understand that the reason we have the military justice system structured this way is because we deploy to places such as Afghanistan. Not only in sexual assault cases will the decision of the commander—whether or not to refer the charge for a trial—be changed under the Gillibrand proposal, but in all of these crimes in which we have not received any testimony about. We have not received evidence that the commanders are mishandling murder cases, manslaughter cases, arson cases, extortion, assault, burglaries, fraud.

This is very much a fundamental change, not only in an area we all care passionately about getting right, to make sure that victims of sexual assault are supported, but all of these crimes will now be removed from the chain of command.

How will that work in Afghanistan and Iraq? I am trying to figure this out. There have been over 900 cases in Iraq and Afghanistan, as I understand it, where some type of trial has had to be held because of offenses that were committed in Afghanistan, all different types. I am not only talking about sexual assault, I am talking about all different types of crime.

How is that going to work? Are we going to say we will wait to see whether we should bring this to trial? The lawyers are located somewhere else. We don't know where; it could be in the Pentagon. So we will wait for the lawyers from the Pentagon, or wherever this separate set of lawyers are located, until we have justice in places such as Afghanistan.

This is for all of these cases on all of these crimes about which we haven't even had any testimony before the Armed Services Committee to address an issue that we all care very much about.

There were 900 cases from Iraq and Afghanistan. As we know, Iraq could have been as much of an issue in terms of having a deployable, military justice system to ensure that victims of all types of violent crimes, no matter where they are, will get justice and that perpetrators, no matter where they are, will be held accountable for their actions. This is what this is about.

I thank the Chamber for all of the work that is being done, for all of this work done on this important issue. I know that after we vote on all of these proposals—Senator GILLIBRAND's pro-

posal, as well as the proposal that Senator McCASKILL, Senator FISCHER and I have—that we will be working together to make sure that there is accountability on this issue. Reforms have already been passed that are in the Defense authorization. They are very important items such as the special victims' counsel that I mentioned earlier.

I see Senator McCASKILL, and I know that she and I, as members of the Armed Services Committee, are not going to let this issue go. There will be follow-up to make sure that the military is held accountable. We have the best military in the world.

This does go to the core of our readiness of good order and discipline. We can't have good order and discipline if we put commanders on the sidelines. We will hold them more accountable under our amendment, amendment No. 2170.

I thank the Chair for the opportunity to speak on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand Senator LEE is on his way to the floor. I will yield to him when he arrives.

I came to the floor today to say what a good debate we are having. Let us be clear, there is only one amendment that puts in place a fundamental change; that is the Gillibrand amendment.

We have had 20 years of promises that this problem would be fixed. I have a chart I will bring out later to show that every Secretary of Defense for 20 years, Republican and Democratic, has said exactly what Senator AYOTTE has said: Oh, we are going to fix this, and it is going to be fine.

We are picking up steam in our support. I wish to state the reason we are picking up steam. It is because, with all due respect, every single victims' organization that I know of supports the Gillibrand amendment. When victims say to me the reason I don't report is because I don't want to take it to my commander, I think we ought to listen.

With all due respect, I love the Senators on the other side and I have great respect for the people in the military, but they are not the victims. The victims are standing behind the Gillibrand amendment.

The committee that advises the Pentagon on the treatment of women in the military is called DACOWITS. This committee came out overwhelmingly in favor of the Gillibrand amendment.

My colleagues are saying don't make this fundamental change. But the one committee that advises the military—made up of retired military members and civilians—had a chance to say go with the status quo or go with the Gillibrand amendment. They voted without a single dissent in favor of the Gillibrand amendment.

When one stands here and defends the status quo in terms of the way this is decided, we have to understand they are in essence saying a 10-percent reporting of these incidents is OK with them. Otherwise they would vote to change it.

They can think they know why more people aren't reporting and fix it around the edges. I am so pleased we have some reforms in the bill. But the main, major reform and the reason the victims' rights groups are so behind the Gillibrand amendment is because it is the only fundamental change that is in the bill.

I compliment my colleagues for what they have done. It is wonderful, but they don't get to the heart of it, which is why we have a 90-percent problem. Of 26,000 cases, only 10 percent are reported. I thought it was bad in the civilian world where 50 percent are reported.

I say to my colleagues, we all have staffs and we run a workplace. I don't know how many people each of us has in their offices. I say to my colleagues, suppose there was a horrible sexual assault that took place in our workplace. We knew the alleged perpetrator, and we knew the alleged victim. We would call the police. We wouldn't become the decider. We wouldn't become the jury, the judge, as these commanders do.

What is really interesting is Senator GILLIBRAND called a press conference, and we had a commander who commanded troops in Iraq, and he said: Honestly, the last thing I wanted as I was getting my troops ready to fight and win battles was to deal with some horrible incident that occurred among those I was commanding. I wanted to get a professional in there.

The Gillibrand amendment is important not only for the victims but, yes, for good order and discipline. How can people stand here and say there is good order and discipline when there are 26,000 incidents of sexual assault and only 10 percent are reported? There are thousands of people walking around the military not being charged, and sometimes the deal they get is to get kicked out.

I will tell a story of one of my constituents because I think it is instructive. She joined the Marines. She was out with friends, and she was drugged. She was brutally raped. She was tossed on the street in the early morning hours. She woke up dazed. She reported it to her commander. Let me tell you what happened. The perpetrator got out of the military—probably to continue his rampage on the streets of some city we represent—and my constituent was investigated by the military for drug use because she was drugged that night and abandoned on the street.

So I hope the people who support the status quo will hear that story and

hear the other stories. We have a 90-percent problem; 90 percent do not report. We have DACOWITS advising the military it is made up of former military members and civilians saying support Gillibrand. We have every victims' rights group I know supporting Gillibrand. I will just say that if a minority of this Senate stops us today, we are going nowhere. We had a press conference yesterday where we revealed the new Republican on our team; today, a new Democrat. We want to have the best servicemembers in the world. We want our commanders concentrating on what they have to concentrate on. We have men and women being assaulted, and we have a plan in front of the Senate, and that plan is the Gillibrand amendment. It is smart, and it has strong bipartisan support.

Believe me, I was at a press conference with Senator GRASSLEY, Senator CRUZ, Senator PAUL, Senator SHAHEEN, of course, Senator GILLIBRAND, Senator HIRONO, and our group is growing. So if a minority of the Senate stops this, I will hearken back to the many reforms that have been made—whether it is don't ask, don't tell, gays in the military—you can just name them. Yes, it may take us a time or two. I remember having an amendment that lost that said you can't take convicted felons into the military if they have been convicted of a sex crime. I lost. I lost. But years later I won, and now you cannot take these felons into the military. So these reforms are hard. This one is 20 years in the making. History will record who stood on the side of positive change, who stood with the victims, and who obstructed.

I know everybody is doing it for reasons, and I respect that, OK. Let's be clear. But I am passionate about this because I have been here before. I was in the Congress during the Tailhook scandal, and I said to myself after that was publicized: This will never happen again. We won't see harassment. We will see a reduction in rapes.

Remember, half of the victims are men. This is a crime of violence. This is a crime of terror. We have to make sure there is justice, and that means trained people making the decision of whether to go forward, trained people running the trial and not putting this on the commanders. At the end of the day, when you talk to them—and I haven't talked to all of them, but I have talked to many of them—they say the last thing they want is this power.

No one can tell me there is good discipline when we have a 10-percent reporting record here—10 percent of the crimes are reported. It just can't be. That isn't good discipline. That isn't good order when you have rapists walking around because people are too scared to go to their commander.

I know my colleagues are trying to do the best for this country, but listen to the victims. We don't know better

than the victims. We don't know better. We should be humble. We should listen to the victims.

Our allies have gone this way, and they have been pummeled here today, saying they have bad records and the rest of it. I think the reputation of the Israeli military is second to none. They have taken this outside the chain of command. Many of our other allies and friends—Australia. I visited there and talked about this. Frankly, this is the way to go.

Sixty percent of the American people support the Gillibrand amendment—60 percent in a poll that just came out. So the people are for the Gillibrand amendment, the victims are for the Gillibrand amendment, and the one committee that advises the Pentagon on women's rights in the military is for the Gillibrand amendment.

I praise everyone who has worked on so many other reforms in this bill. I am so proud. This is a reform bill. But I beg my colleagues to make that fundamental change we need to make and have the professionals decide whether there is a case from beginning to end. That is what justice really is.

I will close with this. There is a woman who has been put up for Under Secretary of the Navy. I have a hold on her nomination. I don't believe in secret holds. This is from the Obama administration. She was asked about the Gillibrand proposal, and do you know what she said, Mr. President? Here is what she said: If you take this outside the chain of command, decisions on this crime will be made based on the evidence, not on good order and discipline.

Can you believe that? This is the truth. We don't have decisions being made based on the evidence. This woman was honest, I give her that. She said that if we took this outside the chain of command, decisions on these crimes would be made based on the evidence. Well, she made our case, and I am proud to stand with a very strong bipartisan coalition in favor of the Gillibrand amendment.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues for 30 minutes and that those 30 minutes not count against the current 6-hour commitment to debate the amendments on military sexual assault.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I have been a member of this Chamber for a while now, and during my time here few of our colleagues have done more to expose waste and duplication and overspending than our colleague from Oklahoma Senator COBURN. I am, of course, cognizant of the fact that Sen-

ator McCAIN, the senior Senator from Arizona, has quite a reputation himself in this area. I am pleased to join both of my colleagues, along with, I anticipate, the junior Senator from Arizona, to talk about some very important work Senator COBURN and his staff have done to help highlight the savings we can find within the Defense Department budget due to duplication and waste and failure to exercise reasonable management practices, such as audits. We can save money and reallocate that money to help our fighting men and women in uniform, help keep them safe and help maintain America's role as a preeminent military leader in the world.

Senator COBURN has pointed out in a new report I am sure he will talk about that we can save more than \$60 billion by consolidating half the Federal Government's duplicative programs. Each of these programs has its own overhead, and through consolidation we can eliminate that overhead and still make sure the same amount of money is used to deliver the particular service. For that matter, if we were to consolidate just a third of the renewable energy programs, we could save \$5 billion alone. If we stop sending unemployment checks to millionaires, we could save another \$30 billion.

I am a proud defense hawk. We call it the Yellow Pages test in Texas. If you can look in the yellow pages and see a service being provided by the private sector, you have to ask, why is the government providing that service? But there is no ability of anyone to provide national security except for the Federal Government. It is the No. 1 reason for the Federal Government's existence, and it is a tragedy to see so much money wasted when it is needed so desperately by our military during these very dangerous times. It is, indeed, embarrassing that the Pentagon cannot even conduct an audit. They do not know where the money is. They do not know how it is being spent, how it is being misspent. So I am a proud cosponsor of my colleague's Audit the Pentagon Act. The Pentagon isn't scheduled to actually perform an audit until 2017, and I doubt they will be able to meet that deadline. I am sure we will hear more about that from the Senator from Oklahoma.

There is no good reason why the Pentagon shouldn't be able to tell the American people exactly how it is spending hundreds of billions of dollars in taxpayer money. Don't get me wrong. If our military needed the money in order to protect the American people and to keep us safe, I would vote for that expenditure 10 times out of 10. But when I am told there is money that should be spent helping keep us safe and protecting our national security that is wasted through duplicative programs, through inefficiencies, through the inability to simply manage the hundreds of billions of

dollars the Pentagon manages, it makes me livid, as I think it should all of the American people.

We know DOD continues to experience serious cost overruns with major acquisition programs. I know Senator MCCAIN, in his capacity on the Armed Services Committee, has been an eloquent critic of these cost overruns of various acquisition systems. A 10-percent reduction in DOD waste could yield an annual savings of \$60 billion—\$60 billion. That is real money, and that is money that could either be reallocated to pay down the debt or could be reallocated to help fund very important overseas operations by our military in dangerous parts of the world or here at home.

The bottom line is that even those of us who are proud national security hawks should be pushing first and foremost to eliminate wasteful defense spending and to audit the Pentagon. In my view, those are no-brainers. We should not continue down the path of wasteful Washington spending and say: Well, we don't have enough money, so we are just going to bust the budget caps in the Budget Control Act. We shouldn't say: Well, we are not going to address the hard issues of wasteful spending at the Pentagon; we are just going to raise taxes. Those are cop-outs, and we shouldn't go there.

With that, I yield the floor for my good friend from Oklahoma.

Mr. COBURN. I thank the Senator from Texas. I have worked on these areas for a long time. I too am a defense hawk. I am not often accused of that because I am critical of wasteful spending in the Pentagon.

Let me outline for my colleagues that the Pentagon's budget is near \$600 billion, counting the extra money for overseas efforts today. Just by auditing the Pentagon, the GAO estimates the Pentagon itself would save \$25 billion. The only branch of the Pentagon that has come close to an audit so far is the Marine Corps. For every dollar they are spending now on managing, they are saving \$3 in the Marine Corps. So we have repeated attempts through the year to address the symptoms of the problems rather than the real problem. Let me outline that.

The Pentagon has a broken procurement system. If we think about the programs which have been canceled and the penalties paid because of the programs which have been canceled—and Senator MCCAIN can talk about those better than I ever could—we have never fixed the real problem, and the real problem is what Eisenhower warned against. It is the defense industrial complex. The only way we will ever solve the procurement problem of major weapons systems is to force the defense industry to have capital at risk on new weapons systems. In other words, they have to have money in the game.

What routinely happens are two things: One is they don't have money in the game and we start out at cost-plus programming. Then the second problem—which Senator MCCAIN identified with me today and I have long known—is there is never a grownup in the room when it comes to adding on the bells and whistles in terms of the costs. As a matter of fact, half of the major weapons systems the Pentagon is buying today are on the high-risk list by GAO. So what we have to do is fix the real problems, not continue to treat the symptoms.

Let me run through a list in terms of savings in the Pentagon. These are not 1-year but 10-year numbers. So if we instituted this, we would save one-tenth of what I mention.

Just consolidation of the defense IT structure could save \$160 billion over the next 10 years. There are 80,000 employees working in IT for the Pentagon. That is twice the population of my hometown. They have more data centers in the Pentagon than we have in all the rest of the government combined. As a matter of fact, Senator BENNET and I have coauthored a bill to reduce those data centers. They are not highly utilized. They are very expensive to run. They also put us at risk for cyber security.

The other thing not mentioned about IT is in weapons system procurement we have other ITs that aren't even counted in this, managing those procurement programs.

If we took the V-22 Osprey we have on order and replaced it with MH-60 helicopters—which can accomplish almost exactly the same thing—we can save \$600 million a year, every year, over the next 10 years. Boeing doesn't like that—Boeing and their partner in contracting don't like that. But there hasn't been a weapons systems we have deployed that has had as many problems as the V-22 Osprey. Yet we are going to buy more, rather than a proven vehicle transport system which can accomplish almost everything the Osprey can. It is not the latest, it is not the newest, but it actually accomplishes the goal.

If we reduce the spending for other procurement programs—and let me say why this is important. The Defense Logistics Agency has no idea what they have in inventory. There is a public law which says they will have an inventory. They have ignored it for years. So they have never taken an inventory. It is “too big” to take an inventory. There are hundreds of billions of dollars of equipment and parts and supplies at the DLAs, at the depots around the country, that are in excess and we continue to buy new parts for because we don't know we have them. Fix the real problem. That is \$52 billion over the next 10 years.

If, in fact, we took nonmilitary jobs at the Pentagon being filled by uni-

formed personnel today and replace them with civilian Federal employees, we would save \$53 billion over the next 10 years. These do not require a trained soldier to do these jobs. That is \$5 billion a year. That is 10 percent of the sequester on the Pentagon. All we have to do is to decide to do it. Do it. But we will not do it.

If we reduced contractor support and did more stuff internally by the military—and I will give a great story. Offutt Air Force Base in southwest Oklahoma, C-17 training. The most recent commander down there saved \$136 million the first year he tried in running that base. He got the heck kicked out of him for doing it by the higher-ups because they wanted him spending all the money. But what he did is demonstrate there was \$136 million we could save on that one base. The question is, Where is the leadership to do that? So we could save that \$53 billion—\$37 billion in terms of decreasing contract support.

If we just consolidated the three military health care services, we would save \$380 million a year. At the same facilities, at the same locations we have duplicative military health care services. So we can consolidate that, give more consistent care, give better care, and yet save a significant amount of money.

The Department of Defense has over 104 science, technology, engineering, and math programs. Governmentwide we have 207. Over half of them are at the Department of Defense. Why 104 from the Department of Defense? Why not one that incentivizes science, technology, engineering, and math? If we consolidated them, we could save \$1.7 billion over the next 10 years. That is \$170 million a year.

What will that do for the operations and maintenance budget? What will that do for flying time for our pilots? What will it do for training that is not happening now for people deploying to Afghanistan? Those should all happen.

Domestic schools. We have 16 bases that still have domestic schools on them, where we run schools by the Pentagon. The cost per student in the United States is \$50,000 per student, five times what we spend everywhere else in this country on elementary and high school education. If we just ran those in the local school district and paid them \$1,000 or \$2,000 more than their average cost, we would save over \$9.8 billion the next 10 years. We would save \$1 billion a year.

If we consolidated the DOD-administered grocery and retail stores—and, by the way, Walmart has offered to do that, to offer the same prices—we lose money every year on those, and that doesn't include the cost of running them. When we have gone out to price things against the grocery store or Costco or Walmart or everywhere else, we can actually buy it as cheaply in

the private sector as we can at a base PX. The point is here is a perceived benefit which is costing us a lot of money but isn't truly there.

Mr. McCAIN. Will the Senator yield for a question?

Mr. COBURN. I would be happy to yield.

Mr. McCAIN. As my friend from Oklahoma knows well—and, by the way, I wish every American could have a chance to read this list of waste, fraud, and incredible misuse of Americans' tax dollars. But one of the areas not in this document that the Senator from Oklahoma and I have talked about is the issue of cost overruns in our weapons systems.

For example, the latest aircraft carrier which was just christened with great fanfare, the *Gerald R. Ford*, is now at a \$2 billion cost overrun of what the original cost estimate was. That is for one ship. When I think about what the \$2 billion cost overrun could do in my home State of Arizona, it is even more staggering. Yet somehow we let this cost overrun accumulate over a long period of time, and the ship still, by the way, was recently christened, which does not mean finished, commissioned.

At a hearing we had in the Armed Services Committee the other day where the effects of sequestration—which I think are devastating—were described by each of the service chiefs, the Chief of Naval Operations, my old service, said: We need \$500 million more for the *Gerald R. Ford*. I was stunned. I said to him: Admiral, there is a \$2 billion cost overrun on that ship. I asked him if anyone had been fired. His answer, I tell my friend from Oklahoma, was he didn't know if anyone had been fired over the cost overrun of over \$2 billion, with a request for \$500 million more.

The Senator from Oklahoma mentioned the military industrial complex that President Eisenhower so wisely spoke about. I would disagree. I think it is a military industrial congressional complex because never has Congress canceled a program once it has been in full production.

I ask my friend from Oklahoma, what do we do about what I think is the No. 1 cost right now in the Pentagon; that is, cost overruns. I could mention the \$1 trillion F-35 and many other programs. What is to be done about that?

Mr. COBURN. There are a lot of ideas. No. 1, our biggest problem is when we buy, we don't know what we want. So don't even start a proposal until we truly know what we want. That is No. 1.

No. 2 is there has to be capital at risk by the person building the ship or building the airplane. The only way to incentivize the private industry to control cost is to make sure half the cost is coming out of their hide. If we do that, what will happen is we will see

real cost control because they don't do it on the commercial side. They only do it on the military side.

The third thing is having a grownup in the room when we decide to make modifications. The fact is, when we think we have an unlimited budget, nobody is there to say: You don't have an unlimited budget. You can't add this. It may be nice.

There is a great story on that. It was an Army backpack helicopter developed by Honeywell—on time, on price. Here is Honeywell delivering what the Army wanted on time and on price, and the military buyers added bells and whistles. It ended up weighing 12 pounds more, tripling the cost, and delaying the onset, to where they finally cancelled it—not because the supplier didn't supply it on time and on price, but the military was out of control in terms of what they were asking for. So they didn't get it. So we didn't have the availability to our troops in Iraq and Afghanistan to look behind walls, which was available and on time. But it was our purchasing system.

So we can't worry about the symptoms. We have to change the structure. We have to change the leadership.

I will make one final point. Right now we have more admirals than we have ships. At the end of World War II, we had 10,500,000 people under arms, we had over 2,200 general staff officers. Today, we have half that many and 1,500,000 in arms. There is one of the big problems. One of the biggest problems is that we have way too many staff officers—general staff officers who each have a cadre of people and then protect their turf. They don't protect the country, they protect their turf, and that is not to take anything away from their service. It is human nature. What we need is a marked reduction in general officers.

Mr. FLAKE. Would the Senator yield?

Mr. COBURN. I would be happy to yield.

Mr. FLAKE. The Senator mentioned the problem we have of the Defense Department running schools which ought to be run by local school districts. It goes even beyond that.

Just in the past couple of years we have absorbed into the defense budget a capital maintenance—new capital building and replacement of schools that are managed by the local district. Several hundred million dollars just in the past couple of years, and obligated for the next several years, will be used to rebuild or refurbish or to maintain schools which are the responsibility of local districts.

What has happened is people say the local districts may not be able to afford it or the Department of Education doesn't have jurisdiction. There is a defense budget we can put it in. We have seen that in other areas as well. So the Department of Defense is assuming re-

sponsibilities it just shouldn't have. When it does, typically the costs are much greater as well.

So I take the Senator's point and just say it is worse than we know because we have added new responsibilities and new budget items just in the past couple of years.

Mr. COBURN. I would add one thing and then yield back to my colleagues.

Inside the Defense Department, over the next 10 years, we are going to spend approximately \$60 billion on things that have nothing to do with defense. Ten percent of that is health care research conducted by the military which doesn't have anything to do with the military. We have the NIH, the world's premier leading research organization, and we ought to transfer that out of the military.

As a matter of fact, the guy who started that was a friend of mine, Ted Stevens. One of the last things he told me is one of the biggest mistakes he ever made is putting medical research into the Pentagon, because now it gets funded, and we are duplicating things at the Pentagon which we are doing at NIH on diseases such as breast cancer, prostate cancer. I happen to have a little experience with that one. The fact is we are not spending the money wisely. We are spending money we do not have duplicating what we are already spending money on.

I yield to my senior colleague.

Mr. CORNYN. I ask the Senator from Oklahoma, isn't it true he has the materials Senator McCAIN referred to posted on his Web site?

Mr. COBURN. If people are interested, [coburn.senate.gov](http://coburn.senate.gov), and they can get that information. Everything we have, every study we have published, all the waste, all the duplication.

I have one other item.

There is at least \$200 billion a year that the GAO—not TOM COBURN—has identified in waste and duplication in the Federal Government. We have not acted. Only one committee of Congress, Education and The Workforce, in the House, has acted on one of the recommendations as far as duplication. So the problem is us.

Mr. CORNYN. I ask the senior Senator from Arizona, as we discussed, he has been a critic and pointed out waste in the procurement process. I know the military, in designing state-of-the-art weapons systems, the F-35, for example, built in the notion of concurrency, where they are actually designing it while they are building it which creates cost overrun challenges. But I know the Senator was also instrumental in finally getting the Pentagon to negotiate a fixed-price contract. Could the Senator talk a little bit about some of the challenges?

Mr. McCAIN. For years, I say to my colleague from Texas, the cost overruns went unchecked. When someone has a roof that leaks and they hire

someone to fix the roof on a cost-plus contract, I guarantee that the cost to have your roof fixed will probably exceed the initial estimate the roof fixer provides you. When we go into cost-plus contracting, which is justified by many of the contractors saying, well, we are not sure what the additional costs will be, they do not seem to have difficulty once those contracts are fixed cost.

The best example—best or worst example—I can tell my friend from Texas is the original effort to replace Marine One, the Presidential helicopter. This helicopter, over a period of a couple of years, went from requirement to requirement, to the point where it was even a requirement that the helicopter could withstand a nuclear blast. It ended up, before it was even off the drawing board, at a greater cost than Air Force One. At a greater cost than Air Force One. So finally they had the good sense to scrap it and we are still using the old reliable helicopter which seems to fairly suit the purpose of transporting the President.

Another interesting story was the Air Force now believes that one of their primary acquisitions has to be a long-range bomber. We are starting in this process again. At one point there was a proposal to put a kitchenette—I am not making this up—a kitchenette into the long-range advanced Air Force bomber. Finally someone decided maybe that doesn't look too good, to have a kitchenette on this airplane. But that is the case of what happens in the system we have today.

God knows the chairman Senator LEVIN and I and other members of the Armed Services Committee have gone time after time to try to bring these costs under control. I guess one of the favorite stories is of the famous Kelly Johnson of "Skunk Works" of the old Lockheed team. They went out in the desert of Nevada and came back 7 weeks later with the SR-71. Now it takes literally decades to come forward with a weapons system, and never once in recent years that I can recall has there been a weapons system on time and on cost.

Then you understand, I say to my friend from Texas, where the defense industry is so important and vital to the economy of his State, as it is with mine. The Apache helicopter, which I am very proud of, is built out in the east valley of Phoenix, AZ. But the American people then become cynical about defense spending. That really does erode our ability to sponsor and support those requirements that are so badly needed.

I thank the Senator from Oklahoma for all he has done to continue to bring this to the attention of the American people.

I want to make one additional comment about this medical research. There is not a person I know in Amer-

ica who does not support medical research. Particularly cancer is one of the big projects we appropriate money for. But it is the classic Willie Sutton syndrome. What in the world does the Defense Department have to do with cancer research? It is the Willie Sutton syndrome. They asked Willie why he robbed banks and he said: That is where the money is. So we are robbing Defense appropriations for programs and projects that have nothing to do with defense, but because the money is there we are spending it.

Meanwhile, we do not have, particularly as a result of sequestration, adequate funding, in my opinion, that will enable us to continue to defend this Nation.

All of us are for medical research. I do not know anybody in the world who is not. But for us to take money out of Defense appropriations and put it into medical research is something that is not any way justified except for the fact that the money is there.

Mr. CORNYN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 1 minute 40 seconds remaining.

Mr. CORNYN. I yield the remaining time to the junior Senator from Arizona.

Mr. FLAKE. Mr. President, it is interesting in terms of the money being used where it should not be. I gave the example last week, and I am coming down every week and speaking at least 5 minutes on waste and duplication in government. I talked a couple of weeks ago about the Department of Agriculture. The Department of Agriculture—this is the Department of Agriculture, but you would not know it when you look at some of the programs run by the Department of Agriculture. No. 1, they have a Single-Family Housing Direct and Guaranteed Loan Program in the Department of Agriculture. It provides zero downpayment mortgage loans. It has cost the taxpayer about \$10 billion since 2006. That is the Department of Agriculture, running a housing program.

We see this all over government. It is wrong. Eliminating the duplication that Senator COBURN, the Senator from Oklahoma, has spoken of many times can save our government and the taxpayers billions of dollars a year.

I appreciate, my colleagues, this colloquy we have had, and I look forward to more.

Mr. CORNYN. Mr. President, we yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I rise to address one of the most difficult issues we have faced in this bill, an issue on which the Armed Services Committee spent a great deal of time, in fact more time than on any other issue this year. It is the issue of sexual assault in the military.

At our very first hearing where we were discussing this with a group of people, I made the observation that the only sure, long-term way to confront and defeat this tragic problem is through a change in the culture. It has to become unacceptable in the culture of our armed services that sexual assault is in any way tolerated or ignored. We have to solve this. It is a problem that has been festering for years. I understand the impatience of those who say we have been waiting for too long, we have to take strong steps. I think it is very important to realize that in the bill that is already before us are strong steps, the most comprehensive package of sexual assault provisions that has ever been in any Defense bill, to my knowledge, in the history of this institution. It has been taken seriously. It has been dealt with in a comprehensive way, some of the strongest changes ever.

I think one of the most important I want to highlight is the criminalization of retaliation. A great deal of the discussion has been about reporting and the reluctance of victims to report, in part because of retaliation. One of the provisions in this bill is to make it a crime to retaliate against a victim for reporting one of these horrendous crimes. The debate today is about one particular provision, one particular provision dealing with sexual assault that is not in the bill, and the question boils down to who makes the decision to refer a sexual assault case to prosecution.

I have heard the debate. I should have said at the outset, I so admire Senator GILLIBRAND for her intellect, for her passion, for her dedication, for her perseverance on this issue. Everybody involved in this debate has exactly the same goal, which is to get rid of this problem, to diminish it, to reduce it to zero, to not tolerate it. That is the goal of everyone involved. The question is whether removing the decision to refer to court-martial from the commander will further that goal or in fact will undermine it.

After listening to the arguments, discussing it at length with Senator GILLIBRAND and others, I have concluded that to take this decision out of the chain of command would in fact do harm to the cause of victims' rights.

The reason is simple. I want the commander to be fully responsible for this problem. I don't want a commander saying: It is not my problem anymore; the Congress of the United States has said I don't have to worry about this; I will check that box.

I believe, going back to my original point, that the way you change the culture is in a multifaceted approach, but certainly one of the ways you do it is through the decisions that come from the commander. That is what sets the tone in the unit. Leadership always infects an entire unit in good or bad

ways, and I believe it would be a mistake on the side of the victims if we change the system and allow the commanders to say this is not my problem, this is not my responsibility.

As Senator REED mentioned on the floor earlier today, the Senator from Rhode Island, one of the most important changes is a change the Pentagon has itself made which is to hold commanders responsible for the sexual assault record in their unit as part of their evaluation for promotion. That is part of the way you change the culture.

This is a very difficult decision, but I think it is important to realize that the decision on this amendment is not: Are you in favor of victims' rights or are you in favor of the brass? I reject that dichotomy because already within the bill are these very strong provisions which are directed at this serious problem. What we are talking about is a fairly narrow discussion of who makes that decision. As a former practicing attorney who has had experience in criminal cases, prosecutors I think may be more conservative and less likely, in some cases, to bring cases to trial than the commanding officer who wants to ensure that justice is done for that victim. What we want is no victims. We want this problem to end. We want this era to change because the culture changes within the military, and that which was acceptable at one time is no longer acceptable.

The best example I can cite for that in my life is drunken driving—OUI. When I was a young man, there was an epidemic of drunken driving in this country, and it was considered as kind of a joke. It was considered as a sort of a rite of passage. Suddenly, through law changes and societal changes over a generation, it is no longer acceptable or funny, and it is no longer tolerated, and as a result we have seen a decline because the culture has changed. That is what has to happen in the military, and I think it begins with the commanding officer.

In my opinion, to take this responsibility away from the commanding officer is not siding with the brass, it is siding with the victims, because I want those commanding officers fully engaged in this decision. I want them fully responsible for their decision. I want them to be what, in fact, they are, leaders—leaders who can make change, and leaders who can make change in this critical area. If it doesn't work, as my father used to say, Congress is always in session. We can come back and correct it.

I believe we are at a moment where the military is being given a last chance to deal with this within the chain of command. I think we have given them the tools to do so in this bill, and I urge my colleagues to support Senator MCCASKILL's amendment and to move forward with this bill which we can be very proud of in terms

of its recognition of this horrendous issue, but also in terms of the solutions and tools it provides to our military to solve this problem once and for all.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend and colleague from Maine for his very thoughtful statement. After having several conversations with him, I know he did not come to this decision easily, but I certainly think he made a very strong argument for the decision he arrived at.

He and I—and all of us—share a deep and abiding concern about the issue that is before the Senate in the form of the amendment to the National Defense Authorization Act that is being debated on the floor. This is a very difficult situation. It is an unacceptable situation where men and women in the military may be exposed to sexual assault but, more importantly than that, the individuals who are responsible for those assaults need to be held accountable.

What we are asking today is: Are we going to hold the people who are in charge accountable for bringing offenders to justice or are we going to farm that responsibility out to some other entity, individual, or some other part of the bureaucracy? That is the question before us.

I trust these commanders. I have known thousands of them. I trust them, and I believe in them. Has there been an insufficient effort devoted to preventing these horrible crimes from taking place? Yes. I trust these commanders—these men and women in command—to take the proper action necessary because it is their responsibility.

The changes that are in this legislation include removing the ability of commanders to overturn jury convictions, require review of decisions not to reverse charges, criminalize retaliation against victims, provide a special victims' counsel to victims of sexual assault, and support and assist them through all their proceedings. That is why I supported Senator BOXER's amendment which reforms article 32 of the Uniform Code of Military Justice. Her amendment will help prevent the abuse of victims of military sexual assault in a pretrial setting.

We are taking action in this legislation. Maybe we can be found guilty of not acting soon enough. Basically this deals with a fundamental question: Do we not trust the commanders—whose responsibility is the very lives of the men and women under their command—to do the right thing? That is the difference between the Gillibrand amendment and what has already been done in this legislation.

We have had extensive hearings, debate, and discussions on this piece of legislation. The question is: Do we

trust the commanders to do the right thing within the proper parameters, such as removing the ability of commanders to overturn jury convictions, require review of decisions not to prefer charges, and criminalizing retaliation against victims?

As far as I can tell, we have taken significant and important steps that will protect our men and women not only from assault but the abuses and recriminations that may be visited upon them in cases where they are victims.

I am not saying the legislation before us will eliminate sexual assault, but I am saying that what we are doing is exactly what we did at other times when there were crises in our Armed Forces. I am referring back to the post-Vietnam war era. I was a commanding officer in 1975, 1976, and 1977, and we had racial, drug, and discipline problems. We had the post-Vietnam war syndrome where our military was in total disarray. We were dealing with drug abuse and racial discrimination. There were race riots on aircraft carriers.

What did we do? We placed the responsibility directly on the commanding officer, and if they didn't take action and failed, they were relieved. That is the way the military should function, and that is the way the military has functioned successfully. We had programs, advisers, indoctrination, and punishment—punishment for those who refused to adhere to the standards of conduct we expect every man and woman in the military to adhere to.

What does the Gillibrand amendment do? It removes the commander. It removes the person—the man or woman in command—who has the ultimate responsibility, unfortunately, from time to time of taking these young people into battle and risking their very lives. That is what makes them different from any other part of America and any other part of our society.

The Gillibrand amendment says we don't trust these commanders. Well, we trust those commanders with the lives of these young people. We ask them to have the ultimate responsibility, which is that of defending this Nation, but we don't trust them to prosecute and do their job and their duties? Well, that flies in the face of every encounter I have ever had with the men and women who were in command, and the senior petty officers, master chief petty officers, and master sergeants who are responsible for the good order and discipline of the men and women in our Armed Forces.

I won't go into the fact that this Gillibrand amendment includes matters such as burglary, perjury, robbery, and forgery. It has been expanded beyond belief in its areas that have to be referred out of the chain of command. I will not even bother with that.

I say to my colleagues as passionately as I can that if we do not trust

the commanding officers who take our most precious assets—the young men and women of the military—into battle, then we obviously need to reevaluate our entire structure of the military. But I do trust them. The finest people I have ever known in my life are those who have worked their way up to positions of authority in command through a very severe screening process. Have they made mistakes? Can we find an example or a case where the right thing was not done? Of course we can. There is nowhere in our society where we can't find examples of people who have not done the right thing.

Today I am embarrassed that it seems naval officers were involved in some kind of bribery scheme about overseas ships. Sometimes we are embarrassed by leaders of our military, but they are the exception and not the rule.

If the Gillibrand amendment is passed, the message we will send to the men and women in command in the military is that we don't trust you and we don't believe in you. That is what this is all about. If we follow through with the 26 changes that have been made in the Defense authorization bill and ensure that if there is a wrong decision made in some cases, that decision will be sent all the way up the chain of command to the service secretary.

This is a terrific and horrific problem in our Armed Forces today. We have done what we believe and what our military and military leaders believe is right—leaving the commanding officer in the decisionmaking process concerning the lives and welfare of men and women under their command. I hope we will realize that if we pass the Gillibrand amendment, our signal to the men and women in leadership—whether they are our senior enlisted personnel or our officers—is we don't have any confidence in you, and we don't trust you. That is the message we will send if we pass this amendment today.

Are they perfect? No. Have they made mistakes? Yes. That is why we put provisions in this bill which would circumscribe much of the decision-making process but still leaves final decisions in the chain of command.

I urge my colleagues to reject the Gillibrand amendment.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Nebraska.

**Mrs. FISCHER.** Mr. President, I rise today to speak on the series of historic reforms adopted by the Armed Services Committee to combat sexual assault in the military. The women have taken the lead on this matter. Sexual assault is not a gender issue, it is a violence issue.

I rise to voice support for a bipartisan amendment that I have offered with Senator MCCASKILL and Senator

AYOTTE to directly confront this violence, and I urge my colleagues to oppose any radical changes that would undermine justice for the victims and take away responsibility from commanders.

I am proud to have supported several measures to strengthen the rights of victims, hold perpetrators accountable, and strengthen oversight of military commanders to ensure that justice is delivered.

As a result of a truly bipartisan effort, the committee has put forth a bill that takes an unprecedented step of providing victims with a special victims' counsel to make certain they are receiving unbiased, independent legal advice. It strips commanders of the ability to overturn jury convictions, makes retaliation against victims a crime, requires dishonorable discharge or dismissal for those convicted of sexual assault, and provides critical civilian oversight.

Despite achieving these unprecedented reforms in committee, my colleagues and I continue to explore ways to enhance the current bill after the committee's work had concluded.

Senators MCCASKILL, AYOTTE, and I introduced an amendment last week to expand upon the committee's progress. Our proposal extends current protections to service academies, boosts evaluation standards for commanders, and allows victims increased input. It also eliminates the good soldier defense in most cases.

These changes, both in our amendment and in the whole NDAA, are significant but, importantly, they are also serious and thoughtful. They are based on sound policy, not on political sound bites.

Rather than radically remaking the entire military justice system, which would carry significant risks, our proposals improve and update the current system. To do so, we applied lessons from history.

In 2006, Congress hastily changed portions of the Uniform Code of Military Justice to address instances of rape. These changes disrupted victims' paths to justice, and Congress was forced to rewrite its own changes a few years later.

Congress can't afford to get something this important wrong. We cannot let our deep desire to solve this problem lead to imprecise solutions because victims suffer when we do. Any changes to the UCMJ should come after a deliberate and transparent process, with feedback from all sides. The McCaskill-Ayotte-Fischer amendment is the result of such a process, and I encourage my colleagues to support it.

Finally, I urge my colleagues to oppose any amendment that undermines a commander's responsibility for his or her troops. Senator MCCASKILL put it so well when she spoke on the floor earlier today: The amendment offered

by my friend and colleague, the junior Senator from New York, offers a solution that is "seductively simple," but its simplicity creates a host of complex policy problems.

In addition to technical concerns, I do not agree with the underlying goal of removing commanders from the military justice system. As Senator MCCASKILL noted, we know commanders pursue courts-martial when their legal advisers recommend against doing so. We know, based on the experiences of our allies, that removing commanders from that judicial process does not achieve the desired results. And we know that commanders have risen to the challenge in the past to confront contentious issues within their units, including integration. These facts lead me to conclude that the changes in this bill, combined with the reforms included within our amendment, will best serve the interests of victims and punish those responsible.

I commend the Senator from Missouri for her leadership on this issue, and I am grateful for the opportunity to work closely with her, Senator AYOTTE, and many other colleagues to help our men and women in uniform.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Oklahoma.

**Mr. INHOFE.** Mr. President, first of all, I agree with the comments of the Senator from Nebraska.

I have to say I was a little disturbed because I have heard a couple of reports—one was in a news conference on November 6 and one on November 19—yesterday, I guess—that Senator GILLIBRAND was saying that I was objecting to her amendment. Yes, I oppose her amendment but not to the extent that I would hold back the bill. My gosh, there is no one on the floor of this Senate who has been working harder to get this bill through—no two people more than the chairman and me. So I want to make sure people understand that.

In terms of the alternative, I have been watching it very closely, and my strongest possible support is for that amendment, No. 2170, offered by Senators AYOTTE and MCCASKILL, which provides additional enhancements to the historic enhancements for sexual assault prevention and response activities in our military. I commend my two colleagues on the Armed Services Committee for their tireless efforts and their leadership, and I urge all Senators to join me in supporting this amendment.

It doesn't mean that if someone is opposed to the Gillibrand amendment, that someone is not wanting change. Yes, we do. This is major change.

It adds the senior trial counsel to the officers who make recommendations on whether to proceed to trial and, if the convening authority decides not to proceed, results in the case being referred to the service Secretary.



It adds duties for the special victims' counsel to inform victims of options for military and civilian prosecution of sexual offenses. It gives them a voice. They can express a preference. It requires commanders to give weight to that preference and to notify the victims if the civilians decline prosecution.

These are changes. These are changes in the current system that are coming with the amendment offered by Senators AYOTTE and MCCASKILL, amendment No. 2170.

It requires including written performance appraisals of every member of the Armed Forces—officers and enlisted people—an assessment of that member's support for sexual assault prevention and response programs.

It requires every commander to be evaluated in their performance appraisals on whether they have or have not established a command climate where allegations of sexual assault are properly managed and fairly evaluated and ensures that a victim can report sexual assaults without fear of retaliation, ostracism, or any kind of group pressure from members of the command.

It also requires command climate assessments to be performed after a sexual assault incident, with copies of that assessment to be provided to superiors in the chain of command and the military criminal investigation organization.

It creates, finally, a process through the boards for correction of military records for confidential review of discharges of individuals who were victims of sexual offenses, to require consideration of psychological and physical aspects of the victim's experience that may have had a bearing on the separation.

So this is a major change. It is one I strongly support. I give the Senator from New York the benefit of the doubt that she did not mean what some people would interpret it to mean—that I would hold up a bill in opposing her amendment. I certainly would not do that. I am for reform, and we have an opportunity to do that which is bipartisan and accomplishes the very thing we should have accomplished many years ago.

I thought there were others waiting here, but let me make one comment. I agree with my colleague, the junior Senator from Oklahoma. I know he has worked tirelessly in trying to do something to stop waste in the Pentagon, and, quite frankly, I think there is some there.

This chart shows the devastation of sequestration. What it shows is the bottom line—these are deficiencies. This is what he is talking about. I want my colleagues to see this because this goes from fiscal year 2014 all the way to 2023. If we take the sequestration as it is right now, without any adjust-

ments—now, Senator SESSIONS, Senator MCCAIN, and I have tried to make adjustments so that there are greater cutbacks here and not so many in the first 2 years.

The orange—and that is where almost everything comes out—represents readiness. That is readiness. Readiness is what we need to support our fighters in the field to save lives.

The green is modernization. That is not affected by these inefficiencies we are talking about.

The force structure is a major cost item, and it is demonstrated by the yellow on the chart.

So what I am saying is I know there is room for improvement, and I want Senator COBURN and others to work on areas within the Pentagon where money can be saved. But if that happens, it is still going to all be found down here—everything. TRICARE and all of it is down in this blue line. So we can see that the devastation that comes from sequestration to our military is still going to take place.

I think if we look at the level there of the sequestration cuts that take place, it is almost entirely in the readiness. "Readiness" is a term we have used for a long time. That is our ability to save lives. That is our ability to train and equip our men and women in harm's way.

We have testimony right now that I wish to share with my good friend and the Chair, who was there and heard it, from all four services talking about how much more risk is involved if we have to go through sequestration. Risk equals lives. I agree with those who want to do all they can through efficiencies. I am for them. I will do all I can to help them. That doesn't solve the problem. The problem is immediate. It is today. I still believe there should be something we can do to stop draconian cuts in our readiness and our force structure accounts that would come with sequestration.

It wouldn't do me any good to read all of the quotes we have from various individuals, but I can assure my colleagues that the Chair and anyone who sat through the Armed Services Committee hearings has heard all four of the chiefs talk about how devastating this will be if we are not able to correct this.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, there is not a single Senator here who does not

acknowledge the seriousness of sexual assault in the military and that we must do something to prevent and prosecute these crimes. Yes, there are differences of opinion as to what we need to do, but make no mistake, we share the common goal of preventing and prosecuting these crimes.

I thank two strong women on the Armed Services Committee, Senator MCCASKILL and Senator GILLIBRAND, for their leadership in pushing for solutions that will make a difference. I also thank Chairman LEVIN for his commitment and leadership in bringing forth a bill that includes a number of important improvements to the current system. We all support these changes. However, I believe there is a fundamental structural problem with how sexual assault cases are prosecuted in the military. We need to make the changes proposed by the Gillibrand amendment.

I am a cosponsor of the Gillibrand amendment. I spoke on the floor last week and explained why I think we need to remove disposition authority from the chain of command. I don't want to repeat everything I said last week, so let me make a few points.

First, for two decades or longer the Department of Defense has had a zero tolerance policy for sexual assault and sexual harassment. Yet the problem persists. Servicemembers continue to be assaulted and raped, and in too many cases the perpetrators continue to go unpunished. Year after year, Secretary after Secretary and commander after commander has told us about all the efforts to correct this problem, but those efforts have not worked. There are probably many reasons why these incremental changes have not worked, but every year that these changes do not work, many more of our brave men and women in the military endure the trauma of sexual assault. It is time to make a major change to the military justice system.

Second, too often these attacks are not reported, which allows the attacker to prey on more victims. The survivors tell us the biggest reason they do not report these crimes is because they do not believe their chain of command will ensure that justice is done. Even the Commandant of the Marine Corps, General Amos, has acknowledged that many victims do not come forward because "they do not trust the command."

The concerns of survivors in coming forward makes sense because there are inherent biases and conflicts of interest in the chain of command. These concerns are echoed in a letter from GEN Claudia Kennedy that was signed by more than two dozen former officers from all branches of the military. The letter states:

We know that, in too many cases, servicemembers have not reported incidents of sexual assault because they lack confidence in

the current system. The inherent conflicts that exist in the military justice system have led servicemembers to believe that their allegations of sexual assault will not receive a fair and impartial hearing and that perpetrators will not be held accountable.

We should give weight to these concerns and act today to remove the chain of command from prosecutorial decisions in sexual assault cases and instead put these decisions in the hands of an impartial, experienced military lawyer.

Third, removing prosecutorial decisions from the chain of command will not harm good order and discipline. I have heard this concern from many military leaders, as well as from others who oppose this amendment. They say eliminating a commander's ability to decide whether a case should go to trial would undermine the commander's ability to maintain good order and discipline within the unit, and yet—and yet—we have heard from many others who have command experience who support the Gillibrand amendment.

Good order and discipline should not depend upon a commander's ability to decide whether to prosecute a sexual crime. A commander's authority and leadership must certainly be based on more than that.

Furthermore, the Gillibrand amendment preserves a commander's disposition authority over crimes that are uniquely military—crimes such as desertion, AWOL, contempt, and non-compliance with procedural rules. This ensures that commanders will have the authority they need to maintain good order.

In closing, it is undeniable that the current system does not work. We know it does not work because, according to the Department of Defense, in 2012 there were an estimated 26,000 cases—26,000 cases—of unwanted sexual contact.

We know that not all survivors report these crimes because, in the words of General Amos, “They do not trust the command.” We know we can eliminate bias and conflicts of interest by entrusting prosecutorial decisions to an impartial, experienced military lawyer. We know that removing disposition authority from the chain of command will not undermine good order and discipline.

We know what needs to be done. We ought to do it and do it today. We owe it to the men and women who serve our country in uniform. We owe it to the families and loved ones of those who serve because the trauma of sexual assault often extends beyond the trauma experienced by the survivor. I urge my colleagues to support the Gillibrand amendment.

I yield the floor.

Mr. LEAHY. Mr. President, earlier this year, as many others were, I was shocked when the Department of Defense released a stunning report about the increase in sexual assault among

the branches of the Armed Forces. Sexual assault in the military is neither a new issue, nor an uncommon one. It has been a problem for decades. Its occurrence is a stain on the honor of our military and Nation that we must all work to eliminate. Military bases are where our troops are supposed to be safe, and to know that they risk being in harm's way not only when deployed but among their fellow servicemembers as well is horrible.

I have worked hard to bring greater attention to the ongoing problem of sexual violence in our communities and am proud of the significant improvements we made in the recent reauthorization of the Violence Against Women Act earlier this year. It is time we bring the same level of attention to the crisis on our military bases.

While this epidemic is not representative of the vast majority of our service men and women, who serve honorably and conduct themselves commensurate with our expectations of those in uniform, it is also not isolated to just a handful of bad actors. We can no longer ignore that the time is long overdue for meaningful changes to help end sexual assault and harassment in the ranks of our Armed Forces. We must work together to protect victims and provide appropriate help and support and to ensure that those responsible for such crimes are held accountable.

Just as our civilian justice system is the envy of the world, our military justice system must also meet that standard. That is why I am a cosponsor of Senator GILLIBRAND's Military Justice Improvement Act, and why I support her amendment to the National Defense Authorization Act, NDAA.

In last year's Defense authorization bill, Congress included provisions meant to address sexual assault in the military. That legislation required the Secretary of Defense to prescribe standards for victim support and mandated an independent review and assessment of the systems used to adjudicate crimes involving sexual assault and related offenses.

When the Department of Defense released its fiscal year 2012 report on sexual assault in the military earlier this year, its findings were jarring, and for many myself included they were infuriating. To make matters worse, the problem seems only to be growing.

The status quo for how we deal with sexual assault and unwanted sexual contact in the military is untenable. If we are serious about curing this problem, we need to get serious about making fundamental changes to how it is addressed. We cannot expect that by doing the same thing over and over again we will achieve different results.

I supported Secretary of Defense Chuck Hagel's proposals this summer to limit a commander's authority to overturn major court martial verdicts,

among other reforms to the system. I am pleased that the members of the Senate Armed Services Committee included this key provision, as well as other measures to address the so-called “good soldier” defense and to require commanders to immediately report alleged sexual assaults to the investigative office, in this year's Defense authorization bill.

Senator GILLIBRAND's proposal is another move in the right direction, taking these reforms a step further by removing the determination to bring sexual assault cases from the chain of command and giving that discretion to an experienced military prosecutor. This is a commonsense solution, and I commend her for her clear-eyed and energetic leadership on this issue.

Senator MCCASKILL's proposal also includes strong protections for victims so that the process of getting justice for these crimes does not revictimize those who come forward to report them. I believe Senator MCCASKILL's proposal also is a step in the right direction to encourage victims to come forward and report these crimes. Our Nation's troops should not have to fear sexual assault, and if they are victims, they certainly should not fear any stigma after bringing to light unwanted sexual contact.

Surely we can all agree that we have an obligation to ensure that our men and women in uniform are protected from the threats we can control. Holding perpetrators of sexual assault and unwanted sexual contact accountable and caring for, supporting, and protecting those victims is within our control. I hope Senators on both sides of the aisle will join me in supporting reforms that will fundamentally change the way we approach this issue in order to achieve better results.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 6 of my 10 minutes.

One of the issues we address in this bill is the problem of sexual assault in the military. Too many of the men and women who volunteer for our military to serve and protect us are victims of sexual assault and other misconduct. That is deeply offensive to our conscience and a stain on an honorable institution.

The bill that was reported by the committee includes groundbreaking new measures to reduce sexual assault and misconduct. On a bipartisan basis, members debated and approved more than two dozen measures related to preventing sexual assault and to delivering justice for the victims of these crimes.

The bill that we approved, and which is now before us, would provide sexual assault victims a counsel, a lawyer, who works not for commanders, prosecutors, defense attorneys or a court but for the victim. It includes strong

new protections for victims that are designed to combat the No. 1 problem we have in preventing assaults and dealing with perpetrators: the fact that many assaults remain unreported to authorities. Of great importance, the committee-reported bill for the first time makes it a crime under the Uniform Code of Military Justice to retaliate against a servicemember who reports a sexual assault.

It also requires that the Department of Defense inspector general review and investigate any allegation of retaliation against those who make communications regarding sexual assault or sexual misconduct.

Our bill includes important criminal justice system reforms, including reforms on how commanders respond to sexual assaults. Our bill includes a requirement that commanders who become aware of a reported sexual assault immediately forward that information to criminal investigators. It eliminates the consideration of the accused's character from the factors a commander should weigh in deciding whether to prosecute a sexual assault allegation. It restricts the authority of commanders under Article 60 of the UCMJ to set aside court-martial verdicts in cases involving sexual assault and other crimes. It requires that a decision by a commander not to prosecute a sexual assault complaint undergoes an automatic review by a higher command authority, in nearly all cases a general or flag officer. In the case where a commander's decision not to prosecute contradicts the recommendation of his or her legal advisor, that automatic review is conducted by the service Secretary. The committee-reported bill also makes clear that we expect and demand that commanders will use their authority to rein in this problem by fostering a climate of zero tolerance toward sexual misconduct and one in which servicemembers believe they can come forward to report cases of sexual assault.

These important reforms were the product of the work of almost every member of the Armed Services Committee. The desire to remove this stain from our military is bipartisan and it is strong.

Despite widespread bipartisan agreement on significant reforms, one significant issue of dispute remains. This is the question of whether military commanders should retain their authority to prosecute sexual assaults. Senator GILLIBRAND proposed in committee, and proposes again here on the floor, to remove our commanders' authority to prosecute. Along with a strong majority of the Armed Services Committee, I opposed Senator GILLIBRAND's proposal, which was defeated on a bipartisan 17-9 vote. I oppose it for a simple reason: I do not believe its passage would strengthen efforts to end military sexual assault and other mis-

conduct, and in fact I believe it could weaken those efforts.

The Gillibrand amendment would uproot major portions of the military justice system and require the establishment of a parallel justice system within the military. Our top military lawyers have told us that the amendment leaves large gaps and unexplained issues that could make the new system unadministrable and bog it down in litigation.

Despite those problems, if I believed that the proposed amendment would remove more sexual predators from the ranks and put more of them behind bars, or lead more victims to report sexual assaults, I could support it. But the evidence we received in our committee shows the opposite.

First, we learned that military commanders are more likely, not less likely, more likely, to prosecute sexual assaults than military or civilian lawyers. The committee heard from many commanders, at all levels, that they see important value in sending cases to court-martial even if a conviction is not a slam-dunk. But we have more than the assurances of commanders. We have hard data. Over the last two years, in nearly 100 sexual assault cases which civilian prosecutors declined to prosecute, military commanders stepped in and took the case to court. Trials are complete in 63 of those cases, resulting in 52 convictions an 83 percent conviction rate. Those victims would not have seen justice if a military commander had not stepped in where professional prosecutors declined to act. The evidence before us indicates that commanders are ready to prosecute these cases, and that removing their judgment and replacing it with career attorneys will result in fewer prosecutions of these cases.

The evidence is that when victims do come forward, their reports are properly investigated, and when commanders are presented with the facts, our commanders do their job. They often send cases to trial even when professional prosecutors hesitate to do so. So why would we want to take that authority away?

Second, the supporters of this proposal have argued that it will increase victims' willingness to come forward. They do not provide any data to support the assertion that victims will be more willing to come forward in a system that is less likely to bring them justice. Why would victims feel more confident in a system that is less likely to aggressively prosecute these crimes?

The Response Systems to Adult Sexual Assault Crimes Panel, which was established in the National Defense Authorization Act for Fiscal Year 2013 and has looked in depth at the experience of our allies on this issue, reported last week: "We have seen no indication that the removal of the commander from the decision making proc-

ess has resulted in an increase in reporting and there is nothing in the experiences of our foreign Allies that suggests adopting their systems as a model will have any impact on the reporting of sexual assaults."

I believe the contention that this amendment would increase reporting stems in many cases from a fundamental misunderstanding of how sexual assaults are reported. One member of the Senate, in announcing his support for taking away commanders' authority to prosecute, said: "To me, it's as simple as this: Should you have to report to your boss when you've been abused or when you've been a victim of a crime?"

Well, of course you shouldn't have to. And in the military, you don't. There are many different avenues by which a member of the military may report a sexual assault. Reporting it to your commanding officer is only one. Victims can report an assault to civilian police, to military criminal investigators, to a health care professional or to a sexual assault response coordinator. The Gillibrand amendment does not affect any of those reporting channels. Its only effect is to change what happens once an assault is reported and investigated.

Supporters of this proposal have argued that our allies have adopted changes to their military justice systems along the lines they propose, and that these changes have better served sexual assault victims. What this argument ignores is the fact that our allies' decisions have not been aimed at protecting sexual assault victims. In fact, with allies such as Canada and Great Britain, commanders' authority to prosecute was removed not out of concern for crime victims, but out of concern for the rights of the accused. I have yet to hear anyone argue that the problem with our handling of military sexual assault is that it is too tough on perpetrators. Yet that has been why allied militaries removed the decision to prosecute from their commanders.

Perhaps the most basic reason to oppose the amendment of the Senator from New York is that it removes a powerful tool from those who are indispensable to turning around the problem we have. Our military commanders are the indispensable tool to turn around this problem. I have met at length with several groups of retired military women.

I specifically chose to meet with retired military personnel to ensure that they would be free to speak their minds. These women—all of whom have seen cases of sexual assault and sexual harassment in the course of their military careers—told me the problem is not commanders. The problem is a military culture, they told us, that tolerates excessive drinking and barracks banter that borders on sexual harassment or crosses that line. The problem

is there is a failure to recognize the existence of servicemembers who appear to be good soldiers but in fact are sexual predators, and a culture that values unit cohesion to such an extent that those who report misconduct are more likely to be ostracized than respected. None of these problems are unique to the military, but they are exacerbated in the military by the frequent rotation of military assignments, which can make it easier for predators to hide.

The military has a unique tool for addressing this problem: commanders who can bring about changes in command climate through mandatory training and by issuing and enforcing orders that are not possible in a civilian environment. That is what they did in addressing racial discrimination and in ending don't ask, don't tell. That is what they can and should do here. Weeding out sexual predators and the climate that makes it possible for them to hide is an essential ingredient in any solution to the sexual assault problem. The military women whom I met with over the summer told me that our commanders are in the best position to make that change.

Weakening the authority of commanders will do serious damage to their ability to accomplish this change. All of us seek the strongest, most effective response to the plague of military sexual assault. The amendment Senator GILLIBRAND proposes will not strengthen our response. The evidence before us shows it will, in fact, weaken our response by removing the decision from the hands of commanders.

We have two dozen historic reforms in our bill, but a number of Senators, led by Senators MCCASKILL and AYOTTE and FISCHER, have continued to work on policies to strengthen our response to the military assault problem. This has resulted in the amendment they have proposed.

Their amendment would ensure that the duties of special victims' counsels include advising victims on the advantages and disadvantages of prosecuting a case in the civilian or military justice systems, giving victims a greater voice in where a case is heard. It would require that performance evaluations of commanding officers consider their success or failure in creating a command climate in which victims can report sexual assaults without fear. It would require command climate assessments of any unit in which a servicemember is the victim of a sexual assault or is accused of committing one. It would give the victims of sexual assault who leave the military the ability to challenge the terms or characterization of their separation or discharge. It would prohibit introduction as evidence during judicial proceedings a sexual assault defendant's general military character—the so-called "good soldier defense." In other words,

the fact that a defendant happens to be a good troop would no longer be allowed as evidence that he or she did not commit a sexual assault. These reforms are aimed at the problems we do have that is, at rooting out retaliation against victims, and providing victims better support—and not at a problem we don't have—that is, the decisions our commanders make relative to prosecution of these crimes.

I will conclude by saying that these additional reforms in the McCaskill-Ayotte-Fischer amendment are significant additions to what is in the committee bill, and I support them. What I cannot support—and what I hope the Senate will not support—is legislation that will remove from our commanders the authority to combat this problem. The real, strongest tool to combat this problem is the ability to send a matter to a court-martial.

We cannot strengthen our efforts to prevent sexual assault by reducing the likelihood of prosecutions. We know from history and from the facts that is the result of taking this decision away from the hands of the commanders. We know of the 100 cases where other authorities, civilian authorities, have decided not to prosecute but where the commanders then decided to pursue it anyway. That is just within the last 2 years, and we do not know of any cases that go in the other direction.

We cannot strengthen our efforts to prevent sexual assaults by reducing the likelihood of prosecutions. We cannot strengthen our efforts by weakening the authority of our commanders to act against sexual assault. Commanders were tasked, again, with making those monumental changes in military culture, from combating racial discrimination in the 1950s to ending don't ask, don't tell in 2011. If we are to accomplish the change in military culture that we all agree is central to combating sexual misconduct and sexual assault, commanders are essential. We cannot fight sexual predators if we make it more difficult to try and convict them. We cannot hold our commanders accountable for accomplishing that needed change in culture if we remove their most powerful weapon in the fight.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I wish to thank Chairman LEVIN for his extraordinary leadership on combating sexual assault in the military. He has led a process over the last year to ensure that our base bill has a set of historic reforms that make a huge difference in how cases that are actually reported are handled. In fact, the reforms that Chairman LEVIN has put forward and that our colleagues are continuing to perfect do make the handling of the cases that are reported better.

They make sure every victim who reports has a victim's advocate to help him or her steer through the process. They also make sure that if that victim is so lucky enough to get that conviction, that it cannot be overturned by a commander on a second-level review.

They also make sure we have better recordkeeping. They make sure the rules of evidence are better. They make sure victims are protected throughout the process. Most important, we as a committee have put forward in the bill a law that makes sure retaliation is now a crime.

Those reforms help the victims who are strong enough and able enough and have a command climate that is strong enough to report their cases. But one thing the chairman said that is not true: Commanders do not need this legal right to be able to set the command climate. In fact, most commanders will never have this legal right. Just look at the Army rankings. Second lieutenants, they will command 16 to 44 soldiers. They do not have convening authority. First lieutenant commanders—110 to 140 personnel—do not have this authority. Captains—62 to 190 soldiers—do not have this authority. Majors, lieutenant colonels, lieutenant colonels, who typically command battalion-sized units—300 to 1,000 soldiers—do not have this legal right.

Most commanders will never get to look at a case file and say: Are we going to trial? So I disagree that the ability to decide if something goes to court-martial is necessary to set good order and discipline because almost every commander—all of them here—these commanders, they all have to set good order and discipline as part of their job. They have to set a command climate where the rape does not happen. They have to set a command climate where that victim feels comfortable enough to come forward. They must, by law, now ensure that victim is not retaliated against. It is their job—whether they ever have this right. Commanders can do this and must do this without this legal right. It does not weaken their ability.

To have one guy way up here in the Army who wears the bird—the man who is the colonel, O6 level and above—he will make a legal decision, and he is not a lawyer. He is not trained. He does not know the ins and outs of prosecutorial discretion.

He may be biased. He may value the perpetrator more than the victim. He does not need to make this legal decision. He should not be judged on how tough he is on crime. He should not even be judged after he weighs the evidence if he does his job properly. He should weigh the evidence fairly. You can only do that if you are objective. That is why we want it to go to trained military prosecutors outside the chain of command.

Those commanders, every single one of them, should be judged on what the command climate is. Most of them will never get to weigh legal evidence as part of that. Chairman LEVIN, my colleague, has said: They have never heard of examples where commanders did not go forward but a lawyer did.

I talked about one this morning. We heard from many victims. In fact, one victim said she was on her way to trial, and the commander was changed. The new commander had been in command for 4 days. He decides that the trial is not going forward. He actually discontinued the trial.

You know what he said to her? Your rape was not a crime. He may not have been a gentleman. So I do not believe this legal right undermines our military system. I believe it strengthens our military system. I believe it gives commanders the chance to do their jobs, fighting and winning wars, training men and women. Commanders are entirely on the hook by our base legislation. They will be judged on the command climate. They will be judged on whether there is retaliation. They will be able to prosecute retaliation as a crime.

I believe that if you create transparency and accountability in the system, we will be able to have many more cases be reported, first of all. More of those 23,000 cases will be reported. When you have more of the 23,000 cases being reported, you will have more investigations. You will, therefore, have more trials. You will, therefore, have more convictions.

If you are ever going to change the culture, you need to do it by showing there is accountability. You need to do it by showing there is justice. You need to show it by showing that justice can be done. We need the active involvement of commanders. This is never going to happen if we do not. So they need to start focusing on retaliation. They need to start focusing on command climate. They need to make sure these rapes are not happening.

They will do that whether or not they ever have this legal right. When our allies changed their laws to elevate all serious crimes out of the chain of command, they did not see a falling apart of their military. They did not see good order and discipline going out the window. They did not see any change at all, in fact. So I know our military can do the same. I know our military can build a transparent, accountable system that responds to what victims have asked. They want to be able to have the decisionmaker be outside of their chain of command.

If we do that, we have a chance of building a criminal justice system within our military that is good, and it is just, as our men and women deserve.

I am heartened by the conversation we are having on the floor today and I am grateful to all of my colleagues for

their engagement and involvement on this critical issue. I have heard some questions about the technical implementation of the Military Justice Improvement Act mentioned on the floor today and during the past few months and I would like to address those concerns.

First of all, thanks to feedback that we received about the MJIA, we made some technical changes to the amendment that I would like to note.

One such concern was the omission of the Coast Guard, we have now included the Coast Guard in the amendment.

Another concern we heard about was how to handle attempts of crimes, both in the new system and those that are excluded. In the amendment, conspiracies, solicitations and attempts have all been included.

We were also asked about crimes that happen simultaneously. For example, what if during a sexual assault, crimes are also committed that fall under the old system? In order to clarify any confusion about this question, the amendment says that all known crimes will be charged under the new system.

There were also questions about whether the convening authority will be able to pick the judge, prosecutor and defense counsel. The newly filed amendment has been clarified to ensure that it is clear that the new, independent, convening authority has the same power as the previous convening authority—the commander—in overseeing the process of convening a trial. The processes for detailing judges, prosecutors and defense counsels remains as they are today.

Other concerns we have heard seem to take as a negative the fact that the MJIA leaves some issues up to the military to implement.

We see this as one of the strengths of the MJIA.

We wanted to ensure that the military had the ability to best interpret and implement the legislation in a way that was effective for the whole military, and for each service, each of which have slightly different systems.

Let me give you an example. Some have argued that that plea bargaining will not work under our system. That is not true. The amendment transfers the commander's responsibilities for convening authority to the office of the Chiefs of Staff of each service; therefore, the offices of Chiefs of Staff will now have the authority to oversee pre-trial agreements.

We specifically leave interpretation and implementation of the plea bargain up to the military to ensure that it is most expeditious—therefore the military can choose to include the commander's perspective in the pre-trial agreement conversation and send the case back to him or her for non-judicial punishment or summary court martial.

Let me give you another example. Article 32 is not explicitly mentioned

in the amendment. This is intentional. Most if not all of the members of this body agree that the article 32 hearing needs to be fixed, but equally that it must be maintained. Because under the MJIA a trained, independent prosecutor will now be making the decision about whether to go to court martial, this may change the way that article 32 may best be implemented. We want to leave the military, and these trained prosecutors, with the ability to best implement the UCMJ.

I have also heard a lot of questions about non-judicial punishment. As I have said all along, the amendment leaves all crimes with punishment under 1 year of confinement, and 37 military-specific crimes with the commander, thereby leaving the vast majority of crimes punishable by courts martial in the hands of commanders.

However, to suggest that crimes as serious as rape and murder be handled with anything but a clear look at the evidence is at the heart of the importance of this amendment. If evidence exists to send a case to court martial, there is absolutely no reason anyone should consider non-judicial punishment as an option. This is exactly why this decision should be in the hands of an impartial attorney.

Further, the amendment even allows for a failsafe if the independent JAG decides that there is not enough evidence to proceed to trial that the charges would not be appropriately addressed at a court-martial, then the commander would still be able to exercise non-judicial punishment. In the event that the military member demanded a trial by court martial, the decision authority would at that point still be able to send the charge to the convening authority for referral to trial. There is nothing unique about this situation.

I want to assure all of my colleagues that I have spoken to military justice experts and to retired JAGs about how to ensure that the Military Justice Improvement Act addresses potential issues and to ensure that the military has the ability to implement it in the best manner possible.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. BROWN.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I come to the floor today to speak on the tragedy, on the ongoing crisis of sexual assault in our Armed Forces and what I believe we must do. There are several options before us, each of which has been the subject of lengthy and passionate debate, a debate that I think is

healthy, and needed, and welcome here in this Chamber.

I commend my many colleagues—Chairman LEVIN and Senator INHOFE, Senator MCCASKILL and Senator AYOTTE—for the very real progress, the very significant steps taken both in the base bill, the NDAA, and in the amendments to be offered by Senators MCCASKILL and AYOTTE, serious and important steps forward to protect victims, to ensure that commanders are held accountable and to criminalize retaliation. A wide range of important and significant reforms that will make real progress towards addressing the ongoing decades-old scourge of sexual assault in the United States military.

As was said recently on the floor by another of my colleagues, this disagreement today is over one of more than a dozen important and needed reforms. But in the end, we have to decide. I believe the measure offered by Senator GILLIBRAND of New York, of which I am a cosponsor, is the right additional path forward. Because at the end, here is the bottom line: Sexual assault has been a disease, a corrosive and widespread and horribly negative influence on our military that has simply not been effectively treated.

I think this significant, dramatic step is the needed driver for extensive reform. I understand that the chain of command is essential, that it is central to the proper functioning and order of the military, especially during war time. In fact, the chain of command is nearly sacred.

But ensuring that our spouses and our siblings and our children can serve with honor and not have to face another enemy within our ranks is sacred. This is, in the end, a debate about justice—justice within our own Armed Forces, justice so we can fulfill that sacred duty of protecting men and women in uniform as well as they protect us.

Despite many years of good-faith efforts by leaders in our Armed Forces to work within the parameters of our current system, literally tens of thousands of sexual assaults are still occurring annually within our Armed Forces.

That is, frankly, unacceptable and it reflects a fundamental breakdown in order and discipline that in my view we cannot tolerate anymore. The current system, in this important and vital way, is failing. I understand the intense desire our leaders feel to fix what was broken and for our military leaders to atone for taking their eyes off the ball, to paraphrase the testimony of the Chairman of the Joint Chiefs.

But, once again, this debate is not about them, about their commitment or about their strategy or about their determination. It is about justice. In America, justice must be blind. Whether someone receives it or not should not depend on the fact of whether or not he or she serves in the military

rather than in other workplaces. We know the chilling facts, that according to the Department of Defense's own Sexual Assault Prevention and Response Office, 50 percent of female victims state they did not report the crime in the first place because they believed nothing would be done, and one-quarter or 25 percent who received unwanted sexual contact indicated the offender was in their chain of command.

In my view, we strengthen our military when victims of sexual assault have the confidence to come forward and to report crimes and when we remove fear and stigma from the process. We strengthen our military when we are able to deliver fair and impartial justice on behalf of victims.

When we know the military chain of command in this one area is failing, we should not continue to tolerate an exception we would not make in other settings. I came to this decision with great reluctance, recognizing as many in my family have, that the importance of the chain of command, the importance of respecting the unique and different traditions and structures of the military is something that we should only come to with great hesitation.

One of the responsibilities of serving in the Senate that I take seriously is my annual responsibility to review and approve candidates for the military academies who are selected by my independent military academy advisory board, and personally calling the top candidates to inform them that they will be the ones—of the dozens and dozens of highly qualified competitors, they will be the ones selected to go to the Merchant Marine Academy, the Air Force Academy; to Annapolis, the United States Naval Academy, or to the U.S. Military Academy, to West Point.

This is a moving experience each of the 3 years I have had the chance to do this. But this past year, the three top candidates for West Point, for Annapolis or for the Air Force Academy were all women—impressive, compelling, determined to serve our Nation.

Meeting with them and their families, the nervous and proud parents of these confident cadet candidates is also a great annual experience. It reminds me always of my responsibility to them. I promised their parents that we will support and respect them and their service. When we speak to the cadets and thank them for their willingness to serve, I am reminded we have a responsibility to not send them into an institution where they will face threats that we can and should address.

I believe I have a responsibility to send them into an institution I know is well equipped to respond strongly and swiftly to threats to their safety. Yet, today, I am not able to uphold that responsibility because we have not pro-

tected our men and women in uniform from sexual assault.

I thought of my picks for the service academies when I heard another Senator say to General Dempsey that the Senator would not advise a parent to encourage his or her daughter to join the military. What made this decision difficult for me to join Senator GILLIBRAND on this particular amendment was an unfortunate, tragic case.

Last spring while I was trying to decide which path to follow on this bill, my office received a gut-wrenching call from the father of a young woman serving honorably in our military. He was calling against his daughter's wishes, and only as a desperate last resort.

She had been the victim of sexual assault and, as so many others, reported it to her commanding officer up the chain of command. As so many others, her case went nowhere. Her by-the-book reporting and patient waiting for results was met with delays, excuses, and nonresponse. Ultimately, during these repeated delays, she was physically assaulted after she had warned leadership she feared for her safety.

We took action and, ultimately in this instance, justice was done. A chain of command such as that isn't strengthening unit cohesion and morale, it is harming it.

After this particularly troubling case, I made a decision to join Senator GILLIBRAND as a cosponsor, to say to all of us, how can we accept this? How can this situation that has gone on for years be tolerated? How can we justify the status quo?

I am grateful for the leadership of the many Senators on the Armed Services Committee and throughout this body who have taken real steps to add significant improvements to the UCMJ and to the code that underlies our military and the requirements for leadership in the service to take on and tackle these very real problems of sexual assault in the military.

In my view, taking decisions out of the chain of command should only be done under the most serious of circumstances, but that is exactly what we have. We wouldn't find justice if this was the way that any other workplace in America operated. How can we argue that we have justice today for these thousands of victims in our military? The men and women who dedicate themselves to keeping us safe and protecting our rights deserve equal dedication on our part to their safety and to those same rights.

I wish to speak about three bills I am offering as amendments to the NDAA that all relate to a topic I have spoken to many times on the floor, to manufacturing and manufacturing jobs.

The first is the American Manufacturing Competitiveness Act, a bill I introduced last week with Illinois Senator MARK KIRK. It enjoys the support of the Presiding Officer, as well as Senator BLUNT and Senator STABENOW. It

is a simple but important objective, to require the creation of a national manufacturing strategy.

We need to know our country's direction as we try to support the growth in manufacturing. We have grown more than half a million manufacturing jobs in the last 3 years, an encouraging sign, but one we need to strengthen and support with a coordinated strategy between the Federal Government, State governments, and private sector to align all our investments in research and development, new skills, and new infrastructure, to make sure they are all heading in the right direction. Our leading competitors all have successful and well-deployed national manufacturing strategies. Whether Germany, China, India, South Africa, or Russia, they have all thoroughly developed, deeply researched, and prominently successful strategies, which we lack.

Our amendment would require that every 4 years the Secretary of Commerce, advised by a board of 15 different folks, pull together and think through, research, and then deliver a national manufacturing strategy.

This amendment is bipartisan, simple, does not cost the Federal Government a dime and doesn't create a new program. Like the next two amendments I will speak about, it is a commonsense measure that I hope we will adopt.

Secondly, I wish to speak to an amendment I am cosponsoring with Congressman BLUNT to ensure small businesses are not subject to conflicting guidance from Federal agencies.

In the 1970s Congress passed a measure for the Small Business Administration to ensure that small businesses that get contracts from the government aren't actually fronts for much larger companies.

Last year we passed similar but distinctly different rules for the Department of Defense. Most of the time these two sets of rules can peaceably coexist, but in a few cases they come into conflict, creating significant compliance difficulties for very small business. This amendment would say that when both sets of rules apply to a small business contract, the SBA rules would apply, while DOD rules would not.

This amendment is bipartisan, has no cost, and will help small businesses focus on effectively delivering products and services without worrying about compliance.

Last, I wish to speak about an amendment I am cosponsoring with Senator BOOKER of New Jersey to ensure that our defense and intelligence communities maintain their vital technological edge. This is an important measure that would create more opportunities to train America's best talent and pave the way to new innovations.

Recently, the commission on R&D in the U.S. Intelligence Committee re-

viewed our current and future R&D capacity to support our intelligence community's vital work. Their unclassified report shows, in fact, that we have insufficient funding and a critical deficiency of human capital, of skilled workers, and the cutting-edge thinkers we need in this area. Specifically, for one example it said we may not have the kind and number of people we need to build the next generation of satellites to gather and process the intelligence upon which our national security relies.

There is currently a program run by the Department of Defense designed to address one element of this problem. It is called the Science, Mathematics & Research for Transformation Scholarship Program, or the SMART Scholarship Program. This amendment calls on the Secretary of Defense to report back to Congress on two things: Whether the SMART Scholarship Program, or similar fellowship and scholarship programs, are, in fact, providing the necessary number of undergraduate and graduate students in the fields of science, technology, engineering, and math to meet the recommendations of the commission's report, and to recommend how those programs can be concretely improved. Those amendments have already passed the House of Representatives by a voice vote and would be an important, if small step toward paving the way toward job creation and ensuring our national security now and into the future.

I urge my colleagues to support these amendments.

I am grateful for the opportunity to contribute to the debate on these important issues.

I yield the floor.

THE PRESIDING OFFICER. The senior Senator from South Carolina is recognized.

Mr. GRAHAM. I wish to speak in support of the McCaskill, Ayotte, Fischer, and Levin amendment.

Before we begin, I wish to thank Senators LEVIN, REED, MCCASKILL, AYOTTE, FISCHER, and others who have been trying to carry the burden here to make sure that we reform the military justice system and the way the military operates vis-a-vis sexual assault and misconduct but at the same time make sure we still have a military that can continue to be the most effective fighting force on the planet at a time when we absolutely need it.

If one believes, as I do, that our military is the best in the world, we have to ask ourselves why. Is it because of the equipment? We have great equipment. I would argue that the reason our military has become the most effective fighting force in the world is the way we are structured.

If one is looking for a democracy, don't look to the military. The military is a hierarchical and paternalistic organization that is focused on meet-

ing the challenges of the Nation, being able to project force at a moment's notice to deter war and, if war ever comes, to decisively end it on our terms.

I have been a military lawyer for over 30 years. I have been assigned as a military defense counsel for 2½ years and a senior military prosecutor in the Air Force for 4½ years. I have been a military judge, and I have served in the Guard and Reserve, and on Active Duty for 6½ years. I have learned a lot, as a military lawyer, about the military.

To my colleagues who are trying to decide what to do and what is appropriate, the goal should be to make sure that America remains the most effective fighting force on the planet. This is the proposition: They can't be an effective fighting force if they have rampant sexual assault or misconduct within the ranks. This idea that sexual assaults in the military are unacceptable, too large in number and scope—sign me up for that proposition. However, the problems of society don't stop at the gate; they continue inside the fence. I would daresay that if we did surveys in South Carolina, Missouri, New Hampshire, and New York about sexual assault and their frequency, we would all be disturbed.

The goal of our time in the Senate is to make sure that when it comes to our military, we turn a corner and create a legal system where people feel that if they file a complaint, they are going to be fairly treated and also a legal system where if one is accused of something, they will be fairly treated.

I say to my colleagues, there is a reason that every judge advocate general of all the services has urged us not to adopt Senator GILLIBRAND's solution to this problem.

In the military, it is possible, in my view, to correct a problem without commander buy-in and holding commanders responsible. Military commanders have awesome responsibility and almost absolute liability for the job we give them. It is their job to make sure that all under their command are ready to go into combat, perform their assignment in the most difficult task, make sure that medical records are up to date, and to make sure they are squared away when our Nation needs them.

This concept of the authority of the commander goes back to the very beginning of this Nation. Military justice is an essential part of good order and discipline.

After 30 years of experience in this area, the number of cases where a judge advocate recommends to a commander to proceed to trial in a sexual assault or, for that matter, almost any other alleged crime is a rounding error. Please don't suggest that under our current system someone can't get a case to trial because our commanders routinely blow off legal advice. That is



not the case. Commanders decide as to whether to proceed to a court-martial, and what level of court-martial, based upon advice of the judge advocate community, whose job it is to provide professional advice. The commander's job is to make sure that unit is ready to go to war. The lawyer's job is not to pick and choose who goes into the battle. The lawyer's job is to give that commander the best legal advice possible, including who to court-martial and who not.

One thing I hope people understand in this debate is that no lawyer, no judge advocate, is ever going to have to deal with the situation of picking and choosing in that unit who takes the most risk. We have for 200 years allowed commanders the authority, under the Uniform Code of Military Justice since 1952 and before, and the ability to maintain good order and discipline, the absolute responsibility to make sure force is effective when it comes to the fight, and giving them the tools to make sure that happens.

What would bother me greatly is if this conversation occurred: Sir or ma'am—depending on who the commander is, as there are more and more female commanders in the military—there was an alleged rape last night, a sexual assault in the barracks last night, and the commander would say: That is no longer my problem. Send that to Washington.

Ladies and gentlemen of the Senate, that is the commander's problem.

To those commanders who have failed to make sure we have the right climate in the military when it comes to sexual assault, your job is at stake.

The military justice system, when it comes to rendering justice, I will put up against any system in your State. The reforms in this bill are going to become the gold standard, I hope, over time, and very few jurisdictions will be able to do what we have been able to do. With thanks to Senators McCASKILL, AYOTTE, LEVIN, and others, we have taken a problem in the military and brought a good solution. Every victim will now be assigned a judge advocate to help them through the legal process. I wish that were true in South Carolina, but it is not. Every commander who is advised to go to trial in a sexual assault case and who declines to accept the JAG's, the judge advocate, recommendation, that case is automatically sent up to the Secretary of the service in question.

In the future, as commanders have to decide how to deal with sexual assault allegations, when the lawyer tells them: Sir, ma'am, this is a good case, and if for some reason the commander decided: I disagree, that case goes up to the highest member of that civilian service, the Secretary of the Air Force, in the case of my service. This, to me, is a reform that will emphasize from the chain of command how important it is that we take these cases seriously.

If we take the chain of command out, this is what we are saying to every commander in the military: You are fired. We, the Senate, have come to conclude that you, the commander—all commanders of the group—are either intellectually insufficient to do this job or you don't have the temperament or are morally bankrupt. We are going to take away from you this part of being a commander. You are fired.

I will never, ever say that unless and until I am convinced that there is no hope for our commanders, that our commanders are hopelessly lost when it comes to these types of issues. I don't believe we are remotely there.

In the 1970s we had upheaval throughout the country, particularly in the military. We had race riots on aircraft carriers and tension ran high. How did we fix it? We made sure every commander was held responsible for the atmosphere in their unit when it came to race relations. And now I would dare say the most equal opportunity employer in the whole country is the U.S. military because commanders changed the climate.

Under the approach of Senator GILLIBRAND, we take out a group of military offenses. To the commander: You are fired; you can't do this anymore. And we send these decisions to an O6 judge advocate—which I happen to be one of, by the way—in Washington. I cannot stress to my colleagues enough how ill-conceived that system would be from a military justice point of view and the damage that will be done to the command and to the fighting force if we go down this road. Let me tell you why.

A troop is in Afghanistan. There is a larceny. Senator COONS mentioned the workplace. A barracks thief is one of the worst things you can be in the military. A soldier doesn't pick and choose whom they room with; we pick whom they room with. No one gets to decide where they are going to stay; we pick for them. We throw them into the most incredible of conditions, we don't give them the comforts of home, and they have to trust their fellow soldiers in the barracks and in deployment. Soldiers, like everybody else, most are great, some are bad. In the military the bad apples, thank God, are few.

Under this construct we are coming up with, if there was a barracks theft case—a tent theft case—in a deployed environment, that really does hurt morale because if you have to worry about somebody stealing your stuff, that is really tough given the conditions under which you are living. So if the commander could not deal with this, it would go all the way to Washington, DC, to be disposed of rather than being disposed of onsite. And why does it need to be disposed of onsite? You need to render justice quickly and effectively so the troops can see what you are doing. If you are the commander, they have to respect you and they have to understand your role.

So I cannot understand why the Senate, when we have been at war for 11 or 12 years, would come up with a solution to a problem that is real that does harm to the very concept of what makes our military special—the ability to go to war, the ability to be effective and to have the commander make decisions that only a commander should be making.

I am a military lawyer. I am telling you right now, don't give me this decision, because I am not required to decide who goes to battle. Don't take away from our commanders in a theater of operation the ability to render justice in a way the troops can see.

Mrs. McCASKILL. Would the Senator yield for a question?

Mr. GRAHAM. Yes.

Mrs. McCASKILL. I want to make sure I understand something about nontraditional punishment. Since the Senator is discussing the barracks thief in Afghanistan and the notion that everything is going to stop and this case is going to be sent off to a lawyer half a continent away to make a decision, let's assume the lawyer—the colonel in Washington—decides there is insufficient evidence for that barracks thief. That might be 4 months later. Meanwhile, the barracks thief is still there. And let's assume it then comes back. It is my understanding—and I think there is some confusion about this by the people who are advocating this amendment—that you cannot exercise nonjudicial punishment on a soldier if he chooses a court-martial proceeding. Is that correct?

Mr. GRAHAM. That is exactly right. A nonjudicial punishment is an authority the commander has to put people in confinement for up to 30 days, reduce in rank one or two levels, depending on the rank of the commander, and to withhold pay. It is nonjudicial punishment. You don't have a trial. The person is represented by a lawyer, but there is no jury. The commander is the jury.

The PRESIDING OFFICER. The Senator has spoken for 15 minutes.

Mr. GRAHAM. I thank the Chair.

Mrs. McCASKILL. So that commander who has to now send—

Mr. GRAHAM. He loses that authority.

Mrs. McCASKILL. That case to Washington—that soldier is not going to agree to nonjudicial punishment. He is going to say: I will take my chances with the lawyers in Washington. And if the lawyers in Washington say no, then that commander's hands are completely tied to even putting him in the brig for 30 days.

Mr. GRAHAM. Exactly right.

Every military lawyer who has looked at this is very worried about what we are about to do in terms of practical military justice.

Imagine being 18 years of age. You have too much to drink and you write

a bad check. Part of being a commander and a first sergeant is the paternalistic aspect of the job. How many of us have made mistakes at 18? Instead of going to college, you are going into a military unit. You bounce four or five checks. Has that ever happened? Under this proposed system, the military commander no longer has the ability to deal with it in the unit. He sends that case off to Washington. The ability to give an article 15—a lesser punishment—is taken off the table. So we are taking an 18-year-old's mistake and potentially turning it into a felony. Does that help sexual assaults?

Our commanders can send you to your death, but we don't trust them to deal with manslaughter cases? All I can tell you is that for 30 years I have been a practicing military lawyer. From my point of view, our commanders take the responsibility to impose discipline incredibly seriously. They are skilled men and women.

We have let the soldiers, sailors, airmen, and marines down when it comes to sexual assault. All of us are to blame in the military. We are going to fix that. But the problem, my colleagues, is not the military justice system. We don't have a military justice system where commanders say to the lawyers: Go to hell; we are not going to deal with that. That is not the way it works.

This new proposed system takes a portion of offenses out of the purview of the commander and sends them to somebody in Washington whom nobody in that unit will ever get to see. That will delay justice, and it will take tools off the table to make sure that is an effective fighting force in terms of dealing with the barracks thief, in terms of dealing with the bounced check, but it will also take young people who make mistakes and put them in an arena where the only avenue is to potentially charge them with a felony.

Ms. AYOTTE. Would the Senator from South Carolina yield for another question?

Mr. GRAHAM. Yes.

Ms. AYOTTE. So under the situation where the Senator says we have commanders who aren't going to ignore what is brought before them in an investigation from their JAG lawyers, particularly on a sexual assault, let's assume they did do that. Even though the evidence isn't there, they do it. Under our proposal—the proposal of myself and Senators McCASKILL and FISCHER—if the commander makes the decision not to bring the sexual assault case and it then goes up for review before the civilian secretary of whatever force is at issue—the Army, the Air Force, the Navy—what does the Senator think that will do in terms of accountability?

Mr. GRAHAM. If you want to improve the system, and we all do—I am not questioning anybody's motives—if

a commander knows that when they turn down the JAGS's advice in one of the four situations we have identified—sexual assault, the nature of the discussion here—that decision will be reviewed by the Secretary of the service, I can assure you that will do more good to make sure commanders understand how important this situation is to the country than taking their authority away.

We will be doing absolutely the worst possible thing to solve the problem with the approach of Senator GILLIBRAND, in my view, although every judge advocate agrees with what I am saying. You will throw the military justice system in chaos and basically take the commander's authority away in an irrational way.

What we should do is hold the commander more accountable by having what is the commander's worst nightmare—I guess anybody in the military—and that is having the boss look at your homework. How do you get promoted in the military? People over you judge your work product.

Let me just say this. It is not a military justice problem here. The reforms we are going to engage in are historic, and they will be the model for systems in the future. Very few people can afford what we are about to impose upon the military because we are going to make this a priority and we are going to assign judge advocates to victims. There is no other State in the Nation that will be able to do that. We will have something of which we can all be proud. We are going to hold commanders more accountable.

Here is the essence of the argument: We have to take this out of the chain of command because there is something defective about the commander; because the commander doesn't have the ability or they have a bias against victims, we no longer can trust them to do the right thing.

That, to me, is an indictment of every commander in the military. That, quite frankly, is not what we should be doing or saying given the track record of how our military has performed.

In the area of sexual assault, the problems we see in the military are all over the country; they are just talked about more in the military. The people in the military should be held to the highest standard, but we will fix no problem in the U.S. military if we deal that commander out.

Ms. AYOTTE. Would the Senator yield for a comment? Looking at the facts, the evidence we have reflects that commanders are bringing more cases, are pursuing more cases than those recommended by their JAGs in sexual assault cases.

We received a letter from ADM Winnefeld, Deputy Chairman of the Joint Chiefs of Staff, basically pointing out that there were over 90 cases where

commanders had a different view than their JAGs that a case should go forward. Guess what. Convictions were had and people were held accountable.

Mr. GRAHAM. There are situations where joint jurisdiction lies—the military has jurisdiction, the civilian community has jurisdiction. There have been cases where the civilian community went first. There were 49 cases in the Army where the civilian community decided not to prosecute on a sexual assault and the Army took it up and they got an 81-percent conviction rate. In the Marine Corps, 28 cases were turned down by the civilian community where the Marine base was and they went to court with a 57-percent conviction rate. In the Navy and in the Air Force, it is the same. We see a civilian jurisdiction saying no to the case and the military saying yes, we are going to go to court. And that is because there is a difference between what the civilian community is trying to accomplish and what the military community must be trying to accomplish; that is, to let the troops know there is certain conduct that is out of bounds, and if it is even close, you are going to pay a potential price.

Having said that, please do not blame sexual assault problems in the military on a broken military justice system because it is not broken. The commanders are not telling the lawyers to take a hike. The cases the lawyers recommend to go to trial actually do go to trial.

Juries in the military are not juries of one's peers. This is not a civilian system. Everybody who goes to trial as an enlisted man is judged by officers. You can request one-third of the military jury to be enlisted members, but they will be the most senior people on the base.

Please understand that military juries are not constructed the way civilian juries are. They are told to be fair, and they do their best to be fair. But it goes into the concept of how the military works. The only person in the military entitled to a trial of the equivalent rank is an officer. An officer cannot be tried by people of lesser rank. That may sound unfair, but in the military it makes perfect sense, doesn't it? Officers eat in one corner of the base and enlisted people eat in the other corner of the base not because they hate each other. They admire and respect each other. This chain of command, these lines of authority make us—Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. This unusual situation for most Americans works in the military. It may not sound right to most, but it works because the military is about when you are ordered to do something, you answer the order; you don't debate.

So if we don't elevate the commander to have the tools available to make the right decisions, and if we don't instill those below the commander to follow, it all breaks down. When a commander lets the troops down—and they do sometimes—fire the commander. Don't take away the authority of the commander to win wars that we will inevitably fight. This is not a civic organization. This is not a democracy. This is a situation where one person can choose to send another person to their death. That person is the commander, and there are plenty of checks and balances.

Ladies and gentlemen, sexual assault is a problem. But for God's sake, let's not tell every commander in the military: You are fired. You are morally bankrupt. You are incapable of carrying out the duties of making sure that justice is done in these cases.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the motion to recommit be withdrawn; the pending Levin amendment No. 2123 be set aside for Senator GILLIBRAND, or designee, to offer amendment No. 2099 relevant to sexual assault; that the amendment be subject to a relevant side-by-side amendment from Senators MCCASKILL and AYOTTE, amendment No. 2170; that no second-degree amendments be in order to either of the sexual assault amendments; that each of these amendments be subject to a 60-affirmative-vote threshold.

I am told each side would like 10 minutes; that is, the McCaskill side and the Gillibrand side would receive 10 minutes to close. If there are other people who wish to speak, now is the time to say something.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. I understood there were 30 minutes left on the Gillibrand time.

Mr. REID. How much time does the Senator need if I get a consent agreement?

Mr. DURBIN. Ten minutes.

Mr. REID. So we need 10 minutes for McCaskill also. That would be 20 minutes on each side.

That the time then until 5:30 be equally divided between the proponents and the opponents of the Gillibrand amendment and the McCaskill amendment; that the Senate proceed to vote in relation to Gillibrand first; that upon disposition of the Gillibrand amendment, the Senate proceed to vote in relation to the McCaskill-Ayotte amendment; that there be 2 minutes equally divided between the votes; finally, that no motions to recommit during the consideration of these amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. The senior Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would ask the leader if he would amend his request to add the following language: Following the disposition of the McCaskill-Ayotte amendment, all pending amendments be withdrawn and the Republican manager, or his designee, be recognized to offer the next amendment in order, followed by an amendment offered by the majority side, and that the two sides continue offering amendments in alternating fashion until all amendments are disposed of.

The PRESIDING OFFICER. Will the majority leader modify his UC?

Mr. REID. Mr. President, we went through this yesterday. I reluctantly object.

The PRESIDING OFFICER. Objection is heard. Is there objection to the majority leader's request?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. This is a very important bill for our country in terms of authorizing the defense of this country. Many of us have relevant amendments—not amendments outside the scope of this bill, but relevant amendments—which will actually markedly improve the way we conduct policy in the Defense Department. Without the assurance that those amendments are going to be able to be offered—they can be tabled, but without that assurance, it makes it difficult to agree to a consent not knowing whether or not we will have the opportunity to represent the people we represent in offering amendments which will make positive improvements to this bill.

So I put forward that we are really not conducting the business of the country if we are limiting the ability of Members of the Senate to offer amendments. Absent that guarantee, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we have 350 amendments which have been filed on this bill. I know every person who has filed an amendment feels entitled to offer that amendment. I just think we are not in a position to deal with this for all the reasons we have talked about here for several months. We are not seriously legislating anymore.

We can pass the blame to anyone we want, but we have tried all kinds of things. How about so many amendments on each side? We have done that before. It is not anything unique. We have done that lots of times in the past. It doesn't work. How about 13 amendments? No. It won't work because we want more amendments after that.

So I understand, and I am not denigrating anyone's intent. I know the in-

tentions are good. The record reflects how I feel about this bill. I am sorry we are at the point we are. Couldn't we at least have everybody vote on this amendment which people have spent days of their lives working on? It doesn't matter how we feel about what has been done, but there has been tremendously important work done on the sexual assault issue, and we should at least have the opportunity, with the work that has been put into this, to have a vote. No one is disenfranchised by doing that—or move to try to figure something else out after that. But, gee whiz, couldn't we do that? Otherwise, we will walk away not having done anything on this. I think that is just so unfair to the people who worked on this.

I know other people have worked hard on their amendments. But I have to say, in the last year or two, no one has worked harder on amendments than the proponents and opponents of this amendment.

So having said that, I ask unanimous consent that we move to a period of morning business for debate only until 7:30 p.m. tonight.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Mr. LEVIN. Is that a unanimous consent request?

Mr. REID. Yes, it was.

Mr. LEVIN. Of course, while reserving the right to object—I will not, but I will say this. I can't tell everybody in this body how disappointing it would be if we do not finish this bill tomorrow or Friday, because the issue is this, and we all ought to face it: There is only 1 week left where both the House and the Senate are going to be in session. If we don't finish this bill this week, there cannot be a conference report; and then, for the first time in 52 years, there will not be a Defense authorization bill in the absence of some miracle.

I would plead with our colleagues, let us vote on this amendment. The alternative was a list of 13 amendments which we were willing to then move to. That wasn't satisfactory. We have got to do this a step at a time, and we have done it that way before. We can't even get cleared amendments agreed to where both sides have cleared them into a manager's package.

If Senators want to vote tomorrow or Friday against the cloture motion because their amendments haven't been reached, they are free to do so. That is plenty of "leverage," which I guess is the currency around here, tragically. But I plead—and Senator INHOFE and I have worked so hard on this bill and I think he feels this same way—we need to get this bill finished this week or else we are not going to get a conference report.

Mr. COBURN. I would like to object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I am sorry.

Mr. INHOFE. I reserve the right to object.

Mr. REID. I would say, while they are reserving the right to object, there is still time left. With the tentative agreement we had, which was just kind of a handshake, there would be 6 hours, and there is still time left on that. So that time for debate only, that time could still be used.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COBURN. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. First of all, the amendment we are talking about isn't pending because the tree has been filled. So we don't even have an amendment pending. Seventy-six times the majority leader has filled the tree, more than two times all the rest of the Senate majority leaders in history.

Last year, under Senators LEVIN and MCCAIN's leadership, we considered 125 amendments or thereabouts, some in a manager's package with others. There were over 300 amendments offered. The average length of time to consider this bill is about 2½ weeks. We have had it up less than 1 week, and the fact is this is the consideration for an authorization bill in excess of \$500 billion, and we are not going to have amendments on it.

So there is not a unanimous consent that I will agree to, until we agree to open the Senate to allow Members to offer their ideas. Table them. The fact is, if we run this just like we did last year, we will be through with this in 5 to 7 days. If we continue to do what we are doing now, we won't finish it, and it won't be because we don't want to finish it. It will be because we won't have the opportunity to have input into a bill that is over 50 percent of our discretionary spending in this country.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The senior Senator from Oklahoma.

Mr. INHOFE. I think when we are going through an exercise like this there are some people who want to have their program placed on a must-pass bill in order to get something through. The junior Senator from Oklahoma made it very clear that he is talking about something he feels is relevant to the defense of this country, and I think that sounds reasonable.

What I would like to suggest to the majority leader and to my very good friend with whom I have worked for many years, the chairman of the committee Senator LEVIN, is that we can qualify and work on a UC which would

either use the words germane, relevant or related, in some way so that those amendments—which have nothing to do with defending America—might be able to be considered in some form, maybe a limited form. I would like to be able to sit down and see if something like that can be worked out before giving up.

The PRESIDING OFFICER. Is there objection? The majority leader.

Mr. REID. I know there is a unanimous consent pending. I have no problem in the world with continuing to work to see if we can come up with something. We have tried. It is not as if we have not tried. But my disappointment is that we are just not doing any legislating here, and people can bring the blame to me all they want. We can get into all kinds of statistics that we want about what has happened in years past and why it has been necessary to fill the tree, but that doesn't accomplish anything. Everyone knows what is going on around here. So I am not going to get into a he said, they said situation.

I know the two managers of this bill want to get something done. Let's give them the time it takes to get that done.

So my consent is pending, and I would like the Chair to rule on that.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COBURN. I object.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I renew my request that was just denied.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I also add to that that I be recognized at 7:30.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Is there objection?

Without objection, it is so ordered.

#### THE DOOLITTLE RAIDERS

Mr. BROWN. Mr. President, it is with pride and humility that I stand and thank my colleagues for passing S. 381 by unanimous consent last night. Once passed by the House and signed by the President, this bill will award Congressional Gold Medals to the surviving World War II heroes we know as the Doolittle Tokyo Raiders.

The effort to pass this measure has been a personal one to me. I thank 78 of my colleagues who have cosponsored the resolution. It proves the Senate can still reach consensus. I especially thank Senator BOOZMAN, who is my

original Republican counterpart, in introducing this bill in February. Also, original cosponsors Senator MURRAY and BAUCUS and TESTER and NELSON and CANTWELL and SCHATZ—original cosponsors.

I wish Senator Lautenberg, also an original cosponsor and close personal friend, the last World War II veteran in the Senate, were here today to see its passage.

My special thanks to Senator CORNYN for his work on this and especially Senator AYOTTE. They have my personal thanks for helping to bring so many Republicans to sponsor this bill with us.

Many of you know the story of the Doolittle Raid. More than 71 years ago, following the attack of Pearl Harbor just 4 months earlier, 80 brave American airmen launched a mission that would become our Nation's first offensive action against Japanese soil in the Second World War. They volunteered for what was called an "extremely hazardous mission" without knowing at the time what it actually entailed. Under the leadership of LTC James Doolittle, the raid involved launching 16 U.S. Army Air Corps B-25 Mitchell bombers from the deck of the USS *Hornet*, a feat that had never been attempted in combat before.

On April 18, 1942, again just a few months after Pearl Harbor, 650 miles from its intended target, the *Hornet* encountered Japanese ships. Fearing the mission might be compromised, the raiders decided to launch 170 miles earlier than anticipated. These men accepted the risk that they might not have enough fuel to make it safely beyond Japanese-occupied China. The consequences meant the Raiders would almost certainly have to crash land or bail out, either above Japanese-occupied China or over the home islands of Japan. Any survivors would certainly be subjected to imprisonment or torture or death.

After reaching their targets, 15 of the bombers continued to China. The 16th, dangerously low on fuel, headed to Russia. The total distance traveled by the Raiders averaged 2,250 nautical miles over a period of 13 hours, making it the longest combat mission ever flown in a B-25 during the war. Of the 80 Raiders who launched that day, 8 were captured. Of those eight prisoners, three were executed, one died of disease, and four survived as prisoners of war and returned home after the war.

The Doolittle Raid was a turning point for the Pacific theater and set the stage for Allied victory. Of the original 80 Raiders, 4 survive today. A Raider from Cincinnati, my home State, MAJ Tom Griffin, passed away on February 26 of this year, the very night I introduced S. 381. Major Griffin was the navigator of plane No. 9, the *Whirling Dervish*, on the Doolittle Raid.

He survived the mission and continued to fly until he was shot down in 1943 and held in a German POW camp for 2 years.

When the war ended, Major Griffin returned home to Cincinnati and later owned his own accounting business.

Similar to our veterans past and present, he asked for nothing. These veterans served simply because their Nation asked. For many years the surviving raiders gathered to celebrate the mission and to honor their departed fellow Raiders. This year's celebration was bittersweet. It was their final reunion, they decided. All the remaining Raiders are in their nineties and it is becoming hard for them to make the trip. It was decided this would be their final reunion.

This is an article, a story in the Plain Dealer in Cleveland, of the final reunion which took place in Dayton, OH. The three remaining survivors who could make the trip called out "here" as a historian read the rollcall. They then raised a goblet inscribed with their names and toasted their fellow Raiders with a bottle of 1896 Cognac, a bottle that Commander Jimmy Doolittle passed down for the Raiders' final toast. Seventy-six other goblets were turned upside down, one for each of the comrades who had passed away. Hundreds of people watched the solemn ceremony and offered their respects.

Speaker BOEHNER, whose district is nearby Dayton, OH, sent a letter in honor of the occasion.

In an Associated Press article on the ceremony, a 12-year-old boy whose grandparents brought him to the event said, "I felt like I owed them a few short hours of the thousands of hours I will be on this Earth."

This journey started 2 years ago for me when Brian Anderson, the Sergeant at Arms for the Doolittle Tokyo Raiders Association, approached my office seeking a proclamation for the 70th anniversary of the raid. We achieved that goal, passing S. 418 in August 2012 by unanimous consent. But that was not enough for Brian. It was not enough to honor these men and what they had accomplished. We set our goal of awarding the Congressional Gold Medal, the highest civilian award bestowed by Congress, limited to two a year in this body, to the Raiders.

This honor is designated to those who "have performed an achievement that has an impact on American history and culture that is likely to be recognized a major achievement in the recipient's field long after the achievement."

These 80 veterans met that description. They exemplified our highest ideals of courage and service. They deserved to be recognized.

President Kennedy said "a nation reveals itself not only by the men it produces but also by the men it honors and the men it remembers."

We, our Nation, honor those who serve. I call on the House and I call on the Speaker to quickly act on this legislation. Sitting in the Chamber today is a Senator from Texas, the senior Senator from Texas, who played a major role with Senator AYOTTE and others in gathering cosponsors for this Congressional Gold Medal. I thank Senator CORNYN for his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to turn the compliment around and extend my appreciation to the Senator from Ohio Mr. BROWN for his leadership on this issue. This is long overdue to these great American patriots, the recognition they so justly earned.

#### FORT HOOD AND PURPLE HEARTS

Mr. CORNYN. Mr. President, 4 years ago an Islamic radical who identified with Al Qaeda and supported the cause of global jihad opened fire at Fort Hood Army base in Killeen, TX. The shooter eventually killed 12 soldiers and 1 civilian, while wounding 30 others. He might have killed or wounded many more but for the selflessness of a civilian physician's assistant by the name of Michael Cahill and an Army captain named John Gaffaney, both of whom charged the gunman and gave their lives in order to save the lives of others.

Four years later we continue to honor their tremendous sacrifice and we continue to honor the memories of all those who gave their lives or were injured on that awful day. Back in August, the Fort Hood shooter was sentenced to death for his crime and appropriately so. Let me be clear about what the nature of this crime was. This was not an ordinary criminal event. This was a terrorist attack, plain and simple, committed by a man who had reportedly had at least 20 different email communications with a senior Al Qaeda figure by the name of Anwar al-Awlaki. The late Mr. Awlaki, who was killed by a U.S. drone strike in September 2011, also had contacts, well documented, with the so-called Underwear Bomber, who tried to blow up Northwest Airlines flight 253 just 7 weeks after the massacre at Fort Hood.

Following the Fort Hood attack, Awlaki celebrated the shooter as a hero. He called him a hero. He also told Al Jazeera that prior to the attack, the gunman had specifically asked him whether Islamic law justified "killing U.S. soldiers and officers."

The Fort Hood shooter had repeatedly and unapologetically said that these terrible atrocities which included execution-style murders were just part of the larger jihad against the West, which is why he shouted "Allahu Akbar" just before opening fire. The shooter has said that by slaughtering

13 Americans, including 12 uniformed military members and 1 civilian, he was defending "the Islamic Empire" and "helping my Muslim brothers."

In short, the Fort Hood massacre was not an episode of workplace violence. This was a terrorist attack inspired by terrorist propaganda and carried out by someone who was an agent of Al Qaeda and viewed himself as an Al Qaeda holy warrior.

Unfortunately, the U.S. Government so far has refused to give the kind of recognition that is deserved to the 12 uniformed servicemembers who gave their lives, and those who were injured on that terrible day. Part of that recognition should include Purple Hearts to the soldiers who lost their lives that day, and not given the civilian equivalent, the Medal for the Defense of Freedom, to Michael Cahill.

In other words, the U.S. Government's official position is that this is not a terrorist attack on our own soil but instead is an ordinary criminal attack. That cannot stand. We cannot denigrate the service of those military members who lost their lives that day—and civilian hero Michael Cahill who lost his life—by saying that this is somehow workplace violence or some ordinary criminal attack. We need to officially recognize that this was a terrorist attack inspired by Al Qaeda and carried out by an agent of Al Qaeda on our own soil.

Some will tell you that Purple Hearts can be awarded to victims of a terrorist attack only if the perpetrators of that attack were acting under the direction of a foreign terrorist organization. In their view, the Fort Hood shooter does not qualify. This argument fails to take into account the evolving nature of the conflict—the global war on terrorism.

After all, Al Qaeda leader al-Zawahiri has urged his followers to conduct exactly the kind of deadly attacks that occurred at Fort Hood in 2009 and at the Boston Marathon in 2013. Al-Zawahiri believes that such "dispersed," small-scale attacks will "keep America in a state of tension and anticipation."

As he declared a few months ago, "These dispersed strikes can be carried out by one brother, or a small number of brothers." In other words, it doesn't make sense to distinguish so-called lone wolf terrorists acting on behalf of Al Qaeda from other terrorists with a more explicit Al Qaeda affiliation.

Remember, Al Qaeda doesn't issue business or calling cards, and it doesn't issue its staff IDs. What it does do is urge Islamic radicals around the world to pick up arms and kill Americans, and that is what Major Hasan did that terrible day 4 years ago at Fort Hood in Killeen, TX. For that matter, Al Qaeda views American soil as a primary battleground in its war against western civilization.

When courageous members of our military lose their lives to Al Qaeda-inspired terrorists, whether it is abroad or here at home, they deserve to receive Purple Hearts, and their grieving families deserve to receive the proper benefits accorded to all men and women in our military who lose their lives in service to their country.

It should not matter whether they lose their lives in America—whether it is in New York on 9/11 or Killeen, TX, 4 years ago—on the battlefield in Afghanistan. It should not make any difference where they lose their life as part of the effort to protect innocent life in the war on terrorism. If they are killed by a terrorist committing violence on behalf of foreign jihadists, then they are casualties in the broader war on terrorism, and they deserve to be treated as such.

Earlier this year I introduced legislation that would make the Fort Hood victims eligible for all of the honors and benefits available to their fellow U.S. servicemembers serving overseas in combat zones. My cosponsors in the House are Representatives CARTER and WILLIAMS, and they have numerous cosponsors. Today I am offering a modified version of that legislation as an amendment to the Defense authorization bill. By enacting this amendment, Congress would honor the memories of those who lost their lives at Fort Hood, and it would help their surviving family members, all of whom, as you can imagine, have experienced tremendous pain and hardship as a result of this terrorist act on our own soil 4 years ago in Fort Hood, Killeen, TX, at the hands of MAJ Nidal Hasan, an agent of Al Qaeda, to be sure, and someone who deserves the penalty of death that has been meted out by a military jury a few weeks ago.

I hope the Senate will rise up in a bipartisan way and pass this important legislation and erase these meaningless distinctions which differentiate between those who lose their lives in Afghanistan and those who lose their lives here on American soil. It is a just and well-deserved honor that these patriots have earned by their own blood, and these families deserve as a way of ameliorating some of the terrible loss they have suffered in their own service to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. SHAHEEN. Mr. President, I rise today to discuss the legislation before us, the National Defense Authorization Act, and to highlight some of the many provisions in this legislation that are critical as we think about our national security and the future of our military. I chair the Readiness and Management

Subcommittee, and I understand that one of the chief challenges which faces our military is readiness. The effects of nearly 10 years of warfare on our equipment and personnel, coupled with the sharp budget reductions under sequestration, have made it more difficult for our Nation's military leaders to prepare our forces for combat.

During our markup of the Readiness and Management Subcommittee sections of this bill, I was pleased to work with my colleague from New Hampshire, the ranking member of the Readiness and Management Subcommittee Senator AYOTTE to move more than \$1.5 billion from low-priority military construction projects into critical operations and maintenance accounts for each of our military services. This move will help mitigate the worst effects of sequestration on readiness. It is obviously not going to address the whole problem. We have a lot more work to do. Our men and women in uniform put their lives on the line for us, and we need to keep the commitment we have made that they should have the best possible training and best available equipment before we send them into combat.

I was also pleased to work with Senators MCCAIN, LEAHY, and GRASSLEY to include a 1-year extension of the special immigrant visa programs for both Iraq and Afghanistan. Special immigrant visas allow Afghans and Iraqis who worked directly with our U.S. Government and our men and women on the ground to come to the United States if their lives are in danger as a result of their service. We have heard countless stories of how these young brave men and women risked their lives to help the United States drive out violent extremists from their home countries of Iraq and Afghanistan. As we wind down our military operations, we have a responsibility to ensure that those who are in danger as a result of their faithful service to the United States are protected from harm.

Many of us are now familiar with one of these stories that has been much publicized, the story of U.S. soldier Matt Zeller and his Afghan interpreter Janis Shinwari, who served the U.S. Government for over 9 years in Afghanistan. During an attack in 2009, Shinwari not only pulled Zeller out of a kill zone to safety, he also shot two members of the Taliban who were sneaking up behind them. In doing that, he saved Zeller's life. Following the incident, Shinwari was put on a Taliban kill list.

After many months—really years—of waiting, both Zeller and Shinwari recently reunited here in the United States thanks to this special immigrant visa program. I had the opportunity, with Senator MCCAIN, to meet the two of them in my office several weeks ago. Matt Zeller said that Janis Shinwari is his brother. He expressed

how grateful he was to Shinwari for saving not only his life but all of the other members of his unit who were helped by Shinwari.

These stories are incredibly common, and I am grateful to all of our colleagues for their assistance in reauthorizing this program, not just through the NDAA bill that is before us but the short-term extension we were able to get during the government shutdown by unanimous consent in both the Senate and the House. It shows just how much we appreciate, in America, the service these men and women from Iraq and Afghanistan have given to us.

The bill before us also includes provisions from the Next Generation Cooperative Threat Reduction Act, which I introduced earlier this year. The Nunn-Lugar Cooperative Threat Reduction Act is the most successful non-proliferation program in our country's history. The language in the underlying bill would expand the scope of Nunn-Lugar to reflect the current security environment.

Specifically, the bill requires the President to develop a comprehensive strategy to address the rapidly growing threat of proliferation across the Middle East and North Africa. The spread of nuclear weapons is one of the gravest threats we face, both in the United States and across our international community. We need to make sure our efforts to combat those challenges are coordinated and reflect where the current security challenges exist.

I am also pleased we were able to increase funding in this bill for the Department of Defense inspectors general by \$35 million. This is important because investment in our Nation's inspectors general continues to be one of the most cost-effective ways the government can work, particularly when it concerns the Department of Defense. In 2012, DOD inspectors general saved taxpayers more than \$3.6 billion, and IG efforts have been credited with a nearly \$11 return on investment for every \$1 spent. As the Presiding Officer knows, given our ongoing fiscal challenges, it is now more important than ever before we ensure every dollar is spent effectively.

Finally, I want to address the issue of military sexual assault that is tackled in this National Defense Authorization Act. It makes significant progress toward addressing the crisis of sexual assault in our Nation's military.

I commend all of the members of the Armed Services Committee who worked to tirelessly address this issue, but I want to particularly call out Senators MCCASKILL and GILLIBRAND, who have led the charge and worked to help ensure we include provisions in this act that can address this scourge on our military. Because of their leadership, we are going to pass a bill that will

take historic steps toward addressing this problem.

As the Presiding Officer knows, we may have had different ideas about the best way to address the problem, but we are united in our commitment to victims of sexual assault and we will keep fighting for them.

I certainly look forward to supporting the Gillibrand amendment, the Military Justice Improvement Act, along with the Presiding Officer, because it addresses chain-of-command issues that I believe can cause victims of sexual assault in the military to refrain from reporting an incident because they fear either that nothing will be done or that there will be retaliation from their commanders. Regardless of the outcome of that legislation, it is important to reflect on the provisions that are already included in this bill because the bill before us today includes nearly 30 provisions that address sexual assault, prevention, investigation, and prosecution procedures at the Department of Defense. Almost all of these provisions were agreed to unanimously in the Armed Services Committee. Strong bipartisan support for commonsense sexual assault prevention reforms such as those included in this bill sends a powerful message to all of the members of our military, including tens of thousands of victims, many of whom have been suffering quietly for decades, that what happened to them is unacceptable and it will no longer be tolerated.

One of the critical challenges we face in the military is changing the culture surrounding sexual assault. I was pleased to work with our colleagues to include provisions in the bill to help create an environment where victims can feel safe to come forward and report these crimes.

In any organization, the best way to attract the most qualified personnel is to tie an issue to career advancement. Sexual assault prevention and response is no different. That is why Senator FISCHER and I included language that elevates the role of sexual assault prevention response officers to ensure we have the highest caliber candidates assigned to those positions.

Also, in recent months I have held roundtable discussions with New Hampshire law enforcement and with members of our University of New Hampshire community who have worked on sexual assault prevention and with members of the New Hampshire National Guard to discuss their best practices, the way in which they are working together in New Hampshire to address domestic violence and sexual assault. As a result of some of those discussions, we have included in the bill a reform that would require the Defense Department to incorporate civilian sexual assault investigation and prosecution best practices into their military procedures.

I wish to close this afternoon by thanking Chairman LEVIN and Ranking Member INHOFE for their leadership on this bipartisan bill. We still have a lot of work to do here in the Senate, but obviously the foundation has been laid by the work of the committee and by their leadership.

I also thank my staff for their incredibly hard work and dedication, as well as the staff of all of the Armed Services Committee, because without their contributions we would not have made as much progress as we have. From the readiness subcommittee, I thank Jay Maroney, John Quirk, and Mike Noblet on the majority side; Lucian Niemeyer, Bill Castle, and Bruce Hock from the minority; and from my personal staff Chad Kreikemeier, Josh Lucas, Joel Colony, and Patrick Day.

Finally, I want to say a special thank-you to CDR Tasya Lacey. Tasya is a graduate of the Naval Academy, and she served in my office over the past year as a fellow on loan from the Department of the Navy. Her thoughtfulness and insight have been invaluable on a wide range of issues, especially during our efforts to address sexual assault. She is headed back to the Navy soon, but I wanted her to know that it truly has been a pleasure having her on my staff, and I wish her good luck in her next assignment.

Thank you very much, Mr. President. I hope we can come together in the next couple of days and get this bill done.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS and Ms. KLOBUCHAR pertaining to the submission of S. Res. 303 are printed in today's RECORD under "Submitted Resolutions.")

Ms. KLOBUCHAR. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### NATIONAL PLAN TO ADDRESS ALZHEIMER'S

Mr. DURBIN. Mr. President, I wish to thank my colleagues Senator COLLINS from Maine and Senator KLOBUCHAR from Minnesota for bringing the issue of Alzheimer's before the Senate for consideration with this resolution.

I ask unanimous consent to be added as a cosponsor of S. Res. 303.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I might also add yesterday I submitted a resolution on the same subject and was happy to have Senator COLLINS as a cosponsor, along with several other colleagues who have joined us. They include Senators MIKULSKI, TIM JOHNSON, MENENDEZ, WICKER, MORAN, and MARKEY.

The goal—I will not go through all of the important statistics that have been related during this floor presentation by my colleagues—but our goal is to make sure the national plan which is being developed to address Alzheimer's is carried out. We want to reinforce the initial steps to a greater investment in finding answers, and I think everyone is on that same track.

We believe that supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease is the right course to follow.

Achieving these goals means Federal funding must be there to implement it. I urge my colleagues to support this bipartisan resolution and reinforce our national commitment to turning around the seeming inevitability of this terrible disease.

I look forward to working with my colleagues to ensure investments are made in Alzheimer's research.

Let me just say parenthetically, if you think we can sequester funds for the National Institutes of Health and honestly deal with the challenge of Alzheimer's, you are wrong. You cannot cut funding at the National Institutes of Health in the name of sequestration, cutting grants that could find breakthrough cures for many diseases. You cannot cut those funds and discourage researchers from even participating in future research and expect to solve the medical challenges that face us, including Alzheimer's.

I am urging my colleagues to look at this not as just a matter of resolutions, which are important, but also funding which is critical so we can find the solutions to these problems in a manner that is reasonable and quickly done.

#### ILLINOIS STORMS

Mr. DURBIN. Mr. President, before I give a statement on another topic, I would like to note that we continue to focus on the damage that was caused last Sunday by deadly tornadoes and storms in Illinois, estimated to have exceeded \$1 billion in cost.

We have seen some scenes from that wreckage in places such as Washington, IL—the hardest hit in our State. They experienced an EF4 tornado, with wind speeds close to 200 miles an hour.

I can recall one news report where a man went home and could not find his SUV—an indication of the ferocity and the intensity of the winds that wiped a swath of devastation through this great town in central Illinois.



Power lines are still down, and there are gas leaks. There is still danger there. But the first responders were there. The obvious helpers, the Red Cross and Salvation Army, are on the scene. Federal, State, and local agencies are pitching in.

Equally important—I spoke to the mayor—the people are pitching in. Those who survived are helping those who have had the most damage: finding them a place to sleep, making sure they have enough to eat, trying to put their lives back together and go through the salvage and recover the important items to their families.

The EF4 that tore through Washington was one of two that touched down in my State that day. The other one struck New Minden, which is down near the metro East St. Louis area, and caused unbelievable damage.

All told, 84 tornadoes were reported throughout the Midwest on Sunday.

We know more about the people whose lives were lost in this terrible event. Three died in Massac County, in deep southern Illinois: Kathy George, who was 58 years old, a devoted wife and mother; Robert Harmon, an avid motorcyclist; Scholitta Burrus, who was excited to visit her son for Thanksgiving. In Washington County, a brother and sister—Joseph and Frances Hoy—died in a tornado. They lived together on a farm near New Minden.

Joseph Hoy was president of the Midwest Bird and Animal Breeders Association. In Tazewell County, Steve Neubauer, of Washington—he was a mechanic and often helped his neighbors repair their tractors and lawnmowers.

My thoughts and prayers are with their families and friends. It is bad enough to lose your home, but someone you love is irreplaceable. I want them to know we are thinking of them at this moment.

There is a lot to do. We have to pitch in and help the communities that have been so heavily hit. I said before and I will say again that there are certain occurrences that come through these disasters that are inspiring. I know a year from now we will go back to these neighborhoods and marvel at the progress that has been made as people rebuild their homes and their lives and their playgrounds and their churches and their schools. They do not quit; they do not give up.

Secondly, we will have a litany of examples of people who reached out and helped others in a selfless, caring, compassionate way. As I said, it is not unique to Illinois; it is not unique to the Midwest; it may not even be unique to America. But each time we go through one of those tests, it warms our hearts to know that people do respond so well to help one another.

We are going to continue to keep in touch with the Governor and local officials and provide the Federal assist-

ance on a bipartisan basis that will help these communities and families get their lives back together.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. DURBIN. The Presiding Officer knows better than most what it means for someone to enter our military, to raise their hand and take an oath in service to the United States. It is the giving of their time and their lives. Equally important, they are risking their lives. They know they can be called upon in that capacity to defend this country. They can be injured. They can lose their lives in the defense of this Nation, and many have. But they still do it on a voluntary and selfless basis. We realize that for most of them they have viewed their threats as the enemies who are going to attack the United States or their units. But we have come to learn that there are other enemies within the military who are equally troublesome and worrisome.

It is one thing to have a son or a daughter—someone you love very much—take an oath to serve in the military and run the risk of a dangerous encounter with an enemy. But it is absolutely unacceptable to think that these men and women in the military would run the risk of a dangerous attack by someone else in the military.

Speaking to the issue of sexual assault, it is one which is topical because we have finally, finally started to come to grips with the reality of what it means. Our responsibility is to ensure that the men and women of the military have everything they need. Sexual assault threatens it. It erodes the basic trust, respect, and professionalism that our troops uphold and rely on to perform their duties. In a more fundamental sense, it also cuts to the heart of the basic questions of safety, dignity, and justice as Americans.

However we measure it, the current system has failed our servicemembers. The evidence is overwhelming. It has been estimated that 26,000 incidents of sexual assault occurred in the military in a recent year. Only 3,400 reports were made from victims. The Institute of Medicine estimates that 21.5 percent of Active-Duty women and literally thousands of Active-Duty men have been sexually assaulted. We also know that 60 percent of the victims who do report these sexual assaults say they are retaliated against for doing so—60 percent. Overwhelming majorities of victims say they often do not report an incident because they do not think it will make any difference. It is a sweeping and comprehensive indictment of the current system.

I have a responsibility as chairman of the Appropriations Defense Subcommittee to work more closely with members of the military and their

leaders than ever before. I have come to know them, to like them, to respect them. When they tell me, as they all have to a person, that they are doing everything conceivable to deal with this problem, I believe them, but I also believe there are elements within the culture of some parts of our military which are almost intractable and which have to be dealt with in a new and more definitive way.

Let me share one example. It came to light recently. I attended a Freedom Salute Ceremony for an Illinois National Guard unit that recently returned from Theater Gateway operations in Kuwait. They had been gone a year. It was a small unit, fewer than 20. They came home, and their families were with him. They were out at Camp Lincoln in Springfield, IL. This unit was in charge of transportation, making sure that 100,000 servicemembers who came through that theater had what they needed to make it to their next destination and ultimately back home. Some of these people were being redeployed, do not get me wrong, but many were headed home. I heard from these members of this unit.

Among the servicemembers they helped move through this hub was a young woman who had been sexually assaulted somewhere in the region. That was not the first stop. The first stop for this sexual assault victim was a barracks situation where she literally had to walk through the men's restroom facilities to go the women's restroom facilities. This is a victim of sexual assault. She told us—the person I spoke to in the unit—that this victim said to her that these were the first sympathetic faces she had seen or worked with since this terrible incident and she was grateful to this Illinois Guard unit for standing by her in this emotionally trying time.

I was happy to hear that this Guard unit had stepped up to give this young woman the help she needed, but it is inexcusable—in fact, it is shameful—that the rest of the system failed her. It is a story repeated too many times across the services.

This current system has to change, and it will. I thank for their extraordinary advocacy Senator CLAIRE McCASKILL of Missouri, Senator KIRSTEN GILLIBRAND of New York, Senator PATTY MURRAY of Washington, and many others. They put into the pending bill on the Defense Authorization Act many effective and necessary reforms.

I supported them. I appreciate Chairman LEVIN and Ranking Member INHOFE for including 26 reforms in the underlying Defense authorization bill. I would like to highlight one reform in particular in which I played a small part—the special victims' counsel. I wish to highlight this reform because victims need and deserve someone in their corner helping them through

what is probably one of the toughest moments of their lives.

In testimony earlier this year in the Appropriations Defense Subcommittee which I chair, the head of the Air Force General Welsh talked about how effective this pilot program of special victims' counsel has been. The bill that is pending before us would expand their services. My subcommittee's appropriation spending mark ensures that it will be fully funded.

The bills other reforms are equally powerful: improving prevention; holding leaders accountable for the climate in the military on this issue; reforming the military justice code. On these reforms, there is strong bipartisan agreement.

Many of those reforms, including one we may vote on before we leave this week, were thanks to the leadership of Senator CLAIRE McCASKILL. She has been relentless in her efforts to lead on this important issue. Today is no different. She has an amendment which she offered which empowers the victims of sexual assault to have a greater voice in how their cases are prosecuted. It would require commanders' promotion reviews to take sexual assault climate into account. It would eliminate the so-called good soldier defense by which commanders are permitted to consider the defendant's overall value to the unit. I really appreciate Senator McCASKILL's leadership. Her amendment is a positive one.

The crux of today's floor debate is whether the Senate pushes this reform even further. Senator KIRSTEN GILLIBRAND of New York offered an amendment that aims to give victims greater confidence that the military justice system is free from any bias by giving the decision on these cases to a senior judge advocate general outside the victim's chain of command.

However we come down on this proposal, we all know this would be a significant change for a military justice code that has only undergone two significant changes since 1950, but I believe we must go forward with the Gillibrand proposal. I will vote in favor of her proposal. I did not come to this decision lightly. I have discussed this issue with my colleagues in the Senate, as well as every single military leader they have recommended I meet with. I have met with them publicly and privately. I have listened carefully. I have called the victims to hear their side as well. I considered the views of outside experts as well as my colleagues. Many of my colleagues have served in the military, and they have personal insights. After much deliberation, I have concluded that every single one of those reforms, including Senator GILLIBRAND's proposal, is going to be necessary if we are going to give victims the confidence they need and the support they need to come forward.

I would also note that Senator GILLIBRAND's effort is endorsed by a diverse

and thoughtful range of outside groups. They include the National Women's Law Center, the Vietnam Veterans of America, the Iraq and Afghanistan Veterans of America, the Defense Advisory Committee on Women in the Services, and the Service Women's Action Network.

I know our senior military leaders are committed to cracking down on sexual assault. Many commanders around the world are just as outraged as Congress and just as committed to prosecuting offenders and setting a new tone in the military. But it is the role of Congress to ensure that the system those leaders implement is fair and reasonable. It must put the victims of assault back in control and the perpetrators of these claims on notice. It must restore victims' confidence. These reforms accomplish this goal. I look forward to supporting them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. I am back again for now the 51st consecutive week that the Senate has been in session to urge Congress to wake up to the effects of carbon pollution on the Earth.

Today I wish to talk about how climate change is taking its toll on an important part of our way of our life, some of our long-cherished American pastimes that we do in the great outdoors.

New Englanders—and the distinguished Presiding Officer from Connecticut is very familiar with this—have fond memories of ski trips in Vermont, of ice hockey on frozen ponds in New Hampshire, and of fishing trips off the coast of Rhode Island. All of these activities are fun, they are fulfilling, and they leave us with indelible memories of the wonders of our natural world. But climate change is putting much of that at risk.

The New York Times records that declining snowfall and an unseasonably warm weather were a drag on winter sports and recreational tourism during the 2011-2012 winter. Before the end of the century, they report the number of economically viable ski locations in New Hampshire and Maine will be cut in half. Skiing in New York will be cut by three-quarters. I am sorry to inform

the Presiding Officer from the great State of Connecticut that there will be no ski area left in Connecticut or Massachusetts. I assume from the report that means Rhode Island as well, because Rhode Islanders have been skiing our beloved Yawgoo Valley since the 1960s.

As drought and increasing temperatures reduce the snowpack in the Cascade Range and the Rocky Mountains, the future of ski and snowboarding there is also at risk.

The Park City Foundation in Utah predicts an annual local temperature increase of 6.8 degrees Fahrenheit by 2075, which could cause a total loss of snowpack in the lower Park City resort area. Beyond the loss to the skiing tradition in Park City, the report estimates that this will result in thousands of lost jobs, tens of millions in lost earnings, and hundreds of millions in lost economic output.

No part of the country will be immune from these changes our carbon pollution is driving. Studies have found that extremely warm days in the Southeast are on the rise. Ice on the Great Lakes is forming later and disappearing earlier. Rain will continue to decrease on the Great Plains. Wildfire seasons are getting worse in the West where the snowpack is melting earlier. Sea-level rise threatens Hawaii's famed beaches, and warming in Alaska is degrading the permafrost that entire communities are built on.

Climate change has already changed rainfall patterns and can load the dice for bad weather conditions such as heat waves. This past summer a heat wave prompted the Kenosha public schools in Wisconsin to cancel all outdoor student practices and sporting events. The district stated on its Web site: "Keeping the best interests of our athletes in mind, we are canceling/rescheduling all contests today."

According to the Denver Post, this past spring a prolonged drought forced Denver Parks and Recreation to postpone opening of the grass sports fields for soccer and lacrosse, which kept thousands of children and adults from starting their athletic seasons.

For some, warmer temperatures mean more time inside because the air is not fit to breathe. Ground-level ozone, commonly known as smog, forms more quickly during hot sunny days, causing asthma attacks, emergency room visits, and even hospitalizations.

In August, I met with two Rhode Island kids: Nick Friend, a 15-year-old from East Providence, and Kenyatta Richards, who is an 8-year-old from Warwick. They have asthma. They have to stay indoors and avoid being too active on bad air days. We have had six bad air days from ozone this year in Rhode Island. That is 6 days when Rhode Islanders such as Nick and

Kenyatta can't enjoy the outdoor activities that are so much a part of our American childhoods.

The effects of climate change aren't limited to hotter days and smog. Oceans are warming, ice is melting, and sea levels are rising. This puts coastal infrastructure such as dams, bridges, and coastal powerplants at risk. It also threatens many of our most beloved and expensive palaces of sport. As far back as 2007, "Sports Illustrated" ran a special issue on sports and global warming, saying: "Scientists project up to a one-meter increase in sea level by 2100," warned one article, "which will alter the shape of the land in low-lying regions of U.S.—including San Francisco Bay and South Florida—and swamp well-known sports venues." Places such as the American Airlines Arena and Sun Life Stadium in Miami and AT&T Park in San Francisco are at risk.

As Congress sleepwalks through history, blind to the harmful effects of carbon pollution, responsible groups are acting, including our major professional sports leagues. The NBA, MLB, NFL, and NHL are letters that almost every American knows. These leagues and their teams are cultural institutions. They are also big business with annual revenues in billions of dollars. They take the threat of postponed games and washed-out stadiums seriously.

Earlier this year, the Bicameral Task Force on Climate Change, which I started with Representative HENRY WAXMAN, to keep attention focused on climate change and what we could do to address it, asked the National Basketball Association, Major League Baseball, the National Hockey League, and the National Football League, as well as the United States Olympic Committee, to tell us what climate change means for their sports. Each of these organizations is awake to the dangers of carbon pollution and each is acting.

Baseball Commissioner Bud Selig wrote to the task force and said:

I have often said that Baseball is a social institution, and to that end we recognize our responsibility to be part of the national effort to preserve our environment. And that is why MLB and many of our Major League Clubs have adopted practices that have resulted in clean, energy-efficient ballparks and environmentally friendly baseball events.

One of those practices is the partial offset of the energy used at all the All-Star Game events, including FanFest, the Home Run Derby, and the All-Star Game, by Green-e Certified energy renewable credits, including wind and solar energy.

On the hockey front, NHL Deputy Commissioner William Daly wrote:

Hockey's relationship with the environment is unique. Our sport was born on frozen ponds, where to this day—players of all ages and skill levels learn to skate. For this mag-

nificent tradition to continue, it is imperative that we recognize the importance of maintaining the environment.

The NHL has partnered with ENERGY STAR and the Natural Resources Defense Council to make its own facilities more energy efficient, and it has called on the U.S. Government to develop a nationwide retrofit strategy to help upgrade buildings such as ice rinks and to reduce energy consumption and carbon emissions.

Kathy Behrens, executive vice president of Social Responsibility & Player Programs at the NBA, told us:

While Professional NBA games are played inside climate controlled arenas, most basketball around the world is played outdoors. If air pollution, extreme heat, and other forms of climate disruption make it difficult to enjoy or attend our game and, of much concern, actually threatens the health and safety of basketball players, fans, and business partners, that matters greatly to the [NBA].

Pro basketball is working to reduce carbon emissions through improved energy efficiency at its arenas. A number of NBA arenas have achieved LEED certifications and some have installed on-site solar panels. The NBA has also come out in support of standards to reduce carbon pollution from electric powerplants, which is a cornerstone of President Obama's recently announced climate action plan.

On the football front, Adolfo Birch III, senior vice president of Labor Policy and Government Affairs for the NFL, wrote:

Twenty years ago, the NFL became the first professional sports organization formally to address the environmental impact of our marquee events—Super Bowl and Pro Bowl.

The program to reduce overall greenhouse gas emissions during every Super Bowl has resulted in the planting of more than 50,000 trees in the Super Bowl host communities. The National Football League estimates that the 2013 Super Bowl in New Orleans achieved a reduction of nearly 24,000 tons of greenhouse gas emissions or the equivalent of the energy use of 8,000 American homes for an entire year.

The U.S. Olympic Committee has also joined in the fight to reduce harmful carbon pollution. According to USOC CEO Scott Blackmun:

The Green Ring program aims to mitigate the USOC and our athletes' impact on the environment through a number of sustainability efforts, an area that is a passion for many of our athletes. Through Green Ring, we hope to contribute to sustainability while using our platform to educate and inspire our constituents to do the same. Our focus is more action, less carbon.

Other international bodies have also launched aggressive plans to fight climate change. The 2014 soccer World Cup in Brazil is aiming to be carbon neutral by offsetting 2.7 million tons of carbon dioxide estimated to be generated by this year's Confederation Cup tournament and the World Cup next year.

Our major sports leagues thus join a great army amassing on the side of climate action: virtually every major scientific body, the insurance and reinsurance industry, the Joint Chiefs of Staff, the National Academies, NASA, and the Government Accountability Office, the U.S. Conference of Catholic Bishops, leading Americans and international corporations, and the American Public Health Association. To them and many others, who are all in this fight, we can add our friends in the world of sports: Major League Baseball, the National Basketball Association, the National Hockey League, the National Football League, and the U.S. Olympic Committee. There is a growing chorus of voices from every sector of American society calling for action. Indeed, there is work to be done. The major sports organizations are doing their part because they know that few things define American society like the teams we cheer and the games we play.

We in Congress need to wake up and join the fight. It is time to set aside the partisan nonsense and the polluter-fueled fantasies and at last take real steps to reduce our carbon pollution and preserve our distinctly American way of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CASEY. Mr. President, I rise tonight to talk about the matter that is before us, which is the National Defense Authorization Act. I don't think we have to make a fulsome argument tonight that it is very important we pass this authorization act for the fundamental purpose of making sure we can, at a minimum, complete action in the very near future on authorizing a whole range of programs that keep our people safe and ensure our national security. I am confident we will do that, but that is vitally important.

I rise tonight to talk about one aspect of that challenge—and, again, it is just one part of our national security interest—relating specifically to what has been happening in Afghanistan over the last decade, and particularly to women and girls in Afghanistan. The amendment I have introduced and will be speaking on behalf of tonight is amendment No. 2172, which regards the security of Afghan women and girls.

For the past 12 years, United States servicemembers have been deployed in Afghanistan fighting the insurgency there. Their sacrifice—the sacrifices of our own people—have created a space for Afghan democracy to take root and for a civil society to develop. It is imperative as we draw down U.S. combat troops in Afghanistan we remain focused on the United States long-term strategic interest in the region. It is in

the United States national security interest for Afghanistan to remain stable, secure, and democratic.

We have seen from a distance what life under the Taliban looks like in Afghanistan when the Taliban was in charge. We also can see with the perspective of recent history what it has looked like since the Taliban was removed. A return to their rule, however, will not only set back the progress that has been made, but it will also allow the forces of intolerance and extremism to triumph.

So 2014 marks a significant transition in Afghanistan. U.S. and coalition forces will draw down while voters will go to the polls to choose their second democratically elected president.

We are considering this year's National Defense Authorization Act with just 6 weeks remaining before the beginning of 2014. Our military families are welcoming back soldiers, sailors, airmen, and marines who have seen more than a decade of conflict in Afghanistan. When I meet—as I know the Presiding Officer and other Members of the Senate do—with servicemembers who have served in Afghanistan, I never forget—as none of us must ever forget—their sacrifice, their determination, and their valor. Since October of 2001, Americans have fought for a stable, prosperous, and democratic Afghanistan.

On my trips to Afghanistan, which now number three, I have come to understand that women and girls often display remarkable courage but are often the most vulnerable targets. But great progress has been made, and I will just mention a couple of examples.

About a decade ago, almost no girls were in school in Afghanistan—very close to, if not, zero. The number of Afghan girls in school now is 2.4 million, and women represent more than 27 percent of Afghans serving in parliament. A small but brave corps of women has joined the Afghan National Security Forces in service to their country. None of this would have been possible just a little more than a decade ago—12 years ago.

Whenever I meet with them, Afghan women emphasize they are not willing to give up—nor should they be—on the gains they have achieved with help from the American people. Just yesterday I met with Nilofar Sakhi, who is working to promote women in the workforce. Hearing her commitment to advancing the role of women firsthand, as I did yesterday, further motivated me to introduce and advance this amendment.

During my last trip to Afghanistan I met with Fawzia Koofi, who is an inspiring lawmaker and women's rights advocate. As a mother of two young daughters, she has worked to instill the importance of education and to make sure her daughters understand that. She now serves in a leadership role in the Afghan parliament.

I would also mention when we were meeting with her she talked about how both her father and her husband had been killed because they were politically active. Yet even in the face of that, she has put herself forward to serve in public office in Afghanistan.

A third example, another brave woman showing the people of the world what it means to serve and to act even in the face of danger, is Suraya Pakhzad, who lives in Herat. Ms. Pakhzad recently traveled to the United States and visited not just my home State of Pennsylvania but literally the county I live in and impressed the people there, as she always does. Suraya is a true entrepreneur and philanthropist. With U.S. government support she has opened a women's shelter in Baghdis province. That is just the beginning of what we could say about her service. We don't have enough time tonight to give more examples, but Suraya has been a great example to me and to so many others.

These three inspiring stories I have talked about are just a few of the many, but I am deeply concerned—and I know a lot of people are—that we have already begun to see the progress on Afghans women's rights and security being rolled back. In an effort to honor the sacrifice the American people have made to help women and girls in Afghanistan, I, along with Senator AYOTTE, have introduced an amendment to this authorization act to ensure those gains are not degraded. The amendment is No. 2172, and I am grateful to Senator AYOTTE for her work and for her leadership on this issue.

It is clear as can be that the security of Afghan women and girls is not simply about their own security and its value and importance. It is also critically important to the long-term future of the country. We know if more women and girls are allowed to be educated—to go to school and to learn, and to grow and to achieve—that, in and of itself, has an economic impact, a positive impact, on a woman and her family but also on the economy of Afghanistan. The question is what steps are we going to take to ensure not just their own security but the security of the country. If they advance, if women and girls in Afghanistan advance, Afghanistan will be a safer place. It is likely the threat of terrorism will be reduced because of the direct involvement of women in the economy and in the life of the people in Afghanistan.

Let me quickly summarize what the amendment does. First, it focuses on political transition. Afghanistan will hold, as I mentioned before, historic elections in April. As the country votes for a president—a president that will help Afghanistan transition from conflict—it is critical that women not be disenfranchised. Therefore, this amendment seeks to ensure the adequate staffing of polling stations by female officers.

Second, the other part of the transition, of course, is the security transition. This bill would also improve awareness and responsiveness among Afghan National Security Forces personnel regarding the unique challenges that women confront. It will also focus on the recruitment and retention of women in the Afghan National Security Forces.

It would be, to use just one word, unconscionable to abandon the women and girls of Afghanistan who have made such great progress. If we take steps that lead to the abandonment of women and girls in Afghanistan during this transition—this drawdown—we will be making a terrible mistake, and we will not have honored the sacrifice of our own service men and women, and we will be harming the important transition that is taking place in Afghanistan.

This legislation will demonstrate not just our commitment and dedication to this important goal but it will also ensure a much brighter future not just for that young girl or woman in Afghanistan and their family, but it will ensure literally a safer and more secure and much less extreme situation in Afghanistan, when we consider all of the threats that are present there on a daily basis.

So I urge my colleagues to support in this authorization process amendment No. 2172, and I again want to commend and salute the work of Senator AYOTTE on this very important priority for the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank my colleague from Pennsylvania Senator CASEY for his leadership on amendment No. 2172, which is very important. I appreciate what he just said on the floor—the cases of the bravery of Afghan women, the leadership they have shown under tremendously difficult circumstances, and the sacrifices our men and women in uniform have made to ensure that Afghanistan does not become a haven for terrorists again.

One of the keys to that is that no society can be free, no society can have true safety and security unless the women in the society also have safety and security. So I thank Senator CASEY for his leadership in ensuring that we stand by the Afghan women because we cannot succeed in Afghanistan if women go back to what they endured under the Taliban, which was horrific and was wrong, and none of us should accept.

So Senator CASEY really has been a leader, and I thank him for being so concerned about what will happen in Afghanistan and working to make sure it never becomes a haven for terrorists again; that women in Afghanistan can live with security; that women and

girls can go to school; that they can contribute to Afghan society and take part in free elections; and that Afghanistan will be a place where women will no longer be brought into soccer stadiums and violated.

So I thank Senator CASEY for this amendment and bringing it forward. I am very proud to cosponsor it. As Senator CASEY mentioned, our amendment would ensure adequate staffing at polling stations by female officers so that when they have elections, this would improve the security of those stations, making sure women can come forward and vote. It would increase the awareness and responsiveness among Afghan National Army and national police personnel regarding the unique challenges women confront when joining those forces. Yes, women—some of them—are now joining the Afghan security forces to defend their nation.

The amendment would focus on improving the recruitment and retention of women in Afghan security forces, and it would ensure that as we enter the bilateral security agreement that DOD will produce a strategy to promote the security of Afghan women and girls.

These issues are very important. I commend our men and women in uniform for everything they have done in Afghanistan to prevent Afghanistan from being a haven for terrorists and to ensure that women and girls can live securely and won't be violated the way they were when the Taliban was in charge of Afghanistan. The images so many of us saw were beyond the word "outrageous." We can't even describe the horrific way women and girls were treated—worse than second-class citizens—under the Taliban.

This amendment will ensure what we all understand to be the bottom line: that no strategy in Afghanistan can succeed if women are not an integral part of that strategy, if women aren't allowed to have the security, the dignity, and the freedom all people deserve.

I thank Senator CASEY for his leadership. I hope my colleagues in the Senate will adopt this amendment because last year when we considered Defense authorization, the Senate passed a similar provision by unanimous consent. So I hope my colleagues will do the same and pass the Casey-Ayotte amendment to promote the security of Afghan women and girls; as we look to the bilateral security agreement, as we look to working with our coalition partners as we are drawing down in Afghanistan, we will not leave the Afghan women and girls behind and we will ensure that Afghanistan does not become a haven for terrorists again.

I thank Senator CASEY for allowing me to speak on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

#### ORDER OF PROCEDURE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SURVEILLANCE REFORM

Mr. UDALL of Colorado. Mr. President, to start, I would like to pay tribute to my two colleagues, Senator CASEY and Senator AYOTTE, for their focus on human rights and particularly the rights of women wherever those women may live.

I rise tonight to talk about the rights that are enshrined in our Bill of Rights. To that particular key concern of Americans, I wish to talk about the importance of reforming our domestic surveillance laws.

As Senator WYDEN and I both enter this discussion, we have one general goal in mind; that is, to find a proper balance between keeping our Nation safe from terrorism and still protecting our cherished constitutional rights.

Senator WYDEN and I are both members of the Senate Intelligence Committee. We have argued for years that the government's domestic surveillance authorities need to be narrowed, and we are going to keep leading this fight in the days, weeks, and months to come. As part of this ongoing effort, we recently introduced comprehensive bipartisan legislation that would end the NSA's selection of millions of innocent Americans' private phone records, shield Americans from warrantless searches of their communications, and install a constitutional advocate at the Foreign Intelligence Surveillance Court.

We believe that overly intrusive domestic surveillance programs, misleading statements made by senior intelligence officials, and revelations about how secret courts have handed down secret rulings on secret law have eroded the trust and confidence of the American people. Simply put, we need to restore this trust, and the best way to do that is to carve out time and hold a vigorous and substantive debate here on the Senate floor—a debate the American people have demanded and deserve.

Senator LEAHY, chairman of the Judiciary Committee, introduced his own comprehensive reform proposal last month with Representative SENSENBRENNER. Representative SENSENBRENNER is a key figure because he was the original author of the PATRIOT Act. He has had concerns. He has joined forces with Senator LEAHY. This bipartisan plan, the Leahy-Sensenbrenner plan, includes many of the proposals Senator WYDEN and I have long called for, and we are proud to support this effort.

Let me be clear. This issue is not going away. It will not go away be-

cause more and more Americans and more and more of our colleagues are coming to understand the true overreach of our Nation's surveillance programs and the effect on American privacy. This issue is not going to go away because we are not going to stop shining a light on the potential for future abuse that comes with our government's secret interpretation of its authorities under the Foreign Intelligence Surveillance Act.

I truly believe that ultimately our efforts—the efforts of Senator WYDEN, Chairman LEAHY, Representative SENSENBRENNER, Senator PAUL, Senator BLUMENTHAL, the Presiding Officer, myself, and a growing number of others—will lead to a majority of this Congress acting in commonsense ways to protect the privacy of Americans.

We are here today on the floor in the midst of consideration of a very critical piece of legislation for our national security and for the well-being of our men and women in uniform, the Defense Authorization Act. I am a member of the Armed Services Committee. I have the great privilege of chairing the Subcommittee on Strategic Forces. I know as well as anyone that this is a must-pass bill. The issues we debated this week related to Guantanamo Bay and the scourge of sexual assault on our military are matters that rightfully demand significant and thoughtful time on the Senate floor. While I think Senator WYDEN and I would agree that this week's debate on the National Defense Authorization Act is not the right time for a full, comprehensive debate on surveillance reform, I do believe it is the right time to begin that conversation.

Senator WYDEN has introduced a smart pro-transparency, pro-accountability amendment, and that amendment is the right place to start. His amendment is based on the work we have been doing for a number of years now. That is why I am a proud cosponsor and a strong supporter.

This amendment would increase the transparency of domestic surveillance programs, and I think it should—and I know it will—have broad support in this body. I am going to let Senator WYDEN speak more extensively about our amendment, which, by the way, we have also introduced with the chair of the Appropriations Committee Senator MIKULSKI.

Again, this is the perfect way to begin and frame what will be a more fulsome debate over the next few months. We are going to demand this debate because Coloradans, Oregonians, and Americans across our country demand that we have this debate.

With that, I turn to my friend and colleague Senator WYDEN for his thoughts.

Mr. WYDEN. I thank Senator UDALL for his exceptional leadership in our effort to put together a comprehensive

bipartisan reform bill. I also thank the Presiding Officer from Connecticut because, as we all know, he has really been the ringleader in the effort to ensure that when there are major constitutional arguments put in front of the FISA Court, there is somebody there to make the case for the other side. So I am very pleased that, for purposes of this colloquy, when we discuss the transparency amendment we have filed today with Senator MIKULSKI, we have Senator BLUMENTHAL in the Chair because he has been an integral part of the reform effort.

I also appreciate what the distinguished Senator from Colorado said about Chairman LEAHY. We have had a real partnership with him in working on these issues for a long time. We were thrilled that Chairman LEAHY went on our bill and we went on his bill because it illustrates the need to try to make common cause around these issues. And as the Senator from Colorado said, we are talking about bipartisan approaches that help promote reform agenda.

As the Senator from Colorado noted, it would be pretty hard to have a full debate on this legislation about surveillance reform. Suffice it to say that there are differing views here in the Senate with respect to surveillance. The Senator from Colorado and I support comprehensive overhaul, particularly as it relates to the collection of millions of phone records of law-abiding Americans, which has come to be known as metadata. So we have supported restrictions on that in order to protect law-abiding Americans who have had their privacy intruded upon.

But having sat right next to the distinguished chair of the Appropriations Committee for many years—on the Intelligence Committee, and I think my friend from Colorado sits on the other side—we have heard Senator MIKULSKI speak eloquently about the need for transparency and accountability. My view is that this is something that can bring together all Senators around what really is a jump-start to the later debates about intelligence reform.

Senator UDALL and I, with the support of the chair of the Appropriations Committee Senator MIKULSKI have put together an amendment and filed it today on this legislation which takes important steps forward with respect to transparency. The amendment we have offered would require the executive branch to answer some of the major unanswered questions about domestic surveillance authorities and would require that future court opinions which find that domestic surveillance activities have violated the law or the Constitution ought to be made public. They ought to be made public to the American people, and if there is some aspect that should be held back—what is called redaction—so be it. Under our proposal, the executive

branch would have the authority again to make sure that no details about secret intelligence methods or operations were in any way divulged as part of this transparency effort.

While we feel strongly about protecting secret operations, we do not believe in secret law. The American people ought to always be able to find out what the government and government officials think the law actually means. To use a basketball analogy—and folks at home know I am always fond of those—parts of the playbook for combating terrorism will often need to be secret, but the rule book our government follows should always be public. So this amendment presents a chance for Senators who may have differing views about surveillance policy to rally together behind the cause of greater transparency.

I would note at this time that Senator MIKULSKI has filed an additional amendment that the Senator from Colorado and I have cosponsored. It would make the Director of the NSA a Senate-confirmed position. This is a reform Senator MIKULSKI has been advocating for years. I think this too allows us to have a more vigorous and more open debate about these issues.

The reality is that the thousands of Americans who work in the intelligence field honor our Nation day in and day out with their dedication and their commitment to the security of our country. But, as the Senator from Colorado has noted, too often in the past the leadership of the intelligence community has said one thing in private and another in public. If our amendment which we have put together with Senator MIKULSKI passes, there would be a new focus on transparency, and I think that would create some very serious obstacles to those who might want to engage in the kinds of deceptions that the Senator from Colorado noted and that we have seen in our hearings.

I yield back. And we will wrap up our colloquy shortly.

Mr. UDALL of Colorado. I thank Senator WYDEN for his leadership and for taking the time to join me on the floor. As the Senator pointed out, we have a broad coalition across both parties and across the political spectrum.

We also acknowledge that passing the Defense Authorization Act is crucial. We have to keep our military strong in the face of limited resources and a security environment that is rapidly changing. That is why we are not offering a comprehensive bill today. But we will be back. We want to have a fulsome debate. This is a matter my constituents have demanded that we address, and we are going to work to make this happen.

I ask my colleague for any further thoughts he might have on this very important matter because the Bill of Rights is our biggest, baddest weapon.

When we stand with the Bill of Rights, we can't go wrong.

Mr. WYDEN. I thank my colleague. First, let me just mention in closing that this bill is directly relevant to work done at the Department of Defense, as the NSA is an integral part of the Department of Defense. In fact, this bill already contains half a dozen provisions that affect the NSA in one way or another, so it has been our view that this amendment is clearly germane to the bill.

It also directs the Comptroller General to conduct an assessment of the economic impact of recently disclosed surveillance programs. The fact is that surveillance policy does not just affect foreign relations—although clearly it does affect our foreign relations. We see practically every day accounts of how our allies are concerned about their relations with us because of questions with respect to whether the privacy of their citizens are affected.

When we are talking about allies, we are talking about partnerships we need to protect America in a dangerous world. Of course, at the same time we are talking about how in a fragile economy, some of America's leading companies, those on the cutting edge of our future—for example, with cloud technology that the distinguished Presiding Officer and I have talked about. This is an area where Americans have a big lead. We do not want to fritter it away, as we also suffer in terms of our national security, in terms of our relationships with allies. There are high stakes here. I am very hopeful we will have a chance to get a vote on this legislation.

As I say, with Senator MIKULSKI particularly, the role that she has played as chair of the Appropriations Committee, I think we have a chance to jump-start the broader debate about intelligence. We have a chance to set the record straight about some of the comments that the intelligence leadership has made in the past that are either wrong, misleading or kind of shrouded in intelligence-speak. This is almost incomprehensible lingo that we try to sort through in terms of what they have to say.

I am very hopeful the Senate will want to join Senator UDALL, Senator MIKULSKI, myself—I know Senator BLUMENTHAL and others are interested in it—in taking the next logical, commonsense approach in terms of intelligence reform; that is, to come out foursquare for this approach, which I would like to state does not ban any collection tool at all that is now used by the government, but it does require that there be basic transparency and accountability in how they are used.

(Mr. HEINRICH assumed the Chair.)

That is long overdue. Let me have my friend and colleague from Colorado wrap up and express to him how much I appreciate it.



I note somehow the Presidency of the Senate seems to be passed from one supporter of intelligence reform to another, since the distinguished Senator from Connecticut was just there. We have just been joined by Senator HEINRICH, who has been a very valuable partner in these efforts as well.

I thank him and allow the last word to be offered by the Senator from Colorado.

Mr. UDALL of Colorado. Again, you cannot go wrong with transparency. Transparency is a central tenet of America. In that spirit, I wish to recognize the Senator from Connecticut, Mr. BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I thank my colleagues who led this effort. Well before I became involved, Senator UDALL and Senator WYDEN have helped to lead this effort before there was any real disclosure about some of the excesses that have been so dramatically revealed over the recent past. As a colleague in this effort, I thank them for their relentless courage in blowing the whistle, quite bluntly, telling America there was something wrong, even when they could not reveal exactly what was wrong, saying the American people would be outraged if they knew, if only they could be told. That kind of bravery and strength has given energy and momentum to this debate.

I am chagrined that we will not be debating and acting on it in connection with the National Defense Authorization Act if the present circumstances prevail and amendments are limited. I do believe it is past time to be talking about and acting on those issues, to move for greater accountability and transparency.

One of the amendments I have sponsored would call for a more adversarial process, to expose more of the truth before the judges who make these decisions through the appointment of a constitutional advocate.

The hour is late today. I hope at another time to talk about these issues in greater detail. But the time now is more urgent than ever to confront and address these shortcomings in the present system. I think the intelligence community itself will help us greatly and it has recognized this and all of America will benefit greatly, including their work.

I salute the talented and dedicated members of that intelligence community who have done their work literally in secret for so long, helping to save Americans around the globe from terrorism and other threats. I think we need to change the system in ways that are worthy of the challenges they confront everyday, while at the same time making sure we have trust and confidence in America, trust and confidence in the system, trust and con-

fidence in both the need for and the tools and weapons we use to further American intelligence in the combat against terrorism.

I again thank my two colleagues who are on the floor and tell them I look forward to working with them in the next few days. If it is possible to achieve these reforms, so be it; if not, we will continue to work.

Mr. UDALL of Colorado. I thank the Senator from Connecticut and Senator from Oregon, the Presiding Officer who has been engaged in this and I know the Senator from Arizona who is here is interested in these discussions as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### THE BUDGET

Mr. FLAKE. Mr. President, we are now at the halfway point in the countdown to the next budget deadline. By December 13 the budget conference committee has to report its plan for the remainder of this fiscal year 2014 and beyond. We are already 2½ months into the fiscal year. It is critical the conferees agree on funding government within the framework of the Budget Control Act.

As I have mentioned before on the Senate floor, the BCA, which places caps on discretionary spending, has provided us with a necessary dose of fiscal discipline. While the BCA is not a silver bullet which fixes all of our problems, it represents \$2 trillion in projected deficit savings that improves the Nation's long-term fiscal outlook. Without it, Federal spending would go unchecked, allowing the deficits to be even higher.

In 2013 the deficit reached \$680 billion; in 2014 it is estimated to be \$750 billion. Should Congress ignore the BCA, we will find ourselves even deeper in the red. In fact, some across the aisle have indicated that they want to spend a whopping \$91 billion more than the BCA mandates in 2014 alone.

Instead of offering smart spending cuts to eliminate waste and prioritize funds, many are compiling a list of their favorite tax hikes to replace the sequester. That action fails to recognize one simple point, a point I made on the floor last week and one I will make over and over. Washington has a spending problem, not a revenue problem. In fact, 2013 set a record for the most taxes ever collected, \$2.77 trillion. That is a 13-percent increase from 2012. Yet some of my colleagues want taxpayers to shoulder the burden of their plans to increase Federal spending.

While the BCA has proved to help moderate the Federal budget's hunger for taxpayer dollars, make no mistake this budget is still bloated. Anyone who says there is nothing left to cut simply is not looking hard enough.

Last week I offered my suggestion for cutting waste at the Department of Agriculture. Just the programs I highlighted—and there are surely others—would save \$5 billion when compared with the President's budget. Today I wish to share some similar fiscal follies at the Department of Energy.

The Department of Energy spends an astonishing amount of taxpayer dollars on industries and technologies that are already well established in the public marketplace. But few examples stand out more than the agency's growing role in the automotive industry. Take the Vehicle Technology Program which is slated to receive \$575 million under the President's 2014 budget. This program conducts research and development into seemingly every facet of vehicle manufacturing from hybrid technologies to engine efficiency to advanced lightweight materials. It even goes so far as to draw marketing strategies to promote consumer acceptance of products such as electric vehicles and renewable fuels.

Is there anyone in America who does not know what an electric vehicle is or what it does? Yet we are supposed to spend money to improve consumer acceptance for these products. The Vehicle Technologies Program has also awarded hundreds of millions of dollars in grants to automakers, including Chrysler, Ford, and General Motors. Since 2010, the program has received \$1.2 billion in taxpayer funds. Curiously, the Vehicle Technology Program's official online listing of goals and accomplishments has not even been updated for 2010.

Another well-established industry benefiting from taxpayer largesse is wind energy. Read DOE's budget request which prominently highlights the wind industry's "great success in deploying planted-based technologies over the past 5 years." You may recall recently retired energy Secretary Steven Chu's admission that he considers wind a "mature" technology. Why then are we pumping money into a technology that even DOE indicates should be able to stand on its own?

A recent Navigant Research study made headlines when it reported that the United States is both the world's largest wind power market and home to the world's No. 1 wind power supplier, General Electric. A recent GAO report found that 82 Federal wind-related initiatives funded across 9 agencies cost \$2.9 billion in fiscal year 2011. This is for what we have been told is a mature technology.

What is more troubling than the sheer cost of the Federal Government's fragmented Wind Program is GAO's finding that more than 80 percent of those programs have overlapping characteristics. GAO's subsequent recommendation seems reasonable enough; that the DOE should formally assess and document whether Federal



financial support of its initiatives is actually needed. Yet the President's budget, released 1 month later, recommends an unprecedented level of \$144 million for the DOE wind energy program, just in 2014.

Wind's windfall from DOE comes on the heels of yet another extension of the multibillion dollar wind production tax credit. This tax credit was temporarily established more than two decades ago to encourage investment in the then-fledgling wind industry. This is two decades ago. Congress gave energy a 7-year window to take advantage of and prepare for the expiration of the original PTC in 1999—given 7 years.

But to the surprise of no one, parochial interests and a host of extensions continue to keep this zombie subsidy from expiring as designed. Today, as the credit supporters repeat their plea for just 1 more extension, they ignore America's debt-ridden reality and so the walking dead wind production tax credit, which is little more than a taxpayer-funded entitlement program, lives on. While I have singled out automotive and wind programs at DOE, similar arguments could be made for reducing or eliminating the Department's support for other established industries, including oil, natural gas, solar, and nuclear. Many of these programs are both unnecessary for further development of these technologies and are blatantly duplicative.

In fact, another GAO study identified a mind-boggling 679 renewable energy initiatives across 23 agencies in fiscal year 2010. Prominently featured in a report by my colleague from Oklahoma Senator COBURN, these redundant programs cost \$15 billion in 2010 alone.

Instead of continuing to pick winners and losers, Congress needs to reduce its footprint in well-established areas of the energy sector. Not only will this help level the playing field for emerging energy technologies that are actually preparing to compete in the marketplace, it would save taxpayers untold billions of dollars.

With just 1 month to go before the budget deadline, I urge my colleagues to reject the urge to fixate on raising taxes and instead help focus negotiations on smart, achievable spending reductions. By eliminating waste and prioritizing spending within the BCA framework, we can shore up this country's fiscal future. Turning out the lights on wasteful programs at the Department of Energy would be a step in the right direction.

I yield the floor and note the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COSPONSORSHIP

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to join the resolution which has been submitted by Senator DURBIN, and also a separate resolution submitted by Senators COLLINS and KLOBUCHAR, relating to the fight against Alzheimer's disease.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ALZHEIMER'S DISEASE

Mr. BLUMENTHAL. Mr. President, all of us have been touched by this dread and pernicious disease. Alzheimer's strikes families, loved ones, colleagues, coworkers, friends, acquaintances—literally all of us—increasingly so because the numbers are multiplying almost epidemic-like across the country. Of course, classifying it as an epidemic is difficult to do because we scarcely understand this disease. We are only beginning to comprehend the cause and modus operandi of this pernicious ailment.

I am joining on these resolutions because of the need to express and call attention to the deadly and insidious spread of Alzheimer's and the Nation's failure to effectively address it. We know that the numbers of people suffering from Alzheimer's are increasing drastically and this resolution rightly calls attention to the dimensions of the problem. But as important as those numbers are, even more so are the numbers of dollars that reflect the Nation's failure to take action that is so desperately needed.

As my colleague from Maine highlighted earlier, we spend \$500 million in research for Alzheimer's compared to \$6 billion for cancer, \$3 billion for HIV, and \$2 billion for cardiovascular efforts. These numbers do not reflect any excess spending on cardiovascular or cancer or other kinds of medical problems for which the National Institutes of Health does such great work, as well as others in the private sector, and philanthropic donations as well. If anything, perhaps we should be considering expanding those efforts. But the numbers do reflect the disproportion and inadequacy of what we as a nation are spending on the research of Alzheimer's. The estimate, according to the National Alzheimer's Project Act and its representatives, is in the neighborhood of \$2 billion a year, as a minimum, that we should be spending to develop diagnoses, cures, and treatment. We should be doubling or tripling funding. Yet even this minimal funding is in danger due to the sequester, which has also jeopardized many other research projects supported by the National Institutes of Health. This

abdication of responsibility is a tragedy for us as a generation who will suffer from it in untold numbers, and for the next generation that could be saved from this disease.

I am proud to join in this effort to match the severity of the challenge with public consciousness and awareness and, even more importantly, public dollars and resources that are vitally important to ensure we conquer and cure as many Alzheimer's patients as we can as quickly as possible. We owe it to ourselves and our children.

There are many ways in life to feel alone. There are many forms of isolation. Even in this body, surrounded by people, Members can be alone at points—alone in championing causes or alone in thought, but there are few conditions that match the aloneness of an Alzheimer's patient. They are often cut off from the world by an inability to communicate, and we must reach out to those patients who cannot let us know and describe, as they might want to do, their aloneness and their resolve.

So for them and all of our loved ones—friends, family, and coworkers—who now and in the future will suffer from the disease, let us resolve to do more through this resolution, and as a nation we will confront this challenge.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, this has been a long process and a difficult one for me to go through. Being the ranking member on the Armed Services Committee, I have had constant contact with both the Democrats and Republicans on this bill. I consider this bill to be the most important bill of the year, and I have said that several times. I have given several speeches up here in the last week. I had about decided with the last offer that was made by our side, which was to come up with 50 amendments, limit it to 50 amendments, the argument there is that would not be 50 votes. If you look at it historically—and I have the numbers going all the way back for the last 15 years—for last year, for example, we had 106 amendments, and only 34 were voice-voted and only 8 were recorded votes. So when we say 50, we are only talking about probably 20. Now, of course, the Democrats would only have 50 also.

So what I have decided I am going to do—because I have to decide what I am

going to do with my vote—I am either going to vote for or against cloture on my own bill.

That would be very awkward for me to have to determine. But I have tried to get ahold of Senator PAT TOOMEY, who is kind of the lead person on the steering committee and the one where most of the amendments would come from, most of the objections have come from. I have said: If you will pare that down from 50 to 25, then I am sure it would be reasonable for the Democrats to have 25. That is a total of 50. Probably it would end up being maybe 20 recorded votes if you, our Republicans, are willing to bring that number down and say: Yes, we will go forward with this bill if we can have 25—move it down from 50 to 25. Now, if we refuse to do that, I am going to go ahead and vote to support cloture and to support our bill.

On the other hand, if Senator TOOMEY and the rest of the Republicans say: No, we want to have all 50—and I look at this list, and I see we have some Members who have as many as 9, and I do not think that is being totally reasonable—so if they say: No, we are not going to bring our number down to 25, then I am going to support the bill. However, if they do agree to bring it down—and I have already talked to the majority side about this—and they refuse to come down to 25, then I would join in opposing cloture on the bill when it comes up.

So I want to make sure there is no misunderstanding right now. I would like to say that I could get ahold of everyone tonight. I have tried. They said at 7:30 they are going to make a decision. It is 7:29 now, so I had to get on record. I do not have time.

I will repeat it one more time. If the Republicans refuse to bring their number down to 25, then I will go ahead and support the bill and support passage of the bill through cloture. If they do agree to do it and the Democratic side, the majority side, decides they are not going to accept the 25 offer, then I will oppose and vote against cloture on the bill.

There you have it.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

##### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Richard J. Durbin, Tim Kaine, Dianne Feinstein, Kay R. Hagan, Barbara A. Mikulski, Joe Donnelly, Mark Udall, Claire McCaskill, Christopher A. Coons, Jeanne Shaheen, Mark R. Warner, Jack Reed, Patty Murray, Bill Nelson, Angus S. King, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### BUDGETARY IMPACTS

Mr. LEAHY. Mr. President, it has been only a few short weeks since the needless government shutdown that cost the Treasury more than \$20 billion, disrupted the lives of hundreds of thousands of Federal workers and their families in every State, threatened to wreak havoc with the world's financial markets, and accomplished nothing.

But an important deadline, one critical to determining how we resolve the current budget crisis, is just a few days away. While this approaching deadline does not come with the threat of another government shutdown, if Congress is going to complete work on appropriations bills before the continuing resolution expires on January 15, we need a top-line number from the budget conferees by the end of this week.

By Friday, the budget conferees need to find enough common ground to agree on a level to fund the Federal Government for the remainder of the fiscal year. While many have expressed their doubts, there is no reason this cannot be done. People are fed up with putting the process of setting and funding our national priorities on autopilot. It is an abdication of responsibility and a wasteful way to do business.

It is equally important that the level of funding replace sequestration. A long-term continuing resolution that funds the government at the House level of \$967 billion would be a disaster. Sequestration would become the new normal, funding programs and agencies at levels far below those passed by the Senate Appropriations Committee and below fiscal year 2013.

It is stunning—and frightening—that instead of looking to replace sequestration's devastating cuts, we hear from some Members that it is "working." If their intention is to stunt the economic recovery and indiscriminately slash services upon which American families and businesses depend, then I guess they are right. But I don't think most Members of Congress, or most Americans, see it that way.

For those of us who want to support our communities and invigorate and sustain our economic recovery, another year of sequestration would be catastrophic. While we are still trying to gauge the full impact of the first round of cuts this year, one thing is clear—another year would be far worse.

Agencies have exhausted their carry-over funds and creative budgeting options to avoid layoffs, furloughs, and eliminating programs.

Absent a budget agreement, the entire Federal Government, from the Department of Defense to the Department of Labor, will suffer significant, mindless cuts. I have spoken several times about the impact of another full year continuing resolution at the House's funding level.

I want to take a minute to describe what it would mean for America's children, teachers, and families. LIHEAP, which provides lifesaving home energy assistance, would not receive the \$325 million increase over the level included in a continuing resolution, cutting off assistance to about 760,000 more households this winter and next summer. Nearly 40,000 Vermont families rely on LIHEAP in the cold Vermont winters.

Early Head Start Programs won't be expanded as the Senate appropriations bill intended, and the 177,000 children who would have received Head Start services will be turned away. Nearly 1,600 Vermont children depend on this assistance every year.

Schools around the country already facing budget shortfalls look to the Federal Government to fund services to disadvantaged children through title I grants. Those schools would not receive the \$852 million included in the Senate appropriations bill. They would have to look elsewhere for money to provide those services to 1.3 million students in need.

Schools would also lose \$748 million in grants for special education that were included in the Senate appropriations bill, to help cover the costs of employing more than 9,000 additional special education aides in our schools.

NIH would not receive the \$2 billion in additional funds included in the Senate appropriations bill and instead would not be able to award 1,300 new research grants. This means that 1,300 additional opportunities to achieve scientific advances that could lead to life-saving treatments and cures would be missed opportunities.

Under a continuing resolution, 159,000 families looking for assistance through the section 8 housing program to help keep a roof over their heads will be turned away because the funding won't be there. In Vermont, 774 families would face losing their housing assistance.

The WIC Program won't be able to provide food to the nearly 500,000 infants, children, and families the Senate appropriations bill would help, and working families won't receive the \$291 million in additional funding the Senate provides for childcare subsidies.

Beyond our borders, we would lose the additional \$389 million included in the Senate appropriations bill for global health programs to combat HIV/AIDS and other preventable infectious diseases like malaria, tuberculosis, and pneumonia, as well as malnutrition.

The consequences of such a cut can be measured in lives. Tens of thousands of additional deaths would result from these diseases, tens of thousands of additional children would be orphaned by AIDS, and there would be millions fewer lifesaving immunizations for children, resulting in tens of thousands of deaths that could have been prevented.

A full-year continuing resolution would cut the international development assistance account that supports the basic needs of people in the poorest countries by nearly \$115 million, including for primary education, food security, and clean water and sanitation programs.

The examples go on and on. What we face is, in fact, not a hard choice. It is a choice between doing what is right or scoring political points. The budget conferees have an opportunity to reach meaningful compromise, to replace the "never supposed to happen" sequester, and to prove to the American people that they can put partisanship aside when it is in the national interest.

That is what is at stake, and I commend the chairwoman of the Appropriations Committee, Senator MIKULSKI, and her counterpart in the House, Chairman ROGERS, for the united stand they have taken for the good of the country. I hope the budget conferees follow their example.

#### TRIBUTE TO ROBERT ROSSI

Mr. LEAHY. Mr. President, it is a great pleasure to tell the Senate about Mr. Robert Rossi, a Vermonter who captures the distilled essence of Vermont, and who will be celebrating

his 100th birthday this Friday, November 22, 2013. Mr. Rossi represents an inextricable link between where my State, and our country, was, and what it has become, over this most remarkable century. Mr. Rossi was born and has always lived in Barre, VT, the same city where my father was born. Even while defending America in Normandy, or honeymooning with his wife in New York City, his home and his heart were always in Barre.

Mr. Rossi grew up in Barre and his father, like my maternal grandparent, immigrated to the United States and Vermont from Italy. He was a product of the Barre school system, and had a football scholarship to Green Mountain Junior College. Shortly after that he was called for service by the United States Army.

He arrived at Camp Edwards on Cape Cod the same day Pearl Harbor was attacked, and he then was stationed in Northern Ireland just before his departure to Normandy on that fateful day in the summer of 1944. When he returned stateside, he did not dwell on his experiences abroad, but rather returned to his beloved home, where he was instrumental in one of Vermont's leading industries for nearly four decades of his life: the Barre granite and stone carving industry. It has been estimated that one-third of all public and private monuments in the United States were crafted from or by Barre's quarries and its international association of sculptors and artisans. Mr. Rossi is a man of true character, and it is my pleasure to call the Senate's attention to this notable citizen of the Green Mountain State.

I join all Vermonters in offering my sincerest congratulations to Robert Rossi for his genuine lifetime of achievement. I would also like to share a recent article from the Rutland Herald and Times Argus that told his remarkable story and captured many accolades about his illustrious life.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Nov. 18, 2013]

ROBERT ROSSI, AT 100, HAS ALWAYS KNOWN  
WHERE HOME IS  
(By David Delcore)

Robert Rossi remembers Barre.

Sure the Granite City native, who is now days away from his 100th birthday, will tell you he spent two years at Green Mountain Junior College in Poughkeepsie, 20 winters in Tucson, a honeymoon in New York City, and a memorable World War II tour that was highlighted by his mercifully belated arrival at Omaha Beach during the Normandy Invasion. But, if you ask Rossi where he has "lived" for the last 99 years, 360-plus days, you'd better be ready for a one-word reply.

"Barre," he said Sunday as if surprised by the question. "I've never lived anywhere else."

Born on High Holburn Street, Rossi is the son of an immigrant stonecutter who he'll

proudly tell you was "the first alderman of Italian descent ever elected in Barre." He'll also tell you that his dad, Antonio Rossi, was influential in acquiring Barre's first fire engine.

Why?

Because while his dad died during the influenza outbreak in 1918, Rossi, who was five at the time, remembers the city's old fire wagons.

"They were pulled by horses," he said. "I remember the horses."

Rossi also remembers the old city stables that were once located on Burnham Meadow—not far from where Capital Candy now does business. He remembers the city Cow Pasture, but not just as the place where the city's workhorses spent some of their spare time, or where folks now like walking dogs.

"There used to be a nine-hole golf course there," he said, crediting the Meadow Brook Golf Club for creating and maintaining it.

Rossi, who has moved only twice in his life—from High Holburn Street where he was born to the Cleary Street home where he has lived, with occasional interruption, since he was 12—is a product of Barre schools, though none of the ones he attended are schools anymore.

Rossi started out at Ward 5, a now-vacant neighborhood school that the High Holburn Street gang, which included a boatload of the Rossi clan, fondly referred to as "Woodchuck Knoll School." Following the death of his dad, his mother's remarriage and the move to Cleary Street, Rossi attended the old Brook Street School, which is now home to the Learning Together Center, for both fifth- and sixth-grades. He spent seventh grade at the old North Barre School, which has since been converted to apartments, and eighth grade in the ground-floor of what used to be Spaulding High School, but is now the Vermont History Center.

Rossi graduated from the original Spaulding High School in 1931, and while he would eventually head off to Green Mountain Junior College thanks to a football scholarship that limited his tuition payment to \$100 a semester, the Great Depression delayed the start of his post-secondary education for a few years.

Rossi remembers the Depression, which hadn't yet ended when he started taking classes in Poughkeepsie.

"I remember getting letters from my mother with 25 cents taped to them," he recalled.

A quarter went a long way back then, according to Rossi, who remembers when cigarettes cost 10 cents a pack, you could get a good ice cream bar for a nickel, and \$20 was more than enough to pay for a weekend in Montreal—food, lodging and transportation included.

Rossi also remembers getting drafted, though he prefers the old-school term "conscripted." He was "27 and single" at the time, it was 1940 and he was a whole lot closer to going to war than he realized at the time.

Rossi remembers the day Pearl Harbor was bombed, and not just because it was the very same day he arrived at Camp Edwards on Cape Cod fresh from Fort Devens.

"That's when we knew we were going to war," he said.

Rossi was right, though his overseas tour didn't start until after a trip through officer training school and a brief stint at Camp McCoy in Wisconsin.

From there it was off to Northern Ireland, where in the run-up to D-day and the invasion of Normandy in the summer of 1944,

Rossi, a second lieutenant in the Army, remembers getting a pass to go to London. That's where he spotted a street sign that reminded him of home and tracking down his brother, an Air Force pilot, to borrow a little spending money.

"The sign said: High Holburn Street," said Rossi, who recalls finding his brother, Antonio, between air raids.

According to Rossi, his brother's commander was Jimmy Stewart.

"The actor," he said.

Asked about Omaha Beach, Rossi said he didn't need to check a history book to know it didn't go according to script.

The date was delayed, his platoon was divided, and while one of the landing crafts made it to shore, the propeller on the one he was on was fouled by rope floating in the debris just off the coast of France.

Frogmen were summoned to "un-jam" the propeller of a craft that sat "becalmed" for four hours.

Rossi remembers eventually making it to shore, though it wasn't until the next day that his platoon was reunited and he learned that all of the officers in that first wave were either killed or injured.

"I guess I was lucky," he said.

Rather than dwell on the experience Rossi turned his attention back to Barre, where he spent 39 years working in the granite industry as a shipper, a boxer and an expediter.

Rossi prefers to remember Barre.

It's where he once played quarterback for the Spaulding football team, sipped Seal's soda, ordered western sandwiches at the New Moon Diner, and played pool in Merlo's pool room.

It's also where he met his wife, Beverly Silver, a South Barre schoolteacher with whom he happily spent more than half-a-century before she died in 2004.

"We had a good life," said Rossi, who is still living his.

Technically Rossi will turn 100 on Friday, but, he said, he recently celebrated the milestone at a lunch with family at the Cornerstone Pub & Kitchen.

It was the latest in a long line of Barre memories for a man who wouldn't think of living anywhere else.

"Barre is home," he said.

#### TRIBUTE TO NANCY KASSEBAUM

Mr. LEAHY. Mr. President, I read with interest an article this week penned by the senior Senator from Maryland, Ms. MIKULSKI, about a dear friend, Senator Nancy Kassebaum. Amidst the partisan gridlock of today's Congress, it is hard to remember a time when Members from both sides of the aisle routinely came together for the common good, rather than for the sake of political ideology. As a daughter of a public servant, Nancy Kassebaum had civic duty in her blood and represented the State of Kansas for nearly two decades. During her time in the Senate, Nancy's leadership, and determination to fight for those who needed it most, was exemplary.

Her ability to put politics aside and work across the aisle has had a lasting impact on millions of women and children today. Nancy became the first woman to serve as Chair of the Senate Committee on Labor and Human Resources. Here she worked to create the

Office of Women's Health Research within the National Institutes of Health, and she fought tirelessly alongside Senator Ted Kennedy to protect abused and neglected children. Nancy was an invaluable resource as chair of the Subcommittee on African Affairs, and a strong champion condemning the apartheid atrocities during Nelson Mandela's incarceration. Nancy Kassebaum exemplified the determination and leadership it takes to make a remarkable legislator and I am equally proud to call her my friend.

I ask unanimous consent that the Politico article, "Friendship without Ideology" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows

[From Politico, Nov. 13, 2013]

FRIENDSHIP WITHOUT IDEOLOGY

(By Barbara Mikulski)

(The following essay is part of a series in which dozens of women will reveal what women they most admire. The series is part of "Women Rule," a unique effort this fall by POLITICO, Google and The Tory Burch Foundation exploring how women are leading change in politics, policy and their communities.)

Few senators have left such a mark on the Senate as Nancy Kassebaum. She was a dedicated and determined public servant who always put people above politics. In the decade we served together, I saw her advocate every day for her home state of Kansas—whether it was in the committees or on the Senate floor.

When I was first elected to represent Maryland in the Senate, I was the only Democratic woman and Nancy was the only Republican woman to serve in that chamber. In those days, because there were so few of us, there was pressure for us to act like celebrities instead of senators. Not only did Nancy resist that pressure—it didn't even cross her mind.

Nancy accomplished tremendous things in her years as a senator. But it wasn't just what she did, it's how she did it. When I became a senator, she was so welcoming to me, offering tips and insights in my early days navigating the Senate. It's a tradition I have tried to honor as Dean of the Senate Women, where I mentor and advise women who currently serve as senators.

She was an inspiration, teacher, mentor and good friend—and she still is.

The daughter of the governor from Kansas, Nancy came from a family of public servants. In her first campaign, she used the slogan, "A fresh face, a trusted Kansas name." Yet Nancy was a trailblazer in her own right, and a woman of many firsts. She is the first woman to have represented Kansas in the Senate; the first woman to have chaired a full committee—the Senate Committee on Labor and Human Resources, where we served together. We always agreed that it wasn't about gender—it was about having an agenda.

She was independent minded. But she always voted with her principles, and Kansas, first.

Nancy was an important leader in foreign affairs. As chair of the Foreign Relations Subcommittee on African Affairs, her expertise in African affairs was significant. In the mid-1990s, with Nelson Mandela confined in jail, she was an early and outspoken sup-

porter of anti-apartheid measures in South Africa. Above all, she advocated peace around the world, once saying, "Hatred and anger can destroy a nation, but they cannot build a just and prosperous one." Her poignant words still ring true today.

Yet while she was working to make the world a better place, she never strayed from home.

As chair of the Senate Committee on Labor and Human Resources, Nancy championed American families and children. I loved working with Nancy on that committee, alongside legislative legends like Sen. Ted Kennedy. As a social worker, I was proud to serve as partners to make life better for so many. We fought to protect abused and neglected children, to increase the availability of child care for low-income families and to preserve child care health and safety standards. Because of her work, our most vulnerable Americans—our children—are safer and healthier. And for millions more, Nancy brought improved access to better health care with the bipartisan Kennedy-Kassebaum Act in 1996. Whatever the bill, she always offered pragmatic, affordable solutions to pressing problems that affect American families. I was proud to join her on many of those issues.

Together, we fought for groundbreaking research to help understand devastating diseases. We founded the Office of Women's Health Research at the National Institutes of Health, so women could be included in medical research. It led to the historic study on hormone treatment for women, which led to a drop in breast cancer rates by 15 percent. Since then, the Office of Women's Health Research has continued to publish vital findings—on everything from symptoms of heart attacks to the likelihood of osteoporosis. I'm proud to know that the work Nancy and I did together has helped save lives, millions at a time.

Nancy considered every vote with intellect and integrity. She showed that a woman with voice and volition could be formidable. Above all, she won the heart of Kansans as their down-to-earth, but determined senator.

In 1996, she won the heart of Sen. Howard Baker as well. I was delighted to be at her wedding to Howard, where Kennedy and I joined them on the dance floor for the "Bipartisan Boogie."

At one time, a Kansas newspaper claimed, "the only thing more popular than Nancy is wheat." For Nancy, it was never about being first. It was about serving the people. And Kansas couldn't have asked for anyone better.

(Barbara Mikulski is a Democratic senator from Maryland, chair of the Senate Appropriations Committee and Dean of the Senate Women.)

#### TRIBUTE TO PETER MILLER

Mr. LEAHY. Mr. President, for generations, Vermonters have contributed to our national culture, through art, music, film and prose. Peter Miller is one such artist whose impressive work throughout his life as both a photographer and author has showcased Vermont and its residents and enriching us all.

As an amateur photographer, I have followed Peter's work for decades with admiration. From his early beginnings as a U.S. Army photographer to his travels across Europe with Yousuf

Karsh, he has channeled his passion and energy into a remarkable art. Over the past 20 years, his unique ability to capture the Vermont spirit has been well documented and his consistent approach to producing authentic depictions of the Vermont way of life is unparalleled. He shuns the commercialization of art and instead creates his work solely to share and promote the values of our small and community-based State. This attitude was evident more than ever when, being honored as the Burlington Free Press "Vermonters of the Year" in 2006 for his book "Vermont Gathering Places," he frankly said "I don't shoot for galleries. I shoot for myself and the people I photograph."

His appreciation and respect for the traditional culture that defines Vermont is readily evident in his work. He has photographed farm-dotted landscapes, village communities, and generations of Vermont families. When writing the forward to his 2003 book "Vermont People," I noted that "the Vermont faces in this book speak worlds about living in the State that gave them character, wrinkles and wisdom . . . through their faces, you can see Vermont." Peter's most recent work, "A Lifetime of Vermont People," is another testament to his tenacity and tact as a Vermonter. A product of over a year's worth of photography, fundraising, and self-publishing, this book is truly a labor of love. His addition of background stories helps provide greater insight and meaning to the photographs included and through his photography and the recent addition of writing to his repertoire, he gives a face, and a voice, to Vermonters.

Peter lives the lifestyle he captures in his photography. A Vermonter for over five decades, he has embraced the way of life that makes the State so special. Like his black and white photographs that draw focus squarely on the subject of the piece, rather than relying on flashy colors to convey a message, he is not interested in glitz and glam. His books have themes that exemplify Vermont: farm women, gathering places, small communities. He laments the waning of iconic farms, the erosion of small town values, and the fading of the once impermeable Vermont way of life. His resiliency is remarkable and his uncanny ability to display the beauty of Vermont in a way words cannot do justice serves as an inspiration for photographers everywhere. I ask unanimous consent that an article in the VT Digger that highlights the lifetime of accomplishments of this extraordinary man be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From VT Digger, Nov. 10, 2013]

IN THIS STATE: FOR PHOTOGRAPHER PETER MILLER, A WONDERFUL LIFE IN BLACK AND WHITE, AND A FUTURE COLORED WITH GRAY  
Photographer Peter Miller has spent a lifetime seeing the world in black and white while portraying it in all its colors, both with his pictures and writing.

It's a mysterious gift that has blessed him with a distinguished, adventurous career that spans close to 60 years. His latest book, "A Lifetime of Vermont People," is a 208-page paean to the art of black and white portraiture, capturing not only remarkable faces and places, but through sheer passage of time, vanished landscapes and passing eras in the Green Mountains.

Published in June, the cloth-bound coffee-table book and its impeccably printed photos should be the capstone of his illustrious life. But as he wanders closer to the threshold of 80, Miller acutely feels part of a vanishing era himself, his view of the world not unlike an old snapshot: a bit faded and worn, its luster dimmed by the years.

After putting his heart and soul and significant money into his latest book, he honestly admits he's at loose ends: filled with ideas, beset with projects left to do, wondering how he's going to find energy to do them, let alone pay for them. "Lifetime," for all its striking portraits, just about killed him. It sapped his strength, and if you talk with him a while, you sense, some of his spirit.

"Sitting behind that computer for a year, seven days a week, finished me. I had a lot of stress. I put on weight. My right leg swelled up because I was in the same position, and I could hardly walk," he says. He also had to raise the money to self-publish and print 2,500 copies of the book, using his own funds and a Kickstarter campaign.

"I ended up with \$2,000 to my name, and I said to myself, 'I'm getting awfully close to the edge,'" he says.

Having put some distance between the book's release and having sold around 1,000 copies, he can now breathe a little easier and look back on the past 18 months with a sense of perspective.

"I'm not depressed about life," he says, but there's no doubt he feels things have changed in ways he doesn't like and doesn't respect—Ben & Jerry's, gentrification, Stowe-style luxe tourism and massive trophy houses are ripe topics, for starters.

In looking askance at change, Miller is not unlike many others whose life trajectory has spanned 79 years. But it seems particularly poignant irony that after six decades of exceptional artistry, painting lives in film and then digital pixels, he's come to feel as much a historical artifact as his portrait subjects—trappers, farmers, hunters, law-makers, auctioneers, iconic Vermonters all—who have now passed on.

What chafes most is that his old life, where you could make a living as a "stock" photographer selling your work, is no longer possible. People tell him his photos are in calendars and are even used as screensavers in Russia, yet he never sees a penny. He is miffed at markets that have vanished. Recalling an interview request with the Associated Press, he told them, "I don't know if I want to talk to you people, all you do is steal stuff."

It's tempting to wield the label curmudgeon after talking with Miller, but if you listen a little harder, more likely words like honest, opinionated, frustrated and baffled come to mind.

"All these things are being taken, and frankly, I don't know how to make a living," he explains.

He was raised in Weston, where his passion for photography blossomed in 1950 as a 17-year-old, when he started capturing the way of life he saw around him. After school at Burr & Burton and college in Toronto, he became a carefree U.S. Army photographer, footloose in Paris with a 35mm Leica, a Rolleiflex twin-lens camera, and a young man's energy and budding sharp eye. Then came travels across Europe in the mid-1950s as the set-up man for famed Canadian photographer Yousuf Karsh, meeting people like Pablo Casals, Picasso, Pope John XXIII, Christian Dior, and Albert Schweitzer, soaking up culture and the good life with food and wine.

Wanting to write, he then had a dream stint as a reporter for Life magazine, but disliked the constraints of corporate life—he's kind of a "loner," he admits—and struck out on his own path. It took him all over Vermont and America, producing acclaimed books such as "People of the Great Plains," and "Vermont People," which was rejected by 13 publishers. So he took a radical, then almost unheard of step and self-published it in 1990. It eventually sold 15,000 copies.

His "Lifetime of Vermont People" expands on the idea, with 211 photos and 60 profiles of ordinary and extraordinary Vermonters.

Why use black and white?

"I think you can get inside a person more in black and white," he explains, saying it's more abstract, and not having a color background distracts less. His talent in distilling the essence of a person in a photo is something that he still doesn't completely understand, along with where his "drive" and persistence comes from. He does know he doesn't just shoot, but "visits" with people, putting them at ease, which is something he learned from his mentor, Karsh.

"I don't quite understand the whole process," he admits, calling it "something magical." Miller is gracious and full of tales as he ambles about the second floor of his pale yellow, rambling, much-bigger-than-he-needs and way-too-trafficked house. It's in Colbyville, a Route 100 hamlet swallowed up and masticated into something indistinguishable by the voracious maw of tourism development at the I-89 interchange in Waterbury. What got lost animates "Nothing Hardly Every Happens in Colbyville, Vermont," a book of essays that riffs with trenchant humor on bird hunting, tourism and life before and after the Ben & Jerry's ice cream theme park up the street.

The smell of smoke from two wood stoves permeates the slope-roofed rooms as he shows a visitor around his house, its walls rich with photos he's taken and art—especially paintings and sculptures of woodcock, a bird he loves to hunt. Are they good to eat? Oh yes, wonderful, he says.

With a ruddy square face younger than his years, a still-full mop of white hair and small round eyeglasses that gives him a look of constant curiosity, Miller moves more cautiously than the vigorous outdoorsman he once was.

"I went out bird hunting yesterday," he says. "I was slow, man. I wasn't too stable in the woods."

A self-admitted "loner" with two daughters (in England and Peru) from a former marriage, he lives by himself moving between an airy studio, a bedroom, small office, living room and kitchen. Downstairs is a little-visited gallery and sparsely heated shipping room stacked with boxes that hold just under 1,400 copies of his latest book.

"I hope to sell a lot over Christmas," he says, noting he still has a living to make.

Despite the ordeal of his last book, he has more he wants to do, like an exhibit or book of photos he took in the 1950s of Margaux, France, in the famed Bordeaux wine region.

That period, that landscape, he says, "is completely gone now." But he wonders if he can find the time and energy and if there is a market for the photos. After a lifetime of black and white, life seems to offer only a lot of gray areas.

"I don't know what I am anymore," he says.

#### TRIBUTE TO ROGER SANT

Mr. REED. Mr. President, I am joined by fellow regents to the Smithsonian, Senators LEAHY and COCHRAN, in paying tribute to an individual who has provided exceptional leadership to the Smithsonian Institution as a citizen regent, Roger Sant.

Mr. LEAHY. Mr. President, Mr. Sant was appointed to the Smithsonian Board of Regents on October 24, 2001. He served as chair of the Executive Committee and the Board during the Smithsonian's governance reform efforts. As a leader in the energy field and a committed conservationist, Mr. Sant has generously supported the National Museum of Natural History. His gifts to the Smithsonian have supported the Sant Ocean Hall, the Sant Chair for Marine Science, and an endowment to support the Director's position at the National Museum of Natural History. His service and generosity have kept with and advanced the Smithsonian's founding mission to promote and share knowledge.

Mr. COCHRAN. Mr. President, Roger Sant's service to the Smithsonian is an example of his strong commitment to the public good. Prior to founding the AES Corporation in 1981, Mr. Sant served as the Assistant Administrator for Energy Conservation and the Environment at the Federal Energy Administration. He also directed the Energy Productivity Center, an energy research organization affiliated with the Mellon Institute at Carnegie-Mellon University. He is the chairman of the Summit Foundation and the Summit Fund of Washington. He serves on the boards of the World Wildlife Fund-U.S. and the DC College Access Program.

In recognition of his outstanding contributions to the institution, the Smithsonian Board of Regents conferred the title of Regent Emeritus on him in October. His service has helped the Smithsonian become a stronger institution.

Mr. REED. We invite our colleagues to join us in commending Roger Sant, and we wish him continued success in his future endeavors.

#### TRIBUTE TO PATRICIA STONESIFER

Mr. REED. Mr. President, as regents to the Smithsonian, Senator LEAHY, Senator COCHRAN, and I would like to

pay tribute to an individual who has provided exceptional leadership to the Smithsonian Institution as a citizen regent, Patricia Stonesifer.

Ms. Stonesifer was appointed to the Smithsonian Board of Regents on December 21, 2001. During her tenure, which included 3 years of service as chair of the Board of Regents, Ms. Stonesifer helped lead the Smithsonian's governance reform efforts.

Mr. LEAHY. Mr. President, Patty Stonesifer's leadership and experience in the corporate sector, coupled with her committed philanthropic work, helped the Smithsonian secure major grants from the Bill & Melinda Gates Foundation to create an endowment to expand youth access to the Smithsonian; to support the construction of the National Museum of African American History and Culture; and to support interdisciplinary scholarship and projects to address the Smithsonian's Four Grand Challenges of "Understanding the American Experience, Valuing World Cultures, Understanding and Sustaining a Bio-diverse Planet, and Unlocking the Mysteries of the Universe." Her service helped advance the very mission of the Smithsonian, and her commitment to public service continues today through her work at Martha's Table.

Mr. COCHRAN. Mr. President, Ms. Stonesifer's service to the Smithsonian is just one example of her commitment to the public good. She currently serves as president and CEO of Martha's Table, a nonprofit organization dedicated to developing sustainable solutions to poverty in the Washington, DC community. She was the founding CEO of the Bill & Melinda Gates Foundation for 10 years, leading the efforts to strengthen public libraries and improve education in the United States and to improve world health by mobilizing the fight against polio, tuberculosis, HIV/AIDS, and other devastating diseases. In 2010, she was appointed chair of the White House Council on Community Solutions by President Obama.

In recognition of her outstanding contributions to the institution, the Smithsonian Board of Regents conferred the title of regent emeritus on her in October. The Smithsonian is a stronger organization because of her service.

Mr. REED. We invite our colleagues to join us in commending Patricia Stonesifer for her distinguished service to the Smithsonian Institution and the American people. We wish her continued success in her future endeavors.

#### TRIBUTE TO DENNIS "PAT" WOOTON

Mr. MCCONNELL. Mr. President, I rise today to commemorate a great public servant from my home State,

the Commonwealth of Kentucky. Dennis "Pat" Wooton has devoted his life to service—service of his country in the Vietnam war, service of schoolchildren as a teacher in the Buckhorn school system, service of his State as Congressman HAL ROGERS's field representative, and now service of his hometown of Buckhorn as the city's newly appointed mayor.

Mayor Wooton was born 66 years ago in the same Kentucky town he now serves. After graduating from Buckhorn High School in 1963, he worked his way through Berea College, graduating in January of 1968.

In the same year of his graduation from Berea, Mr. Wooton was drafted into the U.S. Army and began his basic training at Fort Knox. After completing infantry training at Fort Polk, LA, he was assigned to the 1/5 Mechanized Infantry, 25th Infantry Division. Mr. Wooton bravely served his country in Vietnam from November 1968 to January 1970. A litany of medals and citations, including the highly revered Bronze Star, serve as testaments to his distinguished service.

Mayor Wooton returned from Vietnam in January 1970, but this did not mark the end of his military service. In 1976 he joined the Army Reserves, where he served as a drill sergeant until 1987.

Before reenlisting to train the next generation of American soldiers, Mr. Wooton returned to his alma mater in 1970 to teach the next generation of Buckhorn High School students. Over the next three decades he became a Buckhorn institution, serving as the school's principal for 14 years and being inducted into the Kentucky High School Baseball Coaches Hall of Fame. He retired in 2000 after 32 years of dedicated service.

But retirement from Buckhorn High School did not mean retirement from a life of service. In the intervening 13 years, Mayor Wooton continued to add to his already impressive record of public service. This includes his election as Perry County sheriff, a post he served in from 2003 to 2006. Following his stint as sheriff, he served as Congressman HAL ROGERS's eastern Kentucky field representative from 2007 until April 2013. All of this in addition to his long list of volunteer activities which include, but are not limited to, training the Buckhorn Volunteer Fire Department and serving on the Governor's Smart Growth Task Force.

Now, Mr. Wooton has found yet another way to serve his community. Appointed as mayor of Buckhorn by the city council in June 2013, Mayor Wooton is already hard at work to better the lives of Buckhorn residents. In his first year, he is set his sights on expanding Buckhorn's water lines in an effort to remedy the city's water supply problems.



Pat Wooton's lifetime of service to his country, Commonwealth, and community embodies our great Kentucky motto, "United we stand, divided we fall." I ask my Senate colleagues to join me in recognizing an exemplary citizen.

The Hazard Herald recently published an article highlighting Pat's appointment as mayor of Buckhorn. I ask unanimous consent that the full article be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hazard Herald, June 11, 2013]

CITY COUNCIL APPOINTS NEW MAYOR IN  
BUCKHORN

(By Chris Ritchie)

BUCKHORN—A new mayor has taken office in the city of Buckhorn.

It was last month when former Mayor Veda Wooton opted to resign as the city's mayor, a position which she had held for several years. Her vacancy was filled when the council voted to appoint her husband, Pat Wooton, who was elected to the council last year, as the new mayor. Veda Wooton, subsequently, was expected to be appointed to the council during a special-called meeting this week.

Mayor Pat Wooton, who most recently served as a field representative for Congressman Hal Rogers and also served a term as Perry County's sheriff from 2002 to 2006, noted the city essentially exists as a water company to provide service to area residents. But there are other projects he expects to continue working on while in office, including one which will extend waterlines in the area.

The Kentucky Division of Abandoned Mine Lands has approved funding for one waterline project at Cams Branch, Wooton said, while also approving the extension of new lines to serve a few more homes on Otter Creek Road. Buckhorn, which in the 2010 census recorded a population of 163 people, purchases water from the city of Hazard to supply its system.

The city, in conjunction with the fiscal court, has also taken what Wooton described as the "first few small steps" in what ultimately could be a 10-year project to build a water treatment plant at Buckhorn Lake. The plant, he said, would have to be a regional facility that could serve the surrounding area, including parts of other counties such as Breathitt and Clay.

An engineering company is currently working on a study for the project, and if the plant is eventually constructed it would play a role in alleviating issues that Wooton said exist with potential water supply issues in eastern Kentucky.

"In the work that I've done, that's one of the things I came to notice real soon," he said. "We're on the cusp of a water supply problem in our region."

Though Wooton reiterated that this project remains in the very early stages, he envisions a treatment plant that could hook into other systems that could in turn supply areas in times of emergency, such as one Buckhorn experienced in 2010 when a waterline break shut down service in the area for over a week.

"We need to get all of our systems linked together, because sooner or later everybody has some kind of problem and will need supplies, at least for a while," he said.

Also in conjunction with the fiscal court, the city is working on a horse trail that

would begin at the new Eagles Landing campground in Gays Creek and wind along the lake to the lodge, and perhaps with further development tie in with a trail in nearby Leslie County. Wooton said plans are being drafted, and he expects a company working on the project to give the council a progress report at their next regular meeting.

"We think that will be a nice addition to the area," he said.

#### NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, today, I am announcing my intention to object to any unanimous consent request to call up and confirm the nomination of Mr. Jeh Johnson to be the Secretary of the Department of Homeland Security.

As ranking member of the Senate Judiciary Committee, I, along with other Senators on the committee, wrote a letter to Mr. Johnson last Friday and asked his views on a number of important matters, including our Nation's immigration policies and the fair treatment of whistleblowers. We asked if he would cooperate with us on oversight matters and work with us to improve immigration policies going forward. We have not yet received a response from Mr. Johnson.

Because the Judiciary Committee has primary responsibility over immigration matters, it is necessary to know any nominee's position on immigration policies before we can consent to the confirmation of a Secretary to head this very critical department. So, until we receive responses from Mr. Johnson to our letter, I will object to any unanimous consent agreement to move his confirmation.

I ask that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 15, 2013.

Mr. JEH JOHNSON,  
2001 K Street NW.,  
Washington, DC.

DEAR MR. JOHNSON: As members of the Senate Judiciary Committee, we have an important responsibility to conduct oversight of the Department of Homeland Security (DHS), which has a broad and critical mission and houses several different agencies with varying functions. Our committee has primary responsibility over immigration matters, and we believe it necessary to know any nominee's position on immigration policies before we can consent to the confirmation of a Secretary to head this very critical department. We also seek your commitment in cooperating on oversight matters and working with us to improve immigration policies going forward.

At your confirmation hearing, you stated that, "[i]f confirmed, I will work to implement all legislation enacted into law." While we may have different views than President Obama on how to reform our immigration system, we have all repeatedly expressed our strong disapproval of the refusal of this ad-

ministration—and DHS in particular—to enforce our immigration laws, contradicting duly enacted federal law through administrative orders and internal memoranda. These actions have eroded the rule of law and undermined Americans' confidence in their government. We hope that you will commit to discontinuing these lawless policies if confirmed.

So that we may properly carry out our constitutional duty, we request that you provide answers to the questions below on the important issues that you will confront if confirmed as Secretary of DHS.

#### GENERAL

1. In what ways, if any, would you depart from former Secretary Napolitano's policies?

2. Do you find any of former Secretary Napolitano's actions, or any current DHS policies, to be objectionable? If so, what? What would you do differently?

3. Will you pledge to cooperate with congressional oversight efforts and be responsive to all congressional requests for information in a timely manner?

4. Do you believe whistleblowers who know of problems with matters of national security should be prevented from bringing that information to Congress?

5. Will you commit to ensuring that every whistleblower is treated fairly and that those who retaliate against whistleblowers are held accountable?

6. Given your past involvement in President Obama's political campaigns, how would you maintain your independence from the White House as one of our nation's top law enforcement officers?

#### IMMIGRATION

1. If confirmed as the head of the Department, you will be responsible for the enforcement of the country's immigration laws. Do you have any background or leadership experience in the area of immigration law or immigration policy?

2. If confirmed, it will be your job to implement our nation's immigration laws. In your testimony before the Senate Homeland Security and Government Affairs Committee, you stated that you support "comprehensive, common-sense immigration reform." Accordingly, we would like to know your position regarding the following:

a. Should people here illegally be eligible for immigration benefits, including legal status? If so, should those individuals be responsible for all costs associated with it? Should taxpayers shoulder any of the burden?

b. Should people here illegally who are in removal proceedings be eligible for immigration benefits, including legal status?

c. Should people who are subject to an order of removal from the United States by the Department of Homeland Security be eligible for immigration benefits, including legal status?

d. Should an illegal immigrant convicted of a felony criminal offense be eligible for immigration benefits, including legal status?

e. Should an illegal immigrant convicted of multiple misdemeanors be eligible for immigration benefits, including legal status?

f. Should illegal immigrant gang members be eligible for immigration benefits, including legal status?

g. If an illegal immigrant provides information in an application that is law enforcement sensitive or criminal in nature, should that information be used by our government and not be protected under confidentiality provisions? If an illegal immigrant provides information in an application that clearly renders him ineligible and commits a serious



crime that would warrant his immediate removal, shouldn't the government be able to use that information to place him in removal proceedings?

h. Should people here illegally be required to submit to an in-person interview with adjudicators when applying for immigration benefits, including legal status?

i. Should people here illegally that have been denied legal status be placed in immigration proceedings and removed? If not, why not?

j. If the Secretary of Homeland Security must revoke a visa for someone on U.S. soil, should that decision be reviewable in the U.S. courts?

k. In 1996, after the 1993 World Trade Center attack, Congress mandated that the immigration service, with cooperation from schools and universities, collect information on foreign students. This system took years to get up and running. In fact, it still wasn't in place on 9/11. While it is operational today, there is still work to be done to make that system effective. Most recently, the Department stopped all efforts to upgrade the system. Do you intend to make SEVIS upgrades a priority, if confirmed?

3. As a result of some of the actions of Secretary Napolitano, particularly her Directive entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children," several ICE agents, including the President of the ICE agents and officers union, the National ICE Council, Chris Crane, filed a complaint against Secretary Napolitano stating that "the Directive commands ICE officers to violate federal law . . . violate their oaths to uphold and support federal law, violates the Administrative Procedure Act, unconstitutionally usurps and encroaches upon the legislative powers of Congress, as defined in Article I of the United States Constitution, and violates the obligation of the executive branch to faithfully execute the law, as required by Article II, Section 3, of the United States Constitution." Moreover, Kenneth Palinkas, the president of the National Citizenship and Immigration Services Council, has likewise charged that USCIS employees are required by the agency "to grant immigration benefits to those who, under law, are not properly eligible." In short, her actions have caused a great deal of discontent among immigration officers and agents, to say the least. Accordingly, if confirmed, what will you do to improve the morale of immigration officers and agents who are concerned about these non-enforcement protocols issued by Secretary Napolitano?

4. In the more than four years that she served as Secretary of the DHS, Secretary Napolitano never agreed to meet with the National ICE Council, the union that represents more than 7,000 agency employees, or the National Citizenship and Immigration Services Council, the union that represents 12,000 agency employees. Will you meet with representatives from these unions and, if so, when?

5. During the first five years of the Obama administration, Secretary Napolitano and former ICE Director John Morton issued numerous policy memoranda that order ICE agents to restrict their enforcement of immigration laws to illegal immigrants who have been convicted of violent crimes. If confirmed, will you continue that policy?

6. Do you agree that a person who is in the United States in violation of U.S. immigration law is subject to removal?

7. Among the aforementioned memoranda issued by former ICE Director Morton, the

memo dated March 2, 2011, designates immigration fugitives as a priority for removal. Do you agree that illegal immigrants who ignore deportation orders should be removed from the United States?

8. Among the aforementioned memoranda issued by former ICE Director Morton, the memo dated November 17, 2011, identifies an illegal immigrant with a conviction for drunk driving as a priority for removal. Do you agree that an illegal immigrant who has been convicted of a drunk driving offense should be removed from the United States?

9. All federal employees take an Oath, codified at 5 U.S.C. 3331, to "support and defend the Constitution of the United States . . . and that [they] will well and faithfully discharge the duties of the office on which [they] about to enter." How can an employee fulfill his or her oath if such an employee is threatened with reprisal for executing the laws enacted by Congress to which they are entrusted to administer, and for not complying with an administratively-created command to the contrary?

10. In June 2012, Secretary Napolitano issued a memorandum ordering the implementation of the Deferred Action for Childhood Arrivals (DACA) program.

a. If confirmed, will you continue this program?

b. Do you believe that the President has the legal authority to expand DACA through executive, regulatory or policy prerogatives?

11. Do you believe that the issuance of prosecutorial discretion directives, such as those mentioned above, is within the legal authority of the Secretary of Homeland Security?

12. Since *Zadvydas v. Davis*, 533 U.S. 678 (2001), Congress has attempted to pass legislation that would amend the Immigration and Nationality Act to authorize DHS to detain criminal aliens beyond six months. Would you support such legislation?

13. In September 2011, Secretary Napolitano suspended the Border Patrol's practice of routinely screening mass transportation vehicles and transportation hubs near U.S. borders, which prompted a strong objection by the National Border Patrol Council. If confirmed, would you reverse this policy? If not, why?

14. Beginning in 2010, DHS has included in its statistics for ICE removals the number of illegal immigrants apprehended by the Border Patrol and then transferred to ICE for processing. Do you support this policy?

15. In January 2012, the DHS Inspector General released a report criticizing USCIS for pressuring its employees to rubberstamp applications for immigration benefits. In that report, nearly 25 percent of USCIS officers surveyed said supervisors had pressured them to approve applications that should have been denied.

a. Do you believe that current USCIS screening procedures are sufficient to prevent fraud and threats to public safety and national security?

b. If confirmed, would you change these policies? If so, how?

c. Will you commit to ensuring that USCIS background checks for every applicant for immigration benefits are properly and effectively conducted?

d. Should employee performance evaluations at USCIS be linked to the number of applicants for benefits approved, or adjudicated?

16. Recently, the U.S. arrested a legal immigrant in Illinois who had been convicted and served ten years in an Israeli prison for her role in two terrorist bombings. Accord-

ing to press reports, she was able to obtain both a green card (in 1995) and citizenship (in 2004) by simply omitting her conviction on her applications. She continued to live in the U.S. for years despite the fact that the conviction was public knowledge. Are you confident that the current processes for screening applicants for immigration benefits are able to identify and keep out criminals and individuals who pose a threat to national security?

17. Some have argued that immigration judges should be granted broad discretion to allow an illegal immigrant who should be removed from the country to stay by waiving current bars to admission and removal grounds for numerous crimes (such as drug crimes, firearms offenses, domestic violence, fraud, high speed flight at a checkpoint, and crimes involving moral turpitude) if the judge finds that the illegal immigrant's removal will cause hardship to a citizen or lawful permanent resident or if the judge believes it is in the public interest. Do you agree with this approach? If so, please explain why and specifically, whether you believe current immigration law is too harsh with respect to illegal immigrants who engage in this type of criminal conduct.

18. On December 21, 2012, ICE announced that it decided not to renew any of its agreements with state and local law enforcement agencies that operate task forces under the 287(g) program, stating that "other enforcement programs, including Secure Communities are more efficient use of resources." However, Secure Communities serves a completely separate and distinct function. The 287(g) program trains local officers to determine whether an individual is lawfully present, including those with no prior contact with immigration services. Secure Communities allows local law enforcement to identify illegal immigrants only after they have been booked into jail and if their fingerprints are already in immigration databases. Moreover, ICE's own website touts the 287(g) program as "one of ICE's top partnership initiatives." The website used to advertise the success of the program: "Since January 2006, the 287(g) program is credited with identifying more than 304,678 potentially removable aliens—mostly at local jails." Such statistics appear to have since been removed. If confirmed, will you commit to enter into 287(g) agreements with a qualified requesting state or local jurisdiction?

19. After being criticized by certain special-interest groups, the administration essentially halted all worksite enforcement actions. According to the non-partisan Congressional Research Service, in 2011, worksite enforcement actions resulted in the arrest of 1,471 illegal workers out of an estimated 8 million—.0001 percent. In the same year, only 385 employers out of 6 million were fined for hiring illegal workers. If confirmed, will you commit to reinstating worksite enforcement, including enforcing immigration law with respect to illegal alien employees?

20. If confirmed, what specific measures will you implement to ensure that the Department of Homeland Security is in compliance with all legal requirements of the Secure Fence Act of 2006 (P.L. 109-367)?

21. In 2010, Secretary Napolitano suspended our nation's only comprehensive border security measurement, known as the operational control metric. More than three years have passed, and the Department of Homeland Security has failed to replace this metric. If confirmed, would you hold your department accountable by regularly releasing a comprehensive border security metric that measures the percentage of illegal border crossers

that escape apprehension by the Department of Homeland Security?

22. Do you believe that the Department of Homeland Security has the ability to achieve operational control of every sector of our Southern border? If confirmed, would you commit your department to achieving this standard?

23. Do you support the transfer of unused and unarmed Department of Defense assets, such as detection and communications equipment, to the Southern border in order to help DHS achieve operational control of every sector of the Southern border?

24. Our Southern border ports of entry are outdated and in a state of disrepair—harming legitimate trade and travel, while making our nation more vulnerable to sophisticated criminal and terrorist organizations. If confirmed, what specific measures would you take to revitalize and improve security at our Southern border ports of entry?

25. Do you support making E-Verify permanent and mandatory for all employers?

26. Serious national security issues have come to light in recent months with respect to the EB-5 Regional Center program, which allows foreign nationals to obtain a green card if they invest in the United States.

a. Do you concur that more needs to be done to reduce national security risks and to prevent fraud and abuse in the program?

b. Do you have any plans to administratively improve the program?

c. Will you make it a priority if you are confirmed?

27. DHS currently receives a portion of funds from each H-1B visa application and provides these funds to USCIS for fraud and abuse prevention efforts. However, ICE has a responsibility to prosecute the cases but does not receive any of these funds. Will you

28. Oversight conducted by the Judiciary Committee has revealed that DHS is not enforcing the law prohibiting the admission into the country of those who would be a public charge. This has been confirmed by ICE and USCIS officers and data on both admissions and removals. Oversight also discovered a number of administration activities, including advertisements in immigration materials and at foreign embassies, encouraging foreign nationals to use federal welfare programs. Can you please describe, in detail, how you would restore vigorous enforcement of the public charge law to protect taxpayers, including what efforts you would undertake to reduce noncitizen enrollment in means-tested welfare programs? Please be specific in your answer.

29. Dating back to 1996, Congress has mandated in six statutes that a biometric entry-exit system be implemented. In 2012, Rebecca Gambler, GAO's Director of Homeland Security and Justice Issues, testified before the Judiciary Committee that "DHS faces challenges in identifying overstays due to its general reliance on biographic entry and exit information, rather than biometric information, hindering DHS's efforts to reliably identify overstays. . . . Without [biometric] exit capability, DHS cannot ensure the integrity of the immigration system by identifying and removing those people who have overstayed their original period of admission—a stated goal of US-VISIT." For precisely that reason, a biometric—and not a biographic—exit system must be implemented to achieve real border security. Secretary Napolitano refused to implement such a system, variously claiming it was too expensive and/or that the technology did not exist. However, an internal 2009 DHS report found conclusively that biometric exit is ef-

fective and efficient, and current data from industry demonstrates that the technology is affordable.

a. Do you disagree with GAO or that a biometric exit system must be implemented to ensure real border security?

b. Do you acknowledge that federal law requires DHS to implement a biometric entry-exit system?

c. If confirmed, will you commit to implementing this system within one year?

We appreciate your pledge of "transparency and candor with Congress," and look forward to your prompt response.

Sincerely,

CHUCK GRASSLEY.

JEFF SESSIONS.

MICHAEL S. LEE.

ORRIN HATCH.

JOHN CORNYN.

TED CRUZ.

#### REMEMBERING ROBERT C. BYRD

Mr. MANCHIN. Mr. President, today I wish to observe the birthday of one of the greatest Americans to grace these Chambers—Cornelius Calvin Sale Jr., better known to us—and to history—as Robert C. Byrd of West Virginia.

Robert C. Byrd was born Cornelius Calvin Sale Jr. in North Wilkesboro, NC. He was 10 months old when his mother died from flu, and he was adopted by his aunt and uncle, Titus and Vlurma Byrd. They changed his name to Robert Carlyle Byrd and raised him in the coal-mining Appalachian region of West Virginia.

And in the 150 years of West Virginia's history, our State has had no greater advocate than Robert C. Byrd. Many in the Senate today served with Robert C. Byrd, and they can bear witness to the fact that the Senate, like the State of West Virginia, also had no greater advocate than Robert C. Byrd. Today would have been the Senator's 96th birthday, and every day since his passing in 2010, the people of West Virginia feel the loss of this great man.

The Senate also feels his loss because no one knew the Senate—its history, its traditions, its precedents—better than Robert C. Byrd.

He made it a point to meet with every new Senator and to impress upon them the fact that they were to be caretakers of this institution—an institution he regarded as both the morning star and the evening star of the American constitutional constellation. He also impressed upon them that they did not serve "under" any president, but that as a separate but equal branch of the government, they served "with" presidents, acting as a check on the executive's power. When he passed away, he was the longest serving member of Congress in our Nation's history and, as such, served with 11 Presidents.

In his long life, Robert C. Byrd had three great loves—his wife "fair" Erma, as he called her; the State of West Virginia; and the United States Senate. But he also had a great passion for the document from which the Sen-

ate and this great country sprang—the U.S. Constitution. I have always thought that is why he kept a copy of the Constitution in his coat pocket—it was easy to reach for quick reference, but in his coat pocket, it also was close to his heart. Even though he could recite most of it by memory, he consulted his dog-eared copy of the Constitution often and without hesitation. In its words, he often said, he always found wisdom, truth and excitement—the same excitement he felt as a boy in Wolf Creek Hollow, WV, reading by kerosene lamp about the heroes of the American Revolution and the birth of our Nation. And those words guided him every day of the 58 years he spent in Washington as a member of Congress and as a Senator.

Robert C. Byrd cast more than 18,500 votes in the Senate—a record that will never be equaled. Whether he voted with others or against them, it was never hard ideology with Robert C. Byrd. He had no use for narrow partisanship that trades on attack and values only victory.

Any time Robert C. Byrd spoke, the Senate came to a halt and Senators on both sides of the aisle leaned forward—to listen and to learn.

He ran for public office 15 times—and he never lost. He was first elected to the West Virginia legislature in 1946 and then was elected to three consecutive terms in the U.S. House of Representatives before his election to the Senate. He was a keen observer of politics—he advised more than one Presidential candidate to go to West Virginia, "get a little coal dust" on their hands and "live in spirit with the working people."

He was deeply proud of West Virginia and its people. He proudly defended his work to invest Federal dollars in his State.

He breathed new life into many communities with funding for highways, hospitals, universities, research institutes, scholarships and housing—giving West Virginians the opportunities he himself never had.

Robert C. Byrd's journey was, in many ways, America's journey. He came of age in an America segregated by race, which he eventually said was one of our country's greatest mistakes. And, as did America itself, he repented and made amends.

The moments that define the lives of most men are few. Not so with Robert C. Byrd. He devoted his life to his beloved Erma and his family and to public service. He was a major figure in the great panorama of American history for more than half a century. His devotion to the Senate and his colleagues was unequalled. His mastery of Senate rules and parliamentary procedures was legendary. And his contributions to West Virginia and to this Nation were monumental. He was a true giant of the Senate. He is as much a

part of this Chamber as these 100 historic desks, these galleries, and these busts of Senate presidents.

Robert C. Byrd revered the Senate and the Senate revered Robert C. Byrd. It is for this reason that I wish to observe the anniversary of the birth of a great West Virginian and great American—Robert Carlyle Byrd.

May God bless his memory and his great spirit.

#### VOTE EXPLANATION

Ms. LANDRIEU. Mr. President, I regret having missed two votes on November 18, 2013. The two votes that I missed are as follows: motion to invoke cloture on the nomination of Robert L. Wilkins to be a U.S. circuit judge for the D.C. Circuit and motion to invoke cloture on the motion to proceed to S. 1197, National Defense Authorization Act for Fiscal Year 2014. Had I been present, I would have voted in favor of both motions to invoke cloture.

#### LONG-TERM CARE NEEDS

Mr. NELSON. Mr. President, with the Thanksgiving holiday, November is a time for many of us to enjoy time with our loved ones and reflect on our futures together. With so many family gatherings, many retirement experts also encourage us to use this time to talk with family about our long-term needs.

In addition to thinking about financial needs for retirement, it is important to also address our health as we age. According to the Department of Health and Human Services, an individual turning 65 today has almost a 70 percent chance of needing long-term care in the future, and 1 in 5 will need long-term care for more than 5 years. Conversations about long-term care and advance care planning can be understandably difficult, but they are necessary to ensure our loved ones receive the care they want if they are no longer able to speak for themselves.

Thinking about long-term care means recognizing the invaluable—but too often unrecognized—contributions made daily by family caregivers. Over 65 million Americans provide \$450 billion worth of unpaid care every year, twice as much as homecare and nursing home services combined, and these numbers are increasing. More than one-half of family caregivers perform intensive activities such as bathing, feeding, and medication management. However, these services often come with a cost to the caregiver, such as financial burdens and a toll on physical and mental health.

As the chairman of the Special Committee on Aging, I want to help middle-class families struggling to provide necessary care for their loved ones. This year, the committee has examined the importance of advance care plan-

ning as well as why a majority of Americans have done little to no planning for future long-term care needs. Next month, we will continue this series of hearings by looking at expert recommendations for reforming our long-term care system. Lastly, Senator BALDWIN and I penned a column in recognition of the critical need to address the long-term care inadequacies in this country, and I ask unanimous consent that a copy be printed in the RECORD following my remarks.

I urge my colleagues to join me in this effort. As our Nation continues to grow older, this problem will continue to grow worse, and the current system must change to meet these needs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, Oct. 29, 2013]

#### TIME HAS COME TO ADDRESS THE CHALLENGES OF LONG-TERM CARE

(By Sens. Bill Nelson and Tammy Baldwin)

As Congress embarks on a new venture to create a bipartisan budget that would strengthen the economic security of families and reduce the deficit without shortchanging our future, it's our hope that both parties will also work together to find viable ways to help families pay for long-term care.

With the aging of the baby boomers, our country finds itself in the midst of one of the most dramatic demographic shifts in our history. And, as the aging population grows, so too will the long-term-care needs of many in our society.

Providing assistance to family members who can no longer care for themselves can be taxing for all involved.

In fact, the Senate Special Committee on Aging held a hearing last month to examine a myriad of challenges facing seniors today, and found many were unprepared.

So, later this year, we're going to hold another hearing to see what we can do to help. Some of the things we're going to look at include the possibility of expanding Medicare to cover long-term care, and other various ways to possibly make private long-term care coverage more affordable for those who need it.

Currently, about 12 million Americans have long-term-care needs—a number that's rising rapidly. While most receive care from family and friends, an increasing number depend on costly in-home care or end up in assisted living facilities or nursing homes, where the median annual costs range from \$40,000 to \$80,000, respectively.

Most middle-class families in this country simply can't afford the expense of providing long-term care for a loved one. And there are few viable options available to help them pay for the services they would need. Medicare and most traditional health insurance plans don't cover long-term-care expenses. And while private long-term-care insurance is available, most people don't have it because they see long-term care as something they'll never need.

In fact, according to a recent study from the SCAN Foundation, most Americans have done little or nothing to prepare for their future long-term-care needs. This is despite research that shows that 70 percent of people 65 or older will eventually need some form of assistance.

Clearly, our current system of providing long-term care is unsustainable. And, that's

why we shouldn't wait much longer to address it.

#### NATIONAL ADOPTION MONTH

Mr. INHOFE. Mr. President, with November being National Adoption Month and this Saturday being National Adoption Day, I would like to take a moment to highlight the issue of adoption—an issue that is near and dear to my heart. Earlier this month Senator LANDRIEU and I introduced our annual National Adoption Day and Month Resolution which was agreed to on November 13 by unanimous consent.

The importance of family in the growth and development of a child can never be overstated. There are millions of children worldwide who are growing up without the love and support of a family. It is my hope that through National Adoption Day and our work on the Congressional Coalition on Adoption, we can one day make the dream of every child having a permanent and loving family a reality.

Like Senator LANDRIEU, I have seen first-hand the many blessings that come from the adoption of a child. My daughter Molly adopted my granddaughter, Zegita Marie, from an orphanage in Ethiopia. Z-girl, as I like to call her, is such a smart and confident young girl and I know it is because of the support and love of her family she is able to thrive. More so, Z-girl has been a huge blessing to our family and one that I am forever grateful for.

National Adoption Month is about recognizing those who have made the sacrifices to make a child's life better, and encouraging those who are thinking about adopting to take that step and make a real difference in a child's life. In that spirit, I want to take a moment to recognize a young woman that has taken the step to be a difference in a child's life. As many of my colleagues know, each October the Congressional Coalition on Adoption Institute hosts its annual Angels in Adoption Gala here in Washington. Every year Senators and Representatives nominate an individual or a family who has made a significant difference in the area of adoption and foster care, and I have had the honor of nominating individuals from my home State of Oklahoma. Unfortunately, circumstances did not allow my nominee, Kate Arnold of Oklahoma City, to come to the event, so I would like to take a moment to recognize her and share her wonderful story.

In 2003, Kate Arnold was volunteering at a San Francisco Bay Area home for teenage mothers when she met Miriam, a mother to 2 boys. Over the course of years Kate developed a relationship with Miriam, her boys, and a daughter born during that time. Kate became a constant presence in their lives, frequently taking the children out for the day or overnight, while Miriam struggled to care for them.

In March of 2011, Child Protective Services removed Miriam's children from her care and over the next several months Miriam continued her struggle with addiction. In October of that year, a social worker asked her to name who her children should go to if she lost them permanently. Miriam named Kate.

At the time Kate was here in D.C. attending Georgetown University School of Medicine. However, she did not let that stop her and immediately petitioned Georgetown for the ability to complete her fourth year of medical school in California so that she could become the children's foster parent and begin adoption proceedings.

In July 2012, Kate returned to California and by August the children were living with her. This year she graduated from Georgetown and the family moved to Oklahoma City so Kate could begin her residency at the University of Oklahoma.

Kate reflects the spirit of National Adoption Month and Day, not only in her decision to foster and adopt Miriam's children but also through years of prior work and commitment to the foster care community. Kate is a great example of what one person can do to become a blessing to the millions of children throughout the world that are in need of a family. I hope that others will join Senator LANDRIEU and myself this month of November and recognize the great need that exists for families to open their arms to children, both here in the United States and abroad, and take the leap of faith that will change a child's life.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JON E. ZUFELT

• Mr. BEGICH. Mr. President, today I wish to recognize and pay tribute to Dr. Jon E. Zufelt for his exceptional contributions to the Nation as he retires after 30 years of service in the U.S. Army Corps of Engineers. Dr. Zufelt's dedication as a civil engineer with the U.S. Army Engineer Research and Development Center's Cold Regions Research and Engineering Laboratory has resulted in the transfer of knowledge on a global scale.

As a research hydraulic engineer, Dr. Zufelt's career focused on solving tough problems in cold regions hydraulics and hydrology, ice jam processes, erosion and bank protection, ice mitigation, permafrost dynamics, seasonal water quality issues, environmental remediation, and Arctic coastal processes affecting military lands. Dr. Zufelt spent his entire 30-year career with the U.S. Army Corps of Engineers, culminating in the management of the Anchorage Office of the Cold Regions Research and Engineering Laboratory, primarily in support of projects in Alaska.

Dr. Zufelt came to the U.S. Army Corps of Engineers in April of 1983 as a civil engineer working in Vicksburg, MS. Later that year, he began working for the U.S. Army Engineer Research and Development Center's Cold Regions Research and Engineering Laboratory in Hanover, NH, and then the project office located in Anchorage, AK, in 2001.

Dr. Zufelt is a leader in cold regions engineering issues in Alaska and beyond. He is often sought out by universities, technical societies, and journals for his affiliation and technical expertise. Throughout his career, Dr. Zufelt has served for many years on multiple professional society committees and working groups, which include the American Society of Civil Engineers, the U.S. Permafrost Association, the Alaska Chapter of the American Water Resources Association, the Interagency Hydrology Committee of Alaska, and the Alaska Governor's Sub-Cabinet on Climate Change. These professional organizations have acknowledged Dr. Zufelt's contributions with multiple awards, including the 2006 Alaska Engineer of the Year Award by the Joint Engineering Societies of Alaska. Dr. Zufelt was also awarded the 2005 American Society of Civil Engineers CAN-AM Civil Engineering Amity Award for his work in river ice hydraulics and ice engineering through research, teaching, and dedication to professional relationships between engineers in the United States and Canada.

Dr. Zufelt has made significant contributions to the scientific and engineering communities through editorships, professional society participation, and university teaching. He has served as the conference chair and proceedings editor for the American Society of Civil Engineers—International Conference on Cold Regions Engineering; the conference cochair of the American Water Resources Association—Alaska Section; a technical committee chair and co-editor of the proceedings of the American Society of Civil Engineers—International Conference on Cold Regions Engineering; and the chair of the 2009 University of Alaska Anchorage workshop entitled, "Climate Change Impacts on Defense Assets in Alaska." Since 2001, Dr. Zufelt has served as an adjunct professor at the University of Alaska Anchorage, teaching at least one graduate-level engineering course each academic year. For 2 years, Dr. Zufelt served as the acting U.S. Army Alaska/Alaskan Command Science Advisor providing onsite technical advice and quick reaction solutions to technical problems. The European Command and Northern Command have also sought Dr. Zufelt's expertise.

Dr. Zufelt has more than 90 technical publications. His articles are published in a diversity of conference proceedings, technical reports, and jour-

nals, including the International Conference on Permafrost, International Symposium on Cold Regions Development, Journal of Environmental Engineering and Science, Workshop on Ice Covered Rivers, and the Proceedings of the ASCE World Water and Environmental Resources Congress.

I would like to extend my deepest thanks to Dr. Zufelt for his 30 years of leadership, expertise, and service to our Nation. I wish the best to him and his family as they begin this next stage in their lives.●

#### WESTONE LOGISTICS

• Mr. RISCH. Mr. President, so many of our Nation's small businesses started with nothing more than an idea and the determination to see that idea grow; to see a need and fill it. From a small backyard or garage, small businesses can become the providers of a local solution. From humble beginnings, companies grow and expand to reach new customers and broader regions. I rise today to recognize WestOne Logistics, a small business in my home State of Idaho that has quickly grown from that small, family business into one of the region's leading providers of third-party relocation services.

Founded 8 years ago by Kendra Keim, WestOne Logistics saw the need for highly efficient and reliable logistical services in our region and has striven to provide superior service to local companies. A woman-owned, family-run business, WestOne Logistics is a third-party logistics provider that works with companies to provide part or all of their supply chain management and relocation. This company exemplifies the problem solving and can-do attitude so characteristic of Idaho's small business culture. The team at WestOne Logistics, through efficiency and customization, continues to grow and expand their services. Even through the depths of this recent economic recession, the team at WestOne Logistics has seen an incredible increase in business, growing over 200 percent in revenues in the past 5 years. It is encouraging to see this level of growth in the small businesses of my home State, despite the tumultuous economic landscape.

With an eye for specifics and adaptability for new, specialized products, WestOne Logistics is able to accommodate environment sensitive products in the largest common warehouse in the State of Idaho. Their facilities offer 108,000 square feet of secured, fully sprinkled, climate-controlled space with an additional 70,000 square feet of food-grade warehouse storage space.

Not only is this team dedicated to hard work and quality in their company but they also are active in their community and are always looking for ways to give back. For example, 22 of

their 35 total employees are Red Cross “ready when the time comes” certified in order to respond to local crises through a corporate partnership program.

WestOne Logistics is another prime example of the hard work and dedication of the small businesses of my home State. It is imperative to our national economy that businesses such as these continue to grow and thrive. I congratulate the team at WestOne Logistics on their success and wish them the best in the future.●

#### MESSAGES FROM THE HOUSE

At 10:11 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

#### ENROLLED BILLS SIGNED

At 5:56 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 252. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and for other purposes.

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

H.R. 1848. An act to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

H.R. 3204. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1737. A bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1752. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3631. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC-3632. A communication from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, received in the Office of the President of the Senate on November 12, 2013; to the Select Committee on Intelligence.

EC-3633. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the utilization of a contribution to the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC-3634. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, “Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account”; to the Committee on Armed Services.

EC-3635. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Safeguarding Unclassified Controlled Technical Information” ((RIN0750-AG47) (DFARS Case 2011-D039)) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Armed Services.

EC-3636. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs Annual Report for fiscal year 2012; to the Committee on Armed Services.

EC-3637. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Requirements Relating to Supply Chain Risk” ((RIN0750-AH96) (DFARS Case 2012-D050)) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Armed Services.

EC-3638. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Removal of DFARS Coverage on Contractors Performing Private Security” ((RIN0750-AI12) (DFARS Case 2013-D037)) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Armed Services.

EC-3639. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC-3640. A communication from the Acting Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-3641. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-3642. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-3643. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Bulgaria; to the Committee on Banking, Housing, and Urban Affairs.

EC-3644. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3645. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3646. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3647. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report relative to the Food Emergency Response Network; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3648. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Importation of Ovine Meat From Uruguay” ((RIN0579-AD17) (Docket No. APHS-2008-0085)) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3649. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Blueberry Promotion, Research and Information Order; Assessment Rate Increase” (Docket No. AMS-FV-12-0062) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3650. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Ownership and Control Reports, Forms 102/102S, 40/40S, and 71” (RIN3038-AD31) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3651. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Protection of Collateral of Counterparties to Uncleared Swaps; Treatment of Securities in a Portfolio Margining Account in a Commodity Broker Bankruptcy” (RIN3038-AD28) received in the Office of the President of the

Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3652. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations" (RIN3038-AD88) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3653. A communication from the Secretary of Energy, transmitting, pursuant to law, a report of the authorization of a non-competitive extension of five years to the Department of Energy's (DOE) contract with UT-Battelle, LLC (UT-Batelle) for the management and operation of the Oak Ridge National Laboratory (ORNL); to the Committee on Energy and Natural Resources.

EC-3654. A communication from the Acting Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2013; to the Committee on Energy and Natural Resources.

EC-3655. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Transfer of Real Property at Defense Nuclear Facilities for Economic Development" (RIN1901-AA82) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Energy and Natural Resources.

EC-3656. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Request for Exclusion of 100 Watt R20 Short Incandescent Reflector Lamp From Energy Conservation Standards" (RIN1904-AC57) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Energy and Natural Resources.

EC-3657. A communication from the Federal Register Liaison Officer, Office of Natural Resources Revenue, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Amendments to Remaining OMB-approved Forms" (RIN1012-AA09) received in the Office of the President of the Senate on November 18, 2013; to the Committee on Energy and Natural Resources.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

\*Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOEVEN (for himself, Mr. PRYOR, Mr. CHAMBLISS, Ms. KLOBUCHAR, and Mr. BLUNT):

S. 1739. A bill to modify the efficiency standards for grid-enabled water heaters; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 1740. A bill to authorize Department of Veterans Affairs major medical facility leases, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARKEY:

S. 1741. A bill to direct the Under Secretary of Defense (Comptroller) to carry out a pilot program to develop innovative consumer financial products that encourage savings and wealth-creation among members of the Armed Forces on active duty; to the Committee on Armed Services.

By Mr. KAIN:

S. 1742. A bill to temporarily suspend the collection of entrance fees at units of the National Park System and the National Wildlife Refuge System; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. ENZI, Mr. BARRASSO, and Mr. RISCH):

S. 1743. A bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mr. PORTMAN, Mrs. MCCASKILL, Mr. BEGICH, Mr. BAUCUS, Mr. NELSON, and Mr. JOHNSON of Wisconsin):

S. 1744. A bill to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS:

S. 1745. A bill to promote security, stability and good governance in Somalia through a coordinated interagency strategy that supports the consolidation of recent security and political gains in Somalia; to the Committee on Foreign Relations.

By Mr. WHITEHOUSE (for himself and Ms. HIRONO):

S. 1746. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED (for himself, Ms. STABENOW, Mr. HARKIN, and Mr. WHITEHOUSE):

S. 1747. A bill to provide for the extension of certain unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. SCHATZ:

S. 1748. A bill to authorize appropriations to the Secretary of Commerce to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHATZ:

S. 1749. A bill to improve master plans for major military installations; to the Committee on Armed Services.

By Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. LEE):

S. 1750. A bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELLER:

S. 1751. A bill to improve authorities for performance of medical disabilities examinations by contract physicians for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND:

S. 1752. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes; read the first time.

By Mr. NELSON (for himself, Mr. THUNE, Mrs. FEINSTEIN, Mr. RUBIO, Mr. HEINRICH, Mr. CRUZ, and Mr. WARNER):

S. 1753. A bill to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. PRYOR, and Ms. COLLINS):

S. Res. 302. A resolution designating December 1, 2013, as "Drive Safer Sunday"; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. BLUMENTHAL):

S. Res. 303. A resolution declaring that achieving the primary goal of the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services to prevent and effectively treat Alzheimer's disease by 2025 is an urgent national priority; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. Res. 304. A resolution recognizing the 30th anniversary of the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, November 22, 1983; considered and agreed to.

By Ms. CANTWELL (for herself, Ms. BALDWIN, Mr. BARRASSO, Mr. BEGICH, Mr. COCHRAN, Mr. CRAPO, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. HOEVEN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. MORAN, Mr. REID,



Mr. SCHATZ, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, and Mr. WYDEN):

S. Res. 305. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; considered and agreed to.

By Mr. HATCH (for himself, Mr. RUBIO, Mr. BEGICH, Mr. CRAPO, Mr. CASEY, Mr. COCHRAN, Mr. LEE, and Mr. LEAHY):

S. Res. 306. A resolution designating Thursday, November 21, 2013, as "Feed America Day"; considered and agreed to.

By Mr. SANDERS (for himself and Mr. BURR):

S. Res. 307. A resolution permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

By Mr. HATCH (for himself and Mr. LEAHY):

S. Res. 308. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 204

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 204, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 313

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 350

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 350, a bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 487

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 487, a bill to amend the Fair Labor Standards Act of 1938 to provide that over-the-road bus drivers are covered under the maximum hours requirements.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 862

At the request of Ms. AYOTTE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 862, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate.

S. 1158

At the request of Mr. WARNER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1246

At the request of Mr. MURPHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1246, a bill to amend title 10, United States Code, to require contracting officers to consider information regarding domestic employment before awarding a Federal defense contract, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1410

At the request of Mr. DURBIN, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 1410, a bill to focus limited Federal resources on the most serious offenders.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1500

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1500, a bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 1623

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1623, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 1644

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1644, a bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1647

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1647, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1670

At the request of Mr. GRAHAM, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1670, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. 1697

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1697, a bill to support early learning.

S. 1726

At the request of Mr. RUBIO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1726, a bill to prevent a taxpayer bailout of health insurance issuers.



S. 1728

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1728, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 301

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Virginia (Mr. WARNER) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. Res. 301, a resolution recognizing and supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease.

AMENDMENT NO. 2056

At the request of Mr. BLUNT, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of amendment No. 2056 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Ms. WARREN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of amendment No. 2057 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2063

At the request of Ms. AYOTTE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2071

At the request of Mr. PORTMAN, the name of the Senator from Indiana (Mr.

DONNELLY) was added as a cosponsor of amendment No. 2071 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2081

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2081 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2082

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2082 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2085

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2085 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2088

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2088 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2118

At the request of Mr. RISCH, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of amendment No. 2118 intended to be proposed to S. 1197, an original bill to authorize appropria-

tions for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2121

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2121 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2138

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2138 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2139

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2139 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2145

At the request of Ms. AYOTTE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2145 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2151

At the request of Mrs. HAGAN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2151 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2160

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2160 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 2160 intended to be proposed to S. 1197, *supra*.

## AMENDMENT NO. 2170

At the request of Mrs. MCCASKILL, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2170 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2172

At the request of Mr. CASEY, the names of the Senator from Virginia (Mr. KAINE), the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 2172 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2176

At the request of Mr. RISCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2176 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2185

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 2185 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. WICKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 2185 intended to be proposed to S. 1197, *supra*.

## AMENDMENT NO. 2190

At the request of Mr. RUBIO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2190 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 2190 intended to be proposed to S. 1197, *supra*.

## AMENDMENT NO. 2202

At the request of Mr. NELSON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2202 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2205

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 2205 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2207

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2207 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2211

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of amendment No. 2211 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2238

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2238 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2243

At the request of Mr. HEINRICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 2243 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2249

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was withdrawn as a cosponsor of amendment No. 2249 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2255

At the request of Ms. AYOTTE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2255 proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2265

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 2265 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2267

At the request of Mr. HEINRICH, his name was added as a cosponsor of

amendment No. 2267 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2268

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 2268 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2270

At the request of Mr. MURPHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 2270 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2280

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2280 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2287

At the request of Mr. KIRK, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2287 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2296

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2296 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 2296 intended to be proposed to S. 1197, *supra*.

## AMENDMENT NO. 2316

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2316 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2317

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2317 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2325

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2325 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2336

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 2336 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2338

At the request of Mr. CORKER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2338 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2339

At the request of Mr. CORKER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor

of amendment No. 2339 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2341

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2341 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2343

At the request of Mr. MERKLEY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 2343 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE:

S. 1742. A bill to temporarily suspend the collection of entrance fees at units of the National Park System and the National Wildlife Refuge System; to the Committee on Finance.

Mr. KAINE. Mr. President, Ken Burns, paraphrasing Wallace Stegner, called the national parks "America's best idea." This is true not just for the intrinsic value of these lands, but also for the economic impact on rural communities across the country. Countless small business owners rely on outdoor recreational visitors for their livelihood.

Unfortunately, last month's government shutdown caused the visitors to stop. For 16 days this year, at the peak of the fall color season restaurants and hotels were empty. Roadside stands had no passers-by. Canoes and kayaks, hiking maps, and bait-and-tackle sat unsold on store shelves. One of my favorite places in Virginia, Chincoteague National Wildlife Refuge, saw not one but two major events cancelled: the reopening ceremony of the historic Assateague Lighthouse and the Chincoteague wild pony roundup. These events usually draw thousands of visitors. The pony roundup, in particular,

also serves as a fundraiser for the Chin-coteague Volunteer Fire Company. Unlike park rangers, the local businesses that rely on visitors got no backpay.

That is why I am introducing this legislation to suspend entrance fees at national parks and wildlife refuges for a period of 16 days, equal to the duration of the shutdown. The fee suspension leads up to National Park Week in April 2014. This will encourage more visitors to turn out to the parks and give area establishments time to publicize the free days and to drum up more business. The bill is deficit-neutral, and considering the breadth of the national park presence across the nation, I hope it will garner bipartisan support.

We must negotiate a workable path forward on the federal budget so that the American people are never again caught up in the middle of battles in Washington. No act of Congress can reimburse the hard-working business men and women around the nation who got hit by the shutdown, but I believe this bill will nudge a few more vacationers out of town to take in the natural beauty of our country and support the local economies while they're at it. Given the attention that national parks got during the shutdown, I also believe the American people deserve a larger conversation about the importance of maintaining our natural resources for future generations. I hope this bill will spur that discussion.

By Mr. REED (for himself, Ms. STABENOW, Mr. HARKIN, and Mr. WHITEHOUSE):

S. 1747. A bill to provide for the extension of certain unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Emergency Unemployment Compensation Extension Act of 2013 to ensure that 1.3 million unemployed Americans, including 4,900 Rhode Islanders, will not lose unemployment insurance at the end of the year.

Unemployment insurance, UI, is a vital lifeline for individuals and the economy. It provides a temporary weekly benefit to those who are looking for work and were laid off through no fault of their own.

Economists across the spectrum agree that maintaining unemployment insurance will grow our economy, spur consumer demand, and help businesses, States, and job seekers. Alternatively, according to the Economic Policy Institute, the failure to renew UI could cost our economy 310,000 jobs in 2014.

Extending unemployment insurance is a key part of keeping our economy moving forward. Indeed, continuing UI is part of a broad range of pro-growth and pro-jobs policies we should be enacting. I am pleased to be joined in this effort by Senators STABENOW, HARKIN,

and WHITEHOUSE, and I urge our colleagues to join us in cosponsoring and pressing for action on this important legislation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 302—DESIGNATING DECEMBER 1, 2013, AS “DRIVE SAFER SUNDAY”

Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. PRYOR, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 302

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas, according to the National Highway Traffic Safety Administration, wearing a seat belt saves as many as 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to focus on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of the Citizens Band Radio Service and at truck stops across the United States;

(C) clergies to remind their congregations to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates December 1, 2013, as “Drive Safer Sunday”.

### SENATE RESOLUTION 303—DECLARING THAT ACHIEVING THE PRIMARY GOAL OF THE NATIONAL PLAN TO ADDRESS ALZHEIMER'S DISEASE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PREVENT AND EFFECTIVELY TREAT ALZHEIMER'S DISEASE BY 2025 IS AN URGENT NATIONAL PRIORITY

Ms. COLLINS (for herself, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. BLUMENTHAL) submitted the following

resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 303

Whereas the number of individuals in the United States with Alzheimer's disease and related dementias (referred to in this preamble as “Alzheimer's”) is as high as 5,200,000, which is more than double the number in 1980;

Whereas based on the trajectory of Alzheimer's, as many as 16,000,000 individuals in the United States may have Alzheimer's by 2050;

Whereas Alzheimer's is a global health crisis that afflicts an estimated 36,000,000 individuals worldwide as of October 2013 and may afflict over 115,000,000 individuals by 2050;

Whereas Alzheimer's is the 6th leading cause of death in the United States;

Whereas Alzheimer's is the only disease among the top 10 causes of death in the United States without an effective means of prevention, treatment, or cure;

Whereas Alzheimer's places an enormous financial strain on families, the health care system, and State and Federal budgets;

Whereas in 2013, the direct costs of caring for individuals with Alzheimer's will total an estimated \$203,000,000,000, including \$142,000,000,000 in costs to the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

Whereas the annual costs of caring for individuals with Alzheimer's are projected to increase from \$203,000,000,000 in 2013 to \$1,200,000,000,000 in 2050;

Whereas a RAND Corporation study published in 2013 and commissioned by the National Institute on Aging found that Alzheimer's is the costliest disease in the United States, costing more than cancer and heart disease;

Whereas in 2012, an estimated 15,400,000 family members and friends of individuals with Alzheimer's provided those individuals with 17,500,000,000 hours of unpaid care, an amount valued at more than \$216,000,000;

Whereas the global cost of Alzheimer's exceeds \$600,000,000,000 each year, an amount equal to approximately 1 percent of the world's gross domestic product;

Whereas Alzheimer's takes an emotional and physical toll on caregivers that results in a higher incidence of chronic conditions, such as heart disease, cancer, and depression among caregivers;

Whereas the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services enables family caregivers of individuals with Alzheimer's to provide care while maintaining personal health and well-being;

Whereas the National Plan to Address Alzheimer's Disease supports informal caregivers by—

(1) identifying the support needs of caregivers;

(2) developing and disseminating modes for intervention;

(3) providing information that caregivers need, particularly in crisis situations; and

(4) assisting caregivers in maintaining personal health and well-being;

Whereas a strong and sustained research effort is the best tool to slow the progression and ultimately prevent the onset of Alzheimer's;

Whereas the National Institutes of Health spends each year approximately—

(1) \$6,000,000,000 on cancer research;

(2) \$3,000,000,000 on HIV/AIDS research; and

(3) \$2,000,000,000 on cardiovascular disease research;

Whereas while the cost to the Medicare and Medicaid programs of caring for Alzheimer's patients is \$142,000,000,000 each year, the United States spends slightly more than \$500,000,000 each year on Alzheimer's research;

Whereas the Chairman of the Advisory Council on Alzheimer's Research, Care, and Services created by the National Alzheimer's Project Act (42 U.S.C. 11225) has testified before Congress that the United States must devote at least \$2,000,000,000 each year to Alzheimer's research to reach the goal of preventing and effectively treating Alzheimer's by 2025; and

Whereas the public members of the Advisory Council on Alzheimer's Research, Care, and Services unanimously agree with the testimony of the Chairman regarding the amount of money required to reach the goal for 2025: Now, therefore, be it

*Resolved*, That the Senate—

(1) is committed to strengthening the quality of care and expanding support for individuals with Alzheimer's disease and related dementias (referred to in this resolution as "Alzheimer's") and family caregivers of individuals with Alzheimer's;

(2) declares that achieving the primary goal of the National Plan to Address Alzheimer's Disease to prevent and effectively treat Alzheimer's by 2025 is an urgent national priority;

(3) recognizes that bold action and dramatic increases in funding are necessary to meet that goal; and

(4) strives to—

(A) double the amount of funding the United States spends on Alzheimer's research in fiscal year 2015; and

(B) develop a plan for fiscal years 2016 through 2019 to meet the target of the Advisory Council on Alzheimer's Research, Care, and Services for the United States to spend \$2,000,000,000 each year on Alzheimer's research.

Ms. COLLINS. Mr. President, I am very pleased to be here on the Senate floor with my friend and colleague from Minnesota Senator KLOBUCHAR as we submit an important resolution.

This month is National Alzheimer's Awareness Month. Alzheimer's is a terrible disease that exacts a tremendous personal and economic toll on both the individual and the family. As have many families, mine has experienced the pain of Alzheimer's. I know there is no more helpless feeling than to watch the progression of this devastating disease. It is equally painful to witness the emotional and physical damage inflicted on family caregivers exhausted by an endless series of 36-hour days.

Moreover, Alzheimer's disease is the only cause of death among the top 10 in our Nation without a way to prevent it, to cure it, or even to slow its progression. More than 5 million Americans have Alzheimer's disease—more than double the number in 1980. Based on current projections, as many as 16 million Americans over the age of 65 will have Alzheimer's by the year 2050.

In addition to the tremendous human suffering it causes, Alzheimer's costs

the United States more than \$200 billion a year, including \$142 billion in costs to the Medicare and Medicaid Programs. This price tag will increase exponentially as the baby boom generation ages. If we fail to change the current trajectory of Alzheimer's disease, our country will not only face a mounting public health crisis but an economic one as well. If nothing is done to slow or stop this disease, the Alzheimer's Association estimates that Alzheimer's will cost our country an astonishing \$20 trillion over the next 40 years.

It is estimated that nearly one in two baby boomers reaching the age of 85 will develop Alzheimer's. As a consequence, chances are the members of the baby boom generation will either be spending their golden years suffering from Alzheimer's or caring for someone who has it. In many ways, Alzheimer's has become the defining disease of this generation.

If we are to prevent Alzheimer's from becoming the defining disease of the next generation, it is imperative that we dramatically increase our investment in Alzheimer's disease research. According to a study commissioned by the National Institute on Aging, Alzheimer's and other dementias cost the United States more than cancer and heart disease. This study finds that both the costs and number of people with dementia will more than double within 30 years—skyrocketing at a rate that rarely occurs with a chronic disease.

At a time when the cost to Medicare and Medicaid of caring for Alzheimer's patients exceeds \$140 billion a year, we are spending only slightly more than \$500 million on Alzheimer's research. We are spending \$142 billion under Medicare and Medicaid, more than \$200 billion overall, and yet only \$500 million on research. We currently spend \$6 billion a year for cancer research, \$3 billion a year for research on HIV/AIDS, and \$2 billion for cardiovascular research. And I wish to emphasize that those are always worthy investments—investments that have paid dividends in terms of better treatments, cures, and in some cases prolonged lives. Surely we can do more for Alzheimer's given the tremendous human and economic price of this devastating disease.

The National Plan to Address Alzheimer's Disease was authorized by a bipartisan law passed in 2010 called the National Alzheimer's Project Act, which I authored with then-Senator Evan Bayh.

The national plan has as its primary goal to "prevent and effectively treat Alzheimer's disease by 2025." The chairman of the Advisory Council on Alzheimer's Research, Care, and Services, which was created by the National Alzheimer's Project Act, has testified before Congress that the United States must devote at least \$2 billion a year

to Alzheimer's research to achieve that goal.

I am therefore joining with my colleague from Minnesota Senator KLOBUCHAR in submitting this resolution declaring that the goal of preventing and effectively treating Alzheimer's by 2025 is an urgent national priority. Our resolution recognizes that dramatic increases in research funding are necessary to meet that goal and resolves that the Senate will strive to double the amount of funding the United States spends on Alzheimer's research in fiscal year 2015 and then develop a plan to meet the target of \$2 billion a year over the next 5 years.

Just think of the figures. We are spending some \$212 billion a year treating, caring for people with Alzheimer's. All we are asking is that over the next 5 years we achieve the goal that the Alzheimer's Council—a council of experts in Alzheimer's—including experts from the Mayo Clinic in Senator KLOBUCHAR's home State, have recommended that we spend \$2 billion. Mr. President, \$2 billion is such a tiny percentage of the amount we are spending.

So this is a worthy investment. It is one that will not only relieve suffering, save lives, potentially, but it will also more than pay for itself.

I urge our colleagues to join us as cosponsors.

I ask unanimous consent that letters from the Alzheimer's Association and the UsAgainstAlzheimer's group—both predominant national advocacy groups endorsing our resolution—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALZHEIMER'S ASSOCIATION,

November 19, 2013.

Senator SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

Senator AMY KLOBUCHAR,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS AND SENATOR KLOBUCHAR: On behalf of the Alzheimer's Association and its nationwide network of advocates, thank you for your continued leadership on issues and legislation important to Americans with Alzheimer's and their caregivers. The Alzheimer's Association proudly endorses your most recent Alzheimer's resolution, which supports the goals of the National Plan to Address Alzheimer's Disease and increased funding for Alzheimer's research at the National Institutes of Health.

The Alzheimer's Association is the world's leading voluntary health organization in Alzheimer's care, support and research. Our mission is to eliminate Alzheimer's disease and other dementias through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. Our vision is a world without Alzheimer's.

As two of our nation's strongest voices on behalf of Americans living with Alzheimer's, you know that more than 5 million Americans are living with the disease, and without significant action, as many as 16 million

Americans will have Alzheimer's by 2050. A recent study funded by the National Institutes of Health and published in the *New England Journal of Medicine* further confirmed that Alzheimer's disease is the most expensive disease in America. Additionally, as the baby boomer generation ages, one in eight will develop Alzheimer's. This explosive growth will cause Alzheimer's costs to Medicare and Medicaid to increase from \$142 billion today to more than \$800 billion in 2050 (in today's dollars) and threatens to bankrupt families, businesses and our health care system. Unfortunately, our work is only growing more urgent.

The passage of the National Alzheimer's Project Act in 2010, and the subsequent release of the National Plan to Address Alzheimer's Disease, marks a new era for Alzheimer's disease and other dementias. Achieving the first goal of the National Plan, to prevent and effectively treat Alzheimer's disease by 2025, and supporting individuals with the disease and their caregivers are critical to the success of this legislation. The Alzheimer's Association strongly supports efforts to increase funding for Alzheimer's research at the National Institutes of Health, and we applaud you for your efforts.

The Alzheimer's Association deeply appreciates your continued leadership on behalf of all Americans living with Alzheimer's. If you have any questions about this or any other legislation, please contact Rachel Conant, Director of Federal Affairs, at [rconant@alz.org](mailto:rconant@alz.org) or at 202.638.7121.

Sincerely,

ROBERT EGGE,  
Vice President, Public Policy.

US AGAINST ALZHEIMER'S,  
Washington, DC, November 19, 2013.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

Hon. AMY KLOBUCHAR,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SEN. COLLINS & SEN. KLOBUCHAR: On behalf of the more than five million Americans currently struggling with Alzheimer's disease and the millions of family caregivers working each and every day to care for their loved ones, I am writing to thank you for your powerful resolution declaring our national goal of preventing and effectively treating Alzheimer's disease by 2025 an urgent national priority. I also applaud you for including in this resolution the call to double the National Institutes of Health (NIH) research commitment to Alzheimer's disease in Fiscal Year 2015 and to meet by FY 2019 the \$2 billion in annual Alzheimer's research funding metric called for by the Advisory Council on Alzheimer's Research, Care and Services. USAgainstAlzheimer's is pleased to endorse your resolution and to commit to working with you to build cosponsors.

Three years ago, Congress took the bold action of enacting the National Alzheimer's Project Act which led to the development of the National Plan to Address Alzheimer's Disease and the 2025 goal. Much has occurred in the ensuing period, including the reallocation of some NIH research dollars to focus on Alzheimer's disease. But despite these efforts, our annual Alzheimer's research budget remains at about \$500 million—one quarter of the \$2 billion in annual funding leading Alzheimer's researchers and the advisory council have deemed the minimum necessary to enhance our chances of achieving the 2025 goal.

As your resolution so ably notes, the United States does not have a choice as to whether or not we will pay for Alzheimer's disease. We are paying today, dearly, in the more than \$140 billion in annual costs of care borne by the taxpayers through Medicare and Medicaid, an amount that will escalate sharply over the years if the current trajectory of the disease is left unchanged. The amount we invest annually in Alzheimer's research today is but a fraction of 1 percent of this total care burden, an amount that is simply insufficient given the enormity of the task at hand. While a bold and visionary plan and 2025 goal are important political statements, absent commensurate resources and the necessary focused national leadership, the plan and goal will be worth precious little.

By urging that our 2025 goal be viewed as a national priority and setting the \$2 billion goal over the next five years, you have provided our nation—and your fellow appropriators—with a clear goal at which to aim. I applaud you for recognizing the plight of our current patients as well as caregivers the need to similarly bolster patient and caregiver support initiatives. We look forward to working with you to engage the Senate Appropriations Committee to ensure that your call for a doubling of Alzheimer's research funding at the NIH in FY 2015 is reflected in key spending bills.

I thank you, again, for your leadership and for all you do to stop Alzheimer's disease.

Sincerely,

GEORGE VRADENBURG,  
Chairman.

Ms. COLLINS. Mr. President, I am very pleased that my colleague Senator KLOBUCHAR, who has been such a leader in this area, has joined me on the Senate floor and I yield the floor to her.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague Senator COLLINS for her great leadership for so long on this issue. We have together authored this resolution, and she has been a true champion for those suffering from this debilitating disease.

Our resolution builds on the legacy of work and research that has been done in America. It declares the prevention and effective treatment of Alzheimer's by 2025 an urgent national priority and calls for enhanced resources necessary to achieve this goal.

There is no better time than now to discuss this critical issue and draw attention to this disease because, as my colleague from Maine noted, November is Alzheimer's Disease Awareness and Family Caregivers Month. President Reagan made this designation back in 1983 to raise awareness about the devastating impacts of Alzheimer's disease on patients and their caregivers.

Alzheimer's presents one of the toughest medical, economic, and social challenges of this country. We all know we are seeing a doubling of the senior population in this country—some call it a silver tsunami, and, of course, it is a positive. More and more people are living long and longer. But we also know we are seeing more and more people who are living with very difficult

diseases, and one of them, in fact the leading one, is Alzheimer's.

This disease takes an incredibly enormous toll, both on patients as well as those who must sit helplessly by and watch as the disease progresses and slowly takes away a loved one.

Right now close to 5.2 million Americans are living with this disease, including nearly 100,000 people in my home State of Minnesota.

These numbers will grow dramatically. If we continue on the same trajectory we are on now, by 2050 an estimated 16 million Americans will be living with this disease. That is an increase of almost 320 percent over what we see today—320 percent over what we see today.

The financial cost of providing care for people afflicted by the disease is staggering for families, for our health care system, and of course for the Federal budget.

In 2013 we will spend \$203 billion caring for individuals with Alzheimer's. Medicare and Medicaid will bear about 70 percent of these costs. By 2050 we will be paying more than \$1.2 trillion to care for people with Alzheimer's.

We also know it is tough on caregivers. They suffer an emotional and physical toll that results in a higher incidence of chronic conditions for themselves.

In 2012 more than 15 million family members, spouses, children, and friends in the United States provided care to an adult with Alzheimer's. The unpaid care is valued at more than \$216 billion.

So many of the people, friends of mine, who are involved in this care also have their own children. That is why we call them the sandwiched generation. They are literally sandwiched in between caring for their aging parents and caring for a child.

Just as the country addressed the needs of working moms and dads in the 1970s, we must now address the needs of working sons and daughters. This is a critical piece of the puzzle in taking on the Alzheimer's challenge.

Most important, our resolution is about the lives that could be improved with better treatments and cures. Earlier this year I met with 30 Minnesotans who were here in Washington, DC, each having been touched by Alzheimer's. I have been at rallies. I have seen those purple shirts in our State. Thousands and thousands of people gathered to say: We want a cure. We want better treatments. We do not want to lose our loved ones like this.

One way we can help stem the tide of this devastating disease is through research. As my colleague from Maine mentioned, the Mayo Clinic does fine research in this area. They have found ways to identify Alzheimer's earlier through testing. At first you might say: How does that help to get a cure? How are we ever going to know what treatments work best and what a cure



is if we cannot first identify it at early stages so we can then see improvements? Because if we identify it too late, you are never able to test to see if treatments work. The University of Minnesota is also doing outstanding research on mice—prize-winning research.

Here is the fact of any of these numbers. We all remember this is not just about the numbers; it is about the people. But if there is any number to remember, it is this: If we were able to delay the onset of Alzheimer's by just 5 years—5 years—we would be able to cut the government spending on Alzheimer's care by almost half in 2050—almost half.

I see Mr. DURBIN, also a leader in this area, the Senator from Illinois, out on the floor. He knows what we are talking about with the budget, the kind of money we are going to need to help our kids to make our country a better place. Just think of what we could do with that money if we could reduce the spending on this debilitating disease by half by 2050.

The answers on Alzheimer's will not just drop from the sky. It will take dedicated scientists, advanced research initiatives, and skilled doctors to conduct the trials and care for as many patients as possible until we finally put an end to the disease.

That is what this is about. A friend of mine is in town today, commissioner Mike Opat from Hennepin County. Hennepin County has the biggest public hospital in Minnesota, and as county attorney I used to represent that hospital. I know what this means for their budget every single day, as people who could have been cured or people who could have had the onset of the disease be delayed have suffered and have been in the hospital and have been on the taxpayer dime. Of course we are going to take care of them, but there are so many other things this money could be used for.

The Advisory Council on Alzheimer's Research, Care, and Services—which is led by Dr. Ronald Petersen, a Minnesotan and a leading researcher on Alzheimer's—has acknowledged that in order to reach the goal of effectively treating Alzheimer's disease by 2025, our country must invest \$2 billion per year. It sounds like a lot of money but not with these other figures I just put out there; that \$1.2 trillion in treatment, the doubling of the number of seniors whom we are seeing by 2030—\$2 billion per year.

That is why Senator COLLINS and I have joined together to submit this resolution which resolves that the Senate will strive to double the funding the United States spends on Alzheimer's research in 2015 and develop a plan to meet the target of \$2 billion a year over the next 5 years.

Today we spend approximately \$500 million per year on Alzheimer's, as

noted by my colleague. So we have a long way to go to meet this goal. It is not easy. But in the long term, it will save us money, it will save lives, and it will make for a better world for literally millions of people in this country and around the world.

I urge my colleagues to join Senator COLLINS and me in supporting this important resolution.

**SENATE RESOLUTION 304—RECOGNIZING THE 30TH ANNIVERSARY OF THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON, NOVEMBER 22, 1983**

Mr. MERKLEY (for himself and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

**S. RES. 304**

Whereas the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), which was signed by the President on November 22, 1983, restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon historically inhabited land that extended from the summit of the Cascade Range, west along the shores of the Columbia River to the summit of the Coast Range, and south to the California border;

Whereas in addition to restoring Federal recognition, that Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of the Grand Ronde Community of Oregon were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) called for the establishment of a tribal reservation; and

(3) granted the Confederated Tribes of the Grand Ronde Community of Oregon self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of the Grand Ronde Community of Oregon, is being realized through many projects: Now, therefore, be it

*Resolved*, That the Senate recognizes the 30th anniversary of November 22, 1983, the date on which the Federal Government restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon.

**SENATE RESOLUTION 305—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES**

Ms. CANTWELL (for herself, Ms. BALDWIN, Mr. BARRASSO, Mr. BEGICH, Mr. COCHRAN, Mr. CRAPO, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. HOEVEN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. MORAN, Mr. REID, Mr. SCHATZ, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

**S. RES. 305**

Whereas from November 1, 2013, through November 30, 2013, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2010 that there were more than 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has consistently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care and law enforcement resources, improving the housing and socioeconomic status of Native Americans, and approving settlements of litigation involving Indian tribes and the United States;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished



themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless American lives; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of November 2013 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as “Native American Heritage Day” in accordance with the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

#### SENATE RESOLUTION 306—DESIGNATING THURSDAY, NOVEMBER 21, 2013, AS “FEED AMERICA DAY”

Mr. HATCH (for himself, Mr. RUBIO, Mr. BEGICH, Mr. CRAPO, Mr. CASEY, Mr. COCHRAN, Mr. LEE, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 306

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas according to the Department of Agriculture, approximately 50,000,000 people in the United States, including 16,700,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 21, 2013, as “Feed America Day”; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 21, 2013, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

#### SENATE RESOLUTION 307—PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. SANDERS (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 307

*Resolved*,

#### SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 113th Congress.

#### SENATE RESOLUTION 308—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

Mr. HATCH (for himself and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas the prevalence of runaway and homelessness among youth is staggering, with studies suggesting that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States;

Whereas the problem of youth running away from home or a foster care placement is widespread, and youth aged 12 to 17 are at a higher risk of homelessness than adults;

Whereas runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources;

Whereas children and youth in foster care, particularly those in groups home are especially vulnerable to running away;

Whereas, children and youth who run away are at increased risk for domestic sex trafficking;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home or in a safe foster home, succeed because of partnerships created among families, youth based advocacy organizations, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home or from foster care and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities pro-

vided for youth and families to acquire the knowledge, skills, and abilities needed to help youth successfully transition to a safe, healthy and productive adulthood, as well as having opportunities for youth to make connections to caring adults and to engage in age-appropriate activities;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth, and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Safeline provides crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Safeline are cosponsoring National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities: Now, therefore, be it

*Resolved*, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2349. Mr. PRYOR (for himself, Ms. COLLINS, Mr. JOHNSON of South Dakota, Mr. DONNELLY, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2350. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2351. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2352. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2353. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2354. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2355. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2356. Mr. UDALL, of Colorado (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2357. Mr. COONS (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2358. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2359. Mr. FLAKE (for himself, Mr. COBURN, Mr. SCOTT, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to

be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2360. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2361. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2362. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2363. Mr. ISAKSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2364. Mr. TOOMEY (for himself, Mr. McCONNELL, Mr. BURR, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2365. Mr. MORAN (for himself, Mr. COONS, Ms. HEITKAMP, Mr. ROBERTS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2366. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2367. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2368. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2369. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2370. Mr. WHITEHOUSE (for himself, Mrs. GILLIBRAND, Mr. MARKEY, Mr. FRANKEN, Mr. KING, Mr. SCHATZ, Mr. SANDERS, Mr. UDALL of New Mexico, Mrs. BOXER, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2371. Mr. REED (for himself, Mr. JOHANNES, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2372. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2373. Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2374. Mr. WYDEN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2375. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2376. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2377. Mr. COCHRAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2378. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2379. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2380. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2381. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2382. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2383. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2384. Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, Mr. BROWN, Mr. MORAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2385. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2386. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2387. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2388. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Ms. MIKULSKI, Mr. HEINRICH, Mr. MARKEY, Mr. BLUMENTHAL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2389. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2390. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2391. Mrs. HAGAN (for herself, Mrs. FISCHER, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2392. Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. PRYOR, Mr. MORAN, Mr. HELLER, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2393. Mr. ENZI (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2394. Mr. ENZI (for himself, Mr. HOEVEN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2395. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2396. Mrs. MURRAY (for herself and Mr. KAINE) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2397. Mr. MCCAIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2398. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2399. Ms. STABENOW (for herself, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2400. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Mr. PAUL, and Mr. CRUZ) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2401. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2402. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2403. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2404. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2405. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2406. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2407. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2408. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2409. Mr. BOOZMAN (for himself, Mr. WARNER, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2410. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2411. Mr. PRYOR (for himself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, Mr. HARKIN, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2412. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2413. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2414. Mr. WARNER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2415. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2416. Ms. HIRONO submitted an amendment intended to be proposed by her to the

bill S. 1197, supra; which was ordered to lie on the table.

SA 2417. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2418. Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2419. Mr. UDALL of New Mexico (for himself, Mr. MORAN, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2420. Mr. COCHRAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2421. Mr. MCCAIN (for himself, Mr. CASEY, Mr. BLUNT, Mr. FLAKE, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2422. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2423. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2424. Mr. Kaine (for himself, Mr. CHAMBLISS, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2425. Ms. LANDRIEU (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2426. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2427. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2428. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2429. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2430. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2431. Mr. BLUNT (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2432. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2433. Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2434. Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2435. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2436. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2437. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2438. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2439. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2440. Mr. DONNELLY (for himself, Mr. CRUZ, Mr. LEAHY, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNIS, Mr. MENENDEZ, Mr. BOOZMAN, Ms. HETTKAMP, Mr. CHAMBLISS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2441. Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2349.** Mr. PRYOR (for himself, Ms. COLLINS, Mr. JOHNSON of South Dakota, Mr. DONNELLY, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. TREATMENT OF MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—Section 251(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(3)) is amended by adding at the end the following new sentence: “For purposes of this paragraph, military technicians (dual status) shall be included in military personnel accounts.”

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any order of the President to exempt military personnel accounts from sequestration issued under section 255(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(f)(1)) after January 1, 2014.

**SA 2350.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, insert the following:

#### SECTION 1003. EXEMPTION FROM SEQUESTRATION FOR FISCAL YEAR 2014.

(a) IN GENERAL.—Section 251A(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

“(A) MODIFICATION OF DEFENSE FUNCTION REDUCTIONS.—Notwithstanding any other provision of this Act, for discretionary appropriations and direct spending accounts within function 050 (defense function)—

“(i) for fiscal year 2014, OMB—

“(I) shall not implement a reduction to such discretionary appropriations and direct spending accounts in the amount allocated under paragraph (4); and

“(II) shall reduce such discretionary appropriations and direct spending by a total amount of \$15,000,000,000;

“(ii) for fiscal year 2015, OMB—

“(I) shall not implement a reduction to such discretionary appropriations and direct spending accounts in the amount allocated under paragraph (4); and

“(II) shall reduce such discretionary appropriations and direct spending by a total amount of \$30,000,000,000;

“(iii) for fiscal year 2016, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$2,000,000,000;

“(iv) for fiscal year 2017, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$9,000,000,000;

“(v) for fiscal year 2018, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$9,000,000,000;

“(vi) for fiscal year 2019, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$12,000,000,000;

“(vii) for fiscal year 2020, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$15,000,000,000;

“(viii) for fiscal year 2021, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by \$17,400,000,000; and

“(ix) for each of fiscal years 2014 through 2021, OMB shall calculate the amount of the respective reductions to discretionary appropriations and direct spending (as adjusted under this subparagraph) in accordance with subparagraphs (B) and (C).”;

(3) in subparagraph (B)(i), as redesignated, by inserting “as adjusted, if adjusted, in accordance with subparagraph (A)” after “paragraph (4)”; and

(4) in subparagraph (C), as redesignated—

(A) by inserting “as adjusted, if adjusted, in accordance with subparagraph (A)” after “paragraph (4)”; and

(B) by striking “subparagraph (A)” and inserting “subparagraph (B)”.

(b) REVISED SEQUESTRATION PREVIEW REPORT.—Not later than 10 days after the date of enactment of this Act—

(1) the Office of Management and Budget shall issue a revised sequestration preview

report for fiscal year 2014, pursuant to section 254(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(c)), and a revised report on the Joint Committee reductions for fiscal year 2014, pursuant to section 251A(11) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(11)), to reflect the amendments made by subsection (a); and

(2) the President shall issue a revised sequestration order of direct spending budgetary reductions for fiscal year 2014 pursuant to section 251A(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(8)).

**SA 2351.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 153. SUSTAINMENT PLAN FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER AIRCRAFT.**

(a) **SUSTAINMENT PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, acting through the Joint Strike Fighter Program office, develop a comprehensive plan for the sustainment of the Autonomic Logistics Information System (ALIS) of the F-35 joint strike fighter weapon system.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) The status of the Autonomic Logistics Information System, including functionality and workarounds, a detailed timeline to resolve outstanding issues with the system, and a description of risk and cost reduction efforts in connection with the system

(2) The manner in which the Government will secure access to and the rights in technical data needed for the sustainment of the Autonomic Logistics System (ALS), of which the Autonomic Logistics Information System is a component, as well as all the interfaces (including logistics and maintenance data, production data, performance measurement, enterprise resource planning, and other interfaces) from the air vehicle through the Autonomic Logistics Information System, and out of the Autonomic Logistics Information System, in order to sustain the F-35 joint strike fighter weapon system throughout its entire lifecycle.

(3) The manner in which long-term sustainment (including design, architecture, and integration) of the software of the Autonomic Logistics Information System will be established and achieved through public-private partnerships authorized by section 2474 of title 10, United States Code, including schedules for actions necessary for such sustainment.

(4) The selection, designation, movement, and activation of Government-owned and Government-controlled sites for the Autonomic Logistics Operating Unit (ALOU).

(5) The designation and sustainment of the Autonomic Logistics Information System within the architecture of the Autonomic Logistics System, including total asset visi-

bility and accountability (including asset valuation and tracking) and incorporation of the Autonomic Logistics Information System into existing Government-owned and Government-controlled systems.

(c) **ADDITIONAL REQUIREMENTS.**—

(1) **COMPLIANCE WITH APPLICABLE LAW.**—The plan required by subsection (a) shall comply with applicable provisions of law.

(2) **CONFORMITY WITH COST-REDUCTION POLICIES.**—The plan shall also conform to the cost-reduction policies of the Department of Defense.

(d) **IMPLEMENTATION.**—The Under Secretary shall implement the plan required by subsection (a) with the concurrence of the Program Executive Officer of the Joint Strike Fighter Program.

**SA 2352.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 302, lines 7 and 8, strike “and the Commander of the United States Cyber Command” and insert “, the Commander of the United States Cyber Command, and the commanders of the reserve components”.

**SA 2353.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 294, line 19, add “Adaptation of an existing cyber range shall include expansion of a node to an area with adequate accredited space to conduct necessary training exercises in conjunction with research and development for the United States Cyber Command.” after “operations.”.

**SA 2354.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, line 8, insert after “Defense.” the following: “The Secretary shall ensure that each training facility established under this subsection contains such accredited space as the Secretary considers adequate to conduct full scope training exercises. In establishing a facility under this subsection, the Secretary shall consider leasing space and spaces that are located near military installations to reduce overhead costs and military construction costs.”.

**SA 2355.** Ms. LANDRIEU submitted an amendment intended to be proposed

by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, between lines 6 and 7, insert the following:

(2) **CONTENTS.**—In addition to the integrated policy developed pursuant to subsection (a), the report submitted under paragraph (1) shall include the following:

(A) An assessment of the feasibility and advisability of establishing a center focused on ongoing legal and policy matters concerning interagency integration efforts required to carrying out the integrated policy.

(B) An outline of the role of public sector, private sector, and academic institutions with respect to the evolution of such interagency integration efforts.

**SA 2356.** Mr. UDALL of Colorado (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SENSE OF CONGRESS ON COMMERCIAL IMAGERY CAPABILITIES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In the current constrained budget environment, leveraging the commercial satellite imaging industry by sharing investment and operating costs with the private sector helps reduce the costs of acquiring electro-optical satellite imagery to satisfy the requirements of the leaders, intelligence agencies, and Armed Forces of the United States, while supporting United States industry in a competitive international market.

(2) Commercial imagery can be easily and securely used by the Armed Forces, shared readily with allies of the United States, and provided quickly to first-responders during natural disasters.

(3) The United States Commercial Remote Sensing Policy states that the United States Government will rely “to the maximum practical extent on U.S. commercial remote sensing space capabilities for filling imagery and geospatial needs for military, intelligence, foreign policy, homeland security, and civil users”.

(4) The National Space Policy directs the executive branch to “[p]urchase and use commercial space capabilities and services to the maximum practical extent when such capabilities and services are available in the marketplace and meet United States Government requirements” and to “[m]odify commercial space capabilities and services to meet government requirements when existing commercial capabilities and services do not fully meet these requirements and the potential modification represents a more cost-effective and timely acquisition approach for the government”.

(5) Since regulations on commercial imagery providers were put into place in 1999, the global marketplace for space-based imagery has been transformed by—

(A) the growth of foreign competition;

(B) the emergence of unclassified commercial imagery as a critical element of support for the Armed Forces, coalition intelligence sharing, and civil and humanitarian missions; and

(C) the availability of high-resolution aerial images.

(6) Airborne imaging companies and foreign providers have no restrictions on the image resolution they can offer, including on images anywhere in the United States, and the market share such companies and providers are capturing will continue to fuel advancements in their capabilities.

(7) Foreign commercial imagery providers may soon be able to provide imagery at or better than the currently allowed commercial United States resolution limit of 0.5 meters. As foreign companies approach or surpass that level of resolution, current restrictions on United States satellite-based commercial imagery data providers put the United States at a competitive disadvantage and may harm an industrial base that is important to national security.

(8) The congressionally mandated GEOINT Commission recommended that the United States Government increase its use of commercial imagery for intelligence missions and urged relaxation of current resolution restrictions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States commercial imagery providers have the ability to contribute more substantially to the national security mission at a lower cost and in a manner consistent with the policy of the United States to enable United States companies to maintain a leadership position in the commercial satellite imaging industry;

(2) the United States Government should relax restrictions on the resolution of images that can be sold on the commercial market, without abandoning prudent limits on the sale of images that could compromise sensitive sites or operations; and

(3) relaxing those restrictions while maintaining appropriate protections safeguards the investment the United States has made to support the commercial satellite imaging industry at a time when the United States must maximize every resource to meet emerging threats.

**SA 2357.** Mr. COONS (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 252. REPORT ON SCIENCE, MATHEMATICS AND RESEARCH FOR TRANSFORMATION SCHOLARSHIP PROGRAM AND RELATED PROGRAMS.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) An assessment whether the Science, Mathematics and Research for Transformation (SMART) scholarship program, and related scholarship and fellowship programs within the Department of Defense, are providing the necessary number of undergraduate and graduate students in the fields of science, technology, engineer, and mathematics to address the recommendations contained in the report of the Commission on Research and Development in the United States Intelligence Community.

(2) Recommendations for improvements to the programs referred to in paragraph (1) to better address the recommendations described in that paragraph.

**SA 2358.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. REVISION OF COMPENSATION OF MEMBERS OF THE NATIONAL COMMISSION ON THE STRUCTURE OF THE AIR FORCE.**

(a) REVISION.—Section 365(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat.1705) is amended—

(1) by striking “shall be compensated” and inserting “may be compensated”;

(2) by striking “equal to” and inserting “not to exceed”; and

(3) by striking “annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code,” and inserting “annual rate of \$155,400”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to compensation for a duty performed on or after April 2, 2013.

**SA 2359.** Mr. FLAKE (for himself, Mr. COBURN, Mr. SCOTT, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. CERTIFICATION REQUIREMENT FOR MILITARY CONSTRUCTION PROJECTS IN AREAS OF CONTINGENCY OPERATIONS.**

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2804 the following new section:

**“§ 2804a. Certification requirement for military construction projects in areas of contingency operations**

“(a) CERTIFICATION REQUIREMENT.—(1) The Secretary of Defense may not obligate or expend funds to carry out a military construc-

tion project overseas in connection with a contingency operation (as defined in section 101(a)(13) of this title) unless the combatant commander of the area of operations in which such project is to be constructed has certified to the Secretary of Defense that the project is needed for direct support of a contingency operation within that combatant command.

“(2) The restriction under paragraph (1) does not apply to planning and design activities or activities carried out under the authority of section 2805 of this title.

“(b) CERTIFICATION GUIDANCE.—The Secretary of Defense shall provide guidance regarding the certification required under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2804 the following new item:

“2804a. Certification requirement for military construction projects in areas of contingency operations.”.

**SA 2360.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. DEVELOPMENT OF A COMPREHENSIVE ANTI-CORRUPTION STRATEGY IN AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Special Inspector General for Afghanistan Reconstruction, as of September 30, 2013, the United States had appropriated approximately \$96,600,000,000 for relief and reconstruction assistance in Afghanistan since 2002 without the benefit of a comprehensive anti-corruption strategy.

(2) To date, the Department of State and the Government of Afghanistan remain unable to assess the overall progress the United States Government has made to improve the capacity of the Government of Afghanistan to combat corruption.

(b) COMPREHENSIVE STRATEGY AND PLAN.—

(1) RESTRICTION ON REQUEST FOR PROPOSAL AGREEMENTS.—No funds may be obligated or expended by the Department of State or the Department of Defense to enter into any new request for proposal agreements (RFPs) with the Government of Afghanistan or any third party in Afghanistan until the Secretary of State and the Secretary of Defense, in coordination with the Government of Afghanistan, submit to the appropriate congressional committees—

(A) a comprehensive, coordinated strategy for United States anti-corruption efforts in Afghanistan, including goals, objectives, and measurable outcomes; and

(B) an updated operational plan for the implementation of the anti-corruption goals and objectives that identifies benchmarks and timelines for the accomplishment of these goals and accounts for the needed funding and personnel resources.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense and the Secretary of State may jointly waive the restriction under paragraph (1) on a case-by-case basis if the

Secretaries determine that it is in the national security interest of the United States to do so.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2361.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle E—Other Matters**

**SEC. 3141. CONVEYANCE OF BANNISTER FEDERAL COMPLEX, KANSAS CITY, MISSOURI.**

(a) CONSOLIDATION OF TITLE TO BANNISTER FEDERAL COMPLEX.—The Administrator of General Services and the Administrator for Nuclear Security may take such actions as are necessary to consolidate all right, title, and interest in and to certain real property, including any improvements thereon, consisting of the Bannister Federal Complex in Kansas City, Missouri, in the National Nuclear Security Administration.

(b) AUTHORITIES RELATING TO CONVEYANCE OF BANNISTER FEDERAL COMPLEX.—After the consolidation of all right, title, and interest in and to the real property described in subsection (a) in the National Nuclear Security Administration, the Administrator for Nuclear Security may—

(1) negotiate an agreement to convey to an eligible entity all right, title, and interest of the United States in and to the property; and

(2) enter into an agreement, on a reimbursable basis or otherwise, with the eligible entity to provide funding for the costs of—

(A) the negotiation of the agreement described in paragraph (1);

(B) planning for the disposition of the property; and

(C) carrying out the responsibilities of the Administrator under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the property, including—

(i) identification, investigation, and clean up of, and research and development with respect to, contamination from a hazardous substance or pollutant or contaminant;

(ii) correction of other environmental damage that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

(iii) demolition and removal of buildings and structures as required to clean up contamination or as required for completion of the responsibilities of the Administrator under that section.

(c) LIMITATIONS.—

(1) PRICE.—The Administrator for Nuclear Security shall select, through a public process provided for under the regulations of the Department of Energy, the eligible entity to which the real property described in subsection (a) is to be conveyed under sub-

section (b). The Administrator shall use good faith efforts to ensure the greatest possible return on such conveyance considering the conditions described in paragraph (2).

(2) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (b) shall be subject to—

(A) the requirements relating to transfer of property by the Federal Government under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(B) except to the extent inconsistent those requirements, the condition that the eligible entity to which the real property described in subsection (a) is conveyed accepts the property in its condition at the time of the conveyance, commonly known as conveyance “as is”, and agrees to indemnify and hold the United States harmless from any liability resulting from the period of ownership of the property by the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) REIMBURSEMENT OF COSTS OF CONVEYANCE.—The Administrator for Nuclear Security shall use any funds received from the conveyance under subsection (b) to reimburse the Administrator for costs (other than costs referred to in subsection (b)(2)) incurred by the Administrator to carry out the conveyance, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs referred to in that paragraph. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Administrator for Nuclear Security.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator for Nuclear Security may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Administrator considers appropriate to protect the interests of the United States.

(g) ELIGIBLE ENTITY DEFINED.—In this section, the term “eligible entity” means a non-governmental entity that has demonstrated to the Administrator for Nuclear Security, in the Administrator’s sole discretion, that the entity has the capability to operate and maintain the real property described in subsection (a).

**SA 2362.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INAPPLICABILITY OF REQUIREMENT TO REVIEW AND JUSTIFY CERTAIN CONTRACTS.**

Section 802 of the National Defense Authorization Act for Fiscal Year 2013 (Public

Law 112-239; 126 Stat. 1824; 10 U.S.C. 2304 note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “Not later than” and inserting the following:

“(a) IN GENERAL.—Not later than”; and

(B) by inserting “, except as provided in subsection (b),” after “to ensure that”; and

(2) by adding at the end the following:

“(b) EXCEPTION.—Subsection (a) shall not apply to a contract to which section 46 of the Small Business Act (15 U.S.C. 657s) applies.”.

**SA 2363.** Mr. ISAKSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. AMERICAN HOSTAGES IN IRAN COMPENSATION FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the “American Hostages in Iran Compensation Fund” (in this section referred to as the “Fund”) for the purpose of making payments to the 52 Americans held hostage in the United States embassy in Tehran, Iran, between November 3, 1979, and January 20, 1981 (in this section referred to as the “former hostages”).

(b) FUNDING.—

(1) IMPOSITION OF SURCHARGE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), there is imposed a surcharge equal to 30 percent of the amount of—

(i) any fine or monetary penalty assessed, in whole or in part, on a person for a violation of a law or regulation specified in subparagraph (B) related to activities undertaken on or after the date of the enactment of this Act; or

(ii) the monetary amount of a settlement entered into by a person with respect to a suspected violation of a law or regulation specified in subparagraph (B) related to activities undertaken on or after such date of enactment.

(B) LAWS AND REGULATIONS SPECIFIED.—A law or regulation specified in this subparagraph is any law or regulation that provides for a civil or criminal fine or other monetary penalty for any economic activity relating to Iran that is administered by the Department of the Treasury, the Department of Justice, or the Department of Commerce.

(C) EXCEPTIONS.—The surcharge imposed under subparagraph (A) shall not apply to the amount of—

(i) any property of Iran or any agency or instrumentality of Iran recovered by the United States through forfeiture; or

(ii) any judgment or settlement in any action brought pursuant to—

(I) section 1605A of title 28, United States Code; or

(II) section 1605(a)(7) of such title (as in effect on the day before the date of the enactment of National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 3)).

(D) TERMINATION OF DEPOSITS.—The imposition of the surcharge under subparagraph (A) shall terminate on the date on which all amounts described in subsection (c)(2) have



been distributed to all recipients as specified in that subsection.

(2) DEPOSITS INTO FUND; AVAILABILITY OF AMOUNTS.—

(A) DEPOSITS.—All surcharges collected pursuant to paragraph (1)(A) shall be deposited into the Fund.

(B) PAYMENT OF SURCHARGE.—A person on whom a surcharge is imposed under paragraph (1)(A) shall pay the surcharge to the Fund without regard to whether the fine, penalty, or settlement to which the surcharge applies—

(i) is paid directly to the Federal agency that administers the relevant law or regulation specified in paragraph (1)(B); or

(ii) is deemed satisfied by a payment to another Federal agency.

(C) CONTRIBUTIONS.—The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities for payments under this Act. Such amounts shall be deposited directly into the Fund.

(D) AVAILABILITY OF AMOUNTS IN FUND.—Amounts in the Fund shall be available, without further appropriation, to make payments under subsection (c).

(c) DISTRIBUTION OF FUNDS.—

(1) ADMINISTRATION OF FUND.—Payments from the Fund shall be administered by the Secretary of State, pursuant to such rules and processes as the Secretary, in the Secretary's sole discretion, may establish.

(2) PAYMENTS.—Subject to paragraphs (3) and (4), payments shall be made from the Fund to the following recipients in the following amounts:

(A) To each living former hostage, \$150,000, plus \$10,000 for each day of captivity of the former hostage.

(B) To the estate of each deceased former hostage, \$150,000, plus \$10,000 for each day of captivity of the former hostage.

(3) PRIORITY.—Payments from the Fund shall be distributed under paragraph (2) in the following order:

(A) First, to each living former hostage described in paragraph (2)(A).

(B) Second, to the estate of each deceased former hostage described in paragraph (2)(B).

(4) CONSENT OF RECIPIENT.—A payment to a recipient from the Fund under subsection (2) shall be made only after receiving the consent of the recipient.

(d) WAIVER.—A recipient of a payment under subsection (c) shall waive and forever release all existing claims against Iran and the United States arising out of the events described in subsection (a).

(e) NOTIFICATION OF CLAIMANTS; LIMITATION ON REVIEW.—

(1) NOTIFICATION.—The Secretary of State shall notify, in a reasonable manner, each individual qualified to receive a payment under subsection (c) of the status of the individual's claim for such a payment.

(2) SUBMISSION OF ADDITIONAL INFORMATION.—If the claim of an individual to receive a payment under subsection (c) is denied, or is approved for payment of less than the full amount of the claim, the individual shall be entitled to submit to the Secretary additional information with respect to the claim. Upon receipt and consideration of that information, the Secretary may affirm, modify, or revise the former action of the Secretary with respect to the claim.

(3) LIMITATION ON REVIEW.—The actions of the Secretary in identifying qualifying claimants and in disbursing amounts from the Fund shall be final and conclusive on all questions of law and fact and shall not be

subject to review by any other official, agency, or establishment of the United States or by any court by mandamus or otherwise.

(f) DEPOSIT OF REMAINING FUNDS INTO THE TREASURY.—

(1) IN GENERAL.—Any amounts remaining in the Fund after the date specified in paragraph (2) shall be deposited in the general fund of the Treasury.

(2) DATE SPECIFIED.—The date specified in this paragraph is the later of—

(A) the date on which all amounts described in subsection (c)(2) have been made to all recipients described in that subsection; or

(B) the date that is 5 years after the date of the enactment of this Act.

(g) PLAN FOR ENSURING SATISFACTION OF CLAIMS.—

(1) IN GENERAL.—The President shall submit to Congress a plan to ensure that all recipients described in subsection (c)(2) receive all payments as specified in that subsection by the end of the 1-year period beginning on the date of the submission of the plan if the President determines that—

(A) the scope or effect of any law or regulation specified in subsection (b)(1)(B) is reduced; or

(B) all amounts described in subsection (c)(2) cannot be distributed to all recipients as specified in that subsection from funds deposited into the Fund under subsection (b) by the date that is 2 years after the date of the enactment of this Act.

(2) SPECIFICATION OF NEED FOR CONGRESSIONAL ACTION.—The President shall specify in the plan required by paragraph (1) if action by Congress is required to implement the plan.

(h) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in subsection (f)(2), the Secretary of State shall submit to the appropriate congressional committees a report on the status of the Fund, including—

(1) the amounts and sources of money deposited into the Fund;

(2) the rules and processes established to administer the Fund; and

(3) the distribution of payments from the Fund.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(2) PERSON.—The term “person” includes any individual or entity subject to the civil or criminal jurisdiction of the United States.

**SA 2364.** Mr. TOOMEY (for himself, Mr. MCCONNELL, Mr. BURR, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SENSE OF SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR DURING THE DRAW-DOWN OF FORCES IN AFGHANISTAN.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is a country of great honor and integrity.

(2) The United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten.

(3) The United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should undertake every reasonable effort to find and repatriate members of the Armed forces who are missing;

(2) the Senate believes that the United States should undertake every reasonable effort to repatriate members of the Armed Forces who are captured;

(3) the Senate believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of the people of the United States;

(4) the Senate supports the United States Soldier's Creed and the Warrior Ethos, which state that “I will never leave a fallen comrade”; and

(5) the Senate believes that, while the United States continues to transition leadership roles in combat operations in Afghanistan to the people of Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

**SA 2365.** Mr. MORAN (for himself, Mr. COONS, Ms. HEITKAMP, Mr. ROBERTS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 945 and insert the following:

**SEC. 945. STRATEGY ON USE OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO SUPPORT DEPARTMENT OF DEFENSE CYBER MISSIONS.**

(a) STRATEGY REQUIRED.—In developing the force structure to accomplish the cyber missions of the Department of Defense through United States Cyber Command, the Secretary of Defense shall develop a strategy for integrating the reserve components of the Armed Forces into the total force to support the cyber missions of the United States Cyber Command, including support for civil authorities, in the discharge of such missions.

(b) ACTIONS REQUIRED DURING DEVELOPMENT.—In developing the strategy, the Secretary shall do the following:

(1) In consultation with the Secretaries of the military departments and the Commander of the United States Cyber Command, identify the Department of Defense



cyber mission requirements that could be discharged by members of the reserve components.

(2) In consultation with the Secretary of Homeland Security, ensure that the Governors of the several States, through the Council of Governors, as appropriate, have an opportunity to provide the Secretary of Defense and the Secretary of Homeland Security an independent evaluation of State cyber capabilities, and State cyber needs that cannot be fulfilled through the private sector.

(3) Identify the existing capabilities, facilities, and plans for cyber activities of the reserve components, including by the following:

(A) An inventory of the existing cyber skills of reserve component personnel, including the skills of units and elements in the reserve components that are transitioning to cyber missions.

(B) An inventory of the existing infrastructure of the reserve components that contributes to the cyber missions of the United States Cyber Command, including the infrastructure available to units and elements in the reserve components that are transitioning to such missions.

(C) An assessment of the manner in which the military departments plan to use the reserve components to meet total force resource requirements, and the effect of such plans on the potential ability of members of the reserve components to support the cyber missions of the United States Cyber Command.

(4) Assess whether the National Guard, when activated in a State status (either State Active Duty or in a duty status under title 32, United States Code) can operate under unique and useful authorities to support cyber missions and requirements of the Department or the United States Cyber Command.

(5) Assess the appropriateness of hiring on a part-time basis non-dual status technicians who possess appropriate cyber expertise for purposes of assisting the National Guard in protecting critical infrastructure and carrying out cyber missions.

(6) Assess the current and potential ability of the reserve components to—

(A) attract and retain personnel with substantial, relevant cyber technical expertise who use those skills in the private sector;

(B) organize such personnel into units at the State, regional, or national level under appropriate command and control arrangements for Department cyber missions;

(C) meet and sustain the training standards of the United States Cyber Command; and

(D) establish and manage career paths for such personnel.

(7) Determine how the reserve components could contribute to total force solutions to cyber operations requirements of the United States Cyber Command.

(8) Develop an estimate of the personnel, infrastructure, and training required, and the costs that would be incurred, in connection with implementing the strategy for integrating the reserve components into the total force for support of the cyber missions of the Department and United States Cyber Command, including by taking into account the potential savings under the strategy through use of the personnel referred to in paragraph (3)(A). For specific cyber units that already exist or are transitioning to a cyber mission, the estimate shall examine whether there are misalignments in current plans between unit missions and facility readiness to support such missions.

#### (c) LIMITATIONS ON CERTAIN ACTIONS.—

(1) REDUCTION IN PERSONNEL OF AIR NATIONAL GUARD CYBER UNITS.—No reduction in personnel of a cyber unit of the Air National Guard of the United States may be implemented or carried out in fiscal year 2014 before the submittal of the report required by subsection (d).

(2) REDUCTION IN PERSONNEL AND CAPACITY OF AIR NATIONAL GUARD RED TEAMS.—No reduction in the personnel or capacity of a Red Team of the Air National Guard of the United States may be implemented or carried out unless the report required by subsection (d) includes a certification that the capabilities to be reduced are not required.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy developed under this section. The report shall include a comprehensive description of the strategy, including the results of the actions required by subsection (b), and such other matters on the strategy as the Secretary considers appropriate.

**SA 2366.** Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### **SEC. 1082. SENSE OF CONGRESS ON BENEFITS OF USING SIMULATORS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The use of technologies such as virtual reality and modeling and simulation tools provides cutting-edge, cost-effective training and technology development for members of the Armed Forces.

(2) Leveraging such technologies is an especially relevant supplement to live training given the future of declining defense budgets.

(3) The implementation by the Air Force Agency for Modeling and Simulation of virtual reality centers is part of a coordinated effort to broaden the use of virtual training methods.

(4) Those centers use of a variety of training tools that give members of the Armed Forces and developers alike a realistic training experience that contributes to improved readiness and system effectiveness.

(5) Organizations like the United States Army Program Executive Office for Simulation, Training, and Instrumentation would benefit from increased utilization of virtual reality and modeling and simulations tools.

(6) Modeling and simulation tools can provide powerful planning and training capabilities to expose a member of the Armed Forces to the complexities and uncertainties of combat before ever leaving the member's home station. For example, the Naval Air Warfare Center Training Systems Division integrates the science of learning with performance-based training focused on improving the performance of members of the Army and Marine Corps and measures the effectiveness of such training. The Naval Air Warfare Center Training Systems Division continually engages members of the Army

and Marine Corps to understand challenges, solve problems, create new capabilities, and provide essential support.

(7) The use of simulation training has yielded military units that are better trained, more capable, and more confident when compared to units that do not have access to modern simulation training devices.

(8) Simulation training can be a cost-effective means for units to improve combat readiness and tactical decisionmaking skills and ultimately to save lives.

(9) The Department of Defense could meet the training challenges of the future in a fiscally austere environment by leveraging simulation training that uses simulators owned and operated by the Federal Government combined with simulation training services provided by universities and industry.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the use of simulators offers cost savings and provides members of the Armed Forces exceptional preparation for combat; and

(2) existing synergies between the Department of Defense and entities in the private sector should be maintained and cultivated to provide members of the Armed Forces with the best simulation experience possible.

**SA 2367.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

#### **SEC. 864. REPORT ON USE OF SOFTWARE-BASED OPTIMIZATION TOOLS BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Not later than February 15, 2014, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, provide to the congressional defense committees a written report and briefing on the current use by the Department of Defense of commercially available software-based cost optimization, systems engineering, and logistics management tools.

(b) ELEMENTS.—The report and briefing required by subsection (a) shall include information on the software programs that are presently used across the defense enterprise to identify the optimal balance between cost and capability throughout the lifecycle of military aircraft, vehicles, vessels, and weapon systems. The report shall also identify opportunities for expanding the use by the Department of software-based optimization tools to enhance readiness, increase efficiency, and reduce expenditures.

**SA 2368.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. AVAILABILITY OF FUNDS FOR FULL PAYMENT OF PRIVATE SCIENTIFIC AND FORENSIC LABORATORIES FOR SERVICES PROVIDED THE DEPARTMENT OF DEFENSE ON CRIMINAL INVESTIGATIONS AND TRAINING.**

Amounts available to the Department of Defense for payments to private scientific and forensic laboratories for services provided to the Department of Defense with respect to criminal investigations and training may be used to fully reimburse such laboratories for the costs of such services.

**SA 2369.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following new section:

**SEC. 2842. CONDITIONS ON DEPARTMENT OF DEFENSE EXPANSION OF PIÑON CANYON MANEUVER SITE, FORT CARSON, COLORADO.**

The Secretary of Defense and the Secretary of the Army may not acquire, by purchase, condemnation, or other means, any land to expand the size of the Piñon Canyon Maneuver Site near Fort Carson, Colorado, unless each of the following occurs:

(1) The land acquisition is specifically authorized in an Act of Congress enacted after the date of the enactment of this Act.

(2) Funds are specifically appropriated for the land acquisition.

(3) The Secretary of Defense and the Secretary of the Army comply with the environmental review requirements of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) with respect to the land acquisition.

**SA 2370.** Mr. WHITEHOUSE (for himself, Mrs. GILLIBRAND, Mr. MARKEY, Mr. FRANKEN, Mr. KING, Mr. SCHATZ, Mr. SANDERS, Mr. UDALL of New Mexico, Mrs. BOXER, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SENSE OF CONGRESS ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Former National Security Advisor to the President, Tom Donilon, stated in April 2013 there is “a transformation in the global climate, driven by the world’s use of energy, that is presenting not just a transcendent challenge for the world but a present-day national security threat to the United States”.

(2) The Director of National Intelligence, James Clapper, testified before the Select

Committee on Intelligence of the Senate in March 2013 that—

(A) shifts in human geography, climate, disease, and competition for natural resources have national security implications; and

(B) “there will most assuredly be security concerns with respect to health and pandemics, energy and climate change. Environmental stresses are not just humanitarian issues. They legitimately threaten regional stability.”.

(3) Leading United States national security experts, including 17 former Senators and Representatives, nine retired generals and admirals, both the Chair and Vice Chair of the 9/11 Commission, and Cabinet and Cabinet-level officials from the Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton, and George W. Bush administrations, signed an open letter in February 2013, stating, “The effects of climate change in the world’s most vulnerable regions present a serious threat to American national security interests. As a matter of risk management, the United States must work with international partners, public and private, to address this impending crisis. Potential consequences are undeniable, and the cost of inaction, paid for in lives and valuable U.S. resources, will be staggering. Washington must lead on this issue now.”.

(4) The Commander of the United States Pacific Command, Admiral Samuel J. Locklear, stated in March 2013 that, when the effects of climate change start to impact massive populations, “you could have hundreds of thousands or millions of people displaced and then security will start to crumble pretty quickly”.

(5) A January 2013 report prepared by the Strategic Environmental Research and Development Program for the Department of Defense states, “The effects of climate change will adversely impact military readiness and Department of Defense (DoD) natural and built infrastructure unless these risks are considered in DoD decisions. Considerations of future climate conditions need to be incorporated into the planning, design, and operations of military facilities, as well as into the strategic infrastructure decisions facing the military Services and DoD as a whole.”.

(6) Former Secretary of Defense Leon Panetta stated in May 2012 that “[t]he area of climate change has a dramatic impact on national security”.

(7) The Defense Science Board issued a report in October 2011 entitled, “Trends and Implications of Climate Change for National and International Security”, which stated that “the effectiveness of adaptation will have significant national and international security implications”.

(8) The Department of Defense FY2012 Climate Change Adaptation Roadmap interprets the 2010 Quadrennial Defense Review as recognizing that climate change—

(A) will shape the operating environment, roles, and missions that the Department undertakes;

(B) may have significant geopolitical impacts around the world, contributing to greater competition for more limited and critical life-sustaining resources like food and water; and

(C) may also lead to increased demands for defense support to civil authorities for humanitarian assistance or disaster response, both within the United States and overseas.

(9) The 2010 Quadrennial Defense Review describes long-term strategies and initiatives for the Department of Defense and

states that “[c]limate change and energy are two key issues that will play a significant role in shaping the future security environment”.

(10) The 2010 Quadrennial Defense Review also notes that a 2008 assessment by the National Intelligence Council found “more than 30 U.S. military installations were already facing elevated levels of risk from rising sea levels”.

(11) The 2010 National Security Strategy states that “the danger from climate change is real, urgent and severe”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interests of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

**SA 2371.** Mr. REED (for himself, Mr. JOHANNES, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PILOT PROGRAM TO REHABILITATE AND MODIFY HOMES OF DISABLED AND LOW-INCOME VETERANS.**

(a) DEFINITIONS.—In this section:

(1) DISABLED.—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term “eligible veteran” means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term “energy efficient features or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is the principal dwelling of an eligible veteran and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) **QUALIFIED ORGANIZATION.**—The term “qualified organization” means a nonprofit organization that provides nationwide or statewide programs that primarily serve veterans or low-income individuals.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) **VETERAN.**—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(10) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(b) **ESTABLISHMENT OF A PILOT PROGRAM.**—

(1) **GRANT.**—

(A) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(B) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(C) **MAXIMUM GRANT.**—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(2) **APPLICATION.**—

(A) **IN GENERAL.**—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under subparagraph (B), accompanied by such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) a plan of action detailing outreach initiatives;

(ii) the approximate number of veterans the qualified organization intends to serve using grant funds;

(iii) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(iv) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans who are not eligible for programs under chapter 21 of title 38, United States Code, and meet their needs.

(C) **PREFERENCES.**—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(i) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(ii) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural, including tribal, areas (the Secretary, through regulations, shall define the term “rural areas”).

(3) **CRITERIA.**—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(A) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(B) Have established outreach initiatives that—

(i) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program;

(ii) ensure veterans who are disabled receive preference in selection for assistance under this program; and

(iii) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(C) Have an established nationwide or statewide network of affiliates that are—

(i) nonprofit organizations; and

(ii) able to provide housing rehabilitation and modification services for eligible veterans.

(D) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(4) **USE OF FUNDS.**—A grant award under the pilot program shall be used—

(A) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(i) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(I) accommodate the functional limitations that result from having a disability; or

(II) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(ii) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(iii) installing energy efficient features or equipment if—

(I) an eligible veteran’s monthly utility costs for such residence is more than 5 percent of such veteran’s monthly income; and

(II) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more; and

(B) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program.

(5) **OVERSIGHT.**—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(6) **MATCHING FUNDS.**—

(A) **IN GENERAL.**—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(B) **IN-KIND CONTRIBUTIONS.**—In order to meet the requirement under subparagraph (A), such organization may arrange for in-kind contributions.

(7) **LIMITATION COST TO THE VETERANS.**—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (in-

cluding application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(8) **REPORTS.**—

(A) **ANNUAL REPORT.**—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(i) the number of eligible veterans provided assistance under the pilot program;

(ii) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(iii) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(iv) the amount of matching funds and in-kind contributions raised with each grant;

(v) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(vi) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(vii) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(viii) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(ix) any other information that the Secretary considers relevant in assessing such program.

(B) **FINAL REPORT.**—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(C) **INSPECTOR GENERAL REPORT.**—Not later than March 31, 2019, the Inspector General of the Department of Housing and Urban Development shall submit to the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a review of—

(i) the use of appropriated funds by the Secretary and by grantees under the pilot program; and

(ii) oversight and accountability of grantees under the pilot program.

(9) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for carrying out this section \$4,000,000 for each of fiscal years 2015 through 2019.

**SA 2372.** Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1003. SENSE OF THE SENATE REGARDING REPORTING ON THE LONG-TERM BUDGETARY EFFECTS OF SEQUESTRATION.**

(a) **FINDINGS.**—Congress finds that—

(1) the reductions in discretionary appropriations and direct spending accounts under

section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) (in this section referred to as "sequestration") were never intended to take effect;

(2) the readiness of the Nation's military is weakened by sequestration;

(3) sequestration has budgetary and cost impacts beyond the programmatic level; and

(4) there is limited information about these indirect costs to the Federal Government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Government Accountability Office should report on the long-term budgetary costs and effects of sequestration, including on procurement activities and contracts with the Federal Government.

**SA 2373.** Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. LAND CONVEYANCE, PHILADELPHIA NAVAL SHIPYARD, PHILADELPHIA, PENNSYLVANIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Philadelphia Regional Port Authority (in this section referred to as the "Port Authority") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately .595 acres located at the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania. The Secretary may void any land use restrictions associated with the property to be conveyed under this subsection.

(b) CONSIDERATION.—

(1) AMOUNT AND DETERMINATION.—As consideration for the conveyance under subsection (a), the Port Authority shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary. The Secretary's determination of fair market value shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration.

(2) TREATMENT OF CASH CONSIDERATION.—The Secretary shall deposit any cash payment received under paragraph (1) in the special account in the Treasury established for that Secretary under subsection (e) of section 2667 of title 10, United States Code. The entire amount deposited shall be available for use in accordance with paragraph (1)(D) of such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Port Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary

shall refund the excess amount to the Port Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 2374.** Mr. WYDEN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 864. MODIFICATION OF LIMITATIONS ON PROCUREMENT OF PHOTOVOLTAIC DEVICES BY THE DEPARTMENT OF DEFENSE.**

(a) CONTRACTS COVERED BY LIMITATIONS.—Subsection (b)(1) of section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4285; 10 U.S.C. 2534 note) is amended by striking "and" at the end and inserting "or".

(b) PROHIBITION ON TREATMENT OF DEVICES AS COMMERCIALY AVAILABLE OFF THE SHELF.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) PROHIBITION ON TREATMENT OF DEVICES AS COMMERCIALY AVAILABLE OFF THE SHELF.—The Secretary may not treat any photovoltaic device as a device commercially available off the shelf for the purposes of the applicability of subsection (a) to contracts described in subsection (b)."

**SA 2375.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

**SEC. 673. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION MATTERS.**

(a) SCOPE OF MILITARY COMPENSATION SYSTEM.—Section 671(c)(5) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1788) is amended by inserting before the period the following "and includes any other laws, policies, or practices of the Federal Government that result in any direct payment of authorized or appropriated funds to the persons specified in subsection (b)(1)(A)".

(b) COMMISSION AUTHORITIES.—Section 673 of that Act (126 Stat. 1790) is amended by adding at the end the following new subsections:

"(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

"(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

"(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

"(j) PERSONAL SERVICES.—

"(1) AUTHORITY TO PROCURE.—The Commission may—

"(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

"(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

"(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

"(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code."

(c) COMMISSION RECOMMENDATIONS.—Section 674(f) of that Act (126 Stat. 1792) is amended—

(1) in paragraph (1), by inserting "and recommendations for administrative actions" after "legislative language"; and

(2) in paragraph (6), by inserting "and shall publish a copy of that report on an Internet website available to the public," after "its report to Congress".

(d) TERMINATION OF COMMISSION UNDER CERTAIN CIRCUMSTANCES.—Section 675 of that Act (126 Stat. 1793) is amended by striking subsection (d).

(e) COMMISSION STAFF.—

(1) DETAILEES RECEIVING MILITARY RETIRED PAY.—Subsection (b)(3) of section 677 of that Act (126 Stat. 1794) is amended—

(A) in the paragraph heading, by striking "ELIGIBLE FOR" and inserting "RECEIVING"; and

(B) by striking "eligible for or receiving military retired pay" and inserting "who are

receiving military retired pay or who, but for being under the eligibility age applicable under section 12731 of title 10, United States Code, would be eligible to receive retired pay”.

(2) PERFORMANCE REVIEWS.—Subsection (c) of that section is amended—

(A) in the matter preceding paragraph (1), by inserting “other than a member of the uniformed services or officer or employee who is detailed to the Commission,” after “executive branch department,”; and

(B) in paragraph (2), by inserting “(other than for administrative accuracy)” before the semicolon.

(f) EXTENSION OF CERTAIN DEADLINES.—That Act is further amended as follows:

(1) SECRETARY OF DEFENSE RECOMMENDATIONS.—In section 674(d)(1) (126 Stat. 1792), by striking “nine months” and inserting “one year”.

(2) COMMISSION REPORT.—In section 674(f)(1), by striking “15 months” and inserting “24 months”.

(3) COMMISSION TERMINATION.—In section 679 (126 Stat. 1795), by striking “26 months” and inserting “35 months”.

**SA 2376.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. CONVEYANCE, AIR NATIONAL GUARD RADAR SITE, FRANCIS PEAK, WASATCH MOUNTAINS, UTAH.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of Utah (in this section referred to as the “State”), all right, title, and interest of the United States in and to the structures, including equipment and any other personal property related thereto, comprising the Air National Guard radar site located on Francis Peak, Utah, for the purpose of permitting the State to use the structures to support emergency public safety communications, including 911 emergency response service for Northern Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact inventory of equipment and other personal property to be conveyed under subsection (a) shall be determined by the Secretary of the Air Force.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) CONTINUATION OF LAND USE PERMIT.—The conveyance of the structures under subsection (a) shall not affect the validity and continued applicability of the land use permit, in effect on the date of the enactment of this Act, that was issued by the Forest Service for placement and use of the structures.

(f) DURATION OF AUTHORITY.—The authority to make a conveyance under this section shall expire on the later of—

(1) September 30, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

**SA 2377.** Mr. COCHRAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XIV, add the following:

**SEC. 1423. NATIONAL GUARD COUNTERDRUG PROGRAM.**

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2014 by section 1404 and available for Drug Interdiction and Counter-Drug Activities, Defense-wide for the National Guard Counterdrug Program as specified in the funding table in section 4501 is hereby increased by \$130,000,000, with the amount of the increase to be available for activities at the National Guard counter-drug training centers.

(b) USE OF AMOUNTS.—

(1) UNIFORM ALLOCATION.—The amount available under subsection (a) shall be allocated evenly among the National Guard counter-drug training centers.

(2) TRAINING OF LAW ENFORCEMENT OFFICERS.—Not less than an amount equal to 50 percent of the amount available under subsection (a) shall be used for training of State and local law enforcement officers at the National Guard counter-drug training centers, including subsistence for officers undergoing such training.

(3) CIVILIAN EXPERTS.—The amount available under subsection (a) may be used for the costs of civilian experts in the provision of training by the National Guard counter-drug training centers.

(4) USE OF EXCHANGE STORES.—Any law enforcement officer undergoing training described in paragraph (2), and any civilian support staff and experts engaged in the provision of such training, may use the exchange store of the National Guard counter-drug training center concerned in the same manner as members of the National Guard may use such exchange store.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section

301 and available for Operation and Maintenance, Defense-wide as specified in the funding table in section 4301 is hereby reduced by \$130,000,000, with the amount of the reduction to be applied to amounts otherwise available for civilian employees of the Department of Defense.

**SA 2378.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.**

(a) REPORT.—Not later than June 1, 2014, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Russian Federation (in this section referred to as “Russia”). The report shall address the development of Russian security strategy and military strategy.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the security situation in the independent states of the former Soviet Union.

(2) The goals and factors shaping Russian security strategy and military strategy.

(3) An assessment of Russia's security objectives, including objectives that would affect the North Atlantic Treaty Organization, Iran, Syria, the broader Middle East region, and the People's Republic of China.

(4) Developments in Russian military doctrine and training and trends in military spending and investments.

(5) An assessment of the United States military-to-military relationship with the Russian Federation armed forces, including the following elements:

(A) A comprehensive and coordinated strategy for military-to-military activities and updates to the strategy.

(B) A summary of all such military-to-military activities during the one-year period preceding the report, including objectives of the activities and perceived benefits to Russia of those activities.

(C) A description of military-to-military activities planned for the following 12-month period.

(D) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military activities, and any risks associated with such activities.

(E) The Secretary's assessment of how such military-to-military activities fit into the larger security relationship between the United States and the Russian Federation.

(6) A description of Russian military-to-military relationships with the independent states of the former Soviet Union, Iran, and Syria, including the size of associated military attaché offices.

(7) Other military and security developments involving Russia that the Secretary of Defense considers relevant to United States national security.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 2379.** Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 662. CONSUMER FINANCIAL PRODUCTS PILOT PROGRAM.**

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall carry out a 5-year pilot program to develop innovative consumer financial products that encourage savings and wealth-creation among members of the Armed Forces on active duty.

(b) OBJECTIVES.—Financial products developed under this section may be designed to—

(1) increase the rate of savings among members of the Armed Forces on active duty by providing automatic deposit into a savings account of special pay and allowances received by such a member, including special pay and allowances received on account of the deployment of the member;

(2) reduce the need for high-cost short-term lending services by providing alternatives to members of the Armed Forces on active duty, such as financial institutions providing an option for such members to receive advances on their salary payments—

(A) in a manner that permits such members to receive pay in more frequent installments; and

(B) under which any interest or fees on such advances—

(i) does not exceed the rate described in section 987(b) of title 10, United States Code; and

(ii) adheres to the Affordable Small-Dollar Loan Guidelines of the Federal Deposit Insurance Corporation;

(3) address obstacles to traditional consumer banking and lending for members of the Armed Forces with limited credit history; and

(4) otherwise encourage savings and wealth-creation among members of the Armed Forces on active duty.

(c) NO EXACERBATION OF CREDIT OVER-EXTENSION.—The pilot program carried out under this section shall be carried out in a manner that does not exacerbate the incidence of credit overextension among members of the Armed Forces.

(d) IMPLEMENTATION.—

(1) SELECTION OF MILITARY INSTALLATIONS.—The Under Secretary shall select at least 10 military installations on which to implement the pilot program.

(2) INCORPORATION INTO OPERATING AGREEMENTS.—A financial institution seeking to begin operating on a military installation selected by the Under Secretary under paragraph (1), or seeking to renew an agreement to operate on such an installation, shall—

(A) agree to offer the consumer financial products developed under this section; and

(B) notify members of the Armed Forces that are customers of the institution about the availability of the consumer financial products developed under this section.

(e) CONSULTATION.—In developing consumer financial products under this section, the Under Secretary shall consult with Federal banking regulators with expertise in depository institutions, Federal agencies with experience regulating financial products, and consumer and military service organizations with relevant financial expertise.

(f) INDEPENDENT EVALUATION.—

(1) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of this Act, and annually thereafter until the end of the pilot program, the Under Secretary shall contract for an independent evaluation of the pilot program carried out under this section. Such evaluation shall—

(A) include the degree to which the pilot program succeeded in the goals of increasing usage of savings products, programs, and tools among members of the Armed Forces on active duty; and

(B) be conducted by a contractor with knowledge of consumer financial products and experience in the evaluation of such products.

(2) REPORT.—After each evaluation carried out pursuant to paragraph (1), the Under Secretary shall submit to the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate and the Committees on Armed Services and Financial Services of the House of Representatives a report containing all findings and conclusions made by the contractor in conducting the evaluation.

(g) EXPANSION OF PILOT PROGRAM.—Notwithstanding subsection (a), the Under Secretary may expand the pilot program, including extending the duration of the program and expanding the program to make it a nationwide program, to the extent determined appropriate by the Under Secretary, if the Under Secretary determines that such expansion is expected to—

(1) improve the rates of savings among members of the Armed Forces and their families; or

(2) decrease the need for members of the Armed Forces and their families to rely on payday lenders without exacerbating credit overextension.

(h) FINANCIAL INSTITUTION DEFINED.—In this section, the term “financial institution” means an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2))) or a credit union.

**SA 2380.** Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 471, insert after line 24, the following:

**SEC. 2803. DEVELOPMENT OF MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.**

Section 2864 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “At a time” and inserting “(1) At a time”; and

(B) by adding at the end the following new paragraph:

“(2) To address the requirements under paragraph (1), each installation master plan shall include consideration of—

“(A) planning for redevelopment and infill development to reduce consumption of undeveloped land on installations;

“(B) horizontal and vertical mixed-use development;

“(C) the full lifecycle costs of planning decisions; and

“(D) capacity planning through the establishment of growth boundaries around cantonment areas to focus development towards the core and preserve range and training space.”.

(2) in subsection (b)—

(A) by striking “The transportation” and inserting “(1) The transportation”; and

(B) by adding at the end the following new paragraph:

“(2) To address the requirements under subsection (a) and paragraph (1), each installation master plan shall include consideration of ways to diversify and connect transit systems and increase safety for all road users.”;

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

“(c) SAVINGS CLAUSE.—Nothing in this section shall supersede the requirements of section 2859(a) of this title.”.

**SA 2381.** Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489) is amended—

(1) in subsections (a) and (b), by striking “fiscal year 2012 or 2013” and inserting “fiscal year 2012, 2013, or 2014”;

(2) in subsection (c)—

(A) by striking “during fiscal years 2012 and 2013” in the matter preceding paragraph (1);

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(C) in paragraph (3), as so redesignated, by striking “fiscal years 2012 and 2013” and inserting “fiscal years 2012, 2013, and 2014”; and

(3) in subsection (d)(4), by striking “fiscal year 2012 or 2013” and inserting “fiscal year 2012, 2013, or 2014”.

**SA 2382.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal



year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2842. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A MEMORIAL TO THE VICTIMS OF THE SHOOTING AT THE WASHINGTON NAVY YARD ON SEPTEMBER 16, 2013.**

It is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the Washington Navy Yard for a memorial to honor the victims of the shooting at the Washington Navy Yard on September 16, 2013, subject to the conditions that—

(1) the construction and maintenance of the memorial be paid for with private funds; and

(2) the Secretary of the Navy retain exclusive authority to approve the design and site of the memorial.

**SA 2383.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. AUTHORIZATION AND BUDGETARY TREATMENT OF MAJOR MEDICAL FACILITY LEASES.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified, and in an amount for each lease not to exceed the amount shown for such location (not including any estimated cancellation costs):

(1) For a clinical research and pharmacy coordinating center, Albuquerque, New Mexico, an amount not to exceed \$9,560,000.

(2) For a community-based outpatient clinic, Brick, New Jersey, an amount not to exceed \$7,280,000.

(3) For a new primary care and dental clinic annex, Charleston, South Carolina, an amount not to exceed \$7,070,250.

(4) For the Cobb County community-based Outpatient Clinic, Cobb County, Georgia, an amount not to exceed \$6,409,000.

(5) For the Leeward Outpatient Healthcare Access Center, Honolulu, Hawaii, including a co-located clinic with the Department of Defense and the co-location of the Honolulu Regional Office of the Veterans Benefits Administration and the Kapolei Vet Center of the Department of Veterans Affairs, an amount not to exceed \$15,887,370.

(6) For a community-based outpatient clinic, Johnson County, Kansas, an amount not to exceed \$2,263,000.

(7) For a replacement community-based outpatient clinic, Lafayette, Louisiana, an amount not to exceed \$2,996,000.

(8) For a community-based outpatient clinic, Lake Charles, Louisiana, an amount not to exceed \$2,626,000.

(9) For outpatient clinic consolidation, New Port Richey, Florida, an amount not to exceed \$11,927,000.

(10) For an outpatient clinic, Ponce, Puerto Rico, an amount not to exceed \$11,535,000.

(11) For lease consolidation, San Antonio, Texas, an amount not to exceed \$19,426,000.

(12) For a community-based outpatient clinic, San Diego, California, an amount not to exceed \$11,946,100.

(13) For an outpatient clinic, Tyler, Texas, an amount not to exceed \$4,327,000.

(14) For the Errera Community Care Center, West Haven, Connecticut, an amount not to exceed \$4,883,000.

(15) For the Worcester community-based Outpatient Clinic, Worcester, Massachusetts, an amount not to exceed \$4,855,000.

(16) For the expansion of a community-based outpatient clinic, Cape Girardeau, Missouri, an amount not to exceed \$4,232,060.

(17) For a multispecialty clinic, Chattanooga, Tennessee, an amount not to exceed \$7,069,000.

(18) For the expansion of a community-based outpatient clinic, Chico, California, an amount not to exceed \$4,534,000.

(19) For a community-based outpatient clinic, Chula Vista, California, an amount not to exceed \$3,714,000.

(20) For a new research lease, Hines, Illinois, an amount not to exceed \$22,032,000.

(21) For a replacement research lease, Houston, Texas, an amount not to exceed \$6,142,000.

(22) For a community-based outpatient clinic, Lincoln, Nebraska, an amount not to exceed \$7,178,400.

(23) For a community-based outpatient clinic, Lubbock, Texas, an amount not to exceed \$8,554,000.

(24) For a community-based outpatient clinic consolidation, Myrtle Beach, South Carolina, an amount not to exceed \$8,022,000.

(25) For a community-based outpatient clinic, Phoenix, Arizona, an amount not to exceed \$20,757,000.

(26) For the expansion of a community-based outpatient clinic, Redding, California, an amount not to exceed \$8,154,000.

(27) For the expansion of a community-based outpatient clinic, Tulsa, Oklahoma, an amount not to exceed \$13,269,200.

(b) BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES.—

(1) FINDINGS.—Congress finds the following:  
(A) Title 31, United States Code, requires the Department of Veterans Affairs to record the full cost of its contractual obligation against funds available at the time a contract is executed.

(B) Office of Management and Budget Circular A-11 provides guidance to agencies in meeting the statutory requirements under title 31, United States Code, with respect to leases.

(C) For operating leases, Office of Management and Budget Circular A-11 requires the Department of Veterans Affairs to record upfront budget authority in an “amount equal to total payments under the full term of the lease or [an] amount sufficient to cover first year lease payments plus cancellation costs”.

(2) REQUIREMENT FOR OBLIGATION OF FULL COST.—Subject to the availability of appropriations provided in advance, in exercising the authority of the Secretary of Veterans Affairs to enter into leases under subsection (a), the Secretary shall record, pursuant to section 1501 of title 31, United States Code, as the full cost of the contractual obligation at the time a contract is executed, either—

(A) an amount equal to total payments under the full term of the lease; or

(B) if the lease specifies payments to be made in the event the lease is terminated before the full term of the lease, an amount sufficient to cover the first year lease payments plus the specified cancellation costs.

(3) TRANSPARENCY.—

(A) COMPLIANCE.—Subsection (b) of section 8104 of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(7) In the case of a prospectus proposing funding for a major medical facility lease, a detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A-11 and section 1341 of title 31 (commonly referred to as the ‘Anti-Deficiency Act’). Any such analysis shall include the following:

“(A) An analysis of the classification of the lease as a ‘lease-purchase’, ‘capital lease’, or ‘operating lease’ as those terms are defined in Office of Management and Budget Circular A-11.

“(B) An analysis of the obligation of budgetary resources associated with the lease.

“(C) An analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.”.

(B) SUBMITTAL TO CONGRESS.—Such section 8104 is further amended by adding at the end the following new subsection:

“(h)(1) Not later than 30 days before entering into a major medical facility lease, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives—

“(A) notice of the intention of the Secretary to enter into the lease;

“(B) a copy of the proposed lease;

“(C) a description and analysis of any differences between the prospectus submitted pursuant to subsection (b) and the proposed lease; and

“(D) a scoring analysis demonstrating that the proposed lease fully complies with Office of Management and Budget Circular A-11.

“(2) Each committee described in paragraph (1) shall ensure that any information submitted to the committee under such paragraph is treated by the committee with the same level of confidentiality as is required of the Secretary by law and subject to the same statutory penalties for unauthorized disclosure or use to which the Secretary is subject.

“(3) Not later than 30 days after entering into a major medical facility lease, the Secretary shall submit to each committee described in paragraph (1) a report on any material differences between the lease that was entered into and the proposed lease described under such paragraph, including how the lease that was entered into changes the previously submitted scoring analysis described in subparagraph (D) of such paragraph.”.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection, or the amendments made by this subsection, shall be construed to relieve the Department of Veterans Affairs from any statutory or regulatory obligations or requirements existing prior to the date of the enactment of this Act.

**SA 2384.** Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, Mr. BROWN, Mr. MORAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:



At the end of division A, add the following:

**TITLE XVI—MILITARY VOTING**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Safe-guarding Elections for our Nation’s Troops through Reforms and Improvements (SENTRI) Act”.

**Subtitle A—Amendments Related to the Uniformed and Overseas Citizens Absentee Voting Act**

**SEC. 1611. PRE-ELECTION REPORTING REQUIREMENT ON TRANSMISSION OF ABSENTEE BALLOTS.**

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(c)) is amended by striking “Not later than 90 days” and inserting the following:

“(1) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—

“(A) IN GENERAL.—Not later than 43 days before any election for Federal office held in a State, the chief State election official of such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, confirming—

“(i) the number of absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 46th day before the election, and

“(ii) whether those ballots were timely transmitted.

“(B) MATTERS TO BE INCLUDED.—The report under subparagraph (A) shall include the following information:

“(i) Specific information about ballot transmission, including the total numbers of ballot requests received from such voters and ballots transmitted to such voters by the 46th day before the election from each unit of local government that will administer the election.

“(ii) If the chief State election official has incomplete information on any items required to be included in the report, an explanation of what information is incomplete information and efforts made to acquire such information.

“(C) REQUIREMENT TO SUPPLEMENT INCOMPLETE INFORMATION.—If the report under subparagraph (A) has incomplete information on any items required to be included in the report, the chief State election official shall make all reasonable efforts to expeditiously supplement the report with complete information.

“(D) FORMAT.—The report under subparagraph (A) shall be in a format prescribed by the Attorney General in consultation with the chief State election officials of each State.

“(2) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days”.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff-1(c)) is amended by striking “REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED” and inserting “REPORTS ON ABSENTEE BALLOTS”.

**SEC. 1612. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)) is amended to read as follows:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);”.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Sub-

section (g) of section 102 of such Act (42 U.S.C. 1973ff-1(g)) is amended to read as follows:

“(g) BALLOT TRANSMISSION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 46 days before an election for Federal office, the following rules shall apply:

“(A) TRANSMISSION DEADLINE.—The State shall transmit the absentee ballot not later than 46 days before the election.

“(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

“(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot transmission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

“(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

“(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the collection and delivery of marked absentee ballots; and

“(II) in any other case, provide for the return of such ballot by express delivery.

“(iii) COST OF EXPRESS DELIVERY.—In any case in which express delivery is required under this subparagraph, the cost of such express delivery—

“(I) shall not be paid by the voter, and

“(II) may be required by the State to be paid by a local jurisdiction if the State determines that election officials in such jurisdiction are responsible for the failure to transmit the ballot by any date required under this paragraph.

“(iv) ENFORCEMENT.—A State’s compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to effectuate the purposes of this Act.

“(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 46 days but not less than 30 days before an election for Federal office, the State shall transmit the absentee ballot not later than 3 business days after such request is received.”.

**SEC. 1613. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(3)) is amended by striking “general elections” and inserting “general, special, primary, and runoff elections”.

(b) CONFORMING AMENDMENT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) in subsection (b)(2)(B), by striking “general”, and

(2) in the heading thereof, by striking “GENERAL”.

**SEC. 1614. TREATMENT OF BALLOT REQUESTS.**

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(1) by inserting “or overseas voter” after “submitted by an absent uniformed services voter”; and

(2) by striking “members of the uniformed services” and inserting “absent uniformed services voters or overseas voters”.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(A) by striking “A State” and inserting the following:

“(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State”, and

(B) by adding at the end the following new subsections:

“(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

“(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election) and any special elections for Federal office held in the State through the calendar year following such general election, the State shall provide an absentee ballot to the voter for each such subsequent election.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to either of the following:

“(A) VOTERS CHANGING REGISTRATION.—A voter removed from the list of official eligible voters in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(a)).

“(B) UNDELIVERABLE BALLOTS.—A voter whose ballot is returned by mail to the State or local election officials as undeliverable or, in the case of a ballot delivered electronically, if the email sent to the voter was undeliverable or rejected due to an invalid email address.”.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION” and inserting “TREATMENT OF BALLOT REQUESTS”.

(3) REVISION TO POSTCARD FORM.—

(A) IN GENERAL.—The Presidential designee shall ensure that the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) enables a voter using the form to—

(i) request an absentee ballot for each election for Federal office held in a State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election) and any special elections for Federal office held in the State through the calendar year following such general election; or

(ii) request an absentee ballot for a specific election or elections for Federal office held in a State during the period described in paragraph (1).

(B) PRESIDENTIAL DESIGNEE.—For purposes of this paragraph, the term “Presidential designee” means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

**SEC. 1615. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(6)) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

**SEC. 1616. BIENNIAL REPORT ON THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND COMPTROLLER GENERAL REVIEW.**

(a) **IN GENERAL.**—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is amended—

(1) in the matter preceding paragraph (1)—  
(A) by striking “March 31 of each year” and inserting “June 30 of each odd-numbered year”; and

(B) by striking “the following information” and inserting “the following information with respect to the Federal elections held during the 2 preceding calendar years”;

(2) in paragraph (1), by striking “separate assessment” each place it appears and inserting “separate assessment and statistical analysis”; and

(3) in paragraph (2)—

(A) by striking “section 1566a” in the matter preceding subparagraph (A) and inserting “sections 1566a and 1566b”; and

(B) by striking “such section” each place it appears in subparagraphs (A) and (B) and inserting “such sections”; and

(C) by adding at the end the following new subparagraphs:

“(C) The number of completed official postcard forms prescribed under section 101(b)(2) that were completed by absent uniformed services members and accepted and transmitted.

“(D) The number of absent uniformed services members who declined to register to vote under such sections.”.

(b) **COMPTROLLER GENERAL REVIEWS.**—Section 105A of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **COMPTROLLER GENERAL REVIEWS.**—

“(1) **IN GENERAL.**—

“(A) **REVIEW.**—The Comptroller General shall conduct a review of any reports submitted by the Presidential designee under subsection (b) with respect to elections occurring in calendar years 2014 through 2020.

“(B) **REPORT.**—Not later than 180 days after a report is submitted by the Presidential designee under subsection (b), the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the review conducted under subparagraph (A).

“(2) **MATTERS REVIEWED.**—A review conducted under paragraph (1) shall assess—

“(A) the methodology used by the Presidential designee to prepare the report and to develop the data presented in the report, including the approach for designing, implementing, and analyzing the results of any surveys,

“(B) the effectiveness of any voting assistance covered in the report provided under subsection (b) and provided by the Presidential designee to absent overseas uniformed services voters and overseas voters who are not members of the uniformed services, including an assessment of—

“(i) any steps taken toward improving the implementation of such voting assistance; and

“(ii) the extent of collaboration between the Presidential designee and the States in providing such voting assistance; and

“(C) any other information the Comptroller General considers relevant to the review.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(2) Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) in paragraph (5), by striking “101(b)(7)” and inserting “101(b)(6)”; and

(B) in paragraph (11), by striking “101(b)(11)” and inserting “101(b)(10)”.

(3) Section 105A(b) of such Act (42 U.S.C. 1973ff-4a(b)) is amended—

(A) by striking “ANNUAL REPORT” in the subsection heading and inserting “BIENNIAL REPORT”; and

(B) by striking “In the case of” in paragraph (3) and all that follows through “a description” and inserting “A description”.

**SEC. 1617. EFFECTIVE DATE.**

The amendments made by this subtitle shall apply with respect to the regularly scheduled general election for Federal office held in November 2014 and each succeeding election for Federal office.

**Subtitle B—Provision of Voter Assistance to Members of the Armed Forces**

**SEC. 1621. PROVISION OF ANNUAL VOTER ASSISTANCE.**

(a) **ANNUAL VOTER ASSISTANCE.**—

(1) **IN GENERAL.**—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566a the following new section:

**“§ 1566b. Annual voter assistance**

“(a) **IN GENERAL.**—The Secretary of Defense shall carry out the following activities:

“(1) In coordination with the Secretary of each military department—

“(A) affirmatively offer, on an annual basis, each member of the armed forces on active duty (other than active duty for training) the opportunity, through the online system developed under paragraph (2), to—

“(i) register to vote in an election for Federal office;

“(ii) update the member’s voter registration information; or

“(iii) request an absentee ballot;

“(B) provide services to such members for the purpose of carrying out the activities in clauses (i), (ii), and (iii) of subparagraph (A); and

“(C) require any such member who declines the offer for voter assistance under subparagraph (A) to indicate and record that decision.

“(2) Implement an online system that, to the extent practicable, is integrated with the existing systems of each of the military departments and that—

“(A) provides an electronic means for carrying out the requirements of paragraph (1);

“(B) in the case of an individual registering to vote in a State that accepts electronic voter registration and operates its own electronic voter registration system using a form that meets the requirements for mail voter registration forms under section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(b)), directs such individual to that system; and

“(C) in the case of an individual using the official postcard form prescribed under sec-

tion 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) to register to vote and request an absentee ballot—

“(i) pre-populates such official postcard form with the personal information of such individual, and

“(ii) (I) produces the pre-populated form and a pre-addressed envelope for use in transmitting such official postcard form; or

“(II) transmits the completed official postcard form electronically to the appropriate State or local election officials.

“(3) Implement a system (either independently or in conjunction with the online system under paragraph (2)) by which any change of address by a member of the armed forces on active duty who is undergoing a permanent change of station, deploying overseas for at least six months, or returning from an overseas deployment of at least six months automatically triggers a notification via electronic means to such member that—

“(A) indicates that such member’s voter registration or absentee mailing address should be updated with the appropriate State or local election officials; and

“(B) includes instructions on how to update such voter registration using the online system developed under paragraph (2).

“(b) **DATA COLLECTION.**—The online system developed under subsection (a)(2) shall collect and store all data required to meet the reporting requirements of section 1621(b) of the Safeguarding Elections for our Nation’s Troops through Reforms and Improvements (SENTRI) Act and section 105A(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)(2)) in a manner that complies with section 552a of title 5, United States Code, (commonly known as the Privacy Act of 1974) and imposes no new record management burden on any military unit or military installation.

“(c) **TIMING OF VOTER ASSISTANCE.**—To the extent practicable, the voter assistance under subsection (a)(1) shall be offered as a part of each service member’s annual training.

“(d) **REGULATIONS.**—Not later than 1 year after the date of the enactment of this section, the Secretary of Defense shall prescribe regulations implementing the requirements of subsection (a). Such regulations shall include procedures to inform those members of the armed forces on active duty (other than active duty for training) experiencing a change of address about the benefits of this section and the timeframe for requesting an absentee ballot to ensure sufficient time for State delivery of the ballot.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566a the following new item:

“1566b. Annual voter assistance.”.

(b) **REPORT ON STATUS OF IMPLEMENTATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant committees of Congress a report on the status of the implementation of the requirements of section 1566b of title 10, United States Code, as added by subsection (a)(1).

(2) **ELEMENTS.**—The report under paragraph (1) shall include—

(A) a detailed description of any specific steps already taken towards the implementation of the requirements of such section 1566b;

(B) a detailed plan for the implementation of such requirements, including milestones

and deadlines for the completion of such implementation;

(C) the costs expected to be incurred in the implementation of such requirements;

(D) a description of how the annual voting assistance and system under subsection (a)(3) of such section will be integrated with applicable Department of Defense personnel databases that track military service members' address changes;

(E) an estimate of how long it will take an average member to complete the voter assistance process required under subsection (a)(1) of such section;

(F) an explanation of how the Secretary of Defense will collect reliable data on the utilization of the online system under subsection (a)(2) of such section; and

(G) a summary of any objections, concerns, or comments made by State or local election officials regarding the implementation of such section.

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "relevant committees of Congress" means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

#### Subtitle C—Electronic Voting Systems

#### SEC. 1631. REPEAL OF ELECTRONIC VOTING DEMONSTRATION PROJECT.

Section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is repealed.

#### Subtitle D—Residency of Military Family Members

#### SEC. 1641. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.

(a) IN GENERAL.—Subsection (b) of section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking "a person who is absent from a State because the person is accompanying the persons's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence" and inserting "a dependent of a person who is absent from a State in compliance with military orders shall not, solely by reason of absence, whether or not accompanying that person"; and

(2) in the heading by striking "SPOUSES" and inserting "DEPENDENTS".

(b) CONFORMING AMENDMENT.—The heading of section 705 of such Act (50 U.S.C. App. 595) is amended by striking "SPOUSES" and inserting "DEPENDENTS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to absences from States described in section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 595(b)), as amended by subsection (a), after the date of the enactment of this Act, regardless of the date of the military orders concerned.

**SA 2385.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 401, strike line 14 and all that follows through page 409, line 15, and insert the following:

#### SEC. 1218. TERMINATION OF THE AFGHAN ALLIES PROTECTION ACT OF 2009.

The Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; title VI of division F of Public Law 111-8) is amended by adding at the end the following:

##### "SEC. 603. SUNSET.

"This title shall be repealed on the earlier of—

"(1) 90 days after the date on which the United States enters into a bilateral security agreement with Afghanistan; or

"(2) September 30, 2014.".

**SA 2386.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

#### SEC. 1220. CONSULTATION ON BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

(a) CONSULTATIONS REQUIRED.—If, on the date of the enactment of this Act, a bilateral security agreement between the United States of America and the Islamic Republic of Afghanistan has not been entered into and negotiations between the two governments continue, the President shall consult periodically with the appropriate committees of Congress on the status of those negotiations. Such consultations shall include a briefing summarizing the purpose, objectives, and key issues relating to the agreement.

(b) AVAILABILITY OF AGREEMENT TEXT.—Before entering into any bilateral security agreement with Afghanistan, the President shall make available to the appropriate committees of Congress the text of such agreement.

(c) TERMINATION OF CONSULTATIONS.—The requirements of this section shall terminate on the date on which the United States and Afghanistan enter into a bilateral security agreement or the President notifies Congress that negotiations on such an agreement have been terminated.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 2387.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1217.

**SA 2388.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Ms. MIKULSKI,

Mr. HEINRICH, Mr. MARKEY, Mr. BLUMENTHAL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1082. PUBLIC DISCLOSURE OF INFORMATION REGARDING SURVEILLANCE ACTIVITIES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) DEFINITIONS.—In this section:

(1) FISA COURT.—The term "FISA Court" means a court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(b) REQUIREMENT TO DISCLOSE.—

(1) IN GENERAL.—If a FISA Court issues a decision that determines that surveillance activities conducted by the Government of the United States have violated the laws or Constitution of the United States, the Attorney General shall publicly disclose the decision in a manner consistent with the protection of the national security of the United States.

(2) DISCLOSURE DESCRIBED.—For each disclosure required by paragraph (1), the Attorney General shall make available to the public documents sufficient to identify with particularity the statutory or constitutional provision that was determined to have been violated.

(3) DOCUMENTS DESCRIBED.—The Attorney General shall satisfy the disclosure requirements in paragraph (2) by—

(A) releasing a FISA Court decision in its entirety or as redacted; or

(B) releasing a summary of a FISA Court decision.

(4) EXTENSIVE DISCLOSURE.—The Attorney General shall release as much information regarding the facts and analysis contained in a decision described in paragraph (1) or documents described in paragraph (3) as is consistent with legitimate national security concerns.

(5) TIMING OF DISCLOSURE.—A decision that is required to be disclosed under paragraph (1) shall be disclosed not later than 60 days after the decision is issued.

(c) DIRECTOR OF NATIONAL INTELLIGENCE DISCLOSURES TO CONGRESS AND THE PUBLIC.—

(1) REQUIREMENT FOR DISCLOSURES TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to Congress, in writing, the following information:

(A) Whether the National Security Agency or any other element of the intelligence community has ever collected the cell-site location information of a large number of United States persons with no known connection to suspicious activity, or made plans to collect such information.

(B) A description of the type and amount of evidence the Director of National Intelligence believes is required to permit the collection of cell-site location information of United States persons for intelligence purposes.

(C) Whether the National Security Agency or any other element of the intelligence community has ever conducted a warrantless search of a collection of communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in an effort to find the communications of a particular United States person (other than a corporation).

(D) If the National Security Agency or any other element of the intelligence community has conducted a search described in subparagraph (C), the number of such searches that have been conducted or an estimate of such number if it is not possible to provide a precise count.

(E) A specific description of when the United States Government first began relying on authorities under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) to justify the collection of records pertaining to large numbers of United States persons with no known connection to suspicious activity.

(F) Whether representations made to the Supreme Court of the United States by the Department of Justice in the case of *Clapper v. Amnesty International USA* accurately described the use of authorities under the Foreign Intelligence Surveillance Act of 1978 by the United States Government, and if any representations were inaccurate, which representations were inaccurate and how such representations have been corrected.

(G) A listing of FISA Court opinions that identified violations of the law, the Constitution, or FISA Court orders with regard to collection carried out pursuant to section 402, 501, or 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842, 1861, and 1881a) and a description of the violations identified by a FISA Court.

**(2) FORM OF DISCLOSURES.—**

(A) **DISCLOSURES TO THE PUBLIC.**—The written submission required by paragraph (1) shall be made available to the public not later than 15 days after the date it is submitted to Congress.

(B) **REDACTIONS.**—If the Director of National Intelligence believes that public disclosure of information in the written submission required by paragraph (1) could cause significant harm to national security, the Director may redact such information from the version made available to the public.

(C) **SUBMISSION TO CONGRESS.**—If the Director redacts information under subparagraph (B), not later than 30 days after the date the written submission required by paragraph (1) is made available to the public under subparagraph (A), the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

**(d) ASSESSMENT OF ECONOMIC IMPACT OF SURVEILLANCE ACTIVITIES.—**

(1) **REQUIREMENT FOR ASSESSMENT.**—The Comptroller General of the United States, in consultation with the United States International Trade Commission, shall conduct an assessment of the economic impact of bulk collection programs conducted under title IV and title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.), as modified by the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), and of surveillance programs conducted under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), in light of the fact that such programs are now public.

(2) **EVALUATION.**—The assessment required by paragraph (1) shall include an evaluation

of the impact of these disclosures on United States communication service providers' ability to compete in foreign markets.

(3) **SUBMISSION TO CONGRESS.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the findings of the assessment required by paragraph (1).

**SA 2389.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the "Federal Information Technology Acquisition Reform Act".

**SEC. 5002. TABLE OF CONTENTS.**

The table of contents for this division is as follows:

- Sec. 5001. Short title.
- Sec. 5002. Table of contents.
- Sec. 5003. Definitions.

**TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT**

- Sec. 5101. Increased authority of agency Chief Information Officers over information technology.
- Sec. 5102. Lead coordination role of Chief Information Officers Council.
- Sec. 5103. Reports by Government Accountability Office.

**TITLE LII—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION**

- Sec. 5201. Inventory of information technology assets.
- Sec. 5202. Website consolidation and transparency.
- Sec. 5203. Transition to the cloud.
- Sec. 5204. Elimination of unnecessary duplication of contracts by requiring business case analysis.

**TITLE LIII—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES**

- Subtitle A—Strengthening and Streamlining IT Program Management Practices
- Sec. 5301. Establishment of Federal infrastructure and common application collaboration center.
- Sec. 5302. Designation of Assisted Acquisition Centers of Excellence.

**Subtitle B—Strengthening IT Acquisition Workforce**

- Sec. 5311. Expansion of training and use of information technology acquisition cadres.
- Sec. 5312. Plan on strengthening program and project management performance.
- Sec. 5313. Personnel awards for excellence in the acquisition of information systems and information technology.

**TITLE LIV—ADDITIONAL REFORMS**

- Sec. 5401. Maximizing the benefit of the Federal Strategic Sourcing Initiative.

Sec. 5402. Promoting transparency of blanket purchase agreements.

Sec. 5403. Additional source selection technique in solicitations.

Sec. 5404. Enhanced transparency in information technology investments.

Sec. 5405. Enhanced communication between Government and industry.

Sec. 5406. Clarification of current law with respect to technology neutrality in acquisition of software.

**SEC. 5003. DEFINITIONS.**

In this division:

(1) **CHIEF ACQUISITION OFFICERS COUNCIL.**—The term "Chief Acquisition Officers Council" means the Chief Acquisition Officers Council established by section 1311(a) of title 41, United States Code.

(2) **CHIEF INFORMATION OFFICER.**—The term "Chief Information Officer" means a Chief Information Officer (as designated under section 3506(a)(2) of title 44, United States Code) of an agency listed in section 901(b) of title 31, United States Code.

(3) **CHIEF INFORMATION OFFICERS COUNCIL.**—The term "Chief Information Officers Council" or "CIO Council" means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(4) **DIRECTOR.**—The term "Director" means the Director of the Office of Management and Budget.

(5) **FEDERAL AGENCY.**—The term "Federal agency" means each agency listed in section 901(b) of title 31, United States Code.

(6) **FEDERAL CHIEF INFORMATION OFFICER.**—The term "Federal Chief Information Officer" means the Administrator of the Office of Electronic Government established under section 3602 of title 44, United States Code.

(7) **INFORMATION TECHNOLOGY OR IT.**—The term "information technology" or "IT" has the meaning provided in section 1101(6) of title 40, United States Code.

(8) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term "relevant congressional committees" means each of the following:

(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

**TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT**

**SEC. 5101. INCREASED AUTHORITY OF AGENCY CHIEF INFORMATION OFFICERS OVER INFORMATION TECHNOLOGY.**

(a) **PRESIDENTIAL APPOINTMENT OF CIOs OF CERTAIN AGENCIES.—**

(1) **IN GENERAL.**—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following new subsection (a):

"(a) **PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.**—

"(1) **IN GENERAL.**—There shall be within each agency listed in section 901(b)(1) of title 31, other than the Department of Defense, an agency Chief Information Officer. Each agency Chief Information Officer shall—

"(A)(i) be appointed by the President; or

"(ii) be designated by the President, in consultation with the head of the agency; and

"(B) be appointed or designated, as applicable, from among individuals who possess

demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

“(2) RESPONSIBILITIES.—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis, responsibilities as set forth in this section and in section 3506(a) of title 44 for Chief Information Officers designated under paragraph (2) of such section.”.

(2) CONFORMING AMENDMENT.—Section 3506(a)(2)(A) of title 44, United States Code, is amended by inserting after “each agency” the following: “, other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40.”.

(b) AUTHORITY RELATING TO BUDGET AND PERSONNEL.—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following new subsection:

“(d) ADDITIONAL AUTHORITIES FOR CERTAIN CIOs.—

“(1) BUDGET-RELATED AUTHORITY.—

“(A) PLANNING.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology or programs that include significant information technology components.

“(B) ALLOCATION.—Amounts appropriated for any agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as may be specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

“(2) PERSONNEL-RELATED AUTHORITY.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.”.

(c) SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.—

(1) REQUIREMENT.—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B) Each agency shall have only one individual with the title and designation of ‘Chief Information Officer’. Any bureau, office, or subordinate organization within the agency may designate one individual with the title ‘Deputy Chief Information Officer’, ‘Associate Chief Information Officer’, or ‘Assistant Chief Information Officer’.”.

(2) EFFECTIVE DATE.—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect as of October 1, 2014. Any individual serving in a position affected by such section before such date may continue in that position if the require-

ments of such section are fulfilled with respect to that individual.

#### SEC. 5102. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.

(a) LEAD COORDINATION ROLE.—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

“(d) LEAD INTERAGENCY FORUM.—

“(1) IN GENERAL.—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment. As the lead interagency forum, the Council shall develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms. The Council shall also issue guidelines and practices for infrastructure and common information technology applications, including expansion of the Federal Enterprise Architecture process if appropriate. The guidelines and practices may address broader transparency, common inputs, common outputs, and outcomes achieved. The guidelines and practices shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

“(2) REPORT.—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the ‘CIO Council Report’) summarizing the Council’s activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.

“(3) RELEVANT CONGRESSIONAL COMMITTEES.—For purposes of the report required by paragraph (2), the relevant congressional committees are each of the following:

“(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”.

(b) ADDITIONAL FUNCTION.—Subsection (f) of section 3603 of such title is amended by adding at the end the following new paragraph:

“(8) Assist the Administrator in developing and providing guidance for effective operations of the Federal Infrastructure and Common Application Collaboration Center established under section 11501 of title 40.”.

(c) REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.—

(1) REFERENCES.—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: “The Administrator may also be referred to as the Federal Chief Information Officer.”.

(2) DEFINITION.—Section 3601(1) of such title is amended by inserting “or ‘Federal Chief Information Officer’” before “means”.

#### SEC. 5103. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 5102, with particular focus on—

(1) whether agencies are actively participating in the Council and heeding the Council’s advice and guidance; and

(2) whether the Council is actively using and developing the capabilities of the Federal Infrastructure and Common Application Collaboration Center created under section 11501 of title 40, United States Code, as added by section 5301.

(b) REPORTS.—Not later than 1 year, 3 years, and 5 years after the date of the enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (a).

#### TITLE LII—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

##### SEC. 5201. INVENTORY OF INFORMATION TECHNOLOGY ASSETS.

(a) PLAN.—The Director shall develop a plan for conducting a Governmentwide inventory of information technology assets.

(b) MATTERS COVERED.—The plan required by subsection (a) shall cover the following:

(1) The manner in which Federal agencies can achieve the greatest possible economies of scale and cost savings in the procurement of information technology assets, through measures such as reducing hardware or software products or services that are duplicative or overlapping and reducing the procurement of new software licenses until such time as agency needs exceed the number of existing and unused licenses.

(2) The capability to conduct ongoing Governmentwide inventories of all existing software licenses on an application-by-application basis, including duplicative, unused, overused, and underused licenses, and to assess the need of agencies for software licenses.

(3) A Governmentwide spending analysis to provide knowledge about how much is being spent for software products or services to support decisions for strategic sourcing under the Federal strategic sourcing program managed by the Office of Federal Procurement Policy.

(c) OTHER INVENTORIES.—In developing the plan required by subsection (a), the Director shall review the inventory of information systems maintained by each agency under section 3505(c) of title 44, United States Code, and the inventory of information resources maintained by each agency under section 3506(b)(4) of such title.

(d) AVAILABILITY.—The inventory of information technology assets shall be available to Chief Information Officers and such other Federal officials as the Chief Information Officers may, in consultation with the Chief Information Officers Council, designate.

(e) DEADLINE AND SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director shall complete and submit to Congress the plan required by subsection (a).

(f) IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Director shall complete implementation of the plan required by subsection (a).

(g) REVIEW BY COMPTROLLER GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review the plan required by subsection (a) and submit to the relevant congressional committees a report on the review.

##### SEC. 5202. WEBSITE CONSOLIDATION AND TRANSPARENCY.

(a) WEBSITE CONSOLIDATION.—The Director shall—

(1) in consultation with Federal agencies, and after reviewing the directory of public

Federal Government websites of each agency (as required to be established and updated under section 207(f)(3) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note)), assess all the publicly available websites of Federal agencies to determine whether there are duplicative or overlapping websites; and

(2) require Federal agencies to eliminate or consolidate those websites that are duplicative or overlapping.

(b) **WEBSITE TRANSPARENCY.**—The Director shall issue guidance to Federal agencies to ensure that the data on publicly available websites of the agencies are open and accessible to the public.

(c) **MATTERS COVERED.**—In preparing the guidance required by subsection (b), the Director shall—

(1) develop guidelines, standards, and best practices for interoperability and transparency;

(2) identify interfaces that provide for shared, open solutions on the publicly available websites of the agencies; and

(3) ensure that Federal agency Internet home pages, web-based forms, and web-based applications are accessible to individuals with disabilities in conformance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(d) **DEADLINE FOR GUIDANCE.**—The guidance required by subsection (b) shall be issued not later than 180 days after the date of the enactment of this Act.

#### **SEC. 5203. TRANSITION TO THE CLOUD.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that transition to cloud computing offers significant potential benefits for the implementation of Federal information technology projects in terms of flexibility, cost, and operational benefits.

(b) **GOVERNMENTWIDE APPLICATION.**—In assessing cloud computing opportunities, the Chief Information Officers Council shall define policies and guidelines for the adoption of Governmentwide programs providing for a standardized approach to security assessment and operational authorization for cloud products and services.

(c) **ADDITIONAL BUDGET AUTHORITIES FOR TRANSITION.**—In transitioning to the cloud, a Chief Information Officer of an agency listed in section 901(b) of title 31, United States Code, may establish such cloud service Working Capital Funds, in consultation with the Chief Financial Officer of the agency, as may be necessary to transition to cloud-based solutions. Notwithstanding any other provision of law, such cloud service Working Capital Funds may preserve funding for cloud service transitions for a period not to exceed 5 years per appropriation. Any establishment of a new Working Capital Fund under this subsection shall be reported to the Committees on Appropriations of the House of Representatives and the Senate and relevant Congressional committees.

#### **SEC. 5204. ELIMINATION OF UNNECESSARY DUPLICATION OF CONTRACTS BY REQUIRING BUSINESS CASE ANALYSIS.**

(a) **PURPOSE.**—The purpose of this section is to leverage the Government's buying power and achieve administrative efficiencies and cost savings by eliminating unnecessary duplication of contracts.

(b) **REQUIREMENT FOR BUSINESS CASE APPROVAL.**—

(1) **IN GENERAL.**—Effective on and after 180 days after the date of the enactment of this Act, an executive agency may not issue a solicitation for a covered contract vehicle unless the agency performs a business case analysis for the contract vehicle and obtains

an approval of the business case analysis from the Administrator for Federal Procurement Policy.

(2) **REVIEW OF BUSINESS CASE ANALYSIS.**—

(A) **IN GENERAL.**—With respect to any covered contract vehicle, the Administrator for Federal Procurement Policy shall review the business case analysis submitted for the contract vehicle and provide an approval or disapproval within 60 days after the date of submission. Any business case analysis not disapproved within such 60-day period is deemed to be approved.

(B) **BASIS FOR APPROVAL OF BUSINESS CASE.**—The Administrator for Federal Procurement Policy shall approve or disapprove a business case analysis based on the adequacy of the analysis submitted. The Administrator shall give primary consideration to whether an agency has demonstrated a compelling need that cannot be satisfied by existing Governmentwide contract vehicles in a timely and cost-effective manner.

(3) **CONTENT OF BUSINESS CASE ANALYSIS.**—The Administrator for Federal Procurement Policy shall issue guidance specifying the content for a business case analysis submitted pursuant to this section. At a minimum, the business case analysis shall include details on the administrative resources needed for such contract vehicle, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract vehicle and the impact such contract vehicle will have on the ability of the Federal Government to leverage its purchasing power.

(c) **DEFINITIONS.**—

(1) **COVERED CONTRACT VEHICLE.**—The term “covered contract vehicle” has the meaning provided by the Administrator for Federal Procurement Policy in guidance issued pursuant to this section and includes, at a minimum, any Governmentwide contract vehicle, whether for acquisition of information technology or other goods or services, in an amount greater than \$50,000,000 (or \$10,000,000, determined on an average annual basis, in the case of such a contract vehicle performed over more than one year). The term does not include a multiple award schedule contract awarded by the General Services Administration, a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40, United States Code, or orders against existing Governmentwide contract vehicles.

(2) **GOVERNMENTWIDE CONTRACT VEHICLE AND EXECUTIVE AGENCY.**—The terms “Governmentwide contract vehicle” and “executive agency” have the meanings provided in section 11501 of title 40, United States Code, as added by section 5301.

(d) **REPORT.**—Not later than June 1 in each of the next 6 years following the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the relevant congressional committees a report on the implementation of this section, including a summary of the submissions, reviews, approvals, and disapprovals of business case analyses pursuant to this section.

(e) **GUIDANCE.**—The Administrator for Federal Procurement Policy shall issue guidance for implementing this section.

(f) **REVISION OF FAR.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to implement this section.

## **TITLE LIII—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES**

### **Subtitle A—Strengthening and Streamlining IT Program Management Practices**

#### **SEC. 5301. ESTABLISHMENT OF FEDERAL INFRASTRUCTURE AND COMMON APPLICATION COLLABORATION CENTER.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Chapter 115 of title 40, United States Code, is amended to read as follows:

#### **“CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES**

**“Sec.**

**“11501.** Federal infrastructure and common application collaboration center.

#### **“§ 11501. Federal infrastructure and common application collaboration center**

**“(a) ESTABLISHMENT AND PURPOSES.**—The Director of the Office of Management and Budget shall establish a Federal Infrastructure and Common Application Collaboration Center (hereafter in this section referred to as the “Collaboration Center”) within the Office of Electronic Government established under section 3602 of title 44 in accordance with this section. The purposes of the Collaboration Center are to serve as a focal point for coordinated program management practices and to develop and maintain requirements for the acquisition of IT infrastructure and common applications commonly used by various Federal agencies.

**“(b) ORGANIZATION OF CENTER.**—

**“(1) MEMBERSHIP.**—The Center shall consist of the following members:

**“(A)** An appropriate number, as determined by the CIO Council, but not less than 12, full-time program managers or cost specialists, all of whom have appropriate experience in the private or Government sector in managing or overseeing acquisitions of IT infrastructure and common applications.

**“(B)** At least 1 full-time detailee from each of the Federal agencies listed in section 901(b) of title 31, nominated by the respective agency chief information officer for a detail period of not less than 2 years.

**“(2) WORKING GROUPS.**—The Collaboration Center shall have working groups that specialize in IT infrastructure and common applications identified by the CIO Council. Each working group shall be headed by a separate dedicated program manager appointed by the Federal Chief Information Officer.

**“(c) CAPABILITIES AND FUNCTIONS OF THE COLLABORATION CENTER.**—For each of the IT infrastructure and common application areas identified by the CIO Council, the Collaboration Center shall perform the following roles, and any other functions as directed by the Federal Chief Information Officer:

**“(1)** Develop, maintain, and disseminate requirements suitable to establish contracts that will meet the common and general needs of various Federal agencies as determined by the Center. In doing so, the Center shall give maximum consideration to the adoption of commercial standards and industry acquisition best practices, including opportunities for shared services, consideration of total cost of ownership, preference for industry-neutral functional specifications leveraging open industry standards and competition, and use of long-term contracts, as appropriate.

**“(2)** Develop, maintain, and disseminate reliable cost estimates that are accurate,



comprehensive, well-documented, and credible.

“(3) Lead the review of significant or troubled IT investments or acquisitions as identified by the CIO Council.

“(4) Provide expert aid to troubled IT investments or acquisitions.

“(d) GUIDANCE.—The Director, in consultation with the Chief Information Officers Council, shall issue guidance addressing the scope and operation of the Collaboration Center. The guidance shall require that the Collaboration Center report to the Federal Chief Information Officer.

“(e) REPORT TO CONGRESS.—

“(1) IN GENERAL.—The Director shall annually submit to the relevant congressional committees a report detailing the organization, staff, and activities of the Collaboration Center, including—

“(A) a list of IT infrastructure and common applications the Center assisted;

“(B) an assessment of the Center’s achievement in promoting efficiency, shared services, and elimination of unnecessary Government requirements that are contrary to commercial best practices; and

“(C) the use and expenditure of amounts in the Fund established under subsection (i).

“(2) INCLUSION IN OTHER REPORT.—The report may be included as part of the annual E-Government status report required under section 3606 of title 44.

“(f) IMPROVEMENT OF THE GOVERNMENTWIDE SOFTWARE PURCHASING PROGRAM.—

“(1) IN GENERAL.—The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Department of Defense, and the General Services Administration, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end user license agreements.

“(2) EXAMINATION OF METHODS.—In developing the initiative under paragraph (1), the Collaboration Center shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government’s acquisition of information technology.

“(3) GOVERNMENTWIDE USER LICENSE AGREEMENT.—The Collaboration Center, in developing the initiative under paragraph (1), shall allow for the purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.

“(g) GUIDELINES FOR ACQUISITION OF IT INFRASTRUCTURE AND COMMON APPLICATIONS.—

“(1) GUIDELINES.—The Collaboration Center shall establish guidelines that, to the maximum extent possible, eliminate inconsistent practices among executive agencies and ensure uniformity and consistency in acquisition processes for IT infrastructure and common applications across the Federal Government.

“(2) CENTRAL WEBSITE.—In preparing the guidelines, the Collaboration Center, in consultation with the Chief Acquisition Officers Council, shall offer executive agencies the option of accessing a central website for best practices, templates, and other relevant information.

“(h) PRICING TRANSPARENCY.—The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Chief Acquisition Officers Council, the General Services Administration, and the Assisted Acquisition Centers of Excellence, shall compile a price list and catalogue con-

taining current pricing information by vendor for each of its IT infrastructure and common applications categories. The price catalogue shall contain any price provided by a vendor for the same or similar good or service to any executive agency. The catalogue shall be developed in a fashion ensuring that it may be used for pricing comparisons and pricing analysis using standard data formats. The price catalogue shall not be made public, but shall be accessible to executive agencies.

“(i) FEDERAL IT ACQUISITION MANAGEMENT IMPROVEMENT FUND.—

“(1) ESTABLISHMENT AND MANAGEMENT OF FUND.—There is a Federal IT Acquisition Management Improvement Fund (in this subsection referred to as the ‘Fund’). The Administrator of General Services shall manage the Fund through the Collaboration Center to support the activities of the Collaboration Center carried out pursuant to this section. The Administrator of General Services shall consult with the Director in managing the Fund.

“(2) CREDITS TO FUND.—Five percent of the fees collected by executive agencies under the following contracts shall be credited to the Fund:

“(A) Governmentwide task and delivery order contracts entered into under sections 4103 and 4105 of title 41.

“(B) Governmentwide contracts for the acquisition of information technology and multiagency acquisition contracts for that technology authorized by section 11314 of this title.

“(C) Multiple-award schedule contracts entered into by the Administrator of General Services.

“(3) REMITTANCE BY HEAD OF EXECUTIVE AGENCY.—The head of an executive agency that administers a contract described in paragraph (2) shall remit to the General Services Administration the amount required to be credited to the Fund with respect to the contract at the end of each quarter of the fiscal year.

“(4) AMOUNTS NOT TO BE USED FOR OTHER PURPOSES.—The Administrator of General Services, through the Office of Management and Budget, shall ensure that amounts collected under this subsection are not used for a purpose other than the activities of the Collaboration Center carried out pursuant to this section.

“(5) AVAILABILITY OF AMOUNTS.—Amounts credited to the Fund remain available to be expended only in the fiscal year for which they are credited and the 4 succeeding fiscal years.

“(j) DEFINITIONS.—In this section:

“(1) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 105 of title 5.

“(2) FEDERAL CHIEF INFORMATION OFFICER.—The term ‘Federal Chief Information Officer’ means the Administrator of the Office of Electronic Government established under section 3602 of title 44.

“(3) GOVERNMENTWIDE CONTRACT VEHICLE.—The term ‘Governmentwide contract vehicle’ means any contract, blanket purchase agreement, or other contractual instrument that allows for an indefinite number of orders to be placed within the contract, agreement, or instrument, and that is established by one executive agency for use by multiple executive agencies to obtain supplies and services.

“(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means each of the following:

“(A) The Committee on Oversight and Government Reform and the Committee on

Armed Services of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

“(k) REVISION OF FAR.—The Federal Acquisition Regulation shall be amended to implement this section.”.

(2) CLERICAL AMENDMENT.—The item relating to chapter 115 in the table of chapters at the beginning of subtitle III of title 40, United States Code, is amended to read as follows:

**“115. Information Technology Acquisition Management Practices ..... 11501”.**

(b) DEADLINES.—

(1) Not later than 180 days after the date of the enactment of this Act, the Director shall issue guidance under section 11501(d) of title 40, United States Code, as added by subsection (a).

(2) Not later than 1 year after the date of the enactment of this Act, the Director shall establish the Federal Infrastructure and Common Application Collaboration Center, in accordance with section 11501(a) of such title, as so added.

(3) Not later than 2 years after the date of the enactment of this Act, the Federal Infrastructure and Common Application Collaboration Center shall—

(A) identify and develop a strategic sourcing initiative in accordance with section 11501(f) of such title, as so added; and

(B) establish guidelines in accordance with section 11501(g) of such title, as so added.

(c) CONFORMING AMENDMENT.—Section 3602(c) of title 44, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) all of the functions of the Federal Infrastructure and Common Application Collaboration Center, as required under section 11501 of title 40; and”.

**SEC. 5302. DESIGNATION OF ASSISTED ACQUISITION CENTERS OF EXCELLENCE.**

(a) DESIGNATION.—Chapter 115 of title 40, United States Code, as amended by section 5301, is further amended by adding at the end the following new section:

**“§ 11502. Assisted Acquisition Centers of Excellence**

“(a) PURPOSE.—The purpose of this section is to develop specialized assisted acquisition centers of excellence within the Federal Government to promote—

“(1) the effective use of best acquisition practices;

“(2) the development of specialized expertise in the acquisition of information technology; and

“(3) Governmentwide sharing of acquisition capability to augment any shortage in the information technology acquisition workforce.

“(b) DESIGNATION OF AACES.—Not later than 1 year after the date of the enactment of this section, and every 3 years thereafter, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Information Officers Council, shall designate, redesignate, or withdraw the designation of acquisition centers of excellence within various executive agencies to carry out the functions set forth in subsection (c) in an area of specialized acquisition expertise as determined by the Director. Each such center of excellence shall be known as



an 'Assisted Acquisition Center of Excellence' or an 'AACE'.

“(c) FUNCTIONS.—The functions of each AACE are as follows:

“(1) BEST PRACTICES.—To promote, develop, and implement the use of best acquisition practices in the area of specialized acquisition expertise that the AACE is designated to carry out by the Director under subsection (b).

“(2) ASSISTED ACQUISITIONS.—To assist all Government agencies in the expedient and low-cost acquisition of the information technology goods or services covered by such area of specialized acquisition expertise by engaging in repeated and frequent acquisition of similar information technology requirements.

“(3) DEVELOPMENT AND TRAINING OF IT ACQUISITION WORKFORCE.—To assist in recruiting and training IT acquisition cadres (referred to in section 1704(j) of title 41).

“(d) CRITERIA.—In designating, redesignating, or withdrawing the designation of an AACE, the Director shall consider, at a minimum, the following matters:

“(1) The subject matter expertise of the host agency in a specific area of information technology acquisition.

“(2) For acquisitions of IT infrastructure and common applications covered by the Federal Infrastructure and Common Application Collaboration Center established under section 11501 of this title, the ability and willingness to collaborate with the Collaboration Center and adhere to the requirements standards established by the Collaboration Center.

“(3) The ability of an AACE to develop customized requirements documents that meet the needs of executive agencies as well as the current industry standards and commercial best practices.

“(4) The ability of an AACE to consistently award and manage various contracts, task or delivery orders, and other acquisition arrangements in a timely, cost-effective, and compliant manner.

“(5) The ability of an AACE to aggregate demands from multiple executive agencies for similar information technology goods or services and fulfill those demands in one acquisition.

“(6) The ability of an AACE to acquire innovative or emerging commercial and non-commercial technologies using various contracting methods, including ways to lower the entry barriers for small businesses with limited Government contracting experiences.

“(7) The ability of an AACE to maximize commercial item acquisition, effectively manage high-risk contract types, increase competition, promote small business participation, and maximize use of available Governmentwide contract vehicles.

“(8) The existence of an in-house cost estimating group with expertise to consistently develop reliable cost estimates that are accurate, comprehensive, well-documented, and credible.

“(9) The ability of an AACE to employ best practices and educate requesting agencies, to the maximum extent practicable, regarding critical factors underlying successful major IT acquisitions, including the following factors:

“(A) Active engagement by program officials with stakeholders.

“(B) Possession by program staff of the necessary knowledge and skills.

“(C) Support of the programs by senior department and agency executives.

“(D) Involvement by end users and stakeholders in the development of requirements.

“(E) Participation by end users in testing of system functionality prior to formal end user acceptance testing.

“(F) Stability and consistency of Government and contractor staff.

“(G) Prioritization of requirements by program staff.

“(H) Maintenance of regular communication with the prime contractor by program officials.

“(I) Receipt of sufficient funding by programs.

“(10) The ability of an AACE to run an effective acquisition intern program in collaboration with the Federal Acquisition Institute or the Defense Acquisition University.

“(11) The ability of an AACE to effectively and properly manage fees received for assisted acquisitions pursuant to this section.

“(e) FUNDS RECEIVED BY AACES.—

“(1) AVAILABILITY.—Notwithstanding any other provision of law or regulation, funds obligated and transferred from an executive agency in a fiscal year to an AACE for the acquisition of goods or services covered by an area of specialized acquisition expertise of an AACE, regardless of whether the requirements are severable or non-severable, shall remain available for awards of contracts by the AACE for the same general requirements for the next 5 fiscal years following the fiscal year in which the funds were transferred.

“(2) TRANSITION TO NEW AACE.—If the AACE to which the funds are provided under paragraph (1) becomes unable to fulfill the requirements of the executive agency from which the funds were provided, the funds may be provided to a different AACE to fulfill such requirements. The funds so provided shall be used for the same purpose and remain available for the same period of time as applied when provided to the original AACE.

“(3) RELATIONSHIP TO EXISTING AUTHORITIES.—This subsection does not limit any existing authorities an AACE may have under its revolving or working capital funds authorities.

“(f) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF AACE.—

“(1) REVIEW.—The Comptroller General of the United States shall review and assess—

“(A) the use and management of fees received by the AACEs pursuant to this section to ensure that an appropriate fee structure is established and enforced to cover activities addressed in this section and that no excess fees are charged or retained; and

“(B) the effectiveness of the AACEs in achieving the purpose described in subsection (a), including review of contracts.

“(2) REPORTS.—Not later than 1 year after the designation or redesignation of AACEs under subsection (b), the Comptroller General shall submit to the relevant congressional committees a report containing the findings and assessment under paragraph (1).

“(g) DEFINITIONS.—In this section:

“(1) ASSISTED ACQUISITION.—The term ‘assisted acquisition’ means a type of interagency acquisition in which the parties enter into an interagency agreement pursuant to which—

“(A) the servicing agency performs acquisition activities on the requesting agency's behalf, such as awarding, administering, or closing out a contract, task order, delivery order, or blanket purchase agreement; and

“(B) funding is provided through a franchise fund, the Acquisition Services Fund in section 321 of this title, sections 1535 and 1536 of title 31, or other available methods.

“(2) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 133 of title 41.

“(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ has the meaning provided that term by section 11501 of this title.

“(h) REVISION OF FAR.—The Federal Acquisition Regulation shall be amended to implement this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 40, United States Code, as amended by section 5301, is further amended by adding at the end the following new item:

“11502. Assisted Acquisition Centers of Excellence.”.

#### **Subtitle B—Strengthening IT Acquisition Workforce**

#### **SEC. 5311. EXPANSION OF TRAINING AND USE OF INFORMATION TECHNOLOGY ACQUISITION CADRES.**

(a) PURPOSE.—The purpose of this section is to ensure timely progress by Federal agencies toward developing, strengthening, and deploying personnel with highly specialized skills in information technology acquisition, including program and project managers, to be known as information technology acquisition cadres.

(b) REPORT TO CONGRESS.—Section 1704 of title 41, United States Code, is amended by adding at the end the following new subsection:

“(j) STRATEGIC PLAN ON INFORMATION TECHNOLOGY ACQUISITION CADRES.—

“(1) FIVE-YEAR STRATEGIC PLAN TO CONGRESS.—Not later than June 1 following the date of the enactment of this subsection, the Director shall submit to the relevant congressional committees a 5-year strategic plan (to be known as the ‘IT Acquisition Cadres Strategic Plan’) to develop, strengthen, and solidify information technology acquisition cadres. The plan shall include a timeline for implementation of the plan and identification of individuals responsible for specific elements of the plan during the 5-year period covered by the plan.

“(2) MATTERS COVERED.—The plan shall address, at a minimum, the following matters:

“(A) Current information technology acquisition staffing challenges in Federal agencies, by previous year's information technology acquisition value, and by the Federal Government as a whole.

“(B) The variety and complexity of information technology acquisitions conducted by each Federal agency covered by the plan, and the specialized information technology acquisition workforce needed to effectively carry out such acquisitions.

“(C) The development of a sustainable funding model to support efforts to hire, retain, and train an information technology acquisition cadre of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of interagency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

“(D) Any strategic human capital planning necessary to hire, retain, and train an information acquisition cadre of appropriate size and skill at each Federal agency covered by the plan.

“(E) Governmentwide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal information technology acquisition cadre within the Federal agencies covered by the plan.

“(F) New and innovative approaches to workforce development and training, including cross-functional training, rotational development, and assignments both within and outside the Government.

“(G) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, Assisted Acquisition Centers of Excellence, and acquisition intern programs.

“(H) Assessment of the current workforce competency and usage trends in evaluation technique to obtain best value, including proper handling of tradeoffs between price and nonprice factors.

“(I) Assessment of the current workforce competency in designing and aligning performance goals, life cycle costs, and contract incentives.

“(J) Assessment of the current workforce competency in avoiding brand-name preference and using industry-neutral functional specifications to leverage open industry standards and competition.

“(K) Use of integrated program teams, including fully dedicated program managers, for each complex information technology investment.

“(L) Proper assignment of recognition or accountability to the members of an integrated program team for both individual functional goals and overall program success or failure.

“(M) The development of a technology fellows program that includes provisions for recruiting, for rotation of assignments, and for partnering directly with universities with well-recognized information technology programs.

“(N) The capability to properly manage other transaction authority (where such authority is granted), including ensuring that the use of the authority is warranted due to unique technical challenges, rapid adoption of innovative or emerging commercial or noncommercial technologies, or other circumstances that cannot readily be satisfied using a contract, grant, or cooperative agreement in accordance with applicable law and the Federal Acquisition Regulation.

“(O) The use of student internship and scholarship programs as a talent pool for permanent hires and the use and impact of special hiring authorities and flexibilities to recruit diverse candidates.

“(P) The assessment of hiring manager satisfaction with the hiring process and hiring outcomes, including satisfaction with the quality of applicants interviewed and hires made.

“(Q) The assessment of applicant satisfaction with the hiring process, including the clarity of the hiring announcement, the user-friendliness of the application process, communication from the hiring manager or agency regarding application status, and timeliness of the hiring decision.

“(R) The assessment of new hire satisfaction with the onboarding process, including the orientation process, and investment in training and development for employees during their first year of employment.

“(S) Any other matters the Director considers appropriate.

“(3) ANNUAL REPORT.—Not later than June 1 in each of the 5 years following the year of submission of the plan required by paragraph (1), the Director shall submit to the relevant congressional committees an annual report outlining the progress made pursuant to the plan.

“(4) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF THE PLAN AND ANNUAL REPORT.—

“(A) Not later than 1 year after the submission of the plan required by paragraph (1), the Comptroller General of the United States shall review the plan and submit to the relevant congressional committees a report on the review.

“(B) Not later than 6 months after the submission of the first, third, and fifth annual report required under paragraph (3), the Comptroller General shall independently assess the findings of the annual report and brief the relevant congressional committees on the Comptroller General's findings and recommendations to ensure the objectives of the plan are accomplished.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘Federal agency’ means each agency listed in section 901(b) of title 31.

“(B) The term ‘relevant congressional committees’ means each of the following:

“(i) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”.

#### **SEC. 5312. PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.**

(a) PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.—Not later than June 1 following the date of the enactment of this Act, the Director, in consultation with the Director of the Office of Personnel Management, shall submit to the relevant congressional committees a plan for improving management of IT programs and projects.

(b) MATTERS COVERED.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Creation of a specialized career path for program management.

(2) The development of a competency model for program management consistent with the IT project manager model.

(3) A career advancement model that requires appropriate expertise and experience for advancement.

(4) A career advancement model that is more competitive with the private sector and that recognizes both Government and private sector experience.

(5) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, the Assisted Acquisition Centers of Excellence, and acquisition intern programs.

(c) COMBINATION WITH OTHER CADRES PLAN.—The Director may combine the plan required by subsection (a) with the IT Acquisition Cadres Strategic Plan required under section 1704(j) of title 41, United States Code, as added by section 411.

#### **SEC. 5313. PERSONNEL AWARDS FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

- (1) obtain objective outcome measures; and
- (2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from Government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personnel Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES AND OTHER INCENTIVES.—In carrying out the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) with a cash bonus, to the extent that the performance of such individual or team warrants the award of such bonus and is authorized by any provision of law;

(2) through promotions and other non-monetary awards;

(3) by publicizing—

(A) acquisition accomplishments by individual employees; and

(B) the tangible end benefits that resulted from such accomplishments, as appropriate; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

#### **TITLE LIV—ADDITIONAL REFORMS**

##### **SEC. 5401. MAXIMIZING THE BENEFIT OF THE FEDERAL STRATEGIC SOURCING INITIATIVE.**

Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall prescribe regulations providing that when the Federal Government makes a purchase of services and supplies offered under the Federal Strategic Sourcing Initiative (managed by the Office of Federal Procurement Policy) but such Initiative is not used, the contract file for the purchase shall include a brief analysis of the comparative value, including price and nonprice factors, between the services and supplies offered under such Initiative and services and supplies offered under the source or sources used for the purchase.

##### **SEC. 5402. PROMOTING TRANSPARENCY OF BLANKET PURCHASE AGREEMENTS.**

(a) PRICE INFORMATION TO BE TREATED AS PUBLIC INFORMATION.—The final negotiated price offered by an awardee of a blanket purchase agreement shall be treated as public information.

(b) PUBLICATION OF BLANKET PURCHASE AGREEMENT INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall make available to the public a list of all blanket purchase agreements entered into by Federal agencies under its Federal Supply Schedules contracts and the prices associated with those blanket purchase agreements. The list and price information shall be updated at least once every 6 months.

##### **SEC. 5403. ADDITIONAL SOURCE SELECTION TECHNIQUE IN SOLICITATIONS.**

Section 3306(d) of title 41, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period and inserting “; or” at the end of paragraph (2); and

(3) by adding at the end the following new paragraph:

“(3) stating in the solicitation that the award will be made using a fixed price technical competition, under which all offerors compete solely on nonprice factors and the fixed award price is pre-announced in the solicitation.”.

**SEC. 5404. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.**

(a) PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—The Director shall make available to the public the cost, schedule, and performance data for at least 80 percent (by dollar value) of all information technology investments Governmentwide, and 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31, notwithstanding whether the investments are for new IT acquisitions or for operations and maintenance of existing IT. The Director shall ensure that the information is current, accurate, and reflects the risks associated with each covered information technology investment.

“(B) WAIVER OR LIMITATION AUTHORITY.—The applicability of subparagraph (A) may be waived or the extent of the information may be limited—

“(i) by the Director, with respect to IT investments Governmentwide; and

“(ii) by the Chief Information Officer of a Federal agency, with respect to IT investments in that agency;

if the Director or the Chief Information Officer, as the case may be, determines that such a waiver or limitation is in the national security interests of the United States.”.

(b) ADDITIONAL REPORT REQUIREMENTS.—Paragraph (3) of section 11302(c) of such title, as redesignated by subsection (a), is amended by adding at the end the following: “The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).”.

**SEC. 5405. ENHANCED COMMUNICATION BETWEEN GOVERNMENT AND INDUSTRY.**

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

**SEC. 5406. CLARIFICATION OF CURRENT LAW WITH RESPECT TO TECHNOLOGY NEUTRALITY IN ACQUISITION OF SOFTWARE.**

(a) PURPOSE.—The purpose of this section is to establish guidance and processes to clarify that software acquisitions by the Federal Government are to be made using merit-based requirements development and evaluation processes that promote procurement choices—

(1) based on performance and value, including the long-term value proposition to the Federal Government;

(2) free of preconceived preferences based on how technology is developed, licensed, or distributed; and

(3) generally including the consideration of proprietary, open source, and mixed source software technologies.

(b) TECHNOLOGY NEUTRALITY.—Nothing in this section shall be construed to modify the Federal Government’s long-standing policy of following technology-neutral principles and practices when selecting and acquiring information technology that best fits the needs of the Federal Government.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director, in consultation with the Chief Information Officers Council, shall issue guidance concerning the technology-neutral procurement and use of software within the Federal Government.

(d) MATTERS COVERED.—In issuing guidance under subsection (c), the Director shall include, at a minimum, the following:

(1) Guidance to clarify that the preference for commercial items in section 3307 of title 41, United States Code, includes proprietary, open source, and mixed source software that meets the definition of the term “commercial item” in section 103 of title 41, United States Code, including all such software that is used for non-Government purposes and is licensed to the public.

(2) Guidance regarding the conduct of market research to ensure the inclusion of proprietary, open source, and mixed source software options.

(3) Guidance to define Governmentwide standards for security, redistribution, indemnity, and copyright in the acquisition, use, release, and collaborative development of proprietary, open source, and mixed source software.

(4) Guidance for the adoption of available commercial practices to acquire proprietary, open source, and mixed source software for widespread Government use, including issues such as security and redistribution rights.

(5) Guidance to establish standard service level agreements for maintenance and support for proprietary, open source, and mixed source software products widely adopted by the Government, as well as the development of Governmentwide agreements that contain standard and widely applicable contract provisions for ongoing maintenance and development of software.

(6) Guidance on the role and use of the Federal Infrastructure and Common Application Collaboration Center, established pursuant to section 11501 of title 40, United States Code (as added by section 5301), for acquisition of proprietary, open source, and mixed source software.

(e) REPORT TO CONGRESS.—Not later than 2 years after the issuance of the guidance required by subsection (b), the Comptroller General of the United States shall submit to the relevant congressional committees a report containing—

(1) an assessment of the effectiveness of the guidance;

(2) an identification of barriers to widespread use by the Federal Government of specific software technologies; and

(3) such legislative recommendations as the Comptroller General considers appropriate to further the purposes of this section.

**SA 2390.** Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 31. SENSE OF CONGRESS; REPORT ON STATUS OF PILOT PROGRAM FOR TECHNOLOGY COMMERCIALIZATION.**

(a) SENSE OF CONGRESS ON APPOINTMENT OF TECHNOLOGY TRANSFER COORDINATOR.—It is the sense of Congress that the Secretary of Energy should appoint the Technology Transfer Coordinator authorized under section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)) not later than 30 days after the date of enactment of this Act.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on the status of the pilot program authorized under section 3165 of the National Defense Authorization Act for Fiscal Year 2013 (50 U.S.C. 2794 note; Public Law 112-239).

**SA 2391.** Mrs. HAGAN (for herself, Mrs. FISCHER, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

**SEC. 1304. ENHANCED AUTHORITY UNDER COOPERATIVE THREAT REDUCTION PROGRAM FOR URGENT THREAT REDUCTION ACTIVITIES WITH RESPECT TO SYRIA.**

(a) IN GENERAL.—The percentage limitation specified in subsection (a) of section 1305 of the National Defense Authorization Act for Fiscal Year 2010 (22 U.S.C. 5965) shall not apply with respect to amounts appropriated or otherwise made available for fiscal year 2014 or 2015 for the Cooperative Threat Reduction Program of the Department of Defense to the extent that amounts expended in excess of such percentage limitation for either such fiscal year are expended for activities undertaken under that section with respect to Syria.

(b) QUARTERLY BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate committees of Congress a briefing on activities described in subsection (a) that includes the following:

(A) A plan for carrying out such activities.

(B) Estimated timelines and milestones for carrying out the plan.

(C) A discussion of the planned final disposition of equipment and facilities procured using funds authorized for such activities.

(2) SUBSEQUENT BRIEFINGS.—Not later than 90 days after providing the briefing required by paragraph (1), and every 90 days thereafter, the Secretary shall provide to the appropriate committees of Congress a briefing on the activities carried out under subsection (a) that includes the following:

(A) An accounting of the funds expended as of the date of the briefing to carry out such activities.

(B) An estimate of the funds that are expected to be expended for such activities in the 90-day period following the briefing.

(C) An identification of recipients of assistance pursuant to such activities.

(D) A description of the types of equipment and services procured in carrying out such activities.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means the following:

(1) The congressional defense committees.  
(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2392.** Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. PRYOR, Mr. MORAN, Mr. HELLER, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 585. MEDALS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN AN ATTACK PERPETRATED BY A HOMETOWN VIOLENT EXTREMIST WHO WAS INSPIRED OR MOTIVATED BY A FOREIGN TERRORIST ORGANIZATION.**

(a) PURPLE HEART.—

(1) AWARD.—

(A) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1129 the following new section:

**“§ 1129a. Purple Heart: members killed or wounded in attacks of hometown violent extremists motivated or inspired by foreign terrorist organizations**

“(a) IN GENERAL.—For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as a result of an act of an enemy of the United States.

“(b) COVERED MEMBERS.—A member described in this subsection is a member who was killed or wounded in an attack perpetrated by a hometown violent extremist who was inspired or motivated to engage in violent action by a foreign terrorist organization, unless the death or wound is the result of willful misconduct of the member.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘foreign terrorist organization’ means an entity designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

“(2) The term ‘hometown violent extremist’ shall have the meaning given that term by the Secretary of Defense in regulations prescribed for purposes of this section.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 1129 the following new item:

“1129a. Purple Heart: members killed or wounded in attacks of hometown violent extremists motivated or inspired by foreign terrorist organizations.”.

(2) RETROACTIVE EFFECTIVE DATE AND APPLICATION.—

(A) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as of September 11, 2001.

(B) REVIEW OF CERTAIN PREVIOUS INCIDENTS.—The Secretaries concerned shall undertake a review of each death or wounding of a member of the Armed Forces that occurred between September 11, 2001, and the date of the enactment of this Act under circumstances that could qualify as being the result of the attack of a hometown violent extremist as described in section 1129a of title 10, United States Code (as added by paragraph (1)), to determine whether the death or wounding qualifies as a death or wounding resulting from a hometown violent extremist attack motivated or inspired by a foreign terrorist organization for purposes of the award of the Purple Heart pursuant to such section (as so added).

(C) ACTIONS FOLLOWING REVIEW.—If the death or wounding of a member of the Armed Forces reviewed under subparagraph (B) is determined to qualify as a death or wounding resulting from a hometown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as so added), the Secretary concerned shall take appropriate action under such section to award the Purple Heart to the member.

(D) SECRETARY CONCERNED DEFINED.—In this paragraph, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(b) SECRETARY OF DEFENSE MEDAL FOR THE DEFENSE OF FREEDOM.—

(1) REVIEW OF THE NOVEMBER 5, 2009 ATTACK AT FORT HOOD, TEXAS.—If the Secretary concerned determines, after a review under subsection (a)(2)(B) regarding the attack that occurred at Fort Hood, Texas, on November 5, 2009, that the death or wounding of any member of the Armed Forces in that attack qualified as a death or wounding resulting from a hometown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as added by subsection (a)), the Secretary of Defense shall make a determination as to whether the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the same attack meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom.

(2) AWARD.—If the Secretary of Defense determines under paragraph (1) that the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the attack that occurred at Fort Hood, Texas, on November 5, 2009, meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom, the Secretary shall take appropriate action to award the Secretary of Defense Medal for the Defense of Freedom to the employee or contractor.

**SA 2393.** Mr. ENZI (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. NOTICE AND REPORTS TO CONGRESS ON MEETINGS RELATING TO DEPARTMENT OF DEFENSE POLICIES ON RELIGIOUS LIBERTY.**

(a) ADVANCE NOTICE.—

(1) IN GENERAL.—The Department of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives advance written notice of any meeting to be held between Department employees and civilians for the purpose of writing, revising, issuing, implementing, enforcing, or seeking advice, input, or counsel regarding military policy related to religious liberty.

(2) CONTENTS OF NOTICE.—Notice provided under paragraph (1) shall include information on the time, date, location, and anticipated attendees of the meeting and information on who initiated the meeting.

(3) VERBAL NOTICE.—If a meeting to which this subsection applies is scheduled less than 24 hours in advance of the meeting, the notice requirement under paragraph (1) may be satisfied by a phone call if Committee staff provide verbal confirmation of receipt of the notice.

(b) REPORT.—Not later than 72 hours after the conclusion of a meeting to which subsection (a) applies, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the meeting. The report shall include information on the time, date, location, duration, and attendees of the meeting and information on who initiated the meeting.

**SA 2394.** Mr. ENZI (for himself, Mr. HOEVEN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. RESTRICTION ON REDUCTION OF NUCLEAR FORCES.**

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2014 may be used to reduce United States nuclear forces below the levels specified under the New START Treaty except pursuant to the treaty-making power of the President under Article II, section 2, clause 2 of the Constitution of the United States or the Arms Control and Disarmament Act (Public Law 87-297).

**SA 2395.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1003. REDUCTION IN BUDGETS OF MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.**

(a) **IN GENERAL.**—Commencing with fiscal year 2015, the Secretary of Defense shall provide for a reduction in the aggregate budget of the Department of Defense headquarters activities specified in subsection (b) such that the aggregate budget for such headquarters activities for fiscal year 2018 does not exceed an amount equal to—

(1) the aggregate amount requested for such headquarters activities in the budget of the Department of Defense for fiscal year 2013 (as included in the budget of the President for that fiscal year submitted pursuant to section 1105 of title 31, United States Code), minus

(2) an amount equal to 20 percent of the amount described in paragraph (1).

(b) **HEADQUARTERS ACTIVITIES.**—The Department of Defense headquarters activities specified in this subsection are as follows:

(1) The Office of the Secretary of Defense, including Principal Staff Assistants and their associated Defense Agency staffs and Department of Defense field activity staffs.

(2) The Joint Staff.

(3) The Office of the Secretary of the Army and Army Staff.

(4) The Office of the Secretary of the Air Force and Air Staff.

(5) The Office of the Secretary of the Navy, Office of the Chief of Naval Operations, and Headquarters, Marine Corps.

(6) The commands as follows:

(A) The United States Army Forces Command.

(B) The United States Army Materiel Command.

(C) United States Army Pacific.

(D) The United States Army Training and Doctrine Command.

(E) The United States Fleet Forces Command.

(F) United States Naval Forces Europe.

(G) United States Pacific Fleet.

(H) The Air Combat Command.

(I) The Air Education and Training Command.

(J) The Air Force Materiel Command.

(K) The Air Force Space Command.

(L) The Air Mobility Command.

(M) Pacific Air Forces.

(N) United States Air Forces in Europe.

(7) Reserve component commands, including the following:

(A) The National Guard Bureau, the Army National Guard Directorate, and the Air National Guard Readiness Center.

(B) The Office of the Chief of the Army Reserve and the Army Reserve Command.

(C) Headquarters, Air Force Reserve and the Air Force Reserve Command.

(D) Headquarters, Navy Reserve Force and the Marine Corps Forces Reserve.

(8) Unified combatant command staffs, including the following:

(A) The United States Africa Command.

(B) The United States Central Command.

(C) The United States European Command.

(D) The United States Northern Command.

(E) The United States Pacific Command.

(F) The United States Southern Command.

(G) The United States Special Operations Command.

(H) The United States Strategic Command.

(I) The United States Transportation Command.

(c) **SCOPE OF REDUCTIONS.**—The reduction in the budget of a headquarters activity to be achieved under subsection (a) shall be a reduction in the total budget of the headquarters activity (as specified in the future-years defense program accompanying the

budget of the President for fiscal year 2013), including—

(1) costs of military and civilian personnel (whether regular or reserve component) assigned to the headquarters activity; and

(2) associated costs of the headquarters activity, including contract services, facilities, information technology, and other costs that support headquarters functions, including manpower and resources associated with the Military Intelligence Program (MIP).

(d) **ADMINISTRATION OF REDUCTION.**—

(1) **UNIFORM ALLOCATION OF REDUCTION ACROSS FISCAL YEARS.**—The Secretary shall, to the extent practicable, achieve the reduction in the aggregate budget required by subsection (a) by spreading the reduction evenly among the fiscal years during which the reduction occurs.

(2) **UNIFORM APPLICATION OF PERCENTAGE REDUCTION AMONG COVERED HEADQUARTERS.**—The Secretary shall, to the extent practicable, achieve the reduction in the aggregate budget required by subsection (a) by achieving the same percentage in the reduction of the budget for each headquarters activity to which the reduction applies.

(3) **PROHIBITION ON ACHIEVEMENT THROUGH INCREASE IN BUDGETS OF HEADQUARTERS OF SUBORDINATE COMMANDS.**—The Secretary may not achieve the reduction in the aggregate budget required by subsection (a) through an increase in the budgets of subordinate commands, subordinate headquarters activities, or other associated activities.

(4) **AUTHORITY TO CONSOLIDATE CERTAIN COMMANDS.**—Notwithstanding paragraph (2), the Secretary may restructure, consolidate, or combine any of the headquarters activities listed in paragraphs (1), (6), (7), and (8) of subsection (b) as may be needed to support operational or strategic objectives, so long as such restructuring, consolidation, or combination is consistent with the achievement of the reduction in the aggregate budget required by subsection (a).

(e) **REPORTS.**—The Secretary shall submit to the congressional defense committees, at the same time the budget of the President for each of fiscal years 2016, 2017, 2018, and 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, a report setting forth a description of the progress of the Secretary in achieving the reduction in the aggregate budget required by subsection (a) during the prior fiscal year. Each report shall include a certification by the Secretary whether the Secretary will achieve, or has achieved, the reduction required.

**SA 2396.** Mrs. MURRAY (for herself and Mr. KAINE) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, between lines 24 and 25, insert the following:

(4) **STANDING TO APPEAR AND REPRESENTATION.**—The Special Victims' Counsel provided to a member of the Armed Forces or dependent of a member of the Armed Forces under subsection (b) of section 1565b of title 10, United States Code (as amended by this section), shall be permitted to provide legal representation in connection with the report-

ing, investigation, and prosecution of a member of the Armed Forces for the offense for which the Special Victims' Counsel is provided. The representation shall include the right to appear and be heard, to the extent the victim has a right to be heard, at any proceeding under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

**SA 2397.** Mr. MCCAIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TRANSFER OF AIRCRAFT TO OTHER DEPARTMENTS FOR WILDFIRE SUPPRESSION PURPOSES.**

(a) **TRANSFER OF HC-130H AIRCRAFT.**—

(1) **TRANSFER BY DEPARTMENT OF HOMELAND SECURITY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, shall transfer, without reimbursement—

(A) 7 HC-130H aircraft to the Secretary of the Air Force; and

(B) initial spares and necessary ground support equipment for HC-130H aircraft to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management as large air tanker wildfire suppression aircraft.

(2) **AIR FORCE ACTIONS.**—Subject to the availability of funds provided by the Undersecretary of Defense, Comptroller, to the Secretary of the Air Force for HC-130H modifications, the Secretary of the Air Force shall—

(A) accept the HC-130H aircraft transferred by the Secretary of Homeland Security under paragraph (1);

(B) at the first available opportunity, promptly schedule and serially synchronize with the Secretary of Homeland Security and the Secretary of Agriculture the induction of HC-130H aircraft to minimize maintenance induction on-ramp wait time of HC-130H aircraft, while also affording the Secretary of Homeland Security reasonable access to operational aircraft prior to the aircraft's induction into maintenance functions described in subparagraph (C);

(C) perform center and outer wingbox replacement modifications, progressive fuselage structural inspections, and configuration modifications necessary to convert each HC-130H aircraft as large air tanker wildfire suppression aircraft; and

(D) after modifications described in subparagraph (C) are completed for each HC-130H aircraft, the Secretary of the Air Force shall transfer each aircraft without reimbursement to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management as large air tanker wildfire suppression aircraft.

(3) **REIMBURSEMENT.**—The Undersecretary of Defense, Comptroller, shall promptly reimburse the Secretary of the Air Force for all fiscal resources utilized by the Department of the Air Force to perform the HC-130H modifications described under paragraph (2).

(b) **TRANSFER OF C-23B+ SHERPA AIRCRAFT.**—The Secretary of the Army shall transfer, without reimbursement—

(1) up to 15 C-23B+ Sherpa aircraft in fiscal year 2014 to the Secretary of Agriculture, subject to the quantity of C-23B+ Sherpa aircraft that the Forest Service Director of Aviation and Fire Management determines are required to meet fire-fighting requirements; and

(2) initial spares and necessary ground support equipment for operation of C-23B+ Sherpa aircraft to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management.

(c) **CONDITIONS OF CERTAIN TRANSFERS.**—Aircraft transferred to the Secretary of Agriculture under this section—

(1) may be used only for wildfire suppression purposes;

(2) may not be flown outside of, or otherwise removed from, the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance; and

(3) may not be sold by the Secretary of Agriculture after transfer.

(d) **COSTS AFTER TRANSFER.**—Any costs of operation, maintenance, sustainment, and disposal of excess aircraft, initial spares, and ground support equipment transferred to the Secretary of Agriculture under this section that are incurred after the date of transfer shall be borne by the Secretary of Agriculture.

(e) **CERTIFICATION REQUIREMENT.**—Notwithstanding any other law, neither the Secretary of Agriculture nor the Secretary of Homeland Security shall take possession of any C-27J aircraft unless the Secretary of Defense and the Director of the Office of Management and Budget certify to the congressional defense committees within 30 days after the enactment of this act that adequate funding has been obligated to modify 7 HC-130H aircraft as large air tanker wildfire suppression aircraft.

**SA 2398.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. PILOT PROGRAM ON INVESTIGATIONAL TREATMENT OF MEMBERS OF THE ARMED FORCES FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program under which the Secretary shall establish a process for randomized placebo-controlled clinical trials of investigational treatments (including diagnostic testing) of Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD) received by members of the Armed Forces in health care facilities other than military treatment facilities.

(b) **CONDITIONS FOR APPROVAL.**—The approval by the Secretary for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration and its use must comply with rules of the Food and Drug Administration applicable to investigational new drugs or investigational devices.

(2) The treatment must be approved by the Secretary following approval by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The patient receiving the treatment may not be a retired member of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) **ADDITIONAL RESTRICTIONS AUTHORIZED.**—The Secretary may establish additional restrictions or conditions as the Secretary determines appropriate to ensure the protection of human research subjects, appropriate fiscal management, and the validity of the research results.

(d) **DATA COLLECTION AND AVAILABILITY.**—The Secretary shall develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretary shall ensure that the database preserves confidentiality and that any use of the database or disclosures of such data are limited to such use and disclosures permitted by law and applicable regulations.

(e) **REPORTS TO CONGRESS.**—Not later than 30 days after the last day of each fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section and any available results on investigational treatment clinical trials authorized under this section during such fiscal year.

(f) **TERMINATION.**—The authority of the Secretary to carry out the pilot program authorized by subsection (a) shall terminate on December 31, 2018.

**SA 2399.** Ms. STABENOW (for herself, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, strike lines 1 and 2, and insert the following:

**Subtitle C—Domestic Refugee Resettlement**

**SEC. 1221. SHORT TITLE.**

This subtitle may be cited as the “Domestic Refugee Resettlement Reform and Modernization Act of 2013”.

**SEC. 1222. DEFINITIONS.**

In this subtitle:

(1) **COMMUNITY-BASED ORGANIZATION.**—The term “community-based organization” means a nonprofit organization providing a variety of social, health, educational and community services to a population that includes refugees resettled into the United States.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office of Refugee Resettlement in the Department of Health and Human Services.

(3) **NATIONAL RESETTLEMENT AGENCY.**—The term “national resettlement agency” means voluntary agencies contracting with the De-

partment of State to provide sponsorship and initial resettlement services to refugees entering the United States.

**SEC. 1223. ASSESSMENT OF REFUGEE DOMESTIC RESETTLEMENT PROGRAMS.**

(a) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.

(b) **MATTERS TO BE STUDIED.**—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) how the Office of Refugee Resettlement defines self-sufficiency and if this definition is adequate in addressing refugee needs in the United States;

(2) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency and integration;

(3) the Office of Refugee Resettlement's budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(4) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(5) how community based organizations can be better utilized and supported in the Federal domestic resettlement process; and

(6) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under paragraphs (1) through (5).

(c) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of the study required under subsection (a).

**SEC. 1224. REFUGEE ASSISTANCE.**

(a) **ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.**—Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

“(C) The Director shall ensure that assistance under this section is provided to refugees who are secondary migrants and meet all other eligibility requirements for such assistance.”.

(b) **REPORT ON SECONDARY MIGRATION.**—Section 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

(1) by inserting “(A)” after “(3)”;

(2) by striking “periodic” and inserting “annual”; and

(3) by adding at the end the following:

“(B) At the end of each fiscal year, the Director shall submit a report to Congress that includes—

“(i) States experiencing departures and arrivals due to secondary migration;

“(ii) likely reasons for migration;

“(iii) the impact of secondary migration on States hosting secondary migrants;

“(iv) the availability of social services for secondary migrants in those States; and

“(v) unmet needs of those secondary migrants.”.

(c) **AMENDMENTS TO SOCIAL SERVICES FUNDING.**—Section 412(c)(1)(B) of such Act (8 U.S.C. 1522(c)(1)(B)) is amended—

(1) by inserting “a combination of—” after “based on”;

(2) by striking “the total number” and inserting the following:

“(i) the total number”; and

(3) by striking the period at the end and inserting the following:



“(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

“(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.”.

(d) **NOTICE AND RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act and not later than 30 days before the effective date set forth in subsection (e), the Director shall—

(1) issue a proposed rule for a new formula by which grants and contracts are to be allocated pursuant to the amendments made by subsection (c); and

(2) solicit public comment regarding such proposed rule.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on the first day of the first fiscal year that begins after the date of the enactment of this Act.

#### SEC. 1225. RESETTLEMENT DATA.

(a) **IN GENERAL.**—The Director shall expand the Office of Refugee Resettlement's data analysis, collection, and sharing activities in accordance with the requirements set forth in subsections (b) through (e).

(b) **DATA ON MENTAL AND PHYSICAL MEDICAL CASES.**—The Director shall—

(1) coordinate with the Centers for Disease Control and Prevention, national resettlement agencies, community-based organizations, and State refugee health programs to track national and State trends on refugees arriving with Class A medical conditions and other urgent medical needs; and

(2) in collecting information under this subsection, utilize initial refugee health screening data, including—

(A) a history of severe trauma, torture, mental health symptoms, depression, anxiety, and posttraumatic stress disorder recorded during domestic and international health screenings; and

(B) Refugee Medical Assistance utilization rate data.

(c) **DATA ON HOUSING NEEDS.**—The Director shall partner with State refugee programs, community-based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(1) the number of refugees who have become homeless; and

(2) the number of refugees who are at severe risk of becoming homeless.

(d) **DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.**—The Director shall gather longitudinal information relating to refugee self-sufficiency, integration, and employment status during the 2-year period beginning 1 year after the date on which the refugees arrived in the United States.

(e) **AVAILABILITY OF DATA.**—The Director shall annually—

(1) update the data collected under this section; and

(2) submit a report to Congress that contains the updated data.

#### SEC. 1226. GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.

(a) **CONSULTATION.**—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(b) **BEST PRACTICES.**—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation

of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

#### SEC. 1227. EFFECTIVE DATE.

This subtitle (except for the amendments made by section 1224) shall take effect on the date that is 90 days after the date of the enactment of this Act.

#### Subtitle D—Reports and Other Matters

**SA 2400.** Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Mr. PAUL, and Mr. CRUZ) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

#### SEC. 1035. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) No citizen shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an act of Congress that expressly authorizes such detention.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

“(3) This section shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

**SA 2401.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

#### SEC. 2842. LIMITATION ON PHYSICAL RELOCATION OF ARMY RECRUITING AND RETENTION SCHOOL.

The Secretary of the Army shall not undertake any action, or use any funds avail-

able to the Army, to physically relocate the Army Recruiting and Retention School from Fort Jackson, South Carolina, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) An independent cost-benefit analysis of the proposed relocation of the Army Recruiting and Retention School.

(2) A description of the projected Army trainee population at Fort Jackson in fiscal years 2015 through 2020.

(3) An analysis of the military construction requirements and costs for the erection of a structure at Fort Jackson adequate to house all trainees attending the Army Recruiting and Retention School.

**SA 2402.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

#### SEC. 722. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON AVAILABILITY OF COMPOUNDED PHARMACEUTICALS IN THE MILITARY HEALTH CARE SYSTEM.

(a) **REPORT REQUIRED.**—Not later than September 30, 2014, the Comptroller General of the United States shall submit to Congress a report on the availability of compounded pharmaceuticals in the military health care system.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the number of prescriptions for compounded pharmaceuticals processed, and the types of compounded pharmaceuticals dispensed, in military medical treatment facilities and through the mail order and retail venues of the pharmacy benefits program of the TRICARE program in fiscal year 2013.

(2) A description of the categories of eligible beneficiaries who received compounded pharmaceuticals in each pharmacy venue of the military health care system in fiscal year 2013.

(3) A description of the claims reimbursement methodology used by the manager of the pharmacy benefits program to reimburse pharmacy providers for compounded pharmaceuticals, and an assessment of the manner in which such methodology compares with reimbursement methodologies used by other major public programs and private insurers.

(4) An estimate of potential cost savings for the Department of Defense if the manager of the pharmacy benefits program used an alternative claims reimbursement methodology for compounded pharmaceuticals provided under the pharmacy benefits program.

(5) A review of the accreditation standards and options intended to assure the safety and efficacy of compounded pharmaceuticals available through the military health care system.

**SA 2403.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for



military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, between the matter before line 1 and line 1, insert the following:

(e) DISCHARGE AND ENFORCEMENT OF RIGHTS OF VICTIMS TO BE HEARD AT PROCEEDINGS RELATING TO OFFENSES.—

(1) REPRESENTATION THROUGH COUNSEL.—In any proceeding of the military justice process in which a member of the Armed Forces or dependent of a member who is the victim of a sexual assault committed by a member of the Armed Forces has the right to be heard, such member or dependent shall have the right to be heard through an attorney who represents such member or dependent.

(2) APPELLATE ENFORCEMENT OF RIGHTS.—

(A) COURT OF CRIMINAL APPEALS.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(i) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(ii) by inserting after subsection (e) the following new subsection (f):

“(f)(1) The Judge Advocate General may refer to a Court of Criminal Appeals each petition by a member of the armed forces or a dependent of a member for the enforcement of the following rights:

“(A) Any right available to the petitioning member or dependent to be heard at a proceeding of the military justice process in connection with a sexual assault committed by a member of the armed forces in which the petitioning member or dependent was the victim.

“(B) The right of the petitioning member or dependent to be represented by counsel at any such proceeding at which the member or dependent has the right to be heard.

“(2) In a petition referred to it under paragraph (1), the Court of Criminal Appeals may act only on the decision of the military judge not to enforce a right referred to in that paragraph.

“(3) If the Court of Criminal Appeals sets aside the decision of a military judge, it may order the military judge to enforce the rights of the member or dependent.”.

(B) COURT OF APPEALS FOR THE ARMED FORCES.—Section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(f)(1) The Court of Appeals for the Armed Forces shall have the authority, in its discretion, to review each petition for review by a member of the armed forces or dependent of a member of a decision of the Court of Criminal Appeals under section 866(f) of this title (article 66(f)) not to enforce a right of the member or dependent under paragraph (1) of that section.

“(2) In a case reviewed by it under paragraph (1), the review of the Court of Appeals for the Armed Forces shall be limited to the decision of the Court of Criminal Appeals. The Court of Appeals for the Armed Forces shall only take action with respect to matters of law.

“(3) If the Court of Appeals for the Armed Forces sets aside the decision of a Court of Criminal Appeals, it may order the enforcement of the right of the member or dependent.”.

**SA 2404.** Mr. KING submitted an amendment intended to be proposed by

him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. RETROACTIVE APPLICATION OF AUTHORITY FOR RECOMPUTATION OF RETIRED PAY FOR RESERVE RETIREES FOR CERTAIN SERVICE IN ACTIVE STATUS AFTER RETIREMENT BEFORE OCTOBER 28, 2009.**

(a) RECOMPUTATION REQUIRED FOR RESERVE MEETING TWO-YEAR SERVICE REQUIREMENT.—In the case of any Reserve who completed not less than two years of service on active status as described in subsection (e)(1) of section 12739 of title 10, United States Code, before October 28, 2009, the Secretary concerned shall recompute the retired pay of such Reserve under such section as if such subsection applied to such Reserve for such service.

(b) RECOMPUTATION AUTHORIZED FOR OTHER COVERED RESERVES.—In the case of any Reserve who served on active status as described in subsection (e)(2) of section 12739 of title 10, United States Code, before October 28, 2009, the Secretary concerned may recompute the retired pay of such Reserve under such section as if subsection (e)(1) of such section applied to such Reserve for such service.

(c) EFFECTIVE DATE OF RECOMPUTATION.—Any recomputation of retired pay under this section shall be effective only for retired pay payable for months beginning on or after the date of such recomputation.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

**SA 2405.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, beginning with line 13, strike through line 15 on page 554 and insert the following:

**TITLE XXXV—MARITIME ADMINISTRATION**  
**SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2014.**

Funds are hereby authorized to be appropriated for fiscal year 2014, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$81,268,000, of which—

(A) \$67,268,000 shall remain available until expended for Academy operations; and

(B) \$14,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$17,100,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

(B) \$3,600,000 shall remain available until expended for direct payments to such academies; and

(C) \$11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$2,000,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$186,000,000.

**SEC. 3502. TREATMENT OF FUNDS FOR INTERMODAL TRANSPORTATION MARITIME FACILITY, PORT OF ANCHORAGE, ALASKA.**

Section 10205 of Public Law 109-59 (119 Stat. 1934) is amended by striking “shall” and inserting “may”.

**SA 2406.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXV, add the following:

**SEC. 3502. REPORT ON THE READY RESERVE FORCE OF THE MARITIME ADMINISTRATION.**

(a) FINDINGS.—Congress finds the following:

(1) It is in the interest of United States national security that the United States merchant marine, both ships and mariners, serve as a naval auxiliary in times of war or national emergency.

(2) It is important to augment the readiness of the United States merchant fleet with a Government-owned reserve fleet comprised of ships with national defense features that may not be available immediately in sufficient numbers or types in the active United States-owned, United States-flagged, and United States-crewed commercial industry.

(3) The Ready Reserve Force of the Maritime Administration, a component of the National Defense Reserve Fleet, plays an important role in United States national security by providing necessary readiness and efficiency in the form of a Government-owned sealift fleet.

(4) By 2025, 7 out of 27 standard-speed roll-on/roll-off vessels in the Ready Reserve Force will have reached their end of service life. Only 5 of such vessels will still be within their service life by 2030.

(5) The Ready Reserve Force could avoid at least \$463,000,000 in costs over the next 20 years through a pilot program involving 5 dual-use vessels.

(6) A successful dual-use vessel program could provide—

(A) private sector benefits for the domestic shipbuilding and maritime freight industries; and

(B) an opportunity to outfit vessels with natural gas engines, lowering long-term fuel costs and emissions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain a shipbuilding base to meet United States national security requirements;

(2) the Ready Reserve Force of the Maritime Administration should remain capable, modern, and efficient in order to best serve the national security needs of the United States in times of war or national emergency;

(3) Federal agencies should consider investment options for replacing aging vessels within the Ready Reserve Force to meet future operational commitments; and

(4) investment in recapitalizing the Ready Reserve Force should include—

(A) construction of dual-use vessels, based on need, for use in the America's Marine Highway Program of the Department of Transportation, as a recent study performed under a cooperative agreement between the Maritime Administration and the Navy demonstrated that dual-use vessels transporting domestic freight between United States ports could be called upon to supplement seallift capacity;

(B) construction of tanker vessels to meet military transport needs; and

(C) construction of vessels for use in transporting potential new energy exports.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Navy, shall submit to the congressional defense committees a report on the cost-effectiveness of the recapitalizing methods for the Ready Reserve Force described under subsection (b)(4) that includes an assessment of the risks involved with Federal financing of dual-use vessels.

**SA 2407.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. SENSE OF SENATE THAT FUNDS FOR PLANNED OR SCHEDULED EXCAVATIONS IN FISCAL YEAR 2014 IN CONNECTION WITH POW/MIA ACCOUNTING ACTIVITIES SHOULD NOT BE SUBJECT TO ANNUAL APPROPRIATIONS.**

It is the sense of the Senate that funds for planned or scheduled excavations in fiscal year 2014 in connection with POW/MIA accounting activities should not be subject to annual appropriations.

**SA 2408.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON READINESS OF AIR FORCE COMBAT RESCUE HELICOPTER FLEET.**

(a) REPORT REQUIRED.—Not later than April 1, 2014, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, submit to congressional defense committees a report setting forth an assessment of the readiness of the Air Force combat rescue helicopter fleet.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the readiness of the Air Force combat rescue helicopter fleet, including—

(A) the number and type of helicopters in the combat rescue helicopter fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard;

(B) the Aircraft Availability Rate, and the number of hours flown for each of the preceding 12 months, for the portion of the fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard; and

(C) the costs associated with sustaining and training the current fleet of Air Force combat rescue helicopters over the current five year defense plan.

(2) A plan for near-term, middle-term, and long-term modernization and recapitalization of the Air Force combat rescue helicopter fleet.

**SA 2409.** Mr. BOOZMAN (for himself, Mr. WARNER, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXV, add the following:

**SEC. 3502. UNITED STATES MERCHANT MARINE ACADEMY BOARD OF VISITORS.**

Section 51312 of title 46, United States Code, is amended to read as follows:

**“§ 51312. Board of Visitors**

“(a) IN GENERAL.—A Board of Visitors to the United States Merchant Marine Academy (hereinafter referred to as the ‘Board’) shall be established to provide independent advice and recommendations on matters relating to the United States Merchant Marine Academy.

“(b) APPOINTMENT AND MEMBERSHIP.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the Board shall be composed of—

“(A) 2 Senators appointed by the chairman, in consultation with the ranking member, of the Committee on Commerce, Science, and Transportation of the Senate;

“(B) 3 members of the House of Representatives appointed by the chairman, in consultation with the ranking member, of the Committee on Armed Services of the House of Representatives;

“(C) 1 Senator appointed by the Vice President, who shall be a member of the Committee on Appropriations of the Senate;

“(D) 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader, at least 1 of whom shall be

a member of the Committee on Appropriations of the House of Representatives;

“(E) the Commander of the United States Transportation Command;

“(F) the Commander of the Military Sealift Command;

“(G) the Assistant Commandant for Prevention Policy of the United States Coast Guard;

“(H) 4 individuals appointed by the President; and

“(I) as ex officio members—

“(i) the chairman of the Committee on Commerce, Science, and Transportation of the Senate;

“(ii) the chairman of the Committee on Armed Services of the House of Representatives; and

“(iii) the chairman of the Advisory Board to the United States Merchant Marine Academy established in section 51313.

“(2) PRESIDENTIAL APPOINTEES.—Of the individuals appointed by the President under paragraph (1)(H)—

“(A) at least 2 shall be graduates of the United States Merchant Marine Academy;

“(B) at least 1 shall be a senior corporate officer from a United States maritime shipping company that participates in the Maritime Security Program, and this appointment shall rotate biennially among the companies enrolled in the Maritime Security Program; and

“(C) at least 1 shall be a Commissioner of the Federal Maritime Commission.

“(3) TERM OF SERVICE.—Each member of the Board shall serve for a term of 2 years commencing at the beginning of each Congress, except that any member whose term on the Board has expired shall continue to serve until a successor is designated.

“(4) VACANCIES.—If a member of the Board dies or resigns, the Designated Federal Officer selected under subsection (g)(1)(B) shall immediately notify the official who appointed such member. Not later than 60 days after that notification, such official shall designate a replacement to serve the remainder of such member's term.

“(5) CURRENT MEMBERS.—Each member of the Board serving on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014 shall continue to serve for the remainder of such member's term.

“(6) DESIGNATION AND RESPONSIBILITY OF SUBSTITUTE BOARD MEMBERS.—A member of the Board described in subparagraph (E), (F), or (G) of subsection (b)(1) or subparagraph (B) or (C) of subsection (b)(2) may, if unable to attend or participate in an activity described in subsection (d), (e), or (f), designate another individual to serve as a substitute member of the Board, on a temporary basis, to attend or participate in such activity. Such designee shall be permitted to fully participate in the proceedings and activities of the Board and shall report back to the member on the Board's activities not later than 15 days following the designee's participation in such activities.

“(c) CHAIRPERSON.—

“(1) IN GENERAL.—On a biennial basis, the Board shall select from among its members, a member of the House of Representatives or a Senator to serve as the Chairperson.

“(2) ROTATION.—The Chairperson of the Board shall rotate on a biennial basis between a member of the Board who is a member of the House of Representatives and a member of the Senate.

“(3) TERM.—An individual may not serve as Chairperson for more than 1 consecutive term.

“(d) MEETINGS.—

“(1) IN GENERAL.—The Board shall meet several times each year as provided for in the Charter under paragraph (2)(B), including at least 1 meeting held at the Academy.

“(2) SELECTION AND CONSIDERATION.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the Designated Federal Officer selected under subsection (g)(1)(B) shall organize a meeting of the Board for the purposes of—

“(A) selecting a Chairperson; and

“(B) consideration of an official Charter for the Board, which shall provide for the meeting of the Board at least 4 times each year.

“(e) VISITING THE ACADEMY.—

“(1) ANNUAL VISIT.—The Board shall visit the United States Merchant Marine Academy annually on a date selected by the Board, in consultation with the Secretary of Transportation and the Superintendent of the Academy.

“(2) OTHER VISITS.—In cooperation with the Superintendent, the Board or its members may make other visits to the Academy in connection with the duties of the Board.

“(3) ACCESS.—During a visit to the Academy under this subsection, the members of the Board shall have access to the grounds, facilities, midshipmen, faculty, staff, and other personnel of the Academy for the purposes of carrying out the duties of the Board.

“(f) RESPONSIBILITY.—The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the United States Merchant Marine Academy that the Board decides to consider.

“(g) DEPARTMENT OF TRANSPORTATION SUPPORT.—The Secretary of Transportation shall—

“(1) provide support as deemed necessary for the performance of the Board's functions;

“(2) not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, select a Designated Federal Officer to support the performance of the Board's functions; and

“(3) in cooperation with the Maritime Administrator and the Superintendent of the Academy, provide the Board candid and complete disclosure, consistent with applicable laws concerning the disclosure of information, with respect to institutional problems.

“(h) STAFF.—Staff members may be designated to serve without reimbursement as staff for the Board by—

“(1) the Chairperson of the Board;

“(2) the chairman of the Committee on Commerce, Science, and Transportation of the Senate; and

“(3) the chairman of the Committee on Armed Services of the House of Representatives.

“(i) TRAVEL EXPENSES.—When serving away from home or regular place of business, a member of the Board or a staff member designated under subsection (h) shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(j) REPORTS.—

“(1) ANNUAL REPORT.—Not later than 60 days after each annual visit required by subsection (e)(1), the Board shall submit to the President a written report of its actions, views, and recommendations pertaining to the United States Merchant Marine Academy.

“(2) OTHER REPORTS.—If the members of the Board make a visit to the Academy under subsection (e)(2), the Board shall—

“(A) prepare a report on such visit; and

“(B) if approved by a majority of the members of the Board, submit such report to the President not later than 60 days after the date of the approval.

“(3) ADVISORS.—Upon approval by the Secretary of Transportation, the Board may call in advisers for consultation regarding the execution of the Board's responsibility under subsection (f) or to assist in preparation of a report under paragraph (1) or (2).

“(4) SUBMISSION.—A report submitted to the President under paragraph (1) or (2) shall be concurrently submitted to the following:

“(A) The Secretary of Transportation.

“(B) The Committee on Commerce, Science, and Transportation of the Senate.

“(C) The Committee on Armed Services of the House of Representatives.”.

**SA 2410.** Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION.**

(a) INCREASED THRESHOLD FOR APPLICATION OF SECRETARY APPROVAL AND CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Subsection (b)(1) of section 2805 of title 10, United States Code, is amended by striking “\$750,000” and inserting “\$1,000,000”.

(b) INCREASE IN MAXIMUM AMOUNT OF OPERATION AND MAINTENANCE FUNDS AUTHORIZED TO BE USED FOR CERTAIN PROJECTS.—Subsection (c)(1)(B) of such section is amended by striking “\$750,000” and inserting “\$1,000,000”.

(c) ANNUAL LOCATION ADJUSTMENT OF DOLLAR LIMITATIONS.—Such section is further amended by adding at the end the following new subsection:

“(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project.”.

(d) MODIFICATION AND EXTENSION OF AUTHORITY FOR LABORATORY REVITALIZATION PROJECTS.—

(1) IN GENERAL.—Subsection (d) of section 2805 of title 10, United States Code, is amended—

(A) in paragraph (1)(A), by striking “not more than \$2,000,000” and inserting “not more than \$4,000,000, notwithstanding subsection(c)”; and

(B) in paragraph (2), by striking the first sentence and inserting the following: “For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than \$4,000,000.”; and

(C) in paragraph (5), by striking “2016” and inserting “2020”.

(2) APPLICATION TO CURRENT PROJECTS.—The amendments made by paragraph (1) do

not apply to any laboratory revitalization project for which the design phase has been completed as of the date of the enactment of this Act.

**SA 2411.** Mr. PRYOR (for himself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, Mr. HARKIN, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. CONSIDERATION OF ARMY ARSENAL CAPABILITY TO FULFILL MANUFACTURING REQUIREMENTS.**

(a) CONSIDERATION OF CAPABILITY OF ARSENALS.—When undertaking a make-or-buy analysis, a program executive officer or program manager of a military department or Defense Agency shall consider the capability of arsenals owned by the United States to fulfill a manufacturing requirement.

(b) NOTIFICATION OF SOLICITATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish and implement a system for ensuring that the arsenals owned by the United States are notified of any solicitation that fulfills a manufacturing requirement for which there is no or limited domestic commercial source and which may be appropriate for manufacturing within an arsenal owned by the United States.

**SA 2412.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Somalia Stabilization**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the “Somalia Stabilization Act of 2013”.

**SEC. 1242. FINDINGS.**

Congress makes the following findings:

(1) Since the collapse of the Siad Barre regime in 1991, Somalia has struggled to rebuild a government and assert order and control over warlords, clan militias, and extremist groups.

(2) The lack of functioning state and governing structures led to chronic humanitarian need within Somalia and enabled terrorist groups, maritime crime, illicit trafficking, and mass refugee flows to flourish.

(3) In 2007, the Ethiopian military ousted the Islamic Courts Union and the United Nations authorized the African Union to deploy a peacekeeping force to Somalia—the African Union Mission to Somalia (AMISOM), in order to support the Transitional Federal Government to establish order in Somalia. AMISOM currently consists of troops from Burundi, Djibouti, Kenya, Sierra Leone, and Uganda.

(4) In 2008, Harakat al-Shabaab al-Mujahideen (al-Shabaab) was designated a Foreign Terrorist Organization and a Specially Designated Global Terrorist entity by the United States Government.

(5) In 2010, al-Shabaab took control of southern and central Somalia and instituted strict Sharia law.

(6) In July 2010, Al-Shabaab retaliated against a contributor to AMISOM by carrying out an attack in Kampala, Uganda, which killed 74 people and injured 70 others.

(7) In 2010, in response to growing al-Shabaab dominance and brutality, the AMISOM mandate was expanded to directly target and counter al-Shabaab in Somalia.

(8) In 2011 and 2012, when many parts of the country were suffering from severe food insecurity and famine, al-Shabaab denied humanitarian access to its residents, resulting in the death of close to 260,000 people and acute food insecurity for millions.

(9) In 2011, the Kenyan Defense Force joined AMISOM, to help take control of urban areas like Mogadishu and Kismayo from al-Shabaab control.

(10) In 2012, improved security in much of urban Somalia enabled the Transitional Federal Government to complete a draft constitution and end its transitional term.

(11) In 2012 a regionally-representative Somali constituent assembly elected a new Federal parliament, which in turn elected President Hassan Sheikh Mohamud.

(12) The United States, Arab and European countries, the United Nations, and the African Union officially recognized the new Somali government, citing the process that created it as being the most credible and inclusive process to date.

(13) On March 6, 2013, the United Nations Security Council passed Resolution 2093, creating a new exemption to the 21 year-old arms embargo for a period of 12 months, to allow for “deliveries of weapons or military equipment or the provision of advice, assistance or training, intended solely for the development of the National Security Forces of the Federal Government of Somalia”, and calling for the training, equipping, and capacity-building of Somalia Security Forces, including both its armed forces and police, with special focus on the development of infrastructure to “ensure the safe storage, registration, maintenance and distribution of military equipment,” and “procedures and codes of conduct. . . for the registration, distribution, use, and storage of weapons”.

(14) On May 2, 2013, the United Nations Security Council passed Resolution 2102, establishing the United Nations Assistance Mission in Somalia (UNSOM) under the leadership of a Special Representative of the Secretary-General to support the Government of Somalia with peace-building, state-building and governance, as well as the coordination of international assistance.

(15) Though greeted with great optimism, the Government of Somalia has run into many challenges, which has stalled its efforts to finalize the constitution, guide the structure of the new state, or provide services to the population.

(16) President Hassan Sheikh Mohamud and his government have committed to the completion of these tasks and to holding a constitutional referendum and national election by 2016.

(17) On September 16, 2013, the international community and a high level Somali delegation endorsed a compact based on the “New Deal Strategy for Engagement in Fragile States.” Donors pledged \$2,400,000,000 over three years to support Somali develop-

ment priorities, including \$69,000,000 from the United States.

(18) Al Shabaab continues to use terrorist tactics to attack soft targets. On September 21 through the 24, 2013, al-Shabaab perpetrated an attack on the Westgate mall in Nairobi, Kenya, killing at least 67 people.

#### SEC. 1243. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) support the Somali Federal Government, regional administrations, Federal units, and people in their ongoing efforts to consolidate political gains and develop credible, transparent, and representative government systems and institutions, and foster complementary processes at the local, regional, and national levels;

(2) continue to support African-led regional efforts to improve security and stability in Somalia, including through the African Union Mission to Somalia (AMISOM) and the United Nations Assistance Mission in Somalia (UNSOM);

(3) support the people and Government of Somalia to develop professional and regionally and ethnically representative Somali security forces that are capable of maintaining and expanding security within Somalia, confronting international security threats such as terrorism, and preventing human rights abuses;

(4) continue to provide lifesaving humanitarian assistance as needed, while bolstering resilience and building a foundation for sustained, inclusive development for the people of Somalia; and

(5) carry out all diplomatic, economic, intelligence, military, and development activities in Somalia within the context of a comprehensive strategy coordinated through an interagency process.

#### SEC. 1244. REQUIREMENT OF A STRATEGY TO SUPPORT THE CONSOLIDATION OF SECURITY AND GOVERNANCE GAINS IN SOMALIA.

(a) REQUIREMENT FOR STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a strategy to guide future United States action in support of the Government and people of Somalia to foster economic growth and opportunity, counter armed threats to stability, and develop credible, transparent, and representative government systems and institutions.

(b) CONTENT OF STRATEGY.—The strategy required under subsection (a) should include the following elements:

(1) A clearly stated policy toward Somalia on supporting the consolidation of political gains at the national level, while also encouraging and supporting complementary processes at the local and regional levels.

(2) Measures to support the development goals identified by the people and Government of Somalia.

(3) Plans for strengthening efforts by the Government of Somalia, the African Union, and regional governments to stabilize the security situation within Somalia and further degrade al-Shabaab’s capabilities, in order to enable the eventual transfer of security operations to Somali security forces capable of—

(A) maintaining and expanding security within Somalia;

(B) confronting international security threats; and

(C) preventing human rights abuses.

(4) Plans for supporting the development and professionalization of regionally and ethnically representative Somali security forces, including the infrastructure and pro-

cedures required to ensure chain of custody and the safe storage of military equipment and an assessment of the benefits and risks of the provision of weaponry to the Somali security forces by the United States.

(5) A description of United States national security objectives addressed through military-to-military cooperation activities with Somali security forces.

(6) A description of security risks to United States personnel conducting security cooperation activities within Somalia and plans to assist the Somali security forces in preventing infiltration and insider attacks, including through the application of lessons learned in United States military training efforts in Afghanistan.

(7) A description of United States tools for monitoring and responding to violations of the United Nations Security Council arms embargo, charcoal ban, and other international agreements affecting the stability of Somalia.

(8) A description of mechanisms for coordinating United States military and non-military assistance with other international donors, regional governments, and relevant multilateral organizations.

(9) Plans to increase United States diplomatic engagement with Somalia, including through the future establishment of an embassy or other diplomatic posts in Mogadishu.

(10) Any other element the President determines appropriate.

(c) REPORTS.—Not later than 180 days from the submission of the strategy required under subsection (a), and annually thereafter for three years, the President shall submit to the appropriate committees of Congress an update on implementation of the strategy and progress made in Somalia in security, stability, development, and governance.

(d) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex. The reports may take the form of a briefing, unclassified report, or unclassified report with a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2413.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

#### SEC. 153. SUSTAINMENT PLAN FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER AIRCRAFT.

(a) SUSTAINMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall in consultation with the Joint

Strike Fighter Joint Program Office, acting through that Office, or both, develop a comprehensive plan for the sustainment of the Autonomic Logistics Information System (ALIS) of the F-35 Joint Strike Fighter weapon system.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) The status of the development of the Autonomic Logistics Information System, including functionality and workarounds, a detailed timeline to resolve outstanding issues with the system, and a description of risk and cost reduction efforts in connection with sustaining the system.

(2) The manner in which the Government will secure access to and the rights in technical data needed for the Government to provide for competitive procurement of appropriate elements of the sustainment program of the Autonomic Logistics System (ALS), of which the Autonomic Logistics Information System is a component, as well as how the Government will control all the interfaces (including logistics and maintenance data, production data, performance measurement, enterprise resource planning, and other interfaces) from the air vehicle through the Autonomic Logistics Information System, and out of the Autonomic Logistics Information System, in order to allow competition for sustainment of the F-35 Joint Strike Fighter weapon system throughout its entire lifecycle.

(3) The manner in which long-term sustainment (including design, architecture, and integration) of the software of the Autonomic Logistics Information System may take advantage of public-private partnerships authorized by section 2474 of title 10, United States Code, including schedules for actions necessary for such sustainment.

(4) A plan to select, designate, and activate any Government-owned and Government-operated site to serve as the Autonomic Logistics Operating Unit (ALOU).

(5) A plan to ensure that the Autonomic Logistics Information System provides total asset visibility and accountability (including asset valuation and tracking) and will be incorporated into existing Government-owned and Government-controlled systems and any successor systems.

(c) **ADDITIONAL REQUIREMENTS.**—

(1) **COMPLIANCE WITH APPLICABLE LAW.**—The plan required by subsection (a) shall comply with applicable provisions of law.

(2) **CONFORMITY WITH COST-REDUCTION POLICIES.**—The plan shall also conform to the cost-reduction policies of the Department of Defense.

(d) **IMPLEMENTATION.**—The Under Secretary shall implement the plan required by subsection (a) with the concurrence of the Program Executive Officer of the Joint Strike Fighter Program.

**SA 2414.** Mr. WARNER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. VOLUNTARY RELEASE OF CERTAIN INFORMATION FOR SEPARATING MEMBERS OF THE ARMED FORCES TO STATE EMPLOYMENT AGENCIES.**

(a) **RELEASE BY DoD.**—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out a program under which the Department of Defense shall, upon the request of a member undergoing discharge, separation, or release from the Armed Forces, provide information on the member described in subsection (c) to the State employment agency of each State designated by the member in the request. Such information shall be so provided not earlier than 90 days before the date of the separation, discharge, or release of the member concerned.

(b) **RELEASE BY VA.**—The Secretary of Veterans Affairs shall carry out a program under which the Department of Veterans Affairs shall, upon the request of a veteran made not later than 90 days after the date of the veteran's discharge, separation, or release from the Armed Forces, provide information on the veteran described in subsection (c) to the State employment agency of each State designated by the veteran in the request. A veteran may make a request under this subsection only if the veteran did not make a request under subsection (a) for the provision of such information to State employment agencies.

(c) **COVERED INFORMATION.**—Information described in this subsection on an individual making a request under subsection (a) or (b) is the following:

- (1) The individual's name.
- (2) The date, or anticipated date, of the individual's discharge, separation, or release from the Armed Forces.
- (3) The characterization, or anticipated characterization, of the individual's discharge from the Armed Forces.
- (4) The individual's sex.
- (5) The individual's marital status.
- (6) The individual's State of domicile.
- (7) The individual's level of education.
- (8) Appropriate contact information for the individual.

**SA 2415.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, between lines 20 and 21, insert the following:

(4) **RISK-BASED MONITORING.**—The strategy required by paragraph (1) shall—

(A) include the development of a risk-based approach to monitoring and reinvestigation that prioritizes which cleared individuals shall be subject to frequent reinvestigations and random checks, such as the personnel with the broadest access to classified information or with access to the most sensitive classified information, including information technology specialists or other individuals with such broad access commonly known as “super users”;

(B) ensure that if the system of continuous monitoring for all cleared individuals described in paragraph (3)(D) is implemented in phases, such system shall be implemented on a priority basis for the individuals prioritized under subparagraph (A); and

(C) ensure that the activities of individuals prioritized under subparagraph (A) shall be monitored especially closely.

**SA 2416.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 908. FIVE-YEAR REQUIREMENT FOR CERTIFICATION OF APPROPRIATE MANPOWER PERFORMANCE.**

Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) **CERTIFICATIONS OF APPROPRIATE MANPOWER PERFORMANCE.**—(1) Beginning in fiscal year 2014 and continuing through fiscal year 2018, the Secretary of Defense, or an official designated personally by the Secretary, not later than February 1 of each reporting year, shall submit to the congressional defense committees the findings of the reviews required under subsection (e) and certify in writing that—

“(A) all Department of Defense contractor positions identified as being responsible for the performance of inherently governmental functions have been eliminated;

“(B) each Department of Defense contract that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations; and

“(C) any contract for services that includes any functions that are closely associated with inherently governmental functions or designated as critical have been reviewed to determine if those activities should be—

“(i) subject to action pursuant to section 2463 of this title; or

“(ii) converted to an acquisition approach that would be more advantageous to the Department of Defense.

“(2) If the certifications required in paragraph (1) are not submitted by the date required in a reporting year, the Inspector General of the Department of Defense shall assess the Department's compliance with subsection (e) and determine why the Secretary could not make the certifications required in paragraph (1). The Inspector General shall submit to the congressional defense committees, not later than May 1 of the reporting year, a report on such assessment and determination.

“(3) Not later than May 1 of each reporting year, the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of the reviews conducted under subsection (e) and the actions taken to resolve the findings of the reviews.”.

**SA 2417.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 908. FIVE-YEAR REQUIREMENT FOR CERTIFICATION OF APPROPRIATE MANPOWER PERFORMANCE.**

Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and  
(2) by inserting after subsection (f) the following new section (g):

“(g) **CERTIFICATIONS OF APPROPRIATE MANPOWER PERFORMANCE.**—(1) Beginning in fiscal year 2014 and continuing through fiscal year 2018, the Secretary of Defense, or an official designated personally by the Secretary, no later than February 1 of each reporting year, shall submit to the congressional defense committees the findings of the reviews required under subsection (e) and certify in writing that—

“(A) all Department of Defense contractor positions identified as being responsible for the performance of inherently governmental functions have been eliminated;

“(B) each Department of Defense contract that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations; and

“(C) any contract for services that includes any functions that are closely associated with inherently governmental functions or designated as critical have been reviewed to determine if those activities should be—

“(i) subject to action pursuant to section 2463 of this title; or

“(ii) converted to an acquisition approach that would be more advantageous to the Department of Defense.

“(2) If the certifications required in paragraph (1) are not submitted by the date required in a reporting year, the Inspector General of the Department of Defense shall assess the Department's compliance with subsection (e) and determine why the Secretary could not make the certifications required in paragraph (1). The Inspector General shall submit to the congressional defense committees, not later than May 1 of the reporting year, a report on such assessment and determination.

“(3) Not later than May 1 of each reporting year, the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of the reviews conducted under subsection (e) and the actions taken to resolve the findings of the reviews.”.

**SA 2418.** Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

Not later than April 1, 2014, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, prescribe regulations that allow for prescription drug take-back under which members of the Armed Forces and their dependents may deliver controlled substances to military medical treatment facilities, and veterans may deliver controlled substances to Department of Veterans Affairs medical facilities, in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)). The delivery of such substances shall be subject to such requirements as the Attorney General, after consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall specify in the regulations.

**SA 2419.** Mr. UDALL of New Mexico (for himself, Mr. MORAN, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

**Subtitle E—Federal Information Technology**  
**SEC. 881. SHORT TITLE.**

This title may be cited as the “Federal Information Technology Savings, Accountability, and Transparency Act of 2013”.

**SEC. 882. INCREASED AUTHORITY OF AGENCY CHIEF INFORMATION OFFICERS OVER INFORMATION TECHNOLOGY.**

(A) **PRESIDENTIAL APPOINTMENT OF CIOs OF CERTAIN AGENCIES.**—

(1) **IN GENERAL.**—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following:

“(a) **PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.**—

“(1) **IN GENERAL.**—There shall be within each agency listed in section 901(b)(1) of title 31, other than the Department of Defense, an agency Chief Information Officer.

“(2) **APPOINTMENT OR DESIGNATION.**—Each agency Chief Information Officer shall—

“(A) be—

“(i) appointed by the President; or

“(ii) designated by the President, in consultation with the head of the agency; and

“(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

“(3) **RESPONSIBILITIES.**—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis—

“(A) the responsibilities under this section; and

“(B) the responsibilities under section 3506(a) of title 44 for Chief Information Offi-

cers designated under paragraph (2) of such section.”.

(2) **CONFORMING AMENDMENT.**—Section 3506(a)(2)(A) of title 44, United States Code, is amended by inserting after “each agency” the following: “, other than an agency with a Presidentially appointed or designated Chief Information Officer, as provided in section 11315(a)(1) of title 40.”.

(b) **AUTHORITY RELATING TO BUDGET AND PERSONNEL.**—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following:

“(d) **ADDITIONAL AUTHORITIES FOR CERTAIN CIOs.**—

“(1) **BUDGET-RELATED AUTHORITY.**—

“(A) **DEFINITIONS.**—In this paragraph—

“(i) the term ‘commercial item’ has the meaning given that term in section 103 of title 41, United States Code; and

“(ii) the term ‘commercially available off-the-shelf item’ has the meaning given that term in section 104 of title 41, United States Code.

“(B) **PLANNING.**—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to—

“(i) information technology or programs that include significant information technology components; or

“(ii) the acquisition of an information technology product or service that is a commercial item.

“(C) **ALLOCATION.**—Amounts appropriated for an agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as may be specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

“(D) **COTS.**—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has authority over any acquisition of an information technology product or service that is a commercially available off-the-shelf item.

“(2) **PERSONNEL-RELATED AUTHORITY.**—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority necessary to—

“(A) approve the hiring of personnel who will have information technology responsibilities within the agency; and

“(B) require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.”.

(c) **SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.**—

(1) **REQUIREMENT.**—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B) Each agency shall have only one individual with the title and designation of ‘Chief Information Officer’. Any bureau, office, or subordinate organization within the agency may designate one individual with



the title ‘Deputy Chief Information Officer’, ‘Associate Chief Information Officer’, or ‘Assistant Chief Information Officer’.”

(2) **EFFECTIVE DATE.**—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect on October 1, 2014. Any individual serving in a position affected by such section before such date may continue in that position if the requirements of such section are fulfilled with respect to that individual.

**SEC. 883. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.**

(a) **LEAD COORDINATION ROLE.**—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

“(d) **LEAD INTERAGENCY FORUM.**—

“(1) **DESIGNATION.**—

“(A) **IN GENERAL.**—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment.

“(B) **RESPONSIBILITIES.**—As the lead interagency forum, the Council shall—

“(i) develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms; and

“(ii) issue guidelines and practices for expansion of the Federal enterprise architecture process, if appropriate.

“(C) **GUIDELINES AND PRACTICES.**—The guidelines and practices issued under subparagraph (B)(ii)—

“(i) may address broader transparency, common inputs, common outputs, and outcomes achieved; and

“(ii) shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

“(2) **REPORTS.**—

“(A) **DEFINITION.**—in this paragraph, the term ‘relevant congressional committees’ means each of the following:

“(i) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

“(ii) The Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

“(B) **REQUIRED REPORTS.**—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the ‘CIO Council Report’) summarizing the Council’s activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.”

(b) **REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.**—

(1) **REFERENCES.**—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: “The Administrator may also be referred to as the Federal Chief Information Officer.”

(2) **DEFINITION.**—Section 3601(1) of title 44, United States Code, is amended by inserting “or ‘Federal Chief Information Officer’” before “means”.

**SEC. 884. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) **DEFINITIONS.**—In this section:

(1) **CHIEF INFORMATION OFFICERS COUNCIL.**—The term “Chief Information Officers Council” means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(2) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means each of the following:

(A) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(B) The Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(b) **REQUIREMENT TO EXAMINE EFFECTIVENESS.**—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 883, with particular focus whether agencies are actively participating in the Council and following the Council’s advice and guidance.

(c) **REPORTS.**—Not later than 1 year, 3 years, and 5 years after the date of enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (b).

**SEC. 885. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.**

(a) **PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.**—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) **PUBLIC AVAILABILITY.**—

“(A) **IN GENERAL.**—The Director shall make available to the public the cost, schedule, and performance data for at least 80 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31, without regard to whether the investments are for information technology acquisitions or for operations and maintenance of information technology. The Director shall ensure that the information is current, accurate, and reflects the risks associated with each covered information technology investment.

“(B) **WAIVER OR LIMITATION AUTHORITY.**—If the Director or the Chief Information Officer, as the case may be, determines that a waiver or limitation is in the national security interests of the United States, the applicability of subparagraph (A) may be waived or the extent of the information may be limited—

“(i) by the Director, with respect to information technology investments Governmentwide; and

“(ii) by the Chief Information Officer of a Federal agency listed in section 901(b) of title 31, with respect to information technology investments in that Federal agency.”

(b) **ADDITIONAL REPORT REQUIREMENTS.**—Paragraph (3) of section 11302(c) title 40, United States Code, as redesignated by subsection (a), is amended by adding at the end the following: “The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).”

**SA 2420.** Mr. COCHRAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Depart-

ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XIV, add the following:

**SEC. 1423. NATIONAL GUARD COUNTERDRUG PROGRAM.**

(a) **ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**—The amount authorized to be appropriated for fiscal year 2014 by section 1404 and available for Drug Interdiction and Counter-Drug Activities, Defense-wide for the National Guard Counterdrug Program as specified in the funding table in section 4501 is hereby increased by \$130,000,000, with not less than \$27,400,000 to be available for activities at the National Guard counter-drug training centers.

(b) **USE OF AMOUNTS.**—

(1) **UNIFORM ALLOCATION.**—The amount available under subsection (a) shall be allocated evenly among the National Guard counter-drug training centers.

(2) **TRAINING OF LAW ENFORCEMENT OFFICERS.**—Not less than an amount equal to 50 percent of the amount available under subsection (a) shall be used for training of State and local law enforcement officers at the National Guard counter-drug training centers, including subsistence for officers undergoing such training.

(3) **CIVILIAN EXPERTS.**—The amount available under subsection (a) may be used for the costs of civilian experts in the provision of training by the National Guard counter-drug training centers.

(4) **USE OF EXCHANGE STORES.**—Any law enforcement officer undergoing training described in paragraph (2), and any civilian support staff and experts engaged in the provision of such training, may use the exchange store of the National Guard counter-drug training center concerned in the same manner as members of the National Guard may use such exchange store.

(c) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2014 by section 301 and available for Operation and Maintenance, Defense-wide as specified in the funding table in section 4301 is hereby reduced by \$130,000,000, with the amount of the reduction to be applied to amounts otherwise available for civilian employees of the Department of Defense.

**SA 2421.** Mr. MCCAIN (for himself, Mr. CASEY, Mr. BLUNT, Mr. FLAKE, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TREATMENT OF THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN UNDER THE IMMIGRATION AND NATIONALITY ACT.**

(a) **EXEMPTION OF THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN FROM TREATMENT AS TERRORIST ORGANIZATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and for purposes of section



212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Kurdistan Democratic Party and the Patriotic Union of Kurdistan shall not be considered to be terrorist organizations as defined in clause (vi)(III) of such section.

(2) **EXCEPTION.**—The Secretary of State, after consultation with the Secretary of Homeland Security and the Attorney General, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may suspend application of paragraph (1) for the Kurdistan Democratic Party or the Patriotic Union of Kurdistan in such Secretary's sole and unreviewable discretion.

(b) **RELIEF REGARDING ADMISSIBILITY OF NONIMMIGRANT ALIENS ASSOCIATED WITH THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) shall not apply to an alien who is applying for a nonimmigrant visa, if the alien presents himself or herself for inspection to an immigration officer at a port of entry as a nonimmigrant or is applying in the United States for nonimmigrant status, with respect to the alien's activities undertaken in association with the Kurdistan Democratic Party or the Patriotic Union of Kurdistan, unless a consular officer or the Secretary of Homeland Security knows, or has reasonable grounds to believe, that the alien poses a threat to the safety and security of the United States or otherwise believes, in his or her discretion, that the alien does not warrant a visa, admission to the United States, or a grant of nonimmigrant status in the totality of the circumstances.

(2) **EXCEPTION.**—The Secretary of State, after consultation with the Secretary of Homeland Security and the Attorney General, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may suspend application of paragraph (1) in such Secretary's sole and unreviewable discretion.

(3) **CONSULTATION.**—The Secretary of State and the Secretary of Homeland Security shall implement this subsection in consultation with the Attorney General.

(4) **CONSTRUCTION.**—Nothing in this subsection may be construed to alter an alien's burden of demonstrating admissibility under the immigration laws.

(c) **PROHIBITION ON JUDICIAL REVIEW.**—Notwithstanding any other provision of law, including statutory or non-statutory law, section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any determination made pursuant to this section.

**SA 2422.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 153. SUSTAINMENT PLAN FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER AIRCRAFT.**

(a) **SUSTAINMENT PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall in consultation with the Joint Strike Fighter Joint Program Office, acting through that Office, or both, develop a comprehensive plan for the sustainment of the Autonomic Logistics Information System (ALIS) of the F-35 Joint Strike Fighter weapon system.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) The status of the development of the Autonomic Logistics Information System, including functionality and workarounds, a detailed timeline to resolve outstanding issues with the system, and a description of risk and cost reduction efforts in connection with sustaining the system.

(2) The manner in which the Government will secure access to and the rights in technical data needed for the Government to provide for competitive procurement of appropriate elements of the sustainment program of the Autonomic Logistics System (ALS), of which the Autonomic Logistics Information System is a component, as well as how the Government will control all the interfaces (including logistics and maintenance data, production data, performance measurement, enterprise resource planning, and other interfaces) from the air vehicle through the Autonomic Logistics Information System, and out of the Autonomic Logistics Information System, in order to allow competition for sustainment of the F-35 Joint Strike Fighter weapon system throughout its entire lifecycle.

(3) The manner in which long-term sustainment (including design, architecture, and integration) of the software of the Autonomic Logistics Information System may take advantage of public-private partnerships authorized by section 2474 of title 10, United States Code, including schedules for actions necessary for such sustainment.

(4) A plan to select, designate, and activate any Government-owned and Government-operated site to serve as the Autonomic Logistics Operating Unit (ALOU).

(5) A plan to ensure that the Autonomic Logistics Information System provides total asset visibility and accountability (including asset valuation and tracking) and will be incorporated into existing Government-owned and Government-controlled systems and any successor systems.

**SA 2423.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. REPORT ON RELOCATION PLAN FOR RESIDENTS OF CAMP LIBERTY, IRAQ.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Homeland Security, and the Attorney Gen-

eral shall jointly submit to the specified congressional committees a report on the current situation at Camp Liberty, Iraq, and provide a strategy on the relocation of camp residents to other countries.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) Information on how many residents are still located at Camp Liberty.

(2) A description of the United Nations High Commissioner on Refugees (UNHCR) refugee process, the degree of resident cooperation with the process, and when the process is expected to be completed.

(3) Information on how many residents have been given refugee status.

(4) Information on how many residents have been relocated, and to which countries.

(5) A detailed description of the current living conditions, including the security situation, disposition of security resources, and decisions by camp residents on how to use those resources.

(6) Information on those countries that would be willing and able to take residents.

(7) A relocation plan, including the following:

(A) A detailed outline of the steps that would need to be taken by the United States, the UNHCR, and the camp residents to potentially relocate some residents to the United States.

(B) A detailed outline of the steps that would need to be taken by the recipient countries, the UNHCR, and the camp residents to relocate the residents to other countries.

(c) **SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term "specified congressional committees" means—

(1) the Committees on Foreign Relations, Armed Services, Homeland Security and Governmental Affairs, and Judiciary of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services, Homeland Security, and Judiciary of the House of Representatives.

**SA 2424.** Mr. Kaine (for himself, Mr. Chambliss, and Mrs. Shaheen) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. ASSESSMENT OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of each program as follows:

(A) The Army Educational Outreach Program (AEOP).

(B) The STEM2Stern program of the Navy.

(C) The DoD STARBAS program carried out by the Under Secretary of Defense for Personnel and Readiness.

(2) **CONSULTATION.**—The Secretary of Defense shall conduct assessments under this

subsection in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

(b) ELEMENTS.—The assessment of a program under subsection (a) shall include the following:

(1) An assessment of the current status of the program.

(2) A determination as to the advisability of retaining, terminating, or transferring the program to another agency, together with a justification for the determination.

(3) For a program determined under paragraph (2) to be terminated, a justification why the science, technology, engineering, and mathematics education requirements of the program are no longer required.

(4) For a program determined under paragraph (2) to be transferred to the jurisdiction of another agency—

(A) the name of such agency;

(B) the funding anticipated to be provided the program by such agency during the five-year period beginning on the date of transfer; and

(C) mechanisms to ensure that education under the program will continue to meet the science, technology, engineering, and mathematics education requirements of the Department of Defense, including requirements for the dependents covered by the program.

(5) Metrics to assess whether a program under paragraph (3) or (4) is meeting the requirements applicable to such program under such paragraph.

(c) SENSE OF CONGRESS ON IMPORTANCE OF PK-12 STEM PROGRAMS.—It is the sense of Congress—

(1) that PK-12 STEM programs are important in developing the interests in science, technology, engineering, and mathematics of young people who, as future national security professionals, will be the next generation developing advanced technologies and weapon systems for the Department of Defense; and

(2) to encourage the Department to refrain from significant programmatic changes to the PK-12 STEM programs of the Department until the assessments required by subsection (a) are complete and the Department has a rationale for the determination of the status of such programs.

**SA 2425.** Ms. LANDRIEU (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 510. NATIONAL GUARD YOUTH CHALLENGE PROGRAM.**

Section 509 of title 32, United States Code, is amended—

(1) in subsection (a), by striking “Secretary of Defense may use” and inserting “Chief of the National Guard Bureau shall use”;

(2) in subsection (b)—

(A) by striking “Secretary of Defense” each place it appears and inserting “Chief of the National Guard Bureau”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “Secretary” and inserting “Chief of the National Guard Bureau”; and

(ii) in subparagraph (A), by striking “, except that” and all that follows through “\$62,500,000”; and

(C) in paragraph (4), by striking “Secretary may use” and inserting “Chief of the National Guard Bureau shall use”;

(3) in subsection (c)(2), by striking “Secretary” and inserting “Chief of the National Guard Bureau”;

(4) in subsection (d)(1), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”;

(5) in subsection (e), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”;

(6) in subsection (f)(1), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”;

(7) in subsection (k)—

(A) by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”; and

(B) by striking “Secretary” and inserting “Chief of the National Guard Bureau”; and

(8) in subsection (m), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”.

**SA 2426.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON ACTIVITIES BEING UNDERTAKEN BY THE PEOPLE'S REPUBLIC OF CHINA TO SUSTAIN THE ECONOMY OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the activities being undertaken by the People's Republic of China to sustain the economy of the Democratic People's Republic of Korea.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the activities of the People's Liberation Army (PLA) and Politburo members of the People's Republic of China in government and non-government bilateral trade, banking, investment, economic development, and infrastructure projects between the People's Republic of China and the Democratic People's Republic of Korea at the national, provincial, and local level.

(B) A description of the financial resources, transactions, and structures of the entities and individuals of the People's Republic of China engaged in the activities described under subparagraph (A).

(C) An assessment of the impact of the activities described under subparagraph (A) on the weapons of mass destruction program and the ballistic missile program of the Democratic People's Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Finance, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

**SA 2427.** Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SMALL BUSINESS CONFORMITY.**

(a) HUBZONE ELIGIBILITY.—

(1) IN GENERAL.—Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) a small business concern that is owned and controlled by an organization described in section 8(a)(15);”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(p)(5)(A)(i)(I)(aa) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)(aa)) is amended by striking “subparagraph (A), (B), (C), (D), or (E) of paragraph (3)” and inserting “subparagraph (A), (B), (C), (D), (E) or (F) of paragraph (3)”.

(b) 8(a) PROGRAM.—

(1) IN GENERAL.—Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended by adding at the end the following:

“(F) If an organization described in paragraph (15) establishes that it is economically disadvantaged under this paragraph in connection with an application for 1 small business concern owned or controlled by the organization, the organization shall not be required to reestablish that it is economically disadvantaged in order to have other businesses that it owns or controls certified for participation in the program under this subsection, unless specifically requested to do so by the Administration.”.

(2) APPLICABILITY.—The amendment made by this subsection shall take effect on the date of enactment of this Act and apply to determinations of economic disadvantage made before, on, or after the date of enactment of this Act.

**SA 2428.** Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. WILDFIRE MITIGATION.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42

U.S.C. 5131 et seq.) is amended by inserting after section 203 the following:

**“SEC. 203A. WILDFIRE MITIGATION.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency;

“(2) the term ‘community wildfire protection plan’ has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511);

“(3) the term ‘local mitigation plan’ means a mitigation plan developed under section 322(b) that addresses wildfire mitigation and preparedness; and

“(4) the term ‘State mitigation plan’ means a mitigation plan developed under section 322(c) that addresses wildfire mitigation and preparedness.

“(b) ESTABLISHMENT OF WILDFIRE MITIGATION AND PREPAREDNESS GRANT PROGRAM.—The President, acting through the Administrator, shall establish a pilot program to make grants to States for wildfire mitigation and preparedness.

“(c) USE OF FUNDS.—A grant under this section may be used by a State—

“(1) to reduce the hazardous fuel load by reducing the use of fuels that may contribute to catastrophic wildfires in high-risk areas;

“(2) to invest in personnel and organizations to improve wildfire preparedness;

“(3) to invest in vehicles and other equipment to improve wildfire preparedness;

“(4) to invest in air tankers or other airborne assets to help contain, suppress, and monitor wildfires;

“(5) to prevent damage from runoff into waterways and floods caused by erosion from wildfires; and

“(6) at the discretion of the Governor of a State, for any other wildfire mitigation and preparedness activities on Federal, State, or private land in the State, unless otherwise prohibited by law.

“(d) ELIGIBILITY FOR ASSISTANCE.—

“(1) IN GENERAL.—

“(A) ELIGIBILITY.—A State shall be eligible for assistance under this section if the section 420 grant ratio for such State is equal to or greater than 150 percent of the State population ratio.

“(B) RATIOS.—For purposes of subparagraph (A)—

“(i) the section 420 grant ratio shall be equal to the quotient of—

“(I) the number of declarations for a grant under section 420 received by the State during the 10 years prior to the date on which an application for assistance is submitted under this section, divided by

“(II) the total number of declarations for a grant under section 420 in the United States during the 10 years prior to the date on which an application for assistance is submitted under this section; and

“(ii) the State population ratio shall be equal to the quotient of—

“(I) the population of the State, based on the most recent data available from the Bureau of the Census on the date on which an application for assistance is submitted under this section, divided by

“(II) the population of the United States, based on the most recent data available from the Bureau of the Census on the date on which an application for assistance is submitted under this section.

“(2) WAIVER.—The President may waive the requirement of paragraph (1) if a State—

“(A) files a petition for waiver of the requirement of paragraph (1); and

“(B) demonstrates that significant environmental changes or shifts in forest health

put the State at an elevated risk for catastrophic wildfires, as determined by the President.

“(3) LOCAL ASSISTANCE.—The Governor of a State may award funds received under this section, to be used solely for the purposes set forth under subsection (c), to—

“(A) any county or municipality in that State with a community wildfire protection plan or a local mitigation plan; or

“(B) any other entity that is explicitly referenced in and central to, in the determination of the Governor, the design of a community wildfire protection plan or a local mitigation plan.

“(e) CRITERIA FOR ASSISTANCE.—In determining whether to award a grant to a State under this section, the President shall—

“(1) give preference to—

“(A) a State with a high level of need for assistance based on the best scientific data available, as determined by the President in consultation with the Chief of the Forest Service;

“(B) a State that provides matching non-Federal funds, including funds from non-governmental entities, equal to not less than 100 percent of the amount of Federal funds made available under this section; and

“(C) a State that previously received a grant under this section and efficiently and effectively used the Federal funds for wildfire mitigation and preparedness activities in the State, as determined by the President; and

“(2) consider environmental conditions in a State, including environmental changes, deteriorating forest health, and overall wildfire risk.

“(f) APPLICATION FOR ASSISTANCE.—

“(1) IN GENERAL.—To request a grant under this section, a State shall submit an application to the President in such form, in such manner, and containing such information as the President may reasonably require.

“(2) CONTENTS.—In addition to any other requirements that may be specified by the President, a State submitting an application for a grant under this section shall demonstrate that—

“(A) the State has a publicly available State mitigation plan;

“(B) the State shall provide matching non-Federal funds equal to not less than 50 percent of the amount of Federal funds made available under this subsection; and

“(C) a county or municipality that may receive funds from the grant has a community wildfire protection plan or a local mitigation plan.

“(g) REPORT.—Not later than 1 year after the date of receipt of a grant under this section, a State shall submit to the Administrator a report, which shall be made publicly available, on the use of funds made available under the grant.

“(h) FUNDING FOR ASSISTANCE.—

“(1) PREDISASTER MITIGATION FUND.—Subject to the availability of funds in the National Predisaster Mitigation Fund established under section 203(i), the President shall use not less than \$20,000,000 and not more than \$30,000,000 from unobligated amounts in the National Predisaster Mitigation Fund for each of fiscal years 2014 through 2019 in carrying out this section.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to increase the amount of appropriations authorized for the Department of Homeland Security in any given fiscal year.”.

**SA 2429.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amend-

ment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 908. OFFICE OF NET ASSESSMENT.**

(a) POLICY.—It is the policy of the United States to maintain an independent organization within the Department of Defense to develop and coordinate net assessments of the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries so as to identify emerging or future threats or opportunities for the United States.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 145. Office of Net Assessment**

“(a) IN GENERAL.—There is in the Office of the Secretary of Defense an office known as the Office of Net Assessment.

“(b) HEAD.—(1) The head of the Office of Net Assessment shall be appointed by the Secretary of Defense. The head shall be a member of the Senior Executive Service.

“(2) The head of the Office of Net Assessment may communicate views on matters within the responsibility of the head directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.

“(3) The head of the Office of Net Assessment shall report directly to the Secretary. The Secretary may not delegate the authority under this paragraph.

“(c) RESPONSIBILITIES.—The Office of Net Assessment shall develop and coordinate net assessments with respect to the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries to identify emerging or future threats or opportunities for the United States.

“(d) BUDGET.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submittal to Congress, pursuant to section 1105 of title 31, of the budget for any fiscal year after fiscal year 2014, the Secretary shall ensure that a separate, dedicated program element is assigned for the Office of Net Assessment.

“(e) NET ASSESSMENT DEFINED.—In this section, the term ‘net assessment’ means the comparative analysis of military, technological, political, economic, and other factors governing the relative military capability of nations.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

“145. Office of Net Assessment.”.

**SA 2430.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON READINESS OF AIR FORCE COMBAT RESCUE HELICOPTER FLEET.**

(a) **REPORT REQUIRED.**—Not later than April 1, 2014, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, submit to congressional defense committees a report setting for an assessment of the readiness of the Air Force combat rescue helicopter fleet.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the readiness of the Air Force combat rescue helicopter fleet, including—

(A) the number and type of helicopters in the combat rescue helicopter fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard;

(B) the Aircraft Availability Rate, and the number of hours flown for each of the preceding 12 months, for the portion of the fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard; and

(C) the costs associated with sustaining the aircraft and training the crews for the current fleet of Air Force combat rescue helicopters over the future years defense program.

(2) A plan for near-term, middle-term, and long-term modernization and recapitalization of the Air Force combat rescue helicopter fleet.

**SA 2431.** Mr. BLUNT (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INAPPLICABILITY OF REQUIREMENT TO REVIEW AND JUSTIFY CERTAIN CONTRACTS.**

Section 802 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1824; 10 U.S.C. 2304 note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “Not later than” and inserting the following:

“(a) **IN GENERAL.**—Not later than”; and

(B) by inserting “, except as provided in subsection (b),” after “to ensure that”; and

(2) by adding at the end the following:

“(b) **EXCEPTION.**—Subsection (a) shall not apply to a contract to which section 46 of the Small Business Act (15 U.S.C. 657s) applies.”.

**SA 2432.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.**

(a) **APPOINTMENT.**—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this section referred to as the “Special Envoy”) within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) **QUALIFICATIONS.**—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Special Envoy shall carry out the following duties:

(A) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

(B) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

(C) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

(D) Work with foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

(E) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(F) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(2) **COORDINATION.**—In carrying out the duties under paragraph (1), the Special Envoy shall, to the maximum extent practicable, coordinate with the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

(d) **DIPLOMATIC REPRESENTATION.**—Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom in the countries of the Near East and the countries of South Central Asia in—

(1) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(2) multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

(e) **CONSULTATIONS.**—The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this section.

(f) **FUNDING.**—

(1) **AUTHORITY.**—Of the amounts appropriated or otherwise made available to the Secretary of State for “Diplomatic and Consular Programs” for fiscal years 2014 through 2018, the Secretary of State is authorized to provide to the Special Envoy \$1,000,000 for each such fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this section.

(3) **LIMITATION.**—No additional funds are authorized to be appropriated for “Diplomatic and Consular Programs” to carry out the provisions of this section.

**SA 2433.** Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

**SEC. \_\_\_\_ . DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.**

(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall review the process used to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) **COVERED INDIVIDUALS.**—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the “Missouri List”.

(c) **PROHIBITION ON BENEFITS FOR DISQUALIFYING CONDUCT UNDER NEW PROCESS.**—If pursuant to the review conducted under subsection (a) the Secretary of Defense determines to establish a new process for determining whether a covered individual is eligible for benefits described in subsection (a) or (b) of section 107 of such title, such process shall include a mechanism to ensure that a covered individual is not treated as an individual eligible for a benefit described in subsection (a) or (b) of section 107 of such title if such covered individual engaged in any

disqualifying conduct during service described in such subsections, including collaboration with the enemy or criminal conduct.

**SA 2434.** Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. BUDGET TREATMENT AND PLAN ON IMPLEMENTATION OF REDUCTIONS IN NUCLEAR FORCES IN CONNECTION WITH THE NEW START TREATY.**

(a) **BUDGET JUSTIFICATION DISPLAY.**—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year in which the New START Treaty is in force, a consolidated budget justification display that individually covers each program and activity associated with the implementation of the Treaty for the period covered by the future-years defense program under section 221 of title 10, United States Code.

(b) **SUBMISSION OF PLAN ON NEW START TREATY.**—Not later than the date on which the President submits the budget of the President to Congress under section 1105 of title 31, United States Code, for fiscal year 2015, the Secretary of Defense shall submit to the appropriate congressional committees the plan required by section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1575).

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **DEFENSE BUDGET MATERIALS.**—The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) **NEW START TREATY.**—The term “New START Treaty” means the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation.

**SA 2435.** Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SENSE OF CONGRESS ON BENEFITS OF USING SIMULATORS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The use of technologies such as virtual reality and modeling and simulation tools provides cost-effective training, operational simulation, and mission rehearsal for members of the Armed Forces.

(2) Leveraging such technologies is an especially relevant supplement to live training given the future of declining defense budgets.

(3) The implementation by the Air Force Agency for Modeling and Simulation of virtual reality centers is part of a coordinated effort to broaden the use of virtual training methods.

(4) Those centers use a variety of training tools that give members of the Armed Forces and developers alike a realistic training experience that contributes to improved readiness and system effectiveness.

(5) Organizations like the United States Army Program Executive Office for Simulation, Training, and Instrumentation would benefit from increased utilization of virtual reality and modeling and simulations tools.

(6) Modeling and simulation tools can provide powerful planning and training capabilities to expose a member of the Armed Forces to the complexities and uncertainties of combat before ever leaving the member's home station. For example, the Naval Air Warfare Center Training Systems Division integrates the science of learning with performance-based training focused on improving the performance of members of the Army and Marine Corps and measures the effectiveness of such training. The Naval Air Warfare Center Training Systems Division continually engages members of the Army and Marine Corps to understand challenges, solve problems, create new capabilities, and provide essential support.

(7) In an era of decreased live training, the use of simulation training can help ensure that military units are better trained, more capable, and more confident when compared to units that do not have access to modern simulation training technologies.

(8) Simulation training can be a cost-effective means for units to improve combat readiness and tactical decisionmaking skills and ultimately to save lives.

(9) The Department of Defense could mitigate many of the training challenges of the future in a fiscally austere environment by strengthening collaboration between government, industry, and academia.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the use of simulators offers cost savings to the Department of Defense and can contribute to training members of the Armed Forces for combat; and

(2) existing synergies between the Department of Defense and entities in the private sector should continue to provide members of the Armed Forces with the best simulation experience possible.

**SA 2436.** Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle E—Other Matters**

**SEC. 3141. CONVEYANCE OF BANNISTER FEDERAL COMPLEX, KANSAS CITY, MISSOURI.**

(a) **CONSOLIDATION OF TITLE TO BANNISTER FEDERAL COMPLEX.**—Notwithstanding sections 521 and 522 of title 40, United States Code, the Administrator of General Services may transfer custody of and accountability for the portion of the real property described in subsection (b) in the custody of the General Services Administration on the date of the enactment of this Act to the National Nuclear Security Administration.

(b) **REAL PROPERTY DESCRIBED.**—

(1) **IN GENERAL.**—The real property described in this subsection is the real property, including any improvements thereon, consisting of the Bannister Federal Complex in Kansas City, Missouri.

(2) **FURTHER DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property described in this subsection shall be determined by a survey satisfactory to the Administrator for Nuclear Security and the Administrator of General Services.

(c) **AUTHORITIES RELATING TO CONVEYANCE OF BANNISTER FEDERAL COMPLEX.**—After the consolidation of custody of and accountability for the real property described in subsection (b) in the National Nuclear Security Administration under subsection (a), the Administrator for Nuclear Security may—

(1) negotiate an agreement to convey to an eligible entity all right, title, and interest of the United States in and to the real property described in subsection (b); and

(2) enter into an agreement, on a reimbursable basis or otherwise, with the eligible entity to provide funding for the costs of—

(A) the negotiation of the agreement described in paragraph (1);

(B) planning for the disposition of the property; and

(C) carrying out the responsibilities of the Administrator under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the property, including—

(i) identification, investigation, and clean up of, and research and development with respect to, contamination from a hazardous substance or pollutant or contaminant;

(ii) correction of other environmental damage that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

(iii) demolition and removal of buildings and structures as required to clean up contamination or as required for completion of the responsibilities of the Administrator under that section.

(d) **LIMITATIONS.**—

(1) **PRICE.**—The Administrator for Nuclear Security shall select, through a public process provided for under the regulations of the Department of Energy, the eligible entity to which the real property described in subsection (b) is to be conveyed under subsection (c). The Administrator shall use good faith efforts to ensure the greatest possible return on such conveyance considering the conditions described in paragraphs (2) and (3).

(2) **CONDITIONS ON CONVEYANCE.**—The conveyance under subsection (b) shall be subject to—

(A) the requirements relating to transfer of property by the Federal Government under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(B) except to the extent inconsistent those requirements, the condition that the eligible

entity to which the real property described in subsection (b) is conveyed accepts the property in its condition at the time of the conveyance, commonly known as conveyance “as is”.

(3) **OCCUPANCY BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—The conveyance under subsection (c) shall be subject to the condition that the National Oceanic and Atmospheric Administration may continue to occupy the space in the real property described in subsection (b) that the Administration occupies as of the date of the enactment of this Act until December 31, 2015.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **REIMBURSEMENT OF COSTS OF CONVEYANCE.**—The Administrator for Nuclear Security shall use any funds received from the conveyance under subsection (c) to reimburse the Administrator for costs (other than costs referred to in paragraph (2) of that subsection) incurred by the Administrator to carry out the conveyance, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs referred to in that paragraph. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator for Nuclear Security may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(g) **ELIGIBLE ENTITY DEFINED.**—In this section, the term “eligible entity” means a non-governmental entity that has demonstrated to the Administrator for Nuclear Security, in the Administrator’s sole discretion, that the entity has the capability to operate and maintain the real property described in subsection (b).

**SA 2437.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS IN VISION CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.**

(a) **IN GENERAL.**—Subsection (a) of section 1623 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by striking “shall establish within the Department of Defense” and inserting “and the Secretary of Veterans Affairs shall jointly provide for”.

(b) **PARTNERSHIPS.**—Subsection (b) of such section is amended by striking “Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs,” and inserting

“Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with the Department of Defense, the Department of Veterans Affairs,”.

(c) **RESPONSIBILITIES.**—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(B) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs” each place it appears; and

(C) in subparagraph (C), by striking “the Veterans Health Administration” and inserting “the Department of Defense or the Department of Veterans Affairs”; and

(2) in paragraph (2), by striking “‘Military Eye Injury Registry’” and inserting “‘Defense and Veterans Eye Injury Registry’”.

(d) **INCLUSION OF CERTAIN RECORDS IN REGISTRY.**—Subsection (e) of such section is amended by striking “the Secretary considers” and inserting “the Secretary of Defense and the Secretary of Veterans Affairs jointly consider”.

**SA 2438.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. STRATEGY TO SUPPORT CONSOLIDATION OF SECURITY AND GOVERNANCE GAINS IN SOMALIA.**

(a) **REQUIREMENT FOR STRATEGY.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a strategy to guide future United States action in support of the Government and people of Somalia to foster economic growth and opportunity, counter armed threats to stability, and develop credible, transparent, and representative government systems and institutions.

(b) **CONTENT OF STRATEGY.**—The strategy required under subsection (a) should include the following elements:

(1) A clearly stated policy toward Somalia on supporting the consolidation of political gains at the national level, while also encouraging and supporting complementary processes at the local and regional levels.

(2) Measures to support the development goals identified by the people and Government of Somalia.

(3) Plans for strengthening efforts by the Government of Somalia, the African Union, and regional governments to stabilize the security situation within Somalia and further degrade al-Shabaab’s capabilities, in order to enable the eventual transfer of security operations to Somali security forces capable of—

(A) maintaining and expanding security within Somalia;

(B) confronting international security threats; and

(C) preventing human rights abuses.

(4) Plans for supporting the development and professionalization of regionally and ethnically representative Somali security forces, including the infrastructure and pro-

cedures required to ensure chain of custody and the safe storage of military equipment and an assessment of the benefits and risks of the provision of weaponry to the Somali security forces by the United States.

(5) A description of United States national security objectives addressed through military-to-military cooperation activities with Somali security forces.

(6) A description of security risks to United States personnel conducting security cooperation activities within Somalia and plans to assist the Somali security forces in preventing infiltration and insider attacks, including through the application of lessons learned in United States military training efforts in Afghanistan.

(7) A description of United States tools for monitoring and responding to violations of the United Nations Security Council arms embargo, charcoal ban, and other international agreements affecting the stability of Somalia.

(8) A description of mechanisms for coordinating United States military and non-military assistance with other international donors, regional governments, and relevant multilateral organizations.

(9) Plans to increase United States diplomatic engagement with Somalia, including through the future establishment of an embassy or other diplomatic posts in Mogadishu.

(10) Any other element the President determines appropriate.

(c) **REPORTS.**—Not later than 180 days from the submission of the strategy required under subsection (a), and annually thereafter for three years, the President shall submit to the appropriate committees of Congress an update on implementation of the strategy and progress made in Somalia in security, stability, development, and governance.

(d) **FORM.**—The strategy under this section shall be submitted in unclassified form, but may include a classified annex. The reports may take the form of a briefing, unclassified report, or unclassified report with a classified annex.

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2439.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. REPORT ON FEASIBILITY OF ASSESSMENT OF SEXUAL VIOLENCE INVOLVING RESERVE OFFICERS’ TRAINING CORPS CADETS.**

(a) **REPORT.**—Not later than June 30, 2014, the Secretary of Defense shall, in consultation with the Secretary of Education, submit to the congressional defense committees a



report setting forth an assessment of the feasibility of conducting a study of sexual violence involving cadets in the Reserve Officers' Training Corps (ROTC) programs during fiscal years 2009 through 2014 in order to determine the extent of sexual violence in the Reserve Officers' Training Corps programs and the need for reform of such programs in connection with such violence.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description and prioritization of the quantitative and qualitative data, including collection and assessment methodologies in compliance with applicable privacy laws, that should be used to assess the extent of sexual violence involving Reserve Officers' Training Corps cadets for each Armed Forces and across the Armed Forces in general, including data on—

(A) alleged and proven incidents of sexual violence by Reserve Officers' Training Corps cadets as reported to the Reserve Officers' Training Corps programs, institutions of higher education, and law enforcement officials;

(B) alleged and proven incidents of sexual violence by students of institutions of higher education of demographics similar to the demographics of Reserve Officers' Training Corps cadets as reported to institutions of higher education and law enforcement officials; and

(C) actions officially and unofficially taken by Reserve Officers' Training Corps programs, institutions of higher education, and law enforcement officials in response to such alleged and proven incidents of sexual violence.

(2) An assessment of the feasibility of the collection and analysis of the data provided for in paragraph (1), to include what methods and resources that would be required to collect, for sample sizes of sufficient size as to provide significant evidence for determining the extent, if any, of sexual violence involving Reserve Officers' Training Corps cadets.

(3) A description of Reserve Officers' Training Corps classroom information materials, course materials, and lesson plans related to education and training for prevention of sexual violence, and the process for developing such materials and lesson plans.

(4) A description of the processes of communication among Reserve Officers' Training Corps program officials, institutions of higher education, and law enforcement officials about alleged and proven sexual violence incidents involving Reserve Officers' Training Corps cadets.

(5) A description of the process to review the records of Reserve Officers' Training Corps cadets, including disciplinary records, are evaluated prior to commissioning.

(6) Such other matters and recommendations with respect to the study described in subsection (a) as the Secretary considers appropriate.

**SA 2440.** Mr. DONNELLY (for himself, Mr. CRUZ, Mr. LEAHY, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNES, Mr. MENENDEZ, Mr. BOOZMAN, Ms. HEITKAMP, Mr. CHAMBLISS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) **SHORT TITLE.**—This section may be cited as the “Military Reserve Jobs Act of 2013”.

(b) **PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.**—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G)(iii), by striking “and” at the end;

(B) in subparagraph (H), by adding “and” at the end; and

(C) by inserting after subparagraph (H) the following:

“(I) a qualified reservist;”;

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(6) ‘qualified reservist’ means an individual who is a member of a reserve component of the Armed Forces on the date of the applicable determination—

“(A) who—

“(i) has completed at least 6 years of service in a reserve component of the Armed Forces; and

“(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; or

“(B) who—

“(i) has completed at least 10 years of service in a reserve component of the Armed Forces; and

“(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

“(7) ‘reserve component of the Armed Forces’ means a reserve component specified in section 101(27) of title 38.”.

(c) **TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.**—Section 3309 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end; and

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(3) a preference eligible described in section 2108(6)(B) - 3 points; and

“(4) a preference eligible described in section 2108(6)(A) - 2 points.”.

(d) **GAO REVIEW.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses Federal employment opportunities for members of a reserve component of the Armed Forces;

(2) evaluates the impact of the amendments made by this section on the hiring of reservists and veterans by the Federal Government; and

(3) provides recommendations, if any, for strengthening Federal employment opportunities for members of a reserve component of the Armed Forces.

**SA 2441.** Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activi-

ties of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 908. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NON-GOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 184 note) is amended by striking “through 2013” and inserting “through 2014”.

**NOTICE OF INTENT TO OBJECT TO PROCEEDING**

I, Senator CHARLES GRASSLEY, intend to object to the nomination of Jeh C. Johnson to be Secretary of the Department of Homeland Security, dated November 20, 2013.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 20, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will conduct a hearing entitled, “Soldiers as Consumers: Predatory and Unfair Business Practices Harming the Military Community.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Dying Young: Why Your Social and Economic Status May Be a Death Sentence in America.”

The PRESIDING OFFICER. Without objection, it is so ordered.



COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 20, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct hearing entitled "Carcieri: Bringing Certainty to Trust Land Acquisitions."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 20, 2013, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m. in room 428A Russell Senate Office building to conduct a hearing entitled "Affordable Care Act Implementation: Examining How to Achieve a Successful Rollout of the Small Business Exchanges."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE  
FEDERAL WORKFORCE

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 20, 2013, at 2 p.m. to conduct a hearing entitled, "Safeguarding Our Nation's Secrets: Examining the National Security Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS,  
AND MINING

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining be authorized to meet during the session of the Senate on November 20, 2013, at 3:30 p.m. in room SD-366 of the Dirksen

Senate Office Building, to conduct a hearing entitled "Testimony on Public Lands Bills."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BLUNT. Mr. President, I ask unanimous consent that floor privileges be granted to Maj. Mike Shirley, a U.S. Air Force officer, who is currently serving as our Defense Legislative Fellow in my office, and to Robert Temple, an intern on my staff, for the duration of the consideration of S. 1197, the National Defense Authorization Act for Fiscal Year 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAINE. Mr. President, I ask unanimous consent that Sergio Aguirre and Erik Brine, who are two fellows detailed from the Department of Defense to my office, be granted floor privileges for the pendency of S. 1197, the NDAA for Fiscal Year 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that my military fellow, Bridget Byrnes, be given floor privileges during the consideration of the national defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that Maj. Aaron Jelinek, an Air Force officer currently serving as a defense fellow in Senator BEGICH's office, be granted the privileges of the floor during consideration of S. 1197, the National Defense Authorization Act of 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that Jason Church, a military fellow in Senator RON JOHNSON's office, be granted the privilege of the floor for the duration of consideration of S. 1197, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. Res. 304, S. Res. 305, S. Res. 306, S. Res. 307, and S. Res. 308.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

S. RES. 305

Ms. CANTWELL. Mr. President, each November the President declares this month as National Native American Heritage Month and the Senate dedicates a resolution honoring the Nation's first Americans. As chairwoman

of the Senate Committee on Indian Affairs, it is my privilege to introduce this resolution. I am pleased to be joined by so many of my colleagues, including Senators BALDWIN, BARRASSO, BEGICH, COCHRAN, CRAPO, FRANKEN, GILLIBRAND, HEINRICH, HEITKAMP, HIRONO, HOEVEN, JOHNSON of South Dakota, KLOBUCHAR, MARKEY, MERKLEY, MORAN, REID, SCHATZ, TESTER, THUNE, UDALL of Colorado, UDALL of New Mexico, WARNER, and WYDEN, in submitting this resolution.

Since time immemorial, American Indians have occupied the lands we now know as the United States. To date, the Federal Government recognizes 566 distinct tribal nations across the country. While these Indian tribes share many attributes, each tribe is unique. The contributions American Indians have made to the foundation of the United States are significant and continue today. From influencing the documents that founded our Nation to serving in World War II as code talkers, American Indians have helped shape the face of our Nation. It is fitting that we are honoring the Code Talkers this week with a Congressional Gold Medal Ceremony, as Native Americans have served in the military at a higher rate per capita than any other group in the country.

Native American heroes played a significant role in World War II. Among them was Charles Chibitty of the Comanche Nation, who aided the successful landing at Normandy and the capture of an enemy flag in a French village, for which he was recognized by the French Government. The Code Talkers came from many tribes, including the Navajo, who played a crucial role in the Pacific. The Choctaw, Sioux, Assiniboine, Apache, Hopi, Mohawk and many other tribes gave this Nation their dedication, determination, and courage. They will never be forgotten.

I am honored to represent the 29 tribes in my home State of Washington. Tribal culture is woven into the fabric of our State as a critical part of not only the State's history but also its modern-day economy and governance. In 2012, Washington State tribes purchased more than \$2.4 billion in goods, paid \$1.3 billion in wages, and spent \$259 million on construction activities. The tribes and the State are partners in virtually every aspect of governance, from natural resource management to tax collection.

Many of the tribes in my State entered into agreements with the U.S. Government over the last two and a half centuries for cessions of land and natural resources. In exchange for these lands, the United States promised essential services to American Indians. As the trustee for Indian nations across the United States, the Federal Government has much work to do. I am encouraged by events like the Tribal

Nations Conference, which has been convened annually since the election of President Obama. While this is a step in the right direction, we must do more to ensure that our Indian communities are thriving.

As we celebrate National Native American Heritage Month, I encourage my colleagues to take some time and think about the Federal Government's responsibilities to our first people. I ask my colleagues to support this resolution designating November 2013 as National Native American Heritage Month and November 29 of this year as Native American Heritage Day, and I encourage all Americans to recognize the important contributions American Indians have made to this great Nation.

S. RES. 308

Mr. LEAHY. Mr. President, I applaud the Senate's adoption today of a resolution Senator HATCH and I submitted supporting the goals and ideals of runaway prevention month. It is a sad reality that millions of young people are living on the streets. We as legislators must do all we can to prevent homelessness and support youth who find themselves without a place to call home.

Every child in America deserves a fair shot. This is why I championed the Runaway and Homeless Youth Act, RHYA, reauthorization in 2008 and why I continue working to improve and to extend this important law this year. Under the Runaway and Homeless Youth Act, every State receives a basic center grant to provide housing and crisis services for children and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the Street Outreach Program. These programs and others authorized by RHYA have helped countless runaway and homeless youth and their families in Vermont and across the Nation over the last 30 years. We must continue these essential programs, too many of which are

now unfunded or underfunded due to sequestration and other fiscal constraints.

We must recognize the importance of investing in our Nation's youth and direct resources where they are needed most. It is just not acceptable that homeless children are turned away from shelters due to a lack of beds or that services providers are being forced to downsize. We can and must do more.

The RHYA's most recent charter expired at the end of September. I hope that we can work to reauthorize and improve this vital law by ensuring it meets the needs of children in our most vulnerable communities. Too often LGBT youth find themselves in need of shelter and support because their families are unaccepting. Programs authorized by RHYA should be trained to respond to LGBT youth and, when possible, strive to reunite them with their families through counseling. We must also update the statute to reflect the tragic reality that runaway and homeless youth are vulnerable to trafficking and sexual exploitation. We should ensure grantees are able to meet the needs of young victims of trafficking or exploitation or offer referrals to other qualified service providers. We need smarter training and more resources to help our grantees meet the needs of young victims, and that is exactly what the Runaway and Homeless Youth Act provides.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles, where applicable, be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### MEASURE READ THE FIRST TIME—S. 1752

Mr. REID. Mr. President, I am told that S. 1752 is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1752) to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

Mr. REID. I now ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

#### ORDERS FOR THURSDAY, NOVEMBER 21, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Thursday, November 21, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1197, the National Defense Authorization Act, under the previous order; that the filing deadline for all first-degree amendments to S. 1197 be 1 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Mr. President, if there no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at, 7:36 p.m., adjourned until Thursday, November 21, 2013, at 10:30 a.m.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 588 and 589. Had I been present, I would have voted "yes" on both amendments.

### RECOGNIZING ROBERT JOSEPH MORRIS

#### HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. HUFFMAN. Mr. Speaker, I rise to recognize the late Robert Morris, a respected outdoorsman, engineer, and passionate advocate for the protection of the Trinity Alps Wilderness.

Robert Morris was born in Weaverville, California, on January 4, 1935, a descendent of pioneer families who came to Trinity County during the state's Gold Rush. After graduating from high school in Weaverville, he attended Stanford University, where he earned a bachelor's degree in engineering. From there, Robert earned a master's degree in engineering at the Massachusetts Institute of Technology. He returned to Stanford for his Ph. D. and worked with laser science and technology pioneer Anthony Siegman on the development of masers and their relationship to quantum physics.

Robert Morris' heart was always in the mountains surrounding his hometown. On a pack trip in 1962, he met his wife-to-be, Susanne Twilight, whom he married in 1963. The couple moved to Weaverville in 1964, and Robert worked as a manager for The Western Telephone Co. He became president of the company after then-president Gil Snyder died unexpectedly. He also volunteered with the Trinity County Historical Society and began restoring the old Lower Waldorff Ranch, where two children were raised.

When the Wilderness Bill passed Congress in 1964, Robert Morris saw an opportunity to re-designate the then-Salmon-Trinity Alps Primitive Area as a wilderness. For the next 20 years, Robert organized supporters to map and plan the boundaries of the Trinity Alps proposed wilderness and began lobbying Congress. In 1982, the U.S. House Subcommittee on Public Lands and National Parks held a public hearing in the Trinity High School gym, followed by a helicopter tour of the Trinity Alps for Members of Congress that he led. On September 28, 1984, Congress passed—and President Ronald Reagan signed—the bill to designate the Trinity Alps Wilderness. The importance of Morris' efforts to protect this incredible landscape cannot be overstated.

Mr. Speaker, Robert Morris was a pioneer in conservation whose education and passion has enriched the community where he was raised. I urge my colleagues to join me in recognition of his tremendous achievements and contributions to Northern California.

### RECOGNITION OF THE 48TH RESCUE SQUADRON AT DAVIS-MONTHAN AIR FORCE BASE

#### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. BARBER. Mr. Speaker, I rise today to honor the Airmen of the 48th Rescue Squadron at Davis-Monthan Air Force Base.

On Oct. 29, 2013, eight Airmen of the 48th Rescue Squadron were on their way back from training in Eloy, Arizona when they came upon a 19-vehicle collision on Interstate 10 near Picacho Peak. Showing little regard for their own safety, the Airmen immediately went into action providing first aid to the wounded and assistance to law enforcement officers on the scene. Despite the danger from leaking fuel, the Airmen remained at the site of the accident extricating passengers and providing care for more than 20 injured motorists before emergency medical services arrived.

These brave Airmen embody the qualities that make our military great—selfless service, initiative and personal courage. Without hesitation, they put their own lives at risk to rescue strangers in need of assistance. They were not asked to put themselves in harm's way, but they saw an immediate need and stepped up to action.

As a nation, we should all feel a little prouder knowing of the heroic actions on October 29th and that these actions were not isolated events. Rather, the Airmen of the 48th Rescue Squadron at Davis-Monthan Air Force Base commit themselves daily to going into harm's way to come to the aid of downed pilots—sometimes at great personal risk. Since their inception, Air Force combat search and rescue squadrons have performed a core function of emergency rescue, easing the minds of pilots flying into harm's way. These pilots know that should something happen to them or their aircraft, there is a dedicated cadre of Airmen to find them and lend aid regardless of the danger.

I am thankful for these eight courageous Americans and am proud that they represent the Air Force, Davis-Monthan Air Force Base and Southern Arizona.

### HONORING AUDIE MURPHY, TEXAS LEGISLATIVE MEDAL OF HONOR RECIPIENT

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. HALL. Mr. Speaker, I rise today to pay tribute to one of our nation's greatest war heroes, Audie Murphy. Major Murphy, who hailed from the Fourth District of Texas, was an extraordinary man in many ways. Initially turned away by several branches of the United States Armed Services due to his young age and slight build, Audie Murphy's patriotism led him to lie about his age in order to serve and defend his country. This patriotism and his unusual valor in combat led him to distinction as the most decorated hero of World War II, earning every U.S. military combat award for valor available from the U.S. Army, including the Medal of Honor, two Silver Stars, three Purple Hearts, and the Distinguished Service Cross. It is therefore fitting, though belated, that Major Murphy was posthumously awarded Texas' highest military honor—the Texas Legislative Medal of Honor—on October 29, 2013.

Major Murphy earned his first Medal of Honor for his valor on January 26, 1945 near Holtzwihr, France. Six tanks and waves of Nazi infantry attacked his Company B, but Second Lieutenant Murphy remained at his command post throughout the fierce fighting. Although he suffered a leg wound, he continued to fight for more than an hour until his ammunition was exhausted and the enemy was in retreat.

Audie Murphy did not stop where most men would on the battlefield or in life. In fact, he lived out the remainder of his years after the war as an accredited writer, actor, and songwriter. His book, *To Hell and Back*, became a national best seller, and the movie made from his book was Universal Studio's biggest hit in its 43-year history, where it stood as their highest-grossing movie for twenty years. He was, by all accounts, an outstanding American and legend in his own time.

That being said, it should be noted that he was also a man of deep modesty who considered himself "just another man." He fought not because he loved war—in fact, he wrote of "a war where hell is six feet deep"—but because he loved the values and freedoms we enjoy in America, and he felt compelled to do his duty for his country. He represents some of the greatest qualities of a hero including: an unfailing sense of duty, a strong sense of patriotism, and a degree of modesty that recognizes the humble roots of this great country.

We remember Audie Murphy because of his outstanding feats, but also because he remains perhaps one of the truest examples of what it means to be American. He rose to greatness not only because he was remarkable, himself—though he wouldn't admit it—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but because of the remarkable respect and love he held for his fellow Americans at home.

I was proud to ride in many veterans parades with Audie and was pleased to know him as a personal friend. I also met his sisters—he was always loyal to his family and found time for them.

As the representative for the Fourth District of Texas, I know we are proud to call Audie Murphy's home our home as well, and we are pleased the Great State of Texas has given Major Murphy due recognition for his outstanding service to our country by awarding him the Texas Legislative Medal of Honor. Mr. Speaker, I ask my colleagues to join me in remembering this great American hero and thanking his family for his service.

RECOGNIZING MR. WALTER F. MORRIS ON THE OCCASION OF HIS 90TH BIRTHDAY

### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, I am honored to recognize Mr. Walter F. Morris on the occasion of his 90th birthday. Mr. Morris is a Central Florida resident and veteran of World War II. During the war, Mr. Morris bravely served as a B-17 navigator, flying 30 missions over Europe.

World War II veterans, regarded as "The Greatest Generation," have demonstrated heroic commitment to preserving the freedom and prosperity of our nation. Their sacrifices and their families' sacrifices defeated the forces of tyranny and advanced freedom to millions of people. We, the United States and future generations of Americans, owe World War II veterans a debt of gratitude that can never be repaid but is remembered and honored in our daily lives.

It is my distinct pleasure, as a representative of the people of Central Florida, to recognize Mr. Morris and all members of America's Armed Forces for their dedication of service to our country.

IN RECOGNITION OF MS. JAMIE ROSHON

### HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. MEEHAN. Mr. Speaker, I rise today to recognize one of the country's finest early childhood educators. Ms. Jamie Roshon is a preschool teacher at the Pottstown KinderCare Learning Center in Montgomery County, Pennsylvania. Jamie is being honored this year with the Knowledge Universe Early Childhood Educator Award. She is one of only 10 preschool educators in the nation being honored with this award.

At the Pottstown KinderCare Learning Center, Jamie is dedicated to teaching children aged two and three years old. Throughout her thirteen year tenure at the Pottstown Center,

she has become an invaluable asset to her students, their families, and her fellow faculty members. This honor testifies to how Jamie's efforts each day in the classroom are making a profound difference in our children's lives.

Mr. Speaker, I thank Ms. Jamie Roshon for her excellent work enriching the lives of young children, and I congratulate her on this well-deserved honor.

TRIBUTE TO MAYOR TOM HANAFAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. LATHAM. Mr. Speaker, I rise today to recognize Mayor Tom Hanafan of Council Bluffs, Iowa and to honor his storied career of leadership and public service.

A Council Bluffs native since birth, Tom was born in 1947 and was raised on the city's west side. Mr. Hanafan graduated from Thomas Jefferson High School in 1965 and received a bachelor's degree in history and government from the University of South Dakota at Vermillion in 1969. Following graduation, Tom completed an 18-year career in sales before successfully running for city council in 1982. Six years later in 1988, Tom Hanafan was sworn in as Mayor Hanafan. Over the past 25 years, he has been reelected by the good people of Council Bluffs a total of six times making him the longest-serving mayor of any major city in the state of Iowa.

Throughout his time in office, Mayor Hanafan ushered in a new era for Council Bluffs and has transformed the city into the thriving community it is today. Mayor Hanafan's tenure will be remembered, in part, for its many successes in local economic development. This included the construction of the Mid-America Center, investments by major companies such as Google and Bass Pro Shops, and the establishment of numerous entertainment and shopping venues that have invigorated the Council Bluffs economy.

Mayor Hanafan has also helped lead his city through difficult times. During his first year on the job, the tornado of 1988 upended Council Bluffs, damaging property and injuring dozens of citizens. Tom worked, quite literally, around the clock, forgoing sleep to assist his neighbors and the city's recovery. Most recently in 2011, disaster struck again when record snow and rainfall caused the historic flooding of the Missouri River. During my visit to the area during this troubling time, I was able to witness Mayor Hanafan's resilience and leadership firsthand as he coordinated with state and federal offices to help his city recover.

Mr. Speaker, Mayor Hanafan's years of honorable service and the positive impact he has had on his community simply cannot be overstated and provides a great example for local elected officials throughout our nation. For the past 25 years, Mayor Hanafan has utilized the renowned Iowa work ethic every day to better serve his neighbors and it is a great honor to represent him, and all of the citizens of Council Bluffs, in the United States Congress. I invite my colleagues in the House to join me in

thanking Mayor Hanafan, congratulating him on his truly stellar career, and wishing both him and his wife, Shirley, the best of luck as they begin this new chapter in their lives.

CELEBRATING OSKAR KNOBLAUCH'S 2013 CHARACTERS UNITE AWARD HONORABLE MENTION

### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. SINEMA. Mr. Speaker, I rise today to ask that my colleagues join me in celebrating Oskar Knoblauch's 2013 Characters Unite Award honorable mention. This award is presented by the USA Network to those who have made considerable achievements improving civil and human rights within their communities.

Mr. Knoblauch's story is nothing short of incredible. As an adolescent, he was a victim of the holocaust. Relying on relationships and intellect, he and his siblings survived the horrors of this abominable era. Today Mr. Knoblauch has overcome the scars of his past and is using them to encourage tolerance and fight prejudice. He travels the country to give presentations, and has written a novel about his ordeal for those he cannot reach through speeches. Oskar Knoblauch has dedicated himself to preventing the same evils that he experienced.

My constituent, Mr. Knoblauch, is an outstanding example of character, service, and triumph. It is my utmost privilege to represent him in Congress. I ask my colleagues to join me in congratulating Oskar Knoblauch on this exceptional honor and in supporting him in his continuing efforts to increase respect and understanding across our nation and around the world.

IN HONOR OF JACK POWELL

### HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Jack Powell, who tragically passed away at the age of 80, the day after celebrating his 55th anniversary with his wife Mary.

Jack was born in Roanoke, Virginia. He attended Morningside Elementary, Stonewall Jackson Junior High, and graduated from Jefferson High School in 1952. He enlisted in the U.S. Navy for a four-year tour of duty during the Korean Conflict. Jack returned from serving his country, and then began serving the community as a Roanoke police officer.

In 1957, Jack began working as a Virginia State Alcoholic Beverage Control Enforcement Division Assistant Special Agent-in-Charge. From the 35 years he spent as a "Revenuer," arresting moonshiners and chasing bootleggers across Southwest Virginia, Jack had countless stories to tell, many of which he

wrote in several books that pay tribute to whiskey-makers and those who pursued them. For example, while working undercover, Jack was once was jailed in Marion when he was unable to convince authorities that he was actually on their team. Jack narrowly escaped rattlesnakes, dodged bullets, and carried with him his trusty ax he named "The Devil."

He cherished his work upholding the law, loved to share his stories, and was an accomplished author, speaker, and storyteller. As Vaughan Webb, assistant director at the Blue Ridge Institute at Ferrum College, told the Roanoke Times, Jack's death "is a great loss to the lore of moonshining." And, "He was a wealth of information. Jack was a character and he really knew how to tell a story."

Jack was a member and President of the Piedmont Fraternal Order of Police, a Free Mason, and a lifelong member of Belmont Baptist Church. He also was a member of the U.S. Navy Mineman Association. Jack earned an AAS, BS, and LLB from Virginia Western Community College and LaSalle Extension Law Institute, and was a 1981 graduate of the National FBI Police Academy.

Jack is survived by his wife Mary of Roanoke; daughters Trenda Powell Jacocks and her husband, Army Colonel John Mc. Jacocks, M.D., of Fairfax Station, Virginia and Andrea Powell McKown and her husband, Navy Captain Martin H. McKown Jr., of Pittsburgh, Pennsylvania. Also surviving are six grandchildren, one of which was Martin Hayes McKown III of Pittsburgh, Pennsylvania, who was an original member of my congressional office staff. Other grandchildren are Brittany Virginia Jacocks of New York, New York; Mary Carter Jacocks of Fairfax Station, Virginia; Air Force 2LT Connor Braxton McKown of Del Rio, Texas; Army Cadet 1st Class Carson Lee McKown, of West Point, New York; and Air Force Cadet 4th Class Bailey Wright McKown of Pittsburgh, Pa.; and his nephew, Allen Powell, of Roanoke.

Jack Powell's legacy and influence will be long remembered throughout our region. I am honored to pay tribute to this great man. My continued prayers are with his family and friends. May God give them comfort during this difficult time.

#### HONORING JOSEPH DEBRO

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life and career of Bay Area community leader and tireless advocate for the underserved, Mr. Joseph Debro. Known throughout the Greater Oakland/Bay Area region as an innovative and dedicated mentor for minority businesses, Joseph Debro was also a stalwart community member. With his passing, we look to Mr. Debro's tremendous legacy and the outstanding quality of his life's work.

Born in Jackson, Mississippi, Mr. Debro attended and graduated from McClymonds High School in Oakland, California. He later enrolled at the University of California at Berke-

ley, where he was awarded an undergraduate and Master's Degree in bio-chemistry. Upon graduation, Mr. Debro put his extensive knowledge to work as research assistance at the University of California at San Francisco, and later when he was recruited by NASA as a bio-chemical engineer.

In his own words, Mr. Debro was the son of former slaves, who had to ride in the back of the bus with his parents, drinking water from fountains designated for coloreds only, and picking cotton in fields owned by White people. And even though he saw some diminution of racism throughout his lifetime, he was always quick to point out glaring inequalities in our justice system that persists to this day.

Mr. Debro tirelessly sought to raise awareness of the experiences African American contractors faced in their attempts to be recognized as viable businessmen in their industry. In the mid-1960's, Mr. Debro observed that Black contractors were excluded from urban redevelopment projects occurring in their own backyard. In his efforts to fight this disparity, Mr. Debro organized minority contractors and co-founded the National Association of Minority Contractors. Along these same lines, in 2009, he founded the Bay Area Black Builders, an organization composed of black construction workers and contractors fighting for economic justice.

As a community activist, Mr. Debro fought for fair housing policies, lending practices, and employment in building trades, among other issues. Alongside Congressman BENNIE THOMPSON, he helped build thousands of units of rural housing throughout the nation. As a contractor, Mr. Debro built and rehabilitated numerous structures, such as the Malonga Casquelord Arts Center in Oakland. And in keeping with his role as a guarding of the community, in 2012, he again challenged the Raiders football team in court to repay a \$53.9 million loan to the City of Oakland and County of Alameda.

Furthermore, Mr. Debro boasted an impressive history with local and state government. Throughout the years, he served as the Director for the State of California's office of Small Business, Director of the Oakland Small Business Center, Director of the Oakland Model Cities Program, and the Vice President of the Mayor's office of Economic Development in San Francisco.

I had the honor to have known Joe since the early 1970s. He was a visionary, bold, and never wavered with his commitment to the African American community. He helped fund California Resources, which Elihu Harris and I organized, and provided a Washington presence for minority owned firms. I learned a lot from Joe and will always remember his friendship and his wise counsel.

Today, California's 13th Congressional District salutes and honors a great friend of the Bay Area and a true champion for equity, Mr. Joseph Debro. His steadfast commitment to ensuring that minorities have access to a better quality of life will forever live on with the legacy of his vision. I offer my sincerest condolences to his many loved ones and to all of those whose lives he touched over the years. He will be deeply missed.

#### TRIBUTE TO CAPTAIN SAM HOWE

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 2013

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Captain Sam Howe, who has worked in my office for the past year as a Defense Fellow. Capt Howe started in my office last January and he has truly been a pleasure to have on the staff. His extensive military experience has benefited the office tremendously as he offers a unique perspective, is always prepared, takes on any task and does it with a smile.

Captain Howe was born in 1986 and grew up with his two younger sisters, Georgia, 25, and Willa, 21, in the friendly suburb of Belmont, Massachusetts, just outside of Boston, where his parents, John and Teresa, still live today. In 2004, Capt Howe graduated from Belmont Hill School.

Capt Howe would go on to attend Duke University in Durham, North Carolina. While there, he earned a B.A. in Public Policy Studies with a minor in Political Science and met the love of his life, his wife, Casey Freeman. Following his junior year of college, in 2007, Capt Howe completed Marine Officer Candidate School in Quantico, Virginia, which involved a ten week screening and training program for prospective Marine Officers. Upon his graduation from Duke in 2008, Sam was commissioned as a Second Lieutenant in the U.S. Marine Corps.

Following commissioning, Capt Howe returned to Quantico to attend the six month Basic Officer Course and, after being designated as a Marine Communications Officer, he completed the five month Basic Communications Officer Course. He was subsequently assigned to First Marine Logistics Group, I Marine Expeditionary Force, of Camp Pendleton, California.

While stationed in California, Capt Howe served as a platoon commander, company operations officer, company executive officer, and acting company commander. In those roles, he was responsible for the welfare and readiness of his Marines, planning and conducting training, administration, and preparing Marines for deployments in support of Operation Enduring Freedom or other contingencies. In 2010, Capt Howe completed a seven month deployment to Afghanistan, supervising a platoon of 55 Marines.

As a civilian, Capt Howe enjoys good food, craft beer, and traveling abroad, as well as running, skiing, working out, and reading. He completed the Marine Corps Marathon in 2012 after moving to Washington, D.C. from California. He and his wife live in Washington, D.C.

During his time in the office he has focused his efforts on defense acquisition, defense appropriations, the intelligence community, Navy SEALs training, and many other policy areas. He has been an invaluable resource to all my staff and I would also like to take this opportunity to thank his family for supporting him through the years; he truly is one impressive guy. On behalf of everyone in the office, I would like to extend a heartfelt thank you to Captain Sam Howe for all his hard work and

let him know that my office door is always open to him.

HONORING FORT BENNING'S SARGENT PATRICK HAWKINS, PRIVATE FIRST CLASS CODY PATTERSON, 1ST LIEUTENANT JENNIFER MORENO, SPECIAL AGENT JOSEPH PETERS, AND CORPORAL JOSHUA HARGIS

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. WESTMORELAND. Mr. Speaker, I come before you today to honor 5 of Fort Benning's own soldiers who courageously put their lives in harm's way so that we may live free.

Fort Benning is home to about 1,500 Rangers of the entire 75th Ranger Regiment. They are an elite group of soldiers who perform specialized operations for the Army. Currently, the 3rd Battalion, 75th Ranger Regiment, as well as Rangers of the Regimental Headquarters and the Regimental Special Troop Battalion are deployed. I have a deep commitment to Ft. Benning, and once these Rangers pass through Ft. Benning, Georgia, they become part of our state's family.

On October 6th, 5 of these brave Rangers were part of a mission gone wrong. Sergeant Patrick Hawkins, Private First Class Cody Patterson, 1st Lieutenant Jennifer Moreno, and Special Agent Joseph Peters were killed by an improvised explosive device while conducting combat operations in Kandahar Province, Afghanistan, and Corporal Joshua Hargis was seriously injured.

These soldiers came to Fort Benning from across the nation. They are sons and daughters, parents, and spouses, and loved by many. Their loss is felt across our nation and we thank them for paying the ultimate sacrifice.

As we mourn the loss of these four soldiers, I also want to give thanks for the life of Corporal Joshua Hargis. Cpl. Hargis was injured in the same mission on October 6th, and is pictured here beside me. This photo has been nicknamed "The Salute Seen Around the World" because it shows the strong character of an American soldier.

After hours of surgery, Cpl. Hargis' Commander held a small ceremony in the hospital to honor Cpl. Hargis with the Purple Heart Award. Doctors, nurses, fellow Rangers crowded the room to watch him receive the award. Despite his injuries, tubes, and intense pain, Cpl. Hargis still saluted his Commander when his Purple Heart Award was pinned on his hospital blanket. This act of determination despite pain embodies all that is a Ranger.

I want to thank these 5 brave Rangers—Sgt. Patrick Hawkins, PFC. Cody Patterson, 1st LT. Jennifer Moreno, Special Agent Joseph Peters, and Cpl. Joshua Hargis—for their service and sacrifice. Joan and I send our prayers to their families and friends.

God Bless America and God Bless our troops.

TRIBUTE TO REVEREND W.H. FOSTER, SR. PASTOR OF THE PLEASANT GROVE MISSIONARY BAPTIST CHURCH

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, whereas, the Almighty God has called to his eternal rest Dr. W.H. Foster, Sr.; and

Whereas, Reverend Foster was born and grew up in the State of Mississippi and migrated to Chicago like many of his contemporaries; and

Whereas, in 1957 he and his mate for life Ms. Louise Marshall were married and became the parents of nine children and a host of grand- and great-grandchildren; and

Whereas, Dr. Foster was ordained a Minister at the age of 28, by Reverend Milton Brunson and preached the gospel and thrilled thousands of people with his messages and great singing voice from that time on; and

Whereas, Reverend Foster was a great preacher, a wonderful moderator and a devoted member of the National Baptist Convention; and

Whereas, in concert with his religious work Dr. Foster was actively involved with community and the world of politics. I was pleased to enjoy the support and encouragement of Dr. Foster during my entire political career. He was a friend, a comrade and a spiritual advisor. I loved him for what he meant to our community and what he has personally meant to me. I extend condolences to his family, his church, his friends and associates, and may his soul rest in peace.

TEXAN VICTOR LOVELADY DIED PROTECTING OTHERS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. POE of Texas. Mr. Speaker, when the world is in trouble, they look to Americans for help. One of my constituents, Mr. Victor Lovelady, heard this cry while working in Algeria and sacrificed his life to answer it.

Victor embodied the very best of the American spirit. He was brave, compassionate, and in the face of great danger made the decision to help and protect others instead of himself. Courage like this should be applauded. That is why this week I nominated Mr. Lovelady for the Presidential Medal of Freedom. This is our nation's highest civilian honor and recognizes individuals who have made "an especially meritorious contribution" to our society. It is clear to me that Victor Lovelady not only meets, but exceeds this standard.

Like many Americans, Victor Lovelady was a hard worker who put in long hours to provide for his family of four. As an industrial engineer and master electrician, he worked most of his life in his hometown of Nederland, Texas. Later he moved down the street from me in Atascocita, Texas. However, when work

in his area slowed, he traveled back and forth to Houston daily for almost three years so that his children would not have to change schools. Victor never had a pension plan and always had to pay his family's insurance by himself. He never had more than two weeks off in a year. He longed to be able to retire and spend more time with his wife and children.

When the opportunity to work overseas for British Petroleum arose, Victor weighed the pros and cons. He knew that if he did this job for a few years, he would be able to make enough money to retire and be with his family. He was also assured that it would be a safe place to work.

On January 9, 2013, Victor arrived in In Amenas, Algeria to begin his new job at the BP Gas facility. On the morning of January 16, Victor and several other workers were in the cantina having tea when a colleague walked in with a gunshot wound to his stomach. Mokhtar Belmokhtar's al Qaeda linked terrorists had stormed their facility and were indiscriminately killing innocent employees.

Thinking quickly, Victor began to clean and dress the man's wound as the sound of gunshots grew louder and louder. After he bandaged the man and hid him in a food container, Victor began helping the other men with him hide in the cantina's false ceiling, lifting them up so they could climb in. In total, Victor propelled three men into the hiding spot. Only when it sounded like the terrorists had entered the cantina did Victor try to save himself. Unfortunately, when attempting to climb into the ceiling, he fell and injured his ankle. Moments later, the terrorists found him and led him away.

Victor's selfless and heroic actions saved four lives that day. This entire ordeal was witnessed and recounted to me by one of the men he helped protect. Sadly, Victor was killed the next day when Algerian, military forces attacked the convoy in which he was being held hostage.

Victor Lovelady may not be a household name, but there is no doubt that his contribution meets the Presidential Medal of Freedom's high standards. He worked hard to provide an honest living for his family and when in danger, thought first to protect others instead of himself. When his brother Michael testified about Victor's heroics before my subcommittee in July, there was not a dry eye in the house. Everyone who hears Victor's story is inspired to act with courage, conviction, and compassion—in other words, to act as a true American.

Mr. Speaker, I'm sure you and all of our colleagues are as touched by Victor's story as I am. He was a great man and his legacy will continue through his wife, Maureen, and his two children, Erin and Grant. I am honored to call this man and his family my constituents and will continue to fight to honor the legacy of their courageous husband and father.

And that's just the way it is.

IN SUPPORT OF MILITARY  
RELIGIOUS FREEDOM**HON. KERRY L. BENTIVOLIO**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. BENTIVOLIO. Mr. Speaker, doing the right thing is a core principle for our American soldiers. Doing the right thing for the right reason and with the right goal is even better. People of character must possess the desire to act ethically in all situations. One of our military's primary responsibilities is to maintain an ethical climate that supports development of such character. General Douglas MacArthur once said, "No nation can safely trust its martial honor to leaders who do not maintain the universal code which distinguishes between those things that are right and those things that are wrong."

Organizations often reinforce its belief system to its members. In the United States, our founding documents reflect the fundamental principles of our nation.

The Constitution guarantees the freedom of religion. The military, which swears to protect the Constitution, places high value on the rights of its personnel to observe tenets of their religious faiths. It also demands respect for all individual differences in moral background and personal conviction. While religious beliefs and practices remain a decision of individual conscience, military commanders are responsible for ensuring that their subordinates have the opportunity to practice their religion. Under no circumstances can they deny military personnel the freedom of religion.

Military Chaplains are staff officers with specialized training and specific responsibilities for ensuring the free exercise of religion. They advise and assist leaders and individual personnel on matters of faith and conscience, especially in a hostile environment. We must support our chaplain corps to help military personnel who desire it to achieve a proper faith based mindset.

The Honorable Representative SAM JOHN-SON of Texas is a former Vietnam prisoner of war. He recently mentioned his faith helped him through the hardships of his years of captivity. In Vietnam, as a young infantryman, I witnessed countless soldiers saying prayers before missions. In Iraq, I heard many of our National Guardsman praying before performing our Convoy Combat missions. The importance of a faith cannot be understated.

Our country's distinguished military history gives ample testimony to the need for a faith-based character. Every combat veteran understands the basic requirements for readiness are not only their training and their equipment, but also a prepared mind, heart, and soul to face the enemy. An individual's beliefs assist our military personnel on the battlefield. Faith helps us face the horror and challenges of battle.

In combat, ethical choices are not always easy. The right thing may not only be unpopular, but dangerous as well. Complex and frightening situations often reveal a person's character. Faith-based ethical behavior helps prevent atrocities during battle and soldiers and Marines have demonstrated a duty-con-

sciousness that ultimately enforces a standard of moral decency. The moral courage to do the right thing in the midst of chaos and violence stems from the belief in a higher power.

Mr. Speaker, living a faith and ethics go hand in hand. Ethical decisions are made every day in military organizations throughout the world. They include decisions that directly affect the lives of military personnel in the field, innocent noncombatants, military civilians, and contractors in the theatre of war. I encourage my fellow colleagues in the United States House of Representatives to make value and faith-based ethical choices for the good of the Nation. As Members of Congress it is our duty to have the strength of character to make the right choices that ensure the protection of individual natural rights rather than taking them away.

## RECOGNIZING DAVE ROSS

**HON. LUKE MESSER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. MESSER. Mr. Speaker, I rise today to recognize Dave Ross of Muncie, Indiana. Dave is the Chairman and CEO of National Catastrophe Adjusters, Inc., doing business as NCA Group, which is a leading provider of insurance management services. Incorporated in 1984, the company originally specialized in catastrophe claims management, handling claims throughout the United States, Canada and Puerto Rico. NCA Group currently services both daily and catastrophe claims for 5 of the top 10 carriers in the United States and the second largest insurer in Canada. NCA Group has since expanded its service offering well beyond that of a traditional catastrophe firm, providing a complete suite of claims service solutions.

As a veteran, Mr. Ross knows the importance of service to his community and country. He employs over 300 people in Indiana's 6th Congressional District and all over the country, including a large number of veterans. Mr. Ross has developed a very unique and beneficial program for veterans returning back home that helps them translate their military experiences and traits into private sector skills. He then employs many of those veterans at NCA Group or recommends them highly to positions elsewhere.

I recognize Mr. Ross' exemplary conduct as both a soldier and citizen. He truly has used his time and talents for the betterment of his fellow Hoosier and American.

COMMEMORATING THE FIRST  
INTERNATIONAL FLIGHT AT THE  
ERIE-OTTAWA COUNTY INTER-  
NATIONAL AIRPORT**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. KAPTUR. Mr. Speaker, this month marks the dedication of the new Erie-Ottawa

International Airport in Port Clinton, Ohio. This new facility has been made possible through the Port Authority's leadership and the sacrifices and dedication of local citizens who understand what it takes to build a strong community and nation. Their contributions, along with a \$1.7 million federal Airport Improvement Grant, have resulted in adding an important new facility along our precious Lake Erie coast for economic growth.

To celebrate this event, citizens gathered during Veteran's Day weekend to mark this historic occasion at the new hanger. At the invitation of the airport's dedicated and visionary Director Stan Gebhardt, all gathered witnessed the first flight from Pelee Island, Canada. The plane was piloted by Griffing Flying Service president Tom Griffing, with passengers Erie County Commissioner Tom Farrell and Ottawa County Commissioner Jim Sass who worked across county lines to bring new growth potential to our coast. Upon landing, they were greeted by numerous local, state and federal officials as well as members of the public who marked the occasion with a special ceremony.

In honor of the occasion, a new U.S. flag was flown over the U.S. Capitol for presentation to the Airport Authority. Let me offer warmest congratulations to all those who piloted this significant project to completion. The new facility and adjacent buildings will allow for improved air service, more hanger storage, expanding commercial development around the airport's perimeter, and enhanced opportunities for tourism and commercial development. May the years ahead bring new opportunity as well as adventure to those who recognize Ohio as America's state where air flight began. Onward and upward!

BOOTS AND HOOVES—HOUSTON  
AIRPORT SYSTEM'S AIRPORT  
RANGERS**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. POE of Texas. Mr. Speaker, if a person is traveling down Farm to Market Road 1960 in Houston, Texas and glances over toward the massive airport grounds, it will not be uncommon to see men and women on horseback providing security for the airport perimeter. These are the Houston Airport Rangers. They will be celebrating their 10th anniversary on December 7, 2013.

In 2003, the Houston Airport System and Texas horse riding enthusiasts embraced the concept of a citizen-based crime prevention program designed to add an extra layer of security at the fence-line securing George Bush Intercontinental Airport (IAH) and in return, horse enthusiasts would have exclusive access to thousands of acres of riding trails. Kind of like border patrol, just with boots and hats and on horseback!

IAH Airport is the only airport in our country with a dedicated volunteer rangers program. It's Houston's largest airport and the eighth busiest airport in North America. In 2012, nearly 40 million passengers traveled through



the airport. More than 13,000 acres surround the airport, so it makes sense to have the right folks saddle up and patrol the trails on a regular basis.

The number of rangers has increased every year, and nearly 100 members have qualified for an Airport Ranger badge. Rangers share a passion for patrolling the range and keeping the peace—this passion has created a spirit of camaraderie amongst members. As Rangers ride their horses along the airport perimeter, they alert TAH security personnel of any suspicious or dangerous activity in their patrol area. Rangers keep track of their patrol hours—thousands of volunteer hours have been recorded since the program launched ten years ago. These Rangers are a special breed. But, would we really expect anything less from Texans?

Mr. Speaker, join me in honoring the Airport Rangers program for its 10 years of dedicated service and commitment to make Harris County, Texas a safer place to live. I do not know of another crime prevention program of this caliber that is completely run by volunteers. Next month, they will celebrate their 10th anniversary with a Texas style celebration: Texas country music, barbeque and horseback riding—sounds like heaven.

Happy Trails, y'all.

And that's just the way it is.

#### RECOGNIZING THE CONTRIBUTIONS OF THE PROFESSIONAL OPPORTUNITIES PROGRAM FOR STUDENTS

##### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. GRAYSON. Mr. Speaker, I rise today to recognize an outstanding program for young adults in Central Florida and throughout the state. The Professional Opportunities Program for Students, Inc. (POPS) is a nonprofit, 501(c)(3) organization founded by Florida State Senator Gary Siplin in February, 2001.

Senator Siplin had a dream to provide summer job opportunities to high school students in his community and he began that dream with five students. As the need for jobs increased, the graduation rate of students in the community began decreasing. Senator Siplin realized he needed to do more for these young people.

In 2008, POPS received a grant from the Department of Education to provide a year-round program that included mentorship, life skills workshops, community service, and paid internships to 200 students in Orlando, Florida. By 2010, POPS had grown to serve over 400 students and six additional cities: Tallahassee, Jacksonville, Pahokee/Belle Glade, St. Petersburg, Bartow/Lake Wales, and Ft. Lauderdale.

The mission of POPS is to provide personal and professional development for teenagers who face social, economic or environmental barriers that may impact the quality of their lives. POPS' work is rooted in collaboration among students, parents, schools, and community and business leaders.

The primary goal of the POPS program is to motivate diverse at-risk students to complete their high school education and prepare them for future success. POPS strives to reduce some of the at-risk factors through mentoring, counseling, character education, money management, and workforce development training. To achieve these goals, POPS focuses on assisting students in the completion of high school, motivating them to pursue an advanced education and obtain gainful employment.

The POPS program helps monitor demonstrable gains in academic achievement as well as increased attendance and graduation rates. POPS staff and mentors work to help achieve reduction in disciplinary actions and dropout rates and to increase engagement of students in education, cultural, and career experiences.

Through mentor relationships, improved parental involvement, and on-the-job-training and career exploration, the POPS program helps prepare students for college and entry into the workforce.

Mr. Speaker, I am happy to recognize Florida State Senator Gary Siplin and the POPS program for their invaluable contributions to Florida's youth.

#### RECOGNIZING AUDREY DECKINGA

##### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. CARTER. Mr. Speaker, I rise today to recognize and congratulate Audrey Deckinga on her retirement from Texas Child Protective Services. Over her 39 years of service to the Lone Star State, she has shown an unwavering commitment to the well-being of our most vulnerable citizens.

Audrey started her journey in the field of child welfare over 30 years ago as a foster parent. After beginning her professional career in CPS as a caseworker in Williamson County in 1988, she rose through the ranks over the next 25 years to become the leader of a CPS statewide program with over 8,000 staff. She has served as Assistant Commissioner since 2009 and has impacted the child welfare arena on both state and national levels.

Under Audrey's advocacy and leadership, more children are served safely without a removal from their own homes. Adoptions have increased by more than 100%. After exiting the system, children are less likely to have a subsequent incident of abuse or neglect or to reenter state custody. These achievements bring to life the words of Fred Rogers, one of our nation's great champions for children, who said, "Justice is taking care of those who aren't able to take care of themselves."

Her work to do right for children doesn't stop at the end of the work day. Audrey remains involved in numerous state and national child welfare groups where she has developed a reputation as a forward-thinking supporter of policies that make a lasting difference in the lives of children.

Retirement is to be celebrated and enjoyed. It is not the end of a career, but rather the beginning of a new adventure. I commend Au-

drey Deckinga for her work improving the lives of families in Texas. I wish her only the best in the years ahead.

#### THANKING EMPLOYEES OF THE OFFICE OF THE SERGEANT AT ARMS FOR THEIR SERVICE TO THE HOUSE

##### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mrs. MILLER of Michigan. Mr. Speaker, I rise today on behalf of the House of Representatives to pay tribute to eight outstanding and long-term employees of the Office of the Sergeant at Arms who will be retiring in the upcoming months:

John Boardman—Chamber Security Division staff.

Geraldine Cassidy—House Garages and Parking Security Division Staff.

Dennis Engel—House Garages and Parking Security Division Staff.

Karen Forriest—Identification Services Division staff.

Nicarsia Mayes—Chamber Security Division staff.

Linda Shealy—Emergency Management Division, Executive Assistant.

Bill Sims—Director of Chamber Security.

Lee Trolan—Emergency Management Division, Director, Continuity Planning.

Taken as a group, these exceptional public servants have served the House of Representatives and the federal government for a combined total of 242 years. I know we are deeply grateful to each of them for their many years of hard work, diligence, and sacrifice to this institution.

Taken individually, each has held positions of trust and responsibility within the Office of the Sergeant at Arms. From the Floor of the House, to the House Office Building garages, to the Identification Office, and Emergency Planning, their commitment to the Congress is second to none. Their institutional knowledge and skills, honed through years of hard work and dedication, will be sorely missed by their colleagues, as well as by Members and staff alike. Every single one of them has much to be proud of as they reflect on long and distinguished careers.

Please join me in commending the outstanding service of John Boardman, Geraldine Cassidy, Dennis Engel, Karen Forriest, Nicarsia Mayes, Linda Shealy, Bill Sims, and Lee Trolan to the Congress of the United States and congratulating each on their retirement. On behalf of the U.S. House of Representatives we wish each of you well in all of your future endeavors.

#### CELEBRATING KEOGH HEALTH CONNECTION'S TENTH ANNIVERSARY

##### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. SINEMA. Mr. Speaker, I rise today to ask that my colleagues join me in celebrating

Keogh Health Connection's Tenth Anniversary. This milestone represents a decade of excellence in connecting Arizona's uninsured population with affordable health care.

Keogh Health Connection was established in 2003, inspired by the passion for service held by its founders, Karlene and Kevin Keogh. This couple recognized that the available healthcare resources can only help those in need when people know how to access them. Through working with families and individuals on a case by case basis, and making referrals to an increasing number of partner organizations, this non-profit has shown tremendous growth over the past decade. It has served over 200,000 residents of Maricopa County, a number of which are in my district.

By taking action to fill a critical need in its community, Keogh Health Connection is truly commendable. I ask my colleagues to join me in congratulating this organization and its staff on reaching 10 years of service, and in wishing them many more successful years to come.

IN MEMORIAM: FRANCES XAVIER  
SOLOMON, II

**HON. GREGORIO KILILI CAMACHO  
SABLAN**

OF THE NORTHERN MARIANA ISLANDS  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 20, 2013*

Mr. SABLAN. Mr. Speaker, the people of the Northern Mariana Islands—and all the Pacific territories—lost a friend in August. Mr. Francis Xavier Solomon, II, veteran and public servant, passed away.

Mr. Solomon's service to our country ranged from his tour of combat in Vietnam to his career with the Department of the Interior. There, he helped develop telecommunications infrastructure in the islands and the financial management systems our young governments needed.

In his last 13 years he worked as a consultant to the Prior Service Retirement Trust Fund, which provides a pension to former employees of the U.S. Government in Micronesia.

Mr. Solomon is remembered by my constituents as "a true public servant in the finest sense of the term," and "a humble person who possessed extraordinary talent and accomplished great things."

Francis Xavier Solomon leaves behind a beloved wife of 29 years, Millie, and several children and stepchildren. And he leaves behind a legacy throughout our island communities, for which we will always be indebted.

REMEMBRANCE OF JOSEPH  
CAMPBELL THOMAS

**HON. H. MORGAN GRIFFITH**

OF VIRGINIA  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 20, 2013*

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks today in remembrance of Joseph Campbell Thomas, a lifelong resident of western Roanoke County, Virginia who passed away at the age of 91.

Joe was born on March 25, 1922, and grew up on his family farm during the Great Depression. He helped raise crops and livestock, worked in his family's tomato canning factory, and graduated from Andrew Lewis High School in 1939. While attending Virginia Polytechnic Institute, Joe was a member of the Regimental Command of the Corps of Cadets, the Scabbard and Blade and the VPI German Club. After graduating, Joe joined the United States Army Air Corps, and served our country as a pilot flying the Lockheed P-38 Lightning.

After some time working for American Bridge and General Motors, Joe joined his brothers Frank and Lewis to found Thomas Bros. excavating contractors. Their hard work paid off, and Thomas Bros. eventually grew into a premier company with important projects like Lewis Gale Hospital, Carilion Hospital, Salem Memorial Stadium, Valley View Mall, Tanglewood Mall, and others.

Outside of work, though, Joe was a lifelong member of Salem's First United Methodist Church and an avid golfer. He gave back to the community by serving on numerous boards and organizations including the Roanoke County Board of Supervisors, the Roanoke County School Board, the Richfield Retirement Community Board of Directors, Lewis Gale Medical Foundation, Salem Rotary Club, the Salem YMCA, and others. He was a regular fixture at his alma mater over the years, rarely missing a Virginia Tech football or basketball game. He served as Chairman of the Virginia Tech Second Century Campaign, the Virginia Tech Athletic Fund, and the Hackin' Hokies. He also was awarded the Virginia Tech Distinguished Alumni Award in 1993 for his contributions to industrial engineering.

Joe was preceded in death by his wife, Susan Leftwich Thomas; his parents, Mr. and Mrs. Frank Brown Thomas; brothers Frank Brown Thomas Jr. and Lewis Preston Thomas; and sister, Mary Louise Thomas Crain. He is survived by daughter Julia Thomas Arthur and her husband Michael; son Joseph Campbell Thomas Jr. and his wife Leigh; five grandchildren; nieces and nephews; and other loving members of his family.

My thoughts and prayers go out to Joe's family and loved ones. His love for his family and neighbors and his contributions to our community will always be remembered and cherished in Salem and throughout the Roanoke Valley.

THE IRANIAN'S ARE FEELING THE  
PINCH

**HON. TED POE**

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 20, 2013*

Mr. POE of Texas. Mr. Speaker, as the old Israeli saying goes, "What you don't see with your eyes, don't invent with your mouth."

Iran and six world powers, including the United States, are meeting in Geneva to negotiate over Iran's nuclear weapons program. The U.S. must be clear and unequivocal: There will be no reductions in sanctions without verified steps to show that Tehran is abandon-

ing, not just freezing, its nuclear weapons program.

Sanctions are what have brought Iran to the table to talk in the first place. In 2012, the Islamic Republic's net exports of petroleum dropped to their lowest level since 1990. Its GDP has dropped for the first time in 20 years. The Iranian Central Bank acknowledged an annual inflation rate of 45 percent in late July 2013; many economists believe it is more likely in the 50–70 percent range.

In short, the Iranians are feeling the pinch. The sanctions are working.

But getting the Iranians to the negotiating table is not good enough.

If we reduce sanctions now, we give up one of our main sources of leverage for the negotiations. Why stop what is working before we even start talking? Tehran wants to ease the sanctions to a tolerable enough level so that it can continue developing nuclear weapons without pain to its economy.

If we ease sanctions now, Iran will doubt our resolve, continue to run out the clock, and develop nuclear weapons knowing that there will be no serious consequences.

If the U.S. caves in at this critical time, other countries around the world will likely follow its lead and ease their own sanctions. In short, we would be right back to where we were in 2004: Iran marching toward a dangerous nuclear weapons program with no significant sanctions in place. Only this time, it would be much worse. Tehran has continually blocked international inspectors from seeing its nuclear facilities because it has something to hide.

Iran is closer than ever before to crossing the threshold and developing a nuclear weapon. Iran's stockpile of medium-enriched uranium has nearly doubled in a year, and its number of centrifuges has expanded from 12,000 in 2012 to 19,000 today.

Iran could produce enough weapons-grade uranium to build a nuclear bomb in as little as a month, a recent report by the Institute for Science and International Security states. It goes on to say that if Iran built a covert enrichment plant with the specific purpose of enriching uranium as quickly as possible, with current Iranian technology it could produce enough material for a nuclear bomb in a week. Backing off from sanctions now should not be an option. We simply do not have time.

If we want diplomacy to succeed, we shouldn't be talking about reducing sanctions but rather ratcheting them up. My colleagues and I in the House of Representatives passed an additional sanctions bill in July that would inflict even more pain on the Iranian regime. These new sanctions would go after more sectors of the Iranian economy and more individuals in the Iranian government. The U.S. Senate should ignore the President's objections and pass these sanctions immediately. If peace is to carry the day, we cannot start backing down now.

Nobody wants war with Iran. We should not give up the one peaceful tool that has finally impacted the Iranian regime enough to change its cost-benefit analysis. It would be foolish and dangerous to reduce sanctions without Iran proving that it is dismantling its nuclear weapons program. And that's just the way it is.

IN REMEMBRANCE OF HELEN  
MOSS**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. KAPTUR. Mr. Speaker. I rise today to pay tribute to the life of Helen Moss, who passed from this life on Saturday, November 9, 2013. Helen Moss was an indefatigable and socially minded community leader on many fronts. The living partnership she and her husband, Richard, formed were constant forces for community betterment across the Cleveland region.

Dedicated to success and committed to the pursuit of innovative research, Helen created the Helen Moss Cancer Research Foundation in 2000. The purpose of the foundation is to encourage and support education in Integrative Medicine and Comprehensive Cancer Care in Northeastern Ohio. She chose to turn her final heroic struggle into continuing good for her community: in 2012, she helped to establish the Parker Hannifin/Helen Moss Cancer Research Foundation Professorship in Integrative Oncology at Case Western Reserve University School of Medicine.

In addition to her support of health research, Helen played an active role in the local community. She was elected as a councilwoman for the Village of Bratenahl in 2001. Additionally, she was selected to be the President of the Ohio Ballet in Akron in 1982 and was appointed to the Ohio Arts Council in 1986. An elegant woman, strong, and vitally engaged citizen, she held a precious appreciation for beauty—in the arts, in the built environment, in literature and music. Helen was inducted into the Ohio Women's Hall of Fame in 2009.

Helen Moss leaves to cherish her life and legacy her husband Richard Fleischman, their four children, grandchildren and extended family and friends. We join them in honoring the life and service of an exceptional woman.

HONOR TRANSGENDER DAY OF  
REMEMBRANCE**HON. RUSH HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. HOLT. Mr. Speaker, today is Transgender Day of Remembrance. On this day, we remember those who have been killed as a result of anti-transgender violence and take note of the continued violence directed at the transgender community.

Sadly, violence and bullying against the transgender community is common. According to the National Center for Transgender Equality, which recently celebrated its 10th anniversary, nearly 80 percent of transgender students have been harassed in the K–12 school setting. That discrimination continues into the professional work environment. Transgender people are twice as likely to be unemployed compared to the general population and 90 percent have been mistreated at work. In September this year Erycka Morgan, a student at

Rutgers University and LGBT advocate, was killed in a New Brunswick boarding house. Public reports and press releases identified Erycka as a male and authorities identified her by her birth name and gender, despite being advised of her transgender identity and her preferred name.

As we remember those who have been killed or wounded by hate and violence, we also should commend the transgender community for working hard to educate Americans on the inequality they face. They are making great strides. Two weeks ago the Senate passed a fully inclusive Employee Non-Discrimination Act (ENDA). The Senate-passed ENDA would prohibit employers from discriminating against an individual due to their sexual orientation or gender identity. The bill passed by a strong bipartisan vote of 64–32. It is time for Speaker BOEHNER to bring that bill to the House floor.

A few years ago, the House considered a version of ENDA that did not include gender identity. Although I strongly oppose employment discrimination against all people, including gays and lesbians, the fact that the bill did not include gender identity is why I could not support the legislation then. I expect that when we finally achieve an ENDA law, perhaps this year, it will be inclusive.

Finally, I want to commend the LGBT advocates in New Jersey who have worked hard to achieve full equality in New Jersey. I share the excitement and sense of pride felt by my fellow New Jerseyans when the New Jersey Supreme Court refused to prohibit the issuance of marriage licenses to same-sex couples. We have a way to go towards full equality, but we are on the right path, a path that bends towards justice. In honor of Erycka Morgan and all those whose lives have been cut short due to violence rooted in ignorance, we will get there.

CONGRESSIONAL RECOGNITION  
FOR THE BEACON GROUP AND  
THE ABILITYONE PROGRAM**HON. RON BARBER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. BARBER. Mr. Speaker, today I rise to recognize the AbilityOne program, which in the last several years has helped more than 48,000 Americans who are blind or who have significant disabilities gain skills and training that ultimately led to gainful employment.

The AbilityOne Program harnesses the purchasing power of the federal government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with significant disabilities opportunities to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life. This program provides essential assistance to a segment of the population that has one of the highest levels of unemployment in our country.

I am proud to acknowledge the important work of Beacon Group in Tucson. Since 1952,

Beacon has provided quality services by employing people with disabilities. Their services improve the quality of life, alleviate barriers to independence, and help Arizonans of all ages to reach their full potential. With the support of the AbilityOne Program, Beacon provides and serves over 2,100 people with disabilities each year, providing a variety of employment related programs. The direct impact of these services on the lives of Americans with disabilities cannot be overstated. For an individual with a significant disability who has never had the opportunity to work, be independent, participate in community life, or contribute to their society; the AbilityOne Program and agencies like Beacon are invaluable.

Mr. Speaker, for these reasons I strongly support the AbilityOne Program and Beacon Group. I also want to commend the dedication and commitment of Steve King, the President of Beacon and his staff. Their work helps people live fuller lives and become more active members of the society. I also commend each AbilityOne employee who works every day to improve their lives and make our country a better place to live.

HONORING THE 25TH ANNIVERSARY  
OF THE SPACE COAST  
EARLY INTERVENTION CENTER**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. POSEY. Mr. Speaker, I rise to recognize the Space Coast Early Intervention Center (SCEIC) and its long running efforts to serve Florida children with and without special needs. For the past 25 years, SCEIC has established a unique inclusive program to ensure equal learning opportunities for all children regardless of ability. Their goal is to provide children with the academic and social skills needed to succeed in life.

The Space Coast Early Intervention Center was founded by Betsy Farmer, who recently received the Lifetime Achievement Award during the SCEIC's 25th Anniversary Celebration for her vision to establish Brevard's premier preschool.

The preschool is renowned for providing a safe, quality and high achieving learning environment for children with developmental delays such as William's syndrome, Rhett's Syndrome, Cerebral palsy, Autism, Pervasive developmental delays and Apert Syndrome, as well as children with visual, speech and hearing delays.

The SCEIC's curriculum is designed around key development indicators—language, literacy and communication; social and emotional development; physical development and health; mathematics; science and technology; social studies, and creative arts. Through curriculum and play, students are taught social skills necessary to develop successful friendships, appropriate behavior and have daily opportunities to develop and strengthen basic skills necessary to manage themselves, resolve conflict and develop positive social behaviors.

The Space Coast Early Intervention Center enrolls more than 70 students and has a staff

of over 25 teachers and nearly 600 volunteers. The Center conducts monthly parent education sessions, as well as community training outreach programs. Additionally, a team of occupational, speech, and physical therapists, and teacher assistants are trained in child care services, First Aid and applied behavioral analysis.

The Space Coast Early Intervention Center provides a tremendously valuable service to families and our community. The Center's dedication to helping children develop the skills they need to succeed in life makes our nation stronger and our future more secure.

#### OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,200,725,370,597.56. We've added \$6,573,848,321,684.48 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### RECOGNIZING OCTOBER AS AMERICAN PHARMACISTS MONTH

**HON. AUSTIN SCOTT**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people.

Today, there are more than 300,000 pharmacists licensed in the United States providing services to ensure the safe and effective use of all medications.

The safe and effective use of medication, as a cost-effective alternative and a preventative mechanism to avoid more expensive medical procedures, is a major force in moderating overall health care costs.

It is important that all users of prescription and nonprescription medications, their families or their caregivers, be knowledgeable about and share responsibility for their own drug therapy.

Pharmacists have extensive education and expertise on drugs and medication therapy, which makes them ideally suited to work collaboratively with patients and their health care team members to improve medication use and outcomes.

Pharmacists provide patients with expertise, knowledge and accessibility, all crucial factors to support improvement in our nation's public health.

Pharmacists are best positioned to be the health care professionals to help patients improve their adherence to their medications, and provide patient care services that ensure optimal medication therapy outcomes.

The American Pharmacists Association has declared October as American Pharmacists Month with the theme "Know Your Pharmacist, Know Your Medicine." I rise today to join my colleagues and the American Pharmacists Association in recognizing October as American Pharmacists Month.

Today's health fair is excellent demonstration of the important preventative health services our community pharmacies provide to many in rural towns and cities in Georgia and across the country. I call upon all Americans to acknowledge the valuable services of pharmacists to provide safe, affordable and beneficial patient care services and medications to all citizens.

#### IN SUPPORT OF CONTINUING EMERGENCY UNEMPLOYMENT COMPENSATION BENEFITS

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, unemployment benefits are a critical lifeline for our citizens and our economy. Although our economy is gradually improving from one of the worst economic recessions in its history, the economic crisis remains a daily reality for 11.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure.

Now is not the time to cut unemployment. Our economy continues to need federal unemployment benefits to support its growth. Jobs still remain hard to get with 2 million fewer jobs now than at the beginning of the recession. We continue to experience historic levels of long-term unemployment with over one-third of unemployed workers having been out of work longer than six months. Further, unemployment remains high in many areas of our country, like in my home state of Illinois where the unemployment rate is 9%. The non-partisan Economic Policy Institute estimates that failing to extend emergency unemployment benefits another year will damage our fragile recovery, reducing economic growth by 0.4 percentage points in the first quarter of 2014 and costing 310,000 much-needed jobs next year.

Now is not the time to cut unemployment. Millions of Americans rely on unemployment assistance to survive. In Illinois, approximately 389,000 people relied on unemployment benefits during 2013. The insistence of the Republican Leadership on slashing federal emergency assistance will impose incredible hardship on approximately 3.2 million Americans, with 1.3 million cruelly stripped of benefits just after Christmas and another 1.9 million losing benefits in the first six months of next year. The failure of the Republican Leadership to extend this critical lifeline would impose incredible hardship on over 153,000 Illinoisans. These Americans lost their jobs through no fault of their own, they tirelessly try to find work when the jobs are few and far between, and they struggle to cover basic food, housing, and transportation costs for their families on an average of \$290 a week, a pittance

which typically replaces only half of the average family's expenses. Failing to help these citizens is unacceptable.

Government leaders have a responsibility to protect our citizens and our country, especially during times of national crisis. Failure to continue emergency unemployment benefits will harm our economic recovery and harm Americans who already are hardest hit by the economic crisis—including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma. Congress must quickly act to support our citizens and our economic recovery by continuing emergency unemployment benefits.

#### HONORING THE WORLD WAR II VETERANS OF SOUTH MISSISSIPPI

**HON. STEVEN M. PALAZZO**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. PALAZZO. Mr. Speaker, I would like to take this opportunity to recognize an organization that has been serving our Greatest Generation since 2011. I'm referring to the Mississippi Gulf Coast Honor Flight.

Under the leadership of Kimberly Foster Moody and a dedicated team of board members and volunteers, our Mississippi Gulf Coast Honor Flight has taken almost 600 veterans to Washington spread among seven trips and I was proud to be there to meet every single group. They did it all free of charge, using private donations. For many of these veterans, it was their first and only time to visit the nation's capital, or the World War II Memorial. On Tuesday, November 5, 2013, this organization completed its work with a final flight carrying more than 70 veterans to Washington.

These veterans live among us as our friends and neighbors. They made huge sacrifices protecting the very freedoms that we enjoy today. They fought in some of the most hostile environments, and against some of history's most formidable foes, so that the world can be what it is today.

It has been a privilege to be able to join our Mississippi World War II veterans during these flights and see the look on their faces when they see their monument. As a Marine veteran of the Persian Gulf War, I feel a special kinship to these men and women who served so long ago. They also remind me of my own grandfather, who served in the Pacific on Guadalcanal during World War II.

Of the 16 million Americans who left their farms, fields, shops and families to fight evil half way around the world, 400 thousand Americans never returned home. Those who did, asked for nothing in return when they hung up their uniform and returned to their families, jobs, and normal life. I have asked many men and women over the years why they did it and almost all of them have said for God, Family, and Country.

Mr. Speaker, on behalf of a grateful nation, I want to say thank you to so many in the South Mississippi community who volunteered for and supported this organization with its

service to our veterans. I also want to once again thank all of our nation's World War II veterans. Truly, these veterans are our Greatest Generation.

#### HONORING THE INAUGURATION OF THE CONGRESSIONAL MONTE- NEGRO CAUCUS

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today with my colleague, Rep. DOUG LAMBORN of Colorado, to recognize the inauguration of the Congressional Montenegro Caucus and welcome the President of the Montenegrin Parliament to Washington, D.C.

Tonight, we will join with many of our colleagues to formally mark our commitment to strengthen an existing friendship with a young friend but vitally important ally in the Balkans.

Together, our nations work to advance peace and prosperity in the region and across the world. Montenegro has demonstrated a strong commitment to regional stability and peacekeeping efforts. Its openness to American businesses and investors make Montenegro an important economic partner.

For eight years, Montenegro has participated in the National Guard's State Partnership Program, partnering with Maine as the Montenegrin military transitions to an all-volunteer force. Now, the partnership between our two nations grows even stronger with the establishment of the Congressional Montenegro Caucus.

We are especially pleased to welcome the President of the Parliament of Montenegro and the OSCE Parliamentary Assembly, Mr. Ranko Krivokapic, to Washington, D.C. as we celebrate the founding of this important caucus. We look forward to many more years of cooperation and friendship between our countries.

Mr. Speaker, please join us again in celebrating the inauguration of the Congressional Montenegro Caucus.

#### HONORING THE 25TH ANNIVERSARY OF THE MISSISSIPPI NATIONAL RIVER AND RECREATION AREA

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. MCCOLLUM. Mr. Speaker, I rise today to honor National Park Service staff, volunteers and partners of the Mississippi National River and Recreation Area (MNRRA) on the 25th anniversary of its establishment as a national park. This 72-mile park corridor, winding northwest to southeast through the Saint Paul-Minneapolis metropolitan area, crosses some of the most naturally, culturally, economically and nationally significant areas in the United States. It is the only national park dedicated exclusively to the Mississippi River.

The late Congressman Bruce Vento (D-MN-04) provided the vision and legislative sponsorship that led to the creation of the park in 1988. It is a true honor to have called Bruce a friend. He was a dedicated environmental advocate, and his leadership helped forge a uniquely new kind of national park—a partnership park. The National Park Service owns little of the land within MNRRA, but works seamlessly with local governments, state agencies, non-profits, businesses, educational institutions and individuals to protect our precious lands and resources along the Mississippi River in the Twin Cities.

As the lifelong home of Congressman Vento, it is fitting that Saint Paul is the base of park operations. Both the headquarters as well as the visitor center in the Science Museum of Minnesota are nestled alongside the river in downtown Saint Paul. Despite being in the center of a busy urban area, this stretch of the upper Mississippi River is teeming with life, providing food and shelter for countless birds, fish and mammals. The very symbol of America—the bald eagle—is well represented in the park with one of the largest nesting populations in the country.

The Mississippi National River and Recreation Area offers beautiful trails and scenic landscapes for people to enjoy in the heart of the Twin Cities. Some of the most important sites in our history are located here—Fort Snelling, Saint Anthony Falls and the confluence of the Mississippi with the Minnesota River. Even before settlers dispossessed this land in the 1800s, original Mdewakanton Dakota living here considered this their Eden, the center of the world.

The Mississippi National River Recreation Area is truly a park that brings history, science and recreation together. No better example is the success of the Urban Wilderness Canoe Adventure—a special partnership between the National Park Service, local schools, non-profits, businesses and many others—that is providing an opportunity for 10,000 urban youth each year to experience the river from voyageur canoes. Students learn about the river and its special significance through direct “hands on the canoe paddle” experience.

While it is still relatively new by national park standards, it is an honor to celebrate this major milestone. Mr. Speaker, please join me in paying tribute to the 25th anniversary of the establishment of the Mississippi National River and Recreation Area.

#### TO WHERE HEARTS OF COURAGE ROAM—IN MEMORY OF SCOTT CARPENTER

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. OLSON. Mr. Speaker, I rise today with a poetic tribute in honor of an American Hero, Astronaut Scott Carpenter's passing . . . Scott was the second American to orbit in space. God Speed America's son. I ask that this poem penned by Albert Carey Caswell be placed in the RECORD.

#### TO WHERE HEARTS OF COURAGE ROAM (By: Albert Carey Caswell)

To . . .  
To where hearts of courage roam!  
To such places the future now so owns!  
So where such courage belongs!  
So all by themselves, so out there all alone!  
To a place where exploration heart's so  
roam!

Where life and death,  
so lies all on that edge!  
So etched all in history's home!  
To so find the answers,  
Which must now be known!  
As we looked up Scott,  
And you were gone!  
And if I were a Carpenter,  
I'd be The Right Stuff moving upward and  
on!

As you and your friend John Glenn,  
such a dynamic duo had once so formed!  
As the bravest,  
and the boldest who shall live on!  
As a pioneer of space exploration,  
all in search of new frontiers!  
All out there on that cutting edge,  
all without fear!  
As your life Scott,  
to exploration was so pledged!  
While, against all odds you would not hedge!  
As an Astronaut heading into the sun!  
Raising “The Mercury”,  
with the strength of “Atlas” to exploration  
you'd run!

To win what so must be won!  
And then,  
under the oceans for so much more to come!  
So ready to pay with your own most precious  
life,  
as was America's heroic son who shone so  
bright!

Pushing that envelope,  
so all in flight!  
All so that we could be here!  
As your family,  
anxiously so awaited all in their tears!

Oh yes,  
you were a shining star!  
Carrying our Nation,  
out into the future so fast and far!  
To such new heights,  
and ever new frontiers!  
To a place where others fear!  
SO CALM!  
SO COOL!  
AND SO COLLECTED!  
THE RIGHT STUFF!  
SO HERE!

Living and dying for something worthwhile,  
into each new coming year!  
To know,  
what must so be known!  
To sow,  
what must be sown!

To go where hearts of courage,  
must roam!  
The sole reason why,  
Women and Mankind so stand alone!  
To a place where hearts of courage must  
roam!

Oh what a striking figure Scott,  
you'd so cast!  
All out there into the future's past,  
which so lives on,  
so lasts!  
Wherever, hearts of honor roam!  
That which hearts of exploration wish to  
own!

Whether, above the earth or SEALAB below!  
As there Scott, you would go!  
With such faith and courage you owned!  
As why men like you,  
The Right Stuff so stand alone!  
God Speed America's fine Son!

As your life upon this earth,  
is now so sadly done!  
But just look,  
all in your short life what you have owned!  
As so boldly and bravely for our futures,  
your heart so roamed,  
To do what must so be done!  
And where would we all so be,  
if it were but not for such courageous ones as  
all of these?

God Speed,  
ascend to Heaven Scott my son!  
To where hearts of courage roam!

CONGRATULATING DUKE UNIVERSITY HOSPITAL ON THE OCCASION OF BEING HONORED WITH THE BALRIDGE AWARD IN LEADERSHIP

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. BUTTERFIELD. Mr. Speaker, I rise to congratulate Duke University Hospital, located in Durham, North Carolina for being recognized by the U.S. Department of Commerce as a 2013 Balridge National Quality Award Honoree in Leadership.

Since 1988 the Department of Commerce has recognized numerous U.S. organizations from various industry sectors for their exemplary performances in innovative practices, dynamic management, financial management, employee and customer satisfaction, and commitment to excellence and proven results. This year, Duke University Hospital is being recognized, along with one other organization nationwide, for its best practices in leadership.

Duke University Hospital delivers exemplary and innovative care not just to the entire Durham community, but nationally and internationally, by providing a remarkable facility of 924 acute care beds and 18 psychiatry beds. The hospital has a long tradition of excellence and has been repeatedly recognized for outstanding care by publications including TIME and US. News & World Report. In 2012 Duke University Hospital became the first hospital to achieve the top recognition by the state of North Carolina's Awards for Excellence program for outstanding businesses practices. The hospital ranks among the best facilities in the country for quality of care, and is one of the preeminent teaching hospitals in the country through their partnership with Duke University School of Medicine.

Mr. Speaker, I commend the doctors, nurses, staff, and students of Duke University Hospital for their commitment to exceptional leadership and quality health care. Duke University Hospital continues to be a tremendous asset and partner with the Durham community. This reward is a testament to the innovation and leadership of Duke University Hospital and reinforces the "City of Medicine" moniker for the City of Durham. I ask my colleagues to join me in honoring and celebrating Duke University Hospital's great achievement by being recognized as a 2013 Balridge National Quality Award Leadership Honoree.

RECOGNIZING THE HONORABLE ELAINE G. VANN ON THE OCCASION OF HER RETIREMENT AS WASHINGTON COUNTY, NORTH CAROLINA'S REGISTER OF DEEDS

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to congratulate the Honorable Elaine G. Vann on 31 years of service to the Washington County Board of Commissioners, office of the County Manager, and the citizens of Washington County, North Carolina. On December 1, 2013, Ms. Vann will retire as Washington County Register of Deeds.

Elaine Vann began her tenure in public service on September 13, 1982 as Assistant Register of Deeds, eventually becoming Certified on August 18, 1994.

On January 3, 1995, Ms. Vann was selected to assume the unexpired term of Washington County's then-Register of Deeds Greta H. Barber. Since then, Ms. Vann has run for election five times and has been elected to serve as Register of Deeds on each occasion. Her nearly 19 years as Washington County's chief recorder of property records and vital statistics information have made her a strong force throughout the county and region.

During her tenure, Ms. Vann served with 24 County Commissioners and seven County Managers. All along, she worked in earnest to implement changes made at the county level and also worked to keep pace with emerging technologies that fostered public disclosure and increased the ease with which citizens accessed information. To that end, she implemented a "paperless" office by scanning and digitizing documents and forms making working with the Register of Deeds uncomplicated and efficient and saving the county scarce resources.

Ms. Vann was a member of the North Carolina Association of Register of Deeds (NCARD) and served District VIII on various NCARD committees. She has proudly served as its District Secretary, Vice-Chair and Chair. This year Ms. Vann was awarded the Shining Star Award by the NCARD at the State Conference in Pinehurst, North Carolina.

A true testament to her active involvement in the community, Ms. Vann served as President of the Pungo River Volunteer Fire Department Ladies Auxiliary and was the first female board member of the Pungo River Volunteer Fire Department. She is a member of Zion's Chapel Church of Christ in Roper, the Washington County Executive Board of the Southern Albemarle Association, and the Family and Consumer Science Program Committee with the Washington County Cooperative Extension Agency.

Ms. Vann and her husband, John, have two children—a daughter, Erin Vann Gaskill, and a son, Daniel Vann.

Mr. Speaker, the work and contributions of the Honorable Elaine G. Vann will leave a lasting impression on Washington County. I ask my colleagues to join me in offering our sincere appreciation for her 31 years of out-

standing and dedicated public service and best wishes upon her retirement.

### A BAD DEAL FOR AMERICANS

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, four years ago this month, I stood on the House floor to oppose the so-called health care reform bill (ie: Obamacare), stating my firm belief that:

"We can and must reform our health care system and provide better solutions for those currently uninsured or underinsured. But we must do so without jeopardizing the quality of health care for these currently insured people and families, many of whom will see their own health care access and quality seriously eroded under the bill."

Unfortunately for millions of Americans, as I and many others predicted four years ago, Obamacare is expensive, forcing them to lose their coverage and undermining our world class system of care. The law's implementation is resulting in many patients having less—not more—health care and they have less say in who their doctor is, what procedures and medications are covered, and what hospitals remain in their network.

The President's promise to insured individuals—that "if you like your insurance plan, you will keep it. No one will be able to take that away from you" and "if you like your doctor, you will be able to keep your doctor. Period"—was, simply, a false promise and a foolish one.

We knew then, and are seeing now, that this was not the case. In fact, my colleagues and I raised these concerns during the debate and several of my speeches included my grave concerns that the bill would cause most Americans to lose access to their current health insurance coverage.

At the time of passage, according to the Urban Institute, approximately 90% of the people in my district had health care coverage. Now, the New Jersey Association of Health Plans estimates that in my state alone, 800,000 people—150,000 with individual plans and 650,000 in employer sponsored small group plans—have or will have their coverage disrupted by Obamacare.

In fact, I have been contacted by many of these constituents who are losing their current health care coverage. One constituent from Lakewood wrote: "I just got a letter from [my insurance company] that my private insurance policy is being terminated due to the new Health Care Law requirements . . . I am a struggling middle class citizen. Where is the president's promise that we will be able to keep our policies?"

Another constituent from Fair Haven wrote: "I am a Vietnam veteran. . . . my wife is a 60 year old breast cancer survivor. . . . [Her insurance company] just referred her to a new policy that is almost twice the cost of the one she had."

Similarly, four years ago, I stated: "The bill also guts Medicare Advantage plans, which

offer additional coverage to over 11 million seniors—15,983 in my district alone—who choose Medicare Advantage plans as the coverage that best meets their needs.”

Mr. Fredrick Thompson from Hamilton commented: “My 96 year old mother-in-law who has lived with us for the past 16 years with Social Security as her only income just received a letter from [her insurance company] canceling her [Medicare Advantage policy]. This policy was cancelled due to new standards imposed by the Affordable Care Act (ACA). A new policy will increase her cost by 83% plus add a deductible that did not exist in the original policy.”

The impact on future Medicare Advantage enrollment is unclear but the costs have increased for seniors, like Mr. Thompson’s mother-in-law, many of who can ill afford a higher cost of living.

Many more of my constituents have seen their costs rise dramatically and others are fearful that they will soon receive a cancellation notice in the mailbox stating they are being pushed off their current plans and must find a new, more expensive plan on a website that doesn’t work and does not appear to have the ability to keep their required personal data safe and secure. This is unacceptable.

The impact of Obamacare on small businesses is also troubling—and was predicted. One business owner in my district, April Zay from Hamilton, wrote to me: “I am a small business owner in Mercer County NJ. I am concerned about the effect of the Affordable Care Act on my business and family . . . I have been trying my best to keep my business afloat, but with the cost of health plans and the loss of revenue is putting my livelihood at risk.”

Since the latest recession, small businesses accounted for 67 percent of the net new jobs in this country. They are the engine of a sustained job market and a recovery. Controlling costs and making healthcare policies affordable for these small businesses should be our focus. Unfortunately, Obamacare—both its insurance mandate’s sticker price and the crippling taxes on individuals and businesses—incinivizes part-time employment and accelerates the trend away from employer sponsored plans.

My record—on Medicare, Community Health Centers, the State Children’s Health Insurance Program (CHIP), Veterans health care, and children with special needs—demonstrates that I remain fully committed to ensuring the federal government plays an appropriate role and provides a health care safety net for those in need of support.

The solutions we put forward during the debate on Obamacare to replace it with responsible health care reform can provide credible health insurance coverage for everyone, strengthening the health care safety net, and incentivizing quality, innovation, and prevention. Reforming the private health insurance market to eliminate denials for pre-existing conditions and lifetime caps and promoting portability between jobs and geographic areas, including across state lines, are proposals I supported and have continued to support. I also support modernizing the tax code to promote affordability and individual control and provide assistance to low-income and middle-

class families who seek insurance but cannot now afford the cost.

The administration’s temporary decision to allow insurance companies to grandfather in existing plans is not sufficient to stop the bleeding. Obamacare must be suspended and replaced. Suspending and replacing Obamacare would fulfill the President’s promise: If you like your insurance plan, you can keep it. Then we can work on real reform that puts patients first, lowers costs and advances solutions rather than creates new problems.

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IN RECOGNITION OF THE LANCE  
CORPORAL CALEB POWER  
YOUNG MARINE UNIT’S EFFORTS  
TO PROMOTE RED RIBBON WEEK

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the efforts of the Lance Corporal Caleb Power Young Marine Unit in the First District of Virginia to promote Red Ribbon Week. Their efforts in this national drug prevention campaign are impressive. The work these young men and women are doing is vital to our community and shows their commitment to making our schools, cities, counties, Commonwealth and Nation drug free. I am proud to represent the First District of Virginia, where young women and men are striving to make our communities better.

The Young Marine Program is a drug demand reduction program for children ages 8 through the completion of high school that instills the Corps values of teamwork, leadership, and discipline. The mission of the Young Marines is to positively impact America’s future by providing quality youth development programs for boys and girls that nurtures and develops its members into responsible citizens who enjoy and promote a healthy, drug free lifestyle.

Red Ribbon Week serves as a vehicle for communities and individuals to take a stand for the hopes and dreams of our children through a commitment to drug prevention and education and a personal commitment to live drug free lives, with the ultimate goal being the creation of a drug free America.

The Fredericksburg unit of the Young Marines is named after Lance Corporal Caleb John Powers, a Fredericksburg resident and former Young Marine who joined the United States Marine Corps and was killed in action in Iraq in 2004.

Mr. Speaker, I ask my colleagues to join me in thanking these Young Marines and their families for their dedication to improving this great Nation.

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HONORING RITA BROCK-PERINI

**HON. KYRSTEN SINEMA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Ms. SINEMA. Mr. Speaker, I rise today to ask that my colleagues join me in honoring

Rita Brock-Perini on her induction into the Arizona Veterans Hall of Fame. This accolade is reserved for the men and women in community who have unceasingly served their country after the conclusion of their active duty.

Capt. Brock-Perini epitomizes what this honor stands for. After being raised in a formerly rural region of Arizona as one of ten children, she pursued higher education in nursing at St. Joseph’s School of Nursing and Arizona State University. During the Vietnam War, she answered her nation’s call for service and enlisted in the Air Force Nurse Corp until 1971. Afterwards, she investigated medical fraud for the U.S. Department of Health and Human Services until her retirement in 2003. Today, Capt. Brock-Perini has continued her career in service in a plethora of ways. She is a commissioner on the Phoenix Military Veterans Commission, the Vice President of the Veterans Medical Leadership Council, and a judge advocate for the American Legion. Additionally, she has worked with NPR and the Veterans History Project to share her unique story with generations to come.

From these accomplishments, it is clear that Rita Brock-Perini has dedicated her life to superior citizenship. I am privileged to represent her in congress. I ask my colleagues to join me in congratulating her on her induction to the Arizona Veterans Hall of Fame, and in thanking her for all she has done for her country and fellow veterans.

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NATIONAL DIABETES AWARENESS  
MONTH

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 20, 2013*

Mr. RANGEL. Mr. Speaker, the month of November has been set aside to focus the nation’s attention on one of the most chronic and debilitating diseases in the nation—Diabetes. It is estimated that the national cost of diagnosed diabetes in the United States is \$245 billion. Diabetes is a challenging disease that affects the entire family in many ways, which is why the theme for 2013 National Diabetes Month is Diabetes is a Family Affair.

The theme reinforces the work of National Diabetes Education Program and its work with individuals, families and communities to take action and encourage simple, but important lifestyle changes to improve their health—particularly if they have diabetes or are at risk for the disease. Raising awareness and understanding of diabetes, its consequences, management and prevention of Type II Diabetes are important elements in this month’s effort.

Diabetes is a group of diseases characterized by high blood glucose levels that result from defects in the body’s ability to produce and/or use insulin. If left undiagnosed or untreated, diabetes can lead to serious health problems such as heart disease, blindness, kidney disease, stroke, amputation and even death. With early diagnosis and treatment and lifestyle changes, people with diabetes may prevent the development of these health problems.



Nearly 26 million children and adults in our country suffer from diabetes. Another 79 million people have pre-diabetes and are at risk for developing Type II Diabetes. Unfortunately, the occurrence of diabetes is at least two to four times higher among minority women compared to white women.

An estimated 1.3 million adult New Yorkers (almost one in eight) now have diabetes. A record number of New Yorkers, approximately 5,695 people, died from diabetes and related causes in 2011—about one death every 90 minutes, 16 deaths every day. These numbers are so staggering that diabetes has been declared an epidemic by the NYC Health Department. For too many Americans, diabetes is thought of as a minor hindrance, rather than a life-changing disease.

Diabetes is 24/7, 365 days a year and it takes extraordinary efforts to live an ordinary day with diabetes.

I am committed to educating the public about how to stop diabetes and support those living with the disease. I applaud the efforts of the New York Chapter of the American Diabetes Association and other diabetes support and education programs, including St. Lukes/Roosevelt Endocrine Clinic, Mt. Sinai Endocrinology, Naomi Berrie Diabetes Center, Montefiore Conical Diabetes Center and North Bronx Health Care Network for their continued service to the residents of the 13th Congressional District.

As a proud cosponsor of the Eliminating Disparities in Diabetes Prevention, Access and Care Act, aimed to promote diabetes research, treatment and prevention in minority populations, I will continue supporting the issues surrounding diabetes and the many people who are impacted by the disease.

#### TRIBUTE TO SENATOR RICHARD LUGAR

#### HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 2013

Mr. MESSER. Mr. Speaker I rise today to congratulate former Senator Richard Lugar of my home state of Indiana. Senator Lugar received the Medal of Freedom today from President Obama at a ceremony at the White House.

Few other political leaders in our state's history have rivaled Senator Lugar's accomplishments during his over 40 years of service to Indiana. His work as the chairman of the Agriculture Committee and support for biofuels research has helped Hoosier farmers and brought jobs to rural Indiana. Senator Lugar is recognized around the world for his work on stopping the proliferation of weapons of mass destruction. In 1991, Senator Lugar partnered with Senator Sam Nunn to establish a program aimed at eliminating latent weapons of mass destruction in the former Soviet Union. Over 7,500 nuclear warheads have been deactivated through the Nunn-Lugar Cooperative Threat Reduction program, making the world a far safer place. As the President of the Lugar Center, Senator Lugar continues to lead, lend-

ing his knowledge and wisdom to policy makers working to tackle the foreign policy issues of our day.

Like so many others, Senator Lugar has played an essential role in inspiring my own career in public service. My grandmother Helen Rotzien was a Ward Chairman in Indianapolis when Dick Lugar was first elected mayor. Throughout my childhood, my grandparents repeatedly cited Senator Lugar as a model of achievement and integrity in public service. Later, as I began my own career in public service in Indiana, Senator Lugar took special interest in a young state legislator and Executive Director of the Indiana Republican Party. I will always be grateful for his friendship and guidance.

I ask the entire 6th District to join me in congratulating Senator Lugar on receiving the Presidential Medal of Freedom. As a Navy veteran, Indiana public servant and internationally respected statesman Richard Lugar's life has been dedicated to service to his country. Senator Lugar's leadership and public service is an example that all Hoosiers can aspire to.

#### IN OBSERVANCE OF THE 15TH ANNUAL TRANSGENDER DAY OF REMEMBRANCE

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 2013

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in observance of the 15 Annual Transgender Day of Remembrance.

Fifteen years ago, the tragic murder of transgender musician Rita Hester in Boston offered our nation a glimpse into the daily struggle and injustice suffered by transgender Americans. In honor of her memory, transgender activist Gwendolyn Ann Smith founded the first Transgender Day of Remembrance in 1998 as an occasion to remember all those who have been lost due to violence and prejudice against transgender and gender non-conforming individuals. Despite significant advances in the struggle for lesbian, gay, bisexual, and transgender (LGBT) equality in recent years, many people do not realize or recognize that transphobia exists, and transgender individuals continue to face discrimination in every major aspect of their day-to-day lives.

Tragically, members of the transgender community are too often the victims of hate-motivated violence. Each year around the world, hundreds of transgender individuals of all ages—particularly transgender women of color—are brutally attacked, injured, or murdered simply because of who they are, and the list of names to memorialize grows ever longer. In 2013 alone, this figure topped 238 lives lost, but we know that the real number of deaths is much higher as many cases go unreported and uninvestigated.

All people deserve to be treated with dignity and respect, as well as live free from fear of discrimination and harm. For transgender individuals, the lack of access to culturally com-

petent health care, disproportionate rates of poverty and homelessness, resorting to survival sex or attempting suicide, maltreatment by law enforcement, and employment discrimination remain serious challenges to their well-being. As a nation, we must do more to address these issues, root out stigma and racism, and foster greater inclusion in our society.

At the federal level, one of the immediate steps that we can take to protect the rights of transgender individuals is to pass the Employment Non-Discrimination Act of 2013 (ENDA), a bipartisan measure that strengthens basic employment protections for all Americans and, in my opinion, is long overdue. On November 7, 2013, the Senate sent a clear message that employer discrimination based on sexual orientation or gender identity should be outlawed when it passed ENDA by a vote of 64–32. I urge Speaker BOEHNER to reconsider his position and allow the House to vote on passage of a fully inclusive ENDA as soon as possible.

Mr. Speaker, transgender rights are human rights. As we observe the 15th Annual Transgender Day of Remembrance, let us not only remember the lives of all those whom we have lost to transphobic hate, but honor their memory and sacrifice by recommitting ourselves to making a difference in the lives of LGBT individuals and other vulnerable communities as a whole. I will continue working tirelessly with my colleagues in Congress, the Obama administration, and civil rights advocates to ensure that our laws recognize LGBT persons and provide them with equal opportunities to succeed.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 21, 2013 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

NOVEMBER 22

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine housing fi- nance reform, focusing on developing a plan for a smooth transition.		DECEMBER 11	DECEMBER 18
		2:15 p.m.	2:15 p.m.
		Special Committee on Aging	Special Committee on Aging
SD-538	To hold hearings to examine protecting seniors from medication labeling mis- takes.		To hold hearings to examine the future of long-term care policy, focusing on continuing the conversation.
		SD-562	SD-562

## HOUSE OF REPRESENTATIVES—Thursday, November 21, 2013

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 21, 2013.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

We come to the end of a week where we have given thanks for the heroism of the brave men who served as code talkers during the world wars. They answered the call to service of their Nation at a time of great danger, and we are grateful to them.

Now we approach a week during which all Americans will gather to remember who we are: a Nation generously blessed not only by You, our God, but by courageous ancestors, faithful allies, and the best good wishes of people everywhere who long for freedom, who would glory in the difficult work of participative government, and who do not enjoy the bounty we are privileged to possess.

Bless the Members of this assembly, and us all, that we would be worthy of the call we have been given as Americans. Help us all to be truly thankful and appropriately generous in our response.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. BISHOP) come forward and lead the House in the Pledge of Allegiance.

Mr. BISHOP of Utah led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### BIG WEEK FOR AMERICA'S ENERGY SUPPORTERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over 25 years ago, Congress legislated Yucca Mountain as our national repository for nuclear waste. Sadly, the President discontinued the project in 2009 solely for political reasons. On Monday, the Nuclear Regulatory Commission ordered the Department of Energy to proceed with the review process.

This administration has failed to produce a clear plan for storing spent nuclear fuel, putting the environment at risk. South Carolinians have paid \$2 billion into the program for the fees to address spent nuclear waste. Yet because of the President's party politics, a facility does not exist.

Thankfully, the judicial system sided with the American people this week and demanded the Energy Department to stop collecting these fees until a path forward is created. Yucca Mountain is clearly environmentally safe and secure and should be completed.

This is great news for the Aiken-Barnwell community and other commercial reactor sites across the country. The President should abide by the law. America is a strong Nation because we are a Nation of laws.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

I appreciate the community service of Bill and Anne West.

### REMEMBERING THOSE LOST IN THE ILLINOIS TORNADO

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise today to remember those who tragically lost their lives this week in Illinois. Last weekend, tornados ripped across my State and six people were killed.

Extreme weather events are sadly becoming the norm across the country; 2012 was the second most extreme weather year to date, with 11 extreme weather events across our country.

Last year, Illinois experienced a total of 113 broken heat records, two broken snow records, 36 broken precipitation records, and one large wildfire. Clearly, this year looks to be no different.

The reality is this: stronger, more destructive storms are pounding our region with distressing regularity and with huge costs to our State, our residents, and our economy.

Our task is to aid those devastated by these events, as well as addressing the underlying cause of their increased severity and frequency—climate change.

### LOSS OF COVERAGE III

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, President Obama and the Democrats who run Washington spent a lot of time telling the American people that if they like their health care plan, they can keep their health care plan.

So what would they say to the 4 million Americans who have had their insurance canceled under ObamaCare? What would they say to all the folks who have logged onto our House Republican Web site at gop.gov and told us their stories of lost coverage?

Americans need real solutions, not the political fix the President proposed last week.

The House passed our Keep Your Health Plan Act with strong bipartisan support. That is a real solution. We call on the Senate to listen to the American people and support it.

### U.S. RESPONSE TO TYPHOON HAIYAN

(Mr. SWALWELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWALWELL of California. Mr. Speaker, I rise today to offer my condolences to the people of the Philippines following Typhoon Haiyan, which hit November 8, 2013.

I am proud to represent a vibrant Filipino community in the East Bay, and I have heard from many constituents who are concerned about loved ones overseas. Particularly this weekend, I heard from hundreds at St. Anne's Catholic Church in Union City.

The U.S. Government acted swiftly, sending monetary aid, humanitarian workers, and military personnel. Unfortunately, some people in the most remote areas are still struggling for basic human needs like food, water, and medical supplies. That is why Representative JACKIE SPEIER and I are circulating a letter to Secretary of Defense Hagel and USAID Administrator Shah, which we plan to send tomorrow supporting the use of airdrops of food and supplies to inaccessible areas.

In an ideal world, aid workers on the ground would distribute supplies to those in need, but time is of the essence. People are hungry, need medical supplies, and are thirsty right now.

I am committed to making sure the U.S. is doing everything it can to help the Filipino people as they begin to rebuild their lives following this horrific storm.

#### INDIANA STORMS

(Mr. ROKITA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROKITA. Mr. Speaker, I rise today to reflect on the destructive tornados and severe thunderstorms that struck Indiana and much of the Midwest this past Sunday.

On Monday, I had an opportunity to tour areas that sustained some of the worst damage. Kokomo, Indiana, was particularly hard hit, and Logansport, Lafayette, and Lebanon sustained serious damage as well.

While Hoosier lives were spared during this, some of our Illinois neighbors were not so lucky. All throughout the Midwest, people lost their homes, their possessions, and in some cases their livelihoods as businesses were destroyed.

Some of our communities and neighbors face a long, painful recovery. I encourage all Hoosiers and Americans to keep those suffering from the destruction of these storms in their thoughts and prayers.

As is often the case in our great Nation, tragedy reminds us of the goodness and generosity of our fellow citizens. In the past, I have seen Hoosiers step up in tough times to help their family, friends, neighbors, and even complete strangers in a time of need.

While touring Kokomo, I met two men who had driven all the way up from the Indianapolis suburbs just to lend a hand however they could. Shelters had opened. Charitable organizations had swung into action. Neighbors were helping neighbors.

While the Federal Government may have a role to play in the recovery efforts, Hoosiers were not sitting around waiting for their Federal Government. Individuals attacked problems, helped their neighbors, and showed great generosity and resilience.

It makes me proud to be a Hoosier, and I am humbled to represent so many people full of caring, generosity, and resilience.

#### ENERGY INDEPENDENCE AND NEW JOBS ARE CREATED IN BUFFALO, NEW YORK

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, this morning, New York Governor Andrew Cuomo is in my home neighborhood of South Buffalo to announce a \$225 million redevelopment of a former steel-making plant that will bring 850 new jobs to Buffalo.

This project announcement will transform a 200-acre former Republic Steel site into a new clean energy and research campus that will breathe new life into a formerly contaminated industrial area that is situated along the Buffalo River and that has been economically dead for the past 30 years.

This announcement, along with \$75 million in Federal and private investments to clean up the Buffalo River and shoreline, is creating a dynamic new economy in Buffalo, an economy marked by new waterfront development and clean-energy manufacturing.

Energy independence and hundreds of new jobs in the new economy are re-making Buffalo, New York; and this project should serve as a national model to grow the economy and for nation-building right here at home.

#### LOSS OF COVERAGE IV

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, over the last 6 weeks, every Member of Congress has heard from constituents who have been very much concerned about the cancelation of health insurance policies, primarily because someone has determined that their health insurance policy is not adequate.

We are hearing about higher premiums, and then we all know about the difficulty of getting on the Web site to select your insurance policy.

So there is a lot of confusion out there, there is a lot of anger out there, and there are a lot of people that are asking the U.S. Congress to help.

We want to hear how this ObamaCare is affecting individual Americans from coast to coast. We have developed a Web site called gop.gov. We would invite those people who are experiencing

difficulty to go on gop.gov, click on "your story," and tell us explicitly what experiences you are having.

This is very important and we appreciate it.

#### REPUBLICAN 2014 AGENDA

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, earlier this week, the Republican leader circulated his party's 2014 agenda—their vision for promoting private sector job growth, expanding the middle class, and strengthening our economy; their ideas for improving civil rights and bettering our immigration system; their path forward for ensuring our children and grandchildren inherit a better America.

Now, I would like to read to the House and to the American people the 2014 agenda by the Republican Party. Mr. Speaker, I would like to read them all in the order in which they are presented.

#### AMERICAN LEGION POST 1170

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute.)

Mr. SCHNEIDER. Mr. Speaker, as our Nation prepares for Thanksgiving, I rise to thank and honor two brothers from Boy Scout Troop 275 and the community that rallied behind them.

In the suburban Chicago district I represent, the Round Lake Area American Legion Post 1170 was showing its age. It was neither fitting nor proper for the veterans who filled its halls. Renovation was needed, but money was tight in a community hard hit by our economy.

One day, Edgar and Erik Garcia decided to restore Post 1170. With guidance from troop leader Paul Socha and Commander Steven Hall and help from fellow scouts, Erik and Edgar's idea neared reality. All they needed were supplies.

That is where Home Depot came in. Home Depot donated supplies and gift cards. They single-handedly covered 90 percent of the renovations, but they contributed far more than simply dollars and cents. Thirty Home Depot employees helped with the labor.

I am awed and inspired by Erik and Edgar's vision and determination. I am grateful for Home Depot's remarkable generosity, and I am overwhelmed by the communities' outpouring of support.

Our communities in Illinois' 10th District are close and strong and great because we care about one another. As we approach Thanksgiving, if you ever doubt our greatness, you need only visit American Legion Post 1170.

□ 0915

### HONORING THE LIFE OF FRANKLIN BARKER WEST

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, today I am joined by part of our Rules Committee family, members of the Rules Committee who would like to welcome back to our Nation's Capital a very dear friend, Celeste West. Celeste is part of our Rules Committee family who retired last July after 25 years of service. On Friday, September 6, Celeste tragically and unexpectedly lost her only son, Barker, in a car accident. Today would have been Barker's 19th birthday.

We all in the Rules Committee watched Franklin Barker West as he grew up. Barker brought a smile to everybody he met. He was a gregarious young man who had an unlimited amount of energy and zeal with an unlimited future. He was an outstanding young man who believed in himself and others.

Barker was also a fraternity brother of mine in the Pi Kappa Alpha fraternity. Barker's fraternity brothers have called him a "legend." As we know, lives live on despite us being in other places. His spirit is with us today.

In the wake of this tragedy, we are here today with Celeste and her family, Barker's father, Frank, and his stepmother, Suellen. We are here to celebrate Barker's short but remarkable life, a life that was part of our United States Capitol family.

As a father myself, I cannot even fathom the difficulties that the family is going through. But we want you to know, all of us here today, that the life that has been lived of Franklin Barker West was important, and is important to us.

### NATURAL GAS PIPELINE PERMITTING REFORM ACT

#### GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 420 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1900.

The Chair appoints the gentleman from Texas (Mr. POE) to preside over the Committee of the Whole.

□ 0918

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

As chairman of the Subcommittee on Energy and Power, we have had a number of hearings over the last year, and we are all quite excited about the additional production of natural gas and oil in America. As many people know, we now are the number one producer of natural gas in the world and the number one producer of oil in the world. This has come about because of the entrepreneurial spirit of the private sector and development of these properties on private lands, primarily in Pennsylvania, North Dakota, and Texas.

So we are all excited about the opportunity for energy independence in America and certainly hopeful to reach a point where we are less dependent on oil and other products coming from the Middle East.

I want to thank MIKE POMPEO, a member from Kansas, for authoring this important legislation. Although we have become the number one producer and we have an abundance of natural gas today, we still have one key problem. To put it simply, we don't have the necessary pipeline infrastructure to move natural gas from where it is produced to where it is needed most.

I would like to just illustrate how some States are being harmed. According to the Energy Information Administration, in January this year we saw several States with residential natural gas prices way above the national average. For example, New Hampshire was 30 percent above the national average; Massachusetts was 43 percent; Maine, 67 percent; and Florida, 68 percent. Unfortunately, those living in these and many other States can expect to see higher prices once again this winter, and this is precisely why we are bringing to the floor H.R. 1900.

H.R. 1900 simply would bring certainty in agency accountability to the

natural gas pipeline permitting process. It would allow natural gas pipelines to be built in a safe, responsible, and timely manner. It would also make existing natural gas pipelines safer.

During the legislative hearing on H.R. 1900, we heard testimony from industry of a corrosive natural gas pipeline that could not be replaced in a timely manner because an agency missed the deadline to issue a permit by nearly a year. The American people demand better than this.

So as we hear discussion and consider amendments to H.R. 1900, I want to thank once again the members of the subcommittee, the staff, and Representative POMPEO for all the work on this important legislation.

I respectfully reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

We are told that the Pompeo bill seeks to speed up the approval of interstate natural gas pipelines. In fact, it would have the opposite effect, delaying and disrupting a pipeline approval process that is working. The non-partisan Government Accountability Office has concluded that the Federal Energy Regulatory Commission pipeline permitting is predictable and consistent and gets pipelines built. The pipeline companies testified that the process is "generally very good" and that the "sector enjoys a favorable legal and regulatory framework for the approval of new infrastructure." In short, this is a government program that works well.

H.R. 1900 would disrupt this functioning permitting process by arbitrarily limiting the time that FERC and other agencies have to review pipeline applications. When faced with these time limits, one of two things will happen. Agencies can conduct inadequate environmental reviews and rush to approve permits that do not comply with our Nation's health, safety, and environmental laws. This would be a terrible outcome because the public won't be protected and pipeline permits will be legally vulnerable. Alternatively, the agencies can deny the permits when the time limits prevent them from completing legally mandated pipeline reviews, and this would be a bad result as well because needed pipeline capacity would not get constructed.

The career director at the Office of Energy Projects at FERC testified that he didn't believe that this bill would result in faster permitting. He explained that the bill would actually result in slower permitting if agencies had no choice but to deny applications because of the arbitrary deadlines established by this bill.

With this bill, we will get rushed decisions and more project denials. No one benefits from that, not even, or especially not, the pipeline companies.

But the problem with this bill doesn't end there. The Pompeo bill automatically grants environmental permits for a pipeline project if an agency does not make a decision on a permit within 90 days of the issuance of FERC's environmental analysis. This provision would sacrifice public health and environmental protections in favor of an arbitrary deadline. And no one can explain how this provision can actually be implemented.

These permits are detailed documents that include emission limits, technology or operating requirements, and conditions to ensure the environment is protected. Agencies need to figure out all of these details and then actually draft the permits. Complex permits might not even be written, but somehow they would be required to magically take effect.

In an effort to cobble together a solution to the mystery of how incomplete permits could be automatically issued, the bill transforms FERC into a "superpermitting" agency. If an agency misses the 90-day deadline, the bill apparently requires FERC to write and issue the permit itself.

Under this approach, FERC will be issuing BLM rights-of-way through Federal lands. FERC will be figuring out water discharge limits. FERC will be determining which technologies should be employed to reduce air pollution emissions. FERC will be issuing permits to protect wetlands and even bald eagles. These are jobs that FERC doesn't have the expertise or resources to carry out. They are ordinarily conducted by other agencies. But in this bill, because of the deadline, FERC will be required to take on those responsibilities.

There are going to be real environmental and safety impacts if permits automatically go into effect without the responsible agencies completing the necessary analysis. The Army Corps of Engineers and EPA raised concerns that automatic permitting could lead to permits that are inconsistent with the requirements of the Clean Water Act and Clean Air Act, and this could result in harmful water or air pollution.

This unworkable bill won't speed up pipeline permitting, but it will have adverse health, safety, and environmental impacts, and it will undermine the public's acceptance of interstate natural gas pipelines going through their communities. That is why it is opposed by the Pipeline Safety Trust and the public interest environmental groups, and that is why the administration has announced that it would veto this bill if it ever made it to the President's desk.

This is a bad bill. The consequences have not been thought through, and I urge all Members to oppose the bill.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 4 minutes to the distinguished

gentleman from Kansas (Mr. POMPEO), the author of this bill.

Mr. POMPEO. Mr. Chairman, I thank Chairman WHITFIELD and Chairman UPTON for helping me work this bill through our committee. It is great to have it on the floor today. We now have a bipartisan piece of legislation aimed at making simple, commonsense reforms to the natural gas pipeline permitting process.

Rather than eliminating environmental regulations and permits, H.R. 1900 takes a very reasonable approach by requiring agencies involved in the permitting of natural gas pipelines, simply requesting that they finish their work in a timely manner.

□ 0930

The legislation builds off reforms made in the Energy Policy Act of 2005, which placed the Federal Energy Regulatory Commission as the lead agency for interstate natural gas pipelines.

As we have heard this morning, natural gas is becoming a dominant force in the electricity generation and manufacturing sectors. It is critical that pipeline construction can take place through a modernized permitting process, and that is what this bill aims to do.

The current interstate natural gas pipeline permitting process, established in 2005, is already in need of updating because of the enormous shale gas boom. H.R. 1900 makes changes to the interstate natural gas pipeline permitting process by simply putting in place statutory deadlines for each of the permitting agencies to complete their work. This is pretty reasonable. We are simply asking agencies to do what the law requires them to do. They can say "yes" to a permit, they can deny the permit, but they can't sit on it. They have to do their homework. They have to get the job done.

FERC is already the lead agency for coordinating environmental review of interstate natural gas pipelines, and as FERC testified in front of the Energy and Commerce Committee earlier this year, the deadlines imposed by H.R. 1900 are reasonable. In fact, FERC asked for a couple of changes in the legislation, and in each case we made those changes at their request.

If, after H.R. 1900 were to become law, an agency doesn't complete its work, the permit would automatically be approved by statute. I have heard others say this is unprecedented, but that is simply not the case. There are numbers of examples all throughout the Federal code where statutory approvals of environmental permits are deemed approved in the absence of the agency saying to the contrary.

I can't imagine anyone saying that this legislation is radical or unprecedented. More importantly, I can't see that they could claim that it is unnecessary. To my left you can see the im-

pact of the absence of natural gas infrastructure all across the country. Frankly, in Kansas, we are in pretty good shape, but on the east coast, here in the Northeast where I am standing today, and on the west coast, you see enormously high natural gas costs: 24 percent above the national average in New York; 20 percent above the national average in Arizona; 67 percent above the national average in Maine; and 68 percent above the national average for the cost of natural gas in the State of Florida. We are seeing these prices rise because we don't have infrastructure development adequate to meet the needs of manufacturers and consumers in these places.

The New York Times, that bastion of conservatism, wrote the following, saying that FERC was "concerned about increasing reliance on natural gas-fuel generators at times when there is an increasingly tight availability of pipeline capacity to deliver natural gas from the south and the west to New England."

The Boston Globe, writing about pipeline projects in New England, said that the projects come "as New England struggles to address growing demand for natural gas and supply constraints created by tight pipeline capacity. Those constraints have led to shortages and price spikes during the peak demand periods, such as extended winter cold snaps, helping to drive the region's already high energy costs even higher."

The New York Times and the Boston Globe recognize the need for H.R. 1900.

This is not a manufactured crisis or bill in search of a problem. This is a real issue with real consequences for jobs in America and for average working families all across our country. The bill will give certainty to natural gas pipeline developers that invest in projects which could transport affordable energy to consumers all across the Nation.

I urge my colleagues to vote in favor of H.R. 1900 and address a very real issue impacting consumers and manufacturers all across the country.

Mr. WAXMAN. Mr. Chairman, I yield myself 1½ minutes.

I do that in order to respond to the concerns that have been raised about natural gas prices in the Northeast. This is a real issue. New England is using more natural gas to generate electricity and more natural gas for heating homes than in the past. On the coldest winter days, when natural gas is needed for both heating and electricity, there is more demand than can be met by the existing pipeline capacity, and that, of course, can result in price spikes.

This bill does nothing to solve that problem. The problem in New England isn't caused by pipeline applications taking too long to get approved by the Federal Energy Regulatory Commission. The problem is that the pipeline

companies aren't even submitting the applications because they haven't figured out who will pay for these new pipelines. The pipeline companies haven't been satisfied that there is a sufficient year-round demand to justify and finance these pipelines.

That is an issue that FERC is actively looking at and has been holding stakeholder conferences about. But this has nothing to do with Mr. POMPEO's bill. Cutting corners on the permitting process isn't going to help get additional pipeline capacity built for the Northeast. I don't think we ought to be blaming government for every problem. The reality is that FERC and the government didn't create this problem. It is a problem of the economics of it all, and the faster we understand that, the faster we can try to find real solutions.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), the chairman of the Energy and Commerce Committee.

Mr. UPTON. Mr. Chairman, I rise in support of H.R. 1900, a commonsense, bipartisan bill that is going to help build the architecture of abundance that we need to fully realize the benefits of our American energy boom.

Until a few years ago, our Nation was facing a very critical shortage of natural gas, and I will remind us that policymakers in the seventies, eighties, and nineties never envisioned shale gas. Today, technological innovations like horizontal drilling and hydraulic fracturing have made the U.S. the number one gas-producing nation in the world.

Our overall energy landscape has changed dramatically in just a short period of time. It is not only rewriting the economic outlook that we have as a Nation but also beginning to change the geopolitical nature of global energy, as we have heard from nations around the world seeking access to United States supplies to help wean them off of regions like Russia and the Middle East.

Today, we face a new challenge: how to overcome government-imposed roadblocks to building the infrastructure and unleashing the innovation necessary to harness our new energy abundance. As energy production grows across the U.S., building the infrastructure to move these supplies to consumers is emerging as the real challenge of this century. With all of our abundance in natural gas, it is simply unacceptable that there are still regions in the country where lower prices are being constrained by a lack of pipelines because of regulatory delays. America's rich natural gas resources should continue fueling both job creation and economic growth, but we cannot fulfill that potential unless we ensure businesses and manufacturers have access to this affordable and reliable clean energy.

I commend Representative POMPEO for introducing H.R. 1900 as a remedy for this problem.

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. I yield the gentleman an additional 1 minute.

Mr. UPTON. Setting enforceable deadlines to improve natural gas pipeline projects will build upon the bipartisan reforms that we made with our Energy Policy Act of 2005 while preserving critical environmental review. If other nations, including Canada, Australia, and many other EU member nations, can hold their agencies to real, accountable deadlines, it is not unreasonable to ask ours to do the same.

Congress should be doing everything possible to reduce red tape and delays in building safe and efficient natural gas pipelines to bring our infrastructure up to modern times to reflect that energy abundance. This bill is a very important step in the right direction, and I urge my colleagues to vote "yes."

Mr. WAXMAN. Speaker, I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in strong support of H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, legislation that will help bring America closer to energy independence and security.

The United States is blessed with God-given natural gas resources that many experts believe exceed the reserves in places like Saudi Arabia.

In eastern and southeastern Ohio, we are blessed with the Marcellus Shale and Utica Shale deposits that are beginning to produce never before seen volumes of natural gas and natural gas liquids.

This part of rural Ohio, a region of the country that is often forgotten by elected officials in the capital cities of Columbus and Washington, D.C., a region that sorely needs economic growth, is seeing billions of dollars of private sector investment in domestic energy production, and even more is in the planning stages.

But we have a major challenge to overcome. You see, we can't always get the natural gas from the drilling site to the end-users because there is a lack of pipeline networks. Pipeline companies are working 24/7 to remedy this problem, but they often face procedural roadblocks from Federal agencies that slow down progress and hamper job creation. H.R. 1900 would give production companies the confidence and certainty that if they invest the millions of dollars to drill wells, they will have a way to get the natural gas to market.

This legislation could decide whether or not my constituents have a job, but I was disappointed that the administra-

tion is opposed to it. From the President on down, the administration has acknowledged that hydraulic fracturing is environmentally safe. Just yesterday, Secretary of State John Kerry mentioned the importance of natural gas to America. But with their opposition to this legislation, I guess they aren't really serious about America's energy independence and energy future. It seems they would rather leave Ohio's natural gas in the ground than let all hardworking Americans benefit from its production.

I urge my colleagues to support this important job-creating legislation, and I urge the Senate to take it up immediately.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to myself.

Mr. Chairman and my colleagues, I understand that proponents of this bill want a one-size-fits-all Washington, D.C., solution to the timeframes required for pipeline reviews. The problem is that there isn't some magic number of days that works for all pipelines in all circumstances.

There are 10-mile pipelines far from population centers that cross no rivers, and there are pipelines hundreds of miles long that cross multiple rivers and run through backyards. These are very different projects. It should come as no surprise that they take different amounts of time to review.

When reviewing a project, FERC doesn't just have to do an environmental review. It also has to conduct an engineering review. FERC must evaluate, approve, and in many cases alter a pipeline's route to address environmental, engineering, and community concerns. FERC must determine a pipeline's tariffs and rates. These are steps that take time.

For longer and more complex pipelines, these steps take longer, and they should. FERC decides 92 percent of all pipeline applications within 12 months. Let me repeat that: 92 percent of all the applications are approved within 12 months.

The fact that 8 percent of the projects take longer isn't a problem. It reflects the reality that a small number of projects are more complex and impact more people. If you have constituents in the paths of these proposed pipelines, you should want the Federal Energy Regulatory Commission and other agencies to protect your constituents by completing the necessary reviews. Your constituents don't want a one-size-fits-all Washington solution for all problems that are not the same.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I applaud my colleague and fellow subcommittee chairman on Energy and Commerce for helping bringing H.R. 1900 to the floor. This legislation will



help ensure that the key elements of our critical infrastructure will be improved and constructed on a timely and predictable basis. This is a goal we all can and should support.

On a closely related subject, I too wanted to associate myself with Chairman WHITFIELD's recent statement regarding the growing tendency among certain States to engage in obstructionist tactics aimed at key infrastructure projects. In some cases, States have even used federally delegated authority to block federally approved projects. Let me say again that States have used federally delegated authority to block federally approved projects.

□ 0945

The most prominent example is the use of the Clean Water Act to deny otherwise routine permits and approvals. As my colleague suggested, we have legislated on that issue previously, but our clear intent in doing so was frustrated in the court system. It may well be that we may need to address this issue further, and I stand ready to work with my colleague to do so.

In other instances, States have tried to use their authority under the Coastal Zone Management Act to impose consistency requirements on federally approved projects, even when those projects have already been found to be consistent with the States' Coastal Management Plan. This is clearly taking a second bite at the apple.

The law is abundantly clear that a State has no authority to review an existing project a second time if it underwent a previous consistency review. Only in the event that there is an applicable program change or a significant alteration in the nature of the facility would a State ever be entitled to render a second consistency determination.

For this reason, I see no need to legislate on that subject at this time, but I am well aware that even the clearest of statutory provisions can sometimes be distorted by determined States, so I will join with my colleague, Chairman WHITFIELD, to keep a watchful eye on this situation.

Mr. Chairman, once again, I support passage of H.R. 1900.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 4 minutes to the gentlewoman from Florida (Ms. CASTOR), a very important member of the Energy and Commerce Committee.

Ms. CASTOR of Florida. Mr. Chairman, I thank Ranking Member WAXMAN for yielding the time.

Colleagues, we are dealing with a bill here, H.R. 1900, that relates to the Federal Energy Regulatory Commission.

FERC is an independent agency that reviews electric transmission lines that go across States, interstate electric transmission lines. They also review interstate oil pipelines, and they also

review the interstate natural gas pipelines. This is a very important subject.

Now, this bill relates only to the natural gas pipeline authority of FERC. The country right now is in a natural gas revolution. It has been remarkable. The United States is now a net exporter of petroleum. This has happened very quickly, and FERC has responded very well over time on the expansion of the natural gas market. That is why it is so confounding as to why we need this new bill that is going to short-circuit FERC's review power.

Right now, FERC grants over 90 percent of the interstate natural gas pipelines across the country. This bill really is an unnecessary piece of legislation in search of a problem. In committee, the bill was panned by the FERC professional staff. The administration strongly opposes it.

Instead of expediting expansion of natural gas pipelines across the country, it would disrupt FERC's natural gas permitting process which, right now, is already getting thousands of miles of pipelines permitted in a timely manner, like I said, over 90 percent of the applications.

Instead, the bill establishes arbitrary and inflexible deadlines for FERC and other agencies to issue permits; and there are several major problems with the bill, particularly short-circuiting the permitting process for the most complex projects.

The bill says we have a 12-month deadline, no matter what kind of project is proposed. FERC currently decides 90 percent of the permit applications within that 12-month period; and in July, the Pipeline Trade Association testified that FERC's existing permitting process is generally very good.

Second, in addition to this arbitrary 12-month deadline for all applications, it would rush environmental reviews for complex projects. The bill's rigid deadline applies to every pipeline project, regardless of complexity.

It doesn't make sense to apply the same 12-month deadline to, say, a 30-mile interstate pipeline that doesn't cross any rivers, doesn't have environmental concerns, doesn't go through population areas, and then apply the same 12-month deadline to the most complex, multi-state, interstate pipeline initiative that goes across environmentally-sensitive areas, maybe across rivers, through highly populated areas.

Third, the bill also will lead to unnecessary permit denial. What we heard from FERC is that, instead of speeding up the permitting process for natural gas pipelines, it is very likely that this bill will slow down permitting. If FERC can't finish its analysis by the required deadline, they may have no choice but to deny an application that otherwise could have been granted.

Now, before I came to Congress, I practiced environmental law, and what

I learned during that time is for those complex projects there is a lot of give and take that needs to happen. You have to discuss mitigation. You have to discuss are there any alternatives.

Oftentimes, these business owners, it is in their interest to have a little more time to figure out the right path for a pipeline or a transmission line or something like that. You get input from local governments, local communities, neighborhood associations, environmental groups; and you wind up with a better project.

The CHAIR. The time of the gentlewoman has expired.

Mr. WAXMAN. I yield an additional 2 minutes to the gentlewoman.

Ms. CASTOR of Florida. I thank the gentleman.

Another serious problem with the bill is that it transforms FERC into a super-permitting agency. Now that sounds pretty scary, but that is what it does.

It says that the bill provides for permits to automatically go into effect if an agency does not approve or deny them by the bill's arbitrary 90-day deadline. So FERC would be issuing Clean Air Act permits, Clean Water Act permits, even BLM right-of-way through Federal land permits.

These are functions that FERC does not have the expertise or resources to carry out. This is an unworkable provision that could result in permits being issued that are inconsistent with the Nation's environmental laws.

Finally, I know many people on both sides of the aisle are very concerned about eminent domain and when we give power to government to condemn lands. Well, here is a reminder for everyone. We should all remember that when FERC issues a certificate of public convenience and necessity, it gives a pipeline company the power of eminent domain. The power to take someone's property should not be conferred without FERC taking the time it needs for a thorough analysis and thoughtful decisionmaking.

So for all of those reasons, I urge opposition to the bill.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

I might just make one comment. As the gentlelady from Florida indicated, the Obama administration has indicated their opposition to this bill. But I will tell you, we have large groups, the National Rural Electric Co-Ops, supporting this bill; the Public Power Association is supporting this bill.

And the New England Ratepayers Association wrote a letter to us saying, currently, New England ratepayers suffer from the highest electricity rates of any region in the country. A significant reason for this is the limited capacity of natural gas pipeline which the electricity generators throughout New England rely on.

So we are trying to respond to the needs of people, and we recognize that the economy has been weak, and there are not a lot of pipelines being built right now, although there is one in my home State of Kentucky.

But we want to set the framework so that when the time comes, these pipeline companies are able to move and move quickly with adequate protections.

At this time, I am delighted to yield 3 minutes to the gentleman from California (Mr. McCARTHY), our distinguished whip.

Mr. McCARTHY of California. I thank my colleague for yielding time to me.

Mr. Chairman, I rise in support of H.R. 1900 and in support of the work this Chamber has accomplished this week.

This was an important week in the House. We will have passed three bills that further the energy revolution that has propelled the U.S. to the forefront of the world's energy producers.

So to hear a few of my colleagues on the other side of the aisle disparage this work, even so much as refer to it as egregious, is disappointing.

First, we passed legislation that reduced bureaucratic delays on energy products on Federal lands that are providing resources to power our economy. As America, we will soon become the largest energy producer in the world. It is astonishing that this occurred while energy production on Federal lands has actually decreased.

We guaranteed that energy production from hydraulic fracturing on Federal lands is overseen by the regulator with the best track record, the States.

And today we are ensuring that, once harnessed, the energy resources will reach end-users in the safest, most efficient and reliable manner.

In its lifecycle, the quality of all Americans improves; and there is no better example than, at the start of this month, November 1, the first pipeline to enter New York City in 40 years opened. That was 40 years that it took.

What happened once it entered New York City? The price dropped. The price fell by 17 percent. Do you realize if you buy gas in New York City, it is cheaper than in Louisiana? But 40 years that it took. To me, that was egregious.

The savings extend far beyond New York City. In 2012, affordable energy added \$1,200 of disposal income to the average U.S. household. That will go to \$2,700 by 2020 and \$3,500 by 2025. That is real savings.

Today we have an opportunity. We have an opportunity to streamline, to protect, and to lower the costs for all Americans, to actually be able to produce and create more jobs in America. That is why you see a very diverse group of support for this legislation, from unions, to associations, to Ameri-

cans that want to keep more of what they earn, create more American jobs, and then, again, stop any egregious falsity that it takes 40 years to build a pipeline.

Mr. WAXMAN. Mr. Chairman, I know of no union supporting this bill, nor do I think the Northeast ratepayers said in their letter where they expressed their concern about the supplies where there is a very cold spell, that they want this bill either.

I am pleased at this time to yield 3 minutes to the gentleman from New York (Mr. TONKO), a distinguished subcommittee ranking member on one of the energy subcommittees.

Mr. TONKO. Mr. Chairman, the bill that we are addressing before the House simply does not address the problems with pipeline approvals because the committee has not identified any problems with them.

The natural gas pipeline approval process works well. The Government Accountability Office's recent review found that FERC's consideration of the vast majority of these projects is completed within a year of receiving a complete application.

The network of over 2 million miles of gas pipeline spread across this country ensures that natural gas can be delivered where it is needed. We do have some areas where additional infrastructure is required, but the failure to fill those needs is not due to the permit approval process at FERC. It is due to economic decisions being made by those in the private sector.

We do have some problems with pipelines. Accidents resulting in explosions have severely damaged property and, in some cases, claimed lives. We should be doing more to prevent these accidents.

The 10 percent of project approvals that are not completed within a 1-year period are those that are more complex. They extend for many miles, traverse densely populated areas, and cross sensitive or valuable resources such as farm lands or water bodies.

A project with these characteristics may need more than 1 year to ensure that the pipeline that is ultimately constructed is not going to place people, their communities, other businesses or valuable resources at risk.

Whenever a regulatory agency is poised to act under the law to defend the health and safety of our citizens, there is a hue and cry about the necessity of doing extensive analyses of all aspects of the proposed regulation to determine its potential impact on businesses and the economy.

Many of these analyses take years and delay commonsense protections that will, indeed, save thousands of our citizens from illnesses or death.

Apparently, protecting public health or the environment can wait, but the oil and gas companies cannot.

We need energy, but we need other things also. FERC's process weighs all

these considerations before approving pipelines, and that is how it should be.

Pipeline projects should be evaluated in a timely fashion; but the imposition of a hard, 12-month deadline for all projects, regardless of their length or complexity, is bad policy. We should devote our time to solving problems, not creating them.

H.R. 1900 should be rejected. It will do nothing to improve the pipeline approval process.

□ 1000

Mr. WHITFIELD. Mr. Chair, may I ask how much time remains for both sides.

The CHAIR. The gentleman from Kentucky has 12 minutes remaining, and the gentleman from California has 12½ minutes remaining.

Mr. WHITFIELD. At this time, I yield an additional 3 minutes to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Chairman, a couple of points are worth noting to make sure that everybody understands exactly what we are up against.

There has been some suggestion that this is unnecessary, and maybe in the eyes of some in Washington, some political officials, it is unnecessary; but the people who this matters to—consumers, manufacturers all across the country—know that this is a necessary piece of legislation. The National Association of Manufacturers has said that this is something that would be important to creating manufacturing jobs for families all across the country. The Chamber of Commerce has similarly made this comment.

It was earlier stated that some folks were unaware of union support for this legislation. I want to make sure that everyone is fully aware that the Laborers' International Union of North America, the United Association of Plumbers and Pipefitters, and the operating engineers have all been supportive of H.R. 1900 and the importance of energy infrastructure expanding all across our country.

Finally, there has been this idea that FERC approves 90 percent of the permits. It has been repeated time and time again. It is just factually incomplete. It is like, if you like your health insurance plan, you can keep it. Technically perhaps true in the most narrow sense, but in reality, it is not the case that the Federal Energy Regulatory Commission approves 90 percent of all permits or that they are all approved. FERC is but one of many, many agencies that has the authority to approve and deny permits. So this 90 percent number that continues to be thrown around is just false. We don't have 90 percent of all folks seeking to build pipelines being able to build those pipelines in a timely fashion. They are being delayed.

There is real demand for this. There is demand from the New England Ratepayers Association. There is demand in

States like Florida, where the natural gas rates are 60 percent higher than the national average. This is a real need. This is a real challenge.

And if we do this, if we get H.R. 1900 passed, all we are simply saying is do your job. Finish the process. If you decide that the permit shouldn't be built, any of these agencies can deny that permit being built. That seems fine. We are not denying any agency the capacity to deny a permit. But do the work. Tell these folks that, No, you are not going to get it, and then allow the process to move forward.

These unions, these associations, these real hardworking families need natural gas at an affordable price to be delivered to them, and H.R. 1900 will help achieve that objective.

Mr. WAXMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman and my colleagues, we are not arguing whether we should have an infrastructure of pipelines to take natural gas from one place to another. That is not the issue. And that is a false premise that, for some reason, that may be an area of disagreement. It is not.

The area of disagreement is whether, in letting a pipeline be built, we are going to shortchange the ability of the agencies to review the pipeline. And if we do that, there may not be time to look at BLM issues or safe water issues or clean air issues because FERC will be told, if you don't do your job within a certain period of time, this permit is going to be approved, and these other agencies aren't going to have time to do any review.

Well, FERC doesn't have the ability to do other agencies' jobs; and those other agencies ought to be able to do their job, and FERC should do its job in a timely manner. But "a timely manner" doesn't mean a certain amount of time and no more—not another month, not another 2 months, not another 3 months.

I want to close by sharing some of the comments made by others. The White House said they will veto this bill. The President and his administration are against it. They say the bill provides for the automatic approval of natural gas pipeline permits if applications are not decided within "rigid, unworkable time frames." The administration also notes that the bill could cause confusion and increase litigation risk, and further, the bill "may actually delay projects or lead to more project denials, undermining the intent of the legislation."

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself such time as I may consume.

Let's say they needed a couple more months but that 12-month period is right there. Well, they will either have to approve it without those extra few months of review or deny it, which

could mean longer periods of time before the pipeline is approved. It is counter to what the proponents say that they expect.

The Pipeline Safety Trust and other public interest organizations said about this bill: "H.R. 1900 will needlessly put at risk the well-being of the people and environment where natural gas pipelines are built while making it easier for pipeline companies to use Federal eminent domain authority to take private land without a thorough review."

This is going to allow eminent domain authority by a private company to take away people's land. Is that something that Members of Congress want to vote for, your constituents' land could be seized by a private company when there had not been a thorough review that would allow this kind of power over private property? That shouldn't be the result of a rushed, incomplete process. We wouldn't want a rushed, incomplete process of taking away liberty. We shouldn't allow a rushed, incomplete process to take away private property.

The Pipeline Safety Trust also explains that "rushed or incomplete reviews resulting in automatic approvals pose a threat to public safety and the environment," and they characterize the bill's transformation of FERC into a "superpermitting" agency that issues other agencies' permits as "bizarre." And they are right that it "effectively places control over key environment and public health statutes in the hands of an agency primarily tasked with regulating the economics of natural gas and electricity." They don't have the expertise, they don't have the personnel, they don't have the budget, and now we are giving them that kind of a job.

And the last quote I have is from the natural gas pipeline industry. Now, I realize the industry would always like the permitting to go faster, but the industry told us over and over that the existing process works well. In May, the CEO of Dominion Energy testified on behalf of the pipeline companies. He told the Subcommittee on Energy and Power, "The interstate natural gas pipeline sector enjoys a favorable legal and regulatory framework for the approval of new infrastructure," and his conclusion was that "the natural gas model works."

Conservatives used to say, if it works, don't fix it, and yet they want to fix it with a lot of uncertain results, perhaps unintended consequences. Mr. Chairman, this bill would cause a lot of problems without speeding up the permitting process, which is currently getting thousands of miles of new pipeline built in a timely manner. I urge my colleagues to oppose this bill.

I yield back the balance of my time.

Mr. WHITFIELD. In my concluding remarks, I would simply say that this

act is commonsense reform aimed at providing greater certainty for interstate natural gas pipeline projects at a time when we see great revitalization in the production of natural gas. We have an opportunity to export some natural gas, we have the opportunity to help lower electricity rates, and I would urge all the Members to support H.R. 1900.

I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise today in support of H.R. 1900, the Natural Gas Pipeline Permitting Reform Act. In my state of Pennsylvania, the Marcellus Shale boom has reinvigorated our economy and created thousands of jobs. American energy production is booming, and we need the infrastructure to keep up with demand and transport the gas from well to market.

I have seen in my own state the frustration and delays in getting gas from well to market due to unnecessarily long permitting processes. These delays keep gas from flowing, hold up royalty payments to my constituents, and prevent tax revenue from making it into the state and local coffers.

While we must ensure that pipelines are constructed safely, many times these delays have nothing to do with safety and everything to do with politics. We've seen President Obama and the EPA do everything they can to delay natural gas production and destroy the energy industry in this country in order to appease the radical environmentalist left.

We must not allow this to happen. Congress must take action to ensure that our domestic energy production thrives and the United States can be energy independent. The Natural Gas Pipeline Permitting Reform Act will expedite the federal review process for applications for natural gas pipeline certificates, allowing us to build this much needed infrastructure efficiently and safely.

I support passage of H.R. 1900 and urge my colleagues to do the same.

Ms. JACKSON LEE. Mr. Chairman, I rise in opposition to H.R. 1900, the "Natural Gas Pipeline Permitting Act."

Mr. Chairman, as I have stated this week as this House has debated the other energy bills, I am not anti-energy exploration. I am not pro or anti-fracking. I am, however, strongly "pro-jobs," "pro-economic growth," and "pro-sustainable environment."

As a Member of Congress from Houston I have always been mindful of the importance of, and have strongly advocated for, national energy policies that will make our nation energy independent, preserve and create jobs, and keep our nation's economy strong.

That is why I carefully consider each energy legislative proposal brought to the floor on its individual merits and support them when they are sound, balanced, fair, and promote the national interest.

Where they fall short, I believe in working across the aisle to improve them if possible by offering constructive amendments.

Although I believe the nation would benefit by increased pipeline capacity to transport our abundant supplies of natural gas, the legislation before contains several provisions that are of great concern to me.

Pursuant to Section 2, paragraph (4) of the bill, a permit or license for a natural gas pipeline project is "deemed" approved if the Federal Regulatory Energy Commission (FERC) or other federal agencies do not issue the permit or license within 90–120 days.

I have three concerns with this regulatory scheme.

First, as a senior member of the Committee on the Judiciary, I have a problem with "deeming" something done that has not been done in fact.

Thus, the provision is unwise.

Second, the provision is unnecessary because FERC has, since fiscal year 2009, completed action on 92 percent (504 out of 548) of all pipeline applications that it has received within one year of receipt. And the remaining 8% of decisions that have taken longer than one year involve complex proposals that merit additional review and consideration.

Mr. Chairman, the process may not be perfect or as quick as we would like but it is working well and administered by hardworking individuals who carefully and meticulously consider permits and license applications for natural gas pipelines on a case-by-case basis—as they should.

The approval process for a pipeline is not like deciding to grow a garden in the backyard of your home—given the inherently dangerous nature of the activity, the review and approval process takes time and requires careful attention—as it should be.

In short, the bill before us is a remedy in search of a problem. There is no lengthy or intolerable backlog of neglected natural gas pipeline projects awaiting action by FERC.

Third, the provision is irresponsible because it would require FERC and other agencies to make decisions based on incomplete information or information that may not be available within the stringent deadlines, and to deny applications that otherwise would have been approved, but for lack of sufficient review time.

Compounding the problem is the fact that FERC, like virtually every federal agency, is operating under the onerous and draconian provisions of the disastrous sequestration which has caused so much misery and disruption across the nation and to our economy.

FERC, for example, with a budget of \$306 million faces a \$15 million reduction in spending authority this fiscal year, according to OMB. That sum amounts to 5% of FERC's budget.

So the likely impact of this bill if passed is to put FERC in the position of having to work faster to issue decisions with fewer experienced employees and a reduction in resources.

Thus, because of sequestration the legislation would achieve the opposite effect intended by proponents.

In other words, fewer projects would be approved, not more.

Mr. Chairman, given the inherent dangers involved in the construction and operation of a natural gas pipeline, does anyone doubt that were this bill to become law FERC will be more likely to err on the side of caution and deny applications that may otherwise have been approved if it had more time and more resources to carry out its responsibilities?

Mr. Chairman, we should not take that chance. An amendment I offered, and which

was made in order by the Rules Committee, avoids this outcome by conditioning the effective date of this bill upon the termination of sequestration.

Mr. Chairman, I am not alone in recognizing how detrimental sequestration has been to our fiscal policy and to the economy.

Earlier this week, the Chairman of the Appropriations Committee, joined by the 12 Subcommittee chairs, wrote a letter to the Budget Conference in which they call upon the Budget conference to reach an agreement as soon as possible because among other things: "the current sequester and the upcoming 'Second Sequester' in January would result in more indiscriminate across the board reductions that could have negative consequences on critically important federal programs".

The Appropriators go on to state that: "The American people deserve a detailed budget blueprint that makes rational and intelligent choices on funding by their elected representatives, not by a meat ax."

Mr. Chairman, I could not agree more with Chairman ROGERS and the Subcommittee chairs.

Sequestration is bad fiscal policy. It results in unwanted and unintended legislative consequences. It is bad for the economy. It is unfair to the American people and they know it.

According to an analysis conducted by Regional Economic Models, Inc. and Third Way, the damage to the economy caused by sequestration is substantial.

Sequestration has cost the United States \$179.4 billion in lost economic activity and more than 1.88 million jobs, which means the economy grew by –1.04% less than it would have otherwise.

The corresponding figures for my home state of Texas are \$15.2 billion in lost economic activity and 153,541 jobs.

The human toll of the sequestration is even greater.

Texas, for example, will lose approximately \$67.8 million for primary and secondary education, putting around 930 teacher and aide jobs at risk.

In addition about 172,000 fewer students would be served and approximately 280 fewer schools would receive funding.

Texas will lose approximately \$51 million for about 620 teachers, aides, and staff who help children with disabilities.

Head Start and Early Head Start services would be eliminated for approximately 4,800 children in Texas, reducing access to critical early education.

Approximately 52,000 civilian Department of Defense employees in Texas may be furloughed, reducing gross pay by around \$274.8 million in total.

Texas will lose about \$1,103,000 in Justice Assistance Grants that support law enforcement, prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, and crime victim and witness initiatives.

More than 83,000 fewer Texans will get the help and skills they need to find employment because Texas will lose about \$2,263,000 for job search assistance, referral, and placement, meaning up to 2300 disadvantaged and vulnerable children could lose access to child care, which is also essential for working parents to hold down a job.

Because of sequestration, 9,730 fewer children in Texas will receive vaccines for diseases such as measles, mumps, rubella, tetanus, whooping cough, influenza, and Hepatitis B due to reduced funding for vaccinations.

Texas could lose up to \$543,000 to provide services to victims of domestic violence, resulting in up to 2,100 fewer victims being served.

Texas will lose approximately \$2,402,000 to help upgrade its ability to respond to public health threats including infectious diseases, natural disasters, and biological, chemical, nuclear, and radiological events.

In addition, Texas will lose about \$6,750,000 in grants to help prevent and treat substance abuse, resulting in around 2,800 fewer admissions to substance abuse programs. And the Texas State Department of Public Health will lose about \$1,146,000 resulting in around 28,600 fewer HIV tests.

Mr. Chairman, I join with Chairman ROGERS and the Subcommittee chairs in calling upon the Budget conference "to reach an agreement on the FY 2014 and 2015 spending caps as soon as possible to allow the appropriations process to move forward to completion by the January 15 expiration of the current short-term Continuing Resolution."

I agree with them that if an agreement is not reached and sequestration remains in place, "the likely alternatives could have extremely damaging repercussions."

Mr. Chairman, the bill before us compounds the damage already being done by sequestration. It is for this reason that I urge all Members to join me in voting against H.R. 1900 as an unwise, unnecessary, and irresponsible measure.

Mr. VAN HOLLEN. Mr. Chairman, I rise in opposition to H.R. 1900, which would place new, arbitrary deadlines on the pipeline permitting process at the Federal Energy Regulatory Commission (FERC) and related agencies.

H.R. 1900 attempts to solve a problem that simply doesn't exist. The Government Accountability Office has given FERC's permitting process good marks, saying that it is predictable and consistent for applicants. Under this bill, FERC would have a year to consider any project, no matter how many miles it may cover or how complex it may be. Other agencies, like the Army Corps of Engineers, the Bureau of Land Management, and the Fish and Wildlife Service, would have to issue decisions on licenses or permits related to the project within 90 days of FERC's issuance of its final environmental document, even if the project applicant does not actually apply for a permit or submit the required information within that time frame. If the agency failed to meet this deadline, the permit or license would be "deemed approved" and FERC would be permitted to overrule any conditions the agency requests.

By needlessly short-circuiting the review process, this bill jeopardizes the environment and public health. While we all support timely review, we should provide adequate time for analysis of complex projects. A one-size-fits-all process with arbitrary deadlines prevents federal agencies from doing their job to protect taxpayers and communities. I urge a no vote.

Mr. BLUMENAUER. Mr. Chairman, ninety percent of pipeline projects are approved by

the Federal Energy Regulatory Commission within twelve months; the other ten percent take longer because they are bigger and more complicated projects. The Natural Gas Pipeline Trade Association said in July 2013 that FERC's existing permitting process is "generally very good."

By creating a rushed application process and limiting the ability of other agents to provide commentary to FERC, the H.R. 1900 limits FERC's ability to understand the impacts of a pipeline on a local community, the public's health, our national infrastructure, and our environment. These are serious decisions about our local communities—they deserve thoughtful and comprehensive analysis. H.R. 1900 takes something that is not a problem, and creates one.

I oppose this legislation and urge my colleagues to do the same.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-25. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1900

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Natural Gas Pipeline Permitting Reform Act".*

#### **SEC. 2. REGULATORY APPROVAL OF NATURAL GAS PIPELINE PROJECTS.**

*Section 7 of the Natural Gas Act (15 U.S.C. 1717) is amended by adding at the end the following new subsection:*

*"(i)(1) The Commission shall approve or deny an application for a certificate of public convenience and necessity for a prefiled project not later than 12 months after receiving a complete application that is ready to be processed, as defined by the Commission by regulation.*

*"(2) The agency responsible for issuing any license, permit, or approval required under Federal law in connection with a prefiled project for which a certificate of public convenience and necessity is sought under this Act shall approve or deny the issuance of the license, permit, or approval not later than 90 days after the Commission issues its final environmental document relating to the project.*

*"(3) The Commission may extend the time period under paragraph (2) by 30 days if an agency demonstrates that it cannot otherwise complete the process required to approve or deny the license, permit, or approval, and therefore will be compelled to deny the license, permit, or approval. In granting an extension under this paragraph, the Commission may offer technical assistance to the agency as necessary to address conditions preventing the completion of the review of the application for the license, permit, or approval.*

*"(4) If an agency described in paragraph (2) does not approve or deny the issuance of the li-*

*cense, permit, or approval within the time period specified under paragraph (2) or (3), as applicable, such license, permit, or approval shall take effect upon the expiration of 30 days after the end of such period. The Commission shall incorporate into the terms of such license, permit, or approval any conditions proffered by the agency described in paragraph (2) that the Commission does not find are inconsistent with the final environmental document.*

*"(5) For purposes of this subsection, the term 'prefiled project' means a project for the siting, construction, expansion, or operation of a natural gas pipeline with respect to which a prefiling docket number has been assigned by the Commission pursuant to a prefiling process established by the Commission for the purpose of facilitating the formal application process for obtaining a certificate of public convenience and necessity."*

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 113-272. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. TONKO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-272.

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In the quoted subsection (i)(1), insert "For purposes of the deadline established in this paragraph, an application shall not be considered complete unless the application includes sufficient information to demonstrate that the pipeline project will utilize available designs, systems, and practices to minimize methane emissions to the extent practicable." after "by regulation."

The CHAIR. Pursuant to House Resolution 420, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chairman, H.R. 1900 attempts to solve a problem that simply doesn't exist.

The bill seeks to change FERC's process even though the pipeline companies have testified that the permitting process is "generally very good." Thousands of miles of natural gas pipelines are being approved under the current system. We have real energy challenges in this country and should be seeking real solutions to these challenges, not spending our time on problems that don't exist.

My amendment addresses a real problem—the dangers of climate change and the contributions of natural gas infrastructure to this growing threat—

and it prevents waste by ensuring that we use it and don't lose it.

Climate change is the most urgent energy challenge that we face today. If the global average temperature continues to increase, we will face even more serious impacts, including flooding of coastal cities, increased risks to our food supply, unprecedented heat waves, exacerbated water scarcity in many regions, increased frequency of high-intensity tropical cyclones such as Hurricane Sandy and the recent super typhoon in the Philippines, and an irreversible loss of plants and animals that share this planet with us.

Our behavior is driving these changes. We must take responsibility for the situation and work to halt it. We should not leave this task to our children and grandchildren and condemn them to a more uncertain and unsafe world.

Many hope that natural gas, or methane, will serve as a critical bridge fuel as we work to reduce our carbon pollution, but natural gas poses its own challenges. Although natural gas emits less carbon dioxide than coal or oil when burned, the development and transportation of natural gas results in releases of methane, which is a potent greenhouse gas 25 times more damaging to the climate than carbon dioxide. This is a serious concern.

According to a study by the World Resources Institute, leaks from natural gas systems "represent a significant source of global warming pollution in the U.S." The study further found that methane leaks occur at every stage of the natural gas life cycle—at the wellhead, from compression facilities, and from pipelines. These fugitive methane emissions can reduce or even negate the net climate benefits of using natural gas as a substitute for coal and oil.

The good news is that we can reduce methane emissions by applying proven, cost-effective technologies throughout the natural gas system. My amendment will ensure that new pipelines incorporate designs, systems, and practices that minimize leaks, thereby conserving gas and reducing pollution. We will still need to address problems with existing infrastructure and other sources within the natural gas system, but this would be a very important start. It is precisely what we should expect and require of energy infrastructure that will be around for decades.

By including this requirement in the law, the applicants are informed before they begin their application of the requirement for this information and would have ample time to include it in permit applications. Encouraging the prevention and monitoring of leaks would have the added benefit of increasing pipeline safety.

The language does not require an applicant to wait for the development of something new. These technologies

exist today and only need to be applied "to the extent applicable." This makes both economic and environmental sense. By reducing pipeline leaks, the amendment ensures that more of our domestic energy resources will be used and fewer of these resources will be wasted.

□ 1015

The amendment doesn't fix the core problems with H.R. 1900, including the bill's arbitrary and harmful deadlines, but it does ensure that the bill addresses an energy problem that actually exists.

If we are going to revisit the law governing the permitting of natural gas pipelines, this is the kind of common-sense step that we should be discussing.

With that, I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. POMPEO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, the EPA already asserts that it has authority to regulate greenhouse gas emissions—and methane is defined as a greenhouse gas.

The EPA's New Source Performance Standards capture GHG emissions above a certain threshold. Permits are already required for facilities whose emissions are anticipated to be above that threshold. The EPA's permitting process should be the forum for this decisionmaking.

FERC's primary role, rather, should be as an economic regulator—the same way that it is today, and the same way it would be after H.R. 1900 would become law. It would want to defer environmental matters like this to the appropriate agency, which would be the EPA.

The amendment is structured such that the determination would have to be made before the NEPA analysis would begin. In other words, when the FERC "complete" application is filed and FERC is put into the role of determining methane "best practices" rather than EPA, this puts the cart before the horse. Such decisions on methane emissions should be made as part of the EPA permitting process.

Regarding methane emissions in general, the industry has every incentive to control methane leaks. Escaping methane is escaping product—something they do not want to happen. That means losses for their businesses.

This amendment would add unnecessary requirements to a problem that is already being addressed. I urge my colleagues to vote "no" on the Tonko amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. CASTOR OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-272.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike paragraph (4) (and redesignate accordingly).

The CHAIR. Pursuant to House Resolution 420, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, under H.R. 1900, if an agency cannot complete its review of a gas pipeline permit application by the bill's arbitrary 90-day or, in some cases, 120-day deadline, the Federal Energy Regulatory Commission, or FERC, is required to automatically issue the permit.

This permitting provision broadly applies to the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Coastal Zone Management Act, and rights-of-way through Federal lands.

It simply goes too far, is completely unreasonable, and it runs counter to the author's intent. The intent of the author is to speed the approval of interstate natural gas pipelines. Instead, what this provision will do, if my amendment is not adopted, is create greater delays and, I believe, greater likelihood of litigation that will delay our important natural gas infrastructure in this country.

So my amendment is straightforward. It simply strikes this provision that requires FERC to automatically issue other agencies' permits.

You heard Mr. WAXMAN say—and I said the same thing—that what this bill does is turns FERC, whose jurisdiction is limited to reviewing interstate electric transmission lines, natural gas pipelines, and oil pipelines, into a superpermitting agency. It goes and grabs EPA's jurisdiction and authority, the Interior Department's, the Army Corps of Engineers', and other agencies', and settles into FERC this superpermitting authority that really is completely unreasonable.

Right now, these permits are typically detailed documents that include safety requirements, emission limits, technology and operator requirements,

and conditions to ensure that communities are protected and the water, wetlands, and other environmental resources are considered, especially when you have a complex interstate natural gas pipeline coming through your communities.

Agencies need the ability and time to analyze all of these details and then draft appropriate permit conditions to protect our communities back home, protect the health and safety, protect landowner rights, and propose cleanup requirements in case there is an accident.

Under H.R. 1900, FERC acts as a superpermitting agency. If an agency cannot meet the strict deadlines, FERC apparently will write and issue the permit itself. This is a recipe for natural gas pipeline delays, and that is why so many are fearful of the consequences of this bill. After all, FERC now already grants 90 percent of the natural gas interstate pipeline applications that come before it.

So it makes no sense to have FERC issuing permits for other agencies. FERC doesn't have the expertise to grant land management rights-of-way through Federal land or to set water pollution discharge limits. That is not a workable solution. It is a recipe for greater litigation and delay.

Besides litigation, delays, and other complications, there are going to be real environmental and safety impacts if permits automatically go into effect without the responsible agencies completing the necessary analysis. It could result in permits being issued that are inconsistent with the requirements of the Nation's environmental laws. That is why the Pipeline Safety Trust and numerous environmental organizations strongly oppose the bill.

The Army Corps of Engineers and EPA also express concern that automatic permitting could lead to permits that do not meet the requirements of the Clean Water Act and the Clean Air Act. This could result in harmful water pollution and air pollution.

So in addition to delays, lawsuits, and environmental harm, automatically issuing permits without an agency confirming the legal requirements is going to undermine the public's acceptance of interstate natural gas pipelines going through our communities. That is the last thing you want to happen.

We are undergoing a national gas revolution in this country that, generally, is very positive. So why would you try to pass this bill that would lead to greater litigation delays, uncertainty, and that the industry itself says may not be necessary?

Agencies should act expeditiously on pipeline applications, but they also need time to conduct the necessary environmental and safety reviews. In some cases, it will take longer than a 90- or 120-day environmental review. Some of these pipelines are very complex and they go over hundreds of miles



through environmentally, sensitive areas. People need time and the businesses need time to work through the conditions.

So we should not sacrifice these protections when the pipeline permitting process is already working well, nor should we take critical health, safety, and environmental functions away from the agencies.

My amendment doesn't fix all the problems, but it eliminates an unworkable provision. If you do not want to complicate the interstate natural gas pipeline process that the industry says is generally very good, then I urge you to support my amendment.

I yield back the balance of my time.

Mr. POMPEO. Mr. Chairman, I rise in opposition to the amendment from the gentlewoman from Florida (Ms. CASTOR).

The CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, there has been reference that Ms. CASTOR presented relating to what the industry wants that says this will actually mess it up. It will make pipeline permitting take longer.

Let me read for you what was written in a letter to me on November 14 of this year from that industry association. This is a letter from INGAA, signed by Mr. Santa, the president and CEO, who said:

The Energy Policy Act of 2005 attempted to coordinate the permitting of new natural gas pipelines by designating FERC as the lead agency under NEPA and granting FERC the authority to set deadlines for permitting agencies to act on pipeline actions. EPCRA 2005, however, did not confer upon FERC the authority to enforce such deadlines. As a result, permitting agencies routinely ignore them.

It is critical that pipeline expansion keep pace with demand in such regions as New England. A clear, timely review of permits associated with proposed pipeline projects is critical to meeting these goals.

The industry is full-throated in support of making sure that H.R. 1900 becomes law, and this amendment would prevent the key provisions of that from happening.

We know we are seeing skyrocketing prices. The worst residential price increases in the country are in the gentlewoman's home State of Florida, where natural gas is now \$15.43 an mcf—68 percent above the natural average in the home State of the gentlelady who has offered this amendment.

Part of this enormous price increase in Florida and in other States is a direct result of insufficient pipeline capacity to keep up with production and demand inside the State of Florida—and that is great. I am glad there is demand in Florida. We now just simply need to get them affordable energy so they can continue to grow jobs for Florida families.

In July of this year, the Energy and Commerce Committee held a hearing on H.R. 1900, where multiple stakeholders testified, including NextEra

Energy, a Florida-based energy company which, in addition to being the largest wind company in North America, is also one of the Nation's largest purchasers and consumers of natural gas power for electric power generation.

Regarding the possibility that an agency might ultimately choose to deny an application because of H.R. 1900, something that this amendment is offered to make sure doesn't happen, ostensibly, NextEra stated the following in its testimony:

In infrastructure development, a timely "no" is much preferable to an interminable "maybe."

That is, we have folks who just simply need certainty. They need answers.

The gentlewoman from Florida talked about increased litigation. I am thrilled to see folks on the other side of the aisle finally worried about the plaintiffs' bar and excessive delays that the plaintiffs' bar throws into the regulatory process. I promise my cooperation full-throatedly to work across the aisle to make sure that H.R. 1900 doesn't add a single job in the plaintiffs' bar anywhere in the United States of America.

Finally, Ms. CASTOR's amendment was offered because they are concerned about the idea that a permit would be deemed approved after a certain time, claiming in some cases that this has been unprecedented. Yet in the Clean Water Act, within 45 days of receipt of an application, under 33 U.S.C. 129, if no ruling has been issued, a permit "shall be deemed approved."

Under TSCA, section 5, again, a company seeking an application must submit a notice of commencement to EPA within 30 days, after which the chemical is considered an existing chemical. That is, the request is deemed approved.

This is not unprecedented.

The idea that this provision is extreme or unprecedented is simply not supported by the facts, and the precedent for applications being approved if a governing agency fails to act is very common in our Federal law.

I urge my colleagues to vote "no" on the Castor amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. CASTOR of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. SPEIER

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-272.

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, after paragraph (5), insert the following new paragraph:

"(6) This subsection shall not apply to a project unless the Commission has considered and responded to applicable State and local objections or concerns about approval of the project."

The CHAIR. Pursuant to House Resolution 420, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Mr. Chairman, the majority earlier said that this measure is just common sense. So I have a question: Is it common sense not to consider the interests of State and local governments in allowing FERC to have this permitting process?

My amendment is quite simple. The concerns of State and local communities must be considered in any natural gas pipeline permitting process and should not be disadvantaged by a permit approval process that weighs heavily in favor of the pipeline industry and could deem approved a permit that tramples the concerns of communities that are affected.

This issue I know all too well.

Three years ago, a pipeline exploded in my district. I don't want that to happen to any of you. Let me tell you what happened in my district.

First of all, when it exploded, no one knew that there was a pipeline running in the middle of a densely populated area. The fire department didn't know, the police department didn't know, the city manager didn't know, and the city council didn't know.

It took over an hour and a half for the local gas operator to go to another destination, pick up a key, come back to the community, and open the gate so they could turn off the valve.

Meanwhile, what happened?

There were 8 lives lost; 38 homes totally destroyed, with just a concrete pad left; and 45 other homes badly damaged. Three people were considered missing for more than 2 weeks because there was so little DNA left from the intense fire to positively identify them.

□ 1030

There are people in that community today 3 years later who are still shell shocked, and the city's fathers and mothers are very concerned about making sure that pipeline safety includes notifying local communities.

One of the truly frightening lessons of the San Bruno tragedy was that the many pipeline operators don't even fully know the conditions of their own pipelines. I can tell you that my communities are much more aware and engaged in natural gas pipeline safety and location decisions.



The concerns and objections of State and local officials must be adequately considered and taken into account in the decisionmaking process on where to place potentially dangerous natural gas transmission lines. The consequences of these decisions to local communities cannot be overstated. They have a fundamental stake in these decisions on whether to permit a new pipeline project in their communities.

I ask you to support my amendment, which would ensure that, at the very least, FERC considers and responds to local and State concerns or objections submitted as part of the FERC permit process before a natural gas pipeline permit is approved or potentially deemed approved.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. MEADOWS). The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would like to say to the gentlelady from California that all of us certainly have great sympathy and were shocked by the events in San Bruno. I know it was a horrific incident and that many people lost their lives and homes and that it certainly disrupted the community.

Mr. Chairman, in response to that accident, Congress reenacted a reauthorization of the Pipeline Safety Act in late 2011. That bill included provisions on requiring the verification of maximum allowable operating pressures for pipelines constructed before 1970 and an expansion of the current Pipeline Integrity Management Program to cover more miles of pipe and, therefore, require more inspections. The accident investigation in San Bruno determined that the natural gas pipeline that failed had been installed in the mid-1950s, using incorrect materials and welding, incorrect even given the standards of the day. Fortunately, that legislation passed unanimously in the House and in the Senate.

I would also note that, under the Natural Gas Act, FERC, when reviewing a proposed natural gas pipeline, must find that it meets the public convenience and necessity, in other words, the public interest. The Commission does have mechanisms in place to listen to the concerns of landowners, of communities, and they balance that with the need for energy infrastructure that meets national needs for a broad number of citizens. The FERC process, under section VII of the Natural Gas Act, is open, fair, and it invites participation by local communities and landowners already, and that has been in place for 70 years.

So I think all of us understand where the gentlelady from California is coming from. We do genuinely believe that the existing process certainly considers

local communities and the input from those communities. Because of that, I would respectfully ask that we not agree to the amendment of the gentlelady of California.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. SPEIER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-272.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

**SEC. 3. EFFECTIVE DATE.**

This Act shall not take effect until such time as there is no Presidential order issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 in effect.

The Acting CHAIR. Pursuant to House Resolution 420, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I yield myself 2 minutes.

I offer an amendment that responds, I believe, to the importance of the issue and also to the purpose of the underlying bill, and it deals with safety.

My amendment delays the date upon which the bill can be implemented until such time that the Federal Government is no longer operating under a budget dictated by the sequester, which some would call a "meat-ax," that is dipping into and diving into the works of the Federal Government, such as agencies like FERC.

The likely impact of this bill, if passed, is to put FERC in a position of having to work faster, to issue decisions with fewer experienced employees, and to have a reduction in resources, thereby impacting safety and security, if I might say, because FERC, like virtually every other Federal agency, is operating under the onerous and draconian provisions of the disastrous sequestration which has caused so much misery and disruption across the Nation and to our economy. I might add, Mr. Chairman, the important aspect of this is that the ultimate

results will be, FERC, if you don't do your work, if you are not thoughtful, if you are not deliberative, we deem the approval.

There is no evidence that FERC is backlogged. This has nothing to do with the Keystone pipeline, the procedures of which are in another agency altogether. So you would ask: What problem is this bill solving? None. Absolutely none. With a budget of \$306 million—because of sequestration—and with a \$15 million reduction in spending, 5 percent of FERC's budget is impacted. This is a bill seeking a solution to a problem that does not exist, and it is dangerous to have legislation that deems approval when the agency which has jurisdiction has not completed its investigation.

With that, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Since I am the only one who will be speaking, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Texas has 3 minutes remaining.

Ms. JACKSON LEE. Mr. Chairman, sequestration is not only impacting the whole of the work of FERC's; but, in actuality, sequestration is undermining the economy of the United States of America.

In my State alone, we have lost 153,000 jobs. The United States has lost 1 million jobs. It is so devastating that I offer to submit a letter for the RECORD from the Republican cardinals, dated November 18, 2013, calling upon the Budget Committee to rid us of the disastrous sequestration.

It indicates that we have a severe problem in sequestration. This legislation to expedite the approval of needed gas pipelines is, again, an initiative looking for a solution. Since fiscal year 2009, FERC has completed action on 92 percent of their pipeline applications. Mr. Chairman, there is no problem. There is no backlog. The idea that sequestration's impact is overstated is not true. According to an analysis conducted by Regional Economic Models and Third Way, the damage to the economy caused by sequestration is substantial.

I would also like to offer a personal story that deals with the impact far-reaching. It is the fact that pediatricians today are seeing babies who are malnourished. Because of these horrible cuts and the cuts in SNAP, mothers are putting water in the formula. It may be a far reach; but because we are under these horrible caps of sequestration, it is impacting the far reaches of government. Even babies are suffering and are malnourished because of sequestration.

So, if this bill passes today, my desire is—if it even goes anywhere, if it finds a problem that it is trying to solve—that it should not be implemented at all; but if it is implemented, it certainly should not burden an agency that has proven to do its work timely 92 percent of the time. It should not burden that agency by insisting that it goes into implementation right away. It should not be in until we have moved forward and have gotten rid of sequestration.

In conclusion, there are enormous amounts of human toll impact through social safety net and health education: 600,000 women and children thrown off WIC; 807,000 fewer hospitals for Native Americans; the national security impact of the U.S.'s "let's prepare for WMD incidents."

So I ask my colleagues not to support the underlying bill, but to support the Jackson Lee amendment—no action until sequestration is gone.

I yield back the balance of my time.

Mr. Chairman, my amendment is simple, straightforward, and practical. It simply postpones the effective date of the bill until the end of sequestration.

Although I share many of the concerns of my colleagues and the administration regarding the wisdom of this legislation, my amendment does not effect any change in the bill's regulatory scheme.

Because of sequestration the legislation would achieve the opposite effect intended by proponents.

In other words, fewer projects would be approved, not more.

My amendment avoids this outcome by conditioning the effective date of this bill upon the termination of sequestration.

Mr. Chairman, I am not alone in recognizing how detrimental sequestration has been to our fiscal policy and to the economy.

Earlier this week, the chairman of the Appropriations Committee, joined by the 12 subcommittee chairs, wrote a letter to the budget conferees in which they call upon the budget conference to reach an agreement as soon as possible because, among other things: "the current sequester and the upcoming 'Second Sequester' in January would result in more indiscriminate across the board reductions that could have negative consequences on critically important federal programs".

The appropriators go on to state that: "The American people deserve a detailed budget blueprint that makes rational and intelligent choices on funding by their elected representatives, not by a meat ax."

Rather, my amendment merely delays the date upon which the bill can be implemented

until such time as the Federal Government is no longer operating under a budget dictated by the "meat ax," instead of a balanced plan of needful investment and deficit reduction.

Mr. Chairman, pursuant to section 2, paragraph (4) of the bill, a permit or license for a natural gas pipeline project is "deemed" approved if the Federal Energy Regulatory Commission (FERC) or other federal agencies do not issue the requested permit or license within 90–120 days.

The likely impact of this bill if passed is to put FERC in the position of having to work faster to issue decisions with fewer experienced employees and a reduction in resources.

This is because FERC, like virtually every federal agency, is operating under the onerous and draconian provisions of the disastrous sequestration which has caused so much misery and disruption across the Nation and to our economy.

FERC, for example, with a budget of \$306 million faces a \$15 million reduction in spending authority this fiscal year according to OMB. That sum amounts to 5% of FERC's budget.

So if H.R. 1900 were to become law the most likely outcome is that FERC and other agencies would be required to make decisions based on incomplete information, or information that may not be available within the stringent deadlines, and to deny applications that otherwise would have been approved, but for lack of sufficient review time.

Mr. Chairman, I could not agree more with Chairman ROGERS and the subcommittee chairs.

Sequestration is bad fiscal policy. It results in unwanted and unintended legislative consequences. It is bad for the economy. It is unfair to the American people.

I urge support of the Jackson Lee Amendment because it will prevent the bill before us from yielding unwanted and unintended results.

HON. PAUL RYAN,  
*Chairman, Budget Committee,*  
*House of Representatives, Washington, DC.*

HON. CHRIS VAN HOLLEN,  
*Ranking Member, Budget Committee,*  
*House of Representatives, Washington, DC.*

HON. PATTY MURRAY,  
*Chairwoman, Budget Committee,*  
*U.S. Senate, Washington, DC.*

HON. JEFF SESSIONS,  
*Ranking Member, Budget Committee,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN RYAN, CHAIRWOMAN MURRAY, RANKING MEMBER SESSIONS, AND RANKING MEMBER VAN HOLLEN: We call on the Budget conference to reach an agreement on the FY 2014 and 2015 spending caps as soon as possible to allow the appropriations process to move forward to completion by the January 15 expiration of the current short-term Continuing Resolution. We urge you to re-

double your efforts toward that end and report common, topline levels for both the House and Senate before the Thanksgiving recess, or by December 2 at the latest.

If a timely agreement is not reached, the likely alternatives could have extremely damaging repercussions. First, the failure to reach a budget deal to allow Appropriations to assemble funding for FY 2014 will reopen the specter of another government shutdown. Second, it will reopen the probability of governance by continuing resolution, based on prior year outdated spending needs and priorities, dismissing in one fell swoop all of the work done by the Congress to enact appropriations bills for FY 2014 that reflect the will of Congress and the people we represent. Third, the current sequester and the upcoming "Second Sequester" in January would result in more indiscriminate across the board reductions that could have negative consequences on critically important federal programs, especially our national defense.

In addition, failure to agree on a common spending cap for FY 2015 will guarantee another year of confusion.

The American people deserve a detailed budget blueprint that makes rational and intelligent choices on funding by their elected representatives, not by a meat ax. We urge you to come together and decide on a common discretionary spending topline for both FY 2014 and FY 2015 as quickly as possible to empower our Committee, and the Congress as a whole, to make the responsible spending decisions that we have been elected to make.

Sincerely,

Harold Rogers, Chairman, Committee on Appropriations; Jack Kingston, Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies; Tom Latham, Chairman, Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies; Kay Granger, Chairwoman, Subcommittee on State, Foreign Operations, and Related Agencies; John Abney Culberson, Chairman, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies; John R. Carter, Chairman, Subcommittee on Homeland Security; Tom Cole, Chairman, Subcommittee on Legislative Branch; Frank R. Wolf, Chairman, Subcommittee on Commerce, Justice, Science, and Related Agencies; Rodney Frelinghuysen, Chairman, Subcommittee on Defense; Robert B. Aderholt, Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; Michael K. Simpson, Chairman, Subcommittee on Energy and Water Development, and Related Agencies; Ander Crenshaw, Chairman, Subcommittee on Financial Services and General Government; Ken Calvert, Chairman, Subcommittee on Interior, Environment, and Related Agencies.

#### SEQUESTRATION: ECONOMIC IMPACT BY STATE, 2014

	Full Sequester				Non-Defense Sequester Only				Defense Sequester Only			
	State GDP gain/loss (billions)	State percent gain/loss	Jobs gain/loss	Jobs percent gain/loss	State GDP gain/loss (billions)	State percent gain/loss	Jobs gain/loss	Jobs percent gain/loss	State GDP gain/loss (billions)	State percent gain/loss	Jobs gain/loss	Jobs percent gain/loss
Alabama	-\$2.7	-1.25%	-31,467	-1.20%	-\$1.6	-0.76%	-19,502	-0.74%	-\$1.1	-0.50%	-11,997	-0.46%
Alaska	-\$0.6	-1.22%	-6,242	-1.32%	-\$0.4	-0.76%	-3,808	-0.81%	-\$0.2	-0.46%	-2,439	-0.52%
Arizona	-\$3.7	-1.18%	-39,624	-1.15%	-\$2.0	-0.63%	-22,794	-0.66%	-\$1.7	-0.55%	-16,876	-0.49%
Arkansas	-\$1.2	-0.97%	-15,244	-0.93%	-\$0.7	-0.58%	-9,275	-0.57%	-\$0.5	-0.39%	-5,985	-0.37%
California	-\$22.0	-1.02%	-211,777	-1.00%	-\$11.0	-0.51%	-112,422	-0.53%	-\$11.1	-0.52%	-99,590	-0.47%
Colorado	-\$3.6	-1.08%	-37,589	-1.09%	-\$2.0	-0.61%	-21,569	-0.63%	-\$1.6	-0.48%	-16,062	-0.47%

## SEQUESTRATION: ECONOMIC IMPACT BY STATE, 2014—Continued

	Full Sequester				Non-Defense Sequester Only				Defense Sequester Only			
	State GDP gain/loss (billions)	State GDP percent gain/loss	Jobs gain/loss	Jobs percent gain/loss	State GDP gain/loss (billions)	State GDP percent gain/loss	Jobs gain/loss	Jobs percent gain/loss	State GDP gain/loss (billions)	State GDP percent gain/loss	Jobs gain/loss	Jobs percent gain/loss
Connecticut .....	-\$2.5	-1.08%	-23,200	-1.01%	-\$1.1	-0.47%	-11,012	-0.48%	-\$1.4	-0.61%	-12,212	-0.53%
Delaware .....	-\$0.6	-1.02%	-5,662	-1.01%	-\$0.3	-0.64%	-3,606	-0.65%	-\$0.2	-0.39%	-2,062	-0.37%
DC .....	-\$3.4	-3.02%	-25,180	-2.96%	-\$3.2	-2.81%	-23,278	-2.74%	-\$0.2	-0.22%	-1,905	-0.22%
Florida .....	-\$9.0	-0.95%	-101,912	-0.96%	-\$5.6	-0.59%	-65,104	-0.61%	-\$3.4	-0.36%	-36,933	-0.35%
Georgia .....	-\$5.6	-1.09%	-62,276	-1.11%	-\$3.3	-0.64%	-37,371	-0.66%	-\$2.3	-0.45%	-24,969	-0.44%
Hawaii .....	-\$1.1	-1.48%	-13,702	-1.60%	-\$0.7	-0.92%	-8,276	-0.97%	-\$0.4	-0.56%	-5,437	-0.63%
Idaho .....	-\$0.7	-1.02%	-9,205	-0.96%	-\$0.4	-0.59%	-5,654	-0.59%	-\$0.3	-0.43%	-3,561	-0.37%
Illinois .....	-\$6.4	-0.83%	-63,703	-0.82%	-\$4.0	-0.52%	-40,931	-0.53%	-\$2.4	-0.31%	-22,847	-0.29%
Indiana .....	-\$3.0	-0.94%	-33,551	-0.89%	-\$1.8	-0.55%	-20,614	-0.55%	-\$1.2	-0.39%	-12,979	-0.34%
Iowa .....	-\$1.4	-0.89%	-17,087	-0.83%	-\$0.8	-0.51%	-10,171	-0.49%	-\$0.6	-0.38%	-6,937	-0.34%
Kansas .....	-\$1.9	-1.22%	-21,412	-1.12%	-\$0.9	-0.54%	-10,417	-0.55%	-\$1.1	-0.68%	-11,017	-0.58%
Kentucky .....	-\$2.0	-0.97%	-24,006	-0.97%	-\$1.2	-0.59%	-14,621	-0.59%	-\$0.8	-0.38%	-9,410	-0.38%
Louisiana .....	-\$2.5	-1.04%	-28,651	-1.05%	-\$1.3	-0.54%	-15,110	-0.56%	-\$1.2	-0.50%	-13,571	-0.50%
Maine .....	-\$0.8	-1.27%	-10,014	-1.18%	-\$0.4	-0.67%	-5,448	-0.64%	-\$0.4	-0.60%	-4,576	-0.54%
Maryland .....	-\$6.5	-1.85%	-64,522	-1.82%	-\$5.0	-1.42%	-49,758	-1.40%	-\$1.5	-0.43%	-14,803	-0.42%
Massachusetts .....	-\$4.4	-0.98%	-40,626	-0.91%	-\$2.4	-0.52%	-23,079	-0.52%	-\$2.1	-0.46%	-17,589	-0.39%
Michigan .....	-\$4.0	-0.85%	-43,293	-0.82%	-\$2.6	-0.55%	-29,558	-0.55%	-\$1.4	-0.30%	-14,399	-0.27%
Minnesota .....	-\$3.1	-0.88%	-30,295	-0.82%	-\$1.6	-0.46%	-16,772	-0.46%	-\$1.5	-0.43%	-13,555	-0.37%
Mississippi .....	-\$1.5	-1.32%	-19,568	-1.25%	-\$0.8	-0.65%	-9,925	-0.63%	-\$0.8	-0.67%	-9,663	-0.62%
Missouri .....	-\$3.2	-1.02%	-35,958	-0.97%	-\$1.9	-0.60%	-22,045	-0.59%	-\$1.3	-0.42%	-13,951	-0.38%
Montana .....	-\$0.5	-1.03%	-6,634	-0.99%	-\$0.3	-0.72%	-4,631	-0.69%	-\$0.1	-0.31%	-2,010	-0.30%
Nebraska .....	-\$0.9	-0.90%	-11,240	-0.87%	-\$0.6	-0.55%	-6,897	-0.53%	-\$0.4	-0.36%	-4,356	-0.34%
Nevada .....	-\$1.3	-0.83%	-14,243	-0.86%	-\$0.8	-0.51%	-8,797	-0.53%	-\$0.5	-0.32%	-5,464	-0.33%
New Hampshire .....	-\$0.8	-1.05%	-8,560	-0.97%	-\$0.4	-0.53%	-4,573	-0.52%	-\$0.4	-0.52%	-3,997	-0.45%
New Jersey .....	-\$4.7	-0.87%	-45,215	-0.86%	-\$3.1	-0.56%	-30,141	-0.57%	-\$1.7	-0.31%	-15,126	-0.29%
New Mexico .....	-\$1.1	-1.26%	-13,800	-1.22%	-\$0.8	-0.90%	-9,978	-0.89%	-\$0.3	-0.35%	-3,833	-0.34%
New York .....	-\$9.7	-0.78%	-88,297	-0.76%	-\$6.3	-0.51%	-59,715	-0.52%	-\$3.4	-0.28%	-28,688	-0.25%
North Carolina .....	-\$5.0	-1.03%	-58,211	-1.06%	-\$2.8	-0.58%	-32,886	-0.60%	-\$2.2	-0.45%	-25,389	-0.46%
North Dakota .....	-\$0.4	-0.96%	-4,957	-0.92%	-\$0.2	-0.58%	-3,004	-0.56%	-\$0.2	-0.38%	-1,958	-0.37%
Ohio .....	-\$5.5	-0.92%	-60,106	-0.88%	-\$3.4	-0.57%	-38,840	-0.57%	-\$2.1	-0.35%	-21,341	-0.31%
Oklahoma .....	-\$2.0	-1.05%	-23,440	-1.05%	-\$1.3	-0.67%	-15,064	-0.68%	-\$0.7	-0.38%	-8,397	-0.38%
Oregon .....	-\$2.1	-1.05%	-23,295	-0.97%	-\$1.1	-0.54%	-12,853	-0.54%	-\$1.0	-0.51%	-10,471	-0.44%
Pennsylvania .....	-\$6.6	-0.99%	-71,014	-0.94%	-\$4.3	-0.65%	-48,035	-0.64%	-\$2.3	-0.34%	-23,056	-0.31%
Rhode Island .....	-\$0.6	-1.13%	-6,560	-1.05%	-\$0.3	-0.62%	-3,633	-0.58%	-\$0.3	-0.51%	-2,934	-0.47%
South Carolina .....	-\$2.2	-1.04%	-27,294	-1.06%	-\$1.3	-0.60%	-16,074	-0.63%	-\$0.9	-0.44%	-11,251	-0.44%
South Dakota .....	-\$0.4	-0.98%	-5,432	-0.92%	-\$0.3	-0.64%	-3,514	-0.59%	-\$0.1	-0.35%	-1,923	-0.32%
Tennessee .....	-\$3.1	-0.99%	-36,334	-0.96%	-\$2.0	-0.64%	-23,664	-0.62%	-\$1.1	-0.35%	-12,717	-0.33%
Texas .....	-\$15.2	-0.99%	-153,541	-1.00%	-\$8.3	-0.54%	-87,003	-0.57%	-\$6.9	-0.45%	-66,702	-0.43%
Utah .....	-\$1.8	-1.19%	-20,932	-1.17%	-\$1.0	-0.70%	-12,736	-0.71%	-\$0.7	-0.50%	-8,219	-0.46%
Vermont .....	-\$0.3	-0.99%	-4,151	-0.92%	-\$0.2	-0.59%	-2,553	-0.57%	-\$0.1	-0.40%	-1,602	-0.36%
Virginia .....	-\$8.3	-1.67%	-85,776	-1.71%	-\$5.5	-1.12%	-56,965	-1.13%	-\$2.7	-0.55%	-28,867	-0.57%
Washington .....	-\$5.6	-1.37%	-54,359	-1.31%	-\$2.3	-0.56%	-24,332	-0.59%	-\$3.3	-0.81%	-30,084	-0.72%
West Virginia .....	-\$0.9	-1.17%	-10,673	-1.12%	-\$0.6	-0.82%	-7,638	-0.80%	-\$0.3	-0.35%	-3,046	-0.32%
Wisconsin .....	-\$2.6	-0.86%	-29,312	-0.80%	-\$1.4	-0.48%	-17,097	-0.47%	-\$1.1	-0.38%	-12,249	-0.34%
Wyoming .....	-\$0.4	-0.96%	-4,072	-0.98%	-\$0.2	-0.60%	-2,594	-0.62%	-\$0.1	-0.36%	-1,482	-0.36%
U.S. TOTAL .....	-\$179.4	-1.04%	-1,883,824	-1.02%	\$105.7	-0.61%	-1,145,337	-0.62%	-\$73.9	-0.43%	-740,487	-0.40%

Mr. WHITFIELD. Mr. Chairman, the gentlelady from Texas does have a reputation of being very innovative in her legislative strategy. While I would agree with her—and many of us would agree—that I am frustrated with the budget process and that many of us don't think the budget process works, she is, with this amendment, trying to bring to a conclusion sequestration.

I would simply say that we do not believe it is appropriate to, nor do we think that we are equipped to, debate the sequestration issue, which is a budget issue. Today, we are simply trying to expedite the building of additional natural gas pipelines to streamline the permitting process in order to help people throughout America have lower electricity rates and, perhaps, to increase our exports. So I would oppose her amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from Texas will be postponed.

## AMENDMENT NO. 5 OFFERED BY MR. DINGELL

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-272.

Mr. DINGELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

## SECTION 1. GAO STUDY.

Not later than May 1, 2014, the Comptroller General shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(1) assesses the extent to which the Federal Energy Regulatory Commission is expected to experience delays in issuing certificates of public convenience and necessity for the siting, construction, expansion, or operation of any natural gas pipeline project;

(2) assesses the extent to which other Federal, State, or local permitting authorities are expected to experience delays in issuing permits required under Federal law in connection with the siting, construction, expansion, or operation of any natural gas pipeline project for which a certificate of public convenience and necessity is required; and

(3) examines the effect of anticipated Congressional appropriations or other resources on the ability of the Federal Energy Regu-

latory Commission and other Federal agencies to review applications for certificates and permits described in paragraphs (1) and (2) in a timely manner.

The Acting CHAIR. Pursuant to House Resolution 420, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, this bill is a solution desperately searching for a problem.

In July of 2013, before the committee, Commissioner Moeller said that 90 percent of permit applications to FERC are already approved within 12 months and that the delays on the remaining 10 percent are due to either the complexities of the proposed projects or incomplete applications, something which indicates there is hardly a need for the amendment. In addition to that statement, there has been no record of any backlog of permit applications that justifies the need to overhaul pipeline permitting regulations.

There is an old saying, If it ain't broke, don't fix it. I am curious as to why it is we are trying to fix something here that is not broken.

I am worried that, if this legislation were to somehow become law, we would already see that the agencies and the courts, in their consideration, would

rush around to try and figure out what it was the Congress intended and how these matters could or should be proceeded upon more expeditiously. That, according to the government agencies that appeared before the committee, is completely unnecessary.

Having said these things, I would like to call to the attention of my colleagues here that the amendment that I offer today simply directs the GAO to take another look at the permitting process and to take into consideration these issues to tell us what it is that needs to be done to better expedite the process.

□ 1045

Why this? The reason is very simple. The committee had one day of hearing, had very little support for the legislation, no explanation of why it was needed, the agencies appearing before the committee said it really wasn't necessary, and other witnesses testified that it wasn't needed.

The report of the GAO will identify the problems which exist, and we can then use the oversight authority of the committee and the Congress to fix such problems as might be found and have an intelligent record as to what can, or should, be done to make this a step which, in fact, will help us move forward on pipeline permitting.

Now, I want to make it very clear I am not opposed to natural gas pipelines, nor am I opposed to moving forward speedily and intelligently. The system is working, the Congress has devised a system of permitting that works, sees to it that safety is properly attended to, and has given proper oversight, including legislation recently to ensure that proper behavior and proper safety of the pipelines do take place.

I urge the committee to support my amendment. It gives us a bill of which we can be proud, instead of a bill about which people are going to scratch their heads and wonder what was the Congress doing when they foisted this miserable thing upon us.

I reserve the balance of my time.

Mr. POMPEO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Michigan (Mr. DINGELL), which would strike the entire piece of legislation and replace it with a GAO study.

The GAO back in February of this year issued a report detailing what they called the "complex" natural gas pipeline permitting process. This amendment would simply ask the GAO to duplicate many of those same findings that were done in a report issued less than a year ago, and there is simply no need for that.

I understand the gentleman from Michigan thinks this legislation is unnecessary, but I respectfully disagree. I will give one example of where the claims regarding the approval timelines for natural gas permit pipelines have been dubious.

It has been erroneously repeated by opponents of this legislation that FERC testified in front of the Energy and Commerce Committee that 90 percent of the permits are being done on time. This is simply not the case. This is not what FERC stated in their testimony. It stated that 90 percent of the certificates are being completed within 12 months. There is an awful lot of difference between a certificate and a permit.

FERC is in control of only the certificate process, but they are at the mercy of other agencies with respect to the permit approval process. This is the main reason for the need for this legislation, because FERC has absolutely no enforcement authority over the other agencies to process permits on schedule. This brings accountability to other agencies.

Even though 90 percent of certificates are being processed by FERC in the 12-month period, it doesn't tell the full story. It would be talking about the bills that the House of Representatives passed and talking only about our naming of post offices and not talking about the substantive legislation, the important things, we do here in the House of Representatives.

I would also remind the gentleman from Michigan that the need for this legislation is so great that it garners support not just from the U.S. Chamber of Commerce and the National Association of Manufacturers, but also the major electricity trade associations across the country: Edison Electric Institute, the National Rural Electric Cooperative Association, and the American Public Power Association, as well as the New England Ratepayers Association, whose members are experiencing skyrocketing natural gas prices.

This amendment would gut the bill and ignore the core problem of stubbornly high natural gas prices in certain regions across the Nation. It dismisses the need for an improved permitting process for natural gas pipeline infrastructure completely.

For that reason, I urge my colleagues to vote "no" on the gentleman's agreement, and I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, this legislation is unnecessary. Every witness before the committee found no reason why it had to be enacted into law. It was made very clear that there have been no incidences of egregious delay by any events before the permitting authorities. There is no need for the legislation.

The amendment is a friendly amendment offered to enable us to find out if

there are, in fact, problems; and if there are, in fact, problems, then we will be able to take the necessary action to correct whatever problems might exist.

At this particular time, there is no evidence of need for the legislation. In 90 percent of the time, the permits have been granted within the 1-year period. It is only necessary to allow time for others where the permitting application was incorrectly or improperly done and only where the complexity of the situation requires more time.

What I am hearing from the other side is they feel that there is need for us to move more rapidly in these complex cases where serious mistakes can be made and we can have the danger of an unsafe pipeline resulting.

I would remind my colleagues that a pipeline explosion, only the failure of a gas pipeline, is like a nuclear event.

I urge the adoption of the amendment, and if not adopted, the rejection of the legislation.

I yield back the balance of my time.

Mr. POMPEO. Mr. Chairman, I just reiterate there is enormous importance to this legislation. While I appreciate that the gentleman from Michigan offered his amendment in a friendly tone, it guts the legislation in its entirety.

I also want to offer that H.R. 1900 is offered in a friendly manner. It is offered friendly to places like Michigan, New York, Florida, and Arizona, places that are paying unnecessarily high prices for natural gas in their parts of the country.

With that, I would urge rejection of this amendment and urge my colleagues to vote "no" on it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-272 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. TONKO of New York.

Amendment No. 2 by Ms. CASTOR of Florida.

Amendment No. 3 by Ms. SPEIER of California.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. DINGELL of Michigan.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

## AMENDMENT NO. 1 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 233, not voting 14, as follows:

[Roll No. 605]

## AYES—183

Andrews	Garcia	Neal
Barber	Gibson	Negrete McLeod
Bass	Grayson	Nolan
Beatty	Grijalva	O'Rourke
Becerra	Gutiérrez	Pallone
Bera (CA)	Hahn	Pascarell
Bishop (GA)	Hanabusa	Pastor (AZ)
Bishop (NY)	Hanna	Payne
Blumenauer	Hastings (FL)	Pelosi
Bonamici	Heck (WA)	Peters (CA)
Brady (PA)	Higgins	Pingree (ME)
Braley (IA)	Himes	Pocan
Brown (FL)	Hinojosa	Price (NC)
Brownley (CA)	Holt	Quigley
Bustos	Honda	Rahall
Butterfield	Horsford	Rangel
Capps	Israel	Richmond
Capuano	Jackson Lee	Roybal-Allard
Cárdenas	Johnson (GA)	Ruppersberger
Carney	Johnson, E. B.	Ryan (OH)
Carson (IN)	Kaptur	Sánchez, Linda T.
Cartwright	Keating	Sanchez, Loretta
Castor (FL)	Kelly (IL)	Sanbanes
Chu	Kennedy	Schakowsky
Cicilline	Kildee	Schiff
Clarke	Kilmer	Schneider
Clay	Kind	Schrader
Cleaver	Kirkpatrick	Schwartz
Clyburn	Kuster	Scott (VA)
Cohen	Langevin	Scott, David
Connolly	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sewell (AL)
Cooper	Lee (CA)	Shea-Porter
Costa	Levin	Sherman
Courtney	Lewis	Sinema
Crowley	Lipinski	Sires
Cuellar	Loebach	Slaughter
Cummings	Lofgren	Smith (WA)
Davis (CA)	Lowey	Speier
Davis, Danny	Lujan Grisham	Swalwell (CA)
DeFazio	(NM)	Takano
DeGette	Luján, Ben Ray	Thompson (CA)
Delaney	(NM)	Thompson (MS)
DeLauro	Lynch	Tierney
DelBene	Maffei	Titus
Deutch	Maloney,	Tonko
Dingell	Carolyn	Tsongas
Doggett	Maloney, Sean	Watt
Doyle	Matsui	Waxman
Duckworth	McCollum	Welch
Edwards	McDermott	Wilson (FL)
Ellison	McGovern	Yarmuth
Engel	McIntyre	
Enyart	McNerney	
Eshoo	Meeks	
Esty	Meng	
Farr	Michaud	
Fattah	Miller, George	
Foster	Moore	
Frankel (FL)	Moran	
Fudge	Murphy (FL)	
Gabbard	Nadler	
Garamendi	Napolitano	

## NOES—233

Aderholt	Amodei	Bachus
Amash	Bachmann	Barletta

Barr	Grimm	Petri
Barrow (GA)	Guthrie	Pittenger
Barton	Hall	Pitts
Benishek	Harper	Poe (TX)
Bentivoglio	Harris	Pompeo
Bilirakis	Hartzler	Posey
Bishop (UT)	Hastings (WA)	Price (GA)
Black	Heck (NV)	Reed
Blackburn	Hensarling	Reichert
Boustany	Holding	Renacci
Brady (TX)	Hudson	Ribble
Bridenstine	Huelskamp	Rice (SC)
Brooks (AL)	Huizenga (MI)	Rigell
Brooks (IN)	Hultgren	Roby
Broun (GA)	Hunter	Roe (TN)
Buchanan	Hurt	Rogers (AL)
Bucshon	Issa	Rogers (KY)
Burgess	Jenkins	Rogers (MI)
Calvert	Johnson (OH)	Rohrabacher
Camp	Johnson, Sam	Rokita
Cantor	Jones	Rooney
Capito	Jordan	Ros-Lehtinen
Carter	Joyce	Roskam
Cassidy	Kelly (PA)	Ross
Chabot	King (IA)	Rothfus
Chaffetz	King (NY)	Royce
Coble	Kinzing (IL)	Runyan
Coffman	Kline	Ryan (WI)
Cole	Labrador	Salmon
Collins (GA)	LaMalfa	Sanford
Collins (NY)	Lamborn	Scalise
Conaway	Lance	Schock
Cook	Lankford	Schweikert
Cotton	Latham	Scott, Austin
Cramer	Latta	Sensenbrenner
Crawford	LoBiondo	Sessions
Crenshaw	Long	Shimkus
Culberson	Lucas	Shuster
Daines	Luetkemeyer	Simpson
Davis, Rodney	Lummis	Smith (MO)
Denham	Marchant	Smith (NE)
Dent	Marino	Smith (NJ)
DeSantis	Massie	Smith (TX)
DesJarlais	Matheson	Southerland
Diaz-Balart	McCarthy (CA)	Stewart
Duffy	McCauley	Stivers
Duncan (SC)	McClintock	Stockman
Duncan (TN)	McHenry	Stutzman
Ellmers	McKeon	Terry
Farenthold	McKinley	Thompson (PA)
Fincher	McMorris	Thornberry
Fitzpatrick	Rodgers	Tiberi
Fleischmann	Meadows	Tipton
Fleming	Meehan	Turner
Flores	Messer	Upton
Forbes	Mica	Valadao
Fortenberry	Miller (FL)	Vela
Fox	Miller (MI)	Wagner
Franks (AZ)	Miller, Gary	Walberg
Frelinghuysen	Mullin	Walden
Gallego	Mulvaney	Walorski
Gardner	Murphy (PA)	Weber (TX)
Gerlach	Neugebauer	Webster (FL)
Gibbs	Noem	Wenstrup
Greig (GA)	Nugent	Westmoreland
Gohmert	Nunes	Whitfield
Goodlatte	Nunnelee	Williams
Gosar	Olson	Wilson (SC)
Gowdy	Owens	Wittman
Granger	Palazzo	Wolf
Graves (GA)	Paulsen	Womack
Graves (MO)	Pearce	Woodall
Green, Al	Perlmutter	Yoder
Green, Gene	Perry	Yoho
Griffin (AR)	Peters (MI)	Young (AK)
Griffith (VA)	Peterson	Young (IN)

## NOT VOTING—14

Campbell	Huffman	Polis
Castro (TX)	Jeffries	Radel
Garrett	Kingston	Ruiz
Herrera Beutler	Lowenthal	Rush
Hoyer	McCarthy (NY)	

□ 1122

Messrs. STUTZMAN, THOMPSON of Pennsylvania, STOCKMAN, CHABOT, and SCHOCK changed their vote from “aye” to “no.”

Mr. HINOJOSA changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GARRETT. Madam Chair, on rollcall No. 605 I was detained chairing a Financial Services Subcommittee hearing.

Had I been present, I would have voted “no.”

## AMENDMENT NO. 2 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR (Mrs. ROBY). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CASTOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 233, not voting 13, as follows:

[Roll No. 606]

## AYES—184

Andrews	Farr	Maloney,
Bass	Fattah	Carolyn
Beatty	Foster	Maloney, Sean
Becerra	Frankel (FL)	Matsui
Bera (CA)	Fudge	McCollum
Bishop (NY)	Gabbard	McDermott
Blumenauer	Gallego	McGovern
Bonamici	Garamendi	McIntyre
Brady (PA)	Garcia	McNerney
Braley (IA)	Grayson	Meeks
Brown (FL)	Green, Al	Meng
Brownley (CA)	Green, Gene	Michaud
Bustos	Grijalva	Miller, George
Butterfield	Gutiérrez	Moore
Capps	Hahn	Moran
Capuano	Hanabusa	Murphy (FL)
Cárdenas	Hastings (FL)	Nadler
Carney	Heck (WA)	Napolitano
Carson (IN)	Higgins	Neal
Cartwright	Himes	Negrete McLeod
Castor (FL)	Hinojosa	Nolan
Chu	Holt	O'Rourke
Cicilline	Horsford	Pallone
Clarke	Huffman	Pascarell
Clay	Israel	Pastor (AZ)
Cleaver	Jackson Lee	Payne
Clyburn	Johnson (GA)	Pelosi
Cohen	Johnson, E. B.	Perlmutter
Connolly	Kaptur	Peters (CA)
Conyers	Keating	Peters (MI)
Cooper	Kelly (IL)	Pingree (ME)
Courtney	Kennedy	Pocan
Crowley	Kildee	Polis
Cuellar	Kilmer	Price (NC)
Cummings	Kind	Quigley
Davis (CA)	Kirkpatrick	Rahall
Davis, Danny	Kuster	Rangel
DeFazio	Langevin	Richmond
DeGette	Larsen (WA)	Roybal-Allard
Delaney	Larson (CT)	Ruppersberger
DeLauro	Lee (CA)	Ryan (OH)
DelBene	Levin	Sánchez, Linda T.
Deutch	Lewis	Sanchez, Loretta
Dingell	Lipinski	Sarbanes
Doggett	Loebach	Schakowsky
Doyle	Lofgren	Schiff
Duckworth	Lowey	Schneider
Edwards	Lujan Grisham	Schwartz
Ellison	(NM)	Scott (VA)
Engel	Luján, Ben Ray	Scott, David
Enyart	(NM)	Serrano
Eshoo	Lynch	Sewell (AL)
Esty	Maffei	

Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)

Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez

Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Kingston  
Lowenthal

McCarthy (NY)  
Radel

Ruiz  
Rush

Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schwartz

Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus

Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—233

Aderholt  
Amash  
Amodel  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Billirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy

Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce

Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schradler  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—13

Campbell  
Castro (TX)  
Garrett

Herrera Beutler  
Honda  
Hoyer

Jeffries

Doyle  
Dingell  
Doggett  
Doyle

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1128

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated against:  
Mr. GARRETT. Madam Chair, on rollcall No. 606, I was detained chairing a Financial Services subcommittee hearing. Had I been present, I would have voted, “no.”

AMENDMENT NO. 3 OFFERED BY MS. SPEIER  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. SPEIER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 236, not voting 11, as follows:

[Roll No. 607]

## AYES—183

Andrews  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cardenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutsch  
Dingell  
Doggett  
Doyle

Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Garamendi  
Gibson  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Michojosa  
Holt  
Honda  
Horsford  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin

Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Peters (MI)  
Pingree (ME)  
Pocan

Aderholt  
Amash  
Amodel  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Billirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallego  
Garcia  
Gardner  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte

## NOES—236

Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee

Olson  
Palazzo  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peters (CA)  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schradler  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams

Wilson (SC)	Womack	Yoho
Wittman	Woodall	Young (AK)
Wolf	Yoder	Young (IN)

## NOT VOTING—11

Campbell	Hoyer	Radel
Castro (TX)	Kingston	Ruiz
Garrett	Lowenthal	Rush
Herrera Beutler	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1133

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated against:

Mr. GARRETT. Madam Chair, on rollcall No. 607 I was detained chairing a Financial Services subcommittee hearing. Had I been present, I would have voted “no.”

## AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 243, not voting 12, as follows:

[Roll No. 608]

AYES—175

Andrews	DeGette	Jeffries
Bass	Delaney	Johnson (GA)
Beatty	DeLauro	Johnson, E. B.
Becerra	DelBene	Kaptur
Bera (CA)	Deutch	Keating
Bishop (GA)	Dingell	Kelly (IL)
Bishop (NY)	Doggett	Kennedy
Blumenauer	Doyle	Kildee
Bonamici	Duckworth	Kilmer
Brady (PA)	Edwards	Kind
Braley (IA)	Ellison	Kirkpatrick
Brown (FL)	Engel	Kuster
Brownley (CA)	Enyart	Langevin
Bustos	Eshoo	Larsen (WA)
Butterfield	Esty	Larson (CT)
Capps	Farr	Lee (CA)
Capuano	Fattah	Levin
Cárdenas	Foster	Lewis
Carney	Frankel (FL)	Lipinski
Carson (IN)	Frudge	Loeb sack
Cartwright	Gabbard	Lofgren
Castor (FL)	Garamendi	Lowey
Chu	Grayson	Lujan Grisham
Cicilline	Grijalva	(NM)
Clarke	Gutiérrez	Luján, Ben Ray
Clay	Hahn	(NM)
Cleaver	Hanabusa	Lynch
Clyburn	Hastings (FL)	Maloney,
Cohen	Heck (WA)	Carolyn
Connolly	Higgins	Maloney, Sean
Conyers	Hinojosa	Matsui
Cooper	Holt	McCollum
Crowley	Honda	McDermott
Cummings	Horsford	McGovern
Davis (CA)	Huffman	McNerney
Davis, Danny	Israel	Meeks
DeFazio	Jackson Lee	Meng

Michael	Rangel	Speier
Miller, George	Richmond	Swalwell (CA)
Moore	Roybal-Allard	Takano
Moran	Ruppersberger	Thompson (CA)
Nadler	Ryan (OH)	Thompson (MS)
Napolitano	Sánchez, Linda	Tierney
Neal	T.	Titus
Negrete McLeod	Sanchez, Loretta	Tonko
Nolan	Sarbanes	Tsongas
O'Rourke	Schakowsky	Van Hollen
Pallone	Schiff	Vargas
Pascarell	Schneider	Veasey
Pastor (AZ)	Schwartz	Velázquez
Payne	Scott (VA)	Visclosky
Pelosi	Scott, David	Walz
Peters (CA)	Serrano	Wasserman
Peters (MI)	Sewell (AL)	Schultz
Pingree (ME)	Shea-Porter	Waters
Pocan	Sherman	Watt
Polis	Sinema	Waxman
Price (NC)	Sires	Welch
Quigley	Slaughter	Wilson (FL)
Rahall	Smith (WA)	Yarmuth

## NOES—243

Aderholt	Garcia	McKeon
Amash	Gardner	McKinley
Amodei	Garrett	McMorris
Bachmann	Gerlach	Rodgers
Bachus	Gibbs	Meadows
Barber	Gibson	Meehan
Barletta	Gingrey (GA)	Messer
Barr	Gohmert	Mica
Barrow (GA)	Goodlatte	Miller (FL)
Barton	Gosar	Miller (MI)
Benish	Gowdy	Miller, Gary
Bentivolio	Granger	Mullin
Bilirakis	Graves (GA)	Mulvaney
Bishop (UT)	Graves (MO)	Murphy (FL)
Black	Green, Al	Murphy (PA)
Blackburn	Green, Gene	Neugebauer
Boustany	Griffin (AR)	Noem
Brady (TX)	Griffith (VA)	Nugent
Bridenstine	Grimm	Nunes
Brooks (AL)	Guthrie	Nunnelee
Brooks (IN)	Hall	Olson
Broun (GA)	Hanna	Owens
Buchanan	Harper	Palazzo
Bucshon	Harris	Paulsen
Burgess	Hartzler	Pearce
Calvert	Hastings (WA)	Perlmutter
Camp	Heck (NY)	Perry
Cantor	Hensarling	Peterson
Capito	Himes	Petri
Carter	Holding	Pittenger
Cassidy	Hudson	Pitts
Chabot	Huelskamp	Poe (TX)
Chaffetz	Huizenga (MI)	Pompeo
Coble	Hultgren	Posey
Coffman	Hunter	Price (GA)
Cole	Hurt	Reed
Collins (GA)	Issa	Reichert
Collins (NY)	Jenkins	Renacci
Conaway	Johnson (OH)	Ribble
Cook	Johnson, Sam	Rice (SC)
Costa	Jones	Rigell
Cotton	Jordan	Roby
Courtney	Joyce	Roe (TN)
Cramer	Kelly (PA)	Rogers (AL)
Crawford	King (IA)	Rogers (KY)
Crenshaw	King (NY)	Rogers (MI)
Cuellar	Kinzinger (IL)	Rohrabacher
Culberson	Kline	Rokita
Daines	Labrador	Rooney
Davis, Rodney	LaMalfa	Ros-Lehtinen
Denham	LaBarn	Roskam
Dent	Lance	Ross
DeSantis	Lankford	Rothfus
DesJarlais	Latham	Royce
Diaz-Balart	Latta	Ryunan
Duffy	LoBiondo	Ryan (WI)
Duncan (SC)	Long	Salmon
Elmiers	Lucas	Sanford
Farenthold	Luetkemeyer	Scalise
Fincher	Lummis	Schock
Fitzpatrick	Maffei	Schrader
Fleischmann	Marchant	Schweikert
Fleming	Marino	Scott, Austin
Flores	Massie	Sensenbrenner
Forbes	Matheson	Sessions
Fortenberry	McCarthy (CA)	Shimkus
Fox	McCaul	Shuster
Franks (AZ)	McClintock	Simpson
Frelinghuysen	McHenry	Smith (MO)
Gallego	McIntyre	Smith (NE)

Smith (TX)	Upton	Williams
Southerland	Valadao	Wilson (SC)
Stewart	Vela	Wittman
Stivers	Wagner	Wolf
Stockman	Walberg	Womack
Stutzman	Walden	Woodall
Terry	Walorski	Yoder
Thompson (PA)	Weber (TX)	Yoho
Thornberry	Webster (FL)	Young (AK)
Tiberi	Wenstrup	Young (IN)
Tipton	Westmoreland	
Turner	Whitfield	

## NOT VOTING—12

Campbell	Hoyer	Radel
Castro (TX)	Kingston	Ruiz
Duncan (TN)	Lowenthal	Rush
Herrera Beutler	McCarthy (NY)	Smith (NJ)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1138

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 5 OFFERED BY MR. DINGELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. DINGELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 239, not voting 16, as follows:

[Roll No. 609]

AYES—175

Andrews	DeFazio	Honda
Bass	DeGette	Horsford
Beatty	DeLauro	Huffman
Becerra	DelBene	Israel
Bera (CA)	Deutch	Jackson Lee
Bishop (GA)	Dingell	Jeffries
Bishop (NY)	Doggett	Johnson (GA)
Bonamici	Doyle	Johnson, E. B.
Brady (PA)	Duckworth	Kaptur
Braley (IA)	Edwards	Keating
Brown (FL)	Ellison	Kelly (IL)
Brownley (CA)	Engel	Kennedy
Bustos	Enyart	Kildee
Butterfield	Eshoo	Kilmer
Capps	Esty	Kind
Capuano	Farr	Kuster
Cárdenas	Fattah	Langevin
Carney	Foster	Larsen (WA)
Carson (IN)	Frankel (FL)	Larson (CT)
Cartwright	Frudge	Lee (CA)
Castor (FL)	Gabbard	Levin
Chu	Gallego	Lewis
Cicilline	Garamendi	Lipinski
Clarke	Grayson	Loeb sack
Clay	Green, Al	Lowey
Cleaver	Green, Gene	Lujan Grisham
Clyburn	Grijalva	(NM)
Cohen	Gutiérrez	Luján, Ben Ray
Connolly	Hahn	(NM)
Conyers	Hanabusa	Lynch
Cooper	Hastings (FL)	Maffei
Courtney	Heck (WA)	Maloney,
Crowley	Higgins	Carolyn
Cummings	Himes	Maloney, Sean
Davis (CA)	Hinojosa	Matsui
Davis, Danny	Holt	McCollum



McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)

Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schroeder  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Slaughter  
Smith (WA)

Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi

Blumenauer  
Campbell  
Castro (TX)  
Delaney  
Herrera Beutler  
Hoyer

## NOT VOTING—16

Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Kingston  
Ruiz  
Lofgren  
Rush  
Lowenthal  
Sires  
McCarthy (NY)  
Walberg  
Miller, George  
Radel

□ 1142

Mr. RODNEY DAVIS of Illinois changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. HULTGREN). The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. ROBY) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, and, pursuant to House Resolution 420, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1145

## MOTION TO RECOMMIT

Mr. TIERNEY. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 1900 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following new section:

**SEC. 3. NATURAL GAS PIPELINE SAFETY AND COMMUNITY RIGHT TO KNOW.**

The provisions of this Act shall not take effect unless the Federal Energy Regulatory Commission, in consultation with appropriate regulatory agencies, determines that implementation of the Act will not—

(1) adversely impact natural gas pipeline safety; or

(2) inhibit the ability of communities to meaningfully engage in the process of siting of natural gas pipelines that affect them.

Mr. POMPEO (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Madam Speaker, colleagues, this is the final amendment to the bill, and, as you know, it will not kill the bill. It will not send it back to committee. If this motion is adopted, the bill will immediately proceed to final passage, as amended. And I ask you to consider doing that.

Over the last several years, it is my understanding that FERC has approved 69 major natural gas pipelines. They span over 3,000 miles in 30 States with a total capacity of nearly 30 billion cubic feet per day.

The Government Accountability Office, the firm that does our research for us, has found that FERC's pipeline permitting is predictable, it is consistent, and it gets pipelines built. For some reason, the underlying bill replaces that existing natural gas permitting process with a process that appears to be arbitrary, unworkable, and a one-size-fits-all approach.

The bill would force regulatory agencies to comply with what many believe are unreasonable permitting deadlines—1 year for FERC and 3 months for other permitting agencies—to render decisions on applications no matter how complex they are and potentially before the public risks are fully understood, particularly by our local areas.

If the underlying bill didn't attempt to fix an existing permitting process that many, including the pipeline trade association, agree is not broken, then perhaps my amendment wouldn't be necessary. If the majority had supported any of the responsible amendments that were proposed by the gentleman from Michigan (Mr. DINGELL) and others here a little while ago, perhaps it wouldn't be necessary. But it is necessary.

The motion states that this bill will not take effect until FERC determines its implementation will not adversely impact natural gas pipeline safety and that it will not inhibit the ability of communities to engage in the process

## NOES—239

Aderholt  
Amash  
Amodi  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen

Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley

McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peters (CA)  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)

of siting natural gas pipelines. The motion seeks to protect public safety. It seeks to ensure that our constituents continue to have a voice in the permitting process.

Madam Speaker, I don't believe that that is too much to ask. It shouldn't be. So let's, please, do the reasonable thing. Let's stand up for safety. Let's stand up for our local constituencies and communities and support this motion.

With that, I yield back the balance of my time.

Mr. POMPEO. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. I urge my colleagues to vote in opposition to the motion to recommit.

Madam Speaker, while we share every one of our colleagues' concerns about pipeline safety, nothing in this legislation does anything to impact the safety of pipelines all across the country. Indeed, putting in new pipelines, increasing capacity for natural gas pipelines, will actually allow the retirement of older pipelines which might present even more risk.

We all know the tragic incident that happened in San Bruno, California. This body has taken action to rectify that. There were pipeline safety bills passed with all of the Members of the House, and it passed in the Senate as well, to make sure that every pipeline built is done so in a way that is safe and responsible and with plenty of time for community input.

The motion to recommit suggests that H.R. 1900 would eliminate that time. It does nothing of that nature. In every case, for a complex pipeline, there will be nearly 2 years' time for communities and interest groups who have concerns about the pipeline going into their territory, their region, to make their voices heard and to make their concerns registered in the public place.

I urge my colleagues to reject this motion to recommit and pass the underlying legislation, H.R. 1900.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TIERNEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on the passage of the bill, if ordered.

The vote was taken by electronic device, and there were—yeas 180, nays 233, not voting 17, as follows:

[Roll No. 610]

#### YEAS—180

Andrews	Gutiérrez	Nolan
Barber	Hahn	O'Rourke
Bass	Hanabusa	Pallone
Beatty	Hastings (FL)	Pascarell
Becerra	Heck (WA)	Pastor (AZ)
Bera (CA)	Higgins	Payne
Bishop (GA)	Himes	Pelosi
Bishop (NY)	Hinojosa	Perlmutter
Blumenauer	Holt	Peters (CA)
Bonamici	Honda	Peters (MI)
Brady (PA)	Horsford	Price (ME)
Braley (IA)	Huffman	Pocan
Brown (FL)	Israel	Polis
Brownley (CA)	Jackson Lee	Price (NC)
Bustos	Jeffries	Quigley
Butterfield	Johnson (GA)	Rahall
Capps	Johnson, E. B.	Rangel
Capuano	Kaptur	Richmond
Cárdenas	Keating	Roybal-Allard
Carney	Kelly (IL)	Ruppersberger
Cartwright	Kennedy	Ryan (OH)
Castor (FL)	Kildee	Sánchez, Linda
Chu	Kilmer	T.
Cicilline	Kind	Sanchez, Loretta
Clarke	Kirkpatrick	Sarbanes
Clay	Kuster	Schakowsky
Cleaver	Langevin	Schiff
Cohen	Larsen (WA)	Schneider
Connolly	Larson (CT)	Schwartz
Conyers	Lee (CA)	Scott (VA)
Cooper	Levin	Scott, David
Courtney	Lewis	Serrano
Crowley	Lipinski	Sewell (AL)
Cummings	Loebback	Shea-Porter
Davis (CA)	Lofgren	Sherman
Davis, Danny	Lowe	Sinema
DeFazio	Lujan Grisham	Sires
DeGette	(NM)	Slaughter
Delaney	Luján, Ben Ray	Smith (WA)
DeBene	(NM)	Speier
Deutch	Lynch	Swalwell (CA)
Dingell	Maffei	Takano
Doggett	Maloney,	Thompson (CA)
Doyle	Carolyn	Thompson (MS)
Duckworth	Maloney, Sean	Tierney
Edwards	Matsui	Titus
Ellison	McCollum	Tonko
Engel	McDermott	Tsongas
Enyart	McGovern	Van Hollen
Eshoo	McIntyre	Vargas
Esty	McNerney	Veasey
Farr	Meeks	Velázquez
Fattah	Meng	Visclosky
Foster	Michaud	Walz
Frankel (FL)	Miller, George	Waters
Fudge	Moore	Watt
Gabbard	Moran	Waxman
Garamendi	Murphy (FL)	Welch
Garcia	Nadler	Wilson (FL)
Grayson	Napolitano	Yarmuth
Green, Al	Neal	
Grijalva	Negrete McLeod	

#### NAYS—233

Aderholt	Calvert	Dent
Amash	Camp	DeSantis
Amodei	Cantor	DesJarlais
Bachmann	Capito	Diaz-Balart
Bachus	Carson (IN)	Duffy
Barletta	Carter	Duncan (SC)
Barr	Cassidy	Duncan (TN)
Barrow (GA)	Chabot	Ellmers
Barton	Chaffetz	Farenthold
Benishek	Coble	Fincher
Bentivolio	Coffman	Fitzpatrick
Bilirakis	Cole	Fleischmann
Bishop (UT)	Collins (GA)	Fleming
Black	Collins (NY)	Flores
Blackburn	Conaway	Forbes
Boustany	Cook	Fortenberry
Brady (TX)	Cotton	Fox
Bridenstine	Crawford	Franks (AZ)
Brooks (AL)	Crenshaw	Frelinghuysen
Brooks (IN)	Cuellar	Galleo
Brown (GA)	Culberson	Gardner
Buchanan	Daines	Garrett
Bucshon	Davis, Rodney	Gerlach
Burgess	Denham	Gibbs

Gibson	Marino	Roskam
Gingrey (GA)	Massie	Ross
Gohmert	Matheson	Rothfus
Goodlatte	McCarthy (CA)	Royce
Gosar	McCaul	Runyan
Gowdy	McClintock	Ryan (WI)
Granger	McHenry	Salmon
Graves (GA)	McKeon	Sanford
Graves (MO)	McKinley	Scalise
Green, Gene	McMorris	Schock
Griffin (AR)	Rodgers	Schrader
Griffith (VA)	Meadows	Schweikert
Grimm	Meehan	Scott, Austin
Guthrie	Messer	Sensenbrenner
Hall	Mica	Sessions
Hanna	Miller (FL)	Shimkus
Harper	Miller (MI)	Simpson
Harris	Miller, Gary	Smith (MO)
Hartzler	Mullin	Smith (NE)
Hastings (WA)	Mulvaney	Smith (NJ)
Heck (NV)	Murphy (PA)	Smith (TX)
Hensarling	Neugebauer	Southerland
Holding	Noem	Stewart
Hudson	Nugent	Stivers
Huelskamp	Nunes	Stockman
Huizenga (MI)	Nunnelee	Stutzman
Hultgren	Olson	Terry
Hunter	Owens	Thompson (PA)
Hurt	Palazzo	Thornberry
Issa	Paulsen	Tiberi
Jenkins	Pearce	Tipton
Johnson (OH)	Perry	Turner
Johnson, Sam	Peterson	Upton
Jones	Petri	Valadao
Jordan	Pittenger	Vela
Joyce	Pitts	Wagner
Kelly (PA)	Poe (TX)	Walberg
King (IA)	Pompeo	Walden
King (NY)	Posey	Walorski
Kinzinger (IL)	Price (GA)	Weber (TX)
Kline	Reed	Webster (FL)
Labrador	Reichert	Wenstrup
LaMalfa	Renacci	Westmoreland
Lamborn	Ribble	Whitfield
Lance	Rice (SC)	Williams
Lankford	Rigell	Wilson (SC)
Latham	Roby	Wittman
Latta	Roe (TN)	Wolf
LoBiondo	Rogers (AL)	Womack
Long	Rogers (MI)	Woodall
Lucas	Rohrabacher	Yoder
Luetkemeyer	Rokita	Yoho
Lummis	Rooney	Young (AK)
Marchant	Ros-Lehtinen	Young (IN)

#### NOT VOTING—17

Campbell	Herrera Beutler	Rogers (KY)
Castro (TX)	Hoyer	Ruiz
Clyburn	Kingston	Rush
Costa	Lowenthal	Shuster
Cramer	McCarthy (NY)	Wasserman
DeLauro	Radel	Schultz

□ 1155

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 2013.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Tom Schedler, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held November 16, 2013, the Honorable Vance M. McAllister was elected Representative to Congress for the Fifth Congressional District, State of Louisiana.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
*Clerk.*

SECRETARY OF STATE,  
STATE OF LOUISIANA,

*Baton Rouge, LA, November 18, 2013.*

Hon. KAREN L. HAAS,  
*Clerk, House of Representatives,*  
*Washington, DC.*

DEAR Ms. HAAS: This is to advise you that the unofficial results of the Special Election held on Saturday, November 16, 2013, for Representative in Congress from the Fifth Congressional District of Louisiana show that Vance M. McAllister received 54,449 or 59.65% of the total number of votes cast for the office.

It would appear from these unofficial results that Vance M. McAllister was elected as Representative in Congress from the Fifth Congressional District of Louisiana.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all parishes involved, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

TOM SCHEDLER,  
*Secretary of State.*

□ 1200

# SWEARING IN OF THE HONORABLE VANCE M. MCALLISTER, OF LOUISIANA, AS A MEMBER OF THE HOUSE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana, the Honorable VANCE M. MCALLISTER, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise his right hand.

Mr. VANCE M. MCALLISTER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 113th Congress.

The Chair has determined that the children in the well are 12 years and younger.

## WELCOMING THE HONORABLE VANCE M. MCALLISTER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. BOUSTANY) is recognized for 1 minute.

There was no objection.

Mr. BOUSTANY. Mr. Speaker, as dean of the Louisiana delegation, I would like to welcome Louisiana's newest Congressman, VANCE MCALLISTER, of the Fifth Congressional District.

VANCE is a resident of Swartz, Louisiana, and has been married for 15 years to Kelly. They are the proud parents of five beautiful children.

VANCE is a veteran of the United States Army and Louisiana National Guard. He is a self-made businessman and a well-regarded entrepreneur.

I look forward to serving with you, VANCE, on behalf of the people of Louisiana.

Welcome to the United States House of Representatives.

Now I would like to yield to my good friend, CEDRIC RICHMOND.

Mr. RICHMOND. Thank you, Mr. BOUSTANY.

Mr. Speaker, it gives me great pleasure to welcome the newest member of the Louisiana delegation, the Representative of Louisiana's Fifth Congressional District, to Washington, D.C., and to this distinguished body. There is no doubt in my mind that he will be a welcome addition.

While he has never served in or held elective office, Mr. MCALLISTER brings with him the value of the many experiences and accomplishments he has attained through his lifetime. Like Mr. BOUSTANY said, he is a veteran, a successful businessman, and a devoted family man. He has committed himself to addressing the needs of the people of Louisiana and finding commonsense solutions to the problems that plague the Nation.

One thing that I have come to know as a Member who represents Louisiana is that, historically, we have not had the luxury of being partisan because of the many needs of our State.

With that, Mr. Speaker, I congratulate our newest Member of the House and welcome him.

Mr. BOUSTANY. I yield to the statesman from Louisiana, Mr. VANCE M. MCALLISTER.

Mr. MCALLISTER. First, let me just say thank you. What an honor it is to be part of such an elite group, as well as the many people that walked before us in these Halls of Congress. With that comes great honor and great value.

I want to say thank you to everybody in the gallery that got me here. I wouldn't be here today if it wasn't for them, and I wouldn't be here today if it wasn't for these kids.

As I always said—and I know we are ready to get out of here—they didn't raise no dummy, I can tell you that. I didn't get here by accident.

I just want to say, let's make sure we keep this country, our politicians, and everybody in our prayers. Let's do the right thing by this country and take care of business, like we should. Let's all work together.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is now 432.

## NATURAL GAS PIPELINE PERMITTING REFORM ACT

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 165, not voting 14, as follows:

[Roll No. 611]

AYES—252

Aderholt	Cramer	Guthrie
Amash	Crawford	Hall
Amodei	Crenshaw	Hanna
Bachmann	Cuellar	Harper
Bachus	Culberson	Harris
Barber	Daines	Hartzler
Barletta	Davis, Rodney	Hastings (WA)
Barr	Denham	Heck (NV)
Barrow (GA)	Dent	Hensarling
Barton	DeSantis	Holding
Benishek	DesJarlais	Hudson
Bentivolio	Diaz-Balart	Huelskamp
Bilirakis	Duffy	Huizenga (MI)
Bishop (GA)	Duncan (SC)	Hultgren
Bishop (UT)	Duncan (TN)	Hunter
Black	Ellmers	Hurt
Blackburn	Enyart	Issa
Boustany	Farenthold	Jenkins
Brady (PA)	Fincher	Johnson (OH)
Brady (TX)	Fitzpatrick	Johnson, Sam
Bridenstine	Fleischmann	Jones
Brooks (AL)	Fleming	Jordan
Brooks (IN)	Flores	Joyce
Broun (GA)	Forbes	Kelly (PA)
Buchanan	Fortenberry	King (IA)
Bucshon	Fox	King (NY)
Burgess	Franks (AZ)	Kinzinger (IL)
Bustos	Frelinghuysen	Kirkpatrick
Calvert	Gallego	Kline
Camp	Garcia	Labrador
Cantor	Gardner	LaMalfa
Capito	Garrett	Lamborn
Carter	Gerlach	Lance
Cassidy	Gibbs	Lankford
Chabot	Gibson	Latham
Chaffetz	Gingrey (GA)	Latta
Coble	Gohmert	LoBiondo
Coffman	Goodlatte	Long
Cole	Gosar	Lucas
Collins (GA)	Gowdy	Luetkemeyer
Collins (NY)	Graves (GA)	Lummis
Conaway	Graves (MO)	Maloney, Sean
Cook	Griffin (AR)	Marchant
Costa	Griffith (VA)	Marino
Cotton	Grimm	Massie

Matheson  
McAllister  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Negrete McLeod  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peters (CA)  
Peterson  
Petri  
Pittenger  
Pitts

## NOES—165

Andrews  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Butterfield  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard

Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schradler  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shinkus  
Shuster  
Simpson

Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Velázquez  
Visclosky  
Walz  
  
Campbell  
Capps  
Castro (TX)  
Clyburn  
Granger

Wasserman  
Schultz  
Waters  
Watt

Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—14

Herrera Beutler  
Hoyer  
Kingston  
Lowenthal  
McCarthy (NY)

Nolan  
Radel  
Ruiz  
Rush

□ 1213

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 610, the motion to recommit with instructions, regarding the “Natural Gas Pipeline Permitting Reform Act” (H.R. 1900). Had I been present, I would have voted “yes”.

Ms. GRANGER. Mr. Speaker, on rollcall No. 611, I had to miss the vote for final passage of H.R. 1900, the Natural Gas Pipeline Permitting Reform Act because of a previously scheduled event in my district with constituents. Had I been present, I would have voted “aye.”

Stated against:

Mr. NOLAN. Mr. Speaker, had I been present on rollcall vote No. 611 (on passage of H.R. 1900) I would have voted “no.”

## PERSONAL EXPLANATION

Mr. LOWENTHAL. Mr. Speaker, on rollcall No. 605 on the Tonko (NY) amendment on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded because I was absent due to official business in my district. Had I been present, I would have voted “aye” on the amendment.

Mr. Speaker, on rollcall No. 606 on the Castor (FL) amendment on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded because I was absent due to official business. Had I been present, I would have voted “aye” on the amendment.

Mr. Speaker, on rollcall No. 607 on the Speier (CA) amendment on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded because I was absent due to official business. Had I been present, I would have voted “aye” on the amendment.

Mr. Speaker, on rollcall No. 608 on the Jackson-Lee (TX) amendment on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded because I was absent due to official business. Had I been present, I would have voted “aye” on the amendment.

Mr. Speaker, on rollcall No. 609 on the Dingell (MI) amendment on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded because I was absent due to official business. Had I been present, I would have voted “aye” on the amendment.

Mr. Speaker, on rollcall No. 610 on the Motion to Recommit H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded because I was absent due to official business. Had I been present, I would have voted “aye” on the amendment.

Mr. Speaker, on rollcall No. 611 on Final Passage of H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, I am not recorded

because I was absent due to official business. Had I been present, I would have voted “nay.”

# ANNOUNCEMENT REGARDING CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX ACCOMPANYING INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2014

Mr. ROGERS of Michigan. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill, H.R. 3381, the Intelligence Authorization Act for Fiscal Year 2014, reported favorably to the House with amendments. The committee's report will be filed next Monday.

Mr. Speaker, the classified Schedule of Authorizations and the classified Annex accompanying the bill will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC-304 of the Capitol Visitors Center beginning any time after this report is filed. The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration of the House. I anticipate that H.R. 3381 will be considered in the House in the near future.

□ 1215

I recommend that Members wishing to review the classified Annex contact the committee's Director of Security to arrange a time and date for that viewing. This will ensure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The classified Annex to the committee's report contains the committee's recommendations on the intelligence budget for the fiscal year 2014 and related classified information that cannot be disclosed publicly.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which permits access to classified information by only those Members of the House who have signed the oath provided for in the rule.

If a Member has not yet signed the oath but wishes to review the classified Annex and Schedule of Authorizations, the committee staff can administer the oath and see that the executed form is sent to the Clerk's office. In addition, the committee's rules require that Members agree in writing to a non-disclosure agreement. The agreement indicates that Members have been granted access to the classified Annex and that they are familiar with the rules of the House and the committee with respect to the classified nature of the information and the limitations on the disclosure of that information.

# HOUR OF MEETING ON TOMORROW

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore (Mr. YOHIO). Is there objection to the request of the gentleman from Michigan?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1698

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado (Mr. COFFMAN) be removed as a cosponsor from H.R. 1698.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## AMERICAN ENERGY INDEPENDENCE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, just a couple of years ago, America was on a path to spending hundreds of billions of dollars more a year on energy imports to fulfill its energy needs—money that could otherwise be used to invest in our kids and to pay down our debt.

Today, due to shale oil and natural gas activity, the U.S. is set to leapfrog Saudi Arabia and Russia to become the world's biggest producer of oil and gas and, by 2035, capable of providing all of its own energy. This activity also contributed over 1.7 million jobs in 2012 and saved American families \$100 per month in the form of lower energy bills.

These amazing strides towards greater energy independence and a better standard of living for more Americans are due to energy development taking place not on Federal lands but on State and private lands, regulated not by the Federal Government but by our States.

This week, the House acted on policies to keep us on this path to greater energy security—a future where America is less reliant on the rest of the world to fulfill its energy and power needs.

## TYPHOON YOLANDA

(Ms. DUCKWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUCKWORTH. Mr. Speaker, today, I stand with my neighbors in Illinois and express my deepest sympathies to the victims of Typhoon Yolanda. More than 4,000 Filipinos died in this tragedy, and millions more are now in need of assistance.

While we mourn for those who suffer, I am also inspired by the resilience of the victims and of the generosity of the American people. I want the people of the Philippines to know that we stand with you.

Our brave men and women stationed in Okinawa were on the ground, evacuating victims and dispersing supplies within 2 days of the storm hitting. Local communities throughout the United States, including my district, are also helping. Motorola Solutions, based in Schaumburg, Illinois, and its employees have already donated \$150,000 and emergency equipment to help with the recovery. We in the Eighth District will not forget our Filipino friends and families.

Yesterday, members of the Illinois congressional delegation and I also sent a letter to Secretary Hagel, asking that the men and women of the Illinois National Guard be allowed to fly their C-130s of supplies, collected in Illinois, to the Philippines in order to assist with the recovery. I know the dedication and professionalism of these men and women, and I am certain that their contribution will save lives.

Citizens of the world look to the United States for leadership in difficult times; and time and again our Nation has stepped forward to help those in need. I am proud that America is doing so much to help the victims of Typhoon Yolanda, but I also know that that need, that that assistance will be needed well into the future as the Philippines continue to recover.

Again, to our Filipino friends and families, we stand with you.

## REALITY CHECK PROGRAM

(Mr. POSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSEY. Mr. Speaker, I want to draw attention to a positive program that helps young people make better choices. It is called the Reality Check Program, and it was founded by Larry Lawton of West Melbourne, Florida.

In his youth, Mr. Lawton lived a life of crime, and that ultimately landed him in Federal prison for 11 hard years. Upon his release, Larry dedicated his life to helping kids everywhere make better choices by reaching at-risk young people before they make serious mistakes. Larry uses his experiences in prison to show kids the truth about where that path leads and what life in prison is really like.

The Reality Check Program has earned recognition from many in local law enforcement, from county and State judges and, of course, from families and, possibly, wayward kids. In Missouri, the Lake St. Louis Police Department enlisted Larry Lawton as an honorary deputy.

Helping kids make better choices makes for healthier families, safer

communities, and a stronger Nation. I salute the program.

## PANCREATIC CANCER AWARENESS MONTH

(Mr. BEN RAY LUJÁN of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, November is Pancreatic Cancer Awareness Month, which is when we bring awareness to a disease that takes the lives of too many men and women.

Pancreatic cancer is the 10th most commonly diagnosed cancer in men and the ninth most in women, but it is the fourth leading cause of cancer deaths. Sadly, it is estimated this year that 73 percent of patients with this disease will die within the first year of diagnosis.

While these statistics are daunting, I believe that Pancreatic Cancer Awareness Month is a time for hope. It is a time when we stand up and call attention to this disease and when we call for more research to find better methods of early detection. It is a time to share the stories of those we have lost in the hope that they will help spur action and move us closer to more effective treatments.

Mr. Speaker, pancreatic cancer patients and their families are among the countless Americans who are demanding that we fix sequestration, which has reduced funding for the National Institutes of Health and the National Cancer Institute and which has held back progress toward lifesaving medical research. It is critical that we all work together to fight this terrible disease.

## IRAN STILL WANTS NUKES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the world was reminded yesterday why Iran should not get a nuclear weapon—it would be a constant threat to Israel.

In a rally in Iran, the Supreme Leader denounced Israel as “untouchable rabid dogs.” He then went on to talk about Iran's nuclear program.

On the same day that negotiators met in Geneva, the Supreme Leader said that Iran will not back down one iota. He vowed that Iranians would slap the aggressors in the face in a way that they would not forget.

Mr. Speaker, we cannot change the Iranians' philosophy of hate, but we can change their actions. They must be forced to stop nuclear weapon development with tougher sanctions. The Supreme Leader made it clear that he does not feel any pressure to give in.

When I met with Prime Minister Netanyahu 2 weeks ago, he reiterated

that the West needs to understand that Iran's goal is to destroy Israel and the United States.

Letting up on sanctions increases the chances Iran will get nuclear weapons, and war will result. Now is not the time to appease the bully aggressor from the desert—Iran.

And that's just the way it is.

#### THE HASTERT RULE

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, Speaker BOEHNER says that the Hastert rule demands that he only allow votes on bills that are supported by a majority of his own party instead of a majority of the whole House.

Last weekend, a constituent asked me where the Hastert rule came from. I did a little research. It doesn't exist. Not a single page of this book—the House manual of rules and procedures—contains the Hastert rule. That is because bills in the House need votes from a majority of all Members, not by a majority of any party.

The Speaker, himself, knows that the Hastert rule is no rule at all. That is why, whenever extremists bring us to the brink of default or insist on a costly government shutdown, the Speaker brushes it aside and relies on support from reasonable Republicans and Democrats.

The Hastert rule is only used to prevent votes Americans actually want. They want us to pass reasonable gun laws, to pass ENDA, to protect LGBT Americans from discrimination. They want us to pass commonsense immigration reform, and they want us to pass a minimum-wage increase.

This week, the GOP reminded us that it has no agenda. Don't use the nonexistent Hastert rule to block the agenda of the American people.

#### CIVIC ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today's elections are costing more and more each year.

According to the Center for Responsive Politics, winning candidates spent an average of \$1.5 million in the 2011–2012 election cycle. More than \$4 billion was contributed to campaigns during the last cycle, with 63 percent of this total coming from donors who gave more than \$200.

Most would agree that the ideal way to finance political campaigns is through a broad base of donors. This is why I propose to bring back the Federal tax credit for small campaign contributions. Today, I have introduced the Citizen Involvement in Campaigns

Act. Under this legislation, individuals who donate amounts up to \$200 to a Federal campaign could receive a tax credit equal to that contribution.

With more and more campaign operations moving to Web sites and online resources, campaigns could tilt the playing field away from special interests and large donors and empower small donors and average Americans. This bill is a step in the right direction of encouraging greater participation in our campaigns, and I urge my colleagues to cosponsor this legislation.

#### P5+1 NEGOTIATIONS WITH IRAN

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Members of the House, I rise to speak about the negotiations under way in Geneva today between the five permanent members of the U.N. Security Council plus Germany.

Mr. Speaker, those negotiations have the potential to lead to a peaceful resolution to the standoff over Iran's nuclear program. If successful, these negotiations could put in place the restrictions and intrusive inspections needed to ensure that Iran's nuclear program is used exclusively for peaceful purposes.

With a significant diplomatic breakthrough within reach, now is not the time to consider new sanctions which could derail the negotiations and strengthen the position of those in Iran who oppose a settlement with the United States.

□ 1230

#### CONGRATULATIONS TO THE BOSTON RED SOX

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to remind all Americans that we should pay our debts.

I stand here today to pay a debt for a friendly wager I made with my colleague JOE KENNEDY, and I rise to offer my congratulations to the Boston Red Sox for winning the World Series. The Red Sox overcame a 2-1 series lead and rattled off three straight victories to capture the 2013 championship.

I certainly think that the Boston Red Sox showed the St. Louis Cardinals and the rest of the world why they are deserving of the slogan "Boston Strong."

However, I hope that this series win will forever erase the curse of the Bambino. Yes, Red Sox fans, no more excuses for losing.

#### 50TH ANNIVERSARY OF JOHN F. KENNEDY'S ASSASSINATION

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, tomorrow will mark 50 years since President John F. Kennedy's tragic assassination in Dallas, Texas.

As Americans pause to remember President Kennedy's legacy of public service and fight toward achieving racial equality, north Texas will host events related to the occasion, both in Dallas and Fort Worth.

A dear friend and mentor, former House Speaker Jim Wright, who accompanied the President on that fateful day, will be a special guest at the Fort Worth Chamber of Commerce High Impact 50th Anniversary Breakfast at the Downtown Fort Worth Hilton. Formerly known as the Hotel Texas, it is where President Kennedy spent his last night and delivered one of his final two speeches.

President Kennedy defied a tumultuous era of racial and gender discrimination by promoting forward-thinking policies for the sake of progress. Kennedy also defined the civil rights crisis as moral, as well as constitutional and legal.

As we commemorate President Kennedy's life and the historic impact he had on the Dallas-Fort Worth area and the Nation, I call upon my colleagues to work together to ensure that the legacy that inspired a generation lives on.

#### RURAL HEALTH

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to acknowledge National Rural Health Day.

The Third District of Nebraska spans 75 counties and contains hundreds of small towns and over 50 critical-access hospitals. The providers who serve these communities face many challenges without the heavy hand of government.

In particular, I am concerned about physician supervision regulations which may be released by the Centers for Medicare and Medicaid Services later this month. Physicians, nurses, and ancillary staff in rural facilities are highly trained and experienced in determining the appropriate level of patient care.

Failure to allow practitioners the necessary discretion to manage care administration may actually limit the access to basic services and could further discourage physicians from seeking rural positions.

I will continue to fight to ensure our rural communities maintain access to the quality care, and I appreciate the

opportunity to recognize National Rural Health Day.

#### TOPICS OF THE DAY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, there are remaining issues of justice that this House must address.

First, let me offer my deepest sympathy to the people of the Philippines who, as you look at the landscape, 10 million people have been affected, 4,011 deaths, and 4.4 million people displaced. We must come together as a Nation and come together as a Congress and provide the resources. Let me salute the United States military and our marines who landed first who are a lifeline to those people. Let me say to them that we are with you.

Then I want to say that the Senate has addressed the justice issue ENDA for the LGBT community. How can we stand here on the precipice of honoring great leaders and not recognize that there are people who need human dignity? Pass ENDA now.

And let me pay tribute to the 50th year of the assassination of President John F. Kennedy and salute him—yes, salute him—as one of the greatest leaders and visionaries—Camelot—who led this country and inspired this country to greatness and service. We owe a debt of gratitude and appreciation to the legacy of his family and to the service they have given.

To President John F. Kennedy, may he rest in peace and thank him for inspiring millions of people.

#### STAND UP FOR LIBERTY

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, the American people are losing trust in their government. The continuous dragnet collection of data by the NSA is just one of the many reasons why.

Liberty and privacy are the foundations for which this country was established. Even though emails have replaced most handwritten letters and phone calls have replaced many face-to-face conversations, these principles still endure today.

The administration defends PRISM and similar programs by relying on “warrants” whose mere existence mocks the Constitution. The FISA Court proceedings where these warrants originate take place behind closed doors and cater only to the government’s case for increased surveillance. In these secret, one-sided proceedings, no one is there to advocate on behalf of privacy and individual liberty. No one is there to advocate on behalf of the American people.

With no requirements for public disclosure of the Court’s decision, Congress and the American people are left in the dark. This is unacceptable. Maintaining a secure Nation can be done within the bounds of the Constitution. Privacy and national security are not mutually exclusive.

That is why I am a cosponsor of the LIBERT-E Act, the USA FREEDOM Act, and the NASA Inspector General Act to help address many of these issues.

I urge my colleagues in the House and Senate, both Republicans and Democrats, to stand up for liberty.

#### INSPIRING A SENSE OF IDEALISM, SPIRIT OF PUBLIC SERVICE IN THE AMERICAN PEOPLE

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, I rise today because tomorrow is the 50th anniversary of the assassination of President John F. Kennedy.

President Kennedy inspired me to get into government. I was only 14 years old when he passed. His death left an indelible mark on me and everybody of my generation who experienced that national sharing of grief that went on that weekend.

President Kennedy was a person who said that politics is an honorable profession. I believe it is, and I believe people should get involved in politics and public service.

He founded the Peace Corps and asked people to “ask not what your country can do for you, but what you can do for your country,” which was a call for service.

It was a great loss to our Nation. He gave a great deal to our country. I would ask everybody to watch the TV specials, to read as much as they can, and to learn what they can about an honorable gentleman who tried to inspire people to get into government and do the right thing.

I thank his family for his coming along because it inspired me. I got to see him in Memphis when he campaigned. He is my hero.

#### 50TH ANNIVERSARY OF THE ASSASSINATION OF JOHN F. KENNEDY

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, tomorrow, November 22, we mark the 50th anniversary of one of the saddest days in American history.

This anniversary affords us the opportunity to remember President John F. Kennedy, who also served in this House, and to reflect on his idealism

and spirit of public service that he inspired in the American people.

President Kennedy encouraged all Americans to dream big dreams, like putting a man on the Moon by the end of that decade. He reminded us that this country is capable of great feats when the American people come together with a defined mission.

As President Kennedy said in 1961:

It will not be one man going to the Moon; it will be an entire Nation. For all of us must work to put him there.

President Kennedy’s goal was achieved on July 20, 1969, when Apollo 11 Commander Neil Armstrong was the first person to step on the Moon.

It is good to remember how President Kennedy inspired a Nation. The torch of freedom President Kennedy described in his inaugural speech has now been passed to yet another generation. Let this generation celebrate President Kennedy’s sense of idealism and public service every day.

#### TYPHOON HAIYAN

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, on behalf of the people of my home State of Hawaii, I stand today to send our heartfelt condolences to the victims of Super Typhoon Haiyan in the Philippines.

Like so many people in Hawaii and around the world, I and my family have loved ones, friends, and others who were affected by this devastation in Tacloban City and in other areas of the Philippines, and they have been at the forefront of our thoughts and prayers.

In the wake of such a horrible tragedy, the positive that we can find is the outpouring of compassion, support, and, most importantly, aloha from my State towards the people in the Philippines.

The Hawaii Air National Guard is working with the U.S. Pacific Command as we speak, which is based in Hawaii, as collectively they provide unparalleled air, maritime, and ground support to the aid efforts of the Philippines authorities. All across Hawaii, as across the world, we are seeing businesses, nonprofits, and individuals standing up individually and taking the time and energy to raise resources and to provide support to these aid efforts, to these relief efforts, and helping to reunite families and friends and communities.

I continue to pray for all those who have lost homes, family, and friends, and encourage all who are able to contribute in any way possible in this recovery effort.

#### 50TH ANNIVERSARY OF THE ASSASSINATION OF JOHN F. KENNEDY

(Mr. FARR asked and was given permission to address the House for 1



minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, as we reflect on the 50 years since the passing of President Kennedy, I want to reissue that thought about call for service. He struck me in his inaugural address of asking not what this country can do for you, but what you can do for the country; and I immediately responded when he created the Peace Corps. I am wearing this button today proudly as a return Peace Corps volunteer.

My thoughts are as we sort of enter into the next half century of thought about America and service, President Kennedy not only urged us to go to space; he urged us to send our people to places where no person had ever gone before, no American had ever been; to all of these remote countries in poverty situations and places where nobody had ever lived. It changed the image of America around the world so positively.

So for you young people that are thinking about the future, don't think of America as just a platform to make money. America is the platform to launch peace and understanding around the world. Join the Peace Corps, serve this country, call for service. It is honorable.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BENTIVOLIO). The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

#### OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, first of all, it is my honor to yield to a good friend whom I have tremendous respect for, from the State of Florida, my friend, RON DESANTIS.

Mr. DESANTIS. I thank the gentleman from Texas.

Mr. Speaker, I am struck by having been here to witness something that I think is pretty neat. We had a newly sworn in Member take the oath of office to become a Member of this body. Part of it is neat because he got endorsed by Duck Dynasty, which I know a lot of people like; but it was neat because I think it reminds us what our duties are here. He was asked to take an oath of office right here in the well of the House. That oath was very simple. It charged him with the duty to support and defend the Constitution of the United States against all enemies, foreign and domestic.

I think we need to have more of a reminder that that is our duty here. I am

struck by reading the Constitution and how the Founding Fathers laid out separation of powers and checks and balances.

For example, article I states clearly:

All legislative powers shall be vested in a Congress of the United States.

Article II prescribes authority for the President and imposes a duty on him to take care that the laws be faithfully executed.

I think that going back on those constitutional foundations and looking at how this particular President has made claims of his authority to essentially put aside the law or change the law should cause us great concern.

For example, with this employer mandate aspect of ObamaCare, the statute said very clearly it shall take effect this January 2014.

Well, that, obviously, would have been disastrous had they implemented that. We in the House were willing to delay it by statute. The President chose to do it by executive fiat.

□ 1245

And then most recently with the idea that ObamaCare was causing people to lose their plans, a lot of people in this body said, Look, we ought to grandfather these plans in; let people keep their plans. The President threatened to veto that, and then he issued, essentially, an executive order saying he is going to extend the grandfather clause and not enforce the ObamaCare mandate that is causing the cancellations.

So, on the one hand, ObamaCare is a holy writ that people in Congress are not allowed to touch in any way with our Article I power, but the President can essentially pick and choose which parts to enforce, which parts to delay, and who to grant waivers to. That ultimately is not sustainable, and it conflicts with the basic structure of American Government.

The American Revolution, if you read the Declaration of Independence, it was a revolt against executive power and the British King. Jefferson lists all the abuses that they were revolting against. One of the things that he mentioned was that King George III, what King George III had done wrong was for abolishing our most valuable laws and altering, fundamentally, the form of government.

Students in school throughout America are taught, Congress passes the law and the President can sign or veto the law, and the President has the duty to enforce the law. Now, there is certainly prosecutorial discretion that comes with that. If the President has a good-faith belief that a law is unconstitutional, of course they have to prefer the Constitution to the statute. But here, this President has not made any claim that ObamaCare is unconstitutional; and, indeed, he can't, because it is his signature piece of legislation.

I think the key thing to think about is the Founding Fathers did not create

separation of powers, checks and balances because they thought that students would need something to study in civics class. They did it because, ultimately, that structure of government was the surest way to protect the individual liberty of the American people and to preserve and maintain the rule of law.

I think disputes that we have regarding what this particular President may do should not even be about him, per se, because that just gets lost in partisanship back and forth. I think when we see any President taking steps that may not comport with how the structure of the government was intended to operate, we have to think about what precedent that sets, not just tomorrow, but 50 years from now. And so I have introduced a resolution that enumerates some of the instances in which the President has gone beyond using executive discretion and is essentially rewriting the law, either by failing to enforce entirely or suspending affirmatively different provisions of the law.

Much has been said recently about the failure of this core promise with respect to ObamaCare, that if you like your plan, you can keep it can. Obviously, we are seeing that is not true. We are going to continue to see that. People are going to lose doctors, and it really is a deception on a massive scale.

So I was thinking, you like your plan, you keep your plan; that obviously didn't work. Maybe we should get everyone in Congress and the White House to agree with this simple proposition: if you take an oath to the Constitution, you should keep your oath to the Constitution.

I thank the gentleman from Texas for yielding to me, and I know you will be someone who will take that oath seriously.

Mr. GOHMERT. I thank the gentleman from Florida. What a profound novel idea: if you take the oath, you should keep it. And that doesn't even mean if you like it. It is just, if you take the oath, you should keep it.

As my friend, Mr. DESANTIS was pointing out, there are so many problems with the ObamaCare bill. And I know the President referred to the bill as "ObamaCare" many times and said he was proud to do so, and so I certainly don't mean any disrespect or anything like that. On the other hand, it is extremely difficult to call it the "Affordable Care Act" when you know it is not affordable.

And a great indication of just how affordable it is came from a lady named Jessica Sanford. I heard the President at a press conference read the letter from Jessica Sanford from Washington State. And when I heard it, I thought, well, good. At least somebody has been able to find something good from ObamaCare, because in my office we have heard from so many people who

have already been adversely affected. So I thought, well, great. Three hundred-plus million people in the United States, he found one person that had a letter he could read from Jessica Sanford. Then it turns out, this article from the Daily Caller on November 19:

Jessica Sanford received a major shout-out last month when President Barack Obama mentioned her fan letter lauding her cheap, new ObamaCare coverage. But the Washington State business owner has now been informed that she can't even afford the cheapest ObamaCare exchange plan in her State. "I'm really terribly embarrassed," Sanford told the Washington State Wire. "It has completely turned around on me. I mean, completely."

The Washington State exchange Web site Washington Healthplanfinder originally gave Sanford a quote for coverage that would insure both her and her son for \$169 per month.

But after a series of corrections—and she was one of the few people who was able to get through on the Web site—she gets a quote, and it turns out that it was entirely wrong. It makes you wonder how many people got the wrong quote and won't find out and won't realize they did and will end up January 1 without insurance thinking they signed up, thinking they bought a policy they can afford only to find out they couldn't afford it.

In this case, it says the ObamaCare exchange Web site originally calculated Sanford would be eligible for a Federal ObamaCare tax credit that would lower her monthly premium total by \$452 per month, prompting the effusive letter that Obama read out loud during a White House speech.

I am a single mom, no child support, self-employed, and I haven't had health insurance for 15 years because it is too expensive. I was crying the other day when I signed up, so much stress lifted.

So the President was quick to share Ms. Sanford's gratitude and said:

Sanford's experience is what the Affordable Care Act is all about.

He went on:

The essence of the law, the health insurance that is available to people, is working just fine. In some cases, it actually is exceeding expectations. The prices are lower than we expected; the choice is greater than we expected.

But this article points out that Sanford was one of 8,000 people to be affected by 4,600 policies sold on the Washington exchange that had been quoted premium rates that were too low.

Ms. Sanford said:

I was dumbfounded. I thought this was a total mistake; they're going to correct this. This isn't true.

Now she says she can't even afford the cheapest Bronze ObamaCare plan. "I was like, forget that. I'm not going to pay." So she is going uninsured. Sanford now says of ObamaCare:

You are stuck on this big treadmill of bureaucracy. And, you know, it feels very out of control.

This article from today—this afternoon, actually—from Steven Ertelt, entitled, "ObamaCare Denies Hospital Choice for Blind Child With Rare Bone Disease," says:

As The Washington Post reports, a number of the Nation's top hospitals—including the Mayo Clinic in Minnesota, Cedars-Sinai in Los Angeles, and children's hospitals in Seattle, Houston, and St. Louis—are cut out of most plans sold on the exchange. In most cases, the decision was about the cost of care.

Here is how ObamaCare is hurting one family:

In Seattle, the region's predominant insurer, Premier Blue Cross, decided not to include the children's hospital as an in-network provider except in cases where the service sought cannot be obtained anywhere else. "Children's nonunique services were too expensive given the goal of providing affordable coverage for consumers," spokesman Eric Earling said in an email.

That brings up the point, the President wanted to provide everybody health insurance; and some of us, like me, were more concerned about getting them quality health care that was affordable. All this talk about insurance, insurance, insurance, the bigger, more important question should have been can we get them health care they can afford.

One of the biggest promises was it will lower most everybody's cost, and it turns out that was not true at all either. There are some in States, in a State like New York, where it was overpriced previously where it has come down some. But overall, when you add 18,000 new IRS agents that will not ever even apply a Band-Aid, they may cause a bunch of ulcers, but they will never provide any health care. And they are not from the U.S. Government to help you. They are there to go through all of your most important and most personal decisions with you—the IRS. Go figure.

This institution, the IRS, this agency that we find out got weaponized by the Obama administration to go after people they disagreed with. Richard Nixon had an enemy's list, but he never could do much with it. This administration has an enemy's list, and they have really gone after people and made them suffer for having a different political opinion than this administration.

This article points out:

For example, a pediatric appendectomy at Children's costs about \$23,000. At another community hospital, the cost is closer to \$14,000. Melzer said his hospital often bills more than community hospitals for comparable procedures because the children it treats are often gravely ill, so even a routine tonsillectomy may be more complicated.

But as a result, families like Jeffrey Blank's, which has relied on Seattle Children's since his daughter, Zoe, received a rare diagnosis of a rare bone disorder, face difficult decisions. Under some of the new law's health plans, the family would no longer be able to take Zoe to Children's for her routine checkups, or it could count as an "out-of-network" visit, saddling the family with huge bills.

As the pro-life movement warned during its adoption in Congress, health care will be rationed and health care access will be limited when the government gets involved. These lessons have been seen for decades in nations like Canada and England, and the United States is now following suit.

It makes such a great point, because when you add 18,000 IRS agents to be even more intrusive and get into your most private decisions about health care and your own health, they not only may cause you ulcers or create problems, they don't help at all. And I have no idea what the average IRS salary will be. I would imagine the IRS' average salary will be a lot higher than \$56,000. But if you just take \$56,000 as the average for the 18,000 IRS agents, it means that a billion dollars next year will go for IRS agents to harass you, that will come out of money that should be going to health care, and it is not going to help you a bit.

In fact, they are playing for the other team. They are out after you, not out to help you. And then when you add in all of these millions of navigators and you add in all the tens of thousands, maybe some make over \$100,000, and I am sure some of them will that are involved in this whole navigator process, not the lowest level but some surely will, and you think about all the billions of dollars over the next years that will be spent for navigators that, as we heard here in testimony from Kathleen Sebelius herself, yes, they can be convicted of a felony and we won't catch it because we are not checking on that kind of thing.

□ 1300

As a former judge who sentenced people to prison—for example, I never sent a woman to prison for felony welfare fraud when her crime was getting a job to try to get out of the hole the government lured her into by promising checks for every child she could have out of wedlock. I do believe in holding people accountable. I would sentence them, give them probation, and then do things like either max them out or come close to maxing out 800 hours of community service, but then make very clear as an incentive that if you get your GED or high school diploma, then I'll knock out 750 hours, to urge them to go forward and help themselves, which ultimately helps society. That is the kind of thing government is supposed to do.

Instead, this government, for too long, going back to the Great Society days, has incentivized things that lured people away from their God-given potential. It hasn't helped them; it has lured them away from their potential. Here we are now with ObamaCare not just luring people away from their health care, it has put a wall up between them and their health care.

I knew when I would hear our friends across the aisle here in the House and in the Senate talk about how health insurance is a right,—well, it is not in

the Constitution as a right. I was more concerned about “health care” than “health insurance.” There are ways to make it affordable.

When we see disparities of \$23,000 to \$14,000 for the same tonsillectomy, it should be very clear that we need competition, and when you have the government running everything, there is no competition. The government screws that up royally. It prevents the thing that made America so great: entrepreneurialism, competitive advantages that people have that work hard. It destroys those kinds of incentives, and now we are seeing it destroy lives.

Here is an article from November 19. “HHS Secretary Sebelius Visits South Florida to Meet With Health Care Navigators.” Gee, wouldn’t it be nice if we weren’t paying billions of dollars for government workers that will make your health care decisions more miserable instead of giving you more freedom?

Here is an article from yesterday on foxnews.com: Second Wave of Health Plan Cancellations Looms. It says:

A new and independent analysis of ObamaCare warns of a ticking timebomb, predicting a second wave of 50 million to 100 million insurance policy cancellations next fall—right before the mid-term elections. The next round of cancellations and premium hikes is expected to hit employees, particularly of small businesses.

It goes on to say:

As reported by AEI’s Scott Gottlieb, some businesses got around this by renewing their policies before the end of 2013. But the relief is temporary, and they are expected to have to offer in-compliance plans for 2015. According to Gottlieb, that means beginning in October 2014 the cancellation notices will start to go out.

So the millions of cancellations that have gone out now—people make the mistake of saying 5 million people. That is 5 million policies. That is the information I have got. There are million policies approximately so far. That is a lot more than 5 million people. That could be 15 million, 20 million people.

This article is exactly right. AEI is exactly right that come next year, a lot of people—we have heard this, Mr. Speaker, that a lot of people have been renewing their policies now before the end of the year so that they don’t completely lose it until next year around this time. Next fall, there will be millions and millions and millions more who will get those notices of cancellations.

As a result, this article from Marguerite Bowling points out, Obama’s legacy will be more Americans than ever reject government enrolled health care. It then points out the way it has gone from 64 percent and even up to 69 percent wanting government to be responsible for their health care to now dropping to 42 percent of Americans be-

cause people have begun to see what so many of us have been talking about for a number of years: the best solution is not more government. The best solution is not having navigators and IRS agents taking away money that could be spent on health care.

I have this article from David Martosko that points out that our President had claimed that more than 100 million Americans have enrolled. Obviously, that was just a mistake in the teleprompter. It is not his fault. Here is an article from the Heritage Foundation’s Morning Bell:

The American people rose up to repeal a health care law once before. They can do it again.

It goes back and points out about the bill that had been passed under a man that I greatly revere, a great President, Ronald Reagan, and he thought he was providing America with a great gift of catastrophic care for seniors, but it didn’t take but a couple of years for people to see this is a disaster, this isn’t a good thing. So in 1989, they stepped up and got it repealed.

An interesting CBS poll from yesterday points out that 84 percent of Democrats want ObamaCare changed or repealed. I had not seen that before, that article.

So it is important to understand just what is at stake with ObamaCare. These things are kind of worn. I have been through them so much, and I had gone through and read the bill so I would know what was in it before I voted, which is why I voted against it. There are things in here—and I will just hit a few since people are now waking up as this thing has become a reality. People are starting to wake up and realize that, wait a minute, this was not such a good idea.

When there were some who were concerned here in this room about the President representing that abortions would not be paid for under ObamaCare, some of us had read the bill—I think at that point it was the 1,000-page bill, and then the one that came out of the committee, and then somehow it magically became around 2,000 pages, and then we end up with my copy, which is just under 2,500.

At page 119, this was a comfort to some people when they read:

The services described in this clause are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted based on the laws in effect at the date that is 6 months before the beginning of the plan year.

But then it does have a provision that abortions with public funding are allowed.

Then the next section:

Prohibition on Federal Funds for Abortion. Services in Community Health Insurance Option.

That is the last I can find of abortion specifically being mentioned.

What gets really clever, since we now are of the Information Age where you can go online and see bills and you can do an electronic word search, if you go online and do an electronic word search for the word “abortion”—I didn’t see it. What you have to be aware of is these are really clever people. They were clever enough as they wrote this to make sure that the Speaker’s office and certain staffs would be exempted. It was really intriguing how clever some of these things were.

To avoid a word search picking this stuff up, like over here at page 122, it says, “Assured availability of varied coverage through exchanges,” and it says:

“The Secretary”—talking about Secretary Sebelius right now—“shall assure that with respect to qualified health plans offered in any exchange established pursuant to this title—(I) there is at least one such plan that provides coverage of services described in clauses (i) and (ii) of subparagraph B.”

Well, that surely couldn’t be abortion, unless you flip back and see what (i) and (ii) of B is. Guess what? That is the abortion referenced over on page 119. That is the way you get around people picking up those things; of course she is going to have provisions in here about that, and of course people shouldn’t forget that the provision at page 429—it was a special adjustment to FMAP, determination for certain States recovering from a major disaster. This was put in there to buy the votes from Louisiana. That is why some have called it the “Louisiana Purchase.” So we have got special consideration in there for that.

There are all kinds of things I used to go through. Of course, AARP got special dispensation.

Also, this administration saw that Medicare Advantage was really helping some people out. Their costs were lower. There were a lot of people that were telling me they liked Medicare Advantage. So as ObamaCare would do it, it would try to destroy anything that people liked and was helpful and mandate that you couldn’t have those provisions in your policy. They knew all along by putting this kind of thing in this bill, like at page 904, that people that liked their Medicare Advantage were not going to get to keep it. They sure weren’t going to like it after this bill got through with them. At 904, it goes after Medicare Advantage and says: “Nothing in this section shall be construed as requiring the Secretary to accept any or every bid submitted by an MA organization under this subsection.”

Then the next capital C, subparagraph (ii):

Authority to deny bids that propose significant increases in cost-sharing or decreases in benefits.

Because as the government keeps mandating more and more things, like

maternity care for men that are single and may be beyond their childbearing years—well, a single man that is 70 years old may think, gee, I am beyond childbearing years. I probably won't get pregnant any time soon. Maybe I don't need maternity care. Well, maybe Secretary Sebelius thinks you do. So you are going to pay for it anyway. That is the way people end up paying more than what they really need.

That was in the second volume.

I never could understand it. I keep asking questions, and nobody will give an explanation as to why, at page 1,312 in the health care bill, to make sure that everybody got the health care they needed that we had to create the Commissioned Corps and Ready Reserve Corps for service in time of national emergency over on page 1,314. It talks about national emergencies and public health crises. It gets "health" in there for part of it, but not under national emergencies.

Above that, it is talking about the purpose to "meet both routine public health and"—that is conjunctive, not disjunctive—"emergency response missions."

Well, I wish they would put "health" in here, and we would be more assured that this isn't creating some kind of Presidential brownshirts or something, but we can't get an answer on who these people are, what they are being trained with, what they are being trained on. Are they being trained with weapons? Are they being trained with medical equipment? What are they being trained on?

One thing that I have learned, as both a judge and a chief justice, and now in Congress, is that if words are not specific, somebody is going to figure out to just use their plain meaning. So when something says "national emergencies," like this bill, there will be times it will be called in for national emergencies rather than just health emergencies.

□ 1315

And the next section talks about public health emergencies, both foreign and domestic, but we have already learned that they didn't put the word "health" in the national emergency. And so it is strange.

These are commissioned officers of the Ready Reserve Corps. They will be appointed by the President. Commissioned officers of the regular Corps shall be appointed by the President, and it is subject to advice and consent of the Senate; but that is for the actual appointment.

But it makes clear over here that they are subject—it says that the Corps will be available and ready for involuntary calls to Active Duty during national emergencies and public health crises. And then below the health crisis, foreign and domestic. So that is some more.

I have insurance that has a health savings account attached to it. I think Aetna could have done better, and I was looking forward to improving my policy, except that ObamaCare came in and made sure that anybody that had a policy with a high deductible and a health savings account they liked were probably not going to be able to keep it because they took shots and terrifically restricted what you could use a health savings account for.

The goal is to get rid of them because if people get that much control over their own health savings account or, as the bill I filed back before ObamaCare ever passed, nearly a year before it passed, I say give seniors a choice. Let them choose Medicare. Let people choose Medicaid.

Or it would be cheaper for us if we just say, look, we will buy you a Cadillac, not a bronze, we will buy you the best coverage, great coverage, and it will have a high deductible now, maybe \$5,000, something like that for a deductible, and we will give you the cash in a health savings account.

You get control back of your health care. You can handle it yourself. Your debit card will be coded where you can only use it for health care, but then let you make the decisions.

But this won't even let you go get your own medicine or drug unless it is prescribed. This kind of stuff is running up the costs and trying to get rid of HSAs. It is very clear.

Oh, and I love—they have got a provision in here for States, this, back 2,300 or so, they have got a provision in here that, gee, we have given out grants, but if your State has bothered to do malpractice reform, like the Federal Government hasn't done, then if you put caps on pain and suffering, for example, then you are not going to be getting the grants that other States are.

Well, there are a lot of problems with ObamaCare; and I hope that, by the end, before the election next year, people will realize that what some of us have been saying for years is true. It is in America's best interest to have health care reform, but that is not it. It is not it.

There is another issue—there are two other things I want to address very quickly. One is about Guantanamo Bay.

I had the television on when I was working at my desk in the wee hours of the morning this morning. I can't remember, maybe, 1, 2, 3 a.m., something like that, but a show where some psychologist had been, basically, corrupted by being used at Guantanamo Bay for psychological warfare. Totally false story.

I mean, there are still a lot of people walking around that don't know that no one has ever been waterboarded at Guantanamo Bay.

Having been there two or three times, you get the picture. Amnesty

International comes regularly. These groups come regularly; and when you find out what is really going on there, it is really the guards that are put through all kinds of Hades. They have excrement and urine thrown on them, and they are not allowed to even get angry back.

Last time I was there, they said there had been one soldier who had responded angrily, and he was punished for it. Their instructions are when you have urine or feces thrown on you by one of the detainees at Guantanamo Bay, you just don't react. And then you get the day off so you can go clean up, change clothes.

So the inmates are constantly coming up with innovative ways to get feces and urine on our guards. That was last time. Hopefully, they have dealt with it better.

The punishment, when I was there before, they would take away some of the movie-watching time that the detainees got to have; and if it was really egregious enough, they might cut into their outdoor time a little bit.

But I was told that Amnesty International gets real upset about that, so they don't like to cut out their outdoor time, so they are more restrictive on the movie-watching time that our detainees at Guantanamo may get.

And this—what a juxtaposition. What an amazing thing.

The New York Times used to bill itself—and it is arguable that it really was accurate as the newspaper of record, but they have so corrupted their standards that they could say about an overt lie, someone misspoke.

This is not a newspaper of record. It is really just a sad day for America regarding the New York Times. But every now and then they get a story right.

But, unfortunately, now we have to sometimes go to England or other countries whose media is not overwhelmed with bias for or against a particular administration so we can get proper reporting.

But this story is from Russia Today. I mean, I was in the Soviet Union in 1973. I could read a little bit of Russian, speak a little Russian back then. I haven't had any reason to for over 30 years, so I don't remember much of anything but how to get to the bathroom.

But from Russia Today they report, and this was the first I saw, and then started looking for more information: U.S. Senate is seemingly deadlocked when dealing with the Guantanamo Bay detention facility, voting down dueling measures which would have either loosened or tightened restrictions on transferring detainees.

And then we found one, 2014, NDAA, now in the Senate, could finally mean the end of Guantanamo. More than half of Guantanamo Bay's 164 detainees have been cleared to transfer to other

nations, MSNBC reports, but have remained at the prison due to congressional measures complicating the transfer protocol.

Yes, some of us are concerned that since we keep transferring people out, releasing them, and they keep killing Americans, so many of them, after they are released, I would say one is too many, but one is not near as many as have been reported going back and continuing to kill Americans.

This talks about even a good Republican who is reportedly aiding the Guantanamo Bay win for President Obama, but White House, top Senate Democrats successfully defended provisions in the National Defense Authorization Act that would loosen restrictions on transferring detainees out of Guantanamo Bay, advancing President Obama's goal of closing the facility by a margin of 55-43.

Yeah, they can vote like that because they have got enough people that aren't up for re-election next year. So they can take a vote like that.

So that caused me to go look at the law being discussed and voted on, and find this provision in there, section 1032, the authority to temporarily transfer individuals detained at United States Naval Station Guantanamo Bay, Cuba, to the United States for emergency or critical medical treatment.

So, okay, they say, yeah, see, we have got to get them out of there sometimes for medical treatment. They have got incredibly good medical treatment at Guantanamo Bay.

This says, status while in the United States, an individual who is temporarily transferred under the authority in subsection (a) while in the United States shall be considered to be paroled into the United States temporarily pursuant to a provision of the Immigration and Nationality Act.

But then it goes on, under section 1033, to say that transfer for detention and trial, the Secretary of Defense may transfer a detainee described in subsection (a) to the United States for detention and trial if the Secretary determines that the transfer is in the national security interest of the United States.

And it does provide that Congress should be notified not later than 30 days before the date of proposed transfer. But if the President, with a wave of his hand, can wave off mandatory language in a bill that was passed without a single Republican vote, if they can wave off provisions of the immigration bill and just flat out change the law, unilaterally, as the Chief Executive, then it sure wouldn't be very hard to say, oh, whoops, we didn't give Congress notice; those people are in the United States because once they are in the United States, things take a big turn.

I remember my friend from across the aisle, Anthony Weiner, was so

upset. He actually said he wanted these detainees brought to New York City and put on trial and executed there in New York City.

Well, having been a prosecutor, judge and chief justice, I knew he would be exhibit A for why, if they brought the detainees to New York City, they shouldn't get a trial there. They would have to transfer them somewhere else because you had people like Anthony Weiner who were not particularly capital punishment supporters, but wanted them to be executed. So that would have been exhibit A in why you couldn't get a fair trial if they were brought to New York.

Some of our friends get very confused and demand, we want these people at Guantanamo Bay to have the same rights under the Constitution that everybody else does.

Well, everybody doesn't have the same rights under the Constitution. When I was in the Army for 4 years, I didn't have the rights everybody else did. I wasn't free to assemble where I wanted. I wasn't free to say what I wanted to about the President.

I wasn't happy with Jimmy Carter. We saw Fort Benning going down and down and down. We saw our Nation attacked by an act of war in Tehran, and there was no response.

That is still being used today to recruit people to al Qaeda, to terrorism, because of how weak our response was then, how weak the response was when we were attacked in 1983 at Beirut and, certainly, the ongoing weak responses after the World Trade Center bombing in 1993, the USS *Cole*, the embassy attacks.

And I know there are people that would say to such embassy attacks in the 1990s, well, what difference does it make at this point?

Well, perhaps if it had made a difference to the Clinton administration, we would have been better prepared and people wouldn't have died in Benghazi.

But this is a disaster. Under the Constitution, nobody is promised a trial in a U.S. District Court. And people need to understand that, because in the Constitution there is no U.S. District Court.

As my old constitutional law professor at Baylor used to say, there is only one Court created in the Constitution. Every other court in America, Federal court, that is, owes its existence and continued existence and jurisdiction to the United States Congress. That is it.

So if are you an immigrant, our Constitution says you get due process at an immigration court. If you are in the military, the Constitution ensures you will get due process in a military court. And I can tell you, that is kind of tough.

When a soldier stands in front of a military jury, all wearing uniform, all

appointed by the commanding officer to whom they account after that trial is over, it is a little different than a jury that you would get just picked at random from your peers.

□ 1330

They are not picked at random. The commanding officers, from platoon on up through company and all the way up to the installation, they send recommendations, and they eventually funnel their way up to the commanding general for a general court-martial. And then they are handpicked by the general. These are the people who will be on the jury.

Well, that is constitutional. It has been upheld many times. So I have a little trouble, having served in the military, understanding why someone who wants to destroy our country and kill all the Americans they can, why are they entitled to more rights under the Constitution than somebody that is giving their lives in our U.S. military? They are not. They are not given more rights than our U.S. military.

And, in fact, under international law, the way it has existed, going back as far as it has been recorded, when someone was part of a country or group that declared war on another country or group and they were captured, they were held until their group or country said they were no longer at war. Then we let go of the ones that promised not to be at war after the war was over and punished those who were guilty of war crimes.

And I also, Mr. Speaker, want to make sure people understand what we have at Guantanamo. Khalid Sheikh Mohammed was the leader—people call him the mastermind—of 9/11/2001. Very unrepentant. Not only is he unrepentant, he, in 2008, in December, agreed to plead guilty and went through, I believe, at least two hearings where, through in-depth questioning by the judge, he admitted to his role in killing Americans.

We know he filed this pleading, of which I have a copy here, that was released by Military Judge Colonel Henley, declassified so we could see what Khalid Sheikh Mohammed, the 9/11 mastermind—he, himself, talked about his planning it. And he had some resources where he could translate his language into English so that he could write this whole thing. There are some idioms, perhaps, that may be misused, but anyway, he is a brilliant man. He just hates Americans and loves to kill them.

But in his pleading, he says:

In God's book, he ordered us to fight you everywhere we find you, even if you were inside the holiest of all holy cities, the mosque in Mecca, and the holy city of Mecca, and even during sacred months.

In other words, it would be perfectly fine for him or one of his buddies to kill Americans in the mosque in

Mecca, but heaven help the person that causes any damage at all to the same mosque.

He said, "In God's book"—and this is as if he had legal training. He does this quite well. He states a premise, and he follows it up with a provision from the law of the Koran. I mean, the Koran is a book, basically, of law.

In God's book, verse 9, Al-Tawbah: "Then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush."

Further down, he says:

We do not possess your military might, nor your nuclear weapons.

Of course, this President may be presiding over the United States—unless Israel protects itself, this President may be the one that sees, for the first time, a radical Islamic terrorist regime get a nuclear weapon, and that will change the world forever. We can't afford for that to happen.

But he points out, at the time he wrote this:

We do not possess your nuclear weapons. Nevertheless, we fight you with the Almighty God. So, if our act of jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs.

And then the provision he follows that up with, from the Koran:

Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority. Their place will be the fire; and evil is the home of the wrongdoers.

And he misspelled "their." When he said "their place," he used T-H-E-R-E. But, I mean, this is amazing stuff. He is admitting: we want to destroy you.

And if you think for a moment that Khalid Sheikh Mohammed or Ahmadinejad or Khamenei would not mind using a nuke to destroy what some of them believe were people descended from apes and pigs, as some in the Muslim Brotherhood say, well, you have got another thing coming. These people are not stupid, but they are insanely crazy in their desire to kill innocent people.

He went on at the end of his pleading on page 6, and says:

You will be greatly defeated in Afghanistan and Iraq, and America will fall, politically, militarily, and economically. Your end is very near, and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing. We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den. We shall pass over the blades of the sword into the gates of heaven.

So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our 19 martyred brethren among the highest peaks in paradise.

This is a guy that some people want to bring to the United States. They

have no idea how desperately wrong that would be. He is being held constitutionally right where he is, and under no circumstances should he be allowed to be brought into the United States itself.

They have the perfect courtroom set up down in Guantanamo for conducting terrorist trials. Enough bulletproof material in the middle of an area where a bombing would not do the damage that it would in Manhattan.

Israel understands the threat. They understand the danger. And it absolutely breaks my heart to find out that Israel is having to seek another ally that understands the threat of radical Islam to them and to the United States.

Now, it was Prime Minister Netanyahu who asked me, after I apologized for America putting them in a position where they have to defend not only themselves but the United States, because some people here do not understand the threat, he said, I just ask that you remind your President, the people in America, that it was your President who said the words, "Israel must defend itself by itself."

I didn't remember President Obama saying that. I had to go back and do a word search. It turns out, that was slipped in in a bunch of other glowing comments about what a wonderful ally and we are not going to let Iran get nukes and all this stuff. And then he slides that little sentence in there that is profound. But "Israel must defend itself by itself." That is why I wasn't the only one that didn't pick up on that, because of the way in which he contextualized it.

But here is an article from The Blaze today, from Sharona Schwartz, "How Bad Are Things Between Israel and the U.S.? Israeli Foreign Minister Says It's Time to Find New Allies."

Israel's foreign policy for many years went in one direction toward Washington, but my policy has more directions.

This is Foreign Minister Avigdor Lieberman who said this. He said:

There are enough countries that we can be a help to, and, therefore, our foreign policy must be to search for allies. The Americans have a lot of problems and challenges around the world that they need to solve and they have problems at home. We need to understand them and our place in the global arena.

We need to stop demanding, complaining, moaning and, instead, seek countries that are not dependent on money from the Arab or Islamic world and who want to cooperate with us in the field of innovation.

I mean, Israel has been a leading innovator in intellectual technology. They need to be our friends. They believe in the value of life, as we do. They do not name streets and holidays for people who kill innocent women, children, innocent victims, men who never saw it coming; whereas, even in Palestine, as it is called now—it was never called that before in recent history.

But it is time that we realize what a friend we have in Israel and that we could never spend enough money to create the defense system we have in Israel if we will just be supportive.

One other thing I want to address before I conclude today. There are some people that are calling attention to the President's omission of the words "under God" from the Gettysburg Address when he did the entire Gettysburg Address on camera. I don't know whose decision it was to leave that out. I don't know if he was just reading it, and whoever gave it to him to read in the teleprompter took it out and he didn't realize. I don't know what happened. But, Mr. Speaker, it is important that people understand, yes, there are five existing copies of the Gettysburg Address. There is only one that Abraham Lincoln signed, the Bliss copy, unless the President has removed it, like he did Winston Churchill's bust from the White House. Unless it has been removed, it is up there in the Lincoln Bedroom. This is the Bliss copy, it is called.

And actually, at the Gettysburg Foundation Web site, they have an explanation of those five copies—the Nicolay copy, the Hay copy. So you had a couple of them there. And you can see what actually was in the copy. But the Everett copy—Senator Everett was the Speaker that went 2 hours or so, and he asked for a copy, so Abraham Lincoln made sure he got a copy.

And I was talking to a brilliant historian, Stephen Mansfield, this week. He was pointing out these things, that it was thought that Lincoln had provided his secretary with his notes. And since he had interlineated, as I see people on both sides of the aisle do all the time here—making notes, scratching stuff, putting stuff in—he had interlineated "under God." So when he gave the speech, "under God" was part of it. I don't know about anybody on this floor that wants the CONGRESSIONAL RECORD to carry a copy of their speech before they made all the changes in it, just as Lincoln did.

But the last three copies, the Everett copy that Lincoln personally gave to Senator Everett, it says "that this Nation, under God, shall have a new birth of freedom." And then the Bancroft copy, that was one that also was requested by historian George Bancroft, and that has "that this Nation, under God, shall have a new birth of freedom."

And then the last copy, the Bliss copy that is most often used, is considered to be the most authoritative copy of what was said at Gettysburg, because this is the only copy that Abraham Lincoln signed. He didn't sign any of the others. He signed this one. And it went to Colonel Bliss, who was going to use it to auction and use the money to help wounded warriors.

This is a Nation under God. It had a new birth of freedom. And I hope and



pray that God will give us wisdom to avoid destroying that freedom.

With that, I yield back the balance of my time.

□ 1345

# JOHN FITZGERALD KENNEDY: HE SPEAKS TO US STILL

The SPEAKER pro tempore (Mr. LAMALFA). Under the Speaker's announced policy of January 3, 2013, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Our topic today is a solemn one and yet a hopeful one. It is about the 35th President of the United States, John Fitzgerald Kennedy. He speaks to us still.

In November 1983, I submitted an op-ed piece to our local paper, the East Hartford Gazette, on President Kennedy. It is hard to believe that 30 years have passed since I submitted that document.

Most, including myself, and especially the Kennedy family, would rather not dwell on the events that transpired on November 22 and that ensuing weekend, but rather on the President's birth, and celebrate his heroic service. Indeed, May 29 should be a national day of remembrance.

I am proud to say that the entire New England delegation has dropped in a resolution today calling upon Congress to recognize May 29, the birthday of John Fitzgerald Kennedy, as a day of remembrance.

President Kennedy, if we were alive, would be 96 years old. It is hard to imagine, even today, because of the image of that youthful, vigorous, witty, energetic man who we still see in TV clips and who speaks to us still. That beautiful man was taken from us in the summer of his years.

For my parents' generation, December 7, 1941, as President Roosevelt appropriately put it, would be a day that would live in infamy. For my children and so many of this current generation, myself included, September 11, 2001, will be recalled as another day of infamy. For my generation, however, it remains November 22, 1963, the day the Nation stood still in shock and disbelief.

As a New Englander, the shot heard round the world on that day was not the one fired at Lexington and Concord, but in Dallas, Texas. That shot cut down the 35th President of the United States, ended dreams of Camelot, and cut short the life of an American hero.

Almost everyone can recall where he or she was and what they were doing when they first heard the news of the assassination of John Kennedy. Fifty years after his death, the country still gropes for answers and searches to fill the void created by his departure.

It was sixth period in Mr. Desmond's French class when Mrs. Bray's voice, noticeably shaken, announced over the loud speaker at East Hartford High School that the President had been shot. An unsettling silence that was laden with anxiety fell over a perplexed and unbelieving class. Attempts to calm the class were fumbled by a visibly stunned teacher as he sought answers to a host of questions. Such an irrational act. It just couldn't be.

In what seemed to be within minutes, Mrs. Bray's tearful voice announced that the President of the United States had died. Hollow disillusionment and deep sadness engulfed not only the classroom, but the entire Nation. Despair was replaced by speculation concerning the perpetrator of such an act.

Walking home from school, conjecture of this heinous crime centered on the KGB and Castro as likely culprits, but even conjuring up these villains brought no resolve.

When I reached home, my mother, with Kleenex in hand, sat motionless next to the TV. She was glassy-eyed, shaken, and unable to comprehend the events of the day that saw the first President born in this century—and the first Catholic—struck down.

The family gathered around the TV and waited for Dad to come home. Surely, he could explain. When my father arrived, everything from the Russians to the Texans were mulled over, as he revealed various theories discussed in the shop at Pratt & Whitney Aircraft, but all with the same anguish and perplexity.

Thus began a family vigil with Walter Cronkite. But even he, the most trusted man in America, couldn't explain to the viewing public the way it was on November 22, 1963.

It was a numbing experience for our family and the rest of the country as we sat in shock, traumatized, as the first real-time media account of the sixties unfolded in our living room. In a weekend that never seemed to end, we witnessed a Nation in mourning, the apprehension and then murder of Lee Harvey Oswald, and the subsequent arrest of crime figure Jack Ruby, all unveiling and unfolding themselves on TV. The plot only seemed to become more complicated.

The complexities of American society and the very fabric of our way of life in this Nation hit home like never before.

What I most recall, and what I believe most Americans recall, from that weekend are the vivid scenes and images of that ordeal:

The distressed widow in a blood-stained pink suit, with all the dignity and strength and nobility that she could muster, being met at Andrews Air Force Base by Robert Kennedy; the long lines passing through the Rotunda to pay their last respects, including James Michael Fitzgerald from our

hometown in East Hartford; the veiled face of Jacqueline Kennedy as she kneeled over the coffin, clutching the hand of her daughter, Caroline; the Kennedy brothers in silhouetted support of the First Lady and the family; those boots placed backwards in the stirrups of Black Jack, the horse following the caisson; the procession of world leaders en route to Arlington; a weekend of images culminating in John-John's final salute to his dad.

I will never forget that weekend of tragedy, wrought with emotion and dream-crushing reality. Its impact and the impact of other events in that decade perhaps won't be fully understood, though we are fixated on this.

Before I yield to our leader, to put it in perspective, I would say this. As William Manchester noted:

In November of 1963, among the living were Robert Kennedy, Martin Luther King, Jr., and 58,209 young men who would die in Vietnam over the next 9 years.

I yield to our leader, noting that, as we said at the outset, we prefer not to dwell on the events of the day but on the heroic nature of this President and what he meant to so many people—and continues to do so. He continues to speak to us, as does our leader, NANCY PELOSI, who knew him personally.

Ms. PELOSI. I thank the gentleman for calling this Special Order. Congress has adjourned for the Thanksgiving holiday, but I thank you for staying so that we can acknowledge and observe the 50th anniversary of a great loss for our country.

My colleague, Mr. LARSON, spoke so beautifully about what happened on November 22, 50 years ago, and how your mother reacted. You could have been speaking for every family in America.

Certainly, we took special ownership of President Kennedy, as the first Catholic President, but everyone who enjoys firsts understands that that pioneer action, that courage, that success that he had was not just about him being the first Catholic President, but embracing the people of our country more fully.

Yes, Mr. Speaker, 50 years ago, tragedy struck the heart of a Nation in Dallas, Texas. Fifty years ago, President Kennedy was taken from us, suddenly and unexpectedly, and the entire Nation was shaken and mourned.

As you said, we don't want to dwell on that sad day. We want to spring from it and talk about what went before and what has come from the legacy of President John F. Kennedy.

Today, 50 years later, we rise on the floor of the House to pay tribute to him as a leader on the anniversary of a tragedy, with a focus on many victories.

Here, in this Chamber, President Kennedy served. Can you imagine? I take great pride in the fact—all of us who serve here do—that President Kennedy began his Federal service in office



in the House of Representatives. His grandfather, Honey Fitz, also served in the House. His grandnephews served in the House. So it has been a Kennedy family tradition to serve in the House of Representatives. He did so as a proud member of the Massachusetts delegation.

I rise to honor the life, legacy, inspiration, and achievements. I rise to salute an extraordinary leader for our country and the world.

I feel emotional about it, listening to Mr. LARSON describe the events of the day and the weekend that followed. The beautiful family dignity that Mrs. Kennedy and the children demonstrated have made a mark on our hearts. We are so pleased that, as the President said last night, as we are here, Caroline is drawing crowds in Tokyo.

As a student, I had the privilege of being there when President Kennedy was inaugurated. I had the privilege of meeting him as a student in high school in Baltimore, Maryland, when my father was mayor. I spent an evening with him because my mother couldn't attend a dinner. She said she couldn't attend, but it enabled me to attend in her place as the First Lady of Baltimore. So I had the privilege to be sitting with President Kennedy and to be dazzled by his presentation to the United Nations Association of Maryland Dinner honoring Jacob Blaustein, a leader in our community. My father was mayor, and I was very lucky.

□ 1400

So on other occasions during the course of his campaign, I had the privilege of being in service to that campaign in terms of, one time, we had a show called "Senator Kennedy Answers Your Questions." I was in college at the time, and I was one of the people answering the phone and hearing the questions. All of the questions were about seniors and health at the time. This was before Medicare, and it was an important issue for the President.

In any event, on that happy day on January 20, 1961, I had the privilege of being there in the freezing cold to hear the President's inaugural address. His stirring address still echoes in the hearts of those who were there and in all others who heard his call to serve. He appealed to the energy, the faith and the devotion that will light our country and all who serve it, and the glow from that fire can truly light the world.

What inspiring words. Perhaps the most significant of all, he ushered in a new era with a simple, yet powerful, call to start anew, declaring, "Let us begin."

So we began to answer the call to carry forward the torch to ask what we could do for our country. We began to get America moving again, and we began an era that would recast Amer-

ica's future, that would set us on course to address so many of the challenges facing us 50 years ago and still confronting our Nation today.

As I reference his "ask not what you can do for your country," everybody knows that that was an important part of the President's call to action in that day:

Citizens of America, ask not what your country can do for you, but what you can do for your country.

It is memorized by students all over the world—when he delivered it, it was so stirring—but what I remember is the very next sentence.

In the very next sentence, he says:

To the citizens of the world, ask not what America will do for you, but what together we can do for mankind.

It was just so beautiful. No wonder one of his first actions would be to establish the Peace Corps, a renewed beginning in witnessing the creation of the Peace Corps—a group of Americans serving as ambassadors of goodwill worldwide. It was then started under the leadership of Sergeant Shriver's brother-in-law. To this day, each Peace Corps volunteer is a tribute to President Kennedy.

A few weeks ago, I had the privilege of being in Massachusetts under the auspices of the Kennedy Library, where we had observed the 50th anniversary of the President's signing of the Equal Pay Act into law—legislation he called a first step to ending the unconscionable practice of unequal pay, this agenda the President had imagined of equal pay for equal work for women in the workplace. He also established a commission on the status of women, headed by Eleanor Roosevelt. Its recommendations were: raise the minimum wage; equal pay for equal work; child care as an initiative, both public and with tax credits.

So forward thinking. So much of it is still left to be done 50 years later, but it is part of the vision. Again, with great women like Eleanor Roosevelt and Esther Peterson and others, they were with him as he signed the bill. Today, as I mentioned, that battle continues. If President Kennedy were here, he would certainly beckon us to do more to take the next step, which we have done.

When women succeed, America succeeds—with legislation to have respect for women's work in the workplace and to raise the minimum wage, as 62 percent of the people who get minimum wage are women. There is equal pay for equal work. There is paid sick leave and child care, which is an important part of President Obama's agenda.

As for the fight for equality even in the workplace, President Kennedy became the first President to call civil rights, above all, a moral issue, Mr. Speaker, he said, to remind us it was long time past to keep the promise of freedom. So he put forward a civil

rights bill to right the wrongs of history. In his name and in the wake of his death in the years that followed, under the leadership of President Lyndon Johnson, the Congress passed the Civil Rights Act and the Voting Rights Act. Yet, still today, the march to civil rights is not finished completely; and in the time of the present, it remains our moral obligation to preserve, expand, and strengthen voting rights. That is our challenge now in the House—equality. So let us begin.

There are so many other things that we witnessed. It is hard for people to imagine now how impossible it sounded when the President said: a new beginning and bold action and exploration and of the commitment and the promise to be the first to honor. He said, if we are to honor the vows of our Founders, we must be first, and therefore we intend to be first. It was a commitment and a promise to invest in science and innovation. When he said, in 10 years, we would send a man to the Moon and be back safely, it seemed impossible; but it happened even in a shorter period of time. He laid out his vision to do what was hard and unthinkable; but by the close of the 1960s, as we know, two American men walked on the Moon and returned safely home. So many other people were part of that success.

Our beginning ignited the fires of all kinds of innovation that our country has benefited from. Even though he wasn't there to see all of the legislation through, he had his vision; and he was an inspiration for others to get the job done.

So many times we all quote President Kennedy because he was so quotable and because he was so wise, and what he said resonates and is timeless. So, when I had the privilege of speaking at the groundbreaking of the Institute of Peace, I quoted what President Kennedy said at the American University in 1963.

He said:

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already more than enough of war and hate and oppression.

He went on to say:

We shall be prepared if others wish it; we shall be alert to try to stop it; but we shall also do our part to build a world of peace where the weak are safe and the strong are just.

So remarkable.

Again, it would take hours for us to truly mention all of the accomplishments—the Moon shot and all the things about the Test Ban Treaty. The list goes on and on.

The fact is that a person came into the life of America from a family—and it is hard to imagine any other family in America that has had or who has made as great a contribution to the well-being of our country as the Kennedy Family, starting even with Rose

Kennedy's father, Honey Fitz, but then coming through to even now the service in the Congress of JOE KENNEDY, a grandnephew of the President. We also had the privilege here of serving with Patrick Kennedy.

So I will end where I began, in taking pride in the fact of President Kennedy's association with this House of Representatives, of this people's House, and to say that I am so happy that I had the opportunity to see him so many times. I will just close with one thought.

We were at the convention in Los Angeles. I was with my parents. We went to a restaurant after the President's speech at the stadium. It was the first time a President had accepted the nomination at a stadium. There were tens of thousands of people there. The speech was fabulous and great, and we went to this restaurant called Romanoff's because I said to my father and mother that I wanted to go to a Los Angeles-type restaurant. It turned out to be a Los Angeles-type in that it was very expensive. It was more expensive for shrimp cocktail than it would have been in Baltimore, Maryland, where we were from.

So my father said, How did you find this place? This is the most expensive restaurant I have ever been in.

I said, That is probably true, but it is an experience.

It costs so much more for a shrimp cocktail here than in Baltimore, Maryland; and he goes on and on.

In another few minutes, the doors of the restaurant open, and in comes President Kennedy from the speech. He came right over to the table.

To my father, Thomas D'Alessandro, he asked, Tommy, how did you like my speech?

Of course, my father told him, and then he asked me how I liked his speech. Imagine that. Then he went on with his entourage to have his celebratory dinner.

After that, price was no object as to the cost of the restaurant. The prices kept coming down in my father's view.

Again, I was lucky many different times to have the opportunity to have some conversation with the President. So, when that horrible thing happened that day for our country, everybody took it very personally.

Perhaps part of his legacy is the sacrifice that he made for our country—the inspiration that was intensified by that sacrifice. May we always, always remember it; and may we always remember what he said, that the glow from that fire can truly light the world.

May God bless the memory of President John F. Kennedy and his family. May we draw strength from his legacy and his vision. May God always bless the country he loved and led—the United States of America—and all who serve it.

With that, Mr. Speaker, I thank Mr. LARSON again for calling this Special Order. I am honored to be here with him and with our distinguished whip, Mr. HOYER.

Mr. LARSON of Connecticut. I thank the leader.

I would point out, in history there are often iconic pictures. One has to wonder in looking at the pictures that grace museums across this country: That man who set a torch to be passed to another generation, could he have known when he was shaking Bill Clinton's hand that he would be a future President of the United States? Could he have known when he met with Tommy D'Alessandro's daughter that she would be the first woman Speaker of the House?

That was the inspiration of Kennedy, who touched so many people, and our leaders NANCY PELOSI and STENY HOYER typify a generation drawn into public service not only because of the inspiration but because of the calling of President Kennedy to public service.

The minority whip, STENY HOYER.

Mr. HOYER. I thank the gentleman from Connecticut not only for taking this Special Order but for the speech that he gave as we led into this Special Order about that wrenching day in November, the 22nd of November 1963, as to where he was and the memory he had.

Now, I thank the leader who has recalled so well what John Kennedy meant to our generation.

In my view, every generation of Americans has had a figure to whom it looked for guidance, for inspiration. However, few generations have had such a compelling figure as John Fitzgerald Kennedy was to my generation.

John Kennedy was the first President for whom I voted. I turned 21 in 1960, and I had the opportunity to vote for him in November. It was a controversial vote for some who thought that a young Catholic or, frankly, an old Catholic, should not be President of the United States for, after all, he would have to answer to the Pope. John Kennedy made it clear that he would answer to the American people and to his conscience, and that is what he did.

□ 1415

Mr. Speaker, all of us have memories, and I will refer to at least two.

I was a student at the University of Maryland in 1959. It was the spring of 1959, and there was to be a convocation, as there was every spring, with a major speaker being invited to give an address. It was to be given at Cole Field House, which was then the athletic field house for the University of Maryland. It still exists, but we now have another basketball center called Comcast Center.

Classes got out at 10:50 that morning, and I left class with no intention,

frankly, of going to hear the speaker. I went to walk up the hill leading both to the student union and to Cole Field House. I was going to go to the student union, have lunch, talk to my friends, and then resume classes at 1:00.

But as I was walking up, there was a car driving up relatively slowly, there was some traffic, and I saw a 1958 Pontiac convertible. Mr. LARSON will recall that was a cool car. That caught my attention. But as I looked at the car, I then saw the person riding in that car. It was a warm day, the top was down, and I recognized the individual in that car as the speaker who was going to address us in the convocation. I said, that's really neat. Now, remember, I am 19 years of age. I said, I'm going to go hear him speak, and so I did go hear him speak.

He talked that day, as I am sure he did hundreds of other days in thousands of campuses throughout not only this country, but around the world before his death. He talked about young people getting involved in politics, not necessarily running for office, but getting involved in the politics of their community, in making a difference in their community, in taking their talents, and as Leader PELOSI has said, and as he enunciated in his inaugural address, bring their energy, faith, and devotion to the endeavor of making their democracy and their country better.

I listened to that speech. I walked out of the Cole Field House and the next week I changed my major from a business major to a political science major, decided I would go to law school and run for office.

It was in many ways a Damascus Road experience for me, a life-changing experience for me. Seven years after I heard Kennedy encourage young people, not just STENY HOYER—he never knew who STENY HOYER was—but encouraged people to get involved, 7 years later, 5 months out of Georgetown Law School, I was honored by some of the people of Prince George's County to be elected to the Maryland State Senate.

After, of course, I heard him speak on the campus of the University of Maryland in 1959, I worked in his campaign, never saw him, shook his hand once when he was at Ritchie Coliseum coming out of the coliseum.

I have heard two more inspirational speeches in my lifetime. One was, of course, the speech that is quoted so often, as Leader PELOSI said, the inaugural address, delivered on a very cold, snowy January day in 1961, in which he observed that the torch had been passed to a new generation born in this century—meaning the last—and saying that they had been tested by hard and bitter peace, but that that generation was proud of their ancient heritage and unwilling to witness or permit the slow undoing of those human rights to

which this Nation has always been committed and to which he said we were committed today here and around the world.

What a proud observation that was of America's role in the world, then and now, a Nation willing to expend its treasure and its commitment of life and liberty to the defense of both here and around the world.

John Kennedy was an inspiration to my generation, but John Kennedy was an inspiration to all generations in America. John Kennedy called us to service. John Kennedy observed that although the challenges in front of us were hard, that America could meet them, overcome them, and be a greater country.

I would suggest to all of us that we need that same kind of inspiration today. America is faced with challenges today. America is faced with division today. This body is faced with division today.

It is easy to forget, as we remember John Fitzgerald Kennedy, how close an election it was between Richard Nixon and John Fitzgerald Kennedy. Less, I believe, as I recall, than 200,000 votes separated them after millions of votes were cast. John Kennedy was declared the President of the United States, and our Nation remained divided.

That was the generation of the civil rights movement. That was the generation of Martin Luther King, of Rosa Parks, of so many other heroes of the civil rights movement, and our colleague JOHN LEWIS, the boy from Troy.

As we remember the assassination of John Kennedy, and in remembering that, like JOHN LARSON of Connecticut, I remember where I was. I had just delivered some papers to the United States Senator from Maryland for whom I was working while going to Georgetown Law School. And, JOHN, I came out the door leading from the Chamber and was walking down the steps and a Capitol Policeman said, did you hear? I said, did I hear what? The President has been shot. The President was my hero, and he had been shot.

Like almost every American, I walked down those steps in somewhat of a daze, walked over to the Russell Senate Office Building and sat down, as almost every American was doing that very moment, and watched the television reporting on the status of our President. It did not take long for them to report that we had lost him, that he had died, that the shot fired had been fatal.

I don't know how many people—I presume there are certainly some—who have cried for 96 hours. I did that; America did that. America had lost some degree, perhaps, of its innocence. America had been rendered vulnerable. America had lost its hero.

Edward Kennedy, the Senator, after Robert Kennedy was shot, spoke at his funeral and he said:

My brother need not be idealized in death, or enlarged in death beyond that which he was in life.

But it is extraordinarily difficult not to idealize John Fitzgerald Kennedy as we remember him, as we remember the extraordinary trauma we experienced as he was killed.

His inaugural address addressed not only the American people, but freedom-loving people throughout the world, people seeking opportunity, people seeking liberty, people seeking justice. And the world responded.

When he went to Berlin, those in Berlin, then behind the Iron Curtain, knew that they had a kindred soul in John Fitzgerald Kennedy. When he said: "Ich bin ein Berliner," they believed him. They believed that he was committed to their freedom as much as he was committed to the freedom of those he served in America.

John Kennedy made an extraordinary difference. His term was cut short by the assassin's bullet. The promise that was John Kennedy was not realized; but John Kennedy's impact on America, on young people, was profound.

I remember, JOHN—and I think you were here—when we served with Jack Kemp, a Republican, who would repeatedly in committee and on this floor cite John Kennedy as an inspiration. His legacy has not only been in terms of what he did and what he said, but his legacy remains in those he inspired to serve, in those who repaired to the high ideals that he put before us, this Congress, this country, and the world.

John Kennedy made a difference. We remember, we remember that he died tragically. But what we really remember is the contribution he made while he lived, however short that life was.

I thank the gentleman for allowing us to remember this day the loss we sustained on November 22, 1963.

#### SPECIAL ORDER ON JFK ANNIVERSARY

Mr. Speaker, the first time I saw John Fitzgerald Kennedy, I was an undergraduate student at the University of Maryland.

He was a striking young senator making an improbable run for the Presidency, but what caught my eye was the stylish car carrying him through College Park.

I was young, and my journey into public service had not yet had its first steps.

I was impressed by that car, and I thought to myself—I better see what this man is all about.

So I followed it and listened to Senator Kennedy speak at a convocation speech on campus—a speech that changed the course of my life.

John F. Kennedy was a President who changed the course of our Nation.

He inspired so many young people like me to step up and pursue public service through civic engagement and programs like the Peace Corps.

He made a firm stand for freedom in the face of Soviet Communism and the terror it had imposed on so many nations.

At the same time, he espoused the enduring causes of peace, understanding, and disarmament.

At home he called on our people to view American citizenship not as a right but as a responsibility we have to one another.

And he opened our eyes to a new frontier ready to be conquered—a frontier of science and discovery. His legacy is now our history.

And although it was not easily achieved, President Kennedy would have been the first to remind us that nothing great comes without a measure of constructive hardship.

I will never forget that moment on campus when I followed his car as it led me on the first steps in my journey of service.

And, like most Americans who were alive on November 22, 1963, I will never forget the moment when President Kennedy's life of service came to a sudden and tragic end.

Tomorrow, we mark the fiftieth anniversary of that sad day in Dallas.

But let us remember John F. Kennedy for how he lived, not how he died.

Let us remember his heroism in the Pacific in World War II, saving the lives of those with whom he served so courageously in war.

Let us remember his ability to promote political courage not only by writing about it but by living it.

Let us remember his devotion to his family—a great family that continues to serve our Nation in so many ways, including in this House.

And let us remember the love of country and public service he instilled in his children from a young age—which we saw embodied just days ago as his daughter, Caroline, presented her credentials as our new Ambassador to Japan.

Mr. LARSON of Connecticut. I thank our leader, and I thank him for his poignancy. I know how much it means to people listening to have a glimpse into history as it unfolded, and also the real-life experience of our great leader and President.

David Brinkley described that moment. He said that the assassination was beyond understanding:

The events of those days don't fit, you can't place them anywhere, they don't go in the intellectual luggage of the time. It was too big, too sudden, too overwhelming, and it meant too much. It has to be separate and apart.

But we want to, as both our leaders have said, remember this President in the way that we viewed him in his heroic importance to this country and to generations then and now. Jacqueline Kennedy—as Ralph Martin, her biographer, said—talked about a person who had written to her about the President, and she said someone who had loved the President, but had never known him, wrote to me this past winter that:

The hero comes when he is needed. When our belief gets pale and weak, there comes a man out of that need who is shining—and everyone living reflects a little of that light—and stores up some against the time when he is gone.

"So now he is a legend," Mrs. Kennedy would conclude, "when he would have preferred to be a man."

And so it has been—Steinbeck said of Kennedy:

This man who was the best of his people and who by his life and death, gave back the best of them for their own.

□ 1430

Arthur O'Shaughnessy, the great Irish poet, said:

For each age there is a dream that is dying and one that is coming to birth.

John Fitzgerald Kennedy embodied dreams that were coming to birth and, through his Presidency, ushered in the future dreams of this century and the next.

Heroes. Heroes are those people we admire for their accomplishments, their character, and their ability to inspire. They are often an extension of what we would like to be. If John Kennedy had never been President of the United States, he would still have been a bona fide hero. His war record alone was heroic, his Pulitzer Prize admirable, and when you combine that with his personality, wit, and intelligence, you have a man to emulate and respect.

It is as President, however, that we remember John Kennedy. And in that capacity, his greatness came from being the cog, the catalyst, the spark that ignited the tremendous latent strength of our great Nation. Summoning the Nation like no other President before him, Kennedy established goals for excellence and raised the consciousness of the American people to a level of dignity benefiting a Nation embarking on building a positive future not just for the Nation, but for mankind.

Some would say John Kennedy was a tragic hero, much like the tragic heroes of Greek literature and Shakespearean plays. Kennedy was neither Achilles nor Hamlet. He was a man who, through sheer force of personality and conviction, motivated and excited people. He moved a Nation. What he shares with ancient heroes was the great promise of youth, cut short by death before that promise could be fulfilled.

James Reston wrote:

The tragedy of John Fitzgerald Kennedy was greater than the accomplishment, but in the end tragedy enhances the accomplishment and revives hope.

What died in Dallas on November 22 was promise, the hallmark of both the Kennedy administration and the man.

"It's sad to see what happened in this country," Ted Sorenson has commented.

It's as if people don't want to believe in anything today. Sometimes they even turn against John Kennedy because perhaps he was the last man they believed in.

Sorenson's remarks are well taken. I share his sadness and tire of cynics who seek only to tear down, discredit, destroy, and, in general, believe in nothing. I do not share, and I am sure most don't, an untainted or distorted view of John Kennedy. For whatever

his human foibles and shortcomings may have been, his rhetoric of purpose, his goals for this Nation, are still worth believing in and aspiring towards.

Others will say that Kennedy had a superficial charisma, hyped by his ability to manipulate the media. Ralph Martin, a biographer of Kennedy, notes:

John Kennedy had more than charisma. Sports figures have charisma. He had more than the magnetic attraction of a movie star. What Kennedy had was real. Magic.

He clearly was charismatic. He clearly was magnetic. He was poetic. But above all else, the magic that he had was real. John Kennedy's appeal was not limited to this country, it was worldwide, as STENY HOYER pointed out. Throngs gathered throughout the world not to chant anti-American slogans or to protest. They came to touch, to hear, to see the man who represented the hope of the free world. One has only to recall the vivid scenes in Berlin to realize there was a special magic about John Kennedy. The excitement was real.

John Kennedy struck a chord in all of us. Republican Senator Hugh Scott's wife asked:

Why are you crying? You didn't have that much admiration for him.

To which he said:

I am not crying for him. I am crying for the American people.

What John Kennedy meant to America is lodged deeply in our hearts and minds. He opened the door through his challenge and beckoned the people to a greater future, a new frontier. He was our voice. History will probably bear out that a thousand days was too short a time to judge the greatness of Kennedy as a President, but it will also bear out what Robert Kennedy said of his brother's legacy:

The essence of the Kennedy legacy is a willingness to try and to dare and to change, to hope for the uncertain and risk the unknown.

It is in that context that the civil rights movement, the Bay of Pigs, the Nuclear Test Ban Treaty, the Cuban missile crisis, the space race, and other actions of his administration will be judged, with the constant footnote to that ancient thief—time.

"It was all too brief," Ted Kennedy said of his brother's era.

Those thousand days are like an evening gone. But they are not forgotten. You can recall those years of grace, that time of hope. The spark still glows. The journey never ends. This dream shall never die.

It is the end of the story of Camelot that takes on significance, and that Jacqueline Kennedy would speak so fondly of when she would talk of her husband. It was the point when King Arthur tells of his legends to a young boy, so they would still remember them even if he were killed in battle.

Fifty years have passed and the life and death of John Fitzgerald Kennedy

still holds us captive. It is the topic of every magazine, of every news story, on every television show. But we always need to make sure that we separate the myth from the man. John Kennedy was not a myth. He was a real man with hopes and fears and doubts, and the same human frailties and many disabilities that we never even knew about. His time in office was too short to objectively evaluate his long-term objectives and goals, but we can never forget him or let him go.

Chris Matthews, in his recent book, talks about a conversation that he had with Daniel Patrick Moynihan, and he recalled that Moynihan said to him, "We've never gotten over it." And looking at Matthews, he said, as Chris points out with generous appreciation, "You've never gotten over it."

Matthews said:

I saw it as a kind of benediction, an acceptance into something warm and Irish and splendid, a knighthood of the soulful.

We have never gotten over it.

John Kennedy is a hero because of the message he brought, the hope and the dreams he inspired. He set a standard by which all successive Presidents are measured. He united the country on the great issues of the day, guided the Nation through crisis by calling on the American people to uplift their expectations, their goals, and their fellow man. It wasn't hollow rhetoric or dazzling showmanship; it was sincere and compelling belief in the purpose of this country and its people.

John Fitzgerald Kennedy is a hero for all time and for those who believe in the promise of America because he elevated what it means to serve in government on behalf of the people. He made public service, whether it be elective office, serving as a House clerk, or in the Peace Corps noble and honorable pursuits. He made poetry, literature, and the arts in general a part of the fabric of our everyday life, and he did it all with the ease, grace, wit, humor, and understated elegance that exuded the confidence of the Nation he led and further ennobled his countrymen.

For those who listen, he speaks to us still.

This Thanksgiving as we pause, let us remember and be grateful for the great gift he gave us for that one bright, shining moment that there came the hero. And let us use that light to enlighten not only this Chamber but the world. And as President Kennedy would say so often, then let us go forward to lead the land we love, asking God's blessing, but knowing here on Earth His work is our own.

Mr. Speaker, I yield back the balance of my time.

# APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 46 U.S.C. 51312(b), and the order of the House of January 3, 2013, of the following Member on the part of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mr. KING, New York

# APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATION AND RECORDS COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 44 U.S.C. 2501, and the order of the House of January 3, 2013, of the following Member on the part of the House to the National Historical Publications and Records Commission:

Mr. BARR, Kentucky

# LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RADEL (at the request of Mr. CANTOR) for November 18 through December 31 on account of personal reasons.

Mr. LOWENTHAL (at the request of Ms. PELOSI) for today on account of official business in district.

Mr. RUSH (at the request of Ms. PELOSI) for November 18–21 on account of attending to family acute medical care and hospitalization.

# ADJOURNMENT

Mr. LARSON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 22, 2013, at 10 a.m.

# OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same;

that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 113th Congress, pursuant to the provisions of 2 U.S.C. 25:

VANCE M. MCALLISTER, Fifth District of Louisiana.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3783. A letter from the Deputy Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Swap Dealers and Major Swap Participants; Clerical or Ministerial Employees (RIN: 3038-AE00) received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3784. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Protection of Collateral of Counterparties to Uncleared Swaps; Treatment of Securities in a Portfolio Margining Account in a Commodity Broker Bankruptcy (RIN: 3038-AD28) received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3785. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Ownership and Control Reports, Forms 102/102S, and 71 (RIN: 3038-AD31) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3786. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Ovine Meat From Uruguay [Docket No.: APHIS-2008-0085] (RIN: 0579-AD17) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3787. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fresh Beans, Shelled or in Pods, From Jordan Into the Continental United States [Docket No.: APHIS-2012-0042] (RIN: 0579-AD69) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3788. A letter from the Administrator, General Services Administration, transmitting two reports of violations of the Antideficiency Act in the Acquisition Services Fund, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3789. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011-D039) (RIN: 0750-AG47) received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3790. A letter from the Director, Defense Procurement and Acquisition Policy, De-

partment of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Removal of DFARS Coverage on Contractors Performing Private Security Functions (DFARS Case 2013-D037) (RIN: 0750-A112) received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3791. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Requirements Relating to Supply Chain Risk (DFARS Case 2012-D050) (RIN: 0750-AH96) received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3792. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Darrell D. Jones, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3793. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility; LaGrange County, IN, et al. [Docket ID: FEMA-2013-0002] [Internal Agency Docket No.: FEMA-8305] received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3794. A letter from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule — Modification of Financial Reporting Requirements for Non-Profit Organizations received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3795. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2013-OPE-0063] (RIN: 1840-AD12) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3796. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2012 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

3797. A letter from the Assistant Secretary, Department of Defense, transmitting a report on Utilization of Contributions to the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

3798. A letter from the Acting Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Yemen that was declared in Executive Order 13611 of May 16, 2012; to the Committee on Foreign Affairs.

3799. A letter from the Acting Administrator and Chief Executive Officer, Department of Energy, transmitting submission of

Bonneville Power Administration's (BPA) 2013 Annual Report, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A); to the Committee on Oversight and Government Reform.

3800. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2012 to September 30, 2013, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

3801. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-211, "Driver's Safety Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

3802. A letter from the Executive Analyst, Department of Health and Human Services, transmitting three reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3803. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3804. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3805. A letter from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2013 through September 30, 2013; and the semiannual Management Report on the Status of Audits for the same period; to the Committee on Oversight and Government Reform.

3806. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program and Federal Employees Dental and Vision Insurance Program: Expanding Coverage of Children; Federal Flexible Benefits Plan: Pre-Tax Payment of Health Benefits Premiums: Conforming Amendments (RIN: 3206-AM55) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3807. A letter from the Director, Office of Financial Management, Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2013 through September 30, 2013; (H. Doc. No. 113—74); to the Committee on House Administration and ordered to be printed.

3808. A letter from the Federal Register Liaison Officer/Clearance Officer, Department of the Interior, transmitting the Department's final rule — Amendments to Remaining OMB-approved Forms [Docket No.: ONRR-2011-0022] [DS63610300 DR2PS0000.CH7000 134D0102R2] (RIN: 1012-AA09) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3809. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Application for Approval of Copper-Clad Iron Shot

and Fluoropolymer Shot Coatings as Nontoxic for Water Fowl Hunting [Docket No.: FWS-R9-MB-2012-0028 and FWS-R9-MB-2012-0038; FF09M21200-134-FXMB1231099BPP0] (RIN: 1018-AY61, 1018-AY66) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3810. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Depredation Order for Migratory Birds in California [Docket No.: FWS-R9-MB-2012-0037; FF09M21200-134-FXMB1231099BPP0] (RIN: 1018-AY65) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3811. A letter from the Branch Chief, Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and —Plants; Determination of Endangered Species Status for Mount Charleston Blue Butterfly [Docket No.: FWS-R8-ES-2012-0069; MO 92210-0-0008 B2] (RIN: 1018-AY52) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3812. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Definition of "Hybrid" Migratory Bird [Docket No.: FWS-R9-MB-2011-0060; FF09M21200-134-XMB123199BPP0] (RIN: 1018-AX90) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3813. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — General Provisions; Revised List of Migratory Birds [Docket No.: FWS-R9-MB-2010-0088, FF09M21200-134-FXMB1231099BPP0] (RIN: 1018-AX48) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3814. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Magazine Mountain Shagreen from the List of Endangered and Threatened Wildlife [Docket No.: FWS-R4-ES-2012-0002] (RIN: 1018-AX59) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3815. A letter from the Chief, Branch of Foreign Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Five Foreign Bird Species in Colombia and Ecuador, South America, as Endangered Throughout Their Range [Docket No.: FWS-R9-IA-2009-12] (RIN: 1018-AV75) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3816. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of the Interior, transmitting the Administration's final rule — Taking of Marine Mammals Incidental Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No.: 130703586-3834-02] (RIN: 0648-BD43) received November 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3817. A letter from the Acting Deputy Director, Office of Sustainable Fisheries,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area [Docket No.: 121018563-3148-02] (RIN: 0648-XC943) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3818. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Rule Extension, Georges Bank Yellowtail Flounder and White Hake Catch Limits and GOM Cod Carryover Revisions [Docket No.: 130219149-3397-02] (RIN: 0648-BC97) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3819. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; 2014 Tilefish Fishing Quota Specification (RIN: 0648-XC887) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3820. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 121018563-3148-02] (RIN: 0648-XC946) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3821. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 121018563-3148-02] (RIN: 0648-XC945) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3822. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area [Docket No.: 121018563-3148-02] (RIN: 0648-XC944) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3823. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Delisting of the Eastern District Population Segment of Steller Sea Lion Under the Endangered Species Act; Amendment to Special Protection Measures for Endangered Marine Mammals [Docket No.: 110901553-3764-02] (RIN: 0648-BB41) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3824. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Minor Editorial Corrections and



Clarifications (RRR) [Docket No.: PHMSA-2013-0158 (HM244F)](RIN: 2137-AF03) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2013-0479; Directorate Identifier 2011-SW-070-AD; Amendment 39-17649; AD 2013-22-17] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kankakee, IL [Docket No.: FAA-2013-0176; Airspace Docket No.: 13-AGL-13] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Gliders [Docket No.: FAA-2013-0929; Directorate Identifier 2013-CE-031-AD; Amendment 39-17646; AD 2013-22-14] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Wadena, MN [Docket No.: FAA-2013-0172; Airspace Docket No.: 13-AGL-9] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Washington, KS [Docket No.: FAA-2013-0584; Airspace Docket No.: 13-ACE-6] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3830. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0564; Directorate Identifier 2013-NM-050-AD; Amendment 39-17631; AD 2013-21-07] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3831. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Mesquite, TX [Docket No.: FAA-2012-0580; Airspace Docket No.: 12-ASW-2] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3832. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Curtis, NE [Docket No.: FAA-2013-0608; Airspace Docket No.: 13-ACE-14] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3833. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company

Airplanes [Docket No.: FAA-2013-0666; Directorate Identifier 2013-NM-060-AD; Amendment 39-17635; AD 2013-22-03] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3834. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ennis, MT [Docket No.: FAA-2013-0280; Airspace Docket No.: 13-ANM-13] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3835. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cut Bank, MT [Docket No.: FAA-2013-0664; Airspace Docket No.: 13-ANM-22] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3836. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Glasgow, MT [Docket No.: FAA-2013-0529; Airspace Docket No.: 13-ANM-17] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Prineville, OR [Docket No.: FAA-2013-0576; Airspace Docket No.: 13-ANM-11] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3838. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Salmon, ID [Docket No.: FAA-2013-0531; Airspace Docket No.: 13-ANM-20] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3839. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers [Docket No.: FAA-2008-0677; Amdt. No. 121-366] (RIN: 2120-AJ00) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rome, OR [Docket No.: FAA-2013-0533; Airspace Docket No.: 13-ANM-19] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3841. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cut Bank, MT [Docket No.: FAA-2013-0532; Airspace Docket No.: 13-ANM-21] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3842. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Kenai, AK [Docket No.: FAA-2012-1174; Airspace Docket No.: 12-AAL-12] received November

20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3843. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Helicopters [Docket No.: FAA-2013-0514; Directorate Identifier 2012-SW-068-AD; Amendment 39-17647; AD 2013-22-15] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3844. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS Aircraft Ltd. Airplanes [Docket No.: FAA-2013-0928; Directorate Identifier 2013-CE-036-AD; Amendment 39-17645; AD 2013-22-13] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3845. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Helicopters [Docket No.: FAA-2013-0519; Directorate Identifier 2010-SW-068-AD; Amendment 39-17623; AD 2013-20-17] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3846. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. Airplanes [Docket No.: FAA-2013-0936; Directorate Identifier 2013-CE-033-AD; Amendment 39-17652; AD 2013-22-20] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3847. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Gliders [Docket No.: FAA-2013-0927; Directorate Identifier 2013-CE-030-AD; Amendment 39-17644; AD 2013-22-12] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3848. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Inc., Helicopters [Docket No.: FAA-2013-0481; Directorate Identifier 2011-SW-003-AD; Amendment 39-17653; AD 2013-22-21] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Type Certificate Currently held by AgustaWestland) Helicopters [Docket No.: FAA-2012-0529; Directorate Identifier 2011-SW-050-AD; Amendment 39-17648; AD 2013-22-16] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0328; Directorate Identifier 2012-NM-184-AD; Amendment 39-17643; AD 2013-22-11] (RIN: 2120-AA64)



received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2013-0868; Directorate Identifier 2013-NM-194-AD; Amendment 39-17650; AD 2013-22-18] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell) Helicopters [Docket No.: FAA-2013-0488; Directorate Identifier 2008-SW-002-AD; Amendment 39-17619; AD 2013-20-13] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0594; Directorate Identifier 2012-NM-019-AD; Amendment 39-17641; AD 2013-22-09] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell) Helicopters [Docket No.: FAA-2013-0491; Directorate Identifier 2008-SW-012-AD; Amendment 39-17609; AD 2013-20-03] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell) Helicopters [Docket No.: FAA-2013-0490; Directorate Identifier 2008-SW-004-AD; Amendment 39-17611; AD 2013-20-05] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell) Helicopters [Docket No.: FAA-2013-0492; Directorate Identifier 2008-SW-013-AD; Amendment 39-17608; AD 2013-20-02] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Airplanes [Docket No.: FAA-2013-0631; Directorate Identifier 2012-NM-142-AD; Amendment 39-17640; AD 2013-22-08] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell) Helicopters [Docket No.: FAA-2013-0526; Directorate

Identifier 2008-SW-14-AD; Amendment 39-17633; AD 2013-22-01] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR-GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2013-0624; Directorate Identifier 2013-NM-071-AD; Amendment 39-17632; AD 2013-21-08] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2013-0665; Directorate Identifier 2012-NM-082-AD; Amendment 39-17634; AD 2013-22-02] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2013-0543; Directorate Identifier 2012-NM-202-AD; Amendment 39-17610; AD 2013-20-04] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters (Type certificate currently held by AgustaWestland S.p.A.) (Agusta) Helicopters [Docket No.: FAA-2013-0518; Directorate Identifier 2009-SW-021-AD; Amendment 39-17607; AD 2013-20-01] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company (Robinson) [Docket No.: FAA-2013-0380; Directorate Identifier 2012-SW-067-AD; Amendment 39-17588; AD 2013-19-05] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2013-0360; Directorate Identifier 2013-NM-033-AD; Amendment 39-17591; AD 2013-19-09] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3865. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Helicopters [Docket No.: FAA-2013-0480; Directorate Identifier 2012-SW-090-AD; Amendment 39-17589; AD 2013-19-07] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3866. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2013-0352; Directorate Identifier 2012-SW-063-

AD; Amendment 39-17598; AD 2013-19-16] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3867. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0155; Directorate Identifier 2009-NM-141-AD; Amendment 39-17581; AD 2013-18-08] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3868. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30921; Amdt. No. 3556] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3869. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30920; Amdt. No. 3555] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3870. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30925; Amdt. No. 3560] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3871. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30926; Amdt. No. 3561] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3872. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30924; Amdt. No. 3559] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3873. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30923; Amdt. No. 3558] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3874. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Windsor Decision and Rev. Rul. 2013-17 to Employment Taxes and Special Administrative Procedures for Employers to Make Adjustments or Claims for Refund or Credit [Notice 2013-61] received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3875. A letter from the Secretary, Department of Defense, transmitting a notification to Congress that the Department will commence disaster relief operations in the Philippines; jointly to the Committees on Armed Services and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCAUL: Committee on Homeland Security. H.R. 1791. A bill to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; with an amendment (Rept. 113-273). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 1095. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, and for other purposes; with an amendment (Rept. 113-274). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 2719. A bill to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes; with an amendment (Rept. 113-275). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCKINLEY (for himself, Mr. RAHALL, Mrs. CAPITO, Mr. STIVERS, Mr. BARR, Mr. JOHNSON of Ohio, Mrs. WAGNER, Mr. PEARCE, and Mr. ROTHFUS):

H.R. 3570. A bill to prohibit the United States from following guidance issued by the Secretary of the Treasury regarding how multilateral development banks should engage with developing countries on coal-fired power generation, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mrs. LOWEY, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. HANNA, and Mr. GIBSON):

H.R. 3571. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCINTYRE:

H.R. 3572. A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in North Carolina; to the Committee on Natural Resources.

By Mr. CARTWRIGHT (for himself, Mr. COLE, Mr. BISHOP of Utah, Mr. LOESACK, Mr. CUMMINGS, Mr. WOLF, Mr. WITTMAN, Mr. LYNCH, Mrs.

BUSTOS, Mr. AUSTIN SCOTT of Georgia, Mr. RUNYAN, Mr. CONNOLLY, Mr. FITZPATRICK, and Mr. PERLMUTTER):

H.R. 3573. A bill to ensure that the percentage increase in rates of basic pay for prevailing wage employees shall be equal to the percentage increase received by other Federal employees in the same pay locality, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself, Mr. CONYERS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. HONDA, Mr. HUFFMAN, Mr. NOLAN, Mr. SERRANO, Ms. LEE of California, Mr. GRAYSON, and Mr. COHEN):

H.R. 3574. A bill to eliminate certain subsidies for fossil-fuel production; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Science, Space, and Technology, Energy and Commerce, Agriculture, Appropriations, Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE (for herself, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Ms. LORETTA SANCHEZ of California, Ms. CLARKE, Mr. PAYNE, Mr. HIGGINS, and Mr. BARBER):

H.R. 3575. A bill to establish conditions under which the Secretary of Homeland Security may commence U.S. Customs and Border Protection security screening operations at a preclearance facility outside the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. MCCARTHY of California (for himself and Mrs. DAVIS of California):

H.R. 3576. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERS of California (for himself, Ms. SPEIER, Mr. HONDA, Mr. VARGAS, Mr. SWALWELL of California, and Mr. GARAMENDI):

H.R. 3577. A bill to establish the Commission on Health Care Savings through Innovative Wireless Technologies; to the Committee on Energy and Commerce.

By Mr. LOBIONDO (for himself, Mr. LARSEN of Washington, Mr. BUCSHON, Mr. GRAVES of Missouri, Mr. LIPINSKI, and Mr. MEEHAN):

H.R. 3578. A bill to ensure that any new or revised requirement providing for the screening, testing, or treatment of an airman or an air traffic controller for a sleep disorder is adopted pursuant to a rulemaking proceeding, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT (for himself, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. ROSKAM, Mr. BOUSTANY, Mr. TIBERI, Mr. NUNES, Mr. REICHERT, Mr. GERLACH, Mr. PRICE of Georgia, Ms. JENKINS, Mrs. BLACK, Mr. SCHOCK, Mr. YOUNG of Indiana, Mr. KELLY of Pennsylvania, Mr. GRIFFIN of Arkansas, Mr. RENACCI, Mr. SESSIONS, Mr. FLORES, Mr. CONAWAY, Mr.

THORNBERRY, Mr. WEBER of Texas, Mr. FARENTHOLD, Mr. MEADOWS, Mrs. LUMMIS, Mr. PETRI, Mr. CARTER, Ms. GRANGER, and Mr. WESTMORELAND):

H.R. 3579. A bill to require the Secretary of the Treasury to appear before certain committees of the Congress before the United States reaches the debt limit and defaults on Government obligations; to the Committee on Ways and Means.

By Mr. FATTAH:

H.R. 3580. A bill to require the Secretary of the Treasury to use revenue generated by certain fines, penalties, and settlements that are not designated for restitution or any other purpose to fund evidence-based youth mentoring projects, justice reinvestment efforts, and innovations in medical research and development; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself and Mr. THOMPSON of California):

H.R. 3581. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. HANNA, Mr. PETRI, Mr. DUNCAN of Tennessee, Mr. WHITFIELD, Mr. MORAN, Mr. BISHOP of New York, and Ms. EDWARDS):

H.R. 3582. A bill to establish a Water Infrastructure Investment Trust Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Ms. GRANGER, and Mrs. LOWEY):

H.R. 3583. A bill to expand the number of scholarships available to Pakistani women under the Merit and Needs-Based Scholarship Program; to the Committee on Foreign Affairs.

By Mr. STIVERS:

H.R. 3584. A bill to amend the Federal Home Loan Bank Act to authorize privately insured credit unions to become members of a Federal home loan bank, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mr. SIREs):

H.R. 3585. A bill to direct the President to submit to Congress a report on fugitives currently residing in other countries whose extradition is sought by the United States and related matters; to the Committee on Foreign Affairs.

By Mr. PETRI:

H.R. 3586. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. GARDNER (for himself, Mr. WELCH, and Mr. BUCSHON):

H.R. 3587. A bill to amend the National Energy Conservation Policy Act to provide guidance on utility energy service contracts used by Federal agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Ohio (for himself and Mr. TONKO):

H.R. 3588. A bill to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H.R. 3589. A bill to terminate the Denali Commission, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATTA (for himself, Mr. THOMPSON of Mississippi, Mr. WITTMAN, and Mr. WALZ):

H.R. 3590. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, the Judiciary, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Ms. BORDALLO, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. HAHN, Mr. HINOJOSA, Ms. NORTON, Ms. BROWN of Florida, Ms. JACKSON LEE, Mrs. BEATTY, Mr. CONYERS, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. PAYNE, Mr. ELLISON, Ms. WILSON of Florida, Mr. BISHOP of Georgia, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CÁRDENAS, Mr. AL GREEN of Texas, Ms. SEWELL of Alabama, Mr. FALEOMAVAEGA, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. ENGEL, Ms. CHU, Ms. MCCOLLUM, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. MEEKS, Mr. HONDA, Mr. VELA, Mr. LEWIS, Mr. RUSH, Mr. SERRANO, Ms. MOORE, Mr. TAKANO, and Mr. ENYART):

H.R. 3591. A bill to amend the Public Health Service Act to authorize grants to provide treatment for diabetes in minority communities; to the Committee on Energy and Commerce.

By Mr. CICILLINE (for himself, Mr. LANCE, Mr. MCDERMOTT, and Mr. RIBBLE):

H.R. 3592. A bill to amend the Congressional Budget Act of 1974 to require a jobs score for each spending bill considered in Congress; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COFFMAN (for himself and Mrs. KIRKPATRICK):

H.R. 3593. A bill to amend title 38, United States Code, to improve the construction of major medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COOPER:

H.R. 3594. A bill to prohibit the payment of death gratuities to the surviving heirs of deceased Members of Congress; to the Committee on House Administration.

By Mr. COTTON:

H.R. 3595. A bill to require the disclosure of determinations with respect to which Congressional staff will be required to obtain health insurance coverage through an Exchange; to the Committee on House Administration.

By Ms. DEGETTE:

H.R. 3596. A bill to amend title XIX of the Social Security Act to provide medical assistance to uninsured newborns under the Medicaid program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. EDWARDS:

H.R. 3597. A bill to require public employees to perform the inspection of State and local surface transportation projects, and related essential public functions, to ensure public safety, the cost-effective use of transportation funding, and timely project delivery; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 3598. A bill to amend the Patient Protection and Affordable Care Act to permit insurers to offer catastrophic coverage plans to anyone, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY (for himself and Mr. HALL):

H.R. 3599. A bill to amend title XVIII of the Social Security Act with respect to payments to long-term care hospitals, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSTER (for himself and Mrs. McMORRIS RODGERS):

H.R. 3600. A bill to amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. GOHMERT (for himself, Mr. JORDAN, Mr. COLE, Mr. LATTA, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. HALL, Mrs. BACHMANN, Mr. HUIZENGA of Michigan, Mr. WEBER of Texas, Mr. BISHOP of Utah, Mr. BENTIVOLIO, Mr. HUELSKAMP, Mr. LAMALFA, Mr. YOHO, Mr. ROE of Tennessee, Mr. LANKFORD, Mr. ROKITA, and Mrs. HARTZLER):

H.R. 3601. A bill to provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. HONDA, and Mr. SCOTT of Virginia):

H.R. 3602. A bill to designate the Philippines under section 244 of the Immigration and Nationality Act to permit nationals of the Philippines to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. KINGSTON (for himself, Mr. ROGERS of Alabama, and Mr. DEFAZIO):

H.R. 3603. A bill to limit the construction on United States soil of satellite positioning ground monitoring stations of foreign governments, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUETKEMEYER (for himself, Mr. BISHOP of Utah, and Mr. HARRIS):

H.R. 3604. A bill to clarify the requirements of authorized representatives under the Family Educational Rights and Privacy Act of 1974, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself, Mr. BEN

RAY LUJÁN of New Mexico, and Mr. PEARCE):

H.R. 3605. A bill to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MCCLINTOCK (for himself, Mr. STEWART, and Mr. NUNES):

H.R. 3606. A bill to permit certain activities to be conducted on Federal land within the Emigrant Wilderness of Stanislaus National Forest in the State of California at the level at which such activities were conducted on such land before the wilderness designation, and for other purposes; to the Committee on Natural Resources.

By Mr. MULVANEY (for himself and Mr. GOWDY):

H.R. 3607. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NOLAN:

H.R. 3608. A bill to amend the Act of October 19, 1973, concerning taxable income to members of the Grand Portage Band of Lake Superior Chippewa Indians; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. BISHOP of New York, Mr. KING of New York, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. MEEKS, Ms. MENG, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. NADLER, Mr. GRIMM, Mr. RANGEL, Mr. CROWLEY, Mr. SERRANO, Mr. ENGEL, Mr. SEAN PATRICK MALONEY of New York, Mr. GIBSON, Mr. TONKO, Mr. HANNA, Mr. REED, Mr. MAFFEI, Ms. SLAUGHTER, Mr. HIGGINS, Mr. COLLINS of New York, and Mrs. CAROLYN B. MALONEY of New York):

H.R. 3609. A bill to designate the facility of the United States Postal Service located at 3260 Broad Street in Port Henry, New York, as the "Dain Taylor Venne Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PAULSEN (for himself and Ms. MOORE):

H.R. 3610. A bill to stop exploitation through trafficking; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRY (for himself, Mr. BARLETTA, Mrs. BACHMANN, Mr. SMITH of Texas, Mr. STEWART, Mr. COTTON, and Mr. GINGREY of Georgia):

H.R. 3611. A bill to require the Secretary of Homeland Security to submit to Congress an annual report on immigration policy directives issued by the Department of Homeland Security, to ensure that each such policy directive is subject to the rule making process described in section 553 of title 5, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. POLIS (for himself, Ms. SCHWARTZ, and Mr. BISHOP of New York):

H.R. 3612. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself and Mr. CROWLEY):

H.R. 3613. A bill to amend title XVIII of the Social Security Act to provide for a change in payment for certain hospitals under Medicare; to the Committee on Ways and Means.

By Mr. REICHERT:

H.R. 3614. A bill to amend title 38, United States Code, to improve the recognition by States of skills learned in the military by a veteran when issuing licenses and credentials; to the Committee on Veterans' Affairs.

By Mr. REICHERT:

H.R. 3615. A bill to amend title 38, United States Code, to improve the hiring of veterans by the Federal Government; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUIZ (for himself, Mr. ROONEY, Mr. MULLIN, Mr. HANNA, Mr. NOLAN, Mr. MURPHY of Florida, Mrs. NEGRETE McLEOD, Mr. CARTWRIGHT, Mr. PETERS of California, and Mr. GARCIA):

H.R. 3616. A bill to amend title XVIII of the Social Security Act to distribute additional information to Medicare beneficiaries to prevent health care fraud, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHNEIDER (for himself and Mr. MCKINLEY):

H.R. 3617. A bill to authorize a national grant program for on-the-job training; to the Committee on Education and the Workforce.

By Mr. REICHERT (for himself, Mr. NOLAN, Mr. PAULSEN, Mr. RANGEL, Mr. GRIJALVA, Mr. VARGAS, Mr. HULTGREN, Mr. CÁRDENAS, Mr. BOUTSANY, Mr. YOUNG of Indiana, Mr. RENACCI, Mr. GRIFFIN of Arkansas, Mr. POE of Texas, Mr. KELLY of Pennsylvania, and Mrs. BLACK):

H. Con. Res. 66. Concurrent resolution expressing the sense of the Congress that children trafficked in the United States be treated as victims of crime, and not as perpetrators; to the Committee on the Judiciary.

By Ms. ESTY (for herself, Mr. COURTNEY, Ms. DELAURO, Mr. HIMES, and Mr. LARSON of Connecticut):

H. Con. Res. 67. Concurrent resolution recognizing the need to improve physical access to many United States postal facilities for all people in the United States in particular disabled citizens; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE:

H. Res. 426. A resolution expressing support for the designation of the Thursday before Thanksgiving as "Children's Grief Awareness Day"; to the Committee on Education and the Workforce.

By Mr. LARSON OF CONNECTICUT (for himself, Mr. KENNEDY, Mr. COURTNEY, Ms. DELAURO, Mr. HIMES, Ms. ESTY, Mr. NEAL, Mr. MCGOVERN, Ms. TSONGAS, Mr. TIERNEY, Mr. CAPUANO, Mr. LYNCH, Mr. KEATING, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. SHEA-PORTER, Ms. KUSTER, Mr. CICILLINE, Mr. LANGEVIN, Mr. WELCH, Mr. NOLAN, Mr. MORAN, Mr. CONNOLLY, Mr. PASCRELL, Ms. ESHOO, Mr. RYAN of Ohio, and Mr. KING of New York):

H. Res. 427. A resolution expressing support for designation of May 29, 2014, as a national day of remembrance honoring the late President John Fitzgerald Kennedy, the 35th President of the United States; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

153. The SPEAKER presented a memorial of the Council of District Of Columbia, relative to Resolution No. 20-276 supporting the federal Fair Minimum Wage Act of 2013; to the Committee on Education and the Workforce.

154. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 3 urging the President and the Congress to take a humane and just approach to solving our nation's broken immigration system; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 3618) for the relief of Kadiatou Diallo, Sankerala Diallo, Ibrahim Diallo, Abdoul Diallo, Mamadou Pathe Diallo, and Fatoumata Traore Diallo; which was referred to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCKINLEY:

H.R. 3570.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Ms. SCHAKOWSKY:

H.R. 3571.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the powers of Congress, as enumerated in Article I, Section 8.

By Mr. MCINTYRE:

H.R. 3572.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Amendment XVI, of the United States Constitution.

By Mr. CARTWRIGHT:

H.R. 3573.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

By Mr. ELLISON:

H.R. 3574.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1  
Article I, Section 8, Clause 3  
Article I, Section 8, Clause 18

By Ms. JACKSON LEE:

H.R. 3575.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MCCARTHY of California:

H.R. 3576.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1—The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

By Mr. PETERS of California:

H.R. 3577.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution Article I, Section 8, Clause 3

By Mr. LoBIONDO:

H.R. 3578.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. MARCHANT:

H.R. 3579.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 2:

The Congress shall have Power . . . To borrow Money on the credit of the United States.

Article I, section 8, clause 18:

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. FATTAH:

H.R. 3580.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises

shall be uniform throughout the United States.

By Mr. BRADY of Texas:

H.R. 3581.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 and the 16th Amendment.

By Mr. BLUMENAUER:

H.R. 3582.

Congress has the power to enact this legislation pursuant to the following:

Title I, Section 8.

By Ms. ROS-LEHTINEN:

H.R. 3583.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. STIVERS:

H.R. 3584.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SMITH of New Jersey:

H.R. 3585.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. PETRI:

H.R. 3586.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 which, in part, states: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, . . ." and the Sixteenth Amendment which states: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. GARDNER:

H.R. 3587.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution:

The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. JOHNSON of Ohio:

H.R. 3588.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution.

By Mr. CHABOT:

H.R. 3589.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority delegated to Congress to enact this legislation is found in Article I, Section 8, Clause 3 of the U.S. Constitution, which authorizes Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LATTA:

H.R. 3590.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

By Ms. WATERS:

H.R. 3591.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1 of the U.S. Constitution and

Article 1, Section 8, clause 3 of the U.S. Constitution.

By Mr. CICILLINE:

H.R. 3592.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COFFMAN:

H.R. 3593.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 12, 14 and 18 of the Constitution of the United States; the authority raise and support an army, to make rules for the government and regulation of the land and naval forces and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

The purpose of the bill is to provide assistance to the VA for their construction activities so that the veteran population has access to healthcare facilities. In order for the U.S. Government to support and regulate our land and naval forces for future engagements, it is necessary and proper for the Congress to legislate the construction of facilities so the current and future veteran population is provided adequate healthcare.

By Mr. COOPER:

H.R. 3594.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6 and Section 8 of the Constitution of the United States.

By Mr. COTTON:

H.R. 3595.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7—No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular statement and account of Receipts and Expenditures of all public money shall be published from time to time.

By Ms. DEGETTE:

H.R. 3596.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and 18 of the United States Constitution.

By Ms. EDWARDS:

H.R. 3597.

Congress has the power to enact this legislation pursuant to the following:

Article I., Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. FORTENBERRY:

H.R. 3598.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 3599.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FOSTER:

H.R. 3600.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. GOHMERT:

H.R. 3601.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: "The Congress shall have power . . . To regulate Commerce with foreign Nations, and among the several States." The Parental Notification and Intervention Act specifically establishes a federal nexus in that it applies to "any person or organization in or affecting interstate commerce."

Article I, Section 9, Clause 7: "No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law."

Article I, Section 8, Clause 18: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

The Parental Notification and Intervention Act also establishes a federal nexus in that it specifically applies to "any person or organization . . . who solicits or accepts federal funds." The power to appropriate money and make laws to execute this power, gives Congress the authority to make laws affecting persons or entities that accept federal funds.

By Mr. AL GREEN of Texas:

H.R. 3602.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

By Mr. KINGSTON:

H.R. 3603.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. LUETKEMEYER:

H.R. 3604.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 3605.

Congress has the power to enact this legislation pursuant to the following:

Article One of the United States Constitution, located at section 8, clause 18.

By Mr. MCCLINTOCK:

H.R. 3606.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 confers on Congress the authority to manage and regulate territory or other property held by the United States

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

By Mr. MULVANEY:

H.R. 3607.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. “The Congress shall have Power To . . . provide for the . . . general Welfare of the United States . . .”

The 10th Amendment to the Constitution: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

By Mr. NOLAN:

H.R. 3608.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution vests Congress with the authority to engage in relations with the tribes

By Mr. OWENS:

H.R. 3609.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PAULSEN:

H.R. 3610.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. PERRY:

H.R. 3611.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. POLIS:

H.R. 3612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. RANGEL:

H.R. 3613.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 “to provide for the common Defense and Welfare of the United States.”

By Mr. REICHERT:

H.R. 3614.

Congress has the power to enact this legislation pursuant to the following:

“The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

By Mr. REICHERT:

H.R. 3615.

Congress has the power to enact this legislation pursuant to the following:

“The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

By Mr. RUIZ:

H.R. 3616.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article 1 of the Constitution

By Mr. SCHNEIDER:

H.R. 3617.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 of the United States Constitution.

Mr. RANGEL:

H.R. 3618.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Section 8 of Article I of the Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. BENISHEK.

H.R. 60: Ms. BROWN of Florida, Mr. SEAN PATRICK MALONEY of New York, and Mr. ENYART.

H.R. 184: Ms. MCCOLLUM.

H.R. 351: Mr. LUCAS.

H.R. 503: Mr. DESJARLAIS, Mr. FLEISCHMANN, Mr. DUNCAN of South Carolina, Mr. COLE, Mr. FLEMING, Mr. LAMALFA, Mr. CHABOT, Mr. FLORES, Mr. MULVANEY, Mr. PITTS, Mrs. BLACKBURN, Mr. DESANTIS, Mr. BENTIVOLIO, Mr. SALMON, Mr. YOHIO, and Mrs. LUMMIS.

H.R. 543: Mr. ROGERS of Kentucky.

H.R. 580: Mr. GUTHRIE, Mr. CARTER, Mr. FARENTHOLD, Mr. LANCE, Mr. TERRY, Mr. PITTS, Mr. ROGERS of Michigan, Mr. BARTON, and Mr. MCKINLEY.

H.R. 630: Mr. SARBANES and Ms. DEGETTE.

H.R. 647: Mr. SHIMKUS and Mr. GENE GREEN of Texas.

H.R. 650: Mr. WAXMAN.

H.R. 664: Mr. MORAN.

H.R. 685: Mrs. NEGRETE MCLEOD.

H.R. 713: Mrs. BACHMANN, Mr. DOGGETT, Mr. McDERMOTT, and Mr. MCCAUL.

H.R. 721: Mr. PETERS of California, Mrs. BLACKBURN, Mr. DOYLE, Mr. COBLE, Mr. CRENSHAW, and Mr. BISHOP of Utah.

H.R. 855: Mr. RIBBLE.

H.R. 938: Mrs. NEGRETE MCLEOD.

H.R. 1000: Mrs. BEATTY.

H.R. 1070: Mrs. WALORSKI, Mr. DAVID SCOTT of Georgia, Mr. HIGGINS, and Mr. COHEN.

H.R. 1074: Mr. RUSH, Ms. HAHN, Mr. MEEHAN, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. HARPER, Ms. CLARKE, Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, and Ms. PINGREE of Maine.

H.R. 1102: Mr. NADLER.

H.R. 1125: Mrs. NEGRETE MCLEOD.

H.R. 1144: Mr. LAMALFA and Mr. LOWENTHAL.

H.R. 1209: Mr. DAVID SCOTT of Georgia, Mr. BROOKS of Alabama, Mr. POMPEO, Mr. LIPINSKI, Mr. GRIFFITH of Virginia, Mr. CASSIDY, Mr. COFFMAN, Mr. FLEMING, Mr. LANCE, and Mr. PAULSEN.

H.R. 1239: Mr. SENSENBRENNER, Mr. GRAVES of Missouri, and Mr. BUCSHON.

H.R. 1250: Mr. GOSAR.

H.R. 1276: Mr. BUTTERFIELD, Mr. COFFMAN, Mr. HOLT, Mr. MORAN, Mr. PITTINGER, and Mr. PITTS.

H.R. 1281: Mrs. CHRISTENSEN.

H.R. 1303: Ms. JENKINS and Mr. POCAN.

H.R. 1318: Mr. BACHUS.

H.R. 1428: Mr. JOHNSON of Georgia and Mrs. BACHMANN.

H.R. 1473: Mr. GALLEGO and Mr. BOUSTANY.

H.R. 1507: Mr. HECK of Nevada.

H.R. 1528: Ms. SHEA-PORTER, Mr. NEAL, Mr. SEAN PATRICK MALONEY of New York, Mr. THOMPSON of Pennsylvania, Mr. WALZ, Mr. COSTA, Mrs. NEGRETE MCLEOD, and Mr. NOLAN.

H.R. 1563: Mr. DANNY K. DAVIS of Illinois.

H.R. 1652: Mr. KENNEDY.

H.R. 1692: Mr. SCHWEIKERT.

H.R. 1726: Mr. KENNEDY, Mrs. WAGNER, Mr. DEUTCH, Mr. KINZINGER of Illinois, and Mr. GEORGE MILLER of California.

H.R. 1750: Mr. COURTNEY.

H.R. 1767: Mr. MCGOVERN, Mr. DOGGETT, Mr. LEWIS, Ms. DELAULO, and Mr. FARR.

H.R. 1787: Mr. PAULSEN.

H.R. 1814: Mr. SCHNEIDER, Mr. STEWART, Mr. HUIZENGA of Michigan, and Mr. MILLER of Florida.

H.R. 1816: Mrs. CAPPS.

H.R. 1838: Mr. MCHENRY, Mr. POSEY, Ms. MCCOLLUM, Mr. BISHOP of New York, and Mr. POCAN.

H.R. 1852: Mr. HULTGREN, Mr. RIBBLE, Mr. WEBSTER of Florida, Mr. GUTHRIE, Mr. SMITH of Missouri, Mr. COBLE, Mr. MESSER, Mr. WENSTRUP, and Mr. ROONEY.

H.R. 1869: Mr. MCKINLEY, Mr. WALZ, Mr. AMODEI, and Mrs. ELLMERS.

H.R. 1985: Mr. COURTNEY.

H.R. 2001: Ms. MCCOLLUM and Mr. AL GREEN of Texas.

H.R. 2012: Mr. MCNERNEY and Ms. PINGREE of Maine.

H.R. 2028: Mr. SCOTT of Virginia.

H.R. 2037: Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. McDERMOTT.

H.R. 2040: Mr. MCINTYRE.

H.R. 2066: Mr. RODNEY DAVIS of Illinois.

H.R. 2103: Mr. PASCRELL.

H.R. 2195: Mr. SCHIFF.

H.R. 2342: Mr. WAXMAN, Mr. HINOJOSA, Mr. SCHIFF, Mr. RANGEL, Ms. LEE of California, and Mr. CONYERS.

H.R. 2368: Mr. HONDA.  
H.R. 2415: Mr. CAPUANO, Mr. BROOKS of Alabama, Mr. BENISHEK, and Mr. SHIMKUS.  
H.R. 2482: Ms. PINGREE of Maine.  
H.R. 2499: Mr. HOLT and Mr. RYAN of Ohio.  
H.R. 2502: Mr. NADLER, Mr. HOLT, Mr. CICILLINE, Ms. MENG, and Ms. KUSTER.  
H.R. 2504: Mrs. LUMMIS and Mr. DOGGETT.  
H.R. 2529: Mr. MICHAUD.  
H.R. 2541: Mr. STUTZMAN.  
H.R. 2607: Mr. LEVIN, Mr. SCHIFF, and Ms. PINGREE of Maine.  
H.R. 2663: Mr. RODNEY DAVIS of Illinois and Mr. FLEISCHMANN.  
H.R. 2727: Mr. WILSON of South Carolina.  
H.R. 2737: Mr. COURTNEY.  
H.R. 2761: Ms. BONAMICI.  
H.R. 2791: Mr. HUDSON.  
H.R. 2800: Mr. LEWIS and Mr. MCGOVERN.  
H.R. 2805: Mr. HALL and Mr. PAULSEN.  
H.R. 2807: Mr. POSEY and Mr. CASTRO of Texas.  
H.R. 2810: Mr. KENNEDY.  
H.R. 2818: Mr. BLUMENAUER.  
H.R. 2835: Mr. BENISHEK.  
H.R. 2866: Mr. HUIZENGA of Michigan, Mr. WITTMAN, Mrs. HARTZLER, Mr. COSTA, Mr. FATTAH, Mr. LUETKEMEYER, and Mr. TURNER.  
H.R. 3003: Mr. BISHOP of Georgia, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HORSFORD, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Ms. LEE of California, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. RICHMOND, Mr. DAVID SCOTT of Georgia, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, and Ms. WILSON of Florida.  
H.R. 3040: Mr. MCGOVERN.  
H.R. 3043: Mr. STIVERS.  
H.R. 3086: Mr. AMODEI, Mr. SMITH of Nebraska, Mr. JORDAN, Mr. LUCAS, Mr. BOUTSTANY, Ms. SCHWARTZ, Mr. MEADOWS, Mr. BARROW of Georgia, and Mr. CÁRDENAS.  
H.R. 3118: Ms. SPEIER.  
H.R. 3121: Mr. CONAWAY, Mr. YOHIO, Mr. HALL, and Mr. JOHNSON of Ohio.  
H.R. 3130: Ms. MOORE.  
H.R. 3159: Mr. QUIGLEY.  
H.R. 3199: Mr. STUTZMAN.  
H.R. 3279: Mr. SHIMKUS.  
H.R. 3299: Mr. HECK of Nevada, Mr. MEADOWS, and Mr. JOHNSON of Ohio.  
H.R. 3303: Mr. WESTMORELAND, Mr. FINCHER, and Mr. GARDNER.  
H.R. 3306: Mr. SHIMKUS.  
H.R. 3335: Mr. CRAWFORD and Mr. MCCAUL.  
H.R. 3352: Mr. JONES, Mr. O'ROURKE, Mr. JOHNSON of Ohio, and Ms. MOORE.  
H.R. 3357: Mrs. DAVIS of California.  
H.R. 3360: Ms. PINGREE of Maine.  
H.R. 3361: Mr. CARSON of Indiana, Mr. KINGSTON, Mr. LUETKEMEYER, and Mrs. NOEM.  
H.R. 3369: Mr. LANGEVIN.  
H.R. 3370: Mr. RICE of South Carolina, Mr. GRAYSON, and Ms. BROWNLEY of California.  
H.R. 3374: Mr. DELANEY and Mr. PITTS.  
H.R. 3391: Mr. SIMPSON.  
H.R. 3392: Mr. WHITFIELD.  
H.R. 3410: Mrs. HARTZLER.  
H.R. 3413: Mr. THOMPSON of Mississippi, Mr. WILLIAMS, and Mr. ROE of Tennessee.  
H.R. 3431: Mr. MCGOVERN.  
H.R. 3436: Mr. GARDNER, Mr. GRIFFIN of Arkansas, Mr. MCCLINTOCK, Mr. SALMON, Mr. WEBER of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mrs. LUMMIS, Mr. PEARCE, Mr. BURGESS, and Mr. LUETKEMEYER.  
H.R. 3445: Mr. CONYERS, Mr. CICILLINE, Mr. LIPINSKI, Ms. PINGREE of Maine, Mr.

HUFFMAN, Mr. DEFazio, and Mr. JOHNSON of Georgia.  
H.R. 3449: Mr. COURTNEY.  
H.R. 3453: Ms. NORTON and Mr. RUSH.  
H.R. 3461: Mr. TIERNEY, Mr. DOGGETT, Mr. HONDA, Mr. SABLAN, Mr. HINOJOSA, Mr. MAFEL, Mr. MCGOVERN, Mr. CONYERS, Ms. CASTOR of Florida, Ms. SCHWARTZ, Mr. MORAN, Ms. SLAUGHTER, Mr. POLIS, Ms. NORTON, Ms. TITUS, Mr. ENGEL, Mr. VAN HOLLEN, Mr. POCAN, Mr. HOLT, Mr. CAPUANO, Mr. COURTNEY, Mr. BEN RAY LUJÁN of New Mexico, and Ms. DELBENE.  
H.R. 3462: Mr. COLLINS of New York.  
H.R. 3463: Mr. MEADOWS.  
H.R. 3469: Mr. SCOTT of Virginia, Mr. NUNNELEE, Mr. WILSON of South Carolina, Mr. GOSAR, Mr. BROUN of Georgia, Mr. VARGAS, Mr. PERRY, Mr. KLINE, Mr. MCHENRY, Mr. NUNES, Mr. HUNTER, Mr. VALADAO, Mr. JONES, Mr. CONYERS, Mr. LANKFORD, Mr. MULLIN, Mr. MCKEON, and Mr. TERRY.  
H.R. 3471: Mr. RYAN of Ohio, Mr. DEFazio, Mr. KENNEDY, Mr. HIGGINS, Ms. LOFGREN, Mr. CAPUANO, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. DEUTCH, and Mr. TIERNEY.  
H.R. 3480: Ms. PINGREE of Maine.  
H.R. 3482: Mr. MARCHANT.  
H.R. 3483: Mr. ROHRABACHER.  
H.R. 3484: Mr. HONDA.  
H.R. 3485: Mr. CULBERSON, Mr. SCHWEIKERT, Mr. BROOKS of Alabama, Mr. BURGESS, and Mr. WOMACK.  
H.R. 3486: Mr. BURGESS.  
H.R. 3488: Mr. DIAZ-BALART, Mr. MEADOWS, Ms. LINDA T. SÁNCHEZ of California, Ms. SPEIER, Mr. VARGAS, Mr. COOK, Ms. CLARKE, and Mr. GRIFFIN of Arkansas.  
H.R. 3490: Mr. CAPUANO, Mr. PRICE of North Carolina, and Mr. FARENTHOLD.  
H.R. 3494: Ms. TITUS, Mr. POCAN, and Mr. SIRE.  
H.R. 3509: Ms. JACKSON LEE.  
H.R. 3516: Ms. KELLY of Illinois and Mr. ENYART.  
H.R. 3517: Mr. LIPINSKI.  
H.R. 3522: Mrs. BLACKBURN, Mr. HARPER, Mr. MURPHY of Pennsylvania, and Mr. KINZINGER of Illinois.  
H.R. 3529: Mr. SCOTT of Virginia, Mr. CÁRDENAS, Mr. MULVANEY, and Mr. KINGSTON.  
H.R. 3530: Mr. HALL.  
H.R. 3538: Mr. PIERLUISI, Ms. BASS, Mr. TIERNEY, and Ms. VELÁZQUEZ.  
H.R. 3539: Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. FORTENBERRY, Mr. HARRIS, Mr. SALMON, Mr. WITTMAN, Mr. WESTMORELAND, Mr. COBLE, Mr. PITTINGER, Mr. HOLDING, Mr. BARR, Mr. COLE, Mr. ROKITA, Mr. TURNER, Mr. WEBER of Texas, Mr. AMODEI, Mr. BARTON, Mr. CRAWFORD, Mr. DUNCAN of Tennessee, Mr. NUNNELEE, Mr. MURPHY of Pennsylvania, Mr. MEADOWS, Mr. BENISHEK, Mrs. BLACK, Mr. BROOKS of Alabama, Mr. BUCSHON, Mr. COTTON, Mr. FARENTHOLD, Mr. FINCHER, Mr. GOWDY, Mr. HUELSKAMP, Mr. HULTGREN, Mr. HUNTER, Mr. KLINE, Mr. LABRADOR, Mr. LUCAS, Mr. MARINO, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mr. MICA, Mr. MILLER of Florida, Mr. MULLIN, Mrs. NOEM, Mr. OLSON, Mr. PETRI, Mr. PITTS, Mr. POMPEO, Mr. ROONEY, Mr. SMITH of New Jersey, Mr. SOUTHERLAND, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. WILSON of South Carolina, Mr. YOUNG of Indiana, and Mr. ROSKAM.  
H.R. 3541: Mr. JONES, Mr. CULBERSON, and Mr. CRAWFORD.  
H.R. 3555: Mr. DENT, Ms. MOORE, and Mr. NOLAN.  
H.R. 3558: Mr. BUTTERFIELD.  
H.R. 3560: Ms. BASS, Mrs. BEATTY, Mr. BISHOP of Georgia, Ms. BROWN of Florida, Mr.

BUTTERFIELD, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. ELLISON, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Ms. LEE of California, Mr. LEWIS, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. RICHMOND, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Mr. VEASEY, Ms. WILSON of Florida, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. WATERS, Mr. JEFFRIES, Ms. EDWARDS, Mr. RUSH, Mr. MEEKS, and Mr. WATT.  
H.J. Res. 104: Mr. WOODALL, Mr. HARRIS, Mr. WEBER of Texas, Mr. YOHIO, Mr. BROUN of Georgia, Mr. THORNBERRY, and Mr. SALMON.  
H. Con. Res. 65: Mr. THOMPSON of Pennsylvania.  
H. Res. 11: Mr. TAKANO.  
H. Res. 30: Mr. RUPPERSBERGER.  
H. Res. 147: Mr. LOWENTHAL.  
H. Res. 231: Mr. TERRY, Mr. ROONEY, and Mr. OWENS.  
H. Res. 247: Ms. GABBARD.  
H. Res. 281: Mr. STUTZMAN.  
H. Res. 302: Mr. UPTON, Mr. GUTIÉRREZ, Mr. PITTS, Mr. PRICE of North Carolina, Mr. ROSKAM, Mr. CAMP, Mr. LIPINSKI, Mr. GRIMM, and Mr. RODNEY DAVIS of Illinois.  
H. Res. 350: Mr. KINGSTON.  
H. Res. 356: Mr. PAULSEN.  
H. Res. 365: Mr. HECK of Washington, Ms. DEGETTE, Ms. DELAURO, Ms. LOFGREN, Mr. BERA of California, Mr. FATTAH, Ms. EDWARDS, Mr. CARSON of Indiana, and Mr. HONDA.  
H. Res. 404: Mr. RANGEL and Mr. FRANKS of Arizona.  
H. Res. 407: Mr. GARCIA.  
H. Res. 409: Mr. COFFMAN.  
H. Res. 410: Mr. LUETKEMEYER, Mr. MULVANEY, Mr. TIPTON, and Mr. RICHMOND.  
H. Res. 411: Mr. SOUTHERLAND.  
H. Res. 417: Mr. PASCRELL and Mr. PERRY.  
H. Res. 425: Mr. BARR, Mr. AMASH, Mr. LABRADOR, Mr. BROOKS of Alabama, Mr. CULBERSON, Mr. DUNCAN of South Carolina, Mr. FRANKS of Arizona, Mr. ROONEY, and Mr. WESTMORELAND.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1698: Mr. COFFMAN.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

56. The SPEAKER presented a petition of the Municipal Legislature of Moca, Puerto Rico, relative to Resolution No. 27 requesting the President and the Congress initiate the process of admission of Puerto Rico as the 51st state; to the Committee on Natural Resources.

57. Also, a petition of the California State Lands Commission, California, relative to a Resolution supporting the Lake Tahoe Restoration Act of 2013; to the Committee on Transportation and Infrastructure.



58. Also, a petition of the Caddo Bossier Port Commission, Louisiana, relative to Resolution No. 9 demanding that the Army Corps of Engineers maintain a minimum of a nine foot deep by two hundred foot wide channel to allow safe and reliable barge transportation on the Red River; to the Committee on Transportation and Infrastructure.

**SENATE—Thursday, November 21, 2013**

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the giver of every good and perfect gift, during this Thanksgiving season, we lift grateful hearts to You in prayer. Thank You for the splash of raindrops, for the warmth of sunshine, for the melody of the moonlight, and for the stars that hang like scintillating lanterns in the night.

Lord, we are grateful for strength to meet life's challenges, for the fulfillment of honorable labor, for friendships that dispel loneliness, for the laughter of children, and for the joy of the harvest. We praise You for the privilege to receive Your forgiveness and to make operative Your redeeming grace in our thoughts, desires, and hopes.

We also express gratitude for our Senators, who have an opportunity to participate in history's great events and to serve Your purposes for their lives in this generation.

Lord of all, to You we raise this, our prayer, of grateful praise. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**WORKFORCE INVESTMENT ACT OF 2013—MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 243, S. 1356, the Workforce Investment Act of 2013.

The PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 243, S. 1356, a bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the National Defense Authorization Act. I filed cloture on that bill last night. As a result, the filing deadline for first-degree amendments to the bill is 1 p.m. today.

MEASURE PLACED ON THE CALENDAR—S. 1752

Mr. REID. Mr. President, I am told S. 1752 is due for a second reading.

The PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1752) to perform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

Mr. REID. I object to any further proceedings on this bill at this time.

The PRESIDENT pro tempore. Without objection, the bill will be placed on the calendar.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**IRAN SANCTIONS**

Mr. REID. Mr. President, I am a strong supporter of our Iran sanction regime and believe that the current sanctions have brought Iran to the negotiating table.

I believe we must do everything possible to stop Iran from getting nuclear weapons capability, which would threaten Israel and the national security of our great country.

The Obama administration is in the midst of negotiations with the Iranians that are designed to end their nuclear weapons program. We all strongly support those negotiations and hope they will succeed, and we want them to produce the strongest possible agreement.

However, we are also aware of the possibility that the Iranians could keep the negotiations from succeeding. I hope that won't happen, but the Senate must be prepared to move forward with a new bipartisan Iran sanctions bill when the Senate returns after the Thanksgiving recess. I am committed to do just that.

A number of Senators, Democrats and Republicans, have offered their own amendments on Iran, and they have offered a couple of the amendments in the Defense authorization bill. I know other Senators also have their own sanctions bills they would like to move forward on.

I will support a bill that would broaden the scope of our current petroleum

sanctions, place limitations on trade with strategic sectors of the Iranian economy that support its nuclear ambitions, as well as pursue those that divert goods to Iran.

While I support the administration's diplomatic efforts, I believe we need to leave our legislative options open to act on a new bipartisan sanctions bill in December, shortly after we return.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

**RULES REFORM**

Mr. REID. Mr. President, the American people believe Congress is broken. The American people believe the Senate is broken, and I believe the American people are right.

During this Congress—the 113th Congress—the United States has wasted an unprecedented amount of time on procedural hurdles and partisan obstruction. As a result the work of this country goes undone.

Congress should be passing legislation that strengthens our economy and protects American families. Instead, we are burning wasted hours and wasted days between filibusters. I could say, instead, we are burning wasted days and wasted weeks between filibusters.

Even one of the Senate's most basic duties—confirmation of presidential nominees—has become completely unworkable. There has been unbelievable, unprecedented obstruction. For the first time in the history of our Republic, Republicans have routinely used the filibuster to prevent President Obama from appointing his executive team or confirming judges. It is truly a troubling trend that Republicans are willing to block executive branch nominees, even when they have no objection to the qualifications of the nominee. Instead, they block qualified executive branch nominees to circumvent the legislative process. They block qualified executive branch nominations to force wholesale changes to laws. They block qualified executive branch nominees to restructure entire executive branch departments, and they block qualified judicial nominees because they don't want President Obama to appoint any judges to certain courts.

The need for change is so very obvious. It is clearly visible. It is manifest

we have to do something to change things.

In the history of our country—some 230-plus years—there have been 168 filibusters of executive and judicial nominations. Half of them have occurred during the Obama administration—so 230-plus years, 50 percent; 4½ years, 50 percent. Is there anything fair about that?

These nominees deserve at least an up-or-down vote—yes or no—but Republican filibusters deny them a fair vote—any vote—and deny the President his team.

Gridlock has consequences, and they are terrible. It is not only bad for President Obama and bad for this body, the Senate, it is bad for our country, it is bad for our national security, and it is bad for our economic security.

That is why it is time to get the Senate working again—not for the good of the current Democratic majority or some future Republican majority, but for the good of the United States of America. It is time to change. It is time to change the Senate before this institution becomes obsolete.

At the beginning of this Congress, the Republican leader pledged that, “This Congress should be more bipartisan than the last Congress.”

We are told in the Scriptures—let’s take, for example, the Old Testament, the Book of Numbers, that promises, pledges, a vow—one must not break his word.

In January, Republicans promised to work with the majority to process nominations in a timely manner by unanimous consent, except in extraordinary circumstances. Exactly three weeks later, Republicans mounted a first-in-history filibuster of a highly qualified nominee for Secretary of Defense.

Despite being a former Republican Senator and a decorated war hero, having saved his brother’s life in Vietnam, Defense Secretary Chuck Hagel’s nomination was pending in the Senate for a record 34 days—more than three times the previous average for a Secretary of Defense. Remember, our country was at war.

Republicans have blocked executive nominees such as Secretary Hagel not because they object to the qualifications of the nominee but simply because they seek to undermine the very government in which they were elected to serve.

Take the nomination of Richard Cordray to lead the Consumer Financial Protection Bureau. There was no doubt about his ability to do the job. But the Consumer Financial Protection Bureau, the brainchild of ELIZABETH WARREN, went for more than 2 years without a leader because Republicans refused to accept the law of the land, because they wanted to roll back the law that protects consumers from the greed of Wall Street.

I say to my Republican colleagues: You don’t have to like the laws of the land, but you do have to respect those laws and acknowledge them and abide by them.

Similar obstruction continued unabated for 7 more months, until Democrats threatened to change Senate rules to allow up-or-down votes on executive nominations. In July, after obstructing dozens of executive nominees for months—and some for years—Republicans once again promised they would end the unprecedented obstruction.

One look at the Senate’s Executive Calendar shows that nothing has changed since July. Republicans have continued their record obstruction as if no agreement had ever been reached. Again, Republicans have continued their record of obstruction as if no agreement had been reached.

There are currently 75 executive branch nominations ready to be confirmed by the Senate. They have been waiting an average of 140 days for confirmation.

One executive nominee to the agency that safeguards the water my children and my grandchildren drink and the air they breathe has waited almost 900 days for confirmation.

We agreed in July that the Senate should be confirming nominees to ensure the proper functioning of government.

Consistent and unprecedented obstruction by the Republican Caucus has turned “advise and consent” into “deny and obstruct.”

In addition to filibustering a nominee for Secretary of Defense for the first time in history, Senate Republicans also blocked a sitting Member of Congress from an administration position for the first time since 1843.

As a senior Member of the House Financial Services Committee, Congressman MEL WATT’s understanding of the mistakes that led to the housing crisis made him uniquely qualified to serve as Administrator of the Federal Housing Finance Agency.

Senate Republicans simply do not like the consumer protections Congressman WATT was nominated to develop and implement, so they denied a fellow Member of Congress and a graduate of the Yale School of Law even the courtesy of an up-or-down vote.

In the last 3 weeks alone, Republicans have blocked up-or-down votes on three highly qualified nominees to the D.C. Circuit Court of Appeals. This does not take into consideration they twice turned down one of the most qualified people in my 30 years in the Senate who I have ever seen come before this body: Caitlin Halligan. So we have three more to add to that list.

The D.C. Circuit is considered by many to be the second highest court in the land, and some think maybe the most important. It deals with these

complex cases that come from Federal agencies and other things within their jurisdiction.

Republicans have blocked four of President Obama’s five nominees to the D.C. Circuit, whereas the Democrats approved four of President Bush’s six nominations to this important court.

Today the D.C. Circuit Court—at least the second most important court in the land—has more than 25 percent in vacancies. There is not a single legitimate objection to the qualifications of any of these nominees to the D.C. Circuit that President Obama has put forward. Republicans have refused to give them an up-or-down vote—a simple “yes” or “no” vote. Republicans simply do not want President Obama to make any appointments at all to this vital court—none, zero.

Further, only 23 district court nominations have been filibustered in the entire history of our country—23. And you know what. Twenty of them have been in the last 4½ years. Two hundred thirty-plus years: 3; the last 4½ years: 20. That is not fair. With one out of every 10 Federal judgeships vacant, millions of Americans who rely on courts that are overworked and understaffed are being denied the justice they rightly deserve.

More than half of the Nation’s population lives in parts of the country that have been declared a “judicial emergency.” No one has worked harder than the President pro tempore to move judges. The President pro tempore is the chairman also of the Judiciary Committee. No one knows the problem more than the President pro tempore.

The American people are fed up with this kind of obstruction and gridlock. The American people—Democrats, Republicans, Independents—are fed up with this gridlock, this obstruction. The American people want Washington to work for American families once again.

I am on their side, which is why I propose an important change to the rules of the U.S. Senate. The present Republican leader himself said—and this is a direct quote—“The Senate has repeatedly changed its rules as circumstances dictate.”

He is right. In fact, the Senate has changed its rules 18 times, by sustaining or overturning the ruling of the Presiding Officer, in the last 36 years—during the tenures of both Republican and Democratic majorities.

The change we propose today would ensure executive and judicial nominations an up-or-down vote on confirmation—yes, no. The rule change will make cloture for all nominations other than for the Supreme Court a majority threshold vote—yes or no.

The Senate is a living thing, and to survive it must change, as it has over the history of this great country. To the average American, adapting the rules to make the Senate work again is just common sense.

This is not about Democrats versus Republicans. This is about making Washington work—regardless of who is in the White House or who controls the Senate.

To remain relevant and effective as an institution, the Senate must evolve to meet the challenges of this modern era.

I have no doubt my Republican colleagues will argue the fault is ours, it is the Democrats' fault. I can say from experience that no one's hands are entirely clean on this issue. But today the important distinction is not between Democrats and Republicans. It is between those who are willing to help break the gridlock in Washington and those who defend the status quo.

Is the Senate working now? Can anyone say the Senate is working now? I do not think so.

Today Democrats and Independents are saying enough is enough. This change to the rules regarding Presidential nominees will apply equally to both parties. When Republicans are in power, these changes will apply to them as well. That is simple fairness, and it is something that both sides should be willing to live with to make Washington work again. That is simple fairness.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Mr. President, over the past several weeks, the American people have been witness to one of the most breathtaking—breathtaking—indictments of big-government liberalism in memory. And I am not just talking about a Web site. I am talking about the way in which ObamaCare was forced on the public by an administration and a Democratic-led Congress that we now know was willing to do and say anything—anything—to pass the law.

The President and his Democratic allies were so determined to force their vision of health care on the public that they assured them up and down that they would not lose the plans they had, that they would save money instead of losing it, and that they would be able to use the doctors and hospitals they were already using.

But, of course, we know that that rhetoric does not match reality. The stories we are hearing on a nearly daily basis now range from heartbreaking to comical. Just yesterday I saw a story about a guy getting a letter in the mail saying his dog—his dog—had qualified

for insurance under ObamaCare. So, yeah, I would probably be running for the exits too if I had supported this law. I would be looking to change the subject—change the subject—just as Senate Democrats have been doing with their threats of going nuclear and changing the Senate rules on nominations. If I were a Senator from Oregon, for example, which has not enrolled a single person—a single person—for the ObamaCare exchange, I would probably want to talk about something else too.

But here is the problem with this latest distraction: It does not distract people from ObamaCare. It reminds them of ObamaCare. It reminds them of all the broken promises. It reminds them of the power grab. It reminds them of the way Democrats set up one set of rules for themselves and another for everybody else—one set of rules for them and another for everybody else.

Actually, this is all basically the same debate, and rather than distract people from ObamaCare, it only reinforces the narrative of a party that is willing to do and say just about anything to get its way—willing to do or say just about anything to get its way. Because that is just what they are doing all over again.

Once again, Senate Democrats are threatening to break the rules of the Senate—break the rules of the Senate—in order to change the rules of the Senate. And over what? Over what? Over a court that does not even have enough work to do?

Millions of Americans are hurting because of a law Washington Democrats forced upon them, and what do they do about it? They cook up some fake fight over judges—a fake fight over judges—who are not even needed.

Look, I get it. As I indicated, I would want to be talking about something else too if I had to defend dogs getting insurance while millions of Americans lost theirs. But it will not work. The parallels between this latest skirmish and the original ObamaCare push are just too obvious to ignore.

Think about it. Just think about it. The majority leader promised—he promised—over and over that he would not break the rules of the Senate in order to change them. This was not an ancient promise. On July 14 on “Meet the Press” he said: “We’re not touching judges.” This year, on July 14, on “Meet the Press”: “We’re not touching judges.”

Then there are the double standards.

When Democrats were in the minority, they argued strenuously for the very thing they now say we will have to do without; namely, the right to extended debate on lifetime appointments. In other words, they believe that one set of rules should apply to them—to them—and another set to everybody else. He may just as well have said: “If you like the rules of the Senate, you can keep them.” “If you like

the rules of the Senate, you can keep them”—just the way so many Democrats in the administration and Congress now believe that ObamaCare is good enough for their constituents, but that when it comes to them, their political allies, their staffs, well, of course, that is different.

Let's not forget about the raw power—the raw power—at play here. On this point, the similarities between the ObamaCare debate and the Democratic threat to go nuclear on nominations are inescapable—inescapable. They muscled through ObamaCare on a party-line vote and did not care about the views of the minority—did not care one whit about the views of the minority. And that is just about what they are going to do here.

The American people decided not to give the Democrats the House or to restore the filibuster-proof majority they had in the Senate back in 2009, and our Democratic colleagues do not like that one bit. They just do not like it. The American people are getting in the way of what they would like to do. So they are trying to change the rules of the game to get their way anyway. They said so themselves. Earlier this year, the senior Senator from New York said they want to “fill up the D.C. Circuit one way or another”—“fill up the D.C. Circuit one way or another.”

The reason is clear. As one liberal activist put it earlier this year, President Obama's agenda “runs through the D.C. Circuit.” You cannot get what you want through the Congress because the American people, in November 2010, said they had had enough—they issued a national restraining order, after watching 2 years of this administration unrestrained—so now their agenda runs through the bureaucracy and through the D.C. Circuit.

As I said, in short, unlike the first 2 years of the Obama administration, there is now a legislative check on the President. The administration does not much like checks and balances, so it wants to circumvent the people's representatives with an aggressive regulatory agenda, and our Democratic colleagues want to facilitate that by filling up a court that will rule on his agenda—a court that does not even have enough work to do, especially if it means changing the subject from ObamaCare for a few days.

And get this: They think they can change the rules of the Senate in a way that benefits only them. They want to do it in such a way that President Obama's agenda gets enacted but that a future Republican President could not get his or her picks for the Supreme Court confirmed by a Republican Senate using the same precedent our Democratic friends want to set. They want to have it both ways.

But this sort of gerrymandered vision of the nuclear option is wishful thinking. As the ranking member of the Judiciary Committee Senator GRASSLEY

pointed out yesterday: If the majority leader changes the rules for some judicial nominees, he is effectively changing them for all judicial nominees, including the Supreme Court, as Senator GRASSLEY pointed out yesterday.

Look, I realize this sort of wishful thinking might appeal to the uninitiated newcomers in the Democratic Conference who have served exactly zero days in the minority. But the rest of you guys in the conference should know better. Those of you who have been in the minority before should know better.

Let's remember how we got here. Let's remember that it was Senate Democrats who pioneered, who literally pioneered the practice of filibustering circuit court nominees, and who have been its biggest proponents in the very recent past. After President Bush was elected, they even held a retreat in which they discussed the need to change the ground rules by which lifetime appointments are considered. The senior Senator from New York put on a seminar, invited Laurence Tribe, Cass Sunstein. In the past the practice had been neither side had filibustered circuit court nominees. In fact, I can remember at Senator Lott's gagging several times and voting for cloture on circuit judges for the Ninth Circuit, knowing full well that once cloture was invoked, they would be confirmed.

So this business of filibustering circuit court judges was entirely an invention of the guys over here on the other side, the ones you are looking at right over here. They made it up. They started it. This is where we ended up.

After President Bush was elected, they held this retreat that I was just talking about and made a big deal about it. It was all a prelude to what followed, the serial filibustering of several of President Bush's circuit court nominees, including Miguel Estrada, whose nomination to the D.C. Circuit was filibustered by Senate Democrats a record seven times—seven times. Now they want to blow up the rules because Republicans are following a precedent they themselves set.

I might add, we are following that precedent in a much more modest way than Democrats did.

So how about this for a suggestion? How about instead of picking a fight with Senate Republicans by jamming through nominees to a court that does not even have enough work to do, how about taking yes for an answer and working with us on filling judicial emergencies that actually exist?

Yet rather than learn from past precedent on judicial nominations that they themselves set, Democrats now want to set another one. I have no doubt if they do, they will come to regret that one as well. Our colleagues evidently would rather live for the moment, satisfy the moment, live for the moment, and try to establish a story

line that Republicans are intent on obstructing President Obama's judicial nominees. That story line is patently ridiculous in light of the facts. That is an utterly absurd suggestion in light of the facts.

Before this current Democratic gambit to fill up the D.C. Circuit one way or the other, the Senate had confirmed 215—215—of the President's judicial nominees and rejected 2. That is a 99-percent confirmation rate. There were 215 confirmed and 2 rejected—99 percent.

Look, if advice and consent is to mean anything at all, occasionally consent is not given. But by any objective standards, Senate Republicans have been very fair to this President. We have been willing to confirm his nominees. In fact, speaking of the D.C. Circuit, we just confirmed one a few months ago 97 to 0 to the D.C. Circuit.

So I suggest our colleagues take a timeout, stop trying to jam us, work with us instead to confirm vacancies that actually need to be filled, which we have been doing. This rules change charade has gone from being a biannual threat, to an annual threat, now to a quarterly threat. How many times have we been threatened, my colleagues? Do what I say or we will break the rules to change the rules. Confirm everybody, 100 percent. Anything less than that is obstructionism. That is what they are saying to us.

Let me say we are not interested in having a gun put to our head any longer. If you think this is in the best interests of the Senate and the American people to make advice and consent, in effect, mean nothing—obviously you can break the rules to change the rules to achieve that. But some of us have been around here long enough to know that the shoe is sometimes on the other foot.

This strategy of distract, distract, distract is getting old. I do not think the American people are fooled about this. If our colleagues want to work with us to fill judicial vacancies, as we have been doing all year—99 percent of judges confirmed—obviously we are willing to do that. If you want to play games, set yet another precedent that you will no doubt come to regret—I say to my friends on the other side of the aisle, you will regret this, and you may regret it a lot sooner than you think.

Let me be clear. The Democratic playbook of broken promises, double standards, and raw power, the same playbook that got us ObamaCare, has to end. It may take the American people to end it, but it has to end. That is why Republicans are going to keep their focus where it belongs, on the concerns of the American people. It means we are going to keep pushing to get back to the drawing board on health care, to replace ObamaCare with real reforms, to not punish the middle class, and we will leave the political

games to our friends on the other side of the aisle.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, what is the business before the Senate right now?

The PRESIDENT pro tempore. The business before the Senate is the motion to proceed to S. 1356.

MOTION TO PROCEED TO RECONSIDERATION

Mr. REID. Mr. President, I now move to proceed to the motion to reconsider the vote by which cloture was not invoked on the Millett nomination.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CHAMBLISS (when his name was called). "Present."

Mr. HATCH (when his name was called). "Present."

Mr. ISAKSON (when his name was called). "Present."

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 239 Leg.]

#### YEAS—57

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

#### NAYS—40

Alexander	Fischer	Paul
Ayotte	Flake	Portman
Barrasso	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Heller	Rubio
Burr	Hoehn	Scott
Coats	Inhofe	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
Cruz	McConnell	
Enzi	Moran	

#### ANSWERED "PRESENT"—3

Chambliss	Hatch	Isakson
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The motion was agreed to.

MOTION TO RECONSIDER—MILLETT NOMINATION

The PRESIDENT pro tempore. The majority leader.

Mr. REID. I move to reconsider the vote by which cloture was not invoked on the Millett nomination.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Parliamentary inquiry.

The PRESIDENT pro tempore. The Republican leader will state the parliamentary inquiry.

Mr. MCCONNELL. Is it correct that more than 200 judicial nominations have been confirmed by the Senate since 2009?

The PRESIDENT pro tempore. The Chair is informed the Secretary of the Senate confirmed that more than 200 judicial nominations have been confirmed since 2009.

Mr. MCCONNELL. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Republican leader will state the parliamentary inquiry.

Mr. MCCONNELL. Is it correct that under the bipartisan streamlining provisions of S. Res. 116 and S. 679 in the 112th Congress, the Senate removed 169 nominations from Senate consideration completely, moved 272 nominations to the Senate's expedited calendar, and removed from Senate consideration approximately 3,000 nominations for the NOAA officer corps and the Public Health Service?

The PRESIDENT pro tempore. It is the understanding of the Chair that pursuant to S. Res. 116 and S. 679 of the 112th Congress, a large number of nominations were moved to a newly created expedited consideration process or removed from the advice-and-consent process of the Senate altogether. The Chair cannot confirm the exact number.

#### MOTION TO ADJOURN

Mr. MCCONNELL. I move to adjourn the Senate until 5 p.m. and ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 240 Ex.]

#### YEAS—46

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	Manchin	Wicker
Cruz	McCain	
Enzi	McConnell	

#### NAYS—54

Baldwin	Brown	Durbin
Baucus	Cantwell	Feinstein
Begich	Cardin	Franken
Bennet	Carper	Gillibrand
Blumenthal	Casey	Hagan
Booker	Coons	Harkin
Boxer	Donnelly	Heinrich

Heitkamp	Menendez	Schatz
Hirono	Merkley	Schumer
Johnson (SD)	Mikulski	Shaheen
Kaine	Murphy	Stabenow
King	Murray	Tester
Klobuchar	Nelson	Udall (CO)
Landrieu	Pryor	Udall (NM)
Leahy	Reed	Warner
Levin	Reid	Warren
Markey	Rockefeller	Whitehouse
McCaskill	Sanders	Wyden

The motion was rejected.

#### MOTION TO RECONSIDER—MILLETT NOMINATION

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Are we now on the motion to reconsider the Millett nomination?

The PRESIDENT pro tempore. We are.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 241 Ex.]

#### YEAS—57

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

#### NAYS—43

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

The motion was agreed to.

The PRESIDENT pro tempore. The majority leader is recognized.

#### APPEALING RULING OF THE CHAIR

Mr. REID. I raise a point of order that the vote on cloture under rule XXII for all nominations other than for the Supreme Court of the United States is by majority vote.

The PRESIDENT pro tempore. Under the rules, the point of order is not sustained.

Mr. REID. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

Mr. MCCONNELL. Mr. President, parliamentary inquiry.

The PRESIDENT pro tempore. The Republican leader will state the parliamentary inquiry.

Mr. MCCONNELL. Is it correct that under the bipartisan provisions of S. Res. 15, adopted earlier this year, postcloture debate time on a district court nomination is limited to 2 hours before an up-or-down vote is required under the rules?

The PRESIDENT pro tempore. Pursuant to S. Res. 15 of the 113th Congress, postcloture debate on district court nominees is limited to 2 hours.

Mr. MCCONNELL. Further parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MCCONNELL. Is it correct under the provisions of S. Res. 15, adopted earlier this very year, that postcloture debate time on any executive branch nomination other than those at the Cabinet level is already limited to 8 hours before an up-or-down vote is required under Senate rules?

The PRESIDENT pro tempore. Pursuant to S. Res. 15 of the 113th Congress, postcloture debate on any nomination to the executive branch, which is not a level 1 position as set forth in title 5 of the U.S. Code, section 5312, is limited to 8 hours.

Mr. REID. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The Republican leader.

Mr. MCCONNELL. Mr. President, one other parliamentary inquiry. When the Senate's rules were amended and a new standing order on consideration of nominations was established earlier this year, the majority leader and I engaged in a colloquy to announce that no further rules changes would be considered unless under the regular order and through the action of the Senate Rules Committee.

Would the Chair confirm that currently the rules of the Senate provide that a proposal to change the Senate rules would be fully debatable unless two-thirds of the Senators present and voting voted to invoke cloture, which would mean 67 Senators voting in the affirmative if all 100 voted?

The PRESIDENT pro tempore. The Republican leader is correct.

Mr. MCCONNELL. Further inquiry: It is my understanding that prevailing on appeal of the ruling of the Chair would change Senate precedent on how nominations are considered in the Senate and effectively change the procedures or application of the Senate's rules.

How many votes are required to appeal the ruling of the Chair in this instance?

The PRESIDENT pro tempore. A majority of those Senators voting, a quorum being present, is required.

Mr. MCCONNELL. So I am correct that overturning the ruling of the Chair requires a simple majority vote?

The PRESIDENT pro tempore. The Senator from Kentucky is correct.

The majority leader has appealed the decision of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REID. I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 242 Ex.]

YEAS—48

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Pryor
Chambliss	Hoeven	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Scott
Collins	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Vitter
Enzi	McCain	Wicker

NAYS—52

Baldwin	Hagan	Nelson
Baucus	Harkin	Reed
Begich	Heinrich	Reid
Bennet	Heitkamp	Rockefeller
Blumenthal	Hirono	Sanders
Booker	Johnson (SD)	Schatz
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

The PRESIDENT pro tempore. The decision of the Chair is not sustained. The Republican leader.

APPEALING RULING OF THE CHAIR

Mr. MCCONNELL. Mr. President, I make a point of order that nominations are fully debatable under the rules of the Senate unless three-fifths of the Senators chosen and sworn have voted to bring debate to a close. Under the precedent just set by the Senate, cloture is invoked at a majority. Therefore, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair has not yet ruled.

Under the precedent set by the Senate today, November 21, 2013, the threshold for cloture on nominations, not including those to the Supreme Court of the United States, is now a majority. That is the ruling of the Chair.

Mr. MCCONNELL. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDENT pro tempore. The Republican leader appeals the decision of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 243 Ex.]

YEAS—52

Baldwin	Hagan	Nelson
Baucus	Harkin	Reed
Begich	Heinrich	Reid
Bennet	Heitkamp	Rockefeller
Blumenthal	Hirono	Sanders
Booker	Johnson (SD)	Schatz
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

NAYS—48

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Pryor
Chambliss	Hoeven	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Scott
Collins	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Vitter
Enzi	McCain	Wicker

The PRESIDENT pro tempore. The Senate sustains the decision of the Chair.

The majority leader.

Mr. REID. Mr. President, what is the pending question before the Senate?

CLOTURE MOTION

The PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie K. Hirono, Angus S.

King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

The PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CHAMBLISS (when his name was called). Present.

Mr. HATCH (when his name was called). Present.

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 244 Ex.]

YEAS—55

Baldwin	Harkin	Nelson
Baucus	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

NAYS—43

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
Cruz	McConnell	
Enzi	Moran	

ANSWERED "PRESENT"—2

Chambliss Hatch

The PRESIDENT pro tempore. Upon reconsideration, the motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Resumed

The PRESIDENT pro tempore. The Senator from Iowa.



Mr. HARKIN. Mr. President, I wish to take a few minutes first to congratulate our leader Senator REID for leading the Senate finally into the 21st century. This is the step that we have taken today. Thank you very much, Leader REID, for your courageous action and making sure that the Senate can now work and get our work done.

I have waited 18 years for this moment. In 1995, when we were in the minority, I proposed changing the rules on filibuster. I have been proposing this ever since.

What has happened is this war has escalated. It is war on both sides.

I said at the time, in 1995, that it was like an arms race. If we didn't do something about it, the Senate would reach a point where we wouldn't be able to function. At that time, I thought my words were a little apocalyptic, but as it turned out they weren't at all.

This is a bright day for the Senate and for our country, to finally be able to move ahead on nominations so that any President—not only this President, any President—can put together his executive branch under our Constitution. A President should have the people who he or she wants to form their executive branch.

Every Senator gets to pick his or her own staff. We don't have to have the House vote on it or anybody else. It is true of every Member of the House or Senate. It is true of the judiciary, the third branch of the government. They can hire their clerks or their staff without coming to us.

It is appropriate that any President can now form their executive branch with only 51 votes needed in the Senate, not a supermajority. That is a huge step in the right direction. We can confirm judges of all the courts less than the Supreme Court, circuit and district court judges, with 51 votes, without this supermajority that has been festering for so long.

I listened to the Republican leader during the runoff to these votes, and he said that we were going to somehow break the rules to make a new rule. We did not break the rules. With the vote that we just had, the Senate broke no rules.

The rules provide for a 51-vote non-debatable motion to overturn the ruling of the Chair. We have done it many times in the past.

We did not break the rules. We simply used rules to make sure that the Senate could function and that we can get our nominees through.

I like what the writer Gail Collins said in her column this morning in the New York Times about these rule changes. She has had a lot of good columns, but she talked about how we were calling it the nuclear option. She proffered that it was probably called that because some think that changing the rules in the Senate is worse than a nuclear war, but it is not. It is time that we change these rules.

The Republican leader earlier said it was the Democrats who started this. It reminds me of a schoolyard fight between a couple of adolescents, and the teacher is trying to break it up. One kid says: He hit me first. The other says: No, he hit me first. Then the other kid says: No, he stepped on my toe first.

Who cares who started it? It is time to stop. Even if I accept the fact that Democrats started it—maybe they can prove that we did. It is possible way back when. It has escalated.

It turned from a punch here to a punch there to almost extreme fighting. It has reached the point where we can't function.

On nominations alone we had 168 filibusters since 1949. I picked that date because that is when all of this filibustering started, 168; 82 of those have been under this President. This is what I mean. It is worth it to talk about who started this. Fine. If they want to say the Democrats started it, fine, we started it. It has escalated beyond all bounds, as I said in 1995. It has turned into an arms race, so it is time to stop it. That is what we did this morning with this vote. We took a step in the right direction.

In 2008 Norman Ornstein, who is a congressional scholar, wrote about the broken Senate—our broken Senate—how we couldn't function. We can go back even beyond that. In 1985, my first year, Senator Thomas Eagleton, my neighbor to the south, said that the Senate is now in a state of incipient anarchy.

We had something such as 20 to 30 filibusters in the Congress before that. This has been escalating over a long period of time, and it was time to stop. That is what we did this morning.

This is a big step in the right direction, but now we need to take it another step further; that is, to change filibuster on legislation. We need to change it as it pertains to legislation.

For example, we recently had the spectacle of a bill that I reported out of our committee unanimously—Republicans and Democrats. It passed the floor of the House unanimously. It came to the Senate and one Senator stopped everything for 10 days. He stopped everything for 10 days. Guess what. It finally passed by unanimous consent.

Should one Senator be able to stop things in the Senate in this manner? It is time to move ahead and at the same time to protect the right of the minority, to offer amendments that are relevant and germane, debate, and vote on them. Not that they should win, but the minority should be able to offer, debate, and vote on relevant and germane amendments to legislation.

I proposed 18 years ago a formula that, quite frankly, was first proposed by Senator Dole many years before that. That was on a cloture vote to end

a filibuster. The first time had to be 60 votes. Then we could wait 3 days to file a new motion with the requisite signatures and at that time we would need 57 votes. Then if we didn't have 57 votes, we could wait 3 more days, file the new motion on the same bill or amendment, and then it would require 54 votes. If we didn't have 54, we would wait 3 days, file a new motion, and then we needed 51 votes.

At some point the majority could act on legislation, but the minority would have the right to slow things down too; as Senator George Hoar said in 1897, give sober second thought to legislation in the Senate—sober second thought, not to stop it, not to block it, but to slow things down, yes; give it a second thought; maybe we shouldn't rush into things.

I understand that. Maybe things should be amended. The minority ought to have that right to offer those amendments—not just spurious amendments, but amendments that are relevant and germane to the legislation. Ultimately 51 should decide in the Senate what we proceed on and the outcome of the vote.

I hope the vote today leads the Senate to adopt such an approach in January 2015. When the new Senate comes in there will be a new Congress. I won't be here, but I hope at that point the Senate will then take the next step of cutting down on the blatant use of the filibuster on legislation.

Of the action taken today, this is what I predict. I predict the sky will not fall, the oceans will not dry up, a plague of locusts will not cover the Earth, and the vast majority of Americans will go on with their lives as before. But I do predict that our government will work better. A President will be able to form an executive branch, our judiciary will function better, and the Senate will be able to move qualified nominees through the Senate in a more responsible manner.

This is a good day for the Senate, a good day for our Nation. The Senate now enters the 21st century.

I congratulate Leader REID for bringing the Senate forward. It is a courageous action. I compliment all of my fellow Senators who upheld that vote, overruling the ruling of the Chair, so that from now on we only need 51 votes to close debate and move nominations and judges through the Senate.

I yield the floor.

THE PRESIDING OFFICER (Mr. HEINRICH). The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that after the Senator from Iowa is recognized, I be recognized for up to 20 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDING OFFICER. The Senator from Iowa.

NUCLEAR OPTION

Mr. GRASSLEY. Mr. President, we didn't have a chance to debate the

change in rules, and we should have, so I am going to speak now on some things I think should have been said before we voted—not that it would have changed the outcome but because we ought to have known what we were doing before we vote rather than afterward. So I will spend a few minutes discussing what the majority leader did on the so-called nuclear option.

Unfortunately, this wasn't a new threat. Over the last several years, every time the minority has chosen to exercise his rights under the Senate rules, the majority has threatened to change the rules. In fact, this is the third time in just the last year or so that the majority leader has said that if he didn't get his way on nominations, he would change the rules. Ironically, that is about as many judicial nominees as our side has stopped through a filibuster—three or so.

Prior to the recent attempt by the President to simultaneously add three judges who are not needed to the D.C. Circuit, Republicans had stopped a grand total of 2 of President Obama's judicial nominees—not 10, as the Democrats had by President Bush's fifth year in office; not 34, as one of my colleagues tried to suggest earlier this week; no, only 2 had been stopped. If we include the nominees for the D.C. Circuit, we have stopped a grand total of 5—again, not 10, as the Democrats did in 2005; not 34, as one of my colleagues tried to argue earlier this week but 5. During that same time we have confirmed 209 lower court Article III judges. That is a record of 209 judges approved to 5 who were not approved. So this threat isn't based on any crisis. There is no crisis.

I would note that today's Wall Street Journal editorial entitled "D.C. Circuit Breakers: The White House wants to pack a court whose judges are underworked" lays out the caseload pretty clearly.

I ask unanimous consent to have printed in the RECORD the editorial to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 21, 2013]

#### D.C. CIRCUIT BREAKERS

(By the Wall Street Journal Editorial Staff)

The White House wants to pack a court whose judges are underworked.

We remember when a "judicial emergency" was the Senate's way of calling attention to vacancies based on a court's caseload. Those were the good old days. Now Democrats are threatening to change Senate rules if Republicans don't acquiesce to their plan to confirm three new judges to the most underworked appellate circuit in the country.

That's the story behind the fight over the D.C. Circuit Court of Appeals, with the White House trying to pack the court that reviews much of its regulatory agenda. On Monday Senate Republicans blocked the third nominee to the D.C. appellate court in recent weeks, and Democrats with short

memories of their judicial filibusters in the Bush years are claiming this is unprecedented. Majority Leader Harry Reid and other Democrats are threatening to resort to the so-called nuclear option, which would let the Senate confirm judicial nominees by a simple majority vote.

This is nothing but a political power play because the D.C. Circuit doesn't need the new judges. It currently has 11 authorized judgeships and eight active judges—four appointed by Democratic Presidents and four by Republicans. The court also has six senior judges who hear cases varying from 25% to 75% of an active judge's caseload. Together they carry the equivalent caseload of 3.25 active judges, according to numbers from Chief Judge Merrick Garland. That means the circuit has the equivalent of 11.25 full-time judges.

That's more than enough considering that the court's caseload is the lightest in the country. For the 12-months ending in September, the D.C. Circuit had 149 appeals filed per active judge. By comparison, the 11th Circuit had 778 appeals filed per active judge for the same period. If all three nominees to the D.C. Circuit were confirmed, the number of appeals per active judge would be 108, while a full slate on the 11th Circuit would be 583 appeals per judge. The national average of appeals per active judge is 383. The closest to the D.C. Circuit is the 10th Circuit, at 217 appeals.

Liberal Senator Pat Leahy claims that these comparisons don't matter because the D.C. Circuit handles complex rulemakings by federal agencies and sensitive national security cases. But the truth is that all the circuits handle complicated cases. And even many regulatory cases have been migrating to other circuits as some of the D.C. Circuit's stars have taken senior status.

According to the Administrative Office of the U.S. Courts, 42.9% of the D.C. Circuit's caseload is made up of administrative appeals of federal rules or regulations, the highest percentage of any circuit. In raw numbers, the D.C. Circuit is not carrying the heaviest load. That honor goes to the Second Circuit Court of Appeals.

Democrats are in a rush to confirm as many judges as possible because they know the clock is ticking on the Obama second term. Liberals have criticized the White House for its slow pace of nominations, but that isn't the fault of Republicans. Iowa Senator Chuck Grassley, the ranking Republican on Judiciary who has led the fight against more D.C. Circuit confirmations, has been entirely consistent. In the Bush years he opposed the nomination of a twelfth judge for the court on workload grounds.

GOP Senators watched for years as Senate Democrats blocked George W. Bush's nominees to the D.C. Circuit, including the eminently qualified Miguel Estrada and Peter Keisler. Republicans are right to say that the D.C. Circuit now has a full complement of judges following the unanimous confirmation of Obama nominee Sri Srinivasan in May.

Mr. Reid and his fellow Democrats are claiming that even if they establish a new standard of 51 votes to confirm appellate judges and executive-branch officials, they can keep the 60 vote standard for the Supreme Court. They're kidding themselves. If they change the rules to pack the D.C. Circuit, Democrats should understand they are also setting that standard for future Supreme Court nominees opposed to *Roe v. Wade*.

Mr. GRASSLEY. This is about a naked power grab and nothing more

than a power grab. This is about the other side not getting everything they want, when they want it.

The other side claims they were pushed to this point because our side objected to the President's plan to fill the D.C. Circuit with judges the court does not need, but the other side tends to forget history. History is something we ought to learn from, so let's review how we got here.

After the President simultaneously nominated three nominees who are not needed for the D.C. Circuit—a blatant political power grab in its own right—what did the Republicans do? Well, we did something quite simple: We said we want to go by the rules the Democrats set in 2006. We said we would hold those Democrats to the same standard they established in 2006 when they blocked a nominee of President Bush's by the name of Peter Keisler.

Let's be clear about why the Democrats are outraged. Democrats are outraged because Republicans actually had the temerity to hold the other political party to a standard they established, and because we did, because we insisted we all play by the same rules, they came right back and said: Then we will change the rules. In effect, the other side has said: We don't want to be held to the standard we established in 2006. And not only that, but if you don't give us what we want, we are willing to forever change the Senate. And that is what happened today.

We hear a lot of ultimatums around here, but this ultimatum was not run-of-the-mill. It was very different. It was different because this threat was designed to hold the Senate hostage. It was different because it is designed to hold hostage all of the Senate's history and traditions and precedents. It was different because its effectiveness depends on the good will of Senators who don't want to see the Senate as we know it destroyed or function other than as the constitutional writers intended.

I would note that today's majority didn't always feel that way—the very way we have seen expressed today. Not too many years ago my colleagues on the other side described their fight to preserve the filibuster with great pride. For instance, in 2006 one of my colleagues on the other side said:

The nuclear option was the most important issue I have worked on in my public life. Its rejection was my proudest moment as a minority leader. I emerged from the episode with a renewed appreciation for the majesty of Senate rules. As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect.

In 2005 another of my Democratic colleagues had this to say, referring to when Republicans were in the majority:

Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the

nuclear option. This assault on our traditions of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned.

Eliminating the filibuster by nuclear option would destroy the Constitution's design of the Senate as an effective check on the executive.

So here we have two quotes from Democrats in the 2005-2006 timeframe very strongly supporting the precedent of the Senate in using the filibuster to protect minority rights. But that was when they were in the minority. Now they are in the majority, and the tradition of the Senate doesn't mean much.

Here is another quote from the late Senator Byrd in 2005:

And I detest this mention of a nuclear option, the constitutional option. There is nothing constitutional about it. Nothing.

But, of course, that was way back then—just 6, 7 years ago when today's majority was in the minority and there was a Republican in the White House. Today the shoe is on the other foot. Today the other side is willing to forever change the Senate because Republicans have the audacity to hold them—the majority party of today—to their own standard. Why? Why would the other side do this? There clearly isn't a crisis on the D.C. Circuit. The judges themselves say that if we confirm any more judges, there won't be enough work to go around. And it is not as if all of these nominees are mainstream consensus picks despite what the other side would have us believe, that they are somewhat mainstream.

Take Professor Pillard, for instance. She has written this about motherhood:

Reproductive rights, including rights to contraception and abortion, play a central role in freeing women from historically routine conscription into maternity.

Is that mainstream?

She has also argued this about motherhood:

Antibortion laws and other restraints on reproductive freedom not only enforce women's incubation of unwanted pregnancies, but also prescribe a "vision of the woman's role" as mother and caretaker of children in a way that is at odds with equal protection.

Is that mainstream?

What about her views on religious freedom? She argued that the Supreme Court's case of *Hosanna-Tabor Evangelical Lutheran Church*, which challenged the so-called "ministerial exception" to employment discrimination, represented a "substantial threat to the American rule of law." Now, get this. After she said that, the Supreme Court rejected her view 9 to 0, and the Court held that "it is impermissible for the government to contradict a church's determination of who can act as its ministers."

Do my colleagues really believe mainstream America thinks churches shouldn't be allowed to choose their own ministers?

I could go on and on, but I hope my colleagues get the picture.

The point is this: Voting to change the Senate rules is voting to remove one of the last meaningful checks on the President—any President—and voting to put these views on this important court.

So I ask again, why would the other side do this? It is nothing short of a complete and total power grab. It is the type of thing we have seen again and again out of this administration and their Senate allies, and you can sum it up this way: Do whatever it takes.

You can't get ObamaCare passed with Republican support? Do whatever it takes: Pass it at 7 a.m. on Christmas Eve with just Democratic votes.

You can't get all of your side to support ObamaCare? Do whatever it takes: Resort to things like the "Cornhusker kickback."

You lose your 60th vote on ObamaCare due to a special election? Do whatever it takes: Ram it through anyway using reconciliation.

The American people don't want to be taxed for not buying health care? Do whatever it takes: Tell the American people it isn't a tax and then argue in the court that it is a tax.

The American people want to keep their health care? Do whatever it takes: Promise them "if you like your health care, you can keep it" and then issue regulations making it impossible.

Your labor allies want out from under ObamaCare? Do whatever it takes: Consider issuing them—labor—a waiver from the reinsurance tax.

You can't find consensus nominees for the National Labor Relations Board? Do whatever it takes: Recess-appoint them when the Senate is still in session.

You can't convince Congress to adopt your gun control agenda? Do whatever it takes: Issue some Executive orders.

You can't convince moderate Democrats to support cap-and-trade fee increases? Well, do whatever it takes: Do the same thing through EPA regulation.

Frustrated that conservative groups' political speech is protected under the First Amendment? Do whatever it takes: Use the IRS to harass and intimidate those same conservative groups.

Frustrated when the court stands up for religious freedom and issues a check on the ObamaCare contraception mandate? Do whatever it takes: Stack the D.C. Circuit Court in your favor.

Frustrated when the court curbs your power on recess appointments? Do whatever it takes: Stack the D.C. Circuit with your favorite appointees—people who will rule in your favor.

Worried EPA's regulations on cap-and-trade fee increases might get challenged in the court? Do whatever it takes: Stack the D.C. Circuit in your favor.

Frustrated because Senate Republicans have the nerve to hold you to the same standard you established during the last administration? Do whatever it takes: Change the rules of the Senate. That is what we have witnessed today, nothing but an absolute power grab.

The majority in the Senate and their allies in the administration are willing to do whatever it takes to achieve their partisan agenda. They know there will be additional challenges to ObamaCare. They know that if they can stack the deck on the D.C. Circuit they can remove one of the last remaining checks on Presidential power.

But make no mistake, my friends on the other side will have to answer this question: Why did you choose this moment to break the rules to change the rules? Why now? Why, when we are witnessing the collapse of this massive effort to centrally plan one-sixth of this wonderful Nation's economy—why, when millions of Americans are losing their health care—why did you choose this moment to hand the keys to the kingdom over to the President, a President with less check on his authority?

Because the fact of the matter is this: any vote to break the rules to change the rules is a vote to ensure ObamaCare remains intact.

I will conclude by saying this. Changing the rules of the Senate in this way was a mistake. But if the last several years have taught us anything, it is that the majority won't stop making these demands. We can't always give in to these constant threats. Sooner or later you have to stand up and say: Enough is enough.

But if there is one thing which will always be true, it is this: Majorities are fickle. Majorities are fleeting. Here today, gone tomorrow. That is a lesson that, sadly, most of my colleagues on the other side of the aisle haven't learned for the simple reason that they have never served a single day in the minority.

So the majority has chosen to take us down this path. The silver lining is that there will come a day when roles are reversed. When that happens, our side will likely nominate and confirm lower court and Supreme Court nominees with 51 votes, regardless of whether the Democrats actually buy into this fanciful notion that they can demolish the filibuster on lower court nominees and still preserve it for Supreme Court nominees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that after my remarks, the Senator from Alabama be recognized.

The PRESIDING OFFICER. Without objection.

Mr. LEVIN. Mr. President, in the past, a few Senate majorities, frustrated by their inability to get certain

bills and nominations to a vote, have threatened to ignore the rules and change them by fiat, and to change rules to a majority vote change. Rule XXII of the Senate requires two-thirds of the Senate to amend our rules. A new precedent has now been set, which is that a majority can change our rules. Because that step would change this Senate into a legislative body where the majority can, whenever it wishes, change the rules, it has been dubbed the nuclear option.

Arguments about the nuclear option are not new. Senator Arthur Vandenberg confronted the same question in 1949. Senator Vandenberg, who was a giant of the Senate and one of my predecessors from Michigan, said if the majority can change the rules at will, “there are no rules except the transient, unregulated wishes of a majority of whatever quorum is temporarily in control of the Senate.”

When Senator Vandenberg took that position, he was arguing against changing the rules by fiat, although he favored the rule change that was being considered.

Overruling the ruling of the Chair, as we have now done, by a simple majority is not a one-time action. If a Senate majority demonstrates it can make such a change once, there are no rules which bind a majority, and all future majorities will feel free to exercise the same power—not just on judges and executive appointments but on legislation.

We have avoided taking those nuclear steps in the past, although we have avoided them sometimes barely. I am glad we avoided the possible use of the nuclear option again earlier this year when our leaders agreed on a path allowing the Senate to proceed to a vote on the President's nominees for several unfilled vacancies in his administration. Today we are once again moving down a destructive path.

The issue is not whether to change the rules—I support changing the rules—to allow a President to get a vote on nominees to executive and most judicial positions. But this is not about the ends but the means. Pursuing the nuclear option in this manner removes an important check on majority overreach. As Senator Vandenberg said: If a Senate majority decides to pursue its aims unrestrained by the rules, we will have sacrificed a professed vital principle for the sake of momentary convenience.

Republicans have filibustered three eminently qualified nominees to the Circuit Court of Appeals for the District of Columbia. They make no pretense of argument that these nominees are unqualified. The mere nomination of qualified judges by this President, they say, qualifies as court packing. It is the latest attempt by Republicans, having lost two Presidential elections, to seek preventing the duly elected

President from fulfilling his constitutional duties.

The thin veneer of substance laid over this partisan obstruction is the claim that the D.C. Circuit has too many judges. To be kind, this is a debatable proposition, one for which there is ample contrary evidence, and surely one that falls far short of the need to provoke a constitutional battle. Republicans know they cannot succeed in passing legislation to reduce the size of the court. So, presented with a statutory and constitutional reality they do not like, they have decided to ignore that reality and have decided they can obstruct the President's nominees for no substantive reason.

Let nobody mistake my meaning. The actions of Senate Republicans in these matters have been irresponsible. These actions put short-term partisan interest ahead of the good of the Nation and the future of this Senate as a unique institution. It is deeply dispiriting to see so many Republican colleagues who have in the past pledged to filibuster judicial nominees only in extraordinary circumstances engaged in such partisan gamesmanship. Whatever their motivations, the repercussions of their actions are clear. They are contributing to the destruction of an important check against majority overreach. To the frustration of those willing to break the rules to change the rules, those of us who are unwilling to do that have now seen it occur before our eyes when the Chair was overruled earlier today.

So why don't I join my Democratic colleagues in supporting the method by which they propose to change the rules? My opposition to the use of the nuclear option to change the rules of the Senate is not a defense of the current abuse of the rules. My opposition to the nuclear option is not new. When Republicans threatened in 2005 to use the nuclear option in a dispute over judicial nominees, I strongly opposed the plans, just as Senator Kennedy, Senator BIDEN, and Senator Byrd did, and just about every Senate Democrat did—including Democrats still in the Senate today.

Back then, Senator Kennedy called the Republican plan a “preemptive nuclear strike,” and said:

Neither the Constitution, nor Senate rules, nor Senate precedents, nor American history, provide any justification for selectively nullifying the use of the filibuster. Equally important, neither the Constitution nor the Rules nor the precedents nor history provide any permissible means for a bare majority of the Senate to take that radical step without breaking or ignoring clear provisions of applicable Senate Rules and unquestioned precedents.

Here is what then-Senator BIDEN said during that 2005 fight:

The nuclear option abandons America's sense of fair play. It's the one thing this country stands for. Not tilting the playing

field on the side of those who control and own the field. I say to my friends on the Republican side, you may own the field right now but you won't own it forever. And I pray to God when the Democrats take back control, we don't make the same kind of naked power grab you are doing.

My position today is consistent with the position that I and every Senate Democrat took then—and that is just back in 2005—to preserve the rights of the Senate minority. I can't ignore that. Nor can I ignore the fact that Democrats have used the filibuster on many occasions to advance or protect policies we believe in.

When Republicans controlled the White House, the Senate, and the House of Representatives from 2003–2006, it was a Democratic minority in the Senate that blocked a series of bills that would have severely restricted the reproductive rights of women. It was a Democratic minority in the Senate that beat back efforts to limit Americans' right to seek justice in the courts when they are harmed by corporate or medical wrongdoing. It was a Democratic minority in the Senate that stopped the nominations of some to the Federal courts who we believed would not provide fair and unbiased judgment. Without the protections afforded the Senate minority, total repeal of the estate tax would have passed the Senate in 2006.

We don't have to go back to 2006 to find examples of Senate Democrats using the rules of the Senate to stop passage of what many of us deemed bad legislation. Just last year, these protections prevented adoption of an amendment which would have essentially prevented the EPA from protecting waters under the Clean Water Act. We stopped an amendment to allow loaded and concealed weapons on land managed by the Army Corps of Engineers. With minority votes, we stopped legislation that would have allowed some individuals who were deemed mentally incompetent access to firearms. That is just in the last year. Removing these minority protections risks that in the future, important civil and political rights might disappear because a majority agreed they should.

Let us not kid ourselves. The fact that we changed the rules today just to apply to judges and executive nominations does not mean the same precedent won't be used tomorrow or next year or the year after to provide for the end of a filibuster on legislation, on bills and amendments that are before us.

Just as I have implored my Democratic colleagues to consider the implications of a nuclear option which would establish the precedent that the majority can change the rules at will, it is just as urgent for my Republican colleagues to end the abuse of rules allowing extended debate that were intended to be invoked rarely.

Some of my Democratic colleagues may rightfully ask, if a Democratic majority cannot initially muster a supermajority to end filibusters or change the rules, then what can the majority do? The rules give us the path, and that is to make the filibusterers filibuster. Let the majority leader bring nominations before the Senate, and let the Senate majority force the filibusterers to come to the floor to filibuster. The current rules of the Senate allow the Presiding Officer to put the pending question to a vote when no Senator seeks recognition. Let us, as the Senate majority, dedicate a week, or a weekend, or even a night, to force the filibusterers to filibuster.

In 2010, in testimony before the rules committee on this subject, this is what Senator Byrd said:

Does the difficulty reside in the construction of our rules, or does it reside in the ease of circumventing them? A true filibuster is a fight, not a threat, not a bluff. . . . Now, unbelievably, just the whisper of opposition brings the "world's greatest deliberative body" to a grinding halt.

Then he said:

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady.

We have not used that antidote to the malady which besets this body, allowing the mere threat of a filibuster to succeed without challenging that threat, without telling the filibusterers: Go ahead, filibuster. We have rules that protect us. When you pause and when there is no one else here, at 3 o'clock on the fourth day or the fifth day or the sixth day, the Chair can put the question. The American people will then see in a dramatic way the obstruction which has taken place in this body.

But before a Senate majority assumes a power that no Senate majority before us has assumed, to change the rules at the will of the majority, before we do something that cannot easily be undone—and we have now done it—before we discard the uniqueness of this great institution, let us use the current rules and precedents of the Senate to end abuse of the filibuster. Surely we owe that much to this great and unique institution.

There is a conversation, which was a formal conversation between the majority and Republican leaders just last January. Here is what the majority leader said:

In addition to the standing order [which is what we have adopted] I will enforce existing rules to make the Senate operate more efficiently. After reasonable notice, I will insist that any Senator who objects to consent requests or threatens to filibuster come to the floor and exercise his or her rights himself or herself. This will apply to all objections to unanimous consent requests. Senators should be required to come to the floor and participate in the legislative process, to voice objections, engage in debate or offer amendments.

He said:

Finally, we will also announce that when the majority leader or bill manager has reasonably alerted the body of the intention to do so and the Senate is not in a quorum call and there is no order of the Senate to the contrary, the Presiding Officer may ask if there is further debate, and if no Senator seeks recognition, the Presiding Officer may put the question to a vote.

He, our majority leader, said:

This is consistent with the precedent of the Senate and with Riddick's Senate Procedure.

What this showed again is that if we in the majority have the willpower, as much willpower as has been shown by some obstructionists in this body—if we have an equal amount of will as they have shown, that the current rules, before this change today, can be used to force filibusterers to filibuster, to come to the floor and to talk, all we need is the willingness to use the rules, to take the weekend off, to take a week that we hoped for a recess, and use it to come back here; to take the recess itself, if necessary during the summer, for 1 month if necessary, to try to preserve what is so essential to this body, its uniqueness, which is that the majority cannot change the rules whenever it wants.

The House of Representatives can change the rules whenever it wants. It is called a rules committee. They can adopt and modify the rules at any time, and they do. This body has not done that. We have resisted. We have been tempted to do it. We have come close to doing it. But we have never done it—until today.

Do I want to amend the rules? Do I. I want to amend these rules with all my heart. I want to embody a principle that a President, regardless of party, should be able to get a vote on his or her nominees to executive positions at the district and circuit courts. I believe in that. I believe most Senators believe in that. We need to change the rule. But to change it in the way we changed it today means there are no rules except as the majority wants them. It is a very major shift in the very nature of this institution, if the majority can do whatever it wants by changing the rules whenever it wants with a method that has not been used before in this body to change the very rules of this body.

We should have avoided a nuclear option. We should have avoided violating our precedents. We should have avoided changing and creating a precedent which can be used in the same way on legislation. It may give comfort to some today: "But this is only on judges, this is only on executive appointments." This precedent is equally available to a majority that wants to change the rules relative to the legislative process.

Those who have abused these rules, mainly on the other side of the aisle, whether they acknowledge it, are contributors to the loss of protections

which we see today for the Senate minority. Given a tool of great power, requiring great responsibility, they have recklessly abused it. But now I am afraid it will not just be they who will pay the price.

In the short term, judges will be confirmed who should be confirmed. But when the precedent is set, the majority of this body can change the rules at will, which is what the majority did today. If it can be changed on judges or on other nominees, this precedent is going to be used, I fear, to change the rules in consideration of legislation. Down the road—we don't know how far down the road, we never know that in a democracy—but down the road the hard-won protections and benefits for our people's health and welfare will be lost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, throughout our Senate history we have had Senators such as Senator LEVIN. Before he does depart, I thank him for his principled approach to this complex issue.

Just to share with all of our colleagues, he is completing his service in the Senate this year. He is not running for reelection. He certainly would have been reelected. This weekend I was at a national security conference at the Reagan Library. The first winners of an award for national security were former Secretary of Defense Gates, who served two Presidents, and Senator LEVIN was the other winner. I think it is a tribute to his commitment to this country.

We have disagreed on a lot of issues and no one should think he is not a strong and effective advocate for values around here. But I think all of us should listen to his remarks and his warning, a very simple warning. That warning is that if a majority can change the rules with a simple majority vote in order to defeat what heretofore was a right of a minority party in the Senate, there are no minority rights left. They simply exist at the will of the majority. This is a fundamental matter. It is an important matter.

We have had some close calls and a lot of intensity, but we have avoided this kind of action. I think it is fair to say without dispute that the significance of this rule change today dwarfs any other appeal of the ruling of the Chair that we have seen—maybe in the history of the Republic. This is a big event. It changes what goes on because we deal with power and the exercise of power.

This whole thing is simply Majority Leader REID—and he has a difficult job. I have tried to not make his life more difficult than it needs to be.

But he is not a dictator. He does not get to dictate how this Senate is operated. He does not have the right to

come in and change the rules because he wants to fill three judgeship slots that are not needed. There is no way one can justify filling these court slots, based on simple need or by caseload per judge.

He is unhappy about that. Maybe he wants to change the mood of the country from ObamaCare and the overreach that was executed to pass that bill on December 24, to ram it through the Senate on a straight party-line vote. I suspect that is part of it. But this is not the way to do business.

The only reason those judges were blocked, the only reason they did not get a confirmation, was because we did not need them. This country is going broke. There are districts in America that need judges. The D.C. Circuit does not need more judges. It does not need the eight they have. Yes, they have 3 vacancies, but with the current 8 judges, their average caseload per judge was 149, and they have been continuing to drop. My circuit, the Eleventh Circuit, the Chair would be interested to know, has an average caseload per judge of 740. The next lowest caseload per circuit is twice 149. The average is well above that per circuit. The judges themselves say they do not need anymore judges. They take the whole summer off.

These judges would not have been rejected if we had needed them. But the President is so determined to try to leave a legacy of friends on that court that he just shoved them anyway and demanded the Senate pass them, and Senator REID demanded that we confirm these judges. The judges say they do not need anymore judges on that court. They do not need them, whether they say they need them or not. I know how to look at the caseload. I am on the Judiciary Committee. I am on the courts subcommittee. I have chaired it and been ranking member of it for years. I know how to analyze weighted caseloads. There is no justification for adding or filling a single slot on that court and we should not be doing it.

I am also ranking Republican on the budget committee, and I know we cannot keep throwing away money for no good reason. The last thing we should do is ask the American people to fund \$1 million-a-year judges. That is what each judge and the staff are estimated to cost—and there are three of them. It is akin to every year burning \$1 million on The Mall. We do not have \$1 million to throw away. But we do have judges, we do have circuits, we do have district courts around the country that are overloaded and we are going to add some judges to them. We ought to close these judge slots and move them to a place they are needed, as any common-sense person would do.

So it was not any animosity to any of the nominations and their character or decency that led to this rejection. It was because we warned against it.

Senator GRASSLEY and I serve on the judiciary committee. He previously chaired the court subcommittee, and Senator GRASSLEY blocked President Bush in filling one of those slots. Oh, they wanted to fill the slot. They thought they might leave a legacy judge who would be influential to them. That is what they suggested, but we refused. We were actually able to transfer one of those slots to the Ninth Circuit. That is how good business should be done around here. We are at a point where we don't need to fill that slot, and it should in no way cause the majority leader to feel as if his power was threatened or that his majority was threatened. We are changing the rules of the Senate so he can get three judges confirmed that we do not need. I will be prepared to debate that issue anywhere, anytime on the merits. Not one of those slots should be filled.

They have the lowest caseload per judge in America. Their cases are not so complex that it would slow down their work and demand more judges. That has been analyzed, and it is not true.

Senator REID asked for this job. That is what my wife says to me when I complain. She says: Don't blame me; you asked for the job. He asked to be the majority leader of the Senate, and it is not easy. There are a lot of Members and a lot of different ideas about what ought to be done.

Trent Lott called it herding cats. I suppose that is a pretty good description of it. One time he said it is like putting a bunch of frogs in a wheelbarrow. You put one in and two jump out. It is not easy to move the Senate. I understand that. Changing the rules, as Senator LEVIN said, by a simple majority vote and significantly altering the tradition of the Senate is dangerous.

Senator REID said we have been wasting time on the procedural hurdles thrown up in the Senate. He also said Congress is broken and the American people think that Congress is broken. They thought it was broken when they used legerdemain on December 24 before Scott Brown from Massachusetts could take office so they could pass a health care bill that the American people overwhelmingly opposed.

Maybe the reason the American people are frustrated with the Congress is that they passed a bill that the American people opposed without a single Republican vote in the House or the Senate. Maybe that is why the American people are not happy with us.

I will explain, colleagues, what is causing the greatest frustration in the Senate. It is a trend that began some years ago—not long after I came to the Senate 17 years ago—and it has accelerated. It has reached a pace with Majority Leader REID we have never, ever seen before, and it undermines the very integrity and tradition of the Senate.

It has to stop. We have to recover the tradition of this body. We owe it to those who will be filling these seats in the years to come.

This is the problem: A maneuver called filling the tree was discovered. It is a parliamentary maneuver where the majority leader, who gets recognition first in the Senate, seeks recognition and then he fills the tree. That parliamentary maneuver basically blocks anyone else from getting an amendment. A Senator cannot introduce his or her amendment. So how do we have an amendment? You have to go hat in hand to Senator REID and say: Senator REID, I would like an amendment.

Well, I don't think so.

I don't like that amendment.

But I like it. I want to vote on it.

Sorry. We don't want to vote on it.

That is the way it has been going every year. The Defense bill commonly had 30 or more amendments of substance when it hit the floor—\$500 billion. It was the biggest appropriation bill we had—\$500 billion. Senator COBURN has an amendment directly related to the Department of Defense that would save some money.

Senator REID will not give him a vote on that.

People say: Why don't you do something, SESSIONS? Why don't you get an amendment passed? I cannot bring an amendment to the floor unless he agrees. He says it is because of delay. He says it is because it creates time difficulties. We have been on this bill for a week, and we have only had two votes. We have gone for days with no votes. It is not about time. Let me tell you what it is: The majority leader of the Senate is protecting his members from tough votes. He does not want them to have to cast votes on critical issues in this country. He is not concerned about time or delay. There is plenty of time.

We could have already cast 15 votes on this bill, and everybody would be satisfied. That is the way it was when Senator MCCONNELL was here. That is the way it has been. That is the way it had been when I came here. We had 60-something votes on a bankruptcy bill. It went on for 3 weeks.

This is causing tension and frustration. One of our new Members in the Senate when we were debating this very question some months ago said: They tell us we have to get Senator MCCONNELL's decision before they will let us introduce an amendment. I said: Wait a minute. Do you not understand that you are a duly elected Senator from the United States of America and you have to ask permission of the Republican leader before you can get a vote on an amendment? How did this happen?

This is a background issue that is undermining collegiality in this body. I am tired of asking the majority leader



for permission to give me a vote in the Senate. It is not right.

Mr. ROBERTS. Would the Senator yield?

Mr. SESSIONS. Yes, I will yield for a question.

Mr. ROBERTS. I am assuming that his situation is very similar to the situation that I find myself in. About a year ago we brought the farm bill to the floor. I was the ranking member of the committee. We voted 73 times. We had over 300 amendments offered. The amendments came forth, and the first amendment had nothing to do with agriculture. Basically, we were able to get through it in 2½ days.

Fast-forward to this year's farm bill. I think there were 10 votes. Senator THUNE has been on the committee for a long time. We respect his voice, and we respect his amendments. He had about four amendments. Senator GRASSLEY has been on the committee a lot longer. He always has amendments on the farm bill. Senator JOHANNIS is a former Secretary of Agriculture. He is an excellent Senator for Nebraska and a real voice for Agriculture. He had several amendments. I had two or three amendments that I would have liked to have had considered.

The reason I mention them is because we all agreed to hold off in committee as long as we could bring them to the floor. We wanted to expedite it because the big issue was time. They said: Well, we don't have time for a farm bill. Usually a farm bill takes 1 to 2 weeks. That is just not the case anymore. Last year we got through it in 2½ days.

This year we expected to have votes, but none of us got amendments. After 10 votes, bingo, it was cut off. The majority leader controlled the effort. This is like the Rules Committee in the House.

When I was in the House, we had a Roberts-Stenholm amendment.

Mr. SESSIONS. An amendment can't come up for a vote in the House unless it is approved by the Rules Committee.

Mr. ROBERTS. That is correct.

Mr. SESSIONS. That is the difference between the House and the Senate.

Mr. ROBERTS. Madam President, if I could respond to the distinguished Senator. We had a Roberts-Stenholm amendment at that point while the Republicans were in the minority. Charlie Stenholm was a Democrat. As we went in he whispered: You might want to make this the Stenholm-Roberts amendment. I figured that out pretty fast, and we got our amendment made in order.

As a younger member of the House at that particular time, I thought the Rules Committee was based on the merits of whether it was germane or pertinent, et cetera. It wasn't. It was just a complete rehash of what went on with the authorizing committee.

One of the reasons I decided to come to the Senate was that you can offer an

amendment at any time on any subject, unless it was something involving national security or whatever. I understand that. What we have now is a one-man rules committee. I deeply resent that.

I feel sorry for the Senate, and I feel sorry for the Members who come here and are not able to have their amendments considered.

One of the first things I did as the ranking member of the Senate agriculture committee last year was to promise that amendments could be brought to the floor. A lot of people on our side never had the opportunity to offer an amendment before. I said: You will have that opportunity if I can get this thing done. And we did. We opened it and it was one of the few bills that went under regular order, and we got things done.

There is only one House. There is the House and there is the Senate—just like the House—and that is a shame.

I thank the distinguished Senator for his comments.

Mr. SESSIONS. I thank the Senator so very much. His insight is correct. I will wrap up and say that what happened today is very significant, and it is a sad day. It represents the greatest alteration of the rules without proper procedure that we have probably seen in the history of the Republic.

It erodes legitimate minority rights in a way that subjects every right a minority party has in the Senate and the right any individual Senator has in the Senate. It places that right at great risk. A majority can do that at any time. That was explained so eloquently by Senator ROBERTS a few moments ago. I was so impressed with his analysis.

We will wrestle through this and work at it. I know that Senator ALEXANDER has worked hard in every way possible to avoid this day. He has expressed great interest in it, and I look forward to hearing his comments at this time on where we are and what is going to happen to us.

I thank the Senator and yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Alabama for his thoughtfulness and leadership.

As Senator Byrd used to say: The purpose of the Senate is to have a place where there can be an opportunity for unlimited discussion, unlimited debates and unlimited amendments. That is why we are here.

Senator Byrd used to say so eloquently that the Senate was a unique body because it provided the necessary fence against the abuses of the executive. That is what Senator Byrd said in his last speech to the Senate when he spoke before the rules committee. He said the Senate is the necessary fence

against abuses of the executive—remembering how this country was founded in opposition to the king and the popular excesses. That was what the Senate was supposed to be. I am afraid that ended today.

This action by the Democratic majority is the most important and most dangerous restructuring of the rules of the Senate since Thomas Jefferson wrote the rules at the founding of our country. It creates the perpetual opportunity—as Alexis de Tocqueville described—that is most dangerous for our country. He said that when he came to our country to visit in the 1830s. The young Frenchman said: I see two great dangers for this new American democracy. One was Russia and the other was the tyranny of the majority.

The action that was taken today creates a perpetual opportunity for the tyranny of the majority because it permits a majority in this body to do whatever it wants to do anytime it wants to do it. This should be called ObamaCare 2 because it is another example of the use of raw partisan political power for the majority to do whatever it wants to do any time it wants to do it.

In this case what it wants to do is implement the President's radical regulatory agenda through the District of Columbia court. That's what this is. It is not about an abuse of the filibuster.

There is a big football weekend coming up in Tennessee. Vanderbilt University plays the University of Tennessee in Knoxville.

Let's imagine this: The Vanderbilt-Tennessee game, which is being played in Knoxville, home of the University of Tennessee, and Vanderbilt gets on the 1-yard line. The University of Tennessee says: Well, we are the home team, so we will just add 20 yards to the field or whatever it takes for us to win the game. Or the Boston Red Sox are playing at home. Let's say they are behind the Cardinals this year. They get to the ninth inning and they are behind and they say: Well, it is our home field. We will just add a few innings or whatever it takes so we can win the game. That is what the Democratic majority did today. They say: The rules don't allow us to do what we want to do, so we will just change the rules to do whatever it takes to get the result we want.

That is what they did with ObamaCare. We remember that. I was standing right here at the desk. It was snowing. It was the middle of the winter. Senators were coming in, in the middle of the night, and what happened? Among the things the American people like the least about ObamaCare is that it was crammed down the throat of the American people by the raw exercise of partisan political power with not one single Republican vote. That is not the way the civil rights bill was passed. That is not the way Social



Security and other great bills were passed. They were passed by a bipartisan majority so we could gain the support of the American people.

Our Democratic majority must have liked that ObamaCare night. The American people aren't liking it so much because apparently nobody read the bill very closely. There are millions of Americans who have had their policies canceled. There are going to be millions more when employers start looking at the cost of ObamaCare.

This is ObamaCare 2; I say to my colleagues. This is another exercise of raw partisan political power for the Democratic majority to get the result it wants. There is only one cure for it, and that is an election. An election is coming up in about a year. The American people can speak. In the meantime, this has been the most dangerous, most important restructuring of the Senate since Thomas Jefferson wrote the rules.

It is, according to the Senator from Nevada, who is the majority leader—it is, according to his book in 2008, the end of the Senate. That is what he said this would be, and now he has done it. He has written the end of the Senate by his actions today.

The Senator from Michigan, Mr. LEVIN, said to all of us when we were discussing this earlier this year—he reminded us of the great Senator from Michigan, Arthur Vandenberg, who was the author of the idea of a bipartisan foreign policy. Senator Vandenberg said shortly after World War II that a U.S. Senate in which a majority can change the rules anytime the majority wants is a U.S. Senate without any rules. Let me say that again. A U.S. Senate in which the majority can change the rules anytime the majority wants is a U.S. Senate without any rules.

So this is not about the filibuster. This is another raw partisan political power grab so the Democratic majority can do whatever it wants to do whenever it wants to do it. It is ObamaCare II, and the American people will see it that way when they can take time away from the Web sites trying to fill out their new insurance policies to be able to pay enough attention to it.

What is the excuse for this extraordinarily disturbing action today? They are the flimsiest of excuses, and I will take a few minutes to outline what those are.

The first allegation is that the Republican minority was using the filibuster to keep President Obama's appointees from gaining their seats. Well, let's look at the history from the Congressional Research Service. How many Supreme Court nominees have ever not been seated because of a failed cloture vote? That is a filibuster. The answer is zero in the history of the Senate—not just President Obama but the history of the Senate. Someone might

point to the Abe Fortas case when President Johnson—I guess it was in the late 1960s—engineered a 45-to-43 cloture vote so, in Johnson's words, Abe Fortas could hold his head up, but, in fact, the filibuster has never been used to deny a Supreme Court Justice his or her seat. How many Cabinet Members of President Obama have been denied their seat by a filibuster? Zero. This is the Congressional Research Service.

The majority leader said: Well, what about Secretary Hagel, the distinguished Defense Secretary? He had to wait 34 days to be confirmed. Why shouldn't he wait 34 days to be confirmed? He was confirmed shortly after his name was reported. We had a perfectly adequate Secretary of Defense sitting in the office at the time—Secretary Panetta. I remember the Senator from Nevada standing over there and asking: What if we are attacked and Secretary Hagel is not there? Well, Secretary Panetta was there.

The number is zero.

Mr. INHOFE. Madam President, will the Senator yield?

Mr. ALEXANDER. Of course.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent that after the Senator concludes his remarks, we hear from the Senator from Arkansas Mr. PRYOR, and that I be recognized after Senator PRYOR for such time as I may consume.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Certainly. And if the Senator from Oklahoma needs to speak now, I will be glad to yield.

Mr. INHOFE. That is not necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, my point is that the charge is that Republicans had been denying President Obama his nominations by filibuster. Not on the Supreme Court, not to his Cabinet, and no district judges, I say to my colleagues.

How many in the history of the country have ever been denied their seats by a failed cloture vote, including President Obama? The answer is zero.

That is very interesting. So what is the reason for this? Well, let's go on. Maybe it was some other nomination that caused such a problem that would justify this dangerous restructuring of the Senate rules.

Let's go to the sub-Cabinet category. These are all the executive appointments below the Cabinet level. How many of those have been denied? Under President Clinton, the Senate rejected two nominees of his by a cloture vote. Under George W. Bush, it was three. Under President Obama, it has been two. So in the history of the Senate, the cloture vote has been used to deny seven Presidential nominees their seat, including two for President Obama.

Let's go to the one area where there has been a little bit more; that is, the circuit judges. Remember, on the Supreme Court, never; district judges, never; Cabinet member, never; but circuit judges, yes. There have been 10 instances where Presidential nominees for the Federal circuit courts of appeals have been denied their seats because of a failed cloture vote—that is a filibuster—five Democrats, five Republicans.

How did this happen? If in all of these other areas it never happens, why did it happen here? Because, as the Republican leader explained this morning, Democrats got together in 2003—the year I came to the Senate—and said, for the first time in the history of the U.S. Senate, we are going to use the filibuster to deny President George W. Bush 10 nominations to the circuit court because they are too conservative, not because they are not qualified. One was Miguel Estrada, one of the most highly qualified nominees ever presented. One was Judge Pickering. One was Judge Pryor, who used to be a law clerk to Judge Wisdom, as I once was. I know the high respect Judge Wisdom had for him. The end result was that we had this Gang of 14, and the Democrats ended up only stopping five of President Bush's judges, but that was the first time in the history of the Senate. To date, including the judges we are discussing now, the three on the D.C. Circuit Court, the total is five. So that is it.

How can anyone say President Obama has not been treated fairly when, in fact, the answer is zero on the Supreme Court, zero on district judges, zero on Cabinet and two on sub-Cabinet, and the same on circuit courts that President Bush had?

I asked the Senate Historian if President Obama's second term Cabinet nominees had been moved through the Senate more swiftly or slower than those of his two predecessors, Bush and Clinton. The Senate Historian told me it was about the same. So on that question, that is a fake crisis.

The second allegation is that it takes too long for President Obama's nominees to come through the Senate. Well, we have something on our desks called the Executive Calendar. Every Senator has this. There are 44 Senators in their first term, and maybe some haven't had a chance to read it very carefully, but it has on it all of the names of everyone who could possibly be confirmed.

The way Senate procedure works is a nominee comes out of a committee to the Executive Calendar. Let me state the obvious: All of the committees are controlled by the Democrats. So if we want to report someone for the National Labor Relations Board, it has to be approved by a majority of senators on the committee on which I serve. Democrats have a majority of the seats

on the Committee; so a nominee gets on this calendar by a majority of Democratic votes.

So how long have the people on the calendar been waiting? Well, 54 of them have been waiting only 3 weeks; in other words, they just got there. Most of them aren't controversial. Usually they are approved on a day such as this when we are wrapping up before we go home for a week or two, so half of them would probably be gone today. There are 16 who have been on the calendar for up to 9 weeks. That is a very short period of time in the U.S. Senate for people to have a chance to do their other business and get to know the nominees. There are eight who have been on the calendar more than 9 weeks. Of the eight, two are being held up by Democrats, and two more are Congressman WATT and Ms. Millett. That leaves four, and one of those is a newscaster who has been nominated to be a member of the board of the Morris K. Udall Foundation and who is being moved along with other people to that foundation board.

In other words, it is not true that there are people being held up for a long period of time because the only way a nominee can be confirmed in the U.S. Senate is if the majority takes someone from this Executive Calendar, moves their nomination—it doesn't have to go through any sort of other motion; he can do it on his own—and then we move to consider that person.

Well, one might say: But someone can hold each up one of those. Yes, we can, under the cloture procedure. But let's take an example. Let's say Senator REID, the distinguished majority leader, were to come, under the old rules, to the floor and say: I believe Republicans are holding up 10 of our lower-level nominees in an obstructionist way. So let's say he arrives on Monday and he files cloture. He moves to confirm all 10 of those. He takes them off this calendar, he moves them to be confirmed, and he files cloture on each of the 10 on Monday. Tuesday is what we call an intervening day. He can get the rest of them confirmed, by bankers' hours, by Friday if he wants to because after he has that intervening day, there could only be, because we changed the rules earlier this year, 8 hours of debate, and his side can yield back their 4 hours, and then we go to the next one and then the next one. So we have 40 or 45 hours, and we have them all.

The majority leader, if he wished to, could confirm all of these people very easily unless 41 Republicans said no. But what we have already seen is that almost never happens. In the history of the country, it has happened twice to President Obama on his sub-Cabinet members, never on a Cabinet member; and never on district judges.

So the majority leader had plenty of opportunity to have everybody con-

firmed if he wanted to. This is why Senator Byrd, who was majority leader and minority leader, in his last speech to the Senate said: There is no need to change the rules—and I am paraphrasing. I was at the Rules Committee hearing when he spoke. He said: A majority leader can use the rules that we have—that is, until today—to do whatever he wants to get done.

Then there is the last charge about the District of Columbia Circuit. That was the other pretext for this. Somehow Republicans were doing something wrong by saying it is too soon to cut off debate on the President's three nominees for the District of Columbia Circuit.

Republicans were doing—to the letter—exactly what Democrats did in 2006 and 2007. They were saying that court is underworked, that other courts are overworked, and we ought to move judges from where they are needed least to where they are needed most before we put anymore judges on the court.

This is the letter sent on July 27, 2006, by all the Democrats on the Senate Judiciary Committee, including Senators LEAHY, SCHUMER, Feingold, Kohl, BIDEN, FEINSTEIN, Ted Kennedy. They said “under no circumstances” should President Bush's Republican nominee be considered, much less confirmed, by this committee before we address the very need for the judges on the committee.

All we in the Republican Party were saying is—Senator GRASSLEY has had his bill in since 2003; the Democrats said in 2006 we should not put anymore judges on the court until we look at where the judges are needed—we are saying: Consider Senator GRASSLEY's bill before you confirm the judges.

So that is the excuse—the flimsiest of excuses. The idea that President Obama is not being treated at least as well as previous Presidents with his nominees is just not true. The filibuster has not been used to deny him nominees, except in two cases for sub-Cabinet members; and in the case of circuit judges, no more than with President Bush.

The majority leader has not used the rules he had before him to easily confirm the people on the Executive Calendar. Those on the Executive Calendar for the most part have only been there for a few weeks. So why then did the majority feel the need to take this extraordinary action?

That takes us back to where we started. This is, very simply, another partisan political power grab to permit the majority to do whatever it wants to any time it wants to do it.

The American people—millions of them—are filling out their insurance forms. They are trying to make the Web site work. They are terrified by the fact that they may not have insurance by January 1. That is totally the

result of a partisan political power grab in the middle of the night 3 years ago that put ObamaCare into place. This is another example of that. The only cure for that is a referendum next November.

I deeply regret the action the Democratic majority took today. It is the most dangerous and the most consequential change in the rules of the Senate since Thomas Jefferson wrote those rules at the founding of our country.

Madam President, I would refer my colleagues to the letter I had included in the RECORD yesterday, the letter from the Senate Democrats in 2006 arguing that the D.C. Circuit should have no more judges until we consider the proper number and also a 1-page list of the total number of sub-Cabinet members who have ever been denied their seat by a failed cloture vote—and that number is seventeen in the history of the Senate; two under Clinton, three under Bush, and two under President Obama—plus five Bush judges and five Obama judges.

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I want to echo at least some of the sentiment that my distinguished colleague from Tennessee just mentioned—that I am disappointed in the use of the nuclear option. I opposed that. I think it could do permanent damage to this institution and could have some very negative ramifications for our country and for the American people.

I do not want to be an alarmist about it, but I do have concerns. I am very disappointed that it got to this point, and I want to talk about that in a moment. But before I do, I would like to say, if you step back, the Senate was designed to be a place for debate. It is where Members—the way it was designed, the way the rules were structured, the size of it, the history of it—the Members can reach across the aisle and find solutions.

That is what this country needs right now. We need solutions. We need people who are willing to work together to get things done. Part of that is to allow the minority to speak, even if it is a minority of one. We need to protect that right, and we need to protect every Senator's right to debate and to amend legislation. I think no one here with a straight face would say there have not been abuses from time to time. We know that. There have been, and I have seen a lot since I have been here.

But also, if you step back and look at the Senate, it is the only place in our government where the American people can actually see law being made. With all due respect to our colleagues in the House, you do not see law being made there. They come out of their Rules Committee and it is all pretty much

set up, and right now at least they kind of tend to vote party line, party line, party line—done. You do not see law being made at the White House. When they are doing things such as executive orders, all you know is you kind of get the press release or you see an announcement in the Rose Garden, and that is it. You do not see law even being made in the courts. A lot of law in this country is made by the courts. For example, across the street at the U.S. Supreme Court, what you have is they hear the arguments, and they all go back in chambers. You do not really know what they talk about, you do not really know how that is working, and then they come out with their decision—and in some cases decisions because a lot of times there is a dissent.

But the Senate is unique in that way. We are the only place in our government where you can actually see the law being made. It is also, in that same sense, the only place where the minority is guaranteed a voice. They sometimes get outvoted, but they are guaranteed at least to be heard. I think that is important.

So again, I share the disappointment of many of my colleagues today in how this happened.

The Senate rules I have worked with for 11 years now. They can be arcane and frustrating. But the way it is designed is it allows people to fight for their State's interests or their ideological beliefs, whatever it happens to be, and the sense is everybody is fighting for what is best for the country. We may disagree with what is best, and that is why we should have votes eventually on these matters. But it allows people to fight for what they think is right, best for their State, best for the country, best for the world—whatever the issue happens to be.

Since I have been here, what I have tried to do consistently is to fight to maintain the integrity of this institution. Since I have been here, there have been numerous times—and I have been part of bipartisan groups. Probably the most high profile one was the Gang of 14 back in 2005, where we worked out some judicial nominations. But nonetheless I was a part of that; just recently, the Levin-McCain group that helped to change the rules, as the Senator from Tennessee talked about.

What that is all about is working with Senators from both sides of the aisle to reach commonsense solutions—not just to protect the rights of the minority but also to improve the legislative process, to make sure this place works as it is designed. So certainly that is what I try to do every single day when I come here. I do understand that if you are going to get anything done in Washington, anything done in this Senate, you are going to have to work together to do it. It is like in the Book of Isaiah. It says: "Come now, let us reason together." I think that is the

one verse in the whole Bible that sort of sums up the Senate: Come and let us reason together. The Senate should always be the place for that.

Let me make two last points on this nuclear option. The first is that I would encourage the American citizens to be very careful in looking at statistics. They are difficult to use. They can be very misleading because almost always these statistics lack context. I hear the talking heads. I hear folks on talk radio. I have even seen a few people right here in this Chamber use these extensively, and very often there is no context. Sometimes, for example—if you just look at cloture motions—you can actually have a filibuster without filing a cloture motion, and you can have a cloture motion without there actually being a filibuster. So, again, that will skew the numbers.

The bottom line is, there is plenty of blame to go around—plenty of blame. If one person says it is all the other side's fault, they are not being truthful. There is plenty of blame to go around. On this both parties are at fault. I will give you one example. It was not too long ago that I heard people come down here and say the D.C. Circuit's workload was such that they needed more judges. Well, guess what. Now I have heard those very same people say that the D.C. workload is so light they do not need any more judges. The shoe is on the other foot. Democrats back in the day said the D.C. Circuit had a light workload and did not need any more judges. Now Democrats are saying it does need more judges.

We need to stop the games and get back to work. I think there is one way to fix this, and that is by following the Golden Rule. I think if we take those words of Jesus literally and apply those to what we do here in the Senate—"Do unto others as you would have them do unto you"—and really mean that and really apply that—to do unto others as you would have them do unto you—I think all these problems would go away.

It is about respecting one another. It is about working with one another. It is about respecting elections in other States, and national elections. Do unto others as you would have them do unto you and all this would go away. Also, a little dose of forgive one another would also help.

#### APPROPRIATIONS

Madam President, let me also spend a couple minutes here thanking Chairwoman MIKULSKI. She has a tough job as chairwoman of the Appropriations Committee, and she is an example of someone who is determined to work together to get work done, trying to get the appropriations process back on track. No doubt it has been sidetracked this year and in recent years. This year we have seen what I would term an irresponsible feud, especially down on

the House side, blowing up the farm bill, pushing for shutting down the government, trying to get us in a bad place on the debt ceiling.

I am not trying to do the blame game, but I know that Chairwoman MIKULSKI is fighting very hard to put an end to that. We need to get back to our No. 1 priority. That should be growing our economy and creating jobs. There are lots of ways we can do that, but one is through the appropriations process, by investing in infrastructure. We can make responsible, targeted investments in our future with the right kind of spending on infrastructure, whether it is roadways or airports or schools or centers for innovation—whatever it happens to be. There are lots of smart ways to do that.

The history of this country shows it is a winning strategy when we work together and make the right kind of investments in our future. Arkansas is a good example. We have a number of items we could talk about today where Federal spending has made a real difference in our State. One of those is called the Bayou Meto water project. It started back in 1923. It has been the subject of a lot of fights, and I have some scars to show that I have been part of some of those fights. But they are making great progress there. Not only is it good for thousands and thousands of farmers, but it is also great for drinking water and for flood control, and there are 55,000 acres of fish and wildlife habitat that are being protected through this project. So it is a win-win for everybody.

Arkansas airports would be another example. You may not think of Arkansas as an aviation State or an aviation powerhouse, but we have 29,000 jobs that are tied to commercial and general aviation. It is \$2.5 billion in our economy. Again, that investment in infrastructure is what makes that possible.

We also have the National Center for Toxicological Research down near Pine Bluff, AR—cutting-edge research, lots of effort on nanotechnology.

We have a great technology park in Fayetteville. They are trying to build one in Little Rock. All of these—and the focus on STEM, et cetera—all of these help create jobs and grow our economy.

Congress needs to focus on that. I am not saying it is going to be easy, but we need to work together. We need to pass a budget. We need to move our appropriations bills through the process. And we just need to, bottom line, get back on track. The way to move our economy forward is by really putting the interests of our country first and not these partisan and sometimes petty disputes, ideological disputes. We need to think about what is best long term for the country. Again, I think the appropriations process is the way to do that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Madam President, it is my understanding we may have a vote this afternoon. I have often said the most important bill we pass every year—and we have passed every year for the last 52 years—is the National Defense Authorization Act.

I would like to say this about the process we have gone through. I do not recall ever having worked with a chairman when I have been in the minority who has been so easy to work with as Chairman LEVIN has been on this Defense bill. It is one we all understand we have to do. It has to be a reality. A lot of what we do around here we can wait a month and do it. But on this we cannot, because right now we have men and women in the field. We have their paychecks. We have things that have to happen to keep this going as it has in the last few years.

Maintenance and modernization are right now. If we were not able to pass this now, our research and development would no longer be able to be there in time to take care of the immediate needs we have.

I am very upset about what has happened to our defense system. Under this administration, we have lost \$487 billion in Defense—coming out of the hide of Defense. In addition, we are now looking at the sequester. I will only say this, perhaps for the last time: Why should our defense system, which is only accountable for 18 percent of the budget, be responsible for 50 percent of the cuts? It is because this administration is determined that is what is going to happen to the military.

So now we have people such as General Odierno, Commanding General of the U.S. Army, who said:

... lowest readiness levels I have seen within our Army since I have been serving for the last 37 years. Only two brigades are ready for combat.

Admiral Greenert, the CNO of the Navy:

... because of the fiscal limitations and the situation we are in, we do not have another strike group trained and ready to respond on short notice in case of contingency. We are tapped out.

Admiral Winnefeld is the No. 2 guy in the military system. He is the Vice Chairman of the Joint Chiefs of Staff. He said:

There could be, for the first time in my career, instances where we may be asked to respond to a crisis and we have to say we cannot.

I have given a lot of talks on the floor about how serious things are right now.

Put the readiness chart up there.

I would only comment to this. A lot of people think there is an easier answer for this, and that we can, through

efficiencies in the Pentagon, take care of these problems. A lot of work needs to be done. My junior Senator certainly is going to be concentrating on that, on the efficiencies. However, if all of the efficiencies were granted, that is only the blue line on this chart. This chart talks about sequestration, if nothing changes, what is going to happen to our military. We have that.

The next one up there, the next larger, is force structure. We are talking about how many brigades, how many boots on the ground, how many ships, what it is going to look like.

The next one up there is modernization. Modernization is a very small line. Here is the big one over here. That is our ability to fight a war. That is our readiness.

If you look down here at the bottom at fiscal years 2014 and 2015, you can see all of that is going to be gutted in the first 2 years if we do not make a change in it. I tried to do that. I have an amendment. I still have an amendment that is out there that could correct that situation. I think it is important for people to understand that the readiness is going to be hurt more. This is after \$487 billion has been cut from our defense system.

General Amos, the Commandant of the Marine Corps, who testified under oath, said:

We will have fewer forces arriving, less-trained, arriving late in the fight. This would delay the buildup of combat power, allow the enemy more time to build its defenses, and would likely prolong combat operations. Altogether, this is a formula for American casualties.

It gets back to that orange line up there. The orange line is when you do that, you have to accept a greater risk. That means American lives. I have already given that speech.

Right now we are getting close to the time when we are going to be actually casting a vote. I think I have kind of good news. Hopefully it is good news. I made a statement yesterday that the problem the Republicans have is they have not been able to get amendments in. We have gone through this in years past, and always something has broken loose where we are able to have amendments. Well, up until yesterday, the Republicans had 81 amendments that we wanted to be considered. Frankly, that is not all that uncontrollable. That could have been done. We could have still gotten through that this week. But as it is right now—the good news is, I said yesterday on the floor that I was going to come in and try to work all night long, and the staff has done this, to come up with 25 amendments and say: If we, the Republicans, can have 25 amendments to be considered, they can be voted down, but just to be considered on the floor, that we would be receptive to having the results.

Here is the interesting thing about it. We have heard a lot of people talk-

ing about, well, why is it all of a sudden this has to be done in 5 days? Yet we have been sitting around here for 3 months when we could have been considering it.

I would like to suggest, if you look at this, this is every year how many days it has taken for consideration. It is always more than what we have for the rest of this week. I only say that, because in spite of that, we still have a way of doing it.

For those who might think that the recorded votes we are requesting—it is not going to be that many votes. We are asking for 25 on the Republican side. Democrats have 25. That is 50. But if you look at years past—for example, last year we had total amendments offered of 106, but only 34 were voice voted, only 8 required a recorded vote.

I can go back to all of the rest of the years that are on this chart. But the bottom line is this: What I am asking for today is 25 for the Republicans, 25 for the Democrats. Of those, not more than 15 to 20 would require votes. We could do that in 1 day. So it can be done. We could finish this and still give Republicans the opportunity to have their votes.

What I have here is a list of the 25 amendments we are asking for. Again, I am not even for all 25 of them, but they should all be considered one way or another. This probably would end up requiring maybe at the most 10 votes. So I am offering these amendments and telling the majority—by the way, I have already talked about what a great relationship I have had during this consideration as the ranking member of Armed Services with the chairman CARL LEVIN. So I am offering to CARL LEVIN and to the Democrats, the majority in the Senate and the majority on the committee, these 25 amendments. All we are asking for is for those 25 to be considered. We can do this bill right, the way we have done it for 52 years. We can have a bill. We can have it by the end of this week. So I am offering that.

I also announced yesterday that in the event I can come up with a total number of 25 that our caucus would agree with, that if we could do that and we were refused, when the time comes I will vote against going to the bill. Now I think that very likely could happen this afternoon. However, if they accept them, I am committing right here on the floor that I will be in full support and I will vote for it. I want people to understand, in the unlikely event that the majority does not accept these—the consideration of these 25 votes, I will be voting against cloture on the bill when that vote comes up.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Vermont.

Mr. LEAHY. Madam President, I am not on the Armed Services Committee,

although I was 38 years ago. But I would think that if there are any two people in this body who could work out a program to get the votes set up and voted on it is the distinguished senior Senator from Michigan and the distinguished senior Senator from Oklahoma. I would hope and encourage my colleagues on both sides of the aisle to listen to the Democratic and Republican leaders of this Committee, because I think they can probably work it out.

There has been a lot of discussion about the major rules change that occurred here today. In my capacity as President pro tempore, I was presiding during that time and did not get a chance to speak. I want to say a few things.

In the four decades I have served here, I have been here with both Democratic majorities and Republican majorities, through both Republican and Democratic administrations. We have had moments of crisis when I worried that our political differences outweighed the Senate's common responsibility. Yet we were always able to steer our way out of trouble. Majorities of both parties have come and gone, but I have never lost faith in our ability to see ourselves through the divisions and come together to do what is best for the Nation.

I have always believed in the Senate's unique protection of the minority party, even when Democrats held a majority in the Senate. When the minority has stood in the way of progress, I have defended their rights and held to my belief that the best traditions of the Senate would win out, that the 100 of us who stand in the shoes of over 310 million Americans would do the right thing. That is why I have always looked skeptically at efforts to change the Senate rules.

But in the past 5 years it has been discouraging. Ever since President Obama was elected, Senate Republicans have changed the tradition of the Senate, with escalating obstruction of nominations. They crossed the line from the use of the Senate rules to abuse of the Senate rules. In fact, the same abuse recently, and needlessly, shut down our government at a cost of billions of dollars to the taxpayers and billions of dollars to the private sector. I think it is a real threat to the independent, judicial branch of government.

As chairman of the Judiciary Committee, I am worried that the Republican obstruction is damaging our ability to fulfill the Senate's unique constitutional responsibility of advice and consent to ensure that the judicial branch has the judges it needs to do its job.

Republicans have used these unprecedented filibusters—and they are unprecedented—more than at any time that I have served here. They have ob-

structed President Obama from appointing to the Federal bench even nominations that were supported by Republican Senators from the State from where the nominee came. They have forced cloture to end filibusters on 34 nominees, far more than we ever saw during President Bush's 8 years in office. Almost all of these nominees were, by any standard, noncontroversial and ultimately were confirmed overwhelmingly. In fact, Republican obstruction has left the Federal judiciary with 90 or more vacancies during the past 5 years.

Take for example the Republican filibuster of a judicial nominee to the Tenth Circuit, Robert Bacharach last year, despite the support of the Republican Senators from Oklahoma. This marked a new and damaging milestone. Never before had the Senate filibustered and refused to vote on a judicial nominee with such strong bipartisan support, and who was voted out of the Judiciary Committee with virtually unanimous support. Republicans continued to block Senate action on the Bacharach nomination through the end of last Congress and forced his nomination to be returned without action to the President. There is no good reason—none—why Robert Bacharach was not confirmed to serve the people of Oklahoma and the Tenth Circuit as a Federal judge last year. He was finally confirmed this year unanimously.

Republicans last year also filibustered William Kayatta, another consensus circuit nominee who had the support of both Republican home State Senators. Like Judge Bacharach, Mr. Kayatta received the ABA Standing Committee on the Federal judiciary's highest possible rating and had strong bipartisan support and unimpeachable credentials. The same also applies to Richard Taranto, whose nomination was returned to the President at the end of last year after Republicans blocked action on his nomination to a vacancy on the Federal Circuit for more than eight months, despite no opposition in the Senate and despite the support of both Paul Clement and the late Robert Bork. Neither of these nominees faced any real opposition. Yet Republicans stalled both of them through the end of last Congress and forced their nomination to be returned without action to the President. They were both confirmed this year with overwhelming bipartisan support.

Senate Republicans used to insist that the filibustering of judicial nominations was unconstitutional. The Constitution has not changed, but as soon as President Obama took office Republicans reversed course. It struck me, because the very first—the very first—nominee to the Federal bench that President Obama sent here was filibustered. Judge Hamilton of Indiana was a widely-respected 15-year veteran of the Federal bench nominated to the Sev-

enth Circuit. President Obama reached out to the longest-serving Republican in the Senate, Senator Dick Lugar, to select a nominee he supported. Yet, Senate Republicans filibustered his nomination, requiring a cloture vote before his nomination could be confirmed after a delay of seven months.

It is almost a case of saying: Okay, Mr. President, you think you got elected? We are going to show you who is boss. We are going to treat you differently than all of the Presidents before you.

This has never been done before, to filibuster the President's very first nominee. Somehow this President is going to be told he is different than other Presidents.

Senate Republicans have obstructed and delayed nearly every circuit court nominee of this President, filibustering 14 of them. They abused the Senate's practices and procedures to delay confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months, before he was confirmed by voice vote. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months before she was confirmed 71 to 21. Senate Republicans used procedural tactics to delay for months the Senate confirmation of nominations with the strong support of Republican home State Senators—including Judge Scott Matheson of Utah to the Tenth Circuit; Judge James Wynn, Jr. of North Carolina to the Fourth Circuit; Judge Henry Floyd of South Carolina to the Fourth Circuit; Judge Adalberto Jordan of Florida to the Eleventh Circuit; Judge Beverly Martin of Georgia to the Eleventh Circuit; Judge Mary Murguia of Arizona to the Ninth Circuit; Judge Bernice Donald of Tennessee to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania to the Third Circuit; Judge Andrew Hurwitz of Arizona to the Ninth Circuit; Judge Morgan Christen of Alaska to the Ninth Circuit; and Judge Stephen Higginson of Louisiana to the Fifth Circuit.

The results are clear and devastating. The nonpartisan Congressional Research Service has reported that the median time circuit nominees had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees during his first term in office to 132 days for President Obama's nominees during his first term in office. This is the result of Republican obstruction and abuse of Senate rules. In most cases, Senate Republicans have delayed and stalled without explanation. How do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99 to 0? And how else do you explain the needless obstruction of Judge Denny Chin of New York to the Second Circuit, who was filibustered for four months before he was confirmed 98 to 0?

In 2012, Senate Republicans refused to consent to a vote on a single circuit court nominee until the majority leader filed cloture, even for nominees with home State Republican support like Adalberto Jordan of Florida—strongly supported by Senator RUBIO—and Andrew Hurwitz of Arizona, strongly supported by Senator Kyl. They blocked the Senate from voting on a single circuit court nominee nominated by President Obama last year. Since 1980, the only other Presidential election year in which there were no circuit nominees confirmed who was nominated that same year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees.

In the 8 years George W. Bush served as President, only five of his district court nominees received any opposition on the floor. That was over 8 years. In just 5 years, 42 of President Obama's district court nominees have faced opposition. The majority leader had to file cloture on 20 of them. Federal district court judges are the trial court judges who hear cases from litigants across the country and preside over Federal criminal trials, applying the law to facts and helping settle legal disputes. They handle the vast majority of the caseload of the Federal courts and are critical to making sure our courts remain available to provide a fair hearing for all Americans. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home State Senators who know the nominees and their States best, and have been confirmed quickly with that support. Never before in the Senate's history have we seen district court nominees blocked for months and opposed for no good reason. Many are needlessly stalled and then confirmed virtually unanimously with no explanation for the obstruction. Senate Republicans have politicized even these traditionally non-partisan positions.

As chairman of the Judiciary Committee I have always acted fairly and consistently whether the President has been a Democrat or a Republican. I have not filibustered nominees with bipartisan support. I have steadfastly protected the rights of the minority and I have done so despite criticism from Democrats. I have only proceeded with judicial nominations supported by both home State Senators. I will put my record of consistent fairness up against that of any chairman and never acted as some Republican chairmen have acted in blatantly disregarding evenhanded practices to ram through the ideological nominations of President George W. Bush.

Regrettably, the answer to my fairness and to my commitment to protecting the rights of the minority has been unprecedented and meritless ob-

struction. Even though President Obama has nominated qualified, mainstream lawyers, Republicans in the Senate have done away with regular order, imposing unnecessary and damaging delays. Until 2009, judicial nominees reported by the Judiciary Committee with bipartisan support were generally confirmed quickly. That has changed, with district nominations taking over four times longer and circuit court nominees over seven times longer than it took to confirm them during the Bush administration. Until 2009, we observed regular order and usually confirmed four to six nominees per week, and we cleared the Senate Executive Calendar before long recesses. Since then, Senate Republicans have refused to clear the calendar and slowed us down to a snail's pace. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee's record. We know what has happened since 2009—Republicans have required cloture to consider even those nominees later confirmed unanimously.

This obstruction was not merely a product of extreme partisanship in a Presidential election year—it has been a constant and across the board practice since President Obama took office. At the end of each calendar year, Senate Republicans have deliberately refused to vote on several judicial nominees just to take up more time the following year. At the end of 2009 Republicans denied 10 nominations pending on the Executive Calendar a vote. The following year, it took 9 months for the Senate to take action on 8 of them. At the end of 2010 and 2011, Senate Republicans left 19 nominations on the Senate Executive Calendar, taking up nearly half the following year for the Senate to confirm them. Last year they blocked 11 judicial nominees from votes, and refused to expedite consideration of others who already had hearings.

The effects of this obstruction have been clear. When the Senate adjourned last year, Senate Republicans had blocked more than 40 of President Obama's circuit and district nominees from being confirmed in his first term. That obstruction has led to a damagingly high level of judicial vacancies persisting for over four years.

This year, Senate Republicans reached a new depth of pure partisanship. They have decided to shut down the confirmation process altogether for an entire court—the U.S. Court of Appeals for the D.C. Circuit, even though there are three vacancies on that court. Senate Republicans attempt to justify their opposition to filling any of the three vacancies on the D.C. Circuit with an argument that the court's caseload does not warrant the appointments.

We all know that this ploy is a transparent attempt to prevent a Demo-

cratic President from appointing judges to this important court. We all know what has happened here in the D.C. Circuit. In 2003, the Senate unanimously confirmed John Roberts by voice vote as the 9th judge on the D.C. Circuit at a time when the caseload was lower than it is today. He was confirmed unanimously. No Democrat, no Republican opposed him. Not a single Senate Republican raised any concerns about whether the caseload warranted his confirmation and during the Bush administration they voted to confirm four judges to the D.C. Circuit—giving the court a total of 11 judges in active service.

Today there are only eight judges on the court; yet, when Patricia Millett was nominated to that exact same seat by President Obama, a woman with just as strong qualifications as John Roberts—they both had great qualifications—she was filibustered. Some say we should not call that a double standard. Well, I am not sure what else one might call it. We also should not be comparing the D.C. Circuit's caseload with that of other circuits, as Republicans have recently done. The D.C. Circuit is often understood to be the second most important court in the land because of the complex administrative law cases that it handles. The court reviews complicated decisions and rulemakings of many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11, 2001. Comparing the D.C. Circuit's caseload to other circuits is a false comparison, and those who are attempting to make this comparison are not being fully forthcoming with the American public. Years ago, one of the senior most Republican Senators on the Judiciary Committee said this:

[C]omparing workloads in the D.C. Circuit to that of other circuits is, to a large extent, a pointless exercise. There is little dispute that the D.C. Circuit's docket is, by far, the most complex and time consuming in the Nation.

Now, however, that same Senator has engaged in the precise pointless exercise he once railed against.

This is an unprecedented level of obstruction. I have seen substantive arguments mounted against judicial nominees, but I have never seen a full blockade against every single nominee to a particular court, regardless of the individual's qualifications. Republicans attempted to take this type of hardline stance with certain executive positions last year and earlier this year, when they refused to allow a vote for any nominee to the Consumer Financial Protection Bureau and the National Labor Relations Board. Rather than representing substantive opposition to these individual nominees, this obstruction was a partisan attempt to sabotage and eviscerate these agencies



which protect consumers and American workers. I have heard some call this tactic “nullification.” It is as if the Republicans have decided that the President did not actually win the election in 2008, and was not re-elected in 2012.

Senate Republicans backed off this radical and unprecedented hardline stance on executive nominees earlier this year, but they have shown no signs of doing the same with the D.C. Circuit. And it is not for lack of qualified nominees. This year, Senate Republicans filibustered the nominations of three exceptionally qualified women: Caitlin Halligan, Patricia Millett and Nina Pillard. Earlier this week Republicans filibustered another stellar nominee to this court, Judge Robert Wilkins.

I am a lawyer. I have tried cases in Federal courts. I have argued cases in Federal courts of appeal. I always went into those courts knowing I could look at that Federal judge and say: It doesn't make any difference whether I am a Democrat or a Republican, whether I represent the plaintiff or the defendant; this is an impartial court.

If we play political games with our Federal judiciary, how long are the American people going to trust the impartiality of our Federal courts? At what point do these games start making people think maybe this is not an independent judiciary? If that day comes, the United States will have given up one of its greatest strengths.

Let's go back to voting on judges based on their merit—and not on whether they were nominated by a Democratic President or a Republican President. Let's stop holding President Obama to a different standard than any President before him—certainly no President since I have been in the Senate, and I began with President Gerald Ford.

This obstruction is not just bad for the Senate, it is also a disaster for our Nation's overburdened courts. Persistent vacancies force fewer judges to take on growing caseloads, and make it harder for Americans to have access to justice. While they have delayed and obstructed, the number of judicial vacancies has remained historically high and it has become more difficult for our courts to provide speedy, quality justice for the American people. In short, as a result of Republican obstruction of nominees, the Senate has failed to do its job for the courts and for the American people, and failed to live up to its constitutional responsibilities. That is why the Senate today was faced with what to do to overcome this abuse and what action to take to restore this body's ability to fulfill its constitutional duties and do its work for the American people.

HONORING PRESIDENT JOHN F. KENNEDY

Seeing the distinguished Presiding Officer who is not only a New

Englander, but in this case from Massachusetts, let me just speak personally for a moment on a very, very sad day.

Tomorrow will be November 22. And ever since I was a law student, November 22 has always brought a feeling of dread to me. Tomorrow will be 50 years since President Kennedy was murdered.

My wife Marcelle and I were living in Washington at that time. She was a young nurse, a registered nurse, working at the VA hospital on Wisconsin Avenue, a site that is now occupied by the Russian Embassy. She was helping to put this equally impoverished law student through Georgetown Law School. We had been there in this basement apartment, first during the Cuban missile crisis. And like everybody, we held our breath in this city, wondering if this new, young President, John F. Kennedy, could get us through this crisis without plunging the world into nuclear war. I was excited—we both were—to be in the same city.

My family has always been Democratic. Back in Vermont, the joke was: “That's the street where the Democrats live.” There were so few of them in Vermont. But with an Irish-Catholic father and an Italian-Catholic mother, we had seen John Kennedy win—and in my State, amid something that doesn't exist anymore—an anti-Catholic attitude.

President Kennedy stood up to those people, some in the Joint Chiefs, who said they had so much more experience and we ought to go ahead and we had nuclear superiority over the then-Soviet Union; let's attack them, let's have a preemptive strike. And, Madam President, anybody who studies history knows what would have happened: Half the world would have been destroyed. Through patience and diplomacy, we got out of the situation.

And so we watched a young President go step by step, not always accomplishing everything he wanted, but always inspiring young people. I remember standing on Pennsylvania Avenue and seeing an open car go by with him. He had greeted an emperor, and their procession drove down Pennsylvania Avenue with people cheering. This was only months before he died. I was closer to him than I am to the distinguished Presiding Officer.

I remember, as an honor student, our class was invited to the White House with other students. Standing there with other students, I remember being struck by how red his hair was and how young he was. He talked with all of us.

Then I remember—as though it were yesterday, 50 years ago tomorrow—I was standing in the library of Georgetown University Law School. One of my classmates, who was not a fan of President Kennedy, came in and said: The President has been shot. I told him there was nothing funny about saying

something like that. Then I saw the shocked look on his face and realized he was telling the truth.

We didn't have a car and we used to take buses to school from where we lived in the Glover Park area. I knew that Marcelle had been working all night and was probably home after getting off of her shift in the wee hours of the morning, and was home sleeping. I went running out, grabbed a cab to go home to tell her what happened.

I think I got the only cab in Washington, DC, that did not have a radio. The cab driver didn't know what was going on. I just said: Let's go. We drove on K Street. A number of the stockbrokers were there. I remembered past times when I went by that exact spot and saw ticker tapes projected on the wall with the numbers going by, with the stock market's activities. They were blank, even though the stock market should have been open at that time. It was stopped.

I saw a relative of Mrs. Kennedy's going to work—being chauffeured in a Rolls-Royce. As one can imagine, as a young law student on an un-air-conditioned bus, I looked at him with envy. I saw him running out frantically trying to grab a cab. It was very obvious something was wrong.

I got home, banged on the door and woke up Marcelle. I turned on the TV set and told her he had been shot.

She said: Who?

I said: The President.

We saw Walter Cronkite—which is something we keep seeing over and over, and have for 50 years—announcing the President was shot, and was dead.

We prayed for him, his family, for our Nation. Phones were just seizing up in Washington, but we talked with our family back in Vermont.

We knew they were going to leave the White House to bring the President's body, so we decided to go watch the funeral procession. We waited on the curb a few yards from the route on Pennsylvania Avenue. We were expecting our first child—he was born in January following this—but we thought, even so, we should go down, and we took the bus down and we stood across from the National Gallery of Art, what's now the west wing of the National Gallery of Art. There were several lanes of rows of people along the street—and it was so quiet, Madam President—so quiet—that even though the roads were blocked, the street lights were going, as they changed from red to green to yellow—we could hear the “click” five lanes from the road. We could hear the click of the street lights changing; it was that quiet.

Then we heard the drums. We heard the cortege leaving the White House. This was back before we had cell phones and everything else you could follow. Everybody on the street turned



toward the other end of Pennsylvania Avenue, even though we could not yet see them. But we could hear them, it was that quiet.

And then cars came by the cortege: A riderless horse, a very skittish horse. You could hear its horseshoes clicking back and forth, as it would pull back and forth against the reigns, held by the man leading it, the boots turned backwards in the empty stirrups.

I saw Robert Kennedy go by in a car. In fact I took a photograph of him—with his head bowed, his chin on his hand.

It was so sad. It all went by. As the casket passed by, people saluted, held their hands over their hearts, and cried. Again, Madam President, it's like it was yesterday.

We watched the funeral from home. Mrs. Kennedy had decided that all of the world leaders who had come would march together from the White House to St. Matthew's where the President's funeral would be held.

I remember there had been a discussion of the protocol for having Presidents, Prime Ministers, and Emperors present. Mrs. Kennedy made the brilliant decision to assign the countries alphabetically in English. Haile Selassie, of Ethiopia, resplendent in his uniform, with braids and everything else, walked next to Charles de Gaulle, who, like myself, is well over six-feet tall, with a very plain uniform without decorations. Nobody thought anything unusual about it. It was all so respectful. Because there were so many heads of state, virtually every police officer in the city was downtown in that area. Yet, there wasn't a crime reported in DC at that time. Everybody was glued to their TV set.

The funeral scenes included young John Kennedy Jr., saluting his father's coffin as it went by. We watched the burial at Arlington Cemetery—we lived only a couple miles from there—and we saw the first jets—the fighter jets—flying over. We rushed outside just in time to see what we all know as “missing man formation,” when the jets are in formation, and one peels off. We saw that, and then we saw Air Force One fly over, just having dipped its wing in tribute. It was a very large plane at that time—blue, white, and silver—the same plane that brought the President's body back a few days before, from Dallas. It was coming out of its salute.

Throughout that time, everywhere we went we saw a silent and stunned city—both those who supported President Kennedy and those who had not. Everybody knew what a blow this was to our country. In fact, I did not again see that kind of shock and silence in Washington, DC until I walked from my office on 9/11, here on Capitol Hill, and saw the same thing after that attack on us.

For something like this, most people set aside their political backgrounds.

I remember so many of us stood here on that March day when President Reagan was shot. We all joined hands, Democrats and Republicans, and prayed for his safety and for the country. It is awful to have to have a situation like that, a situation such as that, to bring people together, but we should think about the country first and foremost in these things.

We look at those in succession to the Presidency; we worry about what might happen to the President. No one ever wants anything to happen to any President, Republican or Democrat. We don't want these things to happen to our country.

I was one of those young people inspired by John Kennedy and by Robert Kennedy—who invited me to join the Department of Justice as a young law student, though I was homesick and wanted to go back to Vermont, and I am glad I did.

These were people who inspired young people. They inspired us because we saw political life and elective office not as something for cynical gain or something to promote yourself or something where you could do bumper-sticker sloganeering. I don't care whether you were on the left or the right. They inspired others to make life better for everybody else, to make the country better and stronger, and to leave a better country for the next generation.

I think that was the promise of John Kennedy. I am glad that many in both parties decided to follow that same promise. I just wish more would.

Madam President, I thank my colleagues for letting me have all this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank the distinguished Senator from Vermont for his remembrance of those days that were so special to him and also for really commemorating them so they will be special to all of us. I thank him for his comments.

#### RULES CHANGE

Madam President, I am going to speak as the ranking member of the Senate rules committee, and I am going to speak in regard to the rules changes that have occurred today.

Under the rules of this body, it takes 67 votes to end debate on a rules change. As a continuing body, our rules carry on from one Congress to the next—or at least they used to—and can only be changed pursuant to these rules. Our rules have always ensured a voice for the minority in this body. Unlike the House, where I served, where a simple majority has the power to impose a rule change at any time, in the Senate the minority has always been protected. Here, the rules protect the minority and cannot be changed without their consent—unless, of course, the majority decides it wants to break

the rules to change the rules. I am saddened that is what happened today.

The Washington Post reported the other day that President Obama's approval rating has hit a record low; his disapproval rating has hit a record high—the worst of his Presidency. This is obviously the result of the disastrous rollout of ObamaCare which has caused Americans to question both the President's trustworthiness and his basic competence.

In light of these developments, one would think my colleagues on the other side of the aisle might be reconsidering the wisdom of some of their past decisions. One would hope it would occur to them that maybe it was a mistake to pass the health care reform bill on a straight party-line vote. I am one of the few who voted no in the HELP Committee, no in the Finance Committee, and no on the Senate floor on that Christmas Eve night.

One might expect them to have some doubts about the competence of this administration, as most Americans clearly do on this particular issue especially and on a lot of other regulations; that it would dawn on them that maybe now might be the right time to reassert congressional authority to rein in and redirect the administration—the executive, if you will—and use the power of the Senate to move the administration in a different direction. I am sorry that has not happened. Instead, in the face of the obvious failures of this President and his plummeting approval ratings, the majority has decided it would be a really good idea to give him more power. That is right, the majority thinks our biggest problem is that the President can't do whatever he wants to do and we should change our rules to allow him to do that. That is incredible.

The majority has permanently undermined this body, robbed it of a vital tool to check the untrammelled authority of this or any other President, so this sinking ship of an administration can make whatever appointments it wants. What a tragedy.

In Kansas, when you walk old ghost towns you will see buildings where nothing remains but the facade. Literally the entire building is gone and all that is left is the facade. To prevent that facade from collapsing, you may see beams propping it up.

In recent weeks this administration has been exposed as a facade. It still looks nice at first glance—the slick campaign-style appearances go on as usual—but when you look behind it, you see there is nothing there. It cannot perform the most basic tasks. It cannot even fulfill the responsibilities it has assigned to itself. It is collapsing. So now we, the Senate, are going to prop it up. The U.S. Senate, the world's greatest deliberative body, has been reduced to being a prop. We have reduced ourselves to

rubberstamps, forfeiting our historical and constitutional authority to subject Presidential appointments to advice and consent so this administration can do whatever it wants. Again, what a tragedy. Never has so much been given for so little.

We have permanently undermined this body—for what? So this President can appoint a few more judges and stack the D.C. Circuit Court that oversees the constitutionality of Federal regulations? Yes, ObamaCare regulations, IRS regulations, EPA regulations—all of the regulations that come like a waterfall over basically every economic sector we have. This is unbelievable. What happened today will surely lead to complete control of this institution by the majority. I hope not, but that is what has happened in the past, more especially in the House.

Do not listen to those who would seek to minimize the importance of what has been done. The claim that what they have done is limited—applying only to executive nominations—misses the point. The change itself is less important than the manner in which it was imposed. Once you assume the power to write new rules with a simple majority vote, to ignore the existing rules that require a supermajority to achieve such a change, you have put us on a path that will surely lead to total control of this body by the majority.

Before today, there was only one House of Congress where the majority has total control. Now there are two. We have become the House. By its action today, the majority has ensured that for many years to come, Members will not have any rights beyond those which the majority is willing to grant.

When he was in the minority, our current majority leader recognized this. In his book “The Good Fight,” Senator REID wrote about the battle over the nuclear option back in 2005. This is what he wrote:

Once you opened that Pandora’s box, it was just a matter of time before a Senate leader who couldn’t get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

I repeat, “the end of the United States Senate.”

Senator REID further wrote:

... there will come a time when we will all be gone, and the institutions that we now serve will be run by men and women not yet living, and those institutions will either function well because we’ve taken care of them, or they will be in disarray and someone else’s problem to solve.

He described the nuclear option this way then:

In a fit of partisan fury, they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or 67 Senators. The Republicans were going to do it illegally with a simple majority, or 51 . . . future generations be damned.

If only today the majority leader had recalled his own words. Instead, by his

own hand, he has brought on the end of the Senate as we know it. Instead of taking care of this institution, he will leave it in disarray—future generations be damned.

Our former Parliamentarian Bob Dove and Richard Arenberg, a professor and onetime aide to former majority leader George Mitchell, wrote a book on this subject called “Defending the Filibuster,” and this is what they said:

If a 51-vote majority is empowered to rewrite the Senate’s rules, the day will come, as it did in the House of Representatives, when a majority will construct rules that give it near absolute control over amendments and debate. And there is no going back from that. No majority in the House of Representatives has or ever will voluntarily relinquish that power in order to give the minority a greater voice in crafting legislation.

Do not be fooled by those who would try to minimize the impact of what happened today. Again, the rule change itself is less important than the manner in which it was imposed. Now that the majority has decided it can set the rules, there is no limit to what it or any future majority might do in the future. There are no constraints. The majority claims these changes are necessary to make the Senate function. If it decides further changes are needed, it will make them. The minority will have no voice, no say, no power. That has never been the case in the Senate—never. Until now.

It saddens me that we have come to this point. It saddens me that the Members on the other side of the aisle who should know better have taken this course. We have done permanent damage to this institution and set a precedent that will surely allow future majorities to further restrict the rights of the minority. That is not a threat; it is just a fact. We have weakened this body permanently, undermined it, for the sake of an incompetent administration. What a tragedy.

This is a sad, sad day. When the future generations we have damned by today’s actions look back and wonder “Why are things in such disarray? When did it go wrong? When did the demise of the Senate begin?” the answer will be today, November 21, 2013.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, as the majority contemplate changing the rules of the Senate to expedite the confirmation of several executive branch nominees, I hope that serious consideration was given to the adverse effects this change could have.

We should resist embarking on a path that would circumvent the rights of the minority to exercise its advice and consent responsibilities provided in the Constitution.

The consequences of the action by the majority should not be minimized.

Former Senator Ted Kennedy, in 2003, testified before the Rules Committee that by allowing a simple majority to end debate on nominees, “the Senate would put itself on a course to destroy the very essence of our constitutional role.”

Such a departure from precedent would dilute the minority rights that differentiate the Senate from the other body. It also opens the door to applying this same rule to debate on judicial nominations, as well as the legislative process.

Mr. MCCAIN. Madam President, I wish to echo what my colleague from Michigan Senator LEVIN said on the floor earlier today. He quoted the late Senator Arthur Vandenburg of Michigan who said, in 1949, that if the majority can change the rules at will “then there are no rules except the transient unregulated wishes of a majority of whatever quorum is temporarily in control of the Senate.”

Senator Vandenburg’s words from 1949 have proven to be prophetic.

Additionally, when he was a Member of the Senate in 2005, President Obama said “What [the American people] don’t expect is for one party—be it Republican or Democrat—to change the rules in the middle of the game.” That is exactly what his party did today—and they did so with the President’s full support.

The American people will not be deceived—the Majority Leader’s exercise of the “nuclear option” today is merely an attempt to divert their attention from Obamacare’s failure to launch and the President’s failure to keep his word to the American people on whether they can keep health care plans they already have. Republicans will, however, come together to maintain the American people’s focus on these issues and on solving problems they are confronted with everyday—on health care reform, economic growth, runaway deficit-spending, and an unsustainable national debt that threatens future generations. Unfortunately, in his desperation to divert everyone’s attention from Obamacare, the majority leader abused his position to decimate the integrity of the institution he is supposed to serve and continues to plunge this institution into a hopeless abyss of distrust and partisanship. These are circumstances that can be remedied by nothing less than a change in the majority in the Senate and its leadership. I remain dedicated towards achieving that outcome.

It is unfortunate we are in this position today. Numerous times over the years, the Senate has come to a standstill over nominees—whether they were judicial or executive branch. That gridlock inevitably leads to threats from the majority to use the “nuclear option”—to change the rules of the Senate to strip the minority party of their right to filibuster certain nominees. I

opposed using the nuclear option back when my party had the majority, and I oppose it today.

I think the Majority Leader made a huge mistake today.

Senator Vandenberg:

... I continue to believe that the rules of the Senate are as important to equity and order in the Senate as is the Constitution to the life of the Republic, and that those rules should never be changed except by the Senate itself, in the direct fashion prescribed by the rules themselves.

Senator Vandenberg continued:

I have heard it erroneously argued in the cloakrooms that since the Senate rules themselves authorize a change in the rules through due legislative process by a majority vote, it is within the spirit of the rules when we reach the same net result by a majority vote of the Senate upholding a parliamentary ruling of the Vice President which, in effect, changes the rules. This would appear to be some sort of doctrine of amendment by proxy. It is argued that the Senate itself makes the change in both instances by majority vote; and it is asked, what is the difference? Of course, this is really an argument that the end justifies the means.

Senator Vandenberg continued:

We fit the rules to the occasion, instead of fitting the occasion to the rules. Therefore, in the final analysis, under such circumstances, there are no rules except the transient, unregulated wishes of a majority of whatever quorum is temporarily in control of the Senate. That, Mr. President, is not my idea of the greatest deliberative body in the world. ... No matter how important [the pending issue's] immediate incidence may seem to many today, the integrity of the Senate's rules is our paramount concern, today, tomorrow, and so long as this great institution lives.

He concluded, with that "one consideration":

What do the present Senate rules mean; and for the sake of law and order, shall they be protected in that meaning until changed by the Senate itself in the fashion required by the rules?

... [T]he rules of the Senate as they exist at any given time and as they are clinched by precedents should not be changed substantively by the interpretive action of the Senate's Presiding Officer, even with the transient sanction of an equally transient Senate majority. The rules can be safely changed only by the direct and conscious action of the Senate itself, acting in the fashion prescribed by the rules. Otherwise, no rule in the Senate is worth the paper it is written on, and this so-called "greatest deliberative body in the world" is at the mercy of every change in parliamentary authority.

According to CRS, proposals to limit Senate debate are as old as the Senate itself. Over the 224-year history of the body, numerous procedures have been proposed to allow the Senate to end discussion and act. The most important debate-limiting procedure enacted was the adoption in 1917 of the "cloture rule," codified in paragraph 2 of Senate Rule XXII. Under the current version of this rule, a process for ending debate on a pending measure or matter may be set in motion by a supermajority vote of the Senate.

At times, Senators of both political parties have debated the merits of the Senate's tradition of free and unlimited debate. These debates have occurred at different times and under different sets of circumstances as Senators attempted, for example, to prevent filibusters of civil rights measures, pass consumer protection legislation, or secure the confirmation of judicial or executive branch nominations.

Although many attempts have been made to amend paragraph 2 of Rule XXII, only six amendments have been adopted since the cloture rule was enacted in 1917: those undertaken in 1949, 1959, 1975, 1976, 1979, and 1986. Each of these changes was made within the framework of the existing or "entrenched" rules of the Senate, including Rule XXII.

In 1949, the cloture rule was amended to apply to all "matters," as well as measures, a change that expanded its reach to nominations, most motions to proceed to consider measures, and other motions. A decade later, in 1959, its reach was further expanded to include debate on motions to proceed to consider changes in the Senate rules themselves. The threshold for invoking cloture was lowered in 1975 from two-thirds present and voting to three-fifths of the full Senate except on proposals to amend Senate rules. In a change made in 1976, amendments filed by Senators after cloture was invoked were no longer required to be read aloud in the chamber if they were available at least 24 hours in advance.

In 1979, Senators added an overall "consideration cap" to Rule XXII to prevent so-called post-cloture filibusters, which occurred when Senators continued dilatory parliamentary tactics even after cloture had been invoked. In 1986, this "consideration cap" was reduced from 100 hours to 30 hours.

At various times I have been a part of bipartisan groups of Senators who were able to come together and negotiate agreements to end the gridlock surrounding nominees, avert the nuclear option, and allow the Senate to move forward with our work on behalf of the American people. My work in these groups—often referred to as "gangs"—has won me both praise and condemnation, and has often put me at odds with some in my own party.

In 2005 for instance, I joined 13 of my colleagues in an agreement that allowed for votes on three of President Bush's judicial nominees who were being filibustered by the Democrats—who were in the minority at that time. Part of that agreement addressed future nominees. It stated:

"Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist."

In January of this year I began working with like-minded members of both parties to diffuse legislative gridlock and to meet the goals of making it easier for the majority to bring legislation to the floor while also making it easier for a Member of the minority to offer amendments to that legislation. Having a robust amendment process, especially on legislation of major con-

sequence, is how the Senate has traditionally operated. It is something that has been sorely lacking for the last several years. And it is something that, when it has occurred, has invariably led to legislative achievement.

And again in July of this year the Senate faced gridlock over the President's nominees to the National Labor Relations Board—NLRB. I joined with Members on both sides to come up with a reasonable compromise which allowed for votes of the President's nominees.

My colleagues in the majority are mistaken if they assume that these agreements have meant that we, the minority party, have surrendered our right to filibuster nominees in certain circumstances. The exact opposite is true. These agreements were negotiated precisely to protect the rights of the minority to filibuster nominations in good faith where the minority finds that doing so is warranted under the circumstances.

I am disappointed my colleagues on the other side have taken this step today. I would argue that our side, led by Senator MCCONNELL, has been very accommodating in helping to secure cloture on numerous nominees. The fact that we have exercised our rights in several instances should not deter from that fact, and is certainly not deserving of this retaliatory action.

I have worked to end the stalemates over nominees, not for praise or publicity, but to retain the rights of the minority, and to help return the Senate to the early practices of our government and to reduce the rancor and distrust that unfortunately accompanies the advice and consent process in the Senate. I fear that today's action by the majority will result in even more discord in this body.

Mr. HATCH. Madam President, today we face a real crisis in the confirmation process, a crisis concocted by the majority to distract attention from the Obamacare disaster and, in the process, consolidate more power than any majority has had in more than 200 years. This crisis was created by a majority that wants to win at all cost, for whom the political ends justify any means whatsoever. The two parts of this crisis are what the majority is doing and how they are doing it.

What the majority is doing is terminating the minority's ability to filibuster judicial nominees. If anyone thought that judicial filibusters were so easy that the minority has been doing it indiscriminately, they would be wrong. It is harder to filibuster judges today than at any time since the turn of the 19th century. And the truth is that Democrats are now terminating a practice that they created and that they have used, by orders of magnitude, far more than Republicans.

In February 2001, just after President George W. Bush took office, Democrats

vowed to use “any means necessary” to defeat his judicial nominees. That is one promise Democrats kept. They pioneered using the filibuster to defeat majority-supported judicial nominees in 2003. In fact, 73 percent of all votes for judicial filibusters in American history have been cast by Democrats.

By this same point under President Bush, the Senate had taken 26 cloture votes on judicial nominees, more than twice as many as have occurred under President Obama. Under President Bush, 20 of those cloture votes failed, nearly three times as many as under President Obama. Democrats set a record for multiple filibusters against the same nominee that still stands today. They filibustered the nomination of Miguel Estrada, the first Hispanic nominee to the U.S. Court of Appeals for the D.C. Circuit, seven times.

Individual Democratic Senators took full advantage of the judicial filibuster that they now are terminating. The majority leader, the majority whip, and the Judiciary Committee chairman together voted 82 times to filibuster Republican judicial nominees. In contrast, the minority leader, minority whip, and Judiciary Committee ranking member have together voted only 29 times to filibuster Democratic judicial nominees. For those same Democratic Senators to now take away from others the very tactic that they invented and used so liberally is beyond hypocritical.

The other part of this crisis is how the majority is terminating the judicial filibuster. The title “nuclear option” has been given to two methods by which a simple majority can change how the Senate does business. The first method has never been tried and can occur, if at all, only at the beginning of a new Congress. Because this method would actually change the Senate’s written rules, it would be a public process involving a resolution and examination by the Rules Committee. Republicans considered using this method at the beginning of the 110th Congress but did not do so.

The majority today is instead using the second method, which requires only a ruling from whoever is presiding over the Senate. It is a pre-scripted parliamentary hit-and-run, over in a flash and leaving Senate tradition and practice behind like so much confirmation roadkill. This would be the wrong way to address even a real confirmation crisis, let alone the fake one created by the majority today.

The majority, it seems, just does not like the way our system of government is designed to work. I have been in the majority and the minority several times each, more than enough to experience that the rules, practices, and traditions of this body can annoy the majority and empower the minority. That is how this body is designed to work as part of the legislative branch.

But the majority today wants to have it all. They are denying to others the very same tools that they used so aggressively before.

This year, the Senate has confirmed more than twice as many judges than at the start of President Bush’s second term. We have confirmed nine appeals court judges so far this year, a confirmation rate exceeded only a handful of times in the 37 years I have served in this body. President Obama has already appointed one-quarter of the entire Federal judiciary.

But that is not enough for this majority. In order to clear the way for winning every confirmation vote every time, Democrats set up a confrontation over nominees to the D.C. Circuit. They knew that the D.C. Circuit did not need more than the eight active judges it now has. How did they know? Because the very same standards they used in 2006 to oppose Republican nominees to that court told them so.

In 2006, Democrats opposed more D.C. Circuit nominees because written decisions per active judge had declined by 17 percent. Since 2006, written decisions per active judge have declined by an even greater 27 percent. In 2006, Democrats opposed more D.C. Circuit appointments because total appeals had declined by 10 percent. Since 2006, total appeals have declined by an even greater 18 percent. The D.C. Circuit’s caseload not only continues to decline, but is declining faster than before.

In 2006, Democrats opposed more D.C. Circuit appointments because there were 20 judicial emergency vacancies and there were nominees for only 60 percent of them. Since 2006, judicial emergency vacancies have nearly doubled and the percentage of those vacancies with nominees has declined to less than 50 percent.

Judiciary Committee Democrats put those standards in writing in 2006. None of them, including the four who still serve on the Judiciary Committee today, have either said they were wrong in 2006 or explained why different standards should be used today. They have not done so because this about-face, this double-standard, is a deliberate ploy to create an unnecessary and fake confirmation confrontation.

I have to hand it to my Democratic colleagues because reality television cannot hold a candle to this saga. Democrats first abandoned the arguments they used against Republican nominees to the D.C. Circuit in order to create a fake confrontation. Then they “solve” this confrontation by terminating judicial filibusters that they once used against Republican nominees.

The filibuster has been an important—some would say a defining—feature of how this body operates for more than 200 years. It has always annoyed the majority because it empowers the

minority. Both parties have used it, both parties have criticized it. But no majority has done what Democrats have done today. They have fundamentally altered this body, they have in the most disingenuous way done long term institutional damage for short term political gain. This majority wants everything to go their way, and will do anything to make that happen.

The majority created this fake confirmation crisis for two reasons. First, they want to stack the D.C. Circuit with judges who will approve actions by the executive branch agencies that President Obama needs to push his political agenda. Second, they want to distract attention from the Obamacare disaster. I think this heavy-handed move will have the opposite effect on both counts. Just as both parties have used the filibuster to stop certain judicial nominees, both parties will use the absence of the filibuster to appoint certain judicial nominees. And now that the majority has crossed this parliamentary Rubicon, we can indeed focus again on what Obamacare is doing to American families. This is a sad day for the Senate, for the judiciary, and for the American people who want to see their elected representatives act on integrity and principle rather than use gimmicks and power plays.

Mr. UDALL of New Mexico. Madam President, today the Senate took an unusual step to change our rules with a simple majority vote. I say unusual step, and not unprecedented, because it was something the Senate has done on many occasions in the past. Like those previous changes, the action we took was not intended to destroy the uniqueness of the Senate but instead was meant to restore the regular order of the body.

I believe, as I have stated many times since coming to the Senate, that the best way to amend the rules is by having an open debate at the beginning of each new Congress and holding a majority vote to adopt the rules for that Congress. I, along with Senators HARKIN and MERKLEY, tried to do that at the beginning of this Congress and the last. Ultimately we were unsuccessful in achieving the real reforms we wanted, including a talking filibuster. But there was some hope that the debate highlighted some of the most egregious abuses of the rules and led to an agreement that both sides would strive to restore the respect and comity that is often lacking in today’s Senate. Unfortunately, that agreement rapidly deteriorated and the partisan rancor and political brinksmanship quickly returned.

As expected, many of my Republican colleagues called today’s action by the majority a power grab and “tyranny of the majority.” They decried the lack of respect for minority rights. I do believe that we must respect the minority in

the Senate, but that respect must go both ways. When the minority uses their rights to offer germane amendments, or to extend legitimate debate, we should always respect such efforts. But that is not what we have seen. Instead, the minority often uses its rights to score political points and obstruct almost all Senate action. Instead of offering amendments to improve legislation, we see amendments that have the sole purpose of becoming talking points in next year's election. Instead of allowing up or down votes on qualified nominees, we see complete obstruction to key vacancies. It is hard to argue that the majority is not respecting the traditions of the Senate when the minority is using this body purely for political gain.

During the debate over rules reform we had in January, many of my colleagues argued that the only way to change the Senate Rules was with a two-thirds supermajority. As we saw today, that simply is not true. Some call what occurred the "Constitutional Option," while others call it the "Nuclear Option." I think the best name for it might be the "Majority Option." As I studied this issue in great depth, one thing became very clear. Senator Robert Byrd may have said it best. During a debate on the floor in 1975, Senator Byrd said, "at any time that 51 Members of the Senate are determined to change the rule . . . and if the leadership of the Senate joins them . . . that rule will be changed." That is what happened today.

We keep hearing that any use of this option to change the rules is an abuse of power by the majority. However, a 2005 Republican Policy Committee memo provides some excellent points to rebut this argument.

Let me read part of the 2005 Republican memo:

"This constitutional option is well grounded in the U.S. Constitution and in Senate history. The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role."

The memo goes on to address some "Common Misunderstandings of the Constitutional Option."

One misunderstanding addressed, which we heard today is that, "The es-

sential character of the Senate will be destroyed if the constitutional option is exercised."

The memo rebuts this by stating that "When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented."

Changing the rules with a simple majority is not about exercising power, but is instead about restoring balance. There is a fine line between respecting minority rights and yielding to minority rule. When we cross that line, as I believe we have many times in recent years, the majority is within its rights to restore the balance. This is not tyranny by the majority, but merely holding the minority accountable if it crosses that line and makes the Senate a dysfunctional body. I would expect the same if my party was in the minority and we were abusing the rules.

Many of my colleagues argue that the Senate's supermajority requirements are what make it unique from the House of Representatives, as well as any other legislative body in the world. I disagree. If you talk to the veteran Senators, many of them will tell you that the need for 60 votes to pass anything or confirm nominees is a recent phenomenon. Senator HARKIN discussed this in great detail during our debate in January and I highly recommend reading his statement.

I think this gets at the heart of the problem. We are a unique legislative body, but not because of our rule book. We have recently devolved into a body that our Founders never intended. Rather than one based on mutual respect that moves by consent and allows majority votes on almost all matters, we have become a supermajoritarian institution that often does not move at all.

With all of the economic issues we face, our country cannot afford a broken Senate. Both sides need to take a step back and understand that what we do on the Senate floor is not about winning or keeping the majority next November, but about helping the country today.

Today's vote to change the rules is a victory for all Americans who want to end obstruction and return to a government that works for them. Americans sent us here to get things done, but in recent years, the minority has filibustered again and again—not to slow action out of substantive concerns, but for political gain. Any President—Democrat or Republican—should be able to make their necessary appointments.

This change finally returns the Senate to the majority rule standard that

is required by the Constitution when it comes to executive branch and judicial nominees. With this change, if those nominees are qualified, they get an up-or-down vote in the Senate. If a majority is opposed, they can reject a nominee. But a minority should not be able to delay them indefinitely. That is how our democracy is intended to work.

New Mexicans—all Americans—are tired of the gridlock in Washington. The recent filibuster of three D.C. Circuit nominees over the last 4 weeks was not the beginning of this obstruction. It was the final straw in a long history of blocking the President's nominees. Doing nothing was no longer an option. It was time to rein in the unprecedented abuse of the filibuster, and I am relieved the Senate took action today.

#### LEGISLATIVE SESSION

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

Mr. REID. Madam President, I ask unanimous consent that notwithstanding cloture having been invoked on the Millett nomination, the Senate resume legislative session and consideration of S. 1197; that the time until 4 p.m. be equally divided and controlled between Chairman LEVIN and Ranking Member INHOFE or their designees, with the chairman controlling the last half of the time; that at 4 p.m., the Senate proceed to vote on the motion to invoke cloture on S. 1197, the Department of Defense authorization bill; that if cloture is invoked, notwithstanding cloture having been invoked, the Senate proceed to vote on S. Con. Res. 28; further, if cloture is invoked on S. 1197, the second-degree amendment filing deadline be 5 p.m. today; finally, that if cloture is not invoked on S. 1197, the Senate proceed to vote on adoption of S. Con. Res. 28.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1197) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid (for Levin/Inhofe) Amendment No. 2123, to increase to \$5,000,000,000 the ceiling on the general transfer authority of the Department of Defense.

Reid (for Levin/Inhofe) Amendment No. 2124 (to Amendment No. 2123), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid Amendment No. 2305, to change the enactment date.

Reid Amendment No. 2306 (to the instructions) Amendment No. 2305), of a perfecting nature.

Reid Amendment No. 2307 (to Amendment No. 2306), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me first repeat, as I have many times, I have never worked with a manager more closely than the chairman of the Armed Services Committee Senator LEVIN. We worked very hard through a lot of issues. On the few where we disagreed with each other, we have handled it in a very civil way. We both want a bill and we will have one.

The problem we have on the Republican side is we have not had a chance to have amendments. I don't have the charts in here, but earlier this morning I had charts here to show historically every time this comes up, we have a number of amendments that the minority has—whether the minority happens to be the Democrats or Republicans. All we want to do is to consider these amendments.

Yesterday I said I don't think we will be able to do it, but I am going to attempt to come today—or yesterday, I said tomorrow—with 25 amendments that all of the Republicans have said they would not object to and we would say these are the ones we would like to have considered. Of those, assuming the Democrats had 25 also, the most we would have up for consideration would be maybe 20, probably less than that, because historically that is the way it is.

I have given the majority the 25 amendments we would like to have considered, and I made the statement yesterday—and I want to repeat it today—that now that we have agreed on a list, if we can have these amendments considered on the floor, then I would be a very strong supporter of this bill.

However, after going through the work of coming down to these amendments—and that is not an easy thing to do—if we are rejected and we are not going to be able to have consideration of these 25 amendments, I would vote in opposition to cloture to go to the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, we will soon vote on whether to invoke cloture on S. 1197, the National Defense Authorization Act for Fiscal Year 2014. This bill was reported out of the Armed Services Committee with a strong bipartisan vote of 23 to 3. We have enacted a National Defense Authorization Act every year for more than 50 years, and it is critically important that we do so again this year.

We spent all day yesterday debating two amendments addressing sexual assault in the military, but we have not been allowed to vote on them. There

was opposition on the other side to voting even on those two amendments which have now been fully debated. We were told that Senators wouldn't let us vote on the sexual assault amendments because they were afraid those would be the only votes. We offered to lock in additional amendments, six for Democrats, six for Republicans. That got an objection. Staff had built up a cleared amendment package of 39 additional amendments on a bipartisan basis, about half for each side, that were all agreed to on the merits. Again, we got thwarted.

So over and over, we had objections to considering amendments, based on the accusation that we were not considering enough amendments. But how on earth does blocking the consideration of amendments that we can all agree on advance the cause of considering amendments?

I am going to continue to work with my friend from Oklahoma—and we are good friends and we work together well. He is right. I am going to continue to work toward an agreement that will enable us to proceed with additional amendments on this bill.

This would not be the first time this kind of a problem has happened on a Defense authorization bill. In 2008, one Senator objected to cleared amendment packages and to bringing up amendments. As a result, we were able to have only two rollcall votes and adopted only 9 amendments—all of which were agreed to before the objection was raised. Then, as now, the objection did not result in more amendments being adopted but, rather, in almost no amendments being adopted at all. In 2008, we invoked cloture and proceeded with the bill with virtually no Senate amendments—a result which was less than ideal, but at least it enabled us to enact a National Defense Authorization Act that year.

We must pass a national defense authorization bill. If we fail to do so, we will be letting down our men and women in uniform and failing to perform one of Congress' most basic duties—providing for the national defense.

As is the case every year, if we fail to enact this bill, our troops will not get the full amount of compensation to which they are entitled. If we fail to act, the Department's authority to pay out combat pay, hardship duty pay, special pay for nuclear-qualified servicemembers, enlistment and reenlistment bonuses, incentive pay for critical specialties, assignment incentive pay, and accession and retention bonuses for critical specialties will expire on December 31.

After that date, we will have troops in combat who will not get combat pay. We will lose some of our most highly skilled men and women with specialties that we vitally need. Not only will we be shortchanging our sol-

diers, sailors, airmen, and marines, but we will be denying our military services critical authorities they need to recruit and retain high-quality servicemembers, and to achieve their force-shaping objectives as they draw down their end strengths.

That is not all. If we fail to enact this bill, school districts all over the United States that rely on supplemental impact aid to help them educate military children will no longer receive that money. If we fail to enact this bill, the Department of Defense will not be able to begin construction on any new military construction projects in the coming year. That means our troops won't get the barracks, ranges, hospitals, laboratories, and other support facilities they need to support operational requirements, conduct training, and maintain equipment. It means that military family housing will not receive needed upgrades.

If we fail to enact this bill, the existing military land withdrawals will expire at China Lake Naval Air Weapons Station and Chocolate Mountain Aerial Gunnery Range. That means our military will have to cease operations on those vital test and training ranges, losing critical testing and training capabilities that they relied on for the last 25 years.

If we fail to enact this bill, the Department of Defense will run out of money for the construction of the first ship of the Navy's new class of aircraft carriers, the *Gerald R. Ford*. That means the Navy will have to issue a stop work order on the construction of the *Ford*, requiring them to lay off workers and requiring a break in production that will add hundreds of millions, if not billions, of dollars not only to the cost of the *Ford*, but also to the cost of follow-on aircraft carriers.

It goes on and on. If we fail to enact this bill, we will enact none of the far-reaching reforms we need to address on the problem of sexual assault in the military. Already we have been blocked in our effort to clear a package of manager's amendments, including Senator BOXER's amendment reforming the article 32 process.

Now, we are not only going to lose important reforms, but there are two dozen measures that are in the bill which address the problem of sexual assault. If we don't adopt this bill, we won't be providing a Special Victims' Counsel for victims of sexual assault. We won't make retaliation for reporting a sexual assault a crime under the Uniform Code of Military Justice. If we don't adopt this bill, we won't require commanders to immediately refer all allegations of sexual assault to professional criminal investigators. We won't restrict the authority of senior officers to modify the findings and sentence of court-martial convictions, and we won't require higher level review of



any decision not to prosecute allegations of sexual assault.

We have already failed our men and women in uniform by failing to end sequestration. We should not fail them again by failing to enact the many critical measures included in the National Defense Authorization Act for Fiscal Year 2014.

Mr. MARKEY. Mr. President, the Gillibrand amendment would address an issue that is fundamental to who we are as Americans: ensuring justice for the men and women who serve in our military.

When brave young men and women enlist in the armed services, they do so to defend our country and our values. Yet those values are being undermined by the problem of sexual assault in the military.

Over the past decades, our military has expanded equality. I am proud that all of our services recognize that women have a vital role to play in the military, including in combat. I wholeheartedly endorse, after years of debate, the recognition that being openly gay or lesbian has no bearing on one's ability to serve.

These advances in equality in our military are vitally important—they make our military stronger and all of us safer—but they are an empty promise without access to justice. And when men and women are the victims of sexual assault in the military, they are often deprived of justice.

We all know the shameful numbers. An estimated 26,000 cases of unwanted sexual contact and sexual assaults occurred in 2012—a 37 percent increase from 2011. But the statistics that trouble me most are that 50 percent of female victims did not report the crime because they believed that nothing would be done. And 62 percent of victims who did report a sexual assault perceived some form of professional, social, or administrative retaliation as a result.

And the tragedy is—they're right. The Defense Advisory Committee on Women in the Services spoke to this same problem and found: "Unfortunately, recent events have shown these fears to be justified, and may also have communicated to perpetrators that they need not fear being held accountable for their actions."

No wonder then, that the advisory committee voted in favor of removing the decision whether to prosecute sexual assaults and other serious crimes from the chain of command.

The United States was founded on twin ideals: equality and justice. And much of our history has involved the struggle to expand equal treatment under the law and access to justice. When we expand equality, we also provide access to justice.

I think of the Civil Rights Act of 1964 which made it unlawful for employers to discriminate on the basis of race,

sex, religion, or national origin and created the Equal Employment Opportunity Commission to enforce the law. Congress recognized that there is no equality without justice. I think back to the days when white male juries were the rule in virtually every courthouse in this country. Yet finally, the Supreme Court in *Norris v. Alabama* and *Taylor v. Louisiana* said that no one could be assured of a fair trial unless women and African Americans served on their juries.

Equality and Justice—they are two sides of the same coin. They walk hand in hand.

In the United States, one of the fundamental precepts of our criminal justice system is an independent prosecutor. The authority to charge someone with a crime is an awesome power. Exercised improperly, an innocent person can be forced to endure a trial or a criminal can go unpunished, free to harm their next victim. Under the Code of Military Justice, that critical prosecutorial decision is made by a commanding officer—someone often in both the victim's and the alleged perpetrator's chain of command—and, typically, not someone trained in the law. If—and statistically in sexual assault cases it is rare—if the commanding officer determines to try a charge by court-martial, the same commander also picks the jurors who will decide the case. I have no doubt that most commanders try their best to evaluate charges of sexual assault but they are inherently conflicted and compromised when we force them to make the call. We do these commanders a disservice by requiring them to solve this inexorable conflict.

As an impressive group of law professors, many of whom are veterans, and all of whom are experts in military justice wrote:

Commanders play a decisive role in military operations and must likewise play a central role in reducing sexual assault and maintaining good order and discipline generally. That role, however, need not extend to the relatively narrow and thoroughly legal arena of criminal prosecution. Contemporary norms of procedural justice require that attorneys, not commanding officers, make decisions to prosecute. As a result, we recommend that the decision to prosecute a member of the armed forces for criminal conduct . . . be made by an independent prosecutor outside the chain of command.

And, they added, personnel who serve as court-martial jurors should be chosen by a court-martial administrator rather than a commander, "to avoid concerns about jury-stacking and unlawful command influence."

That is precisely what the Gillibrand amendment does. It vests the authority to prosecute serious criminal charges with experienced judge advocate general officers who can evaluate the evidence with a clear, cold eye and determine whether charges should be tried. That independence is the only way we

can assure both the victim and the alleged perpetrator of justice—equal justice under the law. That's what this country is all about. That's why so many young men and women volunteer to serve. And we owe them nothing less.

Ms. COLLINS. Madam President, today I rise in support of the fiscal year 2014 National Defense Authorization Act and to address significant challenges facing the Department of Defense.

The bill approved by the Armed Services Committee includes necessary provisions to take care of our troops, such as a 1-percent pay raise and the maintenance of affordable health care fees to avoid a detrimental effect on military retirees and their families.

I thank Chairman LEVIN and Ranking Member INHOFE for increasing authorizations for the shipbuilding budget, including an additional \$100 million to support the procurement of a tenth DDG-51 destroyer under the current multiyear procurement contract. I am pleased that the Defense Appropriations Subcommittee on which I serve has also included this critical \$100 million.

This ship is needed in the fleet to maintain the robust forward presence our Nation requires to protect trade routes, keep the peace, and assist when tragedy strikes.

When tensions flared in Syria, it was Navy destroyers that were positioned off the coast. Following the devastation of Typhoon Haiyan in the Philippines, two U.S. Navy destroyers were among the first ships on station.

Taking advantage of the opportunity to procure this ship will lock additional savings on a multiyear procurement that has already saved taxpayers \$1.5 billion compared to procuring the ships individually.

I am also pleased the Armed Services Committee incorporated many provisions I support to combat sexual assault, which is one of the greatest challenges faced by the Department of Defense for a decade.

I first raised my concern about sexual assaults in the military with General George Casey in 2004. To say his response was disappointing would be an understatement. I am convinced that if the military had heeded the concern I raised then, this terrible problem would have been addressed much sooner, saving many individuals the trauma, pain, and injustice they endured.

While I will address this issue at greater length during consideration of this bill, I want to highlight three of the most important changes included in the bill.

First, the bill limits the authority of a convening authority to overturn or modify the findings of a court-martial in sexual assault cases. Second, the bill requires the military to provide an attorney dedicated to the interests of



survivors of sexual assaults to provide legal advice and assistance when survivors need such assistance the most. Third, a servicemember convicted of sexual assault would be discharged from the military.

I also support the provisions in the bill to maintain the readiness of our military services by authorizing \$1.8 billion to address readiness problems caused by fiscal year 2013 sequestration. This bill also directs the Pentagon to rein in unnecessary or wasteful spending while rejecting proposals that purport to save money but that actually cause more harm than good.

Two important provisions require DOD to develop a plan to reduce the number of General and Flag officer billets and to streamline management headquarters in an effort to save \$100 billion over 10 years. Reducing unnecessary overhead is something we must insist upon in these fiscally constrained times.

Increasing the authorization for the Department of Defense Inspector General by \$36 million will allow the office to perform additional oversight and help identify waste, fraud, and abuse in DOD programs. Historically, DOD IG reviews have resulted in a return on investment of nearly \$11 dollars for every \$1 appropriated.

The bill wisely rejects the President's proposal to authorize a new Base Realignment and Closure round in 2015 and prohibits the authorization of another BRAC round at least until the Department submits a review of excess overseas military facilities.

This is the right way to proceed because the GAO has found that the previous BRAC round has never produced the amount of savings that were promised when it was originally sold to Congress.

While this is an excellent bill, I hope to offer several amendments to make this important bill even stronger in addressing the national security challenges facing our country.

The first amendment I intend to offer, with my colleague Senator KING, has been requested by the Navy to support the final settlement of the A-12 case. The Navy has reached an agreement with Boeing and General Dynamics to settle a decades-old lawsuit concerning the cancellation of the A-12 aircraft.

Our amendment would allow the Navy to accept \$400 million in in-kind payments from industry to satisfy outstanding Navy claims related to the A-12 legal dispute between the Navy and two contractors, Boeing and General Dynamics. All parties—the Navy, the Department of Justice, Boeing, and General Dynamics—support the settlement.

If this amendment is adopted, the Navy will receive \$400 million worth of needed military hardware effectively for free at a time when it is facing in-

credible fiscal challenges from sequestration.

In addition, taxpayers benefit because there is no guarantee the government will ultimately prevail in the ongoing litigation. If the government does not prevail, taxpayers may not get anything.

The second amendment I intend to file would require athletic footwear purchased for new military recruits to be domestically manufactured. Currently, DOD is circumventing the intent of the law known as the Berry Amendment through the use of cash allowances that provide no preference for domestically manufactured footwear. This amendment, which is also cosponsored by Senator KING, would align the procurement policy for athletic footwear with other footwear and clothing provided to servicemembers.

In the last year, the Defense Logistics Agency has awarded more than \$36 million in contracts for combat boots and dress shoes made in America. In contrast, the military services have provided cash vouchers totaling more than \$15 million per year to new recruits to purchase athletic footwear, without any preference for domestically manufactured products. Why should DOD single out athletic footwear to be treated differently from dress shoes or combat boots?

Another amendment with Senator BLUMENTHAL would require the Attorney General to jointly prescribe regulations to implement prescription drug take-back programs with the Secretaries of Defense and Veterans Affairs.

We know prescription drug abuse is a major factor in military and veteran suicides, which are occurring at an alarming rate. Unfortunately, 349 servicemembers died from suicide in 2012—more than the number of servicemembers who lost their lives in combat in Afghanistan last year. According to the VA, 22 veterans commit suicide each day based on data collected from more than 21 States.

Last year, the Senate adopted this amendment by unanimous consent. Regrettably, the provision was eliminated at the urging of the Drug Enforcement Agency with assurances that the agency was nearing completion of regulations that would address the concern.

One year later, we are still receiving written assurances from the DEA that they are “almost ready” to complete these regulations. In the meantime, prescription drug abuse continues to afflict our service men and women and our veterans. We cannot sit idly by for another year waiting for the bureaucracy to address this matter of life and death.

Finally, Senator KING and I will offer an amendment to allow businesses that are located on a closed military base to draw employees from the local community to meet the 35-percent requirement for the purposes of qualifying as a HUBZone.

Congress previously passed a law to assist communities affected by previous BRAC rounds by allowing former bases to be eligible for HUBZone status, which provides preferences for certain Federal contracting opportunities.

Unfortunately, the law limits the geographic boundaries of a BRAC-related HUBZone to be the same as the boundaries of the base that was closed, which makes it difficult or impossible for businesses to qualify for the HUBZone program.

Our amendment would allow employees that live in nearby census tracts to count toward the 35 percent requirement and extend the period of eligibility from 5 years to 10 years so Congress' original intent can be fulfilled.

In addition to these amendments, I intend to cosponsor several others to further improve the bill.

Once again, I will support Senator FEINSTEIN'S amendment to make clear that a U.S. citizen or legal permanent resident arrested in the U.S. cannot be detained indefinitely without charge or trial.

I am also cosponsoring an amendment with Senator PRYOR to make sure that our dual status National Guard technicians are treated on an equal footing as our Active-Duty personnel. If our Active-Duty personnel are exempted from sequestration, then the National Guard dual status technicians—who are effectively the equivalent of Active-Duty military in the National Guard—should be exempt as well.

Let me close by thanking Chairman LEVIN and Ranking Member INHOFE for their hard work in putting together a bipartisan bill that addresses the needs of our military and our national security.

Mr. CRUZ. Madam President, I strongly oppose efforts to close down debate on the National Defense Authorization Act.

It is a shame that despite being on this bill for four days, we have only had two rollcall votes for amendments. Over 400 amendments have been filed and we only found time to vote twice.

This is unacceptable. While I voted against this legislation in committee because it clearly and significantly ignored the budget caps put in place by sequestration, there are significant provisions worthy of support.

The Senate worked in a bipartisan manner with leadership from the junior Senator from New York to consider an amendment to reform and modernize our military justice system. This amendment was carefully crafted in anticipation that it would receive a roll call vote on the Senate floor and I proudly cosponsored and supported this amendment.

The junior Senator from Indiana had an amendment to help military reservists and the National Guard be recognized for their service and qualify for

veterans' preference in hiring for federal jobs. His amendment deserves consideration and a vote.

Democrats and Republicans in the Armed Services Committee adopted several of my amendments to this bill to protect the religious liberty of our troops serving here in the United States and overseas. The Armed Services Committee also accepted my proposals to prohibit a base realignment and closure commission until after the Department of Defense conducts an exhaustive review of our overseas bases, and to study how the entire United States should be protected against threats from a missile launch.

Also, I am seeking an up-or-down vote or an acceptance of an amendment I filed to authorize up to a \$10 million reward for any information regarding the terrorist attacks against Americans in Benghazi, Libya. I have been very flexible in accepting edits and changes from the majority in order to speed this process along.

The same goes for my amendment to protect the Mount Soledad veterans' memorial in California. In fact, the senior Senator from California filed the exact same legislation. So this is not a political or partisan amendment but yet it is still being denied consideration.

For these reasons and for the obstruction by the Senate majority leader who accuses the minority of being obstructionist, I oppose ending debate on the National Defense Authorization Act.

Mr. INHOFE. Would the Chairman yield?

Mr. LEVIN. I would be happy to yield.

The PRESIDING OFFICER. All time has expired.

Mr. INHOFE. Parliamentary inquiry? We were to be given equal time for the last 10 minutes. I had 3 minutes. All I want to do is ask a question. Am I entitled to do that?

Mr. LEVIN. I ask unanimous consent that be allowed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Everything my Chairman has said I agree with. He is making my speech for me. It is critical we get the bill. All I am saying is I made the statement yesterday that Republicans are entitled to some amendments. I am asking now—we were able to get it down to 25 amendments to be considered. Will the majority consider these 25 amendments which can be done in half a day? Would he consider that?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, there are no Democrat amendments on his list.

Mr. INHOFE. I said 25 amendments. This is our list. You come up with your list.

Mr. LEVIN. We cannot agree with a list of amendments, many of which are not agreed to on this side, many of which would be filibustered on this side, which would result in just making it impossible for us to get to a Defense authorization bill conclusion.

I ask unanimous consent that a unanimous consent request—which I was going to make but I will withhold—that lists 26 amendments, half Democratic, half Republican, that I was going to ask consent be adopted because they have been cleared—which I understand will be objected to so I will not make the unanimous consent request—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### LEVIN AMENDMENTS ON DOD AUTH REQUEST

I ask unanimous consent that prior to the vote on the motion to invoke cloture on S. 1197, the motion to recommit be withdrawn; the pending Levin amendment #2123 be set aside for Senator Gillibrand, or designee, to offer amendment #2099 relative to sexual assault; that the amendment be subject to a relevant side-by-side amendment from Senators McCaskill and Ayotte, amendment #2170; that no second degree amendments be in order to either of the sexual assault amendments; that each of these amendments be subject to a 60 affirmative vote threshold; the Senate proceed to vote in relation to the Gillibrand amendment #2099; that upon disposition of the Gillibrand amendment, the Senate proceed to vote in relation to the McCaskill-Ayotte amendment #2170; that there be two minutes equally divided in between the votes; upon disposition of the McCaskill-Ayotte amendment and prior to the cloture vote, the following amendments be in order to the bill and called up, en bloc:

Inhofe #2031  
Chambliss #2038  
Graham #2062  
Collins #2064  
Thune #2093  
Flake #2263  
Kirk #2287  
Johanns #2348  
Moran #2365  
McCain #2489  
Lee #2453  
Portman #2461  
Cruz #2511  
Gillibrand #2283  
Warner #2415  
Heinrich #2243  
Durbin #2278  
Kaine #2424  
Boxer #2081  
Hagan #2391  
Wyden #2282  
Blumenthal #2121  
Manchin #2251  
Coons #2442  
McCaskill #2171; and  
Levin #2204

That these amendments be agreed to, en bloc; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that upon disposition of these amendments, the Senate proceed to the cloture vote as provided under the previous order.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having

been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Richard J. Durbin, Tim Kaine, Dianne Feinstein, Kay R. Hagan, Barbara A. Mikulski, Joe Donnelly, Mark Udall, Claire McCaskill, Christopher A. Coons, Jeanne Shaheen, Mark R. Warner, Jack Reed, Patty Murray, Bill Nelson, Angus S. King, Jr.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Texas (Mr. CORNYN), and the Senator from Nevada (Mr. HELLER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 245 Leg.]

#### YEAS—51

Baldwin	Gillibrand	Mikulski
Baucus	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Landrieu	Shaheen
Casey	Leahy	Stabenow
Coons	Levin	Tester
Donnelly	Manchin	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse

## NAYS—44

Alexander	Flake	Paul
Ayotte	Graham	Portman
Barrasso	Grassley	Reid
Blunt	Hatch	Risch
Boozman	Hoeven	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Scott
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Thune
Collins	Lee	Toomey
Corker	McCain	Vitter
Crapo	McConnell	Wicker
Enzi	Moran	Wyden
Fischer	Murkowski	

## NOT VOTING—5

Cornyn	Heller	Warner
Cruz	Markey	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on S. 1197.

The PRESIDING OFFICER. The motion is entered.

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. I move to proceed to the consideration of S. Con. Res. 28 as provided for under the previous order.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the concurrent resolution.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), and the Senator from Nevada (Mr. HELLER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 246 Leg.]

## YEAS—51

Baldwin	Hagan	Mikulski
Baucus	Harkin	Murphy
Begich	Heinrich	Murray
Bennet	Heitkamp	Nelson
Blumenthal	Hirono	Pryor
Booker	Johnson (SD)	Reed
Boxer	Kaine	Reid
Brown	King	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Landrieu	Schatz
Carper	Leahy	Schumer
Casey	Levin	Shaheen
Cooms	Manchin	Stabenow
Durbin	Markey	Udall (NM)
Feinstein	McCaskill	Warren
Franken	Menendez	Whitehouse
Gillibrand	Merkley	Wyden

## NAYS—42

Alexander	Fischer	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Hoeven	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Thune
Corker	Lee	Toomey
Crapo	McCain	Udall (CO)
Donnelly	McConnell	Vitter
Enzi	Moran	Wicker

## NOT VOTING—7

Ayotte	Flake	Warner
Cornyn	Heller	
Cruz	Tester	

The concurrent resolution (S. Con. Res. 28) was agreed to, as follows:

## S. CON RES. 28

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, November 21, 2013, through Friday, December 6, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, December 9, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 or section 3 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, November 21, 2013, through Tuesday, November 26, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 2, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SEC. 3. After the House reassembles pursuant to the first section of this concurrent resolution, the Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

#### NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

Mr. REID. Mr. President, I ask for regular order regarding the Millett nomination.

The PRESIDING OFFICER. Regular order is requested.

The Senate resumes executive session to consider the Millett nomination, postcloture.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CHANGING SENATE RULES

Mr. MCCAIN. Mr. President, the events and votes that took place today are probably as historic as any votes that I have seen taken in the years I have been here in the Senate.

The majority, with only majority votes—the same as ObamaCare passed with only Democratic votes—changed the rules of the Senate in a way that is detrimental, in my view, not only to the Senate, not only to those of us in the minority party, but great damage to the institution itself.

One of the men who served in this Senate for a long, long time, whom we respected as much or more than any other leader—he certainly knew the Senate rules more than any of the rest of us combined—was one Robert Byrd. Three months before his death, Robert Byrd wrote this letter. Three months before his death, he said:

During my half-century of service in various leadership posts in the U.S. Senate—including Minority Leader, Majority Leader, Majority Whip and now President Pro Tempore—I have carefully studied this body's history, rules, and precedents. Studying those things leads one to an understanding of the Constitutional Framers' vision for the Senate as an institution, and the subsequent development of the Senate rules and precedents to protect that institutional role.

This is important, I say to my colleagues.

He said:

I am sympathetic to frustrations about the Senate's rules, but those frustrations are nothing new. I recognize the need for the Senate to be responsive to changing times, and have worked continually for necessary reforms aimed at modernizing this institution, using the prescribed Senate procedure for amending the rules.

However, I believe that efforts to change or reinterpret the rules in order to facilitate expeditious action by a simple majority, while popular, are grossly misguided. While I welcome needed reform, we must always be mindful of our first responsibility to preserve the institution's special purpose.

Finally, at the end, he said:

Extended deliberation and debate—when employed judiciously—protect every Senator, and the interests of their constituency, and are essential to the protection of the liberties of a free people.

Mr. President, I ask unanimous consent that this letter by Robert Byrd be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, February 23, 2010.

DEAR COLLEAGUE: During my half-century of service in various leadership posts in the U.S. Senate—including Minority Leader, Majority Leader, Majority Whip and now President Pro Tempore—I have carefully studied this body's history, rules and precedents. Studying those things leads one to an understanding of the Constitutional Framers' vision for the Senate as an institution, and the subsequent development of the Senate rules and precedents to protect that institutional role.

I am sympathetic to frustrations about the Senate's rules, but those frustrations are nothing new. I recognize the need for the Senate to be responsive to changing times, and have worked continually for necessary reforms aimed at modernizing this institution, using the prescribed Senate procedure for amending the rules.

However, I believe that efforts to change or reinterpret the rules in order to facilitate expeditious action by a simple majority, while popular, are grossly misguided. While I welcome needed reform, we must always be mindful of our first responsibility to preserve the institution's special purpose. The occasional abuse of the rules has been, at times, a painful side effect of what is otherwise the Senate's greatest purpose—the right to extended, or even unlimited, debate.

If the Senate rules are being abused, it does not necessarily follow that the solution is to change the rules. Senators are obliged to exercise their best judgment when invoking their right to extended debate. They also should be obliged to actually filibuster, that is go to the Floor and talk, instead of finding less strenuous ways to accomplish the same end. If the rules are abused, and Senators exhaust the patience of their colleagues, such actions can invite draconian measures. But those measures themselves can, in the long run, be as detrimental to the role of the institution and to the rights of the American people as the abuse of the rules.

I hope Senators will take a moment to recall why the devices of extended debate and amendments are so important to our freedoms. The Senate is the only place in government where the rights of a numerical minority are so protected. Majorities change with elections. A minority can be right, and minority views can certainly improve legislation. As U.S. Senator George Hoar explained in his 1897 article, "Has the Senate Degenerated?", the Constitution's Framers intentionally designed the Senate to be a deliberative forum in which "the sober second thought of the people might find expression."

Extended deliberation and debate—when employed judiciously—protect every Senator, and the interests of their constituency, and are essential to the protection of the liberties of a free people.

With kind regards, I am

Sincerely yours,

ROBERT C. BYRD.

Mr. MCCAIN. Mr. President, I wish Robert Byrd had been here on the floor today. I wish Robert Byrd had seen the travesty that just took place on a party-line vote. And when I use the word "hypocrisy," I use it guardedly. I do not use that word with abandon. But this is another broken promise—another broken promise.

I read from an article entitled "FLASHBACK: Reid in 2008: 'As Long As I Am The Leader' We Will Not Have a Nuclear Option."

Sen. Harry Reid said in a 2008 interview that as long as he was the Senate Majority Leader, the nuclear option would never happen under his watch.

"As long as I am the Leader, the answer's no," he said. "I think we should just forget that. That is a black chapter in the history of the Senate. I hope we never, ever get to that again because I really do believe it will ruin our country."

He was talking about 2005 when this side of the aisle was in the majority and there was an effort—which we were able to diffuse—in order to do exactly what we did today. In 2008:

Reid railed against Republicans who fought for the measure, saying it would lead to a unicameral legislature and that the U.S. Senate was purposefully set up by the Founding Fathers to have different rules than the House of Representatives. Such a measure like the nuclear option, he said, would "change our country forever."

I am sorry to say, I agree with him. I agree with what he said in 2008. Yet, on Thursday, on a nearly party-line vote of 52-48, the Democrats abruptly changed the Senate's balance of power.

Here is the full exchange I will read from.

Tom Daschle: What was the nuclear option, and what likelihood is there that we're going to have to face nuclear option-like questions again?

This is an interview that the majority leader had with the former majority leader Tom Daschle.

What the Republicans came up with was a way to change our country forever. They made a decision if they didn't get every judge they wanted, every judge they wanted, then they were going to make the Senate just like the House of Representatives. We would in fact have a unicameral legislature where a simple majority would determine whatever happens. In the House of Representatives today, Pelosi's the leader. Prior to that, it was Hastert. Whatever they wanted, Hastert or Pelosi, they get done. The rules over there allow that. The Senate was set up to be different.

That was the genius, the vision of our Founding Fathers, that this bicameral legislature which was unique, had two different duties. One was as Franklin said, to pour the coffee into the saucer and let it cool off. That's why you have the ability to filibuster and to terminate filibuster. They wanted to get rid of all of that, and that's what the nuclear option was all about.

Daschle: And is there any likelihood that we're going to face circumstances like that again?

Reid: As long as I am the Leader, the answer's no.

I repeat. He said, "As long as I'm the Leader, the answer's no."

I think we should just forget that. That is a black chapter in the history of the Senate. I hope we never, ever get to that again because I really do believe it will ruin our country. I said during that debate that in all my years in government, that was the most important thing I ever worked on.

This gives new meaning as to where you stand on an issue as opposed to where you sit. This hypocrisy is not confined to Members of the Senate. Senator Barack Obama, former Member of this body, on April 1, 2005, for the benefit especially of our newer Members on the Democratic side who were not here at the time and do not know what we went through to try to stop it when it was being proposed by this side of the aisle, then-Senator Barack Obama said—who congratulated the Senate today on our action. He said:

The American people sent us here to be their voice. They understand that those voices can at times become loud and argumentative, but they also hope we can disagree without being disagreeable.

Then-Senator Barack Obama went on to say:

What they don't expect is for one party, be it Republican or Democrat, to change the rules in the middle of the game so that they can make all of the decisions while the other party is told to sit down and keep quiet.

I ask my colleagues, what were we just told to do today?

He went on to say that the American people want less partisanship in this town. But everyone in this Chamber knows that if the majority chooses to end the filibuster:

If they choose to change the rules and put an end to the Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

He went on to say:

Now, I understand the Republicans are getting a lot of pressure to do this from factions outside the Chamber. But we need to rise above the ends-justifies-the-means mentality, because we're here to answer to the people, all of the people, not just the ones that are wearing our particular party label.

He went on to say:

If the right of open and free debate is taken away from the minority party and the millions of Americans who ask us to be their voice, I fear that already partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything.

That does not serve anyone's best interests. It certainly is not what the patriots who founded this democracy had in mind.

We owe the people who sent us here more than that. We owe them much more. There are several other—in May 2005, Senator REID also said:

If there was ever an example of an abuse of power, this is it. The filibuster is the last check we have against the abuse of power in Washington.

We just eliminated the filibuster, my dear friends, on nominees.

Then he went on to say in April of 2005:

The threat to change Senate rules is a raw abuse of power and will destroy the very

checks and balances our Founding Fathers put in place to prevent absolute power by any one branch of government.

So, yes, I am upset. Yes, on several occasions we have gotten together on a bipartisan basis and prevented what exactly happened today. What exactly happened today is not just a shift in power to appoint judges. That, in itself, is something that is very important. But what we really did today and what is so damning and what will last for a long time, unless we change it, that could permanently change the unique aspects of this institution, the Senate, is if only a majority can change the rules, then there are no rules. That is the only conclusion anyone can draw from what we did today.

Suppose that in a few weeks the majority does not like it that we object to the motion to proceed: 51 votes. Suppose on cloture, they do not like having those votes for cloture: 51 votes. My friends, we are approaching a slippery slope that will destroy the very unique aspects of this institution called the Senate.

I believe the facts will show, as the Republican leader pointed out today, that this was a bit of a strawman. Yes, there have been a handful, a small number, of nominees who were rejected by this side of the aisle. But there have been literally hundreds and hundreds of nominees who have not even been in debate on the floor of the Senate.

All I can say is, when people make a commitment such as I just read from the President of the United States when he was in the Senate, from our majority leader, we should not be surprised when there is a great deal of cynicism about when we give our word and our commitment. I go back to the man I probably respected more than anyone in the years I have been in the Senate, one Robert Byrd. One thing I can promise you, if Robert Byrd had been sitting over in the majority leader's chair today, we would not have seen the events that transpired. This is a sad day.

I am angry, yes. We will get over the anger. But the sorrow at what has been done to this institution will be with us for a long time.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY.) The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to thank Senator McCAIN, because I remember very vividly Senator McCAIN was part of a group of 14 Senators who avoided this kind of occurrence.

In 2005, I guess it was, right after President Bush took office, a group of Senators, really the entire Democratic Conference, went into a retreat, as reported by the New York Times. I think Senator SCHUMER was the organizer of it, but the whole conference attended. Cass Sunstein, Laurence Tribe, Marcia Greenberger were their experts. They discussed what to do about President

Bush's new election and his ability to appoint judges. They announced they were changing the ground rules of confirmation, and for the first time immediately thereafter the Bush nominees were filibustered systematically. He nominated a Mr. Gregory who had been nominated by President Clinton and not confirmed. President Bush renominated him in a bipartisan act. He was promptly confirmed.

But I believe the very next 10 nominees were all filibustered, every one of them. We had never seen a real filibuster of any judges at that time. But they were changing the ground rules to commit systematic filibusters. They filibustered virtually the first 10 judges President Bush nominated. It went on for weeks and months.

We brought up nominees every way we could. These were some fabulous nominees, Supreme Court Justices, people with high academic records. But they were all blocked. It was something we had never seen before in the Senate. There was great intensity of focus on it. It went on for quite a long time.

Finally there was a feeling on this side that this systematic filibuster was so significant that it undermined and neutered the ability of the President of the United States to appoint judges. There was a discussion about changing the rules. As time went by, that became more and more of a possibility. I think the American people turned against my colleagues who were blocking these judges, because they did not appreciate it.

But finally a compromise was reached. This was what it amounted to: We will not filibuster a judge unless there are substantial reasons to do so. That was sort of the agreement. At that moment, five judges were confirmed—and a lot of people remember that. But what is forgotten is five went down. Five highly qualified judges were defeated on a partisan, ideological basis right out of the chute. They were some of the first judges President Bush ever nominated.

I would just say that what has happened so far is that we have confirmed over 200 of President Obama's judges. Only two have been blocked. They have brought forth at this time three judges for the D.C. Circuit, the District of Columbia Circuit, the Federal Circuit. They are not needed. This country is financially broke. Even with the vacancies on the court today, with the 8 judges they have, their average caseload per active judge is 149. The average caseload for all the judges in all of the circuits around the country is 383, almost 3 times, more than twice. My circuit, the Eleventh Circuit, the average caseload per judge is 778. They say they are not asking for more judges; they have been able to maintain that caseload.

They say: Well, this is such a horrible, complex circuit. It is not a hor-

rible, complex circuit. That is not so. The judges take the whole summer off because they do not have sufficient caseloads to remain busy. Judges on that circuit say they do not need any more judges. They do not need any more judges.

I have been the ranking Republican on the courts subcommittee of the Judiciary Committee and chairman of it at times. The entire time I have been in the Senate I have been on that subcommittee one way or the other. I know how the caseloads are calculated, weighted caseloads and actual caseloads.

That is why these judges were not confirmed, because we do not need them. Not for some ideological purpose. But the reason the President has insisted that they be appointed is an ideological purpose, because he wants to pack that court because he thinks he can impact regulatory matters for years to come. But I would just say, President Bush tried to do the same thing. Senator GRASSLEY and I, who had been opposing to expanding the circuit, resisted President Bush's importunings to approve one of his judges.

We eventually were able to fully transfer and close out one of those slots and move it to the Ninth Circuit where the judge was needed. Still, the caseloads have dropped. The caseloads in the D.C. Circuit have continued to drop year after year after year.

We are going broke. This country doesn't have enough money to do its business. We are borrowing and placing our children at great risk. It is obvious we ought not to fill a judgeship we don't need. It is about \$1 million a year, virtually \$1 million a year to fund one of these judgeships. For the judges, the clerks, the supporting secretaries, the computer systems, and courtrooms we have to supply is \$1 million. It is similar to burning \$1 million a year on The Mall. We don't have \$1 million a year to throw away.

We have other places in America that need judgeships. Senator GRASSLEY has asked—and I have supported—and our bill would call for hearings and then we would transfer these judges to places that have greater need. That is why the judges were not moved forward.

The caseloads continue to decline. The need is less than ever, and we don't have the money to fill a slot we don't need.

It is heartbreaking to see that we have crossed this rubicon and changed these rules when the President—as a matter of actual ability to perform the job—has only had 2 judges fail to be confirmed out of over 200.

This is breathtaking to me. There is a growing concern on our side of the aisle that Senator REID, the majority leader, is very unwilling to accept the process. He is unwilling to accept the fact that he can't win every battle, and he changed the rules so he could win.

I feel this is a dark day for the Senate. I don't know how we can get out of it. It is the biggest rules change—certainly since I have been in the Senate, maybe my lifetime, and maybe in the history of the Senate—where it has changed by a simple majority by overruling the Chair.

The Parliamentarian advises the Presiding Officer of the Senate, when Senator REID asked that these judges be confirmed by a majority vote, the Parliamentarian advises the Chair and the Chair ruled we can't confirm them on a majority vote. We can't shut off debate without a supermajority vote. The Chair ruled.

Senator REID says: I appeal the ruling of the Chair. I ask my colleagues in the Senate to overrule the rules of the Senate, by a simple majority vote, to overrule the Parliamentarian and the Presiding Officer of the Senate.

This is what happened. When our rules say to change the rules of the Senate, it takes a two-thirds vote.

This is a dangerous path which I hope my colleagues understand. Many things that are bad have been happening in the Senate. I will speak more about things that should not have happened and are eroding the ability of this Senate and the way it should function, that are eroding the ability of individual Senators from either party to have their voices heard.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. I am a new Member of the Senate, serving in my first term. I was a Member of the House of Representatives before coming to the Senate, and I had great anticipation and expectation of the opportunity that service in this body presented to me.

The Presiding Officer of the Senate today has had similar experiences. We served in the House of Representatives together. The ability for an individual Senator, particularly a new Senator, and perhaps even more so, someone from a smaller, rural State, our ability to influence the outcome to receive attention and to have the administration's nominees come to pay a call on us to become acquainted is diminished.

In my view, today is the day that reduces the ability for all Senators to have influence in the outcome of the decisions of this body and therefore the outcome of the future of our country.

I don't understand why this happened today. The empirical evidence doesn't suggest that Republicans have been abusive, that the minority party has failed in its obligation to be responsible.

We heard the words the Senator from Arizona Mr. MCCAIN spoke about others—President Obama, the majority leader of the Senate, the former Senator from West Virginia Mr. Byrd—about their views on this issue. Yet the outcome today was something dif-

ferent, different from what they said only a short time ago.

It is hard to know why we did what we did today, but I know our ability as Senators of the United States to represent the people who hired us to represent them has been diminished.

I am reluctant to attribute motives as to why this occurred. In the absence of evidence that would suggest there is a justifiable reason, a justified reason for doing so, I am fearful that what is reported in the press and elsewhere is the reason the rules were changed, which makes today even more sad to me because the explanation for why the rules were changed was a political effort to change the topic of conversation in Washington, DC, and across the country.

The story is that the White House pressured the Senate to change its rules, not because the rules needed to be changed, there was abuse or because people actually believed this was a good rules change for the benefit of the Senate and the country but because the Affordable Care Act, ObamaCare, is front and center in the national media and on the minds of the American people. As ObamaCare is being implemented, people are discovering the serious problems it presents them and their families. Therefore, politically, we need to change the dialog, change the topic. For us to use a political reason to do so much damage to the institution of the United States is such a travesty.

#### HEALTH CARE

I wish to mention the Affordable Care Act and talk for a moment about that.

I am headed home and on Monday I will conduct my 1,000th townhall meeting. From the time I was in the House of Representatives, I held a townhall meeting in every county. In the Senate, I have conducted a townhall meeting in all 105 counties since my election to the Senate. I am beginning again and it happens that Monday will be my 1,000th.

I have no doubt the serious conversations we have will not be about the rules or the institution of the Senate or what happened with something called cloture filibuster, the real problem people face is what ObamaCare is doing to them and their families. I have this sense there is an effort or perhaps belief—at least an effort—to convince people this is only a problem with a Web site. The Web site has certainly received a lot of attention over the past few weeks. Perhaps, unfortunately, the Web site is not the real problem.

The real problems we have with the Affordable Care Act passed by a Congress on a straight party-line vote in the Senate, similar to what we saw today, and the consequences of ObamaCare are real and cannot be fixed by fixing the Web site. I wish

those problems were only a simple matter of a technician adjusting the program that has been created for enrollment, but it is not the case.

The mess of ObamaCare runs so much deeper. One of the consequences I know I will hear about on Monday and hitting individuals and families across the country right now is their cancelled insurance companies.

President Obama spoke about this in the description of what the Affordable Care Act would mean to Americans: If you like your policy, you can keep it. If you like your physician, you can retain him or her.

The fact that millions of Americans are now losing their health care coverage is not an unintended consequence. I doubt if it is anything that can be fixed with anything that President Obama said in his press conference a few days ago. The reality is this cannot be described as something we didn't know about.

In fact, on the Senate floor in 2010, again, a straight party-line vote occurred, as we saw today, in which the opportunity to do away with the provisions of the grandfather clause—again, Republicans unanimously supporting an Enzi amendment to change it so this wouldn't occur and a straight party-line vote, with Democrats voting the other way. It wasn't as if this was something that wasn't considered or thought about. It wasn't as if we only woke up 2 weeks ago and we saw policies were being canceled and thought: Oh, my gosh. That is not what the Affordable Care Act is about.

The reality is it was expected, it was built in, and it is a consequence of the Affordable Care Act.

In order for ObamaCare to work and the exchanges to function, the Federal Government has to have the power to describe what policies will be available to the American people. ObamaCare takes the freedom to make health care decisions for an individual and their families and rests that authority with the Federal Government.

Despite the headaches, frustrations, and anger Americans and Kansans are experiencing now, I don't see there is a real opportunity for us to solve that problem, because undoing what is transpiring with the policies would undermine the foundation of ObamaCare. I consider my task as a Senator from Kansas, in part, is to help people. People tell me in person, email, and by phone call about the consequences.

The stories are a wide range of challenges. I talked about this on the Senate floor last week. An example is one conversation with a constituent who said: My wife has breast cancer. Our policy has been canceled. We have nothing to replace it with. Help me.

These are things I can't imagine anyone in the Senate wouldn't want to try to help them. I don't know how we do that with the basis of ObamaCare that

designs the policies and removes the individual person from making the decisions about what is in their best interests and for their families.

Calling for repeal and replacement of ObamaCare is not an assertion on my part that everything is fine with our health care system. There are problems with our health care delivery system, and they do need addressing.

Long before President Obama was President of the United States, my service in Congress, much of the effort was trying to find ways to make certain health care was available and affordable to places across my State, whether one lived in a community of 2,000 or 20,000 or 2 million—we don't have many communities with 2 million—200,000; people ought to have access to health care. In my view, it is an important task for all of us.

While some hoped ObamaCare would be the solution, it turns out to be the problem. We can replace ObamaCare with practical reforms that promote the promise that the President made, that empower individuals, and give people the options they want. We need to do that. In order to do that we need to set ObamaCare aside and pursue what I would call commonsense, step-by-step initiatives to improve the quality of health care and slow the increase or reduce the cost of health care.

In my view, we cannot not address preexisting conditions. We need protections for people, individual coverage, without a massive expansion of the Federal Government.

We need to make certain millions of individuals retain their current health insurance policies that they know about and they like. We need to make certain we continue that health care coverage by enabling Americans to shop for coverage from coast-to-coast regardless of what State they live in. Competition will help reduce premiums. Increased competition in the insurance market is something that is of great value.

It will extend tax incentives for people to purchase health care coverage, regardless of where they live. To assist low-income Americans, we can offer tax credits for them to obtain private insurance of their choice and to strengthen access to health care in our community health care centers. We need to make certain our community health care centers are supported so people who have no insurance or no ability to pay have access to the health care delivery system.

Instead of limiting the plans Americans can purchase and carry, we need to give small businesses and other organizations the ability to combine their efforts and get a lower price because of quantity buying. We need to encourage Health Savings Accounts so people are more responsible for their own health.

When it comes time to purchase health care coverage or access to

health care, we are focused on what it would cost and we don't overutilize the system. People need to be empowered to have ownership of their health care plans and their health.

We spend billions of dollars on health care entitlements. We need to boost our Nation's support for the National Institutes of Health by investing in medical research. We can reduce the cost of health care for all, save lives, and improve the quality of life.

Our medical workforce needs to be enhanced. We need more doctors, nurses, and other health care providers. They need to be encouraged to serve across the country in urban areas of our country where it is difficult to attract and retain a physician and in rural and small towns where that is a challenge as well.

Finally, we need to reform our medical liability system and reduce frivolous lawsuits that inflate premiums and cause physicians and others to practice defensive medicine.

Those are examples of what we can do and we can do incrementally, and they seem, at least in my view, to be common sense. If we don't get it quite right, we have the ability to take a step back and make an alteration and improve it over time, as compared to the consequences—the massive consequences—of this multithousand-page bill that, as we were told, we had to pass so that we would know what was in it.

The fatal flaw of the Affordable Care Act is not its Web site but, rather, the underlying premise that the government can and should determine what is best for Americans regardless of what they want. We must not accept a health care system built upon such a faulty foundation.

ObamaCare stands in stark contrast to the values of individual liberty and freedom that have guided our country since its inception. Americans should be in control of their own health care, and I will continue to fight policies that violate those values and advocate for policies that guard them, but also work to make sure that all Americans have better access to more affordable health care.

If you like your health care policy, you should be able to keep it, and if you like your physician, you should be able to retain him or her providing health care for you. Our task is difficult, but it is one that is well worth the battle. We can preserve individual liberty and pursue goals in our country that benefit all Americans.

I thank the Presiding Officer for the time on the floor this afternoon. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, to follow up on some of the comments I made earlier about the D.C. Circuit, there have been accusations—and I guess everybody has their perspective—that seem to suggest that Republicans, for ideological reasons, won't fill these judgeships slots.

I have voted for probably 90 percent of President Obama's judges—well over 80, I know—and the Senate has had confirmed over 200 of President Obama's nominees. I earlier said 250—I think maybe it is over 200. Only two have been denied confirmation.

So these three judges have been appointed to a circuit where the caseload has been falling, and it already, by far—by far—has the lowest caseload in the country based on the eight judges now active in that circuit. So adding three more judges would bring that caseload down substantially further and create an even more underemployed court, which we don't need to do, especially when we have courts around the country that do need more judges. We need more district judges than circuit judges, but there are some circuit judge slots that need to be filled. So I say that out of respect to my colleagues. But it was a cause for concern that the President and other supporters of his judicial vision have openly stated their goal for filling these slots is to advance their agenda.

President Obama says:

We are remarking the courts.

Senator SCHUMER:

Our strategy will be to nominate four more people for each of those vacancies. We will fill up the D.C. Circuit one way or the other.

One way or the other. In other words, no limit to what we will do to fill these slots that are not needed.

Senator HARRY REID:

Switch the majority. People don't focus much on the D.C. Circuit. It is, some say, even more important than the Supreme Court.

I have heard conservatives make somewhat that statement, but that is totally wrong: It is not that important a circuit.

It is an important circuit. Occasionally, key administrative rulings get filed in the D.C. Circuit, and they never get appealed to the Supreme Court. Their decision may be final on some administrative powers, but it is not equivalent to the Supreme Court—nowhere close. You can see that based on how few cases they actually handle.

Senator REID goes on to say:

There are three vacancies. We need at least one more, and that will switch the majority.

Apparently, he is saying there is a division within the circuit and a one-vote majority for a more restrained view of the administrative rulings the court deals with sometimes and a group that is more activist, and he wants to



switch that majority. A bunch of others have said the same thing. They have said it.

Doug Kendall, a liberal activist has said:

With legislative priorities gridlocked in Congress—

Now, get this—

—they want the court to advance their political agenda that cannot be passed in the Congress.

Let me repeat that. The liberal activist goal is to advance an agenda that cannot be passed by the Congress—the duly elected representatives.

I remember Hodding Carter, who served President Jimmy Carter, went on one of the morning Sunday talk shows—Meet the Press or something. He was one of the regular guest hosts, and he said one time: We Democrats and liberals have got to just admit it. We want the courts to do for us that which we cannot win at the ballot box.

Judges shouldn't be doing that. But that is what Mr. Kendall says. He says:

With legislative gridlock in Congress, the President's best hope for advancing his agenda is through executive action.

That runs through the D.C. Circuit.

Nan Aaron, long active in advocating for activist Federal judges, said this:

This court is critically important. The majority has made decisions that frustrated the President's agenda.

So the President is being pressured by a lot of these special interests, and there are others who are advocating these kind of actions. But the court is a court that is well constituted to do its duty, and it will continue to do so and needs no more judges. We don't have the money to fill them. We don't have the money to spend on it just to allow the President to pack the court with some of his nominees that will more likely advance an agenda. At least the agenda that he and his activist friends seem to favor that.

When I came to the Senate, Senators on both sides of the aisle got to offer amendments. I remember Senator Specter, who was then a Republican—an independent Republican and a great Senator. He loved the Senate. He switched parties and became a Democrat. We were right down there on the floor. He was managing a health bill, and I had something I wanted him to accept as part of the manager's package, and he didn't want to do it. So I asked him again and he didn't want to do it, and I asked him again and he didn't want to do it. I wanted him to agree because I didn't want to offer the amendment and have Senator Specter oppose it because I figured I would lose the vote. So I asked him again, and he finally got irritated with me bugging him and he said: You are a United States Senator. If you want to offer your amendment, offer your amendment.

That is the way it was when I came to the Senate.

If you didn't like something, you could offer your amendment. But the managers of the bill had a lot of respect from the colleagues, and if the managers urged people not to vote for it, you were likely not going to win, but at least you could get a vote.

If you promised your constituents back home that you believed in something and you were going to fight for it, you could at least get a vote, even if you lost. You could tell people you did that. And then you could hold people accountable for voting against what some might like and others would oppose, and people would know where Senators stand.

We have had a significant, dramatic reduction in the number of votes. I think it started in maybe the late 1990s. I know Senator Frist filled the tree a number of times, but not many, over his time here. But Senator REID has just exploded this process.

A perfect example is this Defense bill. It was on the floor all week. We have normally had at least 25 or 30 votes on the Defense bill. We spend \$500 billion in that authorization. There is a lot of concern and interest about defense money is spent and policies over sexual assault or other issues relative to the military, and those are important issues that people have concerns about and are willing to vote on. Why shouldn't they be able to get a vote? Really, why shouldn't they be able to get a vote?

Some of the new colleagues who got elected in 2012 particularly wanted to change the rules of the Senate and demanded that we do better. I raised the question of what the majority leader had been doing. Let's take this Defense bill I mentioned. What did he do? He gets the right of first recognition in the Senate, and there are only a certain number of amendments that can be put on the amendment tree. He fills all those slots—we call it filling the tree—and then no one else can get an amendment pending that the majority leader doesn't approve. It is really unbelievable. And like frogs in warming water, we don't even realize the pan we are in has about got us cooked. We have Members on our side who have missed what is happening to us. I guess half of our Members even on the Republican side were not here when all this started. All they have known is this process.

So Senator REID fills the tree. He says he approved two sexual assault amendments for the military. That is all we have had all week, and he immediately files cloture. He immediately files to shut off debate. When he does that, he then says we are filibustering. He is saying that is a filibuster and he is going to file cloture, demand that we grant cloture and move the bill without any amendments.

This is unacceptable. So Republicans say: We are not going to end debate on

the bill until we have a legitimate opportunity to file amendments to the Defense authorization bill and actually vote on some of the key issues facing America's national security and our men and women in uniform. We want a robust ability.

No.

Well, submit a few amendments. Well, that is too many. We are not going to vote on that one. I don't like that one. I don't like that one. No, you can't get a vote on that one. Our Members don't want to vote on that. You can only have a constricted number.

So we have this spectacle of Senators from great States all over America, hat in hand, bowing before the majority leader, pleading that he allow them to have their amendment up for a vote. It is not right. It is an alteration of the whole concept of the free and open debate the Senate is all about. I truly believe it is, and we are going to have to stop it.

I blame myself. I have complained about this probably as much or maybe more than anyone on our side, but I haven't taken the action maybe that we need to take to begin to confront this issue.

When my new young colleagues and I were discussing this, one of them said: Why, we even have to ask Senator MCCONNELL and get his permission to offer our amendment.

How could this happen? How could a Senator from one of the great States of America be in a position—a Democratic Senator. He has a majority in the Senate. How could he be in a position to have to seek Senator MCCONNELL's approval to call up an amendment?

Here is the answer. Senator REID tells Senator MCCONNELL: I am not going to have all of these amendments. We are only going to have five amendments, and you can't have this one, this one, and this one.

What are your amendments, Senator MCCONNELL says to Senator REID.

He says: Well, these are the amendments we want to offer.

Senator MCCONNELL says: Well, you have restricted my amendments. I don't want to vote on those two amendments of your five. You are going to have to pull those down.

So, in a sense, that young Senator was telling me the truth. I suspect Senator REID goes back and says: Senator So-and-So, Senator MCCONNELL is objecting to your amendment. We can't call it up.

Well, why can't you call it up? I mean, the very idea that a Senator from New York has to ask a Senator from Kentucky whether he can have an amendment is contrary to the approach of the Senate.

So filling the tree is altering the whole process. Again and again, Senator REID takes the floor, he fills the tree, limits amendments, and files cloture immediately. And those of us who

say: No, we are not going to agree to shut off debate through cloture because you haven't allowed us to have a legitimate chance to offer amendments—we vote against cloture, and he says: You are filibustering the bill. And he adds these up, and he says that Republicans to an unprecedented degree are filibustering, when all it is, is a reaction to his railroading tactics that have never been used to this degree in the history of the Senate.

Senator MCCAIN was quite correct in pointing out the switching of positions that Senator REID now takes. While he was opposing this kind of tactic before and supporting filibusters, he has now taken the exact opposite.

With regard to our judicial issues, the Democrats went to a retreat in 2000 and decided to change the ground rules. I believe Senator REID was involved, and Senator SCHUMER was one of the organizers, according to the New York Times. He said: We are going to change the ground rules. And they started immediately and held the first 10 Federal judge nominees to the courts of appeals of President Bush and filibustered. We had never seen anything like that.

Now, according to this document I have, Senator SCHUMER says: We are going to confirm these judges one way or the other, and if you use the right to filibuster—which I pioneered and Senator REID pioneered—if you use that right, now that we have the majority, we are going to change the rules with a simple majority, and we are not going to allow these judges to be blocked even though we have no need for one of them. We are going to ram it through, and we are going to make the taxpayers pay for it, \$1 million a year, one way or the other.

So that is where we are, and I don't believe it is good.

I am not opposed to modernists. I believe we need to be consistent in our principles. We need to defend the history of the Senate. And I don't believe you can change it one year and change it back the next and act as if nothing significant happened. I believe there is a truth and I believe there are values that need to be consistently upheld—at least at a minimum—so this Senate can function.

Senator REID has to stop this process. He cannot continue to dominate the Senate the likes of which has never happened before. There is no one-man dictator in this Senate. We need to say no. That is just the way it is. There is no way the majority leader of the Senate of the United States should be dominating this body the way it is happening today and going to the ultimate of changing the rules as was done today. I feel strongly about that. We are going to continue to talk about that.

We have an institution to preserve. Senator Byrd would never have allowed this to happen—as Senator MCCAIN

said—the historian of the Senate, who explained this great Senate's history. When I first came here, he lectured to both parties and new Members about what it is all about. The love he had for this institution was strong.

I happened to have the honor earlier today to hear Senator LEVIN talk about this issue. He is leaving this body. He is a great Senator. He is smart. I have been so impressed with how he has handled the Armed Services Committee, on which I am a member and he is chairman. He gets virtually unanimous votes on the defense authorization bill. And the only reason we had no votes on the bill on the floor today in committee was because they marked the spending level above what the Budget Control Act says. They shouldn't have done that. Under that proposal, we would spend more money than we are allowed to spend under law. But it was done. Otherwise, all the differences were freely discussed. We had multiple amendments. Senator LEVIN is very precise. He allows people to make amendments. He suggests compromise. He allows people time to discuss with staff, come back, amend, agree, disagree, and finally have a vote. It creates good spirit, and it creates a committee such that even legislation as important as this can pass unanimously out of committee. I believe last year the bill was unanimous out of the Armed Services Committee, which is hard to achieve in any legislative body.

This is a dark day. I am disappointed at where we are. This is a matter that can't just be forgotten. It won't be forgotten. We don't need to act precipitously, but we need to make clear that for the Senate to work, individual Senators of both parties have to be free to offer amendments—that clearly needs to be so—and certain rights the minority party might have cannot be eroded anytime they become effective to frustrating the majority leader's desire to advance certain pieces of legislation or nominees.

This is not going away. We will keep discussing it. I hope and pray we will be able to reach some sort of solution which puts us back on the right path.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1774

Mr. SCHUMER. Mr. President, I ask unanimous consent that, as in legislative session, the Senate proceed to the consideration of S. 1774, a bill to reauthorize the Undetectable Firearms Act of 1988 for 1 year, introduced earlier today; that the bill be read three times

and passed and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, I say to our colleagues, this is not a good day to move forward with this legislation. We will be glad to give it serious attention. I know it is the kind of thing we probably can clear at some point, but I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Mr. President, I appreciate the remarks of my friend from Alabama, my gym mate and friend and colleague. I would say this. This is simply a renewal of a bill that has passed the Senate unanimously several times before. These days, technology has allowed us to make undetectable a firearm—no metal. It can get right through a metal detector.

I would like to improve on this bill but, because it expires by December 9, right before we get back, I was hoping we could simply pass the existing law that is on the books. I am afraid that will not happen.

I understand why my colleague from Alabama objected. I hope as soon as we come back we might get this body to pass it and maybe get the House to pass it.

We are in a dangerous world. To allow terrorists, criminals, those who are mentally infirm, to walk through metal detectors with guns that are made of plastic and then use them at airports, sporting events, and schools is a very bad thing. What makes us need to do this rather quickly is that a few months ago someone in Texas published on a Web site a way to make a plastic gun, buying a 3-D printer for less than \$1,000. There are over 200,000 copies, hits on that Web site. People hit the Web site then, so we have to move quickly here. I hope we can move as soon as we get back.

I do understand the objection of my colleague tonight, given everything that has happened today, but we cannot wait. I hope nobody will object to this bill. I have some worries that some might, but let's hope not. This is serious stuff.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise today to speak on the National Defense Authorization Act, an amendment I have filed, Amendment No. 2903, which

supports the next generation long-range strike bomber. I hope we do get on the Defense bill.

This amendment, like many of the amendments that have been filed to this bill, is both germane and noncontroversial. As has been the past practice with the Defense authorization bill, my amendment should be included in a managers' package that could be passed by unanimous consent. In the past, when the Senate has considered the National Defense Authorization Act, we have had an average of around 11 recorded votes. That is the historical average. This year so far we have had two. For amendments included by voice vote or unanimous consent, anywhere from 80 to 100 amendments tend to be the norm. In other words, that is the number of amendments that we process, not have recorded votes on, but amendments that are offered to the bill and handled one way or another but end up getting added to the legislation. This year we have not even been able to have a managers' package, which would include many of these noncontroversial amendments.

I support Senator INHOFE, who is the ranking Republican on the Armed Services Committee and my Republican colleagues here in the Senate, in the approach they have taken while this bill has been on the floor. Considering this bill, there needs to be an open amendment process. We are not talking, as I said, about the hundreds of amendments that have been filed, but a reasonable number should be considered on the Senate floor.

Everyone here is aware of the time constraints we are under, but that is not an excuse for bypassing an open amendment process on this important piece of legislation.

As the Senate debates the annual Defense authorization bill, our military continues to face increasing budget constraints. These budget constraints have forced our military to prioritize and develop ways to increase efficiency and reduce spending. As we look ahead, the Department of Defense must continue to focus on ways to best prepare for the threats our country will face in the future.

On all fronts, these future threats will require an increasingly mobile force that relies on speed and technology to reach conflict points around the world. With regard to the Air Force, this means a modernization of our current fleet. According to General Welsh, the Chief of Staff for the Air Force, the next generation long-range bomber is one of the top three procurement programs our Air Force must pursue to modernize our fleet and to meet future challenges. The other two, the F-35 joint strike fighter and the KC-46 aerial refueling tanker, are currently underway.

The next generation bomber, which General Welsh has called a must-have

capability, will ensure our ability to operate effectively in anti-access and area-denial environments. As potential adversaries continue to modernize their anti-aircraft systems, our ability to penetrate those systems must modernize as well.

The Department of Defense has already begun investing in the research and development phase for the next generation bomber. In the meantime, our current bomber fleets, B-2s, B-1s, and B-52s, continue to provide robust deterrent in long-range strike capabilities. The upgrades which are currently being made to these aircraft allow them to operate in the modern environment. However, as this fleet continues to age into the mid-2020s, the next generation bomber will need to come online.

My home State of South Dakota is home of the 28th Bomb Wing, which commands two of three combat squadrons operating the B-1B strategic bomber. The men and women of the 28th Bomb Wing have bravely defended our country in Iraq and Afghanistan.

In 2011, the B-1 played a key role in Operation Odyssey Dawn, launching from Ellsworth Air Force Base in South Dakota, dropping munitions in Libya, and returning home in one continuous flying mission. This operation marked the first time the B-1 launched combat sorties from the continental United States to strike targets overseas, and it exemplifies the B-1's crucial flexibility and capability to project conventional airpower on short notice anywhere in the world. Of the three aircraft in our bomber fleet, the B-1B has the highest payload, fastest maximum speed, and operates at the lowest cost per flying hour. As I have said before, the B-1 is the workhorse of our U.S. Air Force.

As the R&D continues for the next generation bomber, the Air Force has already identified many essential capabilities to this aircraft. According to the Air Force, the next generation bomber should be usable across the spectrum of conflict from isolated strikes to prolonged campaigns. It should provide the Commander in Chief the option to strike a target at any point on the globe, and it must be able to penetrate modern air defenses despite an adversary's anti-aircraft systems. In terms of payload, it must be capable of carrying a wide mix of standoff and direct attack munitions and have the option for either nuclear or conventional capability.

As part of the strategy for development, the next generation bomber should allow for the integration of mature technologies and existing systems, taking into account the capabilities of other weapon systems to reduce program complexity.

While developing the next generation bomber will not be easy, the Air Force has learned several important lessons

from its most recent procurement efforts. The Department of Defense has already streamlined requirements and oversight to ensure a timely decision-making process for the next generation bomber.

This initiative has included efforts to reduce costs for the overall program with a goal of preventing cost overruns which have plagued previous acquisition programs.

The Department of Defense already knows the importance of this program. As outlined in the 2015 to 2019 Program Objective Memorandum, the Air Force intends to prioritize the development and acquisition of the long-range strike bomber over the next several years. As the Air Force continues to modernize, the long-range strike bomber remains a must-have capability for future combat operations.

This amendment is very straightforward. I hope we get back on the Defense authorization bill. I hope we have an open amendment process. I hope that amendments such as this, which are germane and noncontroversial, can be included in a managers' package of amendments or at least considered on the floor by my colleagues in the Senate.

It is essential in light of the many challenges we face around the globe today with the potential adversaries out there and the threats that exist as we look out over the horizon that we make every preparation and take every necessary step to ensure our country can defend itself and our allies around the world. American interests and American national security interests are always at stake, and it is important for us to invest wisely in those types of weapon capabilities that can ensure that the United States is prepared for whatever contingency might develop around the world.

I hope we will get back on the Defense authorization bill, allow amendments to be considered, as they have been in the past. Whenever we have processed Defense bills in the past, we have had a process that has allowed for consideration of many amendments. As said before, we had 80 to 100 amendments in most cases and multiple roll-call votes—way more than we had on this bill so far.

This is important to the men and women who wear the uniform of the U.S. military. This should be a priority for us, and it should be a priority for our country. I hope we can get the bill on the floor, process amendments, pass it, and get it on the President's desk where it can be signed into law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL HOMELESSNESS AND HUNGER AWARENESS WEEK

Mr. LEAHY. Mr. President, next week, Americans across the country will gather with family and friends to celebrate a national tradition, Thanksgiving. Some will give thanks for their good fortune or health over the past year, while others will simply be thankful to see their loved ones together in one place. What most of us will take for granted, however, is that we will have a meal to eat and have a home in which to gather. Far too many Americans will not have that luxury. During this time of reflection, and in honor of National Homelessness and Hunger Awareness week, I would like to take a moment to speak about those who are all too often overlooked, the homeless and the hungry.

Each and every day, millions of Americans face the uncertainty of when their next meal will be or when they will be able to feed their family. On any given night, a disgraceful number of Americans face the uncertainty of not knowing where they will sleep. Sadly, many have nowhere to turn. These Americans live in both large States and small, in urban centers, and small, rural towns across the country. These are men, women, and children who live, work, and attend schools in our communities without the basic needs of food security and a place to call home.

There are nearly 3,000 Vermonters who do not have a roof over their head each night. And while organizations like the Committee on Temporary Shelter, COTS, Spectrum Youth and Family Services, and the Vermont Coalition for Runaway and Homeless Youth do their best to provide emergency shelter, services, and housing for people who are homeless or marginally housed, the need far outweighs their capacity.

Nationally, we have made some progress to address this issue and have seen the number of individuals experiencing chronic homelessness and homeless veterans significantly decrease. Unfortunately, the face of homelessness is changing, and the number of families facing homelessness has dramatically increased. Shelters are seeing an unprecedented number of families. Many of these families have at least one adult who is working full

time, but who does not earn enough to afford a place to live. Of the 4,244 people who used emergency shelters in Vermont last year, 952 of them were children. We know that children who experience homelessness suffer from high rates of anxiety, depression, behavioral problems, and below-average school performance. Regrettably, shelter workers are beginning to see the first signs of generational homelessness. This is unacceptable, and we owe it to those children and families to do more.

Across the country nearly 1 in 6 people faces hunger on a daily basis; 1 in 5 children are living in a household with food insecurity. In a nation where \$165 billion worth of food goes to waste each year, it is clear that there is enough food to feed everyone in America. We need to do a better job of getting that food to those who need it most. For the more than 84,000 Vermonters facing food insecurity, the Supplemental Nutrition Assistance Program, SNAP, known as 3Squares in Vermont, is a lifeline helping to feed their families. SNAP is our single most important anti-hunger program providing assistance to nearly 49 million Americans in need of help to afford food. With so many Americans still struggling to put food on the table, it is deplorable that some in Congress continue to call for reductions to food assistance as a way to solve our Nation's deficit problems.

No one can deny the effects of hunger on Americans, especially children. Children who live in food insecure homes are at a greater risk of developmental delays, poor academic performance, nutrient deficiencies, obesity and depression. Yet participation in food assistance programs turns these statistics on their head. Federal nutrition programs have been shown to decrease the risk a child will develop health problems and is associated with decreases in the incidence of child abuse. Children from families who receive food stamps have a higher achievement in math and reading and have improved behavior, social interactions and diet quality than children who go without.

Two-thirds of SNAP beneficiaries are children, the disabled, or the elderly who cannot be expected to work. The remaining participants in the program are subject to rigorous work requirements in order to receive continuing benefits. While SNAP offers crucial support to a family's grocery expenses, the benefits far from cover a family's food expenses. With a benefit average of about \$1.25 per person, per meal, it is understandable that families typically fall short on benefits by the middle of the month.

Across the Nation, wages have remained flat as prices for every day essentials like food, heat, and especially housing, continue to rise. At the same time, as more families find themselves in need of some help, the programs

that provide that safety net have been devastated by cuts over the past several years and continue to be targeted for even further reductions in the name of protecting tax loopholes for corporate jets and oil companies.

The budget decisions made in Congress have real impacts for real people. Reductions to funding for the organizations providing emergency shelter, or programs that build much needed affordable housing, means more Americans face housing insecurity. Cuts to the SNAP program means benefits will run out earlier in the month and even though donations to food banks and soup kitchens are down, they will see a record number of families looking for a little help to just make it to the next month.

As the budget conferees discuss a path forward, it is essential that they find a common sense compromise to replace sequestration and put an end to the deficit reduction on the backs of those most in need. There are just too many people that are one unforeseen expense away from a desperate financial situation that could result in them losing the roof over their head, and the means to feed their family. We can all agree that there is something fundamentally wrong with the reality that children living in one of the wealthiest nations in the world do not know when they will get their next meal and do not have a safe place to sleep at night.

Every child in America deserves a fair shot. This is why I have championed the Runaway and Homeless Youth Act. Programs authorized by the RHYA have successfully helped countless runaway and homeless youth and their families in Vermont and across the nation over the last 30 years, but we can and must do more. We must recognize the importance of investing in our Nation's youth, and direct resources where they are needed most. Programs authorized by the RHYA expired at the end of September. I hope that we can work to reauthorize and improve RHYA by addressing the needs of children in the most vulnerable communities, and provide services that meet the needs of youth who identify as LGBT and the young victims of trafficking or exploitation. We need more training and resources to help our grantees meet the needs of young victims, and that is what the Runaway and Homeless Youth Act provides.

There are families that are having difficulty making ends meet. We must pass a farm bill that does not include the extreme House cuts to SNAP benefits at levels 10 times as high as the bipartisan Senate bill and nearly twice as high as the House's original bill. Those cuts would mean that each year, an average of three million people will be kicked off food assistance, and hundreds of thousands of children will lose access to school means. I hope that the bipartisan efforts of the Senate to pass

a responsible farm bill will help produce a good farm bill out of conference that does not contain these deep and damaging cuts to food assistance.

We owe it to the American people to put politics aside and especially during this time of year, to give a voice to those who are most in need, to those often overlooked and marginalized and to start making meaningful progress to eliminating homelessness and hunger in this country.

#### TRIBUTE TO JAMES L. HURLEY

Mr. MCCONNELL. Mr. President, I rise today to congratulate a friend of mine and a good friend to the Commonwealth, Mr. James L. Hurley, on his recent inauguration as the 20th president of the University of Pikeville. A graduate of the class of 1999 himself, President Hurley's new post makes him the school's first alumnus to serve as president.

President Hurley was sworn in last month at the Eastern Kentucky Expo Center in Pikeville, KY. He succeeds former Governor Paul Patton in the position. Patton previously appointed Hurley as the institution's vice president and special assistant. James is a native of eastern Kentucky and is married to Tina, also an alumna of the University of Pikeville.

President Hurley, after earning his bachelor's degree at the institution he now leads, earned a master's degree in educational leadership from Indiana University, a rank I in instructional supervision from the University of Kentucky, and a doctorate in higher education leadership and policy at Morehead State University. As an undergraduate he was a student-athlete on the Pikeville men's basketball team.

I commend President Hurley for his great achievement in reaching this position and certainly wish him all the best in his leadership of the University of Pikeville. I look forward to working with him to accomplish great things for the school, the region, and the Commonwealth.

Mr. President, an article that appeared in the University of Pikeville campus newspaper after the announcement of his ascension to the presidency described James L. Hurley's accomplishments and goals in his new position. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the University of Pikeville Campus Publication, May 21, 2012]

#### HURLEY NAMED UNIVERSITY OF PIKEVILLE PRESIDENT-ELECT

Pikeville, KY.—The University of Pikeville Board of Trustees has named James L. Hurley president-elect of the institution, effective July 1, 2013. Hurley currently serves as

the vice president for enrollment and retention and special assistant to the president.

The action was taken during the board's spring meeting May 18. University President Paul Patton informed the board that he would not ask for an extension of his contract, which expires June 30, 2013.

"The Patton-Hurley team has brought us tremendous progress," said Board Chairman Terry Dotson. "The Hurley-Patton team will continue that progress."

An experienced educator and administrator, Hurley spent 11 years in the public education system, serving in numerous roles, including as principal, assistant principal, dean of students, teacher, and athletic coach. He joined Patton at the University in 2009, providing leadership in the administration of campus operations, program development, strategic initiatives, recruiting, financial aid and retention efforts.

Along with his wife, Tina, he is a graduate of the University of Pikeville, formerly Pikeville College. He earned his master's degree from Indiana University, a Rank I from the University of Kentucky and his superintendent's certification at Morehead State University. He will complete his doctorate at Morehead in the fall.

"James Hurley is bright, energetic, motivated and a self-starter. He has been an integral part of the tremendous progress we have made at the University these past three years," said Patton. "As our chief executive officer, he will lead this University to new heights."

The board also voted to establish the position of chancellor, which Patton will assume on July 1, 2013. As chancellor, Patton, who was governor of Kentucky from 1995 to 2003, will represent the University and concentrate on fundraising.

"I am humbled and honored by the board of trustees' decision in naming me president-elect to succeed Governor Patton next year," said Hurley. "My wife and I love this institution and we look forward to our continued journey with the administration, faculty, staff and students at UPIKE. Governor Patton's willingness to accept the role of university chancellor will make for a seamless and smooth transition."

The announcement also has historical significance, as Hurley will become the first alumnus to lead the institution, which was established in 1889 to serve the youth of Appalachia.

"A great university can measure its worth by the quality of its alumni," said Kay Hammond, president of the Alumni Association. "Vice President Hurley is certainly one of our most accomplished. He has always sought to protect and preserve all that is special about the University of Pikeville."

#### NATIONAL RURAL HEALTH DAY

Mr. DURBIN. Mr. President, today is National Rural Health Day. More than 59 million Americans—nearly one in five—call rural communities their home, including more than 9 million Medicare beneficiaries. These small towns, farming communities, and frontier areas depend on rural hospitals for their health care needs. And their needs are as unique as the communities they live in.

Rural areas are sparsely populated and are disproportionately older. More families in rural communities tend to live with less income than their urban

counterparts, and patients tend to be physically isolated, which can substantially increase travel costs associated with medical care. These needs are not easily addressed by a one-size-fits-all approach. Rural providers must rely on providing affordable primary care and a system that values prevention, wellness and, above all, care coordination.

In Illinois, there are 102 counties, 83 of which are rural. Of these 83 rural counties in Illinois, 81 are designated as primary care shortage areas, which affects nearly 2 million Illinoisans. To incentivize providers to work in underserved areas, States rely on the National Health Service Corps—NHSC—Loan Repayment program, the NHSC Scholars program, and the State Loan Repayment program. These programs have been a mainstay of rural recruitment. This year, through the coordination of loan repayment programs, an estimated 231,000 patients in rural Illinois were able to access care. These programs provide recruitment tools for facilities in rural parts of the State.

Recruiting primary care professionals to rural communities is challenging. Many programs, including these recruitment programs, require more funding.

New approaches are needed to increase the workforce in rural America. For instance, the Federal Government and States should look at licensure and new payment models that would allow allied professionals, including advanced practice nurses and physician assistants living in these communities, to help meet the growing demand for primary health care services.

Fortunately for Illinois, our network of critical access hospitals, rural health clinics, and federally qualified health centers work with their limited resources to provide exceptional care in rural communities. Critical access hospitals provide local access to healthcare for more than one million people in Illinois in areas that are medically underserved and have too few primary care professionals.

More needs to be done to help rural communities improve access to primary medical care. About 10 percent of physicians practice in rural America despite the fact that nearly one-fourth of the population lives in these areas.

This is a fact that Cody Holst and his wife know all too well. Cody is a Hancock County cattleman who lives in Carthage, IL. Last year, Cody's wife Erin was rushed to the emergency department at Memorial Hospital. Erin was expecting but was only 32 weeks along in her pregnancy. Doctors told Cody that typically they would recommend she be flown to Peoria, IL, approximately 100 miles away. But in this case they did not have that much time. Erin would need an emergency C-Section. Any delay in this operation would jeopardize Erin's pregnancy and

her life. Fortunately, the operation was successful and led to the healthy birth of Reese Holst. If Memorial Hospital was not in the community and Cody had to travel any further, his wife and child may not be here today.

This is just one of the many examples of what critical access hospitals are able to do for families in these communities. Critical access hospitals make sure Americans in small communities, such as Cody and his family, still have access to high quality health care.

The Affordable Care Act begins to address some of these urgent issues facing the Nation's health care system, such as lack of access to health insurance coverage. Nearly 8 million rural Americans under the age of 65 will have insurance under the law. More Americans will gain access to private health insurance and Medicaid, increasing the demand for care by rural hospitals and providers. Many of the provisions in the law are aimed at solving this very challenge. For example, the Affordable Care Act dedicates funding to evaluate current payment systems, particularly the Medical Home Model of care that incentivizes care coordination.

As the demand for primary care providers increases, the Affordable Care Act aims to extend the role of nurse practitioners in primary care settings and provides \$15 million for ten nurse-managed clinics that train nurses and provide primary health care services in medically underserved communities. The law also includes more than \$200 million to training primary care doctors, nurses, and physician assistants and expanded the National Health Service Corps program by \$1.5 billion. The Affordable Care Act has provided a great foundation to solving these problems, but more needs to be done.

Today, on National Rural Health Day, I urge my colleagues to join me in recognizing the unique healthcare needs and opportunities that exist in rural communities and work together to solve the issues these communities face.

#### TRIBUTE TO CHAD PREGRACKE

Mr. DURBIN. Mr. President, today I wish to honor the outstanding work of a great Illinoisan, Chad Pregracke, who has just been named a 2013 CNN Hero.

A native of East Moline, IL, Chad grew up knowing how important the Mississippi River was to his community. He spent a lot of time on the river with his parents, KeeKee and Gary, and his older brother Brent. Chad saw how badly the river was being polluted and knew something had to be done. When no one else stepped up, he decided he would.

In 1997, he received a small grant and spent that summer cleaning up part of the river on his own, sorting through the trash on his parents' front lawn.

In 1998, when he was just 23 years old, Chad founded his own non-profit—Living Lands & Waters. The venture has now grown to a full staff and fleet of barges. Living Lands & Waters relies on teams of volunteers throughout the Nation, with a heavy focus on the Mississippi, Illinois and Ohio River regions.

Living Lands & Waters organizes about 70 cleanups a year in 50 different communities. Chad estimates that his group has worked with about 70,000 volunteers to remove more than 7 million pounds of trash from the Nation's waterways. Among the trash they have pulled from river are more than 67,000 tires, 218 washing machines and four pianos.

Not all of their finds are the size of pianos. Chad boasts an extensive collection of messages in bottles he has found over the years. To date, Chad has retrieved 64 of these bottles, often hundreds of miles from their place of origin. They include everything from love letters and lottery tickets to treasure maps and simple notes of good wishes.

Chad's hard work has earned him significant recognition and praise, most recently being honored by CNN as one of its 2013 Heroes. I am pleased to add my thanks to Chad Pregracke for working to improve our communities by saving our rivers.

#### COMMON SENSE GUN SALES

Mr. LEVIN. Mr. President, as the holiday season draws close, millions of Americans are shopping online for clothes, toys, and other holiday gifts. But alarmingly, at the same time, convicted felons, domestic abusers, terrorists, and other dangerous people are able to go online and just as easily shop for something else: guns.

Studies have shown that thousands of firearms are bought and sold online every year. Many of these sales exploit loopholes in the background check laws designed to keep our communities safe. Under current law, an individual buying a gun at a brick-and-mortar, Federally licensed firearm dealer must pass a simple and quick background check to make sure that, among other things, they haven't been convicted of a felony, or aren't a domestic abuser, or haven't been adjudicated to be dangerously mentally ill. Department of Justice statistics have shown that Brady background checks have blocked more than two million instances in which a dangerous individual attempted to obtain a deadly weapon. But a significant loophole in this law is now well known: felons and other prohibited persons can simply go to a "private seller," as opposed to a licensed dealer, and buy a gun without a background check.

It has been estimated that as of September 2013, about 67,000 firearms were listed for sale online from private sell-

ers. Many of the people buying guns from these sellers have no intention of committing any sort of crime and would easily pass a background check. But as a disturbing new report recently released by Mayors Against Illegal Guns makes clear, all too often, the Internet serves as a black market where dangerous individuals can get their hands on weapons. According to this report, 1 in 30 would-be firearm purchasers on [www.armslist.com](http://www.armslist.com) has a criminal record that legally prohibits them from purchasing or owning a gun.

This means, according to the report, that more than 25,000 guns of almost any kind may be transferred to prohibited persons through [www.armslist.com](http://www.armslist.com) in any given year. At any time, a convicted felon can log on and purchase a military-style weapon from a "private seller." For example, one "private party" listing on the website touts a military-style semiautomatic rifle as the "World War III special," and boasts that the weapon can "provide rapid defensive fire when needed." Such a weapon has no sporting purpose. It is designed to kill as many people as possible, as quickly as possible. Should it really be available for anyone to purchase, at any time, without a background check?

This leads to dangerous and sometimes tragic outcomes. For example, the report cites a man from North Carolina who, earlier this year, posted an ad on the Web site seeking to purchase a military-style assault rifle specifically from a private seller. The investigation found that this prospective buyer had previously been convicted of several felonies, including robbery with a dangerous weapon, and would have failed a background check. In another case, Zina Daniel of Wisconsin obtained a restraining order against her husband which legally prohibited him from purchasing a firearm. Days later, the husband bought a semiautomatic handgun from a dealer through [armslist.com](http://armslist.com), and went to find Ms. Daniel at her workplace. There, he used the weapon to murder her and two others, injure four more, and kill himself.

Had these individuals been confronted with a simple background check at a brick-and-mortar gun shop, they may have been turned away. Why should a purchase from the online marketplace be any different? Study after study, conducted by organizations across the political spectrum, have shown that around 90 percent of the American public supports the enactment of background checks on all gun sales. The vast majority of our constituents agree that wherever someone is buying a gun—at the shop around the corner, from the Internet, from a gun show, or even from the back of a van in a dark alley—they should be able to prove that they can pass a simple and quick background check.



We must not wait until the next unstable individual buys a deadly weapon online and turns it on our communities. We should act to protect our families, our neighbors, and our loved ones. I urge my colleagues to take up and pass background check legislation to shut down the online black market for illegal firearm purchases. It's just common sense.

#### TRIBUTE TO MAGGIE McINTOSH

Ms. MIKULSKI. Mr. President, I rise to honor Maggie McIntosh on the occasion of her retirement as director of Federal Relations at Johns Hopkins University.

Maggie has a long career in public service. She has served in the Maryland House of Delegates since 1992, when she was first elected to represent the 42nd District. Since 2002, Maggie has represented the people of northern Baltimore City as the Delegate for the 43rd District of Maryland.

She is also an active member of the Maryland Democratic Party. She previously served for 8 years as a member of the Democratic Central Committee from Baltimore City.

Maggie is a woman of many firsts. She was the first female majority leader in the Maryland House of Delegates. She was also the first woman to serve as chair of the Environmental Matters Committee.

Maggie is also a fighter. One of her many passions is education. She was a Baltimore City public school teacher, and an adjunct professor at Catonsville Community College and the University of Baltimore.

Maggie is also passionate about environmental issues, Maryland economic development, equal rights, and the effort to elect more women in Maryland. She has an extraordinary record as a legislature, and she is only now getting started.

Additionally, Maggie is a trusted friend. I have known her for many years. Maggie previously served as my State director and campaign manager—I call her “Boss Maggie.”

Today, I wish to recognize her for her years of service to Johns Hopkins University. Maggie joined Johns Hopkins in 1992, and is currently the director of Federal Relations. She is retiring from her position after 20 years at Johns Hopkins.

I wish her the best as she continues to serve the people of Maryland and fights the good fight for the issues she believes in.

#### TRIBUTE TO DENISE NOOE

Ms. MIKULSKI. Mr. President, today, I wish to honor my long-time staff member, Denise Nooe, on the occasion of her retirement.

Denise has been a part of my team for 30 years. She began working for me

in 1983 as a constituent services representative when I was representing Maryland's Third District in the U.S. House of Representatives, and she was a key part of my team when I transitioned from the House to the Senate. Denise has been the outstanding director of my Annapolis office since 1987.

Denise and I have similar backgrounds. We both believe in the power of community organizing to make a difference. We believe the best ideas come from the people. We both have master's degrees in social work, and believe in the importance of helping individuals and serving our communities. We believe that the people have a right to know, to be heard and to be represented.

Throughout her career, Denise has strived to make a difference in people's lives. She has utilized her social work skills every day in understanding how she can best serve the people of Maryland, and help them to the best of her ability. As a caseworker, she has helped thousands of veterans and military personnel negotiate the labyrinth of the Federal bureaucracy. She has brought solace to families when their loved one has died in the line of duty. She has made sure that the brave soldier who died for his Nation could be buried at Arlington. She was vigilant in getting the widow and children the benefits that the servicemember earned for them.

Our wounded warriors could always come to her with a problem and be confident that it would be managed for them. She has represented me on hundreds of occasions on Veterans Day and Memorial Day and any day that veterans and our brave military needed me. She has also been the link to my Veterans Advisory Board and the Governor's Commission on Veterans.

Denise also represents me throughout Maryland, most especially in Anne Arundel County. She was instrumental in the creation of the BWI partnership and the Fort Meade Alliance. State and local officials in Anne Arundel County know she is my catcher's mitt. Actually they think she is the Senator, because we are both short in height. But Denise is also tall in stature among her colleagues, for certainly she has no peer.

Denise has recently been in a key advocacy role assisting me in my efforts to reduce the horrific backlog of Veteran's disability claims in Baltimore. She has been my boots on the ground in Baltimore and played an important role in rallying and assisting the Veterans Service Organizations during this difficult time.

Throughout these wonderful 30 years, Denise has been an invaluable member of my staff. Not only has she helped me immensely in my work as a U.S. Senator, but she has also stood sentry with me and served the people of Maryland

with distinction for three decades. Today I want to recognize her for all of the important work she has done, tell the world that I hold her in the highest regard and wish her the very best on her retirement.

#### 50TH ANNIVERSARY OF JOHN F. KENNEDY'S ASSASSINATION

Mr. MANCHIN. Mr. President, 50 years after the assassination of John F. Kennedy, America still mourns his loss. For those of us who were inspired by his Presidency, it is easy to understand why. In a time of indifference, he reawakened this Nation to the finest meaning of citizenship—placing public service ahead of private interest.

That is why a half a century later, he remains a powerful symbol of a time of soaring idealism in America, when our people believed our country could do anything—even go to the moon.

John Kennedy also inspires Americans who know him only from history books or from the stories their parents and grandparents tell of that all-too-brief shining moment that was his Presidency.

John Kennedy was in the White House for only 1,000 days, not even 3 years. But his achievements exceeded his years. It's easy to dismiss his Presidency as one of rhetoric more than results. But to do so ignores the New Frontier he pioneered—a new era of economic growth, space exploration, civil rights advancements, conservation of natural resources, nuclear disarmament and generations of Americans who have made public service a way of life.

John Kennedy's immortal words, especially those of his Inaugural Address, still call us to action—to think beyond our own self-interests, and to do what is best for our country and the people of the world.

Like millions of Americans, I vividly recall the exact moment on that cold day of November 22, 1963, when I heard the shocking news from Dallas that the President had been shot. I was a junior at Farmington High School. By the time we were told of the tragedy, it was just after lunch and my classmates and I walked into English class. Mr. Simon Matthews, our English teacher who also was one of our football coaches, broke the unspeakable news.

Mr. Matthews announced austerely, “The President has been shot.” We thought he was joking and teased him to quit kidding us. He said again, “The President has just been assassinated,” and we were sent home from school early.

When I arrived home, I was stunned to walk in to my living room and find it filled by my entire family. I had never seen my grandfather or father or my uncles leave work early. It was a somber time for every member of my family as we tried to come to grips



with the terrible news. It was just so hard to believe our President could be taken from us. But he was.

Three days later, it was decided that our family would go to Washington to pay our respects to the President. As an eager 16 year old who had just gotten my license a few months before, I volunteered to drive us in Papa's '58 Cadillac. Six of us piled into the car and made the trip to our Nation's capital.

I will never forget, as the caisson bearing the President's casket was led down Pennsylvania Avenue on its way to Arlington Cemetery, my cousins and I climbed into the trees for a better view of the procession. We saw the President's stricken family and friends, the somber Washington dignitaries and world leaders, and Black Jack, the riderless horse with boots turned backwards in the stirrups, a heartbreaking symbol of the loss of a great leader. As I watched the procession move slowly to the sad cadence of military drums, I thought of the time I had been fortunate enough to meet members of the Kennedy family.

I was working on my go-cart downstairs in the garage when they visited my family in Farmington as then-Senator Kennedy was preparing for the West Virginia presidential primary. My hands were dirty and greasy, but my mother insisted that I wipe them clean and come upstairs to meet a few people. As I climbed the steps, I smelled my grandmother, Mama Kay's, spaghetti. Everyone had gathered at the table for dinner and an exciting discussion about the political race ramping up in West Virginia. That was the day I shook hands with the Kennedys.

John Kennedy and his family spent so much time campaigning in West Virginia that he once quipped that "West Virginia" was the third word his daughter Caroline learned to pronounce. He once boasted that he was the only Presidential candidate in history, other than West Virginian John Davis in 1924, "who knows where Slab Fork is and has been there."

John Kennedy came to West Virginia to show that a Catholic could win in a predominantly Protestant State. Americans worried that a Catholic President would be controlled by the Pope and that Catholic Mass would be held in the White House every day. Let me just note here that John Kennedy carried the West Virginia primary in a landslide—with 60.8 percent. He won our votes and our heart. He went on to become, as he put it, "not the Catholic candidate for President," but "the Democrat Party's candidate for President, who happens also to be a Catholic." But there was one Catholic Mass in the White House, on November 23, 1963—a Requiem Mass for the slain President.

As I reflect now on how much life intersected with John Kennedy's life, I

prefer to think about the beginning of the Kennedy Presidency rather than its tragic ending. I prefer to remember his Inaugural Address. It was just 1,355 words and 14 minutes long, but it set in motion a generation of Americans with a passion for public service.

Some were inspired to defend liberty as soldiers, sailors, Marines and airmen. Some would march for civil rights in the South. Some would join the Peace Corps and become ambassadors of peace in villages throughout the world. And some would answer the call to service by seeking public office.

John Kennedy was a powerful and positive force in my life and the life of our Nation. To me, he embodied a time when politics could be harnessed to higher aspirations, to do good things for the country.

Not only did his Inaugural Address famously challenge us to ask ourselves what we can do for our country, it also provided timeless advice on how to overcome the bitterness of partisan politics. An election, he said, is "not a victory of party, but a celebration of freedom," not an end but a beginning "signifying renewal." That is still good advice.

John Kennedy was a committed Democrat and few people loved politics more than he and his family. But he understood—as he wrote in his book *Profiles In Courage*, that "there are few if any issues where all the truth and all the right and all the angels are on one side." He accepted the fact that democracy relies on competing views and vigorous debate.

But he did not believe the objective should be to win political power but to solve our country's problems. As he once said, "Let us not despair but act. Let us not seek the Republican answer or the Democratic answer but the right answer. Let us not seek to fix the blame for the past—let us accept our own responsibility for the future."

That is what I have always tried to do—to find the right answer and to do what is best for my country and the generations of Americans to follow. That is why, 50 years after John Kennedy's death, I still try to follow his admonition to "go forth to lead the land we love, asking His blessing and His help knowing that here on earth God's work must truly be our own."

He acknowledged that this was not the work of a hundred days, or of a thousand days, or of one administration, or of a lifetime, but of generations. Even so, he said, "Let us begin." Mr. President, to you and to all our colleagues in the Senate, I say: Let us continue.

#### THE CAREGIVERS ACT

Mr. SANDERS. Mr. President, November is National Family Caregivers Month. As Chairman of the Senate Committee on Veterans' Affairs, I

would like to take a moment to discuss the important role caregivers play in the lives of our Nation's veterans as they cope with the visible and invisible wounds of war.

For generations, as the men and women of our armed forces returned home with serious injuries sustained overseas, their wives, husbands, parents and other family members stepped in to care for them. These family members have often provided this care at significant personal sacrifice. Their dedication to the needs of injured veterans has often resulted in lost professional opportunities, negative impact on their own physical and mental health, and reduction in income.

Under the Caregivers and Veterans Omnibus Health Services Act of 2010, a number of important benefits were made available to these caregivers for the first time, with additional services and benefits made available to caregivers of seriously injured post-9/11 veterans and their families. These additional services and benefits include a tax-free monthly stipend, travel assistance, health insurance, mental health services and counseling, caregiver training and respite care.

Passage of the Caregivers Act served as an important step in ensuring the caregivers of our newest generation of veterans received the additional resources to provide the best possible care for their loved ones. However, limiting eligibility for these additional services and benefits to caregivers of post-9/11 veterans created an inequity between caregivers of the newest generation of veterans and the tens of thousands of hardworking, dedicated caregivers who provide care to all other veterans.

In an effort to address the disparity, I introduced legislation earlier this year that would extend the services and benefits of the Caregiver Program to caregivers of veterans of all eras. Through this expansion, severely injured pre-9/11 veterans and their families may now leverage the benefits from which, until now, only post-9/11 veterans have benefited. The Congressional Budget Office estimates this bill would expand access to services to approximately 70,000 caregivers of pre-9/11 veterans. I am pleased the committee passed my legislation, S. 851, the Caregivers Expansion and Improvement Act of 2013 earlier this year and am working to bring it before the full Senate for a vote.

All caregivers of our Nation's injured veterans deserve our full support. This is an issue of equity. As a long-standing advocate for veterans, I will continue to work to ensure caregivers have the resources they need. We have learned from experience and research that veterans are best served when they can live as independently as possible. I hope my fellow Members will help me honor the commitment this

country has to all of its veterans by supporting S. 851 when it comes to the Floor.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO NICHOLAS GIACCONE

• Ms. AYOTTE. Mr. President, today I wish to recognize and congratulate Chief of Police Nicholas Giaccone of the Hanover, NH Police Department for his 40 years of dedicated service to the law enforcement profession, the Town of Hanover, and the State of New Hampshire.

Chief Giaccone began his law enforcement career in 1973 as a patrol officer with the Town of Hanover, home of Dartmouth College. Nicholas Giaccone was promoted to detective in 1977; detective sergeant in 1987; and assumed the role of acting chief of police, then chief of police in July of 1994. As a detective sergeant, Nicholas Giaccone helped lead the investigation into a double homicide of two graduate students, which culminated in the successful prosecution and conviction of Haile Selassie Girmay on March 2, 1993.

He was chief of police when two Dartmouth professors, Half and Susanne Zantop, were killed inside their Etna home in 2001, garnering national headlines for days. Chief Giaccone's diligence in ensuring the department properly handled the vital physical evidence at the scene, led to the successful convictions of Robert Tulloch and James Parker. They were sentenced on April 4, 2002.

During his long tenure as a police chief, Chief Giaccone has been a leader in promoting community oriented policing; in improving public safety within the State of New Hampshire; and in promoting sound public policies and practices, which have helped keep New Hampshire one of the safest States in the Nation. Chief Giaccone has worked tirelessly with community leaders, New Hampshire's Legislature, and other public officials, to better the administration of justice and promote public safety.

As Chief Nicholas Giaccone celebrates his retirement, I want to commend him on a job well done, and I ask my colleagues to join me in wishing him well in all future endeavors. •

##### TRIBUTE TO LIEUTENANT COLONEL CHARLES LANE, JR.

• Mr. JOHANNES. Mr. President, today I wish to recognize Lt. Col. Charles Lane, Jr., of Omaha, for his contributions to the United States of America through his military and public service. Mr. Lane passed away on November 8, 2013, at the age of 88. He lived a life dedicated to defending our country and helping others in the greater Omaha community.

Lieutenant Colonel Lane's military career began in 1943, when he entered the Cadet Corps at the Tuskegee Institute in Tuskegee, AL. He soon became a fighter pilot and joined the Army Air Corps 99th Pursuit Squadron. In World War II, Lane flew 26 combat missions, flying P-51 Mustang fighter planes. Following the war, Lieutenant Colonel Lane continued his service in the U.S. Air Force for 27 years, until his retirement in 1970. His last station was at Strategic Air Command, Offutt Air Base, near Bellevue, NE. Following his service, Lane and his family remained in the area.

In 2007, Lane was awarded the Congressional Gold Medal by President George W. Bush in recognition of his bravery, courage and sacrifice during World War II. Along with his fellow Tuskegee Airmen, he bravely rose above the racial divisions of the time to serve our country with honor and valor. In addition to their courageous service, the Tuskegee Airman provided inspiration to our country, paving the way towards greater equality for all Americans.

As a civilian, Lieutenant Colonel Lane continued to serve his community. As Executive Director of the Greater Omaha Community Action Inc.—GOCA, he fought poverty on a number of fronts by addressing hunger, substance abuse, mental health and other issues. Spanning his tenure of more than two decades at the agency, he was known as being determined in his efforts to help the impoverished achieve self-sufficiency.

Demonstrating Lieutenant Colonel Lane's tireless passion for service, upon retirement he continued to volunteer his time, talent and resources to a number of important causes in the Omaha area. He founded the 99th Pursuit Cadet Squadron of the Nebraska Wing of the Civil Air Patrol, the official auxiliary of the United States Air Force. As the Squadron's first Commander and later its Commander Emeritus, he mentored countless youth and promoted aviation throughout Nebraska. He also served as a national representative of Tuskegee Airmen, Inc.

Lieutenant Colonel Lane's lifelong commitment to our great Nation and serving others is truly commendable. I ask my colleagues and the citizens of the United States to join me in honoring his service on this day. •

##### NATIVE AMERICAN HERITAGE MONTH

• Mr. JOHNSON of South Dakota. Mr. President, each November we recognize National Native American Heritage Month to honor the tradition, culture, contributions, achievements, and sacrifices of those that originally inhabited this great Nation. With over 5 million individuals of Native American de-

scendant in the United States, it is important to celebrate the instrumental impact Native American culture has had on American history. National Native American Heritage Month is an opportunity to focus our attention on tribal sovereignty by ensuring trust responsibilities are upheld and government-to-government relationships with tribes across the Nation are strengthened.

This month has added significance to me, as I represent a state with nine treaty tribes. I would like to personally acknowledge and honor South Dakota's nine treaty tribes: the Cheyenne River Sioux, the Crow Creek Sioux, the Flandreau Santee Sioux, the Lower Brule Sioux, the Oglala Sioux, the Rosebud Sioux, the Sisseton-Wahpeton Oyate, the Standing Rock Sioux, and the Yankton Sioux. Each tribe brings rich cultures and histories that greatly benefit all South Dakotans, not just in November, but throughout the year.

American Indians across the United States have served and continue to serve in our Armed Forces at rates higher than any other ethnic group, and their dedication and commitment to the United States is unwavering. This month, the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Sisseton-Wahpeton Oyate and Yankton Sioux Tribe were honored with Congressional Gold Medals for the contributions of their code talkers during World Wars I and II. The use of tribal languages equipped our Armed Forces with a system of communication that was not decoded. The valiant contributions of tribal code talkers to the United States are unparalleled and to be commended.

It is also important to reflect on the numerous contributions Native Americans across the country have made in our society this November. Countless dedicated individuals continue to work on the ground in Indian Country to improve tribal communities for future generations. However, the Federal government must also uphold its trust responsibility with tribes and continue to improve access to healthcare, education, and adequate housing. Thoughtful communication and collaboration between tribal and federal leaders on these issues is necessary to advance the quality of life for American Indians.

This November, I urge Americans to participate in the celebration of Native American Heritage Month by taking a moment to learn more about the heritage, culture, and various contributions Native Americans have made to the United States throughout our shared history. I would like to acknowledge and praise the more than 70,000 American Indians in South Dakota who enrich our communities on a daily basis. Education and awareness of tribal histories will enable us to move forward

as a Nation which embraces the diversity of all.●

#### TRIBUTE TO CHARLIE E. WILLIAMS, JR.

● Mr. Kaine. Mr. President, today I recognize and pay tribute to Charlie E. Williams, Jr., who will retire as director of the Defense Contract Management Agency—DCMA—on November 25, 2013, after more than 30 years of service to our Nation.

Director Williams began his public service career in 1982 through the Air Force Logistics Command at Kelly Air Force Base in Texas. Over the following years, his career included a series of appointments with ever-increasing responsibility. He was the Deputy Assistant Secretary of the Air Force for Contracting, in the Office of the Assistant Secretary of the Air Force for Acquisition, a U.S. member of the North Atlantic Treaty Organization's Airborne Early Warning and Control Program Board of Directors, the team lead of Program Executive Officer and Designated Acquisition Commander programs, and finally, Director of DCMA.

Director Williams was stationed at Fort Lee, VA for his final mission. As Director of DCMA he oversees the delivery of all products and services, from water to weapons systems, to our troops around the world. He leads nearly 11,000 personnel, both civilian and military, who execute contracts worldwide, covering more than 19,900 contractors and more than \$223 billion in obligations. Recently, Director Williams and DCMA oversaw more than 300 critical theater support contracts valued at more than \$20 billion, delivering logistics, security, transportation, maintenance and critical life-support services to 230,000 International Security Assistance Force personnel at over 180 forward operating bases. Under Director Williams' leadership, DCMA professionals provided mentorship and guidance to more than 60,000 deployed contractor personnel throughout Afghanistan, executing more than 5,000 missions, despite significant danger. Their efforts ensured service of more than 240 million meals to coalition force personnel, production of more than 10 billion gallons of water, and delivery of 48 million bags of laundry and 900 million gallons of fuel.

I commend Director Williams' commitment to duty and cause, as well as his passion for public service. In every role in which he served, he contributed to the success of the mission, demonstrated high standards of conduct, and served with honesty, loyalty, and integrity. His long career of service will leave a lasting impact on our Nation. Director Williams is a devoted husband to his wife, Tujuanna, and dedicated father to his two daughters, Chloe and Charity.

I extend my gratitude and that of the entire Nation to Director Williams for his service to our country. The Commonwealth of Virginia and the United States are fortunate to have had Director Williams among our ranks. I wish him the best of luck in the months and years ahead.●

#### TRIBUTE TO ROBERT DEPOE III

● Mr. Tester. Mr. President, today I wish to honor Robert DePoe III on recently becoming the new president of Salish Kootenai College in Pablo, MT. Robert was born in Polson, MT and was 2-years-old when Salish Kootenai College was founded in 1977. Robert spent his entire childhood on the Flathead Reservation in Montana's Mission Valley, graduating from high school in Ronan in 1993.

After attending North Idaho College, Robert returned home and worked at a local mill before going on a church mission that led him to Southern Utah University. At Southern Utah, Robert earned his bachelor's degree in criminal justice before becoming a social worker with the Paiute Tribe of Utah. At 27, Robert became education director and served as an advisor and chairman of the Coalition of Minorities to the Utah State Board of Education. From there, Robert's ascent continued, and he went on to earn his master's degree in professional communication.

Now, at 38, Robert is returning home again to lead Salish Kootenai College. Robert will take over a job recently vacated by Luana Ross. Prior to Luana, the position was held exclusively by the founding president of over 30 years, Joe McDonald. Joe is a legend in higher education. Under his leadership, Salish Kootenai College became one of the premier tribal colleges in the Nation.

During Joe's 38-year tenure, Salish Kootenai transformed from a campus extension for a local community college to educating over 1,000 Native students. While Robert has big shoes to fill, I know he is ready for the challenge. And he has a capable faculty and eager students to make his task a little easier.

I wish good luck to Robert and to Salish Kootenai College as they continue to honor the heritage of the Salish and Kootenai while preparing our future leaders of Montana.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 1:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1965. An act to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

H.R. 2728. An act to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1752. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1965. An act to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

H.R. 2728. An act to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation.

S. 1774. A bill to reauthorize the Undetectable Firearms Act of 1988 for 1 year.

S. 1775. A bill to improve the sexual assault prevention and response programs and activities of the Department of Defense, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 21, 2013, she had presented to the President of the United States the following enrolled bills:

S. 252. An act to reduce preterm labor and delivery and the risk of pregnancy-related and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and for other purposes.

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3658. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 2012 Superfund Five-Year Review Report to Congress"; to the Committee on Environment and Public Works.

EC-3659. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Material Control and Accounting Regulations" (RIN3150-AI61) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2013; to the Committee on Environment and Public Works.

EC-3660. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Delisting of the Eastern District Population Segment of Steller Sea Lion Under the Endangered Species Act; Amendment to Special Protection Measures for Endangered Marine Mammals" (RIN0648-BB41) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Environment and Public Works.

EC-3661. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of the Magazine Mountain Shagreen from the List of Endangered and Threatened Wildlife" (RIN1018-AX59) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Environment and Public Works.

EC-3662. A communication from the Chief of the Foreign Species Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing Five Foreign Bird Species in Colombia and Ecuador, South America, as Endangered Throughout Their Range" (RIN1018-AV75) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Environment and Public Works.

EC-3663. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for the Mount Charleston Blue Butterfly" (RIN1018-AI52) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Environment and Public Works.

EC-3664. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "General Provisions; Revised List of Migratory Birds" (RIN1018-AX48) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; and Environment and Public Works.

EC-3665. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the re-

port of a rule entitled "Migratory Bird Hunting; Application for Approval of Copper-Clad Iron Shot and Fluoropolymer Shot Coatings as Nontoxic for Waterfowl Hunting" (RIN1018-AI61, RIN1018-AI66) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Environment and Public Works.

EC-3666. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Depredation Order for Migratory Birds in California" (RIN1018-AI65) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Environment and Public Works.

EC-3667. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Definition of 'Hybrid' Migratory Bird" (RIN1018-AX90) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Environment and Public Works.

EC-3668. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections Relating to the Procedures for the Production or Disclosure of Information in State or Local Criminal Proceedings" (CBP Dec. 13-18) received in the Office of the President of the Senate on November 18, 2013; to the Committee on Finance.

EC-3669. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the June 2013 Treasury Bulletin; to the Committee on Finance.

EC-3670. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 40(g)(2) of the Arms Export Control Act (DDTC 13-175); to the Committee on Foreign Relations.

EC-3671. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-075); to the Committee on Foreign Relations.

EC-3672. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-144); to the Committee on Foreign Relations.

EC-3673. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-126); to the Committee on Foreign Relations.

EC-3674. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-157); to the Committee on Foreign Relations.

EC-3675. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-153); to the Committee on Foreign Relations.

EC-3676. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-133); to the Committee on Foreign Relations.

EC-3677. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013-0185-2013-0194); to the Committee on Foreign Relations.

EC-3678. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, (3) three reports relative to vacancies in the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC-3679. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities: Final Report to Congress"; to the Committee on Health, Education, Labor, and Pensions.

EC-3680. A communication from the Acting Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Priority—Rehabilitation Training: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling" (CFDA No. 84.129B) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3681. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Technical Amendment to External Review for Multi-State Plan Program" (RIN0938-AP65) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3682. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Technical Amendment to External Review for Multi-State Plan Program" (RIN1210-AB30) received in the Office of the President of the Senate on November 12, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3683. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer, Department of Homeland Security, received in the Office of the President of the Senate on November 14, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3684. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Secretary of the Department of Homeland Security, received in the Office of the President of the Senate

on November 14, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3685. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director for Management, Office of Management and Budget, received in the Office of the President of the Senate on November 4, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3686. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program and Federal Employees Dental and Vision Insurance Program; Expanding Coverage of Children; Federal Flexible Benefits Plan; Pre-Tax Payment of Health Benefits Premiums: Conforming Amendments" (RIN3206-AM55) received in the Office of the President of the Senate on November 7, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3687. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "DHS Privacy Office 2013 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-3688. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government: Fiscal Year 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-3689. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3690. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3691. A communication from the Register of Copyrights and Director, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report entitled "Proposed Schedule and Analysis of Copyright Fees To Go into Effect on or about April 1, 2014"; to the Committee on the Judiciary.

EC-3692. A communication from the Chief Privacy and Civil Liberties Officer, Office of Privacy and Civil Liberties, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information, Privacy Act, and Government in the Sunshine Act Procedures" (RIN0311-AA02) received in the Office of the President of the Senate on November 14, 2013; to the Committee on the Judiciary.

EC-3693. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Temporary Placement of Three Synthetic Phenethylamines Into Schedule I" (Docket

No. DEA-382) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on the Judiciary.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

\*Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Ms. LANDRIEU, and Ms. BALDWIN):

S. 1754. A bill to amend the Higher Education Act of 1965 to improve the financial aid process for homeless children and youths and foster children and youth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. 1755. A bill to require the Secretary of Veterans Affairs to conduct a study on matters relating to the claiming and interring of unclaimed remains of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUNT (for himself and Mr. KING):

S. 1756. A bill to amend section 403 of the Federal Food, Drug and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 1757. A bill to provide for an equitable management of summer flounder based on geographic, scientific, and economic data and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. BALDWIN (for herself and Mr. THUNE):

S. 1758. A bill to amend title XVIII of the Social Security Act to increase access to Medicare data; to the Committee on Finance.

By Mr. SANDERS (for himself, Ms. CANTWELL, Mr. SCHUMER, Mr. CASEY, Mr. DURBIN, Mr. UDALL of New Mexico, and Mr. HEINRICH):

S. 1759. A bill to reauthorize the teaching health center program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 1760. A bill to amend the statutory authorities of the Coast Guard to improve the quality of life for current and former Coast Guard personnel and their families, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself, Mr. BROWN, and Ms. WARREN):

S. 1761. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 1762. A bill to eliminate certain subsidies for fossil-fuel production; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1763. A bill to increase the effectiveness of child support enforcement and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. AYOTTE (for herself, Mr. BLUNT, Mr. CRAPO, Mrs. MCCASKILL, Mr. GRAHAM, Mr. ISAKSON, and Ms. BALDWIN):

S. 1764. A bill to limit the retirement of A-10 aircraft; to the Committee on Armed Services.

By Mr. CORKER:

S. 1765. A bill to ensure the compliance of Iran with agreements relating to Iran's nuclear program; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. AYOTTE:

S. 1766. A bill to provide for the equitable distribution of Universal Service funds to rural States; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY (for himself and Mr. WHITEHOUSE):

S. 1767. A bill to amend title 49, United States Code, to require gas pipeline facilities to accelerate the repair, rehabilitation, and replacement of high-risk pipelines used in commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY (for himself and Mr. WHITEHOUSE):

S. 1768. A bill to establish State revolving loan funds to repair or replace natural gas distribution pipelines; to the Committee on Commerce, Science, and Transportation.

By Mr. TOOMEY (for himself and Mr. CARPER):

S. 1769. A bill to limit the establishment of certain standards of care or duties of care owed by health care providers to patients in any medical malpractice or medical product liability action or claim; to the Committee on the Judiciary.

By Mr. FLAKE:

S. 1770. A bill to provide for Federal civil liability for trade secret misappropriation in certain circumstances; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 1771. A bill to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. PRYOR, Mr. LEVIN, Mr. JOHNSON of South Dakota, and Ms. COLLINS):

S. 1772. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1773. A bill to amend the Truth in Lending Act to provide for the discharge of student loan obligations upon the death or disability of the student borrower, and for other

purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON (for himself and Mr. SCHUMER):

S. 1774. A bill to reauthorize the Undetectable Firearms Act of 1988 for 1 year; read the first time.

By Mrs. MCCASKILL (for herself, Ms. AYOTTE, and Mrs. FISCHER):

S. 1775. A bill to improve the sexual assault prevention and response programs and activities of the Department of Defense, and for other purposes; read the first time.

By Ms. KLOBUCHAR (for herself and Mrs. FISCHER):

S. 1776. A bill to encourage spectrum licensees to make unused spectrum available for use by rural and smaller carriers in order to expand wireless coverage; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mr. HOEVEN):

S. 1777. A bill to support innovation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARPER (for himself, Mr. BOOZMAN, Mr. GRASSLEY, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. CASEY, Mr. WHITEHOUSE, Mr. COONS, and Mr. PRYOR):

S. Res. 309. A resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States; to the Committee on Environment and Public Works.

By Mr. ISAKSON (for himself and Ms. BALDWIN):

S. Res. 310. A resolution designating December 3, 2013, as "National Phenylketonuria Awareness Day"; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. MURPHY):

S. Res. 311. A resolution calling on the International Olympic Committee (IOC) to strongly oppose Russia's discriminatory law against the freedom of expression for lesbian, gay, bisexual, and transgender (LGBT) persons and to obtain written assurance that host countries of the Olympic Games will uphold all international human rights and civil rights obligations for all persons observing or participating in the Games regardless of race, sex, sexual orientation, or gender identity, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. Con. Res. 26. A concurrent resolution recognizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. Con. Res. 27. A concurrent resolution expressing the sense of Congress that the United States should ensure that Israel is able to adequately address an existential Iranian nuclear threat and to support Israel's right to respond to the potential threat of a Syrian S-300 air defense system; to the Committee on Foreign Relations.

By Mr. REID:

S. Con. Res. 28. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

By Mr. HATCH (for himself, Mr. DURBIN, Mr. BAUCUS, Mr. PORTMAN, Mr. WYDEN, Mr. CORNYN, Mr. BLUMENTHAL, Mr. ENZI, and Mr. CRAPO):

S. Con. Res. 29. A concurrent resolution expressing the sense of the Congress that children trafficked in the United States be treated as victims of crime, and not as perpetrators; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 326

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 326, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 635

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 772

At the request of Mr. NELSON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 851

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 851, a bill to amend title 38, United States Code, to extend to all veterans with a serious service-connected injury eligibility to participate in the family caregiver services program.

S. 862

At the request of Ms. AYOTTE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 862, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate.

S. 908

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 908, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 994

At the request of Mr. WARNER, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 994, a bill to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

S. 1135

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1135, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1149

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1149, a bill to reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and undetectable ammunition magazines.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1251

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1251, a bill to establish programs with respect to childhood, adolescent, and young adult cancer.

S. 1262

At the request of Mr. NELSON, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1262, a bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1413

At the request of Mr. PRYOR, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1413, a bill to exempt from sequestration certain fees of the Food and Drug Administration.



S. 1517

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 1570

At the request of Ms. MURKOWSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1570, a bill to amend the Indian Health Care Improvement Act to authorize advance appropriations for the Indian Health Service by providing 2-fiscal-year budget authority, and for other purposes.

S. 1654

At the request of Mr. REED, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1654, a bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations.

S. 1697

At the request of Mr. HARKIN, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1697, a bill to support early learning.

S. 1712

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1712, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1726

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 1726, a bill to prevent a taxpayer bailout of health insurance issuers.

S. 1732

At the request of Mr. LEE, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 1732, a bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

S. 1735

At the request of Mr. ALEXANDER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1735, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage cer-

tain medical stop-loss insurance obtained by certain plan sponsors of group health plans.

S. 1747

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1747, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

S. 1750

At the request of Mr. FLAKE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1750, a bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes.

S. 1753

At the request of Mr. NELSON, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Colorado (Mr. UDALL) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 1753, a bill to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches.

S.J. RES. 27

At the request of Mr. MCCONNELL, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 27, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service of the Department of the Treasury relating to liability under section 5000A of the Internal Revenue Code of 1986 for the shared responsibility payment for not maintaining minimum essential coverage.

S. CON. RES. 12

At the request of Mr. ISAKSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 12, a concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement.

S. RES. 26

At the request of Mr. MORAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients

in rural areas of the United States is essential to the survival and success of communities in the United States.

S. RES. 301

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 301, a resolution recognizing and supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease.

AMENDMENT NO. 2031

At the request of Mr. INHOFE, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 2031 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2053

At the request of Mr. CRUZ, his name was added as a cosponsor of amendment No. 2053 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2055

At the request of Mr. COATS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2055 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2062

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 2062 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2063

At the request of Ms. AYOTTE, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal



year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2081

At the request of Mrs. BOXER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2081 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2118

At the request of Mr. RISCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of amendment No. 2118 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2122

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2122 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2131

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2131 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2141

At the request of Ms. MURKOWSKI, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 2141 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities

of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2143

At the request of Ms. MURKOWSKI, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 2143 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2155

At the request of Mr. COBURN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2155 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2172

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Texas (Mr. CORNYN) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of amendment No. 2172 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2185

At the request of Mr. WICKER, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2185 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2209

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 2209 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2210

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 2210 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2215

At the request of Mr. REID, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 2215 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2219

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2219 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2223

At the request of Mr. PAUL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2223 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2249

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2249 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2251

At the request of Mr. MANCHIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 2251 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year

2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2252

At the request of Mr. MANCHIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 2252 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2263

At the request of Mr. FLAKE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 2263 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2265

At the request of Mrs. MURRAY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 2265 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2269

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 2269 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2331

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2331 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2336

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 2336 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2338

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 2338 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2339

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 2339 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2340

At the request of Mr. SESSIONS, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of amendment No. 2340 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2343

At the request of Mr. MERKLEY, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Montana (Mr. TESTER), the Senator from Alaska (Mr. BEGICH) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 2343 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2349

At the request of Mr. PRYOR, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2349 intended to be pro-

posed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2352

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 2352 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2353

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 2353 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2354

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 2354 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2355

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 2355 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2365

At the request of Mr. MORAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2365 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2388

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of

amendment No. 2388 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2392

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2392 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2400

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Mexico (Mr. UDALL), the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. KIRK), the Senator from Minnesota (Mr. FRANKEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 2400 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2414

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 2414 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2419

At the request of Mr. UDALL of New Mexico, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of amendment No. 2419 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2424

At the request of Mr. Kaine, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2424 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2429

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of amendment No. 2429 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2432

At the request of Mr. BLUNT, the names of the Senator from Virginia (Mr. Kaine), the Senator from Michigan (Ms. STABENOW) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 2432 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2434

At the request of Mr. JOHANNES, his name was added as a cosponsor of amendment No. 2434 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2436

At the request of Mr. BLUNT, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2436 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2440

At the request of Mr. DONNELLY, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Pennsylvania (Mr. CASEY) were added

as cosponsors of amendment No. 2440 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1763. A bill to increase the effectiveness of child support enforcement and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I am proud today to introduce the Child Support Enforcement Effectiveness Act of 2013. This legislation will set the stage for improving child support enforcement across our country, and will provide states with more funds to allow them to do so. Through these crucial investments in this important child welfare program, we can improve the lives of thousands of children across our country.

Child support enforcement is a State-Federal partnership that works. For every dollar agencies and departments spend on child support enforcement, states collect an average of \$5.19 in child support due. For that reason alone, this is an extraordinary use of taxpayer dollars. In 2010, the child support enforcement program allowed States to collect more than \$26 billion on behalf of the children and families to whom that money is owed. There is no question that these children benefit because they receive support from both their parents.

In addition to being an effective use of taxpayer dollars, child support enforcement is one of our most important investments in child welfare. Experts have repeatedly found that it is one of the most effective programs in reducing poverty rates among working families. For single parents below the poverty line, child support often represents as much as half of their family's income, and makes the difference between whether children's basic needs are met or not.

Because of the tremendous success of the child support enforcement program, we should work to improve it even further. One way we can improve it is by identifying best practices at the state level, so every state can maximize their return. West Virginia recovers about \$4.99 for each dollar it spends on child support enforcement. Some states recover substantially more for each dollar they spend. By arming every State with information about what works and what doesn't, we can help States maximize the return on

their investment and recover the largest possible amount on behalf of children.

This legislation would also permanently restore full funding for child support enforcement by reinstating the Federal match for incentive payments that States reinvest in their child support enforcement programs. By providing the resources for States to have robust child support enforcement programs, we can profoundly improve the lives of so many children across our Nation.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 1771. A bill to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to talk about an issue that is extremely important to the Central Oregon economy. For over 40 years, an agreement has been out of reach in the Crooked River Basin in central Oregon on how to allocate water from the Prineville Reservoir to meet the diversity of needs. Over the last few years, Senator WYDEN and I have worked with a broad group of water users in the Basin and have come to a solution.

Today, Senator WYDEN and I are introducing the Crooked River Collaborative Water Security Act of 2013 that will provide a comprehensive framework for improving the management of water in the Crooked River, while creating opportunities for economic growth and new jobs in central Oregon. This is especially good news in central Oregon, a region that has been plagued with unemployment since the beginning of the Great Recession and is in need of new jobs.

This legislation is built on a broad coalition of stakeholder support. I want to thank those stakeholders who put aside preconceived notions, came to the negotiating table, and worked out a solution that could achieve such a broad range of support.

The key elements of the legislation include meeting the municipal water needs for the city of Prineville long into the future, so the city can continue to attract new businesses like the data centers of Facebook and Apple that have recently moved to the region; providing greater certainty for the agricultural community that depends on the Crooked River for irrigation and is the heart and soul of the Central Oregon economy; allowing water to be released from Bowman Dam to help maintain healthy steelhead, salmon and trout fisheries, which are cherished by local fisherman; allowing the Bowman Dam to be retrofitted to install a hydroelectric turbine and generate low-cost, clean power and

create construction jobs; and creating a process to help better plan for dry years, including the impact on fish habitat and fishing, as well as boating and other recreational activities.

This bill is a comprehensive solution to a problem that has plagued the region for 40 years and it has the support of numerous groups in the Central Oregon region. The time is now for the Senate to quickly move on this bill and help the Central Oregon economy move forward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1771

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Crooked River Collaborative Water Security Act of 2013”.

#### SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (72) and inserting the following:

“(72) CROOKED, OREGON.—

“(A) IN GENERAL.—The 14.75-mile segment from the National Grassland boundary to Dry Creek, to be administered by the Secretary of the Interior in the following classes:

“(i) The 7-mile segment from the National Grassland boundary to River Mile 8 south of Opal Spring, as a recreational river.

“(ii) The 7.75-mile segment from a point ¼-mile downstream from the center crest of Bowman Dam, as a recreational river.

“(B) HYDROPOWER.—In any license application relating to hydropower development (including turbines and appurtenant facilities) at Bowman Dam, the applicant, in consultation with the Director of the Bureau of Land Management, shall—

“(i) analyze any impacts to the scenic, recreational, and fishery resource values of the Crooked River from the center crest of Bowman Dam to a point ¼-mile downstream that may be caused by the proposed hydropower development, including the future need to undertake routine and emergency repairs;

“(ii) propose measures to minimize and mitigate any impacts analyzed under clause (i); and

“(iii) propose designs and measures to ensure that any access facilities associated with hydropower development at Bowman Dam shall not impede the free-flowing nature of the Crooked River below Bowman Dam.”.

#### SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954) is amended—

(1) by striking “during those months” and all that follows through “purpose of the project”; and

(2) by adding at the end the following: “Without further action by the Secretary of the Interior, beginning on the date of enactment of the Crooked River Collaborative Water Security Act of 2013, 5,100 acre-feet of water shall be annually released from the project to serve as mitigation for City of Prineville groundwater pumping, pursuant

to and in a manner consistent with Oregon State law, including any shaping of the release of the water. The City of Prineville shall make payments to the Secretary for the water, in accordance with applicable Bureau of Reclamation policies, directives, and standards. Consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws, the Secretary may contract exclusively with the City of Prineville for additional quantities of water, at the request of the City of Prineville.”.

#### SEC. 4. ADDITIONAL PROVISIONS.

The Act entitled “An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon”, approved August 6, 1956 (70 Stat. 1058; chapter 980; 73 Stat. 554; 78 Stat. 954), is amended by adding at the end the following:

#### “SEC. 6. FIRST FILL STORAGE AND RELEASE.

“(a) IN GENERAL.—Other than the 10 cubic feet per second release provided for in section 4, and subject to compliance with the flood curve requirements of the Corps of Engineers, the Secretary shall, on a ‘first fill’ priority basis, store in and when called for in any year release from Prineville Reservoir, whether from carryover, inflow, or a combination of both, the following:

“(1) 68,273 acre-feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011.

“(2) Not more than 2,740 acre-feet of water annually to supply the McKay Creek land, in accordance with section 5 of the Crooked River Collaborative Water Security Act of 2013.

“(3) 10,000 acre-feet of water annually, to be made available first to the North Unit Irrigation District, and subsequently to any other holders of Reclamation contracts existing as of January 1, 2011 (in that order) pursuant to Temporary Water Service Contracts, on the request of the North Unit Irrigation District or the contract holders, consistent with the same terms and conditions as prior such contracts between the Bureau of Reclamation and District or contract holders, as applicable.

“(4) 5,100 acre-feet of water annually to mitigate the City of Prineville groundwater pumping under section 4, with the release of this water to occur not based on an annual call, but instead pursuant to section 4 and the release schedule developed pursuant to section 7(c).

“(b) CARRYOVER.—Except for water that may be called for and released after the end of the irrigation season (either as City of Prineville groundwater pumping mitigation or as a voluntary release, in accordance with section 4 of this Act and section 6(c) of the Crooked River Collaborative Water Security Act of 2013, respectively), any water stored under this section that is not called for and released by the end of the irrigation season in a given year shall be—

“(1) carried over to the subsequent water year, which, for accounting purposes, shall be considered to be the 1-year period beginning October 1 and ending September 30, consistent with Oregon State law; and

“(2) accounted for as part of the ‘first fill’ storage quantities of the subsequent water year, but not to exceed the maximum ‘first fill’ storage quantities described in subsection (a).

#### “SEC. 7. STORAGE AND RELEASE OF REMAINING STORED WATER QUANTITIES.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—Other than the quantities provided for in section 4 and the ‘first

fill' quantities provided for in section 6, and subject to compliance with the flood curve requirements of the Corps of Engineers, the Secretary shall store in and release from Prineville Reservoir all remaining stored water quantities for the benefit of downstream fish and wildlife.

“(2) REQUIREMENT.—The Secretary shall release the remaining stored water quantities under paragraph (1) consistent with subsection (c).

“(b) APPLICABLE LAW.—If a consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or an order of a court in a proceeding under that Act requires releases of stored water from Prineville Reservoir for fish and wildlife downstream of Bowman Dam, the Secretary shall use uncontracted stored water.

“(c) ANNUAL RELEASE SCHEDULE.—

“(1) IN GENERAL.—The Commissioner of Reclamation shall develop annual release schedules for the remaining stored water quantities in subsection (a) and the water serving as mitigation for City of Prineville groundwater pumping pursuant to section 4.

“(2) GUIDANCE.—To the maximum extent practicable and unless otherwise prohibited by law, the Commissioner of Reclamation shall develop and implement the annual release schedules consistent with the guidance provided by the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon to maximize biological benefit for downstream fish and wildlife, after taking into consideration multiyear water needs of downstream fish and wildlife.

“(3) COMMENTS FROM FEDERAL FISH MANAGEMENT AGENCIES.—The National Marine Fisheries Service and the United States Fish and Wildlife Service shall have the opportunity to provide advice with respect to, and comment on, the annual release schedule developed by the Commissioner of Reclamation under this subsection.

“(d) REQUIRED COORDINATION.—The Commissioner of Reclamation shall perform traditional and routine activities in a manner that coordinates with the efforts of the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon to monitor and request adjustments to releases for downstream fish and wildlife on an in-season basis as the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon determine downstream fish and wildlife needs require.

“(e) CARRYOVER.—

“(1) IN GENERAL.—Any water stored under subsection (a) in 1 water year that is not released during the water year—

“(A) shall be carried over to the subsequent water year; and

“(B)(i) may be released for downstream fish and wildlife resources, consistent with subsections (c) and (d), until the reservoir reaches maximum capacity in the subsequent water year; and

“(ii) once the reservoir reaches maximum capacity under clause (i), shall be credited to the ‘first fill’ storage quantities, but not to exceed the maximum ‘first fill’ storage quantities described in section 6(a).

“(f) EFFECT.—Nothing in this section affects the authority of the Commissioner of Reclamation to perform all other traditional and routine activities of the Commissioner of Reclamation.

#### “SEC. 8. RESERVOIR LEVELS.

“The Commissioner of Reclamation shall—

“(1) project reservoir water levels over the course of the year; and

“(2) make the projections under paragraph (1) available to—

“(A) the public (including fisheries groups, recreation interests, and municipal and irrigation stakeholders);

“(B) the Director of the National Marine Fisheries Service; and

“(C) the Director of the United States Fish and Wildlife Service.

#### “SEC. 9. EFFECT.

“Except as otherwise provided in this Act, nothing in this Act—

“(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

“(2) amends or reopens contracts referred to in paragraph (1); or

“(3) modifies any rights, obligations, or requirements that may be provided or governed by Federal or Oregon State law.”.

#### SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) EARLY REPAYMENT.—

(1) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District, Oregon (referred to in this section as the “district”), may repay, at any time, the construction costs of the project facilities allocated to the land of the landowner within the district.

(2) EXEMPTION FROM LIMITATIONS.—Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all land of the landowner in the district, the land shall not be subject to the ownership and full-cost pricing limitations of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(b) CERTIFICATION.—Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to the land of the landowner within the district, the Secretary of the Interior shall provide the certification described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) CONTRACT AMENDMENT.—On approval of the district directors and notwithstanding project authorizing authority to the contrary, the Reclamation contracts of the district are modified, without further action by the Secretary of the Interior—

(1) to authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) to include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) to classify as irrigable approximately 685 acres within the approximately 2,742 acres of included land in the vicinity of McKay Creek, with those approximately 685 acres authorized to receive irrigation water pursuant to water rights issued by the State of Oregon if the acres have in the past received water pursuant to State water rights; and

(4) to provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of land added within the district boundary and classified as irrigable under paragraphs (2) and (3), with the stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the issuance of water rights by the State of Oregon for the use of stored water.

(d) LIMITATION.—Except as otherwise provided in subsections (a) and (c), nothing in this section—

(1) modifies contractual rights that may exist between the district and the United States under the Reclamation contracts of the district;

(2) amends or reopens the contracts referred to in paragraph (1); or

(3) modifies any rights, obligations, or relationships that may exist between the district and any owner of land within the district, as may be provided or governed by Federal or Oregon State law.

#### SEC. 6. DRY-YEAR MANAGEMENT PLANNING AND VOLUNTARY RELEASES.

(a) PARTICIPATION IN DRY-YEAR MANAGEMENT PLANNING MEETINGS.—The Bureau of Reclamation shall participate in dry-year management planning meetings with the State of Oregon, the Confederated Tribes of the Warm Springs Reservation of Oregon, municipal, agricultural, conservation, recreation, and other interested stakeholders to plan for dry-year conditions.

(b) DRY-YEAR MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Bureau of Reclamation shall develop a dry-year management plan in coordination with the participants referred to in subsection (a).

(2) REQUIREMENTS.—The plan developed under paragraph (1) shall only recommend strategies, measures, and actions that the irrigation districts and other Bureau of Reclamation contract holders voluntarily agree to implement.

(3) LIMITATIONS.—Nothing in the plan developed under paragraph (1) shall be mandatory or self-implementing.

(c) VOLUNTARY RELEASE.—In any year, if North Unit Irrigation District or other eligible Bureau of Reclamation contract holders have not initiated contracting with the Bureau of Reclamation for any quantity of the 10,000 acre feet of water described in subsection (a)(3) of section 6 of the Act of August 6, 1956 (70 Stat. 1058) (as added by section 4), by June 1 of any calendar year, with the voluntary agreement of North Unit Irrigation District and other Bureau of Reclamation contract holders referred to in that paragraph, the Secretary may release that quantity of water for the benefit of downstream fish and wildlife as described in section 7 of that Act.

#### SEC. 7. RELATION TO EXISTING LAWS AND STATUTORY OBLIGATIONS.

Nothing in this Act (or an amendment made by this Act)—

(1) provides to the Secretary the authority to store and release the “first fill” quantities provided for in section 6 of the Act of August 6, 1956 (70 Stat. 1058) (as added by section 4) for any purposes other than the purposes provided for in that section, except for—

(A) the potential instream use resulting from conserved water projects and temporary instream leasing as provided for in section 5(c)(1);

(B) the potential release of additional amounts that may result from voluntary actions agreed to through the dry-year management plan developed under section 6(b); and

(C) the potential release of the 10,000 acre feet for downstream fish and wildlife as provided for in section 6(c);

(2) alters any responsibilities under Oregon State law or Federal law, including section 7 of the Endangered Species Act (16 U.S.C. 1536); or

(3) alters the authorized purposes of the Crooked River Project provided in the first

section of the Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954).

Mr. WYDEN. Mr. President, today I rise to join Senator MERKLEY and co-sponsor a bill that strikes a balance between the competing demands for a scarce resource, Crooked River water. The Crooked River Collaborative Water Security Act of 2013 is the product of long and determined negotiations to find solutions that will benefit many interests in and around Prineville, Oregon. I was pleased to work to advance this bill last Congress, and I look forward to working with Senator MERKLEY, other colleagues, and all the supporters of the bill to achieve the many benefits of this bill for Central Oregon.

Oregon works best when Oregonians work together and this is an example of what can be done when faced with a very challenging set of issues. The City of Prineville needs water to grow economically. Irrigators along the Crooked River want certainty for future water supply. The local utility Portland General Electric would like to build a small hydroelectric plant on the Bureau of Reclamation's Bowman Dam. And the Warm Springs Tribes and conservation groups seek to ensure more water is available for in-stream flows to protect reintroduced salmon runs in the Crooked River.

Water in the West is often the heart of many contentious battles, but these parties and more worked tirelessly and in good faith to build a consensus to meet those many important needs. The bill allocates uncontracted water in Bowman Dam to give water to the City and for fish populations, while attaining certainty for the contracted water for irrigation. It also moves the Wild and Scenic River Act boundary to a place that makes sense and would enable hydroelectric generation. The bill more explicitly looks after the recreation interests enjoyed by flatwater users above the dam.

I express my gratitude for the many groups and individuals who have worked diligently to strike the balance on the Crooked River. I look forward to working with those groups, the Bureau of Reclamation, Congressman GREG WALDEN, and especially Senator MERKLEY, who has shown determined leadership in marshaling this bill, to move this bill through Congress and to the President's desk this Congress.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 309—EXPRESSING SUPPORT FOR IMPROVEMENT IN THE COLLECTION, PROCESSING, AND CONSUMPTION OF RECYCLABLE MATERIALS THROUGHOUT THE UNITED STATES

Mr. CARPER (for himself, Mr. BOOZMAN, Mr. GRASSLEY, Mrs. MURRAY, Mr.

BLUMENTHAL, Mr. CASEY, Mr. WHITEHOUSE, Mr. COONS, and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 309

Whereas maximizing the recycling economy in the United States will create and sustain additional well-paying jobs in the United States, further stimulate the economy of the United States, save energy, and conserve valuable natural resources;

Whereas recycling is an important action that people in the United States can take to be environmental stewards;

Whereas municipal recycling rates in the United States steadily increased from 6.6 percent in 1970 to 28.6 percent in 2000, but since 2000, the rate of increase has slowed considerably;

Whereas recycling allows the United States to recover the critical materials necessary to sustain the recycling economy and protect national security interests in the United States;

Whereas recycling plays an integral role in the sustainable management of materials throughout the life-cycle of a product;

Whereas 46 States have laws promoting the recycling of materials that would otherwise be incinerated or sent to a landfill;

Whereas more than 10,000 communities in the United States have residential recycling and drop-off programs that collect a wide variety of recyclable materials, including paper, steel, aluminum, plastic, glass, and electronics;

Whereas in addition to residential recycling, the scrap recycling industry in the United States manufactures recyclable materials collected from businesses and individuals into commodity-grade materials;

Whereas those commodity-grade materials are used as feedstock to produce new basic materials and finished products in the United States and throughout the world;

Whereas recycling stimulates the economy and plays an integral role in sustaining manufacturing in the United States;

Whereas in 2010, the United States recycling industry collected, processed, and consumed over 130,000,000 metric tons of recyclable material, valued at \$77,000,000,000;

Whereas many manufacturers use recycled commodities to make products, saving energy and reducing the need for raw materials, which are generally higher-priced;

Whereas the recycling industry in the United States helps balance the trade deficit and provides emerging economies with the raw materials needed to build countries and participate in the global economy;

Whereas in 2010, the scrap recycling industry in the United States sold more than 44,000,000 metric tons of commodity-grade materials, valued at almost \$30,000,000,000, to more than 154 countries;

Whereas recycling saves energy by decreasing the amount of energy needed to manufacture the products that people build, buy, and use;

Whereas using recycled materials in place of raw materials can result in energy savings of 92 percent for aluminum cans, 87 percent for mixed plastics, 63 percent for steel cans, 45 percent for recycled newspaper, and 34 percent for recycled glass; and

Whereas a bipartisan Senate Recycling Caucus and a bipartisan House Recycling Caucus were established in 2006 to provide a permanent and long-term way for members of Congress to obtain in-depth knowledge about the recycling industry and to help pro-

mote the many benefits of recycling: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses support for improvement in the collection, processing, and consumption of recyclable material throughout the United States in order to create well-paying jobs, foster innovation and investment in the United States recycling infrastructure, and stimulate the economy of the United States;

(2) expresses support for strengthening the manufacturing base in the United States in order to rebuild the domestic economy, which will increase the supply, demand, and consumption of recyclable and recycled materials in the United States;

(3) expresses support for a competitive marketplace for recyclable materials;

(4) expresses support for the trade of recyclable commodities, which is an integral part of the domestic and global economy;

(5) expresses support for policies in the United States that promote recycling of materials, including paper, which is commonly recycled rather than thermally combusted or sent to a landfill;

(6) expresses support for policies in the United States that recognize and promote recyclable materials as essential economic commodities, rather than wastes;

(7) expresses support for policies in the United States that promote using recyclable materials as feedstock to produce new basic materials and finished products throughout the world;

(8) expresses support for research and development of new technologies to more efficiently and effectively recycle materials such as automobile shredder residue and cathode ray tubes;

(9) expresses support for research and development of new technologies to remove materials that are impediments to recycling, such as radioactive material, polychlorinated biphenyls, mercury-containing devices, and chlorofluorocarbons;

(10) expresses support for Design for Recycling, to improve the design and manufacture of goods to ensure that, at the end of a useful life, a good can, to the maximum extent practicable, be recycled safely and economically;

(11) recognizes that the scrap recycling industry in the United States is a manufacturing industry that is critical to the future of the United States;

(12) expresses support for policies in the United States that establish the equitable treatment of recycled materials; and

(13) expresses support for the participation of households, businesses, and governmental entities in the United States in recycling programs, where available.

#### SENATE RESOLUTION 310—DESIGNATING DECEMBER 3, 2013, AS “NATIONAL PHENYLKETONURIA AWARENESS DAY”

Mr. ISAKSON (for himself and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 310

Whereas phenylketonuria is a rare, inherited metabolic disorder that is characterized by the inability of the body to process the essential amino acid phenylalanine and causes mental retardation and other neurological problems, such as memory loss and mood disorders, when treatment is not started within the first few weeks of life;



Whereas newborn screening for phenylketonuria was initiated in the United States in 1963 and recommended for inclusion in State newborn screening programs under the Newborn Screening Saves Lives Act of 2007 (Public Law 110-204; 122 Stat. 705);

Whereas approximately 1 out of every 15,000 infants in the United States is born with phenylketonuria;

Whereas the Phenylketonuria Scientific Review Conference in 2012 affirmed the recommendation of lifelong dietary treatment for phenylketonuria made by the National Institutes of Health Consensus Development Conference Statement 2000;

Whereas women with phenylketonuria must maintain strict metabolic control before and during pregnancy to prevent fetal damage;

Whereas a child born from an untreated mother with phenylketonuria may have a condition known as "maternal phenylketonuria syndrome", which can cause a small brain, an intellectual disability, birth defects of the heart, and a low birth weight;

Whereas phenylketonuria is treated with medical food;

Whereas although there is no cure for phenylketonuria, treatment involving medical food and restricting phenylalanine intake can prevent progressive, irreversible brain damage;

Whereas maintaining a strict medical diet for phenylketonuria can be difficult to achieve, and poor metabolic control can result in a significant decline in mental and behavioral performance;

Whereas access to health insurance coverage for medical food varies across the United States;

Whereas the long-term costs associated with caring for untreated children and adults exceed the cost of providing medical food treatment;

Whereas scientists and researchers are hopeful that breakthroughs in phenylketonuria research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving phenylketonuria; and

Whereas the Senate is an institution that can raise awareness of phenylketonuria among the general public and the medical community: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 3, 2013, as "National Phenylketonuria Awareness Day";

(2) encourages all people in the United States to become more informed about phenylketonuria; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the National PKU Alliance, a nonprofit organization dedicated to improving the lives of individuals with phenylketonuria.

SENATE RESOLUTION 311—CALLING ON THE INTERNATIONAL OLYMPIC COMMITTEE (IOC) TO STRONGLY OPPOSE RUSSIA'S DISCRIMINATORY LAW AGAINST THE FREEDOM OF EXPRESSION FOR LESBIAN, GAY, BISEXUAL, AND TRANSGENDER (LGBT) PERSONS AND TO OBTAIN WRITTEN ASSURANCE THAT HOST COUNTRIES OF THE OLYMPIC GAMES WILL UPHOLD ALL INTERNATIONAL HUMAN RIGHTS AND CIVIL RIGHTS OBLIGATIONS FOR ALL PERSONS OBSERVING OR PARTICIPATING IN THE GAMES REGARDLESS OF RACE, SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY, AND FOR OTHER PURPOSES

Mr. MERKLEY (for himself, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 311

Whereas the goal of the Olympic movement is to contribute to building a peaceful and better world by educating youth through sport practiced in accordance with Olympism and its values;

Whereas the role of the International Olympic Committee (IOC), according to the Olympic Charter, is to cooperate with the competent public or private organizations and authorities in the endeavor to place sport at the service of humanity and thereby promote peace;

Whereas, under the Olympic Charter, any form of discrimination against a person is deemed incompatible with belonging to the Olympic movement and the IOC is to act explicitly against any form of discrimination affecting the Olympic movement;

Whereas, in February 2014, the city of Sochi in the Krasnodar region of the Russian Federation will host the 22nd Winter Olympic Games;

Whereas, on June 30, 2013, President Vladimir Putin of Russia signed into law a bill that allows the Government of the Russian Federation to arrest gay or "pro-gay" foreigners prior to being deported from the country;

Whereas the Krasnodar region of Russia, where the city of Sochi is located, and 10 other regions have adopted similar laws banning "homosexual propaganda";

Whereas several media outlets recently reported of homophobic violence occurring in Russia resulting in the deaths of Russian citizens;

Whereas authorities in Russia have refused to register the nongovernmental organization that would set up a Pride House in Sochi, which would work to combat homophobia in sport and promote lesbian, gay, bisexual, and transgendered (LGBT) individuals' rights during the Olympic Games in Russia, as the Pride House did during the 2010 Winter Olympics in Vancouver;

Whereas the presence of a Pride House would be the expression of human rights and have the mission of celebrating diversity and inclusiveness through sport and raising awareness of LGBT discrimination and criminalization;

Whereas the IOC has said that they have received assurances from the highest levels

of the Government of the Russian Federation that Olympic athletes and visitors will not be affected by Russia's discriminatory law, but the Minister of Sports in Russia has suggested that athletes will not be exempt;

Whereas the Department of State has a clear and consistent policy of championing the protection of human rights of LGBT individuals worldwide, including by opposing any legislation that singles out people for discriminatory treatment due to their sexual orientation and by encouraging countries to repeal or reform laws that punish or criminalize LGBT status;

Whereas Russia has obligated itself to respect and enforce the right to be free from discrimination and the right to freedom of assembly, association, and expression under the European Convention of Human Rights, the United Nations International Covenant on Civil and Political Rights, and the human dimension commitments of the Organization for Security and Cooperation in Europe; and

Whereas the IOC recently stated, "The International Olympic Committee is clear that sport is a human right and should be available to all regardless of race, sex or sexual orientation. The Games themselves should be open to all, free of discrimination, and that applies to spectators, officials, media and of course athletes. We oppose in the strongest terms any move that would jeopardize this principle." Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on the International Olympic Committee (IOC) to strongly oppose Russia's discriminatory law as inconsistent with Russia's international obligations and with the value of the Olympic movement;

(2) calls on the IOC to insist, as a condition of holding the planned Olympic Games in Sochi, that the Government of the Russian Federation provide unconditional assurance that no athlete, coach, official, spectator, or anyone otherwise involved or affiliated with the Olympic Games will be harassed, fined, detained, or otherwise have their human rights, including their right to free expression, violated due to their actual or perceived sexual orientation or gender identity or expression of support for LGBT human rights;

(3) urges the IOC to insist that vendors and contractors have LGBT nondiscrimination policies in place for the 2014 Winter Olympics in Sochi and for all future Olympic Games or other Olympic events;

(4) urges the IOC to call on the Russian Federation to allow a Pride House that has the mission of celebrating diversity and inclusiveness through sport and raising awareness of LGBT discrimination and criminalization;

(5) urges the IOC to amend its charter to state that discrimination based on sexual orientation and gender identity is not compatible with the Olympic Games; and

(6) urges the congressionally chartered United States Olympic Committee to intervene and assist the IOC in establishing the objectives as laid out by this resolution.



**SENATE CONCURRENT RESOLUTION 26—RECOGNIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES FOR ALL PEOPLE OF THE UNITED STATES, PARTICULARLY PEOPLE WITH DISABILITIES**

Mr. BLUMENTHAL (for himself and Mr. MURPHY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 26

Whereas, in 2012, 12 percent of the civilian population in the United States reported having a disability;

Whereas, in 2012, 16 percent of veterans, amounting to more than 3,500,000 people, received service-related disability benefits;

Whereas, in 2011, the percentage of working-age people in the United States who reported having a work limitation due to a disability was 7 percent, which is a 20-year high;

Whereas the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.) (referred to in this preamble as the “Architectural Barriers Act of 1968”), was enacted to ensure that certain federally funded facilities are designed and constructed to be accessible to people with disabilities and requires that physically handicapped people have ready access to, and use of, post offices and other Federal facilities;

Whereas automatic doors, though not mandated by either the Architectural Barriers Act of 1968 or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), provide a greater degree of self-sufficiency and dignity for people with disabilities and the elderly, who may have limited strength to open a manually operated door;

Whereas a report commissioned by the Architectural and Transportation Barriers Compliance Board (referred to in this preamble as the “Access Board”), an independent Federal agency created to ensure access to federally funded facilities for people with disabilities, recommends that all new buildings for use by the public should have at least one automated door at an accessible entrance, except for small buildings where adding such doors may be a financial hardship for the owners of the buildings;

Whereas States and municipalities have begun to recognize the importance of automatic doors in improving accessibility;

Whereas the laws of the State of Connecticut require automatic doors in certain shopping malls and retail businesses, the laws of the State of Delaware require automatic doors or calling devices for newly constructed places of accommodation, and the laws of the District of Columbia have a similar requirement;

Whereas the Facilities Standards for the Public Buildings Service, published by the General Services Administration, requires automation of at least one exterior door for all newly constructed or renovated facilities managed by the General Services Administration, including post offices;

Whereas from 2006 to 2011, 71 percent of the complaints received by the Access Board regarding the Architectural Barriers Act of 1968 concerned a post office or other facility of the United States Postal Service;

Whereas the United States Postal Service employs approximately 522,000 people, making it the second-largest civilian employer in the United States;

Whereas approximately 3,200,000 people visit 1 of the 31,857 post offices in the United States each day; and

Whereas the United States was founded on principles of equality and freedom, and these principles require that all people, including people with disabilities, are able to engage as equal members of society: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the immense hardships that people with disabilities in the United States must overcome every day;

(2) reaffirms its support of the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.), commonly known as the “Architectural Barriers Act of 1968”, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and encourages full compliance with such Acts;

(3) recommends that the United States Postal Service and Federal agencies install power-assisted doors at post offices and other federally funded facilities, respectively, to ensure equal access for all people of the United States; and

(4) pledges to continue to work to identify and remove the barriers that prevent all people of the United States from having equal access to the services provided by the Federal Government.

**SENATE CONCURRENT RESOLUTION 27—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES SHOULD ENSURE THAT ISRAEL IS ABLE TO ADEQUATELY ADDRESS AN EXISTENTIAL IRANIAN NUCLEAR THREAT AND TO SUPPORT ISRAEL'S RIGHT TO RESPOND TO THE POTENTIAL THREAT OF A SYRIAN S-300 AIR DEFENSE SYSTEM**

Mr. TOOMEY submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 27

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the “Support of Israel Against Existential Threat Resolution of 2013”.

**SEC. 2. SENSE OF CONGRESS ON SUPPORT TO ISRAEL TO ADDRESS IRANIAN AND SYRIAN THREATS.**

It is the sense of Congress that—

(1) the United States should ensure that Israel, as a critical United States ally, is able to adequately address an existential Iranian nuclear threat, and the Secretary of Defense should seek related opportunities for defense cooperation and partnership on military capabilities where appropriate; and

(2) the delivery of the S-300 air defense system to Syria would pose a grave risk to Israel, and the United States supports Israel's right to respond to this grave threat as needed.

**SENATE CONCURRENT RESOLUTION 28—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES**

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, November 21, 2013, through Friday, December 6, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, December 9, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 or section 3 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, November 21, 2013, through Tuesday, November 26, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 2, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

**SEC. 2.** The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

**SEC. 3.** After the House reassembles pursuant to the first section of this concurrent resolution, the Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

**SENATE CONCURRENT RESOLUTION 29—EXPRESSING THE SENSE OF THE CONGRESS THAT CHILDREN TRAFFICKED IN THE UNITED STATES BE TREATED AS VICTIMS OF CRIME, AND NOT AS PERPETRATORS**

Mr. HATCH (for himself, Mr. DURBIN, Mr. BAUCUS, Mr. PORTMAN, Mr. WYDEN, Mr. CORNYN, Mr. BLUMENTHAL, Mr. ENZI, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 29

Whereas, according to the Federal Bureau of Investigation, it is estimated that hundreds of thousands of American children are at risk for commercial sexual exploitation;

Whereas this risk is even greater for the up to 30,000 young people who are emancipated from foster care each year;

Whereas many of these children are girls previously or currently living in foster care or otherwise involved in the child welfare system;

Whereas flaws in the child welfare system in the United States, such as an over-reliance on group homes and barriers to youth engaging in age-appropriate activities, contribute to children's vulnerability to domestic sex trafficking;

Whereas the average age of entry into sex trafficking for girls is between just 12 and 14 years old;

Whereas many child sex trafficking victims have experienced previous physical and/or sexual abuse—vulnerabilities that traffickers exploit to lure them into a life of sexual slavery that exposes them to long-term abuse;

Whereas many child sex trafficking victims are the “lost girls”, standing around bus stops, in the runaway and homeless youth shelters, advertised online—hidden in plain view; and

Whereas many child sex trafficking victims who have not yet attained the age of consent are arrested and detained for juvenile prostitution or status offenses directly related to their exploitation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress—*

(1) finds that law enforcement, judges, child welfare agencies, and the public should treat children being trafficked for sex as victims of child abuse;

(2) finds that every effort should be made to arrest and hold accountable both traffickers and buyers of children for sex, in accordance with Federal laws to protect victims of trafficking and State child protection laws against abuse, in order to take all necessary measures to protect our Nation's children from harm;

(3) supports survivors of domestic sex trafficking, including their efforts to raise awareness of this tragedy and the services they need to heal from the complex trauma of sexual violence and exploitation;

(4) recognizes that most girls who are bought and sold for sex in the United States have been involved in the child welfare system, which has a responsibility to protect them and requires reform to better prevent domestic child sex trafficking and aid the victims of this tragedy;

(5) believes that the child welfare system should identify, assess, and provide supportive services to children in its care who are victims of sex trafficking, or at risk of becoming such victims; and

(6) supports an end to demand for girls by declaring that our Nation's daughters are not for sale and that any person who purchases a child for sex should be appropriately held accountable with the full force of law.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2442. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2443. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2444. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2445. Mr. BENNET (for himself, Mr. COBURN, Mr. CARPER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2446. Mr. CHAMBLISS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2447. Mr. COATS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2448. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2449. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2450. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2451. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2452. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2453. Mr. LEE (for himself, Mrs. FISCHER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2454. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2455. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2456. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2457. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2458. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2459. Mr. BOOZMAN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2460. Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2461. Mr. PORTMAN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2462. Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2463. Ms. MIKULSKI (for herself, Mr. COATS, Mr. WYDEN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2464. Mr. Kaine (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2465. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2466. Mr. LEVIN (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2467. Mr. ROCKEFELLER (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2468. Mr. MARKEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2469. Mr. CASEY (for himself, Mr. TOOMEY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2470. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2471. Mr. LEAHY (for himself, Ms. COLLINS, Mr. COONS, Mr. BLUMENTHAL, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2472. Ms. LANDRIEU (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2473. Mr. UDALL of Colorado (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2474. Mr. TESTER (for himself and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2475. Mr. MCCAIN (for himself, Mr. LEVIN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2476. Ms. WARREN (for herself and Mr. RUBIO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2477. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2478. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2479. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2480. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2481. Mr. MANCHIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2482. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2483. Mr. MENENDEZ (for himself, Mr. CORKER, Mr. CARDIN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2484. Ms. KLOBUCHAR (for herself, Mr. SCHUMER, Mr. COONS, and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2485. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2486. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2487. Mr. CARDIN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2488. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2489. Mr. BAUCUS (for himself, Mr. ENZI, Mr. TESTER, Ms. HEITKAMP, Mr. HOEVEN, Mr. BARRASSO, Mrs. FISCHER, Mr. HATCH, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2490. Ms. CANTWELL (for herself, Mr. BEGICH, Ms. MURKOWSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2491. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2492. Ms. CANTWELL (for herself, Mr. HEINRICH, Mrs. MURRAY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2493. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2494. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2495. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2496. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2497. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2498. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2499. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. COCHRAN, Ms. CANTWELL, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2500. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2501. Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2502. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2503. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2504. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2505. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2506. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2507. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2508. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2509. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2510. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2511. Mr. CRUZ (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2512. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2513. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2514. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2515. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2516. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2517. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2518. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2519. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2520. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2521. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2522. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2523. Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. CARDIN, Mr. BLUMENTHAL, Mr. COONS, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2524. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2525. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2526. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2527. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2528. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2529. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2530. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2531. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2532. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2533. Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. PRYOR, Mr. HELLER, Mr. MORAN, Ms. COLLINS, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2534. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2535. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2536. Mr. BURR (for himself, Mr. COBURN, Mr. CHAMBLISS, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2537. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2538. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2539. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2185 submitted by Mr. WICKER (for himself, Mr. LEE, Mrs. FISCHER, and Mr. CORNYN) and intended to be proposed to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2540. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2100 submitted by Mr. WYDEN (for himself and Mr. HEINRICH) and intended to be proposed to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2541. Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, *supra*; which was ordered to lie on the table.

SA 2542. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2502 submitted by Ms. BALDWIN and intended to be proposed to the bill S. 1197, *supra*; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 2442.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

#### **SEC. 1237. STRATEGY TO SUPPORT CONSOLIDATION OF SECURITY AND GOVERNANCE GAINS IN SOMALIA.**

(a) **REQUIREMENT FOR STRATEGY.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a strategy to guide future United States action in support of the Government and people of Somalia to foster economic growth and opportunity, counter armed threats to stability, and develop credible, transparent, and representative government systems and institutions.

(b) **CONTENT OF STRATEGY.**—The strategy required under subsection (a) should include the following elements:

(1) A clearly stated policy toward Somalia on supporting the consolidation of political gains at the national level, while also encouraging and supporting complementary processes at the local and regional levels.

(2) Measures to support the development goals identified by the people and Government of Somalia.

(3) Plans for strengthening efforts by the Government of Somalia, the African Union, and regional governments to stabilize the security situation within Somalia and further degrade al-Shabaab's capabilities, in order to enable the eventual transfer of security operations to Somali security forces capable of—

(A) maintaining and expanding security within Somalia;

(B) confronting international security threats; and

(C) preventing human rights abuses.

(4) Plans for supporting the development and professionalization of regionally and ethnically representative Somali security forces, including the infrastructure and procedures required to ensure chain of custody and the safe storage of military equipment and an assessment of the benefits and risks of the provision of weaponry to the Somali security forces by the United States.

(5) A description of United States national security objectives addressed through mili-

tary-to-military cooperation activities with Somali security forces.

(6) A description of security risks to United States personnel conducting security cooperation activities within Somalia and plans to assist the Somali security forces in preventing infiltration and insider attacks, including through the application of lessons learned in United States military training efforts in Afghanistan.

(7) A description of United States tools for monitoring and responding to violations of the United Nations Security Council arms embargo, charcoal ban, and other international agreements affecting the stability of Somalia.

(8) A description of mechanisms for coordinating United States military and non-military assistance with other international donors, regional governments, and relevant multilateral organizations.

(9) Plans to increase United States diplomatic engagement with Somalia, including through the future establishment of an embassy or other diplomatic posts in Mogadishu.

(10) Any other element the President determines appropriate.

(c) **REPORTS.**—Not later than 180 days from the submission of the strategy required under subsection (a), and annually thereafter for three years, the President shall submit to the appropriate committees of Congress an update on implementation of the strategy and progress made in Somalia in security, stability, development, and governance.

(d) **FORM.**—The strategy under this section shall be submitted in unclassified form, but may include a classified annex. The reports may take the form of a briefing, unclassified report, or unclassified report with a classified annex.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to authorize any use of military force in Somalia.

(f) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2443.** Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

#### **SEC. 1066. REPORT ON UNMANNED AIRCRAFT SYSTEMS.**

(a) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Transportation and Infrastructure of the House of Representatives;

(F) the Committee on Science, Space, and Technology of the House of Representatives; and

(G) the Committee on Appropriations of the House of Representatives.

(2) The term “UAS Executive Committee” means the Department of Defense-Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4596) established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

(b) **REPORT ON COLLABORATION, DEMONSTRATION, AND USE CASES AND DATA SHARING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Transportation, the Administrator of the Federal Aviation Administration, and the Administrator of the National Aeronautics and Space Administration, on behalf of the UAS Executive Committee, shall jointly submit a report to the appropriate congressional committees that describes the following:

(1) The collaboration, demonstrations, and initial fielding of unmanned aircraft systems at test sites within and outside of restricted airspace.

(2) The progress being made to develop public and civil sense-and-avoid and command-and-control technology, including the human factors and other technological challenges identified in the Integration of Civil Unmanned Aircraft Systems in the National Airspace System Roadmap, published by the Federal Aviation Administration on November 7, 2013 (referred to in this subsection as the “NAS Roadmap”), and what role the test sites can play in overcoming those challenges.

(3) An assessment on the sharing of operational, programmatic, and research data relating to unmanned aircraft systems operations by the Federal Aviation Administration, the Department of Defense, and the National Aeronautics and Space Administration to help the Federal Aviation Administration establish civil unmanned aircraft systems certification standards, pilot certification and licensing, and air traffic control procedures, including identifying the locations selected to collect, analyze, and store the data.

(4) The strategy to improve the effectiveness of government-industry collaboration between UAS Executive Committee members and relevant stakeholders regarding National Airspace System integration, and how the test sites can be used to improve this collaboration.

(5) An evaluation of how best to overcome the national security challenges identified in the NAS Roadmap referred to in paragraph (2).

**SA 2444.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**TITLE —CYBERSECURITY ACT OF 2013****SEC. —01. SHORT TITLE.**

This title may be cited as the “Cybersecurity Act of 2013”.

**SEC. —02. DEFINITIONS.**

In this title:

(1) **CYBERSECURITY MISSION.**—The term “cybersecurity mission” means activities that encompass the full range of threat reduction, vulnerability reduction, deterrence, international engagement, incident response, resiliency, and recovery policies and activities, including computer network operations, information assurance, law enforcement, diplomacy, military, and intelligence missions as such activities relate to the security and stability of cyberspace.

(2) **INFORMATION INFRASTRUCTURE.**—The term “information infrastructure” means the underlying framework that information systems and assets rely on to process, transmit, receive, or store information electronically, including programmable electronic devices, communications networks, and industrial or supervisory control systems and any associated hardware, software, or data.

(3) **INFORMATION SYSTEM.**—The term “information system” has the meaning given that term in section 3502 of title 44, United States Code.

**SEC. —03. NO REGULATORY AUTHORITY.**

Nothing in this title shall be construed to confer any regulatory authority on any Federal, State, tribal, or local department or agency.

**Subtitle A—Public-private Collaboration on Cybersecurity****SEC. —11. PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY.**

(a) **CYBERSECURITY.**—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively; and

(2) by inserting after paragraph (14) the following:

“(15) on an ongoing basis, facilitate and support the development of a voluntary, industry-led set of standards, guidelines, best practices, methodologies, procedures, and processes to reduce cyber risks to critical infrastructure (as defined under subsection (e));”.

(b) **SCOPE AND LIMITATIONS.**—Section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272) is amended by adding at the end the following:

“(e) **CYBER RISKS.**—

“(1) **IN GENERAL.**—In carrying out the activities under subsection (c)(15), the Director—

“(A) shall—

“(i) coordinate closely and continuously with relevant private sector personnel and entities, critical infrastructure owners and operators, sector coordinating councils, Information Sharing and Analysis Centers, and other relevant industry organizations, and incorporate industry expertise;

“(ii) consult with the heads of agencies with national security responsibilities, sector-specific agencies, State and local governments, the governments of other nations, and international organizations;

“(iii) identify a prioritized, flexible, repeatable, performance-based, and cost-effective approach, including information security measures and controls, that may be voluntarily adopted by owners and operators of critical infrastructure to help them identify, assess, and manage cyber risks;

“(iv) include methodologies—

“(I) to identify and mitigate impacts of the cybersecurity measures or controls on business confidentiality; and

“(II) to protect individual privacy and civil liberties;

“(v) incorporate voluntary consensus standards and industry best practices;

“(vi) align with voluntary international standards to the fullest extent possible;

“(vii) prevent duplication of regulatory processes and prevent conflict with or superseding of regulatory requirements, mandatory standards, and related processes; and

“(viii) include such other similar and consistent elements as the Director considers necessary; and

“(B) shall not prescribe or otherwise require—

“(i) the use of specific solutions;

“(ii) the use of specific information or communications technology products or services; or

“(iii) that information or communications technology products or services be designed, developed, or manufactured in a particular manner.”

(2) **LIMITATION.**—Information shared with or provided to the Institute for the purpose of the activities described under subsection (c)(15) shall not be used by any Federal, State, tribal, or local department or agency to regulate the activity of any entity.

(3) **DEFINITIONS.**—In this subsection:

“(A) **CRITICAL INFRASTRUCTURE.**—The term ‘critical infrastructure’ has the meaning given the term in section 1016(e) of the USA PATRIOT Act of 2001 (42 U.S.C. 5195c(e)).

“(B) **SECTOR-SPECIFIC AGENCY.**—The term ‘sector-specific agency’ means the Federal department or agency responsible for providing institutional knowledge and specialized expertise as well as leading, facilitating, or supporting the security and resilience programs and associated activities of its designated critical infrastructure sector in the all-hazards environment.”.

(c) **STUDY AND REPORT.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study that assesses—

(A) the progress made by the Director of the National Institute of Standards and Technology in facilitating the development of standards and procedures to reduce cyber risks to critical infrastructure in accordance with section 2(c)(15) of the National Institute of Standards and Technology Act, as added by this section;

(B) the extent to which the Director’s facilitation efforts are consistent with the directive in such section that the development of such standards and procedures be voluntary and led by industry representatives;

(C) the extent to which sectors of critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act of 2001 (42 U.S.C. 5195c(e))) have adopted a voluntary, industry-led set of standards, guidelines, best practices, methodologies, procedures, and processes to reduce cyber risks to critical infrastructure in accordance with such section 2(c)(15);

(D) the reasons behind the decisions of sectors of critical infrastructure (as defined in subparagraph (C)) to adopt or to not adopt the voluntary standards described in subparagraph (C); and

(E) the extent to which such voluntary standards have proved successful in protecting critical infrastructure from cyber threats.

(2) **REPORTS.**—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter for the following 6

years, the Comptroller General shall submit a report, which summarizes the findings of the study conducted under paragraph (1), to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Science, Space, and Technology of the House of Representatives.

**Subtitle B—Cybersecurity Research and Development****SEC. —21. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **FUNDAMENTAL CYBERSECURITY RESEARCH.**—

(1) **IN GENERAL.**—The Director of the Office of Science and Technology Policy, in coordination with the head of any relevant Federal agency, shall build upon programs and plans in effect as of the date of enactment of this Act to develop a Federal cybersecurity research and development plan to meet objectives in cybersecurity, such as—

(A) how to design and build complex software-intensive systems that are secure and reliable when first deployed;

(B) how to test and verify that software and hardware, whether developed locally or obtained from a third party, is free of significant known security flaws;

(C) how to test and verify that software and hardware obtained from a third party correctly implements stated functionality, and only that functionality;

(D) how to guarantee the privacy of an individual, including that individual’s identity, information, and lawful transactions when stored in distributed systems or transmitted over networks;

(E) how to build new protocols to enable the Internet to have robust security as one of the key capabilities of the Internet;

(F) how to determine the origin of a message transmitted over the Internet;

(G) how to support privacy in conjunction with improved security;

(H) how to address the growing problem of insider threats;

(I) how improved consumer education and digital literacy initiatives can address human factors that contribute to cybersecurity;

(J) how to protect information processed, transmitted, or stored using cloud computing or transmitted through wireless services; and

(K) any additional objectives the Director of the Office of Science and Technology Policy, in coordination with the head of any relevant Federal agency and with input from stakeholders, including appropriate national laboratories, industry, and academia, determines appropriate.

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—The Federal cybersecurity research and development plan shall identify and prioritize near-term, mid-term, and long-term research in computer and information science and engineering to meet the objectives under paragraph (1), including research in the areas described in section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)).

(B) **PRIVATE SECTOR EFFORTS.**—In developing, implementing, and updating the Federal cybersecurity research and development plan, the Director of the Office of Science and Technology Policy shall work in close cooperation with industry, academia, and other interested stakeholders to ensure, to the extent possible, that Federal cybersecurity research and development is not duplicative of private sector efforts.

## (3) TRIENNIAL UPDATES.—

(A) IN GENERAL.—The Federal cybersecurity research and development plan shall be updated triennially.

(B) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall submit the plan, not later than 1 year after the date of enactment of this Act, and each updated plan under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(b) CYBERSECURITY PRACTICES RESEARCH.—The Director of the National Science Foundation shall support research that—

(1) develops, evaluates, disseminates, and integrates new cybersecurity practices and concepts into the core curriculum of computer science programs and of other programs where graduates of such programs have a substantial probability of developing software after graduation, including new practices and concepts relating to secure coding education and improvement programs; and

(2) develops new models for professional development of faculty in cybersecurity education, including secure coding development.

(c) CYBERSECURITY MODELING AND TEST BEDS.—

(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Director the National Science Foundation, in coordination with the Director of the Office of Science and Technology Policy, shall conduct a review of cybersecurity test beds in existence on the date of enactment of this Act to inform the grants under paragraph (2). The review shall include an assessment of whether a sufficient number of cybersecurity test beds are available to meet the research needs under the Federal cybersecurity research and development plan.

(2) ADDITIONAL CYBERSECURITY MODELING AND TEST BEDS.—

(A) IN GENERAL.—If the Director of the National Science Foundation, after the review under paragraph (1), determines that the research needs under the Federal cybersecurity research and development plan require the establishment of additional cybersecurity test beds, the Director of the National Science Foundation, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, may award grants to institutions of higher education or research and development non-profit institutions to establish cybersecurity test beds.

(B) REQUIREMENT.—The cybersecurity test beds under subparagraph (A) shall be sufficiently large in order to model the scale and complexity of real-time cyber attacks and defenses on real world networks and environments.

(C) ASSESSMENT REQUIRED.—The Director of the National Science Foundation, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, shall evaluate the effectiveness of any grants awarded under this subsection in meeting the objectives of the Federal cybersecurity research and development plan under subsection (a) no later than 2 years after the review under paragraph (1) of this subsection, and periodically thereafter.

(d) COORDINATION WITH OTHER RESEARCH INITIATIVES.—In accordance with the responsibilities under section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511), the Director the Office of Science and Technology Policy shall coordinate, to the extent practicable, Federal research and development activities under this section with

other ongoing research and development security-related initiatives, including research being conducted by—

- (1) the National Science Foundation;
- (2) the National Institute of Standards and Technology;
- (3) the Department of Homeland Security;
- (4) other Federal agencies;
- (5) other Federal and private research laboratories, research entities, and universities;
- (6) institutions of higher education;
- (7) relevant nonprofit organizations; and
- (8) international partners of the United States.

(e) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are integral to inter-network communications and data exchange;

“(K) secure software engineering and software assurance, including—

“(i) programming languages and systems that include fundamental security features;

“(ii) portable or reusable code that remains secure when deployed in various environments;

“(iii) verification and validation technologies to ensure that requirements and specifications have been implemented; and

“(iv) models for comparison and metrics to assure that required standards have been met;

“(L) holistic system security that—

“(i) addresses the building of secure systems from trusted and untrusted components;

“(ii) proactively reduces vulnerabilities;

“(iii) addresses insider threats; and

“(iv) supports privacy in conjunction with improved security;

“(M) monitoring and detection;

“(N) mitigation and rapid recovery methods;

“(O) security of wireless networks and mobile devices; and

“(P) security of cloud infrastructure and services.”.

(f) RESEARCH ON THE SCIENCE OF CYBERSECURITY.—The head of each agency and department identified under section 101(a)(3)(B) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)(B)), through existing programs and activities, shall support research that will lead to the development of a scientific foundation for the field of cybersecurity, including research that increases understanding of the underlying principles of securing complex networked systems, enables repeatable experimentation, and creates quantifiable security metrics.

#### SEC. 22. COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.

Section 4(b) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)) is amended—

(1) in paragraph (3), by striking “the research areas” and inserting the following: “improving the security and resiliency of information infrastructure, reducing cyber vulnerabilities, and anticipating and mitigating consequences of cyber attacks on critical infrastructure, by conducting research in the areas”;

(2) by striking “the center” in paragraph (4)(D) and inserting “the Center”; and

(3) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(C) by adding at the end the following:

“(E) the demonstrated capability of the applicant to conduct high performance computation integral to complex computer and network security research, through on-site or off-site computing;

“(F) the applicant’s affiliation with private sector entities involved with industrial research described in subsection (a)(1);

“(G) the capability of the applicant to conduct research in a secure environment;

“(H) the applicant’s affiliation with existing research programs of the Federal Government;

“(I) the applicant’s experience managing public-private partnerships to transition new technologies into a commercial setting or the government user community;

“(J) the capability of the applicant to conduct interdisciplinary cybersecurity research, basic and applied, such as in law, economics, or behavioral sciences; and

“(K) the capability of the applicant to conduct research in areas such as systems security, wireless security, networking and protocols, formal methods and high-performance computing, nanotechnology, or industrial control systems.”.

#### Subtitle C—Education and Workforce Development

#### SEC. 31. CYBERSECURITY COMPETITIONS AND CHALLENGES.

(a) IN GENERAL.—The Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security, in consultation with the Director of the Office of Personnel Management, shall—

(1) support competitions and challenges under section 105 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 3989) or any other provision of law, as appropriate—

(A) to identify, develop, and recruit talented individuals to perform duties relating to the security of information infrastructure in Federal, State, and local government agencies, and the private sector; or

(B) to stimulate innovation in basic and applied cybersecurity research, technology development, and prototype demonstration that has the potential for application to the information technology activities of the Federal Government; and

(2) ensure the effective operation of the competitions and challenges under this section.

(b) PARTICIPATION.—Participants in the competitions and challenges under subsection (a)(1) may include—

(1) students enrolled in grades 9 through 12;

(2) students enrolled in a postsecondary program of study leading to a baccalaureate degree at an institution of higher education;

(3) students enrolled in a post baccalaureate program of study at an institution of higher education;

(4) institutions of higher education and research institutions;

(5) veterans; and

(6) other groups or individuals that the Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security determine appropriate.

(c) AFFILIATION AND COOPERATIVE AGREEMENTS.—Competitions and challenges under this section may be carried out through affiliation and cooperative agreements with—

(1) Federal agencies;



(2) regional, State, or school programs supporting the development of cyber professionals;

(3) State, local, and tribal governments; or  
(4) other private sector organizations.

(d) **AREAS OF SKILL.**—Competitions and challenges under subsection (a)(1)(A) shall be designed to identify, develop, and recruit exceptional talent relating to—

- (1) ethical hacking;
- (2) penetration testing;
- (3) vulnerability assessment;
- (4) continuity of system operations;
- (5) security in design;
- (6) cyber forensics;
- (7) offensive and defensive cyber operations; and

(8) other areas the Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security consider necessary to fulfill the cybersecurity mission.

(e) **TOPICS.**—In selecting topics for competitions and challenges under subsection (a)(1), the Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security—

(1) shall consult widely both within and outside the Federal Government; and

(2) may empanel advisory committees.

(f) **INTERNSHIPS.**—The Director of the Office of Personnel Management may support, as appropriate, internships or other work experience in the Federal Government to the winners of the competitions and challenges under this section.

#### **SEC. 32. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.**

(a) **IN GENERAL.**—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management and Secretary of Homeland Security, shall continue a Federal Cyber Scholarship-for-Service program to recruit and train the next generation of information technology professionals, industrial control system security professionals, and security managers to meet the needs of the cybersecurity mission for Federal, State, local, and tribal governments.

(b) **PROGRAM DESCRIPTION AND COMPONENTS.**—The Federal Cyber Scholarship-for-Service program shall—

(1) provide scholarships to students who are enrolled in programs of study at institutions of higher education leading to degrees or specialized program certifications in the cybersecurity field;

(2) provide the scholarship recipients with summer internship opportunities or other meaningful temporary appointments in the Federal information technology workforce; and

(3) provide a procedure by which the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, may request and fund security clearances for scholarship recipients, including providing for clearances during internships or other temporary appointments and after receipt of their degrees.

(c) **SCHOLARSHIP AMOUNTS.**—Each scholarship under subsection (b) shall be in an amount that covers the student's tuition and fees at the institution under subsection (b)(1) and provides the student with an additional stipend.

(d) **SCHOLARSHIP CONDITIONS.**—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement under which the recipient agrees to work in the cybersecurity mission of a Federal, State, local, or tribal agency

for a period equal to the length of the scholarship following receipt of the student's degree.

(e) **HIRING AUTHORITY.**—

(1) **APPOINTMENT IN EXCEPTED SERVICE.**—Notwithstanding any provision of chapter 33 of title 5, United States Code, governing appointments in the competitive service, an agency shall appoint in the excepted service an individual who has completed the academic program for which a scholarship was awarded.

(2) **NONCOMPETITIVE CONVERSION.**—Except as provided in paragraph (4), upon fulfillment of the service term, an employee appointed under paragraph (1) may be converted noncompetitively to term, career-conditional or career appointment.

(3) **TIMING OF CONVERSION.**—An agency may noncompetitively convert a term employee appointed under paragraph (2) to a career-conditional or career appointment before the term appointment expires.

(4) **AUTHORITY TO DECLINE CONVERSION.**—An agency may decline to make the noncompetitive conversion or appointment under paragraph (2) for cause.

(f) **ELIGIBILITY.**—To be eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen or lawful permanent resident of the United States;

(2) demonstrate a commitment to a career in improving the security of information infrastructure; and

(3) have demonstrated a high level of proficiency in mathematics, engineering, or computer sciences.

(g) **REPAYMENT.**—If a scholarship recipient does not meet the terms of the program under this section, the recipient shall refund the scholarship payments in accordance with rules established by the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management and Secretary of Homeland Security.

(h) **EVALUATION AND REPORT.**—The Director of the National Science Foundation shall evaluate and report periodically to Congress on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector workforce.

#### **SEC. 33. STUDY AND ANALYSIS OF EDUCATION, ACCREDITATION, TRAINING, AND CERTIFICATION OF INFORMATION INFRASTRUCTURE AND CYBERSECURITY PROFESSIONALS.**

(a) **STUDY.**—The Director of the National Science Foundation, the Director of the Office of Personnel Management, and the Secretary of Homeland Security shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of government, academic, and private-sector education, accreditation, training, and certification programs for the development of professionals in information infrastructure and cybersecurity. The agreement shall require the National Academy of Sciences to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) **SCOPE.**—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of professionals in information infrastructure and cybersecurity should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector education, accreditation, training, and certifi-

cation programs provide the body of knowledge and various skills described in paragraph (1);

(3) an evaluation of—

(A) the state of cybersecurity education at institutions of higher education in the United States;

(B) the extent of professional development opportunities for faculty in cybersecurity principles and practices;

(C) the extent of the partnerships and collaborative cybersecurity curriculum development activities that leverage industry and government needs, resources, and tools;

(D) the proposed metrics to assess progress toward improving cybersecurity education; and

(E) the descriptions of the content of cybersecurity courses in undergraduate computer science curriculum;

(4) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(5) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure and cybersecurity education, accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for further research and the improvement of information infrastructure and cybersecurity education, accreditation, training, and certification programs.

#### **Subtitle D—Cybersecurity Awareness and Preparedness**

#### **SEC. 41. NATIONAL CYBERSECURITY AWARENESS AND PREPAREDNESS CAMPAIGN.**

(a) **NATIONAL CYBERSECURITY AWARENESS AND PREPAREDNESS CAMPAIGN.**—The Director of the National Institute of Standards and Technology (referred to in this section as the “Director”), in consultation with appropriate Federal agencies, shall continue to coordinate a national cybersecurity awareness and preparedness campaign, such as—

(1) a campaign to increase public awareness of cybersecurity, cyber safety, and cyber ethics, including the use of the Internet, social media, entertainment, and other media to reach the public;

(2) a campaign to increase the understanding of State and local governments, institutions of higher education, and private sector entities of—

(A) the benefits of ensuring effective risk management of the information infrastructure versus the costs of failure to do so; and

(B) the methods to mitigate and remediate vulnerabilities;

(3) support for formal cybersecurity education programs at all education levels to prepare skilled cybersecurity and computer science workers for the private sector and Federal, State, and local government; and



(4) initiatives to evaluate and forecast future cybersecurity workforce needs of the Federal government and develop strategies for recruitment, training, and retention.

(b) **CONSIDERATIONS.**—In carrying out the authority described in subsection (a), the Director, in consultation with appropriate Federal agencies, shall leverage existing programs designed to inform the public of safety and security of products or services, including self-certifications and independently verified assessments regarding the quantification and valuation of information security risk.

(c) **STRATEGIC PLAN.**—The Director, in cooperation with relevant Federal agencies and other stakeholders, shall build upon programs designed to inform the public of safety and plans in effect as of the date of enactment of this Act to develop and implement a strategic plan to guide Federal programs and activities in support of the national cybersecurity awareness and preparedness campaign under subsection (a).

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director shall transmit the strategic plan under subsection (c) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

**SA 2445.** Mr. BENNET (for himself, Mr. COBURN, Mr. CARPER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 17 through 19, and insert the following:

**SEC. 334. FEDERAL DATA CENTER CONSOLIDATION.**

(a) **SHORT TITLE.**—This section may be cited as the “Data Center Consolidation Act of 2013”.

(b) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) **COVERED AGENCY.**—The term “covered agency” means the following (including all associated components of the agency):

- (A) Department of Agriculture;
- (B) Department of Commerce;
- (C) Department of Defense;
- (D) Department of Education;
- (E) Department of Energy;
- (F) Department of Health and Human Services;
- (G) Department of Homeland Security;
- (H) Department of Housing and Urban Development;
- (I) Department of the Interior;
- (J) Department of Justice;
- (K) Department of Labor;
- (L) Department of State;
- (M) Department of Transportation;
- (N) Department of Treasury;
- (O) Department of Veterans Affairs;
- (P) Environmental Protection Agency;
- (Q) General Services Administration;
- (R) National Aeronautics and Space Administration;
- (S) National Science Foundation;

- (T) Nuclear Regulatory Commission;
- (U) Office of Personnel Management;
- (V) Small Business Administration;
- (W) Social Security Administration; and
- (X) United States Agency for International Development.

(3) **FDCCI.**—The term “FDCCI” means the Federal Data Center Consolidation Initiative described in the Office of Management and Budget Memorandum on the Federal Data Center Consolidation Initiative, dated February 26, 2010, or any successor thereto.

(4) **GOVERNMENT-WIDE DATA CENTER CONSOLIDATION AND OPTIMIZATION METRICS.**—The term “Government-wide data center consolidation and optimization metrics” means the metrics established by the Administrator under subsection (c)(2)(G).

(c) **FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND STRATEGIES.**—

(1) **IN GENERAL.**—

(A) **ANNUAL REPORTING.**—Except as provided in subparagraph (C), beginning in the first fiscal year after the date of enactment of this Act and each fiscal year thereafter, the head of each covered agency, assisted by the Chief Information Officer of the agency, shall submit to the Administrator—

(i) a comprehensive inventory of the data centers owned, operated, or maintained by or on behalf of the agency; and

(ii) a multi-year strategy to achieve the consolidation and optimization of the data centers inventoried under clause (i), that includes—

(I) performance metrics—

(aa) that are consistent with the Government-wide data center consolidation and optimization metrics; and

(bb) by which the quantitative and qualitative progress of the agency toward the goals of the FDCCI can be measured;

(II) a timeline for agency activities to be completed under the FDCCI, with an emphasis on benchmarks the agency can achieve by specific dates;

(III) year-by-year calculations of investment and cost savings for the period beginning on the date of enactment of this Act and ending on the date described in subsection (f), broken down by each year, including a description of any initial costs for data center consolidation and optimization and life cycle cost savings and other improvements, with an emphasis on—

(aa) meeting the Government-wide data center consolidation and optimization metrics; and

(bb) demonstrating the amount of agency-specific cost savings each fiscal year achieved through the FDCCI; and

(IV) any additional information required by the Administrator.

(B) **USE OF OTHER REPORTING STRUCTURES.**—The Administrator may require a covered agency to include the information required to be submitted under this subsection through reporting structures determined by the Administrator to be appropriate.

(C) **DEPARTMENT OF DEFENSE REPORTING.**—For any year that the Department of Defense is required to submit a performance plan for reduction of resources required for data servers and centers, as required under section 2867(b) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note), the Department of Defense—

(i) may submit to the Administrator, in lieu of the multi-year strategy required under subparagraph (A)(ii)—

(I) the defense-wide plan required under section 2867(b)(2) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note); and

(II) the report on cost savings required under section 2867(d) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note); and

(ii) shall submit the comprehensive inventory required under subparagraph (A)(i), unless the defense-wide plan required under section 2867(b)(2) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note)—

(I) contains a comparable comprehensive inventory; and

(II) is submitted under clause (i).

(D) **STATEMENT.**—Beginning in the first fiscal year after the date of enactment of this Act and each fiscal year thereafter, the head of each covered agency, acting through the Chief Information Officer of the agency, shall—

(i)(I) submit a statement to the Administrator stating whether the agency has complied with the requirements of this section; and

(II) make the statement submitted under subclause (I) publically available; and

(ii) if the agency has not complied with the requirements of this section, submit a statement to the Administrator explaining the reasons for not complying with such requirements.

(E) **AGENCY IMPLEMENTATION OF STRATEGIES.**—

(i) **IN GENERAL.**—Each covered agency, under the direction of the Chief Information Officer of the agency, shall—

(I) implement the strategy required under subparagraph (A)(ii); and

(II) provide updates to the Administrator, on a quarterly basis, of—

(aa) the completion of activities by the agency under the FDCCI;

(bb) any progress of the agency towards meeting the Government-wide data center consolidation and optimization metrics; and

(cc) the actual cost savings and other improvements realized through the implementation of the strategy of the agency.

(ii) **DEPARTMENT OF DEFENSE.**—For purposes of clause (i)(I), implementation of the defense-wide plan required under section 2867(b)(2) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note) by the Department of Defense shall be considered implementation of the strategy required under subparagraph (A)(ii).

(F) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the reporting of information by a covered agency to the Administrator, the Director of the Office of Management and Budget, or Congress.

(2) **ADMINISTRATOR RESPONSIBILITIES.**—The Administrator shall—

(A) establish the deadline, on an annual basis, for covered agencies to submit information under this section;

(B) establish a list of requirements that the covered agencies must meet to be considered in compliance with paragraph (1);

(C) ensure that information relating to agency progress towards meeting the Government-wide data center consolidation and optimization metrics is made available in a timely manner to the general public;

(D) review the inventories and strategies submitted under paragraph (1) to determine whether they are comprehensive and complete;

(E) monitor the implementation of the data center strategy of each covered agency that is required under paragraph (1)(A)(ii);

(F) update, on an annual basis, the cumulative cost savings realized through the implementation of the FDCCI; and

(G) establish metrics applicable to the consolidation and optimization of data centers

Government-wide, including metrics with respect to—

- (i) costs;
- (ii) efficiencies, including at least server efficiency; and
- (iii) any other metrics the Administrator establishes under this subparagraph.

(3) COST SAVING GOAL AND UPDATES FOR CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop, and make publicly available, a goal, broken down by year, for the amount of planned cost savings and optimization improvements achieved through the FDCCI during the period beginning on the date of enactment of this Act and ending on the date described in subsection (f).

(B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is made publicly available, and each year thereafter, the Administrator shall aggregate the reported cost savings of each covered agency and optimization improvements achieved to date through the FDCCI and compare the savings to the projected cost savings and optimization improvements developed under subparagraph (A).

(ii) UPDATE FOR CONGRESS.—The goal required to be developed under subparagraph (A) shall be submitted to Congress and shall be accompanied by a statement describing—

(I) whether each covered agency has in fact submitted a comprehensive asset inventory, including an assessment broken down by agency, which shall include the specific numbers, utilization, and efficiency level of data centers; and

(II) whether each covered agency has submitted a comprehensive consolidation strategy with the key elements described in paragraph (1)(A)(ii).

(4) GAO REVIEW.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall review and verify the quality and completeness of the asset inventory and strategy of each covered agency required under paragraph (1)(A).

(B) REPORT.—The Comptroller General of the United States shall, on an annual basis, publish a report on each review conducted under subparagraph (A).

(d) ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.—

(1) IN GENERAL.—In implementing a data center consolidation and optimization strategy under this section, a covered agency shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(A) applicable provisions found within the Federal Risk and Authorization Management Program (FedRAMP); and

(B) guidance published by the National Institute of Standards and Technology.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Director of the Office of Management and Budget to update or modify the Federal guidelines on cloud computing security.

(e) WAIVER OF DISCLOSURE REQUIREMENTS.—The Director of National Intelligence may waive the applicability to any element (or component of an element) of the intelligence community of any provision of this section if the Director of National Intelligence determines that such waiver is in the

interest of national security. Not later than 30 days after making a waiver under this subsection, the Director of National Intelligence shall submit to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a statement describing the waiver and the reasons for the waiver.

(f) SUNSET.—This section is repealed effective on October 1, 2018.

#### SEC. 335. MODIFICATION OF ANNUAL CORROSION CONTROL AND PREVENTION REPORTING REQUIREMENTS.

**SA 2446.** Mr. CHAMBLISS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

#### SEC. 529. SENSE OF SENATE ON FUNDING FOR THE UNITED STATES NAVAL SEA CADET CORPS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Naval Sea Cadet Corps, chartered by Congress in 1962, focuses on the development of youth ages 11 through 17, and has trained more than 150,000 young Americans since its creation.

(2) The United States Naval Sea Cadet Corps directly enhances the primary recruiting goal of the Navy of ensuring awareness of the Navy and its mission.

(3) The Navy has not increased funding for the United States Naval Sea Cadet Corps since fiscal year 2006.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in the absence of sequestration, the Secretary of the Navy should fully fund the United States Naval Sea Cadet Corps during fiscal year 2014.

**SA 2447.** Mr. COATS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

#### SEC. 1025. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) MEXICO.—To the Government of Mexico, the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG-38) and USS MCCLUSKY (FFG-41).

(2) THAILAND.—To the Government of Thailand, the OLIVER HAZARD PERRY class

guided missile frigates USS RENTZ (FFG-46) and USS VANDEGRIFT (FFG-48).

(b) TRANSFER BY SALE.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG-50), USS GARY (FFG-51), USS CARR (FFG-52), and USS ELROD (FFG-55) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a) and (b) to transfer specific vessels to specific countries, the President is authorized, subject to the same conditions that would apply for such country under this Act, to transfer any vessel named in this Act to any country named in this Act such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this Act.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) or (c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

**SA 2448.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

#### SEC. 153. PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.

(a) PROHIBITION ON USE OF CERTAIN SOURCE SELECTION MECHANISMS FOR CERTAIN ITEMS.—The Department of Defense may not use a reverse auction or lowest price-technically acceptable (LPTA) source selection process or technique to procure an item of personal protective equipment (PPE) if the item was designed to or modified to meet a specific military requirement.

(b) **INTERAGENCY PROCUREMENT.**—The requirements of this section shall apply to any department or agency of the United States that procures clothing and individual equipment on behalf of the Department of Defense.

(c) **DEFINITIONS.**—In this section:

(1) The term “personal protective equipment” means the following:

- (A) Body armor components.
- (B) Combat helmets.
- (C) Combat protective eyewear.
- (D) Environmental and fire resistant clothing.
- (E) Footwear.
- (F) Organizational clothing and individual equipment.

(G) Such other items as the Secretary of Defense shall designate for purposes of this section.

(2) The term “reverse auction” means, with respect to procurement by the Department of Defense, a real-time auction on the Internet between a group of offerors who compete against each other by submitting bids for a contract or task or delivery order with the ability to submit revised bids throughout course of the auction, and the award being made to the offeror who submits the lowest bid.

**SA 2449.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 153. PERSONAL PROTECTION EQUIPMENT PROCUREMENT.**

(a) **FUNDS AVAILABLE FOR PROCUREMENT.**—Personal protection equipment may be procured using funds authorized to be appropriated by this Act only using the funds as follows:

(1) Amounts authorized to be appropriated by section 101 and available for procurement as specified in the funding table in section 4101.

(2) Amounts authorized to be appropriated by section 1502 and available for procurement for overseas contingency operations as specified in the funding table in section 4102.

(b) **PROCUREMENT LINE ITEM.**—In the budget materials submitted to the President by the Secretary of Defense in connection with the submittal to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for each fiscal year after fiscal year 2014, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for personal protection equipment.

(c) **PERSONAL PROTECTION EQUIPMENT DEFINED.**—In this section, the term “personal protection equipment” means the following:

- (1) Body armor components.
- (2) Combat helmets.
- (3) Combat protective eyewear.
- (4) Environmental and fire resistant clothing.
- (5) Organizational clothing and individual equipment.
- (6) Any other items designated by the Secretary for purposes of this paragraph.

**SA 2450.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 864. PERSONAL PROTECTION EQUIPMENT INDUSTRIAL BASE MATTERS.**

(a) **STUDY ON COMPETITION AND INNOVATION IN PERSONAL PROTECTION EQUIPMENT INDUSTRIAL BASE.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study to identify and assess alternative and effective means for stimulating competition and innovation in the personal protection equipment industrial base.

(2) **REPORT ON STUDY.**—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center conducting the study pursuant to paragraph (1) shall submit to the Secretary the study, including any findings and recommendations.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted pursuant to subsection (a)(1).

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) The study, findings, and recommendations submitted to the Secretary pursuant to subsection (a)(2).

(B) An assessment of current and future technologies that could markedly improve body armor, including by decreasing weight, increasing survivability, and making other relevant improvements.

(C) An analysis of the capability of the personal protection equipment industrial base to leverage such technologies to produce the next generation body armor.

(D) An assessment of alternative body armor acquisition models, including different types of contracting and budgeting practices of the Department of Defense.

(c) **PERSONAL PROTECTION EQUIPMENT DEFINED.**—In this section, the term “personal protection equipment” includes body armor, protective eyewear, environmental and fire resistant clothing systems, and other individual personal protection equipment.

**SA 2451.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. LIMITATION ON USE OF FUNDS TO CARRY OUT CERTAIN FOREIGN INTELLIGENCE SURVEILLANCE COURT ORDERS.**

(a) **IN GENERAL.**—None of the funds made available by this Act may be used to carry out an order of the Foreign Intelligence Surveillance Court issued pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) unless such order includes the following sentence: “This Order limits the collection of any tangible things (including telephone numbers dialed, telephone numbers of incoming calls, and the duration of calls) authorized to be collected pursuant to this Order to those tangible things that pertain to a person who is the subject of an investigation described in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

(b) **FOREIGN INTELLIGENCE SURVEILLANCE COURT DEFINED.**—In this section, the term “Foreign Intelligence Surveillance Court” means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

**SA 2452.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PROTECTION OF CONSUMER PRIVACY.**

Section 1027 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5517) is amended by adding at the end the following:

“(t) **CONSUMER PRIVACY.**—Notwithstanding any other provision of this Act, any provision of the enumerated consumer laws, or any other provision of Federal law, the Bureau may not investigate an individual transaction to which a consumer is a party without the written permission of the consumer.”.

**SA 2453.** Mr. LEE (for himself, Mrs. FISCHER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON FURTHER NUCLEAR ARMS REDUCTIONS WITH THE RUSSIAN FEDERATION.**

It is the sense of Congress that, if the United States seeks further nuclear arms reductions with the Russian Federation, below the levels of the New START Treaty, such reductions—

(1) should be pursued through mutual negotiated agreement with the Russian Federation;

(2) should be verifiable;

(3) should be made pursuant to the treaty-making power of the President as set forth

in Article II, section 2, clause 2 of the Constitution of the United States; and

(4) should take into account the full range of nuclear weapons capabilities that threaten the United States, its forward-deployed forces, and its allies, including non-strategic nuclear weapons.

**SA 2454.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SENSE OF CONGRESS ON SUPPORT TO ISRAEL TO ADDRESS IRANIAN AND SYRIAN THREATS.**

It is the sense of Congress that—

(1) the United States should ensure that Israel, as a critical United States ally, is able to adequately address an existential Iranian nuclear threat, and the Secretary of Defense should seek related opportunities for defense cooperation and partnership on military capabilities where appropriate; and

(2) the delivery of the S-300 air defense system to Syria would pose a grave risk to Israel, and the United States supports Israel's right to respond to this grave threat as needed.

**SA 2455.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DEPARTMENT OF VETERANS AFFAIRS STUDY ON MATTERS RELATING TO CLAIMING AND INTERRING UNCLAIMED REMAINS OF VETERANS.**

(a) **STUDY AND REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete a study on matters relating to the identification, claiming, and interring of unclaimed remains of veterans; and

(2) submit to Congress a report on the findings of the Secretary with respect to the study required under paragraph (1).

(b) **MATTERS STUDIED.**—The matters studied under subsection (a)(1) shall include the following:

(1) Determining the scope of issues relating to unclaimed remains of veterans, including an estimate of the number of unclaimed remains of veterans on the day before the date of the enactment of this Act.

(2) Assessing the effectiveness of the procedures of the Department of Veterans Affairs for claiming and interring unclaimed remains of veterans.

(3) Identifying and assessing State and local laws that affect the ability of the Secretary to identify, claim, and inter unclaimed remains of veterans.

(4) Developing recommendations for such legislative or administrative action as the Secretary considers appropriate

**SA 2456.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

**SEC. 935. REPORT ON RAND CORPORATION STUDY OF THE NATIONAL SECURITY IMPLICATIONS OF CONTINUING TO USE FOREIGN COMPONENT AND PROPULSION SYSTEMS FOR THE LAUNCH VEHICLES UNDER THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**

The Comptroller General of the United States shall submit to the congressional defense committees a report reviewing the report prepared by the Rand Corporation pursuant to section 916 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1878).

**SA 2457.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ CHALLENGES TO GOVERNMENT SURVEILLANCE.**

(a) **CHALLENGES TO ORDERS TO PRODUCE CERTAIN BUSINESS RECORDS.**—

(1) **IN GENERAL.**—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

**“SEC. 503. CHALLENGES TO ORDERS TO PRODUCE CERTAIN BUSINESS RECORDS.**

**“(a) APPEAL.**—

**“(1) IN GENERAL.**—A person who is required to produce any tangible thing pursuant to an order issued under section 501 may appeal the order to a United States court of appeals on the basis that the order violates the Constitution of the United States.

**“(2) VENUE.**—An appeal filed pursuant to paragraph (1) may be filed—

**“(A)** in the United States court of appeals for a circuit embracing a judicial district in which venue would be proper for a civil action under section 1391 of title 28, United States Code; or

**“(B)** United States Court of Appeals for the District of Columbia.

**“(b) SUPREME COURT REVIEW.**—A person may seek a writ of certiorari from the Supreme Court of the United States for review of a decision of an appeal filed under subsection (a)(1).”

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by adding after the item relating to section 502 the following:

**“Sec. 503. Challenges to orders to produce certain business records.”**

(b) **CHALLENGES TO GOVERNMENT SURVEILLANCE TARGETING OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.**—Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended by adding at the end the following:

**“(m) CHALLENGES TO GOVERNMENT SURVEILLANCE.**—

**“(1) INJURY IN FACT.**—In any claim in a civil action brought in a court of the United States relating to surveillance conducted under this section, the person asserting the claim has suffered an injury in fact if the person—

**“(A)** has a reasonable basis to believe that the person's communications will be acquired under this section; and

**“(B)** has taken objectively reasonable steps to avoid surveillance under this section.

**“(2) REASONABLE BASIS.**—A person shall be presumed to have demonstrated a reasonable basis to believe that the communications of the person will be acquired under this section if the profession of the person requires the person regularly to communicate foreign intelligence information with persons who—

**“(A)** are not United States persons; and

**“(B)** are located outside the United States.

**“(3) OBJECTIVE STEPS.**—A person shall be presumed to have taken objectively reasonable steps to avoid surveillance under this section if the person demonstrates that the steps were taken in reasonable response to rules of professional conduct or analogous professional rules.

**“(n) APPEALS.**—

**“(1) IN GENERAL.**—A person who is subject to an order issued under this section may appeal the order to a United States court of appeals on the basis that the order violates the Constitution of the United States.

**“(2) VENUE.**—An appeal filed pursuant to paragraph (1) may be filed—

**“(A)** in the United States court of appeals for a circuit embracing a judicial district in which venue would be proper for a civil action under section 1391 of title 28, United States Code; or

**“(B)** United States Court of Appeals for the District of Columbia.

**“(3) SUPREME COURT REVIEW.**—A person may seek a writ of certiorari from the Supreme Court of the United States for review of a decision of an appeal filed under paragraph (1).”

**SA 2458.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, between lines 14 and 15, insert the following:

(C) by adding at the end the following new subsection:

**“(i) SUNSET.**—All applications for special immigrant status under this section shall be submitted on or before September 30, 2014.”; and

**SA 2459.** Mr. BOOZMAN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. NATIONAL DESERT STORM AND DESERT SHIELD MEMORIAL.**

(a) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term “Association” means the National Desert Storm Memorial Association, a corporation that is—

(A) organized under the laws of the State of Arkansas; and

(B)(i) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) exempt from taxation under 501(a) of that Code.

(2) MEMORIAL.—The term “memorial” means the National Desert Storm and Desert Shield Memorial authorized to be established under subsection (b).

(b) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Association may establish the National Desert Storm and Desert Shield Memorial as a commemorative work, on Federal land in the District of Columbia to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the memorial under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

(d) USE OF FEDERAL FUNDS PROHIBITED.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the memorial under this section.

(2) RESPONSIBILITY OF ASSOCIATION.—The Association shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial.

(e) DEPOSIT OF EXCESS FUNDS.—If, on payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the memorial, the Association shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

**SA 2460.** Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(9) Provide information about disability-related employment and education protections.”.

(2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out by this section shall include—

“(1) for any such member who plans to use the member’s entitlement to educational assistance under title 38—

“(A) instruction providing an overview of the use of such entitlement; and

“(B) courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member’s education goals, and instruction on how to finance the member’s post-secondary education; and

“(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.”.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsections (b)(9) and (c) of such section, as added by subsection (a), by not later than April 1, 2015.

(c) FEASIBILITY STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans’ Affairs and the Committee on Armed Services of the House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

**SA 2461.** Mr. PORTMAN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. BRIEFINGS ON STATUS OF IMPLEMENTATION OF CERTAIN MISSILE DEFENSE REQUIREMENTS.**

Not later than 180 days after the completion of the site evaluation study required by subsection (a) of section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1678), and one year thereafter, the Secretary of Defense shall provide to the congressional defense committees a detailed briefing on the current status of efforts and plans to implement the requirements of such section, including progress and plans toward preparation of the environmental impact statement required by subsection (b) of such section, and the development of the contingency plan for deployment of an additional homeland missile de-

fense interceptor site in case the President determines to proceed with such an additional deployment as required by subsection (d) of such section.

**SA 2462.** Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. VIETNAM EDUCATION FOUNDATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense has called for more high-level exchanges and enhanced defense cooperation between the United States and Vietnam.

(2) Vietnam plays a major role in the President’s strategic priority to rebalance United States policies toward Asia (popularly known as the “Asia pivot”).

(3) The Department of Defense is increasing its United States force posture in Asia to achieve more geographical distribution, operational resilience, and politically sustainability.

(4) The Secretary of Defense and the Minister of Defense of the Socialist Republic of Vietnam have agreed to develop cooperation in the following 5 areas:

(A) High-level dialogues.

(B) Maritime security.

(C) Search and rescue operations.

(D) Peacekeeping operations.

(E) Humanitarian assistance and disaster relief.

(5) The Secretary of Defense has emphasized that enhanced defense cooperation must be accompanied by reform and liberalization in other sectors.

(b) GRANTS AUTHORIZED.—

(1) ESTABLISHMENT OF HIGHER EDUCATION INSTITUTION IN VIETNAM.—In order to support Vietnam’s socioeconomic transition and promote the values of intellectual freedom and open enquiry, the Secretary of State may award 1 or more grants to not-for-profit organizations engaged in promoting institutional innovation in Vietnamese higher education to establish an independent, not-for-profit, higher education institution in Vietnam.

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be used to support the establishment of an independent, not-for-profit academic institution to be built in Vietnam, which shall—

(A) achieve standards comparable to those required for accreditation in the United States;

(B) offer graduate and undergraduate level teaching and research programs in a broad range of fields, including public policy, management, and engineering; and

(C) establish a policy of academic freedom and prohibit the censorship of dissenting or critical views.

(3) APPLICATION.—Eligible not-for-profit organizations desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such

manner, and accompanied by such information as the Secretary may reasonably require.

(4) **REPORT ON GRANTEE APPLICATION CRITERIA.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit the criteria established for grantee applications, including commitments to ensure academic freedom, to the appropriate congressional committees.

(5) **FUNDING.**—The Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(6) **ANNUAL REPORT.**—The Secretary of State shall submit an annual report to the appropriate congressional committees on the activities carried out under this subsection during the most recent fiscal year that includes—

(A) a list of grantees and educational proposals;

(B) an assessment of the grantees' ability to meet comparable United States academic standards; and

(C) an assessment of the grantees' efforts and commitment to academic freedom in Vietnam.

(c) **TRANSFER OF FUNCTIONS AND ASSETS.**—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Bureau of Educational and Cultural Affairs of the Department of State.

(d) **VIETNAM DEBT REPAYMENT FUND.**—Section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended to read as follows:

“(c) **AVAILABILITY OF FUNDS.**—

“(1) **AMOUNTS TRANSFERRED TO THE FOUNDATION.**—Except as provided in paragraph (2), for each of the fiscal years 2014 through 2018, \$5,000,000 of the amounts deposited into the Fund (or accrued interest) shall be transferred to the Foundation to carry out the fellowship program described in section 206.

“(2) **AMOUNTS ALLOTTED FOR GRANTS TO ESTABLISH AN INDEPENDENT, NOT-FOR-PROFIT, HIGHER EDUCATION INSTITUTION IN VIETNAM.**—Notwithstanding paragraph (1), the Secretary of State may expend any amounts deposited into the Fund (or accrued interest) to carry out the grant program established under section 1237(b) of the National Defense Authorization Act for Fiscal Year 2014, to support the establishment of an independent, not-for-profit academic institution in Vietnam offering graduate and undergraduate level programs in a broad range of fields, including public policy, management, and engineering.

“(3) **DISPOSITION OF EXCESS FUNDS.**—For each of the fiscal years 2014 through 2018, the Secretary of the Treasury shall deposit all amounts in the Fund in excess of the amounts transferred or expended under paragraphs (1) and (2) for such year as miscellaneous receipts into the General Fund of the Treasury of the United States.”.

**SA 2463.** Ms. MIKULSKI (for herself, Mr. COATS, Mr. WYDEN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. APPOINTMENT OF THE DIRECTOR OF THE NATIONAL SECURITY AGENCY.**

(a) **DIRECTOR OF THE NATIONAL SECURITY AGENCY.**—Section 2 of the National Security Agency Act of 1959 (50 U.S.C. 3602) is amended—

(1) by inserting “(b)” before “There”; and

(2) by inserting before subsection (b), as so designated by paragraph (1), the following:

“(a)(1) There is a Director of the National Security Agency.

“(2) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.”.

(b) **POSITION OF IMPORTANCE AND RESPONSIBILITY.**—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

(c) **EFFECTIVE DATE AND APPLICABILITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as the Director of the National Security Agency, except that the individual serving as such Director as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed as such Director, by and with the advice and consent of the Senate, assumes the duties of such Director; or

(B) the date of the cessation of the performance of the duties of such Director by the individual performing such duties as of the date of the enactment of this Act.

(2) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—Subsection (b) shall take effect on the date of the enactment of this Act.

**SEC. 1083. APPOINTMENT OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.**

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking “the National Security Agency”; and

(2) in section 12—

(A) in paragraph (1), by striking “or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code” and inserting “the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Director of the National Security Agency”; and

(B) in paragraph (2), by striking “or the Commissions established under section 15301 of title 40, United States Code” and inserting “the Commissions established under section 15301 of title 40, United States Code, or the National Security Agency”.

(b) **EFFECTIVE DATE; INCUMBENT.**—

(1) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date on which the first Director of the National Security Agency takes office on or after the date of the enactment of this Act.

(2) **INCUMBENT.**—The individual serving as Inspector General of the National Security Agency on the date of the enactment of this

Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

**SEC. 1084. RESPONSIBILITY OF COMMITTEES IN ADVICE AND CONSENT OF SENATE TO INTELLIGENCE APPOINTMENTS.**

(a) **IN GENERAL.**—Section 17 of Senate Resolution 400 agreed to May 19, 1976 (94th Congress) is amended to read as follows:

“SEC. 17. (a)(1) Except as provided in subsections (b) and (c), the Select Committee shall have jurisdiction to review, hold hearings, and report the nominations of civilian individuals for positions in the intelligence community for which appointments are made by the President, by and with the advice and consent of the Senate.

“(2) Except as provided in subsections (b) and (c), other committees with jurisdiction over the department or agency of the Executive Branch which contain a position referred to in paragraph (1) may hold hearings and interviews with individuals nominated for such position, but only the Select Committee shall report such nomination.

“(3) In this subsection, the term ‘intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the Select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the Select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2) If, upon the expiration of the period described in paragraph (1), the Select Committee has not reported the nomination, such nomination shall be automatically discharged from the Select Committee and placed on the Executive Calendar.

“(c)(1) With respect to the confirmation of appointment to the position of Director of the National Security Agency or Inspector General of the National Security Agency or any successor position to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is a member of the Armed Forces on active duty, shall be referred to the Committee on Armed Services and, if and when reported, to the Select Committee for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2) With respect to the confirmation of appointment to the position of Director of the National Security Agency or Inspector General of the National Security Agency, or any successor to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is not a member of the Armed Forces on active duty, shall be referred to the Select Committee and, if and when reported, to the Committee on Armed Services for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Committee on Armed Services shall have an additional 5 calendar days after the Senate reconvenes to report the nomination.



“(3) If, upon the expiration of the period of sequential referral described in paragraphs (1) and (2), the committee to which the nomination was sequentially referred has not reported the nomination, the nomination shall be automatically discharged from that committee and placed on the Executive Calendar.”.

(b) **RULEMAKING AUTHORITY OF THE SENATE.**—The amendment made by subsection (a) is enacted—

(1) as an exercise of the rulemaking power of the Senate; and

(2) with full recognition of the constitutional right of the Senate to change the rules of the Senate at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SA 2464.** Mr. Kaine (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. STUDY OF EFFECTS OF RELOCATION OF AIR FORCE OFFICE OF SCIENTIFIC RESEARCH.**

(a) **IN GENERAL.**—The Secretary of the Air Force shall seek to enter into an arrangement with the National Research Council of the National Academies to conduct a study of the positive and negative effects of the potential relocation of the Air Force Office of Scientific Research from its location as of the date of the enactment of this Act to Wright-Patterson Air Force Base, Dayton, Ohio.

(b) **ELEMENTS.**—The study conducted under subsection (a) shall include, at a minimum, an assessment of the following:

(1) The rationale for the relocation.

(2) The effects of the relocation on employees of the Air Force Office of Scientific Research.

(3) The effects of the relocation on interactions with domestic and international scientific and technical academic communities.

(4) The costs of the relocation.

(5) The effects of the relocation on the execution of the basic research program of the Air Force.

(c) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the National Research Council shall submit to the congressional defense committees a report on the study conducted under subsection (a).

**SA 2465.** Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1109. MODIFICATION TO DEFENSE ADVANCED RESEARCH PROJECTS AGENCY EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL.**

Section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended, in the matter preceding subparagraph (A), by striking “and uniformed services (as such terms are)” and inserting “(as such term is)”.

**SA 2466.** Mr. Levin (for himself, Mr. McCain, Mr. Rockefeller, and Mr. Coburn) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. ACTIONS TO ADDRESS ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on foreign economic and industrial espionage in cyberspace during the 12-month period preceding the submission of the report that—

(A) identifies—

(i) foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons;

(ii) foreign countries identified under clause (i) that the President determines engage in the most egregious economic or industrial espionage in cyberspace with respect to such trade secrets or proprietary information (in this section referred to as “priority foreign countries”);

(iii) technologies or proprietary information developed by United States persons that—

(I) are targeted for economic or industrial espionage in cyberspace; and

(II) to the extent practicable, have been appropriated through such espionage;

(iv) articles manufactured or otherwise produced using technologies or proprietary information described in clause (iii)(II); and

(v) services provided using such technologies or proprietary information;

(B) describes the economic or industrial espionage engaged in by the foreign countries identified under clauses (i) and (ii) of subparagraph (A); and

(C) describes—

(i) actions taken by the President to decrease the prevalence of economic or industrial espionage in cyberspace; and

(ii) the progress made in decreasing the prevalence of such espionage.

(2) **DETERMINATION OF FOREIGN COUNTRIES ENGAGING IN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.**—For purposes of clauses (i) and (ii) of paragraph (1)(A), the President shall identify a foreign country as a foreign country that engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons if the government of the foreign country—

(A) engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; or

(B) facilitates, supports, fails to prosecute, or otherwise permits such espionage by—

(i) individuals who are citizens or residents of the foreign country; or

(ii) entities that are organized under the laws of the foreign country or are otherwise subject to the jurisdiction of the government of the foreign country.

(3) **FORM OF REPORT.**—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) **IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—The President may block and prohibit all transactions in all property and interests in property of each person described in paragraph (2) pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **PERSONS DESCRIBED.**—A person described in this paragraph is a foreign person the President determines knowingly requests, engages in, supports, facilitates, or benefits from the significant appropriation, through economic or industrial espionage in cyberspace, of technologies or proprietary information developed by United States persons.

(3) **EXCEPTION.**—The authority to impose sanctions under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **CYBERSPACE.**—The term “cyberspace”—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) **ECONOMIC OR INDUSTRIAL ESPIONAGE.**—The term “economic or industrial espionage” means—

(A) stealing a trade secret or proprietary information or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information; or

(C) knowingly receiving, buying, or possessing a trade secret or proprietary information that has been stolen or appropriated,



obtained, or converted without the authorization of the owner of the trade secret or proprietary information.

(4) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(6) **OWN.**—The term “own”, with respect to a trade secret or proprietary information, means to hold rightful legal or equitable title to, or license in, the trade secret or proprietary information.

(7) **PERSON.**—The term “person” means an individual or entity.

(8) **PROPRIETARY INFORMATION.**—The term “proprietary information” means competitive bid preparations, negotiating strategies, executive emails, internal financial data, strategic business plans, technical designs, manufacturing processes, source code, data derived from research and development investments, and other commercially valuable information that a person has developed or obtained if—

(A) the person has taken reasonable measures to keep the information confidential; and

(B) the information is not generally known or readily ascertainable through proper means by the public.

(9) **TECHNOLOGY.**—The term “technology” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(10) **TRADE SECRET.**—The term “trade secret” has the meaning given that term in section 1839 of title 18, United States Code.

(11) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a citizen or resident of the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

**SA 2467.** Mr. ROCKEFELLER (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. PHYSICAL EXAMINATIONS AND MENTAL HEALTH SCREENINGS FOR CERTAIN MEMBERS UNDERGOING SEPARATION FROM THE ARMED FORCES WHO ARE NOT OTHERWISE ELIGIBLE FOR SUCH EXAMINATIONS.**

(a) **IN GENERAL.**—The Secretary of the military department concerned shall provide a physical examination and a mental health screening to each member of the Armed Forces who, after a period of active duty of more than 180 days, is undergoing separation from the Armed Forces and is not otherwise provided such an examination or screening in connection with such separation from the Department of Defense or the Department of Veterans Affairs.

(b) **NO RIGHT TO HEALTH CARE BENEFITS.**—The provision of a physical examination or mental health screening to a member under subsection (a) shall not, by itself, entitle the member to any other health care benefits from the Department of Defense or the Department of Veterans Affairs.

(c) **FUNDING.**—Funds for the provision of physical examinations and mental health screenings under this section shall be derived from funds otherwise authorized to be appropriated for the military department concerned for the provision of health care to members of the Armed Forces.

**SEC. 515. REPORT ON CAPACITY OF DEPARTMENT OF DEFENSE TO PROVIDE ELECTRONIC COPY OF MEMBER SERVICE TREATMENT RECORDS TO MEMBERS SEPARATING FROM THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the capacity of the Department of Defense to provide each member of the Armed Forces who is undergoing separation from the Armed Forces an electronic copy of the member's service treatment record at the time of separation.

(b) **MATTERS RELATING TO THE NATIONAL GUARD.**—The assessment under subsection (a) with regards to members of the National Guard shall include an assessment of the capacity of the Department to ensure that the electronic copy of a member's service treatment record includes health records maintained by each State or territory in which the member served.

**SA 2468.** Mr. MARKEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. UPDATE OF COST ESTIMATES FOR SSBN(X) SUBMARINE PROGRAM ALTERNATIVES.**

(a) **REPORT ON UPDATE REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 31, 2014, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth an update of the cost estimates prepared under subsection (a)(1) section 242 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1343) for each option considered under subsection (b) of that section for purposes of the report under that section on the Ohio-class replacement ballistic missile submarine. The update shall specify how the cost updates account for differences in survivability, targeting responsiveness and flexibility, responsiveness to future threats, and such other matters as the Secretary considers important in comparing the options.

(2) **FORM.**—Each updated cost estimate in the report under paragraph (1) shall be submitted in an unclassified form that may be made available to the public. Other information from the update may be submitted in classified form.

(b) **COMPTROLLER GENERAL REPORT.**—Not later than 90 days after the date of the sub-

mittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the accuracy of the updated cost estimates in the report under subsection (a).

(c) **SENSE OF CONGRESS ON NEED FOR SSBN(X).**—

(1) **FINDING.**—Congress finds that the Chief of Naval Operations has assessed the SSBN(X) program as the highest priority of the Navy.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that continuing the SSBN(X) program is critical to modernizing the nuclear deterrent fleets of the United States and the United Kingdom.

**SA 2469.** Mr. CASEY (for himself, Mr. TOOMEY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. ELECTRICAL AND FIRE SAFETY ENHANCEMENT.**

(a) **REVIEW.**—The Secretary of Defense shall conduct a review of electrical safety and fire prevention incidents in United States controlled and occupied non-permanent facilities in the United States Central Command area of responsibility since 2001 and use the resulting lessons learned to develop necessary policy, training, and doctrine for purposes of institutionalizing this knowledge for current and future combat operations.

(b) **ELEMENTS.**—The review required under subsection (a) shall include the following elements:

(1) An assessment of all known electrical or fire related deaths of members of the Armed Forces that have occurred in United States controlled and occupied non-permanent facilities in Afghanistan and Iraq.

(2) Recommendations for improving electrical and fire protection safety in United States controlled and occupied non-permanent facilities used in overseas military operations.

(c) **REVISED GUIDELINES FOR UNIFORM FACILITIES CRITERIA.**—Not later than 90 days after completion of the review required under subsection (a), the findings and recommendations of the review shall be incorporated, as appropriate, in revised guidelines in the Uniform Facilities Criteria, or other relevant policy, training, and doctrine publications, governing non-permanent facilities in support of military operations.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under subsection (a).

**SA 2470.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_—FISA IMPROVEMENTS ACT OF 2013**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the “FISA Improvements Act of 2013”.

**SEC. \_\_\_\_02. SUPPLEMENTAL PROCEDURES FOR ACQUISITION OF CERTAIN BUSINESS RECORDS FOR COUNTERTERRORISM PURPOSES.**

(a) SUPPLEMENTAL PROCEDURES FOR ACQUISITION OF CERTAIN BUSINESS RECORDS FOR INTERNATIONAL TERRORISM INVESTIGATIONS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

“(i) GENERAL PROHIBITION ON BULK COLLECTION OF COMMUNICATION RECORDS.—No order issued pursuant to an application made under subsection (a) may authorize the acquisition in bulk of wire communication or electronic communication records from an entity that provides an electronic communication service to the public if such order does not name or otherwise identify either individuals or facilities, unless such order complies with the supplemental procedures under subsection (j).

“(j) AUTHORIZATION FOR BULK COLLECTION OF NON-CONTENT METADATA.—

“(1) SUPPLEMENTAL PROCEDURES.—Any order directed to the Government under subsection (a) that authorizes the acquisition in bulk of wire communication or electronic communication records, which shall not include the content of such communications, shall be subject to supplemental procedures, which are in addition to any other requirements or procedures imposed by this Act, as follows:

“(A) CONTENT PROHIBITION.—Such an order shall not authorize the acquisition of the content of any communication.

“(B) AUTHORIZATION AND RENEWAL PERIODS.—Such an order—

“(i) shall be effective for a period of not more than 90 days; and

“(ii) may be extended by the court on the same basis as an original order upon an application under this title for an extension and new findings by the court in accordance with subsection (c).

“(C) SECURITY PROCEDURES FOR ACQUIRED DATA.—Information acquired pursuant to such an order (other than information properly returned in response to a query under subparagraph (D)(iii)) shall be retained by the Government in accordance with security procedures approved by the court in a manner designed to ensure that only authorized personnel will have access to the information in the manner prescribed by this section and the court's order.

“(D) LIMITED ACCESS TO DATA.—Access to information retained in accordance with the procedures described in subparagraph (C) shall be prohibited, except for access—

“(i) to perform a query using a selector for which a recorded determination has been made that there is a reasonable articulable suspicion that the selector is associated with international terrorism or activities in preparation therefor;

“(ii) to return information as authorized under paragraph (3); or

“(iii) as may be necessary for technical assistance, data management or compliance

purposes, or for the purpose of narrowing the results of queries, in which case no information produced pursuant to the order may be accessed, used, or disclosed for any other purpose, unless the information is responsive to a query authorized under paragraph (3).

“(2) RECORD REQUIREMENT.—

“(A) DETERMINATION.—For any determination made pursuant to paragraph (1)(D)(i), a record shall be retained of the selector, the identity of the individual who made the determination, the date and time of the determination, and the information indicating that, at the time of the determination, there was a reasonable articulable suspicion that the selector was associated with international terrorism or activities in preparation therefor.

“(B) QUERY.—For any query performed pursuant to paragraph (1)(D)(i), a record shall be retained of the identity of the individual who made the query, the date and time of the query, and the selector used to perform the query.

“(3) SCOPE OF PERMISSIBLE QUERY RETURN INFORMATION.—For any query performed pursuant to paragraph (1)(D)(i), the query only may return information concerning communications—

“(A) to or from the selector used to perform the query;

“(B) to or from a selector in communication with the selector used to perform the query; or

“(C) to or from any selector reasonably linked to the selector used to perform the query, in accordance with the court approved minimization procedures required under subsection (g).

“(4) LIMITS ON PERSONNEL AUTHORIZED TO MAKE DETERMINATIONS OR PERFORM QUERIES.—A court order issued pursuant to an application made under subsection (a), and subject to the requirements of this subsection, shall impose strict, reasonable limits, consistent with operational needs, on the number of Government personnel authorized to make a determination or perform a query pursuant to paragraph (1)(D)(i). The Director of National Intelligence shall ensure that each such personnel receives comprehensive training on the applicable laws, policies, and procedures governing such determinations and queries prior to exercising such authority.

“(5) AUTOMATED REPORTING.—

“(A) REQUIREMENT FOR AUTOMATED REPORTING.—The Director of the National Intelligence, in consultation with the head of the agency responsible for acquisitions pursuant to orders subject to the requirements of this subsection, shall establish a technical procedure whereby the aggregate number of queries performed pursuant to this subsection in the previous quarter shall be recorded automatically, and subsequently reported to the appropriate committees of Congress.

“(B) AVAILABILITY UPON REQUEST.—The information reported under subparagraph (A) shall be available to each of the following upon request:

“(i) The Inspector General of the National Security Agency.

“(ii) The Inspector General of the Intelligence Community.

“(iii) The Inspector General of the Department of Justice.

“(iv) Appropriate officials of the Department of Justice.

“(v) Appropriate officials of the National Security Agency.

“(vi) The Privacy and Civil Liberties Oversight Board.

“(6) COURT REVIEW OF RECORDS.—

“(A) REQUIREMENT TO PROVIDE RECORDS.—In accordance with minimization procedures required by subsection (g), and subject to subparagraph (B), a copy of each record for a determination prepared pursuant to paragraph (2)(A) shall be promptly provided to the court established under section 103(a).

“(B) RECORDS ASSOCIATED WITH UNITED STATES PERSONS.—In accordance with minimization procedures required by subsection (g), a copy of each record for a determination prepared pursuant to paragraph (2)(A) that is reasonably believed to be associated with a particular, known United States person shall be promptly provided to the court established under section 103(a), but no more than 7 days after the determination.

“(C) REMEDY FOR IMPROPER DETERMINATIONS.—If the court finds that the record of the determination indicates the determination did not meet the requirements of this section or is otherwise unlawful, the court may order that production of records under the applicable order be terminated or modified, that the information returned in response to queries using the selector identified in the determination be destroyed, or another appropriate remedy.

“(7) RECORD RETENTION AND QUERY RESTRICTIONS.—

“(A) RECORD RETENTION.—All records and information produced pursuant to an order subject to this subsection, other than the results of queries as described in paragraph (3), shall be retained no longer than 5 years from the date of acquisition.

“(B) QUERY RESTRICTIONS.—The Government shall not query any data acquired under this subsection and retained in accordance with the procedures described in paragraph (1)(C) more than 3 years after such data was acquired unless the Attorney General determines that the query meets the standard set forth in paragraph (1)(D)(i).

“(8) CONGRESSIONAL OVERSIGHT.—A copy of each order issued pursuant to an application made under subsection (a), and subject to the requirements of this subsection, shall be provided to the appropriate committees of Congress.

“(9) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(i) the Committee on the Judiciary and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

“(B) CONTENT.—The term ‘content’, with respect to a communication—

“(i) means any information concerning the substance, purport, or meaning of that communication; and

“(ii) does not include any dialing, routing, addressing, signaling information.

“(C) ELECTRONIC COMMUNICATION.—The term ‘electronic communication’ has the meaning given that term in section 2510 of title 18, United States Code.

“(D) ELECTRONIC COMMUNICATION SERVICE.—The term ‘electronic communication service’ has the meaning given that term in section 2510 of title 18, United States Code.

“(E) SELECTOR.—The term ‘selector’ means an identifier, such as a phone number or electronic account identifier, that is associated with a particular communicant or facility.

“(F) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 101 of this Act.

“(G) WIRE COMMUNICATION.—The term ‘wire communication’ has the meaning given that

term in section 2510 of title 18, United States Code.”.

(b) ANNUAL UNCLASSIFIED REPORT.—Section 502(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862(c)(1)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) for each order subject to the supplemental procedures under section 501(j)—

“(i) the number of unique selectors for which a recorded determination has been made under section 501(j)(1)(D)(i) that reasonable articulable suspicion exists that the selector is associated with international terrorism or activities in preparation thereof;

“(ii) the aggregate number of queries performed pursuant to such section;

“(iii) the aggregate number of investigative leads developed as a direct result of any query performed pursuant to subsection (j)(1)(D)(i); and

“(iv) the aggregate number of warrants or court orders, based upon a showing of probable cause, issued pursuant to title I or III of this Act or chapter 119, 121, or 205 of title 18, United States Code, in response to applications for such warrants or court orders containing information produced by such queries.”.

#### SEC. 403. ENHANCED CRIMINAL PENALTIES FOR UNAUTHORIZED ACCESS TO COLLECTED DATA.

Section 1030 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended—

(A) in paragraph (5)(C), by striking the period at the end and inserting a semicolon;

(B) in paragraph (7)(C), by adding “or” at the end; and

(C) by inserting after paragraph (7)(C) the following:

“(8) accesses a computer without authorization or exceeds authorized access and thereby obtains information from any department or agency of the United States knowing or having reason to know that such computer was operated by or on behalf of the United States and that such information was acquired by the United States pursuant to the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.) pursuant to an order issued by a court established under section 103 of that Act (50 U.S.C. 1803).”.

(2) Subsection (c) is amended—

(A) in paragraph (4)(G)(ii), by striking the period at the end and inserting a semicolon and “or”; and

(B) by adding at the end the following:

“(5) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(8) of this section.”.

#### SEC. 404. APPOINTMENT OF AMICUS CURIAE.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(1) AMICUS CURIAE.—

“(1) AUTHORIZATION.—Notwithstanding any other provision of law, a court established under subsection (a) or (b) is authorized, consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time, to appoint amicus curiae to assist the court in the consideration of a covered application.

“(2) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(i) the Committee on the Judiciary and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

“(B) COVERED APPLICATION.—The term ‘covered application’ means an application for an order or review made to a court established under subsection (a) or (b)—

“(i) that, in the opinion of such a court, presents a novel or significant interpretation of the law; and

“(ii) that is—

“(I) an application for an order under this title, title III, IV, or V of this Act, or section 703 or 704 of this Act;

“(II) a review of a certification or procedures under section 702 of this Act; or

“(III) a notice of non-compliance with any such order, certification, or procedures.

“(3) DESIGNATION.—The courts established by subsection (a) and (b) shall each designate 1 or more individuals who have been determined by appropriate executive branch officials to be eligible for access to classified national security information, including sensitive compartmented information, who may be appointed to serve as amicus curiae. In appointing an amicus curiae pursuant to paragraph (1), the court may choose from among those so designated.

“(4) EXPERTISE.—An individual appointed as an amicus curiae under paragraph (1) may be a special counsel or an expert on privacy and civil liberties, intelligence collection, telecommunications, or any other area that may lend legal or technical expertise to the court.

“(5) DUTIES.—An amicus curiae appointed under paragraph (1) to assist with the consideration of a covered application shall carry out the duties assigned by the appointing court. That court may authorize, to the extent consistent with the case or controversy requirements of Article III of the Constitution of the United States and the national security of the United States, the amicus curiae to review any application, certification, petition, motion, or other submission that the court determines is relevant to the duties assigned by the court.

“(6) NOTIFICATION.—A court established under subsection (a) or (b) shall notify the Attorney General of each exercise of the authority to appoint an amicus curiae under paragraph (1).

“(7) ASSISTANCE.—A court established under subsection (a) or (b) may request and receive (including on a non-reimbursable basis) the assistance of the executive branch in the implementation of this subsection.

“(8) ADMINISTRATION.—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, support, or other administration of an amicus curiae appointed under paragraph (1) in a manner that is not inconsistent with this subsection.

“(9) CONGRESSIONAL OVERSIGHT.—The Attorney General shall submit to the appropriate committees of Congress an annual report on the number of notices described in paragraph (6) received by Attorney General for the preceding 12-month period.”.

#### SEC. 405. CONSOLIDATION OF CONGRESSIONAL OVERSIGHT PROVISIONS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REPEAL OF CONGRESSIONAL OVERSIGHT PROVISIONS.—

(1) REPEAL.—The Foreign Intelligence Surveillance Act of 1978 is amended by striking

sections 107, 108, 306, and 406 (50 U.S.C. 1807, 1808, 1826, and 1846).

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by striking the items relating to sections 107, 108, 306, and 406.

(b) SEMI-ANNUAL REPORT OF THE ATTORNEY GENERAL.—Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended to read as follows:

#### “SEC. 601. SEMI-ANNUAL REPORT OF THE ATTORNEY GENERAL.

“(a) IN GENERAL.—

“(1) INFORMATION.—On a semiannual basis, the Attorney General shall submit to the appropriate committees of Congress a report pursuant to paragraph (2) concerning all electronic surveillance, physical searches, and uses of pen registers and trap and trace devices conducted under this Act.

“(2) REPORT.—The report required by paragraph (1) shall include the following:

“(A) ELECTRONIC SURVEILLANCE.—The total number of—

“(i) applications made for orders approving electronic surveillance under this Act;

“(ii) such orders either granted, modified, or denied;

“(iii) proposed applications for orders for electronic surveillance submitted pursuant to Rule 9(a) of the Rules of Procedure for the Foreign Intelligence Surveillance Court, or any successor rule, that are not formally presented in the form of a final application under Rule 9(b) of the Rules of Procedure for the Foreign Intelligence Surveillance Court, or any successor rule;

“(iv) named United States person targets of electronic surveillance;

“(v) emergency authorizations of electronic surveillance granted under this Act and the total number of subsequent orders approving or denying such electronic surveillance; and

“(vi) new compliance incidents arising from electronic surveillance under this Act.

“(B) PHYSICAL SEARCHES.—The total number of—

“(i) applications made for orders approving physical search under this Act;

“(ii) such orders either granted, modified, or denied;

“(iii) proposed applications for orders for physical searches submitted pursuant to Rule 9(a) of the Rules of Procedure for the Foreign Intelligence Surveillance Court, or any successor rule, that are not formally presented in the form of a final application under Rule 9(b) of the Rules of Procedure for the Foreign Intelligence Surveillance Court, or any successor rule;

“(iv) named United States person targets of physical searches;

“(v) emergency authorizations of physical searches granted under this Act and the total number of subsequent orders approving or denying such physical searches; and

“(vi) new compliance incidents arising from physical searches under this Act.

“(C) PEN REGISTER AND TRAP AND TRACE DEVICES.—The total number of—

“(i) applications made for orders approving the use of pen registers or trap and trace devices under this Act;

“(ii) such orders either granted, modified, or denied;

“(iii) proposed applications for orders for pen registers or trap and trace devices submitted pursuant to Rule 9(a) of the Rules of Procedure for the Foreign Intelligence Surveillance Court, or any successor rule, that are not formally presented in the form of a final application under Rule 9(b) of the Rules

of Procedure for the Foreign Intelligence Surveillance Court, or any successor rule;

“(iv) named United States person targets of pen registers or trap and trace devices;

“(v) emergency authorizations of the use of pen registers or trap and trace devices granted under this Act and the total number of subsequent orders approving or denying such use of pen registers or trap and trace devices; and

“(vi) new compliance incidents arising from the use of pen registers or trap and trace devices under this Act.

“(D) COMPLIANCE INCIDENTS.—A summary of each compliance incident reported under subparagraphs (A)(vi), (B)(vi), and (C)(vi).

“(E) SIGNIFICANT LEGAL INTERPRETATIONS.—A summary of significant legal interpretations of this Act involving matters before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, including interpretations presented in applications or pleadings filed with the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.

“(b) SUBMISSIONS OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.—The Attorney General shall submit to the appropriate committees of Congress a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes a significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued.

“(c) PROTECTION OF NATIONAL SECURITY.—The Director of National Intelligence, in consultation with the Attorney General, may authorize redactions of materials described in subsection (b) that are provided to the appropriate committees of Congress if such redactions are necessary to protect properly classified information.

“(d) AVAILABILITY TO MEMBERS OF CONGRESS.—Consistent with the rules and practices of the Senate and the House of Representatives, each report submitted pursuant to subsection (a)(2) and each submission made pursuant to subsection (b) shall be made available to every member of Congress, subject to appropriate procedures for the storage and handling of classified information.

“(e) PUBLIC REPORT.—

“(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, in consultation with the Director of National Intelligence, shall make available to the public an unclassified annual summary of the reports submitted under subsection (a) that, to the maximum extent practicable consistent with the protection of classified information, includes the information contained in the report submitted pursuant to subsection (a)(2).

“(2) MINIMUM REQUIREMENTS.—In each report made available to the public under paragraph (1), the Attorney General shall include, at a minimum, the information required under subparagraphs (A), (B), and (C) of subsection (a)(2), which may be presented as annual totals.

“(f) CONSTRUCTION.—Nothing in this title may be construed to limit the authority and responsibility of an appropriate committee of Congress to obtain any information required by such committee to carry out its functions and duties.

“(g) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

“(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

“(2) ELECTRONIC SURVEILLANCE.—The term ‘electronic surveillance’ has the meaning given that term in section 101 of this Act.

“(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ‘Foreign Intelligence Surveillance Court’ means the court established under section 103(a) of this Act.

“(4) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term ‘Foreign Intelligence Surveillance Court of Review’ means the court established under section 103(b) of this Act.

“(5) PEN REGISTER.—The term ‘pen register’ has the meaning given that term in section 401 of this Act.

“(6) PHYSICAL SEARCH.—The term ‘physical search’ has the meaning given that term in section 301 of this Act.

“(7) TRAP AND TRACE DEVICE.—The term ‘trap and trace device’ has the meaning given that term in section 401 of this Act.

“(8) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 101 of this Act.”

(c) AVAILABILITY OR REPORTS AND SUBMISSIONS.—

(1) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding after section 601 the following:

“SEC. 602. AVAILABILITY OF REPORTS AND SUBMISSIONS.

“(a) AVAILABILITY TO MEMBERS OF CONGRESS.—Consistent with the rules and practices of the Senate and the House of Representatives, each submission to Congress made pursuant to section 502(b), 702(1)(1), or 707 shall be made available, to every member of Congress, subject to appropriate procedures for the storage and handling of classified information.

“(b) PUBLIC REPORT.—The Attorney General or the Director of National Intelligence, as appropriate, shall make available to the public unclassified reports that, to the maximum extent practicable consistent with the protection of classified information, include the information contained in each submission to Congress made pursuant to section 502(b), 702(1)(1), or 707.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by inserting after the item relating to section 601 the following:

“Sec. 602. Availability of reports and submissions.”

SEC. 06. RESTRICTIONS ON QUERYING THE CONTENTS OF CERTAIN COMMUNICATIONS.

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended by adding at the end the following:

“(m) QUERIES.—

“(1) LIMITATION ON QUERY TERMS THAT IDENTIFY A UNITED STATES PERSON.—A query of the contents of communications acquired under this section with a selector known to be used by a United States person may be conducted by personnel of elements of the Intelligence Community only if the purpose of the query is to obtain foreign intelligence information or information necessary to understand foreign intelligence information or to assess its importance.

“(2) RECORD.—

“(A) IN GENERAL.—For any query performed pursuant to paragraph (1) a record

shall be retained of the identity of the Government personnel who performed the query, the date and time of the query, and the information indicating that the purpose of the query was to obtain foreign intelligence information or information necessary to understand foreign intelligence information or to assess its importance.

“(B) AVAILABILITY.—Each record prepared pursuant to subparagraph (A) shall be made available to the Department of Justice, the Office of the Director of National Intelligence, appropriate Inspectors General, the Foreign Intelligence Surveillance Court, and the appropriate committees of Congress.

“(3) CONSTRUCTION.—Nothing in this subsection may be construed—

“(A) to prohibit access to data collected under this section as may be necessary for technical assurance, data management or compliance purposes, or for the purpose of narrowing the results of queries, in which case no information produced pursuant to the order may be accessed, used, or disclosed other than for such purposes;

“(B) to limit the authority of a law enforcement agency to conduct a query for law enforcement purposes of the contents of communications acquired under this section; or

“(C) to limit the authority of an agency to conduct a query for the purpose of preventing a threat to life or serious bodily harm to any person.

“(4) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(i) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

“(ii) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.”

“(B) CONTENT.—The term ‘content’, with respect to a communication—

“(i) means any information concerning the substance, purport, or meaning of that communication; and

“(ii) does not include any dialing, routing, addressing, or signaling information.

“(C) SELECTOR.—The term ‘selector’ means an identifier, such as a phone number or electronic account identifier, that is associated with a particular communicant or facility.”

SEC. 07. TEMPORARY TARGETING OF PERSONS OTHER THAN UNITED STATES PERSONS TRAVELING INTO THE UNITED STATES.

(a) IN GENERAL.—Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following:

“(f)(1) Notwithstanding any other provision of this Act, acquisition of foreign intelligence information by targeting a non-United States person reasonably believed to be located outside the United States that was lawfully initiated by an element of the intelligence community may continue for a transitional period not to exceed 72 hours from the time when it is recognized that the non-United States person is reasonably believed to be located inside the United States and that the acquisition is subject to this title or title III of this Act, provided that the head of the element determines that there exists an exigent circumstance and—

“(A) there is reason to believe that the target of the acquisition has communicated or

received or will communicate or receive foreign intelligence information relevant to the exigent circumstance; and

“(B) it is determined that a request for emergency authorization from the Attorney General in accordance with the terms of this Act is impracticable in light of the exigent circumstance.

“(2) The Director of National Intelligence or the head of an element of the intelligence community shall promptly notify the Attorney General of the decision to exercise the authority under this section and shall request emergency authorization from the Attorney General pursuant to this Act as soon as practicable, to the extent such request is warranted by the facts and circumstances.

“(3) Subject to subparagraph (4), the authority under this section to continue acquisition of foreign intelligence information is limited to 72 hours. However, if the Attorney General authorizes an emergency acquisition pursuant to this Act, then acquisition of foreign intelligence information may continue for the period of time that the Attorney General’s emergency authorization or any subsequent court order authorizing the acquisition remains in effect.

“(4) The authority to acquire foreign intelligence information under this subsection shall terminate upon any of the following, whichever occurs first—

“(A) 72 hours have elapsed since the commencement of the transitional period;

“(B) the Attorney General has directed that the acquisition be terminated; or

“(C) the exigent circumstance is no longer reasonably believed to exist.

“(5) If the Attorney General authorizes an emergency authorization during the transitional period, the acquisition of foreign intelligence shall continue during any transition to, and consistent with, the Attorney General emergency authorization or court order.

“(6) Any information of or concerning unconsenting United States persons acquired during the transitional period may only be disseminated during the transitional period if necessary to investigate, prevent, reduce, or eliminate the exigent circumstance or if it indicates a threat of death or serious bodily harm to any person.

“(7) In the event that during the transition period a request for an emergency authorization from the Attorney General pursuant to this Act for continued acquisition of foreign intelligence is not approved or an order from a court is not obtained to continue the acquisition, information obtained during the transitional period shall not be retained, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(8) The Attorney General shall assess compliance with the requirements of paragraph (7).”.

(b) **NOTIFICATION OF EMERGENCY EMPLOYMENT OF ELECTRONIC SURVEILLANCE.**—Section 106(j) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(j)) is amended by striking “section 105(e)” and inserting “subsection (e) or (f) of section 105”.

**SEC. 108. CONFIRMATION OF APPOINTMENT OF THE DIRECTOR OF THE NATIONAL SECURITY AGENCY.**

(a) **DIRECTOR OF THE NATIONAL SECURITY AGENCY.**—Section 2 of the National Security Agency Act of 1959 (50 U.S.C. 3602) is amended—

(1) by inserting “(b)” before “There”; and

(2) by inserting before subsection (b), as so designated by paragraph (1), the following:

“(a)(1) There is a Director of the National

Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.”.

(b) **POSITION OF IMPORTANCE AND RESPONSIBILITY.**—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

(c) **EFFECTIVE DATE AND APPLICABILITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as the Director of the National Security Agency, except that the individual serving as such Director as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed as such Director, by and with the advice and consent of the Senate, assumes the duties of such Director; or

(B) the date of the cessation of the performance of the duties of such Director by the individual performing such duties as of the date of the enactment of this Act.

(2) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—Subsection (b) shall take effect on the date of the enactment of this Act.

**SEC. 109. PRESIDENTIAL APPOINTMENT AND SENATE CONFIRMATION OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.**

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking “the National Security Agency”; and

(2) in section 12—

(A) in paragraph (1), by striking “or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code” and inserting “the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Director of the National Security Agency”; and

(B) in paragraph (2), by striking “or the Commissions established under section 15301 of title 40, United States Code” and inserting “the Commissions established under section 15301 of title 40, United States Code, or the National Security Agency”.

(b) **EFFECTIVE DATE; INCUMBENT.**—

(1) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date on which the first Director of the National Security Agency takes office on or after the date of the enactment of this Act.

(2) **INCUMBENT.**—The individual serving as Inspector General of the National Security Agency on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

**SEC. 110. ANNUAL REPORTS ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.**

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding at the end the following:

**“SEC. 509. ANNUAL REPORT ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.**

“(a) **ANNUAL REPORTS REQUIRED.**—Not later than April 1 of each year, the Director of National Intelligence shall submit to the con-

gressional intelligence committees a report on violations of law or executive order by personnel of an element of the intelligence community that were identified during the previous calendar year.

“(b) **ELEMENTS.**—Each report required subsection (a) shall include a description of any violation of law or executive order (including Executive Order No. 12333 (50 U.S.C. 3001 note)) by personnel of an element of the intelligence community in the course of such employment that, during the previous calendar year, was determined by the director, head, general counsel, or inspector general of any element of the intelligence community to have occurred.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in the first section of the National Security Act of 1947 is amended by adding after the section relating to section 508 the following:

“Sec. 509. Annual report on violations of law or executive order.”.

**SEC. 111. PERIODIC REVIEW OF INTELLIGENCE COMMUNITY PROCEDURES FOR THE ACQUISITION, RETENTION, AND DISSEMINATION OF INTELLIGENCE.**

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section 10, is further amended by adding at the end the following:

**“SEC. 510. PERIODIC REVIEW OF INTELLIGENCE COMMUNITY PROCEDURES FOR THE ACQUISITION, RETENTION, AND DISSEMINATION OF INTELLIGENCE.**

“(a) **HEAD OF AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term ‘head of an element of the intelligence community’ means, as appropriate—

“(1) the head of an element of the intelligence community; or

“(2) the head of the department or agency containing such element.

“(b) **REVIEW OF PROCEDURES APPROVED BY THE ATTORNEY GENERAL.**—

“(1) **REQUIREMENT FOR IMMEDIATE REVIEW.**—Each head of an element of the intelligence community that has not obtained the approval of the Attorney General for the procedures, in their entirety, required by section 2.3 of Executive Order 12333 (50 U.S.C. 3001 note) within 5 years prior to the date of the enactment of the FISA Improvements Act of 2013, shall initiate, not later than 180 days after such date of enactment, a review of the procedures for such element, in accordance with paragraph (3).

“(2) **REQUIREMENT FOR REVIEW.**—Not less frequently than once every 5 years, each head of an element of the intelligence community shall conduct a review of the procedures approved by the Attorney General for such element that are required by section 2.3 of Executive Order 12333 (50 U.S.C. 3001 note), or any successor order, in accordance with paragraph (3).

“(3) **REQUIREMENTS FOR REVIEWS.**—In coordination with the Director of National Intelligence and the Attorney General, the head of an element of the intelligence community required to perform a review under paragraphs (1) or (2) shall—

“(A) review existing procedures for such element that are required by section 2.3 of Executive Order 12333 (50 U.S.C. 3001 note), or any successor order, to assess whether—

“(i) advances in communications or other technologies since the time the procedures were most recently approved by the Attorney General have affected the privacy protections that the procedures afford to United

States persons, to include the protections afforded to United States persons whose non-public communications are incidentally acquired by an element of the intelligence community; or

“(ii) aspects of the existing procedures impair the acquisition, retention, or dissemination of timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organization, and persons, and their agents; and

“(B) propose any modifications to existing procedures for such element in order to—

“(i) clarify the guidance such procedures afford to officials responsible for the acquisition, retention, and dissemination of intelligence;

“(ii) eliminate unnecessary impediments to the acquisition, retention, and dissemination of intelligence; or

“(iii) ensure appropriate protections for the privacy of United States persons and persons located inside the United States.

“(4) NOTICE.—The Director of National Intelligence and the Attorney General shall notify the congressional intelligence committees following the completion of each review required under this section.

“(5) REQUIREMENT TO PROVIDE PROCEDURES.—Upon the implementation of any modifications to procedures required by section 2.3 of Executive Order 12333 (50 U.S.C. 3001 note), or any successor order, the head of the element of the intelligence community to which the modified procedures apply shall promptly provide a copy of the modified procedures to the congressional intelligence committees.”

(b) CLERICAL AMENDMENT.—The table of sections in the first section of the National Security Act of 1947, as amended by section 10, is further amended by adding after the section relating to section 509 the following:

“Sec. 510. Periodic review of intelligence community procedures for the acquisition, retention, and dissemination of intelligence.”

**SEC. 12. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD ENHANCEMENTS RELATING TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE OFFICIAL.—The term “appropriate official” means the appropriate official of an agency or department of the United States who is responsible for preparing or submitting a covered application.

(2) BOARD.—The term “Board” means the Privacy and Civil Liberties Oversight Board established in section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee).

(3) COVERED APPLICATION.—The term “covered application” means a submission to a FISA Court—

(A) that—

(i) presents a novel or significant interpretation of the law; and

(ii) relates to efforts to protect the United States from terrorism; and

(B) that is—

(i) a final application for an order under title I, III, IV, or V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or section 703 or 704 of that Act (50 U.S.C. 1881b and 1881c);

(ii) a review of a certification or procedure under section 702 of that Act (50 U.S.C. 1881a); or

(iii) a notice of non-compliance with such an order, certification, or procedures.

(4) FISA COURT.—The term “FISA Court” means a court established under subsection

(a) or (b) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(b) NOTICE OF SUBMISSIONS AND ORDERS.—

(1) SUBMISSION TO FISA COURT.—Notwithstanding any provision of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), if a covered application is filed with a FISA Court, the appropriate official shall provide such covered application to the Board not later than the date of such filing, provided the provision of such covered application does not delay any filing with a FISA Court.

(2) FISA COURT ORDERS.—Notwithstanding any provision of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), the appropriate official shall provide to the Board each order of a FISA Court related to a covered application.

(c) DISCRETIONARY ASSESSMENT OF THE BOARD.—

(1) NOTICE OF DECISION TO CONDUCT ASSESSMENT.—Upon receipt of a covered application under subsection (b)(1), the Board shall—

(A) elect whether to conduct the assessment described in paragraph (3); and

(B) submit to the appropriate official a notice of the Board's election under subparagraph (A).

(2) TIMELY SUBMISSION.—The Board shall in a timely manner prepare and submit to the appropriate official—

(A) the notice described in paragraph (1)(B); and

(B) the associated assessment, if the Board elects to conduct such an assessment.

(3) CONTENT.—An assessment of a covered application prepared by the Board shall address whether the covered application is balanced with the need to protect privacy and civil liberties, including adequate supervision and guidelines to ensure protection of privacy and civil liberties.

(d) ANNUAL REVIEW.—The Board shall conduct an annual review of the activities of the National Security Agency related to information collection under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(e) PROVISION OF COMMUNICATIONS SERVICES AND OFFICE SPACE TO CERTAIN MEMBERS OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended by adding at the end the following:

“(5) PROVISION OF COMMUNICATIONS SERVICES AND OFFICE SPACE.—The Director of National Intelligence shall provide to each member of the Board who resides more than 100 miles from the District of Columbia such communications services and office space as may be necessary for the member to access and use classified information. Such services and office space shall be located at an existing secure government or contractor facility located within the vicinity of such member's place of residence.”

**SA 2471.** Mr. LEAHY (for himself, Ms. COLLINS, Mr. COONS, Mr. BLUMENTHAL, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM REAUTHORIZATION.**

(a) SHORT TITLE.—This section may be cited as the “Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013”.

(b) FINDINGS.—Congress finds that—

(1) according to a report published by the Government Accountability Office—

(A) since 1987, body armor has saved the lives of more than 3,000 law enforcement officers, and continues to serve as a critical safety measure for law enforcement officers; and

(B) law enforcement officers who do not wear body armor are 3.4 times more likely to sustain a fatal injury from a gunshot to the torso than officers who do;

(2) during the tragic shooting at the Washington Navy Yard Naval Sea Systems Command on September 16, 2013, a Washington, D.C. law enforcement officer was shot twice in the torso and was saved by his protective vest;

(3) in 2012, protective vests were directly responsible for saving the lives of at least 33 law enforcement officers;

(4) body armor is an effective tool in helping to protect law enforcement officers; and

(5) since 1999, the Bulletproof Vest Partnership has helped State and local law enforcement agencies purchase more than 1,000,000 protective vests.

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking “part Y,” and all that follows and inserting the following: “part Y—

“(A) \$15,000,000 for each of fiscal years 2014 and 2015; and

“(B) \$30,000,000 for each of fiscal years 2016, 2017, and 2018.”

(d) EXPIRATION OF PREVIOUSLY APPROPRIATED FUNDS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961l) is amended by adding at the end the following:

“(h) EXPIRATION OF PREVIOUSLY APPROPRIATED FUNDS.—

“(1) DEFINITION.—In this subsection, the term ‘previously appropriated funds’ means any amounts that—

“(A) were appropriated for any of fiscal years 1999 through 2012 to carry out this part; and

“(B) on the date of enactment of the Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013, are available to be expended and have not been expended, including funds that were previously obligated but undisbursed.

“(2) EXPIRATION.—All previously appropriated funds that are not expended by September 30, 2015 shall be transferred to the General Fund of the Treasury not later than January 15, 2016.”

(e) SENSE OF CONGRESS ON 2-YEAR LIMITATION ON FUNDS.—It is the sense of Congress that amounts made available to carry out part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961l et seq.) should be made available through the end of the first fiscal year following the fiscal year for which the amounts are appropriated and should not be made available until expended.



(f) **MATCHING FUNDS LIMITATION.**—Section 2501(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) **LIMITATION ON STATE MATCHING FUNDS.**—A State, unit of local government, or Indian tribe may not use funding received under any other Federal grant program to pay or defer the cost, in whole or in part, of the matching requirement under paragraph (1).”.

(g) **APPLICATION OF BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM REQUIREMENTS TO ANY ARMOR VEST OR BODY ARMOR PURCHASED WITH FEDERAL GRANT FUNDS.**—Section 521 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766a) is amended by adding at the end the following:

“(c)(1) Notwithstanding any other provision of law, a grantee that uses funds made available under this part to purchase an armor vest or body armor shall—

“(A) comply with any requirements established for the use of grants made under part Y;

“(B) have a written policy requiring uniformed patrol officers to wear an armor vest or body armor; and

“(C) use the funds to purchase armor vests or body armor that meet any performance standards established by the Director of the Bureau of Justice Assistance.

“(2) In this subsection, the terms ‘armor vest’ and ‘body armor’ have the same meanings given the terms in section 2503.”.

(h) **UNIQUELY FITTED ARMOR VESTS.**—Section 2501(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961(c)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking “; or” and inserting “; and”; and

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following:

“(4) provides armor vests to law enforcement officers that are uniquely fitted for such officers, including vests uniquely fitted to individual female law enforcement officers; or”.

**SA 2472.** Ms. LANDRIEU (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 509 and insert the following:  
**SEC. 509. NATIONAL GUARD YOUTH CHALLENGE PROGRAM.**

Section 509 of title 32, United States Code, is amended—

(1) in subsection (a), by striking “Secretary of Defense may use” and inserting “Chief of the National Guard Bureau shall use”;

(2) in subsection (b)—

(A) by striking “Secretary of Defense” each place it appears and inserting “Chief of the National Guard Bureau”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “Secretary” and inserting “Chief of the National Guard Bureau”; and

(ii) in subparagraph (A), by striking “, except that” and all that follows through “\$62,500,000”; and

(C) in paragraph (4), by striking “Secretary may use” and inserting “Chief of the National Guard Bureau shall use”;

(3) in subsection (c)(2), by striking “Secretary” and inserting “Chief of the National Guard Bureau”;

(4) in subsection (d)(1), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”;

(5) in subsection (e), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”;

(6) in subsection (f)(1), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”;

(7) in subsection (k)—

(A) by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”; and

(B) by striking “Secretary” and inserting “Chief of the National Guard Bureau”; and

(8) in subsection (m), by striking “Secretary of Defense” and inserting “Chief of the National Guard Bureau”.

**SA 2473.** Mr. UDALL of Colorado (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON HEALTH AND SAFETY RISKS ASSOCIATED WITH EJECTION SEATS.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the risks to the health and safety of members of the Armed Forces of the ejection seats currently in operational use by the Air Force.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment whether aircrew members wearing advanced helmets, night vision systems, helmet-mounted cueing systems, or other helmet-mounted devices or attachments are at increased risk of serious injury or death during a high-speed ejection sequence.

(2) An analysis of how ejection seats currently in operational use provide protection against head, neck, and spinal cord injuries during an ejection sequence.

(3) An analysis of initiatives currently underway within the Air Force to decrease the risk of death or serious injury in an ejection sequence.

(4) An analysis of programs or initiatives not currently underway within the Air Force that could decrease the risk of death or serious injury in an ejection sequence.

(5) The status of any testing or qualifications on upgraded ejection seats that may reduce the risk of death or serious injury in an ejection sequence.

**SA 2474.** Mr. TESTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1109. DUE PROCESS FOR FEDERAL EMPLOYEES SERVING IN SENSITIVE POSITIONS.**

(a) **AMENDMENTS.**—Section 7701 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

“(k)(1) The Board has authority to review on the merits an appeal by an employee or applicant for employment of an action arising from a determination that the employee or applicant for employment is ineligible for a sensitive position if—

“(A) the sensitive position does not require a security clearance or access to classified information; and

“(B) such action is otherwise appealable.

“(2) In this subsection, the term ‘sensitive position’ means a position designated as a sensitive position under Executive Order 10450 (5 U.S.C. 7311 note), or any successor thereto.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any appeal that is pending on, or commenced on or after, the date of enactment of this Act.

**SA 2475.** Mr. MCCAIN (for himself, Mr. LEVIN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. ASSISTANCE TO FOSTER NEGOTIATED SETTLEMENT TO SYRIA CONFLICT.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to change the military momentum on the battlefield in Syria so as to create favorable conditions for a negotiated settlement that ends the conflict and leads to a democratic government in Syria.

(b) **AUTHORITY TO PROVIDE ASSISTANCE.**—Subject to the requirements in subsections (d) and (e), the Secretary of Defense may, with the concurrence of the Secretary of State, provide equipment, supplies, and training to vetted units of the Free Syrian Army, the Supreme Military Council, and other Syrian forces opposed to the government of Bashar al-Assad and the Islamic State of Iraq and Syria (ISIS) for the purpose of conducting military operations inside Syria, with funds made available for foreign assistance.

(c) **FUNDING.**—Not more than \$100,000,000 of the amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year



2014 may be used to implement the authority provided under subsection (b).

(d) **CERTIFICATION REQUIREMENT.**—Not later than 15 days before obligating or providing the assistance as authorized in subsection (b), the Secretary shall certify to the appropriate congressional committees that—

(1) based on the information available to the United States Government, the unit or units, including the senior leaders of such unit or units, to whom assistance is being provided, or is planned to be provided, is—

(A) not an organization or person that has been designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or a “Specifically Designated Global Terrorist” pursuant to Executive Order 13224 (66 Fed. Reg. 49079);

(B) committed to rejecting terrorism, and cooperating with international counterterrorism and nonproliferation efforts;

(C) opposed to sectarian violence and revenge killings;

(D) committed to establishing a peaceful, pluralistic, and democratic Syria that respects the human rights and fundamental freedoms of all its citizens; and

(E) committed to civilian rule, including subordinating the military to civilian authority, and the rule of law for Syria;

(2) assistance shall be provided in a manner that promotes observance of and respect for human rights and fundamental freedoms, military professionalism, respect for rule of law and the importance of civilian control of the military, rejection of terrorism and extremism, and safeguarding the distribution of humanitarian aid; and

(3) assistance provided under this section to any specific individual or entity shall immediately be terminated if the United States Government receives credible information that demonstrates that such individual or entity is not in compliance with the terms defined in this subsection.

(e) **RESTRICTION ON ANTI-AIRCRAFT DEFENSIVE SYSTEMS.**—In addition to the requirements provided in subsection (d), anti-aircraft defensive systems may only be transferred as part of the assistance authorized under subsection (b) if the Secretary certifies to the appropriate congressional committees not later than 15 days before providing such systems that—

(1) the provision of such systems is in the national security interest of the United States;

(2) the individual to whom anti-aircraft defensive systems are planned to be provided and the unit or entity of which such individual is a member, including the senior leaders of that unit or entity, have no operational ties and no ongoing operational coordination with an organization or person that has been designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(3) all necessary steps have been taken to mitigate the risks to United States national security and the national security of United States partners and allies associated with the transfer of such systems, and to ensure effective end use monitoring, including appropriate disposition of systems; and

(4) the United States has consulted with regional partners and allies regarding the systems provided.

(f) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a classified report on—

(1) vetting procedures to satisfy the certification requirement in subsection (d)(1);

(2) an assessment of the current military capacity of opposition forces that are or would be receiving assistance;

(3) an assessment of the ability of opposition groups to conduct effective military operations and establish effective military control over Syria;

(4) a description of the financial and material resources currently available to opposition forces;

(5) an assessment of the extent to which the program is making progress in achieving the stated policy in subsection (a), and furthering the interests of the United States; and

(6) an outline of the plan to provide assistance to vetted armed opposition that complies with the vetting procedures outlined in paragraph (1).

(g) **DONATIONS.**—The Secretary of Defense may accept donations from foreign states to conduct activities pursuant to subsection (a).

(h) **THIRD COUNTRY ASSISTANCE.**—The Secretary of Defense may provide assistance to a third country to conduct training under subsection (a).

(i) **SUNSET PROVISION.**—Unless specifically renewed, the authority described in subsection (a) shall terminate on December 31, 2015.

(j) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2476.** Ms. WARREN (for herself and Mr. RUBIO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. PROTECTION OF INDIVIDUALS ELIGIBLE FOR INCREASED PENSION UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS ON BASIS OF NEED FOR REGULAR AID AND ATTENDANCE.**

(a) **DEVELOPMENT AND IMPLEMENTATION OF STANDARDS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall work with the heads of Federal agencies, States, and such experts as the Secretary considers appropriate to develop and implement Federal and State standards that protect individuals from dishonest, predatory, or otherwise unlawful practices relating to increased pension available to such individuals under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance.

(2) **SUBMITTAL TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives the standards developed under paragraph (1).

(b) **CONDITIONAL RECOMMENDATION BY COMPTROLLER GENERAL.**—If the Secretary does not, on or before the date that is 180 days after the date of the enactment of this Act, submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives standards that are developed under subsection (a)(1), the Comptroller General of the United States shall, not later than the date that is 1 year after the date of the enactment of this Act, submit to such committees a report containing standards that the Comptroller General determines are standards that would be effective in protecting individuals as described in such subsection.

(c) **STUDY BY COMPTROLLER GENERAL.**—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on standards implemented under this section to protect individuals as described in subsection (a)(1) and submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report containing the findings of the Comptroller General with respect to such study.

**SA 2477.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON TEAR GAS AND OTHER RIOT CONTROL ITEMS TRANSFERRED OR SOLD BY THE DEPARTMENT OF DEFENSE TO FOREIGN GOVERNMENTS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the tear gas and other riot control items transferred or sold by the Department of Defense to foreign governments during the five-year period ending on the date of the report.

**SA 2478.** Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2842. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.**

Section 2866(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2499) is amended by striking “operation and maintenance of the Fox Point Hurricane Barrier in Providence, Rhode Island.” and inserting “operation and maintenance of the Fox Point Hurricane Barrier in Providence, Rhode Island, including operation and maintenance in support of public events requiring

specific river elevations in the City of Providence, Rhode Island, except that the City of Providence shall be responsible for paying to the New England District the costs incurred by the District for carrying out operation and maintenance activities required for such public events.”.

**SA 2479.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXV, add the following:

**SEC. 3502. REPORT ON THE READY RESERVE FORCE OF THE MARITIME ADMINISTRATION.**

(a) FINDINGS.—Congress finds the following:

(1) It is in the interest of United States national security that the United States merchant marine, both ships and mariners, serve as a naval auxiliary in times of war or national emergency.

(2) It is important to augment the readiness of the United States merchant fleet with a Government-owned reserve fleet comprised of ships with national defense features that may not be available immediately in sufficient numbers or types in the active United States-owned, United States-flagged, and United States-crewed commercial industry.

(3) The Ready Reserve Force of the Maritime Administration, a component of the National Defense Reserve Fleet, plays an important role in United States national security by providing necessary readiness and efficiency in the form of a Government-owned sealift fleet.

(4) A successful dual-use vessel program could provide—

(A) private sector benefits for the domestic shipbuilding and maritime freight industries; and

(B) an opportunity to outfit vessels with natural gas engines, lowering long-term fuel costs and emissions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain a shipbuilding base to meet United States national security requirements;

(2) the Ready Reserve Force of the Maritime Administration should remain capable, modern, and efficient in order to best serve the national security needs of the United States in times of war or national emergency;

(3) Federal agencies should consider investment options for replacing aging vessels within the Ready Reserve Force to meet future operational commitments; and

(4) investment in recapitalizing the Ready Reserve Force should include—

(A) construction of dual-use vessels, based on need, for use in the America's Marine Highway Program of the Department of Transportation, as a recent study performed under a cooperative agreement between the Maritime Administration and the Navy demonstrated that dual-use vessels transporting domestic freight between United States ports could be called upon to supplement sealift capacity;

(B) construction of tanker vessels to meet military transport needs; and

(C) construction of vessels for use in transporting potential new energy exports.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of the Navy, jointly, shall submit to the congressional defense committees and the Committee on Commerce, Science, and Transportation of the Senate a report on the cost-effectiveness of the recapitalizing methods for the Ready Reserve Force described under subsection (b)(4) that includes an assessment of the risks involved with Federal financing of dual-use vessels.

**SA 2480.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—MILITARY VOTING**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Protect Military and Overseas Voters Act”.

**Subtitle A—Absent Uniformed Services Voters and Overseas Voters**

**SEC. 1611. SHORT TITLE.**

This subtitle may be cited as the “Absent Uniformed Services Voters and Overseas Voters Act”.

**SEC. 1612. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.**

(a) IN GENERAL.—Subsection (b) of section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking “a person who is absent from a State because the person is accompanying the persons's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence” and inserting “a dependent of a person who is absent from a State in compliance with military orders shall not, solely by reason of absence, whether or not accompanying that person”; and

(2) in the heading by striking “SPOUSES” and inserting “DEPENDENTS”.

(b) CONFORMING AMENDMENT.—The heading of section 705 of such Act (50 U.S.C. App 595) is amended by striking “SPOUSES” and inserting “DEPENDENTS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to absences from States described in section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 595(b)), as amended by subsection (a), after the date of the enactment of this Act, regardless of the date of the military orders concerned.

**SEC. 1613. PRE-ELECTION REPORTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.**

Section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(c)) is amended to read as follows:

“(c) REPORTS ON TRANSMISSION AND RECEIPT OF ABSENTEE BALLOTS.—

“(1) IN GENERAL.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the

State, in the case of a unit of local government) submit a report to the Attorney General, the Commission, and the Presidential Designee with respect to the transmission to, and receipt of absentee ballots from, uniformed services voters and overseas voters for such election, and shall make such report available to the general public that same day.

“(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following information:

“(A) The combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election.

“(B) Whether the State failed to transmit any absentee ballots to such voters before the date that is 46 days before the election, and the reason for any such failure.”.

**SEC. 1614. ENFORCEMENT.**

(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION.—Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4) is amended to read as follows:

**“SEC. 105. ENFORCEMENT.**

“(a) ACTION BY ATTORNEY GENERAL.—

“(1) IN GENERAL.—The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

“(2) PENALTY.—In a civil action brought under paragraph (1), if the court finds that the State violated any provision of this title, it may, to vindicate the public interest, assess a civil penalty against the State—

“(A) in an amount not to exceed \$30,000 for each such violation, in the case of a first violation; or

“(B) in an amount not to exceed \$60,000 for each such violation, for any subsequent violation.

“(3) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

(b) STATE AS ONLY NECESSARY DEFENDANT.—In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State any duty or responsibility which is the subject of an action brought under this section.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

**SEC. 1615. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANSMISSION RULE.**

(a) MODIFICATION OF TIME-PERIOD TO AVOID WEEKEND DEADLINES.—Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(8)(A)) is amended by striking “45 days” each place it appears and inserting “46 days”.

(b) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO MEET REQUIREMENT.—Section 102 of such Act (42 U.S.C. 1973ff-1) is amended by adding at the end the following new subsection:

“(j) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN DEADLINES.—

“(1) TRANSMISSION OF BALLOT BY EXPRESS DELIVERY.—If a State fails to meet the requirement of subsection (a)(8)(A) to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 46 days before the election (in the case in which the request is received at least 46 days before the election) and no waiver is granted under subsection (g)—

“(A) the State shall transmit the ballot to the voter by express delivery; or

“(B) in the case of a voter who has designated that absentee ballots be transmitted electronically in accordance with subsection (f)(1), the State shall transmit the ballot to the voter electronically.

“(2) SPECIAL RULE FOR TRANSMISSION FEWER THAN 40 DAYS BEFORE THE ELECTION.—If, in carrying out paragraph (1), a State transmits an absentee ballot to an absent uniformed services voter or overseas voter fewer than 40 days before the election and no waiver is granted under subsection (g), the State shall enable the ballot to be returned by the voter by express delivery, except that in the case of an absentee ballot of an absent uniformed services voter for a regularly scheduled general election for Federal office, the State may satisfy the requirement of this paragraph by notifying the voter of the procedures for the collection and delivery of such ballots under section 103A.”

**SEC. 1616. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended to read as follows:

**“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.**

“(a) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

“(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

“(c) PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that election which are submitted by absentee voters who are not members of the uniformed services or overseas citizens.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to voter registration and absentee bal-

lot applications which are submitted to a State or local election official on or after the date of the enactment of this Act.

**SEC. 1617. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(6)) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

**SEC. 1618. EFFECTIVE DATE.**

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply with respect to elections occurring on or after January 1, 2014.

**Subtitle B—Voter Registration Modernization**  
**SEC. 1621. SHORT TITLE.**

This subtitle may be cited as the “Voter Registration Modernization Act”.

**SEC. 1622. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.**

(a) REQUIRING AVAILABILITY OF INTERNET FOR REGISTRATION.—The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting after section 6 the following new section:

**“SEC. 6A. INTERNET REGISTRATION.**

“(a) REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—

“(1) AVAILABILITY OF ONLINE REGISTRATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):

“(A) Online application for voter registration.

“(B) Online assistance to applicants in applying to register to vote.

“(C) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature in electronic form as required under subsection (c).

“(D) Online receipt of completed voter registration applications.

“(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A State shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

“(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and

“(2) the individual provides a signature in electronic form in accordance with subsection (c) (but only in the case of applications submitted during or after the second year in which this section is in effect in the State).

“(c) SIGNATURES IN ELECTRONIC FORM.—For purposes of this section, an individual provides a signature in electronic form by—

“(1) electronically signing the document in the manner required by the State for purposes of submitting online applications for voter registration before the date of the enactment of this section;

“(2) executing a computerized mark in the signature field on an online voter registration application; or

“(3) submitting with the application an electronic copy of the individual's handwritten signature through electronic means.

“(d) PROVISION OF SERVICES IN NON-PARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—

“(1) the online application does not seek to influence an applicant's political preference or party registration; and

“(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.

“(e) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

“(f) USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

“(g) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.”

(b) TREATMENT AS INDIVIDUALS REGISTERING TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME VOTER IDENTIFICATION REQUIREMENTS.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or online under section 6A of the National Voter Registration Act of 1993”.

(c) CONFORMING AMENDMENTS.—

(1) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(a)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 30 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and”.

(2) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES.—Section 8(a)(5) of such Act (42 U.S.C. 1973gg-6(a)(5)) is amended by striking “and 7” and inserting “6A, and 7”.

**SEC. 1623. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.**

(a) IN GENERAL.—

(1) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)) is amended by adding at the end the following new paragraph:

“(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

“(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter’s registration information, including the voter’s address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

“(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—

“(i) revise any information on the computerized list to reflect the update made by the voter; and

“(ii) if the updated registration information affects the voter’s eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 30 days, or the period provided by State law, before the date of the election.”.

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (42 U.S.C. 15483(d)(1)(A)) is amended by striking “subparagraph (B)” and inserting “subparagraph (B) and subsection (a)(6)”.

(b) ABILITY OF REGISTRANT TO USE ONLINE UPDATE TO PROVIDE INFORMATION ON RESIDENCE.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)(2)(A)) is amended—

(1) in the first sentence, by inserting after “return the card” the following: “or update the registrant’s information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002”; and

(2) in the second sentence, by striking “returned,” and inserting the following: “returned or if the registrant does not update the registrant’s information on the computerized Statewide voter registration list using such online method.”.

#### SEC. 1624. STUDY ON BEST PRACTICES FOR INTERNET REGISTRATION.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall conduct an ongoing study on best practices for implementing the requirements for Internet registration under section 6A of the National Voter Registration Act of 1993 (as added by section 1622) and the requirement to permit voters to update voter registration information online under section 303(a)(6) of the Help America Vote Act of 2002 (as added by section 1623).

(b) REPORT.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall make publicly available a report on the study conducted under subsection (a).

(2) QUADRENNIAL UPDATE.—The Director of the National Institute of Standards and Technology shall review and update the report made under paragraph (1).

(c) USE OF BEST PRACTICES IN EAC VOLUNTARY GUIDANCE.—Subsection (a) of section 311 of the Help America Vote Act of 2002 (42 U.S.C. 15501(a)) is amended by adding at the end the following new sentence: “Such voluntary guidance shall utilize the best practices developed by the Director of the National Institute of Standards and Technology under section 1624 of the Voter Registration Modernization Act for the use of the Internet in voter registration.”.

#### SEC. 1625. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.

(a) INCLUDING OPTION ON VOTER REGISTRATION APPLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE INFORMATION.—

(1) IN GENERAL.—Section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(b)) is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) shall include a space for the applicant to provide (at the applicant’s option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.”.

(2) PROHIBITING USE FOR PURPOSES UNRELATED TO OFFICIAL DUTIES OF ELECTION OFFICIALS.—Section 9 of such Act (42 U.S.C. 1973gg–7) is amended by adding at the end the following new subsection:

“(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.”.

(b) REQUIRING PROVISION OF INFORMATION BY ELECTION OFFICIALS.—Section 302(b) of the Help America Vote Act of 2002 (42 U.S.C. 15482(b)) is amended by adding at the end the following new paragraph:

“(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 30 days before the date of the election involved, shall provide the individual with information on how to obtain the following information by electronic means:

“(A) The name and address of the polling place at which the individual is assigned to vote in the election.

“(B) The hours of operation for the polling place.

“(C) A description of any identification or other information the individual may be required to present at the polling place.”.

#### SEC. 1626. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

“(j) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a ‘valid voter registration form’ if—

“(1) the applicant has accurately completed the application form and attested to the statement required by section 9(b)(2); and

“(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.”.

#### SEC. 1627. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle (other than the amendments made by section 1625) shall take effect January 1, 2016.

(b) WAIVER.—Subject to the approval of the Election Assistance Commission, if a State certifies to the Election Assistance Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2016” were a reference to “January 1, 2018”.

**SA 2481.** Mr. MANCHIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

#### SEC. 573. NOTICE TO COMMANDING OFFICERS ON CHILD ABUSE COMMITTED BY MEMBERS OF THE ARMED FORCES.

Upon notification of a reportable incident of child abuse committed by a member of the Armed Forces, notice on such incident shall be submitted to an officer in grade O–6 in the chain of command of the member committing such abuse.

**SA 2482.** Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CYBERSECURITY RECRUITMENT AND RETENTION.**

(a) IN GENERAL.—At the end of subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.), add the following:

**“SEC. 226. CYBERSECURITY RECRUITMENT AND RETENTION.**

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.’

“(2) COLLECTIVE BARGAINING AGREEMENT.—The term ‘collective bargaining agreement’ has the meaning given that term in section 7103(a)(8) of title 5, United States Code.

“(3) EXCEPTED SERVICE.—The term ‘excepted service’ has the meaning given that term in section 2103 of title 5, United States Code.

“(4) PREFERENCE ELIGIBLE.—The term ‘preference eligible’ has the meaning given that term in section 2108 of title 5, United States Code.

“(5) QUALIFIED POSITION.—The term ‘qualified position’ means a position, designated by the Secretary for the purpose of this section, in which the incumbent performs, manages, or supervises functions that execute the responsibilities of the Department relating to cybersecurity.

“(6) SENIOR EXECUTIVE SERVICE.—The term ‘Senior Executive Service’ has the meaning given that term in section 2101a of title 5, United States Code.

“(b) GENERAL AUTHORITY.—

“(1) ESTABLISH POSITIONS, APPOINT PERSONNEL, AND FIX RATES OF PAY.—

“(A) GENERAL AUTHORITY.—The Secretary may—

“(i) establish, as positions in the excepted service, such qualified positions in the Department as the Secretary determines necessary to carry out the responsibilities of the Department relating to cybersecurity, including—

“(I) senior level positions designated under section 5376 of title 5, United States Code; and

“(II) positions in the Senior Executive Service;

“(ii) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

“(iii) subject to the requirements of paragraphs (2) and (3), fix the compensation of an individual for service in a qualified position.

“(B) CONSTRUCTION WITH OTHER LAWS.—The authority of the Secretary under subsection (a) applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

“(2) BASIC PAY.—

“(A) AUTHORITY TO FIX RATES OF BASIC PAY.—In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under paragraph (1) in relation to the rates of pay provided for employees in comparable positions in the Department of Defense and subject to the same limitations on maximum rates of pay established for such employees by law or regulation.

“(B) PREVAILING RATE SYSTEMS.—The Secretary may, consistent with section 5341 of title 5, United States Code, adopt such provi-

sions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of that title.

“(3) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—

“(A) ADDITIONAL COMPENSATION BASED ON TITLE 5 AUTHORITIES.—The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code.

“(B) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT.—

“(i) IN GENERAL.—In addition to basic pay, employees in qualified positions who are citizens or nationals of the United States and are stationed outside the continental United States or in Alaska may be paid an allowance, in accordance with regulations prescribed by the Secretary, while they are so stationed.

“(ii) DUTY STATIONS COVERED.—An allowance under this subparagraph shall be limited to duty stations where—

“(I) living costs are substantially higher than in the District of Columbia; or

“(II) conditions of environment—

“(aa) differ substantially from conditions of environment in the continental United States; and

“(bb) warrant an allowance as a recruitment incentive.

“(iii) LIMITATION.—An allowance under this subparagraph may not exceed the allowance authorized to be paid under section 5941(a) of title 5, United States Code, for employees whose rates of basic pay are fixed by statute.

“(4) PLAN FOR EXECUTION OF AUTHORITIES.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit a report to the appropriate committees of Congress with a plan for the use of the authorities provided under this subsection.

“(5) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in paragraph (1) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

“(6) REQUIRED REGULATIONS.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

“(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and every year thereafter for 4 years, the Secretary shall submit to the appropriate committees of Congress a detailed report that—

“(1) discusses the process used by the Secretary in accepting applications, assessing candidates, ensuring adherence to veterans’ preference, and selecting applicants for vacancies to be filled by an individual for a qualified position;

“(2) describes—

“(A) how the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions;

“(B) the measures that will be used to measure progress; and

“(C) any actions taken during the reporting period to fulfill such critical need;

“(3) discusses how the planning and actions taken under paragraph (2) are integrated

into the strategic workforce planning of the Department;

“(4) provides metrics on actions occurring during the reporting period, including—

“(A) the number of employees in qualified positions hired by occupation and grade and level or pay band;

“(B) the placement of employees in qualified positions by directorate and office within the Department;

“(C) the total number of veterans hired;

“(D) the number of separations of employees in qualified positions by occupation and grade and level or pay band;

“(E) the number of retirements of employees in qualified positions by occupation and grade and level or pay band; and

“(F) the number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions by occupation and grade and level or pay band; and

“(5) describes the training provided to supervisors of employees in qualified positions at the Department on the use of the new authorities.

“(d) THREE-YEAR PROBATIONARY PERIOD.—The probationary period for all employees hired under the authority established in this section shall be not less than 3 years.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 225 the following:

“Sec. 226. Cybersecurity recruitment and retention.”.

**SA 2483.** Mr. MENENDEZ (for himself, Mr. CORKER, Mr. CARDIN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. ASSISTANCE FOR THE GOVERNMENT OF BURMA.**

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of Defense may be made available for the Government of Burma unless the Secretary of Defense, in concurrence with the Secretary of State, certifies to the appropriate congressional committees that—

(A) the Government of Burma is taking concrete steps toward—

(i) establishing appropriate civilian oversight of the armed forces;

(ii) implementing human rights reform in the Burmese military; and

(iii) terminating military relations with North Korea;

(B) the Government of Burma is taking concrete steps to establish a fair, transparent and inclusive process to amend the Constitution of Burma, towards including the full participation of the political opposition and ethnic minority groups; and

(C) the Burmese military is demonstrating a genuine interest in reform, as reflected by

progress towards and adherence to ceasefire agreements, and increased transparency and accountability through activities including establishing or updating a code of conduct, a uniformed code of military justice, an inspector general's office, an ombudsman office, and guidelines for civilian-military relations.

(2) EXCEPTION.—The restriction in paragraph (1) does not apply to—

(A) consultation, education, and training on human rights, the law of armed conflict, civilian control of the military, rule of law, and other legal training;

(B) English-language or medical medicine education;

(C) courses or workshops on regional norms of security cooperation, defense institution reform, and transnational issues such as human trafficking and international crime;

(D) observation of bilateral or multilateral military exercises;

(E) the development of Burmese military capability for humanitarian assistance and disaster relief; and

(F) aid or support for the Government of Burma in the event of a humanitarian crisis or natural disaster.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the strategy and plans for military-to-military engagement between the United States Armed Forces and the Burmese military.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description and assessment of the Government of Burma's strategy for security sector reform.

(B) The United States strategy for the military-military relationship between the United States and Burma.

(C) An assessment of the progress of the Burmese military towards implementing human rights reforms, including cooperation with civilian authorities to investigate and resolve cases of human rights violations, including steps taken to demonstrate respect for laws of war and human rights provisions and a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

(D) A list of ongoing military-to-military activities conducted by the United States Government, including a description of each such activity.

(E) An update on activities that were listed in previous reporting.

(F) A list of activities that are planned to occur over the upcoming year, with a description of each.

(G) An assessment of progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including reducing the military's footprint in conflict areas and a withdrawal to key bases, and shifting internal security duties to the police and other law enforcement entities, and an assessment of Burma's military.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the congressional defense committees and the Committee on Foreign Relations and the Committee on Appropriations of the Sen-

ate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

**SA 2484.** Ms. KLOBUCHAR (for herself, Mr. SCHUMER, Mr. COONS, and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

#### **TITLE XXXVI—THEFT OF METAL**

##### **SEC. 3601. SHORT TITLE.**

This title may be cited as the "Metal Theft Prevention Act of 2013".

##### **SEC. 3602. DEFINITIONS.**

In this title—

(1) the term "critical infrastructure" has the meaning given the term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

(2) the term "specified metal" means metal that—

(A)(i) is marked with the name, logo, or initials of a city, county, State, or Federal government entity, a railroad, an electric, gas, or water company, a telephone company, a cable company, a retail establishment, a beer supplier or distributor, or a public utility; or

(ii) has been altered for the purpose of removing, concealing, or obliterating a name, logo, or initials described in clause (i) through burning or cutting of wire sheathing or other means; or

(B) is part of—

(i) a street light pole or street light fixture;

(ii) a road or bridge guard rail;

(iii) a highway or street sign;

(iv) a water meter cover;

(v) a storm water grate;

(vi) unused or undamaged building construction or utility material;

(vii) a historical marker;

(viii) a grave marker or cemetery urn;

(ix) a utility access cover; or

(x) a container used to transport or store beer with a capacity of 5 gallons or more;

(C) is a wire or cable commonly used by communications and electrical utilities; or

(D) is copper, aluminum, and other metal (including any metal combined with other materials) that is valuable for recycling or reuse as raw metal, except for—

(i) aluminum cans; and

(ii) motor vehicles, the purchases of which are reported to the National Motor Vehicle Title Information System (established under section 30502 of title 49); and

(3) the term "recycling agent" means any person engaged in the business of purchasing specified metal for reuse or recycling, without regard to whether that person is engaged in the business of recycling or otherwise processing the purchased specified metal for reuse.

##### **SEC. 3603. THEFT OF SPECIFIED METAL.**

(a) OFFENSE.—It shall be unlawful to knowingly steal specified metal—

(1) being used in or affecting interstate or foreign commerce; and

(2) the theft of which is from and harms critical infrastructure.

(b) PENALTY.—Any person who commits an offense described in subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

##### **SEC. 3604. DOCUMENTATION OF OWNERSHIP OR AUTHORITY TO SELL.**

(a) OFFENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a recycling agent to purchase specified metal described in subparagraph (A) or (B) of section 3602(2), unless—

(A) the seller, at the time of the transaction, provides documentation of ownership of, or other proof of the authority of the seller to sell, the specified metal; and

(B) there is a reasonable basis to believe that the documentation or other proof of authority provided under subparagraph (A) is valid.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a requirement on recycling agents to obtain documentation of ownership or proof of authority to sell specified metal before purchasing specified metal.

(3) RESPONSIBILITY OF RECYCLING AGENT.—A recycling agent is not required to independently verify the validity of the documentation or other proof of authority described in paragraph (1).

(4) PURCHASE OF STOLEN METAL.—It shall be unlawful for a recycling agent to purchase any specified metal that the recycling agent—

(A) knows to be stolen; or

(B) should know or believe, based upon commercial experience and practice, to be stolen.

(b) CIVIL PENALTY.—A person who knowingly violates subsection (a) shall be subject to a civil penalty of not more than \$10,000 for each violation.

##### **SEC. 3605. TRANSACTION REQUIREMENTS.**

(a) RECORDING REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent shall maintain a written or electronic record of each purchase of specified metal.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth recording requirements that are substantially similar to the requirements described in paragraph (3) for the purchase of specified metal.

(3) CONTENTS.—A record under paragraph (1) shall include—

(A) the name and address of the recycling agent; and

(B) for each purchase of specified metal—

(i) the date of the transaction;

(ii) a description of the specified metal purchased using widely used and accepted industry terminology;

(iii) the amount paid by the recycling agent;

(iv) the name and address of the person to which the payment was made;

(v) the name of the person delivering the specified metal to the recycling agent, including a distinctive number from a Federal or State government-issued photo identification card and a description of the type of the identification; and

(vi) the license plate number and State-of-issue, make, and model, if available, of the vehicle used to deliver the specified metal to the recycling agent.

(4) REPEAT SELLERS.—A recycling agent may comply with the requirements of this subsection with respect to a purchase of specified metal from a person from which the recycling agent has previously purchased specified metal by—



(A) reference to the existing record relating to the seller; and

(B) recording any information for the transaction that is different from the record relating to the previous purchase from that person.

(5) **RECORD RETENTION PERIOD.**—A recycling agent shall maintain any record required under this subsection for not less than 2 years after the date of the transaction to which the record relates.

(6) **CONFIDENTIALITY.**—Any information collected or retained under this section may be disclosed to any Federal, State, or local law enforcement authority or as otherwise directed by a court of law.

(b) **PURCHASES IN EXCESS OF \$100.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a recycling agent may not pay cash for a single purchase of specified metal of more than \$100. For purposes of this paragraph, more than 1 purchase in any 48-hour period from the same seller shall be considered to be a single purchase.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a maximum amount for cash payments for the purchase of specified metal.

(3) **PAYMENT METHOD.**—

(A) **OCCASIONAL SELLERS.**—Except as provided in subparagraph (B), for any purchase of specified metal of more than \$100 a recycling agent shall make payment by check that—

(i) is payable to the seller; and

(ii) includes the name and address of the seller.

(B) **ESTABLISHED COMMERCIAL TRANSACTIONS.**—A recycling agent may make payments for a purchase of specified metal of more than \$100 from a governmental or commercial supplier of specified metal with which the recycling agent has an established commercial relationship by electronic funds transfer or other established commercial transaction payment method through a commercial bank if the recycling agent maintains a written record of the payment that identifies the seller, the amount paid, and the date of the purchase.

(c) **CIVIL PENALTY.**—A person who knowingly violates subsection (a) or (b) shall be subject to a civil penalty of not more than \$5,000 for each violation, except that a person who commits a minor violation shall be subject to a penalty of not more than \$1,000.

#### **SEC. 3606. ENFORCEMENT BY ATTORNEY GENERAL.**

The Attorney General may bring an enforcement action in an appropriate United States district court against any person that engages in conduct that violates this title.

#### **SEC. 3607. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

(a) **IN GENERAL.**—An attorney general or equivalent regulator of a State may bring a civil action in the name of the State, as parens patriae on behalf of natural persons residing in the State, in any district court of the United States or other competent court having jurisdiction over the defendant, to secure monetary or equitable relief for a violation of this title.

(b) **NOTICE REQUIRED.**—Not later than 30 days before the date on which an action under subsection (a) is filed, the attorney general or equivalent regulator of the State involved shall provide to the Attorney General—

(1) written notice of the action; and

(2) a copy of the complaint for the action.

(c) **ATTORNEY GENERAL ACTION.**—Upon receiving notice under subsection (b), the Attorney General shall have the right—

(1) to intervene in the action;

(2) upon so intervening, to be heard on all matters arising therein;

(3) to remove the action to an appropriate district court of the United States; and

(4) to file petitions for appeal.

(d) **PENDING FEDERAL PROCEEDINGS.**—If a civil action has been instituted by the Attorney General for a violation of this title, no State may, during the pendency of the action instituted by the Attorney General, institute a civil action under this title against any defendant named in the complaint in the civil action for any violation alleged in the complaint.

(e) **CONSTRUCTION.**—For purposes of bringing a civil action under subsection (a), nothing in this section regarding notification shall be construed to prevent the attorney general or equivalent regulator of the State from exercising any powers conferred under the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

#### **SEC. 3608. DIRECTIVE TO SENTENCING COMMISSION.**

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission, shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of a criminal violation of section 3603 or any other Federal criminal law based on the theft of specified metal by such person.

(b) **CONSIDERATIONS.**—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the—

(A) serious nature of the theft of specified metal; and

(B) need for an effective deterrent and appropriate punishment to prevent such theft;

(2) consider the extent to which the guidelines and policy statements appropriately account for—

(A) the potential and actual harm to the public from the offense, including any damage to critical infrastructure;

(B) the amount of loss, or the costs associated with replacement or repair, attributable to the offense;

(C) the level of sophistication and planning involved in the offense; and

(D) whether the offense was intended to or had the effect of creating a threat to public health or safety, injury to another person, or death;

(3) account for any additional aggravating or mitigating circumstances that may justify exceptions to the generally applicable sentencing ranges;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines and policy statements; and

(5) assure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

#### **SEC. 3609. STATE AND LOCAL LAW NOT PREEMPTED.**

Nothing in this title shall be construed to preempt any State or local law regulating the sale or purchase of specified metal, the reporting of such transactions, or any other aspect of the metal recycling industry.

#### **SEC. 3610. EFFECTIVE DATE.**

This title shall take effect 180 days after the date of the enactment of this Act.

**SA 2485.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

#### **SEC. 529. DISESTABLISHMENT OF ARMY SENIOR RESERVE OFFICERS' TRAINING CORPS UNITS FOR LACK OF EFFECTIVE MANAGEMENT.**

(a) **CONFORMITY WITH APPLICABLE REGULATIONS REQUIRED.**—The Secretary of the Army may not disestablish a unit of the Senior Reserve Officers' Training Corp (SROTC) of the Army for lack of effective management except in strict accordance with the provisions of section 2-12 of section III of chapter 2 of Army Regulation 145-1.

(b) **NOTICE TO CONGRESS ON MODIFICATION OF REGULATIONS.**—The Secretary shall submit to the congressional defense committees written notice of any modification of section 2-12 of the Regulation referred to in subsection (a) that occurs after the date of the enactment of this Act.

**SA 2486.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

#### **SEC. 1066. REPORT ON TRANSITION OF AIR FORCE RESERVE AND AIR NATIONAL GUARD UNITS FROM FLYING MISSIONS TO NON-FLYING MISSIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau and the Chief of the Air Force Reserve, submit to the congressional defense committees a report on the transition of units in the Air Force Reserve and the Air National Guard from flying missions to non-flying missions.

(b) **ELEMENTS.**—The report required by subsection (a) shall set forth, for each Air Force Reserve unit or Air National Guard unit that is transitioning from a flying mission to a non-flying mission, the following:

(1) The plan of the Air Force for—

(A) providing any new equipment, facilities, or other support to enable the unit to conduct the non-flying mission; and

(B) training the unit to execute the non-flying mission.

(2) An identification of any gaps in conducting an orderly transition from the flying mission to the non-flying mission.

(3) A description of the actions required to mitigate the gaps, if any, identified pursuant to paragraph (2).

(4) A description and assessment of the national security implications of the gaps, if any, identified pursuant to paragraph (2).

(c) **GAP DEFINED.**—In this section, the term “gap”, with respect to a unit transitioning



from a flying mission to a non-flying mission, means any time between—

- (1) the date that is 37 months after the beginning of the transition; and
- (2) the date the unit reaches initial operating capability in its non-flying mission.

**SA 2487.** Mr. CARDIN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RESOLVING MARITIME DISPUTES IN THE ASIA-PACIFIC REGION.**

(a) FINDINGS.—Congress makes the following findings:

(1) Relevant parties in the Asia-Pacific maritime region should be encouraged to explore cooperative arrangements for the responsible exploitation of energy and fishery resources in order to promote peaceful coexistence and economic growth. Such arrangements should not impinge upon sovereignty claims and should be negotiated in a mutually agreeable manner.

(2) Congress welcomes formal consultations between the Association of Southeast Asian Nations (ASEAN) and the People's Republic of China on the Code of Conduct for the South China Sea, welcomes ASEAN's leadership, and strongly supports the 23rd ASEAN Summit's chairman's October 9, 2013 statement, more than 10 years after the Declaration on the Conduct of Parties in the South China Sea, which—

(A) "reaffirmed the importance of maintaining peace, stability, and maritime security in the region. . ."; and

(B) calls for "intensifying official consultations with China on the development of the Code of Conduct in the South China Sea (COC) with a view to its early conclusion."

(b) STATEMENT OF UNITED STATES POLICY.—Congress declares that the United States—

(1) has a national interest in—

(A) the freedom of navigation and overflight in the Asia-Pacific maritime domains;

(B) supporting the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains in accordance with international law, including through international arbitration;

(C) condemning the use of coercion, threats, or force in the South China Sea, the East China Sea, or other maritime areas in the Asia-Pacific region to assert disputed maritime or territorial claims or alter the status quo;

(D) urging all parties to maritime and territorial disputes in the Asia-Pacific region to exercise self-restraint in the conduct of activities that would undermine stability or complicate or escalate disputes;

(E) continuing to develop partnerships with other countries for maritime domain awareness and capacity building in the Asia-Pacific region; and

(F) continuing the operations of the United States Armed Forces in the Asia-Pacific region, including in partnership with the armed forces of other countries to promote peace, stability, and unimpeded lawful commerce in the Asia-Pacific region;

(2) declares that the United States does not take a position on competing territorial claims over land features and has no territorial ambitions in the South China Sea; and

(3) strongly supports the ASEAN member states and the Government of the People's Republic of China as they seek to develop a code of conduct of parties in the South China Sea.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a classified report on the United States strategy to ensure maritime security in the Asia-Pacific region to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Armed Services of the House of Representatives.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a description of the security situation in the maritime domains of Asia-Pacific;

(B) a description of the initiatives and efforts by the Department of State, the Department of Defense, and other relevant agencies to implement the United States strategy, including—

(i) maritime domain awareness and capacity building efforts;

(ii) support for United States Armed Forces operations in the region;

(iii) efforts to support ASEAN and all claimants in concluding a Code of Conduct with the People's Republic of China;

(iv) efforts to support collaborative diplomatic processes by all claimants in the South China Sea; and

(v) an assessment of the impact of those initiatives and efforts; and

(C) a description of projected efforts planned to continue the implementation of the strategy.

**SA 2488.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. MODIFICATION OF PROHIBITION ON PROCUREMENTS FROM CHINESE COMPANIES.**

Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting "or in the 600 series of the Commerce Control List of the Export Administration Regulations" after "International Trafficking in Arms Regulations"; and

(2) in subsection (e)(2)—

(A) by inserting "or in the 600 series of the Commerce Control List of the Export Administration Regulations" after "International Trafficking in Arms Regulations"; and

(B) by adding before the period at the end the following: "and the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations".

**SA 2489.** Mr. BAUCUS (for himself, Mr. ENZI, Mr. TESTER, Ms. HEITKAMP, Mr. HOEVEN, Mr. BARRASSO, Mrs. FISCHER, Mr. HATCH, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. LIMITATION ON USE OF FUNDS FOR ENVIRONMENTAL ASSESSMENTS WITH RESPECT TO MINUTEMAN III SILOS.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of Defense may be obligated or expended for any environmental assessment carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a Minuteman III silo that contains a missile as of the date of the enactment of this Act until the Secretary of Defense submits to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives the plan required by section 1042(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1575).

**SA 2490.** Ms. CANTWELL (for herself, Mr. BEGICH, Ms. MURKOWSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR POLAR ICEBREAKERS.**

(a) MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy shall enter into multiyear contracts, beginning with the fiscal year 2014 program year, for the procurement of up to four heavy duty polar icebreakers and any systems and equipment associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2014, for advance procurement associated with the vessels, systems, and equipment for which authorization to enter into a multiyear contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2014 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) MEMORANDUM OF AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the

Navy and the Secretary of the Department in which the Coast Guard is operating shall enter into a memorandum of agreement establishing a process by which the Navy, in concurrence with the Coast Guard, shall—

(1) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling Navy and Coast Guard mission requirements;

(2) oversee the construction of heavy polar icebreakers authorized to be procured under this section; and

(3) to the extent not adequately addressed in the 1965 Revised Memorandum of Agreement between the Department of the Navy and the Department of the Treasury on the Operation of Icebreakers, transfer heavy polar icebreakers procured through contracts authorized under this section from the Navy to the Coast Guard to be maintained and operated by the Coast Guard.

**SA 2491.** Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

#### Subtitle E—Other Matters

#### SEC. 3141. CONVEYANCE OF LAND AT THE HANFORD SITE, RICHLAND, WASHINGTON.

##### (a) CONVEYANCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Energy shall convey, for consideration at the estimated fair market value or, in accordance with paragraph (2), below such value, to the Community Reuse Organization of the Hanford Site, Richland, Washington (in this section referred to as the “Organization”) all right, title, and interest of the United States in and to the real property, including any improvements thereon, described in paragraph (3).

(2) CONSIDERATION.—The Secretary may convey real property pursuant to paragraph (1) for consideration below the estimated fair market value of the real property, or without consideration, only if the Organization—

(A) agrees that the net proceeds from any sale or lease of the real property (or any portion of the real property) received by the Organization during at least the seven-year period beginning on the date of the conveyance will be used to support economic redevelopment of, or related to, the Hanford Site; and

(B) executes the agreement for the conveyance and accepts control of the real property within a reasonable time.

(3) REAL PROPERTY DESCRIBED.—The real property described in this paragraph is the real property consisting of two parcels of land of approximately 1,341 acres and 300 acres, respectively, of the Hanford Site, as requested by the Organization on May 31, 2011, and October 13, 2011, and as depicted within the proposed boundaries on the map titled “Attachment 2—Revised Map” included in the letter sent by the Organization to the Department of Energy on October 13, 2011.

(4) ALTERNATIVE REAL PROPERTY.—At the discretion of the Secretary, the real property

described in paragraph (3) may be exchanged for equivalent parcels of land that are mutually agreed upon by the Secretary and the Organization.

(5) REAL PROPERTY EXCLUDED.—Any real property or associated subsurface right that is deemed to be not suitable for conveyance by the Secretary shall not be conveyed.

(6) TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance described in paragraph (1) as the Secretary considers appropriate to protect the interests of the United States.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall carry out the conveyance described in subsection (a) in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) DEADLINE FOR COMPLETION.—It is the intent of Congress that the conveyance described in subsection (a) shall be completed not later than one year after the date of the enactment of this Act.

(d) INDEMNIFICATION.—It is the intent of Congress that the Secretary of Energy should, as authorized by law, hold harmless and indemnify the Organization against any claim for injury to person or property that results from the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of activities of the Department of Energy at the Hanford Site.

(e) NOTICE TO CONGRESS.—The enactment of this section shall satisfy any notice to Congress otherwise required for the conveyance described in subsection (a).

**SA 2492.** Ms. CANTWELL (for herself, Mr. HEINRICH, Mrs. MURRAY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

#### Subtitle E—Other Matters

#### SEC. 3141. MANHATTAN PROJECT NATIONAL HISTORICAL PARK.

##### (a) FINDINGS.—Congress finds that—

(1) the Manhattan Project was an unprecedented top-secret program implemented during World War II to produce an atomic bomb before Nazi Germany;

(2) a panel of experts convened by the President’s Advisory Council on Historic Preservation in 2001—

(A) stated that “the development and use of the atomic bomb during World War II has been called ‘the single most significant event of the 20th century’”; and

(B) recommended that nationally significant sites associated with the Manhattan Project be formally established as a collective unit and be administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service;

(3) the Manhattan Project National Historical Park Study Act (Public Law 108-340; 118

Stat. 1362) directed the Secretary of the Interior, in consultation with the Secretary of Energy, to conduct a special resource study of the historically significant sites associated with the Manhattan Project to assess the national significance, suitability, and feasibility of designating 1 or more sites as a unit of the National Park System;

(4) after significant public input, the National Park Service study found that “including Manhattan Project-related sites in the national park system will expand and enhance the protection and preservation of such resources and provide for comprehensive interpretation and public understanding of this nationally significant story in the 20th century American history”;

(5) the Department of the Interior, with the concurrence of the Department of Energy, recommended the establishment of a Manhattan Project National Historical Park comprised of resources at—

(A) Oak Ridge, Tennessee;

(B) Los Alamos, New Mexico; and

(C) Hanford, in the Tri-Cities area, Washington;

(6) designation of a Manhattan Project National Historical Park as a unit of the National Park System would improve the preservation of, interpretation of, and access to the nationally significant historic resources associated with the Manhattan Project for present and future generations to gain a better understanding of the Manhattan Project, including the significant, far-reaching, and complex legacy of the Manhattan Project; and

(7) the permanent historical preservation of the B Reactor at Hanford as part of the Manhattan National Historical Park would provide significant savings to the Federal Government relative to placing the reactor into interim safe storage and subsequently dismantling the reactor—

(A) as determined as part of the Record of Decision entitled “Decommissioning of Eight Surplus Production 3 Reactors at the Hanford Site, Richland, WA”; and

(B) as included within milestone M-093-00 of the Hanford Federal Facility Agreement and Consent Order.

(b) PURPOSES.—The purposes of this section are—

(1) to preserve and protect for the benefit and education of present and future generations the nationally significant historic resources associated with the Manhattan Project;

(2) to improve public understanding of the Manhattan Project and the legacy of the Manhattan Project through interpretation of the historic resources associated with the Manhattan Project;

(3) to enhance public access to the Historical Park, consistent with protection of public safety, national security, and other aspects of the mission of the Department of Energy; and

(4) to assist the Department of Energy, Historical Park communities, historical societies, and other interested organizations and individuals in efforts to preserve and protect the historically significant resources associated with the Manhattan Project.

##### (c) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “Historical Park” means the Manhattan Project National Historical Park established under subsection (d).

(2) MANHATTAN PROJECT.—The term “Manhattan Project” means the Federal program to develop an atomic bomb ending on December 31, 1946.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(d) ESTABLISHMENT OF MANHATTAN PROJECT NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the States of Washington, New Mexico, and Tennessee a unit of the National Park System to be known as the “Manhattan Project National Historical Park”.

(B) DETERMINATION BY SECRETARY REQUIRED.—The Historical Park shall not be established until the date on which the Secretary determines that—

(i) sufficient land or interests in land have been acquired from among the sites described in paragraph (2) to constitute a manageable park unit; or

(ii) the Secretary has entered into an agreement with the Secretary of Energy in accordance with subsection (e).

(2) ELIGIBLE AREAS.—The Historical Park may be comprised of 1 or more of the following areas or portions of the areas, as generally depicted on the map entitled “Manhattan Project National Historical Park Sites”, numbered 540/108.834-C (4 pages), and dated September 2012:

(A) OAK RIDGE, TENNESSEE.—Facilities, land, or interests in land that are—

(i) at Buildings 9204-3 and 9731 at the Y-12 National Security Complex;

(ii) at the X-10 Graphite Reactor at the Oak Ridge National Laboratory;

(iii) at the K-25 Building site at the East Tennessee Technology Park;

(iv) at the former Guest House located at 210 East Madison Road; and

(v) at other sites within the boundary of the city of Oak Ridge, Tennessee, that are not depicted on the map described in this paragraph, but are determined by the Secretary to be suitable and appropriate for inclusion, except that sites owned or managed by the Secretary of Energy may be included only with the concurrence of the Secretary of Energy.

(B) LOS ALAMOS, NEW MEXICO.—Facilities, land, or interests in land that are—

(i) in the Los Alamos Scientific Laboratory National Historic Landmark District or any addition to the Landmark District proposed in the National Historic Landmark Nomination—Los Alamos Scientific Laboratory (LASL) NHL District (Working Draft of NHL Revision), Los Alamos National Laboratory document LA-UR 12-00387 (January 26, 2012);

(ii) at the former East Cafeteria located at 1670 Nectar Street; and

(iii) at the former dormitory located at 1725 17th Street.

(C) HANFORD, WASHINGTON.—Facilities, land, or interests in land that are—

(i) in the B Reactor National Historic Landmark;

(ii) at the Hanford High School in the town of Hanford and Hanford Construction Camp Historic District;

(iii) at the White Bluffs Bank building in the White Bluffs Historic District;

(iv) at the warehouse in the Bruggemann's Agricultural Complex;

(v) at the Hanford Irrigation District Pump House; and

(vi) at the T Plant (221-T Process Building).

(3) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service and the Department of Energy.

(e) AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Sec-

retary and the Secretary of Energy (acting through the Oak Ridge, Richland, and Los Alamos site offices) shall enter into an agreement governing the respective roles of the Secretary and the Secretary of Energy in administering the facilities, land, or interests in land under the administrative jurisdiction of the Department of Energy that is to be included in the Historical Park, including provisions for public access, management, interpretation, and historic preservation.

(2) RESPONSIBILITIES OF THE SECRETARY.—Any agreement under paragraph (1) shall provide that the Secretary shall—

(A) have decisionmaking authority for the content of historic interpretation of the Manhattan Project for purposes of administering the Historical Park; and

(B) ensure that the agreement provides an appropriate role for the National Park Service in preserving the historic resources covered by the agreement.

(3) RESPONSIBILITIES OF THE SECRETARY OF ENERGY.—Any agreement under paragraph (1) shall provide that the Secretary of Energy—

(A) shall ensure that the agreement appropriately protects public safety, national security, and other aspects of the ongoing mission of the Department of Energy at the Los Alamos National Laboratory, Hanford Site, and Oak Ridge Reservation;

(B) may consult with and provide historical information to the Secretary concerning the Manhattan Project; and

(C) shall retain responsibility, in accordance with applicable law, for any environmental remediation and structural safety that may be necessary in or around the facilities, land, or interests in land governed by the agreement.

(4) AMENDMENTS.—The agreement under paragraph (1) may be amended, including to add to the Historical Park facilities, land, or interests in land described in subsection (d)(2) that are under the jurisdiction of the Secretary of Energy.

(f) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall consult with interested State, county, and local officials, organizations, and interested members of the public—

(A) before executing any agreement under subsection (e); and

(B) in the development of the general management plan under subsection (g)(2).

(2) NOTICE OF DETERMINATION.—Not later than 30 days after the date on which an agreement under subsection (e) is executed, the Secretary shall publish in the Federal Register notice of the establishment of the Historical Park, including an official boundary map.

(3) AVAILABILITY OF MAP.—The official boundary map published under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADDITIONS.—Any land, interest in land, or facility within the eligible areas described in subsection (d)(2) that is acquired by the Secretary or included in an amendment to the agreement under subsection (e)(2) shall be added to the Historical Park.

(g) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary, in consultation with the Secretary of Energy, shall complete a general management plan for the Historical Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and

(B) the agreement established under subsection (e).

(3) INTERPRETIVE TOURS.—The Secretary may, subject to applicable law, provide interpretive tours of historically significant Manhattan Project sites and resources in the States of Tennessee, New Mexico, and Washington that are located outside the boundary of the Historical Park.

(4) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may only acquire land and interests in land within the eligible areas described in subsection (d)(2) by—

(i) transfer of administrative jurisdiction from the Department of Energy by agreement between the Secretary and the Secretary of Energy; or

(ii) purchase from willing sellers, donation, or exchange.

(B) FACILITIES.—The Secretary may acquire land or interests in land in the vicinity of Historical Park for visitor and administrative facilities.

(5) DONATIONS; COOPERATIVE AGREEMENTS.—

(A) FEDERAL FACILITIES.—

(1) IN GENERAL.—The Secretary may enter into 1 or more agreements with the head of a Federal agency to provide public access to, and management, interpretation, and historic preservation of, historically significant Manhattan Project resources under the jurisdiction or control of the Federal agency.

(ii) DONATIONS; COOPERATIVE AGREEMENTS.—The Secretary may accept donations from, and enter into cooperative agreements with, State governments, units of local government, tribal governments, organizations, or individuals to further the purpose of an interagency agreement entered into under clause (i).

(B) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to State, local, or tribal governments, organizations, or individuals for the management, interpretation, and historic preservation of historically significant Manhattan Project resources not included within the Historical Park.

(C) DONATIONS TO DEPARTMENT OF ENERGY.—For the purposes of this section, or for the purpose of preserving or providing access to historically significant resources relating to the Manhattan Project, the Secretary of Energy may accept, hold, administer, and use gifts, bequests, and devises (including labor and services).

**SA 2493.** Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) IN GENERAL.—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled “Petersburg National Battlefield Boundary Expansion”, numbered 325/80,080, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this section as the “Secretary”) is authorized to acquire the land and interests in land, described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1,170-acre parcel of land depicted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1,171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2).

(2) MAP.—The land transferred is depicted on the map titled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/80,801A, dated May 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer is without reimbursement or consideration.

(B) MANAGEMENT.—The land transferred to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of that park in accordance with applicable laws and regulations.

**SA 2494.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. SUPPORT FOR EFFORTS TO IMPROVE ACADEMIC ACHIEVEMENT AND TRANSITION OF MILITARY DEPENDENT STUDENTS.**

The Secretary of Defense may make grants to nonprofit organizations that provide services to improve the academic achievement of military dependent students, including those nonprofit organizations whose programs focus on improving the civic responsibility of military dependent students and their un-

derstanding of the Federal Government through direct exposure to the operations of the Federal Government.

**SA 2495.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 217. IMPROVED TURBINE ENGINE PROGRAM.**

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Army for Aviation Advanced Technology (PE 06003A) as specified in the funding table in section 4201 is hereby increased by \$1,000,000, with the amount of the increase to be available for the Improved Turbine Engine Program.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Army as specified in the funding table in section 4201 is hereby decreased by \$1,000,000, with the amount of the decrease to be applied to amounts so available for programs, projects, and activities other than the Improved Turbine Engine Program.

**SA 2496.** Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—EMBASSY SECURITY AND OTHER MATTERS****SEC. 1601. DEFINITIONS.**

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) FACILITIES.—The term “facilities” encompasses embassies, consulates, expeditionary diplomatic facilities, and any other diplomatic facilities, not in the United States, including those that are intended for temporary use.

**Subtitle A—Embassy Security****SEC. 1611. SHORT TITLE.**

This subtitle may be cited as the “Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security, Threat Mitigation, and Personnel Protection Act of 2013”.

**PART I—FUNDING AUTHORIZATION AND TRANSFER AUTHORITY****SEC. 1621. CAPITAL SECURITY COST SHARING PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2014 for the Department of State \$1,383,000,000, to be available until expended, for the Capital Security Cost Sharing Program, authorized by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-453; 22 U.S.C. 4865 note).

(b) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that—

(1) the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities in high threat, high risk areas in addition to addressing immediate threat mitigation as set forth in section 1612, and should take into consideration the priorities of other government agencies that are contributing to the Capital Security Cost Sharing Program when replacing or upgrading diplomatic facilities; and

(2) all United States Government agencies are required to pay into the Capital Security Cost Sharing Program a percentage of total costs determined by interagency agreements, in order to address immediate threat mitigation needs and increase funds for the Capital Security Cost Sharing Program for fiscal year 2014, including to address inflation and increased construction costs.

(c) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-453; 22 U.S.C. 4865 note) is amended by adding at the end the following: “A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by paragraph (1), except that such project may include office space or other accommodations for members of the United States Marine Corps.”.

**SEC. 1622. IMMEDIATE THREAT MITIGATION.**

(a) ALLOCATION OF AUTHORIZED APPROPRIATIONS.—In addition to any funds otherwise made available for such purposes, the Department of State shall, notwithstanding any other provision of law except as provided in subsection (d), use \$300,000,000 of the funding provided in section 1621 for immediate threat mitigation projects, with priority given to facilities determined to be “high threat, high risk” pursuant to section 1652.

(b) ALLOCATION OF FUNDING.—In allocating funding for threat mitigation projects, the Secretary of State shall prioritize funding for—

(1) the construction of safeguards that provide immediate security benefits;

(2) the purchasing of additional security equipment, including additional defensive weaponry;

(3) the paying of expenses of additional security forces, with an emphasis on funding United States security forces where practicable; and

(4) any other purposes necessary to mitigate immediate threats to United States personnel serving overseas.

(c) **TRANSFER.**—The Secretary may transfer and merge funds authorized under subsection (a) to any appropriation account of the Department of State for the purpose of carrying out the threat mitigation projects described in subsection (b).

(d) **USE OF FUNDS FOR OTHER PURPOSES.**—Notwithstanding the allocation requirement under subsection (a), funds subject to such requirement may be used for other authorized purposes of the Capital Security Cost Sharing Program if, not later than 15 days prior to such use, the Secretary certifies in writing to the appropriate congressional committees that—

(1) high threat, high risk facilities are being secured to the best of the United States Government's ability; and

(2) the Secretary of State will make funds available from the Capital Security Cost Sharing Program or other sources to address any changed security threats or risks, or new or emergent security needs, including immediate threat mitigation.

#### **SEC. 1623. LANGUAGE TRAINING.**

(a) **IN GENERAL.**—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH THREAT, HIGH RISK POSTS.**

“(a) **IN GENERAL.**—Diplomatic security personnel assigned permanently to, or who are serving in, long-term temporary duty status as designated by the Secretary of State at a high threat, high risk post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

“(b) **LANGUAGE TRAINING DESCRIBED.**—Language training referred to in subsection (a) should prepare personnel described in such subsection—

“(1) to speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

“(2) to read within an adequate range of speed and with almost complete comprehension on subjects germane to security.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 annually for fiscal years 2014 and 2015 to carry out this section.

(c) **INSPECTOR GENERAL REVIEW.**—The Inspector General of the Department of State and Broadcasting Board of Governors shall, at the end of fiscal years 2014 and 2015, review the language training conducted pursuant to this section and make the results of such reviews available to the Secretary of State and the appropriate congressional committees.

#### **SEC. 1624. FOREIGN AFFAIRS SECURITY TRAINING.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Department of State employees and their families deserve improved and efficient programs and facilities for high threat training and training on risk management decision processes;

(2) improved and efficient high threat, high risk training is consistent with the Benghazi Accountability Review Board (ARB) recommendation number 17;

(3) improved and efficient security training should take advantage of training synergies that already exist, like training with, or in close proximity to, Fleet Antiterrorism Security Teams (FAST), special operations

forces, or other appropriate military and security assets; and

(4) the Secretary of State should undertake temporary measures, including leveraging the availability of existing government and private sector training facilities, to the extent appropriate to meet the critical security training requirements of the Department of State.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR IMMEDIATE SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.**—There is authorized to be appropriated for the Department of State \$100,000,000 for improved immediate security training for high threat, high risk security environments, including through the utilization of government or private sector facilities to meet critical security training requirements.

(c) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR LONG-TERM SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated \$350,000,000 for the acquisition, construction, and operation of a new Foreign Affairs Security Training Center or expanding existing government training facilities, subject to the certification requirement in paragraph (2).

(2) **REQUIRED CERTIFICATION.**—Not later than 15 days prior to the obligation or expenditure of any funds authorized to be appropriated pursuant to paragraph (1), the President shall certify to the appropriate congressional committees that the acquisition, construction, and operation of a new Foreign Affairs Security Training Center, or the expansion of existing government training facilities, is necessary to meet long-term security training requirements for high threat, high risk environments.

(3) **EFFECT OF CERTIFICATION.**—If the certification in paragraph (2) is made—

(A) up to \$100,000,000 of the funds authorized to be appropriated under subsection (b) shall also be authorized for the purposes set forth in paragraph (1); or

(B) up to \$100,000,000 of funds available for the acquisition, construction, or operation of Department of State facilities may be transferred and used for the purposes set forth in paragraph (1).

(d) **USE OF FUNDS APPROPRIATED UNDER THE AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009.**—Of the funds appropriated to the Department of State under title XI of the American Reinvestment and Recovery Act of 2009 (Public Law 111-5), \$54,545,177 is to remain available until September 30, 2016, for activities consistent with subsections (b) and (c).

#### **SEC. 1625. TRANSFER AUTHORITY.**

Section 4 of the Foreign Service Buildings Act of 1926 (22 U.S.C. 295) is amended by adding at the end the following new subsections:

“(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to subsection (k), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for any other purpose related to diplomatic and consular programs on or after October 1, 2013, as the Secretary determines are necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary.

“(2) Any funds transferred under the authority provided in paragraph (1) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

“(k) Not later than 15 days before any transfer of funds under subsection (j), the Secretary shall notify the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.”

### **PART II—CONTRACTING AND OTHER MATTERS**

#### **SEC. 1631. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.**

(a) **IN GENERAL.**—Section 136(c)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

“(3) in evaluating proposals for such contracts, award contracts to technically acceptable firms offering the lowest evaluated price, except that—

“(A) the Secretary may award contracts on the basis of best value (as determined by a cost-technical tradeoff analysis); and

“(B) proposals received from United States persons and qualified United States joint venture persons shall be evaluated by reducing the bid price by 10 percent;”

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) an explanation of the implementation of paragraph (3) of section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a); and

(2) for each instance in which an award is made pursuant to subparagraph (A) of such paragraph, as so amended, a written justification and approval, providing the basis for such award and an explanation of the inability to satisfy the needs of the Department of State by technically acceptable, lowest price evaluation award.

#### **SEC. 1632. DISCIPLINARY ACTION RESULTING FROM UNSATISFACTORY LEADERSHIP IN RELATION TO A SECURITY INCIDENT.**

Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834 (c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking “RECOMMENDATIONS” and inserting the following: “RECOMMENDATIONS.—

“(1) **IN GENERAL.**—Whenever”; and

(3) by inserting at the end the following new paragraph:

“(2) **CERTAIN SECURITY INCIDENTS.**—Unsatisfactory leadership by a senior official with respect to a security incident involving loss of life, serious injury, or significant destruction of property at or related to a United States Government mission abroad may be grounds for disciplinary action. If a Board finds reasonable cause to believe that a senior official provided such unsatisfactory leadership, the Board may recommend disciplinary action subject to the procedures in paragraph (1).”

#### **SEC. 1633. MANAGEMENT AND STAFF ACCOUNTABILITY.**

(a) **AUTHORITY OF SECRETARY OF STATE.**—Nothing in this subtitle or any other provision of law shall be construed to prevent the Secretary of State from using all authorities invested in the office of Secretary to take personnel action against any employee or official of the Department of State that the Secretary determines has breached the duty of that individual or has engaged in misconduct or unsatisfactorily performed the

duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or a serious breach of security, even if such action is the subject of an Accountability Review Board's examination under section 304(a) of the Diplomatic Security Act (22 U.S.C. 4834(a)).

(b) **ACCOUNTABILITY.**—Section 304 of the Diplomatic Security Act (22 U.S.C. 4834) is amended—

(1) in subsection (c), by inserting after “breached the duty of that individual” the following: “or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a),”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

“(d) **MANAGEMENT ACCOUNTABILITY.**—Whenever a Board determines that an individual has engaged in any conduct addressed in subsection (c), the Board shall evaluate the level and effectiveness of management and oversight conducted by employees or officials in the management chain of such individual.”.

#### **SEC. 1634. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended in the third sentence by inserting “physical security enhancements and” after “Such assistance may include”.

#### **SEC. 1635. REEMPLOYMENT OF ANNUITANTS.**

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking “to facilitate the” and all that follows through “Afghanistan, if” and inserting “to facilitate the assignment of persons to high threat, high risk posts or to posts vacated by members of the Service assigned to high threat, high risk posts, if”;

(2) by amending paragraph (2) to read as follows:

“(2) The Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the incurred costs over the prior fiscal year of the total compensation and benefit payments to annuitants reemployed by the Department pursuant to this section.”; and

(3) by adding after paragraph (3) the following paragraphs:

“(4) In the event that an annuitant qualified for compensation or payments pursuant to this subsection subsequently transfers to a position for which the annuitant would not qualify for a waiver under this subsection, the Secretary may no longer waive the application of subsections (a) through (d) with respect to such annuitant.

“(5) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to this subsection shall terminate on October 1, 2019.”.

#### **PART III—EXPANSION OF THE MARINE CORPS SECURITY GUARD DETACHMENT PROGRAM**

##### **SEC. 1641. MARINE CORPS SECURITY GUARD PROGRAM.**

(a) **IN GENERAL.**—Pursuant to the responsibility of the Secretary of State for diplo-

matic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), the Secretary of State, in coordination with the Secretary of Defense, shall—

(1) develop and implement a plan to incorporate the additional Marine Corps Security Guard personnel authorized pursuant to section 404 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 5983 note) at United States embassies, consulates, and other facilities; and

(2) conduct an annual review of the Marine Corps Security Guard Program, including—

(A) an evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements;

(B) an assessment of whether Marine Corps security guards are appropriately deployed among facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(C) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for three years, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements set forth in subsection (a)(2).

#### **PART IV—REPORTING ON THE IMPLEMENTATION OF THE ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS**

##### **SEC. 1651. DEPARTMENT OF STATE IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED BY THE ACCOUNTABILITY REVIEW BOARD CONVENED AFTER THE SEPTEMBER 11-12, 2012, ATTACKS ON UNITED STATES GOVERNMENT PERSONNEL IN BENGHAZI, LIBYA.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report, with a classified annex, on the implementation by the Department of State of the recommendations of the Accountability Review Board convened pursuant to title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.) to examine the facts and circumstances surrounding the September 11-12, 2012, killings of four United States Government personnel in Benghazi, Libya.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the overall state of the Department of State's diplomatic security to respond to the evolving global threat environment, and the broader steps the Department of State is taking to improve the security of United States diplomatic personnel in the aftermath of the Accountability Review Board Report.

(2) A description of the specific steps taken by the Department of State to address each of the 29 recommendations contained in the Accountability Review Board Report, including—

(A) an assessment of whether implementation of each recommendation is “complete” or is still “in progress”; and

(B) if the Secretary of State determines not to fully implement any of the 29 recommendations in the Accountability Review Board Report, a thorough explanation as to why such a decision was made.

(3) An enumeration and assessment of any significant challenges that have slowed or interfered with the Department of State's implementation of the Accountability Review Board recommendations, including—

(A) a lack of funding or resources made available to the Department of State;

(B) restrictions imposed by current law that in the Secretary of State's judgment should be amended; and

(C) difficulties caused by a lack of coordination between the Department of State and other United States Government agencies.

#### **SEC. 1652. DESIGNATION AND REPORTING FOR HIGH THREAT, HIGH RISK FACILITIES.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives a classified report, with an unclassified summary, evaluating Department of State facilities that the Secretary of State determines to be “high threat, high risk” in accordance with subsection (c).

(b) **CONTENT.**—For each facility determined to be “high threat, high risk” pursuant to subsection (a), the report submitted under such subsection shall also include—

(1) a narrative assessment describing the security threats and risks facing posts overseas and the overall threat level to United States personnel under chief of mission authority;

(2) the number of diplomatic security personnel, Marine Corps security guards, and other Department of State personnel dedicated to providing security for United States personnel, information, and facilities;

(3) an assessment of host nation willingness and capability to provide protection in the event of a security threat or incident, pursuant to the obligations of the United States under the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and the 1961 Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961;

(4) an assessment of the quality and experience level of the team of United States senior security personnel assigned to the facility, considering collectively the assignment durations and lengths of government experience;

(5) the number of Foreign Service Officers who have received Foreign Affairs Counter Threat training;

(6) a summary of the requests made during the previous calendar year for additional resources, equipment, or personnel related to the security of the facility and the status of such requests;

(7) an assessment of the ability of United States personnel to respond to and survive a fire attack, including—

(A) whether the facility has adequate fire safety and security equipment for safe havens and safe areas; and

(B) whether the employees working at the facility have been adequately trained on the equipment available;

(8) for each new facility that is opened, a detailed description of the steps taken to



provide security for the new facility, including whether a dedicated support cell was established in the Department of State to ensure proper and timely resourcing of security; and

(9) a listing of any “high-threat, high-risk” facilities where the Department of State and other government agencies’ facilities are not collocated including—

(A) a rationale for the lack of collocation; and

(B) a description of what steps, if any, are being taken to mitigate potential security vulnerabilities associated with the lack of collocation.

(C) **DETERMINATION OF HIGH THREAT, HIGH RISK FACILITY.**—In determining what facilities constitute “high threat, high risk facilities” under this section, the Secretary shall take into account with respect to each facility whether there are—

(1) high to critical levels of political violence or terrorism;

(2) national or local governments with inadequate capacity or political will to provide appropriate protection; and

(3) in locations where there are high to critical levels of political violence or terrorism or national or local governments lack the capacity or political will to provide appropriate protection—

(A) mission physical security platforms that fall well below the Department of State’s established standards; or

(B) security personnel levels that are insufficient for the circumstances.

(d) **INSPECTOR GENERAL REVIEW AND REPORT.**—The Inspector General for the Department of State and the Broadcasting Board of Governors shall, on an annual basis—

(1) review the determinations of the Department of State with respect to high threat, high risk facilities, including the basis for making such determinations;

(2) review contingency planning for high threat, high risk facilities and evaluate the measures in place to respond to attacks on such facilities;

(3) review the risk mitigation measures in place at high threat, high risk facilities to determine how the Department of State evaluates risk and whether the measures put in place sufficiently address the relevant risks;

(4) review early warning systems in place at high threat, high risk facilities and evaluate the measures being taken to preempt and disrupt threats to such facilities; and

(5) provide to the appropriate congressional committees an assessment of the determinations of the Department of State with respect to high threat, high risk facilities, including recommendations for additions or changes to the list of such facilities, and a report regarding the reviews and evaluations undertaken pursuant to paragraphs (1) through (4) and this paragraph.

**SEC. 1653. DESIGNATION AND REPORTING FOR HIGH-RISK COUNTERINTELLIGENCE THREAT POSTS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in conjunction with appropriate officials in the intelligence community and the Secretary of Defense, shall submit to the appropriate committees of Congress a report assessing the counterintelligence threat to United States diplomatic facilities in Priority 1 Counterintelligence Threat Nations, including—

(1) an assessment of the use of locally employed staff and guard forces and a listing of diplomatic facilities in Priority 1 Counterintelligence Threat Nations without controlled access areas; and

(2) recommendations for mitigating any counterintelligence threats and for any necessary facility upgrades, including costs assessment of any recommended mitigation or upgrades so recommended.

(b) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) **PRIORITY 1 COUNTERINTELLIGENCE THREAT NATION.**—The term “Priority 1 Counterintelligence Threat Nation” means a country designated as such by the October 2012 National Intelligence Priorities Framework (NIPF).

**SEC. 1654. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF BENGHAZI ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the progress of the Department of State in implementing the recommendations of the Benghazi Accountability Review Board.

(b) **CONTENT.**—The report required under subsection (a) shall include—

(1) an assessment of the progress the Department of State has made in implementing each specific recommendation of the Accountability Review Board; and

(2) a description of any impediments to recommended reforms, such as budget constraints, bureaucratic obstacles within the Department or in the broader interagency community, or limitations under current law.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

**SEC. 1655. SECURITY ENVIRONMENT THREAT LIST BRIEFINGS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and upon each subsequent update of the Security Environment Threat List (SETL), the Bureau of Diplomatic Security shall provide classified briefings to the appropriate congressional committees on the SETL.

(b) **CONTENT.**—The briefings required under subsection (a) shall include—

(1) an overview of the SETL; and

(2) a summary assessment of the security posture of those facilities where the SETL assesses the threat environment to be most acute, including factors that informed such assessment.

**PART V—ACCOUNTABILITY REVIEW BOARDS**

**SEC. 1661. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Accountability Review Board mechanism as outlined in section 302 of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832) is an effective tool to collect information about and evaluate adverse incidents that occur in a world that is increasingly complex and dangerous for United States diplomatic personnel; and

(2) the Accountability Review Board should provide information and analysis that will assist the Secretary, the President, and Congress in determining what contributed to

an adverse incident as well as what new measures are necessary in order to prevent the recurrence of such incidents.

**SEC. 1662. PROVISION OF COPIES OF ACCOUNTABILITY REVIEW BOARD REPORTS TO CONGRESS.**

Not later than 2 days after an Accountability Review Board provides its report to the Secretary of State in accordance with title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the Secretary shall provide copies of the report to the appropriate congressional committees for retention and review by those committees.

**SEC. 1663. CHANGES TO EXISTING LAW.**

(a) **MEMBERSHIP.**—Section 302(a) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832(a)) is amended by inserting “one of which shall be a former Senate-confirmed Inspector General of a Federal department or agency,” after “4 appointed by the Secretary of State.”

(b) **STAFF.**—Section 302(b)(2) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832(b)(2)) is amended by adding at the end the following: “Such persons shall be drawn from bureaus or other agency sub-units that are not impacted by the incident that is the subject of the Board’s review.”

**PART VI—OTHER MATTERS**

**SEC. 1671. ENHANCED QUALIFICATIONS FOR DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.**

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after section 206 (22 U.S.C. 4824) the following new section:

**“SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.**

“The individual serving as Deputy Assistant Secretary of State for High Threat, High Risk Posts shall have one or more of the following qualifications:

“(1) Service during the last six years at one or more posts designated as High Threat, High Risk by the Department of State at the time of service.

“(2) Previous service as the office director or deputy director of one or more of the following Department of State offices or successor entities carrying out substantively equivalent functions:

“(A) The Office of Mobile Security Deployments.

“(B) The Office of Special Programs and Coordination.

“(C) The Office of Overseas Protective Operations.

“(D) The Office of Physical Security Programs.

“(E) The Office of Intelligence and Threat Analysis.

“(3) Previous service as the Regional Security Officer at two or more overseas posts.

“(4) Other government or private sector experience substantially equivalent to service in the positions listed in paragraphs (1) through (3).”

**Subtitle B—Naval Vessel Transfers and Security Enhancement**

**SEC. 1681. SHORT TITLE.**

This subtitle may be cited as the “Naval Vessel Transfer and Security Enhancement Act of 2013”.

**SEC. 1682. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) **TRANSFERS BY GRANT.**—

(1) **AUTHORITY.**—The President is authorized to transfer vessels to foreign countries



on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), subject to paragraph (2), as follows:

(A) MEXICO.—To the Government of Mexico, the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG-38) and USS MCCLUSKY (FFG-41).

(B) THAILAND.—To the Government of Thailand, the OLIVER HAZARD PERRY class guided missile frigates USS RENTZ (FFG-46) and USS VANDEGRIFT (FFG-48).

(b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG-50), USS GARY (FFG-51), USS CARR (FFG-52), and USS ELROD (FFG-55) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) TRANSFER TO PAKISTAN BY GRANT UPON CERTIFICATIONS.—

(1) AUTHORITY.—The President is authorized in each of fiscal years 2014 through 2016 to transfer to the Government of Pakistan one of the OLIVER HAZARD PERRY class guided missile frigates USS KLAHRING (FFG-42), USS DE WERT (FFG-45), and USS ROBERT G. BRADLEY (FFG-49) on a grant basis under section 516 of the Foreign Assistance Act (22 U.S.C. 2321j), 15 days after certifying to the appropriate congressional committees that the Government of Pakistan is—

(A) cooperating with the United States Government in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, al Qaeda, and other domestic and foreign terrorist organizations, including taking concrete and measurable steps to—

(i) end Government of Pakistan support for such groups;

(ii) prevent such groups from basing and operating in Pakistan; and

(iii) prevent such groups from carrying out cross-border attacks into neighboring countries;

(B) not supporting terrorist activities against United States or coalition forces or United States citizens in Afghanistan or elsewhere, or any organizations planning, conducting, or advocating such activities;

(C) taking concrete and measurable steps to dismantle improvised explosive device (IED) networks and interdict precursor chemicals used in the manufacture of IEDs;

(D) not engaging in, and taking concrete and measurable steps to prevent the proliferation of nuclear-related material, equipment, technology, and expertise;

(E) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts, assistance programs, and Department of State operations in Pakistan;

(F) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict;

(G) taking steps towards releasing Dr. Shakil Afridi from prison and clearing him of all charges; and

(H) ensuring that the military and intelligence agencies of the Government of Pakistan are not intervening into political and judicial processes in Pakistan.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the certification requirements under para-

graph (1) in any of fiscal years 2014 through 2016 if the President determines, and notifies the appropriate congressional committees, that it is in the national security interests of the United States to waive such requirement.

(B) EFFECTIVE DATE OF WAIVER.—The waiver shall become effective 45 days after the President provides to the appropriate congressional committees a report detailing the reasons for making the determination and an analysis of the degree to which the actions of the Government of Pakistan do or do not satisfy the criteria in subparagraphs (A)–(H) of paragraph (1).

(d) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a), (b), and (c) to transfer specific vessels to specific countries, the President is authorized to transfer any vessel named in this title to any country named in this section, subject to the same conditions that would apply for such country under this section, such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this section.

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) or (c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(f) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

#### SEC. 1683. ENHANCED CONGRESSIONAL OVERSIGHT OF FOREIGN MILITARY SALES.

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

“(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) to countries other than a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, Israel, the Republic of Korea, or New Zealand at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall provide notification of such pending shipment, in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”.

#### SEC. 1684. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking “\$425,000,000” and inserting “\$500,000,000”.

#### SEC. 1685. INTEGRATED AIR AND MISSILE DEFENSE PROGRAMS AT TRAINING LOCATIONS IN SOUTHWEST ASIA.

(a) AUTHORITY.—Notwithstanding section 544(c)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347(c)(1)), for fiscal years 2014 through 2016, the President is authorized to enter into cooperative arrangements providing for the participation of foreign and United States military and civilian defense personnel for integrated air and missile defense programs in Southwest Asia without charge to participating countries and, notwithstanding section 632(d) of such Act (22 U.S.C. 2392(d)), without charge to the fund available to carry out chapter II of part II of the Foreign Assistance Act (22 U.S.C. 2311 et seq.).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter until a final summary report is submitted after the end of fiscal year 2016, the President shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the appropriate congressional committees a report on the implementation of the authority provided under subsection (a), including a description of the numbers of such participating foreign personnel, the cost of such non-reimbursable arrangements, and prospects for equitable contributions from such countries in the future.

**SA 2497.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 301, between lines 16 and 17 insert the following:

#### SECTION 945. MAJOR CYBER INCIDENTS INVOLVING NETWORKS OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on major cyber incidents involving networks of the Department of Defense.

(b) ELEMENTS.—Each report required under subsection (a) shall include the following:

(1) A summary of major cyber incidents against networks of the Department of Defense and the military departments.

(2) Aggregate statistics on the number of breaches against networks of the Department of Defense and the military departments, the volume of data exfiltrated, and the estimated cost of remedying the breaches.

(3) A discussion of the risk of cyber sabotage against the networks of the Department of Defense and the military departments.

(c) FORM.—Each report submitted under this section shall be submitted in unclassified form, but may include a classified annex.

**SA 2498.** Mr. MENENDEZ submitted an amendment intended to be proposed

by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. CONTROL OF ARMS EXPORTS OF SUBSTANTIAL MILITARY OR INTELLIGENCE UTILITY.**

Section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) is amended by inserting after “for the purposes of this section” the following: “and which are in the President’s judgment of substantial military utility or capability such that they warrant special controls to ensure that the export of such items do not provide a substantial military or intelligence capability to foreign countries or to foreign persons to the detriment of the national security of friends and allies of the United States or the achievement of the foreign policy and national security objectives of the United States.”.

**SA 2499.** Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. COCHRAN, Ms. CANTWELL, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TRANSFER OF AIRCRAFT TO OTHER DEPARTMENTS FOR WILDFIRE SUPPRESSION PURPOSES.**

(a) TRANSFER OF HC-130H AIRCRAFT.—

(1) TRANSFER BY DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, shall transfer, without reimbursement—

(A) 7 HC-130H aircraft to the Secretary of the Air Force; and

(B) initial spares and necessary ground support equipment for HC-130H aircraft to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management as large air tanker wildfire suppression aircraft.

(2) AIR FORCE ACTIONS.—Subject to the availability of funds provided by the Undersecretary of Defense, Comptroller, to the Secretary of the Air Force for HC-130H modifications, the Secretary of the Air Force shall—

(A) accept the HC-130H aircraft transferred by the Secretary of Homeland Security under paragraph (1);

(B) at the first available opportunity, promptly schedule and serially synchronize with the Secretary of Homeland Security and the Secretary of Agriculture the induction of HC-130H aircraft to minimize maintenance induction on-ramp wait time of HC-130H aircraft, while also affording the Secretary of Homeland Security reasonable access to operational aircraft prior to the air-

craft’s induction into maintenance functions described in subparagraph (C);

(C) perform center and outer wingbox replacement modifications, progressive fuselage structural inspections, and configuration modifications necessary to convert each HC-130H aircraft as large air tanker wildfire suppression aircraft; and

(D) after modifications described in subparagraph (C) are completed for each HC-130H aircraft, the Secretary of the Air Force shall transfer each aircraft without reimbursement to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management as large air tanker wildfire suppression aircraft.

(3) REIMBURSEMENT.—The Undersecretary of Defense, Comptroller, shall promptly reimburse the Secretary of the Air Force for all fiscal resources utilized by the Department of the Air Force to perform the HC-130H modifications described under paragraph (2).

(b) TRANSFER OF C-23B+ SHERPA AIRCRAFT.—The Secretary of the Army shall transfer, without reimbursement—

(1) up to 15 C-23B+ Sherpa aircraft in fiscal year 2014 to the Secretary of Agriculture, subject to the quantity of C-23B+ Sherpa aircraft that the Forest Service Director of Aviation and Fire Management determines are required to meet fire-fighting requirements; and

(2) initial spares and necessary ground support equipment for operation of C-23B+ Sherpa aircraft to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management.

(c) CONDITIONS OF CERTAIN TRANSFERS.—Aircraft transferred to the Secretary of Agriculture under this section—

(1) may be used only for wildfire suppression purposes;

(2) may not be flown outside of, or otherwise removed from, the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance; and

(3) may not be sold by the Secretary of Agriculture after transfer.

(d) COSTS AFTER TRANSFER.—Any costs of operation, maintenance, sustainment, and disposal of excess aircraft, initial spares, and ground support equipment transferred to the Secretary of Agriculture under this section that are incurred after the date of transfer shall be borne by the Secretary of Agriculture.

(e) TRANSFER OF C-27J AIRCRAFT.—Immediately following the certification requirement under subsection (f), the Secretary of Defense shall transfer, without reimbursement—

(A) 14 C-27J aircraft to the Secretary of Homeland Security; and (B) initial spares and necessary ground support equipment for 14C-27J aircraft to the Secretary of Homeland Security for use by the Commandant of the Coast Guard as maritime patrol aircraft.

(f) CERTIFICATION REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Defense shall not transfer any aircraft to either the Secretary of Agriculture or the Secretary of Homeland Security until the Secretary of Defense and the Director of the Office of Management and Budget certify to the congressional defense committees that adequate funding has been transferred to the Secretary of the Air Force for the purpose of modifying all 7 HC-130H aircraft identified in subsection (a) aircraft as large air tanker wildfire suppression aircraft.

**SA 2500.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REQUIREMENT FOR PROMPT RESPONSES FROM SECRETARY OF DEFENSE WHEN SECRETARY OF VETERANS AFFAIRS REQUESTS INFORMATION NECESSARY TO ADJUDICATE BENEFITS CLAIMS.**

(a) DEADLINE FOR PROMPT RESPONSE.—Whenever the Secretary of Veterans Affairs submits a request to the Secretary of Defense for information that the Secretary of Veterans Affairs determines is necessary to adjudicate a claim for a benefit under a law administered by the Secretary of Veterans Affairs, the Secretary of Defense shall attempt to furnish such information to the Secretary of Veterans Affairs by not later than 45 days after receiving the request from the Secretary of Veterans Affairs.

(b) EXTENSION OF DEADLINE.—In a case in which the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with information requested under subsection (a) within the 45-day period set forth in such subsection, the Secretary of Defense shall furnish the Secretary of Veterans Affairs with the information requested by not later than 15 days after the end of the 45-day period set forth in such subsection.

**SA 2501.** Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

**SEC. \_\_\_\_\_. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.**

(a) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense and such military historians as the Secretary of Defense recommends, shall review the process used to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the “Missouri List”.

(c) PROHIBITION ON BENEFITS FOR DISQUALIFYING CONDUCT UNDER NEW PROCESS.—If pursuant to the review conducted under subsection (a) the Secretary of Veterans Affairs

determines to establish a new process for determining whether a covered individual is eligible for benefits described in subsection (a) or (b) of section 107 of such title, such process shall include a mechanism to ensure that a covered individual is not treated as an individual eligible for a benefit described in subsection (a) or (b) of section 107 of such title if such covered individual engaged in any disqualifying conduct during service described in such subsections, including collaboration with the enemy or criminal conduct.

**SA 2502.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2842. RESPONSIBILITY FOR ENVIRONMENTAL REMEDIATION AT BADGER ARMY AMMUNITION PLANT, BARABOO, WISCONSIN.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) PLANT.—The term “plant” means the Badger Army Ammunition Plant near Baraboo, Wisconsin.

(3) PROPERTY.—The term “property” includes—

(A) the plant;

(B) any land located in Sauk County, Wisconsin, and managed by the Federal Government relating to the plant; and

(C) any structure on the land described in subparagraph (B).

(b) RETENTION OF ENVIRONMENTAL LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), if administrative jurisdiction over the property is transferred to another Federal agency to be held in trust, the Department of Defense shall retain sole and exclusive Federal responsibility and liability to fund and implement any action required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or any other applicable Federal or State law.

(2) LIMITATION.—The liability described in paragraph (1) is limited to the remediation of environmental contamination caused by the activities of the Department of Defense that existed before the date on which the property is transferred.

(c) EFFECT.—Except as otherwise provided in this section, nothing in this section—

(1) relieves the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or liability under any Federal or State law with respect to the plant;

(2) affects or limits the application of, or any obligation to comply with, any environmental law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(3) prevents the United States from bringing a cost recovery, contribution, or any other action that would otherwise be available under any Federal or State law.

**SA 2503.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. FORT WAINWRIGHT, ALASKA.**

Notwithstanding any other provision of law, the Secretary of the Army shall, on a nonreimbursable basis—

(1) continue to provide, maintain, and sustain the Bureau of Land Management Alaska Fire Service facilities at Fort Wainwright, Alaska, as the facilities existed on May 1, 2013; and

(2) provide the Alaska Fire Service any access to any facilities and services at Fort Wainwright, Alaska, that the Alaska Fire Service may require for the fulfillment of the mission of the Alaska Fire Service.

**SA 2504.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. ANNUAL REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.**

(a) IN GENERAL.—Not later than March 1, 2014, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on allied contributions to the common defense.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A comparison of the fair and equitable shares of the mutual defense burdens of alliances with NATO member nations and other allied nations that should be borne by the United States, by other member nations of NATO, and by other allied nations, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts.

(2) A description of efforts by the United States and the efforts of other members of the alliances to eliminate any existing disparities.

(3) Projected estimates of the real growth in defense spending for the fiscal year in which the report is submitted for each NATO member nation and other allied nations.

(4) A description of the defense-related initiatives undertaken by each NATO member nation and other allied nations within the real growth in defense spending of such nation in the fiscal year immediately preceding

the fiscal year in which the report is submitted.

(5) An explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO and other alliance commitments.

(6) A description of the activities of each NATO member and other allied nations to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by existing alliances.

(7) A description of what additional actions the President plans to take should the efforts by the United States referred to in paragraphs (2) and (5) fail, and, in those instances where such additional actions do not include consideration of the repositioning of the United States Armed Forces, a detailed explanation as to why such repositioning is not being so considered.

(8) A description of the United States military forces assigned to permanent duty ashore in European member nations of NATO and an analysis of the cost of providing and maintaining such forces in such assignment primarily for support of NATO roles and missions.

(9) A description of the United States military forces assigned to permanent duty ashore in European member nations of NATO primarily in support of other United States interests in other regions of the world and an analysis of the cost of providing and maintaining such forces in such assignment primarily for that purpose.

(10) A specific enumeration and description of the offsets to United States costs of providing and maintaining United States military forces in Europe that the United States received from other NATO member nations in the fiscal year covered by the report, set out by country and by type of assistance, including both in-kind assistance and direct cash reimbursement, and the projected offsets for the five fiscal years following the fiscal year covered by the report.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex as necessary.

(d) OTHER ALLIED NATIONS DEFINED.—In this section, the term “other allied nations” means the member nations of—

(1) the Australia, New Zealand, and United States Security Treaty;

(2) the Treaty of Mutual Cooperation and Security between the United States and Japan;

(3) the Mutual Defense Treaty Between the United States and the Republic of Korea; and

(4) the Cooperation Council for the Arab States of the Gulf.

**SA 2505.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. REPORT ON RELOCATION PLAN FOR RESIDENTS OF CAMP LIBERTY, IRAQ.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Homeland Security, and the Attorney General shall jointly submit to the specified congressional committees a report on the current situation at Camp Liberty, Iraq, and provide a strategy on the relocation of camp residents to other countries.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) Information on how many residents are still located at Camp Liberty.

(2) A description of the United Nations High Commissioner on Refugees (UNHCR) refugee process, the degree of resident cooperation with the process, and when the process is expected to be completed.

(3) Information on how many residents have been given refugee status.

(4) Information on how many residents have been relocated, and to which countries.

(5) A detailed description of the current living conditions, including the security situation, disposition of security resources, and decisions by camp residents on how to use those resources.

(6) Information on those countries that would be willing and able to take residents.

(7) A relocation plan, including a detailed outline of the steps that would need to be taken by the recipient countries, the UNHCR, and the camp residents to relocate the residents to other countries.

(c) **SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “specified congressional committees” means—

(1) the Committees on Foreign Relations, Armed Services, Homeland Security and Governmental Affairs, and Judiciary of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services, Homeland Security, and Judiciary of the House of Representatives.

**SA 2506.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.**

The Secretary of the Navy may not obligate or expend funds for construction or advanced procurement of materials for the Littoral Combat Ships (LCS) designated as LCS 25 or LCS 26 until the Secretary submits to Congress each of the following:

(1) The report required by section 125(a).

(2) A coordinated determination by the Director of Operational Test and Evaluation and the Under Secretary of Defense for Acquisition, Technology, and Logistics that successful completion of the test evaluation master plan for both seaframes and each mission module will demonstrate operational effectiveness and operational suitability.

(3) A certification that the Joint Requirements Oversight Council—

(A) has reviewed the capabilities of the legacy systems that the Littoral Combat Ship is planned to replace and has compared these capabilities to those to be provided by the Littoral Combat Ship;

(B) has assessed the adequacy of the current Capabilities Development Document (CDD) for the Littoral Combat Ship to meet combatant command requirements and to address future threats as reflected in the latest assessment by the defense intelligence community; and

(C) has either validated the current Capabilities Development Document or directed the Secretary to update the current Capabilities Development Document based on the performance of the Littoral Combat Ship and mission modules to date.

(4) A report on the expected performance of each seaframe variant and mission module against the current or updated Capabilities Development Document.

(6) Certification that a Capability Production Document will be completed for each mission module before operational testing.

**SA 2507.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. PROHIBITION ON PROVISION OF ASSISTANCE TO GOVERNMENT OF SYRIA DURING DESTRUCTION OF SYRIAN CHEMICAL WEAPONS PROGRAM.**

During fiscal years 2014 and 2015, the United States Government—

(1) may not provide any equipment to the Government of Syria that will not be used exclusively for the purposes of the destruction of the Syrian chemical weapons program, or that will remain in Syria after all the chemical weapons, facilities, and materials are either removed from Syria or destroyed in Syria; and

(2) shall take appropriate steps to ensure that any United States Government equipment provided to any other nation or entity for the purposes of the destruction of the Syrian chemical weapons program shall not remain in Syria after all the chemical weapons, facilities, and materials are either removed from Syria or destroyed in Syria.

**SA 2508.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add the following:

**Subtitle C—National Rare Earth Refinery Cooperative**

**SEC. 1431. SHORT TITLE.**

This subtitle may be cited as the “National Rare Earth Cooperative Act of 2013”.

**SEC. 1432. FINDINGS; STATEMENT OF POLICY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Heavy rare earth elements are critical for the national defense of the United States, advanced energy technologies, and other desirable commercial and industrial applications.

(2) The Government Accountability Office has confirmed that the monopoly control of the People's Republic of China over the rare earth value chain has resulted in vulnerabilities in the procurement of multiple United States weapons systems.

(3) China has leveraged its monopoly control over the rare earth value chain to force United States, European, Japanese, and Korean corporations to transfer manufacturing facilities, technology, and jobs to China in exchange for secure supply contracts.

(4) China's increasingly aggressive mercantile behavior has resulted in involuntary transfers of technology, manufacturing, and jobs resulting in onerous trade imbalances with the United States and trading partners of the United States.

(5) Direct links exist between heavy rare earth mineralogy and thorium.

(6) Thorium is a mildly radioactive element commonly associated with the lanthanide elements in the most heavy rare earth deposits that are located in the United States and elsewhere.

(7) Regulations regarding thorium represent a barrier to the development of a heavy rare earth industry that is based in the United States.

(8) Balancing the strategic national interest objectives of the United States against economic and environmental risks are best met through the creation of a rare earth cooperative.

(9) A rare earth cooperative could—

(A) greatly increase rare earth production;

(B) ensure environmental safety; and

(C) lower the cost of the production and financial risks faced by rare earth producers in the United States.

(10) Historically, agricultural and electric cooperatives have stood as one of the greatest success stories of the United States.

(b) **STATEMENT OF POLICY.**—It is the policy of the United States to advance domestic refining of heavy rare earth materials and the safe storage of thorium in anticipation of the potential future industrial uses of thorium, including energy, as—

(1) thorium has a mineralogical association with valuable heavy rare earth elements;

(2) there is a great need to develop domestic refining capacity to process domestic heavy rare earth deposits; and

(3) the economy of the United States would benefit from the rapid development and control of intellectual property relating to the commercial development of technology utilizing thorium.

**SEC. 1433. DEFINITIONS.**

In this subtitle:

(1) **ACTINIDE.**—The term “actinide” means a natural element associated with any of the 15 rare earth minerals with atomic number 43 and atomic numbers 84 through 93 on the periodic table.

(2) **CONSUMER MEMBER.**—

(A) **IN GENERAL.**—The term “consumer member” means a member of the Cooperative that is—

(i) an entity that is part of, or has a role in, the value chain for rare earth materials or rare earth products, including from the refined oxide stage to the stage in which the

rare earth elements are finished in any physical or chemical form (including oxides, metals, alloys, catalysts, or components); or

(i) a consumer of rare earth products.

(B) INCLUSIONS.—The term “consumer member” includes—

(i) a producer of or other entity that is part of the value chain for rare earth materials, including original equipment manufacturer producers, whose place of business is located in or outside the United States;

(ii) a defense contractor in the United States; and

(iii) any agency in the United States or outside the United States that invests in the Cooperative.

(3) COOPERATIVE.—The term “Cooperative” means the Thorium-Bearing Rare Earth Refinery Cooperative established by section 1434(a)(1).

(4) COOPERATIVE BOARD.—The term “Cooperative Board” means the Board of Directors of the Cooperative established under section 1434(b)(2).

(5) CORPORATION.—The term “Corporation” means the Thorium Storage, Energy, and Industrial Products Corporation established under section 1435(a)(1).

(6) CORPORATION BOARD.—The term “Corporation Board” means the Board of Directors of the Corporation established under section 1435(b)(1).

(7) EXECUTIVE COMMITTEE.—The term “Executive Committee” means the executive committee established under section 1435(b)(2).

(8) INITIAL BOARD OF DIRECTORS.—The term “Initial Board of Directors” means the initial Board of Directors for the Cooperative established under section 1434(b)(1)(A).

(9) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(10) NATIONAL LABORATORY.—The term “national laboratory” has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(12) SUPPLIER MEMBER.—The term “supplier member” means a rare earth producer that enters into a contract to supply the Cooperative with rare earth concentrates.

(13) TOLLING.—The term “tolling” means a fee-for-services contract between the Cooperative and a primary rare earth producer under which—

(A) the producer retains ownership and control of the finished product; and

(B) pays to the Cooperative a fee for services rendered by the Cooperative.

#### SEC. 1434. THORIUM-BEARING RARE EARTH REFINERY COOPERATIVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Cooperative, to be known as the “Thorium-Bearing Rare Earth Refinery Cooperative”, to provide for the domestic processing of thorium-bearing rare earth concentrates.

(2) FEDERAL CHARTER; OWNERSHIP.—The Cooperative shall operate under a Federal charter.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Cooperative shall be comprised of—

(i) supplier members; and

(ii) consumer members.

(B) SUPPLIER MEMBERS.—

(i) IN GENERAL.—As a condition of entering into a contract to supply the Cooperative with rare earth concentrates, supplier members shall provide rare earth concentrates to the Cooperative at market price.

(ii) CAPITAL CONTRIBUTIONS.—Any supplier member that makes significant capital contributions to the Cooperative, as determined by the Cooperative Board, may become a consumer member for purposes of the distribution of profits of the Cooperative under subparagraph (D).

(C) CONSUMER MEMBER.—A consumer member—

(i) shall make capital contributions to the Cooperative in exchange for entering into negotiated supply agreements; and

(ii) in accordance with the agreements entered into under clause (i), may acquire finished rare earth products from the Cooperative at market price.

(D) DISTRIBUTION OF PROFITS.—Any profits of the Cooperative shall be distributed between supplier members and consumer members in accordance with a formula established by the Cooperative Board.

(b) MANAGEMENT.—

(1) INITIAL BOARD OF DIRECTORS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall appoint the Initial Board of Directors for the Cooperative, comprised of 5 members, of whom—

(i) 1 member shall represent the Defense Logistics Agency Strategic Materials program of the Department of Defense;

(ii) 1 member shall represent the Assistant Secretary of Defense for Research and Engineering;

(iii) 1 member shall represent United States advocacy groups for rare earth producers and original equipment manufacturing interests;

(iv) 1 member shall represent the United States Geological Survey; and

(v) 1 member who shall—

(I) not be affiliated with a Federal agency; and

(II) be recommended for appointment by a majority vote of the other members of the Initial Board of Directors appointed under clauses (i) through (iv).

(B) DUTIES.—The Initial Board of Directors shall—

(i) establish a charter, bylaws, and rules of governance for the Cooperative;

(ii) make formative business decisions on behalf of the Cooperative; and

(iii) assist in the formation of, and the provision of tasks and assignments to, the Corporation.

(C) STANDING MEMBER.—The member appointed under subparagraph (A)(v) shall remain on the Cooperative Board and Corporation Board, until such time as—

(i) the member voluntarily resigns; or

(ii) a majority of the members of the Cooperative Board and a majority of the members of the Corporation Board vote to remove the member from the Cooperative Board and the Corporation Board.

(D) TERMINATION.—The Initial Board of Directors shall terminate on the date on which the initial members of the Cooperative Board are appointed under paragraph (2).

(2) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Board of Directors of the Cooperative shall be comprised of 9 members, to be selected in accordance with the bylaws of the Cooperative established under paragraph (1)(B)(i), of whom—

(i) 5 members shall be consumer members;

(ii) 2 members shall be supplier members;

(iii) 1 member shall represent an advocacy group for defense contractors, other rare earth consumers, and suppliers who are not represented by the Board or through direct ownership in the Cooperative; and

(iv) 1 member shall be the member of the Initial Board of Directors appointed under paragraph (1)(A)(v).

(B) POWERS.—The Cooperative Board may—

(i) prescribe the manner in which business shall be conducted by the Cooperative;

(ii) determine pay-out ratio formulas for consumer members and supplier members, based on—

(I) the capital stock ratios of consumer members; and

(II) the value of supply member contracts, as determined based on the volume, term, and distributions of rare earth concentrates relative to processing costs; and

(iii) evaluate technologies and processes for the efficient extraction and refining of rare earth materials from various source materials.

(C) REFINERY AND OFFICE LOCATIONS.—The Cooperative Board shall establish the refinery and offices for the Cooperative at any locations determined to be appropriate by the Cooperative Board.

(c) POWERS; DUTIES.—

(1) INVESTMENT PARTNERSHIPS.—The Cooperative shall seek to enter into domestic and international investment partnerships for the development of the refinery.

(2) AGREEMENTS; DIRECT SALES.—The Cooperative may—

(A) enter into equity, financial, and supply-based agreements or arrangements with value-added intermediaries, equipment manufacturers, consumers of rare earth products, and Federal, State, or local agencies to provide economic incentives, leases, or public financing; and

(B) engage in direct market sales of rare earth products.

(3) SUPPLY CONTRACTS AND TOLLING SERVICES.—

(A) IN GENERAL.—The Cooperative may—

(i) directly purchase rare earth materials obtained from any byproduct producers of rare earths;

(ii) offer supplier members short-term or direct purchase contracts; and

(iii) allow primary rare earth producers to be tolling customers of the Cooperative.

(B) REQUIREMENTS.—A tolling customer under subparagraph (A)(iii) shall—

(i) retain control of the rare earth products during the processing, refining, or value adding of the rare earth products by the Cooperative; and

(ii) take possession of the rare earth products after—

(I) tolling services are rendered by the Cooperative; and

(II) the Cooperative has received payment in full for the tolling services rendered.

(C) FEE.—The Cooperative may charge tolling customers under subparagraph (A)(iii) a tolling fee not to exceed the sum of—

(i) the amount equal to 110 percent of the total cost for tolling services rendered by the Cooperative on behalf of the tolling customer; and

(ii) the amount equal to 5 percent of the market value of the finished product provided to the tolling customer by the Cooperative.

(D) APPLICABLE LAW.—Any contract among consumer members, supplier members, tolling customers, and direct purchase suppliers entered into under subparagraph (A)(iii) shall be protected as provided in subsection 552(b)(4) of title 5, United States Code.

(E) LIMITATIONS.—A direct purchase consumer under subparagraph (A)(ii) or a tolling customer under subparagraph (A)(iii)—

(i) shall not be considered to be a supplier member or otherwise be considered a member of the Cooperative for purposes of this subtitle; and

(ii) shall not participate in Cooperative profits or have voting rights with respect to the Cooperative.

(d) AUDITS.—

(1) IN GENERAL.—The Cooperative shall retain an independent auditor to evaluate the extent to which Federal funds, if any, made available to the Cooperative for research and development activities have been expended in a manner that is consistent with the purposes of this subtitle and the charter, bylaws, and rules of the Cooperative.

(2) REPORTS.—The auditor retained under paragraph (1) shall submit to the Secretary of Defense, the Cooperative, and the Comptroller General of the United States an annual report containing the findings and determinations of the auditor.

(3) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall—

(A) review each annual report submitted to the Comptroller General by the auditor under paragraph (2); and

(B) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the comments of the Comptroller General on the accuracy and completeness of the report and any other matters relating to the report that the Comptroller General considers appropriate.

(e) REIMBURSEMENT OF FEDERAL GOVERNMENT.—Not later than 7 years of the date of the enactment of this Act, the Cooperative shall reimburse the Federal Government for administrative costs associated with the establishment of its charter.

**SEC. 1435. THORIUM STORAGE, ENERGY, AND INDUSTRIAL PRODUCTS CORPORATION.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Cooperative Board, in consultation with the Secretary of Defense, shall establish the Thorium Storage, Energy, and Industrial Products Corporation to develop uses and markets for thorium, including energy.

(2) FEDERAL CHARTER.—The Corporation shall operate under a Federal charter.

(b) MANAGEMENT.—

(1) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Board of Directors of the Corporation shall be composed of 5 members.

(B) INITIAL MEMBERS.—The initial members of the Corporation Board shall consist of the following members, to be appointed by the Secretary of Defense:

(i) 1 member, who shall represent the Assistant Secretary of Defense for Research and Engineering.

(ii) 1 member, who shall represent the Advanced Energy Program of the Defense Advanced Research Project Agency.

(iii) 1 member, who shall represent United States advocacy groups for commercial development of thorium in nuclear energy systems.

(iv) 1 member, who shall represent a national laboratory.

(v) 1 member, who is the member of the Initial Board of Directors appointed under section 1434(b)(1)(A)(v).

(C) SUBSEQUENT MEMBERS.—Subject to subparagraphs (A) and (D), subsequent members of the Corporation Board and Executive Committee shall be appointed in accordance with the bylaws of the Corporation established under paragraph (2)(B)(i).

(D) STANDING MEMBERS.—The initial members appointed under clauses (iv) and (v) of subparagraph (B) shall remain on the Corporation Board and the Executive Committee, until such time as—

(i) the members voluntarily resign;

(ii) in the case of a member appointed under subparagraph (B)(iv), a majority of the members of the Corporation Board vote to remove the member from the Corporation Board; or

(iii) in the case of a member appointed under subparagraph (B)(v), a majority of the members of the Corporation Board and a majority of the members of the Cooperative Board vote to remove the member from the Corporation Board and the Cooperative Board.

(2) EXECUTIVE COMMITTEE.—

(A) IN GENERAL.—The Executive Committee for the Corporation shall be composed of the initial members of the Corporation Board appointed under clauses (iv) and (v) of paragraph (1)(B).

(B) DUTIES.—The Executive Committee shall—

(i) establish the charter, rules of governance, bylaws, and corporate structure for the Corporation; and

(ii) make formative business decisions with respect to the Corporation.

(c) POWERS.—

(1) ESTABLISHMENT OF SUBSEQUENT ENTITIES.—

(A) IN GENERAL.—The Corporation may establish 1 or more entities, to be known as an "Industrial Products Corporation", for the certification, licensing, insuring, and commercial development of all non-energy uses for thorium (including thorium isotopes and thorium daughter elements), including—

(i) alloys;

(ii) catalysts;

(iii) medical isotopes; and

(iv) other products.

(B) AUTHORITY OF ENTITIES.—The entities described in subparagraph (A) may—

(i) develop standards, procedures, and protocols for the approval of commercial and industrial applications for thorium;

(ii) carry out directly the production and sale of thorium-related non-energy products; and

(iii) sell or license any production or sales rights to third parties.

(C) SALE OR DISTRIBUTION OF INDUSTRIAL PRODUCTS CORPORATION; CREATION OF BUSINESSES AND PARTNERSHIPS.—To develop and commercialize non-energy uses for thorium, the Corporation Board may—

(i) create, sell, or distribute the equity of an entity described in subparagraph (A); and

(ii) establish partnerships with Federal agencies, foreign governments, and private entities relating to businesses and activities of the entity.

(2) SALE OR DISTRIBUTION OF CORPORATION EQUITY; CREATION OF PARTNERSHIPS.—To develop and commercialize thorium energy, the Corporation may sell or distribute equity and establish partnerships with the United States and foreign governments and private entities—

(A) to create capital;

(B) to develop intellectual property;

(C) to acquire technology;

(D) to establish business partnerships and raw material supply chains;

(E) to commercially develop thorium energy systems;

(F) to commercially develop systems for the reduction of spent fuel;

(G) to develop hardened energy systems for the United States military; and

(H) to develop process heat technologies systems for coal-to-liquid fuel separation, desalinization, chemical synthesis, and other applications.

(d) DUTIES.—

(1) OWNERSHIP OF THORIUM AND RELATED ACTINIDES.—The Corporation shall—

(A) on a preprocessing basis, assume liability for and ownership of all thorium and mineralogically associated or related actinides and decay products contained within the monazite and other rare earth concentrates in the possession of the Cooperative;

(B) after the Cooperative has separated the thorium from the rare earth concentrates, take physical possession and safely store all thorium-containing actinide byproducts, with the costs of the storage to be paid by the Corporation from fees charged or revenue from sales of other valuable actinides;

(C) develop new markets and uses for thorium;

(D) develop energy systems from thorium; and

(E) develop, manage, and control national and international energy leasing and distribution platforms related to thorium energy systems.

(2) SAFE, LONG-TERM STORAGE; DEVELOPMENT OF USES AND MARKETS.—The Corporation shall—

(A) in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, be responsible for the safe, long-term storage for all thorium byproducts generated through the Cooperative, consistent with part 192 of title 40, Code of Federal Regulations (as in effect on the date of the enactment of this Act), while taking into account the low relative risks relating to thorium; and

(B) develop uses and markets for thorium, including energy, including by coordinating and structuring domestic and international investment partnerships for the development of commercial and industrial uses for thorium.

(e) AUDITS.—

(1) IN GENERAL.—The Corporation shall retain an independent auditor to evaluate the extent to which Federal funds, if any, made available to the Corporation for research and development activities have been expended in a manner that is consistent with the purposes of this subtitle and the charter, bylaws, and rules of the Corporation.

(2) REPORTS.—The auditor retained under paragraph (1) shall submit to the Secretary of Defense, the Corporation, and the Comptroller General of the United States an annual report containing the findings and determinations of the auditor.

(3) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall—

(A) review each annual report submitted to the Comptroller General by the auditor under paragraph (2); and

(B) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the comments of the Comptroller General on the accuracy and completeness of the report and any other matters relating to the report that the Comptroller General considers appropriate.

(f) REIMBURSEMENT OF FEDERAL GOVERNMENT.—Not later than 7 years of the date of the enactment of this Act, the Corporation shall reimburse the Federal Government for administrative costs associated with the establishment of its charter.



**SEC. 1436. DUTIES OF SECRETARY OF DEFENSE.**

(a) **ADVANCEMENT OF RARE EARTH INITIATIVES.**—The Secretary shall coordinate with other Federal agencies to advance and protect—

- (1) domestic rare earth mining;
- (2) the refining of rare earth elements;
- (3) basic rare earth metals production; and
- (4) the development and commercialization of thorium, including—

- (A) energy technologies and products; and
- (B) products containing thorium.

(b) **ANNUAL REPORTS.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that, for the period covered by the report—

- (1) contains a description of the progress in the development of—
- (A) a domestic rare earth refining capacity;
- (B) commercial uses and energy-related uses for thorium; and
- (2) takes into account each report submitted to the Secretary by the Cooperative and the Corporation.

(c) **FEDERAL AGENCIES; NATIONAL LABORATORIES.**—Each Federal agency (including the Nuclear Regulatory Commission and the Defense Advanced Research Projects Agency), each national laboratory, and each facility funded by the Federal Government shall provide assistance to the Cooperative and the Corporation under this subtitle.

(d) **INSTITUTIONS OF HIGHER EDUCATION.**—Each institution of higher education is encouraged—

- (1) to develop training and national expertise in the field of thorium development; and
- (2) to promote—
- (A) the marketing of thorium;
- (B) the advancement of the strategic uses of thorium; and
- (C) salt chemistry science and radio chemists.

**SEC. 1437. AUTHORIZATION OF DEPARTMENT OF DEFENSE TO ESTABLISH EQUITY STAKE IN COOPERATIVE.**

The Secretary may acquire and maintain a 10 percent equity stake in the Cooperative in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) for the purpose of accessing strategic rare earth materials and eliminating the need to acquire such materials under that Act.

**SA 2509.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. TRANSFER OF ADMINISTRATIVE JURISDICTION, CAMP GRUBER, OKLAHOMA.**

(a) **TRANSFER AUTHORIZED.**—Upon a determination by the Secretary of the Army that the parcel of property at Camp Gruber, Oklahoma, conveyed by the war asset deed dated June 29, 1949, between the United States of America and the State of Oklahoma, or any portion thereof, is needed for national defense purposes, including military training, and the Secretary determines that the transfer of the parcel is in the best interest of the

Department of the Army, the Administrator of General Services shall execute the reversionary clause in the deed and immediately transfer administrative jurisdiction to the Department of the Army.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property to be transferred under subsection (a) may be determined by a survey satisfactory to the Secretary of the Army.

(c) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 2510.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. COMPLIANCE AUTHORITY FOR CERTAIN REPORTING REQUIREMENTS.**

(a) **COMPLIANCE WITH REPORTING REQUIREMENTS ON MONETARY INSTRUMENT TRANSACTIONS.**—Section 5318(a) of title 31, United States Code, is amended—

- (1) in paragraph (5), by striking “and” at the end;
- (2) by redesignating paragraph (6) as paragraph (7); and
- (3) by inserting after paragraph (5) the following:

“(6) rely on examinations conducted by a State supervisory agency of a category of financial institution, if the Secretary determines that, under the laws of the State—

“(A) the category of financial institution is required to comply with this subchapter and regulations prescribed under this subchapter; or

“(B) the State supervisory agency is authorized to ensure that the category of financial institution complies with this subchapter and regulations prescribed under this subchapter; and”.

(b) **COMPLIANCE WITH REPORTING REQUIREMENTS OF OTHER FINANCIAL INSTITUTIONS.**—Section 128 of Public Law 91-508 (12 U.S.C. 1958) is amended—

- (1) by striking “this title” and inserting “this chapter and section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b)”; and
- (2) by inserting at the end the following:

“The Secretary may rely on examinations conducted by a State supervisory agency of a category of financial institution, if the Secretary determines that under the laws of the State, the category of financial institution is required to comply with this chapter and section 21 of the Federal Deposit Insurance Act (and regulations prescribed under this chapter and section 21 of the Federal Deposit Insurance Act), or the State supervisory agency is authorized to ensure that the category of financial institution complies with this chapter and section 21 of the Federal Deposit Insurance Act (and regulations prescribed under this chapter and section 21 of the Federal Deposit Insurance Act).”.

(c) **CONSULTATION WITH STATE AGENCIES.**—In issuing rules to carry out section 5318(a)(6) of title 31, United States Code, and section 128 of Public Law 91-508 (12 U.S.C.

1958), the Secretary of the Treasury shall consult with State supervisory agencies.

**SA 2511.** Mr. CRUZ (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. REWARDS AUTHORIZED.**

In accordance with the Rewards for Justice program authorized under section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708), the Secretary of State is authorized to pay a reward of not more than \$10,000,000 to any individual who furnishes information leading to the arrest of any individual who committed, conspired to commit, attempted to commit, or aided or abetted the commission of the September 11-12, 2012 terrorist attack on the Special Mission Compound and Annex in Benghazi, Libya.

**SA 2512.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. IRAN NUCLEAR COMPLIANCE.**

(a) **EFFECTIVE ENFORCEMENT OF INTERIM AGREEMENT.**—

(1) **IN GENERAL.**—During the 240-day period beginning on the date of the enactment of this Act, the President may not, in connection with the ongoing nuclear negotiations with Iran, exercise a waiver of, suspend, or otherwise reduce any sanctions imposed in relation to Iran, whether imposed directly by statute or through an executive order, unless, not later than 15 days before the waiver, suspension, or other reduction takes effect, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) **CERTIFICATION DESCRIBED.**—The certification described in this paragraph is a certification with respect to the waiver, suspension, or other reduction of sanctions under paragraph (1) that—

(A) it is in the vital national security interests of the United States to waive, suspend, or otherwise reduce those sanctions; and

(B) Iran is in full compliance with the terms of any interim agreement between the United States, the United Kingdom, France, Russia, China, Germany, and Iran relating to Iran's nuclear program.

(3) **EXPIRATION OF INTERIM RELIEF AND REINSTATEMENT OF SANCTIONS.**—Any sanctions imposed in relation to Iran that have been waived, suspended, or otherwise reduced in connection with the ongoing nuclear negotiations with Iran, regardless whether the



waiver, suspension, or other reduction of those sanctions took effect before or after the date of the enactment of this Act, shall be immediately reinstated on the date that is 240 days after such date of enactment.

**(b) EFFECTIVE ENFORCEMENT OF FINAL AGREEMENT AND LIMITATIONS.—**

(1) **IN GENERAL.**—On and after the date that is 240 days after the date of the enactment of this Act, the President may not, in connection with the ongoing nuclear negotiations with Iran, exercise a waiver of, suspend, or otherwise reduce any sanctions imposed in relation to Iran, whether imposed directly by statute or through an executive order, unless, not later than 15 days before the waiver, suspension, or other reduction takes effect, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) **CERTIFICATION.**—The certification described in this paragraph is a certification that—

(A) the conditions for a temporary waiver, suspension, or other reduction of sanctions pursuant to subsection (a) continue to be met;

(B) Iran is in full compliance with the terms of all agreements between the United States, the United Kingdom, France, Russia, China, Germany, and Iran relating to Iran's nuclear program;

(C) Iran is in full compliance with terms of United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010); and

(D) Iran has provided a full accounting of all of its nuclear weaponization and related activities, has committed, in writing, to suspend all such activities, and is making substantial efforts to do so.

(c) **REINSTATEMENT OF SANCTIONS UPON NONCOMPLIANCE.**—If the President receives information from any person, including the International Atomic Energy Agency, the Secretary of Defense, the Secretary of State, the Secretary of Energy, or the Director of National Intelligence, that Iran has failed to comply with the terms of any agreement between the United States, the United Kingdom, France, Russia, China, Germany, and Iran with respect to Iran's nuclear program or has refused to cooperate in any way with appropriate requests of the International Atomic Energy Agency, the President shall—

(1) not later than 10 days after receiving that information, determine whether the information is credible and accurate;

(2) notify the appropriate congressional committees of that determination; and

(3) if the President determines that the information is credible and accurate, not later than 5 days after making that determination, reinstate all sanctions imposed in relation to Iran that have been waived, suspended, or otherwise reduced in connection with the ongoing nuclear negotiations with Iran, without regard to whether the waiver, suspension, or other reduction of those sanctions took effect before or after the date of the enactment of this Act.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

**SA 2513.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. DEVELOPMENT OF A COMPREHENSIVE ANTI-CORRUPTION STRATEGY IN AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) According to the Special Inspector General for Afghanistan Reconstruction (SIGAR), as of September 30, 2013, the United States had appropriated approximately \$96,600,000,000 for relief and reconstruction assistance in Afghanistan since 2002. The SIGAR report actually finds, “Since 2002, the United States has appropriated over \$96 billion for reconstruction assistance in Afghanistan and, as part of that assistance, has designated numerous programs or activities to directly or indirectly help strengthen the ability of Afghan government institutions to combat corruption.” It also finds, “U.S. anti-corruption activities in Afghanistan are not guided by a comprehensive U.S. strategy or related guidance that defines clear goals and objectives for U.S. efforts to strengthen the Afghan government's capability to combat corruption and increase accountability.”

(2) To improve the capability to achieve a long-term secure, stable, and successful Afghanistan, the Government of Afghanistan, in coordination with the Department of State and the Department of Defense, must improve its capacity to combat corruption.

(b) **COMPREHENSIVE STRATEGY AND PLAN.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and in consultation with the Government of Afghanistan, shall submit to the appropriate congressional committees a report on anti-corruption activities and plans in Afghanistan.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include—

(A) an assessment of the sectors of the Government of Afghanistan that are most susceptible to corruption;

(B) a description of the goals and measurable outcomes for reducing corruption in the most vulnerable sectors of the government identified in subparagraph (A);

(C) plan for the implementation of the anti-corruption goals that identifies objectives, benchmarks, and timelines; and

(D) a resourcing plan that includes personnel and funding requirements.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2514.** Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. HUBZONES.**

(a) **IN GENERAL.**—Section 3(p)(5)(A)(i)(I) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) is amended—

(1) in item (aa), by striking “or” at the end;

(2) by redesignating item (bb) as item (cc); and

(3) by inserting after item (aa) the following:

“(bb) pursuant to subparagraph (A), (B), (C), (D), or (E) of paragraph (3), that its principal office is located in a HUBZone described in paragraph (1)(E) (relating to base closure areas) (in this item referred to as the ‘base closure HUBZone’), and that not fewer than 35 percent of its employees reside in—

“(AA) a HUBZone;

“(BB) the census tract in which the base closure HUBZone is wholly contained;

“(CC) a census tract the boundaries of which intersect the boundaries of the base closure HUBZone; or

“(DD) a census tract the boundaries of which are contiguous to a census tract described in subitem (BB) or (CC); or”.

(b) **PERIOD FOR BASE CLOSURE AREAS.**—

(1) **AMENDMENT.**—Section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) is amended by striking “for a period of 5 years” and inserting “during the 5-year period beginning on the date of the final deed transfer”.

(2) **EFFECTIVE DATE; APPLICABILITY.**—The amendment made by paragraph (1) shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to—

(i) a base closure area (as defined in section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D))) that, on the day before the date of enactment of this Act, is treated as a HUBZone described in section 3(p)(1)(E) of the Small Business Act (15 U.S.C. 632(p)(1)(E)) under—

(I) section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note); or

(II) section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note); and

(ii) a base closure area relating to the closure of a military installation under the authority described in clauses (i) through (iv) of section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) that occurs on or after the date of enactment of this Act.

**SA 2515.** Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. HUBZONES.**

(a) **IN GENERAL.**—Section 3(p)(5)(A)(i)(I) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) is amended—

(1) in item (aa), by striking “or” at the end;

(2) by redesignating item (bb) as item (cc); and

(3) by inserting after item (aa) the following:

“(bb) pursuant to subparagraph (A), (B), (C), (D), or (E) of paragraph (3), that its principal office is located in a HUBZone described in paragraph (1)(E) (relating to base closure areas) (in this item referred to as the ‘base closure HUBZone’), and that not fewer than 35 percent of its employees reside in—

“(AA) a HUBZone;

“(BB) the census tract in which the base closure HUBZone is wholly contained;

“(CC) a census tract the boundaries of which intersect the boundaries of the base closure HUBZone; or

“(DD) a census tract the boundaries of which are contiguous to a census tract described in subitem (BB) or (CC); or”.

(b) PERIOD FOR BASE CLOSURE AREAS.—

(1) AMENDMENTS.—

(A) IN GENERAL.—Section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) is amended by striking “5 years” and inserting “8 years”.

(B) CONFORMING AMENDMENT.—Section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note) is amended by striking “5 years” and inserting “8 years”.

(2) EFFECTIVE DATE; APPLICABILITY.—The amendments made by paragraph (1) shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to—

(i) a base closure area (as defined in section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D))) that, on the day before the date of enactment of this Act, is treated as a HUBZone described in section 3(p)(1)(E) of the Small Business Act (15 U.S.C. 632(p)(1)(E)) under—

(I) section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note); or

(II) section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note); and

(ii) a base closure area relating to the closure of a military installation under the authority described in clauses (i) through (iv) of section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) that occurs on or after the date of enactment of this Act.

**SA 2516.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION AND SAFETY OF MARITIME NAVIGATION ACT**  
**SECTION 5001. SHORT TITLE.**

This division may be cited as the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2013”.

**TITLE I—SAFETY OF MARITIME NAVIGATION**

**SEC. 5101. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.**

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking “a ship flying the flag of the United States” and

inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in paragraph (1)(A)(ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in paragraph (1)(A)(iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c):

“(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

“(1) ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

“(2) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(3) ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

“(4) ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except where intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not depend-

ent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

“(5) ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country;

“(6) ‘explosive material’ has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

“(7) ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5) of this title;

“(8) ‘international organization’ has the meaning given the term in section 831(f)(3) of this title;

“(9) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(10) ‘national of the United States’ has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(11) ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

“(12) ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

“(13) ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

“(14) ‘place of public use’ has the meaning given the term in section 2332f(e)(6) of this title;

“(15) ‘precursor’ has the meaning given the term in section 229F(6)(A) of this title;

“(16) ‘public transport system’ has the meaning given the term in section 2332f(e)(7) of this title;

“(17) ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

“(18) ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship

owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

“(19) ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(20) ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(21) ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

“(22) ‘toxic chemical’ has the meaning given the term in section 229F(8)(A) of this title;

“(23) ‘transport’ means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

“(24) ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.”; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be des-

ignated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”.

**SEC. 5102. NEW SECTION 2280[A] OF TITLE 18, UNITED STATES CODE.**

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following new section:

**“§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction**

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Nuclear Weapon State Party to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Pro-

liferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraph (A), (B), (D), or (E) of this section or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

“(E) attempts to do any act prohibited under subparagraph (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2), shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel

the United States to do or abstain from doing any act.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following new item:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

#### SEC. 5103. AMENDMENTS TO SECTION 2281 OF TITLE 18, UNITED STATES CODE.

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by inserting after subsection (d) the following:

“(e) EXCEPTIONS.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

#### SEC. 5104. NEW SECTION 2281A OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following new section:

##### “§ 2281a. Additional offenses against maritime fixed platforms

“(a) OFFENSES.—

“(1) IN GENERAL.—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous

or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) EXCEPTIONS.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) DEFINITIONS.—In this section—

“(1) ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

“(2) ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following new item:

“2281a. Additional offenses against maritime fixed platforms.”

#### SEC. 5105. ANCILLARY MEASURE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2280a (relating to maritime safety),” before “2281”, and by striking “2281” and inserting “2281 through 2281a”.

### TITLE LI—PREVENTION OF NUCLEAR TERRORISM

#### SEC. 5201. NEW SECTION 2332(IJ) OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

#### “§ 2332i. Acts of nuclear terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act, shall be punished as prescribed in subsection (c).

“(2) THREATS.—Whoever, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Whoever attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraph (1) or (2) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Whoever violates this section shall be fined not more than \$2,000,000 and shall be imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(2) ‘device’ means:

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment;

“(3) ‘international organization’ has the meaning given that term in section 831(f)(3) of this title;

“(4) ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(5) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(6) ‘nuclear facility’ means:

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

“(7) ‘nuclear material’ has the meaning given that term in section 831(f)(1) of this title;

“(8) ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“(9) ‘serious bodily injury’ has the meaning given that term in section 831(f)(4) of this title;

“(10) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title;

“(12) ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States;

“(13) ‘vessel’ has the meaning given that term in section 1502(19) of title 33; and

“(14) ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of

title 18, United States Code, is amended by inserting after section 2332h the following:

“2332i. Acts of nuclear terrorism.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

(d) INCLUSION IN DEFINITION OF FEDERAL CRIMES OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2332i (relating to acts of nuclear terrorism),” before “2339 (relating to harboring terrorists).”

#### SEC. 5202. AMENDMENT TO SECTION 831 OF TITLE 18 OF THE UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as (4) through (9);

(2) by inserting after paragraph (2) the following:

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5);” and

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7);”

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8);” and

(2) in paragraph (2), by striking “(8)” and inserting “(9);”

(c) in subsection (c)—

(1) in subparagraph (2)(A), by adding after “United States” the following: “or a stateless person whose habitual residence is in the United States”;

(2) by striking paragraph (5);

(3) in paragraph (4), by striking “or” at the end; and

(4) by inserting after paragraph (4), the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”;

(d) by redesignating subsections (d) through (f) as (e) through (g), respectively;

(e) by inserting after subsection (c):

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) the term ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title; and

“(12) the term ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”

**SA 2517.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

#### SEC. 353. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

##### “§ 116. State Partnership Program

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which such activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities

described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Nongovernmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Nongovernmental individuals of a foreign country.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

**SA 2518.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, between the matter preceding line 1 and line 1, insert the following:

(e) DUTIES ON RETALIATION AND RETRIBUTION FOR REPORTING OF SEXUAL ASSAULT.—

(1) TRAINING.—Individuals serving as Special Victims’ Counsels shall be provided training on retaliation and retribution against victims for reporting crimes.

(2) ADDITIONAL DUTIES.—In addition to the duties specified in subsection (a)(3), the duties of a Special Victims’ Counsel shall include the provision of legal advice and assistance regarding acts of retaliation and retribution resulting from reporting a sexual assault.

**SA 2519.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. DISSEMINATION AND TRACKING OF COMMAND CLIMATE SURVEYS AND UNIT CLIMATE ASSESSMENTS.**

(a) DISSEMINATION OF RESULTS.—The results of each command climate survey or

unit climate assessment required to be performed pursuant to regulations of the military department having jurisdiction over the command or unit concerned shall be provided to the following:

(1) In the case of a command or unit under the command of a commanding officer in grade O–6 or above, to the commander in the next higher level in the chain of command of such commanding officer.

(2) In the case of a command or unit under the command of a commanding officer in grade O–5 or below, to the commanders in the next two higher levels in the chain of command of such commanding officer.

(b) TRACKING OF UNIT PROGRESS.—The results of surveys and assessments described in subsection (a) shall be maintained for each command or unit concerned in order to permit an ongoing evaluation of the climate of such command or unit and an assessment of the progress made by such command or unit on matters covered by the surveys and assessments.

(c) AVAILABILITY OF RESULTS FOR PROMOTION SELECTION BOARDS.—Under regulations prescribed by the Secretary of Defense, the results of surveys and assessments described in subsection (a) regarding the command or unit of an officer being considered for selection for promotion or selection for command shall be made available to the promotion selection board or command selection board, as applicable, for consideration for selection in such manner as the Secretary shall provide in such regulations.

**SA 2520.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON PLANS FOR THE DISPOSITION OF C-27A AIRCRAFT ACQUIRED FOR THE AFGHAN NATIONAL SECURITY FORCES.**

Not later than 180 days after the enactment of this act, The Secretary of Defense shall submit to the Congressional Defense Committees a report on the plans of the Department of Defense for the final disposition of the C-27A aircraft acquired to build the capabilities of the Afghan National Security Forces.

**SA 2521.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Syria Transition Support**  
**SEC. 1241. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**

In this subtitle, except as specifically provided in part III of this subtitle, the term “appropriate congressional committees”

means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 1242. PURPOSES OF ASSISTANCE.**

The purposes of assistance authorized by this subtitle are—

(1) to support transition from the current regime to a just and democratic state that is inclusive and protects the rights of all Syrians regardless of religion, ethnicity, or gender;

(2) to assist the people of Syria, especially internally displaced persons and refugees, in meeting basic needs including access to food, health care, shelter, and clean drinking water;

(3) to provide political and economic support to those neighboring countries who are hosting refugees fleeing Syria and to international organizations that are providing assistance and coordinating humanitarian relief efforts;

(4) to oppose the unlawful use of violence against civilians by all parties to the conflict in Syria;

(5) to use a broad array of instruments of national power to expedite a negotiated solution to the conflict in Syria, including the departure of Bashar al-Assad;

(6) to recognize the National Coalition for Syrian Revolutionary and Opposition Forces (in this subtitle referred to as the “Syrian Opposition Coalition”) as a legitimate representative of the Syrian people;

(7) to engage with opposition groups that reflect United States interests and values, most notably the Syrian Opposition Coalition, any legitimate successor groups, including appropriate subgroups within the opposition that are representative of the Syrian people, as well as the broader international community, that are committed to facilitating an orderly transition to a more stable democratic political order, including—

(A) protecting human rights, expanding political participation, and providing religious freedom to all Syrians, irrespective of religion, ethnicity, or gender;

(B) supporting the rule of law;

(C) rejecting terrorism and extremist ideologies;

(D) subordinating the military to civilian authority;

(E) protecting the Syrian population against sectarian violence and reprisals;

(F) cooperating with international counterterrorism and nonproliferation efforts;

(G) supporting regional stability and avoiding interference in the affairs of neighboring countries; and

(H) establishing a strong justice system and ensuring accountability for conflict-related crimes;

(8) to promote the territorial integrity of Syria and continuity of the Syrian state by supporting a post-Assad government that is capable of providing security, services, and political and religious rights to its people;

(9) to support efforts to identify and document the activities of those individuals who target or lead units or organizations that target civilian populations and vulnerable populations, including women and children, or have engaged in otherwise unlawful acts, and to ensure that they are held accountable for their actions; and

(10) to ensure a stable and appropriate political transition in Syria and limit the threats posed by extremist groups, weapons proliferation, sectarian and ethnic violence, and refugee flows in the aftermath of the current conflict.

#### **SEC. 1243. NO AUTHORIZATION FOR THE USE OF MILITARY FORCE.**

Nothing in this subtitle shall be construed as providing authorization for the use of military force by the United States Armed Forces.

#### **PART I—UNITED STATES STRATEGY AND CONGRESSIONAL OVERSIGHT**

##### **SEC. 1251. REPORT ON UNITED STATES STRATEGY ON SYRIA.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report, with an classified annex, as necessary, on an integrated United States Government strategy to achieve the purposes set forth in section 1242.

(b) **METRICS.**—The strategy referenced in subsection (a) should include specific proposed actions to be taken by each relevant government agency, a timeframe for beginning and completing such actions, and metrics for evaluating the success of each proposed action relative to the purpose of such action.

(c) **INTERNATIONAL ENGAGEMENT STRATEGY.**—The strategy referenced in subsection (a) should specifically include sections describing specific United States Government programs and efforts—

(1) to establish international consensus on the transition and post-transition period and government in Syria;

(2) to work with the Government of Russia on the situation in Syria and the transition and post-transition period and government in Syria, including how such programs can leverage the shared interests of the United States and Russia in avoiding the expansion of extremist ideologies and terrorist groups in Syria and the region;

(3) to work with the Friends of Syria group to ensure that extremist and terrorist groups in Syria are isolated and that the core of the opposition can be brought to the negotiating table; and

(4) to build an international consensus to limit and, to the greatest extent possible eliminate, support from the Government of Iran for the Syrian regime, including a potential ban on all commercial flights between Iran and Syria.

(d) **CONGRESSIONAL CONSULTATION.**—The President shall actively consult with the appropriate congressional committees prior to the submission of the report required under subsection (a).

##### **SEC. 1252. CONGRESSIONAL OVERSIGHT OF UNITED STATES GOVERNMENT ACTIVITIES IN SYRIA.**

(a) **IN GENERAL.**—The President shall keep Congress, through the appropriate congressional committees, fully and currently informed of all United States Government activities with respect to Syria, including activities and programs conducted or funded pursuant to this subtitle.

(b) **REPORTING.**—The President shall provide a classified briefing not less than on a quarterly basis to the appropriate congressional committees detailing all United States Government activities with respect to Syria, including activities and programs conducted or funded pursuant to this subtitle.

#### **PART II—HUMANITARIAN ASSISTANCE**

##### **SEC. 1261. HUMANITARIAN ASSISTANCE TO THE PEOPLE OF SYRIA.**

(a) **AUTHORITY.**—Notwithstanding any other provision of law that restricts the provision of United States economic or other non-military assistance in Syria, the President is authorized to provide economic and

other non-military assistance to meet humanitarian needs to the people of Syria, either directly or through appropriate groups and organizations pursuant to the provisions of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Migration and Refugee Assistance Act (22 U.S.C. 2601 et seq.).

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to authorize new or additional funding for humanitarian needs.

##### **SEC. 1262. SENSE OF CONGRESS.**

Consistent with the policy objectives described in section 1242, it is the sense of Congress that—

(1) the United States should continue to coordinate with other donor nations, the United Nations, other multilateral agencies, and nongovernmental organizations to enhance the effectiveness of humanitarian assistance to the people suffering as a result of the crisis in Syria;

(2) countries hosting Syrian refugees should be commended for their efforts and should be encouraged to maintain an open border policy for fleeing Syrians;

(3) the United States Government should continue to work with these partners to help their national systems accommodate the population influx and also maintain delivery of basic services to their own citizens; and

(4) the United States Government should seek to identify humanitarian assistance as originating from the American people wherever possible and to the fullest extent practicable, while maintaining consideration for the health and safety of the implementers and recipients of that assistance and the achievement of United States policy goals and the purposes set forth in section 1242.

##### **SEC. 1263. REPORT ON STRATEGY TO COMMUNICATE TO THE SYRIAN PEOPLE ABOUT ASSISTANCE PROVIDED BY THE UNITED STATES GOVERNMENT.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report with a classified annex, as necessary, on an integrated United States Government strategy to ensure that the people of Syria people are made aware to the maximum extent possible of the assistance that the United States Government provides to Syrians both inside Syria and those seeking refuge in neighboring countries.

(b) **CONTENT.**—The report should include the following elements:

(1) A discussion of how the United States balances three imperatives of—

(A) maximizing the efficacy of aid provided to the people of Syria;

(B) ensuring that there is awareness among the people of Syria on the amount and nature of this aid; and

(C) leveraging this aid to improve the credibility of the Syrian Opposition Coalition amongst the people of Syria.

(2) Methods by which the United States Government and its partners plan to communicate to the people of Syria what assistance the United States has provided.

(3) A plan, with specific action, timelines, and evaluation metrics for promoting awareness of the United States Government's assistance to the maximum extent possible while taking into consideration and ensuring the safety of its implementing partners and personnel providing that assistance and the achievement of the United States policy goals and the purposes set forth in section 1242.

(4) An assessment of the Syrian Opposition Coalition's Assistance Coordination Unit



(ACU)'s, or any appropriate successor entity's, capacity to participate in the distribution of assistance, and a description of steps the United States Government is taking to increase their profile so as to help build their credibility among Syrians.

### PART III—SYRIA SANCTIONS

#### SEC. 1271. DEFINITIONS.

In this part:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives.

(2) **DEFENSE ARTICLE; DEFENSE SERVICE.**—The terms “defense article” and “defense service” have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(3) **PERSON.**—The term “person” means an individual or entity.

(4) **PETROLEUM.**—The term “petroleum” includes crude oil and any mixture of hydrocarbons that exists in liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

(5) **PETROLEUM PRODUCTS.**—The term “petroleum products” includes unfinished oils, liquefied petroleum gases, pentanes plus, aviation gasoline, motor gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, petrochemical feedstocks, special naphthas, lubricants, waxes, petroleum coke, asphalt, road oil, still gas, miscellaneous products obtained from the processing of crude oil (including lease condensate), natural gas, and other hydrocarbon compounds.

(6) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

#### SEC. 1272. IMPOSITION OF SANCTIONS WITH RESPECT TO SELLING, TRANSFERRING, OR TRANSPORTING DEFENSE ARTICLES, DEFENSE SERVICES, OR MILITARY TRAINING TO THE ASSAD REGIME OF SYRIA.

On or after the date that is 30 days after the date of the enactment of this Act, the President may impose sanctions from among the sanctions described in section 1274 with respect to any person that the President determines has, on or after such date of enactment, knowingly participated in or facilitated a significant transaction related to the sale, transfer, or transportation of defense articles, defense services, or military training to the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government.

#### SEC. 1273. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS PROVIDING PETROLEUM OR PETROLEUM PRODUCTS TO THE ASSAD REGIME OF SYRIA.

On or after the date that is 30 days after the date of the enactment of this Act, the President shall impose the sanction described in paragraph (5) of section 1274 and 2

or more of the other sanctions described in that section with respect to each person that the President determines has, on or after such date of enactment, knowingly participated in or facilitated a significant transaction related to the sale or transfer of petroleum or petroleum products to the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government.

#### SEC. 1274. SANCTIONS DESCRIBED.

The sanctions the President may impose with respect to a person under sections 1272 and 1273 are the following:

(1) **EXPORT-IMPORT BANK ASSISTANCE.**—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the person.

(2) **PROCUREMENT SANCTION.**—The President may prohibit the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the person.

(3) **ARMS EXPORT PROHIBITION.**—The President may prohibit United States Government sales to the person of any item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) and require termination of sales to the person of any defense articles, defense services, or design and construction services under that Act (22 U.S.C. 2751 et seq.).

(4) **DUAL-USE EXPORT PROHIBITION.**—The President may deny licenses and suspend existing licenses for the transfer to the person of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) **BLOCKING OF ASSETS.**—The President may, pursuant to such regulations as the President may prescribe, block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(6) **VISA INELIGIBILITY.**—In the case of a person that is an alien, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the person, subject to regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

#### SEC. 1275. WAIVERS.

(a) **GENERAL WAIVER AUTHORITY.**—The President may waive the application of section 1272 or 1273 to a person or category of persons for a period of 180 days, and may renew the waiver for additional periods of 180 days, if the President determines and reports to the appropriate congressional committees every 180 days that the waiver is in the vital national security interests of the United States.

(b) **WAIVER FOR HUMANITARIAN NEEDS.**—The President may waive the application of sec-

tion 1273 to a person for a period of 180 days, and may renew the waiver for additional periods of 180 days, if the President determines and reports to the appropriate congressional committees every 180 days that the waiver is to necessary to permit the person to conduct or facilitate a transaction that is necessary to meet humanitarian needs of the people of Syria.

(c) **FORM.**—Each report submitted under subsection (a) or (b) shall be submitted in unclassified form but may include a classified annex.

#### SEC. 1276. SENSE OF CONGRESS ON SANCTIONS.

It is the sense of Congress that the President should work closely with allies of the United States to obtain broad multilateral support for countries to impose sanctions that are equivalent to the sanctions set forth in this part under the laws of those countries.

**SA 2522.** Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

#### Subtitle D—Egypt Assistance Reform

##### SEC. 1241. SHORT TITLE.

This subtitle may be referred to as the “Egypt Assistance Reform Act of 2013”.

#### PART I—PROHIBITION ON ASSISTANCE TO GOVERNMENTS FOLLOWING COUP D’ÉTATS

##### SEC. 1251. PROHIBITION ON ASSISTANCE TO GOVERNMENTS FOLLOWING COUPS D’ÉTAT.

Chapter 1 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following new section:

##### “SEC. 502C. PROHIBITION ON ASSISTANCE FOLLOWING COUPS D’ÉTAT.

“(a) **IN GENERAL.**—After the date of enactment of this Act. Except as provided under subsection (b), no foreign assistance authorized pursuant to this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) may be provided to the government of a foreign country, and none of the funds appropriated for such assistance shall be obligated or expended to finance directly any such assistance for such government, whose democratically elected head of government is deposed by coup d’état or decree in which the security services of that country play a decisive role.

“(b) **EXCEPTIONS.**—The prohibition in subsection (a) shall not apply to humanitarian assistance or assistance to promote democratic elections or public participation in democratic processes.

“(c) **DETERMINATION AND PUBLICATION.**—

“(1) **IN GENERAL.**—After the date of enactment of this Act. Not later than 30 days of receiving credible information that the democratically elected head of a national government may have been deposed by coup d’état or decree in which the security services of that country played a decisive role, the Secretary of State shall determine whether the democratically elected head of government was deposed by coup d’état or

decree in which the security forces of that country played a decisive role.

“(2) TRANSMISSION OF DETERMINATION.—A determination made under paragraph (1) shall be submitted to the appropriate congressional committees on the day that such determination is made.

“(d) TERMINATION OF RESTRICTION.—The restriction in subsection (a) shall terminate 15 days after the Secretary of State notifies the appropriate congressional committees that a democratically elected government has taken office in such country pursuant to elections determined to be free and fair.

“(e) WAIVER.—

“(1) IN GENERAL.—The President may waive the restrictions in subsection (a) for a 180-day period if, not later than 5 days before the waiver takes effect, the President—

“(A) certifies to the appropriate congressional committees that providing such assistance is in the vital national security interests of the United States, including for the purpose of combatting terrorism; and

“(B) such foreign government is committed to restoring democratic governance and due process of law, and is taking demonstrable steps toward holding free and fair elections in a reasonable timeframe.

“(2) CONSULTATION.—Not later than 30 days prior to the submission of the certification required by subparagraph (A) of paragraph (1), the Secretary of State shall consult with the appropriate congressional committees regarding the use of the waiver authority provided under such paragraph and provide such committees a full briefing on the need for such waiver.

“(3) EXTENSION OF WAIVER.—The Secretary of State may extend the effective period of a waiver under paragraph (1) for an additional 180-day period if, not later than 5 days before the extension takes effect, the Secretary of State submits to the appropriate congressional committees an updated certification meeting the requirements of subparagraphs (A) and (B) of paragraph (1).

“(f) REPORTING REQUIREMENT.—Any certification submitted pursuant to subsection (e) shall be accompanied by a report describing the types and amounts of assistance to be provided pursuant to the waiver and the justification for the waiver, including a description and analysis of the foreign government's commitment to restoring democratic governance and due process of law and the demonstrable steps being taken by such foreign government toward holding free and fair elections.

“(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.”

## PART II—UNITED STATES ASSISTANCE FOR EGYPT

### SEC. 1261. SUSPENSION AND REFORM OF ARMS SALES.

(a) IN GENERAL.—The United States Government may not license, approve, facilitate, or otherwise allow the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) until 15 days after the President submits the strategy required under subsection (d) and submits to the appropriate congressional committees a certification that—

(1) providing such assistance is in the national security interests of the United States; and

(2) the Government of Egypt—

(A) continues to implement the Peace Treaty between the State of Israel and the Arab Republic of Egypt, signed at Washington, March 26, 1979;

(B) is taking necessary and appropriate measures to counter terrorism, including measures to counter smuggling into the Gaza Strip by, among other measures, detecting and destroying tunnels between Egypt and the Gaza Strip and securing the Sinai peninsula;

(C) is allowing the United States Armed Forces to transit the territory of Egypt, including through the airspace and territorial waters of Egypt;

(D) is supporting a transition to an inclusive civilian government by demonstrating a commitment to, and making consistent progress toward, holding regular, credible elections that are free, fair, and consistent with internationally accepted standards;

(E) is respecting and protecting the political and economic freedoms of all residents of Egypt, including taking measures to address violence against women and religious minorities; and

(F) is respecting freedom of expression and due process of law, including respecting the rights of women and religious minorities.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply to defense articles and defense services to be used primarily for supporting or enabling counterterrorism, border and maritime security, or special operations capabilities or operations.

(c) WAIVER.—

(1) IN GENERAL.—The President may waive the restrictions in subsection (a) for a 180-day period if, not later than 15 days before the waiver takes effect, the President—

(A) certifies to the appropriate congressional committees that providing such assistance is in the vital national security interests of the United States;

(B) transmits the strategy required under subsection (d) to such committees;

(C) provides to such committees a report detailing the reasons for making the determination that such assistance is in the vital national security interests of the United States; and

(D) submits to such committees an analysis of the degree to which providing such assistance is in the national security interests of the United States and the actions of the Government of Egypt do or do not satisfy each of the criteria contained in subparagraphs (A) through (F) of paragraph (2).

(2) EXTENSION OF WAIVER.—The President may extend the effective period of a waiver under paragraph (1) for an additional 180-day period if, not later than 15 days before the extension takes effect, the President submits to the appropriate congressional committees an updated certification, report, and analysis that meet the requirements of subparagraph (A), (C), and (D), respectively, of paragraph (1).

(d) STRATEGY TO REFORM UNITED STATES MILITARY ASSISTANCE TO EGYPT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a comprehensive strategy for modernizing and improving United States security cooperation with, and assistance for Egypt. The strategy shall seek to—

(A) enhance the ability of the Government of Egypt to detect, disrupt, dismantle, and defeat al Qaeda, its affiliated groups, and other terrorist organizations operating in Egypt, and to counter terrorist ideology and radicalization in Egypt;

(B) improve the capacity of the Government of Egypt to prevent human trafficking and the illicit movement of terrorists, criminals, weapons, and other dangerous material across Egypt's borders or administrative boundaries, especially through illicit points of entry into the Gaza Strip;

(C) improve the Government of Egypt's operational capabilities in counterinsurgency, counterterrorism, and border and maritime security;

(D) enhance the capacity of the Government of Egypt to gather, integrate, analyze, and share intelligence, especially with respect to the threat posed by terrorism and other illicit activity, while also ensuring a proper protection for the civil liberties of Egypt's citizens; and

(E) increase transparency, accountability to civilian authority, respect for human rights, and the rule of law within the armed forces of Egypt.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following elements:

(A) A detailed assessment of the mechanism by which military assistance is provided to Egypt and whether such mechanism should be modified.

(B) A detailed summary of the current balance between the levels of economic and military support provided to Egypt, including an assessment of whether funding for economic development and political assistance programs should be increased as a percentage of overall United States foreign assistance to Egypt, and an assessment of whether there should be an increased percentage of foreign military assistance focused on counterinsurgency, counterterrorism, border and maritime security and related training.

(C) A process to assess whether current levels of economic and military support provided to Egypt are achieving United States national security objectives and supporting Egypt's transition to democracy.

(D) An estimated schedule for completing the baseline conventional modernization of the armed forces of Egypt with United States-origin equipment.

(E) An assessment of the extent to which the Government of Egypt is—

(i) implementing the 1979 Egypt-Israel Peace Treaty;

(ii) taking effective steps to combat terrorism on the Sinai Peninsula; and

(iii) taking effective steps to eliminate smuggling networks and to detect and destroy tunnels between Egypt and the Gaza Strip.

(3) CONSULTATION REQUIREMENT.—In developing the strategy required under paragraph (1), the Secretary of State shall consult with, among other relevant parties, the appropriate congressional committees and the Government of Egypt.

(4) REPORT ON CONTRACTS.—The Secretary of State shall submit with the strategy required under paragraph (1) a report containing—

(A) a summary of all contracts with the Government of Egypt funded through United States assistance over the prior 10 years and a projection of such contracts over the next 5 years; and

(B) information on any contracts or purchases made by the Government of Egypt using interest earned from amounts in an interest-bearing account for Egypt related to funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and whether the use of this interest has furthered the goals described in this section.

# SEC. 1262. SUSPENSION AND REFORM OF UNITED STATES ECONOMIC SUPPORT TO EGYPT.

(a) IN GENERAL.—No bilateral economic assistance may be made available to the Government of Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund) until 15 days after the Secretary of State submits the strategy required under subsection (c) and certifies to the appropriate congressional committees that—

(1) providing such assistance is in the national security interest of the United States; and

(2) the Government of Egypt—

(A) continues to implement the Peace Treaty between the State of Israel and the Arab Republic of Egypt, signed at Washington, March 26, 1979;

(B) is supporting the transition to an inclusive civilian government by demonstrating a commitment to hold regular, credible elections that are free, fair, and consistent with internationally accepted standards;

(C) is respecting and protecting the political, economic, and religious freedoms of all residents of Egypt, including taking measures to address violence against women and religious minorities;

(D) is permitting nongovernmental organizations and civil society groups in Egypt to operate freely and consistent with internationally recognized standards; and

(E) is demonstrating a commitment to implementing economic reforms, including reforms necessary to reduce the deficit and ensure economic stability and growth.

(b) WAIVER.—

(1) IN GENERAL.—The President may waive the limitation under subsection (a) for a 180-day period if, not later than 15 days before the waiver takes effect, the President—

(A) certifies to the appropriate congressional committees that providing such assistance is in the vital national security interests of the United States;

(B) submits to such committees the strategy required under subsection (c);

(C) submits to such committees a report detailing the reasons for making the determination that such assistance is in the vital national security interests of the United States notwithstanding the fact that the certification required by subsection (a) cannot be made; and

(D) an analysis of the degree to which such assistance is in the national security interests of the United States and the actions of the Government of Egypt do, or do not, satisfy the criteria in subsection (a)(2).

(2) EXTENSION OF WAIVER.—The President may extend the effective period of a waiver under paragraph (1) for an additional 180-day period if, not later than 15 days before the extension takes effect, the President submits to the appropriate congressional committees an updated certification, report, and analysis that meet the requirements of subparagraphs (A), (C), and (D), respectively, of paragraph (1).

(c) STRATEGY.—

(1) IN GENERAL.—The Secretary of State shall separately provide to Congress a comprehensive foreign assistance strategy for Egypt that—

(A) addresses how United States foreign assistance can most effectively—

(i) respond to the political and economic development concerns and aspirations of the people of Egypt, and seek to advance the United States' strategic objective of a secure, democratic, civilian-led, and pros-

perous Egypt that is a partner of the United States and advances peace and security in the region;

(ii) support regional stability and cooperation by strengthening the political and economic relationships between Egypt and her neighbors;

(iii) encourage and support efforts by the Government and people of Egypt to foster democratic norms and institutions, including rule of law, transparent and accountable governance, an independent legislature and judiciary, regular conduct of free and fair elections, an inclusive political process, and effective, law-abiding public security forces;

(iv) support economic reforms by the Government of Egypt to encourage private sector-led growth and job creation, create a favorable climate for business and investment, fight corruption, and expand international trade;

(v) seek to foster a vibrant civil society in Egypt, including the unencumbered operation of nongovernmental organizations, a free and independent media, respect for women, and protections for the political, economic, and religious freedoms and rights of all citizens and residents of Egypt; and

(vi) seek to support security sector reform, particularly regarding civilian police forces;

(B) includes an assessment of what actions the Government of Egypt has taken, in law and practice, that advance or inhibit the interests, principles, and goals described within this strategy, including the ability of Egyptian and international nongovernmental organizations to operate inside Egypt, especially for the purposes of promoting political, economic, and religious freedoms and rights, democracy, and education, and what actions the Secretary of State has taken to further the same interests, principles, and goals in Egypt;

(C) is based on the best principles and practices of effective international development, the provision of matching funds by the host government, leveraging assistance for greater impact together with the private sector, and the goal of graduation from assistance; and

(D) includes a detailed assessment of resources and amounts that will be necessary to achieve the set forth in this subsection over the next five fiscal years.

(2) CONSIDERATION OF CERTAIN ELEMENTS.—The strategy required by paragraph (1) shall include consideration of—

(A) measures to promote and protect foreign direct investment in the economy of Egypt;

(B) programs to assist regional economic engagement by the Government of Egypt and job creation in that country through, among other things, assisting in the establishment of free trade zones in Egypt along the Suez Canal Zone;

(C) efforts to improve the business climate in Egypt, including by promoting United States trade with Egypt and investment in that country; and

(D) efforts to promote market-based economic reforms and to identify barriers to entry in the economy of Egypt that prevent the efficient flow of capital, goods, and services.

(3) CONSULTATION REQUIREMENT.—In developing the strategy required by paragraph (1), the Secretary of State shall consult with, among other relevant parties, the appropriate congressional committees, the Government of Egypt, political opposition groups in Egypt, private sector leaders, nongovernmental organizations, religious and secular groups, women's organizations, and

civil society groups, as well as relevant international nongovernmental organizations.

(d) FUNDING FOR DEMOCRACY AND GOVERNANCE PROGRAMS.—

(1) IN GENERAL.—If, in any fiscal year, bilateral economic assistance is provided to Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund), not less than \$50,000,000 of that assistance shall be provided through the Department of State and the National Endowment for Democracy for democracy and governance programs in Egypt.

(2) ADDITIONAL FUNDING IF WAIVER AUTHORITY INVOKED.—If, in any fiscal year, the President exercises the waiver authority under subsection (b) and bilateral economic assistance is provided to Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$25,000,000 of that assistance (in addition to the amount provided for under paragraph (1)) shall be provided through the Department of State and the National Endowment for Democracy for democracy and governance programs in Egypt.

## SEC. 1263. TERMINATION.

The limitations under section 1261 and 1262 shall terminate 15 days after the President certifies to the appropriate congressional committees that a democratically elected government has taken office in Egypt pursuant to elections determined by the President to be free and fair.

## SEC. 1264. ADDITIONAL OVERSIGHT OF ONGOING EGYPT FUNDING.

Section 7041(a) of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 1222) is amended by striking "Committees on Appropriations" each place it appears and inserting "Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives".

## SEC. 1265. SUNSET OF EXISTING AUTHORITY.

Section 7008 of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 1195) and similar provision in effect upon the date of enactment this Act is hereby repealed.

## SEC. 1266. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.

**SA 2523.** Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. CARDIN, Mr. BLUMENTHAL, Mr. COONS, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

### Subtitle D—Iran Sanctions

#### SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Nuclear Free Iran Act of 2013".

# **PART I—EXPANSION AND IMPOSITION OF SANCTIONS**

## **SEC. 1251. APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.**

(a) IN GENERAL.—Section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) is amended—

(1) in subclause (I), by striking “reduced its volume of crude oil purchases from Iran” and inserting “reduced the volume of its purchases of petroleum from Iran or of Iranian origin”; and

(2) in subclause (II), by striking “crude oil purchases from Iran” and inserting “purchases of petroleum from Iran or of Iranian origin”.

(b) DEFINITIONS.—Section 1245(h) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) IRANIAN ORIGIN.—The term ‘Iranian origin’, with respect to petroleum, means extracted, produced, or refined in Iran.

“(4) PETROLEUM.—The term ‘petroleum’ includes crude oil, lease condensates, fuel oils, and other unfinished oils.”.

(c) CONFORMING AMENDMENTS.—Section 102(b) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8712(b)) is amended—

(1) in paragraph (3)—

(A) by striking “crude oil purchases from Iran” and inserting “purchases of petroleum from Iran or of Iranian origin”; and

(B) by striking “as amended by section 504,”; and

(2) in paragraph (4), by striking “crude oil purchases” and inserting “purchases of petroleum from Iran or of Iranian origin”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) on or after the date that is 90 days after the date of the enactment of this Act.

## **SEC. 1252. INELIGIBILITY FOR EXCEPTION TO CERTAIN SANCTIONS FOR COUNTRIES THAT DO NOT REDUCE PURCHASES OF PETROLEUM FROM IRAN OR OF IRANIAN ORIGIN TO A DE MINIMIS LEVEL.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to seek to ensure that all countries reduce their purchases of crude oil, lease condensates, fuel oils, and other unfinished oils from Iran or of Iranian origin to a de minimis level by the end of the 1-year period beginning on the date of the enactment of this Act.

(b) INELIGIBILITY FOR EXCEPTIONS TO SANCTIONS.—Section 1245(d)(4)(D) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)) is amended by adding at the end the following:

“(iii) INELIGIBILITY FOR EXCEPTION.—

“(I) IN GENERAL.—A country that purchased petroleum from Iran or of Iranian origin during the one-year period preceding the date of the enactment of the Nuclear Free Iran Act of 2013 may continue to receive an exception under clause (i) on or after the date that is one year after such date of enactment only—

“(aa) if the country reduces its purchases of petroleum from Iran or of Iranian origin to a de minimis level by the end of the one-year period beginning on such date of enactment; or

“(bb) as provided in subclause (II) or (III).

“(II) COUNTRIES THAT DRAMATICALLY REDUCE PURCHASES.—

“(aa) IN GENERAL.—A country that would otherwise be ineligible pursuant to subclause (I)(aa) to receive an exception under clause (i) may continue to receive such an exception during the one-year period beginning on the date that is one year after the date of the enactment of the Nuclear Free Iran Act of 2013 if the country—

“(AA) dramatically reduced by at least 30 percent its purchases of petroleum from Iran or of Iranian origin during the one-year period beginning on such date of enactment; and

“(BB) is expected to reduce its purchases of petroleum from Iran or of Iranian origin to a de minimis level within a defined period of time that is not later than 2 years after such date of enactment.

“(bb) TERMINATION OF EXCEPTION.—If a country that continues to receive an exception under clause (i) pursuant to item (aa) does not reduce its purchases of petroleum from Iran or of Iranian origin to a de minimis level by the end of the one-year period beginning on the date that is one year after the date of the enactment of the Nuclear Free Iran Act of 2013, that country shall not be eligible for such an exception on or after the date that is 2 years after such date of enactment.

“(III) REINSTATEMENT OF ELIGIBILITY FOR EXCEPTION.—A country that becomes ineligible for an exception under clause (i) pursuant to subclause (I) or (II) shall be eligible for such an exception in accordance with the provisions of clause (i) on and after the date on which the President determines the country has reduced its purchases of petroleum from Iran or of Iranian origin to a de minimis level.”.

(c) CONFORMING AMENDMENT.—Section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) is amended in the matter preceding subclause (I) by striking “Sanctions imposed” and inserting “Except as provided in clause (iii), sanctions imposed”.

## **SEC. 1253. IMPOSITION OF SANCTIONS WITH RESPECT TO PORTS, SPECIAL ECONOMIC ZONES, AND STRATEGIC SECTORS OF IRAN.**

(a) FINDINGS.—Section 1244(a)(1) of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803(a)(1)) is amended by striking “and shipbuilding” and inserting “shipbuilding, construction, engineering, and mining”.

(b) EXPANSION OF DESIGNATION OF ENTITIES OF PROLIFERATION CONCERN.—Section 1244(b) of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803(b)) is amended by striking “in Iran and entities in the energy, shipping, and shipbuilding sectors” and inserting “, special economic zones, or free economic zones in Iran, and entities in strategic sectors”.

(c) EXPANSION OF ENTITIES SUBJECT TO ASSET FREEZE.—Section 1244(c) of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803(c)) is amended—

(1) in paragraph (1)(A), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting “the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting the “the date that is 90 days

after the date of the enactment of the Nuclear Free Iran Act of 2013”;

(B) by striking “the energy, shipping, or shipbuilding sectors” each place it appears and inserting “a strategic sector”; and

(C) by inserting “, special economic zone, or free economic zone” after “port” each place it appears; and

(3) by adding at the end the following:

“(4) STRATEGIC SECTOR DEFINED.—

“(A) IN GENERAL.—In this section, the term ‘strategic sector’ means—

“(i) the energy, shipping, shipbuilding, and mining sectors of Iran;

“(ii) except as provided in subparagraph (B), the construction and engineering sectors of Iran; and

“(iii) any other sector the President designates as of strategic importance to Iran.

“(B) EXCEPTION FOR CONSTRUCTION AND ENGINEERING OF SCHOOLS, HOSPITALS, AND SIMILAR FACILITIES.—For purposes of this section, a person engaged in the construction or engineering of schools, hospitals, or similar facilities (as determined by the President) shall not be considered part of a strategic sector of Iran.

“(C) NOTIFICATION OF STRATEGIC SECTOR DESIGNATION.—The President shall submit to Congress a notification of the designation of a sector as a strategic sector of Iran for purposes of subparagraph (A)(iii) not later than 5 days after the date on which the President makes the designation.”.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO STRATEGIC SECTORS.—Section 1244(d) of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803(d)) is amended—

(1) in paragraph (1)(A), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting “the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”;

(2) in paragraph (2), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting “the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”; and

(3) in paragraph (3), by striking “the energy, shipping, or shipbuilding sectors” and inserting “a strategic sector”.

(e) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.—Section 1245 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8804) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting “the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”; and

(B) in subparagraph (C)(i)(I), by striking “the energy, shipping, or shipbuilding sectors” and inserting “a strategic sector (as defined in section 1244(c)(4))”; and

(2) in subsection (c), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting “the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”.

(f) PROVISION OF INSURANCE TO SANCTIONED PERSONS.—Section 1246(a)(1) of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8805(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “the date that is 180 days after the date of the enactment of this Act” and inserting “the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”; and

(2) in subparagraph (B)(i), by striking “the energy, shipping, or shipbuilding sectors”

and inserting “a strategic sector (as defined in section 1244(c)(4))”.

(g) CONFORMING AMENDMENTS.—Section 1244 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803), as amended by subsections (a), (b), (c), and (d), is further amended—

(1) in the section heading, by striking “**THE ENERGY, SHIPPING, AND SHIPBUILDING**” and inserting “**CERTAIN PORTS, ECONOMIC ZONES, AND**”;

(2) in subsection (b), in the subsection heading, by striking “**PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN**” and inserting “**CERTAIN ENTITIES**”;

(3) in subsection (c), in the subsection heading, by striking “**ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS**” and inserting “**CERTAIN ENTITIES**”; and

(4) in subsection (d), in the subsection heading, by striking “**THE ENERGY, SHIPPING, AND SHIPBUILDING**” and inserting “**STRATEGIC**”.

**SEC. 1254. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS IN FOREIGN CURRENCIES WITH OR FOR CERTAIN SANCTIONED PERSONS.**

(a) IN GENERAL.—Title II of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8721 et seq.) is amended—

(1) by inserting after section 221 the following:

**“Subtitle C—Other Matters”;**

(2) by redesignating sections 222, 223, and 224 as sections 231, 232, and 233, respectively; and

(3) by inserting after section 221 the following:

**“SEC. 222. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS IN FOREIGN CURRENCIES WITH CERTAIN SANCTIONED PERSONS.**

**“(a) IMPOSITION OF SANCTIONS.—**

**“(1) IN GENERAL.—The President—**

**“(A) shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that knowingly conducts or facilitates a transaction described in subsection (b)(1); and**

**“(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to any other person that knowingly conducts or facilitates such a transaction.**

**“(2) EXCEPTION.—The authority to impose sanctions under paragraph (1)(B) shall not include the authority to impose sanctions on the importation of goods.**

**“(b) TRANSACTIONS DESCRIBED.—**

**“(1) IN GENERAL.—A transaction described in this subsection is a significant transaction conducted or facilitated by a person related to the currency of a country other than the country with primary jurisdiction over the person with, for, or on behalf of—**

**“(A) the Central Bank of Iran or an Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act; or**

**“(B) a person described in section 1244(c)(2) of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803(c)(2)) (other than a person described in subparagraph (C)(iii) of that subsection).**

**“(2) PRIMARY JURISDICTION.—For purposes of paragraph (1), a country in which a person operates shall be deemed to have primary jurisdiction over the person only with respect to the operations of the person in that country.**

**“(c) APPLICABILITY.—Subsection (a) shall apply with respect to a transaction described in subsection (b)(1) conducted or facilitated—**

**“(1) on or after the date that is 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013 pursuant to a contract entered into on or after such date of enactment; and**

**“(2) on or after the date that is 180 days after such date of enactment pursuant to a contract entered into before such date of enactment.**

**“(d) INAPPLICABILITY TO HUMANITARIAN TRANSACTIONS.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.**

**“(e) WAIVER.—**

**“(1) IN GENERAL.—The President may waive the application of subsection (a) with respect to a person for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—**

**“(A) determines that the waiver is important to the national interest of the United States; and**

**“(B) not less than 15 days after the waiver or the renewal of the waiver, as the case may be, takes effect, submits a report to the appropriate congressional committees on the waiver and the reason for the waiver.**

**“(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.**

**“(f) DEFINITIONS.—In this section:**

**“(1) FINANCIAL INSTITUTION; IRANIAN FINANCIAL INSTITUTION.—The terms ‘financial institution’ and ‘Iranian financial institution’ have the meanings given those terms in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).**

**“(2) TRANSACTION.—The term ‘transaction’ includes a foreign exchange swap, a foreign exchange forward, and any other type of currency exchange or conversion or derivative instrument.”.**

**(b) ADDITIONAL DEFINITIONS.—Section 2 of the Iran Threat Reduction and Syria Human Rights Act (22 U.S.C. 8701) is amended—**

**(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (9), respectively;**

**(2) by striking paragraph (1) and inserting the following:**

**“(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ‘account’, ‘correspondent account’, and ‘payable-through account’ have the meanings given those terms in section 5318A of title 31, United States Code.**

**“(2) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).**

**“(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).**

**“(4) DOMESTIC FINANCIAL INSTITUTION; FOREIGN FINANCIAL INSTITUTION.—The terms ‘domestic financial institution’ and ‘foreign financial institution’ have the meanings determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive**

**Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).”; and**

**(3) by inserting after paragraph (6), as redesignated by paragraph (1), the following:**

**“(7) MEDICAL DEVICE.—The term ‘medical device’ has the meaning given the term ‘device’ in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).**

**“(8) MEDICINE.—The term ‘medicine’ has the meaning given the term ‘drug’ in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).”.**

**(c) CLERICAL AMENDMENT.—The table of contents for the Iran Threat Reduction and Syria Human Rights Act of 2012 is amended by striking the items relating to sections 222, 223, and 224 and inserting the following:**

**“Sec. 222. Imposition of sanctions with respect to transactions in foreign currencies with certain sanctioned persons.**

**“Subtitle C—Other Matters**

**“Sec. 231. Sense of Congress and rule of construction relating to certain authorities of State and local governments.**

**“Sec. 232. Government Accountability Office report on foreign entities that invest in the energy sector of Iran or export refined petroleum products to Iran.**

**“Sec. 233. Reporting on the importation to and exportation from Iran of crude oil and refined petroleum products.”.**

**PART II—ENFORCEMENT OF SANCTIONS**

**SEC. 1261. SENSE OF CONGRESS ON THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO THE CENTRAL BANK OF IRAN AND OTHER SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.**

It is the sense of Congress that—

(1) the President has been engaged in intensive diplomatic efforts to ensure that sanctions against Iran are imposed and maintained multilaterally to sharply restrict the access of the Government of Iran to the global financial system;

(2) the European Union is to be commended for strengthening the multilateral sanctions regime against Iran by prohibiting all persons subject to the jurisdiction of the European Union from providing specialized financial messaging services to the Central Bank of Iran and other sanctioned Iranian financial institutions;

(3) in order to continue to sharply restrict access by Iran to the global financial system, the President and the European Union must continue to expeditiously address any judicial, administrative, or other decisions in their respective jurisdictions that might weaken the current multilateral sanctions regime, including decisions regarding the designation of financial institutions and global specialized financial messaging service providers for sanctions; and

(4) existing restrictions on the access of Iran to global specialized financial messaging services should be maintained.

**SEC. 1262. INCLUSION OF TRANSFERS OF GOODS, SERVICES, AND TECHNOLOGIES TO STRATEGIC SECTORS OF IRAN FOR PURPOSES OF IDENTIFYING DESTINATIONS OF DIVERSION CONCERN.**

(a) IN GENERAL.—Section 302(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8542(b)) is amended—

(1) in paragraph (1)(C)(ii), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(3) that will be sold, transferred, or otherwise made available to a strategic sector of Iran.”.

(b) **STRATEGIC SECTOR DEFINED.**—Section 301 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8541) is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following:

“(14) **STRATEGIC SECTOR.**—The term ‘strategic sector’ has the meaning given that term in section 1244(c)(4) of the Iran Freedom and Counter-Proliferation Act of 2012.”.

(c) **SUBMISSION OF REPORT.**—Section 302(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8542(a)) is amended by striking “180 days after the date of the enactment of this Act” and inserting “90 days after the date of the enactment of the Nuclear Free Iran Act of 2013”.

**SEC. 1263. AUTHORIZATION OF ADDITIONAL MEASURES WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.**

(a) **IN GENERAL.**—Section 303(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8543(c)) is amended—

(1) by striking “Not later than” and inserting the following:

“(1) **LICENSING REQUIREMENT.**—Not later than”; and

(2) by adding at the end the following

“(2) **ADDITIONAL MEASURES.**—The President may—

“(A) impose restrictions on United States foreign assistance or measures authorized under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a country designated as a Destination of Diversion Concern under subsection (a) if the President determines that those restrictions or measures would prevent the diversion of goods, services, and technologies described in section 302(b) to Iranian end-users or Iranian intermediaries; or

“(B) prohibit the issuance of a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export to such a country of a defense article or defense service for which a notification to Congress would be required under section 36(b) of that Act (22 U.S.C. 2776(b)).

“(3) **EXCEPTION.**—The authority under paragraph (1)(A) to impose measures authorized under the International Emergency Economic Powers Act shall not include the authority to impose sanctions on the importation of goods.

“(4) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of the Nuclear Free Iran Act of 2013, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report—

“(A) identifying countries that have allowed the diversion through the country of goods, services, or technologies described in section 302(b) to Iranian end-users or Iranian intermediaries during the 180-day period preceding the submission of the report;

“(B) identifying the persons that engaged in such diversion during that period; and

“(C) describing the activities relating to diversion in which those countries and persons engaged.”.

(b) **CONFORMING AMENDMENTS.**—Section 303 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8543) is amended—

(1) in subsection (c), in the subsection heading, by striking “LICENSING REQUIREMENT” and inserting “LICENSING AND OTHER MEASURES”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “subsection (c)” and inserting “subsection (c)(1)”; and

(B) in paragraph (2), by striking “subsection (c)” and inserting “subsection (c)(1)”; and

(C) in paragraph (3), by striking “is it” and inserting “it is”.

**SEC. 1264. INCREASED STAFFING FOR AGENCIES INVOLVED IN THE IMPLEMENTATION AND ENFORCEMENT OF SANCTIONS AGAINST IRAN.**

(a) **INCREASED STAFF.**—

(1) **DEPARTMENT OF THE TREASURY.**—The Secretary of the Treasury may increase by 20 the number of employees of the Office of Foreign Assets Control dedicated to the implementation and enforcement of sanctions with respect to Iran relative to the number of such employees on the day before the date of the enactment of this Act.

(2) **DEPARTMENT OF STATE.**—The Secretary of State may increase by 20 the number of employees of the Department of State dedicated to the implementation and enforcement of sanctions with respect to Iran relative to the number of such employees on the day before the date of the enactment of this Act.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

**PART III—IMPLEMENTATION OF NEW SANCTIONS**

**SEC. 1271. SUSPENSION OF SANCTIONS TO FACILITATE A DIPLOMATIC SOLUTION.**

(a) **SUSPENSION OF SANCTIONS AFTER REACHING AN INTERIM AGREEMENT OR ARRANGEMENT.**—

(1) **IN GENERAL.**—The President may suspend the application of sanctions imposed under this subtitle or amendments made by this subtitle (other than sanctions imposed pursuant to the amendments made by sections 1262 and 1263) for not more than 180 days after the date of the enactment of this Act if the President certifies to the appropriate congressional committees every 30 days that—

(A) the United States and its allies have reached a verifiable interim agreement or arrangement with Iran toward the termination of its illicit nuclear activities and related weaponization activities;

(B) the steps being taken by Iran pursuant to the interim agreement or arrangement are transparent and verifiable;

(C) any suspension or relief of sanctions provided to Iran pursuant to the interim agreement or arrangement is temporary, reversible, and proportionate to steps taken by Iran with respect to its illicit nuclear program;

(D) Iran has not breached the terms of or any commitment made pursuant to the interim agreement or arrangement;

(E) Iran is proactively engaged in negotiations toward a final agreement or arrangement to terminate its illicit nuclear activities and related weaponization activities;

(F) the United States is working toward a final agreement or arrangement that will dismantle Iran’s nuclear infrastructure in a manner that will ensure that Iran is incapable of obtaining a nuclear weapons capability and that permits daily verification, monitoring, and inspections of suspect facilities in Iran;

(G) Iran has not directly, or through a proxy, supported, financed, or otherwise carried out an act of international terrorism against the United States; and

(H) the suspension of sanctions is vital to the national security interest of the United States.

(2) **RENEWAL OF SUSPENSION.**—The President may renew a suspension of sanctions under paragraph (1) for 2 additional periods of not more than 30 days if the President submits to the appropriate congressional committees—

(A) a new certification under that paragraph; and

(B) a certification that a final agreement or arrangement with Iran to verifiably terminate its illicit nuclear program and related weaponization activities is imminent.

(b) **SUSPENSION FOR A FINAL AGREEMENT OR ARRANGEMENT.**—

(1) **IN GENERAL.**—Unless a joint resolution of disapproval is enacted pursuant to paragraph (2), the President may suspend the application of sanctions imposed under this subtitle or amendments made by this subtitle for an indefinite period of time if the President certifies to the appropriate congressional committees that the United States and its allies have reached a final and verifiable agreement or arrangement with Iran that will—

(A) prevent Iran from achieving a nuclear weapons capability; and

(B) provide for the detection of any attempt by Iran to reinstate or advance its nuclear weapons program.

(2) **JOINT RESOLUTION OF DISAPPROVAL.**—

(A) **IN GENERAL.**—In this paragraph, the term “joint resolution of disapproval” means only a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: “That Congress disapproves of the suspension of sanctions imposed with respect to Iran pursuant to the certification of the President submitted to Congress on \_\_\_\_\_ under section 1261(b)(1) of the Nuclear Free Iran Act of 2013.”, with the blank space being filled with the appropriate date.

(B) **PROCEDURES FOR CONSIDERING RESOLUTIONS.**—

(i) **INTRODUCTION.**—A joint resolution of disapproval—

(I) may be introduced in the House of Representatives or the Senate during the 15-day period beginning on the date on which the President submits a certification under paragraph (1) to the appropriate congressional committees;

(II) in the House of Representatives, may be introduced by the Speaker or the minority leader or a Member of the House designated by the Speaker or minority leader;

(III) in the Senate, may be introduced by the majority leader or minority leader of the Senate or a Member of the Senate designated by the majority leader or minority leader; and

(IV) may not be amended.

(ii) **REFERRAL TO COMMITTEES.**—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs and a joint resolution of disapproval in the House of Representatives shall be referred to the Committee on Foreign Affairs.

(iii) **COMMITTEE DISCHARGE AND FLOOR CONSIDERATION.**—The provisions of subsections (c) through (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to committee discharge and floor consideration of certain resolutions in the House of Representatives and the Senate) apply to a joint resolution of

disapproval under this subsection to the same extent that such subsections apply to joint resolutions under such section 152, except that—

(I) subsection (c)(1) shall be applied and administered by substituting “10 days” for “30 days”; and

(II) subsection (f)(1)(A)(i) shall be applied and administered by substituting “Committee on Banking, Housing, and Urban Affairs” for “Committee on Finance”.

(C) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

#### PART IV—GENERAL PROVISIONS

##### SEC. 1281. EXCEPTION FOR AFGHANISTAN RECONSTRUCTION.

The President may provide for an exception from the imposition of sanctions under the provisions of or amendments made by this subtitle for reconstruction assistance or economic development for Afghanistan—

(1) to the extent that the President determines that such an exception is in the national interest of the United States; and

(2) if, not later than 15 days before issuing the exception, the President submits a notification of and justification for the exception to the appropriate congressional committees (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)).

##### SEC. 1282. APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.

Nothing in this subtitle or the amendments made by this subtitle shall apply to the authorized intelligence activities of the United States.

##### SEC. 1283. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this subtitle or any amendment made by this subtitle shall be construed to apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

##### SEC. 1284. RULE OF CONSTRUCTION WITH RESPECT TO THE USE OF FORCE AGAINST IRAN.

Nothing in this subtitle or the amendments made by this subtitle shall be construed as a declaration of war or an authorization of the use of force against Iran.

#### Subtitle E—Other Matters

##### SEC. 1291. AMERICAN HOSTAGES IN IRAN COMPENSATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the “American Hostages in Iran Compensation Fund” (in this section referred to as the

“Fund”) for the purpose of making payments to the 52 Americans held hostage in the United States embassy in Tehran, Iran, between November 3, 1979, and January 20, 1981 (in this section referred to as the “former hostages”).

(b) FUNDING.—

(1) IMPOSITION OF SURCHARGE.—

(A) IN GENERAL.—There is imposed a surcharge equal to 30 percent of the amount of—

(i) any fine or monetary penalty assessed, in whole or in part, on a person for a violation of a law or regulation specified in subparagraph (B) related to activities undertaken on or after the date of the enactment of this Act; or

(ii) the monetary amount of a settlement entered into by a person with respect to a suspected violation of a law or regulation specified in subparagraph (B) related to activities undertaken on or after such date of enactment.

(B) LAWS AND REGULATIONS SPECIFIED.—A law or regulation specified in this subparagraph is any law or regulation that provides for a civil or criminal fine or other monetary penalty for any economic activity relating to Iran that is administered by the Department of the Treasury, the Department of Justice, or the Department of Commerce.

(C) TERMINATION OF DEPOSITS.—The imposition of the surcharge under subparagraph (A) shall terminate on the date on which all amounts described in subsection (c)(2) have been distributed to all recipients described in that subsection.

(2) DEPOSITS INTO FUND; AVAILABILITY OF AMOUNTS.—

(A) DEPOSITS.—All surcharges collected pursuant to paragraph (1)(A) shall be deposited into the Fund.

(B) PAYMENT OF SURCHARGE.—A person on whom a surcharge is imposed under paragraph (1)(A) shall pay the surcharge to the Fund without regard to whether the fine, penalty, or settlement to which the surcharge applies—

(i) is paid directly to the Federal agency that administers the relevant law or regulation specified in paragraph (1)(B); or

(ii) is deemed satisfied by a payment to another Federal agency.

(C) CONTRIBUTIONS.—The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities for payments under this Act. Such amounts shall be deposited directly into the Fund.

(D) AVAILABILITY OF AMOUNTS IN FUND.—Amounts in the Fund shall be available, without further appropriation, to make payments under subsection (c).

(c) DISTRIBUTION OF FUNDS.—

(1) ADMINISTRATION OF FUND.—Payments from the Fund shall be administered by the Secretary of State, pursuant to such rules and processes as the Secretary, in the Secretary's sole discretion, may establish.

(2) PAYMENTS.—Subject to paragraphs (3) and (4), payments shall be made from the Fund to the following recipients in the following amounts:

(A) To each living former hostage, \$150,000, plus \$5,000 for each day of captivity of the former hostage.

(B) To the estate of each deceased former hostage, \$150,000, plus \$5,000 for each day of captivity of the former hostage.

(3) PRIORITY.—Payments from the Fund shall be distributed under paragraph (2) in the following order:

(A) First, to each living former hostage described in paragraph (2)(A).

(B) Second, to the estate of each deceased former hostage described in paragraph (2)(B).

(4) CONSENT OF RECIPIENT.—A payment to a recipient from the Fund under paragraph (2) shall be made only after receiving the consent of the recipient.

(d) WAIVER.—A recipient of a payment under subsection (c) shall waive and forever release all existing claims against Iran and the United States arising out of the events described in subsection (a).

(e) NOTIFICATION OF CLAIMANTS; LIMITATION ON REVIEW.—

(1) NOTIFICATION.—The Secretary of State shall notify, in a reasonable manner, each individual qualified to receive a payment under subsection (c) of the status of the individual's claim for such a payment.

(2) SUBMISSION OF ADDITIONAL INFORMATION.—If the claim of an individual to receive a payment under subsection (c) is denied, or is approved for payment of less than the full amount of the claim, the individual shall be entitled to submit to the Secretary additional information with respect to the claim. Upon receipt and consideration of that information, the Secretary may affirm, modify, or revise the former action of the Secretary with respect to the claim.

(3) LIMITATION ON REVIEW.—The actions of the Secretary in identifying qualifying claimants and in disbursing amounts from the Fund shall be final and conclusive on all questions of law and fact and shall not be subject to review by any other official, agency, or establishment of the United States or by any court by mandamus or otherwise.

(f) DEPOSIT OF REMAINING FUNDS INTO THE TREASURY.—

(1) IN GENERAL.—Any amounts remaining in the Fund after the date specified in paragraph (2) shall be deposited in the general fund of the Treasury.

(2) DATE SPECIFIED.—The date specified in this paragraph is the later of—

(A) the date on which all amounts described in subsection (c)(2) have been made to all recipients described in that subsection; or

(B) the date that is 5 years after the date of the enactment of this Act.

(g) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in subsection (f)(2), the Secretary of State shall submit to the appropriate congressional committees a report on the status of the Fund, including—

(1) the amounts and sources of money deposited into the Fund;

(2) the rules and processes established to administer the Fund; and

(3) the distribution of payments from the Fund.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(2) PERSON.—The term “person” includes any individual or entity subject to the civil or criminal jurisdiction of the United States.

##### SEC. 1292. CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—



(A) in subsection (b), by striking paragraph (3); and

(B) in subsection (e)—

(i) in paragraph (1), by striking “and shall only apply to applications for refugee status submitted before October 1, 2013” and inserting “and shall apply to all applications for refugee status submitted after October 1, 2013”;

(ii) in paragraph (2), by striking “and before October 1, 2013”;

(iii) in paragraph (3), by striking “and shall apply only to reapplications for refugee status submitted before October 1, 2013”;

(2) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking “during the period beginning on August 15, 1988, and ending on September 30, 2013, after being denied refugee status” and inserting “after August 15, 1998, after being denied refugee status”.

#### SEC. 1293. ANTITERRORISM AMENDMENTS TO TITLE 18.

(a) IN GENERAL.—Title 18 of the United States Code is amended—

(1) in section 2333—

(A) in subsection (a), by striking “national of the United States” and inserting “person”;

(B) by inserting at the end the following:

“(d) LIABILITY.—In an action arising under subsection (a), liability may be asserted as to the person or persons who committed such act of international terrorism or any person or entity that aided, abetted, or conspired with the person or persons who committed such act of international terrorism.”;

(2) in section 2334, by inserting at the end the following:

“(e) JURISDICTION.—The district courts shall have personal jurisdiction, to the maximum extent permissible under the 5th Amendment to the Constitution, over any person who commits, aids, and abets an act of international terrorism, or provides material support or resources as set forth in section 2339A, 2339B, or 2339C of this title, for acts of international terrorism in which any person suffers injury in his or her person, property, or business by reason of such an act in violation of section 2333.

“(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over any civil action brought under section 2333 of this title.”;

(3) in section 2337—

(A) in paragraph (1), by striking “or”;

(B) in paragraph (2), by striking the period and inserting “; or”;

(C) by inserting at the end the following:

“(3) a person providing any substantial support or assistance to any person or entity referred to in paragraphs (1) and (2) unless such foreign state, foreign agency, or an officer or employee of foreign government has been designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 24505(j)) or by reason of an Executive Order or through designation by an executive agency of the United States.”;

(4) in section 2339C(a)(1), by striking subparagraph (A) and inserting the following:

“(A) an act which constitutes an act of international terrorism or an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or”;

(5) in section 2331, by striking paragraph (4) and inserting the following:

“(4) the term “act of war”—

“(A) means any act occurring in the course of—

“(i) declared war;

“(ii) armed conflict, whether or not war has been declared, between two or more nations; or

“(iii) armed conflict between military forces of any origin; and

“(B) does not include any act committed by a foreign terrorist organization, as defined under section 219 of the Immigration and Nationality Act, or any agent of a Foreign Terrorist Organization as defined in part 597.301 of title 31, Code of Federal Regulation, of the Foreign Terrorist Organizations Sanctions Regulations, or any act committed by an agent of a state sponsor of terrorism as such term is defined by section 6(j) of the Export Administration Act (50 U.S.C. 2405(j)), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act (22 U.S.C. 2371); and”.

(b) SEVERABILITY.—If any provision of this section or any amendment made by this section, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this section and the amendments made by this section, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim in any case pending on the date of the enactment of this section arising from an act of international terrorism, whether under section 2333(a) of title 18, United States Code, or any other civil damages provision, and to any claim in any case commenced on or after such date of enactment, resulting from an act of international terrorism.

**SA 2524.** Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1082. HUBZONES.

(a) IN GENERAL.—Section 3(p)(5)(A)(i)(I) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) is amended—

(1) in item (aa), by striking “or” at the end;

(2) by redesignating item (bb) as item (cc); and

(3) by inserting after item (aa) the following:

“(bb) pursuant to subparagraph (A), (B), (C), (D), or (E) of paragraph (3), that its principal office is located in a HUBZone described in paragraph (1)(E) (relating to base closure areas) (in this item referred to as the ‘base closure HUBZone’), and that not fewer than 35 percent of its employees reside in—

“(AA) a HUBZone;

“(BB) the census tract in which the base closure HUBZone is wholly contained;

“(CC) a census tract the boundaries of which intersect the boundaries of the base closure HUBZone; or

“(DD) a census tract the boundaries of which are contiguous to a census tract described in subitem (BB) or (CC); or”.

(b) BASE CLOSURE AREAS.—

(1) DEFINITION.—In this subsection—

(A) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(B) the terms “base closure area”, “HUBZone”, and “HUBZone small business concern” have the meanings given those terms under section 3(p) of the Small Business Act (15 U.S.C. 632(p)); and

(C) the term “covered HUBZone area” means an area that—

(i) is a base closure area;

(ii) on or after the date of enactment of this Act is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to—

(I) section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note); or

(II) section 1698(b) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note);

(iii) after the date of enactment of this Act, ceases to be treated as a HUBZone under the applicable provision of law described in clause (ii); and

(iv) qualifies as a HUBZone under subparagraph (A), (B), (C), or (D) of section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)).

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—A HUBZone small business concern shall be qualified for purposes of the Small Business Act (15 U.S.C. 631 et seq.) if the HUBZone small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the HUBZone small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

(A) it is a HUBZone small business concern pursuant to subparagraph (A), (B), (C), (D), or (E) of section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3));

(B) its principal office is located in a covered HUBZone area; and

(C) not fewer than 35 percent of its employees reside in—

(i) a HUBZone;

(ii) the census tract in which the covered HUBZone area is wholly contained;

(iii) a census tract the boundaries of which intersect the boundaries of the covered HUBZone area; or

(iv) a census tract the boundaries of which are contiguous to a census tract described in clause (ii) or (iii).

**SA 2525.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

#### SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the day after the date of the enactment of this Act.

**SA 2526.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. \_\_\_\_ EXCLUSION OF DISCHARGE OF STUDENT LOANS FOR VETERANS WITH SERVICE-CONNECTED CONDITIONS.**

(a) IN GENERAL.—Paragraph (1) of section 108(f) of the Internal Revenue Code of 1986 is amended by striking “discharge (in whole or in part) of” and all that follows and inserting “discharge (in whole or in part) of—

“(A) any student loan if such discharge was pursuant to a provision of such loan under which all or part of the indebtedness of the individual would be discharged if the individual worked for a certain period of time in certain professions for any of a broad class of employers,

“(B) any loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965, if such discharge was pursuant section 437(a) of such Act and due to a determination by the Secretary of Veterans Affairs that the borrower is unemployable due to a service-connected condition,

“(C) any loan made, insured, or guaranteed under part E of title IV of the Higher Education Act of 1965, if such discharge was pursuant to section 464(c)(1)(F)(iv) of such Act, or

“(D) any obligation arising under subpart 9 of part A of title IV of the Higher Education Act of 1965, if such discharge was pursuant to section 420N(d)(2) of such Act and due to a determination by the Secretary of Veterans Affairs that the borrower is unemployable due to a service-connected condition.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to discharges of loans after December 31, 2013.

**SA 2527.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. \_\_\_\_ EXCLUSION OF DISCHARGE OF STUDENT LOANS FOR VETERANS WITH SERVICE-CONNECTED CONDITIONS.**

(a) IN GENERAL.—Paragraph (1) of section 108(f) of the Internal Revenue Code of 1986 is amended by striking “discharge (in whole or in part) of” and all that follows and inserting “discharge (in whole or in part) of—

“(A) any student loan if such discharge was pursuant to a provision of such loan under which all or part of the indebtedness of the individual would be discharged if the individual worked for a certain period of time in certain professions for any of a broad class of employers,

“(B) any loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965, if such discharge was pursuant section 437(a) of such Act and due to a determination by the Secretary of Veterans Affairs that the borrower is unemployable due to a service-connected condition,

“(C) any loan made, insured, or guaranteed under part E of title IV of the Higher Edu-

cation Act of 1965, if such discharge was pursuant to section 464(c)(1)(F)(iv) of such Act, or

“(D) any obligation arising under subpart 9 of part A of title IV of the Higher Education Act of 1965, if such discharge was pursuant to section 420N(d)(2) of such Act and due to a determination by the Secretary of Veterans Affairs that the borrower is unemployable due to a service-connected condition.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to discharges of loans after December 31, 2013.

**SA 2528.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. \_\_\_\_ EXCLUSION OF DISCHARGE OF STUDENT LOANS FOR VETERANS WITH SERVICE-CONNECTED CONDITIONS.**

(a) IN GENERAL.—Paragraph (1) of section 108(f) of the Internal Revenue Code of 1986 is amended by striking “discharge (in whole or in part) of” and all that follows and inserting “discharge (in whole or in part) of—

“(A) any student loan if such discharge was pursuant to a provision of such loan under which all or part of the indebtedness of the individual would be discharged if the individual worked for a certain period of time in certain professions for any of a broad class of employers,

“(B) any loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965, if such discharge was pursuant section 437(a) of such Act and due to a determination by the Secretary of Veterans Affairs that the borrower is unemployable due to a service-connected condition,

“(C) any loan made, insured, or guaranteed under part E of title IV of the Higher Education Act of 1965, if such discharge was pursuant to section 464(c)(1)(F)(iv) of such Act, or

“(D) any obligation arising under subpart 9 of part A of title IV of the Higher Education Act of 1965, if such discharge was pursuant to section 420N(d)(2) of such Act and due to a determination by the Secretary of Veterans Affairs that the borrower is unemployable due to a service-connected condition.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to discharges of loans after December 31, 2013.

**SA 2529.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Iran Sanctions**

**SEC. 1241. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, AND TRANSFER OF NATURAL GAS PRODUCED IN IRAN.**

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

“(9) SALE, SUPPLY, AND TRANSFER OF NATURAL GAS PRODUCED IN IRAN.—

“(A) IN GENERAL.—Except as provided in subparagraph (C) and subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, conducts or facilitates a significant financial transaction for the sale, supply, or transfer of natural gas produced in Iran to a country that—

“(i) begins importing natural gas produced in Iran after such date of enactment; or

“(ii) during any month that begins on or after the date that is 60 days after such date of enactment, imports natural gas produced in Iran in a volume that exceeds the volume of such natural gas identified under clause (iii)(II) of subparagraph (B) in the most recent report submitted under that subparagraph as the highest volume of natural gas produced in Iran imported by that country in any month during the 2-year period preceding the submission of the report.

“(B) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, and annually thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, the Secretary of State, and the Director of National Intelligence, shall submit to Congress a report that includes—

“(i) an assessment of exports of natural gas from Iran during the year preceding the submission of the report;

“(ii) an identification of the countries that imported natural gas produced in Iran during that year;

“(iii) for each such country—

“(I) an assessment of the volume of natural gas produced in Iran imported by that country during each month during the 2-year period preceding the submission of the report;

“(II) an identification of the highest volume of natural gas produced in Iran imported by that country during any such month; and

“(III) an assessment of alternative supplies of natural gas available to that country;

“(iv) an assessment of the impact a reduction in exports of natural gas from Iran would have on global natural gas supplies and the price of natural gas, especially in countries identified under clause (ii); and

“(v) such other information as the Administrator considers appropriate.

“(C) EXCEPTION.—Nothing in this paragraph shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.”.

**SA 2530.** Mr. CORNYN submitted an amendment intended to be proposed by

him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 411, line 7, insert “or subcontract” after “contract”.

On page 411, beginning on line 12, strike “if the Secretary” and all that follows through line 13 and insert “if the Secretary—

(1) determines that—

(A) an action described in subsection (a) is necessary to meet a valid military requirement; and

(B) there is no feasible alternative to Rosoboronexport for meeting such requirement; or

(2) in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to the government of the Syrian Arab Republic.

On page 412, between lines 7 and 8, insert the following:

(d) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport in which a waiver is issued by the Secretary of Defense pursuant to subsection (b) on or after the date of the enactment of this Act.

(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary in the waiver covered by the review, including the following—

(A) whether there is any viable alternative to Rosoboronexport for carrying out the function for which funds will be obligated;

(B) whether the Secretary has previously used an alternative vendor for carrying out the same function regarding the military equipment in question, and what vendor was previously used;

(C) whether other explanations for the issuance of the waiver are supportable; and

(D) any other matter with respect to the waiver the Inspector General considers appropriate.

(3) REPORT.—Not later than 90 days after a waiver is issued by the Secretary pursuant to subsection (b) that is covered by this subsection, the Inspector General shall submit to the congressional defense committees a report containing the results of the review on such waiver conducted under paragraph (1).

**SEC. 1233A. MODIFICATION OF FISCAL YEAR 2013 PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) SCOPE OF PROHIBITION.—Subsection (a) of section 1277 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2030) is amended by inserting “or subcontract” after “contract”.

(b) WAIVER AUTHORITY.—Subsection (b) of such section is amended by striking “if the Secretary” and all that follows and inserting “if the Secretary—

“(1) determines that—

“(A) an action described in subsection (a) is necessary to meet a valid military requirement; and

“(B) there is no feasible alternative to Rosoboronexport for meeting such requirement; or

“(2) in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to the government of the Syrian Arab Republic.”.

(c) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Such section is further amended by adding at the end the following new subsections:

“(c) NOTICE TO CONGRESS BEFORE OBLIGATION OF FUNDS.—Not later than 30 days before obligating funds pursuant to any waiver pursuant to subsection (b) that is issued after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the Secretary of Defense shall submit to Congress a notice on the obligation of funds pursuant to the waiver.

“(d) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—

“(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport in which a waiver is issued by the Secretary of Defense pursuant to subsection (b) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

“(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary in the waiver covered by the review, including the following—

“(A) whether there is any viable alternative to Rosoboronexport for carrying out the function for which funds will be obligated;

“(B) whether the Secretary has previously used an alternative vendor for carrying out the same function regarding the military equipment in question, and what vendor was previously used;

“(C) whether other explanations for the issuance of the waiver are supportable; and

“(D) any other matter with respect to the waiver the Inspector General considers appropriate.

“(3) REPORT.—Not later than 90 days after a waiver is issued by the Secretary pursuant to subsection (b) that is covered by this subsection, the Inspector General shall submit to the congressional defense committees a report containing the results of the review on such waiver conducted under paragraph (1).”.

**SEC. 1233B. PROHIBITION ON USE OF FISCAL YEAR 2012 FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2012 by the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) that remain available for obligation or expenditure as of the date of the enactment of this Act may be used to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant, to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary—

(1) determines that—

(A) an action described in subsection (a) is necessary to meet a valid military requirement; and

(B) there is no feasible alternative to Rosoboronexport for meeting such requirement; or

(2) in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to the government of the Syrian Arab Republic.

(c) NOTICE TO CONGRESS BEFORE OBLIGATION OF FUNDS.—Not later than 30 days before obligating funds pursuant to any waiver pursuant to subsection (b), the Secretary of Defense shall submit to Congress a notice on the obligation of funds pursuant to the waiver.

(d) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport in which a waiver is issued by the Secretary of Defense pursuant to subsection (b).

(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary in the waiver covered by the review, including the following—

(A) whether there is any viable alternative to Rosoboronexport for carrying out the function for which funds will be obligated;

(B) whether the Secretary has previously used an alternative vendor for carrying out the same function regarding the military equipment in question, and what vendor was previously used;

(C) whether other explanations for the issuance of the waiver are supportable; and

(D) any other matter with respect to the waiver the Inspector General considers appropriate.

(3) REPORT.—Not later than 90 days after a waiver is issued by the Secretary pursuant to subsection (b), the Inspector General shall submit to the congressional defense committees a report containing the results of the review on the waiver conducted under paragraph (1).

**SEC. 1233C. REPORT ON ROSOBORONEXPORT ACTIVITIES.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A list of the known transfers of lethal military equipment by Rosoboronexport to the Government of the Syrian Arab Republic since March 15, 2011.

(2) A list of the known contracts, if any, that Rosoboronexport has signed with the Government of the Syrian Arab Republic since March 15, 2011.

(3) A detailed list of all existing contracts, subcontracts, memorandums of understanding, cooperative agreements, grants, loans, and loan guarantees between the Department of Defense and Rosoboronexport, including a description of the transaction, signing dates, values, and quantities.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 2531.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 411, line 7, insert “or subcontract” after “contract”.

On page 411, beginning on line 12, strike “if the Secretary” and all that follows through line 13 and insert “if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States; or

(2) in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to the government of the Syrian Arab Republic.

On page 412, between lines 7 and 8, insert the following:

(d) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport in which a waiver is issued by the Secretary of Defense pursuant to subsection (b) on or after the date of the enactment of this Act.

(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary in the waiver covered by the review, including the following—

(A) whether there is any viable alternative to Rosoboronexport for carrying out the function for which funds will be obligated;

(B) whether the Secretary has previously used an alternative vendor for carrying out the same function regarding the military equipment in question, and what vendor was previously used;

(C) whether other explanations for the issuance of the waiver are supportable; and

(D) any other matter with respect to the waiver the Inspector General considers appropriate.

(3) REPORT.—Not later than 90 days after a waiver is issued by the Secretary pursuant to subsection (b) that is covered by this subsection, the Inspector General shall submit to the congressional defense committees a report containing the results of the review on such waiver conducted under paragraph (1).

**SEC. 1233A. MODIFICATION OF FISCAL YEAR 2013 PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) SCOPE OF PROHIBITION.—Subsection (a) of section 1277 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2030) is amended by inserting “or subcontract” after “contract”.

(b) WAIVER AUTHORITY.—Subsection (b) of such section is amended by striking “if the Secretary” and all that follows and inserting “if the Secretary—

“(1) determines that such a waiver is in the national security interests of the United States; or

“(2) in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to the government of the Syrian Arab Republic.”.

(c) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Such section is further amended by

adding at the end the following new subsections:

“(c) NOTICE TO CONGRESS BEFORE OBLIGATION OF FUNDS.—Not later than 30 days before obligating funds pursuant to any waiver pursuant to subsection (b) that is issued after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the Secretary of Defense shall submit to Congress a notice on the obligation of funds pursuant to the waiver.

“(d) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—

“(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport in which a waiver is issued by the Secretary of Defense pursuant to subsection (b) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

“(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary in the waiver covered by the review, including the following—

“(A) whether there is any viable alternative to Rosoboronexport for carrying out the function for which funds will be obligated;

“(B) whether the Secretary has previously used an alternative vendor for carrying out the same function regarding the military equipment in question, and what vendor was previously used;

“(C) whether other explanations for the issuance of the waiver are supportable; and

“(D) any other matter with respect to the waiver the Inspector General considers appropriate.

“(3) REPORT.—Not later than 90 days after a waiver is issued by the Secretary pursuant to subsection (b) that is covered by this subsection, the Inspector General shall submit to the congressional defense committees a report containing the results of the review on such waiver conducted under paragraph (1).”.

**SEC. 1233B. PROHIBITION ON USE OF FISCAL YEAR 2012 FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2012 by the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) that remain available for obligation or expenditure as of the date of the enactment of this Act may be used to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant, to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States; or

(2) in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to the government of the Syrian Arab Republic.

(c) NOTICE TO CONGRESS BEFORE OBLIGATION OF FUNDS.—Not later than 30 days before obligating funds pursuant to any waiver pursuant to subsection (b), the Secretary of Defense shall submit to Congress a notice on the obligation of funds pursuant to the waiver.

(d) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport in which a waiver is issued by the Secretary of Defense pursuant to subsection (b).

(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary in the waiver covered by the review, including the following—

(A) whether there is any viable alternative to Rosoboronexport for carrying out the function for which funds will be obligated;

(B) whether the Secretary has previously used an alternative vendor for carrying out the same function regarding the military equipment in question, and what vendor was previously used;

(C) whether other explanations for the issuance of the waiver are supportable; and

(D) any other matter with respect to the waiver the Inspector General considers appropriate.

(3) REPORT.—Not later than 90 days after a waiver is issued by the Secretary pursuant to subsection (b), the Inspector General shall submit to the congressional defense committees a report containing the results of the review on the waiver conducted under paragraph (1).

**SEC. 1233C. REPORT ON ROSOBORONEXPORT ACTIVITIES.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A list of the known transfers of lethal military equipment by Rosoboronexport to the Government of the Syrian Arab Republic since March 15, 2011.

(2) A list of the known contracts, if any, that Rosoboronexport has signed with the Government of the Syrian Arab Republic since March 15, 2011.

(3) A detailed list of all existing contracts, subcontracts, memorandums of understanding, cooperative agreements, grants, loans, and loan guarantees between the Department of Defense and Rosoboronexport, including a description of the transaction, signing dates, values, and quantities.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 2532.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. COMPREHENSIVE LONG-TERM PLAN FOR AFGHAN NATIONAL SECURITY FORCES AVIATION CAPABILITIES.**

(a) LONG-TERM PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees report setting forth a comprehensive long-term plan for training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces (ANSF), at a minimum, through 2018.

(b) **SCOPE AND COVERAGE.**—The plan required by subsection (a) shall cover the plans of the Department of Defense to build the capacity of the Afghan National Security Forces to maintain and sustain a professional and safe military aviation program that includes the Special Mission Wing (SMW) and the Afghan Air Force (AAF).

(c) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) The manner in which the Department of Defense will maintain and evaluate safety, airworthiness, and pilot proficiency standards of the Afghan National Security Forces.

(2) Means by which the Department will train the Afghan National Security Forces to the necessary aviation proficiency levels.

(3) Means by which the Department will assist the Afghan National Security Forces in recruiting the requisite number of pilots, other crewmembers, and aircraft maintenance personnel.

(4) The type and number of aircraft required to equip each Afghan National Security Forces aviation unit.

(5) The additional aircraft to be procured by the Afghan National Security Forces to meet such requirements.

(6) For each aircraft platform required to equip Afghan National Security Forces aviation units, the date on which the Afghan National Security Forces are expected to be capable of maintaining and operating such platform without oversight from the United States Armed Forces.

(7) The amount required on an annual basis for operations and sustainment of planned aviation units.

(8) The portion of the amount described in paragraph (7) that is anticipated to be provided by the Afghanistan Government and the portion that is anticipated to be provided by international contributions.

(9) Mechanisms for vetting Afghan National Security Forces personnel that will receive training from the United States under the plan.

(10) Mechanisms for end-user monitoring for aircraft and equipment provided the Afghan National Security Forces by the United States.

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) **DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.**—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Inspector General of the Department of Defense shall submit to the congressional defense committee a report on the plan covered by such report. The report under this subsection shall include the following:

(1) A review and assessment of the plan by the Inspector General.

(2) Such recommendations for additional actions on training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces as the Inspector General considers appropriate.

**SA 2533.** Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. PRYOR, Mr. HELLER, Mr. MORAN, Ms. COLLINS, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 585. MEDALS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN AN ATTACK PERPETRATED BY A HOMETOWN VIOLENT EXTREMIST WHO WAS INSPIRED OR MOTIVATED BY A FOREIGN TERRORIST ORGANIZATION.**

(a) **PURPLE HEART.**—

(1) **AWARD.**—

(A) **IN GENERAL.**—Chapter 57 of title 10, United States Code, is amended by inserting after section 1129 the following new section:

**“§ 1129a. Purple Heart: members killed or wounded in attacks of hometown violent extremists motivated or inspired by foreign terrorist organizations**

“(a) **IN GENERAL.**—For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as a result of an act of an enemy of the United States.

“(b) **COVERED MEMBERS.**—A member described in this subsection is a member on active duty who was killed or wounded in an attack perpetrated by a hometown violent extremist who was inspired or motivated to engage in violent action by a foreign terrorist organization in circumstances where the death or wound is the result of an attack targeted on the member due to such member's status as a member of the armed forces, unless the death or wound is the result of willful misconduct of the member.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘foreign terrorist organization’ means an entity designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

“(2) The term ‘hometown violent extremist’ shall have the meaning given that term by the Secretary of Defense in regulations prescribed for purposes of this section.”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 1129 the following new item:

“1129a. Purple Heart: members killed or wounded in attacks of hometown violent extremists motivated or inspired by foreign terrorist organizations.”.

(2) **RETROACTIVE EFFECTIVE DATE AND APPLICATION.**—

(A) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect as of September 11, 2001.

(B) **REVIEW OF CERTAIN PREVIOUS INCIDENTS.**—The Secretaries concerned shall undertake a review of each death or wounding of a member of the Armed Forces that occurred between September 11, 2001, and the date of the enactment of this Act under circumstances that could qualify as being the result of the attack of a hometown violent extremist as described in section 1129a of title 10, United States Code (as added by paragraph (1)), to determine whether the death or wounding qualifies as a death or wounding resulting from a hometown violent extremist attack motivated or inspired by a foreign terrorist organization for purposes of the award of the Purple Heart pursuant to such section (as so added).

(C) **ACTIONS FOLLOWING REVIEW.**—If the death or wounding of a member of the Armed

Forces reviewed under subparagraph (B) is determined to qualify as a death or wounding resulting from a hometown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as so added), the Secretary concerned shall take appropriate action under such section to award the Purple Heart to the member.

(D) **SECRETARY CONCERNED DEFINED.**—In this paragraph, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(b) **SECRETARY OF DEFENSE MEDAL FOR THE DEFENSE OF FREEDOM.**—

(1) **REVIEW OF THE NOVEMBER 5, 2009 ATTACK AT FORT HOOD, TEXAS.**—If the Secretary concerned determines, after a review under subsection (a)(2)(B) regarding the attack that occurred at Fort Hood, Texas, on November 5, 2009, that the death or wounding of any member of the Armed Forces in that attack qualified as a death or wounding resulting from a hometown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as added by subsection (a)), the Secretary of Defense shall make a determination as to whether the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the same attack meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom.

(2) **AWARD.**—If the Secretary of Defense determines under paragraph (1) that the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the attack that occurred at Fort Hood, Texas, on November 5, 2009, meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom, the Secretary shall take appropriate action to award the Secretary of Defense Medal for the Defense of Freedom to the employee or contractor.

**SA 2534.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

**SEC. 935. REQUIREMENTS RELATED TO DATA FUSION, ANALYSIS, PROCESSING, AND DISSEMINATION SYSTEMS.**

(a) **PROJECT CODES FOR BUDGET SUBMISSIONS.**—In the budget transmitted by the President to Congress under section 1105 of title 31, United States Code, for fiscal year 2015 and each subsequent fiscal year, each module within the distributed common ground system program shall be set forth as a separate project code within the program element line with supporting justification for each project code within the program element descriptive summary provided to Congress.

(b) **REPORT ON CAPABILITIES.**—

(1) **IN GENERAL.**—Not later than March 1, 2014, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the distributed common ground system program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the capability of the program, as currently available to users, to meet current operational and program requirements.

(B) An evaluation of the capability of commercial-off-the-shelf software that meets open architecture standards to meet data fusion, analysis, processing, and dissemination requirements, including the capability of those tools to meet program requirements.

(C) An assessment of total lifecycle costs for each program and commercial-off-the-shelf alternatives, including the methodology utilized to arrive at such costs.

(C) REQUIREMENT FOR COMPETITION.—Full and open competition shall be used to the maximum extent practicable to procure or develop any data fusion, analysis, processing, and dissemination products or cloud computing services of any module covered by subsection (a).

(D) REPORT ON ADOPTION OF INTELLIGENCE COMMUNITY INFORMATION SYSTEMS BY ARMY.—

(1) IN GENERAL.—Not later than March 1, 2014, the Secretary of the Army shall submit to the congressional defense committees a report on the interoperability of Army information systems with intelligence community information technology standards.

(2) CONTENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) An assessment of the ability of current information systems of the Army to meet intelligence community requirements.

(B) A list of current requirements for inclusion in systems of the Army designed to interface with intelligence community systems, including the Intelligence Community Information Technology Enterprise.

(C) Identification of the official responsible for determining any requirement or standard for any major function of the Intelligence Community Information Technology Enterprise-Army system.

(D) Definitions, as adopted and utilized by the Army for—

(i) “open architecture standards”; and

(ii) “intelligence community standards”.

(E) UPDATED ACQUISITION STRATEGY REQUIRED.—No later than March 1, 2014, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees an updated acquisition strategy for the program described in subsection (a).

**SA 2535.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. UTILIZATION OF NATIONAL GUARD INSTALLATION AIRSPACE.**

(a) IN GENERAL.—The Secretary of Defense shall not prohibit a State National Guard, designated by the Federal Aviation Administration as a Using Agency, from scheduling and activating, for a public purpose, special use airspace associated with State-owned military facility as long as State National Guard use of airspace can only occur when

no military mission or Department of Defense activity within the airspace is affected.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to give any State National Guard superiority over the Department of Defense in airspace scheduling and activation.

**SA 2536.** Mr. BURR (for himself, Mr. COBURN, Mr. CHAMBLISS, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON PLANS TO DISRUPT AND DEGRADE HAQQANI NETWORK ACTIVITIES AND FINANCES.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Haqqani Network is a primary partner for the Taliban, al Qaeda, regional militants, and other global Islamic jihadists committing acts of violence, as well as political and economic oppression in Afghanistan and Pakistan.

(2) The Haqqani Network continues to be a strategic threat to the safety, security, and stability of Afghanistan, as well as the broader region.

(3) The Haqqani Network is directly responsible for a significant number of United States casualties and injuries on the battlefield in Afghanistan.

(4) The Haqqani Network continues to actively plan potentially catastrophic attacks against United States interests and personnel in Afghanistan.

(5) On September 19, 2012, the Secretary of State formally designated the Haqqani Network a Foreign Terrorist Organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should urgently prioritize efforts, and utilize its full authority, to disrupt and degrade the Haqqani Network and to deny the organization finances it requires to carry out their activities.

(c) REPORT ON ACTIVITIES AND PLANS TO DISRUPT AND DEGRADE HAQQANI NETWORK ACTIVITIES AND FINANCES.—

(1) REPORT REQUIRED.—The President shall report to the appropriate committees of Congress, not later than 9 months after the date of enactment of their Act, on activities and plans to disrupt and degrade Haqqani Network activities and finances.

(2) COORDINATION.—The report required by paragraph (1) shall be prepared by the Secretary of Defense, in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Director of National Intelligence, and any other department or agency of the United States Government involved in activities related to disrupting and degrading the Haqqani Network.

(3) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current activities of the Department of Defense, the Department of State, the Department of the Treasury, the Department of Justice, and the ele-

ments of the intelligence community to disrupt and degrade Haqqani Network activities, finances, and resources.

(B) An assessment of the intelligence community—

(i) of the operations of the Haqqani Network in Afghanistan and Pakistan, and its activities outside the region; and

(ii) of the relationships, networks, and vulnerabilities of the Haqqani Network, including with Pakistan's military, intelligence services, and government officials, including provincial and district officials.

(C) A review of the plans and intentions of the Haqqani Network with respect to the continued drawdown of United States and coalition troops.

(D) A review of the current United States policies, operations, funding, and plans for applying sustained and systemic pressure against the Haqqani Network's financial infrastructure, including—

(i) identification of the agencies that would participate in implementing such plans;

(ii) a description of the legal authorities under which such a plan would be conducted;

(iii) a description of the objectives and desired outcomes of such a plan, including specific steps to achieve these objectives and outcomes;

(iv) metrics to measure the success of the plan; and

(v) the identity of the agency of office to be designated as the lead agency in implementing such a plan.

(E) An examination of the role current United States and coalition contracting processes have in furthering the financial interests of the Haqqani Network, and how such strategy will mitigate the unintended consequences of such processes.

(F) An assessment of formal and informal business sectors penetrated by the Haqqani Network in Afghanistan, Pakistan, and other countries, particularly in the Persian Gulf region, and a description of steps to counter these activities.

(G) An estimate of associated costs required to plan and execute any proposed activities to disrupt and degrade the Haqqani Network's operations and resources.

(H) A description of how activities and plans specified in paragraph (1) fit in the broader United States efforts to stabilize Afghanistan and prevent the region from being a safe haven for al Qaeda and its affiliates.

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

**SA 2537.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,



and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2842. RESPONSIBILITY FOR ENVIRONMENTAL REMEDIATION AT BADGER ARMY AMMUNITION PLANT, BARABOO, WISCONSIN.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) PLANT.—The term “plant” means the Badger Army Ammunition Plant near Baraboo, Wisconsin.

(3) PROPERTY.—The term “property” includes—

- (A) the plant;
- (B) any land located in Sauk County, Wisconsin, and managed by the Federal Government relating to the plant; and
- (C) any structure on the land described in subparagraph (B).

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary of Defense to the Secretary of the Interior administrative jurisdiction over approximately 1,553 acres of land located within the boundary of the property, to be held in trust by the Secretary of the Interior for the benefit of the Ho-Chunk Nation.

(2) DATE OF TRANSFER.—The transfer under paragraph (1) shall be carried out—

(A) not earlier than the date on which environmental remediation activities on the land transferred under paragraph (1) is finalized; and

- (B) not later than the earlier of—
- (i) the date that is 12 months after the date described in subparagraph (A); and
- (ii) the date of enactment of this section.

(c) RETENTION OF ENVIRONMENTAL LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date on which the property is transferred to the Secretary of the Interior under subsection (b), the Department of Defense shall retain sole and exclusive Federal responsibility and liability to fund and implement any action required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or any other applicable Federal or State law.

(2) LIMITATION.—The liability described in paragraph (1) is limited to the remediation of environmental contamination caused by the activities of the Department of Defense that existed before the date on which the property is transferred.

(d) EFFECT.—Except as otherwise provided in this section, nothing in this section—

(1) relieves the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or liability under any Federal or State law with respect to the plant;

(2) affects or limits the application of, or any obligation to comply with, any environmental law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(3) prevents the United States from bringing a cost recovery, contribution, or any

other action that would otherwise be available under any Federal or State law.

**SA 2538.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. COMPREHENSIVE REPORT FOR ENERGY REMOTE MILITARY INSTALLATIONS.**

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the Service Assistant Secretaries responsible for Installations and Environment for the military services, shall submit a report to the congressional defense committees detailing the current cost and sources of energy at each military installation in states with energy remote military installations, and viable and feasible options for achieving energy efficiency and cost savings at those military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation specific assessment of feasible and mission appropriate energy initiatives supporting energy production and consumption at energy remote military installations.

(B) An assessment of current sources of energy in states with energy remote military installations and potential future sources that are technologically feasible, cost effective, and mission appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost effective where appropriate and consistent with department priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into consideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy efficient solutions in states with energy remote military installations, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may encourage to work in conjunction and coordinate with the states containing energy remote military installations, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term “energy remote military installation” includes military installations in the United

States not connected to an extensive electrical energy grid.

**SA 2539.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2185 submitted by Mr. WICKER (for himself, Mr. LEE, Mrs. FISCHER, and Mr. CORNYN) and intended to be proposed to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(c) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The President may waive the certification requirement in subsection (a) if the President, acting jointly through the Secretary of Defense and the Director of National Intelligence, certifies to Congress that the waiver is in the interests of the national security of the United States, provided—

(A) all data collected or transmitted from ground monitoring stations covered by the waiver shall not be encrypted;

(B) all foreign nationals involved in the construction, operation, and maintenance of such ground monitoring stations shall be accompanied by cleared United States persons or United States law enforcement personnel;

(C) such ground monitoring stations shall be not located in geographic proximity to sensitive United States national security sites;

(D) the United States shall approve all equipment to be located at such ground stations; and

(E) appropriate actions are taken to ensure that any such ground monitoring station does not pose a cyber espionage or other cyber threat to the United States.

(2) WAIVER REPORT.—The waiver in this subsection shall be accompanied by a written report to the appropriate congressional committees that sets forth—

(A) the reason why it is not possible to provide the certification in subsection (a);

(B) an assessment of the impact of the waiver on the national security of the United States;

(C) a description of the means to be used to mitigate any such impact to the United States for the duration that such ground monitoring stations are operated on United States Government soil;

(D) to the extent possible, the elements of the report required by subsection (b); and

(E) any other information in connection with the waiver that the President considers appropriate.

**SA 2540.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2100 submitted by Mr. WYDEN (for himself and Mr. HEINRICH) and intended to be proposed to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:



On page 37, between lines 14 and 15, insert the following:

(f) PAYMENT FOR ENTITLEMENT LAND.—The land withdrawn under subsection (a) is considered the location of a semi-active installation that the Secretary of the Army keeps for reserve component training, for purposes of chapter 69 of title 31, United States Code.

**SA 2541.** Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. ESTABLISHMENT OF THE ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.**

(a) ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l et seq.) is amended by adding at the end the following:

**“SEC. 3632. ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, the President shall establish and appoint an Advisory Board on Toxic Substances and Worker Health (referred to in this section as the ‘Board’).

“(2) CONSULTATION ON APPOINTMENTS.—The President shall make appointments to the Board in consultation with organizations with expertise on worker health issues in order to ensure that the membership of the Board reflects a proper balance of perspectives from the scientific, medical, legal, worker, worker families, and worker advocate communities.

“(3) CHAIRPERSON.—The President shall designate a Chair of the Board from among its members.

“(b) DUTIES.—The Board shall—

“(1) advise the President concerning the review and approval of the Department of Labor site exposure matrix;

“(2) conduct periodic peer reviews of, and approve, medical guidance for part E claims examiners with respect to the weighing of a claimant’s medical evidence;

“(3) obtain periodic expert review of evidentiary requirements for part B claims related to lung disease regardless of approval;

“(4) provide oversight over industrial hygienists, Department of Labor staff physicians, and Department of Labor’s consulting physicians and their reports to ensure quality, objectivity, and consistency; and

“(5) coordinate exchanges of data and findings with the Advisory Board on Radiation and Worker Health to the extent necessary (under section 3624).

“(c) STAFF AND POWERS.—

“(1) IN GENERAL.—The President shall appoint a staff to facilitate the work of the Board. The staff of the Board shall be headed by a Director who shall be appointed under subchapter VIII of chapter 33 of title 5, United States Code.

“(2) FEDERAL AGENCY PERSONNEL.—The President may authorize the detail of em-

ployees of Federal agencies to the Board as necessary to enable the Board to carry out its duties under this section. The detail of such personnel may be on a non-reimbursable basis.

“(3) POWERS.—The Board shall have same powers that the Advisory Board has under section 3624.

“(4) CONTRACTORS.—The Secretary shall employ outside contractors and specialists selected by the Board to support the work of the Board.

“(d) EXPENSES.—Members of the Board, other than full-time employees of the United States, while attending meetings of the Board or while otherwise serving at the request of the President, and while serving away from their homes or regular place of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence (as authorized by section 5703 of title 5, United States Code) for individuals in the Federal Government serving without pay.

“(e) SECURITY CLEARANCES.—

“(1) APPLICATION.—The Secretary of Energy shall ensure that the members and staff of the Board, and the contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate.

“(2) DETERMINATION.—The Secretary of Energy should, not later than 180 days after receiving a completed application for a security clearance under this subsection, make a determination whether or not the individual concerned is eligible for the clearance.

“(3) REPORT.—For fiscal year 2015, and each fiscal year thereafter, the Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report specifying the number of applications for security clearances under this subsection, the number of such applications granted, and the number of such applications denied.

“(f) INFORMATION.—The Secretary of Energy shall, in accordance with law, provide to the Board and the contractors of the Board, access to any information that the Board considers relevant to carry out its responsibilities under this section, including information such as restricted data (as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))) and information covered by the Privacy Act.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. The provision of section 151(b) of title I of division B of Public Law 106-554 shall not apply to funding provided to carry out this section.”.

(b) DEPARTMENT OF LABOR RESPONSE TO THE OFFICE OF THE OMBUDSMAN ANNUAL REPORT.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended—

(1) in subsection (e)(1), by striking “February 15” and inserting “July 30”; and

(2) by striking subsection (h) and inserting the following:

“(h) RESPONSE TO REPORT.—Not later than 180 days after the publication of the annual report under subsection (e), the Department of Labor shall submit an answer in writing on whether the Department agrees or disagrees with the specific issues raised by the Ombudsman, if the Department agrees, on the actions to be taken to correct the prob-

lems identified by the Ombudsman, and if the Department does not agree, on the reasons therefore. The Department of Labor shall post such answer on the public Internet website of the Department.”.

**SA 2542.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2502 submitted by Ms. BALDWIN and intended to be proposed to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 3 and all that follows through page 3, line 24, and insert the following:

**SEC. 2842. RESPONSIBILITY FOR ENVIRONMENTAL REMEDIATION AT BADGER ARMY AMMUNITION PLANT, BARABOO, WISCONSIN.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) PLANT.—The term “plant” means the Badger Army Ammunition Plant near Baraboo, Wisconsin.

(3) PROPERTY.—The term “property” includes—

(A) the plant;

(B) any land located in Sauk County, Wisconsin, and managed by the Federal Government relating to the plant; and

(C) any structure on the land described in subparagraph (B).

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary of Defense to the Secretary of the Interior administrative jurisdiction over approximately 1,553 acres of land located within the boundary of the property, to be held in trust by the Secretary of the Interior for the benefit of the Ho-Chunk Nation.

(2) DATE OF TRANSFER.—The transfer under paragraph (1) shall be carried out—

(A) not earlier than the date on which environmental remediation activities on the land transferred under paragraph (1) is finalized; and

(B) not later than the earlier of—

(i) the date that is 12 months after the date described in subparagraph (A); and

(ii) the date of enactment of this section.

(c) RETENTION OF ENVIRONMENTAL LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date on which the property is transferred to the Secretary of the Interior under subsection (b), the Department of Defense shall retain sole and exclusive Federal responsibility and liability to fund and implement any action required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or any other applicable Federal or State law.

(2) LIMITATION.—The liability described in paragraph (1) is limited to the remediation of environmental contamination caused by the activities of the Department of Defense that existed before the date on which the property is transferred.

(d) EFFECT.—Except as otherwise provided in this section, nothing in this section—

(1) relieves the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or liability under any Federal or State law with respect to the plant;

(2) affects or limits the application of, or any obligation to comply with, any environmental law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(3) prevents the United States from bringing a cost recovery, contribution, or any other action that would otherwise be available under any Federal or State law.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 21, 2013, at 10 a.m., to conduct a hearing entitled “Housing Finance Reform: Powers and Structure of a Strong Regulator.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during

the session of the Senate on November 21, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 21, 2013, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on November 21, 2013, at 10:15 a.m. in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Oversight Hearing: NRC’s Implementation of the Fukushima Near-Term Task Force Recommendations and other Actions to Enhance and Maintain Nuclear Safety.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to

meet during the session of the Senate on November 21, 2013, at 9:30 a.m., to hold a hearing entitled “Convention on the Rights of Persons with Disabilities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 21, 2013, at 10 a.m., in SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 21, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 21, 2013, at 2:15 p.m., to hold a Near Eastern and South and Central Asian Affairs subcommittee hearing entitled, “Political, Economic, And Security Situation in Africa”.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

##### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Debbie Stabenow:									
Brazil .....	Real .....		1,883.00						1,883.00
Christopher Adamo:									
Brazil .....	Real .....		1,883.00						1,883.00
Karla Thieman:									
Brazil .....	Real .....		1,783.00						1,783.00
T.A. Hawks:									
Brazil .....	Real .....		1,883.00						1,883.00
*Delegation Expenses:									
Brazil .....	Real .....					6,656.00			6,656.00
Senator John Thune:									
Italy .....	Euro .....		603.81						603.81
Ethiopia .....	Birr .....		439.66						439.66
Rwanda .....	Franc .....		700.98						700.98
Liberia .....	Dollar .....		206.67						206.67
Spain .....	Euro .....		247.09						247.09
Senator Mike Johanns:									
United States .....	Dollar .....		156.27						156.27
Italy .....	Euro .....		603.81						603.81
Ethiopia .....	Birr .....		439.66						439.66
Rwanda .....	Franc .....		548.65						548.65
Liberia .....	Dollar .....		206.67						206.67
Spain .....	Euro .....		247.09						247.09
*Delegation Expenses .....						8,102.22			8,102.22
Total .....			11,832.36			14,758.22			26,590.58

\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR DEBBIE STABENOW,  
Chairman, Committee on Agriculture, Nutrition, and Forestry, Nov. 7, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Toni-Marie Higgins:									
Jordan .....	Dinar .....		335.62						335.62
United Arab Emirates .....	Dirham .....		839.14						839.14
Germany .....	Euro .....		90.93						90.93
Turkey .....	Lira .....		208.72						208.72
Senator John Boozman:									
Jordan .....	Dinar .....		447.01						447.01
United Arab Emirates .....	Dirham .....		863.25						863.25
Germany .....	Euro .....		109.13						109.13
Turkey .....	Lira .....		310.94						310.94
Senator Thad Cochran:									
Jordan .....	Dinar .....		398.83						398.83
United Arab Emirates .....	Dirham .....		863.25						863.25
Germany .....	Euro .....		109.13						109.13
Turkey .....	Lira .....		310.94						310.94
Kay Webber:									
Jordan .....	Dinar .....		398.83						398.83
United Arab Emirates .....	Dirham .....		839.14						839.14
Germany .....	Euro .....		90.93						90.93
Turkey .....	Lira .....		208.72						208.72
Senator Roy Blunt:									
Brazil .....	Real .....		1,883.00						1,883.00
Stacy McBride:									
Brazil .....	Real .....		1,883.00						1,883.00
Senator Richard Shelby:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		2,085.98						2,085.98
Argentina .....	Peso .....		1,079.30						1,079.30
Senator Thad Cochran:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		2,085.98						2,085.98
Argentina .....	Peso .....		1,079.30						1,079.30
Senator John Boozman:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		1,935.98						1,935.98
Argentina .....	Peso .....		1,029.30						1,029.30
Chris Ford:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		2,086.00						2,086.00
Argentina .....	Peso .....		1,079.30						1,079.30
Anne Caldwell:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		2,085.98						2,085.98
Argentina .....	Peso .....		1,079.30						1,079.30
Kay Webber:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		2,085.98						2,085.98
Argentina .....	Peso .....		1,079.30						1,079.30
Senator Barbara Mikulski:									
Poland .....	Zloty .....		504.00						504.00
United States .....	Dollar .....				9,007.90				9,007.90
Shannon Kula:									
Poland .....	Zloty .....		1,219.23						1,219.23
United States .....	Dollar .....				10,214.30				10,214.30
Jean Doyle:									
Poland .....	Zloty .....		1,219.23						1,219.23
United States .....	Dollar .....				10,214.30				10,214.30
Alycia Farrell:									
South Korea .....	Won .....		1,012.54				176.00		1,188.54
United States .....	Dollar .....				11,325.51				11,325.51
Dennis Balkham:									
South Korea .....	Won .....		1,012.54						1,012.54
United States .....	Dollar .....				11,325.51				11,325.51
Paul Grove:									
Italy .....	Euro .....		532.33						532.33
Rwanda .....	Franc .....		1,717.99						1,717.99
Ethiopia .....	Birr .....		354.98						354.98
Liberia .....	Dollar .....		252.00						252.00
Spain .....	Euro .....		158.00						158.00
*Delegation Expenses:									
Argentina .....	Peso .....						890.64		890.64
Brazil .....	Real .....						3,328.00		3,328.00
Cape Verde .....	Escudo .....				170.40		2,136.84		2,307.24
Dem. Rep. Congo .....	Franc .....						285.90		285.90
Ethiopia .....	Birr .....				497.60		23.05		520.65
Italy .....	Euro .....				421.05		388.22		809.27
Jordan .....	Dinar .....				103.16		1,087.68		1,190.84
Liberia .....	Dollar .....				35.08		179.89		214.97
Poland .....	Zloty .....						813.77		813.77
Rwanda .....	Franc .....						1,697.75		1,697.75
South Africa .....	Rand .....				2,940.48		1,681.02		4,621.50
South Korea .....	Won .....				438.24		380.71		818.95
Spain .....	Euro .....				117.05		461.19		578.24
Turkey .....	Lira .....				206.88		116.16		323.04
United Arab Emirates .....	Dirham .....						1,900.52		1,900.52
Total .....			38,187.43		57,017.46		15,547.34		110,752.23

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR BARBARA A. MIKULSKI,  
Chairman, Committee on Appropriations, Nov. 5, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John McCain:									
Turkey .....	Lira .....		529.93						529.93
Iraq .....	Dinar .....		93.95						93.95
Israel .....	Shekel .....		505.72						505.72
Qatar .....	Riyal .....		615.80						615.80
Afghanistan .....	Afghani .....		43.90						43.90
United States .....	Dollar .....		16,720.90						16,720.90
Christian D. Brose:									
Turkey .....	Lira .....		537.76						537.76
Iraq .....	Dinar .....		61.00						61.00
Israel .....	Shekel .....		538.00						538.00
Qatar .....	Riyal .....		328.00						328.00
Afghanistan .....	Afghani .....		78.00						78.00
United States .....	Dollar .....				16,685.00				16,685.00
Margaret Goodlander:									
Turkey .....	Lira .....		678.43						678.43
Iraq .....	Dinar .....		93.95						93.95
Israel .....	Shekel .....		516.37						516.37
Qatar .....	Riyal .....		480.65						480.65
United States .....	Dollar .....				16,700.90				16,700.90
Senator Lindsey Graham:									
Turkey .....	Lira .....		157.93						157.93
Iraq .....	Dinar .....		93.95						93.95
Israel .....	Shekel .....		147.37						147.37
Qatar .....	Riyal .....		298.79						298.79
Afghanistan .....	Afghani .....		43.90						43.90
United States .....	Dollar .....				12,587.90				12,587.90
*Delegation Expenses:									
Turkey .....	Lira .....				210.00		104.27		314.27
Iraq .....	Dinar .....				9,200.00				9,200.00
Israel .....	Shekel .....				1,298.24		5,428.11		6,726.35
United Arab Emirates .....	Dirham .....						758.80		758.80
Senator Carl Levin:									
Turkey .....	Lira .....		181.00						181.00
Jordan .....	Dinar .....		573.00						573.00
United States .....	Dollar .....				11,400.00				11,400.00
Peter K. Levine:									
Turkey .....	Lira .....		255.50						255.50
Jordan .....	Dinar .....		840.08						840.08
United States .....	Dollar .....				9,390.00				9,390.00
Michael J. Kuiken:									
Turkey .....	Lira .....		342.50						342.50
Jordan .....	Dinar .....		840.08						840.08
United States .....	Dollar .....				9,425.00				9,425.00
Senator Angus S. King, Jr:									
Turkey .....	Lira .....		337.50						337.50
Jordan .....	Dinar .....		770.08						770.08
United States .....	Dollar .....				9,400.00				9,400.00
Stephen M. Smith:									
Turkey .....	Lira .....		285.50						285.50
Jordan .....	Dinar .....		840.08						840.08
United States .....	Dollar .....				9,396.00				9,396.00
*Delegation Expenses:									
Turkey .....	Lira .....				282.05		2,219.32		2,501.37
Jordan .....	Dinar .....				327.60		935.46		1,263.06
Adam J. Barker:									
Yemen .....	Rial .....		745.00						745.00
Qatar .....	Riyal .....		742.00						742.00
United States .....	Dollar .....				10,057.70				10,057.70
Senator Tim Kaine:									
Turkey .....	Lira .....		338.87						338.87
Jordan .....	Dinar .....		375.12						375.12
United Arab Emirates .....	Dirham .....		613.91						613.91
Germany .....	Euro .....		131.33						131.33
Karen E. Courington:									
Turkey .....	Lira .....		299.00						299.00
Jordan .....	Dinar .....		317.33						317.33
United Arab Emirates .....	Dirham .....		688.61						688.61
Germany .....	Euro .....		85.54						85.54
Senator Jeff Sessions:									
Turkey .....	Lira .....		316.21						316.21
Jordan .....	Dinar .....		453.32						453.32
United Arab Emirates .....	Dirham .....		713.91						713.91
Germany .....	Euro .....		213.26						213.26
Sandra E. Luff:									
Turkey .....	Lira .....		297.10						297.10
Jordan .....	Dinar .....		403.03						403.03
United Arab Emirates .....	Dirham .....		954.55						954.55
Germany .....	Euro .....		155.89						155.89
Senator Deb Fischer:									
Turkey .....	Lira .....		118.28						118.28
Jordan .....	Dinar .....		334.69						334.69
United Arab Emirates .....	Dirham .....		414.97						414.97
Germany .....	Euro .....		350.44						350.44
*Delegation Expenses:									
Turkey .....	Lira .....				250.00		184.62		434.62
Jordan .....	Dinar .....				128.95		1,359.58		1,488.53
United Arab Emirates .....	Dirham .....						3,649.68		3,649.68
Senator Roger Wicker:									
Turkey .....	Lira .....		724.00						724.00
Azerbaijan .....	Manat .....		166.22						166.22
Hungary .....	Forint .....		300.00						300.00
Joseph G. Lai:									
Turkey .....	Lira .....		724.00						724.00
Azerbaijan .....	Manat .....		166.22						166.22
Hungary .....	Forint .....		300.00						300.00
*Delegation Expenses:									
Turkey .....	Lira .....						116.10		116.10
Azerbaijan .....	Manat .....						78.94		78.94
Hungary .....	Forint .....						9.19		9.19
Senator Bill Nelson:									
Belgium .....	Euro .....		155.00						155.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Luxembourg .....	Euro .....		1,920.00						1,920.00
United States .....	Dollar .....				31,498.20				31,498.20
*Delegation Expenses:									
Belgium .....	Euro .....					10.04			10.04
Luxembourg .....	Euro .....				9,660.90	4,777.76			14,438.66
Thomas W. Goffus:									
Turkey .....	Lira .....		1,365.00						1,365.00
United States .....	Dollar .....				10,249.90				10,249.90
Senator Bill Nelson:									
Haiti .....	Gourde .....		245.00		1,442.14				1,687.14
Marin Stein:									
Haiti .....	Gourde .....		262.00		1,642.10				1,904.10
*Delegation Expenses:									
Haiti .....	Gourde .....				1,220.00	8,770.00			9,990.00
Senator John McCain:									
Egypt .....	Pound .....		252.52						252.52
Christian D. Brose:									
Egypt .....	Pound .....		317.12						317.12
Senator Lindsey Graham:									
Egypt .....	Pound .....		252.52						252.52
Craig Abele:									
Egypt .....	Pound .....		262.00						262.00
*Delegation Expenses:									
Egypt .....	Pound .....					362.00			362.00
Senator Joe Manchin III:									
South Africa .....	Rand .....		186.38						186.38
Argentina .....	Peso .....		108.99						108.99
David LaPorte:									
South Africa .....	Rand .....		161.37						161.37
Argentina .....	Peso .....		208.08						208.08
*Delegation Expenses:									
Cape Verde .....	Escudo .....					769.08			769.08
South Africa .....	Rand .....					1,540.50			1,540.50
Argentina .....	Peso .....					296.88			296.88
Michael J. Kuiken:									
Singapore .....	Dollar .....		178.00						178.00
Thailand .....	Baht .....		417.71						417.71
Philippines .....	Peso .....		1,015.00						1,015.00
Vietnam .....	Dong .....		462.00						462.00
United States .....	Dollar .....				10,498.20				10,498.20
Adam J. Barker:									
Singapore .....	Dollar .....		912.66						912.66
Thailand .....	Baht .....		502.00						502.00
Philippines .....	Peso .....		853.00						853.00
Vietnam .....	Dong .....		468.45						468.45
United States .....	Dollar .....				16,123.70				16,123.70
Ozge Guzelsu:									
Thailand .....	Baht .....		478.00						478.00
Philippines .....	Peso .....		858.00						858.00
Vietnam .....	Dong .....		386.00						386.00
United States .....	Dollar .....				18,874.00				18,874.00
Thomas W. Goffus:									
Singapore .....	Dollar .....		912.66						912.66
Thailand .....	Baht .....		502.00						502.00
Philippines .....	Peso .....		853.00						853.00
Vietnam .....	Dong .....		468.45						468.45
United States .....	Dollar .....				16,123.70				16,123.70
*Delegation Expenses:									
Singapore .....	Dollar .....				691.96				691.96
Thailand .....	Baht .....					306.73			306.73
Philippines .....	Peso .....					576.26			576.26
Vietnam .....	Dong .....					45.08			45.08
Jonathan Epstein:									
Russia .....	Ruble .....		1,136.00						1,136.00
Azerbaijan .....	Manat .....		796.00						796.00
Georgia .....	Lari .....		596.00						596.00
Belgium .....	Euro .....		1,439.00						1,439.00
Jordan .....	Dinar .....		810.81						810.81
United States .....	Dollar .....				16,444.60				16,444.60
Daniel Lerner:									
Russia .....	Ruble .....		1,136.00						1,136.00
Azerbaijan .....	Manat .....		796.00						796.00
Georgia .....	Lari .....		596.00						596.00
Belgium .....	Euro .....		321.00						321.00
Jordan .....	Dinar .....		810.81						810.81
United States .....	Dollar .....				16,730.20				16,730.20
*Delegation Expenses:									
Russia .....	Ruble .....					700.00			700.00
Georgia .....	Lari .....					669.15			669.15
Belgium .....	Euro .....					341.26			341.26
Jordan .....	Dinar .....				191.52	326.93			518.45
Senator John McCain:									
Japan .....	Yen .....		209.81						209.81
China .....	Renminbi .....		289.45						289.45
Mongolia .....	Togrog .....		621.02						621.02
South Korea .....	Won .....		266.70						266.70
United States .....	Dollar .....				15,835.90				15,835.90
Christian D. Brose:									
Japan .....	Yen .....		668.00						668.00
China .....	Renminbi .....		387.34						387.34
Mongolia .....	Togrog .....		497.00						497.00
South Korea .....	Won .....		373.25						373.25
United States .....	Dollar .....				15,835.90				15,835.90
*Delegation Expenses:									
Japan .....	Yen .....					1,771.65			1,771.65
China .....	Renminbi .....				881.78	753.22			1,635.00
Mongolia .....	Togrog .....				2,327.42	4,812.02			7,139.44
South Korea .....	Won .....					1,855.64			1,855.64
Senator Lindsey Graham:									
United States .....	Dollar .....		156.27						156.27
Italy .....	Euro .....		602.54						602.54

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ethiopia .....	Birr .....		479.36						479.36
Rwanda .....	Franc .....		606.73						606.73
Liberia .....	Dollar .....		406.67						406.67
Spain .....	Euro .....		274.19						274.19
Andrew King:									
United States .....	Dollar .....		156.27						156.27
Italy .....	Euro .....		602.54						602.54
Ethiopia .....	Birr .....		442.08						442.08
Rwanda .....	Franc .....		563.65						563.65
Liberia .....	Dollar .....		206.67						206.67
Spain .....	Euro .....		274.19						274.19
Virginia Boney:									
United States .....	Dollar .....		156.27						156.27
Italy .....	Euro .....		602.54						602.54
Ethiopia .....	Birr .....		438.53						438.53
Rwanda .....	Franc .....		563.65						563.65
Liberia .....	Dollar .....		206.67						206.67
Spain .....	Euro .....		274.19						274.19
Senator Saxby Chambliss:									
Italy .....	Euro .....		625.33						625.33
Ethiopia .....	Birr .....		447.98						447.98
Rwanda .....	Franc .....		1,017.00						1,017.00
Liberia .....	Dollar .....		345.00						345.00
Spain .....	Euro .....		316.00						316.00
Senator Roy Blunt:									
Italy .....	Euro .....		623.07						623.07
Ethiopia .....	Birr .....		438.53						438.53
Rwanda .....	Franc .....		699.39						699.39
Liberia .....	Dollar .....		206.67						206.67
Spain .....	Euro .....		274.19						274.19
*Delegation Expenses:									
Italy .....	Euro .....						4,046.40		4,046.40
Ethiopia .....	Birr .....						2,603.25		2,603.25
Rwanda .....	Franc .....						8,488.75		8,488.75
Congo .....	Franc .....						1,429.50		1,429.50
Liberia .....	Dollar .....						1,074.85		1,074.85
Spain .....	Euro .....						2,891.20		2,891.20
Senator Kirsten Gillibrand:									
United States .....	Dollar .....		639.04						639.04
Hong Kong .....	Dollar .....		802.09						802.09
Japan .....	Yen .....		250.12						250.12
South Korea .....	Won .....		565.90						565.90
China .....	Renminbi .....		341.55						341.55
Jess Fassler:									
United States .....	Dollar .....		630.04						630.04
Hong Kong .....	Dollar .....		765.02						765.02
Japan .....	Yen .....		250.27						250.27
South Korea .....	Won .....		593.28						593.28
China .....	Renminbi .....		341.55						341.55
Moran Banai:									
United States .....	Dollar .....		630.04						630.04
Hong Kong .....	Dollar .....		765.02						765.02
Japan .....	Yen .....		219.93						219.93
South Korea .....	Won .....		553.75						553.75
China .....	Renminbi .....		341.55						341.55
Senator Mazie Hirono:									
Hong Kong .....	Dollar .....		394.00						394.00
Japan .....	Yen .....		209.21						209.21
South Korea .....	Won .....		502.38						502.38
China .....	Renminbi .....		339.00						339.00
Nick Ikeda:									
Hong Kong .....	Dollar .....		370.99						370.99
Japan .....	Yen .....		203.40						203.40
South Korea .....	Won .....		445.55						445.55
China .....	Renminbi .....		414.99						414.99
*Delegation Expenses:									
Hong Kong .....	Dollar .....						426.35		426.35
Japan .....	Yen .....						3,518.59		3,518.59
South Korea .....	Won .....						1,078.72		1,078.72
China .....	Renminbi .....				440.96		1,986.54		2,427.50
Total .....			88,560.36		303,452.42		71,072.42		463,085.20

\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR CARL LEVIN,  
Chairman, Committee on Armed Services, Nov. 7, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike Crapo:									
Turkey .....	Lira .....		1,991.00						1,991.00
Azerbaijan .....	Manat .....		437.00						437.00
Hungary .....	Forint .....		656.00						656.00
Karen P. Brown:									
Turkey .....	Lira .....		1,991.00						1,991.00
Azerbaijan .....	Manat .....		437.00						437.00
Hungary .....	Forint .....		656.00						656.00
Total .....			6,168.00						6,168.00

SENATOR TIM JOHNSON,  
Chairman, Committee on Banking, Housing, and Urban Affairs,  
Oct. 17, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Barbara Boxer:									
United States .....	Dollar .....				13,860.30				13,860.30
Australia .....	Dollar .....		2,962.01						2,962.01
Paul Ordal:									
United States .....	Dollar .....				17,274.30				17,274.30
Australia .....	Dollar .....		5,082.28						5,082.28
Joseph Mendelson III:									
United States .....	Dollar .....				17,490.00				17,490.00
Australia .....	Dollar .....		3,901.78						3,901.78
Bettina Poirier:									
United States .....	Dollar .....				18,620.20				18,620.20
Australia .....	Dollar .....		3,753.52						3,753.52
Total .....			15,699.59		67,244.80				82,944.39

SENATOR BARBARA BOXER,  
Chairman, Committee on Environment and Public Works, Nov. 7, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Cornyn:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		1,778.64						1,778.64
Argentina .....	Peso .....		746.50						746.50
Senator Pat Roberts:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		1,704.76						1,704.76
Argentina .....	Peso .....		734.26						734.26
Jacqueline Cottrell:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		1,721.17						1,721.17
Argentina .....	Peso .....		796.10						796.10
Russell Thomasson:									
Cape Verde .....	Escudo .....		203.73						203.73
South Africa .....	Rand .....		1,855.93						1,855.93
Argentina .....	Peso .....		748.22						748.22
Senator Johnny Isakson:									
Ethiopia .....	Birr .....		934.41						934.41
United States .....	Dollar .....				12,982.30				12,982.30
Christopher Sullivan:									
Ethiopia .....	Birr .....		987.04						987.04
United States .....	Dollar .....				8,804.30				8,804.30
Shane Warren:									
Ethiopia .....	Birr .....		795.50						795.50
United States .....	Dollar .....				8,755.50				8,755.50
*Delegation Expenses:									
United States .....	Dollar .....						234.16		234.16
Laura Rauch:									
Jordan .....	Dinar .....		608.81						608.81
United Arab Emirates .....	Dirham .....		347.07						347.07
Afghanistan .....	Dollar .....		12.00						12.00
Total .....			14,585.33		30,542.10		234.16		45,361.59

\*Delegation expenses include transportation, embassy overtime, as well as official expenses in accordance with the responsibilities of the host country.

SENATOR MAX BAUCUS,  
Chairman, Committee on Finance, Nov. 8, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Bahrain .....	Dinar .....		188.14						188.14
United States .....	Dollar .....				10,267.00				10,267.00
John D. Kunsman:									
Bahrain .....	Dinar .....		196.63						196.63
United States .....	Dollar .....				9,296.00				9,296.00
*Delegation Expenses:									
Bahrain .....	Dinar .....						662.73		662.73
Senator John Barrasso:									
Italy .....	Euro .....		603.81						603.81
Ethiopia .....	Birr .....		439.66						439.66
Rwanda .....	Franc .....		922.92						922.92
Liberia .....	Dollar .....		206.67						206.67
Spain .....	Euro .....		247.09						247.09
*Delegation Expenses:									
Italy .....	Euro .....						809.27		809.27
Ethiopia .....	Birr .....						520.65		520.65
Rwanda .....	Franc .....						1,697.74		1,697.74
Dem. Rep. of Congo .....	Franc .....						285.90		285.90
Liberia .....	Dollar .....						214.89		214.89
Spain .....	Euro .....						578.24		578.24
Senator Christopher Coons:									
Liberia .....	Dollar .....		694.83						694.83



CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States .....	Dollar .....				12,052.00				12,052.00
Christina Gleason:									
Liberia .....	Dollar .....		687.13						687.13
United States .....	Dollar .....				12,052.00				12,052.00
*Delegation Expenses:									
Liberia .....	Dollar .....					181.52			181.52
Senator Bob Corker:									
United Arab Emirates .....	Dirham .....		345.14						345.14
Pakistan .....	Rupee .....		7.00						7.00
Afghanistan .....	Afghani .....		12.00						12.00
United States .....	Dollar .....				12,369.98				12,369.98
Jamil Jaffer:									
United Arab Emirates .....	Dirham .....		345.22						345.22
Pakistan .....	Rupee .....		62.00						62.00
Afghanistan .....	Afgani .....		26.00						26.00
United States .....	Dollar .....				11,754.10				11,754.10
Michael Phelan:									
United Arab Emirates .....	Dirham .....		361.21						361.21
Pakistan .....	Rupee .....		62.00						62.00
Afghanistan .....	Afghani .....		12.00						12.00
United States .....	Dollar .....				11,959.79				11,959.79
*Delegation Expenses:									
United Arab Emirates .....	Dirham .....					1,558.91			1,558.91
Pakistan .....	Rupee .....					1,047.92			1,047.92
Senator Bob Corker:									
Turkey .....	Lira .....		203.97						203.97
Jordan .....	Dinar .....		608.83						608.83
United States .....	Dollar .....				16,444.10				16,444.10
Stacie Oliver:									
Turkey .....	Lira .....		240.43						240.43
Iraq .....	Dinar .....		30.00						30.00
Jordan .....	Dinar .....		609.12						609.12
United States .....	Dollar .....				15,590.10				15,590.10
Jamil Jaffer:									
Turkey .....	Lira .....		250.43						250.43
Iraq .....	Dinar .....		40.00						40.00
Jordan .....	Dinar .....		610.12						610.12
United States .....	Dollar .....				5,353.50				5,353.50
*Delegation Expenses:									
Turkey .....	Lira .....					2,897.29			2,897.29
Iraq .....	Dinar .....					8,820.00			8,820.00
Jordan .....	Dinar .....					754.28			754.28
United Arab Emirates:	Dirham .....					322.37			322.37
Senator Jeff Flake:									
South Africa .....	Rand .....		2,094.87						2,094.87
Cape Verde .....	Escudo .....		203.73						203.73
Argentina .....	Peso .....		1,079.30						1,079.30
Chandler Morse:									
South Africa .....	Rand .....		1,630.43						1,630.43
Cape Verde .....	Escudo .....		203.73						203.73
Argentina .....	Peso .....		930.51						930.51
*Delegation Expenses:									
South Africa .....	Rand .....					1,540.50			1,540.50
Cape Verde .....	Escudo .....					769.07			769.07
Argentina .....	Peso .....					296.88			296.88
Senator Robert Menendez:									
Japan .....	Yen .....		939.25						939.25
Taiwan .....	New Dollar .....		481.90						481.90
Korea .....	Won .....		591.05						591.05
China .....	Yuan Renminbi .....		819.31						819.31
United States .....	Dollar .....				15,393.30				15,393.30
Daniel O'Brien:									
Japan .....	Yen .....		939.25						939.25
Taiwan .....	New Dollar .....		481.90						481.90
Korea .....	Won .....		591.05						591.05
China .....	Yuan Renminbi .....		819.31						819.31
United States .....	Dollar .....				15,771.80				15,771.80
Rolfe Michael Schiffer:									
Japan .....	Yen .....		949.27						949.27
Taiwan .....	New Dollar .....		612.80						612.80
Korea .....	Baht .....		740.74						740.74
China .....	Yuan Renminbi .....		869.98						869.98
United States .....	Dollar .....				14,144.50				14,144.50
*Delegation Expenses:									
Taiwan .....	New Dollar .....					692.84			692.84
Korea .....	Baht .....					1,726.20			1,726.20
China .....	Yuan Renminbi .....					1,278.38			1,278.38
Jaime Fly:									
Turkey .....	Lira .....		1,285.41						1,285.41
United States .....	Dollar .....				2,978.70				2,978.70
Caleb McCarry:									
Turkey .....	Lira .....		1,330.00						1,330.00
United States .....	Dollar .....				2,881.60				2,881.60
*Delegation Expenses:									
Turkey .....	Lira .....					2,387.41			2,387.41
Terrell Henry:									
Bangladesh .....	Rupee .....		1,047.37						1,047.37
United States .....	Dollar .....				6,042.40				6,042.40
Clyde Hicks:									
Qatar .....	Riyal .....		185.39						185.39
Nepal .....	Rupee .....		348.82						348.82
Sri Lanka .....	Rupee .....		481.22						481.22
United States .....	Dollar .....				4,914.70				4,914.70
Morgan Roach:									
Qatar .....	Riyal .....		185.39						185.39
Nepal .....	Rupee .....		373.81						373.81
Sri Lanka .....	Rupee .....		415.22						415.22
United States .....	Dollar .....				4,780.70				4,780.70
Jamil Jaffer:									
Israel .....	Shekel .....		1,545.00						1,545.00
United States .....	Dollar .....				7,909.57				7,909.57

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Caroline Vik:									
Israel .....	Shekel .....		1,384.00						1,384.00
United States .....	Dollar .....				1,470.97				1,470.97
Caleb McCarr:									
Mexico .....	Peso .....		1,761.86						1,761.86
United States .....	Dollar .....				1,981.61				1,981.61
John Zadrozny:									
Mexico .....	Peso .....		1,618.86						1,618.86
United States .....	Dollar .....				1,981.61				1,981.61
*Delegation Expenses:									
Mexico .....	Peso .....						406.00		406.00
Ann Norris:									
Australia .....	Dollar .....		2,875.00						2,875.00
United States .....	Dollar .....				15,517.10				15,517.10
*Delegation Expenses:									
Australia .....	Dollar .....						1,381.00		1,381.00
Total .....			37,828.08		212,907.13		30,829.99		281,565.20

\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations, Oct. 24, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sheldon Whitehouse:									
United States .....	Dollar .....				10,641.90				10,641.90
China .....	Yuan Renminbi .....		658.45						658.45
Mongolia .....	Tugrik .....		809.68						809.68
South Korea .....	Won .....		399.90						399.90
*Delegation Expenses:									
China .....	Yuan Renminbi .....						545.00		545.00
Mongolia .....	Tugrik .....						3,056.43		3,056.43
South Korea .....	Won .....						618.55		618.55
Senator John Cornyn:									
Turkey .....	Lira .....		221.20						221.20
Jordan .....	Dinar .....		415.84						415.84
United Arab Emirates .....	Dirham .....		881.27						881.27
Germany .....	Euro .....		455.77						455.77
Elizabeth Jafari:									
Turkey .....	Lira .....		220.49						220.49
Jordan .....	Dinar .....		373.21						373.21
United Arab Emirates .....	Dirham .....		829.24						828.24
Germany .....	Euro .....		259.83						259.83
Sidney Jerr Rosenbaum:									
Turkey .....	Lira .....		340.25						340.25
Jordan .....	Dinar .....		283.01						283.01
United Arab Emirates .....	Dirham .....		746.68						746.68
Germany .....	Euro .....		317.74						317.74
Grace Smitham:									
Turkey .....	Lira .....		217.74						217.74
Jordan .....	Dinar .....		343.48						343.48
United Arab Emirates .....	Dirham .....		694.35						694.35
Germany .....	Euro .....		239.83						239.83
*Delegation Expenses:									
Turkey .....	Lira .....						323.06		323.06
Jordan .....	Dinar .....						1,190.84		1,190.84
United Arab Emirates .....	Dirham .....						1,900.50		1,900.50
Germany .....	Euro .....						1,019.24		1,019.24
Total .....			8,707.96		10,641.90		8,653.62		28,003.48

\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, Nov. 7, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tressa Guenov .....			1,215.00						1,215.00
Michael Buchwald .....	Dollar .....				4,792.70				4,792.70
.....	Dollar .....		1,399.76						1,399.76
.....	Dollar .....				4,504.95				4,504.95
Tyler Stephens .....			1,360.00						1,360.00
.....	Dollar .....				4,792.70				4,792.70
Senator Ron Wyden .....			1,546.00						1,546.00
.....	Dollar .....				12,789.50				12,789.50
Isaiah Akin .....			1,554.00						1,554.00
.....	Dollar .....				12,789.50				12,789.50

Total .....	7,074.76 .....	39,669.35 .....	46,744.11 .....
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SENATOR DIANNE FEINSTEIN,  
Chairman, Committee on Intelligence, Oct. 17, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Fred Turner:									
Turkey .....	Lira .....		1,656.00 .....						1,656.00
Azerbaijan .....	Manat .....		361.78 .....						361.78
Hungary .....	Forint .....		506.00 .....						506.00
Poland .....	Zloty .....		785.76 .....						785.76
United States .....	Dollar .....				1,369.00 .....				1,369.00
Robert Hand:									
Turkey .....	Lira .....		1,646.99 .....						1,646.99
Azerbaijan .....	Manat .....		361.78 .....						361.78
Hungary .....	Forint .....		506.00 .....						506.00
United States .....	Dollar .....				2,511.10 .....				2,511.10
Allison Hollabaugh:									
Turkey .....	Lira .....		1,777.07 .....						1,777.07
United States .....	Dollar .....				3,022.90 .....				3,022.90
Shelly Han:									
Czech Republic .....	Koruna .....		1,582.00 .....						1,582.00
United States .....	Dollar .....				1,734.90 .....				1,734.90
Marlene Kaufmann:									
Turkey .....	Lira .....		639.00 .....						639.00
Jordan .....	Dinar .....		688.83 .....						688.83
United States .....	Dollar .....				7,252.10 .....				7,252.10
Alex Johnson:									
Turkey .....	Lira .....		1,704.00 .....						1,704.00
Azerbaijan .....	Manat .....		447.28 .....						447.28
United States .....	Dollar .....				438.51 .....				438.51
Austria .....	Euro .....		12,640.00 .....						12,640.00
United States .....	Dollar .....				861.20 .....				861.20
Poland .....	Zloty .....		1,463.52 .....						1,463.52
United States .....	Dollar .....				1,319.19 .....				1,319.19
Total .....			26,766.01 .....		18,508.90 .....				45,274.91

SENATOR BENJAMIN L. CARDIN,  
Chairman, Commission on Security and Cooperation in Europe,  
Oct. 18, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anna Brettell:									
Hong Kong .....	Dollar .....		1,480.83 .....		24.51 .....				1,505.34
China (PRC) .....	Yuan .....		3,151.85 .....						3,151.85
United States .....	Dollar .....				3,672.00 .....				3,672.00
Jesse Heatley:									
Hong Kong .....	Dollar .....		493.61 .....		24.51 .....				518.12
China (PRC) .....	Yuan .....		3,151.85 .....						3,151.85
United States .....	Dollar .....				3,672.00 .....				3,672.00
*Delegation Expenses .....							9,305.76 .....		9,305.76
Total .....			8,278.14 .....		7,393.02 .....		9,305.76 .....		24,976.92

\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR SHERROD BROWN,  
Chairman, Congressional-Executive Commission on China, Nov. 12, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gary Myrick:									
Cape Verde .....	Escudo .....		203.73 .....				384.54 .....		588.27
South Africa .....	Rand .....		2,037.94 .....				2,321.83 .....		4,359.77
Argentina .....	Peso .....		917.26 .....				148.44 .....		1,065.70
Thomas Ross:									
United States .....	Dollar .....				16,604.50 .....				16,604.50
South Korea .....	Won .....		307.49 .....				319.68 .....		627.17
Japan .....	Yen .....		1,147.04 .....						1,147.04
Total .....			4,613.46 .....		16,604.50 .....		3,174.49 .....		24,392.45

SENATOR HARRY REID,  
Majority Leader, Oct. 30, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), PRESIDENT PRO TEMPORE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick J. Leahy:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,614.71						2,614.71
Senator Thad Cochran:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Senator Richard Shelby:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,614.71						2,614.71
Senator Sheldon Whitehouse:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Dr. Brian Monahan:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,154.71						2,154.71
Ann Berry:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Anne Caldwell:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Bruce Evans:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Kevin McDonald:									
United States .....	Dollar .....				12,489.50				12,489.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Sally Walsh:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
Kay Webber:									
United States .....	Dollar .....				10,772.50				10,772.50
United Kingdom .....	Pound .....		2,566.71						2,566.71
*Delegation Expenses:									
United Kingdom .....	Pound .....						23,831.55		23,831.55
Total .....			27,917.81		120,214.50		23,831.55		171,963.86

\*Delegation expenses include payments and reimbursements to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR PATRICK J. LEAHY,  
President Pro Tempore, Dec. 12, 2013.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
Qatar .....	Dollar .....		649.00						649.00
Jordan .....	Dollar .....		631.00						631.00
Turkey .....	Dollar .....		430.00						430.00
United States .....	Dollar .....				11,761.72				11,761.72
Tom Hawkins:									
Yemen .....	Dollar .....		95.00						95.00
Qatar .....	Dollar .....		303.00						303.00
United States .....	Dollar .....				16,998.15				16,998.15
Dr. Brian Monahan:									
Italy .....	Euro .....		625.33				809.28		1,434.61
Ethiopia .....	Birr .....		447.98				520.65		968.63
Rwanda .....	Franc .....		839.30				1,697.75		2,537.05
Liberia .....	Dollar .....		335.00				214.97		549.97
Spain .....	Euro .....						578.24		578.24
Democratic Republic of the Congo .....	Franc .....						285.90		285.90
Total .....			4,355.61		28,759.87		4,106.79		37,222.27

SENATOR MITCH MCCONNELL,  
Republican Leader, Oct. 31, 2013.

MEASURES READ THE FIRST TIME—H.R. 1965, H.R. 2728, S. 1774, AND S. 1775

Mr. REID. Mr. President, I am told there are four bills at the desk due for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (S. 1774) to reauthorize the Undetectable Firearms Act of 1988 for 1 year.

A bill (S. 1775) to improve the Sexual Assault Prevention and Response Programs and activities of the Department of Defense, and for other purposes.

A bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

A bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security development and job creation.

Mr. REID. I ask for a second reading en bloc and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for a second time on the next legislative day.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that during the adjournment or recess of the Senate from

Thursday, November 21, through Monday, December 9, Senators WARREN, KAINE, and ROCKEFELLER be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT

The PRESIDING OFFICER. On behalf of the President pro tempore and upon the recommendation of the Republican leader, pursuant to Section 2(b) of Public Law 98-183, as amended by Public Law 103-419, appoints Gail Heriot, of California, to the United States Commission on Civil Rights, for a term of six years.

#### ORDERS FOR FRIDAY, NOVEMBER 22, 2013, THROUGH MONDAY, DECEMBER 9, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, November 22, at 11:15 a.m.; Tuesday, November 26, at 11 a.m.; Friday, November 29, at 1 p.m.; Tuesday, December 3, at 11 a.m.; and Friday, December 6, at 10:30 a.m.; and that the Senate adjourn on Friday, December 6 until 2 p.m. on Monday, December 9, 2013, unless the Senate receives a message from the House that it has adopted S. Con. Res. 28, the adjournment resolution; and that if the Senate receives such a message, the Senate adjourn until 2 p.m. on Monday, December 9, 2013; that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of S. 1197, the National Defense Authorization Act, to allow the chairman and ranking member to provide a status update on the bill; further, that at 5 p.m., the Senate proceed to executive session to resume consideration of Calendar No. 327, the nomination of Patricia Millett to be U.S. circuit judge for the DC Circuit, postcloture, with up to 30 minutes of debate equally divided and controlled in the usual form; and, finally, that at 5:30 p.m. all postcloture time be expired and the Senate vote on confirmation of the Millett nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be at 5:30 p.m. on Monday, December 9.

#### CONDITIONAL ADJOURNMENT UNTIL FRIDAY, NOVEMBER 22, 2013, AT 11:15 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:32 p.m., conditionally adjourned until Friday, November 22, 2013, at 11:15 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

SHERRY MOORE TRAFFORD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE NATALIA COMBS GREENE, RETIRED.

STEVEN M. WELLNER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE KAYE K. CHRISTIAN, RETIRED.

##### DEPARTMENT OF JUSTICE

ANDREW MARK LUGER, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE B. TODD JONES, TERM EXPIRED.

DAMON PAUL MARTINEZ, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE KENNETH J. GONZALES, RESIGNED.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GERALD MICHAEL FEIERSTEIN, OF PENNSYLVANIA  
ROBERT S. FORD, OF MARYLAND  
DAVID M. HALE, OF NEW JERSEY  
STUART E. JONES, OF VIRGINIA  
LINDA THOMAS-GREENFIELD, OF LOUISIANA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

RONALD D. ACUFF, OF FLORIDA  
DOUGLAS A. ALLISON, OF VIRGINIA  
MARJORIE ANN AMES, OF FLORIDA  
WHITNEY YOUNG BAIRD, OF NORTH CAROLINA  
ERICA JEAN BARKS-RUGGLES, OF VIRGINIA  
KRISTEN F. BAUER, OF MASSACHUSETTS  
PAUL S. BEIGHLEY, OF THE DISTRICT OF COLUMBIA  
KATE M. BYRNES, OF FLORIDA  
FLOYD STEVEN CABLE, OF NEW YORK  
AUBREY A. CARLSON, OF TEXAS  
ANNE S. CASPER, OF NEVADA  
TODD CRAWFORD CHAPMAN, OF TEXAS  
KAREN LISE CHRISTENSEN, OF VIRGINIA  
SUSAN R. CRYSTAL, OF PENNSYLVANIA  
KAREN BERNADETTE DECKER, OF VIRGINIA  
KATHLEEN A. DOHERTY, OF NEW YORK  
MARY DALE DRAPER, OF CALIFORNIA  
MICHAEL J. FITZPATRICK, OF FLORIDA  
ROBERT W. FORDEN, OF CALIFORNIA  
JENNIFER ZIMDAHL GALT, OF COLORADO  
THOMAS HENRY GOLDBERGER, OF NEW JERSEY  
MARK A. GOODFRIEND, OF CALIFORNIA  
ROBERT DANIEL GRIFFITHS, OF NEVADA  
KELI J. GURFIELD, OF WASHINGTON  
PETER DAVID HAAS, OF FLORIDA  
DANIEL J. HALL, OF TEXAS  
DENNIS B. HANKINS, OF VIRGINIA  
KATHLEEN D. HANSON, OF THE DISTRICT OF COLUMBIA  
CLIFFORD AWTREY HART, OF VIRGINIA  
JENNIFER CONN HASKELL, OF FLORIDA  
DONALD L. HEFLIN, OF VIRGINIA  
LEO J. HESSION, JR., OF CALIFORNIA  
CATHERINE M. HILL-HERNDON, OF PENNSYLVANIA  
PERRY L. HOLLOWAY, OF SOUTH CAROLINA  
JOHN F. HOOVER, OF VIRGINIA  
CHRISTINE L. HUGHES, OF FLORIDA  
THOMAS J. HUSHEK, OF THE DISTRICT OF COLUMBIA  
MICHAEL JOSEPH JACOBSEN, OF TEXAS  
JULIE LYNN KAVANAGH, OF VIRGINIA

MICHAEL STANLEY KLECHESKI, OF VIRGINIA  
KENT D. LOGSDON, OF FLORIDA  
MATTHEW ROBERT LUSSENHOP, OF MINNESOTA  
MICHAEL WILLIAM MCLELLAN, OF KENTUCKY  
ROBIN D. MEYER, OF THE DISTRICT OF COLUMBIA  
JONATHAN M. MOORE, OF ILLINOIS  
WENDELA C. MOORE, OF VIRGINIA  
KIN WAH MOY, OF NEW YORK  
WARREN PATRICK MURPHY, OF VIRGINIA  
JULIETA VALLS NOYES, OF FLORIDA  
LARRY G. PADGET, JR., OF TEXAS  
VIRGINIA E. PALMER, OF VIRGINIA  
BETH A. PAYNE, OF THE DISTRICT OF COLUMBIA  
MARY CATHERINE PHEE, OF THE DISTRICT OF COLUMBIA  
CLAIRE A. PIERANGELO, OF CALIFORNIA  
LONNIE J. PRICE, OF VIRGINIA  
ROBIN S. QUINVILLE, OF CALIFORNIA  
ELIZABETH H. RICHARD, OF TEXAS  
ADELE E. RUPPE, OF MARYLAND  
SUE ELLEN SAARNIO, OF VIRGINIA  
CHRISTIAN J. SCHURMAN, OF VIRGINIA  
KRISTEN B. SKIPPER, OF CALIFORNIA  
PAUL RANDALL SUTPHIN, OF VIRGINIA  
MARA R. TEKACH, OF FLORIDA  
MICHAEL STEPHEN TULLEY, OF CALIFORNIA  
DAVID A. TYLER, OF NEW HAMPSHIRE  
THOMAS LASZLO VAJDA, OF VIRGINIA  
JAMES E. VANDERPOOL, OF CALIFORNIA  
PAUL DASHNER WOHLERS, OF WASHINGTON  
STEVEN EDWARD ZATE, OF FLORIDA  
TIMOTHY P. ZUNIGA-BROWN, OF NEVADA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KELLY ADAMS-SMITH, OF VIRGINIA  
STEVEN P. ADAMS-SMITH, OF VIRGINIA  
JORGAN KENDAL ANDREWS, OF VIRGINIA  
VIRGINIA MEADE BLASER, OF VIRGINIA  
SCOTT DOUGLAS BOSWELL, OF THE DISTRICT OF COLUMBIA  
WILLIAM HARVEY BOYLE, OF ARIZONA  
MATTHEW GORDON BOYSE, OF CONNECTICUT  
BRIDGET A. BRINK, OF THE DISTRICT OF COLUMBIA  
MARYKAY LOSS CARLSON, OF TEXAS  
JAMES A. CAROUSO, OF NEW YORK  
MELISSA CLEGG-TRIPP, OF WASHINGTON  
THEODORE R. COLEY, OF VIRGINIA  
KELLY COLLEEN DEGNAN, OF CALIFORNIA  
LESLIE STEPHEN DEGRAFFENRIED, OF TEXAS  
JILL DERDERIAN, OF MARYLAND  
THOMAS M. DUFFY, OF CALIFORNIA  
STUART ANDERSON DWYER, OF MAINE  
ANDREW S. E. ERICKSON, OF CALIFORNIA  
THOMAS R. FAVRET, OF PENNSYLVANIA  
TARA FERET, OF VIRGINIA  
PATRICIA L. FIETZ, OF VIRGINIA  
FRANK JONATHAN FINVER, OF MARYLAND  
DEHAB GHEBREAB, OF VIRGINIA  
PAUL G. GILMER, OF CALIFORNIA  
JOSHUA D. GLAZEROFF, OF VIRGINIA  
ANTHONY F. GODFREY, OF VIRGINIA  
KATHARINA P. GOLLNER-SWEET, OF VIRGINIA  
FRANCISCO JAVIER GONZALES, OF NEW JERSEY  
LAURA MARLENE GOULD, OF VIRGINIA  
ERIC F. GREEN, OF THE DISTRICT OF COLUMBIA  
ALLEN S. GREENBERG, OF TEXAS  
MICHAEL NICHOLAS GREENWALD, OF CALIFORNIA  
HENRY HARRISON HAND, OF THE DISTRICT OF COLUMBIA  
TODD C. HOLMSTROM, OF MICHIGAN  
HENRY VICTOR JARDINE, OF VIRGINIA  
LISA ANNE JOHNSON, OF VIRGINIA  
ELIZABETH JANE JORDAN, OF FLORIDA  
GEORGE P. KENT, OF VIRGINIA  
JOHN STUART KINCANNON, OF THE DISTRICT OF COLUMBIA  
DOUGLAS A. KONEFF, OF MARYLAND  
MICHAEL B. KOPLOVSKY, OF NEW YORK  
STEVEN CHRISTOPHER KOUTSIS, OF MASSACHUSETTS  
DALE A. LARGENT, OF WASHINGTON  
LAURA ANNE LOCHMAN, OF NORTH CAROLINA  
JAMES L. LOI, OF CONNECTICUT  
THEODORE J. LYNG, OF CONNECTICUT  
JEAN ELIZABETH MANES, OF FLORIDA  
ANDREW COOPER MANN, OF WASHINGTON  
CARLOS F. MATUS, OF MARYLAND  
WAYNE AMORY MCDUFFY, OF VIRGINIA  
DAVID SLAYTON MEALE, OF VIRGINIA  
DAVID MEES, OF MARYLAND  
CHRISTOPHER MIDURA, OF VIRGINIA  
KEITH W. MINES, OF NEW YORK  
SARAH CRADDOCK MORRISON, OF VIRGINIA  
SUSAN BUTLER NIBLOCK, OF MARYLAND  
KAREN L. OGLE, OF MICHIGAN  
KEVIN MICHAEL O'REILLY, OF VIRGINIA  
INMI KIM PATTERSON, OF NEW YORK  
BRIAN HAWTHORNE PHIPPS, OF FLORIDA  
THOMAS C. PIERCE, OF OREGON  
JOHN MARK POMMERSHEIM, OF FLORIDA  
JOHN ROBERT POST, OF THE DISTRICT OF COLUMBIA  
LYNETTE JOYCE POULTON, OF CALIFORNIA  
TIMOTHY JOEL POUNDS, OF NEVADA  
JEAN E. PRESTON, OF THE DISTRICT OF COLUMBIA  
MONIQUE VALERIE QUESADA, OF FLORIDA  
DAVID J. RANZ, OF NEW YORK  
DAVID REIMER, OF VIRGINIA  
RICHARD HENRY RILEY IV, OF VIRGINIA  
LYNN WHITLOCK ROCHE, OF VIRGINIA  
ELIZABETH HELEN ROOD, OF VIRGINIA  
DAVID JONATHAN SCHWARTZ, OF VIRGINIA

DOROTHY CAMILLE SHEA, OF THE DISTRICT OF COLUMBIA

ADAM MATTHEW SHUB, OF MARYLAND  
 LYNNE P. SKEIRIK, OF NEW HAMPSHIRE  
 MICHAEL H. SMITH, OF NEW JERSEY  
 THOMAS D. SMITHAM, OF MARYLAND  
 ANDREW SNOW, OF NEW YORK  
 SEAN B. STEIN, OF IDAHO  
 JAMES KENT STIEGLER, OF CALIFORNIA  
 MARTINA A. STRONG, OF TEXAS  
 STEPHANIE FAYE SYPTAK-RAMNATH, OF TEXAS  
 GREGORY DEAN THOME, OF WISCONSIN  
 LAURENCE EDWARD TOBEY, OF NEW JERSEY  
 LAURIE JO TROST, OF VIRGINIA  
 LESLIE MEREDITH TSOU, OF VIRGINIA  
 JOHN MICHAEL UNDERRINER, OF OHIO  
 DENISE A. URS, OF TEXAS  
 PETER HENDRICK VROOMAN, OF NEW YORK  
 GARY S. WAKAHIRO, OF CALIFORNIA  
 JESSICA WEBSTER, OF DELAWARE  
 WILLIAM J. WEISSMAN, OF CALIFORNIA  
 ERIC PAUL WHITAKER, OF CALIFORNIA  
 FRANK J. WHITAKER, OF SOUTH CAROLINA  
 HENRY THOMAS WOOSTER, OF VIRGINIA  
 THOMAS K. YAZDGERDI, OF FLORIDA  
 PAUL DOUGLAS YESKOO, OF VIRGINIA  
 MARTA COSTANZO YOUTH, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RAYMOND BASSI, OF VIRGINIA  
 MARK S. BUTCHART, OF MARYLAND  
 RICHARD A. CAPONE, OF VIRGINIA  
 JANET A. COTE, OF NEVADA  
 CAROLYN I. CREEVY, OF VIRGINIA  
 JILL E. DARKEN, OF ILLINOIS  
 LON C. FAIRCHILD, OF VIRGINIA  
 BARTLE B. GORMAN, OF VIRGINIA  
 ALEEN JANICE GRABOW, OF WISCONSIN  
 ROBERT ALLEN HALL, OF PENNSYLVANIA  
 RALPH A. HAMILTON, OF OHIO  
 ROGER A. HERNDON, OF PENNSYLVANIA  
 BRUCE J. LIZZI, OF MARYLAND  
 DAVID LEE LYONS, OF MARYLAND  
 MICHAEL M. MACK, OF VIRGINIA  
 KATHLEEN A. MCCRAY, OF VIRGINIA  
 ALEX G. MCFADDEN, OF FLORIDA  
 BEVERLY DOREEN ROCHESTER, OF NEVADA  
 THOMAS GERARD SCANLON, OF VIRGINIA

KATHRYN M. SCHALOW, OF VIRGINIA  
 DEAN K. SHEAR, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 12, 2008:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

DAVID MICHAEL SATTERFIELD, OF MISSOURI

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be brigadier general*

COL. ROBERT I. MILLER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be brigadier general*

COL. MICHAEL T. MCGUIRE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL UNDER TITLE 10, U.S.C., SECTION 8037:

#### *To be lieutenant general*

BRIG. GEN. CHRISTOPHER F. BURNE

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. ROBERT S. FERRELL

#### DEPARTMENT OF DEFENSE

BRAD R. CARSON, OF OKLAHOMA, TO BE UNDER SECRETARY OF THE ARMY, VICE JOSEPH W. WESTPHAL.

#### METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

RICHARD A. KENNEDY, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2016, VICE WILLIAM COBEY, TERM EXPIRED.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

DAVID RADZANOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ELIZABETH M. ROBINSON.

#### DEPARTMENT OF STATE

MAUREEN ELIZABETH CORMACK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

#### UNITED NATIONS

LESLIE BERGER KIERNAN, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U. N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

LESLIE BERGER KIERNAN, OF MARYLAND, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U. N. MANAGEMENT AND REFORM.

#### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

HEATHER L. MACDOUGALL, OF FLORIDA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2017, VICE HORACE A. THOMPSON, TERM EXPIRED.

#### DEPARTMENT OF HOMELAND SECURITY

JOHN ROTH, OF MICHIGAN, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE RICHARD L. SKINNER, RESIGNED.

## EXTENSIONS OF REMARKS

RECOGNIZING THE CENTENNIAL CELEBRATION OF SAINT EPHRAIM'S SYRIAC ORTHODOX CHURCH IN CENTRAL FALLS, RHODE ISLAND

### HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the centennial celebration of Saint Ephraim's Syriac Orthodox Church in Central Falls, Rhode Island.

In the late 19th century, a small, close-knit group of Syriac families living in Turkey and Iraq arrived in America after fleeing the collapse of the Ottoman Empire.

After coming to Rhode Island, this small faith community chartered Saint Ephraim's Syriac Orthodox Church—a parish center and chapel for worship that have remained strong symbols of the strength of Rhode Island's Syriac Orthodox residents.

The church claims a wealth of theological, liturgical, and musical traditions. Indeed, to this day, every Sunday the parishioners in Central Falls, Rhode Island conduct liturgy in the original Aramaic that was spoken during the time of Jesus Christ.

The parish of St. Ephraim's has contributed mightily to our community in northern Rhode Island. Whether newly arrived immigrants fleeing persecution or just yearning to live the American dream, or multi-generational and fully assimilated Americans, parishioners of St. Ephraim's church are patriotic Americans.

Like anyone else, they work hard, value education and appreciate and enjoy the freedoms they are offered.

In return, they have been industrious citizens and have served our country in numerous positions of distinction, including university educators, engineers, leaders in law, medicine, and commerce.

Many have also served in the Armed Forces, dating back to the early 20th Century, and some have made the ultimate sacrifice for the defense of our country.

Today, as we celebrate the centennial anniversary of Saint Ephraim's, we are also mindful of the ongoing persecution facing Christian Syriac families in the Middle East and especially in Syria where two Orthodox bishops were abducted earlier this year.

And as we hope for the safe return of these and other victims of recent violence, all of us stand united in praying for peace in Syria and throughout the Middle East.

I thank Father Mattias Alan Shaltan for his continued leadership of this parish and salute all the members of Saint Ephraim's on their centennial celebration this year.

RECOGNIZING THE ROLLING FAMILY AS THE 2013 HOLMES COUNTY, FLORIDA, FARM FAMILY OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MILLER of Florida. Mr. Speaker, it is with great pleasure that I rise to recognize the Rolling family for being selected as the 2013 Holmes County, Florida, Farm Family of the Year.

Jeremy Rolling first discovered his love for farming at the young age of four, while riding in the cab of his grandfather's tractor in the Noma community of Holmes County. This love, coupled with his grandfather's influence and his grandfather instilling in Jeremy a strong work ethic, factored into Jeremy's interest in the field of Agriculture, his active involvement in the Future Farmers of America, and the foundation on which his successful farming operation is conducted today.

Following high school, Jeremy met his wife Teresa, and together they settled in the Prosperity community of Holmes County. They began truck farming and small plot farming, until 2008, when Jeremy turned to row crop farming. Today, they operate a 400-acre farm that includes peanuts, cotton, oats, watermelons, and hay. Teresa and their daughter Jordan, who is in sixth grade and has embraced her green thumb at an early age, both remain actively involved in supporting Jeremy in operating the farm. Teresa assists by pulling peanut wagons, as well as operating the module builder for cotton, and Jordan grew and marketed her first crop of watermelons in 2012. There is no question that the success of the Rolling Family Farm and its expansion across county lines in five years is largely attributed to the family's hard work and joint effort.

The Rolling family is also active in the community outside of their farm. They belong to the Ponce de Leon Future Farmers of America Alumni Association, and Jeremy is a member of the Florida Peanut Producer's Association. Additionally, both Jeremy and Teresa work full-time jobs. Jeremy is an Investigator for the State of Florida, and Teresa transitions from nurturing crops to the bright third-graders of Ponce de Leon Elementary School.

Mr. Speaker, our great Nation was built by the tireless work of farmers and their families. The Holmes County Farm Family of the Year Award is a true reflection of the Rolling family's dedication to farming and their strong family values. On behalf of the United States Congress, I would like to offer my congratulations to the Rolling family for this great accomplishment. My wife, Vicki, and I wish them the best for continued success.

SECOND CHANCE ACT

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Ms. LEE of California. Mr. Speaker, I rise today in strong support of reauthorizing the Second Chance Act.

I'd like to thank my dear friend and colleague Rep. DANNY DAVIS for being such a vocal and tireless advocate on what is a critical issue for communities in my district and throughout the country.

I'd also like to thank my colleague JIM SENBRENNER for his work on this issue and for introducing, along with Congressman DAVIS, H.R. 3465 which would reauthorize this important law.

The Second Chance Act, signed into law in 2008, has provided important resources and support to individuals re-entering their communities after being incarcerated.

It has support from a broad coalition of organizations including from the civil rights, law enforcement, and behavioral health communities, in addition to many others.

Since becoming law, the Second Chance Act has authorized nearly 600 grants that have been award to local governments and nonprofit organizations in 49 states.

These grants have played a critical role in addressing recidivism and increasing public safety.

In my own district in the city of Oakland, a program known as the Comprehensive Community Cross System Reentry Support or C<sup>3</sup>RS, brings together government and nonprofit partners to re-engage youth in school after leaving a juvenile detention center.

This has been a tremendously successful program. Of the 592 program participants, 442 were reenrolled in school and of the 161 who received job training, 102 were placed in jobs.

This is but one example of the hundreds of successful programs that have helped previously incarcerated individuals get back on their feet and on the right path.

That is why it is so important that we move swiftly to reauthorize the Second Chance Act.

I call on House Republican leadership to bring this measure to the floor for a vote and give our communities and previously incarcerated individuals the support they need.

RELIGIOUS FREEDOM IN THE MILITARY

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. FORBES. Mr. Speaker, religious freedom is a fundamental human right—a right

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



which is guaranteed by the First Amendment. Many of America's earliest settlers came to her shores seeking religious freedom. As individuals around the world face persecution because of their religious beliefs, America has stood as the beacon for the importance of protecting the ability to freely exercise religious beliefs without fear of intimidation, reprisal, or harm.

It is impossible to defend religious freedom for the civilian and yet deny it to the soldier. The full expression and practice of faith in the military has strong roots. General Washington oversaw the formation of a military chaplaincy in 1775 to support and sustain his men in their religious beliefs. President Franklin D. Roosevelt composed the forward to a military edition of the New Testament, in which he wrote, "Throughout the centuries men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul."

Faith permeates every aspect of a person's life; it cannot be confined to a belief that is maintained only within one's head, home, or place of worship. It is essential that our military policies and leadership respect the fact that a person's faith also informs the way in which they serve. Anything less is a disservice to their brave and noble sacrifice. It is for this reason that Congress enacted conscience protections in last year's National Defense Authorization Act. However, these protections have fallen on deaf ears. President Obama called these protections ill-advised and unnecessary. Over eleven months have passed since these protections were signed into law, and the Department of Defense has yet to implement policies to enforce the conscience protections.

Furthermore, I fear there is a growing lack of understanding for the importance of preserving the integrity of the chaplaincy. A chaplain's purpose is first and foremost to facilitate the free exercise rights of servicemembers and their families. They serve as an essential pillar of support, especially for those who are not able to freely access religious services and support in the way they could as civilians. Chaplains are more than counselors, honorably and indiscriminately serving all servicemembers.

The members of our Armed Forces do not leave their faith at home when they commit to serve our country, and I remain committed to ensuring they are never required to do so.

IN RECOGNITION OF MR. SCOTT  
HUNT

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. BURGESS. Mr. Speaker, I rise today to honor an inspiring national health care association leader, Mr. Scott Hunt. During the last 25 years, Mr. Scott has served as the Executive Director and CEO of the world's oldest, largest, and most active organization devoted to research on hormones and the clinical practice of endocrinology, The Endocrine Society.

During his tenure, Mr. Hunt engineered the organization to become one of Washington Business Journal's top 50 associations. The American Medical Association has recognized and honored Mr. Hunt with the Medical Executive Meritorious Achievement Award. The award is given to a medical association executive who has demonstrated exceptional service and has contributed to the goals and ideals of the medical profession.

During the last three decades Mr. Hunt has helped to grow The Society from 6,000 members to more than 16,500 members. The organization represents the majority of endocrinologists, both clinicians and researchers, throughout my home State of Texas, and in more than 100 countries around the world.

As you know, endocrinologists play a very important role in the health of our nation. Endocrinologists are on the front lines of research, diagnosis, and treatment in areas such as rare cancers, diabetes, obesity, thyroid, osteoporosis, women's health, and other endocrine related disorders.

As a physician and a U.S. Congressman, I have worked closely with The Endocrine Society on public policies to strengthen our nation's health. I once again applaud Scott Hunt for growing and advancing both the association and the field of endocrinology. I wish him well in retirement and thank him for his contributions to the medical profession.

HONORING THE LIFE OF REV.  
THEODORE JUDSON "T.J."  
JEMISON

**HON. CEDRIC L. RICHMOND**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life of a special man, Rev. Theodore Judson "T.J." Jemison, a long-time community leader and civil rights icon. Rev. Jemison dedicated his life to making the world a better place and, although we are saddened by his passing, the legacy that he leaves behind stands as a testament to his incredible life.

Born in Selma, Alabama, Rev. Jemison became pastor of Mount Zion First Baptist Church in Baton Rouge, Louisiana in 1949. He would remain there for the next 54 years. From early in his time as pastor, he was on the forefront of the civil rights movement. In 1953, Rev. Jemison helped organize and lead a boycott of the segregated buses in Baton Rouge. That action served as a blueprint for Rev. Martin Luther King, Jr. when he led the boycott of buses in Montgomery two years later.

While the Montgomery bus boycott was an important chapter in American history, Rev. Jemison's role in the civil rights movement in Baton Rouge didn't end there. He also played an important part in a wide range of other victories for equal rights, including getting black Baton Rouge residents hired at department stores, black deputies hired at the Sheriff's Office, and even helping bring down the barrier to black college football players playing on formerly all-white teams. He would continue his

tireless advocacy for equality for the rest of his life.

Rev. Jemison's dedication to righting wrongs in society was matched by his devotion to healing and helping his community. Those twin passions drove him to make life better for people everywhere. The work that Rev. Jemison did made the world a better place. Without the opportunities created through the effort of men and women like him, I would not be here today. So, if I can see any further, it is only because I stand on the shoulders of giants like Rev. T.J. Jemison.

I want to join his family, congregation, and the state of Louisiana in honoring the life and legacy of a special man.

RECOGNIZING DALE O. KNEE FOR  
DEDICATED SERVICE TO NORTH-  
WEST FLORIDA AND THIS GREAT  
NATION

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize Dale O. Knee, PhD, upon his retirement as CEO of Covenant Hospice for his dedicated service not only to the Northwest Florida community, but also to this great Nation. For over forty-five years, Dale served his country and local community in various capacities that share at least one common thread—his passion for helping his fellow man. A retired Navy Commander, business and community leader, and loving husband and father to three, Dale has much to be proud of, and I am privileged to honor his lifetime of achievements.

Dale Knee began his career in service to this great Nation when he answered the call during the Vietnam War and served with honor and distinction. His service in the United States Navy spanned twenty years, and included service as a helicopter search and rescue corpsman during the Vietnam War, a Naval Intelligence Officer/NIS Special Agent, and a Medical Service Corps Officer. Before retiring as a Navy Commander, Dale served as Director of Health Affairs for the Secretary of the Navy, Medical Counter-Intelligence Advisor to the Joint Chiefs of Staff and Defense Intelligence Agency, and Administrator of the White House Medical Services under the Reagan Administration.

A leader in the health care community and former hospital executive and owner of a health care consulting and development company, Consulta Network LLC, Dale has served as President and CEO of Covenant Hospice since 1993. Under his leadership, Covenant has grown to be one of the premier hospice facilities in the country, and I know firsthand how Dale's leadership at Covenant has touched the lives of countless patients and helped their families during the most difficult times. In addition to his leadership at Covenant, Dale is the chief executive for Alzheimer's Family Services, Inc., CEO of the Covenant Foundation, and co-founder of the Studer Covenant Alliance, LLC. Dale also serves as the National Director for the Board

of Directors of the National Hospice and Palliative Care Organization (NHPCO), is a member of the Board for Florida Hospices and Palliative Care Association, the Alabama Hospice Organization, the National Hospice Work Group, and the national post-acute care think tank, Innovations Group. He also serves on the Board for Catholic Charities of Northwest Florida and is an Optimist and Rotarian.

Dale completed his graduate studies at The George Washington University and has earned a doctoral degree in Health Care Administration. Dale has taught at the university level for twenty-five years, including twenty years as an Associate Professor of Healthcare Administration at the University of West Florida and as a visiting lecturer at The George Washington University and the University Of Texas College Of Health Sciences.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Dale Knee for his decades of service to our Nation and the Northwest Florida community. There are some in the world the Lord blesses with an ability to serve and a gift of leadership, and there is no question that Dale Knee is one of those people. My wife Vicki and I wish Dale; his wife Teri; and their three sons, Jeff, Matt, and Ryan, all the best.

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THE DEMOCRATIC MOTION TO  
RECOMMIT FOR H.R. 2728

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. WAXMAN. Mr. Speaker, I rise today to express my sincere disappointment that I was not available to vote in favor of the Democratic motion to recommit on H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act. While I do not support the underlying legislation, I would have voted in favor of this motion to recommit in order to allow the Department of the Interior to require the public disclosure of chemicals used in hydraulic fracturing on public lands. The federal government has a responsibility to ensure that communities across the country have access to a baseline of information about the chemicals used in hydraulic fracturing fluids and any potential impacts on human health and the environment.

Strong state and federal regulation, full transparency, and rigorous science are essential to ensuring that oil and gas drilling occurs safely and responsibly in the United States. The inclusion of the motion to recommit would have helped bring transparency to oil and gas drilling activities on public lands, and I deeply regret that it was not included in the bill.

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THE RELIGIOUS FREEDOM  
RESTORATION ACT

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. LIPINSKI. Mr. Speaker, twenty years ago this month, the Religious Freedom Res-

toration Act was signed into law on a wave of overwhelming bipartisan support. We gather today to celebrate passage of the law, which reaffirmed one of the core principles on which our nation was founded by prohibiting government from burdening the free exercise of religion without a compelling state interest. To this day, the law has remained a testament to religious liberty and has played a critical role in protecting our fundamental First Amendment rights.

But the same bipartisan spirit that championed the rights of the individual and carried the Religious Freedom Restoration Act into law two decades ago is under assault today. The premise behind the Religious Freedom Restoration Act could not be more clear: Congress shall not pass laws that get in the way of Americans from exercising their religious beliefs and conscience rights.

Yet under the Patient Protection and Affordable Care Act of 2010, commonly known as Obamacare, Americans are being forced to act in direct opposition to their religious and moral beliefs in order to comply with the law. Under the Department of Health and Human Services interpretation of Obamacare, nearly all employers will be required to cover, through their health insurance plans, abortion drugs, sterilization and contraception, even if such a provision goes against these moral and religious beliefs.

This is wrong; it is un-American. The mandate from the administration and subsequent inadequate efforts to rectify it clearly fly in the face of the Religious Freedom Restoration Act that we honor today.

As the HHS mandate continues to be fought in the courts, I have been deeply disappointed by the administration's refusal to provide a reasonable exception to the rule. I have urged, and will continue to urge, an exception that protects the conscience rights of all Americans.

I ask my colleagues to join me in that fight. I am one of the original cosponsors of H.R. 940, the Respect for Rights of Conscience Act, legislation that aims to ensure that no employer would be punished for refusing coverage for procedures or drugs that violate the employer's beliefs.

So as we take time today to celebrate the achievements of the Religious Freedom Restoration Act, we also must be aware of the need to continue to be vigilant.

We must reaffirm the guiding principles of the United States of America and the rights to religious freedom guaranteed under the First Amendment.

It was the right thing to do 20 years ago. It is the right thing to do today.

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TRIBUTE IN HONOR OF THE LIFE  
OF THE HONORABLE WILLIAM J.  
SCHUMACHER

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Ms. ESHOO. Mr. Speaker, I rise today with my colleagues JACKIE SPEIER and MIKE THOMPSON, to honor the life of the Honorable

William F. Schumacher, who died peacefully and suddenly on November 3, 2013, at his home in Palm Desert, California.

Bill Schumacher was born in San Francisco in 1937. His mother, Anita Doyle, died when Bill was two years old, leaving Bill and his brother Robert to be raised by their father Edward with the help of Edward's parents, Eutopia and Dominick Schumacher and later his wife Hazel Westphal. Bill was a graduate of both Saint Anne Grammar School and Lincoln High School. After serving in the Army, which included 15 months in Korea, he returned to graduate from San Francisco State University, and then went on to earn a JD from the University of San Francisco.

Bill Schumacher was our good friend for over three decades. He loved people and he loved working on their behalf through his public service, which he did as a police officer, a college teacher, a member of the school board, a Daly City Councilman and Mayor, and as a member and Chairman of the San Mateo County Board of Supervisors. He was an attorney, a Boy Scout volunteer and a wise observer of politics, both local and national. It was a wonderful privilege to serve with him, be his friend, and laugh with him. Bill's love for public service was infectious, and he was a joyful and savvy politician. He knew the minute details of public policy, and he was a 'North County guy' through and through who never forgot from whence he came. He was passionate about protecting the working stiff, Daly City and the powerless. He always had a joke and a warm smile to greet you and started almost every conversation with "Lookin' good". He was a leader always looking to make peace and make a deal.

Mr. Speaker, we ask our colleagues to join us in honoring the life and memory of a great and good man who served the people of San Mateo County with honor and generosity, and enjoyed the respect of the entire community. We ask our colleagues to extend to his wife Liz, the love of his life, and his entire family our most sincere sympathy for their loss. In addition to his wife Elizabeth J. Terra Schumacher, Bill leaves his children Michael and Sharon Schumacher and their sons Taylor, Sean and Tim; James Schumacher and his sons Baxter and Niland; Diane Schumacher; and Gina Gibbons. He also leaves Liz's children, Gabrielle and Richard Modolo, and their daughters Sarah, Katherine and Richelle; and Marc and Shannon Pedone and their son Joseph.

Bill Schumacher will be missed by everyone who had the good fortune to know him, and we count ourselves among those so blessed. Our community was strengthened by his life of service, and our country has been immensely bettered by his patriotism, optimism and goodness.

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TRIBUTE TO COMMAND SERGEANT  
MAJOR RACHEL L. FAILS

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Command Sergeant Major Rachel L. Fails for appointment

as the Senior Enlisted Leader of the Iowa National Guard. This is a truly momentous occasion for the State of Iowa as Rachel is the first female Senior Enlisted Leader in the Iowa National Guard's 175-year history.

CSM Fails currently resides in Grimes, but was raised in Nashua, Iowa where she graduated from Nashua High School in 1987. Rachel began her 27-year military career in 1986 when she enlisted with the Iowa Army National Guard's 1133rd Transportation Company based in Mason City. Upon graduation from basic training and AIT in 1987, Rachel attained two Military Occupational Specialties as a Heavy-Wheeled Vehicle Driver and a Unit Supply Specialist. CSM Fails is also a graduate of the U.S. Army Sergeants Major Academy resident course and multiple Non-Commissioned Officer courses. In 1996, Rachel also received an associate's degree in Business from North Iowa Area Community College.

Over the course of her career, Rachel has served her country in numerous full-time roles including unit armorer, unit supply sergeant, operations sergeant major, and various NCO roles. Throughout her service to our state and nation, Rachel has been placed across Iowa and across the globe in station assignments from Centerville to Johnston and as far away as Kosovo and Iraq. CSM Fails was deployed twice to the Middle East, during Operations Desert Storm and Desert Shield in 1990, and Operations Iraqi Freedom and Enduring Freedom in 2008.

Mr. Speaker, as an outspoken supporter of Iowa's National Guard I have always been impressed with the remarkable men and women who serve in this organization. Rachel Fail's career is a great example for our men and women in uniform and what Iowans are capable of through hard work and unwavering commitment to a cause greater than themselves. I applaud Command Sergeant Major Fails on her most recent promotion and wish her the greatest success. It is a great honor to represent her in the United States Congress. I invite my colleagues in the House to join me in congratulating Rachel, and all of Iowa's servicemembers, on the continued excellence in service they provide to the State of Iowa, and our nation as a whole.

#### COMPREHENSIVE IMMIGRATION REFORM

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Ms. LEE of California. Mr. Speaker, I rise today in strong support of passing comprehensive immigration reform legislation in the House. There is no question that it is long past time to fix our broken immigration system.

Earlier this year the Senate passed comprehensive immigration reform after working with stakeholders to reach a balanced, albeit imperfect bill.

Then last month, my colleagues in the House introduced a comprehensive immigration reform bill that has gained the support of 190 bipartisan cosponsors.

Unfortunately House Republican leadership continues to block the path forward.

Their refusal to consider legislation that has strong bipartisan, bicameral support is in direct conflict with the will and the needs of the American people and our constituents.

There is growing unrest among the agricultural, business, and technology communities in addition to the advocacy organizations and faith groups.

In my own district, there are heart-wrenching stories of parents who made the dangerous journey here just so they could make sure their children have a place to live and something to eat back home.

They are separated not just by militarized borders, but by time—years and decades of not being able to see one another.

That is why it is so important that organizations like PICO and countless others are continuing to organize and rally to get this done.

At this moment, faith leaders are joined together on the National Mall as part of the Fast4Families event.

They are giving up their meals in order to emphasize the moral importance of passing comprehensive immigration reform.

They follow in the footsteps of leaders like Cesar Chavez, who in 1968 led a 25-day fast for the rights of migrant workers. Today's community leaders are fighting to fix another broken system, one that affects more than 11 million people from all around the world.

Mr. Speaker, it is unacceptable that in the 145 days since the Senate passed its immigration bill, House Republican leaders have dedicated what little time we have to a government shutdown, 40 billion dollars in SNAP cuts, and the repeal of Obamacare.

Republican leadership may not be tired of gridlock and dysfunction but the American people are.

The nation is ready to pass comprehensive immigration reform and we must not delay any longer.

#### RECOGNIZING THE 90TH YEAR ANNIVERSARY OF THE ST. GEORGE GREEK ORTHODOX CHURCH

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. COSTA. Mr. Speaker, I rise today to recognize the St. George Greek Orthodox Church during their 90th Year Anniversary.

The Valley's Greek population has roots dating back to the late 1800s. Weekly religious services were not available at the time, so a Greek Orthodox priest would visit periodically to perform required services such as marriages, baptisms, and funerals. The infrequent visits by the priest prompted several individuals to consider establishing a church. In 1923, "The Greek Community of Fresno" was incorporated, and a priest from San Francisco began to visit regularly.

The first St. George Greek Orthodox Church was built in "Greek Town," where most of the Greek families had settled. The building served the Greek community for 50 years, and still stands today.

When World War II ended, families grew and began to move into other areas of Fresno. Businesses were expanding throughout the city, and a new church was built in 1955. In the years that followed, many new traditions such as the Greek Food Festival started. Not only is the festival an annual fundraiser for the church, but residents from all over the Central Valley attend the celebration so they can enjoy dancing, food, and rich Greek culture.

Mr. Speaker, I ask my colleagues to join me in recognizing the 90th Year Anniversary of the St. George Greek Orthodox Church. Their mission to provide an infinite amount of faith, hope, and love to the public is highly respected and praised.

#### RECOGNIZING THE ACHIEVEMENT WEEK BANQUET FOR THE PI LAMBDA LAMBDA CHAPTER OF THE OMEGA PSI PHI FRATERNITY, INC.

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Achievement Week Banquet for the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity, Inc. The chapter includes the communities of Prince William County, the City of Manassas, the City of Manassas Park and Stafford County.

The Omega Psi Phi Fraternity was founded on Friday evening, November 17, 1911 by three Howard University undergraduate students, Edgar A. Love, Oscar J. Cooper, and Frank Coleman, and their faculty adviser, Professor Ernest E. Just. Together they laid the foundation of an organization based on the core principles of manhood, scholarship, perseverance and uplift. For one hundred years, the membership has upheld a strong tradition of friendship and civic engagement.

At this year's Annual Achievement Week Banquet, the Pi Lambda Lambda Chapter honors the Achievement Week Award recipients. These awards are given to the men and women who, through their character and actions, preserve Omega Psi Phi's four founding principles. I congratulate the following individuals on being awarded these honors:

The Citizen of the Year Award: Congressman GERALD E. CONNOLLY

The Colonel Charles Young Military Leadership Award: Brother Colonel Drefus Lane

Omega Man of the Year: Brother Albert Woods

Founders Award: Brother Dr. Bryon Cherry, Sr.

Basileus Awards: Brother Lee Bennett, Jr. and Brother Erik Noel

Special Basileus Award: Leonard and Susie Gillespie and Gregory Scroggins: K2 Restaurant and Lounge

Mr. Speaker, I ask that my colleagues join me in conveying our appreciation for years of civic service by the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity, Inc. It is civic groups like the Pi Lambda Lambda Chapter that define the character of our communities and give measure to our generosity of spirit.

SHARING STORIES IN SUPPORT OF  
COMPREHENSIVE IMMIGRATION  
REFORM

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, the following are stories of individuals affected by our nation's broken immigration system:

Story 1: I have been in this country for five years. I came from my country, Honduras, because I was a victim of domestic violence from my father. When I reported the abuses I was in danger because there were gangs that threatened me, and I was very scared. I was able to leave my country with no problems, thank God. I sought the opportunity to continue studying but I was asked for papers and they required me to have legal status. I waited for the Dream Act because, at the time, I was hearing a lot of talk about it. But, unfortunately, I didn't qualify for deferred action. I got desperate because I didn't want to spend much time without continuing my studies. A friend of mine suggested I go to Canada. When I was crossing through Buffalo, six immigration officials stopped me and treated me very badly. I told them that I was not a criminal and asked them not to treat me like that. I didn't resist, behave violently, or do anything for them to treat me like that. They made me feel like the worst person in this country, just because I didn't have documents. I just wanted the opportunity to continue my studies and I wanted for them to help me. I entered a jail with criminals, with women I had never seen in my life, that scared me just by looking at them. I could not sleep, could not eat in peace. I just kept thinking that at any moment there could be violence. Thank God my fiancé's family and church members raised the money to pay \$10,000, and now I'm waiting for the court because I have been given a deportation order. I don't want to continue living in the shadows. We are not criminals. We are people with dreams, with the same heart, the same blood that runs through our veins. We are people just like the citizens here. We are also part of this country, this is our home. Despite everything I've always considered it my home because I'm thankful I am here and that I'm still alive. If I would have stay in my country I would've died a long time ago. I only ask for immigration reform to take place soon, because the future of so many people is at stake. Update: Her deportation order has been postponed until 2014. Her child is due in September of 2013.

Story 2. I support a roadmap to citizenship, as a woman that came to this country 18 years ago and that have been through some hard times. Thank the Lord, today I am a U.S. citizen, and my children are U.S.-born citizens. I support a roadmap to citizenship for all the people that are suffering, that don't have a driver's license, that don't have documents and are afraid to lose their families. I have an uncle who I adore and who is always afraid just with the thought that he could be deported one day, that's why I say yes to a roadmap to citizenship for all the people who are contributing to this country.

Story 3: I say yes to citizenship. I am Cuban, even though I was not [undocumented] when I came to this country I understand the need for the sisters and brother that are undocumented. I just heard the stories and what people feel when they have to

drive, these are honest men and women that come to this country to give everything for their life. This is the land where honey and milk flow we are all immigrants and we need citizenship. Every person that does not have a criminal record should have citizenship. All those honest men and women, parents, grandparents, children without documents to go to school and who are getting behind because of not having their documents.

Respond, Obama, and all members of Congress. We say yes to citizenship. I am involved even though I am already a citizen. We have to support our brothers and sisters in the name of Jesus. May God bless and grant them with great wisdom. In the name of Jesus.

Story 4: I came to the United States in 1991. I planned to stay here for three years to finish my law degree. In 1994 I had an accident. That was my first battle. One can face many injustices in this country. I was denied medical attention at a hospital in Michigan. I did not have money, and since I wasn't covered by insurance I had to leave.

I stayed in the state of Michigan with this issue until February 1995. Then I moved to New York. In New York I was diagnosed with a torn knee ligament (MCL) on my right knee. The cost of the surgery was \$65,000. Therefore, I didn't have any other option than to go to Mexico. I had the surgery done after six months. I suffered a lot. Can you imagine? My right knee meniscus and ligaments were torn and the pain was unbearable. The hospital's policy of no discrimination posted on the walls in big bold letters is completely false.

I had another accident in 2006 here in Immokalee, Florida. The lawyers of Azteca Supermarket tried to blackmail me with threats of calling immigration and many other threats of this kind. Then, I basically dropped the case after writing a letter to the judge in which I called the lawyers cannibals and the fact that they were lawyers didn't mean I couldn't press charges against them. The lawyers of Azteca Supermarket dropped the case as well.

I have witnessed situations in which workers have been hit by their employers. In fact, I have experienced that same situation myself. When I was living in New York, I used to work at a store where a [Korean] hit me. I have witnessed many injustices in this country. We need comprehensive immigration reform so that employers stop abusing undocumented workers. Today I am diabetic, perhaps because I didn't get treatment on time. After my first accident I went through a period of depression and much suffering, watching how apathetic people were. I didn't comprehend how even though I was working, the hospitals here in United States wouldn't treat me. I was contributing to the economy of this country and the hospitals denied me the right to medical attention. There are many things I would like talk about, but time is short. I'd like to talk to Congress. I'd like to talk to the members of the House of Representatives and the Senate, and I'd like to tell them myself why it is important to have immigration reform.

If we are contributing to this economy on a daily basis with our work and sweat, it is inhumane deny us medical attention, education and the opportunity to prepare ourselves to be better. I want to reiterate that is very important to pass comprehensive immigration reform.

Story 5: Hello. I'm from Argentina, but I've been in the United States for 12 years. I am very appreciative of this country because it has opened doors for us, because we came

from Argentina where things are really bad. Please, we need immigration reform, a path to citizenship, because we don't have driver's licenses, we don't have health insurance, and we don't have anything to help us stay safe in this country. We want to stay here, we're not going to leave, and for that I say yes to urgent immigration reform, yes to fast citizenship. I'm a 63-year-old grandmother, and I've worked a lot in Miami, but now we can't work nor do anything because we don't have papers. My daughter is unemployed because she doesn't have papers. She is 23 years old and doesn't have papers. I have married children, but they are married to undocumented people, not to people with papers. Please, we need urgent immigration reform.

Story 6: I want to say yes to citizenship because I believe, just like me, so many good people have come to work in this country, to help and contribute to the economy. I have been living here for 15 years. I am a person like any other, and I believe and think that citizenship is necessary because we have earned it with our work and the sweat on our foreheads, and it would help us so much because we face too much discrimination in our jobs. They rob us, pay us low wages, and there has to be an end. Also, I'd like to say that if there is citizenship or a bill, it would be a great help to the economy of this country and I'd also like to say thank you to all of you for doing all of this, for making us a part of this huge force, and of course, yes to citizenship.

Story 7: I am supporting immigration reform for citizenship. I am in this country illegally. I want to be a citizen so that I can contribute to this nation. Thank you very much.

Story 8: It's been six years since I came from Mexico. I came to this country because the situation in Mexico is very critical. There's a lot of crime, you know. There are so many criminals who kill like it's nothing. There's no work. I say yes to immigration reform so that we can be American citizens. I also consider this country like my own, and I say yes to reform.

Story 9: I am a native of Jalisco, Mexico, and I was born in 1969. I'm from a rural area in Jalisco. I came to the United States when I was 14 years old. I worked in a farm in Homestead, which opened opportunities for me in this country and I received my residency in '86. Now I am working with the University of Miami, and I volunteer with the Florida Farmers Association. The Association made me President of the Board of Directors, and now I am telling them that we can help reform our immigration system and asking them to support immigration reform if they can. This is what I'm doing for the immigrant community living in the country. Above all else, I am also asking that all the states in the United States approve driver's licenses because, independently of whether reform happens or not, people will come to this country with papers, they will overstay their visas, and stay undocumented. I am asking for reform for the immigrants that come to this country.

Story 10: For me, it is very important that some kind of reform takes place because it is very difficult for us to stay here in this country with all the problems from the police regarding driver's licenses and without the benefits that everyone else gets. Many Americans consider us to be below them simply because we don't have papers, because we have no way to defend ourselves, because we are treated by the police, and all that. We should have so many more benefits so that we can hold a job. It is very difficult to keep

a job without papers. I would like for undocumented immigrants to be okay in the United States like everyone else that has papers, for us to be okay with the law, because it is very difficult for me.

Story 11: I am a farm worker, mainly working on farms picking oranges. I've had many jobs: picking apples, working with tobacco, and doing a lot of other agricultural work. Another thing, I am a citizen. My parents were in Texas when I was born. They worked there after they came from Mexico and they were undocumented. My relatives and I were born therein Texas during the World War, and the United States was fighting. This country needed a lot of manpower, so they let a lot of undocumented people in to work here because they needed to sustain the jobs here so that the country would survive. Because of this, there were many undocumented people here. When the war finished, the excuse they gave was that because the soldiers were returning here, they didn't need undocumented workers, so there were raids to return all the undocumented people and the families that had these groupings, including American citizens, and they sent us back to our countries. That happened when I was a child. Now the same thing is repeating but with a different excuse—now it's the economy, that's why they're sending them back to their countries. This thing is that people who are not from here are returning, they're returning to their families, their children, who are American citizens. Sometimes they deport the father or the mother or a few times both, and the kids stay separated from their parents. In this country it is presumed that families should be together, but for undocumented people, we're not given what everyone says we should have. What I'm saying here is that we have been living in this country for many, many years, so we need to do something. There needs to be reform to the existing immigration laws. We need to fight for immigration reform that can fix the existing problems, so that they can classify undocumented people who are here and unite families so that all the injustices that are occurring can stop. If you don't have a license, you're a criminal and they deport you. They separate families, and the kids are the ones that suffer. Now that President Obama was reelected, there a lot of possibility for immigration reform, but what do we have to do? We need to unite to achieve just reform in a way that everyone, or the majority, can qualify to receive their documents and can be here legally.

Story 12: More than anything for me, I'd like them to give us the chance to visit our families and to be able to move, for work if not for anything else. We hope that there will be something that benefits all of us, not just me, but for everyone that needs it. I've been in the country for 12 years and until now we've been doing well, but because we don't have licenses, we can't go anywhere easily. But, as far as work and everything else we are all well, thank God.

Story 13: I'm from Puerto Rico, and I live in Miami. I joined the caravan [organized by the Florida Immigrant Coalition to support immigration reform] because since I arrived in this country, I knew something was not right. There's a community of 11 million people that work hard for their country, this country, my country, but my country is punishing them. These people aren't criminals. I've met so many of them through the caravan and they are farmworkers—maybe they're kicking them out because of that, because they're not engineers, or doctors—but

these are the people that put my breakfast on the table every morning.

Like I said, I'm from Miami, and all I have to do is go to the grocery store and buy some oranges. But I've met a lot of people that get up when the sun comes out, go to bed when the sun goes down, and on top of paying them so little, the city is trying to kick them out. When I was in school, I was taught the word "democracy." My teacher taught me that in a democracy, as long as you do right, things will turn out right for you. And I'm seeing a lot of people that are doing things right but things are going right simply because they came from another place. Like I said earlier, it really hurts me to see someone from Mexico, or Peru, from wherever, that the department of immigration, local police, the federal government, sometimes President Obama, sometimes Republicans, sometimes Democrats treat them like less. I'm Puerto Rican, I'm an American citizen, and I am nothing better than these people. These people are so humble and work hard just like me, and this is what brings me to causes like this one. I met a young man who's Mexican who's hanging out with us, he has four children, he's incredibly humble, and he's a hard worker. The only crime he's done is to wake up every morning, go home every night, and put food on the table. That's his only crime, to put food on the table, to feed his kids who are U.S. citizens. Four kids that if they were to deport their dad, the kids would end up orphans. And it seems to me the government doesn't have an interest in more orphaned kids, the Department of Children and Families isn't asking for more orphans. You would think the government would want less.

Story 14: I am here as a volunteer in the movement because, well, right now I personally work with immigrant families and see the destruction that exists in families, separating and deporting parents, including citizens who have children born here and those children are still suffering the consequences. And, personally, I have a daughter in Mexico and one in California. My daughter who is in California is illegal as well, unfortunately. And my daughter who is in Mexico does not have the same opportunities as my daughter here. I haven't seen my daughter or her family in 18 years. My grandchildren in California do not know my grandchildren in Mexico, and it is a very great sadness that I carry. Every time I look at the separated families, even though it hasn't affected me directly if, for example, my son or my husband were the deported, the fact that my daughters have not seen each other for so many years, that my grandchildren will not know each other each other—it hurts. I see so many families dealing with this type of separation in my daily work. These families ask me for help because they know I can help them with transportation, translation, or filling out paperwork. But unfortunately I cannot do much for them, even though I whole-heartedly want to. I do what I can but others can do more. I am in this caravan hoping that immigration reform can benefit all families, including mine.

#### PERSONAL EXPLANATION

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. SHUSTER. Mr. Speaker on rollcall No. 598, I was not present for the vote due to a family emergency.

Had I been present, I would have voted "nay."

#### HONORING THE ROGERS FAMILY

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. TERRY. Mr. Speaker, I rise today to honor the Rogers' family for their commitment to volunteer their time and talents towards community service. They encourage one another to support their community through church, military, and school activities.

Joel and Felicia Rogers are native Omahans who have given back to their community in a large way. On top of raising seven children, the Rogers' have maintained a strong ethic of serving their community through their faith service and commitment to excellence.

Joel, a veteran of the United States Marine Corps, currently serves as a Legislative Policy Analyst in the Commander's Action Group of the U.S. Strategic Command at Offutt Air Force Base. Joel points to his parents' strong support and his firm upbringing as the underpinning of his and Felicia's parenting and leadership strategies. During his 28-year career in the military Joel has led major efforts for the Marine Corps both domestic and abroad. Joel's service has earned him the Military Outstanding Volunteer Service Medal, among many other accolades. Currently, Joel volunteers with the Papillion Recreation Organization (PRO), and supports the annual Toys for Tots drive put on by the Marine Corps.

Felicia serves as the district director in my Omaha Congressional office. She is a highly skilled administrator with expertise built from service in public, private, and non-profit organizations. Felicia dedicates much of her time to faith based and school activities within our community. Some of her past community efforts have taken place with the Wesley House leadership academy, Toys for Tots, the Girls Club of Omaha, and as the 2nd Lieutenant with the 99th Pursuit Squadron of the Civil Air Patrol. Currently, the Rogers family actively participates at Life Church Omaha raising funds to send groups of missionaries to Zimbabwe and Haiti.

Joel and Felicia have been blessed with seven children. Javin, the eldest, is the Product Launch Director for Kenexa. Clifton works as a design and production manager in the media/advertising industry, and is a professional musician on the side. Three of the Rogers' sons decided to take after their father and serve their country as United States Marines. Blake serves as a Staff Sergeant specializing in advanced communications. Darnell is a Sergeant specializing in imagery analysis. Dwayne, a Corporal in the Marine Reserves, is currently a college student in Omaha. Ryan, 11, is a fifth grader in the Papillion La-Vista school district and an active baseball and basketball player. Zoe, 11, and the only daughter in the Rogers family is also a fifth grader and plays volleyball for Team Dazzle in Papillion.

# INTRODUCTION OF THE CITIZEN INVOLVEMENT IN CAMPAIGNS (CIVIC) ACT

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. PETRI. Mr. Speaker, today, I am introducing legislation to establish a program of limited tax credits and tax deductions to get average Americans more involved in the political process. This bill, the Citizen Involvement in Campaigns (CIVIC) Act, will broaden the base of political contributors.

According to the Center for Responsive Politics, during the 2011–2012 election cycle candidates winning a seat in the House spent an average of more than \$1.5 million. Viewed in the aggregate, more than \$4.25 billion was contributed to campaigns for federal office, with more than 63 percent of this total given in chunks of \$200 or more. Donors making contributions of \$200 or more were a small segment of our population, about one-half of one-percent of all adults (Center for Responsive Politics). Is it any wonder then that some believe that large campaign donors have undue influence with the winning candidates?

We need to take a fresh look at innovative approaches to campaign finance reform, with special attention paid to ideas that encourage, and not restrict, greater participation in our campaigns. Toward this end, I have been advocating tax credits and deductions for small political contributions for many years. An updated tax credit system would be a simple and effective means of balancing big donors and bringing individual contributors back to our campaigns. The impact of this counterweight will reduce the burden of raising money, as well as the appearance of impropriety that accompanies the money chase.

Most would agree that the ideal way to finance political campaigns is through a broad base of donors. But, as we are all painfully aware, the economic realities of modern-day campaigning lead many candidates to focus most of their efforts on collecting funds from a few large donors. This reality alienates many Americans from the political process.

The concept of empowering small donors is not a new idea. For example, from 1972 to 1986, the federal government offered a tax credit for small political contributions. This provided an incentive for average Americans to contribute to campaigns in small amounts while simultaneously encouraging politicians to solicit donations from a larger pool of contributors. Currently, five geographically and politically diverse states (Oregon, Minnesota, Ohio, Virginia, and Arkansas.) offer their own tax credits for political contributions. These state-level credits vary in many respects, but all share the same goal of encouraging citizens to become more involved.

The CIVIC Act can begin the process of building this counterweight for federal elections. This bill is designed to encourage Americans who ordinarily do not get involved in politics beyond casting a vote every two or four years (that is, if they bother to vote at all) to become more active participants in our political process.

The CIVIC Act will reestablish and update the discontinued federal tax credit. Taxpayers can choose between a 100 percent tax credit for political contributions to federal candidates or national political parties (limited to \$200 per taxable year), or a 100 percent tax deduction (limited to \$600 per taxable year). Both limits, of course, are doubled for joint returns. As long as political parties and candidates promote the existence of these credits, the program can have a real impact and aid in making elections more grassroots affairs than they are today.

A limited tax credit for political contributions can be a bipartisan, cost-efficient method for helping balance the influence of large money donors in the American electoral process. Instead of driving away most Americans from participation in political life, we can offer an invitation for citizens to play a larger role in political campaigns. It seems to me that this will be a fruitful way to clean up our system, while at the same time convincing Americans that they actually have a meaningful stake in elections. I encourage my colleagues to cosponsor the Citizen Involvement in Campaigns Act.

## HONORING VISITING NURSE ASSOCIATION AND HOSPICE OF THE FLORIDA KEYS MONTH

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to recognize November as the Visiting Nurse Association and Hospice of the Florida Keys Month.

Twenty-nine years ago, VNA Hospice of the Florida Keys began providing specialized home health care services to the residents of Monroe County. Today, thanks to the organization's continued and dedicated service, it stands as a beacon in the home health care industry.

The work they do is vital in empowering patients to live their lives fully and providing comfort in their time of need. Home health care services provide essential benefits to my community and those across the country. The VNA Hospice, for instance, has donated almost half a million dollars in charity care to residents in my district over the last two years alone. In celebration of November, Home Care and Hospice Month, I would like to extend my congratulations and sincere thanks to the VNA Hospice for 29 years of excellent service.

## CONGRATULATING STATE CHAMPION MINNETONKA GIRLS SOCCER TEAM

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate the Minnetonka High School Girls Soccer Team. The talented group of young ladies demonstrated extreme passion, intensity,

and dedication to their school in a hard-fought effort to win this year's Girls State High School Championship.

The team had a phenomenal season, finishing with a record of 17–2–2. Four of their players, Maggie Crist, Ellen Mau, Elizabeth Endy, and Alli Bakken were selected for the all-tournament team. The Skippers allowed only two goals throughout the playoffs and shutout Lakeville North in the championship final. The only goal of the game was scored in the 56th minute by junior forward Ellen Mau, solidifying the championship for the Skippers. Showing true sportsmanship, Mau later stated, "We are proud of ourselves for getting one past that defense because we know how tough they are. It's also exciting we could get this result against an equally as good of a team."

The ladies of this team exemplified hard work, sportsmanship, and dedication the entire season and portray what it means to be a student athlete. I would also like to commend the coaches for leading their team to the Skipper's first championship since 2001.

Finally, a special congratulation goes out to senior Elizabeth Endy for being named Girls' Soccer Metro Player of the Year and Minnesota Ms. Soccer.

Mr. Speaker, the Minnetonka Girls Soccer Team displayed a positive standard for all of their classmates and the community. It's an honor to be able to represent, and recognize, such all-star athletes. To the entire team, coaching staff, and school: congratulations and go Skippers!

## PERSONAL EXPLANATION

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 590, I was not present for the vote due to a family emergency.

Had I been present, I would have voted "nay."

## TRIBUTE TO THE RICHARDSON FAMILY

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. TERRY. Mr. Speaker, I rise today to tell the story of the Richardson family and honor them for the strength they display to overcome obstacles and continue to be a loving family. Through adoption they have welcomed their children into their home and created a loving family unit.

Patti Richardson is dedicated to serving her nine children, no matter their background. When Patti comes across a child in need, she is always there with open arms willing to welcome them home. She invests significant amounts of time and money in these children, filling her home and yard with toys, exercise equipment, and other tools.

The Richardson family consists of Ragina, 22, who was born with Fetal Alcohol Syndrome and ADHD. Also born with congenital heart disease, Ragina required surgery to fix it at the age of one. As the eldest child in the house, Ragina looks after her younger siblings. Next is 10 year old Wesley. Wesley has ADHD as a result of being exposed to methamphetamine before birth. Aidan, of 7 years old, is the next oldest child in the house. Aidan has a congenital heart disease and had open-heart surgery when he was only two months old. Anahla, 5, and Lasia, 4, complete the long list of adopted children in the Richardson household. Patti also has three birth children, William, Jeffery, and Mikayla, all of whom are now adults.

Sadly, the family has suffered through the loss of two of their own. Corey, a shaken baby who Patti fostered and then adopted, passed suddenly at the age of three. Andrew, Patti's youngest birth child, has also passed from brain cancer. The family thinks of Andrew frequently and Patti believes that he gives her guidance to help her through the stress and heartache that she sometimes faces while caring for her children.

The Richardson family illustrates the hope and love we know exists in our communities. It is my privilege and honor to represent the Richardsons and others like them in my community.

#### AMERICAN EDUCATION WEEK

#### HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mrs. BEATTY. Mr. Speaker, this year, our nation will celebrate the 92nd annual American Education Week, which is a week running from November 18–22, 2013.

This special week serves as a wonderful opportunity for all Americans to celebrate public education and honor those individuals who dedicate themselves to ensuring that every child receives a quality education.

American Education Week is intended to recognize all who make a difference in our education system—from teachers to education support professionals to parents.

In Ohio public schools, we have 112,845 full time equivalent teachers, 3,642 guidance counselors and directors, 3,196 librarians and staff, and 104,394 administrators and support staff.

It is these individuals who ensure that our students gain the necessary skills and education for a productive and bright future.

As a supporter of these great Americans and as a former college administrator, I believe it's essential to raise public awareness about the importance of public education.

I am proud to show my appreciation for the key role educators play in the lives of every child in America.

We must ensure that we all do our part in making public schools a great foundation for every child, so they can achieve and succeed in the 21st century.

I celebrate the teachers in kindergarten classrooms, high school labs, and university halls.

I celebrate the school counselors who counsel adolescents and help students carve out career aspirations.

I celebrate the coaches, school nurses, social workers, and special education teachers.

I also celebrate those who transport students to and from schools and extra-curricular events because our students also need the opportunity to learn outside of the classroom.

Thank you to all who make our public schools better and improve our public education system.

I look forward to working in partnership with parents, community leaders, and elected officials to help improve our nation's public education.

I know firsthand the difference a quality education makes in a child's life.

The foundation of a strong democracy is high quality public education that is accessible to all.

That is what helps promote a fair and just society.

Thank you for the opportunity to speak on the importance of American Education Week and public education.

#### HONORING THE LIFE OF ALVIN J. QUIST

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Alvin J. Quist, who passed away on October 29, 2013 at the age of 89. Alvin exemplified the very best of what our nation has to offer. He was a hard working dairyman, proud World War II veteran, and an American hero devoted to military and public service.

Alvin was born into a Danish immigrant family and grew up on a dairy farm. He was active in 4-H and later became involved in the Future Farmers of America at Central Union High School where he also played football and served as student body president. Upon graduating from high school, Alvin attended Cal Poly San Luis Obispo (Cal Poly) to major in Dairy Science.

In 1943, Alvin's studies were interrupted as he proudly joined the United States Marine Corp during World War II. When the war ended, Alvin returned to Camp Pendleton to help wounded soldiers transition back to civilian life.

Alvin met the love of his life, Mary Briggs, in July 1946, and they married a year later. He finished his degree, and graduated from Cal Poly in 1947. Alvin and Mary moved to the Kearney Park area so Alvin could join his father on the dairy farm. They milked 90 cows and farmed 300 acres.

A distinguished community leader in the agricultural industry, Alvin sat on a wide range of boards including Fresno Irrigation District, California Milk Advisory Board, Fresno County Farm Bureau, and Big Fresno Fair Board. Alvin gave back to his community unconditionally based on his faith and love for God.

Family was most important to Alvin. He was an extremely loving husband and father to his

son, Jim, and daughters, Debbie and Marsha. Alvin cherished spending time with his grandchildren and gladly attended their school functions, sporting events, and dance recitals.

Mr. Speaker, it is with great respect that I ask my colleagues in the House of Representatives to pay tribute to the life of Alvin J. Quist. He was a proud American and leaves a legacy of hope and faith for many generations to come.

#### PERSONAL EXPLANATION

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 600 I was not present for the vote due to a family emergency.

Had I been present, I would have voted "aye."

#### PERSONAL EXPLANATION

#### HON. KERRY L. BENTIVOLIO

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. BENTIVOLIO. Mr. Speaker, on rollcall Nos. 588 and 589, I was unable to be present. My wife had surgery that day, November 18, 2013, and I needed to be by her side.

Had I been present, I would have voted "aye" on all said votes.

RECOGNIZING DAVID LAVERY AND THE MARS SCIENCE LABORATORY TEAM FOR RECEIPT OF THE SAMUEL J. HEYMAN SCIENCE AND ENVIRONMENTAL MEDAL

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize and congratulate my constituent David Lavery, as well as his colleagues on the Mars Science Laboratory Team for being awarded the Samuel J. Heyman Science and Environment Medal. The Samuel J. Heyman Service to America Medals (referred to as the Sammies) pay tribute to America's dedicated federal workforce, highlighting those who have made significant contributions to our country. Honorees are chosen based on their commitment and innovation, as well as the impact of their work on addressing the needs of the nation.

As Program Executive for Solar System Exploration, Mr. Lavery leads the Curiosity rover mission to Mars that is exploring the Red Planet's geology and climate and assessing whether conditions are favorable for microbial life and future human exploration. This historic mission is the culmination of more than a decade of perseverance, engineering breakthroughs, and scientific innovations. The mission's findings will rewrite the textbooks on the



geology of Mars and shed light on the possibility of life-supporting environments there.

Working on the cutting edge of space exploration at NASA was Mr. Lavery's childhood dream. Although unable to become an astronaut, he has twice helped place American technology on the surface of another planet. His first flight project was Sojourner—a rover sent to Mars in 1997. For the Curiosity mission, Lavery carefully supervised every step of the process leading to the launch. According to Jonathan Rall, assistant director of NASA's Planetary Science Division, "Without Dave's constant oversight for this mission, it would not have been successful."

This award is just the latest achievement in an amazing public service career that extends beyond NASA to include his years mentoring the robotics team at Herndon High School, guiding them in national competitions and inspiring generations of young Americans to pursue careers in science and technology.

Mr. Speaker, I ask my colleagues to join me in extending our highest praise and congratulations to the Dave Lavery and the eight other public servants from around the country who have been honored with Samuel J. Heyman Service to America Medals this year. Their achievements range from working to eradicate polio in India to landing an exploratory vehicle on Mars to saving the Air Force more than \$1 billion in 2012 by reducing energy consumption. It has been my great privilege and honor to represent tens of thousands of exceptional Federal workers who hail from Virginia's 11th Congressional District. They all deserve our thanks and respect.

#### SHARING STORIES IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, the following are stories of individuals affected by our nation's broken immigration system:

Story 1: Legalization is necessary. There are many things that people don't know that the authorities do. In my case, I've lived through three or four accidents that I saw, and I am the only one who saw and I didn't testify because I'm scared. I think that because of that they closed a lot of cases. I'd like something to be done. Also, at work, there are three or four companies that haven't paid me and discriminate in a lot of things that happen. We, who work with meat, know a lot of things that aren't easy to say to anyone for fear of what that information would do and because of that, reform is necessary.

I'm Mexican and I've been here for 21 years. Ultimately, the truth that I've seen a lot of things that shouldn't exist for human beings to practice these types of things. Because realistically, all of us deserve to live as best as possible and I think that there is a way that we can live and do whatever type of work, without being treated the way they treat us. We want to be welcome wherever we want to go.

Story 2: I arrived in the United States approximately 25 years ago. Thank God I am

now an American citizen, but I have many friends who suffer because they do not have their documents. One of the hardships is that they are not allowed to work or go to many places. For example, there are jobs that they are able to do, but they're not allowed into those places. So they can make \$20 or \$25 per hour, but they're making \$15 or less because they can't go to the place, even though they can do the job. So I say yes to immigration reform because it helps the government as well. The government makes money for giving out papers. People are going to buy cars, they're going to buy houses, they're going to travel within the United States. So, the money that they're going to pay to get their papers is more than they contribute to the United States now. They will travel to their home countries to visit their parents, their siblings—I think that will be something very good for the country as well.

Story 3: I arrived 22 years ago from San Marcos, Guatemala. Thank God we had the opportunity to have papers, but we are here to support our people. We want everyone to be equal and to have the opportunity that we had. So it is great that there is a possibility at reform for all. The only thing we can do is support in any way we can—by meeting and being with them. I think that people can work legally and do many things.

Story 4: I'm from Guatemala. I've been here with my wife for nine years and we are nothing in this country. We came here for the purpose of allowing our family to succeed. In Guatemala, the circumstances over there don't allow for success. For that reason, we came here to have a life a little better than what we had there. All we are asking is for the Senators and the people listening to this recording to support us because the majority of Hispanics that are in the United States are here to work and support this country. For that, we want to be heard and we want to say yes. We want to arrive to citizenship because we need it. You see on TV and in the news that many families are suffering and many families are crying. There have been many deportations, and we don't want that that continue. We want all families to feel happy and live happily here, but they're scared. We don't want people to continue living in fear. For that we make the invitation to collaborate, because everything we can do, we will do. We don't want racism, for example. Here there are various nationalities from various countries, and we are unified for this cause. We will continue uniting, for whatever work there is. I work in landscaping, cutting branches on trees, on palms, cleaning gardens. Right now, we don't have kids and my wife and I have been married for seven years.

Story 5: I am originally from Guatemala. I immigrated to the United States in 1987 at age 18. I turned 18 while crossing the desert. There I celebrated my birthday. From there I went to work on a farm for three or four years. In that time, the situation was much more difficult, but I had the opportunity to work in different jobs. Around that time I was a beneficiary of the NACARA law, which allowed me to apply. I saw that the NACARA law benefitted me a lot because I was able to have some economic stability for my family. I have been married for 22 years, and I have a 19-year-old son. The NACARA law has always helped me, so of course I feel like there is a need for immigration reform because it would benefit my community so much. The people who are here can grow economically and help their families. They can create businesses and jobs in our country. That is why people emigrate here, because there are

no jobs in their home countries. I don't know, governments don't invest in creating jobs and so people in immigration limbo don't want to invest because they don't know what will happen. I feel that it's a necessity, and I think we deserve it. We are working people. The majority that come here come for work. We don't come for public benefits. In my community, very few are the type to try to get social assistance. The majority, like my case, came and paid taxes, and they have been paying taxes since coming to the United States.

They deported me in 1987 after I was detained in Krome. I was held in Krome for a month or a month and a half before they sent me to my land. It's very frustrating, because I'm from a town very far from the capital. At that time, it was about eight hours by truck. I didn't know anything when I arrived. I was in a city I had never been to before. It was very difficult, but I didn't turn back because I had no alternative. There was no work. I graduated with my Master's degree and came back here because there were no job opportunities there and because the political situation was very hard.

Story 6: I've been in this country 17 years. I came alone, made my family here, so for sure my wife is here by my side. I have two daughters, one who is 13 years old, and I still have no papers. But I've kept going because now I have no choice but to keep fighting harder, for my daughters' benefit more than anything. I'm working and, I don't know, I hope that this immigration reform that they're fighting over will be given to us because it will allow us to benefit the country. For me and my kids, immigration reform will give them greater security to have their parents here in this country without having to hide from immigration and the police. For work, I can't drive a truck to get to my job. I have to go with someone that has a license to drive, and it's very much the difference in salary, even though I know the work and everything, it's a point less for me. That is the first thing for me. I want to buy a car or something that can benefit me and my family and help me to do my duty for this country. Up until now I've tried to not put myself into problems. I try not to go out too much or go to parties and things like that. I'm over that, and I'd rather be with my family and without any problems. But, I can't go wherever I want. My wife has family here, they all have papers. I haven't seen my family in 16 or 17 years. My boss fired me and I'd like to go to Mexico, but I can't because I wouldn't be able to come back. I have no other choice but to stay for my kids.

Story 7: I'm a little nervous because my story is sad, but I'm now happy because I am without problems, without any preoccupation. They confused me with a certain person, but I never robbed anyone and I always maintained that it wasn't me. They received the evidence from the other person, it was very sad and painful, and because being in prison is not easy at all and is very unpleasant. It's very sad for people as well as their families. My family worried day and night, and I was wondering that I wouldn't get out, but with the will of God I got out with a \$7,500 bail. I had about four court dates. They sent me to Krome, and from there I told the judge to give me voluntary leave to my country. When I left, they told me that I had to report to Mexican immigration. I went and entered and delivered a paper that they gave me, but I always knew that I wanted to return. I was in my country for a month, and then came back. Since then, thank God, I have not gotten in trouble. I don't drive, and

I don't do anything because I am holding out because if God helps us with this reform we will come out ahead. Firstly to God, we ask a lot, to the congressmen, to the Senate and the President, that they have a lot of consideration for so many people who need equality. I came in April of 1990. I am Mexican, and all my siblings are citizens. I'm the only one who is not. I hope for the day when I can be equal to everyone else.

Story 8: I'm a mother of two children who were born here in Florida. They deported my husband to Guatemala five years ago. We are united and want to ask Congress and the White House to support us, that yes we can, that now is the time for them to give us immigration reform. We are encountering many families going through difficult situations and we ask, we beg, we ask wholeheartedly, that we are supported in this country. All of us immigrants reinforce this country's economy. We beg that they give us immigration reform. They stopped my husband and asked for a license, which he didn't have. That was the reason they deported him. It's a very difficult case and my kids suffer a lot from the absence of their father.

Story 9: I support immigration reform because I've encountered those problems. When I didn't have papers, I was always living in hiding and I do not want others to go through the same problem. I wish that everyone could have their papers to live in peace and tranquility.

Story 10: I am an American citizen and I want to remind the Congressmen of the United States that my vote will go to the people who have humanity when it's time to decide on immigration reform. Make it a humane immigration reform, not one based on the whims of Congressmen. My vote will always be for the humane Congressmen. Immigration reform will help all those that don't have papers or a path to citizenship. We remember that there should be a path to citizenship with a quick process, not like what Senator Marco Rubio and his colleagues want. We will always vote against the people who think like that.

Story 11: I'm Nicaraguan. I am 35 years old and came to this country 13 years ago. My dream is to bring my family to the United States. I came with just that one goal because the democratic system in my country doesn't work. I've lived through many hardships and because of those I immigrated to the United States. Now with 13 years here, we ask for immigration reform and the opportunity for citizenship because we want to be incorporated into society. We want to be a part of it. We want the opportunity to vote, to apply to whatever we need. Immigration reform will be good for the country as well as for us if we can contribute. My dream is to buy my house and continue in my studies because I don't want to stay stagnant. I want to move my daughters forward. I have two daughters; one was born in Nicaragua and the other is an American citizen who was born in this country. I can't imagine returning to my country, I don't have any plans to do so. I hope that the legislators and President Obama support reform, because now we are ready to be a part of this great country.

Story 12: I've been here for 12 years, going on 13, and I brought my two daughters, when one was two and a half and the other was a year old. They believe that this is their country, and I do as well. I came here and we liked it. We came from my country because life is very difficult there. Now there's a lot of crime. I am Mexican and it is very hard to live there now. My daughters don't want to

return to Mexico because of everything we've seen over there—a lot of crime, a lot of killing. There's no work, no way to move forward. My daughters say that this is their country, they are Mexican but they are home. They speak English and Spanish very well, but they say that all they know is this country. So I say yes to citizenship for all the people that are like me in this country. We don't have licenses to work or to even look for a job. I had a job and some people did me harm. They sent me a letter and fired me from the job, and now I am unemployed. I need to work to help my daughters get ahead, and so I say that now is the time that we help all people, the 11 million undocumented people in this country. We came for honest work. We came to do the jobs that many people won't do. Please, it is the time for citizenship, something so we can be okay here and so we don't have to go somewhere and be afraid that they'll stop the bus where we are, that they take us to immigration and deport us while my daughters are in school. It's an ugly and sad thing, and I say yes that now is the time for immigration reform. To the Senators and all the people hearing this message, please help us for the immigration reform that we are all hoping for and we hope that this is the year that it happens.

Story 13: I'm Nicaraguan and got TPS in 1998. I had a problem. A policeman gave me a DUI because I had a neck problem. I lost consciousness because of the medicine that I took, which was not supposed to be taken while driving, but I did it because I needed to pick up some money urgently. I say yes to citizenship. Right now I am in a limbo because of my immigration status. They removed my TPS. After they removed my TPS, I was sent to immigration court with a lawyer who told me to apply for political asylum. But they didn't approve it and asked me for voluntary departure. Every day I feel that, if they get me, I am going to be deported to my country. Now I have 16 years working here contributing to the productivity and economy of this country. I have worked honestly. The problem I had was because I wasn't well represented in court about the DUI. I paid lawyers but it was useless for me because they were not able to defend me. I have evidence that proves that the police gave false evidence. I was an industrial electrical engineer in my country, and I intend to work with dignity, honesty, with the sweat of my brow to succeed, because if I go back to my country, I have no chance of surviving there.

Story 14: I arrived in the United States in 1985 to study. I have three kids, and we need immigration reform. Please. In the name of God, we need this reform because it is hard not having a license.

#### PERSONAL EXPLANATION

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. SHUSTER. Mr. Speaker, on rollcall No. 601, I was not present for the vote due to a family emergency.

Had I been present, I would have voted "nay."

#### A TRIBUTE TO WILL CROCKER

#### HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to a truly outstanding North Carolinian, Will Crocker, who has served as the Clerk of Court for Johnston County, North Carolina, for almost thirty-five years. Mr. Crocker assumed his current post in 1978, but has been an outstanding public servant since 1959, when he first began working as a clerk for Selma Recorder Court. He has since dedicated himself wholly to bettering this great community, and I ask you to join me in recognizing his long and honorable career.

Mr. Crocker's hard work and devotion have been vital to the continual development of Johnston County. Throughout Mr. Crocker's tenure, he has continuously held an open-door policy, and has committed himself to high ethical standards. Respected by all who know him, he has been the recipient of many awards and accolades recognizing his hard work and dedication to his job. After Hurricane Fran, the violent storm that devastated much of eastern North Carolina in 1996, every government office in town was closed except one: the clerk's office.

Mr. Speaker, Will Crocker has selflessly dedicated many years of his life to serving the citizens of Johnston County. His enduring commitment to his community makes him an exemplary public servant, and his accomplishments will continue to benefit eastern North Carolina for many years to come. As his time as Clerk of Court comes to a close, let us honor Mr. Crocker and pray that both he and his family may receive God's richest blessings.

#### RECOGNIZING THE CONTRIBUTIONS OF CLIFF HAGEDORN, AN AMERICAN PATRIOT

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the many contributions of Cliff Hagedorn, a long-time resident of Des Plaines, Illinois, and a pillar of our local veteran community. Mr. Hagedorn is a great example of a true American patriot.

Cliff Hagedorn grew up in Des Plaines—graduating from what is today Maine East High School and marrying his high school sweetheart, Valerie. Like so many other Americans during World War II, Mr. Hagedorn enlisted in the U.S. Army and prepared to risk his life on behalf of our nation.

On Easter Sunday 1944, Cliff Hagedorn landed with the allied forces in North Africa, and participated in actions that eventually stopped and then reversed German advances in the region. After succeeding in North Africa, he and his fellow soldiers spent the remainder of the war in Italy, pushing German forces back at every opportunity.

After the war, Cliff Hagedorn's contributions to his community continued—he raised a family in Des Plaines and helped to create the

Des Plaines Senior Center. The Senior Center continues to offer vital services to this day and Mr. Hagedorn now holds emeritus status with the organization.

Cliff Hagedorn has also been an active member of the Veterans of Foreign Wars Post 2992 for several decades. In fact, earlier this month he celebrated 70 years of service with this institution—a truly remarkable achievement.

Today, at the age of 91, Cliff Hagedorn continues to work tirelessly in support of his country and his local community. Serving as adjutant of his local VFW post, Mr. Hagedorn engages in outreach to the local community, visiting schools and teaching young people about the value of knowing their civics and their nation's history.

Cliff Hagedorn has devoted his life to public service, and we are all better off as a result. On behalf of a grateful nation, I want to extend our sincere thanks for all he has done for our country, and a heartfelt congratulations for seventy years of service to his local post of the Veterans of Foreign Wars.

#### HONORING THE LIFE OF JAMES KAUFMAN

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. COSTA. Mr. Speaker, I rise today to pay to tribute to the life of James Kaufman, who passed away on October 31, 2013, at the age of 71. As one of the founders of American Ambulance, Jim was a true supporter and advocate for our Central Valley. His kind heart and generosity will be greatly missed.

Jim was born and raised in Fresno, California. After graduating from Roosevelt High School, he joined the United States Coast Guard Reserves. He also worked part time at Jones Ambulance and attended Fresno City College. While Jim was working at Jones Ambulance, he met his wife, Joyce, and a year later they married in Carmel, California. Jim and Joyce raised one son together, Stan.

One of Jim's greatest role models was his father, Martin. Martin was a teacher and coach, and Jim saw himself following in his father's footsteps. However, when Jim completed his 16 years of service in the Coast Guard, he decided to run his own ambulance business. In 1975, Jim and three other individuals founded American Ambulance. Jim and his partner, Larry Ward, remained as the owners of the company for almost four decades as American Ambulance grew into a successful business with approximately 600 employees.

Jim's entrepreneurial spirit led him to establish a new business, KY Farming, with his good friend, Tony Yasuda. They grew cherries and blueberries, and they also managed a packing house, KY Packing. Jim's businesses brought him great joy. He cherished his employees and always did what he could to help, whether it was through financial support, guidance, or simply heartfelt encouragement.

Aside from his work, Jim loved the Dallas Cowboys. He also enjoyed tennis, golf, and dove hunting. Spending time with family was

most important to Jim. He will be greatly missed by Joyce, Stan, his daughter-in-law, Stephanie, and his grandchildren; Abel, Lilly, Evan, and Faith.

Mr. Speaker, it is with great respect that I ask my colleagues in the House of Representatives to pay tribute to the life of James Kaufman. His presence will be missed, but his legacy will surely live on in the Central Valley.

#### CELEBRATING THE CENTENNIAL OF THE NUTLEY PUBLIC LIBRARY

#### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Nutley Public Library, located in Essex County, New Jersey, as it celebrates its centennial anniversary.

The Nutley Public Library has a strong history, as its building and collection have continued to grow since its opening in August, 1914. The origins of the Nutley Public Library begin in 1896, when a private library held the starting 3,000 book collection. The intention of the private library was to hold the books until the township of Nutley could find a location for a library. However, it was not until 1914, when the town was provided an Andrew Carnegie grant that the new public library, designed by Armstrong and DeGelleke, was built, and the collection was moved to its current home.

In January 1942, the library expanded the original building to accommodate its ever-growing collection. Through the funding of a Federal Works Project Administration grant and local funds, the library added three stories, designed by Behee and Kramer.

On August 25, 1980, the second floor ceiling collapsed. The fall of the 65 by 40 foot ceiling section knocked over many bookcases, and caused severe damage. Thankfully, the library was closed at the time of the collapse. The first floor was able to remain open through the duration of the repairs, with the librarians retrieving books from the upstairs rooms when requested.

In October 1990, an addition and renovation completed the library's current facility. Designed by James Goldstein and Associates, a 20,000 square feet addition was added on, with its appearance preserving the essence of the original and historic Carnegie structure. The library used its own reserve funds, and turned to the community, to help pay for the renovation. The library received its financial help through the Friends of the Nutley Public Library, township bonds, and a New Jersey State Library Construction Grant.

The Nutley Public Library became the 70th member of the Bergen County Cooperative Library System in 1996. This system allows the library to be fully computerized and view the holdings of all the BCCLS libraries, and is accessible 24 hours a day.

Today, the library maintains a collection of approximately 90,000 books. The collection includes reference books, adult books, young adult books, and approximately 25,000 children's books. The library is able to provide large print books, magazines, videos, music,

downloadable eBooks, and audio books. It is currently governed by a board of trustees and two ex-officio members. The board members are chosen by the mayor and serve five year terms. The two ex-officio members include the mayor and the Superintendent of Schools, or their delegates. The library is currently funded by the New Jersey Per Capita State Aid, donations, and the township. Eighty percent of interest from these funds is used for the purchase of books and other material. The library is proud to celebrate its history and look forward to its continuous growth in the future.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Nutley Public Library and thanking the Friends of the Nutley Public Library as it celebrate its centennial anniversary.

#### HONORING THE ARMITAGE FAMILY

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. TERRY. Mr. Speaker, I rise in honor of the Armitage family for the leadership values they have demonstrated and passed onto their children. They have built a model for leading in the community that will be continued by their adult children to provide the same leadership as their parents.

Dr. James and Nancy Armitage are being honored for not only their leadership to the Omaha community, but also their contributions to research and training in the medical profession.

Dr. Armitage is internationally renowned for his expertise in bone marrow transplantation. He is also a leading expert in the management of lymphoma worldwide. He is currently the Joe Shapiro Professor of Medicine at the University of Nebraska Medical Center (UNMC) in Omaha; is active on several committees and his expertise is sought worldwide. James has also served on several community boards and has received professional honors from national and international organizations that are too numerous to list.

Nancy began her career practicing psychiatric and intensive care nursing before the needs of her family led her to leave the field. Currently, Nancy is extremely involved in volunteer leadership positions with local boards, schools, hospitals, nonprofits, and her church. To name a few, Nancy has served on the Munroe-Meyer Institute Guild, Samaritan Counseling Center of the Midlands Board and the executive boards for the Faculty Women's Club and the University Hospital Auxiliary. Her many years of volunteer work at UNMC Hospital has led to her being named a co-chair of the Faculty Women's Club scholarship committee, raising funds for UNMC students. Nancy and James also serve as trustees of the Nature Conservancy of Nebraska.

James and Nancy have four adult children: Amy, Greg, Anne, and Joel. Amy, a substitute teacher at Mary Our Queen School and Parish, lives in Elkhorn with her husband Jeff. Greg works as a CPA with FBL Financial Group, Inc and lives in Des Moines with his

wife Cheryl. Anne, an attorney and stay-at-home mother, lives in Omaha with her husband Stephen. She also serves as an officer on the Girls Inc. Girl Friend board. Joel practices internal medicine and lives with his wife Anja in Omaha. Nancy and James have been blessed with ten grandchildren.

It's an honor to recognize their commitment to make the metro area a better place.

**CELEBRATING THE 45TH ANNIVERSARY OF THE NATIONAL WILD AND SCENIC RIVERS ACT**

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Ms. MCCOLLUM. Mr. Speaker, today I rise to honor the passage of the 1968 National Wild and Scenic Rivers Act, signed into law 45 years ago by President Lyndon Johnson. This landmark legislation has resulted in the protection of more than 100 rivers, including Minnesota's Saint Croix River. Across the country, these beautiful riverways cross many political boundaries and state borders, uniting Americans in appreciation of our natural heritage.

As a Senator, Minnesota's own Walter Mondale joined Wisconsin Senator Gaylord Nelson to sponsor the Act, and include the Saint Croix River as one of the eight original rivers designated as a Wild and Scenic Riverway. Creation of the Saint Croix National Scenic Riverway recognized the largest scenic riverway east of the Mississippi River and helped protect its nationally renowned fishery.

Once the epicenter of the American logging industry and a busy corridor of commerce, the Saint Croix National Scenic Riverway is now a testament to the rugged beauty that was home to Native Americans for millennia, and that greeted early European visitors who followed them. Under the wise stewardship of the National Park Service in partnership with more than 1,000 private land owners, 252 miles of the Saint Croix River watershed from the Namekagon in Wisconsin, its largest tributary, to the Mississippi confluence are protected from logging, invasive development and industry. Tens of thousands of visitors have benefited from the river's national protection and enjoy its natural beauty; future generations will be able to appreciate its natural splendor.

Today, 45 years after passage of the National Wild and Scenic Rivers Act, the legacy forged by Senators Mondale and Nelson has grown from the original eight rivers to 150 Wild and Scenic Rivers. This designation protects these rivers and the outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act has safeguarded the special character of our most precious rivers and helped lead to further protection of our valuable natural resources, including passage of the Clean Water Act of 1973.

Despite the passage of the Wild and Scenic Rivers Act, these national treasures are under constant threat from modern development and misuse. In Congress, it is my priority to protect and strengthen our Wild and Scenic Rivers, including the Saint Croix National Scenic Riverway, for our children and grandchildren.

Mr. Speaker, in honor of the 45th anniversary of the Wild and Scenic Rivers Act, it is my pleasure to commend all who have made the Act a success, including Vice President Mondale, the late Senator Gaylord Nelson, National Park Service staff, private land owners, and countless volunteers who are dedicated to keeping these beautiful riverways wild and scenic.

**HONORING THE PUERTO RICAN CHAMBER OF COMMERCE OF SOUTH FLORIDA**

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to recognize the Puerto Rican Chamber of Commerce.

Over the past twenty years, the Puerto Rican Chamber of Commerce of South Florida has been an important partner for promoting business, driving job creation, and supporting economic development in South Florida. Through partnerships with the Miami-Dade County Office of Public Housing and Community Development, the members of the Chamber help create much needed jobs and advance community development.

This organization strives to support entrepreneurship and innovation for Puerto Ricans and Hispanics in both South Florida and Puerto Rico. As our economy in South Florida continues to recover from the recession, the Puerto Rican Chamber of Commerce serves as a leader in strengthening the economic foundation of our communities.

I hope you will join me in commending the Puerto Rican Chamber of Commerce of South Florida on twenty years of outstanding advocacy and service.

**PERSONAL EXPLANATION**

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 602, I was not present for the vote due to a family emergency.

Had I been present, I would have voted "nay."

**RECOGNIZING THE 25TH ANNIVERSARY OF FACETS**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the 25th Anniversary of FACETS, a Northern Virginia nonprofit that helps individuals and families overcome the challenges of poverty.

Since 1988, through its collaboration with more than 100 faith communities, local busi-

nesses, fellow nonprofits, and government agencies, FACETS has improved the lives of thousands of families and individuals by helping them obtain emergency shelter, food, and medical care; helping them gain safe, sustainable and permanent housing; and working with them to end the cycle of poverty through educational, life skills and career counseling programs. This wrap-around approach not only addresses the immediate needs of those in crisis, it also provides the support and services necessary to develop long-range solutions that allow each person to become self-sufficient and live with dignity.

During my tenure on the Fairfax County Board of Supervisors, I was pleased to partner with FACETS in launching the Hypothermia Prevention and Response Program, which will be starting up again soon. Under this program, churches have opened their doors to provide our most vulnerable neighbors with a warm and safe place to stay during winter nights. Last year FACETS served 244 guests in this program, and since it began no unsheltered individuals have died due to hypothermia. In 2008, when I was Chairman of the County Board, I worked with FACETS founder Linda Wimpey and other community partners to initiate the 10-Year Plan to Prevent and End Homelessness. Thanks to the success of that program we have made significant strides reducing the rate of homelessness by one-fourth.

FACETS also helps people develop the skills necessary to create better lives for themselves and their families by operating Education and Community Development programs in community centers located in affordable housing communities throughout Fairfax County. Programs for youth focus on academics, self-esteem, substance abuse prevention, healthy relationships and college or career planning. Approximately 450 youth participate in these programs. Nearly 90 percent of children who received homework and tutoring help improved their GPAs or overall academic performance. Last summer, FACETS served 1250 lunches, sent 7 children to camp, and hosted additional activities designed to keep children and teens safe.

Programs for adults include computer and financial literacy, career development and ESL. Residents can participate in individualized case management, focusing on eviction prevention and emergency food and financial assistance to keep them stable and in their homes. In FY12, nearly 60 adults participated in FACETS' community programs. Of those who received case management, 40 percent became actively involved with life skills classes and 60 percent gained employment assistance, including résumé development and increasing earning power.

FACETS has earned well-deserved recognition for these efforts. The Dulles Regional Chamber of Commerce honored FACETS as its 2013 Large Nonprofit of the Year. In June 2013, the Housing Association of Nonprofit Developers recognized the FACETS' Education and Community Development Program as the Best Community Life Program in the Washington, D.C., metropolitan area. Last year,

FACETS earned a Team Excellence Award: Leadership Role in the Fairfax County Family Shelter In-take Redesign.

Mr. Speaker, I ask my colleagues to join me in recognizing FACETS for its 25 years of service to our community and in extending our sincere appreciation to the dedicated staff and volunteers for their commitment to ending poverty in Fairfax County as well as to the individual, corporate, non-profit, and government agency sponsors for supporting the critical work of this organization.

#### INTRODUCTION OF THE WATER TRUST FUND ACT

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. BLUMENAUER. Mr. Speaker, there is nothing more essential to quality of life, to the health of our families and of our communities than water. Water, at its most basic level, is life. Safe drinking water and basic sanitation make the difference between health and sickness, between a family thriving or struggling just to exist.

Water quality and quantity are serious issues in communities across the country, especially now, when changing weather patterns, extreme drought, continued growth combine to put an even greater demand on our aging, inadequate infrastructure. To ease these pressures, I am introducing the Water Trust Fund Act, which would establish a trust fund to help local communities meet their water infrastructure needs.

Over a thousand communities across the country are struggling with combined sewer overflows as well as inadequate and aging sewer pipes. Small communities in particular, which already face huge questions of water supply and quality, have few resources with which to pay the bills and are seeing sky-high monthly costs for consumers.

The Water Trust Fund Act creates a deficit-neutral, consistent, and firewalled trust fund to help states replace, repair, and rehabilitate critical wastewater treatment facilities. It will be financed by voluntary fees from companies that participate, in exchange for the use of advertising materials indicating their support for America's water systems.

We face unprecedented challenges to our water infrastructure. More and more products are designed to be flushed down toilets and drains, placing them in systems that are already stressed. Pharmaceutical residues are showing up in treated wastewater and because they are difficult to treat, I'm afraid we are slowly medicating vast numbers of Americans against their will. Aging water systems—some still made out of brick or wood, some dating from the century before last—mean that America also faces old-fashioned system reliability issues. Unpredictable weather means that water systems are dealing more frequently with sewage overflow, flooding, and overwhelmed systems. Reports indicate that each year an average of six billion gallons of drinking water leaks from these inadequate and ancient pipes. Six billion gallons is enough to fill 6,000 Olympic sized swimming pools—if lined up, these pools would stretch from Washington, D.C. to Pittsburgh, PA.

These aging and outdated systems are not just a local problem, relevant only to a single neighborhood, city, county, or even state. Water does not obey county boundaries or even state lines, and it is a resource on which we all rely. The federal government should help fill the funding gaps that local communities and states cannot. The opportunity is now: There is significant state and local investment, interest rates are low, and the Water Trust Fund will help leverage billions of additional dollars to repair our aging infrastructure.

The American public is already paying a disproportionate share of the costs of water infrastructure. Residential households have the least capacity to absorb additional costs during these difficult times, and they already face wildly escalating costs to deal with problems that they did not create. The voracious water demands of industry far outstrip household needs. Clean water is absolutely essential for these industries and the rest of the business community to function. Water infrastructure upgrades will provide the business community far more in benefits than it would cost, and it could be used to leverage a broader range of investments.

This bill will help communities deal with their water infrastructure needs in a stable, proactive way, and will provide significant benefits for those who rely on our water system, the local government officials charged with making the system work, and the industries who rely on a clean, consistent source of water for their products.

#### HONORING THE LIFE OF JOE F. ALVERNAN

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Joe F. Alvernaz. His character exemplified that of a role model and true community leader—he placed others ahead of himself, made family his first priority, and possessed a strong work ethic.

Joe began his life of service at an early age. After the bombing of Pearl Harbor in 1941, he enlisted in the United States Marine Corps and it was there that he received the nickname "Sweet Potato Joe" from his fellow marine and close friend, actor Brian Keith. It was while Joe was in boot camp, that he would come to marry the love of his life: Florence Cardoza of Merced in 1942. As the war went on, he served our country proudly during a period of history that seemed as if it would never pass; a period that forever changed our nation and the world.

After the war ended, Joe became as busy as ever. He came back to California to once again farm sweet potatoes. He later served as President of the California Sweet Potato Council, and U.S. Sweet Potato Council, where he was a Director for over 20 years. To say that Joe was busy is an understatement; he also served as President of the Merced County Farm Bureau and was on the Board of Directors of the Nisei Farmers League.

Joe's involvement in the community could not be described in one word or even in one sentence. From 1946 to 1996, "Sweet Potato Joe" announced all the Livingston High School football games, parades, and even radio programs. This is where Joe earned another name for himself: "The Voice of Livingston." However, his talents did not end there; Joe's acting skills also benefited the Livingston Little Theater group, where he starred in several productions, most notably as Elwood P. Dowd in "Harvey." Adding to his list of accomplishments, Joe also organized the first kid's hardball team in Merced County in the early 50's. Joe was particularly drawn to baseball, and served as coach, sponsor, announcer, and booster for over fifty years. Later, he would become the third Area Commissioner of Baseball. From this, he achieved perhaps his greatest accomplishment; having a local baseball field be renamed the "Joe F. Alvernaz Baseball Field."

Joe was predeceased by his parents, Joe and Mabel Alvernaz, brothers, Arthur and John Alvernaz, and sister, Mary Geyer. He was also predeceased by his oldest son, Joey Alvernaz, in 1980 and by his wife of 64 years, Florence, in 2007. Although Joe has passed on from this life, Heaven is a little bit brighter today because he has joined Florence, the true love of his life. He is survived by 5 children, 17 grandchildren, and 13 great grandchildren.

Mr. Speaker, it is with great respect that I ask my colleagues to pay tribute to the life of a truly amazing father, coach, neighbor, and everyone's friend, Joe F. Alvernaz. His service to his country, community, and to his family will be painfully missed, yet celebrated, honored and never forgotten.

#### HONORING TEELA MICKLES

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. TERRY. Mr. Speaker, I rise today because I want to honor Teela Mickles for being an advocate for the youth of Omaha. She is an inspiration for change by creating opportunities for young people to remain active and accountable members of the community.

Teela's interest in helping people return to a successful life after incarceration comes from her own experiences. Teela was involved in a marriage where domestic abuse was prevalent and was finally able to break away after fourteen years. She was able to start a new life for herself and her five children. Her faith in God and desire to do what was right convinced her that she could help others to restore their lives as well.

Teela founded an organization called Compassion in Action in 1994 to provide a holistic approach to family restoration and community re-establishment for incarcerated individuals and their families. The program is designed to address the specific needs of individuals coming out of incarceration by offering them pre-release and re-entry services, advocacy and mentoring services, and transitional and independent living preparation for youth.

Currently, Teela is leading Compassion in Action in a \$300,000 fundraising campaign to renovate the former Wesley House building in North Omaha and begin operations there. She is especially enthusiastic about the R.A.W. D.A.W.G.S. Youth Corps Gang Prevention Program clubhouse that will be in the lower level of the building working to replace the desire for gang membership. Teela is working around the clock to recruit a community-wide network of concerned families and community leaders who believe in the importance of investing in our children, rather than building more prisons.

Teela believes that the main key to success is prevention. She is convinced that the best way to prepare someone for the outside world after their release is to prepare them prior to their release.

It's my privilege to recognize Teela's commitment to building up our community and her efforts to bring it together.

IN HONOR OF THE 60TH ANNIVERSARY OF CLEVELAND'S RIDNA SHKOLA

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Ms. KAPTUR. Mr. Speaker, Ukrainians have been coming to the United States since the Industrial Revolution when immigrants came to cities like Cleveland for jobs. Here they established communities with their own churches, businesses and social clubs. Many also felt the need to perpetuate the language and culture of their ancestral home. And so, starting in the first decade of the 20th Century, the first Ukrainian Heritage Schools were born.

The current Heritage School, "Ridna Shkola," whose 60th anniversary we celebrate this year, was founded in 1953 by immigrants who found refuge in America after they had been driven from their homeland by the devastation of the Second World War and the repressive policies of Nazi Germany and the Soviet Union. Because they had been active in cultural institutions in their Homeland, the Soviets who conquered Western Ukraine in 1939 targeted them for execution or deportation to Siberian labor camps. Also targeted were the "Ostarbeiters," Ukrainians forced to work as slaves in the Nazi economy. Stalin saw them as tainted by Western influences and after the war assigned them to a similar fate.

Those who could fled—first to the Displaced Persons Camps of post-war Austria and Germany and ultimately to a new life in Cleveland and other cities in the U.S. and Canada. The bitter circumstances of their immigration reinforced the refugees' determination to perpetuate their identity and culture.

There is no exact English correlative for the term "Ridna Shkola." Roughly it means, "Our own native school" and already in 1950, informal classes began at Cleveland's Ukrainian National Home in Tremont.

In the fall of 1953, educators and leaders formally established the "Ridna Shkola" Association led by Ivan Fur, a grocer whose real vocation was the Ukrainian community. In Jan-

uary 1954, "Ridna Shkola" was incorporated as a non-profit organization in the state of Ohio and joined the Educational Council of the Ukrainian Congress Committee of America (UCCA) which to this day coordinates a nationwide network of Ukrainian Heritage Schools. The first director of Cleveland's "Ridna Shkola" was the distinguished scholar, Volodymyr Radzykevych, author of the three-volume "History of Ukrainian Literature" and several children's books. For many years, Professor Radzykevych was the librarian at the Ukrainian section of the Jefferson Branch of the Cleveland Public Library.

Once it was established, "Ridna Shkola" met every Saturday during the school year at Tremont Elementary School before moving to Merrick House a few blocks away. Enrollment grew from 95 students in 1954 to 307 in 1963. That's when the school moved to Parma, following the demographic trends of the Ukrainian-American community to the suburbs. Since then, several thousand Ukrainian-American students have attended "Ridna Shkola" with more than a thousand completing the rigorous "Matura" which tests students' knowledge of Ukrainian language, history, literature, geography and culture.

From the very beginning "Ridna Shkola" was distinguished by a highly-qualified faculty: Hryhoriy Golembiowsky, Mykhaylyna Stavnycha, Olena and Marian Dub, Mykhailo Zhdan, Yaroslava Pichurko, Myroslava Mychkovska, to name a few. There have been scores of others over the past 60 years—all deserve mention, but they are too many to list. Directors (principals) included Vasyl Ivanchuk, Stepan Wolanyk, Viroslov Kost, Petro Twardowsky and George Jaskiw. Today, the majority of teachers and students at Ridna Shkola are from the most recent Fourth Wave of immigrants to the U.S.

Critical to its operation are the administrators, people who make sure children have books, collect tuition, pay faculty and resolve a thousand details. For many years, Lida Parc in Cleveland fulfilled this role, insuring a smooth operation. The school also depends on a solid corps of volunteers and, of course, parents who wake their children every Saturday morning and drive them to school.

The school is supported by the Ridna Shkola Society, a group of parents and other supporters who raise money, take care of administrative tasks and organize events associated with the school year—weekly classes, graduation exercises, annual celebrations. Today, Chrystine Klek heads the Society, following such dedicated leaders as Kost Melnyk, Vasyl Ilchysyn, Evhen Nebesh, Evhen Palka, Bohdan Milan, Luba Mudriy and George Jaskiw.

It is impossible to assess the importance of Ridna Shkola. Many a college application and professional resume lists Ridna Shkola and the "Matura." Untold numbers of Ridna Shkola graduates have gone on to careers in journalism, politics, government, medicine, law, business, media, diplomacy, etc. where they applied their knowledge of Ukrainian, as well as the lessons and skills they acquired in "Ridna Shkola" something their parents forced on them and they unwillingly accepted, only to later acknowledge how beneficial it all was. And now a quarter century after Ukraine's

independence, it's clear the huge difference Ridna Shkola made not only in the lives of its graduates, in the Ukrainian-American community but also the positive impact on the country their parents and grandparents left under such bitter circumstances.

Best wishes to Ridna Shkola on its 60th Anniversary and all the best in the years to come.

PERSONAL EXPLANATION

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 603, I was not present for the vote due to a family emergency. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

**HON. TOM MARINO**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MARINO. Mr. Speaker, on rollcall No. 583, I was unable to make it to the floor in time for this vote due to the hearing in the subcommittee on Reform, Commercial & Antitrust Law running over. Had I been present, I would have voted "yea."

IN HONOR OF THE 45TH ANNIVERSARY OF THE FARMINGTON MINE DISASTER

**HON. DAVID B. MCKINLEY**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MCKINLEY. Mr. Speaker, this week marks the 45th anniversary of the explosion at Consolidation Coal's No. 9 Mine in Farmington, WV. We remember the 78 miners who lost their lives in what is known as the Farmington Mine Disaster.

On the morning of November 20, 1968 multiple explosions rocked the small town of Farmington and the surrounding area. The blasts were felt as far as 12 miles away. Ninety-nine men went down in the mine that day, and only 21 made it out alive.

The sacrifice of these miners and their families was not in vain. The disaster led to historic safety changes for the mining industry. The Federal Coal Mine Health and Safety Act of 1969 was signed into law as a result and generations of coal miners have benefited from the improvements in working conditions.

Coal and coal mining is in West Virginia's lifeblood. Tens of thousands of West Virginians rely on coal to make their livelihood. Even today, mining coal is a difficult and often dangerous job. We must never forget the important contribution these men and women make to America.

Mr. Speaker, on behalf of the 1st Congressional District of West Virginia and the families

of these 78 miners, I remember the victims of this tragedy and honor the sacrifice they made.

#### PERSONAL EXPLANATION

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 604, I was not present for the vote due to a family emergency.

Had I been present, I would have voted "aye."

#### HONORING PRESIDENT JAAN MANUEL SANTOS CALDERÓN OF THE REPUBLIC OF COLOMBIA

### HON. JOE GARCIA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to recognize Colombian President Juan Manuel Santos for his bold leadership and commitment to public service.

President Santos began his distinguished career in public service when he served as the first-ever Minister of Foreign Trade. In this capacity, President Santos tirelessly sought to bring a higher quality of life to the people of Colombia by expanding trade and promoting economic prosperity. As the Minister of Foreign Trade, President Santos's strong leadership allowed him to successfully establish Colombia as a rising international economic force.

After founding the Social Party of National Unity, which is now Colombia's largest political party, President Santos served as the Minister of Defense. Thanks to his steadfast leadership and commitment, President Santos helped weaken dangerous guerrilla groups like the Revolutionary Armed Forces of Colombia.

President Santos's achievements as a national leader are undoubtedly worthy of our admiration. I commend him for an impressive career and applaud his lifelong dedication to his country.

#### RECOGNIZING THE 2013 FAIRFAX COUNTY PARK SERVICE AWARD RECIPIENTS

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the 2013 Fairfax County Park Service Awards. These awards, sponsored by the Fairfax County Park Authority Board in cooperation with the Fairfax County Park Foundation, recognize individuals and organizations for their extraordinary contributions to our environment and public park system.

Fairfax County is regarded as one of the best places in the country in which to live, work, and raise a family, and our nationally-recognized park system has played a key role in that distinction. Each year thousands of volunteers donate their talents and time to protect our natural and cultural resources and enhance educational and recreational services.

The Fairfax County Park Service Awards are presented in several categories: the Elly Doyle Park Service Awards which were established in 1988 and named in honor of Ellamae Doyle in recognition of her many years of outstanding service as a member and chairman of the Park Authority Board, the Eakin Philanthropy Award named in honor of the Eakin family who donated the first parcels of parkland to the Park Authority more than 50 years ago, the Mayo Stuntz Cultural Resource Award named in honor of the late, longtime historian, author, and chairman of the Sully Foundation, and the Outstanding Volunteer Awards. I am honored to enter into the CONGRESSIONAL RECORD the names of the following recipients of the 2013 Service Awards:

#### Eakin Philanthropy Award Recipients:

ExxonMobil for its generous support of the Summer Entertainment Series, its investment in an outdoor classroom at Huntley Meadows Park, and for support of the Meaningful Watershed Education Experience.

Jon and Ruth Ruskin who, through the RZ Foundation, have made significant financial contributions that have supported Fairfax County Parks programs and initiatives including Bright Futures RecPAC scholarships, Arts in the Park performances, and funding for open space land acquisition.

#### The Mayo Stuntz Cultural Stewardship Award:

The Sully Foundation Ltd., which has contributed nearly half a million dollars in support of special projects at Sully Historic Site since 1970.

#### Elly Doyle Park Service Award Recipients:

Howard Albers for his work as a volunteer consultant to identify and secure new sources of funding for park programs and facilities.

Jim Hickey for more than 17 years of volunteer service to Lake Accotink Park and for establishing the Friends of Lake Accotink, for which he serves as president.

Sarah Kirk for her efforts as founder and president of Turner Farm Events to ensure that equestrian programs at The Turner Farm in Great Falls remain free to the public.

#### Elly Doyle Special Recognition Awards:

Casto DeBiasi, Lassine Doumbia, The Great Falls Trail Blazers, The Friends of Green Spring Gardens Board of Directors, Lynn Mulvey-McFerron, and Melina Tye.

#### 2013 Outstanding Volunteers:

Fran Anderson, William A. "Bill" Bozo, Lisi Bradshaw, Joan Carson, Sue Erbele, Clint Fields, Natalie Gilbert, Mostafa Kamvar, Lauren Kinne, Barbara Leven, Judy Nitsche, Martha Orling, Jaque Ristau, Cathy Ruiz, Marilyn Schroeder, Jim and Jo Anne Stapleton, John Tucker, Karen Waltman, and the Ziegler Family.

#### 2013 Student Honorees:

Monica Banghart and Rohil Bhinge.

Mr. Speaker, I ask that my colleagues join me in congratulating and thanking these honorees for their commitment to our open

spaces and public parks. Fairfax County is able to enjoy a high quality of life because of the efforts of these individuals and they are deserving of our praise and appreciation.

#### THE 210TH ANNIVERSARY OF THE LEESBURG VOLUNTEER FIRE COMPANY

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. WOLF. Mr. Speaker, I rise today to recognize the Leesburg Volunteer Fire Company, which celebrated its 210th anniversary on November 15.

The fire company is an important part of the history of the Town of Leesburg. It began in 1803 when Leesburg residents formed a "bucket brigade." Each male member of the household kept buckets made of leather on the floor of their homes. Later in the 1800s, the bucket brigade reorganized into the Leesburg Fire Company, and by the 1820s the company had acquired a new hand-pumped fire engine. In the 20th century, the company advanced from the use of hand-pulled engines and hose carts to more modern fire engines. Further expansion happened in the 1920s with the construction of a new fire station and the purchase of several new fire trucks.

Over the past 210 years, the fire company has grown and changed significantly while safeguarding the Leesburg community. In 1928, the company responded to 21 calls, and by the 1970s, demand for the company's services had grown to an average of 300 calls a year. The company then hired its first fire marshal to keep up with demand. Today, the volunteers and career firefighters who make up what is now called the Leesburg Volunteer Fire Company use advance training and the highest-quality equipment to provide fire prevention, emergency rescue services and fire safety education. In 2012, the fire company responded to more than 1,723 calls, underscoring the organization's invaluable contributions to the community.

A banquet in honor of the 210th anniversary was held on November 16, which focused on the book, *The Early History of the Leesburg Volunteer Fire Company 1803-1925*. The book was researched and written by 11-year member James R. Fazekas and is filled with newspaper articles as well as maps, photos, drawings and reproductions of archived documents commemorating the fire company's history and accomplishments. Mayor Kristen Umstattd also presented the Town of Leesburg's annual donation of \$400,000 to the fire company—a substantial increase from the town's allocation of \$53.69 in 1891.

The success of the fire company is due in part to the leadership of President Richard Wolfe, who has been with the company for nine years. I would also like to recognize Rick Etter, a 29-year member who served as chair of the anniversary committee, and J.B. Anderson, a 43-year member. Their and exceptional service is appreciated.

I commend all the members of Leesburg Volunteer Fire Company for their bravery,



dedication and willingness to put their lives on the line to protect our community. I wish them all the best as they celebrate this wonderful milestone.

# RECOGNIZING THE ACHIEVEMENTS OF HARRIET THOMSEN

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Harriet Thomsen from Washington State, who will be recognized as an extraordinary volunteer by Friend to Friend America at this year's Volunteer Appreciation Day on November 23, 2013.

Harriet has been a volunteer and supporter of Friend to Friend since it was founded in 1974. The visitation program connects volunteers to elderly or disabled persons living in nursing homes, increasing the quality of their lives and establishing long-time friendships. Harriet has since been a strong advocate for the elderly community and has worked vigorously to maintain Friend to Friend's mission.

Harriet's passion for volunteerism stem from her first visit to a nursing home in her earlier years. She noticed that most homes provided dark activity rooms and were lacking sanitary equipment. Harriet immediately took charge and published an article in her local newspaper asking for donations like paint, chairs and lamps to improve assisted living facilities. She also mobilized women at her church, addressing the concerns she had about the unfortunate conditions some elderly must endure when living in a nursing home. She became invested and took it upon herself to positively change the living situation of seniors.

Although Harriet is highly praised for her selflessness and dedication at Friend to Friend, she also volunteers at the Children's Hospital Boutique in Kent, Washington and regularly cooks dinners for the homeless at Grace Lutheran Church. She is currently a retiree that spends more than 40 hours a week assisting others.

Mr. Speaker, it is with great honor that I recognize Harriet Thomsen. Harriet is a true inspiration and an excellent example of a community leader. Her service to Washington State will be appreciated by many for years to come.

# CONGRESSIONAL RECORD HONORING JOSEPH A. GATTO

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Ms. HAHN. Mr. Speaker, I rise today to pay tribute to the life and legacy of Joseph Anthony Gatto, a tireless educator and community artist who passed away, at the age of 78.

Born in Pueblo, Colorado on December 22, 1943, Joseph soon came to call California his home as World War II provided a large migration of workers to settle in the West Coast. Of-

ficially settling in East Hollywood, Joseph graduated from Fairfax High School where he excelled both academically and athletically. After turning 18 years of age, Joseph enlisted in the United States Army where he was stationed at Fort Lewis in Washington. Upon completion of his service to the military, Joseph returned to Los Angeles and graduated from California State University, Los Angeles and continued his education earning a Master's from Cal State LA and another Master's from Pepperdine University becoming the first in his family to graduate from college.

During his career he worked multiple jobs tirelessly as he was not only an educator in high schools during the day, having never missed a day of work during his 47 years, he also was a University professor on the weekends at Cal State LA and California State University Northridge. All a while serving as an assistant to his brother a concession manager at Dodger Stadium. In 1968, Joseph met his wife with whom he had three wonderful children; Nicole, Michael—a California Assemblyman, and my friend, Marianna, each of whom went on to do great things in their own right.

Joseph was awarded the "Bravo Award" as California Arts Teacher of the Year, in 1986. He was also honored consecutively at the White House by former President Ronald Reagan in 1988 and again in 1989 by former President George H.W. Bush. Following his success, he was honored yet again in 1990 as the California and Pacific Region Art Educator of the year. Joseph wrote many books throughout his life, many being used as classroom textbooks from Canada to Texas.

He will be remembered as a father, friend, and as an outstanding educator in his community. He will be missed by many.

Mr. Speaker, I ask all Members of the House to join me in a moment of silence to commemorate the memory of Joseph Anthony Gatto.

# HONORING THE HETTINGER FAMILY

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. TERRY. Mr. Speaker, I rise to honor the Hettinger family for their commitment to family solidarity. It is evident by their love and support shared between parents and children that this family deserves to be recognized for its commitment to one another.

Robert and Thesia Hettinger have been blessed with a large family, twelve children in all. The family wasn't always that large; however, after Robert's sister passed in 2006, the Hettinger family grew by seven. With ten children at home, Robert's sister's husband became overwhelmed when they learned of her cancer and Robert and Thesia were eager to help.

Robert works as a district network specialist for the Millard Public Schools. Thesia is currently a stay-at-home mother and certainly keeps very busy with twelve children at home in Papillion. During the final months of her life, Robert and his sister's relationship evolved as

they struggled to cope with her disease and living arrangements for all of the children. Soon after his sister passed, Robert and Thesia, along with their five children, made the decision to bring six of their nieces and nephews into their family. The four remaining children stayed with their father; however, they continue to play a significant role in the Hettinger children's lives.

All in all, the adoption process took three years and was finalized in 2009. Recently, the Hettinger's added another nephew to their family, bringing the grand total to twelve children. Miraculously, all of the children are very loving, respectful, and protective of one another and all share a genuine concern for helping others.

The Hettinger reserves Monday nights for family time. During this time they will all get together, which is extremely difficult to do with twelve children between ages seven and seventeen, to focus on their spiritual lives.

Robert and Thesia believe that to be good parents they must teach and lead by example. It is folks like Robert and Thesia who embody the spirit of strong communities. It is an honor to recognize them today.

# "FIFTY YEARS AGO THIS DAY": IN HONOR OF PRESIDENT JOHN F. KENNEDY

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. NEAL. Mr. Speaker, I rise today in honor of the memory of President John F. Kennedy. On the fiftieth anniversary of his tragic passing, it is important to remember all of the ideals that President Kennedy championed and the many Americans that have dedicated their lives to public service based on his example. In honor of President Kennedy, I submit this poem penned by Albert Carey Caswell.

FIFTY YEARS AGO THIS DAY

(By Albert Carey Caswell)

Fifty years ago this day . . .  
As a Nation cried and prayed . . .  
Fifty years ago this day . . .  
As up to Heaven,  
an American Hero made his way . . .  
Fifty years ago this day . . .  
as our Nation's hearts gave way!  
Fifty years ago this day . . .  
As Camelot,  
came to an end that day!  
As a Nation's great hopes were so torn away!  
As the tears so ran down her face . . .  
Fifty years ago today!  
For we will long remember,  
where we were so then there . . .  
Fifty years ago this day . . .  
When,  
we lost our most beloved JFK . . .  
As we all so knelt and prayed!  
As up towards Heaven a new Angel made his way . . .  
Fifty years ago this day . . .  
So young and so bright,  
who so fought to fight . . .  
To Save The World!  
In World War II,  
aboard P.T. 109 all in his most heroic hue . . .

All in his "Profiles in Courage" as he stood true!

JFK,  
a better world so made!  
With his "Profiles in Courage" leading the way!

"Let Us All Go Forth" as you would say!  
To walk upon the moon,  
a dream all in your bold heart had grown!  
And oh that hair!  
Causing all to stop and stare!  
Touching and inspiring hearts everywhere!  
And oh that voice,  
as so surely you were America's choice!  
When leaders lead,  
up to new heights our hearts so hoist!  
And oh those Brothers Four,  
such a work of art of a family's love adorned!  
And a lovely wife Jackie . . .  
Who all in those tragic days,  
out of all that ashes so led the way!  
As to her children the hope and strength,  
so gave!

As all of their she so eased!  
Fifty years ago this day!  
Jon Jon . . . and Caroline,  
oh how heavy our hearts so weighted!  
Fifty years ago this day!  
As we lost our most beloved JFK!  
And now as we so contemplate,  
what we so lost on that day!  
As a hole in America's heart was so made!  
Fifty years ago this day!  
As we all had to so Go Forth!  
All out on our course!  
To achieve so what up ahead so awaits!  
All in our hopes and dreams,  
to so sow in our hearts these seeds!  
As fifty some years ago!  
As a Nation so awoke,  
to the words he so spoke . . .  
Almost like a prayer,  
on an Inauguration spoken there!  
"Ask not what your country can do for you?"

"But, what you can do for your country!"  
All in what JFK was invoking!  
To such new heights,  
where only dreams are made by those who burn bright!  
As the torch has been passed . . .  
"Let Us Go Forth!"

Like that great Irish poet named John,  
who inspired us to dream dreams far beyond!  
Dearest Jack!  
Dearest John!  
JFK!

You are gone,  
but not forgotten . . .  
As your rising tide,  
made all boats rise!  
Casting your brief light!  
As life a Star you rose so high,  
and you were gone as we all cried!  
Fifty years ago this day!  
To Reach For the Stars,  
and shoot for the Moon to go far!  
As we will remember that smile,  
and those eyes . . .  
and that hair and his Irish charm as com-  
prised!

As up in Heaven now,  
a pickup football game rages on up in the skies!

And then a shot rang out . . .  
on that dark day when the music died!  
As we will never know what could have been?  
But we knew what was so then!  
And that we have all so been cheated by this dark sin!

But Jack,  
all of that light you so left behind!  
Still, beckons to us all so all in time . . .  
To Go Forth!

To Dream Dreams all out on our course!

All in the service to Mankind,  
we feel your force!  
Yes, Dearest Jack . . .  
My Dearest John . . .  
you have left,  
but you are not gone!  
As your fine life,  
among this world lives on!  
Now,  
"Let Us Go Forth" . . .  
And by your Profiles in Courage,  
let all our hearts be warned!  
As we remember,  
what took place fifty years ago this day . . .  
As together let us pray.

#### CONGRATULATING THE IMAGE BAND

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mrs. CHRISTENSEN. Mr. Speaker, I rise to congratulate the Image Band of the Washington, DC Metro Area on their celebration of their 35th anniversary this week. The Image Band is not just any other Caribbean band, they are a band with roots in my district, the U.S. Virgin Islands, who for the past 35 years have kept the sounds of home alive and vibrant for Virgin Islanders and Caribbean people who have migrated here and for people like me who work here and sometimes need to enjoy the cultural flavor of home.

Mr. Speaker, the Image Band returns to the islands regularly to perform there, most notably New Year's Eve on St. Croix and in other East Coast cities, Canada, and the Caribbean, where the Virgin Islands-Caribbean diaspora resides to entertain and excite and to provoke cultural memory. They have fulfilled their founding mission to "reproduce, propagate, and improve the dynamism of the Caribbean musical form." The Image Band was the first group to win the Best Musical Band Award presented by the DC Carnival and they have been crowned Brass-O-Rama champions at the Trinidad and Tobago Days in the Park in Baltimore. The Washington Post has featured their involvement with the Caribbean Fest Live at the Carter Baron Amphitheatre.

Mr. Speaker, on behalf of the people of the Virgin Islands and the entire Caribbean and Caribbean diaspora, I want to say thank you to the Image Band, led by Sarge for their many contributions to the culture of the Caribbean and for many memorable, enjoyable, moments that they have provided for so many of us.

#### CELEBRATING THE 30TH ANNIVER- SARY OF THE LORD'S PLACE

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor and congratulate The Lord's Place as they celebrate their 30th anniversary. Over the years, I have come to work

very closely with this wonderful non-profit organization and have seen first-hand the critical work they do to aid the homeless population in South Florida. It is particularly fitting that we mark this anniversary during National Hunger and Homelessness Awareness week, when, as a nation, we reflect on the progress we have made in reducing hunger and homelessness, and recommit ourselves to the work that remains to put an end to these tragedies once and for all.

For 30 years, The Lord's Place has been a place of refuge for homeless Floridians in Palm Beach County. The organization is dedicated to breaking the cycle of homelessness, and provides critical services to the local community such as job training, health and human services, supportive housing, and community engagement.

Additionally, The Lord's Place operates numerous social enterprises and businesses, such as a thrift store, a catering company, and a community garden, which provide real world experience to homeless Floridians attempting to break their own cycle of homelessness. By helping to educate and provide valuable employment opportunities for these men and women, The Lord's Place provides a path that has already allowed hundreds of formerly homeless Floridians to reenter society and lead independent and self-sufficient lives.

In 2012, The Lord's Place provided these support services to hundreds of people in need. More than 400 men, women, and children were offered supportive housing, and remarkably, by the end of the year, 92 percent of these individuals were no longer homeless. Many now lead self-sufficient and independent lives. Furthermore, dozens of formerly homeless men and women better educate themselves with the organization's on-the-job skill training program every year. This has allowed hundreds of formerly homeless Floridians to find work with local employers.

Mr. Speaker, I want offer my most sincere congratulations and heartfelt gratitude to The Lord's Place CEO Diana Stanley, her staff, and volunteers for all that they do each and every single day. I very much look forward to continuing my partnership with them for many more years to come.

#### REMARKS OF WELCOME TO KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MORAN. Mr. Speaker, it is with great pleasure that I join with my colleagues on both sides of the aisle in welcoming King Mohammed VI of Morocco to Washington. Support for good US relations with Morocco is a matter that has achieved longstanding, bipartisan support.

On Friday, November 22, 2013, King Mohammed VI will meet with President Obama at the White House for discussions designed to deepen the two countries' long friendship and strategic partnership.

The friendship between our two countries goes back to 1777 when Morocco's Sultan

Mohammed III, the current king's namesake, was the first head of state, and Morocco the first country, to recognize the new United States.

Morocco was also the first country to sign a Treaty of Peace and Friendship with the United States. Negotiations for this treaty began in 1783 and the draft was signed in 1786. Future Presidents John Adams and Thomas Jefferson were the American signatories. The treaty was subsequently presented to the Senate, which ratified it on July 18, 1787, making it the first treaty ever to receive U.S. Senate ratification.

The treaty provided for the United States' diplomatic representation in Morocco and commerce at any Moroccan port on the basis of "most favored nation status." It also established the principle of non-hostility when either country was engaged in a war with any other nation.

President George Washington wrote to Sultan Mohammed III on December 1, 1789: "It gives me great pleasure to have this opportunity of assuring your majesty that I shall not cease to promote every measure that may conduce to the friendship and harmony which so happily subsist between your empire and these United States."

U.S. relations with Morocco have strengthened in the years following this historic treaty. During World War I, Morocco was aligned with the Allied forces, and in 1917 and 1918 Moroccan soldiers fought valiantly alongside U.S. Marines at Chateau Thierry, Mont Blanc and Soissons.

During World War II, Moroccan national defense forces aided American and British troops in the region. In January 1943, British Prime Minister Winston Churchill, President Franklin Roosevelt and Free French Commander Charles de Gaulle met for four days in the Anfa neighborhood of Casablanca to develop ongoing strategies against the Axis powers.

In 1956, President Dwight Eisenhower sent a letter to Moroccan King Mohammed V to the effect that "my government renews its wishes for the peace and prosperity of Morocco." The King responded by assuring President Eisenhower that Morocco would be a staunch ally against the proliferation of Communism in the region.

Morocco was one of the first nations to express its solidarity with the United States after the September 11, 2001 attacks. The United States subsequently expressed its sympathies and support for Morocco when terrorists conducted major attacks in Morocco.

The United States and Morocco have a Free Trade Agreement and in September 2012, the U.S. and Morocco launched a Strategic Dialogue—the first such U.S. dialogue with a Maghreb nation—to advance common interests on political, economic, security, and educational and cultural affairs.

A bipartisan majority in both the House and Senate have signed letters in support of Morocco's desire to resolve the ongoing conflict in the Western Sahara through negotiations designed to ensure Moroccan sovereignty, while providing the inhabitants with autonomy. In 2009, 244 Members of the House signed such a letter. The following year, 54 Senators signed a letter expressing their support for

such a negotiated process designed to end the conflict.

This rich history of friendship and cooperation sets the stage for the visit to the White House by King Mohammed VI. The visit is a result of President Obama's personal invitation to the North African monarch, who will be meeting the President for the first time.

In announcing the visit, the White House issued a statement declaring: "This visit will highlight the long-standing friendship between the United States and Morocco and strengthen our strategic partnership. The President looks forward to discussing a range of issues of mutual interest with King Mohammed VI, including support for Morocco's democratic and economic reforms. This visit is also an opportunity to increase our cooperation on addressing regional challenges, including countering violent extremism, supporting democratic transitions, and promoting economic development in the Middle East and Africa."

I join with my colleagues in Congress in welcoming the King to Washington in the firm belief that this visit will reinforce the special relationship between our two nations.

#### A TRIBUTE TO LOTUS RESTAURANT

#### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. COURTNEY. Mr. Speaker, I rise today to pay tribute to Hong Nguyen, the owner of Lotus Vietnamese restaurant in Vernon, Connecticut. Hong recently announced that Lotus will be closing on December 1st after nearly thirty years of business. The Zagat-rated restaurant has received rave reviews from locals and esteemed food critics alike who return for dishes like the Bombay beef, peppered shrimp, spicy soup, and my favorite, the Saigonese pancake.

Hong Nguyen served as a Lieutenant Colonel in the South Vietnamese Air Force and commanding officer of the 819th combat squadron during the Vietnam War. After the fall of Saigon in 1975, Nguyen and his family fled to the United States. With the assistance of USAF Lt. Colonel Gib Whitman, the Hong's were sponsored for U.S. citizenship and moved to Guilford, Connecticut as the first Vietnamese refugees in the State.

In 1984, Hong Nguyen and his wife, Canh, opened Lotus at its first location on Route 83. In their first years in business they worked 12 hours a day, 7 days a week. Canh did all the cooking and Hong managed the rest of the chores in the restaurant. The grueling work paid off as a growing clientele prompted the Hong's to move into a larger space on the Hartford Turnpike.

I ask my colleagues to join with me in honoring the Hong family for their achievements. Their story is a testament to the American dream, and I wish them the best of luck in their future endeavors.

#### RECOGNIZING THE RECIPIENTS OF THE 2013 NORTHERN VIRGINIA LEADERSHIP AWARDS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. CONNOLLY. Mr. Speaker, I rise to recognize this year's recipients of Leadership Fairfax's Northern Virginia Leadership Awards.

Leadership Fairfax is a nonprofit corporation dedicated to finding, training and growing leaders in Northern Virginia. Leadership Fairfax seeks to build leaders who raise the tide not only in their organization or local community but in the whole Northern Virginia region. Graduates from its programs become part of a fast growing network of civic leaders. I've always said, "When you walk into a crowded room it's easy to spot the graduates of Leadership Fairfax—they just stand out!"

Leadership Fairfax alumni and the general public submitted nominations for the 17th annual Northern Virginia Leadership Award, and a panel of community and business leaders made the final selections. It is my honor to enter the following names of the 2013 Northern Virginia Leadership Awards recipients into the CONGRESSIONAL RECORD:

Bob Chase, president of the Northern Virginia Transportation Alliance, will receive the Regional Leadership Award, which recognizes an individual for advancing regional collaboration and partnership. For two decades, Bob has worked with the Northern Virginia Transportation Alliance, a coalition of business and civic leaders, to educate the public and advocate for major improvements in regional roads and transit.

Lynn Tadlock, chairman of the Community Foundation for Northern Virginia and deputy executive director of the Claude Moore Charitable Foundation, will be presented with the Trustee Leadership Award, which honors an individual who has demonstrated visionary leadership by embracing new opportunities and pursuing innovative, collaborative approaches. Ms. Tadlock has been associated for 28 years with the Fairfax County Park Authority, and in philanthropy at the Claude Moore Foundation. She has been instrumental in bringing to reality many projects that exist in the county today, including the Workhouse Arts Center in Lorton, the Cross County Trail, and two county parks for disabled children: Clemmyjontri Park in McLean, and the Special Harbor Spray Park at Lee District.

Pam Michell, executive director of New Hope Housing, will receive the Nonprofit Leadership Award for her 22 years of inspirational leadership at New Hope Housing. Michell has grown New Hope from a small, local agency to a regional agency, with shelters, transitional and supportive housing, and outreach and support services.

The JBG Companies, a real estate investment firm, will be presented the Corporate Leadership Award. JBG develops active, sustainable communities, advances affordable housing and promotes public art. JBG Cares, the companies' volunteer arm, matches volunteers from the company in the areas of affordable housing, education, the environment, hunger and the arts.

Joe Thompson, assistant principal at Annandale High School, will be honored with the Educational Leadership Award for his efforts in launching the first Annandale Pyramid Resource Fair this past August. This event provided school supplies, clothing, hearing and sight testing, haircuts and other goods and services to almost 4,000 families in the Annandale High School Pyramid.

Patricia Stevens, executive director of the Office of Public Private Partnerships, Fairfax County, will receive the Chairman's Award for her enthusiastic and distinguished service on the Board of Directors of Leadership Fairfax as Governance Committee chair, and as a member of the Executive and Membership committees.

Mr. Speaker, I ask my colleagues to join me in congratulating these honorees and thanking them for their service to Northern Virginia.

Mr. Speaker, I ask that my colleagues join me in congratulating the 2013 award recipients and in commending the Annandale Volunteer Fire Department for 73 years of service. I thank the brave volunteers whose dedication to public safety is deserving of our highest praise, and to each of these men and women I say: "Stay safe."

#### SHARING STORIES IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

#### HON. JOE GARCIA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. GARCIA. Mr. Speaker, the following are stories of individuals affected by our Nation's broken immigration system:

Story 1: I came to the U.S. from Nicaragua when I was six years old along with my younger brother. When we first got to the U.S. it was really exciting for us—first of all boarding the plane and just trying to, you know, fulfill our curiosity, and putting our fingers wherever we can, touching everything that was shiny. And we were even more amazed when we got out of the airplane and saw the moving escalators that we'd never seen before. And we actually thought that we were at Disney World at that point (laughter)! It turned out that we weren't in Disney World when we got off the plane, but we did go to Disney World the same week we got here.

So everything was real bright and hopeful when we first got to the U.S. We came on a visa which expired after six months. Mom was with her boyfriend whom she had a daughter with, and so we all lived together for quite a while until her boyfriend started drinking and abusing alcohol. My Mom's boyfriend would abuse her and hit her and pretty much victimize her constantly. There came a point when me and my brother were coming home from school, which was right next door to our house, a trailer, and we saw that as we were walking toward the garage, it just looked like a robbery.

My Mom's boyfriend came out in boxers, and he looked out of it. His eyes were red and he was just saying all these crazy things—"Oh, your Mom this," and "your Mom that," but my Mom wasn't there at the time. My Mom pulled up in her car. She went to our rooms and got as much clothes as she

could, and then she put us in her car and put our seatbelts on. As she was putting the keys in the ignition to drive off and flee, he got in front of her car and called the police. When my Mom heard the police sirens, her instinct was to protect us and to keep us together. She was trying to hide so the police wouldn't catch us, and so we were running behind other trailers but eventually we had to stop. And that was when police officers came around and put her in handcuffs, and we were watching this.

And my Mom, like, she just collapsed, pretty much, when all of this was happening, and we saw tears in her eyes.

And so I figured, you know, I know who the victim is here. I expected the police officer to do the right thing and protect my Mom, things like that. But because my Mom was fearful, and because she had no status, she didn't speak up and all. She was crying and bawling inside the car. So she was unfairly detained that day. But moving fast forward, after she got out of jail for that, like the next day, my Mom became a strong and independent woman. She started working harder, and we had our own apartment without her boyfriend. It was just so peaceful when we were together. We'd watch movies together—she loved comedies, so we were always watching comedy movies. We would take turns cooking, sometimes. Everything was really good, to us, after that incident.

But that incident followed her until a day that we were around 10th grade. She was pulled over for driving without a license, and because of those charges they arrested her too. We were at home, right, expecting her to come at 11:00 p.m., which was when her shift ended at the gas station that she worked at. We were watching the clock, and we were like "oh, it's 11, she should be home anytime now," and then it became 11:30 and our eyes were still wide open, until 11:45 and 11:50 when we just fell asleep. We woke up late the next day; it was a school day and she, she wasn't there. That was the craziest experience that we ever had. It was like our mother was abducted by aliens to us and we were just like, "Where is she?" Our aunt gave us a call: "Hey your Mom was arrested for driving without a license." That's when my brother and I immediately were trying to figure out what to do. I was fifteen years old, and trying to figure out if we should pay the next month's rent or sell her car to pay an attorney.

During that period, all the charges were dropped against my Mom, but they found out about her status and they transferred her to ICE and then they deported her.

What bothers me the most, and what angered me the most during this whole ordeal, was that I was never given the opportunity to say bye to her, to look at her, to hug her, or to make her a promise that I'll see her again. We didn't have any form of ID that allowed us to go inside the detention center. And that's really what has angered me the most and why I'm at this site, to make that sure no one has to go through this again.

After my Mom was deported, some of my aunts were financially struggling themselves, but they offered to take us in. Unfortunately, due to economic hardships, they couldn't sustain us. And that's how I ended up in the foster system with some strangers—with a family I didn't know. To me it was just truly nerve-racking. The first night I couldn't sleep because I didn't know what was going to happen to me, or who these people were that were in the room with me. And the reason I felt like I didn't belong there was because I was never abused or ne-

glected by my Mom. My Mom was an outstanding woman. Most kids go through the foster system for that reason—they were either abused, neglected, or abandoned. That was not the case for me. So I ended up there and now I've aged out of the foster care. I'm 18, I live alone, and it's difficult to come home and not have my family to tell them, "Hey, this is how my day went," or "Hey, I had a bad day, let's talk about it." It's really tough.

Story 2: My dream is to be a citizen of this country because I came here when I was three months old. I am now twenty-one, almost twenty-two, so that is almost my whole life. CIR would change my life and my family's because I have seen my parents suffer and work so hard every day of their life in the sun and see the struggle that they're in and provide a better future for them to see the happiness in their eyes because they haven't seen their families in 15 years and it hurts me because I know that I haven't seen my mom or my dad it would be so hard. I want to see them happy one day and reunited with their families and for them to come back without the worry of being sent home. I have much hope that this will come very soon.

Story 3: I am originally from Cuba. I came in the sixties and for over 10 years I have been involved with immigration issues. For Cubans, you know, it has always been easy to get the papers in order, but I think the system is very unfair for the other immigrants. Other immigrants come here for various reasons, mostly because of the poverty in their homes and the political situations from their home land. And they are always being created by the government of the United States and the corporations of the United States with the help of the government. Especially comparing the Cubans with the Haitian people and the wet foot, dry foot—to us, we call it, white foot, black foot. The Haitian people need—just as much as the Cubans—to be accepted by this country and be allowed to come. The policy of the United States is wrong, you know, saying that the situation with the Cubans is political as they are suppressed by a communist government but Haiti supposedly is being run by democratic governments which is not true, they have a lot of dictators there. And a lot of pressure and interference from the United States. So it is political too, besides the poverty that's been created there, so they should be treated just like Cubans. Other immigrants—they should be treated the same. Stop the restriction they got making it hard for families to reunite. Senator Marco Rubio said he approves of immigration reform if they come here legally and wait in the line, but people have been waiting 15–20 years in the line. That's not fair. Besides we give this wrong sense of reality of what's going on in this country because we export movies and TV shows where everybody lives in fabulous mansions, got great jobs, fancy cars, and when they come here they find that the land of the dream is nothing but the land of the nightmare.

Story 4: I've been in this country for 14 years. My kids were born here, we're a part of this country. I pay taxes, we're part of the country's economy. We haven't committed any crimes. We drive a car without insurance. I think that that's bad for the country's economy. There are 12 million [people] driving without insurance. I think that being able to have a license is a good option and that residency should come with a path to citizenship. Us immigrants believe that we are helping the country. I don't see any reason for not wanting to make a path to citizenship. We have a clean record, we've

bought property. I think we'd all be better off financially by contributing to this country, it's healthy for the country. We hope that Senator Marco Rubio understands a little of the problem.

Story 5: My dream is for immigration reform because immigration reform will allow me to attend any college I choose and to have a bigger dream than my parents had.

Story 6: Immigration reform will change my life because it will give me reassurance that my friend will not be deported.

Story 7: I'm an aspiring student. A pathway to citizenship will allow everyone to pursue their dreams.

Story 8: For the past two years I have been trying to renew my driver's license, but I have not been successful. I am required to present additional immigration documents that I am not eligible to have.

A few days ago I was given a ticket for driving without proper ID. Today I am limiting my driving as much as I possibly can. What you need to understand is that we have been living in Miami for the past 17 years and have been running our family business in Miami for the past eight years.

If I don't have the freedom to drive around, I am afraid that our family business will suffer to the point that we as a family will not be able to sustain ourselves.

Story 9: I came to the United States 17 years ago. I applied for political asylum and was denied. Without realizing it, I had a deportation order and I was very scared. I have a young child and am wishing for comprehensive immigration reform for the single moms, for the moms that have young children, because it makes me scared to leave my child. I'm hoping for immigration reform for all the women out there that work as housekeepers, maids, etc., and also for folks with deportation orders that have small children and can't leave them. This is the best place for them, and they can't go back. I'm hoping it will help all of us too. Thank you very much.

Story 10: I've been an American citizen for more than 20 years. I became one in Chicago. There are so many things that we are hearing every day dealing with immigrants and the manner in which immigrants are abused because they're farmers and unfortunately undocumented. We hear about the suffering of these poor people who are my race too. It's an explosion from both political parties—Democrats and Republicans. Immigrants have been abused constantly since when I was young. Now I'm 74 years old. The suffering these people have gone and are going through is inhumane. What they're doing to my people is criminal. That's why I'm fully in favor of them becoming citizens as soon as possible. Thank you very much.

Story 11: I live in Lakeland, Florida. I'm Mexican, and I have lived in here for over 23 years. My four children are citizens, and I have my house paid for 14 years. My problem is immigration. I worked many years as a farm worker, but one day I looked for work in construction. After starting construction work, the boss told us that we have to give fingerprints. But what happened? A week later they called me to come back because something had come up. I went back and they told me "Just wait here. Something went wrong." Then came two police officers to interview me. They said, "I want to see the tattoos you have." I told them, "I have no tattoos, sir." They were confusing me with someone else and there began my problem. I was in jail for six days. Immigration takes its inmates to Tampa around 6:00 a.m. There, I set a bail of \$1,500, and I was let go.

But my problem is still pending. And again, I am looking for a better job. Now I have a deportation order for May 7, and if nobody helps me I'll be deported. So I ask the Senator Marco Rubio and Congressman Dennis Ross please say yes to immigration reform, no more for me but for thousands of undocumented families who are here. I do not want to see them go through the same problem I'm having. Thank you very much.

Update: He received a stay of removal from Immigration and Customs Enforcement. He applied for a work permit and driver's license after receiving the notification. The fear of being separated from his family has been lifted, at least temporarily.

Story 12: I agree to the legalizing 11 million illegal immigrants. They have the right to remain in this country because many have brought their families, their children have grown up here, and they already have American ways. Take my case, for example—I came to this country for education and for a better life for my family. I went without seeing my daughter for years, but once I became a resident I was able to request her. It is for this reason that I agree that illegal immigrants and their families should receive their documents and live more peacefully. Living anxiously and not having status is horrible. I support all people of good will to resolve their immigration status.

Story 13: I'm Mexican. I came to the U.S. eight years ago following my husband. He has lived here for 25 years. We have three children, two living in Mexico and one living with us here in the U.S. Although not born here, he does not know any country other than this one. Since I arrived here, I have served as a volunteer at my son's school. I know all the work that teachers do in Mexico because I worked as a teacher for 20 years. I have 20 years of experience, but here for lack of papers, I had to work as a maid. I want immigration reform to pass.

Story 14: I say yes to citizenship and residence. My mom is a person of 72 years. She must have psychiatric treatment because of her depression, which is caused by the fact that one of my brothers, who is 45, cannot be a resident, even though he has lived here for more than 10 years. The reform [Deferred Action for Childhood Arrivals] is only for young people. Then I have another brother who is a citizen and has been diagnosed with colon cancer. For these reasons we need my brother to stay with us. He is the only one that does not have papers. I think there should be a reform as soon as possible.

Story 15: I say yes to citizenship. I came here in 2001 with my tourist visa and my daughter. She came on the same visa with me. She grew up here during the past 12 years, but she is now back in Ecuador. My driver's license expired in 2006, so now I am frustrated because I cannot drive. I am a very good-hearted person and have a lot of creativity. I have been working with Amway, and I pay my taxes. I would like to go out and drive and have clients. I have been very obedient. I have not driven. Instead, I have my bike and I go by buses. My daughter was so frustrated that she went back to Ecuador two years ago. She loves this country as I love this country. We help people so I am prepared to help people in very good ways.

## GIVING THANKS FOR AMERICA'S "FIRST FREEDOM"

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. WOLF. Mr. Speaker, I submit for the RECORD remarks I delivered yesterday at America's Table Thanksgiving Luncheon hosted by the American Jewish Committee:

I would like to begin by thanking AJC for the invitation to join you at the annual "America's Table Thanksgiving Luncheon" the theme of which is religious freedom.

In 1620 a hearty band of Pilgrims set sail for the New World in the face of tremendous peril and uncertainty such that they might be able to live, act and worship according to the dictates of their conscience.

The traditional first Thanksgiving feast celebrated at Plymouth was a time for the Pilgrims who had survived the journey by sea and the harsh winter that followed to give thanks for the bountiful harvest and recognize the hand of Divine Providence that had guided them to this point.

I read with great interest recently that this year, for the first time since 1888, Thanksgiving and the first full day of Hanukkah fall on the same day.

There are of course deep thematic commonalities between the two holidays—both grounded in triumph over religious oppression.

But even as we celebrate the American experience in this regard, I am reminded anew that religious freedom remains an elusive hope for too many. As I reflect on the privilege of living in America I am cognizant of the responsibility that comes with that to help those around the world who are oppressed or persecuted.

Martin Luther King Jr. famously said, "In the end, we will remember not the words of our enemies, but the silence of our friends." Dr. King's statement is so poignant. In times of trouble, the silence of an enemy is expected, but the silence of a friend is devastating.

I am concerned that this nation, which has always been a friend to the oppressed, the marginalized and the forgotten is at risk of sidelining this "first freedom" and failing to speak out when it comes under attack.

Arguably religious freedom has never been more under assault than it is today.

Looking to the Middle East there is often societal and communal violence and repression against religious communities which specifically targets religious minorities. Too often the governments of these lands foster an atmosphere of intolerance or in some cases such as Iran, outright criminality as it relates to different faith traditions like the Baha'is. Tragically, since 1979, the Iranian government has killed more than 200 Baha'i leaders and dismissed over 10,000 from government and university jobs.

The dangerous realities facing religious minorities have been exasperated by the so-called Arab Spring—a Spring which has devolved into Winter for many of the most vulnerable in these societies.

In February I travelled to the Middle East—specifically to Lebanon and Egypt. One of the main purposes of the trip was to spend time with the Syrian Christian community—a community with ancient roots dating back to the 1st century. I wanted to hear firsthand from Syrian Christians about their concerns and to put this issue in the

larger context of an imperiled Christian community in the broader Middle East, specifically in Egypt and Iraq.

In my meetings with Coptic Christians and other minorities in Egypt they spoke of being increasingly marginalized with the ascendancy of the Muslim Brotherhood. While Morsi has since been removed from power, the situation in Egypt today remains fluid. However, this much is clear: Attacks against Coptic Christians have escalated and they are feeling threatened in the land they have inhabited for centuries.

The issues I've just outlined must be viewed not simply as today's news but rather through the lens of history. A phrase not often heard outside the majority Muslim world is "First the Saturday people, then the Sunday people." The "Saturday people" are, of course, the Jewish people.

Except for Israel, their once vibrant communities in countries throughout the region are now decimated. In 1948 the Jewish population of Iraq was roughly 150,000; today no more than 4 remain . . . some reports indicate there may actually be just one Jewish person left in Iraq. In Egypt, the Jewish population was once as many as 80,000; now roughly 20 remain.

Consider this observation by author and adjunct fellow at the Center for Religious Freedom, Lela Gilbert, who recently wrote in the Huffington Post: "Between 1948 and 1970, between 80,000 and 100,000 Jews were expelled from Egypt—their properties and funds confiscated, their passports seized and destroyed. They left, stateless, with little more than the shirts on their backs to show for centuries of Egyptian citizenship. . . ."

One of my last meetings in Egypt last February was with 86-year-old Carmen Weinstein, the president of the Jewish Community of Cairo (JCC). She was born and raised in Egypt and had lived her entire life there. She led a small community of mostly elderly Jewish women in Cairo, who with their sister community in Alexandria, represent Egypt's remaining Jews.

There are 12 synagogues left in Cairo. Some, along with a landmark synagogue in Alexandria, have been refurbished by the government of Egypt and/or U.S. Agency for International Development (USAID) and have received protection as cultural and religious landmarks—many have not.

Further, the 900 year old Bassatine Jewish Cemetery is half overrun with squatters and sewage. Ms. Weinstein sought to preserve these historic landmarks as well as the patrimony records of the Egyptian Jewish community.

I am aware of the good work of AJC in establishing a fund for the maintenance and preservation of Jewish cultural, religious and historical landmarks, including cemeteries, in Egypt.

Not long after my return to the U.S., Ms. Weinstein passed away and is now buried in the very cemetery she sought to protect. Meanwhile, with the fall of Hosni Mubarak, Coptic Christians, numbering roughly 8-10 million, are leaving in droves in the face of increased repression, persecution and violence.

Similarly, Iraq's Christian population has fallen from as many as 1.4 million in 2003 to roughly 500,000 today. There are roughly 60 Christian churches in the entire country, down from more than 300 as recently as 2003.

Of course other, much smaller but no less vulnerable, religious minorities have also suffered greatly in Iraq.

Over the span of a few decades, the Middle East, with the exception of Israel, has vir-

tually been emptied of its Jewish community. In my conversations with Syrian Christian refugees, Lebanese Christians and Coptic Christians in Egypt, a resounding theme emerged: a similar fate may await the "Sunday People."

While it remains to be seen whether the historic exodus of Christians from the region will prove to be as dramatic as what has already happened to the Jewish community, it is without question devastating, as it threatens to erase Christianity, and in fact Judaism in many respects, from its very roots.

Consider Iraq. With the exception of Israel, the Bible contains more references to the cities, regions and nations of ancient Iraq than any other country. The patriarch Abraham came from a city in Iraq called Ur. Isaac's bride, Rebekah, came from northwest Iraq.

Jacob spent 20 years in Iraq, and his sons (the 12 tribes of Israel) were born in northwest Iraq. A remarkable spiritual revival as told in the book of Jonah occurred in Nineveh. The events of the book of Esther took place in Iraq as did the account of Daniel in the Lion's Den. Furthermore, many of Iraq's Christians still speak Aramaic the language of Jesus.

In Egypt, some 2,000 years ago, Mary, Joseph and Jesus sought refuge in this land from the murderous aims of King Herod. Egypt's Coptic community traces its origins to the apostle Mark. If the Middle East is effectively emptied of the Christian faith, this will have grave geopolitical implications.

But rather than being met with urgency, vision or creativity, our government's response has been anemic and at times outright baffling especially to the communities most impacted by the changing Middle East landscape.

In conversation after conversation Coptic Christians, reformers, secularists, women and others have told me that the U.S. was perceived as the largest supporter of the Muslim Brotherhood-led government. Further, there was a widely held perception that the U.S. was either disengaged or simply uninterested in advocating for religious freedom and other basic human rights.

While the situation is grim in the Middle East—it is hardly an anomaly. People of faith are under assault elsewhere in the world.

The Chinese government maintains a brutal system of labor camps. Common criminals languish behind bars with people of faith and Nobel laureates who dare to question the regime's authority. A February 2013 Christianity Today piece reported that "China's Christians felt a noticeable rise in persecution in 2012 as the Communist government began the first of a three-phase plan to eradicate unregistered house churches, a new report says." Currently every one of the approximately 25 underground bishops of the Catholic Church is either in jail, under house arrest, under strict surveillance, or in hiding.

The government is an equal opportunity persecutor of people of faith. Over the last two years, over 100 peace-loving Tibetans have set themselves aflame in desperation at the abuses suffered by their people.

The government of Vietnam continues to suppress political dissent and severely limit freedom of expression, association, and public assembly.

In Pakistan, Ahmadi Muslims are prohibited from voting and their graves are desecrated.

In Europe, Anti-Semitism is on the ascent.

A November 8 New York Times article reported, "Fear of rising anti-Semitism in Eu-

rope has prompted nearly a third of European Jews to consider emigration because they do not feel safe in their home country, according to a detailed survey of Jewish perceptions released Friday by a European Union agency that monitors discrimination and other violations of basic rights." The survey referenced was released on the 75th anniversary of Kristallnacht violence against Jews in Nazi Germany.

In a piece which ran in the Miami Herald last fall, AJC's Miami director poignantly wrote, "World War II and the destruction of European Jewry taught us that anti-Semitism not only kills Jews, but also poisons and ultimately destroys the society that harbors it. People of good will said, 'Never again,' instituted courses on the Holocaust, and countered the image of the defenseless Jew by supporting the sovereign and democratic state of Israel. Yet today, seven decades after the Nazi death camps became operational, that lesson seems to be already forgotten in much of Europe, where small and defenseless Jewish communities face a renewed surge of anti-Semitism. This Jew-hatred expresses itself in xenophobic politics; physical attacks and intimidation; and interference with basic elements of Jewish religious practice."

This is troubling on a host of levels. For as history has shown us, if the Jews of a country were free to practice their faith, one could be reasonably confident that tolerance and freedom were possible for others.

The Jewish people have characteristically been the canaries in the coal mine—litmus indicators of the state of freedom for all.

In light of these realities, it is clear that religious freedom is under assault globally. Last September the Pew Research Center released a startling study which found that "three-quarters of the world's approximately 7 billion people live in countries with high government restrictions on religion or high social hostilities involving religion, up from 70% a year earlier."

It is clear that the United States must do more to speak for those whose voices have been silenced. Frankly, the Obama administration in country after country has consistently sidelined human rights and religious freedom.

In China we were told early on by Secretary of State, Hillary Clinton that human rights issues in China "can't interfere with the global economic crisis, the global climate change crisis, and the security crisis."

In Sudan the administration actively working to undermine congressional attempts to isolate indicted war criminal and architect of genocide, Omar Bashir. Meanwhile, this Spring, the administration rewarded a notorious Sudanese government official, accused of torturing enemies and seeking to block U.N. peacekeepers in Darfur, with an invitation to Washington for high-level meetings.

In Vietnam, the Obama administration, like the administration before it, has ignored bipartisan Congressional calls to place the government on the State Department's list of the most egregious religious freedom violators, despite crackdowns on people of faith, preferring instead a policy defined simply by trade.

In fact the administration has failed to designate any countries of particular concern, as it is required to do by law, since 2011.

The list goes on.

Turning back again to the Middle East: I have authored bipartisan legislation with Congresswoman Anna Eshoo which would

create a special envoy position at the State Department charged with advocating for religious minorities in the Middle East and South Central Asia—specifically focusing on many of the countries I've mentioned here today.

The legislation overwhelmingly passed the House earlier this Fall and is languishing in the Senate in part due to State Department opposition to virtually identical legislation last year.

I am under no illusions that a special envoy holds the key to the survival or even thriving of these ancient faith communities. But to do nothing is not an option. And that seems to be precisely what this administration aims to do.

Not only has it stood in the way of the envoy legislation, key positions within the foreign policy apparatus charged with prioritizing these issues have suffered extended vacancies and individual political prisoner cases are rarely raised in public thereby sending a clear message to tyrants and oppressors the world over that there is little price to pay for violating the first freedom.

While I will continue to press for swift Senate action on the special envoy legislation, I leave you with a charge.

I am increasingly convinced that the discussion (or lack thereof) among government leaders and opinion makers on this issue of religious persecution, is simply a downstream manifestation of what is happening in the broader culture, and specifically in the faith community domestically.

When people of faith in this country are concerned about and advocate for people of faith who are besieged around the world, the government tends to act.

Consider the shining example of Cold War advocacy by the American Jewish community which championed the plight of Soviet Jewry with remarkable effect.

Could such passion be galvanized once again?

I'll close with the inspiring words of one of America's greatest presidents, Abraham Lincoln.

Speaking to a nation torn apart by bloody civil war, he still saw the importance of giving thanks, and in 1863 set apart the last Thursday of November for such a celebration declaring:

"We are prone to forget the Source from which [the blessings of fruitful years and healthful skies] come. . . . No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God. . . ."

While each of us may hail from varied backgrounds and beliefs, we know as Americans that religious freedom is our birthright—a gracious gift of the Most High God not to be denied by any man or government.

As we gather today and later next week with family and friends let us pause for a moment and give thanks for our first freedom while not forgetting those for whom this gracious gift is denied.

**HONORING JOHN D. SLATER, SR.  
FOR HIS COURAGEOUS SERVICE  
IN WORLD WAR II**

**HON. BRADLEY S. SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. SCHNEIDER. Mr. Speaker, I rise today to recognize the outstanding World War II service of Private John D. Slater, Sr.

Mr. Slater was born in 1919, just a year after the close of the First World War. He grew up in a country ravaged by the Great Depression and marked by segregation and Jim Crow. Mr. Slater lived in some of the deepest parts of the South, picking cotton as early as five years old.

When war broke out in Europe and reached our doorstep in the Pacific, Mr. Slater was drafted into the Army to serve and protect our country. He served in the 43rd Quartermaster Company and the 2nd Army.

Mr. Slater's company crossed the Rhine River on temporary bridges during heavy shelling, facing fierce opposition at every turn. By war's end, Mr. Slater had served in France, Belgium and Holland.

At one point, Mr. Slater was separated from his company behind enemy lines for three months before being found 1,000 miles from their destination point. In 1946, he was honorably discharged after four years in the Army.

Today, at 94 years old, Mr. Slater is one of only three remaining African Americans who fought in the Battle of the Bulge. During this, the last-gasp effort of the German army, the allied forces bent, but held and won the day—and the war. Mr. Slater was not only a witness to a defining moment in the world's history, he helped shape it.

After the war, Mr. Slater blazed his own trail, working for roughly 30 years with American Motors, starting in 1949, and opening Slater's Barbecue in Waukegan, Illinois, in the district I represent, in 1957. On weekends, for 40 years, he would cook his famous foot-longs and ribs, serving a gracious and eager community.

Mr. Slater has been a devoted husband and father and a pillar of the community for decades. Mr. Speaker, it is my great honor to recognize John D. Slater, Sr. for his service to our country and his impact in the community.

IN RECOGNITION OF MR. BLAIR  
MAHONEY

**HON. PATRICK MEEHAN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MEEHAN. Mr. Speaker, I rise today with my colleagues Mr. GERLACH and Mr. PITTS to recognize Mr. Blair Mahoney for his distinguished leadership as Executive Director of the Chester County Conference & Visitors Bureau (CVB), and to congratulate him on his retirement.

For the past five years, Mr. Mahoney has helped make Chester County a destination for visitors from across the Commonwealth and the nation. He instituted strong leadership, sound fiscal planning, a historic office renovation and relocation, and an award-winning branding campaign. Through these efforts, Mr. Mahoney helped communicate Chester County's cultural, natural, and historic treasures to many and draw new visitors and economic development to our region.

Mr. Speaker, we recognize Blair Mahoney for his excellent service to the Chester County community and wish him well in his retirement. He takes with him the gratitude and respect of

his staff, Board of Directors, peers and the people of Chester County.

SHARING STORIES IN SUPPORT OF  
COMPREHENSIVE IMMIGRATION  
REFORM

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, the following are stories of individuals affected by our nation's broken immigration system:

Story 1: I came to this country in 1980 with the desire that all immigrants have—to seek better opportunities. I worked very hard to make my way in this country. I had the opportunity to apply for residency, thanks to the amnesty by President Ronald Reagan and the laws of this country. I presented the evidence required by the immigration process and my request was approved, giving me the temporary residence and my social security number.

After two years, I had to change from temporary residence to permanent residence, so I just had to request the change of status at any immigration office. I even was able to travel to Ecuador, and Immigration stamped my passport. Then, because my process was done in New Jersey but I had moved to Miami for personal reasons, in 1990 I went to the Immigration office in Miami. Since then, I have been subjected to negligence by Immigration. Instead of giving me the permanent residence, they just put a sticker to validate my temporary residence for one year more. That happened again the following year, and the third consecutive year after that. Then, they didn't want to give me the residency, because they said that LULAC cases in Miami had been fraudulent, to which I responded that actually my case had been in New Jersey. They said that I had to bring my case from New Jersey to Miami, which took three more years. After that, I started wondering what was wrong with my case. They always responded to me with endless excuses: a fire took place at an immigration office and a lot of information was damaged, paperwork became too backed up when they had to put all the information of all cases in a computer system, elections were taking place, I needed to complete and return another form and get fingerprinted. I completed and returned the form, then I was fingerprinted and had to wait more. I trusted the agents of this country and the laws, so I waited and waited. They asked me to fill out another form and so on and on. I sent three forms and fingerprints but nothing happened.

Then the attacks on September 11, 2001, happened, which made things worse. There was no news at all. An executive order by President George Bush was released, ordering that immigration documents should be given to people who got Reagan's reform. I presented it and nothing happened. I called two or three times every month asking about my case and nothing happened. I was told that the process took up to six months, but I already had spent two years waiting and nothing. In 2005, I found out about a brain tumor through my medical exams. I received surgery and after that I couldn't work so I lived in a critical economic situation. I lost everything I had. That same year, there was another executive order request to resolve immigration cases because of the many



complaints from victims of the immigration service. I sent documentation by mail to the correct address and on time, and they rejected it three times. I found an honest lawyer that took the case (pro bono, because of my financial situation), and from there I had legal representation. We sent copies of the pages with the LULAC law, and we always got negative responses, so we filed appeals but received again negative responses. They asked me for proofs that were impossible to find after 23 years, but nevertheless I was able to find some. All of this just to make me lose the hope of solving my case.

In the last response not only did they deny my case, but also they took away my temporary residence. I demand my permanent residency and a path to citizenship without more delay, because I have tried for over 24 years with my residency, in the name of God, Jehovah, and the signed and executed laws of this country. Don't allow injustice to win in this country. You are politicians first for this country.

Story 2: Alex came here when he was very young. He's from Honduras. Honduras is a very poor country. His family is very poor, but he speaks fairly fluent English. He came here to get a better life. There's no work in Honduras and very high crime. He came here when he was probably 17 or 18 years old. He hitched rides on trains, travelling on boxcars with only the clothes he had and no money. So, he basically crossed three countries, I believe Honduras, Guatemala, Mexico. When he got to this country, of course he came here illegally, but he ended up in Virginia and he then went to Knoxville, Tennessee. During the time he was in Virginia and Tennessee, he was greatly exploited by people who had him working for them. He was all alone. He had no relatives and did not know anyone here in the United States. He met a girl, who was maybe four or five years older than him. She already had one child by a man from Honduras. She and Alex hooked up together and she got pregnant by Alex. They came down here to Pensacola after Hurricane Ivan, that's when I met Alex. By that time, he had married the girl. They had her child, and two children that they had together.

Alex was a great worker. I met him, actually, through a neighbor who he had worked for. So, we became friends. For a while there, I was in a wheelchair and Alex took care of me. He's just an incredible person. He just seems to have been born knowing what to do with children. He was a great father. He was great with older people and with people who have disabilities. He loved animals; he was constantly rescuing animals.

He came home one day, and when he got out of his car to walk into his house a police officer or sheriff's deputy, I'm not sure which, approached him and asked him for his ID and driver's license. He did not have a driver's license. He did have a previous traffic violation that he had not paid, again it was probably for driving without a license, so he was arrested. When he was taken to the Escambia County Jail, within a week, the ICE came through the jail making a sweep, looking for undocumented people, and they found Alex. From that time, Alex never got out of jail. He served a sentence, a short sentence for the traffic violation. He was subsequently sent to prison or a holding area in Texas where they incarcerate undocumented people. In the mean time, he had had another baby before he got arrested, so now they had three children and the little baby was only about, maybe, four months old at that time. As a result of Alex not being around to help financially take care of the children, his wife

had a nervous breakdown and could not take care of the children and so she turned them in to foster care. The foster care mother, who got the children, I believe, got them with the full intent of adopting them because she knew these children from their nursery school. Alex has not seen his children since, and this has been about two and a half years ago. But, what he did do is he tried every way he could to get his children back; to get his children allowed to go to Honduras with him. He wrote numerous letters to his children. He sent those letters to me and I would send them to an attorney who was supposedly representing him in a dependency case. It became obvious to me that the foster mother was not letting the children read the letters that Alex wrote to them. He also was not allowed to call the children. She did not want him talking to his children, so he was not allowed to talk to them on the phone, they were not allowed to see his letters, he was not allowed to have any communication with his children. He eventually got deported. He continued trying to get his lawyer here to help him communicate with the children and to get a home study done there in Honduras in order for him to get his children back.

What I'm going to read are some letters to give you an example of the types of letters he wrote his children. After he was deported, he came back to the United States again. He came back on a train, hiking trains, riding on boxcars, going through three countries, no money, just the clothes on his back. He crossed the border and was apprehended by the border guards within minutes, so again he was in jail. But he came back only for one reason, and that was to get his children. I believe that was his only hope of getting his children back, was coming back to the United States.

It says, in beautiful writing, stylized writing, it says, "I love you," it says, "with all my heart. You are in my mind. I'm trying to be with all of you. But it's only me and God. I hope these people here let me stay with you because I really want and love you all. I hope you all like this. Kisses, hugs, love, your papa." I can't read anymore.

So, that's all I'm going to read, Alex.

Alex: Yeah, I know and I've been thinking about them and this thing, you know. But, there's nothing I can do, so maybe I'll see them one day.

Well, I don't know what we can do, but we certainly are going to let people know what happened to you, okay?

Alex: Yeah And, hopefully, we can do something with your book, and at least, maybe one day, when they're older, I believe they will find you and this book. They will know how much you love them and that you fought for them and what you went through to get them back.

Story 3: My story begins in 1998 when my mom and my three sisters decided to come, well, my mom decided that we all would come to the United States as a result of my little sister being sick. We did not have the money to cure her. She needed surgery and stuff. I was in high school and had no money for college, even though education was one of the things that made my mom determined that we come to America. So then I came to Mexico with my mom and my three sisters. In 1998 we crossed through Arizona and arrived in Florida about two weeks later. When I got here, the obvious thing was for me to study. My goal was always only to collect enough money to pay my university in Mexico. Once we got here we found work, but I had an accident about three months after I

got here and then for a while, like a year and a half, I had to go and live in Colorado with my brother because I could not work. I had an accident at work and I never got compensation or anything. I have hands that do not work very well, mostly my fingers, because I had to have a transplant in my hands because I lost part of my bones and tendons in the accident. There are many who are injured on the job and are entitled to be served, to receive therapies and receive a salary. But at the time I was a child, I was 18 if I remember correctly, and I had not filed an application. It was just one of those jobs where you say you go, then the company denied that I had registered, but I said, "If I was taken from there, the fire department took me out of work," but I did not have insurance, I did not have a social worker to help me, I had no one. I had to pay all expenses. I did not know the language or the laws. I came across a social worker when I was in the hospital and they told me that if I tried to do something with the company all that would happen was that I would be deported. What remained was a deep depression after the accident because I could not work and was in therapy for over a year. But I still had the dream of wanting to study. Then I had to learn to deal with my condition, not being stuck at this point. Since my accident, I could not carry heavy things when I was at work, but I still had to work. I try to do everything with one hand because I cannot put much weight on the other hand. Right now I live with someone and I have two small children, one age six and one four, and I live with my sister. All my immediate family is in the United States. My mom passed away about twelve or thirteen years ago and is buried here in Florida. I say deport me if I'm not going to have even the right to visit the grave of my mother. This is not politics, these are human lives. Maybe I do not speak perfect English, or write perfect English, but my life is in this country. If I were deported to Mexico I will be foreign in that country, because I already have been living here for many years. I have no family there, it's like I will be tossed into a city I do not know. My sister took care of her residence when my brother-in-law married her. I have a U.S. citizen sister who was born in this country, and my other sister, Andrea, was still a minor when my mother died. Of all my siblings, I am the only one who does not have legal status. I have an application but that supposedly takes many years and I have gotten no response. This is not politics; we are human beings of flesh and blood. For many it is very easy to say why we came here illegally, they don't see the need to leave our home countries. They do not know what it is to have someone get sick and not have to medicine. They do not know what it is to go three days without eating. This is not politics, these are human lives.

Story 4: I came to the United States 13 years ago. I am undocumented, I have two kids, one who was born here. I'm with my husband. We fled from Nicaragua because even though the Sandinista government was in power, there was still a threat from the mobs, and our lives were in danger. It's for that reason that we decided to come to this country. We asked for political asylum, for which we were denied, because according to the United States, Nicaragua has a democracy, which is not true. Everything is limited by the Sandinista government. I say yes to citizenship and yes to immigration reform, because I feel a part of this great nation, because I pay my taxes, because my daughters have adopted this lifestyle, because my country doesn't have economic priorities, it doesn't enjoy democracy as it

should be. For those reasons I would like immigration reform. I say yes to citizenship so I have the ability to buy my house, so I can keep studying, so that I don't have to be nervous to keep driving without a license, so that I don't have to keep having to fear if my husband will come back or if it will be the last day that we see him. I ask the legislators to give us the opportunity for a new path to citizenship.

Story 5: I've been living here for 23 years. I came from Mexico and I've worked very hard in this country. I left ahead of my family in Mexico. Here too, I'm tired of living in the shadows. I have a son who is an American citizen, and I thought that when he turned 21 we could ask immediately, but that not the case because we came here illegally. I say yes to citizenship, for everyone like me that has worked hard, that pays their taxes and that haven't asked the government for anything. I say yes to give us an opportunity to move forward.

Story 6: I have 23 years here, and I like that Rep. Dennis Ross is making laws here that bring people hired from Mexico to here. That doesn't benefit me because I've been here for 23 years and I want to help people who are here, not the ones that are going to come. I say yes to reform for the 11 million undocumented people that are here. I'm going through a problem with immigration. I have for kids who are citizens here, I have my house, I pay taxes. Unfortunately, if there's no solution by May 7th, I'll be deported. I ask Denis Ross to support me with a green card or papers so that I won't be deported, because I want to see my family united, I don't want to be separated from my kids so they're not left on their own.

Story 7: I'm Cuban and I come from the Apopka Farmer's Association. My goal in participating in the caravan because I am also an immigrant, even though it's legal, but I'm an immigrant, my main goal is to support people who are illegal and are fighting for immigration reform. I understand that they have come here for work, to give to this country, and when I think of all of them that have come to contribute to the society of the United States, they deserve the right to be a legal citizen.

Story 8: I'm saying yes to citizenship. I'm a social worker. As a social worker at Hialeah hospital, I came in contact with a victim of domestic violence. The woman, I spoke to her, listened to her, built trust with her and I was able to connect her to a women's shelter. She was, during our conversation, she was very scared of having contact with the police because she was undocumented, and it was, you know, I worked with her and at the end I was able to connect her to the women's shelter. Her abuser was, he was a citizen, a Cuban-American or a Cuban citizen, and he would manipulate her because of her immigration status.

Story 9: Hello, I am saying yes to citizenship and yes to immigration reform for illegal immigrants here in the United States. I am a United States citizen and my parents are illegal immigrants. They've been in this country for about 23 years, 24 years, and usually, I was born in Oregon, and usually at the age of 21 I believed I would be able to grant them a path to citizenship. When I turned 20, I started investigating and talking with lawyers to see how they would be able to get that accomplished and it turns out that it wasn't that easy, wasn't that simple and I wasn't able to get them a path to be a resident, to go ahead with this process to become a US citizen. It didn't work. I'm just, I've been time and time again, for every law-

yer, kind of lawyers, immigration lawyers, everything, to marches of, to say yes to immigration reform and I just feel like right now is the right time to just keep pushing forward and I say yes to all the families and everyone. We the immigrants, most immigrants, everyone's an immigrant in the United States, and it's just hurtful that those immigrants make up part of this economy and help with the economic growth and to keep taking these parents away from their children and keep separating families, it's not the way this country was built and I'm just calling to say that I'm saying yes to immigration reform and yes for a pathway to citizenship for all illegal immigrants.

#### RECOGNIZING THE WHIPPLE WARRIORS

##### HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to recognize the Whipple Warriors, a group founded by Ronda Bogani Ayala of West Palm Beach, Florida. This organization is dedicated to helping people with pancreatic cancer who qualify for a procedure known as "Whipple" surgery.

Pancreatic cancer is a heart-breaking disease with a very low life expectancy. About 3 out of 4 patients die within the first year of diagnosis. Whipple surgery can help increase the life expectancy of those diagnosed with pancreatic cancer, though only about 15 percent of patients qualify for this dangerous and complicated procedure.

In January 2010, Ms. Ayala received the devastating diagnosis of pancreatic cancer. However, she was a candidate for the Whipple surgery. After her procedure she found very few resources for support and guidance. She decided to create an organization called the Whipple Warriors in 2011.

The Whipple Warriors provide support to patients in many countries, allowing patients to discuss their experiences and share ways to cope with the cancer. Additionally, Whipple Warriors members participate in research to study the long-term effects on the body. They provide much-needed resources to the growing community of survivors around the world.

In honor of Ronda and her organization's tireless work for the pancreatic cancer community, I am pleased to recognize the Whipple Warriors and wish them continued success in this important endeavor.

#### RECOGNIZING THE U.S.-MOROCCAN ECONOMIC AND SECURITY PART- NERSHIP

##### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 2013

Mr. COHEN. Mr. Speaker, this week I had the pleasure of attending a business meeting with a high level delegation from Morocco during His Majesty King Mohammed VI of Morocco's visit to Washington. During this meeting,

we discussed U.S.-Morocco trade and I am glad that FedEx, a major provider of high value-added logistics, transportation and other business services that is headquartered in my district, was also able to take part in this constructive meeting. As Morocco was the first country with whom the U.S. signed a treaty of commerce and friendship, I commend this week's meeting as symbolic of our long and trusted relationship.

The business delegation meeting was hosted by our former colleague, Toby Moffet, and the Mayer Brown law firm. The Moroccan delegation included: Mr. Abdessalam Ahizoune, CEO of Maroc Telecom; Mr. Mohamed El Kettani, CEO of Attijariwafa Bank; Mr. Karim Hajji, CEO of the Casablanca Stock Exchange; and Mr. Said Ibrahim, CEO of the Moroccan Finance Board. In addition to FedEx, which is present in 55 African countries and growing, American companies represented at the meeting were JP Morgan Chase, BNY Mellon, Citi, Bank of America, Chevron and the Global Cold Chain Storage Alliance. We heard from Mr. Said Ibrahim, who also serves as the head of the Casablanca Finance City project, on how the city of Casablanca is positioning itself as a location for U.S. multinational companies to consider for their African headquarters. This would significantly increase economic opportunities in the region and expand markets for U.S. companies.

In addition to our strong business ties, the U.S. and Morocco share similar democratic values and common foreign policy goals in North Africa and the Middle East. In August 2011, I spearheaded a letter to His Majesty King Mohammed VI recognizing Morocco's constitutional reforms that included protections for the rights of vulnerable groups and a national plan to promote human rights. His Majesty King Mohammed VI also established the Economic and Social Council to ensure that all Moroccans are afforded opportunities for economic independence. Since that time, His Majesty King Mohammed VI has shown great leadership in his dedication to his people and support for broader democratic reforms and decentralization of decision-making to the local level. Morocco has also lent its support to emerging democracies across the African continent as well as long-overdue peace agreements between Israelis and the Palestinians. It is indeed refreshing to see the enormously constructive role Morocco continues to play not only in its region but across the continent and beyond.

As we welcome His Majesty King Mohammed VI of Morocco and his delegation to Washington, let us remember that Morocco was the first country to recognize our independence and that today, we share commitments to peace, democracy, regional stability and economic stability. Through our continued cooperation and increased business relationships, we will continue to meet our common security and economic goals while strengthening our relationship for years to come.

RECOGNIZING HONOREES AND OFFICERS OF THE ANNANDALE VOLUNTEER FIRE DEPARTMENT

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Annandale Volunteer Fire Department, and to congratulate the 2013 award recipients and incoming 2014 officers and board members.

The Annandale Volunteer Fire and Rescue Department is 1 of 12 volunteer fire departments in Fairfax County, and since its founding in 1940, it has provided lifesaving, fire suppression/prevention, and emergency medical/rescue services to the residents of the Annandale area and the surrounding community. The AVFD owns two stations, Station 8 on Columbia Pike and Station 23 on Little River Turnpike, and its front line fleet includes ambulances, a medic, 2 engines, and 1 canteen unit. The Department also provides opportunities for professional growth and development of the membership.

The most valuable assets of the AVFD are the volunteers who donate their time and resources in service to our community. Last year alone, these highly skilled and committed volunteers contributed in excess of 15,000 hours responding to emergency incidents, attending training, and fundraising. Each year the AVFD recognizes those volunteers who have excelled in service and commitment, and it is my honor to enter the following names of the 2013 Annandale Volunteer Fire Department into the CONGRESSIONAL RECORD:

Outstanding Service Award (5 recipients): Steve Menger, Walt Ferrebee, Lisa Lieu, Leslie Plummer, and Kathleen Hinman

Highest Admin Hours Award: Shirley Binsky  
Admin Member of the Year: Anthony Ruth  
Rookie Members of the Year (2 recipients): Chessy Dintruff and Roberto Melgar

Most Training Hours: Suzanne Adams  
Most Riding Hours: Tiffany Disbrow  
Support Member of the Year: Fran Carfaro

President's Award (2 recipients): Michael Hassan and Diana Phan

Chief's Award (2 recipients): Sean Beatty and Tiffany Disbrow

John G. Fox, Jr. Memorial Award (2 recipients): Ronald Waller and Laura Dye

Additionally, I wish to congratulate and thank the following men and women who have agreed to assume additional responsibilities as officers and board members for 2014:

Chief: Roger Waller  
President: Gary Moore  
Vice President: Sean Beatty  
Treasurer: Ronald Waller  
Secretary: Diana Phan  
Directors: Shirley Binsky, Michael Hassan, and Peter Snitzer

Mr. Speaker, I ask that my colleagues join me in congratulating the 2013 award recipients and in commending the Annandale Volunteer Fire Department for 73 years of service. I thank the brave volunteers whose dedication to public safety is deserving of our highest praise, and to each of these men and women I say: "Stay safe."

IN HONOR OF THE SALINAS SCHOOL OF DANCE

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. FARR. Mr. Speaker, I rise today to honor the Salinas School of Dance, which is celebrating its seventy-fifth year of excellence in dance instruction in Salinas, California.

The Salinas School of Dance was founded in 1938 by professional dancer Mr. Ramon Renov, who brought his world class dance experience to the small farming town of Salinas. He performed in the esteemed Ballets Russes de Monte Carlo in Europe and the United States. Mr. Renov retired in 1980 and bestowed ownership to Lisa Eisemann. She has continued a reputation of excellence, maintaining high standards in curriculum and teaching, and constant upgrades to make the studio the heart of the City of Salinas. Ms. Eisemann continues to teach Russian Vaganova style ballet to students of all ages.

The Salinas School of Dance studio is now home to two structured companies; the Salinas Valley Civic Ballet Company and the Spirit of Salinas Irish Dancers. Ballet, tap, jazz, Irish dance and Tappin' Dad classes are taught five days a week. The Spirit of the Irish Dancers is a high performance group that has performed at many local and international events. Two years ago, they performed for the Lord Mayor of Drogheda, Ireland who invited them to visit Ireland and told the Mayor of Salinas that the dance group's skills supersede that of his own country's Irish Dancers.

Every child is welcome to learn and dance at the Salinas School of Dance. Currently, they have children with serious learning disabilities and one young man that has a prosthetic leg and one arm. His parents recently commented that being in ballet has given him confidence that nothing else has provided. He is ten years old and it's his second year at the studio. It is because of Ms. Eisemann's ability to connect with the community and her leadership skills that many of its dance classes remain full year round throughout Monterey, San Benito, and Santa Cruz Counties.

For seventy-five years, the Salinas School of Dance has been a positive fixture in the community. With structure, personal responsibility, respect, and commitment forming the foundation of the dance program, it is no wonder that the Salinas School of Dance has endured and become one of the oldest businesses in Salinas.

Mr. Speaker, I congratulate the Salinas School of Dance on its seventy-five years of excellence and wish you many more years of continued success.

CONGRATULATING UNC-TV FOR BEING HONORED AS AN AMERICAN GRADUATE CHAMPION

**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. BUTTERFIELD. Mr. Speaker, I rise to congratulate UNC-TV and WTVI-PBS Char-

lotte for being honored by the Corporation for Public Broadcasting (CPB) as an American Graduate Champion.

The American Graduate Champion award is presented by the CPB to public media outlets which demonstrate commitment to help increase awareness of the perils of dropping out of high school and to help communities implement solutions to the problem. UNC-TV has exhibited a wide variety of programming focused on improving educational outcomes for students throughout North Carolina including airing a weekly series titled "Black Issues Forum," hosting a panel discussion before a live audience called "Bridge to Success" at Union Independent School in Durham, North Carolina, and participating in the "virtual teacher town hall" project with other groups throughout the country.

I was honored to participate in UNC-TV's recognition of "American Graduate Day" on September 28, 2013. The valuable programming on UNC-TV has helped connect communities and identify practical solutions to educational challenges facing students, parents, teachers, and schools across North Carolina's First Congressional District.

Mr. Speaker, I commend UNC-TV for its contributions to students and families throughout North Carolina. Encouraging students to stay in school has never been more important because a high school degree is a critical building block to success in today's competitive global economy. I ask my colleagues to join me in honoring and celebrating UNC-TV's great achievement by being recognized as an American Graduate Champion.

Thank you very much.

SHARING STORIES IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, the following is one additional story of yet another individual affected by our nation's broken immigration system:

My parents came here 12 years ago from Mexico. I am an American citizen, but right now I am suffering a lot because my dad is detained in an immigration jail. I have three brothers and we all miss my dad very much.

Mr. Speaker, these stories represent but a small cross-section of those suffering as a result of our nation's outdated immigration laws. Millions more remain in the shadows. They all have waited long enough for Congress to act. The time for reform is now.

HONORING THE LEWISTON  
FIREFIGHTERS ASSOCIATION

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Lewiston Firefighters Association for its service to Maine's children through its partnership with Operation Warm.

As firefighters, the members of the Lewiston Firefighters Association are committed to putting the safety and interests of the community before themselves, and their partnership with Operation Warm is a continuation of this tradition of selfless service. Throughout the fall, the Lewiston Firefighters Association engaged in a community outreach effort to raise funds to keep our children warm during Maine's harsh winter months. As a result of their outreach efforts, the Lewiston Firefighters Association will be donating one hundred, brand new winter coats to the children of Androscoggin Head Start and Child Care.

Since 1998, Operation Warm has partnered with organizations like the Lewiston Firefighters Association to provide winter coats to more than one million children in need. Especially in a state like Maine, where winter temperatures routinely fall far below freezing, our children are highly susceptible to illness, jeopardizing their health and education. By keeping our children warm and healthy, these coats minimize the chance that they will have to miss school.

On Tuesday, November 26, 2013, the Lewiston Firefighters Association will donate one hundred coats to the children of Androscoggin Head Start and Child Care at the Lewiston Central Fire Station in Lewiston, Maine. Through their commitment to service, these firefighters serve as exemplary role models for our children and truly represent the strong community spirit of the people of Maine.

Mr. Speaker, please join me again in recognizing the Lewiston Firefighters Association for its partnership with Operation Warm and efforts on behalf of Maine's neediest children.

HONORING THE LIFE OF CORINNE  
CLAIBORNE "LINDY" BOGGS

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Ms. KAPTUR. Mr. Speaker, I rise today, with great affection at this Thanksgiving season, to honor, remember, and celebrate the life of Representative "Lindy" Marie Corinne Morrison Claiborne Boggs, of New Orleans, Louisiana, who passed from this life earlier this year on July 27, 2013, but whose accomplishments and legacy continue to inspire her family, her constituency, her colleagues, and all whose lives she so generously influenced.

"Lindy" was born in Pointe Coupee Roads, Louisiana, on March 13, 1916. She was the only child of Roland Claiborne, a wealthy sugarcane plantation owner and prominent law-

yer, and Corinne Morrison. Her nurse nicknamed her "Rolindy" because she thought Lindy resembled her father more than her mother.

Following her father's death when she was only two years old, Lindy and her mother went to live in New Orleans with her maternal grandparents. The Morrison family's roots can be traced back to the Mayflower. Lindy's grandmother Morrison had a great influence on her and lived to be ninety-seven, as did Lindy.

Her mother remarried when Lindy was six to a man who owned a cotton plantation. This is where Lindy said she was introduced to politics, as the plantations controlled much of the politics of the state.

This is also where Lindy was introduced to enduring, gracious, hard-working women. She said, "The women on plantations were absolutely remarkable. They had an autonomous situation. They had to do everything in the house . . . and everything had to be done in time for a huge mid-day dinner. Then, in the afternoon . . . they created their own cultural environment. They had musicals, and they had book reviews . . . it all occurred within those houses." With no work these women weren't willing to do, it never occurred to Lindy that women couldn't accomplish whatever they set their mind to.

Lindy matriculated at Newcomb College in New Orleans, the first women's college in Louisiana and the sister school to Tulane University, where she majored in history and education. During her freshman year at Newcomb, she met Thomas Hale Boggs, who was the editor of the Tulane University newspaper where Lindy served as women's editor.

In January 1938, at age twenty-one, she married Hale and, through university connections, Hale and Lindy embarked on a political career as part of the grass-roots reform movement that took place in Louisiana in the late 1930s. With Lindy's indefatigable support and help, Hale was elected to Congress in 1941, eventually rising to majority leader.

When Hale's plane tragically crashed in 1972 on a campaign trip in Alaska, not only did Lindy find herself raising their three children alone, but she also found herself running for his vacant seat, saying, "I woke up and just found myself running one morning; I never made a conscious decision to run."

Later, she would reflect: "When the various people were trying to persuade me to run . . . Lady Bird Johnson [wife of President Lyndon B. Johnson] . . . called and talked to me for a long time about how I had an obligation and all of these things. Then when she thought maybe she had convinced me, she said 'But darling, do you think you can do it without a wife?' I've told her many times, it was very hard without a wife."

In March 1973, Lindy Boggs was elected to the House of Representatives in a special election. Her victory made her the first woman to represent Louisiana in the House and the first Catholic elected from a State that had never elected a Catholic to any major state office.

Lindy was at first appointed to the Banking and Currency Committee, where she played a key role during the markup of the Equal Credit Opportunity Act of 1974. She cited her experi-

ence as a newly widowed woman seeking credit as her motivation to add "sex or marital status" to the provision barring discrimination on the basis of "race and age, and their status as veterans." Without informing the other committee members, Lindy added those words and made copies of the revision for her colleagues, saying, "Knowing the Members composing this committee as well as I do, I'm sure it was just an oversight that we didn't have 'sex' or 'marital status' included." The bill passed unanimously.

It was this persistence and skill at indirect pressure that marked Lindy's style as a progressive southern woman working to advance the cause of humanity, acting as a champion of civil rights in her diverse district.

In 1976, she became the first woman to preside over a national political convention. In 1977, she was elected to the House Committee on Appropriations. At her retirement she remained the longest serving female member of that committee after serving 12 years. That same year, she helped to co-found the Congressional Women's Caucus, later serving as its secretary. When Lindy was elected to Congress, only 16 women were serving in the House out of 435 members; by her retirement, there were 29.

In the early 1980's, Lindy helped create, and served as a member of, the Select Committee on Children, Youth, and Families. From 1985 to 1989, she served as the chair of the Bicentenary of the U.S. House of Representatives.

In January 1991, at age 75 and after 18 years of service, Lindy Boggs retired from Congress to care for her daughter Barbara who was dying of cancer. In July of the same year, the House named a room off the Rotunda in her honor: The Lindy Claiborne Boggs Congressional Women's Reading Room.

In retirement, Lindy remained politically active, writing her autobiography *Washington Through a Purple Veil* in 1994. In 1997, President Clinton appointed the 81 year old as the first woman U.S. Ambassador to the Vatican, a position she proudly served until 2001.

Of the accomplishments she was most proud of, she cited bills she co-sponsored on behalf of minorities, women, and children; her efforts to improve education from the elementary to the college level; her work on the children's task force on crisis intervention; her efforts to open the National Museum of African Art in Washington, D.C.; establishing the Office of Historian of the House of Representatives; and achieving Margaret Chase Smith's dream of making the rose the national flower.

Lindy Boggs's gracious southern charm, strong faith, sense of humor, quiet persistence, deep social conscience, and firm belief in what's right made her one of the most influential and extraordinary women of our time. She is dearly missed by all who knew her, and by all who have benefited from her extraordinary work.

Personally, I hold many wonderful memories of Lindy and her unending kindness. When I was first elected to the Appropriations Committee, as the only other woman on her side of the aisle, she made sure I sat next to her to coach me on the unique rules of the Committee. She always took the time to say hello

and give an encouraging word. She offered Members rides home, she invited them to participate in Caucus functions of which she was a part, and she worked hard to bring people together across the aisle in every way she could. She made the House a more human place.

May her surviving children—Cokie Roberts and Thomas Hale Boggs—as well as their spouses, children, grandchildren, family and friends draw strength at this time of bereavement from her incredible life and accomplishments. Truly, this was a woman for all seasons, a woman of extraordinary measure. Personally, she endured the loss of her father and husband, and then two of their children, Barbara Boggs Sigmund, who had been elected Mayor of Princeton, New Jersey, and infant William Robertson Boggs. Always, Lindy kept her eyes on the horizon and endured. She assumed responsibility after her husband's passing for continuing their brilliant partnership as progressive, elected Representatives from the State of Louisiana during times of enormous social change and broadened civil and human rights. And, she raised her young children on her own. Lindy's ascension to key Congressional Committees, often as the lone woman, carved a swath forward for gender equity in our nation. Her appointment as the first woman Ambassador to the Vatican in the last quarter of her life mark her total service to the people of the United States as one of the longest and most generous in the history of our nation, extending well over half a century. She was a patriot of the first order. Her legacy will live on in the legislation she passed and in the inspiration and encouragement she imparted to all those whose lives she touched so selflessly. May God bless her and place her among the stars that shine from the highest points in the cosmos. And to her family, a most sincere thank you for sharing her with the nation, and with the Congress, these many decades.

#### SHARING STORIES IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 21, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to share the stories of 65 Floridians whose lives have been profoundly impacted by this House's lack of action on immigration reform. The vast majority of Floridians, like the vast majority of Americans, support comprehensive immigration reform that creates a path to citizenship, secures our borders, and grows our economy.

These stories, collected by the ACLU of Florida, the Florida Immigrant Coalition, and other coalition groups from the "Say Yes" to Citizenship Campaign, were originally in Spanish, have been edited for length, and have had the names removed so that individuals who had been afraid to speak up could speak freely.

Whether we consider H.R. 15, which I introduced, or another vehicle, we cannot afford to

wait any longer. I urge my colleagues to listen to these stories and recognize the real human consequences of our inaction.

Story 1: I met my husband in Colombia. He was on vacation and he was American. We fell in love and we married in Colombia. When I got pregnant, we moved here to the United States because he wanted his son to grow up here. That was twenty years ago. We have three kids from our marriage. After my husband passed away I had to find a job. My English was minimal and I didn't have any family around to help. I was cleaning houses in the beginning, and I worked for UPS for six years. I left UPS and tried to follow my dad's career. He was a jeweler in Colombia, so I got a job with a local pawnshop in Jacksonville. I worked for them for four years, but I got in trouble for purchasing stolen merchandise and because of my knowledge—they said I should have known about it being stolen. The items were no more than a thousand dollars, but they split the items and charged me five times. I served four days of jail, four months of home arrest, and nine months of probation. After a year of my life being on hold and not being able to work and not knowing how to support my kids, I was obligated to plead guilty so I could keep going on with my life. I was very blessed and lucky to find a job where they got to know me and see what kind of person I am. I have been with them for one and a half years, and I have been promoted a couple of times. I flew to Columbia a year ago and when I came back, I was stopped by immigration in the airport and questioned about what happened. They told me that, because of the incident and leaving the county and coming back, they were going to start the procedure of deportation. They removed my green card and gave me a temporary green card for one year and I was to hear about what was going to happen. I've been in this country all my life. I worked in this county all my life. I have three American kids. I have a dead American husband. I think I'm American. I made the mistake of trusting someone and paid the consequences. I think we deserve another chance.

Story 2: I was born in Brazil. I came at the age of 14. I am a DREAM Act student. When I first arrived in the U.S., I learned about the importance of freedom. I learned what it meant to be an American. For me, those American ideals are really important. When I decided I was going to marry the person I love and decided to share the rest of my life with, I also wanted to fight for our right to be fully recognized in this county. I am an undocumented immigrant, but my spouse is a U.S. citizen. The only difference between us and the rest of our peers is the fact that we are in a same sex relationship. The inclusion of the Uniting American Families Act will protect our family from deportation and also our general well-being. When we saw that Senator Rubio and others specifically spoke against our family we felt that not all families were included in immigration reform. It was extremely outrageous to us to see the Uniting American Families Act fail in the Judiciary Committee last week. We hope that Senator Rubio will speak on behalf of the entire state of Florida, people like me, and also the 67% of Florida voters who support the inclusion of same sex couples in immigration reform.

Story 3: I'm an immigrant rights activist and I have been one for the past five years. I absolutely say yes to citizenship for the eleven million undocumented immigrants living in this country. I feel it's imperative that the government finally takes care of

this issue after so many years. For example in my case, I have been living here for twenty-three years, but have been undocumented from the age of two. Right now I want to legalize my status so I can become an architect, finally realize my dream of becoming a citizen, and do my best in giving back to this country—the only country that I really know.

Story 4: I came here from the Bahamas a year and a half ago searching for a better life and to further my education and athletic career. I graduated senior high school at the age of sixteen, and I am now eighteen. Because of my immigration status I was unable to continue and further my education. I've had scholarships to the top schools but was unable to obtain them because of my immigration status, which put part of my life on hold. I am saying yes to citizenship so I can be a voice not only for myself, but also for the students that stand in my shoes.

Story 5: I'm twenty-five years old and from West Palm Beach, Florida. I've lived here my whole life, and I'm the second oldest of seven children. All me and my brothers and sisters are U.S. citizens. We were all born here in the United States. My dad is Guatemalan—he is an immigrant. And my mom is Salvadoran—she is also an immigrant. They immigrated to the United States about twenty-five years ago. About seven years ago my mom and my dad were both deported at the same time, on the same day. I was a senior in high school. I remember the day clearly. I said goodbye to both my mom and my dad like a normal day. I knew they were going to immigration court but I never thought that I would never see them again. That was the last day I saw them. My dad owned his own company in which he paid taxes. We had everything that we wanted growing up because my dad worked hard and was able to own his own business. When my mom and dad were deported we lost the house that he bought. With the house he lost the business, and with the business we pretty much lost everything. It was up to me and my older sister to pretty much provide everything for my younger brothers and sisters. From that point on, I was no longer a normal high school student. I became a father of six, pretty much. My life changed completely. I had high hopes of one day playing collegiate soccer and hopefully maybe even one day playing professional soccer, but those dreams were shattered when my parents were deported. There was a moment when some of my brothers and sisters were actually homeless due to the fact that we lost the company, we lost my parents, and we lost the house. So we did live on the streets. We lived at hotels sometimes. It completely destroyed my family. Two years ago my mom was actually killed due to the violence that people flee the country for. The first time I saw my mom since the day that she was deported from this country in five years was in her coffin for her funeral. That was the first time I ever saw my mom. I never got the chance to hug my mom or kiss my mom or say "hi" to my mom ever again. She was never a criminal. She never even got a speeding ticket. Now I live here with my brothers and sisters, and we get by however we can. Obviously things are rough. Things are hard, but we're getting through it. It saddens me every day to know that the fact that my parents were deported broke a happy family, a truly happy family that's no longer together and will no longer ever be happy. If I had one goal, one mission in my life, it's to prevent other children, other kids, other families from going through what I went through.

Story 6: I live in Auburndale, Florida. I was undocumented. I want to say yes to citizenship because it's a very important thing for immigration reform to happen. We've been promised immigration reform for years since Obama's first term in office and he did not go through with that promise, though he did pass the action for childhood arrivals a couple months before his reelection. I was undocumented for many years until my wife is able to fix my status but my legalization does not mean that I can stop fighting for other undocumented people. I have family and friends who are still in the shadows, who are willing to come out, and who I want to come out to better themselves.

Story 7: I'm saying yes to Congress supporting a path to citizenship. Many of us have stories. My story is this: my mom brought me here when I was six months old and it's not her fault, it's nobody's fault. By the age of 13 I started helping them in the fields and I learned and went to school and everything. After school I would go straight to the fields to help out my mom because she needed help. I want to see a path to citizenship because I want to see everybody have opportunities in life.

Story 8: My family actually immigrated 200 years ago. My great great grandfather was a stowaway from Germany and a German Jew. I really love it here in Florida. I really see how the immigrant community has enriched our community. I worry that increasingly we are being hostile to immi-

grants because they look a little different from the immigrants that have come here from the past instead of realizing how much they enrich the place. I think we need to continue to be a country that welcomes people just like it has with my great great grandfather.

Story 9: I'm from Argentina, and I've been here for 30 years. I came to this country looking for a better future. I have two American children and the greatest fear I have is being separated from them. I have been threatened with separation from my children and all that I ask the congressmen and senators is to pass immigration reform with a path to citizenship in order to give a better future for my children and to fulfill my dreams in this country.

Story 10: I think it's important what we're doing today because the people are of value, they are an asset to our community and we need them. None of us would be here if it wasn't for the immigrants. We all come from that. It's important that they're allowed to be here so they can add to our economy. And they're not taking jobs. They're doing the jobs that no one wants to do. I'm an American, born and raised, and I'm in total support of it. I think the government needs to look at our immigration system and make it user-friendly to become a citizen because right now it's not user-friendly. It's too expensive and too much paperwork and too much red tape. Let's get down to the brass tacks and do it right. And do it in a quick

manner. We can do it and the government knows how to do it. Let's just do it.

Story 11: I'm here because I have a lot of friends that I go to school with who can't go to school because of tuition hikes in our state. I'm in this club Students Working for Equal Rights, and our president right now is in Georgia because her boyfriend got arrest for driving without a license. Of course, if you're not documented you can't get a license, and if you're undocumented and get arrested, you'll constantly live in fear of being deported. I've just seen this problem escalate, and I'm here to make sure I help that in any way that I can. I want to see immigration get reformed because there are a lot of people that play by the rules and work really hard. They want to raise their kids or do anything any other decent person wants to do, but they're denied the basic opportunities most Americans take for granted.

Story 12: I say yes to a path to citizenship because it would mean brightness where darkness has been for many people for a long time. Undocumented immigrants face many injustices and abuses. They fear getting stopped by a police officer and standing up for themselves. I'm here because I'm not directly affected, but my friends and family are and I want to stand up for my people. I want to stand up with all the organizations that are fighting for justice.

## HOUSE OF REPRESENTATIVES—Friday, November 22, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

November 22, 2013.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### PRAYER

Reverend John Robert Skeldon, Diocese of Fort Worth, Fort Worth, Texas, offered the following prayer:

Lord God, as citizens of this great land, we mark today the 50th anniversary of the tragic death of the 35th President of the United States, President John F. Kennedy. In commemorating such a one whose life and Presidency were cut short, we do so not to "sow in tears," as the Psalm says, but rather to "reap with shouts of joy."

Help us, Lord God, to make the late President's inaugural vision our own, so that together, as fellow Americans, we may ask not what our country can do for us, but rather what we can do for our country. And so, sacrificing ourselves for the sake of others, help us go forth to lead the land we love, asking Your blessing and Your help, and knowing that here on Earth, Your work, O God, must truly be our own.

In Your name, we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 2(a) of House Resolution 420, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 21, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 21, 2013 at 5:39 p.m.:

That the Senate agreed to S. Con. Res. 28. With best wishes, I am

Sincerely,

KAREN L. HAAS.

### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution:

S. CON. RES. 28

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, November 21, 2013, through Friday, December 6, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, December 9, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any recess pursuant to section 2 or section 3 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, November 21, 2013, through Tuesday, November 26, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 2, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SEC. 3. After the House reassembles pursuant to the first section of this concurrent resolution, the Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, pursuant to Senate Concurrent Resolution 28, 113th Congress, the House stands adjourned until 2 p.m. on Monday, December 2, 2013.

There was no objection.

Thereupon (at 10 o'clock and 5 minutes a.m.), the House adjourned until Monday, December 2, 2013, at 2 p.m.

### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Robert B. Aderholt, Rodney Alexander\*, Justin Amash, Mark E. Amodei, Robert E. Andrews, Michele Bachmann, Spencer Bachus, Ron Barber, Lou Barletta, Garland "Andy" Barr, John Barrow, Joe Barton, Karen Bass, Joyce Beatty, Xavier Becerra, Dan Benishek, Kerry L. Bentivolio, Ami Bera, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Suzanne Bonamici, Jo Bonner\*, Madeleine Z. Bordallo, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Jim Bridenstine, Mo Brooks, Susan W. Brooks, Paul C. Broun, Corrine Brown, Julia Brownley, Vern Buchanan, Larry Bucshon, Michael C. Burgess, Cheri Bustos, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Tony Cardenas, John C. Carney, Jr., André Carson, John R. Carter, Matt Cartwright, Bill Cassidy, Kathy Castor, Joaquin Castro, Steve Chabot, Jason Chaffetz, Donna M. Christensen, Judy Chu, David N. Cicilline, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, Chris Collins, Doug Collins, K. Michael Conaway, Gerald E. Conolly, John Conyers, Jr., Paul Cook, Jim Cooper, Jim Costa, Tom Cotton, Joe Courtney, Kevin Cramer, Eric A. "Rick" Crawford, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Steve Daines, Danny K. Davis, Rodney Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, John K. Delaney, Rosa L. DeLauro, Suzan K. DelBene, Jeff Denham, Charles W. Dent, Ron DeSantis, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, John D. Dingell, Lloyd Doggett, Michael F. Doyle, Tammy Duckworth, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson\*, Eliot L. Engel, William L. Enyart, Anna G. Eshoo, Elizabeth H. Esty, Eni F. H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Stephen Lee Fincher, Michael G. Fitzpatrick,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Charles J. “Chuck” Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Lois Frankel, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Tulsi Gabbard, Pete P. Gallego, John Garamendi, Joe Garcia, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Alan Grayson, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Brett Guthrie, Luis V. Guterrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Denny Heck, Joseph J. Heck, Jeb Hensarling, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Rubén Hinojosa, George Holding, Rush Holt, Michael M. Honda, Steven A. Horsford, Steny H. Hoyer, Richard Hudson, Tim Huelskamp, Jared Huffman, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Steve Israel, Darrell E. Issa, Sheila Jackson Lee, Hakeem S. Jeffries, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. “Hank” Johnson, Jr., Sam Johnson, Walter B. Jones, Jim Jordan, David P. Joyce, Marcy Kaptur, William R. Keating, Mike Kelly, Robin L. Kelly, Joseph P. Kennedy III, Daniel T. Kildee, Derek Kilmer, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Ann Kirkpatrick, John Kline, Ann M. Kuster, Raúl R. Labrador, Doug LaMalfa, Doug Lamborn, Leonard Lance, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Robert E. Latta, Barbara Lee, Sander M. Levin, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Alan S. Lowenthal, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Michelle Lujan Grisham, Cynthia M. Lummis, Stephen F. Lynch, Daniel B. Maffei, Carolyn B. Maloney, Sean Patrick Maloney, Kenny Marchant, Tom Marino, Edward J. Markey\*, Thomas Massie, Jim Matheson, Doris O. Matsui, Vance M. McAllister, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. “Buck” McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNerney, Mark Meadows, Patrick Meehan, Gregory W. Meeks, Grace Meng, Luke Messer, John L. Mica, Michael H. Michaud, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Markwayne Mullin, Mick Mulvaney, Patrick Murphy, Tim Murphy, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Gloria Negrete McLeod, Randy Neugebauer, Kristi L. Noem, Richard M. Nolan, Eleanor Holmes Norton, Richard B. Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, Beto O'Rourke, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Erik Paulsen, Donald M. Payne, Jr., Stevan Pearce, Nancy Pelosi, Ed Perlmutter, Scott Perry, Gary C. Peters, Scott H. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Robert Pittenger, Joseph R. Pitts, Mark Pocan, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Mike Quigley, Trey Radel, Nick J. Rahall II, Charles B. Rangel, Tom Reed, David G. Reichert, James B. Renacci, Reid J. Ribble, Tom Rice, Cedric L. Richmond, E. Scott Rigell, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers,

Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Dennis A. Ross, Keith J. Rothfus, Lucille Roybal-Allard, Edward R. Royce, Raúl Ruiz, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Matt Salmon, Linda T. Sánchez, Loretta Sanchez, Mark Sanford, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Bradley S. Schneider, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. “Bobby” Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Carol Shea-Porter, Brad Sherman, John Shimkus, Bill Shuster, Michael K. Simpson, Kyrsten Sinema, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Jason T. Smith, Lamar Smith, Steve Southerland II, Jackie Speier, Chris Stewart, Steve Stivers, Steve Stockman, Marlin A. Stutzman, Eric Swalwell, Mark Takano, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott R. Tipton, Dina Titus, Paul Tonko, Niki Tsongas, Michael R. Turner, Fred Upton, David G. Valadao, Chris Van Hollen, Juan Vargas, Marc A. Veasey, Filemon Vela, Nydia M. Velázquez, Peter J. Visclosky, Ann Wagner, Tim Walberg, Greg Walden, Jackie Walorski, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Randy K. Weber, Sr., Daniel Webster, Peter Welch, Brad R. Wenstrup, Lynn A. Westmoreland, Ed Whitfield, Roger Williams, Frederica S. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, John A. Yarmuth, Kevin Yoder, Ted S. Yoho, C. W. Bill Young\*, Don Young, Todd C. Young

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3876. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Transfer of Real Property at Defense Nuclear Facilities for Economic Development (RIN: 1901-AA82) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3877. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's “Major” final rule — Medicaid Program; Disproportionate Share Hospital Allotments and Institutions for Mental Diseases Disproportionate Share Hospital Limits for FY 2012, and Preliminary FY 2013 Disproportionate Share Hospital Allotments and Limits [CMS-22342-N] (RIN: 0938-AR91) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2013 Revisions to the Greenhouse Gas Reporting Rule and Final Confidentiality Determinations for New or Substantially Revised Data Elements [EPA-HQ-OAR-2012-0934; FRL-9902-95-OAR] (RIN: 2060-AR52) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3879. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois [EPA-R05-OAR-2013-0501; FRL-9902-26 Region 5] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Reissuance of Federal Implementation Plan; Wyoming; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions [EPA-R08-OAR-2013-0417; FRL 9902-13-R08] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Restriction of Emission of Sulfur Compounds and Emissions Banking and Trading [EPA-R07-OAR-2013-0585; FRL-9903-14 Region 7] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Charlotte; 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment [EPA-R04-OAR-2013-0129; FRL-9903-37-Region 4] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia; Redesignation of the Atlanta 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment [EPA-R04-OAR-2012-0986; FRL 9903-32-Region 4] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — West Virginia: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R03-RCRA-2013-0571; FRL-9903-08-Region 3] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3885. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2012-0899; FRL-9902-44] received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3886. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective November 3, 2013, the danger pay allowance of five percent for Haiti has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

3887. A letter from the Assistant Secretary, Department of Defense, transmitting a Report on Proposed Obligations for Cooperative Threat Reduction; to the Committee on Foreign Affairs.

3888. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-177, pursuant to the reporting requirements of Section 40(g)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3889. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-163, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3890. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-146, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3891. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-154, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3892. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-128, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3893. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 120918468-3111-02] (RIN: 0648-XC918) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3894. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620, in the Gulf of Alaska [Docket No.: 120918468-3111-02] (RIN: 0648-XC919) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3895. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-Annual Catch Limit (ACL) Harvested for Management Area 1A [Docket No.: 130408348-3835-02] (RIN: 0648-XC903) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3896. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012-2014 Accountability Measure and Closure for Gulf King Mackerel in Northern Florida West Coast Subzone [Docket No.: 001005281-0369-02] (RIN: 0648-XC902) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3897. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction of the South Atlantic; Trip Limit Reduction [Docket No.: 130312235-3658-02] (RIN: 0648-XC870) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3898. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Reef Fish Fishery of the Gulf of Mexico; 2013 Recreational Accountability Measure and Closure for Gray Triggerfish in the Gulf of Mexico [Docket No.: 121004518-3398-01] (RIN: 0648-XC669) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3899. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Closure of 2013 South Atlantic Commercial Sector for Red Snapper [Docket No. 121004515-3608-02] (RIN: 0648-XC899) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3900. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Emergency Action Extension [Docket No.: 121126649-3347-02] (RIN: 0648-BC79) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3901. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 2 and Specifications [Docket No.: 130408348-3835-02] (RIN: 0648-BD17) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3902. A letter from the Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeastern Multispecies Fisheries Trip Limit Adjustments for the Common Pool Fishery [Docket No.: 130219149-3397-02] (RIN: 0648-XC897) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3903. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No.: 001005281-0369-02] (RIN: 0648-885) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3904. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Reopening of the Commercial Harvest of Gray Triggerfish in the South Atlantic [Docket No.: 100812345-2142-03] (RIN: 0648-XC900) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3905. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 120918468-3111-02] (RIN: 0648-XC929) received November 22, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3906. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Reopening of the Commercial Harvest of Gray Triggerfish in the South Atlantic [Docket No.: 100812345-2142-03] (RIN: 0648-XC900) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3907. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 120918468-3111-02] (RIN: 0648-XC926) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3908. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Removal of 2,000-lb (907.2-kg) Herring Trip Limit in Atlantic Herring Management Area 2 [Docket No.: 130408348-3835-02] (RIN: 0648-XC894) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3909. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-Annual Catch Limit (ACL) Harvested for Management Area 3 [Docket No.: 130408348-3835-02] (RIN: 0648-XC906) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3910. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York [Docket No.: 111220786-1781-01] (RIN: 0648-XC878) received November 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3911. A letter from the Acting Assistant Secretary for Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Removal of Attestation Process for Facilities Using H-1A Registered Nurses (RIN: 1205-AB67) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3912. A letter from the Acting Assistant Secretary for Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Attestation Process for Employers Using F-1 Students in Off-Campus Work (RIN: 1205-AB66) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3913. A letter from the Acting Assistant Secretary for Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Labor Certification Process for Logging Employment and Non-H-2A Agricultural Employment (RIN: 1205-AB65) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3914. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2515; Muroc Lake, CA [Docket No.: FAA-2013-0802; Airspace Docket No.: 13-AWP-7] (RIN: 2120-AA66) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3915. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas R-6901A & R-6901B; Fort McCoy, WI [Docket No.: FAA-2013-0838; Airspace Docket No. 12-AGL-17] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Carlsbad, NM [Docket No.: FAA-2013-0173; Airspace Docket No. 13-ASW-6] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines and Continental Motors, Inc. Reciprocating Engines [Docket No.: FAA-2012-1245; Directorate Identifier 2012-NE-41-AD; Amendment 39-17626; AD 2013-21-02] (RIN: 2120-AA64) received November 22, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; the Boeing Company Airplanes [Docket No.: FAA-2013-0863; Directorate Identifier 2013-NM-178-AD; Amendment 39-17627; AD 2013-21-03] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2013-0832; Directorate Identifier 2012-NM-047-AD; Amendment 39-17612; AD 2013-20-06] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2013-0465; Directorate Identifier 2012-NM-085-AD; Amendment 39-17617; AD 2013-20-11] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2013-0539; Directorate Identifier 2012-NM-145-AD; Amendment 39-176156; AD 2013-20-10] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0303; Directorate Identifier 2012-NM-220-AD; Amendment 39-17620; AD 2013-20-14] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes [Docket No.: FAA-2013-0597; Directorate Identifier 2013-CE-016-AD; Amendment 39-17593; AD 2013-19-11] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0667; Directorate Identifier 2013-NM-062-AD; Amendment 39-17369; AD 2013-22-047] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0625; Directorate Identifier 2013-NM-013-AD; Amendment 39-17638; AD 2013-22-06] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AgustaWestland S.p.A. (Agusta) Helicopters [Docket No.: FAA-2013-0640; Directorate Identifier 2013-05W-016-AD; Amendment 39-17517; AD 2013-15-01] (RIN: 2120-AA64) received November 22, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0723; Directorate Identifier 2011-NM-137-AD; Amendment 39-17586; AD 2013-19-04] (RIN: 2120-AA64) received November 22, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0985; Directorate Identifier 2011-NM-250-AD; Amendment 39-17585; AD 2013-19-03] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Paralegal Specialist, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Helicopters [Docket No.: FAA-2008-0288; Directorate Identifier 2006-SW-25-AD; Amendment 39-17587; AD 2013-19-05] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Helicopters [Docket No.: FAA-2013-0807; Directorate Identifier 2013-SW-035-AD; Amendment 39-17601; AD 2013-19-19] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation-Manufactured (Sikorsky) Model Helicopters (type certificate currently held by Erickson Air-Crane Incorporated) [Docket No.: FAA-2013-0454; Directorate Identifier 2009-SW-81-AD; Amendment 39-17621; AD 2013-20-15] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc., Helicopters [Docket No.: FAA-2013-0401; Directorate Identifier 2012-SW-047-AD; Amendment 39-17606; AD 2013-19-24] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. (MDHI) Helicopters [Docket No.: FAA-2013-0486; Directorate Identifier 2010-SW-031-AD; Amendment 39-17622; AD 2013-20-16] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters [Docket No.: FAA-2013-0446; Directorate Identifier 2010-SW-007-AD; Amendment 39-17629; AD 2013-21-05] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2013-0332; Directorate Identifier 2013-NM-009-AD; Amendment 39-17637; AD 2013-22-05] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-1311; Directorate Identifier 2011-NM-204-AD; Amendment 39-17636; AD 2013-22-04] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule —

Amendment of Class D Airspace; Kwajalein Island, Marshall Islands, RMI [Docket No.: FAA-2013-0817; Airspace Docket No. 13-AWP-14] (RIN: 2120-AA66) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1041; Directorate Identifier 2011-NM-272-AD; Amendment 39-17590; AD 2013-19-08] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0090; Directorate Identifier 2012-NM-149-AD; Amendment 39-17595; AD 2013-19-13] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0425; Directorate Identifier 2011-NM-273-AD; Amendment 39-17604; AD 2013-19-22] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0211; Directorate Identifier 2012-NM-230-AD; Amendment 39-17597; AD 2013-19-15] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2013-0833; Directorate Identifier 2012-NM-140-AD; Amendment 39-17615; AD 2013-20-09] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turboprop Engines [Docket No.: FAA-2013-0052; Directorate Identifier 2013-NE-02-AD; Amendment 39-17600; AD 2013-19-18] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turboprop Engines [Docket No.: FAA-2013-0029; Directorate Identifier 2013-NE-01-AD; Amendment 39-17599; AD 2013-19-17] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1320; Directorate Identifier 2012-NM-095-AD; Amendment 39-17618; AD 2013-20-12] (RIN: 2120-AA64)

received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0998; Directorate Identifier 2011-NM-249-AD; Amendment 39-17605; AD 2013-19-23] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0680; Directorate Identifier 2011-NM-247-AD; Amendment 39-17602; AD 2013-19-20] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turboprop Engines [Docket No.: FAA-2010-0562; Directorate Identifier 2009-NE-29-AD; Amendment 39-17603; AD 2013-19-21] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Change of Using Agency for Restricted Areas R-2916, FL and R-7105, PR [Docket No.: FAA-2013-0803; Airspace Docket No. 13-ASO-20] (RIN: 2120-AA66) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Change of Using Agency for Restricted Areas R-5115, NM and R-6316, R-6317, and R-6318, TX [Docket No.: FAA-2013-0771; Airspace Docket No. 13-ASW-18] (RIN: 2120-AA66) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell) Helicopters [Docket No.: FAA-2013-0500; Directorate Identifier 2012-SW-45-AD; Amendment 39-17624; AD 2013-20-18] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives Eurocopter France (Eurocopter) Helicopters [Docket No.: FAA-2013-0878; Directorate Identifier 2013-SW-033-AD; Amendment 39-17625; AD 2013-21-01] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AgustaWestland S.p.A. (Agusta) Helicopters [Docket No.: FAA-2013-0881; Directorate Identifier 2013-SW-056-AD; Amendment 39-17628; AD 2013-20-51] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Standard Division and Hamilton Sundstrand Corporation Propellers [Docket No.: FAA-2013-0262; Directorate Identifier 2013-NE-13-AD; Amendment 39-17548; AD 2013-16-10] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Comanche, TX [Docket No.: FAA-2013-0775; Airspace Docket No. 13-ASW-19] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. George, UT [Docket No.: FAA-2013-0600; Airspace Docket No. 13-ANM-18] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mandan, ND [Docket No. FAA-2013-0275; Airspace Docket No. 13-AGL-15] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; White Mountain, AK [Docket No.: FAA-2012-1185; Airspace Docket No. 12-AAL-8] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cody, WY [Docket No. FAA-2013-0517; Airspace Docket No. 13-ANM-15] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3960. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Glasgow, MT [Docket No.: FAA-2013-0529; Airspace Docket No. 13-ANM-17] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3961. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Akutan, AK [Docket No.: FAA-2013-0516; Airspace Docket No. 13-AAL-2] received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3962. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Change of Using Agency for Restricted Areas R-2309 and R-2312, AZ [Docket No. FAA-2013-0816; Airspace Docket No. 13-ANM-24] (RIN: 2120-AA64) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3963. A letter from the Chief, Publications and Regulations, Internal Revenue Service,

transmitting the Service's final rule — Announcement of the Results of the 2012-2013 Phase III Allocation Round of the Qualifying Advanced Coal Project Program [Announcement 2013-43] received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3964. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Fringe Benefits Aircraft Valuation Formula (Rev. Rul. 2013-20) received November 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3965. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modification of "Use-or-Lose" Rule for Health Flexible Spending Arrangements (FSAs) and Clarification Regarding 2013-2014 Non-Calendar Year Salary Reduction Elections Under Sec. 125 Cafeteria Plans [Notice 2013-7] received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3966. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2013-26) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3967. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2013-75] received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3968. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2014 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2013-73] received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3969. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified 2- or 3-Wheeled Plug-In Electric Vehicle Credit Under Section 30D(g) [Notice 2013-67] received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3970. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting The Service's final rule — Modifications of Certain Derivative Contracts [TD 9639] (RIN: 1545-BK13) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3971. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction or Suspension of Safe Harbor Contributions [TD 9641] (RIN: 1545-BI64) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3972. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Final Rule under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Technical Amendment to External Review for Multi-State Plan Program [TD 9640] (RIN: 1545-BI70) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3973. A letter from the Chief, Publications and Regulations, Internal Revenue Service,

transmitting the Service's final rule — Salvage Discount Factors and Payment Patterns of 2013 (Rev. Rul. 2013-37) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3974. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Unpaid Losses Discount Factors and Payment Patterns for 2013 (Rev. Proc. 2013-36) received November 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENSARLING: Committee on Financial Services. H.R. 1105. A bill to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes (Rept. 113-276). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. BASS:

H.R. 3619. A bill to amend and extend The State Trade and Export Promotion Grant Program; to the Committee on Small Business.

By Ms. BASS (for herself, Mr. BISHOP of New York, Mr. WAXMAN, Ms. HAHN, and Ms. ROYBAL-ALLARD):

H.R. 3620. A bill to amend titles 23 and 49, United States Code, to allow local hiring for transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. DUFFY:

H.R. 3621. A bill to provide for access to health insurance coverage of life-sustaining treatments furnished by certain providers; to the Committee on Energy and Commerce.

By Mr. DUFFY:

H.R. 3622. A bill to repeal the Patient Protection and Affordable Care Act and provide for comprehensive health reform, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER (for himself and Mr. DELANEY):

H.R. 3623. A bill to amend certain provisions of the securities laws relating to the treatment of emerging growth companies; to the Committee on Financial Services.

By Mr. ISRAEL:

H.R. 3624. A bill to direct the Commissioner of Food and Drugs to revise the Federal regulations applicable to the declaration of the trans fat content of a food on the label and in the labeling of the food when such content is less than 0.5 gram; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

155. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 requesting that the Congress and the President enact legislation that prevents the doubling of interest rates for Federal Direct Stafford Loans; to the Committee on Education and the Workforce.

156. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 16 urging the Superintendent of Public Instruction to prepare a plan for making California competitive for future increases in federal funding to preschool and early learning programs; to the Committee on Education and the Workforce.

157. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 21 recognizing and supporting the benefits from a robust and thriving agricultural sector; to the Committee on Energy and Commerce.

158. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 28 recognizing that September 2013, and each September thereafter, as Sickle Cell Anemia Awareness Month; to the Committee on Energy and Commerce.

159. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 24 recognizing the value of forests in providing critical ecosystem services; to the Committee on Natural Resources.

160. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 22 calling the Congress and the President to expedite actions at the Department of State to process the visa applications of our Afghan allies; to the Committee on the Judiciary.

161. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 11 urging the President and the Congress to support and pass legislation that would allow private student loan debt to be dischargeable in a bankruptcy case filed under Chapter 7 or Chapter 13; to the Committee on the Judiciary.

162. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 15 urging the Supreme Court to affirm the clear constitutionality of Section 5 of the Voting Rights Act of 1965; to the Committee on the Judiciary.

163. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 19 urging the Congress and the President to provide benefits to those veterans discriminated against solely on the basis of their sexual orientation; to the Committee on Veterans' Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. BASS:

H.R. 3619.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article. I.  
Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Ms. BASS:

H.R. 3620.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article. I.  
Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. DUFFY:

H.R. 3621.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 with respect to the power of Congress to "lay and collect Taxes, Duties, Imposts, and Excises," and to provide for the "general Welfare of the United States."

Article 1, Section 8, Clause 18, with respect to the power of Congress to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. DUFFY:

H.R. 3622.

Congress has the power to enact this legislation pursuant to the following:

Consistent with the original understanding of the commerce clause, the authority to enact this legislation is found in Clause 3 of Section 8, Article I of the Constitution. The bill repeals the Patient Protection and Affordable Care Act, which exceeds the authority vested in Congress by the Constitution. Finally, the bill removes government intrusion into the doctor-patient relationship, which is protected by the Ninth and Tenth Amendments to the Constitution.

By Mr. FINCHER:

H.R. 3623.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. ISRAEL:

H.R. 3624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 664: Mrs. NEGRETE MCLEOD and Ms. KUSTER.

H.R. 721: Mr. ROONEY and Mr. WENSTRUP.

H.R. 765: Ms. CASTOR of Florida.

H.R. 1010: Ms. DELBENE.

H.R. 1012: Mr. PIERLUISI.

H.R. 1094: Mr. JOYCE and Mr. ENGEL.

H.R. 1528: Mr. JOYCE.

H.R. 1640: Mr. PIERLUISI.

H.R. 1918: Mr. THOMPSON of Mississippi.

H.R. 2016: Ms. HERRERA BEUTLER.

H.R. 2073: Mr. LARSON of Connecticut.

H.R. 2329: Mr. RENACCI.

H.R. 2502: Mr. COURTNEY.

H.R. 2529: Mr. CROWLEY, Mr. HASTINGS of Florida, Ms. KUSTER, Ms. NORTON, and Ms. SCHWARTZ.

H.R. 2725: Mr. FARENTHOLD.

H.R. 2780: Mr. FARR, Ms. FRANKEL of Florida, Ms. EDWARDS, Mr. QUIGLEY, Mr. CAPUANO, and Mr. HECK of Washington.

H.R. 2902: Mr. KENNEDY.

H.R. 3077: Mr. TIBERI, Mrs. CAPITO, Mr. ROGERS of Michigan, and Mr. BRADY of Pennsylvania.

H.R. 3121: Mr. RODNEY DAVIS of Illinois and Mr. ADERHOLT.

H.R. 3529: Ms. BASS, Mrs. LUMMIS, Ms. KUSTER, and Mr. DUNCAN of South Carolina.

H.R. 3546: Mr. COHEN, Mr. MICHAUD, Mr. PALLONE, Mr. LANGEVIN, Ms. KUSTER, Mr. KEATING, Mr. TAKANO, Mr. MCGOVERN, and Mr. CARTWRIGHT.

H.R. 3555: Mr. GARAMENDI.

H.R. 3578: Mr. HUDSON.

H.R. 3579: Mr. MCCAUL.

H.R. 3609: Mrs. LOWEY.

H. Res. 356: Mr. GARAMENDI.

H. Res. 407: Ms. BROWNLEY of California, Mr. HONDA, Ms. DEGETTE, Mr. AL GREEN of Texas, Mr. NADLER, Ms. NORTON, Ms. SCHWARTZ, Mr. CROWLEY, Mr. LOWENTHAL, Mr. GRIJALVA, Ms. LEE of California, Ms. SPEIER, and Mr. SCHIFF.

H. Res. 409: Mr. CAMP, Ms. KUSTER, Mr. LUETKEMEYER, Mr. CRAMER, Mr. SENSENBRENNER, and Mr. MURPHY of Pennsylvania.

H. Res. 417: Mr. GOWDY, Mr. DOYLE, and Mr. WEBER of Texas.

H. Res. 423: Mr. GRAYSON and Mr. PETERS of California.

## EXTENSIONS OF REMARKS

HONORING ARMAND G. VIRTUOSO

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 22, 2013

Mr. HIGGINS. Mr. Speaker, I rise today to recognize and honor Armand G. Virtuoso—a decorated veteran, entrepreneur, and exemplary family man—who passed away peacefully on Tuesday, November 5, 2013, at the age of 91.

Born in Niagara Falls, NY, on August 25, 1922, Mr. Virtuoso displayed the type of selfless dedication to his country that has facilitated the exalted reputation tied to the U.S. Armed Forces throughout our nation's history. In the line of duty as a private in the U.S. Army, Mr. Virtuoso narrowly escaped with his life after being ambushed by a solidified position of German snipers. For his profound and demonstrated resiliency, he was awarded the Purple Heart.

Mr. Virtuoso married Carmela Infantino in September of 1947 at St. Charles Church in Niagara Falls—a faithful commitment lasting 67 years. He worked for the Olin Mathieson Corporation for 25 years as the company which processed chemicals, metals and ammunition, exhibited extensive growth and prosperity during and immediately following World War II. Mr. Virtuoso and his wife moved to Las Vegas in 1972 where he established and successfully operated Niagara Upholstery until his retirement.

Mr. Virtuoso displayed the same type of dedication to his faith as he did to his career and family. He was a devoted Catholic and a committed member of St. Thomas More Parish in Henderson. He was also a Fourth Degree member of the Knights of Columbus Council #247. Mr. Virtuoso enjoyed bingo, going to the casino, ballroom dancing, and most of all the precious time he was able to spend with his family.

Mr. Virtuoso is survived by his wife, Carmela of Henderson, NV; sons, Armand, Dennis, and Joseph Virtuoso; his grandchildren, Gina, Nicklas, Dr. Armand III, Vincent, Joseph Jr., Michael, Dennis Jr. (DJ) and Sierra; his great-grandchildren, Nicholas, Joshua, Kaden, Fallon and Mason; his sister, Adeline Kilkenny of Niagara Falls; as well as several nieces, nephews and cousins.

Mr. Speaker, it is with great pride that I rise today to honor the life and accomplishments of Armand G. Virtuoso. Whether through his harrowing journey of military perseverance or his loving devotion to his family and friends, Armand Virtuoso strived to achieve excellence in every aspect of his life, and ultimately left behind a legacy to be both honored and emulated.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 22, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,200,725,370,597.56. We've added \$6,573,848,321,684.48 to our debt in 4 years. This is \$6.5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF THE DELTA MANOR RESIDENTIAL COMMUNITY IN DETROIT, MICHIGAN

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 22, 2013

Mr. PETERS of Michigan. Mr. Speaker, I rise to congratulate the members of the Detroit Alumnae Chapter of the Delta Sigma Theta Sorority, Inc. as they celebrate the twenty-fifth year of service of the Delta Manor to the Greater Detroit senior community.

Earlier this year, I was pleased to honor the members of Delta Sigma Theta (DST) as they celebrated their centennial and it is an honor that I now recognize the impact that the Detroit Alumnae Chapter is making on its community. As part of their commitment to their sorority and their community, the Detroit Deltas have undertaken a number of service projects and programs that have assisted residents with health, education and family issues. These programs include assistance to victims of domestic violence, mentoring youth, financial literacy seminars and organizing volunteer shifts at local homeless shelters. At the core of the Detroit Deltas' efforts are the principles of informing and empowering residents—providing critical support to them during moments of crisis.

Like all of these programs, the Delta Manor, an affordable residential complex for seniors and disabled residents of the Greater Detroit region, was born from the determination of the Detroit Deltas to fill voids in services to their neighbors, wherever they exist. Started in 1988, Delta Manor opened to senior and disabled residents in 1989, and has been providing them with a safe and supportive home. As part of its commitment to providing a high quality-of-life for its residents, Delta Manor offers a comprehensive set of activities, social gatherings and health awareness seminars

that allow them to pursue their interests. In an effort to continue providing the best possible environment for its residents, the executive board of Delta Manor recently completed major upgrades to its facilities which included an update of the kitchens in all of its units, as well as renovating its computer lab and library.

As the Delta Manor approaches a major milestone in its history, it reminds us of the difference that can be made when a group of determined and compassionate individuals seek to confront the challenges facing their friends and neighbors. The Detroit Deltas have a long and distinguished history of dedication to strengthening the Greater Detroit community, and I am proud to have many of them as my constituents.

Mr. Speaker, I congratulate the Detroit Deltas of the Delta Sigma Theta Sorority, Inc.'s Detroit Alumnae Chapter on reaching this great milestone in their effort to assist seniors and disabled residents in the Southeast Michigan region. I am pleased to thank them for their service and I know they will continue to make a difference in the lives of others in the Greater Detroit community in the years ahead.

PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 22, 2013

Mr. BECERRA. Mr. Speaker, I was unavoidably detained and missed rollcall votes 596, 597, and 598. If present, I would have voted "yes" on rollcall vote 596, "yes" on rollcall vote 597, and "yes" on rollcall vote 598.

TRIBUTE TO THE HONORABLE JOSEPH B. ROGERS

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 22, 2013

Mr. COFFMAN. Mr. Speaker, I rise today to remember Joseph B. Rogers of Denver, Colorado, whom we lost on October 7th of this year. Born in Omaha, Nebraska, at an early age Joe moved with his family to Colorado where he would spend the rest of his life. Colorado has lost a political pioneer and an outstanding advocate for civil rights and Western values.

Joe attended Colorado State University, where he graduated with a degree in Business Administration and then went on to law school at Arizona State University, where he won the national American Bar Association Negotiation competition. Following law school, Joe returned home to serve his fellow Coloradans. He was known for practicing pro bono legal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



services for the poor in southeast Colorado before he went on to practice law at one of Colorado's top law firms. Joe began his career in public service as a legislative aide to Former U.S. Senator Hank Brown (R-CO).

Joe Rogers was a dedicated public servant who always gave his wholehearted effort to fight for what he believed was best for Colorado. Joe was a member of the National Commission on the Voting Rights Act and received the Trumpet Award from the Turner Broadcasting System in recognition of his hard work and dedication to the African-American community. Joe went on to serve as Colorado's second African-American and youngest ever Lieutenant Governor from 1999 to 2003. He was driven by his will to serve the people of Colorado and he will truly be missed.

Joe Rogers is survived by his wife, Juanita Kay Rogers, and their three children: Trent Rogers, Jordan Rogers, and Haley Rogers. Joe's dedication to public service is truly an inspiration to all Coloradans and it is with much sadness that we say goodbye. Mr. Speaker, it is an honor to recognize Lieutenant Governor Joe Rogers for a lifetime of achievement and hard work for the people of Colorado.

THE IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES ACT

**HON. STEPHEN LEE FINCHER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 22, 2013*

Mr. FINCHER. Mr. Speaker, I rise today to introduce the Improving Access to Capital for Emerging Growth Companies Act with the gentleman from Maryland, Congressman JOHN DELANEY. This legislation builds upon the success of the original bi-partisan JOBS Act, which was enacted into law in 2012. It focuses on making improvements to the initial public offering (IPO) process for a new category of issuers known as "emerging growth companies," or EGCs.

Since the passage of the JOBS Act in April 2012, which established the EGC category in Title I, more than 200 companies have registered with the SEC as EGCs. At the one year anniversary of the JOBS Act, a study by Ernst & Young showed that, "Approximately 78 percent of all publicly filed IPO registration statements and approximately 83 percent of the IPOs that went effective since April 2012 were filed by EGCs." Since passage last year,

Title I of the JOBS Act has clearly been a tremendous success, affording more companies the opportunity to go public and create jobs for hardworking Americans.

While this JOBS Act provision has been successful, more can be done to improve the process of going public for EGCs. The Improving Access to Capital for Emerging Growth Companies Act would reduce the number of days EGCs must have a confidential registration statement on file with the SEC from 21 days to 15 days and allow a one year grace period for an issuer that began the IPO process as an EGC to complete its IPO as an EGC. This legislation also clarifies financial disclosure requirements for EGCs and allows an EGC to confidentially submit a proposal to the SEC for a follow-on offering.

These are simple, technical improvements to the JOBS Act that improve the IPO process and allow EGCs to continue growing and providing jobs for Americans. Mr. Speaker, I want to emphasize that job creation is the most important reason to pass this legislation quickly. More companies going public leads to more expansion and investment, which will lead to job creation. The gentleman from Maryland, Mr. DELANEY, and I are pleased to be introducing this bill today.

## HOUSE OF REPRESENTATIVES—Monday, December 2, 2013

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 2, 2013.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts; and this past week, with thankful hearts, we gathered with family and loved ones throughout this great land to celebrate our blessings together.

Bless the Members of the people's House, who have been entrusted with the privilege to serve our Nation, and all Americans in their need. Grant them to work together in respect and affection, and to be faithful in the responsibilities they have been given.

As the end of the first session approaches and much is left to be done, bestow upon them the gifts of wisdom and discernment, that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. FOXX. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### OBAMACARE IS WRONG SOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, discussions about health care often turn into discussions about jobs and the economy. The two are undeniably linked. ObamaCare—its unfunded mandates, broken policy incentives, and tax penalty structure—is exacerbating the crisis of underemployment in this country.

My constituent Sandy from Winston-Salem knows this firsthand. She contacted me to share how ObamaCare is impacting adjunct professors in North Carolina community colleges. She said:

Our hours have been cut because of the "Unaffordable Health Care Act." This legislation is the worst thing that could have happened to the average American.

Her story isn't unique. Stories abound of community colleges working to figure out how they will manage to comply with ObamaCare's costly employer mandate. For some, it means cutting part-time employee hours, which shortchanges both workers and students.

Americans care about health care, and they care about jobs. ObamaCare is the wrong solution for both.

### OH, WHAT A DEAL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the secret nuke deal with Iran over Thanksgiving is "alarming," sayeth the Saudi prince.

Prime Minister (Neville) Chamberlain would have been proud after the West gave the snake oil salesman of the desert, Mr. Rouhani, exactly what he wanted—time and money—to pursue his quest for nuclear intimidation.

Although the former Czechoslovakia was not in the trade, it looks like the appeasement West was willing to sell out Israel and Saudi Arabia for "peace in our time." Israel and Saudi Arabia, like the former Czechoslovakia, did not get to vote on this deal of the century. Neither country likes the bad deal because they are the meal in Iran's hostile appetite.

To make matters worse, Iranian state news reports the United States unfroze \$8 billion in Iranian assets and reduced sanctions even before the United States gave away the farm and the mineral rights. Isn't that lovely?

Iran left Geneva with a smile, pockets of money, and fewer sanctions. The United States got the promise that Iran will be nice and not nuke its neighbors. Oh, what a deal.

And that's just the way it is.

### OBAMACARE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, 4 or 5 years ago when health care reform was being talked about on the floor of this House, one of the ideas that the Republicans put forth was increasing competition, the sale of health insurance across State lines. We all see with the sale of automobile insurance, 15 minutes can save you 15 percent. Everybody knows that. Why not afford that same cost savings for people buying health insurance? But the Democrats have never accepted it.

But now the Affordable Care Act requires that some of my constituents in Texas purchase their insurance on the D.C. exchange; clearly, that is selling across State lines. The problem is it is not lower cost; it is higher cost. And the problem is it doesn't increase your access to a physician; it decreases your access to physicians.

High deductible health plans, I have had a high deductible plan for 15 years. One of the highest deductibles I ever had was last year of \$3,500. That cost now is almost doubled in the bronze plans that are available in the exchange in my district, and we don't allow constituents to pair that up with a health savings account. If we really

wanted to get the correct market incentives, we would allow the pairing of these high deductible plans with the health savings accounts.

What about the fact that 47 percent of people are paying higher premiums, according to eHealthInsurance? Why don't we allow them the same deductibility in the small group market that we allow employers in the large group market.

These are just a few of the things that could have been done 4 years ago which were omitted by the Democrats in charge.

#### SMALL BUSINESSES ARE HURTING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, small business is the backbone of our economy. America's greatness is heavily dependent on small businesses' success in creating jobs.

In South Carolina, small businesses make up half of our economy. Sadly, these hardworking business owners have been suffering devastating setbacks due to the President's job-destroying policies. More recently, the failed implementation of ObamaCare has forced higher taxes and extensive regulations on these employers. This unfriendly business climate has prevented small business owners from expanding and creating jobs.

When traveling around South Carolina's Second Congressional District, I continuously hear from small businesses, local chambers of commerce, the National Federation of Independent Business, and employees who are plagued with uncertainty. Smaller paychecks, inability to meet insurance requirements, and reduced hours are some of the concerns. Congress must work together to replace ObamaCare with commonsense solutions, as long proposed by Congressman TOM PRICE of Georgia.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations Connor Shaw, Jadeveon Clowney, Coach Steve Spurrier, and President Harris Pastides for the Gamecock victory Saturday.

#### EXTENDING EMERGENCY UNEMPLOYMENT INSURANCE

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this countdown clock at democrats.waysandmeans.house.gov says 25 days and 10 hours, and it is ticking. That is the countdown to an immediate cutoff of emergency unemployment insurance for 1.3 million Americans. Without an

extension of this vital program, they will lose their entire coverage—every dime of it.

Who are they? They are Americans laid off through no fault of their own, struggling to find jobs and recover from the worst economic crisis in 70 years. They are an estimated 20,000 veterans who have exhausted their State benefits after leaving the military and are unable to find work. They are mothers and fathers to an estimated 2 million children. And they are counting down to December 28.

So far, the economic recovery has left them behind. Congress must not simply do so as well. We must extend this vital insurance.

#### IMMIGRATION

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, this Thanksgiving as our family gathered joyfully for dinner, we thought not only of our happiness, but of the many families that can be torn apart by our broken immigration system. We gave thought to those who were gathered at that very moment here on The National Mall going without food, fasting for justice. And they have been doing that now for weeks.

Thanksgiving is about the first immigrants in this land, this land of opportunity. But today, we find too many of our neighbors are denied opportunity because of their immigration status. They can't board a plane. They can't come out of the shadows. They don't know when they go to work in the morning if they will find their family members there at night. This is not right, and the time to fix that is right now.

The only thing preventing a bipartisan response to the immigration problems we have in this country is the unwillingness of the Speaker to permit a bipartisan vote on reform legislation.

And to those who are not moved by their heart, they should be moved by their pocketbook because of the economic potential of permitting these individuals, two-thirds of which, in Mexican families in Texas without documents, have been here for at least a decade. Let them contribute to America.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 22, 2013.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 22, 2013 at 10:52 a.m.:

Appointments:

United States Commission on Civil Rights.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1702

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of New York) at 5 o'clock and 2 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### SPACE LAUNCH LIABILITY INDEMNIFICATION EXTENSION ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3547) to extend the application of certain space launch liability provisions through 2014.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3547

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Space Launch Liability Indemnification Extension Act".

#### SEC. 2. INDEMNIFICATION EXTENSION.

Section 50915(f) of title 51, United States Code, is amended by striking "December 31, 2013" and inserting "December 31, 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to

include extraneous material on H.R. 3547, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The bill we consider today provides stability for our Nation's commercial launch providers so that they can remain competitive in the international market.

The bill extends the existing system, which requires commercial launch providers to purchase insurance up to the maximum probable loss. It then provides that the government will compensate up to \$1.5 billion, plus inflation, and any amount above that is the responsibility of the original commercial launch provider.

Two weeks ago, the Space Subcommittee heard testimony from industry experts about the need to extend the Commercial Space Launch Act's risk-sharing system. Two of the witnesses who testified deal with this law on a regular basis.

Mr. Stuart Witt, president of the Mojave Air and Space Port, is developing new launch systems and technologies that could revolutionize space by making it more accessible. He told the subcommittee that this law allows companies to continue to innovate and grow.

Another witness, Ms. Patricia Cooper, president of the Satellite Industry Association, represents companies that add billions of dollars to the U.S. economy as a result of the current risk-sharing system. Ms. Cooper testified that the system's continuation is "absolutely essential" and that her association "strongly recommends that it be renewed before it expires."

The committee also recently received a letter signed by DigitalGlobe, Boeing, Virgin Galactic, Lockheed Martin, American Pacific Corporation, Aerojet Rocketdyne, ATK, Ball, Honeywell, AMT II, and Orbital Sciences which advocated the renewal of the risk-sharing system in order to keep the U.S. competitive in the global market.

Last year, the Space and Aeronautics Subcommittee held a separate hearing on indemnification and heard from the Federal Aviation Administration, the Government Accountability Office, DigitalGlobe, and the Aerospace Industries Association. At this hearing, Frank Slazer, with the Aerospace Industries Association, summed up his trade association's position by stating:

Many foreign launch providers competing against U.S. companies already benefit from generous indemnification rules . . . We cannot afford to drive away highly skilled technical jobs to foreign countries, where the regulatory frameworks provide better critical risk management tools. Lastly, a non-renewal could impede new U.S. entrants to the commercial launch market, discourage future space launch innovation and entrepre-

neurial investment. Without a level playing field for competition, new U.S. entrants could find it highly undesirable to begin their business ventures in the United States.

The FAA launch indemnification authority has been in place for over 20 years, and the American commercial space industry has benefited significantly over this time. Thankfully, the provision has never been triggered by a serious accident, but the stability it provides allows the U.S. to remain competitive in the global market and to push the boundaries of space technology.

The bill before us would extend indemnification for 1 more year with the hope that we can address a longer-term legislative solution. I would have preferred a longer extension. For instance, the NASA Authorization Act that the Science, Space, and Technology Committee passed last summer extended indemnification for 5 years, but we now have a bipartisan bill before us that provides stability to our commercial space industry by protecting companies against third-party liability claims.

This provision expires on December 31, so time is short. This bill buys us time to work on a long-term extension as part of the larger Commercial Space Launch Act renewal that we will take up next year. I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today to speak in support of H.R. 3547, a bill to extend the application of certain space launch liability provisions through 2014.

First established by Congress as part of the Commercial Space Launch Act Amendments of 1988, the commercial space transportation risk-sharing liability and insurance regime has been extended seven times since its original enactment. The current extension expires on December 31 of this year, so it is important for Congress to act now so that there is sufficient time for this legislation to make its way to the President's desk before the current authority expires.

The liability and insurance regime that would be extended by this legislation is three-tiered.

In the first tier, licensed commercial launch providers are required to purchase third-party liability insurance to compensate for possible losses from third-party claims by the uninvolved public up to the maximum probable loss level determined by the Federal Aviation Administration as part of its licensing process, or a maximum level of \$500 million.

In the second tier, for claims above those maximum probable losses, the U.S. Government may pay successful liability claims up to \$1.5 billion in 1989

dollars, or about \$2.8 billion in today's dollars, subject to funds being appropriated by Congress for that purpose.

In the third tier, for successful claims above the aforementioned \$2.8 billion, the licensee assumes responsibility for payment.

It should be noted that the U.S. Government has not appropriated a single dollar to pay for the third-party claims in the two-decade history of this program.

The existence of the liability risk-sharing regime has helped enable the development and the sustenance of a commercial space launch industry in the United States, including the emergence of several new companies in recent years. In addition, the regime has allowed U.S. companies to remain competitive with their international counterparts, almost all of whose governments provide similar or more generous risk-sharing liability regimes to that of the U.S.

The commercial space transportation liability and insurance regime has worked. It has not cost the American taxpayer a single dollar in claims, and it has strengthened U.S. competitiveness in commercial space launch—and this is not a blank check since any potential payments for claims would be subject to prior congressional appropriation.

The bill before us today extends the liability risk-sharing regime for a period of 1 year. While that is less than some in the industry would like, I believe it is an appropriate length. That is because much has changed since the risk-sharing liability and indemnification regime was established in 1988 and because the commercial space launch industry continues to evolve over time.

Commercial providers are delivering spacecraft to orbit and commercial resupply services to the international space station, and companies are working hard toward providing commercial human spaceflight. I am excited about the entrepreneurial spirit many of these new companies exhibit, and I want them to succeed, but I also want to ensure that the Nation's commercial space transportation legislation reflects the changing industry and protects the American public.

The commercial space industry has been evolving in ways that were not envisioned when the risk regime was first established, and we need to evaluate if changes are needed to this decades-old law. The 1-year extension provides the Congress with the time to conduct necessary hearings, perform our due diligence, and enable the enactment of a comprehensive update to existing commercial space legislation.

Mr. Speaker, in closing, I would like to thank the chairman of the Science, Space, and Technology Committee, Mr. LAMAR SMITH; the chairman of the Space Subcommittee, STEVE PALAZZO; and the subcommittee's ranking member, DONNA EDWARDS, for cosponsoring

this bill with me. This is a good, bipartisan bill, and I urge Members to support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRBACHER), who is the vice chairman of the Science, Space, and Technology Committee.

Mr. ROHRBACHER. Mr. Speaker, I rise in strong support of H.R. 3547, the Space Launch Liability Indemnification Extension Act.

I want to congratulate the chairman and the ranking member for again demonstrating the type of bipartisan support that we have for legitimate science and space projects here in the United States Congress.

People say we can't work together. We can keep our eyes on the stars and on the positive things, and we are working together. This piece of legislation proves just that. It wasn't so long ago that there were a lot of people who were skeptical about the commercial space industry, and it is heartening to see that we now have gathered together to make sure that our American entrepreneurs—our space entrepreneurs—are successful and that they do, indeed, launch not only rockets into space but launch a whole new industry, providing great jobs for the American people into space and, thus, benefiting all of us. That is why it is a bipartisan effort that we are talking about today.

Space launch liability indemnification is important for the American launch industry, which is, once again, as I said, regaining a global market share to maintain the global market expectations. It is also important to maintain standards that have been long expected of American companies. I fully support a deeper look into this issue, which this legislation provides, because I know that our indemnification structure is not just right for industry—it is right for the American people.

□ 1715

It is important to note that indemnification is not a one-way street with the government just protecting industry. The original policy back in 1988 was designed to protect the government as well as industry. When companies buy the insurance required by law, they protect the Federal Government against damages and against damage claims up to the maximum probable loss.

I would also note that the requirement for commercial launch providers to purchase insurance and protect the Federal Government against its liability never expires. We should permanently extend the space launch liability indemnification. I look forward to working with the chairmen and ranking members to accomplish just that as we go into next year.

I again rise in strong support and thank my colleagues for joining me in this effort to make sure we launch this whole new industry for America.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I thank the ranking member for yielding me time.

I rise today in support of H.R. 3547, the Space Launch Liability Indemnification Extension Act.

As a proud member of the Science, Space, and Technology Committee, I am encouraged to hear about the exciting and innovative ways that the commercial space industry is pushing the bounds of space exploration. The legislation on the floor today helps to ensure that the industry will flourish and continue to create new, high-tech jobs.

In southern California, the Hawthorne-based SpaceX company employs nearly 4,000 workers and has cemented itself as one of the premier commercial space enterprises by developing several launch vehicles and reusable spacecraft. In 2012, SpaceX successfully delivered cargo to the international space station using its Dragon capsule.

The Mojave Space Port is another bright light in the commercial space industry. At Mojave, more than 70 companies are working on highly advanced aerospace design and flight test research. Just 2 months ago, the Sierra Nevada Corporation completed its first free-flight test of the Dream Chaser, a winged spacecraft that could one day take astronauts to the international space station.

But as commercial space companies such as SpaceX, Sierra Nevada, Virgin Galactic, and others continue to test new technologies, it is important for the Federal Government to help alleviate some of the risk involved in undertaking such projects. By providing third-party indemnification, these companies can continue their work without risking their entire assets. In fact, Russia, China, France, and Japan all offer liability protections that exceed the United States' standard. Without this important protection, some companies could be forced to exit the market, costing the United States hundreds, if not thousands, of high-tech jobs. We cannot allow that to happen.

I am proud to support this legislation so that American commercial space companies can continue to grow and expand the possibilities of what mankind can achieve. I urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, we have no other speakers at this time, and I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 5 minutes to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, I probably will not use all of the 5 minutes,

but I wanted to be here today, Mr. Speaker, to support H.R. 3547, the Space Launch Liability Indemnification Extension Act, of which I am an original cosponsor.

I want to thank both our chairmen—the chairman of our subcommittee, Mr. PALAZZO, and Chairman SMITH—and, of course, our ranking Democrat on the committee, Ms. JOHNSON, because we would not have been able to get to this point if we hadn't been able collectively, across the aisle, to work on a 1-year extension that would be provided for in Commercial Space Launch Act Amendments of 1988 that established the government-private risk-sharing regime for third-party liability. Should a launch accident occur, the effects that involve the public and property on the ground in this indemnification provision would cover such losses.

It turns out that commercial space launch capacity in the industry is really at a critical point in our Nation's development of our space infrastructure. Both the Federal and commercial customers rely on commercial space launch, the industry for safe, reliable, and effective service, and delivering payloads in orbit and providing related space transportation services.

Just recently, in September of this year, a commercial space launch provider successfully lofted a cargo capsule into space to carry supplies to the international space station. This is exactly what we have in mind when we talk about integrating our commercial launch capacity with what we do already at NASA in terms of our scientific endeavors.

Mr. Speaker, commercial space transportation services have really always been carried out in partnership with the United States Government through the use of Federal launch ranges and services, for example, and through the government risk-sharing regime for protecting the uninvolved public and property should an accident occur. So it seems quite fitting that we have reached this point today.

Unfortunately, the reason that we are only able to do a 1-year extension and can agree on that is because there are also some other things that we need to figure out for the future with respect to the involvement of the commercial industry. It is my hope that over the course of this 1 year we will use that time wisely here in the Congress to have the kind of oversight hearings that we need to bring in the FAA so that we can make sure that we are venturing in this direction in the right kind of way that really takes into consideration what we are doing in the 21st century.

New entrants are delivering spacecraft to orbit, commercial resupply services to the international space station, and companies are working toward providing commercial human spaceflight on both reusable suborbital

vehicles and orbital human spaceflight systems.

In fact, although I have been, admittedly, a skeptic, I am excited about the potential of the industry and I want it to succeed. Just last year, in a hearing on launch indemnification before the committee's Space Subcommittee of which I am the ranking member, a senior official representing the Aerospace Industries Association characterized the continuation of U.S. space launch indemnification as providing "substantial upside potential to enable new markets, create jobs, and assure U.S. space technology leadership for the 21st century."

It is easy to see how that upside is both national and local in scope. The launch capability at nearby Wallace air facility on the eastern shore is becoming a critical link to resupplying the international space station.

Commercial space companies make investments in our economy and create jobs all across the country. Specifically, in my home State of Maryland, companies like Lockheed Martin, Orbital, and Northrop Grumman employ thousands of people in my district alone creating high-tech jobs, high-skilled jobs in the local community. ATK is a leading aerospace provider and has its main headquarters right up in Beltsville, Maryland, not very far from here.

Mr. Speaker, I want to ensure that our legislation and policies regarding commercial space transportation reflect the changing industry, changes and activities that may not have been contemplated when the liability indemnification regime was first established. This 1-year extension provides Congress the opportunity to consider any potential changes that might be needed to ensure the continued safety of the public.

Mr. Speaker, I urge our colleagues to join us today in supporting H.R. 3547.

Mr. SMITH of Texas. Mr. Speaker, I am prepared to yield back the balance of my time if the gentlewoman from Texas (Ms. JOHNSON) is prepared to yield back her time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time.

I urge support of the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 3547, the Space Launch Liability Indemnification Extension Act.

The United States space program has existed for over half a century and my commitment to providing NASA with the resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery is unwavering.

In June 2012, the Federal Aviation Administration (FAA) and NASA signed an agreement to coordinate standards for commercial space travel of government and non-government as-

tronauts to and from low-Earth orbit and the International Space Station (ISS).

The FAA regulates and licenses all U.S. private companies and individuals seeking to engage in commercial space transportation. The FAA's Office of Commercial Space Transportation has licensed 207 successful launches, including two non-orbital commercial human space flights in 2004 and the recent first launch to the ISS and re-entry of a non-manned commercial spacecraft. For details on FAA commercial space transportation responsibilities, visit:

The two agencies agreed to join efforts to expand commercial and non-commercial space exploration by creating a framework for the U.S. space industry. The two agencies will be able to avoid conflict regarding requirements and standards for the purpose of advancing both public and crew safety.

This is an important collaboration that for the private sector is a good sign for companies seeking to reap commercial benefits that may be found in spaceflight investments.

NASA continues to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress.

Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth.

Because of the ground breaking work of NASA commercial applications for space, such as commercial satellites have become critical for mobile communication services.

Smartphones rely upon commercial satellite to function, which makes possible the communication revolution we are witnessing today.

Today, the ground work done to advance knowledge regarding space exploration has reached a point where private sector companies are exploring ways to commercialize space exploration.

For example, Companies like Virgin now operates Virgin Galactic has completed its second test flight for commercialization of space travel and is selling passenger tickets for its first flight. However, we must still fully fund NASA and U.S. public space exploration.

A critical milestone for space exploration will be successful commercial efforts to provide services or develop new methods of manufacturing that are space based or the exploration of neighboring bodies for discovery of rare earth minerals or discovery of more abundant sources of elements or resources that can aid human development.

H.R. 3547, the Space Launch Liability Indemnification Extension Act provides a means of making it possible for private companies to pursue commercial space projects.

I ask my colleagues to support this effort to make the next step in human development of space a successful one by joining me in voting in support of H.R. 3547, the Space Launch Liability Indemnification Extension Act.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3547.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## COMMUNITY FIRE SAFETY ACT OF 2013

Mr. JOHNSON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3588) to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3588

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Fire Safety Act of 2013".

### SEC. 2. EXEMPTING FIRE HYDRANTS FROM PROHIBITION ON USE OF LEAD.

Section 1417(a)(4)(B) of the Safe Drinking Water Act is amended by inserting "fire hydrants," after "shower valves,".

### SEC. 3. EVALUATION OF SOURCES OF LEAD IN WATER DISTRIBUTION SYSTEMS AND ALTERNATE ROUTING SYSTEMS.

The Administrator of the Environmental Protection Agency shall—

(1) consult with and seek the advice of the National Drinking Water Advisory Council on potential changes to the regulations pertaining to lead under the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(2) request the Council to consider sources of lead throughout drinking water distribution systems, including through components used to reroute drinking water during distribution system repairs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. JOHNSON) and the gentleman from New York (Mr. TONKO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

### GENERAL LEAVE

Mr. JOHNSON of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many Members think that the suspension calendar is reserved for unimportant legislation.

That is not the case today. It is reserved for bills that need no amendments and on which more than two-thirds of the House agrees. The Community Fire Safety Act of 2013 meets those two tests.

Sometimes when we budget our time, we ask ourselves, what should I work on first, the urgent or the important? H.R. 3588 is both urgent and important. It corrects a problem that first surfaced in October of this year, but which impacts all water utilities and firefighting units in the United States effective next month.

Water utilities have made it clear that they have two choices come January 4: fail to comply with Federal law, or leave gaps in critical fire hydrant service. No one should ever face that choice.

Here is the background. On January 4, 2011, the President signed into law the Reduction of Lead in Drinking Water Act. This law prohibits the manufacturing and installation of pipes, fittings, and fixtures that have lead content of greater than two-tenths of 1 percent, but it exempts specific items, including tub fillers and shower valves. There is also a general exemption for pipes, fittings, and fixtures where the water is not anticipated to be consumed.

The effective date of the law is January 4, 2014, the beginning of next month. I am told that when Congress wrote this law in 2010 and the President signed it in 2011, the issue of fire hydrants never entered the conversation—nor did the EPA suggest that fire hydrants were covered, at least not until October of this year, 10 short weeks before the law takes effect.

On October 22, the EPA announced that because fire hydrants are occasionally, but rarely, used in the stream of human water consumption, they are not exempt under the act. This means any hydrant manufactured or installed 33 days from now must have a lead content that meets the statutory standard.

The EPA's conclusion was based on a technical reading of the statute. Because the rule's announcement takes effect in early January, the solution is this brief but important legislation.

The worry for water utilities and firefighters is that hydrants can break without warning, often as a result of vehicular accidents. Winter is a busy time for replacing hydrants due, in part, to freezing road conditions. But neither water utilities nor firefighters can tolerate hydrants that are not certified to meet strict performance parameters. Hydrants must never get stuck closed and should never leak.

Why do hydrants contain tiny amounts of lead in the brass alloys in their valves and other parts? Because that alloy gives a cleaner fit that doesn't leak and doesn't get stuck. Confidence that a hydrant meets this standard is crucial.

Mr. Speaker, even though a couple of manufacturers claim to have developed hydrants that can meet today's lead-free standard, none of them claims independent verification of the lead-free standard, much less proof that the extreme low-lead hydrant will work for fire safety. If such hydrants are developed and later certified, communities will certainly always be free to choose them. But in the meantime, the 2010 law is unforgiving.

□ 1730

It does not allow exemptions for even the least frequent and briefest exposures to water that may pass through a hydrant. Communities that never allow any human consumption from a hydrant will be barred from installing hydrants that today are in stock and ready to meet emergency repairs.

The risk to human health from lead in water is from long-term exposure. That is why there is no scientific data showing health effects from people drinking water from hydrants. But there are documented times when firefighters have arrived on the emergency scene only to find the hydrant is out of service. This leads to tragedy we can and must avoid.

If shower valves and tub fillers should be exempt—and they are—let's exempt hydrants so there are no gaps in fire safety. I urge a "yes" vote on H.R. 3588.

I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to be here with my colleague from Ohio (Mr. JOHNSON) in support of H.R. 3588.

As we heard, 3 years ago, Congress passed important legislation to reduce lead in drinking water supplies by eliminating a very significant remaining source of lead—our water delivery infrastructure. The Reduction of Lead in Drinking Water Act amended the Safe Drinking Water Act to address the high levels of lead documented in the drinking water in many communities.

Lead is a very dangerous contaminant, and it is especially dangerous to our children. It is retained in their bodies and leads to a host of chronic problems. We need to remove lead from our drinking water, but we do not need to regulate fire hydrants to achieve this worthy and important goal.

Fire hydrants are rarely used to provide drinking water, and those rare occasions are during emergencies—for instance, the break of a water main. And, when these rare events occur, flushing the hydrant is sufficient to ensure that lead and other contaminants are not conveyed in the water.

As sometimes happens, Mr. Speaker, laws have unintended consequences. When Congress passed the amendments to the Safe Drinking Water Act 3 years ago, I doubt anyone intended to have EPA regulate fire hydrants.

EPA hosted a webinar on this issue recently. The agency consulted stakeholders from the hydrant manufacturing industry, municipalities from across our country, State and city regulatory agencies, and water supply companies. These sources provided the Agency with information to demonstrate that regulating hydrants would be expensive to implement, and it would deliver virtually no additional public health benefits.

Closer to home, I heard from two municipalities in my district, Latham and Colonie, both in Albany County. Their local leaders were very concerned about the expense of replacing their inventory of fire hydrants and about problems that could arise if they were unable to service and replace hydrants in a timely manner.

As we all know, fire hydrants are a vital part of the safety infrastructure of every community, large or small, across this great country. I am told the average cost is as high as \$2,000 per hydrant, if not more. Most communities keep a reserve inventory so hydrants can be replaced as needed. Without this fix, communities across the country would be spending millions to replace inventories of working hydrants.

Not only would communities have to replace their inventory of hydrants, but there is a real question about the availability of lead-free alternatives. The supply of lead-free hydrants is still small, and some newer designs have yet to be tested and certified fully.

Well, we certainly do not need to impose unnecessary costs on our communities across this country. We can fix this problem, and we are moving forward with a sound and effective solution today.

H.R. 3588 adds fire hydrants to the list of plumbing fixtures and other components of water infrastructure that are exempted from the requirements to reduce lead. H.R. 3588 is a simple, bipartisan bill that provides a straightforward correction to the law. It will save our communities money and time, two very important commodities.

In addition, the bill contains a provision requiring the EPA Administrator to consult with the Drinking Water Advisory Council on options for reducing lead in our drinking water in a cost-effective manner. Hopefully, this dialogue will provide more cost-effective options for achieving a worthy goal: cleaner, safer drinking water.

Again, I want to commend our colleague, Representative JOHNSON, for his work on this legislation and thank him for working together with me to ensure that communities can concentrate on efforts that will bring true public health improvements to our citizens and avoid unnecessary expenses that achieve no real benefits.

With that, Mr. Speaker, I reserve the balance of my time.



Mr. JOHNSON of Ohio. Mr. Speaker, I have no further Members who wish to speak on this issue. If my good friend is prepared to summarize, I am prepared to close.

I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I have no other speakers here on our side.

Again, I want to thank the gentleman from Ohio; I want to thank Chairman UPTON of the Energy and Commerce Committee and Ranking Member WAXMAN of the same committee for expediting this very important bill. Again, I urge all of our colleagues to support this worthy legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, I too want to say thanks to my good friend and colleague, Mr. TONKO, for his support of this legislation. It may seem trivial to some; but trust me, it is not trivial to the many communities who are sitting on stockpiles, literally millions of dollars worth of current hydrant technology that would have to be replaced as a result, and that money just going down the tubes. I, too, urge a “yes” vote on H.R. 3588.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 3588.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 38 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of New York) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspending the rules and passing:

H.R. 3547, by the yeas and nays;

H.R. 3588, by the yeas and nays; and

Agreeing to the Speaker's approval of the Journal, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## SPACE LAUNCH LIABILITY INDEMNIFICATION EXTENSION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3547) to extend the application of certain space launch liability provisions through 2014, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 376, nays 5, not voting 50, as follows:

[Roll No. 612]

YEAS—376

Aderholt  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishak  
Bentivolio  
Bera (CA)  
Billirakis  
Bishop (NY)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Bralley (IA)  
Brooks (AL)  
Brooks (IN)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chabot  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn

Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Engel  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores

Forbes  
Fortenberry  
Foster  
Foster  
Fox  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Holt  
Honda  
Horsford  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter

Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
LoBiondo  
Loebach  
Lofgren  
Long  
Lowenthal  
Lowe  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maffei  
Marchant  
Marino  
Matheson  
Matsui  
McAllister  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud

Amash  
Gohmert

Bishop (GA)  
Bishop (UT)  
Bridenstine  
Broun (GA)  
Brown (FL)  
Campbell  
Carter  
Cassidy  
Castro (TX)  
Chaffetz  
Cicilline  
Coble  
Cramer

Miller (MI)  
Miller, Gary  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Rice (SC)  
Richmond  
Rigell  
Robby  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda T.  
Sarbanes  
Scalise  
Schakowsky

NAYS—5

NOT VOTING—50

Culberson  
DeLauro  
Enyart  
Eshoo  
Farr  
Gingrey (GA)  
Granger  
Graves (MO)  
Grijalva  
Gutiérrez  
Hastings (WA)  
Herrera Beutler  
Hudson

Schiff  
Schneider  
Schock  
Schradner  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Sanford

Huffman  
Kline  
Lipinski  
Lummis  
Maloney  
Maloney, Carolyn  
Maloney, Sean  
McCarthy (NY)  
McMorris  
Rodgers  
Miller (FL)  
Miller, George  
Pascarella

Pastor (AZ)  
Radel  
Ribble  
Rogers (AL)  
Rush

Sanchez, Loretta  
Schwartz  
Sires  
Southernland  
Speier

Stewart  
Thompson (CA)  
Wasserman  
Schultz

Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Holt  
Honda  
Horsford  
Hoyer  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
King  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
LoBiondo  
Loebsock  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas

Luettkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Marchant  
Marino  
Massie  
Matheson  
Matsui  
McAllister  
McCarthy (CA)  
McCauley  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (MI)  
Miller, Gary  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen

Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.  
Sanford  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Carter  
Castro (TX)  
Chaffetz  
Cicilline  
Coble  
Cramer  
Culberson  
DeLauro  
Enyart  
Eshoo  
Farr  
Gingrey (GA)  
Granger  
Graves (MO)  
Grijalva

Gutiérrez  
Herrera Beutler  
Huffman  
Kline  
Lipinski  
Lummis  
Maloney,  
Carolyn  
Maloney, Sean  
McCarthy (NY)  
McMorris  
Rodgers  
Miller (FL)  
Miller, George  
Pascrell

Pastor (AZ)  
Radel  
Ribble  
Rogers (AL)  
Rush  
Sanchez, Loretta  
Schwartz  
Sires  
Southernland  
Speier  
Stewart  
Thompson (CA)  
Wasserman  
Schultz

□ 1902

Mr. OWENS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 612 I was unavoidably detained. Had I been present, I would have voted “yes.”

## COMMUNITY FIRE SAFETY ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3588) to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHNSON) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 47, as follows:

[Roll No. 613]

YEAS—384

Aderholt  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishek  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (NY)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks (AL)  
Brooks (IN)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Cassidy  
Castor (FL)  
Chabot  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Engel  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego

DeGette  
Delaney  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Engel  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Bishop (GA)  
Bishop (UT)  
Bridenstine  
Broun (GA)  
Brown (FL)  
Campbell

NOT VOTING—47

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Mr. Speaker, rollcall No. 612 on H.R. 3547, on Motion to Suspend the Rules and Pass, “the Science Space Launch Liability Indemnification Extension Act”, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea”.

Mr. Speaker, on rollcall No. 613 on H.R. 3588, on Motion to Suspend the Rules and Pass, “To amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux”, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea”.

## PERSONAL EXPLANATION

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent from the House Chamber for votes on Monday, December 2, 2013. Had I been present, I would have voted “yea” on rollcall vote 612 and “yea” on rollcall vote 613.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. TERRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 126, answered “present” 1, not voting 67, as follows:

[Roll No. 614]

AYES—237

Aderholt  
Amodei  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bilirakis  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (TX)  
Brooks (AL)  
Brownley (CA)  
Buchanan  
Bustos

Butterfield  
Calvert  
Capito  
Capps  
Cardenas  
Carney  
Carson (IN)  
Cassidy  
Chabot  
Clay  
Cleaver  
Cohen  
Collins (NY)  
Conyers  
Cook  
Cooper  
Crenshaw  
Cuellar  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
DeGette  
Delaney  
DelBene  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Engel  
Farenthold  
Fincher  
Fleischmann  
Fortenberry  
Foster  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gallego  
Gerlach  
Gibbs  
Goodlatte  
Gosar  
Gowdy  
Grayson  
Grimm  
Guthrie  
Hahn  
Hall  
Harper  
Harris  
Hastings (FL)  
Hastings (WA)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holt  
Horsford  
Hoyer  
Huelskamp  
Hultzenga (MI)  
Hultgren  
Hurt

Issa  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, Sam  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Langevin  
Lankford  
Larsen (WA)  
Latta  
Loeb  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Lujan, Ben Ray  
(NM)  
Lynch  
Marchant  
Marino  
Massie  
Matsui  
McAllister  
McCarthy (CA)  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McNerney  
Meadows  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neugebauer  
Noem  
Nolan  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Palazzo  
Payne  
Pelosi  
Perry  
Petri  
Pingree (ME)  
Pocan

## NOES—126

Amash  
Andrews  
Barber  
Benishek  
Bentivolio  
Bishop (NY)  
Brady (PA)  
Braley (IA)  
Brooks (IN)  
Bucshon  
Burgess  
Capuano  
Cartwright  
Castor (FL)  
Chu  
Clarke  
Clyburn  
Coffman  
Collins (GA)  
Conaway

Connolly  
Costa  
Cotton  
Courtney  
Crowley  
Davis, Rodney  
DeFazio  
DeSantis  
Duckworth  
Duffy  
Edwards  
Esty  
Fattah  
Fitzpatrick  
Fleming  
Flores  
Forbes  
Foxy  
Fudge  
Garamendi

Polis  
Pompeo  
Posey  
Price (NC)  
Quigley  
Rangel  
Rice (SC)  
Roby  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.  
Scalise  
Schiff  
Schneider  
Schock  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Stutzman  
Takano  
Thornberry  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Vela  
Wagner  
Walorski  
Walz  
Watt  
Waxman  
Webster (FL)  
Welch  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Womack  
Woodall  
Young (IN)

Garcia  
Gardner  
Garrett  
Gibson  
Graves (GA)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Hanabusa  
Hanna  
Hartzler  
Heck (NV)  
Holding  
Honda  
Hunter  
Israel  
Jenkins  
Johnson (OH)  
Johnson, E. B.

Jordan  
Joyce  
Kelly (PA)  
Kilmer  
Kind  
Kinzinger (IL)  
Lance  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis  
LoBiondo  
Maffei  
Matheson  
McGovern  
Moore  
Neal  
Negrete McLeod  
Nugent  
Pallone  
Paulsen

## ANSWERED "PRESENT"—1

Gohmert

## NOT VOTING—67

Bachmann  
Bishop (GA)  
Bishop (UT)  
Black  
Bridenstine  
Broun (GA)  
Brown (FL)  
Camp  
Campbell  
Cantor  
Carter  
Castro (TX)  
Chaffetz  
Cicilline  
Coble  
Cole  
Cramer  
Crawford  
Culberson  
DeLauro  
Ellison  
Enyart  
Eshoo  
Farr

Gingrey (GA)  
Granger  
Graves (MO)  
Grijalva  
Gutiérrez  
Herrera Beutler  
Hudson  
Huffman  
Kirkpatrick  
Kline  
Lipinski  
Luetkemeyer  
Lujan Grisham  
(NM)  
Lummis  
Maloney  
Carolyn  
Maloney, Sean  
McCarthy (NY)  
McCaul  
McDermott  
McMorris  
Rodgers  
Meehan

□ 1919

Ms. MCCOLLUM changed her vote from "no" to "aye."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, due to travel arrangements, I missed the following rollcall votes: No. 612 through No. 614 on December 2, 2013.

If present, I would have voted: rollcall vote No. 612—H.R. 3547, The Space Launch Liability Indemnification Extension Act, "aye"; rollcall vote No. 613—H.R. 3588, To amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux, "aye"; rollcall vote No. 614—Adoption of the Journal, "nay".

## APPOINTMENT OF MEMBERS TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 2 U.S.C. 501(b), and the order of the House of January 3, 2013, of the following Members to the House Commission on Congressional Mailing Standards:

Mrs. MILLER, Michigan, Chairman

Mr. PRICE, Georgia  
Mr. LATTI, Ohio

## RECOGNIZING FAST FOR FAMILIES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I visited Fast for Families, a group of advocates who 21 days ago vowed to abstain from food to bring awareness to the need for a bipartisan remedy for our broken immigration system.

Support for the fasters is growing with groups joining across the country in solidarity. Like many others in the U.S., they want to find a solution for the immigrant families living in this great country that they call home. We can all agree that it is time to modernize our immigration laws. Fixing what is broken will not be an easy task, but it will bring benefits to our Nation, which can be strengthened and reinvigorated by those hardworking individuals.

I encourage my colleagues on both sides of the aisle to reach out to one another, begin a conversation, and resolve this issue. We can work together to secure our borders and honor the rule of law while addressing the problems in our immigration system with solutions that reflect our American principles.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MASSIE). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

## RECOGNIZING FAST FOR FAMILIES AND WORLD AIDS DAY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, understanding the rules of the House, nonetheless I would like to say how honored we all are that our special guests, led by Eliseo Medina, are here as part of the Fast for Families. I want to join the distinguished former chair of the Foreign Affairs Committee, Congresswoman ROS-LEHTINEN, and say that I, too, visited the Fast for Families. I fast for immigration and wear the button.

I am so proud that our House of Representatives showed its respect to the strength of the message of our guests here today because immigration is about America. It is who we are by and large, a Nation of immigrants. It is the constant reinvigoration of our country. Every person who comes here with his

or her hopes, dreams, and aspirations for a better future; optimism for the future, the courage to come, to work hard, to play by the rules—that invigorates America. The tradition of family and community and the rest, every immigrant who comes with those values and those goals makes America more American.

I also rise, Mr. Speaker, to talk about a place where immigration and health come together, and I thank President Obama for lifting the travel ban on those infected with HIV. It had been my original intent to seek recognition to talk about World AIDS Day, which we observed yesterday, but I wanted to pay my respect to those who are fasting for immigration.

Our work on HIV-AIDS has been a product of bipartisan cooperation in this Congress over a long period of time. In the White House, though, first with President Clinton, we increased the bilateral programs to fight AIDS and we helped create, authorize, and fund the Global Fund. Then under the leadership of President Bush, we established PEPFAR and provided the necessary funding to ramp up the emergency response to the crisis. President Obama has strengthened those efforts and boosted our investment by launching the National HIV-AIDS Strategy.

In addition to that, President Obama announced that PEPFAR would not only reach its goal of providing treatment for 6 million people by 2013 but will exceed that target by providing 6.7 million people with lifesaving treatment. This is attributed to the leadership of President George W. Bush and to President Obama.

True today, President Obama went further and signed the PEPFAR and Global Fund reauthorization bill into law, and I am proud that President Obama has announced a U.S. commitment of \$1 for every \$2 provided by other donors up to \$5 billion through 2016. This marks a likely \$1 billion increase over previous years. That means more lives saved and quality of life increased.

Our work is far from finished. HIV and AIDS is a really resourceful disease, that virus, ever mutating. Just when you think we have it in our sights, it changes, and so we have to be resourceful to our approach to the HIV-AIDS virus because we will not allow HIV and AIDS to claim so many lives when we have within our means the science, the prevention, the care, the search for a cure to make a difference. One of the most exciting parts of it is that we will now be able to have an AIDS-free generation of transmittal from mother-to-child, which is quite remarkable, among other remarkable aspects of it.

This is an important issue about our values as a country, our concern for people in our community and globally across the world, which takes us back

to the beautiful reception that our fasters for immigration received when they were here earlier.

As a mom and as a grandmother, I would encourage them not to fast very much longer, but I want them to know that we all recognize their sacrifice, understand the need to pass comprehensive immigration reform, and hope that will happen soon.

#### UNIVERSITY OF PITTSBURGH AT BRADFORD CELEBRATES 50TH ANNIVERSARY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize the 50th anniversary of the University of Pittsburgh at Bradford, which is located in McKean County, Pennsylvania.

Fifty years ago, Pitt-Bradford was a few buildings with just about 300 students. Over the decades, the school has grown from a 2-year feeder campus to a distinguished and thriving 4-year university.

Today, Pitt-Bradford's campus is home to 1,600 students and about 10,000 alumni from across the entire country. The university offers 37 bachelor's degrees, five associate degrees, and more than 50 minors. For the last 9 consecutive years, Pitt-Bradford has been ranked by The Princeton Review as one of the best colleges in the Northeast.

Due to the university, local industries have greater access to scientific and technical expertise. Area residents have access to a growing number of jobs, and the region's economy has greatly benefited as a result.

I offer my praise to the university's founders and the generations of school administrators, teachers, and students who have worked to turn the small campus into a renowned institution of higher learning.

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#### LIVE WELL SAN DIEGO

(Mr. PETERS of California asked and was given permission to address the House for 1 minute.)

Mr. PETERS of California. Mr. Speaker, I rise today to highlight the growing involvement of San Diego area schools and businesses in the Live Well San Diego initiative. Live Well San Diego engages the San Diego community from government, business, military, faith groups, and schools to improve the health, fitness, and safety of our residents.

Preventable chronic diseases contribute to over 50 percent of deaths in the region, and Live Well San Diego is working to find innovative ways to reduce their impact and lower national

health care costs in the long term. Through involvement with schools in my district, Live Well San Diego is reducing childhood obesity through daily physical education and recess breaks.

Earlier this year, the San Diego North Chamber of Commerce joined with Live Well San Diego to educate area business owners about creating workplaces that focus on health and wellness.

Clear Channel Communications has also partnered with Live Well San Diego to spread the word. Recently, the initiative launched a Web site, [livewellsd.org](http://livewellsd.org), to give residents information to live healthier lives.

Live Well San Diego is an example of how collaborative public-private partnerships are working to improve public health. I am proud of the work that Live Well San Diego is doing for the people of San Diego County. Our residents are happier and healthier because of it.

#### THE OUTSTANDING SERVICE OF WESLEY ENHANCED LIVING

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the 125 years of outstanding service and community involvement of Wesley Enhanced Living, a Philadelphia, Bucks County, and Montgomery County faith-based institution providing wonderful service to my district.

For more than a century, the professional, dedicated staff at Wesley has provided a crucial service to seniors around the Delaware Valley. Following their guiding values of grace, honor, and integrity, Wesley has strived to serve the aging population and better their golden years.

Beyond the task of caring for its residents, the leadership at Wesley Enhanced Living has been open and forthcoming towards new and innovative ways to help seniors across the country. By working in unison with leaders in the field, we have been able to find better ways to represent the seniors in my district and serve the needs of those who care for them each day.

I wish the best for Wesley Enhanced Living, and I hope that their commitment to our community continues for another 125 years.

#### WORLD AIDS DAY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, yesterday was World AIDS Day. And before I left my home district this morning, I gathered with longtime friends and fighters against the surge and the scourge of HIV/AIDS.

Although we have come a long way and made a great difference, 50,000 people are affected each year by HIV/

AIDS. This is the 32nd year of the establishment or the announcement of the epidemic of HIV/AIDS, and today some 34 million-plus around the world live with HIV/AIDS. Every 9½ minutes, someone in this country is infected with AIDS.

So I stand here in salute of the Thomas Street Health Center and the AIDS Foundation, one, because of the health care that the Thomas Street Health Center gives and to be able to thank them for the litany and devotion that they provided for us, and to the AIDS Foundation, of course, to thank them for letting people live with AIDS and to have the comfort of those who will stand with them.

I am also wearing another button today, and that is to salute those and to embrace those who are for the fast-growing families. We must have comprehensive immigration reform, and I stand with them to save lives, as well.

#### APPLAUDING STATE CHAMPION EDEN PRAIRIE EAGLES FOOTBALL TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate the Eden Prairie Eagles for winning this year's Minnesota High School Football Championship.

It was a three-peat, Mr. Speaker. With this weekend's victory, the Eagles solidified a State record ninth school championship and became the first large enrollment school to win three consecutive titles.

Going undefeated the entire season, the road to the State title was nothing short of excellence, and the Eagles' victory was earned through unwavering hard work.

Mr. Speaker, the members of this year's team exemplify what it means to be student athletes, and they have shown incredible determination, character, and teamwork. It is no wonder that nearly 20,000 Minnesotans came out to watch the championship game.

Congratulations to the entire team, including Coach and Eden Prairie High School Athletic Director Mike Grant. This year's success is a tribute to their high level of commitment, one that I am sure they will continue to display not only on the field, but in all aspects of their years to come.

#### WORLD AIDS DAY

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, let me first thank our leader, NANCY PELOSI, for her dedication and unwavering support to fight AIDS since arriving at the United States Congress 25 years ago.

This morning, I had the honor of joining President Obama, Secretary Kerry, Secretary Sebelius, and many advocates at the White House to mark World AIDS Day. It was a time for remembering the friends and loved ones whom we have lost. It was a reminder of the extraordinary progress that we have made, but also a reminder that we cannot stop now.

In the United States Congress, few issues have transcended partisan gridlock like the fight against AIDS. I want to also salute Chairman ED ROYCE and our Ranking Member ELIOT ENGEL for their unwavering commitment to keeping this a bipartisan issue. Thank you.

In the last 2 weeks alone, we have passed the HIV Organ Policy Equity Act and the PEPFAR Stewardship and Oversight Act, which President Obama signed into law this afternoon.

So many played a major role in the creation of PEPFAR and the Global Fund, and I am so proud of the leadership from the Congressional Black Caucus in supporting PEPFAR and the Minority AIDS Initiative and the National Strategy on HIV and AIDS.

Now is the time to recommit ourselves to an AIDS-free generation.

#### CONDEMNING VIOLENCE IN UKRAINE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, as co-chair of the Ukrainian Caucus here in the House, I rise today to condemn the violence currently igniting in Ukraine at the hands of Ukraine's top government officials. Their targets are peaceful protesters and dozens and dozens of journalists who have been harmed.

Shouldn't President Yanukovich and the Ukrainian Government be working hard to encourage and ensure a more open society rather than repressing their own citizenry? Shouldn't they be building a society in which Ukrainians can assemble and freely voice concerns regarding the future of their country?

Hundreds of thousands of demonstrators, some have estimated over a million people, have taken to the streets in Kiev this past week out of frustration at their government's abandonment of the European Union Association Agreement. As protests escalated through this weekend, journalists and demonstrators were met with a violent police crackdown. Many were brutally beaten and burned by tear gas.

For many years now, Ukrainians have called for and continue to desire a government and country that embraces democracy, liberty, and respects human rights. Those citizens in the streets and all Ukrainians deserve the opportunity to peacefully demonstrate. They should not fear government retaliation.

Mr. Speaker, in closing, let me say that I continue to support the Ukrainian people's European aspirations and their demands for democratic reform. Let the people of Ukraine move forward and face west and east and north and south with no fear of reprisal.

#### SAFE CLIMATE CAUCUS

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, climate scientists like Dr. Rob Dunbar of Stanford are warning us that if we continue down this path of inaction, global sea levels will rise, on the average, anywhere from 1 to 7 feet by the end of this century.

Let's just take a 4-foot rise in global sea level, for example. That would devastate coastal communities and jeopardize, in my State, hundreds of thousands of Californians' properties, causing billions of dollars' worth of damage. As someone who represents a coastal port, this rise in sea level will cause us tremendous amount of infrastructure needs.

It is our responsibility to take action now to help cut greenhouse emissions so that we can start to curb some of the deepest harm caused by rising sea levels. If we do not act, we are turning our back on every coastal community not only in California, but on this entire planet.

#### CONGRATULATING THE YERINGTON LIONS FOOTBALL TEAM

(Mr. HORSFORD asked and was given permission to address the House for 1 minute.)

Mr. HORSFORD. Mr. Speaker, I want to congratulate the Yerington Lions football team on their 42-19 win over Mountain View Christian for the Division III Nevada State title.

They were undefeated throughout the season, finishing 11-0. So this wasn't just one title game; it was a year of proving that they are really the best. And it is not just any State title for this school; this is the first State title since 1981. And they have the support of everyone in town. The whole community was out for the game, wearing their team colors of purple and white.

Interesting to note, on average, the Yerington Lions gave up less than 5.6 points per game, average. That is lower than Congress' approval rating. That is pretty impressive, don't you think?

Yerington is an important part of my 51,000-square-mile district. So I want to say congratulations to the students, congratulations to Coach Cody Neville, and congratulations to Yerington. You make Nevada proud.

### THE METRO-NORTH RAILROAD DERAILMENT

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, yesterday in my district and very near to my home, there was a horrific derailment on the Metro-North Railroad, which cost the lives of four people and injured another 63. My heart goes out to the victims: the people who died, the people who were injured, and their families, as well.

The National Transportation Safety Board is investigating, and hopefully very soon we will know exactly what happened and have their recommendations, as well. Right now, all preliminary accounts say that the train was going 83 miles an hour in a 70-mile-an-hour zone that was soon by a curve going down to what should have been a 30-mile-an-hour zone.

Again, I hope when the NTSB comes out with recommendations for safety on our rail in the United States, that the Congress will act accordingly and perhaps pass legislation to make our trains safer. In the meantime, again, my heart and our hearts go out to all the victims of this horrific tragedy.

### IMMIGRATION REFORM

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I am honored to welcome to the House of Representatives five selfless individuals, courageous reformers who have made a tremendous sacrifice to raise awareness for the need of immigration reform. They are truly deserving not only of our applause, but also of our admiration.

After fasting for over 3 weeks, these committed reformers have successfully drawn attention to the pressing need to pass immigration reform. As Members of Congress, we cannot ignore the steadfast devotion of these advocates through further inaction.

Along with the majority of this country and the majority of the House of Representatives, these tremendous leaders know we need comprehensive immigration reform now. Unfortunately, the House leadership continues to irresponsibly block commonsense, bipartisan reform by refusing to let the full House vote.

Mr. Speaker, these leaders need more than applause. They deserve a vote, and they deserve it now.

### THE DISTURBING AGREEMENT WITH IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 3, 2013, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Mr. Speaker, I think there has been a lot of things going on in the world in the last few weeks and a lot here domestically, things that have not been going well on the administration's agenda. Those have been well documented and are not the reason that I rise tonight.

The purpose for my rising tonight is an issue that seems to want to distract from issues at home, and that is a very disturbing development with Iran and the administration's agreement that has been announced.

□ 1945

These are disturbing for many reasons. Tonight we rise, and I rise bipartisanship tonight, to talk about this because I want the people of Israel and I want the American people who are great friends of Israel to be assured that there are plenty of Members of Congress committed to this alliance, I am proud to be one of them.

I also join with my friend from Illinois (Mr. SCHNEIDER), and I am excited to be a part of this and discuss for what will be a discussion of what we believe are the values that we share together.

I would go ahead and yield for a brief opening here before we get started, Mr. SCHNEIDER, as we go forward tonight.

Mr. SCHNEIDER. Thank you. It is an honor to be here with you to join you in this discussion. The world has watched anxiously as the P5+1 had a series of negotiations that culminated 2 weeks ago in an interim agreement.

As we join here tonight to talk about some of the issues in this agreement, what we will be looking for is to ensure that whatever happens, Iran is not allowed to achieve nuclear capability, and that our allies in the region, including Israel, Saudi Arabia, and others, are protected from the prospect of a nuclear Iran.

I yield back.

Mr. COLLINS of Georgia. I agree, and I appreciate the gentleman so much.

I believe that it is certain in our foreign policy, as much as anything, America needs to speak from a position of strength that we have; that we should not deny our position of strength and our power to enforce what we believe are standards that need to be looked at across the world. Tonight I want to bring that attention to the floor of the House of Representatives and also to the Nation.

My dedication to the U.S.-Israel alliance brings me to the floor tonight with an urgent message for our President: Don't fall for Iran's public relations campaign. In the words of Israeli Prime Minister Benjamin Netanyahu during his recent speech before the U.N., newly-elected Iranian President Hassan "Rouhani thinks he can have his yellowcake and eat it too."

President Rouhani is orchestrating an unprecedented charm offensive to reduce sanctions on his country. Over the last 5 months—this is amazing—his campaign has included tweeting "Happy Rosh Hashanah" to Jews across the globe celebrating their New Year, condemning the use of chemical weapons in Syria after the August 21 attacks, making diplomatic overtures to President Obama through personal letters.

Mr. President, tell Rouhani that mere words won't ultimately improve relations between the U.S. and Iran.

Most recently, two rounds of nuclear negotiations have occurred. A truly disturbing deal between the West and Iran materialized, which puts Israel in a very difficult position.

Much like negotiations with North Korea over its nuclear program, the U.S. is being duped. The deal allows Iran to maintain its nuclear program, while the U.S. sanctions are lifted for 6 months. This deal benefits no one but Iran. There are bipartisan measures currently in the House and Senate to maintain sanctions and to continue to hold Iran accountable for its actions.

Mr. President, I ask you carefully review President Rouhani's record before moving further with more sanctions relief.

To really understand President Rouhani's intentions, let's look beyond his words to his actions.

On September 19, an op-ed by President Rouhani was published in *The Washington Post*. In the piece, Rouhani spoke against glorifying "brute force" and in favor of ending "unhealthy rivalries" that drive nations apart.

Forty-eight hours later, President Rouhani presided over the Iranian military parade showcasing over 30 missiles, all with the capability of striking Israel. During his speech, he said, "In the past 200 years, Iran has never attacked another country."

It gets better. Of course Iran doesn't have to attack because its proxy, Hezbollah, carries out its foreign policy. Hezbollah has continuously attacked Israel over the decades, and is instrumental in fighting the National Coalition of Syrian Revolution and Opposition Forces. The NCSRO is a rebel group which the U.S. recognizes as the legitimate representative of the Syrian people.

Let us not forget Iran's intrusion on U.S. soil. The Iranian hostage crisis of 1979 began with an attack on and subsequent occupation of the U.S. Embassy. Fifty-two Americans were held hostage for 444 days. The attack had the support of Iran's then-leader Ayatollah Khomeini. The attack was a clear violation of international diplomatic protocol.

President Rouhani has made several claims that Iran's nuclear program is for peaceful purposes. He says Iran's only desire is to diversify its energy production capability.

Yet, Iran has not only refused to reverse course on enriching uranium but has 1,000 new generation centrifuges that enrich uranium faster and are more durable than previous versions.

As we say down in Georgia, a slap on the jaw and a kiss on the cheek don't send the same message.

Recently, freshman members of the Foreign Affairs Committee sent a bipartisan letter to President Obama telling him to be vigilant in his diplomatic actions with Rouhani.

Any negotiation with the Iranian regime should only come after Iran has stopped enriching uranium and neutralizes the quantity it currently possesses. Congress has let its will be known with the passage of the Nuclear Iran Prevention Act this summer in the House.

Congress and the American people do not trust the Iranian regime. The White House needs to sign the latest set of sanctions. These sanctions go further than previous ones by targeting the profiteering of black market goods. Sanctions target regime members who are guilty of human rights violations.

Congress is sending the message that not only do we highly discourage the development of nuclear weapons by the regime but detest how select citizens are subject to torture and restrictions on speech and political persecution. It is amazing what is going on right now.

The President needs to realize that the Middle East is not a chessboard, and we shouldn't play games with Iran. This is a time to stand up and be decisive. We must stand with Israel and other rational actors in the region and not capitulate on the development of a nuclear Iran.

With that, I want to yield to my friend as we share back and forth tonight on different aspects as we go forward.

Mr. SCHNEIDER. Thank you. I want to again thank Representative COLLINS for holding this important conversation tonight to talk about the dangers and long-term implications of a nuclear deal with Iran.

I think it is both timely and necessary that Congress continue this conversation and push hard to convince the Senate that further action is required to help prevent Iran from acquiring a nuclear weapon.

Personally, I remain most skeptical that the Iranian regime has the ability or willingness to live up to the tenets and the terms of the Geneva agreement reached with the P5+1.

We have worked diligently over the years, over a decade, to maintain a robust sanctions regime that brought Iran to the negotiating table, but it was not to come to the table that the sanctions were put in place. These sanctions were put in place to ensure or achieve the end of Iran's nuclear program; to ensure that Iran is not a nuclear-capable country.

In July, as was mentioned, this body passed, by a vote of 400-20, the most sweeping sanctions to date in order to address the ongoing threat of a nuclear Iran. That legislation must be taken up in the Senate to hold Iran accountable, to ensure that Iran fully understands the implications of not completing a deal in 6 months that will eliminate its nuclear threat.

However, there are several points about the deal reached with Iran that are particularly worrisome. First, this interim agreement cannot be allowed to become the permanent agreement. The so-called joint plan of action is fraught with dangers, including allowing Iran to continue enrichment at the 5 percent level; allowing Iran to continue construction at the Iraq plutonium reactor, which has no purpose other than for military uses; allowing the ongoing enhancement of Iran's technical capabilities.

This agreement does not address Iran's ongoing program, its long-term activities. It doesn't require Iran to fully disclose all of its activities. This agreement does not address any covert sites which are not yet discovered or disclosed by Iran.

This deal, as I said, is fraught with dangers, and our purpose in Congress and the United States and with our allies must be to try to navigate the joint plan of action to a permanent agreement that will ultimately freeze Iran's activities, roll them back, and require Iran to dismantle Natanz, Fordow, Arak and other facilities and, ultimately, and most importantly, permanently block and permanently close any path Iran has to a nuclear capability.

That includes no enrichment, no plutonium reactor, full transparency, full disclosure, unlimited and unfettered inspections.

With that, I will yield back to Mr. COLLINS.

Mr. COLLINS of Georgia. I appreciate my colleague. You know, you brought up a great point there, and I want to continue to go into the history here because I don't want individuals who may be watching tonight or watching this later to simply look at this in a vacuum as saying that we are just disagreeing with the policy, and there was a diplomatic outreach that was given and we are not giving it an opportunity.

I think, from where I am from and I know you are as well, the past is prologue to what happens now, and I think what we have got to understand is the regime has not inherently changed. The regime in Iran still has just core issues with the West and especially with Israel.

I think you hit it perfectly and, before I continue, you brought it up again. The idea of these negotiations were not to find a placated middle. The desire is to find an end to the Iranian

nuclear regime because we just don't trust them, and I think that's the inherent problem.

Let's look at it here from a perspective. President Rouhani was recently afforded a great opportunity to show a stark contrast between himself and the former Iranian President Mahmoud Ahmadinejad. Mr. Rouhani was asked whether he believed the Holocaust was a myth. Rouhani answered: I am not a historian, I am a politician.

Netanyahu responded: It doesn't take a historian to recognize the existence of the Holocaust; it just requires being a human being.

Rouhani is captive to the religious zealots in his country and the policies of the Supreme Ruler Ayatollah Khomeini. Rouhani is so beholden to the regime's ideology that when the White House offered the opportunity for the newly-elected Iranian President to shake hands with our President, Rouhani's staff declined because of the fear of how it would be perceived in Iran.

Now, think about that a second. If a handshake can be turned into political gangrene for the Iranian President, how can we believe that any of Iran's diplomatic overtures will result in any real change?

I don't want the U.S. to go down the same path with Iran that it did with North Korea. In 2005, it was then seen as a landmark deal. North Korea agreed to abandon its nuclear weapons program in return for economic security and energy benefits. Twelve months later North Korea tested its first nuclear weapon.

Let's not forget the immortal precept: Fool me once; let's not be fooled twice.

I would like to take time to highlight a few points from Prime Minister Benjamin Netanyahu's speech before the U.N. This speech occurred nearly a week after Rouhani spoke before the international body.

But before doing so, I want to yield back to my friend from Illinois as well, and just as we continue this conversation, again, history matters and what has gone on in the past, I believe, is very crucial into understanding why many of us on the Hill, bipartisanly, do not trust the Iranian regime.

I yield to my friend.

Mr. SCHNEIDER. Thank you. I think it is critical to emphasize the bipartisan aspect of the support in Congress for a strong sanctioned regime, and the security and protection of our allies, in particular, Israel.

As my colleague mentioned, in October, I, with LUKE MESSER, authored a letter to the President calling on him to push forward with sanctions. There were 78 members of the freshman class who signed on to that letter, Republican and Democrat, shoulder to shoulder, standing together, saying we must be strong.



Again, the interim agreement cannot move to anything near what is a permanent agreement. More importantly, it cannot lead to the collapse of the sanctions regime. We have worked too hard and come too far to let that happen.

In my opinion, I think we need to ensure that the architecture of the sanctions are reinforced, are broadened, are deepened and hardened, so that 6 months from now, if Iran fails to live to up to its commitment and the consequences are sufficiently severe, Iran understands that the likelihood of further action, all actions on the table, including a credible military threat, remain, so that ultimately Iran understands this is the moment, this is the time to abandon their nuclear aspirations.

This is why the sanctions are put in place. This is why it is critical for the Senate to pass the bill we passed in July and make sure Iran understands that not adhering to the agreement, not abandoning its nuclear program, will have dire consequences in 6 months. With that, I yield back.

Mr. COLLINS of Georgia. I appreciate the gentleman. Again, it is a matter of now. This has been going on for a while. This has not built up over the last couple of weeks that we discovered this problem. This has been a problem with Iran for, you know, going on years now that they have been building this program and really bunkering this program now, which I think your call for transparency really highlights the need that—it is amazing now that all of a sudden they want to be open, but, yet, they only want to be open in a way that they control. But they do want the money.

□ 2000

I mean, I think it goes back to—we can sort of go back here to a quote from an American film, “Show me the money.” When you show me the money, you show me Iran’s intentions at this point. Because they want the money that has been held up by the sanctions. Why? Because the sanctions have worked. This administration needs to understand: the sanctions have worked. They have worked in a way that we have not seen before. It is not time to abandon those.

But as I mentioned just a few minutes ago, I wanted to take some time to highlight a few points from Israeli Prime Minister Netanyahu’s speech. And if you haven’t had a chance to hear it—I know my colleague has—many times, we can talk about problems but we don’t offer solutions. And I think what he did is to not only highlight the problems with this administration and Iran, but also to engage in solutions as well. So I want to look at it for just a moment.

Netanyahu started his speech discussing the rich history that the Jew-

ish and Persian nations share. For those who remember—in my case, from Sunday school class—over 2,000 years ago, the Babylonian Empire released the captive Jews to develop a homeland of their own. This historic friendship lasted until a radical regime came into power in Iran in 1979.

Netanyahu quickly pointed out how unlikely it is that Rouhani is truly a moderate. Rouhani was one of six candidates selected by the regime to run for office. That is six out of 700 candidates who desired to run. I think there is a little bit of picking going on here.

Rouhani led the Iranian version of the CIA and the NSA. During his time leading Iran’s Supreme National Security Council, 85 people were murdered at a Jewish community center in Argentina by Iranian henchmen. Iran has its fingerprints on the bombing of the Khobar Towers in Saudi Arabia that killed 19 American soldiers. Rouhani was the chief nuclear negotiator between 2003 and 2005.

This “moderate” Iranian developed a strategy encouraging diplomatic engagement but never changed its approach to increasing its nuclear proliferation abilities. Netanyahu cites a book Rouhani wrote in 2011 in which he wrote:

While we were talking to the Europeans in Tehran, we were installing equipment in Isfahan.

Isn’t that a telling thought right there?

Rouhani touts his negotiation skills by saying:

By creating a calm environment, we were able to complete the work in Isfahan.

Isfahan is a facility where the uranium ore called yellowcake is converted into an enrichable form. Since 2002, Iran has built two secret facilities to further its nuclear ambitions. Several years later, it was caught building a uranium enrichment station underground.

If Iran is only seeking peaceful nuclear energy, why is it building structures in a clandestine way? Well, Mr. Speaker, I think the obvious answer there is clear.

Netanyahu also asked why Iran is trying to develop intercontinental ballistic missiles if not to further its nuclear ambitions. ICBMs are purposefully designed to be transportation vehicles for a nuclear weapon. As Netanyahu pointed out:

You don’t build ICBMs to carry TNT thousands of miles away.

The Prime Minister is clearly troubled in light of the U.S.’ history with North Korea.

Just like North Korea before it, Iran professes to seemingly peaceful intentions. It talks the talk of nonproliferation while seeking to ease sanctions and buy more time for its nuclear program.

He understands that America has been at a similar negotiating table and

blinked. Instead of offering mere rhetoric or hollow gestures, as the Iranian President has done, Netanyahu offers a solution. He lays out steps the Iranian regime can make to show a willingness to negotiate and possibly have sanctions lifted.

Netanyahu proposes four steps for Iran, some that we need to look at as well:

Number one, ending all uranium enrichment;

Number two, removing its inventory of enriched uranium, similar to Syria’s handing over of its chemical weapons;

Number three, dismantling its infrastructure for nuclear breakout capability; and

Number four, stopping all work at the heavy water reactor in Iraq aimed at the production of plutonium.

These steps would cease Iran’s nuclear weapons program and eliminate its ability to conduct a nuclear strike.

Netanyahu does not just leave the ball, though, in Iran’s court, but asks the international community for assistance to ensure Iran’s compliance. He laid out a three-point strategy:

First, keep up the sanctions. If Iran advances its nuclear weapons program during negotiations, strengthen the sanctions. That is sort of the way it works. I know, you know, when I need something and I get out of line, you get pulled back in. You don’t get more freedom just by saying you are going to do something more. I know your children and my children, alike, in dealing with that, as you look ahead, there are more restrictions if you don’t do something right. That is a great first step;

Second, don’t agree to a partial deal. A partial deal would lift sanctions that have taken years to put in place in exchange for cosmetic concessions that will take only weeks for Iran to reverse;

Third, lift the sanctions only when Iran fully dismantles its nuclear program.

Netanyahu concludes his speech in a somewhat conciliatory tone. He said:

I am prepared to make a historic compromise for genuine and enduring peace, but I will never compromise on the security of my people and of my country, the one and only Jewish State.

Considering Israel’s hostile neighbors, I understand the Prime Minister’s vigilant tone. The U.S. has strongly supported Israel’s resolve in the past, and I hope this administration will not relent. Israel has the most to lose if Iran gets a bomb, and that is something we can’t ever forget.

With that, I yield back to my friend.

Mr. SCHNEIDER. Thank you again.

And you hit on a crucial point. For Israel, a nuclear Iran is an existential threat. It is life and death at the front lines. But also as you touched on, Israel has no greater a friend than the United States, and that relationship is

a strategic relationship for both parties. We have no better ally. Israel is the only stable democratic country in the region. Israel is reliable. Israel is our friend, and we will always remember that.

I think it is also important to understand the breadth and scope of the Iranian program. You touched on that Iran is seeking to control the nuclear fuel cycle, from mining to yellowcake to enrichment to, ultimately, weapons grade. And that is a program that has spread throughout the country, from Isfahan to Natanz and Fordow and, ultimately, in the weaponization area at Parchin.

The second piece is weaponization. It is one thing to control the fuel cycle; it is another thing to turn that into a nuclear weapon. Iran is working aggressively to do that, and this deal does not address their weaponization programs.

And finally, once you control the fuel cycle, once you are able to have a weapon, it is delivery. And Iran, with their intercontinental ballistic missiles, ICBMs, is working to develop a capability to deliver such a weapon of mass destruction not just in this region but throughout the world.

Iran, for Israel, is an existential threat. But Iran, for the region, and Iran, for the world, is as extreme a threat as it is for Israel. We must prevent a nuclear Iran not just because Israel is our ally, but because a nuclear Iran is a threat to the whole region—a threat to nuclear destabilization, a nuclear arms race among other countries in the region—and that is what we are focused on. That is why it is so critical at this moment, as Iran is months away from the capability of having a nuclear weapon, we focus aggressively on closing the pathways—freezing, reversing, dismantling, and, ultimately, permanently blocking any pathway Iran has for a nuclear weapon.

With that, I yield back to my friend from Georgia.

Mr. COLLINS of Georgia. I thank the gentleman.

One of the things that amazes me in what you just said is that we are so close and are getting closer every day for their capability to be, for the lack of a better term, perfected. They have been working at it. They have been hiding. They have been doing those things. And now to come at this last moment and get ready to give an infusion of cash, which is what they are going to be getting, to the tune of billions of dollars and to continue to allow the enrichment process is just really disturbing here.

I am not seeing, as I said earlier, the end game except that, from my perspective, there was the old philosophy. There was the old foreign policy of one of my party's heroes, one that I believe served this country well, and it was Ronald Reagan when he said that the foreign policy was, if we win, you lose.

And I think, at this point, what is concerning me is that in this deal, if we lose, they win, and rest of the world is put in jeopardy.

And you made a great statement. Not only is Iran an existential threat to Israel, but as I often hear, well, why do we worry about Iran? That is another country. Why do we need to get involved? Because it is a direct and immediate threat to the U.S. as well.

We have troops within missile range. We have troops that are in international waters that could be literally affected by the military force in Iran, and I think those are issues that we have got to address as we move forward.

It is not something that we can just put in this little corner. Iran, in some ways, is much different than North Korea, with their assets and with their capabilities, and we can't deny where they are in the world. And I think that is the concern that I have with this administration. That is why we are here tonight talking about this. And I want to discuss some more about this, but I will yield back to my friend.

Mr. SCHNEIDER. Thank you.

As you said, the question, why do we care about Iran? It is actually a question I don't hear that often in my district because I think a lot of the people in my community understand that, when someone makes a threat to annihilate another country, you listen to the threat.

When we were in Israel—37 Democratic Members traveled to Israel in August, followed by a comparable sized group of Republican Members. On our trip, we had a chance to hear from a former chief of intelligence, Amos Yadlin. And he made the statement that the only existential threat to Israel is the marriage of ideology of destruction with nuclear capability. We face that threat now. That is why we are here having this conversation. That is why, over the last decade, we have worked diligently to create the architecture of the sanctions regime that did, indeed, bring Iran to the negotiating table.

This joint interim agreement keeps the sanctions regime in place. But over the next 6 months, it is our responsibility—the United States, the United States Congress, our allies—to make sure that that sanctions regime not only stays in place, but stays robust and becomes stronger so that, again, Iran understands the challenges.

I have said many times that history is going to judge us with one question on Iran: Did we prevent Iran from having a nuclear weapon? This moment in history faces us at this moment in time. This agreement must not be allowed to be permanent. The United States and our allies must ensure that Iran does not further move down the path to nuclear capability.

Iran is estimated to be months—at most, a year—away from a nuclear

weapon. The next 6 months, if we are going to enforce this agreement, must make sure that Iran doesn't get any closer—not one moment, not 1 month, not 1 inch. This agreement has to be put in place in such a way that we can guarantee Iran is not moving forward.

What do some of those actions require from us? What I hope to do in the Foreign Affairs Committee and together with my Republican colleagues is to try to create a specific understanding of the timetables for implementation. The joint agreement doesn't lay that out. I want to know: What are the milestones? What are the expectations and deliverables that Iran must arrive at at each milestone? What is the proof we are going to require of Iran to demonstrate that they have achieved the specifications of the agreement at the specified time? And most importantly, what are the consequences if Iran doesn't achieve its milestones, if Iran uses its agreement to even start or try to delay?

We need to make sure we stay vigilant and we stay diligent to ensure that Iran can't move forward on its aspirations for a nuclear weapon.

With that, I yield back to my colleague.

Mr. COLLINS of Georgia. You are exactly correct in how we move forward. Again, when you just put aspirational goals out there, you are going to get aspirational results sometimes, and that means nothing. And I think that is really where I see this agreement right now.

But I want to take, again—I believe that not only do you have a “what” and the reasons, but there is also sort of the “why” factor. And I have talked about that a lot from both sides of the aisle. Many times, we might not talk about the “why” a lot.

But I want to talk just for a moment about some of things that we are doing as well, about Israel and our relationship just from a “why” perspective, why this matters so much and the history that we have, for some who may be listening.

The U.S. and Israeli relationship really goes back to after World War II, and it had become apparent to the international community that the Jews needed a homeland of their own. In 1948, President Harry Truman recognized the State of Israel.

During the cold war, Israel was a key ally in stopping the spread of communism in the Arab world. The U.S. and Israel had a joint strategic interest in defeating aggressors in the Middle East seeking to influence their neighbors and disrupt the status quo, especially if they had Moscow's backing.

President John F. Kennedy told Israeli Prime Minister Golda Meir:

The United States has a special relationship with Israel in the Middle East, really comparable only to what it has with Britain over a wide range of world affairs.

Since that bonding experience, the U.S. and Israel have approached their strategy to the region as a team, as a team. Of the five major Arab-Israeli military conflicts that have occurred over the decades, the one that highlights the U.S.-Israeli union the most is the Yom Kippur War. In this conflict, Israel was fighting the usual suspects—Egypt to the southeast along the Sinai Peninsula and Syria to the north along the Golan Heights.

This joint Arab initiative garnered the military support of Jordan and Iraq, while Egyptians received military hardware from the Soviet Union. Egypt and Syria launched a surprise attack on October 6, 1973, which was Israel's most holy day, Yom Kippur, the day of atonement.

The war inflicted heavy initial losses on Israel's army and air force, and by October 8, Israel's military prowess was in serious jeopardy. A quick call was made to Washington. The operation to resupply Israel began, code name Operation Nickel Grass.

□ 2015

By the end of Nickel Grass, the U.S. had shipped 22,395 tons of material to Israel. Israel received between 34 to 40 fighter bombers, 46 attack airplanes, 12 C-130 cargo planes, 8 helicopters, 200 tanks, and tons more of missiles and artillery pieces. It was one of the largest airlifts in U.S. history. The total cost of the military hardware delivered is estimated to be \$4.14 billion.

The airlift was a major shift in U.S.-Israeli relations. It brought about a greater U.S. involvement in Middle East affairs. After the Yom Kippur War, the United States quadrupled its foreign aid to Israel and replaced France as Israel's largest arms supplier. The doctrine of maintaining Israel's "qualitative military edge" over its Arab neighbors is said to have originated from this war.

This is where you and I, my colleague, stepped in.

I find this commonsense doctrine very important and aim to strengthen it with the legislation that we introduce, the Israel QME Enhancement Act. My bill requires the President to report to Congress every 2 years the status of military sales to Middle Eastern countries other than Israel. H.R. 1992 ensures Congress is able to maintain its oversight of weapon sales in the region.

Furthermore, the legislation expands the scope of QME to bring to attention cyber and asymmetric warfare, something QME doesn't currently cover. During the Yom Kippur War, Israel was in need of conventional weapons. In the 21st century, war is being increasingly fought in cyberspace. Large conventional armies are less likely to mobilize, and countries are under siege from foreign terrorists, as we saw in Kenya.

Israel has stood out as the only country in the Middle East that promotes

democratic, free market principles. Much like the U.S., Israel has an independent judicial system that protects the rights of individuals. Israel is governed by the rule of law and safeguards the freedoms of speech, press, and religion. As the U.S. has attempted to encourage Arab nations to espouse the tenets of a transparent society, they need to look no further than their democratic neighbor.

I want to pause right there and again yield to my friend as we continue this conversation and move forward on why this matters and bringing up these ideas of a relationship that is deeply rooted in history and of mutual sharing, and not one seemingly behind the back of the other.

Mr. SCHNEIDER. You talk about the relationship. As you noted, Harry S. Truman was the first to recognize the new state of Israel in 1948, after the British left the mandate. Immediately upon its declaration of independence, Israel was attacked by five nations. Throughout its history, Israel has faced hostility from its neighbors throughout the region.

Since 1973, the Yom Kippur War, as a 12-year-old boy I remember vividly coming out of synagogue that day, sitting in the back seat of my parents' car, listening to the radio, and not knowing if Israel was going to survive. It was an existential threat.

The United States and Israel have had an unbreakable relationship that continues to be to this very day an unbreakable, critically important relationship. Right now, the relationship between the United States and Israel has never been better across a whole variety of aspects: sharing of intelligence and sharing of military expertise. The United States has helped and jointly developed with Israel David's Sling, the Arrow system, and most recently helped fund the Iron Dome, which proved to be a game-changer in Israel's war in Gaza exactly a year ago this month. In that war, you will recall, rockets rained down on southern Israel from Gaza. Yet the Iron Dome system was able to intercept virtually all of those rockets, allowing Israel to avoid having to invade Gaza by land, achieving its goals and saving countless lives on both sides of the border. It is the U.S.-Israel relationship that allows the development of such systems as Iron Dome and others.

I am also proud that we were able to work together—and I thank you for your support—for the Israel Qualitative Military Edge Enhancement Act. What used to take 4 years of review, at a time when changes in military capabilities are accelerating at an unprecedented pace, this act reduces to 2 years.

As you said, what used to be focused on strictly conventional weaponry, we understand that the current conflicts are taking place as much in cyberspace

as airspace and ground. It is critical that Israel maintain its critical advantage, its qualitative military edge, in all aspects of that.

I was particularly proud that the Foreign Affairs Committee unanimously voted that bill to come to the floor, and I hope we will take it up here shortly as well.

The relationship between the United States and Israel is far more than military and security. We share values. We share understanding in science, developments of new medical technologies, medicines, and developments in agriculture.

The relationship between the United States and Israel is so strong because we share so much, and we understand that even on the security level, as much as Israel relies on the United States, the United States has benefited from Israel's security measures as well.

One must think no further than the Iraq war and go back to 1981, when Israel, against world condemnation, attacked the nuclear reactor at Osirak. One can only think what would have happened when the United States had its own conflict with Iraq in 1991, or 2003, if Iraq had had nuclear weapons.

The U.S.-Israel relationship is critical. It has been that way for the 65 years of Israel's existence. It has been incredibly important since 1973. We wouldn't have the Camp David Accords of 1979 and the peace between Israel and Egypt if not for the U.S. engagement. We wouldn't have the peace between Israel and Jordan if not for the work of the U.S. administrations.

It is critical that as we stand here fighting so hard for America's security, fighting so hard to prevent a nuclear Iran, that we understand that the mutual relationship between United States and Israel is a critical component of all of that.

Mr. COLLINS of Georgia. I thank the gentleman.

You have hit on it, and that is going back to this partnership. I think that is the best way to describe it. The partnership between U.S. and Israel, in so many ways, the values that we share and that you spoke of and the many things that have come about out of our relationship over the years not only benefit each country but the world around.

Most recently, Israel has been instrumental in assisting the U.S. in the global war on terrorism. Since 9/11, U.S. and Israel have formed a strategic partnership to face a new and challenging world. The two nations are currently partners ranging from terrorism, proliferation, spread of radical Islamic ideology, narcotics, counterfeiting, weapons smuggling, and cyberwarfare.

There is cooperation on a wide range of intelligence-sharing programs that monitor terrorist and nation-state activities in the Middle East. Since 9/11,

the U.S. and Israel have strengthened their homeland security partnership. The two nations have worked collectively on aviation, border and port, and mall and cybersecurity. This information and intelligence-sharing improves the security of both nations.

Israel has even provided tactical assistance in protecting U.S. troops as they fight terrorist organizations. Currently carried in any soldier's first aid kit is the "Israeli bandage," which acts as an immediate cauterizing agent upon contact. As someone who served in Iraq and in part of our Air Force and has worked with our Army and others, this is something that I have seen save lives. It is, again, a bonding between our two countries.

The Israelis developed the Joint Helmet-Mounted Cueing System used by the U.S. Air Force and Navy and several aircraft. It allows pilots to aim sensors and weapons wherever the pilot is looking.

An Israeli manufacturer specializing in add-armor has provided protection for U.S. Army vehicles currently being used in Afghanistan. The armor combats against rocket-propelled grenade attacks.

Several U.S. tactical ballistic missile systems use subcomponents developed and tested in Israel. These subcomponents are used in Patriot missiles. Another Israeli innovation saving American soldiers' lives is a radio frequency device that detects IEDs. As someone who saw the horror of an IED and the result thereof, that is something that I hold in great esteem.

You have already mentioned the Arrow antiballistic missile, David's Sling, and the Iron Dome. All of these have paid off. Our two militaries come together in missile defense training, including the biannual Juniper Cobra exercise in which they integrate tactics to counter the growing threat of ballistic missiles and long-range rockets. During 2012, this drill was combined with "Austere Challenge," the largest joint bilateral exercise ever conducted between two allied forces.

But our relationship is not just linked by defense and security operations. We are also engaged in cooperative efforts concerning energy, which is often not talked about. This is why this is so important to me, and important, I believe, to the world. It is not just a one-sided relationship; it is a partnership that we both can benefit from.

Both countries realize the hazards of being too dependent on oil. In 2008, a cooperative agreement was signed between the two countries to produce alternative energy sources. This agreement brought together the U.S. Department of Energy and Israel's Ministry of Energy and Water Resources.

The joint venture has generated \$20 million in private sector investment in such areas as smart grid management,

solar technology, and alternative fuels. The investment in this joint program has yielded greater revenue than the congressional investment of \$6.3 million. Israel has matched Congress' appropriations dollar-for-dollar. It is truly an equal partnership.

BrightSource Energy, a company that operates in the U.S. and Israel, is constructing the largest solar thermal energy project using technology developed in Israel. When the solar plant in California's Mojave Desert is operational, it will produce enough electricity to power 140,000 American homes.

Recently, a large natural gas field was discovered off Israel's shore. Noble Energy, a Houston-based energy company, has partnered with Israel's energy companies to develop its offshore fields. These opportunities strengthen the existing bond and create a less oil-dependent U.S. and world.

The U.S.-Israeli economic partnership is one of the most unique for the U.S. Our first free trade agreement was with the nation of Israel in 1985. In the past quarter of a century, U.S.-Israel trade has grown by 500 percent and exceeds \$78 million daily. More Israeli companies are trading on the NASDAQ than any company outside the United States and China.

U.S. firms such as Intel, Microsoft, Google, and Apple select Israel as one of their top destinations for international research and development. The free market environment in Israel is such that it attracts businesses seeing potential to invest and grow.

Even Berkshire Hathaway invests in Israel. When asked about why Warren Buffet invests in Israel, he answered that the economic spirit of both the U.S. and Israel is what makes it a no-nonsense investment.

Investment isn't one-sided. Between 2000 and 2009, Israeli companies have invested more than \$50 billion in the U.S. Israel is one of the biggest providers of investment in the United States. More than 15 U.S. States maintain offices in Israel.

Also, not just economics, not just military, but humanitarian aid as well. Assistance was provided by Israel to victims of Hurricanes Katrina and Sandy, as well as to the refugees in Rwanda. Israel established field hospitals there, and several doctors and nurses were sent with medical supplies and vaccinations. Israeli humanitarian groups provided water desalination equipment in Sudan. In all, Israel provided \$7 million in humanitarian aid.

Haiti received a comprehensive hospital team from Israel. Eighteen tons of supplies and a medical team were sent to Japan in the aftermath of the 2011 earthquake. A friend in the region, Turkey, received a total of 50 mobile structures and 80 housing structures to aid the victims of its 2011 earthquake.

When you look at this kind of co-operation, when you look at this kind

of partnership, it is still hard for me to believe that we are here talking tonight about an agreement that has the potential for such great harm to not only ourselves, but to such a good ally and a partner.

With that, I yield to the gentleman.

Mr. SCHNEIDER. As we wrap up, let me just again express my sincerest gratitude for allowing me to participate this evening with you to talk about really two critically important issues: our unbreakable, special relationship with the free, independent Jewish state of Israel, and our necessary commitment to ensure that Iran never, ever is allowed to get a nuclear weapon capability. These two things come together at this moment in a crucial way.

I am reminded, as we close, of a famous saying by a rabbi and ancient scholar. Because, as you touched on, the United States and Israel share more than just a security arrangement. They share more than technology, even though a lot of the companies you mentioned—Apple, Intel, and Google—have more research dollars invested in Israel than any other country outside the United States.

Both countries, I am proud to say—the United States and Israel—have a sense of an obligation to give back to the rest of the world, to lean in to make a difference in peoples' lives.

You have talked about Haiti. One of the stories I have always loved is that one of the first relief ships to make it to Haiti was an Israeli field hospital. There is a story about a woman who was giving birth shortly after the earthquake. She named her child Israel in honor of the doctors who flew in from Tel Aviv immediately after the earthquake—because they understand the need for emergency care and emergency times.

□ 2030

But they were joined there by efforts of our own soldiers, United States soldiers, who understood in our own hemisphere and also around the world the need to give help, to lend a hand, when people are in need. We saw the same thing in the Philippines after the tragic typhoon. We saw American ships coming from nearby, and we saw Israelis and Americans coming from far away. Those are the types of things that unite us.

As Rabbi Hillel said:

If I am not for myself, who will be? But if I am only for myself, what am I?

The third line of his saying, I think, is crucial at this moment as we look to Iran:

If not now, when?

We need to make sure that the United States, that the P5+1 and that our regional allies can come together and guarantee that Iran does not become a nuclear-capable country. We

need to make sure that the regional security is maintained and that the nuclear weapon is prevented. That is our role, and that is how history will judge us. That is why we are here talking tonight.

So, again, I thank you from the bottom of my heart. I thank you for the work we have done together. It is a privilege to work with you, and I look forward to working together on other issues, including this.

Mr. COLLINS of Georgia. I appreciate my friend for being here tonight as you have added so much to this debate, but I also appreciate your time here in standing up for what we both feel is a very important role in the American-Israeli relationship.

You see, Mr. Speaker, I believe that Israel is an ally well worth protecting. We recognize and understand the serious threat posed to Israel from nation-states such as Iran as well as from radical Islamic terrorist groups such as Hamas, Hezbollah, and al Qaeda. U.S.-Israel cooperation helps ensure that Israel will remain a shining example of what democratic ideals and a freedom-loving society can achieve.

I agree with my friend. Iran cannot be allowed to develop nuclear weapons. That is not a negotiating point. That is just a fact. When we understand that, I will support real solutions, with real triggers, with real time lines in order to dismantle a program that has not been based on a freedom-loving people just wanting an energy source but one that has been based on deception, that has been based on deceit, and that has been based on an underlying hatred of the West and especially of Israel. We cannot let that happen.

I pray that this administration and the others that have joined in this agreement do not fall victim to a pretty PR campaign. Israel has been a beacon of liberty despite the reign of despots all around them. Israel has never allowed a threat of attack to shake their recognition that the best way to thwart extremist ideals is to stay free. Now is the time for America to renew its commitment to Israel.

God bless this union and the United States.

I thank the gentleman from Illinois, my friend, for being here and for the work that we have done together, and I do look forward to the QME bill's coming to this floor, of its passing in the Senate, and of seeing the President sign it as a good faith effort to show that his commitment is there for Israel as well. I look forward to that day being with you as that happens.

With that, Mr. Speaker, I yield back the balance of my time.

#### CONGRESSIONAL BLACK CAUCUS' HOUR OF POWER

The SPEAKER pro tempore (Mr. WEBER of Texas). Under the Speaker's

announced policy of January 3, 2013, the gentleman from New York (Mr. JEFFRIES) is recognized for 60 minutes as the designee of the minority leader.

#### GENERAL LEAVE

Mr. JEFFRIES. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JEFFRIES. Mr. Speaker, I stand before you today, along with the distinguished gentleman from the Silver State, my good friend, Representative HORSFORD, proudly coanchoring the CBC Special Order, what we have termed throughout the year as our "hour of power." With these 60 minutes, we have an opportunity to speak directly to the American people about issues of great significance that affect the folks back home in our congressional districts and that, in many instances, impact the entire Nation.

Today, we have gathered here to look back at the issues that members of the CBC have tackled individually and collectively throughout the year on behalf of the American people, but we look back in order to look forward as we anticipate the challenges that we confront in the next year on a whole variety of issues. Throughout the year, we have come to the floor every Monday that we have been in session in order to address a great many issues of significance to the American people.

We came to the floor in early February to deal with comprehensive immigration reform. Then we addressed the need to preserve section 5 of the Voting Rights Act during the week in which the Supreme Court was holding oral argument. We confronted the challenges in and around sequestration. We presented the CBC's people's budget, which sets forth a more progressive way forward in order to deal with the economic challenges that we confront in this country. We addressed health care disparities, the student loan crisis, poverty and income inequality in America, entrepreneurship. We had the opportunity to reflect and to celebrate the life and the legacy of a former distinguished Member of this august body, Representative Bill Gray, from the great State of Pennsylvania. We reviewed economic security through the labor movement. We stood up, of course, for the Affordable Care Act. We addressed the debt ceiling and the need not to hold the American economy hostage. We confronted hunger in America and the absolute moral imperative to stop the more than \$39 billion in cuts that our friends on the other side of the aisle would like to make to the SNAP program.

These are the issues that, throughout this year, we have taken to the floor of the House of Representatives to talk

directly to the American people about the issues that we are working on on their behalf.

Today, I am pleased that so many distinguished members of the CBC have come to join us, including the distinguished chairperson, who has led us admirably and with great courage and intelligence and clarity throughout the entire year. I am now pleased to be able to yield to the distinguished gentlelady from Ohio, the chairperson of the Congressional Black Caucus, Representative MARCIA FUDGE.

Ms. FUDGE. Thank you, Congressman JEFFRIES, for yielding.

I would like to take this opportunity to thank my colleagues, Congressmen JEFFRIES and HORSFORD, for leading this CBC Special Order hour and for leading 16 CBC Special Order hours this year. It has been a pleasure to listen to you both. The information that you have shared with the American public is to be commended, and I thank you both because, week after week, you have led the CBC in discussions that promote increased opportunity, justice, and a better America for all Americans.

I ask my colleagues to join me in saluting you both for bringing our message to the American people.

Mr. Speaker, 2013 has been a challenging year. Partisan gridlock has made this year one of the least productive in the history of the U.S. Congress. To date, Congress has passed only 52 bills into law, and if you remove the ceremonial legislation, that number shrinks to 42, almost matching the 41 laws passed in 2011, which was, to date, the least productive year in the history of the Congress.

It is far too easy to simply point fingers, but this much is clear: Congress is failing the American people.

Partisan grandstanding has paralyzed our legislative branch, leaving our country unable to move forward to prepare for a rapidly changing and uncertain world. Facing widespread economic and political instability, America looks to Congress for leadership. The CBC has risen to this challenge, working with both sides of the aisle and both Chambers of Congress.

This year, the CBC addressed the government shutdown, our Federal budget process, gun violence, voting rights, justice reform, education reform, and so much more. The members of the CBC also led efforts to directly engage underserved communities on the benefits of the Affordable Care Act; to improve the judicial nomination and confirmation process; in discussing the pressing issues related to immigration reform, especially for those of the African diaspora; and we convened a summit on the culture of violence in our communities.

I am proud of the CBC for our bipartisan solution-oriented approach to the most pressing issues facing our country, and despite the tough legislative

environment, the CBC consistently looks to build coalitions and to enact solutions that will benefit all Americans. Unfortunately, a deeply divided Congress has prevented America from reaping the benefits of our efforts.

As we move into next year, Congress must end our crisis-oriented budget cycle. Our inability to end the sequester, to move past the failed policy of austerity and to generate new sources of revenue will slow economic growth and leave all but the very wealthy behind. We are a great Nation, but we cannot sustain our standing unless we end the partisan political gamesmanship and live up to the promise of America. Working together, we can create a more prosperous America in which the only ceilings to our potential are the limits of our own imaginations.

Mr. Speaker, in 2 weeks, the first session of the 113th Congress will come to a close. It will be the end of a Congress marked with missed opportunities and hyperpartisan games. The Congressional Black Caucus is prepared to make 2014 the year Congress moves beyond the partisan politics of years past, ends our legislative paralysis, restores faith in our government, and brings prosperity back to the American people.

Mr. JEFFRIES. I thank the distinguished chairperson of the CBC for her thoughtful and eloquent remarks and, certainly, for making the point that we as members of the CBC have come to Washington to try and make a difference on behalf of the people whom we represent back home and throughout the entire Nation. We have come to work together to try and find common ground, to promote solutions for the American people in the face of the difficult challenges that we have confronted. We didn't come to deal with a government shutdown that cost \$24 billion in lost economic productivity or to deal with this constant obsession with the Affordable Care Act and the consistent effort to delay, defund, or destroy the opportunity to give tens of millions of otherwise uninsured Americans access to health care.

Hopefully, as the first session of the 113th Congress winds to a close and as we move toward the opportunity to get some things done next year, we can find our way toward a more productive second half of the 113th Congress.

I am pleased that we have been joined by the distinguished architect of the Congressional Black Caucus' budget as well as by a member of the Judiciary Committee, who has worked hard on issues of social and economic justice. He is here today to share with the American people the work that the CBC has done in putting forth a more progressive, inclusionary budget that works for working families, middle class Americans, and seniors.

I yield now to Representative BOBBY SCOTT from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from New York and the gentleman from Nevada and the chair from Ohio for their strong work and, particularly, for talking about some of the things that the Congressional Black Caucus has accomplished over the last year.

I want to take an opportunity to highlight the CBC's work on advocating for a responsible budget, on offering responsible solutions to address the budget deficit, to cancel the sequester, and to grow the economy.

Last March, we offered our budget for fiscal year 2014 as an alternative to the budget that was adopted by the House. The CBC budget makes tough choices but not at the expense of our most vulnerable communities. The CBC budget offers a concrete plan that both cancels the economically disastrous sequester and then pays for that cancellation. Our budget is able to do so while also protecting Social Security, Medicare, Medicaid, SNAP nutrition benefits, and other vital safety net programs that protect millions of Americans from poverty.

□ 2045

The CBC budget also reduces the Nation's budget deficit by approximately \$2.8 trillion over the next decade compared to the February baseline calculated by the Congressional Budget Office.

Other ideas have been presented in the past to either cancel the sequester or reduce the deficit, but they almost always include significant cuts to Social Security and Medicare. These ideas have included changing the way the Social Security benefits are calculated—the so-called chained CPI, which reduces the cost of living benefits—or raising the age of eligibility for Medicare from 65 to 67.

The CBC budget is able to pay for the cancellation of the sequester and reduce the budget deficit without these harmful cuts to Social Security and Medicare.

Our budget is in stark contrast to the Republican budget that passed the House earlier this year. That budget claimed—claimed—to reduce the budget deficit by \$4.6 trillion over the next decade by making draconian spending cuts in non-defense discretionary spending and unspecified savings in mandatory spending. That is the category that is mostly comprised of Social Security and Medicare. They are going to get savings, better known as “cuts.”

That budget also included a \$5.7 trillion tax cut that was paid for with an asterisk—meaning that the Ways and Means Committee and the Appropriations Committee would have to figure out how to fill the \$5.7 trillion hole. Now, arithmetic requires you to recognize that you can only fill that hole by either raising taxes or in additional

cuts. We know that the Republicans are opposed to tax increases, and the only real big ticket item left that can come anywhere close to filling that hole would be Social Security and Medicare—the only thing left on the table to pay for that.

The CBC budget does not include an asterisk or other types of budget gimmicks. Our budget outlines a concrete plan that makes tough choices and presents credible options that can be used to achieve our budget reduction targets.

The CBC budget calls for revenue enhancements totaling \$2.7 trillion over the next decade. Our budget outlines how the House Ways and Means Committee and the Senate Finance Committee can reach this number by highlighting several revenue options totaling \$4.2 trillion that could be used to reach the \$2.7 trillion revenue target.

These revenue options include: \$1.1 trillion that can be obtained by limiting deductibility of corporate interest payments; \$1 trillion by closing special tax breaks and corporate loopholes; over \$800 billion by taxing capital gains and dividends as ordinary income; almost half a trillion dollars by having a 5.4 percent surcharge on that portion of your income over \$1 million; over \$300 billion by enacting a Wall Street Trading and Speculators tax of 0.25 percent; \$200 billion by ending the Bush-era tax cuts or that portion of your income over \$250,000; over \$100 billion by returning to the estate tax exemption that was in existence in 2009; and over \$100 billion by reducing the tax gap through better enforcement of the IRS Tax Code.

Those are specifics. They may be unpopular, but at least they are specific, in stark contrast to go find \$5.7 trillion unspecified that the Republican budget included.

The revenue enhancements provided in the CBC budget would allow Congress to totally cancel the sequester and then pass a jobs package of at least \$500 billion. At \$50,000 each, that is over 10 million jobs that could be created in 1 year with a jobs bill of that magnitude—almost enough to hire everybody drawing unemployment today and to provide an additional \$300 billion in long-term investments in our economy through education, job training, health care, and advanced science and research.

As I said earlier, the reforms contained in the CBC budget would reduce the deficit \$2.8 trillion over the next decade compared to CBO's baseline. That would put our Nation on a strong sustainable path, all without jeopardizing programs that support our seniors and programs that educate the next generation of leaders and business, science, and technology.

As we move forward to 2014 and the next budget deadline, the Congressional Black Caucus will continue to



advocate these priorities contained in our budget.

It is imperative that Congress pass a budget that expands economic opportunity, invests in the American people, and reduces our deficit. The CBC budget presents a concrete plan—backed by actual numbers, not by asterisks—that shows how we can reduce our deficit while not being required to make further cuts in vital programs that support our Nation's safety net, especially Social Security and Medicare.

Most importantly, the CBC budget presents a clear path towards both economic prosperity and fiscal responsibility for our Nation.

I want to thank the CBC budget for the opportunity to work on this budget because it is a responsible budget, does the right thing, and it has specifics that you can actually look at, in stark contrast to the asterisk gimmicks and other assumptions that cannot be fulfilled without going into Social Security and Medicare that the Republican budget has.

I yield back to the gentleman from New York.

Mr. JEFFRIES. I want to thank the distinguished gentleman from Virginia for his very thoughtful exposition and explanation about the CBC budget and the fact that there really are two different visions that have been set forth when comparing the CBC budget and the Republican budget.

The CBC budget, of course, is designed to promote progress for the many. The budget presented by the House majority is designed to promote, in our view, prosperity for the few. The CBC budget creates a balanced approach to deficit reduction that invests in the economy, protects important social safety net programs like Social Security and Medicare. The House GOP budget balances itself on the backs of working families, the poor, the most vulnerable Americans in our society. That, I believe, is the wrong approach to take as it relates to the well-being of the American people.

I thank the distinguished gentleman for his thoughts and his work on that progressive document that the CBC has put forth.

It is now my honor to yield to our distinguished co-anchor for the CBC Special Order, who has been with us throughout the year anchoring, articulating, putting forth the CBC vision on a vast array of issues important to our districts and to the American people.

Today, I believe he is going to speak to us about the work that he has led in partnership with other members of the CBC and folks on our side of the aisle for fair, racially inclusive, and equitable America.

Let me yield to my good friend, Representative STEVEN HORSFORD.

Mr. HORSFORD. Thank you. I would like to thank you, Mr. Speaker, and my good friend from the State of New

York. One of the great pleasures of being a Member of this body is getting to know colleagues from across the State. We have a dynamic freshman class—five Members who are freshmen in the Congressional Black Caucus. It has been my honor to co-anchor this hour of the Special Order for the Congressional Black Caucus with my esteemed colleague, the gentleman from New York (Mr. JEFFRIES).

I would like to commend him for his tremendous leadership on a breadth of issues that have come before this Congress. Even recently in his role as a member of the Judiciary Committee, some legislation that we will be considering just this week is going to happen because this Member has worked across the aisle to bring people together to try to seek common ground. It is what we need more of, Mr. Speaker. One of the things that we are doing here tonight is reflecting after a year in this 113th Congress.

I am a new Member. I have been here now, like I said, for just over a year after being elected. My constituents back home in Nevada ask me often, so what is it like to be a Member of Congress? You know, do you feel good about what it is you are able to accomplish? It is an honor, it is a great honor, to serve the people of Nevada's Fourth Congressional District here in the people's House, the House of Representatives. It is a great honor, and I am proud to be a member of the Congressional Black Caucus, which has colleagues who are some of the most committed proponents of progressive social and progressive economic justice legislation that comes before this Congress.

As honorable as this position is, as proud of a moment that it is for me personally, when I hear the statistics that were read by our chairwoman, Chair FUDGE, that less than 50 bills that have been passed by Congress have become law, that is rather frustrating, and it is frustrating to the American people.

Prior to coming to Congress I served in the State legislature in Nevada. We only meet every other year for 4 months. Do you know, Mr. Speaker, in 4 months—in 120 days—we considered and passed approximately 1,000 bills. Think about that. One State can consider and approve approximately 1,000 bills in 120 days every other year, but 435 Members in the House of Representatives in more than a year have been able to accomplish less than 50 bills becoming law.

That is why the American public is so frustrated. So while I reflect on this year, there are areas that I am proud of in accomplishments that we have made. Unfortunately, there are bills that have been proposed that have not moved and legislation that is still pending in this body.

My hope is that, as we reflect on this first year in the 113th Congress, that it

will challenge us as Members to come prepared in 2014 to get the people's job done. There are a number of key bills that we need to focus on. As my colleague has talked about, we have fought to ensure our justice system is more fair and protects all citizens equally under the law. We have fought to increase access to affordable health care, something that is desperately needed for millions upon millions of Americans. Our leaders have worked to fight to preserve and to protect important social safety nets like SNAP benefits and Medicare and Medicaid because we have made it our mission to protect America's most vulnerable citizens.

We have time and time again called for the sequester to be ended. I just met with constituents in my district in Nevada who said, please don't allow a government shutdown to happen again in January, don't allow these cuts under the sequester; the second round of cuts would be even more harmful, let alone the first round to take hold.

Despite these areas, there is work to be done. One of the issues that I have been particularly involved with, as a member of this Congressional Black Caucus, has been immigration reform, the need for comprehensive immigration reform.

I am proud to have served as one of the cochairs, along with my colleague, Mr. JEFFRIES, and Representative CLARKE, also from New York, as cochairs of the Congressional Black Caucus' Immigration Reform Task Force. We have worked tirelessly with other House Democrats to craft a bipartisan commonsense bill, H.R. 15, which aims to begin fixing our broken immigration system.

It would grow our economy, we know, by 5 percent in just two decades, reduce our deficit by hundreds of billions of dollars, create thousands of jobs, and, most importantly, Mr. Speaker, it would bring millions of people out of the shadows and into society, including thousands of DREAMers, by creating a pathway to citizenship, all while shoring up our border security.

As a member of the Homeland Security Committee, I know my colleague, Mr. JEFFRIES, on the Judiciary Committee, we have worked time and time again on legislation to bring forward proposals on comprehensive immigration reform. We are asking our colleagues on the other side to join with us to make these things possible, to not just talk about it, to not be proud or pleased with just 50 bills being passed by one of the least productive Congresses in the history, but to actually accomplish things that the American public expects us to accomplish.

Another top priority that I would like to talk about this evening, Mr. Speaker, that we have been working on



with my colleagues in the Congressional Black Caucus is preventing racial profiling practices in our law enforcement that have been hurting individuals across the country.

Our citizens deserve to live free from fear, especially among those whose jobs are to serve and to protect. That is why I introduced the Universal RESPECT Act, a bill that would help prevent racial profiling practices from occurring.

The Universal RESPECT Act will establish an interagency review of Federal efforts to eliminate racial profiling in the United States by amending the Homeland Security Act to require that recipients of Federal law enforcement grants and training facilities do not engage in racial profiling.

□ 2100

Simply put, Mr. Speaker, the Universal RESPECT Act will end the practice of rewarding law enforcement programs that do not respect basic civil rights and civil liberties. We need to make sure we stay vigilant in our fight for justice in this country, and that has been a constant theme in the Congressional Black Caucus's legislative agenda, whether it is on the budget, as our colleague, Mr. SCOTT just talked about, or a plethora of bills that have been brought forward by individual members, and is central to the FY14 budget that has been worked on by the Congressional Black Caucus which reduces the budget and creates millions of jobs in a fair and balanced way.

Let me just close by talking about one final area, Mr. Speaker, that we as Members of this body need to stay focused on, and that is jobs and growing the economy. In my home State of Nevada, we still have a stubbornly high unemployment rate above the national average. Despite improvements in certain sectors, there are far too many Nevadans who are still looking for work, many who have been out of work a year, year and a half, going on 2 years. And I know as part of the budget debate that will occur between now and January 15 will be a discussion about extending unemployment benefits, which is incredibly important to American families who have been struggling during this sustained recession.

So I would challenge my colleagues on the other side, allow us to bring forward the number of jobs legislation and bills that would help build our infrastructure back up in this country. Allow us to bring these bills to a vote in this Chamber so that we can get our country moving again, we can get the middle class economy moving, we can help middle class families who are trying to provide for themselves and their families with good, sustainable, family-sustainable jobs, not low-wage jobs that put people in the same position to depend on assistance programs by the Federal Government. That is not what

the American public wants. They want a family-sustaining job that allows them to provide for themselves and their family. That is what we are arguing for. It is what the Congressional Black Caucus represents each and every week when we come to this Special Order hour and why these issues are incredibly important.

So as we reflect back on this year, this year of missed opportunities, as my colleague from New York just said, it is in fact missed opportunities because we could have done so much more in this body. There are 435 Members, dedicated staff, people who love our country and want to see it progress, but it is time for us to put the partisanship, the ideological views aside and to allow us to put our country first. That is what I am here for, Mr. Speaker. I know it is what my colleagues are here for, and I look forward to working with anyone from either side of the aisle from either Chamber who wants to work with the President to move our country forward, and I appreciate this Special Order time.

Mr. JEFFRIES. I thank the distinguished gentleman from the Silver State for his observations and for his look forward as it relates to the issues that we all hope this Congress will decide to tackle as we close out the first half of the 113th Congress and move toward calendar year 2014.

This has been a year of lost opportunities, of obstruction, of delay, of distraction, and a failure to meaningfully address the issues of importance to the American people. This has been a very schizophrenic economic recovery. We have come a long way since the collapse of the economy in 2008, but we still have a long way to go.

As members of the CBC have consistently pointed out from the floor of the House of Representatives, there are people who have been left behind, and the American people deserve this Congress putting aside issues of partisan bickering and to attempt to find common ground to solve their problems.

The stock market is way up. Corporate profits are way up. Productivity of the American people, way up. CEO compensation is way up, yet unemployment still remains stubbornly high. There are Americans who have been left behind, and we have failed to take up a jobs bill from the floor of the House of Representatives at any point this year.

As my colleague from Nevada also pointed out, we have a very broken immigration system. There is almost uniform agreement across the aisle about that fact. Yet there has been a failure to bring a meaningful piece of immigration reform legislation to the floor of the House of Representatives, despite the overwhelming demand for action by the American people.

Now, we all agree, as the CBC indicated earlier this year in February

when we took to the floor to talk about the need to address the issue of the broken immigration system, that something needs to be done. And there really only are three possible options:

One, we have mass deportation of the 11 million undocumented individuals who are in this country. That is option number one;

Option number two is the status quo; just leave the broken immigration system in place;

Option number three is meaningful, comprehensive immigration reform with a tough but fair pathway towards citizenship.

Mass deportation is impractical; the status quo, unacceptable. Comprehensive immigration reform is the right thing to do for this country, for the economy, and for the American people.

I am hopeful, as my colleague from Nevada indicated, that that is the direction that we will go in as we speed to a close this year and attempt to restart the Congress after the end of the first half of this session.

I am pleased that we have been joined by the distinguished gentlelady from Texas who is a member of both the House Judiciary Committee and the Homeland Security Committee. She has worked on many issues. She is a leader within the Congressional Black Caucus and is a leader within the Congress on the issues of social and economic justice. It is now my honor and privilege to yield to her, Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE. I thank the gentleman from New York. It was thought provoking to hear the gentleman from Nevada offer his thoughts of bipartisanship and to listen to the astute gentleman from Virginia on the many issues that have been left along the highway of despair, and also to be joined by Congresswoman CLARKE from New York, whom we will hear from shortly.

Let me thank you for the leadership you have given to this special time, and let me try to work to be succinct on the issues that have been left along the highway of despair.

You started out with immigration reform, and you were kind enough to note that I have served on the Judiciary Committee for a number of years, formerly the ranking member on the Immigration Subcommittee, and now the ranking member on the Border Security and Maritime Subcommittee.

I will tell you that there are many times when we could have come together and passed comprehensive immigration reform, but I am going to tout as a bipartisan legitimate expression of border security, to share with my colleagues H.R. 1417, which many know was passed out of the Homeland Security House committee through the efforts of Republicans joined by Democrats, and the legislation passed with

no weaknesses, no loopholes, no disrespect for the importance of the security of the northern and southern border. There were very strong responses as it relates to operational control, as it relates to the amount of control that we would have at the border, but matching it with the recognition that there must be an infrastructure of immigration reform. But let me throw all those words away and say there must be humanity. There must be concern for human beings, for families torn apart, for DREAM children destined to be valedictorians or salutatorians or to be generals in the United States military. We are losing the talent of those who have trained here with knowledge about the next level of technology because of the no H-1B because we do not have a comprehensive approach. Those folks are leaving, and, therefore, we are losing the geniuses that we trained to be able to help us.

So I want to join the gentleman and say to him that, if there is any cause on which we can come together, it would be comprehensive immigration reform. Might I just take note of my button that honors the Fast for Families, those that have been fasting for almost 20 days, almost a month, because they are trying to pull at the heartstrings of America and the heartstrings of this Congress to recognize that they are Americans, too. They are just a few blocks down the street. A few blocks down the street, families, children are fasting, asking, Is there someone who can hear our plea?

So I thank the gentleman for bringing it up, and I just want to make some other points that we have been lingering on and have not followed through on.

I introduced H.R. 2585, which is an antibullying bill, Prevention of Bullying and Intervention, and reflects where America is when you can find most every child that is interviewed has indicated that they have been bullied; or something happens to a child in high school, and they will talk about having been bullied some years back; or a child will be shot or violence will occur, and they will talk about bullying, even to the extent it is raised up in the NFL. And I want to pay tribute to a young man at the Baltimore Ravens, Mr. Rice, who has taken this cause up from the NFL.

H.R. 2585 would reauthorize the Juvenile Accountability Block Grant, and it would provide sort of a sentence road map that allows organizations that would be funded under the block grant to be able to focus on bullying prevention and intervention. How simple a legislative initiative is that? And I would offer to say that I heard from leadership on both sides of the aisle. So why not pass something as simple as that even before Christmas to be able to move forward on something that would not, in fact, be a negative?

I just quickly want to indicate that we have young people exposed to violence in ways that we have not known. Thirty percent of U.S. students in grades 6 through 10 are involved in moderate or frequent bullying. There are cases in Florida where young people have been arrested because, tragically, someone committed suicide, or the hearing I held in Houston where parents upon parents and students came in to testify how they had been bullied. One out of four kids is bullied.

Some would say they are calling everything bullying. Well, I believe if we do the outreach, we can find a way to develop an infrastructure so that there will be people who find the comfort of knowing someone cares, a system that intervenes when someone feels something is untoward, and to break the shackles of bullying by getting rid of the atmosphere that is tolerated because it is done in silence and fear.

I also introduced gun safety legislation, and I would hope that some day we could have universal background checks. As I was driving to the airport, I read an ad in the Houston Chronicle that had gun safes on sale. I said that guy, I want to give him an award, because my simple legislation requires individuals to store their guns. They can have all the guns they want, but have them stored and safe, particularly if you have a large number of them, to be able to secure and protect children and those who want to do us harm.

One of the things that the CBC worked on, and I am proud that we worked on it, but I will say that it brings me sadness, we are at a point where we have cut \$40 billion from the Supplemental Nutrition program. I went to my food bank and had them explain what a devastating impact that \$40 billion, \$4 billion a year, will have on the people who are in need in Houston in particular.

□ 2115

In my city of Houston, the census report said over the last 12 months, 442,881 incomes were below the poverty level, and 18 percent of households in the State of Texas in 2009 through 2011 ranked second in the highest rate of food security. So why can we not have an ag bill that would restore the \$40 billion? Why are we suggesting that those individuals are deadbeats when one-half of the persons on food stamps or SNAP are, in fact, children? That is something, Mr. JEFFRIES, that we could come together on and redo or the conference could redo. We could look to ensure a place of laws but a place of humanity.

In conclusion, allow me to throw in two disparate points, but I consider them justice issues. First, that is the Affordable Care Act, which is a justice initiative. It is to say that we all have access to good health care. That is not a carte blanche for good health because

we must all change our attitudes and do a lot of things to make us healthy, but it certainly is an intervener that allows to us have preventive care; it allows women to not be characterized as a preexisting disease because they are pregnant; it allows children born with preexisting diseases not to be eliminated from the insurance rolls; and it allowed 13 million Americans to receive \$1.1 billion in rebates from their health insurance last year when the Affordable Care Act was in place. Now 105 million Americans have free preventive services.

So all of the talk of the technology takes away from the core value that Americans should have access to health care, and today I am glad to hear that we are making strides in a technological system that is not always perfect. Let us not undermine this bill. I am very glad that the Congressional Black Caucus, under the leadership of our chairwoman, has been strong in educating our constituents about the Affordable Care Act.

In conclusion, a remaining challenge that we have: the Voting Rights Act must be reauthorized to the extent of a provision that was eliminated by the Supreme Court decision wrongly, *Shelby County v. Holder*, that took away the provisions of preclearance which, in fact, provided justice and the right to vote for all Americans. We are gathered, hopefully, in a bipartisan manner with the leadership of Mr. SEN. SENBRENNER and others who are on various committees in the Congressional Black Caucus and the leadership of our Democratic Caucus and the Republican conference to come together in a bipartisan manner to be able to accept the constitutional premise best said by the Declaration of Independence: that we all are created equally with certain inalienable rights of life, liberty, and the pursuit of happiness.

We have coddled the right to vote. We have welcomed the right to vote. I am reading a story about our Puerto Rican citizens who don't have the right to vote and how they felt like second-class citizens. There are those of us on the mainland that have had roadblocks thrown across the pathway that needed to be protected not only by the Bill of Rights but by the Voting Rights Act that has withstood the test of time, that has been reviewed. So it is important that we get a construct that all of us can support so that if there is a voter ID law, it does not block people from voting, it does not keep one particular group from getting a voter ID law because they do not have access, like in Texas with the Department of Public Safety. In essence, the Voting Rights Act is one that reaffirms America's commitment that every person has a right to vote—one person, one vote.

I want to thank the Congressional Black Caucus for being a leader on so

many issues, from preventing gun violence to the issue of dealing with our children and anti-bullying and intervention, to the idea of the Affordable Care Act, to restoring SNAP funding, to the Voting Rights Act and, yes, to a comprehensive approach to immigration reform, particularly the idea that we worked on so extensively, and that is diversity visas.

When I go home and speak to people from all walks of life, particularly the African community, they understand the work the Congressional Black Caucus has done—the Haitians, those from the Caribbean, those from South Asia—in reuniting families. They understand that we have been a leader on the broad landscape of comprehensive immigration reform.

For that reason, I am hoping that we will not end this session by looking sadly back on what we have not done, but that we will roll up our sleeves. I also hope that before we leave here before the end of this particular first session of the 113th Congress, we will have the opportunity to see an ag bill that will restore a portion of the SNAP dollars, helping those who cannot help themselves; that we will actually have passed anti-bullying legislation that should draw Republicans and Democrats together; that we will have confronted the issue of comprehensive immigration reform, listened to the voices of reason, and passed legislation in regular order and then, as well, that we in conclusion find it within ourselves to eliminate the sequester in a way that provides funding back to the basic responsibilities of this government in rebuilding infrastructure, creating jobs, stopping the bleeding of losing jobs because we have kept the sequester long overdue; funding our defense; providing for education and the safety and security of our seniors and our veterans. Let's get to work.

I thank the gentleman from New York (Mr. JEFFRIES) for reminding us that we came here to roll up our sleeves and to work for the American people.

I introduced the above legislation H.R. 2585 to save our children's lives.

#### SUMMARY OF BILL

H.R. 2585 will help to stem this epidemic by reauthorizing for 5 years Juvenile Accountability Block Grant program (JABG) and providing funding to state and local governments for the creation of bullying and gang prevention programs.

Legislation authorizes such appropriations as may be necessary, which is anticipated to be at least \$40 million per year (\$200 million total) for the 5 year reauthorization period.

In addition to reauthorizing juvenile justice programs, legislation clarifies how to address the occurrences of bullying through developmentally appropriate intervention and prevention techniques, which center on evidence-based models and best practices that rely on schools and communities rather than involvement from law enforcement and the justice system.

Legislation designed to help both the victims and perpetrators of bullying. Research studies have shown that approximately 25 percent of school bullies will be convicted of a criminal offense in their adult years.

H.R. 2585 also includes provisions for gang prevention programs, which will help guide our children towards socially beneficial paths.

If we want our children to learn, we must be able to maintain a safe and healthy school environment.

#### WHY H.R. 2585 IS NECESSARY

Although some people may dismiss bullying as a normal part of growing up, bullying can be detrimental to a child's education and development.

Each day an estimated 160,000 students in this country refuse to go to school because they fear being bullied by their peers, and many more attend school in a chronic state of anxiety and depression.

In addition, six out of ten American youth witness bullying at least once a day, and nearly 30 percent—or 5.7 million children—are involved in bullying as victims, perpetrators, or both.

1 in 7 Students in Grades K–12 is either a bully or a victim of bullying.

90% of 4th to 8th Grade Students report being victims of bullying of some type.

56% of students have personally witnessed some type of bullying at school.

71% of students report incidents of bullying as a problem at their school.

87% of youth said shootings are motivated by a desire to "get back at those who have hurt them, and 86% said, "other kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools.

Consequences of bullying:

15% of all school absenteeism is directly related to fears of being bullied.

1 out of every 10 students who drops out of school does so because of repeated bullying.

Suicides linked to bullying are the saddest statistic.

Behind these statistics are real children and young people who suffer and hurt too often in silence. Let me tell you the heart breaking story of David Ray Ritcheson.

David Ray Ritcheson was a victim of adolescent bullying. He was 16 years of age—when he was bullied, beaten and tortured nearly to death.

David was assaulted while attending a party in Spring, Texas. He spent 3 months in a hospital as a result of his injuries and underwent more than 30 surgeries to repair his battered body.

His courage in the face of such violence was reflected in his willingness to come before Congress to tell his story.

My reaction to his courage and later death by suicide was to sponsor House Resolution to honor the life and sacrifice of David Ray Ritcheson. The Resolution told his story and expressed the importance of passing hate crime legislation; and his story also showed the violence of bullying.

Mr. JEFFRIES. I thank the distinguished gentlewoman from Texas for her leadership on a wide variety of issues important to the social and economic justice landscape, and, of course,

for laying out a very significant roadmap, a blueprint for the future in terms of what this Congress should confront as we close out this first session of the 113th Congress and move toward the second session.

We are pleased that we have also been joined by my neighbor back home in Brooklyn, the distinguished gentlewoman from the Ninth Congressional District, a woman who is one of the CBC cochairs on the task force related to comprehensive immigration reform. She has been a leader on that issue, as she has on many others. She is a member of the Small Business Committee, as well as the Homeland Security Committee. She represents one of the most diverse districts anywhere in this Nation and has made us all proud to call her a colleague. I yield now to Congresswoman YVETTE CLARKE.

Ms. CLARKE. Mr. Speaker, I would like to thank the gentleman from New York (Mr. JEFFRIES) and the gentleman from Nevada (Mr. HORSFORD) for their leadership in anchoring this year's CBC Special Order hour and thank them in particular for this evening here in review.

Mr. Speaker, it has been a long road. From fighting to keep SNAP funding to rehashing the Affordable Care Act to advocating for immigration reform that is truly diverse and comprehensive, the CBC has come a long way.

As one of the cochairs of the CBC immigration task force, I am proud of the work we have done to ensure that everyone, including immigrants of the African diaspora and African Americans, were adequately included and represented in this conversation.

It feels like it was just yesterday when we stood here in February introducing the CBC's perspective on the urgent need for comprehensive immigration reform. That night, we laid the foundation of what was to be an uphill battle between politics, policy, and procedure. The CBC, along with our Tri-Caucus colleagues, argued that the burden of the broken immigration system does not encumber one group of immigrants alone. For example, there are approximately 3 million immigrants from the African diaspora in the United States, the vast majority of whom entered the country with legal documentation, but there are millions more from all over the world, including eastern Europe and South Asia.

As the conversation increased, the CBC immigration task force tried to highlight the impact of immigrants of the African diaspora from the continent of Africa, the Caribbean region, and South and Central America, which has been large in scale. Their contribution has not been mentioned in the Main Street stories representing reform. Many did not recognize nor understand that the road for many immigrants of the diaspora was significantly different than the proverbial stories in the media.

Many entered our Nation with legal student visas, like my own parents did, to pursue careers in medicine, science, education, and other professions. Many are proud business owners of law firms, restaurants, grocery stores, shipping companies, and hair-braiding venues. There are those who have come as asylum seekers fleeing the tumult of war, famine, and genocide. Like any other immigrant group, they come to the United States to be productive, tax-paying members of our civil society, to attain the American Dream.

Like the other immigrant groups, immigrants of the African diaspora are dealing with backlogged immigration processing, families being ripped apart, falling out of status because they have aged out of the legal immigration process; racial and status discrimination; unfair criminal aggravated felony laws that prohibit judicial review; deportation processes that violate civil and human rights; an insecure, prohibitive student visa program; and limited access to work permits and much more.

Mr. Speaker, it is imperative for us to acknowledge the fact that many immigrants arrive on our shores during a time of their lives when they are in the most productive years of their lives. Any delay in processing these individuals, bringing them to the fore, would deny us as a Nation the opportunity to access their talent, their skill, and abilities in the prime of their lives.

Additionally, it was important for us to note that African Americans, those descendants of the transatlantic slave trade, whom I fondly call “longtime stakeholders” of this Nation, have been affected by our broken immigration system as well.

Mr. JEFFRIES. One of the things that the CBC has attempted to work on, as my distinguished colleague from New York has indicated, is to deal with comprehensive immigration reform in a manner that fixes a broken system for all involved, and we certainly are thankful for the distinguished gentleman’s work as a member and leader of the CBC task force on immigration reform.

We both proudly represent districts that are incredibly diverse. Back at home in the Eighth Congressional District in Brooklyn and parts of Queens, I represent African Americans, Caribbean Americans, South Asians, Russian-speaking Eastern European Jewish immigrants, Latinos, Chinese Americans, the gorgeous mosaic of the American people. What I found—and this has been the history and the experience, in fact, in New York City—is that immigrants are hardworking, entrepreneurial, spiritual, family-oriented, community-centered individuals. America would be strengthened, of course, by fixing our broken immigration system.

Let me now yield back to my distinguished colleague from New York.

Ms. CLARKE. Let me thank the gentleman from New York for saving me. I have recovered now and would just like to bring forth a few more points.

Working class Americans of all backgrounds, races, and ethnicities are adversely affected with a broken immigration system. As we stated, they are dealing with depressed wages because of unscrupulous and illegal corporate hiring practices. Urban communities aren’t even being adequately counted via the census and other surveys, resulting in the reduction of adequate government services and Federal resources to meet the needs of actual populations in our communities, increasing the strain on current public services.

Urban communities are exposed to more crime as the undocumented are more reluctant to report crimes, and African Americans are dealing with increased racial and status discrimination as many are subjected to interrogation based on citizenship.

□ 2130

Imagine our delight, Mr. Speaker, when the immigration reform debate gained some traction this year with the actions taking place in the Senate. There were tangible legislative fixes in the works.

The CBC quickly expressed our concerns to both the House and the Senate leadership over the elimination of the Diversity Visas, used largely by African and Eastern European immigrants.

We voiced our concern over the ability of American children, particularly those from underrepresented and underserved areas to be successful in STEM fields without the proper education, especially since much of the emphasis in the debate relied on increasing incentives of migrants in those fields.

We also expressed the need to address our immigration judicial system. The current state is not aligned with our criminal justice system, leaving many immigrants forced to experience double jeopardy for nonviolent crimes.

We stood up against racial profiling language that does not include religion or national origin and expressed concerns over the switch from family-based immigration to an economic-based system.

Now, as the House looks to different vehicles to consider comprehensive immigration reform, I implore the House leadership to understand the importance of diversity; that is, racial, ethnic, religious, national, and especially economic diversity, the visa equity that must be afforded immigrants from around the globe.

If we eliminate country caps without including other avenues for smaller countries, we are jeopardizing the beautiful mosaic that makes this country unique and great.

We must evaluate consideration of the SAFE Act, which is a bad idea and

a slap in the face to our immigrant history.

Additionally, we have to have an honest conversation about the relationship between legalization and border security. Allowing those who are here a pathway to citizenship but creating an obstacle course based in fear to obtain the citizenship is not the way to go.

We will never realize the true potential of this country if anyone in our society is held back from realizing their individual dreams. And relying heavily on an economic-based immigration system will exclude many immigrants, creating yet another stratified immigration system, forcing people back into the shadows.

That is why, as we look at the next session of the 113th Congress, I ask my colleagues to take the opportunity to revisit these proposals, sans political pressure, sans the haste to get it done, and take a real look at how we can improve the lives of all Americans and all those who strive with the hope to be an American.

Mr. Speaker, we must get this right. Our national security is at stake. Our moral standing in the world depends upon it. The American people, many of whom are first- and second-generation immigrants, have demanded it.

If we turn our backs on those law-abiding contributors to our civil society that come to our shores only to embrace the American Dream, to labor in the rebuilding of our great Nation, strengthen our economy, and to serve honorably in our military, we turn our back on ourselves and our future.

I can definitely say that the CBC Immigration Taskforce looks forward to continuing this conversation into the new year, ensuring that any comprehensive immigration reform measures mirror the diversity of this Nation.

So I want to thank my colleague, the gentleman from New York, whose district is right next to mine in Brooklyn, for yielding time to me today.

Mr. JEFFRIES. I thank the distinguished gentlelady from New York for her leadership on this issue, for the progress that has already been made, and her continued commitment.

The CBC, as I close, Mr. Speaker, will continue to take its role seriously as the conscience of the Congress, a voice for the voiceless, and the guardian of the integrity of the democratic process.

And I am just hopeful, as we move forward, that our friends on the other side of the aisle will end the obfuscation, end the obstruction, end the obsession with the Affordable Care Act, and we can find common ground to advance an agenda for the benefit of the American people.

Mr. Speaker, I yield back the balance of my time.

THE CONGRESS THAT KILLED THE  
PATENT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHRBACHER) until 10 p.m.

Mr. ROHRBACHER. Mr. Speaker, I would ask my colleagues, do we want to be known as the Congress that killed the U.S. patent system, a patent system which has served the American people well for 225 years?

I ask America, America, are you listening?

Congress is, once again, talking about reforming the patent system. The last patent reform bill, which passed last year, was the America Invents Act, and it just went into effect earlier this year, and patent lawyers and courts and inventors are still trying to figure out the implications of that change, of the change that that legislation made, and it was the most sweeping change in patent law in the history of our country.

Yet, even before we are able to judge the effects of the America Invents Act, a new patent bill is being rammed through this House and through Congress.

I wish I could focus simply on the bad provisions of this new bill, the Innovation Act. I like to think of it as the Anti-Innovation Act, H.R. 3309, which is expected to be on the floor later this week.

But if the bill is bad, which we are talking about, the process being used to stifle debate and ram this down the congressional throats here on the floor is even worse. In the one Judiciary Committee hearing, witness after witness strongly recommended moving forward slowly, and warned of unintended consequences.

It only takes a few minutes to consider each provision of this bill to see that, although it may be aimed at a single thorn in the side of mega-electronic companies, it will create much more pain in other industries, in higher education, and especially to individual inventors.

In the rush to get H.R. 3309 onto the floor so quickly, it has not been even one single day between when this bill passed the Judiciary Committee and then, thus, becoming available to Members of the House, once it passes the Judiciary Committee, and there has only not even been one single day of legislative business for Members to consider and submit amendments to the Rules Committee for this important legislation, not one single full day of legislative work, and now this is being rammed down our throats.

And of course, the Thanksgiving holiday happened right after they passed it through the committee. The holiday was right in the middle of a very short time line which, of course, virtually guaranteed that all Members, and most

of the staff would not be in Washington, D.C., thus, they passed it right before we left town.

And this schedule suggests what? It suggests that the fix was in. The clear message to little inventors: give thanks for your intellectual property rights because you may not have them this time next year.

Well, this isn't just about rapid, it is also about covert. It seems that we have to pass this bill to find out what is in it. That hasn't worked well for America in the past, and it sure shouldn't be happening again on our watch.

I am calling on my friends and my colleagues who haven't had time to fully understand the implications of this legislation, and that means almost everybody in this body, and we are just back today from the holiday break. If you haven't had time to fully understand the implications of this legislation, join me in demanding a postponement of this vote until after the holiday season, which will give us all sufficient time to consult with our constituents, with experts, and to better understand this legislation and the implications it will have for industry, for American progress, for American inventors and innovators.

Now, to the content of this legislation. We are told this bill is aimed at the threat of so-called patent trolls. These so-called villainous trolls are patent holders, or they are companies who represent patent holders. They are engaged in defending their rights, given to them by ownership of that patent, against the infringement of their patents by someone else.

They own these patents, and these are just as valid as any other patents granted by the Patent Office. But huge corporate infringers would have us believe that these patents are questionable, invalid, unworthy; they are unworthy of being a patent in the first place. Of course, these are the same corporations who have taken these patents and used them without paying the lawful fee that you would pay to someone who invented something that you are using.

Well, this is not the case. They are not paying the inventor, and the patents that are being targeted by these multinational electronics firms as claiming that they are illegitimate, well, most of these were just the product of small inventors. And these small inventors, quite often, because they are up against mega, multinational corporations, are without a means to defend their rights if these corporations arrogantly decide to violate those patent rights.

And what makes these vilified patents different from the good patents that are owned by these very same large corporations? Well, the so-called patent troll. It happens to be, most of the time, patent trolls are lawyers to

take a case on to defend the little guy from theft, but that lawyer didn't invent it. That makes him bad because he is not working for a company, a big mega-company that invents things. No, he is working for a little guy, or he has bought the rights the little man has so that he will get something out of his work.

Well, being out for profit from technology, and from technology that someone did not, he or she, invent themselves, now that is really horrible. Doesn't that sound horrible? Well, no it is not. We live in a society where people litigate to protect their rights, and there is nothing wrong.

We are being told that the patents in question that are going to be dealt with by this legislation, there is a hint that they are not legitimate patents; they are owned by patent trolls. Well, so much for calculated confusion. If the small inventor doesn't have the resources to enforce his or her patent, an individual or company can buy those rights, just like if they don't have the ability to farm, to plant on a farm, they can sell those rights, or they can create a partnership so that they can actually afford to actually protect themselves from being cheated out of their rightful compensation.

I have spoken to independent inventors, conservative political organizations, the American, and all of these people are very suspicious, of course, of these changes that are being put into place in terms of a person's right to litigate to protect their individual rights.

Well, those people are also—there are people who are very suspicious of this legislation, the American Bar Association, industry groups. You have got biotech and pharma, these people, and universities throughout our country who are opposed, or at least very concerned about what is going to happen by H.R. 3309, the so-called Innovation Act, which, as I say, should better be called the Anti-Innovation Act.

Well, we know that this bill, if passed, will further basically further work against the interest, and it will further the disadvantages that the little guys have against deep-pocketed multinational corporations. And this is achieved in the guise, of course, of attacking patent trolls.

See, they have used this word, demonized this word. I happen to have met a person, a man who is a big executive in a major corporation, a major electronics corporation, who was in the meeting with other electronics officials when they coined the phrase, "patent troll." They were doing it specifically to demonize these lawyers, because they knew they couldn't go after the little inventor or the small inventor or the independent inventor. They couldn't go after him and demonize them, even though they were stealing the patent rights from these individuals, so they would go after the lawyer.

□ 2145

This person was saying that they went around the room with their ideas: What is the most heinous word we could use to help blind the people about what is really going on? He had suggested “patent pirate,” but they had decided on “patent troll.” Don’t be blinded to the theft that is being justified here by demonizing a group of lawyers who are trying to defend small businessmen, basically small inventors.

Proponents of this legislation are demonizing patent lawyers to draw attention away from the fact that they have stolen someone else’s patent-protected technology. Now the big guys want to change the system so they can get away with the theft. That is what H.R. 3309 is all about, and that is why it should be called “the Anti-Innovation Act.”

It is an aggressive attack on the ability of inventors to defend their ownership rights to the technology they have invented. It is not about frivolous lawsuits or trolls. That is a cynical cover that is being used and was created by the big guys as a license to steal from the little guys.

Former Patent Office Director Kappos and other former directors of the Patent Office have made it clear that we should move slowly about this type of change and with great care when we are making such major changes in the patent law. This legislation is too broad. The simplifications are unclear. The effect is unknowable. That is what witnesses and other experts have indicated. They conclude, “Move forward with caution.”

So I ask my colleagues to vote against this bill, but if we can, let’s ask our leadership, as I have pleaded with our leadership, to postpone this so we can talk to our educators, talk to the universities, talk to the various employers in our districts, talk to the various people who depend on technology and the technology developed in our country rather than to just go with mega-multinational electronics companies that are guilty of multi-infringement cases as well as antitrust cases.

That is not happening. Congress is being railroaded into passing this legislation right on top of the last legislation. Well, what is going on here? As I say, it is a heavyhanded attempt by mega-multinational corporations to diminish the viability of America’s patent system. It has been going on this way—and I have seen this for 25 years.

Strong patent protection has been one of America’s greatest assets. It is written into our Constitution. It is the thing that has given us the ability to have high wages yet be competitive with other societies. It has protected the security of our country and our liberty. That is what strong patent protections have been to us.

But according to the sponsors of H.R. 3309, this isn’t really something about

undermining the patent system, no; it is undermining the trolls. Just by the fact that everything that they are doing has a major impact on the ability of lawful inventors to protect themselves against infringement, and it diminishes the patent protection that we have had traditionally in this country. Every provision.

Well, what does it do? For the most part, this legislation will make it much more complicated, costly, and challenging to bring a lawsuit against an infringer. For the little guy, it is going to cost him much more to protect his rights.

Well, there you go. These people would like to restrict lawsuits that are totally legitimate to control a few people who have manipulated the system, and thus are abusive lawsuits.

Well, we face this all over. There are many lawyers who are engaged in abusive lawsuits which they shouldn’t be filing, but they do. Does that mean that we are going to dramatically limit the rights of the American people to litigate when their rights have been violated by someone else, their property has been taken, or they have been abused and they deserve compensation? No. We are not going to limit those rights. But we will limit the rights of the small inventor and let these big megacorporations take what they want from what this person has invented and not give them compensation for it.

Rather than making it simpler, cheaper, and easier to defend against baseless accusations of infringement—and there are some baseless—what we have done to reduce spurious lawsuits, all we need to do is strengthen the good guys. But this bill weakens the good guys. It weakens ordinary people who are actually contributing a great deal to our country, the independent inventors.

In addition, under the claim of “technical correction,” this legislation proposes the removal of the patent system’s only independent judicial review process. Section 145 of title 35 in this legislation, if it is enacted, inventors who really believe they have not been treated fairly by the Patent Office—I mean, there may be people in the Patent Office who want to go to work for some major corporation if they decide a certain way, and what they have done, maybe it is not legal. Maybe these things happen in every society, and we need to have a review.

In fact, since 1836, American inventors, if they feel the Patent Office has not dealt with them in a legal way, they have the right to seek independent judicial review. By the way, that right was reaffirmed last year by the Supreme Court in *Kappos versus Hyatt*, which reaffirmed the importance of that review to maintaining the rights of our inventors. Well, this bill would eliminate that right. It just takes it away, something that has been

the right of American inventors since 1836.

I would like to quote my colleague from Texas, Mr. LAMAR SMITH, chairman of the Science Committee and former chairman of the Judiciary Committee, who is the primary author of the America Invents Act, speaking about new environmental regulations at a Science Committee hearing a few weeks ago:

Our Founders recognized that elections alone may not provide adequate protection for the liberties they fought so hard to establish. They made sure that the Constitution provides a means for the American people to obtain a fair hearing before impartial judges.

This may be one of the most underrated rights Americans enjoy today—the right to judicial review. This proposal is an attempt to prevent judicial review. Americans deserve to understand exactly what this proposal would do and retain the right to challenge it.

In it, Mr. Speaker, he went into how important it is to have judicial review, and that Americans understand how important it is to have not just bureaucrats but a judicial review of what government officials are doing, and how important that is to our freedom.

Well, I would say to the gentleman from Texas, Yes, Mr. SMITH, I would agree. He is the chairman of my committee, the Science Committee. I am the vice chairman of the Science Committee.

We disagree on this bill, but I will say that this is an important part of the bill. H.R. 3309 would eliminate the ability for the court to review what these government officials are doing in their job if they hurt another individual. Mr. SMITH thinks that is important when it comes to the environment. I think it is important for the environment and for protecting our inventors. This principle applies just as certainly, as I say, to patent review as it does to environmental regulations.

Now the Patent Office officials have requested, of course, that they don’t want to have that judicial review. Why is it? Because they say it is too burdensome. Never mind that very few people have such claims. But we are going to eliminate that right and that option because it is inconvenient for our bureaucracy. That is absurd. For that reason alone, this bill should be defeated.

The legislation going before the House this week is consistent with a decades-long war being waged on America’s independent inventors. Here are a few of the provisions of the bill:

It will create more paperwork. When an inventor has to file an infringement claim, it dramatically increases the paperwork necessary for him to file the claim, and, thus, it is not any more expensive, but it increases the possibility that his claim will just be denied out of some technical mistake in the paperwork.

The Innovation Act will switch us to a “loser pays” system. Now, of course,



“loser pays” sounds pretty good. That means, if you file a bad suit or something or you lose a suit, the loser is going to pay the legal expenses for the winner. What does that do when you have little guy against big guy, the small inventor versus mega-multibillion dollar international corporation? What it does is say, if a little guy sues the corporation and loses, that is nothing. Paying his legal expenses are absolutely nothing for this big corporation. But if he loses to the corporation, that corporation will have piled on legal expenses that will destroy the economic viability of that small inventor. It is little guy versus big guy. In this case, making the loser pay is a big advantage to the big guy at the expense of the little guy.

What is unfortunate, this bill goes even further than that. This bill will allow the court to bring others into the case as plaintiffs if they have an interest in the patent. So if someone is invested in the person's patent—in the little guy's patent—they have invested in it, and they lose a lawsuit trying to enforce their rights to have compensation for the use of what they have invented, if they lose that suit, the person who is invested with the little guy, he is going to be liable for this massive bill that these big companies are bound to pile on. So this “loser pays” system has some attraction but, in reality, will be a disaster for the little guy trying to enforce his rights.

We have also in this bill that it would create new requirements that the patent holder, once filing a claim for infringement, must provide information about all parties who have an interest in the patent. Thus, what we have is a list that even the infringer will have. So this man, a small businessman, an inventor, will then have all of his business dealings then basically be made public, and his enemies will have that list to go after. This would have destroyed Thomas Edison. This would have destroyed our great inventors of the past. There are people who don't want to put themselves in public view in order to get behind new inventions. This means the total elimination of privacy in dealing with businesses.

Of course, we have another requirement in here that basically is a reporting requirements for the little guy. We have bureaucratic fees that are being forced on the little guy to maintain records that they now don't have to maintain. Thus, you have the situation where the little guy has to have the expense of maintaining a bunch of records, and these things now are just yet another stumbling block.

One of the other restrictions on the little guy is, if he files a suit against the big guys, there is a thing called dis-

covery. Well, everybody else can have discovery, but these little patent guys, these little inventors, if they are filing a suit against a major infringer, not only do you have to be so specific about what you want—we have replaced a system where there will be one motion—we replaced it, which will require dozens of motions, each motion costing the little inventor tens of thousands of dollars in legal fees.

We are upping the cost, upping the cost, upping the cost, complications, and legal ramifications of a man or woman protecting his or her patent that is a legitimate patent all in the name of getting those terrible trolls, and the troll might not even be involved in this. There might not be any lawyer who is volunteering or is investing in this project.

So what we have got, of course, is another thing where the person is there—you may call him a troll, but now the small business and education outreach part of this is, it authorizes the Patent Office director to create a patent troll database. That means that anybody who goes out to help these small inventors is going to be on a database. I guess you shouldn't really call that a database. Let's call that an enemies list. Because that is probably what it would be used for. Oh, no; that list was going to be made—here are the people you should stay away from. No, these aren't people guilty of crimes. These are people who have engaged in taking on powerful economic interests that are stealing the economic rights of our small inventors.

As I mentioned earlier, it also eliminates the judicial review that we have had since 1836 for our inventors.

Is there anything that could be more of an attack on the well-being of America's inventors? This, as I say, is a consistent pattern that I have seen for 25 years, where what we call “globalists” who are trying to take America's strong patent system and weaken it so that we will not have the advantage that we have had throughout the world.

In the beginning, these people wanted to take fundamental parts of our patent system so that patents, even before they would be issued to the inventor, that they would be published for the whole world to see. That is what these people have been trying to get away with. Year after year after year, they whittle away at the patent protection of our people because they want a global system that is run by international, multinational companies.

The people running those companies, do you think they are loyal to the people of the United States of America? Do you think they have our interests in mind as compared to a small inventor who loves the freedom and liberty

that our country offers and understands that in another country, he won't have that same freedom? No, it has been the small inventor.

It has been technological development that has given Americans the standard of living, the security, and the freedom that we have enjoyed, and now this body, we are having a bill rammed down our throats. It has been rammed through the system. Why? Because they don't want us to fully understand the implications of this bill, H.R. 3309, the Innovation Act, which will kill the small American inventors in this country.

I would ask that our leadership consider postponing this so the American people will have a chance to get a hold of their Congressman, their Representative, so that we will talk and find out what the real effect of H.R. 3309 will have. I ask my colleagues in closing: Do we want to be known as the Congress that killed the U.S. patent system which has served the American people so well for 225 years?

I yield back the balance of my time, Mr. Speaker.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today and the balance of the week on account of illness.

Mrs. MCMORRIS RODGERS (at the request of Mr. CANTOR) for today and the balance of the week on account of the birth of her daughter.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 21, 2013, she presented to the President of the United States, for his approval, the following bills:

H.R. 3204. To amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

H.R. 1848. To ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

#### ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 3, 2013, at 10 a.m. for morning-hour debate.



## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2013 pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES  
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jason Chaffetz .....	8/26	8/28	S. Korea .....		535.07						535.07
	8/28	8/30	Vietnam .....		480.18						480.18
	8/30	9/1	Singapore .....		682.00						682.00
Commercial airfare .....							12,493.40				12,493.40
Delegation expenses .....								754.81			754.81
James Lewis .....	8/26	8/28	S. Korea .....		561.07						561.07
	8/28	8/30	Vietnam .....		531.18						531.18
	8/30	9/1	Singapore .....		924.00						924.00
							12,457.60				12,457.60
Hon. Darrell Issa .....	9/23	9/23	Italy .....								
	9/23	9/24	Malta .....		325.00						325.00
	9/24	9/24	Libya .....								
	9/24	9/25	Egypt .....		268.00						268.00
Commercial airfare .....							13,941.50				13,941.50
Delegation expenses .....								879.07			879.07
James Lewis .....	9/23	9/23	Italy .....								
	9/23	9/24	Malta .....		278.00						278.00
	9/24	9/24	Libya .....								
	9/24	9/25	Egypt .....		268.00						268.00
Commercial airfare .....							13,393.40				13,393.40
Committee total .....					4,852.50		52,285.90		1,633.88		58,772.28

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman, Oct. 31, 2013.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3975. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule, Clinical Laboratory Fee Schedule & Other Revisions to Part B for CY 2014 [CMS-1600-FC] (RIN: 0938-AR56) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3976. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Hospital Value-Based Purchasing Program; Organ Procurement Organizations; Quality Improvement Organizations; Electronic Health Records (EHR) Incentive Program; Provider Reimbursement Determinations and Appeals [CMS-1601-FC] (RIN: 0938-AR54) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following action occurred on November 25, 2013)

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 3381. A

bill to authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 113-277). Referred to the Committee of the Whole House on the state of the Union.

(Submitted December 2, 2013)

Mr. McCAUL: Committee on Homeland Security. H.R. 1204. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; with an amendment (Rept. 113-278). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3309. A bill to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes; with an amendment (Rept. 113-279). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 298. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System, and for other purposes; with an amendment (Rept. 113-280). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1241. A bill to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; (Rept. 113-281). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1846. A bill to

amend the Act establishing the Lower East Side Tenement National Historic Site, and for other purposes; with an amendment (Rept. 113-282). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROOKS of Alabama:

H.R. 3625. A bill to provide for termination liability costs for certain National Aeronautics and Space Administration projects, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. COBLE (for himself and Mr. ISRAEL):

H.R. 3626. A bill to extend the Undetectable Firearms Act of 1988 for 10 years; to the Committee on the Judiciary.

By Mr. PITTENGER:

H.R. 3627. A bill to require the Attorney General to report on State law penalties for certain child abusers, and for other purposes; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself and Mr. RAHALL):

H.R. 3628. A bill to eliminate certain unnecessary reporting requirements and consolidate or modify others, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of Arizona (for himself, Mr. GENE GREEN of Texas, Mr. LAMBORN, Mr. MCINTYRE, and Mr. DUNCAN of South Carolina):

H.R. 3629. A bill to affirm United States recognition of Israel's sovereignty, security, and legal right to its lands, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HIMES (for himself, Ms. LEE of California, and Ms. WILSON of Florida):

H.R. 3630. A bill to establish a research program under the Congressionally Directed Medical Research Program of the Department of Defense to discover a cure for HIV/AIDS; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HURT (for himself and Mr. ROE of Tennessee):

H.R. 3631. A bill to authorize the Commissioner of Food and Drugs to waive or reduce certain fees applicable to generic drug facilities where the fees would present a significant barrier to market entry because of limited resources available to such facilities or other circumstances; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself and Mr. COTTON):

H.R. 3632. A bill to reallocate Federal judgeships for the courts of appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES (for himself and Mr. LYNCH):

H. Res. 428. A resolution urging the president to release information regarding the September 11, 2001, terrorist attacks upon the United States; to the Committee on Intelligence (Permanent Select).

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BROOKS of Alabama:

H.R. 3625.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have power to enact legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

and

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. COBLE:

H.R. 3626.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. PITTENGER:

H.R. 3627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution, the Necessary and Proper Clause.

By Mr. SHUSTER:

H.R. 3628.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (related to general Welfare of the United States),

Clause 3 (related to regulation of Commerce with foreign Nations, and among the several States, and with Indian tribes), and Clause 18 (To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof).

By Mr. FRANKS of Arizona:

H.R. 3629.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;), and Article I, Section 8, Clause 18 (To make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof).

By Mr. HIMES:

H.R. 3630.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. HURT:

H.R. 3631.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. KING of Iowa:

H.R. 3632.

Congress has the power to enact this legislation pursuant to the following:

This legislation reallocates the number of federal judgeships and, as such, follows the responsibility that Congress has, under Article I, Section 8, Clause 9 to constitute Tribunals inferior to the Supreme Court.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. PETERS of Michigan.  
H.R. 32: Mr. COHEN and Ms. DUCKWORTH.  
H.R. 107: Mr. BENTIVOLIO and Mr. MCCLINTOCK.  
H.R. 139: Mr. RUSH.  
H.R. 543: Mr. CRAMER and Mrs. WALORSKI.  
H.R. 580: Mr. COLLINS of New York.  
H.R. 596: Mr. SCHRADER.  
H.R. 721: Ms. SINEMA, Mr. FLEMING, Ms. KELLY of Illinois, Mr. MURPHY of Florida, and Ms. FRANKEL of Florida.  
H.R. 915: Mr. MURPHY of Florida, Mr. HOYER, Mr. LEWIS, Mr. HASTINGS of Florida, Ms. LEE of California, Ms. ESHOO, Mr. JONES, Mr. COSTA, and Mr. BARROW of Georgia.  
H.R. 917: Mr. LYNCH.  
H.R. 946: Mr. BENTIVOLIO.  
H.R. 974: Mr. RUSH.  
H.R. 997: Mr. HARRIS.  
H.R. 1015: Mr. LANGEVIN and Mr. DELANEY.  
H.R. 1150: Mr. TONKO.  
H.R. 1209: Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Ms. DELBENE, Mr. SIMPSON, Ms. SLAUGHTER, Mr. MESSER, Mrs. NOEM, Mr. CRENSHAW, Mr. SCALISE, and Mrs. WAGNER.  
H.R. 1252: Mr. COHEN, Mr. HECK of Washington, and Mr. VELA.

H.R. 1310: Mr. GIBSON.  
H.R. 1337: Mr. FORBES.  
H.R. 1354: Ms. SHEA-PORTER and Mr. WAXMAN.  
H.R. 1428: Ms. TSONGAS, Mr. MCGOVERN, Mr. MEEHAN, and Mr. TONKO.  
H.R. 1465: Ms. PINGREE of Maine.  
H.R. 1554: Mr. MICHAUD and Mr. PALLONE.  
H.R. 1563: Mr. PETERS of Michigan.  
H.R. 1565: Mr. BUTTERFIELD.  
H.R. 1609: Mr. MORAN and Mr. HOLT.  
H.R. 1629: Mr. VARGAS and Ms. NORTON.  
H.R. 1630: Mr. NEAL.  
H.R. 1652: Mr. RUIZ.  
H.R. 1666: Mr. HORSFORD, Ms. PINGREE of Maine, and Mr. RUIZ.  
H.R. 1716: Mr. DAVID SCOTT of Georgia.  
H.R. 1726: Ms. CASTOR of Florida, Mr. MORAN, Mr. SCHIFF, Mr. RUNYAN, Mr. LANCE, Ms. SCHWARTZ, Mr. LYNCH, Mr. JOHNSON of Georgia, Ms. FUDGE, Mrs. BEATTY, and Ms. SHEA-PORTER.  
H.R. 1732: Mr. HONDA.  
H.R. 1738: Mr. MICHAUD, Mr. PALLONE, and Mr. MCGOVERN.  
H.R. 1774: Mr. RUSH and Mrs. NEGRETE MCLEOD.  
H.R. 1775: Mr. OWENS.  
H.R. 1798: Mr. JONES.  
H.R. 1830: Mrs. CAROLYN B. MALONEY of New York and Mr. HOLT.  
H.R. 1832: Mr. RUIZ.  
H.R. 1869: Mr. KELLY of Pennsylvania and Mrs. BROOKS of Indiana.  
H.R. 1875: Mr. THOMPSON of Mississippi.  
H.R. 1950: Mr. COLLINS of Georgia.  
H.R. 1981: Mr. MCGOVERN.  
H.R. 2016: Mr. HONDA.  
H.R. 2018: Mr. ROSKAM.  
H.R. 2041: Mr. VARGAS.  
H.R. 2066: Mr. YOUNG of Alaska.  
H.R. 2085: Mr. STUTZMAN.  
H.R. 2103: Mr. PALLONE.  
H.R. 2134: Mrs. WALORSKI.  
H.R. 2163: Ms. CASTOR of Florida.  
H.R. 2224: Ms. LEE of California, Ms. ROYBAL-ALLARD, Mr. MAFFEI, Ms. CHU, Mr. POLIS, and Mr. CONYERS.  
H.R. 2237: Mr. VARGAS.  
H.R. 2249: Mr. DOYLE and Ms. PINGREE of Maine.  
H.R. 2330: Mr. SWALWELL of California.  
H.R. 2502: Mr. MORAN, Mr. MCDERMOTT, and Ms. SHEA-PORTER.  
H.R. 2509: Mr. POCAN.  
H.R. 2520: Ms. SHEA-PORTER.  
H.R. 2540: Mr. PETERS of California.  
H.R. 2548: Mr. KILDEE, Ms. HANABUSA, Ms. PINGREE of Maine, Mr. CICILLINE, Mr. LARSON of Connecticut, Mr. MCDERMOTT, Mr. PAYNE, Ms. SHEA-PORTER, Ms. BONAMICI, Mr. SIRES, Ms. FRANKEL of Florida, and Mr. MEEKS.  
H.R. 2575: Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. STEWART, Mr. SIMPSON, Mr. RICE of South Carolina, and Mr. HURT.  
H.R. 2632: Mr. RICHMOND.  
H.R. 2663: Ms. DELBENE.  
H.R. 2676: Ms. SCHAKOWSKY.  
H.R. 2717: Mr. KINZINGER of Illinois.  
H.R. 2725: Mr. CARTER, Mr. GUTHRIE, Mrs. WALORSKI, and Mr. CRAMER.  
H.R. 2807: Mr. HIMES, Mr. O'ROURKE, and Mrs. MCMORRIS RODGERS.  
H.R. 2893: Mr. LOWENTHAL and Mr. Cárdenas.  
H.R. 2907: Ms. BONAMICI.  
H.R. 2939: Mr. HASTINGS of Florida, Mr. GARAMENDI, Mr. GENE GREEN of Texas, and Ms. SHEA-PORTER.  
H.R. 2959: Mr. OLSON, Mr. BOUSTANY, Mr. THOMPSON of Pennsylvania, Mr. SCALISE, Mr. NUNNELEE, Mr. CAMP, Mr. COLLINS of New York, and Mr. LAMALFA.  
H.R. 2989: Mr. COHEN.

H.R. 2990: Mr. HOLT, Ms. ESHOO, Mr. PAYNE, Mr. HUFFMAN, Mr. TAKANO, and Mrs. CAROLYN B. MALONEY of New York.

H.R. 2998: Ms. SCHAKOWSKY.

H.R. 3025: Ms. SHEA-PORTER.

H.R. 3038: Mr. MCCAUL.

H.R. 3040: Mr. BISHOP of New York, Mr. GARAMENDI, Mr. BARBER, and Mr. HUFFMAN.

H.R. 3043: Ms. WILSON of Florida.

H.R. 3077: Mr. MARINO and Mr. FARENTHOLD.

H.R. 3090: Mr. PETERS of California.

H.R. 3111: Mr. ROYCE and Mr. GARAMENDI.

H.R. 3138: Mr. MURPHY of Pennsylvania.

H.R. 3169: Mr. HULTGREN.

H.R. 3179: Ms. SEWELL of Alabama, Mr. VEASEY, and Mr. GENE GREEN of Texas.

H.R. 3206: Mr. PRICE of North Carolina and Mr. PETERS of California.

H.R. 3274: Mr. CICILLINE.

H.R. 3303: Mr. MCKINLEY.

H.R. 3312: Mr. MCINTYRE.

H.R. 3357: Mr. POCAN.

H.R. 3371: Mr. GENE GREEN of Texas, Mr. VEASEY, Mr. O'ROURKE, and Ms. JACKSON LEE.

H.R. 3374: Mr. CARNEY.

H.R. 3385: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3397: Ms. TSONGAS, Mr. ISRAEL, and Mr. WELCH.

H.R. 3413: Mr. SANFORD, Mr. CHABOT, Mr. COLLINS of New York, Mr. GRIFFITH of Virginia, and Mr. LOBIONDO.

H.R. 3461: Mr. VARGAS, Mrs. DAVIS of California, Mr. MURPHY of Florida, Ms. MOORE, and Mr. FATTAH.

H.R. 3472: Mr. GIBSON, Mr. MAFFEI, Mr. RANGEL, Mr. MEEKS, Mr. HIGGINS, Mr. ENGEL, Mr. ISRAEL, Ms. SLAUGHTER, Ms. MENG, and Mr. KING of New York.

H.R. 3485: Mrs. HARTZLER and Mr. FARENTHOLD.

H.R. 3488: Mr. FOSTER, Mr. ENYART, Mr. SWALWELL of California, Mr. JEFFRIES, Mr. HOLT, and Mr. MARCHANT.

H.R. 3489: Mr. RODNEY DAVIS of Illinois and Mr. GRAYSON.

H.R. 3490: Mr. VARGAS, Mr. HONDA, and Mr. PETERS of California.

H.R. 3495: Mr. RUIZ.

H.R. 3501: Mr. CROWLEY, Mr. DEFazio, Mr. JEFFRIES, Mr. FARR, Ms. DELAURO, Mr. GARCIA, Mr. GRAYSON, Mr. HINOJOSA, Mr. HONDA, Mr. ISRAEL, Ms. LEE of California, Mr. BEN RAY LUJÁN of New Mexico, Mr. MEEKS, Mrs. NAPOLITANO, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. ROYBAL-ALLARD, and Mr. SIRES.

H.R. 3507: Mr. JONES.

H.R. 3508: Mr. CRAMER and Mr. RUIZ.

H.R. 3531: Ms. HANABUSA, Mr. HECK of Nevada, Mr. MICHAUD, Mr. DELANEY, Mr. WEST-MORELAND, and Mr. MEEHAN.

H.R. 3541: Mr. AMASH.

H.R. 3546: Mr. TIERNEY, Mr. CUMMINGS, Mr. MORAN, Ms. SCHAKOWSKY, and Ms. SLAUGHTER.

H.R. 3573: Mr. ANDREWS, Ms. NORTON, and Mr. MARINO.

H.R. 3578: Mr. YOUNG of Alaska, Mr. BARROW of Georgia, and Mr. ROKITA.

H.R. 3584: Mr. CARSON of Indiana and Mr. TIBERI.

H.R. 3612: Mr. CUMMINGS and Ms. BORDALLO.

H.J. Res. 51: Mr. KING of Iowa.

H.J. Res. 55: Mr. PITTENGER.

H.J. Res. 98: Mr. WITTMAN.

H. Con. Res. 52: Mrs. BUSTOS.

H. Con. Res. 66: Mr. WEBER of Texas and Mr. PERLMUTTER.

H. Res. 98: Mr. LAMBORN.

H. Res. 284: Mr. AUSTIN SCOTT of Georgia and Mr. GIBSON.

H. Res. 302: Mr. WILSON of South Carolina, Mr. DIAZ-BALART, Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, and Mr. DOGGETT.

H. Res. 401: Mr. CARSON of Indiana.

H. Res. 407: Mr. MURPHY of Florida and Mr. TONKO.

H. Res. 417: Mr. MCDERMOTT, Mr. CÁRDENAS, and Mr. COLE.

H. Res. 425: Mr. SESSIONS, Mr. BENTIVOLIO, and Mr. MULLIN.

## EXTENSIONS OF REMARKS

IN RECOGNITION OF CAMDEN, ARKANSAS'S AEROJET  
ROCKETDYNE EMPLOYEES

**HON. TOM COTTON**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. COTTON. Mr. Speaker, I rise today to recognize the nearly 525 employees at Aerojet Rocketdyne's Camden, Arkansas, production facility and their upcoming achievement of the milestone shipment of their 2,000th PAC-3 Solid Rocket Motor and 400,000th PAC-3 Altitude Control Motor to Lockheed Martin and the United States Army.

Aerojet Rocketdyne is a world-recognized aerospace and defense leader principally serving the missile, space propulsion, and armaments markets. This most significant milestone will be commemorated with a celebration ceremony held in Camden, Arkansas, on Thursday, December 5, 2013.

The PAC-3 missile, powered by Aerojet Rocketdyne propulsion, is a high velocity interceptor that defeats incoming targets by direct, body-to-body impact. The "hit-to-kill" PAC-3 missile is the world's most advanced, capable, and powerful terminal air defense missile, and when deployed in a Patriot battery, significantly increases the Patriot system's firepower. It is capable of defeating the entire threat of tactical ballistic missiles (TBMs), cruise missiles, and aircraft. One hundred percent effective in Operation Iraqi Freedom, the PAC-3 missile is a quantum leap ahead of any other air defense missile when it comes to the ability to protect the warfighter.

Since 1998, Aerojet Rocketdyne has manufactured the PAC-3 SRM and ACM rocket motors at its Camden facility. The PAC-3 rocket motors are a noteworthy element of Aerojet Rocketdyne's industry-leading tactical propulsion portfolio produced in Camden, generating significant employment opportunities for the area.

On the occasion of this milestone, I am proud to recognize the dedicated, hardworking employees of Aerojet Rocketdyne in Camden and their achievements so far. These Arkansans are working hard to ensure our men and women in uniform have the resources they need to carry out their missions effectively and quickly, and they deserve our sincere appreciation.

IN HONOR OF JIMMIE JOHNSON  
AND THE NO. 48 LOWE'S TEAM

**HON. RICHARD HUDSON**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate Jimmie Johnson for

winning the 2013 NASCAR Sprint Cup Series Championship. With this achievement, Jimmie has earned his sixth Sprint Cup championship, further securing his spot in racing history.

North Carolina's Eighth Congressional District is home to many of NASCAR's greatest teams and, without a doubt, some of NASCAR's biggest fans. The Charlotte Motor Speedway, one of the premiere tracks where NASCAR races, sits in my hometown of Concord, North Carolina.

Jimmie Johnson, his No. 48 Lowe's team, and Hendrick Motorsports skillfully clinched the Sprint Cup title, swiftly leaving other teams in the rearview mirror. But more than a champion driver, Jimmie uses his platform as one of the best drivers in NASCAR history to assist those in need. From public education to disaster relief efforts and rebuilding homes, he has raised more than \$5.6 million to better the lives of our children and families across the nation.

The impact Jimmie has had on our local communities is undeniable, and we are grateful for his commitment to help those in need. I am proud to represent Jimmie Johnson, Hendrick Motorsports as well as NASCAR, and we are thankful for the success this championship team brings to our state.

TRIBUTE TO JUDGE DORENE  
ALLEN

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Midland County Probate and Family Court Judge Dorene Allen in recognition of her receiving the Daniel J. Wright Lifetime Achievement Award, presented on November 26, 2013. This honor is extended to those with the most distinguished careers in serving Michigan's children and families. Judge Allen's passion for improving the lives of children and strengthening families in my hometown of Midland and across the state of Michigan makes her more than deserving of this award.

Graduating with a Bachelor of Arts from the University of Michigan, and a Juris Doctor from the Michigan State University Detroit College of Law, Judge Allen began helping children as a private practice attorney handling probate and family law cases. In 2001, Judge Allen was first elected to the Midland County Probate Court.

Throughout her time on the bench, Judge Allen has focused her courtroom on successful outcomes for our community's youth, and worked to strengthen all families. Her outstanding efforts have resulted in the use of a multi-systemic therapy program, which has helped to significantly reduce the county's juvenile delinquency rate. Additionally, Judge Al-

len's involvement was instrumental in establishing Midland County's Baby Court, a ground-breaking collaborative effort to stop the neglect and abuse of infants and toddlers, while keeping families united.

Judge Allen's service to children and families does not stop in the courtroom. Judge Allen serves on the Michigan Committee on Juvenile Justice, a 15 member committee focused on implementing and improving effective juvenile justice policies and programs. She is also an active member of the Michigan Probate Judges Association, serving as the Chair of the Juvenile and Adoption Committee, and Juvenile Issues Committee.

Judge Dorene Allen's many successes, continued dedication to public service, and ongoing commitment to the families of the State of Michigan distinguish her as a deserving recipient of the Daniel J. Wright Lifetime Achievement Award. On behalf of the Fourth Congressional District of Michigan, I extend my congratulations to Judge Allen upon receiving this high honor, thank her for her contributions to our community and state, and wish her continued success in all her future endeavors.

WINNER OF THE 1ST ANNUAL HISPANIC  
HERITAGE MONTH ESSAY  
CONTEST FOR THE 27TH CON-  
GRESSIONAL DISTRICT OF  
TEXAS

**HON. BLAKE FARENTHOLD**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. FARENTHOLD. Mr. Speaker, Hispanic Heritage makes a great influence in my life because it is a way of life. This culture is deeply important to me because it represents who I am, how I live my life, and how I view the world. All these characteristics form part of my life and personality, which I love, and lead me to proudly say that I am honored to be Hispanic.

Hispanic Heritage Month means celebrating our heritage by sharing stories and informing others of our traditions and customs, while honoring where we came from. As we share stories about the traditional Christmas posadas, Día de los Muertos celebrations, and the famous Grito de Independencia, we let others know more about our lives and at the same time spread our culture.

As a Hispanic, I have strict, conservative parents who have made me the person I am today. I have inherited ideas such as being respectful to our elders, the willingness to work, attending church, dedicating myself to help others, and above all being a strong person who overcomes obstacles I may face; these are important Hispanic characteristics that have been enforced to me by my parents and grandparents. All this has helped me during

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

my lifetime and will continue to lead me in the correct path as I aspire for my life goals. I have many goals for my future, and my biggest dream is to one day become a physician assistant and make a difference in people's lives by helping those in need. My parents have taught me to use perseverance and never stop fighting for what I want because I can reach anything I put my mind to, and I know that with their advice and my hard dedication I can get very far in life. Hispanics are people who never give up when it comes to accomplishing their life goals and will face sacrifices and have dedication to reach their goals and persuade others to do the same.

Hispanic Heritage may fade away in families who move to live in the United States and adopt another culture. As a Hispanic, I consider it my duty to make sure that my heritage is not forgotten. As my parents have done with our family, I will ensure that our heritage is protected for generations by telling others about our traditions and customs. When I have a family of my own I will tell them all the memorable stories my parents told me about our family traditions. I will continue to use traditions, such as the piñatas, language, posadas, dances, and foods, to keep the Hispanic heritage alive in my life and inculcate those values to my descendants.

As a proud Hispanic I will never forget where my family's roots initiated. Even though I live in a different country with a different type of life and traditions, my Hispanic heritage will always remain in my memories and deep in my heart.

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IN RECOGNITION OF THE FIRST  
SERGEANT JAMES A. KEATING  
MEMORIAL

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**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. KEATING. Mr. Speaker, I rise today to recognize the dedication of the First Sergeant James A. Keating Memorial Monument in Sharon, Massachusetts.

I was never fortunate enough to meet my uncle, Sergeant James Keating, as he was killed in the line of duty while bravely fighting for our country in World War II. A Silver Star recipient, Sergeant Keating was a man I greatly admired growing up, and his memory lived on in our family as a true example of what it means to serve one's country.

As a Member of Congress, I believe one of my most important responsibilities is to honor the men and women who have given so much to ensure our freedom. I am thankful for the countless individuals who have served the United States, and for the people who work every day in order to honor our veterans and active-duty servicemen.

Mr. Speaker, please join me in recognizing the dedication of the First Sergeant James A. Keating Memorial Monument in Sharon, Massachusetts. I ask that my colleagues join me in this recognition, and in honoring all of the men and women who have given so much in service to the United States of America.

RECOGNIZING VARSITY BRANDS  
AND THE SERVICE OF FLORIDA'S  
YOUTH ON NATIONAL SCHOOL  
SPIRIT DAY

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, I am pleased to recognize Varsity Brands and the service of Florida's youth on National School Spirit Day. In 2009, Varsity Brands designated the second Friday of October as National School Spirit Day to showcase the differences cheerleaders and dancers make in their schools and communities—as mentors, community service leaders, and positive role models.

Varsity Brands, which holds the Universal Cheerleading Association's (UCA's) National Championships and the International All Star Championship at Walt Disney World Resort in Orlando, Florida, has encouraged school cheerleaders and dancers to take part in community service activities, pledging more than 465,000 community service hours since 2009.

In conjunction with National School Spirit Day on October 11, 2013, Varsity Brands launched Cheer for a Healthier America, a program aimed to enlist high school student cheerleaders, dancers, and student athletes as ambassadors to get local elementary school kids more involved in physical activities and teach them about making healthy choices.

On behalf of the citizens of Central Florida, I applaud the service of Florida's youth and Varsity Brands in conjunction with National School Spirit Day. May their example of sportsmanship and community inspire others to follow in their footsteps.

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RECOGNIZING NEAL INGALLS  
SANDERS FOR HIS 33 YEARS OF  
SERVICE TO THE OPEN DOOR  
COMMUNITY HEALTH CENTERS

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**HON. JARED HUFFMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. HUFFMAN. Mr. Speaker, I rise to recognize Neal Sanders for his 33 years of faithful service on the Board of Directors of the Open Door Community Health Centers.

Originally from Covina, California, Neal Sanders has demonstrated a life-long commitment to community service, including a successful career as one of the most highly respected and desired criminal defense attorneys of Humboldt County. A graduate of California Western in San Diego, he earned his Bachelor of Arts degree followed by his Juris Doctorate at McGeorge School of Law in Sacramento. Neal Sanders is a member of the California State Bar, lifetime member of the Traynor Society, and recipient of the American Jurisprudence Award. His passion for helping others extends beyond his career to his roles as former chair and commissioner of the Human Rights Commission, former board member of the Humboldt Arts Council, former

board member and chair of Redwood Legal Assistance, and current board member of the Open Door Community Health Centers.

When Neal Sanders joined the Open Door Board of Directors in 1980, he joined an organization committed to expanding access to quality health care on California's north coast, regardless of age, income, or ability to pay. Through 33 years of unprecedented growth, he has served in a variety of positions including chair of the board. Neal Sanders helped guide Open Door from a small storefront operation to being the largest primary care provider in Northern California. He was instrumental in securing the USDA loan that helped build the Humboldt Open Door Clinic in Arcata—the first fully functional health center in the Open Door system. Neal Sanders continues to share his time, talent and commitment as an active board member and leader in health care access for all residents of the north coast.

Mr. Speaker, Neal Ingall Sanders' dedication to serving his community, and specifically his decades of service to the Open Door Community Health Centers, is commendable and worthy of recognition. I urge my colleagues to join me in recognition of his many contributions to the people of Northern California.

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RECOGNIZING ROUND LAKE AREA  
AMERICAN LEGION POST 1170  
AND HONORING EDGAR AND  
ERIK GARCIA FOR ORGANIZING  
ITS RENOVATION

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**HON. BRADLEY S. SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. SCHNEIDER. Mr. Speaker, I rise today to honor the inspiring story of Erik and Edgar Garcia's plans to renovate the Round Lake Area American Legion Post 1170 in my district.

Post 1170 was beginning to show its age. The walls, the floors, the chairs, the lights—serious renovation was needed. The veterans who fill its halls deserved better.

Two young, enterprising brothers from Boy Scout Troop 275 decided they would lead it. With the help of Troop Leader Paul Socha, Commander Steven Hall and their fellow scouts, Erik and Edgar designed their plan and organized the support they needed. But, willing as they all were to do the work, they still needed supplies—lots of supplies.

That's where the local Home Depot came in.

With donated materials and gift cards, Home Depot single-handedly covered 90 percent of the total cost. More importantly when the time came to start the work, 30 Home Depot employees pitched in to help with the labor.

Finally, with the supplies fully paid for and the tremendous outpouring of support from the community, Erik and Edgar's plan was not only off the ground, but soaring. Today, Post 1170 is bright and brand new. The turnaround is remarkable, though not surprising given the vision, dedication and hard work shown by Erik and Edgar and their fellow scouts.

Mr. Speaker, I am immensely proud of what our community was able to do together. They rallied behind Troop 275, and the results are nothing short of remarkable.

Mr. Speaker, this is an inspiring story and another example of why our communities in Illinois's Tenth District are so close and so strong.

HONORING THE 150TH  
ANNIVERSARY OF SAN JOSE HIGH

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. LOFGREN. Mr. Speaker, I rise with my colleague Representative MIKE HONDA to recognize the 150th Anniversary of San Jose High School.

It is not often that we get to honor an institution established during the Civil War; one that has witnessed our country's greatest triumphs, and withstood our greatest challenges.

Founded in 1863, San Jose High is the second oldest public high school in California. With humble origins in the second-story room above Orbon's flour store, it has been destroyed by earthquake, rebuilt and relocated many times, but San Jose High has persisted.

When it arrived at its current location in 1952, the original building was selected by the New York City Museum of Modern Art as one of the forty-three outstanding buildings of the postwar period.

Although it is responsible for the education of a number of successful Alum, San Jose High has the rare distinction of having educated four members of Congress: the Honorable John Anderson; former Secretary of Transportation, the Honorable Norman Mineta; our colleague Representative MIKE HONDA; and my predecessor, the Honorable Don Edwards.

San Jose High has a history of establishing forward thinking and unique educational programs. In 1985 it began offering the International Baccalaureate Diploma, a qualification widely recognized by the world's leading universities. The program's challenging and rigorous course work attracts students from all over Santa Clara County.

Not one to rest on its laurels, in 2007 San Jose High created a specialized engineering program to encourage students to enter STEM fields and prepare them for their continuing education. The curriculum includes courses on Engineering Design, Digital Electronics and Biotechnical Engineering. Coupled with the state-of-the-art Career Technology Engineering Building, opened in 2010, San Jose High is ensuring that its students are prepared for a 21st century economy.

We wish to congratulate San Jose High School on its 150th anniversary, and commend its faculty and staff, both current and former, for their hard work and dedication in educating the children of San Jose.

THE PASSING OF JEANET HALL

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to pay tribute to an exemplary Christian whose life of service to both God, and her fellow man, was an inspiration to both her children and her community.

Jeanet Hall passed away on Thursday, November 21st, 2013 at the age of 76. Though she is no longer with us, she leaves behind a lifetime of selflessness. Jeanet lived for her family, attending to her seventeen children, sixty-eight grandchildren, sixty-three great-grandchildren, ten great-great grandchildren, three adopted daughters; two nephews, two nieces, two great-nephews, one great-niece; and two godchildren.

All the while, she was also involved in ministry at Bethel Baptist Church and served faithfully in the choir, driving the bus for the Evangelism Ministry and attending all special programs and church activities.

I extend my condolences to Jeanet's family and friends, but may they, as well as all of us, take strength in the selfless contributions and sincere love that Jeanet has left for us to emulate.

TRIBUTE TO JFK

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the 50th anniversary of the passing of an extraordinary and progressive individual, our 35th President of the United States, John Fitzgerald Kennedy. President Kennedy was elected during a time period when change was imminent even in the midst of resistance. Throughout a tumultuous time in this country's history, President Kennedy stood strong against those who saw this nation's progress as a threat.

During the height of the civil rights movement, President Kennedy's willingness to engage in the struggle for the equal rights of all people transcended the era. He embraced civil rights and encouraged an entire nation to join him in the fight for justice. His civil rights engagement was seen as a turning point in the fight for equality.

President Kennedy also advocated for technological advancement and encouraged unprecedented innovation during his time. As the ranking member on the Science, Space and Technology committee, I admire the will of President Kennedy to further our country's space exploration capabilities. President Kennedy placed an emphasis on the country's scientific competitiveness that few considered necessary. President Kennedy displayed a courageous and resilient vision for this country that is consistent, in every way, with the title of Commander-in-Chief.

Today, many cities around the country, including my district in Dallas, will hold cere-

monies to commemorate his legacy. Mr. Speaker, I ask my colleagues to join me in recognizing his legacy. May his eternal flame continue to burn as a symbol of his lasting impact on this country.

IN RECOGNITION OF THE  
HONORABLE CALVIN SMYRE

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a distinguished public servant, devoted man of faith and dear friend to my wife, Vivian and me, Georgia State Representative Calvin Smyre. Representative Smyre was honored for his contributions to Greater Ward Chapel A.M.E. Church on Sunday, November 24, 2013 at 11 a.m. in Columbus, Georgia.

Representative Smyre earned a degree in Business Administration from Fort Valley State University. In 1974, he was elected to the Georgia House of Representatives as its youngest member at 26 years of age. I was fortunate to have the opportunity to serve with Representative Smyre during my own tenure in the Georgia General Assembly, and we became great friends.

A longtime statesman, Representative Smyre has built a repertoire of legislative accomplishments. He currently serves on the Appropriations Committee and the Rules Committee and is the former Chairman of the House Minority Caucus. He played major roles in authoring and sponsoring important legislation, including the legislation making Dr. Martin Luther King, Jr.'s birthday a state holiday; creating the Georgia Dome, home of the Atlanta Falcons; and creating a new Georgia State Flag. He is President Emeritus of the National Black Caucus of State Legislators.

In addition to his legislative achievements, Representative Smyre has also built a successful business career. He has served as Executive Vice President of Corporate External Affairs of Synovus and President of the Synovus Foundation. He also serves as one of eight members of the company's Corporate Executive Group. Synovus, a Columbus, Georgia-based diversified financial services holding company, has been named one of Fortune magazine's "100 Best Companies to Work For" in America multiple times.

Yet, Representative Smyre is more than a legislator, he is more than a business executive, he is a servant to all humankind and still finds time to serve his community. He has held leadership and membership positions on numerous boards, foundations and organizations. Dr. Maya Angelou once said that, "I've learned that you shouldn't go through life with a catcher's mitt on both hands; you need to be able to throw something back." Representative Smyre continues to throw a prodigious amount of love and service back to the Columbus, Georgia community, the State of Georgia, and our country.

But most importantly, Representative Smyre is a devoted Man of God. Greater Ward Chapel A.M.E. Church has been his home for more

than fifty years, the members of the congregation are his family, and worship is his sustenance. Representative Smyre has made numerous contributions to the Church and for that, he has been honored with the "Calvin Smyre Tree of Life." This is the Church's way of thanking Representative Smyre for pouring his heart, body, and soul into Greater Ward Chapel A.M.E.

Mr. Speaker, I ask my colleagues to join me, my wife Vivian, Greater Ward Chapel A.M.E. Church, and the Columbus, Georgia community in honoring Georgia State Representative Calvin Smyre for his dedicated service, leadership, and faith.

RECOGNIZING THE 25TH ANNIVERSARY OF THE TREASURE COAST FOOD BANK

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. POSEY. Mr. Speaker, for the past twenty-five years employees and volunteers from the Treasure Coast Food Bank have been aiding in the mission to alleviate hunger by collecting and distributing food and other essentials to local Florida residents in need. Our community has been well-served by the staff and volunteers of Treasure Coast Food Bank and they are to be commended for twenty six years of hard work and dedication in serving our community.

The Treasure Coast Food Bank is one of 14 food banks in Florida and the only food bank to serve the four county areas of Indian River, St. Lucie, Martin, and Okeechobee counties.

Led by CEO Judith A. Cruz and the dedicated staff of the Food Bank, the Treasure Coast Food Bank is a nonprofit clearinghouse that collects, stores, and distributes useable surplus food to non-profit organizations that then provide it to those in need at no cost.

Treasure Coast Food Bank is a partner with Feeding America (formerly called America's Second Harvest) the national network of more than 200 food banks. In 2011, Treasure Coast Food Bank distributed almost 8 million pounds of food within our communities.

In addition to their core mission, Treasure Coast Food Bank provides educational resources and guided tours of their headquarters to the public so our community can gain a greater understanding of what a Food Bank does, how it serves a critical role in fighting hunger on the Treasure Coast and how the public can become more involved in supporting the Food Bank and its clients.

The Treasure Coast Food Bank has enjoyed a longstanding reputation for treating all people with respect and dignity. I commend all of those who have given time and support over the last 25 years to sustain the Treasure Coast Food Bank and ensure that it can fulfill its mission. We are all proud of their success and commitment to serving our community.

Throughout the course of American history, non-profit and charitable organizations have always played a critical role helping those in need. The Treasure Coast Food Bank is a living testament to that effort. They allow each

and every one of us to directly make a difference in the lives of those who have fallen on hard times and need a helpful hand. Organizations like the Treasure Coast Food Bank are often more successful, more compassionate and more personally connected than a government program.

As we enter the holiday season, this is a good time for us to think about those who may be in need and consider ways that we might support efforts like those of the Treasure Coast Food Bank.

HONORING MR. JOSEPH R. DEBRO

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a fellow Mississippian, Mr. Joseph R. Debro, who passed away on November 5, 2013, three days after his 85th birthday. Joseph Debro was a staunch advocate for workers civil rights and justice. Joseph may have had a totally different life because as a young man, he had a strong desire to serve his country in the military and, in fact, received an appointment to West Point from Congressman Adam Clayton Powell, but Joe's physical examination revealed a medical issue—Sickle Cell Anemia Trait—which precluded his appointment. That set-back did not deter Joe from moving forward and seeking new avenues to achieve his goals.

Joseph Debro was by education and training a scientist, having received his undergraduate degree in Bacteriology and his Masters degree in Biochemistry from the University of California at Berkeley. Joe held several important positions in his field after graduation—Research Assistant at UCSF, and NASA Bio-Chemical Engineer (where he worked on the Environment of the first space capsule). Joe later entered the business world, where we all felt he had found his true calling by challenging long-standing practices of discrimination and racial exclusion in trade unions and government contracting. Fighting racial injustice would be Joe's primary struggle to the end of his life. In his early days, he joined another advocate, Ray Dones, and organized over 300 Black contractors and was the co-founder of the National Association of Minority Contractors. He also founded the first minority-owned surety company in the United States—the Builders Mutual Surety Company.

Joe's work did not go unnoticed, he was appointed by then California Governor Jerry Brown to be the Director of the State of California Office of Small Business. Joe later became a co-founder of Trans Bay Engineering, a company with the signature accomplishment of renovating the long dormant Alice Arts Center, now known as the Malonga Casquelord Arts Center in Oakland.

Joseph Debro was probably the one person who was responsible for the increase of minority trainees in Northern California unions. In every contract that was awarded, Joseph tried to find ways to include women and minority-owned businesses and received numerous awards in recognition of his efforts.

Joseph served over 40 years on the board of the Housing Assistance Council, whose mission is to construct affordable housing for low-income people throughout the country. I was honored to serve on that board with Joe for over 20 years.

One of Joe's longest running and most passionate struggles to right a wrong was the lawsuit he initiated against the Oakland Raiders for receiving a loan of \$465 million from the City of Oakland that was never repaid.

After retirement, Joe continued to be active in his community and began writing for several community newspapers (including the San Francisco Bayview, a national black newspaper; the East Bay Express, and the Oakland Post). Joe was a member of the Oakland Kiwanis club, serving on the scholarship committee.

Joe is survived by his wife of 63 years, Anita, who was his strongest supporter along with his three sons, Keith, Karl and Kraig.

Joe will be truly missed by all who knew him.

COMMEMORATING FLORENCE  
COUNTY DEPUTY JOSEPH  
ANTWINE

**HON. TOM RICE**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. RICE of South Carolina. Mr. Speaker, it is with much sadness that I rise today to commemorate Florence County Deputy Joseph Antwine. Last week, the Florence County Sheriff's Department and South Carolina's Seventh District lost a young and upcoming deputy in the line of duty.

Joseph Antwine of Lake City, South Carolina, was responding to a fellow deputy's call for immediate assistance when his car crashed. A recent Citadel graduate, Deputy Antwine earned his degree in criminal justice. At the Citadel, his leadership and loyal service to the Corps of Cadets was recognized when he was presented with the Col. Joseph E. Perkins Honor Committee Award.

Deputy Antwine was a dependable young man, dedicated to his work and protecting our community. Even at his young age, he has been a role model to many and a model of public service.

My thoughts and prayers go out to his family and friends and the Florence County Sheriff's Department.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE EDISON CRICKET CLUB

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. PALLONE. Mr. Speaker, I rise today to recognize the 10th anniversary of the Edison Cricket Club. The organization continues to serve as an outstanding social and athletic club in Middlesex County, New Jersey.



Since its establishment, the Edison Cricket Club has provided an outlet for the community to be active and enjoy the sport of cricket. Its members have worked tirelessly to promote the sport, which has helped the club grow. The club's home ground is based at Thomas Jefferson Middle School in Edison. In addition to club-sponsored events, including its annual awards celebration, its members also participate in community service and charitable events. It has also worked with the Edison School Board to host a summer camp for local children.

The club is currently comprised of three teams and competes in four leagues: the Cricket League of New Jersey; the Millennium Cricket League; the New Jersey State Cricket and Umpire's Association; and the New Jersey Softball Cricket League. The Edison Cricket Club joined the Cricket League of New Jersey in 2004 and is currently one of 48 clubs in the league. After joining, the Edison Cricket Club quickly moved into Conference A of that league and in 2010 earned 2nd place in the conference final.

The club is currently led by its president, Atul Huckoo. It has an Advisory Board consisting of public officials and representatives of media outlets, organizations, and others.

Mr. Speaker, once again, please join me in congratulating the Edison Cricket Club on its 10th anniversary.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,217,151,645,105.86. We've added \$6,590,274,596,192.78 to our debt in 4 years. This is \$6.5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

#### CONGRATULATING KATHY TUELL FOR HER ANGEL IN ADOPTION DESIGNATION

#### HON. JOE GARCIA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to recognize a woman whose commitment to improving the lives of children in the Florida Keys is only eclipsed by her success in doing so. In her eighteen years as President and CEO of the Florida Keys Children's Shelter, Kathy Tuell has served the needs of hundreds of children still without a family to call their own. These efforts proved fruitful during her participation in the federal workgroup that established basic standards for programs funded under the Runaway and Homeless Youth Act.

It is my pleasure to congratulate Ms. Tuell for her recognition as one of this year's Angels

in Adoption by the Congressional Coalition on Adoption Institute.

I commend Ms. Tuell for her accomplishments and service, as she serves as an exemplar citizen and advocate of the less fortunate.

#### NO WORDS—THANKING AMERICA'S ARMED FORCES AND THEIR FAMILIES THIS THANKSGIVING

#### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. GARDNER. Mr. Speaker, I rise today in honor of the selfless sacrifice and service of The Armed Forces and their families to our Nation on this Thanksgiving Day. Across this Nation many families will be separated by War and Death on this Thanksgiving. Remember all of them, as you sit down with your families and say a prayer of Thanks to them all. I submit this tribute penned in honor of them "No Words" by Albert Carey Caswell.

NO WORDS

(By Albert Carey Caswell)

No words!

No words of thanks can express!

On this Thanksgiving day,

what we so owe to America's Best!

And no words of thanks can ever repay the debt!

That we owe,

for what you so gave without regret!

And no words can erase,

all of the pain and heartache that you've faced!

And no words can so mend, the loss of your loved ones, and your best friends!

And no words can ever describe,

all of the worry and heartache that you've lived with inside!

And no words can ever repay,

all of you whose eyes and arms and legs so gave!

And no words of thanks and gratitude can so rise!

High enough,

to thank all of you whose loved ones died!

And no words can ever heal,

all of the pain of which you now feel!

And no one can explain,

to all of those children . . .

that their mommy and daddy aren't coming home again!

And no words can so repay,

all of those Doctors . . .

Nurses, Medics, Corpsman, who helped rebuild your lives . . .

and from death you so saved!

For no words can so express, our Nation's gratitude on This Thanksgiving to America's Best!

And no words can so bring back,

all of those Husbands and Wives,

Sons and Daughters . . .

Brothers and Sisters,

whose courage did not so lack!

And no words can ever repay,

all of you, America's Heroes on This Thanksgiving Day!

But Thanks!

To all of those in hospitals who now so lay!

And no words can not so stop all of those tears,

around Thanksgiving dinners,

for all of those who could not be here!

But Thank You!

Thank You!

Thank You!

Thank You This Thanksgiving Day!

A prayer for all of you upon bended knee we now so pray!

Because no words can thank you enough on this Thanksgiving Day,

Amen!

#### CELEBRATING THE 150TH ANNIVERSARY OF THE STATUE OF FREEDOM

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in celebrating the 150th anniversary of the Statue of Freedom, which sits atop the dome of the U.S. Capitol, and Philip Reid, the African American enslaved laborer who made significant contributions in the casting of the bronze figure. Originally named Freedom Triumphant in War and Peace, Reid was the only known slave to work on the colossal figure that stands at 19½ feet and weighs approximately 15,000 pounds.

Phillip Reid was born a slave in Charleston, South Carolina around 1820, and was purchased during his youth by Clark Mills, who quickly recognized Reid's skills in ironworks. The first major project Mills and Reid worked on was the Andrew Jackson statue in Lafayette Square in 1852. The success of the Jackson statue made Mill's foundry the top candidate for the Statue of Freedom project. In 1859, the plaster model was being showcased outside the Capitol waiting to be disassembled for casting at the foundry. However, the Italian sculptor who assembled the five main sections of the plaster model in Washington refused to reveal how to separate the figure and demanded a pay raise. Facing a dire situation, Philip Reid stepped up and figured out that by using a pulley and tackle to pull the ring atop the model, the seams of the sections would be revealed. His dedication to see the Statue of Freedom complete pushed him to work straight through July 1, 1860, to May 16, 1861. Mr. Reid worked weeks without a break, only receiving pay on Sundays, which was given as a rest day for enslaved laborers. On Sundays, he received a pay of \$1.25 and went on to work for 33 Sundays, receiving \$41.25.

Philip Reid finally received his freedom on April 16, 1862, through the D.C. Compensated Emancipation Act, which ended slavery in the District of Columbia. Reid eventually went on to marry, start a business and become a highly respected member of the Free Black Society of the District of Columbia.

Mr. Speaker, I ask the House of Representatives to join me in honoring Philip Reid for his tireless effort as we celebrate the 150th anniversary of the Statue of Freedom on December 2, 2013. As Americans, it is crucial that we honor and commemorate this 150th anniversary of the Statue of Freedom. The completion of the statue on December 2, 1863, not only signified an era of newly minted freedom for

the thousands of former enslaved African Americans, but it now stands as powerful symbol for freedom around the world.

Edward Savoy left the State Department, with a wealth of knowledge and the admiration of many in the United States and abroad. On his final day of work, President Franklin Delano Roosevelt sent his limousine to pick up Edward Augustine Savoy from the diplomatic entrance of the State Department to chauffeur him to the White House to be thanked for his service and congratulated on his retirement in a private meeting with the president. Edward Savoy was so revered that less than a year after his death, a U.S. Liberty Ship named for him was launched, the SS *Edward A Savoy*. Liberty Ships were named for deceased prominent Americans, among them were 17 named for African-Americans when the Army and Navy were still racially segregated.

Edward Savoy was also revered in his private life. He was a great family man, raising four successful children alone after his wife died. Edward was an early leader in District of Columbia organizations active in seeking justice. Among the many organizations in which he was active were The Oldest Inhabitants Association (Colored) of The District of Columbia and the Prince Hall Freemasons. Edward Augustine is interred in Historic Woodlawn Cemetery in Southeast Washington, DC.

Mr. Speaker, I ask the House to join me in honoring Edward Augustine Savoy on the 70th anniversary of his death and for his tireless work as a public servant. His life and public service are steeped in America's History and deserve to be remembered.

#### CELEBRATION OF WORLD AIDS DAY

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in celebration of World AIDS Day which we celebrated on Sunday, December 1. Each year since 1988, we commemorate those who have died and show our support for those living with HIV.

While numerous scientific advances have been made in HIV treatment, World AIDS Day reminds us that HIV is still destructive and that there is no cure. There is still a critical need for funding, research, and education in our country and abroad.

The passage of the President's Emergency Plan for AIDS Relief and Stewardship and Oversight Act (PEPFAR) is encouraging because of the necessity of an international response to the ongoing HIV/AIDS pandemic. Eleven years ago, I initiated the first round of PEPFAR talks with President George W. Bush while I was the Chair of the Congressional Black Caucus.

As we embark on another reauthorization of the Ryan White CARE Act, it is imperative that we remain diligent in the battle against AIDS. I will continue to do what is necessary to engage in this fight to promote public health around the world. I urge my colleagues to fight this battle and to join me as we recognize World AIDS Day.

#### RETIREMENT OF CHP OFFICER RUDY CONTRERAS

**HON. JOHN GARAMENDI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. GARAMENDI. Mr. Speaker, I rise today to recognize Officer Rudy Xavier Contreras, Jr., who is retiring this December after 30 years of law enforcement service with the California Highway Patrol.

After graduating from the CHP Academy in West Sacramento on December 22, 1983, Officer Contreras served with the CHP across the State of California, including many years in the Solano and Woodland areas. He handled a variety of assignments throughout his career, with assignments ranging from Field Training Officer to Officer in Charge. During Officer Contreras' assignment to Dignitary Protection, he served a distinguished term as my security officer when I was California's Insurance Commissioner and Lieutenant Governor. He was also the primary officer assigned to Lieutenant Governor Abel Maldonado and State Insurance Commissioner Dave Jones.

Officer Contreras was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic. He has become a dear friend and I thank him for his service.

#### SALUTE TO CHIEF DOUGLAS MULDOON

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. POSEY. Mr. Speaker, I rise to recognize the service of Palm Bay Police Chief Douglas Muldoon. Chief Muldoon has dedicated the last 36 years of his life to making our community a safer place to raise our children and pursue our dreams. Throughout 2013, he has served as the National President of the FBI National Academy Associates (FBINAA).

Chief Muldoon began his career in local law enforcement in 1976 as an officer with the Palm Bay Police Department. He spent a large part of his career working as a local liaison to the FBI, having graduated from the FBI National Academy. The National Academy is a professional course of study for U.S. and international law enforcement leaders with rigorous training in the latest innovative techniques of law enforcement.

In 1998, Chief Muldoon served as the President of the Florida Chapter of the FBI National Academy Associates and, for the past year, he has served as President of the FBI National Academy Associates. His experience, training, and dedication to law enforcement have greatly enhanced the Palm Bay Police Department.

Our city is blessed to have someone who has taken such an active role in serving our community and our nation, and I am proud of his commitment to making Palm Bay a safer place to live.

#### IN RECOGNITION OF THE 2013 UPPER DARBY HIGH SCHOOL CHEERLEADING TEAM ON WINNING VARSITY BRANDS' NATIONAL SCHOOL SPIRIT DAY

**HON. PATRICK MEEHAN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Upper Darby High School cheerleading team on winning the 2013 Varsity Brands' National School Spirit Day. The Upper Darby Cheerleaders collected hats, gloves and other warm clothing items for survivors of domestic violence throughout the month of October.

Varsity Brands' National School Spirit Day began in 2009 as a way to honor the efforts of cheerleaders and dancers around the country who are making a difference in their schools and communities. Over the past five years, cheerleaders and dancers have pledged more than 500,000 community service hours as a part of National School Spirit Day.

The Upper Darby High School Royals won first place in this nationwide contest. As October is Domestic Violence Awareness Month, the Royals honored survivors with their warm clothing drive. The Upper Darby Police Department learned what the cheer squad was doing and decided to join in the effort. During a home football game, the Chief of Police joined the Upper Darby High School cheerleaders in presenting the warm clothing items to women and children. By the end of October, the Upper Darby Community had helped the cheerleaders donate more than 1,000 items of warm clothing.

Congratulations to the Upper Darby High School Royals on their first place finish in the 2013 Varsity Brands' National School Spirit Day, an honor that recognizes the cheerleaders' great leadership, community service and compassion.

#### 35TH ANNIVERSARY OF THE MARS INCORPORATED FACILITY IN GREENVILLE, MISSISSIPPI

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to commemorate the 35th anniversary of the Mars, Incorporated manufacturing facility in Greenville, Mississippi—an important institution in our community since its opening in 1978.

Mars, Incorporated is a family-owned, American company that started when Frank C. Mars made the first Mars candies in his kitchen in 1911. Today, Mars is a global company that employs more than 72,000 Associates worldwide with more than one third of them being employed here in the United States. The company's investment in its Associates has earned it a place on Fortune magazine's list of "100 Best Companies to Work For."

At the Greenville facility, Mars Food North America makes products bearing some of America's favorite brands, including Uncle Ben's®, which is the number one rice brand in the United States. Our Greenville facility also makes products for the Seeds of Change® brand, which makes organically grown seeds and Organic Food products. I'm proud to congratulate Seeds of Change® on winning a 2013 Vegetarian Times Foodie Award.

Mars' Greenville facility has played a significant role in the health of our local economy. Over 160 people work in the facility, which originally opened with just 5 packaging lines and 1 processing line. The facility has repeatedly expanded to house additional lines and manufacturing areas, and Mars continues to invest in our economy as it completes a \$42 million multi-year investment in the facility.

I am thankful that Mars' investments and longstanding relationship with our community extend beyond the facility. Mars supports Greenville public schools through its Blessings in a Backpack program, and worked to help improve the local Boys and Girls Clubs in the region. Mars Food has also done its part to encourage healthy cooking and eating from a young age by having the Uncle Ben's® brand launch its nationwide Ben's Beginners™ Cooking Contest.

This Friday, I will be honored to join state and local officials in Greenville to commemorate this longstanding relationship through a special celebration. Again, I congratulate Mars for reaching this 35-year milestone and hope that this facility will continue to be a member of our community for many more decades to come.

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REMEMBERING EDWARD  
AUGUSTINE SAVOY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in remembering Edward Augustine Savoy, a freeman of color who held one of the highest government positions possible for an African American at the time, Chief Messenger to the Secretary of State, on the 70th anniversary of his death.

Edward Augustine Savoy was a third-generation Washingtonian born to a father who was a former slave and a mother who was a teacher in Northwest Washington, D.C. in 1855. Edward Savoy's illustrious career spanned 64 years, during which he worked for 21 Secretaries of State. Through 14 presidencies he played a significant role in many of the historic events in our nation. Even though Edward Savoy never ascended higher than Chief Messenger to the State Department because of the color of his skin, Edward Savoy still managed to become a great public servant, and was well known and respected by politicians, dignitaries, and international emissaries alike.

Edward Savoy began his career at the young age of 14 as page for the State Department in 1869, serving Secretary of State Ham-

ilton Fish. In a time that was especially difficult for African Americans, Edward Savoy had a remarkable career as a public servant. Edward Savoy's intelligence, tactfulness, and remarkable memory allowed him to become a trusted employee inside the State Department, privy to confidential information, such as coming wars, yet never violated the trust placed in him.

In 1914, Secretary of State William Jennings Bryan recommended Mr. Savoy for promotion and President Woodrow Wilson authorized this promotion in an executive order. President Herbert Hoover's Vice President, Charles Curtis, and two Secretaries of State, Frank Billings Kellogg and Henry Lewis Stimson, intervened to extend his federal service past mandatory retirement age. Secretary Stimson called the native Washingtonian "indispensable." In 1931, a bill was introduced by Congressman Hamilton Fish III of New York asking Congress to extend the employment of Edward Augustine Savoy "indefinitely despite his years." This would have been the third extension of his retirement. Secretary of State Henry L. Stimson retained Mr. Savoy as a personal assistant, paying his wages from his own paycheck. In 1933, at the age of 77, Edward Augustine Savoy retired under Secretary of State Cordell Hull, after 64 years of uninterrupted federal service in the State Department, unheard of even in today's time.

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HONORING IRENE STAGGERS HARRIS  
FOR HER DESIGNATION OF  
BISHOP

**HON. JOE GARCIA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. GARCIA. Mr. Speaker, I rise today to recognize Mrs. Irene Staggers Harris, whose tireless efforts within her parish, as well as her community, have earned her the title of Bishop.

The daughter of the late Pastor Arthur Staggers, Mrs. Staggers Harris has a lifetime of faithful church attendance, dedication, and ministry work. She began as an Ordained Elder in Greater St. Matthews Church in Florida City. With her leadership the ministry began to flourish and grow, advancing the increase of new Ministers and Deacons, and various other church initiatives. She also helped develop The Greater Love Daycare, Inc. which provides low-income parents with affordable pre-schooling for their children, and serves on the board of the South-Dade Ministerial Allowance, which is focused on crime prevention efforts in Homestead and Florida City Communities.

Because of these accomplishments, Mrs. Staggers Harris was considered and recently ordained bishop in the Shekinah Glory Deliverance Churches.

I applaud Mrs. Staggers Harris for her accomplishments and new designation. May she continue to lead and inspire her community through the grace of God.

TOYO TIRE NORTH AMERICA'S 8TH  
ANNIVERSARY IN BARTOW COUNTY

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize Toyo Tire North America's Bartow County facility, which is celebrating eight years of fostering economic growth in Georgia's 11th Congressional District.

In 2006, the Bartow Toyo Tire facility became the first U.S. consumer tire production operation. The plant includes a manufacturing facility and warehouse that serve customers throughout the country. Since then, Toyo has invested more than one billion dollars and created close to 1000 jobs in northwest Georgia, bringing financial stability and opportunity to Georgia families.

This week, Toyo Tire will announce plans to begin the plant's fourth expansion, investing hundreds of millions of dollars and adding hundreds of jobs to the local economy. This is a huge testament to Georgia's pro-business environment, and one of the reasons Governor Deal certified Bartow County as a 'Certified Work Ready Community.'

Mr. Speaker, I proudly extend my deepest thanks to Toyo Tire North America, their Plant Manager Jim Hawk, and the Toyo employees who play such an important role in making Bartow County's economy flourish. On behalf of Georgia's 11th District, I congratulate the Bartow Toyo Tire facility on eight successful years. Here's to many more.

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RECOGNIZING THE WORK OF MEMPHIS-BASED U.S. BIOLOGIC IN  
THEIR WORK TO HALT THE  
SPREAD OF LYME DISEASE

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. COHEN. Mr. Speaker, today I would like to recognize the work of Memphis-based U.S. Biologic in their work to halt the spread of Lyme disease. U.S. Biologic was recently awarded a grant of \$1 million from the Global Food and Health Innovation Challenge to expand their research on this important topic and I am proud to honor the hard work of their dedicated research team, especially Maria Gomes-Solecki.

I believe that our Nation's true department of defense is made up of the doctors and researchers who work hard to find cures and prevention methods for the diseases that threaten the lives and livelihoods of Americans every day. The research of people like Dr. Gomes-Solecki is integral in our mission to make the United States a safer place for the grandchildren of our generation, and I encourage more federal investment in the initiatives of the National Institutes of Health, as well as private funding like that provided through the Global Food and Health Innovation Challenge.

I congratulate U.S. Biologic and Dr. Gomes-Solecki on their achievement and I look forward to more developments from some of the Nation's most advanced researchers who are based in my district.

TRIBUTE TO COACH WILLIE E.  
MAXEY, JR.

**HON. TERRI A. SEWELL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to honor high school athletic coach, Willie E. Maxey, Jr. on the occasion of his retirement from Selma City Schools. This beloved teacher and administrator coached for fifty years and for his dedicated and distinguished service to the City of Selma and the State of Alabama, I pay tribute today to the life work of Coach Willie E. Maxey.

Coach Maxey was born December 1, 1943 to the late Willie E. Maxey, Sr. and Ollie J. Maxey of Sardis, Alabama. His early years were spent in Sardis and Selma, Alabama.

Coach Maxey graduated from R. B. Hudson High School in 1961 and subsequently earned his Bachelor Degree from Alabama Agricultural & Mechanical University in 1966 and a Master's degree in Administration in 1981. Coach Maxey's leadership roles have included positions as Assistant Principal and Head Basketball Coach at Selma High School; Coach at Westside Jr. High School, Eastside Jr. High School, and R.B. Hudson High School. Also, Coach Maxey was coordinator of the Selma City Recreation Program for over fifty years.

Coach Maxey has served the Selma City Schools and community faithfully and his exemplary work and commitment to excellence has earned the respect and admiration of fellow teachers, administrators, students, their families and our community.

Coach Maxey as a basketball coach had an 80% overall winning record that included: State Championship in 1994; Runner-Up Championship in 1998; Final 4 Competitions; Elite 8 appearances as well as seven Area Championships participating in tournaments all over the United States.

Coach Maxey's special talents, strong leadership and expertise led to his mentoring and coaching many outstanding athletes in the Selma City Schools including many All-State players as well as an All-Tournament player.

Notably, we are celebrating Coach Maxey's accomplishments and retirement from high school sports; but, his illustrious career and dedicated service to the youth of our community will continue in his current role as Assistant Coach at Wallace Community College Selma. His career shows the heart of Coach Willie E. Maxey, Jr. and the positive influential role he has played to develop athletic abilities in young people.

Coach Maxey continues to demonstrate an exemplary commitment to community service through his long-time membership in the New Shiloh Baptist Church in Sardis, Alabama where he is Chairman of the Trustee Board. Also, he serves on the International Paper Advisory Board, is a member of the Board of Di-

rectors for Kittie Kastle Daycare and has been involved in numerous civic and community endeavors in Sardis and Selma, Alabama.

On a personal note, I have known Coach Maxey all my life. A close family friend, I understand that I was the first newborn baby he ever held. He served as assistant coach under my father Coach Andrew A. Sewell and graciously succeeding him as head basketball coach at Selma High School when my father had a stroke in 1990. My father was proud to mentor and work with Coach Maxey and he was so elated over his successful coaching career. It was with tremendous pride that Selma High gymnasium was dedicated and renamed the "Sewell-Maxey Gymnasium" in honor of the outstanding legacy of both coaches. The retirement of Coach Maxey is truly the end of a golden era in Selma High basketball. I know that his legacy lives on in the hearts of all the young men he coached.

On behalf of the 7th Congressional District, the State of Alabama and this nation, I ask my colleagues to join me in celebrating the accomplishments and retirement of Coach Willie E. Maxey, Jr. We pay tribute to his distinguished career and contributions for the betterment of youth in our society and extend deep appreciation for his distinguished service.

RECOGNIZING PESACH OSINA

**HON. GREGORY W. MEEKS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. MEEKS. Mr. Speaker, I rise today to recognize Pesach Osina. Mr. Osina learned from a young age the importance of working on behalf of the community. Born in Brooklyn to parents who were well known for their kindness and charity, Pesach moved to Far Rockaway in 1999.

Pesach immediately got involved in Far Rockaway community life—as an active board member of the Jewish Community Council (JCCRP) and a founding member of the Rockaway Community Emergency Response Team (CERT). He started a holiday toy collection and distribution organization that provides toys to hundreds of needy families. In addition, Pesach used his love for politics to advance the needs of the community by actively advocating with local elected officials.

After helping elect Phil Goldfeder to the New York State Assembly in September of 2011, Pesach joined Goldfeder's government staff as Community Liaison and put his experience and skills to work for the community at the government level. Pesach has carved out a name for great work, responsiveness and community service.

Pesach's passion for helping others has been most evident during the last few months—prior to and in the aftermath of Hurricane Sandy. Pesach worked with government officials and community leaders doing to prepare the community, as much as possible, for the impending storm. As the storm was raging, he worked throughout the night with local organizations to communicate with and to meet the needs of stranded families. In the days

and nights following the storm, Pesach travelled throughout the community visiting relief sites and working with community leaders to ensure that all of the community needs were met.

Pesach has provided a beacon of hope and an exemplary standard of community service to the entire district. On behalf of New York State's 5th District, I commend Mr. Pesach Osina and thank him for all his contributions to our community.

IN RECOGNITION OF ROBERT  
BLOMQUIST

**HON. JAMES B. RENACCI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. RENACCI. Mr. Speaker, I rise today to recognize Mayor Robert G. Blomquist who has proudly given 14 years of public service to the residents of Olmsted Falls in the great State of Ohio. Mayor Blomquist graduated from Olmsted Falls High School in 1973 and served in the United States Navy from 1976–1981. Mayor Blomquist is a graduate of Baldwin Wallace College where he earned a Bachelor of Arts in Finance. He also is a graduate of Culinary Institute of America. As a public servant, Mr. Blomquist served on Olmsted Falls's City Council for six years before being elected as Mayor of the city in 1999. Under his leadership, Olmsted Falls has made incredible progress. Under Mayor Blomquist's direction, the city initiated construction of a railroad underpass on State Route 252, installed quiet zones on seven railroad crossings on both CSX and Norfolk Southern railroads and construction of a new fire station serving the people and businesses of the community. Mayor Blomquist has also served as a board member to the Northeast Ohio Areawide Coordinating Agency and Cuyahoga County Planning Commission as well as on the Olmsted Economic Development Committee.

I would like to acknowledge Mayor Blomquist's achievements throughout his long career of public service and thank him for his outstanding contributions to the people of Olmsted Falls and the 16th District of Ohio.

“REMEMBERING PRESIDENT JOHN F. KENNEDY” INSPIRATION TO MILLIONS, AMERICAN HERO, ENDURING SYMBOL OF THE GREATEST GENERATION, AND THE 35TH PRESIDENT OF THE UNITED STATES

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Ms. JACKSON LEE. Mr. Speaker, in the life of this nation there have been a few events of such consequence and moment that they have a transformative impact on the people of the country. For my parents' generation the death of President Franklin Roosevelt was such an occasion.

The explosion of the Shuttle Challenger in 1986 left a traumatic and indelible impression on my children's generation. The morning of September 11, 2001 is a day no living American will forget.

For my generation, however, the assassination of President John F. Kennedy on November 22, 1963 is the moment that lives with us forever. For on that day, my generation lost its leader, its hero, its champion. And its innocence.

None of us can forget where we were and how we felt when we learned the terrible news. I was a young schoolgirl when my teacher, wiping away tears, announced to the class that President Kennedy had been shot in Dallas, Texas and was dead. I was stunned and shocked and sad and heartbroken. I cried all the way home. When I got there I went to my room and prayed.

A half century later, I still remember that day as if it were yesterday. And every year on this day for the last 50 years, I always pause to remember the man who inspired me to devote my life to public service and who, along with the Rev. Dr. Martin Luther King, taught me by their example that the greatest calling in life is the call to serve others.

And I still say a prayer for President Kennedy each November 22 but they have not been prayers of lamentation for many years. They are prayers of thanks to the Lord for his infinite wisdom and grace in blessing our country with a captain as perfectly suited to lead our ship of state during the epochal time that was the 1960s as was Abraham Lincoln to the 1860s.

The year 1963 is one of the most moments in the life of our nation. It was in August, 50 years ago, that the Rev. Dr. Martin Luther King, Jr. challenged and inspired a nation by sharing his dream about its future at the largest peaceful demonstration in American history.

The year 1963 also marked the centennial of the Gettysburg Address, which redefined and reenergized the meaning of the American experience and is the only other American speech that can stand with Dr. King's and not suffer in the comparison.

At Gettysburg, President Lincoln delivered the words that consoled and helped to heal and reunite a divided nation. He reminded us that just 87 years before, in 1776, America had given birth to something new in the world, self-government, and he made us understand that in the life of nations, ours was still a young country with an unfinished democracy and an uncertain future.

He then paid tribute "to those who died so the nation might live" and challenged the living to dedicate themselves to the "great task" remaining before them, which was not just to ensure the survival of the union, but for us to honor those who "gave the last full measure of devotion" by giving the nation a "new birth of freedom."

One hundred years later, in August 1963, Dr. King reminded us that the great work of democracy which had been so nobly advanced a century before remained unfinished but expressed the confidence that his and future generations of Americans, would like their forbears, rededicate themselves to the proposition that all people are created equal and re-

solve to continue the task of perfecting our democracy until "justice rolls down like water and righteousness like a mighty stream."

And in those heady days there was little doubt we would become the country foretold by Dr. King because America in that year and at that time was powerful and prosperous and confident and optimistic.

And no one better symbolized the nation's vitality and sense of purpose and unlimited possibility than the man it had elected to lead them, President John Fitzgerald Kennedy.

John Kennedy personified the pioneering, trailblazing, independent, courageous, and can-do spirit for which America is justly celebrated around the world. He was the youngest person and the first Catholic elected President and the first person born in the 20th century to hold the office.

A junior officer who served heroically during World War II, the greatest conflict in world history, John Kennedy was the leading member of what has been called the "Greatest Generation" and the first of the seven of its members elevated to the presidency, the most of any generation ever.

A naval officer, congressman, senator, and author of the Pulitzer Prize winning "Profiles in Courage," John Kennedy was both a man of action and a man of ideas. He was pragmatic and compassionate; tough-minded and tender-hearted, determined but not dogmatic. He was, in short and in sum, a man with great charisma and great character.

Most of all, John Kennedy was a man who never stopped thinking about tomorrow or working to realize the full promise of America. And he understood that we all had a place in that future and a role to play in bringing it about. That is why he proclaimed in his stirring inaugural address: "Ask not, my fellow Americans, what your country can do for you; ask what you can do for your country."

John Kennedy believed there was nothing America could not achieve once it set its mind to it. In September 1961, President Kennedy came to my home city of Houston, Texas and committed America to send a man to the moon and to bring him safely home before the end of the decade. Asked why we should go to the moon, President Kennedy said:

We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard.

To anyone who might doubt America's ability to make good on this commitment, President Kennedy said, "this country of the United States was not built by those who waited and rested and wished to look behind them. This country was conquered by those who moved forward—and so will space."

President Kennedy knew first-hand the horrors of war so he worked for peace. What kind of peace? He told us in the commencement address he delivered at American University in April of the momentous year of 1963:

Not a pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, and the kind that enables men and nations to grow, and to hope, and build a better life for their children—not merely peace for Americans but peace for all men and women, not merely peace in our time but peace in all time.

President Kennedy led our nation safely through two of the most perilous events of the Cold War, the Cuban Missile Crisis of 1962 and the erection of the Berlin Wall in 1961. Thanks to his cool resolve, calm restraint, steely determination, and clear thinking, nuclear war was averted and America's freedom, and that of our allies, was secured. Like Lincoln, President Kennedy knew the value and cost of freedom and the sacrifices required to win and keep it:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

President Kennedy was the first president to see first-hand the Berlin Wall when he traveled behind the Iron Curtain to that divided city in 1963 and gave hope to the besieged people of West Berlin by pledging America's unwavering support and aid in its struggle to remain free:

You live in a defended island of freedom, but your life is part of the main. So let me ask you, as I close, to lift your eyes beyond the dangers of today, to the hopes of tomorrow, beyond the freedom merely of this city of Berlin, or your country of Germany, to the advance of freedom everywhere, beyond the wall to the day of peace with justice, beyond yourselves and ourselves to all mankind.

Freedom is indivisible, and when one man is enslaved, all are not free. When all are free, then we can look forward to that day when this city will be joined as one and this country and this great Continent of Europe in a peaceful and hopeful globe. . . . All free men, wherever they may live, are citizens of Berlin, and, therefore, as a free man, I take pride in the words "Ich bin ein Berliner!"

Above all, John Kennedy was a man of consistent and tremendous moral courage. To him, freedom was indivisible, the birthright of every person on earth. John Kennedy, like Abraham and Martin, understood that "when one man is enslaved, all are not free."

And nothing better illuminates this great quality of this remarkable leader than the speech he delivered to the nation the evening of June 11, 1963, committing the federal government to the cause of civil rights, in full support of the Civil Rights Movement and to the eradication of racial segregation and discrimination.

In that landmark address, President Kennedy informed the nation that he had ordered troops to enforce a federal court decree directing that two highly qualified African American students be enrolled at the University of Alabama notwithstanding Governor Wallace's vow to block their admission by standing in the schoolhouse door.

President Kennedy saw clearly and connected the events and circumstances facing Abraham Lincoln in 1863 to the challenges confronting Dr. King in 1963, stating:

It ought to be possible for every American to enjoy the privileges of being American without regard to his race or his color. But this is not the case.

We are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the American Constitution.

The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are

going to treat our fellow Americans as we want to be treated.

One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other that this is the land of the free except for the Negroes; that we have no second-class citizens except Negroes; that we have no class or caste system, no ghettos, no master race except with respect to Negroes?

Now the time has come for this Nation to fulfill its promise.

The following week, President Kennedy sent to Congress legislation making good on this promise. Although he did not live to see its enactment, that legislation—brilliantly shepherded to passage by President Lyndon Johnson—transformed America. Along with the passage of the Voting Rights Act the following year, America made more progress in backing up its boasts and fulfilling its hopes than any time since the issuance of the Emancipation Proclamation and ratification of the Civil War Amendments. It is no exaggeration to say that these actions constituted another “new birth of freedom” foretold and predicted by Abraham Lincoln and Dr. King.

Abraham Lincoln and the Rev. Dr. Martin Luther King, Jr. are two of the towering figures in American history. And so is John Fitzgerald Kennedy. Taken together, the lives of these three giants teach us at least three important lessons when it comes to the question of race: Words have power. Actions matter. Moral courage is indispensable.

Many persons have one of these qualities but much rarer are those who possess two, let alone all three in the abundance and to the degree possessed by Abraham, Martin, and John. Is it any wonder then that we still revere them after all these years and still miss them so much?

The 1968 folk classic, “Abraham, Martin, and John,” by Dion and the Belmonts still sums up the feelings of countless millions, here in America and around the world:

Has anybody here seen my old friends?  
Can you tell me where they've gone?  
They freed a lot of people,  
but, it seems the good they die young.  
You know, I just looked around and they were gone.

Abraham, Martin, and John.

They may be gone but they will never be forgotten. Their works—the glow from their fire—truly lit the world.

So on this day I am remembering President Kennedy. His flame glows eternally in Arlington Cemetery and in the hearts of untold millions the world over, including that little schoolgirl he inspired long ago and who is now the Member of Congress from the Eighteenth Congressional District of Texas.

God bless President John Kennedy. I ask that a moment of silence be observed in memory of John Fitzgerald Kennedy, the 35th President of the United States.

#### RECOGNIZING VIRGIL HALL HODGES

#### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 2, 2013*

Mr. MEEKS. Mr. Speaker, I rise today to recognize the generosity and vision of Mr. Virgil Hall Hodges. Mr. Hodges is a proud alumnus, member of the Board of Trustees, and founding father of the Richard Allen Classic Group. The Richard Allen Classic Group is an 11-year-old advocacy group of men of consciousness and influence who are committed to upholding the social and intellectual mission of our traditional institutions and perpetuating their mission to the masses. Richard Allen Classic Group members remain staunch supporters of education and the quest to close the technological divide that exists in our communities.

Mr. Hodges professional career began as a college professor and football coach. He was then recruited to become a government agency administrator, first as Administrator with New York City's Youth Board, then as head of an anti-poverty agency, the Coney Island Family Center. From there he went into state government as a Facility Director at Mt. Morris and later Arthur Kill Rehabilitation Centers of the NYS Drug Abuse Commission. Lastly, to the NY State Department of Labor and retired from the NYS Martin Luther King, Jr. Commission and Institute for Nonviolence.

Mr. Hodges adopted Morris Brown College, a 132-year-old prestigious institution founded by the A.M.E. Church that has produced thousands of professionals and masters of the trades and has dedicated countless hours to the service of others.

Mr. Virgil Hall Hodges is the recipient of the Distinguished Service Award as Deputy Labor Commissioner by the NYS Legislature; the Distinguished Service Morris Brown College President and Faculty Award; and the NYS Employees Brotherhood Award; and the NYS NAACP Public Service Award.

I commend Mr. Virgil Hall Hodges for his extraordinary service. His vision as an educator and policymaker has inspired both students and colleagues alike. On behalf of the more than 718,000 residents of Fifth Congressional District, I thank you for your outstanding contribution to our communities and nation.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 3, 2013 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### DECEMBER 11

2:15 p.m.

Special Committee on Aging

To hold hearings to examine protecting seniors from medication labeling mistakes.

SD-562

##### DECEMBER 12

10 a.m.

Committee on Finance

Business meeting to consider an original bill to repeal the Sustainable Growth Rate system and to consider health care extenders.

SD-215

##### DECEMBER 18

2:15 p.m.

Special Committee on Aging

To hold hearings to examine the future of long-term care policy, focusing on continuing the conversation.

SD-562

**HOUSE OF REPRESENTATIVES—Tuesday, December 3, 2013**

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAMALFA).

**DESIGNATION OF SPEAKER PRO TEMPORE**

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 3, 2013.

I hereby appoint the Honorable DOUG LAMALFA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

**MORNING-HOUR DEBATE**

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

**INFRASTRUCTURE**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, Congress returns for the final days of this year's session facing the same conundrum: people here and back home are divided over the direction of our government; they don't agree on how to fund what a growing and aging America needs.

A year ago, we were engaged in a vigorous debate on taxation. More recently, we survived the controversy surrounding the government shutdown, and we still are at loggerheads.

There are strong feelings by some that now is not the time to raise taxes, yet the spending levels enshrined in the House budget cannot produce spending bills from the Appropriations Committee that can actually pass on the House floor. In some cases, they appear to not even be able to pass from subcommittee. All the while, we are looking at a sea of unmet needs and face a floundering economy.

There is one area that can help break the logjam. It won't solve all of our

problems certainly, but it will help us significantly along the way. Congress should address the critical needs of our Nation's infrastructure deficit. Roads, bridges, transit systems are all increasingly at risk. We are facing an inadequate state of repair, construction of new facilities are on hold, and we are losing ground in meeting our own needs, let alone the challenges of global competition. Yet this challenge is an opportunity for some potential progress. We know what to do to meet this challenge. We can write a new transportation bill that will meet today's needs; it just needs more money.

There is a vast coalition that supports additional resources for infrastructure. The so-called "special interests" that are so often at odds are remarkably aligned when it comes time to recognize and fix this problem. Business, labor, professional groups, local government, environmentalists, truckers, bicyclists all agree.

The paralysis that surrounds questions of raising taxes does not necessarily need to apply in this case. Ronald Reagan, after all, was willing to sign into law a 5 cent gasoline tax increase 31 years ago when a nickel a gallon was real money. A user fee is, in fact, a different category from a general tax increase. The various groups that score such votes treat user fees differently.

As we are attempting to resolve budget differences, there is an opportunity to embrace more transportation resources through user fee mechanisms that will have broad national support and not inspire the same fierce philosophical debate that has plagued and paralyzed our deliberations for years. It has the added benefit of being the fastest way to put hundreds of thousands of people to work at family-wage jobs to help boost our flagging economy.

I strongly urge my colleagues to take a step back and look at this as a way to crack the code, to meet vast unmet needs of our constituents and stabilize a critical part of our budget. Who knows, if we can find a way to thread this particular transportation funding needle, how many additional opportunities to solve problems going forward can we then address?

I think what it takes is simply some vision and some courage. That is why people sent us here in the first place. Congress should act, demonstrating the leadership to avoid the worsening infrastructure deficit, put people to work, make our families safer,

healthier, and more economically secure.

**AFGHANISTAN**

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, during the Thanksgiving break, I wrote a letter to President Obama, which I would like to submit for the RECORD.

The letter respectfully reminded the President that President Karzai continues to thumb his nose in the eyes of the American taxpayer. We have seen many news articles reporting Karzai's refusal to sign the bilateral security agreement that this administration has proposed, an agreement that would obligate United States money and United States troops for at least 10 more years in Afghanistan.

In an Associated Press article printed in my State paper, titled, "Afghanistan President Delays Deal," the subtitle goes on to read, "U.S. says it will pull out troops if security agreement isn't signed."

Mr. Speaker, it is my hope that the House will encourage the President to pull our troops out and stop spending money that we do not have in a country that does not even want our help. Furthermore, it is my hope that the House and Senate leadership will, in 2014, allow Congress to vote on this issue of the bilateral strategic agreement.

Mr. Speaker, it is wrong that the Afghan Parliament may vote on whether they want this agreement with the United States, but the House and the Senate that represent the American people can't even have a debate and vote on the will of the American people. I know that the American people want this debate to take place. Hopefully, in 2014, the leadership of the House will at least let us have this debate on the floor of the House.

Mr. Speaker, if you could have traveled with me during the break last week, you would have heard many people in the Third District of North Carolina who said to me that they are outraged that we will continue spending money in Afghanistan at a time when we have so many financial needs at home. It is absolutely unacceptable that a single American would give his life or limb overseas without the approval of Congress. It is absolutely unacceptable that the American taxpayer would give money to a corrupt regime



while young and old alike go hungry here in the United States.

Mr. Speaker, I would like to say to the President: Pull the troops out and bring them home now. There is not one thing history says we will ever change in Afghanistan, and nothing, history says, will change in Afghanistan. It is time to end this senseless waste of American lives and American money in Afghanistan.

Mr. Speaker, this poster beside me was in the Greensboro newspaper where Mr. McGOVERN and I had written a letter saying it was time for us to pull our troops out. Mr. Speaker, this poster says "News & Record, Greensboro, North Carolina, February 2011." That's 3 years ago. We are still there, and we are talking about 10 more years. Let Congress debate. Let Congress speak. Let Congress vote the will of the American people.

Mr. Speaker, I ask God to please bless our men and women in uniform and to bless their families, and please, God, continue to bless America.

NOVEMBER 26, 2013.

PRESIDENT BARACK OBAMA,  
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: I write today due to the ongoing discussion between the United States and Afghanistan regarding a 10-year Bilateral Security Agreement to allow our troops to remain overseas beyond 2014. After reading today's Washington Post article titled "Karzai tells Susan Rice of more demands for accord extending U.S. troop presence," I once again urge you to reconsider your stance on U.S. relations with Afghanistan.

This agreement will obligate billions of American tax dollars and expose American troops to further danger overseas—all while meeting President Karzai's ever-growing list of demands. After 12 years, billions of dollars, and President Karzai's continued disrespect for the United States, many in the House and Senate believe it is time to end our commitment to Afghanistan. However, despite the risks involved, the agreement will not be brought before Congress for a vote. It is a sad day when the Afghan government has voted on the agreement, but that opportunity has been denied to the United States Congress.

Mr. President, I have seen many people and spoken at many events while at home in Eastern North Carolina, and I have received nothing but support for my position that this agreement is entirely unacceptable. I respectfully ask you to take the wishes of the American public into consideration and oppose the Bilateral Security Agreement with Afghanistan.

Sincerely,

WALTER B. JONES,  
*Member of Congress.*

#### THE PLIGHT OF SYRIA'S CHRISTIANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Mr. Speaker, as winter descends upon the Middle East, the plight of Syria's people who have endured nearly 3 years of savage civil war

grows more desperate with each passing day.

Fighting rages on throughout much of the country, and with the government forces making headway in recent months, many of the rebel groups have splintered, turning on each other. As in wars throughout history, it is civilians, especially children, who have borne much of the suffering.

More than 9 million Syrians are in need of humanitarian assistance, and a quarter of these, 2.2 million, have fled the country, mostly to neighboring Lebanon, Jordan, and Turkey. Half of those refugees, more than a million people, are children.

Another 6.5 million Syrians are internally displaced, having fled their homes, but remaining inside the country, often in parts of Syria that have changed hands on multiple occasions and with attendant civilian suffering.

While all of Syria's people have been affected by fighting, it is Christians, who make up about 10 percent of the country's population, who are at greatest risk, given their small numbers and the increasingly religious nature of a war that started out as a broad-based secular movement that sought to change the character of the Syrian regime but not the regime itself.

For two millennia, Syria has been home to one of the oldest Christian communities in the world, a population dominated by the eastern churches, but also including smaller numbers of Catholics and Protestants. Syria's Christians have been comfortably and fully integrated into the economic, political, and cultural life of modern Syria and, despite their small numbers, are well represented among the country's elite. Tragically, this long, peaceful coexistence has been shattered, and half a million Syrian Christians, nearly one in four, have fled the country since the fighting began.

Like minorities the world over, Syrian Christians have tried to avoid getting dragged into the fighting that has gripped their homeland; but with their top two population centers, Aleppo and Homs, having seen some of the most savage fighting in the war, Christians have been unable to avoid being drawn into the conflict.

While the uprising against Syrian President Bashar Assad did not start out as a sectarian conflict, it has increasingly taken on a religious tone, as many of the rebels have wrapped themselves in the mantle of fundamentalist Islam.

Initially, the Free Syrian Army and other large rebel groupings distanced themselves from the more religious rebel factions, some of whom are linked to al Qaeda, but even they have adopted an increasingly Islamist tone in recent months. This has exacerbated the plight of the Christians who are increasingly targeted simply because they are Christian and because they

are seen by many Muslims as having backed the government.

The truth is that Syrian Christians, many of whom have family members among my Armenian American constituents, did not rally to the regime. Syrian Christians, like most other Syrians, simply wanted a freer, more open society and a greater voice in their own government. It is a testament to the depth of Christian desperation that atrocities perpetrated by radical Islamists have done more to test Christian neutrality than the use of chemical weapons and war crimes by the Assad regime.

Ending the Civil War through a negotiated solution represents the best prospect for peace, and the international community must insist that any agreement reached at the upcoming peace talks in Geneva or thereafter will guarantee the safety of Syria's minority populations.

In the meantime, America can do more to help those seeking refuge. That is why I have been working for much of the past year to convince the administration to allow humanitarian parole for the nearly 6,000 Syrians with approved immigrant petitions to the United States.

As hundreds of millions around the world prepare to celebrate the most joyful day of the Christian calendar, the international community must intensify its efforts to end this terrible war, and also to protect Syria's Christians and ensure the continued vitality of this 2,000-year-old community.

#### AMAZON PRIME AIR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the innovativeness of American enterprise flies off the radar.

According to Amazon CEO Jeff Bezos, the company is fixing to deliver packages to its customers via drones. It is called "Amazon Prime Air."

That's right. In just a few years, Bezos said people will be able to order something online and have it in their hands within 30 minutes by the use of drones. It sounds like something out of the Jetsons, doesn't it? Gone will be the days of the neighborhood mail carriers. Soon there will be a drone to replace them. According to Amazon, these drones can deliver packages up to 5 pounds, which makes up 90 percent of their deliveries.

Mr. Speaker, thousands of Americans use Amazon every year, especially around the holiday season. Amazon, unlike the glitch-ridden government Web sites, can efficiently use online Internet services that get a timely product to market. Think of how many drones could soon be flying around the sky. Here a drone, there a drone, everywhere a drone in the United States.

Mr. Speaker, Amazon is just one of many companies that will be looking to take advantage of this cost-effective drone technology in the coming years. And good for Amazon. I congratulate them.

The FAA is charged with the responsibility of coming up with ways to regulate drones for safety reasons, but who is watching out for the privacy of American citizens? Congress has the responsibility and the duty to set clear regulation for all drones in domestic use. Absent legislation to prevent surveillance of Americans, companies could use drones not only for delivery, but other ways that, in my opinion, violate the constitutional right of privacy.

The issue of concern, Mr. Speaker, is surveillance, not the delivery of packages. That includes surveillance of someone's backyard, snooping around with a drone, checking out a person's patio to see if that individual needs new patio furniture from the company.

□ 1015

Photographing swing sets, pools, or the people that are in the pools, or even looking into windows, all of that could be done with the use of drones under corporate America or by individuals. This would all be possible. So Congress must ensure that the expanded use of drones in the coming years does not come at the expense of the individual right to privacy.

After all, this is a right guaranteed to all Americans under the Fourth Amendment. That's why I have, along with Representative ZOE LOFGREN (Calif.), introduced the bipartisan Preserving American Privacy Act. Our bill would deal with several things, and, once again, Mr. Speaker, we're talking about regulating surveillance and setting guidelines for the expectation of privacy for citizens.

It would, first of all, deal with the government. It would prohibit the government from using drones for targeted surveillance of an individual or their property without a search warrant. The Fourth Amendment applies to the use of drones when the government is involved. It would also prohibit individuals or companies from using drones to take photographs or audio recordings of private individuals without their consent.

This is private surveillance, or spying, or snooping, whatever you want to call it. It would restrict private individuals and law enforcement agencies from arming drones, which can be done.

As we enter this uncharted world of drone technology, Congress must be proactive and establish boundaries for drone use that safeguard the constitutional rights of Americans and not leave this up to the FAA.

Individuals are somewhat concerned that these new eyes in the skies may

threaten their privacy, so Congress can and should immediately balance this high-tech development with our constitutional right of privacy.

Boundaries are needed before drones flood the skies of America. Just because Big Brother or individuals or companies can look into someone's backyard or through a window of a house doesn't mean it should be allowed. As the innovativeness of American enterprise flies off the radar, we should be mindful that technology may change, but the Constitution does not.

And that's just the way it is.

#### END HUNGER NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I want to welcome all of my colleagues back from their Thanksgiving holiday, and I trust that, like me, everybody had a great Thanksgiving along with a wonderful meal. But I'm here today to remind my colleagues, so that they don't forget, that for millions of our fellow citizens, they were without a Thanksgiving dinner. In fact, for millions of our fellow citizens, they go without meals on a regular basis. Men, women, and children, close to 50 million Americans, go hungry in our country, the richest country in the history of the world. It is a national scandal, and it is something that we need to do something about.

Mr. Speaker, the Supplemental Nutrition Assistance Program, otherwise known as SNAP, helps struggling families put food on the table. It's a good program that, sadly, has come under attack by some—not all—but by some of my Republican friends, and for the life of me, I can't understand why.

The average SNAP benefit is about \$1.40 per meal. The No Kid Hungry campaign, launched by the group Share Our Strength, recently did a chart which shows that the average cost of one Thanksgiving dinner is about \$49.04. That's equal to about 35 SNAP meals.

The fact is that our food banks are at capacity. I went to a Thanksgiving dinner sponsored by my bishop that was filled with people looking for food. That same group run by the Catholic Charities delivered well over 1,000 meals to people in my community on that one Thanksgiving Day. But the notion that somehow charity can do it all, or that food banks can do it all, or that churches or synagogues or mosques can do it all, is just wrong.

I would urge my colleagues to visit a food bank, to visit a food pantry, talk to the people who run those organizations and let them inform you of who is showing up at their doorsteps. Talk to the people who go to these food banks. These are average people. Many of

them are working families who earn so little that they still qualify for the SNAP benefit.

The White House released a report over the Thanksgiving holiday talking about the importance of the nutrition assistance program. The report highlights, among other things, that in 2012 SNAP kept nearly 5 million people out of poverty, including 2.2 million children. SNAP reduced child poverty by 3 percentage points in 2012, the largest child poverty impact of any safety net program other than refundable tax credits.

The program's benefits are targeted to those most in need and designed to support work. The large majority of SNAP participants are children, the elderly, or people with disabilities, and about 95 percent of Federal spending on SNAP goes directly to subsidizing the food purchases of eligible households. It is one of the most efficiently run Federal programs. I wish the Department of Defense was run as efficiently as this. Our deficit would be much lower. Among SNAP households with at least one working age non-disabled adult, more than half work—more than half work—and more than 80 percent worked in the year before or after receiving SNAP.

Now, the legislation that the House Republican leadership rammed through this Congress and is now part of a negotiation on the farm bill would cut the program by close to \$40 billion. That would result in nearly 4 million Americans losing access to SNAP next year, including working families with children, seniors, and veterans. Nearly 170,000 veterans would lose their benefits. In addition, 210,000 children and these families would also lose free school meals. These cuts would come on top of the significant benefit reduction already experienced by all SNAP recipients as a result of the American Recovery Act moneys running out.

I would say to my colleagues that what that cut that went into effect on November 1 means is that the average family of four would see a reduction of about \$36 per month in their SNAP benefit. We're talking about food. We're talking about making sure in the richest country in the history of the world that nobody goes hungry.

I know that these are tough budgetary times, but if you want to find ways to save money, I would suggest we listen to my colleague, Mr. JONES of North Carolina, and get the hell out of Afghanistan. Stop supporting one of the most corrupt regimes on this planet today, the Karzai regime. Take those millions and those billions and reinvest it here at home. Reinvest it in a way that we end hunger now.

Mr. Speaker, for millions of our citizens who are hungry, what they worry about and what they fear is not halfway around the world. It is halfway down the block. We ought to make sure

we get a farm bill that does not make hunger worse in this country, and if we have a farm bill that cuts SNAP significantly, I would urge all my colleagues to not only vote against it but fight against it. We can do better. Let's get a farm bill, but let's not make hunger worse.

#### UKRAINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to condemn the recent actions taken by the Ukrainian Government on its own citizens. A couple weeks ago, I stood here hopeful, urging their government to look westward as they entered the Eastern Partnership Summit in Vilnius. While Georgia and Moldova have moved forward in signing association agreements with the European Union, the Government of Ukraine failed to sign this agreement. This move is disappointing and even more so for the Ukrainian citizens who long for closer ties with Europe.

Due to President Yanukovich's lack of action, Ukrainians have taken to the streets in protest and have been met with extreme brutality. I join with the State Department in urging the Ukrainian Government to respect the rights of its people and allow freedom of expression and assembly. Ukraine should not bully or take violent action if they desire to be a peaceful, democratic nation.

I will continue to support the citizens of Ukraine as they pursue democracy and freedom in their country. It is my wish that Ukraine will seek other means of integration with Europe and not fall to demands and pressure from Russia. It is time to look to the future, not to the Soviet-style rule that has plagued their past for countless years.

#### JPMORGAN CHASE SETTLEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, it has been reported that JPMorgan Chase has agreed to a \$13 billion settlement of the civil suit filed by the United States Department of Justice and the Federal Housing Finance Agency in order to resolve several investigations into their mortgage securities finagling. JPMorgan and its affiliates knowingly misrepresented the value and quality of the mortgage bonds that it sold to the housing finance agency. Compared to the trillions that Wall Street banks have extracted in home equity from the American people, a \$13 billion settlement with JPMorgan Chase doesn't come close to repaying the American people what they are owed back. More cases need to be filed

to mete out justice and recoup what has been wrongly taken.

Of the \$13 billion settlement, \$4 billion will be for the Federal Housing Finance Agency which will go to Fannie Mae and Freddie Mac. How that filters down to the street, to the ordinary homeowner, we can't predict. Two billion will be credited through JPMorgan's reduction of principal on mortgages in areas hardest hit by foreclosures like Detroit and cities like Cleveland and Toledo in Ohio.

JPMorgan Chase currently holds—get this—nearly 1 million mortgages: 208,000 mortgages considered seriously delinquent and an excess of 700,000 which are underwater. That's too much power over our marketplace in too few hands.

Five hundred million of the settlement will be credited for the removal of blight from neighborhoods through demolition, reducing interest rates, and offering new loans to low-income borrowers. My goodness, every community in America could use some of that. That's very little money for a very big hole.

This settlement may appear like a big step. It's a small step in the right direction. However, let me put these figures on the record. Last year, JPMorgan Chase made \$21.3 billion in profits—and that doesn't count what's in their reserves. A settlement of \$13 billion therefore is barely half of what JPMorgan made in all of last year after expenses. In fact, this settlement of \$13 billion is equal to exactly half of what they had already set aside, \$26 billion, for legal fees since 2010. By the way, they make their money by charging all of us high fees, or paying us nothing on our savings accounts and certificates of deposit.

Moreover, the settlement will also be largely tax deductible for the bank, as well. Although the tax law does not allow fines or penalties paid to the Federal Government to be tax deductible, that only accounts for \$2 billion of the settlement that the bank has to pay in civil penalties to settle their legal claims. That leaves \$7 billion in compensatory damages that the bank could claim, for guess what? In tax deductibles. Imagine that. This greatly reduces the impact this settlement has on correcting their bad behavior and mitigating the damages it has to pay in the lawsuit. Imagine if homeowners were allowed to deduct the damages they have incurred as a result of Wall Street's misbehavior. Now, there's an idea.

Here are some figures to ponder: Over the last couple years, the CEO of JPMorgan has taken home anywhere from \$23 million plus bonuses, plus stock options, on an annual basis. Mary Erdoes, the CEO of their asset management division, last year it was reported was paid \$15 million plus \$5 million in bonuses—bonuses. This is be-

fore they have settled all of these mortgages that they hold belonging to the American people.

Matthew Zames, their co-chief CEO, \$17 million plus \$6 million in bonuses, and Daniel Pinto \$17 million in salary alone plus \$8 million in bonuses, not counting all their stock options, cars, you know, all those things that they're given in their privileged positions.

The American people are really sick of this. They really want justice. We need more legal cases filed, and Congress should reinstate the Glass-Steagall Act by passing H.R. 129, the Return to Prudent Banking Act of 2013. This will end what caused the financial crisis—too much power in too few hands, and the power to create money irresponsibly. Our country should never again have to endure this kind of collapse because of the mistakes that they made.

Mr. Speaker, I think it's time for community after community to replicate those legal cases that have been successful in extracting repayment to communities and to harmed families across our country.

□ 1030

Our U.S. Attorney, our housing organizations across this country, those Attorneys General who are awake in our 50 States, we need to go after the source, the source that created the collapse that our communities are still suffering from. They must be held accountable for the mortgages they still hold, and recoup for millions and millions of our people the home equity that was taken from them so cruelly.

#### AUDIE MURPHY RECEIVES TEXAS LEGISLATIVE MEDAL OF HONOR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. HALL) for 5 minutes.

Mr. HALL. Mr. Speaker, I rise today to address the floor on a subject that Republicans and Democrats agree upon. Several of the other previous speakers have done so, and that is the idea of freedom for this country.

But I also rise today to pay special attention and give tribute to one of our Nation's greatest World War II war heroes, Audie Murphy. Major Murphy, who hailed from the Fourth District of Texas—my district—was an extraordinary man in many ways. Initially turned away by several branches of the United States armed services due to his young age and his slight build, Audie Murphy's patriotism led him to misrepresent his age in order to serve and defend his country.

This patriotism and his unusual courage in battle led him to distinction as the most decorated combat soldier of World War II, earning every U.S. military combat award for valor available from the United States Army, including the Medal of Honor, two Silver

Stars, three Purple Hearts, and the Distinguished Service Cross. It is, therefore, fitting, though belated, that Major Murphy was awarded Texas' highest military honor, the Texas Legislative Medal of Honor, on October 29, 2013.

Major Murphy earned his first Medal of Honor on January 26, 1945, in France. Six tanks and waves of Nazi infantry attacked his Company B, but Second Lieutenant Murphy remained at his command post throughout the fierce fighting. Although he suffered a leg wound, he continued to fight for more than an hour until his ammunition was exhausted and the enemy was in retreat.

Audie Murphy did not stop where most men would on the battlefield, in fighting for his own life, or in fighting for his country. In fact, he lived out the remainder of his years after the war as an accredited writer, actor, and songwriter.

Mr. Speaker, despite this prestige, it should be noted that he was also a man of deep modesty who considered himself "just another man." He fought not because he loved war, but because he loved the values and freedoms we enjoy in America. He felt compelled to do his duty to his country. Audie Murphy represents some of the greatest qualities of a hero, including an unflinching sense of duty, a strong sense of patriotism, and a degree of modesty that recognizes the humble roots of this great country.

We remember Audie Murphy because of his outstanding feats but also because he remains perhaps one of the truest examples of what it means to be American. I was proud to ride in many veterans parades with Audie Murphy and was pleased to know him as a personal friend. I also met his sisters. He was always loyal to his family and found time for them.

As a Representative of the Fourth District of Texas, I am proud to call Audie Murphy's home my home as well. The folks in the Fourth District are pleased that the great State of Texas has given Major Murphy due recognition for his outstanding service to our country by awarding him the Texas Legislative Medal of Honor.

Mr. Speaker, I ask my colleagues to join me in remembering this great American, this great hero, and to thank him and his family for his service.

#### PASS A BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. KILDEE) for 5 minutes.

Mr. KILDEE. Mr. Speaker, it was just about a year ago right now that I and 84 other new Members of Congress arrived in Washington to begin our orientation in the process of joining this body; and both Democrats and Repub-

licans of that class of 2012, though we come from different perspectives and different districts, we received a pretty strong message from the electorate in 2012. It was the same message that I think many of us heard when we were back home last week for our Thanksgiving break. The message was: set aside the hyper-partisanship and get about the business of attending to the work of the American people.

So now as we face yet another set of self-inflicted wounds, political deadlines that have been set, we hear some rumblings that we may not do what we committed to do just a few weeks ago, and that is, put together a real budget that is a reflection of the values, the interests, and the needs of the American people.

We have already gone through one government shutdown just this last year which cost the American economy \$24 billion. We cannot afford to let that happen again, and we cannot afford another short-term deal that does not provide the stability and the certainty that the private sector needs in order to make the kinds of investments that will put the American people back to work and get our economy moving again.

I am glad that there finally was agreement to go to conference on a budget, and many of us took that agreement at face value. We took the Members who agreed to that and the leadership at their word that it would be an effort to put together a budget that is a reflection of the needs and values of the American people, a budget that will invest in our kids, that will give them the skills they need in order to compete, that will invest in infrastructure, that will help industry deliver products to market and grow the economy, that will invest in manufacturing by passing the Make It In America plan, a plan of some 40 bills that would reinvigorate our manufacturing sector in this country.

And we can do it without slashing important programs simply by being more rational in terms of how we manage our budget. Cut the big tax loopholes for Big Oil and corporations that pay virtually no taxes in this country; and for sure, Mr. Speaker, end this mindless sequester, a scheme that was designed to be so bad that it would force the two parties together around a more rational approach to making decisions for the American people.

But instead of that, it has now been embraced by some in Congress not as something to be avoided but as the starting point for the next round of cuts to the essential programs that we need in order to drive investment and grow our economy. We just cannot afford to continue down this path.

According to the CBO, sequestration is already costing us jobs. Up to 1.6 million Americans are out of work or will be out of work because of these

mindless cuts. And we are further cutting our safety net—programs like SNAP, unemployment, those things that we need in order to make sure that we have a floor of decency below which no American should ever be allowed to fall in the world's biggest, most powerful democracy and economy. It is unacceptable.

These cuts also hurt our future by slashing key investments in research at the NIH, trying to crack the code and solve some of the most difficult problems that we have in the diseases that so many Americans are struggling with. Yet we set aside that investment in the name of partisan politics.

We have got to get back to work. We have got to get back to the work that we were sent here to do because I think the 85 of us that came in last year at this time are not really that much different than the rest of the Members of this House. We were all sent here with that charge to get the business of the American people done. But somewhere along the way, partisanship has overcome democracy. We need to set aside this hyper-partisanship, get back to the business that we were sent here to do, and do the work of the American people.

Pass a budget. I am calling on my colleagues to do that and to not be drawn into what could be another partisan squabble for political purposes.

#### CONGRATULATING ERIC COWDEN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to honor Eric Cowden, a resident of Pennsylvania Furnace, Pennsylvania, a constituent of mine. This past month, Eric, a graduate of Penn State University, was recognized by the National Future Farmers of America with the organization's highest honor, the FFA Honorary American Degree.

As a youngster growing up on the family farm in Washington County, Pennsylvania, Eric was involved with the FFA, like many students in rural communities, showing steer, heifers, and lambs from a young age. Upon graduating from Penn State with a degree in agricultural sciences and earning his master's in business from Delaware Valley College, Eric went on to work for the Pennsylvania Department of Agriculture. There, he administered the Rural Youth grant program, led the county fair in the agri-tourism division, and eventually rose to director of the central region office for the department. Eric also holds several leadership roles with the Marcellus Shale Coalition, bringing together two of Pennsylvania's most historic and important industries: energy and agriculture.

Eric is well deserving of this honor, and we thank him for his leadership in

the field of agriculture and agricultural education.

#### SAFE CLIMATE CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. WAXMAN) for 5 minutes.

Mr. WAXMAN. Mr. Speaker, on February 15, a small group of Democratic Members of the House joined together to form the Safe Climate Caucus. We vowed to come to the House floor every day to talk about the defining environmental challenge of our time: climate change. Today marks the 100th day we have spoken on the House floor.

The Safe Climate Caucus is composed of Representatives from across this country. We come from the west coast, the east coast, the North, the South, and the Midwest. We come from coastal regions, urban areas, and rural communities. We represent a cross-section of America.

We started the Safe Climate Caucus because of the enormous disconnect that exists between what scientists are telling us about the dangers of climate change and the conspiracy of silence and denial that exists in this House. There is a mountain of evidence that climate change is a real and dangerous threat to the future of our children and grandchildren. Yet this body refuses to accept the scientific reality.

I wish my Republican colleagues would open their eyes and escape their congressional bubble. Firefighters across the West know that fires are getting bigger and more dangerous. Farmers in the Midwest know that droughts and floods are becoming more common and more intense. Coastal communities know that rising sea levels and extreme storms threaten their very existence. And just last month, a supertyphoon—perhaps the strongest ever recorded—demolished entire cities in the Philippines.

Extreme weather, sea level rise, heat waves, droughts, flooding, wildfires, pests—that is what climate change looks like. So what is this House doing? Denying, obstructing, and weakening the Clean Air Act.

In June, the International Energy Agency warned that, if we don't act now, avoiding catastrophic climate change will cost trillions of dollars. In October, the Intergovernmental Panel on Climate Change concluded that the evidence that the Earth is warming is "unequivocal." This is the same level of confidence that scientists have that smoking causes cancer. Last month, the World Meteorological Association reported that the levels of heat-trapping gases in the atmosphere set new records, reaching concentrations higher than any in the last 800,000 years. Yet this House endures it all.

We challenged the Republicans on the Energy and Commerce Committee to come to the floor and debate us, to

defend their record of inaction. They never showed up. The committee won't even hold a hearing to listen to the scientists. Democrats are in the minority, so we can't call hearings. But we won't be muzzled.

Since February, the members of the Safe Climate Caucus reported on the alarms that the scientists are sounding.

□ 1045

In fact, today marks the 100th legislative day that members from the Safe Climate Caucus have spoken out. Except during the Republican shutdown of the government, our members have come to the floor every day we have been in session. It has not always been easy to keep this streak of speeches alive, but we have come because of the commitment of our 31 members to take action before it is too late.

We are speaking out because we know we have a duty to our neighbors, to our children, and to our grandchildren. We know that when future generations look back at these times, they won't remember the debates we have had on the deficit. They won't remember the debates we have had on boosting oil drilling. What they will want to know is whether we acted to protect the world from catastrophic climate change while we still had time, and they will want to know whether we made the investments we need to make the United States the world leader in the clean energy technologies of the future.

We are at a critical juncture. I urge all Members to join with the Safe Climate Caucus in ensuring we make the right choices for our future and for our economy.

#### OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, since ObamaCare implementation began on October 1, the President has spent much of his time talking about the malfunctioning Web site. However, I would remind the President of his own words several weeks ago: ObamaCare is more than just a Web site.

The Web site was supposed to be the easy part, and as more people sign onto it, they will be made aware of the real problems with ObamaCare. In fact, when the millions of Americans currently losing their health care plans try to log on to healthcare.gov, they will be met with drastically increased premiums, skyrocketing out-of-pocket costs, and reduced access to the doctors and hospitals they know. These problems are in direct contrast to the repeated promises made by the President.

My constituents are rightly concerned with these broken promises and

are regularly contacting me and my office to voice their concerns. For instance, Jillian in Sparta, Tennessee, wrote to me:

Every year in the past, my health care insurance has increased by a small percentage—sometimes 5 percent, sometimes 7 percent. This past week, I received my new premiums for 2014. They increased by 250 percent. Same plan, same coverage, same insurance company.

And Jillian isn't alone. Nearly three times as many Americans say they have been hurt rather than helped by ObamaCare, according to a recent poll. This from a law that the President promised would lower insurance premiums by as much as \$2,500.

Mr. Speaker, ObamaCare is much more than a Web site. It is an unmitigated disaster. The effects of this law are wreaking havoc on our health care system and exposing the President's broken promises to Americans across this country.

My House Republican colleagues and I have tried repeatedly to protect Americans from this law, but the only way to do so is for Democrats to join us. For instance, the Senate can act right now to pass the Fairness for American Families Act that was passed out of the House this summer. This legislation would give fairness under ObamaCare by delaying the law's mandate for people, not just big businesses.

The President may be all in on his health care law, but that doesn't mean congressional Democrats need to follow him off of a cliff.

As disapproval of ObamaCare continues to rise, I ask my colleagues on the other side of the aisle to distance themselves from ObamaCare and join us by trying to protect the American people from this law's disastrous effects.

#### SEQUESTER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. NEGRETE McLEOD) for 5 minutes.

Mrs. NEGRETE McLEOD. Mr. Speaker, as budget negotiations move forward, Congress must remain committed to work in a bipartisan manner to find reasonable solutions to create jobs, expand the economy, and strengthen the middle class, while continuing to reduce the deficit in a responsible way.

To do so, Congress must lift the across-the-board sequester cuts that are inflicting damage to communities across the Nation. There is no question that we need to cut the deficit, but we should do so without cutting programs that seniors, veterans, small business owners, students, and our children rely on.

In California, it is estimated that, with sequestration, more than 15,000 children will not receive vaccinations

for diseases such as measles, whooping cough, and influenza, and 8,200 children will be eliminated from federally funded early childhood education programs such as Head Start. This is unacceptable, and Congress must fix it.

After the extensive damage done by the government shutdown that cost the economy \$24 billion, according to an assessment by Standard & Poor's, we must avoid another shutdown and another crisis by passing a budget that does away with sequestration. Americans cannot afford budget policies that weaken our economy, squeeze the middle class, and cost hundreds of thousands of jobs.

Congress needs to come to a compromise on a real spending plan that will increase revenue rather than just slashing critical programs. Congress needs to make sure that Medicare and Medicaid are protected and strengthened.

Mr. Speaker, I stand ready to support a commonsense, job-creating budget.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 51 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

As we face a new day, help us to discover the power of resting in You and receiving assurance and encouragement in Your amazing grace.

Send Your Spirit down upon the Members of the people's House. May they be reminded always of who they are. Grant them wisdom, insight, and vision, that the work they do will be for the betterment of our Nation during a time of struggle for so many Americans.

May they earn the trust and respect of those they represent, whether or not they had earned their vote, and make history that expands the great legacy of so many who have served in this Chamber before now—a legacy of noble service, sometimes political risk, but always great leadership.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. HAHN) come forward and lead the House in the Pledge of Allegiance.

Ms. HAHN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### JULIA'S STORY PROVES PRESIDENT OBAMA'S EMPTY PROMISES

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, I was saddened and angered by a recent email I received from a distraught constituent. Julia from Gurnee, Illinois, told me she is now one of the millions whose health insurance will be canceled because of ObamaCare. Buying a comparable plan means her out-of-pocket expenses will jump more than \$5,200 a year. Worse, the smaller network excludes her current doctor—the doctor she has seen for 33 years. Only doubling her premiums would allow her to keep the doctor who has known and cared for her for most of her adult life.

The President promised middle class families would pay \$2,500 less in annual health care costs under ObamaCare. He promised they would be able to keep their insurance plans and their doctors. Julia's story proves again how empty those promises were.

The Senate and the President must act, as the House has, to allow all Americans to keep their doctors. Americans can't afford more broken promises.

#### PROYECTO INMIGRANTE

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Madam Speaker, I rise today to congratulate Proyecto Inmigrante on their 8-year anniversary on December 7. Proyecto Inmigrante is a nonprofit organization in Dallas and Fort Worth that, since 2005, has served

our community by providing low-cost and reliable immigration counseling.

I admire the hard work and perseverance of its executive director, Douglas Interiano, and the entire staff and volunteers who work hard to help their clients navigate the immigration system to become permanent residents and citizens and to also help them apply for deferred action.

Proyecto also serves a very critical role in protecting a vulnerable immigrant community from fraud and abuse. These efforts take courage, conviction, and selflessness that, as the holiday season approaches, remind us that we should serve others and look beyond ourselves.

Respecting our immigrant community and working hard to enact comprehensive immigration reform should be an urgent national priority for the country. I look forward to continuing that fight, and I am honored that our Nation will have Proyecto Inmigrante as an ally in that effort. Keep up the good work, and good luck on future years of service.

#### J.W. HENDRIX WAS RIGHT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, constituents across South Carolina's Second Congressional District are hurting because of the President's failing government health care takeover. As millions of Americans continue to receive policy cancellations, it is increasingly clear that ObamaCare is destroying jobs.

Angela from Lexington writes:

ObamaCare has caused my son to lose his insurance that was provided through his employer. They said they could not afford the new requirements. My son finally got a job that provided medical insurance, and then the President takes it away. There's definitely something wrong here.

The President has broken multiple promises to the American people. As premiums increase, insurance is lost, and patients lose access to their doctors, we must work together to continue to replace ObamaCare with positive plans, as long introduced by Congressman Dr. TOM PRICE.

Small businessowners such as the late J.W. Hendrix warned of Big Government abuses' denying young people opportunity to fulfill the American Dream.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### NEW MARKETS TAX CREDIT PROGRAM

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise today in support of the New Markets Tax Credit program which is set to expire at the end of this year.

This program has proven critical toward making successful investments in communities like my own in western New York. In the city of Buffalo, New Markets investments have leveraged over \$180 million for projects, including restoration of historic Electric Tower and the development of the Innovation Center on the Buffalo Niagara Medical Campus. Thanks to New Markets Tax Credit-leveraged funding, construction is currently underway on Roswell Park Cancer Institute's new Clinical Sciences Center.

Mr. Speaker, at a time when our economy is recovering from collapse, support for programs that yield economic development and job creation is more critical than ever. I have joined my colleagues in seeking a permanent extension of this program, and I encourage our other colleagues to join us in the same pursuit.

#### OBAMACARE AND CHOICES

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to talk about choices. For my constituents, ObamaCare is about tough choices and about unfair choices.

Barbara from Indianapolis recently logged on to my Web site to share her ObamaCare story, which is about her choices. She's a single mom trying to give her daughter the gift of a college education in a tough economy. President Obama's holiday gift to her, however, was a \$200 increase in her monthly premium. Barbara wrote:

For a single mother trying to put her child through college, it's too much. Where do I cut? My daughter's education? Medical coverage? A place to live? Food?

For Barbara, the choices posed by the increased premium posed by ObamaCare are tough and unfair. Too many of my constituents are being forced to make these same unfair choices. They shouldn't have to choose between paying for college or paying for health insurance.

Mr. Speaker, our choice is clear: the law is not working. Barbara and her daughter deserve a better path forward.

#### COMPREHENSIVE IMMIGRATION REFORM

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, the clock is ticking with just 8 legislative days left this year, but I believe there's still time to bring comprehensive immigration reform to this floor for a vote.

There is an incredible group of people that are fasting on the National Mall as a plea to us to pass some form of comprehensive immigration. Today marks day 22 of their fast, but their faith and commitment to change keeps them going.

These men and women are sacrificing their health, and do you mean to tell me that we can't find the humanity and compassion to pass a comprehensive immigration bill, Speaker BOEHNER? Are you kidding me?

This isn't who we are as a nation. Cesar Chavez and Mahatma Gandhi called fasting a fervent prayer, but we must do our part on behalf of the families who have been hurt by this delay of comprehensive immigration reform. I'm standing with these courageous people and immigrant families all across this Nation in demanding a vote on an immigration bill.

Let's stop this shameful delay and bring a bill to this floor for a vote by the end of the year.

#### THE MEDICARE OPT-OUT BILL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, at a time when Americans continue to see their health care options diminished by the President's disastrous health care law, it's critical that we work to return choice and freedom to the American people. That's why I introduced H.R. 3498, a common-sense bill that gives seniors the freedom to make their own health care decisions and opt out of Medicare.

If folks like Warren Buffett or Ross Perot want to opt out of Medicare part A but they don't want or need a government entitlement paying for their care, we should let them. This bill truly tells seniors "if you like your current coverage, you can keep it" without the risk of losing other benefits like Social Security.

Seniors want, need, and deserve the right to choose a health care plan that fits their needs. I urge my colleagues to join my efforts in returning freedom and choice to American seniors.

#### THE EFFECT OF BUDGET CUTS ON EDUCATION AND SCIENTIFIC RESEARCH

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. Mr. Speaker, we've heard a lot about choices and constituents and what we should do. Well, let me say to you, Mr. Speaker, and to this Nation, our Nation is at a crossroads. The decisions we make today will affect the long-term economic stability of our Nation.

Congress must pass a budget that helps grow our Nation and creates jobs.

We must eliminate the sequester and invest in our future by funding Federal research and education programs. For example, in my district, Ohio State University, one of the Nation's premier research institutions, has recently experienced a 7.2 percent decrease in Federal funding because of the sequester and other budget cuts to Federal research and development.

If this downward trend continues, no question—no question—it will affect our Nation's next generation of science, discovery, and innovation while slowing jobs growth. Federal investment in research and education are put to use in places like world-class laboratories, clinical trials, and energy innovation centers. We must sustain these investments. Our Nation's economic security depends on it.

#### BIPARTISAN SOLUTIONS FOR PROSPERITY

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, the American people are still most concerned about job opportunities and economic growth. They're concerned with their checkbooks and family budgets as the winter months and holiday seasons arrive.

All too often, Washington, D.C., makes it harder on the economy and the American people, not easier. Layer upon layer of government mandates, regulations, and taxes suffocate our struggling economy and come down hard upon the hardworking American people.

The House must remain committed to focusing on job creation, economic prosperity, and opportunities for all Americans to succeed. This week, the House will continue our efforts to put more Americans back to work by focusing on pro-jobs legislation that make it easier for our small businesses to access resources they need to expand and add employees.

We will work to pass legislation that builds on hydropower in our country, creating good-paying jobs through continuing to develop our all-of-the-above national energy policy.

Mr. Speaker, the American people want Congress to work together for the betterment of our entire Nation. We must come together and support these bipartisan solutions that encourage economic growth, better paying jobs, and lead to more economic prosperity for all.

□ 1215

1973 HOWARD HIGH SCHOOL  
BASKETBALL TEAM

(Mr. CARNEY asked and was given permission to address the House for 1



minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, today I rise to recognize the 1973 basketball team from Howard High School in Wilmington, Delaware. This year marks 40 years since Howard's sensational '73 team won Delaware's boys State championship with an undefeated season of 24-0.

Howard's '73 team wasn't the biggest; but the Wildcats were disciplined, and they played with a lot of heart. They were led by their brilliant guards David Roane and Kenny Hynson and the irrepressible Mike Miller, who battled much taller players under the boards.

Supported by a big family of coaches, teachers, classmates, and Howard alumni, the Wildcats became the first team in Delaware history to finish the season undefeated.

There were several games where it looked like Howard might get knocked off, including a nail-biter against the much bigger Salesianum in the State semifinal; but the Wildcats were always able to pull out the victory in the end.

Today I want to recognize Howard High School's 1973 boys basketball team, honor them for their historic season, and thank them for the work they continue to do for youth in the State of Delaware.

#### HOMEOWNERS FLOOD INSURANCE RELIEF ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, homeowners in my home State of Florida and across the country face significant flood insurance rate increases as a result of the reforms made to address the solvency of the National Flood Insurance Program.

To ensure that NFIP remains both affordable for homeowners and sustainable for taxpayers, I have introduced H.R. 3312, the Homeowners Flood Insurance Relief Act. The bill would cap a homeowner's premiums at the end of a 10-year phase-in to no more than the appraised value of the structure over the course of a 30-year mortgage. It would also allow homeowners to pay premiums on a more affordable monthly basis rather than an annual lump sum.

These commonsense changes will ensure that homeowners stay in the program and any increased premiums do not harm the already fragile housing market's recovery. Furthermore, they continue the intent of the NFIP, protecting homeowners from devastating floods while also ensuring the program is able to cover its costs.

I look forward to working with my colleagues to move this legislation forward.

#### CLIMATE CHANGE

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise today as a member of the Safe Climate Caucus to highlight the 100th legislative day that my colleagues and I have come to the House floor and called for action on climate change.

Since we started this effort, California has been rocked by devastating wildfires, the Midwest has been damaged by tornadoes, an early-season blizzard has wiped out livestock in the Dakotas, and deadly floods have destroyed parts of Colorado.

Extreme weather events caused by climate change continue to affect families and businesses across this country. These are not random occurrences, but constant reminders that climate change is real. We will continue to make our voices heard on the House floor until everyone comes to the table, effective action is taken, and future generations are protected.

#### OBAMACARE IS NOT WORKING

(Mr. DUFFY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUFFY. Mr. Speaker, as I listen to the conversation this morning and the 1 minutes that are given, I don't hear many of my friends across the aisle talking about ObamaCare.

When I am back at home, I am hearing from thousands of people who have lost their insurance—people who did the right thing: Americans who bought insurance to cover themselves and their families who have now lost their insurance; Americans who we asked to do the right thing, and they did it.

In Wisconsin, 95 percent of Wisconsinites were covered. Instead of working on the 5 percent that weren't covered, we have now abandoned our health care system, and it is broken for those Americans who tried to do the right thing.

In my district, Denise needs a kidney transplant. She has lost her insurance. She has lost her doctor. She is going to the exchange looking for insurance, and the one option that she has doesn't provide coverage for her current doctor. This is life and death for so many Americans.

I hope that my friends across the aisle will start to talk about ObamaCare and how we fix it to make it work for the American people, because right now it is not working.

#### A NEW DAY FOR HEALTH CARE IN AMERICA

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the prior speaker's prayers are about to be answered.

Mr. Speaker, my State of Kentucky is a national model for how the Affordable Care Act can make our constituents' lives more secure and their businesses stronger. I would like to share one story. Will Russell is the owner of Why Louisville, a small independent business in my district that specializes in locally designed clothing and art. The father of a 1-year-old, he also has a preexisting condition that led insurance companies to deny him coverage for the past 15 years.

Thanks to the Affordable Care Act, beginning January 1, Will and his wife and son will be covered under a plan they found on Kynect, Kentucky's health insurance exchange. Will estimates his family will save \$300 a month. Add that to the peace of mind that comes with knowing he will never face medical bankruptcy and the threat of losing his thriving business just because he didn't have access to insurance.

He has been so pleased with the ease and affordability of Kynect that he is now exploring coverage for his employees for the first time through the State's small business exchange. Mr. Speaker, Will's story is one among millions of Americans who are finding expanded care through the Affordable Care Act. To quote Will:

It's going to be a new day for my family, for me, and so many people just like us in Kentucky and throughout the country.

#### SHARE YOUR OBAMACARE STORY

(Mr. GOSAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSAR. Mr. Speaker, I rise today to talk about the millions of Americans who have lost their health insurance under ObamaCare.

The House Committee on Oversight and Government Reform, the Federal Government's chief watchdog, is holding a field hearing this Friday in Apache Junction, Arizona, entitled, "ObamaCare Implementation, the Broken Promise: If You Like Your Current Plan, You Can Keep It." As a member of this committee, I am joining Chairman DARRELL ISSA to listen to Arizonans tell their ObamaCare nightmares.

I want to know how this terrible law is hurting you personally so we can show President Obama and the Senate Democrats the damage ObamaCare is inflicting throughout Arizona and across the country. I encourage you all to come and let your voices be heard.

Mr. Speaker, we are listening. If you are not able to attend, but would like to share your story, please visit [www.gop.gov/yourstory](http://www.gop.gov/yourstory). ObamaCare has always been fundamentally flawed. I will continue to do all I can to protect the American people from this horrific law.

UNFINISHED LEGISLATIVE  
BUSINESS

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, with fewer than 7 legislative days left in the year, the window to address the staggering list of unfinished business before the House is rapidly closing: no farm bill, no long-term budget, no tax reform, no ENDA, no comprehensive immigration package, no replacement for the sequester. In fact, the GOP has continuously failed to govern and create real solutions to the pressing issues facing this country.

Over the past 11 months, Republicans have undermined the important economic progress that we have made, disproportionately harming low-income women and children and keeping 11 million undocumented immigrants in the shadows. They have gutted nutritional programs, voted to repeal health care reform 43 times, and shut down the government in a fit of pique, putting millions at economic risk.

This holiday season, as Americans enjoy exchanging gifts with family and friends, I am afraid all they are going to find from House Republicans is a lump of coal.

CAUGHT BETWEEN A ROCK AND A  
HARD PLACE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, ObamaCare exemplifies perfectly the problem of bureaucratic hubris. Confident that Americans would come to see their mass-produced health care as “better,” the “suits” in Washington chose to pass a completely partisan law and, regardless of promises, forced unwanted insurance changes on millions of Americans.

Many of my constituents object to the characterization of “better.” Coverage isn’t better if it is not what a family wants or needs. It is not better if its shiny new mandates make health care unaffordable.

Holli from St. Clemmons knows this too well. She wrote to say:

I am a geriatric care manager. I pay \$171 per month. My deductible is \$2,500. I went on www.healthcare.gov and was informed I now will get no financial assistance to pay for my plan. If I choose the lowest cost plan, I will be paying \$330 per month. My doctor is not listed as a provider, and my drug deductible will be \$2,500. I feel I am caught between a rock and a hard place.

“Better,” for Holli, would be a health care law that doesn’t make her insurance preferences illegal.

## SAFE CLIMATE CAUCUS

(Mrs. CAPPS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, today marks the 100th consecutive legislative day the Safe Climate Caucus has spoken on the House floor calling for action to address climate change.

The science, itself, is clear: climate change is already contributing to significant environmental changes—unprecedented droughts, floods, and hurricanes, to name a few.

But climate change is not only a serious environmental problem. It is a serious economic problem as well. American businesses, large and small, understand this threat; and they are responding accordingly. They are increasing their energy efficiency, reducing pollution, and implementing more sustainable business practices. American businesses understand that the changing climate is already hurting their bottom line, and they are taking action to strengthen their competitiveness and their resiliency.

Congress should be doing the same. Yet our majority continues to stick its head in the sand and do nothing. Climate change poses a real and immediate threat to our economy, and we really can’t afford to wait any longer. I urge my colleagues to join with American businesses in taking action now to address this urgent problem.

## TIME FOR REAL SOLUTIONS

(Mr. HUDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDSON. Mr. Speaker, I rise today to call attention to one number that has remained too high for too long, and that is the number of unemployed people in this country. Right now, that number stands at 11.3 million. That is 11.3 million of our fellow Americans. These are not just statistics. These are real people. They are our friends, our neighbors, our children; and they deserve better. These are policies that encourage real economic growth that will create jobs Americans need—not higher health care costs, policy cancellations, and threats of job loss brought on by ObamaCare.

This unworkable law is causing health care premiums to rise all across the country, particularly in my home State of North Carolina; and millions of Americans have had their insurance policies canceled. This is not a plan for growth. It is a plan for more strain on hardworking Americans. It is time for real solutions. It is time to get Americans back to work.

## THIS CONGRESS IS LAZY

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, by the end of December, 1.3 million unemployed Americans will lose their unemployment benefits because Congress refuses to act. It has been 1,066 days since I arrived in Congress, and the Republican leaders have still not allowed a single vote on serious legislation to address our unemployment crisis.

As we approach the holidays, many families will grieve and worry. Many will suffer because, in January 2014, they will be the victims of the unemployment crisis. The sad fact is this: we have solutions, but the Republican leaders have abandoned these common-sense solutions and will not bring them to the floor.

Mr. Speaker, in this tight jobs market, it is not the unemployed who are lazy. It is this Congress that is lazy. Our mantra should be: Jobs, jobs, jobs.

□ 1230

## AFFORDABLE CARE ACT

(Mr. MCCAUL asked and was given permission to address the House for 1 minute.)

Mr. MCCAUL. Mr. Speaker, I rise today to speak about the Affordable Care Act.

As the American people know, Members of Congress now are covered by this law. And, rightly so, we should engage in the D.C. exchange. I want to tell you about my personal experience with the D.C. exchange.

The President said you can keep your health care plan and that your premiums will go down. Mr. Speaker, I lost my health care plan. I have five children. My premiums have gone up significantly. I don’t know if I can keep all the same doctors that treat my children.

If this is such a great law, why isn’t the President of the United States covered by this law? On day one, why didn’t the President of the United States have a Rose Garden ceremony as customer number one under his law, ObamaCare, and sign up for this? The answer is that he hasn’t signed up for it because maybe he doesn’t think it is good enough for his family, but yet it is good enough for the American people.

That is the height of hypocrisy and arrogance in Washington, and it needs to stop.

## UNEMPLOYMENT BENEFITS

(Ms. KUSTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KUSTER. Mr. Speaker, today, I rise in support of H.R. 3546, the Emergency Unemployment Compensation Extension Act of 2013.

Without congressional action, the Federal Emergency Unemployment

Compensation program will expire just days after Christmas. If this happens, 1.3 million Americans, including 1,300 Granite Staters, will be cut off from their benefits on December 28. We cannot let that happen. These benefits provide a vital lifeline to Granite Staters and Americans all across this country who are struggling to find work.

With only 8 legislative days remaining before the end of 2013, the time is now to extend this critical program. This bill would extend unemployment insurance through the end of 2014, giving hardworking people in New Hampshire the boost they need to find work.

I recently held a Career and Opportunities Fair, where I saw over 300 people striving for a better job and a brighter future. Let's give them that chance. Please pass this legislation.

#### JOBS AND OBAMACARE IV

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, House Republicans have a plan to provide real solutions that will help all Americans in this very tough economy. We want to spur economic growth, create more jobs, and provide fairness for everyone. But what do the President and his Democrat allies have to offer the 11 million Americans who are out of work today? They have offered up ObamaCare.

This deeply flawed law is forcing hardworking Americans to shell out more of their hard-earned money for higher insurance costs. It is causing millions of Americans to lose their insurance coverage altogether.

Too many Americans are already struggling to make ends meet. It is not fair that they are being forced to deal with the ObamaCare train wreck, too.

It is time for real solutions.

#### REINTRODUCTION OF THE STOP HARMING OUR KIDS RESOLUTION

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, when Jerry Spencer told his family that he was gay, his mother told him not to worry about it because they would "fix it." This began 7 years of going through so-called "conversion therapy" to try to make him straight.

He was forced to put blocks of ice on his hands while he looked at pictures of guys holding hands and would only be given relief from the pain if he pleaded to see a picture of a man and woman holding hands. Other survivors of this quackery were told to strip down and hold their genitalia or snap themselves with a rubber band each time they experienced same-sex attraction. Jerry

said that after each therapy session he was "a little more destroyed."

These attempts to change LGBT youth are extremely harmful and can cause depression, substance abuse, anxiety, self-destructive behavior, and even suicide. These practices have been rejected by every mainstream mental health association as neither safe nor effective. These efforts frequently increase family rejection, which we know make LGBT youth eight times more likely to report attempting suicide, five times more likely to report high levels of depression, and three times more likely to use illegal drugs.

Recognizing these harms, California and New Jersey have passed laws to protect minors. State legislatures in Pennsylvania, Massachusetts, New York, and Ohio are considering similar measures.

This week, I will introduce the Stop Harming Our Kids resolution to encourage other States to pass laws to protect LGBT minors from these harmful and damaging practices.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. AMODEI). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### TSA LOOSE CHANGE ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1095) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1095

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "TSA Loose Change Act".

##### SEC. 2. DISPOSITION OF UNCLAIMED MONEY RECOVERED AT AIRPORT SECURITY CHECKPOINTS.

(a) DISPOSITION OF UNCLAIMED MONEY.—Section 44945(a) of title 49, United States Code, is amended—

(1) by inserting "after the date of enactment of the TSA Loose Change Act," after "title 31,";

(2) by striking "shall be retained by the Transportation Security Administration"

and all that follows through "this chapter" and inserting "shall be annually transferred, based on requests for proposals, by the Assistant Secretary to nonprofit organizations that operate airport centers in multiple locations throughout the United States to provide places of rest and recuperation for members of the Armed Forces and their families"; and

(3) by adding at the end the following new sentence: "The Assistant Secretary shall ensure that the name of each nonprofit agency to which funds are transferred under this subsection is printed in the Federal Register.".

(b) ANNUAL REPORT.—Section 515(b) of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108-334; 118 Stat. 1318; 49 U.S.C. 44945 note) is amended—

(1) by striking "the Committee on Transportation and Infrastructure of the House of Representatives" and inserting "the Committee on Homeland Security of the House of Representatives"; and

(2) by striking "and specifically how the unclaimed money is being used to provide civil aviation security" and inserting "and the amount of unclaimed money transferred to nonprofit organizations under section 44945(a) of title 49, United States Code, and the dates of such transfers".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

I stand in strong support of this bill, the TSA Loose Change Act, sponsored by my friend and chairman of the Veterans' Affairs Committee, Congressman JEFF MILLER, and 42 bipartisan cosponsors.

The Committee on Homeland Security ordered this legislation reported during the 112th Congress and again this Congress, but this is the first time it is being considered by the full House. I am pleased to be here today to express my strong support for the measure, and I urge its adoption.

Mr. Speaker, in the hustle and bustle of our Nation's airports, with millions of people traveling every day, it is no surprise that some travelers will inadvertently leave behind loose change at TSA screening checkpoints. That pocket change may not add up to much at one airport, but when you total it across 450 airports, it amounts to half a million dollars every year.

TSA is currently authorized to keep the money for its own use, but the agency has been slow to spend it, and

already receives \$7 billion towards its operations ever year. I believe this bill is a unique opportunity to put that loose change to better use by spending it on airport centers that provide our military heroes with a more relaxing and comfortable experience while they travel. What better time to make this change than during this busy holiday season when servicemembers are traveling to spend time with their loved ones?

According to the CBO, this bill will not have a significant impact on the budget in any given year, given the modest amount of money involved. Supporting our military servicemembers and their families is a goal we can all get behind, and this bill represents a commonsense step toward that objective.

Earlier this year, we passed the Helping Heroes Fly Act, sponsored by the Congresswoman from Hawaii, TULSI GABBARD. That bill is already making a difference for wounded warriors traveling through our airports, and H.R. 1095 is another chance to further our commitment to our U.S. soldiers.

I commend Chairman MILLER for sponsoring this legislation, as well as my colleagues on the committee and across the aisle for their support.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1095, the TSA Loose Change Act. It is a straightforward bill with an admirable goal: take unclaimed money left behind at passenger screening checkpoints, often in the form of loose change, and put it to good use aiding our servicemembers and their families as they travel.

Under current law, unclaimed money left at passenger screening checkpoints is used to offset civil aviation security costs. In recent years, TSA has collected slightly less than \$500,000 annually in unclaimed money at checkpoints. H.R. 1095 would amend current law by directing that these funds be transferred to a nonprofit organization, such as the United Service Organizations, to provide places of relaxation and recuperation at airports for members of the Armed Forces and their families.

I am pleased to lend my support for this legislation. I know that the chairman of the Veterans' Affairs Committee has been a champion of this legislation for several Congresses now, and I applaud him for his persistence on this issue.

Chairman MILLER will be glad to know that this is not the first bill regarding servicemembers and veterans that the committee has seen moved during this Congress. Earlier this year, the Helping Heroes Fly Act, of which I was an original cosponsor, went on to become law. That legislation, introduced by my colleague on the Com-

mittee on Homeland Security, Representative GABBARD from Hawaii, requires TSA to provide expedited screening for severely injured servicemembers and veterans. Together, the Helping Heroes Fly Act and the TSA Loose Change Act display the committee's commitment to honoring our servicemembers and veterans.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. MILLER), the sponsor of the legislation and chairman of the Committee on Veterans' Affairs.

Mr. MILLER of Florida. Mr. Speaker, I first want to thank the chairman, my good friend, Mr. MCCAUL; the ranking member, Mr. THOMPSON; Chairman HUDSON; Congressman ROGERS of Alabama; and all the members of the Homeland Security Committee for their support of this important piece of legislation.

As a proud supporter of the military, as many of us in this Chamber are, I am grateful to each of my colleagues and their hardworking staffs for the opportunity to help advance H.R. 1095, the TSA Loose Change Act, which is on the floor with us today.

This act is a commonsense piece of legislation with bipartisan support, has no impact on the Federal budget, and supports our men and women in uniform who dedicate their lives in defense of the freedom that we enjoy. As a result of this bill's passage, travelers' unclaimed change left at airport security checkpoints, which is currently retained by the Department of Homeland Security, would be put to good use right there in airports across America. What may seem like a small amount of change left behind to some—nickels, dimes, quarters, and pennies—actually amounts to hundreds of thousands of dollars each year and can make a significant difference if used wisely.

By directing TSA to transfer unclaimed money to nonprofit organizations that provide a place of rest and recuperation area for our Nation's military at our Nation's airports, H.R. 1095 would ensure that thousands of coins, when bundled together, will be used in support of millions of our Nation's warriors.

I urge all of my colleagues to support H.R. 1095.

Mr. RICHMOND. Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HUDSON), chairman of the Subcommittee on Transportation Security.

Mr. HUDSON. Mr. Speaker, I rise today to voice my strong support for the TSA Loose Change Act, authored by my good friend, JEFF MILLER of Florida.

We see loose change at security lines in every airport, from Charlotte down

to Pensacola and all across this Nation. It may not seem like much, but as people quickly shuffle through the checkpoints and leave change behind, it adds up to almost \$500,000 a year. Under current law, the money is used for civil aviation security, but this bill will allow TSA to use this loose change to direct it to a good cause.

Mr. Speaker, I agree with Mr. MILLER. This money should be put to the use of supporting our military members and their families by providing them a place to rest at the airports.

I would like to thank Chairman MILLER for his tireless effort, his work on this issue, and also thank other members of the Homeland Security Committee. I particularly want to recognize the ranking member on our subcommittee, Mr. RICHMOND, who has dedicated himself to this work. He has worked with me on this and many other issues in a bipartisan way.

Mr. Speaker, that is what the American people are looking for. They are looking for us to come here and work together for solutions for the American people. Mr. Speaker, I am proud of the work that we have produced with this bill, and I urge my colleagues to support this bill.

□ 1245

Mr. RICHMOND. I yield myself the balance of my time.

Mr. Speaker, let me thank the chairman of the full Committee on Homeland Security, who is the chairman of the committee that I am ranking member on, and Mr. MILLER for introducing this legislation and for working in such a bipartisan manner. Of course, let me thank my ranking member, Mr. THOMPSON, from the neighboring State of Mississippi.

This bill is a bipartisan effort, and it goes to show the American people that we do have good common sense here in Congress and that we do things that are right just because they are the right things to do.

I urge all of my colleagues to support this legislation, which will give resources to some of our most valuable citizens in the country—the ones who put their lives on the line for us—so that we may help them in expediting and in making their travels more relaxed throughout the United States.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MCCAUL. I yield myself the balance of my time.

Mr. Speaker, I also want to thank HUDSON, Chairman MILLER, Ranking Member RICHMOND, and Ranking Member THOMPSON. I am proud of the work we have done on this committee.

At a time of intense partisanship and acrimony, we have conducted ourselves very professionally and in a bipartisan way. I think when it comes to national security issues that is precisely what we should be doing. It is what the

American people, as Chairman HUDSON said, expect and deserve.

With that, Mr. Speaker, I urge the adoption of this bipartisan, common-sense bill, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 1095, the "TSA Loose Change Act."

This legislation, introduced by the Chairman of the Committee on Veterans' Affairs, received the unanimous support of the Committee on Homeland Security in October.

It would require the Transportation Security Administration to transfer money left behind by passengers at airport security checkpoints to nonprofit organizations such as the United States Organization.

Under this measure, places of rest and relaxation for service members and their families at our nation's airports would have new resources to provide critical services.

Over the past few years, TSA has collected, on average, over \$400,000 per year at passenger screening checkpoints.

Last year, the agency collected over \$500,000.

To be clear, this is money left behind by passengers that goes unclaimed.

Currently, TSA is obligated by law to use those funds for security operations.

Given that TSA has a robust budget and troubling propensity for spending taxpayer dollars on programs that do not work, such as its behavior detection program, I am supportive of redirecting these unclaimed monies to the worthy cause of maintaining dedicated spaces for relaxation at our nation's airports for our service members and their loved ones.

During the holiday season, service members and their families will be traveling through airports across the country to be with family, friends, and colleagues.

H.R. 1095 seeks to ensure that organizations, such as the United Service Organization, have the resources necessary to ensure their comfort as they do so.

I would like to point out that this legislation builds upon the Committee on Homeland Security's previous work this Congress to support service members and veterans.

Earlier this Congress, the Committee saw enactment of the Helping Heroes Fly Act.

That legislation, introduced by Representative GABBARD, a member of the Committee, requires TSA to provide expedited screening for severely injured service members and veterans.

I am hopeful that the legislation before us today is met with the same support as that measure and likewise becomes a public law.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 1095, the TSA Loose Change Act. I support the goals of the bill that would allow the Transportation Security Administration, TSA, to transfer monies left by travelers at airport security check points to USO-type organizations.

The bill is intended to provide support to organizations that exist for the sole purpose of lifting the spirits of America's troops and their families.

Travelers often see young men and women of the armed services in airports who often travel for hours and sometimes days to reach their destinations.

It is important that while they or their families are traveling they are provided with access to rest areas and a warm welcome.

The TSA Loose Change Act modifies existing law by requiring TSA to transfer unclaimed loose change found at passenger screening checkpoints to organizations that provide places of rest and recuperation at airports to service members and their families, such as the USO.

Last year, TSA collected over \$500,000 in unclaimed money at passenger screening checkpoints.

Under H.R. 1095, this money will go to the noble cause of providing support for service members and their families.

During Committee consideration of this bill in October, during Full Homeland Security Committee markup, I offered an amendment to the bill that will require TSA to publish in the Federal Register the name of the organization that successfully applies for the funds via the Request for Proposals process called for in the bill.

I was pleased that my amendment was met with the unanimous support of the Committee and is now a part of the legislation before the House today.

With my amendment included, we can have confidence that we will have knowledge of the organizations or organization that receives the money and can ensure its proper use.

I ask my colleagues on both sides of the aisle to support our troops and their families by voting in favor of this amendment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 1095, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## TRANSPORTATION SECURITY ACQUISITION REFORM ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2719) to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2719

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Transportation Security Acquisition Reform Act".*

### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) The Transportation Security Administration (in this Act referred to as "TSA") does not consistently implement Department of Homeland Security policies and Government best practices for acquisition and procurement.

(2) TSA has not developed a multiyear technology investment plan. As a result, TSA has

underutilized innovation opportunities within the private sector, including from small businesses.

(3) Due in part to the deficiencies referred to in paragraphs (1) and (2), TSA has faced challenges in meeting key performance requirements for several major acquisitions and procurements, resulting in reduced security effectiveness and wasted expenditures.

### SEC. 3. TRANSPORTATION SECURITY ADMINISTRATION ACQUISITION REFORM.

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (116 Stat. 2312) is amended to read as follows:

#### "TITLE XVI—TRANSPORTATION SECURITY "Subtitle A—General Provisions

##### "SEC. 1601. DEFINITIONS.

"In this title:

"(1) ADMINISTRATION.—The term 'Administration' means the Transportation Security Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

"(3) SECURITY-RELATED TECHNOLOGY.—The term 'security-related technology' means any technology that assists the Administration in the prevention of, or defense against, threats to United States transportation systems, including threats to people, property, and information.

#### "Subtitle B—Transportation Security Administration Acquisition Improvements

##### "SEC. 1611. MULTIYEAR TECHNOLOGY INVESTMENT PLAN.

"(a) IN GENERAL.—The Administrator—

"(1) not later than 180 days after the date of enactment of the Transportation Security Acquisition Reform Act, shall develop and transmit to Congress a strategic multiyear technology investment plan, which may include a classified addendum to report sensitive transportation security risks, technology vulnerabilities, or other sensitive security information; and

"(2) to the extent possible, shall publish such plan in an unclassified format within the public domain.

"(b) CONSULTATION.—The Administrator shall develop the multiyear technology investment plan in consultation with the Under Secretary for Management, the Chief Information Officer, and the Under Secretary for Science and Technology.

"(c) APPROVAL.—The Secretary must have approved the multiyear technology investment plan before it is published under subsection (a)(2).

"(d) CONTENTS OF PLAN.—The multiyear technology investment plan shall include the following:

"(1) An analysis of transportation security risks and the associated technology gaps, including consideration of the most recent Quadrennial Homeland Security Review under section 707.

"(2) A set of transportation security-related technology acquisition needs that—

"(A) is prioritized based on risk and gaps identified under paragraph (1); and

"(B) includes planned technology programs and projects with defined objectives, goals, and measures.

"(3) An analysis of current trends in domestic and international passenger travel.

"(4) An identification of currently deployed security-related technologies that are at or near the end of their lifecycle.

"(5) An identification of test, evaluation, modeling, and simulation capabilities that will be required to support the acquisition of the security-related technologies to meet those needs.

"(6) An identification of opportunities for public-private partnerships, small and disadvantaged company participation,

intragovernment collaboration, university centers of excellence, and national laboratory technology transfer.

“(7) An identification of the Administration’s acquisition workforce needs that will be required for the management of planned security-related technology acquisitions, including consideration of leveraging acquisition expertise of other Federal agencies.

“(8) An identification of the security resources, including information security resources, that will be required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack.

“(9) An identification of initiatives to streamline the Administration’s acquisition process and provide greater predictability and clarity to small, medium, and large businesses, including the timeline for testing and evaluation.

“(e) **LEVERAGING THE PRIVATE SECTOR.**—To the extent possible, and in a manner that is consistent with fair and equitable practices, the plan shall—

“(1) leverage emerging technology trends and research and development investment trends within the public and private sectors;

“(2) incorporate feedback and input received from the private sector through requests for information, industry days, and other innovative means consistent with the Federal Acquisition Regulation; and

“(3) leverage market research conducted by the Under Secretary for Science and Technology to identify technologies that exist or are in development that, with or without adaptation, could be utilized to meet mission needs.

“(f) **DISCLOSURE.**—The Administrator shall include with the plan required under this section a list of any nongovernment persons that contributed to the writing of the plan.

“(g) **UPDATE AND REPORT.**—Once every 2 years after the initial strategic plan is transmitted to Congress, the Administrator shall transmit to Congress an update of the plan and a report on the extent to which each security-related technology acquired by the Administration since the last issuance or update of the plan is consistent with the planned technology programs and projects identified under subsection (d)(2) for that technology.

**“SEC. 1612. ACQUISITION JUSTIFICATION AND REPORTS.**

“(a) **ACQUISITION JUSTIFICATION.**—Before the Administration implements any security-related technology acquisition, the Administrator shall, in accordance with the Department’s policies and directives, conduct a comprehensive analysis to determine whether the acquisition is justified. The analysis shall include, but may not be limited to, the following:

“(1) An identification of the type and level of risk to transportation security that would be addressed by such technology acquisition.

“(2) An assessment of how the proposed acquisition aligns to the multiyear technology investment plan developed under section 1611.

“(3) A comparison of the total expected lifecycle cost against the total expected quantitative and qualitative benefits to transportation security.

“(4) An analysis of alternative security solutions to determine if the proposed technology acquisition is the most effective and cost-efficient solution based on cost-benefit considerations.

“(5) An evaluation of the privacy and civil liberties implications of the proposed acquisition, and a determination that the proposed acquisition is consistent with fair information practice principles issued by the Privacy Officer of the Department. To the extent practicable, the evaluation shall include consultation with organizations that advocate for the protection of privacy and civil liberties.

“(6) Confirmation that there are no significant risks to human health and safety posed by the proposed acquisition.

“(b) **REPORTS AND CERTIFICATION TO CONGRESS.**—

“(1) **IN GENERAL.**—Not later than the end of the 30-day period preceding the award by the Administration of a contract for any security-related technology acquisition exceeding \$30,000,000, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the comprehensive acquisition analysis required under this section and a certification by the Administrator that the security benefits justify the contract cost.

“(2) **EXTENSION DUE TO IMMINENT TERRORIST THREAT.**—If there is a known or suspected imminent threat to transportation security, the Administrator may reduce the 30-day period under paragraph (1) to 5 days in order to rapidly respond.

“(3) **NOTICE TO CONGRESS.**—The Administrator shall provide immediate notice of such imminent threat to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**“SEC. 1613. ACQUISITION BASELINE ESTABLISHMENT AND REPORTS.**

“(a) **BASELINE REQUIREMENTS.**—

“(1) **IN GENERAL.**—Before the Administration implements any security-related technology acquisition, the appropriate acquisition official of the Department shall establish and document a set of formal baseline requirements.

“(2) **CONTENTS.**—The baseline requirements shall—

“(A) include the estimated costs (including lifecycle costs), schedule, and performance milestones for the planned duration of the acquisition; and

“(B) identify the acquisition risks and a plan for mitigating these risks.

“(3) **FEASIBILITY.**—In establishing the performance milestones under paragraph (2), the appropriate acquisition official of the Department shall, to the extent possible and in consultation with the Under Secretary for Science and Technology, ensure that achieving these milestones is technologically feasible.

“(4) **TEST AND EVALUATION PLAN.**—The Administrator, in consultation with the Under Secretary for Science and Technology, shall develop a test and evaluation plan that, at a minimum, describes—

“(A) the activities that will be required to assess acquired technologies against the performance milestones established under paragraph (2);

“(B) the necessary and cost-effective combination of laboratory testing, field testing, modeling, simulation, and supporting analysis to ensure that such technologies meet the Administration’s mission needs; and

“(C) an efficient schedule to ensure that test and evaluation activities are completed without undue delay.

“(5) **VERIFICATION AND VALIDATION.**—The appropriate acquisition official of the Department—

“(A) subject to subparagraph (B), shall utilize independent reviewers to verify and validate the performance milestones and cost estimates developed under paragraph (2) for a security-related technology that pursuant to section 1611(d)(2) has been identified as a high priority need in the most recent multiyear technology investment plan; and

“(B) shall ensure that the utilization of independent reviewers does not unduly delay the schedule of any acquisition.

“(6) **STREAMLINING ACCESS FOR INTERESTED VENDORS.**—The Administrator shall establish a streamlined process for an interested vendor of a security-related technology to request and re-

ceive appropriate access to the baseline requirements and test and evaluation plans that are necessary for the vendor to participate in the acquisitions process for such technology.

“(b) **REVIEW OF BASELINE REQUIREMENTS AND DEVIATION; REPORT TO CONGRESS.**—

“(1) **REVIEW.**—

“(A) **IN GENERAL.**—The appropriate acquisition official of the Department shall review and assess each implemented acquisition to determine if the acquisition is meeting the baseline requirements established under subsection (a).

“(B) **TEST AND EVALUATION ASSESSMENT.**—The review shall include an assessment of whether the planned testing and evaluation activities have been completed and the results of such testing and evaluation demonstrate that the performance milestones are technologically feasible.

“(2) **REPORT.**—

“(A) **IN GENERAL.**—The Administrator shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of any assessment that finds that—

“(i) the actual or planned costs exceed the baseline costs by more than 10 percent;

“(ii) the actual or planned schedule for delivery has been delayed by more than 180 days; or

“(iii) there is a failure to meet any performance milestone that directly impacts security effectiveness.

“(B) **CAUSE.**—The report shall include the cause for such excessive costs, delay, or failure, and a plan for corrective action.

“(C) **TIMELINESS.**—The report required under this section shall be provided to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate no later than 30 days after identifying such excessive costs, delay, or failure.

**“SEC. 1614. INVENTORY UTILIZATION.**

“(a) **IN GENERAL.**—Before the procurement of additional quantities of equipment to fulfill a mission need, the Administrator shall, to the extent practicable, utilize any existing units in the Administration’s inventory to meet that need.

“(b) **TRACKING OF INVENTORY.**—

“(1) **LOCATION.**—The Administrator shall establish a process for tracking the location of security-related equipment in such inventory.

“(2) **UTILIZATION.**—The Administrator shall—

“(A) establish a process for tracking the utilization status of security-related technology in such inventory; and

“(B) implement internal controls to ensure accurate data on security-related technology utilization.

“(3) **QUANTITY.**—The Administrator shall establish a process for tracking the quantity of security-related equipment in such inventory.

“(c) **LOGISTICS MANAGEMENT.**—

“(1) **IN GENERAL.**—The Administrator shall establish logistics principles for managing inventory in an effective and efficient manner.

“(2) **LIMITATION ON JUST-IN-TIME LOGISTICS.**—The Administrator may not use just-in-time logistics if doing so would—

“(A) inhibit necessary planning for large-scale delivery of equipment to airports or other facilities; or

“(B) unduly diminish surge capacity for response to a terrorist threat.

**“SEC. 1615. SMALL BUSINESS CONTRACTING GOALS.**

“Not later than 90 days after the date of enactment of the Transportation Security Acquisition Reform Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the following:



“(1) A restatement of the Administration’s published goals for contracting with small businesses, including small and disadvantaged businesses, and the Administration’s performance record with respect to meeting those goals during the preceding fiscal year.

“(2) If such goals were not met, or the Administration’s performance was below the published goals of the Department, an itemized list of challenges, including deviations from the Administration’s subcontracting plans and the extent to which contract bundling was a factor, that contributed to the level of performance during the preceding fiscal year.

“(3) An action plan, with benchmarks, for addressing each of the challenges identified in paragraph (2), prepared after consultation with the Secretary of Defense and the heads of Federal departments and agencies that achieved their published goals for prime contracting with small and minority owned businesses, including small and disadvantaged businesses, in prior fiscal years, to identify policies and procedures that could be incorporated at the Administration in furtherance of achieving the Administration’s published goal for such contracting.

“(4) The status of implementing such action plan that was developed in the preceding fiscal year in accordance with paragraph (3).

**“SEC. 1616. CONSISTENCY WITH THE FEDERAL ACQUISITION REGULATION AND DEPARTMENTAL POLICIES AND DIRECTIVES.**

“The Administrator shall execute responsibilities set forth in this subtitle in a manner consistent with, and not duplicative of, the Federal Acquisition Regulation and the Department’s policies and directives.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the items relating to title XVI and inserting the following:

**“TITLE XVI—TRANSPORTATION SECURITY**

**“Subtitle A—General Provisions**

“Sec. 1601. Definitions.

**“Subtitle B—Transportation Security Administration Acquisition Improvements**

“Sec. 1611. Multiyear technology investment plan.

“Sec. 1612. Acquisition justification and reports.

“Sec. 1613. Acquisition baseline establishment and reports.

“Sec. 1614. Inventory utilization.

“Sec. 1615. Small business contracting goals.

“Sec. 1616. Consistency with the Federal Acquisition Regulation and departmental policies and directives.”.

(c) **PRIOR AMENDMENTS NOT AFFECTED.**—This section shall not be construed to affect any amendment made by title XVI of such Act as in effect before the date of enactment of this Act.

**SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.**

(a) **IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall assess and report to Congress on implementation by the Transportation Security Administration of recommendations regarding the acquisition of technology that were made by the Government Accountability Office before the date of enactment of this Act.

(b) **IMPLEMENTATION OF SUBTITLE B OF TITLE XVI.**—Not later than 1 year after the date of enactment of this Act and 3 years thereafter, the Comptroller General of the United States shall evaluate and report to Congress the Transportation Security Administration’s progress in implementing subtitle B of title XVI of the Homeland Security Act of 2002 (116 Stat. 2312), as amended by this Act (including provisions

added to such subtitle after the date of enactment of this Act), including any efficiencies, cost savings, or delays that have resulted from such implementation.

**SEC. 5. REPORT ON FEASIBILITY OF INVENTORY TRACKING.**

Not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall report to Congress on the feasibility of tracking transportation security-related technology of the Administration through automated information and data capture technologies.

**SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF TSA’S TEST AND EVALUATION PROCESS.**

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall evaluate and report to Congress on the Transportation Security Administration’s testing and evaluation activities related to security-related technologies. The report shall include—

(1) information on the extent to which —

(A) the execution of such testing and evaluation activities is aligned, temporally and otherwise, with the Administration’s acquisition needs, planned procurements, and acquisitions for technology programs and projects; and

(B) the extent to which security-related technologies that have been tested, evaluated, and certified for use by the Administration are not procured by the Administration, including information about why that occurs; and

(2) recommendations to—

(A) improve the efficiency and efficacy of such testing and evaluation activities; and

(B) better align such testing and evaluation with the acquisitions process.

**SEC. 7. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. **MCCAUL**) and the gentleman from Louisiana (Mr. **RICHMOND**) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. **MCCAUL**. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **MCCAUL**. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of this bill, the Transportation Security Acquisition Reform Act, which was developed and introduced by the distinguished gentleman from North Carolina, the chairman of the Transportation Security Subcommittee, Mr. **HUDSON**.

Over the course of several years, the Committee on Homeland Security has conducted extensive oversight of TSA technology acquisition programs. During this session, the Subcommittee on Transportation Security has continued

this critical oversight function, and has taken it to the next level under Chairman **HUDSON**’s leadership.

Poor planning, excessive costs, a clumsy test and evaluation process, and other flaws have had a crippling effect on passenger travel and our security effectiveness. H.R. 2719 is common sense, bipartisan, and is an important step toward addressing the very deficiencies that have left travelers without adequate privacy protections—for instance, \$200 million worth of screening equipment sitting in warehouses and hundreds of machines abruptly pulled out of airports before the end of their life cycles.

H.R. 2719 requires TSA to develop a multiyear technology investment plan to serve as a roadmap for industry and to shed new light on TSA’s spending decisions. It gives Congress early warning when technology programs exceed their intended costs, are unduly delayed, or do not provide the security results initially promised. It also requires TSA to get a handle on its broken inventory management process. Mr. Speaker, recommendations from across government and industry were incorporated into this crucial piece of legislation, and numerous industry stakeholders have expressed their support for this bill.

I appreciate the hard work of my colleagues on the committee, especially Mr. **HUDSON**’s from North Carolina and Mr. **RICHMOND**’s from Louisiana. I appreciate the bipartisan approach they took in crafting this important piece of legislation and the collaborative, deliberative process that they followed to bring this bill to the floor in their first years as chair and ranking member of this subcommittee.

I urge my colleagues to join us in passing this vital piece of legislation that will further protect our transportation systems and the American taxpayer. Let’s send this bill to the Senate and on to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. **RICHMOND**. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2719, the Transportation Security Acquisition Reform Act.

H.R. 2719 addresses longstanding concerns that I and other members of this committee have raised about the Transportation Security Administration’s stewardship of taxpayer funds when pursuing, acquiring, and deploying security-related technologies. Importantly, the bill also seeks to address TSA’s lackluster record of contracting with small businesses.

Earlier this year, the Subcommittee on Transportation Security, of which I am the ranking member, held a hearing with industry stakeholders. We heard from representatives of both small and large businesses on how to improve



TSA's acquisition practices and on how the agency can engage with small businesses more effectively. Simply put, TSA's failure to meet its goals for prime contracting with small businesses is unacceptable. There are ample small, minority-owned and disadvantaged businesses that are ready, willing, and able to provide services and technologies to TSA that would enhance our security and likely reduce contracting costs. If TSA cannot identify such businesses, I would be happy to refer them to some.

The bill takes a significant step toward holding TSA more accountable for achieving its goals for contracting with small and disadvantaged businesses by requiring the agency to develop an action plan to accomplish its goals and report to Congress on how it plans to get there.

I thank the subcommittee chairman, the gentleman from North Carolina (Mr. HUDSON), for his willingness to have included small businesses in the discussion as we developed the legislation before the House today. Indeed, at every turn, this legislation was developed in a bipartisan fashion, and the final product is better for that.

The bill tackles head-on the lack of transparency and accountability that has plagued TSA's acquisition practices since the agency's inception. Among TSA's most notable and costly acquisition missteps are the "puffer machines," which did not work, and the whole body AIT machines, which could not be modified to protect passengers' privacy. While no legislation can guarantee that an agency will not falter when acquiring technologies, H.R. 2719 represents a significant step in the right direction.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. McCAUL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HUDSON), the sponsor of this legislation and the chairman of the Subcommittee on Transportation Security.

Mr. HUDSON. Mr. Speaker, I rise today to urge my colleagues to support a critical piece of legislation, the Transportation Security Acquisition Reform Act, which I introduced in July and have been working on for many months.

I thank Chairman McCAUL for helping move this bill through our committee, and I commend all of the members on the committee for a swift and unanimous vote to bring this bill to the floor. Again, this was a unanimous vote both in the subcommittee and in the full committee. This bill has the bipartisan support of our chairman and ranking member on the full committee as well as having mine and the ranking member's on the Transportation Security Subcommittee. Let me also say that this bill would not be possible if

Mr. THOMPSON and Mr. RICHMOND were not willing to work with me on this. Frankly, their collaboration made this better legislation. As I have said before, the American people expect us to come here and work together for solutions, and this is a prime example of that.

This bill has withstood the careful scrutiny of our committee's oversight, and it has also been endorsed by numerous stakeholders outside the Capitol, and I submit for the RECORD their letters of support.

Mr. Speaker, in today's partisan culture of a divided Congress, I am very proud to report that we can come together from across the aisle in order to address very real issues that we have in the Transportation Security Administration, those being acquisition and procurement. For over 10 years, we have all witnessed hundreds of millions of dollars being wasted on failed technologies and have witnessed machines sitting idly in warehouses. Poor planning, inventory management, and limited communication with stakeholders have decreased security, limited innovation, and squandered taxpayer dollars.

I recognize that TSA is constantly trying to respond to new threats—they have a difficult job—but in some cases, the pressures to perform and deploy new technologies can lead to a reactive approach without sufficient planning. They still have a long way to go. Having a long-term plan that leverages experts within government and within industry can help to prevent these capability gaps. Our bill provides that roadmap to success.

Mr. Speaker, we cannot continue to let TSA drag its feet on establishing greater transparency and accountability for technologies that protect our Nation's traveling public. It is incumbent upon us to make sure that taxpayer dollars are being used effectively and efficiently. We must take action. I urge my colleagues to support this bill.

JULY 23, 2013.

Hon. RICHARD HUDSON,  
*Chairman, House Subcommittee on Transportation Security, Washington, DC.*

DEAR CHAIRMAN HUDSON: On behalf of the Airports Council International-North America (ACI-NA), which represents local, regional, and state governing bodies that own and operate commercial airports throughout the United States and Canada, I am pleased to offer our endorsement of H.R. 2719, the Transportation Security Acquisition Reform Act.

Airport operators have long advocated for the Transportation Security Administration (TSA) to implement best practices and improve the transparency of its technology acquisition programs. H.R. 2719 would also require TSA to incorporate feedback and input from the private sector on technology trends and other research and development information that helps TSA develop a strategic plan on technology acquisition.

Again, thank you for your continued support of airport operators and on recognizing

the need to improve TSA's technology acquisition process. We look forward to working with you on the passage of H.R. 2719.

Sincerely,  
DEBORAH McELROY,  
*Interim President, AIRPORTS COUNCIL  
INTERNATIONAL-NORTH AMERICA.*

U.S. TRAVEL ASSOCIATION,  
*Washington, DC, July 24, 2013.*

Hon. RICHARD HUDSON,  
*Chairman, Transportation Security Subcommittee, House Committee on Homeland Security, Washington, DC.*

Hon. CEDRIC RICHMOND,  
*Ranking Member, Transportation Security Subcommittee, House Committee on Homeland Security, Washington, DC.*

DEAR CHAIRMAN HUDSON AND RANKING MEMBER RICHMOND: On behalf of the U.S. Travel Association, it is my pleasure to lend our support for two bills the subcommittee will be marking up later this week—namely, H.R. 1204, the Aviation Security Stakeholder Participation Act, and H.R. 2719, the Transportation Security Acquisition Reform Act. Both of these bills are consistent with the recommendations for transportation security and travel facilitation that U.S. Travel made when issuing "A Better Way: Building a World-Class System for Aviation Security." Specifically, we applaud the provisions of H.R. 1204, which recognize the role of the travel industry as a stakeholder in the Aviation Security Advisory Committee. Additionally, we strongly support the sections of H.R. 2719, which require the Transportation Security Administration (TSA) to develop a multiyear technology investment plan.

The U.S. Travel Association is the national, non-profit organization representing all components of the travel industry that generates \$2.0 trillion in economic output and supports 14.6 million jobs. U.S. Travel's mission is to increase travel to and within the United States.

We look forward to working with you to see the House pass both of these important pieces of legislation.

Sincerely,  
ROGER J. DOW,  
*President & CEO.*

SECURITY INDUSTRY ASSOCIATION,  
*Silver Spring, MD, July 23, 2013.*

Hon. RICHARD HUDSON,  
*Chairman, House Homeland Security Committee, Subcommittee on Transportation Security, Washington, DC.*

DEAR CHAIRMAN HUDSON: On behalf of the Security Industry Association (SIA), I would like to commend your bipartisan efforts toward procurement reform at the Transportation Security Administration (TSA) and, more specifically, H.R. 2719, the Transportation Security Acquisition Reform Act.

Many of our more than 480 member companies have supported and continue to support the work of TSA since the agency's inception. As with any new organization, there are challenges. But we could probably agree there are other agencies, which have been in existence for decades, facing greater challenges than TSA.

However, whenever there is an opportunity to improve how the government purchases goods and services, no matter what agency or government entity is involved, there is cause to celebrate. A better procurement process ideally works for all parties involved, and we are very pleased that you and the committee have recognized the role of industry when crafting the current legislation.

Please know that SIA stands ready to assist the efforts of you, Ranking Member Cedric Richmond and the entire committee. Sincerely,

DON ERICKSON,  
*CEO.*

SECURITY MANUFACTURERS COALITION,  
*Alexandria, VA, October 1, 2013.*  
Hon. RICHARD HUDSON,  
*House Committee on Homeland Security, Subcommittee on Transportation Security, Washington, DC.*

Hon. CEDRIC RICHMOND,  
*House Committee on Homeland Security, Subcommittee on Transportation Security, Washington, DC.*

DEAR CHAIRMAN HUDSON AND RANKING MEMBER RICHMOND: On behalf of the Security Manufacturers Coalition (SMC), I want to thank you and the Committee for your time and efforts to begin the process of bringing meaningful reforms to the TSA acquisition process. As you know the SMC membership is made up of nine of the leading U.S. manufacturers of security screening technology. This scanning equipment is used in every major airport in the U.S. and abroad, operating continuously 365 days a year, as part of the overall effort to ensure the security of the traveling public.

The Coalition supports H.R. 2719 as a step in creating a more transparent, predictable, and efficient process for TSA to streamline the acquisition and deployment of security screening technology. We appreciate the committee's acknowledgement and inclusion of a multi-year technology investment plan in the legislation. The inclusion of a five-year plan of investments is important for technology manufacturers because it enables them to make critical research, planning, and investment decisions for the future, and to help TSA meet its mission needs.

We also support the inclusion of bill language to limit the practice of just-in-time logistics (JIT). JIT delivery is a risky and potentially damaging approach for screening technology which will put the supply chain, manufacturing base and American jobs at risk. Highly specialized technology manufacturers require long-lead time components specific to screening people and baggage in airports, along with a predictable forecast of procurements to maintain a steady state of production and surge capability. Unpredictable procurements cause workforce reductions and increase program risks because manufacturers may not be able to ramp up production or meet delivery rates for unplanned or short notice requirements. We appreciate the common sense approach to inventory, supply chain management that balances manufacturing with Government acquisition and deployment plans.

Finally, we appreciate the Committee's desire to ensure that the reporting requirements in the bill not add extra steps and time to an already cumbersome acquisition process. As you are aware, the Department of Homeland Security (DHS) has established regulations and reports that govern its acquisitions process. We are pleased that the Committee intends to ensure that the Congressional reporting requirements in the bill will compliment, rather than duplicate, existing reporting processes within the DHS and TSA.

Once again, thank you for all of your hard work on this legislation. The members of the Coalition sincerely appreciate the collaborative way in which you and your staff have engaged our ideas on this important legislation. We look forward to working with you

and other stakeholders in the future to offer solutions to improve the ability of airports to have access to better technology solutions that create a safer aviation system for passengers. Sincerely,

Sincerely,

T.J. SCHULTZ,  
*Director.*

GENERAL AVIATION  
MANUFACTURERS ASSOCIATION,  
*Washington, DC, October 28, 2013.*

Chairman MICHAEL MCCAUL,  
*Committee on Homeland Security, Washington, DC.*

Ranking Member BENNIE THOMPSON,  
*Committee on Homeland Security, Washington, DC.*

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: On behalf of the General Aviation Manufacturers Association, we write to urge committee passage of H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013, introduced by Congressman Bennie Thompson, and H.R. 2719, the Transportation Security Acquisition and Reform Act, introduced by Transportation Security Chairman Richard Hudson. These items are slated to be marked up by the House Homeland Security Committee on October 29, 2013.

GAMA supports passage of H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013, given the important step this measure takes to ensure that stakeholders are included in the policymaking process at TSA. H.R. 1204 establishes the Aviation Security Advisory Committee, in statute, to ensure that all aviation stakeholders, including general aviation, are able to provide input to the TSA in advance of policies being formally proposed. We are also encouraged that H.R. 1204 provides for a general aviation advisory subcommittee to specifically consider issues related to general aviation.

We also support passage of H.R. 2719, the Transportation Security Acquisition and Reform Act, given the focus it places on reform for the agency. While our member companies' involvement in TSA acquisition is limited, the objectives of this legislation are laudable and we hope such efforts will be applied to other areas of TSA governance.

In general, we are pleased that both bills place a priority on improving key processes at the agency. Our member companies remain confounded by a bureaucracy that penalizes manufacturers competing in a global environment for government inaction. Almost ten years have elapsed since TSA was directed to promulgate a final rulemaking to secure repair stations overseas. Today, we still await approval of this rule. While efforts have been made to move this rule forward, the overall government process for TSA security rulemaking lacks accountability and appears to be profoundly dysfunctional.

We urge the committee to favorably consider these bills and to continue their critical and constructive oversight of the Department of Homeland Security and its agencies.

Sincerely,

PETER J. BUNCE,  
*President and CEO.*

Mr. RICHMOND. Mr. Speaker, in closing, I would like to take this opportunity to thank the chairman of Homeland Security, Mr. MCCAUL, and the chairman of the subcommittee, Mr. HUDSON, for the bipartisan manner in which they have handled not only this

bill but all of the bills. It is typical of how we conduct ourselves on the committee. I especially thank my ranking member, Mr. THOMPSON from Mississippi, as we put the goals, the safety, and the value of the American public over partisanship.

This bill does four things that I am really excited about. It creates jobs through working with small businesses. It provides greater transparency with the acquisition process. It creates more efficiencies within the Department and saves the American taxpayers money. Last but certainly not least, it makes our traveling public safer.

With these goals that we have made a priority in crafting this legislation and in pushing it through, I am happy with the final product, and I would urge all of our Members to support it.

With that, I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, in closing, I want to associate myself with the gentleman from Louisiana's remarks.

I do think this is a very important bill that will ultimately save taxpayer dollars and that will make the system more efficient while, at the same time, better protecting the traveling public, which, I think, is what it is all about. So I urge the adoption of this bill in order to provide these necessary reforms to TSA acquisition.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 2719, the "Transportation Security Acquisition Reform Act."

For years, as both chairman and ranking member of the Committee on Homeland Security, I have been troubled about the way TSA goes about acquiring technology.

Time and again, we have seen taxpayer dollars wasted on technologies that either do not work or cannot be upgraded to meet the agency's needs.

I have also been troubled by TSA's apparent inability to effectively manage its inventory of security-related technology and meet its goals for contracting with small and disadvantaged businesses.

The bill before us today addresses these concerns through greater transparency and accountability.

In this age of sequestration, TSA cannot purchase technologies on a whim and outside of robust acquisitions controls.

Under H.R. 2719, of which I was proud to be an original cosponsor, TSA will be required to develop and publish a multi-year technology investment plan that will guide the agency's security-related technology purchases.

This plan will give both the agency and Congress a clear understanding of how taxpayer dollars will be allocated in future years.

The bill also requires TSA to develop a plan for managing its inventory of security-related technology.

Earlier this year, the Department of Homeland Security's Office of Inspector General found that TSA had more than 17,000 items in

its warehouse inventory, at an estimated cost of \$185 million.

The IG concluded that TSA may be able to put approximately \$800,000 per year to better use by managing its inventory more effectively.

For fiscal year 2012, TSA's goal for prime contracting with small businesses was set at 23 percent, yet the agency barely reached 16 percent.

To address TSA's chronic problems meeting small business contracting goals, the bill also requires TSA to consult with other federal agencies that get small business contracting done and done right.

Under H.R. 2719, TSA will be required to develop an action plan for improving its performance and report to Congress on its progress in implementing the plan.

For too long, TSA has relied upon the same limited number of companies to develop and produce the security-related technologies it puts into the field.

Doing so comes at the peril of small and minority-owned businesses that are essential to innovation.

This dynamic also results in additional costs to taxpayers due to a lack of competition in the marketplace.

H.R. 2719 received the unanimous support of the Committee on Homeland Security in October.

The bill also received the support of the members of the Committee's Subcommittee on Transportation Security as it moved through the regular order earlier this year.

I look forward to the bill receiving the support of the Full House today.

With that Mr. Speaker, I would like to thank Subcommittee Chairman HUDSON and Ranking Member RICHMOND for working in collaboration to develop and see this legislation to the House floor.

I urge support for the bill.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 2719, the "Transportation Security Acquisition Reform Act." The bill requires the Transportation Security Administration to implement best practices and improve transparency regarding technology acquisition.

I thank the Chairman MICHAEL MCCAUL and Ranking Member BENNIE THOMPSON for their bipartisan effort to make air travel safer.

I want to take this time to remember Gerardo I. Hernandez, a Transportation Security Administration officer who was killed in the line of duty at the Los Angeles International Airport.

There were two other TSA officers wounded along with a schoolteacher during a gun battle with two airport police officers.

I continue to keep them, their families, colleagues and friends in my thoughts and prayers.

This incident punctuates the importance of securing our airports and flights from threats. A critical component of the security strategy being pursued is related to the acquisition and use of technology.

The Transportation Security Acquisition Reform Act builds upon the Committee on Homeland Security's work on the issue of TSA's acquisition practices.

For years, I, along with Ranking Member THOMPSON and my fellow colleagues on the

Committee have urged TSA to be more transparent and accountable when acquiring security-related technologies. H.R. 2719 requires just that.

It also requires TSA to take a hard look at the obstacles it has encountered in the area of small business contracting and to identify ways to improve in that area.

There were three Jackson Lee amendments offered to improve the bill that aid in meeting the goals of the bill.

The first Jackson Lee amendment directs the Comptroller of the United States to provide a report to the House and Senate Committees on Homeland Security on their findings regarding the status of the Transportation Security Administration's (TSA) implementation of GAO recommendations related to acquisition of security technology.

The second Jackson Lee amendment directs the TSA to provide a report to the House and Senate Homeland Security Committees on the feasibility of inventory tracking through automated information and data capture technologies.

This Jackson Lee amendment allows the TSA to investigate private sector use of inventory tracking technology and determine if any of these technologies would be beneficial to the agency.

The third Jackson Lee amendment states that to the extent practicable, the Chief Privacy Officer for the Department of Homeland Security shall include consultation with organizations that advocate for the protection of privacy and civil liberties.

These Jackson Lee amendments were adopted en bloc by the Full Committee and are included in H.R. 2719.

I was pleased to support this legislation during both the Subcommittee and Full Committee markups of the measure and continue to support it today.

Critically, this legislation requires TSA to develop a multiyear plan for its investments in security-related technology.

With the plan, vision, and oversight this bill mandates, I am hopeful TSA's missteps in the area of security-related technology acquisition will soon be a thing of the past.

I urge my colleagues to join me in support of H.R. 2719. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 2719, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RICHMOND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2013

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1204) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Aviation Security Stakeholder Participation Act of 2013".*

#### SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

*(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:*

##### **"§ 44946. Aviation Security Advisory Committee"**

*"(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an advisory committee to be known as the 'Aviation Security Advisory Committee'.*

*"(b) DUTIES.—*

*"(1) IN GENERAL.—The Assistant Secretary shall consult the Advisory Committee on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.*

*"(2) RECOMMENDATIONS.—*

*"(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.*

*"(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee for transmission to the Assistant Secretary.*

*"(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—*

*"(A) reports on matters identified by the Assistant Secretary; and*

*"(B) reports on other matters identified by a majority of the members of the Advisory Committee.*

*"(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year.*

*"(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of such recommendations, an action plan to implement any of such recommendations with which the Assistant Secretary concurs, and a detailed justification for why any of such recommendations have been rejected.*

*"(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written feedback to the Advisory Committee in accordance with paragraph (5), the Assistant Secretary shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on such feedback.*

*"(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the*

Senate in accordance with paragraph (6), the Assistant Secretary shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

“(c) MEMBERSHIP.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Assistant Secretary shall appoint the members of the Advisory Committee.

“(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 32 member organizations. Each organization shall be represented by one individual (or the individual’s designee).

“(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, aircraft manufacturers, airport operators, general aviation, privacy organizations, the travel industry, airport based businesses, including minority owned small businesses, businesses that conduct security operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation technology security industry, including biometrics, victims of terrorist acts against aviation, and law enforcement and security experts.

“(2) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

“(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

“(4) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

“(d) AIR CARGO SECURITY SUBCOMMITTEE.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an air cargo security subcommittee to provide recommendations on air cargo security issues, including the implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

“(2) MEETINGS AND REPORTING.—The subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding air cargo security. Such submissions shall include recommendations to improve the Transportation Security Administration’s cargo security initiatives established to meet the requirements of section 44901(g).

“(3) MEMBERSHIP.—The subcommittee shall—

“(A) include members of the Advisory Committee with expertise in air cargo operations; and

“(B) be cochaired by a Government and industry official.

“(e) GENERAL AVIATION SECURITY SUBCOMMITTEE.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a general aviation subcommittee to provide recommendations on transportation security issues for general aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

“(2) MEETINGS AND REPORTING.—The subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection

(b)(4) information, including recommendations, regarding aviation security at general aviation airports.

“(3) MEMBERSHIP.—The subcommittee shall—

“(A) include members of the Advisory Committee with expertise in general aviation; and

“(B) be cochaired by a Government and industry official.

“(f) PERIMETER SECURITY, EXIT LANE SECURITY, AND ACCESS CONTROL SUBCOMMITTEE.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an airport perimeter security, exit lane security, and access control subcommittee to provide recommendations on airport perimeter security, exit lane security at commercial service airports, and access control issues.

“(2) MEETINGS AND REPORTING.—The subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding improving perimeter security, exit lane security at commercial service airports, and access control procedures at commercial service and general aviation airports.

“(3) MEMBERSHIP.—The subcommittee shall—

“(A) include members of the Advisory Committee with expertise in airport perimeter security and access control issues; and

“(B) be co-chaired by a Government and industry official.

“(g) RISK-BASED SUBCOMMITTEE.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a risk-based subcommittee to provide recommendations on passenger screening policies and cargo.

“(2) MEETINGS AND REPORTING.—The subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding the Transportation Security Administration’s risk-based security programs.

“(3) MEMBERSHIP.—The subcommittee shall—

“(A) include members of the Advisory Committee with expertise in passenger advocacy and airport security operations; and

“(B) be cochaired by a Government and industry official.

“(h) SECURITY TECHNOLOGY SUBCOMMITTEE.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a security technology subcommittee to provide recommendations on security technology issues, including harmonization of security technology standards and requirements.

“(2) MEETINGS AND REPORTING.—The subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding security technology. Such submissions shall include recommendations to improve the Transportation Security Administration’s utilization of security technology and harmonization of security technology standards and requirements. All recommendations shall be in furtherance of aviation security and technology neutral.

“(3) MEMBERSHIP.—The subcommittee shall—

“(A) include members of the Advisory Committee with expertise in checkpoint, baggage, and air cargo security technology; and

“(B) be co-chaired by a Government and industry official.

“(i) OTHER SUBCOMMITTEES.—The Assistant Secretary, in consultation with the Advisory Committee, may establish within the Advisory Committee any other subcommittee that the Assistant Secretary and Advisory Committee determine necessary.

“(j) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include sub-

ject matter experts with relevant expertise who are appointed by the respective subcommittee chairperson.

“(k) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

“(l) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the Aviation Security Advisory Committee established under subsection (a).

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).

“(3) PERIMETER SECURITY.—The term ‘perimeter security’—

“(A) means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal; and

“(B) includes the fence area surrounding an airport, access gates, and access controls.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new item:

“44946. Aviation Security Advisory Committee.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1300

Mr. MCCAUL. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this bill, the Aviation Security Stakeholder Participation Act of 2013, sponsored by the ranking member of the full Committee on Homeland Security, Mr. THOMPSON.

Mr. Speaker, the American people know that the TSA is charged with protecting our aviation systems against another horrific terrorist attack like we experienced on September 11, 2001. However, the role of industry stakeholders—from pilots and flight attendants to private screening companies and airport operators—is equally as critical, albeit less visible.

TSA is in the spotlight, for better or for worse; but many of TSA’s private sector partners are also responsible for implementing effective security programs and keeping travelers safe. This shared responsibility is precisely why TSA cannot make decisions in a vacuum, as it has been known to do.

The bill before us sends a necessary message to TSA leadership, and frankly to all DHS leadership, that the Congress values stakeholder input, private sector collaboration, and thoughtful planning prior to rolling out new policies and procedures that affect millions of travelers.

The Aviation Security Advisory Committee that is authorized in this legislation serves as a valuable sounding board for TSA decisionmakers. By codifying the committee in statute, we will prevent a needless expiration of its charter and disbandment, which has already happened once under TSA.

As chairman of the Committee on Homeland Security, I am proud of the manner in which this bill was thoughtfully considered and amended in committee by Members on both sides of the aisle, and I thank the ranking member for his work on this important issue.

I think the more recent example we have with the knives being allowed on the airplanes without input and participation by the flight attendants and the pilots is a classic example of this Department not talking to the private sector about what can better protect them and passengers on airplanes. Of course, that decision was reversed by the Director of TSA, eventually, after he consulted with the stakeholders in the community. This bill will provide that they consult with those stakeholders before such decisions are made.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1204, the Aviation Security Stakeholder Participation Act.

Mr. Speaker, soliciting input from impacted stakeholders is critical to developing effective policies. H.R. 1204, introduced by the ranking member of the Committee on Homeland Security, Representative THOMPSON of Mississippi, codifies that sentiment by making permanent the Aviation Security Advisory Committee.

Soon after 9/11, industry representatives from all corners of the transportation sector gathered to support TSA's efforts to develop an efficient, effective, and workable security program. For a number of years, the advisory committee was a productive partner to TSA. Unfortunately, TSA allowed the advisory committee to become inactive by letting the charter lapse.

Although the Aviation Security Advisory Committee's charter was renewed in 2011, it was only in response to congressional pressure by Ranking Member THOMPSON in this committee and the repeated complaints about the lack of dialogue between TSA and the industry stakeholders. The advisory committee is a valuable asset to our Nation's aviation security because it

helps ensure that the policies that TSA develops are responsive to security challenges and can be effectively integrated into security operations. Simply put, the advisory committee is too valuable to Homeland Security to risk it becoming inactive again.

I applaud Ranking Member THOMPSON for introducing this legislation to make the Aviation Security Advisory Committee permanent, and I thank the chairman of the Homeland Security Committee for making sure that it moved through the process quickly, and both for seeing the wisdom of making this legislation law.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HUDSON), chairman of the Subcommittee on Transportation Security.

Mr. HUDSON. Mr. Speaker, I rise today in support of the Aviation Security Stakeholder Participation Act introduced by my friend, the ranking member of the Homeland Security Committee, Mr. BENNIE THOMPSON.

This commonsense bill ensures stakeholders have a seat at the table when working with their partners at the Transportation Security Administration. Too many times in government we see a lack of communication between government officials and industry stakeholders. This gap is troubling as it creates a vacuum of ideas and does not allow for a flow of information between the Federal Government and the private sector that is necessary.

Mr. THOMPSON's bill, which passed out of our committee unanimously, would bridge that gap by allowing the Aviation Security Advisory Committee to take effect and have the constant line of communication to exchange ideas and formulate thoughtful procedures at the agency responsible for security of commercial aviation.

Mr. Speaker, I urge my colleagues to support this bipartisan bill.

Mr. MCCAUL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013.

Last Congress, I introduced a version of the legislation before us today when the charter for the Aviation Security Advisory Committee was allowed to expire, resulting in the advisory committee becoming inactive.

Since shortly after the terrorist attacks of September 11, the advisory committee has provided formal stake-

holder input and advice to TSA with respect to aviation security policies. I was pleased that in response to my bill, then-Secretary Napolitano restored this critical forum for stakeholder input.

To prevent a lapse in the advisory committee's operation, it is important that it be codified in law. That is exactly what H.R. 1204 does.

The bill authorizes, in law, the establishment of the Aviation Security Advisory Committee to provide representatives from air carriers, aircraft manufacturers, airport operators, general aviation stakeholders and labor organizations, among others, an opportunity to provide input into policymaking and have their voices heard.

It also requires the establishment of subcommittees to focus on cargo security, general aviation security, perimeter security, exit lane security, security-related technologies, and risk-based security, respectively.

Whatever your thoughts about TSA's policy decisions, I believe we can all agree that such decisions should be made only after meaningful consultation and coordination with stakeholders.

Earlier this year, when TSA announced proposed changes in its Prohibited Items List that would have resulted in knives being allowed on planes for the first time since 9/11, we got a firsthand glimpse of the problems that arise when stakeholders are not consulted.

Only after an overwhelmingly negative reaction to this decision did Administrator Pistole put the issue before the advisory committee for review. Ultimately, after this critical consultation, TSA reversed its decision.

Mr. Speaker, it is clear that consultation is important; it is clear that codifying this bill is that necessary. But I would also like to add that there are other organizations who want to be placed in the record in support of it: the Cargo Airline Association, the Association of Flight Attendants, the U.S. Travel Association, the Airports Council International, the Security Manufacturers Coalition, the General Aviation Manufacturers Association, and the Aircraft Owners and Pilots Association.

With that, Mr. Speaker, I urge my colleagues to once again support legislation to codify the Aviation Security Advisory Committee.

AIRCRAFT OWNERS AND  
PILOTS ASSOCIATION,

Washington, DC, September 30, 2013.

Hon. BENNIE G. THOMPSON,  
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR RANKING MEMBER THOMPSON: I write on behalf of the nearly 400,000 members of the Aircraft Owners and Pilots Association (AOPA) in support of your legislation H.R. 1204, the "Aviation Security Stakeholder Participation Act of 2013."

Your legislation requires TSA to formally establish an Aviation Security Advisory

Committee (ASAC) to advise on aviation security matters. The ASAC will ensure that general aviation (GA) has a seat at the table for discussion of programs and policy changes related to the improvement of aviation security. Also, the creation of a dedicated GA Security Subcommittee will provide that our community is consulted before major policy changes occur that have a direct impact on GA pilots, aircraft, and airports.

We look forward to working with the Committee in the future to continue to improve general aviation security.

Sincerely,

LORRAINE HOWERTON,  
*AOPA, Vice President of Legislative Affairs.*

GENERAL AVIATION  
MANUFACTURERS ASSOCIATION,  
*Washington, DC, October 28, 2013.*

Chairman MICHAEL MCCAUL,  
*Committee on Homeland Security,*  
*Washington, DC.*

Ranking Member BENNIE THOMPSON,  
*Committee on Homeland Security,*  
*Washington, DC.*

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: On behalf of the General Aviation Manufacturers Association, we write to urge committee passage of H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013, introduced by Congressman BENNIE THOMPSON, and H.R. 2719, the Transportation Security Acquisition and Reform Act, introduced by Transportation Security Chairman RICHARD HUDSON. These items are slated to be marked up by the House Homeland Security Committee on October 29, 2013.

GAMA supports passage of H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013, given the important step this measure takes to ensure that stakeholders are included in the policymaking process at TSA. H.R. 1204 establishes the Aviation Security Advisory Committee, in statute, to ensure that all aviation stakeholders, including general aviation, are able to provide input to the TSA in advance of policies being formally proposed. We are also encouraged that H.R. 1204 provides for a general aviation advisory subcommittee to specifically consider issues related to general aviation.

We also support passage of H.R. 2719, the Transportation Security Acquisition and Reform Act, given the focus it places on reform for the agency. While our member companies' involvement in TSA acquisition is limited, the objectives of this legislation are laudable and we hope such efforts will be applied to other areas of TSA governance.

In general, we are pleased that both bills place a priority on improving key processes at the agency. Our member companies remain confounded by a bureaucracy that penalizes manufacturers competing in a global environment for government inaction. Almost ten years have elapsed since TSA was directed to promulgate a final rulemaking to secure repair stations overseas. Today, we still await approval of this rule. While efforts have been made to move this rule forward, the overall government process for TSA security rulemaking lacks accountability and appears to be profoundly dysfunctional.

We urge the committee to favorably consider these bills and to continue their critical and constructive oversight of the Department of Homeland Security and its agencies.

Sincerely,

PETER J. BUNCE,  
*President and CEO.*

*Washington, DC, September 6, 2013.*

Hon. BENNIE THOMPSON,  
*Ranking Member, Committee on Homeland Security,*  
*Washington, DC.*

DEAR RANKING MEMBER THOMPSON: On behalf of the members of the Cargo Airline Association, I am writing to support H.R. 1204, the Aviation Stakeholder Participation Act of 2013. This Bill would require the reestablishment and maintenance of an Aviation Security Advisory Committee (ASAC) to facilitate communications between the Transportation Security Administration (TSA) and the aviation industry.

Historically, the ASAC formed the basis of major initiatives, with industry members working closely with Government Agencies to address a variety of security-related issues. These issues have been traditionally discussed in various Working Groups or Sub-Committees established under the ASAC umbrella. A prime example of the utility of this structure was the establishment of three air cargo Working Groups formed to develop proposed new regulations to address air cargo security threats after the September 11, 2001, attacks. The recommendations of these Working Groups eventually formed the basis of an entirely new TSA air cargo regulatory scheme. H.R. 1204 contains a mandate, not only for ASAC itself, but also for various Sub-Committees that would address the key issues of the day. We support your efforts to ensure ASAC remains a forum for the aviation industry and TSA to work together.

Sincerely,

STEPHEN A. ALTERMAN,  
*President.*

SECURITY MANUFACTURERS COALITION,  
*Alexandria, VA, October 25, 2013.*

Hon. BENNIE THOMPSON,  
*Ranking Member, House Committee on Homeland Security,*  
*Washington, DC.*

DEAR MR. THOMPSON: On behalf of the Security Manufacturers Coalition (SMC), I want to express SMC's support for HR 1204, the "Aviation Security Stakeholder Participation Act of 2013." The Act, as we understand it, would codify the Transportation Security Administration's (TSA) Aviation Security Advisory Committee (ASAC).

As you know the SMC membership is made up of nine of the leading U.S. manufacturers of security screening technology. This scanning equipment is used in every major airport in the U.S. and abroad, operating continuously 365 days a year, as part of the overall effort to ensure the security of the traveling public. The SMC formed with the primary purpose of creating a conduit for TSA and the industry to work closely on specific issues facing the development and deployment of screening technology.

The ASAC has been a valuable tool to foster an open dialogue between TSA and aviation interest groups and businesses. We believe the bill reinforces the proposition that a robust, risk-based security system is the product of input from all interested stakeholders.

Thank you for your willingness to take the lead on this important issue. The members of the Coalition sincerely appreciate your interest in preserving through legislation a committee that will make recommendations that will create a safer aviation system for passengers.

Sincerely,

T.J. SCHULZ,  
*Director, Security Manufacturers Coalition.*

ASSOCIATION OF FLIGHT  
ATTENDANTS—CWA, AFL-CIO,  
*Washington, DC, March 14, 2013.*

Hon. BENNIE THOMPSON,  
*Washington, DC.*

DEAR CONGRESSMAN THOMPSON, On behalf of the Association of Flight Attendants—CWA, I am writing to thank you for introducing legislation to make the Aviation Security Advisory Committee (ASAC) permanent.

Having been a member of ASAC throughout its operative years since 1989, I can assure you that it should be required to function on an ongoing basis to ensure that the varied and valuable perspectives of the stakeholders affected by aviation security policy and programs are given the opportunity to provide advice and recommendations to the TSA in order to enhance its processes of evaluating and countering threats to aviation security.

Since 9/11, much has been asked of crewmembers to improve aviation security and flight attendants serve as the last line of defense on board the aircraft. Your bill to establish a permanent ASAC will ensure that the forum for their input, as well as that of other stakeholder members of the ASAC, will contribute to a more thorough process for aviation security without interruption.

Sincerely,  
CHRISTOPHER J. WITKOWSKI,  
*Director, Air Safety, Health and Security.*

U.S. TRAVEL ASSOCIATION,  
*Washington, DC, July 24, 2013.*  
Rep. RICHARD HUDSON,  
*Chairman, Transportation Security Subcommittee, House Committee on Homeland Security,*  
*Washington, DC.*

Rep. CEDRIC RICHMOND,  
*Ranking Member, Transportation Security Subcommittee, House Committee on Homeland Security,*  
*Washington, DC.*

DEAR CHAIRMAN HUDSON AND RANKING MEMBER RICHMOND: On behalf of the U.S. Travel Association, it is my pleasure to lend our support for two bills the subcommittee will be marking up later this week—namely, H.R. 1204, the Aviation Security Stakeholder Participation Act, and H.R. 2719, the Transportation Security Acquisition Reform Act. Both of these bills are consistent with the recommendations for transportation security and travel facilitation that U.S. Travel made when issuing "A Better Way: Building a World-Class System for Aviation Security." Specifically, we applaud the provisions of H.R. 1204, which recognize the role of the travel industry as a stakeholder in the Aviation Security Advisory Committee. Additionally, we strongly support the sections of H.R. 2719, which require the Transportation Security Administration (TSA) to develop a multiyear technology investment plan.

The U.S. Travel Association is the national, non-profit organization representing all components of the travel industry that generates \$2.0 trillion in economic output and supports 14.6 million jobs. U.S. Travel's mission is to increase travel to and within the United States.

We look forward to working with you to see the House pass both of these important pieces of legislation.

Sincerely,

ROGER J. DOW,  
*President & CEO.*



AIRPORTS COUNCIL INTERNATIONAL,  
JULY 24, 2013.

Hon. BENNIE G. THOMPSON,  
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the Airports Council International—North America (ACI-NA), which represents local, regional, and state governing bodies that own and operate commercial airports throughout the United States and Canada, I am pleased to offer our endorsement of H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013.

Airport operators have long advocated for the Transportation Security Administration (TSA) to re-establish the Aviation Security Advisory Committee (ASAC). The ASAC allowed aviation stakeholders, including airport operators to advise TSA on aviation security policies, programs, rulemakings and security directives pertaining to aviation security. H.R. 1204 would allow the ASAC once again to provide valuable input into TSA's proposed rules, security directives and aviation security programs which help protect airports, airlines and their passengers.

Again, thank you for your continued support of airport operators and on recognizing the value of having stakeholder input into aviation security programs and TSA regulations. We look forward to working with you on the passage of H.R. 1204.

Sincerely,

DEBORAH MCELROY,  
Interim President, Airports  
Council International—North America.

Mr. RICHMOND. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I have no further Members to speak on this bill and will close once the gentleman from Louisiana closes.

I continue to reserve the balance of my time.

Mr. RICHMOND. Mr. Speaker, I thank again the chairman of the full committee, Mr. MCCAUL; the chairman of the subcommittee, Mr. HUDSON; and the ranking member of the full committee, Mr. THOMPSON, for moving this legislation, and thank Mr. THOMPSON for introducing it.

I once again urge my colleagues to support this legislation to codify the Aviation Security Advisory Committee so stakeholders have a permanent seat at the table when TSA develops policies that have a direct impact on our security and their operations.

Simply what it does is guarantees that policies won't be implemented solely by people relying on theory, but ensures that the stakeholders are at the table to talk about the reality of the policies that they implement.

With that, Mr. Speaker, I again urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I urge adoption of this bipartisan bill.

I want to thank Chairman HUDSON, ranking member of the full committee, Mr. THOMPSON, and Ranking Member RICHMOND.

I am proud to report to this House that this committee has passed several

bills, all of which have passed unanimously out of our committee. I am not sure if there is any committee in Congress that can say that. I am very proud of that effort. I hope that we can continue in that spirit with more complex legislation that we face in the future. I know that with the ranking member and his spirit of cooperation we will be able to get it done.

With that, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 1204, "Aviation Security Stakeholder Participation Act of 2013." Ranking Member THOMPSON's steady and long term work on improving airport security is recognized and respected by members on both sides of the aisle.

The Aviation Security Stakeholder Participation Act, introduced by Ranking Member THOMPSON, establishes in law the critical Aviation Security Advisory Committee.

The bill states that the Security Advisory Committee shall be consulted by and advise the Assistant Secretary on aviation security matters, including the development and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security.

Since just after 9/11, the Aviation Security Advisory Committee has played the critical role of being industry's voice before TSA, helping to develop policies that make sense operationally, and more importantly, work for the American people.

When Congress established TSA in the wake of the tragic terrorist attack on 9/11, we granted TSA broad latitude to implement policies stakeholders are required to comply with and, in some cases, implement.

The Aviation Security Advisory Committee ensures that the security directives TSA develops are not created in a vacuum.

Establishing the Aviation Security Advisory Committee in law will ensure that the Committee never again becomes inactive, as was the case during the previous Administration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 1204, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### EXTENSION OF UNDETECTABLE FIREARMS ACT OF 1988 FOR 10 YEARS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3626) to extend the Undetectable Firearms Act of 1988 for 10 years.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3626

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF UNDETECTABLE FIREARMS ACT OF 1988 FOR 10 YEARS.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "25" and inserting "35".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 3626, a bill to extend the Undetectable Firearms Act of 1988 for 10 years. In 1988, Congress passed the original law that makes it illegal to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm that is not detectable by walk-through metal detection, or any firearm with major components that do not generate an accurate image before standard airport imaging technology.

The original act passed in 1988, Mr. Speaker, and had a 10-year sunset clause which expired November 10, 1998. Congress renewed the law for 5 years in 1998 and for 10 years in 2003. The law will sunset on December 9, 2013, if it is not reauthorized again.

The original law received overwhelming bipartisan support, and so did each subsequent renewal.

I urge my colleagues to support this extension, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3626, which will extend by 10 years the authorization of the Undetectable Firearms Act, a statute which is in effect through December 9 of this year.

The Undetectable Firearms Act prohibits the import, manufacture, sale, transport, or possession of firearms that are undetectable by metal detectors or x ray machines. Signed into law by President Reagan in 1988, this statute remains critical to public safety.

□ 1315

The law helps protect us from firearms that are undetectable by some of the most conventional means of firearms detection. The law prevents the commercial production and proliferation of such weapons that could be used either by individuals or organized terrorist groups seeking to commit crimes in secure areas, such as courthouses or airplanes. Unfortunately, the need for such protection has grown in recent years.

This statute was originally authorized for 10 years, and subsequently reauthorized for periods of 5 and then another 10 years. The authorization of



this prohibition has been incremental because Congress recognized that technology would evolve, and that we may need to update the statute to maintain its effectiveness. In fact, this is what has transpired.

The current law has a critical loophole that may enable and encourage the production of firearms that may escape detection. Under the statute, someone may produce a plastic firearm which is detectable only because it has as metal component—which is not essential for the operation of the firearm—but is easily removable by a firearm user seeking to avoid detection.

In fact, some designs made available on the Internet to assist the manufacture of such guns using 3-D printers include just such a feature. We need to strengthen the law to address this obvious problem, and we should adopt the Undetectable Firearms Act modernization proposal sponsored by the gentleman from New York (Mr. ISRAEL).

He is proposing that the statute be updated to require that the metal which makes a firearm detectable be included in the essential components of the firearm so that, if removed, the gun would not operate. This is a simple and effective means of addressing the problem.

While I support the reauthorization of the Undetectable Firearms Act for 10 years, a 10-year extension should not be interpreted as an agreement that the statute should remain unchanged for that entire term. We need to work quickly to update the law, but it does not appear that we will be able to do that in the time left before the statute's expiration. However, we cannot allow the law to expire and the existing—even if imperfect—protections to lapse.

Finally, with the continued toll of gun violence on our communities, Congress must act immediately on other measures to strengthen our gun laws. We are nearing the first anniversary of the killing of 20 students and six teachers at Sandy Hook Elementary School in Newtown, Connecticut. While such tragic mass shootings bring increased attention to the problem of gun violence, we must recognize that the scope of the problem is much greater; an average of over 30 people a day are murdered with firearms in America.

However, during this Congress, the House has taken no steps to address the problem. The Judiciary Committee has held no hearings, and has not even considered any of the other measures which have been proposed to make us safer from gun violence. For example, we must make a priority of extending the Brady Act to keep firearms out of the hands of criminals, and we should take action on H.R. 1565, the Public Safety and Second Amendment Rights Protection Act, which would expand the Brady background check requirement to firearms sold at gun shows and through commercial advertisements.

We should also consider bills such as H.R. 1318, the Youth PROMISE Act, designed to promote proven crime prevention strategies. With respect to the bill before us today, I commend the gentleman from North Carolina (Mr. COBLE) for introducing the measure to extend the term of the current statute. The Undetectable Firearms Act continues to help protect public safety, and we should reauthorize it while also working to update and improve it without delay. I, therefore, urge my colleagues to support H.R. 3626.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for speakers, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman from Virginia, who serves ably as ranking member of the Subcommittee on Crime. I also want to thank my friend, the gentleman from North Carolina (Mr. COBLE), who truly is a gentleman and who will be missed, for his bipartisan work on this bill. We have worked well together, and I am deeply grateful to the gentleman for that partnership.

Mr. Speaker, in 1988 when we passed the Undetectable Firearms Act, the notion of a 3-D printed plastic firearm slipped through metal detectors and onto our planes and into secure environments was a matter of science fiction. The problem is that today it is a reality, and in only 6 days the law banning the Undetectable Firearms Act expires, and so we have to act now.

This law was enacted under President Reagan in 1988. It was reauthorized under President Clinton, and it was reauthorized again in 2003 under President Bush. When Ronald Reagan and Bill Clinton and George Bush agree on something, so should we. This has always been a matter of bipartisanship, and so we should continue that bipartisanship and pass this bill today. It is bipartisanship because it is a matter of common sense that we don't want to make it easy for terrorists and criminals to bring guns past metal detectors onto our planes and into secure environments.

As the gentleman from Virginia stated, in our view this bill is not perfect. I would have preferred to modernize the Undetectable Firearms Act to eliminate some loopholes in the law by requiring that certain metal components be permanent or not easily removed. I would have liked to close that loophole. But, frankly, I believe that even a loophole in a law is better than no law at all. A loophole can be closed down the line; that is a preferred scenario to no law at all.

So I am not going to oppose this first step because we can't get all of our steps. We will step forward and con-

tinue to support the modernization of the Undetectable Firearms Act. This for now is a very good step. It is a step that all of our colleagues should support. I again thank the gentleman from North Carolina for his bipartisan leadership, and I thank the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from New York for his comments and for his legislation. I urge my colleagues to support the legislation.

I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL) for his generous words, and I appreciate them.

#### GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3626, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 3626, which would reauthorize the Undetectable Firearms Act for 10 years. This statute's current authorization lasts only through December 9, and we must—at a minimum—extend the current protections.

It is critical that we maintain the prohibition against the manufacture and possession of firearms that would escape detection by metal detectors or x-ray machines.

We must take necessary steps to help protect ourselves from violent criminals and terrorists who may plan to target secure facilities such as airports, courthouses, government buildings, stadiums, schools, and hospitals, which use firearms detection equipment.

While we must ensure the protections of the Undetectable Firearms Act do not lapse, we must also take up legislation as soon as possible to address a critical shortcoming in the statute. The law, as it currently exists, would allow the production of firearms whose detectability is provided by metal parts which may be easily removed without compromising the ability to fire.

I support the efforts of Representative STEVE ISRAEL to modernize the statute to address this problem, and I urge consideration of his proposal as soon as possible.

Because of the crisis of gun violence in our country, we must consider other important bills designed to protect public safety. We urgently need to expand the Brady background check system to guns sold at gun shows and through commercial advertisements. To do this, I call upon the House to pass H.R. 1565, the "Public Safety and Second Amendment Rights Protection Act." We should do that at a minimum, but we also need to consider other bills such as those to help curb illegal gun trafficking and ban the sale of high-capacity ammunition magazines.

We should also consider bills such as H.R. 1318, the Youth PROMISE Act, designed to

promote proven crime prevention strategies. Instead, this House has ignored the daily toll of gun violence and refused to take action on this issue.

While I urge my colleagues to vote today to extend the Undetectable Firearms Act, I also urge the House to not shrink from its responsibility to take on the other issues related to gun violence prevention.

Ms. JACKSON LEE. Mr. Speaker, as a Senior Member of the Judiciary Committee and the sponsor of numerous legislative proposals to reduce gun violence, I rise in strong support of extending H.R. 3626, the "Undetectable Firearms Act of 1988", which bans guns that can pass unnoticed through a metal detector. I support this legislation because it will help reduce gun violence and keep dangerous weapons out of the hands of terrorists. Gun violence has affected many of our districts and continues to be a pernicious problem on the national stage to which we have to address.

Every day 45 people are shot or killed because of an accident with a gun. When firearms are in the home they are 22 times more likely to be used in homicides, suicides, and accidents than in instances of self-defense. Even though 34 percent of American children live in a home with a gun, fewer than half of those homes store firearms in a way that denies access to children, meaning that guns are locked, unloaded, and separated from ammunition.

Mr. Speaker, the "Undetectable Firearms Act of 1988" was originally passed in 1988 and signed into law by President Reagan. It was reauthorized in 1998 and 2003. Unless reauthorized, the ban on undetectable firearms expires this week, on December 9, 2013. It is therefore imperative that we act now to extend the ban so we can reduce gun violence and enhance the safety of our first responders.

While we cannot stop every instance of gun violence, we can help reduce their prevalence. By acting now with this legislation, we can institute common-sense standards that are focused on protecting our nation from violence by those who would do us harm, without infringing on Americans' Second Amendment rights.

H.R. 2665 and H.R. 3626 can go a long way towards making our homes, schools, and streets safer for families across this country. We may not be able to prevent every gun-related tragedy from occurring in the future, but we have a responsibility to implement reasonable, common-sense standards so that innocent lives will not continue to be lost.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3626.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CLARIFYING CERTAIN PROPERTY DESCRIPTIONS IN PROVO RIVER PROJECT TRANSFER ACT

Mr. McCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 255) to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 255

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFYING CERTAIN PROPERTY DESCRIPTIONS IN PROVO RIVER PROJECT TRANSFER ACT.

(a) PLEASANT GROVE PROPERTY.—Section 2(4)(A) of the Provo River Project Transfer Act (Public Law 108-382; 118 Stat. 2212) is amended by striking "of enactment of this Act" and inserting "on which the parcel is conveyed under section 3(a)(2)".

(b) PROVO RESERVOIR CANAL.—Section 2(5) of the Provo River Project Transfer Act (Public Law 108-382; 118 Stat. 2212) is amended—

(1) by striking "canal, and any associated land, rights-of-way, and facilities" and inserting "water conveyance facility historically known as the Provo Reservoir Canal and all associated bridges, fixtures, structures, facilities, lands, interests in land, and rights-of-way held,";

(2) by inserting "and forebay" after "Diversion Dam";

(3) by inserting "near the Jordan Narrows to the point where water is discharged to the Welby-Jacob Canal and the Utah Lake Distributing Canal" after "Penstock"; and

(4) by striking "of enactment of this Act" and inserting "on which the Provo Reservoir Canal is conveyed under section 3(a)(1)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 255, sponsored by the gentleman from Utah (Mr. CHAFFETZ), allows the Provo River Waters Users Association to own a canal facility that it has operated, maintained, and repaid for decades. This title transfer was the original intent of public law enacted in 2004, and the passage of this bill would remove existing legal barriers in order to fulfill that intent. A companion measure by Senator HATCH passed the Senate Energy and Natural Resources Committee in May.

The whole matter comes down to this: the canal was originally an open, earthen canal in a rural setting. The

city of Provo grew up around it until, for a variety of reasons, it was decided to enclose the canal, essentially changing it to a pipeline. In order to make it possible for the local water authority to raise non-Federal capital to do so, Congress adopted the Provo River Transfer Act in 2004 to authorize the Bureau of Reclamation to convey title to the association for the canal as if existed when the act was adopted.

Now that the enclosure is completed and the time has come to transfer title—as Congress directed nearly a decade ago—the Bureau of Reclamation has opined that by covering the canal, it technically is no longer a canal but rather a piped facility, that it is now different than the facility in existence when Congress ordered the transfer of title. Therefore, it doesn't meet the specifications of the conveyance act.

So, in an only in Washington, D.C., moment, we now have this measure before us that changes the facility description in the 2004 act to the "water conveyance facility historically known as the Provo Reservoir Canal," so that the title transfer can proceed.

The passage of this bill would amend outdated legal definitions while accelerating repayment to the U.S. Treasury. This legislation continues the positive trend demonstrated by the Natural Resources Committee of economically empowering our communities.

The Bureau of Reclamation supports the bill. I am unaware of any opposition, and I urge its adoption.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 255 is a technical correction for the Provo River Transfer Act. This change will allow for the title transfer of the Provo River Canal to the Provo River Water Users Association. The administration supports the legislation, and we do not oppose the bill.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Utah (Mr. CHAFFETZ), the author of the measure.

Mr. CHAFFETZ. Mr. Speaker, I simply want to thank both sides of the aisle. I want to thank Mr. McCLINTOCK, the chairman of this subcommittee, for allowing us to move this forward, and I appreciate the gentleman from Arizona (Mr. GRIJALVA), the ranking member of the committee, for allowing this to pass.

This is truly a technical change. It strikes the term "canal" and replaces it with "water conveyance facility historically known as the Provo Reservoir Canal." The final payment to the Federal Government of \$700,000 will be completed once this bill becomes law. It scores positively. It is truly a technical change.

I appreciate the indulgence of the Congress on both sides of the aisle for making this happen, and I urge its adoption.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I urge adoption of the measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 255.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCCLINTOCK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### SHINGLE SPRINGS BAND OF MIWOK INDIANS LAND TRUST

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2388) to authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2388

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LAND INTO TRUST FOR THE SHINGLE SPRINGS BAND OF MIWOK INDIANS.

(a) IN GENERAL.—The land described in subsection (b) is hereby taken into trust for the benefit of the Shingle Springs Band of Miwok Indians, subject to valid existing rights and management agreements related to easements and rights-of-way.

(b) LAND DESCRIPTION.—The land taken into trust pursuant to subsection (a) is the approximately 40,852 acres of Federal land under the administrative jurisdiction of the Bureau of Land Management identified as “Conveyance boundary” on the map titled “Shingle Springs Land Conveyance/Draft” and dated June 7, 2012, including improvements and appurtenances thereto.

(c) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be permitted at any time on the land taken into trust pursuant to subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Shingle Springs Band of Miwok Indians occupies a Federal reservation in the Sierra foothills in El Dorado County, California. They lost much of their land when Highway 50 was constructed through the reservation several decades ago. They were left with enough land to eventually build a successful casino, but have very little additional space for tribal housing.

Adjacent to their reservation is a 40-acre abandoned and landlocked property. I say “abandoned” because it was never developed, and it is presently dangerously overgrown with scrub brush that is just waiting to become a wildfire, which could rapidly spread either to the existing reservation or to an adjacent residential neighborhood.

□ 1330

As it turns out, this abandoned parcel is owned by the Bureau of Land Management. The Bureau of Land Management didn’t even know that it owned the property when the Miwok first approached it about this matter. In fact, I am told the BLM actually had to be convinced that it does, indeed, own the land that it has obviously never managed.

The Miwok would like to acquire this parcel for the reservation, making up some of the land they lost due to the construction of Highway 50. It would be used for tribal housing, and the bill specifically forbids its use for gambling, a condition that the Shingle Springs Band has agreed to.

The parcel is untended, overgrown, and unused, and this land transfer would put it to productive use for reservation housing, use fully compatible with adjacent land usage. Indeed, by doing so, the tribe will be removing a major risk for both the reservation and the nearby community. Access would be through the existing reservation to avoid any impact on the existing neighborhood, and the tribe is committed to working with the nearby homeowners association to assure that it doesn’t affect the rural nature of the community.

The property is on unincorporated county land, and the County Board of Supervisors, which is the land use planning agency with jurisdiction over this land, fully supports the transfer.

The administration supports my bill. I urge adoption of the legislation, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

The Shingle Springs Band of Miwok Indians is a federally recognized Indian tribe with a reservation located 40 miles east of Sacramento. The band is currently in need of housing to accommodate its growing membership and identified approximately 41 acres of land currently managed by the Bureau of Land Management for placement into trust. The band anticipates designing a residential community with community buildings and recreational facilities within that community and will also consider nongaming economic development, as well.

H.R. 2388 would authorize the Secretary of the Interior to take the land into trust and would explicitly prohibit class 2 and class 3 gaming activities on these lands once they are placed into trust.

The County of El Dorado supports the band’s efforts to secure the BLM property in trust and has entered into a memorandum of understanding with the band.

We support H.R. 2388 and these efforts, and I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman for yielding, and let me rise to indicate my recognition of the importance of this legislation and to support it.

I want to make a point simply on this bill dealing with the Secretary of the Interior, that it is to study the issue of large parks, urban parks in our respective urban areas as being in the jurisdiction of the Secretary of the Interior, the Interior Department, because we are losing that park land because of the inability to collaborate with the Federal Government on the resources that are so necessary.

I recognize that we are in sequestration, but I believe that it is important that we collaborate. I wanted to make sure that I put that on the record.

Let me also put on the record, as a member of the Homeland Security Committee, my support for the TSA Loose Change Act, H.R. 1095; my support for H.R. 2719, the Transportation Acquisition Security Reform Act; and my special support for H.R. 1204, the Aviation Security Stakeholder Participation Act of 2013 because, in fact, that stakeholder committee is going to help provide more security for our TSA officers and have stakeholders dealing with issues like phones on airplanes and knives on airplanes. Certainly, guns are only held by the pilots in the pilot program. But it is going to be able to allow stakeholders to be able to have a real say in aviation security, and I think that is crucially important.

Let me also acknowledge my support for the Undetectable Firearms Act of

1988 and its extension. I would hope that that bipartisan support, along with Mr. COBLE, whom we have so much great respect for, will lead us to universal background checks and the passage of Federal legislation that would require all of us to store our guns. It is not difficult to provide or buy a simple safe to store your guns and to protect those from undue harm.

I thank my colleague for yielding to me.

My understanding is that we are here on the floor of the House to do work. Some people find it humorous when Members rise to the floor and add additional commentary dealing with their constituency and their work. And since I believe in working and I believe in working on behalf of my constituents, I am very grateful to the gentleman from Arizona recognizing the seriousness of which I make these points and allowing me to have this time on this legislation. I think all of us can recognize that when the floor is open, it is open for Members to come and make serious commentary about the work that they would hope this Congress would be able to do.

I close by thanking the gentleman. He has many capacities, such as the co-chair of the Progressive Caucus. I want to thank him for his leadership on immigration reform. And for those of us who were down with the Fast for Families, I again say that we pray for them. We pray that the hearts of this Congress will be touched, that we will be able to finish and complete comprehensive immigration reform, something my constituency is also now praying for on the steps of the city hall.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I want to thank my colleagues on the other side of the aisle for their support of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 2388, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes."

A motion to reconsider was laid on the table.

#### BUREAU OF RECLAMATION CONDUIT HYDROPOWER DEVELOPMENT EQUITY AND JOBS ACT

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 1963) to amend the Water Conservation and Utilization Act to authorize the development of non-Federal hydropower and issuance of leases of power privileges at projects constructed pursuant to the authority of the Water Conservation and Utilization Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1963

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act".

#### SEC. 2. AMENDMENT.

Section 9 of the Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid semiarid areas of the United States", approved August 11, 1939 (16 U.S.C. 590z-7; commonly known as the "Water Conservation and Utilization Act"), is amended—

(1) by striking "In connection with" and inserting "(a) In connection with"; and

(2) by adding at the end the following:

"(b) Notwithstanding subsection (a), the Secretary is authorized to enter into leases of power privileges for electric power generation in connection with any project constructed under this Act, and shall have authority in addition to and alternative to any authority in existing laws relating to particular projects, including small conduit hydropower development.

"(c) When entering into leases of power privileges under subsection (b), the Secretary shall use the processes applicable to such leases under section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

"(d) Lease of power privilege contracts shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Lease of power privilege contracts shall be for periods not to exceed 40 years.

"(e) No findings under section 3 shall be required for a lease under subsection (b).

"(f) All right, title, and interest to installed power facilities constructed by non-Federal entities pursuant to a lease of power privilege, and direct revenues derived therefrom, shall remain with the lessee unless otherwise required under subsection (g).

"(g) Notwithstanding section 8, lease revenues and fixed charges, if any, shall be covered into the Reclamation Fund to be credited to the project from which those revenues or charges were derived.

"(h) When carrying out this section, the Secretary shall first offer the lease of power privilege to an irrigation district or water users association operating the applicable transferred conduit, or to the irrigation district or water users association receiving water from the applicable reserved conduit. The Secretary shall determine a reasonable timeframe for the irrigation district or water users association to accept or reject a lease of power privilege offer. If the irrigation district or water users association elects not to accept a lease of power privilege offer under subsection (b), the Secretary

shall offer the lease of power privilege to other parties using the processes applicable to such leases under section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

"(i) The Bureau of Reclamation shall apply its categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to small conduit hydropower development under this section, excluding siting of associated transmission facilities on Federal lands.

"(j) Nothing in this section shall obligate the Western Area Power Administration or the Bonneville Power Administration to purchase or market any of the power produced by the facilities covered under this section and none of the costs associated with production or delivery of such power shall be assigned to project purposes for inclusion in project rates.

"(k) Nothing in this section shall alter or impede the delivery and management of water by Bureau of Reclamation facilities, as water used for conduit hydropower generation shall be deemed incidental to use of water for the original project purposes. Lease of power privilege shall be made only when, in the judgment of the Secretary, the exercise of the lease will not be incompatible with the purposes of the project or division involved and shall not create any unmitigated financial or physical impacts to the project or division involved. The Secretary shall notify and consult with the irrigation district or legally organized water users association operating the transferred conduit in advance of offering the lease of power privilege and shall prescribe such terms and conditions necessary to adequately protect the planning, design, construction, operation, maintenance, and other interests of the United States and the project or division involved.

"(l) Nothing in this section shall alter or affect any agreements in effect on the date of the enactment of the Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act for the development of conduit hydropower projects or disposition of revenues.

"(m) In this section:

"(1) The term 'conduit' means any Bureau of Reclamation tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

"(2) The term 'irrigation district' means any irrigation, water conservation or conservancy, multi-county water conservation or conservancy district, or any separate public entity composed of two or more such districts and jointly exercising powers of its member districts.

"(3) The term 'reserved conduit' means any conduit that is included in project works the care, operation, and maintenance of which has been reserved by the Secretary, through the Commissioner of the Bureau of Reclamation.

"(4) The term 'transferred conduit' means any conduit that is included in project works the care, operation, and maintenance of which has been transferred to a legally organized water users association or irrigation district.

"(5) The term 'small conduit hydropower' means a facility capable of producing 5 megawatts or less of electric capacity."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the

gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1963 by Congressman DAINES of Montana seeks to jump-start conduit hydropower development at 11 Bureau of Reclamation projects. The bill specifically removes statutory impediments by authorizing non-Federal hydropower development at these conduits and provides administrative and regulatory reforms necessary to foster such development.

Earlier this year, the House passed H.R. 678 by Congressman TIPTON and Congressman COSTA by a 416-7 vote to promote conduit hydropower development at reclamation facilities. H.R. 678 applied to hundreds of reclamation facilities that are covered under the authorities of the Reclamation Project Act of 1939. This measure applies to the remaining reclamation facilities, all of which are governed under the different and more complex authorities of the Water Conservation and Utilization Act of 1939.

The Tipton bill provided for a streamlined regulatory process in part by providing a categorical exemption for redundant environmental reviews. The WCUA actually forbids the installation of small hydroelectric generators in the projects regulated under this act, and thus the need for this separate legislation.

The arguments in favor of getting the Federal Government out of the way so that private contractors can lease existing Federal pipelines and canals for the purpose of installing small hydroelectric generators are well known to the House, as evidenced by the overwhelming bipartisan vote accorded the Tipton bill earlier this year. That bill was signed into law a few months ago, and I am told it has already produced a flood of new applications for clean and cheap small hydroelectric generators.

Not only has a new source of absolutely clean and inexpensive hydroelectricity been made available, the Federal Treasury benefits from the revenues that these leases produce in addition to the added economic activity that they enable. Mr. DAINES' measure completes that work by applying the same policy to the remaining reclamation facilities that fell under the WCUA.

I commend the gentleman from Montana for his leadership on this issue, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

We concur with Mr. MCCLINTOCK's description of the legislation, and we have no objections to H.R. 1963.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I am now pleased to yield as much time as he may consume to the gentleman from Montana (Mr. DAINES), the author of this measure.

Mr. DAINES. Mr. Speaker, I rise today in support of my bill, H.R. 1963, the Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act.

In Congress, one of our top priorities is to secure American energy independence, and as we all see in this institution, we don't always agree on how best to meet that goal. However, hydropower is a clean, renewable source of energy, and finding innovative ways to develop this resource is an area where most of us can agree. I am grateful that Chairman MCCLINTOCK and Ranking Member GRIJALVA support this bill, and I was pleased to see the bipartisan spirit behind this legislation.

Bureau of Reclamation projects, such as canals, pipelines, and dams, play an important role in supplying water for our communities. Agriculture is the primary economic driver in my home State of Montana, and having a sound and strong irrigation system is critically important to us back home.

H.R. 1963 will amend the Water Conservation and Utilization Act to allow for conduit hydropower development on 11 Bureau of Reclamation projects governed under this act. That includes some in my home State of Montana, including the Buffalo Rapids near Miles City, the intake project by Glendive, the Milk River Project, as well as the Missoula Valley Project. With this legislation, our irrigation systems can also power our homes and our businesses. Additionally, this bill will help provide revenues to improve critical infrastructure for farmers and ranchers who rely on these systems.

In Montana, balancing energy development with responsible stewardship of our resources is the way we do business in Montana. Our livelihoods, our access to recreation, and the future of our State for our kids rely on a robust, balanced energy plan that also protects our unique landscapes, and that is what keeps us Montanans loving the place we call home. A diverse energy portfolio helps keep electric prices low for Montana families and creates jobs. Hydropower is an important part of that puzzle, and my bill will help us get there.

H.R. 1963 has received strong bipartisan support in committee, and I urge the same here today.

Mr. GRIJALVA. I have no further speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I again commend the gentleman from Montana for his work on this issue. It is one of the most important achievements in power development that we have had recently, the jump-starting of these small hydropower generators.

I thank the gentleman from the other side of the aisle for his support of the measure and urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 1963, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SPECIAL RULES FOR INYO NATIONAL FOREST LAND EXCHANGE

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1241) to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1241

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SPECIAL RULES FOR INYO NATIONAL FOREST LAND EXCHANGE.

(a) **AUTHORITY TO ACCEPT LANDS OUTSIDE BOUNDARIES OF INYO NATIONAL FOREST.**—In any land exchange involving the conveyance of certain National Forest System land located within the boundaries of Inyo National Forest in California, as shown on the map titled "Federal Parcel" and dated June 2011, the Secretary of Agriculture may accept for acquisition in the exchange certain non-Federal lands in California lying outside the boundaries of Inyo National Forest, as shown on the maps titled "DWP Parcel - Interagency Visitor Center Parcel" and "DWP Parcel - Town of Bishop Parcel" and dated June 2011, if the Secretary determines that acquisition of the non-Federal lands is desirable for National Forest System purposes.

(b) **CASH EQUALIZATION PAYMENT; USE.**—In an exchange described in subsection (a), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent. Any such cash equalization payment shall be deposited into the account in the Treasury of the United States established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a) and shall be made available to the Secretary for the acquisition of land for addition to the National Forest System.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to grant the Secretary of Agriculture new land exchange authority. This section modifies the use of land exchange authorities already available to the Secretary as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. McCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1241 authorizes the Forest Service to acquire two parcels of land outside the boundary of the Inyo National Forest in exchange for a parcel of national forest land conveyed to the Mammoth Mountain Ski Area.

□ 1345

The ski area has been operating its main base under a special-use permit. However, acquiring ownership of that parcel under this legislation would allow the ski area to conduct desperately needed renovations to its facilities. At the same time, the Forest Service would be able to acquire land that it currently leases to operate the facilities outside the boundary of the Inyo National Forest.

I urge adoption of this sensible measure authored by Congressman PAUL COOK and reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 1241 would authorize the Secretary of Agriculture to accept lands outside the boundaries of the Inyo National Forest in the Eastern Sierra in exchange for non-Federal lands desirable for the National Forest System purposes. If completed, the land exchange could result in significant revenue for the Federal Government.

The bill has bipartisan support, including the Department of Agriculture. I urge its passage in the House, and I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Speaker, I am now pleased to yield such time as he may consume to my colleague from California, Congressman PAUL COOK, the author of this bill.

Mr. COOK. Mr. Speaker, H.R. 1241, obviously, would facilitate a land exchange in Mono County, California. It would allow the Mammoth Mountain Ski Area to obtain the 21 acres surrounding the Mammoth Mountain Inn that it currently leases from the National Forest Service. In return, Mammoth Mountain would transfer 1,500 acres of land along with a cash equalization payment to the National Forest Service. This would allow Mammoth

Mountain to replace and rebuild the Mammoth Mountain Inn. After more than 50 years of use, the Inn suffers from poor, deteriorated construction, and its replacement would allow Mammoth Mountain to continue operating California's premier ski area.

This bill is a jobs bill. Mammoth Mountain's employment fluctuates between a high of 2,500 employees during the winter to down to 650 in the summer. Mono County has a population of only 14,000 people. Thus, this area is by far and above the largest employer in the country. This would help facilitate and would create new construction jobs, but it would also allow the ski area to expand, creating more permanent jobs.

It's also an environmental bill. The 1,500 acres that Mammoth Mountain would be transferring to the Forest Service has long been desired for protection by local environmentalists and the Forest Service. It will end what the Inyo National Forest supervisor described as a "very, very imminent threat to the scenic basin."

The legislation is supported by the Mono County Board of Supervisors, the town council, the various chambers of commerce and the Eastern Sierra Land Trust.

I urge my colleagues to join me in supporting this vital local bill.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Speaker, again, I thank the gentleman for his support of the measure and urge its adoption. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. McCLINTOCK) that the House suspend the rules and pass the bill, H.R. 1241.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE AMENDMENTS ACT

Mr. McCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1846) to amend the Act establishing the Lower East Side Tenement National Historic Site, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Lower East Side Tenement National Historic Site Amendments Act".*

#### SEC. 2. AMENDMENTS.

*Public Law 105-378 is amended—*

(1) in section 101(a)—

(A) in paragraph (4), by striking "the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor" and inserting "the Lower East Side Tenements at 97 and 103 Orchard Street in New York City are outstanding survivors"; and

(B) in paragraph (5), by striking "the Lower East Side Tenement is" and inserting "the Lower East Side Tenements are";

(2) in section 102—

(A) in paragraph (1), by striking "Lower East Side Tenement found at 97 Orchard Street" and inserting "Lower East Side Tenements found at 97 and 103 Orchard Street"; and

(B) in paragraph (2), by striking "which owns and operates the tenement building at 97 Orchard Street" and inserting "which owns and operates the tenement buildings at 97 and 103 Orchard Street";

(3) in section 103(a), by striking "the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated" and inserting "the Lower East Side Tenements at 97 and 103 Orchard Street, in the City of New York, State of New York, are designated"; and

(4) in section 104(d), by striking "the property at 97 Orchard Street" and inserting "the properties at 97 and 103 Orchard Street".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLINTOCK. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1846 expands the boundaries of the Lower East Side Tenement Historic Site to include an additional building purchased in 2007. This Manhattan museum is a National Park Service affiliated site, and therefore, it carries no cost to the taxpayers because it's owned and operated by a private foundation.

I urge its adoption and reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the Tenement Museum was founded in 1988 and has preserved the history of immigration in Manhattan's Lower East Side for the last 25 years. Through the personal experiences of the generations of migrants that have called 91 Orchard Street home, over 200,000 annual visitors are able to hear the stories of real families that lived in the building between 1863 and 1935.

H.R. 1846 would expand the boundaries of the current National Park Service affiliated site at 91 Orchard



Street to include a recently purchased building two doors away and will allow the Tenement Museum to expand the stories they tell. This new building holds an array of untold stories from a family of Holocaust survivors who were allowed in the United States under the first refugee act, and Puerto Rican and Chinese families that were part of the foundation in making New York home to the largest Puerto Rican community on the American mainland and the largest Chinatown in the Western Hemisphere.

The ranking member of the Small Business Committee, Representative VELÁZQUEZ, is to be commended for her legislation on behalf of this important cultural and historic resource. We support H.R. 1846 and urge its passage by the House today. I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I have no further speakers and reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield as much time as she may consume to the gentlelady from New York, Representative VELÁZQUEZ, the ranking member of the Small Business Committee, the sponsor of this legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the chairman and the ranking member, and especially the ranking member for yielding.

I rise in support of this critical legislation and urge my colleagues to support its passage. Throughout our Nation, in every city and town, immigrants have been critical to strengthening our communities. For centuries, people from every corner of the globe have traveled to the United States to start a new life, work hard, build a future for their children, and pursue their share of the American Dream.

In New York especially, immigrants have long been an important part of the cultural fabric. Whether it is Chinatown, Little Italy, or our burgeoning Latino population, immigrants have made our city a stronger, more vibrant place offering invaluable economic and cultural contributions while shaping the city's identity.

There are numerous ways we pay tribute to immigrants' role in American society. The Statue of Liberty on Ellis Island honors the thousands who arrived in New York's ports seeking a greater opportunity and freedom. This past week, we celebrated Thanksgiving—a holiday that originated with some of our earliest immigrants. In short, symbols of immigration's importance are woven throughout our society in physical landmarks, holidays—even our family histories.

In my district, the Lower East Side Tenement Museum reminds New York residents and visitors alike of the challenges faced by some of our city's earliest immigrants. For 25 years, this valuable local institution has offered interactive exhibits recounting the

story of the 7,000 working class families who inhabited these buildings.

Just as the Lower East Side tenement communities evolved with each successive wave of newly arrived immigrants, the museum tells a wide range of stories reflecting the diversity of this storied neighborhood.

Whether it was Asian, Irish, or German immigrants or Eastern European Jews, the Lower East Side's tenements housed generation after generation of new arrivals to our cities and our country.

This body has previously recognized the museum as significant to our Nation's history. In 1998, I worked with my colleagues to pass legislation designating 97 Orchard Street as an affiliated site of the National Park System.

Over the years, interest in the museum has grown steadily. Today, the museum serves 200,000 visitors every year, including 40,000 schoolchildren. This growth in popularity has resulted in demand for additional space. The bill I authored and that we are debating today would help address this need. By making the museum's valuable educational tools available to a wider audience, the bill further honors immigrants' role in our Nation's past, present, and future. The additional space will also allow the museum to explore more immigrant stories, including the history of Holocaust survivors rebuilding their lives in America.

Mr. Speaker, the immigrant story is the American story. The Tenement Museum honors the men, women, and children who came here to carve out a better life and, in the process, improved our country by an infusion of new cultures and ideas.

H.R. 1846 will ensure the Lower East Side Tenement Museum continues telling this uniquely American story to future generations. I urge my colleagues to support its passage. I thank both gentlemen.

Mr. MCCLINTOCK. I continue to reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the gentlelady from New York, Representative MALONEY, the ranking member of the Joint Economic Committee.

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding and for his leadership on this legislation and so many other important areas before our country.

Mr. Speaker, I rise in strong support of this bill, H.R. 1846, the Lower East Side Tenement National Historic Site Amendments Act, which was authored and introduced by my good friend and colleague, NYDIA VELÁZQUEZ from New York.

This legislation will expand the boundaries of the Lower East Side Tenement National Historic Site to include 103 Orchard Street, which is located just two doors down from the original museum location. Because of

this, it will be able to expand its educational programs and allow more people to learn about our Nation's immigrant history.

I had the privilege of representing the Tenement Museum in Congress prior to this year, when new congressional boundaries were implemented, and I still serve as an honorary trustee of this important institution. I can say without hesitation that the Lower East Side Tenement Museum is one of our Nation's most important historic and cultural institutions. In recognition of the important work that they do, the National Endowment for the Humanities just recently awarded them a \$500,000 matching grant.

Founded 25 years ago, the museum brings to life the experiences of those immigrant families who settled in one of our Nation's most iconic and important neighborhoods—the Lower East Side. Through these stories, the museum tells the story of our great country, a nation of immigrants, and how our national identity is constantly evolving and changing thanks to immigration.

Over 200,000 people visit the museum each year to learn about these stories—and that's not by accident. The Tenement Museum has found a unique way to personalize and bring to life history through the stories of individual families who actually lived in these buildings. They take rooms, and they make one for the Irish, one for the Greek, one for the Jews. They have all these stories, and you learn not only the history, but the stories of the particular families who lived there.

The original museum building at 97 Orchard Street tells the progression of our country through the stories of immigrant families from Italy, Ireland, Poland, Greece, Austria, Russia, Germany, and Lithuania through 1935.

The bill before us will allow the museum to expand to a new site so it can tell the stories of Jewish Holocaust survivors, post-1965 Chinese families, and Puerto Rican families in the 1950s—bringing immigrant history to the present day.

I commend the Natural Resources Committee for reporting out this legislation, the House leadership for bringing it to the floor, and my colleague and friend NYDIA for authoring it, and I urge my colleagues to support H.R. 1846.

□ 1400

Mr. GRIJALVA. I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I urge adoption of this legislation, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I rise today in support of H.R. 1846, to amend the Act establishing the Lower East Side Tenement National Historic Site. This piece of legislation would extend the boundaries of the Lower East Side Tenement National Historic



Site in New York City to the Lower East Side Tenement Museum's 103 Orchard Street location. This bill would add no additional cost to taxpayers ensure the preservation of a site that embodies the struggles and resilience of immigrant families and the essence of who we are as Americans. I urge my colleagues to ensure that this important chapter in the American story will remain for future generations by supporting H.R. 1846.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. McCLINTOCK) that the House suspend the rules and pass the bill, H.R. 1846, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA NON-INTERCOURSE ACT OF 2013

Mr. McCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2650) to allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONGRESSIONAL APPROVAL OF CERTAIN LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), and without further approval, ratification, or authorization by the United States, the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota (referred to in this Act as the “Band”) may lease, sell, convey, warrant, or otherwise transfer all or any portion of the interest of the Band in any real property that is not held in trust by the United States for the benefit of the Band.

(b) NO EFFECT ON TRUST LAND.—Nothing in this Act—

(1) authorizes the Band to lease, sell, convey, warrant, or otherwise transfer all or any portion of any interest in any real property that is held in trust by the United States for the benefit of the Band; or

(2) affects any Federal law (including regulations) relating to leasing, selling, conveying, warranting, or otherwise transferring any interest in the real property described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and in-

clude extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLINTOCK. Mr. Speaker, this legislation would ensure that the Non-Intercourse Act, which limits legal transactions by tribes, does not interfere with the Fond du Lac Band of Lake Superior Chippewa tribe's ability to lease, buy, or sell fee land owned by the tribe. The bill also clearly states that it does not authorize the tribe to sell, transfer, lease, convey, or warrant all or any portion of land held in trust by the Federal Government. There is precedent for tribes to seek legislation in Congress to waive the Non-Intercourse Act for transactions of nontrust land because of an overabundance of caution by both tribal and nontribal parties.

I would ask for adoption of the bill and reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The Fond du Lac Band of Lake Superior Chippewa and the county of Carlton, Minnesota, have proposed a land exchange involving 1,451 acres of tribal fee land located outside the Band's reservation. Those lands would be exchanged for tax-forfeited State lands of equivalent value that are administered by Carlton County but located within the Band's reservation.

H.R. 2650 would authorize the land exchange and would allow future land exchanges between the county and the Band which have been identified as candidates for similar land exchanges. I support H.R. 2650 and urge its passage by the House today.

Representative NOLAN is to be commended for his leadership and persistence on behalf of his constituents and his district.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN), the sponsor of the legislation.

Mr. NOLAN. Mr. Speaker, I thank my distinguished colleague from Arizona, Congressman GRIJALVA, for his leadership on this committee and his management of this bill here, in particular.

And thanks to all those who have worked together in a bipartisan manner to bring this important legislation to the floor of the House here today. In particular, I want to thank Natural Resources Committee Chairman DOC HASTINGS; former ranking member and now United States Senator ED MARKEY; current Ranking Member PETER DEFazio; as well as my old friend Chairman DON YOUNG, the chairman of the Natural Resources Subcommittee on Indian and Alaska Native Affairs; Ranking Member COLLEEN HANABUSA; and, of course, a thank you to Senator AL FRANKEN of Minnesota, who shepherded the companion bill in the Senate.

I also want to thank Karen Diver, the chairwoman of the Fond du Lac Band, her colleagues on the Reservation Business Committee, as well as their natural resources management team of Reggie DeFoe, Steve Olson, and Jack Bassett. And, finally, a thank you to Gregory Bernu, the Carlton County land commissioner, and the entire Carlton County Board of Commissioners and their staff for their diligence and good faith in negotiating the agreement we are prepared to ratify today. And, of course, last, but not least, I thank my legislative staff assistant Will Mitchell.

Mr. Speaker, this bill, H.R. 2650, provides the legally required approval by the Congress for an exchange of land between the Fond du Lac Band and Carlton County in the Eighth Congressional District of Minnesota.

By way of a brief background, Federal land allotment policies in the early 20th century played havoc with an 1854 treaty that set aside 101,000 acres of reservation land exclusively for the Fond du Lac Band.

I would like to point out to my colleagues that as they enter the Chamber over here from the west front, there is a bust of Chief Buffalo, the great Chippewa chief from the Minnesota Territory who negotiated this treaty in 1854. He and fellow Band members got in a canoe; and they canoed, starting in Lake Superior, all the way through the Great Lakes out to New York City, and then took a train from there down to Washington to negotiate this treaty. And then, of course, they took the train back to New York and canoed all the way back through the St. Lawrence Seaway, the Great Lakes, and then back to the Chippewa Nation in the Minnesota Territory.

As I enter this Chamber myself each day, I am reminded sometimes of the long, hard travel that is required to do the right thing representing our people, as I know all the Members of this Congress are committed to doing. So each day when I enter this Chamber, I say “hi” to Buffalo, and I recommend that each of my colleagues do the same.

And I am not sure, but when I walked by Chief Buffalo today, I thought I saw a pleasant look of approval, if not a little nod, that the Congress was going to work here today to take care of this legislation, because, unfortunately, after that treaty was negotiated, homesteaders and others were wrongly permitted to settle on this tribal land, much of which was later forfeited to the county for nonpayment of taxes. The result today is a checkerboard of ownership that significantly limits both the Fond du Lac Band and the county's ability to effectively use these lands that they control.

Under this agreement, which meets all requirements of Minnesota law, the Fond du Lac Band will transfer 1,451

acres of land they own outside the Fond du Lac reservation to Carlton County. In return, Carlton County will transfer approximately 3,200 acres of land of equal value, I must point out, that they now administer within the boundaries of the Fond du Lac reservation back to the Fond Du Lac Band.

It is a sensible agreement that provides space for the Band to construct much-needed housing for its 6,700 members, as well as provide more area for hunting, gathering, and native activities. Additionally, the agreement provides Carlton County with valuable new timber and forestry resources.

Lastly, Mr. Speaker, I would point out that H.R. 2650 is modeled on statutes that were passed in this body in 2000 and 2004, allowing the Lower Sioux Indian community in Minnesota and the Shakopee Mdewakanton Sioux community in Minnesota to accomplish similar transactions. It is also my understanding that passage of this bill will greatly help facilitate possible similar transactions between the Fond Du Lac Band and Carlton County in the future.

Mr. Speaker, I respectfully ask my colleagues to approve this legislation; and, again, I thank all those who have worked to pass this legislation in a bipartisan effort.

Mr. GRIJALVA. I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I urge adoption of the legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 2650, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 255, by the yeas and nays;

H.R. 2719, by the yeas and nays;

H.R. 1204, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### CLARIFYING CERTAIN PROPERTY DESCRIPTIONS IN PROVO RIVER PROJECT TRANSFER ACT

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill (H.R. 255) to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 25, as follows:

[Roll No. 615]

YEAS—406

Aderholt	Courtney	Grijalva	Lowenthal	Pelosi	Shea-Porter
Amash	Cramer	Guthrie	Lowey	Perlmutter	Sherman
Amodei	Crawford	Gutiérrez	Lucas	Perry	Shimkus
Andrews	Crenshaw	Hahn	Luetkemeyer	Peters (CA)	Shuster
Bachmann	Crowley	Hall	Lujan Grisham	Peters (MI)	Simpson
Bachus	Cuellar	Hanabusa	(NM)	Peterson	Sinema
Barber	Cummings	Hanna	Luján, Ben Ray	Petri	Slaughter
Barletta	Daines	Harper	(NM)	Pingree (ME)	Smith (MO)
Barr	Davis (CA)	Harris	Lynch	Pittenger	Smith (NE)
Barrow (GA)	Davis, Danny	Hartzler	Maffei	Pitts	Smith (NJ)
Barton	Davis, Rodney	Hastings (FL)	Maloney,	Pocan	Smith (TX)
Beatty	DeFazio	Hastings (WA)	Carolyn	Poe (TX)	Smith (WA)
Becerra	DeGette	Heck (NV)	Maloney, Sean	Polis	Southerland
Benishek	Delaney	Heck (WA)	Marchant	Pompeo	Speier
Bentivolio	DeLauro	Hensarling	Marino	Posey	Stewart
Bera (CA)	DeBene	Higgins	Massie	Price (GA)	Stivers
Bilirakis	Denham	Himes	Matheson	Price (NC)	Stockman
Bishop (NY)	Dent	Holding	Matsui	Quigley	Stutzman
Black	DeSantis	Holt	McAllister	Rahall	Swalwell (CA)
Blackburn	DesJarlais	Honda	McCarthy (CA)	Rangel	Takano
Blumenauer	Deutch	Horsford	McCaul	Reed	Terry
Bonamici	Diaz-Balart	Hoyer	McClintock	Reichert	Thompson (CA)
Boustany	Dingell	Hudson	McCollum	Renacci	Thompson (MS)
Brady (PA)	Doggett	Huelskamp	McDermott	Ribble	Thornberry
Brady (TX)	Doyle	Huffman	McGovern	Rice (SC)	Tiberi
Braley (IA)	Duckworth	Huizenga (MI)	McHenry	Richmond	Tierney
Bridenstine	Duffy	Hultgren	McIntyre	Rigell	Tipton
Brooks (AL)	Duncan (SC)	Hunter	McKeon	Roby	Titus
Brooks (IN)	Duncan (TN)	Hurt	McKinley	Roe (TN)	Tonko
Brown (GA)	Edwards	Israel	McNerney	Rogers (AL)	Tsongas
Brown (FL)	Ellison	Issa	Meadows	Rogers (KY)	Turner
Brownley (CA)	Ellmers	Jeffries	Meehan	Rogers (MI)	Upton
Buchanan	Engel	Jenkins	Meng	Rohrabacher	Valadao
Bucshon	Eshoo	Johnson (GA)	Messer	Rokita	Van Hollen
Burgess	Esty	Johnson (OH)	Mica	Rooney	Vargas
Bustos	Farenthold	Johnson, E. B.	Michaud	Ros-Lehtinen	Veasey
Butterfield	Farr	Johnson, Sam	Miller (FL)	Roskam	Vela
Calvert	Fattah	Jones	Miller (MI)	Ross	Visclosky
Camp	Fincher	Jordan	Miller, Gary	Rothfus	Wagner
Cantor	Fitzpatrick	Joyce	Miller, George	Roybal-Allard	Walberg
Capito	Fleischmann	Kaptur	Moore	Royce	Walden
Capps	Fleming	Keating	Moran	Ruiz	Walorski
Capuano	Flores	Kelly (IL)	Mullin	Runyan	Walz
Cárdenas	Forbes	Kelly (PA)	Mulvaney	Ruppersberger	Wasserman
Carney	Fortenberry	Kennedy	Murphy (FL)	Ryan (OH)	Schultz
Carson (IN)	Foster	Kildee	Murphy (PA)	Ryan (WI)	Waters
Carter	Fox	Kilmer	Nadler	Salmon	Watt
Cartwright	Frankel (FL)	Kind	Napolitano	Sánchez, Linda	Waxman
Cassidy	Franks (AZ)	King (IA)	Negrete McLeod	T.	Weber (TX)
Castor (FL)	Frelinghuysen	King (NY)	Neugebauer	Sanford	Webster (FL)
Castro (TX)	Fudge	Kingston	Noem	Sarbanes	Welch
Chabot	Gabbard	Kinzing (IL)	Nolan	Scalise	Westmoreland
Chaffetz	Gallego	Kirkpatrick	Nugent	Schakowsky	Whitfield
Chu	Garamendi	Kline	Nunes	Schiff	Williams
Cicilline	Garcia	Kuster	Nunnelee	Schneider	Wilson (FL)
Clarke	Gardner	Labrador	O'Rourke	Schock	Wilson (SC)
Clay	Garrett	LaMalfa	Olson	Schrader	Wittman
Cleaver	Gerlach	Lamborn	Owens	Schweikert	Wolf
Clyburn	Gibbs	Lance	Palazzo	Scott (VA)	Womack
Coble	Gibson	Langevin	Pallone	Scott, Austin	Woodall
Coffman	Gingrey (GA)	Lankford	Pascarell	Scott, David	Yarmuth
Cohen	Gohmert	Larsen (WA)	Pastor (AZ)	Sensenbrenner	Yoder
Cole	Goodlatte	Larson (CT)	Paulsen	Serrano	Young (AK)
Collins (GA)	Gosar	Latham	Payne	Sessions	Young (IN)
Collins (NY)	Gowdy	Latta	Pearce	Sewell (AL)	
Conaway	Granger	Levin			
Connolly	Graves (GA)	Lewis			
Conyers	Grayson	Lipinski			
Cook	Green, Al	LoBiondo			
Cooper	Green, Gene	Loebach			
Costa	Griffin (AR)	Lofgren			
Cotton	Griffith (VA)	Long			

NOT VOTING—25

Bass	Hinojosa	Radel
Bishop (GA)	Jackson Lee	Rush
Bishop (UT)	Lee (CA)	Sanchez, Loretta
Campbell	Lummis	Schwartz
Culberson	McCarthy (NY)	Sires
Enyart	McMorris	Thompson (PA)
Graves (MO)	Rodgers	Velázquez
Grimm	Meeks	Yoho
Herrera Beutler	Neal	

□ 1434

Messrs. FLEMING and BARTON changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. YOHO. Mr. Speaker, on rollcall No. 615, I was here to vote—voted but it did not register. Had I been present, I would have voted “yes.”

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 615, had I been present, I would have voted “yes.”

#### TRANSPORTATION SECURITY ACQUISITION REFORM ACT

The SPEAKER pro tempore (Mr. MARCHANT). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2719) to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 616]

YEAS—416

Aderholt	Castro (TX)	Edwards
Amash	Chabot	Ellison
Amodei	Chaffetz	Ellmers
Andrews	Chu	Engel
Bachmann	Cicilline	Eshoo
Bachus	Clarke	Esty
Barber	Clay	Farenthold
Barletta	Cleaver	Farr
Barr	Clyburn	Fattah
Barrow (GA)	Coble	Fincher
Barton	Coffman	Fitzpatrick
Bass	Cohen	Fleischmann
Beatty	Cole	Fleming
Becerra	Collins (GA)	Flores
Benishiek	Collins (NY)	Forbes
Bentivolio	Conaway	Fortenberry
Bera (CA)	Connolly	Foster
Billakis	Conyers	Fox
Bishop (NY)	Cook	Frankel (FL)
Black	Cooper	Franks (AZ)
Blackburn	Costa	Frelinghuysen
Blumenauer	Cotton	Fudge
Bonamici	Courtney	Gabbard
Boustany	Cramer	Gallo
Brady (PA)	Crawford	Garamendi
Brady (TX)	Crenshaw	Garcia
Braley (IA)	Crowley	Gardner
Bridenstine	Cuellar	Garrett
Brooks (AL)	Cummings	Gerlach
Brooks (IN)	Daines	Gibbs
Brown (GA)	Davis (CA)	Gibson
Brown (FL)	Davis, Danny	Gingrey (GA)
Brownley (CA)	Davis, Rodney	Gohmert
Buchanan	DeFazio	Goodlatte
Bucshon	DeGette	Gosar
Burgess	Delaney	Gowdy
Bustos	DeLauro	Granger
Butterfield	DelBene	Graves (GA)
Calvert	Denham	Grayson
Camp	Dent	Green, Al
Cantor	DeSantis	Green, Gene
Capito	DesJarlais	Griffin (AR)
Capps	Deutch	Griffith (VA)
Capuano	Diaz-Balart	Grijalva
Cárdenas	Dingell	Grimm
Carney	Doggett	Guthrie
Carson (IN)	Doyle	Gutiérrez
Carter	Duckworth	Hahn
Cartwright	Duffy	Hall
Cassidy	Duncan (SC)	Hanabusa
Castor (FL)	Duncan (TN)	Hanna

Harper	McCollum	Ryan (WI)
Harris	McDermott	Salmon
Hartzer	McGovern	Sánchez, Linda
Hastings (FL)	McHenry	T.
Hastings (WA)	McIntyre	Sanford
Heck (NV)	McKeon	Sarbanes
Heck (WA)	McKinley	Scalise
Hensarling	McNerney	Schakowsky
Higgins	Meadows	Schiff
Himes	Meehan	Schneider
Hinojosa	Meeks	Schock
Holding	Meng	Schrader
Holt	Messer	Schweikert
Honda	Mica	Scott (VA)
Horsford	Michaud	Scott, Austin
Hoyer	Miller (FL)	Scott, David
Hudson	Miller (MI)	Sensenbrenner
Huelskamp	Miller, Gary	Serrano
Huffman	Miller, George	Sessions
Huizenga (MI)	Moore	Sewell (AL)
Hultgren	Moran	Shea-Porter
Hunter	Mullin	Sherman
Hurt	Mulvaney	Shimkus
Israel	Murphy (FL)	Shuster
Issa	Murphy (PA)	Simpson
Jackson Lee	Nadler	Sinema
Jeffries	Napolitano	Slaughter
Jenkins	Neal	Smith (MO)
Johnson (GA)	Negrete McLeod	Smith (NE)
Johnson (OH)	Neugebauer	Smith (NJ)
Johnson, E. B.	Noem	Smith (TX)
Johnson, Sam	Nolan	Smith (WA)
Jones	Nugent	Southerland
Jordan	Nunes	Speier
Joyce	Nunnelee	Stewart
Kaptur	O'Rourke	Stivers
Keating	Olson	Stockman
Kelly (IL)	Owens	Stutzman
Kelly (PA)	Palazzo	Swalwell (CA)
Kennedy	Pallone	Takano
Kildee	Pascrell	Terry
Kilmer	Pastor (AZ)	Thompson (CA)
Kind	Paulsen	Thompson (MS)
King (IA)	Payne	Thompson (PA)
King (NY)	Pearce	Thornberry
Kingston	Pelosi	Tiberi
Kinzinger (IL)	Perlmutter	Tierney
Kirkpatrick	Perry	Tipton
Kline	Peters (CA)	Titus
Kuster	Peters (MI)	Tonko
Labrador	Peterson	Tsongas
LaMalfa	Petri	Turner
Lamborn	Pingree (ME)	Upton
Lance	Pittenger	Valadao
Langevin	Pitts	Van Hollen
Lankford	Pocan	Vargas
Larsen (WA)	Poe (TX)	Veasey
Larson (CT)	Polis	Vela
Latham	Pompeo	Velázquez
Latta	Posey	Visclosky
Lee (CA)	Price (GA)	Wagner
Levin	Price (NC)	Walberg
Lewis	Quigley	Walden
Lipinski	Rahall	Walorski
LoBiondo	Rangel	Walz
Loeb sack	Reed	Wasserman
Lofgren	Reichert	Schultz
Long	Renacci	Waters
Lowenthal	Ribble	Watt
Lowe	Rice (SC)	Waxman
Lucas	Richmond	Weber (TX)
Luettkemeyer	Rigell	Webster (FL)
Lujan Grisham	Roby	Welch
(NM)	Roe (TN)	Wenstrup
Luján, Ben Ray	Rogers (AL)	Westmoreland
(NM)	Rogers (KY)	Whitfield
Lynch	Rogers (MI)	Williams
Maffei	Rohrabacher	Wilson (FL)
Maloney,	Rokita	Wilson (SC)
Carolyn	Rooney	Wittman
Maloney, Sean	Ros-Lehtinen	Wolf
Marchant	Roskam	Womack
Marino	Ross	Woodall
Massie	Rothfus	Yarmuth
Matheson	Roybal-Allard	Yoder
Matsui	Royce	Yoho
McAllister	Ruiz	Young (AK)
McCarthy (CA)	Runyan	Young (IN)
McCauley	Ruppersberger	
McClintock	Ryan (OH)	

NOT VOTING—15

Bishop (GA)	Culberson	Herrera Beutler
Bishop (UT)	Enyart	Lummis
Campbell	Graves (MO)	McCarthy (NY)

McMorris	Rush	Sires
Rodgers	Sánchez, Loretta	
Radel	Schwartz	

□ 1442

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AVIATION SECURITY STAKE- HOLDER PARTICIPATION ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1204) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 17, as follows:

[Roll No. 617]

YEAS—411

Aderholt	Carney	Dent
Amodei	Carson (IN)	DeSantis
Andrews	Carter	DesJarlais
Bachmann	Cartwright	Deutch
Bachus	Cassidy	Diaz-Balart
Barber	Castor (FL)	Dingell
Barletta	Castro (TX)	Doggett
Barr	Chabot	Doyle
Barrow (GA)	Chaffetz	Duckworth
Barton	Chu	Duffy
Bass	Cicilline	Duncan (SC)
Beatty	Clarke	Duncan (TN)
Becerra	Clay	Edwards
Benishiek	Cleaver	Ellison
Bentivolio	Clyburn	Ellmers
Bera (CA)	Coble	Engel
Billakis	Coffman	Eshoo
Bishop (NY)	Cohen	Esty
Black	Collins (GA)	Farenthold
Blackburn	Collins (NY)	Farr
Blumenauer	Conaway	Fattah
Bonamici	Connolly	Fincher
Boustany	Conyers	Fitzpatrick
Brady (PA)	Cook	Fleischmann
Brady (TX)	Cooper	Fleming
Braley (IA)	Costa	Flores
Bridenstine	Cotton	Forbes
Brooks (AL)	Courtney	Fortenberry
Brooks (IN)	Cramer	Foster
Brown (GA)	Crawford	Fox
Brown (FL)	Crenshaw	Frankel (FL)
Brownley (CA)	Crowley	Franks (AZ)
Buchanan	Cuellar	Frelinghuysen
Bucshon	Cummings	Fudge
Burgess	Daines	Gabbard
Bustos	Davis (CA)	Gallo
Butterfield	Davis, Danny	Garamendi
Calvert	Davis, Rodney	Garcia
Camp	DeFazio	Gardner
Cantor	DeGette	Garrett
Capito	Delaney	Gerlach
Capps	DeLauro	Gibbs
Capuano	DelBene	Gibson
Cárdenas	Denham	Gingrey (GA)

Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guthrie  
Gutiérrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Holt  
Honda  
Horsford  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Lujan, Ben Ray  
(NM)  
Lynch

Maffei  
Maloney  
Carolyn  
Maloney, Sean  
Marchant  
Marino  
Matheson  
Matsui  
McAllister  
McCarthy (CA)  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McNerney  
Meadows  
Meehan  
Meeke  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Rohy  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus

Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.  
Sanford  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NAYS—3

Amash	Labrador	Massie
Bishop (GA)	Herrera Beutler	Rush
Bishop (UT)	Lummis	Sanchez, Loretta
Campbell	McCarthy (NY)	Schwartz
Cole	McCaul	Sires
Culberson	McMorris	
Enyart	Rodgers	
Graves (MO)	Radel	

## NOT VOTING—17

□ 1450

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Mr. Speaker, on rollcall No. 615 on H.R. 255, on Motion to Suspend the Rules and Pass, "to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions", I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 616 on H.R. 2719, on Motion to Suspend the Rules and Pass, "the Transportation Acquisition Security Reform Act", I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 617 on H.R. 1204, on Motion to Suspend the Rules and Pass, "Aviation Security Stakeholder Participation Act of 2013", I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted "yea."

## MOMENT OF SILENCE FOR VICTIMS OF NEW YORK'S DERAILMENT ON METRO-NORTH

(Mr. SEAN PATRICK MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mr. SEAN PATRICK MALONEY of New York. Mr. Speaker, my colleagues, tonight on Forest Lane in Cold Spring, my friend Jim Lovell won't be coming home. His children, Brooke and Jack and Finn and Hudson, the youngest who goes to school with my little girls in Cold Spring and who has played in my house, will be missing the father they love and a beloved member of the community because he was one of the four victims on the Metro-North train that derailed on Sunday.

We all are saddened and heartbroken by this tragic event. I stand here with my colleagues from New York to honor the four victims and the dozens of injured. New York lost a devoted father in Jim Lovell; but, of course, we also lost a loving sister in Donna Smith from Newburgh, a caring nurse from Queens named Kisook Ahn, and James Ferrari, a hardworking husband from Montrose.

I know my colleagues, NITA LOWEY who represents Montrose and JIM CROWLEY who represents Queens and

ELIOT ENGEL who represents the district where the accident occurred, and I who represent two of the victims join with all of you in standing to offer a moment of silence in honor of those killed and of those injured. I ask that we do so now.

## REMEMBERING VICTIMS OF NEW YORK'S DERAILMENT ON METRO-NORTH

(Mrs. LOWEY asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY. Mr. Speaker, I rise to honor the memory of my constituent, James Ferrari of Montrose, New York, one of the four individuals who lost their lives in Sunday morning's tragedy. Mr. Ferrari leaves behind a wife, a 20-year-old daughter, and extended family. My thoughts and prayers are with them during this time of pain and grief.

For the last 10 years, Mr. Ferrari commuted 6 days a week into the city to his job as a building supervisor. He was a hardworking New Yorker, totally devoted to his family.

His friend and neighbor told me that he did everything for his family. Now his wife, who is still in shock, and daughter are trying to put all the pieces of their lives together.

Now Congress must do its part to honor all the crash victims by advancing solutions that prevent tragedies like this one from ever happening again.

## REMEMBERING VICTIMS OF NEW YORK'S DERAILMENT ON METRO-NORTH

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, this horrific tragedy, unfortunately, happened in my district about half a mile from where I live.

When a tragedy like this happens, senseless tragedy, we as Americans all pull together wherever tragedies occur. That is what we are doing here this afternoon. We are pulling together in the face of a terrible, terrible tragedy.

I know that an investigation is going on from the National Transportation Safety Board. I hope that in a short time we will know what happened and, perhaps, we will be able to take steps to ensure that it doesn't happen again, whether it be by legislation or other types of ways we can ensure that this doesn't happen again.

My heart goes out to all the victims and their families of this senseless, senseless tragedy. We as New Yorkers and as Americans in times of tragedy always pull together. New York pulled together after 9/11, and we are pulling together after this horrific tragedy as well.

# REMEMBERING VICTIMS OF NEW YORK'S DERAILMENT ON METRO-NORTH

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I too rise to mourn the loss of these four individuals and all those who were injured in this tragic accident.

In particular, I want to recognize the family of Kisook Ahn of Queens. The entire Korean American community in Queens and throughout the city and the tristate region mourn her loss. She was a resident of my hometown of Woodside, Queens. I particularly want to express our sorrow on her loss and all those who lost their lives or were injured, once again, in this tragic event of Sunday. Our thoughts and prayers are with her family and all the victims and their families.

# REMEMBERING VICTIMS OF NEW YORK'S DERAILMENT ON METRO-NORTH

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, let me thank Congressman ENGEL for the compassion which he has demonstrated for the families of those that survived, those that are injured, and those that have been lost.

While all of us are anxious to see the results of the investigation, we all have to ask ourselves, could this be avoided and did these people die in vain, and what are we going to do about it?

It would appear to me that the first thing everyone thinks of is the infrastructure: Could this have happened in Japan, in China, or in some other industrialized country? It just stresses how important infrastructure is.

It is not just the question of looking modern and developing commerce. It is human lives we are talking about. Let's not let the people who died die in vain. Let us all collectively look at our bridges, our roads, our tunnels, and our airports all over our great Nation so that we can avoid these types of tragedies.

□ 1500

# REMEMBERING VICTIMS OF NEW YORK'S DERAILMENT ON METRO-NORTH

(Mr. GIBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBSON. Mr. Speaker, I want to thank my colleagues for coming forward with these moving tributes. I want to add to those my condolences, and those of my family.

This is a very resilient Nation, and New Yorkers in tough times like these, we come together. Every day I have thousands of my constituents who ride these trains back and forth to provide for their families. I pledge my support and those of our district as we ensure that a tragedy like this is not repeated.

## AFFORDABLE CARE ACT IS UNAFFORDABLE

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, some are trying to create the impression that the only problem with ObamaCare is the Web site, and the experts will soon fix that. Actually, the biggest problem with the so-called Affordable Care Act is that it is unaffordable.

We are already having trouble paying for all of the Federal medical programs we have now. The cost of all of our Federal medical programs have been greatly underestimated at the start.

Now with many millions more losing their coverage than the administration predicted, added to the millions previously uninsured, the cost of ObamaCare is already estimated at possibly four times more than when it was passed, and it is not even fully in place.

Since it took 3½ years to even get a screwed-up Web site partially ready, most people don't believe the Federal Government can run our health care system efficiently in the first place. More bureaucratic, less-humane medical care, and all at much greater cost to taxpayers at both the Federal and State levels.

This plan is a mess that will ultimately lead to shortages, waiting periods, and a great decline in the quality of American medical care.

## SAFE CLIMATE CAUCUS

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTWRIGHT. Mr. Speaker, for far too long, Congress has failed to act while the impacts of climate change threaten our security, our economy, our budget, and the health of our citizens. In fact, the GAO included climate change in its high-risk report this year—meaning the GAO thinks it is critical for the Federal Government to address the financial threat posed by climate change. Whether we are talking about the Federal flood insurance program, whether we are talking about FEMA payments, climate change undeniably threatens our finances as a Nation and as a Federal Government.

We have to put our partisanship aside and deal with the financial effects of climate change.

That's why in the coming months, I intend to release a comprehensive climate adaptation bill that will address the need to protect our Nation's assets and our citizens from the devastation that is now inevitable due to our already changing climate.

Mr. Speaker, the time has come for congressional action for our own good and the good of our children and our grandchildren.

## GUN SAFETY LEGISLATION

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I hold in my hand simple, one-page legislation, H.R. 3626, that passed on the floor of the House today by voice vote. Mr. Speaker, it was a gun bill. It was to extend and to ensure that undetectable firearms would be regulated so that plastic guns cannot pose a danger to law enforcement or the police.

Mr. Speaker, I wonder why we cannot come together to stop the kinds of killings at Sandy Hook and Aurora by passing universal background checks, or the bill that I introduced, which is a gun safety and storage bill. For the likes of a young man by the name of Braveon who died in the hands of strangers in my district 2 weeks ago, or the young man, 16 years old, who just was shot this past weekend in a local park, or two teenagers that died 3 or 4 weeks ago while 19 were shot at a house party, all using guns got on the underbelly of life. Not stopping stash houses, or keeping guns from going from one hand to another without a background check.

A simple bill was passed, Mr. Speaker. I ask: Is there any heart in this Congress to pass reasonable gun safety legislation to save the lives of our children and to stand against violence, gun violence? Enough is enough.

## THE AMERICAN DREAM

The SPEAKER pro tempore (Mr. MESSER). Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, we have an opportunity today to talk about some things that are really important to America. I want to start really with this quote by Franklin Delano Roosevelt which kind of talks about where I am coming from and where I think we ought to be going as a Nation right now. I will try to explain this in a few moments, and then move on to really deal with this problem that we have in our Nation of income inequality, lost opportunity, or the absence of opportunity.

FDR said:

The test of our progress is not whether we add more to the abundance of those who have much, it is rather whether we provide enough for those who have too little.

In America today, there are many, many Americans that have far too little. One out of four children in America goes to bed hungry at night. Unemployment remains at a peak level, somewhere north of 7-8 percent. Real unemployment, that is, the unemployment of people who would like to work more, would like to have a full-time job, remains very, very high. What can we do about it?

Well, we can think about the great American ideal, the American Dream. This gentleman pretty well laid it out. This is Bill Clinton talking about the American Dream. He said:

If you work hard and play by the rules, you have the freedom and the opportunity to pursue your dreams and leave your kids a country where they can chase theirs.

So between these two Presidents, I think we lay out a philosophy that is well worth our attention: make sure those who have little have an opportunity, that we pay attention to their needs, and that we make sure that the American Dream is always in place.

Let's talk about that dream. How about the dream of going to college, college education. The ideal is college education is open to everyone. In reality, in 2007, one-half of the children from wealthy households completed college. Only 9 percent of the children from low-income households completed college. This gap is widening and has continued to widen since 2007, and obviously since 1989. The American Dream.

How about this dream: FDR also talked about the four freedoms and one of them had to do with freedom from want. Part of the American Dream, it has been denied. As a result of the Great Recession, in 2010, a total of 46.2 million Americans were below the poverty level, the highest number of 52 years. The American Dream denied.

When we talk about the American Dream and we talk about what Roosevelt said about those who have much versus those who have little, so what is going on in America? In America today, income inequality is growing. The ideal is you work hard, you will do okay. In reality, the U.S. ranks 93 in the world in income inequality, behind Great Britain, Australia, Nigeria, Argentina, and Japan. The American Dream: you work hard, you will do okay. The reality: income inequality in the United States is greater than the income inequality in Nigeria. Yes, it is.

So what are we going to do?

Well, here is what we are doing. Since the Great Recession, the recovery has been slow. We Democrats have some answers on what to do about that recovery, and we will get to that in a few moments, but I think we need to understand what has happened in the last 5 years.

We have seen the economy grow. Every quarter since 2009, the economy has grown. The private sector economy has grown. Where did that wealth go? Where did the wealth of this Nation go? Well, 95 percent of the wealth generated in this Nation since 2009 has gone to the top 1 percent of Americans. The remaining 99 percent have had to split what was left. During the Clinton economy, it was reversed. The top 1 percent took 45 percent, and the bottom 99 percent took the remaining. So 1 percent took 95 percent, 99 percent were left with 5 percent.

Income inequality: What do we do about it? How do we achieve the goals of President Clinton when he talked about the American Dream? How do we achieve the goals of FDR when he talked about our purpose, not to provide more for those who have great but to provide for those who have little? How can we do it?

Well, one way we can do it is a long American tradition dating back to George Washington. In his first year in office, George Washington called upon Alexander Hamilton, his Treasury Secretary, to figure out how to grow the American economy. They were interested in manufacturing. The United States was basically exporting raw materials to Great Britain. George Washington wanted to build the American economy. So he said, Alex, give me a plan. So Alexander Hamilton came back a few months later with a plan, an economic development plan, based on manufacturing, and in that economic development plan, he said we need to do about a dozen things.

□ 1515

He said we need to build the infrastructure of the United States. He said we need to build the canals, the roads, and the ports. He said we needed to protect American manufacturing, so make sure that there are proper duties and tariffs on imported goods so that they would not overcome American manufacturers but, rather, level the playing field so that American manufacturers would have a shot. He said we needed to also make sure that we had good international trade agreements and use the American taxpayer money to buy American manufactured goods. It is all there. So for those who want to pay attention to the Founding Fathers, they ought to pay attention to what George Washington and Alexander Hamilton talked about in the first days of the first administration of this wonderful democracy we call America.

Let's talk for a moment about infrastructure. Let's talk about those roads that George Washington described, Alexander Hamilton talked and wrote about in his report. Where are we with our infrastructure today?

Joining me today is my colleague from Oregon, who has been working on the infrastructure issue now for more

than a decade. He understands the problems that we have in our transportation systems and has a proposal.

I now yield to EARL BLUMENAUER of Oregon.

Mr. BLUMENAUER. I deeply appreciate the gentleman from California yielding time to me, and I appreciate his leadership in focusing on where the economy is and where it needs to go.

I think it is important to look back in time because you are absolutely right, that from the founding of the Republic, infrastructure loomed large. In the Constitution, there is a provision for postal roads. And 8 years after the plan that was developed by Alexander Hamilton for President Washington, there was the Gallatin plan that was developed for President Jefferson by his Secretary of the Treasury, Albert Gallatin. It had a vision for what would happen for that next American century.

Throughout that time, infrastructure has been one thing that has brought Americans together. It is something that really didn't have a partisan tinge. Yes, Theodore Roosevelt, a Republican President, actually, on the anniversary, the centennial of the Gallatin plan, had his own vision for what we would do with inland waterways and reforestation, redeveloping America. His cousin, Franklin Roosevelt, a Democrat, likewise helped plant the seeds that ultimately grew into the Interstate Freeway Act, signed into law and funded by President Eisenhower. And 150 years ago, there was the Transcontinental Railroad Act with a Republican President, Abraham Lincoln.

This infrastructure agenda is something that has made America great. It produced the finest infrastructure in the world. Until the last quarter century, America had the best airlines, roads, freeways, bridges, passenger and freight rail systems anywhere in the world. Unfortunately, we have not kept pace with our responsibility. We have not raised the gas tax for the last 20 years. That was part of the Clinton plan in 1993 that helped kick off an unparalleled 8 years of economic prosperity.

We face a situation now where the bottom is about to fall out of transportation funding. We have not heeded the call of other bipartisan commissions for Republican and Democratic Presidents alike to provide the transportation resources that would enable us to have a robust reauthorization of the transportation bill. In fact, the best the last Congress could do was a short-term 27-month extension that was kind of kept together by chewing gum and bailing wire, and that funding runs out in less than 10 months. What that means is that, by October 1 next year, transportation funding for roads will drop 92 percent if we just rely on the cash flow that goes into the depleted highway trust fund. Transit funding is

eliminated. Over the course of the next 10 years, we will see a 30 percent reduction in already inadequate funding for the Federal partnership.

We kept this afloat by transferring \$55 billion of general fund borrowed money. We were able to get a little bit of infrastructure in the Recovery Act. And the last Congress did a little budget magic in terms of changing some provisions for pension funds that resulted in an uptick in general fund revenue that we used, transferred, to sort of get us through the next 10 months. But it is not adequate. It is not the signal the private sector needs. It is not the signal that our partners in State and local government need to be able to undertake the significant projects that will make a difference.

If we really care about putting people to work, the fastest way to create hundreds of thousands of family-wage jobs is to adequately fund our infrastructure, family-wage jobs in every State in the Union that will start in a matter of months.

If we care about American competitiveness, we will invest in infrastructure so that we can compete with the developments that are taking place around the world. If we care about the health of our communities, we will invest to deal with problems of deteriorating roads and bridges, problems of fraying infrastructure, inadequate transit, not having safe conditions for our children to bike and walk safely to school.

While the discussion takes place about the budget deficit and this fiscal cliff or another, I think it is time that we ought to look at the infrastructure deficit and the transportation cliff that we face in less than 10 months. Tomorrow, I will be introducing some legislation, and I am pleased that I will be joined by leaders from labor, the Chamber of Commerce, construction, the professions of engineering, local government, a wide array of people who are willing to step up and join Congress to try and more realistically solve this problem.

I can't say how much, Mr. GARAMENDI, I appreciate your tireless advocacy for rebuilding and renewing America, for dealing with manufacturing here, for putting Americans back to work at a time of, sadly, too persistent long-term unemployment, and particularly in the building and construction trades and with regard to architects and engineers where we have seen people just literally decimated. I appreciate your strong voice and advocacy and look forward to working with you as we go forward, hopefully, in this Congress, that we don't dodge our responsibility any further.

Mr. GARAMENDI. Mr. BLUMENAUER, there is no doubt that you are taking up the responsibility. You have been a leader for many years on this issue of transportation, how we can fund it, what we must do.

I guess I knew, but I didn't realize it was coming so quickly, that we would fall off the transportation cliff, that the next fiscal year, 10 months from now, the transportation programs funded by the Federal Government simply run out of money. Isn't it 90 percent or more of the funding that will be gone? Did I understand that correctly?

Mr. BLUMENAUER. If we rely simply on current cash flow in the next fiscal year, we will see a 92 percent reduction in highway funding, and the transit budget will be zeroed out. And over the next 10 years, with the current revenue level, we will see a 30 percent reduction below the current inadequate levels.

Mr. GARAMENDI. Just before we came on the floor to talk about this issue of inequality in America and how we might deal with it, we heard our colleagues from the State of New York talk about the tragic transit accident that occurred. In listening to them, a couple of the Members talked about the need for rail improvement, upgrading the rail system in New York. If I am to hear you correctly, unless we provide additional revenue in the transportation funding program, there will be no money to upgrade the rail systems in New York or anywhere else around the United States.

Mr. BLUMENAUER. We do not have a current revenue stream that is adequate for rail modernization. Simple. We had some additional money, again, in the Recovery Act. Although modest by international standards, it was a significant shot in the arm; but as you pointed out, that is running out.

What is interesting is that I had an opportunity, a few years ago on a trip to China, to ride their high-speed trains. In 2009, there were no high-speed trains in China. Next year, they will carry more passenger traffic than the entire American aviation system.

Mr. GARAMENDI. Amazing.

Mr. BLUMENAUER. This can be done. Other countries are doing it. I was referring here just to the surface transportation fees, but there are certainly needs for rail modernization and safety. And, frankly, what is underground is in worse condition than what we see on the surface. We leak more water in America than we drink. Every day, it is the equivalent of 6 billion gallons of water, enough to fill Olympic-sized swimming pools, 9,000 of them, from Washington, D.C., to Pittsburgh.

I deeply appreciate your courtesy in permitting me to share a few minutes with you on the floor this evening. I deeply appreciate your unstinting advocacy for making it in America, for doing it right, putting our families back to work, strengthening the economy, and making our communities more livable, our families safer, healthier, and more economically sound.

Mr. GARAMENDI. Mr. BLUMENAUER, you are bringing about a very important piece of legislation that will help us finance the systems that we need to build.

We talk about immediate jobs. In talking about those immediate jobs, for every dollar that we would invest in transportation infrastructure, you get \$1.59 of economic growth immediately back.

Mr. BLUMENAUER, I know you have to go. You have another meeting. Thank you very much for bringing this critical issue to our attention.

Now let me carry on for a few seconds about the infrastructure issue.

If we make that critical investment, if we follow the leadership of Mr. BLUMENAUER, where we actually collect the money that is needed for our systems and put those dollars to work in America, several very important things will happen in the American economy.

First of all, you lay down the foundation for immediate and future economic growth. You cannot grow the economy if you cannot move goods, services, and people across the Nation. In my State of California, we understand what gridlock is. We have got gridlock here in Congress. That is political gridlock. In California, when you are talking about gridlock, you are talking about sitting on a freeway and going nowhere; you are talking about the shipments of goods in and out of the ports that are delayed because they cannot get to the rail systems. They cannot get to the highways of America because of gridlock at the ports. We have an enormous necessity to lay in place the transportation infrastructure that can then allow the American economy to grow. That is point one.

Point two is, in doing that infrastructure improvement, if we use the American taxpayer dollars—in this case, collected from the excise tax on gasoline and fuel—if we use that money to buy American-made equipment, we generate an additional economic growth model, and that is the reestablishment of the American manufacturing system.

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Twenty years ago we had about somewhere between 19 and 20 million Americans in manufacturing making all kind of things, from Caterpillar bulldozers and graders and loaders, to farm equipment, to airplanes, and technology systems from computers and the like. That was 20 years ago.

Today there is just over 11 million in the manufacturing sector. We have lost 9 million manufacturing jobs in America. Those are the heart and soul of the American middle class. That is where a mother or a father could get a job, provide the income for their family, buy a home, buy the car, the boat, take the vacation, send their kids to college.

That was where the American middle class found its foundation. It has been



decimated by a number of policies that were enacted by previous Congresses and by a lack of attention all across this Nation to the foundational imperative of manufacturing.

So we have been talking here for more than 2½ years now about a Make It In America agenda. If we are going to finance our transportation systems, then add to that a clause that says, the material, the bridges, the steel, the concrete, the equipment, will be American-made. It will be made in America.

In doing so, we can go right back to Alexander Hamilton and George Washington, who wrote the first economic development plan for this Nation, and said use the American taxpayer money to support American industries.

Hey, I am with Alex and George. They were correct. Use our taxpayer money to support American businesses, buy American, make it in America.

It works. Let me give you an example. In Sacramento, California, near my district, is a manufacturing plant that was expanded, actually doubled in size in the last 2 years. It was doubled in size to build electric locomotives for Amtrak on the east coast corridor, between Washington, DC, and Boston.

About 80 new locomotives are going to be built in Sacramento, California because, in the stimulus bill, the Recovery Act, somebody, probably a staffer, maybe a Senator, maybe a Member of Congress, wrote in one sentence and said, this 700-plus million dollars for the locomotives will be spent on American-made equipment, 100 percent American-made.

American companies looked at that, shrugged their shoulders. A German company, Siemens, said, oh, \$700 million contract, we can do it.

Siemens took their light rail manufacturing plant in Sacramento, took that contract, doubled the size of their plant, doubled the size of their workforce, and is now building 100 percent American-made locomotives in Sacramento, California. Where 100 years ago they used to build locomotives, now they are doing it again.

Why?

Because somebody went all the way back to the very first President, took something that he said, and it was, we are going to spend American taxpayer money on American-made goods, in this case, American-made locomotives.

Think about it. Think about the potential. Think about the potential if we were to really invest in infrastructure, if we were to follow Mr. BLUMENAUER's piece of legislation, take the money, invest in the roads, invest in our freeways, rebuild the bridges, of which more than 6,000 are about to fall down or could fall down in the United States.

Repair, rebuild, expand, allow the foundation of economic growth to grow, and use that taxpayer money for American jobs, buying American-made equipment.

Think of the possibilities. Think of the possibilities. Think back to where we started this conversation, about Franklin Delano Roosevelt, that it is our task not to add more to those who have much, but, rather, to add to those who have little.

Those men and women in the construction trades that have lost their job, where unemployment is well over 30, 40 percent, think about them being able to get that middle class job building the infrastructure.

Think about the manufacturers out there, the small businesses, the large businesses, the supply train that Siemens has set up all across this Nation to provide the electronics, to provide the electric motors and all of the steel, that huge supply train.

Think about what could be done if we put in place policies today, here in the United States Congress, to build our infrastructure, to use our taxpayer money for American jobs; that unemployed individual that is now on food stamps, perhaps on a welfare check, getting a job in that manufacturing sector that is providing that tool that is going to be used on that locomotive.

Think about that unemployed family, that construction worker, the operating engineer who has been sitting on the sidelines, surviving on food stamps and on assistance, able to go back to work, sitting on that Caterpillar tractor that is manufactured in America, providing the income necessary for his family and providing the taxes necessary for the growth of this Nation's ability to reduce its deficit.

It is possible. We can do this. We can rebuild America. We can compete with anybody. There is no other culture in the world that is so entrepreneurial, so driven to succeed.

But here we are, 435 of us, caught up in a gridlock where we can't do anything, where the transportation bill languishes, where the farm bill languishes, so that our farmers don't know what to plant next year. This has got to end. We have got to stop this.

We need to think back on those giants of America's past. George Washington told Alexander Hamilton, give me a manufacturing program for the United States, an economic development program.

Alexander Hamilton came back; we need to build ports, roads, canals. We need to protect American industry with wise laws and trade laws. We need to have a tax policy that encourages investment, and we need to make sure that we are using the tax money to buy American-made.

Think back on Jefferson, who told his Treasury Secretary, give me a plan for the next century, the 1800s, an economic development plan.

Teddy Roosevelt, and then Franklin Roosevelt, Eisenhower, men of vision, leaders of vision that were willing to step forward, willing to use the re-

sources of this Nation, collecting those resources and dispensing those resources across the Nation to build the foundation for economic growth.

The Make It In America agenda is available to us today. That agenda is a trade policy that protects American industry, not a free trade that gives it away, but a fair trade policy that protects American industry; a tax policy that encourages economic growth here in the United States, that rewards corporations for bringing it home, and ends tax breaks for corporations that ship the jobs offshore, an energy policy that utilizes the great energy capacity of this Nation, everything from conservation and wind and solar and, indeed, the petroleum products.

We need that energy policy in place today so that the wind industry in the United States, which is a huge industry in my district, can count on tomorrow's tax policy, which will end in less than a year, so they are not building.

When we give a tax credit for solar, and when we give a tax credit for wind, or to the oil industry, we tell them, you only get that tax credit when you buy American-made solar panels, wind turbines and the like, because, after all, you are using American taxpayer money.

We need a labor policy so that we can re-educate those men and women who will no longer have a job in an industry that is no longer in existence. We need to make sure that labor has a fair shot, and in the labor policy we absolutely must raise the minimum wage. That holds up the floor, and deals with the issue of poverty in America.

Education, research, infrastructure. This is the Make It In America agenda. This is the agenda that we can grow jobs in America. This is the agenda that can address the American Dream.

This is the agenda that goes back to what Franklin Delano Roosevelt said when he talked about freedom from want. Freedom from want means that you must be able to get a decent job in America to support yourself and your family, so that the working men and women of America have a shot at the generation of wealth that this country can produce.

Franklin Delano Roosevelt said it is our task not to provide more for those who have much, but to provide for those who have little. So when you find that the policies of America have allowed this kind of wealth distribution to take place over the last 5 years, you know that those policies need to change. Those policies have to change.

When 1 percent of the American population is able to gather 95 percent of the wealth generated in this Nation between 2009 and 2012, something is terribly wrong with the policies of this Nation. That is what happened.

That is what Americans have labored for, so that 95 percent of the wealth generated by the men and women who

work in America winds up in the hands of 1 percent of this population.

We have got some policy problems. We need to deal with this.

If you believe what Bill Clinton said about the American Dream, being able to provide for your family, being able to provide that education, being able to make things better not only for yourself but for the next generation, then this kind of issue has to be dealt with.

This is a fundamental economic problem. The growth of this economy is dependent upon the ability of the American workers to have an income so that they can pursue their dream, and when the wealth winds up with this kind of a skewed situation, the 95 percent are not able to become the consumers to buy the home, to buy the car, to develop the opportunities that they need for their family.

How can we deal with this?

Well, one way we heard about today. We heard from Mr. BLUMENAUER about the necessity of building our transportation system so that the foundation for economic growth is in place, the transportation system. We need to do that, and doing so will put Americans back to work with those good, middle class jobs for working American families.

We need to put in place a Make It In America policy. Trade, taxes, energy, labor, education, research infrastructure, that is our agenda. That is our agenda for growth in America.

It is also our agenda for dealing with the deficit. You want to deal with the deficit, put Americans back to work. Watch that tax money come into the coffers of this Nation's treasury. It will happen.

But you keep a large percentage of Americans out of work, you keep them at low wages, and you keep them unemployed, you are not going to be able to deal with the deficit. Go back to work Americans—and you deal with the deficit.

□ 1545

How do you do that? Infrastructure, trade policy, make sure your tax policy is in place that encourages economic growth and investment and all the rest.

We can do this. We can do this. We are America. We have done this in the past. We have had leaders in the past that have talked about these things and done them. We have had a Congress in the past that has listened to their own leadership, to those among their own caucuses that said, Let's get on with it. Let's build for the future. Those leaders are here—not at this moment, but they are here on this floor day after day. They know. They understand. If you want to deal with the deficit, put Americans back to work. If you want to deal with the American Dream, give them a good job. Raise the minimum wage so that every working person at

least can provide food on their table and shelter for themselves and their families. It is all possible.

This isn't something new to America. This is what America has done before. And this is our job. This is our job. The Congress of the United States, the Senate, the administration, that is what we are here for. That is our job.

Mr. Speaker, before I yield back, first I have got to talk about one other thing, and that is another challenge that we face, and that challenge is about climate change. This is real, folks. This is not something that a bunch of scientists have dreamed up. This is a very, very real issue for this world. Many of the policies we talk about here can directly go to the issue of climate change.

I represent 200 miles of the Sacramento River Valley, from the very beginning of the Sacramento River at the beginning of the San Francisco Bay, 200 miles up, past the city of Sacramento, past the cities of Yuba City, Marysville, all the way to Chico. It is an area that is one of the most flood-prone areas in America.

Climate change is going to increase rainfall—maybe not the total rainfall throughout the year, but the incidence of extraordinary, heavy downpours will increase.

Not too many people want to ascribe the recent typhoon in the Philippines to climate change, but there is ever-increasing evidence that extreme storms are a result of climate change. And it figures: more heat, more moisture, more storms, more precipitation—it is all there.

So as we go forward, dealing with these issues of economic development, of infrastructure, we need to keep in mind the issue of climate change and its immediate effect: droughts in some areas, where there weren't droughts before; floods in other areas, where there is a need to put in the infrastructure.

In the case of my district, the infrastructure of levees. My constituents are at risk. My constituents need the Federal Government to pass a Water Resources Development Act that provides the foundation and the authorization for levee improvements, and they need the appropriations. They need the money.

It is our task to keep America safe, whether that is from some military threat from somewhere in the world or from some natural threat, for example, extreme storms, extreme flooding, making sure the infrastructure, the levees, and the protections for our citizens are in place.

I want us to deal with that; and as we put together the Water Resources Development Act, where I have the privilege of being on the conference committee, we intend to do our best to make sure that the authorization for those projects necessary for water development, as well as flood protection,

are in place. And then we must go about the task of finding a way to pay for it.

Mr. BLUMENAUER is introducing a bill tomorrow to find a way to pay for the transportation systems. We need to do the same for the water infrastructure systems. We cannot neglect this task. It is our job.

Mr. Speaker, I yield back the balance of my time.

#### OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you for the recognition, for this time to spend talking to my colleagues on behalf of the Republican majority in the House of Representatives about the continued problem with ObamaCare and with the [www.healthcare.gov](http://www.healthcare.gov) Web site.

The promise to Congress and to the American people was that by the end of November, November 30, the Web site would be fixed and that people would not have any problems whatsoever getting enrolled for ObamaCare on the government-created [www.healthcare.gov](http://www.healthcare.gov) Web site.

Well, the administration has said, Mr. Speaker, that the problems that people had been faced with for the last 2 months—of course the rollout was October 1—had been essentially solved, that 80 percent of folks now could get health care, could complete their application, and would not get kicked off the system with an error message.

But what they don't say is it is 80 percent of what. They go on to admit that 40 percent of the Web site, Mr. Speaker, has yet to be developed, and the law was signed into effect—and my colleagues all know this—was signed into effect on March 23, 2010. Well, today is, what, December 3, 2013. They have had over 3 years, 3½ years, essentially, to get this done. And it wasn't ready. The rollout was a colossal failure on October 1, even though \$600 million, Mr. Speaker, had been spent to create this Web site; and that is what you get when you have a massive 2,600-page bill that was rushed through almost in the dark of night at the 11th hour in December of 2009 when the bill was not ready for prime time, and obviously this Web site was not ready for prime time.

So it is incredibly concerning that the Obama administration has continued, Mr. Speaker, full speed ahead on the rollout of the system even after numerous warnings from vendors and from Members of Congress on both sides of the aisle in both Chambers—the House and the Senate.

The Web site has led to confusion in the insurance marketplace as well as

putting customers and consumers—patients, really. I say that as a practicing physician for over 30 years in the great State of Georgia. The Web site has led to confusion and has put consumers' personal information at risk due also to lax security protocols. It is not just this health care information, which is sacrosanct under HIPAA law, but also the security of the information—financial information, as an example.

So I am still extremely concerned about the security risk inherent with this Web site that is 80 percent fixed; but 80 percent of 60 percent is 48 percent. So it is 52 percent not fixed after 3½ years.

In last month's House Energy and Commerce Committee [www.healthcare.gov](http://www.healthcare.gov) data security hearing—I am a member of that committee, Mr. Speaker, the Health Subcommittee—other members and I heard testimony on the Obama administration's efforts to protect private citizens' sensitive health care data in the online marketplace. Hearing recent concerns that the site would become a central target for these so-called genius hackers and online thieves, we must make the protection of personal data one of the top priorities going forward.

[www.healthcare.gov](http://www.healthcare.gov)'s rollout has been completely unacceptable, and we must work to ensure that the site's data security operations aren't fumbled, as well. It would be an even bigger disaster for the American people already faced with the other consequences of the law, including higher premiums and the likelihood that they will be unable to see the doctors who they are accustomed to, the hospitals they are accustomed to going to.

This disruption is unbelievable, Mr. Speaker. And it is probably why Senator ORRIN HATCH from Utah, back when this bill was signed into law by President Obama, said that, in his experience—and he has got lots of experience; he has been in both Chambers for years—that it was probably the worst bill that he had ever seen in his lifetime as a Member of Congress and as a Senator. And I definitely agree with him.

The Obama administration claimed just this past Sunday that it had "met the goal" for [www.healthcare.gov](http://www.healthcare.gov), and the online exchange would work smoothly for the vast majority of users." But upon closer examination, Mr. Speaker, this is not the case. In fact, "meeting the goal" checked a political box, rather than fully repair the faulty Web site.

These are a few of the problems that still remain, Mr. Speaker. Get this: site engineers have created a disguised gimmick for these error messages that were frustrating people so much. Consumers will now be placed in what they call a queuing system, a line—queuing up—rather than receive an error message if the site is unavailable. That,

supposedly, would make people less frustrated if they know they have got a place in line, rather than seeing this big old error message that I just saw probably 30 minutes ago, Mr. Speaker, when I tried to go online to [www.healthcare.gov](http://www.healthcare.gov). I put in all the information that they asked me to put in.

And as you know, all Members of Congress have to go into the District of Columbia Health Benefit Exchange. We have to. As of January 1, we are no longer eligible to be on the Federal Employee Health Benefits plan. I don't really mind that because I thought from the very beginning what is good for the goose is good for the gander. I think the President, himself, will go on the D.C. Health Benefit Exchange Web site; and I had recommended that with an amendment back when the bill was first being debated.

But as I said, the White House claims that the site can now handle—all of the site—a 50,000-person capacity limit. But the number is untested, and it is still far short of the volume needed to be on track to reach President Obama's 1-year 7 million people sign-up goal—7 million people that, heretofore, have not had health insurance or maybe they got kicked off their health insurance plan because the promise of, if you like your health plan, you can keep it, has not been kept. Unfortunately, there are very many people—something like 5 million—who have already been notified that they are not going to be able to keep their health care insurance even though they like it.

Many health insurance professionals and public officials have gone public. They have reported that the site isn't anywhere near ready for prime time; and as much as 40 percent, as I said earlier, of the site has yet to be built.

My hometown newspaper in Atlanta, Georgia, the Atlanta Journal-Constitution, included a headline today: "New and improved? Not so much, some Georgians find." And they went on to highlight three of the most glaring examples. Mr. Speaker, I am going to give you just a couple of examples in the interest of time.

Robert Shlora from Alpharetta, Georgia, in Fulton County: shopping online and over the phone, Shlora has faced roadblock after roadblock in his quest to sign up for coverage through the marketplace. Shlora is paying nearly \$2,800 a month for health insurance for himself, his wife, and their son—three people—and hasn't been able to shop around for years because he has a preexisting condition. The health law was expected to offer him much more affordable options.

The Atlanta Journal-Constitution has been closely following Shlora's experience since the marketplace opened on October 1.

□ 1600

Colleagues, you are not going to believe what I am going to tell you. Just listen to this. It is a comedy of errors, Mr. Speaker.

On Saturday, the marketplace Web site still failed him—just this past Saturday—but he believed he had a breakthrough after a telephone operator said she could process the application that he had been working on for 2 months and sent his information over to Humana. He could call Humana Monday to arrange payment, she said.

And this is a quote from him: "They told me, 'You're good—you're all set,'" Shlora said. When he called Humana Monday morning, however, the insurer said it had no record of his application. The insurer's phone rep said she had researched the issue and called him back. She did call him back, but with bad news. After further research, she still found no record of his application.

Shlora called [healthcare.gov](http://healthcare.gov) back and the telephone rep, Mr. Speaker, insisted he was enrolled with Humana, but could offer him no way to prove it. "Humana said to check with them by the end of the week and maybe it will mysteriously appear," Shlora said.

Let me give you another one, colleagues.

Greg Paulauskis from my hometown of Marietta, Georgia. Paulauskis, an early retiree who buys his own health insurance, has also been trying to shop for coverage for himself and his wife since the day the health insurance marketplace opened. Again, October 1. What is it today? December 3.

I thank the Atlanta Journal-Constitution for their due diligence. They have been closely following his experience.

Like Shlora, he has run into a series of frustrating obstacles. On Monday, he noticed that the Web site was quicker. They said that it was quicker. It is now handling 50,000 people at a time, and its appearance has changed. Its icons looked different.

He tried to access his application that had been completed over the phone with a representative so that he could finally get to the step of actually selecting a plan, but the application wasn't visible on the site.

Now this was just Monday. What is today? Tuesday. That was yesterday.

He called and went through another lengthy process, to be told again what he has heard before. He can't see the plans on the site, but the operator could read plan information to him. Paulauskis isn't comfortable making a decision without seeing all the options in writing. The supervisor handling his call told him she could put in a work order and someone would call him back. She put in a work order. Paulauskis said he has made such a request five times since the marketplace opened and has yet, Mr. Speaker, to get a response.

Now, who is Mr. Paulauskis? Well, he is a former college professor and he has a doctorate degree. He is a Ph.D. Paulauskis said he has probably spent more than 80 hours on the ObamaCare application process without being able to actually shop for a plan.

That didn't change on Monday with the improvements to the marketplace Web site that you are hearing this administration, President Obama and Secretary Sebelius, saying: We're there. We have spent \$600 million. It didn't work. So we brought in new, bright gurus, and they have been working 24/7 over the last 3 or 4 weeks, and now we have got it fixed.

And we don't have it fixed. Forty percent of it hasn't even been built. Twenty percent absolutely are going to be in a terrible bind come January 1 if they have lost their health insurance coverage that they previously had and they don't have any coverage; in other words, they are just going bare.

They don't intend to do that. They wanted to keep the insurance they had because they liked it. They found out that that was not true. I will be kind and use the word "mendacity," rather than a lie. But it was pure mendacity. They weren't able to keep it.

And so if you can't sign up during that 5-week period, which is over Monday, this coming Monday, you can't get signed up and have coverage by January 1. My goodness gracious, what if your child gets run over by a car or you have a heart attack in the week or month or however much time it takes after January 1, if you are in that 20 percent group, to finally get coverage? By that time, you are truly, if you survive, bankrupt because of medical expenses that are not covered.

These stories were printed in the *AJC*, Mr. Speaker. There are plenty of others that have not been published.

Let me share with you a few other stories from my constituents back in the 11th Congressional District of Georgia about the lack of affordable options ObamaCare offers them.

Mike told me that ObamaCare "has been a financial disaster for his family." It used to cost him just under \$300 a month to cover his wife and daughter on their insurance plan. Under ObamaCare, that lowest level plan is the bronze plan. There are four choices. Gold, I guess, is the most expensive and covers the most things. It probably has the highest deductible. But under that bronze plan, instead of \$300 a month, now he is going to pay, Mr. Speaker, \$700 a month. And guess what? His deductible is \$5,000. So he has to pay \$5,000 out of pocket before insurance kicks in. He is paying \$400 more a month. That is \$4,800 plus the \$5,000. His new plan under ObamaCare, because he is not eligible for any subsidy, is costing him about \$10,000 more a year.

Teresa and her husband from Cartersville, Bartow County, one of the

great counties in the 11th Congressional District, told me that their premium is increasing from \$550 to more than \$900 per month. That is almost, Mr. Speaker, a 40 percent increase.

Robert from metro Atlanta told me that, even though they were underwritten in June, his wife's policy has increased from \$387 to \$557 a month. And that increase is 30 percent. It is getting a little better, but, gee, a 30 percent increase?

When President Obama talked about his great new health care plan, the Patient Protection and Affordable Care Act, he said that, on average, families would see a \$2,500 per year reduction in what they are paying for health care. Mr. Speaker, let's go back to the word "mendacity." Nothing could be further from the truth. The average increase is probably \$2,500 a year, not a decrease. This is truly unacceptable that with new mandates in insurance markets concerning essential health benefits premiums have to increase.

And now we finally find out that Ms. PELOSI was absolutely right. Wait until you read it and find out what is in it. Where she was wrong is when she said then you would like it. I think the latest statistics that I read, Mr. Speaker, show that 61 percent of people today are opposed to ObamaCare—61 percent. That is a lot. That means 39 percent either don't have an opinion either way or are not sure or maybe they approve of it. But those are dismal, dismal numbers.

We have seen more insurance policies canceled than created as consumers are faced with this sticker shock, all in the name of a bill that was sold to the American people as a way to lower the uninsured rate.

Another statistic that I read just recently, and this is verifiable, when this bill was being talked about—again, back in 2009, shortly after Mr. Obama became our 44th President—it was estimated that there were something like 47 million people in this country, Mr. Speaker, who, through no fault of their own except couldn't afford it, didn't have health insurance.

Well, go through those numbers. And I have a book with me that I am going to reference, and I want to give proper attribution. The name of the book is, "The Top Ten Myths of American Health Care: A Citizen's Guide." Maybe it could be "A Patient's Guide," and this is written by Sally Pipes.

She talks in this book about that 47 million. Something like 15 million of those 47 million make more than \$50,000 a year. Indeed, some make more than \$75,000 a year, Mr. Speaker. They have just decided that they don't want health insurance; they will pay as they go. And there is nothing wrong with that. I don't advise it. I think everybody should at least have catastrophic coverage. But be that as it may, this is America. We have to insist on enjoying

our liberties to do what we want to do with our hard-earned tax dollars and our own money.

There are probably 10 million, maybe, of these that don't have health insurance that are in this country illegally. There may be another 6, 8, maybe even 10 million of that 47 million who are eligible for a safety net program like Medicaid and they just have not gotten the proper information or not bothered to go find out if they were eligible. A lot of the people that are signing up now are those individuals.

So when you get right down to it, there will probably be not 47 million, but about 15 million that were falling through the cracks.

What we have done has thrown out a market-driven health care system that is not perfect. I guarantee you, I agree with that. It is too expensive. And yes, indeed, we Republicans have some other ideas.

I am going to yield in just a minute, Mr. Speaker, to my colleague, the co-chair with me of the House GOP Doctors Caucus, the gentleman from Tennessee, fellow OB/GYN, Dr. PHIL ROE, and he is going to talk about some of those Republican alternatives, or maybe even Democratic alternatives, because I think that is what it is going to come to.

We have to repeal this law and not be embarrassed about it. If you made a mistake, you made a mistake. Own up to the American people that this is a bad law and repeal it and start over. But I am saying start over in a bipartisan way, and we can do that.

We have got some thoughts on that, and I am going to, at this point, yield to Dr. ROE for his comments.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I appreciate the opportunity to be down here on the House floor today to discuss, Mr. Speaker, this extremely important issue of health care. One of the reasons that it is so important is that it affects every single American citizen in a personal way.

As Dr. GINGREY said, I spent 31 years practicing medicine and teaching in medical school in Johnson City, Tennessee. I know the thing that I saw as the biggest issue and problem in health care—and Dr. GINGREY did also—was the cost of care. I saw the cost going up, and I saw more and more people that didn't have access to affordable health insurance coverage.

And I say this as a joke, but it is true. I have never seen a Republican or Democrat heart attack in my life. I have never operated on a Republican or Democrat cancer in my life, and I have operated on many of them. These are people issues. And why in the world we passed a partisan health care bill makes no sense to me whatsoever, Mr. Speaker. I never understood that for now going on 5 years later.

□ 1615

We should have sat down in that bipartisan way and talked about, as Dr. GINGREY so eloquently explained, taking care of those 15 or 20 million people, whatever the number is. We could do that. Let me just give you some data from my own State.

In 2011, we had 2½ percent of our children in our State who didn't have health insurance coverage. We are not a wealthy State, and about 10 percent of the population—1 in 10 Tennesseans—didn't have access to coverage. Not everybody had a Cadillac plan, but they had basic health coverage. We did this massive, 2,700-page bill, which I have read. I almost hate to admit that I have read it all, but I have. We did this with now tens of thousands of pages of rules that add absolutely no value for patients whatsoever. It doesn't pay for anybody's prescriptions. It doesn't pay for operations, hospitalizations, immunizations, and so on—none of those things.

So, Mr. Speaker, I certainly see the need for health care reform—I totally agree with that—but on the premise that if we repeal the Affordable Care Act we will go back to where we were is not true at all.

Again, let me say this—and I believe this to the core of what I did for 30-plus years, and I believe it today. It is that health care decisions should be made between a patient, that patient's family, and his doctor. They shouldn't be made by an insurance company. They shouldn't be made by a clerk at the insurance company. They shouldn't be made by the Federal Government.

I think one of the problems with the rollout of the Affordable Care Act—and it was absolutely predictable what would happen when you listed the Essential Health Benefits. Mr. Speaker, if you had read the bill and if you had ever run a business, as I had, you would know that you make some changes in your health insurance. Every year, we did this. It was, maybe, the copay or the out-of-pocket or something that changed in that bill. Maybe it was a new procedure. If you the read the bill, it said, if those things changed in any significant way, you lost your grandfathered status.

I apologize if Dr. GINGREY has already done this, but I want to read the Essential Health Benefits that are required for you to buy and purchase. There are 10 categories: ambulatory patient services; emergency services; hospitalization; maternity and newborn services.

Let me just point out that one of my friends who is a sheriff—Sheriff Seals in Sevier County, Tennessee—came to me the other day when I was visiting there. He said he had a friend who had just lost her insurance because she is 55 years of age and has had a hysterectomy. Her insurance plan, which met all of her needs, did not in-

clude maternity coverage, so she lost her health insurance, as almost 90,000 Tennesseans have done.

Mental health and substance abuse disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services; devices; laboratory services; preventative and wellness services; chronic disease management; pediatric services, including oral and dental and vision care.

Those are things that you have to have in a plan or you lose your coverage.

Remember now that this is only affecting about 18 or 20 million people. Next year, when the employer mandate kicks in—the employer reporting requirement kicks in—many people on ERISA, or if you get health insurance through your job, through your work—if you don't hit these benchmarks, guess what? You're going to lose grandfathered status. That is why these staggering numbers are 50 to 100 million people, because, right now, Mr. Speaker, about 160 million people and their families in our country get insurance through their employment. So that is what we are facing.

Now, we mentioned what the Affordable Care Act promised it would do, and Dr. GINGREY has pointed this out very well. He has pointed out the promises that were made:

Universal coverage, that we are going to cover everybody. It didn't do that;

No new taxes on the middle class. Boy, is that ever something that wasn't true;

An annual savings of \$2,500. We have heard the President say that on numerous occasions. That is not true;

No increase in the deficit. We already know that this bill is going to cost some two or three times what it was purported to cost;

Then I think the most famous one we have all heard now enough times is that, if you like your doctor, you can keep him. If you like your health insurance plan, you can keep it. Not true.

We were tasked on the Republican Study Committee, the health committee, to come up with a market-centered approach to health care, which would include no new taxes, no mandates, and would maintain the doctor-patient relationship. It is a very short bill of 180 pages. It had been reviewed, back during the Bush administration, to increase by 9 to 11 million people who would have health insurance and, we think, far more than that. There are six titles to this bill, and they are very simple to understand:

One is to overturn the Affordable Care Act. That is No. 1.

No. 2 is to equalize the tax treatment between an individual and a company. What does that mean? I will use myself as an example. When I worked for my medical group, my health insurance

was deductible. I then retired from that group to run for Congress, and when I then had to go buy health insurance, I had to pay first dollar. I couldn't deduct it. This simply says, if you are an individual out there or a farmer or a small business person, you get to deduct your health expenses just exactly like a huge company like Dow Chemical can do. So it treats you the same as an individual. That is a mistake that was made 60 years ago in the tax law that we correct.

We massively expand health savings accounts. I use a health savings account. What is that? It is when you put pretax dollars away in your own account, and if you don't spend them on health care, you get to keep them. I will use myself as an example again. We had a health savings account for 2 years that we started 7 years ago. I still have \$6,000 in that account that I can use for preventative services, for buying prescription drugs—for lots of things that my insurance doesn't cover. If it is above a \$5,000 deductible, my insurance is 100 percent covered—all the costs.

Guess who would have had that \$6,000 if I didn't have it? The insurance company would have had it as a profit. This allows you and your doctor to make those decisions. We expand those to veterans, to seniors.

We also do medical liability reform. Dr. GINGREY has a wonderful bill that we do that for.

We also allow you to buy across State lines. The only insurance you cannot purchase is health insurance across a State line. You can buy life, fire. I, personally, have never seen an insurance agent. I have always used the Web, and have bought my insurance across State lines. You can do that, and you can form association health plans. Let's say large church groups want to get together. Instead of small churches at which there is one pastor or two, you can join with larger churches and groups across, maybe, an entire region of the country and get thousands of people. That helps take care of preexisting conditions, and we also have a high-risk pool for preexisting conditions.

Lastly, there is no funding for abortion services.

So it is a very simple bill. It is patient-centered and market-oriented, and it will work.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Tennessee for being with us during this hour.

I want to hold up this card so our colleagues can see. Basically, this is the bill that Dr. ROE—Representative ROE from Tennessee—is the author of, and I am a proud cosponsor. It is called the American Health Care Reform Act. Dr. ROE described many of the aspects of this, I think, 180-page bill. It is not a 2,700-page bill but a 180-page bill.

As he points out—and I said this a little earlier, Mr. Speaker—this bill, the American Health Care Reform Act, a Republican alternative—and we do have alternatives—first and foremost fully repeals the President's health care law, ObamaCare. It ends billions in taxes. It eliminates thousands of pages of unworkable mandates and regulations that literally—and I am not kidding you—are 8-feet high. I am not barely 6-feet tall, so just imagine that. It forces millions of Americans to lose access to their health plans and gets Federal bureaucrats, like IRS agents, out of health care decisions.

What do they know about doctor-patient relationships? They don't know a thing about that.

There are just seven bullet points on here, but they are good, commonsense, market-driven reforms.

Dr. ROE talked about tax reform, which allows families to deduct health care costs. If they are sole proprietors—somebody who is a craftsman, who makes furniture in his or her basement, and maybe it is a husband and wife team—they don't get this break on their health insurance that Dr. ROE said was kind of artificially created back in World War II, back in 1942 or 1943. When wage and price controls were put in place and when companies, big companies, couldn't attract new workers because they couldn't pay them enough—they couldn't give them a decent raise—they started providing free health care, but the individual didn't get that break.

So that is just one of the seven. I won't read all of them because we have been joined also by a great member of the House GOP Doctors Caucus, the gentlewoman from North Carolina. Her husband is a general surgeon, and she was a surgical nurse before Congress, and is, as I say, a member of the House GOP Doctors Caucus. She knows of what she speaks.

I yield to Representative RENEE ELLMERS.

Mrs. ELLMERS. Thank you so much for this opportunity to speak here with the Doctors Caucus on these very important issues.

You were bringing up a very important piece to this puzzle. As far as the American people are concerned with their health care, they want Washington bureaucrats out of the examining room and not between them and their doctors. Patients want to be able to have that relationship with their doctors.

Do you know what? I am sorry. If anything has played out over this very short period of time since October 1 with the failure of the Web site rollout, we have seen that Washington has absolutely no business in health care. This is only going to continue to play out, so I just want to take a few moments and speak on some of the issues that continue to remain in these failures of the Web site.

I think the administration has spent over \$630 million now, with 50 contractors, fixing this Web site—this Web site that we were promised for so long was going to be ready: online, on time, working great for the American people. We know that that is simply not the case. Once again, it is the tip of the iceberg when it comes to the failures that we will learn about in the future on health care.

I am here today to talk about how this is affecting American families and those who are reaching out to me in my district, the Second District of North Carolina.

ObamaCare is turning family budgets upside down and is inflicting unnecessary pain on millions of Americans. Millions of Americans now have learned that their health care policies have been canceled, and it clearly states: due to the Affordable Care Act. Nationwide, women in this country make the health care decisions. Over 80 percent of the health care decisions that are made are made by women. That means that wives, mothers, or single women who are choosing health care coverage for themselves have now been told by the President and the Democrats who voted for this bill, and who knew full well that you wouldn't be able to keep your health care plan if you liked it: Do you know what? What you chose for you and your family—what was affordable to you—is not adequate, and we know better than you do for your family.

I think that is an incredible problem, and that it has been overlooked by this administration and our Democrat friends.

How many times do we hear that Republicans don't understand women's issues? How many times do we hear about the war on women that continues to be displayed by our friends across the aisle? This is truly the war on women. Taking away health care coverage for millions of women in this country is truly the war on women.

That is why we as Republicans have been working so hard to do everything we can to stop this process of ObamaCare's moving forward. Yes, we have voted over and over again to repeal it, and for good reason, and we are seeing how it is being played out now—for these very reasons. This is not patient-centered reform. This is not about good patient care. This is not only going to completely and totally—disastrously—affect the health care coverage in this country but also health care, itself, because, as you know, one plays into the other.

I am worried about what is going to happen to our physicians over time. We know that that part of the Web site hasn't even been built yet. Physicians aren't even sure what they are going to be paid, and patients aren't even sure what coverage they will be able to receive, what treatments they will be

able to receive and which doctors they will be able to go to.

□ 1630

Think about the women in this country, the moms who are going to find out over the next couple of months that the pediatricians that they have come to know and trust they are no longer able to bring their children to. Think about our parents, the seniors who are receiving treatment right now at a different hospital system, in a different health care system that are going to find out they can no longer receive their treatment there because the networks have been narrowed so incredibly. This is what is going to play out over the next couple of months.

On the front page of today's Washington Post, it reads: "Healthcare.gov Makes Frequent Enrollment Errors." Right there. After, again, all the millions of dollars that have been spent and we still have errors.

This isn't what we have come to know in America. We know that 3-year-old children can get online and get on their iPads and go to town and understand computer systems and what-not, and we can't even build a Web site that will allow patients in this country, families in this country to navigate to get basic health care coverage. That is a problem.

But there, again, that is why the Federal Government should not be in health care. That is why government bureaucrats should not be standing in between patients and their doctors.

This comes only days after the Obama administration claimed victory for fixing the disaster-prone Web site and rebranding the error messages that continue to pop up as a "queuing system." Since day one, ObamaCare has been a complete disaster, and it is only getting worse.

As The Washington Post points out, those who have enrolled through the online marketplace may soon discover that their application contains errors. These errors have been generated by the computer system, which means even if they were one of the few to successfully enroll, they can still find themselves without coverage over the next few months.

There, again, think about what is going to happen January 1 when there are patients that think they have health care coverage and they are going to go to the doctor only to find out that they are not even within the system. Those failures include the notification of insurers about new customers, duplicate enrollment and cancellations, and incorrect information about family members and the States involving Federal subsidies.

I thank my dear colleague for, again, allowing us to speak out on these issues because it cannot be stated enough how important it is that we be pointing out the inefficiencies that are

created with ObamaCare—the Affordable Care Act—which we all know now is completely and totally unaffordable.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlelady from North Carolina.

It is now my pleasure to yield time to the gentleman from Indiana, Representative and Dr. LARRY BUCSHON, a cardiothoracic surgeon, and also a member of the House GOP Doctors Caucus.

Mr. BUCSHON. Thank you, Dr. GINGREY, and thanks again for having this time for the Doctors Caucus to talk about health care reform.

What I want to focus on in my brief time is the Republican alternatives that we have had all along. When the Affordable Care Act was brought to the floor, there was only one amendment allowed, and that was a “motion to recommit” amendment, and guess what, the Republicans had an alternative health care plan which we put forth.

Since that time, we have had multiple plans, almost 200 other proposals from Republicans, to reform the health care system in a patient-centered way. As a physician, that is what we want. We want this to be focused around the patient, not around Washington bureaucrats, not around decisions made here in Washington. We want patients to have access to quality affordable care. We want everyone to have that, just like the Democrats say that they do, even though with their plan, the Affordable Care Act, in 2023 the CBO says 31 million people will still be uninsured, which is a fact that not a lot of people are looking at in the media at this point. But we have had all kinds of alternatives.

Dr. TOM PRICE has had a bill that he has put up many times, H.R. 2300, in this Congress. The Republican Study Committee in this Congress, led by Dr. ROE, has a very good health care reform proposal, and, again, along with almost 200 other proposals to reform health care.

So I want to dispel this myth that Republicans don't have alternatives to a near-government takeover of the health care system. As Congresswoman ELLMERS just stated, that is the plan here. The plan is to have the government nearly control the system, and we can't have the government in health care because it doesn't work.

We are finding that out now with what is happening with the Affordable Care Act. Access is actually going to be inhibited by the Affordable Care Act. In some States, 80 to 90 percent of the people signing up for the Affordable Care Act are in the Medicaid program, a program already underfunded, a program already that is poor insurance that limits the very access to health care that we are all fighting for.

The exchanges, which are going to be overly costly, look at the deductibles you are seeing in some plans across the

country, look at the price you are seeing on the monthly payments across the country. Again, over 5 million people had health care that they liked, but they have lost it. We may see 50 million people or so next year when the delayed employer mandate comes into place that was unilaterally delayed by the administration, I would argue, against the will of Congress because it was in the law and is in the law.

So I want to just focus on the fact that Republicans have alternatives. The GOP Doctors Caucus has been involved in all of these. I don't recall, but you probably can tell me, were you consulted in 2009, the doctors in Congress, when the health care law was passed? From what everybody tells me, no. The answer to that question is, no. If you were going to talk to anyone about what might be good health care reform, wouldn't you think you would actually consult with people that have been in the field practicing medicine for years—the doctors, the nurses, the other health care providers in Congress that could give you that firsthand experience that they have had in the health care system as part of the equation if you are going to do this right?

So, again, Republicans are for patient-centered health care reform. We realize that people were uninsured; we realize that the cost is too high. We want to bend the cost curve, get people insured by getting the cost of health care down and making sure that all of our patients have access to quality, affordable health care in a timely manner without Washington, D.C., government bureaucrats telling them what is a good policy, what is a bad policy and, I will argue, in the future telling them what is good health care and what isn't.

With that, Dr. GINGREY, I yield back.

Mr. GINGREY of Georgia. Mr. Speaker, I thank Dr. BUCSHON, the gentleman from Indiana, for those remarks.

I want to read a little bit from one chapter in Sally Pipes' book “The Top Ten Myths of American Health Care.” The title of this chapter, Mr. Speaker, is “Solutions: Markets, Consumer Choice, and Innovation.” That is really what Dr. ROE's bill is all about, the American Health Care Reform Act.

Listen to this. Listen to what Sally Pipes says:

None of the preceding chapters is meant to suggest that America's health care system is perfect. It is not. Costs are high, and too many Americans get left behind. Reform is desperately needed.

But true reform of the health care system requires less government interference—not more. Only with a freer market can we lower costs and achieve quality universal health care. If we have universal choice in health care, we will reach universal coverage—a goal supported by all of us.

Republicans and Democrats.

Now, consider this: Mr. Speaker, I know you are familiar with LASIK corrective eye surgery. Most insurance

providers, including government programs, won't cover the procedure. The market isn't distorted by excessive regulations. Providers operate in a free market where technology is constantly advancing, price competition is fierce, and the consumer is the king. Companies rise and fall according to their ability to provide customer satisfaction.

In the past decade, more than 3 million LASIK procedures have been performed. During that time, the average price of LASIK eye surgery has dropped nearly 40 percent from \$2,200 per eye to \$1,350 per eye. Unfortunately, LASIK is a rare exception to the general rule.

In just about every other area of health care, the government is heavily—heavily—heavily involved. So the key to lowering cost and expanding coverage is to expand the LASIK model. That means encouraging competition by decreasing the government's role in the health care marketplace, not increasing it.

Again, she goes on to mention many of these bullet points in Dr. ROE's bill, the American Health Care Reform Act—a better way, indeed a better way.

At this point, I have just a few more minutes remaining, and I want to yield back to Dr. ROE.

Mr. ROE of Tennessee. Just a couple of points I would like to make, Dr. GINGREY.

This bill is not perfect, and it is open for amendment, as opposed to the Affordable Care Act that was not open for amendment. As I recall—you and I were both here then; that was my first term—when we had that debate, some 80 amendments were brought to the Rules Committee here and none of them—none, zero—was ruled germane to the bill.

As Dr. BUCSHON was speaking, there were nine of us physicians in the Doctors Caucus 5 years ago. Not one of us was consulted about the health care bill. Really rather astonishing, I thought.

And to Congresswoman ELLMERS—she made a point a minute ago and wasn't as passionate about it as I am—I think one of the most arrogant things I have heard stated in this town was that what you have bought that you like is no good. I still find that amazing that somebody—a talking head—could be on television and say with a straight face, not knowing what I purchased that I am perfectly happy with, that it is no good. That is beyond arrogance. We have heard people over and over in this town say that very thing.

That is why people are turning against this. When you tell me when I have sat down with my family and worked out what I can buy, and it seems to work for me just fine, that it is no good, that I know what is better because I have got it right here that you have to buy, that is the height of arrogance. I just was a little more passionate about it.



Mr. GINGREY of Georgia. Well, reclaiming my time and yielding it back to Representative ELLMERS, let's hear some more passion from the gentlewoman from North Carolina.

Mrs. ELLMERS. Thank you to my kind doctor colleagues on that issue.

Dr. ROE, you hit on one of the very important parts, again, which is if you had something that works for you, if a mom was buying health care coverage for her family, she was the one that did the research, she was the one that did the time, she picked the appropriate plan. Maybe it was offered through an employer; maybe it was an individual plan. But she sat down at her kitchen table and decided what was working for her, and guess what, now the Obama administration says no.

And I agree with some of the talking heads that are out there on the 24-hour news cycles telling everyone that these plans were subpar, that they weren't adequate. The constituents who are reaching out to me are saying, I liked my plan.

I was having my hair done the other day and my hair stylist, Cindy, and her husband, Lee, they have a health care plan. She said, RENEE, I don't understand this. I had a health care plan that Lee and I picked. We have had this plan, we like our plan, it is affordable to us, it is providing the health care coverage that we need, and now I am being told that it is not adequate and the cost of my premiums every month are going to go up and my deductible is going up. For what?

Well, I will point out to you one of the issues. One of the flaws that the Obama administration and our President himself has made over time is saying that as people learn about this thing—because if you remember when it was passed, and you were here, you both were here, they said, oh, well, let's just get it passed and then we are all going to find out what is in it. Some of our esteemed colleagues across the aisle had made that comment; and now when the American people are finding out what is in it, they don't like it. Things are changing. They are finding out what is in it, they don't like it, and they are rejecting it.

One of the reasons that those costs have gone up is the essential health benefits that have to be covered. For every American, there are 10 essential health benefits. My friend Cindy, she and her husband do not have children, and yet they are forced to purchase maternity coverage; they are forced to purchase pediatric coverage.

Now, these are wonderful things for families, young families, growing families; but they are not appropriate for every American. So what is lacking here in ObamaCare is choice, the ability to choose your plan. I am all for getting health care coverage for every American. I want every American to be able to have affordable health care cov-

erage; but you can't do it by forcing individuals to buy something that they will never use, they will never need, paying a premium price, and costs out of pocket. I am sorry, it is just not affordable for American families.

□ 1645

Mr. GINGREY of Georgia. Reclaiming my time, as we draw to a close, I said earlier, 61 percent of the American people are opposed even today, 3½ years after passage of this law, and they can't even get on the Web site. They can't get signed up. Wait until they get signed up and find out what they are going to have to pay and the amount of the deductible. I guess I would call that sticker shock. I think instead of 61 percent, it will be 80 percent will be opposed to it.

I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. Just one comment. I tried today for the sixth time to get signed up, and I couldn't. So I am going back Thursday for the seventh time.

Mr. GINGREY of Georgia. Reclaiming my time as I close, I tried to get on today. I couldn't. I got the error message. I didn't even get put in the queue to make it a little softer. I got the error message and got kicked offline—and Monday is the last day. So I am going back to my office to try to get on once again. I am really feeling for the patients, the American people, the seniors who are in one heck of a mess because of this not well-thought-out, rushed bill that was totally partisan. You just can't do that in this Congress with a bill this important. We are talking about human lives here; life and death, and that is not the way to do it.

We will come back with a solution, and I hope we will do that in a bipartisan way. I love the American Health Care Reform Act. I am a cosponsor.

With that, Mr. Speaker, I yield back the balance of my time.

#### DON'T REPEAT NORTH KOREA MISTAKE WITH IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, well, we got a notice: All House Member briefing: Iran, Wednesday, December 4, 9 a.m. The briefing team, right at the top of the list, Ambassador Wendy Sherman, Under Secretary of Political Affairs.

So that was thrilling. I recognize that name, Wendy Sherman, who is going to give the House a briefing in the morning at 9 a.m. on how good things have gone in the dealings with Iran.

As The Wall Street Journal article from November 20 points out, the Clin-

ton administration's policy coordinator for North America, Wendy Sherman, is now the Obama administration's lead negotiator for the Iran nuclear talks.

In a 2001 New York Times op-ed, Ms. Sherman urged President Bush to cut a deal, writing that Kim Jong Il "appears ready to make landmark commitments because to ensure the survival of his regime, he has to improve the country's disastrous economy by reducing the burden of a vast missile program and opening the doors to trade."

Well, Ms. Sherman was wrong about that in her op-ed she wrote in 2001. Kim Jong Il needed to help his economy, she was right about that, but she thought it meant that he was ready to get rid of his ballistic missile program and open the doors more to trade. Well, certainly they were willing to open the doors to trade. But just as she had been wrong in 1994 when she helped the Clinton administration work out an amazing deal with North Korea, and to recap the highlights of that deal with North Korea, Korea was believed to be pursuing nuclear weapons so Ms. Sherman was the policy coordinator for North Korea involved in this process. She, Madeleine Albright and President Clinton thought, what a great thing, we will give you nuclear reactors, nuclear power plants, give you some fuel, and in return, you have to renounce nuclear weapons and you have to promise not to pursue nuclear weapons.

Wow. Oh, there was one other thing. The Clinton administration, Wendy Sherman, Madeleine Albright agreed to a provision which would have prevented them and did prevent them from inspecting the North Korean nuclear facilities for at least 5 or so years, which ended up being enough time for them to pursue their nuclear weapons. I mean for President Clinton, Madeleine Albright and Wendy Sherman kind of remind me of the repossession guy that Jeff Foxworthy talked about coming to his house when he was poor telling him he hadn't made his payment in months and so he had to take his car, and Foxworthy begging him not to take the car, and he has to have it to make a living. He said the guy said I have to leave with the car or cash or a check, to which Foxworthy said he replied, "You'll take a check. Well, why didn't you say you will take a check. Sure, I can write you a check."

Well, that is what the North Koreans did. Oh, you mean in return for new, sophisticated nuclear power plants and fuel, you will take just a promise from us that we won't pursue nuclear weapons? Well, why didn't you say that. Sure, we will promise anything you want in return for nuclear weapon fuel and nuclear power plants that we can use for our own benefit. Sure, we will make those promises. Any other promises you want?

I mean, how gullible does an administration have to be to believe that a promise from a rogue regime is worth basing the future safety of your citizens upon? Well, we don't have an answer to how gullible you have to be because this administration is now doing the same thing. It wasn't enough that Wendy Sherman was wrong in 1994 and wrong in 2001 in her op-ed; now she is the lead negotiator with Iran, and she is going to brief Members of the House here tomorrow.

How gullible are we? There is no requirement that we have to be as gullible as this administration. I mean, sure maybe you believe an administration when they say if you like your insurance, you can keep it. Maybe you believe that administration when they say if you like your doctor, you can keep your doctor, period. Maybe the House is gullible enough, or maybe the majority at one time was gullible enough to believe that, and did. In fact, people in this room actually repeated those promises, making them themselves. But how many times do you have to be shown that people making the promises are wrong before you get skeptical?

Now on top of all of the broken promises about ObamaCare, we have an administration promising us that we can trust Iran, that we have made a great deal. They have made us some promises, just like North Korea did, and we know we can trust them because the only thing at stake is the existence of the nation of Israel and the existence of the United States without nuclear weapons going off in it. That is all that is at stake. Or perhaps an EMP caused by a nuclear weapon that is shot off from an intercontinental ballistic missile. It doesn't even have to be that accurate. If it goes off near the middle of the United States, certain range of elevation, then it will fry most every computer chip, and we are going to be in trouble. Grocery stores cannot operate appropriately without their computer systems. Wal-Mart. There are all kinds of places that won't be able to operate appropriately. Most everybody's cars now rely on computer chips. Our military is very reliant on computer chips. Yet this administration says now Iran is somebody we can trust.

I keep coming back to what some allied leaders said back in September in the Middle East: Do you guys not realize that you are now helping the people that attacked you, the organizations that attacked you on 9/11? That make up the Taliban, Muslim Brotherhood background; al Qaeda, Muslim Brotherhood background. I mean, what do you not realize that allows you to now help the people you are at war with or supposed to be at war with? I say the word "war," and of course this administration has made clear, we are not at war with anybody. According to this ad-

ministration, we are trying to counter violent extremism, but we don't talk about terrorism. We don't talk about radical Islam. We have stripped that from our training manuals because it may offend and does offend radical Islamists that want to destroy us and kill us. So we don't want to do anything that might offend the people who want to kill us. You know, there was a time in this country when if another group declared war on us, then we fought them. We weren't going to let them win that war against us.

This administration thinks you can make a great deal with Iran just like the Clinton administration did with North Korea and stop their nuclear proliferation right in its tracks. I would humbly submit, Mr. Speaker, it will be just as effective, less so, than the deal with North Korea was.

Iran has been crippled by sanctions, but sanctions were not going to stop Iran from developing nuclear weapons. They have consulted with, they have learned from North Korea how you game the system. All you have to do is enter into talks with a Democratic administration like the Clinton administration or the Obama administration, and they will cut you a deal. They will even help you get nuclear material. All you have to do is write them a check, and on that check say we promise not to pursue nuclear weapons. Heck, the United States under the Clinton administration, they have shown they will even agree not to inspect your nuclear facility, which will allow you to finish your nuclear weapons.

Well, Israel understands what a tremendous mistake this is because they are too close. Their existence rides on not making a mistake of the calamitous nature that this will be, and this is.

So it is amazing, though. You know, people stood up and made America all kinds of promises about ObamaCare, and it turns out, at the time promises were made about ObamaCare, they had already had the discussion and knew that people wouldn't be able to keep their insurance if they wanted it, and knew they wouldn't be able to keep their doctor if they wanted it. So what did they do? They said, we have a Presidential election coming up and it won't sound good to use words like "if you like your doctor, there is a chance you might can keep your doctor." That won't sell good in the election. "If you like your insurance, there is a chance you might can keep your insurance," that won't sell, so we have to go out and tell what is not true so we can win the next election.

How about that Benghazi? Let's keep that under wraps. We know it was an attack by an al Qaeda-affiliated group. Of course, there might have been some concerns that they used the very weapons that this administration supplied to the al Qaeda-infused rebels that may

have been turned on our State Department personnel, our Ambassador, and they didn't send anybody to help them. They did not send anybody to help them.

□ 1700

We had planes, we had personnel that could have gotten to Benghazi and at least saved the last two of the four, could have saved Dave Ubben's leg, could have saved a lot of damage, could have saved a lot of the classified material being out there for a month or so for anybody who wanted to get it. It could have saved all of that, but no one was sent.

People want to believe promises that are made by their own government, especially when it pertains to something as important as their own health, their own health care, or the defense of their Nation when it is at risk. Well, it is at risk. There are people who are at war with us. They have been at war with us since 1979. We didn't really fully appreciate it until 2001 on 9/11.

And now we have an administration that has completely failed to realize that the people who declared war on us in 1979, who want shari'a law to govern the world, who want a worldwide caliphate over which the 12th imam will rule the world—some of them believe Jesus will come and fight at his side—this administration does not understand they have never given up on their goals.

Thank God that most Muslims do not believe the radical Islamist approach to Islam. I am grateful. But it is crazy not to realize that there are radical Islamists that want to destroy our way of life.

As the Obama administration was bragging over their great deal with Iran, we got word yesterday that Iran announces—this is an article from the Washington Free Beacon—a second nuclear reactor. And the leader, Rouhani, says, "Our enrichment will never stop." So much for this administration's misplaced belief in Iran honesty.

These leaders are at war with us. They want to destroy us. They want to destroy Israel. How can we get someone in this administration to take notice?

Mr. Speaker, I have the answer. It is when people in the United States Senate and enough people here in the House say, Mr. President, you can't do this kind of damage. We know it is innocent. We know you think this is the way to go. But we know you can't trust Iran, you can't trust the Ayatollah Khamenei, you could not trust the Ayatollah Khomeini, you could not trust Ahmadinejad. Just because they have got a different President, they have still got the different leader.

By the way, we didn't used to call the Ayatollah Khomeini the "supreme leader," just like U.S. leaders didn't used to call Hitler "mein fuhrer." He

was not entitled to that title. He was an evil man. I personally don't think it is appropriate for any United States leader to call someone who hates Israel and hates America and wants them wiped off the map and thinks that the 12th imam is coming and will one day rule over the area in which Israel is, the area in which the United States is, that we should not be calling that man "supreme leader." It is the same thing as calling him "mein fuhrer." You don't do it. This administration has not learned that lesson.

So Iran announced that they are still not going to comply with what the Obama administration says they have agreed to do, yet this administration is still sending the former Clinton North Korean policy director, a former Democrat who was advising President Bush in an op-ed to cut a deal with Kim Jong Il, that he really wants to make a deal, kind of like North Korea did in 1994. She was wrong in 1994. She was wrong in 2001. She is wrong now about Iran.

We are told that those who refuse to learn from history are destined to repeat it. When there is enough arrogance that anyone, any leader thinks that they are smarter, wiser, and better than anyone who has gone before, therefore, they can make a better deal with corrupt and evil people like no one else has made, then their name goes down in history just as Neville Chamberlain's has. He waived his peace agreement, which he agreed to give away part of Europe to his fuhrer thinking it meant peace in his time. What it meant was his ignorance and naivete was going to cost millions of people their lives.

History is there for people who are willing to study and learn from it. I shudder for the people in Israel. I shudder for people in the United States that think we are invulnerable. The only way the United States could possibly stay invulnerable for a while longer is if its leaders realized we are vulnerable and we have to stay prepared, we have to stay vigilant, and we have to stay on the lookout for people that want to destroy our country. Yet they would rather make a deal with the lying cutthroats who lead Iran than they would sit down and work out an agreement with Republicans in the House of Representatives.

We were willing the night of the shutdown. We were willing the day before the shutdown. We compromised three different times, and HARRY REID refused to even allow negotiators to be appointed. We appointed ours. People say Republicans shut down the House, shut down the government. We didn't do that. HARRY REID did that. He refused to even negotiate. It was his way completely.

He asked a question when the press was there. Not many of them reported on how ridiculous the question was. But he asked the question of, basically,

what right do they, the House of Representatives, have to say what government programs get funded and which do not?

Well, I asked that exact question to four constitutional experts that testified before our Judiciary Committee today. One clearly was a defender of the Obama administration, yet all four of the witnesses—brilliant, constitutional scholars, even though we have our disagreements. These were brilliant people, and every one of them had the same answer for HARRY REID's question. The answer is the United States Constitution, article I, section 8. It gave Congress control of the purse strings, and it gave the House a little more control than the Senate. The Senate has got to go along with whatever legislation is going to become law.

But he asked the question, and I put this question to our experts: Suppose you were in a town hall meeting with constituents back in a congressional district and an elementary schoolchild asked the question, What right does the House of Representatives have to decide which government programs get funded and which do not? They unhesitatingly said the answer is our Constitution, article I, section 8. They all agreed. They all knew immediately.

So I have asked that the chairman of the Judiciary Committee make that testimony available to our dear friend, the Senate majority leader down the hall, so he won't have to ask that question to reporters who are not familiar with the answer. We can get it to him straight from some of the greatest constitutional minds on both sides of any aisle, and he will understand it is the Constitution that gives us the right to have a say.

For HARRY REID to shut down the government by saying you are either going to give us every dime that we demand or the government will be shut down is really outrageous. They shut the government down. We even gave them an out.

There is a wise Chinese saying that says, it is good to give your adversary a graceful way to exit. We gave the Senate majority Democrats a graceful way to exit by saying, Look, you don't want to completely defund ObamaCare; we get it. We think that is the best idea for America. Here is a compromise. Let's just suspend the whole bill for a year.

HARRY REID could have taken that and said, We don't want to do this, but the Republicans in the House are making us hold off on all of ObamaCare for a year. Gosh, golly gee, we didn't want to, but they are making us.

That was a graceful way that they could have exited. But they were so determined to shut the government down that, when we came back with another compromise passed out of this body, we said, How about if we do this? The President acted unconstitutionally.

That became very clear in our hearing. For the President to say he wasn't going to enforce the business mandate in ObamaCare is unconstitutional. Not only is it unconstitutional, the President is directly violating his oath of office. He is required to faithfully defend the laws, see that the laws are carried out, and he announced he wasn't going to do it for a year. He doesn't have that kind of luxury.

Even in a spirit of extreme compromise, I didn't vote for it. I thought we shouldn't be compromising against ourselves. But a majority in here voted to send the bill, and we sent it down to HARRY REID and the Senate that said the President has decided to suspend the business mandate for a year. If businesses deserve a mandate for a year, let's do it for every individual in the country for a year. That gave HARRY REID another out. He was so determined to shut down the government, he wouldn't even bring that to a vote.

Then our final ultimate compromise in compromising against ourselves, without any Senate offer of compromise whatsoever, was to say here are our negotiators we are appointing. We voted for it. We sent the list of negotiators; you appoint yours. We will probably have a deal by 8 a.m., and we will not even have to have a real shutdown. But HARRY REID was determined to have a shutdown, and so he got a shutdown. Now there is no graceful escape because we have got to repeal ObamaCare. That is very clear, and I hope that we do that.

I see my friend from California. Actually, he is a very dear friend. We have been in some interesting situations worldwide as we stand up for our country and for the people of the United States of America, for truth, justice, and the American way. As my time is about to expire, let me say that I didn't vote for the patent bill in the Judiciary Committee. I have some real concerns about it, as I did the last one that I voted against.

□ 1715

I still believe in my heart we should not have changed 200 years of patent law from the first to invent being right, changing it to the first to file being right. I think the law was appropriate the way it was. We needed to make some reforms, but I think we made a glaring error.

Many people came to this floor and said we have got to pass that bill to deal with the issue of patent trolls, and now we have another bill that we are told will likely come to the floor tomorrow that this time it will really deal with patent trolls. There are some things in there that I like, and I am glad we are trying to deal with them, to help people that need to be helped.

You know, where a bank is utilizing a procedure that they paid for, they are

not infringing on anybody's patents intentionally, and so to hold up people, you know, a small community bank that doesn't have a million bucks to spend on patent litigation, when they are innocent stakeholders, it just seems grossly unfair.

There are things we ought to do. But I am very concerned that we ought to be spending more time, let America help us get this bill right, and I am still hoping that we will wait, get more input so that we don't mess up the patent system any more than we already have.

My time is expired, or is about to, so I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from improper personal references toward the President.

#### THE CONGRESS THAT KILLED THE PATENT SYSTEM

The SPEAKER pro tempore (Mr. MULLIN). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHRBACHER) for 30 minutes.

Mr. ROHRBACHER. Mr. Speaker, let me thank my good friend, Mr. GOHMERT, for that heartfelt expression.

Yeah, there are problems at whatever area of government we look at. There are ways that we can improve it, but there are also problems in government that can be used as an excuse, as a cover for a power grab by very special interest groups in our country to change the law in the name of dealing with a serious problem.

Then what comes out of it has something to do with the interest of that special interest, rather than curing the problem. That is what is going on today when we deal, when we hear all of this talk about the patent system.

We must all ask ourselves: Do we want to be known as the Congress that killed the U.S. patent system which has served the American people well for 225 years?

Let's note that there are very powerful interests in this country. Mr. GOHMERT and I have been fighting them on a number of fronts. We call them globalists because what they are interested in is making sure that our economy and our rules and our rights are based in a global system that eventually will be run by the United Nations or whoever.

We have got multinational corporations trying to break down things like the patent law that have been unique to the United States and granted the American people many more rights than are granted to the people of other countries.

So, once again, we are talking about reforming the patent system. After 20 years of fighting on these issues, again, we have a salami approach by people, a

lot of people who don't even believe in the patent system, who are trying to change the fundamentals of our system.

Well, just last year we passed the American Inventors Act, and it just went into effect earlier this year. Now we have patent lawyers, the courts, and inventors trying to figure out the implications of the changes of that last law from last year, and that was one of the most sweeping changes to the present American patent system that we ever had.

Why are we rushing into it now before we even know what the results are from the patent bill that was passed last year?

Well, even before we are able to judge the America Invents Act, this other patent bill is now being rammed through this House. Let me repeat that. It is being rammed through at breakneck speed, not giving the people on the outside—there are powerful interest groups that are pushing for these changes, because it will permit them, basically it will permit the big guys to steal from the little guys.

Yeah, okay. These big, multinational electronics companies want to steal from America's independent inventors. They are ramming their changes in the patent system through this House at breakneck speed so that people on the outside are not going to be able to notice what is going on and how it will impact them.

Well, the word is getting out. It is spreading out throughout America, whether it is our universities, or whether it is people in biotech or the pharmaceutical industries or the American Bar Association or small inventors throughout the country, people are beginning to notice the danger that we are in by this rapid movement of legislation through the system.

I wish I could simply focus on the bad provisions of this new bill, as I say, the Innovation Act, H.R. 3309, I call it the Anti-Innovation Act. That bill is expected to be on the floor in the next couple of days.

If the bill is bad, okay, the process now being used to get that bill through the system is—they are stifling debate. They are having such limited time that people aren't able to really go in and see what is involved in this bill.

Remember the last time when we actually looked at, we tried to pass a significant piece of legislation before people had really had a chance to examine it and look at it?

Well, having this bill rammed down our throats at such breakneck speed is even worse than the bill itself. In the one Judiciary Committee hearing—they only had one on this particular bill—witness after witness strongly recommended moving slowly, and warned of unintended consequences.

While it takes a few minutes to consider each provision of this bill, it

takes only a few minutes to see that they are aimed—give them the benefit of the doubt that they are single, that there is a single thorn in the side of the mega-electronics companies that are behind this bill, and that is that you have small inventors who will come up and say you have violated my patent, long after they have just ignored the patent and went and used it anyway without the inventor's permission.

Well, that one thorn in the side of these mega-electronic companies, to get rid of that, they are willing to create much more pain in other industries, in our educational institutions, in researchers, especially pain for America's individual, yes, independent inventors.

In the rush to get H.R. 3309 on to the floor so quickly, there has not been a single full day, legislative day, that is, between the time this legislation passed the Judiciary Committee, which means that when it passes the Judiciary Committee, that is when it is available to House Members to consider and to submit amendments to the Rules Committee.

Well, there has not been one legislative day. This happened right before the vacation, right before we went off for Thanksgiving and, thus, we didn't have time, and everybody is off for Thanksgiving.

When are we going to get our amendments put together?

We were rushed into our amendments. I came down here 15 minutes ago because I was up in the Rules Committee, finally, where we put together some amendments to try to deal with the dark side of patent law and this patent bill that is going through.

So it is, as I say, going to create a lot more, a lot more pain for other industries, because we won't have had a chance to look at it and amend it, than it will do good for the electronics industry.

By the way, the electronics industry should be treating the small inventor fairly, and if someone has a legitimate patent and they have ignored it, they should pay that person damages because that person owns what he created.

Instead, what we have had is a society where these mega-companies are faced by an inventor and they just say, well, sue us; go sue me and see what you think.

What this bill does, of course, is make it much more difficult for the small inventor, the small inventor, to be able to sue because it creates much more, a much heavier burden on the small inventor.

So it seems that we have, if we have to pass this bill with such a rapid bill, we are going to have to pass the bill before we realize everything that is in the bill.

Well, that shouldn't be happening again, after the last debacle of

ObamaCare, which now has turned into a disaster for our country. That is what is going to happen to the patent system, and the confusion that is going to happen when we rush in to passing legislation.

I am calling on my friends and colleagues who haven't had time to fully understand the implications of this legislation to join me in demanding a postponement, just a postponement of the vote to pass the bill until after this holiday season is over. That will give us time to consult with our own constituents, with experts, with inventors, and other people from other industries, rather than just these big electronics Google industry gang.

So we need to know what the real implications of the legislation are. So we need to what?

Postpone the vote. If you can't postpone the vote, kill this bill and start writing a new one and give everybody a chance to have their say, their input into the bill.

We are told that this bill is aimed at the threat of so-called patent trolls. You will hear that over and over again. These so-called villainous trolls are patent holders. That is what they are. A patent troll is someone who owns a patent, or a company that represents patent holders. They are engaged in defending their rights against infringement of those patents they own.

There are all of these implications that we are talking about invalid patents. No; we are talking about legitimate rights that were granted to the American people to own a patent that is in our Constitution, and these are legitimate patents.

But there is this aura, oh, the innuendo that these are abusive patents. What is an abusive patent?

It is when somebody like Google is using your patent and refusing to acknowledge that it is yours, and you have got to take them to court, and you are a little guy, and they will do anything to stop the little guys from taking them to court and winning.

These patents that we are talking about are just as valid as any other patent that is granted by the Patent Office, and these huge corporations—we are talking about people who have, quite often, intentionally infringed on a patent.

What that means is they have intentionally stolen the patent from a little guy who they don't think has the power, financially and otherwise, to enforce his patents through the court.

These huge infringers would have us believe that the patents that we are talking about are questionable, they are invalid or unworthy of being patented. Well, that is not the case. That is not what this bill does.

What this bill does is make it more difficult for honest and forthright people who are patent owners or independent inventors to enforce their constitutional rights of ownership.

The patents that are being targeted by the multinational electronics firms are legitimate, by and large, but they were the projects, these patents were the projects of small inventors who don't have the means to defend themselves.

Oh, but what makes these vilified patents different, by the way, than the good patents that are owned by these large corporations themselves?

Well, it is the so-called patent troll again. That happens to be a lawyer—and this is defined. A patent troll is a lawyer who takes on a case specifically to defend the little guy from theft. But the lawyer didn't invent it; he is only there for the money.

How shocking that we have lawyers who are defending clients only because the lawyer is going to make money on it. That is how our system works. That is what happens. You get lawyers to argue your case before a judge and get a fair hearing.

There is nothing wrong with having a lawyer decide that he is going to get involved and help a guy for a percentage of what the case results in and what the decision will be.

□ 1730

Being out for profit, even though the person did not invent the technology, is not in any way something that is disgraceful or bad. In fact, these lawyers have become a champion of little guys who don't have the resources to enforce their own patent, or they could be an individual or a company, or they could buy the rights from these small inventors.

And let me just say if the inventor is being cheated out of her or his rightful compensation, it is a good thing that there is a lawyer there or anyone else there who wants to invest in that to make sure that that inventor gets just and rightful compensation.

Now, I happen to have been very concerned about these changes in the patent law, and I have had meetings over the last couple of months; and I happen to have had a meeting with a very prominent businessman who was in the meeting when the term "patent troll" was originated. Surprise, surprise that the term patent troll was thought of by a group of business executives of how they could demonize those people who were suing their companies for infringement on the patent rights.

How were they going to do that? They knew they couldn't demonize the independent inventor, the small inventor. Americans think too highly of that. So they decided they would demonize the lawyers and try to divert the attention of the American people away from the issues at hand to try to undermine the ability of the little guy to make his case before the courts and thus demonize the lawyer who was representing him or the lawyer that had helped by taking on the case.

So that discussion took place. How cynical can you be. And the person who I was talking to said, And I suggested that we use the term "patent pirate," but that wasn't sinister enough. So every time you hear the term patent troll, remember, it is a way to try to get you to think of a person that they are vilifying rather than the actual issues at hand. And the issues at hand are talking about theft by the big guys of the little guys, of the little guys' patents who can't afford to defend their own constitutional patent rights.

Now, I have spoken with independent inventors, conservative political organizations, the American Bar Association, industry groups like PhRMA and biotech. We have major universities today, an organization representing 2,000 universities, that have research projects within those universities, all of whom affirmed that H.R. 3309, the so-called Innovation Act, basically is a bad bill for them.

They understand that what we have got is big multinational, again, electronics companies behind us. But it may help those companies. I have no doubt about that. It will help shield them when they infringe on somebody's intellectual property, but it will hurt the rest of these people and the economy. Whether it is other industries or whether it is our educational institutions, I suggest that Members of Congress go back to their districts, give them a chance to go back to their districts, talk to their small inventors. Talk to the small inventors in your districts to see what they think about this poison patent legislation. See what the educators think about it. See about what the universities think. Think about people in major industries that employ hundreds of thousands of people like biotech and pharmaceuticals. Think about those things. Talk to those people, and you will find that there is a very limited number of people who are being helped by this bill, but a tremendous swath across our economy of people who are being hurt by it, not to mention the small independent inventors, the source of our competitiveness, the source that has made America secure, made the American people prosperous because now we can outcompete others because we are technologically superior.

No, the patent system has been too valuable for us to let one industry ram that through Congress with a flood of campaign donations that have been going on here for the last several years.

Proponents of this legislation, as I say, have demonized the patent lawyers just to draw attention away from the fact that these large companies have stolen someone else's patent-protected technology. So it is the big guys versus the little guys. And guess what, in order to beat the little guys, the big guys are now changing the rules of the game. That will hurt all kinds of people throughout the American economy.

H.R. 3309 should be called the Anti-Innovation Act. It is an aggressive attack on the ability of inventors to defend their ownership right to technology that they have invented. This is not about frivolous lawsuits, although you will hear that all the time—frivolous lawsuits and trolls. This is about all lawsuits. This is about all inventors, no matter how absolutely pure their motives are and their rights are clear. No, this will limit each and every independent inventor. This entire bill, every provision diminishes the ability of the small inventor to defend his or her creation. It is a cynical cover for creating for the big guys a license to steal from the little guys.

Former Patent Office Director Kappos and other former directors of the Patent Office have made it clear that we should move slowly and with great care in making such changes to the patent law. This legislation is too broad, its implications too unclear, and its effects unknowable. That is what witnesses and experts have indicated. That is what we hear from all around the United States from very significant players in our economy.

But that is not what is happening here in Congress. In Congress, this bill is being railroaded into passing; and this is right on top of the passage of last year's legislation, as I say.

So what is going on here? This is a heavy-handed attempt by mega-multinational corporations to diminish the viability of America's patent system. This has been going on by these very same multinational corporations to try to diminish patent protection in America. This has been going on for 25 years, and I have seen it over and over again. We have to fight this back.

They want to harmonize America's patent system with Japan and Europe, who have weak systems that do not protect the individual inventor. For example, they tried to foist off—we defeated this one—they have been trying to make it so if someone applies for a patent, after 18 months—this is what they do in Japan and in Europe—after 18 months, the patent application would be published, even though the patent hasn't been granted. I call that the Steal American Technologies Act. The same gang who tried to foist that on us years ago—every year they come up with a new change like that to diminish patent protection for the American people. That would have been the Steal American Technologies Act. Anybody who could have advocated that, it was so blatant that we were able to defeat it outright; and now we face this challenge.

According to the sponsors of H.R. 3309, this is, again, an attempt to combat patent trolls, even though there is a study that was mandated in that last bill that shows that Congress—this much heralded problem of patent trolls really isn't a major driver of lawsuits.

And what has caused a new surge in lawsuits, interestingly enough, is that new legislation that was passed last year, while most of the provisions of the legislation will make getting involved in lawsuits more complicated, more costly, and more challenging to bring a lawsuit for a patent infringement.

What does that mean? That means if the little guy needs to fight for his rights in court, we are making it more complicated, costly, and more challenging for the little guy. Of course the big guys, they have got a whole stable of lawyers working for them.

And there you go. These people would restrict lawsuits that are totally legitimate in order to control a very few number of lawsuits that are manipulative of the system and thus are abusive. Rather than making it simpler, cheaper, and easier to defend against baseless accusations and thus reduce spurious lawsuits by strengthening the good guys, this bill is aimed at weakening the small inventors who are the ultimate good guys.

In addition, under the claim of "technical correction," this legislation proposes the removal of the patent system's only judicial review process.

Listen to this: since 1836, every inventor has known that if they are mistreated by the government officials who run the Patent Office, if the decisions on their patents are made on criteria that is not legally established, they can go to court, and they can challenge that. In fact, as late as last year, the Supreme Court in *Kappos v. Hyatt* reaffirmed the importance of this judicial review. This bill takes that right away from the individual inventor.

The independent inventor who has had this right since 1836 now can't go to the court. He can't have his day in court if he has been treated illegally or wrongly. That is what is in this bill, along with a lot of other things. That is why the American Bar Association is opposed to this bill.

I would like to quote my colleague from Texas, Mr. LAMAR SMITH, former chairman of the Judiciary Committee and primary author of the America Invents Act, which was the last bill. Speaking of the new environmental regulations at the Science Committee just a few weeks ago, he said:

Our Founders made sure that the Constitution provides a means for the American people to obtain a fair hearing before impartial judges. This may be one of the most under-rated rights Americans enjoy today, the right to judicial review. This proposal is an attempt to prevent judicial review. Americans deserve to understand exactly what this proposal would do and retain the right to challenge it.

Let me note that the gentleman from Texas has underscored the importance of having a judicial review of the actions of government employees, especially those in regulatory agencies.

This principle applies just as certainly to patent review as it does to environmental regulations that the gentleman was talking about.

Now, Patent Office officials have requested that the judicial review be done away with. They want to do away with it, and that is why it is in the bill because they can say it is too burdensome for them to defend what they did as part of their job on the rare occasions when they are challenged in court. But it is just too burdensome for them.

Never mind that anyone who brings the claim to court is required to cover the costs. If someone is challenging them, they are going to have to cover their own costs. Well, the Patent Office just wants to strip away that right because Americans don't really deserve to have a day in court to challenge what government officials do because it is just too inconvenient for the bureaucracy.

The legislation we expect before the House this week is consistent with a decades-long war waged against America's independent inventors, which I have been talking about, and just this sort of arrogant attitude of the independent inventor is being taken for granted.

Let me tell you what the independent inventors have done. They have made our country secure. They have made our country competitive. They have made the American people—our industry is able to pay our people good wages because we are more competitive with high technology and good technology. Technology has helped save our country, and it created the American way of life. This bill would stifle, would kill American technological genius.

The provisions of the Innovation Act will impact every inventor in a negative way in America. The Innovation Act will create more paperwork when an inventor files for infringement claim, for example, which means somebody stealing and stuff—this will increase the cost to defend those rights and the potential, of course, if you have much more paperwork, then you give the court the ability to dismiss the case on technical requirements: well, you didn't fill out this technicality; you missed that in the law. So it is making it more costly and much more technically complicated.

The Innovation Act will impose rules on the Judicial Conference, meaning on our judges, which run counter to almost 80 years of established rule-making process, whereby the courts have been establishing their own rules of procedure. Again, this law will dictate how the judges will make their decisions, and it is so definitive that it will complicate the process and could end up with less justice, not more, because the judges will feel compelled not to use their common sense.

If we want to get rid of the burden of litigation that is nonsense, you know,

frivolous litigation, let's give the judges some more discretion in determining is this really what is meant to be protected by our law instead of having to dictate the very basis for every one of their decisions.

The Innovation Act will switch us to a "loser pays" system so the potential financial downside for a patent holder, meaning the little guy, increases dramatically. Thus we have a situation where the big guy, again, what does he care if he has to pay the legal fees for a little guy filing against him? But if the little guy loses and then has to pay for the legal fees of the big guy, massive, massive expense which will bankrupt him for life.

And the Innovation Act goes even further. It brings other people into that court and into that case.

□ 1745

In fact, people who have an interest in that patent, such as investing in the company or licensing the patent, can be brought into that "loser pays" court action and thus they would have to then pay the expenses for this huge corporation if that little guy loses.

Do you know what that means? Nobody is going to stand up for the little guy. They can't afford to take that risk. These big companies will squash them like bugs because they can absorb that kind of cost.

This is the disincentive for people to support the efforts of small inventors whose rights are being denied. Now they will be denied the support of third parties. They can call them trolls if they want. They can say that we are denying them trolls. They are denying somebody else coming in and helping the little guy who can't afford to make sure that these big guys are not stealing his invention and giving him no compensation.

The Innovation Act will create a new requirement that patent holders must, once filing a claim for infringement, provide information about all the parties. That means the infringer—these big guys—are going to get a list of all of their enemies. This is not consistent with American tradition where we believe that people don't have to put themselves at risk in order to help a good cause. This means the elimination of privacy in business dealings. The little guy is totally exposed, as his friends and suppliers will be totally exposed as well.

The Innovation Act, once this requirement has been invoked, will force the patent holder to maintain a new bureaucratic reporting requirement and a fee that goes with that.

Well, what does that mean? That means the little guy now has to keep books that he doesn't have to keep. His life is much more complicated because he has filed an infringement case. These are minor inconveniences to multinational corporations. They have

bookkeepers. They have lawyers. This means the little guy is going to be smashed and is going to be smothered under the new requirements of this act.

The Innovation Act will enable large multinational corporations to create nested "shell companies" as customers, which have few assets but can infringe on patents for a decade or more, while an inventor, of course, cannot.

Let me just close, Mr. Speaker, by suggesting that we have the support of a multitude of interest groups in our country—educators, businesses, large corporations, and people in our country—who are opposed to this bill, which I will include in the RECORD, and I yield back the balance of my time.

WHO IS OPPOSED TO H.R. 3309?

Universities: Association of American Universities; American Council on Education; Association of American Medical Colleges; Association of Public and Land-grant Universities; Association of University Technology Managers; Council on Government Relations.

Patent Experts, Small Inventors, and Legal experts: Former directors of the U.S. patent office; Patent Office Professional Association; American Intellectual Property Law Association (AIPLA); Intellectual Property Owners Association (IPO); National Association of Patent Practitioners (NAPP); Judicial Conference, Committee on Rules of Practice and Procedure; American Bar Association (ABA).

Investors, Professional Organizations, and Business Groups: National Venture Capital Association; Biotechnology Industry Organization (BIO); Pharmaceutical Research and Manufacturers of America (PhRMA); Innovation Alliance; Coalition for 21st Century Patent Reform; Institute of Electrical and Electronics Engineers (IEEE); U.S. Business & Industry Council; Entrepreneurs for Growth.

Other Organizations: Eagle Forum; Club for Growth; American Conservative Union; Campaign for Liberty; The Weyrich Lunch; CapStand Council for Policy and Ethics.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 47 minutes p.m.), the House stood in recess.

□ 1853

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 6 o'clock and 53 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3309, INNOVATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 1105, SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION ACT

Mr. NUGENT, from the Committee on Rules, submitted a privileged report

(Rept. No. 113-283) on the resolution (H. Res. 429) providing for consideration of the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes; and providing for consideration of the bill (H.R. 1105) to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 4, 2013, at 10 a.m. for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3977. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Transportation Conformity and Conformity of General Federal Actions [EPA-R01-OAR-2012-0113; A-1-FRL-9903-21-Region 1] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3978. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting of Mortgage Insurance Premiums [TD 9642] (RIN: 1545-BL48) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3979. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Proposed Revision of Procedures for Requesting Competent Authority Assistance Under Tax Treaties [Notice 2013-78] received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3980. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies [CMS-1526-F] (RIN: 0938-AR55) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:



Mr. NUGENT: Committee on Rules. House Resolution 429. Resolution providing for consideration of the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes; and providing for consideration of the bill (H.R. 1105) to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes (Rept. 113-283). Referred to the House Calendar.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

(Omitted from the Record of December 2, 2013)

H.R. 2810. Referral to the Committee on Ways and Means extended for a period ending not later than January 10, 2014.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WALBERG:

H.R. 3633. A bill to clarify that certain recipients of payments from the Federal Government related to the delivery of health care services to individuals shall not be treated as Federal contractors by the Office of Federal Contract Compliance Programs based on the work performed or actions taken by such individuals that resulted in the receipt of such payments; to the Committee on Education and the Workforce.

By Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. RANGEL, Mr. TONKO, and Mr. CROWLEY):

H.R. 3634. A bill to make loans and loan guarantees under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 available for implementing positive train control systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BENTIVOLIO:

H.R. 3635. A bill to ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER:

H.R. 3636. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on gasoline, diesel, and kerosene fuels; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. DESJARLAIS, Mr. BISHOP of Utah, Mr. HUELSKAMP, Mr. JORDAN, Mr. BENTIVOLIO, Mr. BROOKS of Alabama, Mr. FLEMING, Mr. CRAMER, Mr. SCHWEIKERT, Mr. KING of Iowa, Mr. PERRY, Mrs. BACHMANN, Mr. GOHMERT, Mr. LAMALFA, Mr. PRICE of Georgia, and Mr. GOSAR):

H.R. 3637. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide whistleblower protection for union employees; to the Committee on Education and the Workforce.

By Mr. BLUMENAUER:

H.R. 3638. A bill to establish a Road Usage Fee Pilot Program to study mileage-based fee systems, and for other purposes; to the Committee on Ways and Means, and in addi-

tion to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRIDENSTINE:

H.R. 3639. A bill to eliminate sequestration for the security-related functions, to be offset through reductions in payments under Medicare, agricultural subsidies, federal retirement, and the application of chained CPI, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Energy and Commerce, Agriculture, Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWNLEY of California:

H.R. 3640. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the research credit; to the Committee on Ways and Means.

By Mr. GRIFFITH of Virginia:

H.R. 3641. A bill to require that the workforce of the Environmental Protection Agency be reduced by 15 percent; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. CONYERS, and Ms. LEE of California):

H.R. 3642. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself and Mr. KING of New York):

H.R. 3643. A bill to reauthorize the Undetectable Firearms Act of 1988 for 10 years and to close a loophole in the Act; to the Committee on the Judiciary.

By Mr. KINGSTON:

H.R. 3644. A bill to rescind funds provided to certain Federal agencies if the improper payment rate for certain agency-administered programs has increased from the previous year, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Budget, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KUSTER:

H.R. 3645. A bill to require the Comptroller General of the United States to submit a legislative proposal to Congress to reorganize executive branch agencies, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WALBERG:

H.R. 3633.

Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clause 3 of the Constitution of the United States

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 3634.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. BENTIVOLIO:

H.R. 3635.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, reads: “. . . all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.” This includes the power to regulate the behavior of federal agencies.

By Mr. BLUMENAUER:

H.R. 3636.

Congress has the power to enact this legislation pursuant to the following:

Title I, section 8.

By Mr. SALMON:

H.R. 3637.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. BLUMENAUER:

H.R. 3638.

Congress has the power to enact this legislation pursuant to the following:

Title I, section 8.

By Mr. BRIDENSTINE:

H.R. 3639.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution enumerates power to Congress to “raise and support Armies,” to “provide and maintain a Navy,” and to “make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers”. The Provide for the Common Defense Act is a law necessary for executing Congress’s power to support our Armed Forces through appropriations.

By Ms. BROWNLEY of California:

H.R. 3640.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 and Amendment XVI

By Mr. GRIFFITH of Virginia:

H.R. 3641.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. HASTINGS of Florida:

H.R. 3642.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const., Art. I, §8, cl. 3: Congress shall have the power to regulate commerce with foreign nations and among the various states.

By Mr. ISRAEL:

H.R. 3643.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. KINGSTON:

H.R. 3644.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Ms. KUSTER:

H.R. 3645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States), and Article 1, Section 8, Clause 3 (relating to the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes) of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. GRAYSON.  
H.R. 107: Mr. RIBBLE and Mr. GOODLATTE.  
H.R. 170: Mr. POCAN.  
H.R. 184: Mr. HORSFORD.  
H.R. 351: Mr. RAHALL.  
H.R. 366: Mr. KENNEDY.  
H.R. 503: Ms. SHEA-PORTER, Mr. CONYERS, and Mrs. BEATTY.  
H.R. 515: Mr. GOSAR.  
H.R. 610: Mr. THOMPSON of Pennsylvania and Mr. KENNEDY.  
H.R. 611: Mr. THOMPSON of Pennsylvania and Mr. KENNEDY.  
H.R. 647: Mr. MCNERNEY, Mr. GARAMENDI, Mr. HURT, Mr. HECK of Washington, Mr. CARTWRIGHT, and Ms. CHU.  
H.R. 676: Mrs. BEATTY.  
H.R. 685: Mr. BERA of California and Mr. TURNER.  
H.R. 721: Mr. BOUSTANY and Mr. SHIMKUS.  
H.R. 724: Mr. WILLIAMS.  
H.R. 875: Mr. WILSON of South Carolina.  
H.R. 940: Mr. VALADAO.  
H.R. 1010: Mr. HECK of Washington.  
H.R. 1020: Mr. KEATING.  
H.R. 1091: Mr. TERRY.  
H.R. 1125: Mr. ENYART and Mrs. KIRKPATRICK.  
H.R. 1150: Mr. McDERMOTT.  
H.R. 1179: Mr. NADLER, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. PIERLUISI, Ms. FUDGE, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. ENYART, Ms. ROYBAL-ALLARD, Mr. SCHRADER, and Mr. KIND.  
H.R. 1209: Mr. SMITH of Missouri, Mr. HARPER, Mr. KINZINGER of Illinois, Mr. MCKINLEY, Mr. ROGERS of Michigan, Mr. WALDEN, Mr. WHITFIELD, Mr. RAHALL, Mrs. ROBY, Mr. RUSH, Mr. DESANTIS, Mrs. WALORSKI, Mr. HUDSON, Mr. CONNOLLY, Mr. MCNERNEY, Mr. TONKO, and Mr. WAXMAN.  
H.R. 1239: Mr. WILSON of South Carolina.  
H.R. 1250: Mr. ANDREWS.  
H.R. 1318: Mr. CAPUANO.  
H.R. 1339: Mr. ISRAEL, Ms. PINGREE of Maine, and Mr. MCKINLEY.  
H.R. 1414: Mr. BUTTERFIELD.  
H.R. 1431: Ms. KUSTER.  
H.R. 1449: Mr. KINZINGER of Illinois, Mrs. ELLMERS, Mrs. BLACKBURN, Mr. COBLE, Mr.

FARENTHOLD, Mr. MESSER, Mr. HUNTER, Mr. ROONEY, and Mr. McHENRY.

H.R. 1485: Mr. MCINTYRE.

H.R. 1494: Mr. TIBERI and Mr. WITTMAN.

H.R. 1507: Mr. DEUTCH and Mr. TAKANO.

H.R. 1528: Mrs. KIRKPATRICK and Mr. CRAMER.

H.R. 1563: Mr. SARBANES, Mr. HECK of Washington, Mr. FARENTHOLD, and Ms. SHEA-PORTER.

H.R. 1761: Mr. BARROW of Georgia.

H.R. 1795: Mr. DOYLE and Ms. NORTON.

H.R. 1861: Mr. MASSIE and Mr. WILSON of South Carolina.

H.R. 1869: Mr. GARDNER and Mrs. NOEM.

H.R. 1943: Mr. CONNOLLY.

H.R. 1980: Mr. TIERNEY.

H.R. 2018: Ms. PINGREE of Maine.

H.R. 2101: Ms. SCHAKOWSKY.

H.R. 2223: Mr. UPTON.

H.R. 2239: Mr. KING of Iowa.

H.R. 2274: Ms. LOFGREN.

H.R. 2328: Mr. FORBES.

H.R. 2366: Ms. TSONGAS, Mr. NUNNELEE, Mr. YODER, Mr. THOMPSON of Pennsylvania, and Mr. SEAN PATRICK MALONEY of New York.

H.R. 2376: Mr. FATTAH.

H.R. 2480: Mrs. BEATTY.

H.R. 2529: Ms. BROWNLEY of California, Mr. CÁRDENAS, Mr. DINGELL, Mr. HIGGINS, Mr. ISRAEL, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. MORAN, Mr. RYAN of Ohio, and Ms. SLAUGHTER.

H.R. 2536: Mr. LIPINSKI.

H.R. 2589: Mr. BENTIVOLIO.

H.R. 2638: Mr. WELCH, Mr. YOHIO, Mr. HUELKAMP, and Mr. SIMPSON.

H.R. 2692: Mr. HONDA and Mr. TIERNEY.

H.R. 2734: Ms. LOFGREN.

H.R. 2783: Mr. JOYCE.

H.R. 2785: Ms. SHEA-PORTER.

H.R. 2801: Mr. YOUNG of Alaska.

H.R. 2818: Mr. DEFazio.

H.R. 2866: Mr. GRIFFITH of Virginia.

H.R. 2877: Mr. GARCIA.

H.R. 2892: Mr. HURT.

H.R. 2907: Mr. ISRAEL.

H.R. 2935: Mrs. CAROLYN B. MALONEY of New York.

H.R. 2983: Mr. LOWENTHAL.

H.R. 3040: Ms. WILSON of Florida and Ms. SHEA-PORTER.

H.R. 3077: Mr. MEEKS.

H.R. 3118: Mr. DEUTCH and Ms. SCHWARTZ.

H.R. 3121: Mr. POMPEO.

H.R. 3122: Mr. THOMPSON of Mississippi.

H.R. 3135: Mr. CÁRDENAS, Mr. GUTIÉRREZ, Mr. HASTINGS of Florida, and Mr. FARR.

H.R. 3137: Mr. TAKANO and Ms. LOFGREN.

H.R. 3173: Mrs. HARTZLER.

H.R. 3196: Mr. MATHESON.

H.R. 3211: Mr. CLEAVER.

H.R. 3303: Mr. BERA of California.

H.R. 3308: Mr. BENTIVOLIO.

H.R. 3322: Ms. LOFGREN.

H.R. 3323: Mr. MCGOVERN.

H.R. 3327: Mr. BUTTERFIELD, Ms. CLARKE, and Ms. CHU.

H.R. 3333: Mr. ISRAEL and Ms. SHEA-PORTER.

H.R. 3334: Mr. GARAMENDI, Mrs. NEGRETE MCLEOD, Ms. EDWARDS, Ms. BROWNLEY of California, Mr. JOHNSON of Georgia, and Mrs. KIRKPATRICK.

H.R. 3360: Mr. BRALEY of Iowa and Mr. MCGOVERN.

H.R. 3361: Ms. SHEA-PORTER, Mr. SALMON, Mr. FLEMING, Mr. DEFazio, and Mr. VELA.

H.R. 3382: Mr. MASSIE.

H.R. 3383: Mr. RUIZ.

H.R. 3407: Ms. WILSON of Florida.

H.R. 3413: Mr. LATTA, Mr. GOODLATTE, Mr. TIPTON, Mrs. BACHMANN, and Mr. LUETKEMEYER.

H.R. 3416: Mr. FORBES and Mr. MCINTYRE.

H.R. 3419: Mr. McCAUL.

H.R. 3435: Mr. HUFFMAN.

H.R. 3461: Mr. TONKO, Ms. ESTY, and Mr. GRIMM.

H.R. 3462: Mr. VALADAO.

H.R. 3464: Mr. YOUNG of Alaska.

H.R. 3465: Mr. BRADY of Pennsylvania, Mr. LANGEVIN, and Ms. SLAUGHTER.

H.R. 3474: Mr. LATTA.

H.R. 3485: Mr. FINCHER and Mr. DESJARLAIS.

H.R. 3486: Mr. McCLINTOCK.

H.R. 3490: Ms. ESTY and Mr. LONG.

H.R. 3508: Ms. BROWNLEY of California.

H.R. 3513: Ms. LOFGREN and Ms. ESHOO.

H.R. 3516: Ms. SHEA-PORTER.

H.R. 3522: Mr. WESTMORELAND.

H.R. 3546: Mr. ANDREWS and Mr. CAPUANO.

H.R. 3556: Mr. GRIMM, Mr. GRIJALVA, Mr. NADLER, Mr. MORAN, and Mr. SLAUGHTER.

H.R. 3559: Mr. CONNOLLY.

H.R. 3566: Mr. HONDA and Mr. HASTINGS of Florida.

H.R. 3573: Ms. SHEA-PORTER.

H.R. 3577: Mr. CONNOLLY.

H.R. 3578: Mr. RIBBLE, Mr. FARENTHOLD, Mr. RODNEY DAVIS of Illinois, Mr. RENACCI, and Mr. HANNA.

H.R. 3584: Mrs. BEATTY.

H.R. 3587: Mrs. BROOKS of Indiana.

H.R. 3599: Mr. HARPER.

H.R. 3626: Mr. CONYERS.

H.R. 3627: Mr. HUDSON.

H.R. 3629: Mr. VARGAS and Mr. DESANTIS.

H.J. Res. 34: Ms. MOORE.

H. Con. Res. 64: Mr. LOWENTHAL.

H. Con. Res. 67: Mr. LANGEVIN.

H. Res. 109: Mr. GEORGE MILLER of California and Mr. WALBERG.

H. Res. 153: Mr. POSEY.

H. Res. 284: Mr. McCAUL.

H. Res. 356: Mrs. KIRKPATRICK.

H. Res. 401: Mr. RUIZ.

H. Res. 406: Mr. HUFFMAN.

H. Res. 407: Mr. MCGOVERN and Ms. SCHAKOWSKY.

H. Res. 417: Mr. HIMES, Mr. PETERSON, and Mr. KIND.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The amendment to be offered by Representative MALONEY, or a designee, to H.R. 1105, the Small Business Capital Access and Job Preservation Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative GOODLATTE, or a designee, to H.R. 3309, the Innovation Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

REMEMBERING MR. WALLACE  
"WALLY" EVANS, JR.

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. VISCLOSKY. Mr. Speaker, it is with great sadness but profound respect that I take this time to remember one of Northwest Indiana's finest citizens, and a true champion of workers' rights, Wallace "Wally" Evans, Jr. Wally dedicated his life to serving the needs of members of the United Food and Commercial Workers International Union (UFCW), and he was tremendously successful in his efforts to improve the quality of life for workers in Northwest Indiana and across the nation. Mr. Evans passed away on Friday, November 29, 2013, but his legacy will forever be remembered in the hearts and minds of the many people whose lives he touched.

Wally began his career in 1961 as a frozen foods manager at Burger's Supermarket in Munster, Indiana. In 1974, he became a full-time organizer and business representative for Local 1460 of the Retail Clerks Union, Lake County. Throughout the years, the UFCW began to grow and merge with other locals. Wally held numerous positions within the UFCW, including president of Local 1460, secretary/treasurer of Local 1550, and executive vice president and director of collective bargaining of Local 881. He also served as a union trustee for the UFCW Calumet Insurance Fund as well as the Chicago Midwest Pension and Health Funds, and as vice president of the Northwest Indiana Federation of Labor AFL-CIO.

Mr. Evans also dedicated much of his time to many organizations and committees throughout his lifetime. Wally served as a Democratic precinct committeeman in Highland, was a member of various boards for the state of Indiana, served as a youth commissioner in Lansing, Illinois, and was a member of Trinity Lutheran Church in Lansing.

Wally leaves behind a loving family. He is survived by his wife, Sheila, his adoring sons, Steven and Jason, and their wives, Rachel and Andrea. Wally was also blessed with nine beloved grandchildren. He also leaves to cherish his memory many other dear friends and family members, as well as a saddened but grateful community.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in remembering the great life of Mr. Wally Evans. His remarkable contributions to the Labor Movement, both locally and across the nation, are worthy of our deepest admiration. His life of service is to be commended, and his legacy serves as an inspiration to us all.

TRIBUTE TO STAFF SERGEANT  
ALEX ANTHONY VIOLA

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. GRANGER. Mr. Speaker, I rise today to honor Army Staff Sergeant Alex Anthony Viola who was killed in the Kandahar province of Afghanistan on November 17, 2013 while serving with the 7th Special Forces Group at Eglin Air Force Base in Florida.

Staff Sergeant Viola was born in New York and moved to Keller, Texas at the age of nine. He earned a degree in engineering from the University of North Texas before embarking on his lifelong goal to serve in an elite military unit.

Upon graduating from college he entered the Navy and was accepted for the elite Navy SEAL program. While injury prevented him from completing the program, he never gave up on his dream. Staff Sergeant Viola joined the Army National Guard in 2009 and began Special Forces training in the spring of 2010.

Staff Sergeant Viola lost his life to an improvised explosive device five weeks after starting his first deployment to Afghanistan.

Staff Sergeant Viola was a true patriot whose persistence and commitment are to be applauded. His mother said it best, "He was just a great guy and I'm not saying that because I'm his mother. This is what he wanted to do, and he kept trying and training. We were just in awe of him, his drive to do that."

I wish to extend my condolences to Staff Sergeant Viola's family and hope that they continue to find solace in his lasting impact on both his grateful country and his proud Special Forces family.

HONORING THE LIFE OF RODNEY  
FERNANDEZ

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. BROWNLEY of California. Mr. Speaker, today I rise to recognize and honor the life of Rodney Fernandez, a pioneer of affordable housing in Ventura County, California. The impact that Mr. Fernandez made on the community is significant and noteworthy. Mr. Fernandez was the Founder of the Cabrillo Economic Development Corporation (CEDC), a non-profit community development corporation and an affordable home builder, established in 1981, and served as Executive Director of CEDC until his retirement at the end of 2011.

In the mid-1970s through the Cabrillo Improvement Association, Mr. Fernandez as-

sisted Latino farm workers living at Cabrillo Village in Saticoy to prevent the razing of their substandard homes and eviction by the farm's owners. Under Rodney's guidance, the farmers pooled money to purchase the land where their homes were located. The group then formed a cooperative, redeveloped their community and ultimately became captains of their own economic destiny through homeownership.

This work gave birth to the non-profit organization, CEDC, as a means to continue to empower and provide housing for those who cannot afford market-rate homes. Under Rodney's leadership, CEDC has grown from a start-up non-profit focused on farm worker housing, to a full-service, diversified organization that develops and manages affordable housing as well as offers homeownership education and lending services, and resident leadership development opportunities. Over 32 years, CEDC has developed 1,465 units of safe, high-quality affordable for-sale and rental housing in eight cities within Ventura County for farm workers, persons with low incomes, minorities (mostly Latinos) and the elderly.

Rodney dedicated his career with CEDC to increasing the supply of affordable housing, while empowering community leaders and being a leading advocate for economic development in the process. CEDC has received honors from various organizations over the years, including the American Institute of Architects, the American Planning Association and other professional groups, including the prestigious "Affordable Builder of the Year" award from Build It Green in 2012.

Rodney was especially committed to seeing that youth and residents in CEDC-built communities and the surrounding neighborhoods excelled at home and in life. In 2011, CEDC's Board of Directors established the Rodney Fernandez Community Building Fund to assist in cultivating the leadership capacity of CEDC residents to attain their goals and empower themselves to take action and improve the quality of life in their communities.

In heartfelt recognition and appreciation of the tremendous, far-reaching and impactful contributions that Mr. Fernandez made to Ventura County and beyond, I wish to send my sincere condolences to his wife, Melinda, his immediate family, and to all who knew him. His work and legacy are valued, and his presence in the community will be greatly missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING THE  
ISHPEMING HEMATITES ON  
THEIR 2013 DIVISION 7 HIGH  
SCHOOL FOOTBALL STATE  
CHAMPIONSHIP

### HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. BENISHEK. Mr. Speaker, I rise today to congratulate the Ishpeming High School Hematites in earning the Michigan High School Athletic Association's Division 7 Championship this last Saturday, November 30, 2013, at Ford Field in Detroit.

The Hematites earned this distinction by going undefeated during the regular season, winning all nine games. Ishpeming also defeated Mancelona, West Iron County, Lake City, and Harbor Beach to advance to the state championship in Detroit. The Hematites earned their second consecutive championship by defeating the Detroit Loyola Bulldogs 22 to 12. This is the fourth championship earned by the Hematites in school history.

After facing adversity and challenging circumstances last year, the Hematites were able to overcome these daunting circumstances and win the Division 7 championship. I am proud that Ishpeming High School has been able to repeat their stellar performance. On behalf of the residents of Michigan's First Congressional District, I salute the team and its players: Dominic Suardini, Kyle Selmser, Ozzie Hakkarinen, Tyrus Millimaki, Derek DeCaire, Thomas Finegan, Alex Briones, Noah Olgren, Bobby Zhulkie, Nick Comment, Nate Meyer, Adam Prisk, Dylan Giuchin, Halen Carello, Marcus Antilla, Ozzy Corp, Shawn Peterson, Matt Malone, Mitch Laurin, Jeffrey Matthews, Benjamin Hilliger, Luke Kuli, Dylan Sundberg, Chandler Nault, Dan Thornton, Jordan Tousignant, Christian Tousignant, Isaac Olson, Jordan Burton, Nick Bertucci, David Simula, Joseph Nault, Jake Quayle, Andrew Bennett, Alec VanHorn, Cody Johnson, Devin Kent, Austin Hanninen, Gage Laitinen, Brandon Steve, Arnold Coffie, Hunter Schultz, and Fred Sidh.

Also to be commended are head coach Jeff Olson, assistant coaches Scott Syrjala, Brad Waters, and Tony Marietti, the dedicated parents and all who made the long days of training and travel possible, Ishpeming High School, and the city of Ishpeming on winning the championship for a second consecutive year. Their hard work and determination stand as examples for all citizens of Northern Michigan.

### THE PRIMITIVE QUARTET

### HON. MARK MEADOWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. MEADOWS. Mr. Speaker, I rise today to recognize six outstanding constituents who together form the vocal ensemble the Primitive Quartet. The Primitive Quartet is a gospel music group formed by two sets of brothers in 1973.

The quartet is currently comprised of Reagan, Larry and Mike Riddle; Norman Wilson; Randy Fox; and Jeff Tolbert. Together they play over 150 shows per year spanning more than 50,000 miles. The Primitive Quartet's contributions to blue grass and gospel music in Buncombe County span forty years. To celebrate this anniversary, the Board of Commissioners in Buncombe County, North Carolina, proclaimed October 12, 2013 to be "Primitive Quartet Day".

The Quartet's commitment to excellence and passion for spreading the Gospel should be commended. As such, I am proud to honor the Primitive Quartet and its members, both past and present.

### HONORING THE ACHIEVEMENT OF CHAD PREGRACKE

### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Chad Pregracke of East Moline, Illinois, who was recently named CNN's "Hero of the Year."

Chad grew up in the Quad-Cities, only 15 feet from the Mississippi River. He spent his free time on the river with his family and worked as a shell diver and fisherman during summer breaks, where he was struck by the amount of waste and debris he saw on the river. In 1998, when Chad was 23, he founded Living Lands & Waters to clean up and support the nation's waterways. Over the last 15 years, Chad has worked with 70,000 volunteers to remove 7 million pounds of debris from rivers all over the country. Additionally, Living Lands & Waters organizes floating classrooms, bringing high school students to rivers and teaching them about the importance of river ecosystems and the damage pollution causes. They are also halfway through their goal of planting one million trees along Midwestern rivers.

Chad Pregracke has received many awards for his work, notably the Jefferson Award in 2002, which was created to be an American Nobel Prize for community and public service. In 2011, Chad was recognized as a Service Hero and invited to speak to all four living ex-U.S. Presidents at the Points of Light Tribute in Washington, D.C. He was chosen CNN's "Hero of the Year" this November by a public vote, winning a \$250,000 award for Living Lands & Waters to continue its important work. Chad has also pledged a portion of his prize to the other people in CNN's "Hero of the Year" top ten to support their worthy programs.

Mr. Speaker, I'd like to thank Chad Pregracke for his extraordinary work in our community and across the country, and I am proud that Illinois celebrated Chad Pregracke Day this December 1st.

### PERSONAL EXPLANATION

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. VISCLOSKY. Mr. Speaker, on November 20, 2013, I was absent from the House and missed rollcall vote 597.

Had I been present for rollcall vote 597, on agreeing to the Amendment offered by Representative POLIS to H.R. 1965, I would have voted "yes."

### RECOGNIZING JOSE ORTEGA ON HIS RETIREMENT AFTER 40 YEARS OF SERVICE

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize Mr. Jose Ortega on his retirement and to congratulate him on a career spanning 40 years of both military and federal civil service.

Mr. Ortega's service began in September 1972 with the United States Army. After 20 years of exemplary active duty military service, Mr. Ortega continued making contributions to this country's defense with an additional 20 years in support of the Department of the Army as a civilian employee. As an Information Technology expert for the Department of Defense, Mr. Ortega has been dedicated to supporting several highly complex programs that will have a lasting impact on the readiness of the Army.

In his final assignment as Technical Director for the Product Director of Enterprise Email, Mr. Ortega provided acquisition oversight of Enterprise Email, the Army's number-one IT initiative. Enterprise Email is a service that provides cloud-based email to the Department of Defense. While allowing agencies to share information easily and effectively, Enterprise Email also reduces the cost of operations and maintenance. During Mr. Ortega's two years as Technical Director, the Army successfully migrated over 1.6 million classified and unclassified users from legacy email systems to the Department of Defense Enterprise Email service. Mr. Ortega has played an instrumental role in keeping the operations of DoD agencies secure and is recognized not only for overcoming obstacles and setting specific objectives in his work, but also for displaying exceptional character and serving as a mentor to others. In recognition of his many accomplishments, I am pleased to say that Mr. Ortega has been recommended for the Superior Civilian Service Award.

Mr. Speaker, I ask that my colleagues join me in commending Jose Ortega for his dedication and service. I also thank his family—his wife Sharon and son William—for their support and sacrifices, which have enabled Jose to contribute so greatly to our country.

RECOGNIZING PUEBLO OF ACOMA  
CODE TALKERS

**HON. MICHELLE LUJAN GRISHAM**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, November is Native American Heritage Month, and I rise today to honor the many contributions that Native Americans have made—and continue to make—to our nation's proud history and culture.

Earlier today, we awarded the Congressional Gold Medal to 25 tribes whose members served as Code Talkers during World War I and World War II, including the Pueblo of Acoma, which is one of 22 Native American tribes that call New Mexico home.

The Pueblo of Acoma has been in existence for over 800 years and their original village, known as "Sky City," sits atop a breathtaking mesa west of Albuquerque. To commemorate the Pueblo of Acoma's service, the United States Mint has produced a specially-designed gold coin. One side depicts Code Talkers carrying out communications tasks, while the other side features the Pueblo of Acoma flag.

The Code Talkers proudly served our country with great honor and distinction. They transmitted vital information during some of the most dangerous battles, including every assault the Marines conducted in the Pacific from 1942 to 1945. Major Howard Connor, 5th Marine Division signal officer, had six code talkers working around-the-clock during the first two days of the Battle of Iwo Jima. He said if it weren't for the Code Talkers, "the Marines would never have taken Iwo Jima." Without the Code Talkers, the World Wars would have lasted longer and America would have suffered many more casualties.

Mr. Speaker, I am proud that the Pueblo of Acoma and the other Code Talker tribes are officially getting the thanks and recognition they deserve from a very grateful nation.

IN RECOGNITION OF PEDRO  
GONZALEZ

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to pay tribute to Pedro Gonzalez, the mayor of South San Francisco, for his twelve years of service on the city council. Pedro has been a tireless advocate to improve the quality of life for all residents of South San Francisco where he has lived for 43 years. I am honored to call him a colleague and dear friend.

His proudest accomplishment during his tenure on the city council was to help establish ferry service to South San Francisco. The modern, state of the art terminal opened the doors to faster and scenic commutes for Bay Area residents and visitors. Additionally, Pedro played an active role in a long list of projects, including the BART Linear Park master plan, the expansions of the Community Learning

Center and the pre-school program in Westborough Park, the implementation of the loan art program at Orange Memorial Park, the development of a 100 space child care facility, the Oyster Point overcrossing and hook ramp project, the Terrabay sound wall design project, the Lindenville-Colma Creek rehabilitation project, the adoption of a green food packaging ordinance, and the implementations of a neighborhood response team and a BLS ambulance service.

From this incomplete list of accomplishments you can see Pedro's love for the outdoors and parks. He started his public service on the Parks and Recreation Commission in 1987. He served as the chairman in 1992 and continued to be on the commission until 1995. He was instrumental in the expansion and renovation of Bur i Bur i Park, the development of a master plan for all recreational facilities in South City and the renovation and improvements of Orange Memorial Park.

Pedro came to the United States from Mexico in 1954. While living in Los Angeles, he became a U.S. citizen in 1967. Three years later he moved to South San Francisco. He worked in the meat business and managed a music store in San Francisco until he retired in 1996.

Pedro is deeply woven into the fabric of South San Francisco. You will see him at every official or social function, be it the ribbon cutting for the ferry terminal, the grand opening of the South San Francisco BART station or the Chestnut Creek senior housing facility, the ground breaking of the Gateway YMCA child care facility, Concert in the Park, Bay Trail Clean Up or the Centennial celebrations in 2008. No matter where he goes, he listens to residents looking for ways to help—always with a soft smile and a twinkle in his eyes. You will be hard pressed to find an elected official who takes his responsibilities as seriously as Pedro does.

He has supported countless local programs such as the Grand Avenue Library Leery Appender, a Spanish-language story time, League of Women Voters' Spanish language ballot workshops, Youth Government Day, the 50th anniversary of the Boys and Girls Club of North San Mateo County, and the South San Francisco School District Positive Attendance Campaign. He even hosted his own show on PEN TV titled El Mundo Latino de Pedro Gonzalez.

Pedro has been married to his wife Eldie for 55 years. They raised their three children, Prudencia, Silverio and Sara, in South San Francisco.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Pedro Gonzalez for his outstanding service and his lasting contributions to the city of South San Francisco. In his well deserved retirement, I have no doubt that residents will continue to see him at many official and social events, and to hold him closely in their hearts.

ON THE PASSING OF CHRIS  
BATTLE

**HON. TIM GRIFFIN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today with great sadness to remember my good friend Chris Battle, who passed away on August 8, 2013, at the age of 45 after a four-year battle with kidney cancer.

Chris received both his bachelor's degree and his master's degree from the University of Arkansas at Fayetteville. After a short stint as a reporter for the Northwest Arkansas Times, he served as Deputy Chief of Staff and Communications Director for then-Representative Asa Hutchinson for nearly four years. He went on to manage the editorial page of the Arkansas Democrat-Gazette, our state's most-read newspaper. During the George W. Bush Administration, he held public affairs and management positions at the Drug Enforcement Administration and U.S. Immigration and Customs Enforcement. He returned to Arkansas to manage a gubernatorial campaign, and then became a Partner at Adfero Group in Washington, DC, where he continued to work after being diagnosed with cancer.

I first met Chris and his wife, Dena, when I was working as staff on Capitol Hill. Chris was a funny, brilliant, thoughtful and caring friend who impacted the lives of many for the better.

I have fond memories of spending time with Chris and Dena in both Washington, DC, and Little Rock. Chris is missed. Rest in peace, Chris.

Along with Dena, Chris wrote about his struggle with cancer on a blog called "The Kidney Cancer Chronicles." Chris was funny and reflective, and he wrote about his love for his family, Dena and daughters, Kate and Josie.

Those that knew Chris or read his blogs will tell you he was an intelligent and thoughtful human being. An incredible writer, he turned some of his darkest hours into encouragement for others also suffering from this deadly disease.

In February, Chris recounted how his situation had taken a turn for the better, all things considered, writing: "Never give up, never lose faith. I can't know whether this reprieve will last, but, given this new life, I plan to embrace it while it does."

Chris embraced life with vigor, even as his faded. As our thoughts and prayers remain with the loved ones he left behind, let us always remember the example that he set and keep his words close in our hearts.

PERSONAL EXPLANATION

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. THOMPSON of California. Mr. Speaker, on December 2, 2013, I missed rollcall votes No. 612–614. My flight to Washington was delayed due to mechanical difficulties. Had I

been present, I would have voted in the following manner:

Rollcall No: 612: "aye;"

Rollcall No: 613: "aye;"

Rollcall No: 614: "nay."

#### PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, on Monday, December 2, I missed a series of rollcall votes. Had I been present, I would have voted "yea" on No. 612 and No. 613. I would have voted "nay" on rollcall vote No. 614.

#### RECOGNIZING BOB DREWEL ON THE OCCASION OF HIS RETIREMENT

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Bob Drewel, long-time civic, community and education leader in the Puget Sound region, on his retirement after over 20 years of public service.

From his most recent tenure as Executive Director of the Puget Sound Regional Council (PSRC), and his more than twelve years as Snohomish County Executive, Bob's leadership and reputation serve as a model for all those who wish to pursue a career in civic service.

During his time at the PSRC, Bob effectively worked to build partnerships between the private and public sectors and is well known for his leadership in promoting regional solutions to the many challenges facing western Washington. While at the helm of the PSRC, Bob guided critical initiatives including regional transportation planning, growth management and economic development.

In his twelve years as Snohomish County Executive, Bob successfully strengthened partnerships among the county, local governments, and other public and private entities to create a shared vision for a prosperous community. Under Bob's leadership and prudent fiscal management, the county was able to plan, design and fund several important county facilities. In 2007, the county administration building was named "The Robert J. Drewel Building" in honor of Bob's integrity, leadership and ability to work across party lines as County Executive.

In addition to his leadership at the PSRC and as Snohomish County Executive, Bob is the past President and CEO of Everett Community College and the former Chairman of Sound Transit. Bob also helped build community partnerships as a board member of the Economic Development Council, Healthy Communities Initiative, and United Way of Snohomish County. Bob's civic involvements extend even further to include the Henry M.

Jackson Foundation, Rotary, Everett Area Chamber of Commerce and numerous other community organizations.

Mr. Speaker, it is with great honor that I recognize Bob Drewel. Bob personifies the ideal of public service to his fellow citizens. I wish him the best in his retirement.

#### IN RECOGNITION OF BRANDT GROTTE

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor Brandt Grotte, who is retiring after eight years of service on the San Mateo City Council, two of them as mayor. Brandt has been a tireless advocate for environmental sustainability. He began his advocacy on the Planning Commission, where he served for five years, including one year each as chair and vice-chair.

Brandt has many uncommon characteristics. For example, his hand is always going up when the question is asked, "Would anyone like to . . ." During his years on the council, Brandt Grotte served on the sustainability advisory committee, the Measure C committee that resulted in strengthening police and fire services, and he was the city's representative to the City/County Association of Governments.

Brandt lives on the city's east side and knows the challenges that confront those neighborhoods. He took the lead in convincing his neighbors to assess themselves to fix serious flooding issues. He is passionate about his neighborhood, and thousands of homes were removed from the flood plain as a result of his leadership. Aside from homes no longer being threatened with flooding, these neighbors were relieved of the costs of paying for flood insurance.

Even before he joined the city council, Brandt was active in neighborhood issues, starting in 1989. He is a founding member of the Shoreview-Parkside Neighborhood Association and president of the San Mateo United Homeowners Association. He is also a member of numerous committees, task forces and organizations, among them the Citizens Committee on Social Service Providers, the Bay Meadows Foundation, the City of San Mateo Citizens' Academy, and the Chamber of Commerce's Leadership Program. Clearly Brandt Grotte has a heart that is as big as the entire city of San Mateo, and he is universally viewed as a sincere, caring leader.

Brandt was born in 1956 and grew up in communities all over the United States and abroad because his father was in the Air Force. It was this early international experience that he credits with teaching him sensitivity to other cultures, a skill that has served him well when developing policies and obtaining consensus in the diverse communities of San Mateo.

Brandt attended Leland High School in San Jose and then earned his BA in Aquatic Biology from UC Santa Barbara in 1979. He received his Masters degree in Environmental Management from USF in 1996. He works as

a global environmental safety and health manager in the electronics industry.

Brandt is married to Kathy Shields and has two stepsons, Aaron and Kyle. In his spare time he enjoys reading.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Brandt Grotte for his outstanding service to the residents of San Mateo. In Brandt we have the personification of the adage that still waters run deep. His strategic thinking and consensus-building skills will be missed, but his smile will always be present as he continues in other roles throughout our community.

#### OBAMA'S MORAL FAILURE IN SUDAN

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. WOLF. Mr. Speaker, I submit for the RECORD a compelling open letter that Eric Reeves, noted Sudan researcher and activist and a professor at Smith College, recently sent to President Obama expressing his dismay at the moral failure of the Obama administration in responding to "the continuing mass atrocities perpetrated by the current regime in Khartoum (Sudan) . . ."

Reeves notes the contrast between Obama's outspoken rhetoric on Sudan as a senator and eventual presidential candidate versus the indefensible silence, appeasement and moral equivalency which has marked his administration's posture toward a genocidal regime.

In February 2012 I travelled to Yida refugee camp in South Sudan. I heard devastating firsthand accounts of the violence, terror and starvation being brought to bear against the Sudanese people by the regime in Khartoum. I recall speaking with one woman who described herself and her people as "forsaken." I specifically asked her if there was anything she wanted me to tell President Obama. She said the only thing she wanted was for Omar Bashir, an internationally indicted war criminal, to be arrested.

But rather than working to facilitate Bashir being brought to justice, this administration seems bent, in the words of Professor Reeves, "on throwing a political and economic lifeline to the regime."

I can't help but wonder why the Obama Administration views the Sudanese people as any less deserving of a lifeline.

AN OPEN LETTER TO PRESIDENT OBAMA ON THE BOMBING OF NORTH SHARAF, EAST JEBEL MARRA (DARFUR)

[From Eric Reeves, Nov. 30, 2013]

PRESIDENT BARACK OBAMA,  
*The White House, Washington, DC.*

DEAR PRESIDENT OBAMA: The moral failure of your administration to respond to the continuing mass atrocities perpetrated by the current regime in Khartoum (Sudan) grows daily, and has done so for the past five years. Your refusal to condemn, in the strongest terms, the continuing war crimes and crimes against humanity committed by the National Islamic Front/National Congress Party tyranny stands in stark contrast

to your urgent words as a Senator, as a presidential candidate, and as an elected President. As a senator in 2004, you called the atrocities in Darfur "genocide." You said so again as a presidential candidate in 2007 and chided the Bush administration for its accommodation of Khartoum. Invoking Rwanda and Bosnia as justification for humanitarian intervention in Darfur, you said, "The United States has a moral obligation anytime you see humanitarian catastrophes." You declared further,

"When you see a genocide in Rwanda, Bosnia or in Darfur, that is a stain on all of us, a stain on our souls. . . . We can't say 'never again' and then allow it to happen again, and as a president of the United States I don't intend to abandon people or turn a blind eye to slaughter." (Video recording available at: <http://www.youtube.com/watch?v=QEd583-fA8M#t=15>; all emphases have been added)

And as President you again characterized Darfur as the site of "genocide."

But despite such strong language, your administration has come to substitute words of appeasement, feigned ignorance of atrocity crimes, and a grotesque moral equivalence between Khartoum and its adversaries, one that would put in balance the regime's genocidal destruction and the actions by the various rebel groups that have emerged to resist Khartoum's tyranny. Your first special envoy to Sudan arrived declaring his strategy for confronting the regime's génocidaires in words that have become synonymous with diplomatic absurdity:

"We've got to think about giving out cookies," said [Scott] Gration, who was appointed in March. "Kids, countries—they react to gold stars, smiley faces, handshakes, agreements, talk, engagement." (Washington Post [el-Fasher, Darfur], September 29, 2009)

In March 2009 the Khartoum regime expelled from Darfur thirteen of the world's finest humanitarian organizations, then providing roughly half the total international humanitarian capacity for millions of people. Your surrogate diplomatic representative—then-Senator and now Secretary of State John Kerry—declared in the wake of Khartoum's ruthless expulsions:

"We have agreement [with Khartoum] that in the next weeks we will be back to 100 percent [humanitarian] capacity," said [Senator John] Kerry. (Reuters [el-Fasher], April 17, 2009)

This was a cruel lie, as Kerry and everyone within the humanitarian community working in Darfur well knew. Indeed, this was such transparent mendacity that even now it carries the stench of supreme expediency.

Your second special envoy, Princeton Lyman, declared in late June 2011 that there wasn't enough evidence to support reports of massive, ethnically-targeted killings of Nuba civilians in South Kordofan. But in fact, overwhelming evidence was pouring out of Kadugli (capital of the region) making all too clear the nature of atrocity crimes, which amounted to incipient genocide. Again, this skepticism bears the stench of unforgivable expediency, the more so since a UN human rights report on the events of June 2011 in South Kordofan—based on evidence gathered by UN human rights investigators on the ground at the time—confirmed what all sources were declaring with increasing urgency throughout this terrible month. Lyman's disingenuous skepticism worked to convince Khartoum that the U.S. was not particularly concerned about a reprise of the genocidal campaign by this same Khartoum regime against the people of the Nuba in the 1990s.

It is difficult to escape the conclusion that in the unseemly rush to secure continuing cooperation from the Khartoum regime on counter-terrorism intelligence, you and your administration have repeatedly and willfully ignored reports of the most conspicuous and brutal crimes committed by this regime, or at least decided not to speak publicly about them in any meaningful or consistent way. And here your almost total silence over the deliberate bombing of civilians—even as every such military action is a war crime, and in aggregate constitute crimes against humanity—is most shameful, and most persistent.

Since 1999 there have been more than 2,000 confirmed reports of deliberate aerial attacks on civilian and humanitarian targets in greater Sudan; the actual number of attacks is very likely many times this, and continues to grow rapidly. This is unprecedented in the history of aerial warfare: never before has a military power been able to bomb with impunity its own civilians relentlessly, systematically, and deliberately during a detailed and lengthy reporting period, now extending over 15 years. While most of the attacks have been by Antonovs, Khartoum has also deployed highly accurate military jet aircraft, long-range missiles, and helicopter gunships, which were used with particular destructiveness in the early years of the Darfur genocide. On any number of occasions, helicopter gunships have fired on civilians with heavy machine-guns and rockets from extremely close range.

I write on this occasion moved not by the singularity of a particular bombing attack that occurred yesterday, but rather by its horrific familiarity. Radio Dabanga, an extraordinarily important, indeed singular source of news from Darfur, reports today that on Friday, November 28, 2013:

[I]n North Sharafa in East Jebel Marra [in the center of Darfur], an Antonov ["bomber," i.e. retrofitted cargo plane with no militarily useful accuracy] bombed three farmers, at about 5:30 pm on Friday [November 29, 2013]. The two men and a woman were riding a horse cart from their farm to their homes in Sharafa village. The three farmers and their horses were killed immediately. The names of the three farmers are Hashim Abakar Mohamed, Mustafa Eisa, and Hanan Saleh Juma.

Such criminal bombings—directly violating a UN Security Council resolution as well as international law—are a virtually daily occurrence in East Jebel Marra, part of a massif in central Darfur serving as stronghold for one of the rebel groups in Darfur, now linked throughout Sudan in the form of the Sudan Revolutionary Front. But Khartoum is not attacking military forces: it is deliberately attacking civilians in an effort to compel surrender or displacement or starvation of the remaining rebel forces. There is no other conclusion to be reached, given the inherent inaccuracy of the Antonov "bombers," which fly at very high altitudes and simply roll crude, shrapnel-loaded barrel bombs out the cargo bay without benefit of any sighting mechanism. Such attacks continue occur throughout Darfur.

Antonovs are transparently instruments of civilian terror and destruction—as they are in South Kordofan and Blue Nile, areas where bombing attacks are also continuously reported, and with particular authority from the Nuba Mountains of South Kordofan. There a campaign of civilian annihilation continues unabated as agricultural production has been brought to a halt by the fear of continued bombardment. A similarly

grim narrative is playing out in Blue Nile and the result is some 300,000 refugees fleeing to South Sudan and Ethiopia, leaving behind more than one million civilians at acute risk of disease and starvation according to UN estimates.

Where are the voices of condemnation? Here I mean not the occasional generic condemnations issued by your administration, typically qualified (and thus weakened) by inclusion of some other issue. What prevents your administration from condemning every attack on civilians by military aircraft, *per se*? The U.S. intelligence community certainly has the resources to confirm via satellite reconnaissance virtually every attack reported by Radio Dabanga or Nuba Reports, both of which are well known for their accuracy and ground-based reporting (many of their findings have been confirmed by Human Rights Watch, Amnesty International, the Enough Project, journalists, and intrepid humanitarians). Would it simply be too embarrassing to reveal just what we and the rest of the international community are tolerating? Would it be too shameful to make clear that, on the basis of geostrategic considerations, Syria is important while the people of the marginalized regions of Sudan are not?

Perhaps you will say that the "hybrid" UN/African Union Mission in Darfur (UNAMID) has the responsibility for reporting and condemning aerial attacks on civilians. But this would only add to the disingenuousness of your administration in speaking about Sudan. For as you are surely aware, UNAMID is a complete failure as a mission, particularly in fulfilling its primary mandate of civilian and humanitarian protection: for some 2 million people have been newly displaced since the mission took up its mandate in January 2008—overwhelmingly as a consequence of continuing violence, directed particularly against civilians. You touted your support for a UNAMID-like mission in 2007, revealing either ignorance or an expedient desire to appear to be responding to the crisis by handing it off to an ill-prepared African Union Peace and Security Council, which had no dedicated military equipment or soldiers of its own.

Unsurprisingly, the poorly equipped and poorly led UNAMID mission is routinely denied access to scenes of atrocity crimes by the Khartoum regime's security forces, as are humanitarian organizations, which struggle to work within an increasingly limited range of operations. Because of uncontrolled insecurity, the highly trained expatriate component of what was once the world's largest humanitarian operation is down to 3 percent. Your administration issues only infrequent boiler-plate condemnations in response to serious violations of a range of UN Security Council Resolutions. Despite its elaborate website and nominal reporting duties, UNAMID confirms virtually no bombing attacks, no matter how egregiously in violation of international law. Additionally and symptomatically, UNAMID has for years said virtually nothing about the epidemic of sexual violence directed against girls and women in Darfur, despite the fact that there have been tens of thousands have been victims during the conflict, now about to enter its twelfth year. Your administration has been useless in highlighting these terrible crimes, which continue to be committed with total impunity.

UNAMID's only virtue would appear to be that it gives the semblance of an international presence approved by the UN—at immense cost—and provides an excuse for



not responding in the way you as candidate spoke about so passionately. UNAMID's impotence, and its failure to deter aerial bombardment of civilians, is illustrated by another report of November 28, 2013 from Radio Dabanga:

Ten people were killed in aerial bombardments near Shengil Tobaya and Sharafa in East Jebel Marra. One attack took place a few kilometers from the UNAMID compound in Shengil Tobaya, while a group of 15 people was on their way to Shengil Tobaya after a visit to the market of Tabit.

A Sudanese Air Force aircraft appeared around 4pm on Friday, hitting the Toyota Hi-Lux that was transporting the 15 people, at Tangara, 3km west of the UNAMID compound in Shengil Tobaya. Seven of them died at the spot and eight were critically wounded. Several of them could not be moved due to their critical injuries. The relatives of the victims asked UNAMID to act quickly and transfer the severely wounded people to a hospital and recover the dead bodies. Yesterday evening it was unclear whether UNAMID had helped out. The victims are Abakir Yagoub Mohamed, Ali Ahmed Abdalla, Mohamed Ali Ahmed, Osman Adam Mohamed and Zahra Ibrahim. (emphasis added; the UNAMID compound at Shengil Tobaya is a significant one)

Will you and your administration continue to hide behind the diplomatic fig-leaf of UNAMID's putative ability to halt what has become a grim "genocide by attrition"? In fact, the genocide proceeds apace in large measure because your administration has decided, as part of its larger Sudan policy, to "de-couple" Darfur from the largest bilateral issue between Khartoum and Washington: cooperation on counter-terrorism. That a senior official of your administration would use the term "de-couple" in speaking about Darfur and any aspect of U.S. Sudan policy amounts to declaring that despite the genocidal realities you excoriated as candidate and as president—when it was politically useful to do so—you and your administration are willing to set aside, bracket, and finally ignore this scene of unending human suffering and destruction.

Indeed, it is difficult not to see a direct connection between your silence about the ongoing and widespread aerial bombardment of civilians in Darfur and your decision to "de-couple" the region from what looms as the defining feature of your Sudan policy: an obsessive desire to retain access to the counter-terrorism intelligence provided by the regime that gave safe haven to Osama bin Laden from 1992–1996, the years in which al-Qaeda came to fruition. Let us recall also that this same regime continued to assist al-Qaeda long after bin Laden's departure for Afghanistan, providing funds, diplomatic cover, and banking conduits.

Your administration's calculations about the value of counter-terrorism intelligence provided by Khartoum have occasioned a good deal of skepticism among Sudan experts outside of government; in any event, these calculations are certainly made with full knowledge of what the regime continues to inflict on the people of Sudan. You and your administration also know that demonstrations beginning in late September of this year were met by the most brutal repression imaginable, with security forces given "shoot to kill" orders that resulted in some 300 deaths (many killed by bullet wounds to the chest, back and head) and some 2,000 arrests (many remain under arrest without charge). Ordinary Sudanese are outraged at the economic shambles the regime

has created, and are demanding that these hopelessly corrupt and cruelly self-enriching men be removed from power. And yet your administration seems to be bent on throwing a political and economic lifeline to the regime. Your former special envoy declared in December 2011, after Khartoum's military seizure of the contested Abyei region (in violation of the Comprehensive Peace Agreement) and subsequent military assaults on South Kordofan and Blue Nile:

"Frankly, we do not want to see the ouster of the [Sudanese] regime, nor regime change. We want to see the regime carrying out reform via constitutional democratic measures." (Princeton Lyman's response to a question by the respected Arabic news outlet Asharq Al-Awsat concerning Sudan and the "Arab Spring," December 3, 2011)

It is the height of disingenuousness and expediency for your envoy to have suggested that the National Islamic Front/National Congress Party is in any way prepared to "carry out reform via constitutional democratic measure." The regime's response to the September/October demonstrations and political protests from all quarters provides evidence that could hardly be more compelling.

And yet at the very moment in which gross mismanagement of the Sudanese economy over the past 24 years, obscenely profligate military spending, gratuitous war-making on the marginalized peoples of the periphery, and massive sequestration of national wealth by the political elite has brought about economic conditions that make democratic change a real possibility, your administration seems intent on diminishing those economic pressures that the U.S.—to its virtually singular credit—has brought to bear since 1997, both through Congressional and Presidential action. Instead of tightening the very sanctions that increasingly threaten the survival of a regime that has exhausted its oil wealth in less than a decade and has no access to international credit or Forex reserves, we read that business between the U.S. and the regime is beginning to boom.

The Sudan Tribune reports (October 10, 2013) that Foreign Minister Ali Karti, after his meetings with U.S. Secretary of State John Kerry, "pointed out that several U.S. companies which applied for licenses to operate in Sudan were granted, which he said is an indicator that investments and commercial relations could overcome political difficulties." And this would seem to be borne out by a series of reports from the Sudan Tribune and others:

White Nile Sugar Company announced on Sunday (November 3, 2013) that it has signed an agreement with the US-based General Electric (GE) by which it will receive parts and services for its billion-dollar sugar plant. (Sudan Tribune, November 4, 2013)

In a revealingly frank statement, Sudan's foreign ministry undersecretary, Rahmatallah Mohamed Osman, declared in August 2013 that "U.S. economic sanctions on Sudan contain some loopholes which could be exploited to boost the economy." Why haven't those "loopholes," if they exist, been resolutely closed?

Typically of dubious reliability, Khartoum's state-controlled media recently made a specific claim that should be unambiguously confirmed or disconfirmed:

The managing director of [Sudan's] Kenana Sugar Company (KSC) has disclosed KSC is currently dealing with 18 US companies licensed by Office of Foreign Assets Control (OFAC) in the area of production, irrigation,

and harvesters despite the US economic sanctions imposed on Sudan for 16 years. . .

Lately, an American company has submitted a request to OFAC to import ethanol from Sudan. Moreover, [the] U.S. has excluded gum Arabic from sanctions for its bad need of this commodity in nutritional and drug industry. US imports \$40 million worth of Gum Arabic annually either directly or indirectly from Sudan. U.S. may want lift the sanctions gradually for face saving. (November 9, 2013)

Certainly the account is accurate in pointing out the exemption in U.S. sanctions made for gum arabic, an exemption secured over a decade ago through duplicitous legislative means by Robert Menendez, formerly Congressional representative from the district in New Jersey where virtually all U.S. gum arabic processing occurs. Menendez is now, of course, chair of the Senate Foreign Relations Committee.

The economic sanctions put in place by previous administrations and the Congress seem to have become irrelevant by means of "technical adjustments" to the restrictions supposedly enforced by the U.S. Office of Foreign Assets Control (OFAC). The question, President Obama, is why your administration has allowed this to occur? Is Khartoum right in suggesting that "the U.S. may want [to] lift the sanctions gradually for face-saving"? Or is the stealth lifting of sanctions part of a larger quid pro quo with the Khartoum regime? Is it of a piece with the preposterous claim by special envoy Lyman that this regime might preside over the democratic transformation of Sudan?

But however enmeshed in the complexities of U.S. diplomatic and political machinations vis-à-vis Khartoum, the countless bombing attacks against civilians such as occurred yesterday near North Sharafa in East Jebel Marra provide a certain stark moral clarity. Again, one of the regime's Antonovs. . .

. . . bombed three farmers, at about 5.30 pm on Friday (November 29, 2013). The two men and a woman were riding a horse cart from their farm to their homes in Sharafa village. The three farmers and their horses were killed immediately. The names of the three farmers are Hashim Abakar Mohamed, Mustafa Eisa, and Hanan Saleh Juma.

Your own refusal to condemn—regularly, forcefully, and consequentially—such deliberate attacks on defenseless civilians brings shame on our nation and makes it ever more difficult to believe that our foreign policy is guided by anything other than a ruthless Realpolitik.

Sincerely,

ERIC REEVES,  
Smith College,  
Northampton, MA.

#### PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. ESHOO. Mr. Speaker, I was not present during rollcall vote Nos. 612, 613 and 614, on December 2, 2013, due to a flight delay. I would like the RECORD to reflect how I would have voted: On rollcall vote No. 612, I would have voted "yes." On rollcall vote No. 613, I would have voted "yes." On rollcall vote No. 614, I would have voted "yes."

## RECOGNIZING UPPER DARBY HIGH SCHOOL

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to recognize Upper Darby High School, the winner of Varsity Brands' National School Spirit Day. National School Spirit Day is an annual celebration throughout the month of October to recognize the impact that cheerleaders and dancers have in their local communities—as mentors, community service leaders, spirit raisers, and positive examples to all.

In 2009, Varsity Brands began National School Spirit Day as a way to spotlight the efforts of cheerleaders and dancers throughout the country who make a difference in their schools and communities. Over the past five years, cheerleaders and dancers have pledged more than 500,000 community service hours as part of National School Spirit Day.

This year, the Upper Darby High School Royals were selected as the national team winner of the 2013 National School Spirit Day. The Upper Darby Cheerleaders collected hats, scarves, gloves, blankets, gift cards, and other warm clothing items for women and children of domestic violence and abuse throughout the month of October. By the end of the month, the cheer squad was able to turn over thousands of items in support of victims of domestic abuse.

In conjunction with National School Spirit Day on October 11, 2013, Varsity Brands also launched Cheer for a Healthier America. This program aims to enlist high school student cheerleaders, dancers, and athletes as student ambassadors of their communities by getting local elementary school kids more involved in physical activities, and teach them about making healthy lifestyle choices. Just this summer, at over 1,000 Varsity camps across America, over 400,000 enrolled campers learned about the program and are preparing to initiate it this Fall, while students from over 800 schools have signed up to participate.

Mr. Speaker, I ask my colleagues to please join me in recognizing Upper Darby High School and commending the work done by youth across the country.

## PERSONAL EXPLANATION

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. DeLAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 612, regarding the "Space Launch Liability Indemnification Extension Act" (H.R. 3547). Had I been present, I would have voted "yes."

## IN RECOGNITION OF PAM FRISELLA

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor Pam Frisella, one of the finest and most selfless public servants I know. Pam is retiring today as the mayor of Foster City and has served on the city council for eight years. She was vice mayor in 2007 and mayor in 2008. For Foster City, Pam's departure is not simply a retirement. It's the equivalent of watching a ship raise its anchor. Pam has been that anchor of security throughout many exciting and challenging times in the city.

In 1998, Pam graduated from a leadership program sponsored by several Bay Area cities. The class helped her focus on how to best apply her talents and her dedication to community service. She saw that she could be highly effective by playing an active role in city government.

She joined the city council in 2006, two years before the global recession hit. Always a fiscally-prudent person, Pam worked hard with her colleagues to close the budget gap that was created by the recession. Foster City, although built relatively recently, also has a large infrastructure in constant need of maintenance, repair and replacement. This is expensive, but Pam is dedicated to maintaining the quality of life that residents expect. In part due to Pam's efforts, the city this year will likely cure its structural deficit and its infrastructure investments have been wise and timely.

The center of Foster City is in flux. Pam joined with her colleagues to identify the needs of the community and to envision mixed uses for this area. She supported an updating to the business license fee, the city's land use elements, and supported city efforts to conserve water and to improve the reliability of the city's water system.

Pam is a strong supporter of affordable housing and served on the board of the Housing Endowment and Regional Trust. Because community service is in her blood, she has volunteered for 20 years for Samaritan House which serves low income families and individuals in San Mateo County. Samaritan House named her volunteer of the year in 1995. In 1999, Safe Harbor Homeless Shelter awarded her the same honor. Pam is also giving prison ministry at San Quentin Prison. She is an ambassador for the Foster City Chamber of Commerce and a member of the Rotary Club. As you can tell from this description, Pam Frisella is a spark plug, igniting others into action and setting an exhausting pace of volunteer and civic engagement.

Pam has been a county and regional leader. Over the years she has served as Foster City's representative to the Association of Bay Area Governments, the City County Association of Governments, the Emergency Services Council, the joint powers board of the county-wide library system, and as liaison to the high school district.

Pam was born and raised in Detroit, Michigan. After attending Western Michigan, she worked for General Motors and then moved to

New York City for a career change. Pam moved to California in 1969 and in 1977 to Foster City, a city she came to love.

Pam and I share a painful life experience that initially connected us and cemented our friendship. We both lost a husband while pregnant. Pam's late husband was a baseball player and they moved around the country a lot. They were at spring training with the Milwaukee Brewers when he was killed in an accident on New Year's Day 1977 in Arizona. He was originally from San Mateo and Pam decided to move out here to find a home. She was 30 years old, pregnant and had a three-year-old son, Jason. Three days after she arrived in Foster City, her son Daniel was born. The community welcomed and embraced them and she found what she had hoped for—a home.

Pam coached Little League for eight years and was on the American Youth Soccer Organization Board of Directors for five years. She deserves much credit for the development and construction of Sea Cloud Park, the beautiful home of the Foster City Little League. In 2005, Pam was inducted to the Sports Wall of Fame at Sea Cloud Park. Pam was also the chair for the committee that reconstructed Serra High School's baseball field named after her late husband, Danny Frisella Memorial Field.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Pam Frisella on this day of her retirement. Her strength to overcome adversity, her generosity and her drive have benefitted every resident of Foster City. Her contributions will always be part of the fabric of her beloved home town.

## PERSONAL EXPLANATION

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. GEORGE MILLER of California. Mr. Speaker, I was unavoidably detained yesterday and missed rollcall Nos. 612 through 614. Had I been present, I would have voted "yea" on rollcall Nos. 612 and 613. I would have voted "nay" on rollcall No. 614.

## INTRODUCING THE NATIONAL COMMISSION ON EMPLOYMENT AND ECONOMIC SECURITY ACT OF 2013

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act of 2013.

This legislation makes necessary and vital investments in our nation's workforce and their families. It establishes a national commission to examine issues of economic and psychological insecurity within our workforce that have been caused by employment displacement. Furthermore, it will propose solutions,

including recommendations for legislative and administrative action, to Congress and the President.

During the recession that began in December 2007 and in the subsequent months, more than 8.7 million jobs were lost. By October 2009, the unemployment rate had reached 10.0 percent, and roughly 15.4 million people were unemployed in our country. In Florida, the unemployment rate reached 11.4 percent in March 2010, and in some states, such as Rhode Island and South Carolina, the unemployment rate rose to just short of 12 percent, peaking at 11.9 percent in early 2010.

Luckily, we are on the road to recovery, and 7.5 million jobs have been created during 42 straight months of private-sector job growth across the country. Unemployment rates have fallen in all 50 states and the District of Columbia. Our economy is recovering, but the need for this vital research is no less critical. This is highlighted by current projections from the Congressional Budget Office (CBO), which estimate that the unemployment rate will not fall below 6 percent until the end of 2016, and will remain above 5 percent through 2023.

Mr. Speaker, when Americans lose their jobs and their incomes shrink, too often, they face the loss of their family's health insurance and, subsequent to the loss of income, and even their housing. According to an American Psychological Association (APA) report from February 2013, money (69 percent), work (65 percent), and the economy (61 percent) remain the most frequently cited sources of stress for Americans.

The mental health of the American worker is integral as we continue down the road of economic recovery. Congress must face this problem head on and help those facing long-term unemployment, loss of health insurance, home foreclosure, increased levels of stress, and increased risk of mental illness.

I believe that we have a responsibility to provide the greatest possible assistance to our nation's workforce, whose commitment to economic participation has been a defining feature of the cultural fabric of our country. This Commission will be instrumental in ensuring that we get our nation fully back on track, and I urge my colleagues to support this legislation.

#### PERSONAL EXPLANATION

#### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 612, I was unable to be present for the vote on H.R. 3547. Had I been present, I would have voted "yes."

#### PERSONAL EXPLANATION

#### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week

of November 18, 2013. If I were present, I would have voted on the following.

MONDAY, NOVEMBER 18, 2013

Rollcall No. 588: On Motion to Suspend the Rules and Pass, as Amended H.R. 2061, "yea."

Rollcall No. 589: On the Motion to Suspend the Rules and Pass H.R. 272, "yea."

TUESDAY, NOVEMBER 19, 2013

Rollcall No. 590: On ordering the Previous Question and providing for consideration of H.R. 1965 and H.R. 2728, "nay."

Rollcall No. 591: On agreeing to the resolution providing for consideration of H.R. 1965 and H.R. 2728, "no."

WEDNESDAY, NOVEMBER 20, 2013

Rollcall No. 592: On ordering the Previous Question and Providing for consideration of H.R. 1900, "nay."

Rollcall No. 593: On agreeing to the resolution providing for consideration of H.R. 1900, "no."

Rollcall No. 594: On agreeing to the amendment on H.R. 1965 offered by SHEILA JACKSON LEE of Texas, "aye."

Rollcall No. 595: On agreeing to the amendment on H.R. 1965 offered by ALAN LOWENTHAL of California, "aye."

Rollcall No. 596: On agreeing to the amendment on H.R. 1965 offered by SHEILA JACKSON LEE of Texas, "aye."

Rollcall No. 597: On agreeing to the amendment on H.R. 1965 offered by JARED POLIS of Colorado, "aye."

Rollcall No. 598: On agreeing to the amendment on H.R. 1965 offered by PETER DEFAZIO of Oregon, "aye."

Rollcall No. 599: On Motion to recommit with instructions on H.R. 1965, "aye."

Rollcall No. 600: On passage of H.R. 1965, "no."

Rollcall No. 601: On agreeing to the amendment on H.R. 2728 offered by RUSH HOLT of New Jersey, "aye."

Rollcall No. 602: On agreeing to the amendment on H.R. 2728 offered by PETER DEFAZIO of Oregon, "aye."

Rollcall No. 603: On Motion to recommit with instructions on H.R. 2728, "aye."

Rollcall No. 604: On passage of H.R. 2728, "no."

THURSDAY, NOVEMBER 21, 2013

Rollcall No. 605: On agreeing to the amendment on H.R. 1900 offered by PAUL TONKO of New York, "aye."

Rollcall No. 606: On agreeing to the amendment on H.R. 1900 offered by KATHY CASTOR of Florida, "aye."

Rollcall No. 607: On agreeing to the amendment on H.R. 1900 offered by JACKIE SPEIER of California, "aye."

Rollcall No. 608: On agreeing to the amendment on H.R. 1900 offered by SHEILA JACKSON LEE of Texas, "aye."

Rollcall No. 609: On agreeing to the amendment on H.R. 1900 offered by JOHN DINGELL of Michigan, "aye."

Rollcall No. 610: On Motion to recommit with instructions on H.R. 1900, "yea."

Rollcall No. 611: On passage of H.R. 1900, "no."

#### IN RECOGNITION OF CATHY BAYLOCK

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor Cathy Baylock who has served on the Burlingame City Council for twelve years with distinction, two of them as mayor. Cathy's love for the city and her commitment to make and keep it beautiful have made her an outstanding public servant and a beloved colleague to many.

We can thank Cathy for one of the most beautiful and recognizable buildings in town, the Burlingame Avenue Caltrain station. If it hadn't been for her in-depth research, perseverance and good judgment, our train station might not be the jewel it is.

Cathy was first elected to the city council in 2001. She was mayor in 2006 and 2010. During her tenure, she was always committed to protecting Burlingame's historic landmarks, magnificent trees, architectural heritage, unique neighborhoods and the integrity of the parks. She oversaw the Park and Recreation budget, was a member of the Economic Development Committee, a liaison to the Burlingame Elementary Schools Committee and the Chamber of Commerce, and a member of the Bicycle and Pedestrian Advisory Committee for C/CAG. She also served as a city delegate to the Association of Bay Area Governments, the Peninsula Cities Consortium on High Speed Rail and the San Mateo County Rail Corridor Partnership. Additionally, Cathy was a member of the Central County Fire Joint Powers Authority for six years, two of them as the chair.

While fulfilling her many duties on the council, Cathy still found the time and energy to give back to the community and volunteer for the Teen Facilities Committee, the Washington School Site Council, the St. Paul's Nursery School, and the Burlingame Historical Society. She became treasurer of the historical society in 2000 and oversaw the publishing of Burlingame Centennial 1908–2008, a book that sold over 1800 copies and helped fund the opening of the Burlingame History Museum and the Train Depot.

Before Cathy joined the city council, she was the manager and assistant vice president of Bay View Bank in Burlingame. She earned her Bachelor's degree in Business Administration from Sacred Heart University in Fairfield, Connecticut.

A lifetime resident of the San Francisco Peninsula, Cathy and her family have lived in Burlingame for over 20 years. In her retirement, she looks forward to spending more time with her husband Joe and their two boys, AJ and Nick. She will continue her involvement with the historical society.

The Burlingame City Council is losing a member who will be missed for her can-do attitude, warm demeanor and dependability. However, I have no doubt that Cathy will find ways to apply her talents and continue to share them with the residents of Burlingame.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Cathy Baylock

for her outstanding public service. She leaves big shoes to fill and her mark on Burlingame that will last for years to come.

#### HONORING ARIS MELISSARATOS

#### HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Aris Melissaratos, a visionary businessman, champion of the State of Maryland and dear friend, on the occasion of his 70th birthday.

The son of Romanian immigrants, Mr. Melissaratos arrived in the United States at age 13, speaking virtually no English. He earned his degree in electrical engineering from Johns Hopkins University in 1966 and began a 40-year business career, mostly at Westinghouse Electronics Corporation. There, he held numerous positions, retiring as Chief Technology Officer and Vice President for Science and Technology. Before that, he was Chief Operations Officer for the company's Defense Electronics Group, responsible for \$3.2 billion dollars in sales. He also founded Armel Scientifics, LLC, which invested in more than 30 startup companies in advanced technology.

His professional experience proved invaluable as Secretary of Business and Economic Development for the State of Maryland, a position he held from 2003 until 2007. As Secretary, Mr. Melissaratos worked tirelessly to strengthen our state economy and promote Maryland as a prime location for tourism, film production and advancement of the arts.

Mr. Melissaratos has since come full circle, returning to Johns Hopkins as a senior advisor to its president. There, he works to build the university's relationship with area businesses. Under his leadership, the university has helped launch 51 new companies in four years.

While too numerous to list in their entirety, Mr. Melissaratos is the recipient of countless accolades. In 2009, he was named the William Donald Schaefer Industrialist of the Year and was Corridor Inc.'s Person of the Year in 2012. A longtime member of the Whiting School of Engineering's National Advisory Council, Mr. Melissaratos is a founding co-chair of the Greater Baltimore Technology Council and former Vice President of the Maryland Chamber of Commerce. He somehow found time to also co-author a book that chronicles the history of innovation.

I have had the pleasure of knowing Aris Melissaratos for many years. I admire him for his fearless entrepreneurship, generosity, work ethic and community spirit. Mr. Speaker, I ask that you join with me today to honor Aris Melissaratos. The citizens of Maryland have been lucky to have him as a relentless advocate all these years. It is with great pride that I wish him the happiest of birthdays and many more years of success.

#### A TRIBUTE TO DAVID LEE SIMEL, MD

#### HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to a truly outstanding doctor, a loving father, and an exceptional North Carolinian, Dr. David Lee Simel, of Durham, North Carolina. Dr. Simel was raised in Greensboro, North Carolina, before attending the University of North Carolina at Chapel Hill. After graduation, he completed medical school and an internal medicine residency at Duke University, and he has been an avid Blue Devils fan ever since. Dr. Simel is now a Professor of Medicine and also Vice-Chair for Veteran's Affairs at the prestigious Duke University School of Medicine. Dr. Simel has dedicated himself wholly to our veterans across North Carolina. I ask you to join me in recognizing his long and honorable career.

Dr. Simel's hard work and leadership have been vital to the continued success of the Duke University School of Medicine. After being the Associate Chief of Staff of Ambulatory Care for the Department of Veterans Affairs, he was named the Vice-Chair for Veteran's Affairs in the Department of Medicine. Both of these honorable positions have given Dr. Simel the opportunity to serve those who have served us, and he does so with integrity and discipline. The influential book of which he was co-author, *The Rational Clinical Exam*, is a comprehensive guide for patient exams, and has become a powerful reference tool for those in the field of medicine. He has been the recipient of several honors throughout his career, including the Joseph Greenfield, Jr. Award for Research Mentorship from the Duke University Medicine Housestaff in 2011, accepted the Barnett Berris, MD Lectureship from the University of Toronto in 2006, and was inducted as a member of the medical society of high achievement, Alpha Omega Alpha, in 1985.

Mr. Speaker, even as Dr. Simel has dedicated many years of his life to life-saving medical research and educating future physicians, he has managed to remain a devoted father and husband to his family. He and his wife, Dr. Joanne Piscitelli, have three accomplished children: Lauren, Michael, and Bryan. All of his children were active in soccer and basketball growing up, and Dr. Simel rarely missed a game. They maintain a strong tradition of an annual family trip to Hilton Head, South Carolina, during the summer during which the entire family participates in baseball games and sandcastle building competitions. Dr. Simel and his wife also share a passion for bike riding that has taken them around the world. Together they have visited Tuscany, the Canadian Rockies, Patagonia, Vermont, and Slovenia, with Argentina and Nova Scotia planned for later this year.

Mr. Speaker, Dr. Simel's enduring commitment to his family, his students, his patients, and our veterans makes him an exemplary citizen, and someone that I am proud to know. His passion for medicine and improving the health of others will continue to benefit North

Carolina for many years to come. Please join me in honoring Dr. David Simel for his intelligence, compassion, and selfless dedication. I pray that he and his family may receive God's richest blessings.

#### SEEKING A CURE FOR PANCREATIC CANCER

#### HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to talk about the devastating disease pancreatic cancer.

Pancreatic cancer is the fourth largest cause of cancer deaths in the United States. With a five-year survival rate of just six percent, it is one of the scariest and most difficult cancer diagnoses a person can receive.

Hope is found in outstanding treatment and research facilities, such as the Winthrop P. Rockefeller Cancer Institute, located in Central Arkansas, which I represent.

It is also found in the work of scientists and advocates, such as the Pancreatic Cancer Action Network, whose Arkansas chapter tirelessly advances awareness of the disease and supports the researchers seeking cures.

During the 112th Congress, the Recalcitrant Cancer Research Act, which I supported, was signed into law. Passing this bill was a huge step forward for cancer research.

Federal research grants provide the seed money pancreatic cancer researchers need to identify specific risk factors and develop early detection methods—all of which someday, hopefully, will lead to a cure.

Cancer research relies on the certainty that critical research funds will be available into the future.

But, we can make these investments only when our Nation's spending priorities are in order.

America has what I call a Pac-Man problem: autopilot spending is driving up our debt and swallowing up our ability to fund programs like medical research, transportation improvements, and health care for our veterans.

Nearly two-thirds of our Federal budget is auto-pilot, mandatory spending including Medicare, Medicaid, Social Security, and interest on our debt.

Unless we save and strengthen these programs for the future, Pac-Man will continue to swallow up the dollars we'd like to invest in research to fight deadly diseases including pancreatic cancer.

I have long supported critical funding for research and will continue to do so.

I will also continue to fight to reform the drivers of our debt because, unless we do, our Nation will have even fewer resources to direct toward the research and treatments that will save American lives.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE SOUTH SAN FRANCISCO UNIFIED SCHOOL DISTRICT

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor the 100th anniversary of the South San Francisco Unified School District in San Mateo County, California. This K–12 school district serves over 9,000 students in 15 schools in South San Francisco, San Bruno and Daly City.

As a South San Francisco native, I received my early education in primary and middle school at Magnolia, Spruce and Parkway from 1955–64. There is no question that the years in the South San Francisco school district molded my life.

Today, the South San Francisco Unified School District has nine elementary schools, three middle schools, two comprehensive high schools, one continuation high school and one adult school, but its beginnings were very humble. In 1866, an elementary district was formed under the original name of San Bruno District. In 1878, a one-room school near the railroad station known as “Twelve Mile House” became the first school in the area. It had one teacher and three trustees. The first major school in the area was built around 1885. Baden Avenue School had four rooms, a library, a principal’s office and sanitary arrangements outside the building.

In 1913 the high school district was established. Four years later, South San Francisco High School graduated its first class of three proud seniors on the new campus on Spruce Avenue. The flu epidemic of 1918 took a serious toll on the area. All schools were closed and the high school was converted into a soup kitchen.

From the 1920s through 1940s, the district built several schools, including Martin, Magnolia and Grand Avenue Schools. Buildings were expanded, renamed, demolished and replaced. The district was able to serve its students. That changed after World War II when the post-war baby boom created a shortage of schools. South San Francisco’s population doubled to almost 40,000 and 40 percent of them were under 18. The district embarked on a massive construction project and built seven schools—Parkway Intermediate, El Camino High School, Ponderosa Elementary, Serra Vista Elementary, Monte Verde School, Foxridge Elementary and Skyline Elementary.

In the 70s, Magnolia and Spruce were closed due to seismic concerns and Avalon and El Rancho were closed and sold. In the 80s, Southwood Junior High School closed and Parkway, Alta Loma and Westborough converted to a middle school format.

With continuing declining enrollment, Foxridge and Serra Vista closed in 1992. Parts of Foxridge were leased to a childcare facility and Serra Vista eventually became the home of the NCP College of Nursing. In 2005, Hillsdale Elementary closed its doors and the facility was leased to Mills Montessori Schools. While the school district has experi-

enced expansions and contractions over the last century, it has always kept the focus on quality education and lifelong learning. The 439 teachers, Superintendent Alejandro Hogan and the Board of Trustees are committed to educating our future generations and to giving them the tools to achieve their highest potentials.

Plato said over two millennia ago: “The direction in which education starts a man will determine his future in life.”

Mr. Speaker, I ask the House of Representatives to rise with me to commend the South San Francisco Unified School District for having started thousands of students in the right direction.

ESTABLISHING AN ADVISORY COMMITTEE ON TICK-BORNE DISEASES

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, Patricia Smith, a constituent of mine from Jackson, New Jersey and the President of Lyme Disease Association, Inc., LDA, recently testified before the House Energy and Commerce Health Subcommittee regarding the need to establish an advisory committee on Tick-Borne Diseases. I would like to submit her compelling testimony from the hearing, entitled “Examining Public Health Legislation to Help Local Communities,” for the RECORD:

Chairman Pitts and Committee Members, Thank you for allowing me to testify on the need to establish an advisory committee on Lyme disease to ensure that government resources are being appropriately used to move forward the field of science and treatment in an area that is fraught with political, scientific, and medical obstacles, yet is dominating discussion on the worldwide stage. In 2009, the Centers for Disease Control & Prevention (CDC) indicated that Lyme surpassed HIV in incidence followed by a 2013 announcement confirming a 10-fold under-reporting of Lyme cases, estimating 300,000 Lyme cases annually. A 2001 National Institutes of Health (NIH) sponsored study found that the impact of Lyme disease on physical health status was at least equal to the disability of patients with congestive heart failure or osteoarthritis, was greater than those observed in type II diabetes or in recent myocardial infarction, and chronic pain contributing to impairment was similar to that reported by patients with osteoarthritis. Couple those facts with Lyme spreading worldwide to 80 countries and the discovery of many newly emerging tick-borne pathogens being carried by many different ticks, then the passage of HR 610 is long overdue.

The LDA just revised its comprehensive education and prevention brochure, LymeR Primer, which went from featuring 7 tick-borne diseases (TBD) in 2009 to 15 diseases. Besides Lyme disease, there are at least 15 other TBD of concern in the US: anaplasmosis; babesiosis; bartonellosis; ehrlichiosis; Rocky Mountain Spotted fever; Colorado tick fever; Q fever; tick paralysis; tularemia; Powassan encephalitis; STARI, a Lyme-like disease often with the same rash, transmitted by a lone star tick bite, patho-

gen cause unknown, but may be a bacteria similar to the Lyme bacteria; Rickettsia parkeri Rickettsiosis found increasingly along the Gulf Coast and in the South; Borrelia miyamotoi, a tick-borne bacteria which had been producing disease outside the US, now found in the US; newly found Rickettsia species 364D in the Pacific Region; and a newly discovered tick-borne virus in Missouri, Heartland, carried by the lone star tick. One tick-bite can give someone more than one disease.

My education on Lyme began almost 30 years ago as a NJ Board of Education member whose district had a large number of students and staff out with Lyme disease. Then, only a few US ticks were recognized as major health threats to humans. Now, many ticks in the US are causing more human diseases, ticks including Ixodes scapularis (deer, black legged), Amblyomma americanum (lone star), Dermacentor variabilis (American dog), Dermacentor andersoni (Rocky Mt. wood), Ixodes pacificus (western black legged), Amblyomma maculatum (Gulf Coast), and Dermacentor occidentalis (Pacific Coast).

My Lyme work, including 17+ as president of the national volunteer-run non-profit Lyme Disease Association (LDA), has kept me in close contact with patients nationwide. The complicated nature of Lyme disease, the difficulty in diagnosis, and lack of recognition by some in the medical community have exacerbated the plight of patients and their families, many of which contain more than one Lyme victim. Medical bills rise; jobs are lost; education is interrupted. Divorce is not an uncommon result in these families, further complicating the picture. Often, the families are forced to seek government help, government which is already burdened with more debt than it is able to handle.

Children have always been at the highest risk of acquiring Lyme disease. Based on CDC’s Lyme reported cases numbers from 2001–2010 by age, LDA estimated that 37% of reported cases were children. Using 1990–2011 CDC reported numbers adjusted for 10-fold underreporting, LDA found that 1,590,449 children have developed Lyme disease over that period. Many more children were probably clinically diagnosed but not included in the CDC surveillance figure, which uses a strict reporting definition not meant for clinical diagnosis. These are children who often go on to develop chronic Lyme disease—who often miss months/years of school and have their childhood destroyed. Show-er-er, walking, talking, thinking can be a problem, and serious pain is a daily challenge. A 1998 Columbia University study documents improvement in IQ of 22 points in a 16 year-old after IV treatment for Lyme disease.

A 1992 CDC/NJ Department of Health study in NJ of 64 school children with Lyme showed that the median duration of Lyme at time of interview was 363 days; the median number of days the illness was said to have significantly affected normal activities was 293; the mean number of total school days lost was 140; the mean duration of home instruction, 153 days. Only 26% of children under study were said to have fully recovered.

The direct medical costs per case incurred by 54 case-patients totaled \$5.2 million, \$8.7 million in CPI adjusted 2013 dollars. The mean estimate was \$96,569 (\$274,412–2013); and costs of \$100,000 (\$166,891–2013) or greater were incurred by more than 1/5 of children. Some indirect costs were assessed totaling

about \$15,000 (\$ 25,034-2013) due to lost time caring for patient and parents' lost time transporting children to medical treatment.

A 2001 Columbia study showed children with Lyme disease had significantly more cognitive and psychiatric disturbances. Cognitive deficits were still found after controlling for anxiety, depression, and fatigue. Lyme disease in children may be accompanied by long-term neuropsychiatric disturbances, resulting in psychosocial and academic impairments. Regarding depression, parents indicated that 41% of children with LD had suicidal thoughts, 11% had made a suicide gesture.

Early intervention and appropriate treatment are the answers for patients with Lyme to prevent the development of chronic Lyme disease, aka, Post Treatment Lyme Disease, late disseminated Lyme, persistent Lyme, Post Lyme Disease Syndrome, etc. While discussions continue on the justifications for the various terms used for chronic Lyme disease, we cannot allow the semantics to eclipse the need for research on chronic Lyme, the area producing the most human suffering and receiving the least research funding. According to a new Columbia University Lyme study, based upon 10-fold underreporting and on 10% of newly infected and treated patients developing symptoms that persist for more than 6 months, "the actual incidence of new chronic cases (PTLS) is . . . 30,000."

Currently, many major health threats including chronic fatigue have an advisory committee. Lyme disease does not, placing its patients and advocates at a great disadvantage. We have lobbied for a research agenda which includes more effective treatments for Lyme and other TBD and better diagnostics, including detection of active infection. B. burgdorferi was recognized in 1981 to cause Lyme, almost 33 years ago, yet the two-tier testing system endorsed by CDC is very specific for Lyme disease (99%), so it gives few false positives, but according to some sources, the tests have a uniformly low sensitivity (56%)—missing 88 of every 200 patients with Lyme disease. Yet HIV was identified as the cause of AIDS in 1984, and tests were developed within a few years after and are 99% sensitive and specific. Moreover, Lyme has not attracted industry funding for treatment approaches, which has allowed patients to develop severe mental and physical disabilities from the disease without help from science. There is also a need for educating doctors and the public about the state of the science regarding these diseases.

The above agenda requires the establishment of a venue where government agencies working on diverse aspects of tick-borne diseases (e.g., CDC surveillance, testing; NIH research funding-clinical trials, as well as basic and translational research; FDA drug, vaccine and device approvals; USDA research into natural tick prevention strategies; EPA tick prevention strategies) can present their activities, submit their proposed TBD agenda, and receive input from committee members who represent a wide variety of stakeholders with diverse scientific viewpoints on development of new diagnostics, treatment methods, and prevention strategies. Utilizing this format, government would ensure its agencies were providing the most judicious use of human and financial resources for Lyme and TBD. Using an already established federal advisory committee format ensures that the committee is only advisory in nature—committee members would not control nor dictate agency agendas, a concern that has been expressed by an outside group in

the past. However, those agencies should not be insulated from the public input and diverse scientific viewpoints this committee would provide in shaping an agenda and ensuring the wise use of tight federal dollars, which are provided by taxpayers. Another concern might be whether an advisory committee is worth the costs, including time, to support the operation of the committee. In the case of Lyme disease, the history of the past decades should lead to an easy yes.

One does not have to be a scientist to realize that it is premature and unwise to preclude further clinical trials studying a broader range of treatment regimens when there are numerous major and significant aspects of the bacteria's known pathophysiology which have not been accounted for in studies conducted to date, when there are still many unknowns in that pathophysiology, and when we are learning more every day. While our knowledge of the pathophysiology of the bacteria continues to evolve, we must be open to additional clinical trials to document and establish better treatment regimens. There is preliminary evidence for more effective regimens, and a specific forum for open dialogue can help ensure we move forward and don't get waylaid.

An open dialogue also could only improve the process of utilizing the pool of competent researchers—not in any manner that would interfere with established fair and open processes for grant-making, but only to increase awareness. It's a fact that a small number—a handful—of Lyme researchers have individually received many millions of federal research dollars, many of whom shared the same set of biases and perspectives. Common biases and perspectives are not objectionable if they are based upon the best scientific evidence; open dialogue, information sharing, and transparency can help safeguard the process and the taxpayers' money.

Patients want research which will restore their health. Their voice and the voice of the clinicians must be given the necessary weight to legitimize the research agenda and the research process. Truth in science can be achieved through open discussion with diverse viewpoints in an independent process free from bias and conflicts of interest. The scientific process fails when one side of a debate controls the arena and sets the rules to ensure that its viewpoint prevails.

#### PATRICIA V. SMITH LYME DISEASE ASSOCIATION

##### MAJOR POINTS SUMMARY

1. Lyme disease is increasing in numbers and range worldwide, with CDC announcing U.S. cases are 300,000 annually. It is found in about 80 countries worldwide.

2. A government study has indicated the impact of Lyme disease on patients is as severe as disability of patients with congestive heart failure or osteoarthritis, is greater than those observed in type II diabetes or in recent myocardial infarction, and chronic pain contributing to impairment is similar to that reported by patients with osteoarthritis.

3. Other tick-borne diseases are being discovered with greater frequency and people are becoming co-infected with a number of diseases.

4. More ticks are spreading different diseases to humans.

5. My work with the Lyme Disease Association has put me in close contact with patients who are sick and have other family members with the disease, which is costly to them financially and also impacts education and family structure.

6. Children are at the highest risk of acquiring Lyme disease. They often miss long

periods of school and experience cognitive difficulties, severe pain, and may attempt suicide related to their Lyme disease.

7. There is a need for HR 610 creating an advisory committee which will permit all stakeholder input, including treating physicians, patients, and advocates, to be presented to government agencies. Currently patients have no voice.

8. The Committee would ensure that all sides of the science would be factored into the decision making process.

9. Government agencies need to interact with other government agencies, each bringing different perspectives and priorities to the table.

10. Having diverse stakeholders at the table ensures all perspectives are heard to develop a comprehensive coordinated approach to tick-borne diseases, helping ensure that government funding is used widely.

11. Truth in science can be achieved through open discussion with diverse viewpoints in an independent process free from bias and conflicts of interest.

40TH ANNIVERSARY COMMEMORATION FOR FORMER VIETNAM WAR POW MR. RAYMOND VOHDEN

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. WOLF. Mr. Speaker, I rise today to recognize the 40th anniversary of the release of U.S. Navy Captain, Raymond A. Vohden (RET) as a prisoner of war (POW) during the Vietnam War, who was one of almost 600 Americans held captive during the Vietnam War.

In April 3, 1965, Lt. Cdr. Ray Vohden was carrying out a combat mission when his A4C bomber was shot down over North Vietnam. He was captured by the North Vietnamese and held in various POW camps around Hanoi. After enduring almost eight years as a POW, he was released in February 1973.

During his time in prison, he was subjected to torture, isolation and rudimentary medical care. Telling of his strength and courage during this ordeal, he was on crutches the entire time of his captivity. He suffered a compound fracture in his right leg as a result of being shot down. Upon his return home, he underwent several surgeries to save and repair his leg and avoid amputation.

Capt. Vohden joined the U.S. Navy in 1953 after receiving his Bachelor's degree from Rutgers University the year before. During college, he played football and wrestled and finished his collegiate career as an all-American wrestler. His thirty-two year military career began when he earned his wings in 1954. He went on to fly fighter jets for four years and then serve as a flight instructor for three years. At the time of his capture, he was a Lieutenant Commander and Operations Officer of a jet attack squadron on the USS Hancock. After his eight years as a POW, he served three years as the head of the Pentagon's POW/MIA taskforce and three years as superintendent of the U.S. Naval Observatory before retiring in 1986.

Since then, Capt. Vohden has lived a quiet life in Virginia's 10th District, where he raised

his family and has enjoyed retirement. He has stayed active with other Washington, DC area POWs and has helped raise awareness about the struggle endured during their captivity. In 1999, he testified before the House International Relations Committee during its investigation on the "The Cuba Program: Torturing of American POW's by Cuban Agents" and served as the senior participant in a small program which was referred to as the "Fidel Program." In addition, after years of writing, he self-published his account as a POW in 2009, entitled "A Story of the Fifth Longest Held POW in U.S. History—First POW released at Homecoming."

Capt. Vohden has lived a life of integrity and courage. He is a model of perseverance and sacrifice to whom our country is deeply indebted.

Mr. Speaker, today we should honor the 40th anniversary of his release. Please join me in thanking this American hero for his remarkable service.

#### IN SUPPORT OF PASSAGE OF THE MISCELLANEOUS TARIFF BILL

#### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of our nation's manufacturers, workers, and consumers, and urge the House to bring the Miscellaneous Tariff Bill (MTB) to a vote immediately.

The MTB is critical for the competitiveness of American manufacturers. The savings from the MTB goes to support manufacturing jobs, allows for reinvestment in capital expenditures and research and development, and decreases the costs of manufacturing in the United States by providing tariff reductions on inputs that are not available domestically.

For a small to medium sized manufacturer, this savings can mean one to two manufacturing jobs.

The last MTB expired at the end of 2012, resulting in higher costs for manufacturers and harming job growth. The National Association of Manufacturers (NAM) has found that the expiration of the MTB will result in a \$748 million tax on manufacturing in the United States and economic losses amounting to \$1.86 billion over the next three years.

The same study estimated that passage of the MTB in 2010 supported 90,000 manufacturing jobs in the United States and increased our GDP by \$3.5 billion.

An MTB tariff suspension is not, as some have suggested, an earmark.

The process is transparent and bipartisan, with an intensive and transparent vetting process involving Congress, the USITC and other federal agencies, and industry. Any company that imports a product on which the duties have been suspended or reduced can benefit, regardless of location in the United States.

Duty suspensions help reduce costs to the entire supply chain from the manufacturer to the customer.

At a time when the American people are tired and frustrated with the lack of progress

coming from their elected representatives in Congress, the MTB offers this chamber an opportunity to passage legislation that has wide bipartisan support and will increase competitiveness, create jobs, and lower prices for consumers.

This is a clear win-win for the American people and I urge the House to take up the MTB before the end of the calendar year.

#### IN RECOGNITION OF ARTHUR ROY JENSEN

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor Arthur Roy Jensen on the day he is retiring after a remarkable career serving water customers of the Bay Area for 37 years. Art has served as the CEO of the Bay Area Water Supply & Conservation Agency since its creation ten years ago.

I had the great honor to work closely with Art on the creation of BAWSCA while I was in the California Legislature. BAWSCA is tasked with protecting the health, safety and economic well-being of water customers in San Mateo, Santa Clara and Alameda counties who depend on the Hetch Hetchy water system.

Art, as the father of BAWSCA, he led the agency ably for 10 years. He has always been smart, strategic and exceptionally knowledgeable about water—California's gold.

Starting in 1995, Art was the General Manager of the Bay Area Water Users Association (BAWUA), BAWSCA's predecessor. In 2002, the California Legislature authorized the multi-county agency and in 2003 it was formed. BAWSCA has three goals: a reliable supply, high quality water and a fair price. Today it serves 1.7 million residents, 30,000 businesses and thousands of community organizations.

Under Art's leadership, the agency has negotiated a 25-year water supply agreement with San Francisco that saves residents in San Mateo, Santa Clara and Alameda millions of dollars, created regional water conservation programs, brokered an agreement to share limited water supplies during droughts, and initiated a long-term reliable water supply strategy, among many other concrete results.

Before joining BAWUA and BAWSCA, Art served as Assistant General Manager and Director of Planning at the Contra Costa Water District for five years. From 1984–1990, he was the Deputy and Acting General Manager of the San Francisco Water Department. His time there included the Loma Prieta earthquake and the initial years of the most recent drought. From 1977–1984, Art worked as a senior engineer at Brown and Caldwell Consulting Engineers where he performed studies of the San Francisco regional water supply, treatment and delivery system. He also taught engineering at UC Berkeley. Before that, he was an acting assistant professor at Stanford University from 1976–1977 teaching courses in water management, hydrology, hydrologic modeling and hydraulic engineering.

Art also serves on the advisory board of Sustainable Silicon Valley and the citizens advisory committee of the San Francisco Public Utilities Commission.

Art was born in Berkeley in 1954. He earned his B.S. in Engineering Physics from UC Berkeley and both his M.S. and Ph.D. in Environmental Engineering Science from California Institute of Technology in Pasadena.

He and his wife of 37 years, Mary, have one daughter, Catherine. In his well-deserved retirement, Art is looking forward to spending more time with family and friends. His many interests, including photography, aviation history, Buddhism, chess, harmonica and guitar, will undoubtedly keep him engaged and active.

Mr. Speaker, I ask the House of Representatives to rise with me to honor a brilliant engineer, a water expert and a dear friend. He leaves behind giant shoes to fill and his leadership will be missed by his colleagues and Bay Area residents.

#### PERSONAL EXPLANATION

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 613 "To amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux." (H.R. 3588). Had I been present, I would have voted "yes".

#### HONORING THE CAREER OF DR. CLOYD HASTINGS

#### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. MARCHANT. Mr. Speaker, I am proud to honor the career and celebrate the retirement of Dr. Cloyd Hastings of the Carrollton-Farmers Branch Independent School District (ISD), based in Carrollton, Texas.

Dr. Hastings served in education for forty years, working to better future generations of young citizens. Prior to joining Carrollton-Farmers Branch ISD in 1980, he worked in three other school districts as a teacher, coach, and librarian. He then spent several years writing as an author for Political Research, a weekly newsletter that informed Congress about upcoming legislation.

With a masters in Library Science from Eastern Illinois University, Dr. Hastings joined the Carrollton-Farmers Branch ISD as a library coordinator in 1980. In 1983 he became principal of Carrollton Elementary School. He was then principal of McCoy Elementary School from 1989 to 1995 and, during that time, he earned his Doctor of Education degree from the University of North Texas. He also served as principal at Country Place Elementary School from 1995 to 1997.

Afterwards, in 1997, Dr. Hastings moved to the administrative side of the ISD as the Coordinator of Research and Development. He



was later named Executive Director of Assessment and Accountability and has served in that role for the remainder of his career. Dr. Hastings has published in Education Week and with the ASCD (formerly the Association of Supervision and Curriculum Development). His work has been quoted in articles on best practices in special education, and he has been asked at times to apply for the lead Assessment position at the Texas Education Agency.

Dr. Hastings comes from a family of educators. His father was a superintendent and his grandmother was a teacher. In addition his brother, sister-in-law, two nieces and their husbands, daughter Karen, and wife Dianne all work in education or related fields.

Mr. Speaker, on behalf of the 24th District of Texas, I ask all of my distinguished colleagues to join me in honoring the remarkable career and well-earned retirement of Dr. Cloyd Hastings of the Carrollton-Farmers Branch Independent School District.

#### HONORING JO WALKER MEADOR

#### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mrs. BLACKBURN. Mr. Speaker, every great community has a grand storyteller; one who proclaims the greatness of the land. The Music City family has many great tellers, all worthy of praise, but standing behind the city's legacy is one particularly great teller of its story and song. I rise today to honor Jo Walker Meador for her outstanding service to country music.

Inducted into the Country Music Hall of Fame in 1995, Jo Walker Meador is no stranger to accolades from her beloved industry and her successes are well known. From the beginning days of Fan Fair to the Country Music Association and on to the CMA award shows, Jo's mark is ever present. It is no small truth that country music would not hold the audience and devotion around the world were it not for Jo Walker Meador.

Now in its sixth year, the Cecil Scaife Visionary Award honors those whose life and work paved the way for the next generation of award winning musicians, artists, and business leaders. It is fitting then that you celebrate Jo today. I ask my colleagues to join with me in celebrating Jo Walker Meador, the Matriarch of Music Row, as she is honored with the Cecil Scaife Visionary Award.

#### PERSONAL EXPLANATION

#### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 613, I was unable to be present for the vote on H.R. 3588. Had I been present, I would have voted "yes."

#### IN RECOGNITION OF MARY MCMILLAN

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor Deputy County Manager Mary McMillan upon the occasion of her retirement after 23 years of stellar service to the residents of San Mateo County. Ms. McMillan's accomplishments are the definition of public service and these accomplishments are legion.

As a leader in our county, she has been a passionate advocate for foster children. There is a rental apartment building in South San Francisco that exists today because years ago Mary saw that foster children who aged out of the system were often homeless and forgotten. This type of vision and compassion are typical of Mary McMillan.

Mary led the county's efforts to create its vision. She included citizens in the process of setting county priorities through innovative town hall-type forums in which citizens ranked county priorities and discussed their expectations about such services as mental health, parks, child protective services and services for the elderly.

As a leader, Mary volunteered for the boards of multiple nonprofits and has most recently been serving on the board of Puenta de la Costa Sur in the rural community of Pescadero. This nonprofit community center serves farm workers in that community, and their families. This agency's vital services are near to Mary's heart: Providing for the clothing of children, the feeding of families, and the direction to healthcare services when needed.

The San Mateo County delegation to the state legislature knows Mary as the tireless advocate of the county's priorities. Woe to the state legislator who failed to heed Mary's advice. She was always the best prepared advocate in the room and often knew more about a topic than the State Senator or Assemblymember. Mary McMillan is not a particularly tall woman, but she fits the image of the mouse that roars. She roared on behalf of the county's parks. She roared on behalf of special education funding that was otherwise targeted for state budget cuts. She roared on behalf of child support for indigent children. Mr. Speaker and Members, Mary's example sets the standard for public service because there was no cause too slight or complex that it evaded Mary's examination and advocacy. The people of San Mateo County owe her a debt of gratitude for her remarkable talents as exhibited throughout the halls of the State Capitol. These are talents that were honed over many years as a legislative staffer, and then turned toward the service of San Mateo County.

Finally, Mary McMillan is much beloved by everyone who knows her. It is a tribute to a person who has been in the public eye for so long that everyone has a wonderful story to relate about her character and judgment, as well as her personal kindness.

Mr. Speaker, this retirement will be a tremendous loss for San Mateo. The county may someday have another advocate, but it will be

hard-pressed to find such a talented steward of its trust. We wish Mary McMillan well on her next journey in life. We have no doubt that, wherever she goes, she will continue to be the mouse that roars.

#### INTRODUCTION OF THE UPDATE, PROMOTE AND DEVELOP AMERICA'S TRANSPORTATION ESSENTIALS ACT OF 2013, AND THE ROAD USER FEE PILOT PROJECT ACT OF 2013

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing two pieces of legislation to address America's infrastructure deficit and put Americans back to work renewing and rebuilding the country. For the past decade, it has been clear that our transportation funding mechanism is broken, and Republicans and Democrats alike danced around the critical issue of how to fund our nation's infrastructure. During this time, Congress transferred more than \$50 billion of general fund money to the Highway Trust Fund in an effort to keep the Highway Trust Fund alive, but did nothing to solve the long-term problem.

In the past infrastructure funding was a bipartisan issue. Whether it was Democrats and Republicans coming together to launch the interstate freeway system signed into law by President Eisenhower or the subsequent road, transit, and water investments that fueled economic development and tied the nation together, a spirit of forward-thinking cooperation dominated. The recent failure to address our long-term funding problem has also been bipartisan. Despite strong recommendations from private-sector commissions created during the Bush Administration, the forward momentum of the past has been stopped dead in its tracks.

The gap between Highway Trust Fund assets and our nation's future needs is growing as the condition of our roads, bridges, and transit systems continues to deteriorate. There is no question about the importance of our nation's infrastructure to the general economy. America's roads, bridges, and rail lines move goods valued at more than \$11 trillion a year. The failure to make adequate transportation investments puts America at a competitive disadvantage internationally, it complicates movement of goods and people, and it contributes to congestion and pollution. In fact, the American Society for Civil Engineers estimates that if we fail to increase funding in our nation's infrastructure, our transportation failures will restrict our national GDP growth by \$897 billion by 2020. To avoid these outcomes, blue ribbon policy commissions have suggested increasing investment in infrastructure from between \$20 billion to \$40 billion per year.

Unfortunately, Congress has not increased the gas tax since the Clinton deficit-reduction program in 1993. Today, with inflation and increased fuel efficiency for vehicles, the average motorist is paying about half as much per mile as they did then. In this situation, the

Highway Trust Fund will require \$15 billion a year to maintain current spending levels. In less than a year, absent Congressional action, we face a precipitous drop in transportation funding—eventually totaling a 30 percent reduction in 10 years. Increased fuel efficiency exacerbates that deficit even more over time.

There is a broad and persuasive coalition that recognizes the importance of an increased investment in our infrastructure. From the Chamber of Commerce, to the AFL-CIO, the American Trucking Association, the Sierra Club, and the League of American Bicyclists, individuals, businesses, and associations across the spectrum are ready to invest in America's infrastructure. Today, I am putting forward a vision for how Congress should go about renewing and rebuilding the country.

My first piece of legislation, the Update, Promote, and Develop America's Transportation Essentials (UPDATE) Act, will phase in a fifteen cent per gallon gas tax increase, similar to what was called for in the Simpson-Bowles deficit reduction proposal of three years ago. It is adjusted for inflation so that we're not back into the same situation in a few years, and acknowledges the long-term inadequacy of the gas tax by clarifying that this should be the last gas tax increase. The UPDATE Act would raise around \$170 billion over ten years.

This would have a powerful effect on the economy. The relatively small amount infrastructure investment in the Recovery Act had a significant impact on employment, creating almost 36,000 jobs for each billion invested. These are family wage jobs in every community across America.

Instituting a reasonable gas tax increase now stops the dance of avoidance. It will provide the revenues Democrats say they want in the form of a user fee which historically has been acceptable to Republicans including Ronald Reagan, who increased the gas tax by a nickel a gallon in 1982 (the equivalent of raising it by \$0.12 a gallon in today's dollars). As we extend the gas tax, we must also think about how to replace it with something more sustainable. The best candidate would be the vehicle mile traveled fee being explored by pilot projects in Oregon and implemented there on a voluntary basis next year. My second piece of legislation provides research funding for larger-scale pilot projects to answer remaining questions about how best to implement a vehicle miles traveled system, appropriate revenue collection mechanisms, and other potential applications for such a system. This bill looks to the future and helps provide a more stable funding base for the next one hundred years.

Addressing the infrastructure deficit, stabilizing transportation funding, and helping America's all-too-slow economic recovery, is critical if we want a livable and economically prosperous country in the years to come. All we need to make it happen is a commitment to build the future together.

HONORING THE MAYOR OF BECKLEY, WEST VIRGINIA, EMMETT S. PUGH III

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. RAHALL. Mr. Speaker, many of us recall one of the lessons of the late Speaker Tip O'Neil who advised us, if "a constituent calls about a problem, even if it's a streetlight out, you don't tell him to call City Hall. You call City Hall."

That is a lesson in government service that those at the helm in City Halls across this nation know all too well. I refer, of course, to our mayors—the mayors of America who gladly take calls, 24/7, about matters A-to-Z, in and out of their city limits.

Mr. Speaker, West Virginia has been blessed by a plethora of long-serving mayors, men and women who have devoted entire careers to caring for their hometowns. These public servants not only know everyone in line at the local grocery store, they also know their parents and grandparents as well as their children and their grandchildren.

To those term-limit zealots out there, I will say these local elected officials know the severest term limit of all—the town election. And yet, election after election, voters repeatedly return so many of these faithful people to public service. Voters know their mayors and know them well, and it says something meaningful when they choose to reelect them over and over again.

Today, Mr. Speaker, I note a celebration happening in my own hometown this week to honor the City of Beckley's longest serving mayor, Emmett S. Pugh III.

Mr. Speaker, in this native son of Beckley, public service roots run deep. His grandfather, A.K. Minter, served as mayor from 1938 to 1959. His other grandfather, E.S. Pugh, served on common council.

Growing up in Beckley, he formed lasting friendships that served as a foundation for his deep sense of caring about people and their problems and his commitment to finding solutions to the community's challenges.

As a Babe Ruth second baseman and shortstop, Emmett helped win the state championship—a first for a Babe Ruth team from Beckley. He grew up with boys who would eventually become business and community leaders: Pat Fragile, the Rosenbaum twins, Palmer Farley, and Fred Lewis, who would become a Supreme Court justice in Florida.

Emmett joined a local band, the Red Barons. He and several friends formed their own "fraternity" at Woodrow Wilson High School, calling themselves the "Dirty Dozen." The Red Barons would eventually appear on Dick Clark's "Cavalcade of Stars". The fortunes of the "Dirty Dozen" are far less clear.

A 1973 University of Alabama graduate and Political Science major with a specialization in State and Local Government, Emmett began his professional career as President of Bowlwick, Inc., serving there for thirteen years. He then became a broker for Wheat First Securities for two years. He served as Councilman-at-Large for the City of Beckley from 1979

until 1988, at which time he became Mayor of the City of Beckley, a position he holds today.

He has served as the Legislative Chairman of the West Virginia Municipal League sixteen times over the years as well as Chairman of the West Virginia Municipal Home Rule Board. He is a past president of the 4-C Economic Development Authority and Beckley Rotary Club. He has served as Chairman of the Region I Planning and Development Council in Princeton, the Beckley Sanitary Board, the Pinecrest Development Corporation, and Beckley Renaissance. He has also served as Director of the Mountain State University Foundation, Board of Directors/Vice-President and past Campaign Chair of the United Way of Southern West Virginia, a member of the Raleigh County Airport Authority, a member of the Board of Trustees for Beckley Little League, and Vice Chairman of Appalachian Regional Healthcare in Lexington, Kentucky.

Awards Mayor Pugh has received include being named Past Mayor of the Year, being a recipient of four All Star Community Awards and the Paul Harris Fellow from the Beckley Rotary Club. He was also the proud recipient of the 2009 Spirit of Beckley Award. Mr. Pugh is a member of the National League of Cities, Moose International, NAACP, and the West Virginia Municipal League.

During his tenure, the fortunes of the City that Emmett Pugh serves as mayor have grown. The list is long, but projects Mayor Pugh has led include the renovation of the police garage, the construction of two new fire stations, the annexation of additional properties that have expanded the City's reach, the razing of deteriorated properties to open opportunities for renewal, the paving and enhancement of streets and addition of traffic lights, the purchase of equipment for community playgrounds, and the addition of picnic shelters in community parks. His handiwork can be seen in the Beckley Intermodal Gateway, the Rahall Company Store, Thornhill Courts, Freedom and Word Parks, and the Lewis-McManus Trail. And, the list goes on.

As long as humankind holds public office, the Good Book teaches us there will be no perfect office holders. But we can thank the Almighty that there are talented, dedicated, caring human hearts and minds that take up the call to public service.

It has been said that the highest honor one can receive is one from those who themselves walk in our shoes. That Emmett's fellow Mayors have honored him not once, not twice, but three unprecedented times, electing him as their League President, and presenting him with their "Quiet Strength" Award speaks volumes. Emmett's mentor, John McCulloch, a former Beckley Mayor himself, helped put Emmett's own quiet strength to work for the good families, businesses and industries of Beckley. Over the decades, whether calling City Hall, the Mayor's home, or even his cell phone, one knew that the quiet strength of Emmett Pugh could be counted on to answer. For that, we thank my long-time friend and ALL of Beckley's Mayor, Emmett Pugh.

DELEGATE LACEY E. PUTNEY

**HON. ROBERT HURT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. HURT. Mr. Speaker, this year marks Delegate Lacey E. Putney's retirement from 52 years of distinguished public service and accomplishment representing Bedford and the surrounding area in the Virginia House of Delegates. Born in Big Island, Virginia, Delegate Putney is the longest-serving member of the Virginia House of Delegates in the Commonwealth's history, having served since January 1962. He was a member of the Appropriations Committee for nearly 50 years, including 5 years as its Chairman, providing critical leadership in the development of our state's balanced budgets each year. Legislators on both sides of the aisle have always had the utmost respect for Delegate Putney because he has always led based on his conscience and his convictions rather than partisan interests. He will be remembered for his service to our country in the United States Air Force, his devotion to fiscal responsibility, his commitment to economic development, and his legacy of independent-minded leadership for our great Commonwealth.

Lacey Putney devoted his life and career to the betterment of his community and our entire state. On behalf of myself and Representatives BOB GOODLATTE, BOBBY SCOTT, RANDY FORBES, ROB WITTMAN, MORGAN GRIFFITH and SCOTT RIGELL, I thank Delegate Putney for his decades of service to the great Commonwealth of Virginia. It has been an honor to serve with him, and I wish him and his wife, Carmela, the best in his retirement.

HONORING MR. DUNBAR BROOKS

**HON. C. A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Mr. Dunbar Brooks on the occasion of his retirement from the Baltimore Metropolitan Council after a long and distinguished career and decades of selfless community volunteerism.

A lifelong resident of Turner's Station in Baltimore County, Mr. Brooks is a United States Army veteran, honorably serving two tours of duty in Vietnam before starting his career. He has worked as a manager of data development and regional planner at the Baltimore Metropolitan Council since 1982, developing expertise in spinning numbers into compelling stories. He has become the go-to guy for demographers and planners across the region, helping to shape Baltimore's landscape.

Throughout his career, Mr. Brooks has held several teaching positions, including at the Community College of Baltimore County and the Morgan State graduate school. He has managed to find time volunteering for countless boards and commissions, including both the Baltimore County Board of Education and Maryland State Board of Education, where he

served as president. He is the longtime chairman of the Turner Station Development Corporation and a life member of the Dundalk-Sparrows Point NAACP.

I would be remiss not to mention that Mr. Brooks' relentless leadership helped terminate plans for a dangerous and ill-advised liquid natural gas facility near the Turners Station community. Mr. Brooks spent countless hours fighting on behalf of his community, the Port of Baltimore and the thousands of jobs dependent on it.

Mr. Brooks' is the well-deserved recipient of awards and accolades too numerous to list in their entirety. Most recently, he received the Baltimore County NAACP Excellence in Education Award. In 2002, he earned the Distinguished Alumni Award from the Baltimore City Community College and the Chesapeake Region Community Service Award from the Boy Scouts in 1998.

I have had the pleasure of knowing Mr. Brooks on a personal level for many years. In addition to his community spirit and generosity, I am deeply impressed with his dedication to his family. He is also a loving husband to his wife, Edith, as well as a proud father and grandfather.

Mr. Speaker, I ask that you join with me today to honor Mr. Dunbar Brooks. His service and dedication to the people of Maryland is an inspiration. It is with great pride that I congratulate him on his retirement and wish him many more years of continued success and happiness.

## IN RECOGNITION OF WILLY CAHILL

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor Willy "Clipper" Cahill who is being honored today with a USA Judo Lifetime Achievement Award. I can't think of a more deserving person to receive this exceptional honor. Willy has empowered thousands of children and adults through an ancient art form that builds confidence and enhances independence.

I was one of those lucky children. Willy was my judo teacher from third through sixth grade. He was a fantastic role model, the embodiment of discipline, humility and grace.

His teachings have served me well throughout my life. A few years ago, Stephen Colbert of Comedy Central's Colbert Report came to Capitol Hill to interview me. He was, of course, not interested in ordinary footage, instead he made me get on a skateboard and cruise through the halls of Congress. He goaded me about my judo experience and dared me to throw him onto the marble floor in the Capitol. Colbert ended up on the floor and so did the footage—on the cutting room floor. Without my early lessons and Willy's guidance who knows what would have happened?

Willy was born in 1935 in Honolulu, Hawaii. He started his martial arts education under his father, Professor John Cahill, Sr. who had studied under Professor Okazaki's Kodokan

System of Jujitsu in Hawaii. When Willy was 12 years old, he was treated and cured of polio. He walked out of the hospital—a miracle for which he credits Professor Okazaki.

After graduating from South San Francisco High School, Willy attended San Mateo Junior College. His father founded Cahill's Judo Academy in Daly City in 1948. Professor Cahill's dream was to get one of his students to the Olympics. That dream was cut short by his tragic and premature death at age 50.

Willy had big shoes to fill, but he lived up to the challenge and beyond. In honor of his dad, Willy opened a new Cahill's Judo Academy Dojo in San Bruno in 1963. Setting the highest standards and goals for himself and his students, Willy has surpassed his father's dream. His coaching and mentorship has produced 1,200 national and international medal winners. He accepted the position of U.S. Olympic Judo Coach in 1988 and of U.S. Paralympic Judo Coach in 1999. In the 2000 Paralympic Games in Sydney, his team made world history and brought home two gold medals, one silver medal and one bronze medal. Four years later at the games in Athens, his team won two silver and one bronze medals. It is important to point out that since judo was introduced as an Olympic discipline in 1964, no team—sighted or not sighted—had ever won gold. Coach Cahill's students have won 75% of all medals in judo on the Olympics and Paralympics level.

Willy has been successful in making judo accessible to people of all ages and abilities. In 2003, he cofounded the Blind Judo Foundation. The non-profit provides blind and visually impaired athletes the chance to train and compete in judo. To advance to the Paralympic Games these athletes often have to compete with sighted competitors. In judo, the same rules apply to the Olympics and the Paralympics.

In addition, Willy has trained U.S. Army Green Berets, Navy Seals, U.S. Secret Service, and Homeland Security. He is the judo coach at Stanford and San Francisco State Universities and of the Junior Pan American Championships and Goodwill Games.

Willy has always led by example. He is a 10th Degree Black Belt in Jujitsu, the highest rank, and an 8th Degree Black Belt in Judo. He has been inducted into the Black Belt Hall of Fame and the Black Belt Coaches Hall of Fame. He was recognized by three presidents at the White House. He received the U.S. Jujitsu President's Leadership Award and earned the title of Professor Willy Cahill from the U.S. Jujitsu Federation. None of these prestigious awards and accomplishments has tainted his humility. He will not let others call him Professor or Sensei, he simply wants to be called Coach. His 10th Degree Black Belt entitles him to a red belt, but Coach always competes in a black belt. The tenets of judo define Willy's life. He has practiced for 65 years and at age 77 still does so five to six days a week.

He has been married to his wife Ellie for 24 years. He is the proud father of two children from his first marriage, Carin Lockwood and Curtis Cahill, who have given him four grandchildren.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Coach Willy Cahill, an extraordinary teacher and human

being who's physical and spiritual embrace has enlightened thousands. Because of Willy, the world is a better place.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,235,032,379,905.81. We've added \$6,608,155,330,992.73 to our debt in 4 years. This is \$6.6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### HONORING CORPORAL IVAN A. EVANS, UNITED STATES ARMY

##### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor United States Army Corporal Ivan A. Evans and recognize his service to our country in World War II.

This December 7, Pearl Harbor Day, it will be my great honor to present the late Corporal Evans' wife, Sarah Ann Evans, with his well-earned service medals and decorations.

At the age of 19, Evans enlisted in the U.S. Army and was stationed at Fort McPherson in East Point, Georgia. There, he was part of the 98th Infantry Division of the 367th Field Artillery Battalion before departing for Hawaii in July of 1945, where he trained as part of the Japan occupation forces. After Japan's surrender on September 2, 1945, Evans' infantry division helped oversee the country's transition from years of war into a democracy.

While answering the call of duty, Evans earned the Good Conduct Medal, the Asiatic-Pacific Campaign Medal, the WWII Victory Medal, the Army of Occupation Medal with Japan Clasp, the Honorable Service Lapel Button, and the Marksman Badge & Rifle Bar.

Mr. Speaker, it is truly an honor to present Sarah Ann Evans with these commendations, signifying her husband's selfless sacrifice during World War II. To preserve our history and tradition of service, Corporal Evans and the soldiers who served alongside him can never be forgotten. Their stories are the ones that define "the greatest generation," where free people across the world stood up to tyranny, risking their lives for our dearest principles.

#### PERSONAL EXPLANATION

##### HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. HUFFMAN. Mr. Speaker, on rollcall No. 612 and No. 613: my flight from California was

delayed and I arrived after votes. Had I been present, I would have voted "yes," on both.

#### HAPPY TRAILS TO AMBASSADOR VLADIMIR PETROVIC OF SERBIA

##### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. POE of Texas. Mr. Speaker, Ambassador of the Republic of Serbia to the United States, Vladimir Petrovic is not just a great Ambassador but a great person.

He is passionate about Serbia.

And he also loves the USA.

Working with the Ambassador was easy because we speak the same language.

Many people don't know that Texans and Serbs are a lot alike.

We are both independent, vocal, and opinionated.

We don't back down.

And I think that's why the Ambassador and I get along so well.

As co-chair of the Serbian Caucus along with my good friend from Missouri, Congressman EMANUEL CLEAVER, I am sad to see the Ambassador leave.

We know that with his Serbian spirit, there are only good things to come.

Happy Trails, Ambassador Petrovic.

And that's just the way it is.

#### IN RECOGNITION OF THE 150TH ANNIVERSARY OF ST. MATTHEW CATHOLIC CHURCH

##### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor the 150th anniversary of St. Matthew Catholic Church in San Mateo, California. Since its founding in 1863 the buildings, parishioners and pastors have changed, but the church has always been a place for comfort, solace, community and friendship for everyone.

A century and a half ago, Archbishop Alemany sent Father Denis Dempsey to San Mateo to establish the first parish in the county. A small wooden-steeple church was built on the corner of Third Avenue and A Street—today Ellsworth Avenue—on a piece of land donated by Charles B. Polhemus, an investor in the San Francisco-San Jose Railroad. Father Dempsey was the pastor for 18 years and earned the admiration and love of his parishioners. It is said that his funeral mass was attended by local officials and dignitaries from throughout the State.

Sadly, the next pastor, Father William Bowman, only had a tenure of seven months before he passed away. He was followed by Father Peter Birmingham who presided for three years until he was transferred to San Francisco. Longevity was the signature of the fourth pastor, Father Timothy Callaghan. He served St. Matthew Church for 53 years. During his tenure, a parish cemetery was estab-

lished and a new church was built. The congregation was growing and the threat of a fire destroying the old wooden church led to a fire resistant brick church on Ellsworth between Second and Third Avenues. The dedicating mass was held in September of 1900. Father Callaghan was elevated to Right Reverend and witnessed continual growth of the parish.

Father Henry J. Lyne became the fifth pastor and established a parish school in 1931. Seven Sisters of the Holy Cross taught 140 students in the first year. He is credited with starting Catholic formal education in the Archdiocese of San Francisco on the peninsula. In 1947, Pope Pius XII appointed him a Domestic Prelate with the title Monsignor.

Father Edward J. Meagher, the sixth pastor, saw unprecedented growth of the Catholic population after World War II. In 1952, total enrollment from Kindergarten to the 8th grade had grown to 861. Father Meagher raised funds to build an independent parish in Shoreview which was named St. Timothy as a tribute to Monsignor Timothy Callaghan. Soon after that, the Western portion of St. Matthew parish was detached with the establishment of Bartholomew parish. Father Meagher's successor, Father Bernard C. Cronin, oversaw the building of a new St. Matthew Church and Rectory at Ninth Avenue and El Camino Real which opened in May 1966. The downtown church also remained open. Father Cronin was elevated to Right Reverend Monsignor in 1972.

In 1979, Father James Ward, a graduate of St. Matthew School, class of 1937, became its eighth pastor. Father James Ward was devoted to the school and the students. During his tenure, the downtown church was demolished after suffering seismic damage. He and the archdiocese fought hard, yet unsuccessfully, for the vacated property that was eventually leased to Walgreen Drug. Father Ward died from a leg infection in 1995. Monsignor James McKay succeeded him and oversaw fundamental renovations of the newer church at El Camino Real and Ninth Avenue that are still in place today.

In 2004, the tenth and current pastor replaced Monsignor McKay. Father Anthony McGuire now oversees the St. Matthew parish of 2,500 and is credited with growing the diverse parish and attracting an ever increasing number of Hispanic and Asian families.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the rich history of St. Matthew Church in San Mateo which has been a place of spiritual and social growth for thousands of families for 150 years.

#### PERSONAL EXPLANATION

##### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. DeLAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 614 on approving the Journal. Had I been present, I would have voted "yes".

UNITED NATIONS' INTERNATIONAL  
DAY OF PERSONS WITH DISABILITIES**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the United Nations' International Day of Persons with Disabilities. Every day, persons with disabilities around the world must face undue physical, social, and economic hurdles in society. International Day of Persons with Disabilities is just one of many opportunities to focus on these individuals' accomplishments.

Since 1992, the United Nations has promoted this international day of observance in order to promote a better understanding of disabilities and to enhance the well-being of persons living with disabilities. These individuals frequently lack access to basic resources such as gainful employment or healthcare. With over one billion people around the world living with some form of disability, it is critical that we raise awareness around these issues.

The National Industries for the Blind (NIB) is one organization that works to raise awareness and provide tangible services and assistance to those living with disabilities. NIB, which is celebrating its 75th anniversary this year, works in 35 States at more than 250 locations across the United States to provide these invaluable services. NIB continues to promote new opportunities for individuals with disabilities through its widely recognized AbilityOne Program.

In my district, I have had the distinct pleasure of visiting the Dallas Lighthouse for the Blind, a non-profit organization that provides job training and services to visually impaired individuals. The Dallas Lighthouse, a local National Industries for the Blind agency, employs 185 visually impaired persons and has provided training for employees within certain agencies of the Federal Government.

Mr. Speaker, as we join the international community in recognizing International Day of Persons with Disabilities, it is important that we highlight the local organizations here at home that bring real value to communities across the U.S. The National Industries for the Blind is one such organization and that I am pleased to recognize as it celebrates 75 years of enhancing the lives of others.

IN HONOR OF RACHEL WHEELER-  
ROSSOW**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. COURTNEY. Mr. Speaker, it is with a heavy heart that I rise today to honor a dear friend, Rachel Wheeler-Rossow. Rachel passed away on November 29th at the age of 74. Compassionate and selfless, Rachel dedicated her life to helping those less fortunate. She was a pillar of her community in Ellington, Connecticut, and she will not soon be forgotten.

Rachel was born in Long Beach, California on March 20, 1939. She earned her Bachelor's Degree in Nursing from Salve Regina University and her Master's in Nursing from the Catholic University of America. In 1970, she moved to Ellington, Connecticut and threw herself into public service. Four years later, Rachel and former husband Carl founded the Alpha & Omega Inc., a non-profit organization dedicated to improving the lives of children with disabilities. Rachel and Carl ran the group out of their home, while taking in and raising nearly 50 children—a remarkable act of compassion and generosity.

Rachel's work earned her recognition from former President Ronald Reagan at the White House in 1983. In 1990, she was awarded the Outstanding Humanitarian Service Award from Connecticut's Department of Children and Youth Services for her work on child welfare programs for children with HIV. The following year she also was honored with one of only 11 National Caring Awards from the Caring Institute, a Washington, DC based non-profit committed to promoting the values of integrity and public service.

Rachel was deeply involved in the local government of Ellington, serving on the Board of Education, the Board of Finance, the Board of Selectmen, and as the chairwoman of the town Democratic Party. In addition to her nationally recognized efforts, her non-stop work to improve the lives of others never got in the way of her own thoughtfulness and down-to-earth manner. She was a good listener and had a modest quiet-spoken presence that carried a power and dignity that impressed all who came into contact with her. A friend of Rachel's, former Connecticut State Representative Ted Graziani, described her as "an angel," whose example should inspire us all to be better people.

I ask my colleagues to join with me in honoring Rachel Wheeler-Rossow, whose altruism touched the lives of so many people in Connecticut.

IN REMEMBRANCE OF RENOWNED  
WOMEN'S RIGHTS ADVOCATE  
SISTER MARY NERNEY**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Mr. RANGEL. Mr. Speaker, today I rise to honor the passing of East Harlem's beloved Sister Mary Nerney who passed away on November 27, 2013 at the age of 75. Sister Mary Nerney was a dear friend of mine and a pillar to our community as she advocated for women with histories of abuse and trauma. Although I speak with grief of such an overwhelming loss, I ascend to rejoice a life well lived and proudly remember the accomplishments of a remarkable woman.

Sister Mary Nerney was admired for her leading role in the Catholic social justice movement in New York City. As unemployment, violence, and drug use began affecting women disproportionately in Harlem during the late 1970s, Sister Nerney undertook the challenge of constructing a pathway for female

prisoners to reenter society. Through her diligent work, Sister Mary was able to found numerous alternatives to incarceration programs designed for female offenders.

In 1975, Sister Mary Nerney formed Project Green Hope: Services for Women Inc. in Harlem to offer a treatment program for formerly incarcerated women. As envisioned by Sister Nerney, her organization developed formal relationships with the criminal justice system and expanded its work to include services for women on parole. Through Sister Nerney's leadership, the program has helped over 4,000 women reclaim their lives by reestablishing contact with their families and children, enrolling in educational programs and securing housing at their Green Hope Houses.

Sister Mary Nerney also founded STEPS To End Family Violence in 1986 after she saw a great need for services for the victims of gender-based violence and trauma in New York jails and prisons. And though STEPS began with a staff of two, Sister Nerney developed it into an extensive network of comprehensive services and innovative programs for abused women. Thanks to Sister Nerney's constant work, STEPS now offers essential teen programs, children's therapy, counseling, and legal services to help prevent further gender-related violence and trauma.

Sister Nerney was loved in our community because of her constant work with staple organizations and her unwavering Women's Rights activism. She was a proud member of the Pax Christi Catholic Peace Movement, the New York State Coalition Against Violence, the New York Coalition for Women Prisoners and the Legal Aid Society Board. Her outstanding commitment to Women's Rights Advocacy has won her awards from the Network Women of Justice in 1997 and the Human Services Consortium of East Harlem for 30 years of outstanding work in the community. Sister Mary also founded the Incarcerated Mothers Program and was a founding member of the Coalition for Women Prisoners. Only days before her death, our dear Sister Nerney continued to counsel inmates and visit prisons with the message of hope for a better life.

Mr. Speaker, rather than mourn her passing, I hope that my colleagues will join me in celebrating the life of my friend Sister Mary Nerney by remembering that she exemplified greatness in every way.

IN RECOGNITION OF SHARON  
WILLIAMS**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 3, 2013*

Ms. SPEIER. Mr. Speaker, I rise to honor the remarkable Sharon Williams, the long-time director of Menlo Park-based JobTrain. Sharon is retiring after forty years of instilling optimism in each JobTrain client and building life skills amongst an entire community. I have watched with amazement over these many years as Sharon has guided the JobTrain organization.

Sharon earned her BA in English from the University of the Pacific in 1965 and her

teaching credential from San Francisco State University in 1968. She joined JobTrain in 1973 as a GED teacher. She became Director of Development in 1978 and a short time later took over as Executive Director. Conducting job training classes and connecting people with jobs was very difficult in the late 1970s. Sharon guided JobTrain and its clients through difficult financial times and build a stunningly successful career and job education center.

With Sharon's outstanding leadership, JobTrain has offered cutting-edge and traditional job training, everything from solar panel installation classes to computer repair to culinary arts to laboratory technician training for biotechnology facilities. Knowing that life skills are a large component of the training done by JobTrain, Sharon and her staff insist that clients learn how to show up on time to work, become team members in the modern work

environment, and learn how to balance work and the demands of a family.

Mr. Speaker and Members, Sharon Williams has infused JobTrain with the same "can do" attitude that she insists from her clients. I've visited JobTrain on several occasions, most recently in the last few months.

It's a very busy place. JobTrain helps 8,000 persons per year, and 600 of them receive full-time vocational training. At least 85 percent of those who enroll complete their training. Seventy five percent of those persons are placed in jobs, and 12 months after placement, 84 percent are still working. JobTrain's success is spelled out in these numbers. Sharon's contributions to the Peninsula are not limited to JobTrain. She currently serves on numerous boards, including the Center for Excellence in Nonprofits, and East Palo Alto Digital Village. She has also previously served

on the boards of the East Palo Alto Senior Center, the Boys and Girls Club of the Peninsula, Leadership Mid-Peninsula, and the San Mateo County Workforce Investment Board.

After forty years at the helm of JobTrain, it is time for Sharon Williams to bid her beloved nonprofit goodbye and to head off in new directions. The only thing missing from JobTrain's smorgasbord of classes at the moment is a class on how to make eyeglasses. That's not surprising. Sharon sees quite clearly the need for human dignity through productive work. Why would she believe that anyone else in the community needs glasses when her own sight is both perfect and prescient? Let us give Sharon the highest compliment that any employer can offer an employee. Let us say, "Job well done."

## HOUSE OF REPRESENTATIVES—Wednesday, December 4, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOK).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 4, 2013.

I hereby appoint the Honorable PAUL COOK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, yesterday, I came to the floor to speak about the bilateral strategic agreement and the fact that President Karzai has refused to sign the proposal offered by the administration.

Since we have been in Afghanistan, 2,285 Americans have given their lives for our country, and 19,514 have been wounded. The time has come for Congress to understand history. From the days of Alexander the Great, to the British, to the Russians, no one has ever changed Afghanistan.

The American people are tired of the cost of war, both life and money. As I said yesterday, it is my hope that, in early 2014, the leadership of the House will permit a debate and a vote on the agreement that will obligate our country to Afghanistan for at least 10 more years. I realize that the vote will not change the agreement, because the President does have the authority, but this will give us a chance to represent the people of America who, the majority, are opposed to this agreement.

It is unacceptable that we will continue to spend billions of dollars at a time when, according to Special Inspector General John Sopko, the waste, fraud, and abuse is worse in Afghanistan today than it was 11 years ago.

We in Congress continue to cut funding for programs for the American people, but we refuse to withhold one single dollar from Karzai in Afghanistan. No wonder the American people have given Congress an approval rating of 9 percent.

It is time to end the senseless waste of American lives and American money in Afghanistan.

I want to thank Roger Simon for his editorial in today's Politico, and I would like to read the last paragraph of his editorial. He writes:

Is this the neighborhood we want to stay in? And fight for? And throw more money at? We have achieved our goals in Afghanistan. We have won. It is time for our troops to come home. If we stay for another decade, our good war could come to a very bad end.

So, again, Mr. Speaker, it is my hope that when we get into 2014, that both parties will come together and say that we need to debate on whether this agreement for 10 years is worth one life or one dollar. And I believe it will be a vigorous debate. I think it will be good that the American people can see that we hear them as it relates to this war in Afghanistan.

Mr. Speaker, before I close, I have got a poster from the Greensboro News & Record dated February 27, 2011. It is the military carrying a flag-draped coffin off the back of a plane. How many more young Americans will have to go and walk the roads of Afghanistan and be killed and lose their limbs?

I hope that my colleagues in both parties will join those of us in both parties who want to have this debate on Afghanistan in 2014.

Mr. Speaker, I will close now by asking God to please bless our men in uniform, to bless the families of our men and women in uniform, and God to hold in His arms the families who have given a child dying for freedom in Afghanistan and Iraq.

### THE GAS TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, for as long as I have been in Congress, both parties and two successive administrations have danced around the issue of

our infrastructure deficit. For all the attention to the various fiscal cliffs, the looming infrastructure deficit is every bit as critical.

For two centuries, infrastructure was a bipartisan issue, from Lincoln, with the transcontinental railroad, to Democrats and Republicans coming together to launch the interstate freeway system signed into law by President Eisenhower. Subsequent road, transit and water investments helped fuel our economy and tie the Nation together.

More recently, the failure to address long-term funding has also been bipartisan. The Bush administration ignored strong recommendations from their own private sector experts that they empanelled to give advice.

Although the Obama administration did request and employ some modest funding in the Recovery Act and has proposed an infrastructure bank and talked extensively and, I think, sincerely about the need for investment, what has been lacking has been a specific, concrete proposal from either party to address infrastructure financing in America.

While the political maneuvering has occurred here in Washington, the gap in the highway trust fund has been growing, and conditions of our roads, bridges, and transit systems have been deteriorating. This puts America at a competitive disadvantage, complicates the movement of goods and people, and contributes to congestion and pollution.

At the same time the needs grow, the resources are in significant decline. The gas tax has not been increased since the Clinton administration 20 years ago. The future prospects are even worse. Demands are increasing and deferred maintenance takes its toll while we watch the bottom fall out of the highway trust fund.

We have seen a slowdown in revenue due to the near collapse of the economy, a shift in driving patterns while people, especially young people, drive less, and, of course there is improved fuel efficiency. It is scheduled to further reduce gas consumption dramatically with improved mileage for conventional vehicles, to say nothing of hybrids, plug-in hybrids, and electric vehicles.

It is time for Congress to act. We have seen our partners at the State level increase transportation funding in 13 States, but they need Congress to act to maintain that partnership.

There is a large coalition that stands ready to support Congress. U.S. chamber, the national AFL-CIO, building



trades, trucking industry, numerous associations of small and medium businesses, local chambers of commerce, local government, professional organizations, bicyclists, the coalition is broad and persuasive requesting Congress to tax them.

Any resources would have a powerful effect on the economy. The relatively small amount in the Recovery Act for infrastructure created many jobs because there is a strong multiplier effect, about 36,000 jobs for each billion dollars invested. And these are family-wage jobs all across America that aren't going to be outsourced overseas.

In less than a year, the transportation bill expires, and absent congressional action, we face a precipitous drop in transportation funding next year and a reduction of 30 percent overall for the next decade.

It doesn't need to be this way. I am proposing we implement the three-step, 15-cent-per-gallon tax increase that was part of the Simpson-Bowles deficit reduction proposal. Communities and industry need certainty, especially for larger projects that are multistate and multiyear.

And this should be the last Federal gas tax increase. Over the next 10 years, we need to replace funding for transportation that is based on gallons of fuel consumed, which is going to be declining, with something more sustainable, a reasonable adjustment now and a permanent fix in the future, so we can stop this dance of avoidance.

We will find broad support for this form of user fee, which, historically, has been acceptable to Republicans as well, including Ronald Reagan, who increased the gas tax a nickel a gallon back when that was real money in 1982, and he established the mass transit trust fund account.

Let's address the infrastructure deficit, stabilizing transportation funding, and help revitalize and enhance America's all-too-slow economic recovery. The time is now.

#### AN ADMONITION AND A REDIRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Mr. Speaker, I rise today for an admonition and a redirection, somewhat of a philosophical conversation.

America started with a great, healthy reality of what government can do and what government cannot do. A government can't really control all of what is happening in every State from one central area. We begin at the very beginning with individual States, individual local government, individuals making decisions for their family.

Right now, we see in every poll, in every conversation, that every one of

us has this great frustration that is rising among the American people. That frustration is not rising because the American vision, the American Dream, and the American spirit is failing. That frustration is rising somewhat because of what we are doing and because of this constant challenge that is occurring nationwide to the concept of a representative republic, the constant asking of the question: Has this become too gridlocked? Has it become too partisan? Has it become too hard to be able to get things done?

Maybe we need to do it a different way. Quite frankly, the American people know in their hearts that they should be represented, they should be heard, justice should be done, trust should be here, common sense should prevail. The basic principle among so many people, that we should speak for those who cannot speak for themselves, that every American should be heard, it goes from the Book of Proverbs to the very foundation of our constitutional system now.

So what do we do about that?

Well, around the world we see it. We see the frustration of other people in other countries. We see it in Syria as they are split up in a civil war. We see it in Cairo, in the streets at yet another set of protests. We see in Thailand, the absolute corruption of their government breaking out in things. We see votes in the Parliament in the Ukraine right now as worldwide, continent by continent, there is constant frustration with their government and people rise up in the streets.

What do we do about it? How do we lead? We are the leaders in our country. So what do we do?

Here is my quick admonition to us:

Stop running down America and each other. We are different. We think different, we function different, our families function different, but we should still be able to honor each other.

We see each other's worst. We see on the social media sites and we see on the press reports and we see everything else. We know so much about each other that there is this sense that it is different now. But quite frankly, Americans have always been flawed people. But we are people that are gathered around our work, our faith, our community, and our family, and that has made us different.

We have got to stop demeaning a representative republic. This constant statement of "we are gridlocked and things aren't working" implies to people all over the country maybe this system of government that made us the most powerful economy, the most powerful military, the greatest bastion for freedom the world has ever known, maybe it doesn't work anymore.

The problem is not a representative republic. The problem is not our Constitution. The problem is we are trying to do something that is not that. We

are shifting away from the way that we were founded into something that doesn't really exist.

Quite frankly, the partisan gridlock is not something new. The patron saint of Oklahoma is Will Rogers. You can take every joke he made about Congress in the 1920s and pull it up today and it is still funny because things haven't changed on that because, quite frankly, we think different. But that is the nature of a country that is like ours.

We have all these voices from all over the country that should come together and that should work together; but they should find us with solutions, not getting into their life and taking things over. They need to see a government that is thinking for them, not trying to make them the servant. They see it.

□ 1015

Why did we have to vote this week about lead in fire hydrants? Isn't that a no-brainer issue? The government has become so strong and so powerful in communities that communities are not sure if they can replace their fire hydrants anymore? Why is it that Americans can't get insurance anymore? Because they are waiting on a government Web site and they are worried about what is going to happen in a month because they are waiting in line for that.

Why is it that the education outcomes continue to decline when we increase Federal control year after year after year, and yet our outcomes continue to decline? Even this week, there is another international poll coming out for that.

Why is it getting harder and harder to start a company, find a job, pay your gas bill? Why is it tougher to fill up your car with gas or pay the bill for your cell phone?

It is because of increasing regulations, increasing fees, increasing control, and Americans continue to get frustrated because they know this is not what we were designed to be. We are doing too many things. We have got to get back to trusting the American people, our State leaders, our local leaders, and we have got to set the standard for what leadership looks like in America by our rhetoric and by our actions.

We can honor people and honor each other, even in our differences, but we have got to get back to doing this Nation's business the way that the American people in their hearts know it should be done, where their voices are heard, and where they get to make the decisions.

#### ACCOUNTABILITY FOR LABOR CONDITIONS IN BANGLADESH

The SPEAKER pro tempore. The Chair recognizes the gentleman from

California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, a year has passed since the 112 garment workers—mostly women—were killed in a factory in Bangladesh that produced clothing for brands like Walmart, Sears, and Kmart.

Earlier this year, I went to Bangladesh and met with women who leapt from the third and fourth floor windows of the factory to escape the fire. There is no good way to jump from that height. The women who survived the fall were broken, crippled, and unable to support their children.

Since the Tazreen fire, several brands have stepped up with payments for survivors, and yet some of the companies that were presumably profiting quite nicely from production at the Tazreen factory have opted not to compensate a single victim.

Walmart is one of those. They have chosen not to compensate a single woman who died in the factory, was crippled in the factory, had lost their job in the factory all because of the fire in the unsafe factory.

The Tazreen factory was known as a deathtrap. Windows were barred, and the management locked the doors in the stairwells, leaving workers with no way to escape.

Walmart knew this factory was a deathtrap. The company had commissioned a series of audits in 2011. Their audits uncovered that Tazreen was an overcrowded factory without proper fire alarms or smoke detectors, that it lacked sufficient fire fighting equipment, with partially blocked exits and stairwells, and did not post adequate evacuation plans.

Because factory management failed to improve conditions, Walmart terminated the contracts with the factory. However, Tazreen factory workers continued to produce for Walmart, even though they terminated their contract.

According to documents found in the ashes, more than half of the factory's total production was dedicated to Walmart just 2 months before the collapse. So while Walmart left the factory because it was unsafe, over half of the production, according to the documents, was still for Walmart, knowing they were producing in an unsafe factory that claimed the lives of 112 women.

Walmart now claims that the Tazreen factory was an unauthorized subcontractor. Half of the work in the factory was there because supposedly Walmart, whose hallmark of efficiency is their supply chain, didn't know their subcontractor was placing these very significant orders in a factory that they abandoned and was also owned, overall, by another company that they were doing business with.

I think Walmart is trying to construct a process so that they can deny

the responsibility for the deaths of the women, the responsibility to pay maybe a benefit to those families who were crushed by the loss of their breadwinner, their mother, their sister, their wife. It is time to accept that responsibility.

When Walmart terminated direct contracts at the factory, it never told the workers that it was leaving or why it was leaving.

At a recent public forum, Walmart said that its only responsibility was to notify the factory owner, but that is like notifying a criminal that you are aware of his crime while you keep his next potential victim in the dark.

Workers had no reason to suspect that Walmart walked away due to safety concerns because Walmart garments still dominated the production there. By quietly walking away and failing to tell anybody who could remedy the danger—workers, trade associations, and the government—Walmart left the Tazreen factory vulnerable to a fire that would engulf them. The Walmart actions were calibrated to evade responsibility, and they put those women at risk.

The pattern of evasion was repeated at Rana Plaza, where 1,132 workers—again, mostly women—were killed when the factory collapsed earlier this year. Walmart claims it did not permit production there, but evidence found in the rubble of that collapsed factory shows that Rana Plaza was producing jeans for Walmart less than a year before the collapse.

There is a theme here: when tragedies occur, Walmart claims production was not authorized as a way to disown responsibility. But every brand sourcing garments from Bangladesh knows that extensive subcontracting is part of the business model. That is how fast-fashion is produced.

You can cut your direct dealings with a specific factory, but there is a chance someone in your supply chain is going to subcontract right back to that factory. The ethics are not complicated.

The United Nations Principles on Business and Human Rights call upon multinationals to conduct due diligence through the many layers of their supply chains where the risks are the greatest to identify, mitigate, and prevent the problems.

Had Walmart done that, maybe 1,000 women would be alive today and not have had a factory collapse on them. Maybe 112 women would be alive today. Maybe those women who had to jump out of the third and fourth floor windows to survive the fire would not be crippled today, would be able to support their families, and live somewhat of a normal life.

Audits don't absolve companies of responsibility. If terminating a contract could lead to even greater harm, there is a special obligation, according to

these recognized principles of the United Nations, to stay and remedy the problem. Brands have an obligation to both audit working conditions and to help remedy the risk of the most vulnerable in their supply chain.

Walmart, accept responsibility, and start doing business in a humane way.

#### WWW.HEALTHCARE.GOV WEB SITE CYBERSECURITY ISSUES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, the Science, Space, and Technology Committee recently held a hearing on [www.healthcare.gov](http://www.healthcare.gov) cybersecurity threats. Our bipartisan expert witness panel included Dr. Frederick Chang, a computer science professor at SMU; Dr. Aviel Rubin, a computer science professor at Johns Hopkins University; David Kennedy, formerly chief security officer of Diebold Incorporated and currently the principal security consultant for TrustedSec; and Morgan Wright, formerly with Cisco security and now CEO of Crowd Sourced Investigations.

Now, I am not a cybersecurity expert, but I can read the words of those who are. The SST committee's hearing charter informs members that, in order to fully use [www.healthcare.gov](http://www.healthcare.gov), American citizens must input or verify highly personal information, such as: date of birth and Social Security numbers for all family members, household salary, debt information, credit card information, place of employment, home addresses, and the like, information that is a treasure trove for cybercriminals and identity thieves.

Further, the ObamaCare Web site interacts with the IRS and Social Security Administration databases, thereby exposing Americans to even greater risk of theft of their most private personal information. In their written testimony, these experts warn the following about the [www.healthcare.gov](http://www.healthcare.gov) Web site:

"There are clear indicators that even basic security was not built into the [www.healthcare.gov](http://www.healthcare.gov) Web site."

"The vast amount of [www.healthcare.gov](http://www.healthcare.gov) code also means applying industry standard security practices is a task that can have no real chance of success."

[www.healthcare.gov](http://www.healthcare.gov) "creates massive opportunity for fraud, scams, deceptive trade practices, identity theft, and more."

Mr. Speaker, these threats to American family finances prompted me to ask the panel of cybersecurity experts whether, under ObamaCare, Americans could seek compensation from the Federal Government for financial losses caused by their use of [www.healthcare.gov](http://www.healthcare.gov). In reply, not one expert—not one—indicated ObamaCare

requires the Federal Government to compensate American citizens for cybersecurity financial losses caused by their forced use of the www.healthcare.gov Web site.

If these experts are right, and if you are an American citizen who obeys ObamaCare dictates, and you suffer from identity theft or other financial losses, the White House response is essentially, Tough luck; you are on your own. Well, that is unsatisfactory and insufferable.

I next asked the bipartisan panel of experts, "Given www.healthcare.gov security issues and assuming for the moment that you would be personally responsible for all damages incurred, if any, from your advice, would any of you advise an American citizen to use this Web site as the security issues now exist?" Their bipartisan response was a stunning and unanimous, No; do not use the Web site because the security risks associated with www.healthcare.gov are simply too great.

Mr. Speaker, the ObamaCare Web site, www.healthcare.gov, is the mother lode for identity theft, Internet fraud, and other criminal activity.

For emphasis, Mr. Speaker, a bipartisan panel of cybersecurity experts publicly warns that the www.healthcare.gov cybersecurity threat is so great that no one should use it. Based on their expert advice, I concur and encourage all Americans to avoid www.healthcare.gov, the ObamaCare Web site, in any way, shape, or form, until its cybersecurity risks are fixed.

#### HUMANITARIAN YANK BARRY, FOUNDER OF THE GLOBAL VIL- LAGE CHAMPIONS FOUNDATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE. Mr. Speaker, with a lot of enthusiasm, I rise to recognize and to acknowledge a renaissance man, a man with a sense of humor, who, along with his wife, Yvette, was determined to help make the lives of children around the world much better. Yes, he had a sense of humor, and he was also a musician, and he visualized a day without hunger, hoping for it to be December 31, 2013. Yank Barry has many sides to him, but enthusiastically, he takes each challenge—some that he has overcome in life—and put on the boxing gloves and simply won.

I am excited that he joined in partnership with Gary U.S. Bonds and Muhammad Ali to form the Global Village Champions Foundation not just for boxing but really to take boxers and box the troubles of the world away. In the course of his work, he has served almost 1 billion meals—954 million—on his way to 1 billion. He also didn't take

"no" for an answer in working to release five Bulgarian nurses and a Palestinian in Libya a few years ago, which was not an easy task.

So along with his 30-year music career, jamming with Jimi Hendrix, writing jingles, and, yes, singing with the Kingsmen of "Louie, Louie" fame, we can be grateful that he and his wife, Yvette, turned to a very important challenge, the Global Village Champions Foundation, which strives to become the undisputed world leader in private humanitarian delivery of nutrition to needy persons everywhere, sustaining human life and helping to eradicate hunger from the face of the Earth.

As someone who has worked with the Congressional Children's Caucus, it excites me to note that he continues to provide support for the children that we are already supplying with meals and other necessities. He spans the Global Village Champions team to include people with diverse skills and a determination to make a difference in the world.

For more than 17 years, he has joined with his friends Muhammad Ali and Gary U.S. Bonds. They haven't boxed, they haven't sung, but they have worked to put a light in the darkness of the lives of so many.

His career has spanned many aspects. He even wrote jingles. He even was able to put forward a unique form of music. But I would say that one of his greatest challenges and greatest successes is that everywhere he goes, he takes his product that he has developed, Vitapro, and he changes the hearts and minds of those who are suffering.

He started donating some of his food products to various charities and NGOs in Canada and the U.S. Soon, Yank's dear friend Muhammad, as I indicated, joined the Global Village, and they brought food, medical supplies, clothing, and educational tools to refugee camps and orphanages in areas stricken by disaster all over the world, from Africa to Bulgaria and places beyond our imagination. As well, he worked with those like Celine Dion, Michael Jordan, Buzz Aldrin, and many others.

□ 1030

As a result of his ongoing fight against hunger, Mr. Barry has received nearly two dozen awards since 1995, including the India Humanitarian Service Award; the Bahamian Red Cross Humanitarian Award; the Cote d'Ivoire Humanitarian Award; the Juarez, Mexico, Hands of Love and Hope Award. And it goes on and on and on.

He does not do this for the awards. He does this for the simplicity of being able to go into Bulgaria, where those fleeing from the oppression of Syria were in camps that were not ready for humankind. Because of his frustration and because of his heart, he decided to look for hotels that he could lease so

he could move some of these desperate Syrian refugees that were already oppressed, already having lost loved ones, into those hotels with clean water and places for their families to be.

As I chatted with him, I was moved by the story of a family of 17. He didn't think anything of moving them out of a room smaller than a classroom and giving them space in a hotel so that they could live in dignity and maybe even think of going back to a Syria that would be free from oppression and devastation.

And so it is good that—his roots being in our neighboring country, Canada—he came here to the United States to make a difference.

I am delighted today to recognize Mr. Yank Barry for his humanitarian service to all of the world and to be able to say to him, Well done in life. Continue to serve and save others.

Mr. Speaker, I rise today to pay tribute and to recognize the humanitarian deeds of an icon in the music industry and a giant on the world scene to eradicate hunger from the face of the Earth. Yank Barry was born in Montreal, Canada in 1948. A gifted musician, Yank enjoyed 27 years in the music industry as a singer, composer, arranger and producer. His career began in 1965 as the lead singer of the Footprints, singing Never Say Die and in 1967, he became the lead singer of the touring Kingsmen, best known for Louie, Louie. He has enjoyed success in the field of advertising jingles including Kellogg's Raisin Bran, Dr. Pepper, Kodak, Red Lobster and General Motors.

Barry pioneered the first quadraphonic album—now known as surround sound—along with Robert Lifton and Ben Lanzarone at Regent Sound Studios in New York in 1970. In 1971, he recorded the rock opera "The Diary of Mr. Gray", which put him on the cover of many trade magazines and produced the Broadway show "Let My People Come" at the Imperial Theater in 1979. He has also appeared on the The Mike Douglas Show, The Merv Griffin Show, The Smothers Brothers Comedy Hour and The Sally Jessy Raphael Show. And in 1975, Yank was commissioned by the White House to write and compose "Welcome Home P.O.W.s".

In 1990, Yank developed Vitapro, a dehydrated soy-based meat-replacement product. While traveling on business, Yank witnessed desperate living conditions that touched his heart. He started donating some of his food product to various charities and NGOs in Canada and the U.S. Soon Yank's dear friend Muhammad Ali joined Global Village Champions and they brought food, medical supplies, clothing and educational tools to refugee camps, orphanages and areas stricken by disaster all over the world.

In 1995 Yank Barry founded the Global Village Champions Foundation which has been used as a vehicle through which Yank, Muhammad Ali, Evander Holyfield and numerous other World Class Champions have provided nearly a billion meals to people in need across the globe. Celine Dion, Michael Jordan, Buzz Aldrin, King Mohammed VI of Morocco and Dr. Michael Nobel are only a few of the exceptional people who have joined Yank as he

strives for “A Day Without Hunger” on a global scale.

As a result of his ongoing Fight Against Hunger, Mr. Yank Barry has received nearly two dozen awards since 1995 including the India Humanitarian Service Award 2008, Bahamian Red Cross Humanitarian Award, the Cote D'Ivoire Humanitarian Peace award and the Juarez, Mexico Hands of Love and Hope Award for his determined efforts to deliver food and bring hope to hungry people around the world. In November of 2010 Yank received the Gusi Peace Prize for Social Services, Philanthropy and International Humanitarianism in Manila, The Philippines. Yank was also named Philanthropist of the Year at the GLA 2011 Awards in Kuala Lumpur, Malaysia. This award was presented by The Leaders Magazine and the American Leadership Development Association. The most recent acknowledgement of Yank's humanitarian efforts is his nomination for the 2012 & 2013 Nobel Peace Prize. These awards are a byproduct of Mr. Barry sharing his good fortune in a tangible way.

Most recently, Yank Barry and the Global Village Champions Foundation along with Evander Holyfield have freed more than 50 Syrian refugees, many of them children who are now beginning new lives in Bulgaria. The families, who fled Syria, are getting a chance at a fresh start and living. Yank's goal is to provide these refugees with stable living conditions and food.

Working hand-in-hand with local agencies and NGOs, he has helped countless people in their time of need, often traveling to politically unstable areas when very few would lend a helping hand. Yank's goal is to have delivered 1 billion meals by Dec. 31, 2013.

#### RURAL AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, it has been said that there is nothing that is wrong in America that can't be fixed by what is right in America.

Clearly, there are very significant difficulties in this body. There is turmoil in our health care system. The paralysis in Washington, a sluggish economy, and a fractured culture all lend themselves to a search for deeper ideals and for something to cling to.

Mr. Speaker, we are quite fortunate where I live in Nebraska to maintain a strong tradition and connection to the past, which gives guidance for the time in which we live. But we don't often reflect upon our strength. In the final analysis, it really is our land, it is our people, and it is our values.

Recently, in the heart of America's farm country, I had the pleasure of speaking with very attentive and engaged high school students eager to discuss the issues before our Nation. We discussed the proud history of our country, the Declaration of Independence, the ties that continue to define us as a Nation, and the debates that

will define us as to where we go as a country.

Mr. Speaker, an essential part of regaining our balance as a Nation is to understand, celebrate, and enhance America's rural heritage. As Americans are more and more removed from farm life, we don't think about the contribution rural life makes to the country as a whole.

Production agriculture remains a key strength of America's economy. Exciting new opportunities are emerging. Expanding domestic food markets such as those for natural and organic foods grown within local food systems provides new opportunities for young and beginning farmers. There is also a new bio-based economy that converts, for instance, corn cobs to pop bottles and livestock waste to electricity, while bringing about a new kind of American manufacturing based upon the resources of rural communities.

Another notable point is this, Mr. Speaker: young men and women from rural areas of America serve in the military in much more significant numbers.

Farm policy has an important role in growing new opportunities in rural America. Mr. Speaker, we need to pass a farm bill. The arduous process of reconciling House and Senate versions of the farm legislation is now taking place.

It is important for all Americans to understand that the farm bill is not just about farms or food; but it is also a jobs bill, a trade bill, an energy bill, a conservation bill, and even a national security bill. One out of every 12 jobs in the United States is related to agriculture.

In the House version of the bill, I strongly support initiatives that help beginning farmers and ranchers start their agriculture operations. I support initiatives to promote the development of local food markets, tighten payment limitations, and enact reasonable reforms to the SNAP program while also protecting those with food security needs. I am hopeful that the final bill written will retain the important reforms that actually help save taxpayer money and ensure farmers receive important risk management tools.

Mr. Speaker, a recent University of Nebraska survey showed that a majority of students desire to move home to their rural hometowns, given the right opportunity to provide for themselves and raise a family. In recent years, our State, through hard work, personal responsibility, and responsible governance, has distinguished itself as an ideal place to live, work, and to raise a family. More than any one piece of legislation, these are the deeper values that we need to nurture and protect.

Those of us in farm country have a great story to tell. We have the resources and sensible stewardship to use them responsibly. We have a great tra-

dition of values that keeps us tethered to an honorable past, which also serves as a guide for the future.

Mr. Speaker, I believe this will help America find her way.

#### PUERTO RICO'S TERRITORY STATUS IS THE PRIMARY CAUSE OF ITS ECONOMIC PROBLEMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, over the last several months, the press has been filled with stories about the severe economic problems in the U.S. territory of Puerto Rico. These economic problems have aggravated social problems like crime, have generated anxiety for individuals and institutions that have invested in Puerto Rico's bonds, and have caused island residents to relocate to the 50 States in unprecedented numbers.

The statistics are staggering. In recent years, Puerto Rico's population has fallen by more than 4 percent, while the number of Puerto Ricans living in the States has increased by over 45 percent.

As Puerto Rico's representative in Congress, it pains me to read media accounts of the island's troubles, especially because I know that my constituents are just as capable and industrious as their fellow citizens in any other jurisdiction. Puerto Rico has enormous potential, but the reality is that this potential is not being fulfilled.

Although the island's problems have certainly grown worse in recent months, it is critical for policymakers and the American public to understand that these problems are not of recent vintage. To the contrary, for at least four decades, Puerto Rico's economic performance—and by extension, quality of life on the island—has been far worse than any State, according to every indicator, including unemployment, average household income, and the ratio of government debt to economic production.

In other words, Puerto Rico's difficulties have endured in more or less the same form, regardless of who holds power in Washington and San Juan and irrespective of the public policies they formulate.

To be sure, fiscal mismanagement at the local level and insufficient attention at the Federal level have both been factors contributing to Puerto Rico's problems, but the record clearly establishes that they are not the main factor.

What, then, is the principle source of Puerto Rico's longstanding woes?

In a recent editorial, The Washington Post correctly identified the culprit, noting that the territory's economic problems are “structural—traceable,

ultimately, to its muddled political status." Curiously, *The Post* then asserted that "there will be time enough to debate" the status issue later and that Puerto Rico, for the time being, should concentrate on fixing its finances.

As I observed in a letter to *The Post's* editor, this is like a doctor recommending medicine to alleviate a patient's symptoms but doing nothing to treat the underlying disease.

As long as Puerto Rico remains a territory, deprived of equal treatment under critical Federal spending and tax credit programs, forced to borrow heavily to make up the difference, and lacking the ability to vote for the President and Members of Congress who make our national laws, the island will be in a position merely to manage, rather than surmount, its economic problems. This is the only reasonable conclusion to draw from decades of empirical evidence.

A majority of my constituents understand this, which is why they voted to reject territory status in a referendum held 1 year ago. The Obama administration recognizes this as well, which is why it proposed the first federally sponsored status vote in Puerto Rico's history to resolve the issue once and for all.

And, finally, Members of Congress from both parties comprehend this, which is why 125 of them have cosponsored legislation I introduced that provides for an up-or-down vote in Puerto Rico on the territory's admission as a state and outlines the steps the Federal Government will take if a majority of voters favor admission.

There are many reasons to oppose Puerto Rico's territory status, which is unequal, undemocratic, and un-American. One of the most important reasons why Puerto Rico must discard this status in favor of either statehood or nationhood is because the current status has failed—and will continue to fail—to provide the island's 3.6 million American citizens with the economic opportunities and the quality of life they deserve.

Those who refuse to acknowledge this fundamental truth for ideological reasons are doing a great disservice to the people of Puerto Rico. They are on the wrong side of history.

#### OBAMACARE IMPACT ON HOSPITALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, there has been much documented and published about the problems resulting from the Affordable Health Care Act. Millions of Americans are waking up to the cancelation of health insurance policies that they

have depended on to meet their families' needs at an affordable price. There are skyrocketing premiums and deductible increases under the pressures of paying for coverage mandates they do not want, cannot afford, or may even have a moral objection to.

One area that has received little attention so far in this debate is what the impact will be on our hospitals, where much of the needed health care is provided by caring and competent professionals.

As a health care professional who served in rural hospitals for nearly 30 years as a therapist and a manager, I am confident that the future of rural and underserved urban hospitals is not good under the pressures and the mandates of ObamaCare.

While some point to tens of millions of Americans who were uninsured and now having some type of coverage—a plus for the bottom lines of hospitals—I would encourage a closer and more thoughtful look.

First, the CBO has estimated that, even after full implementation, there will still be tens of millions of Americans uninsured. Based on current reports from across America, this may include a lot of middle class Americans who find themselves, for the first time, unable to afford what ObamaCare dictated.

For hospitals, that ensures the continuation of bad debt and charity care that hampers their balance sheets. For lower-income individuals now insured under expanded medical assistance, it is true that hospitals will be paid, but they are going to be paid 40 to 60 cents for every dollar of care that they provide—not exactly a sustainable margin. More accurately, it is a pathway to bankruptcy for hospitals when coupled with the new-found population of uninsured.

Mix this with the cost of compliance that will be rolling out from the Obama administration of the approximately 130 new regulatory agencies founded under the ObamaCare legislation.

Today, the cost of compliance with government mandates, including Medicare billing and HIPAA, account for a significant part of any hospital's overhead expenses. Multiply this by 100 under the yet-to-be-administered mandates and the costs of care will have to dramatically increase just to keep the doors open and the lights on for every hospital.

The human resources cost of providing health care coverage for hospitals, whose number one asset is a qualified and trained employee, will increase as the ObamaCare employer mandate is finally implemented just a year from now.

Finally, consider the fees and taxes imposed on hospitals in 2014, just weeks away.

Earlier this week a hospital CEO from my district reported:

We're going to have to pay close to \$200,000 next year, as will every hospital.

Hospitals will see various new fees, including a \$5,000 levy so the government can do research on the effectiveness of hospitals working within the plan. Additionally, hospitals will pay a \$19,500 health insurer's fee and a \$160,000 transitional reinsurance fee that will go into a pot to protect insurance companies against the risk of winding up with numerous high-risk customers.

These are added costs for the hospitals that Americans rely on for access to health care. I have to wonder what now is so affordable about the Affordable Care Act. Bankrupt hospitals serve no one.

Americans deserve better.

□ 1045

#### THE AFFORDABLE CARE ACT AND PREVENTIVE HEALTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. Mr. Speaker, 27 years ago, I was diagnosed with ovarian cancer. I was lucky. I had excellent doctors who detected the cancer by chance in stage 1. I underwent radiation treatment for 2½ months. Because of the grace of God and biomedical research, I stand here today, and I am fortunate to say that I have been cancer free ever since.

I can tell you for a fact that access to preventive health care saved my life. If my ovarian cancer had not been diagnosed and caught in stage 1, I might not be here today, but many women are not so lucky as over 15,000 die every year from ovarian cancer. While I survived by that off chance of luck in that diagnosis, no one should have to survive by luck, which is why my Democratic colleagues and I worked hard.

We worked very hard to make sure that prevention and wellness are such a critical part of the Affordable Care Act. Before we passed this transformative piece of legislation, one in five women over age 50 had not had a mammogram in the past 2 years, mostly because she could not afford one. Now mammograms are covered—they are covered for all Americans—with no out-of-pocket costs. So are annual checkups, colonoscopies, diabetes, and other cancer screenings—at no cost. Let me repeat that. They are the beneficiaries of lifesaving treatments.

Preventive care not only helps to keep Americans healthier; it also helps to drive down the cost of health care so that people can get access to the services that they need. Chronic and often preventable diseases, such as heart disease and diabetes, cause seven out of 10 deaths in the United States of America, and they account for 75 percent of

our health spending. Preventive care can help Americans avoid these ailments or to catch them before it is too late.

That is what the Affordable Care Act does. That is what the people of this country need to know. There are countless stories, after stories, after stories of people's lives being saved because they have the opportunity to get a treatment or something that says you may be at risk for a particular disease, and you can get that identification not by luck but as a routine checkup. No one in the United States of America should survive by luck. Now we have an opportunity through the Affordable Care Act, which is the law of the land today, to make sure that everyone—man and woman—can get those services.

If you expand access to preventive health, it drives the costs down, but most importantly, it saves lives. Isn't that worth doing, to be able to save someone's life? That is what the Affordable Care Act is all about. It is just one of the many ways that it is good for men, for women, for families in this Nation, and it is good for America to move in this direction.

#### NONEXISTENT REPUBLICAN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. So, here is a "Jeopardy" question for you, Mr. Speaker:

How many days is the Republican majority now overdue in getting its work done to produce a budget for the Nation for 2014?

Our Nation needs a budget to operate the Government of the United States for the upcoming year, and by law, April 15 was the deadline by which the budget was to have been completed, but that hasn't happened. Now it is December 4, so that means that their bill is 234 days overdue. In fact, technically, the Federal fiscal year began on October 1. The majority's bill is actually 7 months and 20 days overdue. A parking ticket that old might land you in jail. Not making your car payments for 7 months might likely result in your car's being repossessed, right? The Budget Committee is supposed to finish its one bill by April 15, but it just can't seem to find a way to do it.

Then, if it were to have done that, the Appropriations Committee, which depends on the Budget Committee for a total budget number, could get its work done to produce not just the one but the 12 bills it is mandated to move through to passage to run the Federal departments of the Government of the United States of America—everything from the Forest Service, to the veterans' clinics, to the Social Security Administration, department after department.

The American people are waiting for this House, led by the Republican majority, to get the job done of producing the 2014 budget. America doesn't need any more beauty pictures of committee chairs prancing and posturing in front of cameras. They need to go into the committee rooms and get the work done. The majority is 234 days overdue. Tomorrow, it will be 235 days overdue.

My goodness. There are only 26 days left in this calendar year. Even Santa Claus must be shaking his head in disbelief. Talk about running the ship of state aground. Let the majority produce the budget bill. It is way over time.

Don't hold up our Republic anymore. You are 234 days overdue, and we are all counting.

#### OUR BROKEN IMMIGRATION SYSTEM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE) for 5 minutes.

Ms. MOORE. Mr. Speaker, I rise today to implore you and the House majority to reach across the aisle to find common ground, to reach out their hands to fix our broken immigration system.

Last summer, Republicans and Democrats in the Senate came together and passed comprehensive immigration reform with a strong bipartisan vote, a vote of 68-32. That is like a super-duper majority. In fact, one poll last month showed that 63 percent of Americans—two-thirds of Americans—support a path to citizenship for undocumented immigrants. Business leaders, chambers of commerce, labor unions, faith groups, immigrant families, law enforcement officials, and Americans of every race, creed, color, and ethnicity all across our country applauded our Senators for reaching across the aisle. For many, it really gave hope and a belief in our government that we are still capable of putting aside political posturing and of building consensus around the difficult issues that face our country.

But today, as I speak, Americans are asking: What happened? They are confused as to why the House of Representatives can't do the same thing that the Senate did and pass immigration reform. They are even more confused as to why the House can't even dignify the issue with a simple up-or-down vote.

Those people have not gone away, Mr. Speaker. Oh, no. In fact, today, the call to action is still as loud and clear as it has ever been.

Just yesterday, I visited the Fast for Families movement on The National Mall, where faith leaders had actually been fasting for 22 days—22 days with no food. Some were hospitalized to safely break the fast per the doctor's orders, but others pressed on. Replace-

ment fasters stepped up, including our own Representative KENNEDY, who, in the legacy of his grandfather, Bobby, acknowledged the need to embrace the immigrant issue.

So I ask my colleagues in the majority, my colleagues on the other side of the aisle: What are we waiting for? Our job creators want reform. Our workforce wants it, and our spiritual leaders say it is the right thing to do. Overwhelmingly, so do the American people.

The facts are so clear that reform will tremendously benefit all of our country. In fact, the Congressional Budget Office has followed the money, and it estimates that immigration reform will increase the gross domestic product by \$700 billion in 2023 and by \$1.4 trillion in 2033; but here we are today, facing government shutdowns and sequester levels that eviscerate services that so many vulnerable Americans rely on.

This is where we are stuck. It has been 5 months since the Senate passed its bill; yet we have only 6 days scheduled until the end of the year, and we haven't had one serious vote on immigration reform. Americans have put their differences aside for the common good of our country, and they expect us to do the same thing in this, our beloved democracy.

Once again, I want to reiterate that I stand here, ready to work with my colleagues on the other side of the aisle in order to move our country forward. I applaud my brave colleagues on the other side who have already taken a stand and have put politics aside, and I encourage more of my colleagues to answer that calling and meet us halfway.

The American people are fed up with the status quo and gridlock here in Washington. Let's come together and strengthen our businesses, our economy, our workforce, and our families.

#### JOBS FOR HEROES ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Mrs. BUSTOS) for 5 minutes.

Mrs. BUSTOS. Mr. Speaker, I rise today to talk about a piece of legislation I will be introducing that will help put our brave veterans back to work in good-paying jobs in the communities across our country. It is called the Jobs for Heroes Act—good for vets and good for the economy.

It would extend and expand two tax credits for businesses that prioritize hiring veterans. Without congressional action, both of these tax credits are set to expire at the end of the month. The time to act is now.

□ 1100

Last month, I traveled to all corners of my district to meet with local veterans to listen to their priorities and

to their concerns. I also hosted an economic summit attended by roughly 200 people whom I am here to serve.

This was all about jobs and all about the economy, and this is also about our veterans. Making sure veterans have access to good-paying jobs came up everywhere I went from Pekin to Peoria, Rock Island to Rockford. Literally, everywhere I went.

Legislation to help prioritize the hiring of veterans is especially crucial due to the high unemployment rate of young veterans. Veterans between the ages of 18 and 24 have an unemployment rate of more than 20 percent. That is 5 percent higher than non-veterans of the same age. That is absolutely shameful.

I hope all Members of Congress will join me in supporting my commonsense bill to help put veterans back to work and to making sure that those who have served always remain a priority—good for veterans, good for the economy, and good for America.

#### CONGRATULATING SERGEANT MANELLA FOR WINNING ARMY'S BEST WARRIOR COMPETITION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SWALWELL) for 5 minutes.

Mr. SWALWELL of California. Mr. Speaker, today I rise to recognize Sergeant First Class Jason Manella, who recently won the Non-Commissioned Officer of the Year Award last week during the Army's best warrior competition. Jason is from my district in Fremont, California, and recently moved within my district to Hayward, California.

The Army's best warrior competition is a 3-day event that tests the soldier's physical and mental toughness. Sergeant Manella is the first ever reservist to win this prestigious Army-wide title.

Sergeant Manella is a member of the Reserve's 445th Civil Affairs Battalion based in Mountain View. While serving in Afghanistan in 2012, Sergeant Manella had his convoy attacked. While it was attacked, it left him with a traumatic brain injury.

Sergeant Manella's story is one of hope and the power of resilience. As part of Sergeant Manella's recovery, he focused on training for the Army's Best Warrior Competition.

Back in August of this year, I had the opportunity to visit Afghanistan. I was able to meet with soldiers, men and women, serving from California's 15th Congressional District. Over in Afghanistan, I saw firsthand what our men and women in the armed services endure each day to make sure that we rid Afghanistan as a breeding ground for terrorism and make sure that never again the United States is attacked from enemies created abroad.

I am very thankful for the service of people like Sergeant Manella and those I met with while I was in Afghanistan. I know that Operation Enduring Freedom has led to thousands of Americans being wounded who served over in Afghanistan and are healing today back home on their own path to recovery.

Sergeant Manella's story is truly one that is uplifting for every soldier, man and woman, who is recovering.

Congratulations again to Sergeant Manella. Your strength, your determination, and your character is an inspiration to thousands of other wounded men and women of our armed services.

#### PRESERVE THE CONSTITUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, the House Judiciary Committee yesterday raised the overarching question of our generation: Will the American Constitution stand?

All the laws passed under that Constitution have elaborate enforcement mechanisms backed by armed force, but the Constitution itself has no such enforcement mechanism. It was designed to be internally self-enforcing, with the powers of government clearly divided among three separate and equal branches of government.

But this self-enforcement mechanism can only work when the powers are evenly divided, when those who exercise those powers are devoted to the Constitution, and when the American people insist on it. That is the great question for our generation and for which we are deeply answerable. Are we allowing the Constitution to disintegrate before our eyes?

The Constitution makes very clear that only Congress may make laws and that the principal responsibility of the executive is to take care that the laws be faithfully executed. Yet the executive branch has increasingly asserted sweeping powers to unilaterally nullify laws that it dislikes, to pick and choose who must obey the law and who need not, and even to impose entirely new laws that Congress has explicitly refused to enact.

James Madison, the father of the Constitution, said that its single most important feature was giving the legislative and not the executive branch the decision of war or peace. Yet the executive now asserts the authority to attack other nations without congressional authorization.

The Bill of Rights protects every American from retribution for expressing their political beliefs; it protects a free press from intimidation; it protects the free and open expression religious beliefs; it protects the means of individuals to protect themselves and

their freedom; it protects every individual from having their records searched or their property seized without due process of law. Yet, these fundamental rights have been made a mockery of by the agents of this administration from the IRS to the Justice Department to the NSA.

The rot began long before this administration, but under this administration it has become a crisis. All this is happening, we are told, for the common good. Ours wouldn't be the first civilization to succumb to the siren song of a benevolent and all-powerful government, but every society that has fallen for this lie has awakened one morning to discover that the benevolence is gone and that the all-powerful government is still there.

Much of the structure of the American Constitution that has preserved our liberty for 225 years, that has contained the unwarranted expansion of governmental power, and that has preserved the natural and individual rights of every citizen has been allowed to decay.

The form is still there—the institutions continue to function—but they no longer serve their principle role to protect the rule of law and the liberty of the people.

Here in this Capitol, we are surrounded by the symbols of the Roman Republic. They should be a warning to us. The Roman Senate continued to exist 400 years after the fall of the Republic, but its nature and purpose had become empty.

Chairman GOODLATTE quoted Gibbon yesterday, who observed that “the principles of a free Constitution are irrevocably lost when the legislative power is dominated by the executive.” That is precisely what is happening.

The institutions of our American Republic continue to operate, but the structures within it are rapidly degrading. In this condition, our Constitution is becoming like a rotting porch: we can still discern its form and purpose, but the structure that gave it strength and support is hollowing out through years of abuse and neglect until one day it will simply collapse.

The Judiciary Committee hearing yesterday was the first step by Congress to assess the harm already done and to begin reversing that damage before it is too late. But I must warn that in its current divided condition Congress cannot do so alone. Ultimately, it will require the active assistance of the rightful owners of the Constitution, the American people.

How ironic it would be if the liberties of this Nation, heroically defended by the sacrifices of nine generations of Americans on far-off battlefields, might someday be carelessly thrown away here at home.

Let that not be said of our generation. Let it be said instead that just when our Constitution seemed most in



peril, this generation rose up, insisted on absolute fidelity to the Constitution by those it elected, and then went on to revive, restore, and preserve that Constitution for the many generations of Americans who followed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 8 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

Once again we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House.

Give them the generosity of heart and the courage of true leadership to work toward a common solution to the many issues facing our Nation.

As true statesmen and -women, may they find the fortitude to make judgments to benefit all Americans in their time of need.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### MARY COTHRAN: AN ADVOCATE

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the President has broken multiple promises to the American people. Constituents living in South Carolina's Second Congressional District have lost their coverage and access to doctors because of the President's health care takeover, which destroys jobs. And now citizens are seeing massive premium increases.

James from Lexington says:

My son got a letter from his employer informing him that his health insurance would increase \$179 per month, 52 percent more than he is presently paying. He is a plumber and his wife works as a home health aide. Now their dream of home ownership is highly unlikely.

Mary Cothran of Williston was tireless promoting limited government and advocating alternatives to ObamaCare. Congress should work together to replace it with reforms such as those introduced by Congressman Dr. TOM PRICE which have been ignored by the media, which is failing to fulfill its First Amendment opportunities.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### WE NEED A PRO-BUSINESS POLICY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, last month the President and CEO of FedEx Freight spoke at a conference for the National Industrial Transportation League. He warned that our Nation's roads, highways, and bridges weren't equipped to handle current or future needs.

The American Society of Civil Engineers reports that there are 69,000 structurally deficient bridges in this country—meaning that every second of every day, seven cars are driving over a bridge that is structurally deficient—and that \$3.6 trillion will be needed by 2020 to address our aging infrastructure. Despite this, the most recent transportation bill passed by Congress spends a pathetically weak \$52 billion a year on infrastructure.

Companies like FedEx understand the long-term benefits of efficient transportation of people and goods. The United States Chamber of Commerce estimates that we will experience \$336 billion in lost growth over the next 5 years due to inadequate infrastructure.

I urge my colleagues to understand that a robust infrastructure investment not only creates jobs but promotes pro-business policies that sustain and produce economic growth.

#### WHEN WILL THE DEMOCRATS START LISTENING TO THE AMERICAN PEOPLE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the American people work hard, and they have got a right to expect their elected Representatives to do the same. House Republicans are listening. To date, the House has passed nearly 150 bills this Congress that the United States Senate has failed to act on. Many of them would help our economy and boost job creation.

Nearly 150 bills passed by this House have yet to be acted on by the Senate. These bills would do things like increase the supply of American energy and build the Keystone pipeline, roll back red tape and unnecessary regulations, provide for flexibility to working families, reform and improve job training programs, protect Americans from cyberattacks, help schools to recruit and keep the best teachers, delay the individual mandate and allow the American people to keep the health care plans that they would like, or to scrap the health care law that is wreaking havoc on our economy. Every single one of these bills has been blocked by Washington Democrats. The Senate and the President continue to stand in the way of the people's priorities.

Now we are trying to come to an agreement on the budget and on the farm bill, amongst other issues that are in conference. Chairman RYAN and Chairman LUCAS have made serious good faith efforts to Senate Democrats. When will they learn to say "yes" to common ground? When will they start listening to the American people?

#### 250TH ANNIVERSARY OF THE TOURO SYNAGOGUE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the 250th anniversary of the Touro Synagogue in Newport, Rhode Island, the oldest synagogue in America. Dedicated in 1763, the Touro Synagogue has been a monument to the history of religious tolerance in Rhode Island and the legacy of religious freedom in America.

Before construction even began, the design of the building was conceived as a balance between European architecture and traditional Jewish worship. This synagogue became a symbol of the freedom to worship in peace widely promoted across our new Nation in the 17th century and championed by Roger Williams.

In 1790, in a letter reassuring the members of the Hebrew congregation of their right to the free exercise of religion, George Washington famously declared the values of our Nation at its

start, pledging that the United States would give “to bigotry no sanction, to persecution no assistance.”

This weekend, it was my honor to attend the rededication of the Touro Synagogue, which remains a testament to the enduring freedoms of our Nation and the tradition of religious freedom that began in my home State and that is now deeply embedded in the American experience.

#### IRAN

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, on November 20, during critical negotiations in Geneva about Tehran’s nuclear program, Iran’s supreme leader tweeted this disturbing statement: “Israel is the sinister, unclean rabid dog of the region.” That same day, he added, The United States and Israel are a “threat to the world” and “enemies” that “should be resisted.”

This is the Iranian regime we are dealing with. They have ignored diplomatic efforts for years, and they cannot be trusted. An interim deal might seem like good news, but it does not make our Nation or our allies in the Middle East safer, especially when Iran claims the agreement is a victory over the great aggressor—the West.

This rhetoric leaves me skeptical that any progress has been made, and I encourage our leaders and international partners to take the necessary measures to halt Iran’s nuclear program, not only for our own security, but that of our allies and democracies around the world.

#### EQUALITY FOR ALL AMERICANS

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, I rise today to recognize a historic week. On Sunday, we celebrated Rosa Parks Day; Thursday, we observed the start of the Montgomery bus boycott; and Friday, we commemorate the 148th anniversary of the Thirteenth Amendment, which ended slavery.

As we reflect on these historic events, we see how far our Nation has come in advancing equality for all Americans. However, recent actions like the Supreme Court’s decision to gut the Voting Rights Act remind us that we have much more work ahead.

Although I dream of a day that the Voting Rights Act is unnecessary, the truth is that voter discrimination and suppression live on today as ugly legacies of our past. In the past few years, many States have introduced legislation that would restrict access to a voting booth. These discriminatory actions prove that the protections in the

Voting Rights Act are still necessities in our world today.

So this week, as we remember the struggles and sacrifices made to ensure basic rights for all Americans, I urge my colleagues to continue fighting to ensure that no American is denied their right to vote.

#### SAGE GROUSE

(Mr. TIPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIPTON. Mr. Speaker, the proposed Endangered Species Act for the Gunnison Sage-Grouse and the Greater Sage-Grouse will impact millions of acres in Colorado and hinder existing conservation efforts. It will put private lands off-limits to most use and development, including agricultural production, without providing any compensation. It will kill jobs, devastate communities, and disrupt effective species preservation efforts currently under way. It won’t, however, more effectively preserve the grass.

In my district, plans at the local level are under way to effectively preserve the species. Because they take into account the unique geography and environment of the region, these efforts are seeing success.

Interior Department bureaucrats have yet to provide measurable species preservation goals so that State and local officials can meet them. Local conservation efforts are all too often disrupted by Federal attempts to implement blanket plans. One-size-fits-all plans create endless litigation that ties up resources that could be used for preservation.

If the true goal is species preservation, then I hope Secretary Jewell will come to Colorado and see firsthand the effective work being done to preserve the sage grouse and provide measurable species preservation laws.

#### A TRIBUTE TO DAVID LEE SIMEL, M.D.

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to a truly outstanding doctor, loving father, and exceptional North Carolinian, Dr. David Lee Simel of Durham.

Dr. Simel was raised in Greensboro before attending the University of North Carolina at Chapel Hill. After graduation, he completed medical school and an internal medicine residency at Duke University. He is now a professor of medicine and vice chair for veterans affairs at Duke. And he has dedicated himself wholly to our veterans, serving them across our great State of North Carolina.

The influential book of which he was coauthor, “The Rational Clinical Exam,” is a comprehensive guide for patient exams and has become a powerful reference tool for those in the field of medicine.

Dr. Simel’s enduring commitment to his family, his students, his patients, and to our veterans make him an exemplary citizen. His passion for medicine and improving the health of others will continue to benefit our veterans and North Carolinians for years to come.

Indeed, we should honor those who serve our veterans and set an example, like Dr. Simel has done. And we also honor him for his intelligence, compassion, and selfless dedication. We pray that he and his family will receive God’s richest blessings, and we are thankful for role models like Dr. Simel, who serves those who served our country.

#### FARMINGTON: MINNESOTA’S FIRST YELLOW RIBBON CITY

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize Farmington’s commitment to our veterans and the community’s 5-year anniversary of being named Minnesota’s first Yellow Ribbon City.

When I first championed legislation to make the Minnesota National Guard’s invaluable Yellow Ribbon reintegration program available nationwide, one of the pillars of this initiative was to increase awareness among communities and local organizations to improve relationships between veterans and their communities.

Mr. Speaker, the people of Farmington understand the important role a community plays in the successful reintegration of our troops returning home. Farmington built a model Yellow Ribbon organization centered around relationships with neighbors, veterans organizations, and local, State, and Federal leaders. Farmington rallied around the needs of area veterans and their families by hosting monthly dinners for veterans and holiday cookie walks. You can’t beat that.

As their Yellow Ribbon organization grew and their efforts expanded, they recognized success and shared those best practices with other inspired communities, leaving their Yellow Ribbon fingerprint across the great State of Minnesota.

Mr. Speaker, I rise today not simply to recognize Farmington on this 5-year anniversary, but to thank the entire community for being a Yellow Ribbon trailblazer and for demonstrating their continued commitment to our servicemembers, veterans, and their families. As the Farmington Yellow Ribbon honors our sons and daughters in uniform,

I would like to honor them. And I salute the entire community of Farmington, Minnesota, for helping with that noble cause.

#### HEALTH CARE AND COMPREHENSIVE IMMIGRATION REFORM

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, during this holiday season, it appears that all our fellow Americans are hearing is a sense of pessimism; but I rise to talk about the optimism of this Nation and the great strides that we have made, particularly as it relates to our seniors.

The Affordable Care Act has taken the brunt of everybody's criticism. My friends on the other side of the aisle are singing a broken record, not a Christmas carol.

It is important to note that seniors have benefited. The Affordable Care Act recognizes the financial burdens that seniors face. No group has been hit harder by soaring health care costs. But now, under the Affordable Care Act, seniors can have preventative care services without any copay, coinsurance, or deductible.

Services like wellness visits, cholesterol testing, and others, sing a good song, yet we sing a negative song to those who are lining the streets for comprehensive immigration reform. The families who have been fasting have been suffering.

Let's sing a good song for health care and do comprehensive immigration reform.

□ 1215

#### PRESIDENTIAL CONSTITUTIONAL RESPONSIBILITY TO ENFORCE LAWS

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, when the President picks and chooses which laws to enforce, it undermines the foundations of our democracy.

Yesterday, in the House Judiciary Committee, we held a hearing to examine the President's constitutional responsibility to "faithfully execute" the law. Our Founding Fathers formed the structure of our government specifically so that none of the three branches could become too powerful. If we ignore our system of checks and balances, our government will become unstable and chaotic.

Mr. Speaker, unfortunately, this President and his administration have abused their executive power. President Obama continues to violate his constitutional duty to enforce the laws and instead chooses when, where, and

which laws to enforce. He has enforced laws and policies based on preferences, like making changes to our immigration system, our criminal code, and his signature health care law.

Mr. Speaker, neither this President, nor any President, should grant themselves extra-constitutional authority to change laws they don't like. If the President himself does not follow the law, it sets a dangerous example.

#### SNAP: CHILDREN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, this holiday season, my constituents have inspired me by writing in about the importance of food aid and the SNAP program.

All of us here in Congress have the luxury of knowing that we can provide our families with healthy food; but there are so many people in our country that will go this holiday without such a blessing, and, sadly, most of those in dire need are children. In fact, 70 percent of all households that depend on SNAP are families with children.

In my district, a 16-year-old girl named Maya was hospitalized last year for issues related to malnutrition. She had struggled in school and showed signs of depression. Maya's hospitalization triggered her father to apply for SNAP benefits. Having a more reliable source of food gave Maya the energy to improve her grades and help her family. She helped her family out by getting a part-time job.

As we debate the farm bill, let's remember that there are children like Maya. Let's work together to protect SNAP.

#### HONORING JIMMIE JOHNSON

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise today to honor my fastest constituent, Jimmie Johnson, who recently won his sixth NASCAR Sprint Cup championship.

In a remarkable display of teamwork, consistency, and a burning desire to always improve, Jimmie Johnson won six NASCAR championships in the last 8 years.

More importantly, Jimmie is a champion off the track. Since 2006, the Jimmie Johnson Foundation has contributed more than \$5 million to charity, with a special focus on improving K-12 education in North Carolina, Oklahoma, and California. In Charlotte, Jimmie is a supporter of Project LIFT, a private-public partnership working to improve the graduation rate in some of Charlotte's toughest neighborhoods.

Thank you, Jimmie, for using your on-track success to make a lasting impact on the lives of thousands of children.

#### DENNIS DENBO AND OBAMACARE

(Mr. TAKANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAKANO. Mr. Speaker, I rise today to speak about the benefits of ObamaCare.

Dennis Denbo, a 63-year-old constituent of mine, spoke to our local newspaper, the Press-Enterprise, to share his story.

Mr. Denbo, who was laid off recently from his computer sales job, went to the Covered California Web site and found that he and his wife Jean will save \$300 a month on a plan comparable to what they have now.

A few weeks ago, Mr. Denbo wrote to my office to tell me personally about his experience and how deeply he believes in America's ability to achieve great things.

In his letter he said:

We are Americans. We can solve whatever issues or tactical challenges that come up in the implementation of a nationwide health care solution. We can make it efficient, cost-effective, accessible, and a valuable service for all Americans.

I couldn't agree more, Mr. Denbo.

The benefits of ObamaCare are real. This body should be concerned with finding ways to improve access to affordable health care instead of delaying and defunding.

#### ZEELAND WEST HIGH SCHOOL FOOTBALL DIVISION 3 STATE CHAMPIONS

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to congratulate Zeeland West High School's football team on winning the 2013 Division 3 State championship on Saturday, November 30, at Ford Field in Detroit.

The Zeeland Dux rushed for over 440 yards during the game, resulting in a 34-27 win over DeWitt. Their 13-1 record this season is a testament to the players' dedication, hard work, and self-sacrifice. In fact, the program itself has become an example of hard work and leadership. This is the Dux's third State title since the program's inception only 9 years ago.

Mr. Speaker, I would be remiss if I didn't also congratulate Dux Head Coach John Shillito and his coaching staff for a job well done with his players, as he leads them not only on the field, but off the field.

Again, congratulations to the Dux on their big win last Saturday.

## AFFORDABLE CARE ACT

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to highlight the positive impact the Affordable Care Act is having in my home State of California.

A woman by the name of Melanie wrote the following letter to the L.A. Times:

My daughter and I have been without health care for 3 years following my loss of employer-provided insurance. In that period, I have paid handsomely for those times when my mother-ministrations were not sufficient and I had to seek the care of a very expensive doctor. I've been waiting eagerly for ObamaCare for the two of us since the law was enacted in 2010.

Did I run into problems when I first tried to sign up in California? I did.

Did I persevere? I did.

Did I finally get through? I did.

In January, I'll be able to take care of a condition I've ignored for the last 2 years, and my college-age daughter will be covered as well. Although the subsidy certainly helps, I will be paying something for coverage we haven't had for years. To those who cry foul, I say "score."

Mr. Speaker, I couldn't have said it better. The reality is that because of ObamaCare, millions of vulnerable Americans now "score."

IN MEMORY OF DR. PERRY  
INHOFE

(Mr. BRIDENSTINE asked and was given permission to address the House for 1 minute.)

Mr. BRIDENSTINE. Mr. Speaker, last week, we celebrated Thanksgiving. We gathered with family and friends to thank God for his provision, his goodness, and his mercy.

But for some families, this Thanksgiving was bittersweet. Such was the case for Senator JIM INHOFE's family. They lost their son, Perry, in a tragic aviation accident on November 10.

Dr. Perry Inhofe was a highly skilled surgeon associated with Central States Orthopedics in Tulsa. David Long, Central States' CEO, said:

Dr. Inhofe was known as a very caring and compassionate physician. He was the kind of doctor who made you feel you had his full attention and that your health was the most important thing to him.

Continuing an Inhofe family tradition, Perry loved flying with his children and teaching them about flying. From what I understand, he was a good pilot.

Dr. Inhofe is survived by his wife, Nancy, and two sons, Glade and Cole.

I wish to express condolences to the whole Inhofe family. I pray they will be comforted and strengthened by the fact that Perry was a believer in the living Christ, who said:

I am the resurrection and the life. Whoever believes in me, though he die, yet shall he live.

Amen.

## DO NOT REPEAL OBAMACARE

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, now that the notorious problems with the ACA Web site healthcare.gov appear to be largely behind us, it is important that we cut through the partisan noise and look at some facts.

One fact is that in 2 days—Sunday and Monday alone—almost 30,000 Americans have gone to healthcare.gov to sign up for health insurance. Many of these families are families with pre-existing conditions that would have no way to get health insurance other than healthcare.gov and the ACA.

In my own State of Connecticut, with less than 1 percent of the American population, 22,000 families have signed up for health insurance.

Mr. Speaker, from the President down, we were concerned by people losing their health care plans in the rather small individual market. But it is important for the American people to understand that when they hear the word "repeal," they need to understand that repeal means that the tens of thousands, the hundreds of thousands, the millions of Americans who will get insurance because of the ACA will lose it.

Millions of Americans will lose their new-found insurance if this word "repeal" ever becomes law. That is not right; and on that, I think we should agree.

CONGRATULATING CORPORAL  
MATTHEW HAMPTON

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DESJARLAIS. Mr. Speaker, it is with great pride that I rise today to honor Corporal Matthew Hampton, an outstanding citizen of our community and a true American patriot.

In recognition of his service to this country, Matthew was recently awarded the 28th Palmer Veterans Appreciation Award.

Following his graduation from Grundy County High School, Matthew volunteered for the United States Marine Corps and was deployed to Iraq, where he served as a Huey and Cobra helicopter crew chief and gunner.

Corporal Hampton's exemplary service as a "devil dog" is reflected in the numerous commendations and military decorations he received, including the Naval Achievement Medal, Combat Action Ribbon, Presidential Unit Citation, and National Defense Medal.

Mr. Speaker, this recognition is a testament to the heroism and dedica-

tion to duty that marked Corporal Hampton's exemplary service in the United States Marine Corps. I, along with a grateful Nation, congratulate him on receiving the Palmer Veterans Appreciation Award and thank him for his outstanding service to our Nation.

## ACA AND BREAST CANCER

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to highlight how the Affordable Care Act is already helping thousands of breast cancer survivors and those with preexisting conditions.

In late 2007, I heard those terrible words, "You have breast cancer." I underwent seven surgeries, but in some ways, I was one of the fortunate ones because I had health insurance coverage.

I have spoken to women who have foregone mammograms and even cancer treatments because the cost was simply too great to bear. Now, the Affordable Care Act emphasizes prevention by making it possible for Americans to get screenings, like mammograms, without a copay.

It also finally ends the egregious practice of denying coverage to patients with preexisting conditions, like my south Florida constituent Carolyn Newman, a survivor who will save \$7,000 a year with an affordable plan, thanks to the Affordable Care Act. She can save even more by shopping on the exchange.

With the Affordable Care Act making it possible for more women to access preventive services and not be denied coverage, we can work to eradicate breast cancer once and for all.

□ 1230

## AFFORDABLE CARE ACT

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, today, I rise to tell the story of the Montez Family, who live in my congressional district in Colorado.

They live in Arvada, Colorado, and because of the Affordable Care Act, they will now be able to afford health insurance. This is a success story of the Affordable Care Act and of its improving access to quality, affordable health care.

Both Joaquin and Rosalee Montez are employed, but neither of their employers provides coverage to their employees. They have a daughter in college, a 13-year-old son, and a 4-year-old daughter. With rates ranging from \$450 to \$600 per month, purchasing private insurance was too expensive for the Montez Family, especially with three

kids, a house payment, and a car payment. Due to a constrained budget, the only time the kids were receiving health care was when they were “really, really, really sick,” and always at an urgent care center. One time after their daughter got E. coli, the Montez Family was stuck with a \$17,000 hospital bill.

Thanks to the help of a navigator, they were able to get insurance through the Affordable Care Act, which is a success for this Nation.

#### BUDGET

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, December 13 is 9 days away. This is part of that side agreement when the CR was agreed to and when the debt ceiling was suspended. The budget is a statement of the House's and Senate's values and priorities, and that is what is to be agreed to by December 13.

One of the things we must say, Mr. Speaker, at the very minimum, is that sequestration has to go. The CBO says it will cost up to 1.6 million jobs if it is allowed to stand. Conversely, it will add 900,000 new jobs if it is gotten rid of.

Sequestration has affected programs like Head Start, SNAP, programs of the National Institutes of Health, mental health issues—just to name a few—as well as our defense industry. There is no longer any room in these budgets to accommodate all of these expenses just to pay what we need to pay to keep these programs going.

That is why we have to say that sequestration has got to go. That is why, in the next 9 days, you will hear more and more speak about sequestration and the fact that we must act on it.

#### CLIMATE CHANGE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, for 100 consecutive days, the Safe Climate Caucus has brought to the House floor the reality and the ramifications of climate change.

There was a recent report from three very reputable think tanks, entitled, “The Arab Spring and Climate Change.” Let me just quote from a couple of the troubling but illuminating conclusions that it comes to.

A prolonged and severe drought during the winter of 2010 in China “contributed to global wheat shortages and skyrocketing bread prices in Egypt, the world's largest wheat importer,” accelerating political instability . . .

And in another part of the report, in quotes, “social, economic, environmental, and climate changes in Syria . . . eroded the

social contract between citizen and government . . . strengthening the case for the opposition movement and irreparably damaging the legitimacy of the Assad regime.”

The authors conclude that global warming may not have caused the Arab Spring but that it clearly made it come earlier.

The stresses climate change is imposing today on nations across the globe are harbingers of more severe consequences in the future. We have to address the reality and the ramifications of climate change now.

#### AFFORDABLE CARE ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today, the President put forth some conversation about the Affordable Care Act that focuses especially on women's health. I am absolutely delighted to come to the floor to address that issue in that—and I hope every woman in America understands this—because of the Affordable Care Act, being a woman is no longer a preexisting medical condition. As the mother of five children—four daughters and one son—I am very excited about this.

Over the break, I had the privilege of being at a meeting with some researchers on the subject of breast cancer in particular, and they spent a good deal of the time telling us what the possibilities were with research that should be funded—that is a budget issue, another subject, but one that is related here—and that we could remove this threat to women's health with proper research.

They took time to say that one thing that was helping women with breast cancer more than anything was the Affordable Care Act—that they would have access to care without being discriminated against because of a preexisting medical condition, that no longer would they have annual or lifetime limits on the health insurance that they would receive. The relief of the stress from all of that is a very healthy thing for people who have a diagnosis.

So whatever it is—whether it is mammograms as my colleague Congresswoman DEBBIE WASSERMAN SCHULTZ so generously shared her story with us about her experience or, earlier, as Congresswoman DELAURO shared hers and as other Members shared the stories of their constituents—this is really very important. Moms are the hubs of families. Many of them fear this diagnosis. Many families in America have been affected by it.

With our investments in research and with the Affordable Care Act, women have reason to be very, very hopeful that this can be prevented with early

detection—and not only with early detection but with regular detection. Then, on top of that, if they have that feared diagnosis, they will receive the care that they deserve.

There is one other point I want to make about it because we all worship at the altar of biomedical research and what it means for our country and the thought that we could be rid of breast cancer in a handful of years; we want to make sure every woman in America and every person in America benefits from that research. The vehicle for that is the Affordable Care Act. It stands right there with Social Security, with Medicare, with affordable—and that is the word, “affordable”—health care for all Americans as a pillar of health and economic security for the American people.

Today, we focus on moms—we focus on women—and we say, Thank God. No longer will being a woman be a preexisting medical condition.

#### PROVIDING FOR CONSIDERATION OF H.R. 3309, INNOVATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 1105, SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION ACT

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 429 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 429

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-28. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent,

shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1105) to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-29 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Carolyn Maloney of New York or her designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. POE of Texas). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, House Resolution 429.

House Resolution 429 provides a structured rule for both H.R. 3309, the Innovation Act, and H.R. 1105, the Small Business Capital Access and Job Preservation Act. The rule gives the House the opportunity to debate a variety of important amendments offered by Members on both sides of the aisle.

The Innovation Act seeks to address a growing problem of abusive patent litigation, commonly known as “patent trolling.” Patent trolls are non-practicing entities. In other words, they don’t make or sell products, and they don’t supply services. Instead, they exist only to secure fees from businesses that use technologies covered by the patents they own. They do this by acquiring weak patents and then filing numerous patent infringement lawsuits or sending blanket demand letters to a business.

The victims of these frivolous lawsuits are all too often small businesses or start-ups that are ill-equipped to protect themselves. They simply don’t have the resources available to mount an adequate defense. It is, by definition, a lose-lose scenario for them. Defendants pay millions in damages if they lose and millions in legal fees if they win. More often, defendants are forced to settle, despite the merits of a case, in order to avoid expensive legal costs.

Meanwhile, patent trolls are aided by law firms that operate on contingency fees. This means that, if nonpracticing entities lose their cases, there are no monetary consequences for them—none at all. They aren’t on the hook for legal fees like their counterparts are.

As you can see, for small companies, this system is inherently unfair. Our small businesses are our most important innovators in this country. They are largely responsible for the new products and services we, as consumers, enjoy. They are also a critical factor in growing our economy and creating jobs. We ought to provide fairness to them by leveling the playing field in the patent litigation process. We ought to ensure that our patent system isn’t stifling innovation but encouraging it. Unfortunately, this just isn’t the case right now.

Patent trolling is a destructive practice that saps resources from small businesses and increases costs for consumers.

□ 1245

And its negative impact isn’t limited to just the tech sector either. Patent trolling affects businesses and industries of all types, including the health industry and even grocers. It is absolutely a drag on our economy.

An issue like this undoubtedly deserves to be debated by the House. This rule will ensure that a deliberative process takes place. The rule also allows for consideration of H.R. 1105, the Small Business Capital Access and Job Preservation Act.

This legislation would remove the requirement that small private equity firms register with the Securities and Exchange Commission, the SEC. However, it would retain the option of registering if they choose to.

Under current law, small private equity firms are being grouped by behemoths despite the fact that they played

no contributing role in the financial crisis we just went through. Even the chairman of the SEC in a letter to Chairman HENSARLING admitted that the private equity funds were not an underlying cause of the recent financial crisis.

Furthermore, private equity does not pose a systemic risk to the economy. So why are we taking limited resources at the SEC away from their mission and shifting them to oversee firms that pose no systemic risk at all? Why are we burdening these small companies with SEC registration costs that, according to the Private Equity Growth Council, can exceed over \$1 million per year?

More money in unnecessary compliance costs means less money to invest in companies, particularly newer ones, which allow them to grow and create the jobs we desperately need.

In my own State of Florida, there are over 1,000 private equity-backed companies. Let me repeat that: there are over 1,000 private equity-backed companies in Florida alone. There are over 100 private equity firms within the State of Florida. These companies support more than 800,000 workers throughout the country.

In fact, in 2012, Florida ranked fifth in the Nation in attracting private equity investment. That investment is a vital tool for growing companies, and we are needlessly handcuffing their ability to do just that.

H.R. 1105 will help these smaller funds and increase the capital available for real companies so their businesses can thrive. Make no mistake, this is a jobs bill and it will help grow our economy.

I support this rule that will allow us to consider these bills, and I hope that my colleagues on both sides of the aisle will do the same.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

There are many things that my good friend from Florida said that I agree with. I will be discussing some of the merits of these bills, but it is worthwhile to bring forward before discussing what these bills are, what these bills are not.

It has been 159 days and 14 hours since the Senate passed a comprehensive immigration reform bill. This body’s failure to act on immigration reform has already cost our economy nearly \$6 billion. Each additional day, each day that we delay action costs \$37 million in revenue; hundreds of thousands of jobs lost; failure to secure the border; failure to restore the rule of law to our country; countless families torn apart.

While the Judiciary Committee has found the time to move asbestos bills and patent reform bills to the floor

with ease, immigration reform remains stagnant. The Judiciary Committee has reported out four immigration reform bills: the Legal Workforce Act, the Agricultural Guestworker Act, the SAFE Act, and the SKILLS Visa Act. They reported these four bills out prior to the asbestos bill which was rushed immediately to the floor and prior to the patent bill which was rushed to the floor after a hearing in the Rules Committee yesterday.

My question to the gentleman from Florida—and I will be happy to yield for a moment—is why we are giving such treatment to asbestos and patent reform when immigration reform would create so many more jobs and reduce our deficit by so much more?

I would like to know if the gentleman from Florida has an answer to that question.

I yield to the gentleman from Florida.

Mr. NUGENT. I thank the gentleman from Colorado, but I will tell you this: the House is moving through the Judiciary Committee at a pace to make sure that we do this right in regards to immigration.

Where the Senate has rushed through a bill that is so comprehensive and so large, it will be similar to ObamaCare before we actually—

Mr. POLIS. Reclaiming my time, 68 Members of the Senate, including many Republicans, including former Presidential Republican nominee JOHN MCCAIN, supported the Senate immigration reform bill.

I certainly understand the desire to get it right, but bills don't get right by themselves. These are four bills that have passed in the Judiciary Committee. We in Rules like to make them right by allowing good, thoughtful amendments from colleagues on both sides of the aisle. I hope that next week or when we are back, we will be able to move forward the immigration bills with the same alacrity that we have moved forward asbestos and patent reform.

I hope the same thing happens that as these bills move through Judiciary that we do see them in the Rules Committee and that they ultimately come to this floor for debate.

Mr. Speaker, I do support the underlying bills that are contained under this rule. I support H.R. 1105, the bipartisan Small Business Capital Access and Job Preservation Act. It exempts private equity funds which are very lightly leveraged in helping to grow companies and jobs from costly and unnecessary SEC registration and reporting requirements like venture capital firms that are already exempted and substantially have very similar business models to private equity firms. These registration requirements are an impediment to business and an impediment to job growth and have nothing to do with creating systemic risk in our economy.

Importantly, this bill would only exempt private equity firms with low debt-to-equity ratios leveraged at a ratio of less than 2 to 1. Once you get to talking about much higher debt-to-equity ratios, there is potentially systemic risk if you are talking about funds in the multi-billions of dollars that are highly leveraged. It is still hard to see how that could happen. It had nothing to do with the financial meltdown of '08-'09. But in this case, we are being extremely safe in saying if they are leveraged 2 to 1, they are no systemic risk to the economy.

My State and my district know firsthand the benefits that private equity provides to employees, to companies, to investors, including pensions, and our economy. There are nearly 500 private equity-backed companies headquartered in Colorado, many more that operate with employees, more than 124,000 workers in Colorado facilities. In 2012, there were 67 private equity investments in Colorado totaling over \$26 billion that were brought to our State because of this investment mechanism, placing Colorado third in the States receiving the most private equity investment.

The underlying rule also makes in order H.R. 3309, the Innovation Act, which I also support. In 2011, "patent assertion entities," some of whom are bad actors which are sometimes referred to as "patent trolls," who often produce little or nothing and derive their revenue from litigation and licensing, cost significant overhang to other businesses and to consumers for whom many of these costs are passed along in the products or services that we all enjoy. The majority of the targets of patent trolls were start-ups—hospitals, restaurants, retailers, hotels, and other important job-creation engines in our economy.

The reforms made in the America Invents Act, enacted 2 years ago, went a little ways in this regard, but did not do much to halt or put a stop to or reduce patent troll litigation or improve the quality of patents. In the case of software patents, growing patent backlogs, lack of training and resources available to PTO examiners, and ambiguity regarding patentability standards have led to approval of low-quality software patents that have not even stood up when brought to litigation.

Thankfully, the momentum is growing to address patent reform. I want to be clear—and I discussed this with Chairman GOODLATTE in the Rules Committee yesterday—this bill is not patent reform. I believe the gentleman, Mr. GOODLATTE, agrees this is not patent reform. It may be a few steps in the right direction. It may be a good start. It doesn't fundamentally create an intellectual property protection system for the digital era in the 21st century.

It continues to put, constructively, Band-Aids on a 1913 system, which I do

believe it is high time to rethink. I look forward to an upcoming symposium in my district at the University of Colorado this Friday that we will be having on sort of "blue sky" intellectual property protection mechanisms for the 21st century in the digital economy to encourage growth and to protect inventors. This bill does not do that. However, it is a step forward in many regards.

While I strongly support many of these patent system improvements, it won't fix our patent system. Patent trolls have targeted every form of business. It should come as no surprise that the Innovation Act enjoys support from Members from both sides of the aisle, from companies, from academics. I submitted a letter from 67 professors at law universities who practice in IP from a broad ideological perspective into the record in our Rules Committee yesterday expressing their support for this bill.

This bill maintains protections for inventors' rights to enforce their patent claims. Specifically, this bill allocates the burden of patent litigation more fairly. It includes a provision that restores financial accountability to the patent system by making it easier for courts to impose sanctions on anyone who brings a frivolous patent suit.

The bill also requires the disclosure of critical details when a patent-holder files a suit, such as what patent and claims are being infringed, so the person or entity receiving the letter can know what is being discussed so that defendants don't need to guess the nature of the allegations against them.

The underlying legislation further requires patent-holders to disclose additional information to the PTO, the court, and the accused infringer, including the patent ownership, who owns the patent, and parties with financial interest in the patent. These provisions will help stop patent trolls who engage in illegitimate litigation campaigns and extortion against start-ups and small businesses.

While I strongly support these patent reforms that are a modest step towards improving our patent system, the litigation reforms alone don't have enough to benefit start-ups and small companies that are targeted by patent trolls who send pre-litigation demand letters. I am very appreciative of the chairman's effort to allow, and the Rules Committee's effort to allow, for the discussion of my amendment, along with Mr. CHAFFETZ, Mr. CONNOLLY, and Mr. MARINO, who have been working in this regard to see stronger language on the issue of pre-litigation demand letters. And I am grateful that we have made in order an amendment to increase accountability in the demand letter process.

We will be discussing that amendment in a more thorough basis shortly;



but, in brief, the problem is that before a patent troll even files a suit, it typically sends a demand letter, or many demand letters, demanding some form of payment. Under current law, the sender does not even have to disclose even the most basic information. As such, entities often hide behind numerous shell corporations or send vague or overbroad letters that don't even identify the owner of the patent or the basis of their legal claim, essentially leading particularly small companies to have to hire lawyers or attorneys at great expense. When you have a company that is a \$300,000-a-year company, a \$500,000-a-year company, and you receive one or more of these notices, you can imagine how that takes away from your growth, your margins, your ability to hire more people, if you have to retain professional counsel to even understand what is being alleged that your company did.

Importantly, the underlying bill requires patent-holders seeking to bring willful infringement claims to provide their targets with a minimum level of disclosure information. The amendment enhances that and builds upon the language and would mandate that demand letters include information identifying the parent entity of the claimant. This language will help ensure that patent trolls can no longer hide under shell companies to conceal their true entity and their legitimacy from the demand letter recipient.

I look forward to discussing these bills further, and I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, first, I want to respond to my good friends from Colorado. I appreciate that he appreciates the approach that this House is taking, particularly as it relates to both of the bills that are the underlying aspect of this rule. It is about moving in a deliberative manner to make sure that we get it right. I thank Mr. POLIS for pointing that out.

I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the gentleman for yielding.

I rise in strong support of the rule and the underlying legislation, particularly H.R. 3309, the Innovation Act.

As a member of the Judiciary Committee, I have seen firsthand the diligent and deliberative effort put forth by Chairman GOODLATTE and the rest of the committee to bring forth to this body a pro-business, pro-growth, pro-liberty bill to reform our patent laws. As my friend from Colorado stated, there is more that can be done, but this is a very positive step. I agree with him, and I appreciate that support. The committee vote speaks for that as well when it is 33-5 reported out of committee on final passage.

In the time that I have been yielded, I would like to also talk about a mis-

conception that some in the higher education community seem to have about a fee-shifting provision in this bill.

Despite the claims of some, the bill language protects plaintiffs who bring a reasonable and good faith case and who do not engage in litigation misconduct. In fact, even if a plaintiff's case is rejected by a court, the plaintiff is still immune from a fee award if his case "had a reasonable basis in both law and fact."

I am a strong supporter of our universities and the incredible research they are doing. I believe our patent laws should protect them, just as they should protect the small businesses and start-ups that rely on our world-class patent system. The ability to enforce one's patent in court is essential to preserving the value of the patent and is the inherent right of the patent-holder.

Nothing in the Innovation Act changes this. Ensuring fair and equitable access to our courts isn't done at the expense of universities, but at the benefit of all patent-holders.

□ 1300

As we move forward to general debate and the consideration of amendments made in order by this rule, I urge my colleagues to be very cautious in supporting amendments that would gut or upset the careful balance achieved by this bill.

Many of the sections in H.R. 3309 are intertwined, and the result is a package of reforms that collectively will help American businesses and job creators, both large and small, combat a business model designed solely to benefit from exploitation of our patent system.

And make no mistake, this isn't just a Silicon Valley problem. In my home State of Georgia, I hear from hotels, retailers and start-ups alike on the economically devastating impact that vague demand letters and the threat of costly and frivolous litigation has on their ability to do business.

End-users are often attacked and often threatened for infringement of an unidentified patent they previously bought in a store. This is why the customer protections in section 5 of the bill are so important and should not be weakened or eliminated. As a strong conservative, I believe our government shouldn't be in the business of picking winners and losers in the marketplace. Innovation thrives when government takes a hands-off approach, but there are time when Congress must step in to ensure that our laws operate as they were intended. This is exactly why we need H.R. 3309.

I urge my colleagues to support this rule and the underlying bills; and I also ask that each Member carefully consider any amendment that would weaken or compromise the provisions of H.R. 3309, and particularly section 5.

But I will say this before I leave because I have come and spoken on many bills, and my dear friend from Colorado continues to bring up immigration. I just want to remind the Speaker that there was a time a few years ago when there was a golden era in which his party controlled the House, the Senate, and the Presidency.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield an additional 30 seconds to the gentleman.

Mr. COLLINS of Georgia. I thank the gentleman.

There were choices made, and there were plenty of choices you made, and even one to this day that we are talking about, health care legislation. One of those choices, from your point of view, sadly, was not taken, and that was immigration. Today we are dealing with bills that we both agree on, but let's not forget the fact that when you had a chance, you didn't do it.

The SPEAKER pro tempore. Members are advised to direct their remarks to the Chair and not to individual Members in the second person.

Mr. POLIS. And I certainly wish that we had acted on immigration reform. We did pass under Democratic control a DREAM Act, if the gentleman will recall, in the waning days of the 111th Congress, and did take at least one constructive step with an immigration bill that we brought to the full floor of this House and passed.

I would like to yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER), a member of the Financial Services Committee and a former member of the Rules Committee.

Mr. PERLMUTTER. Mr. Speaker, first I want to address H.R. 3309, the Innovation Act, which is generally a good bill. It is trying to deal with issues of nuisance litigation where somebody is sued and the costs of litigation are so extreme that they pay money just to stay away from litigation. That is really the underlying purpose of the bill.

Now, what we have got to make sure of as Members of this House and as Members of the legislature is that we don't advantage one party over another. And the gentleman from California (Mr. ROHRBACHER) made a good point, Mr. Speaker, last night at the Rules Committee that you don't want to disadvantage small inventors who have come up with a good idea or a great product, something very novel, and some major corporation takes that idea or that product away and doesn't pay for it. That is the purpose of patent litigation.

At the same time, you don't want to have some small company that buys a Wi-Fi service all of a sudden getting sued by some company they never heard of and they are saying wait a minute, we are not a patent infringer. I say all of this because the purpose is to have good litigation where there

isn't extortion and there isn't theft as the result of some patent infringement.

What is done in this bill, I think, though, is micromanagement of the courtroom and its processes. Each of these cases stands and falls on its own merits, and the courts are best equipped to determine their own rules and their own procedures as to how these cases should move forward.

I am generally going to support this. I offered an amendment which was not adopted by the Rules Committee last night to delay until December of 2015 the effect of section 6 of the bill so that the courts could create their own rules and not have the legislature do it; 100 years ago we passed the Rules Enabling Act which allows the courts to set their own procedure which is then overseen by the legislature. That is sort of discarded in this bill, and we create some very specific rules, and I think that is a mistake, and I think we could have some real winners and losers. And I think the small guy, the small inventor, the small purchaser could be in trouble. So I would just suggest to the House and to the Rules Committee that we do look at delaying so that the courts can offer their own procedure.

I do want to address two other things. It has been over 150 days since we started this legislature. We should be dealing with immigration reform. We are not doing that. And I want to finish my story about the Montez family who are from Arvada, Colorado, who could never get affordable insurance and now are able to under the Affordable Care Act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield an additional 30 seconds to the gentleman.

Mr. PERLMUTTER. They have three children. They work two jobs. Neither employer of the mom or dad provides health insurance. Finally, after all these years, they have been able to get health insurance at about \$150 using the credits that are available under the Affordable Care Act and the children's health program that this Congress has passed. These people have health care for the first time in their marriage, which is a couple of decades, and they are very thankful. So this is a good Thanksgiving season for the Montez family of Arvada, Colorado.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I support H.R. 3309, the Innovation Act, and the rule we are debating now. This bipartisan legislation brings much-needed reforms to our patent litigation process, which continues to be plagued by patent trolls.

Patent trolls use weak patents to extort millions of dollars from innocent

business owners through demand letters and frivolous patent infringement lawsuits. Businesses are forced to decide between years of costly litigation or a settlement.

The number of patent infringement claims has almost doubled in the past 3 years, and The New York Times reported that one lawyer filed patent lawsuits against 1,638 companies in the past 5 years. These lawsuits soak up capital that is better spent on investment, innovation, and job creation.

In fact, a 2012 study by the Boston University School of Law found that patent trolls cost the American economy \$80 billion annually. The study also found that defendants paid \$29 billion to patent trolls in 2011 alone.

The Innovation Act targets abusive patent litigation while protecting legitimate patent infringement claims. It provides accountability on the front end of litigation by requiring parties to state exactly why they are filing suit. H.R. 3309 also requires parties who file meritless patent claims to pay the attorneys' fees of their victims as a disincentive to pursue their baseless claims.

These reforms are vital to restore accountability and rein in abusive, frivolous, and costly patent lawsuits. I urge my colleagues to support this important legislation, and I thank Chairman GOODLATTE for introducing this bipartisan bill.

Mr. POLIS. I yield 1½ minutes to the gentlewoman from California (Ms. CHU), a member of the Judiciary Committee, one of the key architects and somebody who worked very hard on this bill.

Ms. CHU. Mr. Speaker, I rise today in support of the Innovation Act. This bill will help curb abusive lawsuits brought by patent assertion entities, more commonly known as patent trolls.

Rather than relying on patents to protect investments in new innovative technologies, these actors abuse our patent system. They threaten legitimate businesses and consumers with costly litigation for selling or using a product that falls under their overly broad patent.

The patent system is nothing short of a net for them to cast in hopes of extorting settlement fees. Right now, this scheme is costing our economy \$29 billion every year.

While the bill is not perfect, the Innovation Act is a promising first step towards reining in these abusive tactics. I still have concerns with provisions that address fee shifting and the Federal judiciary, and we need to ensure that the Patent Office is fully funded. But this conversation will continue beyond today's vote, and my hope is to see these concerns addressed for the American people.

Mr. NUGENT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise reluctantly to favor the rule because it makes an extremely important amendment, my own and several others, it approves them to come on the floor; but I oppose final passage because even with those amendments, they do not do enough to make this bill worth supporting.

One of the most important amendments is my amendment, as I stated, which would strike the section of this legislation which eliminates for the small inventor, for the independent inventor, the right of judicial review if his case is being mishandled by the patent system. And let me just note that if, indeed, this was to protect, if we were going to protect the little guy, if that was the purpose of this bill, there wouldn't be a question here. But here we are eliminating the little guy's right to even go to court if he is being mistreated by the patent system.

Also, an amendment not made in order was MARCY KAPTUR's amendment which would have, again, protected the little guy. We are being told this protects the little guy; yet they won't allow MARCY KAPTUR's amendment, which is aimed at protecting the little guy, from even coming to a vote.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield an additional 30 seconds to the gentleman.

Mr. ROHRABACHER. We hear over and over again that this is about patent trolls and hinting that there are illegitimate patents that we are talking about. We are talking about legitimate patents; and the patent troll, let us just note, who is he going against supposedly, it is multinational mega—mega—corporations that routinely infringe on the little guy. Yet MARCY KAPTUR, while trying to protect the rights of the little guy against these giant corporations—like Google—instead, we have not permitted her amendment to come forward.

This is the greatest attack, this bill, on the small inventor that I have ever seen in 25 years. I ask support for the rule, but oppose the bill itself.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Mr. Speaker, I rise today in support of H.R. 3309, the Innovation Act. This bill will allow businesses of all sizes and in all industries to devote their time and resources to job creation, research and development, and to continue to support the innovation that makes U.S. companies so competitive in our global market.

I have heard from businesses and associations in a cross-section of industries asking for the passage of this bill so they can more fully dedicate themselves to building their businesses and the U.S. economy. I have heard for support for H.R. 3309 from the Motion Picture Association of America and movie

studios such as 20th Century Fox who are economic drivers in Los Angeles and all across the country. There are other widespread and bipartisan supporters, such as the U.S. Chamber of Commerce, the National Association of Realtors, the National Association of Broadcasters, which shows how essential patent reform is for American businesses and all industries.

While we can all agree that this is not a perfect bill, its passage will allow our businesses to fuel the U.S. economic recovery rather than battle abusive litigation. I urge my colleagues to support innovation by voting "yes" on final passage of the Innovation Act.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, November 20, 2013.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLATTE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, commends you for advancing the patent litigation reform debate by introducing and moving to markup H.R. 3309, the "Innovation Act."

The Chamber strongly supports the protection of legitimate intellectual property rights. The patent system fosters innovations and economic growth across a wide variety of industries. The ability for legitimate patent holders to defend their intellectual property is vital to keeping U.S. businesses strong and competitive—both domestically and globally.

At the same time, however, the Chamber is acutely aware of the problems associated with excessive and abusive patent litigation. In too many instances, elements of the plaintiffs' bar leverage the potentially astronomical cost of patent litigation to force abusive and coercive settlements. The Chamber is particularly concerned by the increasing prevalence of third party litigation financing to fund frivolous and abusive patent cases, the increased use of procedural maneuvers designed to further escalate the cost of litigation and force settlements, and the plaintiffs' bar's use of patent demand letters to extract settlements from innocent users and sellers of a product. H.R. 3309 seeks to address these very real patent litigation problems.

While the various concerns raised by elements of the business community with H.R. 3309 will need to be addressed through the overall legislative process, the Chamber is pleased that you are moving this legislation forward. The Chamber views this as a positive development and appreciates your work on this important issue.

The Chamber looks forward to working with you, your congressional colleagues, and other interested stakeholders as H.R. 3309 moves through the legislative process in order to ensure that demonstrable patent litigation abuses are addressed appropriately, while preserving America's strong tradition of protecting intellectual property rights.

Sincerely,

R. BRUCE JOSTEN,  
Executive Vice President,  
Government Affairs.

DECEMBER 3, 2013.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives.  
Hon. NANCY PELOSI,  
Minority Leader, House of Representatives.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The broad-ranging group of undersigned industries and main street American businesses, responsible for tens of millions of U.S. jobs and hundreds of billions of dollars in economic activity, support passage of the Innovation Act of 2013 (H.R. 3309). We believe this legislation aims to address the widespread abuses of the legal system by certain patent assertion entities, commonly referred to as patent trolls.

During this time of economic need, we believe enactment of H.R. 3309 is integral to curbing frivolous and costly patent litigation that currently hinders our ability to innovate, create jobs and promote positive economic growth. Such frivolous lawsuits by patent trolls are an expensive distraction for many diverse, mainstream American industries, and the staggering growth of patent troll activity in recent years has caused our businesses to receive thousands of threatening demand letters and forced more than 7,000 lawsuits (a 400% increase since 2006), costing the U.S. economy more than \$80 billion in 2011 alone.

Simply, patent trolls do not innovate, create jobs or promote economic growth. Our businesses do.

To make clear, patent trolls no longer only threaten large technology companies. In 2012, patent trolls filed more lawsuits against small and medium-sized non-tech businesses than against tech companies. The many targets of this abuse, ranging from food providers, retail stores and media companies to financial institutions, hotels, gaming entertainment companies and other industries that drive the U.S. economy, have been left with no choice but to defend themselves through inefficient and burdensome processes, rarely avoiding costly litigation. We believe American businesses must be able to defend against these consequential attacks more efficiently and less expensively.

While we recognize there may be no single solution that addresses all complexities surrounding our nation's patent process, but one thing is clear: The Innovation Act of 2013 has significant bipartisan support on Capitol Hill and throughout many sectors, small and large, of the American business community. This broad support and willingness to work together is a true testament to its importance and we urge House passage of H.R. 3309.

Sincerely:

Alliance of Automobile Manufacturers;  
American Gaming Association; American Hotel & Lodging Association; Coalition for Patent Fairness; Competitive Carriers Association; Footwear Distributors & Retailers of America; International Franchise Association; MPA—The Association of Magazine Media; National Association of Broadcasters; National Cable and Telecommunications Association; National Restaurant Association; Newspaper Association of America; Online Publishers Association; Overstock.com, Inc.; Printing Industries of America; The R Street Institute; U.S. Travel Association.

NATIONAL ASSOCIATION OF REALTORS,  
Washington, DC, December 2, 2013.  
Re Support H.R. 3309—Scheduled for Floor  
Vote This Week.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives, U.S. Capitol,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives, U.S.  
Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the more than one million members of the NATIONAL ASSOCIATION OF REALTORS® (NAR), I urge you to support H.R. 3309, "the Innovation Act" (Goodlatte, R-VA), scheduled for a vote on the House floor this week. Our members view the reforms in this bill as an important step in protecting innovators and main street businesses from broad claims of patent infringement based on patents of questionable validity, all brought by non-practicing entities.

NAR, whose members identify themselves as REALTORS®, represents a wide variety of real estate industry professionals. REALTORS® have been early adopters of technology and are industry innovators who understand that consumers today are seeking real estate information and services that are fast, convenient and comprehensive. Increasingly, technology innovations are driving the delivery of real estate services and the future of REALTORS® businesses.

As technology users, NAR and several of its members recently faced onerous patent infringement litigation over questionable patents dealing with location based search capabilities. These suits were brought by patent holding companies and other non-practicing entities. They were eventually settled in a multi-million dollar settlement. In addition, our broker and agent members are increasingly dealing with demand letters to license commonly used technologies like scanner-copiers and online alert functions. Our members know firsthand that "patent trolls" divert significant time and money from their businesses.

The Innovation Act will bring needed reforms to address the troll problem by increasing transparency, and pleading specificity among other things. Taken together, the reforms in the Innovation Act will shift the burden of frivolous litigation from small business defendants to the trolls themselves.

Without needed reforms that assure that asserted patent rights are legitimate and frivolous litigation schemes are curtailed, the ability of businesses owned by REALTORS®, many of which are small businesses, to grow, innovate and better serve modern consumers will be put at risk. NAR supports the reforms in the Innovation Act as a way to rebalance a patent system that is increasingly a target of uncertainty and abuse.

Most REALTORS® are entrepreneurs and small business owners, and we help to create new jobs in our communities. We urge you to vote in favor of The Innovation Act of 2013 so that the threat of patent trolls is mitigated in the future, allowing us to return to our essential mission: to serve our clients.

Sincerely,

STEVE BROWN,  
2014 President,  
National Association of Realtors®.

Mr. NUGENT. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to inquire if the gentleman has any other speakers.

Mr. NUGENT. I do not.

□ 1315

Mr. POLIS. Mr. Speaker, I am prepared to close, so I yield myself such time as I may consume.

The gentleman from Georgia (Mr. COLLINS), rightly asserted that the Democrats did not, in fact, when they were in charge of the legislature in both Chambers, fix our broken immigration system. However, we did pass the DREAM Act. And given that this is football season and I think that my friend, the gentleman from Georgia, perhaps shares affinity for football, that while we did not in fact score a touchdown and fix our broken immigration system, at least the Democrats got a field goal when we were in charge. We are still waiting for the Republicans to match our field goal here if we can't score a touchdown with comprehensive immigration reform, and we look forward to improving these bills that have passed out of the committee before the asbestos bill, before the patent reform bill, and need the work of the full membership of this body to improve them.

Legislation is not like a fine wine, that when it sits in a barrel it improves itself. It needs to be actively worked upon to improve it, and I hope that it is a matter of days or hours or minutes until we can dust off these immigration bills that Chairman GOODLATTE and the Judiciary Committee have worked on and improve upon them so that this body can actually move forward and score a field goal, a touchdown or more, and finally replace our broken immigration system with one that reflects our values as Americans, restores the rule of law, reduces our deficit by \$200 billion, creates 6 million jobs for American citizens, secures our borders, and implements workplace enforcement of our immigration system. I am confident that we can do that working together, just as we are working together on these bills that are before us today.

As I indicated earlier, that while the patent bill does harvest some low-hanging fruit, there remains a lot of work to be done to create a 21st century intellectual property protection system for our country.

One such effort was an amendment that I offered, Polis amendment 5, that was not allowed under this rule. This amendment reflects a bill that I sponsor with Mr. MARINO that regards the Demand Letter Transparency Act. Depending on a start-up's resources, even the recipient of one demand letter can even be a death sentence for a small one-, two-, three-person company. The threat of a demand letter alone can jeopardize a company's ability to raise funds, can scare away potential customers, and, God forbid, actually defending a patent lawsuit can cost hundreds of thousands to millions of dollars in legal bills, which to a one-, two-, or three-person company is sim-

ply a matter of shutting the doors because they cannot afford to do that.

At the Rules Committee yesterday, I offered my bipartisan amendment based on legislation that I introduced with Representative MARINO and Representative DEUTCH that would provide a comprehensive approach to increasing transparency and accountability in the demand letter process. While our amendment was not made in order, I am grateful we did include at least some slight provisions regarding who owns shell corporations, amendment 4 was allowed. We plan to continue to press forward on the need to address this issue through meaningful legislation.

Our bill would require certain entities to provide additional disclosure information to the PTO and to the demand letter recipient so that these start-ups and mom-and-pop restaurant owners and stores will know who is sending these demand letters and whether the claims they are making are truthful or grounded at all or just a scam.

Our bill would establish a searchable and accessible public registry of demand letters and clarify that the Federal Trade Commission could use its authority to impose civil penalties to go after patent trolls. While the FTC has announced its intent to investigate PAEs, our bill would clarify the FTC's role to use its enforcement powers against PAEs who engage in unfair and deceptive trade practices to find as a violation the provisions of our bill.

Our amendment would prevent patent trolls from hiding behind anonymous shell companies and empower defendants to take collective action and share information and increase reporting so that the regulatory authorities and the PTL are on alert as to which patents are being frivolously asserted by whom.

In conjunction with litigation reforms that are proposed in this underlying bill, our proposal would produce a more robust patent market and a more productive and predictable and competitive economy.

Our proposal is supported by a diverse group of individuals and organizations, including DISH Network, Public Knowledge, the National Restaurant Association, the Electronic Frontier Foundation, the National Retail Federation, the Direct Marketing Association, the Mobile Marketing Association, the Association of American Advertising Agencies, and the Hotel & Lodging Association, among many others.

Mr. Speaker, for once, this body is moving forward on bipartisan legislation that will help spur innovation and economic growth. The first bill that we are considering with regard to private equity will help increase job growth and job creation in our country by removing a regulatory burden that was

put in without the proper justification. Private equity funds had nothing to do with the meltdown in 2008 and 2009, nor do they represent any systemic risk to our economy. They simply allow people to aggregate their resources to buy stock equity in companies. We have a cap on the debt equity ratio of two to one, and they do what they do. People earn money and people lose money, and that is how the economy works, but there is absolutely no systemic risk.

Some of these dollar amounts sound high, but what we talked about in the Rules Committee yesterday is that you might have a private equity fund that is \$300 million. That sounds like a lot of money. That is the amount of money they have to invest over a period of years. With \$300 million, they invest that over 5, 6, or 7 years. That is not their operational budget. Their operational budget is 2 percent or less of that every year. So a \$300 million private equity fund might have an annual budget of \$6 million.

Again, \$6 million sounds like a lot of money. It certainly is. But when compliance with the SEC reform is \$500,000, as has been estimated, you are talking about a sizeable percentage of your annual operating budget. So that means you have to hire a couple of people less. You might not be able to do that extra investment that you didn't have the ability to do the diligence in. You might not be able to invest in that additional company and help it grow and create jobs because of regulatory compliance that has nothing to do with systemic risk.

Mr. Speaker, as this session of Congress comes to a close, the first session of the 113th Congress, there is much that this body has left undone. While the other Chamber across the way has acted on overwhelmingly bipartisan measures that help fix our immigration system, saving \$200 billion, creating over 6 million jobs, securing our borders, restoring the rule of law, and uniting families, this body has not passed a single bill in that area.

While the other body has passed a bill that would prevent companies from discriminating against gay and lesbian employees with strong bipartisan support, this body has not even brought such a bill to committee or the floor.

While I am pleased to see the bipartisan Innovation Act and Small Business Capital Access and Job Preservation Act come to the floor today, although I would like to see them with a more open process that allowed more ideas from both sides of the aisle to be introduced as amendments, I only hope that a majority of this body sees fit to hold votes on other issues such as immigration reform and employment nondiscrimination, which I am confident would pass the floor of the House today.

As I talk to many tech companies and small businesses in my district,

many of the purported beneficiaries of this modest patent reform bill, they support it, but they support immigration reform more. They say, Good job. Now get immigration reform done. That is what I am hearing from employers and businesses in my district. I hope that my colleagues on the other side of the aisle are hearing the same.

Our Nation cannot afford to maintain a 20th century intellectual property protection system in a digital and biological era. This bill does not correct that. It does not change that. It is a modest step forward and an important part of reforming parts of the process that Democrats, Republicans, and many stakeholders can agree are broken.

The measure contains bipartisan balanced proposals, just as H.R. 15 does, the comprehensive immigration reform bill in the House, with over 190 bipartisan sponsors. And just as this bill will continue to incentivize entrepreneurship, so too—times 10, times 100—would comprehensive immigration reform, which includes a start-up visa that allows entrepreneurs who have already received commitments of investment to come to this country and create their jobs here. We are turning jobs for Americans away every day we fail to act on immigration reform. We can bring H.R. 15 to the Rules Committee and to the floor of the House next week or we can stay the following week and give this body the opportunity to send a bill to President Obama's desk to finally replace our broken immigration system with one that works.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up House Resolution 424, Ranking Member SLAUGHTER's resolution, that prohibits an adjournment of the House until we adopt a budget conference report. This body should not adjourn until we have completed a budget conference report that could help prevent a second government shutdown and prevent a fiscal crisis.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, while I am actively encouraging Members on both sides of the aisle to get behind the Innovation Act and the Small Business Capital Access and Job Preservation Act, I must urge my colleagues to vote "no" and defeat the previous question, as well as a "no" vote on the restrictive rule.

I hope that we can send the message that we need to bring immigration reform to the floor of this House, rather than let the four bills that have al-

ready emerged out of committee stay sitting and aging and not getting any better while we fast-track asbestos and while we fast-track modest patent reforms.

The time has come to act on immigration reform. Please join me on voting "no" on the previous question and "no" on the rule.

I yield back the balance of my time. Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

I am speaking to some of the comments that were made, particularly as it relates to football. We talked about a field goal and 3 points, but here is the position that the majority has taken in the House as it relates to immigration. It is about first downs. It is about moving the ball forward in measured steps, about getting it right the first time, not going through what we have gone through with these huge bills.

Mr. POLIS. Will the gentleman yield?

Mr. NUGENT. I yield to the gentleman from Colorado.

Mr. POLIS. It seems more like we have been in a timeout for 3 months since these bills have passed committee.

Mr. NUGENT. Reclaiming my time, it takes time, as you know, to move meaningful legislation through and to get it right the first time.

You have to live with some things when you have these megabills with thousands of pages, such as a 1,000-page immigration bill or 2,500 pages for the Affordable Care Act. At the end of the day, let's do this in a reasonable approach, because we want immigration reform, because we know we have a broken immigration system. We absolutely know that. I think this House has taken the right approach in doing things in a measured way to get first downs until we get to the end zone where we all want to be.

As we notice on this bill, even though there is strong bipartisan support on both of these pieces of legislation, we still have some that aren't happy because sometimes bills never get to exactly where everybody wants them to be. I get that. In a perfect world, we would get everything we want. It is not a perfect world. We don't get everything we want. But it is about moving the ball forward, and I think that my good friend from Colorado has talked eloquently about the issues as relate to patent reform and private equity because I know he has been part of that world. He speaks from experience in those areas.

Is it everything that you want? Probably not. We have heard from the chairman of the committee that it is not everything he wants. But it is a step in the right direction. It is moving the ball forward. It is getting the first down. It is moving it so that we can win the game—not a political party, but the American people. Consumers

can win. The holders of patents can win. That is what this is all about.

With regard to demand letters, I lived through this as a sheriff. We used to get demand letters that we were going to get sued, and the whole idea behind it was the fact that they thought we would settle for \$30,000 or \$40,000 to make them go away. Here is what happened.

The sheriffs got smart, and they put together a consortium of sheriffs, 60 out of 67, in a sheriffs self-insurance fund. Guess what? We changed the tables and the dynamics in regard to it just as this bill will do. What we did was say, Guess what? We are no longer going to be blackmailed into giving money. On a legitimate case, you are going to settle; but on a case that is frivolous, we would say, No thanks. Let's go to trial. They never want to do that because it is expensive on their end, too, particularly when they could wind up paying for that.

Mr. Speaker, a lot has been said today, and I think a lot more is going to be said after we pass this rule. As we talk about what I think is fair, that abusive patent litigation is a growing problem—we have heard that from both sides today.

□ 1330

Under current patent systems, small businesses and startups simply don't have the resources to compete with the patent trolls. They are easy targets. They routinely settle, regardless of the merits of the case, to avoid hefty legal costs.

We understand that, therefore, it is important that we level the playing field for our innovators, our innovators that actually create something, an idea out of thin air, and create something that can be turned into jobs in the future.

Regardless of where the Members of this body fall on the underlying legislation, it seems that we are all in agreement that we need to combat this destructive practice.

We are also in agreement that we need jobs. The rule provides for consideration of a bill that will give small companies more access to capital, more opportunities to grow, more opportunities to create jobs. The rule makes in order important germane amendments addressing this.

Mr. Speaker, we heard a call to vote "no" on the rule for other reasons. Let's talk about creating jobs in America. Let's talk about protecting our innovators.

Let's not get caught up in the politics of the day. Let's do the right thing for the American people today, the thing that is going to be heard today in this House. Let's vote on a rule, and let's pass that rule. I support this rule, and I encourage my colleagues to vote "yes" on the rule as well.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 429 OFFERED BY  
MR. POLIS OF COLORADO

At the end of the resolution, add the following new section:

SEC. 3. Immediately upon adoption of this resolution, the House shall proceed to the consideration of the resolution (H. Res. 424) prohibiting the consideration of a concurrent resolution providing for adjournment unless the House has adopted a conference report on the budget resolution by December 13, 2013, if called up by Representative Slaughter of New York or her designee. All points of order against the resolution and against its consideration are waived.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT  
REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon re-

jection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, with that I yield back the balance of my time, and I move the previous question on the resolution.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Judiciary Committee, I rise to speak on the rule governing debate for H.R. 3309, and about innovation in America—the great job creator. H.R. 3309 is a bill before its time as the America Invents Act was signed into law barely two years ago. Many of the major provisions of this landmark legislation which many on the Judiciary Committee and in this body voted for have not even been put into practice.

It is well documented that our innovation ecosystem—founded on patents—drives economic growth and job creation in the United States. From the hustle and bustle of downtown Houston, Silicon Valley, Chicago, New York, and even here in Washington, DC, Americans want to keep our cherished system as strong as possible. For the future of our economy, we cannot risk jeopardizing it. And while the AIA was unquestionably pro-innovator legislation, its post-grant challenge provisions also unquestionably shifted the balance of rights toward implementers and away from patent holders. The question is—just how much has that balance shifted?

Mr. Speaker, H.R. 3309 contains a provision that concerns me greatly. Section 3 of the bill directs a court to award attorney fees and costs to prevailing party in patent infringement cases.

This provision, commonly called "Loser Pays," is prevalent in England but has heretofore been unknown to the American legal system. And for good reason. Loser pays laws ensure that only the wealthiest members of society or large corporations can afford to undertake a civil action and also unnecessarily punishes individuals with serious and meritorious claims for seeking access to justice. Loser pays policies fail to recognize that a person or a business can have a legally legitimate dispute regarding fact and law, and yet still ultimately lose the case. Loser pays policy sets a dangerous precedent and may prevent individuals from pursuing even the most meritorious civil liability claims.

If "loser pays" is implemented it could be a roadblock for people pursuing whistleblower, consumer mortgage, employment discrimination and other civil rights cases. The real losers under a "loser pays" system in patent cases is the individual inventor and small businesses seeking to vindicate their constitutional right to the exclusive use of the discoveries and inventions.

Mr. Speaker, we should proceed with caution and engage in a deliberative process that

takes the time to reach out and listen to all stakeholders.

Many small innovators—today's Priceline.coms, Yahoo's, Google's, Facebook's, Eli Lilly's, Twitter's, akin to yesteryears Edisons—have not had time to make their views heard.

I thank the Rules Committee for making in my amendment that modifies the Manager's Amendment to ensure that more small businesses are protected by providing that the customer stay exception applies to all small businesses with annual revenues under \$25 million.

A number of the provisions in this bill may be well-intentioned, but they have undesirable consequences for the patent system as a whole. They have the potential to undermine the enforceability of all patent rights, no matter how valuable the patent, and thus potentially incentivize infringement.

That is why I offered three amendments in the Judiciary Committee and three in the Rules Committee yesterday.

My first amendment would have modified section 9(a) of the bill to preserve the right of an applicant to file a civil action to obtain a patent in district court "upon a showing of good cause or where justice so requires." I offered this amendment in response to information I received during my discussion with stakeholders, including the Chief Judge of the Federal Circuit, which hears all patent claims.

I thank the Committee also for making in my amendment which requires the PTO Director, in consultation with other relevant agencies, and interested parties, to conduct a study to examine the economic impact of the litigation reforms contained in the bill (sections 3, 4, and 5 of this Act) on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate the constitutionally guaranteed exclusive right to inventions and discoveries by such individuals and small business. This amendment supplements and improves the bill, which requires PTO to conduct 4 studies and submit reports to Congress. The required studies are:

I also joined with Ranking Member Conyers of the Judiciary Committee on an amendment that strikes Section 3(b) which requires that courts reward attorney's fees and expenses to the prevailing party. I urge Members to support this amendment as well.

Mr. Speaker, innovation is the engine that drives our economy. Let us not act rashly in passing legislation that will harm the ability or lessen the incentive of innovators to make the discoveries and create the products that will power our economy in the 21st century.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 32 minutes p.m.), the House stood in recess.

□ 1402

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 2 o'clock and 2 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The question on ordering the previous question on House Resolution 429; and

Adoption of the resolution, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR CONSIDERATION OF H.R. 3309, INNOVATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 1105, SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 429) providing for consideration of the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes; and providing for consideration of the bill (H.R. 1105) to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 17, as follows:

[Roll No. 618]

YEAS—220

Aderholt	Barletta	Bilirakis
Amash	Barr	Bishop (UT)
Amodei	Barton	Black
Bachmann	Benishek	Blackburn
Bachus	Bentivolio	Boustany

Brady (TX)	Hastings (WA)	Price (GA)	Heck (WA)	Matheson	Sánchez, Linda T.
Bridenstine	Heck (NV)	Reichert	Higgins	Matsui	Sanchez, Loretta
Brooks (AL)	Hensarling	Renacci	Himes	McCollum	Sarbanes
Brooks (IN)	Holding	Ribble	Hinojosa	McDermott	Schakowsky
Broun (GA)	Hudson	Rice (SC)	Holt	McGovern	Schiff
Buchanan	Huelskamp	Rigell	Honda	McIntyre	Schneider
Bucshon	Huizenga (MI)	Roby	Horsford	McNerney	Schrader
Burgess	Hultgren	Roe (TN)	Hoyer	Meeks	Schwartz
Calvert	Hunter	Rogers (AL)	Huffman	Meng	Scott (VA)
Camp	Hurt	Rogers (KY)	Israel	Michaud	Scott, David
Cantor	Issa	Rogers (MI)	Jackson Lee	Miller, George	Serrano
Capito	Jenkins	Rohrabacher	Jeffries	Moore	Sewell (AL)
Carter	Johnson (OH)	Rokita	Johnson (GA)	Moran	Shea-Porter
Cassidy	Johnson, Sam	Rooney	Johnson, E. B.	Murphy (FL)	Sherman
Chabot	Jones	Ros-Lehtinen	Kaptur	Nadler	Sinema
Chaffetz	Jordan	Roskam	Keating	Napolitano	Slaughter
Coble	Joyce	Ross	Kelly (IL)	Neal	Smith (WA)
Coffman	Kelly (PA)	Rothfus	Kennedy	Negrete McLeod	Speier
Cole	King (IA)	Royce	Kildee	Nolan	Swalwell (CA)
Collins (GA)	King (NY)	Runyan	Kilmer	O'Rourke	Takano
Collins (NY)	Kingston	Ryan (WI)	Kind	Owens	Thompson (CA)
Conaway	Kinzinger (IL)	Salmon	Kirkpatrick	Pallone	Thompson (MS)
Cook	Kline	Sanford	Kuster	Pascrell	Tierney
Cotton	Labrador	Scalise	Langevin	Pastor (AZ)	Titus
Cramer	LaMalfa	Schock	Larsen (WA)	Payne	Tonko
Crawford	Lamborn	Schweikert	Larson (CT)	Pelosi	Tsongas
Crenshaw	Lance	Scott, Austin	Lee (CA)	Perlmutter	Van Hollen
Daines	Lankford	Sensenbrenner	Levin	Peters (CA)	Vargas
Davis, Rodney	Latham	Sessions	Lewis	Peters (MI)	Veasey
Denham	Latta	Shimkus	Lipinski	Peterson	Vela
Dent	LoBiondo	Shuster	Loebach	Pingree (ME)	Velázquez
DeSantis	Long	Simpson	Lofgren	Pocan	Visclosky
DesJarlais	Lucas	Smith (MO)	Lowenthal	Polis	Walz
Diaz-Balart	Luetkemeyer	Smith (NE)	Lowey	Price (NC)	Wasserman
Duffy	Marchant	Smith (NJ)	Lujan Grisham (NM)	Quigley	Schultz
Duncan (SC)	Marino	Smith (TX)	Luján, Ben Ray (NM)	Rahall	Waters
Duncan (TN)	Massie	Southerland	Lynch	Rangel	Watt
Ellmers	McAllister	Stewart	Maffei	Richmond	Waxman
Farenthold	McCauley	Stivers	Maloney, Carolyn	Roybal-Allard	Welch
Fincher	McClintock	Stutzman	Maloney, Sean	Ruiz	Wilson (FL)
Fitzpatrick	McHenry	Terry		Ruppersberger	Yarmuth
Fleischmann	McKeon	Thompson (PA)		Ryan (OH)	
Fleming	McKinley	Thornberry			
Flores	Meadows	Tiberi			
Forbes	Meehan	Tipton			
Fortenberry	Messer	Turner			
Fox	Mica	Upton			
Franks (AZ)	Miller (FL)	Valadao			
Frelinghuysen	Miller (MI)	Wagner			
Gardner	Mullin	Walberg			
Garrett	Mulvaney	Walden			
Gerlach	Murphy (PA)	Walorski			
Gibbs	Neugebauer	Weber (TX)			
Gibson	Noem	Webster (FL)			
Gohmert	Nugent	Wenstrup			
Goodlatte	Nunes	Westmoreland			
Gosar	Nunnelee	Whitfield			
Gowdy	Olson	Williams			
Granger	Palazzo	Wilson (SC)			
Graves (GA)	Paulsen	Wittman			
Griffin (AR)	Pearce	Wolf			
Griffith (VA)	Perry	Womack			
Grimm	Petri	Woodall			
Guthrie	Pittenger	Yoder			
Hall	Pitts	Yoho			
Hanna	Poe (TX)	Young (AK)			
Harper	Pompeo	Young (IN)			
Harris	Posey				
Hartzler					

NAYS—194

Andrews	Chu	Doggett
Barber	Cicilline	Doyle
Barrow (GA)	Clarke	Duckworth
Bass	Clay	Edwards
Beatty	Cleaver	Ellison
Becerra	Clyburn	Engel
Bera (CA)	Cohen	Eshoo
Bishop (NY)	Connolly	Esty
Blumenauer	Conyers	Farr
Bonamici	Cooper	Fattah
Brady (PA)	Costa	Foster
Braley (IA)	Courtney	Frankel (FL)
Brown (FL)	Crowley	Fudge
Brownley (CA)	Cuellar	Gabbard
Bustos	Cummings	Galleo
Butterfield	Davis (CA)	Garamendi
Capps	Davis, Danny	Garcia
Capuano	DeFazio	Green, Al
Cárdenas	DeGette	Green, Gene
Carney	Delaney	Grijalva
Carson (IN)	DeLauro	Gutiérrez
Cartwright	DelBene	Hahn
Castor (FL)	Deutch	Hanabusa
Castro (TX)	Dingell	Hastings (FL)

## NOT VOTING—17

Bishop (GA)	Grayson	Miller, Gary
Campbell	Herrera Beutler	Radel
Culberson	Lummis	Reed
Enyart	McCarthy (NY)	Rush
Gingrey (GA)	McMorris	Sires
Graves (MO)	Rodgers	Stockman

□ 1428

Messrs. O'ROURKE, LEVIN, JOHN-SON of Georgia, DEUTCH, and BEN RAY LUJÁN of New Mexico changed their vote from "yea" to "nay."

Mr. POE of Texas changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 185, not voting 17, as follows:

[Roll No. 619]

AYES—229

Aderholt	Benishek	Brooks (AL)
Amash	Bentivolio	Brooks (IN)
Amodei	Bilirakis	Broun (GA)
Bachmann	Bishop (UT)	Buchanan
Bachus	Black	Bucshon
Barber	Blackburn	Burgess
Barletta	Boustany	Calvert
Barr	Brady (TX)	Camp
Barton	Bridenstine	Cantor



Capito  
Cárdenas  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Cotton  
Cramer  
Crawford  
Crenshaw  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Himes  
Holding  
Hudson  
Huelskamp

Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Marchant  
Marino  
Massie  
McAllister  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Rahall  
Reichert

Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott

McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes

Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—17

Bishop (GA)  
Campbell  
Culberson  
Enyart  
Gingrey (GA)  
Graves (MO)

Grayson  
Herrera Beutler  
Lummis  
McCarthy (NY)  
McMorris  
Rodgers

Miller, Gary  
Radel  
Reed  
Rush  
Sires  
Stockman

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1434

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 618 on ordering the previous question on H. Res. 429, providing consideration of the bills H.R. 1105—the Small Business Capital Access and Job Preservation Act—and H.R. 3309—the Innovation Act—I am not recorded due to a family medical emergency. Had I been present. I would have voted “yea.”

Mr. Speaker, on rollcall No. 619 on adoption of H. Res. 429, providing consideration of the bills H.R. 1105—the Small Business Capital Access and Job Preservation Act—and H.R. 3309—the Innovation Act—I am not recorded due to a family medical emergency. Had I been present, I would have voted “yea.”

## SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 429, I call up the bill (H.R. 1105) to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers, and for other purposes,

and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 429, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-29 shall be considered as adopted, and the bill, as amended, shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Small Business Capital Access and Job Preservation Act”.*

## SEC. 2. REGISTRATION AND REPORTING EXEMPTIONS RELATING TO PRIVATE EQUITY FUNDS ADVISORS.

*Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3) is amended by adding at the end the following:*

“(o) EXEMPTION OF AND REPORTING REQUIREMENTS BY PRIVATE EQUITY FUNDS ADVISORS.—

“(1) IN GENERAL.—Except as provided in this subsection, no investment adviser shall be subject to the registration or reporting requirements of this title with respect to the provision of investment advice relating to a private equity fund or funds, provided that each such fund has not borrowed and does not have outstanding a principal amount in excess of twice its invested capital commitments.

“(2) MAINTENANCE OF RECORDS AND ACCESS BY COMMISSION.—Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules—

“(A) to require investment advisers described in paragraph (1) to maintain such records and provide to the Commission such annual or other reports as the Commission taking into account fund size, governance, investment strategy, risk, and other factors, as the Commission determines necessary and appropriate in the public interest and for the protection of investors; and

“(B) to define the term ‘private equity fund’ for purposes of this subsection.”.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of House Report 113-283, if offered by the gentlewoman from New York (Mrs. MALONEY), or her designee, which shall be considered read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

## GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous material for the RECORD on H.R. 1105, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

## NOES—185

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke

Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel

Eshoo  
Esty  
Farr  
Fattah  
Cohen  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since Congress was not in session last week, perhaps some of my colleagues missed the front page headline from *The Washington Post*. I read: "Among American Workers, Poll Finds Unprecedented Anxiety About Jobs and Economy."

According to the report, American workers are living with "unprecedented economic anxiety." More than six in 10 worry that they will lose their jobs. Nearly one in 3 say they worry a lot about losing their jobs.

The article goes on to mention an American named John Stewart who wakes up every morning at 1:30 a.m. for a 2-hour commute to catch two different buses in Philadelphia so he can get to work on time. In the newspaper, he said: "I can't save money to buy the things I need to live as a human being."

Mr. Speaker, we don't have to read *The Washington Post*. All we have to do is listen to our own constituents, since even today millions—millions—of our fellow countrymen remain unemployed and underemployed.

I hear these stories every week myself. Recently, I heard from Ida in Wills Point, Texas, in the Fifth Congressional District that I represent. She and her 79-year-old husband own a small trucking company. She wrote me that "because of increasing regulations in taxes in the past 4 years, we have lost all but two of our trucks." She goes on to write me: "My husband is the only driver right now because I can no longer drive. He drives full-time 3,500 miles a week most weeks because we can't live on his Social Security." She says: "We are really stuck in a hole."

Millions, Mr. Speaker, are "stuck in a hole."

Today, we have an opportunity, Mr. Speaker, to do something to help raise many of our fellow countrymen out of that hole of economic anxiety and economic hardship. Today, we have the opportunity to pass H.R. 1105, the Small Business Capital Access and Jobs Preservation Act.

I want to commend the bipartisan group of Members—two Republicans and two Democrats—who introduced the bill: Mr. HURT of Virginia, Mr. HIMES of Connecticut, Mr. GARRETT of New Jersey, and Mr. COOPER of Tennessee.

As chairman of the Financial Services Committee, Mr. Speaker, I want to thank all the members of the committee who came together across party lines to approve the bill. Mr. Speaker, nearly one-third of the Democrats who sit on our committee joined with 30 Republicans in supporting H.R. 1105. In short, Mr. Speaker, this is, indeed, a bipartisan jobs bill.

We know that small businesses face an incredible red tape burden. In fact, a recent survey of the National Federation of Independent Business said that "government regulations and red tape are the single most important challenge that small businesses face in creating and preserving jobs."

Mr. Speaker, I heard from another small business person in Grand Saline, Texas, in my district. He said because of overregulation "our business has devolved from one that provides a service for a customer into one that provides that same service as an afterthought while our real efforts go into paperwork."

□ 1445

Mr. Speaker, we can debate the relative merits or demerits of the Dodd-Frank Act; but even the primary author himself, former Chairman Frank, admitted that perhaps not every aspect of Dodd-Frank achieved perfection. And many of us would argue on a bipartisan basis that the part of the act that requires small business investors who are private equity advisers to register with the SEC is perhaps one of those provisions that is in need of reform.

This is a provision, Mr. Speaker, that many of us believe was aimed at Wall Street, but ends up hurting Main Street. Because of this provision embedded in Dodd-Frank, smaller firms that invest in entrepreneurs and in small businesses face yet one more significant regulatory cost, regulatory burden, more red tape.

As one of the small business investors testified before our committee, it is going to cost his company \$200,000 every year to comply with the regulation. He went on to say:

While for some larger firms this is an insignificant cost, for a medium-sized firm such as ours that offers capital to small businesses, it is a significant expense.

And pay attention to this, Mr. Speaker. He said:

This money comes directly out of our funds intended for investment into Main Street.

In today's economy, to help pull these people out of this hole of economic anxiety, we need more private sector, more private equity investment into Main Street. Private equity equals small business jobs.

In fact, Mr. Speaker, between 1995 and 2010, 23,000 different companies across our Nation benefited from private equity investment, employing 3 million different people, and the investments that are made by private equity historically have grown jobs at three times the rate of other companies.

And so what does this look like? I have to tell you, Mr. Speaker, it looks like an outfit called New Mountain Capital that invested in a company named Inmar, a national coupon and

reverse logistics processing company. By helping them update their IT with a \$100 million investment, they now support 4,200 different employees.

The face of private equity looks like Capital South Partners that invested in a North Carolina firm, Vita Nonwovens, and now they have 95 employees in High Point, North Carolina, and I should add parenthetically, another 55 employees in my native Texas. This is the face of private equity. These are some of the small business jobs that are being created.

Now, we may hear from some that this is needed to somehow battle Wall Street, but let me tell you what private equity is not. Private equity it is not Wall Street. It is not complex derivatives trading. It is not currency swaps. Mr. Speaker, it is not about systemic risk. That is not what this is about. And so, again, this was a provision aimed at Wall Street that, unfortunately, is hitting Main Street.

It is time to make sure that Americans like John in Philadelphia can live like a human being. It is time to make sure that constituents like mine, Ida and her husband, don't have to drive 3,500 miles a week just so they can put food on the table.

Mr. Speaker, it is time, again, for this institution to put jobs first, not regulators first, but jobs first. I urge all of my colleagues to adopt H.R. 1105.

I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. LYNCH) manage the time at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I rise today in opposition to H.R. 1105, which will create a gaping loophole for private equity fund advisers and deprive investors and regulators of important information about the risk these funds pose.

The Dodd-Frank Act wisely required that advisers to all hedge funds, private equity funds, and other private funds register and file regular reports with the SEC. It did this for two reasons: one, to help regulators better understand the systemic risks that these funds pose to the overall financial system, and to provide investors in these funds with meaningful information about the funds' governance.

This bill would exempt nearly every private equity fund adviser from these important disclosure requirements. Some of my colleagues who support this bill will argue that because private equity funds were not the cause of the last crisis, we should not subject them to these modest transparency and accountability requirements.

But one of the most important lessons we did learn during the financial

crisis is that systemic threats seem to always bubble up from the opaque and unregulated sectors of the market. Giving this exemption will allow threats to once again grow in the dark corners of our financial system, only showing themselves when it is too late to prevent serious harm to the American taxpayer.

Supporters of this bill, while well-intended, will point to the provision that ensures advisers to private equity funds with leverage ratios over 2:1 will still have to register. This may sound attractive on its surface until you realize that every private equity fund is basically within that parameter. Private equity funds invest in companies, and it is these portfolio companies that load up on leverage and that have the potential to take on outside risk, piling on the leverage while the private equity fund itself appears on its surface to be modestly leveraged. A private equity fund could have a leverage ratio well below 2:1, while its portfolio companies are leveraged in excess of 30:1 masking the actual risk that these funds pose. Nearly every private equity fund in existence today would come in below the 2:1 leverage cap. This is a hollow limitation that provides no protection to the funds' investors or to the American taxpayer.

Mr. Speaker, we learned the hard way after the recent financial crisis that systemic risks grow in the dark corners of our financial markets and that the more information we can gather about how the markets work, the safer we will be. The registration and reporting requirements for private equity advisers are modest and narrowly tailored, but they provide investors and regulators with important information. Rolling back these reforms now moves us in the wrong direction. I urge my colleagues to oppose H.R. 1105. I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I am now privileged to yield 5 minutes to the gentleman from Virginia (Mr. HURT), the primary author of this legislation, a real leader on our committee and in this Congress in creating jobs.

Mr. HURT. Mr. Speaker, I rise in support of H.R. 1105, the Small Business Capital Access and Job Preservation Act, a bipartisan bill that our colleagues, Representatives COOPER, HIMES, GARRETT, and I introduced earlier this year. I thank all of them for their leadership on this issue.

I would also like to thank Chairman HENSARLING and again Chairman GARRETT for their support and leadership on this bill, as we were able to achieve a bipartisan vote out of the Financial Services Committee.

Every Member of this body can agree that with millions of Americans out of work, our top focus in Congress should be, and it must be, enacting policies to spur job creation throughout our Nation.

Today, the House takes up another bill to encourage economic growth and job creation by increasing the flow of private capital to small businesses that are found on Main Streets all across America. At a time when the available avenues of capital and credit for small businesses continue to decrease, capital investments from private equity into our communities are more important than ever.

Unfortunately, Dodd-Frank has placed a costly and unnecessary regulatory burden of SEC registration on advisers to private equity while exempting advisers to similar investment funds. These registration requirements do not improve the stability of our financial system, and they restrict the ability of private equity to invest capital in our small businesses to spur job growth.

In Virginia's Fifth District, my district, there are literally thousands of jobs that exist because of the investment of private equity. These critical investments allow our small businesses to innovate, expand their operations, and create the jobs that our communities need. If enacted, the unnecessary burdens on advisers to private equity funds that do not have excessive leverage would be eliminated, and they would be given the same exemption from the SEC's registration requirements that venture capital advisers enjoy.

These registration requirements, which do not make the financial system any more stable, impose an undue burden on small and mid-sized private equity firms, and decrease the ability of their investment to create jobs.

During our Financial Services Committee hearing on the bill, witnesses discussed the cost these requirements have imposed on private equity firms. They force investment advisers to private equity to expend substantial resources that disproportionately affect small and mid-sized funds with costs of hundreds of thousands of dollars annually, or more, to comply with these requirements.

It is important to note that most people, including SEC Chair Mary Jo White, concede that private equity funds did not cause the 2008 financial crisis and are not a source of systemic risk, despite that argument being the impetus for the registration requirement under Dodd-Frank. These funds are not highly interconnected with other financial market participants; and, therefore, the failure of a private equity fund would be highly unlikely to trigger cascading losses that would lead to a similar financial crisis. Additionally, these funds invest primarily in illiquid assets, including small Main Street businesses found across our country. These businesses are diversified across multiple industries and therefore lack concentrated exposure to any single sector.

Furthermore, investors in private equity firms are all sophisticated investors who negotiate for the strongest investor protections. These sophisticated investors include public pension funds, university endowments, nonprofit foundations—many of whom are the primary beneficiaries of private equity successes. Those investors typically are represented by counsel and heavily negotiate fund terms in advance of investing, including reporting governance and conflicts of interest.

It should also be noted that H.R. 1105 does nothing to change current Federal law with respect to common law and statutory fiduciary protections owed by investors to advisers to private equity funds. There are already existing significant investor protections available both contractually and in the form of State and Federal fiduciary duties and antifraud protections—investor protections that exist whether or not the advisers are registered with the SEC.

In the end, the costs of unnecessary registration represent real capital that otherwise could be used to invest in companies such as Virginia Candle in our district—a company that, through private equity investment, expanded from a garage in Lynchburg, Virginia, to millions of homes across the world.

Beyond Virginia Candle in Virginia, private equity-backed companies employ over 7.5 million people. Let me say that again: private equity-backed companies employ over 7.5 million people nationwide in over 17,000 U.S. companies. The impact of the registration requirements stand to diminish job creation in each of the congressional districts represented on this floor today.

I ask all of my colleagues today to join me in voting "yes" on H.R. 1105 and pass this bill from the House in order to increase the flow of private capital to our small businesses so that they can innovate, grow, and create jobs for the American people.

SMALL BUSINESS INVESTOR ALLIANCE,

December 3, 2013.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Democratic Leader, House of Representatives,  
Washington, DC.

DEAR SPEAKER BOEHNER AND DEMOCRATIC LEADER PELOSI: On behalf of the Small Business Investor Alliance (SBIA), the premier organization of lower middle market private equity funds and investors, we urge you to support passage of the bipartisan Small Business Capital Access and Job Preservation Act (H.R. 1105), sponsored by Representatives Robert Hurt (VA-5), Jim Himes (CT-4), Scott Garrett (NJ-5), and Jim Cooper (TN-5). Passage of H.R. 1105 would reduce expensive regulatory costs for small business investors enabling increased capital formation and job creation for growing small businesses.

Private equity funds are critical to the capital raising process for many small businesses. In fact, a Pepperdine University study found that private equity backed businesses generated 129 percent more revenue

growth and 257 percent more employment growth than non-private equity backed businesses. America needs more private equity small business investing, not less.

It is commonly overlooked that small business investors are generally small businesses too. They are being held back by expensive regulatory costs as a result of new expanded SEC registration requirements put into place by the Dodd-Frank Act. Investment Adviser registration is very costly in both money and time, especially for smaller funds that do most of the small business investing. Most of our private equity funds do not have legal departments, compliance teams, and other forms of overhead that are required by the new regulatory system. Compliance costs are often \$250,000 or more per year—a heavy expense to a small business investment fund. Many of the new burdens are caused by the fact that the SEC rules are designed to deal with publicly traded businesses and investing, not for investing in domestic, privately-held small businesses. Small business investors are not mutual funds, multi-national conglomerates, or giant financial institutions and should not be treated as such.

Private equity funds, particularly those supporting small businesses, are not a systemic risk and did not contribute to the financial crisis. H.R. 1105 would reduce regulatory costs, but would still maintain record retention and information for regulators and thus maintain investor safeguards.

Congress can reduce unnecessary burdens for our private equity funds and allow them to do what they do best—invest in job creating small businesses to empower them to succeed, create jobs, and grow the economy. SBIA strongly supports passage of the bipartisan Small Business Capital Access and Job Preservation Act.

Sincerely,

BRETT PALMER,  
President.

SMALL BUSINESS &  
ENTREPRENEURSHIP COUNCIL,  
December 2, 2013.

Hon. ROBERT HURT,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN HURT: On behalf of the Small Business & Entrepreneurship Council (SBE Council), I am writing to support H.R. 1105, the Small Business Capital Access and Job Preservation Act. A late September 2013 survey by SBE Council found a disturbingly large percentage of entrepreneurs (62%) who said the outlook for their firms had not improved (or had worsened) since the financial crisis more than five years ago. For growth-oriented firms responding to the survey, access to capital remains a worrisome issue. That is why SBE Council continues to support initiatives such as H.R. 1105, which will help improve U.S. capital formation and access for small businesses.

The overly broad Dodd-Frank law imposed SEC registration and compliance rules on private equity when, quite simply, none were needed. There was and is no evidence of pervasive problems with private equity, or that it poses systemic risk to the marketplace. Irrelevant and time-consuming procedures as required by Dodd-Frank, only hamstringing private equity's role in efficiently serving the many small businesses that benefit from the capital and expertise it provides.

Lifting the redundant and burdensome Dodd-Frank regulations on private equity—as H.R. 1105 proposes to do—will improve capital markets efficiency, and therefore make a meaningful difference for entre-

preneurs. The (SEC) can also better meet its core responsibility of protecting markets and retail investors.

Please let SBE Council know how we can help advance H.R. 1105 into law.

Sincerely,

KAREN KERRIGAN,  
President & CEO.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, December 2, 2013.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, supports H.R. 1105, the "Small Business Capital Access and Job Preservation Act." This bill would amend the Investment Advisers Act of 1940 to exempt private equity fund investment advisers from its registration and reporting requirements, provided that each private equity fund has not borrowed and does not have outstanding a principal amount exceeding twice its invested capital commitments. This bill would additionally enhance the capital formation needed to build new businesses, expand existing businesses, and create jobs.

Businesses small and large, particularly new businesses, need a mix of capital sources to meet short-term and long-term growth needs. This diversity of capital has provided the liquidity needed for different sized firms to be able to have the opportunity to achieve success. Congress recognized these facts and the needs to increase diverse portals of capital access in passing the bipartisan Jumpstart Our Business Startups Act ("JOBS Act") last year.

Private equity financing is an important form of financing for smaller businesses that are trying to grow. In fact, between 1995 and 2010 over 23,000 businesses, employing 3 million people, were backed by private capital. These businesses grew jobs at a rate of 64% compared to other businesses which only grew jobs at a rate of 18%. It should also be noted that private equity financing was not a cause of the financial crisis and that under its business model does not pose interconnected risk to the economy. Yet, the Dodd-Frank Wall Street Reform and Consumer Protection Act requires that private equity firms must register with the Securities and Exchange Commission.

These requirements are not only costly, but are also designed for public company investors and not investors in privately held companies. These requirements are a mismatch for the investment model and the costs involved may be prohibitive for smaller firms that specialize in investing in the middle markets. Accordingly, the failure to pass this bill could cut off funding sources for small businesses.

Passage of H.R. 1105 would serve as an important step forward towards promoting efficient capital markets conducive to long-term economic growth and job creation. The Chamber may consider including votes on, or in relation to, this bill in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,  
Executive Vice President,  
Government Affairs.

PRIVATE EQUITY GROWTH  
CAPITAL COUNCIL,  
Washington, DC, December 2, 2013.

Hon. ROBERT HURT,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

Hon. SCOTT GARRETT,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

Hon. JIM HIMES,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

Hon. JIM COOPER,  
House of Representatives, Longworth House Of-  
fice Building, Washington, DC.

DEAR CONGRESSMEN, Thank you for your leadership in advancing H.R. 1105, The Small Business Capital Access and Job Preservation Act. As you know, the bill is scheduled for a Floor vote this week. The Private Equity Growth Capital Council (PEGCC) strongly supports this legislation.

Private equity and growth capital investment drives economic activity and growth across the U.S. economy by investing in promising companies looking to grow and those in need of a turnaround. Last year alone, private equity and growth capital invested \$347 billion in more than 2,000 U.S.-based businesses located in all 50 states and every congressional district. There are 17,700 companies based in the U.S. that are backed by private equity investment, and these companies employ more than 7.5 million people worldwide.

The stated goal of the Dodd-Frank Act is to reduce systemic risk in the U.S. financial system. Private equity and growth capital pose no systemic risk to the economy, did not contribute the financial crisis and, therefore, should not be subjected to enhanced SEC oversight. Choosing to increase regulation on private equity and growth capital will require a disproportionately large level of resources from the SEC's budget and divert focus from protecting retail investors and ensuring market integrity.

Furthermore, registration does not provide additional investor protections, and it significantly increases the cost of compliance for private equity and growth capital firms. These registration regulations treat private equity and growth capital firms like investment advisers with retail clients. In contrast, private equity works with sophisticated, accredited investors who mostly consist of pension funds, charitable foundations and university endowments. These investors are typically represented by legal counsel and heavily negotiate fund terms in advance of investing in a fund. Negotiated items often include reporting, governance and conflicts of interest. Investors obtain little if any benefit from the added SEC registration requirements, yet the time and resources needed to comply with SEC registration distracts from private equity's core mission of investing in, strengthening and growing great companies.

The private equity and growth capital industry strongly supports the passage of H.R. 1105, The Small Business Capital Access and Job Preservation Act. If you would like more information about the positive impact of private equity in your state, please visit [www.PrivateEquityAtWork.com/state-by-state](http://www.PrivateEquityAtWork.com/state-by-state).

Thank you, again, for advancing this legislation. We look forward to working with you to get this proposal enacted.

Sincerely,

STEVE JUDGE,  
President & CEO.

NATIONAL ASSOCIATION OF  
INVESTMENT COMPANIES,  
Washington, DC, December 3, 2013.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives, Washington,  
DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the National Association of Investment Companies (NAIC), an advocacy association that represents private equity member firms, including women and ethnic minorities who remain significantly under-represented in private equity, we are writing to support passage of the Small Business Capital Access and Job Preservation Act (H.R. 1105). H.R. 1105 is bipartisan legislation sponsored by Representatives Robert Hurt (VA-5), Jim Nimes (CT-4), Scott Garrett (NJ-5), and Jim Cooper (TN-5).

The fastest growing sector of the U.S. economy is the \$6 trillion annual market of minority consumers, who within decades will comprise the majority of consumers. NAIC member firms represent companies that invest in this growth sector of the U.S. economy. Passage of H.R. 1105 reduces compliance costs for private equity firms and would allow our member firms to increase capital investment in areas of the economy that are under-represented in their ability to access capital to create jobs.

The exorbitant cost of SEC registration can take resources away from making investments in Women- and minority-owned businesses. Annual SEC registration costs often run as high as \$250,000, as SEC registered fund must spend precious resources on hiring compliance and legal services to be fully compliant with SEC rules. H.R. 1105 would reduce these costs by removing some of the inapplicable SEC investment adviser rules that are unworkable for private equity funds.

NAIC strongly supports passage of the Small Business Capital Access and Job Preservation Act and we urge your support of this important bipartisan legislation.

Sincerely,

JENNELL F. LYNCH,  
Vice President.

ASSOCIATION FOR CORPORATE GROWTH,  
Chicago, IL, December 2, 2013.

RE Support the "Small Business Capital and Job Preservation Act of 2013" (H.R. 1105).

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives, Washington,  
DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the Association for Corporate Growth (ACG) and our 14,500 members and the 26,000 "Main Street" businesses they operate, we urge Members of the House of Representatives to vote in favor of H.R. 1105, the Small Business Capital and Job Preservation Act when it comes before the full body later this week.

Founded in 1954, ACG is an organization with 46 chapters in the United States representing professionals from private equity firms, corporations and lenders that invest in middle-market companies, as well as from law, accounting, investment banking and other firms that provide advisory services. ACG represents more private equity firms than any other association in the United States—virtually all of which invest in smaller and middle-market companies.

It is important that the application of the Dodd-Frank Act uphold the original spirit and intent of the legislation without constraining capital. Yet, Dodd-Frank requires that virtually all private equity firms must register with the Securities and Exchange Commission (SEC) under the Investment Advisers Act of 1940, despite the fact that private equity funds are structured and operate almost identically to venture capital funds, which under the Dodd-Frank Act are exempted from having to register.

This bipartisan legislation, introduced Representatives Robert Hurt (R-VA), Jim Himes (D-CT), Jim Cooper (D-TN) and Scott Garrett (R-NJ), would amend the Investment Advisers Act of 1940 to exempt private equity fund investment advisers from its registration and reporting requirements, so long as the fund has not borrowed and does not have an outstanding principal amount of debt exceeding twice its invested capital obligations. Since private equity funds were not a cause of the financial crisis and its business model does not pose any interconnected risk to the economy, ACG believes H.R. 1105 is a necessary piece of legislation that will help ensure the continued flow of capital to businesses. H.R. 1105 strikes a proper balance between access to capital and protection from systemic risk. H.R. 1105 also re-establishes regulatory parity between private equity and venture capital.

Private capital can be found in every corner of our nation and the bipartisan Small Business Capital Access and Job Preservation Act will preserve private equity funding as a pipeline of capital for growing businesses. ACG stands ready to assist and serve as a resource to Members of the U.S. House of Representatives as they aim to achieve sound financial policies and enhancements of the Dodd-Frank Act that accomplish continued growth in the middle-market.

We thank Representatives Robert Hurt (R-VA), Jim Himes (D-CT), Jim Cooper (D-TN) and Scott Garrett (R-NJ) for their leadership on this important issue. We urge all members of Congress to support their efforts and vote in favor of H.R. 1105.

Sincerely,

GARY LABRANCHE, FASAE, CAE,  
President and CEO.

Mr. LYNCH. Mr. Speaker, I yield myself 1 minute.

I do want to respond to the gentleman's invoking of the SEC chair, Mary Jo White. Judging from the gentleman's remarks, you would think she might be in favor of this bill. Well, let me talk about what she says about this bill in particular:

Our markets would not be well served by narrowing the scope of the commission's jurisdiction in oversight of these advisers.

That is with respect to this bill. She also said:

Private equity investors are in need of the same protections as other private fund investors.

Lastly, she has also said that the commission has brought enforcement actions, talking about the advisability of having oversight over advisers and having these disclosures made:

The commission has brought enforcement actions against private equity funds and their advisory personnel involving unlawful pay-to-play schemes, insider trading, conflicts of interest, valuation, and misappropriation of assets.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. I yield myself another 30 seconds.

Now, when you think about the protections that are necessary for pension funds, especially where these workers have invested their whole lives in these pension funds, you understand the need for this disclosure.

At this time I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

□ 1500

Mr. ELLISON. Mr. Speaker, let me thank the gentleman from Massachusetts.

Before I launch into the substantive critique of this bill and I urge Members to vote "no," I would like to make a preliminary observation, and that is that when our chairman of our committee begins his presentation, making a broad-based critique and attack on regulation, Members should be very careful about this because good regulation is good for the American people. We need health and safety protections. We need to be protected from unsafe water, unsafe products. And investors need to be protected, as well. Any time a Member of Congress or anyone comes up and says regulations are bad, this is obviously wrong and the American people know it. Therefore, when you are being told to do something just because regulations are always bad, you should be very suspicious of what is going on and dig deeper into the situation.

I urge Members to just consider how important good, solid, well-tailored regulation is to benefit the American people, and I push back on anybody who just makes a frontal assault on all regulation, no matter how good or how bad and just regulation in general. This has been a theme around here, and I urge Members to be suspicious of it.

It should also be considered that when this bill is in front of us, we should know that people have looked carefully at it. Members who are wondering what they want to do on this bill, they should consider that the Obama administration has strongly opposed this bill, with senior advisers recommending a veto. This is a bill that is not going to become law. There is no Senate companion. I just checked and have been advised that there is no Senate companion. So we are really here talking about a bill that is going to be a threatened veto by the President and has no Senate companion, but is also opposed by SEC Chair Mary Jo White and the Council of Institutional Investors, an organization which has investors' interests in mind as this bill is trying to make investor information more opaque, and Americans for Financial Reform, not to mention the Consumer Federation of America, the AFL-CIO, and State securities regulators.

So the people who work with these regulations all the time don't think they are the right thing to do. Even if some Members might consider that maybe this might get capital to somebody who wouldn't otherwise get it, the people who regulate and use these regulations every day have carefully considered H.R. 1105 and have come to the conclusion that it is bad for investors, that it creates less transparency, not more, and, therefore, is, in fact, a risk to our financial well-being.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. I yield the gentleman an additional 1 minute.

Mr. ELLISON. Americans are obviously looking for jobs. This is the big hook, the way to get anybody to vote for anything around here. It says it is going to create jobs. Of course, there has been no demonstration of how this is going to create jobs.

The point is that it will create a situation where there is less information for investors who need it, and it is important for Members to know that the SEC has taken enforcement actions against private equity firms.

For example, at Knelman Asset Management Group, the SEC found that registered private equity funds-to-funds adviser Knelman Asset Management Group, LLC, Irving Knelman, a managing director, chief executive officer and former CEO, violated the Advisers Act custody, antifraud compliance reporting, and books and records provisions. This is a case where you have the SEC using information to bring accountability in the private equity arena.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LYNCH. I yield the gentleman an additional 20 seconds.

Mr. ELLISON. Let me wrap up by saying that we urge Members to vote "no," to look out for advisers. Even private equity advisers need transparency, not less information. A "no" vote is urged here.

Mr. HENSARLING. Mr. Speaker, at this time I am very happy to yield 4 minutes to the gentleman from New Jersey (Mr. GARRETT), a coauthor of the legislation and the chairman of the Capital Markets and GSE Subcommittee.

Mr. GARRETT. Mr. Speaker, I thank the chair.

Before I give my remarks, I just want to say in response that I believe the chairman said that he is not opposed to all regulations. I think he said he is in favor of regulation, but make sure that it is smart and appropriate regulation—at least, that is my position, as well.

Understand, too, to the gentleman's point, that even when this legislation is passed, the SEC still will have significant authority, will still have its

enforcement division, will still have its new asset management unit, which has recently recruited industry professionals with asset management experience to serve as specialists in this unit to do the investigations that the gentleman wants to have continue, and it will continue even after the passage of this legislation.

With that said, I want to again thank the chairman. I want to thank the gentleman from Virginia (Mr. HURT), and also the gentleman from Connecticut (Mr. HIMES), as well, for their hard work on this very important legislation, as well as all our cosponsors on both sides of the aisle. For that reason, I am pleased to support H.R. 1105. And do make no mistake about it; this is bipartisan legislation, and it is all about helping small businesses and helping to create more jobs in this country.

Today, more than 17,700 companies, backed by private equity employ over 7.5 million people. In my home State of New Jersey alone, 597 private equity-backed companies support more than 377,000 workers, while the New Jersey Division of Pensions and Benefits has invested billions on behalf of retirees and private equity firms. Hopefully, all those facts give you the facts you need to know how important it is to the creation of jobs. Yet despite their long track record supporting small business nationwide, the Dodd-Frank Act has imposed enormous and numerous burdens on private equity firms, forcing most fund advisers to spend literally millions of dollars complying with new SEC registration and reporting requirements.

While these burdensome regulations no doubt crimp the flow of much-needed investment dollars to America's small businesses, there is little or no evidence that they are needed to promote the stability of our financial system or to protect investors. Unlike, say, Federal housing policy and the government-sponsored enterprises Fannie Mae and Freddie Mac, private equity did not cause the financial crisis and is not—and never has been—a source of systemic risk.

As former SEC Chair Mary Schapiro admitted back in 2011: "Private equity funds have less potential to pose systemic risk than any other type of private funds." Indeed, if the SEC is so concerned about the systemic risk of private equity funds, their recent examinations of private equity advisers certainly do not show it.

As Chair White recently said: Neither the SEC's examinations staff nor the Division of Investment Management "has conducted examinations of an adviser to a private fund based primarily on systemic risk concerns."

She also said: SEC examiners "have not to date reviewed systemic risk issues as part of their examinations of private funds."

Thirdly: None of the advisers to private funds that withdrew their reg-

istration in 2012 "had systemic market impact."

And so now we must ask ourselves this question: Do we really want the SEC, already saddled with a multitude of unfinished, nongermane Dodd-Frank mandates expending valuable resources on risks that don't even exist? In addition, because only sophisticated investors may invest in these private equity funds, the need to protect investors in this case is more limited compared to other areas of the security market.

While I wholeheartedly support the SEC's mission to protect investors, the agency with limited resources should be devoted, first and foremost, to protecting the less sophisticated, the retail mom-and-pop investors. They need the most protection.

It was Paul Kanjorski, who was in Congress when Dodd-Frank went through. He said:

I, for one, could care less about high-wealth individuals who want to contribute their money to a group of investors. If they want to take the shot of losing it, it does not really affect the rest of society.

It also bears mentioning that this legislation in no way alters the many existing tools the SEC already has to prevent and punish fraud in the private equity industry for the benefit of sophisticated investors and the broader economy.

I urge support of H.R. 1105 at a time when most small businesses continue to have difficulty getting credit and need to grow. Passing this bipartisan legislation, commonsense legislation, should be no a no-brainer.

Mr. LYNCH. Mr. Speaker, I yield myself 1 minute to respond to some of these allegations.

In respect to sophisticated investors, the Council of Institutional Investors, which is an association representing corporate, union, and public pensions, foundations and endowments, largely very sophisticated investors with combined assets of \$3 trillion, opposes this bill. They oppose this bill because of the record of enforcement actions of the SEC to go after risks that do actually exist.

I now yield 3 minutes to the gentleman from Connecticut (Mr. HIMES), a cosponsor of the bill.

Mr. HIMES. Mr. Speaker, I would like to thank my friend from Massachusetts for the time and Ranking Member WATERS for being willing to hear different perspectives on this bill from our side.

I want to start by saying that Dodd-Frank, which I think I can say I contributed more than my share to, was, on balance, a very good and very important thing. The dragging of derivatives into the light of day, trading on exchanges, clearing through clearinghouses, the creation of the CFPB, taking steps to eliminate too big to fail, there is lots of stuff in Dodd-Frank which is important and good.



But not everything in Dodd-Frank is important and good. Like all other works of mortals, there are things in this that are probably unintended and perhaps overreaching. I happen to believe that the requirement that private equity funds register with the SEC is one of those areas.

Why is that?

First, private equity funds, as has been pointed out on the floor today, were a million miles from the bad mortgages from Fannie Mae, from Freddie Mac, from the subprime mortgages, from all of those things that caused the failures in 2008. They weren't anywhere close.

Secondly, investor protection is important, but, by law, the only people who can invest in these funds are accredited investors or institutional investors who don't just sign up. They hire attorneys to negotiate partnership agreements. They negotiate with these private equity funds for disclosure, for the terms, and all of those sorts of things. So we are not talking about retail investors here.

Finally, the issue of leverage. We have finally gotten to the point where people acknowledge that these are not large leverage funds. The point is made that the leverage is at the investment company level. That is true. Private equity firms do buy companies, invest in them, and then those companies take on leverage. The average leverage across the entire universe of private equity-sponsored companies is less than 3 to 1. It is not 30 to 1, but 3 to 1. It is less than 3 to 1. By way of comparison, hedge funds, on average, are leveraged 15 to 1. Lehman Brothers, when it went down, was leveraged in excess of 30 to 1. We are talking about companies which are assuming the same kind of debt that any other small business assumes out there, less than 3 to 1.

What we have happening right now is we have examiners and the intention and the resources of the SEC, which has terribly important missions around real estate and mortgages and derivatives and finding the next Bernie Madoff, going to \$175 million funds and examining these funds on behalf of the sophisticated investors. That does not make sense.

Dodd-Frank exempted venture capital funds from this registration requirement. Venture capital funds do the exact same thing with the exact same investors that private equity funds do; they just do it in an earlier stage in the company's history. The only reason for that exemption is that we like venture capital funds more than we like private equity funds. They sound better. They make nice things in garages in Palo Alto. Private equity sounds more ominous; therefore, they have been subjected to registration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. HIMES. Mr. Speaker, we exempted venture capital funds from the Advisers Act of 1940 registration. The same set of investors, same types of investing. Actually, a more risky asset class than private equity. We exempted them for no other reason than that we like venture capital better than we like private equity. That is fine. But in statute and in regulation, we should be consistent.

So I think that you can argue that venture capitalists should be subject to the same kind of registration requirements that private equity is or you can argue, as I do, that probably both types of funds don't need to be registered under the Advisers Act of 1940, but you can't support Dodd-Frank and say venture capitalists are exempt and private equity is not and be consistent in policy.

So I urge my colleagues, in the interest of balancing a very good piece of legislation, to support H.R. 1105.

Mr. HENSARLING. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN).

□ 1515

Mr. HULTGREN. Thank you, Chairman HENSARLING.

Mr. Speaker, what we are trying to do here today is to get small business jobs growing again, and private equity helps do that. The infusion of private investment helps these small businesses create jobs so we can get the economy moving again.

Over the last 15 years, private capital has helped about 23,000 small businesses, employing approximately 3 million people. Businesses backed by private capital grew jobs 3.5 times faster than other businesses.

We need to encourage this kind of growth by bringing more opportunity, not more regulation. Capital is better spent getting people back to work and growing our small businesses than it is tied up in compliance costs.

In Illinois, my home State, more than \$200 billion has been invested in local companies. Private equity is about skin in the game, and we need to keep these resources in the economy, not on the sidelines.

I ask my colleagues to support H.R. 1105. I am a proud cosponsor and believe we should pass this important bill.

Mr. LYNCH. Mr. Speaker, may I ask how much time is remaining for each side.

The SPEAKER pro tempore. The gentleman from Massachusetts has 16½ minutes remaining. The gentleman from Texas has 12½ minutes remaining.

Mr. LYNCH. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. I thank my friend, the gentleman from Massachusetts. We are seatmates on the Government Reform Committee, and it is a pleasure to serve with you. It is also a pleasure to support this bill.

Mr. Speaker, I want to address my remarks particularly to the new Democrats and Blue Dog Democrats because not everyone in this body is an expert on private equity or venture capital. This sounds like a complicated topic. It sounds technical, but it is really all about jobs.

There is nothing we are asked about more back home than about creating jobs. There is nothing we talk more about here than creating jobs. Passing this bill is a good way to do that.

It is easy to get wound up in the details, but the bottom line is this: private equity creates jobs. These are funds that have wealthy investors investing in them, and they lend their money, they invest in growth companies that create jobs.

My friend from New Jersey mentioned they have already helped create 7.5 million jobs in America, some 17,000 individual companies. These are the companies we try to recruit to our districts. These are the companies that we try to grow back home so that more of our good people back home can have good jobs.

The paperwork requirement that, unfortunately, and I think probably inadvertently, was put on them by the Dodd-Frank bill needs to be removed. SEC registration is not appropriate for these funds. It costs between three-quarters of a million dollars and \$1 million a year for them just to do the paperwork. That is money taken away from job creation. That is money that is embalmed in red tape.

So this is a chance, and we do need to make sure there is a Senate companion to this bill once it passes the House. I am proud of my colleagues for being involved in a bipartisan job-creation effort because folks who really understand venture capital and private equity know this is a great way to help create more jobs in this country, by removing a little bit of the red tape that probably shouldn't have been there to begin with.

This bill passed the Financial Services Committee last session of Congress by voice vote. This shouldn't even be controversial. This year the vote was overwhelming, 38-18.

So I hope my colleagues, particularly among new Democrats and Blue Dogs, will understand this is a job-creation issue. This is a bipartisan job-creation opportunity.

H.R. 1105 should pass with overwhelming, bipartisan support. Let's get this through the Senate, and let's create more jobs in America.

I thank the chairman for yielding time, and I hope all my colleagues will vote for H.R. 1105.



Mr. HENSARLING. Mr. Speaker, I now yield 1½ minutes to the gentlewoman from Missouri (Mrs. WAGNER).

Mrs. WAGNER. Mr. Speaker, I want to thank Chairman HENSARLING of our Financial Services Committee and also the gentleman from Virginia (Mr. HURT), my friend, for their very hard work in bringing this important legislation to the floor today.

Mr. Speaker, today I rise in support of H.R. 1105, the Small Business Capital Access and Job Preservation Act. This legislation addresses yet another misguided provision of the Dodd-Frank Act that will help ensure that private equity maintains its critical role in our economy.

Private equity firms provide capital to Main Street businesses in Missouri and all across our country and, importantly, private equity often invests in companies when others are unwilling to do so. These investments support nearly 18,000 businesses in the United States that employ some 7.5 million workers.

Unfortunately, the Dodd-Frank Act seeks to make it more difficult for private equity to maintain this important economic role. To my knowledge, no evidence has been produced which shows that private equity was the cause of the 2008 financial crisis, or that it presents a systemic risk to our financial system.

It makes little sense, then, to impose unnecessary and costly red tape burdens on private equity investors which will only make it more difficult for them to invest in American businesses and create jobs.

H.R. 1105 is, therefore, a necessary response to an overreach of the Dodd-Frank Act and will help support Main Street businesses and jobs all throughout our country.

I am pleased to support this very bipartisan bill and urge my colleagues to vote in support of H.R. 1105.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I do want to point out, in response to the gentleman from Tennessee's remarks about this bill going on voice vote in committee, I just want to remind the Members and the public that during that debate there was a need for further work on this bill.

I think, in a moment of bipartisanship, we agreed, both Democrat and Republican, to allow the bill to go by voice vote with the promise to work on some of those issues going forward. So it was an agreement to try to continue to agree and to work on the bill. It was not a vote in favor of any particular provisions within this bill.

There has been a lot of talk here about the risks that don't exist, and I do want to just point out some of those. As a result of this bill, funds investing more than \$300 billion a year, much of which is the retirement savings of workers like teachers, fire-

fighters, police officers, they would no longer be required to provide basic investor protections.

Specifically, H.R. 1105 would deprive investors of basic disclosures about an employee of a fund adviser who, for instance, violated securities law, or the adviser's businesses practices, its fees, any conflict of interest on the part of that adviser.

It would also eliminate a compliance program and code of ethics within the bill, within Dodd-Frank, and would eliminate the need for a chief compliance officer for each fund manager.

H.R. 1105, the bill under consideration here, would also prevent the SEC from conducting compliance exams of private equity fund adviser, even though SEC Chairman Mary Jo White notes that the Commission has already uncovered issues such as unlawful pay-to-play schemes, insider trading that we have all read about recently, conflicts of interest, valuation issues, and misappropriation of assets.

I want to talk about some of these since there has been a complete dismissal of any risk here. I think the record speaks to the risk.

The SEC has brought several enforcement actions against private equity firms. While the defendants do not necessarily represent all private equity firms, they do highlight the need for a strong police officer with the authority to examine all private equity advisers.

Capital formation relies on investor confidence in the underlying assets; and without registration with the SEC, investors will no longer have a cop on the beat that can enforce the rule of law, reducing investor demand.

In Knelman, for example here, there have been broad violations related to fraud, custody, compliance, and reporting. In Knelman Asset Management Group, the SEC found that registered private equity fund-of-funds adviser Knelman Asset Management Group, LLC, and Irving P. Knelman, KAMG's managing director, chief executive officer, and former CCO, violated the Advisers Act's custody, antifraud, compliance, reporting, and books-and-records provisions.

In insider trading enforcement, the Gowrish insider trading case involved an individual who allegedly stole confidential acquisition information, TPG Capital, and sold that information to two friends who made \$500,000 in illicit trading profits.

Valuation related enforcement actions, the Oppenheimer/Brian Williamson matters concern an investment adviser and portfolio manager who misrepresented material details about his valuation methodology to his investors.

Recently, the Commission filed a case against Yorkville Advisors, where Yorkville allegedly inflated the values of certain liquid assets. While Yorkville managed hedge funds, the

valuation issues are very similar to ones we see in private equity.

Finally, the KCAP valuation case involved alleged overstatements of the value of certain debt securities and CLOs held in the investment portfolio, highlighting the division and AMU's emphasis on pursuing valuation cases.

And in the Ranieri Partners case, the SEC also found that an investment manager knowingly used a sanctioned, unregistered broker-dealer to solicit capital for a pooled investment vehicle.

So all of these illegal activities would be made unavailable to private equity investors under this bill. That is what the risk is. That is not fiction. Those are actual cases that the SEC has introduced enforcement actions on. So there is real risk here for investors and for the markets themselves.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds to say that the gentleman from Massachusetts sets up a straw man and then knocks it down. The activities that he describes as illegal continue to be illegal, and I would say that private equity funds provide extensive reporting to investors, including audited annual financial statements.

Private fund equity advisers are subject to the antifraud provisions of the Investment Advisors Act of 1940, whether they are registered or not, and fund offerings are subject to the antifraud provisions of the Securities Act of 1933.

The real choice becomes, are we going to get even greater protections for millionaire investors, or are we going to help struggling single moms trying to find a job in this economy?

Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Ohio (Mr. STIVERS).

Mr. STIVERS. Mr. Speaker, I would like to thank the gentleman from Texas for yielding time.

The Small Business Capital Access and Job Preservation Act is an important bill that I believe will allow more capital to go and flow to small business so they can create jobs.

You know, at a time when we have 7.3 percent unemployment, and underemployment over 10 percent, we have a need for more capital to flow into our businesses so they can create jobs.

Meanwhile, the Dodd-Frank Act created burdensome new SEC registration on private equity firms but, as the gentleman from Connecticut said earlier, not on venture capital firms that do exactly the same thing. So, in fact, I would argue that venture capital firms have more risk than private equity.

There already are important protections, consumer protections, around private equity. You have to be a sophisticated, accredited investor, and there is already important fraud detection and fraud enforcement actions

that are available to the SEC in the cases of these investors being taken advantage of.

So at a time when private equity is helping provide over 6 million jobs in America, we should be doing everything we can to actually encourage more activity by private equity, to encourage more jobs in America, not burdening them with big regulations.

I want to just make four quick points. These middle-market private equity firms, like we have in towns like Columbus, Ohio, where I live, contribute a lot toward job creation, but not a lot toward systemic risk.

And the compliance costs for these smaller firms in towns like Columbus, Ohio, will be especially high as a percentage; and it could drive many of them out of business.

Many of these firms that manage both SBIC and non-SBIC funds already face multiple layers of regulation.

And the fourth point is many of these investment adviser rules are not really pertinent to private equity funds.

□ 1530

So I stand in support of the Small Business Capital Access and Job Preservation Act. I want to thank the gentleman from Virginia, Representative HURT, for his hard work on this. I think it is a win for job creation, and I urge all my colleagues to support it.

Mr. LYNCH. Mr. Speaker, I yield myself 2 minutes.

We need not worry about small firms in this. They are already exempt under this bill. They are already exempt. So the concerns about small firms being covered by this, they are already exempt, number one.

Number two, the other scenario that has been posited here is that somehow, by allowing private equity firms the right to keep secret—or to refuse to disclose that their employees have been prosecuted for violating securities laws, by allowing that to remain undisclosed, that somehow that is going to help some single mom go to work, I don't think that is a rational assumption.

Mr. Speaker, I will now enter into the RECORD letters from the following organizations who are all opposed to this bill: Americans for Financial Reform, the Council of Institutional Investors, the North American Securities Administrators Association, and a Statement of Administration Policy from the Obama administration.

I reserve the balance of my time.

AMERICANS FOR  
FINANCIAL REFORM,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform, we are writing to express our opposition to HR 1105. Contrary to its title, this bill is not designed to benefit small business. Instead, it would exempt private equity fund advisers—who include some of the wealthiest and most significant entities on Wall Street—from basic reporting

requirements designed to help regulators monitor systemic risk in the financial system and protect investors and the public.

Prior to the Dodd-Frank Act, hedge and private equity funds received almost no regulatory monitoring, despite the fact that combined they manage some \$3 trillion in assets and played a significant intermediary role in the financial crisis. Section 404 of the Dodd-Frank Act created more transparency for this previously dark portion of the markets, by requiring advisers to hedge and private equity funds to report basic financial information relevant to systemic risk to the Securities and Exchange Commission (SEC). The experience of the 2008 crisis—where risks emerged from parts of the markets not being monitored by regulators—clearly demonstrates the importance of ensuring that regulators can track financial risks wherever they originate.

The Section 404 reporting requirements as implemented by the SEC are far from onerous. All advisers with below \$150 million in assets under management are completely exempted, and advisers with up to \$1.5 billion in assets under management must report only limited and basic information once per year. Advisers to large private equity funds are required to respond only once per year (advisers to other large funds report quarterly).

HR 1105 would exempt almost all private equity fund advisers from reporting requirements to the Securities and Exchange Commission. The sole requirement for the exemption is that the fund must not have outstanding borrowings that exceed twice the fund's invested capital. But this requirement places little if any real limitation on the exemption, since the great majority of borrowing connected with private equity activity is conducted through portfolio companies, not at the fund level. (That is, companies owned by private equity funds borrow large amounts as the direction of the fund, but the fund itself rarely borrows a great deal).

It is particularly distressing that Congress would consider granting this exemption at a time when concern is growing among regulators and market observers about risks created by a possible bubble in the leveraged loan market, which is dominated by loans sponsored by private equity firms. Several warnings have been issued recently by regulators concerning the risks being created in these markets. As Moody's investor's service has stated:

"Private equity firms have been exploiting investors' willingness to lend to speculative-grade companies . . . Higher yields are drawing investors to riskier structures at a time when interest rates remain at historical lows."

Since leveraged loans are also being sold to small retail investors, a bubble could impact both the stability of the broader financial system and the retirement savings of retail investors. The situation in the leveraged loan market clearly demonstrates the connection between private equity activity and important risks to financial stability and to investors.

An additional source of concern is the danger that the exemption granted in HR 1105 could too easily be exploited to reach beyond private equity firms alone. The distinction between a hedge fund and a private equity fund is not a formal legal distinction, it is simply a differentiation between general investment strategies. While HR 1105 grants the SEC the ability to define more precisely what a private equity fund is, if that defini-

tion is at all overbroad then it could be taken advantage of by a wide range of hedge funds in order to avoid oversight.

Private equity funds already receive significant subsidies through the tax system, as they are major beneficiaries of the favorable treatment for 'carried interest', as well as the general tax subsidy to debt costs. It is totally inappropriate to also grant such funds a blanket exemption from even the limited and basic Dodd-Frank regulatory reporting requirements. Such a blanket exemption would make it more difficult for regulators to monitor systemic risk and risks to investors, solely in order to exempt wealthy managers of large private equity funds from a minor administrative task. HR 1105 should be rejected.

Thank you for your consideration. For more information please contact AFR's Policy Director, Marcus Stanley.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

FOLLOWING ARE THE PARTNERS OF AMERICANS  
FOR FINANCIAL REFORM

All the organizations support the overall principles of AFR and are working for an accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have signed on to every statement.

A New Way Forward; AFL-CIO; AFSCME; Alliance For Justice; American Income Life Insurance; American Sustainable Business Council; Americans for Democratic Action, Inc.; Americans United for Change; Campaign for America's Future; Campaign Money; Center for Digital Democracy; Center for Economic and Policy Research; Center for Economic Progress; Center for Media and Democracy; Center for Responsible Lending; Center for Justice and Democracy.

Center of Concern; Center for Effective Government; Change to Win; Clean Yield Asset Management; Coastal Enterprises Inc.; Color of Change; Common Cause; Communications Workers of America; Community Development Transportation Lending Services; Consumer Action; Consumer Association Council; Consumers for Auto Safety and Reliability; Consumer Federation of America; Consumer Watchdog; Consumers Union.

Corporation for Enterprise Development; CREDO Mobile; CTW Investment Group; Demos; Economic Policy Institute; Essential Action; Greenlining Institute; Good Business International; HNMA Funding Company; Home Actions; Housing Counseling Services; Home Defender's League; Information Press; Institute for Global Communications; Institute for Policy Studies; Global Economy Project.

International Brotherhood of Teamsters; Institute of Women's Policy Research; Krull & Company; Laborers' International Union of North America; Lawyers' Committee for Civil Rights Under Law; Main Street Alliance; Move On; NAACP; NASCAT; National Association of Consumer Advocates; National Association of Neighborhoods; National Community Reinvestment Coalition; National Consumer Law Center (on behalf of its low-income clients); National Consumers League; National Council of La Raza.

National Council of Women's Organizations; National Fair Housing Alliance; National Federation of Community Development Credit Unions; National Housing Resource Center; National Housing Trust; National Housing Trust Community Development Fund; National NeighborWorks Association; National Nurses United; National People's Action; National Urban League; Next Step; OpenTheGovernment.org; Opportunity Finance Network; Partners for the Common Good; PICO National Network.

Progress Now Action; Progressive States Network; Poverty and Race Research Action Council; Public Citizen; Sargent Shriver Center on Poverty Law; SEIU; State Voices; Taxpayer's for Common Sense; The Association for Housing and Neighborhood Development; The Fuel Savers Club; The Leadership Conference on Civil and Human Rights; The Seminal; TICAS; U.S. Public Interest Research Group; UNITE HERE.

United Food and Commercial Workers; United States Student Association; USAction; Veris Wealth Partners; Western States Center; We the People Now; Woodstock Institute; World Privacy Forum; UNET; Union Plus; Unitarian Universalist for a Just Economic Community.

#### LIST OF STATE AND LOCAL AFFILIATES

Alaska PIRG; Arizona PIRG; Arizona Advocacy Network; Arizonans For Responsible Lending; Association for Neighborhood and Housing Development NY; Audubon Partnership for Economic Development LDC, New York NY; BAC Funding Consortium Inc., Miami FL; Beech Capital Venture Corporation, Philadelphia PA; California PIRG; California Reinvestment Coalition; Century Housing Corporation, Culver City CA; CHANGER NY; Chautauqua Home Rehabilitation and Improvement Corporation (NY); Chicago Community Loan Fund, Chicago IL.

Chicago Community Ventures, Chicago IL; Chicago Consumer Coalition; Citizen Potawatomi CDC, Shawnee OK; Colorado PIRG; Coalition on Homeless Housing in Ohio; Community Capital Fund, Bridgeport CT; Community Capital of Maryland, Baltimore MD; Community Development Financial Institution of the Tohono O'odham Nation, Sells AZ; Community Redevelopment Loan and Investment Fund, Atlanta GA; Community Reinvestment Association of North Carolina; Community Resource Group, Fayetteville A; Connecticut PIRG; Consumer Assistance Council; Cooper Square Committee (NYC).

Cooperative Fund of New England, Wilmington NC; Corporacion de Desarrollo Economico de Ceiba, Ceiba PR; Delta Foundation, Inc., Greenville MS; Economic Opportunity Fund (EOF), Philadelphia PA; Empire Justice Center NY; Empowering and Strengthening Ohio's People (ESOP), Cleveland OH; Enterprises, Inc., Berea KY; Fair Housing Contact Service OH; Federation of Appalachian Housing; Fitness and Praise Youth Development, Inc., Baton Rouge LA; Florida Consumer Action Network; Florida PIRG; Funding Partners for Housing Solutions, Ft. Collins CO; Georgia PIRG.

Grow Iowa Foundation, Greenfield IA; Homewise, Inc., Santa Fe NM; Idaho Nevada CDFI, Pocatello ID; Idaho Chapter, National Association of Social Workers; Illinois PIRG; Impact Capital, Seattle WA; Indiana PIRG; Iowa PIRG; Iowa Citizens for Community Improvement; JobStart Chautauqua, Inc., Mayville NY; La Casa Federal Credit Union, Newark NJ; Low Income Investment Fund, San Francisco CA; Long Island Housing Services NY; MaineStream Finance, Bangor ME.

Maryland PIRG; Massachusetts Consumers' Coalition; MASSPIRG; Massachusetts Fair Housing Center; Michigan PIRG; Midland Community Development Corporation, Midland TX; Midwest Minnesota Community Development Corporation, Detroit Lakes MN; Mile High Community Loan Fund, Denver CO; Missouri PIRG; Mortgage Recovery Service Center of L.A.; Montana Community Development Corporation, Missoula MT; Montana PIRG; Neighborhood Economic Development Advocacy Project; New Hampshire PIRG.

New Jersey Community Capital, Trenton NJ; New Jersey Citizen Action; New Jersey PIRG; New Mexico PIRG; New York PIRG; New York City Aids Housing Network; New Yorkers for Responsible Lending; NOAH Community Development Fund, Inc., Boston MA; Nonprofit Finance Fund, New York NY; Nonprofits Assistance Fund, Minneapolis M; North Carolina PIRG; Northside Community Development Fund, Pittsburgh PA; Ohio Capital Corporation for Housing, Columbus OH; Ohio PIRG.

OligarchyUSA; Oregon State PIRG; Our Oregon; PennPIRG; Piedmont Housing Alliance, Charlottesville VA; Michigan PIRG; Rocky Mountain Peace and Justice Center, CO; Rhode Island PIRG; Rural Community Assistance Corporation, West Sacramento CA; Rural Organizing Project OR; San Francisco Municipal Transportation Authority; Seattle Economic Development Fund; Community Capital Development; TexPIRG.

The Fair Housing Council of Central New York; The Loan Fund, Albuquerque NM; Third Reconstruction Institute NC; Vermont PIRG; Village Capital Corporation, Cleveland OH; Virginia Citizens Consumer Council; Virginia Poverty Law Center; War on Poverty—Florida; WashPIRG; Westchester Residential Opportunities Inc.; Wigamig Owners Loan Fund, Inc., Lac du Flambeau WI; WISPIRG.

#### SMALL BUSINESSES

Blu; Bowden-Gill Environmental; Community MedPAC; Diversified Environmental Planning; Hayden & Craig, PLLC; Mid City Animal Hospital, Phoenix AZ; The Holographic Repatterning Institute at Austin; UNETO.

#### COUNCIL OF INSTITUTIONAL INVESTORS, Washington, DC, December 3, 2013.

HON. JOHN BOEHNER,  
*Speaker of the House, House of Representatives,*  
Washington, DC.

HON. NANCY PELOSI,  
*House Minority Leader, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER AND MINORITY LEADER PELOSI: I am writing on behalf of the Council of Institutional Investors (Council), a non-profit association of corporate, union, and public pension funds, foundations, and endowments, with combined assets that exceed \$3 trillion. Most member funds are major shareholder with a duty to protect the retirement assets of millions of American workers. Significantly affected by the financial crisis, Council member funds have a strong interest in meaningful regulatory reform.

The purpose of this letter is to share with you the Council's views on The Small Business Capital Access and Job Preservation Act (H.R. 1105) that the House of Representatives is scheduled to consider in open session tomorrow, December 4, 2013. Our views are in part informed by the findings of the Investors' Working Group (IWG). The IWG was an independent nonpartisan commission of industry experts sponsored in 2009 by the CFA Institute and the Council to provide an investor perspective on ways to improve U.S. financial system regulation. As you may be aware, many of the IWG's findings and recommendations were adopted by the 111th Congress during the development of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).

The Council opposes the Small Business Capital Access and Job Preservation Act. We strongly believe that all private equity advisors available to U.S. investors should be subject to oversight and registration with

the Securities and Exchange Commission (SEC), and we concur with SEC Chairman White's letter to the House Financial Services Committee leadership in that "our markets would not be well-served" by such a decrease in the SEC's authority.

Private equity funds play a significant role in the economy as a source of capital, as an investment vehicle, and as a growing job provider. However, prior to the Dodd-Frank Act many private equity fund advisors operated unchecked—exempt from regulation, compliance examinations, disclosure requirements, and unencumbered by leverage limits.

By requiring private equity fund advisors to register with the SEC and abide by disclosure requirements, the Dodd-Frank Act adds a meaningful layer of protection for investors. Registration ensures that investors have access to basic information about the adviser's compensation, disciplinary history, and investment strategies; it safeguards against the possibility for an advisor's conflict of interest; it ensures that advisers establish formal compliance programs and act in the best interests of their clients; and it allows the SEC to collect data and examine advisers for compliance weaknesses and potential fraud. By eliminating the registration and reporting requirements on private fund advisors, H.R. 1105 would deny investors in private equity funds these important protections, and it would restrict the SEC from garnering regulatory information critical for assessing systemic risk in a comprehensive manner.

Furthermore, H.R. 1105 does not define what constitutes a "private equity fund," but instead requires the SEC to develop specific parameters for an otherwise ambiguous asset class within a mere six months of passage. We believe it may be imprudent to exempt a broad asset class without first understanding the boundaries of such an exemption, especially considering the notion widely held by many industry experts that "there is no fundamental legal distinction between private equity funds, hedge funds and venture capital funds . . . there is no telling how broad or narrow [the SEC's] definition will be."

Finally, we note that the Dodd-Frank Act also creates a special exemption from SEC registration for venture capital funds under \$150 million. H.R. 1105 attempts to create a similar exemption for private equity funds, yet the Bill fails to include size limits akin to those in place for venture capital funds. It is similarly imprudent to exempt large private equity funds from the protections typically afforded to investors via SEC registration.

Thank you for considering our members' views in connection with this critical financial regulatory issue. We look forward to continuing to work with you to restore confidence in our economy by improving the transparency and oversight of the U.S. financial system.

If you have any questions, or would like additional information regarding our views please feel free to contact me. Additionally, General Counsel Jeff Mahoney is available.

Sincerely,

JORDAN LOFARO.

NORTH AMERICAN SECURITIES  
ADMINISTRATORS ASSOCIATION, INC.,  
Washington, DC, December 4, 2013.

Re The Small Business Capital Access and  
Job Preservation Act (H.R. 1105).

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives, The Capitol,  
Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives, The  
Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER AND LEADER  
PELOSI: On behalf of the North American Securities Administrators Association (NASAA), I'm writing to reiterate concerns the association previously expressed regarding H.R. 1105, the "Small Business Capital Access and Job Preservation Act," which the House is scheduled to consider later this week.

Prior to enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), investment advisers to private funds with fewer than 15 clients were not required to register with the U.S. Securities and Exchange Commission (SEC) and precious little was known about the capital market activities of these funds and other shadow banking actors.

Title IV of the Dodd-Frank Act closed this regulatory gap by requiring nearly all advisers to private funds with more than \$150 million in regulatory assets under management (RAUM) within the United States to register with the SEC. Advisers to private funds with less than \$150 million in RAUM were exempted from SEC registration but required to report basic data and risk metrics on a confidential basis. The SEC finalized the rules to implement the registration and reporting requirements in November 2011 and, for the two years since, advisers to private funds have been subject to the regulatory oversight of the SEC.

Private fund advisers wishing to return to the shadows of the unregulated financial services industry have argued that the new registration and reporting requirements are burdensome and provide little benefit in monitoring systemic risk within our financial markets. While any regulation entails some measure of cost, the costs in this context are specifically scaled to the size of the adviser-limited, basic disclosure on the Form ADV for exempt reporting advisers and scaled-down disclosure on the Form PF for certain registered private equity fund advisers. Only private fund advisers managing at least a billion dollars in specific asset class funds are required to complete the more detailed sections of Form PF. For those large firms handling billions of dollars, which is the case for approximately a third of all private equity funds, cost arguments become specious at best.

In terms of systemic risk, private equity fund advisers reported managing approximately \$1.6 trillion as of May 2013. While individual fund outcomes are not expected to cause catastrophic loss, most would agree the market as a whole is sizeable enough to warrant some oversight. Those in doubt should consider a number of recent SEC enforcement actions that illustrate the kinds of misconduct that were occurring in the unregulated private equity space prior to the SEC oversight before taking any steps to cloak that market in darkness once more.

Investor confidence in our markets is strengthened through prudent regulations that bring transparency to the marketplace and promote accountability. Any concerns regarding the structure or costs associated with the SEC's regulation of advisers to pri-

vate equity firms is best addressed to the SEC in rulemaking that can adjust the reporting, registration, and examination requirements accordingly.

For the reasons advanced previously and set forth above, we respectfully urge you to oppose H.R. 1105 in its present form. Should you have any questions, please feel free to contact me or Michael Canning, NASAA's Director of Policy.

Sincerely,

RUSS IUCULANO,  
NASAA Executive Director.

STATEMENT OF ADMINISTRATION POLICY  
H.R. 1105—SMALL BUSINESS CAPITAL ACCESS AND  
JOB PRESERVATION ACT  
(Rep. Hurt, R-VA, and 12 cosponsors, Dec. 3,  
2013)

The Administration strongly opposes passage of H.R. 1105, which would amend the Investment Advisers Act of 1940 to exempt nearly all private equity fund advisers from registration. The legislation effectively provides a blanket registration and reporting exemption for private equity funds, undermining advances in investor protection and regulatory oversight implemented by the Securities and Exchange Commission (SEC) under Title IV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Wall Street Reform).

The Administration is committed to building a safer, more stable financial system. H.R. 1105 represents a step backwards from the progress made to date, given that private equity fund advisers have been filing reports with the SEC for over a year. The bill's passage would deny investors access to important information intended to increase transparency and accountability and to minimize conflicts of interest. Moreover, H.R. 1105 would exempt private equity funds from the disclosure requirements that the Congress laid out in Wall Street Reform to allow regulators to assess potential systemic risks.

Private equity funds are already subject to less stringent reporting requirements compared to other types of private funds and to an annual, rather than quarterly, filing requirement. In addition, private fund advisers with under \$150 million in assets under management are exempted from registration and subject only to recordkeeping and reporting requirements.

If the President were presented with H.R. 1105, his senior advisers would recommend that he veto the bill.

Mr. HENSARLING. Mr. Speaker, I am very pleased now to yield 1 minute to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the chairman for yielding.

Mr. Speaker, strong job creation is the foundation for a healthy economy, while overregulation kills jobs. Private equity provides much-needed capital and better investment returns to pension plans, university endowments, charitable foundations, and other investors than if they simply deposited their money in a bank. The various forms of capital provided by private equity in our economy result in more resources for companies to operate their firms, expand their facilities, and create more jobs.

H.R. 1105, sponsored by my good friend from Virginia (Mr. HURT), would help expand private equity by relieving

certain advisers' private equity funds from the burdensome and unnecessary process of registering with the SEC. This bill would simply allow advisers and private equity firms to do what they do best: invest in promising companies in order to help them expand and create more jobs.

Let's support job growth in this country by voting in favor of H.R. 1105.

Mr. LYNCH. Mr. Speaker, could I ask how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Massachusetts has 7<sup>3</sup>/<sub>4</sub> minutes remaining, and the gentleman from Texas has 7<sup>1</sup>/<sub>2</sub> minutes remaining.

Mr. LYNCH. I yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding.

Mr. Speaker, I would like to remind my colleagues that we are still recovering from a massive financial crisis that cost this country \$16 trillion, and I would venture to say that we should be more focused on protecting investors, not removing investor protections. And I would say that all investors deserve to be protected—sophisticated investors, retail investors, pension investors. All investors should be protected, which is why the Obama administration has come out so strongly in opposition to the underlying bill and why the Securities and Exchange Commission, whose mission is to protect investors, is so adamantly, strongly opposed to this bill.

Now, I am sympathetic to the point that my colleagues have raised on the other side of the aisle and on this side of the aisle that some of the reporting and registration requirements are onerous. So let's address that. Let's direct the SEC to come forward with simplified forms, to do it quickly, within 6 months. Let's save money. Let's simplify the process. But let's not remove important investors' protections, such as the fiduciary duty to act in the client's best interest. What is wrong with that? I think that is a moral responsibility, such as the obligation to disclose conflicts of interest.

Now, that is not onerous. How difficult is it to say, yes or no, I have not had any conflict of interest? Or if you are advising your client to invest in your business, then disclose your conflict of interest. What is so onerous about that? That is not onerous. That is easy.

And what is wrong with the obligation to disclose fees? Everyone talks about transparency. That is why we are opposing this bill. We want it to be transparent, and we want to protect investors.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LYNCH. I yield the gentlewoman an additional 1 minute.

Mrs. CAROLYN B. MALONEY of New York. I feel that there are many ways

that we could address this that would come forward with a strong piece of legislation that President Obama could sign into law. Instead, he has got a lot of ink in his veto pen, and he has said right out front that he would veto this bill.

Now, if they want to simplify disclosure and registration requirements, then let's do that. Let's require the SEC to come forward with it. Let's simplify the process and save the cost for small businesses. We want to save that cost.

Honest private equity firms have grown jobs in this country, and it is important to grow jobs. It is important to support them in every single way. But removing all investor protections, according to the Obama administration, would literally assault the safety and soundness and the strong financial security that we are trying to build in this country.

What is wrong with protecting investors? That is what we are saying. I have an amendment which would do just that, protect the investors but simplify the forms and maintain the cost.

If their goal is to save money for the small firms, then let's do that, but let's not erase very important investor protections in the process.

Mr. HENSARLING. Mr. Speaker, I yield myself 1 minute.

Again, I want to address the gentleman from Massachusetts who, again, I believe, sets up a straw man only to knock it down.

I would urge all Members to actually read the bill. I know that many of my Democratic colleagues now have buyer's remorse from not reading the 2,000-page ObamaCare bill, but, Mr. Speaker, this is a two-page bill, 36 lines.

And I would say to my friend, the gentleman from Massachusetts, that on page 2, that the SEC can "require investment advisers described in paragraph (1) to maintain such records and provide to the Commission such annual or other reports as the Commission taking into account fund size, governance, investment strategy, risk, and other factors, as the Commission determines necessary."

So to make the assertion that these records of foul play could never exist is simply not true.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield myself an additional 30 seconds.

I would say to my friend, the gentlelady from New York who made the assertion that the SEC is opposed to this bill, that the SEC has not opposed this bill. One member, Mary Jo White, has issued an opinion that she does not support the legislation, but the SEC has taken no official position.

With respect to a threatened veto, I don't recall that when my Democratic colleagues had the majority here that

they refused to pass bills simply because President Bush threatened to veto. But I must admit, our committee has produced, I believe it is, at least 10 or 11 bipartisan bills which all received veto threats from a President who says he wants to work on a bipartisan basis. This is most regrettable.

Mr. LYNCH. I yield myself 2 minutes.

Mr. Speaker, I would now like to enter into the RECORD statements from the following organizations which all oppose H.R. 1105: the AFL-CIO, California Public Employees' Retirement System, and North American Securities Administrators Association.

And regarding reading the bill, I certainly did read the bill, and my point is that the bill does not require public disclosure of those matters, as the gentleman points out. It just goes to the Commission. So it doesn't go to the public. The public doesn't get the information. It stays within the custody of the Commission.

Mr. HENSARLING. Will the gentleman yield?

Mr. LYNCH. I yield to the gentleman from Texas.

Mr. HENSARLING. By definition, it is private equity. It is not a public fund.

Mr. LYNCH. Reclaiming my time, that is right. But those are public investors. They are the ones that need the information.

Mr. Speaker, I yield the balance of my time to the gentlelady from California (Ms. WATERS), our ranking member and a real champion of America's working families.

Legislative Proposals to Relieve the Red Tape Burden on Investors and Job Creators  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON FINANCIAL SERVICES SUBCOMMITTEE ON CAPITAL MARKETS AND GOVERNMENT SPONSORED ENTERPRISES

(Statement of Anne Simpson Senior Portfolio Manager, Investments Director of Global Governance California Public Employees' Retirement System, May 23, 2013)

Chairman Garrett, Ranking Member Maloney, and Members of the Committee, on behalf of the California Public Employees' Retirement System (CalPERS), we thank you for convening this hearing. CalPERS is pleased to submit testimony for the record to reassert our strong support for efficient and effective financial regulation, as enacted by the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank").

This statement includes a brief overview of CalPERS, including how we benefit from effective financial markets regulation and the role that shareowner rights and corporate governance play in building investor confidence. It also includes a discussion of our views on HR 1135, HR 1105, and HR 1564.

#### SOME BACKGROUND ON CALPERS

CalPERS is the largest public pension fund in the United States with approximately \$266 billion in global assets and equity holdings in over 9,000 companies. CalPERS pays out over \$14 billion annually in retirement benefits to more than 1.6 million public employees, retirees, their families and beneficiaries. This is not only an important source of daily income for those individuals; it also provides

a positive economic multiplier to the local economy. We fully understand the virtuous circle between savings, investment and economic growth. That is at the heart of the CalPERS agenda.

As a significant institutional investor with a long-term investment time horizon, CalPERS fundamentally relies upon the integrity and efficiency of the capital markets. For every dollar that we pay in benefits to our members, 64 cents are generated by investment returns. The financial crisis hit us hard with \$70 billion wiped from CalPERS assets. While we are pleased that we have been able to recover these losses over the last several years, we simply cannot afford another drawdown on our fund.

We rely upon the safety and soundness of capital markets, and more broadly, sustainable economic growth, to provide the long term returns that allow us to meet our liabilities. However, there is still much to be done to bring about smart regulation.

In our view, smart regulation should be structured as follows:

First, regulation needs to be complete and coordinated. Innovation in financial markets has led to the development of new financial instruments and pools. Regulation needs to keep pace with financial innovation and the attendant risks in order to be relevant. (Derivatives are an example of that innovation, but it is innovation that has been outside the reach of regulation historically.)

Second, regulation needs to allow market players to exercise their proper role and responsibilities. Capitalism was designed to allow the providers of finance a market role in allocating investment, and then holding boards accountable for their stewardship of those funds. This is why shareowner rights are vital to the functioning of markets, including the ability of investors to propose candidates to boards of directors (known in short as 'proxy access') and to remove directors who fail.

Third, regulation needs to ensure transparency, so that markets can play their vital role in pricing risk. Timely, relevant and reliable information is the currency of risk management. Those agencies which have a role in channeling that information need to be fit for that purpose. (Credit ratings agencies were found wanting in this regard.)

Fourth, regulation needs to address conflicts of interest and perverse incentives which can undermine the market's ability to allocate capital effectively. (Short term, risk-free compensation for executives has fueled poor decision taking, as one example of this.)

Fifth, regulation needs to ensure it does not prevent institutional investors from financing legitimate strategies, and taking advantage of new opportunities. Regulation is not there to prevent risk taking, it is there to ensure that risks are disclosed, and can be managed.

Finally, regulation needs to be proportionate. For CalPERS, we balance the additional costs that are required with the potential for financial ruin. To those who question whether we can afford to invest in smart regulation, we reply, how can we afford not to? The financial crisis dealt a crippling blow to many investors, and the underlying sub-prime mortgage scandal triggered widespread loss for ordinary people throughout the country. The devastating impact on the real economy is still with us. The costs of regulation need to be weighed against this loss.

We see smart regulation as an investment in safety and soundness of financial markets

which generate the vast bulk of the returns to our fund. Smart regulation is an investment in the effective functioning of capital markets, which is critical not just to our fund, but to the recovery of the wider economy.

H.R. 1135

It is widely acknowledged that the 2008 financial crisis represented a massive failure of oversight. Too many CEOs pursued excessively risky strategies or investments that bankrupted their companies or weakened them financially for years to come. Boards of directors were often complacent, failing to challenge or rein in reckless senior executives who threw caution to the wind. And too many boards approved executive compensation plans that rewarded excessive risk taking.

Accountability is critical to motivating people to do a better job in any organization or activity. An effective board of directors can help every business understand and control its risks, thereby encouraging safety and stability in our financial system and reducing the pressure on regulators, who, even if adequately funded, will be unlikely to find and correct every problem. Unfortunately, long-standing inadequacies in investor protection have limited shareowners' ability to hold boards accountable.

Fortunately, Dodd-Frank contains a number of reforms that when fully implemented and effectively enforced will provide long-term investors like CalPERS with better tools, including better information, to hold directors more accountable going forward. These included a provision that requires additional disclosure involving the ratio between the CEO's total compensation and the median total compensation for all the other company employees. To be clear, section 953(b) as currently enacted is unartful and its critics properly identify a number of potential ambiguities. However, we strongly support the spirit of the disclosure and believe that the SEC has the regulatory flexibility to provide companies with guidance on how to comply with this section.

However, if Congress believes the SEC is unable to implement section 953(b) as currently written, we would encourage Congress to amend the section and retain the requirement. HR 1135 seeks only to repeal this requirement and for the reasons discussed above, we would strongly discourage the committee from advancing this bill.

H.R. 1105

Prior to the enactment of Dodd-Frank, we testified that the fundamental risk posed by private pools of capital is that they can choose to operate outside the regulatory structure of the United States. CalPERS Chief Investment Officer Joe Dear warned the Senate Securities Subcommittee of the overall risks to the financial system "when these entities operate in the shadows of the financial system" and when "regulatory authorities lack basic information about exposures, leverage ratios, counterparty risks and other information." Less than three years after the enactment of Dodd-Frank, these risks have been mitigated by the requirement for private fund advisors to register and be subject to reasonable regulation.

Although HR 1105 would only exempt funds with low leverage ratios, it would constitute a large step away from the comprehensive regulation of market participants that Dodd-Frank sought to impose. Dodd-Frank has already provided small private fund advisors an exemption to registration and regulation, and we believe it is therefore unnecessary for large, albeit unleveraged, fund advisors.

H.R. 1564

The issues surrounding auditor independence and audit firm rotation are of great importance to CalPERS.

Clearly, auditors play a vital role in the integrity of financial reporting and the efficiency of the capital markets. As a long-term investor, and a strong advocate of reform we believe independence of an auditor is critical to investor confidence and the stability and effective functioning of the capital markets. It is the important role of auditors that brings standardization and discipline to corporate accounting which in turn enhances investor confidence.

CalPERS Global Principles of Accountable Corporate Governance (Principles) highlight the importance of auditor independence requiring audit committees to assess the independence of their external auditor on an annual basis. Also, as part of the engagement we recommend that audit committees require written disclosure from the external auditor of:

all relationships between the registered public accounting firm or any affiliates of the firm and the potential audit clients or persons in a financial reporting oversight role that may have a bearing on independence;

the potential effects of these relationships on the independence in both appearance and fact of the registered public accounting firm; and

the substance of the registered accounting firm's discussion with the audit committee.

CalPERS expressly supported mandatory rotation in the wake of the scandals which led to the Sarbanes-Oxley Act of 2002. CalPERS communicated its view to the European Parliament Committee on Legal Affairs, that "mandatory auditor rotation is an effective means of increasing auditor independence". CalPERS Principles state that "Audit Committees should promote the rotation of the auditor to ensure a fresh perspective and review of the financial reporting framework."

We believe that audit committees should endorse expanding the pool of auditors for the annual audit to help improve market competition and minimize the concentration of audit firms from which to engage for audit services. We support audit committees having the ability to determine audit independence by requiring auditors to provide 3 prior years of activities, relationships and services (including tax services) with the company, affiliate of the company and persons in financial reporting oversight roles that may impact the independence of the audit firm.

Additionally, we would note that the Public Company Accounting Oversight Board's (PCAOB) Investor Advisory Group (IAG), of which I am a member, urged the agency to consider firm rotation in the context of lessons learned from the financial crisis. The PCAOB IAG indicated that the purpose of an audit is to provide confidence to investors that an independent set of eyes have looked at the numbers reported by management and objectively without bias determined they can indeed be relied upon. If investors' confidence in this process is diminished or lost, the benefits of the audit and its costs may be questioned.

Over the last two years, the PCAOB has thoughtfully reviewed auditor independence and mandatory rotation, holding a series of roundtables on the issues. We note the issue of mandatory rotation has been addressed by the European Commission (EC). The EC has voted to draft law to open up the European Union audit services market and improve

audit quality and transparency including mandatory rotation of the auditor whereby an auditor may inspect a company's books for a maximum of 14 years. We believe that it is essential and beneficial for the PCAOB to collaborate with non-U.S. regulators and standard-setters on this matter.

Ultimately, we believe that audit committees are in the best position to select the auditor. However, we are strong supporters of the PCAOB and have faith in their thoughtful approach to the regulation of the audit profession. If they ultimately conclude that mandatory rotation is appropriate, we will support this judgment consistent with our support for the position taken by the EC. Accordingly, because HR 1564 would eliminate the PCAOB's discretion in this area, we cannot support the measure.

#### REGULATORY AGENCY FUNDING

Finally, although the hearing has not focused directly on the funding for the SEC, we would be remiss if we didn't highlight the vital role of the SEC and PCAOB in fostering capital formation and protecting investors in financial markets. CalPERS has long recognized that for financial regulators to achieve their stated objectives, they must be well-managed, well-staffed and that means they must be well-funded. Rules without enforcement are little better than useless. In 2001, CalPERS testified in support of legislation that would put SEC staff salaries on par with other financial regulators and was pleased that pay-parity provisions were enacted into law that year. More recently, we called for lawmakers to provide the SEC and U.S. Commodity Futures Trading Commission (CFTC) with stable, independent funding. Although no such mechanisms were included in Dodd-Frank, it remains imperative that the SEC and CFTC be given sufficient resources to effectively police the U.S. capital and futures markets.

We believe the SEC FY2014 funding request reflects the importance of their traditional core responsibility, as well as the new authority granted it in Dodd-Frank, and we urge you to support their funding requests.

Thank you in advance for considering the views of a long-term investor like CalPERS when you decide on how to proceed with these important issues.

NORTH AMERICAN SECURITIES  
ADMINISTRATORS ASSOCIATION, INC.,  
Washington, DC, June 18, 2013.

Re H.R. 1105, the Small Business Capital and Job Preservation Act.

Hon. JEB HENSARLING,  
Chairman, House Committee on Financial Services,  
Rayburn House Office Building, Washington, DC.

Hon. MAXINE WATERS,  
Ranking Member, House Committee on Financial Services,  
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HENSARLING AND RANKING MEMBER WATERS: On behalf of the North American Securities Administrators Association (NASAA), I'm writing to express concerns with H.R. 1105, the Small Business Capital and Job Preservation Act. NASAA appreciates and shares the desire of the Committee to facilitate job creation. Investor confidence in our markets is strengthened through efforts that are designed to bring transparency to the marketplace and promote accountability. Unfortunately, H.R. 1105 could frustrate this goal by establishing an exemption from the registration requirements in federal law designed to promote transparency and accountability. Moreover, while NASAA considers the inclusion of fund



leverage limits in the bill to be an improvement, we believe Congress would be remiss to ignore the question of the size of funds, in terms of assets, in making determinations about which private equity firms should be subject to the registration exemption.

The Dodd-Frank Act provided exemptions for advisers who solely advise “venture capital funds” as defined by the SEC and for advisers who solely advise private funds and have assets under management in the United States of less than \$150 million; however, in each case such exempted advisers remain subject to SEC recordkeeping and reporting requirements. H.R. 1105 would insert an additional exemption for private equity fund advisers from registration or reporting requirements. Unlike the exemptions contained in Dodd-Frank, H.R. 1105 does not limit the exemption to advisers solely to private funds nor does it contain a cap that would limit the exemption to smaller advisers.

Furthermore, at least two fundamental components of the proposed legislation are so vague that they undermine any benefits the bill purports to confer on small business.

First, the bill is unclear as to what, if any, reporting requirements are required for private equity fund advisers. Section 2 provides that an adviser to a “private equity fund,” regardless of assets under management, would be exempt from both registration and reporting requirements. This proposed exemption from all registration and reporting requirements would seem to run contrary to the basic and obvious interest of investors in private equity funds, since registration under the Investment Advisers Act serves to protect investors from conflicts of interest and other risks associated with entrusting their assets to advisers. The exemption would have the unintended consequence of depriving the SEC of important regulatory information critical for assessing systemic risk and protecting investors. The registration regimes long in place for advisers, and recently the reporting regimes established under Dodd-Frank for certain private fund advisers, are designed to help insure that regulators and investors have access to important information. The inclusion of fund leverage limits in the bill attenuate NASAA’s concerns with respect to systemic risk, and we understand that private equity funds were not a catalyst of the financial crisis of 2008; however, this information is nevertheless critical to regulators and investors alike. Specifically, regulators use the information to measure risk and assess compliance; investors use the information to guide choices in picking advisers and understanding their operations.

Second, even if the language in H.R. 1105 were clarified, the legislation would remain significantly ambiguous as to the type and size of adviser to which it would apply. This is because the legislation does not define “private equity fund” but rather delegates this task to the SEC, which would be given six months to promulgate rules necessary to establish the record keeping and reporting obligations of these advisers. Though the bill appears to treat advisers to “private equity funds” similar to advisers to venture capital funds for the purposes of exemption, it fails to include the limits currently applicable to the exemption for advisers to venture capital funds. Without more specificity and a clear definition of what constitutes a “private equity fund”, it is unknown what types of entities are covered by the exemption. This is problematic because without statutory clarification of the universe of “private equity,” any assessment of risk to financial stability

posed by such capital investment would be invalid. Moreover, it seems unwise to establish an exemption before defining what is covered by the exemption; as AFL-CIO Policy Director Damon Silver testified to the Committee on May 23rd:

“There is no fundamental legal distinction between private equity funds, hedge funds and venture capital funds. These are terms that describe broad investment strategies, not legal structures. So the bill directs the SEC to define what a private equity fund is. And there is no telling how broad or narrow, or gameable, such a definition will be.”

Moreover, the enactment of the JOBS Act and the removal of the long-standing prohibition on general solicitation and advertising in Regulation D, Rule 506 offerings reinforces NASAA’s belief that, as a general matter, the risk to investors and regulators that would accompany the exemptions contemplated by H.R. 1105 far exceed the bill’s potential benefits as a tool for capital formation and job creation.

Thank you for your consideration of these concerns. We look forward to working with you as these bills move through the legislative process. If you have questions, or if NASAA can be of assistance, please contact me or Michael Canning, NASAA’s Director of Policy.

Sincerely,

A. HEATH ABSHURE,  
NASAA President and  
Arkansas Securities Commissioner.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, June 19, 2013.

#### LEGISLATIVE ALERT

Hon. JEB HENSARLING,

Chairman, House Financial Services Committee,  
Rayburn House Office Building, Washington, DC.

Hon. MAXINE WATERS,

Ranking Minority Member, House Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HENSARLING AND RANKING MINORITY MEMBER WATERS: The AFL-CIO, a labor federation of 57 unions representing 12 million working men and women with over \$4 trillion in assets in benefit plans, opposes the Small Business Capital Access and Job Preservation Act (H.R. 1105); the Burdensome Data Collection Relief Act (H.R. 1135); the Audit Integrity and Job Protection Act (H.R. 1564); and the Retail Investor Protection Act (H.R. 2374) scheduled for markup in committee this week. The AFL-CIO testified in May before this Committee in opposition to these bills and we reiterate, in brief, below our continued opposition. This package of bills is a clear indication that some in Congress have every intention to take us down the road of deregulation, yet again.

Since 1980, the United States has gone through several cycles of financial deregulation. The first of these episodes led to the savings and loan fiasco of the early 1990’s, the second to the tech bubble collapse in 2000 and the wave of corporate scandals and bankruptcies that began with Enron in 2001. And the third, and by far the most devastating, was the residential real estate bubble driven by a deregulated banking sector through the use of mortgage backed securities, and the subsequent collapse of that bubble starting in 2007. Surely members of the Committee don’t want to be associated with arguably the next and fourth devastating round of deregulation.

“THE SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION ACT.” (H.R. 1105)

Despite its title, H.R. 1105 has nothing to do with small business and everything to do with ensuring some of the richest and most powerful, and most tax subsidized, Wall Street firms are allowed to continue to operate, and build up system-wide leverage, in secret. Specifically, H.R. 1105 would exempt all private equity fund advisers from the registration and reporting requirements in the Dodd-Frank Act, unless each fund has outstanding borrowings that exceed two times the fund’s invested capital commitments.

The impact of H.R. 1105 would be to prevent the SEC from collecting the information necessary to monitor a significant source of systemic risk. Section 404 of the Dodd-Frank Act gave the Securities and Exchange Commission (SEC) authority to establish recordkeeping and reporting requirements “as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk by the Financial Stability Oversight Council. H.R. 1105 would exempt private equity funds from this recordkeeping and reporting framework and direct the SEC to replace it with one that omits consideration of potential systemic risks and is exclusively for use by the SEC. The AFL-CIO continues to oppose any bill that weakens investor protections and increases systemic risk.

“THE BURDENSOME DATA COLLECTION RELIEF ACT” (H.R. 1135)

H.R. 1135 seeks to keep secret the relationship between CEO pay and the median pay of other employees at public companies, by repealing section 953(b) of the Dodd-Frank Act, which requires such disclosure. It is a bill designed to hide material information from investors and boards which ultimately becomes detrimental in efforts to fight income inequality.

Investors have long had multiple concerns about CEO pay—starting with the raw numbers that come out of investors’ pockets. Top executives at large public companies now keep for themselves an average of 10% of their companies’ net profits, approximately double the rate in the early 1990s. The disclosure requirements of 953(b) would help reveal the true nature of disparities between CEO’s and their employees enabling investors and boards to also consider and take action accordingly. As such, the AFL-CIO strongly opposes H.R. 1135 and the repeal of 953(b) disclosure requirements.

“THE AUDITOR INTEGRITY AND JOB PROTECTION ACT.” (H.R. 1564)

H.R. 1564 seeks to prevent the Public Company Accounting Oversight Board (PCAOB) from placing limits on the length of time a public company can use the same audit firm, referred to as auditor rotation. H.R. 1564 amends Sarbanes-Oxley by adding a limitation on PCAOB authority which states, “The Board shall have no authority under this title to require that audits conducted for a particular issuer in accordance with the standards set forth under this section be conducted by specific auditors, or that such audits be conducted for an issuer by different auditors on a rotating basis.”

H.R. 1564 both substantively weakens the ability of the PCAOB to play its role in protecting our economy against systemic risk, and it weakens the independence of auditor regulation. Both results are contrary to the public interest, and consequently the AFL-CIO opposes this bill.

“THE RETAIL INVESTOR PROTECTION ACT” (H.R. 2374)

H.R. 2374 would require the SEC to identify whether the different standards of conduct



that apply to broker-dealers and investment advisers result in harm to retail investors. In addition, the bill requires the SEC's Chief Economist to conduct a cost benefit analysis of such a change, make a formal finding that the rule would reduce investor confusion, and coordinate with other federal regulators. Finally, the bill would prohibit the SEC from proposing rules applicable to broker-dealers' standard of conduct without simultaneously proposing rules that would "address any harm to retail customers resulting from differences in the registration, supervision, and examination requirements applicable to brokers, dealers, and investment advisers."

H.R. 2374 suggests these changes despite the fact that the SEC is currently collecting data to support an economic analysis before any rulemaking is undertaken. The bill would significantly delay and perhaps derail these long overdue efforts of the SEC to raise the standard of conduct that applies to brokers when they give advice to retail investors and accordingly the AFL-CIO opposes H.R. 2374.

For the above reasons we urge you to vote against this cluster of bills that seek to undo much needed reforms enacted in the Dodd-Frank Act.

Sincerely,

WILLIAM SAMUEL,  
*Director Government Affairs Department.*

CONSUMER FEDERATION OF AMERICA,  
*June 18, 2013.*

Hon. JEB HENSARLING,  
*Chairman, Financial Services Committee, House of Representatives.*

Hon. MAXINE WATERS,  
*Ranking Member, Financial Services Committee, House of Representatives.*

DEAR CHAIRMAN HENSARLING, RANKING MEMBER WATERS AND MEMBERS OF THE COMMITTEE: The Financial Services Committee is scheduled to mark-up yet another set of bills this week that would weaken investor protection and undermine the transparency and integrity of our capital markets. I am writing on behalf of the Consumer Federation of America to urge you to oppose these bills. While CFA opposes each of the bills scheduled for mark-up for reasons described briefly below, our primary focus is the cynically titled "Retail Investor Protection Act," which would undermine the ability of federal agencies to ensure that Americans receive appropriate protections in their dealings with financial/professionals who purport to offer investment advice.

OPPOSE BILL (H.R. 2374) TO UNDERMINE PROTECTIONS FOR VULNERABLE INVESTORS

H.R. 2374 launches a two-stage attack on federal regulators' attempts to improve protections for average, unsophisticated investors in their dealings with predatory and self-dealing investment professionals. First, it would throw new roadblocks in the way of the Securities and Exchange Commission (SEC) as it attempts to close a gaping regulatory loophole that permits broker-dealers to provide investment "advice" to retail investors that is not designed to serve the best interests of those investors. Second, it would inappropriately tie the ability of the Department of Labor (DOL) to update its fiduciary definition under ERISA to the SEC's successful completion of its separate rulemaking under the securities laws.

Over the years, brokers have been permitted to call themselves financial advisers and offer extensive advisory services without having to meet the best interest standard included as part of the fiduciary duty that applies to all other investment advisers. As a

result, many investors are deceived into believing they are dealing with a trusted adviser when, in fact, they are dealing with a salesperson—a salesperson, moreover, who is free to put his or her own financial interests ahead of the interests of the investor and often receives financial incentives to encourage such practices. Investors who place their trust in these salesmen in advisers' clothing can end up paying excessively high costs for higher risk or poorly performing investments that satisfy a suitability standard, but not a fiduciary duty. That is money most middle income investors can ill afford to waste.

This legislation would make it more difficult for the SEC to address this problem by requiring further study of an issue that has already been studied extensively. Indeed, the SEC has been studying the issue of the standard of conduct that should apply to brokers' investment advice for over a decade. In the process, it has conducted focus group testing of disclosures designed (without success) to clarify the differing legal standards that apply to brokerage and advisory accounts, commissioned a comprehensive independent study intended to lay the foundation for further rulemaking, and conducted a staff study of the issues to be addressed by rulemaking. Over the years, the SEC has collected reams of comment from all interested parties with a stake in the issue, and it has recently issued an additional Request for Information to form the basis of a thorough economic analysis to accompany any rulemaking it might decide to undertake.

Clearly, the additional cost-benefit analysis requirements in H.R. 2374 are not designed to address any shortcomings in the SEC approach to economic analysis of this issue. Instead, their primary effect would be to create additional grounds for legal challenge by fringe industry groups that oppose any rulemaking that might force them to abandon predatory practices that allow them to profit at their customers' expense. The best outcome, if this legislation were adopted, would be further delay of a rule that is already years overdue. More likely is that the legislation would inhibit SEC rulemaking altogether or result in a rule so weak as to be entirely devoid of meaningful new protections for investors. Middle income investors who need to make every dollar count would be the ultimate victims of these bureaucratic games.

But retail investors would not be the only victims of this legislation. Working Americans attempting to prepare for a secure retirement would also be denied appropriate protections, perhaps indefinitely. Loopholes in the definition of investment advice under ERISA make DOL's fiduciary standard all but unenforceable. This bill would prevent DOL from acting to address that problem until after the SEC completes an entirely separate fiduciary rulemaking under the securities laws. It would impede DOL action despite repeated assurances that the SEC and DOL are coordinating their efforts and that any rules adopted will not conflict. DOL has responded to criticism of its original approach by withdrawing that proposal in order to conduct a thorough economic analysis, redraft the proposal, and clarify how the revised definition would interact with prohibited transaction exemptions. DOL deserves to have the resulting reproposal judged on its merits, not halted based on unsubstantiated fears about the form that rulemaking might take. For all these reasons, we urge you to vote NO on H.R. 2374.

OPPOSE ANTI-INVESTOR BILLS TO UNDERMINE MARKET TRANSPARENCY AND INTEGRITY

The Committee is also scheduled to mark up three other bills, each of which would in its own way undermine market transparency and integrity.

H.R. 1564, the "Audit Integrity and Job Protection Act," would prevent the Public Company Accounting Oversight Board (PCAOB) from adopting a rule to require rotation of auditors at public companies even if it determines, based on a thorough review of the evidence, that doing so is necessary to address the persistent lack of independence and professional skepticism in the audits of public companies. The PCAOB has not yet decided on a regulatory approach and is instead engaged in carefully weighing the evidence. In contrast to the PCAOB's balanced and thoughtful approach, this legislation would decide the issue without any consideration of the evidence on audit failures tied to lack of auditor independence, a problem that has been highlighted by regulators both here and abroad. We urge you to protect the independence of the PCAOB and the audit process by voting NO on H.R. 1564.

H.R. 1105, the Small Business Capital Access and Job Preservation Act, would exempt a large swath of "private equity" funds from registration with the SEC without showing any reason why such an exemption is necessary or appropriate. The bill would leave it to the agency to define the scope of funds that might qualify for the exemption, setting up an inevitable regulatory race to the bottom as funds pressure the agency to write as expansive an exemption as possible. As such, the bill would limit the ability of the agency to provide effective oversight of a portion of the securities business with a proven capacity to spread risk through the financial system. We urge you to vote NO on H.R. 1105, which would undermine efforts to protect the financial system from systemic threats.

H.R. 1135, the "Burdensome Data Collection Relief Act," would undermine market transparency by denying investors information about the relationship between CEO and worker pay at the companies in which they invest. Not only would this bill hide material information from the owners of public companies, but it would also undermine efforts to rein in out-of-control CEO pay. Opposition to this disclosure is clearly based not on any excessive costs or insurmountable burdens associated with making the disclosure, but on the fact that the information is likely to be embarrassing to many companies and could provide the impetus for reform. We urge you to stand up for market transparency and economic equality by voting NO on H.R. 1135.

Taken together, these bills would reduce oversight of potentially risky market segments (H.R. 1105), tie the hands of regulators seeking to address a persistent market failure (H.R. 1564), deprive investors of information that could provide a check on excessive CEO pay (H.R. 1135), and impede the ability of federal regulators to act to protect unsophisticated investors from predatory industry practices (H.R. 2374). We urge you to vote NO on each of these bills. Thank you for your attention to our concerns. You may contact me if you have any questions about our position on the issues.

Respectfully submitted,

BARBARA ROPER,  
*Director of Investor Protection.*

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,  
Washington, DC, June 18, 2013.

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
House of Representatives, Rayburn House  
Office Building, Washington, DC.*

Hon. MAXINE WATERS,  
*Ranking Member, Committee on Financial Services,  
House of Representatives, Rayburn House  
Office Building, Washington, DC.*

DEAR CHAIRMAN HENSARLING AND RANKING MEMBER WATERS: I understand that the House Committee on Financial Services is scheduled this week to consider several bills pending before it, including H.R. 1105 and H.R. 2374. I write to briefly express my views on these two bills. The views expressed in this letter are my own and do not necessarily reflect the views of the full Commission or any Commissioner.

The Small Business Capital Access and Job Preservation Act (H.R. 1105) would amend the Investment Advisers Act of 1940 (Investment Advisers Act) to generally exempt investment advisers to private equity funds from the registration requirements of the Investment Advisers Act, unless such funds have borrowed and have outstanding principal amounts in excess of twice their invested capital commitments. The Retail Investor Protection Act (H.R. 2374) would impose new restrictions on the Commission's ability to adopt a uniform fiduciary standard of conduct for investment advisers and broker-dealers.

#### REGISTRATION OF PRIVATE EQUITY ADVISERS

Regarding H.R. 1105, registration under the Investment Advisers Act serves to protect investors from conflicts of interest and other risks associated with investors' entrusting their assets to advisers. Title IV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) mandated that advisers to private equity funds with assets under management above \$150 million register with the Commission. Although private equity funds were not an underlying cause of the recent financial crisis, private equity fund advisers represent a significant and influential part of the financial landscape. In my view, our markets would not be well-served by narrowing the scope of the Commission's jurisdiction and oversight of these advisers.

Private equity fund investors are in need of the same protections as other private fund investors. As with other types of funds and advisers, the Commission has brought enforcement actions against private equity funds and their advisory personnel involving unlawful pay to play schemes, insider trading, conflicts of interest, valuation, and misappropriation of assets. Registration provides the Commission with tools to discover and prevent fraud and other violations of the securities laws, enhancing confidence in our capital markets and promoting fair dealing. It is important, therefore, that the Commission, as a capital markets regulator, have an appropriate level of oversight of these entities, for both investor protection and market efficiency purposes.

Beyond this, to base exemptions from registration on investment strategy or leverage would result in the securities laws generally favoring or disfavoring particular strategies, which should be avoided when the objective is a fair and level playing field.

#### UNIFORM FIDUCIARY STANDARD OF CONDUCT

Section 913 of the Dodd-Frank Act added new express authority for the Commission to adopt a uniform fiduciary standard of con-

duct and to consider other potential options for the harmonization of the regulation of broker-dealers and investment advisers. Although there are differing views on this issue, many investor advocates and industry participants support the establishment of a uniform fiduciary standard of conduct. The new restrictions on the Commission's authority that would be imposed under H.R. 2374, however, would make it difficult for the Commission to adopt such a rule should it determine to do so.

The Commission has pursued the consideration of possible rulemaking under section 913 with care and diligence. Section 913 required the Commission to conduct a study regarding obligations of broker-dealers and investment advisers. That study, published in 2011, contained two primary recommendations from Commission staff—one in favor of a uniform fiduciary standard of conduct and another calling for enhanced harmonization of the regulatory requirements for broker-dealers and investment advisers. Following publication of the study, Commissioners and Commission staff have met with relevant parties and maintained an open dialogue with those interested in these issues. To further its review, the Commission in March 2013 published a request for additional data and other information, in particular quantitative data and economic analysis. Any rulemaking under section 913 would include a rigorous economic analysis.

If, after such fact-finding and deliberations, the Commission should determine to propose a uniform fiduciary standard of conduct, H.R. 2374 would layer on new statutory requirements for the Commission to satisfy before finalizing any such rules, which could impede this investor-focused initiative in what already has been a multi-year process.

I hope that this information is helpful to you and to the other members of the Committee. Please do not hesitate to contact me or have your staff contact Tim Henseler, Acting Director of the Office of Legislative and Intergovernmental Affairs, if I can be of further assistance.

Sincerely,

MARY JO WHITE,  
*Chair.*

Ms. WATERS. I thank the gentleman from Massachusetts for managing in my absence.

Mr. Speaker, I am pleased to have the opportunity to come back to the floor to add a few comments.

Prior to leaving, the chairman of this committee talked about this being a job creation bill. He wrapped this bill in jobs creation. And I must say that I don't think that the gentleman has much else he could say about why they are trying to exempt all of these private equity funds from registering with the SEC.

Wrapping it in this notion of they are creating all of these jobs and we should all be very appreciative is one way to deflect attention from the fact that here we have private equity funds. \$180 million from the smaller private equity funds have been exempted already. Those firms that have \$180 million in those funds or less are already exempted. That was done in the Dodd-Frank legislation. Now they are coming back and they are saying exempt everybody.

What is it you are trying to hide? Why is it you do not want these firms to register?

Well, first of all, they are registered at this point. The SEC is given the oversight and the regulation that they need, and they are finding that it is very important for them to do so because they are finding that there are unlawful pay-to-play schemes, insider trading, conflicts of interest, and misappropriations of assets, et cetera. That is not to say that all private equity funds are doing these things, but weeding out the bad actors is extremely important.

The SEC is our cop on the block. They are there to protect the investors. This is their number one responsibility, and we want them to do this. Just as you have CalPERS from California, which is against this bill, they should be against this bill. They have the retirement funds of policemen and firemen and all of the middle class people that make up the basis of this economy.

Well, let me just add to the ones that were mentioned by my friend from Massachusetts. We also have Americans for Financial Reform. We also have the Consumer Federation and all of the State regulators who are against this bill. And the President's advisers have said they are recommending a veto.

What do you have to hide? Why don't you want registration? That is the question that must be asked. That is the question that has really not been answered.

Mr. Speaker and Members, I would ask for a "no" vote on this bill because we endanger the investors that they claim they want to protect because they claim they want them to produce all of these jobs, and certainly that will never happen if we allow the kinds of situations to continue to happen that were described in the discussion about Bain Capital in the Presidential election debates.

Further, let me just say that we have worked very, very hard to try to make sure that we have protection. That is the role of the SEC. And again, they already have these registered private equity firms that they are taking a look at, and they are learning things about them. And this information will be used to make sure that we have the kind of private equity funds that can do the kind of jobs that we want them to do.

Yes, we appreciate investment. Yes, we want job creation. But why should we have private equity funds that somehow have no oversight, that don't have anybody scrutinizing what they are doing? Why is it we don't want any regulatory agencies looking at them? That just doesn't make good sense.

And I would say to my friends, you have to oppose this bill. There will be an amendment coming up that was mentioned by the gentlewoman from New York (Mrs. MALONEY) that makes good sense. And if they had gone to

that simply as a way of trying to help out in this area, they could have gotten a lot of support, but they have stepped way over the line when they say no oversight, no scrutiny by the SEC or anybody else.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

□ 1545

Mr. HENSARLING. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), a coauthor of the legislation and the chairman of our Capital Markets and GSE Subcommittee.

Mr. GARRETT. I thank the chairman for yielding.

Mr. Speaker, let's step back for a moment and just see where we may agree on certain points.

I guess at the 30,000-foot level we agree on the fact that we want to work together on legislation that will try to prevent the next financial crisis. We agree that we want to try to protect investors.

It is after that level, however, when we get into the details that we disagree.

As far as protecting and trying to make sure the next financial crisis does not occur, there has been no evidence either today on the floor or in the committee process during the discussion of this debate or in any of the debates when we discussed Dodd-Frank that the origin of the last financial crisis was from private equity. No evidence. Or from hedge funds. No evidence. Or from venture capital. No evidence whatever. So to say that we need to have extensive, overbearing, overlapping, extraneous regulation on private equity to prevent the next one, they have no evidence to say that was the cause in the past.

We say, just as the gentleman from Connecticut said before, venture capital is excluded from it. Why not private equity as well? And that is why we have come together in a bipartisan manner to make sure the next crisis doesn't occur in an area such as this.

In the second area, the point was made as far as the cost. The gentleman from Massachusetts said, Well, we're talking about the larger funds here. If he was at the hearing last night in the Rules Committee, he would have heard one of his colleagues, Mr. POLIS from Colorado, refute that point.

Why is that? This is what he said. When you are talking about firms, \$150 million, \$200 million sounds like large firms, right? But that is just how much money is under management. The actual money they are actually spending in the company is just a fraction of it. A little tiny fraction, as he pointed out. It is around 2 percent.

So if you are talking about a \$150 million fund under management, it sounds big. Actually, that is around a \$3 million business. And now you are

asking that \$3 million business to have to pay upwards of half a million dollars each year for all their compliance costs and the examination, which goes to the last point by the gentlelady from New York.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentleman an additional 30 seconds.

Mr. GARRETT. We would love to try to find some common ground on her amendment, but her amendment simply goes to the first point and the initial filing of the forms and what have you. After that, there is the extraneous additional examinations and all the other costs that are so overly burdensome that we have found both in a bipartisan manner, as Mr. HIMES from Connecticut has already pointed out, is overly burdensome and unnecessary.

If there was some other way to pull this together in a bipartisan manner more so than we have already done, I would do so, but I am glad that the gentleman from Virginia and also the gentleman from Connecticut have been able to come together on all the points to come to a final bill in a bipartisan manner. And I support the legislation.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, listening to some of my colleagues on the other side of the aisle, it is hard not to conclude that some of them have never met a regulation that they didn't like, regardless of what it does to the hopes, dreams, and aspirations of the unemployed and underemployed in America.

As I look over your chair, Mr. Speaker, and see the words, "In God We Trust," I sometimes question whether some Members would like to take down the word "God" and replace it with "regulators": In Regulators We Trust.

The question has never been, Mr. Speaker, the question between regulation and deregulation. The question is between smart regulation and dumb regulation; and in order to make that determination, one needs to see what cost is being imposed, again, on the hopes and dreams and aspirations of the unemployed and the underemployed.

Why does this underlying regulation need to be there in the first place? Is it systemic risk? Well, even the chairman of the SEC has admitted that private equity played no role in the financial crisis.

We know in terms of the economy, private equity may represent somewhere on the order of 1.5 to 2 percent of GDP. There is no evidence of interconnectedness, which many maintain is at the root of systemic risk.

So what are they trying to protect? Well, investor protection. This is all about giving additional protection to millionaire investors at the expense of single moms trying to make ends meet. I am not really sure that meets the test of smart regulation.

We know already that private equity fund advisers are subject, as they well should be, to the antifraud provisions of the Investment Advisers Act of 1940, whether they are registered or not. Fund offerings are subject to the antifraud provisions of the Securities Act of 1933. The SEC still has the ability to ensure that proper documentation is maintained.

No, we do not want to see any investor, regardless of sophistication or income, be subject to coercion or fraud. But, at the same time, we don't want to deny small businesses—the job engine in America—the funding they need to put America back to work.

There are many companies today that we recognize—Dunkin' Donuts, Baskin-Robbins, Petco, Skype, J.Crew—that all have benefited from private equity. Where would the tens of thousands, if not hundreds of thousands, of jobs they represent be today if private equity had to face yet another burden that is going to cost these small investment firms half a million dollars, a million dollars?

Today, we haven't really heard that much about company likes Entrust or Universal Smart Comp, but maybe they are tomorrow's Petco or tomorrow's Toys "R" Us.

And so it really comes down to this, Mr. Speaker, again: Are there going to be additional protections for multimillionaire investors, or are there going to be additional protections and opportunities for unemployed single moms trying to make ends meet?

Our side of the aisle said, Let's help the single mom. Let's pass H.R. 1105, and put America back to work.

I yield back the balance of my time.

Mr. STUTZMAN. Mr. Speaker, I rise today in support of H.R. 1105, the Small Business Capital Access and Job Preservation Act. Washington can't regulate its way to the top while red tape puts American jobs at risk.

Too often big-government builds barriers to success but men and women in the real economy know how to get the job done. In nearly every sector of our economy, thousands of companies are backed by private equity and employ millions of hardworking Americans.

Unfortunately, Dodd-Frank places unnecessary and burdensome regulations on private firms that invest hundreds of billions of dollars each year to open doors for new opportunities. Instead of creating jobs, these requirements increase costs, divert capital, and consume time.

Private equity is critical to a strong recovery and works best when advisers look ahead for new opportunities, not when they're constantly forced to worry about red tape. Today, we have an opportunity to reduce Dodd-Frank's unfair burdens on responsible investment advisors.

It's time to pass this common-sense legislation and unleash new opportunities for job growth.

I thank my colleague Representative HURT for his work on this issue and Chairman HENSARLING for his leadership. I urge my colleagues to vote yes.

Mr. VAN HOLLEN. Mr. Speaker, today's legislation would amend the Investment Advisors Act of 1940 to generally exempt private equity fund investment advisors from its registration and reporting requirements, subject to certain conditions.

Proponents of this legislation argue that private equity funds were not the source of systemic risk during the most recent financial crisis and therefore that their investment advisors should not be subject to registration and reporting requirements under current law. While private equity funds can play an important role in capital formation, and I would agree that private equity funds were not the principal source of systemic risk during the last financial crisis, that does not mean it would be impossible for private equity firms to become a source of systemic risk at some point in the future.

Moreover, as Securities and Exchange Commission Chair Mary Jo White has pointed out, registration and reporting requirements are not used solely for systemic risk prevention. Just as importantly, they are also used for investor protection. In that regard, it is worth noting that the SEC has brought enforcement actions against unscrupulous private equity funds involving unlawful pay to play schemes, insider trading, conflicts of interest, valuation issues and misappropriation of assets. This investor protection function will become even more important once the SEC finalizes implementation of a provision in the recently enacted Jumpstart Our Business Startups (JOBS) Act permitting the general solicitation and advertising of private equity funds and private securities.

For these reasons, I will be opposing this bill.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT NO. 1 PRINTED IN PART B OF HOUSE REPORT 113-283 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, strike line 10 and all that follows through page 2, line 17, and insert the following:

“(o) SIMPLIFIED REGISTRATION AND DISCLOSURE FOR SMALL PRIVATE EQUITY FUND ADVISERS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Commission shall promulgate rules providing for a simplified procedure for registration and disclosure under this section for any investment adviser acting as an investment adviser to a private equity fund or funds that, in the aggregate, have assets under management in the United States of between \$150,000,000 and \$1,000,000,000.

“(2) TAILORED APPLICATION.—The rules promulgated under paragraph (1) shall take into account compliance costs, fund size, governance, and any other factors that the Commission determines necessary.

“(3) PRIVATE EQUITY FUND DEFINED.—Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules to define the term ‘private equity fund’ for purposes of this subsection.”.

The SPEAKER pro tempore. Pursuant to House Resolution 429, the gentleman from New York (Mrs. CAROLYN B. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I first want to commend the chairman and the ranking member for their hard and dedicated work on the Financial Services Committee.

I would also like to commend the vice-chairman, Congressman HURT, for his work on this bill. I agree with him that private equity funds did not cause the financial crisis.

I also agree that many private equity funds—and especially the small private equity funds that invest in middle-market businesses—support jobs across our country. I also agree that for many small equity funds, the cost of complying with every single requirement in the Investment Advisers Act can be burdensome and costly.

However, while I share the goal of reducing unnecessary regulatory burdens on small private equity funds with under \$1 billion in assets, I believe that there are better ways to accomplish this goal to reduce the burden, to reduce costs without eliminating important investor protections.

I would say that we should have equality in this country—and equality of treatment for everyone, including investors. If you are a small investor, a large investor, a teacher, an unemployed worker, and you have invested, whoever you are, you should have protections. Aren't we a country of laws and equality of treatment? So my amendment would direct the SEC to create a simplified disclosure form for fund advisers between \$150 million and \$1 billion, while also retaining important investor protections.

We would reduce the burden, reduce the reporting, reduce the disclosure, simplify the forms, make it easier, but protect the fiduciary duty to act in a client's best interest. Isn't that the moral, right thing to do?

There is the obligation to disclose conflicts of interest and the obligation to disclose fees. I thought we all supported transparency. Well, let's have transparency in these investment funds, too.

I would ask my colleagues on the other side of the aisle who are objecting to this amendment how much of a burden is it to disclose whether or not you have a conflict of interest. You just have to check yes or no, I have a conflict of interest. Then maybe you have to disclose what that conflict is. But that is the fair and right thing to do.

How burdensome is it to disclose fees? Tell people what you are charging them. And how burdensome is it to have the necessary fiduciary duty to

act in the client's best interest? Most people think that you are acting in their best interest. I think they would be horrified to know that some Members of this body want to roll back that protection for them.

I would also like to note that in August the SEC did provide relief for smaller private equity funds from what the industry tells me is one of the most burdensome aspects of registration—the so-called custody rule—which requires that the funds use independent custodians for stocks that don't even trade. So private equity funds have already gotten relief, and I applaud the SEC for this commonsense decision.

The reforms in my amendment would build on this relief and would direct the SEC to act quickly on simplified forms—within 6 months—and save these small businesses money so that money can go out into the community.

The underlying bill grants a complete exemption to private equity fund advisers with under 2 to 1 leverage, which is pretty much the entire industry, because the funds themselves are not leveraged. It is the companies the funds invest in that are leveraged.

The underlying bill is opposed by the Securities and Exchange Commission, whose prime mission is to protect investors, and by President Obama's administration. He has even threatened a veto.

If the problem is the high cost of registry at the SEC and preparing the required disclosures, then the solution is to simplify the registration and disclosures for small equity funds. That is what my bill does. But it also protects investors.

It does not exempt the entire industry from investor protection, which is what the underlying bill does, and I do not believe that that is the intent of my colleagues on either side of the aisle.

So my amendment accomplishes the express goal of saving money and simplifying, but protects the integrity of our financial system and investors.

I urge everyone to support my amendment, and I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield myself such time as I may consume.

Mr. Speaker, the amendment, regardless of how well-intentioned it may be, functionally guts the bill and is essentially redundant of current law in Dodd-Frank.

And I grant the gentlelady, who is a very senior and thoughtful member of our committee, that her provision is perhaps more articulate than the underlying law, but section 408(n) of Dodd-Frank already says:

In prescribing regulations to carry out the requirements of this section with respect to

investment advisers acting as investment advisers to mid-sized private funds, the Commission shall take into account the size, governance, investment strategy of such funds.

It goes on to say:

The Commission shall provide for registration and examination procedures with respect to the investment advisers of such funds which reflect the level of systemic risk.

So, again, it is essentially redundant of what is already in current law.

According to the Private Equity Growth Council, on average it is taking \$1.8 million for the initial Dodd-Frank compliance cost and an additional \$1.3 million each year in Dodd-Frank compliance costs. All for what? We already have underlying investor protections in place.

There is no evidence presented whatsoever that this has anything to do with systemic risk, all at the cost of jobs, at a time when, again, Mr. Speaker, tens of millions of our countrymen are struggling. They are underemployed, unemployed.

□ 1600

Again, who are we going to help? Are we going to help regulators? Are we going to help millionaire investors? Are we going to help struggling Americans trying to pay the bills? We should oppose this amendment, Mr. Speaker.

At this time, I would be very happy to yield 2 minutes to the gentleman from Virginia (Mr. HURT), again, the author of H.R. 1105.

Mr. HURT. I thank the chairman.

Mr. Speaker, I rise in opposition to the gentlelady's amendment.

I appreciate her work and interest on this important issue; but with all due respect, this amendment would defeat the entire purpose of the bill.

If adopted, all advisers to private equity who are currently undergoing the burdensome and unnecessary registration process would still be required to do so. Additionally, it would establish an entirely subjective, so-called "simplified" compliance standard that would have to be defined by the Securities and Exchange Commission. There is no reason to believe that such a so-called simplified standard would provide any meaningful relief for those private equity companies investing in small companies across this country.

As has been stated, small and mid-sized private equity firms are expending hundreds of thousands of dollars in annual compliance costs and would still have to be registered with the SEC. Instead of addressing this problem, this amendment, if adopted, would continue to restrict the ability of small and mid-sized private equity firms to invest in small businesses.

As Members of both parties have pointed out, there are not persuasive arguments that private equity generates systemic risk; and, indeed, to the extent that leverage at the fund level could potentially trigger such

risk, we have already adopted a standard proposed by Mr. HIMES in committee that would require registration for advisers to firms with leverage that exceeds 2 to 1.

I know that the gentlelady understands that access to private capital is the lifeblood for small business. The current SEC registration requirements are unnecessary. They produce a significant burden on private equity firms and, therefore, restrict the flow of private capital to small businesses across the country.

I urge this body to defeat this amendment and to vote in favor of the underlying bill.

Mr. HENSARLING. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining.

Mr. HENSARLING. I yield myself the balance of my time.

Mr. Speaker, again, historically, private equity has invested in tens of thousands of small businesses, and it has helped create millions of jobs in America.

The question today is: Are we going to put a roadblock in place of private equity—the small business investment engines—so that we can somehow help regulators?

With all due respect to our regulators—and there are many good ones and many great ones at the SEC—I have never met a regulator who turned down the opportunity to regulate more. I have never met him.

So the question is: Are we going to grant an even greater ability to take funds away from small businesses to create a work product that doesn't meet the commonsense test, the jobs test, the smell test—or any other test—at a time when people are still suffering and wondering how are they going to put gas in the tank; how are they going to take their kids to school; how are they going to afford their health care bills since, clearly, they cannot keep their health insurance even if they want to.

How are they going to do this?

We need private equity to fund small business to get America back to work. We need to defeat this amendment. We need to pass the underlying bill. It is time to be pro-jobs.

With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question is on the amendment by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 225, not voting 20, as follows:

[Roll No. 620]

YEAS—186

Andrews	Grijalva	Negrete McLeod
Barber	Gutiérrez	Nolan
Bass	Hahn	O'Rourke
Beatty	Hanabusa	Owens
Becerra	Hastings (FL)	Pallone
Bera (CA)	Heck (WA)	Pascarell
Bishop (NY)	Higgins	Pastor (AZ)
Blumenauer	Himes	Payne
Bonamici	Hinojosa	Pelosi
Brady (PA)	Holt	Perlmutter
Braley (IA)	Honda	Peters (CA)
Brown (FL)	Horsford	Peters (MI)
Brownley (CA)	Hoyer	Pingree (ME)
Bustos	Huffman	Pocan
Butterfield	Israel	Price (NC)
Capps	Jackson Lee	Quigley
Capuano	Jeffries	Rahall
Cárdenas	Johnson (GA)	Rangel
Carney	Johnson, E. B.	Richmond
Carson (IN)	Jones	Roybal-Allard
Cartwright	Kaptur	Ruiz
Castor (FL)	Keating	Ruppersberger
Castro (TX)	Kelly (IL)	Ryan (OH)
Chu	Kennedy	Sanchez, Linda
Cicilline	Kildee	T.
Clarke	Kilmer	Sanchez, Loretta
Clay	Kind	Sarbanes
Cleaver	Kirkpatrick	Schakowsky
Clyburn	Kuster	Schiff
Cohen	Langevin	Schneider
Connolly	Larsen (WA)	Schwartz
Conyers	Larson (CT)	Scott (VA)
Courtney	Lee (CA)	Scott, David
Crowley	Levin	Serrano
Cummings	Lewis	Sewell (AL)
Davis (CA)	Lipinski	Shea-Porter
Davis, Danny	Loeb	Sherman
DeFazio	Loftgren	Sinema
DeGette	Lowenthal	Slaughter
Delaney	Lowe	Smith (WA)
DeLauro	Lujan Grisham	Speier
DelBene	(NM)	Swalwell (CA)
Deutch	Luján, Ben Ray	Takano
Dingell	(NM)	Thompson (CA)
Doggett	Lynch	Thompson (MS)
Doyle	Maffei	Tierney
Duckworth	Maloney,	Titus
Edwards	Carolyn	Tonko
Ellison	Maloney, Sean	Tsongas
Engel	Matsui	Van Hollen
Eshoo	McCollum	Veasey
Esty	McDermott	Vela
Farr	McGovern	Velázquez
Fattah	McNerney	Visclosky
Foster	Meeks	Walz
Frankel (FL)	Meng	Wasserman
Fudge	Michaud	Schultz
Gabbard	Miller, George	Waters
Galleo	Moore	Watt
Garamendi	Moran	Waxman
Garcia	Murphy (FL)	Welch
Gibson	Nadler	Wilson (FL)
Green, Al	Napolitano	Yarmuth
Green, Gene	Neal	

NAYS—225

Aderholt	Bridenstine	Collins (GA)
Amash	Brooks (AL)	Collins (NY)
Amodel	Brooks (IN)	Conaway
Bachmann	Broun (GA)	Cook
Bachus	Buchanan	Cooper
Barletta	Bucshon	Costa
Barr	Burgess	Cotton
Barrow (GA)	Calvert	Crawford
Barton	Camp	Crenshaw
Benishek	Capito	Cuellar
Bentivolio	Carter	Daines
Bilirakis	Cassidy	Davis, Rodney
Bishop (UT)	Chabot	Denham
Black	Chaffetz	Dent
Blackburn	Coble	DeSantis
Boustany	Coffman	DesJarlais
Brady (TX)	Cole	Diaz-Balart

Duffy	Lamborn	Rogers (MI)
Duncan (SC)	Lance	Rohrabacher
Duncan (TN)	Lankford	Rokita
Ellmers	Latham	Rooney
Farenthold	Latta	Ros-Lehtinen
Fincher	LoBiondo	Roskam
Fitzpatrick	Long	Ross
Fleischmann	Lucas	Rothfus
Fleming	Luetkemeyer	Royce
Flores	Marchant	Runyan
Forbes	Marino	Ryan (WI)
Fortenberry	Massie	Salmon
Foxx	Matheson	Sanford
Franks (AZ)	McAllister	Scalise
Frelinghuysen	McCarthy (CA)	Schock
Gardner	McCaull	Schrader
Garrett	McClintock	Schweikert
Gerlach	McHenry	Scott, Austin
Gibbs	McIntyre	Sensenbrenner
Gohmert	McKeon	Sessions
Goodlatte	McKinley	Shimkus
Gosar	Meadows	Shuster
Gowdy	Meehan	Simpson
Granger	Messer	Smith (MO)
Graves (GA)	Mica	Smith (NE)
Griffin (AR)	Miller (FL)	Smith (NJ)
Griffith (VA)	Miller (MI)	Smith (TX)
Grimm	Mullin	Southerland
Guthrie	Mulvaney	Stewart
Hall	Murphy (PA)	Stivers
Hanna	Neugebauer	Stutzman
Harper	Noem	Terry
Harris	Nugent	Thompson (PA)
Hartzler	Nunes	Thornberry
Hastings (WA)	Nunnelee	Tiberi
Heck (NV)	Olson	Tipton
Hensarling	Palazzo	Turner
Holding	Paulsen	Upton
Hudson	Pearce	Valadao
Huelskamp	Perry	Wagner
Huizenga (MI)	Peterson	Walberg
Hultgren	Petri	Walden
Hunter	Pittenger	Walorski
Hurt	Pitts	Weber (TX)
Issa	Poe (TX)	Webster (FL)
Jenkins	Polis	Wenstrup
Johnson (OH)	Pompeo	Westmoreland
Johnson, Sam	Posey	Whitfield
Jordan	Price (GA)	Williams
Joyce	Reichert	Wilson (SC)
Kelly (PA)	Renacci	Wittman
King (IA)	Ribble	Wolf
King (NY)	Rice (SC)	Womack
Kingston	Rigell	Woodall
Kinzinger (IL)	Roby	Yoder
Kline	Roe (TN)	Yoho
Labrador	Rogers (AL)	Young (AK)
LaMalfa	Rogers (KY)	Young (IN)

## NOT VOTING—20

Bishop (GA)	Graves (MO)	Miller, Gary
Campbell	Grayson	Radel
Cantor	Herrera Beutler	Reed
Cramer	Lummis	Rush
Culberson	McCarthy (NY)	Sires
Enyart	McMorris	Stockman
Gingrey (GA)	Rodgers	Vargas

□ 1631

Messrs. NEUGEBAUER, GRIFFITH of Virginia, DUFFY, SAM JOHNSON of Texas, HUELSKAMP, GRIFFIN of Arkansas, BACHUS, RYAN of Wisconsin, and COSTA changed their vote from “yea” to “nay.”

Mrs. CAPPS, Mr. McDERMOTT, Ms. SLAUGHTER, Messrs. ELLISON, RAHALL, and KIND changed their vote from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HECK of Nevada). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. HORSFORD. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HORSFORD. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Horsford moves to recommit the bill H.R. 1105 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 2, line 17, strike the quotation marks and final period and insert after such line the following:

“(3) PROTECTING AMERICAN JOBS.—The exemption described under paragraph (1) shall only apply to an investment adviser providing investment advice to a fund that—

“(A) does not own a controlling interest in a company that outsources American jobs to other countries; and

“(B) publicly reports on a quarterly basis the number of jobs eliminated at each company owned and controlled by the fund.”.

Mr. HURT (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada is recognized for 5 minutes in support of his motion.

Mr. HORSFORD. Mr. Speaker, this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

The underlying bill would exempt almost every private equity fund from registration and reporting requirements under Dodd-Frank. It is another attempt by House Republicans to turn back the clock on progress that we have made to make sure Wall Street is helping Main Street.

This bill, despite being titled the Small Business Capital Access and Job Preservation Act, has nothing to do with small business or creating jobs, and everything to do with chipping away at the safeguards put in place when Congress passed financial sector reform.

Wall Street reform has made the financial system more transparent, reduced risk, and protected against systemic failure. Private equity fund advisers have been filing reports with the SEC for over a year now. We shouldn't be trying to gut the system of accountability and oversight, we should be building it up. We should be working together to make the reforms work and make them stronger.

H.R. 1105 would roll back the progress by providing blanket registration and reporting exemptions, seriously hampering oversight.

The motion to recommit I am offering would amend the underlying bill so that investment funds are only eligible if they do not own a controlling interest in companies that outsource American jobs to other countries. We would also require reporting about any downsizing at each company owned and controlled by the fund.

Instead of decreasing transparency by Wall Street, we should be demanding greater public disclosure to protect consumers. We should not be encouraging outsourcing of American jobs overseas. We should be incentivizing companies to keep jobs right here in America, or to bring them back. And we should not be encouraging downsizing or the elimination of jobs, but incentivizing companies to hire employees and to get the American public back to work.

Now, when I go home to my district in Nevada and meet with constituents, they want to know what Congress is doing to create jobs. They aren't asking me to roll back reforms that make financial markets more stable. They aren't asking me to make life easier for Wall Street. They want this Congress focused on one street, Main Street, and on creating middle class jobs to help grow the economy and put Americans back to work.

And so it is telling that for this Congress, with so few legislative days remaining in this year, we are focusing our precious time on private equity fund advisers. This bill focuses the attention of Congress on the policy desires of an elite group that is doing just fine. They are asking for more secrecy. Why? That is not what we should be spending our time on.

Instead of bringing an infrastructure bill to the floor that would create middle class jobs, instead of passing comprehensive immigration reform, Mr. Speaker, to fix our broken system and to grow the economy, instead of passing workplace protections that prevent Americans from being fired because of who they love, instead of working to reduce food insecurity, instead of replacing the harmful sequester that is hurting everything from military contractors to economic activity for all Americans, instead of doing any of that, of doing what the American people are demanding of this Congress, the House GOP, through H.R. 1105, are focusing their energy on gutting Wall Street reform.

So we have serious business that this body could be focused on, business that many of our constituents on both sides of the aisle say they want us to address. But, instead, we have H.R. 1105, a focus to gut Wall Street reform; and it is a quiet, but concerted, effort to once again turn back the clock on the American people. Not to mention, the underlying bill is also a futile attempt because the President has already said he would veto the legislation.



I urge my colleagues to vote “yes” on the motion to recommit and for the House of Representatives to do the people’s business, and I yield back the balance of my time.

Mr. HURT. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. HURT. Mr. Speaker, with all due respect to the gentleman from Nevada, the problem with his motion to recommit is that it would punish a company like Vitamin Shoppe. Vitamin Shoppe is a leading U.S.-based vitamin and supplements distributor. Earlier this year, Vitamin Shoppe went global, opening its first international franchise in Panama City, Panama. By partnering with a private equity fund, Vitamin Shoppe grew its business from a Northeast-based specialty retailer to a national chain, adding more than 400 stores and 2,500 new jobs.

With all due respect, this bill is not about overseas jobs. This bill is not about Wall Street. This bill is about Main Street American jobs to the tune of 7.5 million jobs working in 17,000 U.S. companies. This bill is about encouraging private capital investment in those Main Street jobs. This bill is about not adding \$500,000 in compliance costs to Main Street job creation.

To put this in perspective, I dare say, of every congressional district represented on this floor, this bill is about a window manufacturer in Rocky Mount, Virginia, in Virginia’s Fifth District, our district, which has operated there for the last 70 years. It has provided good jobs in our community. It has provided jobs for generations of people living in Franklin County, Virginia, and for families who have worked there for generations. In the last 10–20 years in Rocky Mount, Virginia, just like all across southside Virginia and so many congressional districts across this country, we have seen hard times because of the loss of thousands of manufacturing jobs. We have seen over the last 10–20 years double digit unemployment.

□ 1645

This window manufacturing plant was able to survive because of private equity investment, and now that window manufacturing company boasts 1,000 employees. Those jobs still exist today because of a private equity investment.

Last night we had a meeting of the Rules Committee, and one member of the committee asked a question. He said: If a big PE firm has to pay an extra \$500,000 for compliance costs, what is the big deal?

It seems to me that it would be better, perhaps, to ask that question to an employee at that windows manufacturing firm in Rocky Mount. If asked, I suspect he would say, you know: I

have a good job. I love my job. I work 60 hours a week to be able to pay my mortgage, to pay my bills and take care of my family. He would say, Please, to all of you in Washington, do everything that you can to make sure that 1 year from now I still have my job and make sure that my neighbor has a job, too.

That is a big deal, and that is what this bill is about. I urge the defeat of this motion to recommit, I urge the adoption of this good jobs bill, and I ask for your vote for H.R. 1105.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. HORSFORD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 227, not voting 19, as follows:

[Roll No. 621]

AYES—185

Andrews	Deutch	Kilmer
Barber	Dingell	Kind
Barrow (GA)	Doggett	Kirkpatrick
Bass	Doyle	Kuster
Beatty	Duckworth	Langevin
Becerra	Duncan (TN)	Larsen (WA)
Bera (CA)	Edwards	Larson (CT)
Bishop (NY)	Ellison	Lee (CA)
Blumenauer	Engel	Levin
Bonamici	Eshoo	Lewis
Brady (PA)	Esty	Lipinski
Braley (IA)	Farr	Loeb sack
Brown (FL)	Fattah	Lofgren
Brownley (CA)	Frankel (FL)	Lowenthal
Bustos	Fudge	Lowe y
Butterfield	Gabbard	Lujan Grisham
Capps	Gallego	(NM)
Capuano	Garcia	Lujan, Ben Ray
Cárdenas	Green, Al	(NM)
Carney	Green, Gene	Lynch
Carson (IN)	Grijalva	Maloney,
Cartwright	Gutiérrez	Carolyn
Castor (FL)	Hahn	Maloney, Sean
Castro (TX)	Hanabusa	Matsui
Chu	Hastings (FL)	McCollum
Ciavilline	Heck (WA)	McDermott
Clarke	Higgins	McGovern
Clay	Hinojosa	McIntyre
Cleaver	Holt	McNerney
Clyburn	Honda	Meeks
Cohen	Horsford	Meng
Connolly	Hoyer	Michaud
Conyers	Huffman	Miller, George
Costa	Israel	Moore
Courtney	Jackson Lee	Moran
Crowley	Jeffries	Nadler
Cuellar	Johnson (GA)	Napolitano
Cummings	Johnson, E. B.	Neal
Davis (CA)	Jones	Negrete McLeod
Davis, Danny	Kaptur	Nolan
DeFazio	Keating	O'Rourke
DeGette	Kelly (IL)	Owens
DeLauro	Kennedy	Pallone
DelBene	Kildee	Pascrell

Pastor (AZ)	Sarbanes	Titus
Payne	Schakowsky	Tonko
Pelosi	Schiff	Tsongas
Perlmutter	Schneider	Van Hollen
Peters (CA)	Schwartz	Vargas
Peters (MI)	Scott (VA)	Veasey
Pingree (ME)	Scott, David	Vela
Pocan	Serrano	Velázquez
Price (NC)	Sewell (AL)	Visclosky
Quigley	Shea-Porter	Walz
Rahall	Sherman	Wasserman
Rangel	Sinema	Schultz
Richmond	Slaughter	Waters
Roybal-Allard	Smith (WA)	Watt
Ruiz	Speier	Waxman
Ruppersberger	Swalwell (CA)	Welch
Ryan (OH)	Takano	Wilson (FL)
Sánchez, Linda T.	Thompson (CA)	Yarmuth
Sanchez, Loretta	Thompson (MS)	
	Tierney	

#### NOES—227

Aderholt	Gosar	Nunnelee
Amash	Gowdy	Olson
Amodei	Granger	Palazzo
Bachmann	Graves (GA)	Paulsen
Bachus	Griffin (AR)	Pearce
Barletta	Griffith (VA)	Perry
Barr	Grimm	Peterson
Barton	Guthrie	Petri
Benishek	Hall	Pittenger
Bentivolio	Hanna	Pitts
Bilirakis	Harper	Poe (TX)
Bishop (UT)	Harris	Polis
Black	Hartzler	Pompeo
Blackburn	Hastings (WA)	Posey
Boustany	Heck (NV)	Price (GA)
Brady (TX)	Hensarling	Reichert
Bridenstine	Himes	Renacci
Brooks (AL)	Holding	Ribble
Brooks (IN)	Hudson	Rice (SC)
Brown (GA)	Huelskamp	Rigell
Buchanan	Huizenga (MI)	Roby
Bucshon	Hultgren	Roe (TN)
Burgess	Hunter	Rogers (AL)
Calvert	Hurt	Rogers (KY)
Camp	Issa	Rogers (MI)
Capito	Jenkins	Rohrabacher
Carter	Johnson (OH)	Rokita
Cassidy	Johnson, Sam	Rooney
Chabot	Jordan	Ros-Lehtinen
Chaffetz	Joyce	Roskam
Coble	Kelly (PA)	Ross
Coffman	King (IA)	Rothfus
Cole	King (NY)	Royce
Collins (GA)	Kingston	Runyan
Collins (NY)	Kinzinger (IL)	Ryan (WI)
Conaway	Kline	Salmon
Cook	Labrador	Sanford
Cooper	LaMalfa	Scalise
Cotton	Lamborn	Schock
Cramer	Lance	Schrader
Crawford	Lankford	Schweikert
Crenshaw	Latham	Scott, Austin
Daines	Latta	Sensenbrenner
Davis, Rodney	LoBiondo	Sessions
Delaney	Long	Shimkus
Denham	Lucas	Shuster
Dent	Luetkemeyer	Simpson
DeSantis	Maffei	Smith (MO)
DesJarlais	Marchant	Smith (NE)
Diaz-Balart	Marino	Smith (NJ)
Duffy	Massie	Smith (TX)
Duncan (SC)	Matheson	Southerland
Ellmers	McAllister	Stewart
Farenthold	McCarthy (CA)	Stivers
Fincher	McCaul	Stutzman
Fitzpatrick	McClintock	Terry
Fleischmann	McHenry	Thompson (PA)
Fleming	McKeon	Thornberry
Flores	McKinley	Tiberi
Forbes	Meadows	Tipton
Fortenberry	Meehan	Turner
Foster	Messer	Upton
Fox	Mica	Valadao
Franks (AZ)	Miller (FL)	Wagner
Frelinghuysen	Miller (MI)	Walberg
Garamendi	Mullin	Walden
Gardner	Mulvaney	Walorski
Garrett	Murphy (FL)	Weber (TX)
Gerlach	Murphy (PA)	Wenstrup
Gibbs	Neugebauer	Westmoreland
Gibson	Noem	Whitfield
Gohmert	Nugent	Williams
Goodlatte	Nunes	Wilson (SC)



Wittman  
Wolf  
Womack

Woodall  
Yoder  
Yoho

Young (AK)  
Young (IN)

Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quigley  
Rahall  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schneider  
Schock  
Schrader  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shinkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland

Stewart  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vargas  
Veasey  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Lummis  
McCarthy (NY)  
McMorris  
Rodgers

Miller, Gary  
Radel  
Reed  
Rush

Sires  
Stockman

#### NOT VOTING—19

Bishop (GA)  
Campbell  
Cantor  
Culberson  
Enyart  
Gingrey (GA)  
Graves (MO)

Grayson  
Herrera Beutler  
Lummis  
McCarthy (NY)  
McMorris  
Rodgers  
Miller, Gary

Radel  
Reed  
Rush  
Sires  
Stockman  
Webster (FL)

#### □ 1653

Mr. JONES changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 159, not voting 18, as follows:

[Roll No. 622]

#### AYES—254

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Butterfield  
Calvert  
Camp  
Capito  
Cárdenas  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Daines  
Davis, Rodney

Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Esty  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Himes  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)

Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McAllister  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
Meadows  
Meehan  
Meeks  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Mullin

Andrews  
Bass  
Beatty  
Becerra  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Capps  
Capuano  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Green, Al  
Green, Gene  
Grijalva

#### NOES—159

Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maloney, Carolyn  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Negrete McLeod

Nolan  
O'Rourke  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Price (NC)  
Rangel  
Richmond  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

#### □ 1700

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 620 on the Maloney Amendment to H.R. 1105—the Small Business Capital Access and Job Preservation Act, I am not recorded due to a death in the family. Had I been present, I would have voted “no.”

Mr. Speaker, on rollcall No. 621 on the Motion to Recommit to H.R. 1105—the Small Business Capital Access and Job Preservation Act—offered by Mr. HORSFORD of Nevada, I am not recorded due to a death in the family. Had I been present, I would have voted “no.”

Mr. Speaker on rollcall No. 622 on Final Passage of H.R. 1105—the Small Business Capital Access and Job Preservation Act, I am not recorded due to a death in the family. Had I been present, I would have voted “yea.”

#### PERSONAL EXPLANATION

Mrs. MCMORRIS RODGERS. Mr. Speaker, on rollcall No. 618 on Ordering the Previous Question, H. Res. 429, A resolution providing for the consideration of H.R. 1105—Small Business Capital Access and Jobs Preservation Act and H.R. 3309—Innovation Act, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea.”

Mr. Speaker, on rollcall No. 619 on Agreeing to the Resolution, H. Res. 429, A resolution providing for the consideration of H.R. 1105—Small Business Capital Access and Jobs Preservation Act and H.R. 3309—Innovation Act, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea.”

Mr. Speaker, on rollcall No. 620 on H.R. 1105, on Agreeing to the Amendment offered by Mrs. MALONEY of New York, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 621 on H.R. 1105, on Motion to Recommit with Instructions, the Small Business Capital Access and Jobs Preservation Act, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 622 on H.R. 1105, on Passage, the Small Business Capital Access and Jobs Preservation Act, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea.”

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3313

Mr. LAMALFA. Mr. Speaker, I ask unanimous consent that Representative RUIZ, at his request, be removed as a cosponsor from my bill, H.R. 3313.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

#### NOT VOTING—18

Bishop (GA)  
Campbell  
Cantor

Culberson  
Enyart  
Gingrey (GA)

Graves (MO)  
Grayson  
Herrera Beutler

There was no objection.

#### 

Mr. LAMALFA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### 

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the President has taken an oath to uphold the Constitution, but this President has refused to follow and enforce certain laws.

He doesn't enforce all immigration laws. He doesn't enforce the mandatory minimum punishments. He doesn't enforce the work requirement for welfare recipients. He doesn't enforce the marijuana laws.

He illegally made recess appointments. He illegally changed ObamaCare by postponing implementation for Big Business, Small Business and individuals, and granting arbitrary waivers to special people.

He unconstitutionally took America to war in Libya.

All of these actions are unilateral, unlawful, and unconstitutional. The Constitution requires the President to execute and enforce law, not create his own laws or ignore the rule of law. However, this President, the former constitutional law professor, seems to think the Constitution is a mere suggestion, and he will do as he pleases.

And that's just the way it is.

#### 

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. Mr. Speaker, today I rise to pay tribute to a woman who is considered the modern mother of the civil rights movement, Rosa Parks. This past Sunday, we celebrated the 58th anniversary of Rosa Parks refusing to give up her seat on that bus in Montgomery, Alabama.

I am so proud to stand here from the great State of Ohio, because it was the great State of Ohio that was the first State in this Nation to name December 1 Rosa Parks Day.

On Thursday and Friday of this week, in our district, we will bring people from all over the State to pay tribute to her, and we will bring in more than 600 little children who will learn about civil rights and understand the value of working together.

That day in 1955, she started something larger than herself. She sat down so we could stand up. Mr. Speaker, it is my honor to be a part of the legislation that created December 1 in Ohio as Rosa Parks Day.

#### 

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, Medicare Advantage provides quality coverage to many seniors in western Pennsylvania. It is popular because it provides more options and increased care coordination.

Until 2011, seniors were able to take advantage of an annual open enrollment period from January through March and make adjustments if the plan they chose did not meet their needs. Unfortunately, the Affordable Care Act eliminated this option.

The Wall Street Journal recently reported that one of the Nation's largest Medicare Advantage providers had dropped thousands of doctors from its network. As a result, seniors may be unsure about whether they need to switch plans to continue seeing their doctors when the current open enrollment period ends this Saturday.

This uncertainty underscores the importance of the Medicare Beneficiary Preservation of Choice Act, H.R. 2453, which Congressman KURT SCHRADER and I introduced earlier this year. This bill would restore seniors' freedom to try their plans and make changes.

I thank my 13 Republican and Democrat colleagues for joining me in advocating for our seniors, and I encourage Members on both sides of the aisle to support this commonsense and bipartisan legislation.

#### 

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I have risen before to talk about the fact that the congressional district that I represent has the highest uninsured rate out of any congressional district in the entire country.

About 40 percent of the constituents that I represent don't have health care insurance, and I wanted to talk today about how the Affordable Care Act is already helping many of those constituents in the very district that I represent.

Yesterday, I found out that a constituent who resides in the district I represent, Jason Roberts, had suffered from cancer and that he had been running out of options, but when the Affordable Care Act kicked in, he found

out that his COBRA benefits would be saved.

Because of the options offered through the Affordable Care Act, Jason, who, again, had suffered from cancer, he actually dropped his monthly premiums by \$251 and his deductible by \$1,500. That is an overall savings of about \$4,500 a year for what Jason describes as "great coverage."

The simple fact that he and so many others are actually able to keep their insurance, even if they have a pre-existing condition like Jason had with cancer, is a true testament to the benefits of the health care law.

Let's work together to make sure that this health care law works for all of the uninsured like Jason and that it continues to work for all Americans.

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(Mr. COFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN. Mr. Speaker, last month I was joined by my colleagues in sending a letter to Secretary of State Kerry to express concern about a potential interim agreement with Iran.

Two weeks ago, such a deal was reached. It is a bad deal. The world rolls back sanctions without Iran fully dismantling its nuclear weapons program.

Sanctions have impacted Iran's economy, leading its people to elect a less confrontational President. This recent political shift, in addition to pressure from sanctions, drove Iran to the negotiating table. Regardless, the Ayatollah, the real power in Iran, continues spewing hateful language at Israel and the West.

Now is not the time to ease sanctions that have been effective for a mere promise that Iran's nuclear weapons program will be temporarily suspended. The sanctions' intent was to prevent a nuclear Iran. Anything less than the complete dismantling of its nuclear weapons program is unacceptable.

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(Mr. CÁRDENAS asked and was given permission to address the House for 1 minute.)

Mr. CÁRDENAS. Mr. Speaker, the U.S. motion picture and television industry has broad economic benefits in many districts across the Nation. This vibrant industry supported 1.9 million jobs and \$104 billion in total wages in 2011. U.S. film exports enjoy a positive trade balance, with a surplus of \$12.2 billion recorded in 2011. However, theft of intellectual property threatens our industry's success, and India is a major source of that threat.

India accounts for more than half of all illegal movie recordings in the

Asia-Pacific region. These pirated copies are sold online and on the black market, not only in India, but around the globe. India's irresponsible policies need to change. They need to pass anticamcording laws.

We want to share our onscreen treasures with the world, but we can't stand by and let them be stolen at the expense of the hardworking Americans who bring these films to life.

#### HONORING THE SERVICE OF WILLIAM D. RICKETT

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, for 14 years, Bill Rickett was the man who kept Bucks County moving. Mr. Rickett served, since 1999, as the founding Executive Director for the Bucks County Transportation Management Association.

Under Bill's leadership, the Bucks County TMA successfully completed a number of projects to improve transportation access and mobility throughout the area, including connecting commuters to regional rail service by shuttle and improvements to the Route 13 corridor in Lower Bucks County, as well as many others.

Aside from his service at the TMA, Mr. Rickett worked with community organizations to make Bucks County a better place to live and to work, including serving on boards of both the Lower Bucks County Chamber of Commerce and the Development Advisory Board of the Bucks County Enterprise Zone.

Thanks to his efforts, Bucks County continues to find new and innovative ways to enhance the quality of life for its residents. On behalf of his coworkers and a grateful county, I want to thank Mr. Rickett and wish him nothing but the best in his well-deserved retirement.

#### PAYING TRIBUTE TO MAJOR THOMAS E. LAMB'S DEDICATED SERVICE TO OUR NATION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, one of the great pleasures of serving on the Defense Committee is that we get to be associated with a large number of people who are in the Armed Services, and one such acquaintance and friend is Major Tom E. Lamb.

Tom Lamb is the congressional budget liaison for the Army to the Appropriations Committee, does an excellent job in that capacity. He was also the military fellow in our office and got to know the good folks in south Georgia and our staff, and we all grew to love Tom.

I am going to submit for the RECORD a number of things about Tom's life, but I have got to tell one story about him. And you, Mr. Speaker, as a member of the military, will appreciate this.

We were traveling in a remote part of the world and had to make an unexpected stop because of a weather delay in our travel and had to get into a dirt runway in a particular location, and then we had to split up the group because of a weight problem and weather problem and just complications. So one of Tom's duties was to reassign people on a new and a different airplane that was a smaller airplane, and he was having trouble getting everybody on board because of the weight issue. And finally, I said to Tom: Tom, what is the problem? I am counting up the number of seats, and there should be enough room.

He said: Sir, we have to go by weight, and I have asked each Member of Congress what their weight is and, sir, not everybody is giving me their accurate weight, and so I am having to do a little bit of balancing and avoid embarrassment to everybody.

It was just amazing to me that here is this guy, a military officer, an Iraqi and an Afghan veteran, and yet he had the aplomb and the diplomacy to handle a situation like this with a smile, with humor, and get us out of this location by splitting up everybody and not causing any turmoil or friction.

That is just a small example of the kind of things that today's military leaders can do. And I know there were a lot bigger issues that he dealt with when he was in Iraq and Afghanistan and, indeed, working in the budget office—I worked with him on lots and lots of different issues—but Tom Lamb, to me, Mr. Speaker, represents the finest in the military and the finest in the United States of America.

I wish Tom and his wife, Emilie, the best in their next duty assignment.

Tom, thank you for all the great service you have given the United States Government, the Congress, and our office in particular.

Mr. Speaker, I rise to pay tribute to Major Thomas E. Lamb for his extraordinary dedication to duty and service to the U.S. Army and the United States of America. Tom has served for the last 2 years as a Congressional Budget Liaison for the United States Army and will soon depart for his next duty assignment. A native of Washington State, Tom earned his commission at the United States Military Academy at West Point in 2002. As our nation's armed forces were at war combating the evils of terrorism, Tom prepared to join that fight soon after graduation. At his first duty assignment with 1-4 Air Defense Artillery in Germany, Tom deployed and led an infantry scout platoon in combat in Iraq. Following his first combat tour, he then served in the 2nd Infantry Division, forward deployed on Freedom's Frontier in the Republic of Korea from 2004 to 2005. After returning to the United States for

five months, Tom again deployed to Iraq in 2006 to serve as a staff officer and deputy commander of a Military Transition Team charged with training Iraqi Security Forces. After a year and a half stateside, Tom deployed once again, this time to Afghanistan in 2009, as a company commander.

After returning from his third deployment and a total of 35 months in combat, Tom began his studies as an Army Congressional Fellow, earning a Master of Professional Studies degree in Legislative Affairs from The George Washington University. He was then assigned as a Congressional Fellow in my office and served as my principal advisor on defense matters. He provided critical insight and assistance to me in my role on the Defense Appropriations Subcommittee. As Representative to four major military installations and the many brave Soldiers, Sailors, Airmen and Marines that call the 1st District of Georgia home, I relied daily on Tom's military acumen. He transitioned to the Pentagon for assignment as a Congressional Budget Liaison Officer in the office of the Assistant Secretary of the Army for Financial Management and Comptroller where he was tasked with managing the Army's challenging military construction, installations, energy and environmental portfolios. Tom skillfully advised the Army's senior leaders, fostering and strengthening the relationship between the Congress and the United States Army.

Major Lamb's leadership throughout his career thus far has positively impacted his peers and superiors, Soldiers and civilians alike. As a Congressional Budget Liaison Officer he worked directly with the House and Senate Appropriations Committees to inform Representatives, Senators, and staff about the diverse and important Army installations and infrastructure that support the training and well being of our Soldiers. On behalf of a grateful nation, I join my colleagues today in recognizing and commending Major Tom Lamb for over a decade of active service in the United States Army.

We wish Tom and his wife, Emilie, all the best as they continue their journey of service to our great Nation.

□ 1715

#### IN REMEMBRANCE OF HAZEL REED

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I appreciate the opportunity to memorialize a friend who just passed away recently here in northern California. I knew her from Paradise, California. Her name was Hazel Reed. Everybody referred to her as Haze, and that is kind of the part of the fun of who she was.

I know she enjoyed visiting our ranch on occasion and was always very active in our community with political-type issues and the standing up for the freedom and values that this country is founded on. And so I always appreciated her greatly for her spirit, her

feistiness, and that she would take the time out of her life to be involved in the political process and more importantly standing up for our community and its values.

So again, I'm happy to at least at this date memorialize her, though we will miss her. Hazel Reed known as Haze from Paradise, California. So God bless her.

#### IRAN

The SPEAKER pro tempore (Mr. PERRY). Under the Speaker's announced policy of January 3, 2013, the gentleman from Illinois (Mr. ROSKAM) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Mr. ROSKAM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSKAM. Mr. Speaker, there are hinge points in history. There are times at which you can sense that history is moving almost on a hinge from one trajectory to another trajectory, and my sense and my observation is that the United States is experiencing such a hinge right now.

Okay, what is the hinge? What is the change? What is going on? Here is what is happening. The administration has made a decision that is moving subtly in some ways, but I think the results are going to be very, very consequential and the subtleties will be lost, and we are going to be at a very different position. In other words, the hinge will move us from our current policy which says that Iran shall not be a nuclear power. That is the stated position of the United States. It is unambiguous. There is no ambiguity about that, at least not up until now.

But the hinge that is changing is a direction that begins to say, well, maybe not. Maybe instead we need a policy of containment, and that is very dangerous, Mr. Speaker. That is a direction that we ought not go. It is a direction, unfortunately, that the Obama administration is leading us in right now, and I'm convinced it is a mistake.

The House of Representatives has a responsibility as part of a coequal branch of government. We have worked, we have passed sanctions that are robust and dynamic that are not taken up by the false claim of the Iranians, a false promise of future conduct. We need our colleagues on the other side of the rotunda to take on a very rigorous sanctions bill and to push back very, very aggressively.

Because here is the thing: the Iranians are allowed to enrich under this

proposed deal. There is no investigation as it relates to the warheads. There is no investigation as it relates to their missile capacity. And so what is happening? The Iranians gain an advantage of time and money, and we squander both. This is the time when the United States needed to be clear and not ambiguous.

So there are Members who are gathered here today, Mr. Speaker, to talk about the seriousness of this issue, to admonish the administration and encourage them to change course; and we hope to highlight the significant nature of this shift in American foreign policy that we are seeing lay out before us as we speak.

So toward that end, I would be honored at this point to yield to the gentleman from California (Mr. SHERMAN), my colleague and friend.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding.

The political pundits are all focused on was this a good deal, was this a bad deal. But we're not here in Congress to give a grade to the administration. We are here in Congress to decide what legislation should be passed. Congress is a policymaking body, although so often those in the administration think that we are, at most, advisers or critics; but let us take a look at this deal, and we'll see that what we get out of this is at least overstated by its proponents.

Because we are told that this halts their enrichment of uranium. It is true that it limits their 20 percent uranium; and Iran will not be making progress during the 6-month period of this deal toward its first bomb, but they will be making very substantial progress toward their eighth, ninth, and 10th bomb. And Iran is not a nuclear power until they have some to hide, one or two to test. It is not their objective to have but one, because throughout this agreement it is very clear the centrifuges keep spinning, the amount of low enriched uranium keeps growing; but we're told that Iran will not be increasing its stockpile. If you read the agreement, yes, they will, but they have to convert to uranium oxide metal, that which they produced during the term of this agreement.

There are some proponents of the agreement that say, Well, that means that they are neutralizing all that they produce under the agreement. That is hardly true.

I have been the chair or ranking member of the Terrorism and Nonproliferation Subcommittee since it was created in the early part of this century, and I have worked with the nonproliferation experts. The fact is that this uranium oxide, this huge new additional stockpile to be created over the next 6 months can be converted back to gaseous form and then enriched further. And converting it back to gaseous form will take only a couple of weeks.

So this agreement provides that Iran makes substantial progress toward more low-enriched uranium, building its stockpile toward a real collection of nuclear bombs.

We are also told that we have given up very little in this agreement. We have given up far more than you can find in the text because the most important thing about our sanctions is momentum. And we passed additional sanctions in 2010, 2011, 2012; and, if it hadn't been for this agreement, the Senate would have passed the bill that we worked on in the summer, and we would have passed additional sanctions in 2013.

The content of those sanctions is important, but even more important is the momentum. If you are a multinational corporation, you can find a law firm that will find loopholes in our existing sanctions, but you will decide not to invest a lot into that business plan because you know Congress is going to pass more sanctions.

Well, now you know we are not passing any sanctions in 2013; and the question before us, as legislators, is whether we will be passing sanctions in 2014.

Why is momentum so important not just to those international businesses trying to decide whether to invest in exploiting the loopholes? Most of economics is psychology. It is currency values. It is consumer confidence. It is business confidence. It is investment. And we saw the celebrations in Tehran as the business community celebrated this agreement because it ends the continuing momentum toward additional sanctions.

But we are not here, again, to grade the administration. That is for pollsters and pundits. We are here to decide whether to pass legislation.

It is very clear we are not going to pass legislation that becomes effective in 2013. The question before us is whether we will pass legislation which, by its terms, becomes effective June 1, 2014. And the reason the administration sent some of its top officials to brief us in a classified briefing today is because they want to convince us not to take any action in the first 5 or 6 months of 2014. Well, what does that mean? That means, in effect, we are not going to take action in 2014. Why is that?

Most people think that this deal expires in late May, 6 months after it was adopted on November 24, 2013. That is not the case. The start date is some day to be determined sometime probably in late January. So if we, as a Congress, are convinced not to take any action, not to pass any legislation, not to go through the committee process and the markup until after this agreement has terminated, we are talking about late July. Well, at the end of July, we go on break. We come back for, what, 2 or 3 weeks between then and the November elections.

So if the administration can convince us to not do anything until 6 months after the trigger date, which is a date to be determined sometime in January, they can assure the Iranians that no new sanctions will be adopted in 2014. And that will be apparent to those doing business in Iran and those doing business with Iran.

The administration complimented us more than once, saying these sanctions are what brought Iran to the table, but let us remember that the administration opposed the adoption of these sanctions every single time. The reason we did not adopt any sanctions against Iran in 2009 was because of opposition from the administration and the tremendous intellectual clout and credibility that the State Department and administration bring.

But it is not just this administration. We didn't pass any sanctions during the entire 8 years of the prior administration. Oh, we passed some through the House, but they stopped them in the Senate, and with considerable effort. Not one bill became law. So we have seen two administrations do their best to delay, dilute, prevent, and defeat sanctions legislation.

So now they say, Isn't it great we have this legislation, but don't pass any new legislation. Let us remember, we were against the legislation they now say is so great.

The best example of this is the Kirk-Menendez amendment in 2011. That was the bill that prevented Iran's central bank from clearing their petroleum dollar-denominated transactions through the American banking system. Well, what did the administration say in the form of a letter from Secretary Geithner? He wrote on December 1, 2011: "I am writing to express the administration's strong opposition to this amendment because, in its current form, it threatens to undermine the effective" sanctions. "In addition, the amendment would potentially yield a net economic benefit to the Iranian regime."

□ 1730

There is only one reason Iran is at the table today. It is because of the sanctions we have adopted the last 3 years. And the most important of those was the Menendez-Kirk sanctions that the administration fought against.

What we ought to do is adopt legislation providing additional sanctions. And we have already written them. We passed the bill in June, with 400 votes on this floor. We should have those sanctions—and I would think others—go into effect on June 1, unless Congress, in an expedited proceeding, passes a resolution saying, Hold off. We've seen enough progress. These sanctions don't need to go into force.

Instead, and the other choice, we can do nothing on the theory that we will do the right thing in the last few days

of July, as if Congress turns on a dime, as if the State Department has been unsuccessful in delaying, defeating, and diluting sanctions in the past. That, I think, would be a mistake.

With that, I would point out that this deal calls for a rollback of sanctions that violates American law in a number of respects. It will not be the first time that an administration has refused to enforce the sanctions bills passed by Congress.

I will say that from 2010 through 2013 this administration has done a much better job of enforcing such legislation than either of the prior two administrations. But as a technical matter, the administration has agreed to waive that which the law does not allow it to waive, particularly section 504. And I will go into the details in some other forum.

Mr. ROSKAM. I thank the gentleman for his insight and for his leadership on this important issue, and particularly his highlighting that the timing, Mr. Speaker, is an illusion, as the gentleman said, to think this all turns on a dime on the 1st of June.

With that, I would like to yield to the gentleman from North Carolina (Mr. HUDSON).

Mr. HUDSON. Mr. Speaker, the nuclear deal agreed upon with Iran is shameful. There is no better example of this than Iran's announcement just days after the agreement was reached to open a new nuclear weapon plant that is not even subject to IAEA inspection.

Any nuclear deal must include swift and decisive action that forces Iran to completely abandon its crusade to acquire a nuclear weapons capability. We must not give a dangerous regime with a penchant for terrorism and extremism the capability to build a weapon before the world can react.

A nuclear-equipped Iran is the most dangerous threat to Israel, the world, and to the stability of the Middle East. Indeed, with a nuclear weapons capability, Iran is a direct threat to the United States.

Mr. Speaker, negotiations like this require serious discussions about our foreign policy in the Middle East, not a reckless decision by President Obama that weakens our national security, threatens our allies, and lacks the support of this Congress and, frankly, the American people.

Reducing sanctions now merely rewards bad behavior and fundamentally halts the progress we have already made. Indeed, instead of reducing our influence and taking steps backward, we must pursue every avenue to ensure that Iran does not engage in nuclear weapons proliferation and, most importantly, does not develop a nuclear weapon.

The only suitable agreement is one that starts with Iran ending their uranium enrichment program; otherwise,

we should not loosen sanctions on this bad actor.

Mr. ROSKAM. Mr. Speaker, I yield to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank Representative PETER ROSKAM, a leader on the U.S.-Israel relationship here in Congress. He and I are two of the cochairmen of the Republican Israel Caucus.

I share with many colleagues on both sides of the aisle deep concern over the interim agreement that this administration has reached with Iran over its nuclear program. We have struck a deal that irreversibly weakens sanctions against a country that is infamous for deception and deceit—a deal that does nothing about the infrastructure of its nuclear program.

In the weeks since the accord was announced, we already see the first signs of how these sanctions—which are what brought Iran to the negotiating table in the first place—are being eroded by other countries eager to resume trade with Iran, as many of us predicted.

Weakening the sanctions now without demanding that Iran dismantle its nuclear program takes away our leverage. They have not stopped a single one of its 19,000 centrifuges from enriching uranium. They are not dismantling their plutonium plant either, a plant which has absolutely no peaceful civilian purpose.

We are witnessing a recurrence of the kind of effort that failed to prevent North Korea from acquiring nuclear weapons, but in an even more volatile and dangerous region of the world. All this is being done with a country that our own State Department has long defined as the chief state sponsor of international terrorism and which is determined to get nuclear weapons.

By giving up our leverage in return for a flawed interim agreement, we are only reducing the chances that a productive accord can ever be reached with Iran over its nuclear program where Iran actually renounces its right to enrich uranium.

Mr. ROSKAM. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Thank you to my good friend and colleague from the great State of Illinois (Mr. ROSKAM) for leading this Special Order on a very important subject.

We have concerns. We should have concerns over a deal with Iran, especially as Americans. It wasn't too long ago that President Clinton told us that North Korea would abide by a similar deal. They agreed to stop their nuclear ambitions in order to get sanctions lifted and get billions in aid from the United States. But they went ahead and secretly continued their program. I caution this administration and the American people to make sure that this doesn't happen again with Iran.

This interim deal allows Iran to continue enriching uranium to the 5 percent purity level and to keep building new centrifuges to repair old ones. It calls for Iran to convert 20 percent of enriched uranium either to fuel or to a diluted 5 percent stock. But these processes can easily be reversed, especially since this interim deal does not force Iran to disassemble the infrastructure that allowed it to produce enriched uranium in the first place.

A nuclear Iran is a grave danger to our friend and greatest ally in the Middle East, the State of Israel; the rest of our allies throughout the world; and our own American foreign policy interests. As Henry Kissinger noted in *The Wall Street Journal*:

The heart of the problem is Iran's construction of massive nuclear infrastructure and stockpile of enriched uranium far out of proportion to any plausible civilian energy production.

I am very concerned that this interim deal does not address the issues at hand.

Furthermore, easing sanctions as part of the interim deal causes us to lose leverage at the negotiating table. As many of my colleagues have already mentioned, it is these sanctions that brought them to the negotiating table. We cannot lose sight of their effectiveness.

I actually happen to agree with my colleagues here in the House, like Mr. ROSKAM, and my Senator, MARK KIRK, that we should increase sanctions. That would give us a stronger negotiating stance and draw more concessions from Iran.

The world needs to be a much safer place for all of us. The only way to make it a safer place is to stop Iran's nuclear capabilities. Mr. Speaker, this deal does not do that.

Mr. ROSKAM. Mr. Speaker, I will yield to the gentleman from Arizona (Mr. FRANKS). As he is approaching the microphone, let me just make one point, and that is something that Mr. DAVIS just highlighted.

Sanctions are working. Sanctions have brought the Iranians to the table. So think of it this way. You have got a hold of a pit bull. You have got it. It is a very dangerous animal and it is ferocious, and if you let go of it, it may come and attack you. Why in the world, if you have got it under control or under some semblance of control, would you say, "You know what? Let's loosen our grip and try this again?"

It doesn't make any sense.

I yield to the gentleman from Arizona.

Mr. FRANKS of Arizona. I certainly thank the gentleman.

Mr. Speaker, I would suggest there are two components to every threat in terms of national security that this country and other nations face. That first component is that of intent, and the second is that of capacity.

If one listens to the rhetoric that the Iranian leaders have spoken in recent years, the intent issue should be settled clearly in our minds. The question that remains is their capacity.

I would suggest to you, Mr. Speaker, that if, indeed, Iran gains a nuclear weapons capability, the world will step into the shadow of nuclear terrorism. Terrorists the world over will have indirect access to nuclear weapons. My children and those of the Members in this body will face a forever future that is uncertain every step they take.

Mr. Speaker, about 8 years ago, I stood here in this same spot and called for Iran to be referred to the Security Council. At that time, they had only 160 centrifuges. Of course, the call for them to be referred to the Security Council was diminished in that people said they needed 3,000 centrifuges for a full-blown nuclear weapons program. Today, Mr. Speaker, Iran has 19,000 centrifuges. Those centrifuges will continue to spin—most of them—under this agreement that the President has announced.

This agreement the President has announced ignores not only U.S. law, but ignores the UN sanctions that are in place. It also ignores the fact that Iran has not made any concessions in this area in the last 30 years. It also ignores the position that this deal puts Israel in—one that is untenable and more impossible than any I have seen in my lifetime.

The naivete of this administration in dealing with Iran is something that is simply breathtaking.

Mr. Speaker, I would just suggest to you that if Iran gains nuclear weapons, we will need a new calendar. It will change our reality in the world that much. And I would say to you that, while there is still time, we need to act.

Mr. Speaker, there is that moment in the life of every problem when it is big enough to be seen and still small enough to be addressed, but in terms of Iran's nuclear weapons pursuit, that window is closing quickly. And whatever this body can do, whatever this President can do to prevent Iran from gaining a nuclear weapons capability, must be done, because soon they will have the ability to ignore our entreaties and only a military intervention will prevent it.

Mr. Speaker, whatever our cost is for preventing Iran from gaining nuclear weapons, it will pale in its significance compared to the cost of allowing Iran to become a nuclear-armed nation.

Mr. ROSKAM. I thank the gentleman.

Mr. Speaker, it is an amazing thing to think about how aggressive Iran has been without a nuclear weapon. It is a worldwide sponsor of terror, incredibly aggressive, and going after and making threats about the Strait of Hormuz and so forth. Can you even imagine what it

would be like as a nation if it had a nuclear threat behind it? It would change the dynamic entirely.

I think one of the weaknesses of the administration's proposed deal is this: it puts the imprimatur of approval on enrichment. Up until now, it has been American policy that says, You can't enrich. You have no right to a nuclear capability.

And let's be frank. There is nobody with a straight face that is saying that the Iranians have any interest in pursuing nuclear technology because of an interest in global warming. This is not an energy pursuit at all. It is clearly a pursuit to manipulate the world stage toward their ends that are oftentimes driven by terror.

One of the great advocates of a strong U.S.-Israeli relationship and one of the great advocates of a strong U.S. foreign policy is the gentle lady from Florida, former chairman of the Foreign Affairs Committee, Ms. ILEANA ROS-LEHTINEN, to whom I now yield.

Ms. ROS-LEHTINEN. Mr. Speaker, I want to thank Mr. ROSKAM for his leadership in spearheading this discussion on the dangers of last month's interim nuclear agreement deal with Iran.

As we have had more time to dissect this deal, it is becoming clearer and clearer that, despite Secretary Kerry's claim that no deal is better than a bad deal, we have been had.

In exchange for the one thing that Iran so desperately needs—sanctions relief to jump-start its flailing economy—the administration received nothing more than window dressing to stop Iran's nuclear program.

This interim deal is the unraveling of the sanctions policy that was so painstakingly crafted over the past 10 years. It was aimed at bringing Iran's nuclear program to an end. We have already seen other nations eager to get back into the Iranian market, and it will now be nearly impossible to stop the cash infusion into the Iranian regime.

□ 1745

How can we stop this?

This deal is contrary to U.S. sanctions law. It is contrary to U.N. Security Council resolutions that explicitly prohibit Iran from being able to enrich its own uranium.

By accepting this deal, the administration has acquiesced to Iran's illegitimate claim to a right to enrich uranium, and it has done nothing to dismantle the nuclear infrastructure of Iran's. Any temporary pause in Iran's progress can now be easily started right up again with no real detriment to Tehran's march toward nuclear weapons capability.

The administration has struck a deal with an Iranian regime that is one of the world's biggest supporters of terrorism and is a U.S.-designated state sponsor of terrorism. It has offered sanctions relief to the very same man

who only 10 years ago, while serving as the chief nuclear negotiator of Iran to the West, boasted of using deception to buy time for Iran's nuclear program to progress. Yet the administration has fallen for what I call the "Rouhani ruse."

We have already seen Iran announce that it will continue construction on its plutonium plant at Arak, with some experts believing that Iran will exploit a possible loophole in the agreement to allow it to build important components of this heavy water reactor off site; and we continue to see Iran make advances on other nuclear weapons programs not addressed in the interim agreement, such as the development of ballistic missile technology needed to launch a nuclear payload over long distances.

Mr. Speaker, not only is this interim deal dangerous for the precedent that it sets—that rogue regimes will get rewarded at the expense of our friends and allies who do play by the rules—but the deal is also dangerous because it weakens our credibility and harms our relations with other countries.

This sends a terrible message to other countries in the region that have long feared Iran becoming nuclear but have refrained from seeking their own nuclear programs because the United States had promised that we would not allow Iran to enrich uranium or to complete its heavy water reactor. This deal will create a loss of trust from other regional allies, such as Saudi Arabia and others, who now see a double standard from the United States. Our closest friend and ally—the democratic Jewish State of Israel—continues to feel an existential threat from Iran.

President Obama has weakened the trust and the credibility of the United States and, in exchange, has strengthened the legitimacy of the illegitimate Iranian regime. It is a double whammy—we lose stature while elevating a dangerous regime. And all for what—our ability to prevent a nuclear-armed Iran and an all-out arms race in the Middle East? It is not going to happen. We are going to see a nuclear-armed Iran, and we are going to see an all-out arms race in the Middle East. We have tarnished our relationships with our trusted allies.

I remain committed, Mr. Speaker and Mr. ROSKAM, to ensuring that Iran never becomes a nuclear-capable country. I urge my colleagues in the Senate to take up the sanctions legislation that we in the House overwhelmingly passed earlier this year.

Mr. Speaker, Iran has no right whatsoever to enrichment. There can be no ambiguity here. The United States must not accept any new deal with Iran that does not end Iran's enrichment program completely and that does not completely dismantle the nuclear infrastructure of this dangerous regime.

I thank Mr. ROSKAM for his leadership, and we will continue to fight.

Mr. ROSKAM. I thank the gentlelady.

At this time, I would like to yield to the gentleman from Texas (Mr. WEBER).

Mr. WEBER of Texas. I thank the gentleman from Illinois, our distinguished deputy whip.

Mr. Speaker, this House disagrees on almost every issue brought before it. However, this is one issue on which this House agrees: we all agree that we must never allow a nuclear-armed Iran.

Repeatedly, this Congress has passed resolutions condemning a nuclear Iran as well as having passed multiple pieces of legislation strengthening an Iranian sanctions policy in the hopes of halting their progress. A number of resolutions calling for sanctions, increased scrutiny and the cessation of enrichment have also passed the U.N. Security Council. Yet instead of tightening the sanctions policy—a policy which has forced Iran to the negotiations table in the first place—this administration seems hell-bent on easing those sanctions and on allowing the release of billions of dollars in assets and finances to Iran. Even more incredulous, we still don't have a finalized deal, much less even know the details of what they are planning.

As a result of this administration's easement, Iran is already threatening an oil price war within OPEC, and companies around the world are jockeying to play in a country that still has no restrictions upon enrichment or upon nuclear weaponization. The terms of the so-called "deal," still under negotiation, allow Iran to continue enrichment, directly violating multiple U.N. resolutions, directly violating U.S. stated policy, and directly violating international stated policy.

The Institute for Science and International Security recently published a report indicating that Iran was a mere few months away from reaching that nuclear threshold. However, this administration's negotiations do nothing regarding dismantling systems obviously aimed at weaponization. They do nothing regarding the removal of uranium enriched beyond civilian needs. They do nothing regarding work on delivery systems or ballistic missiles, and they do nothing to stop the enrichment currently taking place. In essence, Iran has received everything it has wanted, and we have gotten nothing. Christmas has come early in Iran.

The Iranian Government, Mr. Speaker, is not to be trusted. It has been demonstrated time and time again. If we intend to keep our country safe and strong, we cannot grant concessions without first verifying behavioral changes from politically unstable countries like Iran. We tried that tact, Mr. Speaker, in North Korea. How has that been working for us?

Members of Congress should refuse to stay silent on this issue. It is time for the Senate to step up to the plate and pass the Nuclear Iran Prevention Act. It is way past time for our administration and our negotiators to take a hard-line stand against this evil.

Here is a plan to do that. Let's demand some action. I will give you seven things:

(1) Demand that Iran stops human rights violations and releases all political hostages, including Americans like Pastor Saeed Abedini, former U.S. marine Amir Hekmati, and ex-FBI agent Robert Levinson;

(2) Stop the exportation of terrorism and renounce terrorism;

(3) Stop all the centrifuges; destroy them; and allow unlimited access from the IAEA;

(4) Publicly apologize to America and Israel for calling them the large and small Satan;

(5) Recognize Israel's right to exist as a Jewish state;

(6) Withdraw from Syria if they want to prove that Iran is serious.

(7) Wait a year to show the world they are serious, and perform those six functions. We want action, Mr. Speaker, not promises.

As former Senator Phil Gramm once stated:

If the lion is going to lie down with the lamb, then we want America to be the lion.

We want to use our strength, to show our strength, to negotiate from a position of strength. To do anything else may make Israel the sacrificial lamb. This current administration needs to understand that this deal is a bad deal.

I am RANDY WEBER, and there you have it.

Mr. ROSKAM. I thank the gentleman for his insight and for his perspective and for his admonition for action.

Mr. Speaker, at this point, I would like to yield to the gentlelady from Indiana (Mrs. WALORSKI), a member of the Armed Services Committee.

Mrs. WALORSKI. Thank you, Mr. ROSKAM, for your leadership on the issue and for the opportunity to speak about this issue tonight.

Mr. Speaker, in his State of the Union address on January 24, 2012, President Barack Obama said:

Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.

On March 4, 2012, President Obama again stated his desire to prevent a nuclear-armed Iran. He said:

Iran's leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon.

On October 22, 2012, President Obama said of Iran:

The clock is ticking . . . and we are going to make sure that, if they do not meet the demands of the international community, then we are going to take all options necessary to make sure they don't have a nuclear weapon.



Fourteen months later, the clock is still ticking, and Iran is now closer to acquiring a nuclear weapons capability.

Now that world leaders have reached an interim agreement on Iran's illegal nuclear program, we must be able to verify compliance and demand that any final deal completely dismantle Tehran's existing nuclear program.

There are three reasons this is imperative and for the international community to demand the suspension of nuclear enrichment:

First, Tehran must stop all enrichment activities because Iran is in non-compliance with the highest form of international law:

Iran is in direct violation of mandatory U.N. Security Council resolutions demanding them to suspend all enrichment and reprocessing. By not requiring Iran to abide by multiple U.N. resolutions, we are rewarding bad behavior. We are signaling to the entire world that we are not serious about preventing the spread of nuclear weaponry;

Second, a nuclear-armed Iran threatens our national security. The threat of a nuclear-armed Iran is not something that is just talked about in the Halls of this Congress. Every time I am home, I hear the fears of Hoosiers who worry about how acts of terrorism might impact gas prices, food prices, and the well-being of loved ones. Since 1984, our government has designated Iran as a state sponsor of terrorism. The State Department has characterized Iran as the "most active state sponsor of terrorism" in the world. Iran has provided weapons, training and funding to terrorist groups, including Hamas, Hezbollah and Shiite militias in Iraq, who are responsible for the murders of hundreds of U.S. servicemembers and innocent civilians;

Third, a nuclear-armed Iran threatens to further destabilize an already volatile region: If Iran is allowed to further pursue its nuclear ambitions, the region—highlighted by perpetual conflict in places like Iraq, Syria and Yemen—will become more destabilized. Furthermore, a nuclear-armed Iran will jeopardize the safety of our allies and partners in the region, like Israel.

I believe—now more than ever—the United States must renew our unbreakable commitment to Israel and her inherent right to self-defense.

Iran's continued violation of U.N. and International Atomic Energy Agency restrictions have only given the world good reason to question Iran's willingness to abide by any future international agreement.

Mr. ROSKAM and Mr. Speaker, I call on the President to remember his words to the American people about preventing Tehran from obtaining a nuclear weapon, and I urge the President to use all tools at his disposal, including additional sanctions, to per-

suade Iran from developing nuclear weapons.

Mr. ROSKAM. Thank you, Mrs. WALORSKI.

Mr. Speaker, at this point, I would like to yield to the gentlelady from Minnesota (Mrs. BACHMANN), a member of the House Intelligence Committee.

Mrs. BACHMANN. Mr. Speaker, I want to say thank you to my colleague, PETER ROSKAM. We came in together when we won our election in 2006. It has been a privilege to serve with Mr. ROSKAM, who is not only the head and cochair of the Israel Caucus but who is also a strong defender of a strong United States national security posture—one that has helped to lead the world into safety for decades and one that we continue to maintain for the benefit of the American people.

□ 1800

You see, this is a very interesting time that we are in. We have virtually watched the hinge of history turn just in the events of these last several weeks.

Why do I say that? I say that because the Obama administration and the negotiators of the Obama administration have entered into a deal that could effectively guarantee that Iran will obtain the certainty of a nuclear weapon. Now, I know that it is the stated intention of the Obama administration that just the opposite of that will happen, but there is a big difference between theory and intention and the outcome of the result.

Today, we listened to members from the Obama administration and members of the negotiating team from the Obama administration, and they seem quite convinced in the theory of stopping Iran from obtaining a nuclear weapon. The theory goes something like this. It says we believe that Iran has the capacity to continue to enrich uranium and do it for a peaceful purpose. They believe that it is possible to verify that Iran would do that.

But what about the reality? What is the reality of what the supreme leader of Iran has said their intentions are with this program? Just prior to the signing of the agreement, the supreme leader was not vague; he was quite clear. He gave a speech on press TV. He wanted the world to know what his intentions were. He gave a speech in front of tens of thousands of paramilitary troops in the Iranian Revolutionary Guard. He said that "it will be Iran's position that we will not change our nuclear program one iota." So apparently, according to the supreme leader, the program that Iran has originally envisioned it will go on. "It will go on at the same pace that it was going on before without any change."

Once the agreement was struck, there was a real question, and the question was this: Will Iran maintain the indigenous inherent "right" to enrich

uranium? You see, that is the whole ball game, Mr. Speaker: Will Iran have the right to enrich uranium?

What do you need to build a nuclear weapon? You need fuel for that weapon, whether it is plutonium or whether it is uranium. Iran wants to make sure that they achieve the goal, so they are engaging both in developing plutonium and uranium. They have a heavy water reactor, the Iraq facility, and the Iraq facility is under construction. We have a 6-month interim agreement where we are supposed to get to a final negotiation. The plutonium facility is not built yet, but it is under construction.

One of those items is building a road to the reactor. That road continues to be built. There is no effort to stop that from being done. There is virtually no way for us to be able to stop mobile components from being built elsewhere and eventually brought into the heavy water reactor for the plutonium site. That is an issue. That is a big issue, and the other one being enrichment.

We know today that Iran has something like 19,000 centrifuges. A minimum 10,000 of those centrifuges are spinning, so much so that the estimate is they have somewhere between 9 and 10 tons of enriched uranium.

If we were serious about stopping Iran from creating a nuclear weapon, there are several simple things we would do. We would make sure that Iran would shut down the heavy water plutonium reactor and we would make sure that Iran would dismantle, take a sledgehammer to the centrifuges. Gone. That hasn't happened. Not to one. The centrifuges remain. So if you have centrifuges enriching, if you have enriched uranium, if you are continuing to enrich, I would say you have got a program.

This is very interesting because we just concluded a negotiation. From my experience as a former Federal tax litigation attorney—I did a lot of negotiating—usually when two sides are negotiating, they do it for a reason, and the reason is because they want to be better off, both parties, they want to be better off based upon the agreement that they negotiated. It seems to me something happened along the way during this negotiation. It makes me wonder if the Obama administration negotiators forgot which side they were negotiating for.

Why do I say that? I say that because take a look at what Iran got out of the deal. And I want to give full attribution to Illinois Senator MARK KIRK, who created this terrific graphic. This is what Senator KIRK let's us know about the agreement.

What we are getting out of the deal are zero centrifuges dismantled. These are the machines that create the fuel for a nuclear weapon. Not one will be dismantled out of 19,000. Zero uranium of the 9 to 10 tons will be shipped out of Iran. So the material remains in

Iran. The ability to continue to create more material remains in Iran. It looks like a pretty good get for Iran.

Zero nuclear facilities are closed. We know that there is even more than we thought originally. There is Natanz, there is Fordo, Parchin, and the plutonium reactor at Iraq, let alone other covert programs we are not aware of. There is also no delay on the plutonium reactor. In fact, the supreme leader in Iran made it abundantly clear. They said, we read the agreement to say that we are not going to stop any construction on the plutonium Iraq reactor. I would say that is a violation of the agreement right there.

What has been the reaction of the Obama administration? What has been the reaction of the negotiators? Do they have egg on their faces? Do they look a little foolish from this agreement that they struck? We haven't heard anything from the current negotiators.

There is also no stop in the missile testing. So if Iran has a nuclear weapon, if they have the fuel for a nuclear weapon, and if they have the capability to deliver that weapon through missile testing, I would say they have got something. There is also no stopping terrorism from Iran and there is no stopping human rights abuses.

Many Americans aren't aware that there are Americans who are being held hostage today in Iran. When Ronald Reagan dealt with the Soviet Union to try to end the Cold War, Ronald Reagan handed the Soviets a list of dissidents that he wanted freed in order for him to begin these talks with the Soviet Union. He sent a signal to the Soviet Union. It said, in America we believe every American life counts. That sent a very strong message.

In the case of the Obama administration negotiators, they didn't even bring it up. They didn't demand that one American be released before we talk. Now, this is interesting because the Obama administration put a lot of pressure on Prime Minister Netanyahu of Israel. He said, You, Mr. Prime Minister, have to agree to release over 100 murderous thugs, including murderers who murdered an American, before the Palestinians will come to the table to negotiate with you on the Israel-Palestinian conflict. That was our President who put pressure under the prime minister—you have got to release thugs in order to negotiate. We would put that kind of pressure on Israel and we wouldn't put that kind of pressure on Iran?

You see, that is why, Mr. Speaker, I ask the question: Did the negotiators forget which Nation they were negotiating for? Because it looks to me like the score is pretty clear: United States zero, Iran made out on the deal.

The sad thing about that final score—and let's hope it is not the final

score—is that, again, the hinge of history turns. If you have an Iran with a nuclear weapon, it won't be just Iran. You will explode proliferation. Saudi Arabia will have a nuclear weapon. Egypt will have a nuclear weapon. We will have a nuclear weapon most likely in Lebanon. And then at that point, what will happen with terrorist organizations like Hezbollah, al Qaeda, the al-Nusra Front, and on and on from there? The world changes. The hinge of history turns.

That is why this isn't political. That is why it is bipartisan here tonight. It is why Mr. ROSKAM has taken this very important courageous step of holding this time when Members of Congress can weigh in, because we aren't about bashing the Obama administration. That is not why we are here. We are here because we believe in national security—America's national security, Israel's national security—and peace across the world. That is Pax Americana. America doing everything that we can to be forward of keeping the peace in the world.

This action nearly guarantees war and a threat of a nuclear strike. We can prevent that. But the final deal that comes out in these final P5+1 negotiations must be very simple: close down the plutonium reactor, zero right to enrich for Iran, and zero processing. If you do that, then we will have a deal.

Mr. ROSKAM. Mr. Speaker, we have had a discussion tonight that has been incredibly robust. It has been bipartisan. We have had insight from members of the Intelligence Committee, the Armed Services Committee, Members who have had a long-term interest in Middle Eastern affairs and American military affairs, all of whom, Mr. Speaker, have a clear view of history. A clear view of history says let's look back at past activities as the best indicator of what the future is going to be like.

In summary, Mr. Speaker, what we know is this. That the administration has struck a bad deal, maybe for all the right reasons, but they have struck a bad deal. It is the responsibility of Congress not to put its imprimatur of support on a bad deal, but to act as a co-equal branch of government and say, We ought not do this. We have got to recognize the weakness of it. We have got to recognize the long-term consequences of it, and we have got to hold this administration accountable.

I yield back the balance of my time.

Mr. LIPINSKI. Mr. Speaker, a few weeks ago, we learned that the Obama Administration, along with representatives of the so-called P5+1 countries, had reached an agreement with Iran on freezing nuclear enrichment and relieving a portion of the sanctions that have been rightfully levied against Iran.

I think it is a positive step to have engaged Iran and to have reached a multilateral agreement. Certainly, freezing their nuclear enrich-

ment, diluting the enrichment levels of Iran's uranium stocks, and reestablishing intrusive IAEA inspections are improvements over the current situation.

However, while I appreciate the need for a course of action that addresses the threat of a nuclear armed Iran, I maintain strong concerns about this agreement.

Foremost, I have serious doubts about the amount of trust we can extend to Iran. Engaging in negotiations that merely freeze their nuclear enrichment is a far cry from Iran forswearing nuclear weapons, not to mention their abhorrent support for terrorism in Iraq, Syria, Lebanon and beyond. We must recall that this is the same fundamentalist regime that has supported the murder of Israelis in Argentina, has cast doubt on the existence of the Holocaust, and that enabled attacks on American military personnel in Iraq and Afghanistan.

Amazingly, despite the supposed goodwill of the agreement, three Americans continue to be detained in Iran. I find it extremely regrettable that the release of these Americans—Pastor Saeed Abedini, former U.S. Marine Amir Hekmati and ex-FBI Agent Robert Levinson—was considered marginal to the nuclear issue, and could not be addressed simultaneously while negotiations occurred in Geneva. These Americans' families are understandably left in pain as they wonder about their loved ones' welfare, and what it will ultimately take to get them home. This speaks volumes about the intents and reputability of the Iranian regime—how can we trust a government to follow through on an agreement about nuclear issues when they continue to hold our citizens captive?

I am also very concerned about the implicit acceptance, if not endorsement, of Iran's right to enrich uranium. Numerous United Nations Security Council resolutions have stipulated that Iran must stop enrichment and set-aside its nuclear program. Yet, somehow, this agreement falls short of that previously established UN mandate. While it may be acknowledging the nuclear capacity that Iran has achieved, I cannot accept that.

It is unclear to me what peaceful need Iran has for uranium enrichment. There are international offers on the table to develop and fuel nuclear power plants and to provide medically necessary isotopes for Iran, in order to eliminate their purported need for indigenous nuclear capability. But Iran would prefer to deny those offers, and use the ruse of power and medicine to enable its pursuit of nuclear weapons.

This agreement even allows Iran to maintain the facilities, centrifuges and basic stockpiles that have enabled their nuclear pursuits. Remarkably, the Iranian military facility at Parchin, where research on a nuclear weapon has been widely suspected, is not included in the inspection program and imposes no restrictions on activities at this site.

Though the opportunity to use these implementations may be forestalled for now, should a subsequent agreement not materialize, Iran could return to its current nuclear capacity in short order, and have billions of dollars' worth of sanctions relief in hand, with little long-term benefit to show from this short-term accord.

Yet, an agreement has been reached and we have to accept that as the reality at the

moment. Nonetheless, I think it is important for the U.S. Congress to continue to pursue new sanctions that are contingent on Iran's absolute adherence to this agreement, and earnest engagement towards a deeper, longer-term agreement that further removes Iran's nuclear capacity. We must make clear that there will be swift and severe consequences should Iran deviate from the agreement. And, we must continue to aggressively counter their terrorism threat, meddling in the security affairs of the region, and abuse of human and religious rights.

We must maintain a strong posture towards the Iranian regime, as they have done nothing to earn the trust of the United States, or the western world in general. Iran remains a threat to regional and global security, and we must not neglect or forget that.

Implementing this agreement and pursuing any longer-term accord must be done with open eyes to the real threat that Iran has been and continues to be.

#### CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Wisconsin (Mr. POCAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. POCAN. Mr. Speaker, I rise today on behalf of the Congressional Progressive Caucus to talk about the engine of our economy—the American worker. The American worker is known for their ingenuity, their work ethic, their drive, and their ability to get things done faster, better, and more efficiently than our competition. But also, unfortunately, the American worker is working harder than ever and they still aren't getting ahead.

The obstacles facing our workforce have never been greater. Too many people are still unemployed or underemployed, too few possess 21st century skills needed by employers, and the workforce protections fought for by generations are under attack like never before.

But tonight, the Congressional Progressive Caucus would like to focus on two issues promoting worker fairness: First, we want to ensure that we value and respect work through a fair wage; and second, we want to ensure that our country pursues fair—not free, but fair—trade deals that ensure American workers can compete on a level playing field.

Mr. Speaker, we are now in the biggest sales season of the year. Having already passed Black Friday and Cyber Monday, businesses are relying on the sales of the next month for their yearly profits. But a major problem faces our retailers this season. Too many people, many of them employed by retailers themselves, do not make enough money to purchase the consumer goods that drive our economy.

It has been 4 years since minimum wage workers have received a pay

raise. Since that point, incomes of the top 1 percent have grown more than 31 percent, while CEO pay is 354 times that of the average employee. Meanwhile, the minimum wage, in its real value, is at historic lows. Adjusted for inflation, the 1968 minimum wage was at \$10.60 an hour in 2013 dollars, according to the Bureau of Labor Statistics' Consumer Price Index. The minimum wage today is only \$7.25. That comes out to approximately \$15,000 a year for an individual and \$30,000 a year for a family with two parents. The typical big business CEO, who got a 16 percent raise in 2012, got paid \$15.1 million. That person will make more in a couple of hours than a full-time minimum wage worker will make in an entire year.

□ 1815

Making \$15,000 a year working full time is simply not enough to get by in the United States. Think about the cost of rent, food, transportation. These costs keep going up, but the minimum wage does not. Is there any wonder why tomorrow Americans across the country will strike at food stores for a livable wage.

I joined one of these food strikes earlier this year in Madison, and I was inspired by the encourage of workers when they spoke out and took the risk of losing their job in order to talk about the low wages they were receiving. Something is wrong when in the richest country in the world, full-time workers have to strike because they can't afford their basic living expenses. When millions of Americans who work hard and play by the rules can't support themselves or their families, when they live in poverty, we face an economic crisis. Consumer spending goes down, deficits go up, and the gap between the small group of the very rich and the large group of the very poor grows even wider.

Mark Zandi, a chief economist for Moody's Analytics, recently said for the economy to thrive, we need everyone participating. Mr. Speaker, corporate profits are thriving. The stock market is thriving. The top 10 percent of the country are thriving.

According to tax expert David Cay Johnston, the top 10 percent earners took in 150 percent of the increased income in this country between 2009 and 2011. In fact, 40 percent of the increased income since 2009 went to the top 1 percent of the top 1 percent, those making at least \$8 million in 2011.

But do you know who is not thriving? Well, pretty much everyone else. During that same time period, incomes fell for the bottom 90 percent of Americans, and the minimum wage continued to lose its value. This is not a sustainable future for our economy.

As the President said today in a speech, the combined trends of increased inequality and decreasing mo-

bility pose a fundamental threat to the American Dream, our way of life, and what we stand for around the globe.

Democrats proposed a solution, and we are honored to have the President's backing. Congressman GEORGE MILLER of California and Senator TOM HARKIN of Iowa have introduced the Fair Minimum Wage Act of 2013. This bill, which already has 150 cosponsors in the House of Representatives, would gradually increase the minimum wage over 3 years from \$7.25 an hour to \$10.10 an hour, and it would be indexed in the future to increases in inflation thereafter.

I have already detailed the negative effects of today's unlivable minimum wage; but if we pass the Fair Minimum Wage Act, 30 million Americans would receive a pay raise. Thirty million Americans would have more money in their wallets to support their families and therefore support our still-recovering economy. And who are these 30 million Americans, Mr. Speaker? Critics charge that these are all a bunch of high school students trying to make a little extra cash, get some work experience, and if you raise the minimum wage, you will take away opportunities from young people.

Well, let me put that claim to rest. It is a myth. Nearly 90 percent of the workers who make the minimum wage are 20 years or older. More than half are over 25 years old, and 55 percent work full time. In other words, they rely on minimum wage for their full-time work; and 44 percent have some type of a college education, an associate degree or a bachelor's degree or higher. And 56 percent of those low-wage workers are women. And yet the critics still persist with these myths that somehow raising the minimum wage will slow down hiring, especially for small businesses.

Just last month, Speaker BOEHNER was asked about the minimum wage and he said:

When you raise the price of employment, guess what happens, you get less of it.

He continued:

At a time when the American people are still asking the question, Where are the jobs? why would we want to make it harder for small employers to hire people?

Well, Speaker BOEHNER has a very different experience than we have heard from experts across the country and my experience as a legislator in the State of Wisconsin. Every single time we raised the minimum wage in recent history in Wisconsin, more people entered the workforce. It actually created more jobs by offering that increased wage. More people decided they were willing to go out and work. The same has been shown to be true at the national level.

I support raising the minimum wage, as do Businesses For a Fair Minimum Wage. So does the U.S. Women's Chamber of Commerce and the American

Sustainable Business Council. A number of business organizations see the very key to helping fix the economy is to help raise that minimum wage. In fact, two-thirds of small business owners across the country, according to a poll by Greenberg Quinlan Rosner Research on behalf of Small Business Majority, two-thirds of small business owners across the country support raising the minimum wage because small business owners, like myself—I have owned a small business for 25 years—understand two things. First, when you pay your workers with a decent wage and treat them with respect, you earn their loyalty. You get their hard work, and your business does better. That's why 85 percent of small business owners already pay their workers more than the minimum wage. Second, small business owners know that we need customers and we need people making enough money to afford the very products and services that we sell.

When you give a pay increase to the people who need it the most, that money goes directly back into the economy and helps support a rising tide, lifting all boats in the economy. Sixty-five percent of small business owners agree that "increasing the minimum wage will help the economy because the people with the lowest incomes are the most likely to spend any pay increases buying necessities they could not afford before, which will boost sales at businesses. This will increase the customer demand that businesses need to retain or hire more employees."

This is backed up by research, contrary to what Speaker BOEHNER and other critics will say. Extensive research refutes the claim that increasing the minimum wage causes increased unemployment and business closures. In fact, according to the Economic Policy Institute, raising the minimum wage would actually have a positive impact on our economy by investing those dollars right now in the economy when we need it the most. When we increase the minimum wage, we raise wages for 30 million Americans, increasing salaries by \$51.5 billion over the next 3 years.

And that is not just helping the wages of people who make minimum wage, but for millions of Americans whose salaries are pegged to the minimum wage. That is extra earnings that could be put in our economy right now when we need it the most. We could increase consumer spending at a time when weak consumer demand is one of the biggest obstacles facing our economy. These extra earnings would increase the gross domestic product by \$33 billion over the bill's 3-year period, generating 140,000 jobs.

So when we increase wages, we increase consumers' ability to buy, which increases the gross domestic product and therefore increases jobs. At the

very worst, raising minimum wage has no effect on employment, but it does provide a greater standard of living for millions of American workers. That is why 80 percent of Americans support raising the minimum wage, including 57 percent of Republicans and 59 percent of self-identified conservatives. It is a commonsense economic policy; and as a small business owner, I know it is a good business policy.

The Senate will hopefully consider an increase by the end of the year, and I encourage the people's House to do the very same.

That is one issue that is really important, but I want to just read a couple of quotes from business people specifically about raising the minimum wage. Let me read a quote from Business For a Fairer Minimum Wage director Holly Sklar who said:

The biggest problem Main Street businesses face is a lack of customer demand. With the Federal minimum wage stuck at \$7.25 an hour, just \$15,080 a year, workers now have less buying power than they did a half century ago in 1956, and far less than they had when the minimum wage was \$10.55, a high point in 1968, adjusted for inflation. We can't build a strong economy on downwardly mobile wages. It is time to raise America by raising the minimum wage.

There are small business owners who have said the exact same thing, who realize what we need to do with the economy. Camille Moran, owner of Caramor Industries and 4 Seasons Christmas Tree Farm in Louisiana said:

A minimum wage increase is long overdue. It is not right or smart for any business to pay a wage that impoverishes not only their working men and women and their families, but also impoverishes our communities and our Nation. Boosting the wages of low-paid workers who could then purchase goods and services they need is the best medicine for our ailing economy.

Let me read from another business owner specifically about raising the minimum wage. This is David Bolotsky, founder and CEO of Uncommon Goods in Brooklyn, New York:

Businesses don't expect the cost of energy, rent, transportation, and other expenses to remain constant; yet some want to keep the minimum wage the same year after year despite increases in the cost of living. That kind of business model traps workers in poverty and undermines our economy. The minimum wage should require that all businesses pay employees a wage that people can live on.

I have more and more stories from small business owners who get that the best thing we can do right now is provide the minimum-wage worker an increase in pay, put that money into the economy, create those jobs, and let's give a boost to what we need to most in America.

But the second issue that we want to address with the Congressional Progressive Caucus Special Order hour on the American worker is a trade deal that is coming down the pike possibly as early as the end of year, and that is the Trans-Pacific Partnership.

We have spoken a lot today about the need to ensure workers receive a fair wage for a hard day's work, but we are also concerned about another way our workers can get the short end of the stick, and that is with unfair trade deals that decimate American industries and ship jobs overseas. Unfortunately, we appear to have a massive, secret, and likely very harmful unfair trade deal on our hands.

The Trans-Pacific Partnership, or the TPP for short, is a NAFTA-style agreement between the U.S. and 11 other nations that have been largely negotiated in secret, and seems to not just repeat but perhaps worsen the mistakes made in the past.

In fact, this coming week, TPP negotiators are going to meet again in Singapore, and they plan to have a deal by the end of the year, in less than a month. That means we may be less than 30 days away from having a final TPP deal, a deal that we have no idea what it may contain. While we may not know what is in the bill, we do know what we have been promised, and it is similar to promises that people across the country and in my State of Wisconsin have been told before about these massive trade deals, from NAFTA to CAFTA to the U.S.-Korea Free Trade Agreement.

We have been told that free trade would lead to increased U.S. jobs; it would reduce our trade deficits; it would boost our exports; and it would lead to improved human rights and labor standards around the globe. Unfortunately, almost every single one of those promises has gone unfulfilled.

In Wisconsin, we have seen the devastating effects of free trade agreements such as NAFTA to our local manufacturing industries and our jobs. In fact, according to the Bureau of Labor Statistics, 5 million Americans have lost manufacturing jobs since the passage of NAFTA. A recent report found that the U.S. actually experienced a net loss of 700,000 jobs to Mexico from NAFTA. As a small business owner myself, I have seen the number of American-made products dwindle that used to be available and made here in the United States.

The record on trade surpluses is equally as damaging. The year before NAFTA went into effect, we had \$1.66 billion trade surplus in goods with Mexico. Last year, we tallied a \$62 billion deficit. And just 1 year after the U.S.-Korea FTA took effect in March 2012, our trade deficit in goods with South Korea has increased by \$5.5 billion, a 46 percent increase.

Meanwhile, in countries from Mexico to Colombia to Bahrain, promises of improved labor rights have instead been replaced with reports by Human Rights Watch, Amnesty International, and the U.S. Department of State of continued, and oftentimes worsening, abuses.

So with all of these examples behind us, and with our economy continuing to recover slowly from the financial crisis, it should be our Nation's priority to pursue transparent trade policies that promote American industry, protect American workers, and improve the economic interests of middle class families across our country.

But as I have mentioned before, the TPP is no better than the deals of the past, and it could even be worse.

□ 1830

At this time, I yield to my colleague from the State of Connecticut (Ms. DELAURO). She is the cochair of the Steering and Policy Committee and the ranking member on the Labor, Health and Human Services, Education, and Related Agencies Appropriation Subcommittee. She is also a long-time legislator and a hero of mine in Congress.

Ms. DELAURO. I want to say thank you to my colleague from Wisconsin and thank you for all of your efforts and what you have been doing. It is an honor for me to serve with you.

At the heart of soul of what your interests are all about is what that chart reflects. It is about people who are making the minimum wage. What is their life about? What are we doing in terms of the policies that we create in this institution, which is an institution which historically has been about providing opportunity? A drop in the minimum wage is not an opportunity for future success. Your characterization of the Trans-Pacific Partnership in creating this kind of an effort is absolutely on target.

In terms of this agreement, next week, as you know, the trade ministers from 12 nations are going to meet in Singapore. As U.S. trade negotiators continue to push for this partnership, the TPP agreement, they want to push to move it so that we can do something by the end of this year.

You made a point before that this could have been a new opportunity. It represented an effort to create something that was new, a sustainable model that promoted economic development with shared prosperity. But, as you know, unfortunately the talks have gone down the same road as previous trade agreements: export of more jobs, not more goods; unsafe imports; and threats to the public health, among other things. You made that clear.

The country lost more than 5 million manufacturing jobs, millions of service sector jobs since the North American Free Trade Agreement, which I will tell my colleague that I was proud to vote against when that came before this body, and the World Trade Organization. Both of those went into effect, and we have seen the loss of more than 5 million jobs.

Again, your point is well stated. Wages in the United States have de-

creased and economic inequality is something that is talked about a lot today. It is not an abstract concept. It is not an abstract construct. It is the result of public policy that has fostered economic inequality in the United States, and that has increased as a result of these past trade agreements.

The recent trade agreement with Korea reinforced why we cannot continue to do more of the same. In its first year, U.S. exports to Korea dropped 10 percent as imports from Korea increased. The trade deficit with Korea exploded by 37 percent in just 1 year, which equates to a net loss of approximately 40,000 more U.S. jobs. Why in an economy that is so difficult for people today are we embarking on public policy initiatives that increase lost jobs, lost wages, more economic uncertainty, and insecurity for families in the United States? It is wrongheaded. There is no reason to believe that the Trans-Pacific Partnership deal will not be the same kind of a raw deal for U.S. workers and more as this agreement would be unprecedented in scope.

The President himself has commented that the pact would establish rules that extend far beyond traditional trade matters to include "a whole range of new trade issues that are going to be coming up in the future: innovation, regulatory convergence, how we are thinking about the Internet and intellectual property."

The agreement will create binding policies on future Congresses in numerous areas to include those that are related to labor, patent and copyright, land use, food, agriculture and product standards, natural resources, the environment, state-owned enterprises, and government procurement policies, as well as financial, health care, energy, telecommunications, and other service sector regulations. This is a treaty that goes beyond tariffs. The scope is, as I have outlined, unbelievable.

We also know that the lack of transparency on this treaty is unbelievable. It is interesting to note that industry has had great access to the process and what is going on. Members of Congress, both sides of the aisle, have not had that same access to the information in this trade agreement, and it is our constitutional authority as Members of Congress to approve trade agreements. We cannot be frozen out any longer. We are not going to tolerate that.

We know, for example, that the agreement will likely lead to increases in U.S. imports of shrimp and other seafood from Vietnam and Malaysia. Here is something I believe my colleague knows but others need to know:

In 2012, imported seafood products from Vietnam were refused entry 206 times because of contamination concerns while some exporters in Malaysia have acted as a conduit to transit Chinese shrimp to the United States in order to circumvent both FDA import alerts and antidumping duties.

When I said they had been stopped, why have they been stopped? Filthy product, contaminated product, antibiotic-laced product putting in jeopardy the public health of people in the United States. And rather than improving food safety enforcement and regulations in partner nations, the agreement may lead to a drain of resources needed to ensure that food safety at agencies like the FDA are called in to resolve these disputes with other countries. The agreement may even undermine critical U.S. food safety regulations.

We also know from the recently leaked text that U.S. trade negotiators—I say "recently leaked" because we don't have access to the information. We are not able to come in and have people lay it out for us.

We now know from the leaked text that U.S. trade negotiators are proposing unbalanced intellectual property provisions that are going to hinder our trading partners' access to safe and more affordable drugs. This is not only going to raise the price of medicines overseas, preventing millions from getting the medical care that they need, but it limits the ability of United States companies exporting these drugs to grow internationally and to generate more jobs at home.

Incredibly, even as the administration is proposing to lower drug costs for consumers here in the United States by proposing in its budget to modify the length of exclusivity on brand name biologics from 12 to 7 years, our trade negotiators are demanding 12 years of data exclusivity from our trading partners, denying their people quicker access to more affordable drugs.

How can the United States be in that business? It is morally unacceptable that people overseas will have less access to lifesaving drugs. That is not who we are as a Nation. That is not where our values lie.

These and other critical areas are being negotiated without sufficient congressional consultation, even though, as I mentioned, under the Constitution, the Congress, not the Executive, has the exclusive constitutional authority to "regulate commerce with foreign nations" and write the Nation's laws. Over the last few decades, Presidents have increasingly taken over both of those powers through a mechanism known as "fast track." What it does is erode Congress' ability to shape the content of the free trade agreement, which today, as I said again earlier, clearly goes well beyond tariff issues of the shaping of the trade agreement, but it then becomes—if you provide for fast track authority, then that means it comes to this body. My colleague from Wisconsin knows this. He served in legislative bodies. We will have no ability to amend, and you just come and you rubber-stamp it. No more. No more.

Under the recent iteration of fast track—which expired, by the way, in 2007—U.S. trade negotiations required various stages of congressional consultation before and during the negotiations. But even that minimal level of congressional consultation has not occurred with regard to the Trans-Pacific Partnership treaty, which is why myself and so many of my other colleagues from both sides of the aisle, including my colleague from Wisconsin (Mr. POCAN), have made it clear that the 20th century fast track and its lack of any meaningful input from Congress in the formative stages of an agreement is not appropriate for the 21st century trade agreements like the Trans-Pacific Partnership. More fast track is a nonstarter.

What we need to do is to create a 21st century mechanism to negotiate approved trade agreements that ensure that they benefit more Americans. Don't decrease their wages. Don't decrease the minimum wage. Give them a fighting chance to help themselves and their families. We cannot approve a Trans-Pacific Partnership agreement that continues to follow the same failed trade template that has hurt working families for so long, that jeopardizes our public health here and abroad, and that creates binding policies on future Congresses that we had no input in creating.

If we are to uphold the trust of our constituents, for them, for this economy, for our country, we need to do better, and the content and the process of the Trans-Pacific Partnership does not allow us to do better by our constituents or the great people of the United States. This is a treaty that needs to be restarted. Instead of being brought up and finished by the end of the year, we need to restart the effort, have congressional input, and do something that will help to make a difference in the lives of the people that we serve.

I thank the gentleman for having this Special Order to focus on this issue. I know that he will, as I will, continue to try to make clear to the public what we are talking about, what is in this legislation, which is not going to benefit themselves and their families. That is something that I know that you are committed to and I am committed to, as well. And we are going to continue this battle. As far as I am concerned—I won't speak for you—we are not going to make that end-of-the-year treaty. There are going to be many roadblocks before that occurs.

I thank the gentleman for allowing me to participate in this Special Order tonight.

Mr. POCAN. Thank you, Representative DELAURO, not only for your long history of standing up for the American worker and trying to get fair trade and not just free trade, but also

for really giving a strong explanation about the problem with food coming into our country.

Ms. DELAURO. The food issue is supreme, and this usually stays under the radar. We are bringing it to the fore.

Mr. POCAN. And medicine. Much less labor standards. We know in Vietnam the wage is 28 cents an hour. That is 4 percent of our currently already low minimum wage. To think that somehow we can have fair trade with a country that has 28 cents as minimum wage, that the factories have violated safety requirements eight out of 10 times they have been inspected, that workers routinely fail to get the minimum 4 days a month of rest.

□ 1845

This is not a trade partner that you can have in a trade agreement that is going to at least raise the level for American workers. It can only lower the level.

And another concern I know you and I have had, Representative DELAURO, has been on procurement and what exactly is in this agreement on procurement. I was an author, when I was in the State Legislature in Wisconsin, of Buy America laws, to make sure that our tax dollars went to goods that supported American workers.

The very language that has been in these trade agreements could take away our ability to have Buy Local and Buy American laws, and we need to change that.

So, again, thank you so much for your efforts on this. We are going to work with many other colleagues on both sides of the aisle to do what we can to defeat this fast track.

Ms. DELAURO. I think it is important to note that there is bipartisan support in opposition to a fast track authority unless it gets changed to include congressional input, as well as bipartisan support in opposition to this trade agreement for what it does, because people being hurt don't have a party label.

The minimum wage, the drop in the minimum wage, affects Democrats, Republicans, Independents. I don't care where you are and who you are, it is affecting your life and the life of your family.

So I thank the gentleman again and look forward to our continuing efforts.

Mr. POCAN. Thank you again, Representative DELAURO, for your many years of advocacy for the American worker and your continued strong passionate advocacy on behalf of the American worker. Thank you.

One of the things that, as we talked about the various provisions, there are literally over 20 chapters that involve everything from labor conditions, the environment, procurement, food safety, intellectual property, on and on. This is a wide, wide variety of topics that are covered in the trade deal.

And the fact that Congress could maybe lose its say through a fast track agreement would be completely egregious because we are elected by the people. We have to represent our constituents and make sure we defend that worker in our district.

If you take away Congress' voice, that is wrong. Whether it is done by a Democrat or a Republican, we must have our say.

People will say that somehow we are anti-trade. We are, in fact, very much pro-trade. We just want it to be fair trade. We want it to be drafted carefully and correctly, and I believe you can do that.

But when you have an agreement like we have seen with past agreements and what we expect so far to see in the TPP from some of the leaked text, it looks again that the interest of global corporations will be ahead of the good of the American worker.

There are situations where a foreign-owned business could have more power than our own sovereign courts on issues, and where Buy American policies can be undermined, where corporations can be incentivized to move their production offshore, and it can engage us in a race to the bottom on worker protections, wages and rights. And the American worker gets left behind.

We simply can't do that. We need to make sure that Congress has every possible say in a trade agreement, especially something as wide as the Trans Pacific Partnership can include.

We need to know what is in these laws; and if you think about it, we don't know that. You just heard Representative DELAURO and me, who have been following this issue, we don't even know exactly what is being negotiated in this agreement.

So we have a lot of questions, and we have very few answers.

Does the agreement do anything to tackle currency manipulation? We don't know.

Does it include enforceable environmental and labor standards? We don't know.

And how much does it deal with the blatantly non-trade items from, food safety to financial regulations to Internet freedom?

Once again, the answer is we don't know.

Yet, despite all these unanswered questions, despite the fact that most Members of Congress have barely gotten a chance to see leaked portions of the agreement, and despite the fact that this deal will have lasting repercussions on our economy and our workers, once again, there is word that we are hearing they are going to try to fast track this through Congress. And that simply is not acceptable.

Given all the lingering questions that we have out there on the Trans-Pacific Partnership, I firmly believe that rushing this bill through Congress is both dangerous and irresponsible.



Just earlier this year, I led a letter, with 35 other freshman Democrats, expressing similar concerns about transparency and making sure that we have a bill, a trade deal that is in the best interest of our constituents, our workers.

Madam Speaker, our job in Congress is to represent the people who sent us here. It is not our job to represent the interests of foreign corporations or CEOs who want to find the cheapest labor they can to increase their profit margins, and it is not our job to sit on the sidelines while more bad trade deals get passed through this body.

We have a responsibility to the American worker to ensure that they can compete on an even playing field with workers across the world. If we compete on an even playing field, we will always win. We have the work ethic. We have the ability to do that.

But unless we are given that equal opportunity, the American workforce cannot be treated in a fair and sustainable way. They can't compete when their jobs are shipped overseas, or their wages get driven down so low that they face almost unlivable conditions.

We can and must do better for our workforce. We can raise the minimum wage. We can pass job-first trade deals. We can invest in our workforce through education and job-training programs that prepare the American people for the challenges of the 21st century.

That is what the Congressional Progressive Caucus is committed to doing, and that is what I am committed to doing. That is why I encourage the entire body to help us move forward.

Madam Speaker, the Congressional Progressive Caucus has done the best we could tonight to try to raise—

Mr. POLIS. Will the gentleman yield?

Mr. POCAN. I yield to the gentleman from Colorado.

Mr. POLIS. I will be happy to talk about TPP for a moment. I have some time coming up on a different topic.

But one of the issues around it has been the secrecy under which it has been negotiated. I actually, some months ago—to show that these are not just partisan concerns—sent a bipartisan letter, with DARRELL ISSA, requesting that there is more transparency about this process.

I have had the opportunity on three occasions to review the text in my office. My own staff wasn't allowed to even be there with me.

The American people are unable to execute the proper oversight over something that is of great economic importance to our country because of the secrecy under which it is being negotiated.

Mr. POCAN. Thank you, Representative POLIS from Colorado. Again, you have been an outstanding advocate on behalf of the American worker.

And I too did the exact same thing. I looked at sections of this, and my staff weren't allowed; but even more troubling, I wasn't allowed to take notes about the language of these agreements.

But from what I saw in the agreements was definitely no better than past agreements and very likely could be worse when it comes to labor standards and when it comes to our procurement policies allowing us to have Buy American laws.

So the Congressional Progressive Caucus today really wanted to highlight the American worker. And the two issues that we wanted to highlight tonight, one was the need to raise the minimum wage, something we expect the Senate may be taking up yet this year, and that we hope this body will take up. And let's raise that minimum wage to \$10.10, just like the proposal that we have before Congress.

Secondly, let's make sure we have fair trade deals, not just free trade, but fair trade deals that protect the American worker, protect the environment, protect our businesses around intellectual property and other concerns. We can do that. And the Congressional Progressive Caucus will continue to do that.

Mr. Speaker, I yield back the balance of my time.

#### IMMIGRATION REFORM

The SPEAKER pro tempore (Mrs. WALORSKI). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Colorado (Mr. POLIS) for 30 minutes.

Mr. POLIS. Madam Speaker, I am here today, unfortunately, to talk about the continuing inaction of this body on immigration reform. It has been 159 days since the Senate passed a commonsense immigration reform bill securing our borders, creating jobs for Americans, restoring the rule of law, requiring employment verification, uniting families. And this body has failed to act.

The House's failure to act on immigration reform has already cost our economy over \$6 billion. Today, Madam Speaker, I want to talk about the human cost as well.

In the week following the Thanksgiving holidays, I want to recognize those individuals that are suffering because of our inaction, families that are torn apart, immigrant workers so critical for our economic success, living in the United States, who even helped put our Thanksgiving dinners on the table this year.

I want to begin by telling the inspiring story of a Capitol Hill staffer, sadly, a former Capitol Hill staffer, Erika Andiola. I had the opportunity to meet Erika and her mother today, and I hope that her story will inspire this body to finally reform our broken immigration system.

Erika wrote this letter to many of her friends, including some of your staffers, Madam Speaker, just the other day about why she is leaving:

Dear friends, today is my last day on the Hill. While "last day on the job emails" are customary, I wanted to share the unfortunate reason I am leaving. A few days ago, I informed my boss I would be leaving my job on Capitol Hill to return home to Mesa, Arizona, and fight against efforts to deport my mother.

After a year as a congressional staffer, during the push to bring millions of people out of the shadows in the U.S., I am now needed most as a daughter to my mother.

In many ways, my life represents a broad spectrum of experience for undocumented young people in our country. I am facing the most painful aspect of the record-setting deportations of the Obama Administration: family separation by deportation.

My home was raided by ICE on the same date I began my work in Congress. The raid stemmed from a traffic stop. While ICE is supposed to prioritize deportations for violent crimes, they decided to go after my mother, who has never committed a violent crime.

Families being separated is nothing new. The administration is currently nearing the 2 million deportation mark. Behind that number is an even larger number of families, like my family, being left behind.

I had the opportunity to meet Erika Andiola and her mother earlier today, and I can tell you we will miss her service in this body for the Member she worked for. She has her legal status, thanks to President Obama's Deferred Action program, or DACA, that allows her the paperwork to work, again a result of the inaction of this body, that the Executive had to take action, with the limited authority he has, to at least give a temporary reprieve to Erika. But no such help for her mother.

And who among us wouldn't, if forced to choose between our job and our family, who wouldn't choose our family?

As Erika returns home to Arizona, I wish her and her mother well and good luck in ensuring that they can stay together in a country that I hope values families, just as it valued Erika's service to her country as a congressional staffer.

I encourage everyone to share Erika's story and to get involved at [keepustogether.org](http://keepustogether.org) to help keep Erika's family together.

Our inaction on immigration reform has also impacted our immigrant workforce, a critical part of our economy. Roughly 16 percent of all workers in the U.S. are foreign born, in diverse sectors from agriculture to information technology to hospitality to self-employed entrepreneurs.

As the Aspen Institute's November series of "Working in America" noted, the experience of immigrant workers varies significantly. Some achieve great success, while others are employed in low-paying and substandard working conditions.

In my State of Colorado, according to the 2011 census, over 11 percent of our



workforce is comprised of immigrants. Among them, unauthorized immigrants comprise nearly 5 percent of Colorado's workforce. That is according to a study by the Perryman Group.

If we were to remove unauthorized immigrants from Colorado tomorrow, our State, my State, would lose \$8 billion in economic activity, \$3.6 billion in gross state product, and it would cost our State almost 40,000 jobs for Americans that would be destroyed if we didn't have the people that are in Colorado today already working and simply lack a legal way to do that that only this body can fix.

Nationwide, the millions of undocumented immigrant workers are often marginalized and exploited. In many cases, they have harvested our Thanksgiving dinners. They have harvested our onions, packed our tomatoes, perhaps cleaned your hotel room, Madam Speaker, or mine, washed our dishes.

Yet, their immigration status means that when unscrupulous employers try to take advantage, they often lack a voice to stand up for stable and fair working conditions or to report crimes.

Undocumented workers around our country engage in difficult, dangerous work under the harsh conditions. They often live in fear of detention or deportation.

□ 1900

Consider the example of a worker in Nashville who, while cleaning the restaurant where she was employed, cut herself, yet her managers refused for 4 hours to take her to the hospital. Even after receiving medical treatment, her employer refused to pay any of the costs for an employment-related injury. And the injury caused her a permanent handicap, with limited mobility in her hand.

Or consider the case of Raul, a North Carolina farmworker who lacks documentation. Raul shares a room and dirty and freezing bathrooms and showers with six others. Raul rises every day to provide for his family and give them the life he never had. Because his family is in another country, he hasn't seen his children in 5 years and misses them terribly, but his immigration status prevents him from even visiting his family back home and being able to return to his job here.

Or consider the case of Guadalupe Hernandez, a returned migrant and former undocumented farmworker who came to the U.S. at the age of 12 and has been back and forth three times since. Guadalupe endures working for 12 to 14 hours a day at minimum wage in order to provide for schooling for her five children.

So while Congress is working 113 days next session, 113 days next year—that is how much we will be here. I sure hope it is enough time to reform our immigration system. So while Congress is working 113 days, the average

undocumented farmworker's workload is close to 200 days a year squeezed into 36 weeks of seasonal work, working double shifts to be able to put food on our tables for Thanksgiving.

While Congress works an average of 3 days per week and Members of Congress earn \$3,500 a week, undocumented workers work 53 hours a week at an average salary of \$318 a week.

In the time it takes Congress to hold our first vote in a series of votes—15 minutes, how long it takes people to come here and cast their vote—the average immigrant worker has picked four 30-pound buckets of grapes.

Our current immigration system has allowed the situation to persist and worsen. The current system lacks a pathway to citizenship without a family member who is already a U.S. citizen or permanent legal resident. Even legal guest workers under our current immigration laws are subject to workplace abuse, are poorly paid, often risk having their identity documents seized, and often live in reprehensible living conditions.

H-2 guest workers, low-skilled seasonal jobs, are bound to employers who hire them and can't even search for other work. They are often overloaded with debt because of the fees that recruiters charge to bring them from their own country and arrange for transportation.

Comprehensive immigration reform would protect American workers by preventing unauthorized immigrants from undermining wage and safety laws and protecting U.S. workers' rights.

H.R. 15, the bipartisan comprehensive immigration reform bill I am proud to have helped introduce in the House, would provide relief and help to all workers. The bill is similar to the Senate's immigration reform bill that passed with more than two-thirds of the Senate support, including agriculture, business, labor, tech, and many others in a broad-based coalition.

We are joined here on the floor by a champion of immigration reform, a Member of the House from the great State of California. It is my honor to yield to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. I thank the gentleman for yielding.

Madam Speaker, I want to just explain some facts to my fellow Americans. I want to remind us that immigrants contribute tremendously to our economy as workers, taxpayers, and consumers. But despite their contributions, immigrants face exploitation and significant barriers to advancement in our country. When we look at how important immigrants are to our economy, it comes as no surprise that when we help immigrants succeed, we help our economy succeed.

And one of the things I want everybody to remember, as I speak for the

next few minutes, is that at any given time in our great Nation's history, somebody in your ancestry was treated less-than. There was a time where if you were of Irish descent, you were treated badly; if you were Russian, you were treated badly; if you were Chinese, you were treated badly; if you were Eastern European, you were treated unfairly.

Unfortunately, what we have had in our country are phases where one particular person who looks a certain way—and especially when you think after 9/11—that people are treated differently. And the problem that I have with that is that that is not the America I was born into, and that is not the America that I want to represent, and that is not the America that is going to make this country prosper.

Immigrants make up a critical component of the American labor force. Immigrants accounted for nearly one-half of the U.S. labor force growth since the mid-1990s. Immigrants contribute to innovation, business creation, and job creation. Immigrants are more likely than native-born Americans to start their own businesses.

Immigrant-owned businesses employed 4.7 million Americans in 2007 alone. In 2011, immigrant businesses were estimated to generate \$775 billion in revenue, \$125 billion in payroll, and \$100 billion in income.

Immigrants also help to slow the aging of our labor force and the corresponding economic burdens that come with that.

Immigrants make up a critical component of America's agricultural industry, in particular. That is what brought my father to this country. He worked in the fields in the Central Valley of California so that my mother could stay home and raise, eventually, the 11 children that they had together. About 77 percent of the farmworker labor force is foreign-born, like my father, and at least one-half of the farmworkers are undocumented.

Farmworker work is one of the most hazardous occupations in our country and in the world, and many of these jobs would go unfilled without immigrant workers.

That is another thing that my father wanted for me. He worked in the fields tirelessly. His hands would bleed so that we, Americans, could have fresh fruits and vegetables on our table. But he dreamed that his children, American-born children, could actually go to college and surpass his dreams, as he only had a first grade education in the country that he came from.

With the help of immigrant farmworkers in America, the value of U.S. agricultural exports rose 2.5 times between 1989 and 2009, and exports of high-value agricultural products, including fruits and vegetables, more than tripled.

America, it is really important for us to understand, when we don't welcome

those hardworking immigrants to be part of our integrated workforce, what happens is that places like Argentina, who would love to compete with us, they laugh at us, and they say, We will sell you our products. We will sell you our oranges and vegetables. They are pretty good, but they are not American-made.

Immigrants contribute to our economy through taxes. The State and local taxes paid in 2010 alone by households headed by undocumented immigrants was over \$11 billion. And this is according to the Institute on Taxation and Economic Policy. Undocumented immigrants contributed as much as \$13 billion in payroll taxes to the Social Security program in 2010 but only took \$1 billion in benefits, creating a net positive effect on our Social Security system that benefits Americans, and this is according to the Social Security Administration.

Despite their contributions, immigrants face exploitation and significant barriers to advancement; and again, that is not the America we should feel proud of.

We have an opportunity to pass comprehensive immigration reform in this great country on this floor. All we need is the opportunity to put a bill up for a vote. And I believe that the majority of Members of this House will do the righteous thing, the right thing, and welcome those immigrants and integrate them into our system; and we will see the economy of the United States of America flourish once again like we all want it to, like we hope it should, and how we all deserve to see happen.

For example, immigrants of legal status earn 10 percent more than those who are undocumented, again, boosting the economy. Comprehensive immigration reform would allow immigrant students—DREAMers, as some of us call them—to gain a greater earning boost as more are able to attend college and become productive members of our labor force. Comprehensive labor reform would allow undocumented entrepreneurs the ability to expand their businesses and hire American citizens.

When we look at how important immigrants are to our economy, it comes as no surprise that when we help immigrants succeed, America succeeds. Our country is built on the backs of immigrants from Europe, from Africa, from the Americas, from Canada, from every part of this world. We are the country where dreams come true. We are the country where freedom rings true.

But right now, 11 million human beings do not enjoy those freedoms, yet they are here toiling, working, and we are benefiting from that. And that is a shame. We are better than that, America. We deserve an opportunity to see this legislative body vote on comprehensive immigration reform.

And I will say it once again: If we don't do it because it is just the right

thing to do, let's do it for the selfish reason that it will boost the economy of the United States of America more than we have seen in over 50 years.

Mr. POLIS. One of the ways that H.R. 15 was actually brought to the floor of the House and introduced was by the chief sponsor of the bill. The gentleman from Florida, in his short time in the House, has made an enormous impression, and particularly in pushing for comprehensive immigration reform.

H.R. 15, which is very similar to the Senate bill—and if we were to pass it in this body, it would be able to be ratified with the changes and sent to the President's desk—continues to gain support in this body. And I am happy to yield to its principal author, the gentleman from Florida (Mr. GARCIA).

Mr. GARCIA. I thank the gentleman from Florida.

Madam Speaker, I don't know of any other district in the United States that more clearly shows the economic contributions of immigrants than my own. You see it everywhere, from the languages spoken on the street to the diverse businesses on every corner.

Miami is a town built by immigrants. It is a perfect example of what happens when, instead of forcing people to live in the shadows, you welcome immigrants and you allow them to work and become valued members of the community.

Over the last 50 years, south Florida has seen unprecedented growth and has become the gateway to Latin America and its economy. None of this—none of this—would be possible without the hard work of immigrants who came to my community searching for the American Dream, just like my parents did. I would like to share a few of their stories.

Jose lives in Homestead. It is an area in my district that produces nearly half of the winter vegetables consumed in the entire United States. He came to this country in 1986 and, despite his best efforts, was unable to gain status. Even after suffering from a workplace accident that resulted in his finger being amputated and another in which he injured his back and arm, he still wakes up every day at 5 a.m. to do whatever needs to be done on the farm, from cleaning to planting to packing. Jose's wife was deported. He is now the primary breadwinner for his family. Both of his parents died in Mexico. He was unable to say good-bye. Jose does his job, pays his taxes, and serves as an advocate and mentor for other farmworkers, but our immigration system has done nothing but turn a blind eye to his sacrifice.

Lourdes started working in the fields at the age of 10, picking asparagus, tomatoes, and cucumbers all over the east coast. Despite having to drop out of high school because of the work and the constant moving, Lourdes eventually was able to complete her social

work degree 20 years after she started, and all of her children have been able to go to college. Last year, she was recognized by the White House as a champion of change and is now an advocate for the farmworker community and is a proud champion of immigration reform.

And finally, I want to talk about someone who is sitting in the gallery, Secia Soza. Until the age of 8, she had always assumed that she had been born in the United States, like her brother. While she eventually was granted deferred action, both of her parents have been deported.

□ 1915

Neither were criminals. In fact, her father owned a small business.

There are millions of Joses and Lourdeses and Secias. They grow our food, they build our homes, and they care for our families. They often work at jobs that no one wants and start businesses that create jobs when there were none before and in areas where they are needed most.

Our Nation would not be the society it is today without the generations of immigrants who came to our shores searching for a better life. The 11 million undocumented individuals living here today are no different. They are American in every way but on paper.

If we want to secure our economic future, we need to fix our broken immigration system in a way that addresses our need for immigrant workers and recognizes the incredible sacrifices and hard work that immigrants endure.

Jose, Lourdes, and Secia have waited long enough. The time to pass immigration reform is now.

If the gentleman from Colorado would permit, I also want to recognize those folks who labor in my community at this a long time. They spend enormous hours and effort trying to pass this. From our communities they come here and make a difference. We thank them. Some of them are in the audience today. I appreciate their work. Among them, Nora Santiago, has done a wonderful job for years, not only in moving the issue but in caring for some of these children that get left behind when their parents get deported.

With that, I yield to the gentleman from Colorado.

The SPEAKER pro tempore. All Members are reminded that it is not in order to bring to the attention of the House an occupant of the gallery.

Mr. POLIS. Madam Speaker, the gentle people in the gallery, the men and women who are spending their time here, would not have to be in those galleries advocating if this House simply took up the bill.

Do you think they want to be spending their time here, Madam Speaker? Is that what you think, they want to be spending their time here in the gallery,

probably traveling at their own expense to Washington?

And you are saying we are addressing them, and that is what you are upset about, Madam Speaker?

I want you, Madam Speaker, to address the reason that they are here. They are here because our government is tearing apart their families, Madam Speaker.

The SPEAKER pro tempore. Will the gentleman from Colorado understand all Members—

Mr. POLIS. Will the Speaker understand that the Speaker is obstructing H.R. 15 from coming to the floor? Will the Speaker understand that?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. POLIS. Will the Speaker understand that? Will the Speaker understand that?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. POLIS. Will the Speaker understand that the Speaker is preventing H.R. 15 from coming to the floor, and that is why there are men and women in the gallery that potentially face deportation and their families are being torn apart.

It is very simple, Madam Speaker. Very simple. We need an immigration system that reflects our values as Americans—a Nation of immigrants and a Nation of laws. One that creates jobs for Americans; one that reduces our deficit by over \$200 billion; secures our border; prevents terrorists from entering our country so we know who is here; and ensures that crimes are reported.

We can do that, Madam Speaker.

And I have heard it said that perhaps some prefer to do it piecemeal. Let's see what the pieces are and let's have a meal. That is what the Thanksgiving spirit is all about. We will be happy to look at the pieces. Let's see them.

In fact, the Judiciary Committee has reported out four bills. Those bills aren't perfect, by any means; but through the Rules Committee and the amendment process on the floor, I hope that we could potentially make them part of a bill. But those four bills have languished.

In the meantime, other bills that have come through the Judiciary Committee, for instance, an asbestos bill, found a fast track to the floor. Patent reform, fast track to the floor. Four immigration bills passed out of committee. Weeks go by, months ago by, and nobody hears a thing.

Why aren't we considering those bills, Madam Speaker?

Even I support this patent bill that we will be voting on tomorrow. But even from our friends in the tech community, job creators, major companies, they like this bill, in many cases. But you know what they really want? Immigration reform. They will say, Fine, you helped us out finding a few patent

trolls. Now get immigration reform done, because we will be able to create jobs for Americans.

That is what we are here for, Madam Speaker: uniting American families, creating jobs for Americans.

We do that, Madam Speaker, by passing H.R. 15, by passing pieces and having a meal, however you want to do it. In fact, how about we invite our friends from across the aisle, Republicans, to join us here next week to talk about immigration reform and a path forward?

We have been down here every week since the Senate passed comprehensive immigration reform demanding the House bring up pieces or bring up comprehensive immigration reform, and we invite our Republican friends to discuss this with us.

There is no Democratic or Republican solution. This takes us working together for an American solution. We know that, Madam Speaker. H.R. 15 is not a Democratic bill or Republican bill. It is a bipartisan bill, with principals from both parties. More than two-thirds of the Senate support its commonsense approach.

We can improve upon the pieces and have a meal, or we can pass comprehensive immigration reform to reflect our values as Americans and create jobs for Americans and protect our borders.

The longer that we fail to act, the more men and women will have to be in these galleries here, Madam Speaker—perhaps against your wishes—will have to be fasting; will have to quit their jobs working in Congress, like Erika, because her mother is facing deportation.

Is that the America we want when we look at ourselves in the mirror?

Madam Speaker, is that what we are proud of as Americans? Is that our values? Are we proud that a young, talented staff person like Erika, working on behalf of her country for her Congresswoman here in the United States Capitol has to quit her own job because our own government is deporting her own mother, who hasn't committed any criminal or violent crime? It might have cost the taxpayers tens of thousands of dollars for deportation and at the cost of tearing a family apart and preventing Erika from offering all that she had to give to our great country.

We can do better, Madam Speaker. We can do better by the handful of people in this gallery and the millions of families across this country that are demanding action now, and the hundreds of million—yes, every American man, woman, and child who stands to benefit by immediate action here in the House of Representatives.

I yield back the balance of my time.

#### TPP TRADE AGREEMENT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, I rise tonight to associate myself with the Special Order opposing any fast track deal for the Trans-Pacific Partnership, or the TPP trade agreement as it is called.

It is simply the same old trade model since 1975 that has caused this country to rack up over \$9 trillion of trade deficit—more imports coming in here than exports going out. An incredible debt.

We talk about the budget deficit. The reason we have a budget deficit is because we have a trade deficit and the outsourcing of jobs from coast to coast.

There is simply no reason to bring up a deal under the fast track procedure which will not permit amendment on this floor—a deal negotiated in secret by yet another Presidential administration.

Americans know how the middle class has been shrinking, how incomes have been shrinking, how production from coast to coast has been outsourced.

I associate myself with the remarks with the Special Order this evening that calls on the administration to rebalance our trade accounts. They could take up a bill that I have authored to rebalance America's trade accounts and take a look at all of these nations with which we have amassed these huge, huge deficits while our production is being outsourced.

Madam Speaker, let's table the Trans-Pacific Partnership deal. Let's table fast track and develop a brand-new trade model that benefits the United States of America and its people again so their incomes can rise.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GINGREY of Georgia (at the request of Mr. CANTOR) for today and the balance of the week on account of a death in the family.

Mr. RUSH (at the request of Ms. PELOSI) for December 2 through December 5 on account of attending to family acute medical care and hospitalization.

#### ADJOURNMENT

Ms. KAPTUR. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 5, 2013, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3981. A letter from the Director — Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Definition of Insured Deposit (RIN: 3064-AE00) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3982. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Etofenprox; Pesticide Tolerances [EPA-HQ-OPP-2011-0905; FRL-9902-39] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3983. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2013-0455; FRL-9903-17-Region-4] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3984. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New York; Determination of Clean Data for the 1987 PM10 Standard for the New York County Area [Docket No.: EPA-R02-OAR-2013-0618; FRL-9903-24-Region-2] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3985. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida: General Requirements and Gasoline Vapor Control; Correcting Amendment [EPA-R04-OAR-2012-0385; FRL-9903-23-Region 4] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3986. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metaldehyde; Pesticide Tolerances [EPA-HQ-OPP-2012-0706; FRL-9399-8] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3987. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Electronic Reporting Under the Toxic Substances Control Act [EPA-HQ-OPPT-2011-0519; FRL-9394-6] (RIN: 2070-AJ75) received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3988. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Octadecanoic Acid, 12-Hydroxy-, Homopolymer, Ester with 2-Methyloxirane Polymer with Oxirane Monobutyl Ether; Tolerance Exemption [EPA-HQ-OPP-2013-0526; FRL-9903-18] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3989. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinclorac; Pesticide Tolerances [EPA-HQ-OPP-2012-0429; FRL-9902-15] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Area [EPA-R09-OAR-2013-0194; FRL-9838-6] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3991. A letter from the Chief Legal Officer, Privacy and Civil Liberties Board, Privacy and Civil Liberties Oversight Board, transmitting the Board's final rule — Freedom of Information, Privacy Act, and Government in the Sunshine Act Procedures [PCLOB; Docket No. 2013-0003; Sequence 1] (RIN: 0311-AA01) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3992. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Notice of 12-Month Finding on a Petition To List the Sperm Whale (*Physeter macrocephalus*) as an Endangered of Threatened Distinct Population Segment (DPS) in the Gulf of Mexico [Docket No.: 1206013325-3912-03] (RIN: 0648-XA983) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3993. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Health Insurance Providers Fee [TD 9643] (RIN: 1545-BL20) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JEFFRIES (for himself and Mr. KING of New York):

H.R. 3646. A bill to direct the Secretary of the Army to give priority to projects and studies for hurricane and storm damage risk reduction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. AMODEI:

H.R. 3647. A bill to amend title 38, United States Code, to improve the provision of guide dogs to veterans blinded by a service-connected injury; to the Committee on Veterans' Affairs.

By Mr. BRALEY of Iowa:

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small businesses which hire individuals who are members of the Ready Reserve or National Guard, and for other purposes; to the Committee on Ways and Means.

By Mrs. BUSTOS:

H.R. 3649. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit for hiring individuals who are veterans or members of the Ready Reserve or National Guard, to make permanent the work opportunity credit, and to expand and make permanent the employer wage credit for employees who are active duty members of the uniformed services; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Ms. MENG, Ms. SCHAKOWSKY, Mr. QUIGLEY, Mr. HIMES, Mr. MEEKS, Mr. ISRAEL, and Mr. SIRES):

H.R. 3650. A bill to amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 4 noise levels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. CONYERS, and Ms. LEE of California):

H.R. 3651. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. HOLDING:

H.R. 3652. A bill to amend title 18, United States Code, to provide for penalties for aggravated identity theft facilitated by employment at an agency implementing the Patient Protection and Affordable Care Act; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. POE of Texas, Ms. KELLY of Illinois, Mr. GRIMM, Mr. WEBSTER of Florida, and Mr. OLSON):

H.R. 3653. A bill to amend the Internal Revenue Code of 1986 to allow an increased work opportunity credit with respect to recent veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Mr. BEN RAY LUJAN of New Mexico, and Ms. KUSTER):

H.R. 3654. A bill to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYAN of Ohio (for himself and Mr. JOYCE):

H.R. 3655. A bill to award a Congressional Gold Medal to Simeon Booker in recognition of his achievements in the field of journalism, including reporting during the Civil Rights movement, as well as social and political commentary; to the Committee on Financial Services.

By Mr. GERLACH (for himself and Mr. FATTAH):

H. Con. Res. 68. Concurrent resolution providing official recognition of the massacre of 11 African-American soldiers of the 333rd Field Artillery Battalion of the United States Army who had been captured in Wereth, Belgium, during the Battle of the Bulge on December 17, 1944; to the Committee on Armed Services.

By Ms. SPEIER (for herself, Mr. CICILLINE, Mr. DEUTCH, Mr. ELLISON, Mr. GRIJALVA, Mr. KEATING, Mr. MORAN, Ms. TSONGAS, Mr. SEAN PATRICK MALONEY of New York, Ms. SCHWARTZ, Ms. SCHAKOWSKY, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. POCAN, Mrs. DAVIS of California, and Mr. LOWENTHAL):

H. Con. Res. 69. Concurrent resolution expressing the sense of Congress that efforts by mental health practitioners to change an individual's sexual orientation is dangerous and harmful and should be prohibited from being practiced on minors; to the Committee on Energy and Commerce.

By Mr. JONES (for himself and Ms. SPEIER):

H. Res. 430. A resolution expressing the sense of the House of Representatives that the President should ensure that the Government of the Islamic Republic of Afghanistan is making significant progress in fulfilling its deliverable requirements under the Tokyo Conference Agreement in order to receive United States financial assistance; to the Committee on Foreign Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. JEFFRIES:

H.R. 3646.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution (related to general welfare of the United States).

By Mr. AMODEI:

H.R. 3647.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 3648.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. BUSTOS:

H.R. 3649.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CROWLEY:

H.R. 3650.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. HASTINGS of Florida:

H.R. 3651.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const., Art. I, § 8, cl. 3: Congress shall have the power to regulate commerce with foreign nations and among the various states.

By Mr. HOLDING:

H.R. 3652.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. KING of New York:

H.R. 3653.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1  
The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. POLIS:

H.R. 3654.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power of Congress to regulate Commerce

with foreign Nations, and among the several States, and with the Indian Tribes).

By Mr. RYAN of Ohio:

H.R. 3655.

Congress has the power to enact this legislation pursuant to the following:

To make Rules for the Government and Regulation of the land and naval Forces.

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. VISCLOSKEY.

H.R. 107: Mrs. ELLMERS.

H.R. 129: Mr. YOHO.

H.R. 183: Mr. AL GREEN of Texas.

H.R. 184: Mrs. BEATTY.

H.R. 207: Mr. DUNCAN of Tennessee.

H.R. 490: Mr. NEAL.

H.R. 503: Mr. PEARCE, Mrs. BACHMANN, Mr. RICE of South Carolina, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. WENSTRUP, Mr. MCALLISTER, and Mr. CARTER.

H.R. 517: Mr. DOYLE.

H.R. 543: Mr. FARR.

H.R. 647: Mr. KILDEE and Mr. WESTMORELAND.

H.R. 715: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Ms. NORTON, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SCOTT of Virginia, and Mr. YOUNG of Alaska.

H.R. 725: Mr. HUFFMAN.

H.R. 855: Mr. GUTIERREZ.

H.R. 863: Mr. ISRAEL.

H.R. 914: Mr. PEARCE.

H.R. 924: Mr. LOWENTHAL and Mr. GARCIA.

H.R. 961: Mr. LARSON of Connecticut.

H.R. 962: Mr. GENE GREEN of Texas, Mr. RIBBLE, and Ms. PINGREE of Maine.

H.R. 984: Mr. ROONEY.

H.R. 1015: Mr. HONDA.

H.R. 1078: Mr. MARCHANT.

H.R. 1150: Ms. TSONGAS.

H.R. 1209: Mr. KIND, Mr. ROKITA, Mr. AMODEI, Mr. ENGEL, Ms. TITUS, Mr. NUNES, Ms. CHU, Mr. ROYCE, Ms. GABBARD, Mr. PITTS, Mr. DENHAM, Mr. VALADAO, Ms. HAHN, Mr. GRIMM, Mr. WILSON of South Carolina, Mr. WOLF, Ms. DUCKWORTH, Mr. ROHR-ABACHER, and Mr. KLINE.

H.R. 1226: Mr. LANKFORD.

H.R. 1252: Mr. KILDEE.

H.R. 1318: Mr. THOMPSON of Mississippi.

H.R. 1354: Mr. RUIZ, Mr. LOWENTHAL, and Mr. PETERS of Michigan.

H.R. 1380: Mr. HONDA.

H.R. 1701: Mr. ROKITA.

H.R. 1726: Mr. PITTS and Ms. LOFGREN.

H.R. 1750: Mr. PERLMUTTER and Mr. ADERHOLT.

H.R. 1751: Mr. HUFFMAN.

H.R. 1771: Ms. HANABUSA.

H.R. 1814: Mr. HURT and Mr. RICHMOND.

H.R. 1843: Ms. ESTY.

H.R. 1845: Mr. DEFazio.

H.R. 1851: Ms. EDWARDS and Mr. RUIZ.

H.R. 1852: Mr. SESSIONS.

H.R. 1875: Mr. CAPUANO.

H.R. 1905: Mr. PERLMUTTER and Mr. LEVIN.

H.R. 1920: Ms. KELLY of Illinois, Mr. BRADY of Pennsylvania, Mr. PALAZZO, and Mr. O'ROURKE.

H.R. 1975: Mr. DOGETT.

H.R. 1992: Mr. LOWENTHAL.

H.R. 2000: Mr. CARTWRIGHT.

H.R. 2012: Mr. MURPHY of Florida, Ms. SCHWARTZ, Mr. SHERMAN, and Mr. MEEHAN.

H.R. 2023: Mr. PRICE of North Carolina and Mr. CONNOLLY.

H.R. 2073: Mr. ISRAEL and Mr. COURTNEY.

H.R. 2288: Ms. DUCKWORTH and Mr. CARTWRIGHT.

H.R. 2300: Mr. HARRIS, Mrs. BLACK, Mrs. BLACKBURN, Mr. MARCHANT, Mr. CONAWAY, Mr. WOODALL, and Mr. CALVERT.

H.R. 2376: Mr. THOMPSON of Pennsylvania.

H.R. 2429: Mr. HALL, Mr. BROOKS of Alabama and Mr. FRELINGHUYSEN.

H.R. 2430: Ms. LEE of California and Mr. TURNER.

H.R. 2445: Mr. GRIFFITH of Virginia.

H.R. 2476: Mr. MEADOWS.

H.R. 2484: Mr. PETERS of Michigan, Mr. RAHALL, and Mr. CARTWRIGHT.

H.R. 2548: Mr. KINZINGER of Illinois.

H.R. 2560: Ms. TITUS.

H.R. 2575: Mr. HASTINGS of Washington.

H.R. 2591: Mr. PRICE of North Carolina and Mr. SMITH of Washington.

H.R. 2619: Ms. MCCOLLUM and Mr. MCGOVERN.

H.R. 2663: Mr. CARSON of Indiana.

H.R. 2697: Mr. MCGOVERN.

H.R. 2725: Mr. HECK of Nevada.

H.R. 2767: Mr. DUNCAN of South Carolina.

H.R. 2831: Ms. CHU.

H.R. 2901: Mr. KEATING, Ms. TITUS, Mr. WAXMAN, Mr. CICILLINE, Mr. BERA of California, and Mr. PETRI.

H.R. 2906: Mr. KING of New York.

H.R. 2921: Mr. GIBSON.

H.R. 2995: Mr. KIND, Ms. SCHWARTZ, and Mr. RENACCI.

H.R. 3040: Mr. KENNEDY, Mr. DAVID SCOTT of Georgia, and Mr. PRICE of North Carolina.

H.R. 3061: Mr. PRICE of North Carolina and Mr. CUMMINGS.

H.R. 3111: Ms. DUCKWORTH.

H.R. 3122: Mr. CAPUANO.

H.R. 3179: Mr. CASTRO of Texas.

H.R. 3311: Mrs. BROOKS of Indiana and Mr. LONG.

H.R. 3318: Mr. LOEBSACK and Ms. WASSERMAN SCHULTZ.

H.R. 3335: Mr. WALBERG.

H.R. 3367: Mr. VARGAS.

H.R. 3370: Mr. LONG, Mr. SCHNEIDER, Mr. RAHALL, Mr. MCALLISTER, Mr. BERA of California, Ms. HERRERA BEUTLER, and Mr. FORBES.

H.R. 3384: Mr. PETERS of Michigan.

H.R. 3401: Mr. CAPUANO and Mr. THOMPSON of Mississippi.

H.R. 3407: Mr. CLAY.

H.R. 3413: Mrs. BLACKBURN.

H.R. 3445: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. RUSH, and Ms. SHEA-PORTER.

H.R. 3461: Mr. PRICE of North Carolina, Mr. DELANEY, Mr. GRIJALVA, Ms. SPEIER, and Mr. CARTWRIGHT.

H.R. 3471: Mr. SCHIFF, Mr. KILMER, Ms. SHEA-PORTER, Mr. PETERS of California, Mr. MURPHY of Florida, Mr. WAXMAN, Ms. WILSON of Florida, and Ms. PINGREE of Maine.

H.R. 3473: Mr. KIND and Mr. PETERS of California.

H.R. 3474: Mr. BENTIVOLIO.

H.R. 3479: Mrs. BACHMANN.

H.R. 3482: Mr. BUCHANAN, Mr. RIGELL, Mr. ISRAEL, Mr. OLSON, Mr. RICHMOND, Ms. SCHWARTZ, and Mr. POE of Texas.

H.R. 3485: Mr. GOODLATTE and Mr. MILLER of Florida.

H.R. 3486: Mr. CULBERSON.

H.R. 3488: Mr. SCHOCK, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. PAULSEN, Mr. COFFMAN, Mr. HANNA, Mr. MEEKS, and Mr. MATHESON.

H.R. 3489: Mr. REED.  
H.R. 3494: Ms. PINGREE of Maine, Mr. NADLER, Mr. CONNOLLY, Ms. DELBENE, Ms. BROWNLEY of California, Mr. MORAN, Mr. HUFFMAN, Mr. VELA, Mr. BEN RAY LUJÁN of New Mexico, Mr. TIERNEY, Mr. CAPUANO, and Mr. LARSEN of Washington.  
H.R. 3538: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. FATTAH, Ms. ROYBAL-ALLARD, Mr. CÁRDENAS, Mr. GALLEG0, and Mr. O'ROURKE.  
H.R. 3541: Mr. NEUGEBAUER, Mr. MARINO, Mr. LAMALFA, Mr. PITTINGER, and Mrs. BACHMANN.  
H.R. 3571: Mr. KEATING, Ms. LEE of California, Mr. CONYERS, Mr. MCGOVERN, Mr. BRALEY of Iowa, Mr. LEVIN, Mr. MAFFEI, and Mr. MCDERMOTT.  
H.R. 3574: Ms. SLAUGHTER.  
H.R. 3578: Mr. FLORES, Mrs. HARTZLER, and Mr. PETRI.  
H.R. 3581: Mr. PAULSEN.  
H.R. 3589: Mr. POSEY, Mr. FRANKS of Arizona, and Mrs. BACHMANN.  
H.R. 3590: Mr. YOUNG of Alaska and Mr. BENISHEK.  
H.R. 3595: Mr. LANKFORD, Mr. RICE of South Carolina, Mr. HARRIS, and Mr. DUNCAN of South Carolina.  
H.R. 3599: Mr. GOHMERT.  
H.R. 3609: Mr. JEFFRIES.  
H.R. 3612: Ms. BONAMICI.  
H.R. 3625: Mr. STOCKMAN, Mr. ADERHOLT, Mr. HALL, Mr. SCHWEIKERT, Mr. BERA of California, Mr. MURPHY of Florida, Mr. OLSON, Mr. SMITH of Texas, Mr. PALAZZO, Ms. SEWELL of Alabama, Mr. COFFMAN, Mr. CRENSHAW, Mr. KILMER, and Mr. BACHUS.  
H.R. 3627: Mr. MURPHY of Florida and Mr. SWALWELL of California.  
H.R. 3630: Ms. CASTOR of Florida.  
H.R. 3633: Mr. COURTNEY.  
H.R. 3634: Mr. GIBSON, Mr. PETERS of California, Ms. SINEMA, Ms. KUSTER, Mrs. CAROLYN B. MALONEY of New York, Mr. DELANEY, Mr. NADLER, Mr. ENGEL, and Mr. HANNA.  
H.R. 3639: Mr. LAMBORN.  
H.R. 3641: Mr. WILLIAMS.  
H.R. 3643: Mr. CONYERS and Mr. LANGEVIN.  
H.J. Res. 43: Mr. KILDEE and Mr. GARAMENDI.  
H.J. Res. 47: Mr. WOLF.  
H.J. Res. 104: Mr. BENTIVOLIO.  
H. Con. Res. 52: Mr. DUNCAN of Tennessee.  
H. Res. 19: Mr. DOGGETT.  
H. Res. 47: Mr. FOSTER.  
H. Res. 112: Ms. CASTOR of Florida.  
H. Res. 147: Mr. POMPEO.  
H. Res. 231: Mr. YARMUTH, Mr. WOLF, Mr. FINCHER, and Mr. RUPPERSBERGER.  
H. Res. 254: Mr. O'ROURKE and Ms. CHU.  
H. Res. 284: Mr. ENGEL.  
H. Res. 365: Mr. MAFFEI, Mr. BEN RAY LUJÁN of New Mexico, Mr. LYNCH, Mr. RAN-

GEL, Mr. PETERS of California, Mr. CARTWRIGHT, Ms. DUCKWORTH, and Mr. GUTIÉRREZ.  
H. Res. 401: Mr. RYAN of Ohio.  
H. Res. 406: Mr. PRICE of North Carolina.  
H. Res. 410: Mr. KING of Iowa and Ms. HAHN.  
H. Res. 422: Mr. POLIS, Mr. MORAN, Mr. PETERSON, and Mr. BENTIVOLIO.  
H. Res. 423: Mr. CONNOLLY, Mr. MCNERNEY, and Mr. ENGEL.  
H. Res. 424: Mr. MCGOVERN, Mr. COOPER, Mrs. CAROLYN B. MALONEY of New York, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. POCAN, Mr. DINGELL, Ms. KUSTER, Ms. TSONGAS, Mr. LOEBSACK, Ms. DUCKWORTH, Ms. SHEA-PORTER, Mr. TONKO, Mr. WELCH, Mrs. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CICILLINE, Mr. MICHAUD, Mr. RICHMOND, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. HIGGINS, and Mr. OWENS.  
H. Res. 425: Mr. RIBBLE.

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#### DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3313: Mr. RUIZ.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 4, 2013

Mr. PASCRELL. Mr. Speaker, I want to state for the record that on December 2nd, I was unavoidably detained in my district and missed several rollcall votes. Had I been present I would have voted:

"aye"—rollcall vote 612—On Motion to Suspend the Rules and Pass H.R. 3547, the Space Launch Liability Indemnification Extension Act.

"aye"—rollcall vote 613—On Motion to Suspend the Rules and Pass H.R. 3588, the Community Fire Safety Act of 2013.

"aye"—rollcall vote 614—On Approving the Journal.

### HONORING LANDON HANSEN

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 4, 2013

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Landon Hansen. Landon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 4008, and earning the most prestigious award of Eagle Scout.

Landon has been very active with his troop, participating in many scout activities. Over the many years Landon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Landon has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Landon Hansen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### HONORING THE LIFE OF DANIEL McPARLANE, TOWN DEMOCRATIC CHAIRMAN OF WEST SENECA

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 4, 2013

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life and legacy of Daniel Scott McParlane. Dan, as he was known to friends, was a devoted civil servant and local town Democratic Chairman in West Seneca, working tirelessly to create a better West Seneca

and Western New York. He passed away tragically on November 27, 2013, at the young age of 33.

Dan was born in Buffalo on March 29, 1980. A bright, engaging young man, he was involved in community service even as a boy. Dan was in the Boy Scouts and held a job as a paperboy for the Buffalo News. Hailing from a strong Catholic family, he was an altar server at St. Martin of Tours church in South Buffalo.

As Dan grew older, he graduated from West Seneca West Senior High School, and earned a degree in Business Administration from Medaille College. In 2007, he was hired as an Erie County Sheriff's Deputy, and excelled at the physically and mentally demanding job. Dan worked in both the Holding Center in downtown Buffalo and the Erie County Correctional Facility in Alden. Dan was committed to his line of work, and had been recovering from injuries incurred while breaking up a fight among inmates at the Holding Center at the time of his passing.

Dan dedicated his time and talents to many civic, political, and ideological clubs. In addition to chairing the West Seneca Democratic Committee, he was the former chairman of the Erie County Young Democrats. Other groups that benefitted from Dan's good works include the Police Emerald Society of Buffalo, the West Seneca Civil and Patriotic Commission and the National Rifle Association.

A true civil servant, Dan drew inspiration from Presidents John F. Kennedy and Bill Clinton. He took pride in helping others whenever he could, and enjoyed hunting and cooking in his spare time. Dan loved to spend time with his family, especially his loving parents, Diane and James J. McParlane Jr., his brothers, James J. III and Sean, and his grandmother, Mary Krnjajich.

Mr. Speaker, thank you for allowing me to honor my good friend Dan McParlane. I ask my colleagues to join me in extending our deepest condolences to Dan's family, friends, and colleagues. His good works and selfless devotion to his neighbors will inspire many others to dedicate themselves to strengthening their communities.

### HONORING MARGUERETE LUTER

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 4, 2013

Mr. MORAN. Mr. Speaker, I rise today to honor Marguerete Luter for her outstanding work with the Lupus Foundation of America, Greater Washington Chapter, for improving the lives of lupus patients and their families and friends.

Lupus is a life-altering disease and more widespread than most people realize. One out

of every 200 Americans is affected, 90 percent of which are women. African Americans, Latinos, Asians, and Native Americans are all two to three times more likely to develop lupus, a disparity that remains unexplained. Lupus patients spend two to three times more on medical care than those without the disease. That multiplier skyrockets to over six times if lupus affects the kidneys.

Lupus can damage any organ, including the skin, the lungs, the heart, the kidney and the brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure.

Lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of the disease. More than half of all people with lupus experience symptoms four or more years and visit three or more doctors before obtaining a correct diagnosis. A lack of awareness of the disease contributes to many people dismissing early warning signs of lupus, which can have serious health risks and greatly impact a person's quality of life.

The Lupus Foundation of America, greater Washington chapter, was formed in 1974 to help those affected by lupus. The foundation is committed to improving the quality of life for lupus patients through education, community outreach, and research. It is through the financial support of members and the dedication of its volunteers that the Lupus Foundation is able to work with the thousands of lupus patients, their families and friends, and the medical community to work towards its eradication.

One of those dedicated volunteers is Marguerete Luter of Arlington County, who has been honored as the 2013 Pamela B. Greenberg Volunteer of the Year. Ms. Luter currently serves on the Board and is Immediate Past Board Chair. Over her more than six years on the LFA-DMV Board of Directors, Ms. Luter worked tirelessly to ensure the growth and sustainability of the organization. Her passion to help members of the lupus community is evident through her commitment and participation at chapter events, including the Lupus educational summits and Walk to End Lupus Now events.

Ms. Luter has been an instrumental asset to the planning of the Chapter's Annual Gala and Luncheon and I rise today to recognize all her hard work and dedication to such an important cause.

### PERSONAL EXPLANATION

#### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 4, 2013

Mr. COLE. Mr. Speaker, on December 3, 2013, I was unavoidably detained and was not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



present for rollcall vote No. 617, (H.R. 1204 The Aviation Security Stakeholder Participation Act of 2013). Had I been present, I would have voted "yea."

COMMEMORATING THE 25TH ANNIVERSARY FOR CHRISTMAS IN APRIL \* PRINCE GEORGE'S COUNTY

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. HOYER. Mr. Speaker, I rise to recognize Christmas in April \* Prince George's County, as it marks its twenty-fifth anniversary.

Thanks to the leadership of founding Chair Cap Mona and the hard work and dedication of volunteers and sponsors, Christmas in April \* Prince George's County has improved the lives of thousands of seniors, veterans, people with disabilities, and others in our community by providing rehabilitation and critical repairs to their homes.

With nearly 75,000 volunteers and many generous sponsors, Christmas in April has helped rehabilitate 2,253 homes in Prince George's County over the past twenty-five years. I'm always inspired to see our entire community come together not only to rebuild homes, but to rebuild lives and lift spirits.

I've been proud to join the community at sites each year since Christmas in April began this critical work in 1989 to see firsthand the difference it makes for our neighbors in need. When I visit the houses in April, I often tell the volunteers that at the end of the workday they will see the results of their labors and the smiles of gratitude on the faces of the individuals and families, and that is the compensation and inspiration gained through lending their helping hands. That is the real gift of Christmas in April.

Mr. Speaker, I'm inspired to see so many people in our communities come together each year to help their neighbors in need, and I thank them for their hard work and dedication to their community. I look forward to continuing to work together, and I am confident that Christmas in April will continue to carry out its mission of rebuilding homes and bringing communities together for at least another twenty-five years and beyond.

DEBT MANAGEMENT ACT (H.R. 3579)

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. MARCHANT. Mr. Speaker, Americans know the national debt needs to be addressed. The current debt stands at more than 17 trillion dollars and the CBO projects that under current laws the Federal debt would climb to 25 trillion dollars by 2023.

If we continue down this path, the nation will eventually face a painful economic reckoning. We can't afford to leave our country—and our children—with such unsustainable debt.

To address these needs, I introduced the Debt Management Act. This bill requires the Administration to justify debt limit increase requests with reports on the national debt and progress on deficit reduction.

By bringing greater transparency to the national debt and our structural deficit, the Debt Management Act establishes a more credible and consistent process to address debt limit requests.

Having a clear policy framework to address the national debt would instill much-needed discipline into the debt limit process, increase confidence in the economy, and strengthen our nation's long-term fiscal stability.

I encourage my colleagues to co-sponsor the Debt Management Act.

HONORING CARSON DANT PFAFF

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Carson Dant Pfaff. Carson is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and earning the most prestigious award of Eagle Scout.

Carson has been very active with his troop, participating in many Scout activities. Over the many years Carson has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Carson attended Philmont Scout Reservation in 2012 and earned the rank of Warrior in the Tribe of Mic-O-Say. Carson has also contributed to his community through his Eagle Scout project. Carson constructed four dog houses for the Friends of Parkville Animal Shelter in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Carson Dant Pfaff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO EAGLE SCOUT  
KEEGAN RENDER

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. LATHAM. Mr. Speaker, I rise today to congratulate and recognize Keegan Render of Troop 123 in Indianola, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained for more than a century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit

the community. For his project, Keegan worked with the Knights of Columbus of St. Thomas Aquinas Church to clean and repaint the church's parking boundaries and garage. The work ethic Keegan has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. It is an honor to represent Keegan and his family in the United States Congress. I invite my colleagues in the House to join me in congratulating him on reaching the rank of Eagle Scout, and I wish him continued success in the future.

TRIBUTE TO LARRY DIXON

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated and compassionate leader in emergency management, Mr. Larry Dixon of Morehead, upon his retirement from Kentucky Emergency Management (KYEM).

With more than 20 years of experience as an Area Manager, including 30 presidential disaster declarations, Larry has earned the respect of his peers across the Commonwealth for his outstanding efforts to aid our communities during their darkest hours. He has guided projects in 13 counties, helped update disaster plans, trained officials, and assisted local first responders. Statewide, he served as the lead instructor for ten emergency management courses. He's the go-to guy. Yet, even with a wealth of knowledge and his tenacious ability to work through devastating circumstances, he'll tell you no storm proved more challenging than the March 2012 EF-3 tornado that ripped through West Liberty, Kentucky. Comforting families and friends in his neighboring county through the aftermath, Larry pressed forward to ensure relief efforts were prompt and thorough.

Larry has also gained recognition on the national stage. He never hesitated to lend a hand when hurricanes disrupted our southeastern seaboard, or when wildfires spread out of control in Montana. As a result of his excellence in emergency management, Larry was selected to join the Emergency Management System Compact Executive Task Force and helped craft national policy for sharing state resources during disasters.

For his remarkable work, Larry Dixon was honored as the Regional Response Manager of the Year and has been inducted into the Kentucky Emergency Management Association Hall of Fame.

Mr. Speaker, I ask my colleagues to join me in congratulating and honoring a real hero during disasters in Kentucky, Mr. Larry Dixon on his retirement. I wish him and his wife, Tully, the very best in the years to come.

## PERSONAL EXPLANATION

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, on Monday, December 3, I missed a series of rollcall votes. Had I been present, I would have voted "yea" on No. 615, No. 616, and No. 617.

## CONGRATULATING DR. TOM TRIGG

**HON. KEVIN YODER**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. YODER. Mr. Speaker, I rise today to congratulate Dr. Tom Trigg, Superintendent, Blue Valley School District, Ms. Debbie Bond, Principal, and all of the members of the "Bulldog" community of Mission Trail Elementary School.

Mission Trail Elementary School's excellence in education has been noted time and again and now officially recognized as Mission Trail Elementary School has been named a 2013 Blue Ribbon School with further honors noting them as an "Exemplary High Performing School" by the U.S. Department of Education.

As an "Exemplary High Performing School" they have been acclaimed for their continued hard work and the results which they have achieved through that work.

This prestigious honor is received by less than 300 of the best schools across the Nation. I am proud to represent a school who achieves so highly, preparing tomorrow's generation to be the leaders in America and the world.

The diligence of students, teachers, administration, parents, and the community as a whole contributes to this great achievement. Mission Trail Elementary School truly is a model to be upheld for education throughout our Nation.

## CONTINUED SUPPORT FOR THE ORGANIZATION OF THE ISLAMIC CONFERENCE

**HON. KERRY L. BENTIVOLIO**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. BENTIVOLIO. Mr. Speaker, as the United States continues to improve relations with the Islamic world, partnership with the Organization of Islamic Cooperation has become indispensable in creating mutual respect and progressive reform that has served as a bulwark against extremism, conflict, and suffering around the world.

Comprised of 57 states, the OIC specifically has been identified by the previous and current U.S. administrations as a key partner in changing the dynamic between the U.S. and the worldwide Muslim community through on-

going cultural dialogue and extensive humanitarian efforts.

Joint initiatives between the U.S. and the OIC have helped to eradicate polio and promote maternal health in Mali, Bangladesh, Afghanistan, and Nigeria.

This partnership has also facilitated discussions on creating economic opportunity worldwide as a permanent solution to extremist recruitment endeavors, which continually seek out the most disadvantaged in society.

Interfaith and intercultural discourse focusing on promoting religious respect and the modernization of the Muslim world have provided the means to produce new, lasting foundations of cooperation, which will be fundamental in ensuring American interests and international stability in the future.

The continued support of the OIC and its efforts to promote peace, security, and fundamental rights should be of paramount importance in U.S. foreign policy.

It is through relationships such as these that the United States will remain a consistent engine of positive international change.

## HOLY NAME JETS PONY FOOTBALL CHAMPIONS

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. BARLETTA. Mr. Speaker, I rise to honor the Holy Name Jets Pony Football Team from Dauphin County, Pennsylvania for winning the 2013 CFA Super Bowl Championship.

On Sunday, November 10, 2013 the players of the Holy Name Jets Pony Football Team were crowned the CFA Super Bowl Champions after defeating the Red Land Patriots 22-0. The CFA Football League consists of 30 football associations in Dauphin, Cumberland, Juniata, Perry, Adams, and York Counties. Led by Head Coach Tim Madden and Assistant Coaches Sean Fasick, Joe Mosey, Buck Nye, Dave Madeira, George Connor and Dean Shields, the Jets, made up of local middle school students, finished the regular season with an 8-1 record. Before their win in the Super Bowl, Holy Name defeated both the Paxton Panthers and the Harrisburg Broncos in play-off games.

Mr. Speaker, for their victory in the CFA Super Bowl Championship, I congratulate the coaches and players of the Holy Name Jets Pony Football Team and commend them for their hard work and dedication.

## HONORING TYLER SCOTT KOCH

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Tyler Scott Koch. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Tyler attended Philmont Scout Reservation in 2012 and earned the rank of Warrior in the Tribe of Mic-O-Say. Tyler has also contributed to his community through his Eagle Scout project. Tyler constructed a bridge for the Platte Falls Conservation Area in Platte County, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Tyler Scott Koch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## RETIREMENT OF SUSAN SCANLAN

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise today to honor my dear friend Susan Scanlan upon her retirement as the president of the Women's Research and Education Institute (WREI) and chair of the National Council of Women's Organizations (NCWO) at the end of this year. For four decades, Susan's leadership has brought together women's advocacy groups, helped expand women's roles in military combat, and shed light on gender disparities in the media, education, and the workforce.

A third generation Washingtonian, Susan has been advancing women's standing in government since joining the office of U.S. Representative Charlie Wilson (1972-1977), where she coauthored legislation to designate March as National Women's History Month and to admit women to the U.S. military service academies. In 1977, she helped found and direct the Congressional Caucus for Women's Issues, as well as the Caucus' research arm, the Women's Research and Education Institute. Following a seven year adventure in China with her husband Jared Cameron, Susan took over as president of WREI in 2000. A few years later Susan took on the additional role of chair of NCWO, a coalition of 240 progressive women's groups representing 12 million American women.

Susan's most enduring legacy will continue long after her retirement through the women she has placed throughout the halls of Congress with WREI's congressional fellowship program. Over more than 30 years, this program has positioned more than 350 women on Capitol Hill, and Susan takes great pride in each one of them. Through meetings with women leaders in all fields, Susan has exposed these fellows to the important work already done and yet to be done on behalf of women in America and around the world. Her contributions to women's advancement and empowerment are felt throughout the sectors these fellows occupy, including state legislators and legislative staff, the business and nonprofit communities, and academia and think tanks.

My office and I have benefitted from her efforts to help women enter the legislative pipeline, including hosting fellows for 14 years.

These women have brought their expertise and enthusiasm to my office in countless ways, such as advocating for women's rights in Afghanistan and the Democratic Republic of the Congo, advancing legislation that would stop human trafficking and end obstetric fistula, and creating reports to make the public aware of how votes in Congress affect women. Like their classmates, the "Maloney Fellows" have gone on to work as women's advocates, academics, and architects of change both here in the nation's capital and around the country. In fact, two of my current staff came to me through Susan.

Through the Women's Research and Education Institute and the National Council of Women's Organizations, we have worked together on so many issues important to women, such as the Equal Rights Amendment, the National Women's History Museum, and women's economic equality. We both know from our years working together that nothing happens with action, perseverance, and a little outrage. I know Susan will continue to use these attributes in her next endeavor. I treasure her friendship and her council.

Congratulations to Susan on her retirement. She has inspired those who have worked with her and been mentored by her. I wish Susan and Jared all the best.

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INTRODUCING THE NATIONAL  
COMMISSION ON EMPLOYMENT  
AND ECONOMIC SECURITY ACT  
OF 2013

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**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act of 2013.

This legislation makes necessary and vital investments in our nation's workforce and their families. It establishes a national commission to examine issues of economic and psychological insecurity within our workforce that have been caused by employment displacement. Furthermore, it will propose solutions, including recommendations for legislative and administrative action, to Congress and the President.

During the recession that began in December 2007 and in the subsequent months, more than 8.7 million jobs were lost. By October 2009, the unemployment rate had reached 10.0 percent, and roughly 15.4 million people were unemployed in our country. In Florida, the unemployment rate reached 11.4 percent in March 2010, and in some states, such as Rhode Island and South Carolina, the unemployment rate rose to just short of 12 percent, peaking at 11.9 percent in early 2010.

Luckily, we are on the road to recovery, and 7.5 million jobs have been created during 42 straight months of private-sector job growth across the country. Unemployment rates have fallen in all 50 states and the District of Columbia. Our economy is recovering, but the need for this vital research is no less critical. This is highlighted by current projections from

the Congressional Budget Office (CBO), which estimate that the unemployment rate will not fall below 6 percent until the end of 2016, and will remain above 5 percent through 2023.

Mr. Speaker, when Americans lose their jobs and their incomes shrink, too often, they face the loss of their family's health insurance and, subsequent to the loss of income, even their housing. According to an American Psychological Association (APA) report from February 2013, money (69 percent), work (65 percent), and the economy (61 percent) remain the most frequently cited sources of stress for Americans.

The mental health of the American worker is integral as we continue down the road of economic recovery. Congress must face this problem head on and help those facing long-term unemployment, loss of health insurance, home foreclosure, increased levels of stress, and increased risk of mental illness.

I believe that we have a responsibility to provide the greatest possible assistance to our nation's workforce, whose commitment to economic participation has been a defining feature of the cultural fabric of our country. This Commission will be instrumental in ensuring that we get our nation fully back on track, and I urge my colleagues to support this legislation.

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HONORING MR. WILLIAM LEE  
TROLAN

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**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. WOLF. Mr. Speaker, I rise today to honor Mr. William Lee Trolan on the occasion of his retirement from the Office of the Sergeant at Arms on December 6, and to thank him for 35 years of dedicated service supporting and leading sensitive and classified national security programs.

Beginning in December 1978, and for the following six years, Mr. Trolan served as a commissioned U.S. Army officer defending our nation on the "frontiers of freedom," which included operational command of a nuclear missile site. For 19 years, he worked for several government agencies focusing on critical emergency management and national security programs, including response to nuclear weapons incidents. For the past nine years, he served as the Director of Continuity Planning for the U.S. House of Representatives where he developed plans and resources that dramatically improved Congressional planning and readiness as it relates to continuity of government operations.

On behalf of the entire House community, I extend congratulations to Mr. Trolan for his outstanding contributions to the United States House of Representatives and to our country.

CONGRATULATING NICHOLAS  
CAVAROCCHI SR.

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate Nicholas Cavarocchi Sr., a tireless advocate for oral health research, on the occasion of his retirement from CRD Associates and as the principal consultant for the American Association for Dental Research (AADR) after 33 years.

Throughout his career, Nick has worked on every facet of health policy, from organizing an industry/patient coalition that led to the creation of the National Institute of Arthritis and Musculoskeletal and Skin Diseases at the National Institutes of Health to co-founding the Ad Hoc Group for Medical Research, the pre-eminent advocacy voice for supporting biomedical research. As a former senior health advisor to the House Appropriations Committee he worked to sustain NIH and Public Health Service programs that improve the health and well-being of millions of Americans.

As the lead consultant for the AADR, Nick worked to educate members of Congress about the value and importance of the National Institute of Dental and Craniofacial Research. Throughout the past 33 years much progress has been made as a result of NIDCR supported research, which helped reduce the burden of oral disease and led to better oral health for tens of millions of Americans. Through AADR, Nick helped to mobilize thousands of oral health researchers throughout the country, encouraging them to reach out to members of Congress and tell us about the tremendous strides that have already been made and the promise dental research holds for further advances against oral disease and other disorders.

Mr. Speaker, this month a longtime champion for oral health, and a friend, is closing a chapter and opening a new one. I wish Nick all the best in his retirement and in this new phase of his life.

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HONORING KANOE CARDELL  
NEWELL

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**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kanoe Cardell Newell. Kanoe is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and earning the most prestigious award of Eagle Scout.

Kanoe has been very active with his troop, participating in many scout activities. Over the many years Kanoe has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Kanoe attended Philmont Scout Reservation in

2012 and earned the rank of Warrior in the Tribe of Mic-O-Say. Kanoe has also contributed to his community through his Eagle Scout project. Kanoe constructed benches for a park in Gladstone, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Kanoe Cardell Newell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,223,254,862,815.39. We've added \$6,596,377,813,902.31 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### IMMIGRATION REFORM

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 4, 2013*

Mr. FARR. Mr. Speaker, I represent California's Central Coast—The Salad Bowl of the World. I know firsthand how important immigrant workers are and their vital contribution to our national economy.

If America does not have enough workers, America doesn't eat. And whether or not we like it, most of those farm workers are not America citizens. We must rely on immigrant labor to harvest our food and, when the system breaks down like during the government shut down, it threatens the livelihood of our nation's farmers as well as the availability of fresh produce in grocery stores nationwide.

The agricultural labor crisis threatens jobs on and off the farm. For every job created on a farm, many more non-farm support jobs are created in the supply chain of distribution. Yet

California's farmers, who are responsible for billions of dollars of economic activity every year, continue to face significant barriers to finding a legal and stable workforce.

Furthermore, the current, broken immigration system is undermining American food security. Many Americans would be surprised to know how close we all came to not having fresh fruits and vegetables at Thanksgiving because the shutdown prevented farmers from getting legal access to the workers they need to harvest their crops.

For these reasons, as well as many others, I believe it is past time for the House of Representatives to act on broad and meaningful immigration reform.

As Members of Congress, it is our responsibility to enact immigration policies that are tough, fair and practical.

Real immigration reform establishes a system that turns those who are willing to work hard and play by the rules into taxpayers, paying their fair share. We need a system that has commonsense rules for who and how many people we let in legally, so we don't flood the labor market in hard times, but that allows businesses to hire the workers they need.

It is time to move forward, not backward. Congress must work together to find middle ground that benefits both the temporary guest workers as well as the agricultural employers. Final legislation must create incentives for farm workers to continue to work in the industry so that the United States can continue to feed the world. I believe in a comprehensive approach to immigration reform that includes earned legal status. This approach is critical for our country, our families, and our economy.

I am concerned that some interim immigration reform proposals would create even more devastating labor shortages for growers and other industries that rely on immigrant labor. It is short-sighted to think mandatory worker verification methods, like E-Verify, are the sole solution to our country's illegal immigration issues. Further, we should not impose additional barriers to legal workers who are willing to work hard and play by the rules. It would risk the economic vitality of the entire American agricultural industry and fail to accomplish true immigration reform.

I look forward to working with my colleagues in the House toward the goal of enacting a comprehensive approach to our nation's immi-

gration problems, including a strong and balanced solution for the agricultural sector.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 5, 2013 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### DECEMBER 11

2:15 p.m.

Special Committee on Aging

To hold hearings to examine protecting seniors from medication labeling mistakes.

SD-562

##### DECEMBER 12

10 a.m.

Committee on Finance

Business meeting to consider an original bill to repeal the Sustainable Growth Rate system and to consider health care extenders.

SD-215

##### DECEMBER 18

2:15 p.m.

Special Committee on Aging

To hold hearings to examine the future of long-term care policy, focusing on continuing the conversation.

SD-562

## HOUSE OF REPRESENTATIVES—Thursday, December 5, 2013

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 5, 2013.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day. We pause in Your presence and ask guidance for the men and women of the people's House.

Enable them, O God, to act on what they believe to be right and true and just, and to do so in ways that show respect for those with whom they disagree.

Send Your spirit of peace upon our Nation. Endow the Members of this House and all our governmental leaders with the wisdom to respond with whatever policies and laws might be needed to ensure greater peace and security in our land.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DAINES. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAINES. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. FUDGE) come forward and lead the House in the Pledge of Allegiance.

Ms. FUDGE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### HONORING BENNY AND NELDA SPEAKS' 50TH ANNIVERSARY

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, today I rise to honor the 50th anniversary of my good friends and fellow Arkansans, Benny and Nelda Speaks.

Benny and Nelda first met in Mountain Home, Arkansas, Benny fresh out of the Navy, Nelda having returned home from business college in Springfield, Missouri.

They were married on December 6, 1963. They have one daughter, Ladonna Speaks Moranz; two grandchildren, Natosha and Brandon; and were blessed with one great-grandson, Logan.

Madam Speaker, it is no easy task making it to the 50-year anniversary. It takes great commitment, a willingness to compromise and to listen, and a loving spirit. These qualities embody the relationship of the Speakses' marriage, serving as a testament and example to the rest of us.

The Speakses are involved community leaders who truly care about Arkansas and have devoted much of their time and effort giving back to their community.

I thank the Speakses for their friendship over the years, and I am so glad to be able to wish them a happy 50th wedding anniversary this December 6.

### AFFORDABLE CARE ACT SUCCESS STORIES

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Madam Speaker, the Affordable Care Act is already improving access to quality affordable health care for millions, including my constituents.

In my home State, for example, Covered California is a shining example of how the Affordable Care Act, when implemented fully, will be a success. California's exchange is now enrolling thousands of Californians into health care coverage every day.

Residents in my district, ranging from young adults, to seniors, to children with preexisting conditions and those who cannot afford health insurance, have been receiving critical protections and savings because of the Affordable Care Act.

In fact, one constituent wrote me recently after receiving a letter from his insurance company. After looking at the plans offered through Covered California, he was able to find coverage that was both more affordable and better for him. He told me that he does not want to put insurance companies back in charge and pay higher premiums for less coverage.

Every time Republicans vote to repeal or dismantle the Affordable Care Act, they make it perfectly clear that charging women more for being a woman is okay, that denying victims of domestic violence coverage is okay, and allowing insurance companies to increase premiums to increase profits is okay.

### CONGRATULATING THE BOZEMAN, MONTANA, GIRLS CROSS-COUNTRY TEAM

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Madam Speaker, this weekend, the Bozeman High School girls cross-country team will be in Portland, Oregon, to run in the Nike Cross National Championship. These dedicated and talented young women have won seven consecutive Montana Class AA State championships and have competed for five consecutive years at the Nike Cross Northwest Regionals.

This year, after securing their seventh State championship, they came in first at the Nike Cross Northwest

Regionals in Boise, Idaho. They will now advance and compete this Saturday against high school runners from across the country at the Nike Cross Nationals.

As a graduate of Bozeman High School and a Bozeman Hawk, I couldn't be more proud to see the Bozeman girls cross-country team representing Montana at the Nike Cross Nationals. I join all Montanans in wishing them the very best on Saturday. Go Hawks.

#### MEDICAID EXPANSION

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Madam Speaker, prior to the passage of the Affordable Care Act, 23 percent of Ohioans with incomes below 133 percent of the Federal poverty level were uninsured. But thanks to the expansion of Medicaid in my home State of Ohio, all of the almost 600,000 residents who are uninsured with incomes below 138 percent of the Federal poverty level will now have access to Medicaid coverage.

In my district alone, an additional 72,000 people became eligible for Medicaid. And next Monday, December 9, all of these individuals will be able to begin signing up for health care coverage that begins January 1. No longer will I receive calls from constituents like Brandon Proctor, who was told that he was "too rich for Medicaid but too poor for subsidies."

This is the way the Affordable Care Act was supposed to work. Finally, all Ohioans will have access to quality and affordable health care.

#### A TRIBUTE TO BISHOP WELLINGTON BOONE

(Mr. BROWN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Georgia. Madam Speaker, I rise today to pay tribute to an incredible man of faith, with a true calling and a heart for serving the Lord, Bishop Wellington Boone.

Bishop Wellington Boone was ordained into ministry in 1973; and in that same year, he married his childhood sweetheart, Katheryn. Today, Bishop Boone not only celebrates 40 years of ministry, but 40 years of a loving marriage with his wife. In today's world, it is unique and certainly admirable to see a couple celebrate 40 years of marriage. Their long-lasting marriage is a testament to not only their commitment to each other, but their dedication to serving the Lord.

Bishop Boone's 40 years of leadership and service in ministry is also a tremendous accomplishment and one that deserves recognition. Through his work, Bishop Boone has faithfully led others in their quest to glorify and serve the Lord.

Madam Speaker, I ask you to join me in congratulating Bishop Boone as he celebrates 40 years of ministry and 40 years of marriage with his lovely wife, Katheryn.

#### SAFE CLIMATE CAUCUS

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Madam Speaker, I rise as a member of the Safe Climate Caucus to call attention to a new report from the Nation's premier scientific body, the National Academy of Sciences. We typically associate climate change with gradual, longer-term problems, but according to the academy, climate change could also pose a risk of rapid hard-to-predict environmental changes that have the potential to cause widespread damage in the near term.

The report warns that the collapse of the polar sea ice could send sea levels soaring. The destruction of the coral reefs could cause a mass extinction of sea life. The elimination of summer sea ice in the Arctic could alter the world's weather patterns.

These "tipping points" could happen suddenly. It is reckless to do nothing when faced with these threats. If there is a 10 percent chance that these threats would happen, it is irresponsible for us to ignore it.

Dr. Richard Alley, one of the co-authors, compared the threat of abrupt climate change to the dangers posed by drunk drivers. He said, "You can't see it coming, so you can't prepare for it."

Congress is acting irresponsibly if we don't take this issue seriously. We want to pass on a planet that is worthy of our children's and our grandchildren's future.

#### LIMITING ACTIVITY ON THE OZARK NATIONAL SCENIC RIVERWAY

(Mr. SMITH of Missouri asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Missouri. Madam Speaker, next week, the National Park Service will begin holding public meetings on its ridiculous plan to limit recreational activity on the Ozark National Scenic Riverways in Missouri's Eighth District. I urge families and individuals across Missouri to attend these hearings and oppose the Obama administration's changes to the riverways.

Let me reiterate what I have said to the Secretary of the Interior, Sally Jewell, and the Director of the National Park Service, Jonathan Jarvis, that we adamantly oppose the proposal to appease environmentalists by limiting the public use and enjoyment of our riverways. This proposal would

hurt small businesses that rely on the riverways and keep my constituents from enjoying the riverways that belong to them.

Mr. Speaker, I urge my constituents to attend public meetings in Van Buren, Salem, and Kirkwood to show opposition to the Obama administration's Park Service's attempts to restrict our access to our rivers.

#### THE PHILIPPINES

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, I want to thank Congressman CHRISTOPHER SMITH of New Jersey for leading a codel to the Philippines. I, along with Congressman TRENT FRANKS, were members of the codel. And I want people to know that there is still great work to be done for our friends in the Philippines.

This picture depicts some of the damage that we were able to see while we were there in Tacloban, which is a province in the Philippines. This is another picture that shows actual homes. This is a USAID sign. And these are places where people are actually dwelling at this time. The number one problem that they have right now is shelter.

I will also add that our military has done an outstanding job. I had an opportunity to meet with many of our military people who were there with heavy equipment, and I commend them for what they have done.

Finally, I would like to say this. We have a bill, H.R. 3602, which would accord people from the Philippines in the United States a temporary protective status. This would allow them to stay here, as opposed to going home where the income is less than \$2 a day for more than 40 percent of the people.

My hope is that we can pass H.R. 3602. It does not give any pathway to citizenship. It will only allow them to send money back home while they are here working in the United States.

#### CONGRATULATING THE BATAVIA, ILLINOIS, HIGH SCHOOL FOOTBALL TEAM

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Madam Speaker, I rise to congratulate the Batavia High School Bulldogs for winning their first ever Illinois State football championship.

On Saturday, November 30, Batavia faced off against Richards High School, which shares the same nickname, in an epic battle of the Bulldogs. At NIU's Huskie Stadium in DeKalb, an estimated 12,000 Batavia fans roared as

Micah Coffey, the quarterback, threw for two touchdowns and running back Anthony Scaccia ran for three more. Both teams fought hard, but Batavia prevailed, capping their virtually undefeated season with a 34-14 victory.

I commend Coach Dennis Piron and the entire Bulldogs team for the hard work that went into a strong 13-1 season and the IHSA Class 6A State championship. Go Bulldogs.

## INNOVATION ACT

### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3309 under consideration.

The SPEAKER pro tempore (Mr. HULTGREN). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3309.

The Chair appoints the gentlewoman from North Carolina (Ms. FOXX) to preside over the Committee of the Whole.

□ 0915

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes, with Ms. FOXX in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I yield myself such time as I may consume.

Today, we are here to consider H.R. 3309, the Innovation Act. The enactment of this bill is something I consider central to U.S. competitiveness, job creation, and our Nation's future economic security. The bill takes meaningful steps to address the abusive practices that have damaged our patent system and resulted in significant economic harm to our Nation.

During the last Congress, we passed the America Invents Act. Many view the AIA as the most comprehensive overhaul to our patent system since the 1836 Patent Act. However, the AIA was, in many respects, a prospective

bill. The problems that the Innovation Act will solve are more immediate and go to the heart of current abusive patent litigation practices.

This bill builds on our efforts over the past decade. It can be said that this bill is the product of years of work. We have worked with Members of both parties in both the Senate and the House, with stakeholders from all areas of our economy, and with the administration and the courts.

To ensure an open, deliberative, and thoughtful process, we held several hearings and issued two public discussion drafts in May and September of this year, which led to the formal introduction of the Innovation Act in October. I strongly believe that the Innovation Act takes the necessary steps to address abusive patent litigation.

Abusive patent litigation is a drag on our economy. Everyone from independent inventors to start-ups to mid- and large-sized businesses face this constant threat. The tens of billions of dollars spent on settlements and litigation expenses associated with abusive patent suits represent truly wasted capital—wasted capital that could have been used to create new jobs, fund R&D, and create new innovations and technologies that “promote the progress of science and useful arts.”

And that is what innovation is really about, isn't it? If you are able to create something, invent something new and unique, then you should be allowed to sell your product, grow your business, hire more workers, and live the American Dream.

The Innovation Act puts forward reasonable policies that allow for more transparency and brings fundamental fairness to the patent system and the courts.

The Innovation Act is designed to deal with systemic issues surrounding abusive patent litigation as a whole, and includes a number of provisions designed to ameliorate this significant problem.

Within the past couple of years, we have seen an exponential increase in the use of weak or poorly granted patents against American businesses with the hopes of securing a quick payday. Many of these abusive practices are focused not just on larger companies but against small and medium-sized businesses as well. These suits target a settlement just under what it would cost for litigation, knowing that these businesses will want to avoid costly litigation and probably pay up. The patent system was never intended to be a playground for litigation extortion and frivolous claims.

The Innovation Act contains needed reforms to address the issues that businesses of all sizes and industries face from patent troll-type behavior, while keeping in mind several key principles, including targeting abusive behavior rather than specific entities, pre-

serving valid patent enforcement tools, preserving patent rights, promoting invention by independents and small businesses, and strengthening the overall patent system.

Congress, the Federal courts, and the PTO must take the necessary steps to ensure that the patent system lives up to its constitutional underpinnings, and let me be clear about Congress' constitutional authority in this area. The Constitution grants Congress the power to create the Federal courts, and the Supreme Court has long recognized that the prescription of court procedure falls within the legislative function.

To that end, the Innovation Act includes heightened pleading standards and transparency provisions. Requiring parties to do a bit of due diligence up front before filing an infringement suit is just plain common sense. It not only reduces litigation expenses, but saves the courts' time and resources. Greater transparency and information make our patent system stronger.

The Innovation Act also provides for more clarity surrounding initial discovery, case management, fee shifting, joinder, the common law doctrine of customer stays, and protecting IP licenses in bankruptcy. Further, the bill's provisions are designed to work hand-in-hand with the procedures and practices of the Judicial Conference, including the Rules Enabling Act and the courts, providing them with clear policy guidance while ensuring we are not predetermining outcomes and that the final rules and the implementation in the courts will be both deliberative and effective.

Today, we are taking a pivotal step toward eliminating the abuses of our patent system, discouraging frivolous patent litigation, and keeping laws up to date. The Innovation Act will help fuel the engine of American innovation and creativity, help create new jobs, and grow our economy.

I reserve the balance of my time.

Mr. CONYERS. Madam Chair, I yield myself such time as I may consume.

Of course, we are here to correct the problem of patent trolls. We are, unfortunately, faced with a measure, H.R. 3309, which goes well beyond the issue of trolls and would, unfortunately, weaken every single patent in America.

I say this for several reasons.

First, H.R. 3309 fails to respond to the single most important problem facing our patent system today—the continuing diversion of patent fees.

Nearly \$150 million in badly needed user fees have been diverted in fiscal 2013. It is estimated that \$1 billion in fees have been diverted in the last two decades. This cannot go on.

Next, the bill's heightened pleading requirements will deny legitimate inventors access to the court in several critical respects:

They will have an unfair impact against patent holders across the board;



They are drafted in a one-sided manner;

They will prolong litigation;

They are unnecessary because the courts are already addressing pleading standards.

The next thing I would bring to your attention is the bill's fee-shifting requirements will favor wealthy parties and chill meritorious claims.

I am not surprised that the other side would be advancing something like this, but it is shocking because the provision is drafted in an overly broad manner and will apply well beyond patent infringement actions.

The next thing that I would point out is that the bill's discovery limitations are counterproductive. Limiting discovery prior to holding hearings to construe patent claims and determine their scope will delay litigation and lead to even greater expenses for the parties.

Finally, H.R. 3309 mandates that the Federal judiciary adopt a series of new rules and judicial changes that will make it more difficult for inventors to protect their patent rights.

These changes are strongly opposed by the Judicial Conference of the United States, the principal policymaking body that Congress established to administer our Federal court system.

I have spent my entire career on Judiciary to help foster an independent judiciary that can resolve disputes between parties on a fair and dispassionate basis based on an evenhanded set of rules. There is little doubt that the Federal judiciary, as evidenced by its exceedingly deliberative rulemaking process, is in a far better position than the entire Congress to set the proper rules for their own courtrooms on these matters.

By unbalancing the patent system, we send a signal to inventors—the very people doing the research and developing the cures that benefit us all every day—that their inventions are not worthy of full legal protection. This means that the next cure for cancer or technological breakthrough may be stymied and perhaps never come, or they will be developed abroad rather than in the United States.

We can and should respond to the problem of patent trolls in a direct, but fair and targeted, manner; but we must not do so in a way that punishes our innovators and inhibits innovation.

Madam Chair, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, it is now my pleasure to yield 1 minute to the gentleman from North Carolina (Mr. HOLDING), a distinguished member of the Judiciary Committee.

Mr. HOLDING. Madam Chairman, I rise in support of H.R. 3309, the Innovation Act, because it is crucial to preserving the integrity of our Nation's innovators and creators.

One of the constitutional responsibilities of Congress is to "promote the progress of science and useful arts." This legislation does just that by deterring abuse of our patent litigation system.

As a United States Attorney, I saw how patent trolls abuse our patent litigation system by acquiring patents that they have no intention of using for anything other than their own monetary gain. Patent trolls sue companies for allegedly infringing on patents they had no business acquiring in the first place.

The Innovation Act, which I am proud to cosponsor, makes it more difficult for patent trolls to form a case. It also aligns fee shifting in patent cases, which discourages frivolous cases.

Madam Chairman, there is a lot of opportunity for job creation in the technology sector. The Innovation Acts is essential to protecting these technology companies from fraud and abuse.

I want to thank Chairman GOODLATTE for his leadership on this issue.

Mr. CONYERS. Madam Chair, I yield 3 minutes to the gentleman from Kentucky (Mr. MASSIE).

Mr. MASSIE. Madam Chair, I want to briefly tell you about a young boy who grew up in modest surroundings in rural Kentucky.

Although he had no money, he was inspired to invent. So he collected junk to build his inventions—broken clocks, radios, vacuum cleaners. Who knows, maybe one day he could assemble this junk into an invention that would allow him to pull himself out of his humdrum environment.

He was inspired to invent by stories of Edison, Ford, and Tesla. In the seventh grade, he invented this robot arm that you see here, which won him a prize at the science fair. He even invented a flower pot that would water itself for his grandmother.

He went on to college, where he met other inventors, inspired, again, not just by creativity but by the fact that they can make an honest living by improving the lives of others.

One of his inventor friends invented a robot that vacuums floors for millions of people now. This boy went on to invent a touch interface for computers, obtain 29 patents, raise venture capital, and create dozen of jobs.

His story is only possible in America, where our robust intellectual property system and judicial system work together to protect the property rights of inventors.

□ 0930

Knowing this and relying on this, many inventors dedicate their entire lives to inventing things that will improve and extend the lives of others.

Today's patent reform bill is a serious threat to American inventors. That

is why inventors are urging us not to pass this bill today. It will extinguish creativity and invention in America.

Recklessly weakening the patent system, as this bill does, will deprive inventors of income and a livelihood. They will pursue other careers. As the role models for young inventors quietly fade into history, fewer young students will pursue invention. A decade from now, Congress will further lament the lack of interest among the next generation in science, engineering, technology, and math, arrogantly unaware that it was Congress that killed that interest today with this bill, should it pass.

How do I know this boy's story so well? How can I anticipate the unintended consequences of this bill? I am the boy in this picture, and that was my story.

It would be shameful and wrong to kick out the ladder from our next generation of inventors, as this bill would do; but if my story doesn't compel you, please listen to the words of Dean Kamen. Pick your favorite inventor in history—Tesla, Edison—and Dean Kamen is that inventor of our time. Perhaps you know him as the inventor of the Segway, but he has invented a dialysis machine, an insulin pump, and a self-balancing wheelchair. These inventions have improved the lives of millions of people all over the world.

Here is what Mr. Kamen has to say about this very legislation:

Adding uncertainty and cost to getting and maintaining patents will be the largest single cause of the decline of innovation and, therefore, of the economy in this country that I've seen in my lifetime.

Mr. Kamen doesn't just invent. He inspires the next generation to invent with his America FIRST Robotics Competition that millions of students have participated in. He inspires the next generation to invent with his robotics contest.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Madam Chair, I yield the gentleman an additional half minute.

Mr. MASSIE. I am scheduled to speak at two of these robotic contests in Kentucky this weekend, not to inspire these kids to be politicians, but to inspire them to be inventors. Should this bill pass, should we kick the ladder out from our young inventors, it is going to be hard for me to face them Saturday.

I urge my colleagues to listen to the inventors of America, who are pleading to them to oppose this bill.

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD), who is a distinguished member of the Judiciary Committee.

Mr. FARENTHOLD. Thank you very much.

Madam Chairman, the patent system is a vital part of our national identity.

It stimulates American ingenuity, and it enhances our global competitiveness stance.

Traditionally, patent holders have asserted their patents against those who produce infringing technologies, but in recent years, abusive patent litigation—patent trolling—has ballooned as companies have emerged solely to buy questionable and vaguely defined patents and to assert them against thousands of end users in the hope of extracting licensing fees. Right now, the patent trolls are going after hotels and restaurants. It is the reason you don't have Wi-Fi in more restaurants.

Guess what? This is legalized extortion, and H.R. 3309 will significantly curb this problem. Though I have some problems with section 9(c) in the PTO's ability to apply the broadest reasonable interpretation claim construction standard in post grant reviews, this bill is a delicate compromise between competing interests.

I hope we can deal with the 9(c) problem in the future, but overall, this is a great bill. I am not going to let the perfect get in the way of the doable. I hope my colleagues who have minor objections to the bill don't do the same. We have got to stop this abusive patent trolling litigation, and this bill will do it. I urge my colleagues to support it.

Mr. CONYERS. Madam Chair, I am pleased now to yield 2 minutes to the gentleman from New York, JERRY NADLER, a senior member of the Judiciary Committee.

Mr. NADLER. I thank the gentleman for yielding.

Madam Chairperson, I rise in reluctant support of this bill, the Innovation Act.

The bill addresses the issue of patent trolls suing large companies, small businesses, and retailers over vague patents and using the cost of litigation as a weapon of extortion to secure settlement fees. The bill is real; the problem is real; and addressing it is important.

The bill proposes to address the problem by providing end user defendants the ability to switch the suit to the manufacturer when confronted with patent trolls; it increases the transparency of patents and of the companies that own them; and it asks the judicial conference to review and amend certain discovery rules. These are reasonable changes to the current law which will help reduce the burden of patent trolls on our economy.

Unfortunately, the bill does not deal with the problem of the diversion of user fees from the Patent Office. Unfortunately also, the authors of the bill have grafted the Republican agenda of so-called "tort reform" onto the bill. These provisions may severely limit the ability of real inventors and of those with meritorious patent claims to obtain justice in our courts. They are deeply troubling and ought to be

addressed by amendments to the bill now and improvements to the bill when it is taken up by the Senate.

The most troubling provision is the "loser pays" provision. I oppose "loser pays" provisions in general and in this context as well. The reason is one of fairness. I don't believe that only large corporations or the wealthiest members of society should have access to justice. Already, the threat of the enormous cost of litigation may act to prevent individuals from pursuing even the most meritorious civil liability claims. For most individuals and small businesses, the financial risk of having to pay the other side's costs and legal fees as well is one too great to bear no matter how valid the claim.

It is simply not fair to unnecessarily punish individuals with serious and meritorious claims for seeking justice. Keep in mind, a person or a business can have a legally legitimate dispute regarding fact and law and, yet, can still ultimately lose the case. They shouldn't be unduly punished for trying to protect their interests in court. Furthermore, we don't want to create a situation in which experienced corporate defendants with enormous resources and expert legal talent can bully injured plaintiffs into unfair settlements due to the risks associated with losing a potentially successful case.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional half minute.

Mr. NADLER. Thank you.

I have other concerns as well when it comes to some of the bill's modifications to the pleadings standards, but we must deal with the real problem of patent trolls exploiting the current legal system for illegitimate purposes. We must disrupt the business model of the patent troll. We must prevent the extortion of small businesses across America.

I will support the bill today, but I want to encourage our friends in the Senate to do a better job in balancing the competing interests. I urge them, in particular, to insist on their version of the bill and to not allow the House's "loser pays" provision into the final bill that we vote on in the conference report.

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 2 minutes to the gentlewoman from Washington State (Ms. DELBENE), a distinguished member of the Judiciary Committee.

Ms. DELBENE. Thank you, Mr. Chair.

Madam Chairman, from the Judiciary Committee's examination of abusive patent litigation this year, it is clear that there is a need for legislative action. This issue has harmed companies large and small, from big tech companies to small retailers, restaurants and credit unions, and in re-

cent years, even our public transit agencies have been targeted by these so-called "patent trolls."

In my home State of Washington, King County Metro was hit with a lawsuit in 2011 from ArrivalStar, a company that claimed infringement of a patent that was so broad that it could potentially cover any system that tracks a vehicle. With this lawsuit, King County's innovative bus tracking technology and a popular mobile application called "OneBusAway," which relies on Metro's data, was threatened. Even if there were a strong case to be made for challenging the patent's validity, fighting a suit like this can run into the millions of dollars, all at taxpayer expense. So King County had to settle with ArrivalStar, costing taxpayers \$80,000.

King County was not alone. At least 11 transit systems settled with ArrivalStar in response to lawsuits over bus tracking systems rather than undertake expensive and time-consuming litigation.

This kind of litigation abuse does a disservice to the U.S. patent system and to our innovation economy. In the case of ArrivalStar, it harmed taxpayers in King County and many other agencies across the country.

Because of the widespread impact of abusive litigation like this, there is broad support across industry and among public interest groups for measures that reduce the financial incentive for bad actors to bring predatory patent suits, measures such as: curbing the excessive costs of litigation and discovery abuse, making patent cases more efficient, and requiring plaintiffs to be precise in their claims of infringement. The Innovation Act would do all of these things, and it does so by targeting abusive behaviors rather than singling out any particular type of patent holder or business model.

I am pleased to support this bill today, but I also believe we must continue to make improvements to the bill as it moves forward in the legislative process. I will also be supporting several amendments on the floor today, and I will continue to work with my colleagues in both Chambers to get legislation passed that strikes the right balance in protecting and strengthening our patent system.

Mr. CONYERS. Madam Chair, I am pleased to yield 1½ minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Madam Chair, patent trolls are not about protecting patents. They are about trolling for easy money at the expense of hardworking people. Patent trolling is a total and complete abuse of the patent system and is a total rip-off of hardworking people. Worst of all, it is a complete abuse of good people who are trying to do good things in their communities. Let me give you a couple of examples.

In Vermont, MyWebGrocer is a Web-based company—innovative—located in

Winooski, Vermont, with over 180 employees. They have experienced six patent troll attacks. One of the trolls claimed to have a patent—and get this—on surfing the Web with a mobile device. This was a stickup.

Another completely outrageous example is of a Vermont nonprofit. It assists individuals with developmental disabilities. This nonprofit was targeted by a patent troll that was demanding payment for a supposed infringement on scanning technology. Can you imagine what it is like for a small nonprofit, doing good work, to get a letter that is essentially a stickup? That is what it is.

What these businesses and nonprofits then have to decide is: Do they pay the bounty or do they fight?

This legislation is definitely needed so that our nonprofits and our small businesses can get on with the good work they are doing without the threat of abusive patent trolling.

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO), the vice chairman of the Courts, Intellectual Property, and the Internet Subcommittee.

Mr. MARINO. Thank you, Mr. Chairman.

Madam Chairman, I rise in support of H.R. 3309, the Innovation Act.

Each day, all across the United States, small businesses and entrepreneurs are receiving abusive letters that insist the recipient has somehow violated a patent. He or she is left with the option of complying with the letter's demands, such as by sending a check for \$50,000—and all will be forgotten—or taking it to court, which could cost millions of dollars and put these businesses out of business. In 2011, patent trolls cost the American economy \$29 billion.

I want to skip the notes and go right to commonsense legislation. This is what it is:

A veteran from Afghanistan came in to see me. He saved his money that he had earned while protecting this country. He has got a little laptop that has communications with his printer, and a troll is suing him, saying he violated the patent. My computer at home talks to my printer, and my kids' computer at home talks to my printer, so we must be violating some patent of some sort.

This is abusive legislation. It is putting our small business entrepreneurs out of business. I urge my colleagues to support this.

Mr. CONYERS. Madam Chair, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, may I ask how much time is remaining on both sides?

The CHAIR. The gentleman from Virginia has 20 minutes remaining, and the gentleman from Michigan has 18 minutes remaining.

Mr. GOODLATTE. At this time, Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Madam Chair, I rise today in support of the bipartisan Innovation Act, which makes important reforms to the U.S. patent system in order to curb abusive litigation.

I have heard from businesses of all sizes and from all industries in my district about the added burden faced by too many companies at the hands of patent assertion entities, or patent trolls. Resources should be better spent on business expansion, on job creation, on the development of new tools or services, or on improved infrastructure instead of being used to pay settlements or even unnecessary licenses. The enactment of the Innovation Act would go a long way towards solving this problem.

We must support American innovation, job creation and economic growth. I urge my colleagues to vote "yes" on H.R. 3309, the Innovation Act. As a former small business owner myself, one of the things that can hinder job growth in any small business or in any community is unnecessary and frivolous lawsuits.

□ 0945

Mr. CONYERS. Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 1 minute to the gentleman from New York (Mr. JEFFRIES), a distinguished member of the Judiciary Committee.

Mr. JEFFRIES. I thank the chairman for his stewardship and the ranking member for his legitimate expressions of concern.

Madam Chairman, this bill is a work in progress, but it is a meaningful step in the right direction as it relates to dealing with a patent troll problem that is adversely impacting small businesses, start-up companies, tech entrepreneurs, innovators, and inventors in New York City and all across the country.

In our judicial system, we must ensure that outcome is determined on the basis of the merits of a claim and not the high cost of litigation in the patent context. When the latter occurs, innovation is hurt.

We must also jealously guard the ability of legitimate patent-holders to vindicate their rights in court. With respect to that concern, there is still significant work to be done in the Senate, particularly as it relates to section 285. But notwithstanding that concern, this bill, the Innovation Act, represents a solid foundation upon which to address the patent troll dynamic, which almost everyone in this Chamber agrees is a significant problem.

For that reason, I urge my colleagues to vote "yes."

Mr. CONYERS. Madam Chairman, I am pleased to yield 3 minutes to the

distinguished gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Madam Chairman, we have certainly heard a lot about trolls, haven't we? Maybe we should understand exactly how that word came to be used in this debate.

Top executives from one of the huge electronics mega-companies, these international corporations, were sitting around one day. One of them happened to tell me about the conversation they had, which is, How do we demonize the small inventor who is coming at us because we are infringing on his patents? How do we do that? We can't attack the small inventor because people know that is where the progress of the United States comes from, is our independent inventors. We can villainize the lawyers who represent those small inventors.

They went around the room, and this executive tells me about this conversation: Well, what should we call them? What is a sinister, evil sound that can get away from the fact that we don't have our own arguments and our arguments against this don't stand up; that we are really attacking the little guy's ability to prevent us from stealing his patent? What word can we use that can get people so they won't see that? Let's call them "trolls."

Well, the guy who was talking to me, who was in the conversation, he was an executive from one of these multinational corporations, he said, Well, I suggested patent pirates, but trolls sounded so much more sinister.

That is what we hear today. Every time you hear the word "troll," what you are hearing is a manipulation of this debate by some very special interest, powerful interest, who wants to steal from the independent inventor. Everything in this bill that we are talking about trolls actually impacts on America's independent inventors in a dramatic way.

This is the greatest attack, the biggest attack, on the independent inventor in the 25 years that I have been a Member of Congress. The fact is, these big multinational corporations are infringers. Every one of the big corporations behind this bill that is trying to have us ram this through the Congress has been found guilty of multiple infringements against small inventors. So they are going to get us—oh, no. We are going to pass rules in the name of stopping the trolls, which are really going to undercut the small inventor in this country. This is a disaster. This is the anti-innovation bill. This is the let's kowtow to these multinational electronic corporations like Google, that have poured lots of campaign donations into this issue on Capitol Hill in the last few years. No, let's watch out for the little guy.

What we have are the Philo Farnsworths or the Edisons, the people who actually came up with the changes

that have made America secure, made us prosperous, made our people competitive with cheap labor overseas because we have got the technology. Let's make sure that we don't smash this generation's Edisons and Philo Farnsworths.

I oppose this bill.

Mr. GOODLATTE. Madam Chairman, I yield myself 30 seconds to affirm what we have said from the outset: this bill is designed for the little guy, both the innovator, the inventor, and the end-user small business that are getting subjected to these trolling attacks.

No innovator, no inventor, no one who brings a lawsuit to perfect their claim should fear this legislation unless their claim has no reasonable basis in law or fact. It is only then that they would be disadvantaged. In fact, most of the provisions in this bill are designed to lower the cost of litigation.

The big guys can pay all they need to for litigation. The little guys can't afford to. By lowering the cost of litigation, we are going to create greater opportunity, both for the innovators to pursue their good claims and for the little guys on the receiving end who get these outrageous demand letters on the other side who are having to pay outrageous costs or simply pay money.

At this time, Madam Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. ISSA), a distinguished member of the Judiciary Committee.

Mr. ISSA. Madam Chairman, my colleague from California a few moments ago spoke eloquently on behalf of the small inventor, but he didn't speak for me, and I am a small inventor.

When I patented my first product, all I had were a couple of employees and an idea. I presented a product that I really wanted to make to a company that I thought would buy it, and then I raced down to protect my rights and succeeded. Ultimately, I was paid.

I know very well what you do if you assert patent infringement if you want to prevail. You look at the competitor's product; you take some due diligence. All this legislation is trying to do, and do well, is to put some teeth into what my colleague from California disparaged: the trolls who will simply surf the Internet and send out litigation alleging patent infringement with products they have never looked at, understood, nor do they know if they fall under their patent.

I have received damages under the rule 11 sanction. I know what it takes to share a completely frivolous case. I have prosecuted my own patents against infringers. I know what you should do before you assert to somebody "patent infringement."

This bill does one thing very well. It puts a little bit of teeth finally back into what the trolls use as a tool: file a lawsuit and collect an amount of money because people don't want to spend it on litigation.

Just for once I would like us to understand this is not sponsored by the big guys. In fact, the little guy starting a company, who gets a letter or a suit from a troll, is the person that this will protect. I know this firsthand from more than three decades of being an inventor.

Mr. Chairman, I thank you for your leadership on this issue.

Mr. CONYERS. Madam Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Madam Chairman, I think it is time this morning to reveal a little bit of truth.

We have had reports of trolls just running through the marketplace of America. Trolls—you know those, the ones that hang out under bridges and scare you when you were a child. A troll is just something that is, oh boy, it is to be avoided. So all patent plaintiffs bringing actions to protect their patents, we are now calling them trolls. That is not true; that is not accurate. In fact, it is very inaccurate.

Only 5 percent of the patent cases that are filed in the courts of this country could be considered done in bad faith. So you could call those plaintiffs, I suppose, patent trolls. But 5 percent of the litigation does not equate to "we are being overrun by patent trolls." That is just not correct.

There is a problem with abusive litigation. So how do you get at that? How do you—without closing the courthouse door on plaintiffs seeking to assert their rights to their patents, and those plaintiffs tend to be small entities, mom-and-pop inventors back in the garage or down in the basement, some 28-year-old ex-Harvard junior who dropped out and comes up with the next thing that explodes in the technology field—how do we protect those folks who are trying to honestly protect their patents?

I submit that H.R. 3309 goes way beyond what is necessary. It also has some constitutional implications. The Rules Enabling Act was passed by Congress back in 1934. That Rules Enabling Act was a very wise and considered piece of legislation. It recognized the fact that Federal Courts would be better off, and the Federal body of law would be better off, if we leave it to the Federal Courts to determine their rules of procedure.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield an additional minute to the gentleman from Georgia.

Mr. JOHNSON of Georgia. So prior to 1934, there was something called the "conformity principle," which held that Federal Court procedures should be in accordance with the States wherein those Federal Courts sat; but that proved to be unworkable, so the rules enabling clause went into effect. Since then, we have left it to the Fed-

eral judiciary, through the Judicial Conference, to promulgate rules of procedure in both civil and criminal cases, and it has worked well.

Now we have section 6 of this "patent troll act" that imposes upon our judicial rules of procedure. These rules have not been recommended by the Judicial Conference. In fact, the Judicial Conference, led by Chief Justice Roberts, is opposed to this change. Therefore, I think on constitutional grounds this should be defeated.

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 3 minutes to the gentleman from Nebraska (Mr. TERRY) for the purpose of engaging in a colloquy with the gentleman from Utah (Mr. CHAFFETZ) and myself.

Mr. TERRY. Madam Chairman, I rise for the purpose of entering into a colloquy with my friend from Utah joining with me.

Chairman GOODLATTE, I want to thank you for your attention to the very serious problem of patent assertion entities, otherwise known as "patent trolls" here today.

On November 14, the House Energy and Commerce Committee held a hearing entitled: "The Impact of Patent Assertion Entities on Innovation and the Economy." We heard from a variety of witnesses from industries including the food, hospitality, and tech, all of whom had been targeted by vague, unfair, and deceptive patent troll demand letters.

That hearing revealed significant economic harm to Main Street businesses in the economy caused by such patent troll demand letters. These entities engage in abusive practices that often target small businesses because they don't have the resources to fight back.

At the markup for the Innovation Act, Mr. CHAFFETZ offered an amendment that resulted in a sense of Congress in the bill before us today. That sentence says:

It is an abuse of the patent system and against public policy for a party to send out a purposely evasive demand letter to end-users alleging patent infringement.

□ 1000

As chairman of the House Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade with jurisdiction over these type of consumer abuses, I join with your sentiments. We understand that time is of the essence.

I yield to the gentleman from Utah (Mr. CHAFFETZ) at this point.

Mr. CHAFFETZ. I thank Chairman TERRY for his good leadership and work on this, and certainly Chairman GOODLATTE for bringing this bill; and knowing that you, Mr. TERRY, are working on a bill that I am going to wholeheartedly support.

Madam Chairman, we have received support for this approach from many

business groups, including the National Retail Federation, the National Restaurant Association, the App Developers Alliance, the Direct Marketing Association, the American Association of Advertising Agencies, the Association of National Advertisers, the Food Marketing Institute, the Mobile Marketing Association, the National Association of Convenience Stores, the National Grocers Association, the American Hotel and Lodging Association, just to name a few. These represent hundreds of thousands of businesses and millions of employees across the country.

It would be my hope that the House would expeditiously take up any demand letter legislation reported out of the House Energy and Commerce Committee under your leadership. I support it.

Mr. TERRY. To that end, the Energy and Commerce subcommittee intends to proceed through regular order, as soon as it is practicable, to examine both the problem of vague patent demand letters and potential solutions the Federal Trade Commission could implement. We took another step just recently in a hearing with our FTC commissioners this week on the patent trolls demand letter issues.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Nebraska and the Energy and Commerce Committee for their good work on this issue. He has my commitment to work on this important issue, and we must continue to work to rein in the abuses of these demand letters.

I also look forward to working with Mr. CHAFFETZ and Chairman UPTON of the Energy and Commerce Committee, and I know that we can produce a good product to further address this issue within that committee's jurisdiction.

Mr. CONYERS. Madam Chair, I yield 30 seconds to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. So we keep hearing that this is about trolls. And we just heard about a problem that is being described, and it is a big problem, where you have got people coming into a retailer and suggesting that they were going to sue them for using a piece of technology that the retailer is not really fully aware of. Okay, how is taking away the rights of every American inventor through judicial review of what the Patent Office has done to accept or reject his patent, how does that affect the trolls? It affects the so-called trolls not at all. But I tell you what it does, it means that we have taken away a right of every inventor.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield an additional 30 seconds to the gentleman.

Mr. ROHRBACHER. What we are doing is taking away the right of every independent inventor, a right that he has had since 1836, to say that if a gov-

ernment official in the Patent Office is doing something illegal to deny him his patent, this small inventor has a right, has a right to go to the judges and get a court action on it. What does that have to do with trolls? That is in this bill.

We are taking away the rights of little guys, small inventors, in the name of getting the trolls, and we are making it impossible for small inventors to go after the big infringers, these multinational corporations which tell these guys, Screw off; you can't challenge us in the courts anyway.

Mr. CONYERS. Madam Chair, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chair, I yield myself 30 seconds to respond.

The very provision the gentleman from California references, section 145, is used by these very patent trolls to bypass the process. That is why, working in conjunction with the America Invents Act that has already been passed and this legislation, we will have an effective tool for those legitimate inventors, and we will stop the trolls from getting out from under the bridge.

I yield 1 minute to the gentleman from Texas (Mr. POE), a distinguished member of the Judiciary Committee.

Mr. POE of Texas. I thank the chairman for yielding.

Not all lawsuits in the patent business are done by trolls, but some are, and these are obvious frivolous lawsuits on their face. The first time it appears in the system is when that small business owner gets that demand letter in the mail, and it is nothing more than legalized extortion where the letter basically says, You will settle for \$10,000 or we will sue you and it will cost you more money to defend yourself; settle. What small business owners do, they are faced with that, many of them settle or they go out of business.

That is what this legislation tries to prevent, the extortion racket in the patent infringement business, and it is done by some people that we call trolls. This legislation protects the small business owner. It gets the troll, the frivolous lawsuit folks out of the extortion racket early on in the system. That is why this piece of legislation is good for small business, and that is why it is good for the patent industry.

And that's just the way it is.

Mr. CONYERS. Madam Chair, I am pleased to yield 2½ minutes to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Chair, I thank Mr. CONYERS and Chairman GOODLATTE. I am glad we are here today addressing these issues of abusive lawsuits in the patent system.

As has been mentioned by others, we do have a problem, it is widely agreed to, among patent assertion entities, sometimes called patent trolls. These lawsuits, these abusive lawsuits that are brought, can easily cost \$2 million

to \$10 million apiece, and that is why, when a meritless lawsuit is threatened, it is easy to extort a smaller payment to make it go away, and that is what we are trying to deal with here.

This is a big issue for small businesses. Professor Colleen Chien of Santa Clara University, now with the White House, did a study and found that more than half of these suits were against companies with less than \$10 million in annual revenue.

And that is why this bill, it is not a perfect bill, but why this bill has such broad support. It is genuinely a bipartisan bill. I am a cosponsor of this bill, along with the Congresswoman ANNA ESHOO, MIKE HONDA, PETER DEFAZIO, JARED HUFFMAN, and many others. At a time when the country is saying, "Can't you just work together?" we have. Reasonable people can differ, which is why we have this debate here today. We have 40 members in the House Judiciary Committee. Only five members voted against reporting this bill out. That is remarkable.

The White House has just issued a very strong statement of administrative policy. They support this bill. So at a time when too often we are seen as the battling Bickersons, we have support across the aisle with the White House to do this.

What does the bill do? It deals with pleading requirements. Oftentimes, these patent assertion entities will allege infringing, but they don't, with any particularity, say what is being infringed.

It does a change in attorneys' fees that matches the existing rule in copyright. I oppose fee shifting in civil litigation generally, but the Congress has, on many occasions, narrowly cast fee shifting to deal with specific problems. This would join that. I would note that the shifts would not occur unless the party's position is unreasonably justified. The court is not to allow this shift if the party has a reasonable case in fact or law or, as my colleague, Mr. JEFFRIES, had added, a severe economic harm.

I would note that this is supported from start-ups to big companies.

#### STARTUP INVESTORS NATIONWIDE SUPPORT BROAD PATENT REFORM

DEAR CONGRESS: Each year, we invest hundreds of millions of dollars in software and information technology businesses and emerging mobile technologies. Together with other investors, we commit more than \$1 billion annually in angel and venture capital that ensures continuing growth of young, high-tech companies employing 1.4 million people. Collectively, we have invested in companies such as Netflix, Twitter, Facebook, Dropbox, Palantir, Kickstarter, and countless other technologies that power American businesses everywhere. We are the fuel in America's startup economy engine.

We write to urge comprehensive legislation to address the troubling growth and success of the patent troll business model. Young, innovative companies are increasingly

threatened and targeted by patent troll lawsuits. In fact, the majority of companies targeted by patent trolls have less than \$10 million in revenue. And while big companies paid the lion's share of the \$29 billion of direct costs resulting from patent troll activities in 2011, the costs borne by small companies are a proportionately larger share of their revenues.

As a result, Congress and the Administration are considering multiple reform proposals. None alone will fix the problem, but together they will make a substantial dent in what one famous troll recently called "a new industry."

Successful legislation should make it harder to be a patent troll, and easier for targeted businesses to protect and defend themselves. Legislation should:

- Make it easier to efficiently review patents at the Patent Office, as an alternative to litigation. Increase transparency by requiring patent trolls to specify, in complaints and demand letters, which patent and what claims are infringed, and specifically how the offending product or technology infringes.

- Limit the scope of expensive litigation discovery.

- Require patent trolls to pay legal fees and other costs incurred by prevailing defendants.

- Protect end users of technology [e.g., wi-fi, printers and scanners, and APIs] from being liable for infringements by technology providers.

Our Founders did not intend to incentivize patent trolling in the Constitution—nor did Congress intend the Patent Act to promote this industry. Comprehensive legislation to reduce abusive patent litigation will make the patent troll business model less attractive, and will protect software, mobile and information technology entrepreneurs. In turn, our digital economy will continue to grow and so will our national economy.

The undersigned:

Gil Bickel, St. Louis Arch Angels, St. Louis, MO; David Bradbury, Vermont Center for Emerging Technologies, Burlington, VT; Glen Bressner, Originate Ventures, Bethlehem, PA; Brad Burnham, Union Square Ventures, New York, NY; Jeff Busgang, Flybridge Capital, Boston, MA; Steve Case, Revolution Capital Washington, DC; Jeff Clavier, SoftTechVC, Palo Alto, CA; Ron Conway, SV Angel, San Francisco, CA; Mark Cuban, Investor in over 70 startups, Dallas TX; Peter Esperago, Cultivation Capital, St. Louis, MO.

Brad Feld, Foundry Group, Boulder, CO; Nicole Glaros, Techstars, Boulder, CO and New York, NY; David Gold, Access Venture Partners, Westminster, CO; Greg Gottesman, Madrona Venture Group Seattle, WA; Paul Graham, Y Combinator, Mountain View, CA; Bill Gurley, Benchmark Capital, Menlo Park, CA; Reid Hoffman, Greylock Partners, Menlo Park, CA; Kirk Holland, Access Venture Partners, Westminster, CO; Len Jordan, Madrona Venture Group, Seattle, WA; Scott Levine, iSelect Fund, Clayton, MO.

John Lilly, Greylock Partners, Menlo Park, CA; Trevor Loy, Flywheel Ventures, Albuquerque and Sante Fe, NM; Chris Marks, High Country Venture, Boulder, CO; Dan Marriott, Stripes Group, New York, NY; Matt McCall, Pritzker Venture Capital Group, Chicago, IL and Los Angeles, CA; Jim McKelvey, Cultivation Capital, St. Louis; Andrew McLaughlin, BetaWorks, New York, NY; Josh Mendelsohn, Hangar, San Francisco, CA; Jason Mendelsohn, Foundry Group, Boulder, CO; Michael Neril, Webb Investment Network, San Francisco, CA.

Charlie O'Donnell, Brooklyn Bridge Ventures, New York, NY; Alexis Ohanian, Angel Investor, New York, NY; Bijan Sabet, Spark Capital, Boston, MA; Devin Talbott, Enlightenment Capital, Washington, DC; Brett Topche, MentorTech Ventures, Philadelphia, PA; Jorge M. Torres, Silas Capital, New York, NY; Hunter Walk, Homebrew, San Francisco, CA; David Weekly, Startup Founder and Angel Investor, Palo Alto, CA; Fred Wilson, Union Square Ventures, New York, NY.

#### PROFESSORS' LETTER IN SUPPORT OF PATENT REFORM LEGISLATION

TO MEMBERS OF THE UNITED STATES CONGRESS: We, the undersigned, are 61 professors from 26 states and the District of Columbia who teach and write about intellectual property law and policy. We write to you today to express our support for ongoing efforts to pass patent reform legislation that, we believe, will improve our nation's patent system and accelerate the pace of innovation in our country.

As a group we hold a diversity of views on the ideal structure and scope of our nation's intellectual property laws. Despite our differences, we all share concern that an increasing number of patent owners are taking advantage of weaknesses in the system to exploit their rights in ways that on net deter, rather than encourage, the development of new technology.

Several trends, each unmistakable and well supported by empirical evidence, fuel our concern. First, the cost of defending against patent infringement allegations is high and rising. The American Intellectual Property Law Association estimates that the median cost of litigating a moderately-sized patent suit is now \$2.6 million, an amount that has increased over 70% since 2001. These and other surveys suggest that the expense of defending even a low-stakes patent suit will generally exceed \$600,000. Moreover, the bulk of these expenses are incurred during the discovery phase of litigation, before the party accused of infringement has an opportunity to test the merits of the claims made against it in front of a judge or jury.

The magnitude and front-loaded nature of patent litigation expenses creates an opportunity for abuse. Patentholders can file suit and quickly impose large discovery costs on their opponents regardless of the validity of their patent rights and the merits of their infringement allegations. Companies accused of infringement, thus, have a strong incentive to fold and settle patent suits early, even when they believe the claims against them are meritless.

Historically, this problem has largely been a self-correcting one. In suits between product-producing technology companies, the party accused of infringement can file a counterclaim and impose a roughly equal amount of discovery costs on the plaintiff. The costs, though high, are symmetrical and, as a result, tend to encourage technology companies to compete in the marketplace with their products and prices, rather than in the courtroom with their patents.

In recent years, however, a second trend—the rise of "patent assertion entities" (PAEs)—has disrupted this delicate balance, making the high cost of patent litigation even more problematic. PAEs are businesses that do not make or sell products, but rather specialize in enforcing patent rights. Because PAEs do not make or sell any products of their own, they cannot be countersued for infringement. As a result, PAEs can use the high cost of patent litigation to their advantage.

They can sue, threaten to impose large discovery costs that overwhelmingly fall on the accused infringer, and thereby extract settlements from their targets that primarily reflect a desire to avoid the cost of fighting, rather than the chance and consequences of actually losing the suit.

To be sure, PAEs can in theory play a beneficial role in the market for innovation and some undoubtedly do. However, empirical evidence strongly suggests that many PAEs have a net negative impact on innovation. Technology companies—which, themselves, are innovators—spend tens of billions of dollars every year litigating and settling lawsuits filed by PAEs, funds that these tech companies might otherwise spend on additional research and design. Surveys also reveal that a large percentage of these suits settle for less than the cost of fighting, and multiple empirical studies conclude that PAEs lose about nine out of every ten times when their claims are actually adjudicated on their merits before a judge or jury.

The impact of these suits is made more troubling by the fact that PAE activity appears to be on the rise. Empirical studies suggest that at least 40%, and perhaps as high as 59% or more, of all companies sued for patent infringement in recent years were sued by PAEs. PAE suits were relatively rare more than a decade ago, and they remain relatively rare today elsewhere in the world.

More worrisome than these bare statistics is the fact that PAEs are increasingly targeting not large tech firms, but rather small business well outside the tech sector. Studies suggest that the majority of companies targeted by PAEs in recent years earn less than \$10 million in annual revenue.

When PAEs target the numerous small companies downstream in the supply chain, rather than large technology manufacturers upstream, they benefit in two ways. First, for every product manufacturer, there may be dozens or hundreds of retailers who sell the product, and hundreds or thousands of customers who purchase and use the technology. Patent law allows patent owners to sue makers, sellers, or users. Suing sellers or users means more individual targets; some PAEs have sued hundreds of individual companies. And, more targets means more lawyers, more case filings, more discovery, and thus more litigation costs overall to induce a larger total settlement amount.

Second, compared to large manufacturers, small companies like retailers are less familiar with patent law, are less familiar with the accused technology, have smaller litigation budgets, and thus are more likely to settle instead of fight. In fact, many small businesses fear patent litigation to such an extent that they are willing to pay to settle vague infringement allegations made in lawyers' letters sent from unknown companies. Like spammers, some patent owners have indiscriminately sent thousands of demand letters to small businesses, with little or no intent of actually filing suit but instead with hopes that at least a few will pay to avoid the risk.

This egregious practice in particular, but also all abusive patent enforcement to some extent, thrives due to a lack of reliable information about patent rights. Brazen patent owners have been known to assert patents they actually do not own or, conversely, to go to great lengths to hide the fact that they actually do own patents being used in abusive ways. Some patent owners have also sought double recovery by accusing companies selling or using products made by manufacturers that already paid to license the asserted patent. Still others have threatened



or initiated litigation without first disclosing any specific information about how, if at all, their targets arguably infringe the asserted patents.

In short, high litigation costs and a widespread lack of transparency in the patent system together make abusive patent enforcement a common occurrence both in and outside the technology sector. As a result, billions of dollars that might otherwise be used to hire and retain employees, to improve existing products, and to launch new products are, instead, diverted to socially wasteful litigation.

Accordingly, we believe that the U.S. patent system would benefit from at least the following six reforms, which together will help reduce the cost of patent litigation and expose abusive practices without degrading inventors' ability to protect genuine, valuable innovations:

1. To discourage weak claims of patent infringement brought at least in part for nuisance value, we recommend an increase in the frequency of attorneys' fee awards to accused patent infringers who choose to fight, rather than settle, and ultimately defeat the infringement allegations levelled against them.

2. To reduce the size and front-loaded nature of patent litigation costs, we recommend limitations on the scope of discovery in patent cases prior to the issuance of a claim construction order, particularly with respect to the discovery of electronic materials like software source code, emails, and other electronic communications.

3. To further protect innocent retailers and end-users that are particularly vulnerable to litigation cost hold-up, we recommend that courts begin to stay suits filed against parties that simply sell or use allegedly infringing technology until after the conclusion of parallel litigation between the patentee and the technology's manufacturer.

4. To facilitate the early adjudication of patent infringement suits, we recommend that patentees be required to plead their infringement allegations with greater specificity.

And finally, to increase transparency and confidence in the market for patent licensing, we recommend:

5. that patentees be required to disclose and keep up-to-date the identity of parties with an ownership stake or other direct financial interest in their patent rights, and

6. that Congress consider additional legislation designed to deter fraudulent, misleading, or otherwise abusive patent licensing demands made outside of court.

In closing, we also wish to stress that as scholars and researchers we have no direct financial stake in the outcome of legislative efforts to reform our patent laws. We do not write on behalf of any specific industry or trade association. Rather, we are motivated solely by our own convictions informed by years of study and research that the above proposals will on net advance the best interests of our country as a whole. We urge you to enact them.

Sincerely,

Professor John R. Allison, The University of Texas at Austin, McCombs School of Business; Professor Clark D. Asay, Penn State University Dickinson School of Law (visiting); Professor Jonathan Askin, Brooklyn Law School; Professor Gaia Bernstein, Seton Hall University School of Law; Professor James E. Bessen, Boston University School of Law; Professor Jeremy W. Bock, The University of Memphis Cecil C. Humphreys School of Law; Professor Annemarie Bridy,

University of Idaho College of Law; Professor Irene Calboli, Marquette University Law School; Professor Michael A. Carrier, Rutgers School of Law, Camden; Professor Bernard Chao, University of Denver Sturm College of Law.

Professor Andrew Chin, University of North Carolina School of Law; Professor Ralph D. Clifford, University of Massachusetts School of Law; Professor Jorge L. Contreras, American University Washington College of Law; Professor Rebecca Curtin, Suffolk University Law School; Professor Samuel F. Ernst, Chapman University Dale E. Fowler School of Law; Professor Robin Feldman, University of California Hastings College of the Law; Professor William T. Gallagher, Golden Gate University School of Law; Professor Jon M. Garon, Northern Kentucky University Chase College of Law; Professor Shubha Ghosh, University of Wisconsin Law School; Professor Eric Goldman, Santa Clara University School of Law.

Professor Leah Chan Grinvald, Suffolk University Law School; Professor Debora J. Halbert, University of Hawaii at Manoa Department of Political Science; Professor Bronwyn H. Hall, University of California Berkeley Department of Economics; Professor Yaniv Heled, Georgia State University College of Law; Professor Christian Helmers, Santa Clara University Leavey School of Business; Professor Sapna Kumar, University of Houston Law Center; Professor Mary LaFrance, University of Nevada Las Vegas; William S. Boyd School of Law; Professor Peter Lee, University of California Davis School of Law; Professor Mark A. Lemley, Stanford Law School; Professor Yvette Joy Liebesman, Saint Louis University School of Law.

Professor Lee Ann W. Lockridge, Louisiana State University Paul M. Hebert Law Center; Professor Brian J. Love, Santa Clara University School of Law; Professor Glynn S. Lunney, Jr., Tulane University School of Law; Professor Phil Malone, Stanford Law School; Professor Mark P. McKenna, Notre Dame Law School; Professor Michael J. Meurer, Boston University School of Law; Professor Joseph Scott Miller, University of Georgia Law School; Professor Fiona M. Scott Morton, Yale University School of Management; Professor Lateef Mtimla, Howard University School of Law; Professor Ira Steven Nathanson, St. Thomas University School of Law.

Professor Laura Lee Norris, Santa Clara University School of Law; Professor Tyler T. Ochoa, Santa Clara University School of Law; Professor Sean A. Pager, Michigan State University College of Law; Professor Cheryl B. Preston, Brigham Young University J. Reuben Clark Law School; Professor Jorge R. Roig, Charleston School of Law; Professor Jacob H. Rooksby, Duquesne University School of Law; Professor Brian Rowe, Seattle University School of Law & University of Washington Information School; Professor Matthew Sag, Loyola University of Chicago School of Law; Professor Pamela Samuelson, University of California Berkeley School of Law; Professor Jason Schultz, New York University School of Law.

Professor Christopher B. Seaman, Washington and Lee University School of Law; Professor Carl Shapiro, University of California Berkeley Haas School of Business; Professor Lea Shaver, Indiana University Robert H. McKinney School of Law; Professor Jessica Silbey, Suffolk University Law School; Professor Christopher Jon Sprigman, New York University School of Law; Professor Madhavi Sunder, University

of California Davis School of Law; Professor Toshiko Takenaka, University of Washington School of Law; Professor Sarah Tran, Southern Methodist University Dedman School of Law; Professor Catherine Tucker, Massachusetts Institute of Technology Sloan School of Management; Professor Jennifer M. Urban, University of California Berkeley School of Law; Professor Samson Vermont, Charlotte School of Law (visiting).

Mr. GOODLATTE. Madam Chair, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a distinguished member of the Judiciary Committee.

Mr. CHABOT. Madam Chair, I want to recognize and appreciate the leadership of the gentleman from Virginia (Mr. GOODLATTE) for pushing this bill forward. It is very important for our country.

Our patent system is complex, and in our litigious society, it is unfortunate that some bad actors are using that complexity to take advantage of our small businesses. Young, innovative companies are increasingly threatened and targeted by patent troll lawsuits, and the majority of companies targeted by patent trolls have less than \$10 million in revenue. They target these small companies because the companies typically don't have the resources to fight back. So small businesses have a choice: Do they settle with a patent troll or do they go out of business and people lose jobs? That is the choice that small businesses and start-ups are forced to make—pay off a patent troll or shut their doors.

The Innovation Act levels the playing field for small businesses and start-ups. It brings transparency to the patent process and helps protect one of our founding constitutional principles: protect property and promote innovation.

These trolls do not create products. They do not create jobs. They create headaches, and at a significant cost to our economy. It was \$80 billion in 2011 alone—\$80 billion.

It is said that sunlight is the best disinfectant. This bill provides sunlight that effectively sanitizes the shadowy abuse of patent litigation. Madam Chair, the Innovation Act is a good first step in protecting our small businesses and entrepreneurs from this type of abuse. I urge my colleagues to support the bill.

Mr. CONYERS. Madam Chair, I am pleased now to yield 3 minutes the gentlelady from Texas (Ms. SHEILA JACKSON LEE), an effective member of the Judiciary Committee.

Ms. JACKSON LEE. Madam Chair, I thank the gentleman from Michigan for his leadership, and I likewise thank the chairman for his leadership.

The discourse in debate on the floor of the House is not evidencing the unity, the unanimity that members of the House Judiciary Committee and, I venture to say, of this body have with respect to innovation and competition



and the idea of protecting our small inventors. And so I would offer myself and many others as a champion for this concept that we are greatest when we are protecting and coddling and growing the inventive mind of America and our small inventors.

The Innovation Act has a wonderful name, and I congratulate Chairman GOODLATTE for his interest and commitment to this process. We have always worked in a collaborative and bipartisan manner on the Judiciary Committee as it relates to intellectual property and competition.

Today, however, our disagreement, if you will, is not on the underlying concept but on a very crucial process that is not in keeping with the mind-set of the Founding Fathers. I imagine that patent law got intimately engaged in the constitutional process because of a young man by the name of Benjamin Franklin, an inventor. He foresaw a great America and the need to be able to encourage those in garages and maybe by candlelight looking to change the landscape of the lives of those who live in that country and now have lived and do live in the greatest Nation in the world.

And so the question is, on H.R. 3309, for all of our friends that are making their decisions, whether or not this is a bill before its time and whether or not this question that we have before us, this bill, truly stops the trolls, as this advertisement that was not placed by me but put in the newspaper to suggest that the trolls may not be the ugly beast, but it may be the way this bill, H.R. 3309, is written.

Because, in fact, the small guy does pay. In fact, the small inventor is not protected. In fact, the pleadings are difficult. In fact, the early days of Madame C.J. Walker, who invented hair lotion for black women; or Frederick McKinley Jones, who invented the automatic refrigeration system for long-haul trucks; or Lewis Latimer, who invented less expensive and more efficient, long-lasting light bulbs; or maybe even the early days of giant companies that are now known to live in places like Silicon Valley, from Yahoo to Google, that started in the earliest moments of their beginning, small, maybe in a Harvard dorm room, or someone else's dorm room, I think the question becomes: Are these individuals protected?

□ 1015

According to the research that we have done, small investors are not protected.

I would just say, Madam Chair, that I would ask for more time; and if we want to do some work, let's pass H.R. 15, comprehensive immigration reform, because that is ready to pass.

Mr. GOODLATTE. Madam Chairman, it is now my very sincere pleasure to yield 3 minutes to the gentleman from

Oregon (Mr. DEFAZIO), the lead Democratic cosponsor of this legislation who came to me with his ideas at the beginning of this Congress and has worked with me throughout this Congress on this legislation.

Mr. DEFAZIO. Madam Chairwoman, I thank the chairman for his tremendous efforts on this. I believe this is an improvement over the SHIELD Act, which JASON CHAFFETZ and I authored a couple of years ago.

Here is the thing: we have got a nationwide protection racket going on here. It is a little more sophisticated than the gang that says, Hey, we are going to smash the windows of your store unless you pay us 50 bucks a week.

What you have here are hugely sophisticated, well-funded patent assertion entities across America; and they did file 62 percent of the patent litigation, not 5 percent, as we heard earlier asserted by one of my colleagues. The payoff here is that if you pay us \$50,000, we won't drag you through endless court proceedings that will cost you \$1 million or more. All they have to do is assert something very vague, such as we own this patent and you are infringing on it. That is it. That is all they have to assert.

It is up to the small business to figure out what that infringement is, which means they have to hire attorneys, they have to go through discovery, which is an incredibly lengthy and expensive process. I found out about this in my district while visiting a small software firm with less than 100 people that was about to launch a new product, and the owner told me it is going to be delayed because I had to hire new employees to launch this product, but I have got a shadow over the business right now. I said, What is that? The owner said he had been sued over a patent troll. They are claiming that this very simple, common thing that is part of their software is their patent and they must pay them \$200,000 to make them go away. He said, I can't do an expansion and \$200,000.

His company can't be named because these patent trolls are so aggressive. When NPR ran a story about this—and one company was featured with an egregious story of one of these patent trolls, one of these blackmailers. They went public, and then they immediately got a pile of new assertions on them by patent trolls. The patent trolls have lots of attorneys, lots of money. It is a very lucrative extortion racket to go out and do this.

Some companies will fight. EMC out of Massachusetts fought. The claims were totally specious, but they fought. This is what it takes. They had to go to this one district in Texas where all these cases are heard. They had to go to one hotel and rent it for their team. The electricity wasn't adequate. They didn't have broadband. They had to in-

stall all that so they could be there and defend themselves because no one goes there to defend themselves against these patent trolls. It is too expensive. They just pay the bribes.

They went there, and it cost them over \$2 million. The jury was out less than 10 minutes because it was a totally specious claim. Most things don't go that far because most people have to pay because they can't afford the disruption or the litigation; or other times after they are halfway through paying for the litigation, the patent assertion entities drop their false claims.

Some people are saying we are closing the courthouse door, we are barring litigation here. In fact, the standard is no reasonable basis in law and fact. Universities and innovators don't bring those kinds of suits. Patent trolls do.

Stop the patent trolls.

Mr. CONYERS. Madam Chair, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chair, may I inquire as to how much time is remaining on each side.

The CHAIR. The gentleman from Virginia has 5½ minutes remaining, and the gentleman from Michigan has 4½ minutes remaining.

Mr. GOODLATTE. Madam Chair, it is now my pleasure to yield 1½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Madam Chairwoman, I thank the gentleman from Virginia.

When we look at the cost, not just of litigation, but of companies having to consult with lawyers at times because of completely frivolous letters that they get that are vague with regard to what the abuses are, the damage is not only to the company that receives the message; the damage is to all consumers. The extra price is simply passed along to all of us who use goods and services in a digital economy. This bill makes an important step forward for bringing our patent process into the 21st century, taking into account digital innovation.

There is a long way to go. When our patent system was first put together for mechanical innovation, for which it still works, people didn't even know what software or biological innovation was. We have come a long way. I think we have learned a lot over that time. One thing we have learned is that we need to fine-tune how software and digital innovation interact with our intellectual property protections.

This bill takes an important step in this direction. While it doesn't wholly fix our patent system, it will undeniably deter abusive patent suits that are brought by patent entities and trolls that raise prices for consumers, destroy jobs, are particularly onerous on start-up businesses and entrepreneurs, and have essentially a tax across our entire economy on innovation and job growth.

I strongly encourage my colleagues to support this bill, and I appreciate

the good work of Representative GOODLATTE and Representative LOFGREN in bringing this bill to us on the floor today.

Mr. CONYERS. Madam Chairwoman, we are ready to close on this side, and I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairwoman, it is my pleasure to yield 1 additional minute to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Madam Chairwoman, I thank Chairman GOODLATTE, and I thank Members on both sides of the aisle for working on this. In the 112th Congress, I worked closely with Congressman DeFAZIO on the SHIELD Act, but a much better bill is before us today.

I want people to understand the gravity of the problem and who is also being attacked. I find this fascinating. Fifty-five percent of troll suits involve companies with annual revenues of \$10 million or less. Yes, the Microsofts and the Oracles and the really big companies out there are going to be in constant flux and in points of litigation, but it is really these small companies that are getting bombarded.

In fact, if you look since 2005, there are literally four times as many troll suits going through the patent system right now than there were in 2005. They are being extorted. This helps solve it. This is why I am so enthusiastic in supporting this bill.

I appreciate the bipartisan support on this. It does solve a very real problem. The majority of the problem is for companies with annual revenues of less than \$10 million.

Mr. CONYERS. Madam Chairwoman, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Chairwoman, I am pleased to yield an additional 30 seconds to the gentleman from Pennsylvania (Mr. MARINO), the vice chair of the Intellectual Property Subcommittee.

Mr. MARINO. Madam Chairwoman, I have been involved in working on patent reform since I was elected and took office here in 2011. This is not new. We have been working on this legislation if not for several months, at least several weeks where it has been up on the Internet for people to see and for our colleagues to read. I am tired of hearing here in Congress we need more time and more time to do something. If businesses operated the way Congress did, they would be out of business.

Finally, this is a quintessential example of us getting off our duff and doing something in a reasonable amount of time that is going to help small business owners. As we stand here and speak, more and more are being put out of business because of trolls.

Mr. CONYERS. Madam Chairwoman, how much time remains?

The CHAIR. The gentleman from Michigan has 4½ minutes remaining.

Mr. CONYERS. Madam Chairwoman, I am pleased now to yield such time as he may consume to the gentleman from North Carolina (Mr. WATT), a senior member of the committee who has worked on this assiduously for a number of years.

Mr. WATT. Madam Chairwoman, I thank the gentleman for yielding.

I am pained to be here today in opposition to this bill. I stood shoulder to shoulder with the chair of our full committee 2 years ago in patent reform after working almost 6 years to find consensus on a patent bill that moved our Nation forward.

We are here this time a maximum of 6 months into the process, and we haven't done our due diligence because we have heard all morning people coming to the floor and saying this is a work in progress. I thought the place we did work in progress was in our committee system.

Here we are on the floor with a bill that everybody is bragging about it being a work in progress. The result of that is that the work will be done on this bill by the United States Senate. They will write this bill. We won't write it because we didn't take the time to do what we should have done in the Judiciary Committee to refine this bill.

I stood shoulder to shoulder with the former director of the Patent and Trademark Office 2 years ago, David Kappos, and this is what he says in an op-ed piece today:

Our news is peppered these days with reports of "patent trolls," dark, ugly creatures shaking down innocent companies based on absurd claims of patent infringement. Congress should quickly pass legislation to curtail this abusive behavior. However, some are using the need to address the patent troll issue as cover to unnecessarily weaken our Nation's patent laws. If passed in this current form, the focus of legislative discussions would undermine U.S. innovation and job creation.

That is what the former director of the Patent and Trademark Office says because we haven't done what we should have done.

We set out to solve a problem dealing with patent trolls, and there is an argument about whether that is 5 percent, 20 percent. The GAO says it is a maximum of 20 percent, regardless of where these statistics are coming from. We are imposing a burden on 100 percent of the people in the patent litigation system to deal with a problem that at most is 20 percent of the litigation in our system. Everybody is going to pay the price of this bill if it goes forward in its current form. That is the problem I have with this. We have a problem.

Patent trolls are a problem, but you can't define what a patent troll is; and in order to deal with patent trolls, we are imposing a burden on the other people in the litigation system who are not patent trolls. That is unfair. We

are imposing a burden on small innovators because they will fear that they will lose a lawsuit and end up paying exorbitant costs of the people who they litigated against, even though their claim was a legitimate claim; and they will spend extra money to litigate about whether they should have to pay the cost. Millions of dollars will be spent litigating about whether the fees should be shifted or not, and that is not the way we have done this in our American system.

The problem is we haven't done anything in this bill—and you have heard it discussed in the debate up to this point—about the real problem here, which is people who are writing demands on little people out in the stream of commerce. That is before they ever get to litigation. This bill says nothing about demand letters.

□ 1030

We are going to concede that, we say, to the Commerce Committee.

Well, what is this bill going to do? It is going to encourage a burden on everybody in the litigation system as we try to deal with a 20 percent problem or a 5 percent problem, at most.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

In closing, Madam Chairman, I want to thank my fellow Judiciary colleagues and their staffs who have devoted much time, energy, and intellect to this project. We have worked together for the common goal of comprehensive patent litigation reform for the past decade.

While some of us still have differences over individual items, I want these Members to know that I appreciate their contributions to the project and I value their friendship.

I also want to particularly thank Representatives HOWARD COBLE, ZOE LOFGREN, and PETER DeFAZIO for serving as lead sponsors of this legislation and, most particularly, Congresswoman LOFGREN, who worked so hard with us in the markup process in the Judiciary Committee.

In the Senate, we have worked closely with Senators LEAHY, GRASSLEY, CORNYN, HATCH, LEE, and others. I want to thank them and their staffs for their contributions to this effort.

Furthermore, I would like to thank the White House and the U.S. Patent and Trademark Office for working collaboratively with us and providing important technical assistance.

I also want to thank both my full committee and IP subcommittee staff for all of their hard work on this important legislation, and most particularly, Vishal Amin, counsel to the subcommittee.

This bill is something I consider central to U.S. competitiveness, job creation, and our Nation's future economic security. The Innovation Act is the product of much negotiation and

compromise. This bill builds on our efforts over the past decade. It can be said that this bill is the product of years of work. We have worked with Members of both parties in both the Senate and the House, with stakeholders from all areas of our economy, and with the administration and the courts.

To ensure an open, deliberative, and thoughtful process, we held several hearings and issued two public discussion drafts in May and September of this year, which led to the formal introduction of the Innovation Act in October.

The Innovation Act takes meaningful steps to address the abusive practices that have damaged our patent system and resulted in significant economic harm to our Nation. This bill will help grow America's innovation economy.

Madam Chairman, I urge my colleagues to support H.R. 3309, and I yield back the balance of my time.

[Inventors listed on nearly 200 patents call on Congress to pass legislation to fix the patent troll problem, Nov. 19, 2013]

#### PATENT HOLDERS URGE COMPREHENSIVE PATENT REFORM

SAN FRANCISCO.—Fifty inventors, technologists and entrepreneurs joined Engine Advocacy and the Electronic Frontier Foundation (EFF) today in requesting that Congress immediately pass meaningful patent reform legislation to curb the growing patent troll problem.

The signatories are collectively listed as inventors on nearly 200 patents, many of which cover software inventions. They expressed support for patent reform. Congress is currently pursuing several approaches that have the potential to curb the chilling effect on innovation posed by trolls and improve patent quality.

"Broad, vague patents covering software-type inventions—some of which we ourselves are listed as inventors on—are a malfunctioning component of America's inventive machinery," the inventors write.

"This is particularly the case when those patents end up in the hands of non-practicing patent trolls." The inventors believe that "software patents are doing more harm than good," and they urge Congress to pass legislation that would curb patent troll abuses, which pose an immediate threat to innovation and the promise of technology.

"It's time to force these trolls to take responsibility for the damage they cause with their dangerous claims," said inventor Derek Parham, who helped organize the letter. "We need legislation that will put a stop to the patent troll business model once and for all."

In addition to Derek, many prominent engineers and entrepreneurs signed the letter, including Twitter cofounder Evan Williams; Facebook co-founder Dustin Moskovitz; former Principal Engineer at Qualcomm Ranganathan Krishnan; and Quantcast's co-founder Paul Sutter.

"The time for meaningful reform is now," said Julie Samuels, EFF Senior Staff Attorney and the Mark Cuban Chair to Eliminate Stupid Patents. "We hope Congress will hear these engineers and inventors and so many others and pass legislation that ends the patent troll problem once and for all."

For the full open letter: <https://www.eff.org/document/inventorslettersupport/patentreform>

#### Contacts:

Julie Samuels, Staff Attorney and The Mark Cuban Chair to Eliminate Stupid Patents, Electronic Frontier Foundation.

Eva Arevuo; Engine.

[Nov. 18, 2013]

We, the undersigned, are a group of inventors, technologists and entrepreneurs. Many of us have founded technology businesses; we have invented many of the protocols, systems and devices that make the Internet work, and we are collectively listed as the inventors on over 150 patents.

We write to you today about the U.S. patent system. That system is broken. Based on our experiences building and deploying new digital technologies, we believe that software patents are doing more harm than good. Perhaps it is time to reexamine the idea, dating from the 1980s, that government-issued monopolies on algorithms, protocols and data structures are the best way to promote the advancement of computer science.

But that will be a complex task, and one we don't expect to happen quickly. Unfortunately, aspects of the problem have become so acute they must be addressed immediately.

Broad, vague patents covering software-type inventions—some of which we ourselves are listed as inventors on—are a malfunctioning component of America's inventive machinery. This is particularly the case when those patents end up in the hands of non-practicing patent trolls.

These non-practicing entities do not make or sell anything. Their exploitation of patents as a tool for extortion is undermining America's technological progress; patent trolls are collecting taxes on innovation by extracting billions of dollars in dubious licensing fees, and wasting the time and management resources of creative businesses. Many of us would have achieved much less in our careers if the trolling problem had been as dire in past decades as it is now.

Some legislative proposals under current consideration would fix the trolling problem. These include: requiring that patent lawsuits actually explain which patents are infringed by which aspects of a defendant's technology, and how; making clear who really owns the patent at issue; allowing courts to shift fees to winning parties, making it rational for those threatened with an egregious patent suit to actually fight against the threat rather than paying what amounts to protection money; ensuring that those who purchase common, off-the-shelf technologies are shielded if they are sued for using them; and increasing opportunities for streamlined patent review at the patent office.

While subduing the trolling threat, these proposed changes will not fix the software patent problem completely. Congress should consider ways to stop these patents from interfering with open standards and open source software; from being claimed on problems, rather than solutions; and from being drafted so obscurely that they teach us nothing and cannot be searched. Congress needs to examine the very question of whether their net impact is positive.

But for now, we urge you to implement simple and urgently necessary reforms. We believe in the promise of technology and the power of creation to increase access to information, to create jobs, and to make the world a better place. Please do not let patent trolls continue to frustrate that purpose.

#### The undersigned:

Ranganathan Krishnan—30 patents; Former Principal Engineer at Qualcomm; led

the software team building the aircraft modems that now power GoGo in-flight Wi-Fi; Data center architect for Zoho Corporation; Startup founder.

Paul Sutter—26 patents, 22 applications; Co-founder of Quantcast.

Dr. Neil Hunt—14 patents; Chief Product Officer at Netflix.

Justin Rosenstein—13 patents, 23 applications; Founder of Asana; Former Engineering Lead at Facebook.

Dustin Moskovitz—2 patents; Co-Founder of Facebook and Asana.

Ey Williams—Entrepreneur, CEO of the Obvious Corporation, co-founder of Odeo, Blogger, Twitter, and Medium.

David S.H. Rosenthal—24 patents; Founder of the LOCKSS program, aimed at long-term preservation of web published materials.

Frederick Baker—15 patents, 52 RFCs; Former chair of IETF [the standards body of Internet tech]; member to FCC TAC, BITAG and other bodies that advise the U.S. government on technology.

John H. Howard—10 patents; Researcher at MIT, University of Texas, IBM, Carnegie Mellon, MERL, and Distinguished Engineer at Sun Microsystems.

Jon Callas—7 patents, 4 RFCs; Cryptographer, technologist, entrepreneur; Co-founder of PGP Corporation, Silent Circle and others.

Igor Kofman—6 patents, 7 applications; Co-founder of Hackpad Inc., a company that develops next generation online collaboration tools; Former Engineer at YouTube/Google and Microsoft.

Barbara Simons—5 patents; Fellow and Former President at Association for Computing Machinery.

Joshua Bloch—4 patents, 4 applications; Former Chief Java Architect at Google and Distinguished Engineer at Sun Microsystems; Led the design and implementation of numerous Java platform features.

Rick Adams—3 patents; Founder of UUNET Technologies, the first commercial Internet provider.

Brandon Ballinger—2 patents, 10 applications; Co-founder of Sift Science, a company that helps fight fraud through machine-learning; Former software engineer at Google.

Andrew Conway—1 patent, 2 applications; Founder & CEO of Silicon Genetics, a bioinformatics company (now part of Agilent); First to control a helicopter entirely by GPS (and thus win 1995 AUVS contest).

Derek Parham—1 patent, 2 applications; Creator of Google Apps for Businesses; Entrepreneur, investor, and advisor.

James Gettys—1 patent, 1 application, 2 RFCs; Editor of the HTTP/1.1 specification that underlies the World Wide Web; Co-author of the X Window System.

Harry Hochheiser—1 patent, 1 application; Professor of Biomedical Informatics at UPitt.

Ian Lance Taylor—1 patent, 1 application; Senior Staff Software Engineer at Google, Co-founder of Zembu Labs, and long time open source contributor.

Vincent C. Jones, PhD, PE—1 patent; 40 years of designing and building computer networks; published author in the field of computer networking.

Jim Fruchterman—1 patent; CEO of Benetech, a nonprofit tech company; former rocket scientist and co-founder of Calera Recognition Systems and RAF Technology, Inc.

Todd Huffman—company holds 1 Patent; CEO of 3Scan, utilizes a novel serial sectioning technique, KESM (Knife Edge Scanning Microscope) to create 3D models of large volume tissue samples.

Anselm Levskaya—1 application; Founder of Cambrian Genomics, a company developing a new technology pipeline to produce fully synthetic DNA at a fraction of the cost of current approaches.

Lorrie Cranor—1 application; Professor of Computer Science, Engineering, and Public Policy at Carnegie Mellon; Director of CyLab Usable Privacy and Security Laboratory.

Mark Kohler—3 RFCs; Implemented the IPv6 tunneling protocols RFC 2893, RFC 2473, and RFC 3056 for HP-UX and other Unix operating systems.

John Vittal—3 RFCs; Creator of the first integrated email program (MSG) and the initial “killer application” on the ARPAnet/Internet; Developed email standards still in use today.

Dan McDonald—3 RFCs; IPsec and IPv6 pioneer, former project lead for Solaris/OpenSolaris IPsec, Current Illumos RTI advocate, and Principal Software Engineer for Nexenta Systems; Co-author of RFCs 1751, 2367, 5879.

Russell Nelson—3 RFCs; Ran the Clarkson (later Crynwr) Packet Driver Collection.

John Gilmore—1 RFC; Programmer, entrepreneur (Sun Microsystems, Cygnus Solutions); Free software author, maintainer, and co-creator (GOB, GNU Tar, Binutils, GNU Radio, Gnash, OpenBTS); protocol designer (RFC 951, BOOTP, which you use whenever you connect to Ethernet or WiFi); Angel investor, philanthropist.

Stephen Wolff—Builder of NSFNET as a successor to ARPANET and for its transition to carrying commercial traffic, enabling the Internet as we know it today; Internet Hall of Fame Inductee—2013.

Prode Hernes—VP of TV Product Management and former VP of Product Development at Opera Software; Contributor to ISO/CCITT and IETF standards within email directories and security; Board member of the HbbTV Association; Currently active in the specifications for the TV industry.

Dan Lang—VP, Intellectual Property at Cisco Systems.

Jaen Tallin—Founding Engineer of Skype; Refused to sign patents while at Skype.

Megan Klimen—Co-founder of 3Scan.

Matthew Goodman—Co-founder of 3Scan.

Kodi Daniel—Co-founder of 3Scan.

Mikki Barry—Co-founder of InterCon Systems Corporation, the first commercial Internet applications company on the Mac platform; Intellectual Property and IT Attorney.

Jim DeLeskie—Founder and CM, Heimdall Networks, previously Chief Architect Tata Communications/Teleglobe; Sr. Engineer internetMCI and contributor to IEEE and IETF working groups.

Brandon Ross—Designer and builder of operating service provider networks such as MindSpring, NetRail, Internap and Comast; Member of the North American Network Operators Group (NANOG), the Internet Engineering Task Force (IETF); Founder of Network Utility Force.

Benjamin C. Pierce—Professor of Computer and Information Science at University of Pennsylvania; Fellow of the ACM; Lead developer of Unison, a widely used open-source file synchronization tool; Author.

David Snigler—Led several successful projects as part of the Emerging Technologies group at the University of Massachusetts; Responsible for the design of systems used for research and administration throughout the UMass system.

Dylan Morris—Co-founder and VP of Strategy of Integrated Plasmonics, a technology

startup in San Francisco operating at the intersection of semiconductors, biotechnology, and digital health.

Robb Walters—Founder, CEO, President, Board Director, Integrated Plasmonics.

Andrew Binstock—Editor in Chief of Dr. Dobb's; founded iText Software Corp.; previously in charge of Global Technology Forecasts at PricewaterhouseCoopers; programmer.

Mary Shaw—Educator and researcher in software engineering; ACM SIGSOFT Outstanding Research Award for work in software architecture; Fellow of the Institute for Electrical and Electronic Engineers, the Association for Computing Machinery, and the American Association for the Advancement of Science.

Ernest E. [Lee] Keet—President of Vanguard Atlantic Ltd., Former Chair, Intellectual Property Section, Software Industry Association, ADAPSO; Board member and lead investor in high tech startups.

The above have collectively contributed to the invention of the following technologies:

Patents:

4460974 Electronic computer with access to keyboard status information (Jones).

4531185 Centralized synchronization of clocks (Simons).

4584643 Decentralized synchronization of clocks (Simons).

4603380 DASD cache block staging (Howard).

4706081 Method and apparatus for bridging local area networks (Baker).

4809265 Method and apparatus for interfacing to a local area network (Baker).

4916605 Fast write operations (Howard).

5073933 X window security system (Rosenthal).

5127098 Method and apparatus for the context switching of devices (Rosenthal).

5187786 Method for apparatus for implementing a class hierarchy of objects in a hierarchical file system (Rosenthal).

5432824 Credit/rate-based system for controlling traffic in a digital communication network (Howard).

5442708 Computer network encryption/decryption device (Adams).

5444782 Computer network encryption/decryption device (Adams).

5470223 Microprocessor controlled fuel and ignition control for a fuel burning device (Fruchterman).

5600834 Method and apparatus for reconciling different versions of a file (Howard).

5619658 Method and apparatus for trapping unimplemented operations in input/output devices (Rosenthal).

5623692 Architecture for providing input/output operations in a computer system (Rosenthal).

5638535 Method and apparatus for providing flow control with lying for input/output operations in a computer system (Rosenthal).

5640456 Computer network encryption/decryption device (Adams).

5640591 Method and apparatus for naming input/output devices in a computer system (Rosenthal).

5652793 Method and apparatus for authenticating the use of software (Rosenthal).

5659750 Apparatus for context switching of input/output devices in response to commands from unprivileged application programs (Rosenthal).

5685011 Apparatus for handling failures to provide a safe address translation in an improved input/output architecture for a computer system (Rosenthal).

5696990 Method and apparatus for providing improved flow control for input/output oper-

ations in a computer system having a FIFO circuit and an overflow storage area (Rosenthal).

5721947 Apparatus adapted to be joined between the system I/O bus and I/O devices which translates addresses furnished directly by an application program (Rosenthal).

5732087 ATM local area network switch with dual queues (Howard).

5740406 Method and apparatus for providing fifo buffer input to an input/output device used in a computer system (Rosenthal).

5740464 Architecture for providing input/output operations in a computer system (Rosenthal).

5745477 Traffic shaping and ABR flow control (Howard).

5751951 Network interface (Howard).

5758182 DMA controller translates virtual I/O device address received directly from application program command to physical I/O device address of I/O device on device bus (Rosenthal).

5764861 Apparatus and method for controlling context of input/output devices in a computer system (Rosenthal).

5805930 System for FIFO informing the availability of stages to store commands which include data and virtual address sent directly from application programs (Rosenthal).

5887174 System, method, and program product for instruction scheduling in the presence of hardware lookahead accomplished by the rescheduling of idle slots (Simons).

5887190 System for determining from a command storing in a storage circuit an application program which has initiated the command to determine an input/output device address (Rosenthal).

5909595 Method of controlling I/O routing by setting connecting context for utilizing I/O processing elements within a computer system to produce multimedia effects (Rosenthal).

5918050 Apparatus accessed at a physical I/O address for address and data translation and for context switching of I/O devices in response to commands from application programs (Rosenthal).

5924126 Method and apparatus for providing address translations for input/output operations in a computer system (Rosenthal).

6023738 Method and apparatus for accelerating the transfer of graphical images (Rosenthal).

6044222 System, method, and program product for loop instruction scheduling hardware lookahead (Simons).

6065071 Method and apparatus for trapping unimplemented operations in input/output devices (Rosenthal).

6081854 System for providing fast transfers to input/output device by assuring commands from only one application program reside in FIFO (Rosenthal).

6098079 File version reconciliation using hash codes (Howard).

6292938 Retargeting optimized code by matching tree patterns in directed acyclic graphs (Simons).

6336186 Cryptographic system and methodology for creating and managing crypto policy on certificate servers (Callas).

6513032 Search and navigation system and method using category intersection pre-computation (Sutter).

6584450 Method and apparatus for renting items (Hunt).

6594260 Content routing (Baker).

6629198 Data storage system and method employing a write-ahead hash log (Howard).

6738437 Symbol recovery from an oversampled hard-decision binary stream (Krishnan).

- 6742044 Distributed network traffic load balancing technique implemented without gateway router (Baker).
- 6744572 System and method for imaging an object (3Scan).
6775231. Dynamic weighted resource sharing (Baker).
- 6789125 Distributed network traffic load balancing technique implemented without gateway router (Baker).
- 6801811 Software-directed, energy-aware control of display (Gettys).
- 6820261 Inheritable thread-local storage (Bloch).
- 6839895 Method of, system for, and computer program product for providing efficient utilization of memory hierarchy through code restructuring (Simons).
- 6915282 Autonomous data mining (Conway).
- 6928062 Uplink pilot and signaling transmission in wireless communication systems (Krishnan).
- 7013458 Method and apparatus for associating metadata attributes with program elements (Bloch).
- 7024381 Approach for renting items to customers (Hunt).
- 7039001 Channel estimation for OFDM communication systems (Krishnan).
- 7042857 Uplink pilot and signaling transmission in wireless communication systems (Krishnan).
- 7062562 Methods and apparatus for content server selection (Baker).
- 7080138 Methods and apparatus for content server selection (Baker).
- 7095790 Transmission schemes for multi-antenna communication systems utilizing multi-carrier modulation (Krishnan).
- 7098815 Method and apparatus for efficient compression (Rosenthal).
- 7159237 Method and system for dynamic network intrusion monitoring, detection and response (Callas).
- 7171657 Method and apparatus for importing static members of a class (Bloch).
- 7263687 Object-oriented enumerated type facility (Bloch).
- 7292826 System and method for reducing rake finger processing (Krishnan).
- 7359728 Modified power control for reduction of system power consumption (Krishnan).
- 7383439 Apparatus and method for facilitating encryption and decryption operations over an email server using an unsupported protocol (Callas).
- 7401159 Distributed network traffic load balancing technique implemented without gateway router (Baker).
- 7403910 Approach for estimating user ratings of items (Hunt).
- 7408914 Time-hopping systems and techniques for wireless communications (Krishnan).
- 7437558 Method and system for verifying identification of an electronic mail message (Baker).
- 7447481 System and method for reducing rake finger processing (Krishnan).
- 7450963 Low power dual processor architecture for multi mode devices (Krishnan).
- 7463576 Channel estimation for OFDM communication systems (Krishnan).
- 7493133 Power control in ad-hoc wireless networks (Krishnan).
- 7515595 Network using encoded transmissions and forwarding (Krishnan).
- 7515924 Method and module for operating independently of a remote terminal if an incoming pilot signal is not detected within a time period and enabling a pilot signal transmission (Krishnan).
- 7519371 Multi-hop communications in a wireless network (Krishnan).
- 7529780 Conflict management during data object synchronization between client and server (Rosenstein).
- 7536641 Web page authoring tool for structured documents (Rosenstein).
- 7542471 Method of determining path maximum transmission unit (Sutter).
- 7546252 Approach for managing rental items across a plurality of distribution locations (Hunt).
- 7551620 Protecting data integrity in an enhanced network connection (Sutter).
- 7593943 Method and system for synchronizing multiple user revisions to a shared object (Kofman).
- 7606326 Transmission schemes for multi-antenna communication systems utilizing multi-carrier modulation (Krishnan).
- 7616638 Wavefront detection and disambiguation of acknowledgments (Sutter).
- 7617127 Approach for estimating user ratings of items (Hunt).
- 7630305 TCP selective acknowledgements for communicating delivered and missed data packets (Sutter).
- 7631252 Distributed processing when editing an image in a browser (Rosenstein).
- 7631253 Selective image editing in a browser (Rosenstein).
- 7631323 Method of sharing an item rental account (Hunt).
- 7634715 Effects applied to images in a browser (Rosenstein).
- 7640427 System and method for secure electronic communication in a partially keyless environment (Callas).
- 7650387 Method and system for managing storage on a shared storage space (Baker).
- 7656799 Flow control system architecture (Sutter).
- 7657037 Apparatus and method for identity-based encryption within a conventional public-key infrastructure (Callas).
- 7664140 Early termination of low data rate traffic in a wireless network (Krishnan).
- 7698453 Early generation of acknowledgements for flow control (Sutter).
- 7730213 Object-based storage device with improved reliability and fast crash recovery (Howard).
- 7840648 Web-page authoring tool for automatic enrollment in advertising program (Rosenstein).
- 7843938 QoS optimization with compression (Sutter).
- 7852799 Network using randomized time division duplexing (Krishnan).
- 7864770 Routing messages in a zero-information nested virtual private network (Baker).
- 7867772 Protecting data integrity in an enhanced network connection (Sutter).
- 789561 Method and system for dynamic network intrusion monitoring, detection and response (Callas).
- 7907898 Asynchronous inter-piconet routing (Krishnan).
- 7912457 Methods and apparatus for creation and transport of multimedia content flows (Krishnan).
- 7953000 Mechanism to improve preemption behavior of resource reservations (Baker).
- 7953794 Method and system for transitioning between synchronous and asynchronous communication modes (Kofman).
- 7958529 Method of sharing an item rental account (Hunt).
- 7969876 Method of determining path maximum transmission unit (Sutter).
- 7978710 Synchronous inter-piconet routing (Krishnan).
- 8004973 Virtual inline configuration for a network device (Sutter).
- 8015067 Deleted account handling for hosted services (Parham).
- 8019351 Multi-hop communications in a wireless network (Krishnan).
- 8024652 Techniques to associate information between application programs (Kofman).
- 8028024 System and method of instant messaging between wireless devices (Krishnan).
- 8050271 Protecting data integrity in an enhanced network connection (Sutter).
- 8077632 Automatic LAN/WAN port detection (Sutter).
- 8086524 Systems and methods for transaction processing and balance transfer processing (Sutter).
- 8150919 Method and system for transitioning between synchronous and asynchronous communication modes (Kofman).
- 8155444 Image text to character information conversion (Kofman).
- 8156554 Method and system for verifying identification of an electronic mail message (Baker).
- 8161368 Distributed processing when editing an image in a browser (Rosenstein).
- 8176120 Web-page authoring tool for automatic enrollment in advertising program (Rosenstein).
- 8208972 Low power dual processor architecture for multi mode devices (Krishnan).
- 8230318 Selective image editing in a browser (Rosenstein).
- 8233392 Transaction boundary detection for reduction in timeout penalties (Sutter).
- 8238241 Automatic detection and window virtualization for flow control (Sutter).
- 8245123 Effects applied to images in a browser (Rosenstein).
- 8245277 Universally usable human-interaction proof (Hochheiser).
- 8259729 Wavefront detection and disambiguation of acknowledgements (Sutter).
- 8271338 Approach for estimating user ratings of items (Hunt).
- 8310928 Flow control system architecture (Sutter).
- 8311981 Conflict management during data object synchronization between client and server (Rosenstein).
- 8315977 Data synchronization between a data center environment and a cloud computing environment (Hunt).
- 8320244 Reservation based MAC protocol (Krishnan).
- 8351985 Low power dual processor architecture for multi mode devices (Krishnan).
- 8365235 Trick play of streaming media (Hunt).
- 8369361 Early termination of low data rate traffic in a wireless network (Krishnan).
- 8386601 Detecting and reporting on consumption rate changes (Sutter).
- 8386621 Parallel streaming (Hunt).
- 8411560 TCP selection acknowledgements for communicating delivered and missing data packets (Sutter).
- 8417476 Dynamic randomized controlled testing with consumer electronics devices (Hunt).
- 8433814 Digital content distribution system and method (Hunt).
- 8438280 Detecting and reporting on consumption rate changes (Sutter).
- 8443056 Client-server signaling in content distribution networks (Hunt).
- 8448057 Audience segment selection (Sutter).
- 8462630 Early generation of acknowledgements for flow control (Sutter).
- 8464237 Method and apparatus for optimizing compilation of a computer program (Taylor).

872930 Methods and apparatus for creation and transport of multimedia content flows (Krishnan).

8478590 Word-level correction of speech input (Ballinger).

8489135 Network topology formation (Krishnan).

8489889 Method and apparatus for restricting access to encrypted data (Callas).

8493955 Interference mitigation mechanism to enable spatial reuse in UWB networks (Krishnan).

8494852 Word-level correction of speech input (Ballinger).

8504905 Audience segment selection (Sutter).

8553699 Wavefront detection and disambiguation of acknowledgements (Sutter).

8554832 Server side user interface simulation (Moskovitz, Rosenstein).

8566353 Web-based system for collaborative generation of interactive videos (Kofman).

8572477 Web-based incremental computing (Moskovitz, Rosenstein).

Applications:

20020065919 Peer-to-peer caching network for user data (Taylor).

20040049763 Method and apparatus for importing static members of a class (Bloch).

20040049764 Object-oriented enumerated type facility (Bloch).

20040049766 Method and apparatus for associating metadata attributes with program elements (Bloch).

20050005024 Method of determining path maximum transmission unit (Sutter).

20050058131 Wavefront detection and disambiguation of acknowledgments (Sutter).

20050060426 Early generation of acknowledgements for flow control (Sutter).

20050063302 Automatic detection and window virtualization for flow control (Sutter).

20050063303 TCP selective acknowledgements for communicating delivered and missed data packets (Sutter).

20050063307 Flow control system architecture (Sutter).

20050074007 Transaction boundary detection for reduction in timeout penalties (Sutter).

20050120329 Method and apparatus for supporting typesafe software design (Bloch).

20050222779 Detecting recessive diseases in inbred populations (Conway).

20060159029 Automatic LAN/WAN port detection (Sutter).

20060161516 Method and system for synchronizing multiple user revisions to a shared object (Kofman).

20060161585 Method and system for transitioning between synchronous and asynchronous communication modes (Kofman).

20060248442 Web page authoring tool for structured documents (Rosenstein).

20070031886 Detecting recessive diseases in inbred populations (Conway).

20070198662 Deleted account handling for hosted services (Parham).

20070198938 Account administration for hosted services (Parham).

20070245310 Message catalogs for remote modules (Rosenstein).

20070248090 Virtual inline configuration for a network device (Sutter).

20070260979 Distributed processing when editing an image in a browser (Rosenstein).

20070285428 Self-refreshing display controller for a display device in a computational unit (Gettys).

20080086741 Audience commonality and measurement (Sutter).

20080170785 Converting Text (Kofman).

20080225057 Selective image editing in a browser (Rosenstein).

20080225058 Effects applied to images in a browser (Rosenstein).

20080256113 Techniques to associate information between application programs (Kofman).

20080256114 Techniques to display associated information between application programs (Kofman).

20080270761 Techniques to generate event contexts for recurring events (Kofman).

20090083442 Tracking Identifier Synchronization (Sutter).

20090119167 Social Advertisements and Other Informational Messages on a Social Networking Website, and Advertising Model for Same (Rosenstein).

20090182589 Communicating Information in a Social Networking Website About Activities from Another Domain (Rosenstein).

20090201828 Method of determining path maximum transmission unit (Sutter).

20090216815 Conflict Management During Data Object Synchronization Between Client and Server (Rosenstein).

20090235158 Web Page Authoring Tool for Structured Documents (Rosenstein).

20100036779 User-controllable learning of policies (Cranor).

20100046372 Wavefront Detection and Disambiguation of Acknowledgements (Sutter).

20100050040 Tcp selection acknowledgements for communicating delivered and missing data packets (Sutter).

20100095350 Universally usable human-interaction proof (Hochheiser).

20100103819 Flow control system architecture (Sutter).

20100110092 Distributed processing when editing an image in a browser (Rosenstein).

20100110104 Effects applied to images in a browser (Rosenstein).

20100111406 Selective image editing in a browser (Rosenstein).

20100232294 Early generation of acknowledgements for flow control (Sutter).

20100309922 Protecting data integrity in an enhanced network connection (Sutter).

20110029388 Social Advertisements and Other Informational Messages on a Social Networking Website, and Advertising Model for Same (Rosenstein).

20110055314 Page rendering for dynamic web pages (Rosenstein).

20110153324 Language Model Selection for Speech-to-Text Conversion (Ballinger).

20110153325 Multi-Modal Input on an Electronic Device (Ballinger).

20110161080 Speech to Text Conversion (Ballinger).

20110161081 Speech Recognition Language Models (Ballinger).

20110161178 Web-Page Authoring Tool for Automatic Enrollment in Advertising Program (Rosenstein).

20110166851 Word-Level Correction of Speech Input (Ballinger).

20110225242 Method and system for transitioning between synchronous and asynchronous communication modes (Kofman).

20120022853 Multi-Modal Input on an Electronic Device (Ballinger).

20120022866 Language Model Selection for Speech-to-Text Conversion (Ballinger).

20120022867 Speech to Text Conversion (Ballinger).

20120022868 Word-Level Correction of Speech Input (Ballinger).

20120022873 Speech Recognition Language Models (Ballinger).

20120093156 Virtual inline configuration for a network device (Sutter).

20120095836 Social Advertisements Based on Actions on an External System (Rosenstein).

20120101898 Presenting personalized social content on a web page of an external system (Rosenstein).

20120109757 Sponsored stories and news stories within a newsfeed of a social networking system (Rosenstein).

20120203847 Sponsored Stories and News Stories within a Newsfeed of a Social Networking System (Rosenstein).

20120204096 Presenting Personalized Social Content on a Web Page of an External System (Rosenstein).

20120327772 Wavefront detection and disambiguation of acknowledgements (Sutter).

20130003553 Automatic detection and window virtualization for flow control (Sutter).

20130124612 Conflict Management During Data Object Synchronization Between Client and Server (Rosenstein).

20130132222 Method and Apparatus Pertaining to Financial Investment Quantitative Analysis Signal Auctions (Sutter).

20130198008 Social Advertisements And Other Informational Messages On A Social Networking Website, And Advertising Model For Same (Rosenstein).

20130198024 Method and Apparatus Pertaining to the Aggregation and Parsing of Behavioral-Event Content (Sutter).

20130204954 Communicating information in a social networking website about activities from another domain (Rosenstein).

20110207116 Spatio-Temporal Control of Protein Interactions Using Phytochromes (Levska).

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 3309, The Innovation Act, which will help to curtail the damage done by patent trolls to the American economy and consumers.

In recent years, patent trolls have had a significant negative impact on America's economy, with organizations from all walks of life being attacked and facing costly licensing fees, settlements, and even court battles. The direct impact of this has been estimated at roughly \$29 billion per year.

It is important to realize that the impact of patent trolls is falling not just on big, wealthy companies, but on America's consumers. In one notable case, a patent troll has threatened nonprofit charities in Vermont and a community choir in Nebraska, asking for \$1,000 per employee simply because the organizations use scanners. And another has demanded licensing fees from more than 8,000 businesses, including coffee houses and hotels, and ultimately sued hundreds of them—all because they provide wifi to their customers.

The impact of this on the consumer is significant. The expense associated with facing a patent troll leaves small businesses with a low profit margin already with the choice of either halting use of this service to its customers, or offsetting the cost by charging for use. When these small businesses are able to go to court, the trolls lose the cases over 85 percent of the time. But in our current system, most of them can't afford to do so.

What's more, the long-term impact is even more damaging for consumers. The cost of this type of litigation has risen to more than \$29 billion per year, with each suit costing an estimated average of \$5–10 million. These are funds that companies can't use to create jobs or innovate. By diverting resources to fighting



trolls, Silicon Valley companies have less to spend on investment in new products, expansion to new areas, and improvement of services.

The Federal Trade Commission, which is charged with protecting consumers and policing unfair and deceptive acts, recently began an investigation of patent trolls. An investigation is a good step in the right direction, but legislation like H.R. 3309 is needed to truly combat patent trolls.

As a cosponsor of the bipartisan Innovation Act, I know this bill will take important steps to curb the abusive patent litigation we see today, in which trolls send vague demand letters about overbroad patents, don't clearly identify themselves, and deliberately run up discovery costs to pressure defendants to settle.

The bill will change the rules for patent lawsuits by requiring plaintiffs to identify who is really behind the suit, what patent is being asserted, and what the infringement claim is. This will allow the targets of patent suits to know who is accusing them of infringement and what exactly they are being accused of doing.

H.R. 3309 will also require judges to shift litigation costs and fees to a non-prevailing party in cases where the party's position was not reasonably justified, unless it would cause severe economic harm to the named inventor. This will make it easier for defendants to fight unjustified patent suits and deter illegitimate claims, while protecting legitimate inventors and preserving courts' discretion to not shift costs.

The bill will also require the Judicial Conference of the United States to make rules that would shift discovery costs, while leaving the details of the rulemaking are up the Judicial Conference. The rule should require parties to pay for their own discovery requests beyond the core documents needed to advance the suit, which aims to rein in broad discovery requests in patent suits that are unnecessary, unfair, and costly, and are often designed simply to intimidate the other party into a settlement. The bill would allow the courts to maintain discretion to modify the rules for good cause.

Another aspect of the bill will allow manufacturers and suppliers to intervene and stay lawsuits against customers and end users of a product that allegedly infringe patents, if both the manufacturer and customer agree. This will protect the coffee shop or hotel, which is accused of infringing a wifi patent because it uses a particular wireless router, by allowing the maker of the allegedly infringing product to step in and take responsibility for the case.

It is important to note that this bill does not diminish or devalue patent rights in the United States. It does not attempt to eliminate valid patent litigation; rather, it is aimed at abusive behaviors in the patent litigation system and seeks to put them to a stop. Its provisions for higher pleading standards and greater transparency will save the court's time and resources by making parties do their due diligence and provide information up front, before an infringement suit is filed. Greater transparency and information are a good thing, and will make the system stronger.

H.R. 3309 had broad bipartisan support in the Judiciary Committee, where it passed by a

vote of 33–5, and it deserves our support. I look forward to working with my colleagues on both sides of the aisle in the House and the Senate to send a bill to the President that will bring an end to these abusive practices that are stifling American businesses and innovation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 3309, the Innovation Act. I would like to applaud my colleagues for bringing this important issue to the floor today.

Throughout my tenure in Congress, I have long supported the principles for reforming patent litigation to prevent troll litigation. As Ranking Member of the House Committee on Science, Space and Technology I have long supported policy in order to prioritize investments that will advance our knowledge, create new industries and jobs, and give our children the grounding in science and technology they will need to succeed in a competitive world economy. During this time of economic need, I support H.R. 3309 which is integral to curbing frivolous and costly patent litigation that currently hinders our ability to innovate, create jobs and economic growth.

Many companies, from both the technology and non-technology sectors, have been the target of numerous, merit-less lawsuits from patent trolls. Since 2005, the number of defendants sued by patent trolls has quadrupled, activity that is estimated to have cost the U.S. economy \$80 billion in 2011. And, what's even more startling is that in 2012 patent trolls sued more non-tech companies than tech companies. I am supportive of the Innovation Act of 2013 which takes a multi-faceted approach to end this abuse.

While I recognize there may be no single solution that addresses all complexities surrounding our nation's patent process, H.R. 3309 is a good faith bi-partisan first step towards addressing patent trolling. I am pleased that the Administration is also supportive of H.R. 3309. Moving forward, I would like to work with all sides on this issue to curb patent trolling. I would like to think that all of us in Congress agree that we must work to address the problem of patent trolls.

Ms. JACKSON LEE. Mr. Chairman, I rise to talk about innovation in America—the great job creator that I feel is being put in jeopardy by H.R. 3309, the Innovation Act.

H.R. 3309 is a bill before its time as the America Invents Act was signed into law barely two years ago. Many of the major provisions of this landmark legislation which many on the Judiciary Committee and in this body voted for have not even been put into practice.

It is well documented that our innovation ecosystem—founded on patents—drives economic growth and job creation in the United States. From the hustle and bustle of downtown Houston, Silicon Valley, Chicago, New York, and even here in Washington, D.C., Americans want to keep our cherished system as strong as possible. For the future of our economy, we cannot risk jeopardizing it.

And while the AIA was unquestionably pro-innovator legislation, its post-grant challenge provisions also unquestionably shifted the balance of rights toward implementers and away from patent holders. The only remaining question, brought on by the adolescence of the

AIA, is—just how much has that balance shifted?

“Loser pays”, also commonly referred to as the British Rule, mandates that the losing side in a civil dispute pay the legal costs of the other side. Loser pays laws ensure that only the wealthiest members of society or large corporations can afford to undertake a civil action and also unnecessarily punishes individuals with serious and meritorious claims for seeking access to justice.

Loser pays policies fail to recognize that a person or a business can have a legally legitimate dispute regarding fact and law, and yet still ultimately lose the case. Loser pays policy sets a dangerous precedent and may prevent individuals from pursuing even the most meritorious civil liability claims.

For most individuals and small businesses, the financial risk of having to pay the other side's costs and legal fees is one too great to bear, no matter how valid the claim. It creates a situation where experienced corporate defendants with enormous resources and expert legal talent can bully injured plaintiffs into unfair settlements due to the risks associated with losing a potentially successful case.

If “loser pays” is implemented it could be a roadblock for people pursuing whistleblower, consumer mortgage, employment discrimination and other civil rights cases. The only losers under a “loser pays” system is the small business or individual plaintiff, or the innovator who is discouraged from pursuing her rights due to the chilling effect brought on by the onerous language in H.R. 3309.

This bill tries to discourage patent litigation abuse by patent assertion entities, better known as “patent trolls”. Trolls use patents of questionable quality to pressure their targets into settlement for an amount that is lower than the legal fees to defend against a lawsuit. Trolls typically have no interest in moving the patented technology into the marketplace. Generally, the troll's target has had a product on the market for some time and the troll's patent covers the targeted product through exceedingly broad claims, often through a broad interpretation of vague claim terms.

In one common tactic, a troll will approach a target with a proposal to license patents with a one-time fee of \$50k to \$200k, where it might cost the target \$15k to \$50k for an initial legal opinion on validity and infringement, and it might cost the target \$20k to \$50k per month in legal fees in litigation proceedings (mainly driven by discovery and motions practice). So the one-time fee may sound appealing as a simple payoff to avoid legal fees that are comparable and inevitable.

In theory, one can discourage the patent troll business model by increasing patent quality, promoting stricter requirements on claim construction, and lowering the cost of litigation (by limiting discovery). Each of these purported remedies has a cost that may be worse than the alleged benefit. That is why it is critical that we carefully consider any and all legislation and policy which looks to improve.

At the outset of considering further changes to our patent system, we must recognize that the time constant of the patent system—the period between new patent application and court decision on a patent infringement claim—is very long. Therefore, the impact of



Congress' very recent major change to our patent system has barely begun to be felt.

Moreover, in long time constant systems such as our patent system, over-correction, especially that which leaves scant time for due deliberation, is a major danger.

By the time we realize that an over-correction is apparent, it will be years after the system is badly damaged. If there were ever a case where caution is called for, this is it, and I say that because my constituents in Texas, and particularly in Houston, wanted change in the patent system, and surely every one of them was not satisfied with the Leahy-Smith Act but some changes we can live with.

I would hope that due caution would yield to a deliberative process that takes the time to reach out and listen to all stakeholders, including those who will not be the fastest ones off the mark, and I am sure that some of them exist in Texas. Many small innovators—today's Priceline.coms, Yahoo's, Google's, Facebook's, Eli Lilly's, Twitter's, akin to yester-years Edisons—have not had time to make their views heard.

Others having various levels of dependence on strong IP rights are just now beginning to consider the prospect of further changes to our patent system. We need to allow these important stakeholders their time to participate.

I look forward to hearing from these witnesses but would hope that this Committee proceeds on any changes with due caution—because the ink on the America Invents Act is barely dry—and another patent bill is before us with changes that are fraught with difficulty for many in our innovation economy.

My amendment modifies the Manager's Amendment to ensure that small businesses that motivated this provision are protected and by expanding the amendment so that businesses with under \$25 million are included—my hope is that it will garner the support.

Under my amendment, the customer stay provision a covered customer is one who is accused of infringing a patent or patents on a covered product or process, and is a small business that has revenue of \$25 million or less.

I have modified this amendment from that offered in the Judiciary Committee markup in order to accommodate more businesses who feel they might benefit from the narrowed language while still maintaining the intended consequence of allowing for stays in proceedings. The expanded language might allow some businesses who are past the "mom and pop" growth phase but if this will provide medium-sized businesses from going bankrupt, or losing valuable revenues because of litigation, it is a useful expansion.

A number of the provisions in this bill may be well-intentioned, but they have undesirable consequences for the patent system as a whole.

They have the potential to undermine the enforceability of all patent rights, no matter how valuable the patent, and thus potentially incentivize infringement.

That is why I offered three amendments in the Judiciary Committee and three in the Rules Committee yesterday. My first amendment struck section 9(a) of H.R. 3309 which strikes Section 9(a) of the bill which repeals Section 145 of 35 U.S.C. Under this repeal,

applicants would be gratuitously denied the fundamental right of de-novo judicial review of adverse patentability determinations by the Patent and Trademark Office when it refuses to consider certain evidence. This is a limiting provision and unfairly prevents a full adjudication of the rights of litigants. The importance of this 170-year-old protective provision is in its restraining effect on PTO's potential abuse of discretion for all patent applicants—not just for those who would seek judicial review. I attempted to modify my amendment based on a meeting I had with Chief Judge Rader of the Federal Circuit, which hears all patent claims, and is the lodestar for patent litigation.

My second amendment which was made in order by the Rules Committee yesterday evening, modifies the Manager's Amendment to ensure that small businesses that motivated this provision are protected and by expanding the amendment so that businesses with under \$25 million are included—my hope is that it will garner the support. Under my amendment, a covered customer is one who is accused of infringing a patent or patents on a covered product or process, and is a small business that has revenue of \$25 million or less. I have modified this amendment from that offered in the Judiciary Committee markup in order to accommodate more businesses who feel they might benefit from the narrowed language while still maintaining the intended consequence of allowing for stays in proceedings. The expanded language might allow some businesses who are past the "mom and pop" growth phase but if this will provide medium-sized businesses from going bankrupt, or losing valuable revenues because of litigation, it is a useful expansion.

Also made-in-order by the Rules Committee is my third amendment which simply requires the PTO Director, in consultation with other relevant agencies, and interested parties, to conduct a study to examine the economic impact of the litigation reforms contained in the bill (sections 3, 4, and 5 of this Act) on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate the constitutionally guaranteed exclusive right to inventions and discoveries by such individuals and small business. This amendment supplements and improves the bill, which requires PTO to conduct 4 studies and submit reports to Congress. The required studies are:

1. Study On Secondary Market Oversight For Patent Transactions To Promote Transparency And Ethical Business Practices.

2. Study On Patents Owned By The United States Government

3. Study On Patent Quality And Access To The Best Information During Examination

4. Study On Patent Small Claims Court

My last amendment was done with Ranking Member CONYERS of the Judiciary Committee, strikes Section 3(b) which requires that courts reward attorney's fees and expenses to the prevailing party. I remain convinced that this provision is onerous and prepares us for a slippery slope that leads to more and more restraints against plaintiffs in litigation.

This will have a chilling effect and deter litigation in areas which might lead to more harm being exacted on the public—particularly in areas such as civil rights, environmental protection, and business regulations.

Mr. Chairman, in the name of fairness to the little person—the Davids in the land of the Goliaths, commercially-speaking—and I ask my colleagues to slow the train down and exercise prudence and due caution before we vote on H.R. 3309.

We must act thoughtfully and with great caution as we pursue reforms to a system which took sixty years to change—and then in batting of a Congressional eyelash—look to significantly modify once again. I was here during the long road that led to the path that became Smith-Leahy, or the American Invents Act. That it took so long is somewhat perplexing; but even more interesting is that the bill had a Republican House and a Democratic Senate. Yet we came together in a collaborative fashion and made lemonade out of sixty years of lemons while in the midst of some of the most jarring partisanship we have seen in this great body. Yet H.R. 3309 has been cobbled together in a couple of months—this is no small, technical correction bill Mr. Chairman—it is comprehensive yet potentially pernicious legislation which should be slowed, if not stopped.

Ms. KAPTUR. Mr. Chairman, today I rise in opposition to H.R. 3309. This bill hurts innovation by small business and many American inventors with less than 5 patents. My amendment to exempt them from the strictures and inherent costs of this bill was not made in order. Issues with this bill:

Proponents of the bill claim that H.R. 3309 attempts to fix the issue with patent trolls. However, there is no evidence that patent trolls make up more than a very small percent of the civil suits brought in court—probably less than 5 percent.

The bill does however make it more difficult and for the vast majority of inventors and much more expensive for the "little guy" to sue for patent infringement. Small inventors simply cannot afford to defend themselves. Truly, this is un-American.

Fee shifting and "loser pay" rules ensure that only wealthy inventors and large business are able to protect their patents. Many small inventors and entrepreneurs simply cannot afford the cost of civil litigation and the potential cost of paying the legal fees for losing a lawsuit. Why throttle the most important source of innovation in our Nation?

Six national higher education associations including the Association of American Universities, Association of American Medical Universities, Association of Public and Land Grant Universities, and the American Bar Association and the Association of University Technology Managers oppose this bill. More than half of the U.S. economic growth since World War II is the result of technological innovation resulting from federally funded research. Universities are worried that this bill will hurt their ability to turn their federally funded research into the commercial sector because of how difficult it will be to defend their patents in court with the new fee shifting rules.

The American Association of Justice is "deeply concerned with the continued inclusion of burdensome mandatory fee shifting, unfair limitations on discovery and impediments on the discretion of the courts."

The bill should be sent back to committee. It should review in particular the development

and improvement of rules of procedure and case management to address the concerns over abusive litigation practices so we can address the real issues with patent law without making unnecessary changes that hurt small business and individual inventors.

Mr. BLUMENAUER. Mr. Chairman, I support H.R. 3309, the Innovation Act, as a step in the right direction to address the growing and serious issue of abusive patent lawsuits or "patent trolling."

We need to be careful that certain provisions of this legislation do not have unintended consequences for legitimate patent holders, especially institutions of higher education. It is encouraging that the administration's support includes a commitment to help refine this legislation. I look forward to participating in that effort.

Mr. BECERRA. Mr. Chairman, America is and must continue to be the cradle of invention and innovation. We reward those with big ideas.

I agree we must punish those who troll the waters in search of easy money at the expense of those who harness invention and innovation. But we must attack the abusers soundly and surgically so that we do not destroy in the dragnet the little guy with the big idea.

For this reason, Mr. Chairman, I will be opposing this bill.

Mr. JEFFRIES. Mr. Chairman, the Jeffries Amendment to H.R. 3309 accepted in the House Judiciary Committee amended the bill's fee-shifting provision in a meaningful manner designed to reduce the likelihood of an adverse award made against a non-prevailing party. As originally introduced, H.R. 3309 required the court to award fees to a prevailing party in patent litigation "unless the court finds that the position of the nonprevailing party or parties was substantially justified or that special circumstances make an award unjust."

The Jeffries Amendment modifies this provision to disallow fee-shifting when: 1) "the court finds that the position and conduct of the nonprevailing party or parties were reasonably justified in law and fact" or 2) when a named inventor or non-prevailing party encounters special circumstances such as "severe economic hardship" that would make a fee-shifting award unjust. With respect to the latter provision, the amendment further limits the circumstances under which a fee-shifting award is proper by mandating consideration of additional factors by the court.

During the debate on the House floor, a claim was made that the term "substantially justified" means "reasonably justified" as interpreted through the Equal Access to Justice Act (EAJA). The EAJA is a body of law unrelated to intellectual property jurisprudence. Accordingly, its precedential value is uncertain. However, to the extent this body of law is considered relevant, the oft-referenced Supreme Court decision in *Pierce v. Underwood* explicitly asserts that "substantially justified" and "reasonably justified" are not synonymous. Consequently, even when viewed through the EAJA lens, the Jeffries Amendment clearly lowers the bar that a non-prevailing party must meet in order to avoid an adverse fee-shifting determination.

The EAJA states in pertinent part: "(1)(A) Except as otherwise specifically provided by

statute, a court shall award to a prevailing party other than the United States fees and other expenses . . . incurred by that party in any civil action . . . brought by or against the United States . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust."

The Supreme Court in *Pierce v. Underwood* decided several issues regarding the EAJA, including the applicable standard of appellate review and the meaning of "substantially justified." Regarding the standard of review, the court held that the plain language of the statute stating "the court finds," makes clear "that the determination is for the district court to make, and thus suggests some deference to the district court on appeal" by employing an abuse of discretion standard. H.R. 3309 also includes "the court finds" language in its formulation. As such, any appellate court reviewing a fee-shifting decision by the district court should apply the deferential abuse of discretion standard as well.

In order to determine the meaning of "substantially justified," the Court studied the plain meaning of the statute, dictionary definitions and the legislative history to conclude: "[w]e are of the view, therefore, that as between the two commonly used connotations of the word 'substantially,' the one most naturally conveyed by the phrase before us here is not 'justified to a high degree,' but rather 'justified in substance or in the main'—that is, justified to a degree that could satisfy a reasonable person. That is no different from the 'reasonable basis both in law and fact' formulation adopted by the ninth Circuit . . ." It is important to note, of course, that the phrase "reasonable basis" as referenced in *Pierce v. Underwood* does not appear in H.R. 3309 as originally introduced, or as amended.

For purposes of understanding the reduced burden effectuated by the Jeffries Amendment, the most relevant part of the *Pierce v. Underwood* decision is the majority opinion's assertion that "our analysis does not convert the statutory term 'substantially justified' into 'reasonably justified.'" In other words, the two terms yield different standards. Logically, then, "reasonably justified" sets forth a lower threshold that must be met by a non-prevailing party.

The concurring opinion of Justice William Brennan further clarifies the practical difference in terms. "'Reasonable' has a variety of connotations, but may be defined as 'not absurd' or 'not ridiculous.'" Webster's New Third International Dictionary 1892 (1976) . . . While it is true 'reasonable' and 'substantial' overlap somewhat . . . an overlap is not an identity."

Accordingly, since the Supreme Court does not equate "substantially justified" with "reasonably justified," the suggestion that the change made to the fee-shifting provision in H.R. 3309 is practically meaningless lacks merit. In sum, the Jeffries Amendment deliberately lowers the bar from "substantially justified" to "reasonably justified" in a manner that relaxes the fee-shifting standard in the bill.

Ms. BONAMICI. Mr. Chairman, I rise today to express my support for the Innovation Act, H.R. 3309, but also to note my concerns about provisions of the bill that could under-

mine patent holders or make it more difficult for them to assert their rights. I hope a conference committee or the Senate will address and resolve these issues before the bill reaches the President's desk.

Patent litigation reform is important and necessary. Over the last few decades we have seen the rise of entities that are created to make profits by extracting payments from small businesses through the assertion of vague allegations of patent infringement. These so-called "patent trolls," also known as "patent assertion entities" (PAEs) buy patents on products they didn't invent and don't manufacture and then threaten and sue innovators who are actually contributing to our economy and creating jobs.

This scheme preys on the unwillingness or inability of small businesses to fight expensive lawsuits in court. PAEs know they can simply send a demand letter including a threat to sue, and regardless of the validity of the claim, a small business more often than not will pay the PAE to make the lawsuit or potential lawsuit go away. Often there is no examination of the validity of the patent or the claim. In fact, in many cases, the business never knows who is threatening or the nature of the alleged infringement. By some estimates this practice is costing American companies \$29 billion each year. Something needs to be done.

This bill takes important steps to protect the rights of entrepreneurs and small businesses if litigation is filed or threatened. The Innovation Act introduces a heightened pleading standard that requires patent holders to identify specifically the patent claims they are asserting and the product or process they allege infringes upon it. They also must identify those who have financial interests in the asserted patent. Importantly, the bill also limits expensive discovery before the court determines the scope of a disputed patent claim. And where the claim is against an end user of the technology, the bill would stay those proceedings in most instances where there is an ongoing action against the customer's supplier. I am quite concerned, however, that other provisions of this bill have the potential to impede legitimate patent holders from enforcing their rights and expose nonprofit organizations and research universities to unnecessary risk.

First, the fee-shifting provisions make it significantly less likely that an individual inventor or a small business would be able to assert a legitimate patent against an infringer. Patent suits are expensive, and in our American system parties are responsible for their own costs. In recognition of this, attorneys often take cases on a contingency fee basis and get paid a portion of the recovery only if they win. If plaintiffs and their attorneys now have to factor in the risk that they may need to pay not only their own costs and fees but also the costs and fees of the other party, they will be much less likely to assert legitimate enforcement claims. This provision is purported to stop frivolous lawsuits, but it does more than that—it equates a loss with a lack of merit. There are many reasons why a party may have a genuine dispute regarding law and fact and still lose the case; that does not mean that the case was frivolous. This bill creates a presumption of fee shifting, limits judicial discretion, and sets litigation reform on the wrong path.

Second, the joinder provisions in the Innovation Act could allow nonprofit organizations and research universities to be forcibly joined into a case against a downstream user. The purpose of the joinder provision is laudable—to ensure that a troll that loses a patent case cannot hide behind shell companies or other complicated corporate structures to avoid paying a judgment. In such a case it would allow the prevailing party to join another entity that has an economic interest in the patent. But the provision is overbroad. Nonprofit organizations and research universities often spend a great deal of time and effort on research and development; as a result, they frequently hold patents and license them for commercial use. Under this bill, a research university like Oregon State or Portland State could be joined in a lawsuit and forced to pay the judgment of a losing party if that party can't or won't pay. That isn't fair and it could potentially nullify state law. This provision must be narrowed before it goes to the President's desk.

Finally, there are a handful of amendments that would make this bill stronger and I regret that the House has not adopted them. The automatic stay provisions would be stronger if limited to small businesses only, as the Jackson-Lee amendment would do. Likewise, the Watt amendment would mitigate some of the concerns with the fee-shifting provisions by allowing judges to consider whether a prevailing party acted in bad faith or unnecessarily delayed the proceedings when making a fee award. And the Conyers-Watt substitute amendment represents a far better path overall for reducing patent troll litigation without advancing reforms hostile to legitimate plaintiffs.

Mr. Chairman, patent trolls are a problem for small businesses and tech startups in my district and across the country. Their business model is to sue the job creators and innovators who drive our economy forward. I am glad that the House has taken concrete steps to address this problem, and I expect improvements will be made to this bill as it continues through the legislative process.

Mr. VAN HOLLEN. Mr. Chairman, I rise in support of the Innovation Act (H.R. 3309). While this legislation is not perfect, it represents an important step in our efforts to prevent patent assertion entities (PAE), commonly referred to as patent trolls, from extracting unfair and exorbitant settlements from innocent businesses through the threat of frivolous and expensive patent litigation.

This legislation ensures that when alleging infringement in a lawsuit, a party must at least identify what patents and claims are being infringed upon, and provide specificity as to how they are being infringed. This will provide more clarity and integrity to patent infringement claims, shining a light on the disingenuous claims from patent trolls.

Additionally, this legislation will help to protect the small businesses that have been accused of patent infringement for purchasing ubiquitous products and who are clearly not involved in the alleged infringement in a patent lawsuit. H.R. 3309 will allow for the action against the downstream customers to be stayed as the manufacturer of the product litigates the lawsuit. This is done so those with the knowledge of the production process, and not the innocent consumer, can argue the

case—and it is only allowed if the customer agrees to be bound by the final judgment of the court.

I do, however, continue to have reservations with several provisions in this bill. Primarily, I oppose the provision that allows in some cases for the shifting of court and legal fees from the prevailing parties. I believe this provision has the potential to discourage legitimate patent infringement lawsuits by inventors and owners of intellectual property that may not be deep pocketed. I am also worried about the precedent that this reform could set with respect to protecting access to the courts for all Americans. I voted for the substitute amendment proposed by Ranking Member CONYERS and Congressman WATT, which I believe strikes a more equitable balance than this legislation and which did not contain any fee shifting provisions. I look forward to continuing to work with our colleagues in the Senate to produce an ultimate agreement that stops patent trolls and continues to protect the pursuit of legitimate patent infringement claims.

The Acting CHAIR (Mr. MASSIE). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-28. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3309

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Innovation Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Patent infringement actions.

Sec. 4. Transparency of patent ownership.

Sec. 5. Customer-suit exception.

Sec. 6. Procedures and practices to implement and recommendations to the Judicial Conference.

Sec. 7. Small business education, outreach, and information access.

Sec. 8. Studies on patent transactions, quality, and examination.

Sec. 9. Improvements and technical corrections to the Leahy-Smith America Invents Act.

Sec. 10. Effective date.

#### **SEC. 2. DEFINITIONS.**

In this Act:

(1) **DIRECTOR.**—The term “Director” means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) **OFFICE.**—The term “Office” means the United States Patent and Trademark Office.

#### **SEC. 3. PATENT INFRINGEMENT ACTIONS.**

(a) **PLEADING REQUIREMENTS.**—

(1) **AMENDMENT.**—Chapter 29 of title 35, United States Code, is amended by inserting after section 281 the following:

#### **“§281A. Pleading requirements for patent infringement actions**

“(a) **PLEADING REQUIREMENTS.**—Except as provided in subsection (b), in a civil action in which a party asserts a claim for relief arising under any Act of Congress relating to patents, a party alleging infringement shall include in the initial complaint, counterclaim, or cross-claim for patent infringement, unless the information is not reasonably accessible to such party, the following:

“(1) An identification of each patent allegedly infringed.

“(2) An identification of each claim of each patent identified under paragraph (1) that is allegedly infringed.

“(3) For each claim identified under paragraph (2), an identification of each accused process, machine, manufacture, or composition of matter (referred to in this section as an ‘accused instrumentality’) alleged to infringe the claim.

“(4) For each accused instrumentality identified under paragraph (3), an identification with particularity, if known, of—

“(A) the name or model number of each accused instrumentality; or

“(B) if there is no name or model number, a description of each accused instrumentality.

“(5) For each accused instrumentality identified under paragraph (3), a clear and concise statement of—

“(A) where each element of each claim identified under paragraph (2) is found within the accused instrumentality; and

“(B) with detailed specificity, how each limitation of each claim identified under paragraph (2) is met by the accused instrumentality.

“(6) For each claim of indirect infringement, a description of the acts of the alleged indirect infringer that contribute to or are inducing the direct infringement.

“(7) A description of the authority of the party alleging infringement to assert each patent identified under paragraph (1) and of the grounds for the court’s jurisdiction.

“(8) A clear and concise description of the principal business, if any, of the party alleging infringement.

“(9) A list of each complaint filed, of which the party alleging infringement has knowledge, that asserts or asserted any of the patents identified under paragraph (1).

“(10) For each patent identified under paragraph (1), whether a standard-setting body has specifically declared such patent to be essential, potentially essential, or having potential to become essential to that standard-setting body, and whether the United States Government or a foreign government has imposed specific licensing requirements with respect to such patent.

“(b) **INFORMATION NOT READILY ACCESSIBLE.**—If information required to be disclosed under subsection (a) is not readily accessible to a party, that information may instead be generally described, along with an explanation of why such undisclosed information was not readily accessible, and of any efforts made by such party to access such information.

“(c) **CONFIDENTIAL INFORMATION.**—A party required to disclose information described under subsection (a) may file, under seal, information believed to be confidential, with a motion setting forth good cause for such sealing. If such motion is denied by the court, the party may seek to file an amended complaint.

“(d) **EXEMPTION.**—A civil action that includes a claim for relief arising under section 271(e)(2) shall not be subject to the requirements of subsection (a).”

(2) **CONFORMING AMENDMENT.**—The table of sections for chapter 29 of title 35, United States

Code, is amended by inserting after the item relating to section 281 the following new item:

“281A. Pleading requirements for patent infringement actions.”.

(b) FEES AND OTHER EXPENSES.—

(1) AMENDMENT.—Section 285 of title 35, United States Code, is amended to read as follows:

**“§285. Fees and other expenses**

“(a) AWARD.—The court shall award, to a prevailing party, reasonable fees and other expenses incurred by that party in connection with a civil action in which any party asserts a claim for relief arising under any Act of Congress relating to patents, unless the court finds that the position and conduct of the nonprevailing party or parties were reasonably justified in law and fact or that special circumstances (such as severe economic hardship to a named inventor) make an award unjust.

“(b) CERTIFICATION AND RECOVERY.—Upon motion of any party to the action, the court shall require another party to the action to certify whether or not the other party will be able to pay an award of fees and other expenses if such an award is made under subsection (a). If a nonprevailing party is unable to pay an award that is made against it under subsection (a), the court may make a party that has been joined under section 299(d) with respect to such party liable for the unsatisfied portion of the award.

“(c) COVENANT NOT TO SUE.—A party to a civil action that asserts a claim for relief arising under any Act of Congress relating to patents against another party, and that subsequently unilaterally extends to such other party a covenant not to sue for infringement with respect to the patent or patents at issue, shall be deemed to be a nonprevailing party (and the other party the prevailing party) for purposes of this section, unless the party asserting such claim would have been entitled, at the time that such covenant was extended, to voluntarily dismiss the action or claim without a court order under Rule 41 of the Federal Rules of Civil Procedure.”.

(2) CONFORMING AMENDMENT AND AMENDMENT.—

(A) CONFORMING AMENDMENT.—The item relating to section 285 of the table of sections for chapter 29 of title 35, United States Code, is amended to read as follows:

“285. Fees and other expenses.”.

(B) AMENDMENT.—Section 273 of title 35, United States Code, is amended by striking subsections (f) and (g).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to any action for which a complaint is filed on or after the first day of the 6-month period ending on that effective date.

(c) JOINDER OF INTERESTED PARTIES.—Section 299 of title 35, United States Code, is amended by adding at the end the following new subsection:

“(d) JOINDER OF INTERESTED PARTIES.—

“(1) JOINDER.—In a civil action arising under any Act of Congress relating to patents in which fees and other expenses have been awarded under section 285 to a prevailing party defending against an allegation of infringement of a patent claim, and in which the nonprevailing party alleging infringement is unable to pay the award of fees and other expenses, the court shall grant a motion by the prevailing party to join an interested party if such prevailing party shows that the nonprevailing party has no substantial interest in the subject matter at issue other than asserting such patent claim in litigation.

“(2) LIMITATION ON JOINDER.—

“(A) DISCRETIONARY DENIAL OF MOTION.—The court may deny a motion to join an interested party under paragraph (1) if—

“(i) the interested party is not subject to service of process; or

“(ii) joinder under paragraph (1) would deprive the court of subject matter jurisdiction or make venue improper.

“(B) REQUIRED DENIAL OF MOTION.—The court shall deny a motion to join an interested party under paragraph (1) if—

“(i) the interested party did not timely receive the notice required by paragraph (3); or

“(ii) within 30 days after receiving the notice required by paragraph (3), the interested party renounces, in writing and with notice to the court and the parties to the action, any ownership, right, or direct financial interest (as described in paragraph (4)) that the interested party has in the patent or patents at issue.

“(3) NOTICE REQUIREMENT.—An interested party may not be joined under paragraph (1) unless it has been provided actual notice, within 30 days after the date on which it has been identified in the initial disclosure provided under section 290(b), that it has been so identified and that such party may therefore be an interested party subject to joinder under this subsection. Such notice shall be provided by the party who subsequently moves to join the interested party under paragraph (1), and shall include language that—

“(A) identifies the action, the parties thereto, the patent or patents at issue, and the pleading or other paper that identified the party under section 290(b); and

“(B) informs the party that it may be joined in the action and made subject to paying an award of fees and other expenses under section 285(b) if—

“(i) fees and other expenses are awarded in the action against the party alleging infringement of the patent or patents at issue under section 285(a);

“(ii) the party alleging infringement is unable to pay the award of fees and other expenses;

“(iii) the party receiving notice under this paragraph is determined by the court to be an interested party; and

“(iv) the party receiving notice under this paragraph has not, within 30 days after receiving such notice, renounced in writing, and with notice to the court and the parties to the action, any ownership, right, or direct financial interest (as described in paragraph (4)) that the interested party has in the patent or patents at issue.

“(4) INTERESTED PARTY DEFINED.—In this subsection, the term ‘interested party’ means a person, other than the party alleging infringement, that—

“(A) is an assignee of the patent or patents at issue;

“(B) has a right, including a contingent right, to enforce or sublicense the patent or patents at issue; or

“(C) has a direct financial interest in the patent or patents at issue, including the right to any part of an award of damages or any part of licensing revenue, except that a person with a direct financial interest does not include—

“(i) an attorney or law firm providing legal representation in the civil action described in paragraph (1) if the sole basis for the financial interest of the attorney or law firm in the patent or patents at issue arises from the attorney or law firm’s receipt of compensation reasonably related to the provision of the legal representation; or

“(ii) a person whose sole financial interest in the patent or patents at issue is ownership of an equity interest in the party alleging infringement, unless such person also has the right or ability to influence, direct, or control the civil action.”.

(d) DISCOVERY LIMITS.—

(1) AMENDMENT.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following new section:

**“§299A. Discovery in patent infringement action**

“(a) DISCOVERY IN PATENT INFRINGEMENT ACTION.—Except as provided in subsection (b), in a civil action arising under any Act of Congress relating to patents, if the court determines that a ruling relating to the construction of terms used in a patent claim asserted in the complaint is required, discovery shall be limited, until such ruling is issued, to information necessary for the court to determine the meaning of the terms used in the patent claim, including any interpretation of those terms used to support the claim of infringement.

“(b) DISCRETION TO EXPAND SCOPE OF DISCOVERY.—

“(1) TIMELY RESOLUTION OF ACTIONS.—If, under any provision of Federal law (including the amendments made by the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98-417)), resolution within a specified period of time of a civil action arising under any Act of Congress relating to patents will necessarily affect the rights of a party with respect to the patent, the court shall permit discovery, in addition to the discovery authorized under subsection (a), before the ruling described in subsection (a) is issued as necessary to ensure timely resolution of the action.

“(2) RESOLUTION OF MOTIONS.—When necessary to resolve a motion properly raised by a party before a ruling relating to the construction of terms described in subsection (a) is issued, the court may allow limited discovery in addition to the discovery authorized under subsection (a) as necessary to resolve the motion.

“(3) SPECIAL CIRCUMSTANCES.—In special circumstances that would make denial of discovery a manifest injustice, the court may permit discovery, in addition to the discovery authorized under subsection (a), as necessary to prevent the manifest injustice.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, is amended by adding at the end the following new item:

“299A. Discovery in patent infringement action.”.

(e) SENSE OF CONGRESS.—It is the sense of Congress that it is an abuse of the patent system and against public policy for a party to send out purposely evasive demand letters to end users alleging patent infringement. Demand letters sent should, at the least, include basic information about the patent in question, what is being infringed, and how it is being infringed. Any actions or litigation that stem from these types of purposely evasive demand letters to end users should be considered a fraudulent or deceptive practice and an exceptional circumstance when considering whether the litigation is abusive.

(f) DEMAND LETTERS.—Section 284 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking “Upon finding” and inserting “(a) IN GENERAL.—Upon finding”;

(2) in the second undesignated paragraph, by striking “When the damages” and inserting “(b) ASSESSMENT BY COURT; TREBLE DAMAGES.—When the damages”;

(3) by inserting after subsection (b), as designated by paragraph (2) of this subsection, the following:

“(c) WILLFUL INFRINGEMENT.—A claimant seeking to establish willful infringement may not rely on evidence of pre-suit notification of infringement unless that notification identifies with particularity the asserted patent, identifies the product or process accused, and explains

with particularity, to the extent possible following a reasonable investigation or inquiry, how the product or process infringes one or more claims of the patent.”; and

(4) in the last undesignated paragraph, by striking “The court” and inserting “(d) EXPERT TESTIMONY.—The court”.

(g) **EFFECTIVE DATE.**—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any action for which a complaint is filed on or after that date.

#### SEC. 4. TRANSPARENCY OF PATENT OWNERSHIP.

(a) **AMENDMENTS.**—Section 290 of title 35, United States Code, is amended—

(1) in the heading, by striking “**suits**” and inserting “**suits; disclosure of interests**”;

(2) by striking “The clerks” and inserting “(a) NOTICE OF PATENT SUITS.—The clerks”; and

(3) by adding at the end the following new subsections:

“(b) **INITIAL DISCLOSURE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), upon the filing of an initial complaint for patent infringement, the plaintiff shall disclose to the Patent and Trademark Office, the court, and each adverse party the identity of each of the following:

“(A) The assignee of the patent or patents at issue.

“(B) Any entity with a right to sublicense or enforce the patent or patents at issue.

“(C) Any entity, other than the plaintiff, that the plaintiff knows to have a financial interest in the patent or patents at issue or the plaintiff.

“(D) The ultimate parent entity of any assignee identified under subparagraph (A) and any entity identified under subparagraph (B) or (C).

“(2) **EXEMPTION.**—The requirements of paragraph (1) shall not apply with respect to a civil action filed under subsection (a) that includes a cause of action described under section 271(e)(2).

“(c) **DISCLOSURE COMPLIANCE.**—

“(1) **PUBLICLY TRADED.**—For purposes of subsection (b)(1)(C), if the financial interest is held by a corporation traded on a public stock exchange, an identification of the name of the corporation and the public exchange listing shall satisfy the disclosure requirement.

“(2) **NOT PUBLICLY TRADED.**—For purposes of subsection (b)(1)(C), if the financial interest is not held by a publicly traded corporation, the disclosure shall satisfy the disclosure requirement if the information identifies—

“(A) in the case of a partnership, the name of the partnership and the name and correspondence address of each partner or other entity that holds more than a 5-percent share of that partnership;

“(B) in the case of a corporation, the name of the corporation, the location of incorporation, the address of the principal place of business, and the name of each officer of the corporation; and

“(C) for each individual, the name and correspondence address of that individual.

“(d) **ONGOING DUTY OF DISCLOSURE TO THE PATENT AND TRADEMARK OFFICE.**—

“(1) **IN GENERAL.**—A plaintiff required to submit information under subsection (b) or a subsequent owner of the patent or patents at issue shall, not later than 90 days after any change in the assignee of the patent or patents at issue or an entity described under subparagraph (B) or (D) of subsection (b)(1), submit to the Patent and Trademark Office the updated identification of such assignee or entity.

“(2) **FAILURE TO COMPLY.**—With respect to a patent for which the requirement of paragraph (1) has not been met—

“(A) the plaintiff or subsequent owner shall not be entitled to recover reasonable fees and

other expenses under section 285 or increased damages under section 284 with respect to infringing activities taking place during any period of noncompliance with paragraph (1), unless the denial of such damages or fees would be manifestly unjust; and

“(B) the court shall award to a prevailing party accused of infringement reasonable fees and other expenses under section 285 that are incurred to discover the updated assignee or entity described under paragraph (1), unless such sanctions would be unjust.

“(e) **DEFINITIONS.**—In this section:

“(1) **FINANCIAL INTEREST.**—The term ‘financial interest’—

“(A) means—

“(i) with regard to a patent or patents, the right of a person to receive proceeds related to the assertion of the patent or patents, including a fixed or variable portion of such proceeds; and

“(ii) with regard to the plaintiff, direct or indirect ownership or control by a person of more than 5 percent of such plaintiff; and

“(B) does not mean—

“(i) ownership of shares or other interests in a mutual or common investment fund, unless the owner of such interest participates in the management of such fund; or

“(ii) the proprietary interest of a policyholder in a mutual insurance company or of a depositor in a mutual savings association, or a similar proprietary interest, unless the outcome of the proceeding could substantially affect the value of such interest.

“(2) **PROCEEDING.**—The term ‘proceeding’ means all stages of a civil action, including pretrial and trial proceedings and appellate review.

“(3) **ULTIMATE PARENT ENTITY.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘ultimate parent entity’ has the meaning given such term in section 801.1(a)(3) of title 16, Code of Federal Regulations, or any successor regulation.

“(B) **MODIFICATION OF DEFINITION.**—The Director may modify the definition of ‘ultimate parent entity’ by regulation.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The item relating to section 290 in the table of sections for chapter 29 of title 35, United States Code, is amended to read as follows:

“290. Notice of patent suits; disclosure of interests.”.

(c) **REGULATIONS.**—The Director may promulgate such regulations as are necessary to establish a registration fee in an amount sufficient to recover the estimated costs of administering subsections (b) through (e) of section 290 of title 35, United States Code, as added by subsection (a), to facilitate the collection and maintenance of the information required by such subsections, and to ensure the timely disclosure of such information to the public.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act and shall apply to any action for which a complaint is filed on or after such effective date.

#### SEC. 5. CUSTOMER-SUIT EXCEPTION.

(a) **AMENDMENT.**—Section 296 of title 35, United States Code, is amended to read as follows:

##### “§296. Stay of action against customer

“(a) **STAY OF ACTION AGAINST CUSTOMER.**—Except as provided in subsection (d), in any civil action arising under any Act of Congress relating to patents, the court shall grant a motion to stay at least the portion of the action against a covered customer related to infringement of a patent involving a covered product or process if the following requirements are met:

“(1) The covered manufacturer and the covered customer consent in writing to the stay.

“(2) The covered manufacturer is a party to the action or to a separate action involving the same patent or patents related to the same covered product or process.

“(3) The covered customer agrees to be bound by any issues that the covered customer has in common with the covered manufacturer and are finally decided as to the covered manufacturer in an action described in paragraph (2).

“(4) The motion is filed after the first pleading in the action but not later than the later of—

“(A) the 120th day after the date on which the first pleading in the action is served that specifically identifies the covered product or process as a basis for the covered customer’s alleged infringement of the patent and that specifically identifies how the covered product or process is alleged to infringe the patent; or

“(B) the date on which the first scheduling order in the case is entered.

“(b) **APPLICABILITY OF STAY.**—A stay issued under subsection (a) shall apply only to the patents, products, systems, or components accused of infringement in the action.

“(c) **LIFT OF STAY.**—

“(1) **IN GENERAL.**—A stay entered under this section may be lifted upon grant of a motion based on a showing that—

“(A) the action involving the covered manufacturer will not resolve a major issue in suit against the covered customer; or

“(B) the stay unreasonably prejudices and would be manifestly unjust to the party seeking to lift the stay.

“(2) **SEPARATE MANUFACTURER ACTION INVOLVED.**—In the case of a stay entered based on the participation of the covered manufacturer in a separate action involving the same patent or patents related to the same covered product or process, a motion under this subsection may only be made if the court in such separate action determines the showing required under paragraph (1) has been met.

“(d) **EXEMPTION.**—This section shall not apply to an action that includes a cause of action described under section 271(e)(2).

“(e) **CONSENT JUDGMENT.**—If, following the grant of a motion to stay under this section, the covered manufacturer seeks or consents to entry of a consent judgment relating to one or more of the common issues that gave rise to the stay, or declines to prosecute through appeal a final decision as to one or more of the common issues that gave rise to the stay, the court may, upon grant of a motion, determine that such consent judgment or unappealed final decision shall not be binding on the covered customer with respect to one or more of such common issues based on a showing that such an outcome would unreasonably prejudice and be manifestly unjust to the covered customer in light of the circumstances of the case.

“(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the ability of a court to grant any stay, expand any stay granted under this section, or grant any motion to intervene, if otherwise permitted by law.

“(g) **DEFINITIONS.**—In this section:

“(1) **COVERED CUSTOMER.**—The term ‘covered customer’ means a party accused of infringing a patent or patents in dispute based on a covered product or process.

“(2) **COVERED MANUFACTURER.**—The term ‘covered manufacturer’ means a person that manufactures or supplies, or causes the manufacture or supply of, a covered product or process or a relevant part thereof.

“(3) **COVERED PRODUCT OR PROCESS.**—The term ‘covered product or process’ means a product, process, system, service, component, material, or apparatus, or relevant part thereof, that—

“(A) is alleged to infringe the patent or patents in dispute; or

“(B) implements a process alleged to infringe the patent or patents in dispute.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 296 and inserting the following:

“296. Stay of action against customer.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any action for which a complaint is filed on or after the first day of the 30-day period that ends on that date.

#### **SEC. 6. PROCEDURES AND PRACTICES TO IMPLEMENT RECOMMENDATIONS OF THE JUDICIAL CONFERENCE.**

(a) **JUDICIAL CONFERENCE RULES AND PROCEDURES ON DISCOVERY BURDENS AND COSTS.**—

(1) **RULES AND PROCEDURES.**—The Judicial Conference of the United States, using existing resources, shall develop rules and procedures to implement the issues and proposals described in paragraph (2) to address the asymmetries in discovery burdens and costs in any civil action arising under any Act of Congress relating to patents. Such rules and procedures shall include how and when payment for document discovery in addition to the discovery of core documentary evidence is to occur, and what information must be presented to demonstrate financial capacity before permitting document discovery in addition to the discovery of core documentary evidence.

(2) **RULES AND PROCEDURES TO BE CONSIDERED.**—The rules and procedures required under paragraph (1) should address each of the following issues and proposals:

(A) **DISCOVERY OF CORE DOCUMENTARY EVIDENCE.**—Whether and to what extent each party to the action is entitled to receive core documentary evidence and shall be responsible for the costs of producing core documentary evidence within the possession or control of each such party, and whether and to what extent each party to the action may seek nondocumentary discovery as otherwise provided in the Federal Rules of Civil Procedure.

(B) **ELECTRONIC COMMUNICATION.**—If the parties determine that the discovery of electronic communication is appropriate, whether such discovery shall occur after the parties have exchanged initial disclosures and core documentary evidence and whether such discovery shall be in accordance with the following:

(i) Any request for the production of electronic communication shall be specific and may not be a general request for the production of information relating to a product or business.

(ii) Each request shall identify the custodian of the information requested, the search terms, and a time frame. The parties shall cooperate to identify the proper custodians, the proper search terms, and the proper time frame.

(iii) A party may not submit production requests to more than 5 custodians, unless the parties jointly agree to modify the number of production requests without leave of the court.

(iv) The court may consider contested requests for up to 5 additional custodians per producing party, upon a showing of a distinct need based on the size, complexity, and issues of the case.

(v) If a party requests the discovery of electronic communication for additional custodians beyond the limits agreed to by the parties or granted by the court, the requesting party shall bear all reasonable costs caused by such additional discovery.

(C) **ADDITIONAL DOCUMENT DISCOVERY.**—Whether the following should apply:

(i) **IN GENERAL.**—Each party to the action may seek any additional document discovery otherwise permitted under the Federal Rules of Civil Procedure, if such party bears the reasonable costs, including reasonable attorney's fees, of the additional document discovery.

(ii) **REQUIREMENTS FOR ADDITIONAL DOCUMENT DISCOVERY.**—Unless the parties mutually agree otherwise, no party may be permitted additional document discovery unless such a party posts a bond, or provides other security, in an amount sufficient to cover the expected costs of such additional document discovery, or makes a showing to the court that such party has the financial capacity to pay the costs of such additional document discovery.

(iii) **LIMITS ON ADDITIONAL DOCUMENT DISCOVERY.**—A court, upon motion, may determine that a request for additional document discovery is excessive, irrelevant, or otherwise abusive and may set limits on such additional document discovery.

(iv) **GOOD CAUSE MODIFICATION.**—A court, upon motion and for good cause shown, may modify the requirements of subparagraphs (A) and (B) and any definition under paragraph (3). Not later than 30 days after the pretrial conference under Rule 16 of the Federal Rules of Civil Procedure, the parties shall jointly submit any proposed modifications of the requirements of subparagraphs (A) and (B) and any definition under paragraph (3), unless the parties do not agree, in which case each party shall submit any proposed modification of such party and a summary of the disagreement over the modification.

(v) **COMPUTER CODE.**—A court, upon motion and for good cause shown, may determine that computer code should be included in the discovery of core documentary evidence. The discovery of computer code shall occur after the parties have exchanged initial disclosures and other core documentary evidence.

(D) **DISCOVERY SEQUENCE AND SCOPE.**—Whether the parties shall discuss and address in the written report filed pursuant to Rule 26(f) of the Federal Rules of Civil Procedure the views and proposals of each party on the following:

(i) When the discovery of core documentary evidence should be completed.

(ii) Whether additional document discovery will be sought under subparagraph (C).

(iii) Any issues about infringement, invalidity, or damages that, if resolved before the additional discovery described in subparagraph (C) commences, might simplify or streamline the case, including the identification of any terms or phrases relating to any patent claim at issue to be construed by the court and whether the early construction of any of those terms or phrases would be helpful.

(3) **DEFINITIONS.**—In this subsection:

(A) **CORE DOCUMENTARY EVIDENCE.**—The term “core documentary evidence”—

(i) includes—

(I) documents relating to the conception of, reduction to practice of, and application for, the patent or patents at issue;

(II) documents sufficient to show the technical operation of the product or process identified in the complaint as infringing the patent or patents at issue;

(III) documents relating to potentially invalidating prior art;

(IV) documents relating to any licensing of, or other transfer of rights to, the patent or patents at issue before the date on which the complaint is filed;

(V) documents sufficient to show profit attributable to the claimed invention of the patent or patents at issue;

(VI) documents relating to any knowledge by the accused infringer of the patent or patents at issue before the date on which the complaint is filed;

(VII) documents relating to any knowledge by the patentee of infringement of the patent or patents at issue before the date on which the complaint is filed;

(VIII) documents relating to any licensing term or pricing commitment to which the patent

or patents may be subject through any agency or standard-setting body; and

(IX) documents sufficient to show any marking or other notice provided of the patent or patents at issue; and

(ii) does not include computer code, except as specified in paragraph (2)(C)(v).

(B) **ELECTRONIC COMMUNICATION.**—The term “electronic communication” means any form of electronic communication, including email, text message, or instant message.

(4) **IMPLEMENTATION BY THE DISTRICT COURTS.**—Not later than 6 months after the date on which the Judicial Conference has developed the rules and procedures required by this subsection, each United States district court and the United States Court of Federal Claims shall revise the applicable local rules for such court to implement such rules and procedures.

(5) **AUTHORITY FOR JUDICIAL CONFERENCE TO REVIEW AND MODIFY.**—

(A) **STUDY OF EFFICACY OF RULES AND PROCEDURES.**—The Judicial Conference shall study the efficacy of the rules and procedures required by this subsection during the 4-year period beginning on the date on which such rules and procedures by the district courts and the United States Court of Federal Claims are first implemented. The Judicial Conference may modify such rules and procedures following such 4-year period.

(B) **INITIAL MODIFICATIONS.**—Before the expiration of the 4-year period described in subparagraph (A), the Judicial Conference may modify the requirements under this subsection—

(i) by designating categories of “core documentary evidence”, in addition to those designated under paragraph (3)(A), as the Judicial Conference determines to be appropriate and necessary; and

(ii) as otherwise necessary to prevent a manifest injustice, the imposition of a requirement the costs of which clearly outweigh its benefits, or a result that could not reasonably have been intended by the Congress.

(b) **JUDICIAL CONFERENCE PATENT CASE MANAGEMENT.**—The Judicial Conference of the United States, using existing resources, shall develop case management procedures to be implemented by the United States district courts and the United States Court of Federal Claims for any civil action arising under any Act of Congress relating to patents, including initial disclosure and early case management conference practices that—

(1) will identify any potential dispositive issues of the case; and

(2) focus on early summary judgment motions when resolution of issues may lead to expedited disposition of the case.

(c) **REVISION OF FORM FOR PATENT INFRINGEMENT.**—

(1) **ELIMINATION OF FORM.**—The Supreme Court, using existing resources, shall eliminate Form 18 in the Appendix to the Federal Rules of Civil Procedure (relating to Complaint for Patent Infringement), effective on the date of the enactment of this Act.

(2) **REVISED FORM.**—The Supreme Court may prescribe a new form or forms setting out model allegations of patent infringement that, at a minimum, notify accused infringers of the asserted claim or claims, the products or services accused of infringement, and the plaintiff's theory for how each accused product or service meets each limitation of each asserted claim. The Judicial Conference should exercise the authority under section 2073 of title 28, United States Code, to make recommendations with respect to such new form or forms.

(d) **PROTECTION OF INTELLECTUAL-PROPERTY LICENSES IN BANKRUPTCY.**—

(1) **IN GENERAL.**—Section 1520(a) of title 11, United States Code, is amended—



(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by inserting at the end the following new paragraph:

“(5) section 365(n) applies to intellectual property of which the debtor is a licensor or which the debtor has transferred.”.

(2) TRADEMARKS.—

(A) IN GENERAL.—Section 101(35A) of title 11, United States Code, is amended—

(i) in subparagraph (E), by striking “or”;

(ii) in subparagraph (F), by striking “title 17,” and inserting “title 17; or”; and

(iii) by adding after subparagraph (F) the following new subparagraph:

“(G) a trademark, service mark, or trade name, as those terms are defined in section 45 of the Act of July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’) (15 U.S.C. 1127);”.

(B) CONFORMING AMENDMENT.—Section 365(n)(2) of title 11, United States Code, is amended—

(i) in subparagraph (B)—

(I) by striking “royalty payments” and inserting “royalty or other payments”; and

(II) by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period at the end of clause (ii) and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(D) in the case of a trademark, service mark, or trade name, the trustee shall not be relieved of a contractual obligation to monitor and control the quality of a licensed product or service.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to any case that is pending on, or for which a petition or complaint is filed on or after, such date of enactment.

#### SEC. 7. SMALL BUSINESS EDUCATION, OUTREACH, AND INFORMATION ACCESS.

(a) SMALL BUSINESS EDUCATION AND OUTREACH.—

(1) RESOURCES FOR SMALL BUSINESS.—Using existing resources, the Director shall develop educational resources for small businesses to address concerns arising from patent infringement.

(2) SMALL BUSINESS PATENT OMBUDSMAN.—The Patent Ombudsman Program established under section 28 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 339; 35 U.S.C. 2 note) shall coordinate with the existing small business outreach programs of the Office, and the relevant offices at the Small Business Administration and the Minority Business Development Agency, to provide education and awareness on abusive patent litigation practices. The Director may give special consideration to the unique needs of small firms owned by disabled veterans, service-disabled veterans, women, and minority entrepreneurs in planning and executing the outreach efforts by the Office.

(b) IMPROVING INFORMATION TRANSPARENCY FOR SMALL BUSINESS AND THE UNITED STATES PATENT AND TRADEMARK OFFICE USERS.—

(1) WEB SITE.—Using existing resources, the Director shall create a user-friendly section on the official Web site of the Office to notify the public when a patent case is brought in Federal court and, with respect to each patent at issue in such case, the Director shall include—

(A) information disclosed under subsections (b) and (d) of section 290 of title 35, United States Code, as added by section 4(a) of this Act; and

(B) any other information the Director determines to be relevant.

(2) FORMAT.—In order to promote accessibility for the public, the information described in

paragraph (1) shall be searchable by patent number, patent art area, and entity.

#### SEC. 8. STUDIES ON PATENT TRANSACTIONS, QUALITY, AND EXAMINATION.

(a) STUDY ON SECONDARY MARKET OVERSIGHT FOR PATENT TRANSACTIONS TO PROMOTE TRANSPARENCY AND ETHICAL BUSINESS PRACTICES.—

(1) STUDY REQUIRED.—The Director, in consultation with the Secretary of Commerce, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the heads of other relevant agencies, and interested parties, shall, using existing resources of the Office, conduct a study—

(A) to develop legislative recommendations to ensure greater transparency and accountability in patent transactions occurring on the secondary market;

(B) to examine the economic impact that the patent secondary market has on the United States;

(C) to examine licensing and other oversight requirements that may be placed on the patent secondary market, including on the participants in such markets, to ensure that the market is a level playing field and that brokers in the market have the requisite expertise and adhere to ethical business practices; and

(D) to examine the requirements placed on other markets.

(2) REPORT ON STUDY.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the findings and recommendations of the Director from the study required under paragraph (1).

(b) STUDY ON PATENTS OWNED BY THE UNITED STATES GOVERNMENT.—

(1) STUDY REQUIRED.—The Director, in consultation with the heads of relevant agencies and interested parties, shall, using existing resources of the Office, conduct a study on patents owned by the United States Government that—

(A) examines how such patents are licensed and sold, and any litigation relating to the licensing or sale of such patents;

(B) provides legislative and administrative recommendations on whether there should be restrictions placed on patents acquired from the United States Government;

(C) examines whether or not each relevant agency maintains adequate records on the patents owned by such agency, specifically whether such agency addresses licensing, assignment, and Government grants for technology related to such patents; and

(D) provides recommendations to ensure that each relevant agency has an adequate point of contact that is responsible for managing the patent portfolio of the agency.

(2) REPORT ON STUDY.—Not later than 6 months after the date of the enactment of this Act, the Director shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings and recommendations of the Director from the study required under paragraph (1).

(c) STUDY ON PATENT QUALITY AND ACCESS TO THE BEST INFORMATION DURING EXAMINATION.—

(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study on patent examination at the Office and the technologies available to improve examination and improve patent quality.

(2) CONTENTS OF THE STUDY.—The study required under paragraph (1) shall include the following:

(A) An examination of patent quality at the Office.

(B) An examination of ways to improve patent quality, specifically through technology, that

shall include examining best practices at foreign patent offices and the use of existing off-the-shelf technologies to improve patent examination.

(C) A description of how patents are classified.

(D) An examination of procedures in place to prevent double patenting through filing by applicants in multiple art areas.

(E) An examination of the types of off-the-shelf prior art databases and search software used by foreign patent offices and governments, particularly in Europe and Asia, and whether those databases and search tools could be used by the Office to improve patent examination.

(F) An examination of any other areas the Comptroller General determines to be relevant.

(3) REPORT ON STUDY.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings and recommendations from the study required by this subsection, including recommendations for any changes to laws and regulations that will improve the examination of patent applications and patent quality.

(d) STUDY ON PATENT SMALL CLAIMS COURT.—

(1) STUDY REQUIRED.—

(A) IN GENERAL.—The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Federal Judicial Center and the United States Patent and Trademark Office, shall, using existing resources, conduct a study to examine the idea of developing a pilot program for patent small claims courts in certain judicial districts within the existing patent pilot program mandated by Public Law 111–349.

(B) CONTENTS OF STUDY.—The study under subparagraph (A) shall examine—

(i) the number of and qualifications for judges that could serve on such small claims courts;

(ii) how such small claims courts would be designated and the necessary criteria for such designation;

(iii) the costs that would be incurred for establishing, maintaining, and operating such a pilot program; and

(iv) the steps that would be taken to ensure that the courts in the pilot program are not misused for abusive patent litigation.

(2) REPORT ON STUDY.—Not later than 1 year after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the findings and recommendations of the Director of the Administrative Office from the study required under paragraph (1).

(e) STUDY ON DEMAND LETTERS.—

(1) STUDY.—The Director, in consultation with the heads of other appropriate agencies, shall conduct a study of the prevalence of the practice of sending patent demand letters in bad faith and the extent to which that practice may, through fraudulent or deceptive practices, impose a negative impact on the marketplace.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the findings and recommendations of the Director from the study required under paragraph (1).

(3) PATENT DEMAND LETTER DEFINED.—In this subsection, the term “patent demand letter” means a written communication relating to a patent that states or indicates, directly or indirectly, that the recipient or anyone affiliated with the recipient is or may be infringing the patent.



(f) **STUDY ON BUSINESS METHOD PATENT QUALITY.**—

(1) **GAO STUDY.**—The Comptroller General of the United States shall conduct a study on the volume and nature of litigation involving business method patents.

(2) **CONTENTS OF STUDY.**—The study required under paragraph (1) shall focus on examining the quality of business method patents asserted in suits alleging patent infringement, and may include an examination of any other areas that the Comptroller General determines to be relevant.

(3) **REPORT TO CONGRESS.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings and recommendations from the study required by this subsection, including recommendations for any changes to laws or regulations that the Comptroller General considers appropriate on the basis of the study.

## **SEC. 9. IMPROVEMENTS AND TECHNICAL CORRECTIONS TO THE LEAHY-SMITH AMERICA INVENTS ACT.**

(a) **REPEAL OF CIVIL ACTION TO OBTAIN A PATENT.**—

(1) **REPEAL.**—Section 145 of title 35, United States Code, is repealed.

(2) **CONFORMING AMENDMENTS.**—

(A) **FEDERAL CIRCUIT JURISDICTION.**—Section 1295(a)(4) of title 28, United States Code, is amended—

(i) in subparagraph (A), by striking “except that an applicant or a party” and all that follows through the end of the subparagraph and inserting the following: “except that a party to a derivation proceeding may also have remedy by civil action under section 146 of title 35; an appeal under this subparagraph of a decision of the Board with respect to a derivation proceeding shall waive the right of such party to proceed under section 146 of title 35;” and

(ii) in subparagraph (C), by striking “section 145, 146, or” and inserting “section 146 or”.

(B) **FEDERAL CIRCUIT APPEAL.**—Section 141(a) of title 35, United States Code, is amended—

(i) by striking “may appeal the Board’s decision to” and inserting “may appeal the Board’s decision only to”; and

(ii) by striking the second sentence.

(C) **ADJUSTMENT OF PATENT TERM.**—Section 154(b)(1)(A)(iii) of title 35, United States Code, is amended by striking “section 141, 145, or 146” and inserting “section 141 or 146”.

(D) **CLERICAL AMENDMENT.**—The table of sections for chapter 13 of title 35, United States Code, is amended by repealing the item relating to section 145.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date of the enactment of this Act and apply to any proceeding in which a decision is made by the Patent Trial and Appeal Board on or after such date of enactment.

(b) **POST-GRANT REVIEW AMENDMENT.**—Section 325(e)(2) of title 35, United States Code is amended by striking “or reasonably could have raised”.

(c) **USE OF DISTRICT-COURT CLAIM CONSTRUCTION IN POST-GRANT AND INTER PARTES REVIEWS.**—

(1) **INTER PARTES REVIEW.**—Section 316(a) of title 35, United States Code, is amended—

(A) in paragraph (12), by striking “; and” and inserting a semicolon;

(B) in paragraph (13), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(14) providing that for all purposes under this chapter—

“(A) each claim of a patent shall be construed as such claim would be in a civil action to invalidate a patent under section 282(b), including construing each claim of the patent in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent; and

“(B) if a court has previously construed the claim or a claim term in a civil action in which the patent owner was a party, the Office shall consider such claim construction.”.

(2) **POST-GRANT REVIEW.**—Section 326(a) of title 35, United States Code, is amended—

(A) in paragraph (11), by striking “; and” and inserting a semicolon;

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(13) providing that for all purposes under this chapter—

“(A) each claim of a patent shall be construed as such claim would be in a civil action to invalidate a patent under section 282(b), including construing each claim of the patent in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent; and

“(B) if a court has previously construed the claim or a claim term in a civil action in which the patent owner was a party, the Office shall consider such claim construction.”.

(3) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 18(a)(1)(A) of the Leahy-Smith America Invents Act (Public Law 112–29; 126 Stat. 329; 35 U.S.C. 321 note) is amended by striking “Section 321(c)” and inserting “Sections 321(c) and 326(a)(13)”.

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, and shall apply to any proceeding under chapter 31 or 32 of title 35, United States Code, as the case may be, for which the petition for review is filed on or after such effective date.

(d) **CODIFICATION OF THE DOUBLE-PATENTING DOCTRINE FOR FIRST-INVENTOR-TO-FILE PATENTS.**—

(1) **AMENDMENT.**—Chapter 10 of title 35, United States Code, is amended by adding at the end the following new section:

### **“§ 106. Prior art in cases of double patenting**

“A claimed invention of a patent issued under section 151 (referred to as the ‘first patent’) that is not prior art to a claimed invention of another patent (referred to as the ‘second patent’) shall be considered prior art to the claimed invention of the second patent for the purpose of determining the nonobviousness of the claimed invention of the second patent under section 103 if—

“(1) the claimed invention of the first patent was effectively filed under section 102(d) on or before the effective filing date of the claimed invention of the second patent;

“(2) either—

“(A) the first patent and second patent name the same inventor; or

“(B) the claimed invention of the first patent would constitute prior art to the claimed invention of the second patent under section 102(a)(2) if an exception under section 102(b)(2) were deemed to be inapplicable and the claimed invention of the first patent was, or were deemed to be, effectively filed under section 102(d) before the effective filing date of the claimed invention of the second patent; and

“(3) the patentee of the second patent has not disclaimed the rights to enforce the second patent independently from, and beyond the statutory term of, the first patent.”.

(2) **REGULATIONS.**—The Director shall promulgate regulations setting forth the form and content of any disclaimer required for a patent to be issued in compliance with section 106 of title 35, United States Code, as added by paragraph (1). Such regulations shall apply to any disclaimer filed after a patent has issued. A disclaimer, when filed, shall be considered for the purpose of determining the validity of the patent under section 106 of title 35, United States Code.

(3) **CONFORMING AMENDMENT.**—The table of sections for chapter 10 of title 35, United States Code, is amended by adding at the end the following new item:

“106. Prior art in cases of double patenting.”.

(4) **EXCLUSIVE RULE.**—A patent subject to section 106 of title 35, United States Code, as added by paragraph (1), shall not be held invalid on any nonstatutory, double-patenting ground.

(5) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to a patent or patent application only if both the first and second patents described in section 106 of title 35, United States Code, as added by paragraph (1), are patents or patent applications that are described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(e) **PTO PATENT REVIEWS.**—

(1) **CLARIFICATION.**—

(A) **SCOPE OF PRIOR ART.**—Section 18(a)(1)(C)(i) of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended by striking “section 102(a)” and inserting “subsection (a) or (e) of section 102”.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall take effect on the date of the enactment of this Act and shall apply to any proceeding pending on, or filed on or after, such date of enactment.

(2) **AUTHORITY TO WAIVE FEE.**—Subject to available resources, the Director may waive payment of a filing fee for a transitional proceeding described under section 18(a) of the Leahy-Smith America Invents Act (35 U.S.C. 321 note).

(f) **CLARIFICATION OF LIMITS ON PATENT TERM ADJUSTMENT.**—

(1) **AMENDMENTS.**—Section 154(b)(1)(B) of title 35, United States Code, is amended—

(A) in the matter preceding clause (i), by striking “not including—” and inserting “the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued, not including—”;

(B) in clause (i), by striking “consumed by continued examination of the application requested by the applicant” and inserting “consumed after continued examination of the application is requested by the applicant”;

(C) in clause (iii), by striking the comma at the end and inserting a period; and

(D) by striking the matter following clause (iii).

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date of the enactment of this Act and apply to any patent application or patent that is pending on, or filed on or after, such date of enactment.

(g) **CLARIFICATION OF JURISDICTION.**—

(1) **IN GENERAL.**—The Federal interest in preventing inconsistent final judicial determinations as to the legal force or effect of the claims in a patent presents a substantial Federal issue that is important to the Federal system as a whole.

(2) **APPLICABILITY.**—Paragraph (1)—

(A) shall apply to all cases filed on or after, or pending on, the date of the enactment of this Act; and

(B) shall not apply to a case in which a Federal court has issued a ruling on whether the

case or a claim arises under any Act of Congress relating to patents or plant variety protection before the date of the enactment of this Act.

(h) **PATENT PILOT PROGRAM IN CERTAIN DISTRICT COURTS DURATION.**—

(1) **DURATION.**—Section 1(c) of Public Law 111-349 (124 Stat. 3674; 28 U.S.C. 137 note) is amended to read as follows:

“(c) **DURATION.**—The program established under subsection (a) shall be maintained using existing resources, and shall terminate 20 years after the end of the 6-month period described in subsection (b).”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(i) **TECHNICAL CORRECTIONS.**—

(1) **NOVELTY.**—

(A) **AMENDMENT.**—Section 102(b)(1)(A) of title 35, United States Code, is amended by striking “the inventor or joint inventor or by another” and inserting “the inventor or a joint inventor or another”.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall be effective as if included in the amendment made by section 3(b)(1) of the Leahy-Smith America Invents Act (Public Law 112-29).

(2) **INVENTOR'S OATH OR DECLARATION.**—

(A) **AMENDMENT.**—The second sentence of section 115(a) of title 35, United States Code, is amended—

(i) by striking “Except as otherwise provided” and inserting “Except for an application filed under section 118 or as otherwise provided”; and

(ii) by striking “shall execute” and inserting “may be required by the Director to execute”.

(B) **EFFECTIVE DATE.**—The amendments made by subparagraph (A) shall be effective as if included in the amendment made by section 4(a)(1) of the Leahy-Smith America Invents Act (Public Law 112-29).

(3) **ASSIGNEE FILERS.**—

(A) **BENEFIT OF EARLIER FILING DATE; RIGHT OF PRIORITY.**—Section 119(e)(1) of title 35, United States Code, is amended, in the first sentence, by striking “by an inventor or inventors named” and inserting “that names the inventor or a joint inventor”.

(B) **BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES.**—Section 120 of title 35, United States Code, is amended, in the first sentence, by striking “names an inventor or joint inventor” and inserting “names the inventor or a joint inventor”.

(C) **EFFECTIVE DATE.**—The amendments made by this paragraph shall take effect on the date of the enactment of this Act and shall apply to any patent application, and any patent issuing from such application, that is filed on or after September 16, 2012.

(4) **DERIVED PATENTS.**—

(A) **AMENDMENT.**—Section 291(b) of title 35, United States Code, is amended by striking “or joint inventor” and inserting “or a joint inventor”.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall be effective as if included in the amendment made by section 3(h)(1) of the Leahy-Smith America Invents Act (Public Law No. 112-29).

(5) **SPECIFICATION.**—Notwithstanding section 4(e) of the Leahy-Smith America Invents Act (Public Law 112-29; 125 Stat. 297), the amendments made by subsections (c) and (d) of section 4 of such Act shall apply to any proceeding or matter that is pending on, or filed on or after, the date of the enactment of this Act.

(6) **TIME LIMIT FOR COMMENCING MISCONDUCT PROCEEDINGS.**—

(A) **AMENDMENT.**—The fourth sentence of section 32 of title 35, United States Code, is amended by striking “1 year” and inserting “2 years”.

(B) **EFFECTIVE DATE.**—The amendment made by this paragraph shall take effect on the date

of the enactment of this Act and shall apply to any action in which the Office files a complaint on or after such date of enactment.

(7) **PATENT OWNER RESPONSE.**—

(A) **CONDUCT OF INTER PARTES REVIEW.**—Paragraph (8) of section 316(a) of title 35, United States Code, is amended by striking “the petition under section 313” and inserting “the petition under section 311”.

(B) **CONDUCT OF POST-GRANT REVIEW.**—Paragraph (8) of section 326(a) of title 35, United States Code, is amended by striking “the petition under section 323” and inserting “the petition under section 321”.

(C) **EFFECTIVE DATE.**—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

(8) **INTERNATIONAL APPLICATIONS.**—

(A) **AMENDMENTS.**—Section 202(b) of the Patent Law Treaties Implementation Act of 2012 (Public Law 112-211; 126 Stat. 1536) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(B) **EFFECTIVE DATE.**—The amendments made by subparagraph (A) shall be effective as if included in title II of the Patent Law Treaties Implementation Act of 2012 (Public Law 112-21).

#### SEC. 10. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act shall take effect on the date of the enactment of this Act, and shall apply to any patent issued, or any action filed, on or after that date.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 113-283. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to demand for a division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 113-283.

Mr. GOODLATTE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, line 3, strike “subsection (b)” and insert “subsections (b) and (c)”.

Page 12, strike lines 14 through 25 and insert the following:

“(1) **TIMELY RESOLUTION OF ACTIONS.**—In the case of an action under any provision of Federal law (including an action that includes a claim for relief arising under section 271(e)), for which resolution within a specified period of time of a civil action arising under any Act of Congress relating to patents will necessarily affect the rights of a party with respect to the patent, the court shall permit discovery, in addition to the discovery authorized under subsection (a), before the ruling described in subsection (a) is issued as necessary to ensure timely resolution of the action.”.

Page 13, insert after line 13 the following:

“(4) **ACTIONS SEEKING RELIEF BASED ON COMPETITIVE HARM.**—The limitation on discovery

provided under subsection (a) shall not apply to an action seeking a preliminary injunction to redress harm arising from the use, sale, or offer for sale of any allegedly infringing instrumentality that competes with a product sold or offered for sale, or a process used in manufacture, by a party alleging infringement.

“(c) **EXCLUSION FROM DISCOVERY LIMITATION.**—The parties may voluntarily consent to be excluded, in whole or in part, from the limitation on discovery provided under subsection (a) if at least one plaintiff and one defendant enter into a signed stipulation, to be filed with and signed by the court. With regard to any discovery excluded from the requirements of subsection (a) under the signed stipulation, with respect to such parties, such discovery shall proceed according to the Federal Rules of Civil Procedure.”.

Page 35, strike line 16 and all that follows through page 36, line 3, and insert the following:

(1) **IN GENERAL.**—Section 1522 of title 11, United States Code, is amended by adding at the end the following:

“(e) Section 365(n) shall apply to cases under this chapter. If the foreign representative rejects or repudiates a contract under which the debtor is a licensor of intellectual property, the licensee under such contract shall be entitled to make the election and exercise the rights described in section 365(n).”.

Page 38, line 1, strike “OMBUDSMAN” and insert “OUTREACH”.

Page 38, strike line 2 and all that follows through “programs” on line 6 and insert “The existing small business patent outreach programs”.

Page 38, lines 8 and 9, strike “to provide” and insert “shall provide”.

Page 40, line 13, strike “1 year” and insert “18 months”.

Page 41, lines 20 and 21, strike “6 months” and insert “1 year”.

Page 42, line 6, strike “shall conduct a study” and insert “shall, using existing resources, conduct a study”.

Page 43, lines 9 and 10, strike “6 months” and insert “1 year”.

Page 44, line 3, strike “courts” and insert “procedures”.

Page 44, strike lines 8 through 13 and insert the following:

(i) the necessary criteria for using small claims procedures;

Page 44, line 14, strike “(iii)” and insert “(ii)”.

Page 44, line 17, strike “(iv)” and insert “(iii)”.

Page 44, line 18, strike “courts” and insert “procedures used”.

Page 45, lines 7 and 8, strike “shall conduct a study” and insert “shall, using existing resources, conduct a study”.

Page 46, line 4, strike “shall conduct a study” and insert “shall, using existing resources, conduct a study”.

Page 46, lines 13 and 14, strike “6 months” and insert “1 year”.

Page 52, line 5, strike “name the same inventor” and insert “name the same individual or individuals as the inventor”.

Page 53, line 11, after “double-patenting ground” insert “based on a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note)”.

Page 53, lines 13-14, after “shall take effect” insert “upon the expiration of the 1-year period beginning”.

Page 55, line 10, strike “or patent”.

Page 57, strike lines 4 through 13 and insert the following:

(A) AMENDMENT.—The second sentence of section 115(a) of title 35, United States Code, is amended by striking “shall execute” and inserting “may be required to execute”.

Page 57, line 14, strike “amendments” and insert “amendment”.

Page 59, lines 9 and 10, strike “2 years” and insert “18 months”.

The Acting CHAIR. Pursuant to House Resolution 429, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment was developed based on discussions with a cross-range of industry stakeholders, the input of Members from the House and Senate, the courts, and the administration, including the U.S. Patent and Trademark Office.

My amendment consists of technical edits and a few modifications that improve the bill. The manager's amendment includes clarifications and edits to the limitations on discovery prior to a Markman or a claim construction hearing. They ensure that the provision works effectively and can be complied with, providing additional discretion for the courts to ensure the provision does not result in reverse gamesmanship.

The amendment also makes clarifications to the bankruptcy provisions so that they work properly, ensuring that U.S. law is followed and not foreign law. Further, it includes modifications to the deadlines for various studies to provide the agencies enough time to prepare and develop their reports. The manager's amendment makes additional clarifications and modifications that, on the whole, make necessary and positive improvements to our patent system.

The Innovation Act targets abusive patent litigation, protects the patent system, increases transparency, prevents extortion, and provides greater clarity.

Mr. Chairman, I urge my colleagues to support the amendment, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the manager's amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Just simply put, I must oppose the manager's amendment because it does not significantly alter the underlying bill, which will be making sweeping and unnecessary changes to patent litigation and encroach upon the independence of the Federal Judiciary.

Section 6(d) does not address the substantive deficiencies in the bill. 6(d), by mandating U.S. law, applies in determining the rights of intellectual prop-

erty licensees, directly contravenes the important principles that pertain to Chapter 15 of the Bankruptcy Code, which deals with transnational bankruptcies.

Congress intended that Chapter 15 not mandate any one country's substantive law should control, but Section 6(d) does exactly this and may encourage other countries to opt out of the cooperative insolvency system that is integral to Chapter 15.

So this, in short, is failing to address another flawed revision to the Bankruptcy Code, and Section 6(d) imposes an impossible affirmative duty on a bankrupt licensor to monitor and control the quality of the license, product, or service, even if there is no money to pay for this.

Please vote against this manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

It is unusual for a party in opposition to oppose a manager's amendment because they don't disagree with the provisions in the amendment but, rather, say that they don't make enough changes. So, even though it is acknowledged that this improves the bill, that still causes opposition.

But I want to address what the gentleman says he wants in the manager's amendment. Section 365(n) of title XI prevents a bankruptcy trustee from terminating licenses to patents and other intellectual property of the debtor. When Congress enacted Section 365(n) in 1989, it recognized that allowing patent and other IP licenses to be revoked in bankruptcy would be extremely disruptive to the economy and damaging both to patent owners and to licensing manufacturers.

Manufacturers often invest billions of dollars in reliance on their right to practice a technology pursuant to a license. Allowing the license to be eliminated in bankruptcy would create commercial uncertainty and would undermine manufacturing investment.

In recent years, some bankruptcy trustees have tried to subvert the protections of section 365(n) for U.S. intellectual property by filing bankruptcy in a foreign country and demanding that U.S. courts extend comity to termination of licenses to U.S. intellectual property in the foreign proceeding.

The provision that the gentleman wants would eliminate important provisions that would eliminate—the underlying bill provisions eliminate this uncertainty and would guarantee that licenses to U.S. patents and other IP will always be protected in U.S. courts. The gentleman wants something that would undermine that.

Failing to include this provision, a manufacturer deciding where to build a new fabrication plant would face a

powerful incentive to invest his resources in a foreign country that protects IP licenses instead of in the United States. The gentleman's provision that he would like to see in the manager's amendment would encourage offshoring of U.S. manufacturing.

So I strongly support the language in the manager's amendment and object to the suggestion that his provision that is not in this amendment, which we will also address later in the amendment debate, would enhance the manager's amendment. It would not. It would have the opposite effect. I strongly urge my colleagues to support the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds, before I yield to Mr. WATT, merely to let you know that the National Bankruptcy Conference is opposed to this amendment and has set forth in a very detailed draft their reasons for that.

NATIONAL BANKRUPTCY CONFERENCE,  
Washington, DC, November 15, 2013.  
Re H.R. 3309 (Innovation Act).

Hon. JOHN CONYERS, Jr.,  
Ranking Member, House Judiciary Committee,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN, RANKING MEMBER, AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE: I am writing to you in my capacity as Chair of the Committee on Legislation of the National Bankruptcy Conference (NBC or Conference). The NBC is a voluntary, non-partisan, not-for-profit organization composed of about 60 of the nation's leading bankruptcy judges, professors and practitioners; it has provided advice to Congress on bankruptcy-related legislation for over 75 years. The Conference takes substantive policy positions on issues. It also provides technical advice on bankruptcy legislation without regard to its policy positions so that, to the extent possible, such legislation will achieve the objectives intended by its supporters.

The Innovation Act, which is primarily focused on patent litigation reform, contains an amendment to section 1520 of chapter 15 of the Bankruptcy Code that the Conference opposes in its present form. The proposed amendment appears in SEC. 6. PROCEDURES AND PRACTICES TO IMPLEMENT AND RECOMMENDATIONS TO THE JUDICIAL CONFERENCE and provides as follows:

(d) PROTECTION OF INTELLECTUAL-PROPERTY LICENSES IN BANKRUPTCY.—  
(1) IN GENERAL.—Section 1520(a) of title 11, United States Code, is amended—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by inserting at the end the following new paragraph:

“(5) section 365(n) applies to intellectual property of which the debtor is a licensor or which the debtor has transferred.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to any action for which a complaint is pending on, or filed on or after, such date of enactment.

Chapter 15 of the Bankruptcy Code, included in the 2005 amendments to the Code with large bipartisan majorities, is designed

to achieve worldwide cooperation in the liquidation or reorganization of a multinational company in order to preserve value for creditors and other stakeholders, especially employees. Its fundamental structure is “universalist” in that it requires that each country recognize a foreign main proceeding in the debtor’s home country as the leader in the worldwide effort and that it cooperate with that jurisdiction to achieve the best results for all concerned. Among other advantages, this approach permits the sale of whole divisions with assets and operations in several nations as a single piece, which almost always will yield a higher price. It is also essential to reorganization of a global business.

Chapter 15 incorporated the UNCITRAL Model Law on Cross-Border Insolvency “to encourage cooperation between the United States and foreign countries with respect to transnational insolvency cases.” While the Model Law required modifications to fit into the existing judicial and legislative scheme, chapter 15 followed the exhortation of UNCITRAL: “Therefore, in order to achieve a satisfactory degree of harmonization and certainty, it is recommended that States [countries] make as few changes as possible in incorporating the model law into their legal systems.” The proposed amendment to section 1520 violates the purpose of chapter 15 to further international cooperation and, to that end, the guidance of UNCITRAL to minimize modifications to the Model Law.

Adding a provision to chapter 15 that deals with a special situation violates the principle of uniformity that makes the Model Law a valuable mechanism for greater legal certainty for trade and investment. This is true even if one believes that, as a matter of public policy, the special situation should always be decided applying U.S. law. By such a unilateral, non-uniform amendment, the United States invites other countries to modify their versions of the Model Law in ways that may be detrimental to United States parties in foreign proceedings. The situation addressed by the proposed amendment is already before the courts and the tools to address the situation are already within chapter 15. The courts can deal with the issue appropriately and predictably without opening the door to other countries to reciprocate with their own deviations from the Model Law.

Section 1520, Effects of recognition of a foreign main proceeding, provides automatic relief on recognition of a foreign main proceeding. It implements Article 20 of the Model Law by incorporating sections of the Bankruptcy Code that are consistent with the purpose of Article 20. Both Article 20 and section 1520 operate automatically upon recognition of a foreign main proceeding and impose “effects” that “are necessary to allow steps to be taken to organize an orderly and fair cross-border insolvency proceeding. . . .” The fundamental effects necessary for an orderly and fair cross-border insolvency are (a) a stay of actions against or concerning the debtor or its assets, rights, obligations or liabilities, including a stay of execution against the debtor’s assets and (b) a stay of the debtor’s transfer, encumbrance or disposition of assets. Section 1520 imposes the stay by incorporating the automatic stay of section 362 (but limited to the debtor and its assets within the territorial jurisdiction of the United States) and the transfer restrictions of sections 549, 363 and 552.

The Innovation Act would introduce into section 1520 a section of the Bankruptcy Code, section 365(n), that has nothing to do

with allowing “steps to be taken to organize an orderly and fair cross-border insolvency proceeding.” This would be a blow to the goals of uniformity and harmonization embodied in the Model Law and chapter 15. Instead of a provision that affects all parties with an interest in a foreign proceeding, that effectively preserves the status quo and (potentially) going concern value and that does not intrude on the foreign proceeding, section 365(n) is not concerned with preservation of the status quo and affects the rights of a subset of licensees of intellectual property in the event that their license agreement is rejected or otherwise subjected to nonperformance in a foreign main bankruptcy case of a debtor who is their licensor. It may impose U.S. law on the foreign proceeding whether or not U.S. law should apply to a particular license. If the legislation is adopted, it should, at the very least, be limited to licenses that are within the territorial jurisdiction of the United States.

Automatically applying section 365(n) upon recognition of a foreign main proceeding would ignore the territorial limits of chapter 15 to property within the territorial jurisdiction of the United States, since license grants by the foreign debtor may not be governed by U.S. law or may not even involve U.S. intellectual property. There should be a choice of law analysis performed before section 365(n) is applied in a chapter 15 case. Section 365(n) would then be applied in appropriate situations on an appropriate showing under section 1522(a) and (b). Applying it automatically, without considering whether U.S. law should apply to the license in question and without the safeguards of sections 1521 and 1522 would be detrimental to the goals of the Model Law and chapter 15. Rather than enhancing a cross-border insolvency proceeding, automatic application of section 365(n) would likely deter foreign representatives from seeking recognition to obtain necessary assistance for the foreign proceeding if a condition to recognition were entanglement in the possible briar patch of licensee rights under U.S. bankruptcy law.

The genesis of section 6(d) of the Innovation Act is likely the case of *In re Qimonda AG*, 462 B.R. 165 (Bankr. E.D. Va. 2011). There, on the petition of the administrator appointed in Qimonda’s German main proceeding, the bankruptcy court entered an order recognizing the foreign main proceeding and, on the same date, entered a Supplemental Order under section 1521 that applied several sections of the Bankruptcy Code, including section 365, to the chapter 15 case. Upon realizing that section 365(n) interfered with his rights under the German insolvency code to “elect non-performance” of contracts, the administrator sought modification of the Supplemental Order. Licensees of U.S. patents, who would lose the protection of section 365(n) if section 365 no longer applied, objected. The Bankruptcy Court, on remand from the district court, found, under the facts and circumstances of that case, that there was a fundamental U.S. policy favoring innovation and that eliminating section 365(n) protection would be manifestly contrary to that policy. The court also ruled that the requested relief should be denied on the alternative section 1522 ground that the interests of the licensees would not be “sufficiently protected” if the requested relief were granted. The Qimonda decision was certified for direct appeal to the Fourth Circuit. The Fourth Circuit heard argument on September 17, 2013 but has not ruled.

Rather than passing legislation that would pre-empt the ruling of the Fourth Circuit

and conflict with the purpose of the Model Law and chapter 15, Congress should reject this amendment. As noted, relief is already available to licensees in appropriate circumstances under section 1522 if a foreign representative seeks to deprive them of their rights under U.S. law. Applying section 365(n) to all foreign main proceedings would implicate licenses that are not within the territorial jurisdiction of the United States and would be inconsistent with the ancillary nature of a chapter 15 case, to provide assistance to the main case in another country where the debtor has the center of its main interests.

If the debtor’s property is sliced into national bits, the cooperative approach of chapter 15 and the Model Law is seriously handicapped. The proposed amendment does just that as to intellectual property. Intellectual property is itself subject to a worldwide system of recognition and enforcement, which will be shattered for companies emerging from reorganization, creating a host of difficult questions and serious uncertainty about these crucial property rights. We believe the United States would make a mistake by going it alone and by failing to let the courts develop the key issues under the existing statute.

Sincerely,

SALLY S. NEELY,  
Chair, Legislation  
Committee of the National  
Bankruptcy  
Conference.

Mr. Chairman, I yield the balance of our time to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding time.

Mr. Chairman, I want to rise not so much in opposition to the manager’s amendment, but in opposition to the bill and so that we can try to make sure that people understand what it is that they are voting on.

We set out to solve a problem of patent trolls, and that term has become a convenient shorthand to refer to a class of plaintiffs who engage in abusive litigation tactics against deep-pocketed alleged infringers as well as individual inventors and small companies.

I certainly recognize, as I have in my previous statement, that there are entities that exploit the litigation system to gain leverage against businesses, large and small, that represent a vital part of our economy, and I would like for Congress actually to deal with that issue in a meaningful way.

Unfortunately, this bill adopts an extreme, unbalanced approach to address those abuses. The term “patent troll” simply has no concrete contours in application, making it nearly impossible to craft legislation specifically targeted to a category of entities or particular business models.

And because not only patent trolls initiate litigation to enforce patent rights, legislation aimed at patent litigation system must not erect unfair barriers that deter legitimate, meritorious claims of infringement, nor

should this bill be treated as if it will apply only in the troublesome jurisdictions in which these abuses are taking place.

This bill has broad application across our entire patent ecosystem. The bill suffers from a rushed process and responds to only a part of the constituency in the patent ecosystem. What is most regretful and regrettable to me is that, I believe that with thoughtful, inclusive deliberation, the goals of the bill could be achieved if we would simply take the time to do it.

Mr. Chair, I rise in opposition to H.R. 3309. The term “patent troll” has become convenient shorthand to refer to a class of plaintiffs who engage in abusive litigation tactics against deep-pocketed alleged infringers as well as individual inventors and small companies. I recognize that there are entities that exploit the litigation system to gain leverage against businesses large and small that represent a vital part of our economy. And I’d like this Congress to find meaningful ways to arrest this behavior. Unfortunately, H.R. 3309, the “Innovation Act,” adopts an extreme, unbalanced approach to address these abuses.

The term “patent troll” simply has no concrete contours in application making it nearly impossible to craft legislation specifically targeting a category of entities or particular business model. And, because not only “patent trolls” initiate litigation to enforce patent rights, legislation aimed at the patent litigation system must not erect unfair barriers that deter legitimate, meritorious claims of infringement. Nor should it be treated as if it will apply only to the most troublesome jurisdictions in which such abuses are purportedly tolerated.

This bill suffers from a rushed and insular process that responds to only one constituency of the patent litigation system and has resulted in a skewed product with inadequate public debate.

What is most regretful and regrettable to me is that I believe that with thoughtful, inclusive deliberation, the goals of this bill are achievable. The product before us, however, is destined to produce unintended, but foreseeable, adverse consequences. I will identify three:

First, with its illogical presumption that this legislation will apply only to “patent trolls” who sue pristine, noninfringing defendants, this bill creates perverse incentives that will invite further litigation abuse. I have now been a member of IP 21 years and a practicing lawyer 22 years, and I can tell you with absolute certainty that legal gamesmanship is not the exclusive domain of plaintiffs or even “patent trolls.” By imposing lop-sided, disproportionate obligations on one side of the litigation equation, this bill creates nefarious incentives on the other. I can guarantee you that if this bill passes in its present form, there will be a subsequent lobbying effort to curtail abuses by bad faith defendants who may engage in dilatory tactics, swamp plaintiffs with data dumps in response to reasonable discovery requests, and otherwise drive up the costs of litigation.

Second, another predictable, and I hope, unintended consequence of this bill is that it may saddle legitimate patent owners with exorbitant and duplicative fee awards due to sloppy drafting. Section 3(b) of the bill man-

dates that a judge award fees to the prevailing party under certain circumstances. Presumably the award will consist of reasonable costs and attorneys’ fees incurred to litigate the entire case. However, section 4 likewise mandates an award of fees to a prevailing party when the nonprevailing plaintiff failed to comply with the transparency obligations under the bill. This additional award is punitive and duplicative, and I hope a mistake. And the escape hatches do not provide comfort. Courts and legal commentators are loath to permit an exception to become the rule. Instead, “special circumstances” or awards unless “unjust” are strictly applied to circumstances that are unique to the case and unusual in occurrence.

Finally, and perhaps most invidious is the foreseeable possibility that this bill may become the victim of its own success. In the effort to discourage the litigation by increasing the risks and obligations of “patent trolls”, the bill may very well succeed in driving the trolls out of the courtrooms. But it may also result in the most nefarious and persistent of the trolls retreating to an even more aggressive use of demand letters which this bill does nothing to prevent. The end result will be that only legitimate patent owner will be subject to the onerous litigation reforms, while the unsophisticated individual or small inventor will face the very extortion this bill claims to address.

This is a bad bill and I hope that my colleagues will vote to protect innovation by voting against this bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the provision that the gentleman from Michigan complains of is supported by the Intellectual Property Owners Association, the 21st Century Coalition, which is a group of manufacturers, the Semiconductor Industry Association. They very strongly support the provision in the bill that is enhanced in the manager’s amendment because, otherwise, we would be allowing a foreign trustee, a foreign bankruptcy trustee to liquidate licenses and create great uncertainty in the free market. That is definitely not what is intended by this legislation, and it would create a giant loophole that would create incentives to locate businesses, manufacturing businesses outside the United States rather than inside the United States. The language is very definitely needed, and I urge my colleagues to support the manager’s amendment.

Mr. Chairman, I yield back the balance of my time.

□ 1045

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. WATT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 113-283.

Mr. WATT. Mr. Chairman, I have an amendment at the desk which was made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, insert the following after line 23 and redesignate succeeding subsections, and references thereto, accordingly:

“(b) REDUCTION OR DENIAL OF AWARDS.—The court, in its discretion, may reduce the amount to be awarded under subsection (a), or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy.

The Acting CHAIR. Pursuant to House Resolution 429, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, upon introduction of this bill, the chairman released a statement that section 3(b) of the bill, “aligns fee shifting in patent cases with the standard that is used for awarding fees against the United States under the Equal Access to Justice Act.”

Unfortunately, the fee-shifting provision in this bill, even as amended, cherry-picks the most burdensome requirements from the Equal Access to Justice Act that mandate that judges award fees against the loser unless they prove that their position was reasonably justified.

The bill was amended at the last minute of the markup presumably to relax the burden on the nonprevailing party to escape the requirement to pay the fees of the adverse party. I actually supported the amendment during markup relying on that presumption. Since then, however, it has become apparent both based on the committee report and independent research that the amendment to change the “substantially justified” standard to a “reasonably justified” standard is practically meaningless.

As summarized in the CRS report that I will submit for the record, the Senate Judiciary Committee in the 96th Congress “considered and rejected an amendment to the Equal Access to Justice Act that would have changed the pertinent language from ‘substantially justified’ to ‘reasonably justified.’” Subsequently, the Supreme Court in *Pierce v. Underwood* held that “‘substantially justified’ actually means reasonable.

This troubling development highlights the pitfalls to considering legislative language in haste. It also makes my amendment all the more important to a balanced and unbiased fee-shifting mechanism.

The American rule, that each party to litigation bears their own cost and attorney's fees, is the bedrock of the civil justice system. I generally oppose litigation that erodes this rule because I believe it provides open access to our courts to anyone who has a grievance.

The departure from the American rule as enacted in the Equal Access to Justice Act was far more complex than the provision extracted and incorporated in this bill. For example, the Equal Access to Justice Act prescribes a fee cap of \$125 per hour that is not in this bill. It also prohibits, with a couple of exceptions, fee awards to attorneys whose net worth exceeds \$2 million, to businesses with a net worth in excess of \$7 million or more than 500 employees. This limitation also did not find its way into this provision in the bill.

My amendment seeks to amend H.R. 3309 with yet another feature of the Equal Access to Justice Act that is not in the Innovation Act, which is the provision that gives a judge the flexibility to deny or reduce an award that would be required if the nonprevailing party could not establish that their position, as we now know, was reasonable.

This amendment injects balance into this regime that represents a departure from the American rule. A judge should be able to assess the behavior of all the parties; otherwise, a wealthy party that is not concerned if they are imposed with the costs and fees of their adversary may engage in behavior intended to deplete the resources of the poorer opposing party. The threshold for authorizing fee-shifting, I think, should be sufficiently stringent so that the exception doesn't become the rule, but it should not be so stringent that it becomes meaningless.

Whether that is the case in *Octane Fitness v. Icon Health Fitness* is the question before the Supreme Court. In *Octane Fitness*, the Court will consider whether the two-part test of the Federal Circuit that provides that a case be "objectively baseless" and brought in "subjective bad faith" to qualify a prevailing party for fees is too high.

Although I think the Court will adjust the formula downward for identifying cases in which fee-shifting may be appropriate, we are clearly not deferring to the Court's docket. I think my amendment is the preferred and necessary approach.

And with that, I reserve the balance of my time.

### III. THE EQUAL ACCESS TO JUSTICE ACT

Awards of attorneys' fees against the United States were barred at common law not only because of the American rule, but

also because of the doctrine of sovereign immunity, under which the United States may not be sued, nor its funds expended, without its consent. "Congress alone has the power to waive or qualify that immunity," and it did so, with respect to awards of attorneys' fees, with the Equal Access to Justice Act (EAJA) in 1980. Prior to enactment of EAJA, the common law exceptions to the American rule were inapplicable against the United States. Even statutory exceptions to the American rule were inapplicable against the United States unless they specifically authorized fee awards against the United States.

EAJA allows awards of attorneys' fees against the United States in two broad situations. The first, codified at 28 U.S.C. § 2412(b), makes the United States liable for the prevailing party's attorneys' fees to the same extent that any other party would be under the common law and statutory exceptions to the American rule, including the statutory exceptions that do not specifically authorize fee awards against the United States. This provision, unlike the rest of EAJA, contains no limitations on the assets or number of employees of parties eligible to recover fees, and no maximum hourly rate for fee awards.

The second broad situation in which EAJA authorizes fee awards against the United States is codified at 5 U.S.C. § 504 and 28 U.S.C. § 2412(d). These sections provide that, in specified agency adjudications and in all civil actions (except tort actions and tax cases) brought by or against the United States, the United States shall be liable for the attorneys' fees of prevailing parties, unless it proves that its position was substantially justified or that special circumstances make an award unjust.

This second portion of EAJA contains two limitations on fee awards that are not found in § 2412(b). First, it prescribes a fee cap unless the court or agency determines that a special factor justifies a higher fee. (Most fee statutes authorize awards of "reasonable" fees, with the court determining the amount.) The cap was originally \$75 per hour, but P.L. 104-121, 231-233, increased it to \$125 per hour for cases commenced on or after the date of its enactment, which was March 29, 1996. Second, this portion of EAJA does not allow (with two exceptions) fees to be awarded to individuals whose net worth exceeds \$2 million, or to businesses or organizations, including units of local government, with a net worth exceeding \$7 million or more than 500 employees. This portion of EAJA sunset, by the terms of the original Act, on October 1, 1984. In 1985, EAJA was re-enacted, retroactive to October 1, 1984, and made permanent.

P.L. 104-121, in addition to raising the cap under EAJA to \$125 per hour, added the following provision to 28 U.S.C. § 2412(d), and a corresponding one to 5 U.S.C. § 504 applicable to adversary adjudications:

"If, in a civil action brought by the United States or a proceeding for judicial review of an adversary adjudication described in section 504(a)(4) of title 5, the demand by the United States [other than a recitation of the maximum statutory penalty] is substantially in excess of the judgment finally obtained by the United States and is unreasonable when compared with such judgment, under the facts and circumstances of the case, the court shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust.

Fees and expenses awarded under this paragraph shall be paid only as a consequence of appropriations provided in advance."

This provision thus authorizes fee awards in favor of losing parties and in that respect is unique in the law of attorneys' fees.

In *Pierce v. Underwood*, 487 U.S. 552 (1988), the Supreme Court decided three issues concerning EAJA: (1) the applicable standard of appellate review, (2) the meaning of "substantially justified," and (3) the "special factors" that allow a court to award more than \$75 per hour.

(1) Standard of Review. *Pierce v. Underwood* addressed the standard that a federal court of appeals applies in reviewing a decision of a federal district court under EAJA. Either party may appeal a district court's decision under EAJA, and, as the Supreme Court explained:

"For purposes of standard of review, decisions by judges are traditionally divided into three categories, denominated questions of law (reviewable *de novo*), questions of fact (reviewable for clear error), and matters of discretion (reviewable for "abuse of discretion")."

487 U.S. at 558.

The Supreme Court found that EAJA did not provide a clear prescription as to the appropriate standard of review (unlike, for example, 42 U.S.C. § 1988(b), which provides that "the court, in its discretion, may allow the prevailing party . . . a reasonable attorney's fee"). The Court, therefore, for a variety of reasons, held that the "abuse of discretion" standard was most appropriate for appeals of EAJA court decisions.

Awards of attorneys' fees under EAJA at the agency level may be appealed to a court only by the prevailing party, not by the United States. The statute, at 5 U.S.C. § 504(c)(2), provides:

"The court's determination on any appeal heard under this paragraph shall be based solely on the factual record made before the agency. The court may modify the determination of fees and other expenses only if the court finds that the failure to make an award of fees and other expenses, or the calculation of the amount of the award, was unsupported by substantial evidence."

Prior to the 1985 amendments to EAJA, this provision stated that the court could modify an agency decision only if it found "an abuse of discretion." It was intended that the new standard—"unsupported by substantial evidence"—permit "a broader scope of review . . . consistent with the normal scope of judicial review of agency actions."

(2) "substantially justified." The United States may avoid liability for attorneys' fees under EAJA by proving that its position "was substantially justified or that special circumstances make an award unjust." 5 U.S.C. § 504(a)(1), 28 U.S.C. § 2412(d). The legislative history of the original EAJA stated that "Nile test of whether the Government position is substantially justified is essentially one of reasonableness in law and fact." Twelve of the thirteen federal circuits subsequently interpreted "substantially justified" to mean reasonable. See, *Pierce v. Underwood*, 487 U.S. at 565-566. The U.S. Court of Appeals for the District of Columbia was the exception. It reasoned:

"The Senate Judiciary Committee considered and rejected an amendment to the bill that would have changed the pertinent language from 'substantially justified' to 'reasonably justified.'" S. Rept. 96-253 [96th Cong., 1st sess.] at 8. That refusal suggests that the test should, in fact, be slightly more stringent than "one of reasonableness."



According to this view, the government's position may be reasonable, yet fail to be substantially justified, making it easier to recover fees under the substantially justified standard than under a reasonableness standard. The 1985 amendments to EAJA did not alter the text of the substantially justified language, but an accompanying committee report expressed support for the D.C. Circuit's interpretation:

"Several courts have held correctly that 'substantial justification' means more than merely reasonable. Because in 1980 Congress rejected a standard of 'reasonably justified' in favor of 'substantially justified,' the test must be more than just reasonableness."

The Supreme Court in *Pierce v. Underwood* held that substantially justified means reasonable. The Court found that a "more than mere reasonableness" test would be "out of accord with prior usage" and "unadministerable." "Between the test of reasonableness," the Court wrote, "and a test such as 'clearly and convincingly justified' . . . there is simply no accepted stopping-place, no ledge that can hold the anchor for steady and consistent judicial behavior." 487 U.S. at 568. The Court found that the 1985 committee report was not controlling because it was neither "(1) an authoritative interpretation of what the 1980 statute meant, or (2) an authoritative expression of what the 1985 Congress intended." *Id.* at 566.

(3) Exceeding \$75 (now \$125) per hour. EAJA provides that fees "shall be based upon prevailing market rates for the kind and quality of the services furnished," but "shall not be awarded in excess of \$75 [\$125 for cases commenced on or after March 29, 1996] per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee." 28 U.S.C. § 2412(d)(2)(A)(ii). (The same cap applies in agency proceedings; see, 5 U.S.C. § 504(b)(1)(A)). The Court in *Pierce v. Underwood* held:

"If 'the limited availability of qualified attorneys for the proceedings involved' meant merely that lawyers skilled and experienced enough to try the case are in short supply, it would effectively eliminate the \$75 cap—since the 'prevailing market rates for the kind and quality of the services furnished' are obviously determined by the relative supply and quality of services . . . We think it refers to attorneys having some distinctive knowledge or specialized skill needful for the litigation in question—as opposed to an extraordinary level of the general lawyerly knowledge and ability useful in all litigation. Examples of the former would be an identifiable practice specialty such as patent law, or knowledge of foreign law or language.

487 U.S. at 571–572.

As for other "special factors," the Court wrote:

"For the same reason of the need to preserve the intended effectiveness of the \$75 cap, we think the other 'special factors' envisioned by the exception must be such as are not of broad and general application. We need not specify what they might be. . . ."

*Id.* at 573.

The Court, however, specified some items which are not special factors for purposes of exceeding the \$75 per hour cap: "the novelty and difficulty of issues," "the undesirability of the case," "the work and ability of counsel," "the results obtained," "customary fees and awards in other cases," and "the contingent nature of the fee." All these "are factors applicable to a broad spectrum of

litigation; they are little more than routine reasons why market rates are what they are." *Id.*

In *Commissioner, Immigration and Naturalization Service v. Jean*, 496 U.S. 154 (1990), the Supreme Court held that, under EAJA, a prevailing party may recover attorneys' fees for services rendered in seeking a fee award without regard to whether the position of the United States was substantially justified. If the prevailing party is entitled to fees in the main action, then he is automatically entitled to fees for the time spent seeking fees. To hold otherwise could "spawn a 'Kafkaesque judicial nightmare' of infinite litigation for the last round of litigation over fees." *Id.* at 163.

In *Scarborough v. Principi*, 541 U.S. 401 (2004), the Supreme Court addressed EAJA's requirement that fee applications be filed "within thirty days of final judgment in the action," and "allege that the position of the United States was not substantially justified." 28 U.S.C. § 2412(d)(1)(B). The Court held that, when a fee application is filed within 30 days, but fails to allege that the position of the United States was not substantially justified, the application may be amended to remedy the oversight, even after the 30 days have elapsed.

In *Richlin Security Service Co. v. Chertoff*, 128 S. Ct. 2007, 2019 (2008), the Supreme Court held that, under EAJA, "a prevailing party . . . may recover its paralegal fees from the Government at prevailing market rates." The lower court, which the Supreme Court reversed, had held that the prevailing party could recover fees for paralegal services only at their cost to the party's attorney.

#### SOURCE OF FEES PAID BY THE GOVERNMENT

Both agency-awarded and court-awarded fees are "paid by the agency over which the party prevails from any funds made available to the agency by appropriation or otherwise." 5 U.S.C. § 504(d), 28 U.S.C. § 2412(d)(4). Fee awards under 28 U.S.C. § 2412(b) are presumably paid from the source that pays damages awarded under the statute that authorizes fee awards.

#### FORMERLY REQUIRED ANNUAL REPORTS TO CONGRESS

With respect to agency-awarded fees, the EAJA provides, "The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section." 5 U.S.C. § 504(e). This provision remains on the books, but it has no effect because the Administrative Conference of the United States has not been functioning since 1996.

With respect to court-awarded fees, the EAJA formerly provided, "The Attorney General shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection." 28 U.S.C. § 2412(d)(5). This provision was repealed by P.L. 104–66, 1091(b)(1995).

Mr. GOODLATTE. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Madam Chairman, this amendment includes language that we believe is already implicit in the Innovation Act's fee-shifting provision section 3.

The gentleman's amendment adds language that allows a judge to reduce

an award in certain circumstances. This amendment is redundant with the provisions in the bill and does not appear to add anything new but, rather, adds extraneous language that simply adds clutter to the section.

The Judiciary Committee considered and rejected this amendment during its markup of the bill. The fee-shifting language in the bill is a carefully crafted compromise that we negotiated on a bipartisan basis in the committee. Mr. JEFFRIES offered an amendment at the committee that was adopted and included in the bill that modified the fee-shifting language. With that amendment, all but five committee Democrats joined with all voting Republicans of the committee and reported the bill by a vote of 33–5. This amendment upsets that balance and should be rejected.

Mr. WATT. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from North Carolina.

Mr. WATT. I am wondering, if you think this is redundant and extraneous rather than contrary to the intent, why wouldn't we just accept the amendment and keep going?

Mr. GOODLATTE. I believe it is both, and it causes confusion in the legislation, and, therefore, I oppose the amendment.

I reserve the balance of my time.

Mr. WATT. Madam Chair, I yield such time as she may consume to the gentlelady from Washington State (Ms. DELBENE).

Ms. DELBENE. I rise in support of this amendment.

Madam Chair, as an entrepreneur and businesswoman, I know how hard it is to get a business off the ground. We know that small businesses are on the receiving end of frivolous litigation, and it is critical that we work to pass legislation to disincentivize such abusive behavior while also ensuring that we do not adversely affect the small inventors and start-ups who need to protect their IP and have access to the courts for their legitimate claims.

Many folks have had concerns. I think it is important that we continue to work together to address these issues.

During Judiciary Committee consideration we heard concerns about this issue from diverse stakeholders who rely on a strong patent system, from the National Venture Capital Association to the American Association for Justice.

I support the underlying bill, but I also believe that we can continue to work towards a more balanced change to the current fee shifting standard as the bill advances in the legislative process.

For this reason, I support the ranking member's amendment and look forward to continuing to work with my colleagues to improve the bill.

Mr. GOODLATTE. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).



Ms. LOFGREN. I thank the gentleman for yielding.

Madam Chair, I am afraid I must oppose my colleague's amendment. I believe that the amendment would basically gut core elements of the Innovation Act protections for small business and leave small businesses exposed.

We have discussed the fee-shifting issue, so I want to focus on two other issues: the discovery cost-shifting and the heightened pleading provisions that I think are very important in the bill.

First, on pleading requirements, patent assertion entities often sue and do not reveal what patent the defendant is allegedly infringing or how, and that is why the Innovation Act requires greater particularity in pleading. The bill's requirement includes information that the plaintiffs should already have on hand, but the bill specifically provides an exception for information that is not reasonably accessible to the plaintiff. The amendment would eliminate that provision.

Relative to discovery, one of the ways that patent entities bully defendants is by driving up the cost of litigation through broad discovery requests. Section 3 of the bill directs the court to limit discovery until claim construction occurs in the routine Markman hearing. That gives defendants a break from costly discovery requests until it is more clear what the claims against them are.

Now the bill also says the court shall—that is mandatory—shall require discovery beyond that related to claim construction if it is necessary to ensure a timely resolution of the action. The bill provides the court with discretion to permit discovery to prevent manifest injustice.

I believe that the bill before us is a very important element of protecting against abusive litigation, and the amendment would do damage to it.

And finally, I would just associate myself with the chairman's comments on fee-shifting.

Mr. GOODLATTE. Madam Chairman, I reiterate my opposition to the amendment and yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. WATT. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 113-283.

Mr. POLIS. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, line 20, insert after "accused," the following: "identifies the ultimate parent entity of the claimant,".

The CHAIR. Pursuant to House Resolution 429, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, I am thankful for Chairman GOODLATTE and his staff and the committee for their work on this bill and increasing demand letter transparency in both the committee mark and working with us on the floor to incorporate a bipartisan amendment that we were able to work on with Representatives CONNOLLY, CHAFFETZ, and MARINO that builds upon the language in the bill.

Very simply, our amendment would ensure that trolls can no longer hide behind shell companies to conceal their true identity from demand letter recipients. Our amendment is a step in the right direction in providing businesses and entrepreneurs the tools to better assess the validity of demand letters.

I do have a comprehensive bill, along with Representatives MARINO and DEUTCH, that moves further in that direction that we introduced 2 weeks ago, and our bill would clarify that the FTC has the authority to go after patent trolls.

As we move to enhance the value of demand letter transparency, I am pleased that Energy and Commerce Subcommittee Chairman TERRY, a few minutes ago, expressed the intent of the committee to further examine this issue. And this amendment is an important step in the right direction.

I urge my colleagues to support the Polis-Connolly-Chaffetz-Marino amendment and reserve the balance of my time.

Mr. ROHRABACHER. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Chair, let us remember, as we go through this debate, that it is the contention of those who oppose this legislation that this legislation has a more dramatic negative impact on the independent inventor who is seeking justice from the multinational corporations who infringe a great deal upon these little guys, and we are cutting off the little guys' ability to protect their patent by making it much more difficult, number one, to have a patent.

□ 1100

How does that stop the trolls, by making it more difficult to have a patent? And it makes it more difficult to defend a patent, as we are seeing in

this amendment. And how does that necessarily deal with the trolls?

So we now have put a huge burden that small, independent inventors don't have now when they are fighting Goliath. They are fighting these big corporations that routinely infringe and steal from the little guy; and as I have said openly in the beginning, this is the strategy set down by these big corporate interests to make trolls the issue and not patent rights the issue.

In this particular amendment, what we have added is a further burden on the part of the small inventor to protect his patent in the name of getting the trolls. We have notification required and confirmation of exactly who owns it.

What we have got here now in the current law, yes, small inventors can seek investors, can seek people to join them to help them take on the big guys. Now, all of those people who are trying to help the little guy are going to have to be public knowledge. That would have destroyed so many of the small inventors who have done so many great things for America because they know these corporate people who are infringing on the little guy, they seek vengeance on people who oppose their power grab on these little guys.

We don't need that. We need to know whether or not it is a valid patent claim. That is what we need to know—does someone have a valid patent claim. And if they do, let's not demonize these people who are helping the small inventor. Let's find out if this is a legitimate claim or not.

Unfortunately, this legislation and this amendment have nothing to do with whether or not we are determining a legitimate claim has been made or not made in a particular case, especially what we are talking about here. We do need to make sure these suits are not being filed. But what does that have to do with making sure that every small inventor in this country has to disclose all of the people who have invested in this company, et cetera?

Again, we have an example where the little guy is going to be emasculated by this law and what is being proposed. And the big guys: of course, this doesn't hurt them at all.

And, again, if the public is having trouble understanding that, let's figure out how does taking away the constitutional right of the small inventor to having a judicial review—a constitutional right that he has had since 1830—how does taking that away help in some way get controls under control? How does that do that?

This is a front. It is just like those businessmen that had that meeting that I described knew exactly what they were doing. They were creating a demon over here, the troll, in order to what? In order to gain changes in the system that will help these mega-corporations defeat the small inventor

who is trying to sue them on infringement. That is what is behind this.

For 25 years, I have been sitting here in Congress fighting the battle with these same multinational corporations. This is just the most recent step towards this power grab in destroying the strong patent system that America has had—the patent system that protects the little guy—as compared to the patent systems in Europe and Japan, where the little guys are smothered and routinely have their patents stolen from them.

Let's be real here. Okay, we can talk patent troll, patent troll, patent troll; and then they put in place changes like this that dramatically damage small inventors and their rights to protect themselves against infringement.

I oppose the amendment, and I yield back the balance of my time.

Mr. POLIS. Madam Chair, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE), the chair of the committee.

Mr. GOODLATTE. I thank the gentleman for his amendment, and I support it.

Contrary to what the previous speaker said, this amendment does exactly that—it helps to determine more fairly and more quickly whether or not there is a valid patent claim. It requires parties sending demand letters who wish to pursue treble damages to disclose their ultimate parent entity.

This amendment improves the provision offered by Mr. CHAFFETZ and Mr. DEUTCH in committee, and I support its inclusion in the bill.

Mr. POLIS. Madam Chair, I would point out that very little of the arguments made by the gentleman from California were related to this particular amendment. Much of that was stuff that may have been loosely related to the overall bill.

I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY), the cosponsor of the amendment.

Mr. CONNOLLY. I thank my colleague, Mr. POLIS, for his leadership.

Madam Chair, I join with the distinguished chairman in support of this amendment. I am proud to be one of the coauthors.

I must say, contrary to what our dear friend from California just said, a lot of small investors have in fact endorsed this bill because it protects innovators in the garage from being killed off by large litigation they cannot afford. And it is precisely the opposite of what was being asserted by our friend from California. That is why Application Developers Alliance, Engine, EFF, and others have in fact endorsed the bill.

I want to commend my friend, Mr. POLIS, for his leadership on this amendment, and I am glad to join my colleagues, Messrs. CHAFFETZ and MARINO, in offering it.

Businesses large and small are being inundated with demand letters that es-

entially amount to an extortion for money based on vague or even illegitimate claims that a patent has been infringed upon. Because the cost of litigation often runs into the millions of dollars, many businesses are forced to settle, which is sapping them of money that could otherwise be spent on innovation and hiring.

We know last year, for the first time ever, Apple and Google spent more on litigation than they did on R&D.

I urge the adoption of the amendment.

For example, Apple and Google recently reached a dubious milestone as both spent more on patent lawsuits and purchases than on R&D. The cost of payouts from frivolous suits brought by patent trolls drained \$29 billion from the economy last year.

Our amendment would require claimants alleging patent infringements to disclose their parent entities, which will prevent patent trolls from hiding behind shell corporations. This will help weed out nuisance claims and preserve the rights of legitimate patent holders.

I urge my colleagues to support this common-sense, bipartisan amendment.

There is a list of industry supporters below. PhRMA will not oppose and AAJ is neutral. GOODLATTE has agreed to go on voice.

Supporting organizations: App Developers Alliance, American Hotel and Lodging Association, American Association of Advertising Agencies, American Bankers Association, Association of National Advertisers, Credit Union National Association, Direct Marketers Association, DISH Network, Electronic Frontier Foundation, Food Marketing Institute, Independent Community Bankers of America, International Franchise Association, Mobile Marketing Association, National Association of Convenience Stores, National Council of Chain Restaurants, National Grocers Association, National Restaurant Association, and National Retail Federation.

Mr. POLIS. I am happy to yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ), a cosponsor of the amendment.

Mr. CHAFFETZ. Madam Chair, we do this in a very bipartisan way. I appreciate Mr. POLIS; Mr. CONNOLLY; my colleague, Mr. MARINO; and Chairman GOODLATTE.

This is simple. If you want to help the little guy, if you want to help protect the integrity of the system, you should be for transparency in the legal system.

This amendment simply builds upon something that is already in the bill by mandating that claimants seeking to bring willful infringement claims identify the ultimate parent entity in the demand letters they send to their targets.

It is about openness. It is about transparency. You should be able to face your accuser in the courts; and that is all that this does is make sure that we strengthen the openness and transparency of the system. We think that will improve the system. We do it in a very bipartisan way. That is going

to help everybody in this process, especially the little guy.

Mr. POLIS. I am happy to yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO), an original sponsor of the underlying bill that I introduced with him 2 weeks ago and a cosponsor of this amendment.

Mr. MARINO. Thank you, Mr. POLIS.

Madam Chair, I rise in support of the Polis-Chaffetz-Marino-Connolly amendment.

Trolls assert a claim in a letter with little or no specificity, and often it isn't clear who owns the patent being asserted or how the patent was even infringed. It is time the entity sending out these mass mailers does their due diligence, just as we expect in just about every other area of the law.

This amendment requires the entity sending the letter to include the person who holds the rights to the patent in order to later raise a claim that the opposing party received an adequate letter putting them on notice of their infringement.

Patent trolls have been playing a shell game and hiding who is actually holding the rights to the patent and often who is supplying the money to the litigation.

I fully support this amendment. This amendment will shine some much-needed light on this dark practice.

Mr. POLIS. Madam Chair, this amendment is important.

First, I like the way my colleague Mr. CHAFFETZ put it: the right to face your accuser in court is an important part of our justice system. There is a long way to go with regard to demand letter transparency, but this amendment is the first step.

I encourage my colleagues to support it, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MASSIE

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 113-283.

Mr. MASSIE. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 5, redesignate subsequent sections, and amend the table of contents accordingly.

The CHAIR. Pursuant to House Resolution 429, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Madam Chair, section 5 of this bill shares a common defect with the rest of this bill. Although well-intentioned, it will have bad effects on our patent law. In fact, it will

affect legitimate patent-holders as much or worse than it would patent trolls.

Section 5 of H.R. 3309, the Innovation Act, is entitled, "Customer-Suit Exemption." This section inserts a new provision into the patent code: section 296, Stay of Action Against the Customer.

The new section 296 would require a court to grant a motion to stay a patent infringement suit against certain "covered customers." While well-intentioned, this section of the bill was not drafted in a careful and narrowly tailored way so as to achieve its purpose, which is to protect innocent customers, i.e., small retail customers involved in patent lawsuits.

Instead, the broad language of section 296 would likely insert more confusion into an already complicated patent infringement suit process and cause harmful unintended consequences.

For example, section 5's weakening of the right to sue downstream from the original manufacturer opens a new loophole for corporations to exploit—a huge loophole. It could allow a large computer corporation, for instance, to hide behind third-party chip manufacturers or third-party developers and thus continue to ship infringing products. The large computer corporation could thus construct a shadow shield against injunctions. The injunction tool is one of the most effective weapons in an individual, independent inventor's arsenal. We should not protect those in the supply chain who stand to benefit the most from stealing patents.

Patent experts oppose section 5 of H.R. 3309. My amendment would strike section 5 of H.R. 3309.

Let me tell you what David Kappos, former Under Secretary of Commerce and Director of the United States Patent and Trademark Office, said about this bill, particularly section 5, which my amendment seeks to strike:

I am most concerned about the covered customer stay provision which, as written, is significantly overbroad. While we all want to help relieve innocent retailers and coffee shops from being taken hostage in patent infringement suits, we should not open up the patent system to abuse by others who will take advantage of this provision to shift liability up or down the product creation and distribution chain to thwart legitimate innovators from enforcing their patent rights.

We should listen to the experts. This was the former Under Secretary of Commerce and Director of the United States Patent Office. He is telling us that this part of the bill is drafted overly broad and has unintended consequences.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Chair, I rise in opposition to this amendment.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Madam Chairman, I yield myself such time as I may consume.

This amendment strikes a key provision of the bill for retailers, restaurants, and grocery stores, among others. This provision is the product of years of discussion with stakeholders and the Patent Office.

This section codifies and provides for the enforcement of the common law doctrine that infringement suits against a customer, retailer, or user of an infringing product should be stayed in favor of an action against the manufacturer of the allegedly infringing product.

Customers and retailers typically are ill-suited to defend against an infringement suit. They often are not familiar with the inner workings of the product and usually have no reason to know whether or not the product infringes a valid patent. Suits against such parties are inherently coercive and have become a tactic employed by patent trolls.

□ 1115

As an infamous recent example, one troll has begun suing cafes, restaurants, and shops that provide wireless Internet access to their customers via routers that they bought off the shelf. These small shops have no idea how the routers work or why they infringe, and they have often paid as little as \$40 for them. Now they are being sued for using allegedly infringing products and are being asked to pay thousands of dollars.

The troll could have sued the manufacturer but chose not to because the manufacturer would have vigorously defended against the suit. Coffee shops and other small businesses, however, are more likely to settle for a few thousand dollars rather than the hundreds of thousands it would cost to fight an infringement suit over technology that the coffee shop did not design or develop, and we see the same situation repeated over and over again.

Another troll has sued small businesses, charities, and others just because they use scanners and photocopiers. Again, the troll chose not to sue the manufacturer because the manufacturer understands the technology and would be able to defend against the suit. These types of lawsuits are a little more than a shakedown of small, medium, and large businesses that simply bought technology and are not the true sources of any infringement.

This provision is designed to stay actions against customers when the manufacturer, who is the true source of any infringement, is a party to a co-pending action. The provision effectively pushes infringement claims up the supply chain to the true source of infringement. The provision thereby prevents harassment and the abuse of customers when it is unnecessary for the plaintiff to sue customers.

Despite the Federal circuit precedent of recognizing the customer suit excep-

tion, district courts continue to deny stays of customer suits in a wide array of circumstances in which a stay would be appropriate. The stay under section 5 is voluntary. No stay would be entered unless the customer and manufacturer agreed that the manufacturer most appropriately bore the burden of defending against the infringement litigation.

This is a good provision. It is a key provision. It is an essential part of the bill to protect customers and retailers against abusive suits over technology that they did not design or develop. It is for these and many other reasons that I strongly oppose the amendment offered by the gentleman from Kentucky to strike section 5.

I would also point out that former Director Kappos, speaking pre-manager's amendment version of the bill, indicated a concern that has been addressed in the manager's amendment, and we made important improvements to this section in coordination with Senators LEAHY and LEE. I think that this provision in the bill is very good and that this amendment is not well-founded, and I oppose it.

I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank you.

I want to applaud the gentleman from Kentucky (Mr. MASSIE). This is exactly what will improve this measure considerably.

Mr. Chair, the language currently in section 5 will not likely curb abusive patent litigation. It needs substantial revisions to be effective and to remove loopholes which allow manufacturers and others to avoid litigation. Striking section 5 of the bill will give patent stakeholders, retailers, and customers more time to improve the customer stay provision.

I support the gentleman's amendment.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining on both sides.

The Acting CHAIR (Mr. YODER). The gentleman from Virginia has 1½ minutes remaining, and the gentleman from Kentucky has 1¼ minutes remaining.

The gentleman from Virginia has the right to close.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 1 minute to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts, Intellectual Property, and the Internet Subcommittee.

Mr. COBLE. I thank the chairman for yielding.

Mr. Chairman, I support the Goodlatte bill, and I oppose the gentleman from Kentucky's amendment.

This is a commonsense provision that cures one of the patent troll abuses. These suits against customers target

the wrong people. Patent owners should be suing the people who actually made the product, not the retailer who sold it or the customer who uses it.

How on Earth is the owner of a coffee shop supposed to know how a router works? I don't know how a router works. Why would we expect someone who didn't build it to defend a claim that it infringes?

For this reason, Max Bibb's deli in Wethersfield, Connecticut, supports this legislation. I am not sure any patent bill before the Congress has ever won the support of a delicatessen, but this one does. Chairman GOODLATTE's bill addresses it, so I support the bill, and I oppose the amendment.

Mr. MASSIE. Mr. Chairman, section 5 remains overly broad.

The former Director of the United States Patent and Trademark Office told me as early as yesterday that we are playing with fire with section 5. That is why I urge my colleagues to oppose section 5 and to support my amendment.

Only in Washington, D.C., would you see the kind of hubris that is displayed here. We portend that we are going to protect the innovators—the people who invent in this country—yet we are ignoring their pleas to protect their rights. In this very bill, we will take away their rights while maintaining that we are helping them.

If you must vote for this bill, please vote for this amendment. This amendment will improve the bill considerably.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, this amendment will considerably harm this bill and the hundreds of organizations and businesses that have supported this bill because they know how important it is that the common law customer stay be applied fairly in jurisdictions across the country.

Concerns have been voiced that an injunction could not be obtained because of this provision against a party that is the supplier of the infringing product. However, the bill expressly requires that all parties, both customers and manufacturers, agree to be bound by any issues decided in the suit against the manufacturer. In other words, if the patent is found valid and infringed, an injunction could also be obtained against any supplier of the product because of this requirement.

I believe that this amendment should be strongly opposed.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MASSIE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Kentucky will be postponed.

#### AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 113-283.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, strike lines 7 through 10 and insert the following:

“(1) COVERED CUSTOMER.—The term ‘covered customer’ means a party that—

“(A) is accused of infringing a patent or patents in dispute based on a covered product or process; and

“(B) is a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632) that has an annual revenue of \$25,000,000 or less.”.

The Acting CHAIR. Pursuant to House Resolution 429, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I rise again to express my appreciation to Chairman GOODLATTE and to Ranking Member CONYERS.

This is an unusual posture for us to be in. Again, all of us are for innovation and love the name of the legislation, but are raising concerns that would be worked out or could be worked out with a slower process. Again, I refer to the Constitution and to the aging that went on with the constitutional leaders in Philadelphia who meticulously designed how this great government would work. I noted earlier that they focused on innovation, competition, and inventiveness.

My amendment builds on that of the gentleman from Kentucky (Mr. MASSIE), an inventor whom, I believe, we should listen to. He has chosen to strike the section dealing with small businesses or the covered customer issue, and mine narrowly focuses to hone in on helping small businesses. My point here on the floor of the House is that we cannot ignore that this bill skews the scales of justice against small investors.

When my good friend from Virginia was explaining it, it was already too complicated. My bill is simple. It expands or provides the covered customer to small businesses making \$25 million or less. So we are looking for the balance and the compromise that pointedly goes toward small businesses. It modifies that they are protected and that their litigation costs are down.

Under my amendment, the definition of a “covered customer” is modified to be one who is accused of infringing a patent or patents on a covered product or process, and is a small business con-

cern under section 3 that has revenue of \$25 million or less.

It is well-documented that our innovation ecosystem, founded on patents, started with small businesses. This bill skews the justice system away from them. Why would we want to do so?

As the bill is currently drafted, the provision applies to all entities. Mom-and-pop shops at the end of the chain are, in essence, undermined. The legs have gone from underneath them. I know that all of us are committed to innovation, and I ask that the Jackson Lee amendment be accepted.

I reserve the balance of my time.

Mr. Chairman, I wish to thank the Rules Committee, particularly Chairman SESSIONS and Ranking Member SLAUGHTER, for making my amendment in order.

Let me also express my appreciation to Chairman GOODLATTE and Ranking Member CONYERS for their hard work on this legislation and for their shared commitment to ensuring that the American patent system remains the best in the world.

My amendment modifies the bill to ensure that small businesses are protected and by expanding the amendment from what was offered in the Judiciary Committee markup so that businesses with revenue under \$25 million are included—my hope is that it will garner more support.

Under my amendment, the definition of a covered customer is modified to be one who is accused of infringing a patent or patents on a covered product or process, and is a small business concern under Section 3 of the Small Business Act that has revenue of \$25 million or less.

I have modified this amendment from that offered in the Judiciary Committee markup in order to accommodate more businesses who feel they might benefit from the narrowed language while still maintaining the intended consequence of allowing for stays in proceedings. The expanded language might allow some businesses who are past the “mom and pop” growth phase but if this will provide medium-sized businesses from going bankrupt, or losing valuable revenues because of expensive patent litigation, it is a useful expansion.

It is well documented that our innovation ecosystem—founded on patents—drives economic growth and job creation in the United States. From the hustle and bustle of downtown Houston, Silicon Valley, Chicago, New York, and even here in Washington, DC, Americans want to keep our cherished system as strong as possible. For the future of our economy, we cannot risk jeopardizing it.

Section 5 is no doubt the most overbroad proposal in this legislation. In the only Judiciary hearing none other than former Undersecretary of Commerce and USPTO Director David Kappos testified that the litigation stay provisions of H.R. 3309 would immunize from liability ALL parties and not just end users and retailers, provided they are located somewhere in a product channel downstream of the first component part maker. This grant of infringement immunity would include large commercial actors, such as manufacturers combining procured components into value-added completed devices, as well as those who assemble.

My amendment seeks to narrowly tailor the language in the bill so that it harms fewer inventors and legitimate patent licensing activity.

We must act thoughtfully and with great caution as we pursue reforms to a system which took sixty years to change—and then in the batting of a Congressional eyelash—look to significantly modify once again. I was here during the long road that led to the path that became Smith-Leahy, or the American Invents Act. That it took so long is somewhat perplexing but even more interesting is that the bill had a Republican House and a Democratic Senate. Yet we came together in a collaborative fashion and made lemonade out of sixty years of lemons while in the midst of some of the most jarring partisanship we have seen in this great body.

A number of the provisions in this bill may be well-intentioned, but they have undesirable consequences for the patent system as a whole.

They have the potential to undermine the enforceability of all patent rights, no matter how valuable the patent, and thus potentially incentivize infringement.

When patent rights are weakened, the incentive for investing in innovation is diminished. We must guard against that at all costs.

One such provision is the customer-suit exception. Though well-intentioned, this provision is overbroad. Former USPTO Director David Kappas said this himself when he testified before us recently.

As currently drafted, the provision applies to all entities in the chain of commerce of a good, not just the innocent ‘mom and pop’ shops at the end of the chain.

In fact, this provision is drafted so that it would protect the very companies that benefit the most from the sale of an infringing good.

And the provision would require a patent holder to prove indirect infringement—which requires a higher level of proof—as well as direct infringement. Taken together, these changes would result in significantly more litigation, not less.

My amendment modifies the Manager’s Amendment to ensure that all of those small businesses that motivated this provision are protected.

Please support this amendment to protect innocent end users without jeopardizing the patent system as a whole and all of the benefits that it provides us.

And Mr. Chairman, I quote from the Federalist Papers No. 18: It happened but too often, according to Plutarch, that the deputies of the strongest cities awed and corrupted those of the weaker; and that judgment went in favor of the most powerful party. And that is what is the underlying theme of this amendment: protecting the small business which might grow into the bigger business. Jeff Bezos of Amazon.com drove a Ford truck to make some of his earlier deliveries—but now he could probably buy Ford.

In the name of fairness to the little person—the Davids in the land of the Goliaths, commercially-speaking—and I ask my colleagues to support the Jackson Lee Amendment.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. I yield myself such time as I may consume.

Mr. Chairman, this amendment offers a reformulation of section 5 of the bill. The provision, however, is the product of years of discussions with stakeholders and the Patent Office. This amendment unduly restricts the protections offered by section 5 to customers.

The amendment has been presented as protecting small business, but the underlying provision already applies to small businesses. What this amendment does is deny protection to larger grocery stores, charities, hospitals, universities, and restaurant chains that are sued on account of technology that they have purchased from others and did not design or develop.

This provision would prevent many customers from benefiting from the important protections of section 5. Customer suits against a party that neither manufactures nor develops the product, accused of infringement, are frequent tactics used by trolls because they know that most customers are not sophisticated in patent laws and, thus, are more vulnerable to extortion. This amendment would eliminate a tool the bill provides to customers to protect themselves from truly abusive patent litigation.

It is for these and many other reasons that I strongly oppose the amendment.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chair, what is the remaining time?

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining, and the gentleman from Virginia has 3¾ minutes remaining.

Ms. JACKSON LEE. Mr. Chair, I yield 1 minute to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentlewoman from Texas for her amendment. It is an important one because it limits the use of customer stay provisions to smaller businesses. This is very, very important.

Mr. Chair, this amendment would improve the customer stay provision by limiting the use of the provision to smaller businesses, those who most likely did not know they were infringing when they bought and used a modern scanner or a fax machine. They are most likely local mom-and-pop shops. So, in preventing larger businesses from using the customer stay provision to avoid litigation, this amendment will also help protect the ability of individual inventors and entrepreneurs to enforce their patent rights.

Please support the Jackson Lee amendment.

Mr. GOODLATTE. Mr. Chairman, at this time, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. I thank the chairman.

Mr. Chairman, I have had a rash of people in my office over the last couple of months from all sides of this issue, and there is no one who supports the intent of my colleague’s across the aisle concerning small business, and there is an unintended consequence here that, I think, may be overlooked.

It is the fact that, certainly, those doing business with gross revenues coming in of \$25 million or less are protected, as they should be and as it stands in our legislation at this point. However, this amendment could cause a problem in which anyone making over \$25 million in gross revenues would not be protected. So why complicate the matter?

This amendment that my distinguished colleague wants to put in is not required because it is already addressed in the legislation that we have been going over for months and months and months. Therefore, I do not support her amendment, and I support the chairman’s bill.

Ms. JACKSON LEE. Mr. Chairman, I think quite the contrary to my good friend from Pennsylvania, my legislation responds to the very individuals whom we are proclaiming we are interested in—the small inventors and businesses.

□ 1130

I would offer to say that the opposition to this whole scheme of this bill comes from the Association of American Universities, the Institute of Electrical and Electronics Engineers, and the Innovation Alliance. These are groups that understand there is a problem. These are typically smaller groups.

I would suggest that in the Federalist Papers No. 18 it says that we shall not tip the scales of justice to the big and the wealthy, but protect the weak. This particular amendment provides for protecting those making \$25 million, not having them in the crosshairs of the pleading scheme that is in this bill, in the crosshairs of loser pays that is in this bill.

I would ask my colleagues to recognize that David Kappas has not retrenched from his position that this liability posture is too dangerous. As my good friend Mr. MASSIE indicated, he is striking the whole section. I am finding a balance.

With that, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, let’s use a little common sense here. We have a provision in the common law called “customer stay,” which says that a customer can ask to join the manufacturer of the product that it is alleged is infringing because that manufacturer knows a lot more about how the product was manufactured, what licenses and patents were used to do that, and is best able to defend a claim by a patent troll or by a legitimate inventor that a claim is valid or not valid.

What the gentlewoman from Texas does is she says that any small business above \$25 million—say the local hospital, the local university, the restaurant chain of, say, 15 or 20 restaurants, the same thing for a retail store, a grocery store chain—they can't avail themselves. So what happens? The patent troll knows that there are certain jurisdictions in this country where the court will not issue the customer stay, notwithstanding the long historic common law doctrine of customer stay.

What we simply say in this bill is that if the customer, regardless of the size, and the manufacturer, regardless of the size, both agree, then the customer stay provision will apply; the manufacturer can come in and defend the case. It is eminently fair to every party involved to get at the core of whether or not the patent is a good patent and a valid patent. And who knows best? The manufacturer.

So this provision in the bill is very important and this amendment is harmful to the interest of small businesses, and I urge my colleagues to oppose it.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, the Club for Growth is opposed to this legislation. What this legislation does my amendment corrects. That is why I want to ensure that we slow this down and make sure that the people who are impacted positively are small inventors and small businesses.

This gives a gift to big guys, conglomerates, that can already hammer you down if you challenge their use of your invention. What this says is the small guys get protected. That means innovation and inventiveness is protected. My amendment is a right way to go. It is a good solid balance.

I ask my colleagues to support the Jackson Lee amendment, and I yield back the balance of my time.

I have modified this amendment from that offered in the Judiciary Committee markup in order to accommodate more businesses who feel they might benefit from the narrowed language while still maintaining the intended consequence of allowing for stays in proceedings. The expanded language might allow some businesses who are past the "mom and pop" growth phase but if this will provide medium-sized businesses from going bankrupt, or losing valuable revenues because of expensive patent litigation, it is a useful expansion.

It is well documented that our innovation ecosystem—founded on patents—drives economic growth and job creation in the United States. From the hustle and bustle of downtown Houston, Silicon Valley, Chicago, New York, and even here in Washington, DC, Americans want to keep our cherished system as strong as possible. For the future of our economy, we cannot risk jeopardizing it.

Section 5 is no doubt the most overbroad proposal in this legislation. In the only Judiciary hearing none other than former Undersecretary of Commerce and USPTO Director

David Cappos testified that the litigation stay provisions of H.R. 3309 would immunize from liability ALL parties—and not just end users and retailers, provided they are located somewhere in a product channel downstream of the first component part maker. This grant of infringement immunity would include large commercial actors such as manufacturers combining procured components into value-added completed devices, as well as those who assemble.

It is well documented that our innovation ecosystem—founded on patents—drives economic growth and job creation in the United States. From the hustle and bustle of downtown Houston, Silicon Valley, Chicago, New York, and even here in Washington, DC, Americans want to keep our cherished system as strong as possible. For the future of our economy, we cannot risk jeopardizing it.

A number of the provisions in this bill may be well-intentioned, but they have undesirable consequences for the patent system as a whole.

They have the potential to undermine the enforceability of all patent rights, no matter how valuable the patent, and thus potentially incentivize infringement.

My amendment seeks to narrowly tailor the language in the bill so that it harms fewer inventors and legitimate patent licensing activity.

I would note the opposition of my colleague from Kentucky, Congressman THOMAS MASSIE, himself an inventor, and unlike most of us in this body—a holder of patents—whose amendment seeks to strike the entire Section 5 of the bill. My amendment seeks to find a happy medium while not allowing large business concerns who have unlimited resources and use the might of big law firms to take out smaller businesses.

Also my colleague Mr. ROHRBACHER, a long-time champion of small inventors and innovators has helped to spearhead a push urging leadership to delay this vote.

We must act thoughtfully and with great caution as we pursue reforms to a system which took sixty years to change—and then in the batting of a Congressional eyelash—look to significantly modify once again. I was here during the long road that led to the path that became Smith-Leahy, or the American Invents Act.

That it took so long is somewhat perplexing but even more interesting is that the bill had a Republican House and a Democratic Senate. Yet we came together in a collaborative fashion and made lemonade out of sixty years of lemons while in the midst of some of the most jarring partisanship we have seen in this great body.

Yet here we are this morning looking to pass a bill which has been essentially done in under two months.

Mr. GOODLATTE. Mr. Chairman, I would just say to the gentlewoman there is a wide array of organizations. We have 4 pages with hundreds of organizations, including Americans for Prosperity, Americans for Tax Reform, Public Knowledge. It crosses the spectrum.

Small business innovators like Engine Advocacy that the gentlewoman from California put in their statement,

a lengthy statement, listing a whole host of companies that support this legislation. One of the key reasons they support it is because it protects small businesses, both the innovators and the people who are the recipients of these demand letters.

I oppose the amendment and urge my colleagues to join me in doing so.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 113-283.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 46, after line 22, insert the following:

(g) STUDY ON IMPACT OF LEGISLATION ON ABILITY OF INDIVIDUALS AND SMALL BUSINESSES TO PROTECT EXCLUSIVE RIGHTS TO INVENTIONS AND DISCOVERIES.—

(1) STUDY REQUIRED.—The Director, in consultation with the Secretary of Commerce, the Director of the Administrative Office of the United States Courts, the Director of the Federal Judicial Center, the heads of other relevant agencies, and interested parties, shall, using existing resources of the Office, conduct a study to examine the economic impact of sections 3, 4, and 5 of this Act, and any amendments made by such sections, on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate the constitutionally guaranteed exclusive right to inventions and discoveries by such individuals and small business.

(2) REPORT ON STUDY.—Not later than 2 years after the date of the enactment of this Act, the Director shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings and recommendations of the Director from the study required under paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 429, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, again, my hope is that we have the opportunity to continue to work to get where all of us would like to be.

My amendment is very simple. It requires the PTO director in consultation



with other relevant agencies and interested parties to conduct a study to examine the economic impact of the litigation reform contained in the bill, sections 3, 4, and 5 of this act, on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate the constitutionally guaranteed exclusive right to inventions and discoveries. In essence, I think it brings all of us together to be able to ensure that we promote this body politic of inventors, the people who built America.

This is, in essence, to follow in the constitutional mandate to promote the progress of science and useful arts by securing for limited times to authors and inventors an exclusive right to their respective writings and discoveries. In my earlier discussions I said the wise persons of the constitutional construct recognize the importance of inventiveness.

I have with me a chart that recognizes some of our great African American inventors: Madame C.J. Walker from Granville Woods invented a device that allowed for messages to be sent from moving trains and railway stations; Patricia Bath invented a method for removing eye cataracts. Great women inventors: Mary Anderson invented the windshield wipers. And our famous Hispanic inventors and others from other backgrounds: Pedro Flores, the first woman to manufacture the yo-yo. Our veterans are included in that. Many, many others throughout the Nation are included in this body of inventors.

With that, I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, although I am not opposed to the amendment, I ask unanimous consent to control the time in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. GOODLATTE. Mr. Chairman, this amendment provides for a study that the USPTO would conduct to examine the impact of the changes in sections 3, 4, and 5 of the bill on individuals and small businesses owned by women, veterans, and minorities.

The Innovation Act will benefit all businesses, both large and small, regardless of who owns them, including women, veterans, and minorities. This bill has received strong support from independent inventors, small businesses, start-ups, manufacturers, retailers, realtors, travel agents, hotels, and even a delicatessen.

By bringing transparency and curbing litigation abuses, the Innovation Act will reduce litigation costs for innovators and innovative companies from all across this great land. This will reduce the leverage patent litigation

opportunists possess to extort money from legitimate businesses and individuals.

This bill not only lines up with our constitutional authority, but our constitutional duty and will help grow our economy, create jobs, and promote the engine of American ingenuity for decades to come.

Mr. CONYERS. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Michigan.

Mr. CONYERS. I just want to associate myself with the gentleman's remarks and join in the support for the Jackson Lee amendment No. 6. It is a very important one.

Mr. GOODLATTE. I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, let me thank both the chairman of the committee and the ranking member for their kind support of this amendment.

May I ask the Chair the amount of time remaining, please.

The Acting CHAIR. The gentlewoman from Texas has 3 minutes remaining. The gentleman from Virginia has 3¾ minutes remaining.

Ms. JACKSON LEE. Thank you very much.

Mr. Chairman, I insert in the RECORD the list of inventors that are just a small measure of those coming from a wide array of diversity.

Let me say that we are on the floor today because we do believe in innovation. We are on the floor today because we all believe in innovation. My amendment attests to that fact. Both the chairman and ranking member agree that we should look into those small inventors that have been the backbone of American society.

I would ask again that as we look at the full measure of this legislation, that we also will take that into consideration.

I am hoping that my amendment No. 6 will be supported. But in conclusion, I want to take note of the fact that the Jackson Lee amendment No. 5 will be voted on and Mr. MASSIE's amendment will be voted on. We hope that we will get a strong vote of support. But I would hope that whatever reflection those votes characterize, it in no way reflects on the issue which we are trying to bring forward. Members will vote and Members will not vote. We hope they will vote for our amendments.

But, really, what this is all about is to make sure that we do cover and protect that genius that lies across the landscape of America. Maybe a 5-year-old that is tinkering with Legos is an inventor who needs to be protected. That is the gist of what our discussion and debate is. That is why my amendment No. 6 was offered and No. 5.

I ask that this amendment be accepted by my colleagues, and I yield back the balance of my time.

Mr. Chairman, I wish to thank the Rules Committee, particularly Chairman SESSIONS and Ranking Member SLAUGHTER, for making my amendment in order. Let me also express my appreciation to Chairman GOODLATTE and Ranking Member CONYERS for their hard work on this legislation and for their shared commitment to ensuring that the American patent system remains the best in the world.

The Jackson Lee Amendment simply requires the PTO Director, in consultation with other relevant agencies, and interested parties, to conduct a study to examine the economic impact of the litigation reforms contained in the bill (sections 3, 4, and 5 of this Act) on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate the constitutionally guaranteed exclusive right to inventions and discoveries.

Mr. Chairman, while there may be conflicting views on both sides of the aisle regarding the wisdom or necessity of some of the legislative proposals contained in H.R. 3309, there is no disagreement in this House on the central importance of honoring the mandate of the Constitution to "Promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" (U.S. Const. Art. I, Sec. 8, clause 8.)

Mr. Chairman, the Founding Fathers understood that America's future and its security lay in its ability to transform itself from a rural and agrarian economy into a commercial and manufacturing powerhouse that produced the products and ideas and created the jobs that would give Americans the highest standard of living in the world. The patent system created by the Constitution's framers played an indispensable part in this transformation.

Mr. Chairman, it is critically important that whenever we consider legislation intended to improve or modernize our patent system that we do no harm to the individual inventors whose innovations fuel our economy.

We also must take that we not change the patent system in such a way that we discourage inventors from unleashing the creative energies that turn impossible dreams into practical and commercially viable products and American jobs.

Mr. Chairman, my amendment supplements and improves the bill, which already requires PTO to conduct 4 studies and submit reports to Congress. The required studies are:

1. Study On Secondary Market Oversight For Patent Transactions To Promote Transparency And Ethical Business Practices.

2. Study On Patents Owned By The United States Government

3. Study On Patent Quality And Access To The Best Information During Examination

4. Study On Patent Small Claims Court

What is missing from this list is a study on the impact of the changes wrought by the legislation on the very persons the American patent system was created to encourage and protect: individual innovators who take the risk to create, innovate, and invent the discoveries that change our world for the better. Inventors like Steve Jobs (Apple), Bill Gates (Microsoft), Henry Ford (Ford Motors), Thomas Edison (GE); Alexander Graham Bell (AT&T).

Mr. Chairman, H.R. 3309 contains many new and complex changes to the patent litigation system such as "loser pays," delayed and



restricted discovery, and heightened pleading requirements imposed on inventors seeking to protect their constitutional right to their discoveries.

If these changes were found to impede their ability to protect their rights and thus discourage future innovators from inventing, would we not want to revisit the law and make the needed revisions?

The Jackson Lee Amendment simply directs that the impact of these new changes be studied and reported to Congress so that identified problems, if any, may be later corrected to ensure our patent system remains the best in the world.

I ask unanimous consent to append at the end of my remarks a list of some of the great advances created by American inventors of all backgrounds, races, and gender.

I urge my colleagues to support the Jackson Lee Amendment #8.

#### FAMOUS WOMEN INVENTORS OF THE MODERN ERA

Mary Anderson, Inventor of Windshield Wipers; Barbara Askins, Inventor of a New Film Developing Method Used by NASA; Patricia Billings, Inventor of Geobond®, first non-toxic workable replacement for asbestos; Marion Donovan, Inventor of Disposable Diapers; Bette Nesmith Graham, Inventor of Liquid Paper; Ruth Handler, Inventor of the Barbie Doll; Dr. Grace Murray Hopper, Inventor of COBOL Computer Language.

Mary Phelps Jacob, Inventor of the Modern Brassiere; Margaret Knight, Inventor of the Paper Bag Machine; Stephanie Kwolek, Inventor of Kevlar, the main ingredient in bullet-proof vests; Ann Moore, Inventor of Snuggly® Baby Carrier; Lyda Newman, Inventor of a Synthetic Bristle Hair Brush; Patsy Sherman, Inventor of Scotchgard™ Stain Repellent; Ruth Wakefield, Inventor of the Chocolate Chip Cookie.

#### FAMOUS HISPANIC INVENTORS

Pedro Flores, First person to manufacture the yo-yo in the United States; Ellen Ochoa, Inventor of an optical analysis system. Also was first Hispanic astronaut; Luis Federico, Awarded Nobel Prize for discovery of sugar nucleotides and their role in the biosynthesis of carbohydrates; Carlos Finlay, Identified the mosquito as a carrier of the deadly yellow fever germ; Santiago Ramon y Cajal, Inventor who was awarded the Nobel Prize for his work on the structure of the nervous system; Luis Miramontes, Co-inventor of the contraceptive pill. Discovered procedure for synthesizing progesterone norethindrone, the active ingredient in the birth control pill; Guillermo Gonzalez Camarena, Inventor of an early color television system; Felipe Vadiello, Inventor of predicting premature fetal membrane rupture in pregnant women; Juan Lozano, Inventor of the Rocket Belt, inspired by his fascination with jet packs.

#### TEN GREAT AFRICAN AMERICAN INVENTORS

Despite the hardships suffered through slavery, many African Americans have managed to become great inventors, scientists, and thinkers. This is a list of the ten greatest African American inventors.

Madame CJ Walker 1867–1919: Inventor: Hair Lotion for black women—Madam Walker was an entrepreneur who built her empire developing hair products for black women. She was the first African-American woman millionaire.

Frederick McKinley Jones 1893–1961: Invented automatic refrigeration systems for long-haul trucks—Frederick McKinley is

best known for inventing an automatic refrigeration system for long-haul trucks in 1935 (a roof-mounted cooling device).

Jan Ernst Matzeliger 1852–1889: Inventor: Shoe lasting machinery—Jan Matzeliger was born in Paramaribo, Dutch Guiana in 1852. He immigrated to the United States at the age of 18. Jan Matzeliger helped revolutionize the shoe industry by developing a shoe lasting machine that would attach the sole to the shoe in one minute.

Norbert Rillieux 1806–1894: Inventor: Sugar refining machinery—Norbert Rillieux was born on March 17, 1806 in New Orleans, Louisiana. Norbert was born a free man, although his mother was a slave. His father was a wealthy White engineer involved in the cotton industry. Rillieux invented the multiple-effect vacuum pan evaporator. This innovation, adopted in sugar refining, escalated production, reduced the price, and was responsible for transforming sugar into a household item.

George Edward Alcorn 1940: Inventor: Imaging X-Ray Spectrometer—Physicist George Edward Alcorn, Jr. is best known for his development of the imaging x-ray spectrometer. An x-ray spectrometer assists scientists in identifying a material by producing an x-ray spectrum of it, allowing it to be examined visually. For this achievement he was recognized with the NASA/GSFC (Goddard Space Flight Center) Inventor of the Year Award.

Lewis Latimer 1848–1928: Inventor: Long life lightbulb—Lewis Latimer was born in Chelsea, Massachusetts in 1848. He was the son of George and Rebecca Latimer, escaped slaves from Virginia. Latimer devised a way of encasing the filament within a cardboard envelope which prevented the carbon from breaking and thereby provided a much longer life to the bulb and hence made the bulbs less expensive and more efficient. This enabled electric lighting to be installed within homes and throughout streets.

Granville Woods 1856–1910: Inventor: A variation on the induction telegraph—Granville Woods was often referred to as the “Black Thomas Edison.” In 1887, Woods developed his most important invention—a device that allowed for messages to be sent from moving trains and railway stations. By allowing dispatchers to know the location of each train, it provided for greater safety and a decrease in railway accidents.

Patricia Bath 1942: Inventor: A form of eye surgery using lasers—Dr. Patricia Bath, an ophthalmologist became the first African American woman doctor to receive a patent for a medical invention. The method she invented for removing cataract lenses, transformed eye surgery, using a laser device making the procedure more accurate. Another device invented by Dr. Bath was able to restore sight to people who had been blind for over 30 years.

Garrett Morgan 1877–1963: Inventor: Gas mask, and a type of traffic light—Garrett Morgan invented the gas mask in 1914. On July 25, 1916, Garrett Morgan made national news for using his gas mask to rescue 32 men trapped during an explosion in an underground tunnel 250 feet beneath Lake Erie. The Morgan gas mask was later refined for use by U.S. Army during WWI. After witnessing a collision between an automobile and a horse-drawn carriage, Garrett Morgan invented the traffic signal.

Otis Boykin 1920–1982: Inventor: Improved electrical resistor, and a control unit for pacemakers—Boykin’s most famous invention was a control unit for the heart pacemaker. The device uses electrical impulses

to maintain a regular heartbeat. Also invented more than 25 electronic devices, including an improved electrical resistor for computers, radios, televisions, and guided missiles.

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for her amendment and urge my colleagues to support the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ROHRBACHER

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 113–283.

Mr. ROHRBACHER. Mr. Chairman, I rise in support of my amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 47, strike line 3 and all that follows through page 48, line 20, and redesignate succeeding subsections, and references thereto, accordingly.

The Acting CHAIR. Pursuant to House Resolution 429, the gentleman from California (Mr. ROHRBACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRBACHER. Mr. Chairman, I rise in support of my own amendment, which would remove section 9(a) from the Innovation Act.

My amendment would protect the American inventors from an incredible attack on their constitutional rights by eliminating from this bill the bill’s elimination of the right for judicial review of the American inventors who feel that perhaps they were not treated legally by their applications to the patent system.

They have had a right since 1836 to a judicial review. This is a constitutional right that has been for a long time recognized. This bill eliminates that. Of course, we are out to get the troll. Everything is going to be aimed at getting the troll. How does eliminating the constitutional right of an independent inventor who doesn’t have a lot of money but now he feels maybe he has been mistreated or maybe not legally treated by the patent office, up until now he has had the right, as every other American citizen, to their day in court; and instead, we are taking the little guy and eliminating his day in court if he feels that he has a legitimate legal claim that he was not treated legally through the patent system?

Why are we attacking the little guy? Well, we have to get to the trolls. We have got to make it much more difficult for a little guy to get a patent. We have got to make it much more difficult for a little guy to defend a patent

against these mega-multinational corporations that routinely infringe on the small guy.

Now, we know we have heard about the wrongdoing of a certain percentage of inventors or people who own patents in this country. Let's get a patent. But this bill totally undermines and attacks the rights of people who are handling themselves correctly. It makes it more difficult for the independent inventor. Here we are taking away his constitutional rights.

By the way, let me just note I have heard Mr. GOODLATTE say that this in some way eliminates the regular process of the Patent Office. That is not the case, Mr. GOODLATTE. The Patent Office procedures are kept the same in this bill as they have been. The only thing that this bill changes, or that your bill seeks to change that my amendment would eliminate, is eliminating the right of these independent inventors to go to court and say they made an unconstitutionally legal decision on my patent.

I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. I thank the gentleman for yielding.

Mr. Chairman, while Mr. ROHRABACHER and I do not agree on the underlying bill, I do support his amendment.

The Innovation Act would repeal section 145, the right of a patent applicant to appeal an initial PTO determination in Federal court.

□ 1145

This is a long-standing provision of law, and while it is rarely used, and even less often successful, I do believe that it poses at least theoretically a hedge against misconduct in the Patent Office and, at a minimum, will help ensure that the PTO's initial determinations are as meticulous as inventors deserve.

I spoke in favor of this amendment and voted for it when it was offered in the Judiciary Committee, and I continue to support it. I urge my colleagues to vote in favor.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I strongly oppose the gentleman's amendment to strike the bill's provisions regarding section 145. The bill's provisions are strongly supported by the Patent Office.

The amendment would strike one of the bill's most important reforms for preventing patent trolls from obtaining low-quality patents and bringing extortionate lawsuits. The bill's provisions are necessary because of the Supreme Court's recent decision in *Kappos v.*

*Hyatt* which construed section 145 to allow an applicant to evade substantive patent examination in the Patent Office and to instead present his evidence of patentability for the first time in Federal district court. A district judge would then be required to make de novo findings of patentability.

Section 145 is outdated and unnecessary. Today, applicants have administrative routes for offering new evidence. Even after a board decision affirming the examiner's rejection, an applicant can file a continuation application and can introduce new evidence of patentability in that continuation.

Ever since 1836, the United States has required that all patent applications be reviewed by patent examiners with a scientific education, people who understand the technology that the patent covers. This helps to ensure that patents are not issued for inventions that are already in the public domain or that would be obvious to a person skilled in the technology.

Under the gentleman from California's amendment, however, an applicant could short-circuit the entire application process and present his evidence of patentability for the first time in district court. Now, I have known many district judges who are expert lawyers, but very few of them have degrees in biotechnology. Very few of them have degrees in electrical engineering; yet under this amendment, these judges would be making the initial determination whether, for example, a purported computer invention is novel and nonobvious and whether it has been properly enabled.

I would ask my colleagues, is there anyone here who believes the United States will issue higher-quality patents if the applications are never, never, never reviewed by an examiner with a scientific background? Does anyone believe that we will have better semiconductor patents if they are never examined by an electrical engineer? Will we really have better drug patents if they are never reviewed by someone with a degree in chemistry?

I would submit that the gentleman's amendment is nothing more than a recipe book for patent trolls to obtain low-quality patents claiming technology that is already in widespread use.

Finally, we cannot ignore the evidence of who is actually using these section 145 actions. These lawsuits, which seek to obtain a patent without review by technically trained examiners, are heavily used by infamous patent trolls who are trying to obtain patents on computer technology from the 1980s and 1990s. These trolls are still pursuing patent applications that were filed before 1995 when patent terms ran 17 years from when the patent was issued. The most infamous user of section 145 still has hundreds of these applications pending and is try-

ing to obtain patents on computer technology that literally predate Windows and Apple Macintosh. A vote for this amendment is nothing more than a vote to advance that patent troll agenda and allow abuse of the U.S. patent system. I strongly urge my colleagues to vote "no" on this amendment.

I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I want to commend Mr. ROHRABACHER for what he is doing here. This is another little guy provision that deserves support because the Supreme Court has even recently affirmed the expansive breadth of evidence that a patent applicant may introduce in a section 145 proceeding. And so I am for keeping this provision in, and I am proud to add my support to the Rohrabacher amendment.

Mr. GOODLATTE. I reserve the balance of my time.

Mr. ROHRABACHER. I yield myself 30 seconds.

Well, the Supreme Court disagrees with what the chairman of our Judiciary Committee says. The Supreme Court has decided against the very argument that he gave. And the fact is, if someone in this country, an inventor, an independent inventor or anybody else thinks they have a claim that a government agency has not treated them in a constitutional and lawful manner, they have a right to take that before a court. This bill eliminates that constitutional right that our inventors have had since the 1830s. I am sorry, this again discloses the power grab behind this bill. I ask support for my amendment.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

I would just say to the gentleman, the Supreme Court doesn't disagree with my position. The Supreme Court is interpreting the current law on the books, a law which has been on the books for a long time, and is superseded by new provisions that have been added into the patent law that give inventors additional ways to have their patents reviewed if they are denied by the Patent Office. So the Supreme Court is interpreting the current law.

What this bill does is it changes the current law because it recognizes that, based on that decision, it enables patent trolls to do some of the most outrageous things and cripples the ability of the Patent Office to actually look at the patent in the form that the law intends, and that is by engineers and scientists, chemists, biologists, people who have training in the field and can identify whether something is indeed a novel idea or not. That is what the amendment would lop off.

The amendment would continue a pathway around the Patent Office that

would allow patent trolls to get low-quality patents because they would not be properly examined and continue the problem that we face with patent trolls. So I strongly oppose the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 113–283.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Deceptive Patent Practices Reduction Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Transparency of patent ownership.
- Sec. 4. Customer stay.
- Sec. 5. Small business education, outreach, and information access.
- Sec. 6. Codification of the double-patenting doctrine for first-inventor-to-file patents.
- Sec. 7. Technical corrections to the Leahy-Smith America Invents Act.

Sec. 8. Reports.

Sec. 9. Effective date.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term “Director” means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term “Office” means the United States Patent and Trademark Office.

#### SEC. 3. TRANSPARENCY OF PATENT OWNERSHIP.

(a) JUDICIAL PROCEEDINGS.—

(1) IN GENERAL.—Section 281 of title 35, United States Code, is amended—

(A) by striking “A patentee” and inserting “(a) IN GENERAL.—A patentee”; and

(B) by adding at the end the following:

“(b) INITIAL DISCLOSURE.—A patentee who has filed a civil action under subsection (a) is required to disclose to the court and to all adverse parties, any persons, associations of persons, firms, partnerships, corporations (including parent corporations), or other entities other than the patentee itself known by the patentee to have—

“(1) a financial interest (of any kind) in the subject matter in controversy or in a party to the proceeding; or

“(2) any other kind of interest that could be substantially affected by the outcome of the proceeding.

“(c) ENFORCEMENT.—The court may enforce the requirement under subsection (b) upon a motion by an opposing party or sua sponte.

“(d) DEFINITIONS.—For purposes of this section, the terms ‘proceeding’ and ‘financial interest’ have the meaning given those terms in section 455(d) of title 28.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 290 of title 35, United States Code, is amended in the first sentence by inserting after “inventor,” the following: “any information that a patentee has publicly disclosed under section 281(b).”.

(b) PATENT AND TRADEMARK OFFICE PROCEEDINGS.—

(1) IN GENERAL.—Chapter 26 of title 35, United States Code, is amended by adding at the end the following:

#### “§ 263. Disclosure of information relating to patent ownership

“(a) DEFINITIONS.—In this section—

“(1) the term ‘period of noncompliance’ refers to a period of time during which the ultimate parent entity of an assignee of a patent has not been disclosed to the United States Patent and Trademark Office in accordance with this section; and

“(2) the term ‘ultimate parent entity’ has the meaning given the term in section 801.1(a)(3) of title 16, Code of Federal Regulations, or any successor regulation.

“(b) REQUIREMENT TO DISCLOSE ASSIGNMENT.—An assignment of all substantial rights in an issued patent that results in a change to the ultimate parent entity shall be recorded in the Patent and Trademark Office within 3 months of the assignment.

“(c) DISCLOSURE REQUIREMENTS.—A disclosure under subsection (b) shall include the name of the assignee and the ultimate parent entity of the assignee.

“(d) FAILURE TO COMPLY.—If a party required to make a disclosure under subsection (b) fails to comply with such requirement, in a civil action in which that party asserts a claim for infringement of the patent, that party may not recover increased damages under section 284 or attorney fees under section 285 with respect to infringing activities taking place during any period of noncompliance.”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any patent issued on or after the date of enactment of this Act.

(3) CONFORMING AMENDMENT.—The table of sections for chapter 26 of title 35, United States Code, is amended by adding at the end the following new item:

“263. Disclosure of information relating to patent ownership.”.

#### SEC. 4. CUSTOMER STAY.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following new section:

##### “§ 299A. Customer stay

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered customer’ means a party accused of infringing a patent or patents in dispute based on a covered product or process;

“(2) the term ‘covered manufacturer’ means a person who manufactures or supplies, or causes the manufacture or supply of, a covered product or process, or a relevant part thereof; and

“(3) the term ‘covered product or process’ means a component, product, process, system, service, method, or a relevant part thereof, that—

“(A) is alleged to infringe the patent or patents in dispute, or

“(B) implements a process alleged to infringe the patent or patents in dispute.

“(b) MOTION FOR STAY.—In a civil action in which a party asserts a claim for relief arising under any Act of Congress relating to patents (other than an action that includes a cause of action described in section 271(e) of this title), the court shall grant a motion to stay at least the portion of the action against a covered customer that relates to infringement of a patent involving a covered product or process if—

“(1) the covered manufacturer and the covered customer consent in writing to the stay;

“(2) the covered manufacturer is a party to the action or a separate action involving the same patent or patents relating to the same covered product or process;

“(3) the covered customer agrees to be bound under the principles of collateral estoppel by any issues finally decided as to the covered manufacturer in an action described in paragraph (2) that the covered customer has in common with the covered manufacturer; and

“(4) the motion is filed after the first pleading in the action but not later than the later of—

“(A) 120 days after service of the first pleading in the action that specifically identifies the covered product or process as a basis for the alleged infringement of the patent by the covered customer, and specifically identifies how the covered product or process is alleged to infringe the patent; or

“(B) the date on which the first scheduling order in the case is entered.

“(c) APPLICABILITY.—A stay issued under subsection (b) shall apply only to those asserted patents and products, systems, methods, or components accused of infringement in the action.

“(d) VACATING STAY.—

“(1) IN GENERAL.—A stay entered under this section may be vacated upon grant of a motion based on a showing that—

“(A) the action involving the covered manufacturer will not resolve a major issue in suit against the covered customer; or

“(B) the stay unreasonably prejudices or would be manifestly unjust to the party seeking to vacate the stay.

“(2) SEPARATE ACTIONS.—In the case of a stay entered under this section based on the participation of the covered manufacturer in a separate action described in subsection (b)(2), a motion under paragraph (1) may only be granted if the court in such separate action determines that the showing required under paragraph (1) has been made.

“(e) WAIVER OF ESTOPPEL EFFECT.—If, following the grant of a motion to stay under this section, the covered manufacturer in an action described in subsection (b)(2)—

“(1) seeks or consents to entry of a consent judgment involving one or more of the common issues that gave rise to the stay; or

“(2) fails to prosecute, to a final, non-appealable judgment, a final decision as to one or more of the common issues that gave rise to the stay, the court may, upon motion, determine that such consent judgment or unappealed final decision shall not be binding on the covered customer with respect to one or more of such common issues based on a showing that such an outcome would unreasonably prejudice or be manifestly unjust to the covered customer in light of the circumstances of the case.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a court to grant, expand, or modify any stay granted pursuant to this section, or grant any motion to intervene, if otherwise permitted by law.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United

States Code, is amended by adding at the end the following new item:

“299A. Customer stay.”.

#### SEC. 5. SMALL BUSINESS EDUCATION, OUTREACH, AND INFORMATION ACCESS.

(a) SMALL BUSINESS EDUCATION AND OUTREACH.—

(1) RESOURCES FOR SMALL BUSINESS.—Using existing resources, the Director shall develop educational resources for small businesses to address concerns arising from patent infringement.

(2) SMALL BUSINESS PATENT OMBUDSMAN.—The Patent Ombudsman Program established under section 28 of the Leahy-Smith America Invents Act (35 U.S.C. 2 note) shall coordinate with the existing small business outreach programs of the Office to provide education and awareness on abusive patent litigation practices.

(b) IMPROVING INFORMATION TRANSPARENCY FOR SMALL BUSINESS AND THE UNITED STATES PATENT AND TRADEMARK OFFICE USERS.—

(1) WEB SITE.—Using existing resources, the Director shall create a user-friendly section on the official Web site of the Office to notify the public when a patent case is brought in Federal court and with respect to each patent at issue in such case, the Director shall include—

(A) information disclosed pursuant to section 290 of title 35, United States Code, as amended by section 4(a)(2) of this Act; and

(B) any information the Director determines to be relevant.

(2) FORMAT.—In order to promote accessibility for the public, the information described in paragraph (1) shall be searchable by patent number, patent art area, and entity.

#### SEC. 6. CODIFICATION OF THE DOUBLE-PATENTING DOCTRINE FOR FIRST-INVENTOR-TO-FILE PATENTS.

(a) AMENDMENT.—Chapter 10 of title 35, United States Code, is amended by adding at the end the following new section:

##### “§ 106. Prior art in cases of double patenting

“A claimed invention of a patent issued under section 151 (referred to in this section as the ‘first patent’) that is not prior art to a claimed invention of another patent (referred to in this section as the ‘second patent’) shall be considered prior art to the claimed invention of the second patent for the purpose of determining the nonobviousness of the claimed invention of the second patent under section 103 if—

“(1) the claimed invention of the first patent was effectively filed under section 102(d) on or before the effective filing date of the claimed invention of the second patent;

“(2) either—

“(A) the first patent and the second patent name the same inventor; or

“(B) the claimed invention of the first patent would constitute prior art to the claimed invention of the second patent under section 102(a)(2) if an exception under section 102(b)(2) were deemed to be inapplicable and the claimed invention of the first patent was, or were deemed to be, effectively filed under section 102(d) before the effective filing date of the claimed invention of the second patent; and

“(3) the patentee of the second patent has not disclaimed the rights to enforce the second patent independently from, and beyond the statutory term of, the first patent.”.

(b) REGULATIONS.—The Director shall promulgate regulations setting forth the form and content of any disclaimer required for a patent to be issued in compliance with section 106 of title 35, United States Code, as added by subsection (a). Such regulations

shall apply to any disclaimer filed after a patent has issued. A disclaimer, when filed, shall be considered for the purpose of determining the validity of the patent under section 106 of title 35, United States Code.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 10 of title 35, United States Code, is amended by adding at the end the following new item:

“106. Prior art in cases of double patenting.”.

(d) EXCLUSIVE RULE.—A patent subject to section 106 of title 35, United States Code, as added by subsection (a), shall not be held invalid on any nonstatutory, double-patenting ground.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a patent or patent application only if both the first and second patents described in section 106 of title 35, United States Code, as added by subsection (a), are patents or patent applications that are described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

#### SEC. 7. TECHNICAL CORRECTIONS TO THE LEAHY-SMITH AMERICA INVENTS ACT.

(a) TECHNICAL CORRECTIONS.—

(1) INVENTOR’S OATH OR DECLARATION.—

(A) AMENDMENT.—Section 115(g)(1) of title 35, United States Code, is amended—

(i) in the matter preceding subparagraph (A), by striking “claims the benefit” and inserting “is entitled, as to each invention claimed in the application, to the benefit”; and

(ii) in subparagraph (A), by striking “meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application” and inserting the following: “executed by or on behalf of the individual was filed in connection with the earlier-filed application and meets the requirements of this section as effective on the date such oath or declaration was filed”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall be effective as if included in the amendment made by section 4(a)(1) of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 293).

(2) NOVELTY.—

(A) AMENDMENT.—Section 102(b)(1)(A) of title 35, United States Code, is amended by striking “the inventor or joint inventor or by another” and inserting “the inventor or a joint inventor or another”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall be effective as if included in the amendment made by section 3(b)(1) of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 285).

(3) ASSIGNEE FILERS.—

(A) BENEFIT OF EARLIER FILING DATE; RIGHT OF PRIORITY.—Section 119(e)(1) of title 35, United States Code, is amended, in the first sentence, by striking “by an inventor or inventors named” and inserting “that names the inventor or a joint inventor”.

(B) BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES.—Section 120 of title 35, United States Code, is amended, in the first sentence, by striking “names an inventor or joint inventor” and inserting “names the inventor or a joint inventor”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act and shall apply to any patent application, and any patent issuing from such application, that is filed on or after September 16, 2012.

(4) DERIVED PATENTS.—

(A) AMENDMENT.—Section 291(b) of title 35, United States Code, is amended by striking “or joint inventor” and inserting “or a joint inventor”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall be effective as if included in the amendment made by section 3(h)(1) of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 288).

(5) SPECIFICATION.—Notwithstanding section 4(e) of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 297), the amendments made by subsections (c) and (d) of section 4 of such Act shall apply to any proceeding or matter, that is pending on, or filed on or after, the date of the enactment of this Act.

(6) PATENT OWNER RESPONSE.—

(A) CONDUCT OF INTER PARTES REVIEW.—Section 316(a)(8) of title 35, United States Code, is amended by striking “the petition under section 313” and inserting “the petition under section 311”.

(B) CONDUCT OF POST-GRANT REVIEW.—Section 326(a)(8) of title 35, United States Code, is amended by striking “the petition under section 323” and inserting “the petition under section 321”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

(7) TIME LIMIT FOR COMMENCING MISCONDUCT PROCEEDINGS.—

(A) AMENDMENT.—The fourth sentence of section 32 of title 35, United States Code, is amended by striking “1 year” and inserting “2 years”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to any action in which the Office files a complaint on or after the date of enactment of this Act.

(b) POST-GRANT REVIEW AMENDMENT.—Section 325(e)(2) of title 35, United States Code, is amended by striking “or reasonably could have raised”.

(c) CLARIFICATION OF JURISDICTION.—Section 1338 of title 28, United States Code, is amended by adding at the end the following:

“(d) For purposes of this section, section 1454, and section 1295(a), a claim of legal malpractice that necessarily raises a disputed question of patent law shall be deemed to arise under an Act of Congress relating to patents.”.

#### SEC. 8. REPORTS.

(a) STUDY ON SECONDARY MARKET OVERSIGHT FOR PATENT TRANSACTIONS TO PROMOTE TRANSPARENCY AND ETHICAL BUSINESS PRACTICES.—

(1) STUDY REQUIRED.—The Director, in consultation with the Secretary of Commerce, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the heads of other relevant agencies, and interested parties, shall, using existing resources of the Office, conduct a study—

(A) to develop legislative recommendations to ensure greater transparency and accountability in patent transactions occurring on the secondary market;

(B) to examine the economic impact that the patent secondary market has on the United States;

(C) to examine licensing and other oversight requirements that may be placed on the patent secondary market, including on the participants in such markets, to ensure that the market is a level playing field and that brokers in the market have the requisite expertise and adhere to ethical business practices; and

(D) to examine the requirements placed on other markets.

(2) SUBMISSION OF STUDY.—Not later than 18 months after the date of the enactment of

this Act, the Director shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the findings and recommendations of the Director from the study required under paragraph (1).

(b) **STUDY ON PATENTS OWNED BY THE UNITED STATES GOVERNMENT.**—

(1) **STUDY REQUIRED.**—The Director, in consultation with the heads of relevant agencies and interested parties, shall, using existing resources of the Office, conduct a study on patents owned by the United States Government that—

(A) examines how such patents are licensed and sold, with reference to any litigation relating to the licensing or sale of such patents;

(B) provides legislative and administrative recommendations on whether there should be restrictions placed on patents acquired from the United States Government;

(C) examines whether or not each relevant agency maintains adequate records on the patents owned by such agency, specifically whether such agency addresses licensing, assignment, and Government grants for technology related to such patents; and

(D) provides recommendations to ensure that each relevant agency has an adequate point of contact that is responsible for managing the patent portfolio of the agency.

(2) **REPORT ON STUDY.**—Not later than 9 months after the date of completion of the study required by subsection (a)(1), the Director shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings and recommendations of the Director from the study required under paragraph (1).

(c) **STUDY ON PATENT QUALITY AND ACCESS TO THE BEST INFORMATION DURING EXAMINATION.**—

(1) **GAO STUDY.**—The Comptroller General of the United States shall conduct a study on patent examination at the Office and the technologies available to improve examination and improve patent quality.

(2) **CONTENTS OF THE STUDY.**—The study required under paragraph (1) shall include the following:

(A) An examination of patent quality at the Office.

(B) An examination of ways to improve quality, specifically through technology, that shall include examining best practices at foreign patent offices and the use of existing off-the-shelf technologies to improve patent examination.

(C) A description of how patents are classified.

(D) An examination of procedures in place to prevent double patenting through filing by applicants in multiple art areas.

(E) An examination of the types of off-the-shelf prior art databases and search software used by foreign patent offices and governments, particularly in Europe and Asia, and whether those databases and search tools could be used by the Office to improve patent examination.

(F) An examination of any other areas the Comptroller General determines to be relevant.

(3) **REPORT TO CONGRESS.**—Not later than 6 months after the date of the completion of the study required by subsection (b)(1), the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings and recommendations from the study required by this subsection, including rec-

ommendations for any changes to laws and regulations that will improve the examination of patent applications and patent quality.

(d) **STUDY ON PATENT SMALL CLAIMS COURT.**—

(1) **STUDY REQUIRED.**—

(A) **IN GENERAL.**—The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Federal Judicial Center, shall, using existing resources, conduct a study to examine the idea of developing a pilot program for patent small claims courts in certain judicial districts within the existing patent pilot program mandated by Public Law 111-349 (28 U.S.C. 137 note).

(B) **CONTENTS OF STUDY.**—The study conducted under subparagraph (A) shall examine—

(i) the number and qualifications for judges that could serve on the courts described in subparagraph (A);

(ii) how the courts described in subparagraph (A) would be designated and the necessary criteria;

(iii) the costs that would be incurred for establishing, maintaining and operating the pilot program described in subparagraph (A); and

(iv) the steps that would be taken to ensure that the pilot small claims courts are not misused for abusive patent litigation.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the findings and recommendations from the study required under paragraph (1).

(e) **STUDY ON BAD-FAITH DEMAND LETTERS.**—

(1) **STUDY.**—The Intellectual Property Enforcement Coordinator, in consultation with the Director, shall conduct a study of the practice by a person, in connection with the assertion of a United States patent, of sending written communications that state that the intended recipients or any affiliated persons of such recipients are infringing or have infringed the patent and bear liability or owe compensation to another, whereby—

(A) the communications falsely threaten that administrative or judicial relief will be sought if compensation is not paid or the infringement issue is not otherwise resolved;

(B) the assertions contained in the communications lack a reasonable basis in fact or law, including, for example, because—

(i) the person asserting the patent is not a person, or does not represent a person, with the current right to license the patent to, or to enforce the patent against, the intended recipients or any such affiliated persons; or

(ii) the communications seek compensation on account of activities undertaken after the patent has expired; or

(C) the content of the written communications is likely to materially mislead a reasonable recipient, including, for example, because the content fails to include such facts reasonably necessary to inform the recipient of—

(i) the identity of the person asserting a right to license the patent to, or enforce the patent against, the intended recipient or any affiliated person of the recipient;

(ii) the patent issued by the United States Patent and Trademark Office alleged to have been infringed; and

(iii) the reasons for the assertion that the patent may be or may have been infringed.

(2) **REPORT TO CONGRESS.**—Not later than 18 months after the date of the enactment of this Act, the Intellectual Property Enforcement Coordinator shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the study conducted under paragraph (1), including recommendations for any changes to laws and regulations that will deter any abuses found in the practice described in paragraph (1).

**SEC. 9. EFFECTIVE DATE.**

Except as otherwise provided in this Act, the provisions of this Act shall take effect on the date of the enactment of this Act, and shall apply to any patent issued, or any action filed, on or after that date.

The Acting CHAIR. Pursuant to House Resolution 429, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, this substitute amendment is entitled the Conyers-Watt amendment, and I am very pleased to bring it to the attention of our colleagues at this time.

I am offering this substitute amendment because it will give the Members an opportunity to vote for language that will actually address the identifiable abuses in the patent system. These abuses include the inability to identify the real party in interest and filing abusive lawsuits against end users instead of manufacturers of product. These issues are addressed in a measured and balanced way in this substitute.

Unlike the reported bill, which makes one-sided changes in fee-shifting, discovery, and pleading requirements in all patent cases, not just cases involving trolls, my, our amendment, directly responds to the real problems without undermining the patent or legal system as a whole. That is what the thrust of our arguments have been throughout this debate.

Our amendment builds in large part on a patent reform bill introduced on the Senate side by Chairman LEAHY and which even the present administration and other stakeholders strongly support. The amendment does the following:

It promotes transparency of patent ownership by using a well-established standard utilized by many Federal courts to require plaintiffs to disclose entities with an interest in the patent;

It protects customers who are targeted in infringement suits by providing an option to stay the case against them while the manufacturer litigates the alleged infringement;

It directs the USPTO to develop educational resources for small businesses that are targeted in patent suits;

It helps innovators by ensuring that applicants do not abuse the patent system by simply filing variations on their patents to extend the length of the patent term.

Our amendment addresses the major concerns expressed by key stakeholders

about abusive patent litigation. And Members on both sides of the aisle, and a broad range of patent stakeholders, are strongly opposed to H.R. 3309 because of its many deficiencies and unintended consequences.

So rather than promoting innovation and job growth, we fear that the underlying bill will have just the opposite effect. Our amendment corrects many of the bill's deficiencies in a responsive and measured approach without unbalancing the entire patent system.

I implore my colleagues very strongly to support this amendment.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment and seek the time in opposition.

The Acting CHAIR. The gentleman from Virginia is recognized for 10 minutes.

Mr. GOODLATTE. Mr. Chairman, I must strongly oppose this substitute amendment. It is quite simply a poison bill that is designed to kill the Innovation Act. Although the substitute cuts and pastes a few provisions from the current bill, it includes additional provisions that create serious problems and excludes whole sections of the Innovation Act that are vital for America's job creators and innovators.

This substitute does not even include all of the provisions of the Leahy-Lee bill. It omits provisions that are important to our Senate colleagues.

The amendment's transparency provision would require a patent owner to "disclose to the court and all adverse parties any person known by the patentee to have a financial interest of any kind in a party to the proceeding."

The bill then defines financial interest in the context of the judicial recusal provision in the law. Under this definition, "financial interest" means "ownership of a legal or equitable interest however small." This would clearly appear to include ownership of a single share of stock in a company.

Moreover, this disclosure is required not just to be made with respect to the patentee but, by the terms of the bill, with respect to "a party to the proceeding." This would mean that a patentee would have to disclose all known shareholders of even the defendant or any other party in the lawsuit. This is obviously an absurd requirement. I assume that the sponsors did not intend to require this, but this is what their language requires. Clearly, the substitute needs more work.

Indeed, the substitute's cosponsors have, themselves, admitted that the substitute needs more work and could have serious, unintended consequences.

This substitute's changes to the bill's pleading requirements would also allow patent trolls to hide their identity, denying defendants the right to know who is suing them.

This substitute denies the defendant the right to know what they are being sued on in the first place.

This substitute also denies the defendant the right to know why they are being dragged into Federal court.

This substitute enables patent trolls to create an elaborate web of shell companies that can engage in frivolous litigation, allowing the patent trolls to hide behind them.

This substitute would allow a patent troll to engage in abusive and extortionate patent litigation without any accountability for the costs imposed on defendants.

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This substitute would allow trolls to engage in submarine patenting by delaying prosecution and unreasonably extending patent terms far beyond the 20-year term. This substitute would force U.S. courts to follow foreign law and terminate IP licenses for U.S. manufacturers. This substitute would also encourage courts to delay case dispositive motions and prolong litigation. This substitute also allows the issuance of low-quality patents by permitting them to issue without review by technically trained patent examiners. This substitute amendment is a poison pill that will kill any chance at meaningful patent reform in this Congress.

By contrast, the Innovation Act helps to address the issues that businesses of all sizes and industries face from patent troll-type behavior and aims to correct the current asymmetries surrounding abusive patent litigation. Our bill keeps in mind several key principles.

First, we are targeting abusive patent litigation behavior and not specific entities or attempting to eliminate valid patent litigation. When we use the term "patent troll," it is as an adjective describing behavior rather than as a noun. Our goal is to prevent individuals from taking advantage of gaps in the system to engage in litigation extortion.

Second, our bill does not diminish or devalue patent rights. The patent system is integral to U.S. competitiveness, and we have ensured that our legislation strengthens the overall patent system, aligns with our international treaty obligations, and comports with the Constitution.

Third, this bill strikes the right balance of pushing for robust legal reform measures while protecting property rights, promoting invention by independent inventors and small businesses, and strengthening the overall patent system.

Supporters of this bill understand that if America's inventors are forced to waste time with frivolous litigation, they won't have time for innovation. We can no longer allow our economy and job creators to be held hostage to legal maneuvers and the judicial lottery.

American inventors have led the world for centuries in new innovations,

from Benjamin Franklin and Thomas Edison to the Wright brothers and Henry Ford. But if we want to continue as leaders in the global economy, we must encourage the innovators of today to develop the technologies of tomorrow.

This bill holds true to the Constitution, our Founders, and our promise to future generations that America will continue to lead the world as a fountain for discovery, innovation, and economic growth.

I stand in strong opposition to this substitute, and I urge my colleagues to support the underlying bill. Oppose the substitute.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chair, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. WATT), the cosponsor of this substitute amendment.

Mr. WATT. Mr. Chairman, I rise in support of the Conyers-Watt substitute because the substitute is a superior alternative.

The short title of our substitute is appropriately titled "The Deceptive Patent Practices Reduction Act" because it narrowly and specifically focuses on areas within our patent system where abuses can be curtailed without imposing onerous and disproportionate burdens on good-faith participants in the system; and in a number of cases, I believe the substitute will create efficiencies that will benefit all patent stakeholders.

Our substitute has three core provisions. First, we require patent holders who sue on a patent to provide transparency of ownership and other financial interests in the patent. This will expose those who seek to shield the true identity of the real party with the primary interests in asserting an infringement claim.

Second, our substitute reduces the burden on retailers, hotels, restaurants, and mom-and-pop shops that find themselves entangled in legal battles simply for using a product to make their businesses more attractive to their customers. I believe our customer stay provides a better baseline than the provision in the underlying bill, but I also recognize that it too requires further work.

Finally, I believe the study required under our substitute sets forth a clearer, more precise definition of demand letters that will avoid intrusions into legitimate business negotiations.

Perhaps more important is what the substitute does not do, namely, it does not disregard judicial independence in the courtroom or judicial prerogatives outside the courtroom to study, develop, and promulgate rules of procedure to govern trials and appeals in the courtroom. Our substitute also does not act with utter indifference to the collateral damage levied upon legitimate inventors and businesses that this bill will do.



Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am now pleased to yield 2 minutes to the gentleman from New York (Mr. NADLER), a senior member of the committee.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding.

I rise to support the Conyers-Watt substitute. Unlike the underlying bill, the substitute takes effective steps to address the patent troll problem without including the unnecessary endangered so-called "tort reform" provisions.

The substitute, like the bill, includes provisions providing customer stay exceptions, raising awareness in the small business community as to their rights when confronted with patent trolls, and increasing transparency of patents in the companies that own them.

The substitute takes additional steps to address the problem. It includes a study of how to address bad-faith demand letters, which are scaring retailers and others into settling claims based on convenience as opposed to merit.

And very importantly, the substitute does not include the loser-pays provisions of the underlying bill. Loser-pays laws have a chilling effect on justice. They would deter legitimate patent owners with meritorious claims from pursuing justice.

In this country, the general rule is that each side in a legal proceeding pays its own attorney fees and costs. Most of the statutory exceptions that Congress has enacted have been geared towards encouraging private litigation to implement good public policy.

Awards of attorneys' fees are often designed to help to equalize disputes between private individual plaintiffs and corporate or government defendants. Thus, attorneys' fees provisions are most often found in civil rights, environmental protection, and consumer protection statutes.

The provision in this bill differs from other congressional exceptions in that it would require anyone who loses a patent claim to pay the attorneys' fees of even large corporate defendants. This is a giant deterrent to genuine inventors from filing good-faith suits to defend their valid patent claims.

Therefore, I urge the adoption of the Conyers-Watt substitute which would drop the loser-pays provisions from the underlying bill while still including the key reforms that are present in the underlying bill and in the Senate bill drafted by Senator LEAHY.

I urge adoption of the substitute.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), who has been a great person to work with on the Judiciary Committee and here on the floor of the House on this legislation.

Ms. LOFGREN. Mr. Chairman, I appreciate the time.

Earlier in the debate, I jumped ahead of myself and addressed the issue of pleadings and discovery costs during the Watt amendment about fee shifting. So I will focus on fee shifting now.

The provision in the bill is absolutely right on. I oppose the English rule generally, but we have created dozens of times instances where the losing party can pay—let me just read the language:

The courts will shift the costs and fees to a non-prevailing party unless the party's position is reasonably justified in fact or law or the fee award would cause economic harm.

The discretion is still with the judicial officer to avoid harm.

In terms of what should be in the bill, I mentioned at the outset that I don't believe this bill is perfect. If it were up to me, the bill would also exempt PTO user-fees from sequestration; it would clarify the scope of prior art and the grace period; it would allow the PTO to continue using its BRI standard in post-grant and inter partes review. I hope that the Senate will address those issues. Certainly, the amendment by Mr. WATT and Mr. CONYERS does not.

It pains me when I have to disagree with my ranking member, who I admire so very much, but I do disagree with this amendment. I think it will absolutely gut the bill. I intend to vote against it, and I hope that others join me.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of the Conyers-Watt substitute amendment.

I must say that this has been a very spirited debate here today, but I would be remiss not to come back to speak on the issue of an inventor such as Danny Ross, a venture capitalist and an example of the type of person that this bill should protect.

Danny cofounded a tech company down in Atlanta that employed more than 100 people and reached more than half the Internet audience at its peak. He owns several patents based on great inventions and has got a start-up. He had the Patent Office review and affirm these patents. But not only were these strong patents, they were also sought after by several companies. Rather than pay Danny for his innovation and hard work, these companies refused to license his patent. This practice is common for large companies that would rather bully someone in court than license their patents.

We are an innovation economy. The drive to create and tinker is what motivates Americans to innovate. Those innovations should be rewarded, and those innovators should be rewarded for their labor and contribution to society. That is the whole point of the patent system; but if this bill becomes

law, patent owners and inventors will be unable to enforce their patents without risking personal bankruptcy.

I have long supported reform and am a friend of the innovation economy, but today I call on my colleagues to support this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO), the vice chairman of the Courts, Intellectual Property and the Internet Subcommittee.

Mr. MARINO. Mr. Chairman, I oppose this substitute, and I will explain why I support the Goodlatte bill, H.R. 3309.

This bill has been methodically drafted with abundant openness and clarity. Among other parts of this bill, and there are many, two are extremely important that I see. One is that it protects small business owners, entrepreneurs, young men and women who could lose their business or could lose their idea, young men and women that may even be visiting the Capitol today.

I want to explain what a troll does. A troll doesn't primarily go after larger companies. They go after upstarts, they go after young people who are starting to make a profit after years of work. They send them a letter and say, Pay me X amount of dollars, \$10,000, \$20,000, \$50,000, and I won't sue you. If I do sue you, we will go to court and you will probably go bankrupt because it is going to cost you that much. They are suing people based on using a phone, a scanner, and a copier which they purchased. They have no interest in the software; yet they are being sued for that.

This is good law. We have to get over the fact that the trolls are really taking advantage here. It is really going to cut the cost of litigation and get owners to the court on time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the distinguished gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, we keep hearing about the trolls; and, yes, there is some problem with the trolls, and sometimes it hurts middle class people. But we can solve that problem without destroying the rights of our American independent inventors, and they are pleading with us, interest groups around the country are pleading with us not to go so fast.

I support the Conyers substitute, but I rise in opposition to this bill. Among those opposing or having expressed serious concern about this Innovation Act are the Association of American Universities, American Council on Education, Association of American Medical Colleges, Eagle Forum, Club for Growth, the American Bar Association, the Patent Office Professional Association, the American Intellectual Property Association, the National Association for Patent Practitioners, the Judicial Conference committee on rules and



practices and procedures. Our judges are absolutely opposed to this, and yet we have this idea that we will just take away the rights of the little guy to have his day in court, that it doesn't make any difference. That is not what our judges say.

Mr. Chairman, I submit this list to be placed in the RECORD.

Please, let's not rush into a move that will destroy our independent inventors and our innovators in America.

**DON'T BLOW UP THE BRIDGE TO INNOVATION  
TO KILL THE "PATENT TROLL"**

Oppose HR 3309, the Innovation Act, which will have numerous unintended consequences.

Some of the groups opposing, or concerned with, the Innovation Act: Association of American Universities; American Council on Education; Association of American Medical Colleges; Association of Public and Land-grant Universities; Association of University Technology Managers; California Healthcare Institute; Council on Government Relations; Eagle Forum; Club for Growth; American Bar Association (ABA); Patent Office Professional Association; Judicial Conference, Committee on Rules of Practice and Procedure; American Intellectual Property Association (AIPPI); Intellectual Property Owners Association IPO; National Association of Patent Practitioners (NAPP); University of California; National Venture Capital Association; Innovation Alliance; Coalition for 21st Century Patent Reform; Institute of Electrical and Electronics Engineers (IEEE).

Some concerns with the Innovation Act: creates more paperwork when an inventor files an infringement claim, increasing the costs to defend their rights; forces a patent holder who files a claim of infringement to maintain a new bureaucratic reporting requirement; and to pay new recordkeeping fees; eliminates the independent judicial review of patent applicants by striking Section 145 of Title 35. This is very important in order to keep the patent office honest. Striking this provision will leave the inventor with no independent recourse outside of the patent office. Dramatically increases the potential financial risks for filing an infringement lawsuit.

□ 1215

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Yes, there is some problem with patent trolls, tens of billions of dollars a year in problems with patent trolls. Fifty-five percent of all the demand letters that are sent by these patent trolls go to small businesses.

There are serious problems that require real patent litigation reform, and I am proud that this bipartisan bill, supported by many Members on both sides of the aisle, supported by the administration, and supported by hundreds of organizations that are listed right here—come by the desk and you can see the huge list of organizations, conservatives, all across the political spectrum support this legislation.

American inventors have led the world for centuries. This bill holds true to the Constitution, our Founders, and our promise to future generations that America will continue to lead the

world as a fountain for discovery, innovation, economic growth, and job creation.

I stand in strong opposition to this substitute amendment, and I urge my colleagues to vote for the underlying bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

**ANNOUNCEMENT BY THE ACTING CHAIR**

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113-283 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GOODLATTE of Virginia.

Amendment No. 2 by Mr. WATT of North Carolina.

Amendment No. 4 by Mr. MASSIE of Kentucky.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 7 by Mr. ROHR-ABACHER of California.

Amendment No. 8 by Mr. CONYERS of Michigan.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

**AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE**

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

**RECORDED VOTE**

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 341, noes 73, not voting 17, as follows:

[Roll No. 623]

**AYES—341**

Aderholt	Bass	Bonamici	Buchanan	Gutiérrez	Murphy (PA)
Amash	Beatty	Boustany	Bucshon	Hahn	Nadler
Amodei	Benishek	Brady (PA)	Burgess	Hall	Neugebauer
Bachmann	Bentivolio	Brady (TX)	Bustos	Hanabusa	Noem
Bachus	Bera (CA)	Bridenstine	Calvert	Hanna	Nugent
Barber	Bilirakis	Brooks (AL)	Camp	Harper	Nunes
Barletta	Bishop (UT)	Brooks (IN)	Cantor	Harris	Nunnelee
Barr	Black	Brown (GA)	Capito	Hartzler	O'Rourke
Barrow (GA)	Blackburn	Brown (FL)	Capps	Hastings (WA)	Olson
Barton	Blumenauer	Brownley (CA)	Cárdenas	Heck (NV)	Owens
			Carter	Heck (WA)	Palazzo
			Cassidy	Hensarling	Pallone
			Castro (TX)	Higgins	Pascarell
			Chabot	Himes	Pastor (AZ)
			Chaffetz	Hinojosa	Paulsen
			Chu	Holding	Pearce
			Clarke	Honda	Perlmutter
			Clay	Horsford	Perry
			Cleaver	Hoyer	Peters (MI)
			Clyburn	Hudson	Peterson
			Coble	Huelskamp	Petri
			Coffman	Huffman	Pittenger
			Cohen	Huizenga (MI)	Pitts
			Cole	Hultgren	Poe (TX)
			Collins (GA)	Hunter	Polis
			Collins (NY)	Hurt	Pompeo
			Conaway	Israel	Price (GA)
			Connolly	Issa	Price (NC)
			Cook	Jeffries	Quigley
			Cooper	Jenkins	Rahall
			Costa	Johnson (OH)	Reichert
			Cotton	Johnson, Sam	Renacci
			Courtney	Jordan	Ribble
			Cramer	Kelly (IL)	Rice (SC)
			Crenshaw	Kelly (PA)	Rigell
			Crowley	Kildee	Roby
			Cuellar	Kilmer	Roe (TN)
			Daines	Kind	Rogers (AL)
			Davis, Rodney	King (IA)	Rogers (KY)
			DeFazio	King (NY)	Rogers (MI)
			DeGette	Kingston	Rokita
			Delaney	Kinzinger (IL)	Rooney
			DelBene	Kirkpatrick	Ros-Lehtinen
			Denham	Kline	Roskam
			Dent	Kuster	Ross
			DeSantis	Labrador	Rothfus
			DesJarlais	LaMalfa	Roybal-Allard
			Deutch	Lamborn	Royce
			Diaz-Balart	Lance	Ruiz
			Dingell	Lankford	Runyan
			Doggett	Larsen (WA)	Ruppersberger
			Duckworth	Larson (CT)	Ryan (WI)
			Duffy	Latham	Salmon
			Duncan (SC)	Latta	Sánchez, Linda
			Duncan (TN)	Lee (CA)	T.
			Ellmers	Levin	Sanford
			Engel	Lipinski	Scalise
			Enyart	LoBiondo	Schiff
			Eshoo	Lofgren	Schneider
			Esty	Long	Schock
			Farenthold	Lowey	Schrader
			Farr	Lucas	Schwartz
			Fattah	Luetkemeyer	Schweikert
			Fincher	Luján, Ben Ray	Scott (VA)
			Fitzpatrick	(NM)	Scott, Austin
			Fleischmann	Maffei	Sensenbrenner
			Fleming	Maloney,	Serrano
			Flores	Carolyn	Sessions
			Forbes	Maloney, Sean	Sherman
			Fortenberry	Marchant	Shimkus
			Foster	Marino	Shuster
			Fox	Matheson	Simpson
			Franks (AZ)	Matsui	Sinema
			Frelinghuysen	McAllister	Smith (MO)
			Gabbard	McCarthy (CA)	Smith (NE)
			Gallo	McCaul	Smith (NJ)
			Garamendi	McClintock	Smith (TX)
			Garcia	McCollum	Smith (WA)
			Gardner	McDermott	Southerland
			Garrett	McGovern	Stewart
			Gerlach	McIntyre	Stivers
			Gibbs	McKeon	Stutzman
			Gibson	McKinley	Swalwell (CA)
			Gohmert	Meadows	Takano
			Goodlatte	Meehan	Terry
			Gosar	Meeks	Thompson (CA)
			Gowdy	Meng	Thompson (PA)
			Granger	Messer	Thornberry
			Graves (GA)	Mica	Tiberi
			Graves (MO)	Michaud	Tipton
			Green, Al	Miller (FL)	Titus
			Green, Gene	Miller (MI)	Tonko
			Griffin (AR)	Moran	Turner
			Griffith (VA)	Mullin	Upton
			Grimm	Mulvaney	Valadao
			Guthrie	Murphy (FL)	Van Hollen

Veasey	Watt	Wilson (SC)	Capps	Hoyer	Petri	Johnson (OH)	Miller, George	Sanford
Velázquez	Waxman	Wittman	Capuano	Huelskamp	Pingree (ME)	Johnson, Sam	Mullin	Scalise
Wagner	Weber (TX)	Wolf	Carney	Huffman	Pocan	Jordan	Mulvaney	Schock
Walberg	Webster (FL)	Womack	Carson (IN)	Israel	Posey	Joyce	Murphy (PA)	Schweikert
Walden	Welch	Woodall	Cartwright	Jackson Lee	Quigley	Kelly (PA)	Neugebauer	Scott, Austin
Walorski	Wenstrup	Yoder	Castor (FL)	Jeffries	Rahall	King (IA)	Noem	Sensenbrenner
Walz	Westmoreland	Yoho	Castro (TX)	Johnson (GA)	Rangel	King (NY)	Nugent	Sessions
Wasserman	Whitfield	Young (AK)	Chu	Johnson, E. B.	Richmond	Kingston	Nunes	Shimkus
Schultz	Williams	Young (IN)	Cicilline	Jones	Rigell	Kinzinger (IL)	Nunnelee	Shuster
NOES—73								
Andrews	Johnson (GA)	Pocan	Clarke	Kaptur	Rohrabacher	Kline	Olson	Simpson
Becerra	Johnson, E. B.	Posey	Cleaver	Keating	Ross	Labrador	Palazzo	Smith (NE)
Bishop (NY)	Jones	Rangel	Clyburn	Kelly (IL)	Roybal-Allard	LaMalfa	Paulsen	Smith (NJ)
Braley (IA)	Kaptur	Richmond	Cohen	Kennedy	Ruiz	Lamborn	Payne	Smith (TX)
Butterfield	Keating	Connolly	Kildee	Ruppersberger	Lankford	Pearce	Perry	Southerland
Capuano	Kennedy	Conyers	Kilmer	Ryan (OH)	Latham	Stewart	Peterson	Stivers
Carney	Langevin	Cooper	Kind	Salmon	Latta	Thompson (CA)	Pittenger	Thompson (PA)
Carson (IN)	Lewis	Cotton	Kirkpatrick	Sánchez, Linda T.	LoBiondo	Pitts	Poe (TX)	Thornberry
Cartwright	Loeb	Cramer	Kuster	Sanchez, Loretta	Long	Polis	Tiberi	
Castor (FL)	Lowenthal	Crowley	Lance	Sarbanes	Lucas	Pompeo	Tipton	
Cicilline	Lujan Grisham	Cummings	Langevin	Schakowsky	Luetkemeyer	Price (GA)	Turner	
Conyers	(NM)	Scott, David	Larsen (WA)	Schiff	Lummis	Price (NC)	Upton	
Cummings	Lummis	Sewell (AL)	Davis (CA)	Schneider	Maffei	Reichert	Walberg	
Davis (CA)	Lynch	Shea-Porter	Davis, Danny	Schrader	Marchant	Renacci	Walden	
Davis, Danny	Massie	Slaughter	DeGette	Levin	Marino	Ribble	Walorski	
DeLauro	McNerney	Speier	Delaney	Lewis	Matheson	Rice (SC)	Weber (TX)	
Edwards	Miller, George	Stockman	DeLauro	Lipinski	Scott (VA)	Roby	Webster (FL)	
Ellison	Moore	Thompson (MS)	DeBene	Loeb	Scott, David	Roe (TN)	Wenstrup	
Frankel (FL)	Napolitano	Tierney	Deutsch	Lowenthal	Serrano	Rogers (AL)	Westmoreland	
Fudge	Neal	Dingell	Doggett	Lowe	Sewell (AL)	Rogers (KY)	Whitfield	
Grayson	Negrete McLeod	Doggett	Vargas	Lujan Grisham	Shea-Porter	Rogers (MI)	Williams	
Grijalva	Payne	Duckworth	Edwards	(NM)	Sherman	Rokita	Wilson (SC)	
Hastings (FL)	Pelosi	Edwards	Ellison	Luján, Ben Ray	Sinema	Rooney	Wittman	
Holt	Peters (CA)	Engel	Engel	(NM)	Slaughter	Ros-Lehtinen	Wolf	
Jackson Lee	Pingree (ME)	Enyart	Engel	Lynch	Smith (WA)	Roskam	Womack	
NOT VOTING—17								
Bishop (GA)	Herrera Beutler	Miller, Gary	Enyart	Maloney, Sean	Speier	Meadows	Woodall	
Campbell	Joyce	Nolan	Esty	Carolyn	Stockman	Meehan	Yoder	
Crawford	McCarthy (NY)	Radel	Farr	Maloney, Sean	Swalwell (CA)	Messer	Young (AK)	
Culberson	McHenry	Reed	Farr	Massie	Takano	Mica	Young (IN)	
Doyle	McMorris	Rush	Fitzpatrick	Matsui	Terry	Miller (FL)		
Gingrey (GA)	Rodgers	Sires	Foster	McDermott	Thompson (MS)			
NOT VOTING—19								
						Bishop (GA)	Gutiérrez	Radel
						Campbell	Herrera Beutler	Reed

Bishop (NY)  
Brady (PA)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Broun (GA)  
Brown (FL)  
Burgess  
Capuano  
Carson (IN)  
Cartwright  
Cicilline  
Cleaver  
Conyers  
Cotton  
Cramer  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeLauro  
Denham  
Dent  
Duncan (TN)  
Engel  
Fattah  
Frankel (FL)  
Fudge  
Garamendi  
Garrett  
Gibson  
Gosar  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hanabusa  
Harris  
Hastings (FL)  
Holt

## NOES—296

Aderholt  
Amodei  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Bass  
Becerra  
Benishek  
Bera (CA)  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (TX)  
Brooks (IN)  
Brownley (CA)  
Buchanan  
Bucshon  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Cárdenas  
Carney  
Carter  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Clarke  
Clay  
Clyburn  
Coble  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Cooper  
Costa  
Courtney

Huelskamp  
Hultgren  
Jackson Lee  
Johnson (GA)  
Johnson, E. B.  
Jones  
Joyce  
Kaptur  
Keating  
Kind  
Sarbanes  
Lamborn  
Lance  
Langevin  
Lee (CA)  
Loebach  
Lowenthal  
Lujan Grisham  
(NM)  
Lummis  
Marchant  
Massie  
Matsui  
McDermott  
McNerney  
Messer  
Mullin  
Mulaney  
Napolitano  
Paulsen  
Payne  
Perlmutter  
Peters (CA)  
Petri  
Pingree (ME)  
Pitts  
Pocan  
Posey  
Rangel  
Richmond

Rohrabacher  
Rooney  
Ross  
Ryan (OH)  
Salmon  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Schakowsky  
Schweikert  
Scott (VA)  
Scott, David  
Serrano  
Shea-Porter  
Slaughter  
Smith (NE)  
Speier  
Stockman  
Stutzman  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Valadao  
Vargas  
Vela  
Visclosky  
Waters  
Watt  
Weber (TX)  
Westmoreland  
Wilson (FL)  
Wolf  
Yarmuth  
Yoho

Hall  
Hanna  
Harper  
Hartzler  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Honda  
Horsford  
Hoyer  
Hudson  
Huffman  
Huizenga (MI)  
Hunter  
Hurt  
Israel  
Issa  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Levin  
Lewis  
Lipinski  
LoBiondo  
Lofgren  
Long  
Lowe  
Lucas

Luetkemeyer  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marino  
Matheson  
McAllister  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
Meadows  
Meehan  
Meeks  
Meng  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Murphy (PA)  
Nadler  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone

Bishop (GA)  
Campbell  
Crawford  
Culberson  
Doyle  
Gerlach

Pascrell  
Pastor (AZ)  
Pearce  
Pelosi  
Perry  
Peters (MI)  
Peterson  
Pittenger  
Poe (TX)  
Polis  
Pompeo  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Ros-Lehtinen  
Roskam  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schiff  
Schneider  
Shock  
Schrader  
Schwartz  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Sherman

## NOT VOTING—16

Gingrey (GA)  
Herrera Beutler  
McCarthy (NY)  
McMorris  
Rodgers  
Miller, Gary

Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Stewart  
Stivers  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Titus  
Turner  
Upton  
Van Hollen  
Veasey  
Velázquez  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waxman  
Webster (FL)  
Welch  
Wenstrup  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

The vote was taken by electronic device, and there were—ayes 144, noes 266, not voting 21, as follows:

[Roll No. 626]

## AYES—144

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bishop (NY)  
Bonamici  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeGette  
DeLauro  
Deutch  
Duckworth  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Enyart  
Esty  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi

Garcia  
Gosar  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Himes  
Holt  
Horsford  
Hoyer  
Huelskamp  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kilmer  
Kirkpatrick  
Langevin  
Larson (CT)  
Lee (CA)  
Lewis  
Lipinski  
Loebach  
Lowenthal  
Lujan Grisham  
(NM)  
Lynch  
Massie  
Matsui  
McGovern  
McIntyre  
McNerney  
Meeks  
Moore  
Murphy (FL)  
Napolitano  
Neal  
Negrete McLeod  
O'Rourke  
Owens

Pallone  
Pascrell  
Payne  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Poe (TX)  
Quigley  
Rahall  
Rangel  
Richmond  
Rohrabacher  
Rothfus  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salmon  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schweikert  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Slaughter  
Speier  
Stockman  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Waters  
Watt  
Wilson (FL)  
Yarmuth

## NOES—266

Aderholt  
Amash  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Cárdenas  
Carter  
Cassidy  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Coble  
Coffman

Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Costa  
Cotton  
Cramer  
Crenshaw  
Daines  
Davis, Rodney  
DeFazio  
Delaney  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doggett  
Duffy  
Duncan (SC)  
Ellmers  
Eshoo  
Farenthold  
Farr  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxx

Franks (AZ)  
Frelinghuysen  
Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffith (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Higgins  
Hinojosa  
Holding  
Honda  
Hudson  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1250

Messrs. PALLONE, VEASEY, and Ms. GABBARD changed their vote from “aye” to “no.”

Ms. SPEIER changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON  
LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Larsen (WA)  
Latham  
Latta  
Levin  
LoBiondo  
Lofgren  
Long  
Lowey  
Lucas  
Luetkemeyer  
Luján, Ben Ray  
(NM)  
Lummis  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Marino  
Matheson  
McAllister  
McCarthy (CA)  
McCauley  
McClintock  
McCollum  
McDermott  
McHenry  
McKinley  
Meadows  
Meehan  
Meng  
Mica

## NOT VOTING—21

Amodei  
Bishop (GA)  
Campbell  
Crawford  
Culberson  
Doyle  
Gingrey (GA)  
Gutiérrez

Herrera Beutler  
McCarthy (NY)  
McMorris  
Rodgers  
Messer  
Miller, Gary  
Nolan  
Radel

Schwartz  
Scott, Austin  
Sensenbrenner  
Sessions  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stewart  
Stivers  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Titus  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Reed  
Rokita  
Rush  
Sires  
Walz  
Woodall

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1253

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 7 OFFERED BY MR.  
ROHRABACHER

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from California (Mr. ROHR-  
ABACHER) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 260, noes 156,  
not voting 15, as follows:

[Roll No. 627]

## AYES—260

Andrews  
Bachmann  
Barber  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Bentivolio  
Bera (CA)  
Bishop (NY)  
Black  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Burgess  
Bustos  
Butterfield  
Calvert  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cook  
Cooper  
Costa  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeGette  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DesJarlais  
Dingell  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fortenberry  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Garamendi  
García  
Garrett  
Gerlach  
Gibbs

Gibson  
Gohmert  
Gosar  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Grimm  
Guthrie  
Gutiérrez  
Hahn  
Hanabusa  
Harper  
Harris  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Holt  
Honda  
Horsford  
Hoyer  
Huelskamp  
Huffman  
Hultgren  
Hunter  
Israel  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Jones  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kinzinger (IL)  
Kirkpatrick  
Kuster  
LaMalfa  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Lowenthal  
Lowey  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Massie  
Matsui  
McClintock  
McCollum  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Messer  
Miller, George  
Moore  
Nadler  
Napolitano  
Neal

Westmoreland  
Whitfield

Wilson (FL)  
Wolf

## NOES—156

Aderholt  
Amash  
Amodei  
Bachus  
Barletta  
Benishek  
Bilirakis  
Bishop (UT)  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Buchanan  
Buchanan  
Camp  
Cantor  
Carter  
Cassidy  
Castro (TX)  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cotton  
Crenshaw  
Daines  
DeFazio  
DeSantis  
Deutch  
Diaz-Balart  
Doggett  
Ellison  
Ellmers  
Farenthold  
Fleming  
Flores  
Forbes  
Foxy  
Franks (AZ)  
Gallego  
Gardner  
Goodlatte  
Gowdy  
Granger  
Griffin (AR)  
Griffith (VA)  
Hall  
Hanna

Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Hinojosa  
Holding  
Hudson  
Huizenga (MI)  
Hurt  
Issa  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kline  
Labrador  
Lamborn  
Lankford  
Latham  
Latta  
Long  
Lucas  
Maffei  
Marino  
Matheson  
McAllister  
McCarthy (CA)  
McCauley  
McDermott  
McHenry  
McKeon  
McKinley  
Meadows  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Negrete McLeod  
Neugebauer  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo

Bishop (GA)  
Campbell  
Crawford  
Culberson  
Doyle  
Gingrey (GA)

## NOT VOTING—15

Herrera Beutler  
McCarthy (NY)  
McMorris  
Rodgers  
Miller, Gary  
Nolan

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1257

Mr. POE of Texas changed his vote  
from "aye" to "no."

Ms. BROWN of Florida changed her  
vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. MEEHAN. Mr. Chairman, on amend-  
ments to the Innovation Act (H.R. 3309), I in-  
tended to vote "yes" on the Rohrabacher  
amendment (rollcall No. 627), but inadvertently  
voted "no."

## AMENDMENT NO. 8 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Michigan (Mr. CON-  
YERS) on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 258, not voting 16, as follows:

[Roll No. 628]

#### AYES—157

Andrews	Hanabusa	Pascrell
Barrow (GA)	Hastings (FL)	Pastor (AZ)
Bass	Heck (WA)	Payne
Beatty	Higgins	Pelosi
Becerra	Himes	Perlmutter
Bishop (NY)	Holt	Peters (CA)
Bonamici	Horsford	Petri
Brady (PA)	Hoyer	Pingree (ME)
Braley (IA)	Israel	Pocan
Brown (FL)	Jackson Lee	Quigley
Brownley (CA)	Jeffries	Rahall
Bustos	Johnson (GA)	Rangel
Butterfield	Johnson, E. B.	Richmond
Capuano	Jones	Rohrabacher
Carney	Kaptur	Roybal-Allard
Carson (IN)	Keating	Ruppersberger
Cartwright	Kelly (IL)	Ryan (OH)
Castor (FL)	Kennedy	Sanchez, Loretta
Chu	Kilmer	Sarbanes
Ciциlline	Kind	Schakowsky
Clarke	Kirkpatrick	Schiff
Clay	Kuster	Schneider
Cleaver	Langevin	Schwartz
Clyburn	Larson (CT)	Scott (VA)
Cohen	Lee (CA)	Scott, David
Conyers	Lewis	Serrano
Courtney	Lipinski	Sewell (AL)
Crowley	Loeb sack	Shea-Porter
Cummings	Lowenthal	Sherman
Davis (CA)	Lujan Grisham	Slaughter
Davis, Danny	(NM)	Speier
DeGette	Lujan, Ben Ray	Takano
DeLauro	(NM)	Thompson (CA)
Deutch	Lummis	Thompson (MS)
Doggett	Lynch	Tierney
Edwards	Maffei	Titus
Ellison	Maloney,	Tonko
Engel	Carolyn	Tsongas
Enyart	Maloney, Sean	Van Hollen
Esty	Matsui	Vargas
Farr	McDermott	Veasey
Fattah	McGovern	Vela
Foster	McIntyre	Velázquez
Frankel (FL)	McNerney	Visclosky
Fudge	Meeks	Walz
Gabbard	Meng	Wasserman
Garamendi	Michaud	Schultz
Garcia	Miller, George	Waters
Grayson	Moore	Watt
Green, Al	Murphy (FL)	Waxman
Grijalva	Nadler	Welch
Gutiérrez	Napolitano	Wilson (FL)
Hahn	Negrete McLeod	Yarmuth
Hall	Pallone	

#### NOES—258

Aderholt	Boustany	Castro (TX)
Amash	Brady (TX)	Chabot
Amodei	Bridenstine	Chaffetz
Bachmann	Brooks (AL)	Coble
Bachus	Brooks (IN)	Coffman
Barber	Broun (GA)	Cole
Barletta	Buchanan	Collins (GA)
Barr	Bucshon	Collins (NY)
Barton	Burgess	Conaway
Benishkek	Calvert	Connolly
Bentivolio	Camp	Cook
Bera (CA)	Cantor	Cooper
Bilirakis	Capito	Costa
Bishop (UT)	Capps	Cotton
Black	Cárdenas	Cramer
Blackburn	Carter	Crenshaw
Blumenauer	Cassidy	Cuellar

Daines	Kildee	Rigell
Davis, Rodney	King (IA)	Roby
DeFazio	King (NY)	Roe (TN)
Delaney	Kingston	Rogers (AL)
DelBene	Kinzinger (IL)	Rogers (KY)
Denham	Kline	Rogers (MI)
Dent	Labrador	Rokita
DeSantis	LaMalfa	Rooney
DesJarlais	Lamborn	Ros-Lehtinen
Diaz-Balart	Lance	Roskam
Dingell	Lankford	Rothfus
Duckworth	Larsen (WA)	Royce
Duffy	Latham	Ruiz
Duncan (SC)	Latta	Runyan
Duncan (TN)	Levin	Ryan (WI)
Ellmers	LoBiondo	Salmon
Eshoo	Lofgren	Sánchez, Linda
Farenthold	Long	T.
Fincher	Lowey	Sanford
Fitzpatrick	Lucas	Scalise
Fleischmann	Luetkemeyer	Schock
Fleming	Marchant	Schrader
Flores	Marino	Schweikert
Forbes	Massie	Scott, Austin
Fortenberry	Matheson	Sensenbrenner
Fox	McAllister	Sessions
Franks (AZ)	McCarthy (CA)	Shimkus
Frelinghuysen	McCaul	Shuster
Gallego	McClintock	Simpson
Gardner	McCollum	Sinema
Garrett	McHenry	Smith (MO)
Gerlach	McKeon	Smith (NE)
Gibbs	McKinley	Smith (NJ)
Gibson	Meadows	Smith (TX)
Gohmert	Meehan	Smith (WA)
Goodlatte	Messer	Southerland
Gosar	Mica	Stewart
Gowdy	Miller (FL)	Stivers
Granger	Miller (MI)	Stockman
Graves (GA)	Moran	Stutzman
Graves (MO)	Mullin	Swalwell (CA)
Green, Gene	Mulvaney	Terry
Griffin (AR)	Murphy (PA)	Thompson (PA)
Griffith (VA)	Neal	Thornberry
Grimm	Neugebauer	Tiberi
Guthrie	Noem	Tipton
Hanna	Nugent	Turner
Harper	Nunes	Upton
Harris	Nunnelee	Valadao
Hartzler	O'Rourke	Wagner
Hastings (WA)	Olson	Walberg
Heck (NV)	Owens	Walden
Hensarling	Palazzo	Walorski
Hinojosa	Palazzo	Weber (TX)
Holding	Paulsen	Webster (FL)
Honda	Pearce	Wenstrup
Hudson	Perry	Westmoreland
Huelskamp	Peters (MI)	Whitfield
Huffman	Peterson	Williams
Huizenga (MI)	Pittenger	Wilson (SC)
Hultgren	Pitts	Wittman
Hunter	Poe (TX)	Wolf
Hurt	Polis	Womack
Issa	Pompeo	Yoder
Jenkins	Posey	Yoho
Johnson (OH)	Price (GA)	Young (AK)
Johnson, Sam	Price (NC)	Young (IN)
Jordan	Reichert	
Joyce	Renacci	
Kelly (PA)	Ribble	
	Rice (SC)	

#### NOT VOTING—16

Bishop (GA)	Herrera Beutler	Radel
Campbell	McCarthy (NY)	Reed
Crawford	McMorris	Rush
Culberson	Rodgers	Sires
Doyle	Miller, Gary	Woodall
Gingrey (GA)	Nolan	

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1301

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WOMACK). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes, and, pursuant to House Resolution 429, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on passage of the bill will be followed by a 5-minute vote on the question on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 91, not voting 15, as follows:

[Roll No. 629]

#### AYES—325

Aderholt	Burgess	Connolly
Amodei	Bustos	Cook
Bachmann	Butterfield	Cooper
Bachus	Calvert	Costa
Barber	Camp	Cotton
Barletta	Cantor	Courtney
Barr	Capito	Crenshaw
Barrow (GA)	Capps	Crowley
Barton	Cárdenas	Cuellar
Bass	Carter	Daines
Benishkek	Cassidy	Davis, Rodney
Bentivolio	Castro (TX)	DeFazio
Bera (CA)	Chabot	DeGette
Bilirakis	Chaffetz	DelBene
Black	Chu	Denham
Blackburn	Clarke	Dent
Blumenauer	Clay	DeSantis
Bonamici	Cleaver	DesJarlais
Boustany	Clyburn	Deutch
Brady (PA)	Coble	Diaz-Balart
Brady (TX)	Coffman	Dingell
Brooks (IN)	Cohen	Doggett
Brown (FL)	Cole	Duckworth
Brownley (CA)	Collins (GA)	Duffy
Buchanan	Collins (NY)	Ellmers
Bucshon	Conaway	

Engel  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxo  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Gutiérrez  
Hahn  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Holding  
Honda  
Horsford  
Hoyer  
Hudson  
Huffman  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Larsen (WA)

Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lipinski  
LoBiondo  
Loftgren  
Long  
Lowe  
Lucas  
Luetkemeyer  
Luján, Ben Ray  
(NM)  
Maffei  
Maloney  
Maloney, Carolyn  
Maloney, Sean  
Marchant  
Marino  
Matheson  
Matsui  
McAllister  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascrell  
Paulsen  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (MI)  
Peterson  
Pittenger  
Pitts  
Poe (TX)  
Polis  
Pompeo  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)

## NOES—91

Amash  
Andrews  
Beatty  
Becerra  
Bishop (NY)  
Bishop (UT)  
Braley (IA)  
Bridenstine  
Brooks (AL)

Broun (GA)  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Cicilline  
Conyers  
Cramer

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Scalise  
Schneider  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stewart  
Stivers  
Stutzman  
Swailewell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Titus  
Tonko  
Turner  
Upton  
Valadao  
Van Hollen  
Veasey  
Velázquez  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waxman  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (AK)  
Young (IN)

Cummings  
Davis (CA)  
Davis, Danny  
DeLauro  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Enyart

Foster  
Frankel (FL)  
Fudge  
Garamendi  
Gohmert  
Gosar  
Grayson  
Grijalva  
Harris  
Hinojosa  
Holt  
Huelskamp  
Huizenga (MI)  
Jackson Lee  
Johnson (GA)  
Jones  
Joyce  
Kaptur  
Keating  
Kind  
Langevin  
Lewis

Bishop (GA)  
Campbell  
Crawford  
Culberson  
Doyle  
Gingrey (GA)  
Herrera Beutler  
McCarthy (NY)  
McMorris  
Rodgers  
Miller, Gary  
Nolan

## NOT VOTING—15

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1312

Mr. FINCHER changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Mr. Speaker, on rollcall No. 623, on H.R. 3309, on Agreeing to the Amendment offered by Mr. GOODLATTE of Virginia, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea.”

Mr. Speaker, on rollcall No. 624, on H.R. 3309, on Agreeing to the Amendment offered by Mr. WATT of North Carolina, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 625, on H.R. 3309, on Agreeing to the Amendment offered by Mr. MASSIE of Kentucky, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 626, on H.R. 3309, on Agreeing to the Amendment offered by Ms. JACKSON LEE of Texas, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 627, on H.R. 3309, on Agreeing to the Amendment offered by Mr. ROHRBACHER of California, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 628, on H.R. 3309, on Agreeing to the Amendment offered by Mr. CONYERS of Michigan, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “nay.”

Mr. Speaker, on rollcall No. 629, on H.R. 3309, on Passage, the Innovation Act, I am

not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted “yea.”

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 417

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 417.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Virginia, the majority leader, for the purpose of inquiring of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and at 2 p.m. for legislative debate. As announced previously, no votes are scheduled on Monday. On Tuesday, Wednesday, and Thursday, the House will meet at 10 a.m. for morning-hour and at noon for legislative business. First votes of the week will occur no earlier than 2 p.m. on Tuesday. On Friday, the House will meet at 9 a.m. for legislative business. Last votes for the week are expected no later than 3 p.m.

□ 1315

Mr. Speaker, the House will consider a few suspensions next week, a complete list of which will be announced by the close of business Friday.

On those suspensions, I am pleased to announce that the House will consider H.R. 2019, the Gabriella Miller Kids First Research Act sponsored by Representatives GREGG HARPER and PETER WELCH, which has over 2,000 citizen cosponsors, and puts into practice what I hope we will all agree on, which is to place a priority on pediatric medical research over political party conventions.

In addition, Mr. Speaker, there are a number of legislative items which may become available for consideration next week, including legislation pertaining to the sustainable growth rate

in Medicare, a budget agreement, and legislation pertaining to farm programs, including potentially a full farm bill conference report.

Mr. HOYER. I thank the gentleman for his information, and I appreciate the fact that he has put on there the sustainable growth rate in Medicare budget agreement, which hopefully we can get to, which will be bipartisan in nature and will be balanced and fair as well.

In addition, legislation pertaining to the farm program's farm bill is necessary. It has been in conference for some period of time. Hopefully, we can pass that as well.

I do note, however, with some degree of—actually, I said “some degree”—with very great disappointment that unemployment insurance extension is not listed by the leader. As the leader knows, 1.3 million people are going to have their unemployment benefits expire, I believe, on December 28. Those people will have no support structure. Very frankly, my own view is they will then go on some other support structure, some sort of welfare payment—SNAP payment, Medicaid—which they may be on already. But, in any event, it will not be at no cost. CBO estimates that it will cost as much as 300,000 jobs if we do not extend unemployment insurance.

We just had a hearing, Mr. Leader, where we had very, very compelling testimony from three people, with respect to—one of whom just found a job on Monday; she was very pleased at that—not only the economic damage that going off unemployment will cost them—and they have been looking for jobs—but also the psychological devastation to them and their families that that would cause.

Does the gentleman have any belief—I understand, and I read somewhere, the gentleman may want to comment on it. Some commented that there was no appetite for extending unemployment insurance on your side of the aisle—but can the gentleman give me any idea of the possibilities for having unemployment insurance extension on the floor so that we cannot see those 1.3 million people dropped off the rolls as of December 28?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I remind the gentleman that the expiration of the benefits that he just referred to were benefits that were passed by this Congress 5 years ago as emergency spending, as emergency need, at a time in which we were facing near bottom in terms of our economy, the fallouts of the financial collapse; and those benefits, again, were brought about in those contexts.

I would say to the gentleman further, Mr. Speaker, that if he were to look at the jobs legislation that this House has passed, all of which is awaiting action

in the Senate—the SKILLS Act, the Working Families Flexibility Act, the Keystone pipeline, the REINS Act, the Offshore Energy and Jobs Act, Federal Lands Jobs and Energy Security Act, Veteran Emergency Medical Technician Act, and the Veterans Economic Opportunity Act—all of these are measures which the House passed because, I think the gentleman would agree with me, the best way to address the chronically unemployed is to help them get back to work. These bills, especially the SKILLS Act, was one specifically designed to do that, to help those chronically unemployed to access the necessary skills that they need to enter the job market of today.

I would also further point out, Mr. Speaker, that this week, December 3, the Congressional Budget Office issued a report in response to a request for the extension of unemployment benefits in which it said that some unemployed workers who would be eligible for those benefits would reduce the intensity of their job search and remain unemployed longer, which would tend to decrease output and employment. This is the Congressional Budget Office speaking on the question that the gentleman raised.

Mr. Speaker, I would say that such policies, if we were to continue, would lead to greater Federal deficit, which would eventually reduce the Nation's output and income slightly below what would occur under current law. So I think that we should be focused on how we get folks back to work. That is where the House has been focused. Unfortunately, after 140-some bills we passed over to the Senate, they still await even consideration at all by that body.

Mr. HOYER. I thank the gentleman for his comment.

We neither have the time nor do I have the inclination to go through each one of those bills to which the gentleman refers as “jobs bills.” Of course, we have an alternative; and Mr. VAN HOLLEN will be talking about that in terms of jobs, investment, infrastructure, investment, education, and growing jobs for our people.

But the fact of the matter is, Mr. Speaker, there are 1.3 million people who can't find a job. To say that they will be disincentivized because we continue to give them some support so that they can survive and their families can survive during the period of time that they are looking for a job, there are three people looking for every one job that is available, and most of those jobs that are available have skill sets that, unfortunately, the unemployed have not had.

We are for, on this side, skills training; we are for investing in education. We share the majority leader's view on that; but it is not going to be much solace for them, Mr. Speaker, and their families to say, well, we dropped you

off the rolls, you won't be able to pay your mortgage, you won't be able to put food on your table because the Senate hasn't acted.

Whether the Senate should act on the bills in question I think is debatable. I opposed many of those pieces of legislation myself, as did others; but we have a crisis, and that crisis is we have 1.3 million. And that same CBO to which the majority leader referred said that not to pass this extended benefit will, in fact, undermine the economy and could cost as many as 300,000 jobs of people who are working now, but who will not be working because of the lack of resources of those 1.3 million consumers. Whether they are consuming food, housing, clothing, necessities of life, we are going to be undermining jobs in America and our economy. Almost every economist that I have talked to shares that view.

In any event, I want to make it clear to the majority leader that our side will be vigorously opposed and will oppose adjourning of the House as is scheduled on Friday the 13th of this month if, in fact, we have not passed unemployment insurance. We believe that is a critical thing to pass.

We also agree with the majority leader, however, that passing the sustainable growth rate is something that we ought to do before the end of the year. That will expire on December 31. The reimbursement of doctors to serve Medicare patients will be substantially reduced as a result of that. That is bad policy, not only for those on Medicare who are seeking medical services, but it is bad policy for the doctors and medical providers that will serve those people.

So I am pleased that he mentions SGR, the sustainable growth rate, the doc reimbursement, but not pleased that we do not have listed the unemployment insurance. We will be very adamant next week that that needs to be done. I understand that we may have a difference on that, but I want to let the majority leader know that that will be our position.

In addition, I do not see on there the defense authorization bill. I know that that is not the majority leader. We passed the defense authorization bill through here. I am hopeful that the Senate will move on that intelligence authorization.

The Senate has passed, Mr. Speaker, a comprehensive immigration reform bill. They passed it with 68 votes. We are very disappointed on this side of the aisle that the Senate bill has not been put on the floor. Our bill, H.R. 15, which is a bipartisan bill on which there are Republican sponsors of that bill, or one of the four bills that has been reported out of the committee which was supported by the Republican Party in the Judiciary Committee and reported out four bills, they have not been brought to the floor.



We believe that comprehensive immigration reform is a critically important action for this Congress to take this year now. We have options available. We would hope that any one of those three options would be brought to the table, or, if you count four bills, seven options be brought to the floor.

In addition, the Senate has passed in a bipartisan way the ending of discrimination in employment. We talked about jobs; we talked about giving economic opportunity. We ought to do that in a nondiscriminatory way. The Senate has passed such a bill. That is not on the agenda for next week either.

I have an agenda which has a lot of bills on it: Make It In America. I notice we do have a suspension bill that has been specifically referenced. We will get into a debate on that next week, so I won't debate that bill today; but we have a suspension bill that we have been urging that is reported out of committee on voice vote, passed this Congress with, I think, over 350 votes—I know over 300 votes last Congress—that has not been brought to the floor, which simply says that we ought to have a plan and that plan ought to be a plan to expand manufacturing, grow jobs, grow profits, and grow salaries for individuals. And it is Mr. LIPINSKI's bill. I have been urging that that be put on the suspension calendar. I notice that that has not been put on either.

Trade adjustment assistance and tax extenders have been referenced. Hopefully, we can do all of those. Of course, we have a very short period of time left to do that.

□ 1330

Let me ask the majority leader, given that short time, does the majority leader have a high degree of confidence that, in fact, he will be seeking to follow the calendar that has been set out by the majority leader to end this first session of this Congress, indeed, on the scheduled date of December 13?

And I yield to my friend.

Mr. CANTOR. I thank the gentleman for the recitation of his desired wish list for what he would like to see on the floor. I would also like to remind the gentleman, Mr. Speaker, this House has passed well over 149, 150 bills, very much focused on job creation, very much focused on trying to make sure that we address the needs of those who are most vulnerable right now, trying to make sure that we can sustain the safety net while equipping those that are without the tools necessary to get up on that ladder of success.

Unfortunately, Mr. Speaker, the Senate has just refused to take up most of those bills. In fact, the House has passed and sent 189 bills to the U.S. Senate so far this Congress, and that is excluding what we've done this week. And of those 189 House bills, 41 have

been signed into law by the President; 148 bills have stalled in the Senate.

The Senate has, so far this year, passed only 43 bills this Congress; and out of those 43, only 14 have been signed into law by the President.

So, Mr. Speaker, we have done our work. We have got a lot more work to do on behalf of the American people.

One of the things I did not hear the gentleman, the Democrat whip, mention was the issue of health care. And obviously health care has been very, very much on the minds of America right now as they have witnessed the utter disaster of a rollout of ObamaCare.

As the gentleman knows, his constituents, as well as mine, are faced with higher premiums, faced with the realization now that the President has broken a major promise when he had said to the American people that they could keep their health care plans if they liked it. We know now that wasn't true, and so people are having to go and figure out what kind of plans are actually there for them.

The administration has claimed this week the Web site is working just fine. Well, we know good and well that the back end of that Web site is not working just fine. I am glad that people are able maybe to get on and see what is there. We don't really know because of the lack of transparency as to how successful the signups and enrollments are.

We do know now, though, that most Americans in the individual plan arena are facing higher premiums. Those that have had to give up their plans are facing higher premiums and plans that they don't necessarily choose, that they are now forced to have because of the operation of this law. I would say to the gentleman we need to focus on that very issue. What are we going to do? What are the alternatives?

We Republicans have an alternative. We voted on that alternative back in 2009. It was a plan that was centered on patients first. It was a plan that the Congressional Budget Office said would reduce premium costs for taxpayers, for patients out there. We have not resolved this question of health care. There is a better way; and I would say to the gentlemen, we ought to be spending some time focused on how we are going to resolve that for the millions of Americans who are very, very unhappy right now, given their options for healthcare under ObamaCare.

Mr. HOYER. Mr. Speaker, I am not surprised that the majority leader wants to talk about health care, because much of that legislation he has talked about then, 42, 43, 44, 45, 46 times that the Republican Party has tried to repeal health care.

My view, I want to make it very clear, is that this bill is substantively a very positive bill for the American people. A bill to which the gentleman

referred that Republicans offered in 2009 covered less than 3 million people of the 30 to 40 million people that had no insurance in America. So less than 10 percent were covered by the Republican bill.

Tens of millions of people, I predict, by the middle of next year, are going to be having coverage and having health care assurance because we passed this health care insurance bill.

He is right, the rollout was terrible. We are all disappointed with that, the President is disappointed with that, and it is being worked on. Now he doesn't recall, of course, perhaps, or he hasn't mentioned the rollout of the prescription drug bill, which wasn't too smooth, either. And, of course, the health care bill is broader even than that. He may not recall that Medicare had a tough rollout for a couple of years. But there is nobody on this floor who is saying, I am not saying that they don't believe it because I think there are people who believe we ought not to have Medicare. As a matter of fact, a former majority leader, not this majority leader, said we shouldn't have Medicare in a free society. That was a Republican majority leader, Mr. Speaker.

The fact of the matter is the health care bill is going to work, but it is interesting that when you ask a specific question about some critical issues that have passed the Senate in a bipartisan fashion overwhelmingly, they are not mentioned. Just go to the health care bill. Why? Because that is the politics. That is the politics of the issue right now.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to my friend.

Mr. CANTOR. I say, Mr. Speaker, no, it is not politics. Mr. Speaker, it is about what people right now are concerned about. They send us here to reflect their problems and to try to reach solutions for the problems that they are facing. Right now more people in America, I would venture to say, are concerned about the choice they have for health care right now and how they will seek coverage for their family. And it is not about the politics. There are some things that actually do transcend Washington partisan politics, and right now, that is about health care.

We care about health care. Republicans care about health care. Democrats care about health care. Right now there is a serious problem given this ObamaCare law. We need to address that for the people. We need to help people, and that is what I am talking about, Mr. Speaker. I am not talking about the politics of it. I am talking about what is on the minds of millions of Americans right now as they are losing the coverage that they know

and they have chosen and they can afford, facing the opposite. It is a disaster right now concerning ObamaCare. We have got to help the people of this country when it comes to their health care. That is what it is about.

Mr. HOYER. I thank the gentleman.

Governor Steve Beshear of Kentucky spoke to us this morning. Now, Kentucky is not the center of Democratic politics in America, as MITCH MCCONNELL would quickly observe. Thousands of people are signing up in Kentucky—thousands of people—successfully. Thousands of people are coming forward. About 70,000 people have already signed up in Kentucky. Thousands of people are coming forward in New York and California, all over this country, who are saying I want the assurance and coverage of health care.

What have they spent their time on? Trying to repeal health care. They have talked about repeal and replace. We haven't had much replace, but we have had a lot of repeal. And what does the majority leader refer to, Mr. Speaker? A 2009 bill. It is a bill from three Congresses ago that he is talking about, and all we have had on this is repeal. If they are concerned about health care, then there ought to be an alternative that the other side offers; but, frankly, Mr. Speaker, they have not done that.

I would be glad to move to another subject. I am sure we can go back to health care because the majority leader, notwithstanding his assertion that this is not about politics, I will tell him that the majority of the American people in poll after poll after poll says they don't want health care repeal. They want it fixed, and they want it to work right and the assurance that it is available to them, but they do not want it repealed.

Right now, even though they are upset, as we all are, as I am and as the President is, about the rollout and about the Web site not working as effectively as we would like, Americans right now, I will tell the majority leader, the majority in polls say they don't want it repealed. They want it fixed and they want to have it work. Very frankly, I think that is where they are. Not everybody. Not everybody, I understand that, and certainly not some factions of the Republican majority's party. They have made that very clear in statements on this floor. But my view is that we ought not to simply distract from some of the important things that need to be done.

I was interested in Senator CORNYN's response when he talked about the Iran deal, which 65 percent of the American public says was a worthwhile effort to make. We need to carefully review it, and we need to oversee it and make sure it works, and the majority leader and I have to work on that. But when Senator CORNYN said this was just a ruse—and I don't think he used the

word “ruse,” but just an effort to distract from health care, I think that sort of indicates the extraordinary focus that this issue has energized the Republican Party, Mr. Speaker, over the last 3 or 4 years.

Can I ask the majority leader about the budget conference, whether he has any idea—he has talked about, on the schedule, the budget conference coming forward. Does he have any idea whether a budget conference agreement has been reached, number one; and number two, if an agreement is reached, will it manifest itself in the form of a budget conference report?

I am informed, maybe correctly or incorrectly, that there will never be a budget conference report. Does the gentleman know whether that is the case or not, and whether or not some agreement might be manifested by a bill and not by a conference report?

I yield to the gentleman.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the discussions that I have had with Chairman RYAN would lead me to some optimism that the two sides actually can come to an agreement. The agreement has not been made, so I don't want to say that there is a deal; but I am optimistic that, in fact, this time of year when the differences between the two sides have certainly been on display all year long, that perhaps we could agree that we need to reduce the deficit. We need to do something about the wasteful spending. And once again, I don't think the gentleman, nor I, thinks that the sequester is the best method to cut spending. It is indiscriminate. It cuts bad programs the same way as good programs, to put it simply. There are better ways.

Our side has always said, Mr. Speaker, that we have got to do something about the mandatory programs, the autopilot spending of the Federal Government that is disproportionately causing our deficit. I am hopeful that next week we can show the people of this country that we can produce something that is smarter than the way we are going about things now.

Obviously, a big concern to me is the national security and the defense of this country, as I know it is for the gentleman. And so again, I am hopeful that will be the case.

Now, the form that that agreement may or may not take I think right now is undetermined. I think it would be premature to even guess at that, and I would say to the gentleman that I know that he joins me in hoping that there is an agreement where we can maintain the trajectory in reducing spending and do it in a smarter way so we can get about the business of prioritizing the expenditure of taxpayer dollars here in this House.

Mr. HOYER. I thank the gentleman for his comments. I will say that he and I, as he has articulated, do agree

that the sequester is not good policy. As a matter of fact, Chairman HAL ROGERS, the chairman of the Appropriations Committee, said it best when he said that the sequester cuts are ill-conceived and unrealistic and that he believes that the House action has indicated that that is the case. We have not done appropriation bills consistent with the sequester levels that as I understand were agreed at Williamsburg to be offered, but they haven't worked.

My own view, Mr. Speaker, of what is being discussed in the budget conference, some of the things that I have heard, strike me as being unbalanced, unfair, irresponsible, and unacceptable. Unless we have a balanced agreement, which in my view should replace the sequester because, as the majority leader indicates, it is not the rational way to go, as Mr. ROGERS indicates, it is not the rational way to go, and as every chairman of the appropriations subcommittees on the Republican side have said, it is not the way to go and ought to be replaced.

□ 1345

I am hopeful that any agreement will, in fact, replace the sequester. I am hopeful, Mr. Majority Leader, as you well know, that we will get a big deal—not a little deal, not nibbling around the edges so that what occurs is we do this every 6 months and we never get to a stability that I know the majority leader and I believe would give confidence to our economy, to the business community, and to our people if we got a big deal. Unfortunately, that does not seem to be, at least at this point in time, in the discussion. I think that is unfortunate.

As I said, what I have heard so far seems to me to be unbalanced, unfair, irresponsible, and, from my perspective, unacceptable. So I am hopeful that the Budget Committee conference will revisit or at least come up with a product that is not yet being discussed, which will accomplish the objective of putting this country on a fiscally sustainable path for the long term, not just the short term.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY,  
DECEMBER 9, 2013

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. SALMON). Is there objection to the request of the gentleman from Virginia? There was no objection.

WATER FOR THE WORLD: TURN ON  
THE FAUCET

(Mr. POE of Texas asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, when you and I are thirsty, we walk 3 feet to the nearest faucet or grab a bottle of water out of the fridge; but that isn't so for thousands of people living around the world.

Each morning in Africa, women and young girls, like this girl in Tanzania, wake up and walk for miles just to collect water for their family. The walk can be dangerous because some wells are controlled by violent thugs. These thugs often assault women and children in exchange for water. Often this water is dirty and leads to sickness and disease.

This is unimaginable for many Americans, but a reality for 780 million people on Earth who do not have access to clean water. We can fix this. That is why Congressman EARL BLUMENAUER and I have introduced the Water for the World Act. This bill uses existing taxpayer money to more effectively make clean water available to those who need it, such as digging wells in villages in Africa. According to the World Bank, for every dollar spent, at least \$4 is returned in saved health care costs and increased economic productivity.

We have it in our power to help people have clean water. It is something America can and should do. No one should be assaulted when they try to get water. It is 2013. It is time to turn on the faucet and make water universal for little girls like this.

And that's just the way it is.

#### OBAMACARE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the President's claim that Americans can keep the plans they know and like, to me, always appeared somewhat misinformed, if not insincere.

First of all, the law was designed to completely restructure America's health care system. Some, if not millions, of Americans were bound to lose their plans.

Plain and simple, the law was designed to have a large majority of Americans give up their health care coverage, pay higher premiums, or face a tax increase. In fact, if millions of Americans did not lose their coverage, the health insurance exchanges would be full of high-risk consumers, without healthier populations subsidizing those plans.

The President's broken promises are concerning, especially for our States dealing with this growing mess.

"This bandage may provide temporary relief," stated the insurance commissioner in my home State of Pennsylvania in response to the Presi-

dent's cancellation fix. However, "Pennsylvania will continue to see additional cancellations, rate increases, and significant problems due to Affordable Care Act-driven changes in the insurance marketplace."

Mr. Speaker, the American people deserve better.

#### AFGHANISTAN

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, as most of us joined family and friends over Thanksgiving week last week, 2,500 Afghan elders voted on a security agreement that could potentially leave thousands of United States troops in Afghanistan for at least another decade.

If the Afghan people are having a say in continued American troops in that country, at the very least this Congress should also debate and vote on any such agreement.

The war in Afghanistan has just entered its 13th year, and the need to bring our troops home remains urgent. President Karzai has recently suggested that he sees no potential security benefit from an ongoing United States security mission. I couldn't agree more, and the American people have long understood that there is no military solution in Afghanistan.

Mr. Speaker, especially at a time now when rising income inequality and harmful sequester cuts are hurting families and communities here at home, we need to get our priorities in order and stop spending good money after bad in Afghanistan.

We have known for years of the rampant waste, fraud, and abuse in Afghanistan, including bags of cash from the CIA being handed over in suit cases and plastic bags to corrupt Afghan government officials.

Enough is enough.

We need to end the corruption and end this war.

#### A BAD DEAL

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Mr. Speaker, the President has offered Iran what he describes as a "very limited, temporary, reversible sanctions relief." In this case, limited means \$20 billion in sanctions relief.

What was the world promised for the \$20 billion gift to the Iranian regime? A promise that Iran would pause, not dismantle, its nuclear weapons program for 6 months while we betray our allies and compromise Israel's ability to defend itself.

Let me tell you what this deal is like. It is like going to an auto me-

chanic you can't trust to fix an oil leak on your car. The mechanic says it will take 6 months to fix the leak and charges you \$1,000 up front. When you come back 6 months later, you will find that not only is the leak not fixed, but your car was stripped down and sold for parts.

As we speak, Iranian centrifuges are continuing to spin, continuing to enrich uranium, and continuing to threaten the safety of the United States and our allies.

Whether it is at your local auto shop or at the nuclear negotiating table, the American people know when they are getting a bad deal.

#### US-31 RIBBON CUTTING

(Mr. ROKITA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROKITA. Mr. Speaker, I rise today to celebrate the opening of the Kokomo section of the new US-31 corridor.

Indiana is called the "crossroads of America," and for great reason. With numerous interstates and highways crisscrossing our State and intersecting in Indianapolis, our geographic position and transportation network have made logistics and manufacturing critical components of our economy in America.

With that in mind, last week I had the privilege of attending the ribbon cutting of the new US-31 Kokomo corridor.

When the final Hamilton County section opens to traffic in 2015, a total of 32 stoplights will have been removed from US-31 between Indianapolis and South Bend, saving drivers a half hour of travel time.

The Indiana Department of Transportation also deserves great credit for completing this project nearly 2 years ahead of schedule and, so far, 40 percent below the projected budget. Washington bureaucrats could learn a lot from that efficiency.

I commend and congratulate all of the individuals, elected officials, and business and community groups involved in bringing the Kokomo corridor US-31 from the drawing board to reality.

#### MONUMENTS MEN

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, one of the greatest untold stories from World War II is a story of the brave men and women known as the Monuments Men.

This special military unit was tasked with helping to locate works of art confiscated by the Nazis and return them to their rightful owners. The

Monuments Men, and women, were able to locate, preserve, and return almost 5 million cultural items, including many of the world's great works of art.

Today, there are only five surviving members, four men and one woman, of the Monuments Men. I believe the veterans who participated in these daring missions are certainly worthy and deserving of the recognition of Congress' highest expression of appreciation. That is why I am honored today to introduce legislation recognizing these heroes with a Congressional Gold Medal.

While we can never say thank you enough, I believe the Congressional Gold Medal is a worthy token of appreciation from a grateful Nation to Members of the Greatest Generation.

#### WHEN ALL OPPRESSION SHALL CEASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, earlier this week, a profound 3-hour debate took place in the House of Commons on the persecution of Christians globally. Multiple British parliamentarians argued with great passion and persuasion that this is the human rights issue of our day and one which demands great attention on the part of the British Government, and the West more broadly.

In some respect, it is a sad commentary that such a conversation was remarkable, and yet it was. When was the last time this body, this Congress, let alone this administration or the State Department, spent even a fraction of that time talking about the thousands of people of faith who daily face discrimination, persecution, violence, and even death simply because of their most deeply held beliefs?

It is worth noting that several weeks earlier the House of Commons had a debate on the persecution of Christians, specifically in the Middle East. There was an overwhelming number of speakers, too many more than the allotted time. This week's debate starts to satisfy that interest.

In comparison, we have before us relatively modest legislation that has languished in the Senate for two consecutive Congresses now which would create a special envoy within the U.S. Department of State charged with advocating for vulnerable religious minorities in the Middle East and east Central Asia. How do we explain the utter lack of urgency on the part of our own government to address an epic exodus, that of Christianity from its very birthplace?

The House of Commons debate is timely, not simply because of the mag-

nitude and pervasiveness of the problem, but also because millions of professing Christians around the world have just embarked on the Advent season in anticipation of celebrating the birth of Jesus, a birth marked by its humble beginnings in a small Middle Eastern town called Bethlehem.

Yet, as British member of Parliament, Sir Tony Baldry, noted with a sad irony:

There is now practically no country—from Morocco to Pakistan—in which Christians can freely practice their religion.

He continued:

There is a severe danger, as we start to celebrate the feast of Christmas in this country, that all Christianity will be almost completely erased from the traditional Middle East Holy Land of the Bible. Joseph would not now be advised to take Mary to Egypt to avoid the dangers of Herod, because Jesus would just not be safe there today.

To follow on Sir Baldry's line of thinking, the patriarch Abraham would also have a difficult time surviving in Iraq having come from Ur, which is now Nasiriyah. Jonah would be hard pressed to make it to Nineveh, and Paul could scarcely travel the road to Damascus in Syria.

The debate in the House of Commons began with a staggering statistic, namely, that one Christian is killed every 11 minutes somewhere on Earth for their faith.

While the focus of the House of Commons' debate was on persecuted Christians, several MPs noted that whether or not you are a person of faith, all should be concerned by this troubling trend. Ultimately, freedom of religion and belief is a bellwether for other cherished freedoms. Where this "first freedom" is compromised, the whole of human rights is under assault.

□ 1400

In country after country, freedom of religion is indeed compromised, and Christians, to borrow a phrase from history, are in the eye of the "gathering storm."

This is perhaps no more true than in the Middle East. Here we see governmental, societal, and communal violence and repression against religious communities which specifically targets religious minorities, including Christians.

These realities have been exacerbated by the so-called Arab Spring, a spring which has devolved into winter for many of the most vulnerable in these societies, foremost among them, ancient Christian communities.

With the fall of Hosni Mubarak, Coptic Christians, numbering roughly 8 to 10 million, are leaving in droves in the face of increased repression, persecution, and violence. They were increasingly marginalized with the ascendancy of the Muslim Brotherhood.

Of course, recent events in Egypt indicate a rejection, in part, of the Brotherhood's approach, but the situa-

tion is fluid, and news reports indicate that Islamists are taking advantage of the unrest to target Coptic Christians.

Similarly, Iraq's Christian population has plummeted. Churches have now been targeted, believers kidnapped for ransom, and families threatened with violence if they stay.

During the debate in the House of Commons, Canon Andrew White, famously dubbed the "Vicar of Baghdad" as he oversees the only Anglican Church in Iraq, was quoted as saying that Christians "are frightened even to walk to church because they might come under attack. All the churches are targets."

He went on to say, "We used to have 1.5 million Christians. Now we have probably only 200,000 left. There are more Iraqi Christians," he said, "in Chicago than there are here."

That is amazing. And this body, this Congress, this administration, silent.

The issues I have just outlined must be viewed not simply as today's news but, rather, through the lens of history. A phrase not often heard outside of the majority Muslim world is "First the Saturday people, then the Sunday people."

The "Saturday people" are, of course, the Jewish people. Except for Israel, the once vibrant communities and countries throughout the region are now decimated. In 1948, the Jewish population of Iraq was roughly 150,000. Today, no more than four individuals remain. In Egypt, the Jewish population was once as many as 80,000. Now roughly 20 remain. It appears a similar fate may await the ancient Christian community in these same lands.

If the Middle East is effectively emptied of the Christian faith, this will have great geopolitical and, I would argue, spiritual implications. But rather than being met with urgency, vision, or creativity, our government's response has been anemic and, at times, outright baffling, especially to the communities most impacted by the changing Middle East landscape.

Multiple other countries were mentioned during the House of Commons debate, including, but not limited to, China, Nigeria, Afghanistan, and Pakistan.

And keep in mind, the Obama administration has not pushed Iran for the release of Pastor Saeed Abedini. He sits in prison, his life is endangered, and this administration is silent.

It was rightly noted, with some degree of irony, that, despite the blood spilt in Afghanistan by British and American forces alike, not a single church—not a single church—remains in that nation.

One member of Parliament, Rehman Chishti, focused on the nation of Pakistan, where he was born. He said:

I come from a Muslim background. My father was an imam. When I saw the topic was persecution of Christians in the 21st century,

I knew that it was absolutely right and proper to have a debate on that subject. It is important for the world to realize that persecution goes on.

He continued, and I quote:

The Blasphemy law is at the root of much suffering and persecution of Christians in Pakistan.

And then he specifically mentioned the case of Asia Bibi, a Christian mother of six, who, for years, has languished in prison and faces the death penalty for her alleged crimes.

Do you ever hear her name mentioned on the floor of the House? Do you ever hear her name mentioned at the State Department briefings? Do you ever hear her name mentioned at the White House? Does anyone even know who she is? Does anyone even care?

She faces death, the death penalty, for her alleged crimes.

Too often, when confronted with these types of cases, the State Department offers unsatisfactory assurances that they "raised the issue" during private bilateral discussions, that is, if they raised it at all. Or perhaps the Department issues a bland statement "condemning the violence," and then acts as if this is somehow a courageous or principled response to a bloody assault on innocent human life.

This State Department and this President ought to learn from President Reagan and his State Department. President Reagan always advocated for those who were persecuted. And Secretary Baker and the Bush administration always advocated.

This administration is silent. And, quite frankly, this Congress, House, and Senate are silent.

The suffering church takes little solace in this approach, nor should we. In fact, I profoundly reject this approach. The Congress should profoundly reject this approach. And I humbly submit, the church in the West should demand more, for, if not them, who?

With a few notable exceptions, among them the Catholic Church, specifically, Cardinal Dolan, who, in his farewell address as head of the U.S. Conference of Catholic Bishops, beckoned the bishops to extend their efforts to the "dramatic front lines of this battle, where Christians are paying for their fidelity with their lives."

Too few in the American church are burdened with this point of action for their suffering brethren.

Reverend Martin Luther King's "Letter from a Birmingham Jail" is addressed to his fellow—and everyone ought to read Martin Luther King's "Letter from a Birmingham Jail." It was addressed to his fellow clergymen. Earlier in the letter, he speaks of his love for the church, a love that I share, but then he goes on to admonish his fellow clergymen. This is what Martin Luther King said:

I must honestly reiterate that I have been disappointed with the church. When I was

suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt I would be supported by the White church. I felt that the White ministers, priests, rabbis of the South would be among our strongest allies. Instead, some have been outright opponents. All too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows.

Could we not substitute a few words and be left with a similar critique today? Might the imprisoned Pakistani Christian lament, "I thought I would be supported by the church in the West"? Might the fearful Coptic Christians cry, "I thought the ministers in America would be among our strongest allies"?

If the church slumbers, Washington will scarcely lead the way. Do not expect the Congress or the administration to lead the way if the church does not lead the way.

Advent is the season of expectant waiting rich and spiritual meaning for believers the world over. My prayer this Advent is that the suffering church would no longer suffer alone, and that we would stand with them and seek a day when, in the words of the beloved Christian carol, "all oppression shall cease."

Mr. Speaker, I yield back the balance of my time.

#### PERSECUTION OF CHRISTIANS WORLDWIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for the remainder of the hour as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, as a follow-up to my dear friend, FRANK WOLF from Virginia and the discussions he was having, this needs further emphasis.

Here is an article from the Dallas Morning News dated 10 November 2013, "The Triple Tragedy of Christian Persecution in the Middle East." It explains that Christians in the broader Middle East, it seems, are in the cross-hairs.

In September, two Taliban suicide bombers rushed All Saints Church in Peshawar, Pakistan, as worshippers exited. One exploded his bomb outside, one inside. Eighty-two people were slaughtered. Eighty-two people trying to peacefully attend a Christian church in Pakistan, where we are sending so much money, were slaughtered, with no consequences coming from the Pakistani Government that we keep engorging with our money.

Back to the article.

In March, it says, two churches and about 100 Christian homes were ransacked in Lahore. Today, millions of Christians and other religious minorities are facing vile persecution. Many

Christians are struggling to escape from the countries where their ancestors have lived for two millennia. The human tragedy unfolding in these countries is profoundly disturbing, but the tragedy extends beyond the suffering of individuals and families.

Next month, in Rome, Georgetown University, in partnership with Baylor University, where I went to law school, will showcase the findings of a 2-year study on Christianity and freedom. Three dozen scholars will assemble to discuss what Christians have contributed to freedom and prosperity in their own country and, implicitly, what will be lost if those countries are emptied of their Christian populations.

Might be worthy of parenthetically inserting that, in Afghanistan, where thousands of Americans have shed their blood for Afghan freedom, where billions and billions of dollars have been spent, we help them with a constitution that makes shari'a law the law of the land, that makes the President, basically, almost a dictator.

As some of the regional leaders have told me, DANA ROHRBACHER, STEVE KING, and others, look, if you would just help us with an amendment to the Afghanistan constitution, we would have a shot at staying alive after you pull out.

The Northern Alliance that actually defeated the Taliban completely within a few months after we started providing them aerial support, embedded special ops, and intelligence, less than 500, they defeated the Taliban, provided some weapons. They defeated the Taliban.

□ 1415

People have forgotten, but for years, in Iraq, people referred to Afghanistan—even Senator Obama. That is where the real fight is. That was where it was done well. And it was done well.

The Taliban was defeated. It was routed by some of the most incredible and fearless fighting, led by General Dostum. We have got people in this administration now calling him and others war criminals because they fought for themselves, their own freedom, to rid themselves of tyrannical radical Islamists. They are Muslims. They are my Muslim friends. They defeated our enemy. They are the enemy of our enemy. And yet this administration is releasing Taliban.

One of the Taliban leaders that has been on national Afghan television was released from Guantanamo by this administration for humanitarian purposes. And the humanitarian purposes are, now he is back leading the Taliban and making it clear that the Taliban will control all of Afghanistan once the United States pulls out. He likes to talk in terms of how the U.S. has been greatly defeated, and that is why we are begging the Taliban, offering to buy them things, give them things if they will just let us exit gracefully.

We are embarrassed around the world. We do no longer have the world's respect. There are a lot of countries that have never admired us. Tyrannical leaders have not admired the United States because we are the only nation, that I am aware of, in the history of the world that shed our blood and our treasure for other people to have freedom. That is why they still speak Japanese in Japan. That is why they still speak German in Germany. We have never been about building some great empire. We have been about freedom, liberty. No other country has done that. No other country has died for the cause of liberty for people they didn't know.

And now it seems that this administration keeps committing us to support countries that are persecuting Christians, persecuting secularists, persecuting those who do not have the strict radical Islamist beliefs that the radical Islamic believers have, the leaders, as radical Islamist believers have.

This article in the Dallas News goes on and says:

The countries include Egypt, where the holy family fled when Jesus was a baby. Many Christians now are exiting Egypt in the wake of the badly misnamed "Arab Spring." In August alone, scores of churches were torched, some of them dating to the fifth century.

They include Syria, Paul's destination when he was called by Jesus. Today, many Syrian Christians have fled, fearing the prospects of an Islamist regime. One village, Maaloula, is one of the last places on Earth where Aramaic, the language of Jesus, is still spoken. In September, it was overrun by Islamist terrorists.

Those, by the way, are the Islamist rebels that this administration is supporting.

It has been publicly reported, this administration—without Congress making a move to stop them—has sent tons and tons of weapons to the radical Islamist rebels in Syria who are killing, raping, and torturing Christians in Syria.

If there is a God, as I know with all my heart there is, if the God that had his protective hand on Israel—until Israel stopped honoring the God of Abraham, Isaac, and Jacob—if that God exists, as I know in my heart he does, then how long will he continue to have a hand of protection on a nation that has, in the last 2 years, repeatedly betrayed and stabbed Israel in the back, taken whatever actions it could to prevent Israel from defending itself, and in this last act of ignorance, in trying to negotiate with Iranian terrorist leaders who want the little Satan, Israel, wiped off the map—they made that very clear—who want the great Satan, the United States, wiped out the map.

Of course they will talk to the United States. Of course. They are working as allies with North Korea. And North Korea can explain to them, as we have

talked about here on the floor, how in 1994 they convinced Bill Clinton, Madeline Albright, and Wendy Sherman, who was the policy director for North Korea for the Clinton administration, to do a deal where the United States would give them nuclear reactors, help them, get them running, fuel, whatever they needed, and in return, we were basically asking them to renounce nuclear weapons and promise they wouldn't develop nuclear weapons. And we additionally agreed to not be inspecting their nuclear facilities, which actually allowed them to develop the nuclear bombs and the ballistic missiles by which they are assisting Iran.

Wendy Sherman actually briefed this Congress this week. She is the lead negotiator for the Obama administration. I mean, that makes as much sense as an administration hiring a company to do an absolutely essential critical Web site for people's health and well-being as someone who has no track record of being terribly successful. I mean, surely an administration wouldn't do that. Oh, yes, they did do that with ObamaCare. Oh, yes, they are doing it in negotiating with terrorist thugs who want us wiped off the map.

I mean, this is the same kind of inane thinking that would have an American President in the 1970s proclaiming the Ayatollah Khomeini as a man of peace when he was a terrorist and took over a nation and its military, for the first time in generations that a terrorist Islamic leader had been the leader of a country with a powerful military.

Here is another article, from Townhall.com, December 5, 2013, by Conn Carroll:

Violence against Christians is rising across the Middle East. Open Doors USA's CEO David Curry investigates for the December issue of Townhall magazine.

Christians in the Middle East and around the world are being persecuted, imprisoned, and martyred for their faith. There is widespread, systematic violence, and no one in the mainstream media and government seems to have noticed. We may see the elimination and extinction of Christianity in its very birthplace, without a whimper of protest from the West.

I have got to say, if the God who protected Israel in its inception through many generations until they stopped honoring the God of Abraham, Isaac, and Jacob—which, by the way, no country has ever fallen while it was truly honoring the God of Abraham, Isaac, and Jacob. So if you were completely a-religious, completely atheistic, but you wanted to have a free country and you wanted to have it safe and protected, then it would sound like, from historical purposes, that it might be a good thing to encourage those who believe in God to keep doing so, because when a nation's leaders honor that God, that nation is protected. It is only when it turns away that it falls.

The article goes on:

Middle Eastern Christians are not persecuted because they are criminals, anarchists, or for participating in uncivil behavior. They are persecuted because of what they believe. They are not promoting any particular political party or agenda. They simply want the freedom of faith and religion that Americans experience every day.

It is puzzling why most of our media and political leaders remain silent, despite overwhelming evidence of a major humanitarian crisis. When the scope of the persecution is seen, it's hard to understand how this could have slipped under the radar of nearly all our leaders in Washington. One is left wondering if the oversight is intentional or merely a giant blind spot the size of the entire Middle Eastern region.

Consider what occurred during a 4-week period during August and September: Syrian rebels attacked the historic Christian enclave of Maaloula, damaging some iconic churches while driving out most of the Christians as well as other residents.

Jihadi terrorists blew up a church in Peshawar, Pakistan, taking more than 85 lives and injuring many more. After the attack, Pakistani Christians protested in the streets, to no avail, demanding protection of their churches and schools, which are under daily threat of harassment and destruction.

Muslim Brotherhood forces in Egypt attacked and burned 73 churches, hundreds of Christian-owned businesses, properties, and schools.

These are but a handful of attacks that make news. Each day, Christians in the Middle East are suffering all manner of indignities for their faith. Those include destruction of property, harassment, targeted rape of Christian women, and a legal system that ignores the rights due to their faith. Many governments fail to pursue, capture, and prosecute jihadist radicals who perpetrate these crimes against Christ's followers.

Then it goes on to talk about a broader pattern. Leadership in a vacuum.

An article from Crossmap.com says:

One Christian Killed Every 11 Minutes: U.K. Parliament is Told Christianity is "Most Persecuted Religion."

The plight of Christians around the world was discussed in a 3-hour debate at the Houses of Parliament in London yesterday. Members of the House of Commons were told that the persecution of Christians is increasing, that one Christian is killed around every 11 minutes around the world, and that Christianity is the "most persecuted religion globally."

A long list of countries in which life as a Christian is most difficult was discussed, including Syria, North Korea, Eritrea, Nigeria, Iraq, and Egypt.

M.P. Jim Shannon said the persecution of Christians is, "the biggest story in the world that has never been told." He said that although the right to freedom of thought, conscience, and religion is enshrined in the Universal Declaration of Human Rights, there are many countries in which these rights are not given.

Shannon alleged that 200 million Christians will be persecuted for their faith this year, while he said that 500 million live in "dangerous neighborhoods."

He added that in Syria Christians are "caught between opposing sides in the conflict," and mentioned the "specific targeting" of Christian-dominated locations, such as Sadad and Maaloula.

M.P. Sammy Wilson said that in Syria, "50,000 Christians have been cleared from the



city of Homs," while in Sudan, 2 million Christians were killed by the regime over a 30-year period.

□ 1430

He added:

Within the last month, hundreds of people, from Nigeria to Eritrea to Kazakhstan to China, have been arrested and put in prison simply because of their faith, and when they go into prison, they are denied due process. They are denied access to lawyers. They are sometimes even denied knowledge of the charges facing them. They can languish in prison for a long time and in horrible conditions.

This is not only happening in Muslim countries. From Morocco to Pakistan, Christians in Muslim countries are under threat, but it happens elsewhere, too.

There is an article from Religious Freedom Coalition from October 18 of this year. It says:

On Wednesday evening, Senator John McCain was on NBC Nightly News and was asked what he thought about Congressman Louie Gohmert suggesting that he was supporting al Qaeda-linked groups in Syria.

To this, McCain responded that he considered Representative Gohmert to be a "person of no intelligence"—clearly suggesting that Gohmert was dimwitted and not worthy of dealing with.

In responding to McCain's attack on his intelligence, Gohmert issued the following statement to the media.

"Obviously, Senator McCain would be better off with 'no intelligence' since he doesn't know the Syrian opposition he met with is infested with al Qaeda and terrorist kidnappers. His 'intelligence' even caused him to support the Muslim Brotherhood in Egypt that burned churches and killed Christians, as the Senator stood against the will of the massive majority of Egyptians, including moderate Muslims, Christians, and secularists who demanded the Muslim Brotherhood extremist persecutions must end."

I want to add here that this administration has supported the Muslim Brotherhood leadership of President Morsi in Egypt while Christians were being persecuted and as the largest arising, gathering of people in protest of the history of the world rose up in Egypt and demanded an end to the radical Islamic rule of President Morsi after he had vastly exceeded, repeatedly, the constitutional powers.

And as they told me in my last trip to Egypt, unfortunately, the constitution that we should have helped them do a better job with did not include any provision for impeachment. I can't understand why the Obama administration would not have encouraged a country developing a new constitution to put in a provision for impeachment. I don't know why this administration would not have encouraged that, but it wasn't there.

So when President Morsi vastly exceeded the authority of the constitution and began moving toward being a monarch, millions of people—reportedly 20, 30, 33 million Egyptians rose up—90 million people in the whole country—they rose up and demanded that the President be removed.

The Christian Pope in Egypt told me personally that this was the will of the people. Please tell the administration and people in America this was not a coup. This was the people of Egypt rising up, as he talked about arm-in-arm the moderate Muslims, secularists, Christians joined hands, joined arms, and protested and demanded that the military remove President Morsi. And they did.

As these articles have talked about, the violence in August, the violence in the summer against Christian churches—73 or so burned down, Christians killed and tortured—that was by the Muslim Brotherhood. And because the people of Egypt and the military could see the persecution of Christians, and they wanted to stop it, they basically disbanded the Muslim Brotherhood as a party, as an organization in Egypt; and the burning of churches stopped and the persecution of Christians stopped.

And to such a great and noble thing that the Egyptians have done in bringing an end to this radical Islamist Muslim Brotherhood control of Egypt, bringing an end to the burning of churches, bringing an end to the killing and torturing of Christians in Egypt, how has this administration reacted to reward Egypt for doing such a noble thing?

The aid that this administration was providing to Egypt when it was controlled by the Muslim Brotherhood has now been cut off because the Egyptian people had the temerity to demand an end to radical Islamic reign and the killing and persecution of Christians.

It is unbelievable that I live in a country that rewards groups that persecute Christians and withdraws assistance to those who stop the persecution of Christians.

This article says:

Of course, McCain is doing exactly what someone who has been busted usually does: he smears his accuser. Why else would McCain defend the likes of Reid, Schumer, and Durbin while accusing Gohmert of having "no intelligence"? The answer is that Gohmert is doing what no one at his level or higher is doing: he's calling McCain out for siding with America's enemies.

Those were comments of former PLO terrorist Walid Shoebat. He has seen the light, ended his time as a terrorist, and is trying to educate people on the dangers of radical Islam.

The article points out that our friend, Senator McCain, had hired a Syrian Islamist propagandist, Elizabeth O'Bagy, to become one of his legislative assistants after she was exposed for lying about her Ph.D. and being paid shill for Islamists seeking to overthrow President Assad of Syria.

As former terrorist, Walid Shoebat explains:

Congressman Louie Gohmert should be getting reinforcements from the more conservative elements in the Republican Party. But will he? Frankly, we doubt it.

Congressman Gohmert deserves our praise, our vocal support, and our prayers for having

the courage to hold another Republican responsible for promoting national security policies that endanger the lives and freedoms of millions of Syrians and Egyptians who do not wish to live under an Islamic dictator.

I appreciate their commendation. I know that there is not a Senator in the U.S. Senate that wants to do harm to this country or to Christians around the world. But that is why it is so important to take a look at what this country's, this administration's policies are doing to the cause of persecution of Christians around the world.

An article from Christian Today, dated Wednesday, December 4:

Seventy Christians killed at the hands of Boko Haram in Nigeria.

Further attacks against Christians in Nigeria have been reported, bringing the total number killed in the past year to an estimated 900. According to Release International, 34 Christians were murdered in Borno State in the northeast last month, and raiders killed an additional 37 in the central Plateau State on 26 November.

Church leaders believe the attacks in the north were carried out directly by Islamist terrorist group Boko Haram, while those in central Nigeria were carried out under their direction.

What is going on around the world right now with the persecution of Christianity is tragic. Or as the UK Parliament was told, Christians are the most persecuted people in the whole world. In fact, even in the United States right now, Christians are about the only group in America against whom it is okay to discriminate. It is okay to hate them and ascribe hatred to the believers and the man of love and peace, Jesus Christ. It is rather tragic.

And as the world sees, this administration continues. As leaders in the Middle East told a handful of us back in September, What do you not understand? It was the Muslim Brotherhood behind the attack on 9/11 of 2001. It was the Taliban, but basically the Muslim Brotherhood in Afghanistan you went to war against. It was the Muslim Brotherhood that was killing Christians in Egypt. It was the Muslim Brotherhood—al Qaeda—that attacked you in Libya, that helped in Libya, and now you are helping them in Syria.

We don't understand what you don't understand. The people you declared war on that hate you and want to destroy you, you are supporting in Syria and you supported in Egypt. We don't understand.

And for moderate Muslims around the world, our friends in Afghanistan, our friends in the Middle East, they don't understand how we keep rewarding those who hate Christians and hate the United States, and we persecute leadership like in Egypt right now that stopped the persecution of Christians. We ought to be sending people rushing over to Egypt saying thank you for stopping persecution of especially Christians, but also moderate Muslims and secularists in Egypt. You have



done a good thing. We ought to be helping them set up their next elections, which they want to do.

As I am sure people are aware, CNN has got a story here about, “China claim of air rights over disputed islands creates risk of incident.”

China has wanted to claim this part of the ocean for decades, but they were always afraid of making a move to physically exert claim over this area of the blue water. And yet they have obviously come to believe that the United States is so weakly led right now that they could make claim to this part of the sea that they were scared to claim in the past and overtly take control over it. It hurts our friend Japan; it hurts other allies for us not to take a stand.

And yet we get reports that this administration was telling our allies, Well, just do what China requests for now. Just do what they request—instead of showing strong leadership to stand up against a move of aggression.

We see Russia moving more radically than we have seen in decades. People just thought Russia had gone away. The Soviet Union did go away, but Russia now has perceived a vacuum in world leadership since the United States seems to be taking a leave of absence; and now we have Putin being considered more powerful than our U.S. President.

Well, I can see how some would see the aggressive leadership he has taken and believe that he is more powerful. It is not right. Our President has all the power he needs if he would use it.

But it is time to take a stand, even for those who like to belittle Christianity, even those who have far different beliefs. This Nation has had an invisible protective hand that has guided it, led us away from slavery, led us to proper civil rights.

□ 1445

Then it seemed we were at about the peak of enforcing our Constitution so that it didn't discriminate, so that the words of the Declaration of Independence were fully embraced:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

Yet, as churches have been behind the movement to establish the Constitution, the movement to eliminate slavery, the movement to recognize civil rights so people are not judged by the color of their skin but by the content of their character—as was the dream of Dr. Martin Luther King, Junior, an ordained Christian minister—now we have turned full circle, and now we are starting to persecute and reward those who abroad persecute the very churches that made America the freest country—the only country from which people have fought and died for

the liberty of others—the most generous and giving Nation in the history of the world, where more freedoms, liberties, and assets have been attained by individuals than in any country in the history of the world.

It is exceptional, but we are losing our exceptionalism because we are refusing to stand up for the beliefs of Christians here and around the world.

If we want to extend this little experiment in democracy, as one of the Founders said—if we want to acknowledge Ben Franklin's comment “it is a Republic if you can keep it,” and we want to keep it—it is time to rise up, not through violence. Just stop rewarding those who persecute Christianity. Those who burn churches, those who kill Christians, quit rewarding them—quit providing them arms—because, if we don't, we will slip down the slide of history into the dustbin of history, and people will only be able to look back and say, “What an amazing country that once was.”

I am here in Congress because I believe we have the chance to salvage this great country and get back our international leadership we once had and stand for freedom of religion in the world and in America, but God help us if we don't.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Ms. PELOSI) for today on account of a family illness.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, December 9, 2013, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3994. A letter from the Ambassador, Embassy of the Republic of Indonesia, transmitting a letter regarding the Farm Bill of 2013; to the Committee on Agriculture.

3995. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-71; Introduction [Docket No.: FAR 2013-0076, Sequence No. 7] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3996. A letter from the Counsel, Legal Division, Bureau of Consumer Financial Protec-

tion, transmitting the System's final rule — Truth in Lending (Regulation Z) [Docket No.: CFPB-2013-0035] received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3997. A letter from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Consumer Leasing (Regulation M) [Docket No.: CFPB-2013-0034] received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3998. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (Mason County, WV, et al.) [Docket ID: FEMA-2013-0002] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3999. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (Webster County, KY, et al.) [Docket ID: FEMA-2013-0002] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4000. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Spirulina Extract; Confirmation of Effective Date [Docket No.: FDA-2011-C-0878] received December 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4001. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; State Boards Requirements [EPA-R03-OAR-2013-0650; FRL-9903-78-Region-3] received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4002. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Oregon; Revised Format of 40 CFR Part 52 for Materials Incorporated by Reference [EPA-R10-OAR-2013-0419; FRL-9900-70-Region 10] received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4003. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Direct Final Approval of Hospital/Medical/Infectious Waste Incinerator Negative Declaration for Designated Facilities and Pollutants: Michigan and Wisconsin [EPA-R05-OAR-2013-0678; FRL-9903-33-Region-5] received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4004. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval, Approval and Promulgation of Air Quality Implementation Plan Revisions; Infrastructure Requirements for the 1997 and 2006 PM2.5 National Ambient Air Quality Standards; Prevention of Significant Deterioration; Wyoming [EPA-R08-OAR-2011-0728; FRL-9903-58-Region 8] received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4005. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers — Significant Impact Levels and Significant Monitoring Concentration: Removal of Vacated Elements [EPA-HQ-OAR-2006-0605; FRL-9903-84-OAR] (RIN: 2060-AR99) received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4006. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's ninth annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4007. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

4008. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2013, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

4009. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-219, "Cottage Food Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

4010. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-220, "Trauma Technologies Licensure Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

4011. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-221, "Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

4012. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; New Designated Country — Croatia [FAC 2005-71; FAR Case 2013-019; Item II; Docket No.: 2013-0019, Sequence No. 1] (RIN: 9000-AM66) received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4013. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-71; Item III; Docket No.: 2013-0080; Sequence No. 5] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4014. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for South Atlantic Blue Runner

[Docket No.: 100812345-2142-03] (RIN: 0648-XC871) received December 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4015. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Premerger Notification; Reporting and Waiting Period Requirements (RIN: 3084-AA91) received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4016. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Sabine-Neches Waterway (SNWW) Ocean Dredged Material Disposal Site Designation [EPA-R06-OW-2011-0712; FRL-9903-26-Region-6] received November 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4017. A letter from the Secretary, Department of Energy, transmitting an authorization of a noncompetitive extension of up to five years; to the Committee on Science, Space, and Technology.

4018. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2014 Section 1274A CPI Adjustments (Rev. Rul. 2013-23) received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4019. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Proposed Revision of Procedures for Advance Pricing Agreements [Notice 3013-79] received December 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ELLISON (for himself, Mr. STIVERS, Mrs. CAROLYN B. MALONEY of New York, and Mr. DELANEY):

H.R. 3656. A bill to amend the Federal Home Loan Bank Act to expand the purposes of advances and collateral available to community development financial institutions; to the Committee on Financial Services.

By Mrs. HARTZLER (for herself, Mr. BARBER, Mr. KINGSTON, and Mrs. MILLER of Michigan):

H.R. 3657. A bill to limit the retirement of A-10 aircraft; to the Committee on Armed Services.

By Ms. GRANGER (for herself and Mr. CAPUANO):

H.R. 3658. A bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 3659. A bill to amend title XIX of the Social Security Act to clarify policy with respect to collecting reimbursement from third-party payers for medical assistance paid under the Medicaid program, and for

other purposes; to the Committee on Energy and Commerce.

By Mr. CARTWRIGHT (for himself, Mrs. NAPOLITANO, Mr. RUIZ, Ms. KAPTUR, and Mr. ANDREWS):

H.R. 3660. A bill to amend the Elementary and Secondary Education Act of 1965 to require local educational agencies to implement a policy on allergy bullying in schools; to the Committee on Education and the Workforce.

By Mr. GOSAR (for himself, Mrs. KIRKPATRICK, Mr. JONES, Mr. MCCLINTOCK, and Mr. FRANKS of Arizona):

H.R. 3661. A bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBSON (for himself and Mr. THOMPSON of California):

H.R. 3662. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NOEM (for herself, Mr. CONAWAY, Mr. FITZPATRICK, Mr. ROE of Tennessee, Mr. RODNEY DAVIS of Illinois, and Mr. ADERHOLT):

H.R. 3663. A bill to prohibit regulations establishing certain limits for the school lunch program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BRADY of Pennsylvania:

H.R. 3664. A bill to prohibit the Federal Government from preventing a private business from operating during a Government shutdown on Federal property leased by the business from the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. DELANEY (for himself, Mr. GOODLATTE, Mr. POLIS, Mr. JOHNSON of Georgia, and Ms. MOORE):

H.R. 3665. A bill to provide for the coverage of medically necessary food under Federal health programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Mr. DOGGETT):

H.R. 3666. A bill to alleviate the sequestration and to end offshore tax abuses, to preserve our national defense and protect American families and businesses from devastating cuts, and for other purposes; to the

Committee on Ways and Means, and in addition to the Committees on Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARRIS (for himself, Mr. PRICE of Georgia, Mr. DUNCAN of South Carolina, Mr. RIGELL, Mr. MULVANEY, Mr. WILSON of South Carolina, Mr. CASSIDY, Mr. FLEMING, and Mr. BURGESS):

H.R. 3667. A bill to amend title XIX of the Social Security Act to increase by 10 percentage points the required State match for certain newly eligible individuals under the Medicaid program and to apply savings against sequestration reductions otherwise required, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 3668. A bill to amend the Medicare, Medicaid, and SCHIP Extension Act of 2007 to make permanent the exemption of grandfathered long-term care hospitals from the Medicare 25 percent threshold payment adjustment; to the Committee on Ways and Means.

By Mr. MAFFEI:

H.R. 3669. A bill to amend title 18, United States Code, to provide for increased supervision of persons required to wear an electronic monitoring device as a condition of release from prison, to criminalize disabling such an electronic monitoring device, to establish the Office of the Inspector General for Probation and Pretrial Services, and for other purposes; to the Committee on the Judiciary.

By Ms. MENG (for herself, Mr. BARTON, and Mr. LANCE):

H.R. 3670. A bill to amend the Communications Act of 1934 to expand and clarify the prohibition on provision of inaccurate caller identification information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Florida:

H.R. 3671. A bill to amend title 38, United States Code, to expand the eligibility for a medallion furnished by the Secretary of Veterans Affairs to signify the veteran status of a deceased individual; to the Committee on Veterans' Affairs.

By Mr. RUIZ (for himself and Mr. NUGENT):

H.R. 3672. A bill to amend title 38, United States Code, to clarify that caregivers for veterans with serious illnesses are eligible for assistance and support services provided by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHOCK (for himself and Mr. KIND):

H.R. 3673. A bill to amend the Internal Revenue Code of 1986 to treat amounts paid for umbilical cord blood banking services as medical care expenses; to the Committee on Ways and Means.

By Mr. SCALISE (for himself, Mr. GENE GREEN of Texas, Mr. JORDAN, Mr. ADERHOLT, Mr. LANKFORD, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. PITTS, Mrs. HARTZLER, Mr. STUTZMAN, Mr. COTTON, Mr. MULVANEY, Mr. GOHMERT, Mr. ROE of Tennessee, Mr. KING of

Iowa, Mr. PRICE of Georgia, Mr. POSEY, Mr. WILSON of South Carolina, Mr. LAMALFA, Mr. PITTEGER, Mr. WEBER of Texas, Mr. PALAZZO, Mr. MARINO, Mr. WOODALL, Mr. FARENTHOLD, Mr. JOYCE, Mr. STEWART, Mr. BARR, Mr. HULTGREN, Mrs. BLACKBURN, Mr. MCALLISTER, Mr. HARRIS, and Mr. DUNCAN of South Carolina):

H. Res. 431. A resolution calling on the United States Senate to increase sanctions against Iran; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. GRIMM, Ms. TITUS, Mrs. CAROLYN B. MALONEY of New York, Mr. CICILLINE, Ms. TSONGAS, and Mr. BILIRAKIS):

H. Res. 432. A resolution recognizing the 100th anniversary of the unification of the Island of Crete with the Hellenic Republic and expressing support for designation of December 1, 2013, as "Cretan Enosis Day"; to the Committee on Foreign Enosis.

By Mr. BARLETTA:

H. Res. 433. A resolution expressing the sense of the House of Representatives regarding the practice of using gas chambers to euthanize stray cats and dogs; to the Committee on Agriculture.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ELLISON:

H.R. 3656.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3 and Clause 18.

By Mrs. HARTZLER:

H.R. 3657.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress "to provide for the common Defence", "to raise and support Armies", "to provide and maintain a Navy" and "to make Rules for the Government and Regulation of the land and naval Forces" as enumerated in Article I, Section 8 of the United States Constitution.

By Ms. GRANGER:

H.R. 3658.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. BURGESS:

H.R. 3659.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section 8, Clause 3: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes" as well as Article I, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the

United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. CARTWRIGHT:

H.R. 3660.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 (relating to the power of Congress to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.)

By Mr. GOSAR:

H.R. 3661.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Currently, the federal government owns approximately 29 percent of all land in the United States. The U.S. Constitution specifically addresses the relationship of the federal government to these lands. Article IV, §3, Clause 2—the Property Clause—gives Congress full authority over federal property including the National Park System. The U.S. Supreme Court has described Congress's power to legislate under this Clause as "without limitation." This bill falls squarely within the express Constitutional power set forth in the Property Clause.

By Mr. GIBSON:

H.R. 3662.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article 1.

By Mrs. NOEM:

H.R. 3663.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. BRADY of Pennsylvania:

H.R. 3664.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. DELANEY:

H.R. 3665.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18 of the Constitution of the United States.

By Ms. DeLAURO:

H.R. 3666.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 & 18; and Article 1, Section 9, Clause 7 of the U.S. Constitution

By Mr. HARRIS:

H.R. 3667.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1, Section 9 of Article 1 of the Constitution.

By Mr. KILDEE:

H.R. 3668.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §8.

By Mr. MAFFEI:

H.R. 3669.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution.

By Ms. MENG:

H.R. 3670.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. MILLER of Florida:

H.R. 3671.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. RUIZ:

H.R. 3672.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution

By Mr. SCHOCK:

H.R. 3673.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, Clause 1 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Ms. BROWNLEY of California.  
 H.R. 107: Mr. WEBER of Texas.  
 H.R. 139: Mr. O'ROURKE, Mr. HIGGINS, Mr. LOBIONDO, and Ms. BROWNLEY of California.  
 H.R. 268: Mr. HONDA.  
 H.R. 269: Mr. HONDA.  
 H.R. 383: Ms. GABBARD.  
 H.R. 543: Ms. TSONGAS.  
 H.R. 632: Mr. STOCKMAN.  
 H.R. 721: Mr. NOLAN, Mr. SMITH of Texas, and Mr. DESANTIS.  
 H.R. 792: Mr. SHIMKUS.  
 H.R. 871: Mr. ELLISON, Mr. MORAN, and Mr. SERRANO.  
 H.R. 872: Mr. ELLISON, Mr. MORAN, and Mr. SERRANO.  
 H.R. 873: Mr. ELLISON, Mr. MORAN, and Mr. SERRANO.  
 H.R. 924: Ms. BROWNLEY of California.  
 H.R. 1010: Mr. PIERLUISI.  
 H.R. 1015: Mr. HECK of Washington.  
 H.R. 1020: Ms. PERRY.  
 H.R. 1027: Ms. BROWNLEY of California.  
 H.R. 1125: Mr. MCGOVERN, Mr. MCINTYRE, and Ms. DELBENE.  
 H.R. 1176: Mr. STOCKMAN.  
 H.R. 1179: Ms. KUSTER, Ms. TITUS, and Mr. MORAN.  
 H.R. 1209: Mr. ROTHFUS, Mr. HASTINGS of Washington, Mrs. CAPPS, Ms. MATSUI, Mr. CLEAVER, Mr. PAYNE, Mr. HANNA, Mr. RICHMOND, and Mr. HIGGINS.  
 H.R. 1250: Mr. LOBIONDO.  
 H.R. 1255: Ms. TITUS.  
 H.R. 1310: Mr. WOODALL.  
 H.R. 1416: Ms. SHEA-PORTER.  
 H.R. 1528: Ms. KUSTER, Mr. CÁRDENAS, Mr. MEEHAN, and Mr. JONES.  
 H.R. 1553: Mr. BILIRAKIS, Ms. MENG, and Mr. LIPINSKI.  
 H.R. 1563: Mr. KILDEE and Mr. GIBSON.

H.R. 1629: Mr. CARTWRIGHT.  
 H.R. 1666: Mrs. BEATTY.  
 H.R. 1692: Ms. TSONGAS.  
 H.R. 1726: Mr. PASCRELL and Ms. GABBARD.  
 H.R. 1728: Mr. CICILLINE, Mr. COHEN, Mr. DEUTCH, and Ms. EDWARDS.  
 H.R. 1767: Mr. MURPHY of Florida.  
 H.R. 1787: Mrs. ROBY and Mr. KEATING.  
 H.R. 1812: Ms. HANABUSA and Mr. HONDA.  
 H.R. 1827: Mr. LIPINSKI and Mr. BARBER.  
 H.R. 1844: Ms. FRANKEL of Florida, Mr. KILDEE, and Ms. CASTOR of Florida.  
 H.R. 1918: Ms. KELLY of Illinois.  
 H.R. 1998: Ms. BROWNLEY of California.  
 H.R. 2001: Mrs. KIRKPATRICK and Mr. SERRANO.  
 H.R. 2017: Mr. HONDA.  
 H.R. 2019: Mr. FRELINGHUYSEN.  
 H.R. 2058: Ms. PINGREE of Maine and Mr. DOYLE.  
 H.R. 2073: Mr. RANGEL.  
 H.R. 2173: Mr. CICILLINE.  
 H.R. 2285: Ms. SHEA-PORTER.  
 H.R. 2300: Mr. WEBSTER of Florida and Mr. FLORES.  
 H.R. 2305: Mr. SCHOCK and Mr. HIMES.  
 H.R. 2369: Mr. O'ROURKE.  
 H.R. 2377: Ms. BROWNLEY of California.  
 H.R. 2384: Ms. HAHN.  
 H.R. 2415: Mr. BOUSTANY.  
 H.R. 2424: Mr. HOLT.  
 H.R. 2429: Mr. MCHENRY and Mr. LATHAM.  
 H.R. 2529: Mr. CUMMINGS, Mr. KENNEDY, Ms. SHEA-PORTER, and Ms. TSONGAS.  
 H.R. 2575: Mr. BURGESS.  
 H.R. 2662: Mr. PRICE of North Carolina, Mr. CARTWRIGHT, and Mr. VARGAS.  
 H.R. 2692: Ms. MCCOLLUM, Mr. MORAN, and Mr. PETRI.  
 H.R. 2697: Mrs. DAVIS of California.  
 H.R. 2702: Mr. KENNEDY.  
 H.R. 2772: Mr. ISRAEL.  
 H.R. 2847: Ms. TITUS and Mr. LARSON of Connecticut.  
 H.R. 2902: Mr. QUIGLEY.  
 H.R. 2906: Mr. PASCRELL.  
 H.R. 2907: Mr. O'ROURKE.  
 H.R. 2920: Ms. EDWARDS.  
 H.R. 2939: Mr. PALLONE, Mr. PRICE of Georgia, Mr. DOGGETT, and Mr. SWALWELL of California.  
 H.R. 3002: Mr. ROKITA.  
 H.R. 3007: Mr. JONES.  
 H.R. 3040: Ms. SINEMA.  
 H.R. 3043: Mrs. MILLER of Michigan, Mr. LAMALFA, Mr. PAULSEN, and Mr. MCHENRY.  
 H.R. 3077: Mr. OWENS, Mr. REED, Mrs. LUMMIS, and Mr. BOUSTANY.  
 H.R. 3086: Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. TIBERI, Mr. KINZINGER of Illinois, Mr. WESTMORELAND, Mr. MURPHY of Pennsylvania, and Mr. FITZPATRICK.  
 H.R. 3121: Mr. FORBES.  
 H.R. 3154: Mr. LAMALFA, Mr. YOHO, Mr. GOHMERT, and Mr. FLEMING.  
 H.R. 3172: Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Ms. SLAUGHTER.  
 H.R. 3179: Mr. TURNER and Mr. DAINES.  
 H.R. 3211: Mr. JOYCE and Mr. CONNOLLY.  
 H.R. 3279: Mr. CARTER.  
 H.R. 3303: Ms. TSONGAS.  
 H.R. 3306: Mr. THOMPSON of Mississippi.  
 H.R. 3369: Mr. MCDERMOTT and Mr. PETRI.  
 H.R. 3419: Mr. WILSON of South Carolina.  
 H.R. 3425: Ms. GABBARD.  
 H.R. 3436: Mr. DESANTIS.  
 H.R. 3450: Mr. RIBBLE, Mr. ROKITA, Mrs. HARTZLER, Mr. TERRY, and Mr. PITTENGER.

H.R. 3461: Ms. TSONGAS.  
 H.R. 3462: Mr. HECK of Nevada.  
 H.R. 3469: Mr. JOHNSON of Georgia, Mr. ISRAEL, and Mr. PETERS of Michigan.  
 H.R. 3474: Mr. MARINO, Mr. WEBER of Texas, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. HULTGREN, Mr. RICE of South Carolina, Mrs. BACHMANN, Mr. BRADY of Texas, Mr. ROE of Tennessee, Mr. KING of Iowa, Mr. JOYCE, Mr. YOHO, Mrs. HARTZLER, and Ms. GABBARD.  
 H.R. 3484: Mr. CONNOLLY.  
 H.R. 3485: Mr. GRAVES of Georgia.  
 H.R. 3488: Mr. LIPINSKI, Mr. YODER, Mr. LOEBSACK, and Mr. HONDA.  
 H.R. 3508: Ms. BROWNLEY of California.  
 H.R. 3516: Ms. TSONGAS.  
 H.R. 3530: Mr. MORAN, Mr. PAULSEN, and Mr. MEEKS.  
 H.R. 3539: Mrs. WAGNER, Mr. RODNEY DAVIS of Illinois, Mrs. HARTZLER, Mr. HUIZENGA of Michigan, Mr. POE of Texas, and Mr. FORBES.  
 H.R. 3541: Mr. MULLIN and Mr. DESANTIS.  
 H.R. 3544: Mr. CALVERT.  
 H.R. 3556: Mr. NEAL, Mr. CONNOLLY, Mr. QUIGLEY, Ms. SHEA-PORTER, and Mr. LOBIONDO.  
 H.R. 3573: Mr. GARAMENDI, Mr. STEWART, and Mr. ENYART.  
 H.R. 3575: Mr. SWALWELL of California and Ms. GABBARD.  
 H.R. 3587: Mr. MATHESON.  
 H.R. 3590: Mr. HANNA.  
 H.R. 3591: Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. PIERLUISI, Mr. CLAY, and Mr. MCGOVERN.  
 H.R. 3592: Ms. HAHN, Mr. KINZINGER of Illinois, and Mr. GRIJALVA.  
 H.R. 3625: Ms. BROWNLEY of California.  
 H.R. 3629: Mr. SCHWEIKERT and Mr. WEBER of Texas.  
 H.J. Res. 34: Mr. QUIGLEY.  
 H. Con. Res. 66: Mr. LOWENTHAL.  
 H. Res. 98: Mr. DESANTIS.  
 H. Res. 227: Mr. KENNEDY.  
 H. Res. 254: Ms. TSONGAS.  
 H. Res. 401: Ms. TSONGAS.  
 H. Res. 418: Mr. WOLF and Mr. KING of New York.  
 H. Res. 425: Mr. MARINO, Mr. PITTENGER, Mr. GRAVES of Georgia, Mr. COLLINS of Georgia, Mr. GUTHRIE, Mr. SOUTHERLAND, Mr. SMITH of Missouri, Mr. SCHWEIKERT, Mr. RICE of South Carolina, Mr. GOWDY, Mr. JORDAN, Mr. GOHMERT, Mr. GOSAR, and Mr. HOLDING.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 417: Mr. CHABOT.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

59. The SPEAKER presented a petition of the Morgan Hill Chamber of Commerce, California, relative to a letter urging the Congress to move forward on H.R. 3080; which was referred to the Committee on Transportation and Infrastructure.

## EXTENSIONS OF REMARKS

HONORING DR. FRANK MELOY

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the work of Dr. Frank Meloy and the positive impact he's had in Altoona and Logan Township in Blair County, Pennsylvania as both a professional educator and a dedicated public servant.

Dr. Meloy is a retired administrator with the Altoona Area School District. During his 42 year tenure with the district, he rose from the ranks of Special Education Teacher to Assistant Superintendent—a position he held for twenty years.

Dr. Meloy received his Bachelor of Science degree from Indiana University of Pennsylvania, a Master of Education degree from Pennsylvania State University and a Doctor of Education from Temple University.

In addition to his esteemed career in education, Dr. Meloy has been an elected Supervisor in Logan Township since 1996. At the end of his current term in 2013, he will have served eighteen continuous years on the Township Board of Supervisors—the majority of those years as Chairman.

Under Dr. Meloy's fiscal leadership, tax rates in Logan Township have remained among the lowest in the county, and he has saved his municipality thousands of dollars by refinancing several bond issues. He has been extremely instrumental in transforming the Township's system of fire protection into a modern, well-equipped and cost-effective unit. Dr. Meloy also has been the Township's representative on numerous committees and boards during his term, and has been recognized for his active volunteerism by several community organizations including the PA Homeless Children's Initiative, the Blair Bedford Central Labor Council AFL-CIO, and the Kiwanis Club of Altoona.

Dr. Meloy will be honored on December 12, 2013 at his last official meeting as a Township Supervisor. I congratulate him on this recognition, and thank him for his distinguished careers in education and public service.

HONORING GREEN GROVE M.B.  
CHURCH

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and historical church, Green Grove M.B. Church.

Green Grove M.B. Church is one of the oldest churches in Belzoni, Mississippi. The 11th

Mississippi Freedom Trail marker was unveiled at the church because of Rev. George Lee. Rev. Lee was an early participant in the Civil Rights Movement. Also, Rev. Lee was a vice president of the Regional Council of Negro Leadership, a co-founder of the Belzoni branch of the NAACP, and a powerful public speaker.

In 1955, Rev. Lee addressed a crowd of 10,000 people that gathered for a voter registration rally in Mound Bayou, Mississippi. Two weeks later, Lee was assassinated and no one was ever charged for his murder. Rev. Lee's funeral was held at Green Grove M.B. Church where the marker is erected. This was the 11th Mississippi Freedom Trail marker to be unveiled.

Mr. Speaker, I ask my colleagues to join me in recognizing Green Grove M.B. Church their determination and dedication to serving others and giving back to its community.

RECOGNIZING DOVER HIGH  
SCHOOL

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. LANCE. Mr. Speaker, I rise today to recognize Dover High School of Dover, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Dover High School is a proud example of academic excellence where students have high levels of performance, stellar student achievement and where educators facilitate a strong learning environment.

I congratulate the students, faculty and community on this high honor. This is a prestigious award to receive and Dover High School is a proud example of academic excellence and worthy of this national distinction.

TRIBUTE TO BISHOP WELLINGTON  
BOONE

**HON. PAUL C. BROWN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. BROWN of Georgia. Mr. Speaker, I rise today to pay tribute to an incredible man of faith, with a true calling and heart for serving the Lord, Bishop Wellington Boone.

Bishop Wellington Boone was ordained into ministry in 1973, and in this same year, he married his childhood sweetheart, Katheryn. Today, Bishop Boone not only celebrates 40 years of ministry, but 40 years of loving marriage with his wife.

In today's world, it is unique and certainly admirable to see a couple celebrate 40 years of marriage. Their long-lasting marriage is a testament not only to their commitment to each other, but to their dedication in serving the Lord.

Bishop Boone's 40 years of leadership and service in ministry is also a tremendous accomplishment, and one that deserves recognition. Through his work, Bishop Boone has faithfully led others in their quest to glorify and serve the Lord.

Mr. Speaker, I ask that you join me in congratulating Bishop Boone as he celebrates 40 years of ministry, and 40 years of marriage with his lovely wife, Katheryn. I extend my personal congratulations to them both, and wish them many more joyful years ahead in both their ministry and marriage.

HONORING DR. ANN C. NOBLE

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Dr. Ann C. Noble, an Emerita Professor, Sensory Scientist and Flavor Chemist from the Department of Viticulture and Enology at the University of California, Davis. I honor her today in conjunction with the American Society for Enology and Viticulture, which will be hosting an all day symposium in her honor on January 31, 2014.

Over the course of her career, Dr. Noble's research has contributed greatly to the advancement of viticulture and enology. Some of her most notable research conducted while at U.C. Davis was the application of multivariate statistics to sensory data and the creation of a standardized language to describe wine, known as the Wine Aroma Wheel. In addition to this important research, Dr. Noble has also published over 150 papers and book chapters and has taught many students at U.C. Davis through her course, titled "Wine Types and Sensory Evaluation".

For her work, Dr. Noble has been honored by the American Society for Enology and Viticulture, Decanter magazine, Women for Wine Sense and IntoWine.com. Significantly, Dr. Noble was the first female faculty hired into the Department of Viticulture and Enology at the University of California, Davis.

As founder and co-chairman of the Congressional Wine Caucus, I am incredibly proud of, and grateful for, the contributions Dr. Noble has made to viticulture and enology in California. Mr. Speaker, it is therefore appropriate at this time that we acknowledge Dr. Noble for her significant and lasting contributions to the American Wine Industry.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SUPPORT OF FARM BILL  
CONFERENCE

**HON. RICHARD HUDSON**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. HUDSON. Mr. Speaker, I rise today to call upon my colleagues currently negotiating the Farm Bill through the Conference process to get the job done on behalf of our nation's farmers and agribusiness community.

I understand and respect the challenges facing the House and Senate in these final steps to getting a bill across the finish line. I also understand the significant differences between the two bills before us. But, it's time to get a deal done. We have waited long enough.

I have the privilege to serve on the Agriculture Committee and I join my colleagues in supporting the House-passed bill that equips our farmers with the tools and certainty they need to produce an affordable and stable food supply while making significant reforms and cutting wasteful spending. I am proud of the bill the House passed and support many of the provisions contained therein.

I join with my farmers back in the Eighth District of North Carolina in encouraging our negotiators to finish this work so we can get a Five Year Authorization complete. It's time to get this bill to the President's desk. Our farmers and agribusiness community have waited long enough and our local economies depend on it.

HONORING BILL ERICKSON

**HON. CORY GARDNER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. GARDNER. Mr. Speaker, I rise today to honor Bill Erickson from Eaton, Colorado. A longtime dairyman, Mr. Erickson was recently honored with the Colorado State University Alumni Association 50 Year Club's Public Service Award for his work with 4-H, a United States Department of Agriculture (USDA) youth organization which promotes science, citizenship, and healthy-living through hands-on learning activities. Mr. Erickson has been involved with 4-H for 60 years.

Mr. Erickson became involved with 4-H as a child and has since served the Colorado agricultural community in a variety of leadership roles. He is a long-standing member of the Weld County Farm Bureau and has also served as president of both the Weld County 4-H Leadership Council and the Colorado 4-H Leadership Council. Now 84, Mr. Erickson continues to be involved with 4-H and serves on the Agriculture Committee for the Greeley Chamber of Commerce.

I am extremely grateful for Mr. Erickson's dedication to agricultural development and the youth of Weld County. Please join me in congratulating him on receiving this award.

HONORING BRINSON FUNERAL  
HOME

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable funeral home, Brinson Funeral Home.

Brinson Funeral Home was established in 1939 by Booker T. Brinson, Sr. and Ruby Brinson at 723 Aloe Avenue in Cleveland, Mississippi. They worked diligently in the farming industry in Sunflower County to be able to purchase their funeral home. In the early 80's their son, John Brinson, took over the business. John wanted to maintain the legacy and vision of his parents, who believed that every family they serviced was special and deserved the best during and after their bereavement.

The Brinson Funeral Home staff of funeral directors and morticians understands that it is "A Home That Service Built".

Mr. Brinson throughout the years has maintained the authenticity of the facility, while using the latest technology and educational tools, the funeral home continues to be a thriving establishment in the community. Brinson Funeral Home sponsors, contributes and participates in numerous youth and charitable organizations.

Mr. Speaker, I ask my colleagues to join me in recognizing Brinson Funeral Home for their dedication in being a cornerstone in the City of Cleveland and Bolivar County, Mississippi.

IN RECOGNITION OF GREATER ST.  
MARK A.M.E. CHURCH'S 127TH  
ANNIVERSARY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my sincere congratulations to the congregation of Greater Saint Mark A.M.E. Church in Columbus, Georgia as they celebrate a remarkable 127 years. The anniversary celebration will be held on Sunday, December 8, 2013 at 3:00 pm at Greater St. Mark Church in Columbus. The event will also be an opportunity to welcome Reverend Kevin Moore as the church's new pastor.

Greater Saint Mark traces its roots back to 1886 when the seven original members began holding prayer meetings in a small house located on the land where the church stands today. From the prayer meetings, soon grew a Sunday school and eventually, a full church service with a devoted congregation. St. Mark assigned its first pastor, Reverend M.R. Wilson, in 1889, and from his pastorate came the church's original structure.

Since then, the Church has seen many changes. After Reverend W.L. Brown installed a new piano and organ, Reverend A.M. Threatt purchased a new parsonage, transforming the old one into classrooms, a Pastor's study, and meeting space. Reverend

W.J. Daniels helped the Church acquire new pews, carpeting, and a bell honoring Mrs. Susie Herte and Miss Clara Charleston. The Bussey-Hixon-Alexander Annex was built to accommodate a modern kitchen and restroom, a pastor's study, a secretary and finance office, a choir room, and a stewardess room. In honor of Mrs. Johnnie Mae Johnson, a scholarship fund was established, along with the donation of a church van.

In addition to the physical renovations to Greater St. Mark, many of the church's leaders have focused on advancing the spiritual impact the church can make on the surrounding area. Under the pastorate of Reverend B.A. Hart, Greater St. Mark held a planning meeting which eventually brought Citizens Trust Bank, a minority enterprise, to Columbus. He also established the Young Adult Ensemble and the Male Chorus to enhance the Church's music ministry, and introduced bi-weekly Bible study and Christian Education seminars. Reverend Dr. Roosevelt Morris oversaw the donation of a house to the Columbus Historic Foundation, on behalf of the church. In the three years of Reverend Henry E. Green's leadership, a new roof was installed and a church website was built. Now Greater St. Mark will be welcoming Reverend Kevin Moore into the family as the church's new pastor and more improvements are sure to come under his leadership.

What began as a small house for families to meet in prayer has grown into a family of its own, housing generations of church members and guiding them through their journey with the Lord. All of these additions and renovations exhibit the giving nature of the entire St. Mark congregation, as well as their dedication to serving Christ, each other, and the community. Not only do contributions and improvements to the church improve Greater St. Mark's ability to spread the word of the Lord, but they also strengthen the bond the members have with each other.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to the Greater St. Mark A.M.E. Church in Columbus, GA for serving as a pillar of faith and fellowship to its members for the past 127 years. May God continue to bless the church and its congregation.

CAIRN UNIVERSITY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. FITZPATRICK. Mr. Speaker, Langhorne Manor, Pennsylvania is home to Cairn University as it celebrates its 100th anniversary this year. We acknowledge and congratulate the dedicated administrators and academic staff who have contributed greatly to its success. The school that began on July 8, 1913, as the Bible Institute of Philadelphia, and later the Philadelphia Biblical University, has grown to be an outstanding academic institution with a professed Christian mission to educate students who will graduate as professionally competent men and women of character to carry that mission forward into their church and society.

Cairn University students have the option of five schools: Divinity, Liberal Arts and Sciences, Business and Leadership, Education and Music; two departments, Social Work and Christian Counseling, and graduate programs. On this occasion, we heartily congratulate Cairn University Chancellor W. Sherrill Babb and President Todd J. Williams and look forward to future achievement and the contributions Cairn graduates will make toward the betterment of their communities.

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THANKING STEVE KAESER FOR  
HIS SERVICE TO THE HOUSE

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**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mrs. MILLER of Michigan. Mr. Speaker, on the occasion of his retirement on October 31, 2013, we would like to thank Mr. Steve Kaeser for his over twenty-five years of distinguished service to the United States House of Representatives. Steve has served this great institution as a valued employee of House Information Resources (HIR), within the Office of the Chief Administrative Officer (CAO).

Steve has held a multitude of senior engineering positions over the years and his technical expertise and skills have been invaluable to servicing customers in the House community as well as staff within Technology Support and Enterprise Operations. Before moving to Enterprise Operations, Steve served as an engineer on the Software Support Team, in the newly created Technology Call Center, and on the Escalations Team. Among his many accomplishments, Steve helped create and run the House's new anti-virus software program with the establishment of Trend. His other defining achievement was the establishment of an Apps-server, which created a central access point for the download of all supportable software.

Moving forward, Steve has remained committed to supporting the ever-changing technology environment. After a few years in Technology Support, Steve joined Enterprise Operations where he became involved in critical aspects of client server architecture. He played an integral role in Windows server delivery and support and he performed system builds, security analysis and troubleshooting. In addition to server support, on occasion, Steve would lend his "radio" voice to the Recording Studio as a narrator for House training or you might see him at a co-workers desk helping them solve a problem. Throughout his career, Steve has provided House customers with the world class service they expect from the CAO.

On behalf of the entire House community, we extend congratulations to Steve for his years of dedication, outstanding contributions and service to the United States House of Representatives.

We wish Steve much happiness in fulfilling his retirement dreams.

HONORING JOSE R. ESCOBEDO III

**HON. BETO O'ROURKE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. O'ROURKE. Mr. Speaker, I rise to honor the memory of Sgt. Jose R. Escobedo, Jr. III. Born in Ciudad Juarez, Mexico, Mr. Escobedo became a United States Citizen with the intention of enlisting in the United States Marine Corps. During over 10 years of service in the armed forces, Sargent Escobedo served in both the Marines and the Army and he served courageously during two tours of duty in Iraq.

Jose Escobedo graduated from Bowie High School in El Paso in 1995. After high school, he decided to join the Marines and served for nearly 9 years. After his honorable discharge, he worked for the city of Albuquerque in the Department of Transportation, but he missed the military. Eager to continue his service, "SGT Escobedo," as friends called him, decided to join the Army and after training he was assigned to 1st Battalion, 77th Field Artillery Regiment in Schweinfurt, Germany.

On November 19, 2008, Sargent Escobedo deployed to Iraq for the third time. Despite being in a combat zone, Jose was known by his fellow soldiers as a kind individual with a positive outlook on life that was infectious. He passed away on March 19, 2009 in Baghdad and at the age of 32.

Mr. Escobedo is survived by his wife, Angelica, and their three children, Elvida, Jose, and Mikey. He is interned in Fort Bliss National Cemetery in El Paso. The dedication with which he served our nation for so many years is an inspiration. El Paso misses Jose Escobedo and we are proud to honor him as a hero who made the ultimate sacrifice in service to the United States.

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TRIBUTE TO ARLEIGH BIRK

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**HON. RICHARD M. NOLAN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. NOLAN. Mr. Speaker, as we approach the 72nd anniversary of the Japanese attack on Pearl Harbor on December 7, 1941, I rise to pay tribute to one of the true American heroes of that day, and of the long World War that followed—former Boatswain's Mate First Class Arleigh Birk, United States Navy.

Today, as Arleigh approaches his 94th birthday, he and Marion, his lovely wife of 67 years, still live in their family home in the northern Minnesota community of Hoyt Lakes, where they retired after Arleigh's 25 years of employment at Erie Mining Company from 1957 to 1982.

Seventy-two years ago, on Sunday, December 7, 1942, Arleigh was 4,028 miles west of Hoyt Lakes, stationed on the USS *Honolulu*, watching as Japanese warplanes filled the skies and the USS *Arizona* exploded in fire. The *Honolulu* itself sustained damage in the attack, and Arleigh was transferred to the USS *Denver* where he remained in the Pacific Theatre until the war's end.

During those years in the Pacific, Arleigh and his mates on the USS *Denver* were part of the force that engaged and sank the Japanese destroyers Minegumo and Murasame in the 1943 Battle of Blackett Strait.

In October 1943, they earned the Navy Unit Commendation for outstanding performance in the battle of Empress Augusta Bay for helping sink one enemy light cruiser and a destroyer, and heavily damaging two heavy cruisers and two destroyers.

On July 4, 1944, Arleigh and the crew of the USS *Denver* bombarded Iwo Jima, fought numerous battles throughout the Pacific, and fought off a Kamikaze attack on November 27th during action in the Leyte Gulf.

In September 1945, Arleigh and the *Denver* sailed from Okinawa to cover the evacuation of Allied forces imprisoned in the Wakayama area before heading home to Norfolk, Virginia, where they arrived on November 21st.

Arleigh was honorably discharged from the Navy on January 12, 1946—and honorably married to Marion a little over a year later.

On behalf of a grateful Congress and a grateful nation, we honor and thank Arleigh Birk for his service in the preservation of American freedom.

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RECOGNIZING CAROLYN CLOSS-WALFORD ON THE OCCASION OF  
HER PROMOTION TO COLONEL

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**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize Army Lieutenant Colonel Carolyn Closs-Walford who will today be promoted to the rank of Colonel. Like many of my colleagues, I have had the pleasure of working with and knowing LTC Closs-Walford both personally and professionally when she served in the Army's House Liaison Division.

LTC Closs-Walford's distinguished military career began at Winston-Salem State University when she joined the Reserve Officer Training Corps. She graduated in 1987 and was commissioned as a second lieutenant in the Signal Corps and accepted a position in the Army Reserve. The Signal Corps develops and manages communications systems for the U.S. military and is integral to its strength and resilience.

LTC Closs-Walford completed Signal Officers Basic Course at Fort Gordon in Georgia and settled in Washington, DC. She studied at National Louis University where she received a graduate degree. After, LTC Closs-Walford transferred to the Quartermaster Corps which provides logistic support for the Army.

Later, LTC Closs-Walford served in the Army's busy House Liaison Division where she was the first point of contact for Members and staff who called on the Army for assistance. While there, she developed, coordinated, and executed Congressional Delegations to Iraq, China, Israel, and Sudan, among others. Her professionalism, attention to detail, and hard work did not go unnoticed by Members who were lucky enough to travel with her.

LTC Closs-Walford's extraordinary career afforded her the opportunity to serve in the administrations of President George W. Bush



and President Barack Obama. She supported the Deputy Assistant to the President and Deputy National Security Advisor by serving as a liaison to Members of Congress, the Department of Defense, State Department, and the intelligence community by coordinating strategic communications and global outreach.

From the White House, LTC Closs-Walford moved to the Pentagon and worked in the office of the Under Secretary of Defense for Policy and focused on women and gender issues, human rights, and international humanitarian policy.

Currently, LTC Closs-Walford serves in the National Guard Bureau's Strategic Plans and Policy Directorate. She is responsible for helping to develop the National Guard's outreach, communications, and messaging.

LTC Closs-Walford was born in Louisburg, North Carolina, located in Franklin County and in my congressional district. She is the youngest of 10 children born to William and Fannie Closs. Her father bravely served the United States in the military during World War II and was awarded a Purple Heart for his unflinching and valiant service in the face of danger. She is married to Raymond L. Walford.

Mr. Speaker, I am so proud of LTC Closs-Walford's distinguished career. As representative of the congressional district that LTC Closs-Walford is a native daughter, we salute her on this special day. I ask my colleagues to join me in thanking her for honorable service to the United States of America and congratulating her on her much deserved and earned promotion.

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HONORING BETHLEHEM  
MISSIONARY BAPTIST CHURCH

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Bethlehem Missionary Baptist Church, which is located at 2975 Cannonsburg Road in Cannonsburg, MS.

December 17-19, 2010 Bethlehem Missionary Baptist Church celebrated its 150th year anniversary with three days of festivities. Dr. Samuel White penned the church's history.

The Bethlehem Baptist Church was organized in 1860 by Rev. George White and other like-minded brothers and their wives. The Church was organized to serve the religious and spiritual needs of freed blacks and ex-slaves of the Cannonsburg community. Three prominent families populated the area and became active in the early church. They were the Whites, the Frisbys, and the Tylers. Even today, most of the church's membership is related to one or all three of these family lines. Later the Church's population grew to include the Comptons, Coles, Clarks, Herringtons, Perryman, Hawkins, Kahos, Prees, Washingtons, Dorseys, Gambles, among others.

The original church was located on property lying between the Natchez Trace and the Cannonsburg Road. In 1907, the Church Fathers, Alfred White and James Compton, purchased a two acre tract of land from Gabe Tyler to build a "Church House." A white

wood structure was erected with a potbelly stove in the center for heat. In 1965, this building was removed and the first brick sanctuary was built. The church membership outgrew the facility; and, in 1984, a major renovation and expansion project was undertaken and completed to include a Fellowship Hall and a Pastor's Study.

The current multi-purpose facility which was dedicated in April, 2005, represents the fifth building erected for the Church Family. In 1999, the Church Family initiated a five-year Building Plan to design, finance, and build a worship facility that would accommodate and serve the needs of a growing membership. Under the leadership of a dynamic Pastor, the Rev. Percy Turner, and an activist Board of Deacons, this goal was achieved in 2005. Additional property was purchased from the Golden Mutual Aide Society and Mrs. Carrie Jackson Johnson on which to build the new facility. Rev. John Hawkins, Deacon Charlie Hawkins, Sr. and Bro. Dwayne Hawkins—acting as Hawkins Construction, were all members of the congregation that constructed the new sanctuary and fellowship hall.

The Church has held a prominent position in the religious, social, and civic life of Jefferson County. Many of the early religious pioneers of the Black Baptist Movement in the county were either members or pastors of Bethlehem, i.e. Rev. P. C. Rucker, Rev. P. E. Frisby, and Rev. W. N. Tyler.

Bethlehem is also the site of the first Civil Rights mass meeting to be held in Jefferson County. While others feared retaliation from those who would burn crosses and churches, the leadership at Bethlehem took the bold steps to host the NAACP and challenge the racial inequities that existed in the 1960s. As a result, even today our community takes very seriously the right to vote and participates fully in the electoral process. Several members of this Church have attained the status of being the first of their race to be elected and/or appointed to political positions at the City, County, and State levels.

Since the church has been at its present location, the following individuals have served as Pastors: Rev. George White, 1902-1905; Rev. P. C. Rucker, 1906-1909; Rev. P. E. Frisby, 1909-1918; Rev. John Alexander, 1918-1928; Rev. W. N. Tyler, 1928-1931; Rev. D. W. M. Johnson, 1931-1940; Rev. Wilson Ford, 1940-1948; Rev. Jimmy Jones, 1948-1982; Rev. Percy Turner, 1983-Present.

Over the years, the following persons have served as Associate Ministers: Rev. Alf White, Rev. Marcus Frisby, Rev. Louis Frisby, Rev. Louis White, Rev. Edgar White, Rev. Leon Dorsey, Rev. David White, Rev. George A. Tyler, Rev. Aubry Watson, Rev. Juanita Tyler, Rev. Ernest Gaines, Rev. Andrew Dorsey, Rev. Mandy Green, Rev. John H. Hawkins, Rev. Charles Kaho, and Rev. John Tyler.

Some dynamic men have served as Deacons; they include: Bro. Phillip White, Bro. Jackson Tyler, Bro. Richard Tyler, Bro. Wilson Tyler, Bro. James Compton, Bro. Sanford "Sam" White, Bro. Bivens Cole, Sr., Bro. Daniel White, Bro. Juanita Tyler, Bro. Aubry Watson, Bro. General Jenkins, Bro. Leon Dorsey, Bro. Frank White, Bro. John Tyler, Bro. Monroe Griffin, Bro. Leon Dorsey, Jr., Bro. Frank Gamble, Bro. Charles Kaho, Bro. John H.

Hawkins, Bro. Jerome Herrington, Jr., Bro. Willie J. Pree, Bro. Robert L. White, Bro. Samuel L. White, Sr., Bro. Larry D. Tyler, Bro. Charlie Hawkins, Sr., Bro. Roosevelt "Bill" White, Bro. Keith King, Bro. Joseph Cole, Sr., and Bro. Jerry Sims.

Over the years, the Mother's Board (Deaconess Board) has included: Sis. Arnetta C. Tyler, Sis. Lou Virginia White, Sis. Kizzie Tyler, Sis. Ella Tyler, Sis. Juanita Tyler, Sis. Celeste Frisby, Sis. Irene Tyler, Sis. Jinice Sanders, Sis. Ora Clark, Sis. Mindy White, Sis. Effie Turner, Sis. Henretta Compton, Sis. Lillie Perryman Jackson, Sis. Virginia S. White, Sis. Martha White, Sis. Mary E. Dorsey, Sis. Florida Jones, Sis. Louella White, Sis. Doris Kaho, Sis. Mae Rose Herrington, Sis. Sarah Griffin, Sis. Carrie Jenkins, Sis. Augusta Ballard, Sis. Lettie Irving, Sis. Gertrude White, Sis. Cora White, Sis. Almata Dorsey, Sis. Mamie Herrington, Sis. Edna Holmes, Sis. Laura Reed, Sis. Laura Tyler, Sis. Effie Woods, Sis. Jean Hawkins, Sis. Levater White, Sis. Lollie J. Doss, Sis. Johnnie R. Tolliver, and Sis. Sophronia Evans.

The membership is proud of its rich history and Christian traditions. We will continue to celebrate the accomplishments of our forefathers, but more importantly, we are dedicated to embracing God's call to spread the gospel of Jesus Christ. Our mission is to win souls to Christ through love, dedication, loyalty, and service to mankind. We humbly thank God for more than 150 years of service and we pray for His continued blessings and divine guidance as we demonstrate to the world that Bethlehem is the place where "Our Feet are on the Rock and Our Names are on Heaven's Roll."

Since the writing of this history in 2010, the name of the Bethlehem Baptist Association has changed to Jefferson County Baptist Association.

Mr. Speaker, I ask my colleagues to join me in recognizing Bethlehem Missionary Baptist Church for its outstanding service to the community.

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IN RECOGNITION OF CATHERINE  
"KATE" ERTZ-BERGER UPON  
HER RETIREMENT

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to recognize the outstanding career of Ms. Catherine "Kate" Ertz-Berger, Executive Director of the Contra Costa Child Care Council, and congratulate her as she retires after twenty-eight years of dedicated service to the children and families of Contra Costa County.

Kate's deep passion for helping others was evident early in her career, during her tenure with the Massachusetts Department of Social Work and the United Way of the Bay Area. She brought that same passion to the Contra Costa Child Care Council in 1985 and has been the heartbeat of that agency for nearly three decades. Under Kate's dynamic leadership the Council has grown to be one of the

largest and most effective nonprofit organizations in the San Francisco East Bay serving families throughout our community.

Kate has shown remarkable command of the issues most critical to early education and the needs of families with small children. Under her guidance, the Council has greatly increased public awareness of the need for quality child care and early childhood education through the development of a wide variety of innovative initiatives, programs and services. Most importantly, she has forged lasting partnerships with the community, parents and child care providers.

I invite my colleagues to join me in commending Executive Director Kate Ertz-Berger, for her committed and diligent service to the children and families of Contra Costa County. I am pleased to call her my friend and wish her the very best as she begins a well-deserved retirement.

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CONGRATULATING TWIN GROVES  
MIDDLE SCHOOL ON BEING  
NAMED A BLUE RIBBON SCHOOL

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**HON. BRADLEY S. SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. SCHNEIDER. Mr. Speaker, I rise today to honor Twin Groves Middle School in Buffalo Grove, Illinois, in the district I represent. This outstanding educational institution has been recognized as one of only 286 Blue Ribbon schools in the entire country.

This is the second National Blue Ribbon distinction that Twin Groves has earned, one of 21 awarded in the State, one of only three awarded to Illinois middle schools and one of four awarded to schools in Illinois's Tenth District.

Good education is the foundation of any community, and it is essential to our success in the 21st Century. In Buffalo Grove, you will find some of the Nation's finest schools, filled with eager and curious students and passionate and engaging teachers.

In Illinois's Tenth District, our communities are strong, in part, because of excellent educational institutions like Twin Groves.

With schools like Twin Groves, Tenth District students are building foundations for success in this ever-changing, competitive 21st century.

The education Twin Groves Middle School students receive not only helps position them for future success, but also prepares them for the rigors of one of the area's top high schools, Stevenson High.

Mr. Speaker, I am so pleased to honor Twin Groves Middle School here today, and I am so proud to have such excellent schools in the Tenth District. I congratulate Twin Groves once again on receiving this distinguished award.

RECOGNIZING MORRIS COUNTY  
SCHOOL OF TECHNOLOGY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. LANCE. Mr. Speaker, I rise today to recognize Morris County School of Technology of Denville, New Jersey, for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Union Morris County School of Technology is a proud example of academic excellence where students have high levels of performance, stellar student achievement and where educators facilitate a strong learning environment.

I congratulate the students, faculty and community on this high honor. This is a prestigious award to receive and Morris County School of Technology is a proud example of academic excellence and worthy of this national distinction.

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CELEBRATING THE ACHIEVEMENTS OF MR. DARREN MILLER  
OF MURRYSVILLE, PENNSYLVANIA

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**HON. KEITH J. ROTHFUS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. ROTHFUS. Mr. Speaker, I rise today to celebrate the accomplishments of Darren Miller of Murrysville, Pennsylvania.

On August 29, 2013, Darren became the first American man and only the fourth person in history to complete the seven grueling open-water swims known as the Ocean's Seven challenge. He spent over seventy-five hours braving frigid waters, treacherous weather conditions, and dangerous wildlife while swimming across bodies of water including the English Channel, the North Channel between Scotland and Northern Ireland, and the Strait of Gibraltar. Darren is the only person to ever complete all of the swims on the first attempt.

A graduate of Franklin Regional High School in Murrysville and Pennsylvania State University, Darren is a product of the first-class educational institutions in our Commonwealth. Darren used our beautiful lakes and rivers in western Pennsylvania to train for his historic feat, a reminder that the tools for success are within reach.

Darren also swims to benefit and raise awareness for the Forever Fund, an organization he cofounded, to help families pay for the costs of treatment in the infant cardiothoracic unit at UPMC Children's Hospital of Pittsburgh. He has raised more than \$65,000 to date.

Darren named the Forever Fund in remembrance of his grandmother. "She taught me that success has nothing to do with your pocketbook, but by how you treat someone who can do you absolutely no good," he recently

said. Darren's personal motto is "Every breath a gift," meant to inspire today's youth to overcome personal challenges and persevere in accomplishing one's personal goals.

Mr. Speaker, I am pleased to honor Darren Miller's outstanding athletic achievements and service to our community and his fellow man.

RECOGNIZING RAFAEL PINEDA

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. SERRANO. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor Mr. Rafael Pineda, who will retire as the lead news anchor for Univision 41 on December 20th. For 42 years Mr. Pineda has been a key voice in providing the Latino community in the New York area with unparalleled news coverage.

Since his 1972 undertaking as the lead news anchor at WXTV Univision 41, Mr. Pineda has consistently demonstrated a zest for journalism that is balanced, and offers fair, universal access to all audiences. In 1988 he became host of, "Punto y Aparte," the first Spanish language first local interview program in the tri-state area. Over the last several years he has consistently guided Noticias 41 to first place in New York's Spanish language newscasts.

Rafael Pineda has served as an ongoing inspiration for all Latinos by building one of the most distinguished careers in television. Mr. Pineda was the first local news anchor to interview major political figures like President Clinton, and influential celebrities like the late Desi Arnaz. In the year 2000, he was the first Latino to be honored in the National Academy of Television Arts & Sciences Silver Circle, and over the years he has won several awards, including an Emmy. Most recently, Mr. Pineda was inducted into the New York Broadcasters Association Hall of Fame.

Mr. Pineda has developed a career that has paralleled my own in regard to public service, and as a colleague, I have been consistently inspired by both his integrity and his unwavering sense of dedication to his audience and to the news. Over the years, I have appeared on his program many times, both in interviews with Mr. Pineda and in news stories concerning legislative issues. I always found that Mr. Pineda was tough but fair in the questions he asked and the issues considered. Regardless of the subject, or his own personal views, he always had the best interests of his audience in mind. After 42 years of service Mr. Pineda has grown to embody all of the best characteristics of the New York area, and I am proud to call him a colleague and a friend. He is an invaluable member of the community whose dedication to the people can be seen in all his work throughout the years, and whose on-air presence will certainly be missed.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Rafael Pineda as an Emmy award winner, as New York's longest-serving news anchor in history, and most importantly, as an

outstanding example of how one person's lifelong work can leave such a permanent mark in the hearts and minds of many.

HONORING THE NAPA VALLEY  
EDUCATION FOUNDATION

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the Napa Valley Education Foundation as they celebrate their 30th anniversary on December 7th, 2013, at their Annual Taste for Knowledge and Gala Fundraising Event. The Napa Valley Education Foundation (NVEF) deserves recognition for their tireless efforts over the past 30 years to improve the quality of education for all children within the Napa Valley Unified School District (NVUSD).

Since its creation in 1983, the NVEF has demonstrated an admirable commitment to achieving its self-proclaimed vision to create "great public schools that inspire all children to achieve their potential and become vital members of our community." In pursuit of realizing this vision, the NVEF has made significant improvements in the quality of education possible for all students in the NVUSD.

Such improvements include the Teacher Grants Program, now known as the Spencer and Colton Grants, which was founded by the NVEF in 1983 and has raised a total of more than \$1.5 million to fund the implementation of improved teaching strategies. Additionally, the NVEF has created The Music Connection, which brings music education and exposure to over 3,000 students, as well as the Campaign to Sustain Music, which has raised \$85,000 annually over the past 3 years to sustain the NVUSD's music education programs. The NVEF has also created Tech Connection, a program to assist families in purchasing laptops for their children. Finally, the NVEF coordinates the Teacher of the Year Awards, which recognize and honor exceptional teachers within the NVUSD each year.

Mr. Speaker, it is appropriate at this time that we honor and thank the Napa Valley Education Foundation for their 30 years of unwavering commitment to improving the quality of education for every student within the Napa Valley Unified School District.

HONORING COOLEY MORTUARY,  
INC.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor as extraordinary Funeral Home Business in the Mississippi Delta, Cooley's Mortuary of Batesville, Mississippi.

Cooley's Mortuary, Inc., opened its doors in April 1990, beginning a tradition of professionalism, dedication, and compassionate care to families in Batesville, Panola County, Mis-

issippi, and the surrounding communities. After serving in the United States Army for 2 years, and in pursuit of a need to do something "useful" with his life, Jerry Cooley enrolled into the Commonwealth College of Mortuary Science, Houston, Texas, where he soon graduated and received his National Board Certified license in 1978. He began a career as funeral director and mortician at Brown Mortuary, Inc., in Laurel, Mississippi. With encouragement from his dear mother and a great ambition calling him higher, Jerry Cooley moved to Batesville, Mississippi, in August 1984 where he worked as funeral manager and embalmer at Century Funeral Home.

In April of 1990, a longtime dream of Jerry Cooley's became a reality when he and his wife, Norma Jean, held an open house for a "first-generation" funeral home located at 327 Panola Avenue, Batesville, Mississippi. Cooley's Mortuary, Inc., made history in that year by accomplishing what not many other first-generation funeral homes had ever done; they received an astounding 50 calls by year's end and their first few months in business. Building on the strong foundation of compassion and service, and providing quality care to the families of Panola County, and surrounding communities, the business grew over the next several years.

Throughout the years, Cooley's Mortuary, Inc. has employed a number of additional staff, all of whom have been committed to excellence and stellar service for their customers. They have worked closely for many years as a cohesive unit serving the needs of the community with dignity, care and compassion. The business thrived and continued to set a standard for funeral service in the Panola County area.

They say "beside every successful man stands a woman" and without question this is certainly the case with Cooley's Mortuary. The business would not have existed without Norma Jean Cooley. Her strong support and countless hours of work should not go unmentioned. She has served as vice president and serves the business faithfully enabling it to respond to and serve families in their time of need.

November 29, 2007, marked a new era and a lifelong dream fulfilled for Jerry and Norma Cooley with the groundbreaking of a new modern facility. The "second generation" Cooley's Mortuary, Inc., was built and dedicated in August 2009, making it a premier funeral home in Batesville, Mississippi. The 11,700-square-foot facility is constructed on a two-acre lot and includes four offices, a library, prayer room, two family viewing rooms, and a chapel with a seating capacity for 250 people. In Cooley's own words, "I wanted to have the very best for the people we serve."

Cooley's Mortuary is a family owned community-located funeral home which has earned a reputation for service, affordability and reliability over the years. Word-of-mouth, without question, is its finest endorsement. Regardless of whether or not a family comes to Cooley's Mortuary for the first time, or considers it to be their "family" funeral home, Cooley's Mortuary takes personal interest in helping families during the most difficult times, and families continue to overwhelmingly trust them as their premier funeral home.

Mr. Speaker, I ask my colleagues to join me in recognizing Cooley Mortuary, Inc., for its dedication to serving this great State and country.

TRIBUTE TO CHARLES "CHICO"  
DANIELS

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Charles "Chico" Daniels. Chico Daniels was known those who knew him as a Chicagoan well-versed in politics with a voice made to sing soul music. Chico Daniels was known to those who knew him for his humor that brought laughter and joy to those around him. Given my longtime relationship with his family, I know first-hand that Chico Daniels was a loving father who supported his children through good times and bad. He was adored by his family and his community, and we all will deeply miss his caring spirit.

Chico was born in Chicago, IL, on May 20, 1957, to Quinion and Mildred Daniels. He grew up on the West Side of Chicago, attending Nash Elementary School and Austin High School and worshipping at the Helping Hand Church. Chico acquired an ear for music at a very young age. His signature deep baritone earned him the title of "Little Al Green." In his early 20s, he performed at many of the clubs in Chicago, opening for well-known musicians. Music was most definitely his soul. In addition to being a talented singer, he also was a gifted composer, guitarist, pianist, drummer, and organist.

Chico died on November 26, 2013. His parents (Quinion and Mildred) and his siblings (Eddie and Beverly) preceded him in death. He is survived by his wife Rozena Daniels, his children Lavell, Octavia, Jenell, Shavone, and Francie; his two remaining siblings Valerie and David; six grandchildren and a host of friends and family.

COACH JOHN WILLIE "JOHNNY"  
PEOPLES

**HON. STEVE STOCKMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. STOCKMAN. Mr. Speaker, whereas, The late Coach John Willie "Johnny" Peoples of Baytown's Carver High School won three PVIL state football championships; and

Whereas, Coach Peoples, as a student himself, earned a scholarship to attend Wiley College in Marshall, Texas, where he enjoyed a stellar career in three sports: football, basketball and track & field; and

Whereas, Johnny Peoples, in 1945, was a member of the Wiley College football team that defeated Florida A & M (32-6) to win the Negro National Championship; and

Whereas, Coach Peoples was perhaps one of the greatest athletes ever to attend Wiley College; and

Whereas, Coach Peoples received his Bachelor of Science degree from Wiley College in 1948 and earned a Master's Degree from Texas Southern University; and

Whereas, Coach Peoples joined the faculty of George Washington Carver High School of Baytown, Texas in 1948 and remained there until 1967, playing a huge part in the Goose Creek CISD High School and Baytown's sport history;

Whereas, No other Baytown high school coach has ever won a single football state championship for Baytown, while Coach Peoples has won three; and be it therefore

*Resolved:* That I, Congressman STEVE STOCKMAN of the 36th District of Texas, do hereby proudly agree and resolve that the late Coach John Willie "Johnny" Peoples be publicly and officially honored as one of the finest athletes ever to come out of Baytown, Texas, and one of the best coaches in the United States; and to recommend his induction into the Prairie View Interscholastic League Coaches Association (PVLCA) Hall of Honor.

#### HONORING HORACE ELLIOTT

#### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. GARDNER. Mr. Speaker, I rise today to honor Horace Elliott from Greeley, Colorado. Mr. Elliott currently serves as executive vice president of the National Board of Chiropractic Examiners (NBCE) and has recently received several awards for his dedication to the chiropractic profession. Earlier this year, Mr. Elliott was the recipient of the 2013 NBCE Leadership Award and was also recognized as Dynamic Chiropractic's Person of the Year.

Mr. Elliott's 27-year career has been characterized by a dedication to his patients and his community. For his work, Mr. Elliott has received honorary doctorates from Texas Chiropractic College and the American College of Chiropractors, and has also been named an honorary fellow of the International College of Chiropractors. He was elected to the board of the Academic Consortium for Complementary and Alternative Health Care in 2010.

In spite of these professional commitments, Mr. Elliott has also made time to be an active member of his community. He currently serves on the board of directors of the Greeley Chamber of Commerce and holds a seat on the board of the Greeley Rotary Club. He is also a Chamber Representative to the City of Greeley Planning Commission.

I feel very fortunate to represent someone as talented and involved as Mr. Elliott. Please join me in thanking him for his many contributions to Greeley.

#### IN SUPPORT OF THE AFFORDABLE CARE ACT

#### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Ms. JACKSON LEE. Mr. Speaker, it is no secret that many of our colleagues across the

aisle are hoping and betting that the Affordable Care Act will fail.

But every day it becomes clearer that they are losing that bet and their hope for failure is not shared by the American people, 105 million of whom already have received coverage for one or more free preventive health care services like screenings for breast cancer and diabetes.

In my State of Texas, thanks to the Affordable Care Act, more than 5,198,00 individuals with private insurance who have received coverage for one or more free preventive services due to the Affordable Care Act.

Children have received free vision and hearing screenings and recommended immunizations.

Adults have received free immunizations and cancer screenings such as colonoscopies for cancer, cholesterol and high blood pressure screening; and HIV.

Women have received preventive services such as recommended mammograms and Pap smears; screenings for gestational diabetes; and domestic violence counseling.

Our Republican friends like to tell themselves that Obamacare is an unmitigated disaster. But to millions of Americans living in the real world, Obamacare is an unqualified success.

#### TEXAS—ACA SUCCESS STORIES

Take Mark and Lucy for example.

After comparing plans, Mark Sullivan, a new business owner, settled on a bronze option and added dental insurance. He will receive an \$82 per month subsidy, which will halve the monthly premium he will pay down to \$78.

Lucy is another Texan who is thankful for the Affordable Care Act, which is enabling her to save \$2,300 a year on her premium and \$4,000 on her deductible.

Lucy writes: "I signed up at Healthcare.gov and I'm going to save \$2,300 a year on my premium alone—and more, because my deductible will drop from \$7,500 a year to \$3,000 a year. It's still Blue Cross insurance, and I don't have to change doctors, either. I had a choice of over 30 plans and several different companies."

Mr. Speaker, my constituents in the 18th Congressional District of Texas favor the Affordable Care Act because they understand the insecurity and feeling of helplessness of being uninsured or underinsured. My home State of Texas has the highest percentage of uninsured, 27.6 percent in the Nation, 4 percent more than Louisiana, the next State on the list.

Mr. Speaker, health care coverage not only must be available and affordable but also adequate for consumers to have the health security and financial protection they need and deserve. The Affordable Care Act satisfies these criteria.

Of course we should not be surprised by the House Republicans. After all, it is was the House Republicans who shut down the Federal Government for 16 days and cost the economy \$24 billion while refusing to consider any legislation that would create jobs or address the real needs of the American people.

#### IN RECOGNITION OF THE SERVICE OF BETTY BENNETT

#### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. BACHUS. Mr. Speaker, on the occasion of her retirement from my office, it is my pleasure to recognize the lifetime of public service that Betty Jean Robinson Bennett has provided to Chilton County, the State of Alabama, and our country.

For a Member of Congress, a staple of good representation is listening to the concerns of constituents and addressing community needs identified by local officials and business, education, agricultural, and civic leaders. The role of the congressional field representative is essential to connecting what is happening on a daily basis in our communities to the work being done in the U.S. Congress. In Betty Bennett, I have had an effective, dedicated, and loyal staff member who has helped me to represent the Sixth District in Washington.

Betty, or "Miss Betty" as she is affectionately known, has deep roots in Chilton County. She attended Clanton Elementary School and Clanton Junior High School and graduated from Chilton County High School with honors and responsibilities including her position as editor of the school magazine in her senior year and membership in the National Beta Club.

In 1968, Betty began an association with government service and political activity that became a lifetime vocation. Her career and experiences provide a fascinating reflection on Alabama's recent political history. One of many originally-enrolled Democrats to later join the Republican Party on principle, Betty is the only person to have been the president of both the Democrat and Republican Women's Clubs in Chilton County. She continues to serve on the Chilton County Republican Executive Committee and on the Alabama Republican Executive Committee representing Chilton County.

Betty's leadership skills were recognized when she was chosen as the Selective Service Director for the State of Alabama, a presidentially appointed position, in May 1990. She was recommended by Governor Guy Hunt and appointed by President George H.W. Bush through the National Director of the Selective Service System, Samuel K. Lessey, Jr. Betty was the first woman to serve as a state director and is the only woman to ever serve in that capacity in Alabama.

As director, Betty coordinated the appointment of all local Selective Service Boards and directed personnel in three National Guard and Reserve Unit detachments in Montgomery and Birmingham. She was awarded the Distinguished Service Medal of Alabama by Governor Hunt for her achievements after being nominated by officers of the National Guard and Reserve and the Alabama Adjutant General.

Betty began her congressional duties in January 1997 as a field representative for then-Congressman Bob Riley in the Third District. She joined my staff in January 2003 after

Bob was elected Governor of Alabama and has provided more than a decade of diligent service to the people of the Sixth District.

During that time, Betty has ably represented my office during the development of a number of important projects, including the establishment of the Jefferson State Chilton-Clanton Center. With her deep knowledge, she has always been my liaison to the agricultural community and has worked closely with the Alabama Farmers Federation, whose president Jimmy Parnell is also from Chilton County. Betty is an advocate for the local peach industry and can always be counted on for her support of the Chilton County Peach Festival. Above all, Betty has always cared about helping people and finding solutions to problems.

Betty's service and love of her home county has been commemorated, appropriately enough, at Chilton County High School. In 2006, then-Principal Larry McHaffey started the Betty Robinson Bennett Leadership Scholarship for a senior exhibiting academic achievement as well as leadership in school, community, and church activities. What was more meaningful to Betty than a scholarship being named in her honor, I am sure, is the help it offered to a student and future leader.

On Friday, December 6, Betty's legacy of service will be celebrated during a reception at Jemison City Hall. Her many friends know very well that "retirement" is just a word to Betty and that she will remain visible and active in her community for many years to come.

Let me close by again expressing my appreciation to Betty for her service to my office, the people of the Sixth District, and the State of Alabama during a most remarkable career.

#### HONORING DELTA BURIAL CORPORATION

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable Funeral Home Business in the Delta, Delta Burial Corporation of Marks, Mississippi.

Delta Burial Corporation in Marks, Mississippi was first organized in 1927. It took on new life in 1928, when a couple of men got together and had it incorporated.

The founders of Delta Burial were Silas Kelly, I.W. LouAndrew and Rueben Price. The officers at that time were: John Melchor—president; Dan Nickels—vice president; Mamie Ruth Smith—secretary; Hernando Butts—treasurer and A.L. Saddler—general manager and agent.

Delta Burial Corporation is the only corporate that was owned by all black stockholders and still is today. The company started out with one building in Marks, MS, and then got stronger and added four more locations to serve the areas. The branches are: Belzoni Branch, Belzoni, MS; Clarksdale Branch, Clarksdale, MS; Lexington Branch, Lexington, MS and Mound Bayou Branch, Mound Bayou, MS.

Delta Burial is a business that provides burial, life insurance and pre-arrangements serv-

ices for the deceased and their families. We strive to provide the highest quality of service to accomplish our goals. Our motto is "Seldom Equal, Never Excelled."

Delta Burial officers today are as follows: Manuel Killebrew—president, Fannie Smith—executive secretary; Irma Jean Bell—general manager; Aaron Gunn III, Dexter Howard and Cedric Burnett—morticians; and Shelton Leonard—funeral director.

Each year Delta Burial gives back to the community and surrounding areas by donating funds for different causes and to the less fortunate. Also, they distribute Black History calendars, fans and yearly planners.

Mr. Speaker, I ask my colleagues to join me in recognizing Delta Burial Corporation for its dedication to serving our great country.

#### LIEUTENANT COLONEL ROBERT D. WHITE

#### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. FITZPATRICK. Mr. Speaker, on the occasion of the retirement of Lieutenant Colonel Robert D. White, we hereby acknowledge his exemplary military career of service and honor in the United States Air Force. Colonel White began his Air Force career as an officer and instructor pilot with the 37th Flying Training Squadron, Columbus AFB, Mississippi in September 1992 and proceeded into various other positions of leadership, including Chief of Disclosure and Release Division Headquarters, National Geospatial Intelligence Agency in Virginia, which provides geospatial intelligence in support of national security. Colonel White also served as Chief of Flight Safety for the Air National Guard, Andrews Air Force Base. And as a command pilot, he logged more than 4,500 hours in the air and served overseas. For his outstanding service and leadership in flight safety, Colonel White was awarded the Meritorious Service Medal, Second Oak Leaf Cluster. His singularly distinctive accomplishments reflect great credit upon himself and the United States Air Force. We thank Colonel White for his service to our country and congratulate him on the successful completion of his duty as a United States Air Force officer.

#### CONGRATULATING MUNILLA CONSTRUCTION MANAGEMENT ON THEIR 30TH ANNIVERSARY

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. DIAZ-BALART. Mr. Speaker, I rise today to congratulate Munilla Construction Management (MCM) on their 30th anniversary, and to commend its exemplary service to the Miami community.

MCM is a construction company founded in Miami, FL in 1983, which specializes in Heavy Civil and Building Construction. However, their history dates back to 1941 where for nearly

two decades Fernando Munilla, Sr. was one of Cuba's premier builders and a pioneer in construction methodology. His endeavors included an engineering firm, three of the largest concrete plants, and a construction management company. His work in Cuba included major projects such as the Jose Marti Monument in Havana, and the Cuyaguaje River Bridge. However in 1960 Fidel Castro confiscated his firm and the Munilla family was separated.

Four of his sons were brought to the United States through the Pedro Pan airlift operation, only days before the Bay of Pigs invasion. Two more brothers remained in Cuba with their mother, Maria. Fernando also remained in Cuba where he led covert operations along with the CIA. He later managed to escape where he eventually reunited his family, and settled in Miami. It was there that MCM was founded and thrived, earning a reputation for managing the construction of some of the most complex and challenging projects in South Florida.

The commitment and hard work of MCM's personnel has resulted in it being named one of the fastest growing Hispanic Construction Firms in Florida. Not only that, they are the 7th largest Hispanic contractor in the United States as ranked by Hispanic Business Magazine (2012), as well as being ranked among the top 400 contractors in the United States by ENR magazine. They have also been awarded numerous accolades including the Florida Transportation Builders Association (FTBA) Design-Build Project of the Year for 2010, the Hispanic Company of the Year 2008 by the South Florida Hispanic Chamber of Commerce, and the Regional Contractor of the Year 2008 by the U.S. Department of Commerce.

Having known the Munilla family for years, I can attest to their high degree of integrity, character and professionalism. They have also become very close friends of mine and are truly one of the most exceptional, loyal, trustworthy, and caring friends I have. It is a privilege to know all six of the Munilla brothers and their families. In addition, they have been devoted to their company, their employees, and the Miami community since its inception in 1983. Today, the Munilla family's dedication has made MCM an irreplaceable company for South Florida, and their family has become a treasure for the community.

Mr. Speaker, I am honored to congratulate Munilla Construction Management, and the entire Munilla family, as they celebrate this milestone. I am certain that we can all look forward to many more years of outstanding service, and I ask my colleagues to join me in recognizing their outstanding achievement.

#### VELTON LOCKLEAR III

#### HON. BETO O'ROURKE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. O'ROURKE. Mr. Speaker, I rise today to honor the memory of Army Sgt. Velton Locklear III, who died while serving his nation in Iraq.

Sergeant Locklear, known as "Lock" by his friends, was an El Pasoan, and graduate of

Eastwood High School. During high school, he excelled at football and was an All-Star wide receiver.

Sergeant Locklear, like so many of his family members, wanted to serve in the Armed Forces. His two sisters, Julie and Lori, served in the Army and his father is retired Sgt. Maj. Velton Locklear Jr., who served in the Army for over 24 years.

After going to college at North Texas University, Velton decided to serve his country by joining the Army. During his career, he served two tours of duty in Iraq. He volunteered for his first tour of duty and began his deployment in February of 2004. Soldiers who served with him, described Locklear as a gentle giant, who made the day better with words of encouragement during hard times and witty humor in good times. Another soldier said Sergeant Locklear was like a breath of fresh air; always positive, always had a smile on his face. His first tour ended in March 2005.

The second time Locklear deployed to Iraq was with the 25th Infantry, 3rd Brigade 2-27th Infantry Battalion in August of 2005. On Sept. 23 Mr. Locklear died in Riyadh, Iraq due to injuries suffered when an improvised explosive device detonated near his Humvee during combat.

Mr. Locklear was a committed and loving husband to his wife Denise and their two sons, Velton IV and Nathan, who reside in El Paso. He served our country courageously and with honor. Sergeant Locklear's service and dedication is an example to others and I am proud to honor him as a hero who made the ultimate sacrifice in service to the United States.

#### RAISING THE MINIMUM WAGE AND THE TPP

### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Ms. WATERS. Mr. Speaker, I congratulate the gentleman from Wisconsin (Rep. MARK POCAN) for organizing last night's Special Order Hour on raising the minimum wage and the negotiations over the Trans-Pacific Partnership (TPP).

I very much welcome this opportunity to talk about trade issues, the minimum wage, and the growing wage gap in our country because they are closely related, in different ways, to one of the most urgent social, economic and political challenges of our time. I'm talking about the problem of growing inequality in the United States.

Over the past three decades, income inequality in the United States has been steadily on the rise. In fact, just before the 2008 financial crisis, the U.S. reached levels of inequality not seen since the late 1920s.

Today, the United States has the highest level of inequality of any advanced industrial nation. According to an analysis by the AFL-CIO, the average CEO at 327 available companies in the S&P 500 index is paid 354 times the average worker.

Moreover, a recent study showed that in 2010, the top 1 percent of U.S. families cap-

tured as much as 93 percent of the Nation's income growth gained during the economic recovery. So, this means that the most unequal advanced industrial economy in the world is becoming more so.

It is time to have an open debate and discussion on the wage gap in our country. This is important from a moral standpoint, as a matter of equity and fairness. But it is also important from an economic and political standpoint. That is, excessive inequality not only undermines social and political cohesion, it has also been shown to have negative effects on growth.

Recent research at the IMF has shown that excessive inequality slows growth because depressed earnings lead to weaker demand and lower consumption.

Now, I understand that in a capitalist system, some degree of inequality is necessary for the function of a market economy, since it creates incentives to work hard and take risks. Left entirely to its own, however, the market system will produce more inequality than is economically necessary. And here in America, we have much more inequality than is necessary for efficiency.

This is also a political problem. We now have an increasing degree of resistance on the part of a lot of Americans to efforts to enter into new trade agreements because they are viewed as elevating the interests of capital over all other considerations.

Last month, I joined with 150 of my congressional colleagues in a letter to the President to express our serious concerns about the ongoing negotiations over the Trans-Pacific Partnership (TPP). We urged the President to engage in broader and deeper consultations with Members of Congress about what will be included in this broad-ranging international trade agreement. In addition to tariff issues, this agreement could include provisions related to labor, food, natural resources, the environment, patent and copyright law, health care, energy, telecommunications and financial services. As the Ranking Member of the House Financial Services Committee, it is particularly important to me that my committee is consulted about any provisions affecting financial services.

Past trade negotiations have resulted in NAFTA, the creation of the World Trade Organization, and Free Trade Agreements with Central American countries, Peru, Panama, Colombia, and South Korea. All of these agreements were promoted by large corporations, which claimed they would create jobs. But these were empty promises, and many of these same large corporations have continued to ship jobs overseas.

What American workers need is good jobs with good pay. That is why we need to make this discussion of the wage gap and the minimum wage a top priority.

The Federal minimum wage has been stuck at \$7.25 per hour for the past four years. The value of the minimum wage has not kept up with the cost of living, and record-breaking corporate profits have not trickled down to working people.

The real value of the minimum wage is at a historic low. Today, 40 percent of American workers actually make less than the minimum wage was worth back in 1968. That is almost

one quarter of American workers. Too many American families who depend upon the minimum wage are seeking Food Stamps and Section 8 housing assistance and are constant visitors to our food banks.

The American people understand the importance of fair wages, and many States and local communities have taken matters into their own hands. According to the National Conference of State Legislatures, 19 States and the District of Columbia already have a minimum wage that is higher than the Federal minimum wage.

The National Conference of State Legislatures also reports that in 2013, the legislatures in California, Connecticut, New York, and Rhode Island all passed bills to increase the minimum wage beginning in 2014. The legislature in California increased the minimum wage to \$10 an hour by 2016. In New Jersey, voters approved a constitutional amendment to increase the minimum wage. In Maryland, the county councils in Montgomery and Prince George's counties both voted to increase the minimum wage to \$11.50, higher than any rate currently in effect in the United States.

The Fair Minimum Wage Act—H.R. 1010—would increase the Federal minimum wage from \$7.25 per hour to \$10.10 per hour over three years and then index it to inflation. I am one of 150 cosponsors of this bill.

It is time for Congress to debate the issue of raising the minimum wage, as well as other policies to address the growing wage gap in our country. This debate must take place in full view of the American public.

Increasing the minimum wage will send a clear signal to Americans that we understand that the benefits of growth and free trade need to be more broadly shared in society. It's the right thing to do morally, economically, and politically.

#### RECOGNIZING THE ACADEMY FOR INFORMATION TECHNOLOGY

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. LANCE. Mr. Speaker, I rise today to recognize the Academy for Information Technology of Scotch Plains, New Jersey, for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. The Academy for Information Technology is a proud example of academic excellence where students have high levels of performance, stellar student achievement and where educators facilitate a strong learning environment.

I congratulate the students, faculty and community on this high honor. This is a prestigious award to receive and the Academy for Information Technology is a proud example of academic excellence and worthy of this national distinction.

HONORING MOUNT OLIVE CHURCH  
CEMETERY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a historically significant polyandrium within the Bolton community, the Mount Olive Church Cemetery.

With its beginnings dating well into the early 1800s, the Mount Olive Church Cemetery originated as the Fork Hill Cemetery, located at the intersection of Joe Hall Road and Mount Olive Road in Bolton, Mississippi. The cemetery was later moved and renamed the Mount Olive Cemetery in the late 1800s. For over 200 years, this cemetery has served as the final sepulture for so many in the Bolton community, especially for African Americans.

Generations of families, many of whom were not members of the Mount Olive Missionary Baptist Church (who maintains the cemetery) have been laid to rest in this cemetery. Because of the enforcement of segregation laws, the prospect of African Americans to seek burial of loved ones in appropriate, designated burial grounds was sometimes a far-fetched and difficult task. Unlike their White counterparts, African Americans would at times have to resort to burying their loved ones in non-traditional sites located outside of a designated cemetery.

Mr. Speaker, I ask my colleagues to join me in recognizing the Mount Olive Church Cemetery for providing and remaining a historically significant sacred final resting grounds for so many African Americans during a period of legal segregation. Its historical significance serves as an important tool for reflection for those who experienced such segregation as well as for future generations to honor and cherish within the Bolton community.

BATAVIA CLAIMS FIRST STATE  
FOOTBALL TITLE IN "BATTLE  
OF THE BULLDOGS"

**HON. RANDY HULTGREN**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. HULTGREN. Mr. Speaker, I rise to congratulate the Batavia High School Bulldogs for winning their first-ever Illinois state football championship.

On Saturday, November 30 Batavia faced off against Richards High School—which shares the same nickname—in an epic "Battle of the Bulldogs."

At NIU's Huskie Stadium in DeKalb, an estimated 12,000 Batavia fans roared as quarterback Micah Coffey threw for two touchdowns, and running back Anthony Scaccia ran for three more.

Both teams fought hard but Batavia prevailed, capping their virtually undefeated season with a 34–14 victory.

I commend Coach Dennis Piron and the entire Bulldogs team for the hard work that went into a strong 13–1 season and the IHSA Class 6A State Championship.

Go Bulldogs!

IN HONOR OF THE 130TH ANNIVERSARY OF FAMILY AND CHILDREN'S PLACE AND ITS MISSION TO CREATE A BRIGHTER FUTURE FOR CHILDREN AND FAMILIES IN LOUISVILLE, KY

**HON. JOHN A. YARMUTH**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. YARMUTH. Mr. Speaker, for the past 130 years, Family & Children's Place has been a leader in providing support to Louisville-area families living in crisis and developing national models for service to improve children's academic performances and home lives.

Family & Children's Place was established in 1883 to help feed, clothe, and shelter families in need. Since then, it has evolved to meet new needs and challenges facing children and families affected by abuse, neglect, and violence.

The organization was among the first in the Commonwealth of Kentucky to recognize the growing problem of child abuse and neglect, and responded by doubling its efforts to ensure at-risk families and those affected have the opportunity to heal, grow, and thrive in a safe environment. It has continued to play an instrumental role by establishing the only comprehensive child-friendly treatment and evaluation center for sexually abused children in the Louisville region.

Nationally, Family & Children's Place has created model programs to help teach parenting skills to first-time parents, improve academic success rates for children, reduce the incidence of drug abuse, and ensure stable housing and self-sufficiency for families at risk of homelessness.

Today, Family & Children's Place serves a 17-county region encompassing Louisville, Southern Indiana, and the surrounding area. Last year alone, the organization provided assistance to more than 6,500 children and family members, and was able to end the cycle of child abuse for another 1,200 children.

Mr. Speaker, as Family & Children's Place embarks on its 131st year of remarkable service, I am confident it will continue to strengthen our community by inspiring and empowering others through its exceptional work.

Congratulations to Dan Fox, CEO of Family & Children's Place; Pam Darnell, President; Bill Meyer, Chairman of the Board; and to all the employees and volunteers on 130 years of dedicated service to our community.

HONORING WILLIAM FRANCIS

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor William Francis upon his retirement as a District Attorney Investigator

for the County of Napa. I thank Mr. Francis for his more than 28 years of dedicated service to the people of Napa County, during which time his commitment to improving the safety and well-being of the Napa community is both admirable and deserving of recognition.

Mr. Francis began his career in public service in 1981 as a reserve police officer with the City of St. Helena. He then went on to work as a Napa County Sheriff's Deputy in 1985 before beginning his career as an Assistant District Attorney Investigator for the County of Napa in 1997.

Mr. Francis has also been involved with a wide variety of organizations dedicated to improving the wellbeing of the Napa community. He has been a member of the California Sexual Assault Investigator's Association, California Homicide Investigator's Association, Napa County Homicide Task Force, Tri County Investigator's Association, Western State's Livestock Investigator's Association, California Safe and Burglary Association, Governor's Rural Crime Prevention Task Force and the California Crime Prevention Officer's Association. He is currently a member of the California District Attorney Investigator's Association as well as the National Senior Pro-Rodeo Association. Notably, Mr. Francis won the 2010 Investigator of the Year award given by the California District Attorney Investigator's Association.

Mr. Speaker, it is appropriate at this time that we honor and thank Mr. Francis for his invaluable service to the County of Napa. William Francis' unyielding dedication to making Napa County a safer place to live, work and raise a family is greatly appreciated by the entire Napa community and we wish him a most enjoyable retirement.

IN SUPPORT OF PRIORITY-TWO  
(P-2) REFUGEE IMMIGRATION  
STATUS FOR AHISKA TURKS

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of the Ahiska (Meskhetian) Turkish community, a distinct minority group that has faced statelessness, discrimination, and violent attacks in the former Soviet Union for nearly 70 years. Given recent reports of active and severe persecution against Ahiska Turks in southern Russia at every socio-economic and political level because of their ethnicity and religion, I urge the U.S. Department of State to re-establish Ahiska Turks as a group of "special humanitarian concern" for Priority-Two (P-2) processing for refugee status.

The Ahiska Turks, who were uprooted and resettled from their ancestral lands in the Soviet Republic of Georgia by Stalin in 1944, have been perennial refugees since then, and unable to return to their homes. Much of the refugee community is now centered in the Krasnodar region of southern Russia, led by Governor Alexander Tkachev. The Ahiska Turk community numbers less than 19,000 in the Krasnodar region, with thousands more in



the nearby Rostov region and Kabardino-Balkaria, for a total of 80,000 in all of Russia.

Between 2004 and 2007, roughly 12,000 Ahiska Turks came to the United States under a special refugee status known as P-2, settling all over the United States, including in Ohio, Illinois, Florida, Georgia, Idaho, Pennsylvania, New York, Oregon, Missouri, Kentucky, Texas, Connecticut, Massachusetts, Virginia, and many other states. This resilient community has been able to fully integrate into American society, and has proven itself to be a great asset in their new home states by becoming entrepreneurs and creating opportunities for others.

Unfortunately, Ahiska Turks lost their P-2 status when it expired in 2007. For those who remain stateless in southern Russia, their struggles continue. The discrimination and ethnic persecution of the Ahiska Turks by the Russian authorities, as well as vigilante and Cossack paramilitary forces, has been documented by the U.S. State Department, the Russian human rights organization "Memorial," and the media, most recently The New York Times.

Furthermore, an October 2013 report by the European Commission Against Racism and Intolerance, which dedicates a section to Ahiska Turks, indicated that the situation in southern Russia remains "very bad" for ethnic minorities. The report also goes on to explain that human rights organizations' efforts to monitor and report on the situation have been met with "hostility by the authorities, including criminal investigations and prosecutions."

Mr. Speaker, issues of human rights and the ethnic persecution of Ahiska Turks in southern Russia remain serious concerns. Although the Ahiska Turkish diaspora, particularly in the United States, and various organizations have long advocated for renewed resettlement assistance, the international community remains largely unresponsive. Therefore, I believe that it is long past time that the State Department re-institute P-2 status for Ahiska Turks and resume the implementation of a successful program that has not only improved the lives of refugees, but also enriched the communities they joined.

**CONGRATULATING DANIEL R.  
MOON ON ACHIEVING THE RANK  
OF EAGLE SCOUT**

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. MICA. Mr. Speaker, I rise today to recognize, honor and congratulate an outstanding constituent of my district, Daniel R. Moon of Scout Troop 931 in Oviedo, Florida, for achieving the rank of Eagle Scout.

The rank of Eagle Scout is the highest achievement in scouting. To attain this rank, he has demonstrated the qualities of leadership, self-discipline and perseverance while serving his family, friends and community. Only about five percent of Boy Scouts earn the rank of Eagle Scout. The awarding of the Rank of Eagle Scout is a performance-based achievement with high standards that have been well maintained over the past century.

Daniel Moon has met every test and challenge to pass through the ranks of the Boy Scouts. Those aspiring to be Eagle Scouts must fulfill requirements in the areas of leadership, service and outdoor skills. To demonstrate proficiency as a scout, each Boy Scout must achieve merit badges in the areas of First Aid, Citizenship, Environment, Fitness, Family Life and much more.

The work ethic Daniel has shown in his Eagle Scout projects, and every other project leading up to his Eagle Scout rank, speaks volumes about his commitment to assisting his community and serving a cause greater than himself. It is my honor to commend Daniel Moon for his achievement of the rank of Eagle Scout. Daniel will join the ranks of fellow Eagle Scouts like President Gerald R. Ford, Neil Armstrong and Florida Governor Rick Scott.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. Daniel's devotion to the Boy Scouts over the past decade is laudable, and I congratulate him on his achievement. I thank him for his dedication to service and know we can expect great things from him in the future. I invite my colleagues in the House to join me in congratulating Daniel Moon on obtaining the rank of Eagle Scout, and I wish him continued success in his future endeavors.

**HONORING LARRY CIESLA**

**HON. CORY GARDNER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. GARDNER. Mr. Speaker, Colorado's 4th Congressional District is home to countless special people and businesses. Today I rise to honor Larry Ciesla, one of those special people who has made a major impact at Intrado, Inc., a company in my district that has played a significant role in providing our country's 9-1-1 emergency system. This month, Larry will retire after more than 40 years in this mission-critical industry.

Larry began his telecommunications career as an engineer with Western Electric, which later morphed into Bell Labs, AT&T Technologies and eventually Lucent Technologies. Before and after Intrado acquired Lucent's Public Safety Division, Lucent's switch engineers recognized Larry's special capabilities and came to respect his expertise in 9-1-1 switching functionality—presenting Larry with the Bell System's prestigious "Distinguished Member of Technical Staff" award. It was in those early years when Larry's visionary participation in standards development and his pioneering contributions led to the technical foundation for what we all know today as Enhanced 9-1-1 service.

Larry can count among his accomplishments his role as the chief architect of the AT&T E9-1-1 database management system, his leadership in developing a geo-spatial 9-1-1 database which was a precursor for locating mobile 9-1-1 callers used today, and his co-authorship of the technical paper that defined the method used today for routing wire-

less 9-1-1 calls—ensuring that those calls for help at a time of need are delivered to the appropriate public safety agency.

Larry is credited as an inventor or co-inventor of multiple U.S. Patents, including a method for expanded communications in a telecom network and an E9-1-1 architecture for Internet telephony.

Always content to work behind the scenes, Larry has been an unsung hero—responsible for saving countless lives in his four decades on the job. On behalf of all Americans, I commend Larry Ciesla for his dedication, his outstanding contributions, and his impactful service to his country and its citizens.

**HONORING MS. MANISHA HEARD**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable, well-rounded, and highly driven young woman, Ms. Manisha Heard. Born to Mr. Steve Campbell and Ms. Jean Heard, Manisha was raised in the small, close-knit town of Bolton, Mississippi. As a child, Manisha was an outstanding young woman who was deeply involved in her community and church home. She regularly attends Church of God In Christ and is active in Sunday school and various other auxiliaries.

Manisha is not only a well-mannered young woman, but also exceptionally bright. Her academic ambitions were accomplished and exceeded during her matriculation at Raymond High School, where she graduated in May 2010. She currently is matriculating at Jackson State University in Jackson, Mississippi, where she is striving to receive a Bachelor's of Science Degree in Multimedia Journalism. Her ambitious spirit will ultimately lead her into a promising career of on-air news reporting. Alongside her academic studies, Manisha has been involved in a number of extracurricular activities as well, including an avid member of the Jackson State University cheerleading squad, MADDRAMA Performance Troupe, and served as Miss Junior of Jackson State University.

Deeply rooted in her faith, Manisha also continues to remain involved with her church home. She has been crowned Miss Church of God In Christ and served as Assistant Secretary for COGIC club. Manisha truly has a heart to serve others and continues to advocate for her fellow peers. Currently, Manisha serves as Resident Hall Senator for the Student Government Association and has been selected to serve on the president society at Jackson State University. In addition to her other appointments, Manisha will also serve as Women's Philanthropy Ambassador. Clearly, Manisha's peers and university administrators have entrusted her with the responsibility to represent the student body in a variety of capacities.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Manisha Heard for her remarkable, ambitious spirit to succeed academically as well as her continued drive to

serve and address the concerns of her fellow peers through her appointed service within her church and college community.

IN RECOGNITION OF MR. THOMAS  
SHARPE WILMETH

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. Thomas Sharpe Wilmeth who will be awarded the Distinguished Eagle Scout Award on Saturday, December 7, 2013.

Mr. Wilmeth was introduced to math and the concepts of math at a young age in Indianapolis, Indiana. He graduated high school at the age of 15 and went on to graduate magna cum laude with a degree in electrical engineering from Purdue University in 1935. Mr. Wilmeth then worked for various businesses where he focused on increasing efficiency and productivity while reducing costs. In 1949, he and his brother started Scot Industries. Mr. Wilmeth used his engineering background and education to establish a metal honing business that produced better, more efficient and less expensive products, such as hydraulic cylinders, metal tubing, and metallurgy. He now lives in Daingerfield, Texas and after 45 years of success, Scot Industries has 13 different locations and has built an international reputation for quality and technological leadership in the areas of specialty metal bars and high pressure efficient metal tubing.

Since obtaining the rank of Eagle Scout at the age of 15, Mr. Wilmeth has remained true to his scouting promises of kindness, generosity, and sharing. As a lifelong entrepreneur and philanthropist, he continually contributes to his alma mater, Purdue University, and to the Boy Scouts of America, where both BSA councils in Indianapolis, Indiana and NeTse0 Trails have greatly benefited. With his background, it is evident Mr. Wilmeth deserves the Distinguished Eagle Scout Award, acknowledging his achievements and success within his field and his outstanding record of voluntary service to his community.

Mr. Speaker, I ask my esteemed colleagues to join me in expressing our heartiest congratulations to Mr. Thomas Sharpe Wilmeth as he receives this prestigious award.

HONORING STEPHEN KLEIN

**HON. PETER WELCH**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. WELCH. Mr. Speaker, today, Stephen Klein, a long serving and widely respected Vermont public servant, is receiving the prestigious Stephen D. Gold Award from the National Council of State Legislatures (NCSL) here in our Nation's capital.

The Gold Award is presented by NCSL, in conjunction with the National Tax Association and the Association for Public Policy Analysis and Management, to an individual who has

made a significant contribution to public financial management in State and local finance. Those who know the serious fiscal challenges our small State has faced in recent years know Stephen deserves this award, and much more.

Vermont has an unusual, perhaps unique, way of grappling with fiscal issues. The Joint Fiscal Office, directed by Stephen since 1993, is a non-partisan office providing financial analyses to the Vermont General Assembly. It serves the so-called "money committees"—Appropriations, Ways and Means, and Finance. It serves Republicans and Democrats. It serves the majority and minority parties. And during Stephen's tenure both parties have been in both positions.

Vermont, like most States, has faced contentious fiscal issues—school finance, health care funding, recessions, and conflicting and fiercely debated taxing and spending priorities. Yet through it all, with Republican and Democratic majorities and Republican and Democratic governors, Vermont experienced in Stephen an assured, creative, and honest leader who helped us—through good times and bad—balance our budgets, meet our priorities, and plan for our future.

Stephen Klein's accomplishments are significant: balancing budgets in a State without a balanced budget amendment, creating a process for all stakeholders to agree on revenue estimates, and establishing a matching endowment fund for the Vermont State Colleges, to name just a few.

But if his competence earned him universal respect, it is his personal qualities that have endeared him to all who know him—professional and emotional generosity, a twinkling smile and sense of humor, a hectic but focused energy, respect for his long serving and able staff, his humility, and his genuine respect for every legislator.

As hard as Stephen has worked for the State of Vermont, he has served in many other ways including as a Peace Corps volunteer in Honduras and the Dominican Republic, a member of the Randolph School Board, and a director of the Hunger Mountain Food Coop. Blessed with a loving family—his wife, Pricilla, and his children, Elana and Jonathan—Stephen is a Vermonter who makes his fellow Vermonters proud.

REMEMBERING PRIVATE PAUL M.  
JOHNSON

**HON. ELIZABETH H. ESTY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Ms. ESTY. Mr. Speaker, tomorrow marks the 72nd anniversary of the attack on Pearl Harbor. As we remember the day that lives in infamy, we must stir our memory of those lost and whose sacrifice anchors Pearl Harbor's significance.

Private Paul M. Johnson was born in 1922 in Waterbury, Connecticut. The son of a popular Waterbury Police Detective, he lived on Greenwood Avenue, attended Mary Abbott Grammar School, graduated from Leavenworth High School and was a member of

Beth-El Synagogue. His uncle, Private David L. Fannick, was killed on the battlefields of France in June of 1918, inspiring the formation of the local David L. Fannick Jewish War Veterans Post No. 91. Always wanting to be a soldier like his uncle, Paul enlisted on April 23, 1941. Sent to Fort Shafter, Territory of Hawaii, he was assigned to the 40mm Bofors AA, Battery "E" of the 646th Coast Artillery.

During the attack on Pearl Harbor on December 7, 1941, Pvt. Paul M. Johnson did what he was trained to do. Pvt. Johnson ran to his station, Battery E, 64th Coast Artillery Anti-Aircraft, and returned fire with his anti-aircraft guns. Pvt. Paul M. Johnson was wounded defending our Nation, and died the next day, December 8, 1941 at age 19 as a result of his wounds. Private Paul M. Johnson was the first soldier from Waterbury to give his life in World War II. His was a sacrifice we cannot repay, so it is our solemn obligation to give it honor. We do that today as we remember the cost of war, the price that is paid, and the promise that we must keep in defending and protecting this great Nation.

PEARL HARBOR

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. FITZPATRICK. Mr. Speaker, on December 7, 1941, Japan attacked Pearl Harbor, an event that changed America and catapulted this nation onto a world stage and into global conflict—World War II. At least 2,400 Americans lost their lives in Pearl Harbor and more than 1,000 were wounded. Each year, we remember the day that changed the nation, ignited the flame of freedom and inspired a generation to greatness. And while we seek peace in a tumultuous world, America remains ever vigilant and determined to be free. Pearl Harbor was not unlike September 11, 2001, when the unexpected attack within our shores also claimed thousands of innocent lives and stunned the nation. Today, we honor those who passed the torch of freedom to a new generation. Because of their sacrifice, America remains a shining light, a beacon to the world, and a timeless reminder of the sacrifices this great nation is willing to make in the face of freedom and liberty challenged.

RECOGNIZING UNION COUNTY  
MAGNET HIGH SCHOOL

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. LANCE. Mr. Speaker, I rise today to recognize Union County Magnet High School of Scotch Plains, New Jersey, for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Union County Magnet High School is a proud example of academic

excellence where students have high levels of performance, stellar student achievement and where educators facilitate a strong learning environment.

I congratulate the students, faculty and community on this high honor. This is a prestigious award to receive and Union County Magnet High School is a proud example of academic excellence and worthy of this national distinction.

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HONORING MR. PETER BENJAMIN LEWIS

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**HON. SEAN PATRICK MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. SEAN PATRICK MALONEY of New York. Mr. Speaker, I rise today to honor a great American and dear friend; a pioneering businessman, and dedicated philanthropist; a devoted father and loving husband, Peter Benjamin Lewis.

Peter Lewis was born during the Great Depression in Cleveland, Ohio, on November 11, 1933. The son of Joseph Lewis and the former Helen Rosenfeld, Peter was the oldest of four children. He graduated in 1955 from Princeton University where he met his future wife, Toby Devan. They married soon after he graduated and raised three extraordinary children: Jonathan, Ivy and Adam.

By age 12, Peter Lewis was working at his father's small insurance business. It would become his life's passion. Through decades of hard work—risking, learning, growing—Peter turned his father's 100-employee firm into one of the nation's largest auto insurance companies, the Progressive Corporation. Under Peter's visionary leadership, Progressive became one of the greatest companies in American history, today employing more than 28,000 people.

As a legendary philanthropist to numerous organizations, and as a generous benefactor of great architecture and the arts, Mr. Lewis leaves behind a notable mark in so many different communities across the country. He has generously donated more than \$220 million to Princeton University, where he served as a trustee. He also held honorary degrees from Case Western Reserve University and the Cleveland Institute of Art.

Mr. Lewis is survived by his wife, Janet Rosel Lewis, of Cleveland, Ohio; his brother and sister-in-law, Daniel and Jan Lewis and son Jonathan D. Lewis, of Coconut Grove, Florida; his daughter, Ivy Lewis, of Princeton, New Jersey; his son and daughter-in-law, Adam and Melony Lewis, of Aspen, Colorado; his friend and former wife, Toby Devan Lewis, of Cleveland, Ohio; and five grandchildren.

Mr. Speaker, please join me and Mr. Lewis' family in remembering and celebrating the remarkable life, lasting achievements, and indelible spirit of Peter B. Lewis.

HONORING PORTER & SONS' FUNERAL HOME, INC.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Porter and Sons' Funeral Home, Inc. in Lexington, Mississippi.

This funeral service business was established for African-Americans in 1979.

The business was first started by Mr. Lindbergh Porter, Sr., and his wife, Bernice Redmond Porter. They were instrumental in purchasing and renovating the building located at 237 Yazoo Street in Lexington, Mississippi.

Mr. Porter, Sr., and his wife ran the day-to-day operations of the funeral home until later years, when his sons, Byron, Pat and his daughter, Bonita, came on board.

Following the death of Mr. Lindbergh Porter, Sr., and his wife, Bernice Porter, the funeral home became incorporated in 1999.

Today, the Porter and Sons' Funeral Home is in the same location and is still being successfully run by all of Mr. and Mrs. Porter, Sr.'s, children: Lindbergh, Jr., Pat, Byron and Bonita.

Mr. Speaker, I ask my colleagues to join me in recognizing Porter and Sons' Funeral Home for its outstanding service to the community.

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HAPPY BIRTHDAY TO PROFESSOR MENAHEM PRESSLER OF THE INDIANA UNIVERSITY JACOBS SCHOOL OF MUSIC

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**HON. TODD C. YOUNG**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to celebrate the 90th birthday of Professor Menahem Pressler of the Indiana University Jacobs School of Music in Bloomington, Indiana. I would like to join Indiana University in recognizing his lifelong dedication to music, teaching, and the artistic inspiration of others.

During Professor Pressler's 60 years with the piano faculty of the Jacobs School of Music, he has earned the reputation as a passionate and gifted instructor, helping young, talented musicians expand upon their skills and abilities. For his commitment to music and teaching, he has received the rank of Distinguished Professor of Music at Indiana University, and also holds honorary doctorates from several other American universities. Moreover, his repute among his peers, colleagues, and students serves as a testament to his outstanding character.

Professor Pressler's talents have taken him all over the world, performing in well-renowned competitions and musical events in the United States and abroad. He has performed solo as well as collaborated with groups like the Beaux Arts Trio, which is considered the gold standard for trios throughout the world. He has received numerous honors for his musical performances during his lifetime, beginning with

first prize at the Debussy International Piano Competition in San Francisco in 1946. Since then, his career has been world renowned, performing with the orchestras of New York, Chicago, London, Paris, and many others.

I know that Hoosiers throughout Indiana's 9th District are proud to have such a brilliant, talented gentleman reside in the vibrant town of Bloomington. He has left an incredible impact not only in South Central Indiana, but also across our nation and the world, and his life and career are deserving of much recognition. For his continued work at Indiana University and outstanding contributions to music, please join me in wishing Professor Pressler a very happy birthday.

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IN TRIBUTE TO GUIDO WEIGEND

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**HON. DAVID SCHWEIKERT**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. SCHWEIKERT. Mr. Speaker, I rise today to recognize Mr. Guido Weigend for his long-term dedication at the Office of Strategic Services. His many years of service have impacted us all. I would also like to thank him for dedicating the majority of his life to the advancement of our nation's youth through his role at Arizona State University. We are in sincere gratitude for the vision, guidance, and leadership he has provided our country.

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THANKING THE PARTICIPANTS TO OUR FIRST ANNUAL 17TH CONGRESSIONAL DISTRICT ECONOMIC SUMMIT

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**HON. CHERI BUSTOS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to thank everyone who participated in our First Annual 17th Congressional District Economic Summit on November 22, 2013 at Augustana College in Rock Island, Illinois.

The Economic Summit, held in partnership with the University of Illinois, brought together community leaders from across our district to share economic development strategies and best practices to reduce unemployment, create jobs, and strengthen local economies.

The Economic Summit was a huge success because of the participation of our excellent speakers and attendees. I would like to give my sincere thanks to Dr. Lawrence Schook, Adam Pollet, Steven Bahls, Tara Barney, Dr. Thomas Baynum, Shannon Duncan, and Jeffrey Kaney, Sr. for their astute analysis of the challenges and opportunities facing our district and their willingness to work together to ensure that the 17th District is one of the best places to live, work, start a business, and raise a family.

Our speakers included three exceptional educational leaders. Dr. Lawrence Schook is the Vice President for Research at the University of Illinois and is well known for his work

as an educator, biomedical scientist, and entrepreneur. He also serves on the Illinois Innovation Council as well as the Board of Managers for the Argonne and Fermi National Laboratories. Steven Bahls is the President of Augustana College in Rock Island, Illinois and a recognized scholar in business law, agricultural law, and education. Dr. Thomas Baynum is President of Black Hawk College with campuses in Moline and Galva, Illinois. Under his leadership, Black Hawk College serves roughly 20,000 students in degree programs, continuing education, and vocational programs.

Our panels also included prominent economic and community development leaders. We were fortunate to have Adam Pollet, the Director of the Illinois Department of Commerce & Economic Opportunity. Mr. Pollet guides and oversees the agency tasked with growing our state economy. Tara Barney is the President and CEO of the Quad Cities Chamber of Commerce, representing 2,000 businesses and 90,000 employees in the region. Shannon Duncan is a Planning Coordinator with the Western Illinois Regional Council and oversees community development work for many of the rural counties in Western Illinois. Lastly, Jeffrey Kaney, Sr. is the founder and CEO of the Kaney Group, an aerospace company in Rockford, Illinois. He is a veteran of the U.S. Air Force and serves on the board of the Rockford Area Economic Development Council and is Chairman of the Rockford Area Aerospace Network (RAAN).

Mr. Speaker, I want to sincerely thank everyone who participated and helped make our Economic Summit such a success. While there's much work to be done, I have high hopes for our region and look forward to building on the partnerships forged at the event.

MASUD MEHRAN

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Ms. PELOSI. Mr. Speaker, last week, our community lost a great civic leader, a true American success story and a pillar of the San Francisco Bay Area: Masud Mehran. He passed away on November 26th, at the age of 93, surrounded, as he always was throughout his long life, by his family, by those he loved, by those he cherished most.

Masud Mehran lived the American Dream. He was an immigrant who came with his wife, Maryam, to the United States from Iran in search of opportunity. He got an education from some of our finest universities and traveled across our country. He made his way to the Bay Area, to the region that would be his home for more than 60 years, and started a business. And over the ensuing decades, he built Sunset Development Company into one of the largest, most successful real estate developers in California.

For Masud, extraordinary success in business was not enough; his values, his heritage, and his conscience drove him to do more—for our community, for our young people, for our state and nation.

Beyond his extensive leadership roles among associations of home builders and de-

velopers in San Francisco and statewide, Masud's generosity could be seen in his support for the health of our youth at Children's Hospital; the development of our children in the Boy Scouts of America; the education of our students at Golden Gate University, Dominican College, UC Berkeley, and elsewhere.

His efforts were recognized with the Good Scout award for outstanding leadership in helping to build a better American community; the Democratic Heritage award from the Anti-Defamation League; and the Award of Excellence from the Urban Land Institute for Large-Scale Office Park Development.

All who knew him will long be inspired by his leadership, his values, his strength, and his willingness to give back to those around him. His legacy can be found in the impact of his philanthropy and the example he set for so many others in the Bay Area and nationwide. Yet no legacy—in business or in community activism—could ever compare to the extraordinary pride he always took in his family.

Devotion to his family was Masud's first priority. Dedication to his loved ones was his defining characteristic. Spending time with his wife, Farideh, his son, Alex, and his grandchildren was his greatest joy. He will certainly be missed by all who knew and loved him.

May it be a comfort to the entire Mehran family that so many share in their grief and mourn along their side at this sad time. May Masud Mehran's life and memory forever be a blessing to us all.

HONORING THE COLUMBUS EAST  
HIGH SCHOOL FOOTBALL TEAM

**HON. LUKE MESSER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. MESSER. Mr. Speaker, I rise today to honor the accomplishments of the Columbus East High School football team.

The Columbus East football team recently captured the team's second state championship. The Olympians won the Indiana High School Athletic Association Class 4A State Final 28–27 over Fort Wayne Bishop Dwenger. With 3:42 left in the game, Columbus East scored a touchdown, giving them the one point lead that won the championship.

The team embodied the best of Hoosier sportsmanship with their dedication, grit, and execution shown not only in the championship game but throughout the season. For the leadership and support of this championship team, congratulations and accolades go to the Athletic Director and Coach, Bob Gattis, Superintendent John Quick, Principal Mark Newell and the assistant coaches.

I ask the entire 6th Congressional District to join me in congratulating the Columbus East Olympians for their impressive victory. I look forward to seeing what each of these talented young athletes will achieve in the future.

RECOGNIZING ST. ROSE OF LIMA  
ACADEMY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. LANCE. Mr. Speaker, I rise today to recognize St. Rose of Lima Academy of Short Hills, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. St. Rose of Lima Academy is a proud example of academic excellence where students have high levels of performance, stellar student achievement and where educators facilitate a strong learning environment.

I congratulate the students, faculty and community on this high honor. This is a prestigious award to receive and St. Rose of Lima Academy is a proud example of academic excellence and worthy of this national distinction.

HONORING THE LIFE AND SERVICE  
OF SHEILA LEIGH STEWART

**HON. DONNA F. EDWARDS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Ms. EDWARDS. Mr. Speaker, I rise today to recognize the life and service of Sheila Leigh Stewart, a former resident of Laurel in the Fourth Congressional District of Maryland. She died unexpectedly and tragically on October 24, 2013. A memorial service for Sheila will be held on Friday, December 6, 2013, at First Baptist Church of Glenarden in Landover, Maryland. I want to remember the legacy Ms. Stewart leaves behind.

Ms. Sheila Stewart had a long and distinguished career of more than 25 years in the broadcasting industry. She epitomized the traits of a good citizen, serving our communities as an organizer of engagement and charitable giving. I join all of the metropolitan Washington area in mourning the loss of a great woman and unparalleled public citizen.

Ms. Stewart was born in Fairfield County, South Carolina, on February 28, 1969. She graduated from Benedict College in Columbia, South Carolina, with a Bachelor of Arts degree in Broadcast Journalism, and also worked as an adjunct Professor of Journalism at several colleges.

Known by radio listeners as "Ms. Community," Ms. Stewart worked for years in Charlotte at Power98, WPEG-FM, where she served as on-air-personality and news and public affairs director. When she relocated to the Washington, DC, area, Sheila worked as the news and community affairs director for Radio One. She was at the helm of news programming at WKYS, Radio One's DC station, and the company's other affiliates, including Praise 104.1, WPRS-FM.

At Radio One, Ms. Stewart was instrumental in advocating on behalf of community issues, nonprofit organizations, and events that

helped improve neighborhoods throughout our region. She was guided in every way by her faith. Her energy and passion to make change will be missed.

With her passing, it is my hope that Sheila Leigh Stewart has found the peace earned from such a wonderful life. Ms. Stewart made a difference in our community with everything she did, and I am grateful for her life and service to Prince George's County, Maryland, and our country.

On behalf of this House, I extend our condolences to her entire family, especially her precious young son, Jonathan Henry Russell; her mother, Dorothy Stewart; her four sisters; her three brothers; and Radio One, and the thanks of a grateful nation. I will miss her tremendously.

#### HONORING TELLIS B. ELLIS III

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Dr. Tellis B. Ellis III, who was born in Jackson, Mississippi, one of four children born to Tellis B. Ellis, Jr. and his wife Lucinda.

Dr. Ellis attended Jim Hill High School where he excelled at both football and basketball. He completed his undergraduate studies in 1965 at Jackson State University in Jackson, Mississippi with a B.S. Degree in Science. While attending Jackson State Dr. Ellis was honored as a member of Who's Who in American Colleges and Universities. He was an outstanding football player for Jackson State and was recruited by the NFL to play professional football for the Green Bay Packers in Green Bay, Wisconsin. After sustaining a knee injury, which ended his hopes for a career as a professional athlete, he made the decision to pursue a career in Medicine.

Dr. Ellis was accepted into medical school at Meharry Medical College in Nashville, Tennessee and received his Medical Doctorate in 1970. He completed both his internship and residency in internal medicine at Meharry Medical College in 1974. Dr. Ellis then returned to Jackson, Mississippi, where he completed his Cardiology Fellowship at the University of Mississippi Medical Center in 1977. Dr. Ellis is board certified in internal medicine and cardiology.

Dr. Ellis is active at the local and national levels in the following professional societies and organizations: American Medical Association, Mississippi Medical Association, Jackson Medical Society, National Monitoring Board Member Jackson Heart Study, American College of Cardiology, National Medical Association, Association of Black Cardiologists, Jackson Medical Association, and Mississippi Medical and Surgical Association where he served as president. Dr. Ellis is an active member of the Jackson State University Alumni Association and was honored in 1975 with the First and Only Black Board Certified Internist in Mississippi Award.

Dr. Ellis is a founding partner of Jackson Cardiology Associates in Jackson, Mississippi

where he practices with four other cardiologists. He is assistant clinical professor at the University of Mississippi Medical Center and an active staff physician at St. Dominic-Jackson Memorial Hospital, River Oaks Hospital and Central Mississippi Medical Center in Jackson, Mississippi.

Dr. Ellis is widowed and has one son, Tellis B. Ellis IV. He is the proud grandfather of Brian Ellis.

Dr. Ellis is a member of Pearl Street AME Church in Jackson, Mississippi. His medical special interest is congestive heart failure and in his leisure time he enjoys fly fishing.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Tellis B. Ellis III for his dedication to serving others.

#### IN HONOR OF MARGARET "PEGGY" McMAHON

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Margaret "Peggy" McMahon for her years as a nurse and as an advocate for those with whom she worked.

For over forty-six years, Ms. McMahon has dedicated her life to nursing. In 1965, she joined the Army Student Nurse program while attending the Philadelphia General Hospital School of Nursing. Three years later, Ms. McMahon was dispatched to Vietnam as an emergency and trauma nurse in the 85th Evacuation Unit in Qui Nhon and the 95th Evacuation Hospital in DeNang. While in Vietnam, Ms. McMahon was a fearless first-responder, providing emergency care to injured soldiers before they could see a doctor.

After her tour in Vietnam, Ms. McMahon returned to Williamstown, NJ to further her education. She received a bachelor's degree and master's degree, a Family Nurse Practitioner's certificate, and she also served as president of the Emergency Nurses Association. Since then, she has worked adamantly to make sure her fellow emergency nurses are recognized for their service and sacrifice. Ms. McMahon became an influential voice in the efforts to create the Vietnam Women's Memorial in Washington, DC. This past Veterans Day, Ms. McMahon and other wartime nurses were honored at the Memorial.

Mr. Speaker, Ms. McMahon's selflessness should be an example to all. I join all of South Jersey in thanking Ms. McMahon for her years of service to her country and community.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,223,254,862,815.39. We've added \$6,596,377,813,902.31 to our debt in 4 years. This is \$6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### RECOGNIZING CONTRIBUTIONS OF THE COALITION TO SALUTE AMERICA'S HEROES

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. WOLF. Mr. Speaker, I rise today in honor of the Coalition to Salute America's Heroes, a Virginia-based 501(c)(3), non-profit, non-partisan organization, established in 2004 to provide severely wounded veterans of the wars in Iraq and Afghanistan, and their families, with emergency financial assistance and other support services to help them recover from their injuries and rebuild their lives. CSAH is headquartered in Leesburg, which in my congressional district in Loudoun County, and serves military veterans and their families living in the Commonwealth as well as nationally. All funds needed to develop and manage programs that advance its mission come from contributions to CSAH by individual citizens, corporate donors and foundations.

The mission of the Coalition is to ensure that our war-weary nation should not lose sight of its obligations to those who are protecting our freedoms. These true American heroes often receive little or no support from the nation for which they sacrificed so much. Because of a shortage of funding and an interminable bureaucratic backlog at the Veterans Administration, they wait for roughly a year, on average, to receive disability pay and benefits. Thousands do not get proper care for PTSD because it is largely misunderstood.

Under the leadership of David Walker, who serves as president and CEO, the Coalition to Salute America's Heroes helps severely wounded veterans and families of Operation Enduring Freedom and Operation Iraqi Freedom living in the Commonwealth of Virginia and across the country recover from their injuries and illnesses by providing emergency financial aid and other support services, in hopes that the veterans are able to transition successfully into civilian life. Additionally, the Coalition's emergency aid services responds to trends associated with suicide among veterans (24 per day), a sky-rocking divorce rate (60 percent among actives), and growing domestic abuse.

Last year as one of his first acts, Walker restructured the Coalition's budget so that it could give more directly to veterans and organizations that support them, with programs that include: emergency financial aid to help through crisis situations (evictions, car reposessions, etc.); training seminars; a call center program to provide veterans and spouses the opportunity to work on a part-time basis (some of the program's participants have moved on to part-time or full-time employment in the private sector); equine-therapy programs and more.

In 2013 alone, the Coalition will have donated nearly \$1 million in direct aid to veterans, in addition to managing the many other

CSAH programs that are available to wounded veterans (conferences, holiday gift checks, education and training, etc.).

The Coalition has made eight grants totaling over \$80,000 to organizations based in Virginia and Washington, D.C., including: Horses Helping Heroes Project, which provides no-cost, equine-assisted activities and therapies for wounded veterans in the Hampton Roads area of Virginia; Institute for Veterans Education and Training (IVET), which offers week-long training programs for veterans and their spouses; over \$50,000 to complete the construction of transitional housing for formerly homeless veterans living in Washington, D.C.; Final Salute, Inc., to provide safe and suitable transitional housing for homeless female veterans; Boulder Crest Retreat in Bluemont, VA, a new retreat for veterans seeking physical, mental and spiritual recovery from the wounds of war; Dog Tag Bakery, a not-for-profit venture dedicated to helping wounded veterans re-assimilate to civilian life by providing on-the-job bakery training and a tailor-made curriculum at the School of Continuing Studies at Georgetown University; etc.

In addition, this year, the Coalition was nominated for the Virginia First Lady's Opportunity Hall of Fame Awards, which recognizes leading Virginia nonprofits.

In April 2013, WTOP radio (CBS affiliate in Washington, D.C.) commended the Coalition by calling it a key resource responding to the problem of the growing back-log of U.S. Veterans Administration disability claims (which can take on average up to one year before veterans receive their disability payments).

Virginia has a proud tradition of military service to our nation, and is the grateful home of millions of veterans and their families. I am especially proud of the work of the Coalition to Salute America's Heroes and the work it is doing to fill a terrible void in our society. I commend the Coalition to Salute America's Heroes, which honors and remembers our heroes by helping them transition into civilian life so they may prosper.

#### HONORING THE ACHIEVEMENTS OF PHILLIP G. COOP, FOUNDER OF ENSAFE INCORPORATED

##### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. COHEN. Mr. Speaker, I rise today to honor the achievements of long-time Memphian Phillip Coop, founder of EnSafe Inc. and a pioneer in the field of environmental remediation. Phillip Coop founded EnSafe Inc. in 1980, and began with only two people on board. Since then, EnSafe has expanded to employ over three hundred people, earned Memphis Business Journal's Small Business of the Year distinction and received many other distinguished awards. The success of EnSafe is a testament to Mr. Coop's entrepreneurial spirit and incredible ingenuity.

More than thirty years later, Mr. Coop is still leading efforts in environmental sustainability by combining business, science and policy to ensure continued improvement in how we con-

serve energy, establish meaningful and practical regulations, and accurately evaluate our environmental performance. Mr. Coop also serves on the Board of Advisors for both the Herff College of Engineering at the University of Memphis and the Engineering Department at Christian Brothers University. In addition, he received the inaugural Distinguished Leadership Award from the Environmental Financial Consulting Group in New York, and was honored with induction into the Society of Entrepreneurs in 2010.

Phillip Coop's achievements in environmental preservation and dedication to enriching programs in education have done great things for the city of Memphis and for people across the United States. His work serves as an example of how we all can contribute to making our community a better place to live. I ask my colleagues to join me in congratulating Phillip Coop on his achievements.

#### RECOGNIZING IMMACULATE CONCEPTION SCHOOL

##### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. LANCE. Mr. Speaker, I rise today to recognize Immaculate Conception School of Annandale, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Immaculate Conception School is a proud example of academic excellence where students have high levels of performance, stellar student achievement and where educators facilitate a strong learning environment.

I congratulate the students, faculty and community on this high honor. This is a prestigious award to receive and Immaculate Conception School is a proud example of academic excellence and worthy of this national distinction.

#### HONORING WATERLOO MISSIONARY BAPTIST CHURCH

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Waterloo Missionary Baptist Church.

According to deeds found in the Jefferson County Office of the Chancery Clerk, Waterloo Missionary Baptist Church (1870) is one of the oldest recorded established Black churches in the county. According to oral records, Waterloo Missionary Baptist Church was established prior to the Civil War (histories written by members of church).

The Waterloo Colored Baptist Church, as it was filed in the Jefferson County Courthouse, was organized in 1870 and recorded in January 1871. On November 25, 1871, an agreement was made between Mr. B. J. Watkins

and his wife, Mrs. Anna Jane Watkins, the pastor and several deacons of the church to purchase two acres of land at a cost of one hundred dollars. The pastor and deacons who secured the land were: Rev. J. D. Weston, Deacons, Mason Boones, Joshua Weston, and Thomas Chambers. Waterloo Colored Baptist Church was said to have been founded as a place of worship for the slaves of the Waterloo Plantation, which was located in Jefferson County.

On April 18, 1924, Deacons A. H. Tooley, H.C. Jones, and A.B. Murphy paid the sum of twenty dollars to purchase an additional one half acre of land from Mr. and Mrs. Henry Watson. To date, there have been four church structures erected on this land. The church also doubled as a school to teach the children in the surrounding communities.

The first church was destroyed by fire on December 20, 1929 because of the carelessness of the school children. In 1930, the deacons and men of the church erected a small building that served as a school, and was also used for church services. When revival was held in August of that same year, the deacons and members built a 'brush shed' in front of the school and used the school's porch for the pulpit.

By the end of 1930, a new church structure was built by Brother Dangerfield from Harrison, Mississippi which was also destroyed by fire on February 3, 1931. The third structure was built in 1937 under the supervision of Brother Joshua A. Weston, Sr. and Waterloo held their monthly services at Morning Star Baptist Church.

The first church cornerstone was laid on April 30, 1961 under the leadership of Pastor James N. Dorsey, who was installed as the pastor on January 16, 1956 and served the congregation until January 21, 1979. From 1956 to 1959, Rev. Joe Thomas served as interim pastor while Rev. Dorsey served in the military. In 1980, renovations were made on this structure under the leadership and guidance of Pastor Floyd Rice, who was installed as pastor on May 12, 1979 and served until September 12, 1984.

The third structure stood until 1996 when the present structure was built under the leadership of Pastor Leon Howard who was installed on November 15, 1985 and he is currently pastor. Dedicatory services were held for the new church on October 14-18, 1996 and Sunday, October 20, 1996. Major renovations were completed on this building in 2008 with Re-dedicatory Services being held on September 16-17, and Sunday, September 21, 2008.

Pastor Howard's leadership has increased membership, financial conditions and in organizing First Sunday Worship Service and the Youth Department was organized with Rev. Curtis Smith, the youth minister. In January 2000, first Sunday Worship Service was changed to Fourth Sunday Worship Service starting at 8:30 a.m. In September 2008, Reverend Arthur Williams was installed as assistant pastor.

Mr. Speaker, I ask my colleagues to join me in recognizing Waterloo Missionary Baptist Church for its outstanding service to the community.